



**LEBANON CITY COUNCIL
APRIL 20, 2022 - 6:00 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: 235 794 258#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The April 20, 2022 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Board and Committee Reports (1st Quarter 2022)

4. 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.)**

5. Open to the Public

6. Recognitions: None

7. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the April 20, 2022 agenda packet.

8. Appointments

- Economic Development Commission, Kevin Purcell (Reappointment Regular Member)
- Library Board of Trustees, Doug Whittlesey (Reappointment Alternate Member)
- Heritage Commission, Noel Figart (Appointment Regular Member)

9. Public Hearing Items

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

- 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. 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. (HEARING POSTPONED - RESCHEDULED DATE TO BE DETERMINED)
 - C. EXTENSION OF 79-E APPROVAL – Public hearing for the purpose of receiving public input and taking action to extend tax relief under the provisions of the Community Tax Relief Incentive Program (NH RSA 79-E) to 1 Mechanic Street, LLC.
 - 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. ORDINANCE #2022-01 – Public hearing for the purpose of receiving public input and taking action to adopt proposed Ordinance #2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- 10. Old Business: None**
- 11. New Business**
- A. Action to delegate permitting authority to the City Manager for all permits previously granted by the Licensing Board
 - B. 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.
 - C. Authorization for the City Manager to execute a new lease agreement with Lebanon Opera House Improvement Corporation to permit the occupancy of additional space in City Hall
 - D. Request from the Lebanon Opera House for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
 - E. Request from Lalo's Taqueria for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property.

- F. Discussion and Set Public Hearing for May 18, 2022: Request for supplemental appropriation in the amount of \$187,980.30 for parking lot improvements at the police station.
- G. Release of Collected Public School Impact Fees
- H. Review and Approval of City Manager Job Description

12. City Manager Report

13. Council Representatives to Other Bodies Report

14. Future Agenda Items

15. Non-Public Session

16. 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: Regular Member

Applicant: J. Giordani

Assigned Councilor: G. Sykes

Assigned Date: 02/09/2022

Board/Committee: Arts & Culture Commission

Position: Alternate Member

Applicant: S. Fiore

Assigned Councilor: C. Below

Assigned Date: 03/29/2022

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

Assigned Date: 03/03/2022

Board/Committee: Conservation Commission

Position: Alternate Member

Applicant: S. Dittrich

Assigned Councilor: K. Zook

Assigned Date: 01/03/2022

Board/Committee: West Lebanon Revitalization Advisory Committee

Position: Resident

Applicant: L. Stavis

Assigned Councilor: K. Zook

Assigned Date: 03/30/2022

Board/Committee: West Lebanon Revitalization Advisory Committee

Position: Resident

Lebanon City Council Agenda
April 20, 2022

Applicant: J. Sherman
Assigned Councilor: D. Whittlesey
Assigned Date: 03/30/2022

Board/Committee: West Lebanon Revitalization Advisory Committee
Position: Resident
Applicant: K. Swan
Assigned Councilor: G. Sykes
Assigned Date: 04/04/2022

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.
APRIL 21, 2022 – Special Meeting – Housing (6:00pm Start)

APRIL 26, 2022 – Annual Work Session (5:30pm Start)

APRIL 28, 2022 – Annual Work Session (5:30pm Start)

MAY 4, 2022

NEW BUSINESS:

A. Discussion & Set Public Hearing for May 18, 2022: Ordinance 2022-02 to amend City Code Chapter 115, Enactment of Ordinances (Tentative)

MAY 11, 2022 – Annual Work Session (5:30pm Start)

MAY 18, 2022

PUBLIC HEARING ITEMS:

A. SUPPLEMENTAL APPROPRIATION – Public hearing for the purpose of receiving public input and taking action on a request for supplemental appropriation in the amount of \$187,980.30 for parking lot improvements at the police station.

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

7. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- April 6, 2022 (Regular Meeting)

MOVED, to approve the minutes as presented in the April 20, 2022 agenda packet.

DRAFT

LEBANON CITY COUNCIL
MINUTES

Wednesday, April 6, 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 (Remote), Karen Liot Hill (arrived at 6:40P), Christian Simon, George Sykes, Douglas Whittlesey, and Devin Wilkie

MEMBERS ABSENT: Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland (Remote), Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, GIS Coordinator Mark Goodwin, Senior Planner Tim Corwin, Acting Director Public Works Jay Cairelli, Deputy Finance Director Alesia Williams, Solid Waste Manager Marc Morgan, Chief Information Officer Melanie McDonough

1
2 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 6:00 p.m.
3 • **Councilor Heistad attended the meeting remotely due to potential exposure to COVID. All**
4 **votes will be taken by Roll Call.**

5
6 **2. PLEDGE OF ALLEGIANCE:** Councilor Simon led the Council in the Pledge.
7

8 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
9

10 **4. OPEN TO PUBLIC: No one came forth.**
11

12 **5. LEGISLATIVE UPDATE WITH STATE REPRESENTATIVES:**
13

14 Introductions & updates:
15

16 **Representative Richard Abel (Ward-1):** He has been a resident in Lebanon for 24 years and representing
17 Lebanon in the State House for 8 years. One good thing about Lebanon is that the City Government and
18 the State Representatives have been working together for many years trying to form a cooperative
19 partnership and spent a lot of time looking at State issues that have an impact on city issues and vice
20 versa. He also spoke about some of the policies that are being put in place in Concord and felt it was
21 unfortunate some could have very strong, negative impacts on Lebanon taxpayers and in the rest of the
22 State such as: 1) A growing tendency in Concord is for the State Legislature to make decisions that have
23 an impact, or take control, over what cities and towns can do. 2) We are potentially facing a situation
24 where there will be a detrimental impact on our local property taxes because of the Voucher Programs for
25 Education, which would increase what local property taxpayers would have to pay. He also spoke about
26 the bills he has been involved with over the past 6 years.
27

28 **Representative Laurel Stavis (Ward-1):** She has lived in Lebanon for 23 years, has been in the State
29 Legislature for 5 years, and is the Deputy Ranking member of the Municipal & County Government
30 Committee. She spoke about her role on this Committee and highlighted some proposed House/Senate
31 Bills that have come up: HB 1122 (Construction/Demolition debris); HB 1155 (Persons elected to local

boards cannot hold a voting position on another board in that municipality); HB 1177 (Permissible residential units in a residential zone. Most likely to come back.); HB 1223 (Basically says that if you are a member of a Budget Committee or a School Board and you miss more than two consecutive meetings, you are off these committees/boards and the seat is immediately vacant.); HB 1268 (New language in this bill would limit the authority of City Councils to pass bylaws/ordinances. This bill did pass the House but she was uncertain where it stands now; HB 1272 (Limits the authority of city/town Health Officers- passed house. What it proposes to amend is the Public Nuisances Law – not the Public Health Chapter of the RSA); HB 1375 (Redefines the definition of Veteran and would allow Veterans discharged under “honorable conditions”, rather than “honorably discharged”, to be eligible for all applicable Veteran benefits).

Most notable Senate Bills: SB 226 (Qualified private communities in the State Condominium Law would require developers to: 1) Establish an escrow account of no less than 50% of the cost for replacing all roadways in the private community and would have to remain in escrow until the ownership of the community has passed to the resident OR 2) Provide an estimate of the cost of replacing all roadways, OR 3) would have to agree to build all roadways to design standards of the municipality.); SB 249 (Would prohibit towns/cities, statewide, from banning short term rentals). There is also a proposed Senate Bill that would change the language regarding the formation of a TIF Board.

Representative Susan Almy (Ward-1): She has lived in Lebanon for 28 years, a State Representative for 27 years, and is the ranking member of the State Ways & Means Committee. She spoke about the NH State Revenues and gave an update on the following:

- We are up around \$170M over last year and \$220M over the plan.
- Our biggest taxes, the business profits taxes, appears 1-2 years after a bill becomes effective.
- Legislators are spending a lot of this surplus on continuing one-time expenses.
- The House Ways & Means Committee has been fighting to keep the tax cuts, that came after the budget, at a minimum and explained how this was done.
- The Business Enterprise Tax, based on payroll, is down from last year by 12% as of last month.
- The Business Profit Tax is up by an extraordinary amount due to the stimulus funds that came in from COVID and businesses being able to open up again.
- Real Estate taxes are starting to fade down again but are still doing well based on the value of properties being sold.
- The Business Profits Tax represents almost the entire amount of the \$170M.

She also spoke about what she calls Black Swans, noting there was law passed in 2021 that said all businesses that received and paid taxes on Federal PPE Stimulus Funds would be getting refunds from the state for the taxes they paid. She explained the credit carry forward process for businesses and her concerns about the Business Profits Tax for multi-state businesses.

She also spoke about SB 318, which she felt Lebanon should consider doing something about quickly. This bill would extend the hours in which games of chance/gambling may be conducted and explained the implications this might have on Lebanon. She suggested the City may want/need to implement an Ordinance within the next 3-4 months before SB 318 passes in order to control how long businesses can operate daily, depending on the business type and the district they are located in, noting some city/towns do this through ordinances and others do this through their Planning Boards.

1 **Councilor Liot Hill arrived at 6:40PM.**

2
3 **Representative Suzanne Prentiss (Ward-1):** She is from West Lebanon, is on the State's Senate
4 Education Committee, and also sits on the Executive Department & Administration. She noted there is a
5 tone in the State House about dismantling government, public education, and advised the Council to be
6 cautious and look closely at every piece of legislation that comes in front of them. There is also a
7 reluctance to invest in local government and spoke about legislation that would affect municipal
8 governments, School Boards, and public bodies by essentially regulating how meetings can be run. She
9 felt this legislation would be going away, but not the tone around it.

10
11 There was a bill that did not pass in the Senate that dealt with housing. This bill proposed that the State
12 take each town/city/municipalities buildings and put those buildings/properties on the State Department &
13 Administration's website where cities, towns, developers could quickly go and use this clearinghouse to
14 get the necessary information to develop those properties.

15
16 She also spoke about and explained the amended SB 344 that proposed a vacant building registry and
17 discussed the cost of education and school revenue sharing.

18
19 **Representative George Sykes (Ward-2):** He is a Lebanon City Council Member, has lived in Lebanon for
20 33 years, and is in his 5th term on the Transportation Committee. He reminded everybody that the
21 Transportation Committee does not oversee roads and bridges, Public Works is responsible for these.
22 He spoke about SB 307 (Licensing of commercial truck drivers - the disconnect between the State and
23 Federal legislation has been fixed and signed by the Governor); HB 435 - signed by the Governor (losing
24 a driver's license for "A Moral Reason" was removed); SB 308 (deals with a H2A Visa Holder being
25 allowed to use their country's driver's license as opposed to not being able to drive.) He explained that
26 immigrants are not able to get a driver's license unless they can get a Work Permit but are required to get
27 a driver's license 60 days after declaring NH as their residence, but they cannot get a Work Permit for at
28 least 365 days. SB 308 was defeated, and would have allowed immigrants the right to obtain a driver's
29 license from the 60 days to the 365 days; HB 417 (reinstated a 7.5% contribution from the State toward
30 retirement costs for cities/towns.); HB 1598 (the sale of cannabis would be done through the State Liquor
31 Commission).

32
33 The Grafton County Executive Board Report:

- 34 1) Nursing Home revenues are up due to increased reimbursement rates and lack of staff.
35 2) The Department of Corrections revenue is significantly down due in part to a backlog in court cases
36 related to COVID.
37 3) Grafton County Farm expenses have risen dramatically due to the increase costs of feed, fertilizer, fuel,
38 etc.
39 4) Last year's county taxes did not go up.

40
41 **6. RECOGNITIONS:**

- 42 • Older Americans Month Proclamation – May 2022

43 **PROCLAMATION**

44 **OLDER AMERICANS MONTH – MAY 2022**



1 **WHEREAS**, The City of Lebanon, New Hampshire, has a growing number of older Americans who contribute
2 their strength, wisdom, and experience to our community; and
3

4 **WHEREAS**, communities' benefit when people of all ages, abilities, and backgrounds are welcomed,
5 included, and supported; and
6

7 **WHEREAS**, we recognize our need to create a community that provides the services and supports older
8 Americans' need to thrive and live independently for as long as possible; and
9

10 **WHEREAS**, Lebanon can work to build an even better community for our older residents by:

- 11 • Planning programs that encourage independence,
 - 12 • Ensuring activities are responsive to individual needs and preferences, and
 - 13 • Increasing access to services that support aging in place.
- 14

15 **THEREFORE, BE IT NOW RESOLVED**, that the City of Lebanon, New Hampshire, hereby proclaims May
16 2022 to be Older Americans Month. We urge every resident to recognize the contributions of our older
17 citizens, help to create an inclusive society, and join efforts to support older Americans' choices about how
18 they age in their communities.
19

20 Proclaimed this 6th Day of April in the year Two-Thousand-Twenty-Two.
21

22 _____
23 *Timothy J. McNamara*
24 *Mayor, City of Lebanon*

- 25 • Refill not Landfill
- 26

27 **PROCLAMATION**
Refill NOT Landfill Month

28
29 **WHEREAS**, the City of Lebanon owns and operates the Lebanon landfill that has a permitted disposal
30 capacity of another 10 years; and
31

32 **WHEREAS**, the City is concerned about conserving natural resources and with preserving the landfill
33 disposal capacity for future Lebanon residents; and
34

35 **WHEREAS**, the City recognizes that the waste from single-use items like plastic water bottles, coffee
36 cups, grocery bags etc., uses natural resources and consumes landfill disposal capacity; and
37

38 **WHEREAS**, the City also recognizes that eliminating waste through reuse is cost effective and
39 environmentally beneficial; and
40

41 **WHEREAS**, choosing to reuse items like refillable containers for water, coffee and other beverages have
42 the potential of reducing waste that will require disposal in the Lebanon Landfill; and
43

44 **WHEREAS**, choosing to reuse cloth grocery bags, cloth napkins and packing a lunch for school or work
45 has a positive impact on the environment; and
46

1 **WHEREAS**, in an effort to encourage waste reduction, the month of April 2022 will be designated as
2 “Refill NOT Landfill Month”.

3
4 **NOW, THEREFORE, BE IT RESOLVED**, that the City of Lebanon hereby proclaims the month of April
5 2022 as Refill NOT Landfill Month, and encourages residents to join in observing this month to reduce
6 waste that is ultimately disposed of in the Lebanon Landfill by using reusable items like travel mugs,
7 water bottles, and grocery bags.

8
9 Proclaimed this 6th day of April in the year Two-Thousand Twenty-Two.

10
11

12 **Timothy McNamara**
Mayor, City of Lebanon

13 **7. ACCEPTANCE OF MINUTES:**

- 14 • March 10, 2022 Canvass of Vote
15 • March 16, 2022 Regular Meeting (Includes Non-Public Sessions)
16 • March 23, 2022 Organizational Meeting

17
18 **Councilor Wilkie MOVED to approve the March 10, 2022 Canvass of Vote, the March 16, 2022**
19 **Regular Meeting (Includes Non-Public Sessions), and the March 23, 2022 Organizational Meeting**
20 **minutes as written and presented in the April 6, 2022 City Council agenda packet.**
21 **Seconded by Councilor Whittlesey.**

22
23 **Roll Call Vote:**

24 Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie and Mayor
25 McNamara all voted Aye.

26 None voted Nay.

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

28
29 **8. APPOINTMENTS:**

- 30 • Economic Development Commission, Andy Key (Reappointment Regular Member)

31 **Councilor Heistad put forth the NOMINATION of Andy Key for Reappointment as a Regular**
32 **Member to the Economic Development Commission. 2-Year Term: (4/22-4/24)**

33
34 **Roll Call Vote:**

35 Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie and Mayor
36 McNamara all voted Aye.

37 None voted Nay.

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

- 39
40 • Board of Cemetery Trustees, Fran Hanchett (Reappointment At-Large Member)

41 **Councilor Sykes put forth the NOMINATION of Fran Hanchett for Reappointment as an At-Large**
42 **Member to the Board of Cemetery Trustees. 3-Year Term: (4/22-4/25)**

43
44 **Roll Call Vote:**

45 Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie and Mayor
46 McNamara all voted Aye.

47 None voted Nay.

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

At Mayor McNamara's request, Item, 11A (New Business) was taken out of order and discussed next since it would give context to the Public Hearing item 9A.

11. NEW BUSINESS

A. Discussion with Class VI Roads Advisory Committee re: Committee Purpose/Charge & Expectations

Class VI Roads Advisory Committee Chair Stephen Wood reviewed the current Purpose/Charge of the Class VI Roads Advisory Committee to ensure the Council understands its role and the expectations from them moving forward.

"The Class VI Roads Advisory Committee shall review the status of all of the Class VI roads within the City to include their current, historic, and possible future uses, and to report findings and make recommendations to the Council for their action to continue the present use, upgrade, discontinue or otherwise change the status of the roads." He also added that the hardest charge is figuring out whether a Class VI road is actually a public right of way, noting a lot the determination is from a historical record through maps and documents. The fundamental question is if a particular road/path is a right of way, and if someone is hiking on this road, are they doing so as a matter of right, or are at the pleasure of the landowner? This is one of the few places where private property rights come up against the general welfare and interest of the society, so templates have been drawn up to help determine this question. Only after the Class VI Roads Advisory Board has determined whether it is a public right of way or not, is a recommendation considered to be brought before the Council. If it is not a public right of way, the Board walks away from it.

Chair Wood explained what the State defines as a Class VI Road. By definition, if it is not classified otherwise, an unmaintained city/municipal road, path, trail, is a Class VI road, noting there are two choices beyond Class VI Roads and they are: 1) Class A trail, and 2) Class B trail. Class VI Roads are pretty much unrestrictive and can be used pretty freely, noting the City cannot regulate it's use other than some seasonal rules. Class A trails prohibit wheeled motor vehicles except to the landowner, who has full use of the road to access his property for agriculture/forestry. However, a Class A trail regulates the rest of us and there is quite a lot of latitude of choice and judgment about how it should be regulated and he explained the liabilities between a Class VI Road and a Class A Trail.

Mr. Mark Goodwin (GIS Coordinator) and City Attorney Matt Decker came before the Council to answer their questions.

Mr. Goodwin gave a slide presentation and explained the process/purpose for the classification of roads/trails.

"Review the status" = The identification of Public Rights of Way *21 years and counting!*

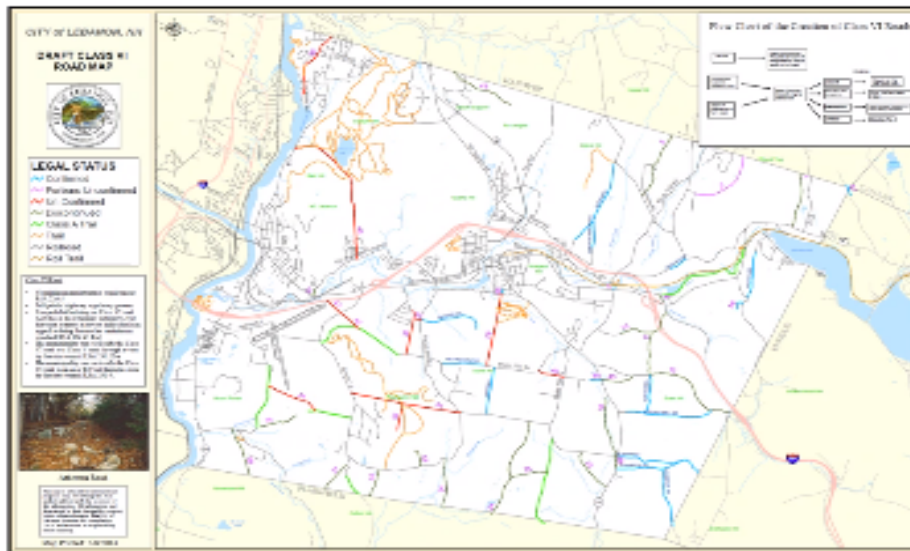
Leading to availing this information to the public, providing an opportunity to utilize the public resource
(Goal)

Eliminating the ongoing reoccurrence of City of Lebanon resources devoted to determining the status of possible public rights-of-way on a case-by-case basis (Goal)

Recommendation of the designation (Administrative)

He also presented slides depicting map Guides from the Towns of Enfield, Hanover and Marble Head, MA to their Class VI Roads, Trails and Boat access as shown on their public websites, along with a map that Planning Staff would like to make available as a public resource on the City of Lebanon's website showing where Lebanon's Class VI Roads are located. For Lebanon, a Ranger annually monitors all these Class VI Roads and makes reports on their condition.

availing this information to the public(Goal)



The Council and Attorney Decker discussed: Whether or not to take proactive efforts to publicize Class VI Roads to the public; the difference between making a map of Class VI Roads **available** (upon request) to the public vs. proactively **publicizing** them (actively promoting or placing map on City's website), and the need for a Council discussion regarding this policy issue because some property owners may have concerns; the need to contact landowners before making a publicized map available to the public; the importance of having the knowledge of what is and is not a Class VI, especially for the Planning Board when they are looking at subdivisions; how the Class VI Roads Advisory Board spends a lot of time assessing what would be the best protection for the land (from use or misuse) and for the landowners; the need to work with landowners; having the Class VI Roads Advisory Committee continue to identify Class VI Roads, make recommendations, until a policy discussion can take place in the future.

While this was not a Public Hearing, Mayor McNamara acknowledged the following people to come forth and speak:

Michael Townsend (Ward-2): He expressed his concerns about liability and the level of maintenance that can be done between a Class A Trail and a Class VI Road and gave examples.

Attorney Decker explained that on a Class VI Road, there is no maintenance from the City or volunteers. Abutting landowners can be given permission from the municipality to maintain the road for their own access, but there is a liability concern due to negligence/incorrect maintenance of the road. This would not fall on the City, but on the private party that is maintaining the road. For a Class A Trail, the municipality would control and direct the volunteers and be able to direct the type of maintenance that is done. The protection from liability is similar to the protection of recreational uses of the property. There is a specific statute that talks about management.

1 Mrs. Joan Townsend (Ward-2): She spoke about access to the Fire/Police tower that is located on the Class VI
2 Road #28, which has not been maintained well, and the need to address this tower before the road becomes a
3 Class A Trail. She also questioned if there was a time curfew for people using a Class VI Trail, noting that in
4 the last two years they have had a lot of people walking on the road at all times of the day and night (i.e., at
5 11PM with flashlights, dogs off leashes disturbing her horses, people getting lost and coming to their door
6 asking for directions, people sitting on their equipment, and litter being left on road. She felt there was a lot of
7 concern among abutting landowners about reclassifying this road to a Class A Trail. She also noted they have
8 never had an issue with the public when this road was listed as a Class VI Road, but now that this has been
9 mowed people are starting to use it. She, personally, would like it to stay a Class VI Road.

10
11 In response to Councilor Wilkie's question, Attorney Decker stated there are two primary purposes for creating
12 a Class A Trail: 1) The ability to impose use strictions on it, and 2) Relates to development (i.e., if you have a
13 parcel that has access to a Class VI Road, a building permit is obtainable with permission from the governing
14 body. If you have a parcel that is accessible only from a Class A Trail, it is not eligible for a building permit,
15 which is a tool that can be used to reign in development in remote areas as an alternative to discontinuing the
16 road entirely).

17
18 The Council held more discussions regarding what restrictions could/could not be imposed on a Class VI Road
19 and a Class A Trail; the use of the terminology "trail" and the difference of the legal definition of the trail is
20 adding to the tension on this topic.

21
22 Assistant Mayor Below read the State Statute RSA regarding the restrictions that could be placed on a Class A
23 Trail, noting it would be reasonable for the local governing body to set time, seasonal, and regulation
24 restrictions. Attorney Decker concurred.

25
26 Mr. Dan Hazelton (Farnum Hill Road): He questioned what the requirements would be to have the property
27 declassified, and Attorney Decker informed him that an application could be presented to the City Council for
28 their consideration.

29
30 **ACTION: No formal action was required. Item was for discussion purposes only.**

31
32 **The Council returned to the regularly scheduled agenda items.**

33 34 **9. PUBLIC HEARING ITEMS:**

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

38
39 Included in the agenda packet:

- 40 1. Class VI Road Assessment Template (Road #28)
- 41 2. Coordinate Map for Class VI Road #28 (NAD 1983 NH State Plane FIPS 2800) Printed February
- 42 22, 2022
- 43 3. Abutter Notification Map – Class VI Road #28

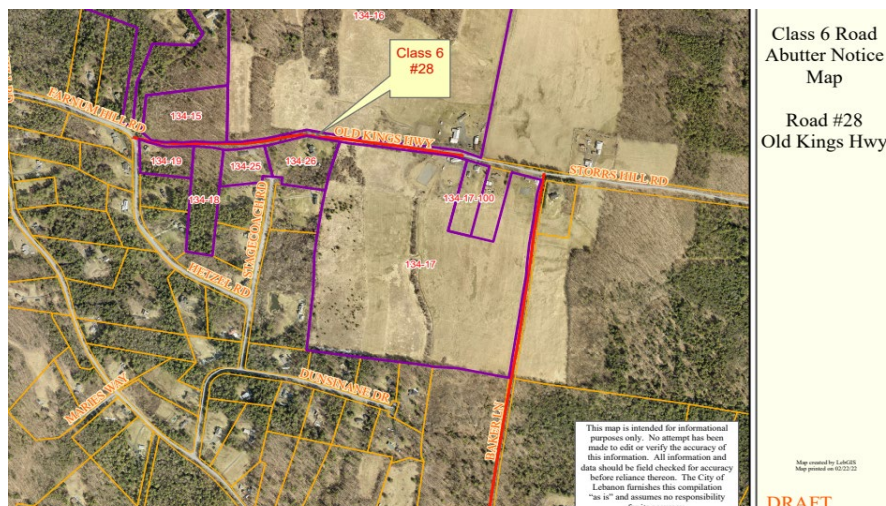
44
45 Mr. Mark Goodwin, GIS Coordinator reviewed the reclassification Class VI Road #28, Old Kings
46 Highway, noting the Kings Highway is arguably one of the oldest public rights-of-way in the City of
47 Lebanon. The original course is currently segmented into several sections, including a variety of road
48 designations, e.g. Class 5, Class 6, Class A trail. The section referred to as #28 extends from the
49 intersection with Hetzel Road, easterly to where it transitions to Storrs Hill Road.

50
51 The Class VI Advisory Committee conducted the initial assessment of Road #28 in 2014 and re- reviewed

1 it in 2021. They reviewed the prescriptive evidence supporting the assertion of its existence as a public
2 right-of-way, the current conditions and use, as well as potential future uses, and are recommending that the
3 Council reclassify it to a Class A Trail designation:

4
5 *A motion by Donald Lacey that the Class VI Roads Advisory Committee recommend to the Lebanon*
6 *City Council they reclassify Class VI Road #28 (a segment of the Old Kings Highway, running from*
7 *Hetzel Road east to Storrs Hill Road) to a Class A Municipal Trail as defined in RSA 231-A:1(l), and*
8 *as shown on the City of Lebanon Draft Class VI Roads Map printed June, 2013, subject to the following*
9 *public trail use restrictions: Means of travel shall be restricted to horse, bicycle and foot and*
10 *snowmobiles when snow cover is adequate. Motor vehicles, wheeled vehicles other than bicycles, and*
11 *off- highway recreational vehicles other than snowmobiles, shall be prohibited, subject, however to*
12 *vehicular uses of abutting landowners for access to existing uses of land as set forth in RSA 231-A:1(1).*

13
14 *The Public Works Director shall cause to be posted legible signs at the entrances to the trail describing*
15 *the restrictions contained herein as provided by RSA 231-A:4.*
16



17
18
19 **Mayor McNamara opened the Public Hearing and the following came forth to give their testimony:**

20
21 Mr. Michael Townsend (Ward-2): He again spoke about his reasons for keeping this road a Class VI
22 Road.

1
2 **Hearing no further comments from the public, the Public Hearing was closed.**
3

4 After discussions took place by the Council regarding whether or not to reclassify Class VI Road #28
5 (Kings Highway) to a Class A Trail, it was the Council's consensus to not take any action and leave this
6 as a Class VI Road. This can be taken up again by the Council in the future if necessary.
7

8 **ACTION: None taken.**
9

10 **10. OLD BUSINESS: NONE**
11

12 **11. NEW BUSINESS:**

13 **A.** Discussed earlier in the meeting.

14 **B.** Acceptance of purchase price in the amount of \$12,899.44 and authorization for the City Manager
15 to prepare and execute documents for the sale of a 0.11 acre portion of City-owned land located
16 at 12 South Park Street Lebanon, further identified as Tax Map 91, Lot 253 to Recreo, LLC.
17

18 Included in the agenda packet:

- 19 1. March 23, 2022 letter by Tim Sidore, Chief of Operations for Recreo, LLC
20 2. Map showing proposed boundary line adjustment between Recreo, LLC (Tax Map 91, Lot 254) and
21 the City of Lebanon (Tax Map 91, Lot 253)
22 3. GIS Location Map showing areas surrounding Tax Map 91, Lots 253 & 254
23 4. March 30, 2022 Statement of Public Benefit by City Manager Shaun Mulholland
24

25 City Manager Mulholland explained that Recreo, LLC is the new owner of property located at 2 Mascoma
26 Street, Lebanon (former location of the Village Market, further identified as Tax Map 91, Lot 254) which
27 directly abuts City-owned land at 12 South Park Street (Fire Station #1, further identified as Tax Map 91,
28 Lot 253).
29

30 Conceptual plans for redevelopment of 2 Mascoma Street have been presented to the Planning Board. The
31 plans as presented require a boundary line adjustment between 2 Mascoma Street and 12 South Park Street.
32 The total amount of land affected by the proposed boundary line adjustment equals 0.11 acre.
33

34 As you will see from the attached plan, the land that is the subject of this proposed boundary line adjustment,
35 is otherwise unusable by the City or any other entity. It is a small wedge located on a very steep slope that
36 drops sharply down to parcel 91-254. Administration recommends the sale of this land to Recreo, LLC.
37



A letter from Tim Sidore on behalf of Recreo, LLC offers a purchase price of \$12,899.44 for the land in question.

The Architects handed out and reviewed the detailed site plans with the Council.

ACTION:

Councilor Whittlesey MOVED, that in accordance with City Council Policy CC-102, Real Property Transactions, the Lebanon City Council hereby authorizes the City Manager to prepare and execute documents for the sale of a 0.11 acres square for portion of property identified as City Tax Map 91, Lot 253, located at 12 South Park Street, Lebanon, to abutting property owner Recreo, LLC in the amount of \$12,889.44 and to include any other appropriate conditions/requirements he may deem necessary. Seconded by Councilor Sykes.

Roll Call Vote:

Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie and Mayor McNamara all voted Aye.

None voted Nay.

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

C. Authorization for City Manager to enter into a lease agreement with Execusuite, LLC for continued use of the Bank Street Ballfields (former Junior High)

The City first entered into a formal lease agreement for use of the fields at the former Junior High on Bank Street in 2019. The 2019 lease was for a two-year initial period and did not contain language for automatic renewal. The City desires to continue use of the fields and is hereby requesting the Council to authorize the City Manager to execute a new lease agreement.

The terms of the proposed lease include the following:

- An initial two-year term (ending March 31, 2024).
- Automatic renewal for additional two-years terms unless a 90-day notice is provided by either party.
- Rent: First year \$13,112; Second year \$13,505 – Rent to be renegotiated for any additional terms.

1 **ACTION:**

2 ***Councilor Sykes MOVED*, that the Lebanon City Council hereby authorizes the City Manager to**
3 **enter into and execute a lease agreement in the amount of \$26,617 with Execusuite, LLC to permit**
4 **the continued use of the field space located at 75 Bank Street, Lebanon.**

5 ***Seconded by Councilor Liot Hill.***

6
7 **Roll Call Vote:**

8 Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie and Mayor
9 McNamara all voted Aye.

10 None voted Nay.

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

12
13 **D. Discussion & Set Public Hearing for April 20, 2022: Extension of Approval of Community**
14 **Revitalization Tax Relief Application for 1 Mechanic Street, LLC (originally granted April 21,**
15 **2021)**

16
17 Included in the agenda packet:

- 18 1. March 22, 2022 letter from Jeremy Katz - Request for Extension of Property Tax Relief
- 19 for 1 Mechanic Street
- 20 2. Declaration of Covenants
- 21 3. March 26, 2021 Memo from Planning & Development Director David Brooks -
- 22 Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application for
- 23 One Mechanic Street, LLC
- 24 4. Excerpt of April 21, 2021 City Council meeting minutes
- 25 5. Council Policy, CC-105, Community Revitalization Tax Relief Incentive Program Guidelines

26
27 Mr. David Brooks (Director of Planning and Development) reviewed the approval of the Community
28 Revitalization Tax Relief Application, noting that on April 21, 2021, the Lebanon City Council approved
29 an application from One Mechanic Street, LLC for seven (7) years of limited property tax relief pursuant
30 to the City's Community Revitalization Tax Relief Incentive (RSA 79-E) Program. The tax relief was
31 requested and granted in connection with a project to convert an existing commercial building into eighteen
32 (18) dwelling units on property located at 1 Mechanic Street (Tax Map 91, Lot 264). Attached hereto is an
33 excerpt of the Planning Department's original agenda packet dated March 26, 2021 and an excerpt of the
34 minutes from the Council's April 21, 2021 meeting.

35
36 Under the terms approved by the City Council, the project is required to be completed on or before April 21,
37 2022, "unless otherwise extended by the City Council in writing." On March 22, 2022, Jeremy Katz,
38 Manager of One Mechanic Street, LLC, submitted a request for an extension of time associated with the
39 approved property tax relief. In the request, Mr. Katz noted that while the project was started in a timely
40 fashion, the Covid-19 pandemic and resulting supply chain disruptions and other delays have prevented the
41 project from proceeding as expected, and he did not expect to meet the April 2022 deadline for the
42 completion of work.

43
44 In considering the request to extend the tax relief associated with the project, the Council is, in essence,
45 verifying that the proposed project and property continue to comply with the provisions of the 79-E
46 program and would be re-approving the applicant's participation in the program. Under the terms of the 79-
47 E program, the City Council must hold a public hearing on the request to determine whether the proposed
48 project still qualifies for the tax relief incentive.

1
2 The property at 1 Mechanic Street remains a *Qualifying Structure* located within the designated Downtown
3 Lebanon 79-E district and the project continues to exceed the required threshold to be considered a
4 *Substantial Rehabilitation*. In addition, staff presumes that the previously documented *Public Benefits*
5 approved by the City Council still apply to the project, including:
6

- 7 1. Enhancement of the economic vitality of Downtown Lebanon, and
8 2. Promotion of the preservation and reuse of existing building stock, and
9 3. Promotion of the development of municipal centers, providing for efficiency, safety, and a
10 greater sense of community consistent with RSA 9-B, and
11 4. Increasing residential housing in municipal centers.
12

13 Since the tax relief was originally granted, there have been no changes to the location or extent of the
14 designated 79-E districts. It is noted, however, that the City Council adopted policy #CC- 105 (Community
15 Revitalization Tax Relief Incentive Program Guidelines) in August 2021, which established a process and
16 guidelines for City Council's consideration of applications for 79-E tax relief. Whereas the property is also
17 situated within the Downtown Tax Increment Finance District, Section 5.3 of the Policy normally requires
18 review of the request by the Downtown TIF District Advisory Board. However, since this is a request for
19 re-approval of the same project for the same time period of tax relief, staff does not believe it is necessary
20 for the Downtown TIF Advisory Board to review the project again pursuant to the policy.
21

22 **ACTION:**

23 ***Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedules a public***
24 ***hearing for Wednesday, April 20, 2022, beginning at 6:00pm in the Council Chambers, City Hall,***
25 ***for the purpose of receiving public input and taking action on a request by One Mechanic Street,***
26 ***LLC, for an extension of tax relief under the provisions of the Community Revitalization Tax***
27 ***Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.***
28 ***Seconded by Councilor Simon.***
29

30 **Roll Call Vote:**

31 Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie and Mayor
32 McNamara all voted Aye.
33 None voted Nay.

34 ****The Vote on the Motion was approved (8-0).*** Councilor Zook was absent.
35

- 36 **E. Proposed NHMA Policy Positions: Suggested language changes by Pedestrian & Bicyclist Advisory**
37 **Committee relative to "Local Authority and Efficiency," "Transportation," and State Aid and Non-**
38 **Property Tax Revenues."**
39

40 Included in the agenda packet: March 2, 2022 Legislative Policy Proposal Forms from Pedestrian &
41 Bicyclist Advisory Committee.
42

43 Mr. David Brooks (Director of Planning & Development) reviewed the proposed changes made by the
44 Pedestrian & Bicyclist Advisory Committee.
45

46 In September, the New Hampshire Municipal Association (NHMA) will hold a Legislative Policy
47 Conference to establish priorities and positions on behalf of its member communities for the 2023-2024
48 legislative session. The process begins with a solicitation of policy proposals from local officials to create
49 an initial issues list. Upon receipt, NHMA's legislative policy committees review all policy proposals and

1 make recommendations for the full Legislative Policy Conference in September.

2
3 This year, for the first time, as part of the City's consideration of potential policy proposals, the City Council
4 invited other boards and committees to provide ideas and input into the process. The Planning &
5 Development Department provided a summary of the NHMA process and the Council's request to the
6 Planning Board, Conservation Commission, Heritage Commission, and Pedestrian & Bicyclist Advisory
7 Committee for consideration.

8
9 The Planning Board, Conservation Commission, and Heritage Commission all expressed appreciation to
10 the City Council for the opportunity to participate in the process but did not have any specific
11 recommendations for this year.

12
13 The Pedestrian & Bicyclist Advisory Committee had three recommendations to the City Council, which are
14 outlined on the attached Explanations of Proposed Policy forms. Two of the recommendations suggest
15 amendments to existing NHMA policy positions to advocate for a clearer indication of support for multi-
16 modal facilities, including pedestrian, bicyclist, and transit systems and services. Ped/Bike's final
17 recommendation was to create a new policy statement under "Local Authority and Efficiency" encouraging
18 NHMA to support "the authority of municipalities to set meeting locations, conditions, and modalities
19 (including in-person, remote, or combined in-person/remote) for municipal level meetings of councils,
20 boards, committees, and commissions."

21
22 **ACTION:**

23 **The Council's consensus was to accept all of the policy proposals as suggested by the Pedestrian &**
24 **Bicyclist Advisory Committee, and directed staff to submit the Explanation of Proposed Policy forms**
25 **to the NHMA for consideration. No Motion required.**

26
27 **F. Discussion & Set Public Hearing for April 20, 2022: Ordinance 2022-01 to delete and repeal City**
28 **Code Chapter 31, Article VI, Licensing Board.**

29
30 Deputy City Manager Paula Maville noted they have been working continuously over the past few years
31 to streamline processes and how we are dealing with permits for the public.

32
33 On April 18, 1990, in accordance with NH RSA 286:3, the City established a Licensing Board with
34 the authority to issue licenses and permits in accordance with State Statute, namely:

- 35 • Licensing amusement places (RSA Chapter 286)
- 36 • Pawnbrokers (RSA 398:4)
- 37 • Permits for soliciting funds (RSA 31:91)
- 38 • Street fairs (RSA 31:100)
- 39 • Fireworks (RSA 160-B-7)
- 40 • Billiard tables (RSA 286:6)
- 41 • Raffles (RSA 287-A:7)
- 42 • Parades (RSA 286:2)

43
44 The Licensing Board is comprised of the Mayor, the Police Chief (or designee), and one member of
45 the public.

46
47 In an effort to streamline permitting for use of City-owned property, administration is requesting that
48 the Council consider repealing the requirement for a Licensing Board and delegating authority for
49 permitting of those items to the City Manager.

1
2 It is the intent of administration to continue to create efficiencies in the permitting process. As such,
3 a comprehensive overhaul of the City Code is to be presented in the near future which will result in
4 the repeal of many existing chapters and the repeal and replacement of current Chapter 49, Use of
5 City Property. When Chapter 49 is brought forward, it is the intent of administration to include the
6 delegation of permitting authority to the City Manager as part of the chapter.
7

8 **(CURRENT) CODE OF THE CITY OF LEBANON**
9 **CHAPTER 31 – BOARDS, COMMITTEES, AND COMMISSIONS**

10 **Article VI**
11 **Licensing Board**
12

13 **[Adopted 4-18-1990 by Ord. No. 45; effective 4-26-1990]**
14

15 ***§ 31-23 Declaration of purpose.***

16 This article establishes a Licensing Board pursuant to RSA 286:3 to grant licenses under RSA Chapter
17 286 and to grant licenses and permits required to be issued by the city by state statutes described in § 31-
18 29.
19

20 ***§ 31-24 Membership.***

21 The Licensing Board shall consist of the Chief of Police or such person as he/she may designate from the
22 Police Department; the Mayor; and one other person who shall be appointed by the City Council.
23

24 ***§ 31-25 Terms; alternate member.***

25 The elected Mayor shall serve as a member of the Board so long as that person is serving as Mayor. The
26 person appointed by the City Council shall serve for a term of three years. The City Council may also
27 appoint an alternate member for a term of three years who shall serve whenever the Mayor or the person
28 appointed by the City Council is absent.
29

30 ***§ 31-26 Meetings.***

31 The Board shall meet at such times as may be necessary to review applications for licenses and permits.
32 Notices of the meeting shall be given as required by RSA Chapter 91-A.
33

34 ***§ 31-27 Organization.***

35 The Board, annually, shall organize and elect a Chair and a Clerk.
36

37 ***§ 31-28 Quorum.***

38 A majority of the Board shall constitute the quorum necessary in order to transact business at any
39 meeting.
40

41 ***§ 31-29 Authority to issue certain licenses and permits under state statutes.***

42 A. The Licensing Board shall have the authority to issue licenses and permits as required by the
43 following statutes:

- 44 (1) Licensing amusement places, RSA Chapter 286.
- 45 (2) Pawnbrokers, RSA 398:4 et seq.
- 46 (3) Permits for soliciting funds, RSA 31:91.
- 47 (4) Street fairs, RSA 31:100.
- 48 (5) Fireworks, RSA 160-B-7. **[Amended 9-20-2000 by Ord. No. 70]**

- 1 (6) Billiard tables, RSA 286:6.
2 (7) Raffles, RSA 287-A:7.
3

4 B. When the Board exercises authority pursuant to any statute, the Board shall comply with all
5 statutory requirements for that particular license or permit.
6

7 ***§ 31-30 Applications, licenses and permits.***

8 **[Amended 9-20-2000 by Ord. No. 70]**

9 Application shall be made to the Licensing Board for any permit or license required hereunder upon such
10 form as the Board shall designate. Application shall be obtained from and filed with the City Manager.
11 All licenses or permits shall be signed by at least two members of the Licensing Board.
12

13 ***§ 31-31 Revocation or denial of licenses and permits.***

14 The Licensing Board may revoke or suspend any permit or license for any violation of any term or
15 condition of issuance. The Board may deny an application for a license or permit. In all cases, the Board
16 shall notify the applicant, licensee or permittee in writing of the denial, revocation or suspension and the
17 reason for such action. The applicant, permittee or licensee shall have the right to a public hearing before
18 the Board as to such revocation or suspension. Such public hearing shall be requested within seven days
19 of receipt of the notification. The licensee or permittee shall have seven days to appeal the decision of the
20 Licensing Board to the City Manager who shall hear and decide such appeal within 20 days from the date
21 of appeal.
22

23 **ACTION:**

24 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing***
25 ***for Wednesday, April 20, 2022, beginning at 6:00pm in Council Chambers, City Hall, and***
26 ***Remote via the City's Virtual Platform for the purpose of receiving input and taking action on***
27 ***proposed Ordinance #2022-01, to delete and repeal City Code Chapter 31, Boards, Committees***
28 ***and Commissions, Article VI, Licensing Board.***

29 **Seconded by Councilor Wilkie.**
30

31 **Roll Call Vote:**

32 Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie and Mayor
33 McNamara all voted YA.

34 None voted Nay.

35 ****The Vote on the Motion was approved (8-0).*** Councilor Zook was absent.
36

37 **(PROPOSED) CITY OF LEBANON**
38 **ORDINANCE #2022-01**

39 AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 31, Boards, Committees, and
40 Commissions by deleting and repealing Article VI, Licensing Board.
41

42 Be it ordained by the Council of the City of Lebanon as follows:
43

44 **Section 1.**

45
46 The Code of the City of Lebanon is hereby amended by deleting and repealing City Code Chapter 31,
47 Boards, Committees, and Commissions, Article VI, Licensing Board.
48

49 **Section 2. Severability**

1
2 The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence,
3 clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent
4 jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences,
5 clauses or part of this ordinance.
6

7 **Section 3. Effective Date**

8
9 This ordinance shall become effective upon passage.
10

11 **12. City Manager Report:**

12 City Manager Shaun Mulholland updated the Council on the following:

- 13 • Ms. Angela Zhang, Social Worker for LISTEN, was selected as NH's Social Worker of the Year.
- 14 • Westboro Yard: The Natural Gas Propane tanks will not be filled by rail car but instead will be
15 filled by trucks.
- 16 • APD Proposal.
- 17 • Requested the Council to submit their requests for laptop replacement.
- 18 • YMCA after school program has ended. We are looking at options for childcare.
- 19 • Paving cost concerns.
- 20 • The old Kleen Laundromat building on Mechanic Street has been torn down, and the old Kleen
21 Laundry facility on Route 12A will be turned into a gas station by Irving and will have EV
22 charging stations.
- 23 • River Park discussion with Chet Clem regarding TIF development.
- 24 • Deputy City Manager interview progress.
- 25 • Route 12A Main Street bridge: Held up because the railroad wants to do their own engineering
26 analysis. While there is no immediate concern, City staff is concerned about the integrity of the
27 bridge and DPW will be keeping an eye on this and doing monthly inspections to ensure the
28 safety of the public. If anything comes up, the bridge will be closed and traffic detour signs will
29 be put in place.
- 30 • Mascoma Street roundabout: Delayed until 2024.
- 31 • Mt. Support Road & Lahaye intersection project roundabout safety concerns.
- 32 • Miracle Mile Project: Will rebid this out due to rising costs.
- 33 • Kimball St./Forest Ave. Project: Delayed until next year.
- 34 • The Congressional Grant Appropriates Project. West Lebanon StreetScape Improvements and the
35 Westboro Yard trail system have been included in the grant submission.
36

37 **13. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

38 39 **14. FUTURE AGENDA ITEMS:**

- 40 • Class VI Roads/Class A Trails Policy Discussion.
41

42 **15. NON-PUBLIC SESSION: NONE**

43 44 **16. ADJOURNMENT:**

45 *Councilor Wilkie MOVED for adjournment.*

46 *Seconded by Councilor Whittlesey.*
47

48 **Roll Call Vote:**

1 Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie and Mayor
2 McNamara all voted YA.
3 None voted Nay.
4 **The Vote on the Motion was approved (8-0).* Councilor Zook was absent.
5
6 **The meeting was adjourned at 9:21 PM.**
7
8 Respectfully submitted,
9 Dona E. Gibson
10 Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

8. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Economic Development Commission, Kevin Purcell (Reappointment Regular Member)
- Library Board of Trustees, Doug Whittlesey (Reappointment Alternate Member)
- Heritage Commission, Noel Figart (Regular Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated April 12, 2022

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: April 12, 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

- **Kevin Purcell** – Reappointment as a regular member for another two-year term.
Interviewed By: Councilor Simon
Term: (4/22-4/24)

Library Board of Trustees

- **Doug Whittlesey** – Reappointment as an alternate for another one-year term.
Interviewed By: Councilor Heistad
Term: (4/22-4/23)

Heritage Commission

- **Noel Figart** – Appointment as a regular member for a three-year term.
Interviewed By: Councilor Wilkie
Term: (4/22-4/25)

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: Online Form Submission #3786 for Board Member Application
Date: Thursday, February 27, 2020 9:02:02 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	Kevin
Last Name	Purcell
Physical Address	56 Oak Ridge Road
City	West Lebanon
State	New Hampshire
Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	8023561280
Work Number	6034481335
Email Address	kevin@purcellprop.com
How long have you resided in Lebanon?	23 years

(Section Break)

Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Economic Development Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	To assist in bringing much needed services to Lebanon.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	In the property management/development business every day where I hear from residents as to what they need and want. I am the Vice Chair of the Upper Valley Business Alliance. Why this is relevant is that I am interacting almost on a dally basis with different companies/owners sharing there needs/concerns. I feel I have a good feel for what the community is looking for in terms of economic growth given my different roles as a community member, parent and business owner. I am constantly quizzing friends and just about anyone that will listen as to what they feel we need for services, whats lacking in transportation and many other topics.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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4/1/22

Councilor Interview Report Form

Councilor Name: Christean Simon

Date of Interview: 4/1/22

Applicant Name: Kevin Purcell

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: 3/22

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat

☐ Alternate Seat

General Comments:

Mr. Purcell has an excellent understanding
of the economic challenges of our City & Region

(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 help foster healthy economic development

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 can meet these requirements

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?

* This is a reappointment for this board.

- 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?

(CS)
4/1/22

Yes, willing to meet as needed.

- 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 conflicts are anticipated at this time.

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

Identify the many need priorities & challenges as formulated by the commission

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

To provide a stable economic base for progress & development of Lebanon's business community, while being fiscally responsible to the taxpayer/citizens of Lebanon

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

would like to see more efforts into West Lebanon & to support the actions & plans of the WLAC as compiled.

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

- 1) Have you ever appeared before a zoning board, personally or through a representative?

N/A

- 2) Do you have any personal or professional knowledge or background in the area of zoning law?

N/A

3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted Zoning Ordinance?

CS
4/1/22

N/A

4) Zoning Board decisions can be controversial. The Board is bound by law to work within the current zoning regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

N/A

Planning Board:

1) Have you ever appeared before a planning board, personally or through a representative?

N/A

2) Do you have any personal or professional knowledge or background in the area of planning law?

N/A

3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted site plan and subdivision regulations, as well as the Zoning Ordinance?

N/A

4) Planning Board decisions can be controversial. The Board is bound by law to work within the current site plan and subdivision regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

N/A

CS
4/9/22

Conservation Commission:

- 1) Have you ever appeared before a conservation commission, personally or through a representative?

N/A

- 2) The Conservation Commission's advisory role in New Hampshire environmental permitting can be controversial. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

N/A



CITY OF LEBANON BOARD/COMMITTEE APPLICATION

You must meet the basic requirements listed below to be considered for appointment to a City board/committee.

BASIC REQUIREMENTS:

- ✓ Lebanon/West Lebanon resident (except for those boards who membership makeup includes non-resident)
- ✓ Willingness to learn.
- ✓ Commitment to attend meetings.
- ✓ Treat people fairly.
- ✓ Consider the best interest of the community 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.
- ✓ Review City of Lebanon Ethics and Conflict of Interest Policy

Check all that apply:

I am an applicant for: Alternate Library Trustee

☒ Check if for re-appointment.

Name: Douglas Whittlesey
(Please print)

Address: 17 Green St West, West Lebanon NH 03784
(street) (Town)
(Zip)

Mailing Address, if different from above: _____

Home Phone _____ Work Phone: _____ Cell Phone: 802-478-0443

Email Address: Doug.Whittlesey@lebanonnh.gov

Continued reverse side.....

How long have you resided in Lebanon? 9 Years
(This will not necessarily reflect on your possible appointment.)

Why would you like to serve?

I would like to continue serving the Library, utilizing my experience in finance and accounting to support the ongoing great work done

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

I have masters degrees in business and accounting, am a Chartered Financial Analyst, with 16 years of finance, accounting, and budget experience.

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

Applicant Signature

3/15/22
Date

Please return to:

Lebanon City Clerk's Office
51 North Park Street, Lebanon, NH 03766

Email: cityclerk@lebanonnh.gov

Whittesley interview

Councilor Name: Erling Heistad

Date of interview: 3/31/2022

Applicant Name: Doug Whittlesey

Board(s) to Which Applied: Library Trustee reappointment

Alternate Seat: X

Has Applicant Attended Meeting of Board to Which Applying? Yes

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

Recommend Appointment: Yes

Alternate: Seat X

General Comments: Doug has enjoyed serving as a library trustee and would like to continue. He feels that many of the expanded services that the library now provides are representative of a modern library approach and he would like to continue to be a part of providing these services to the library patrons. By giving the community greater access to many objects and services that were not traditionally available, Doug sees the library providing a much-needed service to Lebanon.

A challenge Doug sees to the library is to support the staff and to keep a vibrant working environment for everyone serving the public needs of the community. The staff are constantly interacting with the public and need a very supportive working environment to maximize their public service.

Doug has a background in finance and as a trustee can see and analyze the many financial situations to which the library needs to respond.

I recommend his reappointment.

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL] Online Form Submission #6020 for Board Member Application
Date: Wednesday, March 30, 2022 8:51:39 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, March 30, 2022 8:43 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL] Online Form Submission #6020 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	Noel
Last Name	Figart
Physical Address	21 Spencer St. (Apt 320)
City	Lebanon
State	NH

Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6032369609
Work Number	<i>Field not completed.</i>
Email Address	noel@noelfigart.com
How long have you resided in Lebanon?	17 Years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Heritage Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I grew up in Fredericksburg Virginia. When I was a child, Fredericksburg was a small town. When I was in my thirties and had moved to New England, Fredericksburg had become a suburb of Washington DC. I understand that economic development is necessary and needs to be balanced with the heritage and history of an area.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	My qualifications are slim in terms of direct experience. Let's put that out front. :) But I have watched a rural area experience explosive growth and am interested in assuring a good balance between the old and the new to ensure that old residents and the new residents have both a welcoming community that preserves its historic charm.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

Councilor Interview Report Form

Councilor Name: Devin R. Wilkie

Date of Interview: 4/4/2022

Applicant Name: Noel Figart

Board(s) to Which Applied: Heritage Commission

☒ Regular Seat

☐ Alternate Seat

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

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

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat ☐ Alternate Seat

General Comments: Noel and I had a wonderful conversation; she is new to this type of volunteering but is enthusiastic about serving on the commission and helping to promote and preserve Lebanon's history and character. Though she has not done this before, she is ready to learn and to participate where possible, and I would be happy to recommend her for a regular seat.

(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 preserve and disseminate the history of Lebanon – to promote local history and information more widely

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

Yes

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

No – but has been aware of and involved in discussions about historic preservation and sustainable community development.

4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

Yes

5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

No

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

Preventing unsustainable growth; tug-of-war between development and history.

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

Learn and share Lebanon's history; promote the community efforts and involvement.

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

Want to join and learn more about Lebanon, and share the value of understanding and sharing history.

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

9. PUBLIC HEARING ITEMS:

9. A – ORDINANCE #2021-14 TO AMEND CITY CODE CHAPTER 180, WARDS

BACKGROUND

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

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

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

- Adjusting boundary lines between Wards 1, 2 and 3 to reduce current deviation; and
- Amend language to allow currently elected officials (City Councilors and Election officials) to complete their existing terms should the boundary line adjustments place them in a new ward.

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

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

At the February 16, 2020 meeting, Council was asked to reschedule the public hearing from May 4, 2022 to April 20, 2022. Assistant Mayor Below made a presentation at that time for two alternate proposed Ward Line adjustments. Council voted to use his Option #1 for the April 20, 2022 Public Hearing.

ACTION

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2021-14 to amend the Code of the City of Lebanon, Chapter 180, Wards, to adjust ward boundaries to remain in compliance with City Charter §C419:4, and the New Hampshire Constitutional requirement to equalize populations amongst wards.

BE IT FURTHER MOVED, that Ordinance #2021-14 shall be effective May 1, 2022.

Included in this Section:

1. Ordinance #2021-14 Chapter 180, Wards (Amended)
2. November 4, 2021 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2021-14 Ward Boundaries
3. Existing Chapter 180, Wards
4. Map of Current Ward Boundaries (2012)
5. Map of Proposed Ward Boundaries
6. Detailed Maps of Proposed Changes (2022)
7. Notice of Public Hearing as Published in the April 9, 2022 Edition of the *Valley News*

**CITY OF LEBANON
ORDINANCE #2021-14**

AN ORDINANCE TO AMEND Chapter 180, Wards, of the Code of the City of Lebanon, by amending §180-2, Amendments to boundaries; §180-3, Ward 1; and §180-4, Ward 2.

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 adding the following language to the end of existing Chapter 180, Wards, Section 180-2, Amendments to boundaries:

§180-2, Amendments to boundaries

Notwithstanding any changes in the ward boundaries, the City and Ward officers serving in office, or elected to office, at the time of passage of any amendment to this ordinance, shall continue in said offices until the end of the terms for which they were elected.

Section 2:

The Code of the City of Lebanon is hereby amended by repealing and replacing in their entirety Sections 180-3, Ward 1; and 180-4, Ward 2, for the purpose of adjusting boundary lines to equalize populations of the three wards in response to the 2020 US Census, to read as follows:

§180-3, Ward 1

Ward 1 shall consist of all that land in said City of Lebanon beginning at the southwest corner of the Lebanon-Plainfield line; thence easterly along said boundary to Tax Map 188 Lot 49; thence traveling easterly along the southern boundary of Tax Map 188 Lot 49 to a 50' Right of Way extending in a northerly direction through said Tax Map 188 Lot 49; thence northerly along said 50' Right of Way within Tax Map 188 Lot 49 to the southwestern corner of Tax Map 188 Lot 1; thence traveling northerly along western boundary of Tax Map 188 Lot 1 until it connects to Poverty Lane; thence easterly on Poverty Lane until it meets the Hibbard Brook; thence northerly along said road to the intersection of Slayton Hill Road; thence northeasterly along Slayton Hill Road to the intersection of Farnum Hill Road; thence westerly along said road until it meets Old Kings Highway; thence northwesterly along said road until it intersects with power transmission lines; thence northwesterly along said power lines until it intersects another set of power lines; thence turning 90° and continuing northeasterly along the latter power lines until it meets the Hanover/Lebanon boundary; thence westerly along the Lebanon-Hanover line until it meets the New Hampshire-Vermont boundary; thence southerly along said boundary to the point of beginning.

§180-4, Ward 2

Ward 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway until it intersects with Laplante Road; thence southerly along Laplante Road until intersects with Meriden Road (Route 120); thence northerly along said center line until it merges

with School Street; thence continuing along the center line of School Street; to the center line of Prospect Street; thence easterly along said center line to the center line of Elm Street; thence northerly along said center line to the center line of Bank Street; thence westerly along said center line to the center line of East Park Street; thence southerly along said center line onto South Park Street; thence westerly along center line of South Park Street continuing until it merges with Route 4; then north along Hanover Street to the Mascoma River; thence easterly along the Mascoma River until reaching the northwestern corner of Tax Map 78 Lot 8; thence crossing the Mascoma River to the northwestern corner of Tax Map 78 Lot 23 where it meets a small stream; thence northeasterly along the stream until it meets I-89; thence northwesterly along I-89 to the intersection of Route 120; then northerly along center line of Route 120 until it intersects with Heater Road; thence northwesterly along the center line of Heater Road to the where Heater Road and Hanover Street converge and intersect with Mt. Support Road; thence northerly along Mt. Support Road until the intersection of Route 120; thence northerly to the Lebanon-Hanover boundary; thence westerly along said boundary to where it meets eastern boundary of Ward 1; thence easterly along the boundary of Ward 1 to the point of beginning.

Section 3: 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 jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or part of this ordinance.

Section 4: Effective Date

This ordinance shall become effective upon passage.



C. Christine Fillmore
Admitted in NH

603.792.7417
cfillmore@dwmlaw.com

670 N. Commercial Street, Suite 207
Manchester, NH 03101-1188
603.716.2895 Main
603.716.2899 Fax

November 4, 2021

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

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: **11/08/2021**

DS

**RE: Ordinance #2021-14 Ward Boundaries
Ch. 180**

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2021-14, Ward Boundaries, which your office forwarded to me on October 26, 2021 and as subsequently revised based upon communication with me. The goals of the proposed ordinance as I understand them are to amend the existing Chapter 180 of the City Code by adjusting ward boundaries to equalize populations of the three wards in response to the 2020 US Census as required by § 419-4 of the City's Charter and to clarify that any current Councilors and Ward officers affected by the adjustments will remain in office until the end of their current term.

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

Chapter 180. Wards

[HISTORY; Adopted by the City Council of the City of Lebanon 9-7-2016 by Ord. No. 2016-04, effective 9-7-2016. Amendments noted where applicable.]

§ 180-1. Wards defined.

The City of Lebanon shall consist of three wards. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and such ward lines are to follow easily identifiable physical features such as streets, railroad tracks, surface waters or power lines.

§ 180-2. Amendments to boundaries.

At least as often as each recurring federal census, the City Council shall review the ward boundaries and, if necessary to comply with a constitutional requirement to equalize populations, shall make adjustments to the City's ward boundaries. A public hearing on the proposed ward boundaries shall be held not more than 30 days before adoption by the City Council, at such time and place as the City Council shall determine. Notice of the public hearing shall be published at least 10 days in advance of the hearing by the City Clerk.

§ 180-3. Ward 1.

Ward 1 shall consist of all that land in said City of Lebanon beginning at the southwest corner of the Lebanon-Plainfield line; thence easterly along said boundary to Hibbard Brook; thence northerly along said brook until its western tributary meets Poverty Lane; thence northerly along said road to the intersection of Slayton Hill Road; thence northeasterly along Slayton Hill Road to the intersection of Farnum Hill Road; thence westerly along said road until it meets Old Kings Highway; thence northwesterly along said road until it intersects with power transmission lines; thence northwesterly along said power lines until it intersects another set of power lines; thence turning 90° and continuing northeasterly along the latter power lines until it meets the Hanover/Lebanon boundary; thence westerly along the Lebanon-Hanover line until it meets the New Hampshire-Vermont boundary; thence southerly along said boundary to the point of beginning.

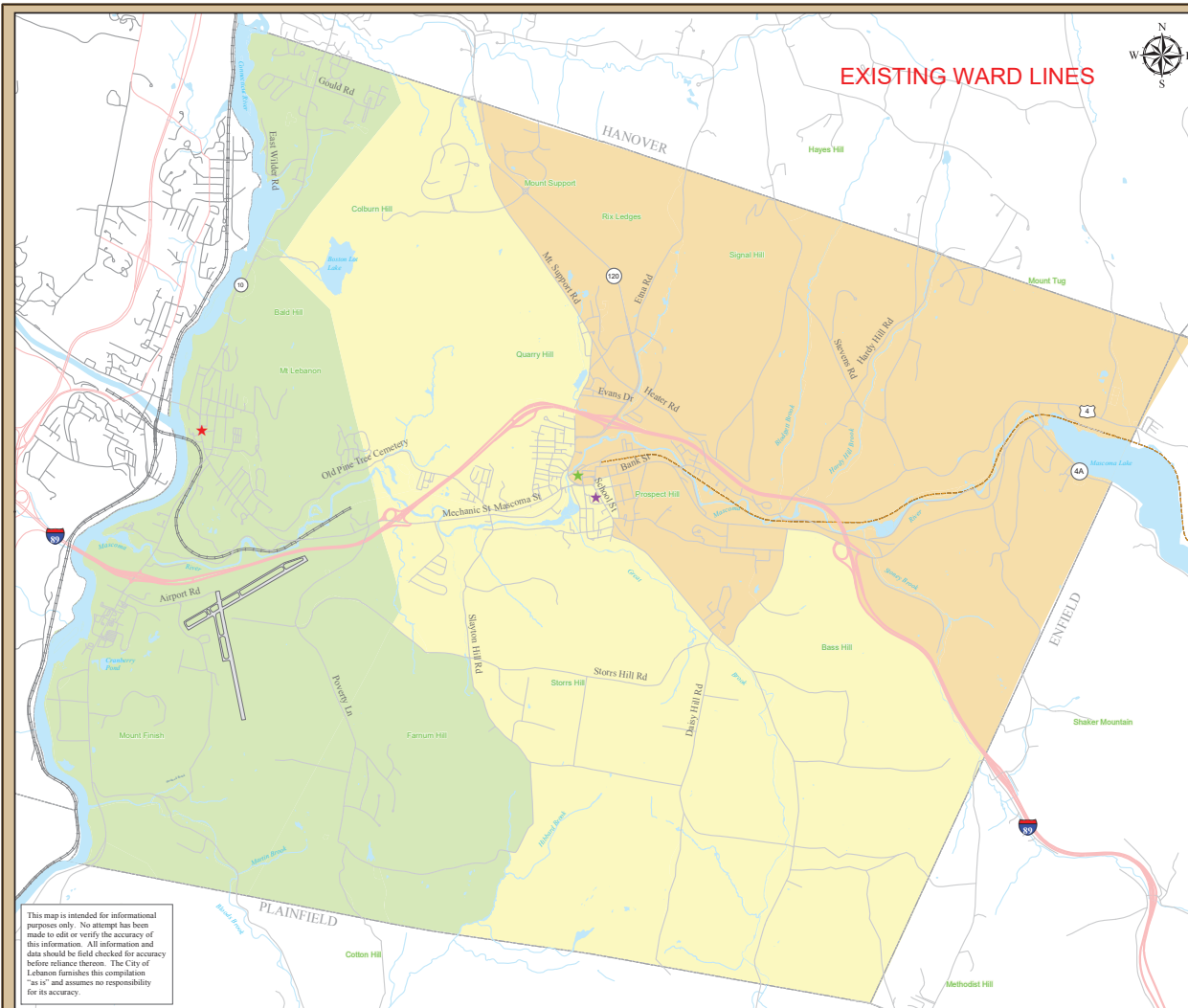
§ 180-4. Ward 2.

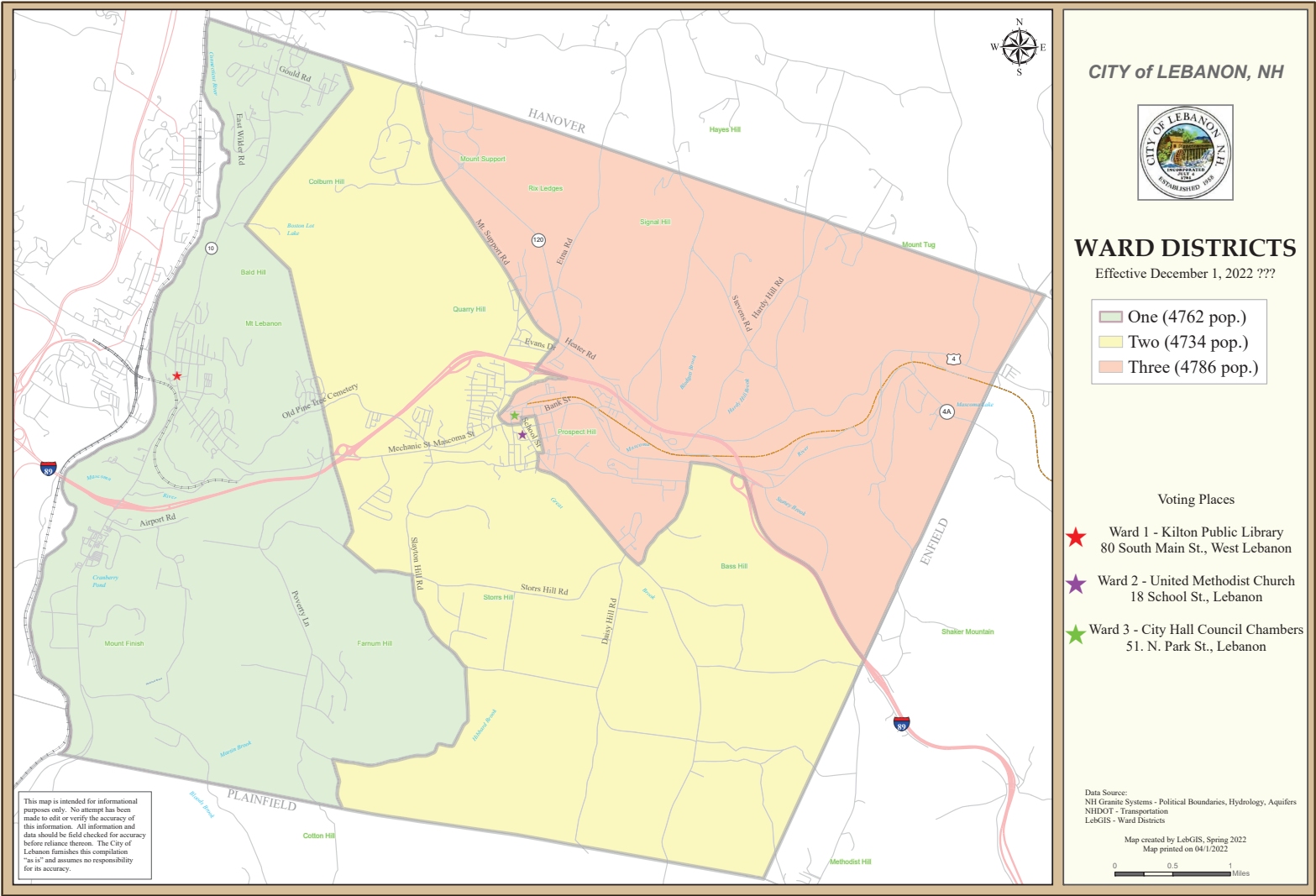
Ward 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway until it intersects with Laplante Road; thence southerly along Laplante Road until intersects with Meriden Road (Route 120); thence northerly along said center line until it merges with School Street; thence continuing along the center line of School Street; to the center line of Prospect Street; thence easterly along said center line to the center line of Elm Street; thence northerly along said center line to the center line of Bank Street; thence westerly along said center line to the center line of East Park Street; thence northerly along said center line to the center line of North Park Street; thence westerly along said center line; and through the Lebanon Mall until it merges with Hanover Street; thence northerly

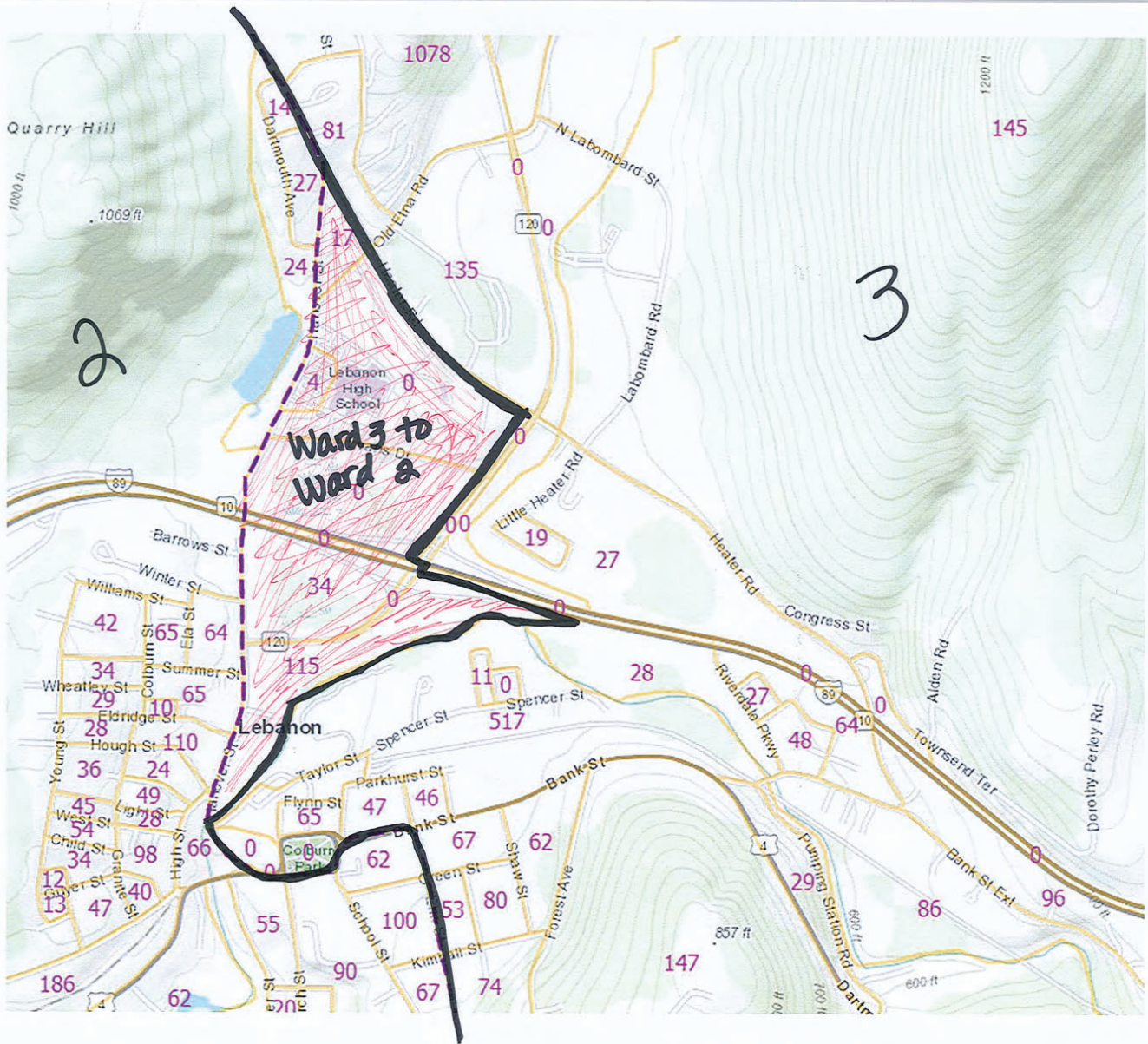
along the center line of Hanover Street to the center line of I-89; thence continuing northerly along Hanover Street Extension to the intersection of Heater Road, thence northerly along Mt. Support Road until the intersection of Route 120; thence northerly to the Lebanon-Hanover boundary; thence westerly along said boundary to where it meets eastern boundary of Ward 1; thence easterly along the boundary of Ward 1 to the point of beginning.

§ 180-5. Ward 3.

Ward 3 shall consist of all that land in said City of Lebanon north of the Lebanon-Enfield town line beginning at the center line of Interstate 89; thence northerly along said Lebanon-Enfield boundary to the Lebanon-Hanover town line; thence westerly along said line until it meets the northeast boundary of Ward 2; thence southerly along the easterly boundary of Ward 2 to the point of beginning.









April 11, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS**
Wednesday, April 20, 2022 - 6:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on April 20, 2022, beginning at 6:00pm for the following:

- A. ORDINANCE #2021-14** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-14 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.
- 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. EXTENSION OF 79-E APPROVAL** - Public hearing for the purpose of receiving public input and taking action to extend tax relief under the provisions of the Community Tax Relief Incentive Program (NH RSA 79-E) to 1 Mechanic Street, LLC.
- D. ORDINANCE #2022-01** - Public hearing for the purpose of receiving public input and taking action to adopt proposed Ordinance #2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board

The April 20, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning April 15, 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 Saturday, April 9, 2022.

Kristin M. Kenniston, City Clerk

AGENDA

LEBANON CITY COUNCIL

APRIL 20, 2022

9. PUBLIC HEARING ITEMS:

9.C – ONE MECHANIC STREET, LLC - APPLICATION FOR EXTENSION OF COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE (RSA 79-E) APPROVAL

A public hearing for the purpose of receiving public input and taking action to extend tax relief under the provisions of the Community Tax Relief Incentive Program (NH RSA 79-E) to 1 Mechanic Street, LLC

The City Council scheduled this public hearing at their April 6, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on April 9, 2022 in accordance with City Code and State Law.

BACKGROUND:

On April 21, 2021, the Lebanon City Council approved an application from One Mechanic Street, LLC for seven (7) years of limited property tax relief pursuant to the City's Community Revitalization Tax Relief Incentive (RSA 79-E) Program. The tax relief was requested and granted in connection with a project to convert an existing commercial building into eighteen (18) dwelling units on property located at 1 Mechanic Street (Tax Map 91, Lot 264). Attached hereto is an excerpt of the Planning Department's original agenda packet dated March 26, 2021 and an excerpt of the minutes from the Council's April 21, 2021 meeting.

Under the terms approved by the City Council, the project is required to be completed on or before April 21, 2022, "unless otherwise extended by the City Council in writing." On March 22, 2022, Jeremy Katz, Manager of One Mechanic Street, LLC, submitted a request for an extension of time associated with the approved property tax relief. In the request, Mr. Katz noted that while the project was started in a timely fashion, the Covid-19 pandemic and resulting supply chain disruptions and other delays have prevented the project from proceeding as expected, and he did not expect to meet the April 2022 deadline for the completion of work.

In considering the request to extend the tax relief associated with the project, the Council is, in essence, verifying that the proposed project and property continue to comply with the provisions of the 79-E program and would be re-approving the applicant's participation in the program. Under the terms of the 79-E program, the City Council must hold a public hearing on the request to determine whether the proposed project still qualifies for the tax relief incentive.

The property at 1 Mechanic Street remains a *Qualifying Structure* located within the designated Downtown Lebanon 79-E district and the project continues to exceed the required threshold to be considered a *Substantial Rehabilitation*. In addition, staff presumes that the previously documented *Public Benefits* approved by the City Council still apply to the project, including:

1. Enhancement of the economic vitality of Downtown Lebanon, and
2. Promotion of the preservation and reuse of existing building stock, and
3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and
4. Increasing residential housing in municipal centers.

Since the tax relief was originally granted, there have been no changes to the location or extent of the designated 79-E districts. It is noted, however, that the City Council adopted policy #CC-105 (Community Revitalization Tax Relief Incentive Program Guidelines) in August 2021, which established a process and guidelines for the City Council's consideration of applications for 79-E tax relief. Whereas the property is also situated within the Downtown Tax Increment Finance District, Section 5.3 of the Policy normally requires review of the request by the Downtown TIF District Advisory Board. However, since this is a request for re-approval of the same project for the same time period of tax relief, staff does not believe it is necessary for the Downtown TIF Advisory Board to review the project again pursuant to the policy.

ACTION:

Pending the outcome of the required public hearing, if the City Council concludes that the applicant's project and property continue to comply with the requirements of the City's 79-E Program, the following draft Resolution is proposed for the Council's consideration:

RESOLUTION

BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly-notice public hearing that:

WHEREAS, the City Council has determined that the application of One Mechanic Street, LLC (hereinafter the "Applicant") for property assessment tax relief under the City's 79-E Program is complete enough to commence consideration, and

WHEREAS, the City Council has determined that the Applicant's property, located at 1 Mechanic Street, Tax Map 91, Lot 264, (hereinafter the "Property") is situated in the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

WHEREAS, the City Council has determined that the Applicant's project to convert an existing commercial building into eighteen (18) dwelling units on the Property pursuant to plans and information provided in the original application (hereinafter the "Project") exceeds the lesser of 15% of the original pre-rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and

WHEREAS, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City, including:

- 1. Enhancement of the economic vitality of Downtown Lebanon, and***
- 2. Promotion of the preservation and reuse of existing building stock, and***
- 3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and***
- 4. Increasing residential housing in municipal centers.***

NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program and City Council Policy #CC-105, as adopted, the City Council hereby grants to the Applicant seven (7) years of property assessment tax relief for the Property to commence upon completion of the Project, with the following conditions:

- 1. The Applicant shall grant to the City of Lebanon a Declaration of Covenants to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenants shall be effective for fourteen (14) years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.**
- 2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for twice the number of years of property tax relief granted to ensure proper restoration or replacement of the Project and the Property. Such insurance shall, effective as of the date on which the Project is completed, name the City as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. The applicant agrees to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The City further requires that restoration or demolition commence within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I. The obligation to name the City as an additional insured and a Loss Payee shall remain in effect for the term of these Covenants.**
- 3. The Project, which has already obtained a building permit and commenced work, shall be completed on or before March 31, 2024, unless otherwise extended by the City Council in writing.**

Included in this Section:

1. March 22, 2022 letter from Jeremy Katz - Request for Extension of Property Tax Relief for 1 Mechanic Street
2. Declaration of Covenants
3. March 26, 2021 Memo from Planning & Development Director David Brooks – Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application for One Mechanic Street, LLC
4. Excerpt of April 21, 2021 City Council meeting minutes
5. Council Policy, CC-105, Community Revitalization Tax Relief Incentive Program Guidelines
6. Notice of Public Hearing as published in the April 9, 2022 edition of the *Valley News*

One Mechanic Street, LLC
PO Box 1325
Lebanon, NH 03766

Lebanon City Council
Lebanon Planning & Development Department
51 North Park Street
Lebanon, NH 03766

Re: Request for Extension of Property Tax Relief for 1 Mechanic Street, granted by the City of Lebanon on April 21, 2021 pursuant to the provisions of RSA Chapter 79-E

March 22, 2022

To whom it may concern:

My redevelopment project at 1 Mechanic Street was granted relief pursuant to RSA 79-E on April 21, 2021 that required the project "...to be completed on or before April 21, 2022, unless otherwise extended by the City Council in writing."

I respectfully request that the City Council extend the completion date requirement and Tax Relief period. Good cause exists for the extension as the construction time has been prolonged due to circumstances beyond my control. Specifically, the COVID-19 pandemic has introduced substantial supply chain disruption that has affected labor and material availability, pricing, and delivery intervals. Additional delays were introduced on the site when a second environmental remediation was required (and completed) in the lower paved area in the south of the lot, as well as when an engineering matter required a comprehensive code interpretation proceeding.

Despite the delays, substantial investment has been consistently made into the property and the exterior superstructure already presents an aesthetic upgrade on Mechanic Street compared to the formerly blighted structure.

The deadline for construction is April 21, 2022. I am unable to meet that timeframe. Therefore, I am requesting a 2-year extension for the Tax Relief in order to account for residual labor and material supply chain vagaries and be able to complete the project.

Finally, as precedent for extensions, I respectfully refer you to the 2017 extension of Dana Seguin's project at 4 South Park Street - granted under less stressful (i.e. non-pandemic) circumstances.

Sincerely,



Jeremy Katz
Manager
One Mechanic Street, LLC

DECLARATION OF COVENANTS

KNOW ALL MEN BY THESE PRESENTS that **One Mechanic Street, LLC**, with a principal mailing address at P.O. Box 1325, Lebanon, New Hampshire 03766, (owner of the Property described below and hereinafter referred to as the "Grantor"), for consideration of property tax relief granted by the **City of Lebanon**, a municipal corporation with a principal place of business at 51 North Park Street, Lebanon, New Hampshire 03766 (hereinafter the "Grantee" or "City"), pursuant to the provisions of RSA Chapter 79-E (Community Revitalization Tax Relief Incentive), grants and agrees to the following COVENANTS for the public benefit of the City:

WHEREAS these Covenants are made in exchange for property tax relief granted with respect to a certain property owned by the Grantor, identified in the City's records as 1 Mechanic Street, Lebanon, and Map 91, Lot 264 on the City's tax maps (hereinafter the "Property"). This property tax relief has been granted as a result of the Substantial Rehabilitation or replacement of a Qualifying Structure located on the Property by the Grantor in accordance with the Grantor's proposal, as reviewed and approved by the City of Lebanon City Council on April 21, 2021; and

WHEREAS these Covenants are to protect the public benefit(s) in accordance with the provisions of RSA 79-E and shall be in effect for fourteen (14) years, which is twice the number of years of the property tax relief approved by the City Council, such property tax relief having been approved for a term of seven (7) years, beginning on April 1st of the tax year commencing immediately after the completion of the Project, unless otherwise terminated as described herein; and

WHEREAS the Grantee agrees that the Substantial Rehabilitation or replacement of a Qualifying Structure in accordance with the Project as proposed by Grantor and approved by the City provides one or more demonstrated public benefit(s) in accordance with the provisions of RSA 79-E:7 because the Substantial Rehabilitation or replacement of the Qualifying Structure achieves the following:

1. Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
2. Promotion of the preservation and reuse of existing building stock throughout a municipality; (RSA 79-E:7, II-a)
3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community; (RSA 79-E:7, III), and
4. An increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

NOW THEREFORE, the terms of these Covenants hereby granted by the Grantor with respect to the Property shall be effective for twice the number of years of property tax relief granted and are stated as follows:

1. REHABILITATION / REPLACEMENT OF A QUALIFYING STRUCTURE LOCATED ON THE PROPERTY. Grantor agrees to Substantially Rehabilitate or replace a Qualifying Structure located on the Property in accordance with the Grantor's Project as approved by the Lebanon City Council on April 21, 2021.

a) Grantor shall secure a Building Permit for the Project and commence construction no later than April 21, 2022, unless otherwise extended by the City Council in writing;

b) The Substantial Rehabilitation or replacement, as approved, shall be completed and a certificate of occupancy obtained by the Grantor on or before April 21, 2022, unless otherwise extended by the City Council in writing;

c) All work on the Project shall be completed in order for the property tax relief to become effective. Should the Project be only partially completed prior to March 31st of any year prior to final completion, the Property shall be fully assessed for the value of work completed during that year and any subsequent year prior to final completion;

d) If the Property or any portion of the Project at any time is fully or partially exempt from real or personal property tax during the term of this Covenant, the owner of the Property shall make payments in lieu of taxes (PILOT) for the remaining term of this Covenant in an amount equal to the ad valorem tax that would be payable on real and personal property if the Property were not exempt from such tax;

2. MAINTENANCE OF THE PROPERTY. The Grantor agrees to maintain, use, and keep the Property, including any structures thereon, in a condition that furthers the public benefit(s) for which the property tax relief was granted.

3. REQUIRED INSURANCE, USE OF INSURANCE PROCEEDS, AND TIMEFRAME TO REPLACE OR REMOVE DAMAGED PROPERTY. Grantor agrees and is required to obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for twice the number of years of property tax relief granted to ensure proper restoration or replacement of the Project and the Property. Such insurance shall, effective as of the date on which the Project is complete (as such date is determined by the City under Paragraph 1 above), name the City as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Grantor agrees to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. Grantee further requires that restoration or demolition commence within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Grantor shall be subject to the termination provisions set forth in RSA 79-E:9, I. The obligation to name the City as an additional insured and a Loss Payee shall remain in effect for the term of these Covenants.

4. RECORDING. Grantee shall record this Declaration of Covenants at the Grafton County Registry of Deeds at the sole expense of Grantor and shall retain a copy of the recorded agreement.

5. ASSESSMENT OF THE PROPERTY. Upon completion of the Project, Grantee agrees that the Property, including all such improvements related to the Project, shall be assessed, during the term of the property tax relief period, based on the pre-rehabilitation assessed value at the time the application for property tax relief was approved, unless Grantor fails to comply with the terms of the Covenants or otherwise fails to maintain or utilize the Property and any structures thereon in accordance with the Project documents.

6. TERMINATION OF COVENANTS. Pursuant to RSA 79-E:9, if Grantor, its agents, employees, successors, assigns, legal representatives or transferees, fails to abide by the terms of these Covenants or otherwise fails to maintain or utilize the Property and any structures thereon

in accordance with the Project documents, the City Council shall, after a duly-noticed public hearing, determine whether and to what extent the public benefit(s) of the Project has been diminished and shall further determine whether to terminate or reduce the property tax relief period in accordance with such determination. If these Covenants are terminated, the City shall assess all taxes, with interest, to the owner as though no property tax relief was granted in accordance with RSA 79-E:9, II.

Grantor shall be bound by all applicable provisions of RSA 79-E for the term of these Covenants. These Covenants are a burden upon the Property and shall bind all agents, employees, successors, assigns, legal representatives or transferees of Grantor. Such Covenants may not be amended, modified, or terminated except by consent of the City.

This agreement made this 30 day of APRIL, 2021.

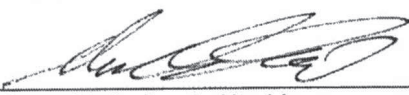
GRANTOR:

By:


Jeremy Katz, Manager
One Mechanic Street, LLC

GRANTEE:

By:


Shaun Mulholland, City Manager
Duly Authorized



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Councilors

CC: Shaun Mulholland, City Manager

FROM: David Brooks, Planning & Development Director

RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application
One Mechanic Street, LLC – 1 Mechanic Street; M/L 91-264

DATE: March 26, 2021

INTRODUCTION:

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On February 26, 2021, One Mechanic Street, LLC applied for consideration under the program.

One Mechanic Street, LLC is the owner of property located at 1 Mechanic Street, Lebanon (Tax Map 91, Lot 264; the former NAPA auto parts building), which is situated in the Lebanon Downtown (LD) Zoning District. On November 23, 2020, the Planning Board granted Site Plan approval to convert the existing commercial structure into an 18-unit multi-family building. The anticipated improvements will include complete interior renovation and exterior rehabilitation as part of the conversion from commercial to residential use. Excerpts of project plans and elevation drawings from the pending building permit application are attached for review.

Under the terms of the 79-E program, the City Council must hold a public hearing on the application within 60 days from receipt of the application to determine whether the structure at issue is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Does the project involve a Qualifying Structure?

The existing building, located at 1 Mechanic Street, is situated within the Downtown Lebanon 79-E District as adopted by the City Council and, therefore, the property can be considered a Qualifying Structure.

Is the project a Substantial Rehabilitation?

Since receiving the application, the City Assessor has reviewed the property and verified the current pre-rehabilitation assessed valuation to be \$285,900. Under the terms of the 79-E program as adopted by the City, the project must cost at least 15% of the pre-rehabilitation assessed valuation (\$42,885) or \$75,000, whichever is less, in order to be considered substantial. The applicant has provided a cost estimate of \$1,675,000 for completing the entire renovation and rehabilitation project as proposed. The Building Inspector has reviewed the proposed project plans to verify that the estimated cost is reasonable based on the scope of the project and is comfortable that the project will far exceed 15% of the current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

Does the project generate one or more Public Benefits?

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

As noted in the application form and cover letter, the applicant has indicated that the project will address several of the stated public benefits, including enhancing economic vitality, promoting the preservation and reuse of existing building stock, promoting the development of municipal centers, and increasing residential housing in municipal centers. If the City Council agrees with the above statements, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

For how long may tax relief be granted?

Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. The City Council may also, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation.

The applicant has requested a minimum of seven (7) years of tax relief for the project, which appears to comply with program requirements and will result in the creation of new residential units in downtown Lebanon. In addition, the applicant has requested that the City Council consider granting up to four (4) additional years, for a total of 11 years, for the project that will include affordable housing.

RSA 79-E does not define the term “affordable” for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units that must be considered affordable in order to merit the tax relief. The applicant has referenced the definition of “affordable” from RSA 674:58 (the Workforce Housing statute), which, for that statute, states that “‘affordable’ means housing with combined rental and utility costs ... that do not exceed 30 percent of a household's gross annual income.” The applicant has further indicated that at least one-third (1/3) of the new residential units will be rented at prices that are affordable to a one-person household earning 100% of the Area Median Income (AMI) for Grafton County as determined by HUD and reported by New Hampshire Housing Finance Authority. For context, 100% of AMI for a one-person household in Grafton County is approximately \$64,800, which translates to a monthly rental rate of up to \$1,620 for rent and utility costs.

Since the City Council is essentially deciding whether to forego potential property tax revenue by granting limited tax relief through the 79-E program, the Planning staff recommends that the City Council carefully balance the benefit of enabling projects that might not otherwise “pencil out” and

the public benefits to be derived from such projects versus the property tax revenue foregone through the tax relief.

The 79-E statute, and the program as adopted by the City, already requires the City Council to determine that one or more of the enumerated public benefits is generated by a project in order to grant up to five (5) years of tax relief. And whereas an increase of residential housing in our downtowns is a goal expressed in the 2012 Master Plan as well as the recent visioning efforts conducted for both Downtown Lebanon and West Lebanon Village, granting two (2) more years for projects that result in new downtown housing seems to address stated community goals. However, staff suggests that granting up to four (4) additional years of tax relief for affordable housing should perhaps include requirements for a minimum number or percentage of units as well as specific levels of affordability to address community needs in exchange for the additional tax relief.

For purposes of determining whether to grant additional years of tax relief for projects that will include affordable housing, Planning staff recommends that the City utilize the definition of “workforce housing” instead of the term “affordable” from RSA 674:58. In that statute, the State defines workforce housing for rental units to mean “rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household”. While “affordable” connotes a relative and variable threshold as determined by an individual household’s gross annual income, “workforce housing” provides a rental threshold that is specifically tied to the region’s Area Median Incomes (AMI) and the community’s need for truly affordable housing. New Hampshire Housing Finance Authority annually publishes “Workforce Housing Purchase and Rent Limits”, which provides information about the estimated maximum affordable amounts for purchase and rent in each of the State’s Metropolitan or County (Non-Metro) Fair Market Rent Areas and which incorporates the 60% of AMI threshold for rental units (see attached).

In exchange for granting the additional four (4) years of tax relief for projects that include “workforce” housing, Planning staff recommends that the City Council require developers to provide either: a) at least 40% of residential units at rates affordable to households with an income of no more than 60% of AMI or, b) at least 20% of units at rates affordable to households with an income of no more than 50% of AMI. These thresholds are the same as those associated with the Low Income Housing Tax Credit (LIHTC) program administered through the New Hampshire Housing Finance Authority and provide clearly definable requirements for the number of units and level of affordability necessary to merit the additional tax relief.

However, staff understands that a significant purpose of the 79-E program is to enable and incentive rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the Council should have the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community against the potential tax revenue foregone.

RECOMMENDATION:

Staff recommends that the City Council schedule and hold a public hearing on the application in order to receive public input on the request prior to making a final determination. Following the public hearing, the City Council will make a determination as to whether the applicant’s Project and Property comply with the requirements of the 79-E Program as set forth above, and if so, whether to grant the requested tax relief and for how long. Following is a sample Resolution for the Council’s consideration in advance of the public hearing.

One Mechanic Street, LLC
PO Box 1325
Lebanon, NH 03766

Lebanon City Council, and
City of Lebanon Planning & Development Department, and
Lebanon City Manager
City Hall
51 North Park Street
Lebanon, NH 03766

February 24, 2021

To whom it may concern:

Please find enclosed an Application for Community Revitalization Tax Relief Incentive Program (RSA 79-E) for 1 Mechanic Street in downtown Lebanon.

I am very proud of this project. One Mechanic Street was historically a brownfield site, polluted by gasoline from leaking underground storage tanks from the time that the property was a gas station more than sixty years ago. The building itself is dilapidated and unattractive, having been used most recently as a Napa auto parts store.

As part of our project, we have arranged for a remediation of the gasoline pollution in conjunction with the New Hampshire Department of Environmental Services. We will be making an architecturally attractive upgrade to the building that honors its original industrial look and conforms to the neighborhood aesthetic, while modernizing the structure and adding a substantial amount of windows and accents. On the western gateway to downtown Lebanon, I believe that this renovated building will be transformed from the neighborhood's least attractive structure to the most attractive one.

I am also extremely proud that this building is being designed to decrease the carbon footprint and be environmentally friendly. We will be removing two oil furnaces and a series of oil-fired blowers and replacing with electric heat pumps. By doing so, this building will no longer consume any fossil fuels on site. We are also pre-planning to be compatible with a future upgrade capability to solar energy.

The renovation will add 18 net new residential units to the immediate downtown Lebanon region. 17 of these units will be studio apartments and the 18th will be a 2-bedroom. These units are less than 100 feet away from the rail trail, the river, and an already existing Advanced Transit bus stop. They are walkable to downtown businesses, recreational facilities, and government services. In short, these units are exactly what the master plan was hoping for in terms of residential density increases in the core urban area through creative repurposing of existing land and structures.

The project meets all requirements of the 79-E program as follows:

Substantial Rehabilitation: The required investment of \$75,000 is exceeded by nearly 20 times.

Qualifying Structure: The structure is located in the identified 79-E downtown district.

Benefits Provided:

I: Enhancement of the economic vitality of the downtown

This project enhances the economic vitality of downtown by introducing 18 new units of year-round residential occupancy. It is reasonable to believe that these tenants will be patrons of local businesses, access local entertainment, and generally engage in economic activities that support the vibrancy of the City. Furthermore, the additional availability of housing will enhance the economic vitality of downtown employers who have repeatedly reported that the gating factor in their ability to hire new staff is the absence of local housing.

II: Promotion of the preservation and reuse of existing building stock

As stated above, the renovation project takes the existing shell of an old commercial building and substantially improves it, reusing the building stock that exists on site and preserves and accentuates the architectural features of that building stock in an aesthetically pleasing manner.

III: Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community.

The project prompted a greater sense of community by adding to downtown housing stock in a manner that is walkable, bike-able, and generally community building. By creating convenient downtown facilities that are close to public transportation and convenient by foot or bicycle the roadways are used more efficiently and traffic congestion is reduced. Reduction of traffic and decrease of fossil fuel consumption promotes the safety of the city and makes for cleaner air. As a result, the safety of the city is improved.

IV: Growth of residential housing in urban or town centers

The project provides an increase of 18 net new residential units in the urban center, delivering precisely what the statute desires.

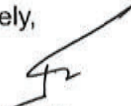
I respectfully request that the City provide the maximum possible benefit in terms of tax relief starting with the completion of the project, of either 7 or 11 years total. In addition to the base 5 years, I am requesting that an additional 2 years be added (making 7) because the renovation results in new residential units.

Additionally, I am requesting that the Council consider providing an additional 4 years of relief (to 11 years total) on the basis that the project will result in new affordable rental units. I have reviewed all data and the term "affordable" is not defined anywhere in the statute. The units will be market rent units, so they are not subsidized housing or low income housing. However, "affordability" is generally defined as the cost of housing being no more than 30% of the gross income of the renter. According to the New Hampshire Housing Finance Authority, the median income for a family of one in Grafton County in 2020 was \$64,820. The planned rental price for at least one third (and probably more) of the apartments will be less than 30% of the median family income of one, as reported by the NHHFA. On the basis that these units will be affordable to the median (regular income) renter, I would request that the Council consider extending the tax relief from 7 to 11 years.

I want to clarify one item on the application. There is a question on the second page that asks if an abatement application has been filed or awarded in the past year, for which the answer is no. However, I want to clarify that the assessing office corrected an error in the assessment through informal discussion based upon some incorrect property details. The informal adjustment to the correct state of the property resulted in the 2020 assessment being \$285,900.

Finally, thank you very much for your consideration of this project for the awarding of tax relief. The availability of tax relief is a major driver in feasibility for this project. Mascoma Bank has been very supportive of downtown revitalization efforts, and they have extended me credit in large part upon the tax relief benefits that this program will confer, and the anticipated award.

Sincerely,

A handwritten signature in black ink, appearing to be 'JK' or 'Jeremy Katz', written over a horizontal line.

Jeremy Katz
Manager
One Mechanic Street, LLC



**STUDIO
NEXUS**
ARCHITECTS + PLANNERS
PO Box 275, White River Junction, VT 05001
802.275.5110 | studionexusarch.com

1 MECHANIC STREET APARTMENTS

Issued For: SITE PLAN REVIEW



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Issue Date: January 29, 2021

Revisions		
No.	Description	Date

EXTERIOR VIEWS

Project No.: 1922

G-9
SHEET 9 OF 10

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APPLICATION FOR COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM (RSA 79-E)

Date application submitted: 2/26/21

Received by: D. Brooks

Note: Application must be accompanied by a \$50 application fee at the time of submission.

APPLICANT:	OWNER: (if different from applicant)
Name: One Mechanic Street, LLC	Name:
Mailing Address: PO Box 1325	Mailing Address:
City, State, Zip: Lebanon, NH 03766	City, State, Zip:
Phone / Fax: 603-653-8281 / 603-443-9888	Phone / Fax:
Email: katz95@gmail.com	Email:

PROPERTY / BUILDING INFORMATION:		
Building Name (if any): Former NAPA Building		Year Built: 1900
Building Address: 1 Mechanic Street		Gross Square Footage of Building: 10,185
Tax Map # 91	Lot # 264	Plot #
Grafton County Registry Book # 4446		Page # 736

Existing Property / Building Information: (Describe <i>current</i> use, size, number of units, number of employees, etc.) Mixed use commercial building. Top floor office space and warehouse. Street level auto parts store. Bottom level motorcycle/snowmobile repair shop and warehouse
Proposed Property / Building Information: (Describe <i>proposed</i> use, size, number of units, number of employees, etc.) 18 Unit Multifamily Residential Building consisting of 17 studio apartments and 1 two-bedroom apartment
Is there a change of use associated with this project? Yes ☒ No ☐ If yes, please describe Conversion from commercial to residential
Will the project include new residential units? Yes ☒ No ☐ If yes, please describe The project will add 18 new residential units to the Lebanon Downtown district at a location that is within 50 feet of the rail trail and an Advance Transit stop, and within easy walking distance to downtown businesses and recreational facilities.
Will the project include new subsidized residential units? Yes ☐ No ☒ If yes, please describe

Is the building eligible for listing or listed individually on the State or National Register of Historic Places or located within a State or National Register Historic District? Yes ☐ No ☒ If yes, provide a copy of the approved designation by the State or National Register of the building or the district.
Is the building located within and is it significant to a locally-designated historic district? Yes ☐ No ☒
Is the property located in an existing Tax Increment Finance (TIF) District? Yes ☒ No ☐
Has an abatement application been filed or has abatement been awarded on this property within the last year? Yes ☐ No ☒ <i>see NOTE</i>
Will any state or federal grants or funds or low income subsidies or tax credits be used in this project? Yes ☐ No ☒ If yes, what is the amount of the aid? \$_____ Describe and detail any terms of repayment, if applicable.

PROJECT INFORMATION: Describe the work to be done and the estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates. Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help describe and explain this application.	
Expected Project Start Date: <u>3/1/2021</u>	Expected Project Completion Date: <u>12/31/2021</u>
Structural: Per plan submitted to codes	\$ 85,000
Exterior Alterations: (storefront/façade, walls, windows, doors, etc.) Per plan	\$ 150,000
Interior Alterations: (walls, ceilings, moldings, doors, etc.) Brand new units within existing renovated structure	\$ 440,000
Electrical: All new electrical service	\$ 180,000
Plumbing/Heating: All new plumbing and heating	\$ 150,000
Mechanical: New heat pump system (1 per unit)	\$ 110,000
Fire Protection: New Sprinkler and addressable fire alarm system	\$ 40,000
Other: Environmental remediation of ground contamination and completion of certified asbestos abatement at interior of building, etc - water sewer expansion, impact fee contribution, etc	\$ 520,000
Total: NOTE: In completing this form, the applicant certifies that the estimated costs provided herein are reasonable and that such costs meet the above program requirements. Failure to meet the program requirements or the listing of unreasonable construction costs will result in denial of the application and forfeiture of the application fee.	\$ 1,675,000
To be considered for this tax relief incentive program, the total project cost must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less. In the case of historic structures, the project must devote at least 10% of the pre-rehabilitation assessed value or \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation.	
TO BE COMPLETED BY CITY ASSESSING DEPARTMENT:	
Pre-Rehabilitation Assessed Valuation as of date of application submission: \$_____	
Are the cost threshold requirements satisfied by the project as proposed? Yes___ / No___	

PROPOSED PUBLIC BENEFIT (RSA 79-E:7)

In order to qualify for property assessment tax relief under this program, the proposed substantial rehabilitation must provide at least one of the public benefits listed below. Any proposed *replacement* of a qualifying structure must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same qualifying structure.

Does the Project provide the following public benefits? (Check all that apply)

Enhances the economic vitality of the designated areas.

If yes, please describe.

The project will provide safe, new, energy efficient downtown residential capacity for 18 new units. The units are situated close to downtown amenities including businesses and entertainment and it is reasonable to believe that the occupants of the property will be patrons of local businesses and contribute to the local economy.

Additionally, a major constraint on employment growth and economic vitality in the region is the availability of housing.

Yes ☒
No ☐

Enhances and improves a culturally or historically important structure.

If yes, please describe.

The original building is more than a century old and we will be preserving the shell and enhancing it so that it will be transformed from a dilapidated yesteryear structure into one of the most attractive and architecturally interesting buildings on a primary gateway entrance to the City's downtown area.

Yes ☒
No ☐

Promotes preservation and reuse of existing building stock by rehabilitation of historic structures in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

If yes, please describe.

The structure is not a registered historic site.

Yes ☐
No ☒

Promotes development in the designated areas, providing for efficiency, safety, and a greater sense of community, consistent with RSA Chapter 9-B.

If yes, please describe.

The development supports smart growth initiatives, specifically enhancing vibrant commercial activity, a strong sense of community in the downtown area, supports ample alternative transportation (pedestrian, bicycle and public transportation options), and decreases road congestion by promoting pedestrian traffic. Additionally, the substantial investment in environmental remediation decreases water pollution in an important ecological area near the Mascoma River. Furthermore, the project supports decreased air and water pollution because it does not burn any fossil fuels on site.

Yes ☒
No ☐

Increases residential housing in the designated areas.

If yes, please describe.

The development will add 18 residential units in the designated Lebanon Downtown district.

Yes ☒
No ☐

HISTORICAL REQUIREMENT FOR REPLACEMENT OF QUALIFYING STRUCTURES

In the case of replacement of qualifying structure(s), the applicant shall submit a New Hampshire Division of Historical Resources Individual Inventory Form prepared by a qualified architectural historian and a letter issued by the Lebanon Heritage Commission that identifies any and all historical, cultural, and architectural value of the structure(s) that are proposed to be replaced and the property on which those structure(s) are located.

Note: An application for replacement of a qualifying structure shall not be considered complete, and no public hearing shall be scheduled, until the Individual Inventory Form and the Heritage Commission letter, as well as any other required information, have been submitted.

IMPORTANT

Per RSA 79-E:13, II, the Base or "Original" Assessed Value for any tax relief period is only set after the following two conditions are met:

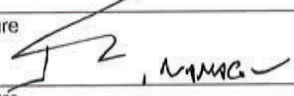
1. Approval of the tax relief by the City Council following a public hearing.
2. The applicant's entering into a Covenant with the City of Lebanon to protect the public benefit(s).

Therefore, the applicant and/or property owner shall not commence any of the improvements included in this application until such time as he or she has satisfied the above requirements. This prohibition shall include any demolition to the existing structure.

AFFIDAVIT

I/We have read and understand the Community Revitalization Tax Relief Incentive (RSA 79-E) and am/are aware that this will be a public process, including a public hearing to be held to discuss the merits of this application and the subsequent need to enter into a covenant with the City and pay any reasonable expenses associated with the drafting of the covenant. I/We understand the application will not be determined as complete or recommended to the City Council for consideration until all of the necessary information is provided.

The undersigned hereby acknowledge understanding of the above statement and certify that the information provided herein are true and correct:

Signature 	Print Name JEREMY KATZ, Applicant	Date: 2/24/21
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:

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).***

Councilor Heistad MOVED to approve the April 7, 2021 (Non-Public Session) minutes.

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

Councilor Sykes abstained.

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

7. APPOINTMENTS:

- Rebecca Owens, Advance Transit Board of Directors (Citizen Representative)

Councilor Heistad put forth the NOMINATION of Rebecca Owens as a Citizen Representative to the Advance Transit Board of Directors. Three Year Term (4/21 – 4/24)

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).***

- Karen Liot Hill, Economic Development Commission (Vice Chairperson)

The Economic Development Commission (EDC) has recommended to the Council that Councilor Karen Liot Hill be appointed as the Vice Chairperson to the EDC.

Assistant Mayor Below put forth the APPOINTMENT of Karen Liot Hill to serve as Vice Chairperson to the Economic Development Commission.

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 APPOINTMENT was unanimously approved (9-0).***

8. PUBLIC HEARING ITEMS:

A. COMMUNITY REVITALIZATION TAX RELIEF APPLICATION – ONE

MECHANIC STREET, LLC A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Application (per NH RSA 79-E) by One Mechanic Street, LLC for property located at 1 Mechanic Street, Lebanon

Included in the agenda packet:

1. March 26, 2021 Memo from Planning & Development Director David Brooks, RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application – One Mechanic Street, LLC – 1 Mechanic Street; Tax Map 91, Lot 264 (pages 36-51, agenda packet)
2. March 29, 2021 Downtown Lebanon TIF Advisory Board DRAFT Minutes (pages 52-53, agenda packet).

Director of Planning & Zoning David Brooks noted there was lengthy discussion on this application and request at the Council's prior meeting on April 7, 2021. The owner/applicant of the building at One Mechanic Street, Lebanon, is applying for tax relief under the 95-E program, as they are converting the structure from a commercial use (formerly NAPA Auto) to an 18-unit multi-family building.

The Planning & Development Department received the application from One Mechanic Street, LLC on February 26, 2021. Under the terms of the 79-E program, the City Council must hold a public hearing within 60 days from receipt of the application to determine whether the structure is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Mr. Brooks stated the project can be considered as a qualifying structure, since it is located in the Downtown Lebanon 79-E District. It far exceeds the thresholds for a substantial rehabilitation and the applicant has suggested there are numerous public benefits which would be satisfied by this project including: the advancement of economic vitality in Downtown; promotion, preservation, and reuse of existing building stock; promotion of the municipal centers; and, increasing the residential housing in Lebanon's Downtown centers.

The question that came up at the last session was the duration of time for the tax relief. The applicant has requested a minimum of seven (7) years of tax relief for the project, but there was a discussion about extending the tax relief to eleven (11) years for affordable housing. Staff provided some recommended guidance relative to the number of units and the potential affordability thresholds that the Council might want to consider as it reviews whether to grant those last four (4) years of tax assessment relief understanding that the goal of the (79-E) program is to make projects happen that may not be otherwise viable. If the Council chooses, it can vary those standards as it sees fit.

For detailed information regarding the project, please see the memo by Director of Planning & Development David Brooks, along with the accompanying application and supporting documentation submitted by One Mechanic Street, LLC (pages 36-51, agenda packet).

Mr. Jeremy Katz (Ward 3 & Manager/Owner of One Mechanic Street, LLC): He spoke about his application and shared a screenshot (page 46, agenda packet) of the before picture and what the proposed project would look like when finished, giving a history of the building. He was originally looking at redeploing this as a commercial building but learned this would not be viable because of a projected round-a-bout project. The proposed plan now is for 18 residential units (17 studio and 1 two-bedroom apartments) that do not have fossil fuel burning systems on site. The property is less 150 ft. from the Greenway and an Advance Transit Station. It is walkable to Downtown and has the potential for residents to contribute to the local economy. He plans to spend in excess of \$1.6M on the building, which is all personal risk capital and bank financing. The project does have the benefit of enhancing the economic vitality of the Downtown; the promotion, preservation, and reuse of the existing building stock;

and the development of the municipal center by bringing these residential units into a core Downtown area which will increase residential housing within the municipal center. He asked the Council to consider a minimum of seven (7) years and spoke about what he would consider as affordable housing to the market. He is willing to reserve 20% of the units (4 of the 18 units) to be no more than 35% of the median single person income. If the Council does not grant the additional four (4) years as affordable housing, the seven (7) years will be fine and will not kill the project. He also addressed the letter from Attorney Barry Schuster, and felt the TIF District and the 79-E program are not at odds with each other because large amounts of private investment in the district also improves the district and property values.

The expected completion date for this project would be March 31, 2022, but Mr. Katz expects it to only take 6-8 months.

City Manager Shaun Mulholland explained the importance for the Council to address the letter dated April 19, 2021 from Chair Barry Schuster Re: RSA 79-E/TIF Advisory Board. Councilor Sykes noted that the TIF Advisory Board felt a need to reconcile the goals of the TIF Advisory Board vs. the goals that Mr. Katz's presents. (The letter can be found, in its entirety, on page 54, agenda packet.)

Councilor Wilkie was curious if the TIF Advisory Board discussed any criteria that was less than the maximum previously awarded. Councilor Sykes, speaking on behalf of the TIF Advisory Board, explained they were not comfortable saying what those criteria should be and were mindful that anything the Council does will become a precedent, which may have a big impact on the future ability of the TIF District to raise funds. They also felt the funds that become available through the TIF District would clearly help improve property owners' value in their properties.

The Council discussed the TIF Advisory Board's concern regarding the balance between the public vs. private funding assistance, with Councilor Whittlesey speaking about his reasons why granting tax relief through the 79-E program will ultimately serve the spirit of the TIF District.

Councilor Liot Hill spoke about the City's policy to revitalize the Downtown using the TIF District and the 79-E program, noting they are not working against each other. They can actually be complimentary.

Mr. Brooks said the overarching goal of both programs is the long term redevelopment and revitalization of our Downtowns, both Lebanon and West Lebanon. Each improvement made to a specific private property or for a public improvement has the potential to provide some appreciative benefit to surrounding properties. While there may be a short-term loss to the TIF District, it may be made up by appreciated values in the vicinity of a project.

Mayor McNamara felt there are at least some projects where substantial improvements to a property would not be made in the absence of a 79-E program. He would argue that the 79-E program can actually accelerate the funds going into the TIF program because the value of the property goes up more substantially than if it would if it were not improved. The more investments made in properties, the more investments are likely to be made in other properties and felt both programs are complimentary.

Mayor McNamara opened the Public Hearing.

The following people came forth to speak:

Matt Hall (Ward 3): He spoke about his support for the project and felt it was quite worthy.

Suzanne Prentiss (Ward 1): She spoke about her support for the project, noting the project is bringing in needed housing to the Downtown area, the projects economic plus for the City, and its contributions by being a clean energy building.

Mayor McNamara closed the Public Hearing.

Mayor McNamara noted the points the Council should consider below:

1. Initial application for a 5-year tax relief.
2. The Council is allowed up two (2) additional years for a project that results in new residential units.
3. The question of the remaining (4) years for affordable housing, recognizing there is no definition for affordable housing at this point in time.

The Council discussed the need to have a broader discussion on creating affordable housing criteria for the 79-E program; what the precedent would be when granting tax relief for projects that may not be affordable to those not making the median income for Grafton County.

Mr. Brooks stated that through the RSA 79-E program, tax relief can only be granted prior to a project's work being done. Tax relief cannot be requested for work that has started prior to the Council's granting of the tax relief.

Councilors all agreed moving ahead to grant the seven (7) year tax relief provision.

ACTION:

Councilor Liot Hill MOVED the following:

BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly-noticed public hearing, that:

WHEREAS, the City Council has determined that the application of One Mechanic Street, LLC (hereinafter the "Applicant") for property assessment tax relief under the City's 79-E Program is complete enough to commence consideration, and

WHEREAS, the City Council has determined that the Applicant's property, 1 Mechanic Street, Tax Map 91, Lot 264 (hereinafter the "Property"), is situated in the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

WHEREAS, the City Council has determined that the Applicant's project to complete interior renovation and exterior rehabilitation on the Property pursuant to plans and information provided in the application (hereinafter the "Project") exceeds the lesser of 15% of the current pre- rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and

WHEREAS, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City, including: 1. Enhancement of the economic vitality of Downtown Lebanon, and 2. Promotion of the preservation and reuse of existing building stock, and 3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and 4. Increasing residential housing in municipal centers.

NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant seven (7) years of property assessment tax relief for the Property to commence upon completion of Project, with the following conditions:

1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for fourteen (14) years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.

2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.

3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise extended by the City Council in writing. The Project, as approved, shall be completed on or before April 21, 2022, unless otherwise extended by the City Council in writing.

Seconded by Assistant Mayor Below.

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).*

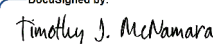
~~**B. ORDINANCE #2021-04 - TO AMEND CITY CODE CHAPTER 97, LANDFILL REGULATIONS -** A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations, to implement a permitting system for access and use of the Solid Waste Facility.~~

Included in the agenda packet:

1. Ordinance 2021-04 (pages 56-60, agenda packet)
2. March 30, 2021 Legal Opinion by Attorney C. Christine Fillmore, RE: Emergency Ordinance #2021-04 Landfill Regulations (page 61, agenda packet)



City of Lebanon
New Hampshire

COUNCIL POLICY COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM GUIDELINES			
<i>Policy Number</i>	<i>Effective Date</i>	<i>Last Revision</i>	<i>Page No.</i>
CC-105	08/04/2021		Page 1 of 4
<i>Approved by:</i>	City Council	DocuSigned by:  F08A405F81S04ED...	

Section 1.0: Purpose

This document details the guidelines City Council will be utilizing when considering applications for the Community Revitalization Tax Relief Incentive Program, commonly known as 79-E. The guidelines are intended to assist applicants as they develop their applications allowing them to take full advantage of the program and meet the City's community revitalization goals.

Section 2.0: Scope

The guidelines apply to applicants, City Staff in the Planning & Development Department, the City Manager's Office, the Downtown Tax Increment Financing District Advisory Board, and the City Council.

Section 3.0: Definitions

Workforce Housing – (as provided in New Hampshire RSA 674:58, IV) means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for Grafton County as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for Grafton County as published annually by the United States Department of Housing and Urban Development.

Section 4.0: Policy Detail

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. At that time, the City Council established a Downtown Lebanon 79-E District and a Downtown West Lebanon 79-E District.

Section 5.0: Procedures

Upon receipt of an application for tax relief under the City's 79-E program for a project that involves the *Substantial Rehabilitation of a Qualifying Structure*, as those terms are defined in RSA 79-E:2, the City Council shall hold a public hearing within 60 days.

5.1 The Council must determine if a project will generate one or more Public



City of Lebanon
New Hampshire

COUNCIL POLICY COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM GUIDELINES			
<i>Policy Number</i>	<i>Effective Date</i>	<i>Last Revision</i>	<i>Page No.</i>
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<i>Approved by:</i>	City Council		

Benefits.

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

5.2 The Council must determine the period of time for which tax relief will be granted.

1. Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. (RSA 79-E:5, I)
2. The City Council may, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. (RSA 79-E:5, II)
3. The City Council may, in its discretion, grant up to four (4) additional years of tax relief for the Substantial Rehabilitation of a Qualifying Structure that is listed on or determined eligible for listing on the National Register of Historic Places, State Register of Historic Places, or is located within and important to a locally designated historic district, provided that the Substantial Rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation. (RSA 79-E:5, III)

For any amount of tax relief approved, such tax relief begins upon the completion of the substantial rehabilitation of the structure(s).



City of Lebanon
New Hampshire

COUNCIL POLICY COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM GUIDELINES			
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RSA 79-E does not define the term “affordable” for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units within a development that must be considered affordable in order to merit the tax relief.

Therefore, the City has adopted the definition of “workforce housing” from RSA 674:58 to define affordability as it relates to the RSA 79-E program.

The City will consider granting additional years of tax relief for workforce housing on a sliding scale depending on the targeted level of affordability (based on Area Median Income figures as published by the US Department of Housing and Urban Development (HUD)) and the percentage of units in a development subject to such affordability requirements as follows:

		TARGETED AREA MEDIAN INCOME (AMI)				
		60% or less	60 - 70%	70 - 80%	80 - 90%	90 - 100%
<u>% OF UNITS</u> <u>IN PROJECT</u>	40% or more	4	3	3	2	1
	30-40%	4	3	2	1	1
	20-30%	3*	2	2	1	0
	10-20%	2*	1	1	1	0
	0-10%	1*	1	0	0	0

* Units targeted for 50% or less of AMI
qualify for 1 additional year of tax relief

However, the City understands that a significant purpose of the 79-E program is to enable and incentivize rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the City Council shall retain the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community of the completed project against the potential tax revenue foregone.

5.3 Tax Increment Financing (TIF) Districts

Applications for tax relief under this program for properties located within a Tax Increment Financing (TIF) District shall be reviewed by the applicable TIF Advisory



City of Lebanon
New Hampshire

COUNCIL POLICY

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM GUIDELINES

<i>Policy Number</i>	<i>Effective Date</i>	<i>Last Revision</i>	<i>Page No.</i>
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<i>Approved by:</i>	City Council		

Board. The Advisory Board shall provide recommendations to the City Council and the District Administrator regarding the impacts to the administration and operation of the District relative to the proposed tax relief requested.

Section 6.0: References (Charter/Code/State Statues)

1. NH RSA Chapter 79-E Community Revitalization Tax Relief Incentive
2. NH RSA 674:58 Definitions-Workforce Housing
3. City Code Chapter 31-43,2. Downtown TIF Advisory Board, Purposes; Authority and Duties

Section 7.0: Policy & Procedure Revision History

	Section	Revisions	Date
Original Adoption			08/04/2021
Amendment			
Amendment			
Amendment			

April 11, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS**
Wednesday, April 20, 2022 - 6:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on April 20, 2022, beginning at 6:00pm for the following:

- A. ORDINANCE #2021-14** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-14 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.
- 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. EXTENSION OF 79-E APPROVAL** - Public hearing for the purpose of receiving public input and taking action to extend tax relief under the provisions of the Community Tax Relief Incentive Program (NH RSA 79-E) to 1 Mechanic Street, LLC.
- D. ORDINANCE #2022-01** - Public hearing for the purpose of receiving public input and taking action to adopt proposed Ordinance #2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board

The April 20, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning April 15, 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 Saturday, April 9, 2022.

Kristin M. Kenniston, City Clerk

AGENDA

LEBANON CITY COUNCIL

APRIL 20, 2022

9. PUBLIC HEARING ITEMS:

9.D – ORDINANCE #2022-01 TO DELETE AND REPEAL CITY CODE CHAPTER 31, ARTICLE VI, LICENSING BOARD

A public hearing for the purpose of receiving public input and taking action to adopt proposed Ordinance 2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board.

The City Council scheduled this public hearing at their April 6, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on April 9, 2022 in accordance with City Code and State Law.

BACKGROUND

On April 18, 1990, in accordance with NH RSA 286:3, the City established a Licensing Board with the authority to issue licenses and permits in accordance with State Statute, namely:

- Licensing amusement places (RSA Chapter 286)
- Pawnbrokers (RSA 398:4)
- Permits for soliciting funds (RSA 31:91)
- Street fairs (RSA 31:100)
- Fireworks (RSA 160-B-7)
- Billiard tables (RSA 286:6)
- Raffles (RSA 287-A:7)
- Parades (RSA 286:2)

The Licensing Board is comprised of the Mayor, the Police Chief (or designee), and one member of the public.

In an effort to streamline permitting for use of City-owned property, administration is requesting that the Council consider repealing the requirement for a Licensing Board and delegating authority for permitting of those items to the City Manager.

It is the intent of administration to continue to create efficiencies in the permitting process. As such, a comprehensive overhaul of the City Code is to be presented in the near future which will result in the repeal of many existing chapters and the repeal and replacement of current Chapter 49, Use of City Property. When Chapter 49 is brought forward, it is the intent of administration to include the delegation of permitting authority to the City Manager as part of the chapter.

ACTION

The following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board.

Included in this Section:

1. Proposed Ordinance 2022-01
2. City Code Chapter 31, Article VI, Licensing Board
3. Notice of Public Hearing as published in the April 9, 2022 edition of the *Valley News*

CITY OF LEBANON
ORDINANCE #2022-01

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 31, Boards, Committees, and Commissions by deleting and repealing Article VI, Licensing Board.

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 City Code Chapter 31, Boards, Committees, and Commissions, Article VI, Licensing Board.

Section 2. 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 jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date

This ordinance shall become effective upon passage.

CODE OF THE CITY OF LEBANON
CHAPTER 31 – BOARDS, COMMITTEES, AND COMMISSIONS

Article VI
Licensing Board

[Adopted 4-18-1990 by Ord. No. 45; effective 4-26-1990]

§ 31-23 Declaration of purpose.

This article establishes a Licensing Board pursuant to RSA 286:3 to grant licenses under RSA Chapter 286 and to grant licenses and permits required to be issued by the city by state statutes described in § 31-29.

§ 31-24 Membership.

The Licensing Board shall consist of the Chief of Police or such person as he/she may designate from the Police Department; the Mayor; and one other person who shall be appointed by the City Council.

§ 31-25 Terms; alternate member.

The elected Mayor shall serve as a member of the Board so long as that person is serving as Mayor. The person appointed by the City Council shall serve for a term of three years. The City Council may also appoint an alternate member for a term of three years who shall serve whenever the Mayor or the person appointed by the City Council is absent.

§ 31-26 Meetings.

The Board shall meet at such times as may be necessary to review applications for licenses and permits. Notices of the meeting shall be given as required by RSA Chapter 91-A.

§ 31-27 Organization.

The Board, annually, shall organize and elect a Chair and a Clerk.

§ 31-28 Quorum.

A majority of the Board shall constitute the quorum necessary in order to transact business at any meeting.

§ 31-29 Authority to issue certain licenses and permits under state statutes.

A. The Licensing Board shall have the authority to issue licenses and permits as required by the following statutes:

- (1) Licensing amusement places, RSA Chapter 286.
- (2) Pawnbrokers, RSA 398:4 et seq.
- (3) Permits for soliciting funds, RSA 31:91.
- (4) Street fairs, RSA 31:100.
- (5) Fireworks, RSA 160-B-7. **[Amended 9-20-2000 by Ord. No. 70]**
- (6) Billiard tables, RSA 286:6.
- (7) Raffles, RSA 287-A:7.

B. When the Board exercises authority pursuant to any statute, the Board shall comply with all statutory requirements for that particular license or permit.

§ 31-30 Applications, licenses and permits.
[Amended 9-20-2000 by Ord. No. 70]

Application shall be made to the Licensing Board for any permit or license required hereunder upon such form as the Board shall designate. Application shall be obtained from and filed with the City Manager. All licenses or permits shall be signed by at least two members of the Licensing Board.

§ 31-31 Revocation or denial of licenses and permits.

The Licensing Board may revoke or suspend any permit or license for any violation of any term or condition of issuance. The Board may deny an application for a license or permit. In all cases, the Board shall notify the applicant, licensee or permittee in writing of the denial, revocation or suspension and the reason for such action. The applicant, permittee or licensee shall have the right to a public hearing before the Board as to such revocation or suspension. Such public hearing shall be requested within seven days of receipt of the notification. The licensee or permittee shall have seven days to appeal the decision of the Licensing Board to the City Manager who shall hear and decide such appeal within 20 days from the date of appeal.

April 11, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS**
Wednesday, April 20, 2022 - 6:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

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- A. ORDINANCE #2021-14** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2021-14 to amend City Code Chapter 180, Wards, to redefine ward lines to comply with a constitutional requirement to equalize populations amongst wards.
- 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. EXTENSION OF 79-E APPROVAL** - Public hearing for the purpose of receiving public input and taking action to extend tax relief under the provisions of the Community Tax Relief Incentive Program (NH RSA 79-E) to 1 Mechanic Street, LLC.
- D. ORDINANCE #2022-01** - Public hearing for the purpose of receiving public input and taking action to adopt proposed Ordinance #2022-01 to delete and repeal City Code Chapter 31, Article VI, Licensing Board

The April 20, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning April 15, 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 Saturday, April 9, 2022.

Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

11. NEW BUSINESS:

**11.A – DELEGATION OF PERMITTING AUTHORITY TO THE CITY MANAGER
FOR ALL PERMITS PREVIOUSLY GRANTED BY THE LICENSING BOARD**

BACKGROUND

Action to repeal the requirement for a Licensing Board was taken by the Council through the adoption of Ordinance 2022-01. The Council is now asked to delegate permitting authority to the City Manager for all permits previously granted by the Licensing Board.

As previously stated, a comprehensive overhaul of the City Code is to be presented in the near future which will result in the repeal of many existing chapters and the repeal and replacement of current Chapter 49, Use of City Property. When Chapter 49 is brought forward, it is the intent of administration to include the delegation of permitting authority to the City Manager as part of the chapter.

ACTION

The following resolution is offered for consideration:

FOR THE PURPOSE OF authorizing the City Manager to issue all permits previously under the authority of the Licensing Board.

WHEREAS, Article VI of Chapter 31 has been rescinded by action of the City Council, dissolving the Licensing Board.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that with the dissolution of the Licensing Board effective April 20, 2022, the City Manager is authorized to issue, administer, suspend, and revoke all licenses and permits previously under the authority of the Licensing Board to include:

- Licensing amusement places (RSA Chapter 286)***
- Pawnbrokers (RSA 398:4)***
- Permits for soliciting funds (RSA 31:91)***
- Street fairs (RSA 31:100)***
- Fireworks (RSA 160-B-7)***
- Billiard tables (RSA 286:6)***
- Raffles (RSA 287-A:7)***
- Parades (RSA 286:2)***

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Manager's decision regarding licenses and permits may be appealed to the City Council through a written request received within seven (7) days after written notice of such decision is issued. A hearing before the Council on the appeal will be held within 30 days after such appeal is filed with the Council.

NOW THEREFORE BE IT FURTHER RESOLVED, that such authority is effective immediately and shall remain in effect until specifically rescinded by action of the City Council.

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

11. NEW BUSINESS:

**11.B – AUTHORIZATION FOR CITY MANAGER TO NEGOTIATE AND ENTER INTO
A LEASE AGREEMENT WITH 30 AIRPORT RD, LLC
FOR USE OF SPACE FOR CYBER SERVICES OFFICES**

BACKGROUND

As of June 1st, 2022, the Lebanon Opera House will be occupying/renovating the current office space of the Cyber Services Department. City Administration has been searching for adequate space and has reached a 3-year agreement with 30 Airport Road, LLC for 1800 square feet of office space. This agreement has the option for 2 additional 3-year terms should it be necessary. The space includes 2 offices and open floor at a cost of \$17.85/SF for the first year. This location will provide adequate space for staff, easy access, and the necessary connectivity infrastructure.

Authorization from the Council is required for the City Manager to execute a lease agreement with 30 Airport Road, LLC.

ACTION

The following motion is offered for Council consideration:

MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into and execute a lease agreement in the amount of \$32,130 with 30 Airport Road, LLC for the first year of a three-year lease of office space at 30 Airport Road, West Lebanon, to house the Cyber Services Department.

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

11. NEW BUSINESS:

**11.C – AUTHORIZATION FOR CITY MANAGER TO EXECUTE A LEASE
AGREEMENT WITH LEBANON OPERA HOUSE FOR ADDITIONAL SPACE
WITHIN CITY HALL**

BACKGROUND

The office for the Cyber Services Division of the City is currently located on the main lobby level of City Hall (front entrance). The Opera House is requesting to occupy this portion of the building for additional office and concession space. If this additional area is leased to the Opera House, it will provide them with an expanded and consolidated operational space. Administration has been working with the Opera House on their plans to improve the lobby to better accommodate the public during opera house events and is in agreement that the additional space would be of great benefit to their operation.

The additional space consists of approximately 600 square feet and the initial term of the lease would be for 35 years, expiring in 2057. Under the terms of the new lease, there would continue to be no rent charged to the Opera House and the City would continue to receive 10 percent (10%) of their “gross” concession sales (total amount in dollars of the actual sales price for all concession sales). They will continue to be required to pay for their electric and communication needs and must maintain insurance for their space at all times. There is also a provision in the terms whereby the Opera House agrees to comply with City Code Chapter 185, “Welcoming Lebanon.”

One change to the terms of the lease is the inclusion of the sale/consumption of alcoholic beverages. The Opera House intends to sell alcoholic beverages as part of their concession services. It is understood by both parties that this service will be reviewed annually by the Council as outlined in Chapter 14 of the City Code and that the Opera House will be fully required to abide by the laws of the City as well as the State of New Hampshire.

ACTION

Should the Council agree to this new lease with the Lebanon Opera House, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into and execute a lease agreement with the Lebanon Opera House Improvement Corporation for leased premises within City Hall as shown on “Exhibit A – Plan of Leased Premises – 2022 Lease Agreement with Lebanon Opera House Improvement Corporation,” and included in the April 20, 2022 City Council Agenda Packet.

Included in this Section:

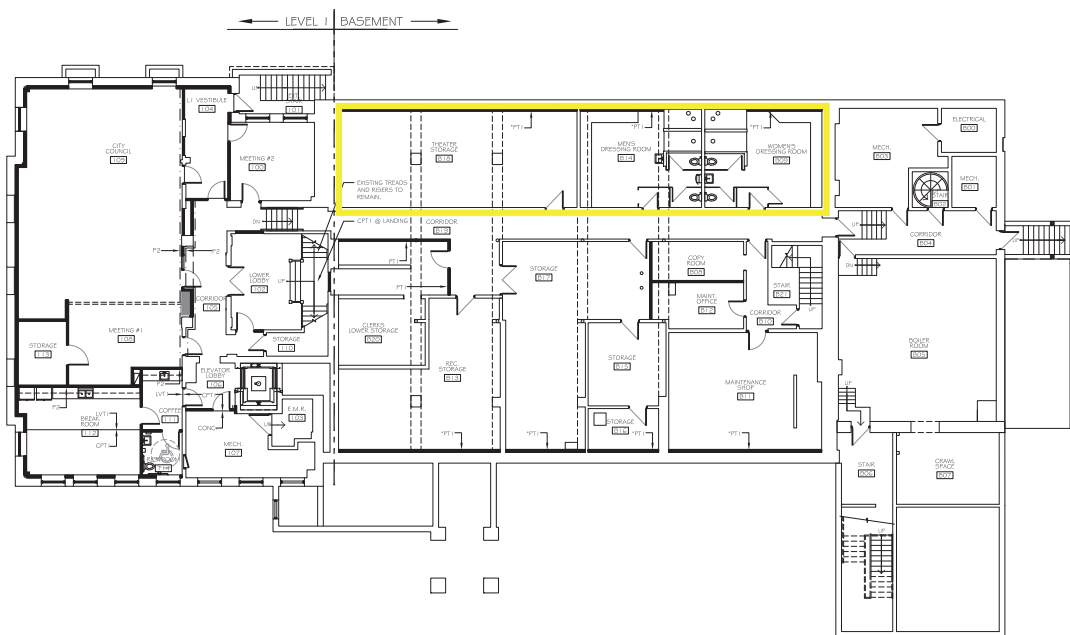
1. Exhibit A – Plan of Leased Premises – 2022 Lease Agreement with Lebanon Opera House Improvement Corporation.

INTERIOR FINISH SCHEDULE						
NO.	ROOM NAME	FLOOR	BASE	WALLS	W/NO/COT	REMARKS
101	MEETING	CHFF1	NBI	PT1	NBI	
102	OFF. PLANK	CHFF1	CHFF	CHFF	CHFF	
103	CANTER OFFICE	CHFF1	NBI	PT1	NBI	
104	CH. PLANK	CHFF1	CHFF	CHFF	CHFF	
105	CL. VESTIBILE	CHFF2	NBI	PT1	NBI	
106	CORRIDOR	CHFF1	NBI	PT1/PT2	NBI	
107	ELEVATOR LOBBY	CHFF1	CHFF	CHFF	CHFF	
108	MICROKIN	CHFF1	CHFF	CHFF	CHFF	SEE NOTE #1
109	MEETING	CHFF1	NBI	PT1	NBI	
110	OFF. CUBICLE	CHFF1	CHFF	CHFF	PT1/PT2	
111	STORAGE	CHFF1	CHFF	CHFF	NBI	
112	CORRIDOR	CHFF1	NBI	PT1	NBI	
113	DRINK ROOM	CHFF1/CHFF2	NBI	PT1/PT2	NBI	
114	STORAGE	CHFF1	NBI	PT1	NBI	
115	RESTROOM	CHFF1	CHFF	CHFF	CHFF	

EXHIBIT A

PLAN OF LEASED PREMISES

**2022 LEASE AGREEMENT WITH
LEBANON OPERA HOUSE
IMPROVEMENT CORPORATION**



2	A2 600
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FINISH SELECTION:

PANEL COLORS:
P1: DENIM/MOORE AT-620, COLOR "WIFI"
P2: DENIM/MOORE AC-18, COLOR "SHAKY"
P3: DENIM/MOORE HC-167, COLOR "WAMPST GRAY"

CARPET/CASE FILE:
C1: 271 - 24" x 36" ASHUMED COLOR STRAND 50 NYLON, ZEPHYRUS, COLORING PHS-4638314, COLOR TEST SET - INSTA IN TUFFED PATTERN.

CASE: MOHAWK GROUP TUFF STUFF COLLECTION, TRUFF STUFF 1, 355 COLOR "COCOA"

UPLIGHTS:
U1: 18020007 729X16, COLOR "UNSAT PINKISH, AND 18020008 729X16, COLOR "UNSAT HONEY"

WOOD:
W1: RIFT-CUT OAK, FINISH TO MATCH DOORS.

MARBLE/MOSAIC:
M1: POLISHED MARBLE/SLATE 2621, COLOR "DOVE GRAY"

SOLID SURFACES:
S1: 18020007 729X16, COLOR "SILVER GRAY TRUFFSTUFF"

WALL BASE:
WB1: 18020007 729X16, COLOR "CHALKY WASH"

RESILIENT TILE:
L1: 18" x 36" MOHAWK GROUP HPS AND HEAVY METAL, COLOR "CHALKY WASH"

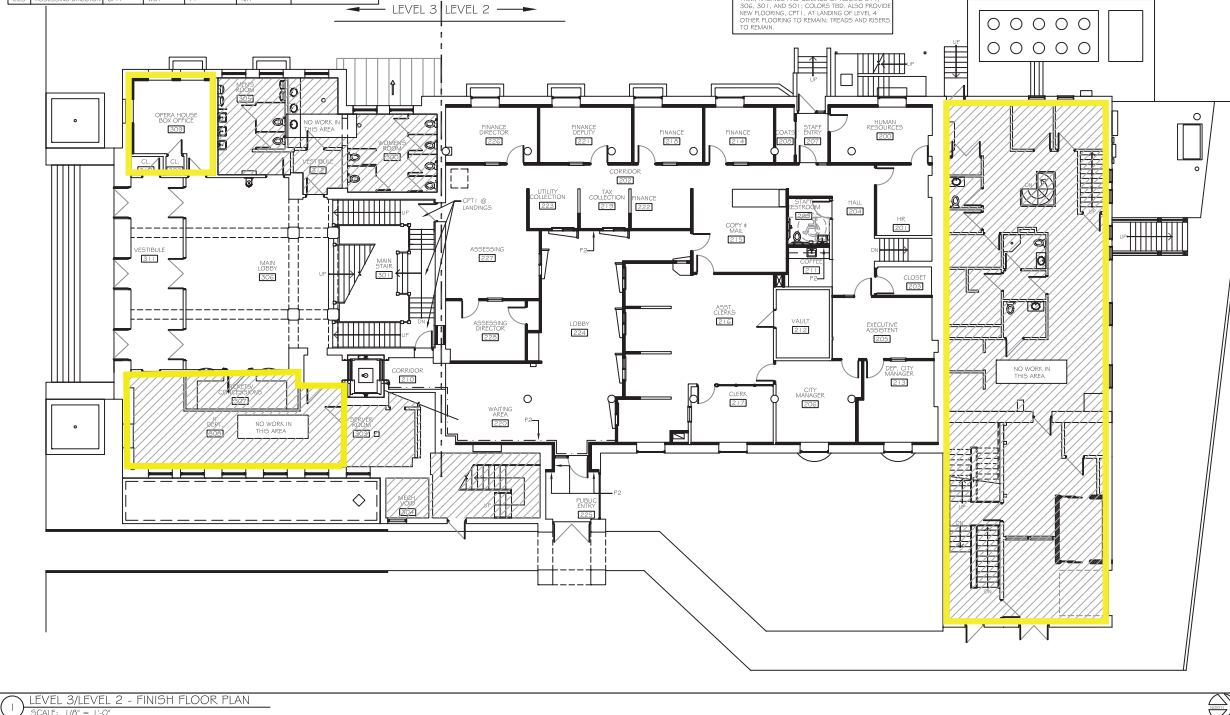
INTERIOR FINISH SCHEDULE					
NO.	ROOM NAME	FLOOR	BASE	WAINSCOT	REMARKS
300	BOILER'S ROOM	1/F	1/F	NA	---
301	MAIN STAIR	1/F	1/F	1/F	---
303	CLOSET	2/F	NA	1/F	---
303	STORAGE ROOM	2/F	1/F	1/F	---
304	MEDIA VOID	2/F	1/F	1/F	---
305	MEN'S ROOM	2/F	1/F	1/F	---
305	WOMEN TOILET	2/F	1/F	1/F	---
307	TOILET/STORAGE/STAIRS	2/F	1/F	1/F	---
307	IT DEPT	2/F	1/F	1/F	---
309	OFFICE/MEETING ROOM OFFICE	2/F	NA	1/F	---
310	CLOSET	2/F	1/F	1/F	---
311	RESTROOM	2/F	1/F	1/F	---

GENERAL NOTES:

1. ALL EXPOSED ROOF CEILING WILL BE COLOR WHITE, UNLESS NOTED OTHERWISE.
2. ALL NEW DOOR AND WINDOW FRAMED WILL BE PAINTED WHITE, UNLESS NOTED OTHERWISE.
3. ALL NEW WALKWAYS FINISH TO MATCH NEW DOORS PER PROJECT SPECIFICATIONS, UNLESS NOTED OTHERWISE.
4. ALL WALLS WILL BE PAINTED P1 "WASH" UNLESS NOTED OTHERWISE.
5. ALL EXISTING DOOR AND TRIM PART TO BE RETAINED AND CLEANED.
6. TRANSITION STRIPS BETWEEN EXISTING/NEW FLOORING MATERIALS, IE VCT / CARPET, VCT / CERAMIC TILE, ETC.
7. ALL EXPOSED CONCRETE TO REMAIN AS IS.
8. ALL MATERIALS LISTED ARE BASIS-OF-DESIGN, REFERENCE TO SPECIFICATIONS.
9. PROVIDE GFI, BDC, ALC, AND SMOKE AS REQ.
10. ALL WORKING TO BE COMPLETED BY ARCHITECT & OWNER.
11. ALL NEW WALL, PLASTER IS JOHNSONITE 20 CHARCOAL, W/ 4 CHAIRS.
12. ALL COUNTERS WITH SINKS WILL BE SUE SOURCE STAINLESS STEEL.
13. COUNTERTOPS WILL BE FOREKO MARBLE/SLAB "DOVE GREY" WITH WOOD EDGE.
14. ALL MATERIALS TO BE FURNISHED "ASMAN REQD."

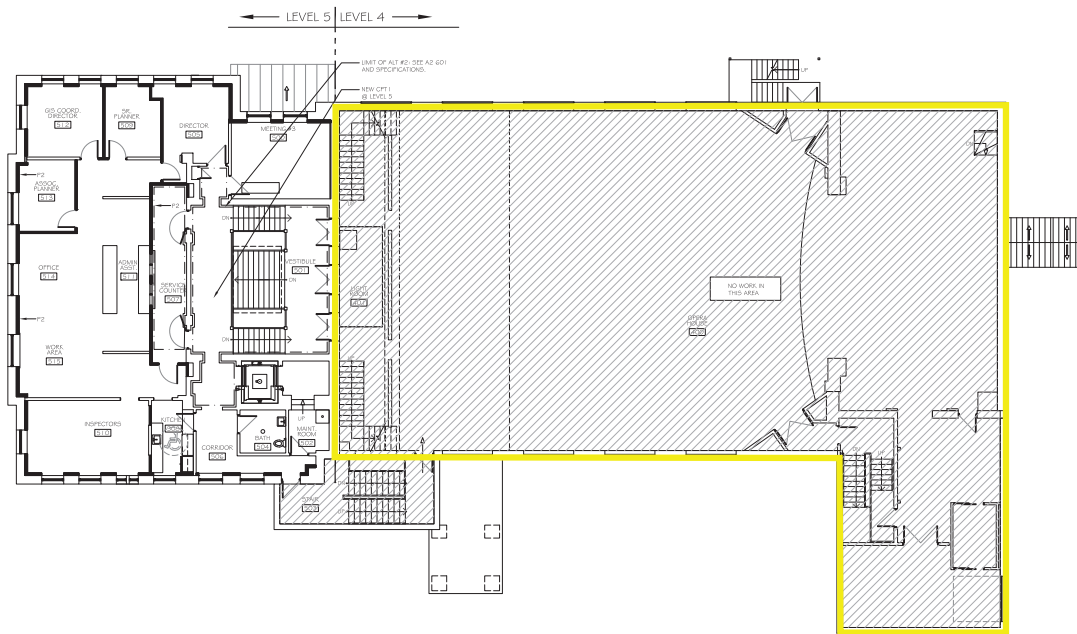
FINISH SELECTION:

- PINK COLORS**
- F1: BELJAMIUM MOORE AT-G60, COLOR "WISIT".
- F2: BELJAMIUM MOORE AC-18, COLOR "SMOKEY MOUNTAIN".
- F3: BELJAMIUM MOORE PC-167, COLOR "AMHERST GRAY".
- CARPET CARPET TILE**
- CF1: 1" x 3" x 3/4" TUFTED CARPET STRAND 50 W/10% RIVEGADE HEADINGST B354G3534, COLOR "TWINA STRAND". INSTALL IN AHSJAL PARTIAL.
- CF2: MOHAWK GROUP TUFT TUFF STIFF COLLECTION FIRST STEP 8, 955 COLOR "CORALL".
- LAMINATE**
- LAM1: WILSONART T79M6-1, 0, UNLAYERED FINISH, ADD SCRATCH RESISTANCE, COLOR "ASIAN NEIGH".
- WOOD:**
- W1: RFT-CUT OAK, FINISH TO MATCH DOORS.
- MARBLE/STONE**
- M1: MIXED MARBLE/STONE REAL 2621, COLOR "DOME GREY".
- SOLID SURFACING:**
- S1: WILSONART J194MT40, COLOR "SITEL GREY TITEL".
- WALL BASE**
- WB1: JPHINSON20, COLOR "CHARCIAL, WG."



INTERIOR FINISH SCHEDULE						
NO.	ROOM NAME	FLOOR	BASE	WALLS	WAINSCOT	REMARKS
400	OFFICE HOUSE	ETK	ETK	ETK	ETK	...

INTERIOR FINISH SCHEDULE						
ROOM NAME						
100	MEETING	OFF1	WB1	P1	ETK	...
101	RECEIVABLE	ETK	ETK	P1	ETK	...
102	WAITING ROOM	ETK	ETK	ETK	NA	...
103	STAR	ETK	ETK	ETK	NA	...
104	STAR	ETK	ETK	ETK	NA	...
105	DIRECTOR	OFF1	WB1	P1	ETK	...
106	CORRIDOR	OFF1	ETK	P1	ETK	...
107	SERVICE COUNTER	OFF1	WB1/W2	P1	NA	SEE A001 FOR MILLWORK
108	KITCHEN	OFF1	WB1	P2	ETK	...
109	2ND KITCHEN	OFF1	WB1	P2	ETK	...
110	INSPECTORS	OFF1	WB1	P1	ETK	...
111	ROOM 4001	OFF1	WB1	P1	ETK	...
112	GIS COORD. DIRECTOR	OFF1	WB1	P1	ETK	...
113	ROOM PLANNING	OFF1	WB1	P1	ETK	...
114	OFFICE	OFF1	WB1	P1	ETK	...
115	WORK AREA	OFF1	WB1	P1	ETK	...



1 LEVEL 5/LEVEL 4 - FINISH FLOOR PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

- ALL EXISTING NEWSPAPER COLUMNS WILL BE COLOR WHITE, UNLESS NOTED OTHERWISE.
- ALL NEW DOOR AND WINDOW FRAMES WILL BE PAINTED P3: "HARVEST GRAY".
- ALL NEW MILLWORK FINISH TO MATCH NEW DOORS FOR REFERENCE. CONTRACTOR TO COORDINATE.
- ALL WALLS WILL BE PAINTED P1: "WHITE", UNLESS NOTED OTHERWISE.
- ALL EXISTING DOOR AND TRIM PAINT TO BE RETAINED AND CLEANED.
- PROVIDE TRANSITION STRIPS BETWEEN DISSIMILAR FLOORING MATERIALS, IN VCT / CARPET, VCT / CERAMIC TILE, ETC.
- ALL EXPOSED CONCRETE TO REMAIN AS IS.
- FINISH PRODUCTS LISTED ARE BASIS-OF-DESIGN. REFER TO SPECIFICATIONS.
- PROVIDE DFT 300 ACU, TRIM PRESS AS REQ.
- FINAL SELECTIONS TO BE DETERMINED BY ARCHITECT & OWNER.
- ALL VINYL WALL BASE IS JOHNSONITE 20 CHARCOAL W6.
- ALL COUNTERTOPS WITH SINKS WILL BE SOLID SURFACE WILSONART "STEEL GREY TRAVERT".
- COUNTERTOPS WILL BE FORDS MARMOLEUM "DOVE GREY" WITH WOOD EDGE.
- ALL NEW CABSINETS WILL BE WILSONART "ASIAN NIGHT".

FINISH SELECTION:

PAINT: COLOR:
P1: BENJAMIN MOORE AF-600, COLOR: "WHITE".
P2: BENJAMIN MOORE AC-18, COLOR: "SANDY MOONLIGHT".
P3: BENJAMIN MOORE HC-167, COLOR: "HARVEST GRAY".

CARPET: CARPET TILE:
OPT1: 36" x 36" TYPED COLOR STRAND 30 PLYON, RENESADE HEADSTRONG BT34-402834, COLOR: "TRILL SEEDS", INSTALL IN SQUARE PATTERN.
OPT2: MOHAWK GROUP TUFF STUFF II COLLECTION, FIRST STEP 1, 305 COLOR: "CORAL".

LAMINATE:
WB1: WILSONART 75496, 1A, LINENITY FINISH, ACQUA SMOOTHER RESISTANCE, COLOR: "ASIAN NIGHT".

WOOD:
W1: RPT-CUT OAK, FINISH TO MATCH DOORS.

MARMOLEUM:
M1: FORDS MARMOLEUM FEA, 2621, COLOR: "DOVE GREY".

SOLID SURFACING:
SS1: WILSONART 31-BATM20, COLOR: "STEEL GREY TRAVERT".

WALL BASE:
WB1: JOHNSONITE 20, COLOR: "CHARCOAL W6".

RESILIENT TILE:
LTY1: 12" x 12" MOHAWK GROUP "HOT AND HEAVY METAL COOPER 25B, COLOR: "VIVA GOLD".

PHONE: 603.228.0880
FAX: 603.228.0881
WWW.SMP-ARCH.COM

SMP ARCHITECTURE

CITY OF LEBANON NEW HAMPSHIRE
CITY HALL RENOVATION-PHASE 2
51 NORTH PARK ST, LEBANON NH 03786

FINISH FLOOR PLAN AND SCHEDULE

PROJECT #: 1910
DATE: November 8, 2019
ISSUED: B&B Construction
DRAWN BY: RD
CHECKED BY: JL
DATE: _____

2 A2 602



**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

11. NEW BUSINESS:

**11.D – REQUEST FROM LEBANON OPERA HOUSE FOR EXEMPTION OF
CITY CODE CHAPTER 14, ALCOHOLIC BEVERAGES, TO PERMIT THE SERVING
OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

BACKGROUND

Lebanon Opera House is requesting an exemption for the serving of alcoholic beverages on City-owned property to include the alley between City Hall and the neighboring building located at 55 North Park Street, the back parking lot behind City Hall, the sidewalk in front of City Hall and all other areas immediately surrounding the building. Please see attached letter and map from Lebanon Opera House Operations Manager, Brian Cook.

City Administration has no objection to the above.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.” Due to the nature of the business and the desire to continue to serve alcohol on City-owned property, Council approval is required pursuant to §14-5 above.

ACTION

If the Council decides to grant the exemption to Lebanon Opera House, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Lebanon Opera House to serve alcoholic beverages in the alley between City Hall and the neighboring building located at 55 North Park Street, the back parking lot behind City Hall, the sidewalk in front of City Hall and all other areas immediately surrounding the building as shown on the map included in the April 20, 2022 City Council Agenda Packet. Exemption shall be valid beginning April 20, 2022 and shall expire on December 31, 2022.

Included in this Section:

1. April 6, 2022 Letter from Operations Manager Brian Cook, Lebanon Opera House
2. Location Map of Outdoor Areas

From: [Brian Cook](#)
To: [Beth Beraldi](#)
Cc: [Laura Jean Gilloux](#)
Subject: [EXTERNAL] Lebanon Opera House proposal and requests
Date: Wednesday, April 6, 2022 1:08:32 PM
Attachments: [LOH Concessions Planning Map2.pdf](#)

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Shaun,

Lebanon Opera House requests the City's support in transforming the alley between City Hall and the neighboring building located at 55 North Park Street into a seasonal gathering place with the intention of adding vibrancy to Lebanon's downtown arts and culture scene.

To this end, Lebanon Opera House formally requests a one-year Use of Space License for the alley, specifically the area designated in the attached diagram. Our proposal would allow us to use the alley as a seasonal gathering place, from roughly April to October. During this time, LOH would have the option to sell beverages, food, and other concessions during LOH events and performances while offering bistro-style tables and limited seating. We would also set up a small busker stage for musical performances. When not in use during LOH specific events and performances, the public would have access to the space, which could be viewed as an extension of Colburn Park.

In order to gather safely in the alley, LOH would need the City's approval to deny alleyway access to vehicular traffic during the months of our proposed seasonal use. This would be done via the placement of barricades, which would continue to allow year-round pedestrian traffic. We plan to model our system after the City's seasonal closing of Court Street for Three Tomatoes' use as an outdoor dining option.

Our neighbors at 55 North Park Street support this proposal:

- - On March 22, we had a phone call with Willard Cook, the owner of 55 North Park Street, and he expressed his support for the proposal.
- - The owners of Dutille's support the proposal, with the understanding that the alley will remain accessible for pedestrian use during the months that it is not open to vehicles.
-

Michelle Czora, the branch manager of Mascoma Bank, supports the proposal, provided we do not block the employee entrance in the back of the building.

Furthermore, Lebanon Opera House requests the City's permission to sell and serve alcohol on the premises including in the following spaces: the alleyway, the back parking lot, the sidewalk in front of the building, and all other areas immediately surrounding the building (see attached diagram). We ask that these requests be added to the City Council's agenda when it meets on Wednesday, April 20, 2022.

If you have any questions, please contact me or Laura Jean Gilloux at (603) 448-0400. Thank you for your consideration.

Sincerely,

Brian Cook

--

Brian Cook (he/him)

Operations Manager

Lebanon Opera House

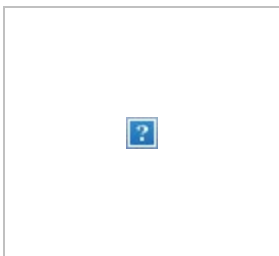
PO Box 384

Lebanon, NH 03766

603.448.0400 x189

lebanonoperahouse.org/donate/

bcook@lebanonoperahouse.org



report this email as spam.

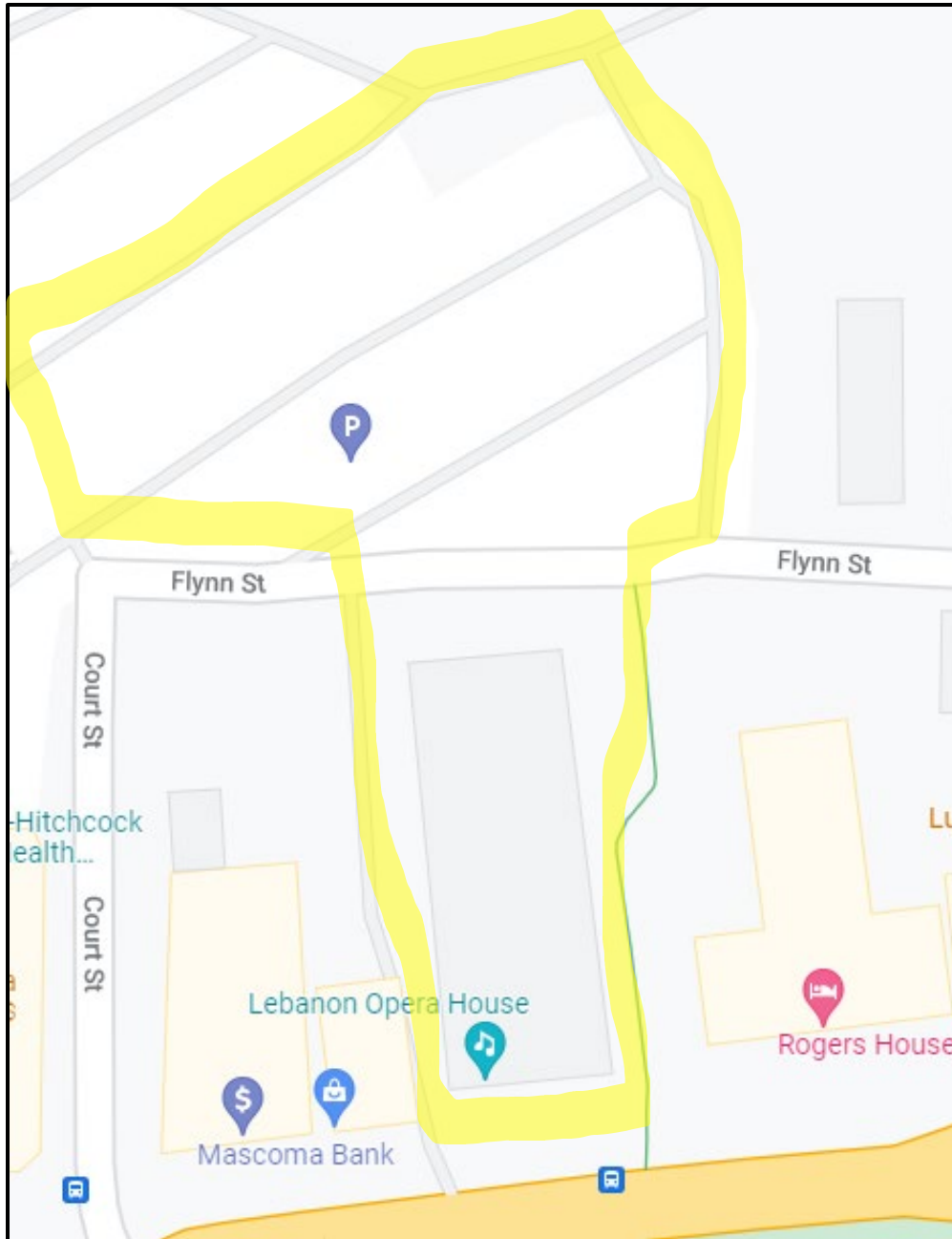


Lebanon Opera House Concessions in Adjoining Alleyway

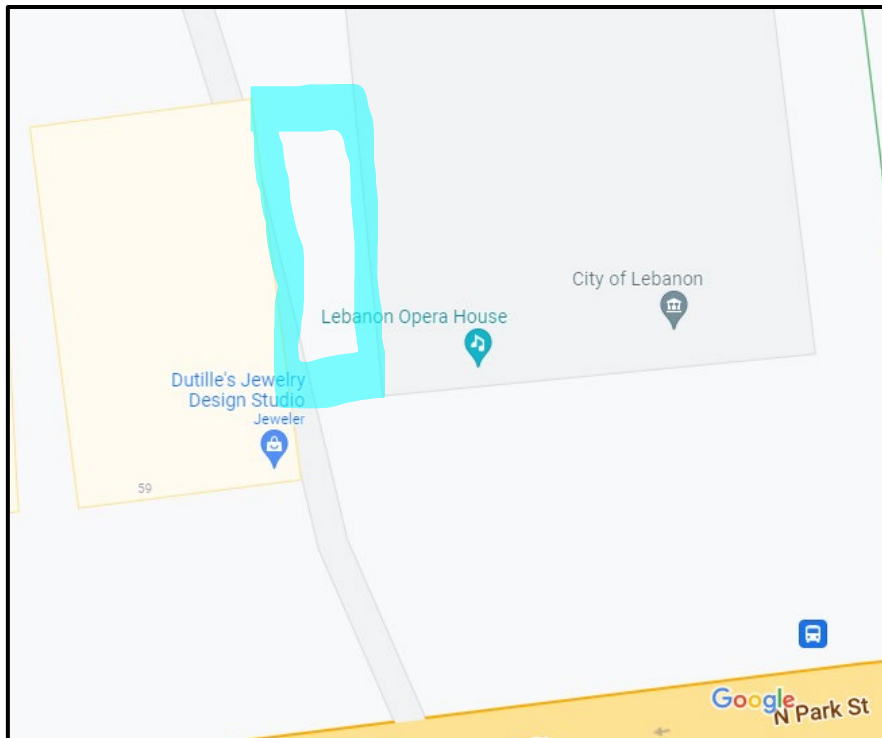
With support from the Lebanon City Manager's office, LOH is exploring the creation of an outdoor social space in the adjoining alleyway between City Hall and 55 N Park Street, home to Dutille's Jewelry Design Studio and Mascoma Bank.

From April to October, LOH would establish a seasonal presence in the alleyway, enjoyed by pedestrians and especially available to LOH patrons on event evenings, at which time beverages, concessions, and light entertainment would also be accessible.

Highlighted Area = LOH Alcohol Consumption Perimeter



Highlighted Area = LOH seasonal occupancy in the alleyway



March 31, 2022

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

11. NEW BUSINESS:

**11.E – REQUEST FROM LALO’S TAQUERIA FOR EXEMPTION OF
CITY CODE CHAPTER 14, ALCOHOLIC BEVERAGES, TO PERMIT THE SERVING
OF ALCOHOLIC BEVERAGES ON CITY PROPERTY**

BACKGROUND

Lalo’s Taqueria, located at the west end of the pedestrian mall established an outdoor dining area in 2021 and is planning to continue the service in 2022. As the restaurant serves alcoholic beverages as part of their dining menu, they would like to serve alcohol as part of their outdoor dining service. In order to do so, an exemption from City Code Chapter 14 is required.

City Code Chapter 14, Alcoholic Beverages, regulates the consumption of alcohol on City-owned property. Section 14-5, Exemption, states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.”

ACTION

If the Council decides to grant the exemption to Lalo’s Taqueria, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Lalo’s Taqueria to serve alcoholic beverages on the Lebanon Pedestrian Mall within the area shown on the maps included in the April 20, 2022 City Council Agenda Packet.

Exemption shall be valid beginning April 20, 2022 and shall expire on December 31, 2022.

Included in this Section:

1. Letter from Nick Yager, Lalo’s Taqueria requesting exemption pursuant to City Code Chapter 14 (Letter undated. Received by the City Manager’s Office April 7, 2022)
2. Map depicting proposed outdoor seating area

City of Lebanon
Lebanon City Council

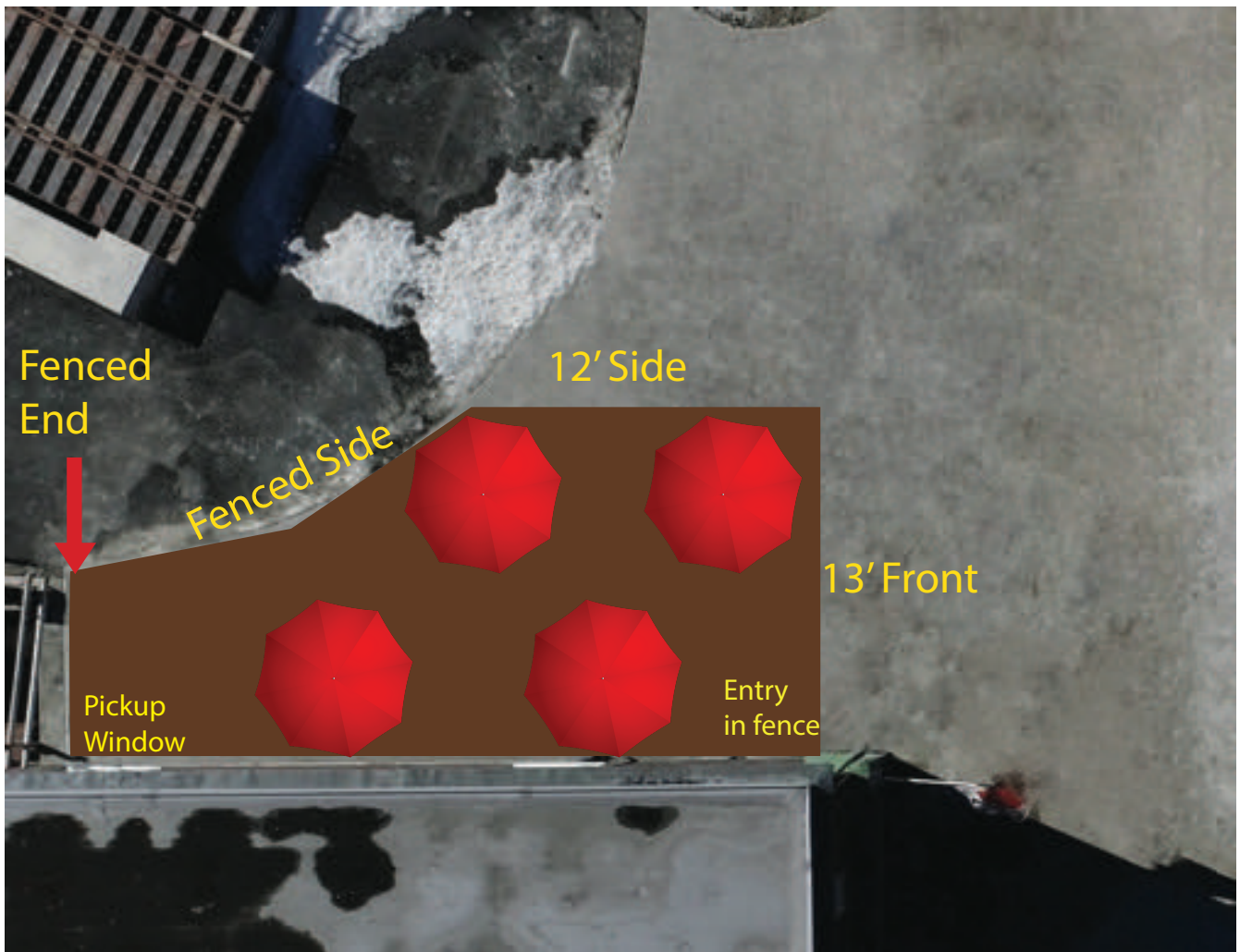
Lalo's Taqueria is requesting an amended exemption of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City Property, within our expanded seating, until December 31st, 2022.

Please let me know if you have any questions.

Thank you.

A handwritten signature in black ink, appearing to read "Nick Yager".

Nick Yager nyager2@delicious603.com
Delicious 603 LLC dba Lalo's Taqueria



**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

11. NEW BUSINESS:

**11.F – DISCUSSION & SET PUBLIC HEARING FOR MAY 18, 2022:
REQUEST FOR SUPPLEMENTAL APPROPRIATION FOR
PARKING LOT IMPROVEMENTS AT THE POLICE STATION**

BACKGROUND

The police department maintains one building for all operations. Construction on the current facility was completed in 1991 and includes a visitor parking area consisting of 8 parking spaces (two of which are designated handicapped spaces) and 1 cement pad for motorcycle parking. The parking area for staff includes 9 spaces for marked cruisers, and 31 spaces for staff.

Presently, the department has 26 vehicles in the fleet and total staffing of 56 employees. In the 30+ years since the construction of the station, the parking areas have not been expanded or improved. There is great need for additional parking, and improvements are required to effectively address both the safety and appearance of driveways, sidewalks, and curbing. Infrastructure for future charging stations for electric vehicles is also planned to be installed during construction.

The estimated total cost of the project is \$307,980.30. One Hundred Twenty Thousand Dollars (\$120,000) was encumbered from 2021 leaving the need for \$187,980.30 to complete the project. Funds for the additional appropriation are to be transferred from Police Department Impact Fees to the Capital Improvements fund so there will be no impact to the tax rate.

Please see the attached memorandum from Police Chief Phil Roberts for detailed explanation regarding the need for this appropriation.

ACTION

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 18, 2022, beginning at 7:00pm in Council Chambers, City Hall, and remote via the City's Virtual Platform for the purpose of receiving public input and taking action to appropriate \$187,980.30 for Lebanon Police Department Parking Lot Expansion & Improvements; and to authorize disbursement of \$187,980.30 in Police Public Facilities Impact Fees as the means to pay for the work.

Included in this Section:

1. April 10, 2022 Memo from Police Chief Phil Roberts re: Supplemental Appropriation Request
2. March 24, 2022 Plan for Lebanon Police Station Parking Lot Improvements

To: Honorable Mayor and City Council
Cc: Shaun Mulholland, City Manager
From: Phil Roberts, Chief of Police
Date: April 10, 2022
Re: Supplemental Appropriation Request

INTRODUCTION:

Request for supplemental appropriation for transfer of funds from the Police Department Impact Fee account to Police Department Facilities Repair/Maintenance account for the purpose of completing a Parking Lot Expansion and Renovation project.

BACKGROUND:

The police department maintains one building for all operations. Construction on the current facility was completed in 1991 and included a visitor parking area consisting of 8 parking spaces, two of which are designated handicapped spaces, and one cement pad for motorcycle parking. In the rear of the building there are 9 parking spaces for marked cruisers and the staff parking consists of 25 parking spaces with a reserved parking area consisting of 6 spaces for administrative and detective vehicles.

RECOMMENDATION/RATIONALE:

Since the completion of the station in 1991, the number of employees and vehicles and the amount of equipment has increased to the point that we have outgrown the available space. At present, the department has 26 vehicles in the fleet and total staffing of 56 employees. Often, areas of the lawn and driveways are used for overflow for vehicles and equipment. The problem is magnified when hosting trainings and other events.

Over the 30+ years since occupying the building, the original blacktop drives and sidewalks and curbing have deteriorated. There are many areas around the property where the curbing has broken apart and crumbled, exposing the re-bar. The pavement is cracked and raised throughout causing potential hazards for staff and visitors. The overall appearance of the driveways, sidewalks and curbing provides an image of poor upkeep and maintenance of a public building.

Additionally, in alignment with the City's EV vision, the layout and placement of EV charging infrastructure, will allow for future transition electric police vehicles.

The total project will cost approximately \$307,980.30 and will include 12 additional spaces in the staff parking area, and 2 additional spaces for cruisers. It will also include the replacement of curbing and the paving of all surfaces, along with the installation of underground infrastructure for EV charging stations.



REVISION NO.	DATE	DESCRIPTION	MADE BY	CHECKED BY	APPROVED BY

LEBANON POLICE STATION PARKING LOT IMPROVEMENTS

CITY OF LEBANON, NH
193 DARTMOUTH COLLEGE HIGHWAY
LEBANON, NEW HAMPSHIRE 03766
(603) 448-3112

SCALE: 1"=20'	1
DESIGNED BY: ETH	
DRAWN BY: ETH	
CHECKED BY: JD	
DATE: 3/24/22	SHEET NO
PROJ: 2022-30	

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

11. NEW BUSINESS:

11.G RELEASE OF COLLECTED PUBLIC SCHOOL IMPACT FEES

RELEASE OF COLLECTED PUBLIC SCHOOLS IMPACT FEES

A Memorandum of Understanding (MOU) was developed in 2010 between the City and the School District for the quarterly transfer of collected Public Schools Impact Fees to the Lebanon School District for application toward the payment of debt on the (then) new middle school.

On October 12, 2021, the Planning Board authorized a broader use of Public Schools Impact Fees to include construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings. A revised MOU was developed and signed on November 22, 2021.

To date \$551,701.02 has been disbursed to the Lebanon School District.

7/17/2013	\$83,690.78	7/15/2015	\$1,627.50	2/7/2018	\$41,262.70
11/6/2013	\$14,651.99	11/4/2015	\$936.00	9/5/2018	\$12,564.45
5/21/2014	\$19,407.00	3/2/2016	\$3,156.00	2/6/2019	\$1,833.10
8/6/2014	\$2,122.75	5/18/2016	\$864.00	8/7/2019	\$8,822.20
2/18/2015	\$723.00	5/17/2017	\$5,230.00	4/15/2020	\$40,432.02
5/20/2015	\$2,819.00	12/6/2017	\$6,140.75	7/15/2020	\$123,709.65
12/2/2020	\$57,567.42	1/21/2021	\$102,409.40	8/4/2021	\$12,695.86
1/19/2022	\$9,035.45				

This request is for the City Council to authorize disbursement of \$3,216.15 in collected Public School Impact Fees (through 3/31/2022) to the Lebanon School District.

ACTION

The Council is requested to take action on the following motion:

MOVED, that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby authorizes the disbursement of \$3,216.15 in collected Public Schools Impact Fees to the Lebanon School District to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings.

Included in this Section:

1. Impact Fee Report as of 3/31/2022
2. November 22, 2021 Memorandum of Understanding between the City of Lebanon and The Lebanon School District, SAU#88

PUBLIC FACILITIES IMPACT FEES

	PAID BY/LOCATION	CURRENT OWNER	MAP/LOT/PLOT	<u>School</u>	
			Balance 12/30/2021	\$ 207,375.81	pending for project completion
			Interest to date 7/1-12/31/2021	\$ 184.70	
2/16/2022	Rock Ridge Lebanon LLC	Same	74/3/182	\$ 1,272.05	
2/16/2022	Rock Ridge Lebanon LLC	Same	74/3/161	<u>\$ 1,759.40</u>	
			Monies owed to School District	\$ 3,216.15	

MEMORANDUM OF UNDERSTANDING
between
THE CITY OF LEBANON
and
THE LEBANON SCHOOL DISTRICT, SAU 88

WHEREAS, New Hampshire RSA 674:21,V authorizes municipalities to adopt impact fees to offset municipal costs occasioned by new residential and non-residential development, and

WHEREAS, New Hampshire RSA 674:21,V requires that a municipality have enacted a Capital Improvement Program pursuant to RSA 674:5-7 before adopting impact fees, and

WHEREAS, the City of Lebanon annually reviews and adopts a Capital Improvement Program, and

WHEREAS, the Lebanon City Council duly amended Section 213 of its Zoning Ordinance, adopting impact fees and authorizing the Lebanon Planning Board to assess impact fees on new development in proportion to its demand on the public capital facilities of the City of Lebanon and the Lebanon School District, and

WHEREAS, the Lebanon Planning Board commissioned Bruce C. Mayberry, working as BCM Planning LLC, to provide a foundation document justifying the basis for the assessment of impact fees and to provide a schedule of fees, and

WHEREAS, the Lebanon Planning Board on October 12, 2021 duly adopted a report entitled “City of Lebanon Impact Fee Update 2021, Basis for School, Recreation, Police and Fire Department Impact Fees”, dated August 30, 2021 and prepared by BCM Planning LLC (copy attached) and City of Lebanon Impact Fee Schedule 2021 (copy attached), and

WHEREAS, the Impact Fee Schedule 2021 assigns fees for School Facilities, Recreation Facilities, Police Department Facilities, and Fire Department Equipment and Apparatus, and

WHEREAS, through the adoption of the Impact Fee Schedule 2021, the Lebanon Planning Board authorized the use of impact fees collected for School Facilities to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings;

NOW THEREFORE, the City of Lebanon and Lebanon School District, parties to this Memorandum of Understanding, agree as follows:

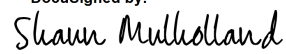
1. The City of Lebanon shall collect and manage all impact fees pursuant to Section 213 of the Lebanon Zoning Ordinance and in accordance with the report entitled “City of Lebanon Impact Fee Update 2021, Basis for School, Recreation, Police and Fire Department Impact Fees”, dated August 30, 2021 and the City of Lebanon Impact Fee Schedule 2021, which

may be amended from time-to-time.

2. The City of Lebanon shall maintain all monies received as impact fees in separate accounts, each dollar identified by contributor, date received, and fund (School Facilities, Recreation Facilities, Police Department Facilities, and Fire Department Equipment and Apparatus).
3. The City of Lebanon shall transfer, once each quarter of the calendar year, all monies in the School Facilities Fund to the Lebanon School District.
4. The Lebanon School District shall apply all monies received from the School Facilities Fund toward the construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings.
5. The Lebanon School District shall provide an annual report to the City of Lebanon accounting for the use of such monies from the School Facilities Fund.
6. This Memorandum of Understanding shall supersede the prior Memorandum of Understanding between the parties executed on September 21, 2010 by Interim City Manager Leonard W. Jarvi on behalf of the City of Lebanon and executed on September 30, 2010 by Superintendent Gail E. Paludi on behalf of the Lebanon School District, SAU 88.

APPROVED BY:

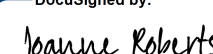
City of Lebanon

DocuSigned by:

 11/22/2021
 Name Date

Lebanon City Manager

Title

Lebanon School District, SAU 88

DocuSigned by:

 11/22/2021
 Name Date

Superintendent, SAU #88

Title

**AGENDA
LEBANON CITY COUNCIL
APRIL 20, 2022**

11. NEW BUSINESS:

11.H – REVIEW AND APPROVAL OF THE CITY MANAGER JOB DESCRIPTION

BACKGROUND

In a history dating back to the late 1950s, the City Council has not been presented with a request to approve a job description for the City Manager. In an effort to better describe and document the duties of the City Manager, City Manager Mulholland presented a draft job description for Council's consideration in October 2021. Council requested that City Manager Mulholland work with the Governance Committee to refine the draft, which was completed on March 14, 2022.

The job description as presented is in compliance with the City's job description requirements and meets ADA and other applicable standards.

ACTION

MOVED, that the Lebanon City Council hereby approves the job description for the position of City Manager as included in the April 20, 2022 City Council Agenda Packet.

Included in this Section:

1. Draft City Manager job description

CITY OF LEBANON, NEW HAMPSHIRE

POSITION TITLE: City Manager

DEPARTMENT: City Manager

REPORTS TO: City Council

FLSA DESIGNATION: Exempt

AFFILIATION: Non-Bargaining

JOB SUMMARY

The City Manager is appointed by the City Council and serves as the City's chief executive and administrative officer in accordance with the City Charter. The City Manager has overall responsibility for implementing the Council's policies, resolutions and budget; for advising the City Council about the condition and needs of the City; for ensuring that City operations comply with the City Charter, ordinances and all applicable state and federal laws and regulations; for the proper administration of all City departments; and for representing the City at all levels of government as well as with residents, businesses, nonprofit organizations, community stakeholders, and the media. The City Manager does not oversee school operations as the School District is a separate entity overseen by a School Board and Superintendent of Schools.

The City Manager is expected to demonstrate excellent leadership; operate in a principled and civil manner at all times; place City residents first at all times and serve as an effective advocate for the interests of the City and its residents.

JOB DUTIES AND RESPONSIBILITIES

These job duties and responsibilities are representative. Except as prohibited by the City Charter and/or state or federal laws and regulations, specific duties may be assigned to other City employees. The City Manager remains responsible for ensuring that all delegated duties are performed in a satisfactory manner.

1. Ensure compliance with City Charter, ordinances, policies and all applicable state and federal laws and regulations.
2. Provide overall administration and supervision of all City departments and operations. Work with and coach department heads to ensure effective operations. Act as liaison between the City Council and administration.
3. Keep the City Council informed and advise them on conditions and needs of the City; attend and take part in all Council meetings (non-voting); provide reports as requested

- by the Council. Maintain regular, open communication with City Council and individual members.
4. Advise the City Council, and City boards and committees regarding legal compliance issues, pending legislation, financial updates and/or other important developments.
 5. Develop, present and administer the City budget and capital expenditure budget; ensure efficient use of budgeted funds and institute appropriate cost controls; and monitor revenues.
 6. Appoint, manage, and terminate department heads and other City employees consistent with City Charter requirements; Conduct annual evaluations of Department Heads.
 7. Provide leadership in the development and implementation of short and long-term City goals, plans, programs, policies, facilities and service delivery methods. Assist the City Council and all departments in complying with the *Guiding Principles* and *Principles for Sustainability*, and in assessing opportunities and challenges for the City.
 8. Ensure effective monitoring of City programs, policies and service delivery methods and recommend needed changes to City Council as necessary.
 9. Recommend new or revised City ordinances, policies and rules to City Council.
 10. Oversee, develop priorities for, and participate in labor negotiations.
 11. Oversee public relations and communication efforts; lead and participate in current and emerging social media (whether video, audio, or data based); lead and participate in community engagement efforts; monitor and respond to community satisfaction with City priorities, projects and operations.
 12. Maintain good relationships with community residents and stakeholders.
 13. Assist residents and stakeholders in addressing problems with the City and delegate to other departments and/or employees as necessary.
 14. Review, approve and sign all local government contracts and binding written agreements. Oversee service of all contract agreements (professional consultants, engineers, etc.)
 15. Serve as chief media contact for the City and provide effective representation of the City at the local, county, regional state and federal levels.
 16. Maintain current knowledge of City, state and federal issues, legal requirements related to municipal government, and best practices.

17. Attend appropriate City, county, regional, state and federal meetings, seminars and trainings.
18. Perform such other duties and responsibilities as may be assigned by the City Council, consistent with the City Charter and other applicable laws and regulations. Participate in annual performance evaluation by the City Council.

Chief Equity Officer

The City Manager shall serve as the City's Chief Equity Officer. He/she will work to develop and operationalize a long-term program of initiatives that will develop a diverse, equitable and inclusive culture and develop priorities that provide opportunities to build diversity and inclusive practices into the City's operations. The Chief Equity Officer will work with the Diversity, Equity and Inclusion Commission. For purposes of this position description, social equity is meant to include all groups as defined in City Code Chapter 185.

- Provide leadership and partner with the department directors, local community organizations and diversity leaders and experts to improve the City's inclusive climate and design equitable structures throughout the City's programs and processes. Review policies and plans developed City wide to ensure they comply with the City's racial and social equity goals.
- Develop ways to engage communities in meaningful dialogue about racial and social equity, inclusion, and what it means for City of Lebanon to be a welcoming community, including meeting regularly with various community groups.
- Develop new employee groups to provide an engine for positively impacting the organization through effective leadership, engagement, programming and management; develop and build programs that create a common language around racial and social equity and inclusion and facilitate dialogue amongst City employees.
- Monitor and make recommendations relative to Federal, State and Local equal employment opportunity and non-discrimination policies, mandates and directives to ensure that the Town is in full compliance.
- Provide prompt, fair and impartial processing and investigation of complaints of discrimination.

QUALIFICATIONS

EDUCATION AND EXPERIENCE:

- A Bachelors Degree in public administration, business administration or a related field is required. A Masters Degree in public or business administration, planning or a related field is preferred (current matriculation or commitment to matriculate in a master's program will be considered). An advanced Graduate Degree in fields related to business, governmental, or legal studies may also be considered, including a Juris Doctor Degree (JD).

- A minimum of seven years of successful experience as a municipal manager is preferred. A combination of highly responsible municipal experience and/or other relevant work experience may be considered.
- Strong knowledge of laws and regulations affecting municipal operations (as well as best practices); public administration; government operations; municipal budgets; economic development; public safety; planning; human resources and collective bargaining.

SKILLS AND ABILITIES:

- Excellent verbal, written and public presentation skills.
- Excellent leadership, management and team building skills. Ability to motivate employees and the public for the betterment of the City. Ability to be flexible and adapt to changing circumstances.
- Excellent financial management and budgeting skills.
- Commitment to integrity, fair dealing with all constituencies and leading by example.
- Excellent interpersonal, employee relations, problem solving and negotiation skills. Ability to facilitate effective solutions to complex organizational, political and interpersonal problems. Effective delegator and supporter of achievement of others.
- Ability to lead the City in making meaningful improvements to ensure long-term growth and success; energetic and enthusiastic booster of the City.
- Ability to work effectively with City and other government officials at all levels; employees; the general public; union officials; attorneys; private businesses; and public/private organizations.
- Ability to prioritize and balance competing and sometimes conflicting needs and to apply sound judgment, sensitivity and diplomacy in addressing City needs. Courage to take considered risks when appropriate.
- Ability to maintain confidentiality of sensitive City, employee and citizen information.
- Ability to analyze complex data, statistics and issues; anticipate problems; and identify effective solutions.
- Commitment to community engagement; appreciation and respect for the City's history and diverse population.
- Ability to interpret, communicate and apply federal, state and City laws, regulations and policies.
- Ability to effectively utilize technology.

- Attention to detail; accuracy; and ability to meet deadlines.
- Commitment to lifelong learning and continuous organizational improvement; creative and innovative mindset.

LICENSES/CERTIFICATIONS:

- ICMA manager credential or intent to obtain credential is preferred.
- Valid driver's license.

RESIDENCY REQUIREMENT:

The City Charter requires that the City Manager live within the City limits.

PHYSICAL REQUIREMENTS:

The employee is regularly required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; stoop, kneel, crouch, or crawl; and talk or hear. The employee is occasionally required to climb or balance. The employee will rarely lift and/or move up to 40 pounds and occasionally up to 50 pounds. Specific vision abilities include close vision.

- Agility: Ability to move quickly and easily.
- Carrying: Transporting or moving an object.
- Color vision: Ability to distinguish and identify different colors.
- Crawling: Moving about in a low or crouched position.
- Crouching: Positioning body downward and forward.
- Eye/Hand/Foot Coordination: Performing work through using two or more body parts or other devices.
- Fine Dexterity: Sufficient coordination to operate a vehicle and manipulate objects.
- Fingering: Picking and pinching, through use of fingers or otherwise.
- Handling: Seizing, holding, grasping, through use of hands, fingers, or other means.
- Hearing/Talking: Perceiving and comprehending the nature and direction of sounds/ability to communicate ideas.
- Hearing: Perceiving and comprehending the nature and direction of sounds.
- Kneeling: Assuming a lowered position.
- Lifting: Moving objects weighing no more than 20 pounds from one level to another.
- Oral Comprehension: Ability to discern the meaning of oral speech.
- Pulling: Exerting force upon an object so that it is moving to the person.
- Pushing: Exerting force upon on object so that it moves away from the person.
- Reaching: Extending the hands and arms or other device in any direction.
- Repetitive motions: Making frequent or continuous movements.
- Sitting: Remaining in a stationary position.
- Standing: Remaining in a stationary position.

- Stooping: Positioning oneself low to the ground.
- Talking: Communicating ideas or exchanging information.
- Vision Far Acuity: Ability to perceive or detect objects clearly at 20 feet or more.
- Vision Near Acuity: Ability to perceive or detect objects at 20 inches or less.
- Vision: Ability to perceive animal behavior, comprehend signs, and detect color.
- Walking: Ability to move or traverse from one location to another.
- Written Comprehension: Ability to discern the meaning of written words.
- Work is primarily in an office environment.
- Frequent work outside of regular office hours is required.
- Ability to operate office equipment.

The City will make reasonable accommodations regarding the physical requirements in accordance with the provisions of the federal Americans with Disabilities Act and NH Civil Rights statutes Chapter 354-A.

APPROVAL/REVISION DATE: *[TO BE ADDED]*

NOTE: Job descriptions may be revised as needed to meet the City's business and operational needs.