



**LEBANON CITY COUNCIL
JUNE 21, 2023 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 916 471 656#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The June 21, 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

A. Resolution Honoring Eagle Scout Nicholas B. Lamontagne

6. Approval of Minutes

A. MOTION TO approve the minutes as presented in the June 21, 2023 agenda packet.

7. Appointments

A. Swearing in of Jaseya Ewing as City Clerk

B.

- Lebanon Housing Authority, Matthew Brown (Reappointment)
- Pedestrian & Bicyclist Advisory Committee, M. Jared Toon (Alternate Member)

8. Public Hearing Items

A. COMMUNITY REVITALIZATION TAX RELIEF PROGRAM APPLICATION – A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Program Application (per NH RSA 79-E) by Your Best Day, LLC for rehabilitation of property at 3 Main Street, West Lebanon

- i. Presentation:
- ii. Opening of the Public Hearing:
- iii. Questions & Comments by the Public:

- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

9. Old Business: None

10. New Business

- A. Warrant for Civil Forfeiture Notice
- B. Appointment of Jaseya Ewing as Municipal Agent for Motor Vehicle Registrations
- C. Request for transfer of funds from Miracle Mile Water Main Replacement Project to the South Main Street Water Improvement Project
- D. Discussion and Set Public Hearing for July 5, 2023: Amendment to the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District Boundary
- E. Authorization to Purchase 160 Mechanic Street, Lebanon (Tax Map 105, Lot 27)
- F. Discussion and Set Public Hearing for July 19, 2023: Request for Supplemental Appropriation in the amount of \$425,000 for the Purchase of 160 Mechanic Street, Lebanon, and Authorization to Issue Bonds or Notes

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

- A. NH RSA 91-A:3, II(c) – “Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself...”

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: Zoning Board of Adjustment
Position: Regular Member
Applicant: J. Walker
Assigned Councilor: D. Whittlesey
Assigned Date: 05/31/2023

Board/Committee :Library Board of Trustees (LibraryBoard makes recommendation to Council)
Position: Regular Member
Applicant: Y. Volentino
Assigned Councilor: K. Hill
Assigned Date: 06/12/2023

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list is not considered all-inclusive.
July 5, 2023

Lebanon City Council Agenda
June 21, 2023

Public Hearing Items:

- A. Supplemental Appropriation: A Public Hearing For The Purpose Of Receiving Public Input And Taking Action On The Request For Supplemental Appropriation In The Amount Of \$116,350 For Annual Operation And Maintenance Of 14, 28 & 30 Main Street, West Lebanon
- B. Amendment To Lebanon Airport-Tech Park Tax Increment Finance (TIF) District Boundary: A Public Hearing For The Purpose Of Receiving Public Input And Taking Action On A Proposal To Amend The Lebanon Airport-Tech Park Tax Increment Finance (TIF) District Boundary Pursuant To NH RSA 162-K:5

New Business:

- A. Discussion of Changes to City Code Chapter 97
- B. Discussion & Set Public Hearing for June 21, 2023: Community Revitalization Tax Relief Program (RSA 79-E) Application – Lebanon Woolen Mill, LLC for rehabilitation of former Kleen Laundry facilities at 1 Foundry Street and replacement of structures at 25 Mechanic Street and 43 Mechanic Street (this may need to be multiple, separate discussions and hearings since multiple buildings and parcels are involved)
- C. Set Public Hearing for July 19, 2023: Proposal by Patch Forest, LLC to discontinue several Class VI Roads and to layout a new Class A Trail
- D. Request by Lyme Properties, LLC to have City Council reconsider acceptance of River Park Drive and Lyman Street

July 19, 2023 – 6:00pm Start

Public Hearing Items:

- A. Community Revitalization Tax Relief Program Application – A Public Hearing For The Purpose Of Receiving Public Input And Taking Action On A Community Revitalization Tax Relief Program Application (Per NH RSA 79-E) By Lebanon Woolen Mill, LLC For Rehabilitation Of Former Kleen Laundry Facilities At 1 Foundry Street And Replacement Of Structures At 25 Mechanic Street And 43 Mechanic Street.
- B. Proposal By Patch Forest, LLC To Discontinue Several Class Vi Roads And To Layout A New Class A Trail – A public hearing for the purpose of receiving public input and taking action on a proposal by Patch Forest, LLC to discontinue several Class VI Roads and to Layout a new Class A Trail.

Agenda
Lebanon City Council
June 21, 2023

5. Recognitions:

- Resolution in honor of Eagle Scout Nicholas B. Lamontagne

Included in this Section:

1. Resolution Honoring Eagle Scout Nicholas B. Lamontagne



RESOLUTION HONORING

EAGLE SCOUT

NICHOLAS B. LAMONTAGNE

WHEREAS, the City of Lebanon takes pride in recognizing and honoring the achievements and contributions of its residents, particularly those who have demonstrated exceptional dedication to community service; and

WHEREAS, the Boy Scouts of America, through its time-honored program, encourages young individuals to develop leadership skills, engage in meaningful community projects, and uphold the values of citizenship and service; and

WHEREAS, Nicholas Lamontagne, a distinguished resident of West Lebanon, has displayed an exemplary commitment to these principles, successfully earning his Eagle Scout rank through tireless efforts and commendable dedication; and

WHEREAS, throughout his journey to achieve the esteemed Eagle Scout rank, Nicholas has devoted countless hours of service to our community, undertaking various activities that have greatly benefited our citizens. He actively participated in community parades, showcasing his commitment to our city's traditions, and fostering a sense of unity and pride among its residents; and

WHEREAS, as part of his notable Eagle Scout project, Nicholas conceived and executed the creation of workout stations on the Mascoma River Greenway, providing a valuable resource for our citizens to engage in physical fitness activities while enjoying the natural beauty of our city.

NOW, THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, extends its heartfelt congratulations and deepest appreciation to Nicholas B. Lamontagne for achieving the rank of Eagle Scout and for his outstanding community service, dedication, and leadership. He serves an inspiration to other young individuals within our city to pursue excellence, service, and the pursuit of their dreams.

Dated this 21st day of June 2023.

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

**AGENDA
LEBANON CITY COUNCIL
JUNE 21, 2023**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- June 7, 2023 (Regular Meeting)

MOVED, to approve the minutes as presented in the June 21, 2023 agenda packet.

DRAFT

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

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, Director of Planning & Development Tim Corwin, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Deputy City Manager of Special Projects Paula Maville, Solid Waste Manager Erica Douglas, Senior Planner Rebecca Owens, Human Resources Director Samantha Lauzon, Public Works Assistant Director Jay Cairelli, City Engineer Brian Vincent, Chief Innovation Officer Melanie McDonough

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

2

3 **2. PLEDGE OF ALLEGIANCE:** Councilor Liot Hill led the Council in the Pledge.

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

5

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

7

8 **4. OPEN TO PUBLIC:**

- 9 • **Barry Schuster (Ward 3)** reported he was working on the Mascoma River Greenway Extension
- 10 and this project is moving forward.
- 11 • Councilor Liot Hill acknowledged that June is Pride Month and the City of Lebanon will be
- 12 hosting a pride picnic in concert with the Lebanon Opera House on Friday, June 16th in Colburn
- 13 Park starting at 6:00PM.
- 14 • Councilor Wilkie announced that on June 17th Lebanon will be joining Hartford to participate in a
- 15 Pride Celebration at Lyman Point Park, Hartford, VT, 2:00-5:30PM. There will also be a film
- 16 screening on June 19th at the SAU building in West Lebanon.

17

18 **5. RECOGNITIONS:** After acceptance of minutes, Mayor McNamara announced that in 2022 there

19 was a nationwide CPA test where 65K participated. The top 50 of the 65K were recognized for their high

20 scores. Councilor Whittlesey was being recognized for being in the **top 50 (of 67K)**.

21

22 **6. ACCEPTANCE OF MINUTES:**

- 23 • May 10, 2023 (Special Meeting)
- 24 • May 17, 2023 (Regular Meeting)

25

26 *Councilor Heistad MOVED to approve the May 10, 2023 (Special Meeting) and the May 17, 2023*

27 *(Regular Meeting) minutes as written and presented in the June 7, 2023 City Council agenda*

28 *packet.*

29 *Seconded by Councilor Whittlesey.*

1 **The Vote on the Motion was approved (8-0-1). Councilor Liot Hill abstained because she was not*
2 *present at the May 10th and 17th meetings.*

3
4 **7. APPOINTMENTS:**

- 5 • West Lebanon Revitalization Advisory Committee, Andrew Faunce (Alternate Resident
6 Member)

7 *Councilor Simon put forth the NOMINATION of Andrew Faunce as a Ward 1 West Lebanon*
8 *Revitalization Advisory Committee Alternate Resident Member for a three-year term. Term: (6/23-*
9 *6/26).*

10 *Seconded by Councilor Liot Hill.*

11
12 **The Vote on the NOMINATION was approved (9-0).*

- 13
14 • Lebanon Energy Advisory Committee, James Mashal (Alternate Member)

15 *Councilor Wilkie put forth the NOMINATION of James Mashal (Alternate Member) of the Lebanon*
16 *Energy Advisory Committee for a two-year term. Term: (6/23-6/25)*

17 *Seconded by Councilor Simon.*

18
19 **The Vote on the NOMINATION was approved (9-0).*

20
21 **8. PUBLIC HEARING ITEMS:**

- 22 **A. ESTABLISHMENT OF AN ENTERPRISE PROPERTIES REVOLVING FUND:** A public
23 hearing for the purpose of receiving public input and taking action on the establishment of an
24 Enterprise Properties Revolving Fund in accordance with NH RSA 31:95-h for Operation and
25 Maintenance of 14, 28 & 30 Main Street, West Lebanon, and 226 Mascoma Street, Lebanon; that
26 money in the Enterprise Properties Revolving Fund shall accumulate from year to year and shall
27 not be considered part of the City's General Fund; and that the City Manager shall be the agent of
28 the City to carry out the objects of the Fund, as established by the City Council

29
30 Included in the agenda packet: *(Pages 53-55, Council agenda packet)*

31
32 Deputy City Manager David Brooks reviewed the background and reasons for establishing an Enterprise
33 Properties Revolving Fund for 14, 28 & 30 Main Street, West Lebanon, and 226 Mascoma Street and
34 noted it is not yet known how the City wants to use these Main Street properties. While the community
35 figures out what they want to do with these properties, the City's plan is to continue to make use of them
36 and allow the current occupants/tenants to stay for as long as they care to until the use of these buildings
37 is determined.

38
39 **BACKGROUND**

40 In late 2022, the City was presented with the opportunity to acquire multiple properties along Main Street
41 in West Lebanon, specifically: 14 Main Street (Tax Map 72, Lot 88; ~0.11 Acres), 28 Main Street (Tax
42 Map 72, Lot 84; ~0.48 Acres), and 30 Main Street (Tax Map 72, Lot 83; ~0.45 Acres). On February 1st,
43 the City Council authorized the City Manager to negotiate a Purchase & Sale Agreement and to take
44 further actions necessary to pursue acquisition. The City and the property owner entered into a Purchase
45 & Sale Agreement on February 27, 2023, and since that time, the City has been conducting due diligence
46 efforts, including environmental review of the properties prior to closing.

47
48 Following acquisition of the properties, the City anticipates continuing to lease the occupied (or

1 occupiable) commercial and residential spaces to existing and/or future tenants until the properties are
2 ready for redevelopment.

3
4 In addition, the City also acquired property at 226 Mascoma Street in January 2022 to allow for the future
5 expansion of the Valley Cemetery. When the City acquired the property, it leased the residence back to
6 the prior owner for a period of two years until January 2024. Once the residence is vacated by the current
7 tenant, the City proposes to partner with a local human services organization to allow the property to be
8 used for transitional housing until such time as the property is needed for cemetery expansion, which is
9 anticipated to be several years into the future.

10
11 In order to provide for the ownership and ongoing operation and maintenance of these properties until
12 future uses are determined and imminent, the City Manager recommends that the City Council establish
13 an Enterprise Properties Revolving Fund for the properties pursuant to NH RSA 31:95-h for the accrual
14 of lease revenues and for the payment of applicable property taxes, utility bills, and other expenses
15 associated with the ownership, operation, and maintenance of the properties.

16
17 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
18 **Hearing was closed.**

19
20 City Manager Mulholland noted that NH RSA 31:95-h is the only legal mechanism that would allow the
21 City to form an Enterprise Properties Revolving Fund. We know this fund will be running in the red until
22 we figure out what we want to do with these properties.

23
24 **ACTION:**

25 *Councilor Whittlesey MOVED, that the Lebanon City Council hereby authorizes the establishment of*
26 *an Enterprise Properties Revolving Fund pursuant to NH RSA 31:95-h for the purpose of accumulating*
27 *lease revenues and for the payment of applicable property taxes, utility bills, and other expenses*
28 *associated with the ownership, operation, and maintenance of City-owned properties located at 14 Main*
29 *Street, 28 Main Street, and 30 Main Street in West Lebanon, and 226 Mascoma Street in Lebanon; that*
30 *money in the Enterprise Properties Revolving Fund shall accumulate from year to year and shall not*
31 *be considered part of the City's General Fund; and that the City Manager shall be the agent of the City*
32 *to carry out the objects of the Fund, as established by the City Council.*

33 *Seconded by Councilor Liot Hill.*

34
35 **The Vote on the MOTION was approved (9-0)*

36
37 **9. OLD BUSINESS – None**

38
39 **10. NEW BUSINESS**

40 **A. Presentation of Changes to Landfill Operations**

41
42 Included in the agenda packet: *(Please refer to pages 56-67, Council Agenda Packet for more detailed*
43 *information.)*

- 44 1. PowerPoint Presentation – Changes Coming to the Lebanon Landfill
45 2. Sample Letter to Local Retailers
46 3. Informational Flyer – Changes Coming to the Lebanon Landfill
47

1 Ms. Paula Maville (Deputy City Manager for Special Projects) and Ms. Erica Douglas (Solid Waste
2 Manager) reviewed the background and changes that will be coming to the Lebanon's Landfill Operations
3 known as the Pay-As-You-Throw (PAYT) Program. *(Complete details are listed below. A PowerPoint
4 presentation, along with a sample Letter to Local Retailers and Informational flyer, can be found on
5 pages 56-67, Council Agenda Packet.)*

6 **BACKGROUND**

7 **INTRODUCTION OF CUSTOMIZED MUNICIPAL TRASH BAGS**

8
9 As part of our effort and long-term goal to preserve the life of the landfill through waste reduction methods,
10 the City is updating its Pay-As-You-Throw (PAYT) Program to include customized municipal trash bags as
11 an option for disposal of residential bagged waste. While use of these bags will be an option for Lebanon
12 residents for the foreseeable future, it will be a requirement for non-Lebanon residents beginning January 1,
13 2024 (punch cards will remain an option for Lebanon residents but will no longer be available for non-
14 residents).

15
16 Beginning August 7, 2023, customized 15-gallon and 30-gallon purple trash bags will be available at local
17 retailers (locations to be announced). Bags will be sold at the equivalent price of a current punch on a punch
18 card; for example, 15-gallon bags will be sold in rolls of 10 for \$10.00 and 30-gallon bags will be sold in
19 rolls of 5 for \$10.00. The cost of the bags includes disposal fees so no punch card will be required to dispose
20 of these bags. To facilitate the production and distribution of our customized bags, the City has contracted
21 with WasteZero, a well-known, long-established company specializing in waste reduction methods.
22
23



24
25
26 Ms. Douglas explained how the logo "Fill" came about, noting that this logo will be on all of Lebanon's
27 City trash bags.

28
29 Ms. Maville noted they wanted to allow a period of time for people to get accustomed to how the Pay-As-
30 You-Throw (PAYT) Program is going to function, so they chose August 7th as a kick-off date

Continued Use of Punch Cards

LEBANON RESIDENTS

- Punch Cards will remain an option
- Customized Bags NOT required
- Punch Cards no longer sold at City Hall beginning January 1, 2024
- Credit Cards required for all non-bagged (itemized & bulky) waste beginning January 1, 2024
- Commercial Accounts Required for Smaller-Load Haulers Beginning January 1, 2024

NON-LEBANON RESIDENTS

- Punch Cards will remain an option until January 1, 2024
- Customized Bags required beginning January 1, 2024
- Punch Cards no longer available beginning January 1, 2024
- Credit Cards required for all non-bagged (itemized & bulky) waste beginning January 1, 2024
- Commercial Accounts Required for Smaller-Load Haulers Beginning January 1, 2024

COST COMPARISONS

BAGS vs. PUNCH CARDS

- Pre Paid Bags
 - \$1 for 15 Gallon bag
 - \$2 for 30 Gallon bag
- Punch Cards
 - \$2 for a bag (no standard size)
 - \$4 for contractor bags



INTRODUCTION OF EB2GOV SOFTWARE PLATFORM

Integration of New Software (EB2gov)

UPDATED PERMITS REQUIRED FOR ALL USERS

ACCURATE DATA COLLECTION & REPORTING

CREDIT CARDS REQUIRED FOR DISPOSAL OF ALL NON-BAGGED WASTE (ITEMIZED & BULKY)

As we work to increase efficiency of operations at the Solid Waste Facility we are implementing software that will be capable of combining our permitting process with the ability to accept credit cards as a payment method at the scale house.

CREDIT CARDS - Beginning in August (with the goal being August 7th), credit cards will begin to be accepted as payment for disposal of itemized and scale-weighted bulky loads. This will be available to residential users, smaller-load commercial haulers, and those who obtain temporary use permits. Should they choose, all residential users will be able to pay to dispose of these types of waste with punch cards, but only until December 31, 2023. Beginning January 1, 2024, disposal of all non-bagged waste by all residential users (Lebanon residents included) will require payment via credit/debit card. This will streamline operations at the scale house and prevent the need for customers to leave the facility to purchase additional punch cards and return to pay for waste disposal.

1 UPDATED PERMITS_– Beginning in August (goal of August 7th), all landfill users will be asked to update
2 their permits. New permits will not be effective until January 1, 2024, in order to give time for a full
3 transition to the new permitting software and to coincide with the date that punch cards will expire for non-
4 Lebanon residents. Updated permits will be required to access the facility after December 31, 2023.
5



6
7
8
9 **UPDATES TO CITY CODE – CHAPTER 97, LANDFILL REGULATIONS**

10 Updates to Chapter 97 will aid in streamlining the process to implement some of the changes discussed
11 above. The City Administration plans to present an ordinance to the Council at the June 21st meeting.
12



13
14
15 **COMMUNICATIONS & PUBLIC OUTREACH**

16 An informational flyer will be mass-mailed to Lebanon residents, distributed at the scale house, handed out
17 at the City Clerk's counter, and provided to all of our participating communities for them to share with their
18 residents. It will also be posted to our website and will be included in LebNews for our regular readers.
19

Implementation



Aug. 2023

Customized Bags Arrive at Retail Locations
EB2gov Operational for Updating Permits and
Accepting Credit Cards



Jan. 2024

Punch Cards no longer in use for non-Lebanon
residents; no longer for sale at City Hall
Credit Cards required for disposal of non-
bagged itemized or scale-weighted bulky
waste
Updated Permits required for ALL Users
Commercial Accounts required for Smaller-
Load Haulers

COMMUNICATION & PUBLIC OUTREACH

- Hard Copy Flyers to be Distributed at Scale House
- Mass Mailing of Flyer to Lebanon Residents
- Information to be Posted to City Website and included in Weekly LebNews
- Informational video on new process to be posted to the website
- Attendance at 2 Farmers' Market Events to distribute flyers and demo customized bags
- Information to be Provided to Participating Communities for Distribution to non-residents
- Information to be Provided to DHMC and other large employers
- Valley News will be requested to publish an article
- Flyers to be distributed to those purchasing punch cards (at City Hall and local retailers)

Mr. Mark Dancy from WasteZero discussed the company's background and provided information on the benefits of using bags as part of a PAYT program.

WasteZero

"The leading residential waste reduction company in the U.S.. Committed to a more sustainable future, environmentally & financially."

New England is facing a waste crisis

- Incinerators are closing
- Landfills are running out of capacity and closing
- There is no new capacity

WasteZero has worked with 300 municipalities over the past 30 years

- Bag-based systems are preferred by 95% of residents in PAYT programs
- Convenience – just a bag and not a bag and a punch card
- Fairness – all residents have standard-sized bags
- Flexibility – providing municipalities with multiple size options, and simple administration
- Effectiveness – provides the largest reduction in trash and costs, therefore creating savings for the municipality.

Bags are manufactured with high recycled content

- Purple bags can use between 50-70% of reclaimed material

Under a PAYT system, bags have proven to be environmentally and economically effective.

1 **Council Discussions:**

2 Mayor McNamara noted that in the materials provided to the Council that retailers were not allowed to
3 markup the cost of these bags and questioned what the incentive for them would be. Mr. Dancy explained
4 his experience has been that retailers have been more than happy to participate because (1) retailers are
5 supportive about things that have an impact on increasing recycling, and (2) retailers do not want
6 customers to go somewhere else to do their shopping.

7
8 The quality and size of bags that were handed out by Ms. Douglas were reviewed.

9
10 In response to Councilor Wilkie's question regarding the \$5.00 annual permit fee for Lebanon residents
11 and whether or not this fee would provide access to the entire facility, Ms. Douglas stated it would be for
12 the entire facility and explained how the facility was set up.

13
14 Councilor Sykes spoke about his reasons regarding the need to reduce trash but felt communication on
15 where everything is located is essential (i.e., composting/recycling textiles, etc.).

16
17 Ms. Maville noted they will add the suggestion(s) from the Council to the communications that will go
18 out to the public. She also noted that Chapter 97 changes will be coming before the Council on July 5th,
19 not on June 21, 2023 as mentioned in the agenda packet. She hoped the Public Hearing could take place
20 on July 19, 2023. She also explained that the list of retailers who will be selling the recycling bags is not
21 finalized yet but the list will be published once it has been completed.

22
23 Councilor Simon requested they consider retailers that are open more hours.

24
25 **ACTION:** No action was required by the Council. This item was for informational purposes only.

26
27 **B. Presentation and Adoption of the *Walk, Bike, Ride Leb Plan***

28
29 Included in the agenda packet: (*Pages 68-71, Council agenda packet*)

30 1. Memorandum from Planning & Development Department staff, dated May 25, 2023 (*pages 70-71,*
31 *Council agenda packet.*)

32
33 Information Available but Not Included in this Section. Detailed information, including an interactive
34 network map, is available on the City's website:

35 1. [Walk, Bike, Ride, Leb Plan](#)

36
37 Ms. Rebecca Owens (Senior Planner) and Ms. Meghan Butts (Executive Director of the UVLSRPC –
38 Upper Valley Lake Sunapee Regional Planning Commission) reviewed the background and gave a
39 presentation on the Walk, Bike, Ride Lebanon Plan.

40
41 **BACKGROUND**

42 In recent years, progress has been made toward improving the safety, comfort, and convenience of
43 walking and bicycling in the City of Lebanon. Notable achievements include constructing the Mascoma
44 River Greenway, improving pedestrian facilities along the Miracle Mile and Route 12-A, and adopting
45 a Complete Streets policy. However, Lebanon has never had a comprehensive, City-wide plan for
46 walking and bicycling infrastructure and programming needs.

47
48 *Walk, Bike, Ride Leb* (WBRL) was developed jointly between the City's Planning & Development

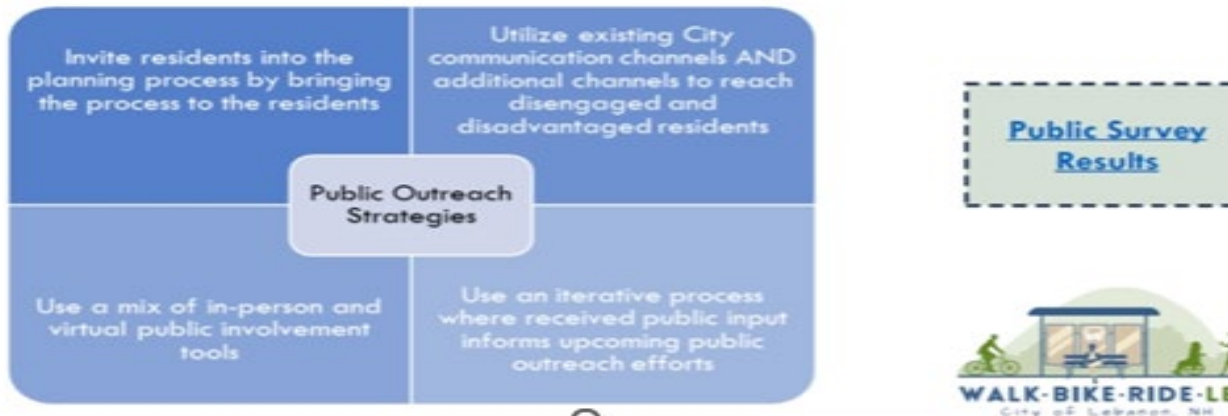
1 Department and the Upper Valley Lake Sunapee Regional Planning Commission between 2022 and
2 2023, and included a diverse Project Advisory Committee. *WBRL* is a plan to create a safe, comfortable,
3 and connected walking and bicycling network in the City of Lebanon, including connections to public
4 transportation. The *WBRL* Plan is founded in the review of existing data and plans, and the incorporation
5 of diverse public input. It identifies the community's highest priority multi-modal improvements. The
6 plan is envisioned as a key tool to inform how walking and bicycling improvements are factored into
7 City budgets and Capital Improvements Programs, which grant opportunities are pursued, and how new
8 and existing developments can be connected to the walking and bicycling network.

9
10 At its meeting on May 2, 2023, the Pedestrian & Bicyclist Advisory Committee (PBAC) reviewed and
11 commented on a final draft version of the *WBRL* Plan and made a motion to endorse it ("with comments
12 addressed") for consideration by the City Council for adoption. On May 22, 2023, the Planning Board
13 also reviewed the draft *WBRL* Plan and approved a motion to endorse it.

14
15 Highlights of their presentation included the following (*Please note that all information can be found on*
16 *the City's project website under the [Walk, Bike, Ride, Leb Plan](#)*
17



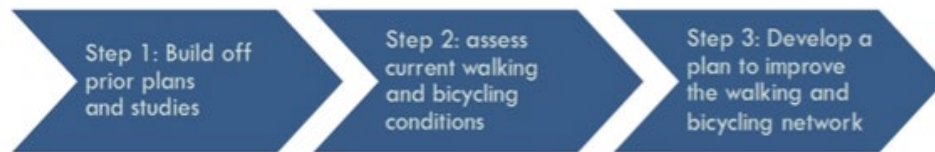
PUBLIC OUTREACH AND ENGAGEMENT



Walk, Bike, Ride Leb - Online Survey Results Dashboard

- 410 responses were received and 90% were either Lebanon residents or worked in Lebanon.

Ms. Butts explained what was involved in the planning process, the projects priorities, and the key strategies. She also explained and demonstrated how the interactive network map process and analysis works, which shows improvement areas (i.e., gaps; safety improvements; maintenance challenges; etc. that came out of the survey).



PROJECT PRIORITIES

Tier I	Tier II	Tier III
Fully-developed priority projects that are ready to compete for funding	Priority projects that may benefit from additional planning or study before competing for funding	Undefined project concepts that may require significant improvement and feasibility assessments.

- Tiers delineate "project readiness"
- Priorities based on the needs of the community, project advisory committee, relevant stakeholders, and the public



KEY STRATEGIES

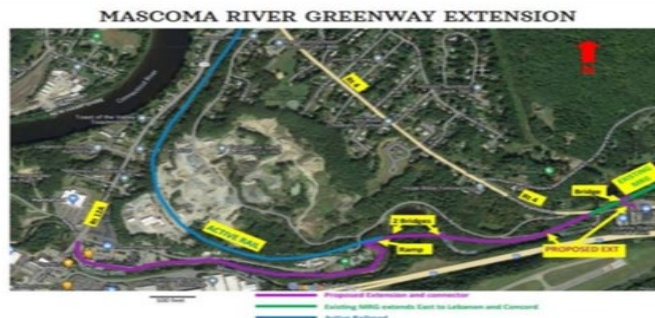
- Use developed key strategies
- Annual review of project priorities and update project statuses
- Prioritize projects for cost estimates and preliminary engineering
- Apply for funding and grants

Education/Engagement
Infrastructure Design
Operations & Maintenance
Pilot Programs
Regulations & Policy
Safety



IMMEDIATE RESULTS OF THE PLAN

- Mascoma River Greenway Extension
- Total Project Cost: \$1,920,000
- Awarded as part of the Congestion Mitigation and Air Quality Program (CMAQ)



Ms. Butts noted that the Mascoma River Greenway Extension qualified for and received an award as listed in the screenshot above.

Council Discussions:

Ms. Owens, in response to Councilor Liot Hill's question, noted that yes this can be used by the Planning Board and can also be used as a tool when they are planning to implement Site Plan Regulations for a particular project.

Assistant Mayor Below noted this plan is the most comprehensive approach to date and explained how the GIS (map) layers can easily be kept up to date.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts the "Walk, Bike, Ride Leb" Plan, as endorsed by the Pedestrian & Bicyclist Advisory Committee on May 2, 2023 and by the Lebanon Planning Board on May 22, 2023, and as presented in the June 7, 2023 City Council Agenda Packet.

Seconded by Assistant Mayor Below.

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

C. Discussion of 2 Mascoma Street Sewer Development Charge Extension Request

Included in the agenda packet: *(Pages 72-76, Council agenda packet)*

1. Article XV Sewer Development Charge <https://ecode360.com/36134591>
2. Article XIV Sewer Connections, Extensions and Expanded Sewer Use Allocations

1 <https://ecode360.com/36134589>

- 2 3. 2023-05-05 Email from Tim Sidore regarding request to extend payment period and revisit allocation
3 methodology.
4 4. Abatement request from Recreo, LLC requesting extended period to pay Sewer Development
5 Charge.
6

7 City Manager Mulholland reviewed the background of this request and noted he broke this down into
8 three components to try and make this as easy as possible. He reminded the Council about the creation of
9 the Sewer Development charge in 2019.
10

11 **BACKGROUND**

12 The City Manager's Office received a request on May 5, 2023, from Tim Sidore, Chief of Operations for
13 LedgeWorks, Inc., for an extension of time for the payment of sewer development charges owed by Recreo,
14 LLC. The document itself shows a signed date of April 28, 2023. The sewer development charges are
15 owed pursuant to an application submitted by Recreo, LLC for a sewer use permit for the development of
16 the property located at 2 Mascoma Street. Recreo, LLC requested an extension of time to make the
17 payment until May 29, 2023.
18

19 **City Code § 136-105 Sewer Use Permit and Notice of Allocation.**

20 **Section D**

21
22
23 Notice of permitted allocation. Once a capacity analysis has been completed and a determination has been
24 made that adequate sewer capacity is available to serve a proposed development in accordance with the
25 standards of this article, the City Manager shall issue a notice of allocation to the applicant. The effect of
26 the notice of allocation shall be to allow the applicant to reserve the permitted capacity for the applicant's
27 use while other land use permits required for the particular development are applied for and reviewed. At
28 the time of receipt of the notice of allocation, the applicant is required to pay 20% of the current sewer
29 development charge as described in Article **XV** below, in an amount set forth in the Code of the City of
30 Lebanon, Chapter **68**, Fees. The applicant must make payment of the sewer development charge within 30
31 days or the notice of allocation will expire automatically.
32

33 **Section G**

34
35 In order to retain the permitted sewer allocation, the applicant must obtain a final subdivision, site plan, or
36 other approval within two years of the date of the notice of allocation. If Planning Board approval, or, if
37 none is required for the development, then a building permit or other required approval, is not obtained
38 within two years, or if any such approval is denied, and such denial becomes final, then the notice of
39 allocation shall expire, and the associated sewer capacity will be returned to the system for use by others.
40 If Planning Board or other approval is obtained within two years of the date of notice of allocation, and if
41 the applicant has received approval from the Director of Public Works for any sewer construction plans
42 required for the project, the City Manager shall issue a sewer use permit. **Upon receipt of the permit,**
43 **applicant shall pay the remaining 80% of the assessed sewer development charge within 90 days or**
44 **the permit will expire.** The sewer use permit shall run concurrently and congruently with its associated
45 Planning Board or other approval. Should the Planning Board or other approval lapse or be revoked for
46 any reason, the sewer use permit will become null and void.
47
48
49

1 **§ 136-124 Abatement of sewer development charges.**

2
3 The City Council may abate, for good cause shown, any sewer development charge assessed on any person
4 or organization pursuant to this article. Such abatements may be made on such terms and conditions as the
5 City Council shall deem equitable under the circumstances.

6 Recreo, LLC, through Tim Sidore, is also making the following additional requests:

- 7 1. Requesting the City Council to reconsider the sewer development charge.
8 2. Requesting credit from its sewer usage from 75 Bank St.
9 3. Requesting an extension of the time limits to pay the sewer development charge.

10
11 City Manager Mulholland has broken down these requests into three components for the Council's
12 discussion.

13
14 **1. Requesting the City Council to reconsider the sewer development charge. (First Component)**

15
16 Mr. Tim Sidore, Chief Operating Officer for LedgeWorks, Inc., came forth to speak about his request (on
17 behalf of Recreo, LLC) noting they have redeveloped property for 40 years in the Upper Valley and are
18 excited to continue to do so. These projects are challenging and expensive and one of the challenges are
19 the fees being charged. It is just assumed the redeveloper can just keep pay those (fees). Why? What is
20 the gain there? For this project, after already paying an application fee to Public Works just to get it in
21 front of the Planning Board for approval, we have been assessed an \$127K Sewer Development charge
22 for a property that has already been developed (long before us). This is an existing property with an
23 existing use. We hope we can construct these 152 approved new housing units and revitalize the existing
24 31K sq. ft. of commercial space and will be using water/sewer that will be paid for. He questioned what
25 exactly is this fee (Sewer Development Fee)? We are excited to bring this project to fruition and he has
26 been working with the City, the Energy Committee related to solar, planning for grants with ride share
27 and EV charging stations. We have a lot of good stuff going on and these fees are prohibitive and asked
28 the City to reconsider the assessment of these fees.

29
30 City Manager Mulholland noted the reason for these fees was that at the time (2019) the sewer was on the
31 verge of going into the red. This has changed now and can be attributed to the Sewer Development
32 Charge, noting the sewer users (not taxpayers) of the City have been paying for the burden of this
33 infrastructure (i.e., the CSO part that has been done). The purpose of the Sewer Development charge is
34 for the new people to buy into the investments that have already been made by others in order to shift
35 some of that cost instead of raising sewer rates. This fee is to offset some of this infrastructure by new
36 development in the City. In this particular case, the property already has certain sewer allotment, so it is
37 the additional usage (of the sewer) that the Sewer Development charge is being paid on, not the existing
38 use.

39
40 **Council Discussions regarding the need to reconsider the sewer development charge:**

41
42 Mayor McNamara sensed this would be a very major shift and if we are even going to think about it, we
43 need to schedule a Public Hearing to discuss this in public, noting that back in 2019 it made such a
44 dramatic change to the Sewer Fund Enterprise Account, as did the water charge. In his opinion, while he
45 recognized what Mr. Sidore was saying, he was not inclined to make changes at this point because it does
46 help offset the ongoing charges for sewer. If not for these fees, these charges (sewer/water) would be
47 larger than they are today.

1
2 Councilor Sykes concurred with the Mayor and noted the existing sewer users are paying for
3 improvements that were part of over a \$75M project the City had to pay for. New users coming into the
4 City increases the number of apartments, and Mr. Sidore's (Recreo, LLC) request would mean new users
5 would not have to help pay for that other than the normal user fees. He agreed a Public Hearing should
6 take place.

7
8 Mr. Sidore understood Councilor Sykes point, but wanted to draw the line of distinction between
9 development and redevelopment. Development is taking raw land and developing it into real estate.
10 What we (Recreo, LLC) do is redevelopment, which is taking land/real estate and repurposing it, which
11 brings in new businesses, new opportunities, and adds critically needed housing units which are already
12 attached to municipal services. We are approved for these 152 apartments and he spoke about the other
13 projects in Lebanon that include a significant portion of workforce/affordable housing, development of a
14 Child Daycare, and a homeless shelter. He further spoke about other commercial properties in Lebanon
15 and what they could do with those properties. The City has the opportunity here to increase its housing
16 units, its economic activity with businesses and people living in town, noting this opportunity could be
17 lost.

18
19 Councilor Whittlesey noted that yes, Mr. Sidore's (Recreo, LLC company) is redeveloping an existing
20 space, but in his view it is not solely redevelopment because they are adding a substantial expansion to
21 the existing footprint of that building and are dramatically increasing the utilization (of sewage) at that
22 site. The City is giving him credit for the existing development that has already gone on. The charges
23 (\$12K) is reflective of the capacity utilization that those new units will be taking up. This is not
24 redevelopment and Recreo, LLC would be using (sewer)capacity above and beyond what the original site
25 was allotted. Our system (sewer) is only built for a finite capacity and at some point you have to look at
26 the opportunity costs vs capacity. Recreo, LLC is essentially asking the taxpayers who have come before
27 them to subsidize future development and utilization and explained his reasoning. He was opposed to his
28 request.

29
30 Councilor Liot Hill spoke about the Sewer Development charges, noting there has been an increase in the
31 costs to treat our water/sewer and for maintaining that infrastructure. What we did in 2019, was basically
32 separated those fees out so the water/sewer rates are paying for the operating costs and the capital costs
33 are covered by the Water/Sewer Development charges. As new people come into the systems, they
34 should have to buy into the equity that we all have had to do and should have to pay their fair share. The
35 Council had good discussions and deliberations and she felt it is a sound system. However, she thought if
36 some of these charges are an impediment to some of the City's goals (i.e., encouraging development of
37 affordable housing, encouraging infill development, etc.) something to consider might be putting together
38 a matrix where developers/redevelopers might request an exemption/discount if they are meeting some of
39 the City's stated goals. She suggested the Council look into ways to create some incentives/subsidies to
40 encourage developers/redevelopers who promote the City's goals.

41
42 Councilor Heistad noted we look at our sewage system as something that is paid for. However, we are
43 not that far removed from the times when we discovered the cost of having ground water infiltrating
44 through the cracks, broken pipes, which existed in the system. DPW had the methods to line the pipes,
45 and this greatly reduced the costs. We are still paying for the debt and will be for quite a while. He
46 would be cautious about eliminating any part of our system that we are paying for.

1 Assistant Mayor Below spoke about his thoughts, noting there is a section (City Code § 136-122) entitled
2 Subsequent Changes in Sewer Development Charges that notes:

3 “The Sewer Development Charge imposed by this article shall be reviewed and updated on an as
4 needed basis.” It also talks about subsequent updates and he further cited this Section.

5
6 We anticipated this would be revisited from time-to-time, so he felt it would make sense to fit this into
7 the schedule to take another look at this in light of our experience and spoke about his reasoning. He
8 also noted it (the Ordinance) is somewhat of a barrier to bring in affordable housing and wondered if the
9 Council could also look at an option to finance this cost (e.g., through clean energy grants, etc.) with the
10 idea of building, adding these costs into Recreo, LLC’s bill that they could pay over time if they met the
11 City’s goals.

12
13 Mayor McNamara spoke about the costs of treating wastewater, noting the City has limited finite capacity
14 at its treatment plant now. We know the cost of treating wastewater in the future will increase because we
15 will need new construction to treat added sewage capacity. He also spoke about his reasons for
16 encouraging infill in the City.

17
18 The Council would like to open this topic up for a wider discussion regarding: how we can meet our
19 goals; how the City needs to be mindful about other programs where the City has given tax breaks for
20 infill development; how development should be able to pay for the things that the City has so existing
21 taxpayers are not having to pay for development; the need to tie development/redevelopment into the
22 City’s budget; how revenues the City collects is an investment to help pay for the constraints that it will
23 face now and in the future; what the City would have to give up if it waves the Sewer Development Fees;
24 the probability, if this Sewer Development fee is waived for Recreo, LLC, and others would be asking the
25 City for the same thing; and, the potential of developing of a Special Assessment District.

26
27 Mayor McNamara thought he was hearing (from the Council) that there was no real interest in getting rid
28 of the program. There is an interest in opening this up for further discussion regarding making
29 modification to the program going forward with the potential goal of being able to use these fees to satisfy
30 some of our other objectives. We can get this topic on a future agenda to review the program and the
31 City’s overall goals.

32 33 **2. Requesting credit from its sewer usage from 75 Bank St. (Second Component)**

34
35 Mr. Sidore (Recreo, LLC) noted that 75 Bank Street was redeveloped 9 years ago and has 43 apartments.
36 We paid impact fees and the water/sewer charges and spoke his reasons for the request above. *(See page*
37 *74-76, Council agenda packet for details on his abatement request).*

38 39 **Council Discussions:**

40
41 Mayor McNamara explained there are State/Federal Standards that address the average water &
42 wastewater usage for different bedroom units, which may/may not be what is actually being used. He
43 spoke about and gave examples of what this would require the City to do, noting that while the current
44 system might not be reflective of the actual water/waste used, at least it is a standard that applies the same
45 to everybody equally.

1 Mr. Sidore (Recreo, LLC) felt these standards should be based on real usage and in response, Mayor
2 McNamara noted he was not aware of another municipality that does not utilize the State/Federal
3 Standards and was uncertain if this could even be done under State law.

4
5 The Council continued and discussed their reasons for not wanting to change the State/Federal Standards
6 for water/sewer usage and the unintended consequences this could cause.

7 8 **Council Discussions:**

9 10 **3. Requesting an extension of the time limits to pay the sewer development charge. (Third** 11 **Component)**

12
13 City Manager Mulholland explained that when an initial application fee (\$250.00) is paid, the City issues
14 an allotment (to the applicant) based on a project and then there is a 20% Sewer Development fee charged
15 (to the applicant). The applicant has two years to get Planning Board Approval and explained how this
16 process works. There was a time when the City had a sewer moratorium and there was a certain amount
17 of capacity for projects already in the pipeline and no one else could tie into the sewer system. When the
18 system was fixed, it gave us additional capacity. The concern (during the moratorium) was that people
19 were going to grab/lock up that capacity, so specific time limits were set. Once Planning Board approvals
20 were received, the developer and redeveloper had 90 days to pay the remaining 80% . Recreo, LLC is
21 beyond the time limit now, which means they forfeit that 20% (of the Sewer Development Fee). While he
22 was sympathetic to Recreo, LLC's particular issue, the code does not allow him or City Council to extend
23 time limits. However, he did not feel the need for Recreo, LLC to forfeit their 20% fee and explained his
24 reasons. He advocated there be some flexibility for Recreo, LLC.

25
26 Mr. Brian Vincent, City Engineer, noted the way this unfolded was the applicant (Recreo, LLC) came
27 before the Planning Board and had the option of paying 20% of the Sewer Development Fee charge while
28 they were going through the Planning Board Process. As this process unfolded, Recreo, LLC's permitting
29 did not lineup with the timing and there was seemingly not a drive to pay this fee, so Recreo, LLC was
30 taking a chance that they would not actually get their allocation because that 20% holds their allocation.
31 What Recreo, LLC did was get the Planning Board Approval and then received an invoice for 100% of
32 the Sewer Development Fee, which is the total of \$127K.

33
34 City Manager Mulholland noted Recreo, LLC has basically lost their allotment.

35
36 In response to Councilor Simon's question regarding Recreo, LLC 's allotment, Mr. Vincent explained
37 that an allotment is reserved when the 20% is paid. In this case, the 20% was not paid, so the allotment is
38 not reserved. The 90 days came and passed and felt Mr. Sidore (Recreo, LLC) was here to work through
39 this issue to see if this can be changed.

40
41 Mayor McNamara noted we now understand the problem and we now need to wait for staff to come back
42 to the Council with a proposal for us to change the Ordinance in order to address this type of situation.

43
44 City Manager Mulholland noted this process takes time (timeframe probably late fall), but at the end of
45 the day Recreo, LLC should keep moving forward with their project to the extent they can. He also noted
46 the new sewer permitting process that he will be recommending should take effect on January 1, 2024.
47 and will come back to the Council in the next 3-4 months so they can review the new sewer permitting
48 process.

49
50 The Council and the City Manager discussed the potential for creating a Special Assessment District and
51 the unintended impacts this could have for the City.

Mayor McNamara questioned if the Council wanted staff looking at creating a Special Assessment District or would they like staff looking at modifying the Ordinance to change the time limits? City Manager Mulholland suggested that modifying the Ordinance would be best and explained his reasons, noting it would allow developers some flexibility, then we can look at the other issues which would take more time to review and approve (i.e., the creation of a Special Assessment District, etc.).

ACTION: *No action was taken by the Council. Future agenda item discussion*

D. Discussion & Set Public Hearing for June 21, 2023: Community Revitalization Tax Relief Program (RSA 79-E) Application – Your Best Day, LLC for rehabilitation of property at 3 Main Street, West Lebanon

Included in the agenda packet: *(Pages 77-91, Council agenda packet)*

1. May 25, 2023 Memorandum from Deputy Planning & Development Director Tim Corwin re: Community Revitalization Tax Relief Incentive Program (RSA 79-E) *(page 78-79, Council agenda packet)* Application of Foremost Builders/Your Best Day, LLC - 3 Main Street; M/L 86-22 *(pages 81-82 Council agenda packet)*, including a Sample Resolution *(page 80, Council agenda packet)*
2. 79-E Application & Supporting Documentation: Foremost Builders/Your Best Day, LLC *(pages 83-91, Council agenda packet)*

Mayor McNamara did not have a problem with setting up a Public Hearing, but in reading the materials submitted he was uncertain if this would meet the qualifications for the 79-E Program.

Mr. Tim Corwin, Planning & Development Deputy Director, reviewed the background of the Community Revitalization Tax Relief Incentive Program (RSA 79-E); described the property at 3 Main Street, West Lebanon and its qualifications under the 79-E Program, and explained what Foremost Builders/Your Best Day, LLC intends to do with this property.

BACKGROUND

On February 17, 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage the rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On May 22, 2023, Foremost Builders and Your Best Day, LLC applied for consideration under the program.

Your Best Day, LLC is the owner of property located at 3 Main Street, West Lebanon (Tax Map 86, Lot 22), which is situated in the Central Business (CB) Zoning District and is currently improved with two attached multi-tenant commercial buildings. The anticipated improvements will include exterior renovations and an interior renovation of +/-2500 sq. ft. of retail space into additional office space for Foremost Builders, a current tenant.

SAMPLE RESOLUTION *(Please refer to page 80, Council agenda packet, to view the complete Sample Resolution.)*

ACTION:

Councilor Liot Hill MOVED, *that the Lebanon City Council hereby schedules a public hearing for Wednesday, June 21, 2023, beginning at 7:00pm, in Council Chambers, City Hall and remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on a request by Your*

1 *Best Day, LLC for tax relief under the provisions of the Community Revitalization Tax Relief Incentive*
2 *Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.*
3 *Seconded by Councilor Sykes.*
4

5 **The Vote on the MOTION was approved (8-0). Councilor Heistad was not present at the time of this*
6 *vote.*
7

8 E. Discussion and Set Public Hearing for July 5, 2023: Request for Supplemental
9 Appropriation in the amount of \$116,350 for operation and maintenance of 14, 28 & 30
10 Main Street, West Lebanon for the remainder of Fiscal Year 2023
11

12 Included in the agenda packet: *(Pages 92-94, Council agenda packet)*

13 1. Department of Public Works Estimated Annual Budget for 14, 28, and 30 Main Street Properties
14

15 Deputy City Manager David Brooks reviewed the background for this request.
16

17 **BACKGROUND**

18 On February 1, 2023, the City Council authorized the City Manager to negotiate a Purchase & Sale
19 Agreement and to take further actions necessary to pursue acquisition of multiple properties along Main
20 Street in West Lebanon, specifically: 14 Main Street, 28 Main Street, and 30 Main Street. The City and the
21 property owner entered into a Purchase & Sale Agreement on February 27, 2023, and the acquisition of
22 the properties is scheduled to be completed on May 31, 2023.
23

24 Following acquisition of the properties, the City anticipates continuing to lease the occupied (or
25 occupiable) commercial and residential spaces to existing and/or future tenants while the City and the
26 community develop a plan for how best to utilize the properties.
27

28 The City Council has been requested, under a separate agenda item, to create an Enterprise Properties
29 Revolving Fund to allow for the accrual of lease revenues and for the payment of applicable property taxes,
30 utility bills, and other expenses associated with the ownership, operation, and maintenance of the
31 properties. In conjunction with the Revolving Fund, the City Council must appropriate funds for the City's
32 anticipated expenses associated with the properties, which will be offset to some extent by lease revenues
33 from the existing and potential future tenants.
34

35 The Department of Public Works has developed an estimated annual budget for the City to own and operate
36 the existing structures based on revenue and expenditure information provided by the seller as well as from
37 other sources. The cost for a full year of ownership and operation is estimated at just over \$156,000. In
38 addition, the expected annual debt service associated with a short-term loan from Mascoma Bank for the
39 purchase of the properties will be \$76,500.
40

41 The projected full-year expenses for Fiscal Year 2024 will be incorporated into next year's budget.
42 However, a supplemental appropriation in the amount of \$116,350, representing approximately one-half
43 of the estimated annual budget, is required to cover the anticipated expenses for the remainder of the current
44 fiscal year (FY2023).
45

46 In accordance with City Charter Section C419:43, Appropriations After Budget Is Adopted, no
47 appropriations shall be made for any purpose not included in the annual budget as adopted unless voted by
48 two-thirds majority of the council after a public hearing held to discuss said appropriation, and notice of
49 such public hearing shall be printed in a newspaper published or circulated locally, once a week in two

successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. The council shall by resolution designate the source of any money so appropriated.

ESTIMATED ANNUAL BUDGET CHART FOR 14, 28, & 30 MAIN STREET can be found below and viewed on [page 94, Council agenda packet](#).

Deputy City Manager David Brooks noted the expenditures in the chart below are only the best guess estimates of what the expenditures will be for budgeting purposes. He did expect that the Revolving Fund would run in the red for these properties until the City decides what to do with them. Public Works will update this information as part of the 2024 budget that will be presented later this year.

ESTIMATED ANNUAL BUDGET FOR 14, 28, & 30 MAIN STREET

	14 MAIN ST	28 MAIN ST	30 MAIN ST	Notes	Remaining FY23
ANNUAL PROPERTY TAXES	\$ 10,513.00	\$ 12,276.00	\$ 10,557.00		
ANNUAL HAZARD INSURANCE					
ANNUAL Winter Maint	\$ 5,000.00	\$ 12,000.00	\$ 12,000.00	Time & material \$212.X 26 storms	
CONTRACTED SERVICES (Plumbing/Elect)	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00		
ANNUAL HVAC	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$500.00 Per bldg for cleaning,	
ANNUAL VLS	\$ 500.00	\$ 500.00	\$ 500.00	Life Safety Inspections	
ANNUAL Summer Maint	\$ 500.00	\$ 500.00	\$ 1,000.00		
ANNUAL FUEL CONSUMPTION	\$ 5,900.00	\$ 6,700.00		Numbers from seller's information	
ANNUAL ELECTRIC COSTS	\$ 7,200.00	\$ 7,200.00	\$ 12,000.00		
ANNUAL TRASH REMOVAL	\$ 4,020.00	\$ 4,020.00		335.00 Per month	
ANNUAL WATER/SEWER	\$ 2,000.00	\$ 1,900.00	\$ 900.00	(added 16% for W&S)	
OTHER MAINT SUPPLIES (cleaning,painting,locks)	\$ 7,500.00	\$ 7,500.00	\$ 2,000.00		
Drainage issue			\$ 5,000.00	30 Main Street, culvert out back	
Other					
TOTAL EXPENSES	\$ 48,633.00	\$ 58,096.00	\$ 49,457.00	\$156,186.00	\$78,093.00
Annual debt service payment-Mascoma Bank		\$76,500.00			\$38,250.00
					\$116,343.00
MONTHLY RENTAL INCOME	\$ 4,000.00	\$ 3,000.00	\$ -	\$ 84,000.00	\$48,050.00
SECURITY DEPOSIT AMOUNT	\$ 1,250.00	\$ 475.00	\$ -		

Council Discussion:

Mr. Brooks confirmed that the current tenants will stay and pay the current rent.

The Council discussed the pros/cons of potentially hiring a Property Management Company and whether or not there was a need to do so.

Councilor Simon noted we have to keep in mind the purchase of this property is part of a potential redevelopment of West Lebanon and was not an investment to become the City of Lebanon's Management Company. He urged the Council to inform the Committees they participate in about upcoming joint WLRAC/EDC meetings. Our goal is to get this moving as quickly as possible so we can come up with a plan by the end of the year.

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 5, 2023, beginning at 7:00pm, in Council Chambers, City Hall and remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to appropriate the sum of

1 *\$116,350 to fund the operation and maintenance of City-acquired properties located at 14, 28 and 30*
2 *Main Street, West Lebanon, for the remainder of Fiscal Year 2023.*
3 *Seconded by Councilor Wilkie.*

4
5 **The Vote on the MOTION was approved (9-0)*

6
7 **MEETING EXTENSION:**

8 *Councilor Heistad MOVED to extend the meeting to 10:30PM.*
9 *Seconded by Councilor Liot Hill.*

10
11 **Roll Call Vote:**

12 **Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook**
13 **and Mayor McNamara all voting Yea.**

14 **None voted Nay.**

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

16
17 **F.** Discussion and Authorization for City Manager to Enter into Lease Agreements with Tenants of 14,
18 28, and 30 Main Street (*See page 95, Council agenda packet*)

19
20 Deputy City Manager David Brooks reviewed the background behind this request.

21
22 **BACKGROUND**

23 On February 1, 2023, the City Council authorized the City Manager to negotiate a Purchase & Sale
24 Agreement and to take further actions necessary to pursue acquisition of multiple properties along Main
25 Street in West Lebanon, specifically: 14 Main Street, 28 Main Street, and 30 Main Street. The City and the
26 property owner entered into a Purchase & Sale Agreement on February 27, 2023, and the acquisition of the
27 properties was completed on May 31, 2023.

28
29 To continue occupancy of the available spaces, the City's attorney has developed a template lease for the
30 existing occupied commercial and residential units at 14 and 28 Main Street. The 30 Main Street building
31 was occupied by the seller for its own business purposes and is not currently leased. Should a tenant be
32 found for the space, the template lease will be utilized.

33
34 The City anticipates continuing to lease the occupied (or occupiable) commercial and residential spaces to
35 existing and/or future tenants while the City and the community develop a plan for how best to utilize the
36 properties.

37
38 The City Council is asked to authorize the City Manager to enter into lease agreements with existing and/or
39 future tenants for the occupied or occupiable commercial and residential units within the 14, 28, and 30
40 Main Street properties.

41
42 **ACTION:**

43 *Councilor Liot Hill MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter*
44 *into lease agreements with existing and future tenants for all occupied and occupiable spaces in 14, 28,*
45 *and 30 Main Street until such time as the City elects to move forward with other uses of the above-*
46 *referenced properties.*

47 *Seconded by Councilor Whittlesey.*

48
49 **The Vote on the MOTION was approved (9-0).*

1
2 **G. Discussion of Redevelopment of 20 Spencer Street Property**
3

4 Included in the agenda packet: *(Pages 96-101, Council agenda packet)*

- 5 1. December 17, 2019 memorandum to the City Council summarizing the original RFP review
6 process and results
7 2. May 25, 2023 letter to Council from Lebanon Economic Development Commission and the
8 Downtown Lebanon TIF Advisory Board
9

10 Available through the City's website:

- 11 • [20 Spencer Street Redevelopment project](#) webpage
12 • RFP Response from [The Braverman Company](#)
13 • RFP Response from [Northland Residential Corporation](#)
14 • [Spencer Street Reconstruction project](#) webpage
15

16 Councilor Liot Hill reviewed the background behind her request to have the Economic Development
17 Commission and the Downtown Lebanon TIF Advisory Board involved with the redevelopment of the 20
18 Spencer Street property and redeveloping the surface parking areas behind City Hall
19

20 **BACKGROUND**

21 Councilor Hill submitted an agenda request to have the City Council discuss the redevelopment of the 20
22 Spencer Street property. The discussion request stems from the withdrawal of The Braverman Company
23 from the previous Development Agreement executed in October 2020, and comes on the heels of recent
24 interest expressed by other development and design firms in potentially redeveloping the surface parking
25 areas behind City Hall, which are proximate to the 20 Spencer Street site.
26

27 The Spencer Street Redevelopment project page is still available on the City's website, which includes the
28 original Request for Proposals and other supporting documentation for the site. The City has updated the
29 project page with recent reports and information relating to the environmental clean-up of the property. The
30 original RFP responses from The Braverman Company and from Northland Residential Corporation are
31 available through the links below. In addition, the Spencer Street Reconstruction project page is also
32 available on the City's website, including the contract plans revised through October 2021.
33

34 It is noted that during a recent joint meeting of the Economic Development Commission (EDC) and the
35 Downtown Lebanon TIF Advisory Board (TIF), the committees discussed the 20 Spencer Street property
36 and jointly agreed to submit a letter to the Council *(page 99, Council agenda packet)* expressing their
37 interest in being involved in further discussions about redeveloping the property
38

39 **Barry Schuster (Ward 3 and Chair of the Downtown TIF Advisory Committee) and William "Bill"**
40 **Dunn (Chair of the Economic Development Committee)** were present and discussed their reasons behind
41 wanting to be involved with 20 Spencer Street and the surface parking areas behind City Hall projects.
42

43 **Council Discussions:**

44 Mayor McNamara supported having the EDC/TIF Board involves, especially since things have changed
45 dramatically since 2019.
46

47 The Council suggested EDC/TIF Advisory Boards incorporate the Council's Strategic Objectives,
48 Priorities, and Strategic Plans into their discussions and review of 20 Spencer Street and the back parking

lots, along with looking into what non-profit organizations can bring to the table and how this would potentially affect (+/-) City property taxes.

ACTION: None was required.

11. City Manager Report:

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

- Leadership Summit, Monday, June 12, 2023, 12:00 PM, Fireside, West Lebanon, NH
- Airport TIF District Road
- Patch Family Roads: Discontinuation expected.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES:

13. FUTURE AGENDA ITEMS:

- Review and discuss changes to Sewer Development Fees.

14. NON-PUBLIC SESSION:

A. NH RSA 91-A:3, II(d):

Assistant Mayor Below MOVED to go into Non-Public Session for the purpose of discussing NH 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.”

Seconded by Councilor Liot Hill

Roll Call Vote:

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

None voted Nay.

Staff Present: City Manager Mulholland, Deputy City Manager David Brooks, Human Services Director Lynne Goodwin

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

The Council Entered into Non-Public Session at 10:15 PM

The Council discussed 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.”....

Assistant Mayor Below MOVED to go out of the Non-Public Session.

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

Staff Present: City Manager Mulholland, Deputy City Manager David Brooks

1 **The Council came out of Non-Public Session at 10:40 PM**

2 **The Council was now back in the Public Session:**

4 ****SEALING THE MINUTES OF THE NON-PUBLIC SESSION**

6 *Councilor Liot Hill MOVED to Seal the Non-Public Session Minutes because it was determined that
7 divulgence of this information likely would render a proposed action ineffective.*

8 *Seconded by Councilor Heistad*

10 **Roll Call Vote:**

11 **Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all
12 voting Yea.**

13 **Voting Nay: Assistant Mayor Below**

14 **Staff Present: City Manager Mulholland, Deputy City Manager David Brooks**

16 **The Vote on MOTION to Seal the Minutes of the Non-Public Session was approved (8-1).*

18 **15. ADJOURNMENT:**

20 *Assistant Mayor Below MOVED for Adjournment.*

21 *Seconded by Councilor Whittlesey.*

22 **The Vote on the MOTION was approved (9-0).*

24 **The meeting was adjourned at 10:42 PM.**

26 Respectfully submitted,

27 Dona E. Gibson

28 Recording Secretary

**Agenda
Lebanon City Council
June 21, 2023**

7. Appointments:

Appointments

Board/Committee Appointments as presented by Deputy City Clerk Kara Tracy

- Lebanon Housing Authority, Matthew Brown (Reappointment)
- Pedestrian & Bicyclist Advisory Committee, M. Jared Toon (Alternate Member)

Included in this Section:

1. Memo from Deputy City Clerk Kara Tracy dated June 21, 2023

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: June 21, 2023

TO: The Honorable Mayor & City Council

FROM: Kara Tracy, Deputy 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.*

Lebanon Housing Authority

- **Matthew Brown** – Re-appointment as a member of the Lebanon Housing Authority for a five-year term.
Recommended By: D. Alonso
Term: (6/23-6/28)

Pedestrian & Bicyclist Advisory Committee

- **M. Jared Toon** – Appointment as an alternate member of the Pedestrian & Bicyclist Advisory Committee for a three-year term.
Interview By: Councilor Sykes
Term: (6/23-6/26)

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

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.

First Name*

MATTHEW

Last Name*

BROWN

Physical Address*

City*

LEBANON

State*

NH

Zip Code*

05766

Is this your mailing address?*

☒ Yes

☐ No

Home Phone Number*

Work Number

CELL

Email Address*

How long have you resided in Lebanon?

73 YEARS

This will not necessarily reflect on your possible appointment.

Is this an application for re-appointment?*

- ☒ This application is for re-appointment.
☐ This application is not for re-appointment.

For which board, committee, or commission are you applying?*

Please note that City Council positions are elected positions. Those interested in serving on the City Council must file with the City Clerk's office during the designated filing period prior to the March election of each year. The filing period information will be listed on our [Election Information](#) page.

- ☐ Arts and Culture Commission
☐ Board of Assessors
☐ Board of Cemetery Trustees
☐ Class VI Roads Advisory Committee
☐ Conservation Commission
☐ Diversity, Equity, and Inclusion Commission
☐ Downtown Lebanon TIF Advisory Board
☐ Economic Development Commission
☐ Heritage Committee
☐ Lebanon Airport-Tech Park TIF Advisory Committee
☐ Lebanon Energy Advisory Committee
☐ Library Board of Trustees
☐ Pedestrian and Bicycle Advisory Committee
☐ Planning Board
☐ Steering Committee for Implementation of Master Plan
☐ Tree Advisory Board
☐ West Lebanon Revitalization Advisory Committee
☐ Zoning Board of Adjustment
☒ Other (please fill in blank) **LEB HOUSING AUTHORITY**

**Other
Committee**

L.H.A.

Why would you like to serve?*

INTERESTED IN HOUSING CHALLENGES

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

LONGTIME LEB RESIDENT
PROADONENT FOR AFFORDABCE HOUSING
BELIEVE IN L.H.A. MISSION

Certification*

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

protected by reCAPTCHA

[Privacy](#) · [Terms](#)

☒ Receive an email copy of this form.

Email address

This field is not part of the form submission.

Submit

* indicates a required field

From: [cityclerk](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #7327 for Board Member Application
Date: Wednesday, May 24, 2023 1:56:09 PM

Mercedes LaQuire

Assistant City Clerk – City of Lebanon
51 North Park Street
Lebanon NH 03766
(603)448-3054
Mercedes.LaQuire@lebanonnh.gov

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, May 24, 2023 1:53 PM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL] Online Form Submission #7327 for Board Member Application

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

Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

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 M. Jared

Last Name Toon

Physical Address

City Lebanon

State nh

Zip Code 03766

Is this your mailing address? Yes

Home Phone Number

Work Number *Field not completed.*

Email Address

How long have you resided in Lebanon? 10 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? Pedestrian and Bicycle Advisory Committee

Other Committee *Field not completed.*

Why would you like to serve? I'm currently part of the biking community in Lebanon and would love to partake in planning strategies or future goals the city of Lebanon may have for the peds and biking folks.

State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee. I'm a general contractor and supported and facilitated the relocation of Mason Racing to its new location near the Boston Lot. I engage in biking community rides in Lebanon every Wednesday and have a good understanding of roads in 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.](#)

Councilor Interview Report Form

Councilor Name: George Sykes

Date of Interview: 6/14/2023

Applicant Name: M; Jared Toon

Board(s) to Which Applied: Ped-Bike Committee Regular Seat Alternate Seat.

Has Applicant Attended Meeting of Board to Which Applying? ____ Yes No (If yes, indicate date of meeting.) Date: _____

Recommend Appointment: X Yes ____ No

X Regular Seat X Alternate Seat

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

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

This is a new appointment for Mr. Toon. He is excited to share his perspectives as an avid member of the cycling community. He is particularly passionate about cycling, and would love to be engaged in future planning efforts.

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

Yes

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

No, but feels like it is time for him to be engaged as a volunteer in the life of the City.

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? She would be willing to attend this type of meeting etc.

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?

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

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

.

**Agenda
Lebanon City Council
June 21, 2023**

8. Public Hearing Items:

**8.A – Community Revitalization Tax Relief Incentive Program (RSA 79-E)
Application – Your Best Day, LLC For Rehabilitation Of
Property At 3 Main Street, West Lebanon**

A public hearing for the purpose of receiving public input and taking action on a request by Your Best Day, LLC for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.

The City Council scheduled this public hearing at its June 7, 2023 regular meeting. The public hearing was properly noticed in the *Valley News* on June 10, 2023 in accordance with City Code and State Law.

Background:

On February 17, 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage the rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On May 22, 2023, Foremost Builders and Your Best Day, LLC applied for consideration under the program.

Your Best Day, LLC is the owner of property located at 3 Main Street, West Lebanon (Tax Map 86, Lot 22), which is situated in the Central Business (CB) Zoning District and is currently improved with two attached multi-tenant commercial buildings. The anticipated improvements will include exterior renovations and an interior renovation of +/-2500 sq. ft. of retail space into additional office space for Foremost Builders, a current tenant.

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

For detailed information regarding the project, please see the attached memo from Deputy Planning & Development Director Tim Corwin, along with the accompanying application and supporting documentation submitted by Your Best Day, LLC.

Action:

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

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

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

WHEREAS, the City Council has determined that the Applicant's property, 3 Main Street, Tax Map 86, Lot 22 (hereinafter the "Property"), is situated in the Downtown West Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

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

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

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

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

- 1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for _____ years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.**
- 2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.**
- 3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise extended by the City Council in writing. The Project, as approved, shall be completed on or before _____, unless otherwise extended by the City Council in writing.**

Included in this Section:

1. May 25, 2023 Memorandum from Deputy Planning & Development Director Tim Corwin re: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application of Foremost Builders/Your Best Day, LLC – 3 Main Street; M/L 86-22, including a Sample Resolution
2. 79-E Application & Supporting Documentation: Foremost Builders/Your Best Day, LLC
3. Notice of Public Hearing as Published in the June 10, 2023 Edition of the *Valley News*



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Councilors

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager
Nathan Reichert, Planning & Development Director

FROM: Tim Corwin, Deputy Planning & Development Director

RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application
Foremost Builders/Your Best Day, LLC – 3 Main Street; M/L 86-22

DATE: May 25, 2023

INTRODUCTION:

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On May 22, 2023, Foremost Builders and Your Best Day, LLC applied for consideration under the program.

Your Best Day, LLC is the owner of property located at 3 Main Street, West Lebanon (Tax Map 86, Lot 22), which is situated in the Central Business (CB) Zoning District and is currently improved with two attached multi-tenant commercial buildings. The anticipated improvements will include exterior renovations and an interior renovation of +/-2500 sq. ft. of retail space into additional office space for Foremost Builders, a current tenant. Excerpts of project plans and elevation drawings from the pending building permit application are attached for review.

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

Does the project involve a Qualifying Structure?

The existing building, located at 3 Main Street, is situated within the Downtown West Lebanon 79-E District as adopted by the City Council and, therefore, the property can be considered a Qualifying Structure.

Is the project a Substantial Rehabilitation?

Since receiving the application, the City Assessor has reviewed the property and verified the current pre-rehabilitation assessed valuation to be \$756,600. Under the terms of the 79-E program as adopted by the City, the project must cost at least 15% of the pre-rehabilitation assessed valuation (\$113,490) or \$75,000, whichever is less, in order to be considered substantial. The applicant has provided a cost estimate of \$192,000 for completing the entire renovation project as proposed. The Building Inspector has reviewed the proposed project plans to verify that the estimated cost is reasonable based on the scope of the project and is comfortable

that the project will far exceed 15% of the current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

Does the project generate one or more Public Benefits?

The 79-E statute, and the program as adopted by the City, requires the City Council to determine that one or more of the following enumerated public benefits is generated by a project in order to grant the tax relief:

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

As noted in the application form and cover letter, the applicant has indicated that the project addresses the public benefits italicized above. If the City Council agrees with one or more of the applicant's statements made on page 3 of their application form, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

For how long may tax relief be granted?

The applicant has requested three (3) years of tax relief for the project. Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. [Although not applicable to the subject request, note that the City Council may also, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing.] For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation.

Since the City Council is essentially deciding whether to forego potential property tax revenue by granting limited tax relief through the 79-E program, Planning staff recommends that the City Council carefully balance the benefit of enabling projects that might not otherwise "pencil out" and the public benefits to be derived from such projects versus the property tax revenue foregone through the tax relief.

RECOMMENDATION:

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

SAMPLE RESOLUTION

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

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

WHEREAS, the City Council has determined that the Applicant's property, 3 Main Street, Tax Map 86, Lot 22 (hereinafter the "Property"), is situated in the Downtown West Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

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

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

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

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

1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for _____ years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.
2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.
3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise extended by the City Council in writing. The Project, as approved, shall be completed on or before _____, unless otherwise extended by the City Council in writing.

5/19/23

Lebanon City Council
City Hall
51 North Park Street
Lebanon, NH 03766

Re: 79E Community Revitalization Tax Relief Incentive Program

Dear Council Members,

Christine Clarenbach, DBA Your Best Day LLC/Clarenbach Realty, purchased the 3 Main St building in 2013. There are two adjoining buildings on the lot. Un Dun LLC has occupied Building 2, and Two Sections of Building 1, totaling approximately 2,500 SQ FT as of April 2023. The remaining square footage, totaling approximately 1,500 SQ FT in two floors, is being rented by Foremost Builders as Office space.

Foremost Builders LLC, is a Design Build remodeling firm started in 1998 that relocated their main office from Sunapee to West Lebanon in 2015. Foremost Builders had historically done most of their work around Lake Sunapee & New London and saw relocation as an opportunity to expand into a new geographic area. The company has continued to grow and have outgrown their current office space.

After close discussions with the building owner, Christine Clarenbach, in 2023 Foremost Builders determined that the current retail space in Building 1 (2500 SQ FT) could be more fully utilized by Foremost as a new Design Studio and office space. As such, the current retail operation would be condensed into the Building 2 footprint. Foremost Builders will renovate the existing retail space into 6 new enclosed offices, a conference room, and design showroom with potential to comfortably accommodate for 7-9 employees. The existing Foremost Office, will remain as office space with minor upgrades to be rented out.

The remodel will see the remaining face of Building 1 be upgraded from aluminum siding to the specialty weathered siding with decorative metal skirting. We are also replacing two large retail windows with energy-efficient double-hung windows that will help give the façade a more human scale to it. Extensive interior upgrades will include portions of new LED lighting and an upscale design showroom and half bath remodel.

We feel that this conversion from retail to office represents a good model for adapting building use in the changing face of retail. We will be bringing clients to our offices, often from out of State, that would otherwise be making selections and purchases in larger regional urban center or online. This will contribute to the economic vitality of the area directly but also through additional employees and clients frequenting nearby restaurants and shops.

We had been aware of the 79-E program, but just recently have looked into it as a real possibility. With guidance from City Planning staff we have filled out the application and started the process. While the potential tax savings are modest, we believe that every bit helps and also affirms our efforts to further establish locally.

In summary, we see our efforts strongly in line with the desire to see Main Street in West Lebanon become an attractive and desirable place to do business in the City of Lebanon. Revitalization will only occur as a result of private and public cooperation, and we believe the 79-E program is a great potential example of this. We feel that by investing our resources in downtown West Lebanon, we are helping create a vibrant downtown center that is adapting to the changing economic climate. As such, we are requesting a 3-year waiver on the property assessment within the 79E program.

Thank you for your consideration,

A handwritten signature in black ink that reads "Dave B. Clarenbach". The signature is stylized with a large, looped "D" and "C".

Dave Clarenbach, President
Foremost Builders

Christine Clarenbach, Building Owner
3 Main St. West Lebanon, NH



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

Date application submitted: 5/22/23

Received by: J. Corwin

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

APPLICANT:	OWNER: (if different from applicant)
Name: Dave Clarenbach - Foremost Builders	Name: Your Best Day, LLC Co-Owner: Christine Clarenbach
Mailing Address: PO 5310	Mailing Address: 3 Main St West Lebanon, NH 03784
City, State, Zip: West Lebanon, NH 03784	City, State, Zip: West Lebanon, NH 03784
Phone / Fax: 603-763-1344	Phone / Fax: 603-298-7028
Email: daveclarenbach@foremostbuilders.com	Email: christine.clarenbach@gmail.com

PROPERTY / BUILDING INFORMATION:			
Building Name (if any):		Year Built: 1920	
Building Address: 3 Main St West Lebanon, NH 03766		Gross Square Footage of Building: ~4,100 SQ FT Living space in "Building 1"	
Tax Map # 86	Lot # 22	Plot #	
Grafton County Registry Book # 4010		Page # 0554	

Existing Property / Building Information: (Describe <i>current</i> use, size, number of units, number of employees, etc.) The area we are renovating in Building 1 is about 2500 SQ FT currently used as Adult Retail Space with one office and two half baths. The retail component had 1-2 employees working in that square footage.
Proposed Property / Building Information: (Describe <i>proposed</i> use, size, number of units, number of employees, etc.) We are proposing converting about 2500 SQ FT into a design studio for Foremost Builders with 5 new enclosed offices, 2 open offices and 1 conference room. One office and two half baths will remain, renovated. We are proposing re-siding a section of the front of the building and changing retail windows to double-hung.
Is there a change of use associated with this project? Yes ☒ No ☐ If yes, please describe Commercial - Retail to Commercial - Office
Will the project include new residential units? Yes ☐ No ☒ If yes, please describe
Will the project include new subsidized residential units? Yes ☐ No ☒ If yes, please describe

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

PROJECT INFORMATION:

Describe the work to be done and the estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates. Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help describe and explain this application.

Expected Project Start Date: 7/1/23 Expected Project Completion Date: 9/15/23

Structural: N/A	\$ _____
Exterior Alterations: (storefront/façade, walls, windows, doors, etc.) New siding & windows on portion of front facade.	\$ 15,000
Interior Alterations: (walls, ceilings, moldings, doors, etc.) new interior partitions for offices. repainting new cabinetry and countertops for design studio/materials library	\$ 140,000
Electrical: New interior lighting	\$ 13,000
Plumbing/Heating: reconfigure heat ducts as needed for new layout. renovate 1/2 bath. add coffee station with small sink.	\$ 12,000
Mechanical: Ventilation system	\$ 12,000
Fire Protection: N/A	\$ _____
Other:	\$ _____
Total: NOTE: In completing this form, the applicant certifies that the estimated costs provided herein are reasonable and that such costs meet the above program requirements. Failure to meet the program requirements or the listing of unreasonable construction costs will result in denial of the application and forfeiture of the application fee.	\$ 192,000

To be considered for this tax relief incentive program, the total project cost must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less. In the case of historic structures, the project must devote at least 10% of the pre-rehabilitation assessed value or \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation.

TO BE COMPLETED BY CITY ASSESSING DEPARTMENT:

Pre-Rehabilitation Assessed Valuation as of date of application submission: \$ _____

Are the cost threshold requirements satisfied by the project as proposed? Yes ___ / No ___

PROPOSED PUBLIC BENEFIT (RSA 79-E:7)

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

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

Enhances the economic vitality of the designated areas.

If yes, please describe.

We have historically done the majority of our construction work around the Lake Sunapee area. We relocated our office to West Lebanon 5 years ago. We have been looking for new office and Design Studio locations and we feel investing further in West Lebanon will continue to increase our visibility in the Upper Valley and bring many of our clients from further south to the area to visit other local showrooms such as the Marvin Design Gallery, Sink and Spout (Granite Group), Barre Tile, Carpet Mill, etc. This is business that could otherwise go to Concord, Boston, New York or online retailers. This further highlights our belief in West Lebanon as a center of economic vitality.

Yes ☒
No ☐

Enhances and improves a culturally or historically important structure.

If yes, please describe.

I do not believe the building would be described as historically or culturally important.

Yes ☐
No ☒

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

If yes, please describe.

The upgrades that we are proposing are to making are in line with long standing desire for investment in West Lebanon. The finished interior spaces will have an appealing, upscale feel and the outdoor look will be more cohesive all within the existing building footprint. A remodel 3 years ago brought the space up to modern insulation standards. We will expand that to include replacement of two large commercial (retail) windows for modern energy efficient double-hungs.

Yes ☒
No ☐

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

If yes, please describe.

We were looking at land and potential office/studio spaces in Grantham, Enfield, Sunapee and beyond. Some of those certainly would not have been in the spirit of Smart Growth. Working with the current landlord, we came up with a plan for both businesses that would consolidate their retail operation and allow for greater utilization of existing building footprint by renovating and renting it to Foremost Builders. Further establishing on Main St West Lebanon will contribute in, a small way, to future revitalization.

Yes ☒
No ☐

Increases residential housing in the designated areas.

If yes, please describe.

Yes ☐
No ☒

DRAWING LIST:

SHEET	SHEET TITLE
A1.1	EXISTING AND DEMO PLAN
A1.2	PROPOSED PLAN
A2.1	EXTERIOR ELEVATIONS
A4.1	CABINET DETAIL PLAN



Proposed Exterior Double Windows

GENERAL SCOPE OF WORK:

REMODEL EXISTING RETAIL SPACE INTO DESIGN STUDIO WITH SELECTION CENTER AND OFFICES. INCLUDES REPLACING SIDING ON A PORTION OF THE FRONT OF THE BUILDING. INCLUDES ONE 1/2 BATH REMODEL AND THE ADDITION OF A COFFEE STATION DISPLAY WITH SINK.

GENERAL NOTES:

1. ALL WORK SHALL BE CONSIDERED NEW, UNLESS OTHERWISE INDICATED.
2. DO NOT SCALE DRAWINGS.
3. VERIFY DIMENSIONS, GRADES, BOUNDARIES, AND CONSTRUCTION AND IMMEDIATELY REPORT ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.
4. LAYOUT ALL WORK WITHIN THE CONFINES OF EXISTING CONSTRUCTION AND RESOLVE DISCREPANCIES PRIOR TO INITIATION OF NEW WORK.
5. TYPICAL OR "TYP" SHALL MEAN THAT THE CONDITION IS REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, UNLESS NOTED OTHERWISE. DETAILS ARE USUALLY KEYED AND NOTED "TYP" ONLY ONE TIME, WHEN THEY FIRST OCCUR.
6. IMMEDIATELY NOTIFY THE DESIGNER OF ANY DISCREPANCIES BETWEEN PROJECT DRAWINGS AND SELECTIONS AND SPECIFICATIONS.
7. DIMENSIONS ARE TO STRUCTURAL LAYER (WOOD FRAME OR FACE OF CONCRETE) UNLESS NOTED OTHERWISE.
8. VERIFY THAT DRAWINGS ARE THE LATEST ISSUE PRIOR TO COMMENCING CONSTRUCTION.
9. WORK SHALL CONFORM TO THE REQUIREMENTS OF APPLICABLE STATE, FEDERAL AND CITY/COUNTY CODES. STATE AND FEDERAL CODES ARE TO TAKE PRECEDENCE OVER THE DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCIES SHOULD BE REPORTED TO THE DESIGNER AND RESOLUTION PLANNED.
10. FILE, OBTAIN AND PAY FEES FOR BUILDING DEPARTMENT PERMITS, CONTROLLED INSPECTIONS, OTHER AGENCY APPROVALS AND PERMITS WHERE REQUIRED, AND FINAL WRITE-OFFS FOR PROJECT COMPLETION.
11. EXECUTE ANY AND ALL INSPECTIONS NECESSARY TO OBTAIN A CERTIFICATE OF OCCUPANCY.
12. WORK AREA SHALL BE MAINTAINED, CLEAN AND FREE OF DEBRIS AT ALL TIMES.
13. PATCH ALL SURFACES TO MATCH ADJACENT IN A MANNER SUITABLE TO RECEIVE FINISHES.
14. PATCH, REPAIR AND FINISH ALL SURFACES IN AREAS OUTSIDE OF THE EXISTING SCOPE THAT ARE DISTURBED AS A RESULT OF THE WORK.
15. COORDINATE AND PROVIDE BLOCKING AND STRAPPING FOR MILLWORK, CABINETRY AND OTHER WALL ATTACHED ITEMS AS NEEDED.
16. APPLY, INSTALL, CONNECT, CLEAN AND/OR CONDITION MATERIALS AND EQUIPMENT PER MANUFACTURER'S INSTRUCTIONS. NOTIFY OWNER OF ANY RECOMMENDATIONS CONFLICTING WITH INSTRUCTIONS.
17. TEMPERED SAFETY GLASS SHOULD BE FURNISHED AS REQUIRED BY APPLICABLE CODE(S).
18. FLASHING AT EXTERIOR WALLS SHALL BE INSTALLED WITH SEALED JOINTS, SEALED PENETRATIONS AND ENDS TURNED UP.
19. PROVIDE WEATHERSTRIP AT EXTERIOR DOORS.
20. PROVIDE FLASHING AND/OR SEALANT AT OPENINGS IN ROOF OR WALLS TO ENSURE A WEATHERTIGHT BUILDING.
21. COORDINATE ALL DIMENSIONS CONCERNING DOOR/PANELS/WINDOWS, STAIRS AND THEIR OPENINGS WITH PRODUCT MANUFACTURERS PRIOR TO FABRICATION AND CONSTRUCTION.
22. LOCATE THERMOSTATS ADJACENT TO SWITCH PLATES WHERE POSSIBLE. VERIFY LOCATIONS WITH THE OWNER PRIOR TO INSTALLATION TO AVOID CONFLICTS.
23. ALIGN OUTLETS, WALL SWITCHES, TEL-DATA JACKS, ETC., INDICATED TO BE MOUNTED AT NEAR EQUIVALENT ELEVATIONS.
24. DURING DEMOLITION AND CONSTRUCTION PROTECT ALL EXISTING FINISHES TO REMAIN.
25. ALL WOOD SHALL BE FSC CERTIFIED.
26. ALL WOOD FRAMING SIZES ARE BASED ON SPF-SS.
27. ALL WOOD IN CONTACT WITH CONCRETE OR MASONRY SHALL BE PRESSURE TREATED (P.T.).
28. CORRECT ALL DEFECTS FOUND IN EXISTING BUILDING WHICH INTERFERE WITH NEW CONSTRUCTION. THIS INCLUDES BUT IS NOT LIMITED TO UNEVEN SURFACES AND FINISHES AT GWB.

GRAPHIC SYMBOLS:

- EXTERIOR ELEVATION
- BUILDING SECTION
- INTERIOR ELEVATION
- WINDOW LABEL
- DOOR LABEL
- ELEVATION MARKER

3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. 3D VIEWS ARE REPRESENTATIONS OF WHAT THE WORK COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 3D VIEWS ALWAYS SUPERSEDE 2D VIEWS.

NOT FOR CONSTRUCTION

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3 MAIN ST
WEST LEBANON, NH 03784
(603) 763-1344

DESIGN STUDIO + OFFICES

DATE:
4/14/2023
SCHEMATIC DESIGN

DRAWN BY:
KDH

REVISIONS:

SCALE:

SHEET TITLE:
COVER SHEET

SHEET #:

HISTORICAL REQUIREMENT FOR REPLACEMENT OF QUALIFYING STRUCTURES

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

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

IMPORTANT

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

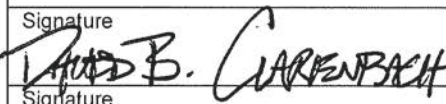
1. Approval of the tax relief by the City Council following a public hearing.
2. The applicant's entering into a Covenant with the City of Lebanon to protect the public benefit(s).

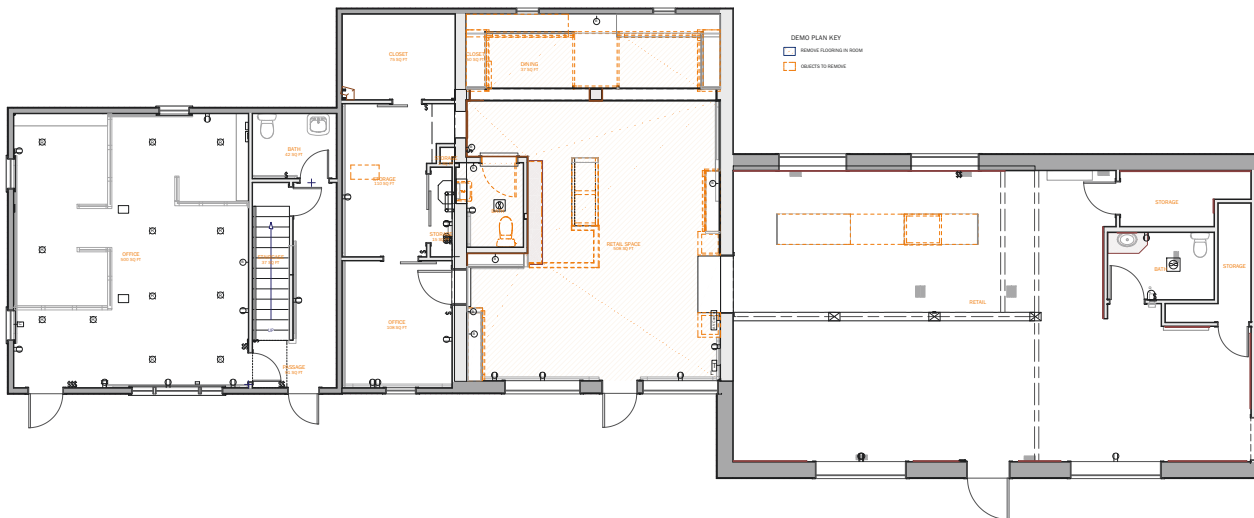
Therefore, the applicant and/or property owner shall not commence any of the improvements included in this application until such time as he or she has satisfied the above requirements. This prohibition shall include any demolition to the existing structure.

AFFIDAVIT

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

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

Signature 	Print Name DAVID B. CARENBACH	Date: 5-26-23
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:



1 1ST FLOOR - FLOOR: 1
1/4" = 1'-0"

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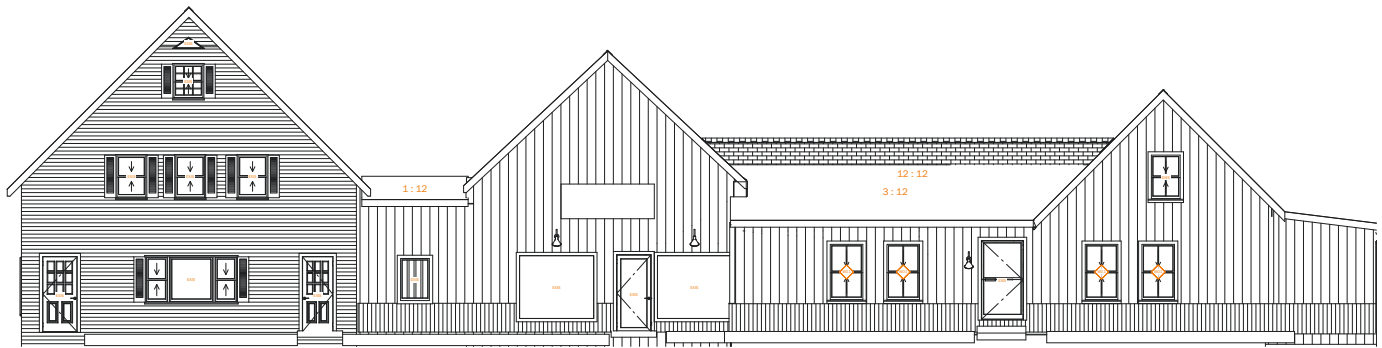
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 SCHEMATIC DESIGN
 DRAWN BY: KDH
 REVISIONS:

 SCALE: 1/4" = 1'-0"
 SHEET TITLE: EXISTING AND DEMO PLAN
 SHEET #: **A1.1**





E EAST ELEVATION - FLOOR
1/4" = 1'-0"

3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. DESIGN VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 2D VIEWS ALWAYS SUPERSEDE 3D VIEWS.

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DATE:

4/14/2023

SCHEMATIC
DESIGN

DRAWN BY:

KDH

REVISIONS:

SCALE:
1/4" = 1'

SHEET TITLE:

EXTERIOR
ELEVATIONS

SHEET #:

A2.1

[illegible]

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3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE. 2D VIEWS ALWAYS SUPERCEDE 3D VIEWS

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WEST LEBANON, NH 03784

DATE:

4/14/2023

SCHEMATIC
DESIGN

DRAWN BY:

KDH

REVISIONS:

SCALE:
1/2" = 1'

SHEET TITLE:
CABINET DETAIL
PLAN

SHEET #:

A4.1



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARING

Wednesday, May 21, 2023 - 7:00pm

Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold a public hearing on June 21, 2023, beginning at 7:00pm for the following:

- A. COMMUNITY REVITALIZATION TAX RELIEF PROGRAM APPLICATION** – A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Program Application (per NH RSA 79-E) by Your Best Day, LLC for rehabilitation of property at 3 Main Street, West Lebanon.

The June 21, 2023 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning June 16, 2023: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, June 10, 2023.

Darlene Cook, Interim City Clerk

**Agenda
Lebanon City Council
June 21, 2023**

10. New Business:

10.A – Warrant For Civil Forfeiture Notice

Background

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

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby issues a warrant to City Clerk, Jaseya Ewing, authorizing the issuance of a civil forfeiture for each dog which remains unlicensed at the close of business on June 21, 2023.

Included In This Section:

1. Warrant for Civil Forfeiture Notice



WARRANT FOR UNLICENSED DOGS

City of Lebanon
OFFICE OF THE CITY CLERK
51 North Park Street
Lebanon, NH 03766

To the Lebanon City Council:

RSA 466:11 The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog.

It is the intention of the City Clerk to have a Civil Forfeiture issued to all the owners listed. These owners were sent a reminder letter.

The undersigned City Councilors agree to this warrant and authorize the Lebanon City Clerk's Office to issue Civil Forfeiture notices to all delinquent dog owners.

Timothy J. McNamara, Mayor

Clifton Below, Assistant Mayor

Douglas Whittlesey, City Councilor

Erling Heistad, City Councilor

Karen Liot Hill, City Councilor

George Sykes, City Councilor

Devin Wilkie, City Councilor

Chris Simon, City Councilor

Karen Zook, City Councilor

Date: June 21, 2023

Submitted by City Clerk, Jaseya Ewing

**Agenda
Lebanon City Council
June 21, 2023**

10. New Business:

**10.B – Discussion: Appointment of New Municipal Agent
For Motor Vehicle Registrations**

Background

Each municipality in the State of New Hampshire that processes motor vehicle registrations is required to have a designated Municipal Agent. The Municipal Agent is responsible for all motor vehicle related inventory, including but not limited to, official stamps, decals, registration materials, license plates, etc. The Municipal Agent is also the point of contact for audits conducted by the State of New Hampshire, and is charged with ensuring compliance, integrity, and confidentiality of all motor vehicle transactions performed within the City of Lebanon.

The process for appointing a Municipal Agent is found in NH State RSA 261:74-a, which reads as follows:

261:74-a Agents Appointed. – With the approval of the governing body of a city or town and subject to the direction and approval of the commissioner, the director may appoint municipal officials as agents to issue, renew or transfer motor vehicle registrations. The director shall determine the optimum number of registration agents that the division can reasonably accommodate. The appointment of any municipal official as a registration agent for the purposes of this subdivision shall continue while the agent holds his office or employment with the municipality, except as provided in RSA 261:74-b and 261:74-f.

The City Clerk's department is charged with motor vehicle registrations for the City of Lebanon. As such, Interim City Clerk Darlene Cook was previously appointed as the Municipal Agent for the City. The role of Municipal Agent is not inherent to the position of City Clerk, and as stated in RSA 261:74-a, requires approval of the governing body before the Director of the Division of Motor Vehicles can appoint.

Interim City Clerk/Deputy Tax Collector Darlene Cook was appointed as Municipal Agent effective April 20, 2023, pending the completion of the City Clerk hiring process. Jaseya Ewing was appointed by City Manager Shaun Mulholland as City Clerk on June 5, 2023. City Manager Mulholland is requesting that the City Council support and approve the appointment of Ms. Ewing as the City's next Municipal Agent for Motor Vehicle Registrations.

ACTION

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby supports and approves the appointment of Jaseya Ewing as Municipal Registration Agent for the City of Lebanon to be effective June 22, 2023.

**Agenda
Lebanon City Council
June 21, 2023**

10. New Business:

**10.C – Request For Transfer Of Funds From The Miracle Mile
Water Main Replacement Project To The South Main Street
Water Improvements Project**

Background

The location of this proposed project is South Main Street in West Lebanon. In this location there are two parallel water mains: one unlined, six-inch cast iron main installed before 1927 and one 12-inch cement lined ductile iron main installed in 1968. The current six-inch main is in poor condition, services 19 properties, and has suffered several water breaks in recent years. It is also a dead-end line, meaning it is a branch off the water distribution system that is not tied back in, and the only use is from individual house services. Future failures will require a large shutdown of the area causing substantial outages that extend beyond the 19 properties served. The 12-inch main is in good condition and has no record of previous water breaks. All the properties served by the six-inch main are on the west side of South Main Street. Properties on the east side of the street are already served by the 12-inch main.

This proposed project extends approximately 935 linear feet from the end of CSO #13 to the beginning of the Route 12A “Dry Bridge” Project and includes extending twelve (12) water services from the six-inch main to the 12-inch main. The Dry Bridge project includes extending the remaining services on seven (7) of the properties from the six-inch main to the 12-inch main. The 12-inch main is in good condition so the water services can be removed from the older six inch main and connected to the existing 12-inch main without installing new water main. Included in this project will be paving the road.

Action

The following resolution is offered for Council consideration:

MOVED, that the Lebanon City Council hereby authorizes the transfer of funds from the Miracle Mile Water Main Replacement Project to the South Main Street Water Main Improvements Project in the amount of \$500,000 for relocation of twelve (12) residential water services and repaving of approximately 935 linear feet of South Main Street.

Included In This Section:

1. Memo from Assistant DPW Director Jay Cairelli, dated May 31, 2023, including map of South Main Street Water Improvements Project Area



**CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 Dartmouth College Highway
Lebanon, NH 03766**

MEMO

TO: Honorable Mayor and City Council
CC: Shaun Mulholland, City Manager
FROM: Jay Cairelli, Assistant DPW Director
DATE: May 31, 2023
RE: **Transfer of Funds Request**

INTRODUCTION:

The proposed project pertains to the area on South Main Street in West Lebanon, specifically addressing the current conditions of two parallel water mains. The first is an unlined, six-inch cast iron main installed before 1927, while the second is a 12-inch cement lined ductile iron main installed in 1968. The six-inch main, serving 19 properties on the west side of South Main Street, is in poor condition and has experienced multiple water breaks in recent years. Additionally, it is a dead-end branch that is not connected to the main water distribution system, limiting its usefulness to individual house services only.

Objective:

The objective of the Project is to address the deficiencies of the existing six-inch main and improve the water infrastructure in the area. Specifically, the project aims to extend water services from the six-inch main to the adjacent 12-inch main for 12 properties, thus ensuring a more reliable and efficient water supply. The proposed project will cover approximately 935 linear feet, starting from the end of CSO 13 and ending at the beginning of the Route 12A "Dry Bridge" Project.

Scope of Work:

1. **Extending Water Services:** The project involves transferring water services from the deteriorating six-inch main to the good condition 12-inch main for 12 properties located on the west side of South Main Street. This step will mitigate the risk of future water breaks and enhance overall water supply reliability.
2. **Road Paving:** As part of the project, the road pavement will be reclaimed in the designated area, improving the quality and safety of the roadway for motorists and pedestrians.

Pavement reclaiming, also known as full-depth reclamation (FDR), is a method used in road construction and rehabilitation to recycle existing pavement materials. It involves the process of pulverizing and blending the existing pavement layers, typically the asphalt

surface and underlying base layers, to create a homogeneous mixture that serves as a base for a new pavement structure.

Recommendation:

The City Council is requested to review and consider approving the transfer of funds from the Miracle Mile Water Main Project to the South Main Street Water Improvements Project. The project aligns with the objective of enhancing the City's infrastructure and improving the water supply system. Approval of the project will benefit the community by ensuring a more reliable water service and reducing the risk of prolonged outages and improvement of the roadway.

Attachments:

1. Map of the project area

**Property Information**

Property ID 87-5
Location 52 SEMINARY HILL
Owner VALDEZ, CALDERON

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 12/28/2022
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

**Agenda
Lebanon City Council
June 21, 2023**

10. New Business:

**10.D – Discussion and Set Public Hearing for July 5, 2023:
Amendment To The Lebanon Airport-Tech Park Tax Increment
Finance (Tif) District Boundary**

Background

On July 11, 2018, the City Council unanimously adopted the provisions of NH RSA 162-K (Municipal Economic Development and Revitalization Districts) allowing for the creation of Tax Increment Finance (TIF) Districts and also established the Downtown Lebanon TIF District. Subsequently, on November 6, 2019, the Council voted to create a second district, titled the Lebanon Airport-Tech Park TIF District. As indicated on the attached graphic, the Airport-Tech Park TIF District encompasses three tax parcels: M/L 131-3, owned by Upper Valley Tech Park, LLC (UVTP), and M/L 159-4 and 131-8, both owned by the City of Lebanon.

Since the creation of the District, the City has extended Airport Road into the City's parcel, which has created developable areas on both the City's land as well as the UVTP parcel. To date, two development applications have been approved by the Planning Board for the easterly side of the UVTP parcel, accessed from the extended roadway, and the City is planning for the development of an Early Childhood Education facility on the City's parcel.

The owners of the UVTP parcel have also received interest for a potential development on the westerly side of their property, which would be accessed from Technology Drive within the Phase 1A Airport Business Park. However, the constructed portion of Technology Drive and the associated water and sewer infrastructure do not extend the full length of the public right-of-way and stop short of the UVTP parcel boundary. It is expected that any further extension of the roadway and utility infrastructure within the public right-of-way will become the City's responsibility for ownership and maintenance.

By statute, tax increment funds generated within the TIF District can only be expended within the District. Since the portion of Technology Drive leading to the UVTP parcel is not within the District, the incremental revenues generated by the development of the UVTP parcel cannot be used to pay for, or repay, the costs of extending the public infrastructure to the property boundary.

The City Manager, as the TIF District Administrator, is recommending that the TIF District Boundary be expanded to include the southernmost +/-220 feet of the Technology Drive right-of-way. Including the area of right-of-way will not have any fiscal impact on the district itself since the area is non-taxable, but will allow for TIF revenues to be used for the construction and maintenance of the new segments of roadway and utility infrastructure within the right-of-way.

As required by RSA 162-K:9, the Grafton County Commissioners and the Lebanon School Board have been provided with notice of the public meeting on June 21, 2023 in order to be informed of the fiscal and economic implications of the proposed TIF District. If the Council decides to move forward with the proposed amendment, the Council will be asked to schedule a public hearing for July 5, 2023. Grafton County Commissioners and Lebanon School Board

members will again be provided with special notice of the public hearing pursuant to RSA 162-K:9.

If scheduled, a public hearing would be held to receive input regarding the amendment to the Airport-Tech Park TIF District. It is important to note, however, that RSA 162-K:4 requires that the public hearing take place at least 15 days prior to the final action. Therefore, the City Council would hold the public hearing on July 5th but would **not** take action until the regular meeting on August 2nd.

ACTION

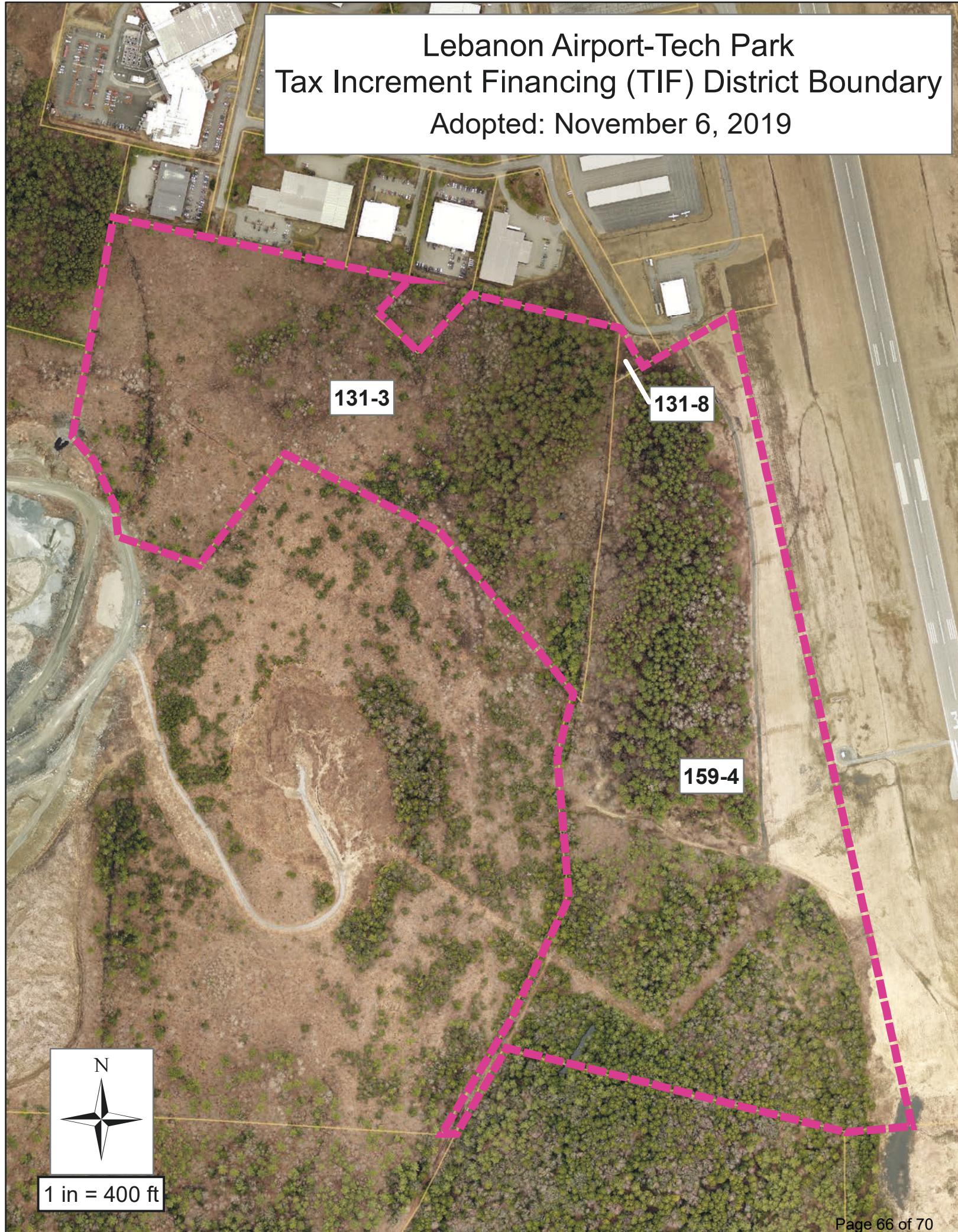
Should the Council decide to proceed with amending the Airport-Tech Park TIF District Boundary, the following motion is offered:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 5, 2023, beginning at 7:00pm, in Council Chambers, City Hall and remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to amend the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District Boundary to include the southernmost 220 feet of the right-of-way of Technology Drive adjacent to the existing TIF District.

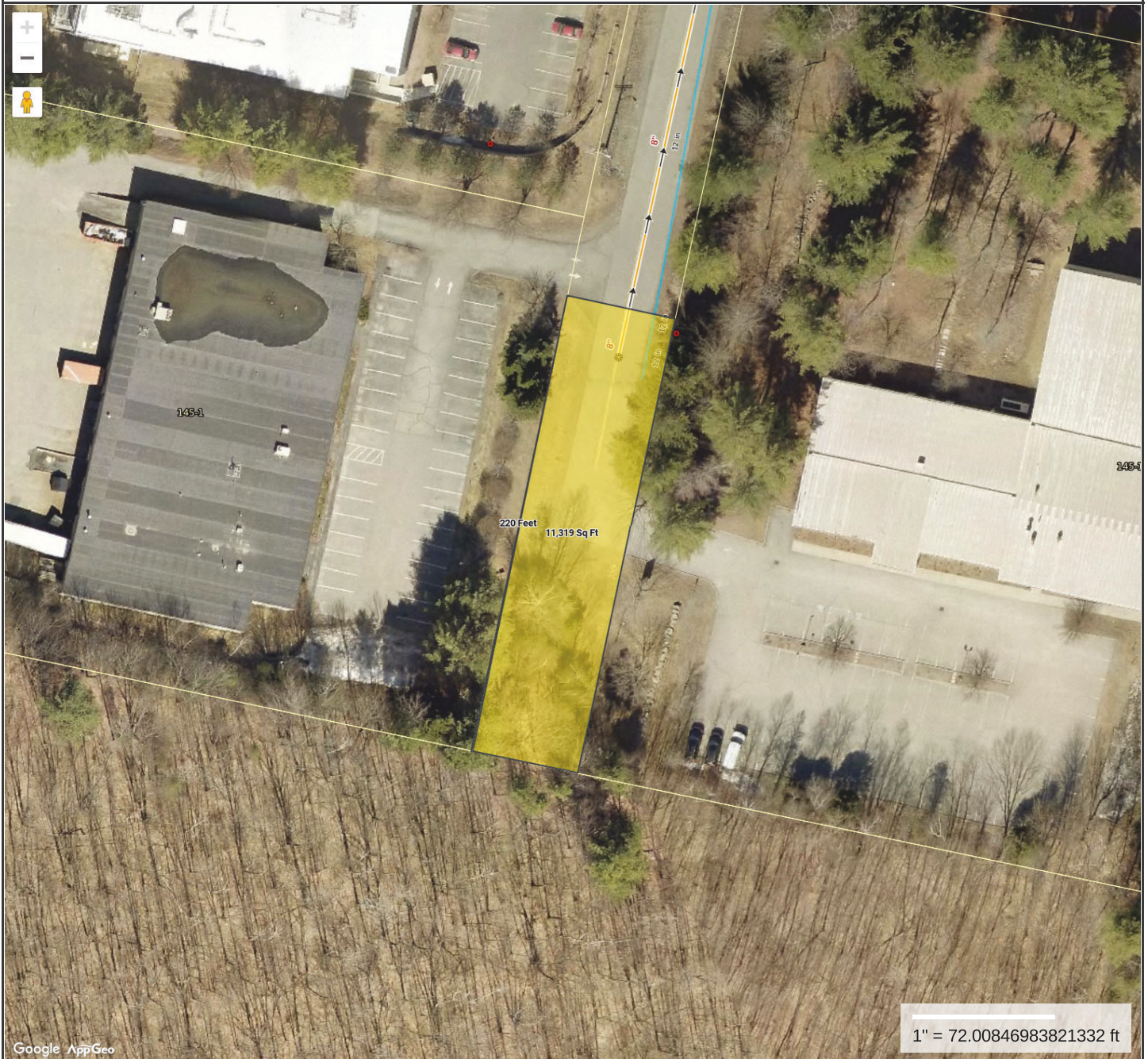
Included in this Section:

1. Lebanon Airport-Tech Park TIF District Boundary as adopted on November 6, 2019
2. Proposed Expansion Area of the Lebanon Airport-Tech Park TIF District Boundary and map of existing Public Infrastructure on Technology Drive

Lebanon Airport-Tech Park
Tax Increment Financing (TIF) District Boundary
Adopted: November 6, 2019



Airport-Tech Park TIF Expansion Area

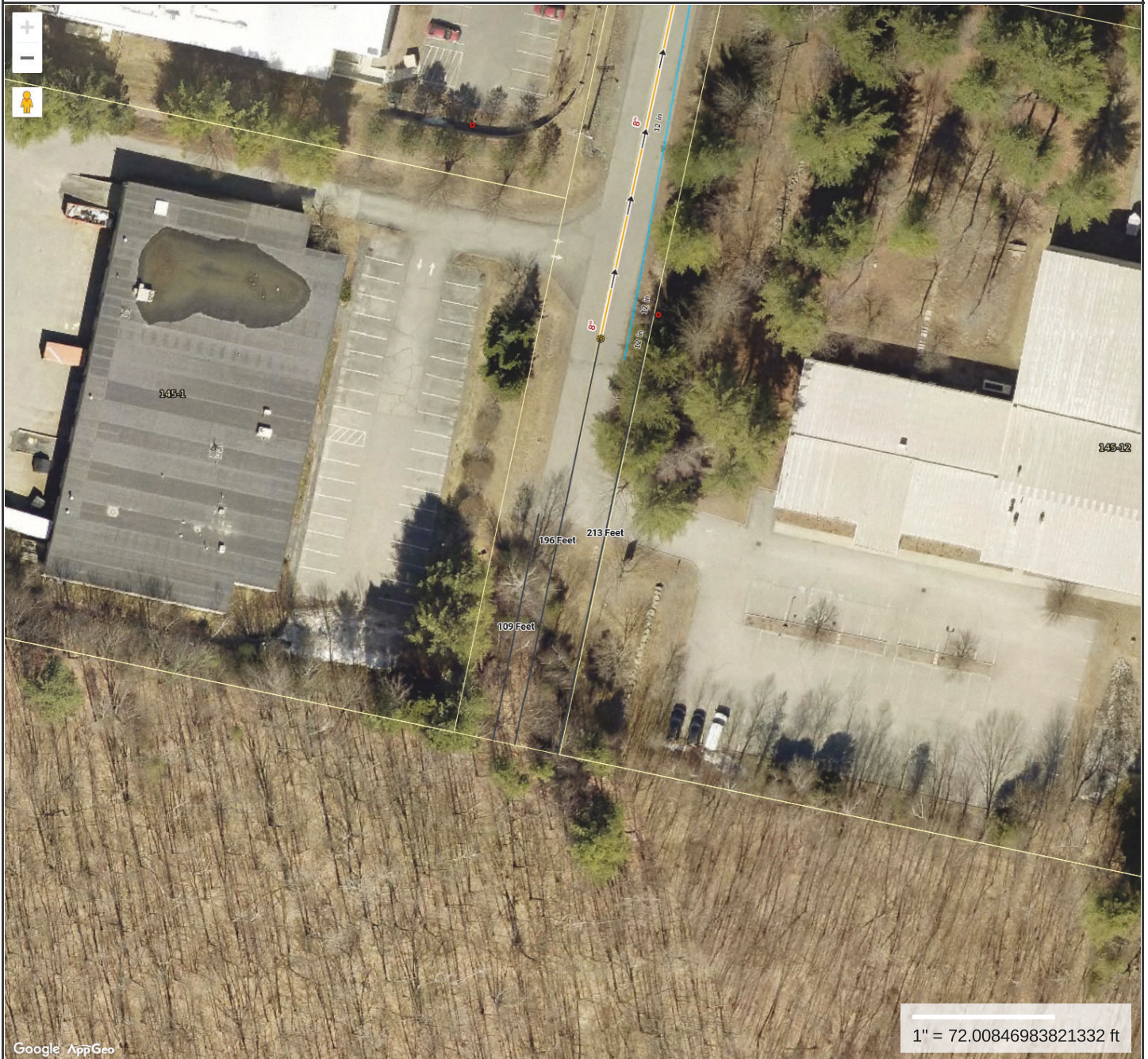
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 06/07/2023
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

Airport-Tech Park TIF Expansion

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**Agenda
Lebanon City Council
June 21, 2023**

10. New Business:

**10.E - Authorization To Purchase 160 Mechanic Street,
Lebanon (Tax Map 105, Lot 27)**

Background:

On May 20th, the City received a communication from the owner of 160 Mechanic Street, Lebanon (Tax Map 105, Lot 27) offering to sell the property to the City.

The parcel, situated at the northeast corner of the intersection of Mechanic Street and Slayton Hill Road, is integral to a transportation project that is currently on the NHDOT Ten-Year Plan (Lebanon 42604). The Ten-Year Plan project proposes the construction of a roundabout at the intersection with preliminary engineering slated to begin in 2025, right-of-way acquisition programmed for 2027, and construction starting in 2029. Acquisition of the property is necessary based on the conceptual intersection improvement design submitted with the Ten-Year Plan proposal.

Action:

Should the Council decide to authorize the purchase of property situated at 160 Mechanic Street, the following resolution is offered for consideration:

FOR THE PURPOSE OF acquiring a parcel of land, and the improvements thereon, situated at 160 Mechanic Street, Lebanon (Tax Map 105, Lot 27; ~0.23 Acres), (hereinafter the "Property"), for a purchase price of \$400,000 (Four Hundred Thousand Dollars); it is hereby:

MOVED, that the Lebanon City Council, pursuant to its authority under NH RSA 47:5 to purchase real property, hereby designates and authorizes the City Manager to act on behalf of the City Council to undertake all actions and execute all documents as may be required to enter into a Purchase & Sale Agreement (P&S) for the acquisition of the Property; to perform all obligations of the City under the P&S; to execute a closing of the real estate purchase transaction described in the P&S; and to complete the City's acquisition of the Property free and clear of all liens and encumbrances, except as may be specified in the P&S.

**Agenda
Lebanon City Council
June 21, 2023**

10. New Business:

**10.F – Discussion & Set Public Hearing For July 19, 2023: Request
For Supplemental Appropriation In The Amount Of \$425,000
For The Purchase Of 160 Mechanic Street, Lebanon And
Authorization To Issue Bonds Or Notes**

Background:

In a separate agenda item on the June 21st meeting, the City Council is asked, pursuant to its authority under NH RSA 47:5, to authorize the purchase of 160 Mechanic Street, Lebanon (Tax Map 105, Lot 27) for a purchase price of \$400,000.

In the event that the Council elects to authorize the acquisition of the property, the City Manager will initiate negotiations with the property owner on behalf of the City and take all actions and execute all documents as may be required to enter into a Purchase & Sale Agreement (P&S) with the seller. The City Manager will also initiate due diligence efforts, including deed and title research and an environmental review of the property prior to closing. It is estimated that Phase 1 and Phase 2 Environmental Site Assessments may cost approximately \$20,000 and that legal costs for the title research and closing may cost approximately \$5,000, bringing the total cost of acquiring the property to \$425,000.

Action:

If the Council has already authorized the purchase of the property at 160 Mechanic Street, the Council is asked to consider the following motion:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 19, 2023, beginning at 6:00pm, in Council Chambers, City Hall and remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to appropriate the sum of \$425,000 to fund the purchase and acquisition of property located at 160 Mechanic Street, Lebanon, and to authorize the issuance of bonds or notes in the amount of \$425,000 in accordance with the Municipal Finance Act (NH RSA 33).