

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, November 1, 2023, 6:00 p.m.
Council Chambers**

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

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Human Services Director Lynne Goodwin, GIS Coordinator Mark Goodwin, Finance Director Vicki Lee

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

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

- City Manager Shaun Mulholland announced the meeting criteria for the public.
- Councilor Zook attended the meeting remotely because she was ill.

Note: The Public Forum and Open to Public items were taken out of order from the agenda packet. All Regular Session items moving forward are listed in the order they were discussed.

4. PUBLIC FORUM: Mayor McNamara made the Public Forum announcement.

5. OPEN TO PUBLIC: No one came forth.

3. BOARDS and COMMITTEE REPORTS (3rd Quarter 2023)

Ped/Bike Advisory Committee: Chair Colin Smith

Chair Smith updated the Council on the following:

- Walk, Bike, Ride Lebanon Plan review: They will be working on the softer recommendations of the plan (i.e., educational programs). He will come back to Council to let them know what they will actively be picking up.
- Infrastructure Programs (i.e., Continuum of the West Lebanon Greenway; Questions around the Design of the West Lebanon Roundabout and potential alternatives).
- They will be meeting with the Director of DPW to talk through how the Committee can provide help through the annual review process (i.e., maintenance, etc.).
- STRAVA: A program that walkers, runners and cyclists use to record their data that will go back to municipalities.

Councilor Zook arrived at the meeting remotely at approximately 6:08 PM. She was attending the meeting remotely because she was ill.

Conservation Commission: Chair Sarah Riley

Chair Riley updated the Council and spoke about the work being done as follows:

- Weapon Permits Applications were reviewed, and comments submitted to the NH DES regarding the impact on conservation lands for the new development in the Upper Valley Tech Park area and Airport Safety Improvements.
- Site Visits.
- Public Hearing regarding the \$5K expenditure from the LOST Fund was held in September.
- Wet Land Protections for the Upper Valley Land Trust.
- Workdays at the Jackson Conservation area.
- Impact on trails due to heavy summer rains: Boston Lot Lakeside Trail was closed due to extremely muddy conditions and trees downed.
- Signs on conservation land trails have been put up by the conservation manager.
- Boston Lot property: Looking at management plan and might be considering some of the recommendations in the plan to revitalize the forest and handle some of the invasives. They also plan to look at the trail networking system.
- There are ongoing issues with unpermitted fires and camping on conservation lands.
- Mascoma River Cleanup Project was delayed, and it is hoped this cleanup will happen in 2024.
- Concerns in the proliferation of jumping worms in forests and other natural areas.
- The Conservation Commission will be collaborating with, and has a representative on, the DEI (Diversity, Equity, and Inclusion Commission) and the Tree Advisory Board.

DEI (Diversity, Equity and Inclusion Commission): Councilor Wilkie

Councilor Wilkie updated the Council on the following:

- Work being done on both the Equity Plan proposal and an Environmental Justice definition.
- Will be collaborating with Hartford, VT's DEI Commission.

Arts/Culture Commission: Councilor Wilkie

Councilor Wilkie updated the Council on the following:

- Two new murals in the tunnel have been completed.
- Contest for the poetry on sidewalks in 2023.

Heritage Commission: Councilor Wilkie

Councilor Wilkie updated the Council on the following:

- Discussed Landmark Designation: Have reached out to the owners of historical properties regarding the program.
- Working with DEI and the City Manager's Office on a video outlining the precolonial history of Lebanon's indigenous history.
- Cultural Heritage Emergency Preparedness regarding what happens to our historical resources in the event of emergencies like we saw this past summer. Many communities in Vermont suffered because they did not have a plan to protect their artifacts and buildings.

Class VI Roads Advisory: Councilor Heistad

Councilor Heistad noted this Advisory Committee will be taking a break while they wait to see what the outcome is on the present court situation.

LEAC (Lebanon Energy Advisory Committee: Assistant Mayor Below

Assistant Mayor Below updated the Council and spoke about the following:

- Chair Greg Ames will be stepping down at the end of his term.

- Community Power Coalition:
 - New members
 - Leadership discussion
 - Dover, NH is launching program
 - Cheshire County is launching this program
 - Grafton County is interested in launching this program
 - PUC (Public Utility Commission) updates and legislation
 - Reserves and Savings: Assistant Mayor Below reviewed and explained the following graph:

CPCNH Member Monthly Report* (DRAFT)																
Inception to Date, August 2023																
Community Power Aggregation	Total Revenue (\$000)	Total Costs (\$000)	Joint Reserves (\$000)	Discretionary Reserves (\$000)	Customer Savings (\$000)	Community Benefit (\$000)	Total Accounts #	Current Accounts #	Opt In %	Opt Up %	Opt Down %	Opt Out %	Granite Basic %	Granite Plus %	Clean 50 %	Clean 100 %
Canterbury	\$192	\$151	\$41	\$0	\$61	\$102	939	851	3.1%	1.3%	0.0%	2.2%	96.3%	0.2%	0.8%	0.6%
Enfield	\$514	\$430	\$84	\$0	\$161	\$245	2,482	2,302	0.8%	2.0%	0.0%	0.4%	97.5%	0.2%	0.9%	1.0%
Exeter	\$2,224	\$1,724	\$500	\$0	\$1,040	\$1,541	7,469	6,845	0.8%	1.3%	0.0%	0.6%	98.0%	0.2%	0.5%	0.8%
Hanover	\$882	\$754	\$128	\$0	\$252	\$380	3,139	2,681	1.1%	4.9%	2.1%	0.0%	2.5%	91.7%	1.9%	3.3%
Harrisville	\$112	\$90	\$22	\$0	\$23	\$45	723	668	2.9%	4.1%	0.0%	2.0%	93.0%	0.4%	1.5%	3.1%
Lebanon	\$2,361	\$2,120	\$241	\$0	\$836	\$1,077	8,827	7,300	4.1%	3.5%	0.0%	0.3%	95.9%	0.7%	0.8%	2.8%
Nashua	\$11,364	\$8,836	\$2,557	\$0	\$2,546	\$5,103	37,145	32,885	0.6%	0.5%	0.0%	0.4%	99.1%	0.1%	0.1%	0.3%
Peterborough	\$776	\$611	\$165	\$0	\$149	\$314	3,228	3,020	1.3%	1.5%	2.5%	1.2%	3.0%	93.9%	0.9%	1.1%
Plainfield	\$229	\$185	\$43	\$0	\$58	\$101	485	751	1.9%	1.6%	1.4%	0.8%	2.0%	95.3%	0.4%	1.4%
Portsmouth	\$2,907	\$2,289	\$618	\$0	\$545	\$1,163	12,727	11,281	1.0%	0.8%	0.0%	0.0%	98.3%	0.1%	0.3%	0.7%
Rye	\$857	\$665	\$192	\$0	\$181	\$373	2,900	2,627	2.2%	0.7%	0.0%	0.5%	98.7%	0.0%	0.5%	0.3%
Walpole	\$519	\$421	\$98	\$0	\$154	\$752	1,809	1,695	1.9%	0.9%	0.0%	0.5%	98.4%	0.1%	0.5%	0.5%
CPCNH	\$22,937	\$18,246	\$4,689	\$0	\$6,006	\$10,696	81,873	72,906	1.3%	1.2%	0.2%	0.5%	90.3%	7.9%	0.4%	0.9%

Economic Development Commission: No presentation

West Lebanon Revitalization Advisory Committee (WLRAC): Councilor Simon

Councilor Simon updated the Council on the following:

- The WLRAC Survey: Was completed and tabulated.

Results:

 - 350 total respondents
 - 60% (210 people) responded that the mixed use development would be the most appropriate for the space.
 - 28% (98 people) felt that the relocation of the West Lebanon Fire Station would be the most appropriate for the space.
 - 12% (42 people) felt neither of the choices above were the best choices and wrote in responses as the survey allowed. There were 42 written responses.
 - Chair Simon also broke down further responses to the survey questions and will be presenting the complete results of the survey to the Council in the near future.

Councilor Simon noted that at their last meeting the overall vibe of the evening was that commercial development or retail space with residential housing was brought up many times. People also wanted to see commercial space that has a community draw to bring people in.

- In two weeks, at their next meeting, the WLRAC will be finalizing their recommendations to the Council. They will be putting some guard rails in (their recommendation) as there was some concern about making sure we continue to steer it in the direction that the public wants.

Downtown Lebanon TIF Advisory Board: Councilor Simon

Councilor Simon updated the Council on the following:

- Meeting with the City Council/Downtown TIF/Economic Development Commission.
- The Downtown TIF Board was very consistent in their support of making a statement about the 79-E Program for the Lebanon Woolen Mill and supported the full request that will be coming forward with some caveats.
- Transportation and related issues from the Upper Valley Lake Sunapee Regional Planning Commission.

REGULAR COUNCIL SESSION WAS CONVENED:

6. RECOGNITIONS: NATIVE AMERICAN HERITAGE MONTH (PROCLAMATION)

WHEREAS, November 2023 is recognized nationally as Native American Heritage Month to celebrate and honor indigenous peoples and their diverse and rich cultures, histories and traditions; and

WHEREAS, the Abenaki people have inhabited what is now New Hampshire and Vermont for over 10,000 years, and the Abenaki people are active members of the community today; and

WHEREAS, the indigenous peoples of our region and the entire country have endured centuries of discrimination and mistreatment, but have persevered and maintained their culture in the face of these challenges; and

WHEREAS, The City of Lebanon desires to recognize both the historical importance of indigenous people in the region and our current residents of indigenous heritage; and

WHEREAS, The City of Lebanon values the importance of accurate historical memory and its critical role in building and sustaining a diverse, welcoming and informed community, and

WHEREAS, Native American Heritage Month provides an opportunity for our community to recognize, learn about and honor the indigenous people of our region;

THEREFORE, BE IT NOW RESOLVED, that the City of Lebanon proclaims November 2023 to be Native American Heritage Month and encourages every resident to recognize the importance of indigenous people in our history and as fellow citizens today.

Proclaimed this 1st Day of November in the year 2023.

Timothy J. McNamara
Mayor, City of Lebanon

7. ACCEPTANCE OF MINUTES: October 18, 2023 (CIP Work Session and Regular Meeting)
Amendments: Page 30: Line 34: Change to read: “In order to reach the day average, we would need 40 total FTE’s or 15 new hires.

Councilor Heistad MOVED to approve the October 18, 2023 CIP Work Session and Regular Meeting minutes as amended and presented in the November 1, 2023 City Council agenda packet.
Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

8. APPOINTMENTS:

- Zoning Board of Adjustment, Jennifer Barkley (Regular Member)

Councilor Wilkie MOVED to NOMINATE Jennifer Barkley as a Regular Member of the Zoning Board of Adjustment. Term: 11/23-11/26

Roll Call Vote:

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

None voted Nay.

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

- Diversity, Equity, and Inclusion Commission: Tia Winter, Bise Wood Saint Eugene, and Emily Walton for Reappointment as Regular Members.

Liot Hill MOVED to NOMINATE Tia Winter, Bise Wood Saint Eugene, and Emily Walton for Reappointment as Regular Members of the Diversity, Equity, and Inclusion Commission.
Terms: 11/23-11/25

Roll Call Vote:

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

None voted Nay.

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

- Library Board of Trustees, Jeffrey Damren (Reappointment, Alternate member)

Councilor Whittlesey MOVED to NOMINATE Jeffrey Damren for Reappointment as a Regular Member of the Library Board of Trustees. Term: 11/23-11/24

Roll Call Vote:

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

None voted Nay.

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

- Lebanon Housing Authority, Charles Chapman (Reappointment, Regular member)

Councilor Whittlesey MOVED to NOMINATE Charles Chapman for Reappointment as an Alternate Member of the Lebanon Housing Authority. Term: 11/23-11/28

Roll Call Vote:

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

None voted Nay.

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

9. PUBLIC HEARING ITEMS: NONE

10. OLD BUSINESS: NONE

11. NEW BUSINESS

A. Update on Federal Energy Regulatory Commission (FERC) Relicensing Process for Wilder Hydroelectric Dam presented by Connecticut River Conservancy

Included in the agenda packet: ***(All detailed supportive documents can be found on pages 59-62, agenda packet)***

1. September 27, 2023 letter from Connecticut River Conservancy

BACKGROUND

The process for relicensing of the Wilder Hydroelectric Dam on Route 10, West Lebanon is approaching its final comment period.

Ms. Kate Buckman, NH River Steward for the Connecticut River Conservancy (CRC) verbally updated the Council on the background, status, and next steps for the Federal Energy Regulatory Commission's relicensing process. Her review covered the supportive documents content which can be found in the agenda packet. She anticipates that the next and final stage will be beginning within the next months, and they are encouraging communities and individuals throughout the watershed to prepare and submit comments at this next stage.

Ms. Buckman also informed the Council about that CRC's desired outcomes and priority areas where CRC is advocating for change as listed below:

- Safe, timely, and effective upstream and downstream fish passage.
- Operational changes at the dams to minimize surface water fluctuations both upstream and downstream to minimize bank erosion and impacts to rare and threatened species.
- Healthy aquatic habitat for river critters.
- Seasonally appropriate minimum flows in the river channel.
- Ecologically compatible and accessible recreational facilities.
- Consideration of Traditional Cultural Properties.

Ms. Buckman and the Council discussed what is being done to stabilize the (Connecticut) riverbank; resources to find data on the Wilder Dam (Ms. Buckman will provide PDF's to the Council in order to help navigate the FERC website); changes in the new operational licensing process for FERC regarding peaking hours of the river; recreational activities and creating a recreational plan for the CT River; more language addressing cultural and historical resources that are impacted by the operation facilities; the

condition of and plowing the Boston Lot parking lot; erosion/ecology issues along the Connecticut River; how the Council should work on coming up with a comprehensive plan to submit to FERC; what is being done to aid in flood control mitigation; and, notifying the City's Boards/Committees/Commissions about submitting their comments/concerns to FERC or to Ms. Buckman.

GIS Coordinator Mark Goodwin spoke about the erosion issues further north of the Wilder Dam and how the City should be more specific on things they would like to request from FERC.

Ms. Sarah Riley, Chair of Conservation Commission, and Ms. Buckman discussed protecting the CT River's shoreline plants, wildlife habitats, organisms, etc. Ms. Buckman will be giving a presentation to Conservation Commission in the very near future.

Ms. Buckman reiterated that if anyone has questions about how to submit comments or is having difficulty finding parts of the application that you want to read, do not hesitate to contact her (contact information is listed in the agenda packet).

ACTION: *No action is required by Council. This item is for informational purposes only.*

B. Discussion & Set Public Hearing for November 15, 2023: Community Revitalization Tax Relief Application by LWM Residential, LLC

Included in the agenda packet: *(All detailed supportive documents can be found on pages 63-79, agenda packet)*

1. October 18, 2023, letter from LWM Residential LLC
2. Application for Community Revitalization Tax Relief Incentive Program (RSA 79-E) from LWM Residential LLC for the Lebanon Woolen Mill
3. September 12, 2023, letter from 106 Associates to the Lebanon Heritage Commission, RE: Historic Status and Opinion on Secretary's Standards, Lebanon Woolen Mill Complex, 1 Foundry Street
4. Sample Resolution to Grant Tax Relief to LWM Residential, LLC

BACKGROUND

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On February 26, 2021, One Mechanic Street, LLC applied for consideration under the program.

LWM Residential LLC is the owner of 1 Foundry Street (Tax Map 91, Lot 263) and 25 Mechanic Street (Tax Map 91, Lot 267) in downtown Lebanon. On October 24, 2022, the Planning Board granted Site Plan approval for a phased, 196-unit, multi-family development to include the renovation of the existing mill building at 1 Foundry Street and the construction of three new buildings to be located on 1 Foundry Street and 25 & 43 Mechanic Street. LWM is planning to return to the Planning Board to request an amendment of their original site plan approval to remove the 43 Mechanic street site from the development and construct a total of 183 new units on the Foundry Street and 25 Mechanic Street parcels. The development will include the renovation of the existing mill structure, the construction of two new buildings, the demolition of blighted buildings, and the remediation of a longstanding brownfields site. The central area of the site will be preserved as a park (the "Mill Yard") which will be open to the public. Below grade parking and surface parking will be available for both tenants and visitors.

Under the terms of the 79-E program, the City Council must hold a public hearing on the application within

60 days from receipt of the application to determine whether the structure at issue is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Does the project involve a Qualifying Structure?

The existing buildings, located at 1 Foundry Street and 25 Mechanic Street, are situated within the Downtown Lebanon 79- E District as adopted by the City Council and, therefore, are considered Qualifying Structures.

Is the project a Substantial Rehabilitation?

Under the terms of the 79-E program as adopted by the City, the project must cost at least 15% of the pre-rehabilitation assessed valuation or \$75,000, whichever is less, in order to be considered substantial. The applicant has provided a cost estimate of \$55,000,000 for completing the entire renovation and rehabilitation project as proposed. Based on the combined current assessed value totaling approximately \$1,660,000 the project will far exceed 15% of the current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

Does the project generate one or more Public Benefits?

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

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

As noted in the application form and cover letter, the applicant has indicated that the project will address several of the stated public benefits, including enhancing economic vitality, enhancing and improving a historically important structure, promoting the preservation and reuse of existing building stock, promoting the development of municipal centers, and increasing residential housing in municipal centers. If the City Council agrees with the above statements, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

For how long may tax relief be granted?

Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. The City Council may also, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. An additional four (4) years of tax relief may also be granted for the substantial rehabilitation of a qualifying structure that is listed on or determined to be eligible for

listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district. For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation.

The applicant has requested fifteen (15) years of tax relief project:

- 5 years for a project that complies with the program requirements;
- 2 years for a project that results in new residential units;
- 4 years for a project that includes affordable housing; and
- 4 years for a project that substantially rehabilitates a qualifying historic structure

RSA 79-E does not define the term "affordable" for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units that must be considered affordable in order to merit the tax relief. LWM Residential is proposing that ten percent (10%) of the total units in the development will be affordable and spread evenly across unit types and 60%, 80%, and 100% of AMI classifications.

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

The 79-E statute, and the program as adopted by the City, already requires the City Council to determine that one or more of the enumerated public benefits is generated by a project in order to grant up to five (5) years of tax relief. And whereas an increase of residential housing in our downtowns is a goal expressed in the 2012 Master Plan, as well as the recent visioning efforts conducted for both Downtown Lebanon and West Lebanon Village, granting two (2) more years for projects that result in new downtown housing seems to address stated community goals.

For purposes of determining whether to grant additional years of tax relief for projects that will include affordable housing, staff recommends that the City utilize the definition of "workforce housing" instead of the term "affordable" from RSA 674:58. In that statute, the State defines workforce housing for rental units to mean "rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household". While "affordable" connotes a relative and variable threshold as determined by an individual household's gross annual income, "workforce housing" provides a rental threshold that is specifically tied to the region's Area Median Incomes (AMI) and the community's need for truly affordable housing. New Hampshire Housing Finance Authority annually publishes "Workforce Housing Purchase and Rent Limits", which provides information about the estimated maximum affordable amounts for purchase and rent in each of the State's Metropolitan or County (Non- Metro) Fair Market Rent Areas and which incorporates the 60% of AMI threshold for rental units (see attached).

In exchange for granting the additional four (4) years of tax relief for projects that include "workforce" housing, staff recommends that the City Council require developers to provide either: a) at least 40% of residential units at rates affordable to households with an income of no more than 60% of AMI or, b) at least 20% of units at rates affordable to households with an income of no more than 50% of AMI. These thresholds are the same as those associated with the Low Income Housing Tax Credit (LIHTC) program administered through the New Hampshire Housing Finance Authority and provide clearly definable requirements for the number of units and level of affordability necessary to merit the additional tax relief.

However, staff understands that a significant purpose of the 79-E program is to enable and incentive 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 Council should have the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community against the potential tax revenue foregone.

RECOMMENDATION:

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

For detailed information regarding the project, please see the application and supporting documentation submitted by LWM Residential LLC, which *can be found on pages 63-79, agenda packet*.

Mr. Jon Livadas, LWM Residential, LLC, came before the Council again and reviewed the background and LWM's Residential LLC's proposed Tax Relief Application, noting they had met with the (Downtown) TIF Advisory Board last week.

Council Discussions:

- Mayor McNamara noted that there may be a typo in the application because the number 183 (units) keeps getting mentioned, which is down from the original 196 (units). The application itself says 181 (units). Mr. Livadas stated they are currently approved for 196 units and will be going back for a reduction to 183 (units) and some other Site Plan changes. What we are requesting is 15-years in total, which is a combination of the following:

The applicant has requested fifteen (15) years of tax relief project as broken down below:

- 5 years for a project that complies with the program requirements;
- 2 years for a project that results in new residential units;
- 4 years for a project that substantially rehabilitates a qualifying historic structure, and
- 4 years for a project that includes affordable housing: They are proposing a 10% of their units will be affordable, which will be spread evenly across unit type and evenly across affordability rates of 60% AMI, 80% of AMI, and 100% of AMI classifications.

In response to Mayor McNamara's question regarding the removal of 43 Mechanic Street from the application, Mr. Livadas noted this property is on its own parcel and he felt it was not necessary to include it in the application, but it has been included in the 183 Units.

Councilor Liot Hill suggested Mr. Livadas be prepared to make a presentation at the Public Hearing and was interested in hearing more about how he came to 10% affordability, how he came to the 60/80/100% of the AMI, and how his affordability proposal impacts the project and its viability.

Mr. Livadas noted that in terms of affordability, it was a difficult analysis when you have a market rate development and then mixing in affordability. It's not just as simple less rent. When we did this, we were taking into account 4 years of abatement, which we are asking for. We theoretically already have 4 years down the road. The analysis includes the present value. This is going to be a public/private development where we have private residences and a public mill yard/riverfront with a riverwalk and further explained

the project and his calculus of the AMI, which resulted in a mix (of housing) and an income loss that we thought was financially viable.

In response to Councilor Liot Hills's request, Mr. Livadas spoke about the amenities that would be included in this project, noting he would be providing more images on these at the Public Hearing and spoke about the areas that would be open to the public. Their intent has always been to maximize the public areas of this site.

Mayor McNamara informed Mr. Livadas that the more detail he could go into at the Public Hearing the better and asked him to double check the numbers to make sure everything is in sync. He would also like Mr. Livadas to go into more detail on how affordability fits into his project.

In response to Assistant Mayor Below's question regarding the island, Mr. Livadas stated they have no plans to connect to the island and explained his reasons. He also noted there would never be any structures built on it, nor do they plan to build a bridge to the island.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 15, 2023, beginning at 7:00pm, for the purpose of receiving public input and taking action on a request by LWM Residential LLC, for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.

Seconded by Councilor Sykes.

Roll Call Vote:

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

None voted Nay.

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

C. Discussion and Set Public Hearing for November 15, 2023: Placement of Proposed Amendments to the City Charter on the ballot of the March 2024 Municipal Election

Included in the agenda packet:

1. Draft Proposed Charter Amendment Language (*The detailed document can be found on pages 80-98, agenda packet.*)

City Manager Mulholland reviewed the background and reasons behind this request.

BACKGROUND

The Charter was first created and formally effectuated in 1957 when Lebanon chose to become a City with a City Council-City Manager form of government. As we continue to evolve with changes in laws, regulations, processes, and technology, it has become apparent that changes to the Charter are needed to create consistency and increase efficiency.

In accordance with the provisions of RSA 49-C, to change the Lebanon Charter, the City Council must first schedule a public hearing to determine that the proposed amendments are necessary. Following a public hearing, a resolution must be adopted by the Council to place the question of the proposed charter

amendment on the ballot of a municipal election. It is requested that the City Council schedule the Public Hearing for November 15, 2023, at which time the Council will be asked to consider adoption of the proposed resolution below:

RESOLUTION

BE IT RESOLVED that the Lebanon City Council hereby requests that the following proposed City Charter amendments be placed upon the ballot of the March 12, 2024 Municipal Election:

Proposed City Charter Changes: Amend the City Charter as follows:

Amend Section III, Administration, §C419:53-53a by deleting and repealing the sections in their entirety.

Amend Section III, Administration, §C419:17 by deleting reference to the manager's power to appoint a member of the personnel advisory board under Section 53.

Explanation: The purpose of these amendments is to remove the provisions from the Charter as they are administrative in nature and governed by the City Manager through provisions in the Employee Handbook and the four collective bargaining agreements. The Employee Handbook is amended from time to time through the process outlined in Section C419:51 of the City Charter.

This change will be effective July 1, 2024, if passed by voters at the March 12, 2024 Municipal Election.

Please note: After the public hearing is conducted, passage of the resolution requires 2/3 majority of the City Council.

Council Discussions:

Councilor Liot Hill suggested that the Governance Committee reconvene to come up with a list of changes they may want to make. City Manager Mulholland noted that for now, there is not enough time to get this done because we are up against a timeline to get this on the March ballot, but this could be done at some point within the next year.

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby schedules a public hearing beginning at 7:00 pm on November 15, 2023 for the purpose of receiving public input and taking action on a resolution to place proposed amendments to Section III, Administration, §C419:17 and §C419:53-53a of the City Charter on the ballot of the March 12, 2024 Municipal Election.

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

D. Authorization for the City Manager to Transfer Appropriated FY2023 Funds in the

amount of \$155,899 from the Finance Department to the Department of Public Works for the Renovation of 160 Mechanic Street, Lebanon as an Emergency Winter Shelter.

Included in the agenda packet: *(All supportive documents can be found on page 99, agenda packet)*

City Manager Mulholland briefly reviewed the background and reasons for the request above.

BACKGROUND

On July 19, 2023, the City Council authorized the purchase of 160 Mechanic Street, Lebanon. The purchase was finalized on August 31, 2023, and the City took possession of the property. On September 6th, the City Council voted to exempt the property from the requirements of the Zoning Ordinance, and on September 25, 2023, staff met with the Planning Board at a duly noticed public hearing to present the proposal for an emergency winter shelter.

During this time, City Administration has been working diligently with staff from the Haven and ReArch Company to review the feasibility of establishing a temporary emergency winter shelter. Estimates for the rehab of the building along with operational needs have been developed.

The total cost is estimated at \$230,899 (\$178,899 for renovations and \$52,000 for 2023 operations). Grants to assist with the renovation and operation of the facility have been applied for and obtained in the amount of \$75,000 (\$50,000 was received from the Jack & Dorothy Byrne Foundation which will be used to offset the cost to operate the facility and \$25,000 was received from Dartmouth Health which to be used towards renovations). An additional \$50,000 has been requested from the Mascoma Bank Foundation for which we are awaiting a decision.

The Council may authorize the City Manager to transfer funds from one department to another within the City's General Fund, pursuant to the provisions in City Charter §C419:45, Transfer of Appropriations. The City Manager is requesting authorization to transfer appropriated, but unencumbered funds from the Finance Department's FY2023 Budget to the Department of Public Works and Human Services Department.

Council Discussions:

Councilor Liot Hill and City Manager Mulholland briefly discussed how long the proposed renovations would last.

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council, pursuant to City Charter §C419:45, hereby authorizes the City Manager to transfer Fiscal Year 2023 General Fund Appropriations as provided in the following table and as presented in the November 1, 2023, City Council Agenda Packet as presented on page 99, Council agenda packet:

Transfer of Appropriated, but Unencumbered, FY 2023 General Funds Pursuant to City Charter §C419:45	
From:	Up To Amount:
Finance Department	\$155,899
To:	
Human Services	\$2,000
Public Works	\$153,899
Total:	\$155,899

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

12. City Manager Report:

City Manager Shaun Mulholland updated the Council on the following:

- Leadership Institute Programs: Expect to have this up and running in 2024. He has a number of staff he would like to send to the program to help develop the next core of leaders for the City.
- Riverdale Sewer Issue: Still working on a feasible solution to this problem but we have made progress. The City will be staying in touch with that neighborhood to let them know how this issue is progressing.
- Landfill: Credit cards are now being accepted.
- Art murals in tunnel.
- NHMA Legislative Policy Proposals are due on April 12, 2024.

13. COUNCIL REPRESENTATIVES TO OTHER BODIES:

- Councilor Liot Hill noted the NH School Funding Project plans to host a public event in January 2024 regarding educational tax funding in the State (HB-569). City Manager Mulholland noted that HB-569 talks about taking State-wide property taxes and sending them to Concord. This would mean taking +/- \$3.9M out of the City's (property) tax roll and sending it to Concord, which would have a negative impact on the City of Lebanon.

14. FUTURE AGENDA ITEMS: NONE

15. NON-PUBLIC SESSION: RSA 91-A:3,II(d)

Councilor Wilkie MOVED to enter into Non-Public Session for the purpose of discussing RSA 91-A:3,II(d) "Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community."

Seconded by Councilor Liot Hill.

Roll Call Vote:

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

None voted Nay.

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

Staff Present: City Manager Shaun Mulholland

The Council entered into Non-Public Session at 8:08 PM

Councilor Whittlesey MOVED to come out of into Non-Public Session.

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

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

None voted Nay.

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

The Council came out of Non-Public Session at 8:15PM.

THE COUNCIL WAS NOW BACK IN REGULAR SESSION.

VOTE TO SEAL THE MINUTES OF THE NON-PUBLIC SESSION:

Councilor Liot Hill MOVED that the City Council SEAL the Minutes of the November 1, 2023 Non-Public Session because it was determined that divulgence of this information likely would render a proposed action ineffective.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

16. ADJOURNMENT:

Councilor Wilkie MOVED for adjournment.

Seconded by Councilor Whittlesey

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

The meeting was adjourned at 8:20 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary