



**LEBANON CITY COUNCIL
JANUARY 3, 2024 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 799 303 048#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The January 3, 2024 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

Any member of the public who desires to speak on any item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. **(Note: Speakers are asked to state their name, ward of residence, and to use the microphone provided.)**

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the January 3, 2024 agenda packet.

7. Appointments

- A.
- Conservation Commission, Susan Almy (Alternate Member) – Currently serving as a Regular Member of the Conservation Commission
 - Conservation Commission, Barbara Hirai (Regular Member) – Currently serving as an Alternate Member of the Conservation Commission

8. Public Hearing Items: None

9. Old Business

- A. Action to adopt revisions to the Airport Tech-Park TIF District Development Program (Public Hearing held December 6, 2023).

- B. Amendments To City Charter – Review of comments by State agencies and order to place proposed charter amendments on the ballot for the March 12, 2024 municipal election.

10. New Business

- A. Review and Adoption of 2024 Annual Calendar
- B. Appointment of 2024 Chair and Vice-Chair for Economic Development Commission
- C. Discussion & Set Public Hearing for January 17, 2024: Ordinance #2024-01 to amend City Code Chapter 168, Vehicles and Traffic, to designate no parking areas along Eldridge Street, Laplante Road, and Prospect Street Extension, Lebanon.
- D. Discussion & Set Public Hearing for January 17, 2024: Ordinance #2024-02 to amend City Code Chapter 68, Fees, to include a fee schedule for applications to the Zoning Board of Adjustment and Building Code Board of Appeals, and administrative preparation of Zoning Verification Letters.
- E. Discuss and set public hearing for January 17, 2024 to change the amounts of the Optional Veterans' Tax Credits and the All Veterans' Tax Credit.
- F. Discussion of Traffic Patterns on Elm Street West, West Lebanon
- G. Review of Proposed Zoning Amendments for Council Adoption and Set Public Hearing for January 17, 2024
- H. Discuss Letter of Opposition to NH House Bill 1479 Regarding Anti-Advocacy at the Local Level

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

15. Adjournment

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 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 disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

Future Board/Committee/Commission Appointments
Board/Committee: Conservation Commission
Position: Alternate Member
Applicant: B. Hill
City Councilor: C. Below
Assigned Date: 11/14/2023

Proposed Future Agenda Items: Dates may be tentative and this list is not considered all-inclusive.
January 17, 2024

Public Hearing Items:

- A. Ordinance #2024-01 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles and Traffic, to designate no parking areas along Eldridge Street, Laplante Road, and

Prospect Street Extension, Lebanon.

B. Ordinance #2024-02 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, to include a fee schedule for applications to the Zoning Board of Adjustment and Building Code Board of Appeals, and administrative preparation of Zoning Verification Letters.

C. Amend Veterans Tax Credits – A public hearing for the purpose of receiving public input and taking action to change the amounts for Optional Veterans' Tax Credit and the All Veterans' Tax Credit

D. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council

New Business:

A. Proposed River Valley Reliability Project Presentation by National Grid

B. Request from Salt Hill Pub for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

C. Request from Three Tomatoes for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

D. Request from Lalo's Taqueria for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

E. Request from Lebanon Outing Club for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

F. Discussion & Set Public Hearing for February 7, 2024: Ordinance #2024-03 to amend City Code Chapter 46, Cemeteries, to remove provisions for holiday burials.

G. Review and Discussion of West Lebanon Revitalization Advisory Committee's Recommendation for Development of 14, 28 and 30 Main Street Properties

H. Discuss Potential TIF District for West Lebanon

I. Discuss the City Manager's plan to begin the process of determining the development plan for the parking lots behind City Hall.

J. Discussion and Set Public Hearing for February 7, 2024 - Discontinuance of Sections of Class VI Roads (Barden Hill, Durkee, Atherton, McAllister) and Acceptance of Class A Barden Hill Trail and Dedication of New Class VI Connector Road

February 7, 2024

Public Hearing Items:

A. Provisional Dedication and Acceptance of an Alternate Class A Barden Hill Trail and of a New Class VI Connector Road – A public hearing for the purpose of receiving public input and taking action on a request by Patch Forest, LLC for the provisional dedication and acceptance of an alternate Barden Hill Class A Trail per NH RSA 231-A:5 and for the provisional dedication and acceptance of a new Class VI Road to connect Durkee and Atherton Roads.

B. Discontinuance Of A Section Of Class Vi Road #14 (Barden Hill Road); Discontinuance Of A Section Of Class Vi Road #19 (Durkee Road); Discontinuance Of A Section Of Class Vi Road #20 (Atherton Road); And Discontinuance Of Class Vi Road #21 (McCallister Road) – A public hearing for the purpose of receiving public input and taking action on a request by Patch Forest, LLC for the discontinuance of a section of Class VI Road #14 (Barden Hill Road); the discontinuance of a section of Class VI Road #19 (Durkee Road); the discontinuance of a section of Class VI Road #20 (Atherton Road); and the discontinuance of Class VI Road #21 (McCallister Road).

New Business:

A. Release of Public School Impact Fees (4th Quarter 2023)

**Agenda
Lebanon City Council
January 3, 2024**

6. Acceptance Of Minutes:

Minutes To Be Accepted

- November 28, 2023 (Budget Work Session)
- December 6, 2023 (Regular Meeting)
- December 13, 2023 (Regular Meeting)
- December 14, 2023 (Special Meeting)

MOVED, to approve the minutes as presented in the January 3, 2024 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
COUNCIL CHAMBERS OR
REMOTE VIA VIRTUAL PLATFORM
5:30PM, TUESDAY NOVEMBER 28, 2023**

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, Deputy City Manager David Brooks, City Clerk / Tax Collector Josie Ewing, Recreation, Arts, and Parks Director Paul Coats, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Chief of Police Phil Roberts, Deputy Chief of Police Matthew Isham, Airport Director Carl Gross, Library Director Sean Fleming, Director of Cyber Services Perry Eaton, Human Resources Director Samantha Lauzon, DPW Administrative Services Manager Kelly Crate

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 5:31pm.

City Manager Shaun Mulholland explained the meeting is available by phone, livestream via the City's website and virtually via Microsoft Teams. He said all three methods can be accessed live via the Meetings Page of the City's website. He said public comment is reserved for the Public Hearing, scheduled for December 13, 2023 at 7:00pm.

City Manager Mulholland explained the purpose of the work session. He noted that Councilor Zook was attending remotely.

2. Review Of 2024 City Budget - Question & Answer Session

A. CITY CLERK- Presented by Josie Ewing, City Clerk / Tax Collector (Complete Line Item Details can be found on *page 4 of the City Council agenda packet*).

Ms. Ewing reviewed what is included in the 2024 budget for the City Clerk / Tax Collector Department, including wages for six full-time staff, six part-time Recording secretaries, 51 part-time election officials, software applications, and other costs of business for services, including election services.

1 She noted that election costs were increased in the 2024 budget from last year because
2 there will be four elections in 2024, and explained how the additional costs would be used
3 for election services.
4

5 Ms. Ewing said the City Clerk staff brought in \$2,670,000 in motor vehicle registrations,
6 \$13,080 in dog licensing, and \$26,430 for vital records and marriage licenses. She said the
7 Recording Secretaries work with other departments to ensure meetings are recorded
8 properly and in a timely manner. She said election officials work throughout the year to
9 provide voter registration services.
10

11 She noted that the City Clerk Department has experienced a lot of transition in 2023, and
12 as of August, the department is fully staffed.
13

14 She detailed her staff's accomplishments:

- 15 • 2,118 dog licenses have been issued, with only 49 still delinquent
- 16 • Deputy Tax Collector Darlene Cook completed MS61 for the Department of Revenue
- 17 • Completed deeding of 3 properties with 2020 unpaid property taxes; of those waived
18 from deeding process, several owners have entered into payment agreements
- 19 • Collected 98% of first half tax billing collected as of November 7, 2023; 20% of the
20 second half tax billing as of November 28, 2023
- 21 • Transition to new tax software, which will be unveiled next year
- 22 • Working to fill Darlene Cook's position, who is retiring as of next year after 9 years
23 with the City
24

25 [Councilor Karen Liot Hill arrived at 5:41pm.]
26

27 **B. Recreation, Arts, and Parks**

28 Director Paul Coats reviewed the budget materials for the Recreation, Arts, and Parks
29 Department included in the agenda packet materials. (Complete Line Item Details can be
30 found on *pages 7 & 8 of the City Council agenda packet*).
31

32 Mr. Coats noted the longevity of the Recreation Department team. He discussed the value
33 that Recreational programs provide for people when they consider quality of life
34 decisions. He said people who utilize parks and recreational programs experience
35 improved physical and mental health and decreased healthcare costs. He noted that
36 quality of life is an important factor to many people when choosing a job.
37

38 He said Lebanon has a slightly larger number of residents per park than the national
39 average, and the Recreation Department is very efficient in managing the parks. He said
40 Lebanon provides more programs and residents have more access to parks than the
41 national average, and the City is doing it for less money and with fewer people on staff.
42

1 He said 2024 revenues are anticipated to be up \$23,800 (compared to 2023), and
2 appropriations will be down \$21,190 (compared to 2023).
3

4 He said maintaining 52 acres in 13 parks with a staff of three (1 full-time person and 2
5 seasonal laborers) continues to be a challenge. He proposed suspending the two seasonal
6 employees and adding another full-time maintenance employee (at a cost of \$75,000). He
7 said it is always a challenge to hire qualified seasonal staff.
8

9 Mr. Coats addressed several questions that had been raised by Councilor Whittlesey:
10

- 11 • **What would be the impact of increasing pool fees by \$1.00?** – Mr. Coats said that
12 change would increase revenues by approximately \$4,500. He noted that children
13 aged five and under are not charged a fee to use the pool.
14
- 15 • **Could day camp fees be increased 10%, which would increase revenues about**
16 **\$9,700 and close the deficit to \$15,000?** – Mr. Coats said day camp fees have
17 increased from \$140 to \$155 per week for residents in all the time he has worked for
18 the City. He said wages have increased to \$15 per hour for day camp staff, which is
19 the reason for the increase in rates. He said he would not advocate for a 10% increase
20 but would consider another \$10/week increase for day camp rates. He said that could
21 increase revenues by about \$5,000.
22
- 23 • **Has the Recreation Department thought about increasing revenues in other**
24 **Recreation, Arts & Parks programs?** – Mr. Coats said he does think the department
25 could increase revenues by another \$5,000-7,000 from core programs (sports,
26 swimming lessons, outdoor adventures, etc.). He said those fees have been kept low
27 to make them accessible to all residents, but he said there could be increases in those
28 fees by a few dollars.
29
- 30 • **Is there a plan for a Farmers Market instructional program for 2024?** – Mr.
31 Coats said there are plans to find people to provide instructional programs to teach
32 people what to do with food they are buying at the Farmers Market. He said it has
33 been extremely difficult to accomplish this goal because the Farmers Market
34 coordinator has limited hours, and it has been challenging to find vendors to conduct
35 this kind of instructional program. He said the line item has been reduced for 2024
36 from \$7,500 to \$1,200 to try to secure at least a few programs.
37
- 38 • **Why are we increasing Lebanon Outing Club by \$5,000?** – Mr. Coats said the
39 amount budgeted in 2023 was \$40,000 due to a clerical error – it should have been
40 \$45,000. He said the additional amount in 2024 is correcting that error.
41

42 Councilors Sykes and Heistad discussed the importance of the 20-meter jump – used in
43 the Lebanon Outing Club’s skiing instructional program - which has been taken down.

1 They agreed it was a big loss for jumpers in the Upper Valley and surrounding area.
2 Councilor Heistad said that hill has had more effect on the jumping community than any
3 other hill in New England.
4

5 Mr. Coats said it was taken down in 2022 for safety reasons because it was old
6 (constructed in 1947). He said it would be very expensive to reconstruct that kind of jump.
7 He said the Outing Club has to consider how much money it wants to invest in a jump like
8 this when, locally, only about six students are jumping at any given time.
9

10 Councilor Sykes said the jumping program is an incredible resource to Lebanon, and at
11 least one Olympian came out of that program. Mr. Coats said he would research what the
12 amount of the funding gap is and provide that data to the Council. He said there are other
13 regional jumps of that size in the area that jumpers can use.
14

15 Mr. Coats also said other uses for that hill area have been discussed:

- 16 • Learn to Alpine Ski program
- 17 • Tubing
- 18

19 Mr. Coats explained the scholarship program for fees for Recreational Programs. He said
20 families who are already qualified for other aid programs (free lunch, etc.) are considered
21 qualified for fee scholarships to ease the application process.
22

23 Councilor Sykes noted that this is the first time he's seen the Recreational Department
24 identify a staff shortage. He said the revenue increases that Mr. Coats has proposed do not
25 come close to covering the wage of a full-time employee. He said the suggestion about fee
26 increases may be a good one.
27

28 Councilor Hill asked if fees for road races, which are more focused toward adults, could
29 be considered for increases, as opposed to day camps and programs for children. Mr.
30 Coats said the department administers five road races through the Recreation Revolving
31 Fund, which was approved by the City Council many years ago to fund these kinds of
32 events without having to use additional expenses from the operating budget. He said
33 revenues that are raised from races are used for other projects (for example, the updated
34 playground in Colburn Park). He said the fees could probably be increased (for example,
35 an increase of less than \$5 per racer), but the challenge is to stay competitive with other
36 area races.
37

38 Mr. Coats said increasing fees to core programs is probably the most difficult because
39 they are the ones that the City wants to offer to the most people. He said, ideally, fee
40 increases for specialized programs or camps would be better because participants are
41 likely to pay more for specialized programming. He said it is important not to increase
42 fees to a point where these programs are overpriced as compared to other communities.
43

1 • **Outside Recreation Services:**

2 Mr. Coats said these programs have provided the same service to the community
3 and the level of funding has not changed for several years:

- 4 • Youth Baseball Association
- 5 • Youth Hockey Association
- 6 • Lebanon Outing Club

7
8 **C. Finance / Assessing**

9 Finance Director Vicki Lee gave an overview of the Finance Department staff and
10 responsibilities. (Complete Line Item Details for the 2024 Finance Department Budget
11 can be found on *pages 26 & 27 of the City Council agenda packet*).
12

13 Ms. Lee noted the following responsibilities of the Finance Department:

- 14 • Accounting and Reporting
- 15 • Debt and Risk Management
- 16 • Utility & Landfill Billing
- 17 • Accounts Payable & Credit Card Invoicing
- 18 • Budget Preparation and Administration
- 19 • Management of Capital Funds and Bonding
- 20 • Grant Accounting
- 21 • Payroll
- 22 • Assessing Department

23
24 Deputy Finance Director Alesia Williams said the Assessing Department is seeking to add
25 another full-time position to ensure that parcel information is kept up-to-date. She said the
26 Planning Department issued approximately 550 building permits so far this year; whatever
27 reason that each building permit was issued must be added to the property information,
28 which involves a site visit/review, to ensure tax information is accurate.
29

30 She said the City has one full-time Assessing clerk and the Department also utilizes MRI
31 Consulting for additional services. She said the City is understaffed to handle the volume
32 of work. She said it is very difficult to find Assessing professionals because the training is
33 comprehensive and time intensive. She said they are requesting that a full-time Assessing
34 clerk be hired at the end of 2024 so the current Assessing clerk can train that person
35 before she retires in a few years. Ms. Lee said the cost in 2024 would be about \$7,000 for
36 the final month; the full wage of about \$75,000 for an additional Assessing clerk would be
37 included in the 2025 budget. Ms. Williams said there could be a slight cost reduction in
38 2025 because the additional staff person will reduce the number of hours that the
39 contracted assessor is needed.
40

41 Councilor Whittlesey asked about the risks to the City if it does not have the proper
42 staffing in the Assessing Department. Ms. Williams said the department right now meets

1 the necessary guidelines and standards. She said the goal of the department is to conduct
2 Cyclical Review of 20% of the properties each year to be prepared when it is time for
3 revaluation. She said the properties for which new building permits are issued do not
4 necessarily add up to 20% of the properties; some homeowners file more than one permit
5 for new elements on a single property in a year. She said if the department does not keep
6 up with reviewing all the properties, it can result in an improperly calculated tax bill and
7 potential loss of revenue for the City.

8
9 Councilor Sykes noted that this new staff position proposal is really a long-term
10 succession plan to replace the current staff member who will be retiring in a few years. He
11 asked whether it would be more cost effective to hire another Assessor than to use
12 contracted services. Ms. Lee said it is very difficult to find an Assessor.

13
14 City Manager Mulholland said the City has hired an in-house Assessor in the past and it
15 has not been cost-effective. He said he does not want to go back to that situation; he said
16 using consultant services is cheaper because of the extensive training and certification
17 costs to hire and certify an in-house person.

18
19 Councilor Sykes asked about what training and certification programs are available. City
20 Manager Mulholland said the state of New Hampshire adopted high standards for
21 Assessors and the training is offered every other year, so it can be a few years before the
22 required courses can be taken. He said many of the current Assessors are retiring and
23 hiring is a challenge.

24
25 City Manager Mulholland said the 2024 budget includes wages for December 2024, but if
26 there's funding available, the hiring of the additional Assessing Clerk could be moved up
27 to November 2024.

28 29 **D. Revenues, Interfund Transfers, Debt Service**

30 (Complete Line Item Details can be found on *pages 31 – 37 of the City Council agenda*
31 *packet*).

32
33 City Manager Mulholland said the revenues data will have to be updated due to changes
34 made by the Council. He said new figures will be provided before next week's Council
35 meeting on December 6. Councilor Hill said she is interested in seeing those updated
36 revenue numbers on December 6.

37
38 Councilor Below asked about the Payments in Lieu of Taxes revenue figure for Mascoma
39 Hydro, which he noted was budgeted at \$3,000 but made \$11,000 this year. Ms. Lee said
40 that large figure was not expected. Councilor Below said it was an upside of having a very
41 wet year.

1 Councilor Below noted that the revenue for the property at 226 Mascoma Street was
2 zeroed out. City Manager Mulholland said that property is being vacated and is planned to
3 be used for a family in need.
4

5 **E. General Q&A from All Previous Sessions**

6 There were no questions from the Council.
7

8 ***The Work Session ended at 6:58pm.***
9

10 Respectfully Submitted,

11 Paula Roux

12 Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, December 6, 2023, 7:00 p.m.
Council Chambers**

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

MEMBERS PRESENT: Mayor Tim McNamara, Erling Heistad, Karen Liot Hill, Christian Simon George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: Assistant Mayor Clifton Below

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Payroll Specialist Conni Brown, Interim Public Works Director Jay Cairelli, DPW Administrative Services Kelly Crate, Solid Waste Manager Erica Douglas, City Engineer Rod Finley, Airport Director Carl Gross, Interim Assistant Public Works Director Christopher Kilmer, Finance Director Vicki Lee, Energy and Facilities Manager Tad Montgomery, Deputy Finance Director Alesia Williams

-
- 1
 - 2 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.
 - 3 • City Manager Shaun Mulholland announced the meeting criteria for the public.
 - 4
 - 5 **2. PLEDGE OF ALLEGIANCE:** Councilor Heistad led the Council in the Pledge.
 - 6
 - 7 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
 - 8
 - 9 **4. OPEN TO PUBLIC: No one from the public or virtually came forth.**
 - 10
 - 11 **5. RECOGNITIONS:**
 - 12 • **RESOLUTION IN HONOR OF FRAN HANCHETT**
 - 13

14 **WHEREAS,** Fran Hanchett served as the City’s first female Historian of the City of Lebanon from
15 2020-2021, and

16
17 **WHEREAS,** Fran Hanchett served as President and as a long-standing member of the Lebanon
18 Historical Society, providing leadership and historical expertise both to the organization and to the
19 community; and

20
21 **WHEREAS,** demonstrating her commitment to preserving history, Fran Hanchett documented all of
22 the burials in the cemeteries in Lebanon and throughout the Upper Valley and created the Adopt a
23 Civil War Veteran Program, through which 85 Civil War veterans were recognized with military
24 burial stones; and

25
26 **WHEREAS,** in these capacities, Fran Hanchett dedicated herself to preserving the history of
27 Lebanon and its inhabitants, and to sharing this history with the community; and

28
29 **WHEREAS,** Fran Hanchett further served on the City of Lebanon Board of Cemetery Trustees
30 from 2018 to 2023; and

1
2 **WHEREAS**, Fran Hanchett’s contributions to Lebanon and its history have been significant and
3 have served to highlight underappreciated aspects of the city’s history and its residents.
4

5 **NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of
6 Lebanon, extends its sincere appreciation and gratitude to the family of Fran Hanchett for her effort
7 and knowledge shared with the community during her lifetime.
8

9 **BE IT FURTHER RESOLVED** that this Resolution be written upon the minutes of the
10 Lebanon City Council meeting.
11

12 Dated this 6th day of December 2023.

13
14 Timothy J. McNamara, Mayor
15 *on behalf of the Lebanon City Council*
16

17 • **RESOLUTION IN HONOR OF CITY ENGINEER ROD FINLEY**
18

19 **WHEREAS**, the City of Lebanon is committed to responsible stewardship of taxpayer funds,
20 ensuring that the resources of our community are utilized efficiently and effectively; and
21

22 **WHEREAS**, City Engineer Rod Finley has consistently demonstrated remarkable dedication to this
23 principle by undertaking initiatives and project management strategies that significantly reduce
24 project costs while maintaining high standards of quality and safety; and
25

26 **WHEREAS**, City Engineer Rod Finley's commitment to fiscal responsibility has led to substantial
27 cost savings on various critical infrastructure projects within the City of Lebanon, for which he
28 deserves commendation and recognition; and
29

30 **WHEREAS**, some specific projects were:

31 Lebanon/Hanover Booster Pump Station: Recognizing the potential for cost savings, Mr. Finley
32 diligently reviewed the initial design of the Lebanon/Hanover Booster Pump Station project. His
33 innovative approach and expertise led to the successful redesign of the project, resulting in the
34 requirement for a pump station only, thereby reducing project costs by
35 \$485,000. This substantial reduction demonstrates Mr. Finley's commitment to optimizing the use of
36 taxpayer dollars.
37

38 Miracle Mile Water Main: Through a thorough review and a focus on efficient project management,
39 Mr. Finley identified opportunities for cost reduction in the Miracle Mile Water Main project. His
40 innovative redesign eliminated the need for temporary water service, saving the City approximately
41 \$1,000,000. This remarkable achievement showcases Mr. Finley's dedication to delivering value to
42 our community.
43

44 Kimball Street/Forest Avenue Reconstruction: In the case of the Kimball Street/Forest Avenue
45 reconstruction project, Mr. Finley's astute decision to switch from jack hammering to ledge blasting
46 resulted in substantial cost savings of approximately \$622,100. His adaptability and cost-conscious
47 approach exemplify his commitment to prudent financial management.
48

49 **NOW, THEREFORE BE IT RESOLVED**, that the City Council extends its sincere gratitude to
50 Mr. Finley for his dedication, initiative, and the expertise he has consistently demonstrated in achieving

significant cost savings, ultimately benefiting the taxpayers and the City of Lebanon as a whole.

Dated this 6th day of December 2023.

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

6. ACCEPTANCE OF MINUTES:

- November 7, 2023 (Budget Work Session)
- November 8, 2023 (Budget Work Session)
- November 14, 2023 (Budget Work Session)

Amendments: Page 26, line 19; Change: \$35,000 to \$65,000 (The balance remaining was \$35,000.); Page 29, line 10 . . . After: “operational guidance and emotional support” ADD: “for planning the Emergency Winter Shelter program.”

- November 15, 2023 (Regular Meeting)
- November 16, 2023 (Budget Work Session)

Amendments: Page 68 Roll Call: Devin Wilkie also attended this meeting remotely; Page 69, Line 22: Change Councilor Wilkie to Councilor Whittlesey.

*Councilor Heistad MOVED to approve the November 7, 2023 (Budget Work Session); the November 8, 2023 (Budget Work Session); the November 14, 2023 (Budget Work Session); the November 15, 2023 (Regular Meeting); and the November 16, 2023 (Budget Work Session) minutes as amended and presented in the December 6, 2023 City Council agenda packet.
Seconded by Councilor Whittlesey.*

**The Vote on the Motion was approved by members present (7-0). Councilor Liot Hill and Assistant Mayor Below were not present for this vote.*

7. APPOINTMENTS:

- Arts & Culture Commission, Claire Geno (Alternate Member)

Councilor Simon MOVED to NOMINATE Claire Geno as an Alternate Member of the Arts & Culture Commission.

**The NOMINATION was approved by members present (7-0.) Councilor Liot Hill and Assistant Mayor Below were not present for this vote.*

8. PUBLIC HEARING ITEMS:

- A. ORDINANCE #2023-05** - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68- 15, Enumeration of Fees, to authorize an 7.2% increase to the Water Service Rate and a 5.2% increase to the Sewer Service Rate.

Included in the agenda packet: *NOTE: All supportive documents and Ordinance information, with changes highlighted in red, can be found on pages 79- 82 Council agenda packet.*

- Ordinance #2023-05

City Manager Shaun Mulholland reviewed the background and explained the reasons for the increase in these fees.

BACKGROUND

An increase of 7.2% to the Water Service Rate (base user rate and minimum charge) and 5.2% to the Sewer Service Rate (base user rates, minimum charge, and residential flat rate), effective January 1, 2024, is being requested.

The proposed increases are in-line with projections offered by Raftelis as part of the 2018 Water and Sewer Rate Study and are suggested in order to provide current and future resources to absorb projected operations and maintenance and debt service expenses in both enterprise funds.

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

Council Discussions: None

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby adopts Ordinance #2023-05 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an 7.2% increase to the water service rate and a 5.2% increase to the sewer service rate, effective January 1, 2024.

Seconded by Councilor Wilkie.

**The Vote on the Motion was approved (7-0). Councilor Liot Hill and Assistant Mayor Below were not present for this vote.*

B. ORDINANCE #2023-06 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations, by updating the current fee schedule.

Included in the agenda packet: ***NOTE: All supportive documents and Ordinance information, with changes highlighted in red, can be found on pages 83-86 Council agenda packet.***

1. Ordinance #2023-06

City Manager Shaun Mulholland reviewed the background and explained the reasons for the increase in these fees. Based upon the projected capital projects the City has going on in the future, particularly Phase III and IV of the landfill expansion and the operating expenses we have a plan that was developed by Raftelis that proposed a 15% rate in increases for budget year 2024, and subsequent increases of 12.5% in the years after 2024 to meet those needs as projected. It is important to understand that we are talking about Commercial fees and not the bag fees. It is also important to note that back in January 2024 when we talked about the commercial rates, this is basically any trash that is picked up curbside, dumpsters, and transfer stations from other communities (22) that use our landfill. Out of the 27K (residents) that we have in the City, at least 900 of those have curbside collection, so over a third of those residents are going to feel the impact of any changes made. In addition to that, we have over 4K multi-family units and almost all of those have dumpsters so they will also be impacted by these fees. He realizes the Council wants to try to accelerate these fees because the City will be impacted in the future by PFAS (cost unknown, but will be significant). At present, there are no regulations for PFAS by the US

Government, but there are regulations on four (4) PFAS compounds out of the 19K PFAS compounds, and this is only for drinking water.

BACKGROUND

City Code Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the language from the former Chapter 143, Solid Waste, (which was repealed on July 24, 2019), and to include a fee schedule for disposal of refuse and recycling of certain materials. The fee schedule is to be reviewed annually for possible updates based on current market rates.

Ordinance #2023-06 amends the current fee schedule to reflect increased disposal rates and proposes a minor amendment to the definition of “Bulky Waste.”

Council Discussions:

It was Mayor McNamara’s recommendation to increase (these fees) beyond what city staff proposed. His rationale relates to ultimately trying to protect Lebanon’s taxpayers. We know that the bulk of our budget comes from property taxes, we know that our landfill takes trash from 22 communities in addition to the City of Lebanon, and we know that about 75% of the trash that comes into our Solid Waste Facility comes from outside of the City. Of the 25% that is in Lebanon, this additional fee will certainly impact about 900 households and the bulk of the additional funds (+/- \$500K/year) will be coming from outside Lebanon. We are trying to augment property tax dollars with the non-property tax dollars that come from outside the City so Lebanon’s taxpayers are not unintentionally subsidizing other towns. He understands this will be a burden on several hundred households in the City to some extent, but felt we need to realize that for every dollar we burden them, we will be bringing about three (\$3) extra dollars from outside. This is critically important for the landfill, where there are so many unknowns (i.e., upcoming PFAS regulations and for the work we need to do to expand the landfill), noting we are one of the very few remaining landfills in either New Hampshire or Vermont. He wanted to make sure the landfill upgrades are paid for in the most practical and pragmatic way possible.

Councilor Wilkie spoke about his concerns about whether or not this would impact property taxes (Mayor McNamara said it would impact property taxes as these additional fees would go into the Enterprise Fund and explained his reasons). Councilor Wilkie spoke about how the City is working on the concept of Environmental Justice actions, which entails not burdening specific groups of people unjustly or inequitably and questioned if these fees would be unproportionally affecting more wealthier residents with this change. Mayor McNamara noted that anyone who lives in an apartment and any single family residents who do not bring their trash to the landfill would be directly impacted by these fees.

Councilor Sykes spoke about his reasons why he supported the increase in fees, noting it was better to avoid smaller increases over time, and to prepare for the upcoming costs of PFAS.

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

Council Discussions:

Councilor Wilkie also expressed his concerns that this will disproportionately affect renting households and the people who may not be working or who may not have the time to go to the landfill, and how the Council did not receive any data about these increases. He was hoping this could have been done from a

1 data driven decision and was worried that we were not necessarily relieving a burden on taxpayers, but we
2 are adding a burden to some taxpayers. He was hesitant to support this increase.

3
4 Councilor Whittlesey spoke about the Capital Improvements Plan for the Solid Waste Fund, noting there
5 will be a very substantial investment of +/- \$17.5M worth of projects over the next 5-6 years (2024-2029),
6 plus the 2030/parking lot is another \$40M. Raising fees now allows us to make that curve more gradual.

7
8 The Council and City Manager Mulholland continued to discuss the rate increases for the Solid Waste
9 landfill and expressed their reasons for/against these increases before taking the following action.

10
11 **ACTION:**

12 *Councilor Whittlesey MOVED, that the Lebanon City Council hereby adopts Ordinance #2023-06, to*
13 *amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, effective January 1, 2024.*
14 *Seconded by Councilor Heistad.*

15
16 **The Vote on the Motion was approved (6-1.) Councilor Wilkie was opposed. Councilor Liot Hill and*
17 *Assistant Mayor Below were absent for this vote.*

18
19 **C. ORDINANCE #2023-07** - A public hearing for the purpose of receiving public input and
20 taking action to amend City Code Chapter to amend City Code Chapter 8, Airport
21 Operations, §8-4, Airport Rules and Regulations, to amend Airport Landing Fees

22
23 Included in the agenda packet: *NOTE: All supportive documents and Ordinance information, with*
24 *changes highlighted in red, can be found on pages 87-90, Council agenda packet*

- 25 1. Ordinance #2023-07
26 2. Alternative Proposed Landing Fees Submitted by Mayor Timothy McNamara *(Page 89, Council*
27 *Agenda packet.)*

28
29 Mr. Carl Gross reviewed the background of the proposed increase in the Airport's landing fees, noting the
30 remittance total will increase by \$28K to the Airport and increased landing fees for FY 2024.

31
32 **BACKGROUND**

33 Landing fees at the Lebanon Municipal Airport were last adjusted in 2021, along with an update of the
34 Rules & Regulations and Minimum Standards. A comparison of the existing landing fees and the landing
35 fees adjusted by the CPI-U Northeast was completed and the recommended adjustments to the existing
36 landing fees is shown in Ordinance 2023-07. A new category, Aircraft Detailer, was added to the fees.
37 The airport will continue to monitor the CPI-U and existing fees to request adjustments, as necessary.

38
39 Mayor McNamara noted that a significant portion of landings at the Lebanon Airport are +/- 70% private
40 jet aircraft. He did not consider the proposed increases for those aircraft were nearly enough because he
41 sees them as luxury aircraft and thought we could charge more. He understands that some of the
42 increases he proposed went up significantly from what is charged at some surrounding airports and felt
43 Lebanon is different. People are coming here because it is close to their vacation homes, educational
44 institutions, or for other reasons. The increases he proposed were largely in the three (3) categories of
45 heavier jets and would result in an increase of about 94% over what was proposed. He did have a call
46 from Granite Air who expressed some of their concerns and heard their concern that the level of increases
47 he was suggesting could potentially lead to some diminishment in the number of landings for those

particular types of aircraft. He took another look at his numbers and reduced them slightly. He took the original proposal from staff (**in red below**) and changed his numbers (listed in **blue**) as follows:

- ~~\$155~~ **175**: Jets 9,001 - 27,000 pounds weight – Mayor McNamara originally suggested \$325.
- ~~\$180~~ **205**: Jets 27,000 - 60,000 pounds weight – Mayor McNamara originally suggested \$450.
- ~~\$205~~ **230**: Jets >60,000 pounds weight - Mayor McNamara originally suggested \$500.

Subsequent to his discussion with Lebanon's fixed-based operator, he reconsidered his decision and was now proposing the following:

- ~~\$155~~ **175**: Jets 9,001 - 27,000 pounds weight – Mayor McNamara **changed his \$325 to \$275**
- ~~\$180~~ **205**: Jets 27,000 - 60,000 pounds weight – Mayor McNamara **changed his \$450 to \$375**
- ~~\$205~~ **230**: Jets >60,000 pounds weight - Mayor McNamara **changed his \$500 to \$475**

The fixed operator gets 25% of anything that is collected and the City gets the remaining 75%. With his modified proposal the City should get +/- \$166-\$167K/year over what the original proposal was and should be almost enough to offset what the taxpayer contributions would be for next year (2024) and explained his reasons why this should not impact the number of landings we have for those specific jet aircraft.

The Council discussed: What the attrition rate might be; making sure the City doesn't lose any landings but also making sure we see some increased funds; if rate increases are raised too much, some may go to other airports (i.e., Springfield, Keene, Burlington, VT, or Rutland, VT – none of which have FAA Towers or car rentals on-site); how the State Legislature changed how fees could be collected from airports, which caused a drop in enplanements at many airports; concerns about not having enough data for these rate increases; how the Airport Manager has made good strides in making the airport run more efficiently causing less impact on the taxpayers; not increasing rates to the point where revenues drop; how it is unknown about what effect this may cause until fees are in place; how increasing the landing fees may result in a drop off in demand but it will be significantly less than the extra revenue that will come into the City; how landing in Lebanon is more convenient to the college vs. renting a car from other regional airports; how the Council can always change landing fees again at next year's budget; how the taxpayers in Lebanon do not want to subsidize the airport.

Councilor Liot Hill arrived at 7:52 PM.

In response to Councilor Sykes' request, Mr. Gross stated that he can track the data from monthly activity reports from Granite Air Center, along with the spreadsheets on some of the landing fees.

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

Mayor McNamara reopened the Public Hearing so Mr. Archambeault could speak.

Mr. Archambeault, Co-Owner of Granite Air Center, spoke about how it is really easy to speak about the jets as being owned by wealthy people, but in the categories being targeted with these increases, a large percentage of these aircraft are owned by Charter Companies. A lot of times those Charter Companies are running on very thin budgets and do not have a lot of money to spare. They will look for alternative airports and that is something in abundance around us that can handle every single airplane from Laconia to Manchester, Concord, Killington, Rutland and Springfield. While there are a lot reasons why people want to come to Lebanon, those Charter Companies who are feeling pinched will seek out alternatives,

noting that a lot of the people flying into Lebanon are not necessarily going directly to Lebanon. Their concern has been that if the pricing is too high, the message that those crews will receive is that we (Lebanon) do not want them here and further explained his reasons. He suggested going with the fee structure that was proposed by the Airport Manager this year and maybe conducting a study in the meantime of what other airports in region/nationally are charging.

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

The Council continued to debate and presented their concerns/reasons why they supported or did not support Mayor McNamara's proposed increases for Lebanon's Airport.

ACTION:

Councilor Simon MOVED, that the Lebanon City Council hereby adopts Ordinance #2023-07 to amend City Code Chapter 8, Section 8.4, Airport Rules and Regulations, to amend Airport Landing Fees with amendments that large Jets 9,001 - 27,000 pounds= landing fee of\$275; Large Jets 27,000 - 60,000 pounds= landing fee of \$375, and large Jets >60,000 pounds=landing fee of \$475 and is also the alternative rates on page 89. The fee structure will be effective January 1, 2024.

Seconded by Councilor Heistad.

****The Vote on the Motion was approved (7-1). Council Sykes opposed. Assistant Mayor Below not present for this vote.***

D. AIRPORT TECH-PARK TAX INCREMENT FINANCE (TIF) DISTRICT – A public hearing for the purpose of receiving public input to amend the Airport Tech-Park Tax Increment Finance (TIF) District Development Plan to include the construction of the extension of Technology Dr. and associated utilities. Action on this item will take place at the January 3, 2024 City Council Meeting.

Included in the agenda: : ***NOTE: All supportive documents and information can be found on pages 91-113, Council agenda packet.***

1. 2019 Lebanon Airport-Tech Park TIF District Development Plan
2. Proposed Addendum to 2019 Lebanon Airport-Tech Park TIF District Development Plan
3. August 2, 2023 Airport-Tech Park TIF District Expansion Area
4. November 28, 2023 - Notice of Public Hearing as provided to Grafton County Commissioners
5. November 28, 2023 - Notice of Public Hearing as provided to the Lebanon School District
6. Notice of Public Hearing as Published in the November 25, 2023 Edition of the Valley News

City Manager Mulholland reviewed the background behind the TIF District Development Plan.

BACKGROUND

On November 6, 2019, the City Council created the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District. Since the creation of the District, the City has extended Airpark Road to access developable areas on both the City's land as well as the Upper Valley Tech Park (UVTP) parcel. To date, UVTP has received approval for a 3-lot Planned Unit Development of its property, and development applications have been approved by the Planning Board for the two parcels accessed from the extended Airpark Road (see the attached plan of the UVTP Planned Unit Development). In addition, the City is planning for the development of an Early Childhood Learning Center facility on the City's parcel.

1
2 The owners of the UVTP parcel have also received interest for a potential development on the
3 westerly side of their property (the third lot of the 3-lot PUD), which would be accessed from
4 Technology Drive within the Phase 1A Airport Business Park. However, the constructed portion of
5 Technology Drive and the associated water and sewer infrastructure do not extend the full length of
6 the public right-of-way and stop short of the UVTP parcel boundary. Since the Technology Drive
7 right-of-way is already publicly owned, it is expected that any further extension of the roadway and
8 utility infrastructure within the right-of-way will become the City's responsibility for ownership and
9 maintenance.

10
11 On August 2, 2023, the City Council amended the boundary of the TIF district to include the
12 southernmost +/-220 feet of the Technology Drive right-of-way. Including the area of right-of- way
13 will not have any fiscal impact on the district itself since the area is non-taxable but will allow for
14 TIF revenues to be used for the construction and maintenance of the new segments of roadway and
15 utility infrastructure within the right-of-way.

16
17 The development plan for the TIF district needs to be amended to include the construction of this
18 roadway and related utilities as required by RSA 162-K.

19
20 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
21 **Hearing was closed.**

22
23 **Council Discussions: None**

24
25 **ACTION:** *The Council will not act on the amendment until January 3, 2024, as RSA 162-K:4*
26 *requires that action can only be taken after at least 15 days have passed since the public hearing.*
27

28 **9. OLD BUSINESS**

29 **A. Presentation of Second Reading: Amendments to Ordinance #18, Salary Plan, to include** 30 **implementation of a 2.2% General Wage Increase, and to retitle, reclassify, and add** 31 **positions to the existing salary plan.** 32

33 Included in the agenda: *NOTE: All supportive documents and information can be found on pages 114-*
34 *123, Council agenda packet.*
35

36 Samantha Lauzon, Human Resources Director, reviewed and highlighted the proposed amendments in
37 **Red**, as listed below.
38

39 **BACKGROUND**

40 The City Council was asked to take action on the second reading of the amendments to Ordinance #18,
41 Salary Plan, as follows:

- 42 1. Implement a 2.2% General Wage Increase for 2024, for all Non-Affiliated positions, and
43 all positions within the following Bargaining Units: Lebanon Professional,
44 Administrative, and Salaried Employees (LPASE), Lebanon Permanent Firefighters'
45 Association, Local 3197/International Association of Fire Fighters (LPFFA/IAFF) and
46 Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent
47 Association (NEPBA)
48 2. Article II, Non-Affiliated Employees to:

- I. Add the non-exempt position of Facilities Maintenance Specialist, within the Public Works Department, to Grade 4.
3. Article II, LPASE Employees to:
 - I. Add the non-exempt position of Cemetery Supervisor, within the Public Works Department, to Grade 9.
 - II. Retitle Solid Waste Foreperson, Grade 9 position, to Solid Waste Supervisor.
4. Article II, Seasonal/Temporary & Stipend Employees to:
 - I. Retitle the following positions, with the Library Department:
 - a. Circulation Substitutes retitled to Library Clerk I
 - b. Custodian Substitutes retitled to Library Custodian Substitute
 - c. Reference Librarian Substitutes retitled to Library Clerk II
 - II. Implement additional wage adjustments to the following positions:
 - a. Outdoor Adventurer – Educator
 - b. Library Clerk I (Newly Retitled)
 - c. Library Custodian Substitute (Newly Retitled)
 - III. Relocate the following positions:
 - a. Tree Warden from Recreation, Arts & Parks Stipend Positions, to Public Works Positions, as a non-exempt position.
 - b. Softball Coordinator position from Recreation, Arts & Parks Positions, to Recreation, Arts & Parks as a stipend position.
5. Article III, Bargaining Unit Employees, Section A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO, to:
 - I. Retitle the following positions:
 - a. Airport Maintenance Foreman to Airport Maintenance Supervisor
 - b. Foreman to Supervisor
 - c. Parks & Grounds Crew Foreman to Parks & Grounds Crew Supervisor
6. Article III, Bargaining Unit Employees, Section B, Lebanon Permanent Firefighters' Association, LOCAL 3197/International Association of Fire Fighters (IAFF), to:
 - I. Adjust pay grades in conformance to the Collective Bargaining Agreement, and the Wage Study conducted in May of 2021.

2024 General Wage Increase (GWI)

The City Manager is responsible for maintaining the City's Compensation and Classification Plan. Within Ordinance #18, compensation for exempt (salaried) and non-exempt (hourly) Non-Affiliated employees is expressed as a minimum and maximum grade range, via hourly rates for non-exempt employees, and weekly rates for exempt (salaried) employees. Movement within ranges is achieved through annual General Wage Increases, and merit or step adjustments, applicable for employees who are not already at the top of their wage range. To be useful, it is imperative that compensation and classification systems be kept current. This is achieved primarily by revising compensation ranges through regular general wage adjustments and by systematically reviewing all positions on a regular basis. This is achieved by meaningful sampling of the labor market and internally relative to other positions.

For general wage adjustments, the City’s practice is to use the percentage change in the Northeast Region CPI for June, from 12 months prior, with a minimum adjustment of 1% (floor), and a maximum adjustment of 3% (ceiling). This is true for Non-Affiliated (non-union) employees, as well as those that belong to our Collective Bargaining Units, which include:

- Lebanon Professional, Administrative, and Salaried Employees (LPASE)
- American Federation of State, County and Municipal Employees, Local #1348/Council 93 AFL-CIO (AFSCME)
- Lebanon Permanent Firefighters’ Association, Local 3197/International Association of Fire Fighters (LPFFA/IAFF)
- Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA)

The increase in the Northeast Region CPI, for the period of June 2022-June 2023, was 2.2%. As a result, the City Council is being asked to take action, and implement a 2.2% General Wage Increase for all employees, as part of the 2024 City Budget. This change would be effective as of the first pay period of 2024.

In addition to the General Wage Increase (GWI), City Administration is proposing additional amendments, as outlined below.

Article II, Non-Affiliated Employees

City Administration is proposing the addition of a Facilities Maintenance Specialist position. The Facilities Maintenance Specialist is a non-exempt, Grade 4 position.

Article II, LPASE Employees

City Administration is proposing the addition of a Cemetery Supervisor position. The Cemetery Supervisor is a non-exempt, Grade 9 position.

Administration is also proposing that the Grade 9, Solid Waste Foreperson position be retitled Solid Waste Supervisor.

Article II, Seasonal/Temporary & Stipend Employees

The following positions within the Library Department are to be retitled:

1. Circulation Substitutes retitled to Library Clerk I
2. Custodian Substitutes retitled to Library Custodian Substitutes
3. Reference Librarian retitled to Library Clerk II

Furthermore, due to the difficulty hiring for specific positions within the Seasonal/Temporary & Stipend classification, Administration is proposing additional wage adjustments, above the 2.2% GWI, for three positions, to include:

1. Outdoor Adventurer – Educator
2. Library Clerk I (Newly Titled)
3. Library Custodian Substitutes (Newly Titled)

Administration is proposing that the Tree Warden position, currently a position within the Recreation, Arts and Parks Department, be relocated to the Public Works Department and be changed from a stipend employee to an hourly employee; and that the Softball Coordinator position be relocated from an hourly employee to a stipend employee.

Article III, Bargaining Unit Employees

SECTION A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO

For consistency purposes, City Administration is proposing that the following AFSCME positions be retitled:

1. Foreman retitled to Supervisor
2. Airport Maintenance Foreman retitled to Airport Maintenance Supervisor
3. Parks & Grounds Crew Foreman retitled to Parks & Grounds Crew Supervisor

SECTION B, LEBANON PERMANENT FIREFIGHTERS' ASSOCIATION, LOCAL 3197/ INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)

In conformance with the Collective Bargaining Agreement, and in addition to the GWI of 2.2%, pay grades in this Bargaining Unit will be escalated to the 60th percentile of the Wage and Salary Study, conducted in May of 2021.

SECTION C, LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA)

No additional amendments are proposed.

Amendment Process

Amending Ordinance #18 requires three separate presentations (see City Charter subsections §419:22, §419:24, §419:25, §419:52), followed by a public hearing, and the vote of at least two-thirds (2/3) of all members of the City Council - six (6) members - to adopt.

The first presentation was recognized by the City Council on November 15, 2023. The Council is now asked to recognize the second of three presentations. The third presentation will occur on December 13, 2023, along with a public hearing to adopt the amendments as proposed.

The tables below reflect all changes (as shown in red text), to include the addition of new positions, changes in position titles and/or classification, as well as the 2.2% General Wage Increase. These changes would be effective as of the first pay period of 2024.

ACTION:

1. ACKNOWLEDGE SECOND PRESENTATION:

1 *Councilor Wilkie MOVED, that the Lebanon City Council acknowledges the second of three*
2 *presentations to amend Ordinance #18, Salary Plan, as outlined in the tables contained on pages*
3 *through 117-123 of the December 6, 2023, City Council Agenda Packet:*

4 The following pay plan shall be in effect starting the first pay period of 2024.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2024 SALARY & GRADES TO INCLUDE 2.2% GWI					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern	\$18.18	\$26.57	-	-
2	Custodian	\$20.43	\$27.58	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$21.67	\$29.24	-	-

5

	Custodian I	-	-	-	-
	Accounting Clerk	-	-	-	-
4	Library Assistant	\$22.95	\$30.98	-	-
	Custodial Supervisor	-	-	-	-
	Facilities Maintenance Specialist (New)	-	-	-	-
5		\$24.32	\$32.85	-	-
6		\$25.77	\$35.18	-	-
7	Administrative Secretary	\$27.34	\$38.67	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Accounting Clerk III	\$30.07	\$40.58	-	-
	Administrative Assistant	-	-	-	-
	Benefits Specialist	-	-	-	-
	Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Deputy City Clerk/Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,202.64	\$1,623.50
	Children's Librarian	-	-	-	-
9	Code Health Inspector**	\$33.07	\$44.65	-	-
	Executive Assistant	-	-	-	-
	Public Relations Coordinator	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Solid Waste Foreperson**	-	-	-	-

	Solid Waste Supervisor**				
	Cemetery Supervisor** (New)	-	-	-	-
	Associate Planner**	-	-	\$1,322.88	\$1,786.15
10	Asset Manager**	\$36.42	\$49.16		-
	Assistant City Engineer**			-	-
	Financial Analyst	-	-	-	-
	Community Nurse	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,456.88	\$1,966.38
	Youth Services Librarian	-	-	-	-
11	Technical Advisor I	\$38.60	\$52.10	-	-
	Cemetery Sexton**	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-

1

	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	System Administrator	-	-	-	-
	Airport Operations Supervisor**	-	-	\$1,544.04	\$2,083.91
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Fire Marshall**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
12	Wastewater Treatment Superintendent**	\$40.91	\$55.23	-	-
	Water Treatment Superintendent**	-	-	-	-
	Administrative Services Manager**	-	-	\$1,636.34	\$2,209.02
	City Assessor**	-	-	-	-
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager	-	-	-	-
13	Chief Innovation Officer	-	-	\$1,734.53	\$2,341.63
	Cyber Security Analyst	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Deputy Human Resources Director	-	-	-	-
	Deputy Fire Chief**	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager	-	-	-	-
	Police Captain**	-	-	-	-
	Deputy Planning and Development Director	-	-	-	-
	Systems and Operations Administrator	-	-	-	-

14	Human Resources Specialist	\$45.97	\$62.06	-	-
	Airport Manager	-	-	\$1,838.70	\$2,482.05
	Assistant Director/Public Works	-	-	-	-
	Assistant Fire Chief	-	-	-	-
	Chief Assessor	-	-	-	-
	Human Resources Director	-	-	-	-
	Library Director	-	-	-	-
	Lead Network Infrastructure Engineer	-	-	-	-
	Recreation, Arts & Parks Director	-	-	-	-
15	Deputy Police Chief	-	-	\$2,065.67	\$2,630.81
16	Technical Advisor II	\$56.57	\$71.59	-	-
	Chief of Police	-	-	\$2,262.71	\$2,863.64

	Planning and Development Director	-	-	-	-
	Public Works Director	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Cyber Services Director	-	-	-	-
	Deputy City Manager	-	-	-	-

**Denotes LPASE Employees for which the January 1, 2024, GWI shall be based on the Northeast Region CPI for June 2022 – June 2023, but in no case shall be less than one percent (1%), nor greater than three percent (3%).

B. Seasonal/Temporary& Stipend Employees

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk	-	\$15.63
Election Assistant	-	\$15.63
Supervisors of the Checklist	-	\$15.63
Moderator	-	\$22.32
Ward Clerk	-	\$22.32
ELECTION DAY STIPEND		
Chair Supervisor of the Checklist	-	\$250.25
Supervisor of the Checklist	-	\$212.00
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$12.56	\$31.85
RECREATION, ARTS & PARKS POSITIONS		
Front Desk Attendants – Pool	\$11.32	\$17.02
Lifeguards	\$11.32	\$19.53
Head/Lead Counselors	\$14.74	\$18.12
Head & WSI Lifeguards	\$13.59	\$20.37
Head Front Desk Attendant - Pool	\$13.59	\$17.00
Outdoor Adventurer - Educator	\$15.00	\$20.00
Softball Coordinator	\$14.15	\$18.12
Day Camp Counselors	\$11.32	\$17.02
Arts & Craft Director	\$14.74	\$18.97
Farmers Market Coordinator	\$15.86	\$20.39
Market Assistant	\$13.59	\$17.00

Tennis Instructor	\$17.00	\$21.52
Stomp & Romp	\$17.00	\$21.52
Pool Operations Manager	\$17.00	\$23.43
Asst. Pool Director	\$17.00	\$23.43
Assistant Camp Director	\$17.00	\$23.43
Pool Director	\$18.12	\$26.78
Camp Director	\$18.12	\$26.78
RECREATION, ARTS & PARKS STIPEND POSITIONS:		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$228.74	\$797.81
Softball Coordinator - Stipend	\$1,981.00	\$2,536.80

1

Tree Warden—Stipend	\$2,555.00	\$5,110.00
LIBRARY POSITIONS		
Circulation Substitutes Library Clerk I	-	\$18.00
Custodian Substitutes Library Custodian Substitutes	-	\$20.00
Reference Librarian Substitutes Library Clerk II	-	\$25.27
PUBLIC WORK POSITIONS		
Engineering Clerk	\$12.47	\$15.86
GIS Clerk – (or Intern)	\$17.00	\$19.26
Seasonal Laborers – Summer & Fall DPW, Parks & Rec.& Airport	\$18.12	\$22.90
Tree Warden	\$23.00	\$26.00
CDL Seasonal Drivers	\$25.45	\$55.79
PLANNING POSITIONS		
Park Ranger	\$17.00	\$19.26
POLICE DEPARTMENT POSITIONS		
Crossing Guard	-	\$18.45
*Communications Specialist	\$27.34	\$38.67
Police Administrative Aide	\$22.66	\$26.05
Parking Control Officer	\$22.66	\$26.05
Police Officers	\$29.34	\$38.78
CITY CLERK POSITIONS		
*Assistant City Clerks (Part-Time/Temp. <20)	\$27.34	\$38.67
Lead Recording Secretary	\$25.46	\$30.98
Recording Secretary	\$24.35	\$26.61
Recording Secretary Coordinator	\$25.46	\$27.19
SHARED POSITION		
General Intern I	\$14.74	\$18.69

2

3

Article III, Bargaining Unit Employees

4

A. AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO

5

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City and AFSCME (American Federation of State, County and Municipal Employees) Local #1348/Council 93 AFL-CIO, (effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2024, through the last pay period of 2024, as provided in that Agreement, and as placed on file in the office of the City Clerk.

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10

AFSCME POSITIONS	
GRADE	POSITION(s)
1	Laborer
2	Utility Operator Trainee
3	Operator; Recycling Attendant; Construction Utility Operator I; Meter/Backflow Technician; Scale Technician
4	Light Equipment Operator; Airport Maintenance Technician;
5	Heavy Equipment Operator; Utilities Operator I; Airport Maintenance Specialist; Maintainer (Cemetery Crew Leader); Utilities Operator I;
6	Mechanic; Water Treatment Plant Operator; Wastewater Treatment Plant Operator;

7	Laboratory Technician/ Utilities Plant Operator; Airport Maintenance Foreman Supervisor; Utilities Maintenance Mechanic; Engineering Technician;
8	Foreman Supervisor; Parks & Grounds Crew Foreman Supervisor
9	Chief of Quality Assurance, Electrician

AFSCME LOCAL 1348 - 2024 SALARY GRADES								2.2% GWI
<u>Minimum</u>	<u>Maximum</u>							
<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	
1	\$19.96	\$20.52	\$21.12	\$21.72	\$22.27	\$22.96	\$23.67	
2	\$21.53	\$22.16	\$22.80	\$23.42	\$24.04	\$24.78	\$25.55	
3	\$23.25	\$23.95	\$24.65	\$25.31	\$26.04	\$26.85	\$27.68	
4	\$25.11	\$25.89	\$26.63	\$27.40	\$28.20	\$29.07	\$29.98	
5	\$27.21	\$28.03	\$28.86	\$29.69	\$30.56	\$31.51	\$32.49	
6	\$29.46	\$30.34	\$31.32	\$32.28	\$33.26	\$34.25	\$35.18	
7	\$31.92	\$32.92	\$33.96	\$35.00	\$36.05	\$37.13	\$38.13	
8	\$33.52	\$34.58	\$35.68	\$36.78	\$37.96	\$39.12	\$40.64	
9	\$36.40	\$37.54	\$38.77	\$39.98	\$41.21	\$42.44	\$44.18	

B. LEBANON PERMANENT FIREFIGHTERS' ASSOCIATION LOCAL 3197 / INTER- NATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City and Lebanon Permanent Firefighters' Association Local 3197/International Association of Fire Fighters (IAFF), (effective January 1, 2022 to December 31, 2024), shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2024, through the last pay period of 2024, as provided in that Agreement, and as placed on file in the office of the City Clerk.

LEBANON PERMANENT FIREFIGHTERS/IAFF - 2024 SALARY GRADES								2.2% GWI
<u>Minimum</u>	<u>Maximum</u>							
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	

Firefighter - EMT	\$25.81	\$26.64	\$27.46	\$28.32	\$29.13	\$29.96	\$30.88
Firefighter - Paramedic	\$29.23	\$30.11	\$31.04	\$31.89	\$32.76	\$33.66	\$34.59
Fire Alarm Technician	\$35.94	\$36.69	\$37.44	\$38.15	\$38.90	\$39.61	\$40.33
Lieutenant	\$34.59	\$35.07	\$35.56	\$36.06	\$36.54	\$37.02	\$37.51
Fire Inspector	\$36.22	\$36.80	\$37.43	\$38.01	\$38.63	\$39.22	\$39.87
Lieutenant - Paramedic	\$36.09	\$36.57	\$37.04	\$37.51	\$38.01	\$38.46	\$38.95
Captain	\$42.24	\$42.67	\$43.17	\$43.62	\$44.08	\$44.56	\$45.01
Inspector - Paramedic	\$37.52	\$38.10	\$38.67	\$39.27	\$39.84	\$40.41	\$41.06
Captain - Paramedic	\$42.71	\$43.16	\$43.59	\$44.04	\$44.50	\$44.93	\$45.44

The January 1, 2024, GWI shall be based on the Northeast Region CPI, for June 2022 – June 2023, but in no case shall be less than one percent (1%) nor greater than three percent (3%).

C. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA)

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City of Lebanon and the Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA), (effective January 1, 2022 to December 31, 2024), shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2024, through the last pay period of 2024, as provided in that Agreement, and as placed on file in the office of the City Clerk.

LEBANON POLICE BENEVOLENT ASSOCIATION – 2024 SALARY GRADES							2.2%GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$29.34	\$31.05	\$32.12	\$33.71	\$35.40	\$37.19	\$38.78
Corporal	\$39.90	-	-	-	-	-	-
Sergeant	\$39.90	\$40.74	\$41.78	\$42.85	\$43.89	\$44.94	\$46.04

Seconded by Councilor Whittlesey.

**The Vote on the Motion was approved by members present (8-0)*

10. NEW BUSINESS

A. Public Input on Proposed 2024 Municipal Budget

Included in the agenda packet: **NOTE: All supportive documents and information can be found on pages 124-139, Council agenda packet.**

1. November 20, 2023 email from Jeanne Robillard, CEO Tri-County CAP, RE: Stats Explanation
2. Tri-County CAP Service Information for Lebanon
3. November 20, 2023 email from Jeanne Robillard, CEO Tri-County CAP, RE: Planning for end of Lebanon Hotel/Motel Assistance
4. July 31, 2023 email from Taylor Caswell, Commissioner Governor's Office for Emergency Relief & recovery, RE: Data Conversation – Homeless Data Review

Information available but not included herein: [2024 Municipal Budget as proposed by the City Manager](#)

Ms. Jeanne Robillard, CEO of Tri-County CAP handed out Tri-County CAP Stat Sheets to the Council and reviewed the content as presented below to the City of Lebanon.

1
2 Tri-County Cap is requesting \$28K.
3

Lebanon

Total Clients: 1,244

Total Value: \$1,718,790.00

7/1/2022 - 6/30/2023

AGENCY EMPLOYMENT

Payroll (No Fringe)	\$6,852,690.00
Benefits	\$1,749,332.00
Total:	\$8,602,022.00

ECONOMIC SUPPORTS

Energy Assistance Services

Fuel Assistance	Grafton County
Households	1922
Value	\$3,242,402.00

LEBANON	195 Households	335 Individuals	\$310,971.00
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Electric Assistance	Grafton County
Households	1154
Value	\$645,729.00

LEBANON	71 Households	178 Individuals	\$43,019.00
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Tri County Transit

	Grafton County
Households	174
Value	\$11,628.00

FACILITIES, ADMINISTRATION & OPERATIONS

Weatherization (Including Heating Systems)

	Grafton County
Clients	108
Value	\$605,710.00

LEBANON	40 Households	52 Individuals	\$125,839.00
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4

HEALTH & NUTRITION**Head Start**

	Grafton County	
Students	137	
Value	\$697,890.00	

HOMELESS SERVICES

	Grafton County	
Coordinated Entry/211 Calls	298	\$25,887.00
Housing Services	699	\$199,215.00
NHERAP (Households)	1,039	\$8,328,035.00

Lebanon Coordinated Entry/211 Calls	109	\$9,579.00
Lebanon Housing Services	245	\$69,825.00
Lebanon NHERAP (Households)	322	\$1,047,133.00

SHELTER SERVICES**Tyler Blain House**

	Grafton County	
Clients	0	
Value	\$0.00	

LEBANON	0	\$0.00
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Burch House

	Grafton County	
Clients	6	
Value	\$232,791.00	

LEBANON	2	\$20,574.00
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USDA FOOD DISTRIBUTION

	Grafton County	
Cases of Food	8666	
Value	\$319,573.13	

Distributed to Listen SK, Listen Food Pantry, Wellspring and Crosspoint

LEBANON	3027	\$91,850.00
---------	------	-------------

TRI-COUNTY CAP FAMILY DENTAL

	Grafton County	
Clients	94	
Value		

LEBANON	1	\$0.00
---------	---	--------



Quick Facts: Services in Lebanon vs. Grafton County

Grafton County Population 2023: 97,718

Lebanon Population 2023: 16,431 16.8% of Grafton population

Grafton County TCCAP Total Resources: \$14,308,860

Lebanon TCCAP Total Resources: \$1,718,790 = 12%

Percentage of Resources in Grafton County spent in Lebanon

Fuel Assistance: 9%

Energy Assistance: 7%

Transit: We do not drive any buses in Lebanon as DOT splits Grafton into two regions and has other providers covering the Upper Valley. We serve as the Lead Agency for the 5310 funds for those providers and do all the administrative work associated with those funds. We also applied for and received CDC grant dollars for Region One. \$65,000 went to Advance Transit and \$32,000 Grafton County Senior Citizens Council. This supports Transit services in Lebanon.

Weatherization: 21%

Housing Stability: \$8,553,137 total in Grafton with NHERAP w/o NHERAP \$225,102
\$1,126,537 total in Lebanon with NHERAP = 13% w/o NHERAP = 35%

Clients Services: 211 calls - 37%
Housing Services: 35%
NHERAP: 31%

Shelter Services: 9%

Permanent Supportive Housing Units: 7 in Lebanon of the 12 in Grafton County

USDA/TEFAP Food Distribution: 29% (Listen received 2,598 cases or 85%)

240 people served by Lebanon Human Services Department last year, 108 (45%) referred to TCCAP

Total NHERAP program dollars: 37% of all Grafton Grafton: \$24,749,245 Lebanon \$9,097,601

Mayor McNamara invited questions from the public. No one came forth.

Council Discussions:

In response to Councilor Liot Hill's question about calling 211, Ms. Robillard noted they are the lead agency for coordinated entry for this region, which is directly tied into 211 and explained how the 211 system works and the services they provide to Lebanon and throughout the region.

ACTION: *No action is required by the Council. Item is for informational purposes only. The Council will act on this item at their December 13, 2023 Budget Hearing.*

B. Review of Request for NHDES Granite State Clean Fleets Grant Funds for the Purchase of two 100% Electric Global Brand Street Sweepers and two Electric Vehicle Charging Stations

Included in the agenda packet: *NOTE: All supportive documents and information can be found on pages 140-142, Council agenda packet.*

1 1. Budget Outline for Granite State Clean Fleet Grant - EVSE Costs - ChargePoint

2
3 Mr. Tad Montgomery, Energy & Facilities Manager, reviewed the background of the Granite State Clean
4 Fleets Grant Funds and his estimated request of matching funds from the City in the amount of \$165,854.

5
6 **BACKGROUND**

7 The City applied to the NH Dept. of Environmental Services for a grant for two (2) 100% electric street
8 sweepers to replace two (2) existing diesel-powered street sweepers. In addition to purchasing the electric
9 street sweepers, a Level 2 charging station would be installed at the Department of Public Works (DPW)
10 Garage on Dartmouth College Highway and a Level 3 DC Fast Charger station would be installed at the
11 Lebanon Solid Waste Facility. Work would include procurement and training for the new units,
12 procurement and installation of the Level 2 and Level 3 charging stations, and procurement and
13 installation of related City and utility electrical upgrades to each site.

14
15 **The total cost of the project is: \$2,960,238.** The **City's contribution**, which includes the required
16 five percent (5%) matching funds and other ineligible project costs, is **estimated at: \$165,854.** We
17 believe these costs to be conservative as they include a 15% inflation factor. The street sweepers and
18 EV charging infrastructure installation will be put out to bid.

19
20 The current fleet of three (3) street sweepers is comprised of a 2002, a 2008 and a 2015 model. The
21 2002 is beyond its lifespan, the 2008 is nearing the end of its life span and the 2015 has an anticipated
22 three to five years of service life left. Replacement cost for a new diesel-powered sweeper is
23 approximately \$384,000, while used machines can be purchased for approximately \$50,000.

24
25 Operationally, for about four to five weeks in April or May, weather dependent, 24 hour a day street
26 sweeping is commenced for five (5) days a week utilizing two (2) sweepers. The third sweeper is
27 utilized if one of the primary sweepers is down or if weather has delayed cleanup and there is sufficient
28 manpower to fill the third machine.

29
30 The proposed electric sweepers have a 5000-hour, 10-year minimum battery life span with a 5-year
31 battery warranty. Long term storage will occur at the O&M garage. For the spring cleanup duration, they
32 will be stored at Solid Waste to utilize the Level 3 charger. The Level 2 Charger to be located at O&M
33 will be sufficient for routine summer use as needed. The Level 3 charger affords a fast charge time of 4
34 hours to full charge, which equates to 8 hours run time. The manufacturer recommends charging once
35 below 2 hours of remaining charge and to not run them down to zero charge. The Level 2 charger has a
36 1 to 1 charge time, six (6) hours charge equals six (6) hours run time.

37
38 This project is a step towards electrification of the City's fleet and reduction of our greenhouse gases.
39 The Level 3 DC fast charger was designed into the grant application, specifically at the Solid Waste
40 Facility, in order to make use of electricity from the gas-to-energy project. This will allow for lower-cost
41 rapid charging of the sweepers and other City fleet vehicles as they are procured. It will serve the
42 additional purpose of providing City EV charging when the electric grid goes down. This latter is of
43 critical importance to emergency service vehicles as they are transitioned to electric.
44 Neighboring towns have expressed a strong interest in having access to such emergency Electric Vehicle
45 charging in the future, so this project could substantially assist with regional municipal fleet
46 electrification.

47
48 Notice of award was initially scheduled for November 17, 2023. Due to a large number of applications,
49 that date has been extended by NH DES to an undetermined date.

50
51 Should the grant be awarded, matching funds to secure the grant will be required. If it is awarded prior to

1 action on the 2024 municipal budget, Administration may request the Council amend the budget to
2 include the required amount. If it is awarded after the 2024 budget is approved, administration may return
3 to the Council to request a supplemental appropriation.
4

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

6 **11. City Manager Report:**

7 City Manager Shaun Mulholland updated the Council on the following:

- 8 • Two Court Decisions in State Education Funding: The Education Coalition Committee, which
9 the City is part of, will be appealing the Court's decision. He strongly felt that the City of
10 Lebanon should not be sending their local property taxes to Concord. Councilor Liot Hill felt this
11 should be an item on a Council agenda and will be putting a request in.
12

13 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES:**

14 Councilor Simon spoke about the West Lebanon Revitalization Advisory Board meeting that took place
15 earlier this week regarding what their recommendations with housing would be. He will be submitting an
16 agenda item request. He also requested that the Council prepare a list of excess properties in Lebanon
17 that the City can sell and is proposing this be discussed at future Council meeting.
18

19 **13. FUTURE AGENDA ITEMS:**

- 20 • West Lebanon TIF Discussion.
- 21 • Discussion regarding the City's excess properties that can be sold.
- 22 • Court's decision on State Education Funding.
23

24 **14. NON-PUBLIC SESSION:**

25
26 *Councilor Liot Hill MOVED to go into a NON-PUBLIC Session for the purpose of discussing*
27

28 *Session 1*

29 *1. RSA 91-A:3, II(d) "The dismissal, promotion, or compensation of any public employee..."*
30 *Seconded by Councilor Wilkie*
31

32 **ROLL CALL:**

33 *Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.*
34 *None voted Nay.*

35 *Absent from vote: Assistant Mayor Below; Councilor Sykes was not present at the time this vote was*
36 *taken.*
37

38 **Staff Present:** City Manager Shaun Mulholland
39

40 **The Vote on the MOTION was approved by the Councilors present (7-0)*
41

42 *Council entered into Non-Public Session at 9:12PM.*
43

44 *Session 2*

45 *Councilor Wilkie MOVED to go into a NON-PUBLIC Session for the purpose of discussing:*

- 46 *2. RSA 91-A:3, II(a) "The dismissal, promotion, or compensation of any public employee..."*
47
48
49

ROLL CALL:

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

None voted Nay.

Absent from vote: Assistant Mayor Below

Seconded by Councilor Whittlesey.

Staff Present: None

**The Vote on the MOTION was approved by the Councilors present (8-0)*

Council entered into Non-Public Session at 9:28PM.

Councilor Wilkie MOVED to go out of the NON-PUBLIC Sessions 1 and 2.

Seconded by Councilor Simon.

ROLL CALL:

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

None voted Nay.

Absent from vote: Assistant Mayor Below

**The Vote on the MOTION was approved (8-0)*

Council came out of both Non-Public Sessions at 9:55 PM.

Council was back in Regular Session.

15. ADJOURNMENT:

Councilor Wilkie MOVED for adjournment.

Seconded by Councilor Simon.

**The Vote on the MOTION was unanimously approved (8-0). Absent from vote: Assistant Mayor Below*

The Regular Session meeting was adjourned at 10:00 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, December 13, 2023, 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Assistant Mayor Below, Erling Heistad,
Karen Liot Hill, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Deputy City Clerk Kara Tracy, Deputy City Manager of Special Projects Paula Maville, Interim Public Works Director Jay Cairelli, Recreation, Arts, and Parks Director Paul Coats, Deputy Director Planning & Development Tim Corwin, DPW Administrative Services Manager Kelly Crate, Cyber Services Director Perry Eaton, Police Lieutenant Richard Norris, Lebanon Libraries Director Sean Fleming, Human Services Director Lynne Goodwin, Airport Director Carl Gross, Deputy Chief of Police Matthew Isham, Human Resources Director Samantha Lauzon, Finance Director Vicki Lee, DPW Maintenance Manager Patrick McCarthy, Chief Innovation Officer Melanie McDonough, Director of Planning & Development Nathan Reichert, Chief of Police Phillip Roberts, Fire Chief/Emergency Management Director Jim Wheatley, Deputy Finance Director Alesia Williams

-
- 1
 - 2 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 6:00 p.m.
 - 3 • City Manager Shaun Mulholland announced the meeting criteria for the public.
 - 4
 - 5 **2. PLEDGE OF ALLEGIANCE:** Councilor Simon led the Council in the Pledge.
 - 6
 - 7 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
 - 8
 - 9 **4. OPEN TO PUBLIC:**
 - 10 • Ms. Sabya Ahymad (Ward 2) came forth and spoke about her reasons why the Lebanon City
 - 11 Council should make a Resolution supporting a “cease-fire in Gaza” and support for Palestine.”
 - 12 Mayor McNamara noted the best way to do this would have her contact her City Councilor for
 - 13 her ward. Councilor Sykes (Ward 2 Councilor) expressed his support for Ms. Ahymad to contact
 - 14 him regarding this issue and he would help get the process started.
 - 15
 - 16 **5. PUBLIC HEARING ITEMS:**
 - 17 **A. ADOPTION OF 2024 CITY BUDGET** – Public Hearing for the purpose of receiving public
 - 18 input and taking action to adopt the 2024 City Budget as proposed by the City Manager with
 - 19 additional actions to include: authorizing the issuance of bonds or notes to finance 2024 capital
 - 20 improvements; authorizing the disbursement of Water Investment Fee funds; establishing an
 - 21 Urban Forestry Trust Fund in accordance with NH RSA 31:19-a; establishing a Dependent Care
 - 22 Flexible Spending Account Reimbursement Revolving Fund in accordance with NH RSA 31:95-

h; rescinding prior authorizations for the issuance of bonds or notes; and authorizing the disbursement of Recreation Impact Fees.

Included in the agenda packet: *Note: All supportive documents can be found on pages 3-35, Council agenda packet.*

1. Overview Presentation of Proposed 2024 Annual Budget

Information Available but not Included in this Section: [2024 Proposed City Manager Budget Information](#)

City Manager Shaun Mulholland reviewed the 2024 Proposed Budget information for the City of Lebanon as provided in the December 13, 2023 City Council agenda packet and via link above.

In Summary



The 2024 Total budget is **15%** higher than the 2023 Budget.



The 2024 total projected revenues increase by **15.1%**.



The 2024 General Fund Budget is up by **5.8%**.



4.6% projected increase in the 2024 tax rate.



7.2% increase in Water rates and **5.2%** increase in Sewer rates.

Budget Overview All Funds

2023 Budget

- 4.1% increase in Tax Rate
- 8% increase in Water Rates
- 7.2% increase in Sewer Rates
- Total Budget **\$99,841,240**
- Without capital \$58,360,700

2024 Budget

- 4.6% increase in Tax Rate
- 7.2% increase in Water Rates
- 5.2% increase in Sewer Rates
- Total Budget **\$114,779,210**
- Without capital \$61,442,260 (**5.2%**)

2024 CITY BUDGET ADOPTION GUIDE – DECEMBER 13, 2023

This document is provided as a guide to help facilitate adoption of the 2024 City Budget.

- In conformance with Section C419:41 of the Lebanon City Charter, the Notice of Public Hearing for the 2024 Budget adoption process was published in the Valley News on Saturday, November 25, and Saturday, December 2, 2023.
- Budgets are adopted by the City Council on a fund basis. A fund segregates revenues and expenditures that are legally restricted to specific uses.

- A majority of City Councilors present and voting, with a quorum of at least **five** members present, is required to approve the annual budget. The issuance or rescission of bonds or notes must be authorized by at least 2/3 (**six**) of the members. The change of purpose for a capital reserve fund must be authorized by at least 3/4 (**seven**) of the members.
- The City Council may act on the amendments as written, or they may be modified. Amendments may perish for lack of movement and seconding, or other amendments may be introduced.
- Once the relevant Resolution (MAIN MOTION) has been moved and seconded, amendments may be introduced by being moved and seconded and voted on. If passed, the vote is then on the MAIN MOTION AS AMENDED.
- Clarity of Resolutions is imperative as the New Hampshire Department of Revenue Administration, and the City's bond counsel review the meeting minutes and actions associated with appropriation and debt issuance authorization for compliance with New Hampshire law.

Summary of City Manager's Proposed 2024 City Budget: (amendments to be introduced where applicable during proposed action)

Fund	2024 Budget	\$ Chg. V. '23	Sources of Revenues	2024 Budget	\$ Chg. V. '23
General	\$40,702,460	\$2,241,620	Taxes	\$28,076,450	\$1,367,140
Solid Waste Disposal	\$4,839,850	(\$76,380)	Licenses and Permits	\$3,845,600	(\$254,020)
Water Treatment and Distribution	\$4,689,410	\$252,450	Intergovernmental	\$9,154,800	(\$14,593,490)
Sewage Collection and Disposal	\$8,483,400	\$621,380	Charges for Services	\$18,613,480	\$306,240
Municipal Airport	\$1,883,710	(\$151,760)	Miscellaneous Sources	\$21,975,150	\$15,920,450
Emergency Management	\$25,000	\$0	Interfund Transfers	\$4,202,400	(\$518,210)
Heritage Fund	\$400	\$0	Bond Proceeds	\$25,435,140	\$12,445,530
Enterprise Properties Relvoing Fund	\$118,020	\$118,020			
Capital Improvements	\$53,336,950	\$11,856,410	Total	\$111,303,020	\$14,673,640
TIFD	\$700,010	\$76,230	Applied/(Realized) Fund Balance	\$3,476,190	\$264,330
Total	\$114,779,210	\$14,937,970	Total Revenues and Fund Balance	\$114,779,210	\$14,937,970

The estimated 2024 Municipal Tax Rate is \$9.39 per \$1,000 of assessed real estate value, an increase of \$0.42 or 4.6% from the 2023 tax rate. A single-family home assessed for \$350,000 will have an estimated 2024 municipal tax bill of about \$3,286, an increase of \$147. Four rates make up the Total Tax Rate: Municipal, School: Local and State, and County. This budget concerns the Municipal portion only. **Increases of 7.2% and 5.2% to water and sewer service rates, respectively, are factored into the budget.**

Proposed Resolutions include the following:

Resolution	Page(s)	Purpose of Action
No. 1	3	To Vote on the General Fund Budget
No. 2	3	To Vote on the Solid Waste Disposal Fund Budget
No. 3	4	To Vote on the Water Treatment and Distribution Fund Budget
No. 4	4	To Vote on the Sewage Collection and Disposal Fund Budget

No. 5	4	To Vote on the Municipal Airport Fund Budget
No. 6	5	To Vote on the Emergency Management Fund Budget
No. 7	5	To Vote on the Heritage Fund Budget
No. 8	5	To Vote on the Enterprise Properties Revolving Fund
No. 9	6	To Vote on the Downtown Lebanon Tax Increment Finance District Budget
No. 10	6	To Vote on the Airport-Tech Park Tax Increment Finance District Budget
No. 11	6-8	To Vote on the Capital Improvements Fund Budget
No. 12	8-9	To Vote on the Authorization of the Issuance of Bonds or Notes to Finance 2024 Capital Improvements
No. 13	9	To Vote to Authorize the disbursement of Water Investment Fee Funds
No. 14	9	To Vote to Establish an Urban Forestry Trust Fund in Accordance with NH RSA 31:19-a
No. 15	10	To Vote to Establish a Dependent Care Flexible Spending Account Reimbursement Revolving Fund in Accordance with NH RSA 31:95-h
No. 16	10-13	To Vote to Rescind Prior Authorizations for the Issuance of Bonds or Notes
No. 17	13	To Vote to Authorize the Disbursement of Recreation Impact Fees

1. OPEN PUBLIC HEARING: PUBLIC HEARING ITEM:

ADOPTION OF 2024 CITY BUDGET – Public Hearing for the purpose of receiving public input and taking action to adopt the 2024 City Budget as proposed by the City Manager with additional actions to include: authorizing the issuance of bonds or notes to finance 2024 capital improvements; authorizing the disbursement of Water Investment Fee funds; establishing an Urban Forestry Trust Fund in accordance with NH RSA 31:19-a; establishing a Dependent Care Flexible Spending Account Reimbursement Revolving Fund in accordance with NH RSA 31:95-h; rescinding prior authorizations for the issuance of bonds or notes; and authorizing the disbursement of Recreation Impact Fees.

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

RESOLUTION NO. 1

*** MOTION BY COUNCILOR Hill TO MOVE PASSAGE OF RESOLUTION NO. 1 TO APPROPRIATE \$40,702,460 FOR GENERAL CITY OPERATIONS:**

RESOLVED, for the purpose of authorizing and financing the General Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$40,702,460.

1
2 This resolution shall be effective January 1, 2024.

3
4 **SECONDED BY COUNCILOR** __Whittlesey__. **VOTE ON THE MOTION as amended:**
5 9 / 0 .

6
7 **TWO THREE PROPOSED AMENDMENTS TO RESOLUTION NO. 1**

8
9 **(1)** MOTION BY COUNCILOR __Sykes__ to increase the Planning & Development budget by
10 \$60,930.

11
12 **SECONDED BY COUNCILOR** __Hill__. **VOTE ON THE AMENDMENT** 9 / 0 .

13
14 **(2)** MOTION BY COUNCILOR __Assistant Mayor Below__ to increase the General Fund, Interfund
15 Transfers budget by \$165,860 to provide the City's portion of the funds required to accept funding from
16 the New Hampshire Department of Environmental Services through the Granite State Clean Fleets Grant
17 Program.

18
19 **SECONDED BY COUNCILOR** __Whittlesey__. **VOTE ON THE AMENDMENT** 9 / 0 .

20
21 **(3)** MOTION BY COUNCILOR __Wilkie__ to increase the general fund budget by \$60,000 for the
22 purpose of converting the Asst HS Director position to a full-time position.

23
24 **SECONDED BY COUNCILOR** __Sykes__. **VOTE ON THE AMENDMENT** 8 / 1 (Whittlesey
25 voted against).

26
27 **RESOLUTION NO. 2**

28
29 **• PROPOSED AMENDMENT TO RESOLUTION NO. 2**

30
31 **MOTION BY COUNCILOR** Simon **TO MOVE PASSAGE OF RESOLUTION NO. 2 TO**
32 **APPROPRIATE \$4,839,850 FOR SOLID WASTE DISPOSAL:**

33
34 **RESOLVED**, for the purpose of authorizing and financing the Solid Waste Disposal Fund budget.

35
36 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
37 amount of \$4,839,850.

38
39 This resolution shall be effective January 1, 2024.

40
41 **SECONDED BY COUNCILOR** Wilkie. **VOTE ON THE MOTION** 9 / 0 .

42
43 **• PROPOSED AMENDMENT TO RESOLUTION NO. 2**

44
45 **(1) MOTION BY COUNCILOR** __Simon__ to increase the Solid Waste Disposal Fund budget by
46 \$541,100 which reflects the increase in fees adopted through Ordinance #2023-06 on December 6,
47 2023.

1 **SECONDED BY COUNCILOR __Whittlesey__. VOTE ON THE AMENDMENT __8__/_1__**
2 **(Wilkie voted against.)**

3
4 **RESOLUTION NO. 3**

5 ***MOTION BY COUNCILOR __Zook__ TO MOVE PASSAGE OF RESOLUTION NO. 3 TO**
6 **APPROPRIATE \$4,689,410 FOR WATER TREATMENT AND DISTRIBUTION:**

7
8 **RESOLVED**, for the purpose of authorizing and financing the Water Treatment and Distribution Fund
9 budget.

10
11 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
12 amount of \$4,689,410.

13
14 This resolution shall be effective January 1, 2024.

15
16 **SECONDED BY COUNCILOR __Wilkie__. VOTE ON THE MOTION __9__/_0__.**

17 **RESOLUTION NO. 4**

18
19 *** MOTION BY COUNCILOR __Sykes__ TO MOVE PASSAGE OF RESOLUTION NO. 4 TO**
20 **APPROPRIATE \$8,483,400 FOR SEWAGE COLLECTION AND DISPOSAL:**

21
22 **RESOLVED**, for the purpose of authorizing and financing the Sewage Collection and Disposal Fund
23 budget.

24
25 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
26 amount of \$8,483,400.

27
28 This resolution shall be effective January 1, 2024.

29
30 **SECONDED BY COUNCILOR __Assistant Mayor Below__. VOTE ON THE MOTION**
31 **__9__/_0__.**

32
33 **RESOLUTION NO. 5**

34
35 *** MOTION BY COUNCILOR __Whittlesey__ TO MOVE PASSAGE OF RESOLUTION NO. 5**
36 **TO APPROPRIATE \$1,883,710 FOR MUNICIPAL AIRPORT OPERATIONS:**

37
38 **RESOLVED**, for the purpose of authorizing and financing the Municipal Airport Fund budget.

39
40 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
41 amount of \$1,883,710.

42
43 This resolution shall be effective January 1, 2024.

44
45 **SECONDED BY COUNCILOR __Simon__. VOTE ON THE MOTION __9__/_0__.**

46
47 **RESOLUTION NO. 6**

1 * MOTION BY COUNCILOR Wilkie TO MOVE PASSAGE OF RESOLUTION NO. 6 TO
2 APPROPRIATE \$25,000 FOR EMERGENCY PREPAREDNESS:

3
4 **RESOLVED**, for the purpose of authorizing and financing the Emergency Management Fund budget.

5
6 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
7 amount of \$25,000.

8
9 This resolution shall be effective January 1, 2024.

10
11 **SECONDED BY COUNCILOR** Whittlesey. **VOTE ON THE MOTION** 9 / 0 .

12
13 **RESOLUTION NO. 7**

14
15 * MOTION BY COUNCILOR Heistad TO MOVE PASSAGE OF RESOLUTION NO. 7 TO
16 APPROPRIATE \$400 FOR HISTORIC RESOURCES & PRESERVATION EFFORTS:

17
18 **RESOLVED**, for the purpose of authorizing and financing the Heritage Fund budget.

19
20 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
21 amount of \$400.

22
23 This resolution shall be effective January 1, 2024.

24
25 **SECONDED BY COUNCILOR** Hill. **VOTE ON THE MOTION** 9 / 0 .

26
27 **RESOLUTION NO. 8**

28
29 * MOTION BY COUNCILOR Liot Hill TO MOVE PASSAGE OF RESOLUTION NO. 8 TO
30 APPROPRIATE \$118,020 FOR THE ENTERPRISE PROPERTIES REVOLVING FUND:

31
32 **RESOLVED**, for the purpose of authorizing and financing the Enterprise Properties Revolving Fund.

33
34 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
35 amount of \$118,020.

36
37 This resolution shall be effective January 1, 2024.

38
39 **SECONDED BY COUNCILOR** Wilkie. **VOTE ON THE MOTION** 9 / 0 .

40
41
42 **RESOLUTION NO. 9**

43
44 * MOTION BY COUNCILOR Assistant Mayor Below TO MOVE PASSAGE OF
45 RESOLUTION NO. 9 TO APPROPRIATE \$700,000 FOR THE DOWNTOWN LEBANON TAX
46 INCREMENT FINANCE DISTRICT:

47
48 **RESOLVED**, for the purpose of financing the Downtown Lebanon Tax Increment Finance District Fund.

1 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
2 amount of \$700,000.

3
4 This resolution shall be effective January 1, 2024.

5
6 **SECONDED BY COUNCILOR** __Heistad__. **VOTE ON THE MOTION** __9__ / __0__.

7 **RESOLUTION NO. 10**

8
9 *** MOTION BY COUNCILOR** __Simon__ **TO MOVE PASSAGE OF RESOLUTION NO. 10 TO**
10 **APPROPRIATE \$10 FOR THE LEBANON AIRPORT–TECH PARK TAX INCREMENT**
11 **FINANCE DISTRICT:**

12
13 **RESOLVED**, for the purpose of financing the Lebanon Airport-Tech Park Tax Increment Finance
14 District Fund.

15
16 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be raised and appropriated in the
17 amount of \$10.

18
19 This resolution shall be effective January 1, 2024.

20
21 **SECONDED BY COUNCILOR** __Heistad__. **VOTE ON THE MOTION** __9__ / __0__.

22 **RESOLUTION NO. 11**

23
24 *** MOTION BY COUNCILOR** __Zook__ **TO MOVE PASSAGE OF RESOLUTION NO. 11 TO**
25 **APPROPRIATE \$53,336,950 FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS:**

26
27 **RESOLVED**, for the purpose of authorizing and financing the Capital Improvements Fund budget.

28
29 **BE IT FURTHER RESOLVED**, by the City of Lebanon, that funds be appropriated in the amount of \$
30 E53,336,950 for expenditure in connection with the following Capital Improvements and Acquisitions:
31

Department	ProjectName	2024	Bonds/Note Proceeds/Debt	Existing Funds from CRF	Transfers to CIP	Other (\$AD, sale proceeds, DHMC PILOT, etc)	Inter- governmental Grants
	AIRPORT FUND						
AIR	Runway Safety Area Improvements_2024	\$3,878,340			\$193,910		\$3,684,430
	TOTAL AIRPORT	\$3,878,340	\$0	\$0	\$193,910	\$0	\$3,684,430
	GENERAL FUND						
FACILITIES							
FIRE	Station 1 Replacement	\$22,669,940	\$22,669,940				
DPW	City Hall Renovations (Phase 4)	\$150,000	\$150,000				
DPW	City Owned Electric Vehicle Service Equipment	\$251,000	\$50,200				\$200,800
CM	Childcare Facility Project	\$21,977,670				\$19,977,670	\$2,000,000
CM	Main Street Building Demolition	\$250,000	\$250,000				
FLEET & EQUIPMENT							
FIRE	Personal Protective Equipment Replacement	\$210,000		\$210,000			
FIRE	Self-Contained Breathing Apparatus (SCBA) Replacement	\$485,000		\$485,000			
FIRE	Engine #2 Replacement	\$1,200,000	\$1,200,000				
ROADS & BRIDGES							
DPW	Route 120-Ena Rd-Old Ena Rd Ped/Bike Improvements	\$250,000	\$152,000			\$98,000	
DPW	Lahaye Drive Ped&Bike Improvements	\$540,000			\$48,000	\$60,000	\$432,000
OTHER							
REC	Mascoma River Greenway Extension	\$32,000				\$6,000	\$26,000
REC	Westboro Park	\$77,000	\$47,000			\$30,000	
	TOTAL GENERAL FUND	\$48,092,610	\$24,519,140	\$695,000	\$48,000	\$20,171,670	\$2,658,800
	WATER FUND						
DPW-WATER	New Source Water Supply Study Investigation Phase 2	\$150,000				\$100,000	\$50,000
	TOTAL WATER FUND	\$150,000	\$0	\$0	\$0	\$100,000	\$50,000
	SEWER FUND						
DPW-SEWER	Septage Receiving Upgrade	\$300,000	\$0			\$300,000	
	TOTAL SEWER FUND	\$300,000	\$0	\$0	\$0	\$300,000	\$0
	SOLID WASTE FUND						
DPW-SOLID	Landfill Phase 3-4 Design, Permitting, and Construction	\$800,000	\$800,000				
DPW-SOLID	Landfill Site Improvements	\$116,000	\$116,000				
	TOTAL SOLID WASTE FUND	\$916,000	\$916,000	\$0	\$0	\$0	\$0
	TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM	\$53,336,950	\$25,435,140	\$695,000	\$241,910	\$20,571,670	\$6,393,230

BE IT FURTHER RESOLVED, by the City of Lebanon, that the City Manager is authorized to take steps necessary and appropriate to apply for and secure maximum federal and state grant funding assistance.

This resolution shall be effective January 1, 2024.

SECONDED BY COUNCILOR Simon. **VOTE ON THE MOTION AS AMENDED** 9 / 0.

PROPOSED AMENDMENT TO RESOLUTION NO. 11

- (1) MOVED BY COUNCILOR** Wilkie **to amend the list of capital improvements projects to include the Electric Street Sweepers and Charging Stations project which includes the procurement of two 100% electric street sweeper units to replace two existing diesel sweeper units; and the procurement and installation of two electrical vehicle charging stations (one Level 2 and one Level 3).**

BE IT FURTHER MOVED that the Capital Improvements Fund budget be increased by \$165,860 to provide the City's portion of the funds required to accept funding from the New Hampshire Department of Environmental Services Granite State Clean Fleets Grant Program.

SECONDED BY COUNCILOR Hill. **VOTE ON THE AMENDMENT** 9 / 0.

PROJECT TYPE & DEPARTMENT		BONDS/NOTE		INTER-GOVERNMENTAL	
		2024 PROCEEDS/DEBT	TRANSFERS TO CIP	GRANTS	
	GENERAL FUND				
FLEET & EQUIPMENT	Electric Street Sweepers & Charging Stations	\$165,860		\$165,860	

RESOLUTION NO. 12

*** MOTION BY COUNCILOR Sykes TO MOVE PASSAGE OF RESOLUTION NO. 12 TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES TO FINANCE 2024 CAPITAL IMPROVEMENTS:**

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond issues in an amount not to exceed \$25,435,140 as follows:

Department	Project Name	Estimated Useful Life	Paid for by	Amount
GENERAL FUND				
FACILITIES				
FIRE	Station 1 Replacement	20 Years	Property Taxes	\$ 22,669,940
DPW	City Hall Renovations (Phase 4)	20 Years	Property Taxes	\$ 150,000
DPW	City Owned Electric Vehicle Service Equipment	20 Years	Property Taxes	\$ 50,200
CITY MANAGER	Main Street Building Demolition	20 Years	Property Taxes	\$ 250,000
FLEET & EQUIPMENT				
FIRE	Engine #2 Replacement	20 Years	Property Taxes	\$ 1,200,000
ROADS & BRIDGES				
DPW	Route 120-Etna Rd-Old Etna Rd Ped/Bike Improvements	20 Years	Property Taxes	\$ 152,000
OTHER				
REC	Westboro Park	20 Years		\$ 47,000
SOLID WASTE FUND				
DPW-SOLID WASTE	Landfill Phase 3-4 Design, Permitting, and Construction	20 Years	Solid Waste User Fees	\$ 800,000
DPW-SOLID WASTE	Landfill Site Improvements	20 Years	Solid Waste User Fees	\$ 116,000
TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM				\$ 25,435,140

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s) / issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager;

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

This resolution shall be effective January 1, 2024.

SECONDED BY COUNCILOR Whittlesey. VOTE ON THE MOTION 9 / 0.

RESOLUTION NO. 13

***MOTION BY COUNCILOR Whittlesey TO MOVE PASSAGE OF RESOLUTION NO. 13 TO AUTHORIZE THE DISBURSEMENT OF WATER INVESTMENT FEE FUNDS TO PARTIALLY FUND THE NEW SOURCE WATER SUPPLY STUDY INVESTIGATION PHASE 2:**

1
2 **RESOLVED**, by the City of Lebanon, that funds in an amount not to exceed \$100,000 be disbursed from
3 the Water Investment Fees Fund to the Capital Improvements Fund to partially fund the New Source
4 Water Supply Study Investigation Phase 2.

5
6 This resolution shall be effective January 1, 2024.

7
8 **SECONDED BY COUNCILOR** Liot Hill. **VOTE ON THE MOTION** 9 / 0 .

9
10 **RESOLUTION NO. 14**

11
12 ***MOTION BY COUNCILOR** Wilkie **TO MOVE PASSAGE OF RESOLUTION NO. 14 TO**
13 **ESTABLISH AN URBAN FORESTRY TRUST FUND IN ACCORDANCE WITH NH RSA 31:19-**
14 **a**

15
16 **RESOLVED**, by the City of Lebanon, that an Urban Forestry Trust Fund be established for the purpose
17 of accumulating resources to provide for the planting and caring of urban shade and ornamental trees; that
18 money in the Urban Forestry Trust Fund shall accumulate from year to year and shall not be considered
19 part of the City's General Fund; that the City Manager may accept private donations, legacies, and
20 devises to be placed in the fund; and that the City Manager shall be the agent of the City to carry out the
21 purposes of the Fund.

22
23 **BE IT FURTHER RESOLVED**, that funds in the amount of \$107,000 be transferred from the
24 unassigned fund balance in the General Fund to the Urban Forestry Trust Fund for future use.

25
26 **SECONDED BY COUNCILOR** Sykes. **VOTE ON THE MOTION** 9 / 0 .

27 **RESOLUTION NO. 15**

28
29 ***MOTION BY COUNCILOR** Heistad **TO MOVE PASSAGE OF RESOLUTION NO. 15 TO**
30 **ESTABLISH A DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT (FSA)**
31 **REIMBURSEMENT REVOLVING FUND IN ACCORDANCE WITH NH RSA 31:95-h:**

32
33 **RESOLVED**, by the City of Lebanon, that a Dependent Care FSA Reimbursement Revolving Fund be
34 established for the purpose of accumulating resources for the reimbursement of Dependent Care Expenses
35 in accordance with Federal Flexible Spending Account Guidelines.

36
37 **BE IT FURTHER RESOLVED**, that funds in the amount of \$50,000 be transferred from the General
38 Fund Budget (Finance Department) to the Dependent Care FSA Reimbursement Revolving Fund.

39
40 **BE IT FURTHER RESOLVED**, that funds in the amount of \$10,000 be transferred from the Solid
41 Waste Disposal Fund Budget to the Dependent Care FSA Reimbursement Revolving Fund.

42
43 **BE IT FURTHER RESOLVED**, that funds in the amount of \$5,000 be transferred from the Water
44 Treatment and Distribution Fund Budget to the Dependent Care FSA Reimbursement Revolving Fund.

45
46 **BE IT FURTHER RESOLVED**, that funds in the amount of \$5,000 be transferred from the Sewage
47 Collection and Disposal Fund Budget to the Dependent Care FSA Reimbursement Revolving Fund.

48
49 This resolution shall be effective January 1, 2024.

1 **SECONDED BY COUNCILOR** __Wilkie__. **VOTE ON THE MOTION** __9__ / __0__.

2
3 **RESOLUTION NO. 16**

4
5 ***MOTION BY COUNCILOR** __Liot Hill__ **TO MOVE PASSAGE OF RESOLUTION NO. 16 TO**
6 **RESCIND AND/OR TRANSFER PRIOR AUTHORIZATIONS FOR THE ISSUANCE OF**
7 **BONDS OR NOTES TOTALING \$292,064.19 FOR THE FOLLOWING 7 PROJECTS:**

8
9 **1. 2021 RECREATION PLAYING FIELDS**

10
11 **WHEREAS**, on December 16, 2020, the Lebanon City Council authorized a capital project for
12 Recreation Playing Fields in the amount of \$45,000, including a transfer from the Recreation Impact Fee
13 Fund; and

14
15 **WHEREAS**, the Recreation Playing Fields project did not take place, there remains a balance of \$45,000
16 in the capital project account.

17
18 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that the appropriated yet unspent
19 amount of \$45,000 be rescinded, and funding be transferred back to the Recreation Impact Fee fund.

20
21 This resolution shall be effective upon passage.

22
23 **SECONDED BY COUNCILOR** __Heistad__. **VOTE ON THE MOTION** __9__ / __0__

24
25 **2. 2019 LEBANON LIBRARY RENOVATION**

26
27 **WHEREAS**, on December 16, 2020, the Lebanon City Council authorized the issuance of bonds or notes
28 in the amount of \$6,467,141 to fund Capital projects, including \$1,720,210 to finance the Lebanon
29 Library Renovation Project; and

30
31 **WHEREAS**, a portion of the project was funded through other sources including \$900,000 ARPA funds
32 and \$300,000 library foundation; and **WHEREAS**, there is a remaining appropriated balance of \$272.94
33 of which \$62.94 has been funded.

34
35 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that the authorized issuance of
36 bonds in the amount of \$1,200,210 is hereby rescinded.

37
38 **BE IT FURTHER RESOLVED**, that the appropriated but unfunded amount of \$210.00 is hereby
39 rescinded, and the funded yet unspent appropriation of \$62.94 be transferred from the Lebanon Library
40 Renovation project to the 2023 Fire Ambulance Replacement project.

41
42 This resolution shall be effective upon passage.

43
44 **SECONDED BY COUNCILOR** __Simon__. **VOTE ON THE MOTION** __9__ / __0__.

45 **3. 2020 FACILITY ASSESSMENT PLAN**

46
47 **WHEREAS**, on December 18, 2019, the Lebanon City Council authorized a capital project for the
48 Facility Assessment Plan in the amount of \$75,000 as a transfer from the general fund; and

1 **WHEREAS**, there is a remaining appropriation and funded balance of \$1,850.00 which is not required as
2 the Facility Assessment Plan project is complete.

3
4 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that appropriated yet unspent funds
5 totaling \$1,850.00 be transferred from the 2020 Facility Assessment Plan project to the 2023 Fire
6 Ambulance Replacement project.

7
8 This resolution shall be effective upon passage.

9
10 **SECONDED BY COUNCILOR** __Whittlesey__. **VOTE ON THE MOTION** __9__ / __0__.

11 **4. 2021 FIRE DEPARTMENT STAFF VEHICLE REPLACEMENT**

12
13 **WHEREAS**, on December 16, 2020, the Lebanon City Council authorized a capital project for the
14 replacement of a Fire Department Staff Vehicle in the amount of \$60,000 with monies from the MIH
15 Pilot; and

16
17 **WHEREAS**, there is a remaining appropriation and funded balance of \$70.31 which is not required as the
18 Fire Department Staff Vehicle Replacement project is complete.

19
20 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that appropriated yet unspent funds
21 totaling \$70.31 be transferred from the 2021 Fire Department Staff Vehicle Replacement project to the
22 2023 Fire Ambulance Replacement project.

23
24 This resolution shall be effective upon passage.

25
26 **SECONDED BY COUNCILOR** __Simon__. **VOTE ON THE MOTION** __9__ / __0__.

27 **5. 2021 MILL ROAD SLOPE STABILIZATION**

28
29 **WHEREAS**, on December 16, 2020, the Lebanon City Council authorized the issuance of bonds or notes
30 in the amount of \$6,467,141 to fund Capital projects including \$100,000 to finance the 2021 Mill Road
31 Slope Stabilization project; and

32
33 **WHEREAS**, the Mill Road Slope Stabilization project was completed for a total of \$57,000 leaving a
34 remaining balance of \$43,000 in the capital project account.

35
36 **NOW THEREFORE BE IT RESOLVED**, as the project will be funded by monies approved as part of
37 the 2024 Sewage Collection & Disposal Fund Budget, the City of Lebanon hereby rescinds bonds or
38 notes authorized on December 16, 2020, totaling \$100,000, and rescinds appropriations authorized in the
39 amount of \$43,000.

40
41 This resolution shall be effective upon passage.

42
43 **SECONDED BY COUNCILOR** __Sykes__. **VOTE ON THE MOTION** __9__ / __0__.

44 **6. 2019 STREET LIGHT CONVERSION**

45
46 **WHEREAS**, on December 19, 2018, the Lebanon City Council authorized the issuance of bonds or notes
47 in the amount of \$19,925,000 to fund capital projects including \$920,000 to finance the Street Light
48 Conversion project; and

1
2 **WHEREAS**, there is a remaining appropriation and funded balance of \$37,454.80, which is not required
3 as the Street Light Conversion project is complete.

4
5 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that appropriated yet unspent funds
6 totaling \$37,454.80 be transferred from the Street Light Conversion project to the Main Street West
7 Lebanon Capital Improvements Project.

8
9 This resolution shall be effective upon passage.

10
11 **SECONDED BY COUNCILOR** __Simon__. **VOTE ON THE MOTION** __9__ / __0__.

12 **7. 2018 LPD RADIO COMMUNICATIONS REPEATER REPLACEMENT PROJECT**

13
14 **WHEREAS**, on December 19, 2018, the Lebanon City Council authorized the issuance of bonds or notes
15 in the amount of \$ 19,925,000 to fund capital projects including \$1,070,000 to finance the LPD Radio
16 Communications Repeater Replacement project; and

17
18 **WHEREAS**, in January 2023, a request for bonding in the amount of \$3,127,412.24, including
19 \$107,412.24 for the LPD Radio Communications Repeater Replacement project was submitted to the
20 New Hampshire Bond Bank; and

21
22 **WHEREAS**, on March 1, 2023, the Council rescinded prior bonding and appropriation authority and
23 authorized the transfer of unspent funds from three other completed capital projects totaling \$131,104.06
24 for the completion of the Radio Communications Repeater Replacement project; and

25
26 **WHEREAS**, on July 13, 2023, the New Hampshire Bond Bank issued bonds to the City in the amount of
27 \$3,120,000 of which \$100,000 was granted for the LPD Radio Communications Repeater Replacement
28 project; and

29
30 **WHEREAS**, funding in the amount of \$123,691.82 was needed for the completion of the Radio
31 Communications Repeater Replacement project leaving a remaining balance of \$107,412.24.

32
33 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that unspent funds totaling
34 \$107,412.24 be transferred from the LPD Radio Communications Repeater Replacement project to the
35 Main Street West Lebanon Capital Improvements Project.

36
37 This resolution shall be effective upon passage.

38
39 **SECONDED BY COUNCILOR** __Wilkie__. **VOTE ON THE MOTION** __9__ / __0__.

40
41 **NOT PART OF THE RESOLUTION** - Rescission efforts are part of an ongoing objective to reduce
42 outstanding authorized but unissued long-term debt and, ultimately, the City's debt exposure and the
43 significant costs associated with servicing that debt. Therefore, unlike the other resolutions presented
44 herein, the above resolutions will be effective upon passage, as they are to be taken into consideration
45 when assessing the City's fiscal condition for year ending 2023.

46
47 **RESOLUTION NO. 17**
48

1 *** MOTION BY COUNCILOR Assistant Mayor Below TO AUTHORIZE THE**
2 **DISBURSEMENT OF RECREATION PUBLIC FACILITIES IMPACT FEES:**

3
4 **RESOLVED**, by the City of Lebanon, that funds in an amount not to exceed \$30,000 be disbursed from
5 the Recreation Impact Fees Fund to the Capital Improvements Fund to partially fund the Westboro Park
6 project.

7
8 This resolution shall be effective January 1, 2024.

9
10 **SECONDED BY COUNCILOR Liot Hill. VOTE ON THE MOTION 9 / 0**

11
12 **B. AMEND ORDINANCE NO. 18, SALARY PLAN** – A public hearing for the purpose of
13 receiving public input and taking action to amend Ordinance No. 18, Salary Plan, to include
14 implementation of a 2.2% General Wage Increase, and to retitle, reclassify, and add positions
15 to the existing salary plan.

16
17 Included in the agenda: *Note: All supportive documents can be found on pages 51-61 , Council agenda*
18 *packet.*

19
20 **BACKGROUND**

21 The City Council was asked to take action on the third reading to amend Ordinance #18, Salary Plan, as
22 follows:

- 23
24 1. Implement a 2.2% General Wage Increase for 2024, for all Non-Affiliated positions, and
25 all positions within the following Bargaining Units: Lebanon Professional,
26 Administrative, and Salaried Employees (LPASE), Lebanon Permanent Firefighters'
27 Association, Local 3197/International Association of Fire Fighters (LPFFA/IAFF) and
28 Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent
29 Association (NEPBA)
- 30 2. Article II, Non-Affiliated Employees to:
- 31 I. Add the non-exempt position of Facilities Maintenance Specialist,
32 within the Public Works Department, to Grade 4.
- 33 3. Article II, LPASE Employees to:
- 34 I. Add the non-exempt position of Cemetery Supervisor, within the
35 Public Works Department, to Grade 9.
- 36 II. Retitle Solid Waste Foreperson, Grade 9 position, to Solid
37 Waste Supervisor.
- 38 4. Article II, Seasonal/Temporary & Stipend Employees to:
- 39 I. Retitle the following positions, with the Library Department:
- 40 a. Circulation Substitutes retitled to Library Clerk I
- 41 b. Custodian Substitutes retitled to Library Custodian Substitute
- 42 c. Reference Librarian Substitutes retitled to Library Clerk II
- 43 II. Implement additional wage adjustments to the following positions:
- 44 a. Outdoor Adventurer – Educator
- 45 b. Library Clerk I (Newly Retitled)
- 46 c. Library Custodian Substitute (Newly Retitled)
- 47 III. Relocate the following positions:
- 48 a. Tree Warden from Recreation, Arts & Parks Stipend
- 49 Positions, to Public Works Positions, as a non-exempt
- 50 position.

- b. Softball Coordinator position from Recreation, Arts & Parks Positions, to Recreation, Arts & Parks as a stipend position.
5. Article III, Bargaining Unit Employees, Section A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO, to:
 - I. Retitle the following positions:
 - a. Airport Maintenance Foreman to Airport Maintenance Supervisor
 - b. Foreman to Supervisor
 - c. Parks & Grounds Crew Foreman to Parks & Grounds Crew Supervisor
6. Article III, Bargaining Unit Employees, Section B, Lebanon Permanent Firefighters' Association, LOCAL 3197/International Association of Fire Fighters (IAFF), to:
 - I. Adjust pay grades in conformance to the Collective Bargaining Agreement, and the Wage Study conducted in May of 2021.

2024 General Wage Increase (GWI)

The City Manager is responsible for maintaining the City's Compensation and Classification Plan. Within Ordinance #18, compensation for exempt (salaried) and non-exempt (hourly) Non-Affiliated employees is expressed as a minimum and maximum grade range, via hourly rates for non- exempt employees, and weekly rates for exempt (salaried) employees. Movement within ranges is achieved through annual General Wage Increases, and merit or step adjustments, applicable for employees who are not already at the top of their wage range. To be useful, it is imperative that compensation and classification systems be kept current. This is achieved primarily by revising compensation ranges through regular general wage adjustments and by systematically reviewing all positions on a regular basis. This is achieved by meaningful sampling of the labor market and internally relative to other positions.

For general wage adjustments, the City's practice is to use the percentage change in the Northeast Region CPI for June, from 12 months prior, with a minimum adjustment of 1% (floor), and a maximum adjustment of 3% (ceiling). This is true for Non-Affiliated (non-union) employees, as well as those that belong to our Collective Bargaining Units, which include:

- Lebanon Professional, Administrative, and Salaried Employees (LPASE)
- American Federation of State, County and Municipal Employees, Local #1348/Council 93 AFL-CIO (AFSCME)
- Lebanon Permanent Firefighters' Association, Local 3197/International Association of Fire Fighters (LPFFA/IAFF)
- Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA)

The increase in the Northeast Region CPI, for the period of June 2022-June 2023, was 2.2%. As a result, the City Council is being asked to take action, and implement a 2.2% General Wage Increase for all employees, as part of the 2024 City Budget. This change would be effective as of the first pay period of 2024.

In addition to the General Wage Increase (GWI), City Administration is proposing additional

1 amendments, as outlined Assistant Mayor Below.

3 **Article II, Non-Affiliated Employees**

4 City Administration is proposing the addition of a Facilities Maintenance Specialist position.
5 The Facilities Maintenance Specialist is a non-exempt, Grade 4 position.

7 **Article II, LPASE Employees**

8 City Administration is proposing the addition of a Cemetery Supervisor position. The Cemetery
9 Supervisor is a non-exempt, Grade 9 position.

10
11 Administration is also proposing that the Grade 9, Solid Waste Foreperson position be retitled
12 Solid Waste Supervisor.

14 **Article II, Seasonal/Temporary & Stipend Employees**

15
16 The following positions within the Library Department are to be retitled:

- 17
- 18 1. Circulation Substitutes retitled to Library Clerk I
- 19 2. Custodian Substitutes retitled to Library Custodian Substitutes
- 20 3. Reference Librarian retitled to Library Clerk II

21
22 Furthermore, due to the difficulty hiring for specific positions within the Seasonal/Temporary
23 & Stipend classification, Administration is proposing additional wage adjustments, above the
24 2.2% GWI, for three positions, to include:

- 25
- 26 1. Outdoor Adventurer – Educator
- 27 2. Library Clerk I (Newly Titled)
- 28 3. Library Custodian Substitutes (Newly Titled)

29
30 Administration is proposing that the Tree Warden position, currently a position within the
31 Recreation, Arts and Parks Department, be relocated to the Public Works Department and be
32 changed from a stipend employee to an hourly employee; and that the Softball Coordinator
33 position be relocated from an hourly employee to a stipend employee.

35 **Article III, Bargaining Unit Employees**

37 **SECTION A, AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO**

38
39 For consistency purposes, City Administration is proposing that the following AFSCME
40 positions be retitled:

- 41
- 42 1. Foreman retitled to Supervisor
- 43 2. Airport Maintenance Foreman retitled to Airport Maintenance Supervisor
- 44 3. Parks & Grounds Crew Foreman retitled to Parks & Grounds Crew Supervisor
- 45

**SECTION B, LEBANON PERMANENT FIREFIGHTERS' ASSOCIATION, LOCAL 3197/
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)**

In conformance with the Collective Bargaining Agreement, and in addition to the GWI of 2.2%, pay grades in this Bargaining Unit will be escalated to the 60th percentile of the Wage and Salary Study, conducted in May of 2021.

**SECTION C, LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND
POLICE BENEVOLENT ASSOCIATION (NEPBA)**

No additional amendments are proposed.

Amendment Process

Samantha Lauzon, Human Resources Director, will be present to discuss all proposed amendments and answer any questions the City Council may have.

Amending Ordinance #18 requires three separate presentations (see City Charter subsections §419:22, §419:24, §419:25, §419:52), followed by a public hearing, and the vote of at least two-thirds (2/3) of all members of the City Council - six (6) members - to adopt.

The first presentation was recognized by the City Council on November 15, 2023. The second presentation was acknowledged on December 6, 2023. The Council is asked to finalize the amendment process by acknowledging the third presentation and acting to amend the Salary Plan following the close of the public hearing.

The tables reflect all changes (as shown in red text), to include the addition of new positions, changes in position titles and/or classification, as well as the 2.2% General Wage Increase. These changes would be effective as of the first pay period of 2024.

The following pay plan shall be in effect the first pay period of 2024.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2024 SALARY & GRADES TO INCLUDE 2.2% GWI					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern	\$18.18	\$26.57	-	-
2	Custodian	\$20.43	\$27.58	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$21.67	\$29.24	-	-
	Custodian I	-	-	-	-
	Accounting Clerk	-	-	-	-
4	Library Assistant	\$22.95	\$30.98	-	-
	Custodial Supervisor	-	-	-	-
	Facilities Maintenance Specialist (New)	-	-	-	-
5		\$24.32	\$32.85	-	-

6		\$25.77	\$35.18	-	-
7	Administrative Secretary	\$27.34	\$38.67	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Accounting Clerk III	\$30.07	\$40.58	-	-
	Administrative Assistant	-	-	-	-
	Benefits Specialist	-	-	-	-
	Payroll Specialist	-	-	-	-

1					
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Deputy City Clerk/Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,202.64	\$1,623.50
	Children's Librarian	-	-	-	-
9	Code Health Inspector**	\$33.07	\$44.65	-	-
	Executive Assistant	-	-	-	-
	Public Relations Coordinator	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Solid Waste Foreperson**	-	-	-	-
	Solid Waste Supervisor**				
	Cemetery Supervisor** (New)	-	-	-	-
	Associate Planner**	-	-	\$1,322.88	\$1,786.15
10	Asset Manager**	\$36.42	\$49.16		-
	Assistant City Engineer**			-	-
	Financial Analyst	-	-	-	-
	Community Nurse	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,456.88	\$1,966.38
	Youth Services Librarian	-	-	-	-
11	Technical Advisor I	\$38.60	\$52.10	-	-
	Cemetery Sexton**	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	System Administrator	-	-	-	-
	Airport Operations Supervisor**	-	-	\$1,544.04	\$2,083.91
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-

	Fire Marshal**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
12	Wastewater Treatment Superintendent**	\$40.91	\$55.23	-	-
	Water Treatment Superintendent**	-	-	-	-
	Administrative Services Manager**	-	-	\$1,636.34	\$2,209.02
	City Assessor**	-	-	-	-
	City Clerk/Tax Collector	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Human Services Director	-	-	-	-

1
2

	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager	-	-	-	-
13	Chief Innovation Officer	-	-	\$1,734.53	\$2,341.63
	Cyber Security Analyst	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Deputy Human Resources Director	-	-	-	-
	Deputy Fire Chief**	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager	-	-	-	-
	Police Captain**	-	-	-	-
	Deputy Planning and Development Director	-	-	-	-
	Systems and Operations Administrator	-	-	-	-
14	Human Resources Specialist	\$45.97	\$62.06	-	-
	Airport Manager	-	-	\$1,838.70	\$2,482.05
	Assistant Director/Public Works	-	-	-	-
	Assistant Fire Chief	-	-	-	-
	Chief Assessor	-	-	-	-
	Human Resources Director	-	-	-	-
	Library Director	-	-	-	-
	Lead Network Infrastructure Engineer	-	-	-	-
	Recreation, Arts & Parks Director	-	-	-	-
15	Deputy Police Chief	-	-	\$2,065.67	\$2,630.81
16	Technical Advisor II	\$56.57	\$71.59	-	-
	Chief of Police	-	-	\$2,262.71	\$2,863.64
	Planning and Development Director	-	-	-	-
	Public Works Director	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Cyber Services Director	-	-	-	-
	Deputy City Manager	-	-	-	-

**Denotes LPASE Employees for which the January 1, 2024, GWI shall be based on the Northeast Region CPI for June 2022 – June 2023, but in no case shall be less than one percent (1%), nor greater than three percent (3%).

B. Seasonal/Temporary& Stipend Employees

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk	-	\$15.63
Election Assistant	-	\$15.63
Supervisors of the Checklist	-	\$15.63
Moderator	-	\$22.32
Ward Clerk	-	\$22.32
ELECTION DAY STIPEND		
Chair Supervisor of the Checklist	-	\$250.25
Supervisor of the Checklist	-	\$212.00
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$12.56	\$31.85
RECREATION, ARTS & PARKS POSITIONS		
Front Desk Attendants – Pool	\$11.32	\$17.02

Lifeguards	\$11.32	\$19.53
Head/Lead Counselors	\$14.74	\$18.12
Head & WSI Lifeguards	\$13.59	\$20.37
Head Front Desk Attendant - Pool	\$13.59	\$17.00
Outdoor Adventurer - Educator	\$15.00	\$20.00
Softball Coordinator	\$14.15	\$18.12
Day Camp Counselors	\$11.32	\$17.02
Arts & Craft Director	\$14.74	\$18.97
Farmers Market Coordinator	\$15.86	\$20.39
Market Assistant	\$13.59	\$17.00
Tennis Instructor	\$17.00	\$21.52
Stomp & Romp	\$17.00	\$21.52
Pool Operations Manager	\$17.00	\$23.43
Asst. Pool Director	\$17.00	\$23.43
Assistant Camp Director	\$17.00	\$23.43
Pool Director	\$18.12	\$26.78
Camp Director	\$18.12	\$26.78
RECREATION, ARTS & PARKS STIPEND POSITIONS:		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$228.74	\$797.81
Softball Coordinator - Stipend	\$1,981.00	\$2,536.80
Tree Warden – Stipend	\$2,555.00	\$5,110.00
LIBRARY POSITIONS		
Circulation Substitutes Library Clerk I	-	\$18.00
Custodian Substitutes Library Custodian Substitutes	-	\$20.00
Reference Librarian Substitutes Library Clerk II	-	\$25.27
PUBLIC WORK POSITIONS		
Engineering Clerk	\$12.47	\$15.86

GIS Clerk – (or Intern)	\$17.00	\$19.26
Seasonal Laborers – Summer & Fall DPW, Parks & Rec.& Airport	\$18.12	\$22.90
Tree Warden	\$23.00	\$26.00
CDL Seasonal Drivers	\$25.45	\$55.79
PLANNING POSITIONS		
Park Ranger	\$17.00	\$19.26
POLICE DEPARTMENT POSITIONS		
Crossing Guard	-	\$18.45
*Communications Specialist	\$27.34	\$38.67
Police Administrative Aide	\$22.66	\$26.05
Parking Control Officer	\$22.66	\$26.05
Police Officers	\$29.34	\$38.78
CITY CLERK POSITIONS		
*Assistant City Clerks (Part-Time/Temp. <20)	\$27.34	\$38.67
Lead Recording Secretary	\$25.46	\$30.98
Recording Secretary	\$24.35	\$26.61
Recording Secretary Coordinator	\$25.46	\$27.19
SHARED POSITION		
General Intern I	\$14.74	\$18.69

Article III, Bargaining Unit Employees

A. AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City and AFSCME (American Federation of State, County and Municipal Employees) Local #1348/Council 93 AFL-CIO, (effective January 1, 2022 to December 31, 2024) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2024, through the last pay period of 2024, as provided in that Agreement, and as placed on file in the office of the City Clerk.

AFSCME POSITIONS	
GRADE	POSITION(s)
1	Laborer
2	Utility Operator Trainee
3	Operator; Recycling Attendant; Construction Utility Operator I; Meter/Backflow Technician; Scale Technician
4	Light Equipment Operator; Airport Maintenance Technician;
5	Heavy Equipment Operator; Utilities Operator I; Airport Maintenance Specialist; Maintainer (Cemetery Crew Leader); Utilities Operator I;
6	Mechanic; Water Treatment Plant Operator; Wastewater Treatment Plant Operator;
7	Laboratory Technician/ Utilities Plant Operator; Airport Maintenance Foreman Supervisor; Utilities Maintenance Mechanic; Engineering Technician;
8	Foreman Supervisor; Parks & Grounds Crew Foreman Supervisor
9	Chief of Quality Assurance, Electrician

AFSCME LOCAL 1348 - 2024 SALARY GRADES							2.2% GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
1	\$19.96	\$20.52	\$21.12	\$21.72	\$22.27	\$22.96	\$23.67
2	\$21.53	\$22.16	\$22.80	\$23.42	\$24.04	\$24.78	\$25.55
3	\$23.25	\$23.95	\$24.65	\$25.31	\$26.04	\$26.85	\$27.68
4	\$25.11	\$25.89	\$26.63	\$27.40	\$28.20	\$29.07	\$29.98
5	\$27.21	\$28.03	\$28.86	\$29.69	\$30.56	\$31.51	\$32.49
6	\$29.46	\$30.34	\$31.32	\$32.28	\$33.26	\$34.25	\$35.18
7	\$31.92	\$32.92	\$33.96	\$35.00	\$36.05	\$37.13	\$38.13
8	\$33.52	\$34.58	\$35.68	\$36.78	\$37.96	\$39.12	\$40.64
9	\$36.40	\$37.54	\$38.77	\$39.98	\$41.21	\$42.44	\$44.18

The January 1, 2024, GWI shall be based on the Northeast Region CPI, for June 2022 – June 2023, but in no case shall be less than one percent (1%) nor greater than three percent (3%).

B. LEBANON PERMANENT FIREFIGHTERS' ASSOCIATION LOCAL 3197 / INTER- NATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City and Lebanon Permanent Firefighters' Association Local 3197/International Association of Fire Fighters (IAFF), (effective January 1, 2022 to December 31, 2024), shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2024, through the last pay period of 2024, as provided in that Agreement, and as placed on file in the office of the City Clerk.

LEBANON PERMANENT FIREFIGHTERS/IAFF - 2024 SALARY GRADES							2.2% GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Firefighter - EMT	\$25.81	\$26.64	\$27.46	\$28.32	\$29.13	\$29.96	\$30.88
Firefighter - Paramedic	\$29.23	\$30.11	\$31.04	\$31.89	\$32.76	\$33.66	\$34.59
Fire Alarm Technician	\$35.94	\$36.69	\$37.44	\$38.15	\$38.90	\$39.61	\$40.33
Lieutenant	\$34.59	\$35.07	\$35.56	\$36.06	\$36.54	\$37.02	\$37.51
Fire Inspector	\$36.22	\$36.80	\$37.43	\$38.01	\$38.63	\$39.22	\$39.87
Lieutenant - Paramedic	\$36.09	\$36.57	\$37.04	\$37.51	\$38.01	\$38.46	\$38.95
Captain	\$42.24	\$42.67	\$43.17	\$43.62	\$44.08	\$44.56	\$45.01
Inspector - Paramedic	\$37.52	\$38.10	\$38.67	\$39.27	\$39.84	\$40.41	\$41.06
Captain - Paramedic	\$42.71	\$43.16	\$43.59	\$44.04	\$44.50	\$44.93	\$45.44

The January 1, 2024, GWI shall be based on the Northeast Region CPI, for June 2022 – June 2023, but in no case shall be less than one percent (1%) nor greater than three percent (3%).

C. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA)

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City of Lebanon and the Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA), (effective January 1, 2022 to December 31, 2024), shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2024, through the last pay period of 2024, as provided in that Agreement, and as placed on file in the office of the City Clerk.

LEBANON POLICE BENEVOLENT ASSOCIATION – 2024 SALARY GRADES							2.2%GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$29.34	\$31.05	\$32.12	\$33.71	\$35.40	\$37.19	\$38.78
Corporal	\$39.90	-	-	-	-	-	-
Sergeant	\$39.90	\$40.74	\$41.78	\$42.85	\$43.89	\$44.94	\$46.04

The January 1, 2024, GWI shall be based on the Northeast Region CPI, for June 2022 – June 2023, but in no case shall be less than one percent (1%) nor greater than three percent (3%).

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

ACTION:

1. ACKNOWLEDGE THIRD PRESENTATION:

Councilor Liot Hill MOVED, that the Lebanon City Council acknowledges the third of three presentations to amend Ordinance #18, Salary Plan, as outlined in the tables contained on [pages 54 through 59](#) of the December 13, 2023, City Council Agenda Packet:

2. RESOLUTION:

FOR THE PURPOSE OF amending Ordinance #18, Salary Plan.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council hereby amends Ordinance #18 to implement a 2.2% General Wage Increase for 2024 for all City employees; and to implement all other changes as outlined in the tables contained on [pages 54 through 59](#) of the December 13, 2023 City Council Agenda Packet, effective the first pay period of 2024.

BE IT FURTHER RESOLVED, that the 2024 approved pay rate for the Library Clerk I position is retroactive to May 23, 2023.

Seconded by Councilor Wilkie

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

6. OLD BUSINESS: NONE

1 **7. NEW BUSINESS**

2 **A.** Review and adoption of amendments to City Council Policy CC-101, Fund Balance

3
4 Included in the agenda packet: *Note: All supportive documents can be found on pages 62-68, Council*
5 *agenda packet.*

6 1. Fund Balance Policy CC-101.1 as revised.

7
8 City Manager Shaun Mulholland reviewed the background and reasons for the amendments to City
9 Council Policy CC 101.

10
11 **BACKGROUND**

12 The City Council annually re-adopts the Fund Balance Policy. The Fund Balance Policy ensures the
13 City has sufficient reserves to meet the emergency needs of the City as well as the maintenance of cash
14 flow throughout the year. In 2009 the City entered into a consent decree with the US EPA to address the
15 City's violation of the Clean Water Act. The City had combined sanitary sewer and storm water drains
16 which were common in the 1800's and 1900's. The Clean Water Act was passed into law by Congress
17 in 1972. Municipalities were required to separate sanitary sewers from storm drains to ensure that raw
18 sewer was not discharged into rivers, lakes, and streams.

19
20 The City began an extensive project to separate its sewer system from the storm drain system which was
21 completed in 2021. The cost of the project was \$71 million. The City implemented a plan to fund the
22 project over time which included a higher fund balance in the general fund to a range of 19% to 24%.
23 This allowed sufficient reserves to be built up to address projected spikes in later years of the project as
24 the work accelerated. The reserve funding that was built up was used to smooth the tax rate in those
25 years where debt service spikes occurred.

26
27 Now that the project is completed there is no need to maintain fund balance ratios at this higher range.
28 The NH Department of Revenue Administration has recommended a minimum range of 5% to 17% of
29 general fund balance or no less than two months of operating revenues or regular general fund operating
30 expenses. This mirrors the recommendations of the Government Accounting Standards Board Statement
31 54 and the Government Finance Officers Association. Further, support for this standard can be found by
32 the National Advisory Council on State and Local Budgeting in its publication of *Framework for*
33 *improved State and Local Government Budgeting: Recommended Budget Practices.*

34
35 The collective guidance further states, "Retention amounts, as part of the municipality's stabilization
36 fund policy [1], should be assessed dependent upon your governments own long- term forecasts and
37 special circumstances." The City relies predominantly on property taxes to fund its operations. Property
38 taxes tend to be more reliable and less susceptible to economic fluctuations. Some municipalities in
39 other states rely heavily upon sales and income taxes as well as funding from their respective states.
40 These sources of revenue are far more volatile.

41
42 The City Manager is proposing a change in the fund balance range to 15% to 19%. The City has
43 sustained damages to roadway infrastructure in 2017 and most recently this past summer. The frequency
44 and severity of storm events has caused significant damage to our infrastructure which requires
45 immediate action while at the same time we don't have specific funds in the annual operating budget to
46 address these unanticipated costs. Reducing the range to the minimum range of 5% to 17% does not
47 provide sufficient reserves to meet the City's emergency needs or cash flow needs. The City Manager
48 proposes revision of the Fund Balance policy that is projected to meet the emergency needs of the City
49 and cash flow needs.

1 **ACTION:**

2 *Councilor SykesMOVED, that the Lebanon City Council approves the revisions to the Fund Balance*
3 *Policy CC-101 now named CC-101.1 as included in the December 13, 2023 City Council Agenda*
4 *Packet.*

5 *Seconded by Councilor Wilkie.*

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

9 **B. Review and adoption of amendments to City Council Policy CC-107, Debt Management**

11 Included in the agenda packet: *Note: All supportive documents can be found on pages 69-76 , Council*
12 *agenda packet.*

13 1. Debt Management Policy CC-107.1 as revised.

15 City Manager Shaun Mulholland reviewed the background and reason why these amendments were
16 needed for the City Council Policy CC-107

18 **BACKGROUND**

19 The City Council implemented a Debt Management Policy in 2021 to formalize the procedures for
20 setting the City's internal debt limits for the General Fund, Water Fund and Solid Waste Fund. The
21 provisions relative to the Sewer Fund were on hold awaiting a capital needs assessment which has now
22 been completed.

24 The first proposed change to the policy is to establish the procedure for sewer rates by setting a base
25 rate of a 5% increase each year with a variable inflator added to that percentage based upon the
26 Consumer Price Index (CPI) for the Northeast Region for Urban Wage Earners. The period for the CPI
27 assessment would be a look back of the previous 12 months from June 30th. In no event shall the
28 increase be over 8% in the sewer rate. The criteria mirrors the criteria of the water rate process. These
29 rate limits establish how much debt can be incurred using the debt service amounts and other
30 operational expenses while at the same time staying with the annual budget.

32 The second proposed change to the policy would change the debt ceiling calculation to allow
33 additional borrowing above the calculated debt ceiling for projects. This change would allow projects
34 that are partially grant funded during those periods (budget years) in which the principal debt limit
35 supported by the General Fund has reached or exceeded the ceiling. These grant funded projects, more
36 specifically the City's portion of the project that requires borrowing would still be calculated into the
37 debt ceiling. Once the debt ceiling is reached, projects that are not partially grant funded cannot be
38 proposed or approved until capacity is made available within the debt ceiling.

40 **ACTION:**

41 *Councilor Simon MOVED, that the Lebanon City Council approves the revisions to the Debt*
42 *Management Policy CC-107 now identified as CC-107.1 as included in the December 13, 2023 City*
43 *Council Agenda Packet.*

44 *Seconded by Councilor Wilkie.*

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

48 **8. ADJOURNMENT:**

1 *Councilor Whittlesey MOVED for adjournment.*
2 *Seconded by Councilor Heistad*
3
4 **The Vote on the MOTION was unanimously approved (9-0)*
5
6 **The meeting was adjourned at 7:38 PM.**
7
8 Respectfully submitted,
9 Dona E. Gibson
10 Recording Secretary

**LEBANON CITY COUNCIL
SPECIAL SESSION MINUTES
Wednesday, December 14, 2023, 7:00 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

MEMBERS ABSENT: Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks

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

- 3 • City Manager Shaun Mulholland announced the meeting criteria for the public.
4

5 **2. SPECIAL MEETING:**

6 **A. Review and Acceptance of Payment in Lieu of Taxes (PILOT) Agreement and Contributions**
7 **Agreement for Interfacility Transport System between Alice Peck Day Memorial Hospital and**
8 **City of Lebanon and Authorization for City Manager to execute PILOT and Contributions**
9 **Agreements.**

10
11 Included in the agenda packet: *Note: All supportive documents can be found on pages 2-6, Council*
12 *agenda packet.*

13 1. Excerpt of City Council minutes from August 6, 1997 relative to Voluntary Payment in Lieu of Taxes
14 Agreements
15

16 City Manager Shaun Mulholland reviewed the background and reasons for the Payment in Lieu of Taxes
17 (PILOT) between the City of Lebanon and Alice Peck Day Memorial Hospital.
18

19 **BACKGROUND**

20 In 1997, the City Council adopted a resolution authorizing the City Manager to carry out the intent of NH
21 RSA 72:23-n concerning voluntary Payment in Lieu of Taxes (PILOT) agreements, including negotiating
22 and accepting voluntary PILOT agreements on behalf of the City from otherwise fully or partially tax-
23 exempt properties in the City.

24
25 The City Administration and Alice Peck Day Memorial Hospital (APDMH) officials are negotiating a
26 proposed Payment in Lieu of Taxes agreement with the City. In addition, the City and APDMH have
27 negotiated a separate proposed Contributions Agreement for an Interfacility Transport system to be
28 conducted by the Lebanon Fire Department.
29

30 **ACTION:**

31 *Councilor Liot Hill MOVED, that the Lebanon City Council hereby ratifies and reaffirms the authority*
32 *of the City Manager under the Council resolution of August 6, 1997 to negotiate agreements for*
33 *payments in lieu of taxes and, further, to approve a PILOT agreement with Alice Peck Day Memorial*
34 *Hospital for portions of its property at Tax Map and Lot 90-59, that commences as of April 1, 2023 and*

1 *expires at the conclusion of the 2043 tax year on March 31, 2044; and also hereby authorizes the City*
2 *Manager to execute all documents and take any action necessary to enter into said PILOT Agreement.”*
3 *Said vote to approve the Pilot is contingent upon the following:*

- 4 1. *That the City Board of Assessors grant Alice Peck Day Memorial Hospital a Charitable*
5 *exemption application for 2023, and*
- 6 2. *Alice Peck Day Memorial Hospital pays all outstanding taxes owed on its properties by*
7 *December 31, 2023, and*
- 8 3. *Alice Peck Day Memorial Hospital makes the initial 2023 PILOT Agreement of \$299,000.00 by*
9 *December 31, 2023, and*
- 10 4. *An agreement is reached and executed by the City and Alice Peck Day Memorial Hospital on a*
11 *Contributions Agreement regarding the Lebanon Fire Department and to offer the City*
12 *Manager with input from the Fire Chief to negotiate and execute said Contributions Agreement.*

13 *Seconded by Councilor Heistad..*

14
15 **The Vote on the Motion was approved by members present (8-0).*

16
17 **B. Community Revitalization Tax Relief Application - Request by LWM Residential LLC, for**
18 **tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program**
19 **(NH RSA 79-E) as adopted by the City Council on February 17, 2016.**

20
21 Included in the agenda packet: *Note: All supportive documents can be found on pages 7-30 , Council*
22 *agenda packet.*

- 23 1. Declaration for Outdoor Recreational Activity, prepared for LWM Residential, LLC,
24 received on December 6, 2023.
- 25 2. City Council Agenda Packet from November 15, 2023, which includes:
26 a. October 18, 2023 letter from LWM Residential LLC
27 b. Application for Community Revitalization Tax Relief Incentive Program (RSA 79-E)
28 from LWM Residential LLC for the Lebanon Woolen Mill
29 c. September 12, 2023 letter from 106 Associates to the Lebanon Heritage Commission,
30 RE: Historic Status and Opinion on Secretary's Standards, Lebanon Woolen Mill
31 Complex, 1 Foundry Street
32

33 **BACKGROUND**

34 On November 15, 2023, the City Council held a public hearing for the purpose of receiving
35 public input and taking action on a request by LWM Residential LLC, for tax relief under the
36 provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as
37 adopted by the City Council on February 17, 2016. After the public hearing, the City Council
38 has up to 45 days to render a decision granting or denying the requested tax relief and, if so
39 granting, establishing the tax relief period. [RSA 79-E:4, III].
40

41 At the conclusion of the public hearing and the subsequent discussion, the City Council
42 requested that the City Manager and LWM Residential continue to negotiate the details of public
43 access to the property as offered by the applicant and also address the future ownership and/or
44 conservation of the “island parcel”, Tax Map 106, Lot 33. The Council then delayed making a
45 decision on the tax relief request until a special meeting scheduled for December 14th.
46

47 On December 6th, the City Manager received the attached draft Declaration for Outdoor
48 Recreational Activity from LWM Residential, which outlines the provisions of public access to

1 portions of the property as well as the rights retained by the property owner.

2
3 Mr. Jon Livadas of LWM Residential, LLC and his legal counsel Dennis Robinson, Esq. were in
4 attendance on December 14th to continue the discussions about public access and the island
5 parcel, as well as the overall 79-E tax relief request.

6
7 City Manager Mulholland stated a decision on this needs to be made on this tonight one way or the other.
8 The Council has the applications time limits and we are at the end of that time limit space.

9
10 Mr. Jon Livadas acknowledged that they understand what they are asking for, and what they qualify for,
11 is a very significant length and amount of abatement. They also know it is discretionary. We feel that our
12 project really qualifies for everything that the 79-E Program offers. We have gone out of our way to
13 develop something that Lebanon has not seen at any point yet and would like to think they are setting a
14 new standard in terms of building quality, not just for the Foundry, but for all the residents of Lebanon.

15
16 Attorney Dennis Robinson (Counsel for LMW Residential, LLC) prepared the Declaration for the
17 Outdoor Recreational Activity ([pages 10-13, Council agenda packet](#)). The gist of the document is to
18 make the Plaza, which is part of the development, as well as the River Walk area accessible to the public
19 for sightseeing, biking and hiking. He understands that from the discussion at the last meeting that there
20 was a desire for the public to be able to use this space in some way, and the Covenant essentially says that
21 the owner of the property will not prevent the use of recreational uses for as long as the Tax Abatement is
22 in effect. So, for whatever period the tax abatement is granted, this Covenant would essentially keep the
23 Plaza and River Walk areas open so the public can enjoy those portions of the property.

24
25 City Manager Mulholland asked Attorney Robinson to talk about the issue they discussed because the
26 Statute requires twice the period of time in the Covenants of the exemption (i.e., if they are granted 5, 10,
27 15 years, it is actually twice that period of time that the Covenant should be in effect). Attorney Robinson
28 thought the impact would be that however long this Covenant would run, it would run coterminous with
29 the 79-E Covenant (the normal tax abatement period).

30
31 Deputy City Manager David Brooks noted that while he believes up to two times is discretionary, in
32 every instance the Council has granted 79-E relief, it has imposed the requirement that the Covenant be in
33 effect for twice the number of years of the duration of the tax relief itself. It is discretionary and the
34 Council has exercised that discretion in each instance. It is included in paragraph 1 of the "Now
35 Therefore Clause" ([page 18, Council agenda packet](#)), noting that the boxes are blank to be filled in.

36
37 In response to Assistant Mayor Below's question regarding the legal descriptions of the property in the
38 Declaration for Outdoor Recreational Activity, Attorney Robinson noted this will be figured out during
39 the discussion of the actual legal document and based off the Site Plan.

40
41 City Manager Mulholland noted this would be the (legal) description of the path of the planned River
42 Walk, which is in front of the Planning Board. The agreement has to have a map that shows those areas
43 which the public is going to be able to have access to. Mr. Livadas pointed out to the Council where
44 public access would be granted on the screenshot of his Site Plan.

45
46 Councilor Liot Hill wanted clarification on the Declaration, noting that what they (LWM Residential
47 LLC) are proposing is equal to the number of years of the tax abatement. We have the discretion to make
48 it up to twice as long as the abatement. Mr. Livadas responded by saying they would like it to mirror the

length of that tax abatement. In response to Council Liot Hill's other question, Mr. Livadas stated that realistically, there will probably be another owner when the tax abatement ends and to burden the property up to 20-30 years is something they would not like to have as it would have an impact on the potential sale of the property in the future.

In response to Mayor McNamara's question regarding affordability, Mr. Livadas noted they have not had a discussion yet about the encumbrance and length of the affordability item. His question was since affordability was 4 years, so is it up to 2x's that?

Councilor Whittlesey spoke about the 79-E exemption and questioned if this exemption continues or does it sunset with their sale. City Manager Mulholland said it runs with the property. Councilor Whittlesey then noted that the cost they will probably put on the property will most likely be far less than is put on the abatement and further explained his reasons. Mr. Livadas noted he was speaking about the buyers who might buy the property when there is no abatement, noting they would be absorbing an encumbrance with no value, in terms of that abatement.

Councilor Heistad spoke about the Conservation easement (for the island) and questioned if this was off the table. Mr. Livadas stated it is not off the table at all.

Councilor Wilkie noted he brought himself up to the 1st 11 years and then up to 15 years, but it was done with the understanding of what they have seen in previous covenants that show twice the years of the tax relief period. This has been our precedent through all the other 79-E projects and questioned if this was part of the conversation in the past. Mr. Livadas noted he did not think 2 X's the length was ever brought up in a discussion regarding how long these covenants would last. We have just been discussing years.

Councilor Liot Hill noted that the Council just assumed it would 2X's the length (of the tax abatement) because this is what was done with all the past approved 79-E Projects.

Further discussions ensued between the Council and Mr. Livadas regarding 2X's the length of the tax abatement, which also included the affordability aspect.

Councilor Liot Hill suggested a compromise and explained her reasons why the Motion could contain the following two options:

1. 11-years with the affordability (continue for 22 years).
2. Up to 15 years, including affordability with conditions that would then run for 30 years.

Councilor Wilkie was not in favor of Councilor Liot Hill's two option proposal and explained his reasons.

Mayor McNamara read into the record an email from Ms. Sarah Riley sent to City Manager Mulholland. While Ms. Riley is Chair of the Conservation Committee, her email did not represent official comments from this Committee. This was her personal testimony supporting permanent protective measures, such as a Conservation Easement for the island as a condition of granting the requested tax relief and went on to explain her reasons why this should be done.

Councilor Liot Hill expressed her support for this project and explained in detail her reasons why the 5 public benefits below are important, noting that affordability is its own separate category.

1. Enhancement of the economic vitality of Downtown Lebanon

2. Enhancement and improvement of a structure that is historically important
3. Promotion of the preservation and reuse of existing building stock
4. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B
5. Increasing residential housing in municipal centers.

For the record, Councilor Liot Hill supports approving this project, at least for 11-years.

Councilor Whittlesey concurred with Councilor Liot Hill regarding her 11 year component and could support 12 years. His only caveat is that because it is discretionary, he was hesitant on the Conservation Easement (for the island) because he felt this should be handled through the Planning Board as those components are part of a Site Plan Review. He also felt that more affordable housing should be part of the criteria and further explained his reasons.

While Mayor McNamara supports this project moving forward, he reminded the Council that the relief is for the entire project, but there are buildings here that are not historic structures. We are not just granting relief for the historic structures; it is for the entire project. With regard to the housing units, 10% (19 units) are going to be affordable, but we are granting tax relief on the full 100% (183 units). This project has an important impact on Downtown Lebanon. He was uncertain if this project warrants everything being asked for, particularly when it is small portions of the project that are meeting the requirements and further explained his reasons. In this case we are actually asking the taxpayer to be a multi-million dollar investor in a project that we do not open books on, and we do not know how this impacts the project economics. We are going into this blind and that is the reason why he was very concerned about granting the type of (79-E) tax relief being talked about.

Councilor Heistad concurred with Mayor McNamara but noted the City has an asset just sitting there that will go either up or down (maintenance wise). Buildings do not get stronger by being left and sees this project as a need to do something with. He stated his reasons for what the cost (to the City) might be if nothing is done with this parcel in the future.

Assistant Mayor Below noted there is another provision that needs to be discussed, which is “the project should be completed on or before by ____? ____.” In response to Assistant Mayor Below’s question regarding how long it might take to complete the project, Mr. Livadas explained their goal is to start this summer (Phasing Schedule has been completed). Realistically these things take between 24-36 months. In essence, with all the work that needs to be done it could take 4-8 years with phasing. Assistant Mayor Below noted that putting 4 years out there for completion is fine, and he thought the affordability component (10% of units) is an important part of the project, so he would support the full 15 year grant, but felt that the affordability component needs to go a lot longer than the 15 years. For the amount of property taxes being invested, we need a longer term commitment for affordability and explained his reasons. He was in favor of moving ahead and if it doesn’t work out, Mr. Livadas can always come back to the Council.

In response to Mayor McNamara’s question regarding when the abatement would start, Deputy City Manager Brooks recited the statute that says: “The governing body may grant such tax relief assessment for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.” We have not had a project like this with multiple phases, so this might be something the Council will want to factor in.

1 Further discussions took place between City Council and Mr. Livadas regarding the planned
2 phasing/substantial completion of this project and what qualifies as a completed structure.

3
4 Councilor Simon noted the island is in the middle of a river and believed that with a Conservation
5 Easement or no Conservation Easement, the island would remain undevelopable. He was more concerned
6 about the potential contamination that exists on the site now rather than something to do with the island.
7 Containing the contamination that is onsite (known/unknown) is a much more pressing issue. Taking care
8 of these contaminants will also protect more wildlife in the future. He felt the island should be off the
9 discussion for tonight. Mayor McNamara and Councilor Sykes concurred.

10
11 The Council continued to discuss the length of the term for tax abatement; the affordability aspects of this
12 project; using \$1M/year as an example, the difference between 11 years with the affordable aspect vs. 15
13 years without affordability would equal a difference (in tax abatements) of +/- \$4M; how many units of
14 affordable housing could the City build with that \$4M; if the City is going to build affordable housing,
15 the City will still have to make that investment; reasons why the City needs more affordable housing and
16 how that could potentially be done; how saving +/- \$4M from this project will not necessarily be going
17 into housing; how the City needs places that people can live in affordably (i.e., small houses, cluster
18 housing, etc.)

19
20 In response to Councilor Liot Hill's question, Mr. Livadas noted that when they originally came before
21 the Council they were asking for 11 years (of tax abatement). He then asked what it would take to get the
22 extra 4 years to make it 15 years of tax abatement and he was asked to come back with an offer. He
23 wanted to bring us back to where we started, and now wanted to request 11 years (of tax abatement) and
24 explained his reasons.

25
26 Assistant Mayor Below spoke of his concerns about changing the application request from 15 years, as
27 presented in Council agenda packet, to 11 years. The application in the packet is for the full 15 years with
28 the affordability provision.

29
30 The Council discussed the potential (legal) aspects of changing what is in the packet and whether or not it
31 would be possible for the applicant (Mr. Jon Livadas/ LWM Residential, LLC) to return to his original
32 proposal of 11 years (tax abatement) and how the Motion could be adjusted to accommodate changes the
33 Council may choose to make.

34
35 **ACTION:**

36
37 ***Councilor Whittlesey MOVED, that:***

38
39 ***BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly noticed public hearing, that:***

40
41 ***WHEREAS, the City Council has determined that the application of LWM Residential, LLC (hereinafter***
42 ***the "Applicant") for property assessment tax relief under the City's 79-E Program is complete enough***
43 ***to commence consideration, and***

44
45 ***WHEREAS, the City Council has determined that the Applicant's properties, 1 Foundry Street, Tax Map***
46 ***91, Lot 263, and 25 Mechanic Street, Tax Map 91, Lot 267 (hereinafter the "Property"), is situated in***

1 *the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program*
2 *requirement as a Qualifying Structure, and*

3 *WHEREAS, the City Council has determined that the Applicant's project to renovate the existing mill*
4 *structure, construct two new buildings, demolish blighted buildings, remediate a brownfields site, and*
5 *complete other site improvements as approved by the Lebanon Planning Board (hereinafter the*
6 *"Project") exceeds the lesser of 15% of the current pre-rehabilitation assessed valuation or \$75,000*
7 *and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and*

8 *WHEREAS, the City Council has determined that the Applicant's proposed Project will generate*
9 *one or more Public Benefits to the City, including:*

- 10 *1. Enhancement of the economic vitality of Downtown Lebanon, and*
- 11 *2. Enhancement and improvement of a structure that is historically important, and*
- 12 *3. Promotion of the preservation and reuse of existing building stock, and*
- 13 *4. Promotion of the development of municipal centers, providing for efficiency, safety, and*
14 *a greater sense of community consistent with RSA 9-B, and*
- 15 *5. Increasing residential housing in municipal centers.*

16
17
18 *NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief*
19 *Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the*
20 *Applicant 11 years of property assessment tax relief for the Property to commence upon completion*
21 *of Project, with the following conditions:*

22
23 *1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the*
24 *Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner*
25 *that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The*
26 *term of the Declaration of Covenant shall be effective for 11 years, which is twice the duration*
27 *of the approved tax relief period as permitted under RSA 79-E:8, II.*

28
29 *2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance,*
30 *if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration*
31 *or replacement of the Project and Property. Such insurance shall, effective as of the date on which the*
32 *Project is completed, name the City of Lebanon as an additional insured by endorsement and the City*
33 *shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the*
34 *City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the*
35 *rights of any current or future mortgagee of the Property and any structures thereon, for the purpose*
36 *of ensuring proper and timely restoration or demolition of the Property, including any damaged*
37 *structures thereon. The Applicant shall agree to commence any restoration or demolition of such*
38 *structures within one year following the date of any occurrence or incident for which an insurance*
39 *claim is or could be made; otherwise, the Applicant shall be subject to the termination provisions set*
40 *forth in RSA 79-E:9, I.*

41
42 *3. The Applicant shall obtain a Building Permit for the Project and commence construction no later*
43 *than one year from the date of this Resolution, unless otherwise extended by the City Council in*
44 *writing. The Project, as approved, shall be completed on or before March 31, 2028 writing unless*
45 *otherwise extend by the City Council in writing.*

46
47 *Seconded by Councilor Liot Hill.*

1 Councilor Liot Hill spoke to her motion and gave her reasons why this motion is the best way to get this
2 project off the ground and set in place something that is going to benefitting this City for the next century.

3
4 Councilor Sykes, while he felt this project is a good thing, his concern was that some of the very
5 important aspects of our Strategic Plan was being overlooked by this motion. A small piece of this
6 intended public benefit should have been done through our usual practice (i.e., 22 years and not 11 years).
7 He hoped that a second motion would achieve all the intended purposes.

8
9 ***Councilor Sykes MOVED to amend the Motion stating the Council will go back to past practice, which***
10 ***is at least the 22 years.***

11 **Seconded by Councilor Heistad.**

12
13 Assistant Mayor Below noted

- 14 1. There is no reference to public access in the Motion, so this is not part of the criteria at this time.
15 2. Without the affordable housing units, it does not really matter whether the Covenants are in place
16 or not because the Covenant is only that the historic building will have been rehabilitated. He
17 was uncertain what the public benefit is beyond the public access and explained his reasons.

18
19 **Councilor Sykes withdrew his amended Motion.**

20
21 **Councilor Whittlesey modified his Motion to read as follows:**

22
23 ***WHEREAS, the City Council has determined that the Applicant's proposed Project will generate***
24 ***one or more Public Benefits to the City to include (including 1, 2, 3, 4, 5 as already read) by adding***
25 ***# 6 (reflected below):***

- 26 ***1. Enhancement of the economic vitality of Downtown Lebanon, and***
27 ***2. Enhancement and improvement of a structure that is historically important, and***
28 ***3. Promotion of the preservation and reuse of existing building stock, and***
29 ***4. Promotion of the development of municipal centers, providing for efficiency, safety, and***
30 ***a greater sense of community consistent with RSA 9-B, and***
31 ***5. Increasing residential housing in municipal centers.***
32 ***6. The proposed language from the applicant for public access; referred to as the Declaration of***
33 ***Outdoor Recreational Activity. Section 6 makes this contingent upon the execution of the***
34 ***attached Declaration of Outdoor Recreational Activity.***

35
36 ***Councilor Whittlesey FURTHER MOVED that the Applicant shall grant to the City of Lebanon a***
37 ***Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the***
38 ***Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above***
39 ***for which this property tax relief is granted. The term of the Declaration of Covenant shall be***
40 ***effective for (22) years, which is twice the duration of the approved tax relief period as permitted***
41 ***under RSA 79-E:8, II.***

42
43 ***Councilor Liot Hill, who seconded the original MOTION, agreed to these changes.***

44
45 Mayor McNamara noted that all the items in 1-6 will run for 22 years and the tax relief is for 11 years.

46
47 ****The Vote on the revised MOTION was approved (8-0).***
48

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Agenda
Lebanon City Council
January 3, 2024

7. Appointments:

Appointments

Board/Committee Appointments as presented by City Clerk/Tax Collector Jaseya Ewing

- Conservation Commission, Susan Almy, Appointment as an Alternate member (currently serving as a Regular member of Conservation Commission)
- Conservation Commission, Barbara Hirai, Appointment as a Regular member (currently serving as an Alternate member of Conservation Commission)

Included in this Section:

1. Memo from City Clerk/Tax Collector Jaseya Ewing dated January 3, 2024



Office of the City Clerk & Tax Collector
51 N. Park Street
Lebanon, NH 03766

MEMORANDUM

DATE: January 3, 2024
TO: The Honorable Mayor & City Council
FROM: Jaseya Ewing, City Clerk & Tax Collector
RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment.

Note: nominations do not need to be seconded.

Conservation Commission

- **Susan Almy** – Appointment as an alternate member of the Conservation Commission for a two-year term. Currently serving as a regular member.
Term: 01/24-01/26

- **Barbara Hirai** – Appointment as a regular member of the Conservation Commission for a two-year term. Currently serving as an alternate.
Term: 01/24-01/26



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Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

Basic Requirements

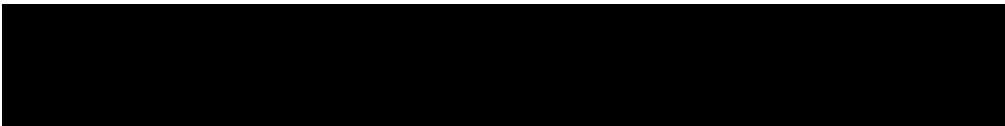
- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
- *Willingness to learn*
- *Commitment to attend meetings*
- *Treat people fairly*
- *Consider the best interest of the community as a whole when making decisions*
- *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*

(Section Break)

First Name	Susan
Last Name	Almy
Physical Address	
City	

State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	████████████████████
How long have you resided in Lebanon?	28 years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Conservation Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I have been on the board 27 years, and provide the history of the board for the others. But now I am applying to be the alternate and Barbara Hirai will move up to regular member. The workload is getting a bit much for me.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Long historical memory of the work, interaction with state Environmental Services and committees, long-past work in agricultural and environmental issues.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

Basic Requirements

- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
- *Willingness to learn*
- *Commitment to attend meetings*
- *Treat people fairly*
- *Consider the best interest of the community as a whole when making decisions*
- *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*

(Section Break)

First Name	Barbara
Last Name	Hirai
Physical Address	
City	

State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	██████████████████
How long have you resided in Lebanon?	43 years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Conservation Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am currently an alternate on the Conservation Commission. Soon there will be an opening for a full member on ConsCom and I would like to step up and be a full member.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	As an alternate on the Conservation Commission and have learned about wetlands, invasive and forest management, trail maintain and regulations. I have worked to improve our volunteer outreach, revise the Natural Resource chapter 5 of the Master Plan, and protect our natural resources . I look forward to learning more and being a more effective steward of our conservation lands.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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Agenda

Lebanon City Council

January 03, 2024

9. Old Business:

9.A – Action to Adopt Revisions to the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District Development Program

A public hearing was properly noticed and held on December 6, 2023 to amend the Development Program of the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District. Due to the minimum 15-day delay required in NH RSA 162-K:4, action by the City Council is scheduled for the January 3, 2024 meeting.

Background

On November 6, 2019 the City Council created the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District. Since the creation of the District, the City has extended Airpark Road to access developable areas on both the City's land as well as the Upper Valley Tech Park (UVTP) parcel. To date, UVTP has received approval for a 3-lot Planned Unit Development of its property, and development applications have been approved and construction has started for the two parcels accessed from the extended Airpark Road. In addition, the City is planning for the development of an Early Childhood Learning Center facility on the City's parcel.

The owners of the UVTP parcel have also received interest for a potential development on the westerly side of their property (the third lot of the 3-lot PUD), which would be accessed from Technology Drive within the Phase 1A Airport Business Park. However, the constructed portion of Technology Drive and the associated water and sewer infrastructure do not extend the full length of the public right-of-way and stop short of the UVTP parcel boundary. Since the Technology Drive right-of-way is already publicly owned, it is expected that any further extension of the roadway and utility infrastructure within the right-of-way will become the City's responsibility for ownership and maintenance.

On August 2, 2023, the City Council amended the boundary of the TIF District 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 for TIF revenues to be used for the construction and maintenance of the new segments of roadway and utility infrastructure within the right-of-way.

The Development Program for the TIF District should also be amended to specifically include the construction of this additional roadway and related utilities as required by RSA 162-K. Having held the duly-noticed public hearing on December 6, 2023, the City Council is authorized to take action on the proposed amendment at its meeting on January 3, 2024.

Action

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 Finance (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 City of Lebanon amended the TIF District boundary on August 2, 2023 to include and incorporate the southernmost 220 feet of the right-of-way of Technology Drive for the purpose of enabling the construction of roadway and related utility infrastructure to connect to the Upper Valley Tech Park property within the TIF District; and

WHEREAS: The City Council of the City of Lebanon held a duly-noticed public hearing on December 6, 2023 to consider an amendment to the Lebanon Airport-Tech Park TIF District Development Program 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 Finance (TIF) District Development Program, adopted on November 6, 2019, is hereby amended to include and incorporate Addendum #1 to the Development Program as presented in the City Council's agenda packet for the January 3, 2024 meeting.

This Resolution shall be effective upon passage.

Included in this Section:

1. Lebanon Airport-Tech Park TIF District Program Documents adopted November 6, 2019
2. Proposed Addendum #1 to Lebanon Airport-Tech Park TIF District Development Program
3. Lebanon Airport-Tech Park TIF District Expansion Area adopted August 2, 2023

Lebanon Airport - Tech Park TIF District Boundaries



Lebanon Airport - Tech Park TIF District Development Program

The following Development Program will guide development that occurs within the Lebanon Airport - Tech Park Tax Increment Finance District (TIFD) as per RSA 162-K:6.

The City's initial activities in developing the Lebanon Airport - Tech Park TIF District will include construction of roadways, sidewalks, water, sewer, utilities, and drainage infrastructure improvements on City-owned land identified as Tax Map 159, Lot 4, to enable subdivision and/or development of the property. It may further include marketing and promotion of the District, negotiation of development agreements, and/or the sale of property for commercial and infill development.

Property Disposition & Reuse of Private Property

The City may convey or lease all or a portion of public lots located within the TIFD to private developers under the terms of specific development agreements designed to promote the objectives of the Development Program. The terms of purchase and sale agreements, lease agreements or development agreements pertaining to properties transferred or leased by the City must be approved by the City Council. Although not anticipated, should the City need to acquire private property within the TIFD, it shall be accomplished only with approval of the City Council as required by law and be reused for public purposes.

Public Facilities to be constructed

The initial public facilities and infrastructure to be constructed may include new public roadway, sidewalk, water, sewer, and/or drainage infrastructure; placement of private utility distribution lines underground; expansion or replacement of public utility infrastructure; improvements to public streetscape and lighting, seasonal and permanent landscaping; and maintenance and administrative costs.

Following the capital investment in the preparation and implementation of the 2017 Comprehensive Airport Master Plan, future public infrastructure within the TIFD, as outlined in the City's Capital Improvement Program and subject to final approval by the City Council, may include additional elements, which center on improvements necessary to encourage positive economic development within the Lebanon Airport - Tech Park area.

In addition to the guidelines already described, the construction of the public facilities will adhere to and comply with the following guidelines:

- All relevant rules and regulations related to environmental controls;
- Facilities constructed are anticipated to be operated and maintained by the City of Lebanon during and following the completion of capital improvements within the TIFD.

Public Utilities

The City of Lebanon operates and maintains municipal water, wastewater and storm water utilities within Lebanon's Airport area.

Private Utilities

In addition to the above referenced Public Utilities, Liberty Utilities is the provider of electric service to all areas of the City of Lebanon.

The City's land development regulations require new development to place all utilities underground. The Master Plan encourages the City to look at placing existing utilities underground as well. All public facility programs will meet this goal.

Land Use Regulations

As established by the City's development practices, public and private property within the TIFD, consistent with the City's Master Plan, shall be developed or redeveloped in accordance with the goals, objectives, and standards set by the following City documents, as amended:

- Zoning ordinance;
- Subdivision of land regulations;
- Site Plan Review regulations;
- Building and life safety codes;
- All applicable state and federal laws.

Relocation of persons, businesses or others:

The City's proposed development of public infrastructure does not anticipate the displacement of any persons, businesses or others. The area of initial and planned future public infrastructure development is municipally-owned property or currently undeveloped private property, therefore, no plan for relocation is necessary.

Powers and authorities:

In conformity with the Development Program within the district, the City, via the City Council, may invoke the various powers and authorities as set forth in RSA 162-K:6, III.

District changes and modifications:

The area of the TIFD may be amended following the date of the designation, subject to further public hearings and vote of the City Council, in accordance with RSA 162-K:5.

The Tax Increment Financing Plan may be modified with the approval of the City Council in accordance with 162-K:9, IV.

Lebanon Airport - Tech Park

TIF Financing Plan

New Hampshire's Revised Statutes Annotated (RSA) govern the State's wellbeing and authorities allowed to local communities. RSA 162-K:9 requires that the City of Lebanon adopt a Tax Increment Financing Plan (TIFP), prior to establishing a TIF District.

Objective

It is the objective of the City of Lebanon to use the Tax Increment Financing District (TIFD) to support infill and economic development in the airport area by implementing public infrastructure improvements. In order to assist in that endeavor, it is necessary that the City of Lebanon fund public improvements to attract private investors to the airport area of the community. In turn, those private investors and their projects will provide needed taxable assessment, business revenue, and employment activities to the airport area and the community as a whole. Without the creation of the TIFD, public infrastructure needs in the airport area may not be resolved, the City may not be the beneficiary of millions of dollars of private investments, and the opportunity to benefit from the additional taxable value those private investments generate to fund the aforementioned public improvements would be lost.

Additionally, the creation of the TIFD is contemplated by the Lebanon Master Plan, which notes that "[s]outh of the existing business park there is land available for additional development by both the City and private property owners." [2]C-2c] The Master Plan also encourages the City "to take a more organized and active role in promoting sustainable economic development" [6.1.S1] and notes that the City should "[s]eek a way for Lebanon Airport to pay for itself while better serving the needs of residents and businesses". [6.1.S6]

Sale of City-Owned Real Estate within the TIF District

As part of the Development Program, the City may convey or lease individual properties to private entities for the purposes of development consistent with the purposes of the TIFD. Net revenues generated from the sale or lease of these parcels shall benefit the City.

As part of the sale or lease of public property for redevelopment, the City shall enter into a development agreement with the purchaser. At a minimum, a development agreement will document:

- An agreed construction timeline
- A minimum post-development value for the property
- Requirements for the developer to pay the City any shortfall between the City's actual cost for bond debt service and the incremental tax revenues that would have been generated from the guaranteed post-development value of the property should the assessed value for the project fall below an agreed upon value

Among the improvements envisioned for enabling new development in the Lebanon Airport - Tech Park TIFD is the construction of up to approximately 2,000 linear feet of roadway as well

as installation of water, sewer, utility and drainage infrastructure improvements along such roadway. For purposes of this Financing Plan, the estimated cost of such improvements is \$1,300/linear foot for a total of \$2,600,000. Other potential future capital projects, which could be funded, in whole or in part, with TIF revenues, include, but are not limited to:

- Roadway and streetscape improvements along Airpark, Commerce, and Technology Drives in the event the District is expanded to include Airport Business Park Phase 1A.
- Construction or acceptance of additional roadway and water, sewer, utility and drainage infrastructure improvements on the Upper Valley Tech Park, LLC property (Tax Map 131, Lot 1)

TIFD incremental revenues will be allocated to fund the infrastructure improvements over the coming years. TIFD revenues may be allocated to offset the cost of those improvements both by a direct annual allocation of TIFD revenues and/or repayment of general obligation bonds, should the City elect to fund public-sector infrastructure improvements with municipal bonds.

In addition to infrastructure elements, TIFD incremental revenues may be allocated to maintenance of existing improvements and management of the TIFD.

Annual TIF District Revenues

TIF revenues will be generated by property taxes levied on the incremental assessed valuation within the District after the date of its creation. The assumptions incorporated into the projected incremental revenues are:

Table A: Projected Incremental Revenue Assumptions

ASSUMPTIONS	
New Investment	
Annual New Development Square Feet	8,000
Assessment Increment/SF	\$ 85
New Investment	\$ 680,000
Annual Cost Increase New Investment	1.5%
Annual Rate of Increase in Assessed Value of Current Properties	
	1.5%
Annual Financing Constant (Principal+Interest)	
	7.5%
2018 Tax Rate	
City	\$ 10.97
County	\$ 2.01
Local School	\$ 14.39
State School	\$ 2.35
Total	\$ 29.72
% of Tax Rate Assigned to TIF	100.0%
Annual Increase in Tax Rate	0.0%
C:\Users\brooks\OneDrive - City of Lebanon\Documents\Airport.TIF\2019.08.16_Airport.TIF_Properties-Value-Area.xlsx]TIF-Limitations	

The resulting projected incremental revenues on an annual basis are:

Table B: Projected Assessed Valuation and Incremental Tax Revenues

	2020	2022	2027	2032	2037	2040
Beginning TIF District Taxable Value	\$ 670	\$ 690	\$ 3,608,800	\$ 7,775,900	\$ 12,563,700	\$ 15,765,200
Annual Increase in Assessed Value:						
Current Properties	\$ 10	\$ 10	\$ 54,100	\$ 116,600	\$ 188,500	\$ 236,500
New Investment		\$ 680,000	\$ 733,000	\$ 789,000	\$ 850,000	\$ 889,000
Ending Assessed Value	\$ 680	\$ 680,700	\$ 4,395,900	\$ 8,681,500	\$ 13,602,200	\$ 16,890,700
Tax Rate (per \$1000)	\$ 29.72	\$ 29.72	\$ 29.72	\$ 29.72	\$ 29.72	\$ 29.72
Taxes Generated at 2018 Rate	\$ 20	\$ 20,000	\$ 131,000	\$ 258,000	\$ 404,000	\$ 502,000
Incremental Revenues	\$ -	\$ 19,980	\$ 130,980	\$ 257,980	\$ 403,980	\$ 501,980

Various factors, including the actual pace and character of new development within the TIFD, actual valuations assigned to TIF properties, and property tax rate, may alter the captured assessed valuation. Furthermore, the assumptions utilize a fixed tax rate of \$29.72 over the life of the pro forma. Actual increments shall be calculated based upon the adopted tax rate, as certified by the New Hampshire Department of Revenue Administration.

Although the assumptions above do not anticipate the use of grant funding, or the allocation of unexpended bond proceeds to offset Development Program costs within the TIFD, should grant funding or unexpended bond proceeds become available, the City Council may allocate them to offset Development Program costs within the TIFD. As future development agreements are negotiated as part of the sale or development of public land, specific tax revenue expectations will be built into the agreement allowing for redevelopment of the property.

Annual Allocation of Captured Value

Where annual tax increment revenues from the TIFD, together with unexpended balances of such revenues from prior years, exceed the amount necessary for annual debt service payments, such revenues will accumulate within a capital reserve to be used to retire bond debt incurred for public improvements within the TIFD. Through the annual adoption of the Capital Improvement Program and the adoption of the annual municipal budget, the City Council may also authorize their use for future public improvements, secured by developer agreements.

Subject to current and future debt obligations being satisfied, the balance of any unobligated tax increment revenues may be allocated for the operation, maintenance, replacement, and/or upgrades of public infrastructure within the TIFD or returned in whole or part to the General Fund following a vote of the City Council and adoption of the annual municipal budget.

Impact of RSA 162-K TIF District on Related Taxing Jurisdictions

In accordance with RSA 162-K:10, all property tax revenues generated by the original assessed value (base value) of the TIFD will continue to accrue to the City's general fund.

In accordance with RSA 162-K:9, Grafton County and the Lebanon School Board will specifically be provided an opportunity to meet with the City Council, the governing body of the City of Lebanon, so they can be informed of the TIFD plan and proposed district prior to adoption. They will also be allowed to contribute comments during the public hearing on the establishment of the proposed TIFD.

Operation and Maintenance

The City will be responsible for the operation and maintenance of all public facilities.

Duration

The Lebanon Airport - Tech Park TIF District will expire at the conclusion of the bond repayment schedule associated with the planned public improvements within the TIFD, which currently consists of infrastructure improvements. This bond repayment is anticipated to be complete in no more than twenty-five (25) years. Upon expiration of the TIFD, all incremental valuation that has been created within the TIFD becomes available as new property tax revenues for the City's general fund.

Lebanon Airport - Tech Park

TIF Limitations

The Lebanon Airport - Tech Park Tax Increment Financing District must meet certain guidelines and restrictions in its formation and utilization. In accordance with RSA 162-K:5, the Lebanon City Council understands that any individual Tax Increment Financing District (TIFD) must demonstrate that the taxable valuation must not be more than eight percent (8%) of the City's total taxable value. Furthermore, the land area within any individual TIFD shall encompass no more than five percent (5%) of the City's total land area. The properties included within the TIFD are set forth in Table D, appended to this document

The Lebanon Airport - Tech Park TIF District is proposed to meet the following:

Table C: TIF Limitations

	Taxable Valuation	Land Area Acres
City Total (from 2018 MS-1 report)	\$1,908,962,821	24,220.08
Maximum Allowable Individual TIFD-%	8%	5%
Maximum Allowable Individual TIFD	\$152,717,026	1,211.00
Lebanon Airport - Tech Park TIFD Baseline 2018	\$670	86.16
As % of City Total	0.00%	0.36%
Maximum Allowable Cumulative TIFD - %	16%	10%
Maximum Allowable Cumulative TIFD	\$305,434,051	2,422.01
Existing Downtown Lebanon TIFD	\$86,242,028	106.24
Proposed Lebanon Airport - Tech Park TIFD	\$670	86.16
Total Existing and Proposed	\$86,242,698	192.40
Total Existing and Proposed - %	4.52%	0.79%
S:\PLN\Projects_Reports_Studies\ECONOMIC_FISCAL (FOLDER)\Tax.Increment.Financing-TIF-Feasibility.Study_2017-18\tifd limitation calcs.xlsx]Sheet1		

The proposed Lebanon Airport - Tech Park TIFD currently has a total taxable valuation of just \$670 and is thus below the mandated eight percent (8%) of the City's total taxable value for an individual TIFD. The proposed land area in the Lebanon Airport - Tech Park TIFD is +/- 86.16 acres (including both taxable and non-taxable properties), which is less than one-half of one percent of the City's total land area. Thus, the proposed Lebanon Airport - Tech Park TIFD conforms to the requirement to not be more than five percent (5%) of total land area.

The statute also limits the cumulative taxable valuation and land area within all TIF districts of a municipality to sixteen percent (16%) of total assessed valuation and ten percent (10%) of total land area. Adding the proposed Lebanon Airport - Tech Park TIF District to the existing Downtown Lebanon TIF District meets the cumulative requirements.

Lebanon Airport - Tech Park

TIF Administration Plan

Proper administration of the Tax Increment Financing District (TIFD) is of paramount importance. Strict adherence to the Development and Financing Plans as well as proper fiscal controls and oversight of the use of a TIFD to promote economic activity must be consistent and constant. In accordance with RSA 162-K, the following administrative processes will govern the TIFD.

Administrator

By designation of the City Council, and consistent with the responsibilities for municipal administration established by the Lebanon City Charter, the Administrator of the Lebanon Airport - Tech Park TIF District shall be the City Manager, who shall be granted the powers and duties outlined in 162-K:13, subject to City Council approval. Additionally, the Administrator shall make an annual financial report to the City Council, as per RSA 162-K:11.

Advisory Board

In accordance with RSA 162-K:14, and in conformance with Chapter 31 of the City of Lebanon Code, the Lebanon City Council shall create an Advisory Board for the TIFD, which shall have operating rules. The Advisory Board shall be known as the "Lebanon Airport - Tech Park TIF Advisory Board" and shall consist of five (5) voting members including a City Councilor, one (1) Citizen Representative, who does not own or occupy real property within or adjacent to the district, and three (3) property owners or occupants of real property within or adjacent to the district, which shall be interpreted to include all parcels within the existing Airport Business Park Phase 1A. The City Manager and the Executive Director of the Lebanon Area Chamber of Commerce shall be ex-officio, non-voting members.

The Board shall operate under the provisions of 162-K:14, which governs the powers and authority of the Advisory Board. The purpose of the Advisory Board shall be to advise the City Council on the policies and actions for the administration of the district relating to planning, construction and implementation of the Development Program and the operation and maintenance of the District after the Program is completed.

The Advisory Board shall meet either as determined by the chair of the Board or request by the City Manager to examine operation and maintenance of the TIFD.

The Advisory Board shall have 30 days to appeal any decision of the District Administrator to the City Council for review and appropriate action.

Amendments

Amendments to the boundaries of the TIFD, the Development Program, or the Financing Plan shall be undertaken in accordance with the public hearing process set forth within RSA 162-K:4, including its requirements for reasonable notification to the Lebanon School District and Grafton County Commissioners, in accordance with RSA 162-K:9.

Duration of Program

The Lebanon Airport - Tech Park Tax Increment Financing District will expire at the conclusion of the bond repayment schedule associated with public improvements made within the TIFD, which is anticipated to be not more than twenty-five (25) years.

Computation of tax increments:

Upon formation of a development district, the Lebanon Tax Assessor shall determine the current assessed value of the real property within the District in conformity with RSA 162-K:10. The current assessed value shall be known as the "Original Assessed Value." Each year thereafter, the Assessor(s) shall determine the amount by which the assessed value of the district has increased or decreased from the Original Assessed Value. Any amount by which the current assessed value of the district exceeds the Original Assessed Value will be referred to as the "Captured Assessed Value." This amount will be determined annually.

Captured assessed value dedication:

The City of Lebanon shall expend the tax increments received in accordance with the Tax Increment Financing Plan. Tax increments shall be used only to pay the costs (including debt service) and administrative expenses incurred in developing and maintaining the public facilities and infrastructure to be constructed within the TIFD.

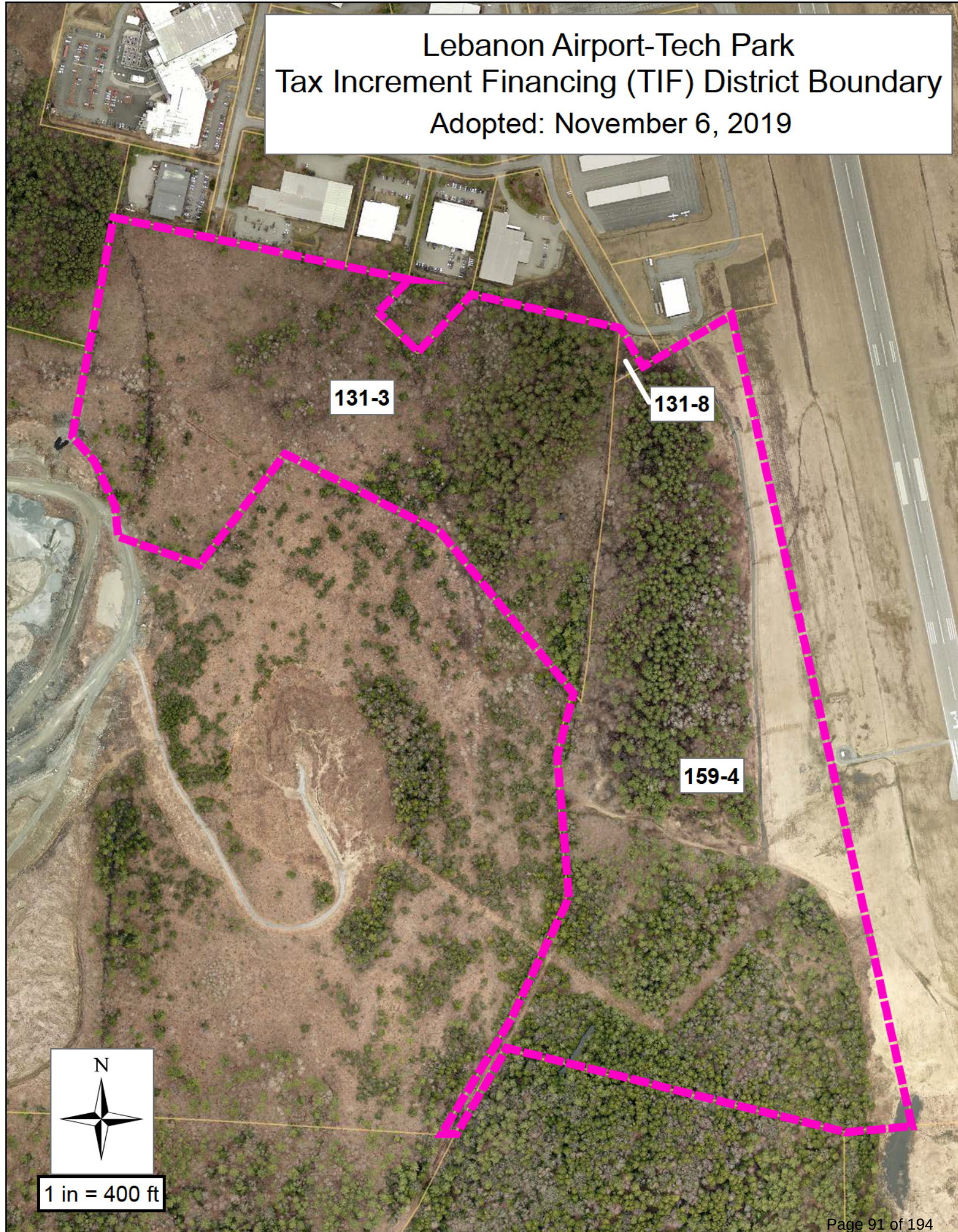
TABLE D

**Table D - Current Assessed Value and Land Area:
Lebanon Airport - Tech Park TIF District
as of September 1, 2019**

GIS_ID	MAP/LOT	Account Number	Street Number	Street Name	Current Total Assessed Value	Current Acres
			TAXABLE PROPERTIES			
0131 0003 00000	131-3	3345	0	PLAINFIELD RD	\$670	36.83
			Subtotal: Taxable Base Value		\$670	36.83
S:\PLN\Projects_Reports_Studies\ECONOMIC_FISCAL (FOLDER)\Tax.Increment.Financing-TIF-Feasibility.Study_2017-18\[2018.04.25_TIF.Table-Value-Land.Area_summary-RV.RT.xlsx]Tiff-ver1						
			NON-TAXABLE PROPERTIES			
0159 0004 00000	159-4	3470	0	AIRPARK RD	\$2,122,100	49.10
0131 0008 00000	131-8	5554	0	AIRPARK RD	\$21,100	0.23
			Subtotal: Non-Taxable Base Value		\$2,143,200	49.33
Combined Taxable and Non-Taxable					\$2,143,870	86.16

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Lebanon Airport-Tech Park
Tax Increment Financing (TIF) District Boundary
Adopted: November 6, 2019



WHEREAS: The City Council of the City of Lebanon has adopted the provisions of 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 undertook the 2017 Comprehensive Airport Master Plan to develop a strategy and plan for the long-term operation, management, capital improvement, and financial viability of the Lebanon Airport; and

WHEREAS: The City of Lebanon's 2012 Master Plan's Land Use and Economic Development chapters recommend that the City "take a more organized and active role in promoting sustainable economic development" and "seek a way for Lebanon Airport to pay for itself while better serving the needs of residents and businesses"; and

WHEREAS: The City Council of the City of Lebanon finds that the issuance of general obligation bonds, issued for the purposes of constructing and installing necessary public infrastructure and utilities to enable subdivision and/or development of land adjacent to the Lebanon Airport, provides a general public use and fulfills a public purpose; and

WHEREAS: The City Council of the City of Lebanon finds that the financing of public infrastructure improvements serves a public purpose and is consistent with the City's long-term recognition of the importance and unique nature of the Lebanon Airport and its desire to support and enhance the Airport's viability and prosperity.

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

That a municipal economic development and revitalization district is hereby designated as shown on the attached Proposed TIF District Boundary Plan. The district shall be named the "Lebanon Airport - Tech Park Tax Increment Financing District," ("the District") and parcels included are documented on the attached Proposed TIFD Tax Map Parcels.

That the attached Lebanon Airport - Tech Park Tax Increment Financing District Development Program ("the Program") is hereby adopted in its entirety by the City Council of the City of Lebanon and that the District and the Program, as proposed, meet the requirements of RSA 162-K.

That the attached Lebanon Airport - Tech Park Tax Increment Financing Plan ("the Plan") is hereby adopted for use in accordance with said Program in the District, consistent with the requirements of RSA 162-K.

That in accordance with the provisions of RSA 162-K:5 and consistent with the attached Lebanon Airport - Tech Park TIF Limitations, the City Council hereby resolves that the total assessed value of taxable real property in the District shall not exceed eight (8%) percent of the most recent total assessed value of all taxable assessed value in the City and that the total assessed value of

taxable real property within all development districts for which bonds remain outstanding shall not exceed sixteen (16%) percent of the most recent total assessed value of all taxable real property in the City. Furthermore, the land area within the District shall not encompass more than five percent (5%) of the City's land area and the total land area within all development districts for which bonds remain outstanding shall not exceed ten (10%) percent of the City's land area.

That the attached Lebanon Airport - Tech Park TIF Administration Plan is hereby adopted and that, consistent with that Plan, the City Manager is designated as the District Administrator for a board to be known as the "Lebanon Airport - Tech Park TIF Advisory Board."

That pursuant to RSA 162-K:14, via separate ordinance the City Council shall establish an advisory board to be known as the "Lebanon Airport - Tech Park TIF Advisory Board."

This Resolution shall be effective upon passage.

Lebanon Airport - Tech Park TIF District Development Program

Addendum #1

This addendum constitutes a revision to the development plan related to the expansion of the boundary of the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District approved by the City Council on August 2, 2023 to include approximately 220 feet of the unconstructed southernmost portion of Technology Dr. located on City property. The purpose of the August 2, 2023 amendment was to allow roadway construction and utility extension to afford access to Tax Parcel 131-3 for development purposes.

This addendum is an addition to the **“Public Facilities to be constructed”** section of the original development program adopted on November 6, 2019. This addendum adds the construction of approximately 220 feet of roadway from the present terminus of the southern most paved portion of Technology Dr. over City property located in the right of way to the intersection of the property boundary of Tax Parcel 131-3. This addition includes the construction of the roadway extension and related drainage, sewer, water, sidewalk, lighting, and any other related utility infrastructure.

Airport-Tech Park TIF Expansion Area

Adopted 8/2/2023



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 06/07/2023
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

Agenda

Lebanon City Council

January 3, 2024

9. Old Business Items:

9.B –Review of Comments by State Agencies and Order to Place Proposed Charter Amendments on the Ballot for the March 12, 2024 Municipal Election

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.

Following a public hearing on November 15, 2023 the City Council adopted a Resolution determining that a proposed amendment to the Lebanon City Charter to delete and repeal §C419:53 (Personnel Advisory Board) & §C419:53a (The Grievance Board); and to amend §C419:17 (Mayor) by deleting reference to the manager's power to appoint a member of the personnel advisory board was necessary and appropriate. The Resolution further directed that a final report of the proposed Charter amendments be filed with the City Clerk and that a certified copy of such report be filed by the Clerk with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New Hampshire Department of Revenue Administration in accordance with the procedures in NH RSA 49-B. The final report of the proposed Charter amendment was filed with the City Clerk and with the applicable state agencies on November 16, 2023.

Pursuant to NH RSA 49-B:4-a, I, the Secretary of State, the Attorney General, and the Commissioner of the Department of Revenue Administration have up to 45 days to review the proposed amendment to ensure that it is consistent with the general laws of the state and to provide notice to the City approving or disapproving the proposed amendment. Only after the three state agencies have approved the proposed amendment can the City Council take action to have the proposed Charter amendment placed on the ballot at the next municipal election on March 12, 2024.

On December 27, 2023, the City Clerk received a letter from the Attorney General's Office on behalf of all three state agencies stating that they do not object to the proposed amendment.

Pursuant to NH RSA 49-B:5, I(b), within 7 days after receiving approval from the state agencies under NH RSA 49-B:4-a, the Council may order the proposed amendment to be placed on the ballot at the next regular municipal election. Since the state agencies' response was received by the City on December 27, 2023, the Council should take action at its regular meeting on January 3, 2024 to comply with the statutory requirement.

Action

If the Council wishes to move forward with the proposed amendment process, the following resolution is offered for the Council's consideration:

BE IT RESOLVED, that the Lebanon City Council, pursuant to its authority granted by NH RSA 49-B:5, I(b), hereby orders the City Clerk to place the following amendment to the City Charter on the ballot at the next municipal election to be held on March 12, 2024:

- 1. To delete and repeal §C419:53 in its entirety; and***
- 2. To delete and repeal §C419:53a in its entirety; and***
- 3. To amend §C419:17 by deleting reference to the City Manager's power to appoint a member of the personnel advisory board.***

BE IT FURTHER RESOLVED, that pursuant to RSA 49-B:6, IV(b), the amendment to the City Charter will become effective July 1, 2024, if a majority of the ballots cast at the March 12, 2024 Municipal Election favor acceptance.

Included in this Section:

1. Letter from Attorney General, dated and received on December 27, 2023.
2. Lebanon Charter – Excerpt of Relevant Sections to be Amended

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 Granite Place South
Concord, NH 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

December 27, 2023

Jaseya Ewing
Lebanon City Clerk & Tax Collector
51 North Park Street
Lebanon, NH 03766

Re: Lebanon Charter Amendment

Dear Clerk Ewing:

Pursuant to RSA 49-B:4-a, on behalf of the City of Lebanon, you submitted a proposed charter amendment for review, dated November 16, 2023.

Upon review, the New Hampshire Attorney General's Office, the Secretary of State's Office, and the Department of Revenue Administration, pursuant to RSA 49-B:4-a, do not object to the proposed amendment to the city charter.

Sincerely,

/s/ Matthew G. Conley

Matthew G. Conley
Assistant Attorney General

cc: Matthew Decker, Lebanon City Counsel
David Scanlan, Secretary of State
Lawrence Gagnon, Department of Revenue Administration

CHAPTER C CHARTER

CITY OF LEBANON, NEW HAMPSHIRE

CHAPTER 419 – Excerpt of Relevant Sections to be Amended

III Administration

§ C419:17 Mayor. [Amended 11-6-1973; 11-16-2022]

Each year the council shall elect one of its members mayor at its first meeting after the terms of office of the newly elected members begin. A majority vote of all members of the council is necessary for election of the mayor. The mayor shall preside at council meetings and may speak and vote at those meetings. The mayor shall be head of the city for all ceremonial purposes. The mayor and council voting as a unit, neither with a veto over the other, shall make appointments of members of the Lebanon Housing Authority and the Zoning Board of Adjustment. All other administrative duties prescribed by the general statutes shall be exercised by the manager. Nothing in this section shall be construed to take away the manager's power to appoint all administrative officers listed in Section 32 of this chapter, ~~or his or her power to appoint a member of the personnel advisory board under Section 53 of this chapter,~~ or the manager's power to appoint an administrative official of the city to the Planning Board, or the manager's general power to appoint any administrative officers authorized under any ordinance. Each year the council shall elect from its members an assistant mayor who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term.

IV MERIT PLAN

~~§ C419:53 Personnel Advisory Board.~~ ~~[Amended 3-8-1977]~~

~~There is hereby established a personnel advisory board of three citizens holding no other political office and appointed, one member by the manager, one by the council, and the third by these two appointees. In the first instance only, the member appointed by the manager shall serve for one year, the member appointed by the council for two years and the third member for three years, in each case beginning on the date of appointment; the term of all succeeding members shall be for three years beginning on the expiration of the term each succeeds. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the council concerning the personnel policies of the city and the manager regarding the administration of the merit plan.~~

~~§ C419:53a The Grievance Board.~~ ~~[Amended 3-8-1977]~~

~~There is also hereby established the Grievance Board of the City of Lebanon whose duty shall be to hear appeals of any employees aggrieved as to their status or condition of their employment. The Grievance Board shall consist of three members: one member shall be appointed by the city council, one member shall be appointed by the employee association, group or union from which the aggrieved employee may come, and the third member shall be appointed by the first two appointees. The member appointed by the city council shall serve for a two year term. The other two members will be appointed at the time of a request for a specific grievance hearing. In case of an unavailability to serve by any member during any grievance procedure, a replacement will be chosen for the term of that procedure in the same manner as the original holder of the appointment.~~

**Agenda
Lebanon City Council
January 3, 2024**

10. New Business:

10.A – Review and Adoption of 2024 Annual Calendar

Background

To better organize the Council's annual events, a calendar has been drafted for review and consideration. Thus far, dates include City holidays, regular Council meetings, municipal election information, proposed dates for the annual work sessions (unconfirmed), a general budget work schedule (in-house), and proposed Council Budget Work Session dates (5 reserved dates in November - subject to change). If the proposed meeting schedule is acceptable, the Council is asked to take action to adopt the Calendar as presented. If changes/additions are desired, the Council is encouraged to suggest alterations for consideration by the body.

Action

If the proposed meeting schedule is acceptable, the Council is requested to consider the following motion:

MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as proposed in the January 3, 2024 agenda packet.

Included in this Section:

1. Proposed 2024 Annual Calendar

January

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Holiday	2	3 Regular Meeting	4	5	6
7	8	9	10	11	12	13
14	15 Holiday	16	17 Regular Meeting	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7 Regular Meeting	8	9	10
11	12	13	14	15	16	17
18	19 Holiday	20	21 Regular Meeting	22	23	24
25	26	27	28	29		

March

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6 Regular Meeting	7	8	9
10	11	12 Municipal Election	13	14 Canvass of the Vote	15	16
17	18	19	20 Regular Meeting	21	22	23
24	25	26	27 Organizational Meeting	28	29	30
31						

April

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3 Regular Meeting	4	5	6
7	8	9	10	11	12	13
14	15	16	17 Regular Meeting	18	19	20
21	22	23 Strategic Plan Work Session	24	25 Strategic Plan Work Session	26	27
28	29	30				

May

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Regular Meeting	2	3	4
5	6	7	8	9	10	11
12	13	14	15 Regular Meeting	16	17	18
19	20	21	22	23	24	25
26	27 Holiday	28	29	30 Community Conversation	31	

June

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5 Regular Meeting	6	7	8
9	10	11	12	13	14	15
16	17	18	19 Regular Meeting	20	21	22
23	24	25	26	27	28	29
30						

July

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3 Regular Meeting	4 Holiday	5	6
7	8	9	10	11	12	13
14	15	16	17 Regular Meeting	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7 Regular Meeting	8	9	10
11	12	13	14	15	16	17
18	19	20	21 Regular Meeting	22	23	24
25	26	27	28	29 Community Conversation	30	31

September

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Holiday	3	4 Regular Meeting	5	6	7
8	9	10	11	12	13	14
15	16	17	18 Regular Meeting	19	20	21
22	23	24	25	26	27	28
29	30					

October

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Regular Meeting	3 Community Conversation	4	5
6	7	8	9	10	11	12
13	14	15	16 Regular Meeting	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Budget Work Session	6 Regular Meeting	7 Budget Work Session	8	9
10	11 Holiday	12	13 Budget Work Session	14 Budget Work Session	15	16
17	18	19 Budget Work Session	20 Regular Meeting	21 Budget Work Session	22	23
24	25	26	27	28 Holiday	29 Holiday	30

December

2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4 Regular Meeting	5	6	7
8	9	10	11	12	13	14
15	16	17	18 Regular Meeting	19	20	21
22	23	24 Holiday	25 Holiday	26	27	28
29	30	31				

**AGENDA
LEBANON CITY COUNCIL
JANUARY 03, 2024**

10. NEW BUSINESS:

**10.B – Appointment of 2024 Chair and Vice Chair
for the Economic Development Commission (EDC)**

Background

On July 10, 2019, the City Council approved Ordinance #2019-12 to amend Chapter 31, Boards, Committees, and Commissions, of the City Code to establish the Economic Development Commission (EDC).

According to §31-46, Establishment; Membership; Qualifications, the City Council shall annually in December of each year appoint a Chairperson and a Vice-Chairperson from the nine members of the Economic Development Commission to serve the following calendar year.

Action

MOVED, that _David Newlove_ be appointed as Chair of the Economic Development Commission for calendar year 2024.

BE IT FURTHER MOVED, that _Councilor Karen Liot Hill_ be appointed as Vice-Chair of the Economic Development Commission for calendar year 2024.

Included in this Section:

1. EDC Member Roster

**City of Lebanon
Economic Development Commission - EDC**

City Council Representatives

- Councilor Karen Liot Hill
- Councilor Doug Whittlesey

Representatives

- Chip Brown (3/24)
- Dan Nash (2/25)
- David Newlove (2/25)
- Andrew Key (4/24)
- Kevin Purcell (4/24)
- Vacant
- Vacant

Tracy Hutchins, Non-Voting Member
Upper Valley Business Alliance
2 S. Park Street
Lebanon, NH 03766
Ph 603-448-1203
Email tracy@uppervalleybusinessalliance.com

Shaun Mulholland, City Manager, Non-Voting
Member
City of Lebanon
51 North Park Street
Lebanon, NH 03766
603-448-4220
Email shaun.mulholland@lebanonnh.gov

Staff Support

David Brooks, Deputy City Manager

Updated: 12/19/2023

Agenda

Lebanon City Council

January 03, 2024

10. New Business:

10.C – Discussion and Set Public Hearing for January 17, 2024: Ordinance #2024-01 to amend City Code Chapter 168, Vehicles and Traffic, to designate no parking areas along Eldridge Street, Laplante Road, and Prospect Street Extension, Lebanon

Background

Earlier this year, the Public Safety Committee convened to address a request brought forward by the Highway Superintendent. The proposal under consideration sought the establishment of a "No Parking Zone" in two locations:

1. On Prospect Street Extension, extending 520 feet on the north and south sides of the road from the intersection of Skylark Drive to Laplante Road; and
2. On Laplante Road, extending 230 feet on the east and west sides of the road beginning from the intersection of Prospect Street Extension and moving in a northerly direction.

The primary objective behind this request is to enhance the efficiency of snow plowing operations within the specified area. Recognizing the importance of maintaining smooth traffic flow and ensuring the safety of both motorists and pedestrians during winter weather conditions, the Committee engaged in thorough discussions to assess the viability and necessity of implementing the requested parking restrictions. The finding of the Committee was that a "No Parking Zone" in the above specified locations would increase plowing efficiencies by eliminating issues with parked cars at the intersections impacted by this change.

In addition, on September 6, 2023, Public Works received a complaint about parked vehicles blocking the entrance to the private parking lot at 76 Hanover Street on a frequent basis. Upon investigation, it was found that the entrance to the private parking lot is blocked by vehicles parking on Eldridge Street causing vehicles to be blocked in and out of the parking lot.

The recommendation seeks the establishment of a "No Parking Zone" in one additional location:

3. On Eldridge Street, extending 340 feet on the south side of the street beginning at the intersection of Hanover Street moving in a westerly direction.

It is noted that City Code Chapter 168, §168-1, No Parking, already includes a no parking restriction on a 335-foot section on the north side of Eldridge Street westerly from the intersection with Hanover Street. As a result, the pending proposal would apply the No Parking restriction to both sides of Eldridge Street for a distance of 340 feet westerly from the intersection with Hanover Street.

Action

Should the Council wish to move forward with proposed Ordinance #2024-01, the following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, January 17, 2024, beginning at 6:00 p.m. 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 #2024-01 to amend City Code Chapter 168, Vehicles and Traffic, §168-1, No Parking, to include a 520-foot section on both the north and south sides of Prospect Street Extension beginning at the intersection of Laplante Road and moving in a westerly direction; to include a 230-foot section on both the east and west sides of Laplante Road beginning at the intersection of Prospect Street Extension and moving in a northerly direction; to include a 340-foot section on the south side of Eldridge Street beginning at the intersection of Hanover Street and moving in a westerly direction; and to extend the existing no parking restriction on the north side of Eldridge Street by 5 feet to a distance of 340 feet westerly from the intersection of Hanover Street, as "No Parking" zones.

Included In This Section:

1. Proposed Ordinance #2024-01
2. Aerial Map of Proposed Change Area along Prospect Street Extension and Laplante Road
3. Aerial Map of Proposed Change Area along Eldridge Street

CITY OF LEBANON
ORDINANCE #2024-01

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 168, Vehicles and Traffic, Section 168-1, No Parking, in order to include a 520-foot section on both the north and south sides of Prospect Street Extension beginning at the intersection of Laplante Road and moving in a westerly direction; to include a 230-foot section on both the east and west sides of Laplante Road beginning at the intersection of Prospect Street Extension and moving in a northerly direction; to include a 340-foot section on the south side of Eldridge Street beginning at the intersection of Hanover Street moving in a westerly direction; and to extend the existing no parking restriction on the north side of Eldridge Street by 5 feet to a distance of 340 feet westerly from the intersection of Hanover Street.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 168, "Vehicles and Traffic", §168-1, No Parking, for the purpose of amending language referring to Elridge Street and adding language referring to Laplante Road and Prospect Street Extension, as follows:

§ 168-1. No Parking.

It shall be unlawful for the owner of any vehicle or any person having the custody or control of any vehicle to park said vehicle or permit the same to be parked in violation of the following provisions:

Name of Street	Side	Location
Eldridge Street	North <u>Both</u>	From the intersection of Eldridge Street and Hanover Street <u>westerly for a distance of 335 340 feet westerly.</u>
<u>Laplante Road</u>	<u>Both</u>	<u>From the intersection of Prospect Street Extension northerly for a distance of 230 feet</u>
<u>Prospect Street Extension</u>	<u>Both</u>	<u>From the intersection of Laplante Road westerly for a distance of 520 feet</u>

Section 2: Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or parts of this ordinance.

Section 3: Effective Date.

The Ordinance shall become effective upon passage.

No Parking - Prospect St Ext and Laplante Rd

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/20/2023
Data updated 11/18/2018

Print map scale is approximate.
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Agenda

Lebanon City Council

January 03, 2024

10. New Business:

10.D – Discussion & Set Public Hearing for January 17, 2024: Ordinance #2024-02 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to Include a Fee Schedule for Applications to the Zoning Board of Adjustment and Building Code Board of Appeals, and for administrative preparation of Zoning Verification Letters

Background

The Planning & Development Department proposes to amend Chapter 68 of the Lebanon City Code to enumerate, update, and establish filing fees for the Zoning Board of Adjustment, to establish the filing fee for the Building Code Board of Appeals, and to establish an administrative fee for the preparation of zoning verification letters. Currently, §68-15.A provides that, “Zoning fees shall be set by Council,” but does not specify any fee categories or amounts.

A. Zoning Board of Adjustment

Filing fees for the Zoning Board of Adjustment are currently enumerated in the Zoning Board of Adjustment Fee Schedule, a copy of which is attached for reference, as follows:

- Variance - \$150.00
- Special Exception (including “Wetlands Special Exception” and “Riverbank Special Exception” which, for historical reasons, are listed separately on the Fee Schedule)- \$150.00
- There are currently no filing fees charged for an appeal of an administrative decision or for a rehearing request.

It is not known when these fees were last amended. However, in reviewing prior fee schedules, it is clear that the \$150.00 filing fees for Special Exception and Variance applications have been in place since at least 2007. To adjust for inflation and better account for staff administrative time, the Planning & Development Department proposes to increase the filing fee for Special Exception and Variance applications to \$300.00.

The Planning & Development Department also proposes to establish filing fees for Administrative Appeals, Equitable Waivers of Dimensional Requirements, Rehearing Requests, and Rehearings. All of these applications require staff time to review and administer, which the proposed fees, as follows, are intended to help cover:

- Administrative Appeal - \$300.00
- Equitable Waiver of Dimensional Regulation - \$300.00
- Rehearing Request - \$100.00
- Rehearing - \$300.00

Note that with respect to a rehearing application, the proposed ordinance language would require the fee to be waived if the Zoning Board, in granting the rehearing request, determines that it did or may have made a prejudicial technical or legal error in its original decision. The rationale for this waiver is that an applicant shouldn't have to pay another \$300 filing fee (on top of the \$300

fee for filing the original application) if the Board determines a rehearing is warranted based on a mistake that the Board has made, rather than for a reason within the control of the applicant.

The proposed Zoning Board application fees are nearly identical to the Town of Hanover Zoning Board application fees and are in line with other larger New Hampshire communities including:

- Nashua: \$330-\$900
- Portsmouth: \$200-\$400
- Concord: \$370-\$460
- Manchester: \$350 (Administrative Appeals and Equitable Waivers)

While the proposed increases will help to more fully cover administrative costs for simple applications, in other instances, the fee will continue to account for only a fraction of staff's time depending on the complexity or contentiousness of the subject matter.

Finally, note that the proposed changes to Chapter 68, §68-15.A are concurrent with a proposed change to Section 802 of the Zoning Ordinance to clarify that application fees are established by the City Council pursuant to City Code Chapter 68 and not by the Zoning Board of Adjustment. See Council Agenda Item #10.G.

B. Zoning Verification Letters

Zoning Verification letters are prepared by Planning & Development Department staff upon request, most frequently for lenders in connection with the closing of non-residential and multi-family dwelling properties. The letter typically includes a substantial amount of background information related to the property including, for example, a history of land use and Building Code approvals, and determinations relative to the status of non-conforming properties, uses and structures. Currently, a \$50 fee is charged to prepare these letters. The fee helps to pay for staff's time to prepare these letters, which can be significant. It is not known when the \$50 fee was established, but it is believed to have been in place for at least the past 15-20 years. It is also not known who and how the fee was established; to staff's knowledge, the current \$50 fee is not memorialized anywhere.

The Planning & Development Department staff proposes that the Council establish the zoning verification letter fee by ordinance, and to increase the \$50 fee that the Department has charged as a matter of course and by custom to \$100 to better account for the actual amount of staff time needed to prepare a typical zoning verification letter.

C. Building Code Board of Appeals

Pursuant to Chapter 36, §36-13.A of the City Code, the Zoning Board of Adjustment is designated to act as the Building Code Board of Appeals. Filing fees to the Building Code Board of Appeals are not currently identified in either Chapter 36 or Chapter 68, and if such a fee was ever established, it has not been memorialized to staff's knowledge. The Planning & Development Department proposes to amend City Code §68-15 to establish a filing fee for the Building Code Board of Appeals in the amount of \$300, which is identical to the Zoning Board of Adjustment filing fee for an Administrative Appeal.

Action

Should the Council wish to move forward with proposed Ordinance #2024-02, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, January 17, 2024, beginning at 6:00 pm, 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 #2024-02 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to enumerate, update, and establish filing fees for applications to the Zoning Board of Adjustment and the Building Code Board of Appeals, and to establish the administrative fee for the preparation of zoning verification letters.

Included in this Section:

1. Proposed Ordinance #2024-02
2. Zoning Board of Adjustment Fee Schedule, last revised 8/30/21

**CITY OF LEBANON
ORDINANCE #2024-02**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees, to enumerate, update, and establish filing fees for applications to the Zoning Board of Adjustment and the Building Code Board of Appeals, and to establish the administrative fee for the preparation of zoning verification letters.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of enumerating, updating, and establishing filing fees for applications to the Zoning Board of Adjustment and establishing the administrative fee for the preparation of zoning verification letters, as follows:

§68-15.A Zoning. Zoning fees shall be set by Council as follows:

(1) Zoning Board of Adjustment fees:

(a) Filing fees:

[1] Administrative Appeal per Section 801.1 of the Zoning Ordinance or per Code Chapter §74-18 ("Floodplain Appeal Board"): \$300.00.

[2] Variance per Section 801.2 of the Zoning Ordinance or per Code Chapter §74-18 ("Floodplain Appeal Board"): \$300.00.

[3] Special Exception per Section 801.3 of the Zoning Ordinance: \$300.00.

[4] Equitable Waiver of Dimensional Regulations per Section 801.4.B of the Zoning Ordinance: \$300.00.

[5] Rehearing requests per Section 802.5 of the Zoning Ordinance: \$100.00.

[6] Rehearing: \$300.00. Should the Zoning Board grant a rehearing request, the original applicant shall be responsible for all fees associated with the rehearing, regardless of who submitted the rehearing request. The application fee of \$300 shall be waived if the Board, in granting the rehearing request, determines that it did or may have made a prejudicial technical or legal error in its original decision.

(b) Advertising fees and legal notification fees shall be determined by the City Manager pursuant to Code Chapter §68-14 ("Miscellaneous nonscheduled fees").

(2) Zoning Verification letter administrative fee: The fee for issuing a zoning verification letter prepared by the Planning and Development Department shall be \$100.00.

Section 2:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of establishing filing fees for applications to the Building Code Board of Appeals, as follows:

§68-15.H Building Code Board of Appeals. The filing fee for an application to the Building Code of Board Appeals per Code Chapter §36-13 shall be \$300.00. Advertising fees and legal notification fees shall be determined by the City Manager pursuant to Code Chapter § 68-14 ("Miscellaneous nonscheduled fees").

Section 3: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause, or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses, or parts of this ordinance.

Section 4: Effective Date

This Ordinance shall become effective upon passage.

FEE SCHEDULE
ZONING BOARD OF ADJUSTMENT
(Revised 8/30/2021, postage increase)

SPECIAL EXCEPTION:

		TOTALS
FILING FEE	\$150.00	\$150.00
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (SEE NOTE)	\$4.28 per certified notice x _____ notices	
TOTAL DUE		\$

VARIANCE:

		TOTALS
FILING FEE	\$150.00	\$150.00
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (SEE NOTE)	\$4.28 per certified notice x _____ notices	
TOTAL DUE		\$

APPEAL OF AN ADMINISTRATIVE DECISION:

		TOTALS
ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (SEE NOTE)	\$4.28 per certified notice x _____ notices	
TOTAL DUE		\$

***REHEARING:**

		TOTALS
*ADVERTISING FEE	\$100.00	\$100.00
NOTIFICATION FEE (SEE NOTE)	\$4.28 per certified notice x _____ notices	
TOTAL DUE		\$

* Fees are only required if the motion for rehearing is granted by the board.

**FEE SCHEDULE
ZONING BOARD OF ADJUSTMENT**

WETLANDS SPECIAL EXCEPTION:		
		TOTALS
FILING FEE	\$150.00	\$150.00
ADVERTISING FEE	\$100.00	\$35.00
NOTIFICATION FEE (SEE NOTE)	\$4.28 per certified notice x _____ notices	
TOTAL DUE		\$

RIVERBANK SPECIAL EXCEPTION:		
		TOTALS
FILING FEE	\$150.00	\$150.00
ADVERTISING FEE	\$100.00	\$35.00
NOTIFICATION FEE (SEE NOTE)	\$4.28 per certified notice x _____ notices	
TOTAL DUE		\$

NOTE - THE NOTIFICATION FEE IN ALL SECTIONS ABOVE INCLUDES THE FOLLOWING: ALL ABUTTERS; THE APPLICANT; PROPERTY OWNER; HOLDER OF CONSERVATION, PRESERVATION, OR AGRICULTURAL PRESERVATION RESTRICTION(S); AND EVERY ENGINEER, ARCHITECT, LAND SURVEYOR, OR SOIL SCIENTIST WHOSE PROFESSIONAL SEAL APPEARS ON ANY PLAT SUBMITTED TO THE BOARD.

Agenda

Lebanon City Council

January 03, 2024

10. New Business:

10.E – Discussion and Set Public Hearing for January 17, 2024: To Change the Amounts for the “Optional Veterans’ Tax Credit” and the “All Veterans’ Tax Credit”

Background

The Optional Veterans’ Tax Credit and the All Veterans’ Tax Credit are programs made available by the City for Lebanon’s veterans and/or their spouses. The tax credit reduces the total property taxes owed on the veteran’s residential property by the amount of the credit. Veterans and/or their spouses may qualify for either the Optional Veterans’ Tax Credit or the All Veterans’ Tax Credit, but cannot receive both. Other tax credits and exemption programs exist for veterans with permanent and total service-connected disabilities, or their surviving spouses.

The Optional Veterans’ Tax Credit and the All Veterans’ Tax Credit were re-adopted in the amount of \$250 each by the City Council on January 4, 2023 following statutory changes in the eligibility criteria for those programs. The Veteran’s Service-Connected Total Disability Tax Credit was last increased to \$1,400 for eligible veterans or their surviving spouses on September 15, 1993.

The Finance Department and Assessing Division have prepared the attached table showing the number of individuals or households who applied and qualified for the various Veteran’s Tax Credit programs offered by the City and the corresponding amount of those tax credits granted for 2023. The table also shows the estimated value of tax credits if the individual program amounts were raised to the maximum amounts allowed by statute.

If the Council wishes to continue to offer the various Veteran’s Tax Credit programs at the current amounts, then no further action is required. However, if the Council wishes to change the tax credit amount for any or all of the programs, then a public hearing must be scheduled and held to consider the proposed changes.

Action

Should the Council wish to consider changing the tax credit amounts associated with the Optional Veterans’ Tax Credit, the All Veterans’ Tax Credit programs, and/or the Service-Connected Total Disability Tax Credit, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, January 17, 2024, beginning at 6:00 pm, in Council Chambers, City Hall, and Remote via the City’s Virtual Platform, for the purpose of receiving public input and taking action to change the amount of the Optional Veterans’ Tax Credit from \$250 to \$_____ in accordance with NH RSA 72:28, to change the amount of the All Veterans’ Tax Credit from \$250 to \$_____ in accordance with NH RSA 72:28-b, and to change the amount of the Service-Connected Total Disability Tax Credit from \$1,400 to \$_____ in accordance with NH RSA 72:35.

Included in this Section:

1. Finance Department table of Veteran's Tax Credits granted for 2023
2. NH RSA 72:27-a; RSA 72:28; RSA 72:28-b

Current											
Veterans' Standard/Optional Tax Credit \$50 Up to \$750		All Veterans' Tax Credit \$50 Up to \$750		Combat Service Tax Credit \$50 Up to \$500		Surviving Spouse Tax Credit \$700 Up to \$2,000		Tax Credit for Service-Connected Total Disability \$700 Up to \$4,000		Veterans' Tax Credits Summary	
RSA 72:28		RSA 72:28-b		RSA 72:28-c		RSA 72:29-a		RSA 72:35			
Number of Tax Credits Granted 2023	Tax Credit \$250	Number of Tax Credits Granted 2023	Tax Credit \$250	Number of Tax Credits Granted 2023	Tax Credit (not adopted)	Number of Tax Credits Granted 2023	Tax Credit (not adopted)	Number of Tax Credits Granted 2023	Tax Credit \$1,400	Total Number of Tax Credits Granted 2023	Total Amount
279	\$69,750	11	\$2,750	0	\$0	0	\$0	23	\$32,200	313	\$104,700
With increases											
	\$750		\$750		\$500		\$2,000		\$4,000		
	\$209,250		\$8,250		0		0		\$92,000		\$309,500
											-\$204,800
				Increase in tax rate would be \$.07							
				for 2023 would increase from 4.01% to 4.87%							

TITLE V TAXATION

Chapter 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Section 72:27-a

72:27-a Procedure for Adoption, Modification, or Rescission. –

I. Any town or city may adopt the provisions of RSA 72:28, RSA 72:28-b, RSA 72:29-a, RSA 72:35, RSA 72:37, RSA 72:37-b, RSA 72:38-b, RSA 72:39-a, RSA 72:62, RSA 72:66, RSA 72:70, RSA 72:76, RSA 72:82, RSA 72:85, or RSA 72:87, in the following manner:

(a) In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition pursuant to RSA 39:3.

(b) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

II. The vote shall specify the provisions of the property tax exemption or credit, the amount of such exemption or credit, and the manner of its determination, as listed in paragraph I. If a majority of those voting on the question vote " yes, " the exemption or credit shall take effect within the town or city, on the date set by the governing body, or in the tax year beginning April 1 following its adoption, whichever shall occur first.

III. A municipality may modify, if applicable, or rescind the exemption or credits provided in paragraph I in the manner described in this section.

IV. An amendment to a statutory provision listed in paragraph I related to an exemption or credit amount or to the eligibility or application of an exemption or credit, shall apply in a municipality which previously adopted the provision only after the municipality complies with the procedure in this section, unless otherwise expressly required by law.

Source. 2003, 299:1; 299:23. 2004, 170:3. 2008, 224:3, eff. July 1, 2008. 2016, 217:2, eff. Aug. 8, 2016. 2017, 179:1, eff. Aug. 28, 2017. 2019, 327:3, eff. Oct. 15, 2019. 2021, 200:2, Pt. II, Sec. 1, eff. Oct. 9, 2021.

Section 72:28

72:28 Standard and Optional Veterans' Tax Credit. –

I. The standard veterans' tax credit shall be \$50.

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$51 up to \$750. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

III. Either the standard veterans' tax credit or the optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property. However, the surviving

spouse of a resident who suffered a service-connected death may have the amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident.

IV. The following persons shall qualify for the standard veterans' tax credit or the optional veterans' tax credit:

- (a) Every resident of this state who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States in any qualifying war or armed conflict listed in this section, and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty by a member of the national guard or reserve shall be included as service under this subparagraph;
- (b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and
- (c) The surviving spouse of any resident who suffered a service-connected death.

V. Service in a qualifying war or armed conflict shall be as follows:

- (a) "World War I" between April 6, 1917 and November 11, 1918, extended to April 1, 1920 for service in Russia; provided that military or naval service on or after November 12, 1918 and before July 2, 1921, where there was prior service between April 6, 1917 and November 11, 1918 shall be considered as World War I service;
- (b) "World War II" between December 7, 1941 and December 31, 1946;
- (c) "Korean Conflict" between June 25, 1950 and January 31, 1955;
- (d) "Vietnam Conflict" between December 22, 1961 and May 7, 1975;
- (e) "Vietnam Conflict" between July 1, 1958 and December 22, 1961, if the resident earned the Vietnam service medal or the armed forces expeditionary medal;
- (f) "Persian Gulf War" between August 2, 1990 and the date thereafter prescribed by Presidential proclamation or by law; and
- (g) Any other war or armed conflict that has occurred since May 8, 1975, and in which the resident earned an armed forces expeditionary medal or theater of operations service medal.

Source. 1871, 13:1. GL 54:2. PS 56:4. 1907, 95:1. 1919, 54:1. 1921, 12:3; 103:1. 1923, 68:2. PL 60:26. 1941, 157:1. RL 73:29. 1943, 174:1. 1944, 4:1. 1947, 240:1, par. 29. 1949, 167:1. 1951, 132:1. RSA 72:28. 1955, 289:1. 1963, 49:1; 118:1; 324:1. 1967, 35:1, 2; 219:1, 2. 1971, 303:1. 1975, 282:1. 1976, 42:1, 2. 1977, 61:1. 1979, 288:2. 1981, 215:1. 1989, 64:1; 270:1. 1991, 70:3-6. 1992, 70:3. 1993, 73:3, 10; 262:1. 2003, 299:2. 2005, 126:1, eff. April 1, 2006. 2013, 254:2, eff. July 24, 2013. 2016, 217:9, eff. Aug. 8, 2016. 2018, 148:1, eff. Apr. 1, 2018. 2022, 121:1, eff. July 26, 2022.

Section 72:28-a

72:28-a Repealed by 2003, 299:29, I, eff. April 1, 2003. –

Section 72:28-b

72:28-b All Veterans' Tax Credit. –

I. A town or city may adopt or rescind the all veterans' property tax credit granted under this section by the procedure in RSA 72:27-a.

II. The credit granted under this section shall be the same as the amount of the standard or optional veterans' tax credit in effect in the town or city under RSA 72:28. A town or city with an existing standard or optional veterans' tax credit under RSA 72:28 prior to August 18, 2016, adopting the credit under this section, may phase in the amount of the all veterans' tax credit over a 3-year period to match the standard or optional veterans' tax credit.

III. The all veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property.

IV. A person shall qualify for the all veterans' tax credit if the person is a resident of this state who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty or state active duty by a member of the national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35.

Source. 2016, 217:1, eff. Aug. 8, 2016. 2017, 109:1, eff. June 8, 2017. 2022, 121:2, eff. July 26, 2022.

Section 72:35

72:35 Tax Credit for Service-Connected Total Disability. –

I. Any person who has been honorably discharged or an officer honorably separated from the military service of the United States and who has total and permanent service-connected disability, or who is a double amputee or paraplegic because of service-connected injury, or the surviving spouse of such a person, shall receive a standard yearly tax credit in the amount of \$700 of property taxes on the person's residential property.

I-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from \$701 up to \$4,000. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.

I-b. Either the standard tax credit for service-connected total disability or the optional tax credit for service-connected total disability shall be subtracted each year from the property tax on the person's residential property.

II. The standard or optional tax credit under this section may be applied only to property which is occupied as the principal place of abode by the disabled person or the surviving spouse. The tax credit may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode.

III. (a) Any person applying for the standard or optional tax credit under this section shall furnish to the assessors or selectmen certification from the United States Department of Veterans' Affairs that the applicant is rated totally and permanently disabled from service connection. The assessors or selectmen shall accept such certification as conclusive on the question of disability unless they have specific contrary evidence and the applicant, or the applicant's representative, has had a reasonable opportunity to review and rebut that evidence. The applicant shall also be afforded a reasonable opportunity to submit additional evidence on the question of disability.

(b) Any decision to deny an application shall identify the evidence upon which the decision

relied and shall be made within the time period provided by law.

(c) Any tax credit shall be divided evenly among the number of tax payments required annually by the town or city so that a portion of the tax credit shall apply to each tax payment to be made.

Source. 1947, 240:1, par. 29-f. RSA 72:35. 1955, 283:1. 1963, 174:1. 1967, 219:6. 1969, 54:1. 1973, 553:1. 1975, 277:2. 1983, 95:1. 1989, 64:3. 1991, 70:17. 1993, 73:6, 7. 2000, 54:1. 2003, 299:8, eff. April 1, 2003. 2018, 105:1, eff. Jan. 1, 2019.

Agenda

Lebanon City Council

January 03, 2024

10. New Business:

10.F – Discussion of Traffic Patterns on Elm Street West, West Lebanon

Background

On October 5, 2023, the City received communication from a resident of Elm Street West in West Lebanon voicing concerns about an incident that had recently occurred along the street and requesting that the City take some action to address a potentially hazardous condition related to the roadway.

Upon receiving the communication, the Department of Public Works investigated the incident and evaluated the roadway and a variety of alternatives, which are summarized in the enclosed memorandum from former Deputy City Manager Nik Coates to City Manager Shaun Mulholland. As noted in the Coates' memorandum, the Public Safety Committee also met to review the current roadway conditions and to evaluate potential alternatives.

Following its deliberation, the Public Safety Committee recommended that no changes be made to the existing traffic patterns on Elm Street West. If, after discussing the matter, the Council agrees that no changes are warranted at this time, then no further action is required.

However, if, after discussing the matter, the Council wishes to consider potential changes to traffic patterns on Elm Street West, the Coates' memorandum outlines a potential alternative of restricting truck traffic to one-way movements along the roadway. Implementing a one-way traffic pattern on Elm Street West, for example, would require an amendment to City Code Chapter 168, §168-9, One-way streets. Other potential changes may require other actions.

Action

No action required unless the City Council chooses to make changes to the City Code or provides other direction to the City Manager.

Included in this Section:

1. Memorandum from former Deputy City Manager Nik Coates to City Manager Shaun Mulholland, dated October 23, 2023, including email communication from Seth Ames of Twin State Sand & Gravel Co., Inc.

TO: Shaun Mulholland

FROM: Nik Coates

CC: Jay Cairelli, Brian Vincent, Pat McCarthy

DATE: October 23, 2023

SUBJECT: Proposed Implementation of One-Way Truck Traffic Flow on Elm Street West

City Manager Mulholland,

I am writing to present a proposal regarding a substantial change to the traffic flow on Elm Street West. Specifically, the proposal recommends changing the traffic pattern to one-way traffic movement for commercial trucks.

Background:

On October 5, 2023, you relayed an email from Ms. Jennifer Driscoll, a resident of 35 Elm Street West, addressed to Mayor McNamara. In her communication, Ms. Driscoll voiced concerns relating to a hazardous incident involving her son on the Elm Street West sidewalk. The core of her message emphasized a sharp increase in heavy vehicle traffic on this route over the last couple of years, including log trucks and tractor-trailers. This surge in traffic volume has led to complications in the safe travel of these vehicles on Elm Street West, often resulting in their encroachment on the sidewalk. This situation motivated Ms. Driscoll to seek a resolution to this issue, as she perceived her son's life to be in jeopardy, particularly during winter conditions.

In the following week, I had a conversation with Ms. Driscoll to gain more insight into her concerns. She reiterated her email's content, emphasizing the increase in the number of these large vehicles and their ongoing challenges in navigating through this residential street due to road width limitations. Furthermore, these trucks have been observed veering onto the sidewalks, exacerbating the walking environment for pedestrians. Ms. Driscoll also noted an increase in the incidence of deceased animals in her yard, which she attributed to this increased truck traffic.

Field Observations:

On October 12, City Engineer Brian Vincent and I made an on-site investigation to gather data and assess the conditions of Elm Street West.

Elm Street West primarily functions as a residential neighborhood from the intersection with Seminary Hill Road to house #61, spanning a length of approximately 1,700 feet. Beyond this residential stretch, the road changes into a commercial district that accommodates businesses such as Twin State Sand & Gravel, Romano Trucking, Blaktop Paving, and Arthur Whitcomb (landscaping supplies and concrete blocks).

The Elm Street West neighborhood comprises approximately 20 residential homes and some apartment units. At #15 Elm Street West is Westboro House, an assisted living facility. Approximately 1,000 feet from this intersection lies Birch Lane, another residential street characterized by six residential homes.

The traffic on Elm Street West appeared to be primarily residential in nature during our observation on October 12. We noted the presence of approximately 8-10 construction-type vehicles at that time. The road and sidewalk underwent reconstruction roughly a decade ago as part of the City's Combined Sewer Overflow (CSO) projects. The eastern side of Elm Street West features a concrete sidewalk possessing a 9-inch curb reveal, extending from the intersection with Seminary Hill Road to the driveway at #61 Elm Street West. During our observation, we did not identify any instances of vehicles straying onto the sidewalk. Furthermore, there was no visible evidence of damage to the sidewalk or curbing that could be attributed to vehicular encroachment.

Two areas were identified as potential areas of concern:

1. Intersection with Seminary Hill Road: We observed vehicular ingress and egress at the intersection with Seminary Hill Road. Challenges at this intersection primarily stem from the concrete sidewalk and asphalt bump-out designed to protect parked vehicles. Parked cars in the vicinity further provide obstacles. Our observation revealed instances of construction trucks slowing down to negotiate their entrance onto Elm Street West. The road width, while appearing constrained, was adequate to accommodate two trucks concurrently, one exiting and the other entering. We also witnessed two construction trucks slowing down near the parked cars to pass one another. Importantly, the trucks managed to navigate this section without encroaching upon lawns or colliding with each other or parked vehicles.
2. Segment from 15 Elm Street West to 51 Elm Street West: This area begins just beyond the parked vehicles and has a guardrail on the western side of Elm Street West that spans from #15 Elm Street West to #51 Elm Street West. In this stretch, the road measures 22 feet in width, with a 5-foot-wide sidewalk and a curb reveal measuring 9 inches in height. Notably, driveway entrances feature pedestrian crossings. During our observation, two trucks encountered each other near Birch Lane. The truck traveling north, adjacent to the sidewalk, decelerated its speed and eventually stopped, while the southbound truck proceeded forward at a reduced speed. Significantly, the northbound truck did not encroach upon the sidewalk.

It is important to recognize that the circumstances may differ during winter. Ms. Driscoll voiced concerns regarding DPW sometimes requiring several days to fully clear the road and sidewalks following snowfall. This delay could potentially force pedestrians to walk on the road near snowbanks, creating the risk of close encounters with northbound trucks.

Interim Measures:

As an interim response aimed at enhancing data collection and providing visible cues to deter vehicles from driving on the sidewalks, DPW installed traffic cones positioned approximately 50 feet apart along the sidewalk at the curb edge. After this installation, I conducted a windshield

survey along Elm Street West on October 20, noting that none of the traffic cones displayed signs of collision or damage.

Consideration of Alternatives:

DPW explored potential alternatives to address the current road configuration and traffic patterns to reduce safety concerns on Elm Street West. The alternatives include the following:

1. Complete Restriction of Truck Traffic – Unfeasible:
 - a. This measure, involving elimination of truck access, would leave the existing road structure unaltered. This solution is untenable due to the need for truck access to the commercial businesses at the end of Elm Street West.
2. Expansion of the Seminary Hill Road Intersection – Feasible but Minimal Impact:
 - a. Widening Elm Street West at the intersection with Seminary Hill Road is theoretically viable. However, the practicality of this measure remains limited due to the road's existing width sufficing for the entry and exit of trucks. Truck traffic conflicts typically occur further along the route, specifically in the section with guardrail between #15 and #51 Elm Street West.
3. Removal of Sidewalk to Increase Road Width – Feasible but Impractical:
 - a. The proposed elimination of the existing 5-foot-wide sidewalk to create additional road space for trucks is technically attainable but filled with impracticalities. The principal concern pertains to pedestrian safety since the sidewalk is vital for pedestrian traffic and serves as a mechanism for calming traffic. The removal of sidewalks would result in increased vehicular speeds, compromising the safety of pedestrians. Furthermore, this measure would necessitate the removal of a recent sidewalk and its relocation onto private property, constituting a financially imprudent undertaking. The cost of acquiring additional rights of way for sidewalk is not financially prudent.
4. Relocation of Sidewalk and/or Road Widening – Feasible but Impractical:
 - a. This alternative hinges upon the relocation of the existing sidewalk and potential road widening. The relocation of the sidewalk would require encroachment onto private property and potentially require the relocation of the guardrail. However, the cost-effectiveness of such an approach is questionable due to the need for substantial embankment construction to accommodate road expansion. Moreover, the removal or relocation of the existing sidewalk, despite its age, remains financially impractical. The cost of acquiring additional rights of way for sidewalk is not financially prudent.
5. Deployment of Bollards on the Road – Feasible but Ambiguously Effective:
 - a. This strategy involves the placement of bollards abutting the sidewalk. The existing curb boasts a 9-inch reveal, which represents a significant deterrent for truck encroachment onto the sidewalk. Nevertheless, it is possible that trucks may be inclined to travel the sidewalk at driveway entrances, and the deployment of bollards at these points may prove effective. It is vital to emphasize that this tactic could pose practical challenges for property owners, notably impeding ingress and egress from their driveways. Additionally, bollards positioned on the road would result in further narrowing, potentially reducing road width by 6 to 12 inches. This could lead to inadvertent collisions and damage to bollards or trucks. The

frequent replacement of damaged bollards could introduce financial challenges for the City.

6. Variable Speed Limits and Traffic Signs – Feasible with Economic Implications:
 - a. This solution would implement variable speed limits based on the current traffic conditions to reduce vehicular speeds during periods of heightened truck traffic. Electronic message boards and LED signs could be deployed to display real-time traffic updates and safety messages to inform drivers and encourage adherence to traffic regulations. For limited traffic flow on this road, this solution seems financially infeasible and could cause confusion to residents.
7. Enhanced Traffic Enforcement: Feasible, but Limited Effectiveness
 - a. This solution would increase law enforcement presence during peak traffic hours to monitor and deter unsafe driving behavior. This solution is more cost-effective than infrastructure changes, but would have limited impact since it is unclear if unsafe driving behavior is the root cause.
8. Implementation of One-Way Truck Traffic Flow – Feasible with Economic Implications:
 - a. This approach would require minimal physical alterations to the road infrastructure, primarily involving the installation of signage at the entrances of Seminary Hill Road and Glen Road. This measure is discussed further below.
9. Maintenance of the Status Quo – Feasible:
 - a. Maintaining the existing traffic patterns and infrastructure remains a viable and cost-effective alternative. It is worth noting that our observations did not yield instances of vehicular encroachment upon the sidewalk or evidence of curb scarring due to vehicular activity. However, the potential hazards for pedestrians remain, particularly during winter conditions with snowbanks obstructing pedestrian walkways and necessitating road usage. The overarching concern remains the safety of the public.

Public Safety Committee Discussion:

The Public Safety Committee deliberated via email, coming to a consensus in favor of the "do nothing" approach.

Preferred Alternative:

While the "do nothing" strategy presents a cost-effective course of action, it leaves the current situation unaltered, along with its associated safety risks for pedestrians. Accordingly, in the interest of mitigating these risks and addressing the concerns of residents, DPW's preferred alternative includes implementing a one-way traffic pattern exclusively for trucks. This proposal hinges on the signing Elm Street West as a one-way route for trucks.

By restricting truck traffic to a one-way movement, the strategy will create consistent and controlled truck movement, reducing conflicts and safety hazards. The implementation of such changes will have ramifications for local businesses. However, paramount among our considerations is the safety of the neighborhood.

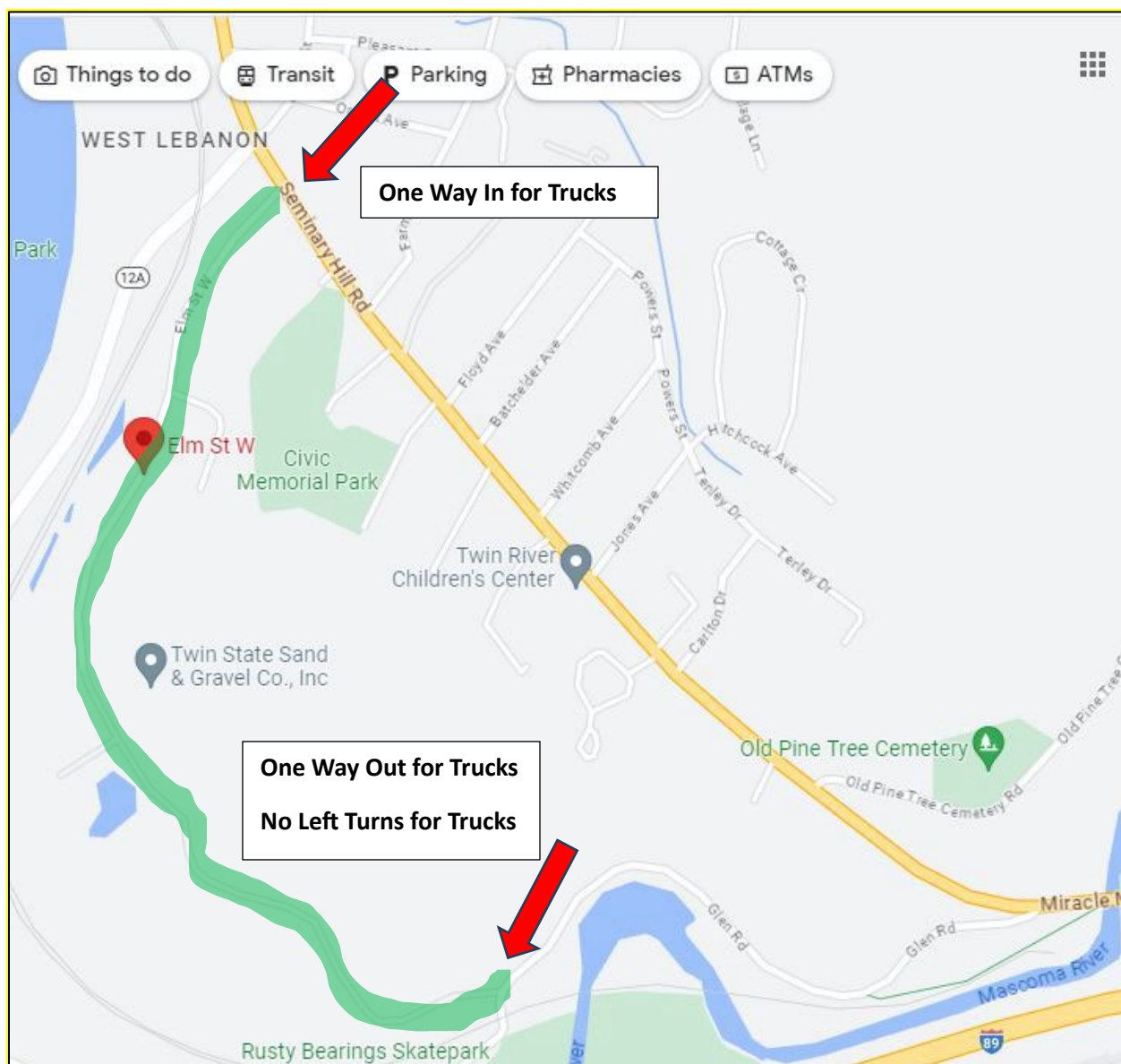
Proposed New Traffic Pattern:

The proposed traffic pattern modification will fundamentally alter the way trucks access Elm Street West. The primary entry point to the road will be Seminary Hill Road, and the sole exit

will be at Glen Road. Trucks approaching the Glen Road intersection will be restricted from making left turns due to the impediment posed by the overpass. The effectiveness of this measure will rely on the placement of signage at the Seminary Hill Road and Glen Road entry points, in addition to a sign positioned at #61 Elm Street West.

In preparation for the transition to the new traffic pattern, it is important to deploy the City's variable message boards on Seminary Hill Road and Glen Road. These boards will educate truck operators of upcoming changes in advance. To foster a smooth adjustment to the new traffic pattern, we propose the coordination of directed patrols by the Police Department during business hours of operation at the intersections for the initial weeks following implementation.

Map and Photo Documentation:





Potential Adverse Impacts on Businesses:

Changing Elm Street West to one-way truck traffic may have several negative consequences for the trucking and construction companies that operate in the area. These impacts may vary depending on the specific operations and circumstances of each company, but some likely effects could include:

- Increased Travel Time: Trucking and construction companies will experience increased travel time when navigating the new one-way street. They will need to take longer routes to reach their destinations, resulting in additional fuel costs and reduced efficiency.
- Operational Disruption: The change will disrupt the regular operations of these companies. It will necessitate adjustments to delivery schedules, pick-up locations, and routes, potentially leading to delays and operational inefficiencies.
- Customer Impact: Businesses that rely on deliveries or pickups from these companies will face delays or scheduling challenges, affecting their own operations and customer satisfaction.

- Navigational Challenges: Truck drivers who are unfamiliar with the area may encounter difficulties adapting to the new traffic pattern. This could lead to missed turns, navigational errors, and potential disruptions to deliveries.
- Additional Costs: Businesses may need to invest in route optimization tools, or training for their drivers to adapt to the new traffic pattern. These additional costs can impact their bottom line.
- Limited Accessibility: Access to certain properties, loading docks, or construction materials sites along Elm Street West may become more challenging due to the one-way traffic flow. This can lead to logistical challenges for businesses in these locations.
- Business Concerns: The companies on Elm Street West might express concerns about the potential impact of the new traffic pattern on their daily operations and profitability. This could lead to negotiations, discussions, or requests for compensation.
- Safety Considerations: While the change aims to enhance pedestrian safety, it may also introduce new safety considerations for truck drivers who need to adapt to the altered traffic flow.

Potential Adverse Impacts on the City:

Redirecting truck traffic from Elm Street West so that trucks only enter at Seminary Hill Road and only exit at Glen Road can have a significant impact on Glen Road and surrounding roads and neighborhoods. Some likely effects could include:

Increased Traffic Congestion: The diversion of truck traffic can lead to increased traffic congestion on Glen Road, especially during peak hours. This can result in slower travel times, longer commutes, and a higher risk of traffic-related incidents.

Wear and Tear on Roads: The increased traffic on Glen Road and other roads could accelerate the wear and tear on road surfaces. Heavier trucks can cause more significant damage to road infrastructure, including potholes, cracks, and pavement degradation. This could lead to increased maintenance and repair costs for the City.

Noise and Air Pollution: Higher traffic volumes, especially heavy trucks, can contribute to elevated noise levels and increased air pollution in the residential areas along the new route. This can negatively impact the quality of life for residents and potentially lead to health concerns.

Safety Concerns: The influx of additional truck traffic on Glen Road and other roads can create safety concerns, especially in neighborhoods with pedestrians, cyclists, and school zones. An increased number of large trucks can raise the risk of accidents, posing a danger to both drivers and pedestrians.

Impact on Local Businesses: Local businesses along Glen Road and other roads may experience adverse effects. Increased traffic congestion and difficulty in accessing their premises can deter customers and potentially harm their bottom line.

Infrastructure Costs: The increased traffic on Glen Road and other roads may require the City to invest in road improvements and safety measures to accommodate the additional load. These infrastructure investments can lead to budgetary challenges.

Community Dissent: Affected neighbors on Glen Road and other roads may voice their opposition to the increased traffic, leading to activism, petitions, and potential legal challenges against the redirection of truck traffic.

Next Steps:

In advance of the implementation of any changes, I plan to meet with the owners at Twin State and Blaktop in the next two weeks to listen to their concerns and inform them of the upcoming changes.

I propose the execution of the new traffic pattern prior to the first snowfall this winter season. After a date has been determined for when the new traffic pattern goes into effect, I recommend the following communications strategies:

- Send postcards to residents to inform them of the impending change.
- Call the businesses so they can communicate in advance with their staff and contractors.
- Submit an article for Leb News, providing a comprehensive update on the upcoming changes.
- Issue Leb Alerts to facilitate awareness.
- Direct communication with City Council members residing in the affected ward.

Thank you for your consideration of this recommendation. I look forward to your decision on this proposed change.

Respectfully Submitted,

Nik Coates
Deputy City Manager – Public Services

E-mail from Seth Ames regarding changes to the traffic pattern on Elm Street West:

Dear Jay,

Pursuant to Nik Coates email of 11/1 I am forwarding you my comments to the Draft Report being submitted to the City Council on 11/7. I understand from my conversations with Nik and from the Draft Report itself, that Twin State's comments will be included in the Draft Report.

As I indicated to Nik in my last email correspondence, we take the safety of drivers and customers very seriously, especially as it impacts our neighbors on Elm Street. As you may be aware, Twin State/Blaktop has been using Elm Street since 1947 for ingress and egress out of our property.

In that vein, we are still in the process of our internal investigation and have held safety meetings about the concern raised by Ms. Driscoll with our drivers and the drivers of our hired trucks. However, I want to point out that the Draft Report seems to determine that Nik and Brian Vincent did not find any evidence that the complained of conduct (a truck driving onto the Elm Street West sidewalk) actually took place. This is consistent with the results of our investigation to date, as none of the drivers we have interviewed (and who drove on Elm Street on 10/4) have any recollection of such an event. Also, one of our employees walks the sidewalk on Elm Street every day during her lunch break and she's never seen truck traffic related to our business up on the sidewalk. I will also point out that in the event that there was an safety incident on Elm Street (or anywhere our drivers haul), our internal process requires them to report it - notwithstanding their own responsibilities to report traffic incidents as part of maintaining their CDL's.

It also appears from the field data collected that there is adequate room for trucks to travel in both directions on Elm Street West, including in those areas that were identified in the Draft Report as specific areas of concern.

As a result, my first general comment is why is the recommendation being made over maintaining the status quo? Although I understand that snow removal in the winter presents certain challenges to Elm Street West (and all streets generally) it seems like the recommendation is being made to alleviate a safety concern that is unfounded. Anecdotally, in the more than 60 years that Twin State has been using Elm Street West, Twin State does not recall a single incident involving an injury to a pedestrian on Elm Street West along the lines of what was reported by Ms. Driscoll. That is, in part, because of Twin State's desire to be good neighbors by taking vehicle safety very seriously, and why Twin State has allowed the general public to use the entirety of Twin State's private drive connecting Elm Street West to Glen Road rather than forcing people to turn around at the end of Elm Street West.

My second general comment is that it seems that any recommendation beyond keeping the status quo requires more information. It seems like a more rigorous traffic study should be undertaken to collect traffic volume counts (at peak times), speed, and crash data, and to potentially use cameras in strategic locations to observe any possible sidewalk encroachments. With that data, a traffic engineer may be able to recommend a less restrictive alternative (if one is needed at all) than what is being proposed based on the limited data collected. Unfortunately, this takes time to compile so I would suggest that any decision on whether to pursue any change to the status quo be tabled until better data can be collected.

As to the recommendation itself, Twin State has some more specific concerns which serve as its basis for not supporting the proposed traffic pattern change:

First, it is unclear what “trucks” this proposal will apply to. Are there size and length considerations? Is the suggestion that all commercial truck traffic be restricted including “local” trucks such as garbage trucks, fuel trucks, and Fed-Ex / UPS trucks, etc.? If not, or if Twin State is being singled out, on what basis do the findings support the one-way traffic proposal applying only to Twin State trucks? If ordinance doesn’t apply to “local” trucks, how will that be distinguished / enforced?

Second, if the proposed change applies to all commercial trucks, what are the City’s expectations with respect to Twin State’s private property? Elm Street West is a dead-end street and is signed as such. The connection to Glen Road is privately owned by Twin State. Is the City proposing that Twin State take public truck traffic on its private property (more than it does already)?

Third, and despite the fact that there does not appear to be a safety issue that needs to be addressed, in Twin State’s preliminary discussions with engineers, it has been pointed out that one-way traffic changes can actually result in increased safety issues as trucks may be more likely to travel faster through the Elm Street West residential neighborhood if they know that other trucks will not be entering the street or negotiating the intersection with Seminary Hill Road from the opposite direction. In citing this comment, I do not suggest that Twin State trucks would fall into this category given our commitment to safety but Twin State cannot control third party trucks and drivers that would be subject to this proposed change.

Fourth, it’s important to note that Twin State’s truck traffic volume has decreased over the last decade (especially after relocating the crushing plant to Hartland, Vermont). Also, given the seasonal nature of our business, truck traffic volume is significantly less during the winter months.

Fifth, how does the proposal address emergency situations? I recall an event when DPW called Twin State after hours to stay open all night the day that Stevens Road was washed out so that DPW could haul material to fix the road. Twin State called its employees back to work and worked with the City and its trucks to haul material in and out on Elm Street all night long. Will there be exemptions? If so, on what basis?

Lastly, and although not germane to the safety issue, it is important to note that this proposal will likely have a significant financial impact to Twin State, Blaktop, and Romano Trucking. The result of the recommendation is that Twin State trucks will have to take a very circuitous route around Lebanon and West Lebanon to safely enter its property (if not able to do so from Elm Street West). On average it costs approximately \$90/\$100 per hour to run a tri-axel dump truck on the road so there will be increased cost to Twin State to comply with this proposal. In addition, Twin State expects that the proposal will result in a loss of customers (to competitors) who do not want to deal with the new pattern.

I will reiterate that the proposal seems to try to fix a problem that does not exist, at significant impact to Twin State if not other members of the community and general public. Twin State also believes, to the extent that the City does believe there is a safety issue on Elm Street West that requires action, that there may be equally effective but less impactful solutions that have not yet been considered and which could be identified after a comprehensive traffic study.

Twin State understands that the public safety committee is in favor of maintaining the status quo and Twin State joins the public safety committee in that position.

Thank you very much for inviting Twin State to comment on this draft report.

Sincerely,

Seth Ames

Twin State Sand & Gravel Co., Inc.

Blaktop, Inc.

West Lebanon, NH

Office: 603-298-8705 / 8885

Cell: 603-252-8475



AGENDA LEBANON CITY COUNCIL JANUARY 03, 2024

10. NEW BUSINESS:

10.G – Review of Proposed Zoning Amendments for Council Adoption and Set Public Hearing for January 17, 2024

BACKGROUND

At its October 4, 2023, meeting the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all boards have completed their review. Attorney Johnston's legal opinion, along with excerpts of Land Use Boards' meeting minutes, are attached for your review. A public hearing pursuant to Section 1000.3.D of the Zoning Ordinance is requested for January 17, 2024.

The purpose of this meeting is to present the final version of the proposed amendments to be considered by the City Council at the upcoming public hearing. All of the proposed amendments are addressed in the attached comprehensive memorandum drafted by Planning & Development Department staff.

All proposed amendments are under the authority of the Council and do not require placement on the Ballot for consideration by voters. As a reminder, the Council has the authority to place any of the proposed amendments on the Ballot, including those that are under the Council's sole purview.

Once the proposed amendments are finalized, they will be posted as part of the public hearing. Once posted, all applications to the Land Use Boards and all Building/Zoning Permit applications will be subject to the provisions of both the existing Zoning Ordinance and the proposed amendments. The proposed amendments will be posted by January 5, 2024.

ACTION

If the Council decides to move forward with the proposed amendments, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, January 17, 2024, beginning at 6:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to adopt certain amendments to the City of Lebanon Zoning Ordinance and Zoning Map.

Included in this Section:

1. December 21, 2023 Memo to the Lebanon City Council from Planning & Development Department Staff re: 2023-2024 Proposed Zoning Amendments, which includes the following:
 - Existing Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated November, 2023
 - Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated September 19, 2023
 - Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated December, 2023

- 2023-2024 Proposed Zoning Ordinance Amendments (Red-lined Version, last revised December 21, 2023)
- October 20, 2023 Legal Opinion from Attorney Christine (Fillmore) Johnston
- Excerpt of Planning Board meeting minutes from October 23, 2023
- Excerpt of Zoning Board of Adjustment meeting minutes from November 6, 2023
- Excerpt of Conservation Commission meeting minutes from November 9, 2023 (NOTE: Excerpt of Conservation Commission meeting minutes from December 14, 2023 were not ready at the time of the preparation of the Planning Department's memorandum, but will be provided once they are available.



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager

FROM: Planning and Development Department Staff

RE: 2023-2024 Proposed Zoning Amendments

DATE: December 21, 2023

Honorable Mayor and City Councilors,

Since the City Council kicked-off the zoning amendment process on October 4th, the Planning and Development Department has coordinated with legal counsel and has met with the Land Use Boards for review and comment on the proposed changes to the Zoning Ordinance. Additionally, staff held a public informational meeting at the Kilton Library on December 5th to discuss and answer questions about the proposed amendments. Staff has made some revisions to the amendments based on the comments from legal counsel and the Land Use Boards, as further described below.

The draft text amendments are highlighted in the attached red-lined excerpt of the Zoning Ordinance, dated last revised 12/21/23. New or revised text is blue and underlined. Text to be deleted is shown as ~~red with a strike-out~~. Note that terms that are defined in Appendix A of the Zoning Ordinance appear in ***bold italics***. Also attached are copies of the relevant portions of the Planning Board, Conservation Commission, and Zoning Board of Adjustment minutes for the meetings at which the amendments were discussed. Note that the Conservation Commission's discussion occurred on both November 9th and December 14th. The minutes for the December 14th meeting are not yet available at the time of the writing of this staff memo, but will be provided to the Council at or before the January 3rd meeting.

An overview of the proposed amendments is set forth below. Please note that miscellaneous minor amendments that appear throughout the attached redline – such as correcting punctuation, and correcting references in the Zoning Ordinance necessitated by other amendments – are not specifically reviewed in this memo.

OVERVIEW OF AMENDMENTS

A. Text Amendments

1. Amend Section 213 (“Impact Fee”) (see p. 1-2 of the redline) to:

- **500 square foot additions:** Collect impact fees for residential additions larger than 500 sq. ft. The proposal is intended to address a “loophole” whereby once a dwelling is completed, any future additions are exempt from impact fees regardless of the size of the addition and regardless of the size of the addition compared to

the size of the original home. For example, a 1,000 sq. ft. addition to a 500 sq. ft. home would be wholly exempt from impact fees. The typical case scenario is that an applicant will show the smallest number of square feet for a project on a plan to minimize impact fee costs. Then, once completed, they will finish all habitable space in the home. In one case, an impact fee was based on an application of 1,200 square feet; two years later, the same applicant has another application for a related use and claims the home's living area exceeds 5,000 square feet including area finished in the attic, walk out basement, and above the connected garage. Closing this loophole will allow the Department to accomplish two tasks. The first will be closing a loophole in the code and making the impact fees fairer for all homeowners in Lebanon. Second, when discovering unpermitted finished work in a home that exceeds 500 square feet, an impact fee can be required, thereby bringing equality to the system. Closing this loophole will help build a culture of compliance with permit requirements within the community as it will encourage applicants to permit all square footage upfront and avoid having to pay the impact fee when the work is discovered.

- **Amend the waiver and appeals provisions.** The Planning Board recently had its first case where an applicant brought forward an appeal to waive school impact fees for apartments under 500 square feet that were included in the project's previous approval. After the hearing, the Planning Board recommended that staff make the process of appeal easier for the applicant as there are no articulated standards that the Board had in the Zoning Ordinance to make the decision. Based upon the recommendation of the Planning Board's experience with the existing regulations, staff has brought forward several proposed reforms to the process:
 - Administrative approvals for waiver of impact fees. If the waiver is based upon easily verifiable standards such as 500 square feet or smaller, or a deed restriction, then the Zoning Administrator is empowered to waive the school impact fee administratively. The standard of review is rather simple: it either meets the criteria or it does not. If the standard is met, then the waiver is granted.
 - The second classification of review contains a more subjective standard of "hardship" and, as such, is best left to a Board to interpret. Removing a judgement of hardship from an administrative determination leaves the Applicant a pathway to a waiver but a slightly higher bar to prove to the Board that a hardship exists and therefore a waiver should be granted.
 - As presented to the Council on October 4th, staff had proposed changing the review board from the Planning Board to the Zoning Board. However, as a result of concerns raised during staff's discussions with legal counsel, these changes have been removed and are no longer included in the attached redline.

2. **Amend Section 305A.2 ("GC-1 District Table of Uses") and Section 500 (planned developments table)** (see p. 3-4 of the redline) to allow Manufactured Housing Planned Unit Residential Developments (PURDs) in the GC-1 District by Conditional Use Permit from the Planning Board per Section 504 of the Zoning Ordinance. This amendment is in furtherance of a concept recently presented by DHMC to Planning staff for a single-family development utilizing a "CrossMod" product at DHMC's property on the east side of Route 120 (between Jesse's restaurant and Centerra). The "CrossMod" product (pictured below) constitutes "manufactured housing" as defined in the City of Lebanon Zoning Ordinance. The GC-1 District already allows multi-family development with density to be determined by the Planning Board through Site Plan Review. As such, Manufactured Housing PURDs

is a less intensive use than those already permitted in the GC-1 and will allow for much needed affordable single unit detached home ownership opportunities to serve the City's workforce. The development remains subject to the extensive regulatory framework for PURDs, including the requirement to provide a minimum of 50% open space, and per Section 504, a maximum permitted density of 1 unit per 5,000 sq. ft. Staff also recommends removing the references to "multi-family" in the purpose statement so that the housing references therein are inclusive of manufactured housing and not exclusive to multi-family.



Example of a "CrossMod" single family residence where a portion of the home is stick-built on site which meets the State Building Code, and a portion of the house is built at an off-site facility which meets HUD housing code.

- 3. Amend Section 410.3 ("Description of Riverbank Protection District")** (see p. 4 of the redline) to remove properties within the Lebanon Downtown (LD) District from the Riverbank Protection District. This amendment is in tandem with an application that the City is preparing to the NH Department of Environmental Services (NHDES) requesting an exemption for downtown Lebanon from the provisions of the state's Shoreland Water Quality Protection Act (SWQPA). Many of New Hampshire's historic downtowns in cities and towns of comparable size to Lebanon have already requested and been approved for such an exemption, which has been available since the original passage of the SWQPA's predecessor in 1991 (the Comprehensive Shoreland Protection Act). The exemption allowed by the SWQPA recognizes that New Hampshire's historic downtowns were typically built up to and around a river (or other water body) – for example, the Cocheco River in Dover, the Merrimack River in Manchester, the Nashua River in Nashua, the Androscoggin River in Berlin, and in Lebanon, the Mascoma River. What the SWQPA is intended to protect or prevent is no longer attainable in these areas and only serves as an unnecessary impediment to much needed downtown redevelopment. Likewise, the Riverbank Protection District regulations – which substantially mirror the requirements of the SWQPA – also create a regulatory barrier to downtown redevelopment without any significant benefit to the community. Please note that FEMA Flood Zone building requirements remain in effect within this area.

As reflected in the attached meeting minutes of November 9, 2023 and December 14, 2023, the Conservation Commission is opposed to the proposed amendment.

Note that following the October 4th City Council meeting, staff relocated the proposed language so that the exemption applies generally to any property that is also exempted by NHDES from the State's shoreland regulations, and not specifically to properties located along the Mascoma River.

- 4. Amend Section 610 ("Accessory Dwelling Unit (ADU)")** (see p. 6-8 of the redline). Staff brings forward several ADU reforms based upon our lived experience with the ADU

regulations over the last year. The ADU standards have begun to catch on and we are seeing more homeowners seek to permit ADUs.

- *“FHA only requires that a home be marketable in the area and have adequate space necessary to assure suitable living, sleeping, cooking and dining accommodations and sanitary facilities.”* Traditionally, FHA underwriting has used 960 square feet as a minimum number of square feet for a house to meet the articulated standard. Thus, there is not an interpretive question about the size of the dwelling unit if 960 square feet standard is made. Based upon this 960 sq ft FHA standard staff recommends amending the size ratios for ADU calculations as the present 750 square foot standard is too small to meet a traditional FHA habitability standard. Thus, the number is proposed to be changed to allow a larger ADU to be constructed.
- Square footage calculation has been a major concern with several ADU cases currently seeking permits that are running up against the smaller ratio standards. The definition of “gross living area” in Appendix A is proposed to be amended to make the calculation clearer.
- Further, square footage ratios are increased to allow for a larger ratio-based home with a by-right standard of 960 square feet, thereby resolving permitting log jams by making meeting the ratios easier for many applicants and not adversely impacting surrounding neighborhoods.
- The large 4-acre lot provision was added to ease ratio concerns and permit mass and proportionality continuity. We have several cases currently seeking approval for a larger ADU on a very large lot. The 4 acres number allows for ample room for septic and well configuration for both units. The larger ratio of 50% of the main house creates a scenario where the Large House and Small house remain more proportional to the scale of the neighborhood and house/lot configuration. The large lot standard allows for a significant second dwelling unit to be created, often in a configuration where the primary house and the ADU appear more as neighboring houses as opposed to a Primary/ADU relationship. Consequently, allowing the larger ADU will maintain mass proportionality and not adversely impact a neighborhood with pre-existing large lots. Additionally, if configured correctly, a larger ratio may underwrite the ease of sub-dividing a lot in the future and creating a stand-alone home on its own lot that meets all the regulatory standards while fitting the character of the neighborhood.
- A clear checklist of items needed for the ADU is included to inform an applicant of the necessary submissions at the time of application. Informing the applicant before an application is made helps develop a clear understanding of timelines and necessary obligations to achieve a favorable permit outcome and generate a successful project.

5. Amend Appendix A (“Definitions”) (see p. 10-11 of the redline) to:

- “Gross Living Area” - For purposes of calculating impact fees and the size of accessory dwelling units, amend the definition of “gross living area” to specify more clearly those areas of a dwelling unit – including walk out basements - that are included as part of the “gross living area”.

6. Miscellaneous minor amendments:

- **Amend Section 408.4 (Historic District Certificate of Approval requirements)** to clarify the activities within the Historic District that require a Certificate of

Approval from the Heritage Commission. As a result of concerns raised by legal counsel in the attached opinion dated October 20, 2023, the proposed changes to Section 408 have been removed and are no longer included in the attached redline. More significantly, it is noted the City has received a Certified Local Government grant from the NH Department of Historic Resources and will be contracting with a consultant in 2024 to undertake a project with the Heritage Commission, part of which includes a comprehensive re-write of the Historic District regulations set forth in Section 408 of the Zoning Ordinance. Consequently, it was determined that making the proposed changes to Section 408 at this time would be premature in light of the pending study.

- **Amend Section 410.2 (Riverbank Protection District enabling authority)** (see *p. 4 of the redline*) to remove the reference to RSA 674:21 (innovative land use controls) which implicates the cumbersome procedural requirements for innovative land use controls, and which are not currently followed by City staff in the administration of the Riverbank Protection District.
- **Amend Section 501.1.F.2.a (commercial and industrial PUD open space requirements)** (see *p. 5 of the redline*) to make the minimum open space requirements consistent with the minimum open space requirements of the Lebanon Subdivision Regulations (which require a minimum of 15% whereas the commercial and industrial PUD regulations only require 10%).
- **Amend Section 607.5 (off-lot parking requirements)** (see *p. 6 of the redline*) to require that the legal documentation securing the right to use the off-lot parking is provided as part of the Conditional Use Permit application.
- **Amend Section 801** (see *p. 9 of the redline*) to amend the ZBA administrative appeal procedures for consistency with state statutory requirements.
- **Amend Section 802** (see *p. 9-10 of the redline*) to amend the ZBA application and hearing procedures and to clarify that application fees are established pursuant to City Code Chapter 68.
- To clarify existing language and to make certain editorial changes to Section 213 ("Impact Fees"), Section 410 ("Riverbank Protection District"), Section 610 ("Accessory Dwelling Unit (ADU)"), and Appendix A (revise definitions of "child day care facility," "dwelling," "educational facility, primary/secondary," and "health club").

B. Map Amendment

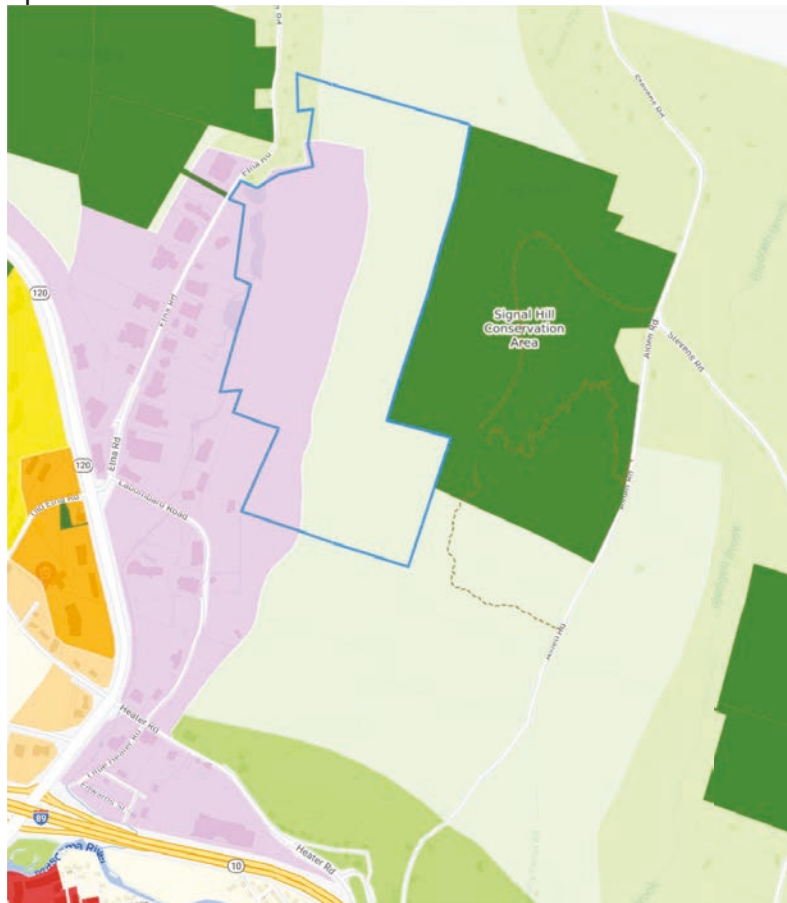
7. 0 Etna Road (Tax Map 26, Lot 17) (see *attachments provided by the property owner, Choice Storage, LLC, depicting the existing and proposed zoning*):

The subject property is a +/-182 acre lot (per City assessing records) that is split-zoned IND-L and RL-3, and is situated immediately west of the City's Signal Hill Conservation Area (see image below). The use of the property is identified as "Rural" on the Future Land Use Map. The property owner has requested that the Council rezone approximately 50 acres of the RL-3 portion of the property to IND-L in exchange for the rezoning of approximately 50 acres that is currently zoned IND-L to RL-3. It is the applicant's intent to transfer some of the land to be rezoned to RL-3 to the City of Lebanon for the development of recreational playing fields and the applicant has been working with the Recreation, Arts and Parks Department on preliminary concepts.

However, it should be noted that the rezoning request cannot be made contingent on the City's acquisition of any portion of the property. The property owner has provided the attached exhibits depicting the existing and proposed zoning and will be present at the City Council's meeting on January 3rd to describe the rezoning proposal in more detail. Note that the property owner has made changes to the proposed rezoning boundaries since originally presenting the amendment to the City Council. Now to a greater extent, the proposed rezoning supports several of the City's Master Plan natural resource protection goals by:

- Providing more protection for wetlands located along the western boundary of the property by relocating the Light Industrial zoning further away from areas located within the Wetland Protection District;
- Placing the wildlife corridor that runs along the northern portion of the property within the RL-3 District and out of the IND-L District; and
- Protecting steep slopes on the property that are currently located in the IND-L District (where the Steep Slopes District does not apply) and rezoning those areas to RL-3 which is subject to the steep slopes regulations set forth in Section 403 of the Zoning Ordinance.

Current Zoning Map:



SCHEDULE

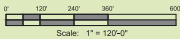
At the January 3, 2024 City Council meeting, staff will review the changes to the draft amendments that have been made as a result of the Land Use Board and legal review, and will ask the Council to schedule a public hearing for the Council's meeting on January 17, 2024. Following the public hearing, the City Council may adopt the proposed zoning amendments and Zoning Map amendment, per Section 1000.4.B of the Zoning Ordinance. Although none of the proposed

amendments require voter approval, it is noted that the Council may choose to place any or all proposed amendments on the March ballot. See Section 1000.4.A of the Zoning Ordinance.

ATTACHMENTS

- Existing Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated November, 2023
- Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated September 19, 2023
- Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated December, 2023
- Redline excerpt of current Zoning Ordinance (redline last revised December 21, 2023)
- Legal opinion from Christine Fillmore, Esq., dated October 20, 2023
- Excerpt of Planning Board meeting minutes from October 23, 2023
- Excerpt of Zoning Board of Adjustment meeting minutes from November 6, 2023
- Excerpt of Conservation Commission meeting minutes from November 9, 2023
- Excerpt of Conservation Commission meeting minutes from December 14, 2023 (*to be provided prior to the January 3, 2024 City Council meeting*)

SIGNAL PARK
DRAFT ZONING PLAN
EXISTING ZONING



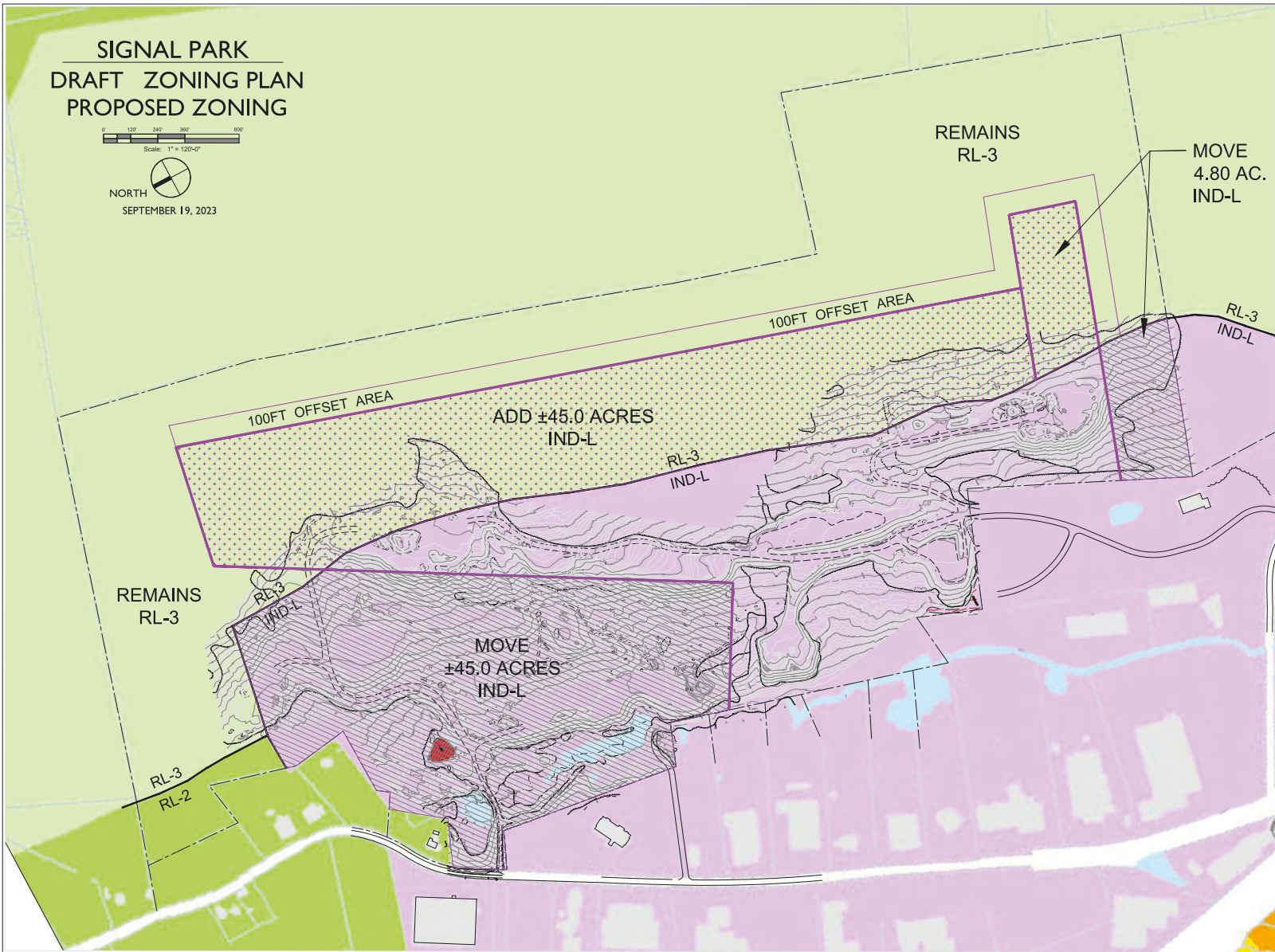
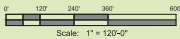
NOVEMBER 2023

RL-3

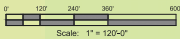
EXISTING IND-L
± 96.9 ACRES

RL-2

SIGNAL PARK
DRAFT ZONING PLAN
PROPOSED ZONING



SIGNAL PARK
DRAFT ZONING PLAN
PROPOSED ZONING



DECEMBER 2023

RL-3

PROPOSED IND-L
± 97 ACRES

RL-3

RL-2

DRAFT AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 213 IMPACT FEES.

[...]

213.3 Definitions.

[...]

E. New development means an activity that results in:

- (1) The creation of a new ***dwelling unit*** or units or new ***manufactured housing***; or
- (2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of ***dwelling units***; or
- (3) Construction resulting in a new non-residential ***building*** or a net increase in the ***gross floor area*** of any non-residential ***building***; or
- (4) The conversion of a lawful existing use to another use if such change would result in a net increase in the demand on public capital facilities that are the subject of impact fee assessment.

(5) A net increase in a residential building's gross floor area greater than 500 square feet.

Notwithstanding the above, new development shall not include:

- a. The creation of any new-studio or one-bedroom ***accessory dwelling unit*** with a ***gross living area*** of 500 sq. ft. or less;
- b. The replacement of an existing ***manufactured housing*** unit or any existing ***dwelling unit***; or
- c. The reconstruction of a ***structure*** that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed.

[...]

213.8 Waivers.

- A. The ~~Planning Board~~ Zoning Administrator ~~may~~ may administratively grant full or partial waivers of impact fees to an assessed property where the ~~Administrator~~ Board based on credible evidence presented by the applicant, finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

~~1.A.~~ — An assessed property may apply for a full or partial waiver of public-school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The ~~Planning Board~~ Administrator may waive school impact fee assessments on restricted-occupancy units where it finds that the ***dwelling unit*** will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.

~~2.B.~~ — 2. An assessed property may apply for a full or partial waiver of public-school impact fees for those studio or one-bedroom residential units that have a ***gross living*** _____ ***area*** of 500 sq. ft. or less.

- B. The Planning Board may grant full or partial waivers of impact fees to an assessed property where the Board based on credible evidence presented by the applicant finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

1. ~~a.C.~~ — An assessed property may apply to the Planning Board for a full or partial waiver of impact fee assessments imposed by this Ordinance on the basis of other contributions toward public capital facilities. The amount of such a waiver shall not exceed the value of land, facilities construction, or other contributions for public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the City for the review of a proposed waiver, including consultant and counsel fees, shall be paid by the applicant.

4.2. ~~D.~~ — The Planning Board may waive an impact fee, in whole or in part where, in the opinion of the Board, such fee would ~~;~~ due to interference with constitutionally-vested rights, pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this Ordinance.

[...]

ARTICLE III USE DISTRICTS

SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).

305A.1 Purpose.

The purpose of the GC-1 District is to provide opportunities for a mix of commercial and ~~multi-family~~ residential uses within close proximity to regional employers, public transportation routes, and pedestrian and biking trails. The GC-1 District is intended to provide for uses that are compatible with the limited access design of Route 120, and which would tend to retain and enhance the existing character of the area. New ~~multi-family~~ housing is encouraged to provide convenient access to major centers of employment, to facilitate future economic growth along the Route 120 corridor, and to complement the existing array of services and amenities within walking or biking distance of the GC-1 District.

305A.2 Table of Uses.

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit (see Section 302.4)</u>
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store <u>Planned Developments</u> 9. Commercial PUD per Section 501 10. <u>Manufactured Housing PURD per Section 504</u>

[...]

ARTICLE IV OVERLAY DISTRICTS

[...]

SECTION 410 RIVERBANK PROTECTION DISTRICT.

[...]

410.2 Authority.

This section of the Zoning Ordinance is adopted pursuant to the authority granted by RSA 483-B:8, Shoreland Water Quality Protection Act: Municipal Authority; and RSA 674:16, Grant of Power to Zone; ~~and RSA 674:21, I(j), Innovative Land Use Controls: environmental characteristics zoning.~~

410.3 Description of the Riverbank Protection District.

The Riverbank Protection District includes all areas in the City that are located within an area beginning at the **ordinary high water mark** of the following designated **public rivers**, streams, and lakes:

- (1) Connecticut River
- (2) Mascoma River
- [...]

as identified by the United States Geological Survey, and depicted on the official Lebanon Riverbank Protection District Overlay Map, and extending inland to fifty (50) horizontal feet, with septic waste systems and fuel storage restrictions extending to one hundred and twenty-five (125) horizontal feet, as set forth in 410.7.F and 410.7.H. Lots granted an Urbanized Shoreland Exemption by the NH Department of Environmental Services pursuant to RSA 483-B:12 are excluded from the Riverbank Protection District and the regulations of Section 410.

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

SECTION 500 GENERAL.

[...]

- B. [...] Planned developments shall be permitted in accordance with the following table:

District	PURD per Section 501.2	PRec per Section 501.3	Industrial PUD per Section 501.4	Commercial PUD per Section 501.4	<i>Manufactured Housing PURD</i> per Section 501.24 / <i>Manufactured Housing Park</i> per Section 503	Recreational Camping Parks per Section 505	<i>Medical Center Complexes</i> per Section 506	<i>Planned Business Park</i> per Section 508	<i>Cottage Development</i>
IND-L			CUP					CUP	
IND-RA			CUP					CUP	
GC				CUP					
GC-1				CUP	<u>CUP (Manufactured Housing PURD per Section 501.4 only)</u>				
CB				CUP					
LD									
R-1	CUP				CUP / P				CUP
R-2	CUP								CUP
R-3	CUP*								CUP

R-O	CUP								CUP
R-O-1	CUP								CUP
PB						SE			
RL-1	CUP *	CUP			CUP / P	SE			
RL-2	CUP *	CUP			CUP / P	SE			
RL-3	CUP *	CUP							
MC				CUP			P		

P = permitted

SE = **special exception** required

CUP = **conditional use** permit required

*Subject to Section 501.2.B.1.

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

501.1 General Requirements.

[...]

F. Open Space.

[...]

2. Minimum Required Open Space.

[...]

- a. Commercial or Industrial PUD. At least ~~ten (10)~~15% percent of the property utilized for a Commercial or Industrial PUD shall be preserved as Open Space. None of the **curtilage** of a **principal building** shall be used to meet the ~~10-percent~~15% criteria.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 607 PARKING.

[...]

607.5 Off-Lot Parking.

Parking shall be provided on the same **lot** as the use for which the parking is accessory, except as follows:

- A. In the IND-L, IND-H, IND-RA, GC, GC-1, CB, LD, RO, RO-1, PB, and MC Districts, the Planning Board may approve private off-lot parking as a **conditional use** permit. Instead of the findings required by Section 302.4, the Board shall determine that:

[...]

4. Such parking arrangements are either permanently deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, and submitted with the Conditional Use Permit application for approval by the Planning Board. Such legal agreement shall ~~that will~~ ensure that such parking arrangement will remain as long as the need exists.

[...]

- B. For conversions of **one-** or **two-family dwellings** to **multi-family dwellings** or where adding additional **dwelling units** to an existing **multi-family dwelling**, the Planning Board may approve private off-lot parking, as a **conditional use** permit. Instead of the findings required by Section 302.4, the Board shall determine that:

[...]

5. Such parking arrangements are permanently and irrevocably deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, and submitted with the Conditional Use Permit application for approval by the Planning Board. Such legal agreement shall ~~that will~~ ensure that such parking arrangement will remain as long as the need exists.

[...]

SECTION 610 ACCESSORY DWELLING UNIT (ADU).

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small **dwelling units** as rentals to offset the expense of maintaining the **dwelling**.

An **accessory dwelling unit** shall comply with the following criteria:

- A. An **ADU** is allowed on any **lot** in any zoning district with a **one-family dwelling**. For lots in any zoning district with a **two-family dwelling**, a detached or attached ADU is allowed. Only one such **ADU** is permitted per **lot**. The dwelling unit density requirements of the underlying zoning district shall not apply to ADUs.
- B. ~~The~~ If attached, the appearance and character of the existing or proposed **ADU** shall remain single family in nature if converting a one-family dwelling to a one-family dwelling with an ADU, and shall remain two-family in nature if converting a two-family dwelling to a two-family dwelling with an ADU. If detached, the ADU shall maintain the primary building's architectural style, proportional mass, size, and height to ensure it is not taller than the principal building on the lot. A detached ADU may be permitted to be taller than the principal building by special exception.
- C. The property owner must occupy one of the **dwelling units** as their permanent residence. A temporary leave of absence of no more than one (1) year by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

Prior to the issuance of a zoning/~~building~~-permit, the owner shall record in the Grafton County Registry of Deeds an ~~acknowledgment of the above owner-occupancy requirement~~ Accessory Dwelling Unit Owner Occupancy Restriction, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units. All recording fees shall be the responsibility of the applicant.

- D. The **ADU** must be located in the same **building** as the principal **dwelling unit(s)** unless the **lot** meets or exceeds the minimum required lot size for the respective zoning district. If the **lot** meets or exceeds the required minimum lot size, the **ADU** may be located in a separate detached accessory **structure** such as a garage or barn, provided the existing accessory **structure** conforms with the minimum required **yard** requirements for the respective zoning district. An **ADU** may also be in a new **structure**. By **special exception**, the Zoning Board of Adjustment may allow an **ADU** to be located in a detached **structure** on a **lot** that is non-conforming to the minimum lot size and/or to be allowed in an existing accessory **structure** that is legally non-conforming to the applicable minimum yard requirements.
- E. If the **ADU** is located within or by an addition to the existing **principal building**, an interior door shall be provided between the **ADU** and the principal **dwelling unit** or between the **ADU** and one of the principal **dwelling units** if the principal building is a **two-family dwelling**.
- F. If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an **ADU** to the **lot**.
- G. Size of ADU.
1. ~~O~~C~~onversion of one-family dwellings~~s:- If the **gross living area** of the principal **dwelling unit** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than ~~65~~50% of the **gross living area** of the principal **dwelling unit**. If the **gross living area** of the principal **dwelling unit** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed ~~960~~750 square feet. - If the principal **dwelling unit** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed ~~960~~750 square feet provided the **ADU** is no greater than ~~33~~25% of the **gross living area** of the principal **dwelling unit**. If the ADU is located on a parcel of land greater than 4 acres a detached ADU can exceed 960 square feet provided that the detached ADU is no greater than 50% of the gross living area of the principal dwelling unit.
 2. ~~T~~C~~onversion of two-family dwellings~~s. If the **gross living area** of the smaller of the two principal **dwelling units** is 1,500 square feet or less, the **gross living area** of the **ADU** may be no greater than ~~65~~50% of the **gross living area** of the smaller of the two principal **dwelling units**. If the **gross living area** of the smaller of the two principal **dwelling units** is greater than 1,500 square feet, but less than 3,000 square feet, the **gross living area** of the **ADU** shall not exceed ~~960~~750 square feet. If the smaller of the two principal **dwelling units** is greater than 3,000 square feet, the **gross living area** of the **ADU** can exceed ~~960~~750 square feet provided the **ADU** is no greater

than ~~33~~25% of the **gross living area** of the smaller of the two principal **dwelling units**.

~~H. A detached **ADU**, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the **principal building** on the lot. An **ADU** may be permitted to be taller than the principal building by **special exception**.~~

~~H.~~ Any necessary additional entrances or exits to the **principal building**, to serve the **ADU**, shall be located to the side or rear of the **building**. All new or altered **structures**, intended to be used as an **ADU**, must be located behind the **front building line** of the existing **principal building** except by **special exception** if the Zoning Board finds that the placement of the **ADU** on the **lot** will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.

~~J.~~ In addition to the two (2) parking spaces required for each principal **dwelling unit**, one (1) additional parking space for the **ADU** must be provided.

~~K.~~ An **ADU** located within the **principal building** shall have interconnected smoke and carbon monoxide alarms.

K. An ADU Permit application submission shall include a minimum of the following materials and exhibits demonstrating compliance with the applicable Zoning Ordinance requirements:

1. Existing and proposed site conditions and parking plan.

2. Existing and proposed floor plans for all dwelling units and structures.

A. If applicable this floor plan shall show compliance with ADU entrance, interconnection and smoke and carbon monoxide alarm plan requirements.

3. A gross living area square footage calculation which includes existing and proposed floor plans, and a square footage calculation for both the primary dwelling and ADU demonstrating adherence with 610.G ADU Size pursuant to the definition of gross living area within Appendix A Definitions.

4. A signed, recordable "Accessory Dwelling Unit Owner Occupancy Restriction"

5. A bank or business check or money order for all recording fees made payable to the Grafton County Registry of Deeds.

6. If applicable a copy of the State of NH Dept. of Environmental Services Subsurface Systems Bureau Approval and plans.

7. If applicable a Water Connection Permit Application.

8. If applicable a Sewer Connection Permit Application.

9. Impact Fee Invoice Acknowledgment.

[...]

ARTICLE VIII BOARD OF ADJUSTMENT

[...]

SECTION 801 POWERS AND DUTIES.

The powers and duties of the Board shall be as prescribed by NH RSA 674:33, as amended. The powers and duties are:

801.1 Administrative Appeals.

~~To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by any administrative official in the enforcement of this Ordinance, as~~ As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be made by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

For the purposes of this section:

(a) The "administrative officer" shall mean the Zoning Administrator.

(b) As set forth in RSA 676:5, II, a "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the Zoning Ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the Zoning Ordinance which is implicated in such enforcement proceedings.

An appeal under this section shall be ~~taken-made~~ within 30 days of the date of the administrative decision being appealed, or within 30 days of the time that the person filing the appeal ~~know-knew~~ or had reason to know that the administrative decision had been made. The effect of an appeal shall be as set forth in RSA 676:6.

[...]

SECTION 802 BOARD PROCEDURES.

802.1 Applications.

Applications to the Board for an administrative appeal, **variance**, **special exception** or equitable waiver shall be made on forms provided by the Board in compliance with procedures established by the Board.

A. Fees: The application shall be accompanied by whatever fees are required by ~~the Board to defray the costs.~~ Chapter 68 of the City Code.

- B. Plans and Information: The application shall be accompanied by whatever plans and other information are required by the Board including but not limited a scaled plan of the subject property identifying existing and proposed conditions and improvements, and a business operations plan, if applicable.

[...]

802.3 Hearing Procedure.

[...]

- D. Conflicts of Interest: Conflicts of interest are governed by RSA 673:14, the City of Lebanon Ethics policy (ADM-108, as amended), and the Board's Rules of Procedure. No member of the Board shall sit upon the hearing of any question which the Board is to decide in a judicial capacity if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualifications do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties. If a member is disqualified or unable to act in any particular case pending before the Board, the chairman shall designate an alternate to act in his place.

[...]

802.4 Decisions of the Board.

~~In exercising its powers the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.~~

[...]

APPENDIX A DEFINITIONS

[...]

DWELLING: A building, or space within a building, designed for and used primarily by one or more families for living quarters including permanent provisions for sleeping, eating, cooking and sanitation, but not including recreational vehicles (RVs), **manufactured housing**, trailers of any kind, **hotels, motels, group residences, lodging houses**, institutional homes, residential clubs, or other commercial accommodations offered for occupancy.

[...]

EDUCATIONAL FACILITY, PRIMARY/SECONDARY: A public or private school offering instruction at the primary and/or secondary school levels in the branches of learning and study required to be taught in the public schools of the state of New Hampshire. This term shall include preparatory schools and progressive schools and shall not include group day care facilities.

[...]

GROSS LIVING AREA: The total area of above-grade residential space ~~of a~~ within a dwelling unit as measured using exterior building dimensions, with a ceiling height of 7 ft. or greater, excluding unheated areas such as garages, as enclosed or open porches, covered or open decks, outside stairs, and balconies, garages, or and other unenclosed areas. ~~Gross living area does not include the area within a garage, deck or other unenclosed area.~~ The floor area of a walk-out basement with a ceiling height of 7 feet or greater shall be included.

[...]

- A. **CHILD DAY CARE FACILITY:** A day care center, a day nursery, a private nursery school or kindergarten, a child development center, a play group, a head start center, ~~progressive school~~ or any other facility which cares for seven (7) or more children under the age of 16 for a part but not all of a 24 hour day. This term shall not include primary/secondary educational facilities.

Such facilities may be privately operated or sponsored by a house of worship, social agency, cooperative group or a community or by a public agency other than public schools.

[...]

HEALTH CLUB: An establishment that provides indoor and/or outdoor exercise facilities, programs, instruction and/or training related to fitness, wellness, aerobics, weight lifting, court sports, and/or swimming, ~~as well as and which may also include~~ locker rooms, showers, massage rooms, saunas, and/or related **accessory uses**. This term shall not include any **local government use**.

[...]

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. The term includes, but is not limited to, buildings, swimming pools, tennis courts, manufactured homes, wind and solar energy facilities, satellite dishes and antenna. The term does not include bus stops and minor installations such as fences less than three and a half feet high, agricultural and safety fences, mail boxes, flagpoles and children's play equipment, nor does it include subsurface waste disposal systems.

[...]

October 20, 2023

Nathan Reichert
Director of Planning & Development
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

RE: Proposed Zoning Amendments

Mr. Reichert:

This is a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance concerning a set of proposed text and map amendments. I have reviewed a staff memorandum dated September 26, 2023, a draft of these amendments dated October 5, 2023 and a revised draft dated October 10, 2023, and now provide this preliminary opinion based on the latest revised draft.

The Ordinance requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced.

In this case, other than the items noted specifically below, the answer to these three questions is “yes” and I discern no legal or administrative issues of concern.

1. Text Amendment to Section 408.4(C):

This section lists some of the activities which require a Certificate of Approval from the Heritage Commission. Two small changes are proposed (I believe for clarification), as follows:

- “Replacement of doors and windows if it involves fenestration changes in the size, location, or number of openings in the exterior of a façade....”
- “Replacement or enclosure of porches, decks, and patios if it involves an architectural change in size, location, design, and/or materials....”

While these changes are within the City’s authority and in proper form, I have reservations from an administration standpoint about whether they would be easier to understand if phrased in a less technical way. The average person may not understand what counts as a “fenestration” change. Does this involve only a new opening for a door or window? Moving an opening? What about slightly increasing or decreasing the opening size for a door or window? Similarly, it is not clear from the draft what would constitute an “architectural” change of the size, location, design or materials of a porch, deck, or patio. Is there such a thing as a non-architectural change

in size or location? What would constitute an architectural change in materials? For purposes of administration, it may make sense to phrase these two requirements in ways that minimize the chances of confusion, challenge by applicants, and inconsistent application. The City has a legal obligation to assist citizens with the process of land use planning and permitting (see *Richmond Co. v. City of Concord*, 149 N.H. 312 (2003)), and in furtherance of that obligation it may make sense to ensure that the language of the ordinance is user-friendly where practical.

2. Proposed Zoning Map Change, 0 Etna Rd., Parcel 26-17:

This proposal would affect one lot consisting of approx. 182 acres, currently split zoned between the IND-L and RL-3 districts. The property owner has asked for this change, which would change the zoning of approximately 50 acres from IND-L to RL-3, and another roughly 50 acres from RL-3 to IND-L. It is my understanding that some of this lot abuts the City's existing Signal Hill Conservation Area but I do not know the locations of the proposed lot areas to be rezoned. (Please note as well that I have not received or reviewed any of the attachments to the Staff Memo of 9/26/023 and thus have no information about that other than the explanation in the memo itself.)

It is of course within the City's authority to change its zoning map and to change the zoning district designation of land. A hallmark of zoning is that regulation is by district and not by individual lots, so whenever a proposed change would affect a relatively limited area, it is important to consider whether that change meets the legal standard for zoning.

At change to a zoning map may be problematic "spot zoning" if it is singled out for treatment different from that of surrounding land which cannot be justified on the basis of health, safety, morals, or general welfare of the community and if the change is not in accordance with a comprehensive plan. See *Miller v. Town of Tilton*, 139 N.H. 429 (1995). The mere fact that an area is small, is rezoned at the request of a single owner, and is of greater benefit to that owner than to others does **not** necessarily constitute spot zoning if there is a public need for it or a compelling reason for it. *Id.*

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See *Shadlick v. Concord*, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren't being used. See *Bosse v. Portsmouth*, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren't being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community's development goals.

In this case, while only one lot is involved, it is my understanding from discussions with the Planning Department there may be planning-related reasons for this change that go beyond any benefit that may result for the land owner. It is my understanding from Planning staff that the

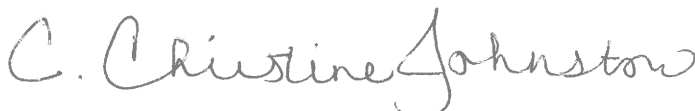
original district boundary for the IND-L portion of this lot was based upon a flat 1,000-foot measurement to create a buffer between industrial land uses allowed in the IND-L district and the residential and other rural uses in the RL-3 district. This 1,000 foot measurement did not take into account the particular topography or other physical features of the specific land involved which would make industrial uses impractical or impossible in certain areas and thus render the 1,000 foot buffer unnecessary. As it was explained to me, the topography of the property involved in this request and the condition of the land means that the across-the-board 1,000 foot buffer is not actually necessary to prevent industrial uses from encroaching upon RL-3 uses. If this is true, then it would seem that subjecting these areas to the IND-L designation would unnecessarily restrict the possible future use of the land without providing the benefit that was originally intended by the district boundary.

If my understanding of the facts is correct, the potential for any spot zoning problem should be quite small. My recommendation is that these facts and the relationship between the condition of the land and the City's land use goals for the area be spelled out clearly in documentation **prior to** any vote to approve this change.

Finally, I note that the property owner has said they intend to give to the City some of the land that would be rezoned as RL-3 for use as recreational playing fields. Please note that this proposed gift should play absolutely no part in the City's decision regarding rezoning, and any change to zoning cannot be made conditional upon the gift. The zoning change must, **on its own**, further the developmental goals of the City, providing some kind of public benefit.

Please do not hesitate to contact me about any aspect of this matter.

Sincerely,

A handwritten signature in cursive script that reads "C. Christine Johnston". The signature is written in dark ink and is positioned above the printed name.

C. Christine (Fillmore) Johnston

stated that reducing the density requirement may be unpopular and asked how historic areas would be affected. Mr. Petty stated that historic neighborhoods aren't affected, adding that the changes will not happen overnight or change what is already in Lebanon. Mr. Hoffman stated that the program is different in that the language and vision are clear and readily accessible.

Ms. Romano stated that the idea is intriguing but will require significant changes to fire codes, and plans for duplexes would be of interest. Mr. Petty stated that the fire code can work well.

Barry Schuster noted that he lives in a nonconforming neighborhood and cited *The Geography of Nowhere* by William Howard Kunstler that characterizes Lebanon as a model town. He inquired about the other boards and groups would be included in the process. Mr. Petty stated that many boards and the public would be included with presentations and obtaining feedback adding that it would take about a year and a half.

Mr. Reichert stated that all of the regulatory board would have presentations along with several other boards and the City Council. The proposal would be ready by the summer of 2024 with zoning amendments to follow. The zoning referendum would be in 2025. There would also be community presentations. Mr. Petty detailed the scope of programs that are already in process.

Ms. Stavis inquired about engaging property owners. Ms. Van described how property owners can add units to their property. Mr. Petty stated that infill development can become popular with regional builders. There are many property owners who have difficulty considering projects because it is complicated today. He invited Board members to contact them with questions and suggestions.

B. Zoning Amendments - Review of proposed amendments to the Zoning Ordinance and Zoning Map

Mr. Corwin introduced this year's proposed amendments and the process for review.

Mr. Garland stated that this year's changes are wording changes rather than substantive changes.

Mr. Corwin stated that the changes are generated from several sources. The seventh proposed amendment was prompted by a citizen request. Mr. Reichert stated that the legal review of the project noted the potential for an appearance of spot zoning. Jay Campion, owner of the Etna Road properties, noted that the current zoning of Light Industrial doesn't allow the creation of the recreation fields, and the area has wetlands that would be less affected by recreation. He is attempting to swap the zoning of two equal areas.

Mr. Garland noted the residential units proposed for the property. Mr. Corwin stated that the current regulations allow PUD in Light Industrial.

Mr. Ford-Burley noted that the two pieces of land may not be similar for the proposed type of development. Mr. Campion stated that the land uses would be more suitable if changed.

Ms. Romano stated that the Recreation Department has needed this type of accessible land for recreation fields.

Mr. Ford-Burley inquired if there is a process of deciding if this plan is appropriate. Mr. Reichert stated that there will be discussions with all the land use boards and the Heritage Commission. There will also be two public hearing sessions. The City Council can decide on it in January.

Vice Chair Rutter inquired about a portion of the property. Mr. Campion stated that there would be a choice of it becoming RL2 or RL3. Mr. Reichert stated that it would not change from RL3 and indicated a better view of the property line in the packet.

Mr. Corwin stated that the Board can recommend all or some of the amendments to the City Council.

A MOTION by Laurel Stavis that the Planning Board accepts and supports the map amendment regarding 0 Etna Road.

The motion was seconded by Andrew Faunce.

Roll Call Vote:

Voting in Favor – Mr. Faunce, Mr. Garland, Ms. Stavis, Mr. Rutter, Mr. Ford-Burley, Mr. Kennelly, Ms. Stavis

Voting Against – None

****The MOTION was approved (7-0).***

Mr. Rutter cited Page 7, 6.10.C, and suggested the potential for misuse of the allowed absences for ADU property owners. Mr. Reichert stated that they are attempting to state a time frame. Ms. Stavis inquired about an ordinance requiring residence and its enforcement. Mr. Reichert stated that only one unit can be rented based upon incidents of both units being rented. One unit must be owner-occupied. Ms. Stavis inquired if there could be limits on short-term rentals. Mr. Reichert stated that it was not discussed with the City Council.

Ms. Romano suggested that leaving the property owner's unit vacant would suffice. She noted that Hanover has a new program for apartment inspections that could be worth investigating. Mr. Reichert stated that inspecting apartments can take many forms with the goal of public safety.

A MOTION by Bruce Garland to accept and recommend all the other amendments to the City Council. The motion was seconded by Laurel Stavis.

Ms. Romano noted the need for using language that is easily understood by the public. She also inquired about the extension of 99-year leases for parking spaces. Mr. Corwin stated that the language isn't available at this time.

Mr. Rutter inquired about the structural change versus a cosmetic change. Mr. Reichert stated that it was more for historic buildings.

Mr. Kennelly inquired about the change to Section 6.10.B regarding appearance and character of ADU's. Mr. Corwin stated that it was just language moved from another section. Mr. Reichert stated that architectural language is very specific and is easily interpreted.

Roll Call Vote:

Voting in Favor – Mr. Kennelly, Mr. Garland, Ms. Stavis, Mr. Rutter, Mr. Burley, Mr. Faunce, Ms. Stavis

Voting Against – None

****The MOTION was approved (7-0).***

- C. Request by Edwards Properties, LLC, for Conceptual Discussion of Proposed Rezoning at Evans Drive and NH Route 120

Atty. Barry Schuster noted his letter of September 27, 2023, regarding a conceptual discussion of the property that is now the Nissan dealership and was rezoned, making the dealership a nonconforming use.

1
2 **Mr. Newlove MOVED to continue this hearing to November 6, 2023.**

3
4 **Seconded by Mr. Nash.**

5
6 ***The Vote on the Motion was (5-0).**

7
8 **4. OTHER BUSINESS**

9 **A. 2024 Meeting Calendar Review**

10
11 The calendar was shared. There is a recommendation to change a few meeting dates due to holidays
12 and elections. Staff recommends changing the cutoff date to put a hearing on an agenda. There are
13 two instances when the cutoff could get in the way of 6:10. Staff is comfortable with those
14 implications.

15
16 6:11 pm

17
18 2024 agenda as well as the cutoff dates. Barkley, Newlove, 4-0

19
20 **The order of the meeting was changed.**

21
22 **B. Edwards Properties LLC Rezoning Request**

23
24 Barry Schuster spoke about the 4th amendment. This concerns the text of the ordinance, suggesting
25 some additional uses within the zone. By conditional use the permitted uses would be expanded. He
26 believes the text is understandable, to add a series of used by special exception or conditional use. If
27 these were added, the Board feels they would easily understand the text.

28
29 **C. Zoning Amendments Review**

30
31 The Board discussed the zoning amendments. The point is to opine on the clarity of the amendments
32 and ability to follow the zoning rules. But this is open for some discussion this evening. In the end
33 there will be a full public hearing that will be held by the City Council.

34
35 Mr. Reichert reviewed the presentation that was given to the City Council.

36
37 The amendment regarding Impact Fees corrects a loophole regarding additions that are more or less
38 than 500 square feet. There is an amendment regarding PURDs in the GC-1 district, as requested by
39 DHMC. There is an amendment regarding the urban riverbank protection district, specifically the
40 downtown area that is already built out. One amendment pertains to the size of Accessory Dwelling
41 Units. The ratios between primary use and the secondary use are not adequate in the current
42 ordinance. There are a number of miscellaneous amendments. A new Zoning Map Amendment is
43 proposed.

44
45 No one from the Public had any comments. The Board believes if these changes are made, the
46 members will be able to interpret them.

47
48
49
50
51 **5. STAFF COMMENTS**

1 area in the application. Dr. Buckman said there is a section of the license application that
2 considers terrestrial resources because these dam companies own a lot of land. She said
3 that request could be added to the comments.

4
5 Mr. Heistad said the portage in the wildlife crossing, which affects animals, amphibians,
6 and other creatures, is not in the best shape, so any effort to reinforce that area would be
7 beneficial.

8
9 Ms. Hirai asked if it is better to have each Commission provide input or to have one large
10 input document from the entire City. Dr. Buckman said she would ask Dr. Uffer because
11 she is not sure.

12 13 **Recreational Activity Considerations**

14 Chair Riley said this is a river city, but residents do not have equal access to the river.
15 She asked what kind of recreational programming can be requested during this process.
16 Dr. Buckman said it is easy to ask for investments in recreational facilities, but she said
17 she is not sure about programming. She said the City could request it anyway.

18
19 Ms. Hirai said she used to take students to educational programs in the past and asked if
20 those could be reinstated. Dr. Buckman said improvements to the fish-viewing facilities
21 are included, so educational opportunities about hydropower and migratory fish could be
22 included.

23 24 **Next Steps**

25 Mr. Goodwin suggested the Commission members make a list of requests or comments to
26 be discussed at a future meeting. Mr. Goodwin said he would work on the process to
27 submit comments for the Commission members. He asked if there was a past draft list
28 from Voices of Lebanon. Dr. Buckman said she would research it.

29
30 Ms. Hirai suggested including Hanover or Hartford about historical considerations
31 because there were bridges that involved both communities. Mr. Goodwin said, in the
32 past, several groups from Upper Valley communities provided ideas for use of the river.
33 Mr. Heistad noted that the City uses one part of a 400-mile river and the City should be
34 coordinating with the entire resource because the river is pretty wonderful.

35 36 **C. Zoning Amendments Review and Discussion, Part I**

37 Mr. Tim Corwin gave an overview of the process for the zoning amendments that have
38 been proposed this year to the City Council (included in the agenda materials for this
39 meeting). He noted that two amendments fall within the Conservation Commission's
40 purview.
41

He said one of the proposed zoning changes has been requested by Mr. James Campion, who owns property that would be affected by the zoning amendment if approved.

IND-L / RL-3 Zone Uses

Mr. Campion referred to the map included in the agenda materials for this meeting. He said he'd like to deed a portion of the land in the



IND-L zone to the City to be used as recreational fields, but the IND-L zone does not list recreational use as a permit use. He said, with the requested rezoning of the area, that land area currently in IND-L would be zoned as RL-3, which allows recreational use. He said the proposed rezoning would then result in a similar amount of land currently in the RL-3 zone to be zoned as IND-L.

Chair Riley said she is concerned because the RL-3 zone is the City's most restrictive zone and is the only zone that includes steep slope overlay. Ms. Hirai asked if the land is rezoned from RL-3 to IND-L, would the Conservation Commission not be able to comment on the steep slope restrictions. Chair Riley said the Commission could comment but the land would no longer be protected by steep slope overlay.

Mr. Corwin clarified that the IND-L zone permits the local government use of land, under which land used by the City's Recreational Department would be allowed. He said the uses for the land would be permitted, therefore, as recreational fields if the zoning remained IND-L for that land.

Concerns for Wildlife Corridor

Ms. Almy asked about the area on the map with frontage on Etna Road. She said she believed that area is the wildlife corridor. Mr. Campion said the area in question is further north on Etna Road. Chair Riley said one of the most important wildlife corridors in Lebanon is located just adjacent to the proposed rezoned area.

Mr. Corwin reminded the Commission that no final decision is required at this meeting and the group can take additional time and request additional information from the applicant for more deliberation and consideration.

Chair Riley said she is concerned about the zoning change because the RL-3 is the most restrictive and some of the area that would be rezoned to IND-L does have steep slopes.

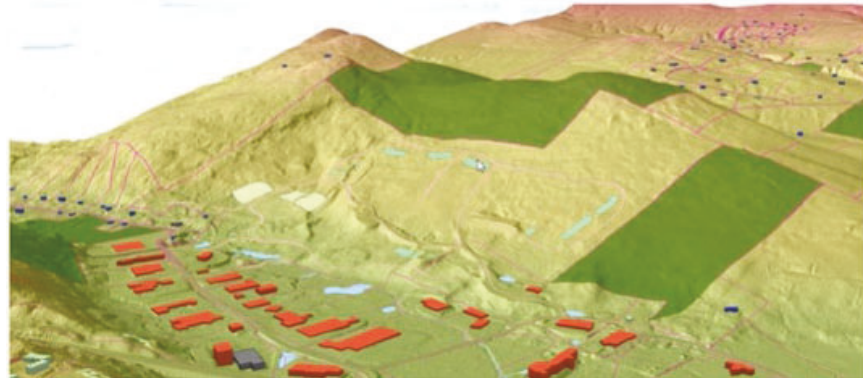
1 She said the proposal brings IND-L closer to the boundary of conservation land, and the
2 proposal includes intense residential use in the IND-L zoned area. She said residential use
3 is one of the most impactful to wildlife habitats in terms of trash, compost, dogs, and
4 traffic. She said a wetland corridor is located all along the road near the area proposed for
5 rezoning. She said she did not think the Commission could take into consideration the
6 benefit that a recreational field would have to the City. She said one of the purposes of
7 the zoning ordinance is to protect the natural resources and she is concerned this rezoning
8 would not benefit wildlife and could adversely affect the landscape habitat for wildlife,
9 the wetlands, and steep slopes.

10 11 **Character of the Terrain**

12 Chair Riley asked if blasting might be involved in developing the land if rezoned IND-L.
13 Mr. Campion said the property is unique in that it has 18 feet of overburden and blasting
14 is not anticipated in the redevelopment. He said the location of the land is ideal for fill,
15 and he has received hundreds of thousands of yards of fill material from City, DHMC,
16 and Dartmouth College projects. He said he's had an Alteration of Terrain Permit for six
17 years. He said he knows the land and he doesn't believe there will be an increased impact
18 on steep slopes because of the rezoning.

19
20 Chair Riley noted there are vernal pools on the Signal Hill property.

21
22 The group
23 discussed the
24 rendering that
25 shows green
26 conservation
27 lands, red
28 existing
29 buildings in the
30 area, and light
31 blue proposed
32 buildings and
33 their proximity to the conservation areas.



34 35 **Concerns for Hydrology & Wetlands**

36 Mr. James said his concerns are the impacts on hydrology and wetlands. He said there's
37 been a lot of disturbance in the wetlands in this basin over the last year. He said the City
38 needs to be sure that the wetland impacts are well understood before considering
39 rezoning. He said this region – Etna Road, Centerra Rd, Rte 120 and Mount Support Rd –
40 is very important for flood protection of the Mascoma River and potentially downtown
41 Lebanon. He said he's concerned about the scale of the change that would result from
42 rezoning and what that might do to big storm mitigation issues.

1 Mr. Champion said he agreed with his concerns and that's why it took three years to obtain
2 the Alteration of Terrain permit and why he's spent as much time and money as he has on
3 hydrology. He said, should a site plan be proposed for development of the area, these
4 issues would have to be re-examined. He said he's proud of how well the retention ponds
5 and drainage he has installed on the land have held up during the big rainstorms
6 experienced recently in Lebanon. He said he lives one hill over from the area so he's
7 aware of how the rainstorms can affect the area.
8

9 Mr. James said the City needs to have a "bigger landscape" perspective because Mr.
10 Champion's proposal is just one that has been made for projects in the area and these
11 projects could have a larger collective impact on the City. He said the Commission has a
12 responsibility to the City to ensure the use of the land is done wisely.
13

14 Mr. Champion said the property is 229-acre piece of land that is a side slope and said
15 that's why he's looking at how the entire piece might be developed. He said the wet area
16 at the base of the hill is a retired gravel pit. He said he's been trying to reconstitute that
17 pit into something that is useful. He said the rezoning would put the wet areas under the
18 purview and control of the City. He invited the Commission members to walk the
19 property to see what is there. Chair Riley said a site walk would be helpful.
20

21 **Impacts to Wetlands**

22 Ms. Hirai asked how many acres of wetlands will be impacted. Mr. Champion said he did
23 not know but that would depend on a proposed site plan for the area. Mr. Goodwin
24 estimated that maybe 7-10 acres of wetlands are on the parcel. Mr. Champion said there
25 are maybe 15 acres of wetlands at the base of the hill. Ms. Hirai said the Commission
26 needs to think about concerns related to erosion (that leads to flooding) but also related to
27 impacts on wildlife.
28

29 Mr. Champion said he asked DES to assess the property because he said, in the past,
30 material was put into a wetland area. He said he asked DES if he should remove the
31 material or expand another wetland area to be more significant. He said DES told him to
32 remove the material because the wetland area in the north was not a functional wetland so
33 there would be no benefit to expanding it. Ms. Hirai asked if the Commission's ability to
34 comment on wetlands in the future be changed if the rezoning was approved. Chair Riley
35 said it would not. She said the steep slope overlay only exists in the RL-3 zone and not in
36 the IND-L. Mr. Champion said there was code that addresses development on slopes over
37 25%. Mr. Goodwin said the Commission can always make comments about impacts to
38 any natural resources during the site plan review process. Mr. Heistad said the slopes on
39 the boundaries of the Champion property have slopes that are greater than 25%.
40

41 Chair Riley said the NRI identifies an entire chain of wetlands along Etna Road from
42 Hanover down to Mascoma River, as well as some associated streams, and part of that is
43 on the property in question. She said the NRI also identified part of this area as a

1 moderate to moderately highly rated ecological area. She said the only reason this area is
2 not rated as a significant ecological area is because of its proximity to the existing
3 developments. She said it is important to realize that many things co-occur in this
4 location; the wildlife that's described in the wildlife crossing study and many
5 recommendations from Dr. Rick Van de Poll about protecting the wildlife crossing. Mr.
6 Campion said he hired Dr. Van de Poll to view his property and Chair Riley said she'd
7 like to read his report.

8
9 Mr. James asked if any analysis of depth to groundwater beneath the property and how it
10 may vary during different seasons has been done. Mr. Campion said he's lived through
11 several seasons and has seen where the water comes from. He said there's 18 feet of
12 material, mostly rocks, above the ledge from glacial activity and water either disappears
13 into the rocks or creates little streams. Mr. James suggested a glacial geologist should do
14 an analysis for landscape analysis. Mr. Campion said he did have testing done during the
15 soil analysis he had done.

16 17 **Conservation Commission Considerations**

18 Ms. Almy said she'd like to tour the area, but it won't be helpful until the snow is gone.
19 Mr. Campion said there is a roadway that goes all the way through the property.

20
21 Chair Riley said she's hesitant to recommend that the Council make this zoning change
22 because she feels this is injecting an IND-L zone into an RL-3 zone and extending IND-L
23 up a slope. She said she doesn't know what caused the City to draw the zone lines in the
24 first place. Mr. Campion said that line has been in place since 1978. He said, until very
25 recently, the RL-3 zone was for areas intended for future development once water, sewer,
26 and other services were made available. He said he's trying to look at the land area as a
27 whole so it can be planned as a whole.

28
29 He said the residential plan that he's proposing is needed and includes residential for
30 workforce, residential ownership, and residential for families with children. Chair Riley
31 said the City needs housing and home ownership, but the City is moving towards infill as
32 opposed to new development. She said she worries about adding housing right near one
33 of the City's larger wildlife corridors and contiguous open spaces. Mr. Campion said the
34 City has just invested a lot of money updating sewer and water lines for more capacity.
35 He said this property abuts water and sewer lines in three places.

36
37 Mr. Corwin said he recommends the Commission provide an agreed-upon comment or
38 recommendation to the Council.

39
40 Mr. Goodwin said the original zones were based on the characteristics of the land that
41 were determined at this time. He said if zoning were being made now, the characteristics
42 may have been evaluated differently and the zoning would match more closely what Mr.
43 Campion is proposing. Mr. Campion said he had requested a variance from the Zoning

1 Board of Adjustments that would allow a planned recreational park and a planned
2 business park to coexist on the same piece of property. He said he was told by staff that a
3 decision like that would be more appropriate for the Planning Board. He said he wanted
4 the acreage of the amount of land moving into new zones to be even.

5
6 Ms. Almy said the proposed residential area is planned next to a major part of the stream
7 coming down Etna Road to Great Hollow. She said people that live in the new houses
8 would have to get out of the development over the wetlands. Mr. Campion said the
9 proposal includes a new road from where Unifirst is located out to Lombard Road near
10 FedEx. He said the proposed road would go through the wetlands. Mr. Campion
11 confirmed that the plan would also bring in water and sewer lines to the new residential
12 area from two different locations.

13
14 Chair Riley asked if there are other parcels with zones that are divided like this area. Mr.
15 Goodwin said one of the objectives of the Master Plan rewrite in 2012 was to eliminate as
16 many of the split zoning parcels as possible, so there are few that remain that are as large
17 as this parcel. Mr. Campion said the mandate to have zoning lines follow property lines
18 would be very impactful in this case because it would create a substantial increase in the
19 IND-L that it did not seem appropriate. Chair Riley said if the zoning is to align to
20 physical characteristics of the land, Lebanon needs to add new zones. She said Hanover,
21 for example, has a few more restrictive zones than Lebanon.

22
23 Mr. James said the City needs to be looking at ground water hydrology and what is
24 flowing off of Signal Hill and from the north down. Mr. Campion said the water comes
25 off the hill and how it is handled is critical. He said he feels good about how the water
26 has been managed. He said the water that has come down from Signal Hill into the car
27 dealerships has been more controlled.

28 29 **Next Steps**

30 Chair said there is some information the Commission would like to see before it makes a
31 decision:

- 32 • Site Walk
- 33 • The Van de Poll Report of the Campion property
- 34 • Maps with topographical lines and wetlands areas identified

35
36 Mr. Campion gave the Commission members permission to walk the property without
37 him. He said he would submit the items requested to the Planning Department.

38
39 *A MOTION was made by Susan Almy to extend the meeting to 9:30pm. The Motion was*
40 *seconded by Don Lacey.*

41
42 ** The Vote on the MOTION was approved (7-0).*
43

C. Zoning Amendments Review and Discussion, Part II

Mr. Tim Corwin said the other proposed zoning amendment that falls under the purview of the Conservation Commission involves the Riverbank Protection District.

He said the Shoreline Protection Act in 1991 includes an urbanization exemption that recognizes that there are areas in downtown Lebanon that have very little natural resources left in them. He said the exemption allows the City to request from DES that urbanized areas be exempt from having to comply with shoreline protection regulations. He said many communities have taken advantage of that exemption, but Lebanon has not yet done so. He said Lebanon adopted a Riverbank Protection District in 2014 as an amendment to the Zoning ordinance, which includes a 50-foot protected buffer from shoreline.

Mr. Corwin said the City is seeking to an urbanization exemption from DES around the Mascoma River, which runs through downtown Lebanon.

He said the map/graphic included in the agenda materials is a rough delineation of the path of the Mascoma River; he said the blue line depicts the edge of properties zoned as the Lebanon Downtown District along the river.



Mr. Corwin said the proposed zoning amendment would provide that properties that would be subject to the Shoreline Protection Act regulations, would be exempted under a DES-approved urbanization exemption and therefore exempted from the Riverbank Protection District requirements.

Concerns for Natural Resources

Chair Riley said she feels like asking for the zoning change is premature. She raised several concerns:

1. Is the City's planning to come to the Conservation Commission for comment before making zoning changes.
2. Although many towns have been granted urbanization exemptions, many have not either asked for or been granted exemptions.
3. Of the towns that have been granted urbanization exemptions, how many are along designated rivers.
4. The blue line on the map includes many areas that regularly flood and that provides important level of protection to downtown Lebanon. She said the commission has not been familiarized with what the urbanization exemption

1 would permit. She said it is not true that there are no natural resources in the blue
2 areas delineated on the map; she said there is a lot of nature still there.

3
4 Ms. Almy said the Shoreline Protection Act is already being violated in many places in
5 that blue area on the map structures by (buildings, parking lots, etc) that were in existence
6 before the Act was enacted. She said it is not clear from the map what parts of the blue
7 area are already “urbanization” and what parts are not yet urbanized.

8
9 Ms. Hirai asked what would be allowed if the exemption is given that is not allowed now.
10 Mr. Corwin said structures would be allowed to be constructed, which could include
11 buildings, parking lots, etc. He said the 50-foot buffer is meant to be left in a natural
12 state, so exempting downtown urbanized areas from those regulations would recognize
13 that development has encroached within that 50-foot buffer. He said it would allow
14 structures to be constructed within that 50-foot buffer.

15
16 Mr. Lacey asked if the area behind the CCB that is currently a protected natural area
17 would be considered for constructing structures. Chair Riley said yes, and it also means
18 that the properties that boarder Hanover Street that flood regularly could be built on.

19
20 Mr. Goodwin said the area shown on the map is from the CCBA down to Logan Field
21 (about where the Kleen Laundry building is located). Mr. Corwin said the blue line shows
22 the properties that are zoned Lebanon Downtown District that abut the Mascoma River.
23 He said if there are properties in the area that the Commission feels have valuable natural
24 resources to protect, there are extra layers of riverbank protection even if that limits
25 development.

26 27 **Concerns About Flooding**

28 Chair Riley said Emerson Gardens floods, the CCBA provides an important buffer, many
29 properties along Hanover Street flood in their lower lots. She said maybe half of the area
30 in the blue line currently is asphalted or concreted riverbank. She said the (Economic
31 Development Commission) EDC is advocating for a more naturalized riverbank where
32 the lower lots are located and not advocating for building right up to the river, so she said
33 she questions why the City is seeking an urbanization exemption.

34
35 Mr. Lacey said there is a lot to think about before the City builds anything. Chair Riley
36 said that’s why she is wondering if this is premature. Ms. Hirai said Montpelier and
37 Middlebury and other towns in Vermont are rethinking the wisdom of putting buildings
38 close to the river after the rains last year.

39
40 Mr. Lacey said the exemption sounds like a good idea to provide access to the river but
41 needs to be thought out much more carefully to protect the integrity of the river. He said
42 there is a lot to think about before the entire area is designated for exemption.

1 Mr. Goodwin said he authored the Riverbank Protection District, in part because the state
2 protection could be changed or removed. He said there would be value in exempting
3 urbanized areas from the state regulations, but exempting these areas from the Riverbank
4 Protection District is not a good idea. He said property owners are forced to get a state
5 permit for any activity (like renovations or additions to property) within 250 feet of the
6 river and that is an inconvenience. He said what little vegetation that remains in the area
7 is incredibly valuable, however, and should be protected. Mr. Corwin said there are other
8 aspects of the City's land use regulations that do protect that vegetation during site
9 development.

10
11 Mr. Nate Reichert said flood zone requirements are not being exempted, so anything
12 being built in flood zone areas would have to meet flood zone requirements. He said the
13 area has been urbanized for a long time and there has been a lot of conversation about
14 redevelopment of some areas. He said the current Shoreline Protection act fixes the
15 natural and built environments and does not allow the City to "fix," improve, or rethink
16 these areas for larger projects, which could include removing cement parking lots off the
17 riverbank areas. He said, without the exemptions, the City cannot redevelop these areas
18 near the river to be more environmentally sound because projects cannot move forward.
19 He said even projects like making the current walkway behind CCBA more ADA
20 accessible become incredibly difficult unless the exemption is granted. He said our
21 attitude toward the river has changed over the last several years and the exemption allows
22 the City to be more creative in how we think of the river.

23 24 **Next Steps**

25 Chair Riley said she would recommend against the exemption or have the Conservation
26 Commission be much more involved in the discussion about the exemption because the
27 current proposal eliminates the Conservation Commission from the equation. Mr.
28 Goodwin said there is no other regulation that prevents any landowner from removing all
29 the vegetation from their property within 50 feet of the river.

30
31 Mr. Lacey said a plan needs to be made on how to do this nicely before the Conservation
32 Commission supports this zoning amendment request. Mr. Heistad said if we think about
33 building near the river, we need to think about flood mitigation as well. He said the City
34 ought to keep the 50-foot buffer.

35
36 Mr. Corwin said he will come back to the Conservation Commission with some options
37 for the rezoning when the other zoning amendment (involving Mr. Campion's property,
38 that was discussed previously in the meeting) is re-presented.

39
40 Chair Riley said **Agenda Item 5. D. Edwards Properties, LLC Rezoning Request** will be
41 discussed at the next meeting.

42 43 **6. COMMITTEE REPORTS**

DRAFT

**LEBANON CONSERVATION COMMISSION
CITY COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
6:30PM THURSDAY DECEMBER 14, 2023**

MEMBERS PRESENT: Sarah Riley (Chair), Donald Lacey, Susan Almy, Ernst Oidtmann, Bruce James (Vice Chair), Chris Johnson, Barbara Hirai (Alt.)

MEMBERS ABSENT: Erling Heistad (City Council Rep.), Sean Dittrich (Alt.)

STAFF PRESENT: Mark Goodwin (GIS Coordinator), Nate Reichert (Director of Planning & Development/Zoning Admin)

OTHERS PRESENT: Colin Smith, Chair, Lebanon Pedestrian & Bike Committee; Kevin Purcell, Ward 1; Jon Chaffee, Vice Chair, LEAC
James Campion, landowner

1. CALL TO ORDER

1. Chair Riley called the meeting to order at 6:35pm. She reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

5. Study Items

B. Zoning Amendments Review and Discussion

Chair Riley noted this is a continuation of the discussion from last meeting. Mr. Reichert said he was sitting in for Mr. Tim Corwin, Deputy Planning and Development Director.

Chair Riley gave an overview of the zoning amendments that have been proposed to the City Council (included in the agenda materials for this meeting).

She said there is a proposed amendment to Zone GC-1 District A which involves adding a manufactured home permitted use. She noted that GC-1 District A is a small area on the border near Hanover south of Jesse's Restaurant, bisected by Route 120. Mr. Reichert said the proposed change is to the kind of housing allowed in that area. He said DHMC has a concern that there are not enough single-family homes available for staff that relocate to the area to work at the hospital. Chair Riley noted her concerns are that that more homes means more possible interactions of people with wildlife, but that is not an issue with about the there isn't any conservation issue that would result from the proposed change.

Section 410 Riverbank Protection

1 Mr. Richert said there are several sections of the City that would be impacted by this
2 change, but the CCBA property is not going to be exempted under the urban exemption.
3 He said one major area is for properties near Hanover and near the Woolen Mill.
4

5 Chair Riley clarified that the proposed zoning amendment is to change part of the
6 Riverbank Protection and add an urban exemption to the Shoreline Protection Act. She
7 said one is a state regulation and one is a City regulation.
8

9 She said she is concerned that the City did not come to the Conservation Commission for
10 comment on the urban exemption as a separate issue before adding it to a zoning
11 amendment. She said she feels the exemption should be separated from the proposed
12 zoning amendment. She said much of the area that Mr. Richert described is a significant
13 ecological area for riparian habitat and waterfowl. She said she would recommend not
14 making any changes to the Riverbank Protection District at this time. She said the City
15 can do urban revitalization and have green space and maintain riparian areas. Mr. Lacey
16 agreed that the proposed urban exemption is very broad. He said it seems like the City
17 has identified already paved areas, but he said Chair Riley makes a good point about
18 much of the area described is ecologically significant.
19

20 Ms. Almy said the City might be losing both types of protection on this land if the urban
21 exemption is approved.
22

23 Ms. Hirai said she could understand having the urban exemption for the area north of
24 Route 120/Hanover Street. She said the area downstream from that by the ball field has a
25 nice wetland area and is a significant habitat. She said she would be really concerned
26 about having that area impacted.
27

28 Mr. Richert said that area Ms. Hirai indicated will not be included in any exemption
29 request from the state because he said the City agrees that it needs to be protected. He
30 said if the City does not change the zoning, it can't improve the urban areas and
31 implement development ideas that embrace the river, instead of turning its back on it.
32

33 Chair Riley said the City needs to narrow down where it wants the shoreline urban
34 exemption to be. She said, in areas that flood, it is not as simple as getting an urban
35 exemption. She said the water needs somewhere to go. She said the proposal needs to be
36 more thought out and more finely tuned and she would not recommend approval.
37

38 Ms. Hirai said if they relax the oversight of urban development, someone could easily
39 make the area worse instead of improved. Mr. Richert said the Planning Board
40 regulations still remain and would provide the same parameters for the development of
41 the areas in question.
42

43 Ms. Almy asked if there is some way to replace this proposed zoning amendment with a
44 more useful form of oversight instead of just removing the shoreline/riverbank
45 protections in place. Mr. Richert said there are some reforms the City might be able to
46 offer and the City would be open to conversation, if anyone had ideas.

1
2 The group discussed whether a motion should be made for each part of the proposed
3 zoning amendment, or if one motion should be made for the entire proposal. They agreed
4 to make individual motions on the two parts that most involve the Conservation
5 Commission's recommendation.

6
7 Chair Riley said the proposed amendment assumes that the City is getting the urban
8 exemption, which, if accepted, eliminates both City and State protections.

9
10 ***A MOTION was made by Don Lacey that the Conservation Commission recommend***
11 ***that the Lebanon City Council not accept the Zoning Amendment as presented at this***
12 ***time. The Motion was seconded by Ernst Oidtmann.***

13
14 **** The Vote on the MOTION was approved (6-0).***

15
16 [Chair Riley called for a five-minute break in the meeting.]

17
18 **Other Zoning Changes**

19 Mr. Richert gave an overview of another zoning change involving ADUs. He said,
20 currently, an owner can take a temporary leave of absence from living in an ADU. He
21 said the City Council is making a change to clarify that the leave of absence be clarified
22 to mean one year.

23
24 He said other changes involve cleaning up other language related to recording fees. Dr.
25 Oidtmann asked if there is an expiration date to file recording fees. Mr. Richert said that
26 needs to be done before the permit is issued.

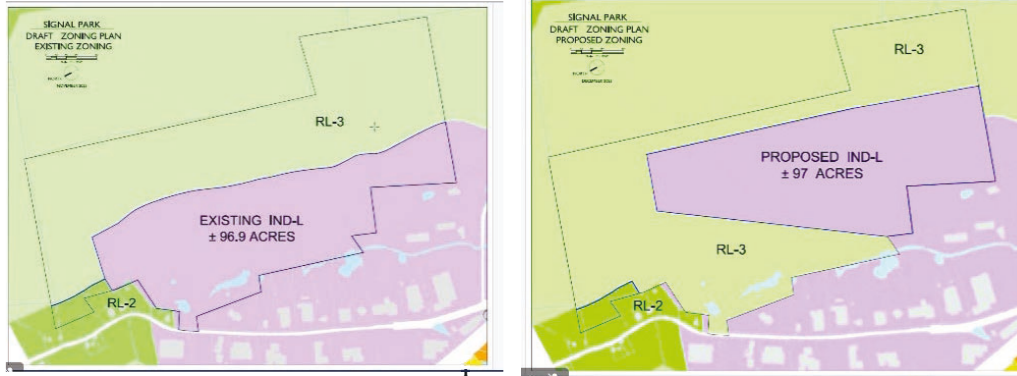
27
28 Mr. Richert said another change involves the size of homes from 750 square feet to 960
29 square feet to match the minimum size allowed in FHA loan regulations. Chair Riley said
30 she was concerned that this change may open the RL-3 District to more housing. She
31 noted that RL-3 is supposed to be for forestry. She said she wonders if that zone needs to
32 be redefined or if a new zone should be created.

33
34 Chair Riley also said another Riverbank zone change involves "removing cumbersome
35 City practices" from RSA 671. She asked Mr. Richert what practices were being
36 referenced, and he said he did not know. Chair Riley said she would send Mr. Richert and
37 Mr. Corwin an email to clarify what that meant.

38
39 **IND-L / RL-3 Zone Uses**

40 Mr. Richert noted this discussion is about a resident-proposed change and it is being
41 continued from last meeting.

42
43 Mr. Richert referred to the maps included in the agenda materials for this meeting.
44



He said Mr. James Campion, the resident proposing the change, had reworked the areas that would be considered RL-3 after the discussion at the last meeting. He said he has widened the RL-3 area to give the wildlife corridor area more protection.

Mr. Campion said the new map includes all areas that are greater than 25% grade in the RL-3 zone, because the Commission was concerned about steep slopes that might not be included in the RL-3 zone, which is the only zone with steep-slope protections.

Mr. Campion said he'd like to deed a portion of the land in the IND-L zone to the City to be used as recreational fields, but the IND-L zone does not list recreational use as a permit use. He said the map includes 250-foot buffer of the RL-3 zone on the eastern side near Signal Hill, and he has added a 100-foot buffer on the south side of the area near the conservation land. Mr. Campion said he believes the new plan gives better protection for wetlands and the wildlife corridor.

Ms. Hirai said it appears that the new proposed map shows the IND-L area is considerably higher up slope, so that seems like there would be less protection for steep slopes. Chair Riley said the RL-3 zone provides extra protection for steep slopes and it is the City's most restrictive zone related to development and density.

Chair Riley said the City's Future Land Use map shows this entire area is forest. Mr. Campion said it does not. Chair Riley said this zoning change is contrary to the City's 2030 Future Land Use map. She noted the Commission has just completed updating Chapter 5 of the City's Master Plan, which has been approved by the City Council.

Mr. Goodwin clarified that any wetlands in the area are protected, but the buffer area around the wetlands is not, so rezoning the RL-3 around the wetland areas will offer more protection to the buffer areas.

Mr. James said he is concerned that a wetland corridor area near the car dealerships will be filled in with impenetrable surface. Mr. Campion said the wetland exists because it is a gravel pit and is low. He said the runoff from the hillside is what needs to be controlled. He said the proposed plan will improve the flooding issues in the area of the car dealerships and the National Guard building, etc.

1 Mr. James said he is more comfortable with the new map than he was last month. Chair
2 Riley said she would vote against anything that overall reduces protections to the entire
3 natural resources in the area.
4

5 Mr. Goodwin said if the zoning change is not accepted, the wetlands protection stays the
6 same but the area next to the wetlands – the buffers – is not protected. Ms. Almy said she
7 agreed with Mr. Goodwin and said DES frequently allows things the Conservation
8 Commission does not like them to allow and has undone changes the Conservation
9 Commission has proposed, especially to buffers. She said the City needs protection
10 further away from the wetlands. Mr. Goodwin said if the map were drawn today, the City
11 would never put IND-L zone all around a wetland area.

12 ***A MOTION was made by Bruce James that the Conservation Commission recommend***
13 ***that the Lebanon City Council accept the December 23 Zoning Amendment***
14 ***modification of the zoning district from RL-3 to IND-L zones as presented, with the***
15 ***following conditions:***

- 16 • *That extensive and detailed plans be provided to protect hydrological elements of*
17 *the property;*
- 18 • *That depth to ground water waterflow are quantified so the movement of water can*
19 *be predicted and put off the hillside and off of impermeable surfaces;*
- 20 • *That the final design will be created with the knowledge of where water will flow.*
21 *The Motion was seconded by Don Lacey.*

22
23 ** The Vote on the MOTION was approved (5-1: James, Oidtmann, Johnson, Lacey,*
24 *Almy-aye / Riley-nay).*
25

26 ***A MOTION was made by Susan Almy that the Lebanon Conservation Commission feels***
27 ***no particular conservation interest in approving or opposing the other proposed zoning***
28 ***amendments as presented in the December 14, 2023 Meeting Agenda Packet. The Motion***
29 ***was seconded by Don Lacey.***

30 **** The Vote on the MOTION was approved (6-0).***
31
32

33 **F. ADJOURNMENT**

34 The meeting adjourned at 9:30pm.
35

36 Respectfully submitted,
37 Paula Roux
38 Recording Secretary
39
40

**Agenda
Lebanon City Council
January 03, 2024**

10. New Business:

10.H – Discuss Letter of Opposition to HB 1479 Regarding Anti-Advocacy at the Local Level

Background

HB 1479 is similar to bills that are filed every year to prohibit local officials from utilizing public funds to advocate on behalf of local government issues. It seeks to penalize local officials by creating criminal penalties when they advocate on behalf of their local government. This bill and previous legislation is focused on NHMA, however it also applies to all of the other professional associations that City officials are members of as indicated in the attached letter.

City officials testify on pieces of legislation every year. This bill would prohibit staff from testifying on those matters moving forward if this bill is passed into law. This bill on its face appears to be contrary to the State Constitution and freedom of speech for public employees under the provisions of RSA 98-E.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council is in opposition to HB 1479 and authorizes the City Manager to submit a letter in opposition to this bill and otherwise advocate in opposition to the bill.

Included In This Section:

1. HB 1479
2. Sample letter from NHMA in opposition to HB 1479

HB 1479-FN - AS INTRODUCED

2024 SESSION

24-2781
12/05

HOUSE BILL ***1479-FN***

AN ACT relative to prohibiting the use of federal, state, or local funds for lobbying activities.

SPONSORS: Rep. Yokela, Rock. 32; Rep. Ammon, Hills. 42; Rep. Soti, Rock. 35

COMMITTEE: Legislative Administration

ANALYSIS

This bill regulates the use of public funds for lobbying activities and establishes certain additional enforcement mechanisms.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~in brackets and struck through.~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

24-2781
12/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to prohibiting the use of federal, state, or local funds for lobbying activities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Lobbyists; Prohibited Activities. RSA 15:5 is repealed and reenacted to read as follows:

15:5 Prohibited Lobbyist Activities.

I. In this section, "public funds" means a grant or appropriation of a state, county, town, city, village district, unincorporated place, or school district.

II. No public funds shall be used to lobby, attempt to influence legislation, participate in political activity, or contribute funds to any entity for the purpose of engaging in the same.

III. Any recipient of public funds that wishes to engage in any of the activities which would require registration as a lobbyist under RSA 15:1, shall segregate public funds in such a manner that such funds are physically and financially separate from any other funds that may be used for any of these purposes. Mere bookkeeping separation of the public funds from other monies shall not be sufficient.

IV. If an entity engages in an activity prohibited in paragraph II, a taxpayer or resident of this state is entitled to appropriate injunctive relief to prevent further activity prohibited by that paragraph and to prevent further payment of public funds related to that activity. A taxpayer or resident who prevails in such an action is entitled to recover from the entity the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

V. Notwithstanding any other provision of law, any person who knowingly authorizes spending of public funds in violation of this section shall be guilty of a Class A misdemeanor and personally liable for an amount equal to 3 times the amount wrongfully paid or expended, divided equally to the county, town, city, village district, unincorporated place, or school district which provided the grants or appropriations.

VI. A knowing violation of this section is grounds for discharge of an employee.

VII. Nothing in this section shall be construed to limit an entity's ability to provide information which does not advocate for or against political candidates or legislation.

2 Applicability. This act applies only to an expenditure or payment of public funds as defined in RSA 15:5, I, that is made on or after the effective date of this act, including an expenditure or payment of public funds that is made under a contract entered into before, on, or after the effective date of this act.

3 Effective Date. This act shall take effect January 1, 2025.

LBA
24-2781
11/29/23

HB 1479-FN- FISCAL NOTE AS INTRODUCED

AN ACT relative to prohibiting the use of federal, state, or local funds for lobbying activities.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

The bill also provides for civil remedies. There is no way to predict how many such actions would occur, but the Judicial Branch has provided average cost information for civil cases in the Superior Court:

Superior Court	FY 2024	FY 2025
Complex Civil Case	\$1,321	\$1,347
Routine Civil Case	\$494	\$504
Superior Court Fees	As of 1/12/2020	
Original Entry Fee	\$280	
Third-Party Claim	\$280	
Motion to Reopen	\$160	

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association

[DATE]

House Legislative Administration
Legislative Office Building 301
Concord, New Hampshire 03301

Re: HB 1479 and efforts to limit towns' ability to budget for legislative advocacy

Dear Chairman Hill and Members of the Committee:

To preserve local decisions on local budgets, protect the democratic process, and ensure access to valuable training and education services, the [BOARD OR ENTITY] writes to strongly oppose HB 1479, which is intended to make it impossible for towns and cities to budget for and engage in the legislative process.

We are members of the New Hampshire Municipal Association, a voluntary, nonprofit organization, whose membership includes all 234 of New Hampshire's 234 cities and towns. For us and all its members, NHMA is a source of information, assistance, legal counsel, and legislative advocacy, for the purpose of enhancing our ability to serve the public and promoting effective municipal government. Any legislation that creates an obstacle to using our discretion as a board to maintain our membership threatens not only our access to NHMA and similar entities, but also their very existence as a member founded, member-funded, and member-governed organization.

Here are three things to consider about this bill:

First, as the only statewide organization that provides us with legislative advocacy services, NHMA is a voluntary member-founded, member-funded, member-governed organization that relies on local funds. Those funds are appropriated through the legal, transparent, local budget process led by elected officials who sit on the many boards and committees across New Hampshire. Taxpayers know where their money is going, and they are free to advocate and vote for or against any provision in the budget, including our membership with NHMA and other organizations. Therefore, HB 1479 is a direct usurpation of local decisions on local budgets.

Second, NHMA is far from the only local government advocacy organization that would be threatened by this bill, and others like it. Many officials and employees in our town—and in municipalities across the state—are members of professional organizations that provide advocacy services, including but not limited to building officials, assessing officials, town and city clerks, planners, police officers, firefighters, public works employees, and school district officials. More disturbing, still, is that HB 1479 appears to even prohibit local officials themselves from talking to the legislature about bills: It broadly prohibits actions meant to “influence legislation” or “participate in political activity.” As a result, the bill would, for example, prohibit a select board member or town administrator from speaking to their own legislators about a bill that would affect the town. The repercussions include being subject to a lawsuit brought by *any* resident of the state, at the taxpayers' expense, and incarceration for committing a Class A Misdemeanor. This prohibition is anti-democratic, has the effect of chilling speech, and runs counter to New Hampshire's guarantee of freedom of speech for public employees under RSA chapter 98-E.

Third, these groups deliver valuable services outside their legislative advocacy that help local government operate. These services include training and educational opportunities, often in conjunction with state partners, to ensure their members understand the law and best practices. Undermining their ability to exist would mean local officials will not receive explanations of the effects of legislation on themselves and their constituents and must try to make public policy without all the information they need. NHMA was founded for local officials, by local officials in 1941, with a recognition that a shared voice to state leaders was more efficient and more effective than local officials from 234 cities and towns attempting to follow all legislation affecting local government on their own.

HB 1479 is a direct effort by the state to meddle in local budget decisions, subvert the will of the voters and their elected leaders, and silence local officials; as such, it is anti-democratic, anti-voter, and anti-local control.

We therefore ask the committee to find HB 1479 *inexpedient to legislate*.

Sincerely,

[SIGN WITH TITLE BELOW]