

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, July 19, 2023, 6:00 p.m.
Council Chambers**

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

MEMBERS PRESENT: Assistant Mayor Clifton Below, Erling Heistad, Christian Simon, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: Mayor Tim McNamara, Karen Liot Hill, George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Deputy Finance Director Alesia Williams, GIS Coordinator Mark Goodwin, Planning & Development Administrative Assistant Crystal Taplin

1. CALL TO ORDER: Assistant Mayor Below called the meeting to order at 6:00 p.m.

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

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

3. BOARDS and COMMITTEES REPORTS (2nd Quarter 2023)

Planning Board: Matthew Hall, Chair

Chair Hall updated the Council on the following:

- Status of PB Membership: Gained two new members but will be losing one member. No alternates at present.
- State of development in Lebanon from the PB perspective: Since April, the PB approved two new applications: 1) Charitable Gaming Casino on Miracle Mile; 2) Gas Station in front of Target. There has been a dramatic drop in applications.

LEAC (Lebanon Energy Advisory Committee): Greg Ames, Chair

Chair Ames verbally updated the Council from his written report below:

Lebanon Community Power: During Q2, Lebanon Community Power launched under the umbrella of the Community Power Coalition of New Hampshire. We had a few minor glitches in the process (for example, the initial customer mailing list received from Liberty was missing apartment/unit numbers, requiring a second mailing). We held a public forum/Q&A in April. Lebanon Community Power had a successful launch, with over 7700 default service customers. Default service customers saw their supply rate drop from \$0.22/kWh to \$0.158/ kWh, a 28% savings. The average customer is saving \$37/month on their electric bill. Moving forward, the semi-annual updates for electric generation pricing happens in August, with prices continuing to drop. The upcoming default supply rate for LCP customers, Granite Basic, will drop 31%, or \$0.049/kWh, from \$0.158 to \$0.109/kWh. This is still lower than the upcoming Liberty default service rate of \$0.122/kWh. Customers who are interested in going green can up their renewable energy component from the state minimum of 23.4% to 50% with a small increase in cost that puts them on par with Liberty's default service rate (\$0.123/kWh LCP Clean 50% vs Liberty \$0.122/kWh for the state minimum of 23.4% renewable). For a small increase (roughly 3 cents/kWh, or \$18/month for the average customer), LCP customers can choose Clean 100, a 100% green energy option.

EV: EV Subcommittee Chair Sherry Boschert led the effort to write and submit a \$5.2 million federal grant application for public EV infrastructure under the Charging and Fueling Infrastructure Grant Program, aka CFI. We should hear the results by September. If approved, we have 18-24 months to complete the installation. The grant covers maintenance for 5 years. Several sites were listed, for both level 3 DC fast chargers as well as slower level 2 208/240V AC charging sites. These include the old Village Market site downtown near the fire station, Centerra, and West Lebanon, on the southern edge of property owned by Mascoma Banks. Separately, DHMC is looking to upgrade their 17 charging stations and add 13 more. There was also discussion of adding level 2 chargers to the Twin Pines property. Sherry called out Phil Bush and City employees Rebecca Owens and Tad Montgomery for their help on the application.

Misc. LEAC: In June we had a presentation from SHARC Energy, a company producing heat pumps that extract waste heat from wastewater which would otherwise be sent down the drain and using it to heat buildings and domestic hot water. We had discussions about the possibility of using this technology on City buildings, or even a downtown district heating plant in the future. We have had additional discussions around possible phase 3 solar locations and Tad's discussions with ReVision Energy and other solar installers. There is the potential to add 3.4 million kWh of solar production. Tad has also kept the Committee apprised of the progress of the landfill gas to energy project. Almost all of the equipment has arrived, and we expect commissioning by the end of the year. Jon and Woody have been working on a potential rental property decarbonization/energy savings project and have connected City landlords with Liberty's weatherization team.

No update on the GM Charger program. Member of the Committee, led by Sherry, participated in 3 EV forums in April (2 online, 1 at Kilton on Earth Day).

Conservation Commission: Sarah Riley, Chair

Chair Riley updated the Council on the following:

- There were zero permit reviews
- April 2023: Wild about Lebanon event
- May 2023: Plant Identification Workshop
- May 2023: Garlic Mustard plant pulling event which produced a new innovation on how Garlic Mustard can be disposed of without contributing to the landfill's waste
- Mascoma River cleanup scheduled for July 22nd has been postponed to September due to high water levels
- Flood storage capacity monitoring of some of the floodplain forests.

Pedestrian/Bicyclist Advisory Committee: Collin Smith, Chair

Chair Smith updated the Council on the following activities:

- Walk, Bike, Ride Lebanon Plan adopted by the Committee: Next steps is to continue implementing this plan and explained how this would be done
- There has been progress on both sides of the Greenway and explained where they have provided support
- Painted colored crosswalks done by DPW: These have received positive feedback from the public.

Economic Development (EDC): William (Bill) Dunn, Chair

Chair Bill Dunn updated the Council on the following:

- Working on collaboration with the City of Claremont, NH and their businesses
- Re-invigoration of Spencer St./back parking lots
- The EDC will now have a representative to the West Lebanon Revitalization Advisory Committee

West Lebanon Revitalization Advisory Committee: Councilor Simon, Chair

Councilor Simon spoke about the following:

- Field trips
- Tour of Fire Station #2
- Added extra meeting on August 1, 2023, 5:30PM, Kilton Library

Arts & Culture Commission: Councilor Wilkie

Councilor Wilkie gave a brief report on the following:

- They have not meet for the last three months due to lack of a quorum
- Will be working on adding new art to the tunnel

Heritage Commission: Councilor Wilkie gave report

Councilor Wilkie gave a brief report on the following:

- City Historian publication(s) on the history of Lebanon
- Discussions with the Family's Flourish Northeast regarding the Alice Peck Day Homestead building.

Lebanon DEI Commission: Councilor Wilkie

Councilor Wilkie gave a brief report on the following noting that from April to July in 2023, the DEI Commission has accomplished the following:

- Reviewed and gave feedback on City's Strategic Plan
- Juneteenth Celebration
- PRIDE Celebration
- Planning for multicultural festival to accompany NEXUS
- Formation of an Environmental Justice Task Force
- Development of stakeholder's meeting for Equity Plan

4. **PUBLIC FORUM:** Assistant Mayor Below made the Public Forum announcement.

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

6. **RECOGNITIONS:** NONE

7. **ACCEPTANCE OF MINUTES:** July 5, 2023 (Regular Meeting)

Amendments: Page 17; line 31 (agenda packet): Change "Councilor Simon" to "Mr. Chet Clem."

Councilor Heistad MOVED to approve the July 5, 2023 minutes as amended and presented in the July 19, 2023 City Council agenda packet.

Seconded by Councilor Wilkie.

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

8. **APPOINTMENTS:**

- Conservation Commission, Ernst Oidtmann (Reappointment Regular Member)

Councilor Heistad MOVED to NOMINATE Ernst Oidtmann for reappointment as a Regular Member of the Conservation Commission for a 3-year term. Term: 7/23-7/26

**The Vote on the NOMINATION was approved (6-0).*

- Conservation Commission, Donald Lacey (Reappointment Regular Member)

Councilor Heistad MOVED to NOMINATE Donald Lacey for reappointment as a Regular Member of the Conservation Commission for a 3-year term. Term: 7/23-7/26

****The Vote on the NOMINATION was approved (6-0).***

- Library Board of Trustees, Yuli Volentino (Regular Member)

Councilor Whittlesey MOVED to NOMINATE Yuli Volentino as a Regular Member of Library Board of Trustees. Term: 7/23-3/24 (Note: Term expiring in March 2024 as the position will be up for election. Yuli may choose to run for Library Trustee during the filing period, which will be announced once the period is determined by the Secretary of State.

****The Vote on the NOMINATION was approved (6-0).***

For the two (2) Nominations below, Councilor Wilkie noted that after he submitted the paperwork for Mr. Bromberg he learned there had already been discussions in LEAC about giving the recently appointed alternate James Marshal first priority to have the Regular Member seat. After discussions with other members of LEAC, the intention is that Mr. Marshal should be moved to the Regular (Member) seat and if Mr. Bromberg is interested in the Alternate (Member) seat, the regular seat currently held by the Chair will be up in a few months so both these gentlemen will be able to be regular members once this happens.

See revised NOMINATIONS below:

- Lebanon Energy Advisory Committee, James Marshal (Regular Member)

Councilor Wilkie MOVED to NOMINATE James Marshal as a Regular Member of the Lebanon Energy Advisory Committee for a two-year term. Term: 7/23-7/25

****The Vote on the NOMINATION was approved (6-0).***

- Lebanon Energy Advisory Committee, Henry Bromberg (Alternate Member)

Councilor Wilkie MOVED to NOMINATE Henry Bromberg as an Alternate Member of the Lebanon Energy Advisory Committee for a two-year term. Term: 7/23-7/25

****The Vote on the NOMINATION was approved (6-0).***

9. PUBLIC HEARING ITEMS:

- A. ORDINANCE #2023-03** – A public hearing for the purpose of receiving public input and taking action on Ordinance #2023-03 to amend City Code Chapter 97, relative to changes in Landfill Operations.

Included in the agenda packet: ***(All supportive documents can be found on Pages 42-50 in the July 19, 2023 Council agenda packet)***

1. Proposed Ordinance #2023-03 (NOTE: Complete Ordinance with RED/BLUE highlights can be found on ***pages 44-48*** in the July 19, 2023 City Council agenda packet.)
2. June 28, 2023 Legal Opinion by Attorney Christine Johnston

City Manager Mulholland reviewed the background and changes to City Code Chapter 97 regarding the Landfill Operations.

BACKGROUND

Proposed changes to the City’s Pay-As-You-Throw (PAYT) Program at the Landfill were presented to the Council at its meeting on June 7, 2023. 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.

Below are the proposed changes to Ordinance #2023-03, which outlines the proposed amendments to Chapter 97, 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
- Clarifies the distinction between invoices issued upon use of the facility and monthly reminder statements which summarize prior invoices

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).

Before proceeding to the Public Hearing, Deputy City Manager David Brooks wanted to clarify that in §97-7, B. Billing (*page 47, Council agenda packet*), all the **red text** is what the Council saw in the agenda packet at the last meeting (July 5, 2023). The **blue text** (below) is a clarification of the billing procedure. The existing language suggested that we send out a monthly invoice to haulers. For the last couple of years it is the case that each and every time a hauler brings waste to the landfill, they receive an invoice. This clarifies that that is exactly the process which is already followed. The distinction is important because that original invoice given on the day the waste is brought in is the date by which the late fees and other payment dates are established.

B. Billing:

Commercial generators/waste haulers other than Smaller-Load Haulers will be invoiced monthly provided with an invoice when exiting the landfill for all each time solid waste is brought to the facility in the previous month. In addition, the City will mail a reminder statement with a summary of the invoice(s) in the previous month. Payment is due in full within 30 days of the date of the original invoice, not the statement date. Failure to pay in full within 60 days of the invoice date shall result in the suspension of the commercial permit and prohibit access to the facility. Past due accounts will be assessed interest in the amount of eight percent (8%), which will accrue monthly.

Assistant Mayor Below opened the Public Hearing and the following came forth to speak.

Susan Almy (Ward-2): She questioned and spoke about when haulers rates would be going up. City Manager Mulholland noted the rates will be set in December.

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

Council Discussions: None

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby adopts 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 as presented in the July 19, 2023 City Council agenda packet.

Seconded by Councilor Wilkie.

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

- B. SUPPLEMENTAL APPROPRIATION** - A public hearing for the purpose of receiving public input and taking action on a 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 in accordance with Municipal Finance Act (NH RSA 33).

See pages 51-53 in the July 19, 2023 Council agenda packet)

BACKGROUND

On June 21, 2023, the City Council voted, pursuant to its authority under NH RSA 47:5, to authorize the purchase of property located at 160 Mechanic Street, Lebanon (Tax Map 105, Lot 27) for a purchase price of \$400,000 (Four Hundred Thousand Dollars). As part of its motion, the Council designated and authorized 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 properties and to perform all obligations of the City under the P&S.

Based on the City Council's action, the Administration has initiated due diligence efforts, including deed and title research and an environmental review. 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.

City Manager Mulholland also noted this will not only the roundabout, but will help in funding a location for a (homeless) winter shelter (at least this year). We are working with the Haven in Hartford, VT to provide

shelter at some point next year. Lebanon does not have a shelter now and we have relied upon the folks in Claremont and Vermont to deal with our responsibilities.

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.

Assistant Mayor Below opened the Public Hearing and the following came forth to speak.

Susan Almy (Ward-2): She spoke about her reasons behind the lack of housing and rentals in Lebanon and was uncertain if the second shelter the Haven is planning on putting up would be able to handle what we will need two years from now. Lebanon needs to keep looking for a place.

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

Council Discussions: None

ACTION:

Councilor Wilkie MOVED the following:

FOR THE PURPOSE OF completing environmental assessment and funding the purchase of 160 Mechanic Street, Lebanon, in the amount of \$425,000.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that funds be appropriated for expenditure in the General Fund in the amount of \$425,000 (Four Hundred Twenty- Five Thousand Dollars) for the purchase of 160 Mechanic Street, Lebanon, and for the completion of environmental assessment associated with the property transaction; and

BE IT FURTHER RESOLVED, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (NH RSA 33), a bond issue or bond issues in an amount not to exceed \$425,000, and that, except as herein otherwise provided, discretion to fix the dates, maturities, denomination, interest rate, form, and other details of said issue(s) is hereby delegated to the City Treasurer, with the approval of the City Manager.

This resolution shall be effective upon passage.

Seconded by Councilor Whittlesey.

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

10. OLD BUSINESS: NONE

11. NEW BUSINESS

- A. Discussion & Set Public Hearing for August 2, 2023: Acceptance of Dedication of Commerce Avenue and Technology Drive**

Included in the agenda packet: *(Pages 54-55, Council agenda packet)*

1. Re-subdivision of Lebanon Airport Industrial Park, Phase 1-A, prepared by T&M Associates, dated July 1987, project #235787; recorded in GCRD as Plan #4745

Deputy City Manager David Brooks reviewed the background and map of the proposed re-subdivision of the Lebanon Airport Industrial Park, Phase 1-A, noting there is a prospective buyer doing their due diligence on one of the properties.

BACKGROUND

The City Council was requested to formally accept the dedication of the existing road rights-of-way for Commerce Avenue and Technology Drive located within the Airport Business Park.

The road rights-of-way were dedicated with the Re-subdivision of the Lebanon Airport Industrial Park, Phase 1-A plan, which was recorded in the Grafton County Registry of Deeds as Plan #4745 on December 9, 1987. The Council subsequently acted in April 1989 to rename the original “Executive Avenue” as “Technology Drive”.

Since the City itself was the landowner and sponsor of the Airport Business Park development, the City has always assumed ownership and maintenance responsibility for the roads within the Business Park, which were built in the late 1980s. The quitclaim deed language used by the City to convey the earliest Business Park lots included “a right-of-access” over Technology Drive and Commerce Avenue, which would lapse upon acceptance of the roads as “fully recognized public streets”. However, there is no evidence that the City Council has ever formally accepted the road rights-of-way to give them legal status as public streets pursuant to NH RSA 674:40

Since the subdivision plan depicting the road rights-of-way has already been approved by the Planning Board, the Council only needs to accept, by simple majority vote, the dedications that occurred with the recording of the plat in 1987.

Council Discussions: NONE

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 2, 2023, beginning at 7:00p.m. in Council Chambers, City Hall, and remote via City’s Virtual Platform, for the purpose of receiving public input and taking action to accept the dedication of the rights-of-way for Commerce Avenue and Technology Drive, constructed in approximately 1987, and shown on a plan titled “Re-subdivision of Lebanon Airport Industrial Park, Phase 1-A”, prepared by T&M Associates, dated July 1987, project #235787, and recorded in the Grafton County Registry of Deeds on December 9, 1987 as Plan #4745.

Seconded by Councilor Heistad.

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

- B. Discussion and Set Public Hearing for August 16, 2023: Consideration of Provisional Dedication and Acceptance of an alternate **Barden Hill Road** (Public Highway per NH RSA 229:1 or Class A Trail per NH RSA 231-A:5)**

City Manager Mulholland noted the Council will just be setting a Public Hearings for the following items. At the August 2, 2023 Council meeting the public, Patch Forest, LLC, City Staff, and Attorney Decker will be able to discuss the layout of the proposed changes that Patch Forest, LLC is requesting. The only decision the Council needs to make at this meeting is to schedule a Public Hearing.

Included in the agenda packet: *(All supportive documents/Maps/Photos for the below can be found on Pages 56-71, in the July 19, 2023 Council agenda packet)*

1. Proposed Terms of Compromise from Patch Forest, LLC, received July 11, 2023
2. Memorandum from Attorney Matthew C. Decker RE: Public Highways, dated December 29, 2020

GIS Coordinator Mark Goodwin and Attorney Matthew Decker, representing Patch Forest, LLC, reviewed the background information as provided in the July 19, 2023 Council agenda packet for the new **Barden Road Trail**.

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 for consideration of dedication and acceptance by the City.

The proposal stems from litigation between Patch Forest, LLC and the City, which has been temporarily suspended to allow the parties to mediate a potential resolution concerning the Class VI roads on the Patch Forest property. The current proposal from Patch Forest would make both the pending litigation and the ongoing mediation moot.

Attorney Matthew Decker provided an overview of the current settlement proposal from Patch Forest, LLC and a discussion of the distinctions between dedication and acceptance as a Public Highway per NH RSA 229:1 or as a Class A Trail per NH RSA 231-A:5. In addition, it is expected that City staff will be walking the alternate **Barden Hill** alignment within the coming weeks to collect GPS coordinates, photos, and videos for presentation to the City Council on August 2nd.

The City Council was asked to schedule a public hearing for August 16, 2023, at which time a presentation from Patch Forest, LLC will be provided in relation to the provisional dedication and acceptance of a proposed alternate **Barden Hill** alignment as depicted on the map on *page 76, Council agenda packet*.

Assistant Mayor Below acknowledged the following members of the public who came forward to speak.

Curt Moody (Ward-3): He questioned if the maps in the agenda packet were correct and gave his reasons why it was a shame to give away any land that the City owns if it is not needed. He was also concerned that if this could happen to this land, would other people be coming in and saying the same thing. Mr. Moody and Mr. Mark Goodwin discussed the proposed boundary for Barden Hill.

Ms. Barbara Harai (Ward-1, member of Class VI Roads Committee): She encouraged the City hold a site walk for the public before the Council meeting on August 2, 2023, noting this would be helpful for the public to see where the proposed trail is.

Attorney Decker suggested that they be allowed to make the presentation on August 2, 2023 and he will speak to attorney Wilder about the pros/cons of a (public) site walk. At this point, the City's position is that Barden Hill is historically a public right-of-way/trail, so there is a right to walk up there and further explained his reasons.

Assistant Mayor Below commented that the point of having this meeting and one on August 2, 2023 is to start to get more information out (to the public) before we get to the actual Public Hearing.

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 16, 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 proposal from Patch Forest, LLC for provisional dedication and acceptance of an alternate Barden Hill Road (Highway or Class A Trail).

Seconded by Councilor Wilkie.

Councilor Heistad questioned the blue trail line shown on the map that comes down, across Kimballs' land, and then ends. He noted the trail is truly walkable down to the Methodist Hill Road. Why is this not shown? In response, attorney Decker noted the color coded map is not their best, most precise map. The map on page 76 shows the more accurate course, which includes Barden Hill going all the way down to Methodist Hill Road.

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

- C. Discussion and Set Public Hearing for August 16, 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). *(See Maps on page 79 and page 81, which depict the City of Lebanon, NH Draft Class VI Road Maps.)*

Included in the agenda packet: *(All supportive documents/maps/photos for the below can be found on pages 72-109 in the July 19, 2023 Council agenda packet)*

1. Proposed Terms of Compromise from Patch Forest, LLC, received July 11, 2023
2. Class VI Road – Maps and Graphics
3. Planning Department memorandum of Class VI Road Committee Review of Barden Hill Road dated January 6, 2021, with supporting documentation.
4. Planning Department memorandum of Class VI Road Committee Review of Durkee Road, dated January 6, 2021, with supporting documentation.
5. Planning Department memorandum of Class VI Road Committee Review of Atherton Road dated January 6, 2021, with supporting documentation.
6. Planning Department memorandum of Class VI Road Committee Review of McCallister Road, dated January 6, 2021, with supporting documentation.
7. Email communication from Rob Taylor, Town of Enfield Land Use and Community Development Administrator, dated July 11, 2023

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).

These proposals stem from litigation between Patch Forest, LLC and the City, which has been temporarily suspended to allow the parties to mediate a potential resolution concerning the Class VI roads on the Patch Forest property. The current proposal from Patch Forest would make both the pending litigation and the ongoing mediation moot.

City staff and legal counsel were present and provided an overview of the current settlement proposal from Patch Forest, LLC and reviewed the Class VI road information and materials.

The City Council was asked to schedule a public hearing for August 16, 2023, at which time a presentation from Patch Forest, LLC will be provided in relation to the proposed discontinuances.

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 16, 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 proposal from Patch Forest, LLC for 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).

Seconded by Councilor Wilkie.

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

12. City Manager Report:

City Manager Mulholland updated the Council on the following:

- Property taxes high collection rate and data
- August 16, 2023: UNH is coming to the Technology Center to speak about roadway tech./maintenance/paving, etc. This is a regional meeting and will start at 4:15PM. The Council is invited to attend.
- The July bond rates came in at 3.65% for 20 years. – lower than expected
- Child Care Center (Early Learning Center of the Upper Valley): The amount requested has been included in the appropriations going into the House of Representatives.
- Laptops for Councilors: Council was asked to let him know if they needed a new laptop/tablet.
- Paving updates
- Deputy City Manager David Brooks will be overseeing the next Council meeting on August 2, 2023 because he will be going on vacation. Nick Coates will be presenting him on August 16, 2023.

Councilor Simon noted there is no signage warning the public about changes in water currents/levels at Bridge Street Park. He spoke about the different times the Hydroelectric Dam lets water out and requested the City look into an appropriate warning(s) for the public.

13. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

14. FUTURE AGENDA ITEMS: Presented at end of the July 19th Council agenda packet.

15. NON-PUBLIC SESSION: NONE

16. ADJOURNMENT:

Councilor Heistad MOVED for adjournment.

Seconded by Councilor Whittlesey

**The Vote on the MOTION was unanimously approved (6-0).*

The meeting was adjourned at 7:36 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary