



**LEBANON CITY COUNCIL
JULY 6, 2022 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 848 435 117#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the July 6, 2022 agenda packet.

7. Appointments

- A.
- West Lebanon Revitalization Advisory Committee, Kim Chewning (Ward 1 Resident Member)
 - Airport Tech Park TIF Advisory Board, Kelly Caron (Reappointment Property Owner/Occupant Member)

8. Public Hearing Items

- A. READOPTED OF THE HOUSING & COMMUNITY DEVELOPMENT PLAN – Public hearing for the purpose of receiving public input and taking action to readopt the Housing & Community Development Plan.
- 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. PUBLIC FACILITIES CDBG APPLICATION FOR FAMILIES FLOURISH NORTHEAST Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Community Development Block Grant – COVID (CDBG-CV) applications

proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFA). Counties and Communities can apply for up to \$500,000 annually on a competitive basis for housing and public facilities; \$500,000 for economic development; and \$500,000 for emergency activities that directly benefit low- and moderate-income persons. Up to \$12,000 is available for feasibility study grants. Public hearings are as follows:

1. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG grant application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract;
 2. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG-CV grant application for up to \$750,000 in CDBG-CV Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract; and
 3. public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti-displacement and Relocation Plan for Families Flourish Northeast.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- C. ORDINANCE 2022-02 – Public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 115, Enactment of Ordinances.
- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

9. Old Business: None

10. New Business

- A. Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Salt hill Pub, Lebanon
- B. Presentation of plans for “Rotary Harmony Park” a musical playground to be installed on the Pedestrian Mall (Funded fully through a donation by the Rotary Club of Lebanon)
- C. Recommendation from the Diversity, Equity, and Inclusion Commission regarding the continuation of School Resource Officer

- D. Presentation of First Reading & Set Public Hearing for August 3, 2022: Amendments to Ordinance #18, Salary Plan Article II, Non-Affiliated & LPASE Employees as follows:
 - 1. Reclassify, retitle, and remove positions within the Cyber Services Department;
 - 2. Reclassify, add, and remove positions within the Library; and
 - 3. Add seasonal positions for Summer Camp and Pool programs and increase salary range for seasonal Summer Camp Director
- E. Westboro Railyard Status Update (Requested by Councilor Simon)
- F. Presentation of Quality Improvement Review for Water Metering
- G. Discussion & Set Public Hearing for August 3, 2022: Supplemental Appropriation in the amount of One Hundred Forty Thousand Dollars (\$140,000) for transfer from Unassigned Fund Balance to the Capital Improvements Fund for the 20 Spencer Street Cleanup Project.
- H. Discussion & Set Public Hearing for August 3, 2022: Supplemental Appropriation in the amount of One Hundred Sixty Thousand Dollars (\$160,000) to be transferred from Unassigned Fund Balance in the Solid Waste Management Fund for the following:
 - 1. One Hundred Thousand Dollars (\$100,000) to be transferred to the Capital Improvement Fund for the Landfill Gas Collection and Control System Expansion Project; and
 - 2. Sixty Thousand Dollars (\$60,000) to be transferred to the Operations Budget for contracted wood grinding services.

- 11. City Manager Report**
- 12. Council Representatives to Other Bodies Report**
- 13. Future Agenda Items**
- 14. Non-Public Session**
- 15. Adjournment**

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

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS
Board/Committee: Arts & Culture Commission
Position: Regular Member
Applicant: J. Giordani

Lebanon City Council Agenda
July 6, 2022

Assigned Councilor: G. Sykes
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: Pedestrian & Bicyclist Advisory Committee
Position: Regular Member
Applicant: A. Carroll
Assigned Councilor: C. Simon
Assigned Date: 06/28/2022

Board/Committee: Pedestrian & Bicyclist Advisory Committee
Position: Regular Member
Applicant: D. Koch
Assigned Councilor: C. Below
Assigned Date: 06/28/2022

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

Board/Committee: Diversity, Equity & Inclusion Commission
Position: Regular
Applicant: A. Robinson
Assigned Councilor: E. Heistad
Assigned Date: 06/08/2022

Board/Committee: Lebanon Housing Authority
Position: Regular
Applicant: K. Wynkoop
Assigned Councilor: K. Hill
Assigned Date: 06/28/2022

Board/Committee: Zoning Board
Position: Alternate
Applicant: C. Hembree
Assigned Councilor: D. Wilkie
Assigned Date: 06/28/2022

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.

JULY 20, 2022

OLD BUSINESS:

A. NHMA 2023-2024 Legislative Policy Recommendations

NEW BUSINESS:

A. Presentation of Alternative Payment System for the Landfill (Results of LEAN Event) TENTATIVE

AUGUST 3, 2022

PUBLIC HEARING ITEMS:

- A. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, as follows:
 - B. APPROPRIATION FOR 20 SPENCER STREET CLEANUP PROJECT – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of One Hundred Forty Thousand Dollars (\$140,000) to be transferred from Unassigned Fund Balance to the Capital Improvement Fund for the 20 Spencer Street Cleanup Project.
 - C. APPROPRIATION FOR SOLID WASTE PROJECTS – Public hearing for the purpose of receiving public input and taking action on a request for a supplemental appropriation in the amount of One Hundred Sixty Thousand Dollars (\$160,000) to be transferred from Unassigned Fund Balance in the Solid Waste Management Fund for the following:
 - 1. One Hundred Thousand Dollars (\$100,000) to be transferred to the Capital Improvement Fund for the Landfill Gas Collection and Control System Expansion Project; and
 - 2. Sixty Thousand Dollars (\$60,000) to be transferred to the Operations Budget for contracted wood grinding services.
- NEW BUSINESS:
- A. Annual review and re-adoption of City Council Policy CC-100, Cash Management & Investment
 - B. Annual review of City Council Policy CC-101, Fund Balance
 - C. Annual review of City Council Policy CC-106, Capital Reserve Fund
 - D. Review and Discussion of 2022 2nd Quarter Budget Reports and Release of Public Schools Impact Fees
 - E. Redevelopment of Downtown Parking Lots

**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- June 15, 2022 (Regular Meeting)

MOVED, to approve the minutes as presented in the July 6, 2022 agenda packet.

DRAFT

LEBANON CITY COUNCIL
MINUTES

Wednesday, June 15, 2022, 7:00 p.m.

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

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill (remote), Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Director of Planning & Development David Brooks; City Engineer Brian Vincent

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

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

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

Councilor Liot Hill joined the meeting virtually. It was noted that all votes will be taken by roll call.

4. OPEN TO PUBLIC: NONE

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES:

- June 1, 2022 (Regular Meeting)

Councilor Heistad MOVED to approve the June 1, 2022 minutes as written and presented in the June 15, 2022 City Council agenda packet.

Seconded by Councilor Simon

**The Vote on the Motion was approved by roll call: Councilor Whittlesey – aye; Councilor Zook – aye; Councilor Sykes – aye; Councilor Wilkie – aye; Assistant Mayor Below – aye; Councilor Heistad – aye; Mayor McNamara – aye; Councilor Simon – aye; and Councilor Liot Hill – aye; (9-0).*

7. APPOINTMENTS: NONE

8. PUBLIC HEARING ITEMS: NONE

9. OLD BUSINESS: NONE

10. NEW BUSINESS

- A. Discussion & Set Public Hearing for July 6, 2022: Readoption of the Housing & Community Development Plan

Included in the agenda packet:

1. City of Lebanon Housing and Community Development Plan ([Pages 23-27, City Council agenda packet.](#))

Shelly Hadfield came before the Council to review the City of Lebanon Housing and Community Development Plan. This will come before the Council every three years.

BACKGROUND

The City's Housing and Community Development Plan is a document required to be submitted as part of the application packet for Community Development Block Grants (CDBG). Rules put forth by the New Hampshire Community Development Finance Authority require that the Plan be reaffirmed or readopted every three (3) years. This is normally done in conjunction with a CDBG application. In order to better track the reaffirmation or readoption process, and in light of the Council's recent action with regard to the development of affordable housing, administration is proposing to put the plan on the Council's calendar for consideration every three years from this point forward regardless of an active CDBG request. While it is required to be current for CDBG purposes, the information in the plan can be of use in more instances than just CDBG so having it be a standalone document will be of benefit to others

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 6, 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 readopt the City of Lebanon Housing and Community Development Plan.

Seconded by Councilor Heistad.

****The Vote on the Motion was approved by roll call: Councilor Whittlesey – aye; Councilor Zook – aye; Councilor Sykes – aye; Councilor Wilkie – aye; Assistant Mayor Below – aye; Councilor Heistad – aye; Mayor McNamara – aye; Councilor Simon – aye; and Councilor Liot Hill – aye; (9-0).***

B. Discussion & Set Public Hearings for July 6, 2022: Discussion & Set Public Hearings for July 6, 2022:

1. CDBG Application for Families Flourish
2. CDBG-CV Application for Families Flourish
3. Adoption of Anti-Displacement & Relocation Plan for Families Flourish

Included in the agenda packet:

1. Project Description – Families Flourish Northeast – Upper Valley Facility ([*Pages 31-32, City Council agenda packet.*](#))
2. City of Lebanon Residential Anti-Displacement and Relocation Plan for Families Flourish Northeast ([*Pages 33-34- City Council agenda packet.*](#))

Victoria Davis, Upper Valley Lake Sunapee Planning Commission, and Andrew Winter, consultant to Families Flourish, came before the Council and reviewed the documents listed above. Ms. Davis stated that she will be the grant writer and administrator if the application is approved. The due date for the application is July 25, 2022.

BACKGROUND

CDFA receives approximately \$9 million annually for the statewide CDBG program which includes all non-entitlement municipalities and counties. Up to \$500,000 annually is available to communities or counties on a competitive basis in each of the four categories of housing, public facilities, economic development, and emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants. Further, CDFA has approximately \$3.5 million available in

CDBG-CV (Covid) funding for public facilities. The funding is focused on childcare and mental health. Applicants may apply for up to \$750,000. Note that successful applicants will be funded through either the regular CDBG OR CDBG-CV (not both). Families Flourish Northeast requests that the Lebanon City Council support the submission of a CDBG application for Public Facilities for up to \$500,000 and a CDBG-CV Public Facilities application for up to \$750,000 to support the development of a high-intensity residential substance-use treatment center for pregnant and parenting women and their children in the Upper Valley. The proposed location for the facility is the Homestead Building on Mascoma Street which is a part of the Alice Peck Day campus. The cost of the renovation is estimated at \$4 million. The goal is to begin providing services at the new facility by mid/late 2023.

Council discussions:

Councilor Liot Hill expressed her thanks for Families Flourish coming to Lebanon. This type of facility will support pregnant mothers and their children. The proposed location is ideal due to its access to public transit and walking distance to downtown.

Assistant Mayor Below agreed that a specific place to help people recover from addiction and support their families is important.

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedules public hearings for Wednesday, July 6, 2022, beginning at 7:00pm in Council Chambers, City Hall and remote via the City's virtual platform for the following:

- 1) A public hearing for the purpose of receiving public input and taking action on a proposed CDBG grant application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract.*
- 2) A public hearing for the purpose of receiving public input and taking action on a proposed CDBG-CV grant application for up to \$750,000 in CDBG-CV Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract; and*
- 3) Public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti-Displacement and Relocation Plan for Families Flourish Northeast.*

Seconded by Councilor Wilkie.

**The Vote on the Motion was approved by roll call: Councilor Whittlesey – aye; Councilor Zook – aye; Councilor Sykes – aye; Councilor Wilkie – aye; Assistant Mayor Below – aye; Councilor Heistad – aye; Mayor McNamara – aye; Councilor Simon – aye; and Councilor Liot Hill – aye; (9-0).*

C. Presentation of Plans for Lahaye Drive/Mount Support Road Intersection Improvements

Included in the agenda packet: *(Pages 36-45, City Council agenda packet.)*

1. June 6, 2022 memo from Brian Vincent, City Engineer re: Lahaye Drive – Mount Support Road Intersection Improvements Project
2. Review of Lahaye Drive-Mount Support Road Intersection Project.

1 3. Roundabout Locus Plan

2 4. Preliminary Design Plans by Weston & Sampson Engineers for Lahaye Drive-Mount Support Road
3 Intersection Improvements

4
5 City Engineer Brian Vincent and Jeff Santacruce, Weston & Sampson, came before the Council to review
6 the Lahaye Drive – Mount Support Road Intersection Improvements Project

7
8 **BACKGROUND**

9 The current Lahaye Drive/Mount Support Road Intersection has been determined to provide a low level
10 of service and is in need of improvements in order for it to handle the high-traffic demands experienced
11 during peak commuting hours.

12
13 Plans for the intersection are currently in the preliminary design phase with construction slated to begin in
14 the Spring of 2024.

15
16 Staff from the Department of Public Works, along with our engineering firm, will be present to discuss
17 the current situation and present the Council and public with plans for future improvements.

18
19 Mr. Vincent stated that the purpose of the project is to improve movement for all modes of transportation.
20 The need for the project is to address a current poor level of service which will be exasperated by
21 upcoming developments on Mount Support Road. This project is currently in the preliminary design
22 phase. Presentations have been made to the Conservation Commission, Pedestrian & Bicycle Committee,
23 and a community conservation on July 2.

24
25 Mr. Vincent stated that two options are being explored for this project, a standard signalized intersection,
26 or a roundabout. It has been determined that a roundabout will be the best return on investment due to a
27 longer level of service provided.

28
29 Mr. Sampson explained that there is an existing TAP project to construct a shared use path between the
30 Route 120 intersection and Mount Support Road. The intention of the project is to not affect the funding
31 and timing of that existing project. The roundabout option will allow for a level of service C into the
32 future, with one exception of the peak PM house eastbound movement being, just barely, at a D level.
33 From a congestion and air quality standpoint, a roundabout is the better option, as there is less time for
34 cars queuing, waiting for a streetlight to change. This project will provide connections to the existing
35 shared path to the south. There is an existing crosswalk that crosses the intersection and contains a
36 northern crossing. This project will also connect to the TAP project with some minor revisions. In
37 discussions with the Pedestrian Bicycle Committee, there will be a crossing provided at the northern end
38 and back down Lahaye Drive. The majority of the property in this area is owned by Dartmouth College
39 and the hospital, and conversations have been had regarding potential impacts. There are a number of
40 utility poles which will need to be relocated. There are many wetland areas in the project area. The goal is
41 to avoid wetland impacts if at all possible or minimize and mitigate any impacts. There is one endangered
42 flower found in the area, and impacts to this will need to be minimized. A 2' shoulder is being proposed
43 on Mount Support Road to accommodate bicycles and pedestrians. A 5' shoulder will be kept along
44 Lahaye Drive.

45
46 Mr. Santacruce stated that the existing intersection has a service level E and F for some movements. A
47 complete buildout of the intersection to improve it could lead to service level C. Due to constraints, AM

1 and PM peak hours are only able to be improved to service levels C and D with this proposal. A
2 signalized intersection would lead to service levels of E and F in this area. On a single-lane roundabout no
3 treatment would be needed for pedestrian/cycle crossing. However, this two-lane roundabout will require
4 a pedestrian hybrid beacon.

5
6 Council discussions:

7
8 Assistant Mayor Below stated that there is room ahead of the crosswalk for one car to advance into the
9 roundabout while a pedestrian may be waiting behind to cross. Mr. Santacruce agreed that this allows for
10 better visibility by vehicles for those in the crossing.

11
12 Mayor McNamara noted that a letter received from the Pedestrian Bicycle Committee requesting a
13 pedestrian crossing included on the northern leg of the project. It was noted that this has been included on
14 the most recent plan.

15
16 Director of Planning & Development David Brooks stated that the Twin Pines property is approximately
17 350' south from the intersection and the Dartmouth property is in excess of 600' south of the intersection.
18 Neither property will likely be impacted by the center median, depending on its final length.

19
20 In response to a question from Councilor Whittlesey, Mr. Santacruce stated that there is a stonewall along
21 the north side of Mount Support Road which will potentially either need to be removed or relocated.
22 There are also ongoing discussions with Dartmouth regarding solutions for an existing stonewall located
23 adjacent to the parking lot.

24
25 In response to a question from Councilor Liot Hill, Mr. Vincent stated that there have been discussions
26 with Advance Transit regarding the design of this roundabout and buses. He believes the design will
27 easily accommodate the buses that use this area. If there are mutual aid vehicles from other towns which
28 may use this roundabout, discussions regarding accommodating them can be had. Mr. Santacruce stated
29 that there will be a slight curve to the curb around the intersection's truck apron to reduce the chances of
30 tire issues. Roundabouts are much safer than traditional signalized intersections because the potential for
31 a head-on car crash is eliminated and, due to the design, vehicles are only traveling approximately 15-
32 20mph leads to approximately a 95% reduction in serious injury accidents. He gave examples of
33 roundabouts being constructed in other municipalities.

34
35 Councilor Whittlesey asked if the impact to potential emergency services at Dartmouth Hitchcock has
36 been discussed. Mr. Vincent stated that he met with the Assistant Fire Chief regarding this item and was
37 told that this should be workable for the existing equipment. It will be important to continue these
38 conversations.

39
40 Mr. Vincent noted that this project will be funded through a Special Assessment District. This District is
41 comprised of the hospital, and nearby development projects along Mount Support Road to the south. Mr.
42 Brooks explained that the City's share for this project is estimated at 7.5%, the hospital's share is
43 approximately 83.5% and the other surrounding properties make up the balance. The total cost is
44 approximately \$250,000 divided between these properties, based on their contribution to the traffic.

45
46 **ACTION:**

47 *No action is required by the Council as item is for informational purposes only.*

1
2 **D. Warrant for Civil Forfeiture Notice**

3
4 Included in the agenda packet:

- 5 1. Warrant for Civil Forfeiture Notice. *(Page 47, City Council agenda packet.)*
6

7 Mayor McNamara reviewed the Warrant for Civil Forfeiture Notice.
8

9 **BACKGROUND**

10 Per statute, dogs are required to be licensed annually by April 30th. To procure a dog license, a current
11 rabies vaccination must be on file with the City Clerk's Office. The month of May is a grace period which
12 allows dog owners to follow up on expired rabies vaccinations in order to obtain a license. Any dog that
13 remains unlicensed as of June 1st is assessed with a \$25.00 Civil Forfeiture fine and \$1.00 late fees which
14 accumulates each month that the dog remains unlicensed.
15

16 **ACTION:**

17
18 *Assistant Mayor Below MOVED, that the Lebanon City Council hereby issues a warrant to City Clerk,*
19 *Kristin Kenniston, authorizing the issuance of a civil forfeiture for each dog which remains unlicensed*
20 *at the close of business on June 30, 2022.*

21 *Seconded by Councilor Wilkie.*

22 **The Vote on the Motion was approved by roll call: Councilor Whittlesey – aye; Councilor Zook – aye;*
23 *Councilor Sykes – aye; Councilor Wilkie – aye; Assistant Mayor Below – aye; Councilor Heistad –*
24 *aye; Mayor McNamara – aye; Councilor Simon – aye; and Councilor Liot Hill – aye; (9-0).*
25

26 **E. Amendments to Electric Aggregation Plan for Lebanon Community Power to address PUC**
27 **request for additional detail.**
28

29 Included in the agenda packet:

- 30 1. June 7, 2022 memo from Community Power Coalition of New Hampshire (CPCNH) Board Chair &
31 Assistant Mayor Clifton Below *(Pages 49-50, City Council agenda packet.)*
32 2. Lebanon Community Power Electric Aggregation Plan with 6/7/22 Draft Amendments. *(Pages 51-*
33 *125, City Council agenda packet.)*
34

35 Assistant Mayor Below reviewed this item.
36

37 **BACKGROUND**

38 On September 15, 2021, the Lebanon City Council approved the Electric Aggregation Plan (EAP) for
39 Lebanon Community power pursuant to RSA 53-E. On October 25, 2021, certain amendments to RSA
40 53-E went into effect including a new requirement for EAPs to be submitted to the NH Public Utilities
41 Commission (PUC) for review and approval before becoming fully operative.

42 The PUC has completed its review of the EAP and denied approval of the plan pending resubmission
43 with additional detail on two parts as follows:
44

- 45 1. "The Commission requires additional detail on the scope and nature of the customer data that

will be in the possession, custody, and control of Lebanon or its suppliers and vendors, and the protective measures that will be utilized to protect that data from unauthorized access, use, destruction, modification, or disclosure." (p. 3 of Order)

2. "Lastly, with respect to the "operation and funding" and "methods of entering into and terminating agreements" criteria of evaluation under RSA 53-E:6, III(b) and (d), it is unclear whether Lebanon intends to serve as the Load Serving Entity (LSE), or whether that function will be contracted out and, if so, by which entity. We conclude that more detail describing the structure of the LSE and how the LSE services will be implemented, is necessary and should be addressed within subsequently filed versions of the Plan." (p. 5 of Order)

The additional required details have been addressed in the attached amended EAP which is further detailed in a memo from Assistant Mayor Below (also attached in agenda packet).

Councilor Liot Hill exited the meeting.

ACTION:

Councilor Whittlesey MOVED that the Lebanon City Council approves the amendments to the Electric Aggregation Plan for Lebanon Community Power, with the four proposed amendments, as presented in the June 15, 2022 Council Agenda Packet.

Seconded by Councilor Wilkie.

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

F. Proposed amendment to Joint Powers Agreement for Community Power Coalition of New Hampshire

Included in the agenda packet:

1. June 6, 2022 memo from CPCNH Board Chair & Assistant Mayor Clifton Below re: Proposed amendment to Joint Powers Agreement for CPCNH ([*Pages 127-128, City Council agenda packet.*](#))

Assistant Mayor Below reviewed this item.

BACKGROUND

CPCNH is a NH non-profit Joint Powers Agency whose mission is to foster resilient New Hampshire communities by empowering them to realize their energy goals. The City of Lebanon authorized the City Manager to execute the Joint Powers Agreement and join CPCNH as a member on February 3, 2021.

The Joint Powers Agreement (JPA) is the contract among the municipal and county members of CPCNH and the corporate charter of the agency, including its by-laws. CPCNH is governed by its 18 municipal members and one county member, through their appointed representatives that serve on the Board of Directors.

An amendment to Article XVI of the JPA is proposed and in accordance with the JPA, amendments to this article require a unanimous consent of all Member governing bodies.

Please see attached memo from CPCNH Board Chair & Assistant Mayor Clifton Below for more information on the proposed amendment.

1 **ACTION:**

2 *Councilor Whittlesey MOVED, that the Lebanon City Council approves the amendment to Article XVI,*
3 *Section 2 of the Joint Powers Agreement of the Community Power Coalition of New Hampshire as*
4 *presented in the June 15, 2022 City Council Agenda Packet.*

5
6 *Seconded by Councilor Sykes.*

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

9 **G. Discussion & Set Public Hearing for July 6, 2022: Ordinance 2022-02 to amend City Code**
10 **Chapter 115, Enactment of Ordinances**

11
12 Included in the agenda packet:

- 13 1. Proposed Ordinance #2022-02 2. June 7, 2022 Legal Opinion by Attorney Christine Fillmore re:
14 Ordinance #2022-02 Public Health Emergency Ordinances, Ch. 115. *(Pages 130-132, City Council*
15 *agenda packet.)*
16

17 **BACKGROUND**

18 The onset and continuation of the COVID-19 Pandemic required the issuance of local public health
19 ordinances adopted under the provisions of City Code Chapter 115, Enactment of Ordinances.
20

21 The process as outlined in Chapter 115 requires that the Council schedule and hold a public hearing to
22 adopt and/or amend these necessary regulations. In accordance with advertising deadlines required by NH
23 RSA 91-A, the earliest a public hearing can be held is approximately 2 weeks from the date the hearing is
24 set. In times of a public health emergency, this required timeline is not practical as it does not permit
25 quick action when needed.
26

27 With an inevitable need to deal with this again in the future, administration is recommending that Chapter
28 115 be amended to permit the Council to enact emergency public health ordinances without the need for a
29 public hearing. All information would be included and posted with the respective meeting agenda,
30 providing the public with full notice of the Council's intention.

31 Presently, New Hampshire state statutes allow for a faster process for municipalities to implement
32 emergency public health measures. The proposed changes would fall in line with what state law already
33 provides.
34

35 Council discussions:
36

37 It was noted that a "public health emergency" is defined under RSA 147:1.
38

39 **ACTION:**

40 *Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for*
41 *Wednesday, July 6, 2022, beginning at 7:00pm, Council Chambers, City Hall, and Remote via the*
42 *City's Virtual Platform, for the purpose of receiving public input and taking action on Ordinance*
43 *#2022-02 to amend City Code Chapter 115, Enactment of Ordinances.*

44 *Seconded by Councilor Heistad.*

45 **The Vote on the Motion was approved (8-0)*
46

47 **H. Discuss property tax exemption legislation for childcare care facilities**

1
2 Included in the agenda packet:

- 3 *1. Proposed language for legislation relative to property tax exemptions for childcare facilities (Pages*
4 *134-136, City Council agenda packet.)*

5
6 City Manager Shaun Mulholland and intern, Marissa Hebert, reviewed this item.
7

8 **BACKGROUND**

9 The City has been working with Vital Communities to convene a number of stakeholders to address the
10 childcare crisis in the Upper Valley. Several childcare facilities have closed while most others have
11 reduced the number of children they can serve due to a shortage of staffing. The shortage of staffing is
12 partly due to the very low wages paid to childcare workers.
13

14 The City Manager, working with Attorney Christine Fillmore and other stakeholders have developed draft
15 legislation which would enable towns and cities to enact a property tax exemption for licensed childcare
16 facilities. This legislation could be considered in the next state legislative session with legislative
17 sponsors. If passed into law during the next legislative session, childcare providers could apply for this
18 exemption as early as the spring of 2024 assuming a town or city has adopted the enabling legislation.
19

20 The reduction of the cost of property tax to licensed providers would reduce the overall operating cost to
21 those providers freeing up revenues to pay higher wages for childcare staff.
22

23 It was noted that there was previously a need for 2,000 childcare slots in the Upper Valley and this has
24 likely increased over time. There are currently only seven licensed daycare providers in the City. The goal
25 is to get this draft legislation before the legislature at its upcoming session.
26

27 Council discussions:

28
29 There was discussion regarding concern about asking the public to subsidize for-profit businesses in this
30 way. There was also concern regarding increased costs being passed down to employees of childcare
31 facilities, and the eventual loss of additional workforce.
32

33 It was noted that money needs to be put into the system somehow. This is a policy option that could
34 provide some relief and give the ability for more people to become employed in this area.
35

36 A straw poll of the Council, found 7-1 in favor of this proposal.
37

38 **ACTION:**

39 **No action is required of the Council unless the Council opposes the City Manager's intent to move**
40 **this proposed legislation forward.**

41
42 **I. NHMA 2023-2024 Legislative Policy Recommendations**
43

44 Included in the agenda packet:

- 45 *1. 2023-2024 NHMA Proposed Policy Positions document. (Pages 138-148, City Council agenda*
46 *packet.)*
47

1 City Manager Shaun Mulholland reviewed this item.

2
3 **BACKGROUND**

4 The New Hampshire Municipal Association develops/reviews policy positions every two years. Sub-
5 committees review the existing and any new policy positions proposed by the membership. The policies
6 can be and are in some cases amended by the sub-committees reviewing them. The existing, amended,
7 and new policies are then sent to each of the 234 municipalities in the state for review and consideration.
8 The policy positions inform the membership and legislators as to the position of NHMA on matters
9 relevant to local government. The policy positions are a guide for staff regarding how NHMA will take a
10 position or not on a piece of legislation before the NH Legislature.

11
12 Each municipality may send a delegate to the policy conference in the fall. This year's Policy Conference
13 is being held on Friday, September 23rd at the Local Government Center in Concord. The Conference
14 provides a venue for voting by individual municipalities on NHMA's proposed 2023-2024 Legislative
15 Policy Platform. One member of each municipality has voting privileges at the Conference, and the
16 Council is asked to delegate a member for such voting purposes.

17
18 Each municipality is encouraged to review the policy positions and direct their respective delegate as to
19 how they should vote on each policy position.

20
21 Council discussions:

22 There were no objections to Mayor McNamara sitting as the delegate for this item. Items will be brought
23 to the Council in subsequent meetings for discussion and voting.

24
25 **ACTION:**

- 26 **1. Begin the review of the proposed NHMA policy positions and act on those positions at a**
27 **subsequent meeting.**
28 **2. A delegate should be chosen to represent the City at the September 23, 2022 Legislative Policy**
29 **Conference.**

30
31 **11. City Manager Report:**

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

- 33 • Algae blooms have been found on Mascoma Lake. A DES notice has been placed at the Lake.
34 People should not swim in the water while the Lake is under this notice because the algae can
35 cause impacts from ingestion or contact. This is being closely monitored because the water from
36 the Lake goes into the Mascoma River, which supplies the City's water. The City is working
37 closely with DES. A letter will be sent to all residents who abut the Lake. The City is reaching
38 out to other municipalities that have had similar issues to determine next steps in mitigation.
39 • The City has gone out for a \$4.1 million bond, at an interest rate of 3.38%.

40
41 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

42
43 **13. FUTURE AGENDA ITEMS: NONE**

44
45 **14. NON-PUBLIC SESSION: NONE**
46

1 **15. ADJOURNMENT:**

2
3 *Councilor Wilkie MOVED for adjournment.*
4 *Seconded by Councilor Sykes.*

5
6 **The Vote on the Motion was approved (8-0)*

7
8 **The meeting was adjourned at 9:21 PM.**

9
10 Respectfully submitted,

11 **Kristan Patenaude**

12 Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- West Lebanon Revitalization Advisory Committee, Kim Chewning (Ward 1 Resident Member)
- Airport Tech Park TIF Advisory Board, Kelly Caron (Reappointment Property Owner/Occupant Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated June 28, 2022

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: June 28, 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.*

West Lebanon Revitalization Advisory Committee

- **Kim Chewning** – Appointment as a Ward 1 member for a three-year term.
Term: (7/22-7/25)

Airport Tech Park TIF Advisory Board

- **Kelly Caron** – Reappointment as a property owner/occupant member for a three-year term.
Term: (7/22-7/25)

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: [EXTERNAL] Online Form Submission #6240 for Board Member Application
Date: Tuesday, June 7, 2022 7:08:14 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, June 7, 2022 6:26 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL] Online Form Submission #6240 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	Kim
------------	-----

Last Name	Chewning
-----------	----------

Physical Address	6 Crafts Ave.
------------------	---------------

City	West Lebanon
------	--------------

State	NH
-------	----

Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	8023550643
Work Number	<i>Field not completed.</i>
Email Address	KimChewnig@hotmail.com
How long have you resided in Lebanon?	3 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?	West Lebanon Revitalization Advisory Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I live in West Lebanon and my husband and I both own a business in West Lebanon so I have a great interest in what happens on this side of town. I would love to be a part of the solution rather than just a complainer!
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have been a property manager for over 25 years, 15 of those years in the Upper Valley. This has given me an opportunity to gain a good understanding of both the commercial and housing markets in the area, I believe that knowledge will be helpful on this committee.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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11

Councilor Interview Report Form

Councilor Name: Chris Simon

Date of Interview: 6/8/22

Applicant Name: Kim Chewing

Board(s) to Which Applied: West Lebanon Revitalization Advisory Comm.

☒ Regular Seat ☐ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? ☐ Yes ☒ No (No meetings yet)

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

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat ☐ Alternate Seat

General Comments:

Mrs. Chewing is a member of the planning board & has a good knowledge base & sense for the issues that are present in W. Leb.

(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 move and pursue the goals outlined in the report filed by the last WLRAC. To continue to actively look at any & all issues & concerns of the residents & business community.

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?

Being a member of the planning board she has gained much knowledge of the complex rules/regulations ~~involved~~ involved in building & replacement of infrastructure.

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

Sure as much as time would allow.

- 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?

Doesn't foresee any conflicts at this time.

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

Funding, ~~timing~~ timing & red tape —

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

To actively pursue the list of recommendations as presented in the WLRAC report, starting w/ some of the simple lower cost items

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

make a priority list on what can be done & set goals for the future to keep the positive ~~energy~~ energy moving forward.

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?~~

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

Councilor Interview Report Form

Councilor Name: Clifton Below

Date of Interview: 6/8/22

Applicant Name: Kelly Caron

Board(s) to Which Applied: Lebanon Airport-Tech Park TIF Advisory Board

☒ Regular Seat

☐ Alternate Seat

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

(If yes, indicate date of meeting.) Date: All but 1 of the meetings over the past 3 years.

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat

☐ Alternate Seat

General Comments: Her employer, Bukk Carleton, developed the first buildings in the Airpark when it began and own 3 buildings with a dozen business tenants in the Airpark today. She manages and leases the space. Kelly is a good asset to the TIF Advisory Board as she brings decades of institutional knowledge to Board and the perspective of both a building developer and operator serving a variety of businesses.

(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?

Oversight of proper development of Airpark to support businesses growing in the area. TIF is great too to support the infrastructure that supports local businesses. Some 1,000 people work at the Lebanon Airport and its business park today – create means to sustain and expand public infrastructure.

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, has only missed one meeting over past 3 years.

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?

Been on this committee on 3 years. School Board Chair in hometown of Lempster and has been on their SAU 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?

Did go through one training – happy to consider more.

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, only if a proposed project was specifically benefiting her or her employer and not the Airpark generally. Her role on TIF is to represent business interests within the Airpark TIF area generally.

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

No particular challenges - Interesting dynamic of people serving – everyone brings something unique so the group works well together.

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

Put forth R.E. opportunities for business that also benefits the City. Potential to see improvements in and additional development in the existing airpark to parallel new expanded areas.

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

Making sure that the TIF district moves forward with plans in a timely manner.

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: Online Form Submission #3501 for Board Member Application
Date: Tuesday, November 26, 2019 11:59:32 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	Kelly
Last Name	Caron
Physical Address	43 Caron Drive
City	Lempster
State	NH
Zip Code	03605
Is this your mailing address?	No
Mailing Address	21 Technology Drive, #6
City	West Lebanon
State	NH
Zip Code	03784
Home Phone Number	6035044000
Work Number	6032989999

Email Address	kscaron@yahoo.com
How long have you resided in Lebanon?	Non Resident; Worked in the Lebanon Airpark 20 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?	Other (please fill in blank)
Other Committee	Airport TIF Advisory Board
Why would you like to serve?	I have worked in the Lebanon Airpark for 20 years for one of the original developers. I have a strong interest in ensuring the viability and sustainability of the existing Airpark and moving into this next stage of its expansion. I have a strong real estate development background, good business relationships in the Upper Valley and the willingness to serve to promote for the greater good.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	NH Realtor Licensed EA (Enrolled Agent; IRS) Strong relationships existing within the Airpark Current Chair, Lempster Community School Board (6+ years) Knowledgeable of the real estate market and the environment in the Upper Valley
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

8. PUBLIC HEARING ITEMS:

8.A – READoption OF THE HOUSING & COMMUNITY DEVELOPMENT PLAN

A public hearing for the purpose of receiving public input and taking action to readopt the Housing & Community Development Plan.

The City Council scheduled this public hearing at their June 15, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on Saturday, June 25, 2022 in accordance with City Code and State Law.

BACKGROUND

The City's Housing and Community Development Plan is a document required to be submitted as part of the application packet for Community Development Block Grants (CDBG). Rules put forth by the New Hampshire Community Development Finance Authority require that the Plan be reaffirmed or readopted every three (3) years. This is normally done in conjunction with a CDBG application.

In order to better track the reaffirmation or readoption process, and in light of the Council's recent action with regard to the development of affordable housing, administration is proposing to put the plan on the Council's calendar for consideration every three years from this point forward regardless of an active CDBG request. While it is required to be current for CDBG purposes, the information in the plan can be of use in more instances than just CDBG so having it be a stand-alone document will be of benefit to others.

ACTION

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

MOVED, that the Lebanon City Council hereby readopts the City of Lebanon Housing and Community Development Plan as presented in the July 6, 2022 City Council Agenda Packet.

Included in this Section:

1. City of Lebanon Housing and Community Development Plan
2. Notice of Public Hearing as Published in the June 25, 2022 Edition of the *Valley News*

City of Lebanon Housing and Community Development Plan

Introduction

Housing and economic development have respective chapters in the current (2012) Lebanon Master Plan. Each chapter establishes an action program to address issues identified through the planning process. Complementary to master planning efforts, the Lebanon City Council formally adopted “Lebanon’s Principles for a Sustainable Community” in September 2009 and revised and readopted them on March 4, 2015. Those principles relevant to the City of Lebanon Housing and Community Development Plan are discussed later in this document.

Housing Development

Lebanon Master Plan Chapter 7, “Housing,” is hereby incorporated into this document by reference. Chapter 7 begins with the following Statement of Purpose:

The City of Lebanon shall actively foster a diverse range of housing opportunities and choices for current and prospective residents, and will strive to promote the development of diverse, sustainable neighborhoods that reflect Lebanon’s “small-town” character and distinctiveness.

The City of Lebanon shall encourage a range of housing options for all segments of the population. New housing development should contribute positively to existing neighborhoods and create safe and desirable new neighborhoods consistent with the other planning goals of the City as expressed in this Master Plan.

A variety of housing options including renter and owner-occupied, multi-family, duplex, single-family, and manufactured housing units exist throughout the City in urban, suburban and rural settings. According to the 2020 Census, there were 7,201 housing units in Lebanon, an increase of 552 units since the 2010 Census report. Of those, 94.5% (6,805) were occupied and the remaining units (396) were vacant. Of the occupied units, owner-occupancy accounts for roughly 51.3% and renter occupancy accounts for 48.7%.

In its report titled “Current Estimates and Trends in New Hampshire’s Housing Supply: Updated 2021”, the New Hampshire Office of Planning & Development (OPD) estimated that 38.6% (2,776) of housing units in Lebanon were Single Family units and 12.8% (923) were Two-Family units. Approximately 44.8% (3,226) of units were Multi-Family units (3 units or more). The remaining 3.8% (275) of units were Manufactured Housing units.

Between 2010 and the end of 2019, the City of Lebanon Planning Board approved 612 Housing Units/Lots. Of those, 442 units have been constructed and occupied. The remaining approved projects from 2010-2019 have yet to file for construction permits. Since the start of 2020, the Planning Board has approved 900 more Housing Units/Lots. Of those, 372 units are under construction with some units having already received certificates of occupancy. Construction of

an additional 500 units approved since the start of 2020 is expected to commence before the end of 2022. Approximately 400 additional units in three developments are currently under review by the Planning Board or have recently submitted conceptual proposals. If all projects that are approved or under review are constructed, the result will be a roughly 20% increase in the number of housing units in the City above what was reported in the 2020 census.

Between 1991 and 2001 rental vacancy rates in Lebanon were in the 2% to 4% range, well below the 5% generally considered an indicator of a healthy rental market. According to the results of state-wide surveys by the New Hampshire Housing Finance Authority (NHHFA), the rental vacancy rate in Grafton County increased steadily between 2001 and 2011, peaking at approximately 7.6%, and has steadily decreased since 2011. As of 2021, NHHFA estimates the vacancy rate for all units in Grafton County at 1.1% with a statewide vacancy rate estimated at 0.9%. As the vacancy rate has decreased, the cost of rental units in Lebanon has increased dramatically. The median monthly gross rental cost for a 2-bedroom unit in Grafton County in 2021 is \$1,462, an increase of 28.9% since 2016 and up nearly 61% since 2011. Rental rates in Lebanon are generally higher than for Grafton County as a whole.

In an effort to address the issue of affordable housing in Lebanon, on April 20, 2022, the City Council passed the following resolution:

RESOLVED, the Lebanon City Council hereby directs the City Manager to take steps to Enable, Incentivize, and Partner in the development of housing needs not currently being addressed by the market through the following actions:

1. Prepare amendments to the Zoning Ordinance to enable the creation of “cottage cluster” housing developments on appropriate parcels in the City.
2. Prepare amendments to the Zoning Ordinance to revise the regulations for Manufactured Home Parks, Manufactured Home Subdivisions, and Manufactured Home Planned Unit Residential Developments (PURDs) to better reflect the existing Manufactured Home developments within the City and manufactured homes that are in production today.
3. Prepare amendments to the Zoning Ordinance to complete the Increased Density Bonuses table set forth in Section 507.1 and to develop Criteria for the Award of Bonus set forth in Section 507.2.
4. Develop regulations and guidance for the creation of Housing Opportunity Zones (pursuant to RSA 79-E:4-c) and/or Residential Housing Revitalization Zones (pursuant to RSA 79-E:4-b) to incentivize desirable forms of development.
5. Partner with the Lebanon Housing Authority and other residential developers to utilize city-owned properties for the development of new housing units, including the possibility of a “demonstration project” on a city-owned parcel with high visibility and an opportunity for a reasonable number of units to help overcome barriers to affordability.
6. Study and evaluate the benefits and impacts of Accessory Dwelling Units (ADUs) and potential barriers to ADU development and prepare guides, fact sheets, and educational materials to help reduce potential impacts and reduce regulatory and non-regulatory barriers.
7. In each of the above actions, consider enabling, incentivizing, or demonstrating affordable net zero energy or zero energy-ready homes.

A number of non-profit and for-profit organizations are actively working in and around Lebanon to help address the issue of affordability.

The Lebanon Housing Authority provides rental assistance in the form of both units and subsidies to serve the City of Lebanon. The Authority owns and manages five (soon to be six) developments in Lebanon serving approximately 225 families. Developments include Rogers House (56 units of senior housing), Maple Manor (40 units of senior housing), Lebanon Towers (40 units of senior housing), Romano Circle (30 units of family housing) and Romano Place (16 units of family housing). The additional development (Heater Landing) is currently under construction and will provide 44 units of housing for families and individuals. The Authority is able to provide rental assistance under Federal Section VIII for an additional 163 families, however, it is noted that not all Housing Choice Vouchers are being utilized due to the lack of available affordable units.

In addition to those units owned and managed by the Housing Authority, 198 affordable units are owned and managed by Twin Pines Housing Trust (developments include 10 Parkhurst Street, 420 Mount Support Road, Rivermere, Spencer Street, Spencer Square, Tracy Street Community Housing, and The Village at Crafts Hill); 37 units are owned by Lebanon Housing Associates (Mascoma Village); 11 supportive housing units are owned and managed by Visions for Creative Solutions; and 232 senior living units are owned and managed by Quail Limited Partnerships (developments include the River House at Quail Hollow (phases I, II, & III) and Quail Ridge). Quail LP also has Planning Board approval for 32 additional senior housing units in the “Lake House at Quail Hollow” project, but has not yet started construction.

In order to provide safe and accessible housing for all occupants, the City has adopted the New Hampshire State Building Code (RSA 155-A), which is composed of the following individual codes: International Building Code 2015, International Existing Building Code 2015, International Residential Code 2015, International Mechanical Code 2015, International Energy Conservation Code 2015, International Plumbing Code 2015, and the International Swimming Pool and Spa Code 2015, published by the International Code Council, and the National Electric Code (2017 Edition) published by the National Fire Protection Association, all as amended by the State Building Code Review Board. For fire protection, City Code Chapter 72 provides for the automatic adoption of the most recent edition of the International Fire Code and all appendices therein as published by International Code Council. The City is also required to enforce the State Fire Code (RSA 153), which includes the Uniform Fire Code (NFPA-1; 2015 Edition), and the Life Safety Code (NFPA-101; 2015 Edition) as published by the National Fire Protection Association.

In addition to the codes mentioned above, the City has adopted a Zoning Ordinance, which includes nine different residential districts. Multi-family developments are allowed in nine districts (including five residential districts and four non-residential districts); mobile home parks and subdivisions are allowed in three districts; group residences are allowed in four districts; elderly housing complexes are allowed in seven districts; and Planned Unit Residential Developments (PURDs) are allowed in eight districts. Single-family housing is allowed in all nine residential districts and two-family housing is allowed in six districts. Each of these housing types allows for the development of low- to moderate-cost housing in a range of locations throughout the City.

Community Development

Lebanon Master Plan Chapter 6, “Economic Development,” is hereby incorporated into this document by reference. Chapter 6 begins with the following Statement of Purpose:

The City of Lebanon shall promote high-quality economic development that provides safe, healthy working conditions, and rewarding careers and employment opportunities for residents of the City and region. In accordance with the “Residents-First” policy, economic development in Lebanon shall benefit our residents and enhance quality of life in the City. Our economic development strategy shall foster a vibrant and sustainable local economy by:

- *Encouraging and attracting enterprises that contribute to the total welfare of the City of Lebanon, while also recognizing Lebanon’s role as an employment center for the Upper Valley.*
- *Preserving and enhancing the natural and built environment of Lebanon, and promoting a high quality of life for those who live in, work in, or visit our City.*
- *Implementing economic development and redevelopment strategies that do not result in a greater tax burden for City residents.*
- *Striving to support a mix of businesses from a variety of economic sectors to better protect our local economy from sudden shifts within a single industry and to increase our resistance to economic downturns.*
- *Adopting land use policies that encourage redevelopment of existing non-residential sites and development of existing lands zoned for non-residential use before extensively developing any additional lands for non-residential use.*
- *Maintaining the infrastructure needed to support economic development at high service levels, including fostering state-of-the-art communications infrastructure throughout the City.*
- *Encouraging new non-residential construction and renovation of existing non-residential structures to result in high-quality buildings that can be reconfigured and adapted so that the same structure may serve different purposes over time.*
- *Supporting a variety of housing options that will allow those working within the City, at all income levels, to also live in the City.*
- *Understanding that a strong economy requires a well-educated and skilled workforce, and providing educational and workforce training opportunities for residents at all stages of life.*

The City maintains a strong economic posture as the socio-economic hub of the Upper Valley region. A reasonably strong and diverse economy contributes to Lebanon’s economic vitality. In 1950, the largest portion of the City’s population worked in wholesale or retail-related jobs, with manufacturing being the next largest sector of employment. Since that time, the professional sector has grown to encompass the largest portion of the population, with retail and manufacturing ranking second and third, respectively. In particular, the period since 1990 has seen a substantial rise in management, professional, and related occupations largely associated with the relocation of the Dartmouth-Hitchcock Medical Center to Lebanon. Also notable has been the rise in biotech companies and high-tech manufacturing with ties to Dartmouth-Hitchcock and/or Dartmouth College. Service occupations (particularly health care, social assistance, and education services) and retail jobs associated with the continued build-out of the Route 12-A and Route 120 corridors are also prominent employment sectors. The City wishes to maintain and build on the diversity of its current economic base, recognizing that professional and industrial development generally provide higher-paying jobs, thus contributing more actively to the greater welfare of the community.

Lebanon is the employment center for the Upper Valley boasting roughly 2.63 jobs for every working-age resident – the highest ratio of any community in the region. While not untouched by the recent recessions, Lebanon and the Upper Valley area have fared better than most of the nation and New Hampshire overall. As of March 2022, the City of Lebanon’s unemployment rate (not seasonally adjusted) was 1.6% and the Upper Valley’s rate was 1.9%, while the New Hampshire’s rate was 2.2% and the nation’s unemployment rate was 3.3%. A four- to six-percent unemployment rate is generally considered optimal: Lower rates can result in inflation due to upward pressure on salaries, whereas higher rates can decrease consumer spending.

The Lebanon Zoning Ordinance provides for eleven districts where economic activity can take place. In addition, the City’s residential districts allow for home occupations, including home-based contractor’s yards and home-based agricultural business. Recent efforts to update the Zoning Ordinance look toward greater flexibility in allowing mixed-use development so that people can work, shop, and live with less commuting than occasioned by the development patterns of the past.

“Lebanon’s Principles for a Sustainable Community”

This formally-adopted Council policy is hereby incorporated into the City’s Housing and Community Development Plan by reference. Principles that specifically support the intent of this document include #2 (“Sense of Place”), #4 (“Intelligent, Coordinated Development and Transportation”), #5 (“Economic Vitality”), #6 (“Fiscal Responsibility”), and #7 (“Regional Leadership”). Please refer to the attached policy.

Accordingly, and as a matter of longstanding City policy, the involuntary displacement of households from their neighborhoods by any type of development shall be minimized. An Anti-Displacement and Relocation Plan is formally adopted by the City Council for each CDBG application and project.

Conclusion

In accordance with the 2012 Lebanon Master Plan and the 2015 “Lebanon’s Principles for a Sustainable Community,” the City remains committed to benefitting its low- and moderate-income people, as well as its general population, with housing and community development initiatives. The City will continue to engage in these activities and establish reasonable policies, regulations, and programs to foster beneficial trends. The City will continue to pursue Community Development Block Grant (CDBG) funding, other state and federal funding, as well as private funding to promote the well-being of its citizenry.

Adopted by the Lebanon City Council on January 19, 2011

- Reaffirmed August 21, 2013 with no changes to document content
 - Twin Pines Housing Trust CDBG Emergency Funds Grant Application
- Reaffirmed September 18, 2013 with no changes to document content
 - Lebanon College CDBG Economic Development Funds Grant Application
- Reaffirmed October 15, 2014 with no changes to document content

- Grafton County Economic Development Council/Fresh Air Sensor Corp. CDBG Economic Development Funds Grant Application
- Reaffirmed July 11, 2018 with no changes to document content
 - Twin Pines Housing Trust CDBG Housing & Public Facilities Funds Grant
- Amended and Readopted _____ with updates to document content

Timothy J. McNamara
Mayor
City of Lebanon, New Hampshire

June 27, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC
HEARINGS**
Wednesday, July 6, 2022 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL
PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on July 6, 2022, beginning at 7:00pm for the following:

A. READOPTION OF THE HOUSING & COMMUNITY DEVELOPMENT PLAN – Public hearing for the purpose of receiving public input and taking action to readopt the Housing & Community Development Plan

B. PUBLIC FACILITIES CDBG APPLICATION FOR FAMILIES FLOURISH NORTHEAST – Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Community Development Block Grant – COVID (CDBG-CV) applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFA). Counties and Communities can apply for up to \$500,000 annually on a competitive basis for housing and public facilities; \$500,000 for economic development; and \$500,000 for emergency activities that directly benefit low- and moderate-income persons. Up to \$12,000 is available for feasibility study grants. Public hearings are as follows:

1. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG grant application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract;
2. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG-CV grant application for up to \$750,000 in CDBG-CV Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract; and
3. A public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti-displacement and Relocation Plan for Families Flourish Northeast.

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

The July 6, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning July 1, 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, June 25, 2022.

Kristin M. Kenniston, City Clerk

AGENDA

LEBANON CITY COUNCIL

JULY 6, 2022

8. PUBLIC HEARING ITEMS:

8.B – PUBLIC FACILITIES CDBG APPLICATION FOR FAMILIES FLOURISH NORTHEAST

A public hearing for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Community Development Block Grant – COVID (CDBG-CV) applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFA). Counties and Communities can apply for up to \$500,000 annually on a competitive basis for housing and public facilities; \$500,000 for economic development; and \$500,000 for emergency activities that directly benefit low- and moderate-income persons. Up to \$12,000 is available for feasibility study grants. Public hearings are as follows:

1. Proposed CDBG grant application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract;
2. Proposed CDBG-CV grant application for up to \$750,000 in CDBG-CV Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract; and
3. Adoption of City of Lebanon Anti-displacement and Relocation Plan for Families Flourish Northeast.

The City Council scheduled these public hearings at their June 15, 2022 regular meeting. The public hearings were properly noticed in the *Valley News* on June 25, 2022 in accordance with City Code and State Law.

BACKGROUND

CDFA receives approximately \$9 million annually for the statewide CDBG program which includes all non-entitlement municipalities and counties. Up to \$500,000 annually is available to communities or counties on a competitive basis in each of the four categories of housing, public facilities, economic development, and emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants.

Further, CDFA has approximately \$3.5 million available in CDBG-CV (Covid) funding for public facilities. The funding is focused on childcare and mental health. Applicants may apply for up to \$750,000. Note that successful applicants will be funded through *either* the regular CDBG OR CDBG-CV (not both).

Families Flourish Northeast requests that the Lebanon City Council support the submission of a CDBG application for Public Facilities for up to \$500,000 and a CDBG-CV Public Facilities application for up to \$750,000 to support the development of a high-intensity residential substance-use treatment center for pregnant and parenting women and their children in the Upper Valley. The proposed location for the facility is the Homestead Building on Mascoma Street which is a part of the Alice Peck Day campus. The cost of the renovation is estimated at \$4 million. The goal is to begin providing services at the new facility by mid/late 2023.

Please see the attached description and project overview for more information.

ACTION

As part of the application process, the following language must be read into the record:

Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects and feasibility studies that primarily benefit low and moderate-income persons. The purpose of the public hearings required for CDBG funding is to solicit the view of the citizens on community development; furnish the citizens with information concerning the amount of funds available and the range of community development activities which may be undertaken under the Community Development Act.

For the remainder of 2022, there will be approximately \$2.5 million dollars available for housing and \$2.5 million for public facilities projects. Approximately \$2.5 million will be available for economic development and \$200,000 for planning grants. Economic development and planning grant applications are submitted on a rolling basis until the funds are used up. The City of Lebanon is eligible for up to \$500,000 per year for both public facility and housing applications and up to \$500,000 per year for economic development projects, as well as up to \$500,000 per year in emergency funds. Planning grants are available for up to \$25,000 per year.

The CDFA has identified that there is a significant need for CDBG-CV assistance for Public Facilities to respond to COVID-19 related needs particularly facilities serving childcare and mental health needs. CDFA has approximately \$3.5 million in CDBG-CV funds available for this round. The City of Lebanon is eligible for up to \$750,000.

NOTE: PLEASE ACT ON EACH PUBLIC HEARING BY SEPARATE MOTION

PUBLIC HEARING B.1:

MOVED, that the Lebanon City Council hereby approves the submittal of the CDBG application and authorizes the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG contract for Families Flourish Northeast in the amount of up to \$500,000 and as described in the July 6, 2022 City Council Agenda Packet.

PUBLIC HEARING B.2:

MOVED, that the Lebanon City Council hereby approves the submittal of the CDBG-CV application and authorizes the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG-CV contract for Families Flourish Northeast in the amount of up to \$750,000 and as described in the July 6, 2022 City Council Agenda Packet.

PUBLIC HEARING B.3:

MOVED, that the Lebanon City Council hereby adopts the City of Lebanon Residential Anti-displacement and Relocation Plan for Families Flourish Northeast as presented in the July 6, 2022 City Council Agenda Packet.

Included in this Section:

1. Project Description – Families Flourish Northeast – Upper Valley Facility
2. City of Lebanon Residential Anti-Displacement and Relocation Plan for Families Flourish Northeast
3. June 28, 2022 Certification of Public Notice Posting
4. Notice of Public Hearing as Published in the June 25, 2022 Edition of the *Valley News*

Name and Town: Families Flourish Northeast, Lebanon, NH

Email: info@familiesflourishne.org

Families Flourish Northeast (FFNE) is a New Hampshire 501(c)3 nonprofit corporation in the final planning phase for a high-intensity residential substance-use treatment center for pregnant and parenting women and their children. The organization is currently seeking \$4 million dollars in funding for startup costs and renovation/construction of its future home in the Upper Valley of New Hampshire, with a goal of providing services by mid/late 2023.

Filling the critical gap in access to family-centered residential treatment in New Hampshire. Rural families and communities in central and northern New Hampshire have been severely impacted by our state's substance use crisis yet have far less access to treatment than the more heavily populated southern part of our state. In 2020, the proportion of newborns born at Dartmouth-Hitchcock with prenatal substance exposure rose to 10.3%, in contrast to 6.7% for New Hampshire overall. By March 2021, these numbers had risen again to 11.6% for DHMC and 7.1 % for the state. Since the onset of the COVID-19 pandemic, rates of substance exposed pregnancies and the severity of maternal substance use have increased in the Upper Valley, as well as statewide. Unfortunately, treatment need far exceeds supply. The two family-centered residential programs in New Hampshire are in the southern part of the state, comprise only 26 treatment beds, and carry up to a 6-month waiting list. FFNE will significantly increase treatment capacity for this vulnerable population by providing comprehensive treatment for up to 14 pregnant and parenting women and their children up to age 12.

Mission: Our mission is to fill a critical gap by providing trauma-informed residential substance use disorder treatment for pregnant and parenting women in a warm, safe and supportive community.

Vision: Our vision is to support lifelong health, healing and recovery for women, children, families, and communities by interrupting the intergenerational cycle of addiction.

Clinical Model Overview: The Families Flourish Northeast (FFNE) program will provide the American Society of Addiction Medicine level 3.5, Clinically Managed High-Intensity Residential Substance Use Treatment for women. This level of care includes residential services capable of addressing complex co-occurring mental health needs, providing 24-hour care with trained addiction and mental health counselors to stabilize and prepare participants for outpatient treatment. The FFNE 12-month program will be divided into three phases: stabilization, active treatment, and transition. FFNE's multidisciplinary approach will include comprehensive substance use and psychiatric evaluation, individual and group therapy, treatment medications as indicated, parent-child psychotherapy and attachment interventions, and critical parenting support. As women progress through treatment, emphasis will shift to recovery maintenance, development of life skills, employment training, and re-entry to the workforce. Pediatric services will include comprehensive behavioral and development assessment and age-appropriate interventions for children 0-12 years. FFNE will work closely with the Division of Children, Youth, and Families to support family reunification for women who do not have custody of their children.

Urgent need for residential services: Between 2018-2020, 29 women attending Dartmouth-Hitchcock's Moms in Recovery intensive outpatient treatment program were referred to residential treatment, of whom 25 declined referral due to lack of gender-specific services that would allow them to bring their children with them or to continue visitation with their children who were not in their care. Over 80% of program participants had co-occurring mental health diagnoses and many were experiencing family violence.

Gap in Existing Services: Currently, treatment for pregnant and parenting women with SUD in Cheshire, Sullivan, Grafton, Carroll and Coos counties are entirely outpatient-based, with one gender-specific Intensive Outpatient Program (IOP) in Lebanon in the Moms in Recovery program. As mentioned previously, southern New Hampshire currently has two programs offering clinically managed, high intensity residential treatment for women with children, totaling 26 beds, both carry waitlists up to 6 months. While 28-day residential beds in mixed-gender facilities are more available, these programs do not allow women to bring their children with them. Lack of accessible treatment for parenting women is contributing to the current strain on New Hampshire's child welfare, criminal justice, and correctional systems.

Effectiveness of FFNE treatment model: FFNE aims to provide the appropriate level of addiction treatment needed to support sustained recovery, community reintegration, and intact maternal-child relationships. The FFNE model is based on the evidence-based *Horizons for Women* program, which provides long term residential treatment for women with children at the University of North Carolina. This treatment program is based on a relational model utilizing state-of-the-science practices in women's treatment, parent-child psychotherapy, and attachment-based approaches which address the developmental needs of children impacted by maternal substance use.

FFNE's program will support women as they move from initial stabilization through treatment, recovery maintenance, and finally re-entry into the community setting. The program will be provided in a structured environment which builds women's capacity for safely parenting their children, supports family reunification, and reduces the impact of adverse childhood events. Case management starting on admission will work proactively with community-based services, affordable housing providers, and employers to ensure successful reintegration to a woman's home community following residential program completion.

Physical space needed to deliver the Families Flourish clinical model. FFNE's future home will meet all requirements for NH residential program licensure, and accreditation by the Council for Accreditation of Rehabilitation Facilities (CARF), in an innovative family-centered model facility. Residential accommodations will allow for stabilization, active treatment, supported employment, and transition to independent, community-based recovery over the course of the 9–12-month program. Family units will be designed to facilitate mentored parenting skill development and attachment, in the context of a larger family-centered recovery community. At the close of 2021, FFNE signed a Letter of Intent to lease and renovate the Homestead Building on the campus of Alice Peck Day Memorial Hospital. As a result, FFNE and APD are now actively negotiating a long-term lease for the building with a goal to begin renovations by the end of 2022.

Additional Funding Sources. Families Flourish Northeast has worked diligently to explore multiple avenues of revenue to fund start-up and renovation costs. During the past several years, FFNE has received foundational support from the New Hampshire Charitable Foundation and DHMC, investing a combined total of over \$250,000 for the planning and development of our organization. FFNE is confident that the first phase of our upcoming Capital Campaign will be successful in recruiting several individuals, corporations, and philanthropists throughout New England who will be eager to support our project. FFNE will utilize a seasoned development consultant to help strengthen community connections and expand our current prospect pool through 2022. Additionally, FFNE is actively seeking additional community, state and federal funding for infrastructure and capacity building including the following opportunities: USDA Recovery Grant (\$900,000), Community Funding Requests to the House Appropriations Committee (\$500,000) and a request to the Governor's Office for Emergency Relief and Recovery (GOFERR) (\$750,000). Once operational, FFNE will seek programmatic funding from SAMSHA, HUD, NIH, and other federal agency opportunities.

**CITY OF LEBANON
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN
FAMILIES FLOURISH NORTHEAST**

Every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG project undertaken by the municipality. THE FAMILIES FLOURISH NORTHEAST WILL INCLUDE DISPLACEMENT of one or more existing businesses. Families Flourish will develop and submit a Relocation Plan.

However, in the event of displacement as a result of a federally funded award, the CITY OF LEBANON will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntarily and permanently displaced.

If the property is acquired, but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide that before obligating and spending funds that will directly result in such demolition or conversion the municipality will make public and submit to CDFA the following information:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion date of the demolition or conversion;
- e. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits for all low or moderate income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or:
 2. If elected by a family, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate of voucher for rental assistance provided through New Hampshire Housing Finance Authority.
- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in

subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and

- k. The right of appeal to the executive director of CDFA where a claim for assistance under subparagraph 2. above, is denied by the grantee. The executive director's decision shall be final unless a court determines the decision was arbitrary and capricious.
- l. Paragraphs a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

CITY OF LEBANON anticipates displacement or relocation activities will be necessitated by this project, the City certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

Printed Municipal Official Name: _____

Title: _____

Signature: _____

Date of Adoption by the Lebanon City Council : _____



The July 6, 2022 Notice of Public Hearing for the FAMILIES FLOURISH NORTHEAST PUBLIC FACILITIES CDBG APPLICATION was posted on Friday, June 24, 2022 in the following three public places:

Lebanon City Hall, Lebanon, NH
Lebanon Public Library, Lebanon, NH
Kilton Public Library, West Lebanon, NH

The notice was also published in the *Valley News* on Saturday, June 25, 2022.

Certified by:

Paula Maville
Deputy City Manager

Dated: June 28, 2022

June 27, 2022



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC
HEARINGS**
Wednesday, July 6, 2022 - 7:00pm
Council Chambers, City Hall or
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The Lebanon City Council will hold public hearings on July 6, 2022, beginning at 7:00pm for the following:

A. READOPTION OF THE HOUSING & COMMUNITY DEVELOPMENT PLAN – Public hearing for the purpose of receiving public input and taking action to readopt the Housing & Community Development Plan

B. PUBLIC FACILITIES CDBG APPLICATION FOR FAMILIES FLOURISH NORTHEAST – Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Community Development Block Grant – COVID (CDBG-CV) applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFA). Counties and Communities can apply for up to \$500,000 annually on a competitive basis for housing and public facilities; \$500,000 for economic development; and \$500,000 for emergency activities that directly benefit low- and moderate-income persons. Up to \$12,000 is available for feasibility study grants. Public hearings are as follows:

1. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG grant application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract;
2. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG-CV grant application for up to \$750,000 in CDBG-CV Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract; and
3. A public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti-displacement and Relocation Plan for Families Flourish Northeast.

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

The July 6, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning July 1, 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, June 25, 2022.

Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

8. PUBLIC HEARING ITEMS:

**8.C – ORDINANCE 2022-02 TO AMEND CITY CODE CHAPTER 115,
ENACTMENT OF ORDINANCES**

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

The City Council scheduled this public hearing at their June 15, 2022 regular meeting. The public hearing was properly noticed in the *Valley News* on June 25, 2022 in accordance with City Code and State Law.

BACKGROUND

The onset and continuation of the COVID-19 Pandemic required the issuance of local public health ordinances adopted under the provisions of City Code Chapter 115, Enactment of Ordinances.

The process as outlined in Chapter 115 requires that the Council schedule and hold a public hearing to adopt and/or amend these necessary regulations. In accordance with advertising deadlines required by NH RSA 91-A, the earliest a public hearing can be held is approximately 2 weeks from the date the hearing is set. In times of a public health emergency, this required timeline is not practical as it does not permit quick action when needed.

With an inevitable need to deal with this again in the future, administration is recommending that Chapter 115 be amended to permit the Council to enact emergency public health ordinances without the need for a public hearing. All information would be included and posted with the respective meeting agenda, providing the public with full notice of the Council's intention.

Presently, New Hampshire state statutes allow for a faster process for municipalities to implement emergency public health measures. The proposed changes would fall in line with what state law already provides.

ACTION

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

MOVED, that the Lebanon City Council hereby adopts Ordinance #2022-02 to amend City Code Chapter 115, Enactment of Ordinances.

Included in this Section:

1. Proposed Ordinance #2022-02
2. June 7, 2022 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2022-02 Public Health Emergency Ordinances, Ch. 115
3. Notice of Public Hearing as Published in the June 25, 2022 Edition of the *Valley News*

ORDINANCE 2022-XX

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 115, Enactment of Ordinances, to authorize and establish a procedure for adopting public health emergency ordinances.

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

Section 1.

The Code of the City of Lebanon, Section §115-2 is hereby amended as follows:

1. To amend the title of §115-2 to read “Proposed Ordinances”.
2. To amend §115-2 to read as follows:

Any member of the City Council, the City Manager, or 10 or more citizens qualified to vote in the city, may petition the City Council to adopt an ordinance or to amend the existing City Code. Such petition shall be placed on the Council's agenda for consideration within 30 days of ~~receipt, unless receipt.~~ Should the Council determine that such proposed ordinance or amendment is prudent, unless the City Council determines that such proposed ordinance or amendment is inexpedient to consider. A public hearing shall be set within the next 3060 days, except for public health emergency ordinances under §115-5.

Section 2.

The Code of the City of Lebanon is hereby amended to renumber existing §115-5, Effective Date, and §115-6, Form, as §115-6 and §115-7, and to add a new section, §115-5, Public Health Emergency Ordinances, to read as follows:

A. DEFINITION:

A public health emergency is a condition, situation, or set of circumstances deemed by the City Council to be so extremely hazardous or dangerous to life or health that it is necessary to invoke, require, or utilize prompt or immediate extraordinary measures, actions, or procedures to prevent reduce or mitigate widespread injury, illness, or loss of life. Public health emergencies include but are not limited to health-related “states of emergency” as defined in RSA 21-P:35, VIII and “public health emergencies” as used by the U.S. Department of Health and Human Services. Public health emergencies include but are not limited to flooding, environmental contamination, infectious disease outbreak, acts of bioterrorism, and medical needs following severe weather events or acts of God.

B. ADOPTION OF PUBLIC HEALTH EMERGENCY ORDINANCES:

- (1) Pursuant to RSA 47:17, XV authorizing city councils to adopt bylaws and ordinances for the well-being of the cities, and RSA 47:12 which authorizes city councils to make regulations for the public health and safety of the people under RSA 147:1, the City Council may adopt public health emergency ordinances using this alternate procedure. Unless specifically stated otherwise, the requirements of §115-4 and §115-4 shall not apply to public health emergency ordinances.
- (2) The Manager shall obtain and submit to the Council prior to any Council consideration a legal opinion in writing as to the authority and validity of any new, proposed public health emergency ordinance. Legal review shall not be required of any amendment to an existing

public health emergency ordinance if such amendment is a change in form and not in substance, which determination shall be made by the Council. If a legal opinion is obtained, the substance of the opinion shall be made public at the Council meeting.

- (3) Notice that the Council will consider and potentially vote on a public health emergency ordinance shall be included in the agenda for such meeting posted on the City's website and in accordance with the provisions of RSA 91-A ~~at least ___ days prior to such meeting,~~ together with the proposed text of such ordinance. ~~If the proposed text is too lengthy to be included in the agenda in its entirety, there shall be an adequate statement in the agenda describing such proposed ordinance.~~ A copy of the proposed public health emergency ordinance shall be available for public inspection at City Hall and copies shall be made available. ~~The Council shall consider and vote on public health emergency ordinances only at a Council meeting held after such notice in the agenda. If discussion on the proposed ordinance is continued to another Council meeting, the same notice shall be given.~~
- (4) Any public health emergency ordinance adopted by the Council shall be posted in its entirety on the City's website and posted in 2 additional public places as soon as practicable.

C. DURATION AND RENEWAL:

Every public health emergency ordinance shall expire after 60 days (or earlier as may be stated in such ordinance) unless the Council votes to renew it. Notice of the Council's intent to consider and potentially vote upon renewal shall be given in the same manner as provided in §115-5(B).

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 jurisdictions, 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 immediately upon its adoption.



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

June 7, 2022

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: 06/09/2022

DS

**RE: Ordinance #2022-02 Public Health Emergency Ordinances
Ch. 115**

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2022-02, Public Health Emergency Ordinances, which your office forwarded to me on June 6, 2022. The goals of the proposed ordinance as I understand them are to amend the existing Chapter 115 of the City Code regarding the adoption of ordinances by adjusting the process for placing proposed ordinances on the City Council's agenda for consideration, increasing the time period for holding a public hearing from 30 days to 60 days, and creating a new provision for the Council to adopt public health emergency ordinances after notice in the Council's agenda and discussion and vote at a council meeting. The proposed ordinance defines "public health emergency ordinances" and provides that they expire after 60 days unless renewed by the Council following the same procedure as for initial adoption.

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

June 27, 2022



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A. READOPTION OF THE HOUSING & COMMUNITY DEVELOPMENT PLAN – Public hearing for the purpose of receiving public input and taking action to readopt the Housing & Community Development Plan

B. PUBLIC FACILITIES CDBG APPLICATION FOR FAMILIES FLOURISH NORTHEAST – Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Community Development Block Grant – COVID (CDBG-CV) applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFA). Counties and Communities can apply for up to \$500,000 annually on a competitive basis for housing and public facilities; \$500,000 for economic development; and \$500,000 for emergency activities that directly benefit low- and moderate-income persons. Up to \$12,000 is available for feasibility study grants. Public hearings are as follows:

1. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG grant application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract;
2. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG-CV grant application for up to \$750,000 in CDBG-CV Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be needed to effectuate the CDBG Application and contract; and
3. A public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti-displacement and Relocation Plan for Families Flourish Northeast.

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

The July 6, 2022 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning July 1, 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, June 25, 2022.

Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

10. NEW BUSINESS:

**10.A – REQUEST FOR EXEMPTION FROM CITY CODE CHAPTER 110,
NOISE FROM SOUND AMPLIFICATION SYSTEMS –
SALT HILL PUB, LEBANON**

BACKGROUND

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

Salt hill Pub of 2 West Park Street, Lebanon, is requesting permission to allow small amplification equipment to be utilized for live music on some Fridays and/or Saturdays from July 6, 2022, until September 4, 2022, at the southern corner of the tent on West Park Street in front of the Whipple Building until 10:30pm. The live music will only occur when bookings are confirmed and not every Friday and Saturday for the time period above.

ACTION

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

MOVED, that the Lebanon City Council, in accordance with City Code Chapter 110, Noise from Sound Amplification System, §110-2, hereby authorizes Salt hill Pub of 2 West Park Street, Lebanon, to utilize amplification equipment until 10:30pm on Fridays and Saturdays from July 6, 2022 through September 4, 2022.

Included in this Section:

1. June 9, 2022 Request from Josh Tuohy, Salt hill Pub
2. City Code Chapter 110, Noise from Sound Amplification Systems

Salt hill Pub
2 West Park Street
Lebanon, NH 03766
603-448-4532

June 9, 2022

Attn: Beth Beraldi, City Manager's Office

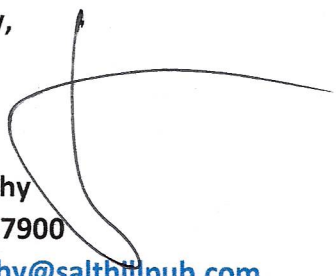
We respectfully request permission from the City of Lebanon to host live music outdoors (under the tent in front of our business at the Whipple Building, 2 West Park Street, downtown) on Friday and Saturday nights this summer. Time period of live music would be 8pm – 10:30pm on Fridays and Saturdays when bookings are confirmed.

Please note that we do not expect to host live music every Friday and Saturday during the summer. However, given our guests' wishes to enjoy our restaurant and live music outdoors (rather than indoors), we are hoping this permission will be granted.

Requested/proposed period: June 17th through September 4th.

Thank you for your consideration and time. Please contact me with any questions or concerns.

Sincerely,



Josh Tuohy
603-398-7900
Josh.tuohy@salthillpub.com



CITY OF LEBANON NH—Application for Permit

APPLICATION FOR SOUND PERMIT

(IN ACCORDANCE WITH CITY CODE §110)

At least two weeks prior to event, submit to: manager@lebanonnh.gov

Applicant Name:

Tooty's Tavern LLC / dba Salt Hill Pub

Business/Organization:

Street Address

2 West Park St City Lebanon State NH Zip 03766

Phone:

603-448-4532

Email:

josh.tooty@salthillpub.com

EVENT INFORMATIONEvent Date: June 17th → Sept 4th 2022 *Start Time: 8pm End Time: 1030pm

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

Location of Event:

SOUTHERN CORNER OF TENT IN FRONT OF WHIPPLE BLDG

Event Purpose:

Live Music (rock, blues, blue grass) for guest enjoyment, public enjoyment

Type of Sound Equipment:

1-3 SMALL AMPS

Number of Units:

SOUND TRUCK INFORMATION (if applicable)

Vehicle Registration #:

Year/Make/Type of Vehicle:

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

Proposed Route of Truck:

Approximate Distance the sound will be audible from the vehicle:

Agreement and Signature

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

Signature:

Date:

6.9.22

FOR OFFICE USE ONLY

Date Received:

06/13/2022

PERMIT #

CM-2022-034

APPROVAL

Police Chief Approval:

DocuSigned by:

Phillip Roberts

Date:

6/13/2022

City Council Approval (if needed):

Date:

Chapter 110

NOISE FROM SOUND AMPLIFICATION SYSTEMS

GENERAL REFERENCES

Noise by vendors — See Ch. 179.

§ 110-1. Declaration of policy.

A. It is hereby declared that:

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

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

§ 110-2. Application of rules and regulations.

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

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

§ 110-3. Definitions.

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

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

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

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

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

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

§ 110-5. Application for permit.

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

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

§ 110-6. Terms for issuance of permits.

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

§ 110-7. Sundays and legal holidays.

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

§ 110-8. Possession and display of permit.

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

§ 110-9. Exceptions.

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

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

§ 110-10. Permit fees.

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

§ 110-11. Penalties for offenses.

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

AGENDA

LEBANON CITY COUNCIL

JULY 6, 2022

10. NEW BUSINESS:

10.B – PRESENTATION OF PLANS FOR “ROTARY HARMONY PARK”

BACKGROUND

On June 8, 2021, City Manager Mulholland conducted a walking tour of the pedestrian mall with local merchants to explore improvement possibilities. Several ideas surfaced during that meeting, one of which was to install a family friendly playground in the large open area outside of Lebanon Village Pizza and the former Shoetorium (presently Lebanon Charter School). The Rotary Club of Lebanon has championed that idea and is proposing to donate and install “Rotary Harmony Park”, a musical playground in that space.

The Rotary Club of Lebanon celebrates its 100th anniversary in 2023, and plans to celebrate their centennial by donating a project that would:

- Have a substantial impact on the Lebanon community,
- Attract the enthusiastic support and participation of the population the project is intended to serve, and
- Be clearly identified as a Rotary-inspired contribution.

Over a dozen project ideas were under consideration, several of which included input from Lebanon Recreation, Arts & Parks. The Rotary Club added the pedestrian mall play space after the idea was mentioned at the June 8th meeting with Manager Mulholland and mall merchants.

The Rotary Club of Lebanon’s 100th Anniversary Project Committee did extensive research with Lebanon Recreation, Arts & Parks, Department of Public Works, and commercial playground installation companies. Local merchants were also consulted to make sure noise factors and general agreement could be achieved.

The attached presentation includes a layout of the proposed park. Each “instrument” would be securely fastened to the existing concrete by a professional playground installer. These musical instruments do not require specialized playground surfacing, an important factor for what types of features we could consider. They fit comfortably within a footprint that allows for future expansion of outdoor dining and special events on the mall. Local merchants have blessed the project idea, citing hopeful increased foot traffic to the location, and that it complements the newly opened pedestrian and bike path through the tunnel.

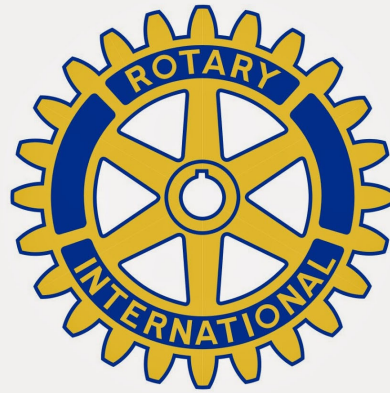
Total cost for the project including installation is \$48,875, and The Rotary Club of Lebanon plans to contribute 100% of this cost. The instruments will be owned by the City and maintained by Lebanon Recreation, Arts & Parks.

ACTION

No action is required by the Council. Item is for informational purposes only.

Included in this Section:

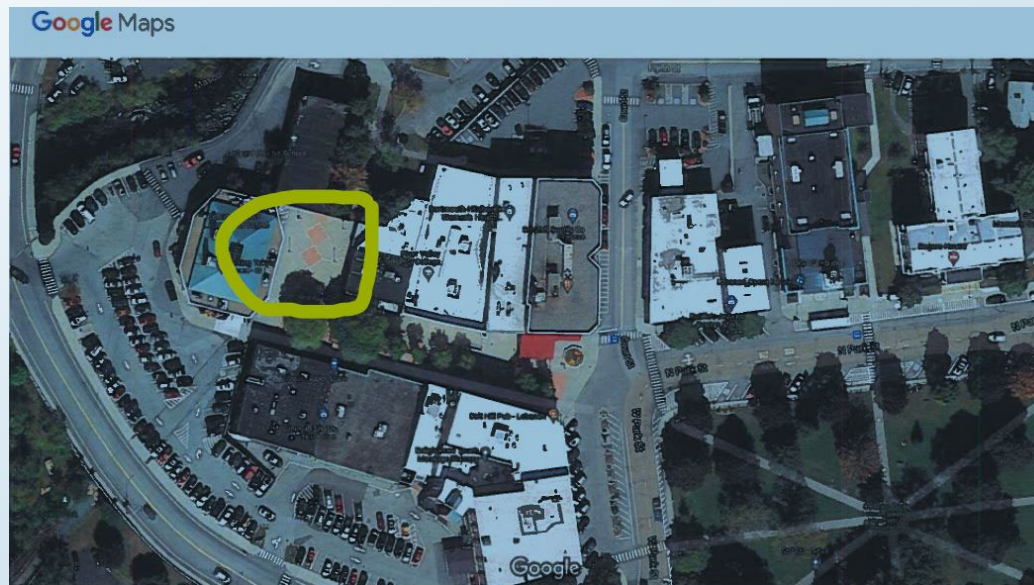
1. PowerPoint Presentation – Rotary Harmony Park



Rotary Harmony Park

Where would it go?

- ▶ Lebanon Mall adjacent to Village Pizza.
- ▶ Concrete space to be used is approximately 60' x 20'
- ▶ The space has been reviewed by Everett (from Lebanon DPW) along with Paul Coats



Lebanon Mall Location



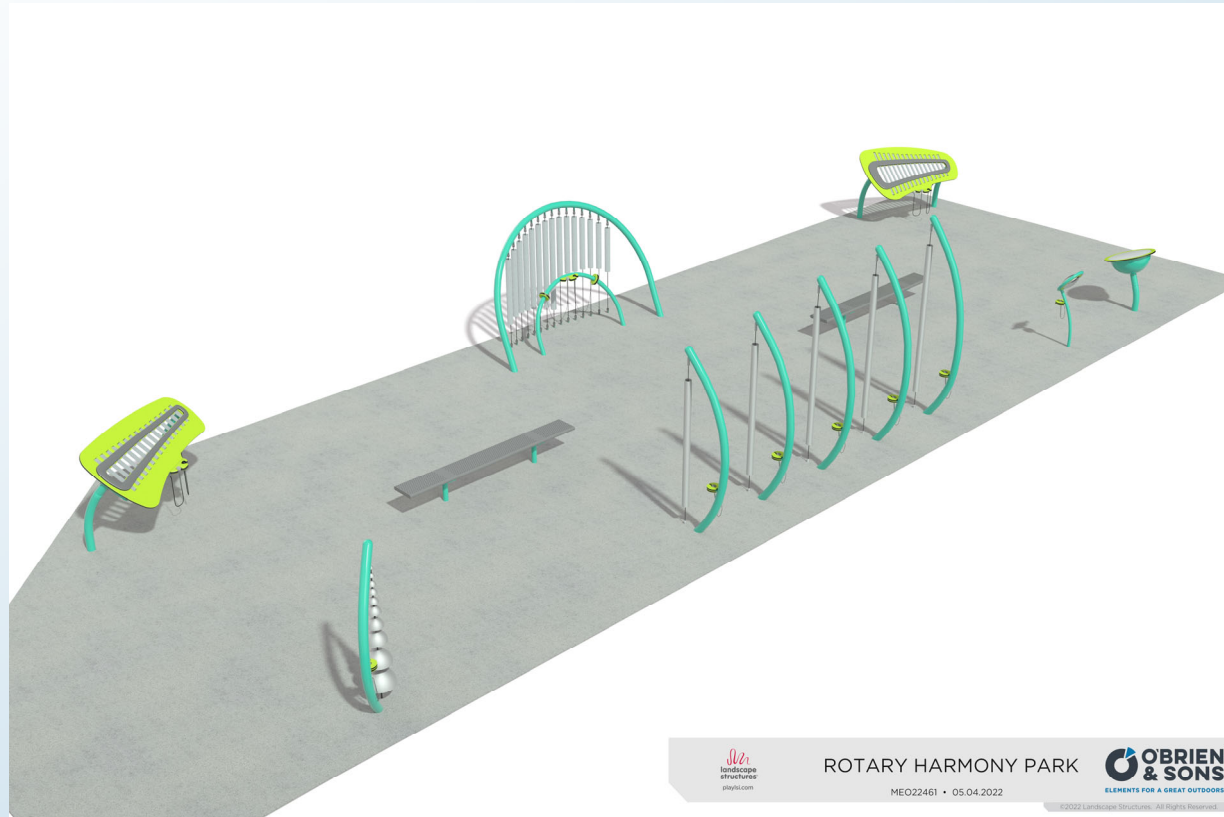
East View



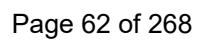
West View



Suggested Layout



Musical instruments included



Project Cost:

Covered
100% by
Lebanon
Rotary



Company Address
PO Box 718, Medway MA 02053-0718
TEL 508-359-4200 / FAX 508-533-6342
www.obrienandsons.com

Date 5/5/2022
Quotation Expires 6/4/2022

Prepared By Priscila Bell

Customer Name David Crandall/Rotary Club of Lebanon
Tel, Email dcrandall490@gmail.com

Comments or Special Instructions

Version # 1

Job Name	Lebanon, NH - Rotary Club of Lebanon
----------	--------------------------------------

Salesperson	Email	Pay Terms	Lead Time
Joel St. Pierre	joel_stpierre@obrienandsons.com	TBD	18+ Weeks

Quantity	Unit	Vendor, Model Number & Description	Unit Price	Taxable?	Amount
1	lot	#ME022461: Harmony Park Musical Design			
1	lot	Total Furnished & Installed	\$ 48,875.00		\$ 48,875.00

Subtotal \$ 48,875.00

Tax Rate

Sales Tax \$ -

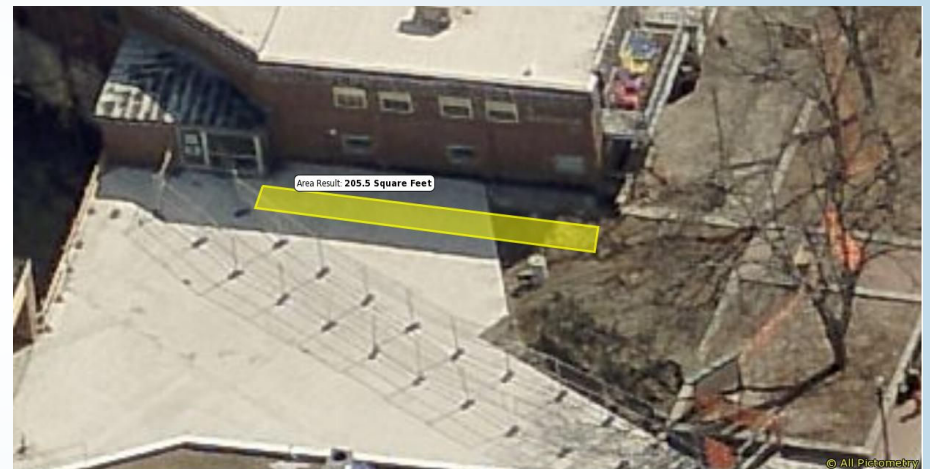
TOTAL \$ 48,875.00

If you have any questions concerning this quotation, please contact your salesperson listed above.

Please Read the Attached TERMS & CONDITIONS

Potential Phase 2 for the Lebanon Mall Space

- Paul Coats has suggested that Rec Arts & Parks will pursue additional funding to add an active recreational element, either at the same time as the Harmony Park comes together, or during a 2nd phase.
- Rec Arts & Park's other goal is to condense the park in one area so that future event programming on the mall can still take place. DanceFest on the Mall is a good example of the benefit of not taking up all the interior space.
- The pictometry picture (right) shows where we are leaning towards locating the elements.



Final points to consider

- ▶ Local merchants like the idea of the Harmony Park to increase foot traffic to the location.
- ▶ Local merchants suggested including picnic tables and other seating.
- ▶ The Lebanon Mall space is adjacent to the recently-completed rail trail tunnel so could be used by pedestrians there
- ▶ The playground can be used for many months of the year- whenever children can play outside



**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

10. NEW BUSINESS:

**10.C – RECOMMENDATION FROM THE DIVERSITY, EQUITY, AND INCLUSION
COMMISSION REGARDING THE CONTINUATION OF THE
SCHOOL RESOURCE OFFICER POSITION**

BACKGROUND

At its June 7, 2022 meeting, the Diversity, Equity, and Inclusion (DEI) Commission voted to recommend to the City Council to adopt a resolution regarding the School Resource Officer position. The Commission also voted to include a statement in support of that resolution.

ACTION

The DEI Commission recommends that the Lebanon City Council adopt the following resolution or one to similar effect:

Given racial and (dis)ability inequities that result from police presence in schools, the City of Lebanon recommends discontinuing the School Resource Officer position in favor of supportive, non-punitive interventions, which may include increased social worker and mental health professionals, to benefit the City's student population.

Included in this Section:

1. Excerpt of Draft June 7, 2022 Diversity, Equity, and Inclusion Commission Meeting Minutes.
2. Statement with supporting links as written and approved by the DEI Commission on June 7, 2022, in support of their recommended resolution

(DRAFT – EXCERPT)
CITY OF LEBANON
DIVERSITY, EQUITY, & INCLUSION COMMISSION
June 7, 2022— 6:00pm
COUNCIL CHAMBERS, CITY HALL or
Remote Via Microsoft Teams: LebanonNH.gov/LIVE

MEMBERS PRESENT: Kathy Beckett (Public Representative Alternate); Richard Ford Burley (Secretary); Nancy Graham (Public Representative); Keiselim Montas (Public Representative); Bise Wood Saint Eugene (Public Representative); Emily Walton (Vice-Chair); Simone Whitecloud (Public Representative Alternate); Devin Wilkie (City Council Representative); Tia Winter (Public Representative)

MEMBERS ABSENT: Renee DePalo (Chair); Karen Liot Hill (City Council Representative); Karen Zook (City Council Alternate)

STAFF PRESENT: Shaun Mulholland (City Manager)

1. CALL TO ORDER

Vice-Chair Emily Walton calls the 7 June 2022 Diversity, Equity & Inclusion Commission (DEI) Meeting to order at 6:00pm.

4. NEW BUSINESS

B. Discuss the School Resource Officer (SRO) position as it relates to the School Board's decision.

Devin Wilkie presents the statement as found on page 5 of this week's packet. Discussion of the statement follows.

A MOTION by Devin Wilkie to approve the statement as written on page 5 of this week's packet, and to the extent allowable post it on the DEI website, pending revision by the City Manager. Emily Walton seconds The Motion.

****The Motion is approved unanimously.***

Emily Walton presents the recommendation as found on page 6 of this week's packet, to determine whether the recommendation should be amended and/or forwarded to the City Council. Keiselim Montas recommends amending the language. Statement is amended as follows (amended language in bold): "Given racial and (dis)ability inequities that result from police presence in schools, the City of Lebanon recommends discontinuing the School Resource Officer position in favor of supportive, non-punitive interventions, **which may include increased social worker and mental health professionals, to benefit the student population.**"

A MOTION by Devin Wilkie to approve the recommendation, as amended, and forward it and the statement to the City Council. Kathy Beckett second The Motion.

****The Motion is approved unanimously.***

Statement as written and approved by the Diversity, Equity, and Inclusion Commission on June 7, 2022 in support of their recommended resolution to the City Council relative to the School Resource Officer position:

On April 27, 2022, the Lebanon School Board voted to retain the School Resource Officer (SRO), [overriding the public vote a second time](#) [1]. The Lebanon DEI Commission would like to share some information about how students are affected by police officers in schools.

Across the nation, [45% of schools employ SROs](#) [2], nearly all of whom are armed with guns and carry other restraints, like handcuffs.

Many schools have implemented SROs in response to a surge in deadly school shootings in recent decades. However, research demonstrates that the [rate of deaths from school shootings is 2.83 times greater in schools with an SRO](#) [3] compared to those without.

In addition to greater violence, adding armed police to schools leads to [more discipline and arrest for all students](#) [4]. Studies have also shown that having an SRO in a school intensifies the use of suspensions, expulsions, police referrals, and chronic absenteeism among all students, and [particularly among students of color and those with disabilities](#) [5].

Nationally, arrest rates are three times as high for Black students compared to white students, and [in New Hampshire, the rate of Black student arrest is 4.5 times that of white students](#) [6] (Table 5). For Black girls, the racial disparities are even more stark. While Black girls in the United States are four times more likely to be arrested than white girls, [in New Hampshire, Black girls are 6 times more likely to be arrested than white girls](#) [6].

In terms of education outcomes, a recent study found that exposure to an SRO in middle school relates to a [2.5% lower high school graduation rate and a 4% lower college graduation rate](#) [7].

Overall, New Hampshire schools are more likely than those in other states to [criminalize their students](#) [6], referring above average numbers of students to law enforcement (80 referrals per 10,000 students in NH vs. 47 referrals per 10,000 students on average in the US, Table 6.)

The [Lebanon Education Association](#) [8] teachers union, the [ACLU of New Hampshire](#) [9], and [Lebanon High School Students of Color Collective](#) [10] all expressed their opposition to the SRO position.

Research suggests alternative approaches, such as well-trained [mental health counselors and social workers](#) [11], proactively support students while keeping them safe.

1. Potter, C., *Lebanon votes to end School Resource Officer program*, in *Valley News*. 2022: <https://www.vnews.com/Lebanon-nh-town-meeting-results-2022-45366433>.
2. Sawchuk, S., *School Resource Officers (SROs), Explained*, in *Education Week*. 2021: <https://www.edweek.org/leadership/school-resource-officer-sro-duties-effectiveness>.
3. Peterson, J., J. Densley, and G. Erickson, *Presence of Armed School Officials and Fatal and Nonfatal Gunshot Injuries During Mass School Shootings, United States, 1980-2019*. JAMA 2021. 4(2): p. <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2776515>.
4. Owens, E.G., *Testing the School-to-Prison Pipeline*. Journal of Policy Analysis and Management, 2016. 36(1): p. 11-37
<https://escholarship.org/content/qt0b8976wk/qt0b8976wk.pdf>
5. Sorensen, L.C., et al., *The Thin Blue Line in Schools: New Evidence on School-Based Policing Across the U.S.* 2021, Annenberg Institute at Brown University: <https://www.edworkingpapers.com/ai21-476>.
6. Whitaker, A., et al., *Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students*. 2022, American Civil Liberties Union: https://www.aclu.org/sites/default/files/field_document/030419-acluschooldisciplinereport.pdf.
7. Weisburst, E.K., *Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcomes*. 2018, Luskin School of Public Affairs, Department of Public Policy, UCLA: <https://drive.google.com/file/d/1XbO7qyNWB4Fz54nGXJuej-yRhvTa5kMF/view>.
8. Gamble, J.A., *Schools are no place for armed police*, in *Valley News*. 2021: <https://www.vnews.com/Column-Lebanon-Education-Association-not-in-favor-of-SRO-40359319>.
9. Camerato, T., *Lebanon keeps school resource officer, for now*, in *Valley News*. 2021: <https://www.vnews.com/Lebanon-keeps-school-resource-officer-for-now-40393118>.
10. Elhuni, A., et al., *Lebanon fails to address racism in its schools*, in *Valley News*. 2021: <https://www.vnews.com/Column-Lebanon-School-District-has-not-done-enough-to-address-racism-42373054>.
11. Cowan, K., E. Rossen, and K.V. Strobach, *A Framework for Safe and Successful Schools*. 2015, National Association of School Psychologists: www.nasponline.org/schoolsafetyframework.

**AGENDA
LEBANON CITY COUNCIL
JULY 06, 2022**

10. NEW BUSINESS:

**10.D PRESENTATION OF FIRST READING AND SET PUBLIC HEARING FOR
AUGUST 03, 2022, AMENDMENT TO ORDINANCE NO. 18; ARTICLE II NON-
AFFILIATED & LPASE EMPLOYEES, TO RECLASSIFY, RETITLE, AND REMOVE
POSITIONS WITH THE CYBER SERVICES DEPARTMENT; RECLASSIFY, ADD,
AND REMOVE POSITIONS WITHIN THE LIBRARY; ADD SEASONAL POSITIONS
FOR SUMMER CAMP AND POOL PROGRAMS; AND INCREASE SALARY RANGE
FOR SUMMER CAMP DIRECTOR POSITION**

BACKGROUND

**RECLASSIFY, RETITLE, AND REMOVE POSITIONS WITHIN THE CYBER SERVICES
DEPARTMENT**

Technology is an evolving and never-ending cycle that changes rapidly. To improve the functionality of the Cyber Services Department, the City Manager is recommending an organizational change which will result in the reclassification of multiple Cyber Services positions.

There are currently five employees who occupy three of the same titled positions within the Cyber Services Department. The demands of Cyber Services requires that these employees be split into different roles in order to better focus attention on the various aspects of the cyber environment and continue to meet the overall needs of the City. The roles, functions, and job descriptions of the employees will significantly expand to include new duties, technological responsibilities, and in certain cases, expanded management functions.

Please note that no additional employees are being added, the department is being restructured utilizing the current employee base. The position of Cyber Services Technical Specialist (Grade 9) will remain in the pay scale but will be vacant. To achieve the restructuring, the following is proposed:

- Add System Administrator - Grade 11
- Add Systems and Operations Administrator – Grade 13
- Add Cyber Security Analyst - Grade 13
- Delete Systems and Information Technology Administrator – Grade 13
- Add Lead Network Infrastructure Engineer – Grade 14
- Reclassify Cyber Services Director from a Grade 15 to Grade 16

RECLASSIFY, ADD, AND REMOVE POSITIONS WITHIN THE LIBRARY

Community and operational needs at the libraries are requiring adjustments to current staffing. A review of the department was completed by Library Director Sean Fleming which resulted in the requested addition of a part-time Custodial Supervisor, the reclassification of a Children's

Librarian, the addition of a Youth Services Librarian and the elimination of the Young Adult Librarian. All recommended changes have been approved by the Library Board of Trustees.

The part time Custodial Supervisor will supervise and schedule the current part-time custodial staff, oversee, and schedule all maintenance at both libraries, oversee building projects, and perform and oversee needed maintenance repairs.

To summarize, the requested changes within the Library are to:

- Add part-time Custodial Supervisor – Grade 4
- Reclassify Children’s Librarian from a Grade 9 to a Grade 8
- Eliminate Young Adult Librarian – Grade 9
- Add Youth Services Librarian – Grade 10

ADD SEASONAL POSITIONS FOR SUMMER CAMP AND POOL PROGRAMS AND INCREASE SALARY RANGE FOR SEASONAL SUMMER CAMP DIRECTOR

Operational changes have been made to both the Pool and Summer Camp Programs necessitating the addition of two seasonal positions – a Pool Operations Manager and an Assistant Camp Director. The changes to these programs are needed to address staffing challenges and improve efficiency of future operations. Changes will not impact the Recreation, Arts & Parks approved 2022 budget as the two positions will remain vacant this year.

Additionally, due to the current market and staffing challenges, we are recommending an increase in the pay range for the Summer Camp Director.

Proposed changes to facilitate the needs for these two summer programs are:

- Add Pool Operations Manager – salary range \$15.69 to \$21.63.
- Add Assistant Summer Camp Director - salary range \$15.69 to \$21.63
- Increase salary range for Summer Camp Director to \$16.73 to \$24.72.

Human Resources Director Gloria Leskiewicz will be present to discuss the proposed amendments and answer any questions the Council may have.

Process to Amend Ordinance No. 18

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The Council is asked to recognize the first of three presentations on July 6, and to schedule a public hearing for August 3, 2022, to amend the Ordinance. The second and third presentations will follow on July 20, and August 3, respectively.

ACTION

Should the Council accept the recommendations of City Administration, the following motions are offered for consideration:

1. ACKNOWLEDGE FIRST PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated and LPASE Employees, as follows:

SECTION A –

FOR THE CYBER SERVICES DEPARTMENT:

- Add System Administrator - Grade 11***
- Add Systems and Operations Administrator – Grade 13***
- Add Cyber Security Analyst - Grade 13***
- Delete Systems and Information Technology Administrator – Grade 13***
- Add Lead Network Infrastructure Engineer – Grade 14***
- Reclassify Cyber Services Director from a Grade 15 to Grade 16***

FOR THE LIBRARY:

- Add part-time Custodial Supervisor – Grade 4***
- Reclassify Children’s Librarian from a Grade 9 to a Grade 8***
- Eliminate Young Adult Librarian – Grade 9***
- Add Youth Services Librarian – Grade 10***

SECTION B –

FOR RECREATION, ARTS & PARKS:

- Add Pool Operations Manager – salary range \$15.69 to \$21.63***
- Add Assistant Summer Camp Director - salary range \$15.69 to \$21.63***
- Increase salary range for Summer Camp Director to \$16.73 to \$24.72***

Changes to the compensation and classification schedules are shown in **red italics** for deleted positions, and in **blue italics** for new and/or reclassified positions.

<u>Grade</u>	<u>Position Title</u>	<u>Hourly</u>		<u>Weekly</u>	
		<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
1	General Intern II	\$17.27	\$23.32	-	-
2	Custodian	\$18.31	24.71	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$19.41	\$26.20	-	-
	Custodian I	-	-	-	-
	Accounting Clerk	-	-	-	-
4	Library Assistant	\$20.58	\$27.78	-	-
4	<i>Custodial Supervisor</i>	<i>\$20.58</i>	<i>\$27.78</i>		
5		\$21.81	\$29.43	-	-
6	-	\$23.11	\$31.20	-	-
7	Administrative Secretary	\$24.49	\$33.42		
	Department Secretary			-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Administrative Assistant	\$25.97	35.06	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-

	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,038.81	\$1,402.50
	<i>Children's Librarian</i>				
	Young Adult Librarian	-	-	-	-
9	Code Health Inspector**	\$28.56	\$38.55	-	-
	Executive Assistant	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Children's Librarian			\$1,142.48	\$1,542.28
	Associate Planner**	-	-		
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
10	Assistant City Engineer**	\$31.42	\$42.42	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Community Nurse				
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**				
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,220.14	\$1,696.80
	<i>Youth Services Librarian</i>				
11	Technical Advisor I	\$34.60	\$46.70	-	-
	Administrative Services Manager**	-	-	\$1,384.00	1,868.01
	Airport Operations Supervisor**	-	-	-	-
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Fire Marshal**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
	<i>System Administrator</i>	-	-	-	-
12	Wastewater Treatment Superintendent**	\$36.67	\$49.49	-	-
	Water Treatment Superintendent**	-	-	-	-
	Chief Innovation Officer			\$1,466.80	\$1,979.66
	City Assessor**	-	-		
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-

	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,554.49	\$2,098.51
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	<i>Cyber Security Analyst</i>	-	-	-	-
	<i>Systems and Operations Administrator</i>	-	-	-	-
	Systems and Information Technology Administrator	-	-	-	-
14	Assistant Director/Public Works			\$1647.76	\$2,224.49
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
	Deputy Police Chief	-	-	-	-
	<i>Lead Network Infrastructure Engineer</i>			-	-
15	Cyber Services Director			\$1,746.72	\$2,357.88
16	Technical Advisor II	\$46.28	\$62.48		
	Chief of Police	-	-	\$1,851.34	\$2,499.20
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	<i>Cyber Services Director</i>	-	-	-	-
	Deputy City Manager	-	-	-	-

B. SEASONAL/TEMPORARY& STIPEND EMPLOYEES

PARK AND RECREATION POSITIONS		
Front Desk Attendants – Pool	\$10.45	\$15.71
Lifeguards	\$10.45	\$18.03
Head/Lead Counselors	\$13.60	\$16.73
Head & WSI Lifeguards	\$12.55	\$18.80
Head Front Desk Attendant - Pool	\$12.55	\$15.97
Outdoor Adventurer - Educator	\$13.07	\$16.73
Softball Coordinator	\$13.07	\$16.73
Day Camp Counselors	\$10.45	\$15.71
Arts & Craft Director	\$13.60	\$17.51
Farmers Market Coordinator	\$14.64	\$18.82
Market Assistant	\$12.55	\$15.69
Tennis Instructor	\$15.69	\$19.87
Stomp & Romp	\$15.69	\$19.87
<i>Pool Operations Manager</i>	<i>\$15.69</i>	<i>\$21.63</i>
Asst. Pool Director	\$15.69	\$21.63
<i>Assistant Camp Director</i>	<i>\$15.69</i>	<i>\$21.63</i>
Pool Director	\$16.73	\$24.72
<i>Camp Director</i>	<i>\$16.73</i>	<i>\$24.72</i>

2. SCHEDULE PUBLIC HEARING:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 3, 2022, beginning at 7:00pm, Kilton Library, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated and LPASE Employees, as follows:

SECTION A –

FOR THE CYBER SERVICES DEPARTMENT:

***Add System Administrator - Grade 11
Add Systems and Operations Administrator – Grade 13
Add Cyber Security Analyst - Grade 13
Delete Systems and Information Technology Administrator – Grade 13
Add Lead Network Infrastructure Engineer – Grade 14
Reclassify Cyber Services Director from a Grade 15 to Grade 16***

FOR THE LIBRARY:

***Add part-time Custodial Supervisor – Grade 4
Reclassify Children’s Librarian from a Grade 9 to a Grade 8
Eliminate Young Adult Librarian – Grade 9
Add Youth Services Librarian – Grade 10***

SECTION B –

FOR RECREATION, ARTS & PARKS:

***Add Pool Operations Manager – salary range \$15.69 to \$21.63
Add Assistant Summer Camp Director - salary range \$15.69 to \$21.63
Increase salary range for Summer Camp Director to \$16.73 to \$24.72***

**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

10. NEW BUSINESS:

10.E – STATUS UPDATE REGARDING THE WESTBORO RAIL YARD

BACKGROUND

At the request of Councilor Simon, Administration is providing this status update with regards to the City's efforts to obtain property within the Westboro Rail Yard.

The City filed a written request with the NH Department of Transportation to lease portions of the Westboro Rail Yard on August 3, 2021. This most recent request is subsequent to multiple requests dating back to at least the year 2000 from the City to the State to request to lease or purchase portions of the Westboro Rail Yard. The request made in 2000 indicated that this was not the first request by the City to acquire the property.

The City partnered with the NH DOT in the demolition and environmental cleanup of the structures in the Westboro Yard which occurred in the fall of 2021. The City provide an in-kind contribution of approximately \$287,000 by allowing the demolition debris to be disposed of at the City's landfill at no cost to the State.

The City made a request on August 3, 2021 to lease portions of the Westboro Railyard which are depicted as Areas 1,2,3,4 and 6 (*2021-07-29 WestboroLeaseArea-2.pdf*) for 99 years for one dollar. The City also requested to lease Area 5. The State and the railroad did not object to the City leasing Areas 1,2,3,4 and 6 however, NH DOT did object to leasing Area 5. NH DOT intends to leave this area open for future railroad use and/or potential expansion of the Carroll Concrete facility which is adjacent to the tracks.

The City Manager and the City's legal counsel, Christine Fillmore met with Shelley Winters who is the Administrator, Bureau of Rail & Transit and Christine Wilson, attorney for the NH Attorney General's Office on June 21, 2022. The State suggested that the City purchase the property instead of leasing it. The State is concerned about the complexity of coordinating the ongoing issues and use of the property. The City Manager expressed concern regarding the level of contamination on the property. The City proposed taking ownership of Areas 1,2,3,4 and 6 while the State would continue to have the liability for the environmental issues on the property. Christine Wilson stated there was a statutory limit of five years for leases on waterfront. The City's attorney, Christine Fillmore pointed out the waiver provisions in that particular statute. Christine Wilson stated that she would get back to the City in two weeks on the unresolved issues which include the valuation of the property.

The City has submitted several grant applications to construct a trail system, a recreational field and parking area on the property. If these grants are approved, they would coincide with the Rt. 12A bridge replacement project which includes a new access road into the railyard. The bridge project is tentatively scheduled to be constructed in 2024-2025. The City would need to have ownership or a long-term lease in order to accept these funds. The alternative would be for NH DOT to manage the grant which Shelley Winters stated they do not have the staff to manage.

ACTION

No action required; this is an update for informational purposes only.

Included in this Section:

1. July 6, 2022 Councilor Simon Agenda Request
2. April 30, 2001 Letter Westboro Yard Lease
3. July 9, 2002 Letter Lease Portion of Westboro Yard
4. March 16, 2004 Letter Requesting Transfer of portion of Westboro Yard
5. March 2004 Westboro Yard Final Report Design Study
6. December 12, 2006 GZA GeoEnvironmental, Inc – Order of Magnitude Cost Estimate
7. September 5, 2007 Letter of Interest – Westboro Yard
8. January 30, 2008 Westboro Railyard Groundwater Management Permit
9. January 31, 2008 Westboro Railyard Report and Recommendations
10. March 18, 2009 Westboro Yard Phase II Site Assessment
11. August 31, 2009 Westboro Yard Former Tidewater Oil Site Status Report
12. July 9, 2018 Letters to Governor of New Hampshire regarding Westboro Yard
13. January 18, 2019 Final Westboro Yard Asbestos and Hazardous Materials Identification Survey
14. March 24, 2021 Demolition Disposal Agreement
15. May 20, 2021 Proposed Site Plan
16. July 29, 2021 Westboro Yard Lease Request Sketch Plan
17. September 10, 2021 Conceptual Construction Cost Estimate West Lebanon River Trail
18. September 10, 2021 Westboro River Trail Concept Path Alignment
19. October 12, 2021 Westboro River Trail Rail Section Details
20. October 21, 2021 Westboro Yard Lease Land Analysis

LEBANON CITY COUNCIL

AGENDA REQUEST FORM

1. Councilor Name: Christian Simon

2. Preferred Date of Council Meeting to Consider Item: 7-6-2022

Please keep in mind that if this request is for an agenda item and is not urgent in nature, a future date is preferable in order to allow proper time to prepare materials. See Council Rules § A191-7. Agenda, last amended 4-20-2011.

3. Is there a deadline associated with this item, if so, what is it:

N/A

4. Name of agenda topic item:

Westboro Rail Yard

5. Reason for topic item:

Discussion on current status of the Westboro Rail Yard.

6. Specific questions related to topic item:

Discuss the past history and actions and what any future discussion's might contain.

7. Proposed or possible action, motion, goal, and/or code or policy amendment:

Inform the public

8. Supporting documentation requested re: topic item:

None at this time.

9. Other:

N/A



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

April 30, 2001

LEON S. KENISON
COMMISSIONER

James A. McSweeney, City Manager
51 North Park Street
Lebanon, NH 03766

Dear Jim,

I have considered the questions you posed concerning the possible lease of part of the Westboro Yard by the city, and will attempt to answer them.

Maintenance of Premises: We would expect the city to maintain the property as it was when the lease took effect. Some cleanup work has been initiated, and more may be accomplished, but we would not expect the city to clean up the property beyond what may be done as part of the building restoration. With regard to fencing, we have not made a decision on whether to fence the area around the engine house if the lease does not go forward, because of the likelihood that it would be demolished. If the city undertakes a restoration project, with the possibility that the building would remain essentially as it is for several years, we would expect the city to secure the area with fencing.

Environmental cleanup: Any environmental cleanup that is necessitated by the restoration of the buildings would be considered part of the restoration project and beyond the scope of what the Department is already doing. Specifically, if treatment or removal of soil contaminated by ash and cinders is required because the area around the engine house will be excavated and eventually opened for some type of public access, the city or whoever ultimately undertakes the restoration would be responsible for that cleanup.

Automobile insurance: The Attorney General's office has asked us to include this language in all leases, to protect the state from liability involving the vehicles of visitors, workers, or others at the site. I am told this is a standard provision in many auto policies, but you may wish to speak with Attorney Bruce Marshall at 271-3675 for clarification.

Partial Lease: The lease provisions would remain the same if only a portion of the property were leased.

I hope this answers your questions. Feel free to call if there are any other questions.

Sincerely,


Christopher Morgan
Administrator

cc: James F. Marshall, Director

File: Land files

cc: Mayor & City Council

RECEIVED

MAY 3 2001

CITY MANAGER'S OFFICE
LEBANON, NH

City of Lebanon



51 North Park Street
Lebanon, New Hampshire 03766

April 18, 2001

Christopher Morgan, Administrator
State of New Hampshire
Department of Transportation
Bureau of Rail and Transit
PO Box 483
Concord, NH 03302-0483

RE: *Westboro Yard*

Dear Kit:

The City Council continues to consider the possibility of leasing the engine, bunk and sand houses in Westboro Yard. We have received your latest proposed lease for this purpose. The lease has given rise to several questions which we hope you can answer. The answers will assist the City Council in making a final determination as to whether the City will move forward with the lease of the properties. The questions that have come up are as follows:

- ▶ Section 6.01 - Maintenance of Premises - states in part, "the TENANT shall at its expense maintain the premise in a clean, secure and sanitary manner, including the erection of chain link fencing as indicated in EXHIBIT A."

First - Will the State clean up the area proposed to be leased to the City so as to turn it over to the City in a clean, secure and sanitary condition which can then be maintained in the manner it was received; or will it be turned over in its current condition?

Second - If the State was going to fence the area outlined in EXHIBIT A prior to the lease in order to protect their liability, why are you now requiring the City to assume your responsibility for this area by requiring the City to install the fencing?

- ▶ Section 6.01 - last sentence "In the event the TENANT'S restoration project requires additional environmental cleanup beyond that previously begun by the LANDLORD at the direction of the DES, the TENANT agrees to be responsible for said cleanup."

Christopher Morgan, Administrator
April 18, 2001
Page 2

What is the specific intent of this sentence within this section? It is the City's understanding that all "environmental clean up" would be undertaken by the State prior to the lease of any property. This certainly appears to be the case with the Claremont Concord Railroad Corp. lease. Why would it be different for the City of Lebanon?

- ▶ Section 13.02 - This is a new section that was added since the receipt of the previous draft lease. The first sentence reads: "The TENANT shall also obtain and maintain comprehensive automobile liability insurance covering all motor vehicles, including owned, hired, borrowed and *non-owned vehicles* [emphasis added] for all claims".....

Our insurance carrier has advised that they do not insure "non-owned" vehicles. In our discussion with our carrier, they do not know what a "non-owned" vehicle is nor does the City. Would you advise as to what the State means by "non-owned" vehicle.

The last question at this time is:

- ▶ If the City were to lease two parcels or only the sand house, would the lease be structured any differently? If so, how?

The answers to these questions will have a definite affect on the outcome of the City's decision. Needless to say, the current restrictions as outlined in the aforementioned questions have raised some serious concerns with some City Councilors and the City Administration. We appreciate your attention to these matters and look forward to your response.

Sincerely,



James A. McSweeney
City Manager

cc: Mayor and City Council

LEASE

THIS LEASE, made between the State of New Hampshire, Department of Transportation, as authorized by Governor and Council on _____, 20____, hereinafter called the "LANDLORD", and the City of Lebanon, New Hampshire, hereinafter called the "TENANT".

WHEREAS, the LANDLORD is the owner of the hereinafter described property, which is not immediately required by the LANDLORD and has been requested by the TENANT to lease the property to the TENANT on an "as is" basis;

WHEREAS, the LANDLORD is willing to comply with said request, provided that the TENANT, as a condition to the occupancy of said premises, joins in the execution of this LEASE for the purpose of accepting each and every condition herein set forth during the occupancy of said premises by the TENANT.

NOW, THEREFORE, THIS LEASE WITNESSETH THAT:

1. DEMISE OF THE PREMISES

1.01 For and in consideration of the rent and the mutual covenants hereinafter stated, and the acceptance by the TENANT of each and every term and condition herein set forth, the LANDLORD hereby lease and demises to the TENANT the premises located in the city of Lebanon on the State-owned Northern Railroad Line as shown on Railroad Valuation Map 32-1/70 and indicated on the attached plan (EXHIBIT A).

2. TERM

2.01 The term of this lease shall begin on the 1st day of October 2001, or on approval by the Governor and Executive Council, which ever is later and shall end on the 30th day of September 2006, unless terminated sooner in accordance with Section 17.01, 17.02, or 17.03.

2.02 The TENANT shall notify the LANDLORD within ninety (90) days of the ending date of September 30, 2006, that the TENANT wishes to enter renegotiations for a new LEASE for an additional five (5) year period beginning June 1, 2006. If the TENANT and the LANDLORD cannot agree upon a new LEASE, the TENANT shall surrender to the LANDLORD the premise in accordance with Section 18.01.

3. SECURITY DEPOSIT AND RENT

3.01 (BLANK)

3.02 (BLANK)

3.03 Rent shall be "for considerations received" by the LANDLORD:

4. QUIET ENJOYMENT

4.01 The LANDLORD covenants and agrees that so long as the TENANT is not in default of any of the covenants and agreements of this LEASE, the TENANT's

Initial _____

quiet and peaceful enjoyment of the premises shall not be disturbed or interfered with by the LANDLORD or any person claiming by or through the LANDLORD.

5. USE OF PREMISES

- 5.01 The premises shall be used and occupied by the TENANT exclusively for rehabilitation of historic railroad buildings, and neither the premises nor any part thereof shall be used at any time during the term of this LEASE by the TENANT for the purpose of carrying on any other business, profession or trade without written approval of the LANDLORD. The TENANT shall comply with all laws, ordinances, rules and order of appropriate governmental authorities affecting the cleanliness, occupancy, and preservation of the demised premises during the term of this LEASE. The TENANT shall not use the premises in any manner that will disturb a neighbor's peaceful enjoyment of other property.
- 5.02 No TENANT or visitor or invitee of the TENANT may park any motorized vehicle on any area, which is not designated specifically for parking. No unregistered motorized vehicles shall be stored upon the premises.
- 5.03 The TENANT agrees that the Westboro Railroad Yard adjacent to this property is an active railroad property, and that it will not trespass upon such property without contacting the LANDLORD or the LANDLORD's operating railroad. The TENANT will obtain legal access to the leased property through a license to cross the established railroad crossing(s) only (EXHIBIT B) or via existing access that does not cross the railroad tracks.

6. MAINTENANCE OF PREMISES

- 6.01 The LANDLORD acknowledges that it will complete removal of petroleum and asbestos waste from the property, as directed by the Department of Environmental Services (DES). Otherwise, the premises are in good order and repair at the beginning of the LEASE term. The TENANT shall at its expense maintain the premises in a clean, secure and sanitary manner, including erection of chain-link fencing as indicated on EXHIBIT A. In the event the TENANT'S restoration project requires additional environmental cleanup beyond that previously begun by the LANDLORD at the direction of the DES, the TENANT agrees to be responsible for said cleanup.
- 6.02 The TENANT shall be responsible for any damage caused during this tenancy. The TENANT shall return the premises to the LANDLORD in as good order and condition as when received, ordinary wear and tear excepted. The TENANT agrees to be responsible for all single job repair costs. The LANDLORD reserves the right to select the persons or company to perform any such repairs.

7. DAMAGE TO PREMISES

- 7.01 If the premises are damaged so as to render them untenable, then either party shall have the right to terminate this LEASE as of the date on which the damage occurs, through written notice to the other party, to be delivered within ten (10)

Initial _____

days after the occurrence of such damage. However, should the damage or destruction occur as a result of any act or omission on the part of the TENANT or its invitees, then only the LANDLORD shall have the right to terminate this LEASE. Should the right to terminate be exercised, the rent for the current year shall be prorated between the parties as of the date the damage occurred.

8. ALTERATIONS AND IMPROVEMENTS

8.01 The TENANT with the Lebanon Historical Society and other partners intends to undertake the restoration of the historic railroad buildings on the property, and agrees to keep the LANDLORD informed as to the progress of this restoration project. The TENANT will prepare annual reports for the LANDLORD on the progress of the restoration.

9. ENTRY AND INSPECTION

9.01 The LANDLORD retains the right to enter the premises in the case of an emergency, or to make necessary repairs, alterations, improvements, or to supply necessary or agreed services, or to exhibit the premises to prospective purchasers or TENANT's, workmen, contractors, or others, or when the TENANT has abandoned or surrendered the premises, or whenever necessary to determine the condition of the premises. The LANDLORD or its agent shall inspect the premises at least one (1) time in each calendar year. Any indication of LEASE violations shall be grounds for immediate eviction action.

10. ASSIGNMENT AND SUBLETTING

10.01 Without the prior written consent of the LANDLORD, the TENANT shall not assign this LEASE, or sublet or grant any concession or license to use the premises or any part thereof. A consent by the LANDLORD to one assignment, subletting, concession, or license shall not be deemed to be a consent to any subsequent assignment, subletting, concession or license. An assignment, subletting, concession, or license without the prior written consent of the LANDLORD or an assignment or subletting or operation of law, shall be void and shall, at the LANDLORD's option, terminate this LEASE.

11. UTILITIES

11.01 The TENANT shall be responsible for arranging for and paying for all utility services required on the premises.

12. DANGEROUS MATERIALS

12.01 The TENANT shall not keep or have on the premises any article or thing of a dangerous, inflammable, or explosive character that might unreasonably increase the danger of fire on the premises or that might be considered unusually hazardous.

13. INSURANCE

13.01 During the term of the LEASE, the TENANT, at their own expense, shall maintain TENANT's general liability coverage in the amount of One Million (\$1,000,000.00) Dollars each occurrence and Two Million (\$2,000,000.00) Dollars in the aggregate on the premises. The TENANT shall provide to the

Initial _____

LANDLORD a certificate of insurance demonstrating that the required coverage has been obtained and designating the State of New Hampshire and the Claremont Concord Railroad Corp. as additional insured before taking possession of the premises.

- 13.02 The TENANT shall also obtain and maintain comprehensive automobile liability insurance covering all motor vehicles, including owned, hired, borrowed and non-owned vehicles, for all claims of bodily injury, death or property damage, in policy amounts of not less than Five Hundred Thousand (\$500,000.00) Dollars combined single limit. The TENANT shall provide to the LANDLORD a certificate of insurance demonstrating that the required coverage has been obtained and designating the State of New Hampshire as additional insured before taking possession of the premises.

14. HOLDOVER BY TENANT

- 14.01 No holdover by the TENANT will be permitted. The LANDLORD and TENANT must execute a new LEASE upon expiration of an existing LEASE in order for a TENANT to remain in possession of the premises.

15. DEFAULT

- 15.01 The LANDLORD shall be the sole judge of what shall constitute a violation of the provisions of the LEASE, or the failure of the TENANT to otherwise abide by any of the covenants herein contained, and may order a discontinuance of the practices, or the performance of any of the work related to such default by giving the TENANT ten (10) days notice in writing. Failure of the TENANT to comply with the notice shall automatically give the LANDLORD the right to terminate this LEASE evict the TENANT and take full and complete possession of the premises.

16. TERMINATION OF LEASE FOR CAUSE

- 16.01 In the event that the shall default in the observance or performance of any other of the TENANT's covenants, agreements, or obligations hereunder and such default shall not be corrected within ten (10) days of written notice by the LANDLORD to the TENANT specifying such default and requiring it to be remedied then, and in such an event, the LANDLORD may serve a written notice of termination of this LEASE upon the TENANT and this LEASE and the term hereunder shall terminate and upon such termination the LANDLORD may immediately or at any time thereafter, without demand or notice enter into or upon the premises and repossess the same.

- 16.02 If it becomes necessary for the LANDLORD to institute suit for eviction or damages on account of violation of the terms of this LEASE, the LANDLORD shall be entitled to include in such suit for eviction or damages, a claim for attorney's fees and court costs incident thereto, which fees the TENANT hereby covenants and agrees to pay.

17. TERMINATION FOR CONVENIENCE

Initial _____

- 17.01 The LANDLORD may terminate the LEASE at any time by giving thirty (30) days notice thereof in writing, and may take full and complete possession of the premises hereby leased, at the end of said thirty (30) day period with no further liability of any nature whatsoever to the TENANT for so doing.
- 17.02 The TENANT may terminate this LEASE Agreement at any time by giving at least thirty (30) days notice in writing, specifying in said notice the day (and the time of day) on which possession of the premises will be surrendered. The TENANT shall not vacate or leave the premises unattended on the day of surrender until the LANDLORD's representative shall have sufficient time to check the premises prior to taking formal possession thereof.
- 17.03 LANDLORD and TENANT agree that should the restoration of the Engine House (roundhouse) not be underway by January 1, 2003, the LANDLORD may revise the area to be leased to eliminate the Engine House (Exhibit A, Parcel B). LANDLORD may proceed to demolish the Engine House and may require the TENANT to move the sand house to a location near Parcel A. The other provisions of the lease will then remain in effect for Parcel A.
18. SURRENDER OF THE PREMISES
- 18.01 In the event that the term or any extension thereof shall have expired or terminated, the TENANT shall peacefully quit and surrender to the LANDLORD the premises together with all improvements, alterations, or additions made by the TENANT, which cannot be removed without damaging the premises. The TENANT shall remove all personal property and shall repair any damage caused by such removal. The TENANT's obligations to observe or perform the covenants contained herein shall survive the expiration or termination of this LEASE.
19. INDEMNIFICATION AND RELEASE FROM LIABILITY
- 19.01 The TENANT shall defend, indemnify and hold harmless the State, its officers, agents and employees, from and against all losses suffered by the State, its officers, agents and employees, and any and all claims, liabilities or penalties asserted against the State, its officers, agents and employees, by or on behalf of any person on account of, based or resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the TENANT or from the use, maintenance, installation, removal or existence of this facility (the facility meaning the leased premises or any improvements made thereon). Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this LEASE. The TENANT shall pay the premiums on a policy or policies of insurance required in Condition 13 of this LEASE.
- 19.02 The TENANT further releases the LANDLORD, its agents and employees, from any and all claims or demands for damages or injuries of any nature whatsoever attributable to the taking, use and occupancy of any portion of the

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premises caused by the construction and maintenance by the State of New Hampshire of any transportation project or proposed project which abuts (or will abut) or may effect in any way the property herein leased.

20. DISCRIMINATION PROHIBITED

20.01 The TENANT hereby covenants and agrees that no person on the ground of race, color, national origin or sex, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the premises, and that in the construction of any improvements on, over or under such premises and the furnishing of services thereon, no person on the ground of race, color, national origin or sex shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and that the TENANT shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

21. MISCELLANEOUS

- 21.01 LANDLORD's Agents. All rights and obligations of the LANDLORD under this LEASE may be performed or exercised by such agents as the LANDLORD may select.
- 21.02 Notice. Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by registered or certified mail, postage prepaid, in a United States Post Office.
- 21.03 Extent of Instrument, Choice of Laws, Amendment, etc. This LEASE, which may be executed in a number of counterparts, each of which shall have been deemed an original, but which shall constitute one and the same instrument, is to be construed according to the Laws of the State of New Hampshire, is to take effect as a sealed instrument, is binding upon, inures to the benefit of, and shall be enforceable by the parties hereto and their respective successors and assigns, and may be canceled, modified, or amended only by a written instrument executed and approved by the LANDLORD and the TENANT.
- 21.04 No Waiver of Breach. No assent, by either party, whether express or implied, to a breach of covenant, condition or obligation by the other party, shall act as a waiver of a right of action for damages as a result of such breach, or shall be construed as a waiver of any subsequent breach of the covenant, condition or obligation.
- 21.05 Unenforceable Terms. If any terms of this LEASE or any application thereof shall be invalid or unenforceable, the remainder of this LEASE and any application of such term shall not be affected thereby.
- 21.06 Entire LEASE. This LEASE embodies the entire agreement and understanding between the parties hereto and supersedes all prior agreements and understandings relating to the subject matter hereof.

Initial _____

- 22.07 No Waiver of Sovereign Immunity. No provision in this LEASE is intended to be nor shall it be interpreted by either party to be a waiver of the State's sovereign immunity.
- 22.08 Other Agreements. This property is included in the Operating Agreement between the State and The Claremont Concord Railroad Corp. dated May 1, 2000, and in the Memorandum of Understanding signed in October and November 2000 by the City of Lebanon, New Hampshire Department of Transportation, and Claremont Concord Railroad Corp., which agreements remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands this ____ day
of _____, 20____.

LANDLORD:
THE STATE OF NEW HAMPSHIRE
Department of Transportation

By: _____

Commissioner

TENANT:

By: _____

Approved by Attorney General this ____ day of _____, 20____, as to form and execution.

By: _____
Assistant Attorney General

Approved by Governor and Council on _____, 20____, Item # ____.

ATTEST: _____
Secretary of State

Initial _____

CERTIFICATE OF VOTE

I, _____, hereby certify that I am the Clerk of the City of Lebanon.

I further certify that _____ is the _____ of the City of Lebanon, and is empowered to execute a Lease Agreement with the State of New Hampshire to allow the City to lease a portion of the State-owned Northern Railroad Line in Lebanon, NH.

I certify that the above has not been amended or repealed and remains in force and effect as of _____, 2001.

Attested:

Date

, Clerk
(Print Name)

Initial _____



CONNECTICUT RIVER

RECOVERY WELL

ERM-9

ERM-SB8

ERM-1 (REP)

ERM-3

ERM-7 (REP)

ERM-5

ERM-6

GATE

GATE

GATE

CHAIN-LINK FENCE

LEASED AREA

PARCEL A

PARCEL B

PARCEL C

GATE

PAVED PARKING

EXHIBIT A

Legend

ERM-9

ERM-SB8

NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF RAIL & TRANSIT
FILE NO. 01-02
LEASED TO CITY OF LEBANON
V32-1/70

80 0

SCALE IN FEET

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LICENSE FOR PRIVATE GRADE CROSSING

Agreement made this ____ day of _____ 20 __ between the State of New Hampshire, by and through the New Hampshire Department of Transportation, Bureau of Rail and Transit, Concord, New Hampshire, hereinafter referred to as the State and the City of Lebanon, NH, hereinafter referred to as Licensee.

WHEREAS, the State is the owner of a section of land and railroad tracks in the City of Lebanon, County of Grafton, State of New Hampshire.

WHEREAS, the Licensee is desirous of obtaining an license to cross a portion of the right-of-way of the State-owned Northern Railroad line being more particularly described as: construct, use, maintain, and reconstruct a private vehicular grade crossing within the right-of-way at approximate Valuation Station 3650+75, Map 32-1/70, hereinafter referred to as the facility, as per the attached plans.

NOW THEREFORE, subject to and conditioned upon the performance by the Licensee of all the covenants set forth below, the State grants to the Licensee, permission to construct, use, maintain, repair, and reconstruct said facility on the above-described section of land and railroad.

1. Construction and Maintenance

1.1 The Licensee agrees that all work on construction, maintenance, repair, and reconstruction of said facility shall be performed at a time and under conditions acceptable to State, and shall at no time interfere with the operation of the railroad by the State, its lessees or assigns.

1.2 The Licensee agrees that it is liable for the cost of all work required to use, maintain, repair, and reconstruct said facility.

1.3 The Licensee will assume the cost of temporary removal, restoration and adjustment of the facility in the event track repairs or additional track installations require such modifications.

1.4 The Licensee is required to retain the operating railroad locally responsible for maintenance, or, if not available, a contractor approved by the State, to perform all railroad related trackwork (such as replacing and/or installing ballast, defective ties, tie plates, spikes, mudrails and crossing structures) during the construction or whenever the track structure is disturbed, distorted or altered due to the existence of said facility. The railroad's current fee and wage structure will be used.

1.5 The Licensee is required to obtain, before construction may begin, any and all other permissions, permits, and licenses required for said facility by any federal, state, county, or local governments; and their agencies or boards; or any other political subdivision thereof.

1.6 This crossing will serve property to be leased by the Licensee from the State for the purpose of restoration of historic railroad buildings.

1.7 The Licensee shall coordinate any and all work within the railroad right-of-way with the Claremont Concord Railroad and NHDOT Bureau of Rail and Transit by contacting railroad personnel at (603) 542-5166 and (603) 271-2468 respectively and giving them a minimum of 48 hours advance notice of the work to be performed in the area so that the operating railroad and inspectors can schedule railroad related work around the construction.

6.1 The Licensee shall obtain, install and maintain, at its own expense, signage at the facility, to the specifications shown on the attached drawings.

2. Indemnification and Insurance

2.1 The Licensee and its employees, contractors and agents agree to defend, indemnify and hold harmless the State, its successors, assigns, officers, agents, employees, and operating railroad against any and all loss, cost, damage and expense, including damage to State's property or to the property of others, injury or death to State's employees or to others, due directly or indirectly in any way to the use, maintenance, installation, removal or existence of this facility. The Licensee further agrees that its contractor shall obtain and keep in force during construction of this facility and to pay the premiums on a policy or policies of insurance covering the following at said facility, designating the State of New Hampshire and the Claremont Concord Railroad Corp. as additional insured.

6.1.1 Commercial General Liability:
\$1,000,000.00 each occurrence / \$2,000,000.00 in the aggregate

2.1.2 Railroad Protective Public and Property Damage Liability:
\$1,000,000.00 each occurrence / \$2,000,000.00 in the aggregate

2.2 The Licensee further agrees to obtain and keep in force, after construction, for the life of the facility, a policy or policies of insurance covering said facility, providing Comprehensive General Liability or Comprehensive Personal Liability with a minimum \$1,000,000. per occurrence limit covering bodily injury and property damage designating the State of New Hampshire as additional insured.

Procurement and delivery of a certificate indicating such insurance acceptable to the State is a condition precedent to the effectiveness of this license. Nothing contained herein shall be construed as a waiver of sovereign immunity.

3. Bonding

3.1 (BLANK)

4. Fees

4.1 In consideration of this license, the Licensee shall pay to the State an initial preparation fee of Three Hundred Fifty (\$350.00) Dollars, then Fifty (\$50.00) Dollars administrative fee per annum, beginning on the date first written above, and due annually on the anniversary of said date thereafter.

5. Default and Removal

5.1 Failure of the Licensee to perform any of the above specified covenants shall authorize the State to take up and remove said facility after fourteen (14) days written notice to Licensee.

5.2 The State has the right to revoke this license at any time upon thirty (30) days written notice to the Licensee.

6. Assignment

This License may be assigned or transferred only with the written consent of the State, which shall not be unreasonably withheld; however, any such assignment shall be only to a single legal entity and no other. Until terminated, assigned, or transferred as herein provided, this License shall inure to the sole benefit of and be binding upon the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this license in duplicate, the day and year first written above.

LICENSEE

By: _____
Name:

THE STATE OF NEW HAMPSHIRE
COUNTY OF _____

On this ____ day of _____, 20____ before me, _____, the undersigned personally appeared, _____, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public/Justice of the Peace

STATE

By: _____
Christopher Morgan, Administrator
For Director of Administration, NHDOT

THE STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

On this ____ day of _____, 20____ before me, _____, the undersigned personally appeared, Christopher Morgan, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public/Justice of the Peace

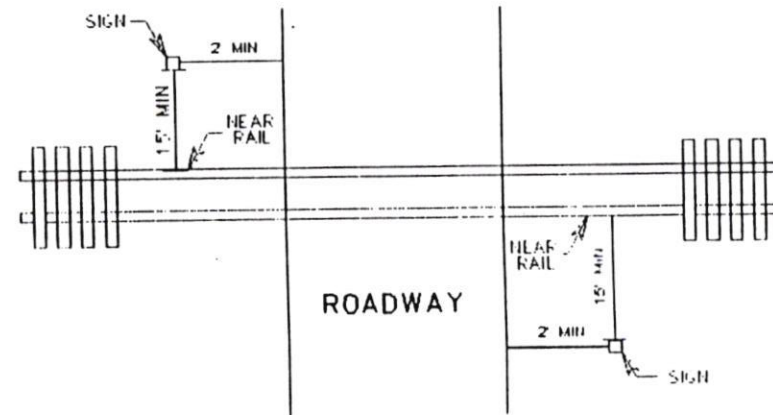
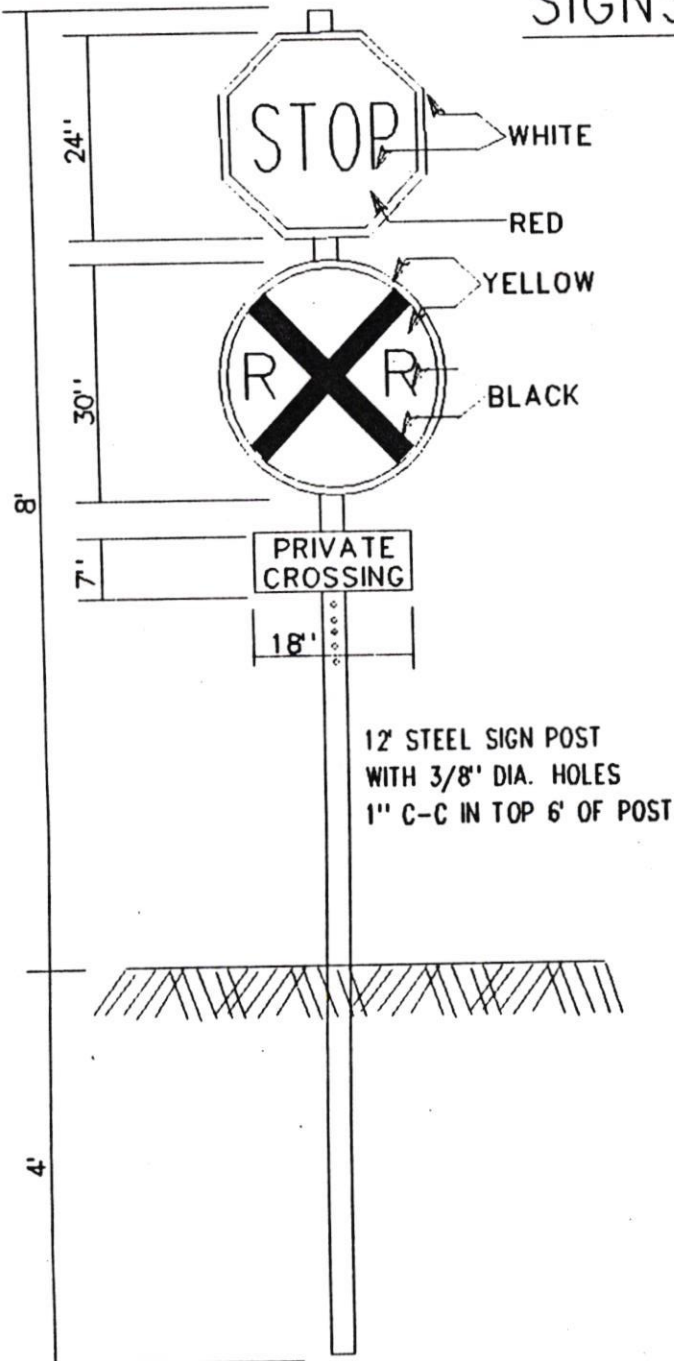
The foregoing license, having been reviewed by this office, is approved as to form and execution on _____, 20____.

OFFICE OF THE ATTORNEY GENERAL

By: _____
Assistant Attorney General

SIGNS FOR PRIVATE GRADE CROSSINGS

(NOT TO SCALE)



SIGN LOCATION

STOP SIGN AND RAILROAD WARNING DISC SIGN ARE TO CONFORM TO THE REQUIREMENTS OF THE CURRENT EDITION OF THE U. S. DEPT. OF TRANS. "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES"

STOP SIGN

RED, REFLECTIVE SHEETING, ENGINEERING GRADE WITH WHITE LETTERS AND BORDER MOUNTED ON 0.080" THICK ALUMINUM (6061-T6)

WARNING DISC

YELLOW REFLECTIVE SHEETING, ENGINEERING GRADE WITH BLACK LETTERS, "X" AND BORDER MOUNTED ON 0.080" THICK ALUMINUM (6061-T6)

PRIVATE CROSSING SIGN

PAINTED BLACK LETTERS (1/4" WIDE, 2" HIGH) ON A WHITE PAINTED BACKGROUND ON 0.080" THICK ALUMINUM (6061-T6)

EACH SIGN TO HAVE TWO 3/8" DIA. HOLES PRE-DRILLED (1" MIN. FROM THE TOP AND 1" MIN. FROM THE BOTTOM OF SIGN, ON VERTICAL CENTERLINE OF SIGN)

AUGUST 23, 1995

be used for Airport purposes only.” He interpreted that to mean that 50% would be separated, as in the proceeds from prior land sales.

Mr. McSweeney said there is a map of these parcels on page 37 of the packet.

Councilor Grigsby asked if the City owns parcel A. Mr. Edwards said it does. Councilor Grigsby asked where the proceeds from the sale of the property would go. Mr. Edwards said the total proceeds from the sale of all three lots would be approximately \$148,000. Of that, \$114,000 would go to the Airport. The rest will go to the State under the original granting conditions by which the City acquired the Airport property, according to an opinion by City Attorney Larry Gardner in 1997. Councilor Grigsby said that is in direct opposition to Mr. McSweeney’s statement at the Jan. 5, 2000 Council meeting (referred to on page 27 of the Council packet) that “proceeds from Parcel A will go to the General Fund.” Mr. McSweeney said the correct answer is that all funds will go directly to the General Fund and the Airport, in accordance with the resolution the Council passed.

Councilor Jescavage raised a point of order, saying the resolution refers only to Lots B and C.

Councilor Grigsby asked how much would accrue to the City. Mr. McSweeney said that amount is \$42,500. That is approximately \$55,000 per acre, based on a previous assessment.

There being no further discussion, a vote was held, and the motion passed unanimously (7-0).

B. Proposed Lease with State of New Hampshire, Department of Transportation for Buildings Located in Westboro Yard in West Lebanon

Mayor Akins asked if this item needs to be taken off the table first. Mr. McSweeney said it does not. The motion was already passed. No Council action is required at this meeting. It is on the agenda because the Council wanted to see the long-term lease and wanted additional insurance information. The State has indicated they would be willing to lease this property for \$1 per year, but there are other contingencies. The lease proposed by the State would be for five years, with a 30-day termination clause. The State had previously indicated they wanted a shorter-term lease. If no specific plans develop, the State would like to pull the lease back and likely demolish the buildings to avoid liability.

Mr. McSweeney said he heard verbally from Kit Morgan of the Department of Transportation, Railroad Bureau, that if the restoration is not completed by Jan. 1, 2003, the State would void the lease and continue the clean-up, demolition and use of the property.

Another concern is Section 6.01. He said that is a typographical error. That work will be done by the landlord, not the tenant. But if different materials are found in the subsurface that is

hazardous, that is the responsibility of the tenant.

Another area of concern is the fencing that would be the responsibility of the tenant. Fencing is required and probably desirable for liability reasons. If there is no plan in place for restoration within the two-year period, the State will take back the land and the City will have forfeited the cost of that fencing.

The New Hampshire Municipal Association (NHMA) Public Liability Trust (PLT) visited the site to determine what recommendations they would make before considering insuring the property. The recommendations are very extensive. Because of the time limit and the expense, he does not have an approximate cost for the recommendations. He asked whether the Council wanted to proceed with the project, given what the City would have to do to obtain insurance. There would also be a cost to get an estimate for the cost of the project. The Council needs to determine if they want to proceed. If so, they needed to determine the cost to secure the property.

Assistant Mayor Leonard said the NHMA survey scared him. The City has other big priorities. It will cost a lot simply to secure the property. The City could spend a lot of money on this, then lose the property. This is an ambitious and costly project. He is against the project at this time.

Councilor Solari said he is against doing all three buildings because that presents too much liability. The State could take back the property any time for almost any reason, while the City takes care of upkeep and liability. He would favor a motion to delete the other two buildings, as the Historical Society did not request help for those buildings. There appears to be a moratorium on demolishing the buildings, and he feels The City can persuade the State to delay demolishing them until an organization can take responsibility for them.

He asked if the City can transfer responsibility of one building to the Historical Society. Mr. McSweeney said he does not believe they can, and that is not the intent. The Historical Society cannot insure the building. The State requires the City to include the property in the City's insurance policy to protect the Historical Society. Councilor Solari said it was his recollection that the Historical Society said they would do whatever is required to secure the building. Mr. McSweeney said that was his understanding. The Historical Society has said they are not asking for money from the City. They plan to raise the money for the sandhouse. Councilor Solari asked if the City would be able to make the Historical Society responsible for keeping the property safe and secure so the City's liability would be limited. Mr. McSweeney said that is his understanding. The Historical Society will comply with whatever NHMA requires. Councilor Solari asked if the City has a way out in the event the Historical Society is unable to do what they promise. Mr. McSweeney said there is. Councilor Solari asked if the sandhouse project seems feasible and whether the administration recommends it. Mr. McSweeney said it would appear that there would be no cost to the City, aside from the cost of insuring the property. There is much less exposure to the City than there would be if all three buildings were leased.

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Councilor Solari asked if the State seems to be amenable to keeping the other two buildings intact until it is determined that there is no interest in them. Mr. McSweeney said he plans to ask if there is an “unwritten” moratorium on the other buildings. Based on conversations, the State seems to be willing to wait a few years. The State indicated they have prepared specifications to fence in the properties. They put that project on hold when they found out the City had plans to lease them.

Councilor Solari moved to delete from any lease agreement from the State the bunkhouse and the roundhouse and to continue with the lease of the sandhouse, which will be somewhat under the control of the Historical Society. Seconded by Councilor Mastro.

Councilor Jescavage said he would not support the motion, as it is premature to make any motions. The Council needs more information. He supports moving toward protecting all three buildings, pending further information regarding the cost to secure them, and whether other groups might be interested in taking the lead with other buildings. Options should be kept open. The properties are so important historically that they all deserve to be protected if possible, with the City taking the lead.

He said the NHMA assumes the City will lease the land, and the intent was to lease only the buildings. There is discussion about a freestanding chimney and steep slopes. That needs to be rectified. They also do not know the cost of the insurance. The cost for three buildings may not be much more than the cost for one. They still need more information.

Mr. McSweeney said he does not think the NHMA assumed the land would be leased. In order to access or protect the buildings, certain portions of the land must be protected. The Department of Transportation is anxious to turn over the sandhouse to the Historical Society. This motion would allow this to happen without closing the door to the other buildings.

Councilor Jescavage said the lease should require the State to erect fencing, with the City responsible for the buildings. He would prefer the original motion, protecting all three buildings. If there is a moratorium on demolishing the buildings, there is no need to separate the sandhouse from the others. One lease and one insurance policy may be preferable to three. Mr. McSweeney said there would be one lease for however many buildings the Council wanted.

John Rogers, Ward 2, said the Glory Days celebration has gone on for eight or nine years. The Vermont Railroad Museum has existed for over 20 years and is reorganizing as a regional entity. There is grant money available for this. The goal is to convince Lebanon to join, making it a twin-state proposition. This area was in the forefront of industrialization. These sites could be major tourist attractions. If there is anything left of these buildings, they can still be considered the original buildings. The northern line has been designated for high-speed rail, which will make that property much more valuable.

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Mr. Rogers said the basic structure of the roundhouse is still very sound. The wall facing the river was never meant to be a load-bearing wall. The roof and supports are not in bad condition. He said previously, he recommended that the City buy the old Purcell Oil property, and a councilor recommended against it because of possible pollution. Mr. Rogers had a report from the bankruptcy judge saying the pollution does not equal the value of the property. Now, there is a hobby store on one side of the library, City Tire on the other, then the fire station, with no room to park the Fire Department vehicles next to the station. A large donation was made to the West Lebanon Library, and they will have to build up or down because they have no other room. The bunkhouse would make a good alternative. The sandhouse could be moved between the roundhouse and bunkhouse, and they could save only three stalls of the roundhouse, creating an access off South Main Street. He said the Council should not make a decision tonight, as there are other entities that are willing to help.

Councilor Mastro asked if Mr McSweeney has any idea how much it would cost to secure those buildings, and whether a special appropriation would be needed. When this project was first discussed, there was to be no cost to the City. He has heard nothing to change his mind.

Councilor Solari said he does not advocate tearing down the buildings. He feels the State is in no hurry to demolish the buildings. The City should not take on that liability or the expense of upkeep. If the State plans to demolish the buildings, the State will notify the City, and action could be taken. He feels the State should be obligated to secure the other buildings.

Ms. Corman said the Connecticut River Joint Commission saw reports about EPA work at the railyard. She was surprised by the NHMA report. She thought the EPA would clean up the site for the State. She does not know what that includes. Mr. McSweeney said he did not believe the EPA would do the clean up, but the State would, from the Oil Fund. There is also an asbestos clean up, which is limited to the roundhouse. The asbestos clean up alone would cost \$450,000. The estimate to restore the roundhouse is \$750,000.

Ms. Corman asked if the EPA has identified other hazardous substances at the site. Mr. Ryder said a Level 1 Environmental Assessment was done on the entire site, and all contaminants have been identified. They are in the process of doing the remediation project. Funding comes from a portion of the sale price of the railroad property, the Oil Fund, and a small amount of money from the EPA.

Mary Jane Thibodeau, the president of the Lebanon Historical Society, said she was confirming the Society's commitment to the sandhouse restoration project. They are asking that the City not divide the three parcels. The Society is taking a lead role in getting other organizations involved and looking for other funding. The Rotary has offered a commitment. A lot of work is required, and that will take time.

Assistant Mayor Leonard said he would like to see the whole area restored. He is concerned that

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if this lease is signed, until the restoration project comes together, the City will have to spend a lot of money to make the area safe. This should be part of priorities set by the Public Facilities Subcommittee. If he were sure the Historical Society had the money to restore the sandhouse, he would support the motion, but for now he would rather have the State keep the liability.

Councilor Jescavage said he disagrees. It is wrong to make a final decision at this meeting. The suggested start date is June 1, and information is needed before a decision can be made. The City should take the leadership role. Glory Days helps economically, and something similar could help downtown West Lebanon. The Council does not have to approve a lease until they have the answers. The integrity of the site is contingent on saving all three buildings.

Councilor Solari said his motion was in response to Councilor Jescavage's motion, changing it to one building. Councilor Jescavage said the intent of his motion was to do other things that were explained afterward in the meeting. He said it would be most appropriate to withdraw the motion. This motion proposes going forward with the lease agreement without knowing the costs. Councilor Solari said the issue is on the agenda because the City Manager put it there; otherwise, the Manager could sign the lease. Councilor Jescavage said the intent was to bring it back to the Council, and that has been done. It would be foolish to kill two-thirds of the proposal now.

Mr. McSweeney said the lease would cost \$1 per year. The insurance cost will be minimal, as that is based on the value of the buildings, which is very low. The primary cost is for following through on the NHMA report. Councilor Jescavage said his motion was not intended to be the final decision.

Mayor Akins asked if the City has until June 1 to sign the lease. Mr. McSweeney asked what additional information the Council wants. He does not know if the lease could start later, but he can find out. He needs to know if the Council wants to spend money to look at the recommended safety improvements.

Councilor Jescavage said the proposed lease would start on June 1, 2001 or when it is approved by the Governor and Council, whichever is later.

Councilor Desrosiers said the Westboro Yard has a lot of possibilities. The Historical Society approached the Council about the sandhouse, and the Council added the other buildings. A plan is needed. He asked how long the lease would be. Mr. McSweeney said it is a 5-year lease, but the State has said verbally that they do not want to lease it that long. The State will add language stating the lease will expire on Jan. 1, 2003 if there is no restoration plan in place for all the buildings covered in the lease.

Councilor Desrosiers said he wants to clarify the City's responsibility. The lease is referred to as a "disposal" of property. The lease can be terminated in 30 days by the landlord. He asked if the

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City can also walk away cleanly. Mr. McSweeney said they can. Councilor Desrosiers asked if the State will continue cleaning up the property. Mr. McSweeney said that is his understanding. He said "disposal" refers to the State's method of selling or leasing property. Councilor Desrosiers said he does not want to act at this meeting. He wants to see a plan first. Mr. McSweeney said the State is providing two years to come up with a plan.

Assistant Mayor Leonard said he agrees with Councilor Jescavage, and the Historical Society would now like to see all three buildings preserved.

Assistant Mayor Leonard moved to limit debate. The motion died for lack of a second.

Assistant Mayor Leonard moved to amend the motion to postpone the item until such time as an informational plan can be presented as to the responsibilities of cost, upkeep and who will be involved in this project. The motion died for lack of a second.

Councilor Grigsby said she does not want to close the door tonight. She likes the idea of restoration, but the roads need work, too. They should talk to people who have information about grants and negotiate fencing with the State. Mr. McSweeney said the State has indicated verbally that they have no interest in restoring the buildings because of the cost involved. Mr. Ryder said the New Hampshire Department of Historic Resources has interest, but because of the money that was used to purchase the yard, the final decision is made by the Transportation Commissioner.

Councilor Mastro said at the last meeting, they discussed restoring the sandhouse. If they lease that building, that process will begin immediately. If they lease the other two buildings, they will have to secure them, at an unknown cost. It will take a lot more than three months to get funding together. The State will neither secure nor tear down the buildings immediately. He would prefer to lease the sandhouse. If other organizations express interest, they can consider leasing the other buildings. Meanwhile, the City would have to divert resources into estimating the cost to secure the buildings or hire someone else to do it. Two weeks ago, the Historical Society said they do not have the resources to take a lead role on all three buildings.

Mr. Rogers said these projects take time but ultimately return much more than the investment. Timken might help. The long-term benefits outweigh short-term costs.

Councilor Jescavage said it would be wise to wait a few months to find out who is willing to participate. If only one building is leased, people might lose interest in the others. Steamtown in Pennsylvania is very successful. Railroad attractions are popular and bring in money. He suggested that the Planning Department do some research to see how the Historic District Commission and the Historical Society can work together, with volunteer help.

Councilor Solari said he strongly disagrees that the Council is throwing something away. The

City does not need to take responsibility for this. If the Historical Society didn't come in because they needed insurance, the Council would not be dealing with this. They should go ahead with the sandhouse. The cost to the City will be very minimal. People with interest in railroads will preserve whatever they can.

Assistant Mayor Leonard asked if the Historical Society is prepared to go ahead with restoration of the sandhouse. Ms. Thibodeau said they are prepared to go ahead with the financial responsibility, but they are not prepared to take the lead in the financial responsibility for the other two buildings. Nothing can be done with the sandhouse for a couple of months, so there is no need to make a decision at this meeting.

Councilor Desrosiers said the Historical Society made a proposal for the sandhouse. It makes sense to restore the whole area, but it is not fair to ask the City or the Historical Society to take responsibility for the other buildings. They should proceed slowly.

Councilor Jescavage said if the City takes responsibility, they can control the process better than if the State takes the lead.

Mayor Akins said he thought the intent of the motion was purposeful toward long-term goals. If the Historical Society would like to wait, he will vote against the motion. There is no harm in waiting.

Councilor Solari asked if the motion is defeated, whether there is direction to wait. Mayor Akins said the motion to proceed with all three would still stand.

Councilor Mastro said the motion is clear as written, to proceed with the lease. He asked if explanations not in the motion are binding. Councilor Jescavage said that is part of the Council's intent. Councilor Mastro said that needs to be clarified. Councilor Jescavage said he would make a motion to clarify that.

There being no further discussion, a vote was held, and the motion failed to pass by a vote of 3-4. Voting for the motion: Councilors Desrosiers, Mastro, Solari. Voting against: Mayor Akins, Assistant Mayor Leonard, Councilors Grigsby, Jescavage.

Councilor Jescavage moved to direct the City Manager to return to the City Council with the proposed lease agreement for the Westboro Yard prior to proceeding with the signing of that lease, and to address to the City Council questions raised about the New Hampshire Municipal Association's insurance memo regarding the site, as well as any provisions in the lease presented at the February 21 City Council meeting that were questioned, including the cost to secure the buildings and the availability of any grants. Seconded by Assistant Mayor Leonard.

City of Lebanon, City Council, Minutes, Regular Session, February 21, 2001

Councilor Mastro asked what line item the money would come from. Councilor Jescavage said that is the purpose of the Planning Department. Mr. McSweeney said he would probably assign it to the Planning Department, but determining the cost of the work would be done by Public Works. The City does not have the resources to do this, so it would be contracted out. Councilor Mastro asked if there is money in the Public Works budget for this. Mr. McSweeney said he does not know how much this will cost. They do have a line for Professional Services.

Assistant Mayor Leonard said he does not see why the administration cannot get a rough estimate of costs by making a few phone calls. Mr. McSweeney said not every item would have to be contracted out, but some will. If staff can do the estimate, they will.

Councilor Solari said this is land the City does not own or control, even if they lease it. The Historical Society asked for assistance and said this would be done at no cost to the City. He thought he was supporting the Society, and now they say they want to wait. The Society should take on the expense of estimating the cost of securing the property. He will not support a proposal that will cost the City money.

Councilor Jescavage said a lot of the work can be done in-house fairly quickly. This is a worthwhile project that deserves assistance. The City should also apply for Certified Local Government status through the Historic District Commission, as there is substantial grant money available. The railyard is a part of the City's history.

Councilor Desrosiers said the Historical Society asked for the sandhouse, and the Council added the rest. He will only support the sandhouse.

Councilor Grigsby said the Council and committees of Lebanon are "us," not "we" and "them." She thanked Ms. Thibodeau. She asked how the State is insured, and why they do not secure the property. Mr. McSweeney said the State is self-insured. The City is not being told to secure the property. The City sought information about what would be required to insure the property. According to the proposed lease, the City is responsible for fencing the property.

Assistant Mayor Leonard said part of Councilor Jescavage's motion involved collecting information for a decision. If the figures are too high, the City should probably not take the project on. If the sandhouse won't cost much, they can do that.

Mr. McSweeney said his intent was to cost out the properties individually. The Historical Society said they would pay the cost of securing the sandhouse. The City would pay for the roundhouse and the bunkhouse. He asked if an organization wants to restore one of those buildings, whether that organization would have to absorb the City's cost to secure it. Councilor Jescavage said if an organization agrees to pay the cost of securing the building, there would be no cost to the City. This would give the Historical Society time for fund-raising and planning. The City needs to determine the cost of securing the property. Other groups may emerge to pay

those costs.

Mr. McSweeney asked if it is the Council's intent to keep track of municipal time and charge that to sponsoring organizations. Councilor Jescavage said municipal employees are paid for by tax dollars and are here to serve everyone. He said developers do not pay staff costs.

Mayor Akins said he agrees with Councilor Jescavage. This project would benefit the City.

Councilor Mastro asked for a consensus on passing on the cost of employee time. Councilor Grigsby opposes it. Councilor Jescavage opposes it. Mayor Akins opposes it. Assistant Mayor Leonard said that is the City's job. The staff can do the estimating and pass it onto the Historical Society or other groups. Councilor Desrosiers said the City should not bear responsibility for this. Councilor Mastro said the costs should not be passed on as long as no special appropriation is needed. Councilor Solari said the only expense to the City should be the insurance cost.

There being no further discussion, a vote was held, and the motion passed by a vote of 4-2. Voting for the motion: Mayor Akins, Assistant Mayor Leonard, Councilors Grigsby, Jescavage. Voting against: Councilors Desrosiers, Solari. Abstaining: Councilor Mastro.

C. Discuss/Set Public Hearing Date for Supplemental Appropriation for New Municipal Pool

Councilor Jescavage asked if the estimate includes renovation of the bathhouse. Mr. McSweeney said according to the memo, it includes replacing the building. The cost would be \$1,765,000. The City already has available \$882,841 previously raised. If they move forward, they must consider bonding \$885,000. He did not expect the figures, but he received them, and he wanted to get them to the Council. If they want to start construction on the pool this fall, to open in 2002, they need to get started as of the date of the next meeting.

Ms. Heath said there is a possibility of funding from the Land & Water Conservation Fund, and the due date for that request is April 7. Mr. McSweeney said prospects for that are not encouraging because it is a recreation project. There is a possibility of Department of Justice grants. A grant writer and Ms. Heath are working on this, and veterans' groups are being contacted.

Councilor Jescavage asked if this item was on the posted agenda. Mayor Akins said they now have information to consider based on the previous motion. Councilor Jescavage said the public should be notified that a Public Hearing will be set. Mayor Akins said this is a continuation of a previous agenda item. Mr. McSweeney said the City Council has, in the past, set Public Hearings that have not been warned on the agenda. Councilor Jescavage said he will not support any motion because the public has not been notified.



P.O. Box 617
Concord, NH 03302-0617
TEL: (603) 226-4481

*C.C. Mayor & Council for
2/2/01 Agenda discussion
Len T., Ken R.*

New Hampshire Municipal Association Property-Liability Trust, Inc.

N.H. Toll Free: 1-800-646-2758
FAX: (603) 226-2322

February 1, 2001

RECEIVED
FEB 5 2001

CITY MANAGER'S OFFICE
LEBANON, NH

Jim McSweeney, City Manager
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Dear Mr. McSweeney:

Enclosed are recommendations for the properties that relate to the initial survey conducted on the date of January 22, 2001.

The purpose of this survey is to provide information both to you and us in order to identify those areas that could cause a loss. Some items can be corrected without major cost. We do realize, however, that a timetable may be needed to resolve some of the potential costly items. In some cases other workable corrective action may be considered after the review. **Once you have made corrections or established other avenues, please notify us in writing.**

The information reported herein was developed from inspector observation and/or other sources considered to be reliable. No warranty as to completeness or correctness is implied and no liability for loss or damage arising from use of this report is assumed. Every effort was made to identify unsafe conditions and procedures, however no claim is made to having observed all unsafe conditions.

Thank you for your time and consideration in this matter. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

N. Scott Weden
N. Scott Weden
Loss Prevention Manager

NSW/blj
Enclosure

cc: file

**NHMA PROPERTY-LIABILITY TRUST, INC.
LOSS PREVENTION STRUCTURE/PROPERTY
SURVEY RECOMMENDATIONS**

MEMBER: City of Lebanon

**DATE OF
INSPECTION:** January 22, 2001

PROPERTY LOCATION: Westboro Railway Yard

Safety Survey Recommendations:

- 01-01-1 **Environmental:** Prior to acceptance of the railway area, consideration should be given to having the area surveyed for the presence of chemical spills or other environmental problems.
- 01-01-2 **Chimney:** The freestanding industrial chimney should be reviewed for its condition. The northerly side of the exterior surface of the chimney shows vertical cracking.
- The lightening rod grounding wires are separated and broken from their mounts about half way up the chimney.
- The problems noted should be considered for correction prior to becoming a public facility. It should be determined as to what value the chimney is as opposed to its eventual threat to the surrounding area.
- 01-01-3 **Round Table Area:** The turntable is missing the turntable that actually orientates engines toward a particular stall, or to turn them around. Consideration should be given to:
- a. Fill in the opening where the turntable traveled with gravel to prevent falls.
 - b. Leaving the opening as it is, but erect a substantial protective fencing system to prevent children, adults, vehicles and other items from going into the opening.
 - c. Re-establish the turntable system as it existed, but add a protective fence for the reasons listed in "b" above.
- 01-01-4 **Bunk House:** For the immediate time period, consideration should be given to requiring the present owners to secure all openings in this building as a hazardous building.
- Reasons:
- a. For public safety it is our recommendation this building have all of its openings closed with a substantial material to prevent unauthorized entry as soon as possible.

- b. It's present condition invites indigent persons and the paintings on some of the walls lead one to think younger persons frequent the building.
- c. The first floor area has floor openings that are unguarded, which presents fall hazard areas.
- d. During this visit, the steel staircase leading to the second floor was covered in snow, making it a slippery incline with no hand railings.
- e. The structural steel of the roof support frame is an attractive hazard for juveniles to try to climb.
- f. The burned materials left in the second floor area present an attractive hazard to juveniles. If the building is not closed, then the steel staircase should be removed or blocked.
- g. During this visit, the remains of burned easy chairs and other items, including persons underwear were noted on the first floor area.
- h. Further evidence of this building being a problem area is most obviously the fire that burned the roof at some point.

01-01-5 **Rear exterior area of the Bunk House:** The area to the rear of the bunk house has a very steep drop off to a stream below. The vegetation is very dense at the top area near the building, preventing an examination of this entire area. Consideration should be given to fencing this steep drop off for its length of possible public entry.

- a. Consideration should be given installing substantial fencing at the rear of the bunk house area to prevent any access to the very steep incline described above.
- b. The steep banking at the rear of the bunkhouse is a result of erosion caused over the years by spring flooding. In the long term, the erosion will continue and engulf the building.

01-01-6 **Engine House:** The roof of this structure is rotting along its fascia areas and its roofing support boards. The roof support timbers appear to be substantially intact except at both ends of the building.

At the northerly end, a heavy support timber has separated from its position in the supporting outer wall and is hanging vertically with its end about 10 feet above the floor.

At the southerly end of the building several roof support timbers have lost their support from the wall and are swaying in suspension downward toward the floor.

Over each engine bay, there are steel protective panels for protection (presumably) to the roof area from the steam engine heat and smoke. These structures are large and heavy with no possible means to determine their mounting security and the safety of those that may pass below.

The engine bay doors are not secure and present a possible hazard during windy periods.

The small room connected to the southerly end of the building, now without a roof or all of its walls, has openings in the floor that appear to be 3 or 4 feet deep. These holes should be examined for possible chemical contamination and then closed.

The windows in the remaining walls of the small room at the southerly end of the building are broken out of their steel frames. On the outside of the remaining window frame, on the river side of the room, there is a steel ladder attached to the roof area. The ladder extends downward to 10 feet or so from the ground. It is possible to climb up the steel window frames and get on to the roof ladder for access to the roof. Graffiti seen on the upper wall of the front roof area over the engine access doors is evidence that people are negotiating their way up onto the roof area.

The safety of persons climbing up on to the roof area, walking on the rotten boards of the roof deck, and climbing back down the side of the building, all without falling would be the responsibility of the owner.

- 01-01-7 **Sand House:** This building is not secured in any way to prevent the access of unauthorized persons. Although it appears to be in fairly good condition, except for the roof of the main building area, its sand screening system is still in place with piping that was associated with the process. Climbing on and around the interior framework could result in falls.

It is our recommendation that all openings to this building be closed with a substantial material to prevent the unauthorized entry of persons.

- 01-01-8 **Outside overhead Piping:** There is an overhead pipe system supported by steel uprights remaining at the right front side of the engine house. The structure extends from the smoke stack area to the engine house and is evident in other areas. The piping systems structural integrity is in questionable condition in several areas as the piping is in a state of disarray (possibly from being struck by equipment or other forces).

It is our recommendation that the described piping system be taken down to prevent it from falling and to prevent persons from climbing on it.

- 01-01-9 **Front Parking Area:** It was not known how much of the front parking area would be included with the buildings.

- 01-01-10 **Future Plans of the Railroad:** It was noted that the railroad is considering the re-opening of the rail lines to points south, re-establishing commerce and passenger lines. This will increase the exposure of the public to the train traffic as they are in the Westboro Train Yard areas. It was also noted that the area just to the north of the Sand House is being considered as a site for a new engine house by the railroad.

It is our opinion that initially, the City should surround the buildings and areas with a substantial fence to prevent unauthorized access of the public.

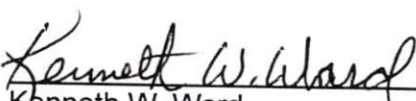
The entire area should be posted as a "No Trespassing Area," "No Unauthorized Entry" with language to warn persons of the dangers existing within the fenced area.

Once the facility is open, fencing will have to be in place to prevent persons from being within the railroad right of way.

Comments: I was accompanied during my survey by Kenneth Niemczyk of the City of Lebanon and would like to extend my thanks to Mr. Niemczyk for his assistance.

Every effort should be made to comply with the New Hampshire State Fire Codes, Life Safety Codes, National Electrical Code, NH Department of Labor LAB 1400 and any other applicable codes. A periodic, scheduled, documented, self-inspection program should be established and maintained.

Survey conducted by


Kenneth W. Ward

Loss Prevention Representative

cc: file

Mayor Akins declared a recess at 8:34 p.m. The meeting reconvened at 8:41 p.m.

B. Request of the Lebanon Historical Society for the City to Consider Entering Into a Lease with the State of New Hampshire for Preservation of the Sand House Located at Westboro Yard in West Lebanon

Mr. McSweeney said the Historical Society is interested in the sand house. They were told that they would need to enter into a lease with the State and would need indemnification insurance. Because the City would neither own nor lease the property, the City's carrier would not provide coverage. As a result, the Historical Society has asked the City to lease the building from the State. He has no idea what the cost of the lease would be. His hope is that the lease cost would be \$1 per year.

Councilor Dudley said this is a great idea, as long as it does not cost the City a lot of money, as it is a historical site.

Councilor Mastro said he is a member of the Historical Society and the Historic District Commission, which has discussed the sand house. He questioned whether the public would have access to it. The City has a lot of artifacts with nowhere to put them where they can be seen. Dana House is still not finished. Money has been put into it, and it is not being used. The GAR Building is rarely open. He would like to see artifacts displayed.

Councilor Dudley said the GAR Hall is open on a regular basis, and the showcases have been filled with artifacts. It is open every other Sunday during the summer. Councilor Mastro said this is a tourist town, and that building is not promoted.

Councilor Jescavage said he supports this move, as these buildings are a very important asset and are one of a kind, and the City would be foolish to miss an opportunity to preserve them. The letter from then-Transportation Commissioner Kenison said the State would not charge the Historical Society, and he is certain the City could also obtain favorable terms. The buildings can be insured with the City's umbrella policy at no extra charge.

Councilor Jescavage moved to direct the City Manager to enter into as long a term lease as possible with the New Hampshire Department of Transportation for the buildings in the Westboro Rail Yard mentioned in the packet at a very reasonable rate. Seconded by Councilor Dudley.

Councilor Dudley said she would like to know the cost before such a lease is finalized. Councilor Jescavage said leases are brought back to the Council for approval.

Lindamae Peck of the Historical Society said the annex to Dana House has been used by many groups as a meeting place. The Historical Society sponsors an open house at the Carter House at

least once a year, at which the rooms and the Society's holdings are open. The last two times, no one attended, despite newspaper advertisements. She said the original plan was for the Historical Society to install a display board describing the activities at the Westboro Rail Yard. They would prefer access on a daily basis, but they would accept limited access, as long as the building is in view of the public. The building might have to be moved.

Councilor Desrosiers asked how big the building is, and whether it is made of brick. Ms. Peck said it is a wooden structure that is much taller than it is wide. The roof boards are there, but the roof materials--probably tar paper--are gone. The building will need a new roof that is compatible with the period. The building still contains sand, which should be removed so the building can be dried out. She estimated the building's footprint at 10' X 10'. Councilor Desrosiers asked if the City leases the building, whether they would then have the financial responsibility to move it. Ms. Peck said the Historical Society would either pay for the restoration, moving and maintenance or solicit donations for that purpose. They do not intend to ask the City for money.

Mayor Akins said he supports the motion. Originally, the property was controlled by Guilford Transportation, and action was taken to take the land and a three-mile strip of rail line. The objective was for the City to control that land, but instead, the State took control. This is a good opportunity to get part of the property back under City control. It would also help with the revitalization of the West Lebanon area, allowing a volunteer group to lead the restoration.

Mr. McSweeney said when the State purchased the rail line and the Westboro Yard from Guilford, the initial intent was to retain only the rail line itself and to dispose of the Westboro Yard. Once the State got involved in the process, they discovered that in order for the rail line to be viable, a yard was needed to stack the cars. The State decided to retain the rail yard so it was a more leasable piece of land. The State cut out a section along the river for the City, and the sand house area was reserved.

Councilor Solari asked if the bunkhouse was not under consideration because it is in poor condition or because it is not historically significant. Ms. Peck said there are three buildings there: the bunkhouse, the roundhouse and the sand house. The Historical Society decided that the latter was a reasonable project in terms of expense and effort. Restoring the roundhouse would cost several hundred thousand dollars, and the bunkhouse would be in between the other two in cost. The State hoped the Historical Society could be the focal point for preserving all three buildings. The State is working on funding and is hoping for a groundswell of community support within the next year. The Historical Society told the State that they were too small a group to consider taking on all three buildings. They expressed the hope that other groups would work with the other buildings.

Councilor Solari asked if the State or other private groups are organizing an effort to save the other buildings. Ms. Peck said she is not aware of any such efforts. If the Historical Society gets

permission to restore the sand house, the State will publicize that effort extensively, in the hope that other groups would come forward to help. A public information forum was held for West Lebanon residents, who expressed support for the project.

Councilor Solari asked about access to the building. He said moving it would be a terrible thing. He asked if there had been discussions regarding safe access to the building by pedestrians. Ms. Peck said there have been no direct discussions. It is possible to relocate the building to a piece of land the State holds that is adjacent to the rail yard, a property the State intends to give back to the City. If the building stays where it is, pedestrians would have to cross an active railroad track to get to it.

Councilor Solari asked if the City leases the building, whether they would have to lease land to access it. Mr. McSweeney said he does not know. The State has indicated that the lease to the Claremont-Concord Railroad is for the rail line and the staging area. Other uses need State approval. Councilor Solari asked if it is possible for the City to lease the bunkhouse for commercial use. Mr. McSweeney said he does not know. Ms. Peck said the primary consideration is whether or not one would have to cross the rail line. The only way to avoid the track would be via the access road on the south end of the bridge on Route 12A.

Councilor Jescavage said his intent was to lease all three buildings. That would "lock up" the buildings in case other groups choose to work with them. Councilor Solari said he does not know if he wants to lease all three buildings, especially in light of the State's one-year moratorium described by Ms. Peck. Ms. Peck said the State is trying to obtain funding. She listed the costs involved. The roundhouse is currently not safe, and its restoration would cost about the same as its demolition.

Councilor Solari said they should stick with just the sand house and let the State handle the other buildings. If the State plans to demolish the other buildings, the City would then have the opportunity to lease them. Now they would be leasing buildings with no clear intent and possible liability. Councilor Jescavage said the only effect of the lease would be to secure the buildings so nothing can be done with them. When the West Lebanon Downtown Committee was active, there was tremendous interest in the bunkhouse and the roundhouse. The State could end their moratorium at any time, but a lease would be legally binding, and this would have the effect of "banking" the buildings.

Councilor Solari moved to amend the motion to strike the roundhouse and the bunkhouse. The motion died for lack of a second.

Councilor Solari said he would oppose the motion.

Councilor Desrosiers asked about the insurance question. Mr. McSweeney said the initial memo to the New Hampshire Public Liability Trust was based on the initial impression that the

Historical Society was looking for two buildings. The final letter is based on the request for only the sand house, which is the request the Council has before it. Councilor Jescavage's motion goes beyond that. Councilor Desrosiers said he would support what the Historical Society wants.

Councilor Mastro agreed with Councilor Jescavage; the City needs to lock up the buildings. However, before the buildings are leased, Mr. McSweeney would have to negotiate the lease and bring it back before the Council, and in that case, the Council would know any potential costs and increases in liabilities. He said the buildings in question are major liabilities. He said he would support the motion.

Councilor Jescavage said his intent was for Mr. McSweeney to negotiate the lease and bring it back to the Council. He expressed confidence that the costs would work out. Mr. McSweeney said not every lease goes back to the Council, but he will do that in this case. It has not been standard practice.

Councilor Dudley said she would support the motion. She supports leasing all three buildings. She does not think the cost will be high. She said she would help in any way she can, as she knows the Acting Commissioner of Transportation.

There being no further discussion, a vote was held, and the motion passed by a vote of 5-2. Voting for the motion: Mayor Akins, Councilors Dudley, Grigsby, Jescavage, Mastro. Voting against: Councilors Desrosiers, Solari.

Mayor Akins thanked the Historical Society for their efforts.

VIII. APPOINTMENTS

A. ADA Compliance Team

Councilor Grigsby noted that the Council added two alternate positions in 1999, but she came back to the Council and said the Committee did not want the additional alternate positions. In addition, the positions to be filled are regular positions, not alternate positions. She said she would interview Ellerton Whitney Jr.

Councilor Mastro said both Mr. Whitney and Bill Evans have applied for another board. He said those who interview them need to find out which is most important. He said in his opinion, the Planning Board and the Recreation Commission were more important.

Mayor Akins assigned Assistant Mayor Leonard to interview Mr. Whitney. Mayor Akins and Assistant Mayor Leonard will interview Mr. Evans.

B. Historic District Commission



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



CAROL A. MURRAY
Commissioner

GILBERT S. ROGERS
Assistant Commissioner

July 9, 2002

JUL 12 2002

James McSweeney
City Manager
51 North Park Street
Lebanon, N.H. 03766

[Handwritten signature] 7/15/02

Dear Jim:

As agreed during your telephone call on June 5, 2002, and subsequent discussions, the intent of this letter is to reaffirm the Department's commitment to provide the City of Lebanon a lease of a portion of the Westboro Yard for public use. Article 4 of the Memorandum of Understanding clearly specifies that the Department will lease a "portion of the yard along the Connecticut River for public use". The Department and Claremont Concord Railroad support leasing portions of the yard that (1) are consistent with the Operating Agreement (2) are contiguous with the river frontage referenced in the MOU and (3) allow the City to meet the following objectives:

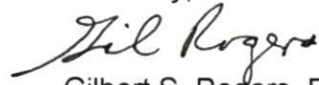
- Vehicle access from Bridge St. and limited parking accommodations for users of a future riverwalk and the possible canoe launch at the north end of the yard.
- Relocation of the sand house and renovation of the bunkhouse and sand house in an historically acceptable manner for adaptive reuse for public purposes at the south end of the yard. Vehicle access to this portion would be via an improved driveway off Route 12A.
- Connectivity of the riverwalk to the bunkhouse and relocated sand house area.

It is estimated the total area under consideration for lease to the City will be approximately 6 acres. Final determination of the property limits of the leased areas will be subject to detailed coordination with the land area needs of the Railroad for its business operations. Because of the stated desire of the Railroad for some type of shared use of the restored bunkhouse with the Railroad, such use will likely be a provision of the lease to the City.

Hopefully this satisfies your needs as the City begins formulating a new capital improvement plan.

Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Gil Rogers".

Gilbert S. Rogers, P.E.
Assistant Commissioner

GSR:JFM:d

cc: Senator Clifton Below
Carol A. Murray, Commissioner
James F. Marshall, Director of Public Works & Transportation
Kit Morgan, Bureau of Rail & Transit
Lori Barnes, President, CCRR

City of Lebanon



51 North Park Street
Lebanon, New Hampshire 03766

March 16, 2004

Mr. Christopher Morgan, Administrator
Bureau of Rail and Transit
NH Department of Transportation
PO Box 483
Concord, NH 03302-0483

Dear Mr. Morgan:

Please consider this a formal letter of request to begin the process of transferring the six acre parcel to be known as "Westboro Park" at the Westboro Yard in West Lebanon, NH from the State of New Hampshire to the City of Lebanon.

As we have discussed, City ownership of the property will enable us to apply for grants that require property ownership to award funds. In particular, the Land & Water Conservation Fund program carries this stipulation.

As per your suggestion, the portion of the property behind the engine house that is contaminated with asbestos and pending cleanup with Brownfields funds will not be included in the transfer until it is clear of contamination.

Finally, further discussion with officials of the Claremont Concord Railroad is needed to determine their interest in the round house and what might be an appropriate consideration to be paid by the City for the transfer.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Leon S. Kenison
Interim City Manager

Final Report

The Westboro Riverfront Park Design Study

for the City of Lebanon, New Hampshire



ORW Landscape Architects and Planners

Pathways Consulting
Civil Engineers

UK Architects

Community Investments
Economic Development

Engineering Ventures
Structural Engineers

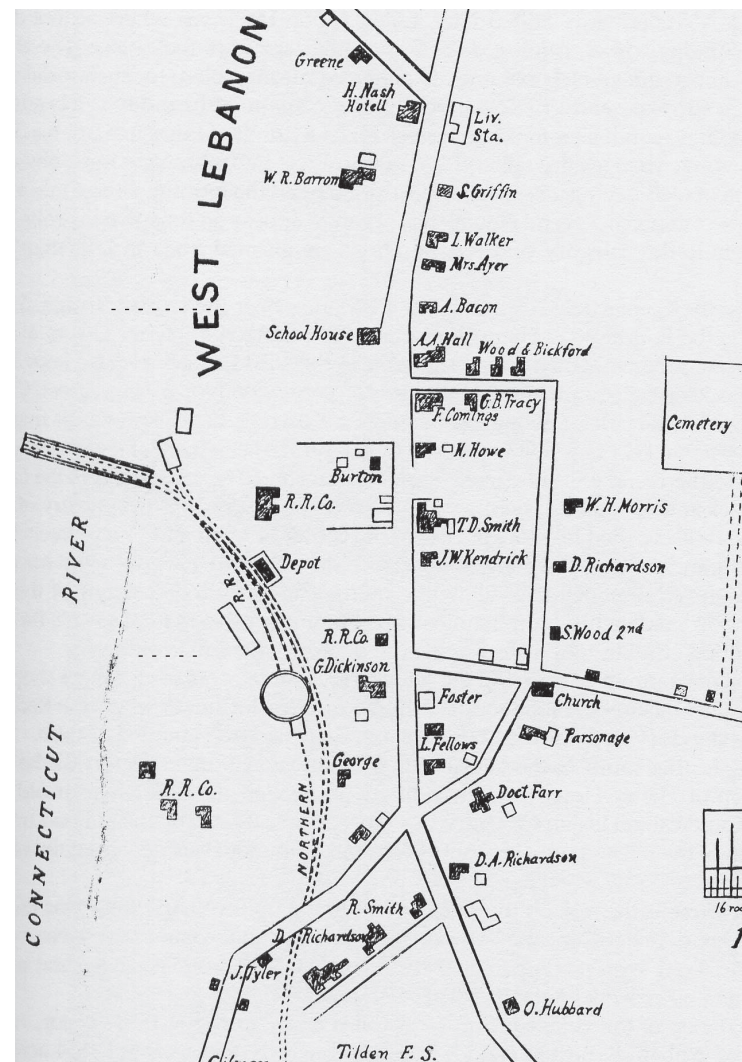
March 2004





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I. Introduction

Background to the Westboro Riverfront Design Study

Established in 1848, the Westboro Railroad Yards were in continuous use for approximately 120 years until the late 1970's when the site was abandoned by the Boston and Maine Railroad. The site was purchased by the State of New Hampshire in 1998, and in 2000 rail use began anew on the site under an operating agreement between the NH Department of Transportation (NHDOT) and the Claremont Concord Railroad Company (CCRR).

In 2000, the Lebanon Rotary Club sponsored a community planning process to look at future public use and development of the Westboro Yards. Quickly, the plan grew in scope and intent as a network of greenspaces called the 'string of pearls' along the Connecticut and Mascoma Rivers was imagined by the Rotary and City officials. The Rotary planning process looked at options for enhanced public access to the Connecticut river across Westboro, and new commercial uses on the site as a part of increased rail use with CCRR.

In June 2003, the City of Lebanon engaged ORW Landscape Architects and Planners of Norwich, Vermont, assisted by UK Architects, Engineering Ventures, and Community Investments to prepare a Design Study emphasizing a detailed plan for public access to the Connecticut River including a trailhead with public parking, a walking trail along the river and assessment of two historic structures. Whereas the Rotary study looked at the entire Westboro site, under the terms of the agreement with NHDOT, land designated to be leased to the City along the river was the subject of design efforts.

An interim report was prepared for the City Council and Capital Improvement Plan Advisory Committee in December 2003. The Interim report presented initial phases and costs for work to assist with city budgeting decisions.



Unless other wise noted, the photos in this report have been generously provided by the Lebanon Historical Society.

This Final Report provides the complete project findings including existing site conditions, relevant plans and policies that are currently in place, issues and opportunities that were defined by the Project Advisory Committee, and conceptual plans for improvements along with their associated costs. Additional materials not included in this report can be acquired from the Lebanon Recreational Department.

Changes between the Interim and Final Report are based upon City Council review of the Interim report, inclusion of a design plan for enhanced access to Westboro Yards and drainage repairs that should be integrated with the replacement of the South Main Street (Route 12A) railroad bridge, associated cost updates, a phasing plan to prioritize expenditures and to focus volunteer efforts.

As a measure of public confidence, the Capital Budget Committee appropriated \$100,000 in City funds to further the efforts for implementation.

Opportunities for the City and the Region

The Westboro Yards history as a railroad facility for the City of Lebanon and the entire northern New England Region is significant. If the future sees ongoing active rail use, then economic opportunities for industrial and potentially passenger use could contribute to new business opportunities to enhance the unique identity and history of West Lebanon. Continued use of the railroad could also bring new meaning to the site through new uses and managed public access.

Restoration of the historic railroad buildings, public access to the river and views of the working rail yard, can provide a unique experience to residents and visitors to West Lebanon alike.

From an open space perspective, the Westboro site occupies a prime but overlooked site just below the Connecticut River's confluence with the White River. Today, there is growing interest in reclaiming the riverfront for its scenic amenities, open space, recreation, and environmental values. In this context, the Westboro site could provide a green and accessible riverfront in Downtown West Lebanon, be a link in a growing regional network of trails and parks connecting major open space resources, including the Mascoma River, Boston Lot, and the Northern Rail Trail to Mascoma Lake, Downtown Lebanon and White River Junction.



II. Site Map and Description

Property Ownership, Easements and Use Agreements

The Westboro Rail yards comprises 22 acres of land located in West Lebanon, New Hampshire between West Lebanon's historic Main Street and the Connecticut River. Bridge Street, the village center and Route 12A define the north and south boundaries of the site. The property is owned by the State of New Hampshire and managed by the New Hampshire Department of Transportation. In May, 2000, NHDOT and the Claremont Concord Railroad (CCRR) Corporation entered into a 10-year lease agreement for use of the rail line and yards. A 10-year renewal of the agreement or purchase of the facilities, provided they are maintained as an active railroad line is part of the contract.

The City of Lebanon entered into a one-year Temporary Use Agreement in June 2003 in order to conduct this study for the portion of the Westboro Rail Yards along the Connecticut River. This agreement allows for a one-year renewal. As of January of 2004, the City and NHDOT were negotiating the actual transfer of ownership from the state to the city for land along the riverbanks of the Connecticut. Ownership is a prerequisite for many grants that the city would like to use for site development. Also in January of 2004, CCRR approached City representatives with the possibility that the roundhouse could be transferred to city use. The details of that agreement and specifics of future uses of the roundhouse are beyond the scope of this report.

The City of Lebanon has a public utilities easement along the Connecticut River shoreline and within a drainage swale adjacent to Route 12A. The City's sewer line easement is contained within a 50-foot easement along the riverbank that extends from Bridge Street to the treatment plant at the confluence of the Connecticut River.



THE WESTBORO RIVERFRONT DESIGN STUDY

III. Existing Land Uses



Existing Uses and Activities

The Westboro Yards are currently used by the Concord Claremont Railroad Company to transfer aggregates from rail to trucks at a recently built transfer station. This operation involves the railroad main line coming across the Connecticut River from Vermont and rail sidings which connect to the transfer station north of the site. There is also a municipal sewer line that traverses the site running parallel to the river along the first level terrace above the river. A municipal combined sewage overflow/stormwater outfall pipe is located at the southern end of the property adjacent to the river. There are three currently occupied apartments at 26 Railroad Avenue. The remainder of the site is not currently in active use.

The Concord Claremont Railroad Company, which currently leases the Westboro Yard from the State, envisions continued use of the site for active rail use. CCRP has defined a plan with capital improvements for future operations, including improved road access to the site, additional area for bulk storage, new sidings, and a new engine house. The CCRP which is restoring the historic Flying Yankee railroad cars for future use on tourist trains, is considering locating service along this line.

Circulation

Rail. The site is currently bisected by the curving main line and sidings. The main line links to White River Junction at a bridge crossing the Connecticut River and traverses Westboro southward, crosses under Route 12A, and continues to Lebanon. Sidings branch off of the main line to the north and serve the transfer station and adjacent warehouses.

Vehicles. There are no city streets on the site. Informal vehicular access onto the site is currently obtained from Bridge Street and Railroad Avenue

via informal gravel driveways. There is also a gated driveway off of Route 12A to the wastewater facility. Access from Bridge Street and Route 12A does not involve crossing the tracks.

Pedestrian and Bicycle Access

There is currently no pedestrian or bicycle access on the site; however, informal pedestrian use of the site is common. Pedestrians use the rail bridge at the Connecticut River which provides a link between the village centers of West Lebanon and White River Junction.

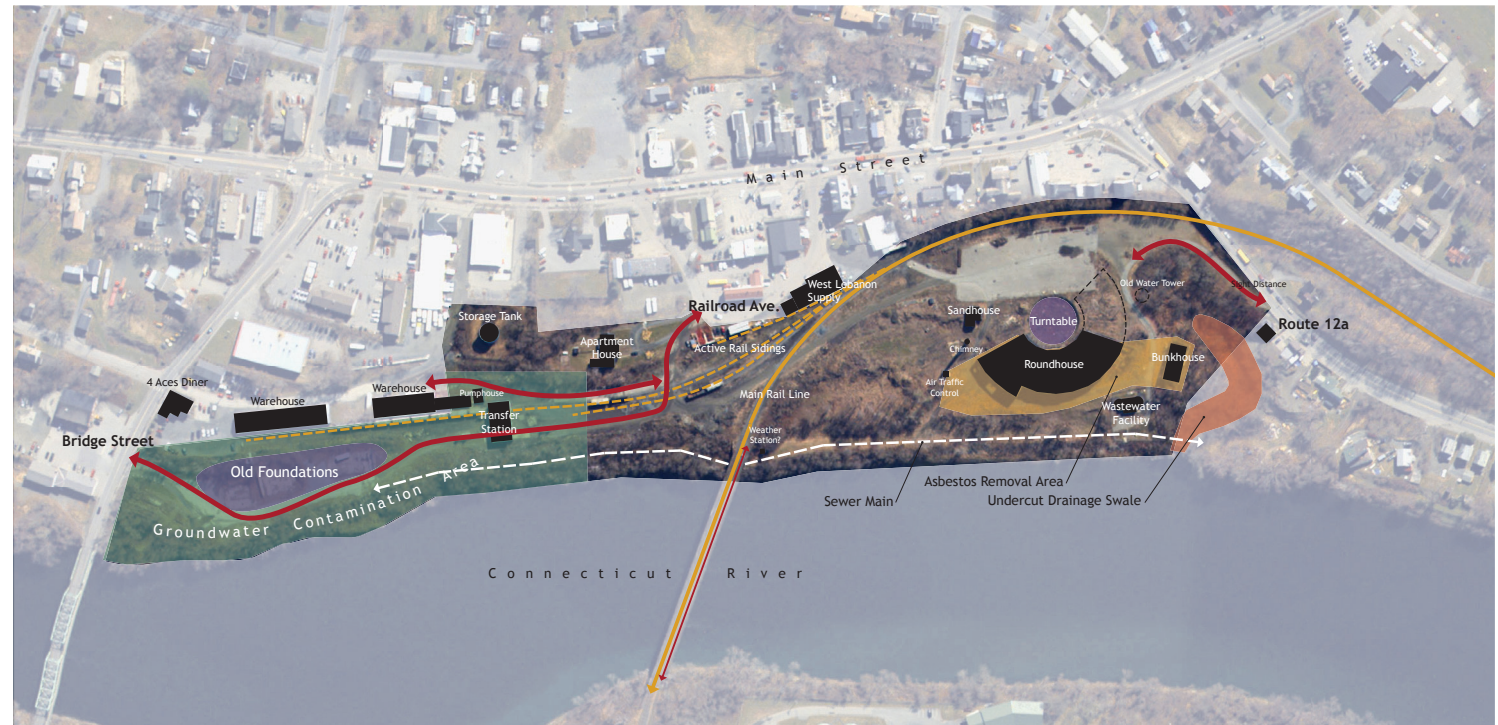
Hazardous Materials

Hazardous substances have been used and are present on the site. In the area of the Roundhouse, soil has been contaminated by petroleum and other organic compounds and asbestos containing materials are present in the building and have been buried on the site.

The northern portion of the site (below Bridge Street) was formerly owned by an oil company and includes areas of soil and groundwater

contamination. There is a designated Groundwater Management Zone on the property, which includes monitoring wells. This site also includes a 300,000 gallon above ground storage tank (AST).

In December 1974, an oil spill occurred at the Westboro and emergency remediation measures were taken to contain that spill. In 1992 an oil sheen was observed on the river adjacent to the site. The source of this contamination was identified as contaminated soil and a transmission pipe in the vicinity of the former fueling platform.





IV. Existing Plans and Policies



This plan addresses the land to be conveyed to the City of Lebanon from the State of New Hampshire, and provides the first steps to be taken in defining public access via trails and the creation of a public park and river access near Bridge Street. The larger picture of Westboro is still unfolding. This chapter outlines some of the relevant local and state policies that specifically address Westboro.

Lebanon City Master Plan

The Land Use section of the Lebanon Master Plan supports continued rail use at Westboro, defines the site as a future Rail/commercial site and links future economic and community development in West Lebanon to improved trail and public access aspects that this plan affords.

Lebanon Recreation Facilities Master Plan 1998

The Lebanon Recreation Facilities Master Plan places a high priority on the Northern Rail Trail Corridor as a multi-use recreational path that connects neighborhoods and parks within Lebanon and could, in the future, provide a link to White River Junction. Currently, the trail runs from downtown Lebanon to Mascoma Lake. The plan recognizes the recreational potential of the Westboro site and suggests a range of potential future recreational uses, including a destination and trailhead for the rail trail, a community park, amphitheater, skateboard park, community center

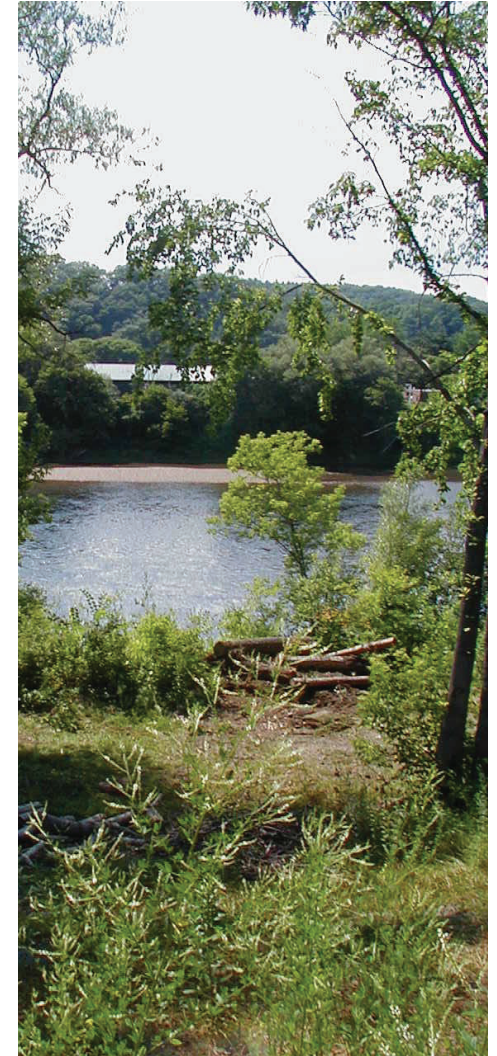
and a potential trolley link between White River Junction and Lebanon. *It should be noted that at the time the Master Plan was written, the site was not in active rail use. Some of these concepts may not be compatible with current rail operations.*

New Hampshire State Rail Plan 2001

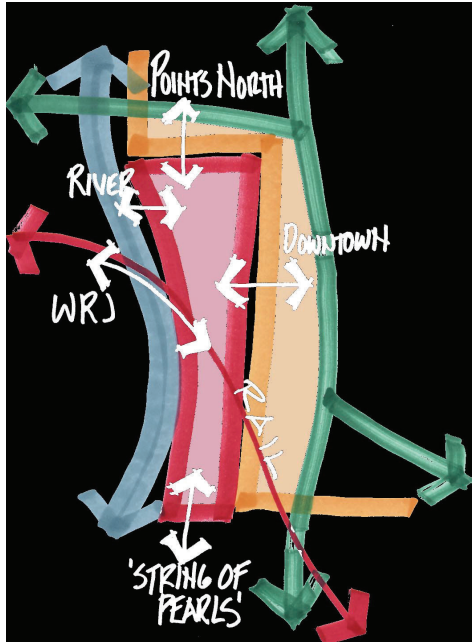
A majority of the Northern Railroad Line is owned by the State of New Hampshire. The section from Boscawen to Lebanon is abandoned, and was purchased from the Boston and Maine Corporation in 1995. In 1999, the State bought a 3-mile section in West Lebanon. In purchasing rail lines, the State Rail Plan indicates the goal of preserving abandoned railroad corridors having "potential for future transportation or public uses." The State has purchased close to 500 miles of rail corridor for preservation purposes, including 193 miles of active rail line. The state has allowed approximately 300 miles to be used as trails as an interim use.

Boston to Montreal High Speed Rail

The Westboro yards are a part of the larger Boston to Montreal High Speed Rail (BMHSR) Corridor designated by the Federal Railroad Administration in 2000. This rail corridor is currently undergoing planning and feasibility studies. Conceptual planning studies for the BMHSR Corridor identify White River Junction, directly across the river from the Westboro Yards, as the likely station location for the Upper Valley Region.

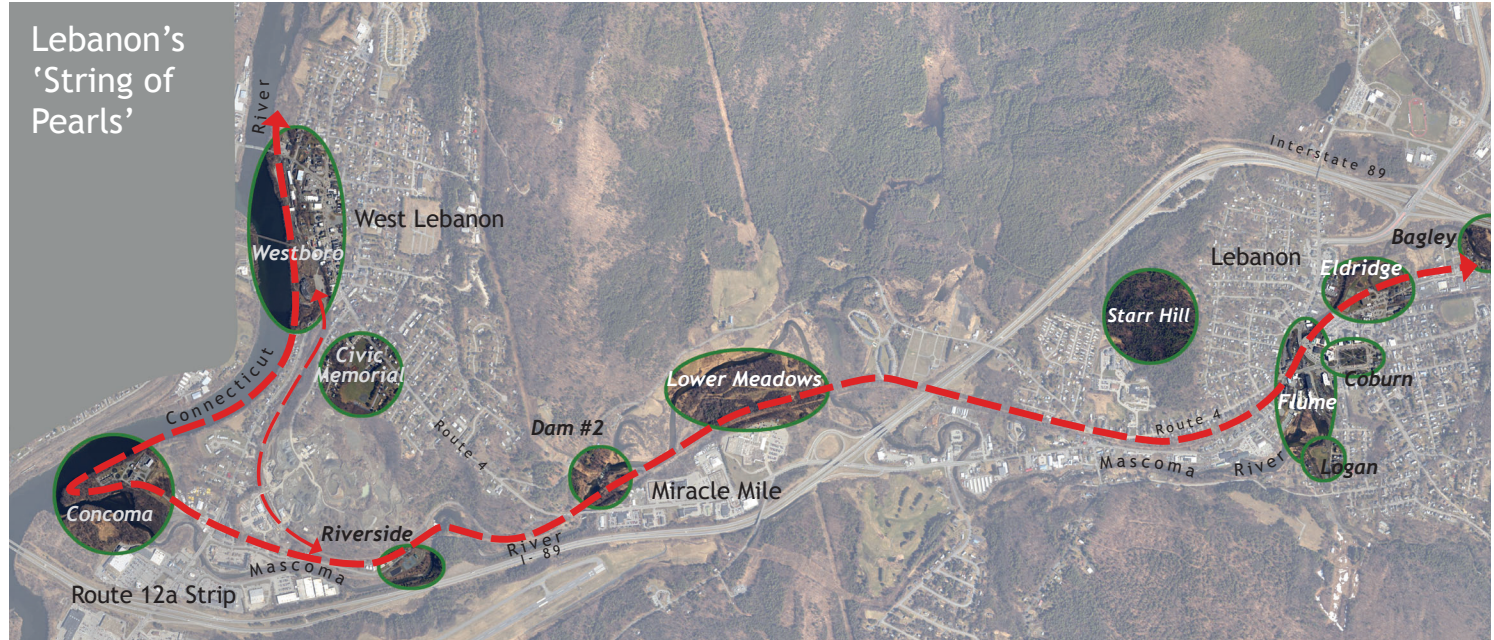


V. The Big Picture of Westboro and the City



Relationship to the West Lebanon Community

Reconnecting the West Lebanon community with the riverfront is a desirable goal and the Westboro yard could play a central role in a trail connection between Bridge Street and South Main Street. Imminent changes to downtown West Lebanon point to a deep desire on the part of neighborhood residents to promote historic preservation and economic redevelopment of both the downtown commercial district and adjacent neighborhoods. Through the Camber of Commerce, a group of residents and business owners have come together to consider the potentials of formal "New Hampshire Downtown" designation through the New Hampshire Main Street Program.



Lebanon's 'String of Pearls'

As of January 2004, the groups decision was to defer formal application, but to instead focus of local initiatives and city policies that would make for enhanced character in downtown West Lebanon. Other changes include the planned creation of a new West Lebanon public library and downtown park.

The possible integration of redevelopment of downtown West Lebanon and the Westboro yards holds many promises. However, as of yet a concerted effort at unifying the comprehensive picture has yet to be fully realized. All the groups in West Lebanon must come together to plan their future, or risk losing the cumulative benefits.

Regional Open Space Connections

The Westboro Yard is a valuable open space resource that can help to anchor the growing threads of regional bicycle, pedestrian, canoe and kayak resources that are developing in the region.

The Lebanon Rotary Club's 'String of Pearls'

The Lebanon Rotary Club has identified Westboro as one component of a larger series of linked open spaces along the Connecticut and Mascoma Rivers. This project, called the 'String of Pearls' referring to a series of linked open spaces, is aimed at returning "Lebanon's rivers to the forefront of the City's consciousness through creation of a series of beautiful and significant, natural and improved public spaces along our rivers and rail trails."

Seen through this lens, Westboro is far beyond a site of single significance, it could become a regional center of recreational and economic activity.



VI. Overall Plan for the Riverfront Trail and Park

Overall Plan Elements

The following description of the plans for the Westboro Yard accompany the drawings on page 9.

1. Active Rail Use

This plan assumes that active use of the rail line will continue into the future.

In the near-term, it is assumed that the use of the site by a short line rail company will continue using existing tracks in their current alignment.

In the mid-term it is assumed that short line rail will continue with expanded rail sidings developed on-site.

Over the long-term, the plan may need to have the flexibility to adapt to expanded rail use such as the possibility of high-speed passenger rail service between Boston and Montreal and the planned expansion of a Rail / Industrial District in West Lebanon.

2. Hazardous Wastes

The plan assumes that hazardous waste will be remediated by the property owner (NHDOT) to a level that will allow public use of the site.

3. Historic Buildings

The Crew House, Roundhouse and Sand House, although in deteriorated condition, are significant historic resources that will require stabilization to prevent further damage. Reuse of historic buildings for interpretation or contemporary uses is a desirable goal. The future use of those buildings should be planned in concert with the Roundhouse potentially being made available to the City from CCRR. Part of the original intension of this study was to identify places where the sandhouse could be relocated. It would be most preferable to preserve the Sand

House in situ, but that will need to be negotiated with the City and the CCRR in the future.

4. Riverfront Trail

An ADA accessible trail extends the length of the property along the riverfront, linking Bridge Street, the trailhead, the Crew House and Route 12A. In order to meet ADA requirements for grades less than five percent, the trail will follow the shelf of the sewer line along the riverbank. Ultimately the trail would include kiosks for interpretation of the rich array of natural and cultural features of the site. The trail would be ten feet wide and would be surfaced with hardpack for walking and biking.

5. Trailhead

A trailhead will provide a point of access to the Connecticut River for pedestrians, picnickers, sightseers and carry-in canoe and kayak access. Primary access to the trailhead would be obtained via Bridge Street and a parking area for approximately 19 cars. Two trails lead down to the riverfront from the street: an ADA accessible route (with grades of five percent or less) which winds down the riverbank to the river, and a trail which descends the bank via an elevated staircase.

The trailhead will include revegetation of areas affected by grading and construction activities, and will include grassy areas for picnicking and passive enjoyment of the riverfront.

6. Vehicular Access Improvements

In order to accommodate the trailhead parking, the access routes from Bridge Street will need to be improved. A new intersection at Bridge Street which meets current street design standards would be provided and would accommodate traffic associated with both the trailhead and the short line railroad operations.

A new road should be constructed to provide clear

and separate accesses to the trailhead and rail yard operations. This improvement should be integrated with the planned replacement of the Route 12A Railroad bridge under South Main Street.

7. Stabilization of the Crew House

The following initial steps should be taken to stabilize the Crew House.

- Brick walls should be protected from potential water infiltration and further damage.
- Consider putting a new roof on the building and "mothballing." This would take considerable funding to just get this far, but if the building is important enough, historically, then it must be done.

As an emergency measure, a cap could be designed to cover the top of the brick walls to keep the weather out.

8. Stabilization of the Sand Shed

At a minimum, the following interim steps should be undertaken to stabilize the Sand Shed until full rehabilitation can be undertaken.

- Remove sand from exterior walls
- Replace roofing

Relocation of the Sand Shed is also called for in Phase I as it is impeding current railroad operations. Possible locations are shown on the plan.



At right are examples of trails and a simple overlook of the type that might be used at Westboro. The photos also show an ADA compliant path made of materials other than asphalt pavement

Overall Plan





THE WESTBORO RIVERFRONT DESIGN STUDY

Circulation

Pedestrian and Vehicular Circulation Options

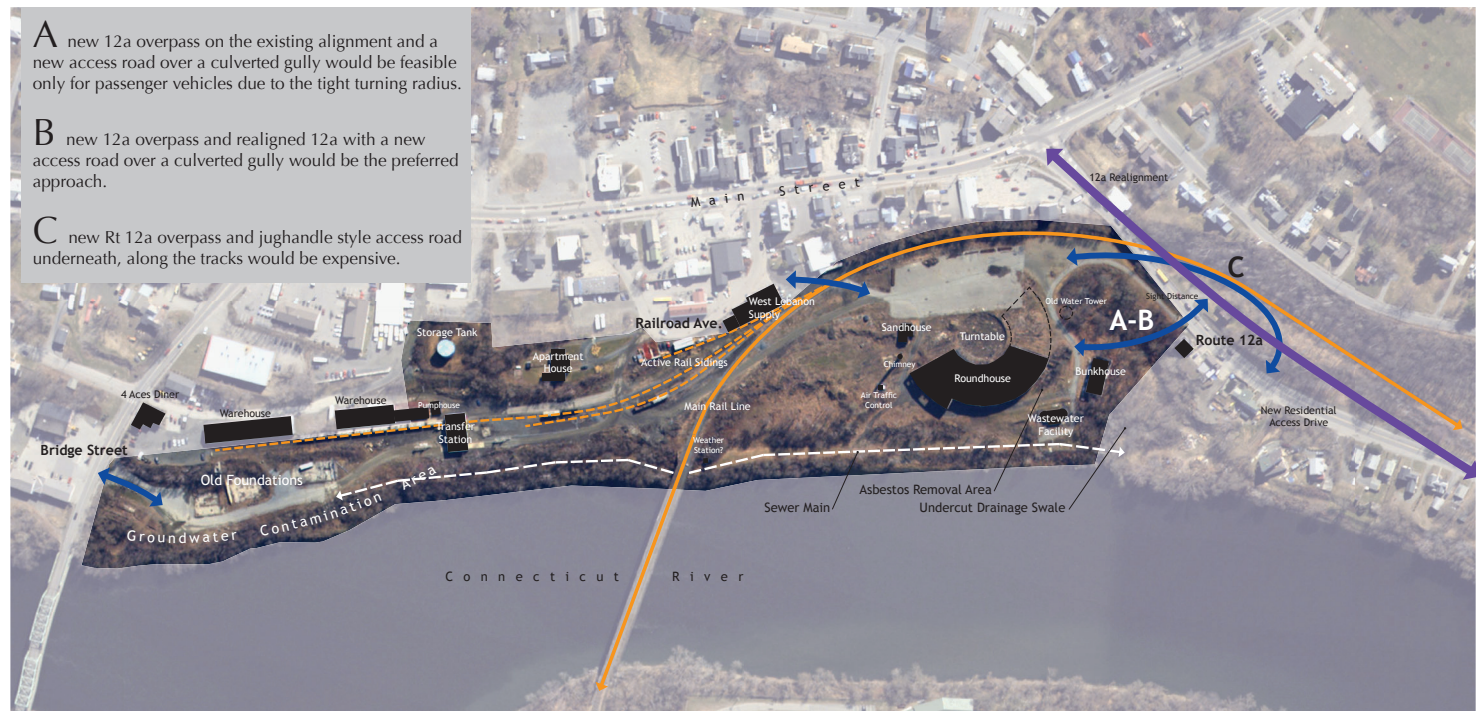
Future use of Westboro Yards for either rail or public recreational uses will require improved vehicular and pedestrian access.

On Route 12A south, an elevated “dry bridge” over the rail lines provides a grade separated crossing of the railroad. Currently, this bridge is being studied by NHDOT for improvements because of structural deficiencies and to raise the bridge height for future expanded rail use. There are opportunities to plan for improved access to the Westboro Yards in concert with this project. This location would be best for access to the crew house area at the southern end of the site and to avoid crossing an active rail line.

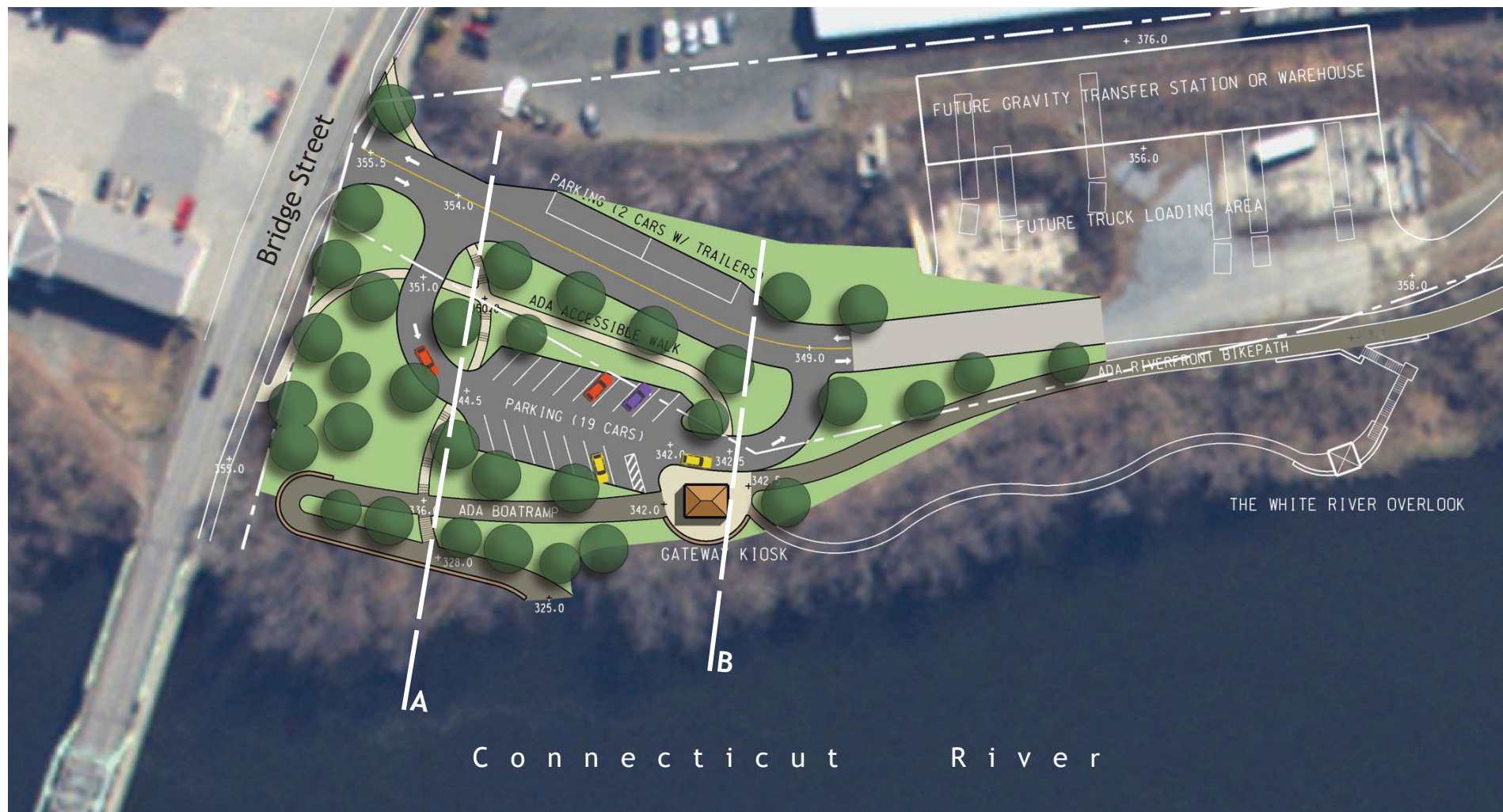
Access to the north end of the site could be obtained via a new access road at Bridge Street which runs parallel to the rail and can provide a trailhead parking area for public use. This access does not require a crossing of the active line.

Improved pedestrian access from Main Street in West Lebanon would help reconnect the community with Westboro and the river. However, access to the site from this direction involves crossing the rail line and would require a grade separated crossing over the tracks. Pedestrian use of the site would require management to ensure separation from active rail uses.

There are also possibilities that changes to rail use such as passenger excursion for the Yankee Flyer tourist train, and linkages to Downtown West Lebanon. Over the active rail line, those pedestrian crossings will have to be grade separated, but crossings from the Main Street level could drop to Westboro in the form of a pedestrian bridge.



VII. Detailed Design Plans



Detail of the Trailhead and Boat Access adjacent to Bridge Street



THE WESTBORO RIVERFRONT DESIGN STUDY



A Section thru Boat ramp and Steps



B Section thru Gateway Kiosk



Elevation of Trailhead Kiosk

VIII. Preserving Westboro's Historic Resources



Historic Setting

The Westboro Yards were constructed to serve the Northern Railroad, (later the Boston and Maine Railroad). The Northern ran from Concord, New Hampshire to White River Junction, was the fifth railroad established in New Hampshire and the first north and west of Concord, linking New Hampshire's woodlands, industrial spine to Boston. Service was initiated to West Lebanon in 1848.

In its heyday of the late 19th century, Westboro was a busy railroad yard accommodating both passenger and freight service. To meet the housing needs of the burgeoning railroad workforce, tenements were constructed within the rail yard. With the advent of automotive transportation, the development of the interstate highway system, and the decline in manufacturing in the northeast, rail traffic dwindled along this line through the mid-20th century. The Boston and Maine Railroad dropped passenger service altogether in 1964 and all railroad operations ceased in 1972. The Westboro Yard was purchased by the State of New Hampshire in 1995.

With the lease of the property by the CCRR and reactivation of rail uses on the property in 2000, nearly 30 years of inactivity at the Westboro Yards has drawn to a close.



Historic Designations

The Westboro Yard and Roundhouse are designated historic landmarks by the City of Lebanon Historic District Commission. In 1999 the Northern Railroad line, including the Westboro Yards, were determined eligible for the National Register as an historic district by the State Department of Historic Preservation.

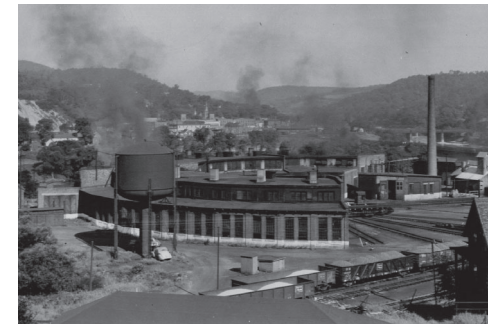
Within the larger context of the Northern Railroad the Westboro Yards were noted as a particularly significant resource, as there are few remaining rail yards in New Hampshire. For these reasons, the Westboro Rail yard is considered eligible for both the New Hampshire State and National Registers as a separate historic district for both its historical and architectural significance. The New Hampshire Division of Historical Resources notes in its Determination of Eligibility for the Westboro Yard that, although the structures are in poor condition, Westboro remains the most complete illustration of a large working rail yard in the state.



Historic Structures

A stone roundhouse was built in 1848, and was replaced in approximately 1890 by a brick structure, remnants of which remain today. The roundhouse was used to service locomotives and included a machine shop and space for freight storage. The sand house was constructed at the turn of the century and was used to store sand that was used on the rails in bad weather. The crew house was built in 1936 and served as a facility for railroad workers to stay over between runs. There is also a smokestack on site, which is a remnant from a heating plant that was a part of the railroad building complex. This structure is a visual landmark due to its impressive height.

Another historic structure of note includes 26 Railroad Avenue, a residential building constructed in 1860 as housing for railroad workers. This building has been in continuous residential use since it was built and is sometimes referred to as the 'civil war barracks'. Anecdotal history tells that these tenements served as barracks for Union soldiers being dispatched to the front.



Condition of the Roundhouse, Sand Shed and Crew House

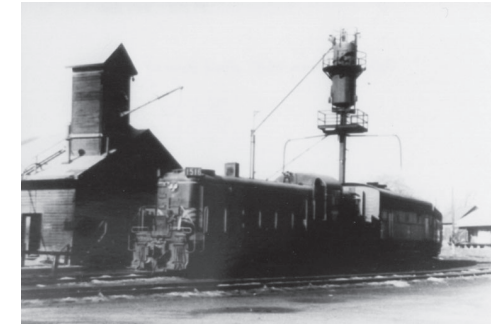
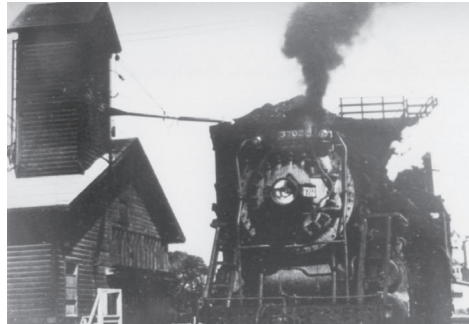
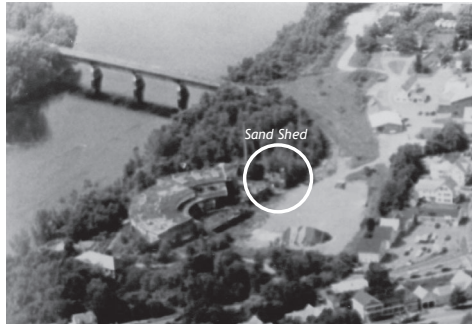
The roundhouse, the sand house and crew house are all structures in very poor condition and require stabilization in order to halt further deterioration and to address public safety concerns.

A structural assessment of the Roundhouse was prepared in 2000 for New Hampshire DOT. The results of this study indicate that improvements totaling an estimated \$430,000 dollars would be required to stabilize the building structure and address pressing structural issues. Future improvements plumbing, mechanical or electrical systems, architectural finishes or insulation required to upgrade the building to actual use and occupancy would be significantly in addition.

An evaluation of the Sand Shed and Crew House have been completed as a part of this planning effort. Recommendations for immediate stabilization are provided along with estimates of cost for the work involved. In the summer of 2003, the Rotary Club held a work day at the Crew House, and hauled away truckloads of debris, enclosed the downstairs window openings, and removed overgrown vegetation from the site.



Sand Shed



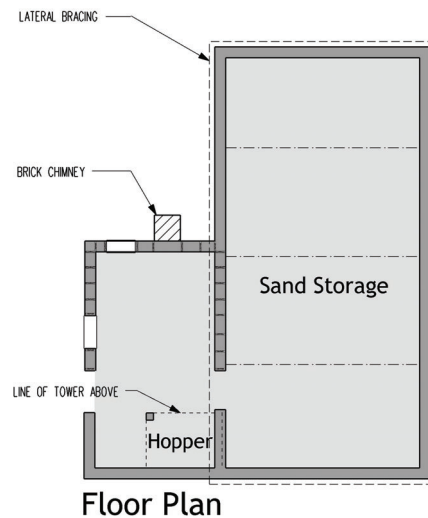
Sand Shed

At the beginning of the 20th century, the Sand Shed was constructed to store bulk sand. According to the accounts of railroad workers, the sand was used to provide traction on icy rails in the winter. A crane was used to unload the sand from railroad cars into the shed. Once in the shed, the sand would be dried, then blown through a chute into the locomotive's "sand chamber". The Sand Shed was designed with an exposed framing system on the exterior to support the intense outward load of the sand inside.

The Sand Shed was intended to serve a utilitarian storage function for Railroad operations and did not provide any type of habitable space. The addition of "thermal envelope" to this building would significantly alter its historic character. Therefore, this building should be considered for a seasonal use that does not require the addition of insulation, electrical, and mechanical systems. Examples of such a use would be – an information pavilion, a hiking/park shelter, or unheated storage.

The building requires new and repair of existing siding that is intact, new roofing, and reproduction doors and windows. Estimated costs associated with structural stabilization work have been

provided but do not include site features, finishes and architectural elements, and electrical and mechanical considerations that would be part of an adaptive reuse of the building in the future. See *table to the right*.



Sand Shed				
Item	Quantity	Unit	Unit Cost	Item Cost
Jack building and move	1	allow		\$8,000
New foundation	135	linear foot	\$56.00	\$7,560
Floor slab incl base prep	950	square ft	\$2.40	\$2,280
Chimney repair/reconstruction	1	allow		\$1,000
Wood frame replacement/repair	1	allow		\$4,500
Rafter reinforcing	290	square ft	\$5.00	\$1,450
Roof Sheathing replacement	750	square ft	\$2.75	\$2,063
Exterior Wall siding replacement	1000	square ft	\$2.50	\$2,500
				\$0
				\$0
				\$0
				\$0
				\$0
SUBTOTAL				\$29,353
Contractor's Overhead + Profit		20%		\$5,871
Contingency		20%		\$7,045
SAND SHED TOTAL				\$42,268

The Lebanon Historical Society has expressed willingness to assume responsibility for the preservation and relocation of the Sand Shed. As a part of that task, they have secured a price with considerable pro - bono donated labor for \$25,000. That price will be carried for future budget planning purposes.

Crew House



Crew House

In 1936, a Crew House was constructed to serve as tenement housing for railroad workers. The railroad began providing housing for it's workers prior to 1936 in crew houses that occupied the site of the current crew house. This crew house served as a dormitory, recreation hall, mess hall, and social center to the railroad workers.

The Crew House originally accommodated living and work related functions, and its organization and structure makes it suitable for many similar future uses. The building is ruggedly built with exterior walls constructed of solid brick. However, without an inner-framed wall, the current structure would have poor thermal performance. Although the interior surfaces of these walls were exposed brick originally, an inner wall could be built to provide a modern thermal envelope as insulation, and for structural stability, and cavity for electrical systems. Electrical and mechanical systems could be adapted to the building allowing it to have up-to-date technology and comfort.

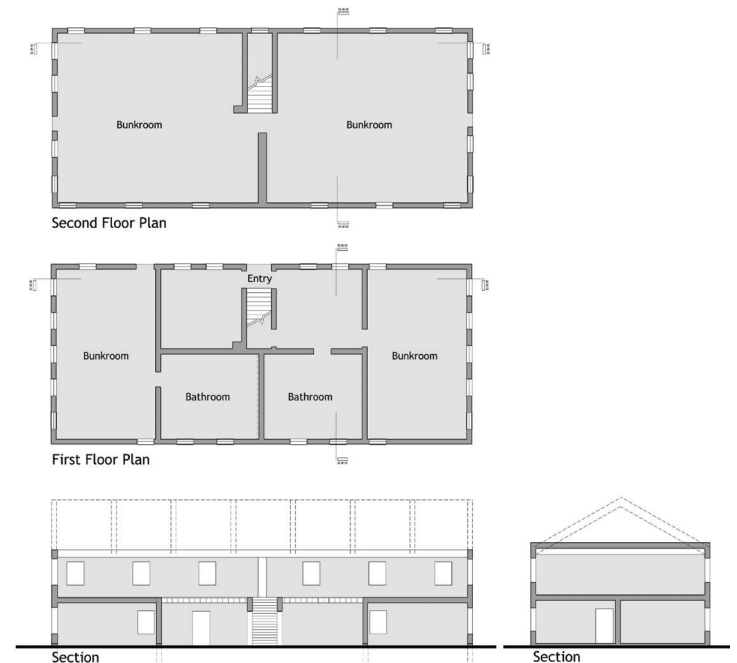
The existing partitioning of space on the first floor divides the building's first floor into functional spaces. The second floor utilizes roof trusses, allowing this floor to remain either open or divided

into any combination of spaces. This type of structure would be suitable for a variety of uses that include: multi-family housing, commercial office, commercial retail, or community-related functions.

Once the building is stabilized, renovation for any one of the uses above, could be accomplished for approximately \$400,000.00 (assuming the building areas is 6,100 square feet @ a renovated cost of \$65.00/sq.ft.).

ESTIMATED COSTS

Crew House				
Item	Quantity	Unit	Unit Cost	Item Cost
Flooring removal + Replacement	2400	square ft	\$5.00	\$12,000
Floor joist partial repair/ replacement	2400	square ft	\$4.00	\$9,600
Roof Replacement	2400	square ft	\$20.00	\$48,000
Brick Repair	1	allow	\$5,000.00	\$5,000
				\$0
				\$0
				\$0
SUBTOTAL				\$74,600
Contractor's Overhead + Profit		20%		\$14,920
Contingency		20%		\$17,904
CREW HOUSE TOTAL				\$107,424





IX. Costs, Phasing, and Funding Sources

Project Costs

The table below outlines a summary of the major Westboro Park features and their respective costs. Detailed spreadsheets of costs are available upon request from the Lebanon Recreation Department which is managing this project.

The majority of park elements can be phased over time as funds become available. There are numerous grants that could apply readily to the project. The primary sources are listed to the right.

Cost summary

Stabilize Sand house	\$	25,000
New roof, replace sills and rotten framing, relocate to a new site on leased land,		
Stabilize Crew house	\$	107,000
Clean out debris, enclose windows, new permanent roof, clean interior		
Trail head	\$	347,000
parking for trail head and river access driveway /curbcut improvements ay Bridge Street ADA accessible boat ramp Trailhead kiosk and interpretive panels landscaping seeding and erosion control lighting park benches picnic benches		
Westboro Park Trail	\$	155,000
Fill to level path terrace Geotextle base, gravel and hardpack surface Boardwalk at Bridge Abutment erosion control, seeding and landscaping		
Access to So. Main Street	\$	171,000
subtotal costs	\$	805,000
add a 10% contingency	\$	885,500
Add 10% AE/costs/permitting etc.	\$	974,050

Phasing of Improvements

The improvement of the Westboro Yards is seen as being implemented in three overall phases for immediate and longer term projects:

Phase I are improvements that can be implemented in one to five years, and are focused on: providing public access to the river and stabilizing the Crew House and the Sand House structures. See overall plan on page 9.

Phase II Improvements are longer term, implemented in a five to ten year horizon, and include additional trail linkages and adaptive reuse of the Crew House and Sand House.

Phase III corresponds to adaptive reuse of the Roundhouse for industrial and/or public uses and is beyond the scope of this study, but is a future that's needs additional planning support.

Summary of Phasing

PHASE I

IA. Immediate stabilization of buildings by the City and rotary (Crew House) and the Lebanon historical society (Sand House).

IB. Continued volunteer efforts to create a trail as a rehabilitated grass path. Permitting clearance from NH DES for trail work.

IC. Pursue grants with LWCF, Scenic Byways, LCHIP, and local sources.

IC. Coordinate new roadway access with NHDOT for Rt 12A location.

ID. Participate with broader West Lebanon Downtown redevelopment planning for broad integration with Rotary, Library, and Chamber of Commerce.

Complete plan for Westboro buildings integrated with future rail plan.

IE. Complete land transfer from NHDOT, clearance for hazardous wastes, and integrate planning for future use of roundhouse with NHDOT and CCRR.

PHASE II:

IIA. Trailhead improvements once LWCF grants and Scenic Byways Grants are received.

IIB. Boat Ramp, once LWCF grants and Scenic Byways Grants are received.

IIC. Side trails once LWCF grants and Scenic Byways Grants are received.

Additional Phasing information

An additional trail loop that leads out from the trailhead to an interpretative kiosk and overlook is provided along an alignment that is closer to the river. This trail would have a greater scenic value and closer contact with the river than the top of bank trail; however, due to steep grades along the bank it would not meet ADA requirements. Additional interpretative signs along this length of the trail would be included in this improvement. The ADA trail could be paved if desired.

Rehabilitation of the Crew House

The following improvements are required for rehabilitation of the Bunk House:

- A complete new roof is required. Historically, there was a flat ceiling, so prefabricated wood trusses would be acceptable. Research into the profile of the eaves would need to be done to replicate them.
- All of the flooring would need to be replaced. Approximately 25% of the existing joists would need to be replaced. Some spans may need to be reinforced depending on the use proposed.

- Current building codes frown upon unreinforced masonry bearing walls for seismic resistance considerations. This can be handled in at least two ways:

- Add a wood frame stud wall system inside of the brick to support roof and floor loads. This provides an opportunity to insulate the building.

A steel post and beam system can also be considered.

- Reinforce the masonry walls with an interior reinforced concrete paging that effectively reinforces the wall.

In additional to the work described above, additional improvements would be required to adapt the structure to accommodate a contemporary use (e.g., plumbing, electricity, mechanical systems, architectural finishes).

Rehabilitation of the Sand Shed

The following improvements are required for rehabilitation of the Sand Shed:

- Rotted members will need to be replaced or repaired using epoxy consolidation. Replacement is likely less expensive, but the historic timbers will be lost. This is usually acceptable in rehabilitation of existing buildings.
- Tie members are quite low and will be at or near head height from the base of wall elevation. It is recommended that a new foundation allow the floor to be placed below the wood sill elevation to make the ties higher relative to the floor.
- Decision needs to be made concerning sheathing the exterior...all, some, leave as-is?
- Roof rafters over the side structure should be reinforced by adding additional wood rafters.
- Moving the building is feasible. Including the chimney in the move is also feasible, but will add to the cost. The sand will need to be moved or it may be possible to lift the building "out of the sand" if the building mover can work around it.

THE WESTBORO RIVERFRONT DESIGN STUDY



Funding Sources

Initial funding that has been identified for the project includes the Land and Water Conservation Fund, NHLCHIP, The City of Lebanon, and Local Service organizations in Lebanon. The table below summarizes the major initially identified funding sources and reasonable amounts that could be expected. With the addition of a new road for access into Westboro, there is a deficit between apparent grant sources and the final cost project. This is a challenge for implementation for the project.

Funding sources	
Potential Grant Sources:	
Lebanon Historical Society Sand house rehab./relocation	\$ 25,000
Land and Water Conservation Fund Grant in 2005	\$ 100,000
LCHIP	\$ 20,000
Connecticut River Scenic Byways	\$ 150,000
Conn River Joint Commissions Partnership	\$ 10,000
Moose Plate	\$ 10,000
Material donations	\$ 50,000
other possible grant sources	\$ 100,000
Donations	
Rotary	\$ 30,000
in-kind labor from volunteers	\$ 30,000
other donations	\$ 10,000
City funds	
City CIP funding in 2003/2004	\$ 100,000
NHDOT	
So. Main Street access road	\$ 175,000
total	\$ 810,000
additional funding needed by unidentified sources	\$ 164,050

More Information on funding Programs

National Scenic Byways has a once yearly application process for grants that support planning and development activities on state and nationally designated scenic byways. The Connecticut River is a bi-state Scenic Byway and an American Heritage River. The byway is dotted with Waypoint Interpretive Centers, including on in the train station in White River Junction. The Byway has a Corridor Management Plan which governs its activities and the Connecticut River Joint Commissions oversees

the activities on the byway. There is currently a proposal in the final stages of development to create a signage system for the byway that will be presented to the National Scenic Byways program for funding.

<http://www.ctrivertravel.net/white-river.htm>

Allowable activities are similar to those listed under ISTE below. This program is administered in NH by the Office of State Planning.

cbarleon@osp.state.nh.us www.byways.org

EPA Brownfields Assessment Grant

New development on "brownfield" sites such as rail yards is made difficult by real or perceived environmental contamination. In order to be able to access funding for development it is necessary to first allay concerns and/or mitigate contamination through environmental assessment and where necessary remediation. Currently NHDOT has pursued this funding source for Westboro.

NH Main Street Program. For funding for Commercial, housing and mixed use as an extension of Main Street see the NH Main Street program at www.nhcdia.org/mainstreet.html

NH CDBG feasibility offers study grants to determine whether or not a project is feasible and/or to recommend specific action(s) to be undertaken and that at least 51% of the intended beneficiaries will be low and moderate income. Eligible activities include income surveys, architectural and engineering design, cost estimates and market analyses. Applications are accepted on April 30th and October 31st. of each year.

<http://www.state.nh.us/osp/cdbg/Feasibility.htm>

NH CDBG grants for housing and public facilities development are accepted twice a year. Economic development grants are accepted year round.

<http://www.state.nh.us/osp/cdbg/EDgrants.htm>

Private foundations

Private grant sources such as the notable Upper Valley Community Foundation, the Mascoma Bank Foundation and the Agnes Lindsey Trust provide small amounts of funding for community development and preservation activities.

A detailed list of additional private foundation grant sources has also been provided to the Lebanon Rec. Department.

Designated Historic District/Certified Local Government

The New Hampshire Preservation Alliance (<http://www.nhpreservation.org>) and the New Hampshire State Historic Preservation Office can assist in Funding opportunities

Project Development Grants

The New Hampshire Preservation Alliance provides small matching grants to assist non-profit organizations in hiring a consultant to assist with preservation planning. For more information contact: [Gabrielle DiPerri](#), Project Coordinator, (603) 224-2281

Transportation Enhancement (TE) Program

The Intermodal Surface Transportation Efficiency Act (ISTEA) called for a ten percent designated share of all Surface Transportation Program funds to be used for Transportation Enhancement Activities. The intent of the program is to afford an opportunity to develop "livable communities" by selecting projects that preserve the historic culture of the transportation system and/or enhance the operation of the system for its users. The following activities are eligible if such activities relate to Surface Transportation:

- Provision of facilities for bicyclists and pedestrians
- Provision of safety and educational activities for bicyclists and pedestrians
- Acquisition of scenic easements and scenic or historic sites
- Scenic or historic highway programs (including the provision of tourist and welcome center facilities)
- Landscaping and other scenic beautification
- Historic preservation
- Rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals)



X. References

References

State of New Hampshire Department of Transportation, New Hampshire State Rail Plan, 2001

Operating Agreement of the Northern Railroad Line Between the State of New Hampshire and the Claremont Concord Railroad Corporation, May 2001

Temporary Use Agreement Between State of New Hampshire Department of Transportation and City of Lebanon, June 2003

Parsons Brinckerhoff Quade & Douglas, Boston to Montreal High-Speed Rail Planning and Feasibility Study, Phase I, Final Report Executive Summary, March, 2003.

Roger Carroll, Lebanon 1761-1994, 1994.

Lebanon Historical Society,
West Lebanon Historic Resource Survey,
1996-1997.

NH Division of Historical Resources, Determination of Eligibility (DOE), Westboro Rail Yard District, February 2003.

JSN Associates, Structural Assessment Report of Westboro Roundhouse, West Lebanon New Hampshire, July, 2000

Jacques Whitford Company, Inc., several site investigation reports.

MEMORANDUM VIA EMAIL

TO: Mr. Erik Paddleford
Mr. Dale O'Connell
New Hampshire Department of Transportation

FROM: Jay L. Hodkinson and John C. Murphy
GZA GeoEnvironmental, Inc. (GZA)

DATE: December 22, 2006

FILE NO.: 04.0024246.01

RE: Order of Magnitude Cost Estimate
Westboro Rail Yard
West Lebanon, New Hampshire
NHDOT Reference: 14532B



380 Harvey Road
Manchester
New Hampshire
03103-3347
603-623-3600
FAX 603-624-9463
<http://www.gza.net>

GZA is providing this memorandum summarizing our order of magnitude cost estimate for remediation of the southern portion of the Westboro Rail Yard (Site) in West Lebanon, New Hampshire. The cost estimate was prepared in accordance with our authorization #G4018 dated December 2, 2006.

SCOPE OF WORK

GZA performed an order of magnitude cost estimate associated with the remediation of the southern portion of the Site. The items included in the cost estimate are discussed below and have been attached as *Table*.

ITEM NO. 1 - ROUNDHOUSE ABATEMENT AND DEMOLITION

The cost estimate includes the full abatement and demolition of the Roundhouse structure. The estimate assumes that the building is not condemned and is structurally stable to enter and remove asbestos panels from the inside of the building.

ITEM NO. 2 - REMOVAL OF ASBESTOS IN SOIL

Buried asbestos was encountered during an initial site investigation along the upper terrace area, west of the Roundhouse. The cost estimate includes the removal of 800 cubic yards of asbestos-containing materials (ACMs) mixed with soil. The cost estimate also includes preparation and submission of an Asbestos Disposal Site (ADS) work plan as required for ACM removal.

ITEM NO. 3 - ON-SITE CAPPING OF BURIED ASBESTOS

This item involves the same buried ACMs as Item No. 2; however, the ACMs will be left on site and capped in accordance with New Hampshire Department of Environmental Services (NHDES) regulations. The cost estimate includes the preparation of an ADS work plan as well as earthwork operations associated with the construction of the cap.

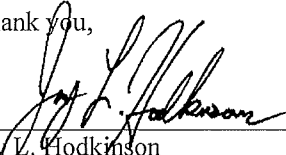
ITEM NO. 4 - BUNKHOUSE TEMPORARY ROOF CONSTRUCTION.

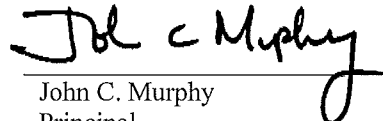
Based on observations made at the site, the Bunkhouse roof has been removed. Therefore, we have only provided a cost estimate for the construction of a temporary roof. The cost estimate assumes that the wooden frame system is stable enough to construct a temporary roof.



If you have any questions feel free to give us a call.

Thank you,


Jay L. Hodgkinson
Project Manager


John C. Murphy
Principal

JLH/JCM:tmd
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Attachments: Table – Accrued and Anticipated Costs – Asbestos Remediation
Contractor's Price Estimate

ACCRUED AND ANTICIPATED COSTS - ASBESTOS REMEDIATION

GZA GeoEnvironmental, Inc.
380 Harvey Road
Manchester, NH 03103 - 3347
Voice: 603-623-3600 / Fax: 603-624-9463

Date: 12/22/2006
GZA Project No.: 04.0024246.01
NHDOT Reference No.: 14532B

Client: NHDOT
Job Name: Westboro Rail Yard
City: West Lebanon
State: NH
PM: Jay Hodgkinson



Item No.	Quan.	Description	Unit Cost	Units	Total
Costs Associated with Asbestos Remediation at Westboro Rail Yard					
1		Item No.1 - Roundhouse Abatement and Demolition			
1		<i>Asbestos Abatement</i>			
1	1.0	Contractor Abatement Services	\$ 71,145.00	ea	\$ 71,145.00
1	10.0	GZA Oversight	\$ 750.00	day	\$ 7,500.00
1	1.0	<i>Building Demolition</i>			
1	1.0	Contractor Demolition Services	\$ 69,369.00	ea	\$ 69,369.00
1	10.0	GZA Oversight	\$ 750.00	day	\$ 7,500.00
1	1.0	Project Management	\$ 10,000.00	ea	\$ 10,000.00
		Item No. 1 Subtotal			\$ 165,514.00
2		Item No. 2 - Removal of Asbestos in Soil			
2	1.0	ADS Work Plan	\$ 1,200.00	ea	\$ 1,200.00
2	1.0	Excavation, Loading and Soil Wetting	\$ 45,800.00	ea	\$ 45,800.00
2	960.0	Transportation and Disposal	\$ 99.00	tons	\$ 95,040.00
2	1.0	Removal of Loose ACM Debris Around Roundhouse Area	\$ 1,500.00	ea	\$ 1,500.00
2	10.0	GZA Oversight	\$ 750.00	day	\$ 7,500.00
2	1.0	Project Management	\$ 7,500.00	ea	\$ 7,500.00
		Item No. 2 Subtotal			\$ 158,540.00
3		Item No. 3 - On-Site Capping of Buried Asbestos			
3	1.0	ADS Work Plan	\$ 1,200.00	ea	\$ 1,200.00
3	200.0	Backfill/Compact	\$ 25.00	CY	\$ 5,000.00
3	1.0	Earthwork Associated with Capping Activities	\$ 88,952.00	ea	\$ 88,952.00
3	1.0	Removal of Loose ACM Debris Around Roundhouse Area and Place Under	\$ 1,300.00	ea	\$ 1,300.00
3	15.0	GZA Oversight	\$ 750.00	day	\$ 11,250.00
3	1.0	Project Management	\$ 7,500.00	ea	\$ 7,500.00
		Item No. 3 Subtotal			\$ 115,202.00
4	1.0	Item No.4 - Bunkhouse Installation of Temporary Roof			
4	1.0	Contractor Services	\$ 15,000.00	ea	\$ 15,000.00
4	2.0	GZA Oversight	\$ 750.00	day	\$ 1,500.00
4	1.0	Project Management	\$ 2,500.00	ea	\$ 2,500.00
		Item No. 4 Subtotal			\$ 19,000.00
		Total Items No.1, 2, &4			\$ 343,054.00
		Total Items No.1, 3, &4			\$ 299,716.00
TOTAL COST RANGE with removal of asbestos (Item No.1, 2 & 4)			\$ 308,748.60	to	\$ 377,359.40
TOTAL COST RANGE with capping of asbestos (Item No.1, 3 & 4)			\$ 269,744.40	to	\$ 329,687.60

Notes: 1 BUDGET ESTIMATE ONLY - ACTUAL COSTS WILL VARY



December 11, 2006

Rebecca Burnham
GZA
380 Harvey Road
Manchester, NH 03103

RE: Proposal – Asbestos Disposal Site (ADS) Remediation - W. Lebanon, NH

Ms. Burnham,

MARCOR Remediation Inc. is pleased to provide a proposal cost estimate for the following activities at the Westboro Rail Yard, W. Lebanon, NH:

1.) Removal, Transportation and Disposal – 800cy ACM in soil – 2 weeks

A. ADS “Work Plan”- write & submit & support NHDES through approval process = **\$1,200.00**

B. Excavation, Loading and Soil Wetting – Includes 3 NH certified ADS Workers (MARCOR equipment operators/supervisors), Excavator, Water Truck and Backfill = **\$45,800.00**

Includes excavator, operators, water truck & pumps (\$26,700.00)

Includes demarcating area w/ signage and tape as required by the NHDES

Includes double 6 ml liners for each truck (\$3000.00)

Includes Soil Sampling (analytical), Characterization and Waste Approval at WM i.e. 4 full sets of analytical required (urban fill – WM sampling parameters) (\$6500.00)

Includes backfilling operations and backfill (\$9600.00)

C. Transportation and Disposal - 800cy x 1.2 cy/ton = 960 tons x \$99.00/ton T&D = **\$95,040.00**

Includes 12% transportation & 4% landfill fuel surcharge

Total Project Cost Estimate = \$142,040.00

2.) Relocate and Cap (on site - under asphalt area) – 800cy ACM in soil – 3 weeks

A. ADS “Work Plan”- write & submit & support NHDES through approval process = **\$1,200.00**

B. Excavation, Stockpiling, Asphalt Cutting & Paving, Compaction, Backfilling and Soil Wetting – Includes 4 NH certified ADS Workers (MARCOR equipment operators/supervisors), Excavator, Articulating Dump Truck, Articulating Loader, Bulldozer, Water Truck, Clean Backfill (1040 tons) and Paving (5000 sf) = **\$88,925.00**

Total Project Cost Estimate = \$92,125.00

3.) Remove, Transport & Dispose - Loose ACM debris around fenced “Round House” area

a.) Remove and dispose of loose asbestos material (off site) = **\$1,500.00**

b.) Remove and dispose of loose asbestos material (under cap) = **\$1,300.00**

c.) NHDES approval for removal of asbestos debris around the outside of the roundhouse structure will be incorporated into remedial “ADS Work Plan” for the entire site, **therefore no cost for this task**

Assumptions:

1. All disposal pricing is contingent upon review of representative analytical data, waste characterization & end disposal facility acceptance.
2. Proposal does not include groundwater management
3. Not responsible for unmarked or unidentified objects below grade.
4. Per ton pricing is based on a 30 ton minimum/truck load
5. Perimeter air monitoring (PLM testing) will be required (required part of ADS work plan) and MUST be conducted by someone other than MARCOR i.e. should be contracted or executed by Consultant.
6. Confirmatory soil sampling (TEM testing) and/or visual confirmations of "clean" excavation, are the responsibility of the consultant.

"Our proposal is conditioned upon 1) the terms and conditions of MARCOR's standard Environmental Services Agreement, including all attachments, 2) reaching mutually agreeable contract terms with both our customer and vendors, 3) the scope of work and site conditions as we understand them at time of bid, and 4) the cost and availability of resources remaining consistent from time of bid through the completion of the project. Our proposal is good for 30 days." MARCOR Remediation must receive a copy of this signed proposal/contract or a purchase order prior to scheduling the project. Payment is due 30 days from invoice.

If you have any questions or concerns, please do not hesitate to call me at 800-545-5350.

Thank you.

Sincerely,

Accepted by: _____

Name: _____

Title: _____

Date: _____

Mark E. Thompson
Project Manager - Environmental
MARCOR Remediation, Inc.
14 Jewel drive
Wilmington, MA
800-545-5350
617-828-3798 (cell)
603-679-1830 (home office)
thompsm@marcor.com
www.marcor.com



December 22, 2006

Rebecca Burnham
GZA
380 Harvey Road
Manchester, NH 03103

RE: Proposal Cost Estimate – Demolition and Asbestos Abatement - W. Lebanon, NH

Ms. Burnham,

MARCOR Remediation Inc. is pleased to provide a proposal cost estimate to abate asbestos and demolish the "Roundhouse Building" at the Westboro Rail Yard, W. Lebanon, NH. These are only estimates, we welcome the opportunity to visit the site with GZA and confirm some of our assumptions in this proposal.

Asbestos Removal and Disposal Cost Estimate = \$71,145.00

Demolition & Disposal of Building Structure = \$69,369.00

Temporary Roof installed on Bunkhouse = \$15,000.00

Assumptions:

1. All disposal pricing is contingent upon review of representative analytical data, waste characterization & end disposal facility acceptance.
2. Pricing assumes we can remove transite (acm board) from extension lifts inside and outside the building. Asbestos abatement plan would need to be approved by the state, and a structural engineer would need to approve the safety of building structures where extension lifts are working and transite removal is taking place. This proposal does not include pricing for a structural engineers service.
3. Pricing assumes that the bunkhouse roof (acm) material has already been removed, and that the frame structure that remains is safe to place a temporary roof upon. We have also assumed that the asbestos abatement has already taken place to the Bunkhouse.
4. Not responsible for unmarked or unidentified objects below grade.
5. Confirmatory soil sampling (TEM testing) and/or visual confirmations of "clean" excavation, are the responsibility of the consultant

"Our proposal is conditioned upon 1) the terms and conditions of MARCOR's standard Environmental Services Agreement, including all attachments, 2) reaching mutually agreeable contract terms with both our customer and vendors, 3) the scope of work and site conditions as we understand them at time of bid, and 4) the cost and availability of resources remaining consistent from time of bid through the completion of the project. Our proposal is good for 30 days." MARCOR Remediation must receive a copy of this signed proposal/contract or a purchase order prior to scheduling the project. Payment is due 30 days from invoice.

If you have any questions or concerns, please do not hesitate to call me at 800-545-5350.

Thank you.

Sincerely,

Accepted by: _____

Name: _____

Title: _____

Date: _____

Mark E. Thompson
Project Manager - Environmental
MARCOR Remediation, Inc.
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617-828-3798 (cell)
603-679-1830 (home office)
thompsm@marcor.com
www.marcor.com

City of Lebanon



51 North Park Street
Lebanon, New Hampshire 03766

September 5, 2007

New Hampshire Council on
Resources and Development
Office of Energy and Planning
ATTN: Jennifer Czysz, Senior Planner
57 Regional Drive, Concord, NH 03301

Dear Jennifer:

As you know, I am contacting you in regards to the State Owned Land, Surplus Land Review, City of Lebanon, NH, SLR 07-007 within the Westboro Railyard. Thank you for the recent email and additional information regarding the New Hampshire Council on Resources and Development and the process related to surplus land.

The City continues to have an interest in this property as we work with the state on the entire Westboro property – clean up and revitalization. As you know, we are looking to take ownership of roughly 8 acres in that area once cleanup is secured. This new site has the potential to fit into a revitalization plan for the entire area – Westboro and downtown West Lebanon.

What exactly the City's interest is needs to be further defined by committee and council. I would ask that this item be tabled to allow the NHDOT to determine fair market value for this property and for the City to receive confirmation from NHDES as to the environmental condition of the property. Upon receipt of these two items the City Council can finalize its interest in purchasing the property.

Again, thank you for the additional information. We look forward to moving this project forward to a successful conclusion. Please let me know if there is anything further that I can provide.

Sincerely,

Gregg Mandsager
City Manager
City of Lebanon



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



January 30, 2008

Mr. Erik Paddleford
Bureau of Environment
NH Department of Transportation
Room 160
7 Hazen Drive
Concord, NH 03302

SUBJECT: Lebanon – Westboro Rail Yard, 26 Railroad Avenue, Groundwater Management Permit (DES #199210036)

Dear Mr. Paddleford:

Please find enclosed Groundwater Management Permit number GWP-199210036-L-001, approved by the Department of Environmental Services (Department). This permit is issued for a period of 5 years to monitor the effects of past discharges of petroleum. As we have previously discussed, the permit has been written to encompass the entire Westboro rail yard, including both the former Tidewater Oil site and the area currently contained within the groundwater management zone for the former Purcell Oil facility (DES #199109027).

All monitoring summaries and all required sampling results must be submitted to the Groundwater Management Permits Coordinator at the address below. All correspondence shall contain a cover letter that clearly shows the Department identification numbers for the site (DES Site #199210036, Project RSN #3990 & #13124). In addition, results from the October sampling round should be included in the periodic summary report; a separate data submittal is not required. The Periodic Summary Report must provide all information required by NH Code of Administrative Rules Env-Or 607.04(a)(1 – 5).

Please note that Condition #9 requires the permit holder to record "Notice" of the permit (not the permit), within 60 days of issuance, at the registry of deeds in the chain of title for the lot within the Groundwater Management Zone. An example Notice is enclosed for your use. A copy of the recorded Notice shall be submitted to the Department within 30 days of recordation.

To complete the fund-eligible work required by the permit, and for future reimbursement of the associated costs, please use the unit-based and project-based costs for *Landowner Notification and Deed Recordation*, *One Round of Groundwater Monitoring* (to complete each sampling event), and *Annual Summary Report* (to complete the required periodic summary). These work scopes and budgets are detailed in the Department's July 1, 2008 Guidance Manual - Policies, Procedures, & Rules for Reimbursement. A copy of the manual is available on-line from the Department's website at <http://des.nh.gov/orcb/doclist/OFDBManual.pdf>. Please note, the costs for sampling the monitoring wells in the vicinity of the former above ground storage tanks associated with the Tidewater Oil facility will not be eligible for reimbursement. Therefore the groundwater monitoring reimbursement will be limited to the not-to-exceed project-based budget for sampling eleven wells and the associated analytical expenses.

NHDOT
DES #199210036
January 30, 2008
Page 2 of 2

The Department concurs with the recommendation made by Jacques Whitford on page 10 of the application for decommissioning the unused monitoring wells on the site. For approval of the costs for the monitoring well decommissioning please submit a detailed work scope and budget by no later than May 1, 2008.

Special condition #12 of the permit requires that replacement wells be installed for monitoring wells MW-1 and MW-8, which were destroyed during the excavation of contaminated soil at the Tidewater Oil facility. While the cost of replacing these wells is not eligible for reimbursement, the Department strongly recommends completing this work concurrently with the well decommissioning effort in order to reduce mobilization and travel costs. To reduce the risk of the replacement wells being damaged, this work effort should be completed after the completion of the Tidewater Oil soil excavation project.

Please contact me immediately if you have any questions regarding this permit.

Sincerely,



Worthen Muzzey, P.G.
Oil Remediation & Compliance Bureau
Tel: (603) 271-2490, Fax: (603) 271-2181
E-mail: worthen.muzzey@des.nh.gov

Attachment: Permit GWP-199210036-L-001
Sample Notice of Recordation

cc (via e-mail): Gary Lynn, P.E., ORCB
Kit Morgan, NHDOT/Bureau of Rail & Transit
Russ Abell, P.G., Jacques Whitford
Lebanon Health Officer



The
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
hereby issues
GROUNDWATER MANAGEMENT PERMIT NO. GWP-199210036-L-001
to the permittee
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
to monitor the past discharge of
Petroleum
at
WESTBORO RAIL YARD
(26 Railroad Avenue)
in LEBANON, N.H.
via the groundwater monitoring system comprised of
12 monitoring wells and 3 pore water sample locations
as depicted on the Site Plan entitled
Figure 4 – Groundwater Flow And Sampling Locations
dated November 30, 2007, prepared by Jacques Whitford Company, Inc.

TO: ERIK PADDLEFORD
NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
JOHN O. MORTON BUILDING
7 HAZEN DRIVE
CONCORD, NH 03302

Date of Issuance: January 30, 2008
Date of Expiration: January 29, 2013

Pursuant to authority in N.H. RSA 485-C:6-a, the New Hampshire Department of Environmental Services (Department), hereby grants this permit to monitor past discharges to the groundwater at the above described location for five years subject to the following conditions:

(continued)

STANDARD MANAGEMENT PERMIT CONDITIONS

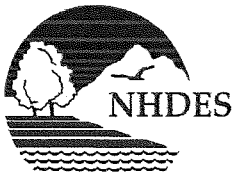
1. The permittee shall not violate Ambient Groundwater Quality Standards adopted by the Department (N.H. Admin. Rules Env-Or 600) in groundwater outside the boundaries of the Groundwater Management Zone, as shown on the referenced site plan.
2. The permittee shall not cause groundwater degradation that results in a violation of surface water quality standards (N.H. Admin. Rules Env-Ws 1700) in any surface water body.
3. The permittee shall allow any authorized staff of the Department, or its agent, to enter the property covered by this permit for the purpose of collecting information, examining records, collecting samples, or undertaking other action associated with this permit.
4. The permittee shall apply for the renewal of this permit at least 90 days prior to its expiration date.
5. This permit is transferable only upon written request to, and approval of, the Department. Compliance with the existing permit shall be established prior to permit transfer. Transfer requests shall include the name and address of the person to whom the permit transfer is requested, signature of the current and future permittee, and a summary of all monitoring results to date.
6. The Department reserves the right, under N.H. Admin. Rules Env-Or 600, to require additional hydrogeologic studies and/or remedial measures if the Department receives information indicating the need for such work.
7. The permittee shall maintain a water quality monitoring program and submit monitoring results to the Department's Groundwater Management Permits Coordinator no later than 45 days after sampling. Samples shall be taken from on-site monitoring wells and other sample locations as shown and labeled on the referenced site plan and listed on the following table in accordance with the schedule outlined herein:

<u>Monitoring Locations</u>	<u>Sampling Frequency</u>	<u>Parameters</u>
ERM-3, JW-4, JW-5, WP-1, WP-4, WP-5, WP-6, WP-7, MW-1R, MW-2, MW-8R, and MW-10	May and October of each year	DES Full List of Analytes for Volatile Organics, LNAPL Thickness & Static Water Levels
JW-5 and WP-6	May and October of each year	Polynuclear Aromatic Hydrocarbons via EPA 8270C
CR-1, CR-3, and CR-5	May and October of each year	DES Full List of Analytes for Volatile Organics & Surface Water Elevations

Sampling shall be performed in accordance with the documents listed in Env-Or 610.02 (e). Samples shall be analyzed by a laboratory certified by the U.S. Environmental Protection Agency or the New Hampshire Department of Environmental Services. Summaries of water quality shall be submitted annually to the Department's Waste Management Division, attention Groundwater Management Permits Coordinator, in the month of December using a format acceptable to the Department. The Periodic Summary Report shall include the information listed in Env-Or 607.04 (a), as applicable.

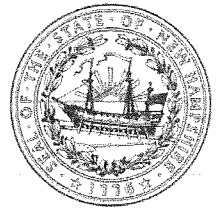
(continued)

GWP-199210036-L-001



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



March 18, 2009

Gregg Mandsager, City Manager
City of Lebanon
51 North Park Street
Lebanon, NH 03766

SUBJECT: LEBANON – Former Tidewater Oil Site, Railroad Ave.
Site # 199210036, Project # 18547

Phase II Environmental Site Assessment prepared by GZA
GeoEnvironmental, Inc. and dated February 2009

Dear Mr. Mandsager:

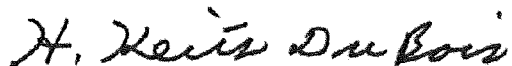
The New Hampshire Department of Environmental Services (Department) has reviewed the above referenced report for the former Tidewater Oil Site. The Department has approved the report and has contracted GZA GeoEnvironmental, Inc. (GZA) to conduct additional assessment activities to address the identified data gaps. A copy of the approved scope of work is attached to this letter. Please note that we reviewed the comments provided by the City's environmental consultant and will address the majority of those comments in the final supplemental site assessment report and Assessment of Brownfields Cleanup Alternatives (ABCA). Your consultant recommended completion of a ground surface elevation survey to reflect current conditions. The Department has not authorized GZA to conduct a ground surface elevation survey at this time due to the impending construction of the Route 4 detour bridge by the New Hampshire Department of Transportation (NHDOT). NHDOT's work will significantly alter site topographic conditions in the near future. Rather, GZA will establish a reference benchmark at the site at a location unlikely to be impacted by NHDOT's work. The ground surface elevations of the Phase II Site Assessment and Supplemental Site Investigation test boring and test pit locations will be surveyed for future reference. GZA will also obtain GPS coordinates for the exploration locations to guide any further soil remediation efforts following NHDOT's departure from the site.

Please be advised that project management duties for this site will be transferred to John Liptak when the supplemental investigation work begins. I will continue in my role as Brownfields Program Coordinator and will continue to provide assistance to John and the City as circumstances require. Rest assured that the project will be in good hands as John is a knowledgeable and seasoned project manager.

Gregg Mandsager, City Manager
DES Site #199210036
March 18, 2009
Page 2 of 2

Please contact me if you have questions regarding this letter.

Sincerely,



H. Keith DuBois, P.G.
Hazardous Waste Remediation Bureau
Tel: (603) 271-2987
Fax: (603) 271-2181
Keith.DuBois@des.nh.gov

Attachment: Revised Proposed Scope of Work and Budget Estimate – Supplemental Phase II
Environmental Site Assessment

e-copies: Kenneth Kettenring, HWRB
John Regan, HWRB
Worthen Muzzey, ORCB
Dale O'Connell, NHDOT
Diane Kelley, USEPA Region 1
Shelley Hadfield, Hadfield Associates

**Waste Management Division
PO Box 95, 29 Hazen Drive
Concord, NH 03302**

Type of Submittal (Check One-Most Applicable)

☒ Work Scope ☐ Reimbursement Request	☐ Remedial Action • Remedial Action Plan • Bid Plans and Specifications • Remedial Action Implementation Report
☐ UST Facility Report ☐ AST Facility Report	☐ Treatment System and POE O&M ☐ Activity and Use Restriction
☐ Emergency/Initial Response Action ☐ Groundwater Quality Assessment	☐ Temporary Surface Water Discharge Permit
☐ Initial Site Characterization ☐ Site Investigation • Site Investigation Report • Supplemental Site Investigation Report • GMZ Delineation • Source Area Investigation • Data Submittal • Annual Summary Report ☐ Unsolicited Environmental Sampling Notification ☐ Closure Documentation	☐ Groundwater Management Permit • Permit Application • Renewal Application • Deed Recordation Documentation • Abutter Notification Documentation • Release of Recordation ☐ Data Submittal ☐ Annual Summary Report

**Revised Proposed Scope of Work
and Budget Estimate**

Supplemental Phase II Environmental Site Assessment
Former Tidewater Oil Site (West Lebanon Yard Facility)
Lebanon, New Hampshire
NHDES No. 199210036,
Project RSN # 18547

Prepared for:

NH Department of Environmental Services
29 Hazen Drive, P.O. Box 95
Concord, NH 03302
(603) 271-2987
Mr. H. Keith DuBois, P.G.

Prepared By:

GZA GeoEnvironmental, Inc.
380 Harvey Road
Manchester, NH 03301-3347
(603) 623-3600
Ms. Amy T.Doherty, P.G.

March 16, 2009

Recommended Risk Category (Check One)

☐ 1. Immediate Human Health Risk (Impacted water supply well, etc.)	☐ 4. Surface Water Impact	☒ 7. Alternate Water Available/Low Level Groundwater Contamin- ation (< 1,000 x AGQS)
☐ 2. Potential Human Health Risk (Water supply well within 1000' or Site within SWPA)	☐ 5. No Alternate Water Available/No Existing Wells in Area	☐ 8. No AGQS Violation/No Source Remaining
☐ 3. Free Product or Source Hazard	☐ 6. Alternate Water Available/High Level Groundwater Contamination (> 1,000 x AGQS)	☐ Closure Recommended

March 16, 2009

File No. 04.P000002.10 / 04.0024466.17



Mr. H. Keith DuBois, P.G.
New Hampshire Department of Environmental Services
Waste Management Division
29 Hazen Drive
P.O. Box 95
Concord, New Hampshire 03301-0095

Re: Revised Proposed Scope of Work and Budget Estimate
Supplemental Phase II Environmental Site Assessment
Former Tidewater Oil Site (West Lebanon Yard Facility)
NHDES No. 199210036, Project RSN # 18547
Lebanon, New Hampshire

380 Harvey Road
Manchester
New Hampshire
03103-3347
603-623-3600
FAX 603-624-9463
www.gza.com

Dear Keith:

As you requested, GZA GeoEnvironmental, Inc. (GZA) has prepared this revised proposed Scope of Work for a Supplemental Phase II Environmental Site Assessment at the Site referred to as the Former Tidewater Oil Site located off Bridge Street in Lebanon, New Hampshire (Site) for the New Hampshire Department of Environmental Service (NHDES).

GZA submitted a Phase II Environmental Site Assessment Report (report) to NHDES, dated February 2, 2009 in which GZA concluded, among other things, the following relative to the Site (refer to the **attached** figure for the Site Plan):

- “Based on the analytical results of the test pit program, there appears to be a limited area of petroleum-impacted surface soil in the vicinity of TP-5 where concentrations of benzene, toluene, xylene, 1,2,4-trimethylbenzene, and naphthalene in soil exceeded their respective SRS. No VOCs were detected above laboratory reporting limits at the sample collected at depth (12 to 13 feet bgs) at this location, suggesting that contamination is limited to shallow soil. The horizontal extent of surface soil contamination in this area is not well-defined, in particular to the west.”
- “At TP-6 and TP-9, GZA encountered poly at a depth between 5 feet and 6 feet bgs. GZA did not identify records indicating NHDOT had left materials in place and covered by poly during our 2008 ESA. However, through recent discussions with NHDOT, GZA learned that NHDOT placed poly within the area of remedial excavations to demark the vertical extent of soil removal. At TP-6, no VOCs were detected above background using a PID above the poly; however, beneath the poly, PID measurements ranged between 1,668 ppm at 5 - 6 feet bgs and 2,159 ppm at 11 - 12 feet bgs just above the water table. At TP-9, elevated PID measurements were observed both above the poly (390 ppm at a depth between 1 foot - 2 feet bgs) and below the poly (1,668 ppm at a depth around 6 feet and 1,919 ppm at a depth between 17 - 18 feet bgs)...
- ...The horizontal extent of residual petroleum-impacted soil contamination that exceeds the SRS in the area of TP-6 and TP-9 can be roughly defined by TP-10 to

the east, TP-8 to the southwest, and TP-7 to the east. GZA was unable to conduct test pit explorations southeast of TP-9 due to the presence of underground clay pipes associated with storm water in the vicinity; however, the southeastern extent is anticipated to be limited due to the presence of the access road.”



- “There appears to be a limited area of petroleum-impacted surface soil in the vicinity of TP-5 where concentrations of petroleum constituents exceed the SRS. Further, residual petroleum-impacted soil beyond that associated with the smear zone created from the migration of contaminated groundwater has been identified at depth, primarily within the vicinity of TP-9. It would appear that much of the petroleum source has been removed; however, the highest concentrations of petroleum constituents in groundwater at the Site were found at MW-1, which is proximate to and downgradient of TP-9. These data suggest that materials left in place in this location may be serving as a continuing source to groundwater contamination. What is unclear is whether or not contamination left in place at TP-9 is adversely affecting the primary receptor, the Connecticut River. Based on analytical results from this study, it does not appear that sediment or surface water has been adversely affected by petroleum constituents; however, GZA collected surface water samples at a time when the river stage appeared elevated due to recent rainfall events.

Based on our findings included in this report, GZA recommended the following:

- “Additional sampling and analysis be conducted in the vicinity of TP-5 and TP-9 to further evaluate the lateral and vertical limits of the soil contaminants above the SRS within the unsaturated zone. In order to conduct additional subsurface investigations within the area of TP-9, a private utility locator will be necessary to confirm the location of the clay pipe network; and
- Visual inspections for petroleum sheens and additional surface water samples be collected for VOC analysis at a low water period to confirm the October 2008 findings.”

The work proposed herein is based on the data gaps identified and our recommendations included in our report and various email correspondence with you since that date. The work will be performed in general accordance with our *Phase II NHDES Contract for Site Investigation - Remediation Design – Remedial Action Implementation*.

SCOPE OF WORK

GZA proposes the following Scope of Work based on our understanding of site conditions and the existing data gaps.

TASK 1 – QAPP ADDENDUM PREPARATION AND SUBMITTAL

GZA proposes to prepare a Quality Assurance Project Plan (QAPP) Addendum to our site-specific QAPP dated October 2008, following the United States Environmental Protection Agency’s (EPA’s) guidance for the Brownfields program. GZA’s QAPP addendum will be consistent with NHDES’ current Hazardous Waste Remediation Bureau (HWRB) Master QAPP available on-line.

The QAPP Addendum documents quality assurance, quality control, technical activities, and procedures referenced to our Master QAPP associated with implementing the proposed explorations and assessing the environmental data. GZA will submit the QAPP Addendum to

EPA within two days of approval by NHDES. The budget estimate for this task assumes two hours for revisions to the QAPP in response to NHDES and EPA comments.

TASK 2 – STORM WATER DISCHARGE PIPE LOCATION



GZA proposes to coordinate and perform a geophysical study including use of ground penetrating radar (GPR) techniques with the objective of locating buried utilities (clay storm sewer pipes) that are known to traverse the Site in the vicinity of TP-9.

The geophysical survey will be conducted by GZA's subcontractor, Hager GeoScience, Inc. (HGS) of Woburn, Massachusetts. The survey will include collecting GPR measurements along traverses spaced no more than 5 feet apart in two perpendicular directions. HGS will maintain survey control by measuring distances to surface cultural features (curbing, buildings, or existing benchmarks). A survey wheel will be used to maintain horizontal distance control along the GPR traverses. HGS will collect GPR data using a GSSI SIR 2000/3000 ground penetrating radar system with 400- or 500-MHz antenna. In urban fill, these antennas generally obtain a penetration depth of 13 to 15 feet. The resolution of the GPR method for metal or reinforced concrete utilities is normally 1 inch per foot of depth (i.e., utilities as small as 1 inch can be located to a depth of 1 foot).

HGI, to the extent possible, will provide in-field interpretation of the data and GPS measurements of the pipe locations every 20 ft. for the entire length of the pipe where it crosses the site. HGI will also spray paint pipe locations on ground surface. If HGI determines that in-field processing of the pipe location is not possible and that further in-house data assessment and processing is required, HGI will then return to the Site as soon as the data is available to GPS the pipe location and spray paint the ground surface.

For the purposes of this budget estimate, we have assumed the geophysical study will be completed in one 10-hour day. We have further assumed that a return trip by HGI will be required to GPS and spray paint the Site.

TASK 3 – TEST BORING EXPLORATIONS

The objective of the test boring program is to further evaluate the extent of petroleum-related exceedances of the Soil Remediation Standards (SRS) contained in Env-Or 600 within the vicinity of TP-5 and TP-9.

Site Visit, Dig Safe[®], and Health and Safety Plan

By law, the proposed exploration locations must be laid out in the field before contacting Dig Safe[®] for utility clearance. A GZA Engineer will lay out proposed boring locations (by taping/pacing from existing site features). After explorations have been laid out, GZA's subcontractor, New Hampshire Boring, Inc (NHB) of Londonderry, New Hampshire, will contact Dig Safe[®]. Dig Safe[®] requires a minimum 72-hour notification before drilling can begin. Adjustments in locations will be made as necessary in the field by the GZA Field Engineer to provide more representative coverage and to meet conditions encountered. Said adjustments will be noted on individual boring logs and the exploration location plan.

GZA will update the existing site-specific Health and Safety Plan for protection of GZA field personnel addressing potential risks of exposure and safety issues associated with the proposed exploratory tasks. GZA's site-specific Health and Safety Plan will be consistent with the Occupational Safety and Health Administration standards including 29 CFR 1910 and 1926.



Test Boring Explorations

GZA will coordinate and perform an exploration program consisting of two days of test borings, with the expectation that eight test borings could be completed to an average maximum depth of 20 feet below ground surface (bgs). The test borings will be terminated at the water table. The borings will be performed by New Hampshire Boring (NHB) using a truck-mounted drill rig and hollow stem auger drilling methods. For the purposes of this budget estimate, we have assumed borings will be completed in two 12-hour days, and there will be one mobilization. Borings will be drilled in accordance with ASTM D 1452-80 (Standard Practice for Soil Investigation and Sampling by Auger Borings) and D 1586-84 (Standard Test Method for Penetration Test and Split-Barrel Sampling of Soils).

GZA will field screen soil samples at standard 5-foot intervals for volatile organic compounds (VOCs) using a photoionization detector (PID) using a 10.6 eV lamp. Based on apparent staining, odors, and/or PID measurements, GZA will submit at least two soil samples per boring for a total of 16 samples (one surface/shallow soil and one subsurface soil samples above the water table) and submit them to Eastern Analytical Inc. (EAI) of Concord, New Hampshire, for analysis including: VOCs by EPA Method 8260B and total petroleum hydrocarbons (TPH) by EPA Method 8015B (DRO). Soil analytical results will be compared to the Soil Remediation Standards included in Env-Or 600.

The budget estimate includes one duplicate soil sample for analysis of VOCs by EPA Method 8260B and TPH by EPA Method 8015B (DRO). In addition, one methanol preserved trip blank from the same lot will also be submitted to the laboratory for analysis of VOCs. One equipment blank will be required based on the decontamination and use of split-spoons, stainless steel bowls and other sampling equipment to collect the soil samples. Analysis of the equipment blank sample will include VOCs by EPA Method 8260B and TPH by EPA Method 8015B (DRO).

GZA will perform a level elevation survey of: (1) existing monitoring wells, (2) the ground surface at test boring locations, and (3) selected test pits that had been previously performed by GZA to allow for further assessment of groundwater flow directions. GZA will establish a new reference benchmark at the Site, away from potential temporary bridge related impacts that are anticipated.

TASK 4 – SURFACE WATER SAMPLING OF THE CONNECTICUT RIVER

GZA proposes to make visual observations of the river bank along the entire length of the parcel to look for possible petroleum sheens and to collect surface water quality samples from at least four locations within the Connecticut River during a low water period to further assess the potential for petroleum impacts to surface water from migration of contaminated groundwater at the Site. Sample locations will be based on visual observations of evidence of potential contamination (sheens or odors). If no evidence of contamination is observed, locations will be selected to be spatially representative of the river length of the Site, including one sample to be collected north of the bridge abutment, upgradient of the Site (background sample). Surface water samples will be collected sequentially from downstream to upstream so as to minimize disturbance to the sediment materials in general accordance with GZA's SOP included in our QAPP addendum.

A total of four surface water samples and one duplicate sample will be submitted to EAI and analyzed for VOCs by EPA Method 8260B. Surface water data results will be compared to the Water Quality Criterion for Toxic Substances (Protection of Aquatic Life, Freshwater Chronic Criteria [Acute Criteria if no chronic values are available]) included in NHDES' Surface Water Quality Regulations (Env-Ws 1700).



TASK 5 – ASSESSMENT, DATA VALIDATION, AND REPORTING

GZA will assess the supplemental investigation information collected relative to the observed environmental conditions at the Site in consideration of the Phase II data and include this information in the remedial planning for the Site. Analytical data generated on this project will be validated by GZA's subcontractor, Environmental Data Services, Inc. of Williamsburg, Virginia. This budget estimate assumes a modified level Tier-1 data validation in accordance with EPA Region I functional guidelines.

GZA will prepare an electronic copy of the report containing observations, the results of our investigation, and our conclusions relating to the apparent environmental conditions at the Site. The report will include an opinion by GZA with regard to the presence of petroleum products in the soil, groundwater, and surface water at the Site, and will define the limitations regarding this opinion. GZA will prepare summary tables for soil, groundwater, and surface water analytical results for samples collected during the site investigation. The report and opinion will be based solely upon the services described herein, and will not be based on scientific tasks or procedures beyond the scope of described services.

TASK 6 – PROJECT MEETING

GZA anticipates that this project will include one meeting between the City, NHDES and to discuss the findings of the Phase II assessment and the planned supplemental investigation. Based on this, GZA has included six hours for both the Project Manager and Senior Project Manager to attend the meeting, if required.

TASK 7 – SUPPLEMENTAL REMEDIAL PLANNING

GZA will evaluate the Phase II assessment data collected in combination with the supplemental investigative findings discussed herein relative to residual contamination at the Site and evaluate remedial options as part of the Assessment of Brownfields Cleanup Alternatives (ABCA), included in the presumptive remedy for the Site. Recommended remedial approaches will be included in the presumptive remedial action plan to be developed for the Site.

SCHEDULE AND BUDGET ESTIMATE

GZA is prepared to initiate the proposed Scope of Work upon receipt of a Work Scope Authorization from NHDES. Billings will be based on accrued time and expenses in accordance with the 2004 *Phase II NHDES Contract for Site Investigation - Remediation Design – Remedial Action Implementation*. The budget estimate to complete the proposed work is \$33,008. Refer to the **attached** table for a breakdown of the cost estimate by task. This estimate is based on the anticipated Scope of Work outlined above, which represents our present judgment as to the level of effort requested. Actual charges may vary, either upward or downward, depending upon the execution of the work.

GZA greatly appreciates the opportunity to work on this important project. If you have any questions regarding the Scope of Work, please do not hesitate to contact Ms. Amy Doherty at (603) 623-3600.

Very truly yours,

GZA GEOENVIRONMENTAL, INC.



Amy T. Doherty
Amy T. Doherty, P.G.
Project Manager

Steven R. Lamb
Steven R. Lamb, P.G., C.G.W.P.
Principal

Michael B. Asselin
Michael B. Asselin
Consultant/Reviewer

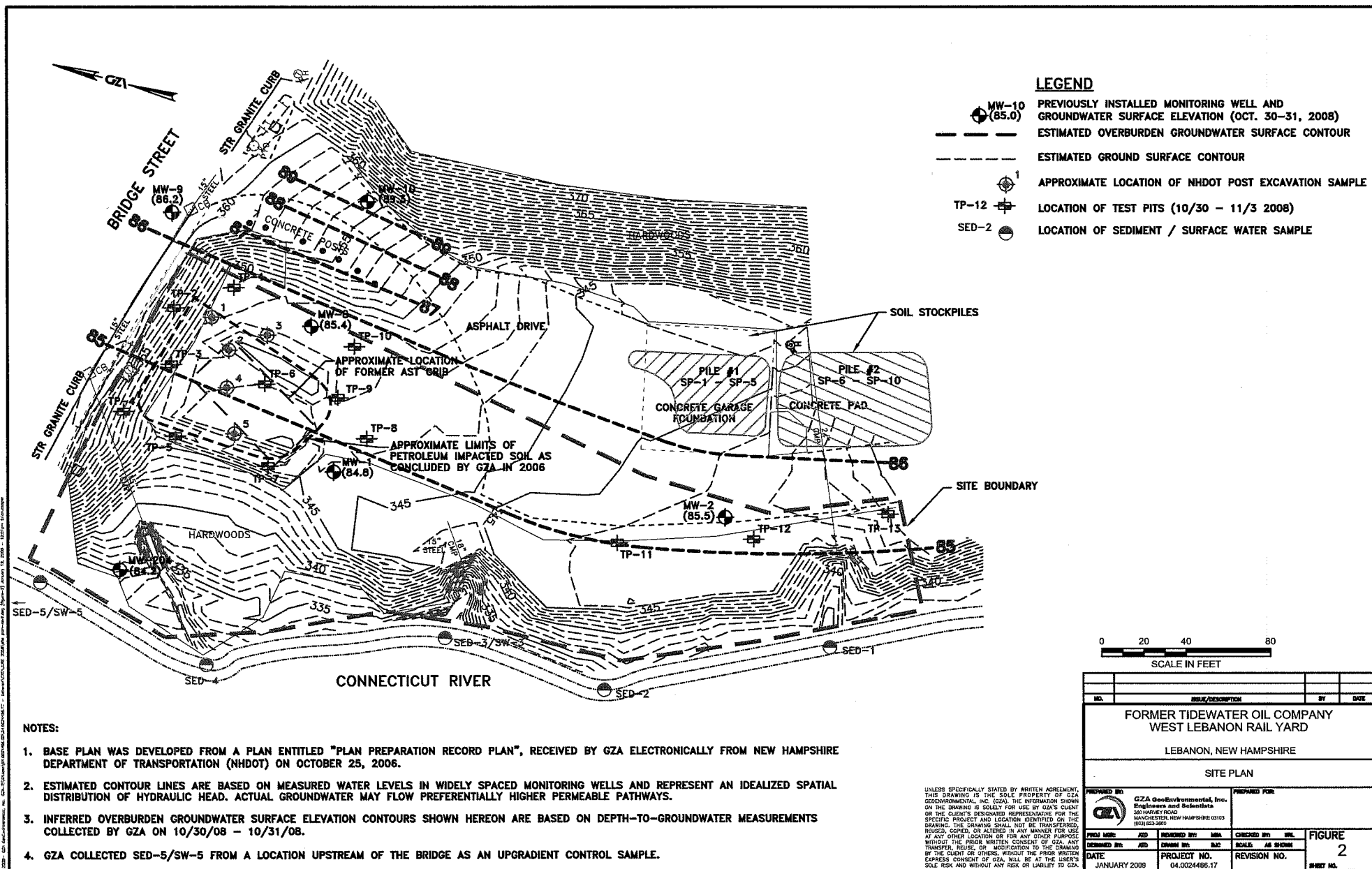
ATD/SRL/MBA:kr

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Attachments: Figure
Work Scope Budget Sheet



FIGURE



WORK SCOPE BUDGET SHEET

WORK SCOPE BUDGET SHEET

NHDES No.: 199210036
 UST Facility No.:
 Date of Submittal: 03/16/09
 410/412 Phase Code: SIR

Facility Name: Former Tidewater Oil Site
 Owner: Town of Lebanon, NH
 Town: Lebanon, NH
 Priority No.:

Mailing Address: NHDES
 29 Hazen Drive
 P.O. Box 95
 Concord, NH 03302-0095

Class Overall Breakdown							Breakdown By Class							
Description By Task	Contractor	Description	Code	Units		Type	Rate	Cost	Eng./Hydro. Services	Lab. Services	Subsurface Expl.	Soil Tmt./Disp.	GW Tmt./Prod. Rec.	Other
Task 1. QAPP Addendum Preparation & Submittal	GZA	Principal	E	1.0	hrs.		\$199.50	\$200	\$200	--	--	--	--	--
		Sr. Project Manager	E	1.0	hrs.		\$158.35	\$158	\$158	--	--	--	--	--
		Project Manager	E	4.0	ea.		\$104.37	\$417	\$417	--	--	--	--	--
		Professional Level 2	E	24.0	hrs.		\$70.21	\$1,685	\$1,685	--	--	--	--	--
		Word Processor / Admin	E	2.0	hrs.		\$61.11	\$122	\$122	--	--	--	--	--
		Communication Fee	E	2.0	ea		\$77.48	\$155	\$155	--	--	--	--	--
		Expenses/Reproduction etc.	E	1.0	ea		\$75.00	\$15	\$15	--	--	--	--	--
Task Total:							\$2,753	\$2,753	\$0	\$0	\$0	\$0	\$0	
Task 2. GPR Survey (assumes 1 survey day and a second day return to mark out locations)	GZA	Project Manager	E	4.0	ea.		\$104.37	\$417	\$417	--	--	--	--	--
		Professional Level 2	E	20.0	hrs.		\$70.21	\$1,404	\$1,404	--	--	--	--	--
	HGI	travel	E	2.0	ea.		\$75	\$150	\$150	--	--	--	--	--
		GPR Survey	O	1.0	ea.		\$6,272	\$6,272	--	--	--	--	--	\$6,272
Task Total:							\$8,244	\$1,972	\$0	\$0	\$0	\$0	\$6,272	
Task 3. Subsurface Explorations	GZA	Principal	E	1.0	hrs.		\$199.50	\$200	\$200	--	--	--	--	--
		Sr. Project Manager	E	1.0	hrs.		\$158.35	\$158	\$158	--	--	--	--	--
		Project Manager	E	6.0	ea.		\$104.37	\$626	\$626	--	--	--	--	--
		Professional Level 2	E	38.0	hrs.		\$70.21	\$2,668	\$2,668	--	--	--	--	--
		travel	E	2.0	ea.		\$75	\$150	\$150	--	--	--	--	--
		Communication Fee	E	1.0	ea		\$104	\$104	\$104	--	--	--	--	--
	NHB - Drilling	Expenses/Reproduction etc.	E	1.0	ea		\$280	\$280	\$280	--	--	--	--	--
		Auger Rig & Labor	X	1.0	day		\$1,512	\$1,512	--	--	\$1,512	--	--	--
		Mob/Demob	X	1.0	ea.		\$476	\$476	--	--	\$476	--	--	--
	Eastern Analytical - soil	Dig Safe®	X	1.0	ls		\$168	\$168	--	--	\$168	--	--	--
		Steam cleaner/generator	X	2.0	ea.		\$95	\$190	--	--	\$190	--	--	--
		VOCs (16 plus 1 duplicate, 1 equip blank)	L	18.0	ea.		\$134	\$2,419	--	\$2,419	--	--	--	--
		TPH (16 plus 1 duplicate, 1 equip blank)	L	18.0	ea.		\$101	\$1,814	--	\$1,814	--	--	--	--
		Task Total:							\$10,766	\$4,186	\$4,234	\$2,346	\$0	\$0
Task 4 Surface Water Sampling	GZA	Professional Level 2	E	4.0	hrs.		\$70.21	\$281	\$281	--	--	--	--	--
	Eastern Analytical - surface water	VOCs (4 plus 1 duplicate)	L	5.0	ea.		\$134	\$672	--	\$672	--	--	--	--
Task Total:							\$953	\$281	\$672	\$0	\$0	\$0	\$0	
Task 5. Assessment, Data Validation and Phase II Reporting	GZA	Principal	E	1.5	hrs.		\$199.50	\$299	\$299	--	--	--	--	--
		Sr. Project Manager	E	1.5	hrs.		\$158.35	\$238	\$238	--	--	--	--	--
		Project Manager	E	12.0	ea.		\$104.37	\$1,252	\$1,252	--	--	--	--	--
		Professional Level 2	E	32.0	hrs.		\$70.21	\$2,247	\$2,247	--	--	--	--	--
		Word Processor / Admin	E	3.0	hrs.		\$61.11	\$183	\$183	--	--	--	--	--
		Drafter	E	4.0	hrs.		\$69.10	\$276	\$276	--	--	--	--	--
		Communication Fee	E	1.0	ea		\$72	\$72	\$72	--	--	--	--	--
		Expenses/Reproduction etc.	E	1.0	ea.		\$100	\$100	\$100	--	--	--	--	--
	EDS	Data Validation	O	1.0	ea.		\$1,299	\$1,299	--	--	--	--	--	\$1,299
Task Total:							\$5,967	\$4,668	\$0	\$0	\$0	\$0	\$1,299	
6. Project Meeting (Assumes 1 Meeting, 6 hrs each, plus prep time for PM)	GZA	Principal	E	1.0	hrs.		\$199.50	\$200	\$200	--	--	--	--	--
		Sr. Project Manager	E	6.0	hrs.		\$158.35	\$950	\$950	--	--	--	--	--
		Project Manager	E	10.0	hrs.		\$104.37	\$1,044	\$1,044	--	--	--	--	--
		Travel	E	1.0	ea		\$75.00	\$75	\$75	--	--	--	--	--
Task Total:							\$2,268	\$2,069	\$0	\$0	\$0	\$0	\$0	
7. Supplemental Remedial Planning	GZA	Principal	E	1.0	hrs.		\$199.50	\$200	\$200	--	--	--	--	--
		Sr. Project Manager	E	2.0	hrs.		\$158.35	\$317	\$317	--	--	--	--	--
		Project Manager	E	4.0	hrs.		\$104.37	\$417	\$417	--	--	--	--	--
		Professional Level 2	E	16.0	hrs.		\$70.21	\$1,123	\$1,123	--	--	--	--	--
Task Total:							\$2,057	\$1,858	\$0	\$0	\$0	\$0	\$0	
TOTAL PROPOSED:							\$33,008	\$17,787	\$4,906	\$2,346	\$0	\$0	\$7,571	

FPR - Free Product Removal
 ISC - Initial Site Characterization
 SIR - Site Investigation/Reporting
 RAP - Remedial Action Plan
 RPI - Remedial Plan Implementation
 GMP - GW Monitoring/Permits
 L = Laboratory Services
 X = Subsurface Explorations
 S = Cont. Soil Treatment/Disposal
 G = GW Treatment/Product Recovery
 O = Other

Westboro Rail Yard Report and Recommendations

The Westboro Committee has considered the options of a Rail Trail Agreement versus a Purchase and Sales Agreement for the two acres of the Westboro Rail Yard, known as the Tidewater Parcel. After a comprehensive review of the options the Westboro Committee recommends that the City purchase the two acre parcel to further the implementation of the Westboro Plan.

The Committee proposes the following motion:

Move that the City Council authorize the City manager to negotiate a Purchase and Sales agreement with the New Hampshire Department of Transportation (NH DOT) for the purchase of two acres of the Westboro Rail Yard, apply for a \$200,000 Brownfields grant from the New Hampshire Department of Environmental Services (NH DES) to complete the remediation of the two acre Tidewater parcel, apply to NH DES for a technical assistance grant of services to complete an additional assessment of the parcel, and apply to the US EPA for a Covenant to protect the City from future liability.

The deadline for the Brownfields Funding application is February 16th, 2008. The maximum amount that the City can apply for is \$200,000.

Background information

Status of the two acre - Tidewater Parcel and Options for future Use

Current remediation project – Northwest corner of the Yard

- Estimated cost to complete the project using this plan is \$210,000 (upper limit). This estimate includes
 - Removal of additional soils
 - Disposing of the additional soils and stockpiled soils
 - Backfilling
 - Replacement of any necessary monitoring wells
- Additional excavation is not mandatory. The purpose of performing additional excavation work would be to shorten the groundwater monitoring time period. The more contaminated soils removed the shorter the likelihood of the monitoring program
- DOT believes that the project can be completed well within the \$200,000 Brownfields funding.
- The clean up as proposed would allow the construction of the trail and proposed amenities under City ownership.

Without the Brownfields funding the plan will be

- No further excavation beyond one minimal area. Backfilling for safety.
- Any remaining contamination will be attenuated (will stay on site and be removed through a natural process of dilution over time)
- DOT will remove stockpiled soils from the site and replace damaged monitoring wells
- DOT will be responsible for long term monitoring
- There is no time frame for completion of the remediation though DES will require that the stockpiled soils be removed at some point when funding becomes available.
- This option would limit the City's options for construction of the trail and proposed amenities (see explanation below)

Due Diligence

Level 1 and Level II Environmental Site Assessments have been completed. No contaminants beyond the existing remediation project have been identified and none are expected based on the knowledge of the site. However, there are no guarantees.

The options that been investigated by the Committee, some in very limited form, include a Rail-Trail (Temporary Use) agreement, a lease, purchasing the property and applying for Brownfields funding to compete the clean-up, and doing nothing at all.

Rail Trail Agreement (a Rail Trail Agreement is a temporary use agreement not a lease)

- Open ended - DOT will retain the right to reclaim at any time for other purposes.
- DOT, as the owner, will have to find the \$ from somewhere other than Brownfields needed to complete the remediation.
- A trail could be installed but development of amenities would be limited.
- The project would not qualify for any federal funding (grants) to assist with trail development that require ownership.
- This is a typical legal arrangement used throughout the state for rail trail projects.

Lease (note: this option is relatively new - we are in the early stages of exploration so details are sketchy)

- The City may be able to enter into a 25 year “market-rate” lease of the 2 acre parcel.
- DOT would reserve the right to take back the property after 25 years for other uses (G & C will not approve any leases over 25 years).
- There would no further remediation beyond the minimal necessary as described above. DES representatives believe that it may be possible to install the proposed improvements. Location of structures, parking etc would be dependent upon placement of monitoring wells and so that future monitoring or remediation activities, if necessary, are not impeded. Further investigation would be necessary.
- Any lease or construction would be delayed until such time as DOT is able to find funding and remove the stockpiled soils.
- The project would not qualify for any federal funding (grants) sources to assist with trail development that require ownership.

Purchase and Sales Agreement (this is option is recommended by the Westboro Committee)

- Asking price for the 2 acre parcel is that the City apply for a \$200,000 Brownfields grant which would be used to complete the remediation project.
- The State is not eligible to apply for these Brownfields funds.
- The Brownfields grant has a 20% local match (\$40,000) which could be soft match. Such as clean fill, trucking, grading, paving or other efforts.
- The Purchase and Sales agreement would contain language insuring that the Brownfields funds be used for the clean-up of the known contamination.
- Concurrent with the Brownfields application, the City would apply to the EPA for a Covenant protecting the City from future liability related to the current remediation project. That Covenant, if approved by the EPA, would be effective once the City took ownership and could be expanded if necessary.
- In the event that the City purchases the property, the remediation would be completed by DES approved contractors using Brownfields funding. The funding would flow through the City as the owner.
- Long term monitoring would be completed by DOT under a joint Groundwater Management Plan with the rest of the Westboro Yard monitoring which would reduce the annual costs but the City, as owner, would pay a portion of the annual monitoring costs (there is a possibility that DOT will pick up these costs).
- Should the City decide, as a prospective owner, to go ahead with a Brownfield’s application, we can also apply, concurrently, for a technical assistance grant from NH DES. Under this technical services grant (no \$\$), DES would work with one of their approved contractors to do another assessment of the site which would include a review of the City’s plans for the site to assure that we can, in fact, complete the proposed improvements (more below). DES can move quickly to complete this assessment and it would be available prior to the City having to make a decision.
- Submission of the Brownfields grant application is **NOT** a commitment to purchase. Upon approval of the Brownfields grant, the additional assessment and approval of Covenant will

be available. At that point (June 2008), the City would have to make a decision on whether to purchase the two acres and accept the grant.

- The proposed transfer would also need approval from the NH Long Range Planning Committee.

Benefits of Potential Purchase

- Clean up is expedited using Federal funds (through the State) not City Funds.
- City has more control over the process.
- City owns the land.
- The City, and its partners, can implement the Vision for Westboro now, in 2008.
- City gets the land for the value of the 20% match which can be committed as soft costs.
- NH F & G could move ahead with the boat launch
- As an owner the City would be eligible for grant opportunities such as Land and Water Conservation Funds which are not available under other options.
- *Goodwill.* Both NH DOT and NH DES have undertaken this project based on pressure from the City of Lebanon and at great expense. The state has a budget problem; they have no resources beyond Brownfields to complete this project to allow the City to move ahead. Both DOT and DES fully support a Brownfields application and it would be of great help to DOT.
- Supporting the “team approach” of the City, DOT and DES, bodes well for the next Phase of Westboro which will be significantly more difficult.

Costs associated with potential purchase

- There is **NO** assurance that the land will be perfectly clean. The City **WILL** take on a liability. This liability is tempered by Due Diligence, an EPA Covenant, and yet another assessment by NH DES (if granted) at no cost to the City.
- City has to commit to the 20% match upon approval of the grant award and commitment to purchase.
- City is paying for grant-writer’s time to submit applications and work with the City staff and the State entities.
- City would be responsible for monitoring costs. Could be as short as two years or as long as five. The more contamination that is removed the shorter the monitoring.
- The State can not indemnify the City.

Do nothing (the Committee has discussed this option)

- The Brownfields funding is available this year (deadline February 16th) and it seems that the City could be the only applicant . If nobody else applies, then it may still be available next year. Total funding available is \$400,000 and is limited to \$200,000 per site. There is no new (additional) federal clean up funds anticipated.
- If the City does nothing then the Westboro project would be back on hold.

Other questions submitted by Councilor James Dean

- 1) What is the estimated cost of the proposed trail on this parcel?
 - Trail, Parking, Kiosk contingency and design broadly estimated at \$600,000
- 2) Where does the trail begin and end?
 - Bridge Street to Bunk House currently but with a plan to expand further along the sewer easement.
- 3) How have personal safety issues been addressed for the proposed trail area?
 - Not yet
- 4) Does this 2 ac. parcel include the current remediation site at the NW corner of the Yard?
 - YES
- 5) If ‘yes’ to 13), when will specific site remediation be completed?
 - SEE DISCUSSION ABOVE

The Periodic Summary Report shall be prepared and stamped by a professional engineer or professional geologist licensed in the State of New Hampshire.

8. Issuance of this permit is based on the Groundwater Management Permit Application dated November 29, 2007 and the historical documents found in the Department file DES #199210036. The Department may require additional hydrogeologic studies and/or remedial measures if invalid or inaccurate data are submitted.
9. Within 60 days of the date of Department approval of this Groundwater Management Permit, the permit holder shall record notice of the permit in the registry of deeds in the chain of title for the **lot** within the Groundwater Management Zone. **This recordation requires that the registry be provided with book and page numbers for the deed of each lot encumbered by this permit. Portions of State/Town/City roadways and associated right-of-way properties within the Groundwater Management Zone do not require recordation.** A copy of the recorded notice shall be submitted to the Department within 30 days of recordation.
10. Within 30 days of discovery of a violation of an ambient groundwater quality standard at or beyond the Groundwater Management Zone boundary, the permittee shall notify the Department in writing. Within 60 days of discovery, the permittee shall submit recommendations to correct the violation. The Department shall approve the recommendations if the Department determines that they will correct the violation.

SPECIAL CONDITIONS FOR THIS PERMIT

11. All monitoring wells at the site shall be properly maintained and secured from unauthorized access or surface water infiltration.
12. Replacement monitoring wells MW-1R and MW-8R shall installed prior to the October 2008 sampling round.
13. Recorded properties within the Groundwater Management Zone shall include the lot as listed and described in the following table:

Tax Map/ Lot #	Property Address	Owner Name and Address	Deed Reference (Book/Page)
Map 72 Lot 5	26 Railroad Avenue W. Lebanon, NH	NH Department of Transportation John O. Morton Building 7 Hazen Drive Concord, NH 03302	02409/0865



George Lombardo, P.E., Administrator
Oil Remediation & Compliance Bureau
Waste Management Division

Under RSA 21-0:14 and 21-0:9-V, any person aggrieved by any terms or conditions of this permit may appeal to the Waste Management Council in accordance with RSA 541-A and N.H. Admin. Rules, Env-WMC 200. Such appeal must be made to the Council within 30 days and must be addressed to the Chairman of the Waste Management Council, c/o Appeals Clerk, Department of Environmental Services Legal Unit, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095.

GWP-199210036-L-001

**STATUS REPORT
FORMER TIDEWATER OIL SITE
PRESENTED BY
H. KEITH DUBOIS
BROWNFIELDS PROGRAM COORDINATOR
NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES
AUGUST 31, 2009**

1. To date, the NHDES has encumbered a total of **\$189,492** on behalf of the City of Lebanon for Phase I/Phase II Environmental Site Assessment and contaminated soil excavation and stockpiling.
 - **\$115,003** for Environmental Assessment
 - **\$74,489** for soil excavation and stockpiling
2. A total of approximately 1,000 cubic yards (1,500 tons) of additional petroleum contaminated soil was excavated from the site and placed into stockpiles during the period August 12, 2009 through August 18, 2009. Estimate is based on field measurements and confirmed by volume of backfill placed in the excavation.
3. Compliance with the Soil Remediation Standards (SRS) has been achieved in the southern, eastern, northern, and northwestern excavation sidewalls.
4. The soil sample from the western excavation sidewall contained benzene at a concentration of 0.39 mg/kg (SRS = 0.3 mg/kg). No further soil removal will be required by DES regardless of who completes the site remediation program.
5. The soil removal excavation was extended to a depth of approximately 18 inches below the groundwater table. Petroleum contaminated soils with contaminant concentrations above the SRS are still present in the base of the excavation. DES does not typically require property/facility owners to excavate into the saturated zone. Contaminants present at concentrations above the SRS include:

Benzene 20 mg/kg to 30 mg/Kg (SRS=0.3 mg/Kg)

Toluene 190 mg/kg to 360 mg/Kg (SRS=100 mg/Kg)

Ethylbenzene 140 mg/Kg (SRS=140 mg/Kg)

Total Xylene 570 mg/kg to 700 mg/Kg (SRS=500 mg/Kg)

1,3,5-Trimethylbenzene 83 mg/Kg to 100 mg/kg (SRS=96 mg/Kg)

1,2,4-Trimethylbenzene 240 to 280 mg/Kg (SRS=130 mg/Kg)

Naphthalene <30 mg/kg to 51 mg/Kg (SRS=5 mg/Kg)

1 mg/Kg is equal to one part per million

6. Remedial Strategy would be off-site disposal/treatment of stockpiled soils and long term groundwater monitoring under a Groundwater Management Permit.

7. Total volume of stockpiled soils requiring off-site disposal/treatment is:

- Stockpile #1 932 yd³ x 1.5 tons/yd³ = 1,398 tons
- Stockpile #2 570 yd³ x 1.5 tons/yd³ = 855 tons
- Stockpile #3 1,000 yd³ x 1.5 tons/yd³ = 1,500 tons

3,753 tons.

8. Anticipated soil remediation costs are as follows:

- Stockpiled Soil Disposal (Contractor Costs) = \$220,600 to \$221,400
- Consultant Costs = \$20,000 (includes groundwater permit application)

Total = \$240,600 to \$241,400

9. Anticipated Groundwater Remediation Costs

- \$5,000 per year (assuming 4 wells with annual monitoring and reporting for Volatile Organic Compounds).
- Monitoring is likely to be necessary for 10 years

NHDES is exploring the potential of having the groundwater management permit for the T&R Sidelines site extended to include the Tidewater Oil Site. This may be possible due to the detection of dissolved gasoline constituents in the groundwater samples from monitoring well MW-9. The decision will be based on the results of on-going groundwater elevation and groundwater flow direction assessment work and the nature and distribution of dissolved contaminants in the site groundwater.

10. Financial Considerations:

- DES has awarded a cleanup sub-grant to the City of Lebanon for \$200,000.

The Brownfields Cleanup Revolving Loan Fund Grant (BCRLF Grant) from which the cleanup sub-grant was issued **expires on July 1, 2010**. These funds must be expended and invoiced before July 1, 2010. If not, EPA will sweep the BCRLF Grant of all unspent funds and DES will be forced to terminate the cleanup sub-grant. **This would negatively impact DES' ability to pursue future Brownfields Grants.**

Per EPA requirements, DES cannot expend cleanup sub-grant funds until the property ownership is transferred to the City of Lebanon.

DES and the City would also need to issue a public notice of the remedial action plan, hold a public meeting, and observe a 30 day public comment period before completing the remedial action.

DES will need 60 days from City acquisition of the property to execute a Cooperative Agreement with the City and to achieve Governor & Council Approval of the cooperative agreement. DES will also need to obtain G&C approval to contract a soil disposal contractor.

Therefore, we need the City to take ownership of the property as soon as possible. Certainly before October 31, 2010 so we can guarantee expenditure of the grant funds before the termination date of the BCRLF Grant.

- DES Brownfields Program will commit the additional \$41,400 for the soil disposal program provided the City takes ownership of the property before October 31, 2009 (i.e. DES Brownfields will cover the consultant costs and additional soil disposal costs).
- DES Brownfields Program can provide groundwater monitoring services (if required) until the final Route 4 replacement bridge is completed and all DOT “improvements” to the site are removed.
- DES Brownfields Program can provide assistance in replacing/installing any groundwater monitoring wells required for the long term groundwater monitoring program.

11. Retention of property ownership by NHDOT: In the event NHDOT and the City fail to complete a transfer of property ownership, disposal of the stockpiled soils and long term groundwater monitoring would be the responsibility of the NHDOT. NHDES financial assistance would not be available to NHDOT.

City of Lebanon



City Manager's Office
51 North Park Street
Lebanon, New Hampshire 03766
(603) 448-4220

July 9, 2018

Honorable Governor Chris Sununu
107 N. Main Street
Room 208
Concord, NH 03301

RE: Demolition of State Owned Structures, Westboro Rail Yard, West Lebanon, NH

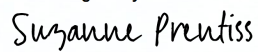
Governor Sununu,

The City of Lebanon is requesting assistance from your office with the demolition of four severely dilapidated, state owned structures located within the Westboro Rail Yard, West Lebanon, NH, a state-owned property. The structures are known as the; Round House, Bunk House, Sand Shed and Stack. The property is controlled by the Department of Transportation(DOT) Bureau of Rail and Transit. The location and the condition of these buildings coupled with a propane storage and transport operation on site have crippled the ability of local business to grow, and for the development and redevelopment of this key downtown area of our city to actively proceed. Although the Bureau has fenced off the structures to prevent entry, the structures are a visual blight, and an attractive nuisance for teenagers and homeless persons.

Abutting the Connecticut River and running parallel to Main Street, the Westboro Rail Yard sits in the heart of the West Lebanon central business district, the center of the community (see enclosure). Like many other Main Streets in NH communities ours in West Lebanon is in need of an uplift. The City is committed to its revitalization, having devoted an entire chapter of our Master Plan to make this turn around a reality. The barrier to executing the vision of our citizens and local businesses is the condition of the Westboro Yard, now further complicated with serious safety factors. The City and the Council are ready to begin committing resources, including the removal of these blighted structures as key element in our revitalization efforts. We are not asking to develop, redevelop on the states property, we are asking you you to help us allow for these efforts to take place within yards of these structure to the benefit of Lebanon, West Lebanon and the state of NH.

If you are familiar with the demographics of Lebanon, you know that the City's commercial and employment areas attract large numbers of customers from neighboring Vermont who consistently boost our state's economy as they shop, eat, play and work in Lebanon. This cross-border consumer activity is key to the health of the economy of our City, the Upper Valley Region and NH. Lebanon has sat by and watched White River Junction, VT (directly across the Connecticut River from West Lebanon) develop and redevelop a similar downtown area to ours over the past few years. What for White River Junction was once a tired and rundown Main Street, is now a lively and sought-after destination for young and old alike. Lebanon is now positioned to host a revitalized downtown hub in the heart of our City's west side similar to White River. However, without your support, we will not be able to move forward in addressing this effort vital to our City and our state due to the barriers presented by the Westboro Yard. We are asking the State to step forward and partner with the City to get these structures demolished and removed from the site. This action, this support with un-tie our hands, remove key barriers and allow us to move forward for once.

Our concerns about the safety and security of the property will arrive under a separate communication. I appreciate your consideration in this matter, and look forward to working with you on this project. Please do not hesitate to contact me. You may also contact City Manager Shaun Mulholland for further coordination at 603-448-4220.

DocuSigned by:

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Suzanne Prentiss
Mayor













City of Lebanon



City Manager's Office
51 North Park Street
Lebanon, New Hampshire 03766
(603) 448-4220

July 9, 2018

Honorable Governor Chris Sununu
107 N. Main Street
Room 208
Concord, NH 03301

RE: Westboro Yard Property Transfer

Governor Sununu,

The City of Lebanon has an interest in the transfer of a portion of property owned by the State of New Hampshire located within the bounds of the Westboro Rail Yard in West Lebanon. The property is under the jurisdiction of the Department of Transportation (DOT) and is limited in overall development value because of petroleum contamination. For the City and the State, we believe the dollar amount to remediate the site is simply cost prohibitive. The property fronts on the Connecticut River and could be used as a park or recreational space for or residents and visitors and well as is collateral to the needed and necessary redevelopment and development of West Lebanon's Central Business District.

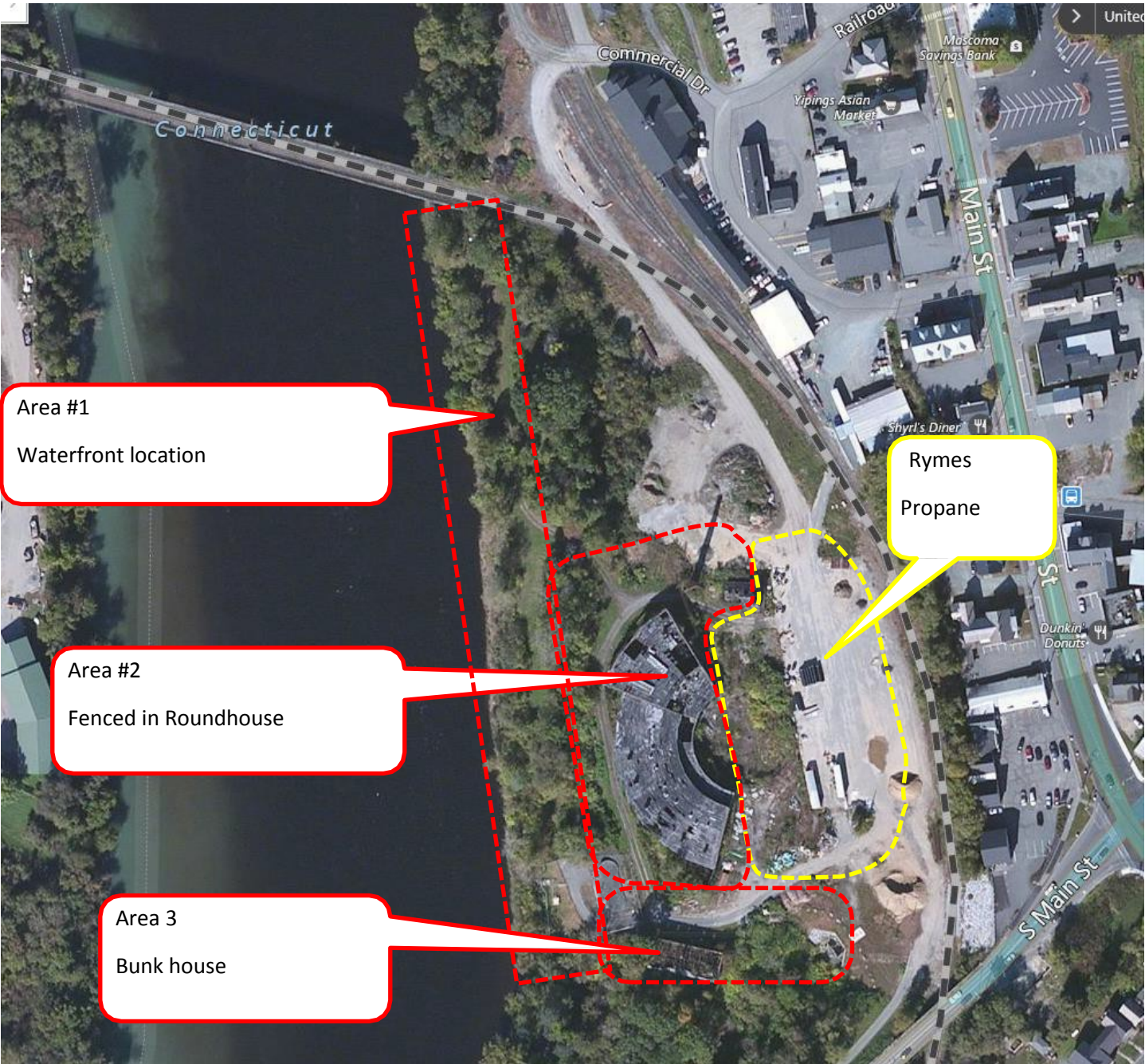
The City is interested in a transfer of approximately 6 acres (Areas 1, 2, and 3 in the attached photo) for the future creation of an open space area for use by our residents and visitors. When the DOT purchased the land from the B&M Railroad, the State Indemnified B&M as part of the transaction. The site has significant petroleum contamination of the ground and ground water. The Department of Environmental Services (DES) has monitoring wells on the site. The DOT has made a preliminary offer of this 6-acre portion to be sold to the City in the amount of \$180,000. The City would be interested in a transfer of the property from the State to the City without compensation after the structures are demolished and the demolition material is removed. This arrangement would be under the presumption that the State would maintain the liability for the environmental issues that it assumed from the original property transaction with B&M, and the City would be responsible for the perpetual care of the property for potential use as a park or recreational space a benefit to the state as well.

I appreciate your consideration in this matter, and look forward to working with you on this project. Please do not hesitate to contact me. You may also contact City Manager Shaun Mulholland for further coordination at 603-448-4220.

DocuSigned by:

Suzanne Prentiss

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Suzanne M. Prentiss
Mayor



City of Lebanon



City Manager's Office
51 North Park Street
Lebanon, New Hampshire 03766
(603) 448-4220

July 9, 2018

Honorable Governor Chris Sununu
107 N. Main Street
Room 208
Concord, NH 03301

RE: Westboro Yard Safety & Security

Governor Sununu,

As you may already be aware, residents in the City of Lebanon are very concerned about the storage of propane gas in the Westboro Yard. The property is owned by the State of NH and managed by the Department of Transportation (DOT). The property is leased to the railroad and subleased to Rymes. Rymes presently fills their delivery and bulk storage trucks from trains in the yard that back into the yard from White River Junction, VT. Additionally, Rymes has two large propane tanks on the site that have been sitting empty. John Rymes is making plans to complete the installation of these larger tanks this summer. Due to the outcry from the public and members of the City Council, John Rymes has agreed to mound the tanks on site, reducing the danger to area residents and businesses. This will reduce, but not eliminate, the impacts should a propane incident, of any size, take place. Based on the location, growing size and shifting nature of this operations purpose, the City is concerned as this activity is within the heart of our central business district and within yards of a densely populated area. Residents are very concerned about the proximity of these activities in their neighborhood.

Again, we are working with John Rymes and consider this relationship valuable, however, it is essential to this conversation that you understand our overall concerns which include:

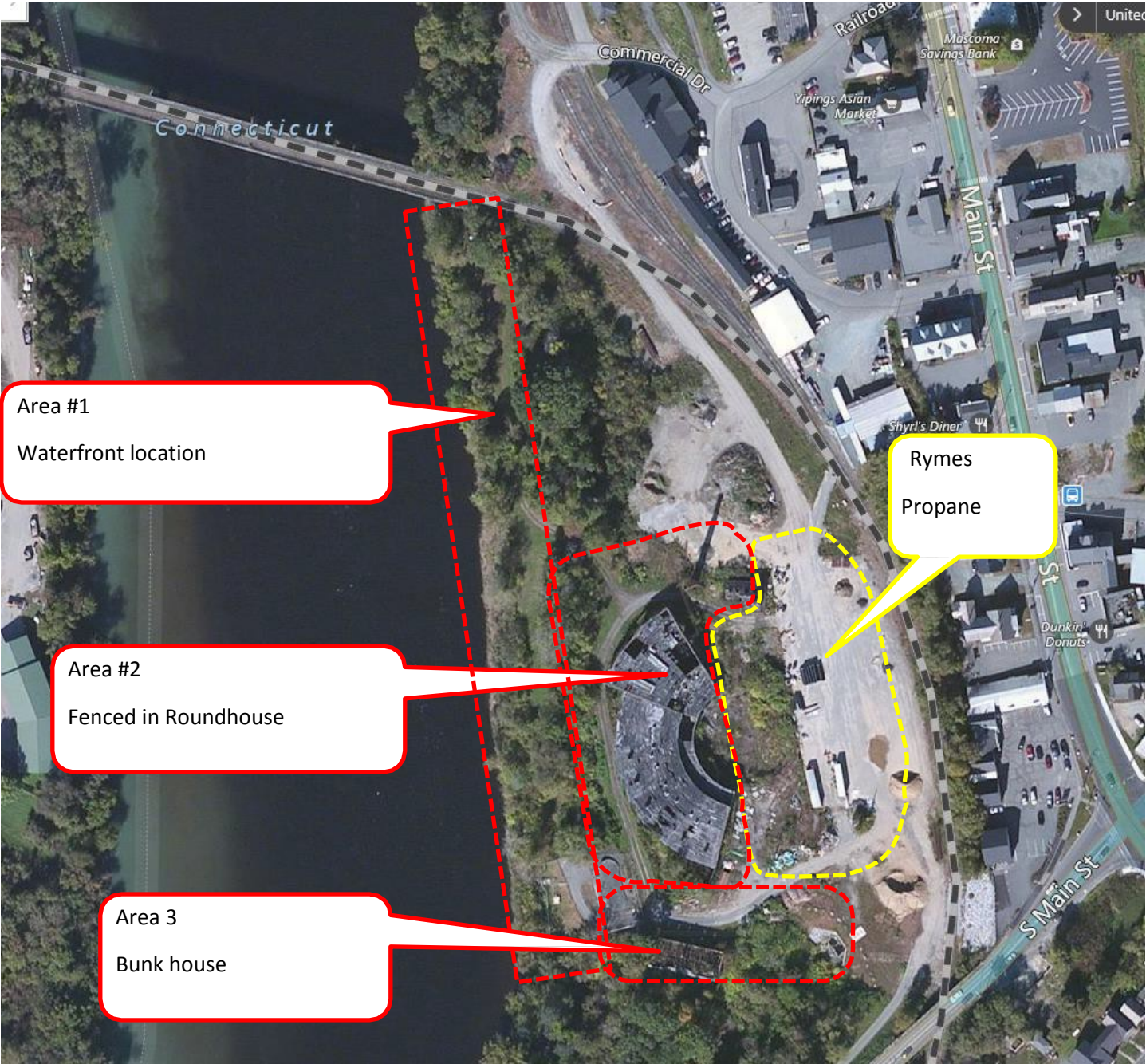
- The site is not staffed twenty-four hours a day, seven days a week.
- The fencing around the tanks has considerable limitations.
- The fence is easy to scale.
- The gates can be accessed with little difficulty.
- The topography and limited lighting allow for activities to occur during the hours of darkness with limited opportunity for detection.

We feel the physical security situation needs to be improved with better fencing, lighting and monitoring. As I trust you are well aware, the City has very limited authority to regulate the activities on site. Federal and state regulations pre-empt local authority as it relates to the Westboro Yard. We firmly believe the bulk storage of propane gas is better suited to industrial areas which are not located near residential and business areas. The potential release of gas and/or an explosion poses too high of a risk to this densely populated area.

I appreciate your consideration in this matter and look forward to working with you on this project. Please do not hesitate to contact me. You may also contact City Manager Shaun Mulholland for further coordination at 603-448-4220.

DocuSigned by:

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Suzanne M. Prentiss
Mayor



City of Lebanon



City Manager's Office
51 North Park Street
Lebanon, New Hampshire 03766
(603) 448-4220

July 9, 2018

Honorable Governor Chris Sununu
107 N. Main Street
Room 208
Concord, NH 03301

RE: Westboro Yard Environmental Liability

Governor Sununu,

The City of Lebanon has an interest in the transfer of a portion of property owned by the State of New Hampshire located within the bounds of the Westboro Rail Yard, West Lebanon, NH. The property is under the jurisdiction of the Department of Transportation (DOT). The property has limited development value because of the contamination, and the dollar amount to remediate the site is simply cost prohibitive. However, the property fronts on the Connecticut River and runs parallel to Main Street. The Westboro Rail Yard sits in the heart of the West Lebanon central business district, the center of the community and could be used as a park or recreational space. The barrier to executing the vision of our citizens and local businesses is the condition of the Westboro Yard, including the contamination and now further complicated by serious safety factors. The City and the Council are ready to begin committing resources, to this revitalization effort, however, we need your assistance.

The City is interested in a transfer of approximately 6 acres (Areas 1, 2, and 3 in the attached photo) for the future creation of an open space area for use by our residents, visitors and customers of our local businesses. The DOT has made a preliminary offer of this 6-acre portion to be sold to the City in the amount of \$180,000. The City would be interested in a transfer of the property from the State to the City without compensation after the structures are demolished and the demolition material is removed. This arrangement would be under the presumption that the State would maintain the liability for the environmental issues that it assumed from the original property transaction with B&M, and the City would be responsible for the perpetual care of the property for potential use as a park or recreational space.

The property has a ground water management permit which is monitored by NHDES. The site is contaminated with petroleum products (benzene, ethylbenzene, naphthalene and 1,2,4-trimethylbenzene) that exceed ACQS. Construction of structures on the site would require removal of the contaminated soil which would likely make most projects unfeasible. Clean-up of the site is unlikely, as well, due to cost. The present strategy is to allow the contaminants to attenuate naturally. As a result, the site is of limited use. The attenuation period is likely to be many years into the future.

We would propose a partnership with the State such that the City would either own the land or lease it from the State at no cost. The State would maintain the liability for the environmental hazards on the site until the contaminants have attenuated. This would allow the City to make some viable use of the property and support the long planned for an anticipated redevelopment of the downtown area in West Lebanon.

I appreciate your consideration in this matter, and look forward to working with you on this project. Please do not hesitate to contact me. You may also contact City Manager Shaun Mulholland for further coordination at 603-448-4220.

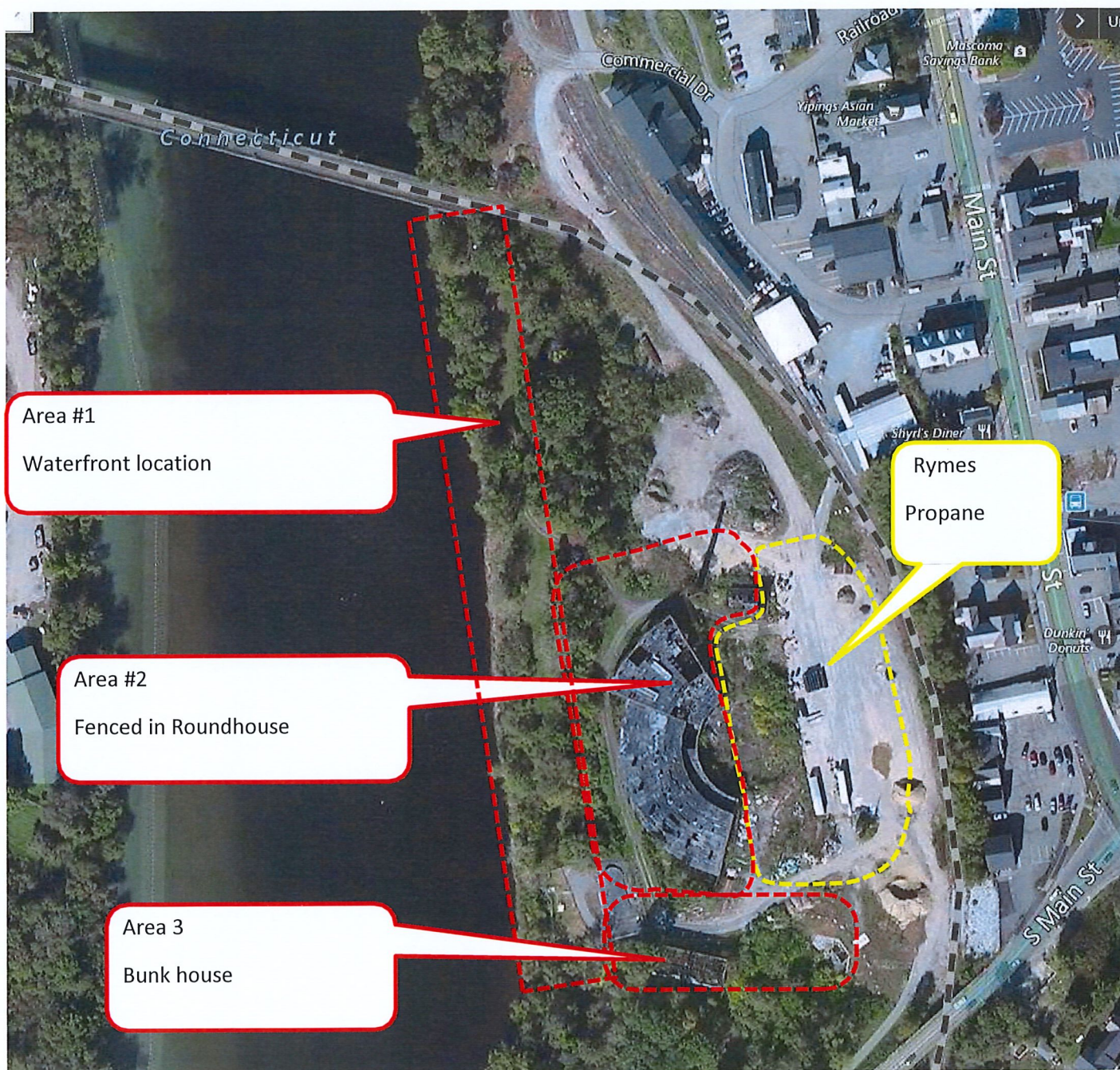
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Suzanne Prentiss

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Suzanne M. Prentiss

Mayor





**ASBESTOS AND HAZARDOUS MATERIALS IDENTIFICATION SURVEY
WESTBORO RAIL YARD
WEST LEBANON, NEW HAMPSHIRE 03053**

PREPARED FOR:

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
BUREAU OF ENVIRONMENT
JOHN O. MORTON BUILDING
7 HAZEN DRIVE
CONCORD, NEW HAMPSHIRE 03302-0483

PREPARED BY:

ATC GROUP SERVICES LLC
150 ZACHARY ROAD
MANCHESTER, NEW HAMPSHIRE 03109

ATC PROJECT 59DOT00086

JANUARY 11, 2018

Document Information

Prepared for: New Hampshire Department of Transportation
Project Name: Westboro Railroad Yard, West Lebanon, New Hampshire
Job Reference: 59DOT00086
Date: January 11, 2019

Contact Information

ATC Group Services
150 Zachary Road
Manchester, New Hampshire 03109
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www.atcgs.com

Executive Summary

ATC Group Services, LLC (hereinafter referred to as “ATC”) was retained by the New Hampshire Department of Transportation (hereinafter referred to as “the Department”) to perform an Asbestos and Hazardous Materials Identification Survey of three buildings (Sandhouse, Roundhouse, and Bunkhouse) and a powerhouse chimney associated with the Westboro Railroad Yard located in West Lebanon, New Hampshire (hereinafter referred to as “the Site”). ATC understands that the Department is considering demolishing the on-site structures. The locations of the Site structures are depicted on the Site Plan included in Appendix A. ATC completed the Asbestos and Hazardous Materials Identification Survey on November 28, 2018.

The following summarizes the findings of the Survey:

- There are three vacant buildings located on the Site: the Sandhouse, Roundhouse and Bunkhouse. All three buildings are vacant and in poor condition. Portions of the roof and support structures of each building have collapsed. Due to the poor conditions, portions of the Bunkhouse and Roundhouse were deemed unsafe to enter and were not thoroughly inspected. Additionally, a brick powerhouse chimney is located adjacent to the Sandhouse. ATC could not access or view the base of the chimney structure.
- Bulk samples of friable and non-friable building materials were analyzed to determine the asbestos content. The samples were analyzed by ProScience Analytical Services, Inc. of Woburn, Massachusetts (ProScience) using EPA Method (EPA/600R-93/116) for Polarized Light Microscopy (PLM)/ Dispersion Staining (DS), using the visual estimation technique for asbestos quantification. The ACM survey methods and results are further discussed in Section 2.0. The following ACM was identified:
 - Built-up roofing material (Roundhouse) (~30,150 square feet)
 - Cementitious chute board (Roundhouse) (~3,600 square feet)
 - Exterior chimney caulk (Sandhouse) (~5 linear feet)

- ATC performed a lead paint determination on representative interior and exterior painted surfaces. The lead determination was performed by collecting lead paint chip samples for laboratory analysis utilizing Atomic Absorption Spectroscopy (AAS). The results of the lead paint determination are discussed in Section 3.0.

Results of the lead determination indicate that lead paint is present on various components throughout the interior and exterior of the Site buildings. Results of the lead ranged from 0.3 to 31.9 milligrams per kilogram (mg/kg). Note that contractors performing work at the Site building where the painted surfaces will be disturbed, must comply with the Occupational Safety and Health Administration (OSHA) 29 CFR 1926.62 “Lead in Construction” regulations. Additional waste disposal requirements may apply in accordance with EPA and New Hampshire Department of Environmental Services (NHDES)) regulations.

- Two Toxicity Characteristic Leaching Procedure (TCLP) lead samples were collected from each building. The sample was analyzed by ProScience. The TCLP analytical results exceeded the NHDES and United States Environmental Protection Agency (USEPA) regulatory level of 5 milligrams per liter (mg/l) for samples collected in the Bunkhouse and Sandhouse. Based on the TCLP analytical results, the painted building materials from the Bunkhouse and Sandhouse may require disposal as a hazardous waste. However, based upon Site observations and experience with similar projects, the ratio of lead painted surfaces to clean demo material will bring the TCLP test number well below the limit and the material will be able to be disposed of as general construction debris. The contractor should collect and submit additional lead TCLP samples from the waste stream (demolition debris) to confirm prior to disposal.
- ATC performed a visual survey of miscellaneous hazardous materials within accessible areas of the Site buildings. The objective of the hazardous materials survey was to evaluate the presence of PCB-containing ballasts and electrical equipment; mercury-containing electrical and building components; and other potential hazardous materials that will require proper disposal. ATC inspected interior and exterior building locations that could be accessed from the ground for potentially hazardous materials. The scope of work for this project did not include inspection of the Site for the presence of underground storage tanks

(USTs) or other underground structures that may contain hazardous materials, nor for contaminated soil, groundwater, or other subsurface materials.

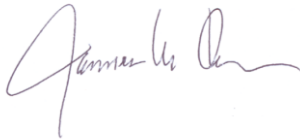
Most of the electric and mechanical components have been removed from the buildings. No potentially hazardous wastes were observed during the Site reconnaissance visit.

Ash may be present in the powerhouse chimney. ATC recommends that this material be sampled and characterized prior to disturbance, demolition, and/or removal.

The Demolition Contractor will be responsible for proper disposal of these materials as well as any additional testing and profiling of hazardous or regulated materials, as required to determine proper handling and disposal procedures. On behalf of the Department and in accordance with our October 4, 2018 Request for Authorization, ATC has provided the findings of this survey to a general contractor to support preparation of a demolition cost estimate for the Site. The cost estimates prepared by Environmental Restorations, Inc. (ERI) and provided to ATC on January 8 and 9, 2019 are included in Appendix F. A summary of Costs is provided in Section 6.0. This cost estimate provided by ERI was based upon assumptions and clarifications provided in Appendix F.

ATC appreciates the opportunity to work with the Department on this project. If you have any questions, please do not hesitate to contact us.

Sincerely,



James M. Carr
Senior Project Scientist
Direct Line (603) 391-0062
Email: jim.carr@atcgs.com



Kristin Zeman, P.G.
Project Manager
Direct Line (781) 640-1126
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1 INTRODUCTION

On behalf of the Department, ATC is pleased to provide this report summarizing the Asbestos and Hazardous Materials Identification Survey for the Site. On November 28, 2018, ATC performed an Asbestos and Hazardous Materials Identification Survey at the Site. ATC understands that the Department is considering demolishing the on-site structures.

1.1 Site Description

The Site consists of three buildings (Sandhouse, Roundhouse and Bunkhouse) associated with the former Westboro Rail Yard. The rail yard was once used to service locomotives along the Boston & Maine Railroad. According to the City of Lebanon Assessor's Office, the Roundhouse is approximately 30,150 square feet and the Bunkhouse is approximately 6,466 square feet, with both constructed in approximately 1900. The Sandhouse is approximately 1,100 square feet, and was constructed in approximately 1920. The Roundhouse building is a one-story brick and wood frame structure, the Bunkhouse is a two-story brick and wood frame structure, and the Sandhouse is a one story wooden structure with a pitched roof. The Site buildings are vacant and dilapidated, with large portions of the structures collapsed at the time of the inspection. A brick powerhouse chimney is located adjacent to the Sandhouse. A Site Plan is included in Appendix A. A photo log is included as Appendix B.

1.2 Scope of Work

The following summarizes the scope of work for this project:

- Perform a visual inspection and survey of interior, exterior, and roof areas of the building to determine the location and estimated quantity of accessible asbestos-containing materials (ACM) present in the survey areas.
- Evaluate the potential presence of "hidden areas" where asbestos may be uncovered during future demolition activities, including pipe chases, perimeter shell walls, and plenums or above suspended ceilings.
- Perform a hazardous materials inspection on the interior and exterior portions of the buildings. The surveys focused on the following: 1) lead-based paint survey (i.e., representative tests of painted building surfaces will be performed by ATC using a portable x-ray fluorescence [XRF] detector or the collection of paint chip samples); 2) inventory accessible suspect polychlorinated biphenyl (PCB) light ballasts and mercury (including switches, thermostats, bulbs), if present; and 3) miscellaneous survey to determine the presence of drums and containers that may contain waste material (i.e., paint cans, solvents, oils, etc.). ATC's scope of work did not include the assessment of underground structures or the potential for impacted soil or groundwater to be encountered during demolition.
- Collect representative building material samples for Toxic Characteristic Leaching Procedure (TCLP) analysis (lead only).
- Contact a contractor to prepare a demolition cost estimate, and;
- Upon completion of the inspection and receipt of the asbestos, lead, and TCLP analytical data, ATC will prepare a letter report summarizing the findings of the surveys as well as a cost estimate for the removal of the identified ACM, lead and hazardous materials and a demolition cost estimate for the Site structures.

ATC's Scope of Work did not include the following:

- Inspection of the building foundations or other subsurface features including utility lines;
- Repair of sampling locations, or;
- Evaluating for potential for impacted soil or groundwater to be encountered during demolition.

2 Asbestos-Containing Materials Survey

The asbestos inspection involved a visual inspection, bulk sampling and inventory of suspect ACM, including locating and quantifying identified ACM. The asbestos survey was performed by Mr. Ric Nunes, certified Asbestos Inspector on November 28, 2018. The visual inspections and bulk sampling were performed in accordance with the methods outlined in the USEPA guidance document titled, "Guidance for Controlling Asbestos-Containing Materials in Buildings" (Document No. 560/5-85-024) and as required by the National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulation.

2.1 Analytical Method

Bulk samples of friable and non-friable suspect materials were analyzed to determine the asbestos content. The samples were analyzed by ProScience Analytical Services, Inc. of Woburn, Massachusetts (ProScience) using EPA Method (EPA/600R-93/116) for PLM/DS, using the visual estimation technique for asbestos quantification. The PLM/DS analytical method is modeled after 40 Code of Federal Regulations (CFR) Part 763, Subpart F, Appendix A: "Interim Method for the Determination of Asbestos in Bulk Insulation Samples."

Please note that an ACM is defined by the NHDES and EPA as any material or product containing more than 1 percent (%) asbestos by weight. A copy of the laboratory analysis report is included in Appendix C.

2.2 Summary of ACM Materials

The following Table 1 presents a list of the identified, confirmed ACM at the Site building.

Table 1 - Summary of ACM Materials

Material	Location(s)	Asbestos Type and %	Approximate Quantity
Built-up Roof Material*	Roundhouse	25% Chrysotile	30,150 s.f.
Cementitious Chute Board	Roundhouse	20% Chrysotile	3,600 s.f. (9 chutes, 400 s.f. each)
Exterior Chimney Caulk	Sandhouse	20% Chrysotile	5 l.f.
Notes: s.f. = Square feet l.f. = Liner feet *Roof is significantly damaged. Portions of the Roundhouse roof have collapsed and roofing material is located on the ground surface.			

2.3 Summary of Non-ACM Materials

The following table lists the suspect materials that were identified, sampled and determined to be non-ACM.

Table 2 - Summary of Non-ACM Materials

Material	Location(s)
Exterior Brick Skim Coat	Roundhouse
Interior Brick Skim Coat	Roundhouse
Gray Window Glazing	Roundhouse
Interior Brick Mortar	Roundhouse
Interior CMU Mortar	Roundhouse
Black Roof Shingles	Bunkhouse
Gypsum Ceiling Board	Bunkhouse

Material	Location(s)
White Joint Compound associated with Gypsum Ceiling Board	Bunkhouse
Window Glazing	Bunkhouse
Electric wire wrap	Bunkhouse
Electric Component Gasket	Bunkhouse
Black Roofing Shingles	Sandhouse
Chimney Flue Mortar	Sandhouse
Electric Wire Wrap	Sandhouse

2.4 Consideration for Hidden Materials

ATC performed exploratory demolition in representative, accessible locations in an attempt to identify areas where hidden ACM may be present including multiple layers of flooring materials, chases, plenums, interior or exterior wall cavities. ATC did not inspect below grade on the concrete foundations.

Portions of the Bunkhouse (second floor) and Roundhouse were deemed unsafe to enter and could not be inspected. Hidden materials may be present in concealed areas that were inaccessible. ATC recommends that if a suspect material has not been positively identified, but is similar in mode of occurrence or physical properties to other ACM, it should be considered asbestos-containing. Only through further sampling and analysis should a suspect material be identified as non-ACM.

2.5 Recommendations

It should be noted that all ACMs were observed to be in poor condition, and it is the recommendation of ATC that these materials be removed regardless of future Site use. ATC also recommends that precautions be taken to prevent unauthorized disturbance of ACM identified in this report.

All identified ACM that will be impacted by demolition activities must be properly removed and disposed of by a licensed Asbestos Contractor prior to disturbance.

ATC recommends that the Department provide the results of this survey report including all bulk sample results and attached laboratory reports to all contractors/personnel that will be performing any work in the areas that would impact and/or disturb any of the building materials noted in this report. ATC also recommends that such contractors/personnel comply with all Federal, State, and local regulations regarding abatement, demolition and disposal of the building materials noted in this report.

3 Lead Based Paint Survey

On November 28, 2018, Mr. Ric Nunes of ATC collected paint chip samples from representative interior and exterior painted building components of the Site buildings. It should be noted that not all areas of the buildings were accessible due to the poor condition of the Site structures. Portions of the Bunkhouse and Roundhouse were deemed unsafe to enter due to the deteriorated conditions of the structures.

3.1 Analytical Method

Representative paint chip samples were collected throughout the Site building and submitted for analysis to ProScience via EPA Method SW846-7420/3051 (AAS). ProScience is accredited as an Environmental Lead laboratory by the AIHA Laboratory Accreditation Programs (AIHA-LAP), LLC (Laboratory ID 102754).

3.2 Summary of Findings

Lead was detected in the paint chip samples at concentrations ranging from 0.3 to 31.9 percent by weight, with four of the five samples exceeding the below 1.0 mg/cm² or 0.5 percent by weight threshold and therefore are considered lead-based paint. It should be noted that all painted surfaces were observed to be in poor condition.

The paint chip results are presented below in percent by weight. The associated laboratory analytical report is included in Appendix D.

Table 3: Lead Paint Analytical Results

Location	Component	Substrate	Color	Results (weight %)
Roundhouse	Interior Paint	Wood	Blue	1.34
Bunkhouse	Interior Wall - First Floor	Brick	Green	0.30
	Exterior Entrance Canopy	Wood	White	25.1
	Exterior Threshold Entrance	Wood	Blue	31.9
Sandhouse	Metal Hopper	Metal	Orange	25.4

3.3 Regulatory Implications and Regulations

The implications of lead paint existing in a non-residential building are related to the future use of the Site and the need to impact these painted surfaces during renovation or demolition efforts.

OSHA does not acknowledge any quantitative threshold for a lead-based paint. Paint with a detectable amount of lead, regardless of the level, is recognized as a lead-containing paint. The possible exposure hazard to workers impacting these coated surfaces should be assessed and contractors and their employees must adhere to the OSHA Lead in Construction standard found at 29 CFR 1926.62.

OSHA recognizes that construction type work on surfaces coated with lead-containing paint has a potential to expose workers to hazardous levels of lead and requires that appropriate safety and health measures be followed as stated in 29 CFR 1926.62. OSHA states that until the employer performs an exposure assessment and documents that employees are not exposed above the permissible exposure limit (PEL) of greater than 50 micrograms per cubic meter (µg/m³) of air, the employer must treat employees as if they were exposed above the PEL for the following operations:

- Manual renovation and demolition of structures, manual scraping, manual sanding, and use of heat gun where lead-containing coatings or paints are present;
- Abrasive blasting;
- Power tool cleaning;
- Lead burning;

- Using lead-containing mortar or spray painting with lead-containing paint;
- Abrasive blasting, rivet busting, or welding, cutting, or burning on any structure where lead-containing coatings or paint are present;
- Cleanup activities where dry expendable abrasives are used; and
- Any other task the employer believes may cause exposure in excess of the PEL.

Work precautions include providing respiratory protection, protective work clothing and equipment, change areas, hand washing facilities, biological monitoring, and training until an exposure assessment has determined that the work activity will result in an exposure below the PEL. Additional requirements under this standard include a written compliance program as well as record keeping.

To fully comply with EPA regulations, sampling of demolition debris waste streams may be required, depending on the requirements of the receiving facility.

4 Toxicity Characteristic Leaching Procedure (TCLP)

Waste disposal is governed by the New Hampshire Code of Administrative Rules (Hazardous and Solid Waste) and the USEPA Resource Conservation and Recovery Act (RCRA). These rules govern whether a waste material can be disposed of as a solid waste or hazardous waste. Solid wastes include general construction debris and are subject to minimum handling, transportation, and landfill disposal requirements under both the NHDES and USEPA RCRA regulations.

Hazardous wastes, including certain lead-containing materials, are subject to restrictions designed to prevent the hazardous materials from entering the environment. Lead waste is classified as hazardous or non-hazardous based on the results of TCLP testing. The TCLP for lead (e.g., leachability test) measures whether or not lead leaches from the waste at or above the regulatory limit of 5.0 milligrams per liter (mg/L). If the results of the TCLP analysis are at or above this level, the waste must be handled, transported and disposed of as a hazardous waste in an approved waste site, reclamation facility or incinerator site.

Due to the possible presence of lead paint on some of the building materials, ATC collected two representative samples of the building components from each building for TCLP lead analysis. The TCLP analytical results are summarized in Table 4 below and a copy of the laboratory analysis report is included in Appendix E.

Table 4 – Summary of TCLP Analytical Results

Sample ID	Location	Analytical Results (mg/l)	Regulatory Limit (mg/l)
RH-1	Roundhouse	0.4	5.0
RH-2	Roundhouse	0.6	5.0
BH-1	Bunk house	47.1	5.0
BH-2	Bunk house	73.9	5.0
SH-1	Sand house	6.8	5.0
SH-2	Sand house	10.1	5.0

The analytical results indicated that the lead concentrations in the samples from the Roundhouse were below the NHDES and USEPA regulatory level. However, the results of the samples from the Bunkhouse and Sandhouse exceeded regulatory limits. Based on the TCLP analytical results, the painted building materials from the bunkhouse and sandhouse may require disposal as a hazardous waste. However, based upon Site observations and experience with similar projects, the ratio of lead painted surfaces to clean demo material will bring the TCLP test number well below the limit and the material will be able to be disposed of as general construction debris. The contractor should collect and submit confirmatory lead TCLP samples from the waste stream (demolition debris) to confirm prior to disposal.

5 Hazardous Materials Survey

On November 28, 2018, Mr. Jim Carr performed a hazardous materials survey within accessible areas of the Site. This survey included all aboveground areas and did not include hazardous materials associated with underground structures, underground tanks, or sub-surface conditions. Portions of the Bunkhouse and Roundhouse were deemed unsafe to enter due to the deteriorated conditions of the structures.

5.1 Objective

The objective of this survey was to evaluate the presence of polychlorinated biphenyl (PCB)-containing ballasts and electrical equipment, mercury-containing electrical and building components, and other potential hazardous materials including chemicals, refrigerants, aboveground storage tanks (ASTs), or unlabeled containers that will require proper disposal or recycling as part of the demolition project.

5.2 Survey Scope

The survey was an evaluation of the aboveground portions of the Site buildings and is based on visual assessment. During the survey, each accessible area was visually inspected for the presence of hazardous materials that will require proper removal and disposal prior to demolition activities. ATC inspected interior and exterior building locations that could be accessed safely. The results of the survey are noted below.

The scope of work for this project did not include inspection of the Site for the presence of underground tanks (USTs) or other underground structures and piping that may contain hazardous materials. In addition, potential soil or groundwater contamination and remediation of PCBs in sealants, paints or adjacent building materials was not addressed in this survey.

5.3 Summary of Findings

A summary of potentially hazardous materials or items suspected to contain hazardous materials, as observed during the survey is presented in the sections that follow.

The identified wastes were segregated into the following groups:

- Group I – Household Chemicals or Consumer Products
- Group II – Universal Wastes
- Group III – Hazardous Wastes
- Group IV – Unknown or Unidentified Materials
- Group V – Other Materials

5.3.1 Group I – Household Chemicals or Consumer Products

Group I materials includes household chemicals or consumer items and products such as paints and cleaners. Group I materials were not identified during the inspection.

5.3.2 Group II – Universal Wastes

Group II materials require disposal through licensed vendors or recycling firms and may include fluorescent bulbs, batteries, and used oils.

Most of the electric and mechanical components have been removed from the buildings. Only minor amounts of utility conduit were observed.

5.3.3 Group III – Hazardous Wastes

Group III materials require handling and disposal as a hazardous waste through a licensed hazardous waste hauler. Group III materials were not identified during the inspection.

5.3.4 Group IV – Unknown or Unidentified Materials

Group IV materials included unknown or unidentified materials. The materials must be characterized and the laboratory analytical results must be provided to a licensed waste hauler for proper handling and disposal. Group IV materials were not identified in or around the Site buildings during the inspection; however, ash may be present within the powerhouse chimney.

5.3.5 Group V – Other Materials

Group V materials are materials that may require disposal through licensed vendors or recycling firms and do not fit into Groups I through IV. Group V materials were not identified during the inspection.

5.4 Recommendations

ATC recommends that ash present within the powerhouse chimney be sampled and characterized prior to disturbance and/or removal.

If additional hazardous or potentially hazardous materials are encountered during demolition, they should be handled in accordance with all applicable Federal, State, and local regulations.

6 Cost Estimates

On behalf of the Department and in accordance with our October 4, 2018 Request for Authorization, ATC has provided the findings of this survey to a general contractor to support preparation of a demolition cost estimate for the Site. The cost estimate was prepared by Environmental Restorations, Inc. (ERI) and provided to ATC on January 8, 2019 is included in Appendix F. A summary of costs provided by ERI is presented below:

Asbestos Removal: **\$240,132.00**

Building Demolition:

Bunkhouse	\$145,500.00
Roundhouse	\$288,555.00
Sandhouse	\$ 78,550.00
Chimney	\$105,800.00
TOTAL DEMO:	\$618,405.00

TOTAL COST: \$858,537.00 (Total Estimated Cost rounded to nearest \$1,000 interval)

The costs provided by ERI do not include costs for abatement of lead painted surfaces. It is ERI's opinion that the ratio of lead painted surfaces to clean demo material will bring the TCLP test number well below the limit and the material will be able to be disposed of as general construction debris. ERI's quote does include collection and submittal of confirmatory lead TCLP samples from the final waste stream (demolition debris) prior to disposal.

ERIs's cost estimate for asbestos removal does not include the cost of on-site project monitoring and project management services during abatement activities, which typically adds approximately 10% to 20% to the total cost of asbestos abatement.

This cost estimate provided by ERI was based upon additional assumptions and clarifications as presented by ERI in Appendix F.

APPENDIX A

SITE PLAN

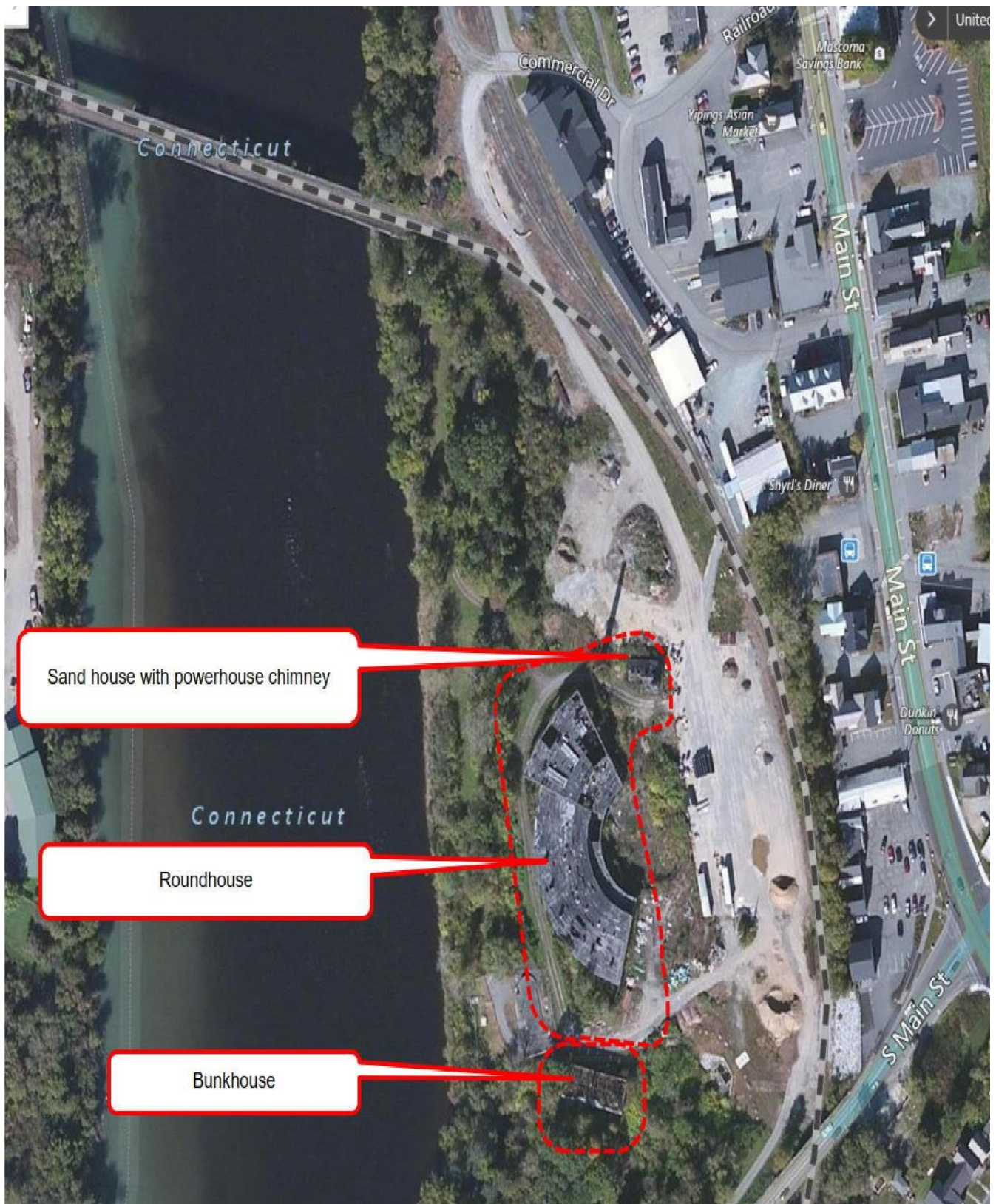
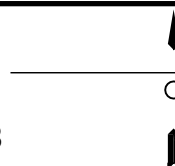


FIGURE TITLE:

Site Plan

ADDRESS:

Westboro Rail Yard
West Lebanon, New Hampshire 03053



PROJECT NO.:
59DOT00086

FIGURE:
1



APPENDIX B

PHOTO LOG

Photograph 1: Round House – Looking at South Wall.
Black Built-Up Roofing Material (ACM, 25% Chrysotile)



Photograph 2: Round House – East Wall.
Black Built-Up Roofing Material (ACM, 25% Chrysotile)



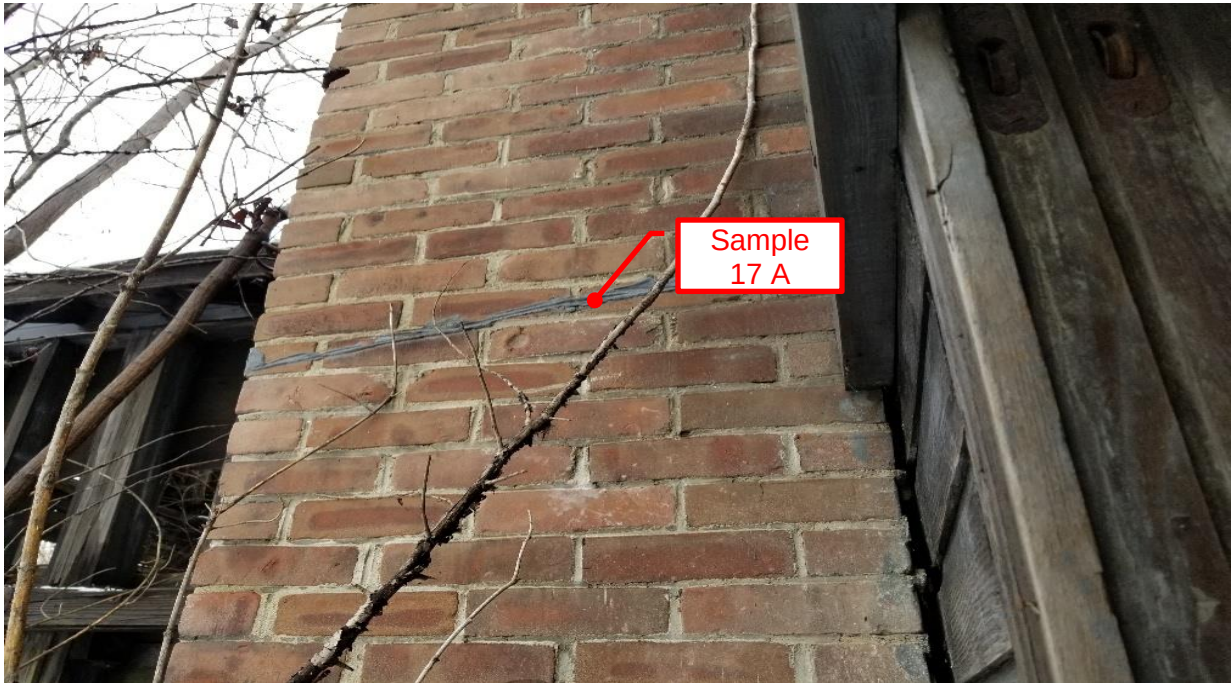
Photograph 3: Round House – West Wall.
Black Built-Up Roofing Material (ACM, 25% Chrysotile) &
Cementitious Chute Board (ACM, 20% Chrysotile, 400 SF each)



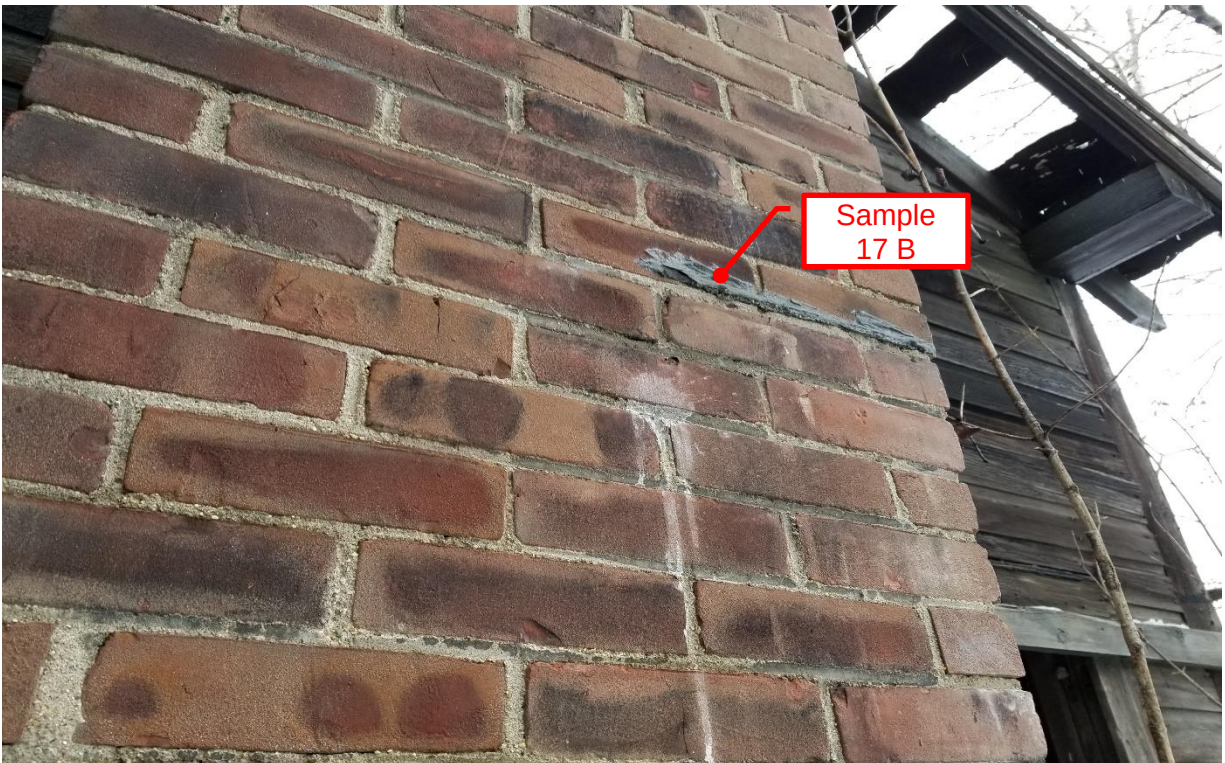
Photograph 4: Round House – Roof Chute.
Cementitious Chute Board (ACM, 20% Chrysotile, 400 SF each – 9 Total Chutes)



Photograph 5: Sand House – Chimney.
Exterior Chimney Caulk (ACM, 20% Chrysotile, 5 LF)



Photograph 6: Sand House – Chimney.
Exterior Chimney Caulk (ACM, 20% Chrysotile, 5 LF)



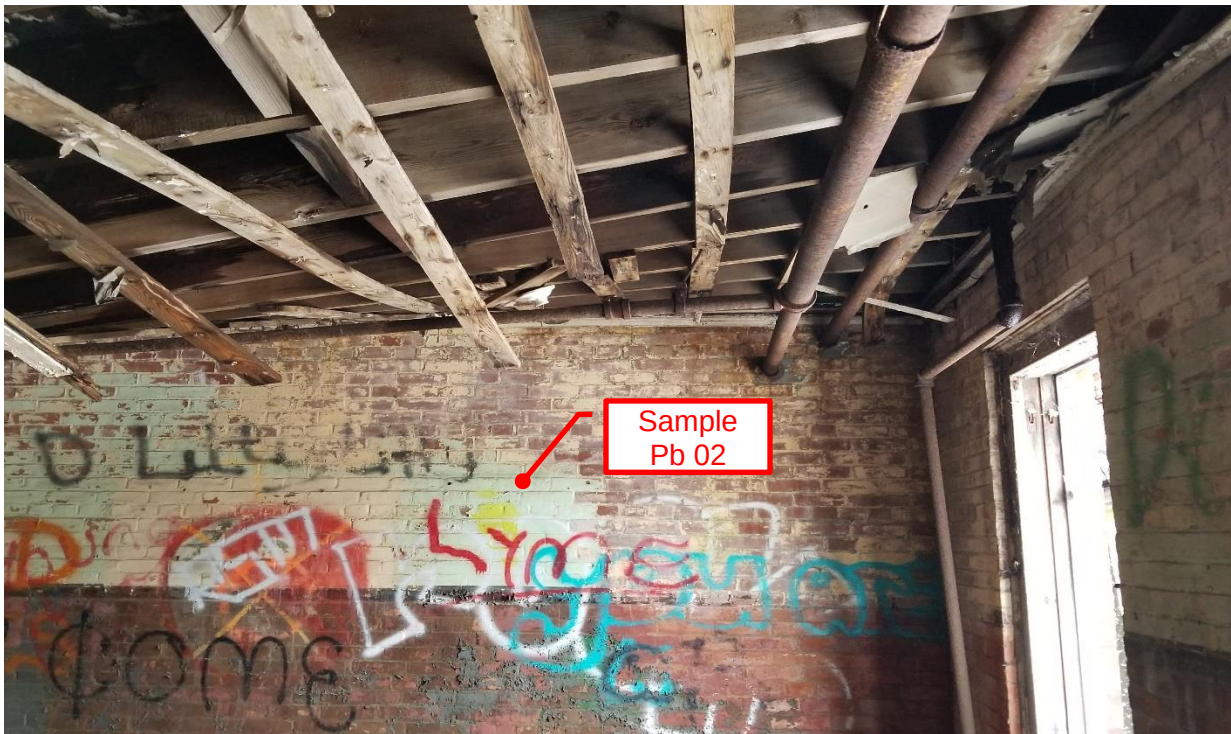
Photograph 7: Round House – Wood Debris on Floor.
Blue Paint Chips (Lead, 1.34 mg/Kg, 1 CY - 2 Debris Piles)



Photograph 8: Round House – Wood Debris on Floor.
Blue Paint Chips (Lead, 1.34 mg/Kg, 1 CY - 2 Debris Piles)



Photograph 9: Bunk House – Interior 1st Floor Paint on Brick Walls.
Green Paint Chips (Lead, .30 mg/Kg, All Walls)



Photograph 10: Bunk House – Interior 1st Floor Paint on Brick Walls.
Green Paint Chips (Lead, .30 mg/Kg, All Walls)



Photograph 11: Bunk House – Exterior 1st Floor Paint on Wood Entrance.
White Paint Chips (Lead, 25.1 mg/Kg, Both Entrances)



Photograph 12: Bunk House – Exterior 1st Floor Paint on Wood Threshold. Blue Paint Chips (Lead, 31.9 mg/Kg, Both Entrances)

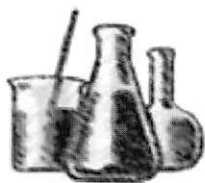


Photograph 13: Sand House – Interior 1st Floor Hopper.
Orange Paint Chips (Lead, 25.4 mg/Kg, Both Entrances)



APPENDIX C

ASBESTOS BULK SAMPLE LABORATORY REPORT



ProScience Analytical Services, Inc

Bryan Thompson
ATC Group Services LLC - Woburn
10 State Street, Suite 100
Woburn, MA 01801

December 03, 2018

Dear Bryan Thompson,

The enclosed analytical results have been obtained by using EPA 600/R-93/116 or EPA 600/M4-82-020. Calibrated Visual Estimate (CVE) is used by ProScience for the determination of the percentage of asbestos and other components in the sample. Point Counting is recommended when the sample contains less than 10% asbestos by CVE. Friable materials found to be less than 1% by CVE are automatically point counted (400 points) at no additional charge. ProScience recommends further analysis by a gravimetric method for non-friable materials that are less than 1% by CVE.

The Quality Control data related to the samples analyzed is available upon client's written request. ProScience Analytical Services Inc., assumes no responsibility for potential sample contamination that may have occurred during the sample collection process or erroneous data provided by the client. Unless otherwise indicated, all samples were received in acceptable condition.

The enclosed results may not be used under any circumstances as product endorsement by any US government agency including NIST/NVLAP.

All Laboratory records are retained for at least three years unless otherwise directed in writing by the client. The actual samples are retained for a period of two months and written request is necessary in order to be retained for a longer period of time. All analytical results and records are considered strictly confidential and will not be released under any circumstances to anyone except the actual client. The analytical results included in this report apply only to the items tested. This report may not be reproduced except in its entirety, without the permission of ProScience Analytical Services, Inc., Laboratory Director.

If you have any questions please contact the Laboratory Manager or the Laboratory Director.

Sincerely,

Sophetra Ken, Optical Asbestos Manager

Aimee Cormier, Laboratory Director

Enclosure: Version 2
LAB BATCH ID: B 113048 CLIENT PROJECT ID: N/A
Client Ref: Westboro Rail Yard, Lebanon, NH
CT ID# PH-0209; MA ID# AA000156; ME ID# LB-055; NVLAP Lab Code 200090-0; RI ID # AAL-093;
VT ID# AL016876

ProScience Analytical Services, Inc.

Client Name: ATC Group Services LLC - Woburn
 PO #: N/A
 Client Project #: N/A
 Client Reference: Westboro Rail Yard, Lebanon, NH
 Method: EPA/600/R-93/116

Batch: B113048
 Date Sampled: 11/28/2018
 Date Received: 11/29/2018
 Date Analyzed: 12/2/2018
 Date of Report: 12/3/2018

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
01A	Black	25	0	0	0	0	0	0	0	0	0	0	0	75
Description: Built-up Roofing Location: West End, Round House Comments: Is asbestos present? Yes. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
01B		0	0	0	0	0	0	0	0	0	0	0	0	0
Description: Built-up Roofing Location: East End, Round House Comments: Analyzed: No														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
01C		0	0	0	0	0	0	0	0	0	0	0	0	0
Description: Built-up Roofing Location: South Side, Round House Comments: Analyzed: No														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
02A	Multi	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Exterior Brick Skim Coat Location: SE Corner Rear, Round House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
02B	Multi	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Exterior Brick Skim Coat Location: NE Corner, Round House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
02C	Multi	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Exterior Brick Skim Coat Location: SE Corner, Round House Comments: Is asbestos present? No. Analyzed: Yes														

ProScience Analytical Services, Inc.

Client Name: ATC Group Services LLC - Woburn
 PO #: N/A
 Client Project #: N/A
 Client Reference: Westboro Rail Yard, Lebanon, NH
 Method: EPA/600/R-93/116

Batch: B113048
 Date Sampled: 11/28/2018
 Date Received: 11/29/2018
 Date Analyzed: 12/2/2018
 Date of Report: 12/3/2018

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
03A	Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Interior Brick Skim Coat Location: SE Corner, Round House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
03B	Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Interior Brick Skim Coat Location: West Wall, Round House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
03C	Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Interior Brick Skim Coat Location: West Wall, Round House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
04A	Tan	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Gray Window Glazing Location: South Wall, Round House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
04B	Tan	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Gray Window Glazing Location: South Wall, Round House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
05A	Gray	20	0	0	0	0	0	0	0	0	0	0	0	80
Description: Cementitious Chute Board Location: Interior South, Round House Comments:														
Is asbestos present? Yes. Analyzed: Yes														

ProScience Analytical Services, Inc.

Client Name: ATC Group Services LLC - Woburn
 PO #: N/A
 Client Project #: N/A
 Client Reference: Westboro Rail Yard, Lebanon, NH
 Method: EPA/600/R-93/116

Batch: B113048
 Date Sampled: 11/28/2018
 Date Received: 11/29/2018
 Date Analyzed: 12/2/2018
 Date of Report: 12/3/2018

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
05B		0	0	0	0	0	0	0	0	0	0	0	0	0
Description: Cementitious Chute Board Location: Interior South, Round House Comments: Analyzed: No														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
06A	Tan	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Interior Brick Mortar Location: West Wall, Round House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
06B	Tan	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Interior Brick Mortar Location: South Wall, Round House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
07A	Dk. Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Interior CMU Mortar Location: South Wall, Round House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
07B	Dk. Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Interior CMU Mortar Location: South Wall, Round House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
08A	Black	0	0	0	0	0	0	0	0	25	0	5	0	70
Description: Black Roofing Shingles Location: Roof, Bunk House Comments: Is asbestos present? No. Analyzed: Yes														

ProScience Analytical Services, Inc.

Client Name: ATC Group Services LLC - Woburn
 PO #: N/A
 Client Project #: N/A
 Client Reference: Westboro Rail Yard, Lebanon, NH
 Method: EPA/600/R-93/116

Batch: B113048
 Date Sampled: 11/28/2018
 Date Received: 11/29/2018
 Date Analyzed: 12/2/2018
 Date of Report: 12/3/2018

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
08B	Black	0	0	0	0	0	0	0	0	25	0	5	0	70
Description: Black Roofing Shingles Location: Roof, Bunk House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
08C	Black	0	0	0	0	0	0	0	0	25	0	5	0	70
Description: Black Roofing Shingles Location: Roof, Bunk House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
09A	Multi	0	0	0	0	0	0	0	0	5	0	0	0	95
Description: Gypsum Ceiling Board Location: Interior 1st Floor Ceiling, Bunk House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
09B	Tan	0	0	0	0	0	0	0	0	<1	0	0	0	100
Description: Gypsum Ceiling Board Location: Interior 1st Floor Ceiling, Bunk House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
09C	White	0	0	0	0	0	0	0	0	<1	0	0	0	100
Description: Gypsum Ceiling Board Location: Interior 1st Floor Ceiling, Bunk House Comments:														
Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
10A	White	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: White Joint Compound assoc./w Ceiling Board Location: Bunk House Comments:														
Is asbestos present? No. Analyzed: Yes														

ProScience Analytical Services, Inc.

Client Name: ATC Group Services LLC - Woburn
 PO #: N/A
 Client Project #: N/A
 Client Reference: Westboro Rail Yard, Lebanon, NH
 Method: EPA/600/R-93/116

Batch: B113048
 Date Sampled: 11/28/2018
 Date Received: 11/29/2018
 Date Analyzed: 12/2/2018
 Date of Report: 12/3/2018

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
10B	White	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: White Joint Compound assoc./w Ceiling Board Location: Bunk House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
11A	Tan	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Window Glazing Location: Rear Building, Bunk House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
11B	Tan	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Window Glazing Location: Rear Building, Bunk House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
12A	Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Brick Mortar Location: Front of Building, Bunk House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
12B	Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Brick Mortar Location: Front of Building, Bunk House Comments: Is asbestos present? No. Analyzed: Yes														

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
13A	Black	0	0	0	0	0	0	0	0	30	0	0	0	70
Description: Electrical Wire Wrap Location: 1st Floor Electrical Panel, Bunk House Comments: Is asbestos present? No. Analyzed: Yes														

ProScience Analytical Services, Inc.

Client Name: ATC Group Services LLC - Woburn
 PO #: N/A
 Client Project #: N/A
 Client Reference: Westboro Rail Yard, Lebanon, NH
 Method: EPA/600/R-93/116

Batch: B113048
 Date Sampled: 11/28/2018
 Date Received: 11/29/2018
 Date Analyzed: 12/2/2018
 Date of Report: 12/3/2018

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
13B	Black	0	0	0	0	0	0	0	0	90	0	0	0	10
Description: Electrical Wire Wrap Location: 1st Floor Electrical Panel, Bunk House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
14A	Gray	0	0	0	0	0	0	0	0	50	0	0	0	50
Description: Electrical Component Gasket Location: 1st Floor Electrical Panel, Bunk House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
14B	Black	0	0	0	0	0	0	0	0	20	0	0	0	80
Description: Electrical Component Gasket Location: 1st Floor Electrical Panel, Bunk House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
15A	Black	0	0	0	0	0	0	0	0	25	0	0	0	75
Description: Black Roofing Shingles Location: Roof, Sand House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
15B	Black	0	0	0	0	0	0	0	0	25	0	0	0	75
Description: Black Roofing Shingles Location: Roof, Sand House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
15C	Black	0	0	0	0	0	0	0	0	25	0	0	0	75
Description: Black Roofing Shingles Location: Roof, Sand House Comments:														
													Is asbestos present? No. Analyzed: Yes	

ProScience Analytical Services, Inc.

Client Name: ATC Group Services LLC - Woburn
 PO #: N/A
 Client Project #: N/A
 Client Reference: Westboro Rail Yard, Lebanon, NH
 Method: EPA/600/R-93/116

Batch: B113048
 Date Sampled: 11/28/2018
 Date Received: 11/29/2018
 Date Analyzed: 12/2/2018
 Date of Report: 12/3/2018

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
16A	Dk. Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Chimney Flue Mortar Location: Chimney, Sand House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
16B	Dk. Gray	0	0	0	0	0	0	0	0	0	0	0	0	100
Description: Chimney Flue Mortar Location: Chimney, Sand House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
17A	Black	20	0	0	0	0	0	0	0	0	0	0	0	80
Description: Exterior Chimney Caulk Location: Chimney, Sand House Comments:														
													Is asbestos present? Yes. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
17B		0	0	0	0	0	0	0	0	0	0	0	0	0
Description: Exterior Chimney Caulk Location: Chimney, Sand House Comments:														
													Analyzed: No	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
18A	Multi	0	0	0	0	0	0	0	0	25	0	0	0	75
Description: Electrical Wire Wrap Location: Entrance, Sand House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Sample ID	Color	Asbestos %						Non-Asbestos %						
		CHR	AMO	CRO	ACT	TRE	ANT	FBG	MNW	CEL	HAR	SYN	OTH	NON
18B	Multi	0	0	0	0	0	0	0	0	25	0	0	0	75
Description: Electrical Wire Wrap Location: Entrance, Sand House Comments:														
													Is asbestos present? No. Analyzed: Yes	

Asbestos Codes: CHR = Chrysotile AMO = Amosite CRO = Crocidolite ACT = Actinolite TRE = Tremolite ANT = Anthophyllite
 Non-Asbestos Codes: FBG = Fiberglass MNW = Mineral Wool CEL = Cellulose HAR = Hair SYN = Synthetic OTH = Other NON = Non-Fibrous Minerals

Note: To create a unique lab sample ID, use the Batch # and the Sample ID (example: [Batch #] - [Sample ID]).

* All results are in percentage.

Analyst: Dan Pine

Signature of Dan Pine for: D. Pine

TAT

(circle one)

3 Hours 6 Hours Same Day Next Day

2 Days 3 Days 5 Days Other

TAT in bus. days - lab approval required for rush analysis

PASI Batch #

B113048

If no selection is made the lab will analyze all samples

Client: ATC

PLM

Stop on first positive*: Yes No

Address: 10 State St. Suite 100

Chain of Custody

Special Instructions:

Woburn, MA 01801

Relinquished By:

Date/Time: 11/29/18

Project #: Westboro Rail Yard PO:

Received By Lab:

Date/Time: 11/29/18 11:35

Project Site: Lebanon, NH

Shaded area for lab use only.

Due Date:

Contact: Ric Nunes, Kristen Zeeman

of Samples Received: 42

Analyzed:

Tel. / Fax #: 978 423 4550

Results: email fax verbal

By:

Date:

Email:

Analyst / Date:

QC by / Date:

			Stereo Scope					Optical Properties					RI		Asbestos Percentage (%)					Non Asbestos Percentage (%)							
Sample ID	Date Sampled	Description / Location	SSAPE	Color	Homogeneity	Texture	Friable	Morphology	Extinction	Sign of Elongation	Birefringence	Pleochroism		⊥	Chrysotile	Circle Type				Actinolite	Fiberglass	Mineral Wool	Cellulose	Hair	Synthetic	Other	Non Fibrous
																Amosite	Crocidolite	Tremolite	Anthophyllite								
01A	11/20/18	Built-up roofing / west end RH	0	B	K	N	F	W	11	+	LN	104	107	25													75
01B		↓ / East end DNA RH																									
01C		↓ / South side DNA RH																									
02A		Exterior Brick skim coat / SE corner rear RH	0	M	C	N	6	W																			100
02B		↓ / NE corner RH	0	M	C	N	6	W																			100
02C		↓ / SE corner RH	0	M	C	N	6	W																			100

Comments: Birefringence L= less than .010, M= .01-.050, H= greater than .05; Microscope circle 1: BH-2 - 229027, 235000, 231856, Zeiss - 3352010013

Lab uses the EPA or ELAP point count method as appropriate. SSAPE = Stereo Scope Asb. % Est.

QC by: MU

Date QC: 12.3.18

Analyzed by: DS

Date Analyzed: 12/2/18

Sample ID	Date Sampled	Description / Location	SSAPE	Color	Homogeneity	Texture	Frangible	Morphology	Extinction	Sign of Elongation	Birefringence	Pleochroism		⊥	Chrysotile	Amosite	Crocidolite	Tremolite	Anthophyllite	Actinolite	Fiberglass	Mineral Wool	Cellulose	Hair	Synthetic	Other	Non Fibrous
03A	11/28/18	Interior Brick skum coat / SE corner RH	0	6	Y	N	6	N	Y																		100
03B		/ west wall RH	0	6	Y	Y	6	N	Y																		100
03C		/ ⊥ RH	0	6	Y	Y	6	N	Y																		100
04A		gray window glazing / south wall RH	0	T	Y	6	N	Y																			100
04B		/ ⊥ RH	0	T	Y	6	N	Y																			100
05A		Cementitious chute board / Interior south RH 20	20	6	Y	Y	6	N	Y																		80
05B		/ ⊥ DNA RH																									
06A		Interior Brick mortar / west wall RH	0	T	Y	6	N	Y																			100
06B		/ south wall RH	0	T	Y	6	N	Y																			100
07A		Interior cmu mortar / south wall RH	0	D	K	Y	6	N	Y																		100

Comments: Birefringence L= less than .010, M= .01-.050, H= greater than .05; Microscope circle 1: BH-2 - 229027, 235000, 231856, Zeiss - 3352010013

Lab uses the EPA or ELAP point count method as appropriate. SSAPE = Stereo Scope Asb. % Est.

ver 4.6 Updated 11/14/18

Each layer of multilayered materials are analyzed and charged individually (per NESHA/EPA).

Page 2 Of 5

Customer Name: ATC Woburn
Westboro Rail Yard
Lebanon, OH

PASI Batch #

B113048

QC by: MW

Date QC: 12.3.18

Analyzed by: DR

Date Analyzed: 12/2/18

Sample ID	Date Sampled	Description / Location	SSAPE	Color	Homogeneity	Texture	Fracture	Morphology	Extinction	Sign of Elongation	Birefringence	Pleochroism		⊥	Chrysotile	Amosite	Crocidolite	Tremolite	Anthophyllite	Actinolite	Fiberglass	Mineral Wool	Cellulose	Hair	Synthetic	Other	Non Fibrous
07B	11/28/18	Interior CMU mortar / south wall	RH	O	R	G	Y	6	N	Y																	100
08A		Black roofing shingles / roof	BH	O	B	K	N	F	I	G	N											W		HB			70
08B		↓ / ↓	BH	O	B	K	N	F	I	G	N											W		HB			70
08C		↓ / ↓	BH	O	B	K	N	F	I	G	N											W		HB			70
09A		gypsum ceiling board / Interior 1st fl ceiling	BH	G	M	C	N	F	I	G	N											W					95
09B		↓ / ↓	BH	O	T	Y	6	N	Y													W					100
09C		↓ / ↓	BH	O	W	H	Y	6	N	Y												W					100
10A		white joint compound / assoc w/ ceiling board	BH	O	W	H	Y	6	N	Y																	100
10B		↓ / ↓	BH	O	W	H	Y	6	N	Y																	100
11A		window glazing / rear building	BH	O	T	Y	6	N	Y																		100

Comments: Birefringence L= less than .010, M= .01-.050, H= greater than .05; Microscope circle 1: BH-2 - 229027, 235000, 231856, Zeiss - 3352010013

Lab uses the EPA or ELAP point count method as appropriate. SSAPE = Stereo Scope Asb. % Est.

ver 4.6 Updated 11/14/18

Each layer of multilayered materials are analyzed and charged individually (per NESHA/EPA).

Page 3 Of 5

Customer Name:

ATC Woburn
Westboro Rail Yard
Lebanon, NH

PASI Batch #

B113048

QC by:

MW

Date QC:

12.3.18

Analyzed by:

DB

Date Analyzed:

12/2/18

Sample ID	Date Sampled	Description / Location	SSAPE	Color	Homogeneity	Texture	Friable	Morphology	Extinction	Sign of Elongation	Birefringence	Pleochroism		⊥	Chrysotile	Circle Type				Actinolite	Fiberglass	Mineral Wool	Cellulose	Hair	Synthetic	Other	Non Fibrous
																Amosite	Crocidolite	Tremolite	Anthrophyllite								
11B	11/28/18	window glazing / rear building BH	0	T	Y	6	NY																				100
12A		Brick mortar / Front of Building BH	0	6	Y	6	NY																				100
12B		⊥ / ⊥ BH	0	6	Y	6	NY																				100
13A		Electrical wire wrap / 1st Fl Electrical panel BH	0	B	K	N	F															W				70	
13B		⊥ / ⊥ BH	0	B	K	Y	F															W				10	
14A		Electrical component gasket / ⊥ BH	0	6	Y	N	F															W				50	
14B		⊥ / ⊥ BH	0	B	K	N	F															W				50	
15A		black roofing shingles / roof 2nd case SH	0	B	K	N	E															W				75	
15B		⊥ / ⊥ SH	0	B	K	N	E															W				75	
15C		⊥ / ⊥ SH	0	B	K	N	E															W				75	

Comments: Birefringence L= less than .010, M= .01-.050, H= greater than .05; Microscope circle 1: BH-2 - 229027, 235000, 231856, Zeiss - 3352010013

Lab uses the EPA or ELAP point count method as appropriate. SSAPE = Stereo Scope Asb. % Est.

ver 4.6 Updated 11/14/18

Each layer of multilayered materials are analyzed and charged individually (per NESHAPEPA).

Page 4 of 5

Customer Name: ATC Woburn
Westboro Rail Yard
Lebanon, NH

PASI Batch #

B113048

QC by: MW

Date QC: 12.5.18

Analyzed by: DS

Date Analyzed: 12/2/18

Sample ID	Date Sampled	Description / Location	SSAPE	Color	Homogeneity	Texture	Friable	Morphology	Extinction	Sign of Elongation	Birefringence	Pleochroism		⊥	Chrysotile	Circle Type					Fiberglass	Mineral Wool	Cellulose	Hair	Synthetic	Other	Non Fibrous
																Amosite	Crocidolite	Tremolite	Anthophyllite	Actinolite							
16A	11/28/18	chimney / chimney Flue mortar SH	0	D K Y	Y	6 NN																				100	
16B		L / L SH	6	D K Y	Y	6 NN																				100	
17A		Exterior chimney / caulk SH	20	B K Y	F 4 TN					Will + L25 my lot					20										80		
17B		L / L DNA SH																									
18A		Electrical wire / Entrance wrap SH	0	M C N	F R Y																	W				75	
18B		L / L	0	M C N	F R Y																	W				75	

Comments: Birefringence L= less than .010, M= .01-.050, H= greater than .05; Microscope circle 1: BH-2 - 229027, 235000, 231856, Zeiss - 3352010013

Lab uses the EPA or ELAP point count method as appropriate. SSAPE = Stereo Scope Asb. % Est.

ver 4.6 Updated 11/14/18

Each layer of multilayered materials are analyzed and charged individually (per NESHAPEPA).

Page 5 Of 5

APPENDIX D

LEAD PAINT LABORATORY REPORT



ProScience Analytical Services, Inc.
22 Cummings Park, Woburn, MA 01801

Telephone: 781-935-3212
Facsimile: 781-932-4857
Email: chemistry@proscience.net

Laboratory Report

Contact: Ric Nunes
Client: ATC Group Services, LLC
Address: 10 State St., Suite 100
Woburn, MA 01801

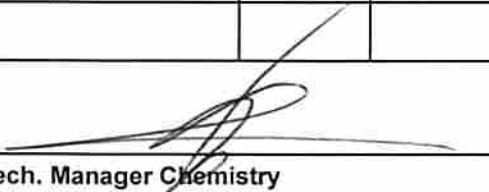
Batch #: C 297649
Date received: 11/29/2018
Date analyzed: 11/29/2018
Date of report: 11/29/2018

Project # N/A
P.O.# N/A
Project Site: Westboro Rail Yard
Lebanon, NH

AIHA-LAP, LLC Lab ID 102754

Lead Analysis In Paint Using SOP Based on SW846-7420/3051 Results in weight percent on an "as received" weight basis

Lab ID	Client ID	Sample date	Description	Result	Reporting Limit	Comments
C 614170	Pb-01	11/28/18	Blue Paint on Wood Round House Interior	1.34	0.034	
C 614171	Pb-02	11/28/18	Green Paint Chips on Brick Wall Bunk House Interior 1st FL	0.30	0.016	
C 614172	Pb-03	11/28/18	White Paint Chips on Wood Exterior Bunk House Entrance	25.1	0.020	
C 614173	Pb-04	11/28/18	Blue Paint Chips on Wood Exterior Threshold Entrance	31.9	0.021	
C 614174	Pb-05	11/28/18	Orange Paint Chips on Metal Hopper Sand House	25.4	0.028	


Simona Peavey, Tech. Manager Chemistry
Aimee Cormier, Lab Director

Page 1 of 1

Unless otherwise indicated, all samples were received in acceptable condition.

All result apply only to the samples as received and are accurate to no more than three significant figures.

Unless otherwise indicated, all the quality control criteria for the method above have been met.

RL-Reporting Limit(%by weight)

Note on units: mg/Kg is the same as ppm by weight.

ProScience Analytical Services, Inc.
Chemistry Chain of Custody Record

LABORATORY/HEADQUARTERS
22 Cummings Park, Woburn, MA 01801
T:781-935-3212 F:781-932-4857

www.proscience.net
general@proscience.net

☐ Rush/<6 Hours Turn Around Time Requested
Same Day Next Day ☒ 2 Day ☐ 3 Day ☐ 5 Days

Client ATCO
Address Street 10 State St. Suite 100
Town Woburn State/Zip 01801
Project Site Line 1 Westboro Rail Yard Project Number
Line 2 Lebanon, NH PO
Contact Ric Nunes, Kristin Zeeman Phone
FAX
Alt/Pager

☐ NELAC analysis

TYPE OF ANALYSIS (circle)

DUST WIPES	<u>PAINT</u> (0.1 g)	SOIL (1 g)
AIR	TSP	TCLP (100g)
(min)	PM10	Other

Please use a separate form for each matrix.

Element gravimetric
Pb Cd Cr As Fe
Se Ag Ba Hg
Other (please specify under Comments)

For Laboratory Use

BATCH NUMBER

C 297649

☐ QC

☐ ASTM E1792 FOR LABORATORY USE ONLY

Date and Time Sampled	Field I.D.	Sample Description/Location	Air Sampling Information					Wiped area			ANALYSIS				Lab I.D.
			Start Time	End Time	Start Flowrate	End Flowrate	Volume (liters)	length (inch)	width (inch)	Area (sq in)	Weight (grams)	Dil'n	AA/ICP Reading	RESULT	
11/29/18	Pb01	Blue Paint on wood Round House interior													614170
	Pb02	Green Paint chips on Bunk Bunk House Interior 1st Fl													71
	Pb03	White Paint chips on wood Exterior Bunk House Entrance													72
	Pb04	Blue Paint chips on wood Exterior Threshold Entrance													73
	Pb05	Orange Paint chips on metal Hopper Sand House													74

Relinquished By: [Signature]
Received By: [Signature]

Date: 11/29/18
Date: 11/29/18

Time: 11:35

Comments: _____

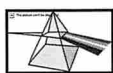
ver 5.5

PAGE 1 OF 1

Field blanks are required for air and wipe samples per the sampling method and should be from the same source lot as was used for the collected field samples.
Proscience Analytical Services reserves the right to subcontract samples to an appropriately accredited laboratory when we are unable to perform the analysis in house.

APPENDIX E

TOXICITY CHARACTERISTIC LEACHATE PARAMETER LABORATORY REPORT



ProScience Analytical Services, Inc.
22 Cummings Park, Woburn, MA 01801

Telephone: 781-935-3212
Facsimile: 781-932-4857
Email: chemistry@proscience.net

Laboratory Report

Contact: Kristin Zeman
Client: ATC Group Services, LLC NH
Address: 150 Zachary Road, Unit 1
Manchester, NH 03109

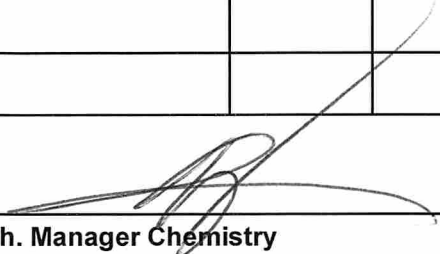
Batch #: C 297645
Date received: 11/29/2018
Date analyzed: 11/30/2018
Date of report: 11/30/2018

Project # N/A
P.O.# N/A
Project Site: Westboro Rail Yard
West Lebanon, NH

EPA Lab ID: MA1042

TCLP Lead Analysis Using SOP based on Methods SW846-1311/3051/7420
Results in mg/L

Lab ID	Client ID	Sample date	Description	Result	Reporting Limit	Comments
C 614111	RH1	11/28/18	Building Materials	0.4	0.4	
C 614112	RH2	11/28/18	Building Materials	0.6	0.4	
C 614113	BH1	11/28/18	Building Materials	47.1	0.4	
C 614114	BH2	11/28/18	Building Materials	73.9	0.4	
C 614115	SH1	11/28/18	Building Materials	6.8	0.4	
C 614116	SH2	11/28/18	Building Materials	10.1	0.4	


Simona Peavey, Tech. Manager Chemistry
Aimee Cormier, Lab Director

Page 1 of 1

Unless otherwise indicated, all samples were received in acceptable condition.

All results apply only to the samples as received and are accurate to no more than three significant figures.

Unless otherwise indicated, all the quality control criteria for the methods above have been met.

RL (reporting limit) - 0.2ppm

Note on units: mg/L is the same as ppm (w/v).

ProScience Analytical Services, Inc.

Chemistry Chain of Custody Record

LABORATORY/HEADQUARTERS

22 Cummings Park, Woburn, MA 01801

T:781-935-3212 F:781-932-4857

www.proscience.net
general@proscience.net

Client

ATC Group Services LLC

Address Street 150 Zachary Road, Unit 1

Town Manchester, NH State/Zip 03109

Project Site Line 1 Westboro Rail Yard Project Number

Line 2 West Lebanon, NH PO

Contact Kristin Zeman Phone FAX

Alt/Pager

☐ Rush/<6 Hours Turn Around Time Requested

Same Day ☐ Next Day ☐ 2 Day ☐ 3 Day ☒ 5 Days ☐

☐ NELAC analysis

TYPE OF ANALYSIS (circle)

DUST WIPE	PAINT (0.1 g)	SOIL (1 g)
AIR	TSP	TCLP (100g)
(min)	PM10	Other

Please use a separate form for each matrix.

Element gravimetric

Pb Cd Cr As

Se Ag Ba Fe

For Laboratory Use

Other (please specify under Comments)

BATCH NUMBER

☐ QC

C 297645

☐ ASTM E1792 FOR LABORATORY USE ONLY

Date and Time Sampled	Field I.D.	Sample Description/Location	Air Sampling Information					Wiped area			ANALYSIS				Lab I.D.
			Start Time	End Time	Start Flowrate	End Flowrate	Volume (liters)	length (inch)	width (inch)	Area (sq in)	Weight (grams)	Dil'n	AA/ICP Reading	RESULT	
11/28/18	RH1	Building materials													61411
11/28/18	RH2	Building materials													12
11/28/18	BH1	Building materials													13
11/28/18	BH2	Building materials													14
11/28/18	SH1	Building materials													15
11/28/18	SH2	Building materials													16

Relinquished By: Jim Carr

Date: 11/28/18

Time: 9:20

Received By: Stephanie Beckett

Date: 11/29/18

Time: 9:20

Comments: Email results to: kristin.zeman@atcgs.com / Jim.Carr@atcgs.com

ver 5.3

PAGE 1 OF 1

Field blanks are required for airs and wipes per the sampling method.

ProScience Analytical Services reserves the right to subcontract samples to an appropriately accredited laboratory when we are unable to perform the analysis in-house.

APPENDIX F

CONTRACTOR ESTIMATE



Environmental Restorations, Inc.

A professional approach to quality service

General Contractors – Deleading – Sandblasting – Asbestos Removal – Mold Remediation – Fire Restoration

January 8, 2019

Kristin Zeman
ATC Group Services LLC
150 Zachary Road
Manchester, NH. 03109

RE: NH DOT Westboro Rail Yard, West Lebanon, NH. (Asbestos)

Environmental Restorations, Inc. is pleased to provide the budget quote for the proper removal and disposal of all of the ACM transite, ACM roofing on a collapsed Roundhouse, and ACM exterior chimney caulk on the Sandhouse at the above referenced site, according to ATC report and walkthrough, for the sum of, **\$240,132.00**

Price includes:

- All permits and fees as per state, local and federal regulations
- All asbestos roofing shall be properly packaged, labeled and disposed of in 70-yard trailers as ACM
- Work in concert with demolition
- Excavator machine and operator
- Water truck/generator
- NH licensed asbestos workers and machine operator
- Sanitary facilities
- Close out documentation

Price excludes:

- Site security
- Cut and cap of MEPs
- Industrial Hygienist for final inspection

Owner to provide:

- Access/Security
- Rail traffic control
- Parking for trucks

Respectfully submitted,

Stuart Gregerman

Stuart Gregerman
Business Development

Environmental Restorations, Inc
16 Hazel Drive, Hampstead NH 03841
Tel: 603-329-6101 Fax: 603-489-5963



Environmental Restorations, Inc.

A professional approach to quality service

General Contractors – Deleading – Sandblasting – Asbestos Removal – Mold Remediation – Fire Restoration

January 9, 2019

Kristin Zeman
ATC Group Services LLC
150 Zachary Road
Manchester, NH. 03109

RE: **NH DOT Westboro Rail Yard, West Lebanon, NH. (Demolition)**

Environmental Restorations, Inc. is pleased to provide the budget quote for the proper demolition and disposal of the sand house, round house and bunk house, at the above referenced site, according to ATC report and walkthrough, as follows:

Bunk House, for the sum of, **\$145,500.00**
Round House, for the sum of **\$288,555.00**
Sand House for the sum of **\$ 78,550.00**
Smoke stack, for the sum of, **\$105,800.00**

Price includes:

- All permits and fees as per state, local and federal regulations
- Standard/Typical size footings and foundations removal and disposal
- Work in concert with asbestos abatement
- Erosion and dust control
- Sand in Sand house
- Cut & cap of MEPs
- Water truck/generator
- Backfill and grade
- TCLP for disposal of debris as construction debris
- Sanitary facilities
- Close out documentation

Price excludes:

- Site security
- Footings and foundation beyond the typical size
- Top soil and Hydroseeding

Owner to provide:

- Access/Security
- Rail traffic control
- Parking for trucks

Environmental Restorations, Inc
16 Hazel Drive, Hampstead NH 03841
Tel: 603-329-6101 Fax: 603-489-5963



Environmental Restorations, Inc.

A professional approach to quality service

General Contractors – Deleading – Sandblasting – Asbestos Removal – Mold Remediation – Fire Restoration

Respectfully submitted,

Stuart Gregerman

Stuart Gregerman

Business Development

Environmental Restorations, Inc
16 Hazel Drive, Hampstead NH 03841
Tel: 603-329-6101 Fax: 603-489-5963

APPENDIX G

ASBESTOS INSPECTOR CERTIFICATE

STATE OF NEW HAMPSHIRE
Department of Environmental Services
Asbestos Management & Control Program
ASBESTOS INSPECTOR

RICARDO J NUNES



DOB: 07/04/76

Eff. Date: 10/18/18

Exp. Date: 10/17/19

R

AI100373

Craig A. Wright
Craig A. Wright, Director
Air Resources Division

DEMOLITION DISPOSAL AGREEMENT

This Entry Permit and Agreement ("Agreement") is made between the State of New Hampshire, by and through the New Hampshire Department of Transportation, Bureau of Rail and Transit, 7 Hazen Drive, PO Box 483, Concord, NH 03301 (the "State") and the City of Lebanon, 51 North Park Street, Lebanon, NH, 03766 (the "City").

WHEREAS the State is the owner of the Westboro Rail Yard located along the Northern Railroad Corridor located in West Lebanon, New Hampshire.

WHEREAS the City operates a permitted landfill and solid waste facility located within the City. This facility is permitted by the New Hampshire Department of Environmental Services to accept "Construction and demolition debris" as defined by Env-Sw 102.42.

WHEREAS the City has filed its intent to purchase or lease a portion of the property owned by the State in the Westboro Yard as depicted in Addendum #1. The City intends to redevelop the site as depicted in Addendum #1 in the best interest of the City.

WHEREAS the State has appropriated funds for the demolition of the old railroad structures located in the Westboro Yard to include the Roundhouse, the Bunkhouse, the Stack and the Sand House ("Structures").

WHEREAS the City charges \$150 a ton for the disposal of demolition debris at the Lebanon Landfill & Solid Waste Facility.

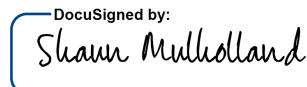
NOW THEREFORE, subject to and conditioned upon the performance by the State of all the covenants set forth below, the City grants to the State the authorization to dispose of demolition debris from the Westboro Yard site, specifically the masonry, wood and other non-hazardous debris at the Lebanon Landfill & Solid Waste Facility, subject to the following terms and conditions:

1. The term of this Agreement shall commence April 27, 2020 and end on April 27, 2023.
2. The State through its contractors may dispose of demolition debris from the Structures in the Westboro Yard as defined in Env-Sw 102.42 at the Lebanon Landfill & Solid Waste Facility during normal operating hours.
3. The State and its contractors agree not to dispose of materials that are considered hazardous waste as defined in Env-Sw 103.16 at the Lebanon Landfill & Solid Waste Facility.
4. The State and its contractors are required to transport the demolition debris to a designated location within the Lebanon Landfill & Solid Waste Facility.
5. The City agrees that it will not charge the State as an in-kind match contribution from the City equal to \$150 per ton of demolition debris disposed of at the Lebanon Landfill & Solid Waste Facility for every ton of demolition debris derived from the Westboro Yard site estimated to be a value of \$287,000. There is no minimum or maximum amount of demolition debris that may be disposed of; however, only the demolition debris from the Structures located in the Westboro Yard will be accepted.

6. It is the Department of Transportation Commissioner's current belief that the portions of Westboro Yard outlined in red on Addendum #1 are not needed for present or future railroad operations. It is the intention of the Commissioner to recommend that such property be disposed of pursuant to the State's surplus land process set forth in RSA 4:40. The City acknowledges that in addition to the Commissioner's recommendation, RSA 4:40 requires the review and approval by the long range capital planning and utilization committee, with advice from the council on resources and development, and approval by the Governor and Council before the property outlined in red on Addendum #1 can be offered to the City for purchase or lease.

IN WITNESS WHEREOF, we have executed this and Agreement effective as of this 24th day of March 2021.

City of Lebanon

DocuSigned by:

AE8C225904D9436...

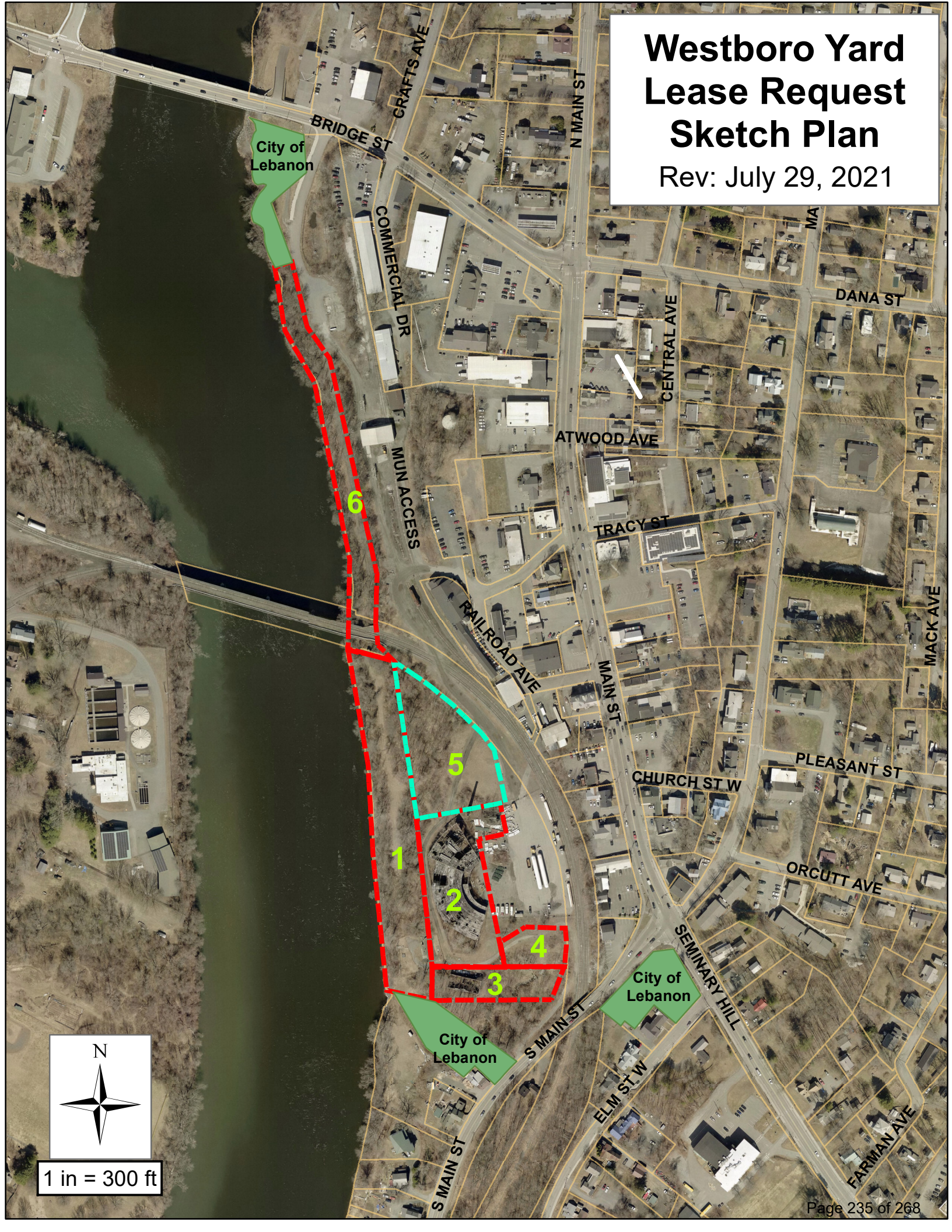
Shaun Mulholland
City Manager

**State of New Hampshire
Department of Transportation**

Patrick C. Herlihy
Director of Aeronautics, Rail and Transit

Westboro Yard Lease Request Sketch Plan

Rev: July 29, 2021



1 in = 300 ft



CONCEPTUAL CONSTRUCTION COST ESTIMATE
WEST LEBANON RIVER TRAIL

9/10/2021

SEGMENT 1: ADD PAVED PATH TO SIDE OF DRIVE ENTRANCE

ITEMS	UNIT PRICE	UNITS	QUANTITY PER LF	QUANTITY	UNIT	AMOUNT
COMMON EXCAVATION	\$10	CY	0.25	300	LF	\$ 750
EMBANKMENT	\$15	CY	0.2	300	LF	\$ 900
HOT BIT. PAVEMENT	\$120	TON	0.22	300	LF	\$ 7,920
CRUSHED GRAVEL	\$35	CY	0.519	300	LF	\$ 5,450
CURBING	\$32	LF	1	250	LF	\$ 8,000
LOAM & SEED	\$10	SY	0.4	300	LF	\$ 1,200
EROSION CONTROLS	\$5	LF	1	300	LF	\$ 1,500

CONSTRUCTION SUBTOTAL \$ 25,720

Mobilization and Misc. Items (15%): \$ 3,858

25% Contingency: \$ 6,430

SUBTOTAL: \$ 36,007

Survey, Design, Permitting and Construction Administration (25%): \$ 9,002

SEGMENT 1 TOTAL: \$ 45,009

SEGMENT 2: 10' PAVED PATH ALONG SEWER BED

ITEMS	UNIT PRICE	UNITS	QUANTITY PER LF	QUANTITY	UNIT	AMOUNT
COMMON EXCAVATION	\$10	CY	0.25	1,350	LF	\$ 3,375
EMBANKMENT	\$15	CY	0	1,350	LF	\$ -
HOT BIT. PAVEMENT	\$120	TON	0.22	1,350	LF	\$ 35,640
CRUSHED GRAVEL	\$35	CY	0.519	1,350	LF	\$ 24,523
LOAM & SEED	\$10	SY	0.7	1,350	LF	\$ 9,450
RAILING	\$75	LF	1	100	LF	\$ 7,500
RIPRAP	\$65	CY	1	40	LF	\$ 2,600
CONCRETE UNIT BLOCK WALL	\$60	SF	5	60	LF	\$ 18,000
EROSION CONTROLS	\$5	LF	1	1,350	LF	\$ 6,750
RR BRIDGE UNDERSIDE SCREENING (EST)				1	LS	\$ 10,000

CONSTRUCTION SUBTOTAL \$ 117,838

Mobilization and Misc. Items (15%): \$ 17,676

25% Contingency: \$ 29,459

SUBTOTAL: \$ 164,973

Survey, Design, Permitting and Construction Administration (25%): \$ 41,243

SEGMENT 2 TOTAL: \$ 206,216

SEGMENT 3: 10' TEMPORARY GRANULAR PATH CONNECTION TO SOUTH MAIN STREET

ITEMS	UNIT PRICE	UNITS	QUANTITY PER LF	QUANTITY	UNIT	AMOUNT
COMMON EXCAVATION	\$10	CY	0.1	960	LF	\$ 960
GRANULAR TRAIL SURFACE MATERIAL (4")	\$40	CY	0.123	960	LF	\$ 4,723
GRAVEL BASE WHERE NEEDED	\$32	CY	0.44	200	LF	\$ 2,816
LOAM & SEED	\$10	SY	0.4	960	LF	\$ 3,840
EROSION CONTROLS	\$5	LF	1	960	LF	\$ 4,800

CONSTRUCTION SUBTOTAL \$ 17,139

Mobilization and Misc. Items (15%): \$ 2,571

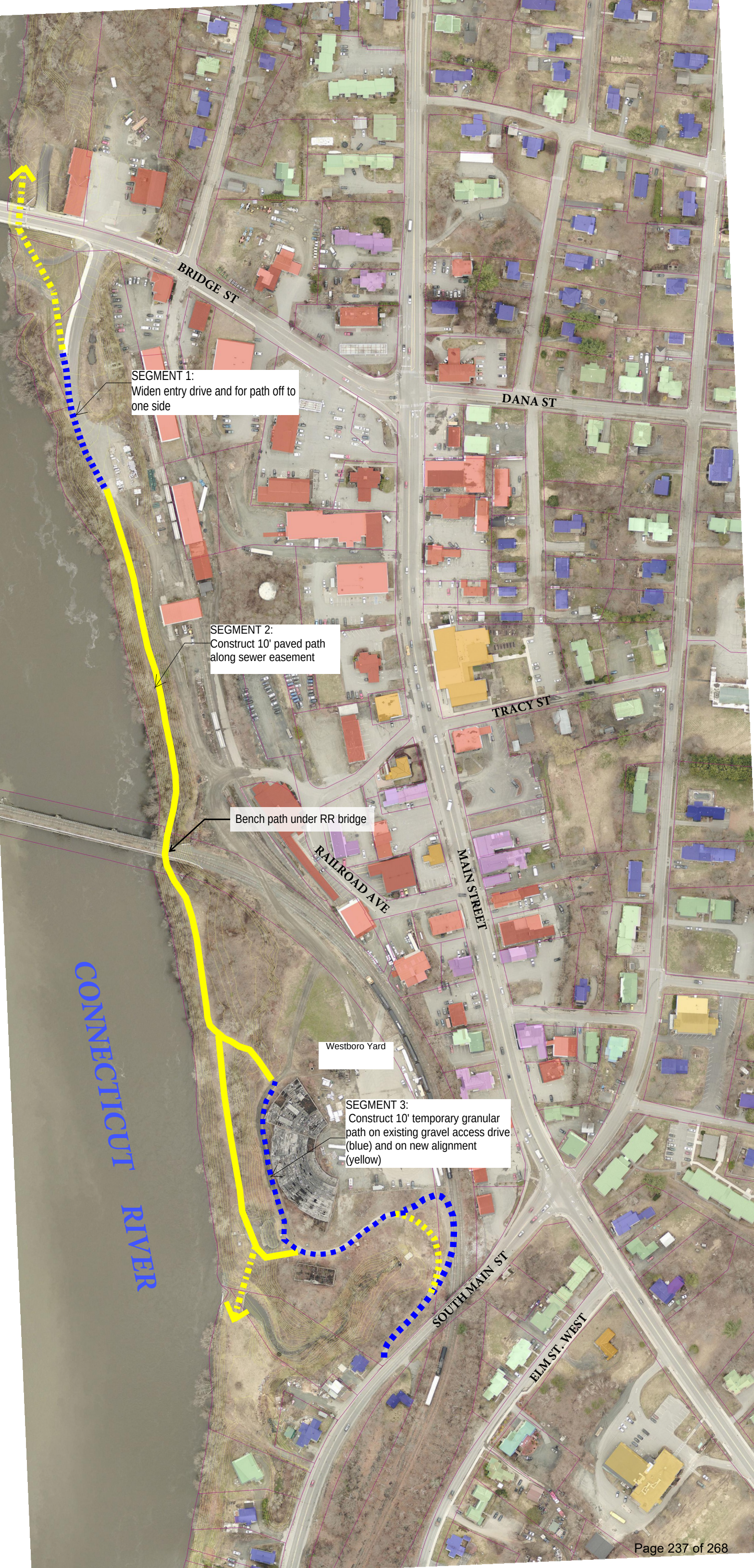
25% Contingency: \$ 4,285

SUBTOTAL: \$ 23,995

Survey, Design, Permitting and Construction Administration (25%): \$ 5,999

SEGMENT 3 TOTAL: \$ 29,994

ESTIMATED PROJECT TOTAL: \$ 281,219



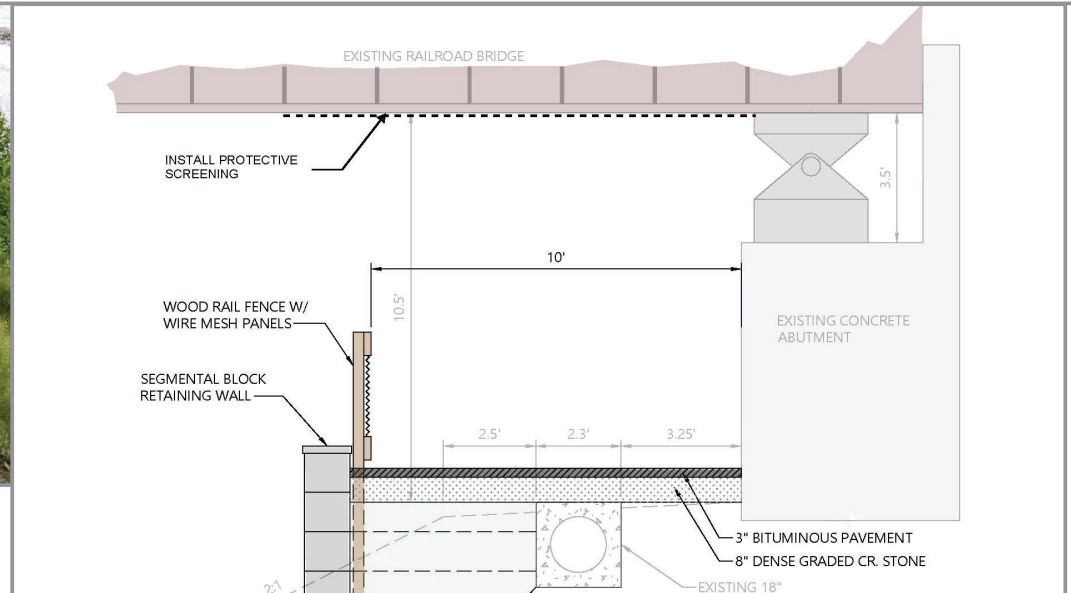
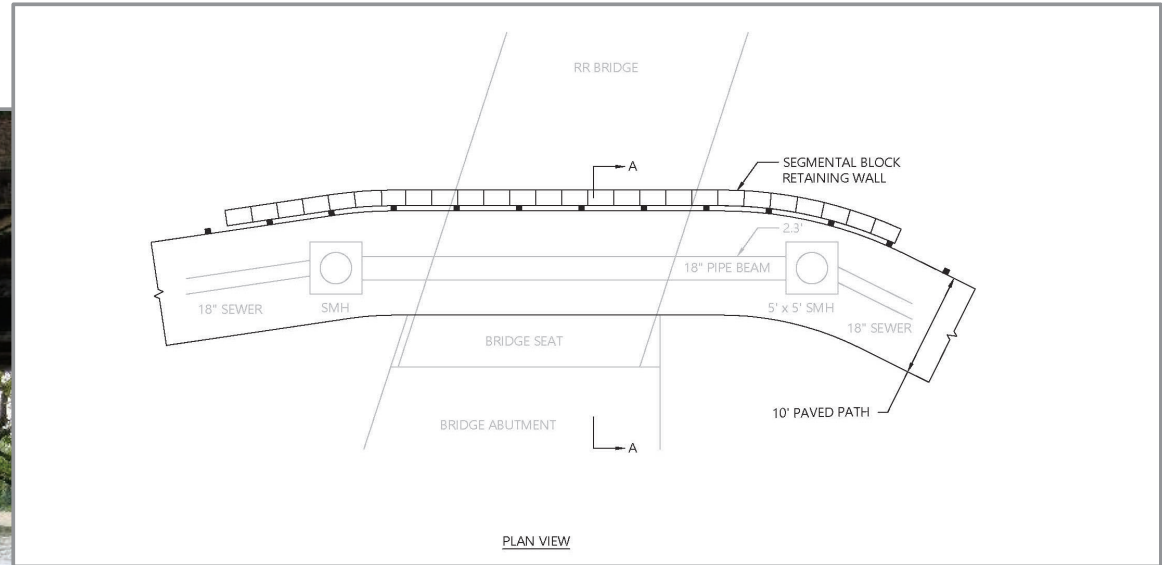
SEGMENT 1:
Widen entry drive and for path off to
one side

SEGMENT 2:
Construct 10' paved path
along sewer easement

Bench path under RR bridge

Westboro Yard

SEGMENT 3:
Construct 10' temporary granular
path on existing gravel access drive
(blue) and on new alignment
(yellow)



WESTBORO LEASE LAND

PLANNING CONSIDERATIONS

- LEASE LAND 2.95 AC +/-
- ACCESS IS FROM THE SOUTH ONLY, VIA THE PLANNED NEW SLOPING ROADWAY
- THERE IS NO ACCESS ACROSS THE TRACKS FROM DOWNTOWN WEST LEB
- FUTURE PEDESTRIAN & BIKE ACCESS FROM THE NORTH VIA THE GREENWAY
- THERE ARE STEEP SLOPES DOWN FROM THE LEASE LAND TO THE GREENWAY & THE RIVER
- RIVER ACCESS FROM THE LEASE LAND IS DIFFICULT ESPECIALLY FOR VEHICLES
- EXCAVATION ON THE LEASE LAND FOR FOUNDATIONS AND INFRASTRUCTURE IS NOT POSSIBLE FOR ENVIRONMENTAL REASONS
- THE EXISTING WASTEWATER BUILDING WILL BE DECOMMISSIONED, AND HAS POWER, WATER & SEWER CONNECTIONS



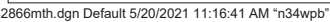
PARCEL IS APPROX. 165 FT. WIDE AND ABOUT THE SIZE OF A FOOTBALL FIELD. A YOUTH SOCCER FIELD IS SHOWN.

RAMPED ADA ACCESS TO FUTURE GREENWAY

EXISTING WASTEWATER BUILDING RE-PURPOSED AS CONCESSION, TOILETS, STORAGE ETC.

NEW ACCESS ROAD SLOPES DOWN FROM S MAIN STREET UNTIL THIS POINT

NEW STORMWATER INFRASTRUCTURE IS PLANNED IN THIS LOCATION.



**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

10. NEW BUSINESS:

**10.F – PRESENTATION OF QUALITY IMPROVEMENT REVIEW
FOR WATER METERING**

BACKGROUND

The Department of Public Works discovered some errors in a small number of commercial water accounts. The department conducted an internal review to determine the extent of the issues. This resulted in a determination that four water meters were not providing correct water usage data relative to the quantities that were actually used and the amount billed for the actual usage. These issues were corrected by the department.

The City Manager requested an independent quality improvement review to validate the internal review and ensure that the measures put into place were adequate to reduce the chance of these errors occurring in the future.

ACTION

No action is required by the Council. This item is for informational purposes only.

Included in this Section:

1. PowerPoint Presentation - Water Meter Quality Improvement Review
2. Report from Technical Advisor James Alexander regarding the Quality Improvement Review.
3. Report of the internal review conducted by the Department of Public Works.

Jim Alexander
Technical Advisor

City of
Lebanon

Water Metering Quality Improvement Review

Water Metering Quality Improvement Review

Purpose

- Assure accuracy of the water metering system that results in usage billing

Scope

- The scope of the review is the metering system parts and process used to gather, measure and account for water usage billing



Water Metering Quality Improvement Review

Methodology

- Interviews at all levels: Technicians, supervisors, department leads and Included verification with vendor to verify meter parameters
- Inspection of physical equipment and opportunity to see equipment at customer location in action
- Review DPW initial investigation of issues and billing system
- Billing software review and interviews with technicians and finance clerk that interact with it



Water Metering Quality Improvement Review

Root Causes

#1 Baseline Key component meter data was not always correct

#2 There was not a consistent and defined process, with quality control measures, to follow for data to its ultimate end into the billing system

Water Metering Quality Improvement Review

Essential baseline data to ensure accuracy in water usage

Key component meter data

- Meter size
- Transponder ID number
- Initial numeric digital meter reading
- Meter detail, serial number & specifications such as if it is a compound meter



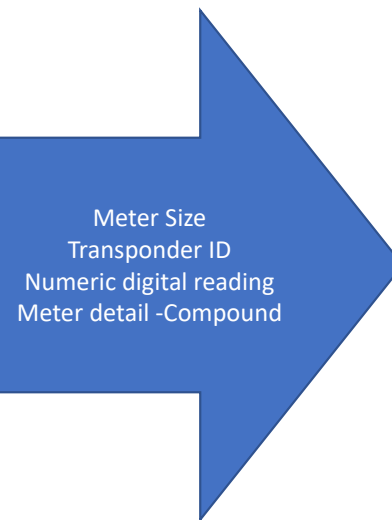
Water Metering Quality Improvement Review

Root Cause #1

Baseline Key component meter data was not always correct

- Problem: The department did not always have accurate data of what meter sizes and other key component meter data was installed in customer locations.

Key component meter data



- Corrective Action: A physical inspection of one inch and larger deployed meters, to confirm their size and all key component meter data

Water Metering Quality Improvement Review

Root Cause #2

There was not a consistent and defined process, with quality control measures, to follow for data to its ultimately end into the billing system

- Problem: The process for capturing and documenting key component meter data upon metering installation, and ensuring it was accurately conveyed throughout the process to final entry into the billing software was problematic at times

Key component meter data

Meter Size
Transponder ID
Numeric digital reading
Meter detail -Compound

- Corrective Action: Upon initial equipment installation, practices and procedures developed and revised to ensure accurate capture, documentation and conveyance of key component meter data to the billing system clerk

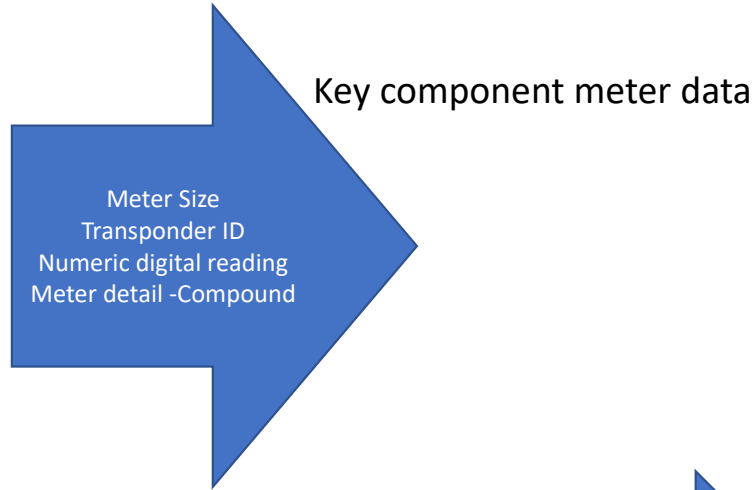
Process: Procedures, defined process and standardized forms

Water Metering Quality Improvement Review

Root Cause #2

There was not a consistent and defined process, with quality control measures, to follow for data to its ultimate end in the billing system

- Problem: No instructions / procedure or prescribed method and manner for the entry of key component meter data into the billing software existed

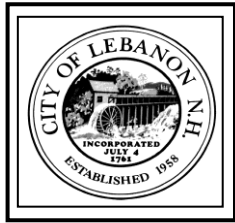


Process: Procedure / Instructions

Meter Size Multiplier Billing tool

- Meters one-inch and under
Multiplier of "1" applied
- Meters one and a half inch to four-inch
Multiplier of "10" applied
- Meters six-inch and above
Multiplier of "100" applied

- Corrective Action: Written procedure/instructions completed for the proper entry of key component meter data into the water account billing system



CITY OF LEBANON

MEMORANDUM

TO: Shaun Mulholland, City Manager
FROM: Jim Alexander, Technical Advisor
RE: Quality Improvement Review, Water Metering and Billing System
DATE: 06-13-22

Introduction

I was asked to conduct a quality improvement assessment and review of the water metering and billing system used by the Department of Public Works (DPW). The need for such a review is described in detail in the “Problem Statement, and At Issue” sections below. The objectives of this review were to independently assess the entirety of the issue including understanding the problem, what steps have been taken to remedy the issue, review the response and internal investigation by DPW, the proposed solutions & procedures put in place, training and strategies planned to prevent further occurrences.

This independent review is an opportunity for a new perspective to validate measures and solutions and assure matters have been thoroughly examined. I was free to conduct the review without restrictions and in a manner of my choosing best suited to achieve the objectives described above. When necessary, further recommendations for changes to better assure accuracy in water metering procedure and billing have been included.

Issue and Problem Statement

At Issue:

In the third quarter of 2021 two water metering issues came to light in the Department of Public Works. This resulted in a limited number of customer water accounts usage being inaccurately determined. As the department began to review the situation, they determined the two initial issues caused monetary loss in the form of repayment to two customers in the city for over billing.

The Department of Public works investigation demonstrated inaccuracies in a limited number of accounts with the baseline meter data in the billing software. *(Baseline meter data is important information about the meter itself, or initial information from the meter and associated equipment, later used as a baseline within the billing software to calculate water usage.)* Additionally, DPW found issues with their initial meter installation steps and billing software account establishment processes. The

result was the repayment noted above due to over calculating water usage, as well as other accounts which lost revenue from under reporting of actual water usage. Approximately seven other account issues were eventually discovered, however some of these had no practical billing implications. These inaccuracies caused a lack of faith and confidence in the accounts baseline data and the processes that had been used to capture and record initial baseline meter data accurately into the billing system software.

Problem Statement:

Losses to the city included revenue loss for inaccurately capturing true water usage by customers, as well as repayment to customers for inaccurate charges for excessive water use. Combined losses of revenue and repayment to customers due inaccurate water usage is unacceptable to the city.

Purpose, Scope and Methodology

Purpose:

The purpose of this quality improvement review is to assess the entire process of water metering and ensure accurate water usage billing.

Scope:

The scope of the review is the metering system parts and process used to gather, measure and account for water usage billing. This process begins at initial meter installation of the metering hardware at a customer location, documentation and transfer of baseline meter data through the account establishment processes and final data input to the software water billing system. The review includes identification of root causes and potential process failures and corrective actions taken to mitigate inaccurate water accounting of customers usage in the future. It is difficult and out of scope to determine by whom particular initial baseline meter data was gathered and later who entered into the billing system software. The review scope is for overall process improvement to provide for future water usage accuracy.

Methodology:

This quality improvement review included several means of gathering and analyzing information. Interviews were conducted with individuals involved in the physical meter equipment installation and supervision of the water metering equipment. Interviews were also conducted with administrative staff overseeing the Utilities Division. An examination and understanding of the water billing software was undertaken. An interview with the billing software clerk was conducted.

The opportunity to inspect, learn and see all of the equipment in action that makes up the water metering system referred to in this report was viewed and understood. Additionally, all participants interviewed explained their understanding of the various parts, processes, and potential problem points within the water metering system. Perspectives and suggestions from those who work in these areas were taken into consideration.

The Department of Public Works previous investigation into this matter was reviewed and involved parties questioned for their understanding of the issues. Proposed new forms, procedures and changes were gathered, considered and reviewed with utility department for consideration.

Explanation and Description of the Water Metering System Components

Parts of the system

The essence on the city's water metering system is to accurately capture water usage at any particular location. This is primarily accomplished with the use of a water meter. The size of the water meter and type of water meter is dependent on an engineering review done prior to a building's construction. An engineer determines the type and size of meter. Generally speaking, meters one inch and smaller in size are used in residential or very light commercial buildings. Commercial and larger water flow buildings use one and a half inch, to four-inch sized meters. Very few buildings use six inch and larger. Roughly speaking, 80% of the city's water meters are one inch or smaller in size and are simple meters and did not become an issue in this matter.



Standard, small 5/8-inch water meter

The city also maintains and installs transponders, which is an electronic radio method of transmitting the meters' reading without the need to physically inspect the meter. One transponder is installed with each meter. In the case of a compound meter (see below), each side of the meter, high and low, have a transponder. (There are instances with older transponders when a single transponder is equipped to read both sides of the meter and is able to designate this)

Many of the commercial or larger size water flow accounts have what is known as a “compound meter.” The compound meter is one device made up of two different sides, each side a different size meter and includes an automatic diversion valve to work the water flow between the two different sides. When the water is at a high flow rate it flows through the large side known as the “high side” and when water usage is less, it runs through the smaller side, known as the “low side.” This allows for the complexity of a customer with very high flow demand times, as well as low flow times. The city can accurately account for water usage during both types of flow by using this type of meter.



Complete compound water meter at a customer location.

Includes two transponders, gray boxes, mounted on the wall. (White tags on the bottom of the gray boxes are the transponder ID numbers)

One transponder is connected to the 5/8 inch “low side” meter and one to the 3 inch “high side” meter.



Close up photo of the compound meter displaying the two registers faces which shows the meter readings in digits.

On the left is a low side 5/8-inch meter and on the right is a 3-inch-High side meter

The city also uses transponder receiving equipment. This equipment is used on a quarterly basis when a water technician drives by all customer locations and gathers a current water usage reading from each meter. This is when quarterly bills are generated by comparing meter readings between quarters.

While there are other parts to a water system, these are the primary physical parts that concern us for water metering and for the purpose of this quality improvement review.

Description of the Water Metering System, Initial Installation and Resulting Billing Process

The Process

When it is time for a water meter installation, a city technician responds to a customer location. In the case of a one inch or smaller size meter the technician completes the installation. In the case of larger water meters, installation is completed by a certified water contractor and the city technician inspects, documents and starts the meter and water service.

In both cases, once the meter and transponder are installed, tested and the structure readied for water, the technician completes some basic documentation. This includes completing a new “account set up” form. Some of the information which has been historically collected at this time is the transponder ID number, meter size, meter serial number and to record the actual reading on the meter (this clarifies the number of digits.) One may think the initial reading would be zeros, but with the manufacturer’s initial quality control check, the city technicians initial set up and water flow test, the reading is in fact always different. The form also included various other basic information such as the name, address and information which is irrelevant to this review.

Historically this form has been handwritten by the technician and delivered in paper form to a billing clerk at City Hall so a new account could be established in the water billing software.

Establishment of a new account in the City’s billing software

At City Hall, the Technician’s new “account setup” form is used by the billing clerk to input the data and create the new billing account in the software.

After dealing with the most basic identification data, the clerk inputs several important pieces of information. We refer to this as baseline meter data. This includes the meter size, the numerical reading (which is how usage is later partially determined) the transponder identification number associated with the meter. As well, determining facts such as if the property also has city sewer service and if they will be billed for that are included on the form. The billing clerk enters in a required field, a “multiplier”, which is based on the size of the meter. A prescribed multiplier (This is the other determining factor in actual water usage) is used in combination with the meter reading to determine actual water usage and therefore the bill.

The meter reading entered in the billing software appears on a water meter as if similar to the older style spinning odometer numbers on a car. As the miles speed by, the numbers turn rotating the number beside it. In the water meter, the water flows by spinning the numbers on the “register” or

odometer in this example, creating a meter reading. Smaller meters (which make up 80% of the City's meters, as noted earlier) are one inch and under and are prescribed a multiplier of 1. This means the reading displayed is the actual usage.

However, as the meters become larger and the flow more immense, the manufacturer accounts for the volume by directing the city to apply a multiplier of 10 to the actual reading. This is done for meters in the city between the sizes of 1 ½ inch to 4 inch in size. Any meters 6 inches or over apply a multiplier of 100. The applied multiplier is engineered for the meter sizes as noted by the manufacturer and is not unique to Lebanon.



An example of a register on a meter displaying a meter reading. This is a meter one inch or smaller.

Quarterly, a city technician drives with a computer and transponder receiver past customer meter locations and gathers current readings on all city meters. He or she is notified during the route if any meter is missed, and they are able to go and scan a meter individually to collect if necessary. The transponder receiver gathers the data on a small external hard drive which is delivered to the billing clerk who uses the external hard drive to input this data directly into the billing software which automatically compares current readings to previous quarterly meter readings and creates water usage for each account. This portion of the process has worked successfully, and this is when inconsistent usage can be garnered and flagged as an issue for manual review. The automatic collection and bill generation has been effective, unless any initial installation baseline meter data is wrong, or if an incorrect multiplier was applied in the billing software.

During a quarterly reading in late 2021 a flagged account led to the discovery of inaccurate baseline meter data and the two large accounts of inaccurate water use accounting.

Department of Public Works Initial Assessment of Accounts and Corrective Actions

Through an initial internal investigation, the Department of Public Works learn of a flagged account at 19 Morgan Dr. It was determined the customer was over charged for water usage due to a baseline meter data mistake which had occurred when the account was first established. The customer had a one-inch meter which should have had a multiplier of 1 in the billing software, but instead the account had incorrectly listed a one-and-a-half-inch meter and a multiplier of 10 was incorrectly applied. The software had been mistakenly programmed to multiply the meter reading by 10 times which resulted in an incorrect water usage amount of 10 times greater than was actually used being generated for billing.

The corrective action the Department of Public Works undertook was to inspect each account in the billing software. They ensured the following manufacturer specifications for applying multipliers to meters were correct throughout the billing software. This was a good and proper step.

- Meters one inch and under - Multiplier of “1” applied
- Meters one and a half inch to and including four inch - Multiplier of “10” applied
- Meters six inch and above- Multiplier of “100” applied

Three other issues resulting in under charging were found, similar in nature to Morgan drive - concerning the incorrect application of a meter size multiplier. These were discovered in which a “1” multiplier was used when a “10” multiplier should have been used, due to the larger size of the meter resulting in *underreporting* and *underbilling* for revenue loss to the city. This lost revenue was in addition to the overbilling which had to be repaid to the owners of 19 Morgan drive.

A second significant loss for a different cause occurred in the case of 35 Labombard Rd. The department learned a mistake with improper installation & documentation on a compound meter had occurred. As noted earlier in this report a compound meter has two readings which are transmitted through a transponder ID number. When the account was initially established the transponder ID numbers were reversed so the high side and low side were being recorded and transmitted inversely. The result was the flow was recorded 10 times more than actually went through the meter. This was a result in improper baseline data capture at installation, which continued until the issue was discovered.

In response to these mistakes the department drafted the first instructive procedure “*Meter Installation Procedure*” to direct the installation of water meters and associated equipment. It includes an installation guide, initial testing guide, directions to complete an account set up form and quality review checks of commercial accounts to check for potential inaccuracies at two designated time points after installation. It also ensures a compound meter and transponders would be correctly installed and identified, and the data captured accurately on a newly updated “account set up” form to avoid the transponder ID's being reversed. The procedure has many benefits and has been further improved in collaboration with this quality improvement review as noted later in this report.

Additionally, the department conducted training with the meter distributor and established a closer relationship with them to answer ongoing questions especially when establishing new accounts.

Review of Outcomes

In review of the parts and processes of the water meter system, in addition to the steps the department of public works has taken to remedy the situation, an understanding of important key data and problem points were evident.

Like all systems that require data, if the initial baseline data is accurately documented, conveyed and entered into the billing system, the results that yield in the future will be satisfactory.

In this case, in some limited accounts the baseline data was either incorrectly captured, documented, conveyed or inaccurately entered into the billing system resulting in compounding issues over the years due to the initial mistakes.

Opportunities for improvement in the data collection, transfer and baseline data entry into the billing software were evident and potential problem points to avoid and methods to mitigate future problems are outlined below.

Understanding Key Component Meter Data

Defining baseline key component meter data is an imperative part of ensuring accurate customer billing.

Essential key component meter data is the data bulleted below and forms the vital baseline data that will be used by the billing software when future meter readings are compared, and water usage is calculated. Gathering this information accurately and conveying it precisely into the software will generate correct bills in the future.

Key Component Meter Data

- Meter size
- Transponder ID number
- Initial numeric digital meter reading
- Meter detail, serial number, model and specifications such as if it is a compound meter

Root Causes, System Problems and Corrective Actions

Root Causes:

- Baseline key component meter data was not always correct
- There was not a consistent and defined process, with quality control measures, to follow for data to its ultimate end in the billing system

The following areas of system failures led to the billing system containing limited, incorrect baseline data which therefore effected some accounts water billing. Addressing the system failures as follows will mitigate mistakes in the process, and assure accurate baseline data:

- Problem: The department did not always have accurate data of what meter sizes and other key component meter data was installed in customer locations. In most cases it was correct, but mistakes can, and were costly.
- Corrective Action: A physical inspection of one inch and larger deployed meters, to confirm their size and all key component meter data be completed.

Detail

- DPW completed a record check of meter size against manufacturers prescribed meter size multiplier within the billing system. This is a logical step which eliminated some account mistakes. However, this assumes the size meter listed in the software is what is actually deployed and could still be the incorrect multiplier if the meter size is different at a customer location. This corrective action will remedy the issue
- DPW will begin a project over the next several weeks to physically inspect approximately 600 meters to ensure key component meter data is correct in the city's billing software. A photographic inventory will be taken to ensure baseline key component meter data. The 600 meters in question are all one inch and larger in the city billing software
- Checking meters noted in the system at one and a half inches or larger (approx. 270) would likely suffice, but in checking meters listed at one inch and larger, we will ensure no larger meters have been missed labeled as one inch
- This physical inspection will mitigate the chances of further mistakes exist in the billing system baseline data which contributed to earlier problems. Not only will multipliers be verified, DPW can check the transponder ID assignments on compound meters and their corresponding meter side assignment in the software
- Having the correct key component meter data will provide faith and confidence in the resulting customer billing.

- Problem: The process for capturing and documenting key component meter data upon metering installation and ensuring it was accurately conveyed throughout the process to final entry into the billing software was problematic at times.
The public works department's procedure "*Meter Installation Procedure*" and process are the correct response to mitigate mistakes and the procedure has been further improved upon in a collaborative effort during this review as follows below.
- Corrective Action: Upon initial metering equipment installation, practices and procedures developed and revised to ensure accurate capture, documentation and conveyance of key component meter data to the billing system clerk

Detail

- The new "account setup" form has been improved. Some improvements are to clarify common language between the technician and billing clerk to reduce the possibilities of incorrect baseline meter data entry. The designation of a compound meter is noted. The technician no longer submits a handwritten form and now rechecks the form electronically as it is entered and emailed to the billing clerk. All key component meter data is included on the form
- A photo will be taken of all key component meter data upon completion of installation by the technician. This photo will be compared and used by the billing clerk to ensure data entry in the billing software matches what is deployed in the field upon billing account establishment
- Further improvements to the "Meter Installation Procedure" include instructions detailing completion of the new "account setup" form with specificity.
The inclusion of a "meter size Multiplier billing tool" will direct the billing clerk in which multiplier to use based on the meter size (from manufacturer specifications.)
The procedure directs the technician to take a photo at the completion of installation to include all key component meter data.
The procedure directs the billing clerk to compare the key component meter data from the customers installation to the billing software once it's been inputted to ensure final accuracy.

- Problem: No instructions / procedure or prescribed method and manner for the entry of key component meter data into the billing software existed. The billing system and its data fields had been completed primarily by a single employee's experience over the years from her own data entry work, direction from past and present utility employees, meter distributor salespersons, colleagues, written billing software guidance and personal experience.
- Corrective Action: A written procedure/instructions has been completed for the proper entry of key component meter data into the water account billing system. This includes directions from reception of the new "account set up" form submission and includes instructions for each field requiring entry in the billing software. It includes resources when problems arise if questionable data is received from the technician. Additionally, it refers the billing clerk to the Department of Public works "Meter Installation Procedure" to assist with explanations and use of the "meter size multiplier billing tool" for the correct multiplier for corresponding meter sizes. Among other items, it directs the clerk to verify all key component meter data in the account against the photo of the deployed key component meter data.

Conclusion

The review process included many city employees, and it was clear they were engaged in the improvement process and are committed to making the necessary changes.

The Department of Public Works has a clear understanding of key component meter data and procedures and methods for data to be reliably documented, conveyed and entered into to the billing system. They are in the process of physical inspection of deployed metering equipment and checking this against the software billing database for accuracy. This and the newly established procedures for the installation and billing software establishment are all best practices to ensure accuracy in billing.

The corrective actions implemented and described in this quality improvement review should instill greater faith and confidence in the water usage billing and mitigate further problems in the future.

Respectfully Submitted,

Jim Alexander

Jim Alexander



CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 Dartmouth College Highway
Lebanon, NH 03766

Memorandum

TO: Shaun Mulholland, City Manager

FROM: Jay Cairelli, Acting Public Works Director

DATE: 6/20/2022

SUBJECT: Water and Sewer Account Confirmation

Purpose

The purpose of this memo is to address water metering issues that were discovered in existing water/sewer accounts. The two primary issues occurred at 19 Morgan Drive and 35 Labombard Road. DPW and finance staff have analyzed these accounting discrepancies to determine what happened and how it happened and have developed a strategy to mitigate recurrences.

Background

Each quarter water meter readings are performed for billing purposes. Most readings are collected through a radio-read system. A radio transponder connected to the water meter sends the readings to a computer when a meter technician drives in proximity to the transponder. Once the initial readings are performed the water consumption is compared to historical consumption records and accounts that miss a reading or accounts with exceptionally high or low usage are flagged to be investigated. Most accounts are flagged due to issues with obtaining a reading or water leaks causing high usage. Following the investigation of flagged accounts bills are printed and sent to customers.

Water Account Set Up

To set up an account a meter is installed and, in most cases connected to a radio transponder, and the meter information is recorded. The recorded information is input to the city's accounting software and a billable account is created.

We determined two potential sources of error when setting up water and sewer accounts:

1. The meter technician can record the information from the meter for the account incorrectly
2. The information can be entered into the billing accounting software incorrectly. There are four key pieces of information that if entered incorrectly will result in billing inaccuracies. These are:
 - a. Meter size. This is used to calculate fixed fees and dictates other account parameters
 - b. Multiplier used in the billing software. This is dictated by meter size and prescribed by the manufacturer to use with the meter reading to account for actual water usage
 - c. Initial numeric digital meter reading
 - d. The transponder ID can be recorded inversely on compound meters

Accounts Problems That Lead to DPWs Review

Recently, during the review of flagged accounts, it was discovered that there was an error in the initial setup of two accounts. These errors caused inaccurate readings from the time of the initial account set up. As a result of this all accounts were investigated for accuracy. Below is a summary of findings:

19 Morgan Drive

The first account discrepancy that was identified occurred at 19 Morgan Drive. This account is served by a 1" meter that was installed on June 22, 2010. It was discovered because it was flagged for high usage during the third quarter in 2021. This error was a result of the account set up being done incorrectly.

The issue with this account was that the multiplier was input incorrectly and made the meter appear to use more water than it did. This resulted in the customer being billed 10 times their actual usage since 2010. The City issued the customer a back-payment of \$72,694.75 for water and \$96,634.14 for sewer for the incorrect billings. It is unclear if the wrong information was provided by the contractor who installed the meter or if the information was entered into the billing system incorrectly during set up of the account.

35 Labombard Road

The second account discrepancy occurred at 35 Labombard Road at the Hilton Hotel. This account is served by a 2" compound meter installed on March 30, 2018. It was discovered because it was flagged for high usage during the fourth quarter of 2021. This error was a result of the transponder ID numbers for the compound meter becoming reversed at some point in the documentation and ultimately being entered this way into the billing software.

A compound meter is two meters in one device. During low flow the flow is recorded through the low side of the meter. When the flow exceeds the capacity of the low side the low side closes and flow is redirected to the high side of the meter. In this application most of the flow goes through the low side of the meter. As a result of human error readings were reversed upon account set up so that the flow going through the low side showed as going through the high side and vice versa. This resulted in most of the flow being recorded as 10 times more than actually went through the meter. The back-payment to the customer was \$34,818.57 for water and \$69,801.40 for sewer.

DPWs Investigation

After the second metering discrepancy was discovered all 3,669 accounts were checked for accuracy. This involved an electronic check of meter size within the city billing software to verify the manufacturer's prescribed multiplier was accurate. Seven other accounts were found with issues. Four minor discrepancies were found as part of the account investigation. They all had to do with data input but did not impact the billing of the accounts. However, three of these issues resulted in uncollected revenue as described below.

Significant Findings

The first significant error occurred at the DPW highway garage at 187 Dartmouth College Highway resulting in \$12,818.15 for water and \$24,563.56 for sewer in uncollected revenue. This error occurred during the initial account setup on 4/24/2009 and resulted in the property being under billed by 10 times. It is unclear if the wrong information was provided by the city's meter technician who installed the meter or if there was an error made when inputting the meter data into the accounting system.

The second significant error was found at the Days Inn at 135 Route 120 resulting in \$72,797.34 for water and \$141,360.33 for sewer in uncollected revenue. This error occurred during the initial account setup on 4/26/2010 and resulted in the property being under billed by 10 times. It is unclear if the wrong information was provided by the contractor who installed the meter or if there was an error made when inputting the meter data into the accounting system.

The third significant error was found at 69 Etna Road resulting in \$3,626.37 for water and \$7,274.33 for sewer in uncollected revenue. This error occurred during the initial account setup on 4/26/2010 and resulted in the property being under billed by 10 times. It is unclear if the wrong information was provided by the contractor who installed the meter or if there was an error made when inputting the meter data into the accounting system.

Steps to Prevent Recurrence

Several steps have been implemented to minimize the potential for a water metering error moving forward. These steps include:

1. Training occurred on March 17, 2022, with our meter distributor for meter installation and account set up. This is part of ongoing training that has occurred since the change to our current water metering system in March 2009.

2. An updated water meter installation and account set up SOP has been created. This SOP includes:
 - An account check after 1 full quarters usage for metering accuracy and after 1 full year of usage.
 - A peer review of the account once it has been input to the billing system
 - Taking pictures of the meter to show its size, initial numeric meter reading, transponder ID number and serial number.
3. Our new account set up form has been updated with a certification that the work is complete and accurate and includes the designation of a compound meter. The technician no longer submits a handwritten form and now rechecks the form electronically as it is entered and emailed to the billing clerk
4. Meters listed as one inch and larger are currently being verified by site visits to ensure we have the key meter component documentation of equipment in our files that match what is in our billing software. All meters one inch and under do not have a multiplier so this verification is not needed. However, the decision was made to check all meters listed at one inch and larger to ensure we have no larger meters mistakenly listed as one inch. There are 592 accounts that require on-site verification. This final check is ongoing.

Closing

As a result of these billing errors \$273,948.86 in back payments and \$262,440.08 in uncollected revenue has occurred. These accounts have been corrected and letters have been sent to the accounts impacted by these errors. The letters explain the errors and the change to each account to correct them moving forward.

No significant errors were caused by staff currently employed by the city and all current staff have been properly trained in the meter account and set up process. In addition, safeguards have been put in place to minimize the chance of similar errors occurring in the future.

**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

10. NEW BUSINESS:

**10.G – DISCUSSION & SET PUBLIC HEARING FOR AUGUST 3, 2022:
REQUEST FOR SUPPLEMENTAL APPROPRIATION FOR
20 SPENCER STREET CLEANUP PROJECT**

BACKGROUND

20 Spencer Street is the former site of the City's Public Works Facility. The site clean-up project was first included as part of the 2020 Capital Improvements Program in order to prepare the site for sale to the Braverman Company. The project has been on-going since 2020 and the extent of contaminated soil has been a challenge throughout. On a positive note, the last load of contaminated soil has been removed and disposed of and the soil on the perimeter of the project area has tested clean. On a not so positive note, the total cost for the removal and disposal over ran the total available funding by \$140,000.

The Council is asked to schedule a public hearing on a request for a supplemental appropriation in the amount of \$140,000 to cover the cost overrun. Funding for the request will be paid for through the use of Unassigned Fund Balance so there will be no adverse impact on the tax rate.

Please see attached June 8, 2022 memo from Jay Cairelli, Interim Public Works Director for additional information.

ACTION

The following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 3, 2022, beginning at 7:00pm at the Kilton Library for the purpose of receiving public input and taking action to appropriate One Hundred Forty Thousand Dollars (\$140,000) for transfer from Unassigned Fund Balance to the Capital Improvements Fund for the 20 Spencer Street Cleanup Project.

Included in this Section:

1. June 8, 2022 Memo from Interim Public Works Director Jay Cairelli – Supplemental Appropriation Request

MEMO

TO: Honorable Mayor and City Council
CC: Shaun Mulholland, City Manager
FROM: Jay Cairelli, Interim DPW Director
DATE: June 8, 2022
RE: Supplemental Appropriation Request

INTRODUCTION:

Request for supplemental Appropriation in the amount of \$140,000. for the 20 Spencer Street Site Cleanup project.

BACKGROUND

In 2020 the City contracted with a local contractor, Casella Construction, to perform the demolition of the old DPW garage building and shed and removal of old storage tanks at 20 Spencer Street. As part of the storage tank closure process and the NHDES requirements, soils in the immediate vicinity of the old tanks were required to be tested for petroleum-contaminated soils. These soil samples and tests were coordinated by Credere Associates, LLC. of Westbrook, ME. Test results came back and the City was surprised to find out that the soils indicated low concentrations containing PCB's.

PCP contaminated soils are required by US EPA and NH DES to be disposed of in a hazardous waste landfill. The City has proceeded to excavate the soils around the immediate area of the tanks and dispose of the soil in a permitted facility.

Subsequent soil tests around the perimeter of the contaminated soil location have been performed to identify/delineate the area and depths of the extent of the contaminated soils as well as to quantify the volume that will need to be disposed of.

In 2021 after field investigations, it was estimated the volume of soils that would require to be removed was 550 Cubic yards (835 tons) with a unit price contract with NRC East Environmental Services Inc.

In 2022 During the soil removal process there was a unit price modification for NRC reflecting a increase due to the continuously increasing fuel costs and disposal rates. Also during the removal process, it was identified that there was an additional 180 tons of PCB soil and 47 tons of Benzene soil removed and disposed of that that was not in the original tonnage estimate along with additional excavation and dewatering required to finish the site, which resulted in an additional cost of \$140,000,that was not in the previous appropriation request.

RECOMMENDATION / RATIONALE:

As you are aware failure to clean up the site would prohibit the housing development that Ken Braverman is proposing for this site. Credere Associates is in the process of completing the PCB remediation report.

**AGENDA
LEBANON CITY COUNCIL
JULY 6, 2022**

10. NEW BUSINESS:

**10.H – DISCUSSION & SET PUBLIC HEARING FOR AUGUST 3, 2022:
REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF
\$160,000.00 FOR SOLID WASTE DIVISION PROJECTS**

BACKGROUND

Landfill Gas Collection and Control System

For the past several years, the Solid Waste Division has been using contracted services to expand the Gas Collection and Control System at the landfill. This system collects landfill gas from the newest portion of the landfill and delivers it to the flare station for destruction. The project is anticipated to be completed this year and was estimated to cost \$137,800. Annual maintenance to the system will continue.

The project was put to bid and on June 22, the project bids were opened. Two bids were received with the low bid coming in at \$252,000. The current available CIP funds for the Landfill Gas Collection and Control System Expansion Project is \$154,749.00. Additional funds in the amount of \$100,000 are needed.

Grinding Wood Waste

The Solid Waste Division utilizes contracted services to grind wood waste at the Solid Waste Facility. Fifty Thousand Dollars (\$50,000) was budgeted in 2022 for the service. The service was put to bid, and the only bid submitted came in at \$108,200 (more than double the budgeted amount). An additional \$60,000 is needed in order to execute a contract.

Unfortunately, the City is not immune to the increases in costs for materials and labor. The requested \$100,000 supplemental appropriation for the Gas Collection and Control System will be transferred from the Unassigned Fund Balance in the Solid Waste Fund to the Capital Improvements Fund; and the \$60,000 requested for the wood grinding service will be transferred from the Unassigned Fund Balance to the operational budget for the Solid Waste Division.

ACTION

The following motion is offered for Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 3, 2022, beginning at 7:00pm at the Kilton Library for the purpose of receiving public input and taking action to appropriate One Hundred Sixty Thousand Dollars (\$160,000) for transfer from Unassigned Fund Balance in the Solid Waste Management Fund for the following:

- 1. One Hundred Thousand Dollars (\$100,000) to be transferred to the Capital Improvement Fund for the Landfill Gas Collection and Control System Expansion Project; and***
- 2. Sixty Thousand Dollars (\$60,000) to be transferred to the Solid Waste Operations Budget for contracted wood grinding services.***