



**DOWNTOWN LEBANON TIF ADVISORY BOARD  
OCTOBER 30, 2023 - 6:00 PM  
COUNCIL CHAMBERS, CITY HALL OR  
REMOTE VIA VIRTUAL PLATFORM  
LEBANONNH.GOV/LIVE**

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**1. Call to Order**

- A. The October 30, 2023 Downtown TIF Advisory Board Meeting is hereby called to order.

**2. Approval of Minutes**

- A. August 3, 2022

**3. New Business**

- A. Review and make a recommendation to the City Council regarding the RSA 79-E tax exemption application for the Woolen Mill Project.
- B. Workshop: Ethics Policy for elected and appointed officials.

**4. Future Agenda Items**

**5. Next Meeting Date**

**6. Other Business**

**7. Adjournment**

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



**MINUTES**  
**DOWNTOWN LEBANON TIF ADVISORY BOARD**  
**WEDNESDAY, AUGUST 3, 2022 – 6:00PM**  
**Council Chambers, City Hall or**  
**REMOTE VIA VIRTUAL PLATFORM**  
[LebanonNH.gov/Live](https://LebanonNH.gov/Live)

**1. CALL TO ORDER:** The August 3, 2022 Downtown TIF Advisory Board Meeting was called to order by City Manager Shaun Mulholland.

Present on the Board; Victoria Smith, Councilor George Sykes, Peter Owens, City Manager Shaun Mulholland, UVBA Executive Director Tracy Hutchins.

Absent: Chairman Barry Schuster

**2. APPROVAL OF MINUTES:**

MOTION made by Victoria Smith, second by Peter Owens to approve the - March 29, 2021 minutes. Victoria and Peter voted yes, Councilor Sykes abstained.

MOTION made by Victoria Smith, second by Councilor Sykes to approve the- June 21, 2021 minutes. Victoria and Councilor Sykes voted yes, Peter abstained.

**3. NEW BUSINESS:**

A. Presentation by Jon Livadas relative to the redevelopment of the mill complex located at Map 91, Lot 263 and specific adjacent properties. Jon presented a slide show depicting the project and requested the board consider the expenditure of approximately \$1.5 million in TIF funds to help pay for the public improvements which would include a plaza, stairway from Mechanic St. and ramp system and a river trail. The island in the middle of the river would be turned over to the City for conservation and/or recreational purposes.

B. Next steps would be for the City to work with Jon to work on a development agreement and work out the details. The City Manager would produce a package and get that back to the Board when it is ready.

**4. FUTURE AGENDA ITEMS:**

**5. NEXT MEETING DATE:**

**6. OTHER BUSINESS:**

**7. ADJOURNMENT.** MOTION to Adjourn made by made by Peter and second by Peter. Meeting adjourned at approximately 6:40 PM

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to [LebanonNH.gov/Live](https://LebanonNH.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please visit [LebanonNH.gov/Live](https://LebanonNH.gov/Live) for full details.

October 18, 2023

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Attn: Lebanon City Council & City of Lebanon Planning Department  
 City Hall  
 51 North Park Street  
 Lebanon NH, 03766

Lebanon City Council,

Attached is our application for the Community Revitalization Tax Relief Incentive Program (RSA 79-E) for 1 Foundry Street (including 25 Mechanic St) in downtown Lebanon.

We are thrilled to be working on this project given its history and location along the Mascoma River. The Lebanon Woolen Mill is currently approved for 196 units, but we will be resubmitting a site plan with a proposal for 183 units which removes the new building located at 43 Mechanic and preserves the existing structure. The development will include the renovation of the historic mill, two new buildings, the demolition of blighted buildings and the remediation of a longstanding brownfield site.

This project will transform a vacant mill and parking lot into residential buildings with below grade parking, strategically located surface parking while maintaining the core of the site for the “Mill Yard”. The Mill Yard will be an urban park for our tenants and the public to enjoy. In addition to the Mill Yard there will be a river walk along the Mascoma which will help connect Blacksmith Street and the River Mill Center to Foundry Street/downtown. The development will also include the revitalization of the shoreland by removing invasive species and other contamination from decades of poor treatment. Lastly, there will be an ADA accessible path from Mechanic Street that will allow pedestrians to walk through the Mill Yard to Foundry Street, creating a safer walking and biking experience to get downtown.

Unlike our previous submittal, we are proposing to include an affordable component in our development, but we need the assistance of the City Council and 79E to help make that possible. Per the City Council’s meeting in August 2021, the below table highlights the requirements for additional 79E abatement.

		TARGETED AREA MEDIAN INCOME (AMI)				
		60% or less	60 - 70%	70 - 80%	80 - 90%	90 - 100%
<u>% OF UNITS IN PROJECT</u>	40% or more	4	3	3	2	1
	30-40%	4	3	2	1	1
	20-30%	3*	2	2	1	0
	10-20%	2*	1	1	1	0
	0-10%	1*	1	0	0	0

\* Units targeted for 50% or less of AMI qualify for 1 additional year of tax relief

Since the above chart was approved, interest rates have increased from ~3% to ~8%, CPI has increased by 12%, and construction costs are anywhere from 20% - 40% higher. This has resulted in tens of millions in increased costs for developments of this size. We acknowledge the importance of affordable housing, but we also must acknowledge that the market is 99.5% leased and units of all types are needed to help alleviate the macro-economic issue of supply and demand. While the pipeline of new real estate developments may seem fuller than ever, the likelihood of developments moving forward is low and our concern is that in a few years we will see the same full pipeline but no new housing resulting in an even worse housing crisis. The City Council aptly included the below language below the above chart that states:

*“The City understands that a significant purpose of the 79-E program is to enable and incentivize rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the City Council shall retain the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community of the completed project against the potential tax revenue forgone.”*

We believe our project embodies everything the 79E legislation was created for and we have gone out of our way to include public benefits above and beyond other developments rather than sacrificing them for cost savings. Our desire and commitment to the Lebanon Woolen Mill development has not wavered but we need the assistance of the City of Lebanon to help put ourselves in a financial position for this development to move forward.

Thank you,  
Jon Livadas





**This project meets the RSA 79-E standards:**

- Substantial Rehabilitation: The required investment of \$75,000
- Qualifying Structure: The structure is in the identified 79-E downtown district

**This Project provides the below required 79-E benefits:**

- Enhancement of the economic vitality of the downtown
  - Transforming vacant blighted buildings and creating new housing
  - Creating a public park
  - Revitalizing a shoreland
  - Connecting Mechanic Street, Blacksmith Street and the River Mill Complex to downtown
- Enhances and improves a structure that is culturally or historically important on a local, regional, state or nation level
  - The Lebanon Woolen Mill is eligible for listing on the NPS of historic buildings
- Promotes the preservation and reuse of existing building stock
  - Renovation of the 60,000 SF historic mill building into apartments
  - Renovation of the boiler house with the LWM smoke tower
- Promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community
  - The Mill Yard will be a gathering place for the residents and public
  - The river-walk will give residents access to enjoy the river
  - Boiler building as flexible space for public or private events
  - Connecting blacksmith, Mechanic, and the River Mill Center in a safer more direct route
- Increases residential housing in urban or town centers
  - 183 units of new housing a five minute walk from downtown
  - Over 200 people will be living walkable to downtown restaurants and retail which will help bring business while alleviating downtown parking issues

**79E Abatement Request:**

LWM Residential request 15 years of abatement across the 1 Foundry St and 25 Mechanic St Parcel (lot merger in process) for all buildings both existing and new. LWM Residential believes we qualify for the below tax abatement:

- 5 years for the base project
- 2 years for rehabilitation that results in new residential units
- 4 years for Historic building
  - The property is eligible to be listed per the Part 1 submitted by our historic consultant
  - Our design does not alter the exterior of the building (outside of new window penetrations along the south side) and will highlight the history of the building both architecturally and culturally.
  - We are preserving the oldest part of the building even though it is in disrepair and our structural consultants have told us it is cost prohibitive to do so
- 4 Years for 10% of units being affordable
  - spread evenly across unit type and 60%, 80% and 100% of AMI classifications

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**MEMORANDUM**

Date: September 12, 2023

To: Lebanon Heritage Commission

Re: Historic Status and Opinion on Secretary's Standards  
Lebanon Woolen Mill Complex, 1 Foundry Street

My firm has been asked by Jon Livadas to provide comment regarding eligibility of the Lebanon Woolen Mill Complex for listing in the National Register of Historic Places (NRHP), and whether the proposed project meets the Secretary of the Interior's Standards for Rehabilitation. With respect to the National Register, the National Park Service (NPS) has formally concurred with 106 Associates recommendation that the mill complex is eligible for listing in the NRHP via its concurrence with a historic tax-credit application Part 1. The purpose of a Part 1 is precisely to seek the opinion of the NPS on a property's National Register eligibility. Tax-credit rules require that a professional architectural historian prepare and submit a comprehensive evaluation of the property with a recommendation on NR eligibility. 106 Associates' Part 1 report included a detailed history of the mill since its construction, placing it in its historic context in the development of the Lebanon and the growth of its textile industry. It also included a detailed descriptive and photographic survey of the buildings. The package of Part 1 documentation is extensive and can be accessed at the following link:

[https://1drv.ms/f/s!AlkhtEgpPLElg\\_tH7JGieTTdVBuNdQ?e=dfDI3I](https://1drv.ms/f/s!AlkhtEgpPLElg_tH7JGieTTdVBuNdQ?e=dfDI3I)

The NPS response to the Part 1 application is attached to this memorandum. The box checked in Section 2 of the response form indicates the nature of the request, in this case a "preliminary determination for individual listing in the National Register. The box checked at the bottom of the page indicates the NPS response, stating the property "appears to meet the National Register criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60". This form constitutes proof of NR eligibility by the federal government agency (NPS) responsible for National Register listings.

With respect to compliance with the Secretary of the Interior's Standards for Rehabilitation, it is important to contextualize the buildings in the complex which comprises three structures: the main mill, the connected boiler house, and the office/garage. The main mill located alongside the river is the largest and most historically significant building in the complex, where the river power was harnessed in a succession of engineering achievements, and the textiles were produced by generations of Lebanon residents. The connected boiler building, and iconic brick

## Lebanon Woolen Mill: NR Eligibility and Standards Compliance

smokestack testify to the evolving use of power to heat the plant. Having been closely involved with plan development, it is our opinion that the buildings will be rehabilitated consistent with the Secretary's Standards. Both will be preserved along with most of their important historical components despite facing a wide range of technical and financial challenges owing to their deteriorated condition and years of deferred maintenance. Adapting an industrial building to residential use can be extremely difficult in best case circumstances, made more challenging by the size and condition of this mill and facing today's construction costs. All considered, I am confident the current rehabilitation plans meet the requirements of the Secretary's Standards.

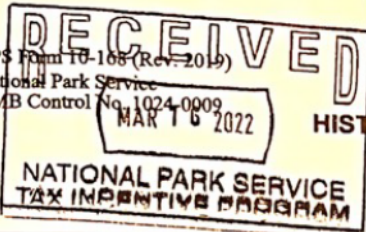
The third building on the site, the office/garage, is secondary to the history and operation of the mill. The garage has been extensively altered and would require highly intrusive and cost-prohibitive structural and hazardous material remediation which would substantially degrade any remaining historic significance. This is known based on a structural assessment of the building undertaken by Engineering Ventures, and a hazardous materials assessment undertaken by Credere Associates. The same hazmat assessment reported that the basement and lower walls of the attached 1940s office building are saturated with toxic dry-cleaning chemicals, for which remediation would be exceptionally difficult and expensive. It is our opinion that removal of this altered and secondary building is fully justified by the serious structural and hazmat circumstances as reported in professional assessments, and that this work meets the Secretary's Standards.

Sincerely,



Scott Newman  
Principal, 106 Associates  
Historic Preservation Consulting

NPS Form 10-168 (Rev. 2019)  
National Park Service  
OMB Control No. 1024-0009



# HISTORIC PRESERVATION CERTIFICATION APPLICATION PART 1 - EVALUATION OF SIGNIFICANCE



**Instructions:** This page must bear the applicant's original signature and must be dated. The National Park Service certification decision is based on the descriptions in this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings and specifications), the application form takes precedence. A copy of this form will be provided to the Internal Revenue Service.

NPS Project Number  
44654

1. **Historic Property Name** Lebanon Woolen Mill  
Street 1 Foundry Street  
City Lebanon County Grafton State NH Zip 03766  
Name of Historic District or National Register property \_\_\_\_\_  
 National Register district  certified state or local district  potential district  National Register property

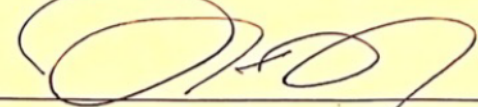
2. **Nature of Request** (check only one box)  
 certification that the building contributes to the significance of the above-named historic district or National Register property for rehabilitation purposes.  
 certification that the building contributes to the significance of the above-named historic district for a charitable contribution for conservation purposes.  
 certification that the building does not contribute to the significance of the above-named district or National Register property.  
 preliminary determination for individual listing in the National Register.  
 preliminary determination that a building located within a potential historic district contributes to the significance of the district.  
 preliminary determination that a building outside the period or area of significance contributes to the significance of the district.

3. **Project Contact** (if different from applicant)  
Name Scott Newman Company 106 Associates  
Street 11 Ward Street City Burlington State VT  
Zip 05401 Telephone (802) 777-1572 Email Address scottnewman@106associates.com

4. **Applicant**  
I hereby attest that the information I have provided is, to the best of my knowledge, correct. I further attest that [check one or both boxes, as applicable]:  
 I am the owner of the above-described property within the meaning of "owner" set forth in 36 CFR § 67.2 (2011), and/or  
 if I am not the fee simple owner of the above described property, the fee simple owner is aware of the action I am taking relative to this application and has no objection, as noted in a written statement from the owner, a copy of which (i) either is attached to this application form and incorporated herein, or has been previously submitted, and (ii) meets the requirements of 36 CFR § 67.3(a)(1) (2011).  
For purposes of this attestation, the singular shall include the plural wherever appropriate. I understand that knowing and willful falsification of factual representations in this application may subject me to fines and imprisonment under 18 U.S.C. § 1001, which, under certain circumstances, provides for imprisonment of up to 8 years.  
Name Jon Livadas Signature (Sign in ink)  Date 12/13/2021  
Applicant Entity LWM Residential LLC SSN \_\_\_\_\_ or TIN 87-2815737  
Street 1 Guyenne Road City Wilmington State DE  
Zip 19807 Telephone (302) 598-3492 Email Address jon.livadas@outlook.com

**NPS Official Use Only**  
The National Park Service has reviewed the Historic Preservation Certification Application - Part 1 for the above-named property and has determined that the property:  
 contributes to the significance of the above-named district or National Register property and is a "certified historic structure" for rehabilitation purposes.  
 contributes to the significance of the above-named district and is a "certified historic structure" for a charitable contribution for conservation purposes.  
 does not contribute to the significance of the above-named district or National Register property.

Preliminary Determinations:  
 appears to meet the National Register Criteria for Evaluation and will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer according to the procedures set forth in 36 CFR Part 60.  
 does not appear to meet the National Register Criteria for Evaluation and will likely not be listed in the National Register.  
 appears to contribute to the significance of a potential historic district, which will likely be listed in the National Register of Historic Places if nominated by the State Historic Preservation Officer.  
 appears to contribute to the significance of a registered historic district if the period or area of significance as documented in the National Register nomination or district documentation on file with the NPS is expanded by the State Historic Preservation Officer.  
 does not appear to qualify as a certified historic structure.

Date 3/30/22 National Park Service Authorized Signature (Sign in ink) 

NPS Comments Attached



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

Date application submitted: \_\_\_\_\_ Received by: \_\_\_\_\_

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

<b>APPLICANT:</b>	<b>OWNER:</b> (if different from applicant)
Name: LWM Residential LLC	Name:
Mailing Address: 1 Guyenne Road	Mailing Address:
City, State, Zip: Wilmington, DE 19807	City, State, Zip:
Phone / Fax: 302.598.3492	Phone / Fax:
Email: jon.livadas@outlook.com	Email:

<b>PROPERTY / BUILDING INFORMATION:</b>		
Building Name (if any): Lebanon Woolen Mill		Year Built: ~1900
Building Address: 1 Foundry Street & 25 Mechanic St		Gross Square Footage of Building: 57,000 & 7,000 (current)
Tax Map # 91	Lot # 263 & 267	Plot #
Grafton County Registry Book # 4694	Page # 749	

<p><b>Existing Property / Building Information:</b> (Describe <i>current</i> use, size, number of units, number of employees, etc.)</p> <p>Vacant 60,000 SF mill and 7,000 SF vacant dry cleaning facility.</p>
<p><b>Proposed Property / Building Information:</b> (Describe <i>proposed</i> use, size, number of units, number of employees, etc.)</p> <p>Proposing 49 units (57,000 SF) with amenity space in the existing mill. We will be building a new building on the site that will be 97 units (75,000 SF). We are merging this lot with 25 mechanic which will see the demolition of the existing building</p>
<p><b>Is there a change of use associated with this project?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please describe</p> <p>Commercial to residential</p>
<p><b>Will the project include new residential units?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please describe</p> <p>146 new units on 1 Foundry and 35 units on 25 mechanic. A mix of junior 1 bedrooms, 1 bedrooms and 2 bedrooms.</p>
<p><b>Will the project include new subsidized residential units?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please describe</p> <p>We are proposing to include 10% of units to be workforce housing across three AMI thresholds: 60%, 80% and 100%.</p>

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

<b>PROJECT INFORMATION:</b>	
Describe the work to be done and the estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates. Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help describe and explain this application.	
Expected Project Start Date: <u>8/1/24</u>	Expected Project Completion Date: <u>6/1/26</u>
<b>Structural:</b> mill will have updated structural design and new buildings will be ground up new build	\$ 5,000,000
<b>Exterior Alterations:</b> (storefront/façade, walls, windows, doors, etc.) new windows and doors for the mill. repointing of exterior brick facade, interior fit out for residential.	\$ 5,000,000
<b>Interior Alterations:</b> (walls, ceilings, moldings, doors, etc.) apartment fit out	\$ 10,000,000
<b>Electrical:</b> all electric building, washer and dryer in unit	\$ 5,000,000
<b>Plumbing/Heating:</b> all electric, TBD on exact heating/cooling system.	\$ 10,000,000
<b>Mechanical:</b> all new systems	\$ 5,000,000
<b>Fire Protection:</b> Sprinklered buildings	\$ 5,000,000
<b>Other:</b> concrete, site work, finishes, thermal - inclusive of "mill yard" park area and river walk	\$ 10,000,000
<b>Total:</b> <b>NOTE: In completing this form, the applicant certifies that the estimated costs provided herein are reasonable and that such costs meet the above program requirements. Failure to meet the program requirements or the listing of unreasonable construction costs will result in denial of the application and forfeiture of the application fee.</b>	<b>\$ \$55,000,00</b>
To be considered for this tax relief incentive program, the total project cost must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less. In the case of historic structures, the project must devote at least 10% of the pre-rehabilitation assessed value or \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation.	
<b>TO BE COMPLETED BY CITY ASSESSING DEPARTMENT:</b>	
Pre-Rehabilitation Assessed Valuation as of date of application submission: \$ _____	
Are the cost threshold requirements satisfied by the project as proposed? Yes ___ / No ___	

<b>PROPOSED PUBLIC BENEFIT (RSA 79-E:7)</b>	
<p>In order to qualify for property assessment tax relief under this program, the proposed substantial rehabilitation must provide at least one of the public benefits listed below. Any proposed <i>replacement</i> of a qualifying structure must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same qualifying structure.</p> <p>Does the Project provide the following public benefits? (Check all that apply)</p>	
<p><b>Enhances the economic vitality of the designated areas.</b>                      If yes, please describe.</p> <p>We are redeveloping a vacant historic mill that is currently in disrepair to a residential complex. We will be demolishing 25 mechanic which is currently not occupiable and a brownfield site. We will be building a new building on-site that involves removing non-structural fill soil while cleaning up the shoreline. The site will be environmentally clean, inclusive of the river bank clean up to bring back natural species and any other dumped soil/product. The development is proactively preserving the center area to be the "Mill yard" rather than creating surface parking. The Mill Yard will be the center piece of the residential community and will connect Blacksmith, Mechanic, and the Rivermill Center to Foundry Street. We will be providing access and enjoyment of the river which has never been available before in this area.</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p><b>Enhances and improves a culturally or historically important structure.</b>                      If yes, please describe.</p> <p>We will be renovating the Lebanon Woolen Mill which originally opened in the early 1900's.</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p><b>Promotes preservation and reuse of existing building stock by rehabilitation of historic structures in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.</b>                      If yes, please describe.</p> <p>We will be renovating the Lebanon Woolen Mill which originally opened in the early 1900's. The project is sustainably designed, all electric and will include EV charging stations. We are also looking into rooftop solar where possible.</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p><b>Promotes development in the designated areas, providing for efficiency, safety, and a greater sense of community, consistent with RSA Chapter 9-B.</b>                      If yes, please describe.</p> <p>We will be taking a vacant mill and 4-acre parking lot and creating 183 units with public access to the river. We will also be connecting the Mechanic street corridor to the downtown core with a more safe and pleasant walking route while opening the river up for public enjoyment.</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p><b>Increases residential housing in the designated areas.</b>                      If yes, please describe.</p> <p>Yes, 181 units across three buildings.</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**HISTORICAL REQUIREMENT FOR REPLACEMENT OF QUALIFYING STRUCTURES**

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

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

**IMPORTANT**

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

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

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

**AFFIDAVIT**

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

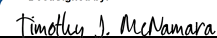
The undersigned hereby acknowledge understanding of the above statement and certify that the information provided herein are true and correct:

Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:



City of Lebanon  
New Hampshire

**CITY COUNCIL POLICY**  
**ETHICS AND CONFLICT-OF-INTEREST FOR**  
**ELECTED AND APPOINTED CITY OFFICIALS**

<i>Policy Number</i>	<i>Effective Date</i>	<i>Last Revision</i>	<i>Page No.</i>
<b>CC-108</b> <i>Formally 12-02-C</i>	<b>05/02/2012</b>	<b>08/04/2021</b>	Page <b>1</b> of <b>6</b>
<i>Approved by:</i>	City Council	<small>DocuSigned by:</small>  <small>F08A405F81504ED...</small>	

## Section 1.0: PURPOSE

This policy is to set forth standards of ethical conduct to assist elected and appointed City officials when they are in the performance of their duties, so as to maintain and enhance a tradition of responsible and effective public service. As such, the City of Lebanon expects our elected and appointed City officials to:

- Act in the best interest of the City and not for any private or personal gain.
- Disclose any potential conflicts of interest— personal or pecuniary—in City matters that come before them for action.
- Recuse themselves from decision-making if they have a conflict of interest.
- Be honest, independent, impartial, and responsible in their actions.
- Make decisions and policies through the proper channels and procedures of government.
- Openly conduct the public's business, unless legally confidential under New Hampshire statute (RSA 91-A:3), in a respectful and civil atmosphere with due care, competence, and diligence.

## Section 2.0: SCOPE

This policy applies to all City officials elected by the voters or appointed by the City Council.

## Section 3.0: DEFINITIONS

Elected and Appointed City Official – City Councilors and Members of City Boards, Committees, and Commissions, when acting in a position other than as a member of the general public.

Body - A formal group of elected or appointed municipal officials, such as the City Council and any City Board, Committee, or Commission.



City of Lebanon  
New Hampshire

**CITY COUNCIL POLICY**  
**ETHICS AND CONFLICT-OF-INTEREST FOR**  
**ELECTED AND APPOINTED CITY OFFICIALS**

<i>Policy Number</i>	<i>Effective Date</i>	<i>Last Revision</i>	<i>Page No.</i>
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Conflict of Interest – A situation or circumstance in which one’s personal or pecuniary interest has the potential to interfere with the proper exercise of one’s public duty, particularly when deliberating or voting as a member of the City Council or any City Board, Committee or Commission. That interest must be “immediate, definite and capable of demonstration; not remote, uncertain, contingent or speculative” (*Atherton v. Concord*, 109 N.H. 164 (1968)).

Pecuniary Interest – Any private financial advantage (whether in the form of money, property, commercial or other interest), the primary significance of which is economic gain from the outcome of one’s official actions. Financial advantage applicable to the public at large, such as reduced taxes or increased general prosperity, does not constitute a pecuniary interest, for the purpose of this Ethics and Conflict-of-Interest Policy.

Personal Interest – Any direct benefit or non-financial interest in the outcome of a matter, when such benefit or interest could influence one’s official actions. Examples of direct personal benefit include family (by blood or marriage), employment, and/or business relationships that would bias one’s official decision-making against the public interest. Official interest as a function of one’s elected or appointed position does not constitute a personal interest, for the purpose of this Ethics and Conflict-of-Interest Policy.

Recuse – To remove or excuse oneself from participating in an official action due to an actual or potential conflict of interest. Recusal means removing oneself completely from all further participation as a public official in the matter in question. Elected or appointed City officials who are recused shall immediately leave the table of deliberation and sit in the audience with the other members of the general public. Recused officials shall not participate in further discussions unless they clearly state for the record that they are doing so only as a member of the general public.

#### **Section 4.0: POLICY DETAIL**



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The proper operation of democratic government requires that elected and appointed public officials be independent, impartial, and responsible to the people; that government decisions and public policy be made through the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government officials to perform their duties free from private influence upon the public interest.

### **Section 5.0: PROCEDURES**

1. Elected and appointed City officials shall avoid conflicts of interest and shall strive to recognize them.
2. When an elected or appointed City official recognizes a conflict of interest, he or she shall publicly disclose the reason(s) for the conflict at the earliest possible opportunity and shall recuse himself or herself from any and all official activity on the matter to which the conflict pertains.

When an uncertainty arises as to whether an elected or appointed City official has a conflict of interest in a particular circumstance, the body shall, at the request of that official or of another member of that body, vote on the question. Such vote shall be advisory and non-binding. Any member of the public may voice an objection to a body officials' participation, setting forth specific reasons, and may also request such a vote, but such a request shall be non-binding. Any such request or objection shall be made either prior to or at the commencement of the body's discussion or public hearing on that matter, or at such later time as the facts claimed to warrant disqualification first become known. No vote on disqualification shall be taken if the body's official steps down voluntarily.

The mayor, chair or presiding officer of the meeting shall ensure that the reason(s) for recusal are clearly stated (as stated by the member in person) and are recorded into the minutes of the meeting. Members of the Planning Board, Zoning Board of Adjustment, Building



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Code Board of Appeals, and Heritage Commission are further bound by the provisions of New Hampshire RSA 673:14.

3. Elected and appointed City officials shall not directly or indirectly solicit gifts, nor accept or receive any gift (whether money, services, loans, travel, entertainment, hospitality, equipment, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
4. Elected and appointed City officials shall not disclose nor improperly use confidential information obtained in the course of their official duties.
5. Elected and appointed City officials shall not use City letterhead or stationery for any purpose other than official City business. Under the City Charter, official City business is determined by formal action of the City Council and not by individual City Councilors. Members of Boards, Committees, and Commissions may use City letterhead only for purposes approved by their respective Board, Committee, or Commission.
6. Elected and appointed City officials shall not speak on behalf of their respective Council, Board, Committee, or Commission unless authorized to do so by said Council, Board, Committee, or Commission. Individual members speaking publicly shall clearly state that they are speaking only as an individual and not on behalf of the Council, Board, Committee, or Commission.
7. No member of the City Council, nor any member of a Board, Committee, or Commission, shall appear before his or her own public body on behalf of the private interests of third parties.

## 5.1 Distribution



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The City Clerk shall be responsible for providing a copy of this Ethics and Conflict-of-Interest Policy to all elected and appointed City officials, as defined in this Policy, upon its issuance and upon the subsequent appointment or re-appointment of any said official. The City Clerk shall have each elected and appointed City official sign a statement that he or she has read this Policy and shall comply with all requirements set forth in this Policy. This signed statement shall be available for public review.

## **5.2 Complaints**

Complaints shall be addressed by the City Council in a manner to be determined by the body in accordance with the provisions of ADM-126.1. Boards, Committees, and Commissions are expected to govern themselves. If the complaint cannot be resolved at that level, it may be brought to the City Council for resolution.

The City Council shall consider compliance with this Ethics and Conflict-of-Interest Policy during the reappointment process for members of Boards, Committees, and Commissions.

## **Section 6.0: REFERENCES**

1. ADM-126.1 Complaints & Investigations Policy
2. NH RSA 673:14 Disqualification of Member
3. NH RSA 95:1 Public Officials barred from certain private dealings
4. NH RSA 640:2 Bribery in official and political matters
5. NH RSA 640:3 Improper Influence
6. NH RSA 640:4 Compensation for Past Action
7. NH RSA 640:5 Gifts to Public Servants
8. NH RSA 640:6 Compensation for Services
9. NH RSA 640:7 Purchase of Public Office
10. City of Lebanon, Charter C419:20 Dealings of Council with City.
11. City of Lebanon, Charter C419:29 Non-Interference by the Council.
12. City of Lebanon, Charter C419:62 Disqualification of Councilor, Board Member or Employee.
13. City of Lebanon, Charter C419:63 Private Use of Public Property.



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14. NH RSA 49-C:33 Optional Provisions: Limitations, Section I(c).

**Section 7.0: POLICY & PROCEDURE REVISION HISTORY**

	<b>Section</b>	<b>Revisions</b>	<b>Date</b>
Original Adoption		Initially adopted 12-02-C	5/2/2012
Amendment		Reformatted, references added, renumbered	8/4/2021