

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, July 5, 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, Deputy Director of Planning & Development Tim Corwin, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Solid Waste Manager Erica Douglas, DPW Administrative Services Manager Kelly Crate, Planning Department Administrative Assistant Crystal Taplin

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

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

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

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

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

5. **RECOGNITIONS:** NONE

6. **ACCEPTANCE OF MINUTES:** June 21, 2023 (Regular Meeting)

Amendments: For clarification purposes: Page 19, Lines 25-26 (agenda packet) should read as follows: "Councilor Whittlesey pointed out that the acquisition cost of \$400K equates to the equivalent of only four (4) years of emergency shelter funds that was provided in the budget for 2023."

Councilor Whittlesey MOVED to approve the June 21, 2023 minutes as amended and presented in the July 5, 2023 City Council agenda packet.

Seconded by Councilor Liot Hill.

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

7. **APPOINTMENTS:** NONE

8. **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 operation and maintenance of 14, 28 & 30 Main Street, West Lebanon for the remainder of Fiscal Year 2023. ([Pages 23-25, Council agenda Packet](#))

Deputy City Manager David Brooks reviewed the background.

BACKGROUND

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

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

On June 7, 2023, the City Council established an Enterprise Properties Revolving Fund to allow for the accrual of lease revenues and for the payment of applicable property taxes, utility bills, and other expenses associated with the operation and maintenance of the properties. In conjunction with the Revolving Fund, the City Council must appropriate funds for the City's anticipated expenses associated with the properties, which will be offset to some extent by lease revenues from the existing and potential future tenants.

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

The projected full-year expenses for Fiscal Year 2024 will be incorporated into next year's budget. However, a supplemental appropriation in the amount of \$116,350, representing approximately one-half of the estimated annual budget, is required to cover the anticipated expenses for the remainder of the current fiscal year (FY2023), which is for the purpose of paying property taxes, which are due because the properties are being used for a private purpose. It also covers utilities, maintenance, trash removal, etc., as shown in chart below.

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	\$ -		

Pursuant to Section C419:43, Appropriations After Budget is Adopted, requests for appropriations that are not included in the annual budget require a two-thirds (2/3) majority vote of the Council after a public hearing.

Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public Hearing was closed.

Council Discussions: None

ACTION:

Councilor Whittlesey MOVED, the following:

FOR THE PURPOSE OF operating and maintaining City-owned properties located at 14, 28, and 30 Main Street, West Lebanon for the remainder of Fiscal Year 2023;

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that funds be appropriated for expenditure in the Enterprise Properties Revolving Fund in the amount of \$116,350 (One Hundred Sixteen Thousand Three Hundred Fifty Dollars) for the operation and maintenance of City-owned properties located at 14, 28, and 30 Main Street, West Lebanon.

This resolution shall be effective upon passage.

Seconded by Councilor Sykes.

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

- 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

Included in the agenda packet: ([Pages 26-32 , Council agenda Packet](#))

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

Deputy City Manager David Brooks reviewed the background behind this amendment.

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 originally established, 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. (See Charts Below)

Since the creation of the District, the City has extended Airpark Road to access developable areas on both the City's land as well as the UVTP parcel. To date, UVTP has received approval for a 3-lot Planned Unit Development of its property, and development applications have been approved by the Planning Board for the two parcels accessed from the extended Airpark Road (see the attached plan of the UVTP Planned Unit Development). In addition, the City is planning for the development of an Early Childhood Learning Center 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 (the third lot of the 3-lot PUD), 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. Since the Technology Drive right-of-way is already publicly owned, it is expected that any further extension of the roadway and utility infrastructure within the 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 existing 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. The area of the 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 hearing on July 5, 2023 in order to be informed of the fiscal and economic implications of the proposed TIF District.



The right-of-way is depicted in yellow below.

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.
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The proposal before the Council was to extend the TIF District Boundary by approximately 220' within the right of way of Technology Drive so that the improvements that are ultimately made to extend the road and the sewer/water utilities can be paid for with the TIF District increment that is generated from the development of this property.

Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public Hearing was closed.

Mr. Brooks reminded the Council that this is a Public Hearing to receive input regarding the proposed amendment of the Lebanon Airport-Tech Park TIF District boundary. ***However, pursuant to RSA 162-K:4, the Council will not take action relative to the proposed amendment until its meeting on August 2nd because the Statute requires that the hearing be held at least 15 days prior to any action being taken.***

ACTION: *Action will be scheduled for August 2, 2023.*

9. OLD BUSINESS: NONE

10. NEW BUSINESS

- A.** Discussion and Set Public Hearing for July 19, 2023: Ordinance #2023-03 to amend City Code Chapter 97, relative to changes in landfill operations

Included in the agenda packet: *(Pages 33-40 , Council agenda packet).*

1. Proposed Ordinance #2023-03
2. June 28, 2023 Legal Opinion by Attorney Christine Johnston

BACKGROUND

Proposed changes to the City's Pay-As-You-Throw (PAYT) Program at the Landfill were presented to the Council at its June 7, 2023, meeting. Along with changes to the PAYT Program, updates to the permitting system were also discussed. To effectuate the changes as presented, amendments to City Code Chapter 97 are required.

Proposed amendments to Ordinance #2023-03, Chapter 97, outlining the amendments, are listed below as follows:

Section 97-4, Definitions:

- Amends definitions for “Landfill Punch Cards” and “Solid Waste Facility User Permit;”
- Provides definitions for “Municipal Pay-As-You-Throw (PAYT) Trash Bags,” and “Smaller-Load Hauler.”

Section 97-6, Permits:

- Amends requirements for both residential and commercial permits to require that both are obtained annually; and provides parameters for the number of vehicles allowed for each permit;
- Includes references and requirements for the new EB2gov permit software platform (new permits to be obtained through use of the software beginning September 1, 2023; and existing permits must be updated beginning September 1, 2023 and before December 31, 2023);
- Requires Smaller-Load Haulers to create a commercial user account; and
- Requires Temporary/One-Time Users to obtain permits through EB2gov.

Section 97-7, Commercial Generators/Waste Haulers Accounts & Billing:

- Defines parameters for Smaller-Load Haulers

Section 97-8, Fees:

- Incorporates use of credit cards, includes annual fees for permits, and includes a reactivation fee for residential permits that have been suspended.

Appendix A, Fee Schedule:

- Adding a line in MSW-Residential to delineate costs for PAYT trash bags (\$1.00 for 15- gallon; \$2.00 for 30-gallon).

(NOTE: Complete Ordinance #2023 (with amendments depicted in **red**) can be found on [pages 35-39, in the July 5, 2023 City Council agenda packet](#).

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 19, 2023, beginning at 6:00p.m. in Council Chambers, City Hall, and remote via City’s Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2023-03, to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, to effectuate changes to the City’s Pay-As-You-Throw and Permitting Programs.

Seconded by Councilor Wilkie.

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

B. Discussion and Set Public Hearing for July 19, 2023: Consideration of Provisional Dedication and Acceptance of an alternate Barden Hill Road (Highway or Class A Trail)

Included in the agenda packet: [\(Pages 41, Council agenda packet.\)](#)

City Manager Mulholland reviewed the background for the topic listed above. This is a petition requested by Patch Forest, LLC to discontinue the road and to layout a different path for what the City has listed as Barden Hill Road. Barden Hill Road is not actually a Class A Trail, it has a different designation and we need more clarity on this. We do not have a lot of the information that we would normally have at this particular stage (i.e., exact layout; survey; details on what they are asking for, etc.), and no member(s) of

Patch Forest, LLC or their (legal) representative were present at this meeting. An option for the Council to consider is to not schedule a public hearing until all the information the Council would normally have has been received.

BACKGROUND:

Patch Forest, LLC has submitted a new proposal to discontinue several Class VI roads passing through the Patch Forest property, including a section of Class VI Road #14 (Barden Hill Road); a section of Class VI Road #19 (Durkee Road); Class VI Road #20 (Atherton Road); and Class VI Road #21 (McCallister Road).

In conjunction with the proposed discontinuances, Patch Forest proposes to identify and create an alternate Barden Hill Road (Highway or Class A Trail) for consideration of dedication and acceptance by the City.

The City Council was asked to schedule a public hearing for July 19, 2023, at which time presentations and information from Patch Forest, LLC and from the City will be provided in relation to the proposed provisional dedication and acceptance.

Council Discussions:

The Council discussed their reasons why they did not feel comfortable holding or scheduling a Public Hearing at this time without the appropriate information that has been provided for every other Public Hearing we have set in the past.

City Manager Mulholland noted we expected to have all the information because Patch Forest, LLC was asked to provide this information for this hearing back in June.

ACTION: NO ACTION TAKEN BY THE COUNCIL

- C. Discussion and Set Public Hearing for July 19, 2023: Discontinuance of a section of Class VI Road #14 (Barden Hill Road); Discontinuance of a section of Class VI Road #19 (Durkee Road); Discontinuance of Class VI Road #20 (Atherton Road); and Discontinuance of Class VI Road #21 (McCallister Road)

Included in the agenda packet: *(Pages 42 , Council agenda packet).*

BACKGROUND

Patch Forest, LLC has submitted a new proposal to discontinue several Class VI roads passing through the Patch Forest property, including a section of Class VI Road #14 (Barden Hill Road); a section of Class VI Road #19 (Durkee Road); Class VI Road #20 (Atherton Road); and Class VI Road #21 (McCallister Road).

The City Council was asked to schedule a public hearing for July 19, 2023, at which time presentations and information from Patch Forest, LLC and from the City will be provided in relation to the proposed discontinuances.

City Manager Mulholland noted that for the record this particular item does not have an adequate amount of information and there is not enough time to provide that information for the general public's review before a Public Hearing.

Council Discussions:

The Council concurred with the City Manager and discussed their reasons why they did not feel comfortable holding or scheduling a Public Hearing at this time without the appropriate information that has been provided for every other Public Hearing we have set in the past.

ACTION: NO ACTION TAKEN BY THE COUNCIL

- D. Authorization for City Manager to sign a Declaration of Restrictive Covenants for Upper Valley Tech Park LLC Planned Unit Development.**

Included in the agenda packet: *(Pages 43-53 , Council agenda packet).*

1. June 22, 2023 Memorandum from Deputy Planning & Development Director Tim Corwin re: Upper Valley Technology Park, LLC, M/L 131-3 – Restrictive Covenants for Upper Valley Technology Park, LLC Planned Unit Development (PUD), including the following attachments:
 - May 8, 2023 Planning Board Notice of Action (PB2023-16-CUPMIN)
 - Plat titled, “Subdivision Plat for Upper Valley Tech Park LLC Planned Unit Development,” prepared by Latitudes Land Surveying, dated April 6, 2023, Project # 22015
 - Draft Declaration of Restrictive Covenant

BACKGROUND

On May 8, 2023, the Planning Board approved Upper Valley Technology Park, LLC’s request for a Conditional Use Permit and Minor Subdivision to develop Tax Map 131, Lot 3 as a 3-lot Planned Unit Development (PUD). As required by the PUD regulations in Section 501 of the Zoning Ordinance, the Upper Valley Technology Park, LLC Planned Unit Development (UVTP PUD) has set aside 3.8 acres (10.4%) of the total PUD lot area as open space.

The applicant has proposed a Declaration of Restrictive Covenant to establish the restrictions on how the open space can be utilized and maintained. As written, the Declaration grants the City the ability, but not the obligation, to enforce the restrictions.

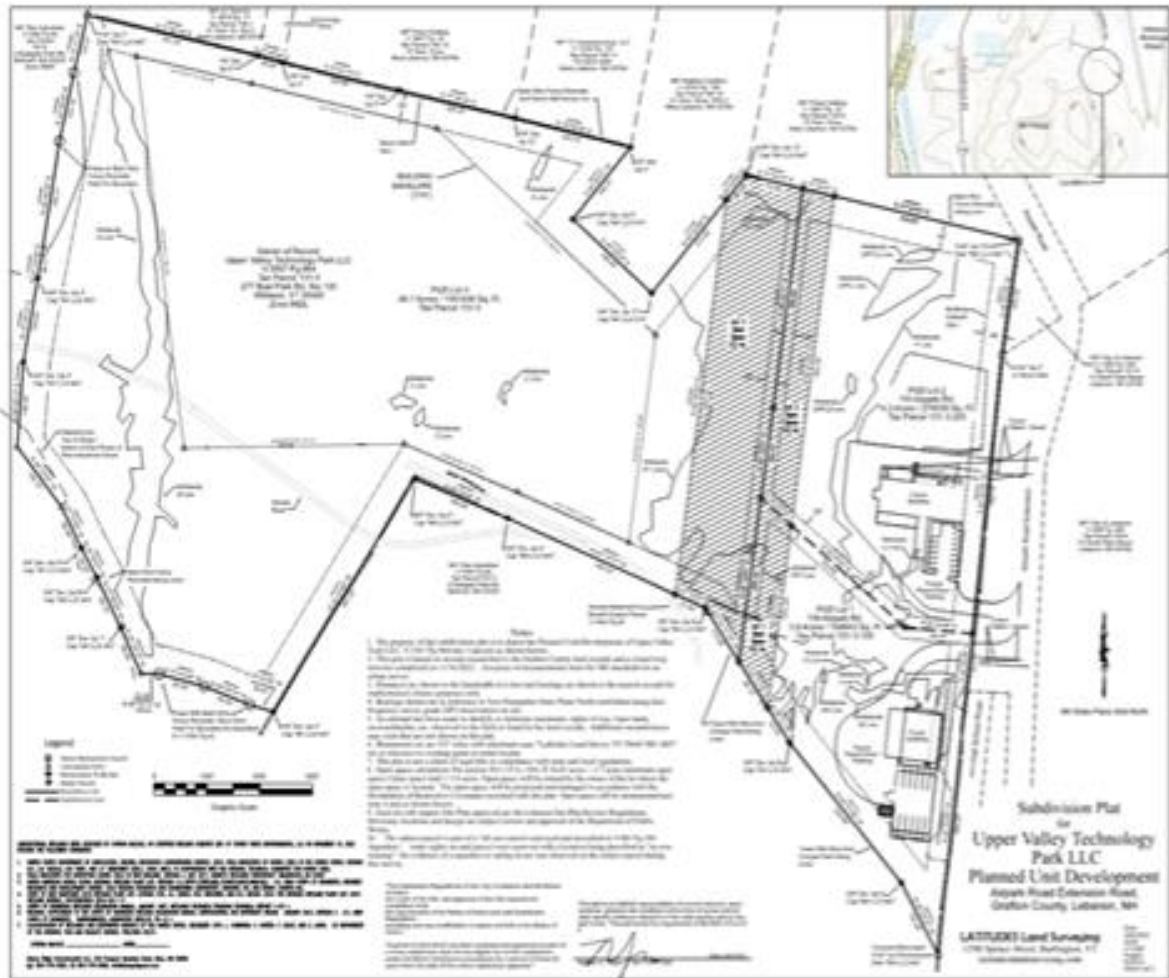
As required by the Planning Board’s condition of approval #4 and Section 501.1.F.7.a of the Zoning Ordinance, the City’s legal counsel has reviewed the proposed Declaration of Restrictive Covenant and recommended edits to ensure that it meets the PUD open space ownership and protection requirements of Section 501.1.F.5 and 6. Those edits have been accepted by the applicant and are reflected in the attached Declaration.

By statute, conservation, preservation, and agricultural preservation restrictions are considered to be interests in real estate and any document creating such a restriction shall be deemed to be a conveyance of real estate. Therefore, the City Council must authorize the acceptance of the Declaration and the City must sign the acceptance of the Declaration as required by NH RSA 477:47.

NOTE: All the detailed supporting documents can be found in the Council agenda packet as listed above.

Planning & Development Deputy Director Tim Corwin reviewed the background and his memo to the Council dated June 22, 2023 behind this request.

Site Plan Map for the Upper Valley Technical Park, LLS's Planned Unit Development.



Mr. Corwin noted that if the Council chooses to accept the Declaration of Restrictive Covenants for Upper Valley Tech Park LLC's Planned Unit Development, it does not impose an obligation on the City to do anything with that easement but it does give us the right to enforce those open space restrictions and would be enforced in the same way as any other violation of a Zoning Ordinance. The plan for the open space covenant is to provide protection in perpetuity.

In response to Mayor McNamara's questions, City Manager Mulholland noted this open space was not designed for recreational activity, it was designed to be preserved for conservation purposes.

Attorney Pamela Moreau (Counsel for the Upper Valley Technology Park, LLC) clarified the Declaration of Restrictive Covenants is intended to be a Conservation Easement because of the wetlands area, which are excellent for wildlife corridors and reiterated that the intent was to just have it be a wildlife corridor in the area where the wetlands are located.

Council Discussions:

The Council discussed the boundary lines for the easement, the permanent separation between PUD Lot #3 and the other lots, how the Conservation Restriction would preclude any physical infrastructure in

between lots #1, #2 & #3, how the only access to lot #3 would be via Technology Drive, and, the wetlands boundaries.

ACTION:

Councilor Liot Hill MOVED that the Lebanon City Council hereby authorizes the City Manager to accept a Declaration of Restrictive Covenant, pursuant to NH RSA 477:47, from the Upper Valley Technology Park, LLC to the City of Lebanon, with respect to portions of land as shown on a plan titled, “Subdivision Plat for Upper Valley Technology Park, LLC, Planned Unit Development,” prepared by Latitudes Land Surveying, dated April 6, 2023, which was approved by the Lebanon Planning Board on May 8, 2023. The Declaration of Restrictive Covenant has been reviewed and approved by the City’s legal counsel as sufficiently providing for the permanent preservation of the Open Space as required by Section 501 of the Lebanon Zoning Ordinance, Section 12 of the Lebanon Subdivision Regulations, and Condition #4 of the Planning Board’s Notice of Action dated May 8, 2023.

Seconded by Councilor Whittlesey.

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

In response to Councilor Simon’s request to have a road overlay on maps, Deputy City Manager Brooks provided and described the following Map which depicts the road overlay in green area.



- E. Request by Lyme Properties, LLC to have City Council reconsider acceptance of River Park Drive and Lyman Street

Included in the agenda packet: *(All supportive documents/map layouts as listed below can be found on Pages 54-108, of the July 5, 2023 Council agenda packet)*

1. Letter dated June 13, 2023 from Chet Clem of Lyme Properties, LLC, with Proposal for Acceptance of River Park Drive & Lyman Street
2. Agenda Packet from May 18, 2011 City Council meeting re: Request by XYZ Dairy, LLC for Conditional Acceptance of River Park Drive
3. Excerpt of City Council meeting minutes from May 18, 2011
4. Overview / Index Plan (Lot Layout) of River Park, prepared by TF Moran, Sheet 2 of 53, dated March 9, 2015, last revised April 27, 2015
5. Overview / Index Plan (Lot Layout with Buildings) of River Park, prepared by TF Moran, Sheet 1 of 72, dated March 9, 2015

6. River Park – Proposed Phasing Plan, approved by Planning Board on September 9, 2019.

BACKGROUND

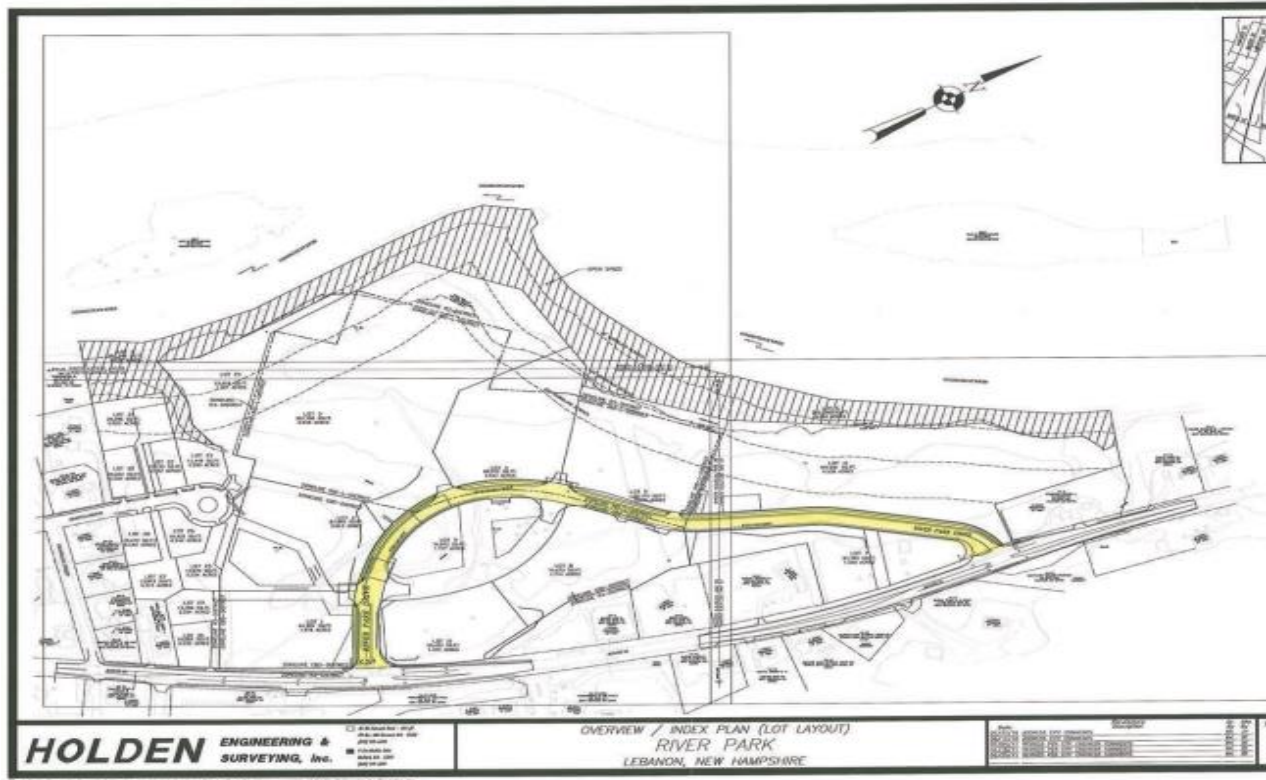
By letter dated June 13, 2023, Chet Clem of Lyme Properties, LLC, acting as development agent for XYZ Dairy, LLC, submitted a proposal to have the City Council reconsider a prior decision concerning the acceptance of River Park Drive and Lyman Street as public streets.

On May 18, 2011, the City Council voted to decline the previous request of XYZ Dairy, LLC to conditionally accept River Park Drive as a public highway for reasons outlined in a May 3, 2011 memo from then-City Manager Greg Lewis. The May 18, 2011 agenda packet and an excerpt of the Council's minutes from the meeting are attached.

Included in the Council agenda packet are the approved subdivision lot layout plan for River Park recorded in the Grafton County Registry of Deeds on January 2, 2018 as Plan #15441; the Overview/Index Plan with approved building layouts; and the revised development phasing plan approved on September 9, 2019.

Highlights of the proposed site plans, as presented in the agenda packet, are included below.





Mr. Chet Clem of Lyme Properties, LLC, acting as development agent for XYZ Dairy, LLC reviewed the background of his request and asked the Council to reconsider a prior decision (2022) concerning the acceptance of River Park Drive and Lyman Street as public streets. He provided handouts of his presentation to the Council for their review. During the prior approval process, approval of the site plans subdivision was approved. In the course of the past 12 years, we have continued working with Advance Transit to facilitate a four (4)-line transportation hub at River Park, and in the course of pursuing various funding opportunities available, the issue of ownership of the roads has become the issue. Because of this, we are back before the Council requesting a Conditional Acceptance of roads, which would allow us to pursue grant opportunities at the State and Federal level.

As noted above: *All supportive documents can be found on Pages 54-108, of the July 5, 2023 Council agenda packet)*

Council Discussions:

Mayor McNamara pointed out that in the intervening 12 years it has been amply demonstrated the potential benefits of River Park to the community. While he respects the decisions made 12 years ago from former Councils and City Staff to not consider these (roads) for Conditional Acceptance, he felt today is a very different day. This development could be a huge boom not to just West Lebanon but for the entire Upper Valley. The potential to access Federal funding associated with mass transit should also be considered, noting this (project) is not miles of road. He did not feel the (City's) costs would be significant compared to the benefits.

Councilor Whittlesey spoke about the land that was set aside for the Friends of River Park for access trails, etc. along the waterfront and asked Mr. Clem, or the Friends of River Park, if they would be open

to a Restrictive Covenant that would provide for permanent usage (to this land) to ensure access remains available. Mr. Clem said this was already taken care of in 2018. The (land) is protected in perpetuity with a Deed Restriction that does not allow development of the waterfront.

Councilor Whittlesey's other concern was the (transportation) hub in front of the (Kilton) Library, noting this hub is within walking distance to all of West Lebanon and provides access to a lot of our Downtown areas facilities and noted River Park is on the outside of West Lebanon. He questioned how this would be addressed so people will have easy access to West Lebanon and the surrounding community. He was also concerned about the non-logistical losses that would incur.

Mayor McNamara noted that the buses can still stop at Kilton, and explained how this project was designed, how it provides options that are not currently available now, and how it would be maintaining the existing bus service.

Councilor Whittlesey also spoke about his concern regarding the vast majority of people who use the Kilton Library who do not have access to vehicles. Mr. Clem explained that moving the hub to River Park would allow people to be dropped off there where they can connect to whatever line they need to go places. They would still have their Main Street stop, but there just would not be the confluence of six buses all at the same time clogging up Main Street, noting that with the new Streetscape Plans coming forward there would be even less space for the buses to park (in front of Kilton Library).

Councilor Simon (Chair, West Lebanon Revitalization Advisory Commission), noted this is a topic that has been discussed with all parties for a couple of years, including Library Director Sean Fleming. He wanted to be clear they have been offered this property as an intermediate station, noting the Kilton Library is the bottleneck (for Advance Transit) and they cannot add additional service due to queuing issues. Our role here is to provide a solution down the road, but this is the key issue that needs to be addressed before we can proceed. He also addressed Councilor Sykes' question regarding River Park Drive and the Lyman Street loop, which is part of the initial phase, noting the roads will be built to City standards and verified despite the initial 2011 decision.



In response to Councilor Whittlesey's questions about the phasing of this project, Mr. Chet Clem explained the minimum requires us to build River Park Drive up to the access to what is shown as

building #2 & #5 and parking. The logical, efficient and enabling solution would be to go ahead and complete the loop to allow for that Advance Transit hub to proceed as soon as possible.

Assistant Mayor Below concurred with the Mayor that this is an opportunity with a clear public benefit with the Transit hub. In response to Assistant Mayor Below's question regarding access to the 6 acres along the river, Mr. Clem stated that for Phase I, it would be a continuation of the existent access to the existing 2 miles of current trails, and those trails will continue to evolve as the additional phases of the project come online and explained (using the phasing map) where this access would be provided. Mr. Clem also explained the 2019 Phasing updates laying out the parking requirements phase by phase, including the temporary parking that will be handled at different lots.

Councilor Liot Hill spoke about her reasons in support of this project.

City Manager Mulholland noted the next step would be a Development Agreement and, if the Council agrees, they can come back to the Council for further discussions once this has been done.

The Council agreed to have City Manager Mulholland proceed, and were willing to do a Conditional Acceptance of the roads. No Motion was needed at this time. City Manager Mulholland will work on the Development Agreement and will send it to the Council for their review before a vote on the Conditional Acceptance is taken.

Mr. Clem was in agreement with the plan but noted there are timely grant items in motion, so time is of the essence.

ACTION: No action was needed at this time.

F. Discuss Revised Membership Composition for Lebanon Energy Advisory Committee

Included in the agenda packet: *(Page 109, Council agenda packet.)*

BACKGROUND

The Lebanon Energy Advisory Committee (LEAC) was originally created in 2007 to identify opportunities and make recommendations to the City Council with regard to reducing energy use, increasing energy efficiency, exploring alternative energy usage, and reducing pollution to the environmental and fiscal benefit of the City. The charge was modified in 2009 to include promoting energy conservation measures for city residents and businesses, thereby cutting greenhouse gas emissions and reducing energy costs for taxpayers.

The composition of the committee has been changed several times since its inception, most recently in April 2017, when membership was set at seven (7) members, comprised of four regular members, two alternate members, one Planning Board representative, one Council representative, one alternate Council representative, and one Lebanon High School student representative.

At its meeting on June 15, 2023, LEAC voted in favor of requesting that the City Council modify the membership composition of the committee to change the position designated for a Lebanon High School Student Representative to a Regular Citizen Representative. LEAC members noted that the designated student seat has not been filled in recent memory despite mention of its existence to the Lebanon High School Guidance Department. Meanwhile, it was noted that there are citizens willing to apply for

membership on LEAC if a position was available.

ACTION:

Councilor Wilkie MOVED that the Lebanon City Council hereby amends the membership composition of the Lebanon Energy Advisory Committee to change the designated Lebanon High School Student Representative seat to a Regular Citizen Representative seat. The committee membership will now be comprised of five regular citizen members, two alternate citizen members, one Planning Board representative, one City Council representative, and one alternate Council representative. Seconded by Councilor Whittlesey .

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

11. City Manager Report:

City Manager Shaun Mulholland updated the Council on the following:

- Upcoming Proposed Training:
 - Bias Training in 2024: All City Supervisors and Managers will be requested to attend these three (3), 1 hr. virtual training sessions. He also requested that all Board, Commission, Committee members attend the training, including City Council.
 - Ethics Training in 2024: This will be a refresher for all Boards/Commission/Committees and consist of four (4) hrs. of training. This can be done at the individual Board level.
- Implementation of new software City-wide.
- 2023 Budget Issues: Unexpected Expenditures that were not initially budgeted for:
 - Stevens Road: If there is a disaster declaration, we will apply for that.
 - School Street Cemetery: +/- \$75K in engineering costs. Some funds have already been spent to restore the previous landslide that occurred. We still do not have mitigation measures in place.
 - Human Services Operations: We need another \$60K to get us through the rest of the year, noting the ERAP funds have ended.
 - We are uncertain about the costs of a shelter yet.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES:

- Council Liot Hill spoke about the visit from NH Executive Councilor Cinde Warmington.
- Mayor McNamara spoke about the Governor & the NH Executive Council Road Shows. Their August 2, 2023 meeting will be held at Hypertherm starting at 10:00 AM. NH Executive Councilor Cinde Warmington will be sending out more information shortly. One thing they would like to do is recognize (non-political) citizens who are either retiring from a position of long-time public service or who have done something exemplary in terms of public service. The Council was asked to let the Mayor know about anyone they thought might be eligible.

13. FUTURE AGENDA ITEMS:

- Discussion/acceptance of Development Agreement/Conditional Acceptance for River Park Drive and Lyman Street. Time is of the essence due to timely grant applications that Mr. Clem has applied for.

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Whittlesey MOVED for adjournment.

Seconded by Councilor Heistad

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

The meeting was adjourned at 8:19 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary