

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, August 2, 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: City Manager Shaun Mulholland (Staff)

STAFF PRESENT: Deputy City Manager David Brooks, GIS Coordinator Mark Goodwin

1. **CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Councilor Simon led the Council in the Pledge.
 - Deputy City Manager David Brooks announced the meeting criteria for the public.
3. **PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
4. **OPEN TO PUBLIC: No one from the public came forth.**
 - Councilor Liot Hill spoke about the special Executive Council and Governor meeting that took place earlier today at Hypertherm in Lebanon, NH..
5. **RECOGNITIONS:**
 - Resolution Honoring Susan Johnson and Members of the Lebanon Tree Advisory Board

**Resolution Honoring
Susan Johnson and Members of the
Lebanon Tree Advisory Board**

WHEREAS, Susan Johnson provided exceptional leadership, expertise, and commitment to preserving Lebanon's natural beauty as the lead author of the USDA Forest Service Urban and Community Forestry Inflation Reduction Act Notice of Funding Opportunity Grant submission. Her efforts have been instrumental in developing effective strategies to enhance our City's environment and in supporting urban tree planting, urban forest planning and management, and

WHEREAS, board members, Andrew Garthwaite, Kathleen Corrigan, Charles Dupuy, Mary Maxfield, Kelsey Haigh, and Sarah Riley each brought unique perspectives and unwavering dedication to the Tree Advisory Board's mission. All of their collective expertise played a vital role in promoting sustainable urban forestry practices and improving our City's tree canopy, and

WHEREAS, through combined board efforts, a tree planting program will be initiated, responsible tree care has been advocated, and awareness about the environmental benefits of trees has been raised. This work has enhanced the visual landscape of our City, improved air quality, and increased the overall quality of life for our residents, and

WHEREAS, the dedication and outstanding contributions of the Tree Advisory Board has had a

significant positive impact on our community. The work reflects the board's commitment to environmental stewardship and the wellbeing of our community.

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Lebanon City Council, on behalf of the citizens of Lebanon, express our gratitude to Susan Johnson and members of the Tree Advisory Board. Their dedication serves as an inspiration to all, highlighting the importance of working together to protect and preserve Lebanon's natural resources for future generations. Their passion and accomplishments are truly remarkable, and we are grateful for their efforts in creating a sustainable and greener future for our City.

Dated this 2nd day of August 2023.

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

- Resolution honoring Sherry Boschert, Phil Bush, and Other Contributing Members of the Charging and Fueling Infrastructure (CFI) Discretionary Grant – Community Program Grant Submission

**Resolution Honoring
Sherry Boschert, Phil Bush, and Other
Contributing Members of the Charging
and Fueling Infrastructure (CFI)
Discretionary Grant - Community
Program Grant Submission**

WHEREAS, the City of Lebanon is committed to promoting sustainable transportation options and reducing greenhouse gas emissions; and

WHEREAS, the Charging and Fueling Infrastructure (CFI) Discretionary Grant -Community Program, with a total project cost of \$5,229,000, presents an opportunity for the City of Lebanon to enhance its electric vehicle (EV) charging infrastructure and support the transition to cleaner transportation alternatives; and

WHEREAS, Sherry Boschert, as the Lebanon Energy Advisory Committee (LEAC) Electric Vehicle Subcommittee Chair, has provided exceptional leadership, expertise, and commitment to the advancement of electric vehicle infrastructure in Lebanon, the Upper Valley, New Hampshire, and the United States. Her unwavering efforts and deep understanding of sustainable transportation have been instrumental in shaping effective strategies to address global climate change through the transformation of our transportation system to non-polluting electric vehicles. Sherry Boschert has been the lead author in the preparation and submission of the Charging and Fueling Infrastructure (CFI) Discretionary Grant application; and

WHEREAS, Phil Bush, representing Sustainable Lebanon, has made significant contributions to promoting sustainability and environmental stewardship within the community. His expertise and dedication have played a vital role in advocating for sustainable practices and initiatives that align with the goals of the grant program. Phil has provided a major contribution to the preparation and submission of the grant application; and

WHEREAS, the collective efforts and contributions of the following individuals have supported the grant application process and demonstrated their commitment to creating a sustainable future for Lebanon:

- Greg Ames, Clifton Below, and Meghan Butts – LEAC EV Subcommittee
- Ben Steele – Sustainable Hanover
- Emily Walton – Chair of Lebanon Diversity, Equity & Inclusion Commission
- Jon Chaffee and Judith Bush - Sustainable Lebanon members
- Meg Newman - Resident
- Cori Hirai – Former Lebanon Planning Board member; and

WHEREAS, their additional support, expertise, and dedication have greatly contributed to the City’s comprehensive and competitive proposal for the Charging and Fueling Infrastructure (CFI) Discretionary Grant - Community Program.

NOW, THEREFORE, BE IT RESOLVED by the Lebanon City Council that we, the members of the Lebanon City Council, on behalf of the citizens of Lebanon, express our gratitude to Sherry Boschert, Phil Bush, and all those who participated in submission of the grant application. Their dedication serves as an inspiration to all, highlighting the importance of working together to protect and preserve Lebanon's natural resources for future generations. Their passion and accomplishments are truly remarkable, and we are grateful for their efforts in creating a sustainable and greener future for our City..

Dated this 2nd day of August 2023.

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

- Resolution Honoring the Rotary Club of Lebanon

**Resolution Honoring
Rotary Club of Lebanon**

WHEREAS, the Rotary Club of Lebanon generously gifted \$55,000 toward the creation and development of Harmony Park, a collection of outdoor, interactive musical instruments situated on the Lebanon Mall in downtown Lebanon; and

WHEREAS, Harmony Park stands as a testament to creativity and artistic expression, providing a captivating experience for individuals of all ages using the musical sculptures, thereby making it a great addition to the Lebanon Mall area for both local residents and visitors alike; and

WHEREAS, Harmony Park promotes and encourages creativity, stimulates the mind, and brings joy to all who visit; and

WHEREAS, the Rotary Club of Lebanon has, for over 100 years, been a generous and committed partner of the City of Lebanon, contributing to numerous impactful initiatives over the years.

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Lebanon City Council, on behalf of the citizens of Lebanon, extend our profound gratitude to the Rotary Club of Lebanon for their generous gift of Harmony Park and we look forward to continuing our collaboration with the Rotary Club of Lebanon on future endeavors for the betterment of the community.

Dated this 2nd day of August 2023.

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

6. ACCEPTANCE OF MINUTES: July 19, 2023 (Regular Meeting)

Councilor Wilkie MOVED to approve the July 19, 2023 Regular Session minutes as written and presented in the August 2, 2023 City Council agenda packet.

Seconded by Councilor Whittlesey.

**The Vote on the Motion was approved (8-0-1). Mayor McNamara recused himself from this vote because he was not present at the July 19, 2023 meeting.*

7. APPOINTMENTS:

- Lebanon Energy Advisory Committee, Jonathan Chaffee (Re-appointment Regular Member)

Councilor Liot Hill MOVED to NOMINATE Jonathan Chaffee for Re-appointment as a Regular Member of the Lebanon Energy Advisory Committee for a 2-year term. Term: 8/23-8/25

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

8. PUBLIC HEARING ITEMS:

- A. ACCEPTANCE OF DEDICATION OF COMMERCE AVENUE AND TECHNOLOGY DRIVE**
– A public hearing for the purpose of receiving public input and taking action to accept a dedication of Commerce Avenue and Technology Drive originally dedicated in 1987 and constructed in the 1980s

Included in the agenda packet: [*\(pages 27-30\)*](#)

1. “Re-subdivision of Lebanon Airport Industrial Park, Phase 1-A”, prepared by T&M Associates, dated July 1987; recorded in GCRD as Plan #4745 on December 9, 1987

Deputy City Manager David Brooks reviewed the background regarding why the Council needs to formally accept the dedication of Commerce Avenue and Technology Drive.

BACKGROUND

The City Council is 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 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 dedications that occurred with the recording of the plat in 1987, and the road rights-of-way was approved by the Planning Board, it only needs to be accepted, by simple majority vote,

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

Council Discussions: None

ACTION:

***Assistant Mayor Below MOVED, that the Lebanon City Council hereby accepts the dedication of the road 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, and recorded in the Grafton County Registry of Deeds on December 9, 1987 as Plan #4745.
Seconded by Councilor Liot Hill.***

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

9. OLD BUSINESS

- A. Lebanon Airport–Tech Park Tax Increment Finance (TIF) District - Action to amend the Lebanon Airport–Tech Park TIF District Boundary (Public Hearing Held July 5, 2023)

Included in agenda packet ([pages 31-36](#))

1. Lebanon Airport-Tech Park TIF District Boundary as adopted on November 6, 2019
2. “Subdivision Plat for Upper Valley Technology Park, LLC, Planned Unit Development, Airpark Road Extension Road, Grafton County, Lebanon, NH”, prepared by Latitudes Land Surveying, dated April 6, 2023
3. 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 briefly reviewed the background regarding the proposed amendment to the Lebanon Airport–Tech Park 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 originally established, the Lebanon 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 Airpark Road to provide access to 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.

The owners of the UVTP parcel have also received interest from a potential buyer of the westerly side of their property (the third lot of the 3-lot PUD; see attached plan), which would be accessed from Technology Drive within the Phase 1-A 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 road 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 right-of-way will become the City's responsibility for ownership and maintenance as are the existing improvements.

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, recommended 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 TIF revenues to be used for the construction and maintenance of the new segments of roadway and utility infrastructure within the right-of-way.

Council Discussions: None

ACTION:

Councilor Liot Hill MOVED the following:

RESOLUTION:

WHEREAS: The City Council of the City of Lebanon adopted the provisions of NH RSA 162-K, Municipal Economic Development and Revitalization Districts, pursuant to a Resolution passed by the City Council on July 11, 2018; and

WHEREAS: The City Council of the City of Lebanon established the Lebanon Airport- Tech Park Tax Increment Financing (TIF) District and adopted the accompanying TIF District Development Program and Financing Plan, consistent with the requirements of NH RSA 162-K, on November 6, 2019; and

WHEREAS: The City Council of the City of Lebanon held a duly noticed public hearing on July 5, 2023 to consider an amendment to the Lebanon Airport-Tech Park TIF District boundary in accordance with requirements of NH RSA 162-K:5 and pursuant to the provisions of the adopted TIF District Development Program,

NOW, THEREFORE, BE IT RESOLVED BY THE LEBANON CITY COUNCIL:

That the Lebanon Airport-Tech Park Tax Increment Financing (TIF) District boundary adopted on November 6, 2019 is hereby amended to include and incorporate the southernmost 220 feet of the right-of-way of Technology Drive as described and depicted on plans and information included in the City Council's agenda packet for the August 2, 2023 meeting.

This Resolution shall be effective upon passage.

Seconded by Councilor Wilkie.

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

- B. Discussion 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)

Included in agenda packet: [*\(All supportive documents/maps/photos can be found on pages 37-50 \)*](#)

1. Map of Patch Forest, LLC Proposal, dated July 26, 2023
2. Photos of proposed alternate Barden Hill alignment, and existing conditions on Durkee Road, Atherton Road, McCallister Road, taken July 18, 2023

Not included in the agenda packet:

1. Two (2) Videos regarding the terrain of Barden Hill Road were presented by attorney Brad Wilder, legal counsel for Patch Forest, LLC. These videos (filmed from a 4-wheeler) can be viewed in their entirety through the August 2, 2023 City Council video listed on the City's website.

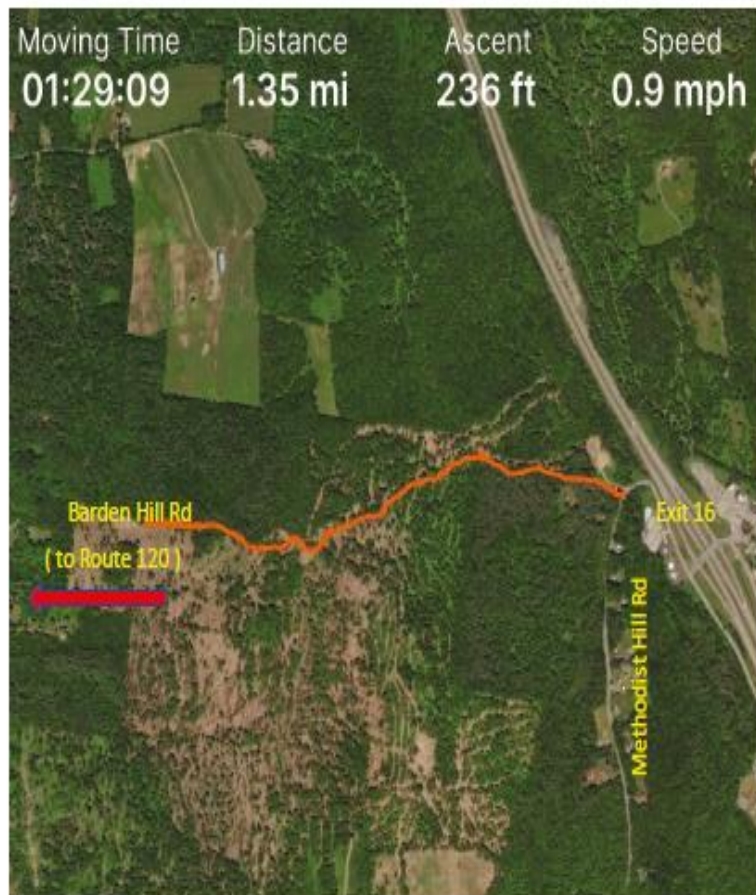
BACKGROUND

On July 19, 2023, the City Council voted to schedule a public hearing for Wednesday, August 16, 2023 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 alignment.

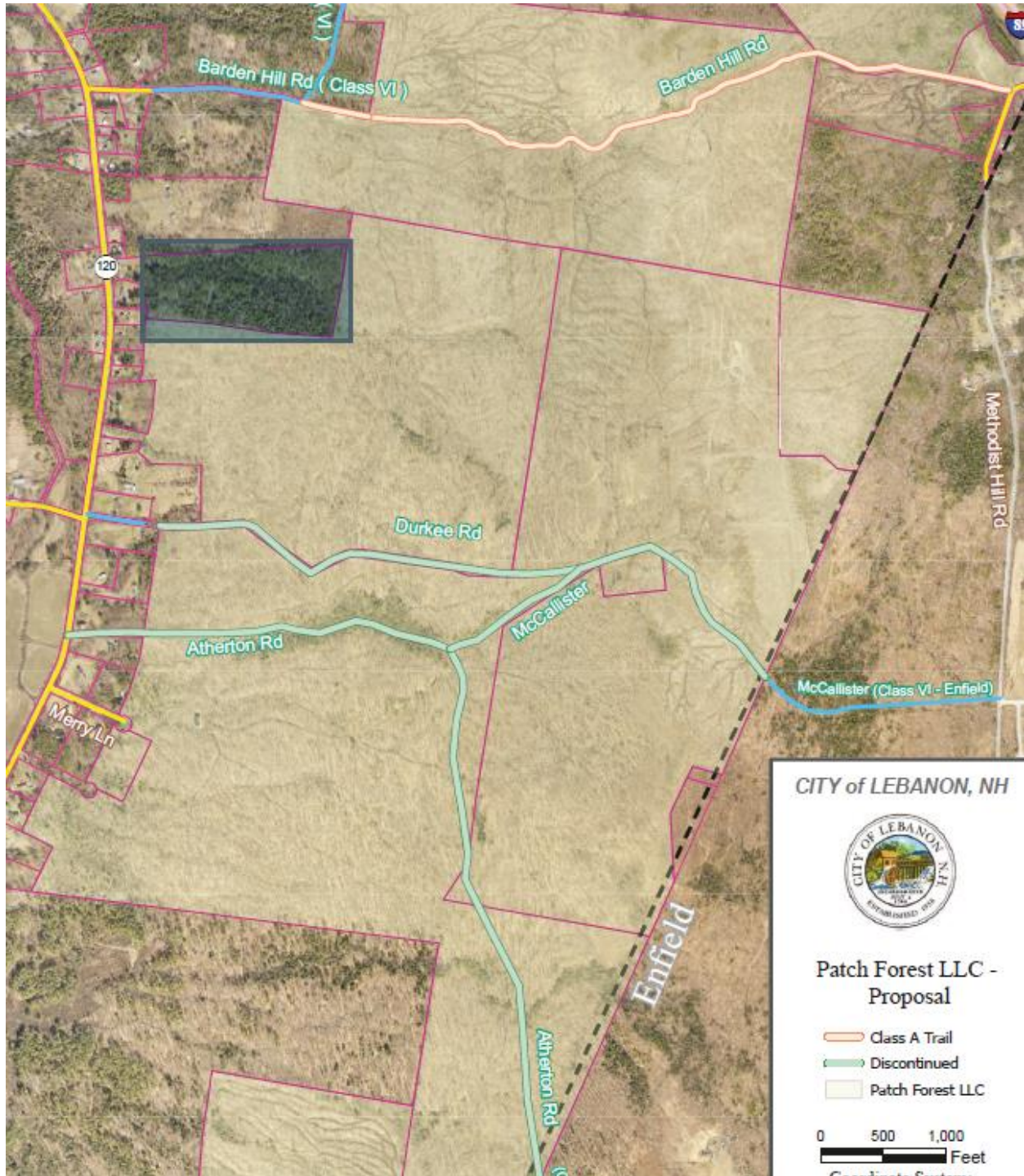
For the benefit of the Council and the general public, GIS Coordinator Mark Goodwin and the City's attorney, Matt Decker, walked the proposed alternate Barden Hill Road alignment as flagged by Patch Forest, LLC. Mr. Goodwin and Attorney Decker were present on August 2nd and reviewed and discussed a GPS map of the route, along with photos and videos of the proposed alternate Barden Hill alignment and other Class VI roads on the property.

MAP #1: Barden Hill Road

July 18, 2023 Barden
Hill Road - GPS Hike



Map #2: Barden Hill Road, Durkee Road, Atherton Road, and McCallister (Class VI) Road



City Attorney Matthew Decker noted this is #2 out of 3 nights dealing with these roads and a potential resolution of a lawsuit. The purpose of this meeting is to report on what Mark Goodwin and he observed while walking the proposed trail that Patch Forest, LLC would like to dedicate to the City in trade for a discontinuance of some of the other historical roads.

Attorney Decker noted the Patch family acquired 900 acres south of their farm in 2017 and then reviewed the background of Barden Road, Durkee Road, Atherton Road, and McCallister Road as depicted on the map above. The Patch family is challenging the status of these roads as public highways because the City does not have layouts for these (4) roads as far as we know. Historically, roads would be laid out by a Board of Selectmen and would describe the course/width of the road(s) and potentially pay damages to any private property owners that the road(s) run over. The City has quite a few layouts dating back to the 1700's which cannot be matched up with any known roads today. At this point, there is some uncertainty about the status of these roads because there are no layouts for these roads. (A caveat: We think we have identified a layout for Atherton Road.) With lack of a layout, the next way to determine that these (roads) are public highways is by prescription, which is 20-years use by the public adverse to the property owner's rights (i.e., without permission from the property owner(s), and further explained his reasonings.)

The Class VI Roads Committee did a lot of work reviewing these roads with Mr. Mark Goodwin and reached a determination that the evidence supported a conclusion that in the absence of layouts these were public highways by prescription. Attorney Decker agreed with their conclusion but the Patch family disagreed, which is why there is a pending court case to ask a judge to determine if the evidence supports these roads being public highways by prescription.

Superior Court Judge Bornstein walked and reviewed these roads in person on November 27, 2022 and we, as a group, walked across Barden Hill Road from west to east, and then came back through McCallister and Atherton (east to west) starting in the Town of Enfield on Methodist Hill Road. The purpose of this was so the judge could see the physical evidence of the road in preparation of a trial. After Judge Bornstein viewed the roads, he ordered the parties to go through mediation because it was his view there was a chance for a compromise to resolve this case without a trial. The mediation took place in late February 2023 and the outcome was a proposal from Patch Forest, LLC to dedicate the proposed as Barden Trail to the City in exchange for discontinuing the other roads, which would enhance the use of their sugar sap farming operations. To that end, the Council scheduled a Public Hearing for August 16, 2023. The course of the proposed Barden Hill Trail has now been flagged and, if approved, would replace the now Barden Hill Road. (Please refer to Maps above).

GIS Coordinator Mark Goodwin and Attorney Decker reviewed and narrated the layout of the roads as depicted on the maps above. They also reviewed and explained each of the photos that were included in the August 2, 2023 Council agenda packet ([Pages 38-50](#)), noting they have approximately 75 photos and a few videos to further document these roads.

Attorney Decker noted the roads that are not being challenged are Durkee Road and Barden Road west up to the intersection of Downer Road.

Attorney Brad Wilder, legal counsel for Patch Forest, LLC, came forth and presented two (2) videos showing what the proposed Barden Hill Trail look like now. City Attorney Decker and he have spent the last couple of years in discovery and from his point of view there are various issues in dispute. A lot of the work between he and Attorney Decker was done to try and come up with a proposal that would be a win-win for everyone. The proposal Patch Forest, LLC is asking the Council to consider considers the benefits for the City of Lebanon and the public. At the August 16, 2023 meeting, he intends to go through a lot of information showing the nuances of this case and why this case is not worth either party taking it before a judge. However, the purpose for tonight was to show the Council what the proposed Barden Hill (Class A) Trail looks like and how it could benefit the public.

Attorney Wilder presented and narrated two taken using an ATV (All-Terrain Vehicle). (His videos can be viewed in their entirety through the August 2, 2023 Council video that has been uploaded to the City of Lebanon's website.)

1. Video #1: 1st Section of the proposed Barden Hill Trail starting at Route 120. This section has been recently bushhogged.
2. Video #2: This is an extension of where video #1 left off. There are some sap lines crisscrossing this proposed trail. What Patch Forest, LLC is proposing as part of this arrangement is that all of the sap lines and obstructions over the trail will be removed to the eastern end of Methodist Hill Road. He also mentioned that the Patch family would propose to improve this section to be like the first section.

Council Discussions:

Councilor Liot Hill would like to hear more about the width of the trail; what types of uses might be happening; Deed restrictions; and how the new Barden Hill Trail might be preserved for the public. Attorney Wilder noted this trail would be 16.5 ft. wide (1 rod). For the uses, the Patch family would not like motorized vehicles (i.e. Jeeps or 4-wheelers) and further explained what could possibly be done for future uses.

City Attorney Decker explained the definition of a Class A Trail, noting the Council controls the restrictions on the trail. If the Patch family directly dedicated it as a Class A Trail under a different section of RSA 231-A, then, as the dedicators, they would also have the authority to define the trail restrictions, but the Council could impose additional restrictions. If it is done this way, this Class A Trail could never get turned into a Class VI or a Class V public highway. This informed the proposal about the width being 1 rod (16.5 ft.). If there was a potential for this becoming a Class V road in the future (i.e., 50-100 years), you would want a width of 3 rods so the road would be wide enough to pave.

In response to Councilor Sykes questions regarding the maintenance of the trail, Attorney Wilder said they anticipate that if this trail is accepted by the City, the Snowmobile Club will use it and it will serve as a major corridor for snowmobiles. His understanding is that the Snowmobile Club goes through their trails and mows them. The Patch family may also have an interest in maintaining the trail by brush hogging it to keep it open so the public will stay on the trail and not get lost.

Assistant Mayor Below questioned if the orange flagging was generally at the midline (of trail) or a general indication. Attorney Wilder noted flagging was a general indication of where the trail would go. If the proposal is approved by the Council, the Patch family will hire a surveyor. The flagging (now) was put there by the Patch family because it seemed like the most advantageous (easiest) route for people to follow and further explained his reasonings.

Assistant Mayor Below and Attorney Wilder had discussions regarding how much of this flagged trail (proposed Barden Hill Trail) is on the existing snowmobile trail and if this is part of the relocation of where snowmobiles will go. Attorney Wilder explained that once something becomes a Class A Trail, then future development on that trail is restricted or prohibited, which would have an impact on the Patch family if they ever wanted to put up a barn, or structure, that would benefit their maple sugar industry because they would not be able to do this if parts of their private road was classified as a Class A Trail. Further discussions ensued about the preciseness of the boundary line(s).

Assistant Mayor Below suggested the Patch family do the work first (i.e., grading, culverts, etc.) and then have the property surveyed and explained his reasonings.

Councilor Liot Hill would like the following information to be included at the Public Hearing meeting on August 16, 2023:

- Information on maintenance;
- Use restrictions (as proposed by Patch Forest, LLC);
- Dedication change proposals;
- Information to protecting public rights in perpetuity for this Class A Trail (Barden Hill Trail);
- Parking amenity rights.

ACTION: *No action is required. The presentation and discussion by City staff and legal counsel is informational only in advance of the public hearing scheduled for August 16, 2023.*

10. NEW BUSINESS

- A. Discussion and Set Public Hearing for August 16, 2023: Ordinance 2023-04: Chapter 110, Noise from Sound Amplification Systems

Included in the agenda packet: *(All supportive documents/photos can be found on pages 51-58)*

1. Proposed Ordinance #2023-04 (with redline changes)
2. City Code Chapter 110, Noise from Sound Amplification Systems

Deputy City Manager David Brooks reviewed the background and proposed changes to Ordinance 2023-04: Chapter 110, Noise from Sound Amplifications Systems.

BACKGROUND

During the City Council's meeting on May 17, 2023, the Council and City Manager Mulholland discussed the process for issuing sound permits pursuant to City Code Chapter 110, Noise from Sound Amplification Systems. During the discussion, the Council indicated support for delegating the permitting authority to the City Manager instead of continuing to require Council approval for certain permits. In addition, the Council expressed support for extending the allowed permit times.

Based on the Council's guidance, the Administration has prepared an ordinance outlining proposed changes to City Code Chapter 110 to clarify the process and terms for issuing sound permits and to designate the City Manager as the permitting authority.

ACTION:

Councilor Wilkie 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 proposed Ordinance #2023-04, to amend the Code of the City of Lebanon, Chapter 110, Noise from Sound Amplification Systems, to clarify the process and terms for issuing sound permits and to designate the City Manager as the permitting authority.

Seconded by Councilor Simon.

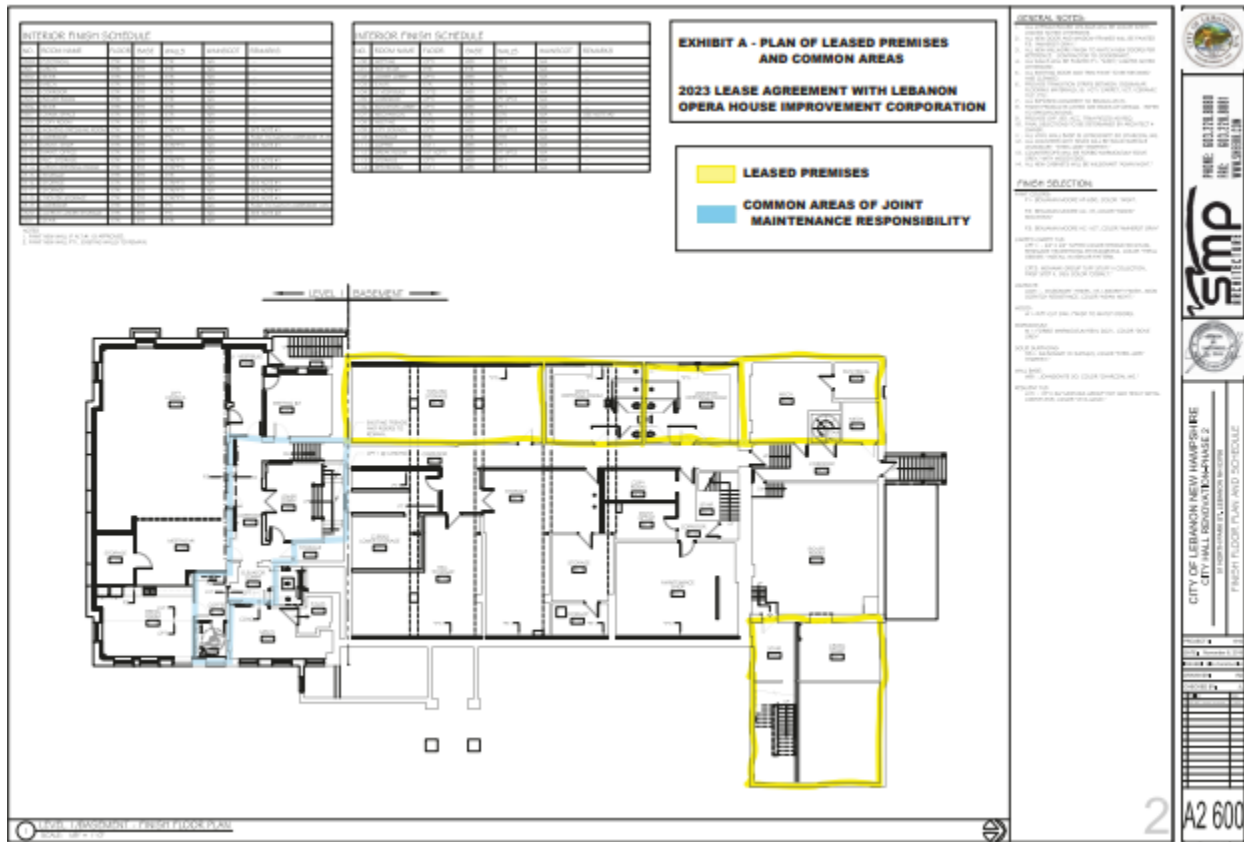
The Council had a short discussion regarding the start/end times for Sunday events.

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

- B. Authorization for City Manager to Execute Lease Agreement With Lebanon Opera House for Amendments to Current Lease

Included in the agenda packet: *(All supportive documents/photos can be found on pages 59- 63)*

1. Exhibit A (below) – Plan of Leased Premises and Common Areas - 2023 Lease Agreement with Lebanon Opera House Improvement Corporation



Deputy City Manager David Brooks reviewed the background behind the improvement request from the Lebanon Opera House Improvement Corporation (LOHIC).

BACKGROUND

The Lebanon Opera House Improvement Corporation (LOHIC) is preparing to undertake renovations in commemoration of the Opera House's 100th anniversary.

To accommodate the planned improvements, the City Administration and LOHIC have proposed minor amendments to the current lease agreement, which was most recently amended in April 2022. The proposed amendments allow LOHIC to install and take responsibility for improvements, including carpeting and wallpapering, within the main lobby area, which is outside of the current Leased Premises. In addition, the City and LOHIC have agreed to share maintenance responsibility for common areas of joint use. The remaining terms and conditions of the lease agreement will remain the same.

Under the language of the current lease, none of the covenants, terms or conditions shall in any manner be altered, waived, modified, changed or abandoned except by written instrument signed by both parties after City Council approval.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into and execute a lease agreement with the Lebanon Opera House Improvement Corporation for leased premises within City Hall as shown on “Exhibit A – Plan of Leased Premises and Common Area – 2023 Lease Agreement with Lebanon Opera House Improvement Corporation,” and included in the August 2, 2023 City Council Agenda Packet.

Seconded by Councilor Liot Hill.

In response to Councilor Syke’s concerns regarding spelling out maintenance, Deputy City Manager Brooks noted they have added other appendices to the document which spells out what the custodian and LOHIC has agreed to.

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

11. City Manager Report:

Deputy City Manager Brooks updated the Council on the following:

- 160 Mechanic Street property: Entered into a P&S (Purchase & Sale Agreement). No closing date set yet.
- Collaboration between the NH DOT and City regarding the Westboro Yard.
- There will be a City Council Work Session on August 16, 2023, from 6:00-7:00 PM regarding road maintenance issues (No quorum required). This will take place before the regular Council meeting, which starts at 7:00 PM.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: None

13. FUTURE AGENDA ITEMS: Listed at the bottom of the agenda items for this meeting.

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Heistad MOVED for adjournment.

Seconded by Councilor Wilkie.

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

The meeting was adjourned at 8:52 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary