



**LEBANON CITY COUNCIL
FEBRUARY 1, 2023 - 7:00 PM
KILTON LIBRARY, COMMUNITY ROOM 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: 930 749 183#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The February 1, 2023 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the February 1, 2023 agenda packet.

7. Appointments

- A.
 - Library Board of Trustees, Philip Bush (Reappointment Alternate Member)
 - Cemetery Board of Trustees, Bruce Hartford (Appointment Ward 1 Representative)
 - Economic Development Commission, David Newlove (Reappointment Citizen Representative)
 - Arts & Culture Commission, Nicholas Gaffney (Reappointment Arts Representative)
 - Lebanon Housing Authority, Ian Girdwood (Reappointment Regular Member)

8. Public Hearing Items: None

9. Old Business: None

10. New Business

- A. Presentation of Transparent Lebanon web page

- B. Discussion & Set Public Hearing for February 15, 2023: Review and Modification of Elderly Tax Exemptions
 - C. Housing Continuum and Low-Barrier Shelter Options in Lebanon
 - D. Release of Public Schools Impact Fees (3rd & 4th Quarters of 2022)
 - E. Preparation of Concise Explanations stating the City Council's position on the Zoning Amendments to appear on the March 2023 Municipal Ballot. Explanations are required by Section 1000.4.C of the Lebanon Zoning Ordinance and must indicate the Council's approval/disapproval of the proposed amendments, stating reasons for such.
 - F. Request for Appeal of Denial of Abatement of Water Charges
- 11. City Manager Report**
 - 12. Council Representatives to Other Bodies Report**
 - 13. Future Agenda Items**
 - 14. Non-Public Session**
 - A. RSA 91-A:3, II(d) – “Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.
 - 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: West Lebanon Revitalization Advisory Committee
Position: Regular Member
Applicant: J. Marshall
Assigned Councilor: C. Simon
Assigned Date: 01/23/2023

FEBRUARY 15, 2023

PUBLIC HEARING ITEMS:

- A. Review of Elderly Tax Exemptions

NEW BUSINESS:

- A. Presentation of 2021 Audit
- B. Discussion & Set Public Hearing for March 1, 2023: Request to Rescind Prior Authorizations for Issuance of Bonds or Notes
- C. Presentation of 2022-2023 Lebanon Historic Landmark Designations

MARCH 01, 2023

PUBLIC HEARING ITEMS:

- A. Rescission of Prior Authorizations for Issuance of Bonds or Notes

NEW BUSINESS:

- A. Review and adoption of revised General Assistance Program Guidelines

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 01, 2023**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- January 12, 2023 (Special Meeting)
- January 18, 2023 (Regular Meeting)

MOVED, to approve the minutes as presented in the February 01, 2023 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
SPECIAL SESSION MINUTES
Wednesday, January 12 2023, 6:30 p.m.
Remote Via Microsoft Teams: LebanonNH.gov/Live**

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

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Senior Planner for Planning & Development Mark Goodwin

NOTE: There was a major system failure in Council Chambers that affected the video, sound, or a combination of both for those who were attempting to attend this meeting remotely. As a result, the minutes for this meeting are limited to screenshots of the topics that were discussed by the Council and NHMA staff.

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 6:41 PM

2. New Hampshire Municipal Association (NHMA) Legislative Update: NHMA staff was present and provided a legislative update on bills of municipal interest proposed for the upcoming legislative session in the NH House and the NH Senate for local officials and legislators.

Ms. Katherine Heck (Government Financer, NHMA), Mr. Natch Greyes Government Affairs Counsel, NHMA, and Mr. Alex Torpey (Hanover, NH Town Manager & NHMA Member), introduced themselves and spoke to the Council about the NHMA's policy positions; the NH House balance of power; and the Legislative Sessions coming up in 2023.

The following screenshots, while not complete, are what were discussed:



Senate Statistics: 2022

~1/3 of votes were bipartisan

Sponsorship statistics were opposite

Most Senators saw ~2/3 of their bills have bi-partisan sponsorship

Only ~1/3 were party-line



Some Important Policy Topics

Marijuana – Several bills being advanced. Unclear whether pre-session negotiation. However, House Majority & House Minority Leaders support the same one.

Bail Reform – Ongoing negotiations between interested legislators, but unclear how that will develop.

Composting – Big push coming to start putting composting infrastructure in place, particularly for food scraps, as a way to stave off landfills reaching capacity.

Primary Date – Lots of conversation surrounding moving the date of the state primary.

State Funding – Perpetual issue made more difficult by infusion of federal dollars, which will shortly be drying up.



Some Important Bills: NHMA Policy Bills



HB 50: relative to payment by the state of a portion of retirement system contributions of political subdivision employers – restoring a portion of the state's share of employer costs for police, teachers, and firefighters in NHRS.

HB 254: relative to remote participation in public meetings under the right to know law – providing for a local option remote participation of members of public bodies in public meetings.

LSR 787: relative to town council-town manager form of local government – clarifying that towns that have adopted RSA 49-D have the same powers and authority as municipalities that adopted RSA 49-C.





Property Taxes/Assessing

- **HB 98, HB 99 & HB 569**- relative to the low and moderate income homeowners property tax relief program.
- **HB 197**- relative to the proration of property tax exemptions.
- **LSR 2023-0158**-repealing the collection of the state education property tax.
- **HB 433** -providing that property tax exemptions granted prior to a home sale shall not be applied to the new homeowner.
- **HB 237**- relative to the date of asset evaluation for purposes of determining eligibility for certain property tax exemptions.
- **HB 294** -enabling municipalities to adopt a child tax credit.
- **HB 403**- relative to the authority of selectmen or assessors to abate taxes.
- **LSR 2023-0888**- enabling municipalities to adopt a property tax credit for child day care agencies.

1
2
3

17 Bills filed relative to the NH Retirement System

HB 50 & LSR 2023-0801

relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

HB 555 - appropriating state general fund surplus toward the retirement system unfunded accrued liability.

HB 183-relative to employment of retired firefighters at the fire academy.

HB 278-relative to special duty hours worked by retired police members in the retirement system.

LSR 449
LSR 337
HB 571
HB 579
HB 461
HB 525
HB 436

Bills propose changes or modifications to GROUP II



4

State Aid to Municipalities through the State Budget Process

Biennial State Operating Budget and Trailer Bill.

• HB 1 and HB2 comprise the state operating budget

Appropriations are contained in HB1

The trailer bill (HB2) contains statutory changes necessary to implement the budget for the two-year period July 1, 2023, through June 30, 2025.

The state Budget has an **effective date of July 1, 2023.**



1
2



MUNICIPAL REVENUE SHARING and STATE AID SOURCES

General Funds:

Meals and Rooms Tax Revenue Distribution
State Revenue Sharing (Suspended 2010-2021)
State Normal Retirement Contribution (Repealed 2013)
Railroad Tax Distribution
State Municipal Aid Grants (One-Time Surplus: Added 2020-2021)

Environmental:

Flood Control
Landfill Closure Grants
Public Water System Grants
Pollution Control Grants – State Aid Grants (SAGs)
Water Supply Land Protection Grants

Highway:

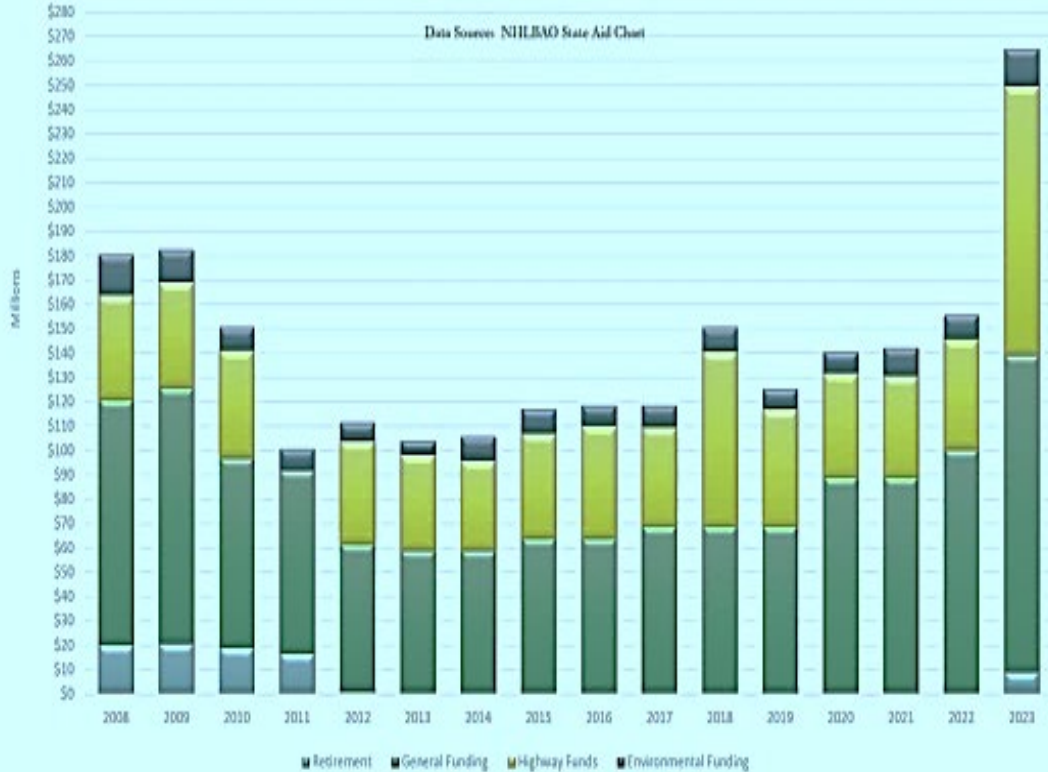
Highway Block Grants
Highway Construction Aid
State Municipal Bridge Aid

NHMA's advocacy tool, [Municipal State Aid and Revenue Sharing \(History & Trends\) Booklet](#) is now available for download.

3



STATE AID TO MUNICIPALITIES: 2008-2023 (Excluding Education)



General Funding: Match & Room (catch up formula suspended FYs 10-14, 16, 18-21, New Formula FY22),
Revenue Sharing (suspended FY10-23),
Municipal Aid One-Time from Surplus (added FY20-21),
State Retirement Contributions (Reduced FY10, Discontinued in 2013, One-time payment from surplus FY23)
Environmental Funding: Excludes Grants from the Drinking Water and Groundwater Trust Fund

Ways to Engage your Legislator

- ✓ Provide your legislators with summaries of issues that are important to your town or city;
 - ✓ include accurate facts and data.
- ✓ Invite them to address a council meeting;
 - ✓ participate in city/town-hosted events;
 - ✓ visit public meeting
 - ✓ highlight projects or facilities that are important to your municipality
- ✓ Conduct "informal" meetings;
 - ✓ invite business and community leaders, non-profit partner and other stakeholder groups.
- ✓ Respond to NHMA Legislative Bulletin or a legislative alert will frequently ask for your assistance in analyzing the effects of a bill or in communicating with legislators.



Stay Informed & Get Involved

The Legislative Bulletin is NHMA's primary means of communicating legislative information to member towns and cities.

- Sent via email and posted on the [NHMA website](#).
- Using [NHMA's Online Bill Tracker](#).
- Watching Senate and House Committee hearings and Full Sessions.
- [NH Senate Livestream](#)
- [NH House Livestream](#)

It also serves as a communication vehicle for action needed from your municipality, including :

- Requests for letters or calls in support or opposition.
- In person testimony.
 - *If you would like to speak on a bill, you do need to sign up in-person on the day of the hearing at the noticed time and location.*
- If you do not wish to speak on the legislation but would like to have your position registered in the official record of the bill you may do so.
- [Register Position for Senate Bills/Hearings](#)
- [Register Position for House Bills/Hearings](#)

How to Participate in New Hampshire Legislative Hearings:

- For the NH HOUSE, a link to sign in and register a position or to submit a PDF of written testimony, can be found here:
- [NH House of Representatives Upload Testimony](#)
- [Submit emailed/written testimony to House committees](#)
- For NH Senate bills, a copy of your written testimony may be emailed to the committees.
- If you do not wish to speak on the legislation would like to have your position registered in the official record of the bill you may do so using the following links:
- [Submit emailed/written testimony to Senate committees](#)



NHMA Bill Tracker: FastDemocracy

The New Hampshire Municipal Association (NHMA) represents the interests of cities and towns before the New Hampshire General Court (House and Senate) and various state agencies based on its member-adopted [principles and policies](#). The New Hampshire legislative session happens each year between the months of January and June. Each legislative cycle, NHMA tracks state actions that could significantly affect New Hampshire's 234 municipalities.

In addition to the weekly Legislative Bulletin, NHMA provides members access to FastDemocracy, an online bill tracking platform, for efficient, real-time updates to legislative activity of interest to members. Members do not need to create a FastDemocracy account to access this information, but they are able to create an account if they wish.

Click on the subgroups below to see information on bills from either the previous, or current legislative cycle within each category, and view the NHMA's stance on the measures. Subscribe to the bill list(s) to receive daily or weekly email updates, including new bill actions and upcoming hearings.

ALL BILLS

ECONOMIC DEVELOPMENT

EDUCATION FUNDING

ELECTIONS

ENERGY AND ENVIRONMENT

INFORMATION TECHNOLOGY

LABOR

LAND USE

LOCAL AUTHORITY

PROPERTY TAX

RETIREMENT

RIGHT-TO-KNOW

STATE AID

SUBSTANCE USE

TRANSPORTATION

FAST DEMOCRACY:

OUR BILL TABLE IS NOW ONLINE



Thank you

Natch Greyes, Government Affairs Counsel, NHMA
Katherine Heck, Government Finance Advisor, NHMA
Phone: 603-224-7447
governmentaffairs@nhmunicipal.org
www.nhmunicipal.org



25 Triangle Park Drive
Concord, NH 03301
www.nhmunicipal.org
nhmainfo@nhmunicipal.org
603.224.7447

The meeting was adjourned at 8:01 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, January 18, 2023 6:00 p.m.
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

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

MEMBERS ABSENT: Mayor Tim McNamara

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Director of Planning & Development Nathan Reichert, Associate Planner Rebecca Owens, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Energy & Facility Manager Tad Montgomery

1. Call To Order: Acting Mayor Below called the meeting to order at 6:04 p.m.

- City Manager Shaun Mulholland announced the meeting criteria for the public.
- Assistant Mayor Below was acting on behalf of Mayor McNamara for this meeting.
- Councilor Heistad stated the reason for attending remotely was due to him recovering from COVID.

2. Pledge Of Allegiance: Councilor Simon led the Council in the Pledge.

3. Boards and Committee Reports (4th Quarter 2022)

Planning Board (PB) – Matthew Hall, Chair

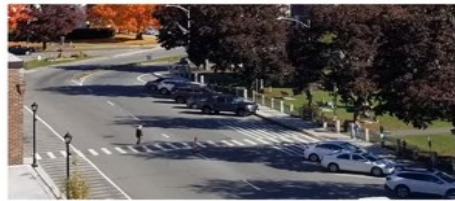
Chair Hall updated the Council on the following, noting they have been giving considerable thought to the following:

- Working with staff to evaluate the current Master Plan
- Capital Improvement Project (CIP) Process and how they interact with the City Council and the School Board
- Zoning Regulations
- Chair Hall's goal is to take a revaluation of some of the PB's regulations that may need to be amended, removed, or streamlined for the residents of Lebanon.

Pedestrian/Bicyclist Committee – Shaun Dittrich (member)

Mr. Dittrich updated the Council regarding the work the committee has been working on as follows:

- Proposed approach to improving crosswalk visibility: Their proposal is to repaint crosswalks in a few locations within the City into high contrast colors in order to increase visibility for cars, especially in winter when the roads are covered in snow, ice or road salt. This is a method that has been implemented in other cities. He presented a slide deck to the Council that showed different colors/designs they are looking at, noting this is the same type of paint used for standard crosswalks so application and maintenance issues should be fairly straight forward. This has already been discussed with the City Manager and the Department of Public Works and will be put into their spring plan. (See sample screenshots below.)



A color palette that inspired me to think of using contrasting red/orange/yellow circles or squares between the white bars:



Shape, square
Description automatically generated



Chair Colin Smith was inspired by this proposal last winter when salt was on the roads causing the crosswalks to become less visible. This is a low cost and common sense plan to address visibility and safety issues for crosswalks during the wintertime and the hope is to pilot this project sometime during the upcoming year. Mr. Dittrich will send the slide deck to Acting Mayor Below so he can share it with Council members.

- They also have the potential to work with the Arts & Culture Department to design the crosswalks.

Conservation Commission – Sarah Riley, Chair

Chair Riley updated the Council on the following:

- Reviewed one (1) Wetland Permit
- Reviewed work they are doing on the Strategic Plan
- Reviewed proposed Zoning Amendments
- Continue to work on Chapter 5, Natural Resources in the Master Plan
- Held two (2) Wild About Lebanon events
- In December they started reviewing a list of 17-18 city owned properties to evaluate for disposition (i.e., open space value; if they could potentially be sold for housing).
- Bridge over Great Brooks Grant: Staff working on finding a suitable design.
- Reviewing the impacts that trails have on wildlife and on sensitive habitats

Chair Riley also spoke about reducing the deer (doe) population and potentially re-introducing the cougar population in our area, if the population is amenable.

Economic Development Committee – Bill Dunn, Chair

Chair Dunn updated the Council on the following:

- Have been meeting with the TIF Advisory Board regarding the Downtown Parking lots. They have received three (3) proposals and will be hearing presentations from the respondents on Wednesday, January 25th, 2023. The EDC is in the early phases of selecting a vendor.

Lebanon Energy Advisory Council (LEAC) – Greg Ames, Chair

Chair Ames updated the Council on the following LEAC topics:

- Continued their work on the Master Plan revisions
- Lebanon Community Power & the Community Power Coalition of NH
- Landfill Gas-to-Energy Project & Phase III Solar: Microturbines for the generating equipment arrived in October. Phase III solar will not begin until the landfill solar is back online and up and running. There were some issues with the capacity of power lines and back feeding net metered power when you add in both the Landfill Gas-to-Energy output and the peak solar output, as well as the risk of too much capacity to be used on that circuit during a possible power outage.
- EV (Electric Vehicle) Subcommittee:
 - Expecting to stay in a General Motors program, which allows local dealers to supply up to five (5) charging stations to local municipalities for public use.
 - Working on GIS Map, which would show known locations for public EV charging stations in the Upper Valley and would allow the public to mark locations where they feel public charging stations are needed (primarily focusing on Lebanon, Hanover and Hartford, VT)
 - There was discussion around the EV charging amendments in the Zoning Ordinance.
 - Advance Transit has received two (2) electric buses that will be launched soon
- Discussion has taken place with landlords about launching a pilot project for decarbonization and energy efficiency in lower income multi-unit housing.

1 **Diversity, Equity and Inclusion Committee (DEI) – Councilor Devin Wilkie**

2 Councilor Wilkie updated the Council on the following topics (Chair Walton submitted an email report):

- 3 • Wrote a land acknowledgement and was submitted to the City Council
- 4 • Reviewed and shared feedback on the City’s Strategic Plan
- 5 • Reviewed and shared feedback on the Administrative Purchasing Policy and the pending Council
- 6 policy
- 7 • Completed a Discrimination Survey to get input from the community. They have not yet had a
- 8 chance to review the results but will be doing so soon
- 9 • Discussed the gender neutral language provisions that will be going before the voters on the
- 10 ballot in March 2023.

11
12 **Heritage Commission – Councilor Devin Wilkie**

13 Councilor Wilkie updated the Council on the following:

- 14 • Reviewed a couple of inquiries for the Woolen Millen and Lebanon Rest Area (VPAC)
- 15 • Discussing the signage that exists in the City
- 16 • Submitted a total of ten (10) landmark designations, which the Council will be reviewing next
- 17 month
- 18 • Updated Kiosk Informational Display on the Lebanon Mall
- 19 • Has undertaken doing an informational video project to examine the history/precolonial history of
- 20 Lebanon.

21
22 **Cemetery Board of Trustees:** No verbal report given. The Council received a written report from the
23 City Clerk’s Office.

24
25 **Arts & Culture Commission – Councilor Wilkie**

26 Councilor Wilkie updated the Council on the following topics:

- 27 • There were four (4) winners of the sidewalk poetry contest, whose names/poems will be
- 28 imprinted on City sidewalks with the next sidewalk project (2024)
- 29 • Provided contributions for the Recreation Arts & Parks ‘Tis the Season Festival, and the holiday
- 30 light display
- 31 • Discussing additional updates to the banners on light poles around the Colburn Park area
- 32 • They also will be sponsoring an Ice Sculpture Event that will be taking place on Saturday,
- 33 January 21, 2023

34
35 **4. Public Forum:** Acting Mayor Below made the Public Forum announcement.

36
37 **5. Open To Public:**

38 *Mr. Tom Jasinski (no ward given):* He spoke about his concerns regarding what he thought was a required
39 Opt-Out option for the Lebanon Power Coalition as written in a Valley News article. He felt this should
40 be an Opt-In option. Acting Mayor Below noted there was a correction printed in the Valley News today
41 and noted that any customers who are on competitive supply will stay on that competitive supply and
42 have the option to “Opt-In.” People will not be required to switch over.

43
44 The Lebanon Outing Club will be celebrating their 100th Anniversary this upcoming weekend.

45
46 **6. Recognitions: NONE**

1
2 **7. Acceptance Of Minutes:** January 4, 2023 (Regular Meeting)
3 Amendments: Page 9, Line 6: Change “read” to “cited.”
4

5 *Councilor Liot “Hill MOVED to approve the January 4, 2023 minutes as amended and presented in*
6 *the January 18, 2023 City Council agenda packet.*
7 *Seconded by Councilor Whittlesey.*
8

9 **Roll Call Vote:**

10 Acting Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all
11 voted Yea.

12 None voted Nay.

13 **The Vote on the MOTION was approved (8-0).*
14

15 **8. Appointments: NONE**
16

17 **9. Public Hearing Items:**

18 A. Zoning Amendments Proposed for Placement on the March 2023 Ballot:
19

20 A public hearing for the purpose of receiving public input and taking action on proposed amendments to
21 the Lebanon Zoning Ordinance in advance of placing amendments on the 2023 Municipal Ballot.
22

23 Included in the agenda packet: *(Pages 26-44, Council agenda packet)*

- 24 1. January 10, 2023 Memo to the Lebanon City Council from Planning & Development
25 Department Staff re: Public Hearing on Zoning Ordinance Amendments for March Ballot,
26 which includes the following:
27 • Draft Zoning Amendments for March Ballot (12 Pages)
28

29 Complete Details Available:

30 [January 4, 2023 City Council Agenda Packet](#)
31

32 Deputy City Manager David Brooks, and Director of Planning & Development Nathan Reichert presented
33 the background and reviewed the Draft Zoning Amendment for the March Ballot.
34

35 **BACKGROUND**

36 At the October 5, 2022 meeting, the City Council was presented with a number of proposed amendments
37 to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded
38 them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of
39 Adjustment. Legal review has been obtained, and all boards have completed their review.
40

41 The final proposed amendments along with Board/Commission comments were presented to the City
42 Council on January 4, 2023. Four (4) of the proposed amendments are required to be placed on the
43 municipal ballot for consideration by Lebanon voters pursuant to the process outlined in Section 1000.4
44 of the Zoning Ordinance, including the following:
45

46 **Amendment #1** – To adopt a new Section 509 (“Cottage Developments”) as a use allowed by Conditional
47 Use Permit in the R-1, R-2, R-3, R-O, and R-O-1 Districts. **(Zoning Ordinance ADD Section 509 and**

1 amend Sections 308.2, 309.2, 310.2, 311.2, and 311A.2, with related amendments to Section 205.1,
2 Section 500, and Appendix A)

3
4 **Sample Layout:**



5
6 **Amendment #2** – To amend and rename the Manufactured Home regulations in Sections 503 and 504.
7 **(Zoning Ordinance Sections 503 and 504, with related amendments to Sections 209, 308.2, 312.2,**
8 **313.2, 500, 501.2.C, and Appendix A)**

9 **Amendment #3** – To amend the RL-3 District Table of Uses to change “accessory use to any, one-family
10 dwelling” from a use allowed by Special Exception to a Permitted Use. **(Zoning Ordinance Section**
11 **314.2)**

12 **Amendment #4** – To amend the Accessory Dwelling Unit (ADU) regulations in Section 610 to allow an
13 accessory dwelling unit for an owner-occupied two-family dwelling. **(Zoning Ordinance Section 610)**

14 **► NOTE: Adding an attached ADU to a two-family dwelling
converts the building to a multi-family dwelling for fire
and building code purposes**

15 Please see attached memo from the Planning Department Staff along with proposed Zoning Ordinance
16 amendments for detailed information.

17
18 **Acting Mayor Below opened the Public Hearing and the following came forth to speak:**

19
20 Mr. Matt Hall (Ward-3), Planning Board Chair: The Planning Board approved moving forward with
21 these amendments. He spoke about why the City should think about the aesthetics (i.e., emphasizing the
22 New England style of architecture; porch requirements consideration).

23
24 Mr. Clay Adams (Hanover and works at Mascoma Bank): He presented a signed letter to the City
25 Manager from 19 different businesses in the Upper Valley that described the plight employers are in to
26 identify/hire employees for their organizations. He spoke about the reasons why the impact of
27 (affordable) housing is having an effect on businesses being able to hire employees and encouraged the
28 Council to pass these amendments.

29
30 Ms. Barbara Hirai (Ward-1): She commented on and spoke about the amendments to Manufactured
31 Housing. Her concerns included the decrease in open space requirements for new development(s), steep
32 slopes, and wetlands in that open space.

1 Councilor Liot Hill noted the new language in this amendment is to make it consistent with how other
2 Planned Unit Developments (PUD) are treated. Right now, manufactured housing is being treated
3 differently and what this language does is to bring it into uniformity with how other housing in Lebanon
4 is treated.

5
6 Mr. Brooks concurred with Councilor Liot Hill and noted that in a standard subdivision, as well as any
7 other form of planned unit development, steep slopes and wetland areas count towards the density and
8 they can be included in the open spaces. This is the only other type of development currently where those
9 areas cannot be included as open space. Steep slope areas and wetlands are often specifically put into the
10 open space areas of a standard subdivision or PUD because they are the natural resources that ought to be
11 protected.

12
13 Mr. Reichert also noted that both the wetlands and steep slopes will trigger other protections within the
14 Zoning Ordinance that prevent additional development in those areas. While most of them will simply be
15 off limits for additional development for any use at all, other elements of the Zoning Ordinance would
16 apply and gave examples.

17
18 *Ms. Sarah Riley (Chair of Conservation Commission):* The discussion above just clarified some of their
19 (Conservation Commission) concerns. The reason behind this Zoning Amendment did not come up in
20 our discussion regarding bringing manufactured housing developments into alignment with other housing
21 developments and felt it not appropriate to continue our concerns with this particular change.

22
23 **Hearing no further comments from the public, the Public Hearing was closed.**

24
25 Council Discussions:

26
27 Councilor Wilkie questioned amendment #4 regarding Accessory Dwelling Units (ADU) and asked why
28 this proposed amendment will only apply to owner occupied dwellings. Is this political?

29
30 Mr. Brooks noted that this is a political issue. Many larger communities that are dealing with even worse
31 housing situations have begun to roll back the owner occupancy requirements. The effect of this is to
32 make a two/three-family unit as a Permitted Use in that Zoning District and spoke about the history of
33 this amendment.

34
35 There will be continued discussions regarding ADU ownership requirements next year.

36
37 While the public hearing was closed, Acting Mayor Below accepted comments from the following:

38 1) Mr. Andrew Faunce: Spoke about ADUs.

39
40 Acting Mayor Below noted that one of our housing problems is that investors are buying up residential
41 properties, converting them to rentals, and this is making it more difficult for people to buy homes. In
42 some sense, if properties are developed with an ADU with this current requirement, we would be keeping
43 them off the market from out of the area speculative investors who are buying up real estate to rent. This
44 is a good issue for further discussion (at a later time).

45
46 **ACTION:**

1 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby requests that the City Clerk place***
2 ***Amendments #1-4, as listed above, on the March 14, 2023 Municipal Election Ballot for consideration***
3 ***by Lebanon Voters.***

4 ***Seconded by Councilor Wilkie.***

5
6 Councilor Liot Hill spoke to her motion by saying the City Council has made housing a priority over the
7 past year and will be a real priority for the coming year. The lack of affordable housing has been a
8 consistent problem and has only gotten worse over time and is really creating a head wind on our ability
9 to allow businesses to grow and for our communities to remain vital. She felt these four amendments are
10 a good step moving forward and while these will not solve the problem, hopefully they will provide some
11 additional tools moving forward.

12
13 **Acting Mayor Below recognized Cory Hirai (Ward-1, member of Planning Board) who spoke about**
14 **her reasons for not supporting porch requirements in cluster housing.**

15
16 Ms. Cori Hirai spoke about her reasons against having porch requirements in Cluster Developments, and
17 in response, the Council briefly discussed their reasons supporting porches.

18
19 **Roll Call Vote:**

20 Acting Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all
21 voted Yea.

22 None voted Nay.

23
24 ****The Vote on the MOTION was approved (8-0).***

25
26 **B. Proposed Amendments to the Zoning Ordinance for COUNCIL ADOPTION:**

27 A public hearing for the purpose of receiving public input and taking action on proposed amendments to
28 the Lebanon Zoning Ordinance in advance of approving and/or placing amendments on the 2023
29 Municipal Ballot.

30
31 The City Council scheduled this public hearing at its January 4, 2023 regular meeting.

32
33 Included in the agenda: *(Pages 45-46 , Council agenda packet)*

34 1. January 10, 2023 Memo to the Lebanon City Council from Planning and Development Department
35 Staff re: Public Hearing on Zoning Ordinance Amendments for Consideration and Adoption by the City
36 Council, which includes the following:

- 37 • Draft Zoning Amendments for COUNCIL ADOPTION (14 Pages)

38
39 Complete Details Available:

40 [January 4, 2023 City Council Agenda Packet](#)

41
42 Deputy City Manager David Brooks, and Director of Planning & Development Nathan Reichert presented
43 the background and reviewed/explained the ten (10) Draft Zoning Amendments for COUNCIL
44 ADOPTION.

45
46 **BACKGROUND**

47 At the October 5, 2022 meeting, the City Council was presented with a number of proposed amendments

to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all boards have completed their review.

The final proposed amendments along with Board/Commission comments were presented to the City Council on January 4, 2023. Ten (10) of the proposed amendments may be approved by the City Council pursuant to the process outlined in Section 1000.4 of the Zoning Ordinance. Alternatively, the Council may decide that any or all amendments shall be submitted to the voters on the 2023 Municipal Ballot, even though such a referendum is not required.

Please refer to the memo from the Planning Department Staff along with proposed Zoning Ordinance amendments for detailed information.

The ten amendments that the Council can approve include the following:

Amendment #1 – To add “equipment and machinery sales, rental and service” to the IND-L District Table of Uses as a permitted use and to provide a definition for “equipment and machinery sales, rental and service.” (**Zoning Ordinance Section 303.2 and Appendix A, with a related amendment to Section 303.4**)

Amendment #2 – To amend the sign regulations in Section 608 to allow properties that are within 100 feet of the Interstate 89 right-of-way and that have an existing freestanding sign that is non-conforming due to its height to have one additional freestanding sign in conformance with the requirements of Section 608.4.A.4. (**Zoning Ordinance Section 608.4.A.4**)

Amendment #3 – To amend Section 507 “Bonuses for Certain Planned Development” to allow the Planning Board to award a density bonus for developments that include workforce housing, energy efficient design, or renewable energy systems, and to provide criteria for the consideration of such density bonus awards. (**Zoning Ordinance Section 507, with a related amendment to Appendix A**)

B3 - DENSITY BONUSES:

Resolution adopted 4/21/22 by the City Council:

- 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.

Type of Development	For Use of Technique	For Sensitivity to Environment	For Creating Affordable Workforce Housing	For Reducing Fiscal Impact	For Energy Efficient Design	For Renewable Energy Systems Facilities
PURD or PRec	12%	---	---10%	---	10%	10%
Manufactured housing PURD MH Park (or subdivision)	NONE 12%	---	---	---	10%	10%
Subdivision	NONE	---	---	---		

Amendment #4 – To amend the regulations for Senior Housing Complexes in Section 603 to also apply to developments with Workforce Housing. (**Zoning Ordinance Section 603**)

Amendment #5 – To amend the parking regulations in Section 607 to include requirements for Electric Vehicle parking spaces and infrastructure. **(Zoning Ordinance ADD Section 607.8 and amend Appendix A with a related amendment to Section 607.3.B.1)**

B5 - ELECTRIC VEHICLE (EV) REQUIREMENTS

- Addresses the rapidly changing regulatory and market landscape, which is transitioning to an electrified transportation future
- Preparing building and site utilities during initial construction is dramatically less expensive than subsequent retrofit

1. One- and Two-Family Dwellings. All new *one- and two-family dwellings* shall provide at least one (1) *EV-ready* space per *dwelling unit*.
2. Multi-Family Dwellings. Parking for *multi-family dwellings* shall include:
 - a. *EVSE-installed spaces* for a minimum of 5% of proposed *off-street parking spaces*.
 - b. *EV-ready spaces* for a minimum of 20% of proposed *off-street parking spaces*.
 - c. *EV-capable spaces* for a minimum of 65% of proposed *off-street parking spaces*.
3. Non-Residential Uses. Parking for uses requiring or proposing to provide 50 or more *off-street parking spaces* shall include:
 - a. *EVSE-installed spaces* for a minimum of 2% of proposed *off-street parking spaces*, with a minimum of two *EVSE-installed spaces*.
 - b. *EV-ready spaces* for a minimum of 10% of proposed *off-street parking spaces*.
 - c. *EV-capable spaces* for a minimum of 50% of proposed *off-street parking spaces*.

Amendment #6 – To amend the sign regulations in Section 608 to exempt any medical center complex sign that is not visible from a public street. **(Zoning Ordinance ADD Section 608.7.J)**

Amendment #7 – To amend the purpose statement of the Central Business District. **(Zoning Ordinance Section 306.1)**

Amendment #8 – To change “group day care facilities” from a use allowed by Special Exception to a Permitted Use in the IND-L, IND-RA, CB, R-O, R-O-1, and PB Districts and from a use allowed by Conditional Use Permit in the LD District to a Permitted Use. **(Zoning Ordinance Sections 303.2, 303A.2, 306.2, 307.2, 311.2, 311A.2, and 311B.2)**

Amendment #9 – To adopt miscellaneous minor amendments including corrections to typographical errors, and to adopt amendments to defined terms set forth in Appendix A. **(Zoning Ordinance Sections 501.1.H, 611.A, 302.4.B, 500, 608, 703.2, 702.5, and Appendix A)**

Amendment #10 – Proposed Zoning Map change from R-3 to CB District for a portion of properties located at 18 Bridge Street (M/L 58-2) and 22 Bridge Street (M/L 58-1) extending the CB District boundary from 200 feet from the centerline of Bridge Street to 425 feet from the centerline of Bridge Street. The primary purpose of this amendment is to reflect existing improvements more accurately on the properties and to better facilitate redevelopment of the properties as envisioned in the 2012 Master Plan and the 2021 Action Plan for West Lebanon. **(Zoning Map Change)**

B10 - 18 & 22 Bridge St rezoning - R-3 to CB



Acting Mayor Below opened the Public Hearing and the following people came forth to speak:

Mr. Andrew Faunce: He spoke about his concerns and reasons why he did not support Amendment #10 as an abutter to the property.

Mr. Matthew Hall (Ward-3): He spoke about his concerns and reasons why he and the Planning Board opposed Amendment #5 that mandates EV requirements for single family homes, noting EV charging stations should not be required but rather presented as an incentive (i.e., this will make housing more expensive).

Mr. John Chaffee (Ward-1): He spoke about his reasons in support of the EV Charging Amendments.

Mr. Matt Malloy (Ward-1): He spoke about his concerns and reasons why he opposed Amendment #10 as an abutter and questioned if the property owners have a plan for the property.

Mr. Brooks said the genesis of this proposal actually comes out of the 2012 Master Plan for the City, which showed the entirety of these properties being rezoned as Central Business District. There was a discussion several years ago to make sure that the future Land Use Map and the Zoning Map were in concert. The property owners were supportive. The Planning Board and others were not. Coming out of the 2019 West Lebanon Visioning Charette effort that spawned the West Lebanon Revitalization Committee and their Action Plan for West Lebanon, all of those documents speak to the ability of enhancing this key gateway coming from Vermont. Those properties are limited by the current zoning of the property, which is in a way non-conforming. The idea was to enable and facilitate the possibility that somebody could do something there and make sure the zoning was not a hindrance. It would be up to the property owner. The overlay regulations will remain in effect and will have a major impact of what can/cannot be developed on these properties.

Mr. Reichert informed Mr. Malloy that as an abutter to this property he would be notified by the Planning Board if/when something would be happening. This would allow him to be involved in the process.

Mr. Tom Huntley (owner of one of the buildings on property): He has owned the little garage on the property for 40 years and gave an exception about 30 year ago to Portland Glass so they could add onto business. He wanted to make sure the setbacks would remain the same way as they are now (for both and the three other property owners) and there would not be construction to close to his property line on any side.

1 Mr. Brooks explained the areas where it would change from R3 to CB, the setbacks would go from 15 ft.
2 to zero. To the extent where his property is already in the CB, and the surrounding parcel where Portland
3 Glass is, is already CB, those setbacks already apply. You can build directly up to your property line and
4 they can build up to their property line.

5
6 Mr. Brian Ware (Ward-1): He spoke about his concerns and reasons why he opposed Amendment #10 as
7 an abutter. He and other area property owners respect the river and are opposed to more commercial
8 buildings.

9
10 Ms. Sherry Boschert (Ward-2, Chair of LEAC's EV Subcommittee): She spoke about her reasons in
11 support for the EV Amendments and described the new interactive GIS Property Survey Map launch
12 where people could place locations on the map where they thought EV chargers were needed. According
13 to the data they received she explained there is a pent up demand for EV charging that needs to be
14 addressed. She respectfully asked the Council to pass the EV Amendments.

15
16 Mr. James Mashal (Ward-3, property abutter): He spoke about his concerns and reasons for opposing
17 Amendment #10.

18
19 Mr. Andrew Faunce (No ward given): Came forth again and spoke more about his reasons for opposing
20 Amendment #10.

21
22 Ms. Chris Haidari (Ward-3): In response to Ms. Haidari's question regarding the placement of signage in
23 Amendment #2, Mr. Reichert explained this amendment would allow for a separate, smaller, freestanding
24 sign placed on the property where it would be street visible as opposed to being visible from the
25 Interstate. This separate sign would have to meet all the current zoning requirements.

26
27 Ms. Haidari also expressed her concerns about the City's infrastructure with all the new development
28 being proposed and questioned (i.e., water, sewer, landfill) how the City was calculating infrastructure
29 needs for these proposed developments.

30
31 Mr. Brooks explained the City has a model of its entire wastewater system (part of the CSO). With that
32 model the City can identify the capacity of every single pipe between a given property and the treatment
33 plant and know exactly what the available capacity is. No individual development can consume more
34 than 50% of the available capacity in that pipe. He further explained the technicalities of how this works.
35 The water side is similar, noting the capacity far exceeds what we use on a daily basis. The landfill has
36 business operations plans that map out the use of that facility, noting they have the capability of
37 expanding for something like 90 years of capacity, and this comes up annually when they meet with the
38 City Council to talk about capital project.

39
40 Ms. Barbara Hirai (Ward-1): She spoke about her reasons in support of the EV Amendments.

41
42 Mr. Woody Rothe (Ward-1): He spoke about his reasons for supporting the EV Amendments.

43
44 Mr. Greg Ames (LEAC Chair): He spoke about his, and Lebanon Energy Advisory Committee's
45 (LEAC), reasons for supporting the EV Amendments, noting the EV chargers at Walmart are meant for
46 travelers and are the least efficient and the most expensive way to charge an electric vehicle. He also

1 noted that while individual EV Chargers would raise the cost of a new home, but the cost we are talking
2 about is exactly identical to what it would be to prewire the circuits for an electric range.

3
4 Ms. Sarah Riley (Ward-2): She spoke about her reasons supporting the residents of Crafts Ave. and was
5 against Amendment #10. She felt the changes in this amendment should be looked at in more depth by
6 the Council.

7
8 Mr. Win Townsend (Ward-2 and an owner of 18 & 22 Birch St): He wanted to let everyone know that he
9 does not have a grand plan here. To be clear, they are not thinking about their property in terms of
10 redevelopment, noting they have a decades-long relationship with the occupants of the property and our
11 relationship with them is important to him. He further explained how this amendment might be able to
12 give them (property occupants/owners) the flexibility to do something nice with the property instead of
13 cramping it all up in the front. He emphasized again that he has no grand plan to develop his property.

14
15 Mr. Andrew Faunce (no ward given): He spoke for the third time about his concerns regarding
16 Amendment #10 and about what the unintended consequences might be if the property changes hands.

17
18 Ms. Cory Hairai (Ward-1): She spoke again in support of the EV Amendments.

19
20 **Hearing no further comments from the public, the Public Hearing was closed.**

21
22 **ACTION:**

23 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby approves amendments #1-9 as***
24 ***presented in the January 18, 2023 City Council Agenda Packet.***
25 ***Seconded by Councilor Wilkie.***

26
27 Acting Mayor Below wanted to be clear that the above motion leaves out Amendment #10, which is the
28 18 & 22 Bridge Street rezoning.

29
30 Councilor Liot Hill spoke to her motion by stating she is prepared to move forward with Amendments 1-
31 9, but she thought Amendment #10 could stand some further discussion. She thought what she was
32 hearing from the neighborhood is that they would like more time to understand what the implications
33 could be and what the difference in setbacks would be. The testimony given tonight made her think a
34 little more time is needed to further consider this amendment and getting more feedback from people
35 would be prudent. She suggested Planning Staff meet with the neighbor, etc., to get more input on this.

36
37 Councilor Sykes concurred with Councilor Liot Hill and also spoke about his reasons in support of
38 Amendment #5, EV Charging Stations.

39
40 Acting Mayor Below noted he and other Councilors have received emails/letters in support of the EV
41 Amendments and requested that their names be added to the public recorded.

42
43 Mr. Brooks cited the names/wards for those who supported the EV Amendment in advance of this
44 meeting. They are Mr. Noah Souza (Ward-3); Jim Lever and Susan Taylor (Ward-3); Francis Oscadal
45 (Ward-3); Leanne Moccia (Ward-3); David Millstone; Bart Getty (Ward-2); and Liane Avery.

1 Acting Mayor Below noted he received a comment from a person who lives in an apartment complex who
2 was considering buying an EV but because, at the time, there was no EV Charging Station he did not.
3 Since that time, the owner put in two charging spots but now there are about 4-5 people who charge their
4 vehicles. The problem is that if there is more demand for charging, and people cannot reliably charge
5 every night, this would discourage the use of EVs. He spoke about Liberty Utilities rates and efforts to
6 place more EV Charging Stations.

7
8 Mr. Brooks cited the Action Plan, (§5- Encourage Development) from the Downtown West Lebanon
9 Revitalization Committee. He also cited the Summary of Priorities and Recommendations from West
10 Lebanon Revitalization Advisory Committee.

11
12 **Roll Call Vote:**

13 Acting Mayor Below, and Councilors Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all voted Yea.
14 None voted Nay.

15 Councilor Heistad lost internet connection and was not present for this vote.

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

17
18 **10. Old Business - NONE**

19
20 **11. New Business:**

21 A. Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14,
22 Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

23
24 Included in the agenda packet: *(Pages 47-49, Council agenda packet)*

- 25 1. December 12, 2022 Letter from Josh Tuohy, Salt hill Pub
26 2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub

27
28 **BACKGROUND**

29 Beginning in 2020, the City Council approved an expanded outdoor seating area for Salt hill Pub that
30 included additional space within the pedestrian mall, as well as the parking area on West Park Street in
31 front of Salt hill Pub and the 20 West Park Street building. Salt hill Pub is requesting renewal of their
32 exemption to include those expanded seating areas approved in 2020, 2021 and 2022. Please see attached
33 letter from Josh Tuohy.

34
35 City Administration has no objection to the closure of the parking area for use by Salt hill Pub as was done
36 in 2020, 2021 and 2022.

37
38 City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly
39 recognized organization, organized group, family group or business may be exempted from the provisions
40 of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the
41 City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding
42 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council
43 and reviewed on an annual basis.” Whereas the current request is for the alcohol exemption/permit to
44 cover the entire year period from January through December, Council approval is required pursuant to
45 §14-5 above.

46
47 **ACTION:**

1 *Councilor Sykes MOVED, that the Lebanon City Council hereby grants an exemption to Salt hill Pub*
2 *pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the*
3 *Lebanon Pedestrian Mall and the parking area on West Park Street as shown on the map included in*
4 *the January 18, 2023 City Council Agenda Packet. The exemption shall be valid beginning January 19,*
5 *2023 and shall expire on December 31, 2023.*

6 *Seconded by Councilor Liot Hill.*

7
8 **The Vote on the MOTION was approved (7-0). Councilor Heistad was not available for this vote.*
9

10 **B.** Request from Three Tomatoes for an Exemption (per §14-5) of City Code Chapter 14,
11 Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

12
13 Included in the agenda packet: *(Pages 50-52, Council agenda packet)*

- 14 1. January 10, 2023 Letter from Robert Meyers, Three Tomatoes
15 2. Location Map of Outdoor Seating Areas for Three Tomatoes Trattoria and Salt hill Pub
16

17 **Acting Mayor Below recused himself from this vote because he has an ownership interest in Three**
18 **Tomatoes.**

19
20 **Councilor Liot Hill took over the meeting as Acting Mayor due to the recusal above.**

21
22 **BACKGROUND**

23 Three Tomatoes is requesting renewal of their exemption to serve alcohol in their “normal” awning area
24 on the Pedestrian Mall and their expanded seating on Court Street. Please see attached letter from Robert
25 Meyers.

26
27 City Administration has no objection to the closure of the portion of Court Street for use by Three
28 Tomatoes as was done in 2020, 2021 and 2022.

29
30 As has been done in the past, alcohol will be served in the outdoor seating areas. City Code Chapter 14,
31 Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly recognized organization,
32 organized group, family group or business may be exempted from the provisions of this article for a short
33 period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after
34 consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not
35 exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an
36 annual basis.” Whereas the current request is for the alcohol exemption/permit to cover the entire year
37 period from January through December, Council approval is required pursuant to §14-5 above.

38
39 **ACTION:**

40 *Councilor Wilkie MOVED, that the Lebanon City Council hereby grants an exemption to Three*
41 *Tomatoes pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages*
42 *on the Lebanon Pedestrian Mall and the closed portion of Court Street as shown on the map included in*
43 *the January 18, 2023 City Council Agenda Packet. The exemption shall be valid beginning January 19,*
44 *2023 and shall expire on December 31, 2023.*

45 *Seconded by Councilor Sykes.*

46
47 **The Vote on the MOTION was approved (6-0-1). Assistant Mayor Below was recused. Councilor*
48 *Heistad was not available for this vote.*
49

1 Assistant Mayor Below returned as Acting Mayor and Councilor Liot Hill returned as a regular
2 Council member.
3

4 **C. Request from the Lebanon Opera House for an Exemption (per §14-5) of City Code Chapter**
5 **14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property**
6

7 Included in the agenda packet: *(Pages 53-56, Council agenda packet)*

- 8 1. January 9, 2023 email from Lebanon Opera House Operations Manager Brian Cook
9 2. Map of requested areas
10

11 **BACKGROUND**

12 On April 20, 2022, the City Council granted an exemption to the Lebanon Opera House (LOH) pursuant to
13 §14-5 of City Code Chapter 14, Alcoholic Beverages, to allow them to serve alcoholic beverages in the
14 alley between City Hall and the neighboring building located at 55 North Park Street, the back parking lot
15 behind City Hall, the sidewalk in front of City Hall, and all other areas immediately surrounding the
16 building. On May 18, 2022, the Council granted an exemption to LOH to allow the serving of alcoholic
17 beverages inside City Hall during LOH events and performances. On June 30, 2022, the City and LOH
18 entered into a license agreement to formalize the use of City property by LOH, including the alcohol
19 exemptions.
20

21 LOH is requesting a renewal of the same alcohol exemptions for 2023. Please see the attached email from
22 Lebanon Opera House Operations Manager, Brian Cook. City Administration has no objection to the
23 request.
24

25 City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly
26 recognized organization, organized group, family group or business may be exempted from the provisions
27 of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the
28 City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding
29 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and
30 reviewed on an annual basis.” Whereas the current request is for the alcohol exemption/permit to cover a
31 one-year period, Council approval is required pursuant to §14-5 above.
32

33 **Councilor Heistad returned to the meeting.**
34

35 **ACTION:**

36 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby grants an exemption to Lebanon***
37 ***Opera House (LOH) pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic***
38 ***beverages inside City Hall during LOH events and performances, as well as in the alley between City***
39 ***Hall and the neighboring building at 55 North Park Street, the back parking lot behind City Hall, the***
40 ***sidewalk in front of City Hall, and all other areas immediately surrounding the building. The exemption***
41 ***shall be valid beginning January 19, 2023 and shall expire on December 31, 2023.***

42 **Seconded by Councilor Wilkie.**
43

44 **Roll Call Vote:**

45 Acting Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all
46 voted Yea.

47 None voted Nay.
48

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

2
3 **D. Review and Discussion of Draft Strategic Plan** *(Pages 57-67, Council agenda packet)*

4
5 Information Available but not included in agenda packet:

6 1. Lebanon Strategic Plan web page including Miro Board of Draft Strategic Plan
7 [Lebanon Strategic Plan web page](#) including Miro Board of Draft Strategic Plan

8
9 City Manager Mulholland reviewed the background and reviewed/explained the Draft Strategic Plan,
10 noting the purpose of the Strategic Plan is to focus on operational issues. He also explained/reviewed the
11 Summary of the Strategic Objectives and the Vision Statements under each of the topics listed below:

- 12 • High Performing Government
- 13 • Housing and Neighborhoods
- 14 • Financial Stability and Efficiency
- 15 • Recreation, Arts, and Parks
- 16 • Environment and Sustainability
- 17 • Public Safety
- 18 • Transportation
- 19 • Economic Vitality
- 20 • Social Health and Justice: This has never been addressed before.

21
22 *(Note: Complete details can be found on pages 57-67, Council agenda packet.)*

23
24 **BACKGROUND**

25 Each year, the City Manager, with city staff, develop the Annual Outcomes and Work Plan (AOWP) that
26 is presented to the City Council in the form of workshops in April. The AOWP is intended to determine
27 the objectives that form the basis for the development of the annual budget and is developed to achieve
28 the objectives of the City's Master Plan which has a primary focus on land use. Additionally, the City has
29 sustainability objectives and other guidance documents.

30 The development of a strategic plan is intended to replace the AOWP and works to achieve the goals of
31 the Master Plan, sustainability objectives and the other key goals of the City. Unlike the AOWP, the
32 strategic plan will be approved by City Council. The strategic plan has ten functional areas with
33 objectives, vision statements, key performance indicators (KPI), and identification of city departments,
34 city boards and partners that are tasked with accomplishing the objectives. The task items will be
35 identified as well with a timeline for the ensuing year and the two subsequent years after that.

36 The City Manager met with several of the boards/committees/commissions and city staff to develop an
37 "ideas board" which was used to determine the ten functional areas and the objectives within those areas.

38 Below is a sample of what the Miro Board (ideas board) looks like:

Strategic Objective 1.2	Action Plans	Timelines	Key Performance Indicators	Outcomes
-------------------------	--------------	-----------	----------------------------	----------

39
40 The goal is to obtain tentative approval from the City Council to move to the next step in the process
41 which would be public comment at the end of January/beginning of February. Further revisions would be
42 made after receiving public input with the goal of presenting a complete draft of the plan to the Council in
43 April with approval in May. The plan would include the specific task items what would occur over the

three-year period. The approved strategic plan would also provide guidance for the development of the 2024 Budget.

Council Discussions:

Councilor Whittlesey wanted the Council to be careful on the summary of the Strategic Objectives because he felt there was sometimes a crossover between what is really a Strategic Objective vs. a Vision Statement and gave examples. He would like to include the CIP Projects built into the Strategic Plan.

Councilor Liot Hill noted the Council and the City's Government is always looking for ways to improve and this (the presentative of the proposed Strategic Plan) takes us to the next level. She would like to see more consistency of the Vision Statements in terms of their length and formatting.

Councilor Sykes liked the idea of where this was going and explained his reasoning.

The Council was comfortable with City Manager Mulholland moving this forward for the public input.

ACTION: No Action Required. For Council review and discussion only.

12. City Manager Report: No report given

- Councilor Sykes did note that there were inaccuracies on the City's Website, specifically the City Council, that pertains to term expiration dates (City Website/Your Government/City Council).
- Councilor Wilkie also noted that Chairs and memberships to other Board, Committees, and Commissions were also inaccurate.

13. Council Representatives to Other Bodies: NONE

14. Future Agenda Items: Next Council Meeting will be held on February 1, 2023 @ 7:00PM.

15. NON-PUBLIC SESSION:

Councilor Liot Hill MOVED to go into NON-PUBLIC SESSION for the purpose of discussing RSA 91-A:3, II(e) – "Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with anybody or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph."

Seconded by Councilor Whittlesey.

Roll Call Vote:

Acting Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all voting Yea.

None voted Nay.

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

1
2 **Council went into NON-PUBLIC SESSION at 9:30 PM.**

3
4 The Council briefly discussed pending litigation.

5
6 *Councilor Whittlesey MOVED to come out of NON-PUBLIC SESSION.*
7 *Seconded by Councilor Simon.*

8
9 **Roll Call Vote:**

10 Acting Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and all
11 voting Yea.

12 None voted Nay.

13
14 **The Vote on the MOTION was approved (8-0)*

15
16 **Council came out of NON-PUBLIC SESSION at 9:55 PM.**

17
18 **The Council was now back in PUBLIC Session**

19
20 **16. Adjournment:**

21
22 *The Council MOVED for Adjournment.*

23
24 **The meeting was adjourned at approximately 9:56 PM.**

25
26 Respectfully submitted,
27 Dona E. Gibson
28 Recording Secretary
29

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 01, 2023**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Library Board of Trustees, Philip Bush (Reappointment Alternate Member)
- Cemetery Board of Trustees, Bruce Hartford (Appointment Ward 1 Representative)
- Economic Development Commission, David Newlove (Reappointment Citizen Representative)
- Arts & Culture Commission, Nicholas Gaffney (Reappointment Arts Representative)
- Lebanon Housing Authority, Ian Girdwood (Reappointment Regular Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated January 24, 2023

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: January 24, 2023

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.*

Library Board of Trustees

- **Philip Bush** – Reappointment as an alternate member. Recommended for reappointment by Chair, Francis Oscadal.
Term: (2/23-2/24)

Cemetery Board of Trustees

- **Bruce Hartford** – Appointment as Ward 1 Representative.
Term: (2/23-2/26)
Interview by: Councilor Simon

Economic Development Commission

- **David Newlove** – Reappointment as a citizen representative. Recommended for reappointment by Chair, William Dunn.
Term: (2/23-2/25)

Arts & Culture Commission

- **Nicholas Gaffney** – Reappointment as an arts representative. Recommended for reappointment by Chair, Jessica Giordani.
Term: (2/23-2/24)

Lebanon Housing Authority

- **Ian Girdwood** – Reappointment as a regular member. Recommended for reappointment by Chair, James Moretti.
Term: (2/23-2/28)

From: noreply@civicplus.com
To: [cityclerk](#); [webmaster](#)
Subject: [EXTERNAL] Online Form Submission #5697 for Board Member Application
Date: Wednesday, January 26, 2022 9:54:52 AM

[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	Philip
Last Name	Bush
Physical Address	14 Mack Avenue
City	West Lebanon
State	NH
Zip Code	03784
Is this your mailing address?	Yes
Home Phone Number	603 790 8283
Work Number	<i>Field not completed.</i>
Email Address	philipwbush@gmail.com

How long have you resided in Lebanon?	6.5 years (and had jobs in Lebanon for over 40 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?	Library Board of Trustees
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am applying for the vacant alternate slot on the Library Board of Trustees. I joined the board of the Lebanon Public Libraries Foundation as Treasurer shortly after moving to Lebanon, and will begin a third three year term later this year. Over those years I have become acquainted with the two Lebanon Libraries and the great staff members who work there. Last year I was happy to be part of LPLF's capital campaign effort that exceeded our goal by raising \$325,000 toward the cost of renovating the Lebanon Library. LPLF is also focused on annually raising funds for materials acquisition, an important but narrowly focused aspect of the overall library operations that represents a relatively small part of the mission and budget. I would like to broaden that perspective and my understanding of the issues and challenges facing the libraries by participation on the Board of Trustees.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Avid reader. 45 years working in financial and general administration at area non-profits, including Lebanon Head Start, Upper Valley Youth Services, West Central Services, The Psychiatric Research Center at Dartmouth Medical School, Vital Communities, Positive Tracks and Willing Hands. Current Treasurer of Lebanon Public Libraries Foundation. Current Treasurer of the recently incorporated 501-c-3, Sustainable Lebanon. Past member of the Good Neighbor Health Clinic finance committee. Past member of the Hartland, VT Planning Commission Past auditor, town of Piermont, NH. BA Dartmouth College MBA Plymouth State University

Certification

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

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



CITY OF LEBANON BOARD/COMMITTEE APPLICATION

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

BASIC REQUIREMENTS:

- ✓ Lebanon/West Lebanon resident (except for those boards who membership makeup includes non-resident)
- ✓ Willingness to learn.
- ✓ Commitment to attend meetings.
- ✓ Treat people fairly.
- ✓ Consider the best interest of the community when making decisions.
- ✓ Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.
- ✓ Review City of Lebanon Ethics and Conflict of Interest Policy

Check all that apply:

I am an applicant for: CEMETERY COMMITTEE

☐ Check if for re-appointment.

Name: BRUCE HARTFORD
(Please print)

Address: 58 FOLIAGE VIEW LEB. 03766
(street) (Town) (Zip)

Mailing Address, if different from above: _____

Home Phone: _____ Work Phone: _____ Cell Phone: 603-778-8112

Email Address: BRUCE.HARTFORD@YMAIL.COM

Continued reverse side.....

How long have you resided in Lebanon? 40 yrs
(This will not necessarily reflect on your possible appointment.)

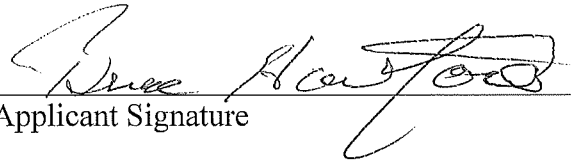
Why would you like to serve?

JUST TO HELP

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

I HAVE NONE

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


Applicant Signature

12/13
Date

Please return to:

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

Email: cityclerk@lebanonnh.gov

Councilor Interview Report Form

Councilor Name: Doug Whittlesey

Date of Interview: 02/02/2022

Applicant Name: Phil Bush

Board(s) to Which Applied: Library Board of Trustees

 Regular Seat

 X Alternate Seat

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

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

Recommend Appointment: X Yes No

 X Regular Seat Alternate Seat

General Comments: Phil is an excellent candidate for the Library Board, having served on the Library Foundation's Board for the past six years and having extensive experience in not-for-profit finance and management.

(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?

First, to have fiduciary responsibility for the city budget granted to the Library and ensure appropriate management of that; to ensure the longevity of the Library and the relevance of the programming; and to act as representatives of the voting public in the governance of the Library

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, to both

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

Yes, Phil has extensive experience within non-profit financial management and governance/administration. Phil has served on the Lebanon Public Libraries Foundation board for six years, as well as other boards and non-profits

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

Yes

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

No

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

Expanding the populations served by the Library and who have access to the Library's services; managing the municipal budget; supporting Library's policies around free and open information/access

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

Reopening of the downtown Library, which is really an introduction of a new Library to the public; potential to expand reach of the Library

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

There's a lot of opportunities and challenges, doing the best to open up as much as possible while ensuring the staff's safety in the pandemic



CITY OF LEBANON BOARD/COMMITTEE APPLICATION

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

BASIC REQUIREMENTS:

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

Check all that apply:

I am an applicant for: Lebanon Economic Development Commission

☒ Check if for re-appointment

Name: David Newlove
(Please print)

Address: 10 Westview Lane Lebanon 03766
(street) (Town) (Zip)

Mailing Address, if different from above: _____

Home Phone 603 448-5326 Work Phone: 603 646-2278 Cell Phone: 603 359-2774

Email Address: david.j.newlove@dartmouth.edu

Continued on reverse side.....

How long have you resided in Lebanon? 18 years
(This will not necessarily reflect on your possible appointment.)

Why would you like to serve?

I want to serve the community my wife and I raised our two children in, where my wife works as a teacher and the City that I love.

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

I would like to be considered for a second term of the Lebanon Economic Development Commission. I also serve on the Lebanon Zoning Board of Adjustment and was a past Executive Board member of the Hanover Chamber of Commerce (represented Dartmouth College). I also oversee Business Auxiliaries at Dartmouth College, I would like to think I have a good sense of what drives business success.

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

David Newlove

1/5/2021

Applicant Signature

Date

Interview Committee Review

Official Use Only

Date Received by City Clerk _____ Date of Review _____

Date of Appointment _____ Appointment Term _____

Committee/Board to which appointed _____

Please return to:

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

Fax # 442-6148

Email: Sandi.Allard@lebcity.com

From: [cityclerk](#)
To: [Kristin Kenniston](#)
Subject: FW: Online Form Submission #4257 for Board Member Application
Date: Thursday, October 1, 2020 1:41:41 PM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, October 1, 2020 10:42 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: Online Form Submission #4257 for Board Member Application

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	Nicholas
------------	----------

Last Name	Gaffney
-----------	---------

Physical Address	11 Shaw Street
------------------	----------------

City	Lebanon
------	---------

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

Zip Code	03766
----------	-------

Is this your mailing address?	Yes
-------------------------------	-----

Home Phone Number	646-331-6425
-------------------	--------------

Work Number	<i>Field not completed.</i>
Email Address	nick@ngaffney.net
How long have you resided in Lebanon?	12 Years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Arts and Culture Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I've enjoyed serving on the Arts & Culture for the past year, and would like to continue.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am the Education Manager at AV Gallery and Art Center, in Lebanon. As a member of the Arts & Culture Commission I would primarily be serving because of my role at AVA. In addition to this, I am also a working artist with a vested interest in the Arts & Culture community of Lebanon.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

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

From: [Alesia Williams](#)
To: [Kristin Kenniston](#)
Subject: FW: Online Form Submission #4336 for Board Member Application
Date: Monday, November 9, 2020 7:36:39 AM

Thank you,

Alesia Williams
Assistant City Clerk
City of Lebanon
(603)448-3054
(603)442-6148 (fax)

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Sunday, November 8, 2020 11:14 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: Online Form Submission #4336 for Board Member Application

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	Ian
Last Name	Girdwood
Physical Address	29 Old Etna Rd, Apt 1
City	Lebanon

State	New Hampshire
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6032526571
Work Number	8023338107
Email Address	irgird14@gmail.com
How long have you resided in Lebanon?	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	Lebanon Housing Authority
Why would you like to serve?	I believe that affordable housing is an important issue in our community. The LHA's goal of ensuring safe and affordable housing to income-eligible community members resonates with me and I would love the opportunity to be a part of the LHA's mission.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I'm not sure what the qualifications are to be on the board for the LHA, but I am born and raised in Lebanon, a college graduate, and have returned to work in the upper valley. As someone who rents in the area affordable housing is something that I care about, and I believe I could bring a valuable perspective to the board as a young community member. I have a passion for this area and would love to give back to the community and do my part to make Lebanon an attractive and accessible place for all. If it helps, I have spent summers in the past working for the city of Lebanon with the recreation department so I am familiar with local government and have worked directly with children who benefit from public housing.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 01, 2023**

10. NEW BUSINESS:

10.A – PRESENTATION TRANSPARENT LEBANON WEB PAGE

BACKGROUND

Municipal transparency is a vital aspect of good governance, and one way that cities are working to improve transparency is by creating web pages that provide citizens with easy access to important information about their local government.

The City of Lebanon is committed to providing free access to information and key documents in a single consolidated location through its new “Transparent Lebanon” web page. Transparent Lebanon provides a wide range of information within the following categories: city documents, city meetings, finances, human resources, property information, reports, requests, and other.

Transparent Lebanon is an important tool for promoting good governance and increasing citizen engagement. It provides citizens with a centralized location for easy access to important information about local government and will help the public stay informed and involved.

ACTION

This agenda item is for informational purposes only.

Available but Not Included in this Section:

1. [Transparent Lebanon Web Page](#)

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 01, 2023**

10. NEW BUSINESS:

**10.B – DISCUSSION AND SET PUBLIC HEARING FOR FEBRUARY 15, 2023:
REVIEW AND MODIFICATION OF ELDERLY TAX EXEMPTIONS**

BACKGROUND

In response to concerns over higher assessed values following the 2022 citywide revaluation and the dramatic increases in real estate prices, the Assessing Office was asked to review existing Elderly Exemptions to see if changes to the qualifications are appropriate at this time. Many property owners are seeing dramatic increases in their assessed valuations. Real estate values have been on the rise since 2012, with the most dramatic increase occurring between 2019 and 2022. The cost of living and inflation levels are changing at a rate that has not been seen in 40 years.

At present, the exemption amount for ages 65-74 is \$66,000, for ages 75-79 is \$145,000, and for ages 80 and above is \$240,000. The income limit is currently \$45,000 for single applicants and \$65,000 for married couples. The asset limit is \$100,000 for both single and married applicants.

For additional details and proposed recommendations, please see attached memo and explanation of the Elderly Tax Exemption process as completed by Assessing Agent Michael Pelletier.

ACTION

Should the Council wish to move forward with modifying the elderly exemptions for three age groups, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 15, 2023, beginning at 7:00 pm at the Kilton Library, Community Room, and remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to modify Elderly Exemptions in accordance with NH RSA 72:39-b.

Included in this Section:

1. February 1, 2023 Memo from Michael Pelletier, Assessing agent; re: 2023 Elderly Tax Exemptions including Explanation and Summary of Elderly Tax Exemptions

To: Honorable Mayor and City Council
Cc: Shaun Mulholland, City Manager
From: Michael Pelletier, Assessing Agent
Date: February 1, 2023
Re: 2023 Elderly Tax Exemptions

INTRODUCTION:

In response to concerns over drastically higher assessed values following the 2022 citywide revaluation and the dramatic increases in the real estate market, City Manager Shaun Mulholland requested the Assessing Office to review existing Elderly Exemptions to see if changes to the qualifications are appropriate at this time. Many property owners are seeing dramatic increases in their assessed valuations. Real estate values have been on the rise since 2012, with the most dramatic increase occurring between 2019 and 2022. The cost of living and income levels are changing at a rate that has not been seen in 40 years. At present, the exemption for ages 65-74 is \$66,000, for ages 75-79 is \$145,000, and for ages 80 and above is \$240,000. The income limit is currently \$45,000 for single applicants and \$65,000 for married couples. The asset limit is \$100,000 for both single and married applicants.

BACKGROUND:

According to the City's 2022 MS-1 Report, there are presently 99 residents receiving an elderly exemption, 24 elderly I (ages 65-74), 23 elderly II (ages 75-79) and 52 elderly III (ages 80 and older), resulting in \$15,075,544 in reduced assessed value and \$347,340 in lost tax revenue.

The exempted amounts were set by the City Council on January 21, 2021. City Council set the income limit for both single and married applicants at \$36,800 on February 7, 2001 and on October 16, 2019 increased the income limit for married couples to \$50,000. The \$100,000 asset limit was set on February 7, 2001, then recently on February 2, 2022 the City Council increased single income to \$45,000 and married income to \$65,000 and exemption amounts from (65-74) \$55,000 to \$66,000, (75-79) \$95,000 to \$114,000, and (80+) \$200,000 to \$240,000.

Over recent years the number of elderly residents who qualify to receive this exemption has declined, especially for those applicants aged 80 and above. In 2022 we received 18 new applications for the elderly exemption. The tax burden for the elderly has become increasingly more difficult to manage, especially our seniors who live on low and fixed incomes, while the costs they face, especially healthcare, housing, and necessities for daily living, continue to grow.

RECOMMENDATIONS/RATIONALE:

The Assessing Office cannot be sure how many of our senior residents would be able to remain in their homes or how many would no longer qualify for the exemption if the exemption amounts were not increased, but it is anticipated that most, if not all, would remain qualified for the foreseeable future if increases were enacted.

It is recommended that the City Council consider raising the exempted amounts for the elderly exemption in response to the increase in assessed values resulting from the 2022 citywide revaluation and the increasing real estate market. The Assessing Office recommends the City Council raise all the exempted amounts by (\$50,000). Elderly I (Ages 65-74) up to \$116,000, elderly II (ages 75-79) to \$195,000, and elderly III (ages 80+) to \$290,000. Increasing the exempted amounts of the three age groups would also greatly benefit our seniors.

Document attached:

- Spread sheet of additional tax burden due to increased valuations.

Elderly Exemptions - Overall

LEVEL OF EXEMPTION	EXEMPTION AMOUNT	2021 ASSMNT	LESS EXEMPTION AMOUNT	TAX BURDEN AND NO CHANGE IN TAX RATE \$26.98	2022 ASSMNT	ASSESSED LESS EXEMPTION	TAX BILL 2022 \$23.04	INCREASE IN TAX BURDEN AFTER REVALUATION	ASSESSED AMOUNT OF TAX BURDEN
ELD OV 80	\$240,000	\$192,500	-\$47,500	0	\$242,100	\$2,100	\$48	\$48	\$2,100
ELD 75-80	\$114,000	\$280,500	\$166,500	\$4,492	\$369,000	\$255,000	\$5,875	\$1,383	\$60,027
ELD 65-75	\$66,000	\$316,700	\$250,700	\$6,764	\$393,100	\$327,100	\$7,536	\$772	\$33,529
ELD 65-75	\$66,000	\$184,900	\$118,900	\$3,208	\$260,000	\$194,000	\$4,470	\$1,262	\$54,767
ELD OV 80	\$240,000	\$223,300	-\$16,700	0	\$287,400	\$47,400	\$1,092	\$1,092	\$47,400
ELD OV 80	\$240,000	\$206,511	-\$33,489	0	\$306,900	\$66,900	\$1,541	\$1,541	\$66,900
ELD OV 80	\$240,000	\$255,600	\$15,600	\$421	\$344,100	\$104,100	\$2,398	\$1,978	\$85,832
ELD OV 80	\$240,000	\$193,000	-\$47,000	0	\$241,900	\$1,900	\$44	\$44	\$1,900
ELD 75-80	\$114,000	\$358,700	\$244,700	\$6,602	\$487,800	\$373,800	\$8,612	\$2,010	\$87,255
ELD OV 80	\$240,000	\$268,400	\$28,400	\$766	\$307,600	\$67,600	\$1,558	\$791	\$34,343
ELD 65-75	\$66,000	\$220,800	\$154,800	\$4,177	\$319,600	\$253,600	\$5,843	\$1,666	\$72,328
ELD OV 80	\$240,000	\$236,000	-\$4,000	0	\$296,600	\$56,600	\$1,304	\$1,304	\$56,600
ELD 65-75	\$66,000	\$252,400	\$186,400	\$5,029	\$297,200	\$231,200	\$5,327	\$298	\$12,924
ELD 65-75	\$66,000	\$128,400	\$62,400	\$1,684	\$193,200	\$127,200	\$2,931	\$1,247	\$54,129
ELD 75-80	\$114,000	\$204,900	\$90,900	\$2,452	\$297,800	\$183,800	\$4,235	\$1,782	\$77,355
ELD 75-80	\$114,000	\$208,800	\$94,800	\$2,558	\$279,700	\$165,700	\$3,818	\$1,260	\$54,689
ELD OV 80	\$240,000	\$250,200	\$10,200	\$275	\$281,800	\$41,800	\$963	\$688	\$29,856
ELD 75-80	\$114,000	\$207,900	\$93,900	\$2,533	\$268,100	\$154,100	\$3,550	\$1,017	\$44,142
ELD 65-75	\$66,000	\$80,700	\$14,700	\$397	\$110,300	\$44,300	\$1,021	\$624	\$27,086
ELD 65-75	\$66,000	\$317,300	\$251,300	\$6,780	\$411,700	\$345,700	\$7,965	\$1,185	\$51,426
ELD OV 80	\$240,000	\$431,000	\$191,000	\$5,153	\$480,100	\$240,100	\$5,532	\$379	\$16,438
ELD 65-75	\$66,000	\$172,100	\$106,100	\$2,863	\$232,500	\$166,500	\$3,836	\$974	\$42,256
ELD 75-80	\$114,000	\$189,200	\$75,200	\$2,029	\$242,400	\$128,400	\$2,958	\$929	\$40,340
ELD OV 80	\$240,000	\$210,800	-\$29,200	0	\$257,800	\$17,800	\$410	\$410	\$17,800
ELD 75-80	\$114,000	\$249,100	\$135,100	\$3,645	\$286,500	\$172,500	\$3,974	\$329	\$14,297
ELD 65-75	\$66,000	\$297,700	\$231,700	\$6,251	\$456,800	\$390,800	\$9,004	\$2,753	\$119,478
ELD 75-80	\$114,000	\$197,100	\$83,100	\$2,242	\$252,200	\$138,200	\$3,184	\$942	\$40,889
ELD OV 80	\$240,000	\$275,500	\$35,500	\$958	\$340,800	\$100,800	\$2,322	\$1,365	\$59,229
ELD 65-75	\$66,000	\$89,500	\$23,500	\$634	\$142,100	\$76,100	\$1,753	\$1,119	\$48,581
ELD OV 80	\$240,000	\$235,000	-\$5,000	0	\$271,600	\$31,600	\$728	\$728	\$31,600
ELD OV 80	\$240,000	\$226,900	-\$13,100	0	\$344,900	\$104,900	\$2,417	\$2,417	\$104,900
ELD 65-75	\$66,000	\$123,900	\$57,900	\$1,562	\$148,700	\$82,700	\$1,905	\$343	\$14,899
ELD 65-75	\$66,000	\$138,900	\$72,900	\$1,967	\$172,700	\$106,700	\$2,458	\$492	\$21,334
ELD 65-75	\$66,000	\$145,500	\$79,500	\$2,145	\$160,500	\$94,500	\$2,177	\$32	\$1,405
ELD OV 80	\$240,000	\$338,000	\$98,000	\$2,644	\$461,000	\$221,000	\$5,092	\$2,448	\$106,241
ELD 75-80	\$114,000	\$196,800	\$82,800	\$2,234	\$220,100	\$106,100	\$2,445	\$211	\$9,141
ELD OV 80	\$240,000	\$213,800	-\$26,200	0	\$248,600	\$8,600	\$198	\$198	\$8,600
ELD OV 80	\$240,000	\$223,300	-\$16,700	0	\$291,800	\$51,800	\$1,193	\$1,193	\$51,800
ELD OV 80	\$240,000	\$199,900	-\$40,100	0	\$258,800	\$18,800	\$433	\$433	\$18,800
ELD OV 80	\$240,000	\$237,600	-\$2,400	0	\$288,700	\$48,700	\$1,122	\$1,122	\$48,700
ELD 65-75	\$66,000	\$153,700	\$87,700	\$2,366	\$216,100	\$150,100	\$3,458	\$1,092	\$47,403
ELD OV 80	\$240,000	\$279,400	\$39,400	\$1,063	\$395,600	\$155,600	\$3,585	\$2,522	\$109,462
ELD OV 80	\$240,000	\$221,600	-\$18,400	0	\$313,000	\$73,000	\$1,682	\$1,682	\$73,000
ELD 65-75	\$66,000	\$188,000	\$122,000	\$3,292	\$292,800	\$226,800	\$5,225	\$1,934	\$83,937
ELD OV 80	\$240,000	\$219,300	-\$20,700	0	\$294,900	\$54,900	\$1,265	\$1,265	\$54,900
ELD 75-80	\$114,000	\$147,800	\$33,800	\$912	\$196,700	\$82,700	\$1,905	\$993	\$43,120
ELD 65-75	\$66,000	\$238,600	\$172,600	\$4,657	\$290,500	\$224,500	\$5,172	\$516	\$22,384
ELD 75-80	\$114,000	\$216,400	\$102,400	\$2,763	\$303,700	\$189,700	\$4,371	\$1,608	\$69,789
ELD 75-80	\$114,000	\$238,700	\$124,700	\$3,364	\$287,200	\$173,200	\$3,991	\$626	\$27,175
ELD OV 80	\$240,000	\$232,708	-\$7,292	0	\$359,250	\$119,250	\$2,748	\$2,748	\$119,250
ELD OV 80	\$240,000	\$273,100	\$33,100	\$893	\$335,300	\$95,300	\$2,196	\$1,303	\$56,540
ELD OV 80	\$240,000	\$309,500	\$69,500	\$1,875	\$375,500	\$135,500	\$3,122	\$1,247	\$54,115
ELD OV 80	\$240,000	\$218,898	-\$21,102	0	\$316,560	\$76,560	\$1,764	\$1,764	\$76,560
ELD OV 80	\$240,000	\$245,000	\$5,000	\$135	\$300,500	\$60,500	\$1,394	\$1,259	\$54,645

40 PARCELS PAY NO TAXES

AVG \$49,326 increased assessed burden
MEDIAN \$48,641 increased assessed burden

AVG \$1,136 increased tax burden
MEDIAN \$1,121 increased tax burden

Elderly Exemptions - Ages 65-74

LEVEL OF EXEMPTION	EXEMPTION AMOUNT	2021 ASSMNT	LESS EXEMPTION AMOUNT	TAX BURDEN AND NO CHANGE IN TAX RATE \$26.98	2022 ASSMNT	ASSESSED LESS EXEMPTION	TAX BILL 2022 \$23.04	INCREASE IN TAX BURDEN AFTER REVALUATION	ASSESSED AMOUNT OF TAX BURDEN
ELD 65-75	\$66,000	\$316,700	\$250,700	\$6,764	\$393,100	\$327,100	\$7,536	\$772	\$33,529
ELD 65-75	\$66,000	\$184,900	\$118,900	\$3,208	\$260,000	\$194,000	\$4,470	\$1,262	\$54,767
ELD 65-75	\$66,000	\$220,800	\$154,800	\$4,177	\$319,600	\$253,600	\$5,843	\$1,666	\$72,328
ELD 65-75	\$66,000	\$252,400	\$186,400	\$5,029	\$297,200	\$231,200	\$5,327	\$298	\$12,924
ELD 65-75	\$66,000	\$128,400	\$62,400	\$1,684	\$193,200	\$127,200	\$2,931	\$1,247	\$54,129
ELD 65-75	\$66,000	\$80,700	\$14,700	\$397	\$110,300	\$44,300	\$1,021	\$624	\$27,086
ELD 65-75	\$66,000	\$317,300	\$251,300	\$6,780	\$411,700	\$345,700	\$7,965	\$1,185	\$51,426
ELD 65-75	\$66,000	\$172,100	\$106,100	\$2,863	\$232,500	\$166,500	\$3,836	\$974	\$42,256
ELD 65-75	\$66,000	\$297,700	\$231,700	\$6,251	\$456,800	\$390,800	\$9,004	\$2,753	\$119,478
ELD 65-75	\$66,000	\$89,500	\$23,500	\$634	\$142,100	\$76,100	\$1,753	\$1,119	\$48,581
ELD 65-75	\$66,000	\$123,900	\$57,900	\$1,562	\$148,700	\$82,700	\$1,905	\$343	\$14,899
ELD 65-75	\$66,000	\$138,900	\$72,900	\$1,967	\$172,700	\$106,700	\$2,458	\$492	\$21,334
ELD 65-75	\$66,000	\$145,500	\$79,500	\$2,145	\$160,500	\$94,500	\$2,177	\$32	\$1,405
ELD 65-75	\$66,000	\$153,700	\$87,700	\$2,366	\$216,100	\$150,100	\$3,458	\$1,092	\$47,403
ELD 65-75	\$66,000	\$188,000	\$122,000	\$3,292	\$292,800	\$226,800	\$5,225	\$1,934	\$83,937
ELD 65-75	\$66,000	\$238,600	\$172,600	\$4,657	\$290,500	\$224,500	\$5,172	\$516	\$22,384

AVG \$44,242
MED \$44,829

Elderly Exemptions - Ages 75-79

LEVEL OF EXEMPTION	EXEMPTION AMOUNT	2021 ASSMNT	LESS EXEMPTION AMOUNT	TAX BURDEN AND NO CHANGE IN TAX RATE \$26.98	2022 ASSMNT	ASSESSED LESS EXEMPTION	TAX BILL 2022 \$23.04	INCREASE IN TAX BURDEN AFTER REVALUATION	ASSESSED AMOUNT OF TAX BURDEN
ELD 75-80	\$114,000	\$280,500	\$166,500	\$4,492	\$369,000	\$255,000	\$5,875	\$1,383	\$60,027
ELD 75-80	\$114,000	\$358,700	\$244,700	\$6,602	\$487,800	\$373,800	\$8,612	\$2,010	\$87,255
ELD 75-80	\$114,000	\$204,900	\$90,900	\$2,452	\$297,800	\$183,800	\$4,235	\$1,782	\$77,355
ELD 75-80	\$114,000	\$208,800	\$94,800	\$2,558	\$279,700	\$165,700	\$3,818	\$1,260	\$54,689
ELD 75-80	\$114,000	\$207,900	\$93,900	\$2,533	\$268,100	\$154,100	\$3,550	\$1,017	\$44,142
ELD 75-80	\$114,000	\$189,200	\$75,200	\$2,029	\$242,400	\$128,400	\$2,958	\$929	\$40,340
ELD 75-80	\$114,000	\$249,100	\$135,100	\$3,645	\$286,500	\$172,500	\$3,974	\$329	\$14,297
ELD 75-80	\$114,000	\$197,100	\$83,100	\$2,242	\$252,200	\$138,200	\$3,184	\$942	\$40,889
ELD 75-80	\$114,000	\$196,800	\$82,800	\$2,234	\$220,100	\$106,100	\$2,445	\$211	\$9,141
ELD 75-80	\$114,000	\$147,800	\$33,800	\$912	\$196,700	\$82,700	\$1,905	\$993	\$43,120
ELD 75-80	\$114,000	\$216,400	\$102,400	\$2,763	\$303,700	\$189,700	\$4,371	\$1,608	\$69,789
ELD 75-80	\$114,000	\$238,700	\$124,700	\$3,364	\$287,200	\$173,200	\$3,991	\$626	\$27,175

AVG \$47,352
MEDIAN \$43,631

Elderly Exemptions - Age 80 and over

LEVEL OF EXEMPTION	EXEMPTION AMOUNT	2021 ASSMNT	LESS EXEMPTION AMOUNT	TAX BURDEN AND NO CHANGE IN TAX RATE \$26.98	2022 ASSMNT	ASSESSED LESS EXEMPTION	TAX Bill 2022 \$23.04	INCREASE IN TAX BURDEN AFTER REVALUATI ON	ASSESSED AMOUNT OF TAX BURDEN
ELD OV 80	\$240,000	\$192,500	-\$47,500	0	\$242,100	\$2,100	\$48	\$48	\$2,100
ELD OV 80	\$240,000	\$223,300	-\$16,700	0	\$287,400	\$47,400	\$1,092	\$1,092	\$47,400
ELD OV 80	\$240,000	\$206,511	-\$33,489	0	\$306,900	\$66,900	\$1,541	\$1,541	\$66,900
ELD OV 80	\$240,000	\$255,600	\$15,600	\$421	\$344,100	\$104,100	\$2,398	\$1,978	\$85,832
ELD OV 80	\$240,000	\$193,000	-\$47,000	0	\$241,900	\$1,900	\$44	\$44	\$1,900
ELD OV 80	\$240,000	\$268,400	\$28,400	\$766	\$307,600	\$67,600	\$1,558	\$791	\$34,343
ELD OV 80	\$240,000	\$236,000	-\$4,000	0	\$296,600	\$56,600	\$1,304	\$1,304	\$56,600
ELD OV 80	\$240,000	\$250,200	\$10,200	\$275	\$281,800	\$41,800	\$963	\$688	\$29,856
ELD OV 80	\$240,000	\$431,000	\$191,000	\$5,153	\$480,100	\$240,100	\$5,532	\$379	\$16,438
ELD OV 80	\$240,000	\$210,800	-\$29,200	0	\$257,800	\$17,800	\$410	\$410	\$17,800
ELD OV 80	\$240,000	\$275,500	\$35,500	\$958	\$340,800	\$100,800	\$2,322	\$1,365	\$59,229
ELD OV 80	\$240,000	\$235,000	-\$5,000	0	\$271,600	\$31,600	\$728	\$728	\$31,600
ELD OV 80	\$240,000	\$226,900	-\$13,100	0	\$344,900	\$104,900	\$2,417	\$2,417	\$104,900
ELD OV 80	\$240,000	\$338,000	\$98,000	\$2,644	\$461,000	\$221,000	\$5,092	\$2,448	\$106,241
ELD OV 80	\$240,000	\$213,800	-\$26,200	0	\$248,600	\$8,600	\$198	\$198	\$8,600
ELD OV 80	\$240,000	\$223,300	-\$16,700	0	\$291,800	\$51,800	\$1,193	\$1,193	\$51,800
ELD OV 80	\$240,000	\$199,900	-\$40,100	0	\$258,800	\$18,800	\$433	\$433	\$18,800
ELD OV 80	\$240,000	\$237,600	-\$2,400	0	\$288,700	\$48,700	\$1,122	\$1,122	\$48,700
ELD OV 80	\$240,000	\$279,400	\$39,400	\$1,063	\$395,600	\$155,600	\$3,585	\$2,522	\$109,462
ELD OV 80	\$240,000	\$221,600	-\$18,400	0	\$313,000	\$73,000	\$1,682	\$1,682	\$73,000
ELD OV 80	\$240,000	\$219,300	-\$20,700	0	\$294,900	\$54,900	\$1,265	\$1,265	\$54,900
ELD OV 80	\$240,000	\$232,708	-\$7,292	0	\$359,250	\$119,250	\$2,748	\$2,748	\$119,250
ELD OV 80	\$240,000	\$273,100	\$33,100	\$893	\$335,300	\$95,300	\$2,196	\$1,303	\$56,540
ELD OV 80	\$240,000	\$309,500	\$69,500	\$1,875	\$375,500	\$135,500	\$3,122	\$1,247	\$54,115
ELD OV 80	\$240,000	\$218,898	-\$21,102	0	\$316,560	\$76,560	\$1,764	\$1,764	\$76,560
ELD OV 80	\$240,000	\$245,000	\$5,000	\$135	\$300,500	\$60,500	\$1,394	\$1,259	\$54,645

AVG \$53,366
MED \$54,645

To: Honorable Mayor and City Council
Cc: Shaun Mulholland, City Manager
From: Michael Pelletier, Assessing Agent
Date: February 1, 2023
Re: 2023 Elderly Tax Exemptions

Spreadsheet:

First column: Exemption age type

Column 2: current exemption amount

Column 3: 2021 assessment

Column 4: 2021 assessment less Exemption amount = Taxable value

Column 5: Tax burden if no revaluation and change in tax rate occurred.

Column 6: 2022 Tax assessment

Column 7: 2022 assessment less current exemption amount =Taxable value

Column 8: 2022 tax bill

Column 9: Increased tax burden due to revaluation

Column 10: Increased assessed value of additional tax burden.

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 01, 2023**

10. NEW BUSINESS:

**10.C – DISCUSSION OF HOUSING CONTINUUM AND
LOW-BARRIER SHELTER OPTIONS IN LEBANON**

BACKGROUND

Councilor Wilkie and Councilor Sykes are requesting the Council's consideration of Low-Barrier Shelter Options in Lebanon.

The Upper Valley does not have an effective shelter solution to address the unhoused population and there is a need for this near services and jobs. This issue needs to be a priority, especially with concerns about increased need following the end of some federal funding and the continued increases in living costs.

The City is working on the development of components that would constitute the beginning of a housing policy with the work the City Council began in 2022. Significant steps were taken by the Council to address housing issues. Addressing homelessness is the next appropriate step in the development of a comprehensive housing policy for the City.

ACTION

MOVED that the Lebanon City Council hereby directs the City Manager to collect and analyze appropriate data, to examine possible properties, funding, and development options for a low-barrier shelter, and to provide a report to the City Council prior to the end of May 2023, if possible.

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 01, 2023**

10. NEW BUSINESS:

10.D – RELEASE OF COLLECTED PUBLIC SCHOOL IMPACT FEES

RELEASE OF COLLECTED PUBLIC SCHOOL IMPACT FEES

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

On October 12, 2021, the Planning Board authorized a broader use of Public School Impact Fees to include construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings.

Based on the broader authorization of use, a revised MOU was developed and subsequently signed on November 22, 2021.

To date \$816,655.52 has been disbursed to the Lebanon School District.

7/17/2013	\$83,690.78	7/15/2015	\$1,627.50	2/7/2018	\$41,262.70
11/6/2013	\$14,651.99	11/4/2015	\$936.00	9/5/2018	\$12,564.45
5/21/2014	\$19,407.00	3/2/2016	\$3,156.00	2/6/2019	\$1,833.10
8/6/2014	\$2,122.75	5/18/2016	\$864.00	8/7/2019	\$8,822.20
2/18/2015	\$723.00	5/17/2017	\$5,230.00	4/15/2020	\$40,432.02
5/20/2015	\$2,819.00	12/6/2017	\$6,140.75	7/15/2020	\$123,709.65
12/2/2020	\$57,567.42	1/21/2021	\$102,409.40	8/4/2021	\$12,695.86
1/19/2022	\$9,035.45	4/20/2022	\$3,216.15	10/19/2022	\$261,738.35

This request is for the City Council to authorize disbursement of \$2,185.00 in collected Public School Impact Fees (through 12/30/2022).

ACTION

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

MOVED, that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby authorizes the disbursement of \$2,185.00 in collected Public School Impact Fees to the Lebanon School District to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings.

Included in this Section:

1. Impact Fee Report as of 12/30/2022
2. November 22, 2021 Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU#88

PUBLIC FACILITIES IMPACT FEES

	PAID BY/LOCATION	MAP/LOT/PLOT	<u>School</u>
11/15/2022	Don and Deb Goodwin	54/32/100	\$ 2,185.00
		Balance 12/30/2022	\$ 2,185.00

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

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

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

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

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

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

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

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

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

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

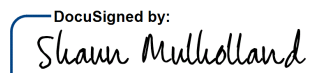
1. The City of Lebanon shall collect and manage all impact fees pursuant to Section 213 of the Lebanon Zoning Ordinance and in accordance with the report entitled “City of Lebanon Impact Fee Update 2021, Basis for School, Recreation, Police and Fire Department Impact Fees”, dated August 30, 2021 and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

may be amended from time-to-time.

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

APPROVED BY:

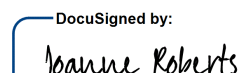
City of Lebanon

DocuSigned by:

 11/22/2021
 Name Date

Lebanon City Manager

Title

Lebanon School District, SAU 88

DocuSigned by:

 11/22/2021
 Name Date

Superintendent, SAU #88

Title

**AGENDA
LEBANON CITY COUNCIL
FEBRUARY 01, 2023**

10. NEW BUSINESS:

**10.E – PREPARATION OF CONCISE EXPLANATIONS TO APPEAR ON
THE MARCH 2023 MUNICIPAL BALLOT**

BACKGROUND

Following a public hearing on January 18, 2023, the City Council approved a motion to place the following four (4) proposed Zoning Ordinance amendments on the March 14, 2023 municipal ballot for consideration by Lebanon voters:

Amendment #1 – To adopt a new Section 509 (“Cottage Developments”) as a use allowed by Conditional Use Permit in the R-1, R-2, R-3, R-O, and R-O-1 Districts. **(Zoning Ordinance ADD Section 509 and amend Sections 308.2, 309.2, 310.2, 311.2, and 311A.2, with related amendments to Section 205.1, Section 500, and Appendix A)**

Amendment #2 – To amend and rename the Manufactured Home regulations in Sections 503 and 504. **(Zoning Ordinance Sections 503 and 504, with related amendments to Sections 209, 308.2, 312.2, 313.2, 500, 501.2.C, and Appendix A)**

Amendment #3 – To amend the RL-3 District Table of Uses to change “accessory use to any one-family dwelling” from a use allowed by Special Exception to a Permitted Use. **(Zoning Ordinance Section 314.2)**

Amendment #4 – To amend the Accessory Dwelling Unit (ADU) regulations in Section 610 to allow an accessory dwelling unit for an owner-occupied two-family dwelling. **(Zoning Ordinance Section 610)**

In accordance with Section 1000.4(C)(2) of the Zoning Ordinance, the City Council, Planning Board, and Conservation Commission must prepare and include on the ballot a brief and concise explanation of their positions on zoning amendments being presented for voter consideration.

To assist this process, the Planning and Development Department has prepared draft concise statements for the Council’s consideration. The Council is free to modify or completely rewrite the draft statements in any way it sees fit.

The Planning Board adopted its concise statements at its January 23rd meeting. The Conservation Commission will prepare their concise explanations at its next meeting on February 9th.

ACTION

In formation of the Council’s Concise Explanations, the following is offered for consideration:

Amendment #1 (Cottage Developments)

The Lebanon City Council approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. Allowing residential developments with smaller and more energy efficient dwelling units will enable the development of needed housing in a more compact form that supports a sustainable community and promotes efficient land use while ensuring compatibility with surrounding neighborhoods.

Amendment #2 (Manufactured Housing)

The Lebanon City Council approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. The proposed amendment will help encourage and facilitate needed housing by enabling additional manufactured housing development that is comparable to the manufactured housing developments that already exist within the City.

Amendment #3 (Accessory Uses in the Rural Lands Three (RL-3) District)

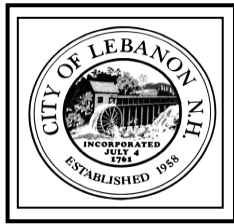
The Lebanon City Council approves of and endorses the adoption of the proposed zoning amendment to remove the requirement for a Special Exception for accessory structures to one-family dwellings in the RL-3 District. Requiring a Special Exception from the Zoning Board of Adjustment in order to construct an accessory structure to a one-family dwelling is an undue and unnecessary burden on property owners without any substantial benefit to the public.

Amendment #4 (Accessory Dwelling Units)

The Lebanon City Council approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. Allowing ADUs for owner-occupied two-family dwellings will encourage additional opportunities for affordable housing with dwelling units that are proportionately sized to the existing dwelling, and which preserve community character.

Included in this Section:

1. Memorandum from Planning & Development Department staff, dated January 24, 2023



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager

FROM: Planning & Development Department Staff

RE: Preparation of Concise Statements for Zoning Ordinance Amendments

DATE: January 24, 2023

Honorable Mayor and City Councilors,

Following a public hearing on January 18, 2023, the City Council approved motions to place the following four (4) proposed Zoning Ordinance amendments on the March 2020 municipal ballot for consideration by Lebanon voters:

1. Adopt proposed Section 509 ("Cottage Developments") and amend the R-1, R-2, R-3, R-O, and R-O-1 district tables to allow Cottage Developments by Conditional Use Permit.
2. Revise the manufactured housing regulations, Sections 503 and 504, together with related amendments to Sections 209, 308.2, 312.2, 313.2, 500, 501.2.C and Appendix A.
3. Amend Section 314.2, the RL-3 District Table of Uses, to change "accessory use to any one-family dwelling" from a use allowed by Special Exception to a permitted use.
4. Amend Section 610 ("Accessory Dwelling Unit (ADU)") to allow an accessory dwelling unit for an owner-occupied two-family dwelling.

On February 1st, the City Council will be asked to adopt a concise statement explaining the Council's position with respect to each of the four amendments, as required by Section 1000.4.C of the Zoning Ordinance. To assist, Planning & Development Department staff have prepared draft concise statements for the Council's consideration (see attached).

Section 1000.4.C also requires concise statements from the Planning Board and Conservation Commission. The Planning Board approved its concise statements on January 23, 2023, which are attached for reference. The Conservation Commission will prepare concise statements at their meeting on February 9, 2023.

Attachments

- Draft City Council Concise Statements
- Planning Board Concise Statements, adopted January 23, 2023

DRAFT
City Council Concise Statements
for Proposed Zoning Amendments

Amendment #1 (Cottage Developments)

The Lebanon City Council approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. Allowing residential developments with smaller and more energy efficient dwelling units will enable the development of needed housing in a more compact form that supports a sustainable community and promotes efficient land use while ensuring compatibility with surrounding neighborhoods.

Amendment #2 (Manufactured Housing)

The Lebanon City Council approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. The proposed amendment will help encourage and facilitate needed housing by enabling additional manufactured housing development that is comparable to the manufactured housing developments that already exist within the City.

Amendment #3 (Accessory Uses in the Rural Lands Three (RL-3) District)

The Lebanon City Council approves of and endorses the adoption of the proposed zoning amendment to remove the requirement for a Special Exception for accessory structures to one-family dwellings in the RL-3 District. Requiring a Special Exception from the Zoning Board of Adjustment in order to construct an accessory structure to a one-family dwelling is an undue and unnecessary burden on property owners without any substantial benefit to the public.

Amendment #4 (Accessory Dwelling Units)

The Lebanon City Council approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. Allowing ADUs for owner-occupied two-family dwellings will encourage additional opportunities for affordable housing with dwelling units that are proportionately sized to the existing dwelling, and which preserve community character.

Planning Board Concise Statements for Proposed Zoning Amendments

Amendment #1 (Cottage Developments)

The Lebanon Planning Board approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. Allowing residential developments with smaller and more energy efficient dwelling units will enable the development of needed housing in a more compact form that supports a sustainable community and promotes efficient land use while ensuring compatibility with surrounding neighborhoods.

Amendment #2 (Manufactured Housing)

The Lebanon Planning Board approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. The proposed amendment will help encourage and facilitate needed housing by enabling additional manufactured housing development that is comparable to the manufactured housing developments that already exist within the City.

Amendment #3 (Accessory Uses in the Rural Lands Three (RL-3) District)

The Lebanon Planning Board approves of and endorses the adoption of the proposed zoning amendment to remove the requirement for a Special Exception for accessory structures to one-family dwellings in the RL-3 District. Requiring a Special Exception from the Zoning Board of Adjustment in order to construct an accessory structure to a one-family dwelling is an undue and unnecessary burden on property owners without any substantial benefit to the public.

Amendment #4 (Accessory Dwelling Units)

The Lebanon Planning Board approves of and endorses the adoption of the proposed zoning amendment as it supports the overall goals and desired outcomes of the Lebanon Master Plan. Allowing ADUs for owner-occupied two-family dwellings will encourage additional opportunities for affordable housing with dwelling units that are proportionately sized to the existing dwelling, and which preserve community character.

AGENDA LEBANON CITY COUNCIL FEBRUARY 01, 2023

10. NEW BUSINESS:

10.F – REQUEST FOR APPEAL OF DENIAL OF ABATEMENT OF WATER CHARGES

BACKGROUND

On November 28, 2022, the property owner of 1 Oak Ridge Road, Wheeler Office Park, LLC, requested an abatement of the water and sewer bill on the property in the amount of \$6,248.20. The owner stated in his request that on October 21, 2022 a water leak was discovered in a piece of dental equipment in the space occupied by a tenant. The leak was fixed by October 23, 2022.

The owner is requesting the abatement due to financial hardship due to COVID-19 related vacancies in the office building. The City Manager denied the abatement request on December 31, 2022 as the water was used and was discharged into the sewer system. The notice of the City Manager's decision was not provided to the property owner until he inquired about the status of the request. In the meantime, the owner had received a shut-off notice from the City. The City Manager spoke with the property owner on January 25, 2023 regarding his request to reconsider the decision. The City Manager suspended the shut-off process and allowed additional time until February 25, 2023 for the property owner to make the payment for the amount owed. Further, the City Manager abated the interest that would accrue during this additional time period to allow time for payment in light of the late notice of the denial of the original abatement request.

The owner is requesting an appeal of the City Manager's denial of the abatement of the full amount from the City Council. The remaining amount still owed is \$4,643.98.

The sections of the City Code applicable to water and sewer service abatement requests are cited below for the Council's information.

Chapter 182 (Water Service) - § 182-33 Abatement.

For good cause shown, the City Manager may abate any bill and/or fees charged herein. The Manager, or his or her designated agent, will review in private session with the person requesting abatement that person's need for abatement. The Manager may abate any bill and/or fees by a decision in writing because of financial hardship and inability to pay or may set up an installment payment schedule. In the event of a default in the installment payment schedule, water service may be terminated upon the terms and conditions as provided in this chapter. In the event that the consumer pays fees in excess of the fees required by the Code of the City of Lebanon, and abatement is made, the city shall refund such excess fees together with interest of 6%.

Chapter 136 (Sewer Service) - § 136-80 Abatement.

[Amended 12-4-2019 by Ord. No. 2019-14; 5-20-2020 by Ord. No. 2020-06]

For good cause shown, the City Manager may abate any such fees and assessments made herein. The Manager, or his or her designated agent, will review in private session with the person requesting abatement that person's need for abatement. The Manager may abate any bill and/or fees by a decision in writing because of financial hardship and inability to pay or may set up an installment payment schedule. Any person aggrieved by the neglect or refusal of the City Manager to grant an abatement may petition the City Council for relief at any time within 30 days after

notice of decision or after 30 days of no notice of decision (from the date of application for abatement) by the City Manager.

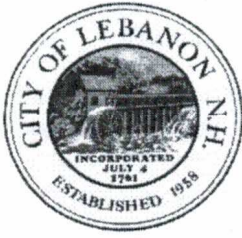
ACTION

MOVED, that the Lebanon City Council hereby issues an advisory opinion regarding the appeal of the City Manager's denial of the abatement of water usage fees requested by Wheeler Office Park, LLC recommending approval or denial of the abatement for water user fees in the amount of \$1,907.87.

MOVED, that the Lebanon City Council hereby grants or denies the appeal of the City Manager's denial of the abatement of sewer usage fees requested by Wheeler Office Park, LLC and issues an abatement for sewer user fees in the amount of \$3,768.55 pursuant to the provisions of § 136-80 Abatement.

Included in this Section:

1. Application for Water & Sewer Bill Abatement submitted by Wheeler Office Park, LLC dated November 28, 2022.



City of Lebanon
Department of Public Works
193 Dartmouth College Highway
Lebanon, NH 03766
(603) 448-3112

Application for Water & Sewer Bill Abatement

Fill in all blanks, attach additional paperwork as necessary. Any request for abatement must be filed in writing to the Department of Public Works within 30 days of the billing period. The filing of this form does not guarantee that your abatement will be granted or relieve the applicant of the responsibility to pay the water or sewer usage bill in full by the due date specified. Further documentation may be required.

Instructions: Account & Property Information:

1 Oak Ridge Road, West Lebanon

Service Street Address

1023201

Acct Number

1023201

Bill Number

Wheeler Office Park LLC

Last Name or Business Name

Jeremy

First Name or Business Contact

603 727 2966

Contact Phone

katz95@gmail.com

Contact Email

11/1/2022

Date of Contested Bill

6,248.20

Amount owed on Contested Bill

Reason for Abatement Request:

☐

Leaking Toilet

☒

Household Plumbing Leak

☐

Outdoor Water Usage (power washer, hose, pool)

☐

Building Unoccupied

☐

Faulty Water Heater

☐

Other: _____

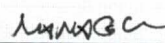
Monthly Payment Plan Requested

Please provide explanation describing your request for abatement. Attach additional sheets, if necessary.

Statement of Financial Hardship (*Water abatements can only be made due to financial hardship and inability to pay.*). Attach additional documentation to support request.

DPW and property manager discovered that there was a water leak /usage problem in Building #2 of the complex on or about October 21, 2022 which was promptly fixed by October 23. This caused a large amount of water to be billed in Q3 and probably will have an effect on Q4 for the period prior to the discovery and fix. The property has severe financial hardship due to covid vacancies on commercial space. We are requesting abatement for this leak which was unanticipated and beyond control.


Signature

Jeremy Katz 
Printed Name

11/28/2022
Date

Lebanon City Code Chapter 136 SEWER Service, Article X, §136-80 Abatement

For good cause shown, the City Manager may abate any such fees and assessments made herein. Any person aggrieved by the neglect or refusal of the City Manager to grant an abatement may petition the City Council for relief at any time within 30 days after notice of decision by the City Manager.

Lebanon City Code Chapter 182 WATER Service, Article V, §182-33 Abatement

For good cause shown, the City Manager may abate any bill and/or fees charged herein. The Manager, or his or her designated agent, will review in private session with the person requesting abatement that person's need for abatement. The Manager may abate any bill and/or fees by a decision in writing because of financial hardship and inability to pay or may set up an installment payment schedule. In the event of a default in the installment payment schedule, water service may be terminated upon the terms and conditions as provided in this chapter. In the event that the consumer pays fees in excess of the fees required by the Code of the City of Lebanon, and abatement is made, the city shall refund such excess fees together with interest of 6%.

For Official Use Only

☐ Approved ☒ Denied Explanation: _____

The water was used and discharged to sewer

City Manager: _____ Date: _____

Principal Abated _____ Interest Abated _____ Amount Still Owed \$4643.98

Payment Plan Amount Owed Per Month _____

Bill Date:	Due Date:	Map/Lot
11/1/2022	12/1/2022	4/4
Prev Reading	Cur Reading	Usage
368860	7/3/2022 405670	9/30/2022 36810

Service Location	Account#
1 OAK RIDGE RD	1023201

Bill To:

WHEELER OFFICE PARK LLC
PO BOX 1325
LEBANON, NH 03766-4325

Account Balance Summary		
Previous Balance		\$1,652.56
Payments		(\$1,652.56)
Interest		\$0.00
Adjustments		\$0.00
New Charges		\$6,248.20
Total Due by	12/1/2022	\$6,248.20

For online account viewing: 03259e2

Description of New Charges	Charges
WATER CUBIC FT 36,810 CF at 5.6600/100	\$2,083.45
WATER 5/8" FIXED CHARGE	\$19.79
SEWER CUBIC FT 36,810 CF at 11.1800/100	\$4,115.36
SEWER 5/8" FIXED CHARGE	\$29.60

Total New Charges: \$6,248.20

UNPAID BALANCES ARE SUBJECT TO AN ANNUAL INTEREST RATE OF 12%, ADDED MONTHLY, AND MAY BE SUBJECT TO TAX LIEN.

FAILURE TO PAY BY THE ABOVE DUE DATE MAY RESULT IN DISCONTINUANCE OF SERVICE.

PAYMENT MAY BE MAILED ALONG WITH BOTTOM PORTION OF THIS BILL TO CITY OF LEBANON UTILITIES, 51 N PARK ST, LEBANON, NH 03766; DROPPED IN GREEN DROP BOX OUTSIDE OUR EAST ENTRANCE OR PAID ONLINE AT LEBANONNH.GOV. CHECK SHOULD BE MADE PAYABLE TO CITY OF LEBANON. ONLINE PAYMENT BY CREDIT/DEBIT CARD WILL BE SUBJECT TO THIRD-PARTY PROCESSING FEE. THERE IS NO ADDED FEE FOR PAYING BY EFT USING YOUR CHECKING ACCOUNT. YOU MAY PAY IN PERSON AT CITY HALL WITH CASH, CHECK OR CREDIT/DEBIT CARD (FEES APPLIED TO CARDS). OUR OFFICE HOURS ARE MONDAY THRU THURSDAY, 7AM TO 5PM; CLOSED ON FRIDAY

VIEW YOUR WATER QUALITY REPORT (CCR) AT LEBANONNH.GOV/WATERREPORT. TO RECEIVE A PAPER COPY CALL 603-448-2514.

CITY OF LEBANON

51 N PARK ST LEBANON NH 03766 - (603) 448-1569

WATER & SEWER

Bill Date:	Due Date:	Map/Lot
11/1/2022	12/1/2022	4/4
Prev Reading	Cur Reading	Usage
368860	7/3/2022 405670	9/30/2022 36810

Service Location	Account#
1 OAK RIDGE RD	1023201

Bill To:

WHEELER OFFICE PARK LLC
PO BOX 1325
LEBANON, NH 03766-4325

Account Balance Summary		
Previous Balance		\$1652.56
Payments		-\$1652.56
Interest		\$0.00
Adjustments		\$0.00
New Charges		\$6,248.20
Total Due by	12/1/2022	\$6,248.20

