

FINAL

**LEBANON CITY COUNCIL  
REGULAR SESSION MINUTES  
Wednesday, May 3, 2023, 7:00 p.m.  
Council Chambers**

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

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

**MEMBERS ABSENT:**

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Clerk Kara Tracy, Public Relations Coordinator Beth Beraldi, Senior Planner Rebecca Owens, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Cemetery Sexton/DPW Maintenance Manager Patrick McCarthy, Chief Innovation Officer Melanie McDonough, Planning & Development Administrative Assistant Crystal Taplin

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

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

- City Manager Shaun Mulholland announced the meeting criteria for the public.

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

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

5. **RECOGNITIONS:**

- **Drawing of Top Dog Contest Winners by Mayor McNamara (not in agenda file).**

And the Top Dog owner winners were Mabel Darling, James Goodman, and Laura Goudreau

- **Professional Municipal Clerks Week Proclamation**

**PROCLAMATION  
PROFESSIONAL MUNICIPAL CLERKS WEEK April 30 - May 6, 2023**

**WHEREAS,** The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**WHEREAS,** The Office of the Professional Municipal Clerk is the oldest among public servants, and

**WHEREAS,** The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

**WHEREAS,** Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

**WHEREAS**, The Professional Municipal Clerk serves as the information center on functions of local government and community.

**WHEREAS**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon recognizes the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Interim City Clerk, Deputy City Clerk and Assistant City Clerks and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 3<sup>rd</sup> day of May 2023.

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Timothy J. McNamara, Mayor  
*on behalf of the Lebanon City Council*

- Resolution Honoring the Lebanon Police Department Cyber Crimes Unit

### **RESOLUTION HONORING**

#### **THE LEBANON POLICE DEPARTMENT CYBER CRIMES UNIT**

**WHEREAS**, the Lebanon Police Department’s Cyber Crimes Unit has been educating the citizens of Lebanon through Internet Safety Forums since its inception in 2017; and

**WHEREAS**, in June of 2022, because of a forum held at a senior living facility, a resident reported being defrauded out of several thousand dollars in crypto currency online, and

**WHEREAS**, during the following ten months, Detective James Pike, with the assistance of Lieutenant Richard Norris of the Cyber Crimes Unit, utilized software specifically designed to trace the victim’s transactions to a cryptocurrency exchange and eventually the suspect’s cryptocurrency wallet; and

**WHEREAS**, the Cyber Crimes Unit, located the suspect’s cryptocurrency wallet and executed legal process to freeze the wallet and forfeit the illegally obtained currency to return to the victim, and

**WHEREAS**, through exceptional investigative skills, dedication, and commitment. the Cyber Crimes Unit received justice for the victim. The Cyber Crimes Unit consistently demonstrates their commitment to protecting the public from cyber-crimes and securing the integrity of the digital economy, contributing to the safety and well-being of our community.

**NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to the Lebanon Police Department’s Cyber Crimes Unit for their

continuous efforts to investigate, prosecute, and disrupt a wide array of cyber and cyber-enabled crimes, as well as their commitment in protecting the City's citizens and providing internet safety outreach and education to various community groups.

Dated this 3<sup>rd</sup> day of May 2023.

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Timothy J. McNamara, Mayor  
*on behalf of the Lebanon City Council*

City Manager Mulholland noted Cyber Crime is very difficult to investigate, noting only a handful of Police Departments in our State have the capability and trained staff that we do. We are talking about international-level crime and there are thousands of people who are victimized by this type of crime.

**6. ACCEPTANCE OF MINUTES:** April 19, 2023 (Regular Meeting)  
*Councilor Heistad MOVED to approve the April 19, 2023 (Regular Session) minutes as written and presented in the May 3, 2023 City Council agenda packet.*  
*Seconded by Councilor Wilkie.*

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

**7. APPOINTMENTS:**

- Planning Board, Patrick Kennelly (Regular Member)

*Councilor Liot Hill put forth the NOMINATION of Patrick Kennelly as a Regular Member of the Planning Board. Term: (4/23-4/26)*

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

- Planning Board, Andrew Faunce (Regular Member)

*Councilor Simon put forth the NOMINATION of Andrew Faunce as a Regular Member of the Planning Board. Term: (4/23-4/26)*

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

**8. PUBLIC HEARING ITEMS: NONE**

**9. OLD BUSINESS: NONE**

**10. NEW BUSINESS:**

Mayor McNamara requested the New Business items be taken out of order from what was presented in the Council agenda packet so the following items will be listed in the order as discussed by the Council.

**C. Request for Exception from City Code Chapter 110, Noise from Sound Amplification Systems; American Legion Post 22, Memorial Day Parade and Ceremony**

Included in the agenda packet:

1. City Code Chapter 110, Noise from Sound Amplification Systems. ([Pages 51-55, Council agenda packet](#))

### **BACKGROUND**

City Code Chapter 110, “Noise from Sound Amplification Systems,” allows residents to obtain a permit for sound amplification between the hours of 8am – 8pm on Mondays through Saturdays, and between 1pm – 5pm on Sundays and legal holidays. Chapter 110-2(B) allows the City of Lebanon upon its own motion, or upon application and for good cause shown, to modify, suspend, repeal, or amend the provisions of any rule, regulation, or section contained within the chapter.

The American Legion Post 22 has requested permission to host a Memorial Day Parade and Ceremony in Colburn Park between 11:00am – 1:00pm on Monday, May 29, 2023, the Memorial Day legal holiday. The Lebanon Police Department has approved the sound permit for the permitted timeframe pending City Council approval.

### **ACTION:**

***Councilor Liot Hill MOVED, that the Lebanon City Council, in accordance with City Code Chapter 110, Noise from Sound Amplification Systems, Section 110-2, hereby authorizes the American Legion Post 22 to utilize noise amplification equipment between the hours of 11:00am and 1:00pm on Memorial Day, Monday, May 29, 2023.***

**Seconded by Assistant Mayor Below.**

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

### **B. Discussion & Set Public Hearings for May 17, 2023:**

1. **CDBG Application For Families Flourish Northeast**
2. **RHP Application for Families Flourish Northeast**
3. **Adoption of Anti-Displacement & Relocation Assistance Plan for Families Flourish Northeast**

Included in the agenda packet:

***Please refer to the documents listed below, which can be found on [pages 45-50, Council agenda packet](#), for more information on the description and project overview.***

1. Project Description – Families Flourish Northeast – Upper Valley Facility
2. City of Lebanon Residential Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast

### **BACKGROUND**

The New Hampshire Community Development Finance Authority (CDFA) receives approximately \$9 million annually for the statewide Community Development Block Grant (CDBG) program, which includes all non-entitlement municipalities and counties. Up to \$500,000 annually is available to communities or counties on a competitive basis in each of the four categories of housing, public facilities, economic development, and emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants. The Recovery Housing Program is a pilot program for special needs housing, which municipalities and non- profits may apply to for up to \$500,000. Families Flourish Northeast requests that the Lebanon City Council support the submission of a CDBG

application for Public Facilities for up to \$500,000 and a Recovery Housing Program application for up to \$500,000 to support the development of a high-intensity residential substance-use treatment center for pregnant and parenting women and their children in the Upper Valley. The proposed location for the facility is the Homestead Building on Mascoma Street which is a part of the Alice Peck Day campus. The cost of the renovation is estimated at \$4.9 million. The goal is to begin providing services at the new facility in late 2024.

A request to submit an application for CDBG funds was approved by the City Council in June of 2022; however, the matching funds were not committed by the time the CDBG applications were due and the application was withdrawn. The proposal includes funds from both CDBG and the Recovery Housing Program, which are both administered by CDFA and carry similar program criteria to CDBG and a separate application.

Ms. Rebecca Owens, Senior Planner, introduced Ms. Courtney Tanner, DHMC representative, who is leading the proposal for Families Flourish Northeast.

Ms. Tanner noted she works at Dartmouth Health as Director of Government Relations. She also has the privilege of serving as the Board Chair for Families Flourish. This is a heavily supported project by Dartmouth Health and was attending to answer any questions that the Council may have.

#### **ACTION:**

***Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules public hearings for Wednesday, May 17, 2023, beginning at 7:00pm, Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the following:***

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

***Seconded by Councilor Sykes.***

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

#### **A. Receive public input on Strategic Plan**

Below was included in the agenda packet: ***(Pages 32- 44 Council agenda packet)***

1. [Lebanon Strategic Plan webpage](#) with link to the Strategic Plan Miro Board
2. April 25, 2023 City Council Work Session Documents
3. April 27, 2023 City Council Work Session Documents

## **BACKGROUND**

The public was invited to provide input to the City Council and members of City staff on the proposed Lebanon Strategic Plan.

The following members of the public came forth to speak about their recommendations:

Ms. Sarah Riley, Chair of the Conservation Commission, came forth to speak on behalf of her colleagues on the Conservation Commission. She noted they have submitted numerous strategic action items to this plan and spoke about what they found to be important that should be added to the Strategic Plan:

- Water-related items: Flood waters; the protection of floodplain forests; Mascoma River's bank expansion; the importance of letting water infiltrate on site; and the New Hampshire Soak up the Rain Program.
- Water Resources: Build new wildlife friendly culverts. She would like to see this be a focus when new culverts need to be constructed, or when there is an opportunity to redo a culvert.
- Threats to our drinking water quality: Highlighted the importance of protecting our existing drinking water source, which is Mascoma Lake. While we have heard about threats from cyanobacteria, she thought our drinking water source is still quite safe but more can be done to protect it beyond looking at a second source (i.e., regulating septic, protect buffers; take steps to help minimize the amount of fertilizers/chemicals used in close proximity to water bodies; reduce lawns, which will help reduce the amount of fertilizers entering into our waterways).

Mayor McNamara questioned if Ms. Riley was looking to add her points as Action Items, if they fall into one or more of the Strategic Objectives, or if the City needs to add more Strategic Objectives. Ms. Riley responded by saying she did not hear about or see many of these items itemized (in the Strategic Plan). Mayor McNamara will look to see if more Strategic Objectives need to be added, or whether these could fit in as specific Action Items under one or more of the Strategic Objectives.

City Manager Mulholland noted it was important that the staff person for the Conservation Commission (Mark Goodwin) work on getting these Action Items framed out and boxed up on the Miro Board. They have until the end of July to do this. He suggested Ms. Riley work with Mark to get this done.

## **Council Discussions:**

The Council discussed the changes that had been added to the proposed Strategic Plan at their last work session and spoke about additional changes they wanted added. Ms. Melanie McDonough, Lebanon's Chief Innovation Officer, made real-time updated changes to the Miro Board. The Council is scheduled to vote on the proposed, updated Strategic Plan at their next meeting on May 10<sup>th</sup>, 2023 meeting.

Assistant Mayor Below read his proposed language that should be added as a new item to the Strategic Objective under Housing and Neighborhoods as follows:

“Development of policies and a plan to move new residential construction toward being zero carbon ready and being mindful of how collaboration with other stakeholders, Planning Regulations, Zoning, and building codes might best support and encourage sustainable and affordable development such as through creative infill and construction of high performance energy efficient buildings that can be run on renewable or zero carbon energy.”

Councilor Liot Hill brought up the topic of Ethics under the Vision Section of High Performance Government (bullet #2) and spoke about the Council's discussion on April 29<sup>th</sup> referencing "personal lives." She felt the Council should discuss this statement again and find a different way to rephrase the language.

After the Council had a lengthy discussion and submitted/spoke about their proposed language suggestions, it was decided by Straw Vote that the final language should read as follows:

"City officials and staff meet public expectations of very high ethical standards while representing the City. Ethical expectations directly relate to the credibility of the City and view that people have of it. City officials comply with statutory and regulatory requirements."

Ms. Melanie McDonough made "real-time changes" incorporating this language into the High Performance Government Section of the Strategic Plan under bullet #2 of the Vision Statement.

**ACTION:**

***No action is required by the City Council. This item is for informational purposes only***

**11. City Manager Report:**

City Manager Mulholland updated the Council on the following:

- School Street Cemetery (landslide): Mr. Patrick McCarthy noted there was a typographic company coming in and bringing equipment to do a GPR (Ground Penetrating Radar) study in the areas of concern.

City Manager Mulholland noted that for right now the slope from the one landslide that occurred is stabilized. One house in a nearby area has water/soil coming into the bottom of that house. We are concerned about the safety of the occupants in that one building because there are trees hanging over the top of that property. We have warned that person about this credible threat to them and have put them up in a hotel room and are providing per diem food at least through this week. One option is condemnation of the property, at least for the period of time until the hazard is gone, but he would rather not exercise this option unless it is absolutely necessary.

We have contracted with an engineering firm (Sanborn, Head and Associates) to do some additional assessments of the soil (in the areas affected by landslides) to see what mitigation measures need to be put into place. This can be a very expensive proposition (\$250K-\$500K). Insurance will not cover any of this and it is something we have not budgeted for so he may be coming back to the Council for a supplemental appropriation and bonding authorization. He noted that out of the 2022 budget, there was only \$17K left over. As soon as the report comes in from Sanborn, Head & Associates, he will take action and keep the Council updated.

- Leadership Summit: June 12<sup>th</sup>, 2023, 12PM to 6PM. Lunch/Dinner will be provided.
- May 10<sup>th</sup> Council Meeting: Council to vote on Strategic Plan and the 2023 Financial Outlook will be presented.
- Spencer Street: Delayed. Waiting on the Lebanon Housing Authority (LHA) to give the City a proposal for workforce housing.

Councilor Liot Hill questioned if this (LHA proposal) would be going back to the Economic Development Commission (EDC) for their review since it was originally a joint EDC/TIF process. City Manager Mulholland noted they would be able to take a look at it, but he would not be taking any extra steps because what we discussed before was to develop housing there.

Councilor Liot Hill noted the Council had directed the EDC to put together a request for that area, but we did not specify if we wanted all workforce housing or anything else at that point. We went through a process that involved the EDC/TIF and felt it would be appropriate for the EDC/TIF to revisit this since the project is potentially changing substantially, noting the EDC/TIF were valuable partners in this process.

City Manager Mulholland said that when the proposal comes in the EDC/TIF can provide updates to the extent that it has changed from what the original intent was. Both proposals were for housing which consisted of market-rate housing. The goal was to get as much workforce housing as we could and felt this did not change anything from where we were before.

Mayor McNamara noted it is potentially a very different economic model than when we were using a private developer who would be selling the property for a nexus of \$1M, and was going to pay for the property taxes. If this is a typical LHA project, or even a Twin Pines project, we are likely not to get the revenue from the sale of the land, and they are not likely to pay full property taxes. We do have to look at the economics of this as well and felt this proposal needs to go to EDC/TIF for their review and comments..

Councilor Whittlesey noted the EDC/TIF is looking at the back parking lots and there is a lot of activity they are doing from a redevelopment perspective for Downtown West Lebanon. Depending on what is being done on Spencer Street, he felt it would have a direct impact on what we want to look at for the back parking lots, noting the RFIs (Request for Information) responses received were a mix of commercial and market rate housing. While he did not want to restart the process, he would like the EDC/TIF to have enough advanced time to really dig in, discuss, and give the Council their thoughts/concerns/recommendations on this proposal (LHA).

Councilor Liot Hill noted we have to be really careful in our TIF Districts. The whole point of the TIF Districts is to generate economic activity that will then help the City generate revenue from the TIFs so we can invest in their infrastructure. While housing is a part of the discussion, this is a bigger discussion when we think about economic development, especially when it is in a TIF District.

City Manager Mulholland noted he is looking at a homeless problem that is not going away, and is looking for housing that can be built.

Councilor Whittlesey understood what the City Manager was talking about and spoke about how the City is in a tax crisis impacting people on fixed incomes; the looming budget crunches because of inflation, etc. While he was not opposed to LHS building there, he felt it was worth being cautious by having the EDC/TIF take a secondary look.

City Manager Mulholland noted he did not want the LHA to spend any more money on their proposal if the Council was not committed to doing this project, noting that for LHA to put a proposal together they have to spend some money. Either we are committed to go in this direction or not, but we need to communicate the Council's decision to the LHA.

Mayor McNamara was unsure of the discussions between the LHA and the City Manager, but even something as simple as a Mission Statement from the LHA describing what the City is looking for (i.e., a mixture of xyz apartments, price range, etc.) would give us a chance to review: 1) What are the economic implications for the City in terms of tax revenue? and 2) If they are

anticipating the City will be giving them the property. We should have some idea from the LHA about what they see as their ideal program.

The Council had further discussions regarding the LHA proposal; the purpose of the TIF Districts; the urgent need for housing; and, the need for the Council to have further discussions about what the right direction for this particular parcel is.

The City Manager noted this is an agenda item and he will put the brakes on the LHA proposal for now.

Councilor Wilkie noted this should be discussed very soon. He has heard from a number of people multiple times about their concerns and this is a pressing issue we need to get on an upcoming Council agenda soon.

Councilor Whittlesey would like this agenda item to include discussions regarding the economic impacts (i.e., if the decision is made to go with the LHA, what does that mean for the City's tax base?) and wanted to make sure we are evaluating this proposal with consideration given to all of the ramifications and costs.

Councilor Hill will submit the agenda request with the information the Council would like to see.

- Grant Updates (due by June 30, 2023: EV Subcommittee grant (80/20 split); Tree Advisory Board (50/50 split); Phase III Solar Project. Volunteers are working on these because the City does not have enough staff.

## **12. COUNCIL REPRESENTATIVES TO OTHER BODIES:**

- Staffing levels were discussed.
- Councilor Simon reminded the Council that the West Lebanon Revitalization Advisory Committee (WLRAC) would like to see more activities taking place in West Lebanon (i.e., food trucks, festivals, etc.)

## **13. FUTURE AGENDA ITEMS:**

- Spencer Street Development Discussion

## **14. NON-PUBLIC SESSION: None**

## **15. ADJOURNMENT:**

***Councilor Heistad MOVED for adjournment.***

***Seconded by Councilor Sykes.***

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

**The meeting was adjourned at 8:42 PM.**

Respectfully submitted,

Dona E. Gibson

Recording Secretary