



**LEBANON CITY COUNCIL
FEBRUARY 21, 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: 218 169 430#). If you have trouble accessing this meeting, please [email David Brooks](#).

The February 21, 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

- A.
- Resolution in Honor of Bruce Garland
 - Distinguished Service Award for Police Sergeant Adam Leland

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the February 21, 2024 agenda packet.

7. Appointments

- A.
- Planning Board, Brandon Hill (Regular Member)
 - Arts & Culture Commission, Nicholas Gaffney (Reappointment as Arts Organization Representative)

8. Public Hearing Items

- A. Establishment of a Redevelopment Properties Revolving Fund - A public hearing for the purpose of receiving public input and taking action to establish a Redevelopment Properties Revolving Fund to include 0 Barrows Street (M/L 77-106 and 77-107), 0 Hanover St Ext (M/L 64-1), 3

Seminary Hill (M/L 86-56), and 5 S. Main St (M/L 86-55); Authorization to Transfer InvestNH grant funds into the Revolving Fund.

- i. Presentation:
- ii. Opening of the Public Hearing:
- iii. Questions & Comments by the Public:
- iv. Closing of the Public Hearing:
- v. Council Deliberation & Action:

9. Old Business

- A. Discuss possible NHMA Policy Positions for the 2024 NHMA Legislative Policy process

10. New Business

- A. Release of Public School Impact Fees (4th Quarter 2023)
- B. Request for Authorization to Transfer Appropriated Funds in the Amount of \$125,000.00 from the General Fund to the Public Assistance Revolving Fund
- C. Report on Council questions from January 3, 2024 discussion of Traffic Patterns on Elm Street West
- D. Presentation of First Reading & Set Public Hearing for March 20, 2024: Amendment to Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to add a new Chief Building Official & Health Officer as a Grade 13, Non-Affiliated position
- E. Citizen Request for Ceasefire Resolution

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

Future Board/Committee/Commission Appointments
Board/Committee: Economic Development Commission
Position: Regular Member
Applicant: D. Cashman
City Councilor: G. Sykes
Assigned Date: 2/9/2024

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

March 6, 2024

Public Hearing Items:

- A. Supplemental Appropriation For Civic Park Playground Improvements: Public Hearing For The Purpose Of Receiving Public Input And Taking Action To Appropriate \$270,000.00 For Civic Park Playground Improvements; And To Authorize Disbursement Of \$135,000.00 In Recreation Impact Fees As The Means To Pay For The Work.

Old Business:

Lebanon City Council Agenda
February 21, 2024

New Business:

- A. Discussion and Set Public Hearing for March 20, 2024: to Adopt City Code Chapter 55, Trees.
- B. Review and Discussion of responses to 20 Spencer Street RFP and City Manager recommendation on preferred developer

March 20, 2024

Public Hearing Items:

- A. Layout Of Widening Of Trues Brook Road – A Public Hearing for the Purpose of Receiving Public Input and Taking Action on the Proposed Layout of a Widening of Trues Brook Road as a Class V Public City Road pursuant to a Layout Petition received by the City Council on January 26, 2024.
- B. Adoption Of City Code Chapter 55, Trees – A Public Hearing for the Purpose of Receiving Public Input and Taking Action on the Proposed Adoption of City Code Chapter 55, Trees
- C. Amend Ordinance 18, Salary Plan – A Public Hearing for the Purpose of Receiving Public Input and Taking Action to Amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to Add the Position of Chief Building Official & Health Officer (Grade 13, Non-Affiliated) to the Compensation and Classification schedules

New Business:

- A. Presentation of 2023-2024 Lebanon Historic Landmark Designations
- B. Request for Zoning Amendments: Cicotte Properties, LLC – Text Amendment for Light Industrial (IND-L) District
- C. Request for Zoning Amendment: Text Amendment for Section 214 (Governmental Land Uses)
- D. Presentation of 2022 Audit
- E. Review and Discussion of 2023 4th Quarter Budget Report

Agenda
Lebanon City Council
February 21, 2024

5. Recognitions:

- Resolution in Honor of Bruce Garland
- Distinguished Service Award for Police Sergeant Adam Leland

Included in this Section:

1. Resolution Honoring Bruce Garland
2. Distinguished Service Award for Police Sergeant Adam Leland



Resolution In Honor Of Bruce Garland

WHEREAS, Bruce Garland served as a dedicated member of the Planning Board for the City of Lebanon from August 7, 2015 until November 13, 2023, and as Chair from 2020 until 2023; and

WHEREAS, Bruce contributed his time, expertise, and leadership to the betterment of our community and exhibited exemplary commitment and demonstrated exceptional qualities in navigating the complexities of urban planning and community development; and

WHEREAS, Bruce's unwavering dedication to the responsibilities of the Planning Board has significantly impacted the shaping of the city's future, reflecting his deep sense of civic duty and genuine concern for the well-being of our residents; and

WHEREAS, Mr. Garland's ability to engage with the community, navigate intricate issues, and make informed decisions has set a standard of excellence within the Planning Board that will leave a lasting legacy; and

WHEREAS, Bruce Garland consistently went above and beyond, contributing to the creation and implementation of policies that have positively affected the lives of the residents of Lebanon, New Hampshire. His selfless service, leadership, and commitment have been instrumental in the successful operation and achievements of the City of Lebanon Planning Board.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation for the dedicated service of Bruce Garland for his years of service as a member and Chair of the City of Lebanon Planning Board.

Dated this 21st day of February 2024 at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On Behalf of the Lebanon City Council

DISTINGUISHED SERVICE AWARD

Awarded To
Sergeant Adam Leland

This Award recognizes Sergeant Leland for his acts of bravery and professionalism that he demonstrated during the investigation of a stolen vehicle and accompanying arrest of the suspect. During the incident, the suspect attempted to pull a knife on Sergeant Leland. Although presented with a possible deadly force incident, Sergeant Leland was able to deploy a less-lethal option allowing for the apprehension of the armed suspect with no injuries resulting. Sergeant Leland should be recognized for his quick decision making and actions that led to a successful conclusion of this incident.

**LEBANON POLICE DEPARTMENT
36 POVERTY LANE, LEBANON, NH**

Phillip. J Roberts, Police Chief



**Agenda
Lebanon City Council
February 21, 2024**

6. Acceptance Of Minutes:

Minutes To Be Accepted

- February 7, 2024

MOVED, to approve the minutes as presented in the February 21, 2024 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, February 7, 2024 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, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Deputy Director of Planning & Development Tim Corwin, Director of Planning & Development Nathan Reichert, Public Works Director Jay Cairelli, Recreation, Arts & Parks Director Paul Coats, City Engineer Rod Finley, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, DPW Maintenance Manager Patrick McCarthy, Planning Administrative Assistant Crystal Taplin

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

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

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

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

4. OPEN TO PUBLIC: No one came forth.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES: January 17, 2024 (Regular Meeting)

Amendments: For Clarification, the minutes were amended as follows:

- Page 11, Line 13: Add Phrase: The recused persons sat in the audience.
- Page 18, Lines 35-36: Add: “ownership interest in the building at 1 Court Street and he sat in the audience.
- Page 19, Line 22: Change to vote: Vote should be (7-0-1). Councilor Below abstained
- Page 29, Line 12: Should read “Mayor McNamara noted that market rate principle apartments are being address nicely by developers.
- Page 29, Line 24: Change sentence to read: “ allow development of parcels”
- Page 30. Line 1: Should read: “There are a number of correctly” Line 5: add “we can show that these can enhance while filling”; Line 9: Change “Kitter” to “Kidder” throughout document

Councilor Heistad MOVED to approve the January 17, 2024 (Regular Meeting) minutes as amended and presented in the February 7, 2024 City Council agenda packet.

Seconded by Councilor Whittlesey.

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

1 **7. APPOINTMENTS:**

- 2 - Arts & Culture Commission, Benjamin Van Vliet (Reappointment Arts Organization
3 Representative)

4 ***Councilor Liot Hill MOVED to NOMINATE Benjamin Van Vliet for Reappointment Arts
5 Organization Representative to the Arts & Culture Commission.***

6 ****The Vote on the NOMINATION was approved by members present (8-0).***

- 7
8 - Lebanon Energy Advisory Committee, Thomas Benzel (Regular Member)

9 ***Councilor Wilkie MOVED to NOMINATE Thomas Benzel as a Regular Member of the Lebanon
10 Energy Advisory Committee.***

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

- 12
13 - Planning Board, Laurel Stavis (Reappointment Regular Member)

14 ***City Manager Mulholland requested the Council to accept the NOMINATE of Laurel Stavis for
15 Reappointment as a Regular Member of the Planning Board.***

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

17
18 **8. PUBLIC HEARING ITEMS:**

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

23
24 Included in the agenda packet: *(All supportive documents and information can be found on Pages 45-
25 50, Council agenda packet)*

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

29
30 Mr. Patrick McCarthy (DPW Maintenance Manager) briefly reviewed the background, noting that they
31 wanted to put a parking band along Eldridge Street, as well as LaPlante Road and Prospect Street
32 Extension. They had numerous complaints in both areas, not only by residents but also by City Staff.

33
34 **BACKGROUND**

35 A public hearing for the purpose of receiving public input and taking action on proposed Ordinance
36 #2024-01 to amend City Code Chapter 168, Vehicles and Traffic, §168-1, No Parking, to include a 520-
37 foot section on both the north and south sides of Prospect Street Extension beginning at the intersection of
38 Laplante Road and moving in a westerly direction and to include a 230-foot section on both the east and
39 west sides of Laplante Road beginning at the intersection of Prospect Street Extension and moving in a
40 northerly direction, for a winter parking ban from December 1st to April 1st of every year; to include a
41 340-foot section on the south side of Eldridge Street beginning at the intersection of Hanover Street and
42 moving in a westerly direction; and to extend the existing no parking restriction on the north side of
43 Eldridge Street by 5 feet to a distance of 340 feet westerly from the intersection of Hanover Street, as “No
44 Parking” zones.

45
46 Earlier this year, the Public Safety Committee convened to address a request brought forward by the
47 Highway Superintendent. The proposal under consideration sought the establishment of a "No Parking
48 Zone" (winter parking only) in the following two locations:

1 1. On Prospect Street Extension, extending 520 feet on the north and south sides of the road from the
2 intersection of Skylark Drive to Laplante Road; and

3
4 2. On Laplante Road, extending 230 feet on the east and west sides of the road beginning from the
5 intersection of Prospect Street Extension and moving in a northerly direction.
6

7 The primary objective behind this request is to enhance the efficiency of snow plowing operations within
8 the specified area. Recognizing the importance of maintaining smooth traffic flow and ensuring the safety
9 of both motorists and pedestrians during winter weather conditions, the Committee engaged in a thorough
10 discussion to assess the viability and necessity of implementing the requested parking restrictions. The
11 finding of the Committee was that a "No Parking Zone" in the above specified locations would increase
12 plowing efficiencies by eliminating issues with parked cars at the intersections impacted by this change.
13

14 In addition, on September 6, 2023, Public Works received a complaint about parked vehicles blocking
15 the entrance to the private parking lot at 76 Hanover Street on a frequent basis. Upon investigation, it was
16 found that the entrance to the private parking lot is blocked by vehicles parking on Eldridge Street
17 causing vehicles to be blocked in or out of the parking lot.
18

19 The recommendation seeks the establishment of a year-round "No Parking Zone" in one additional
20 location:
21

22 3. On Eldridge Street, extending 340 feet on the south side of the street beginning at the intersection
23 of Hanover Street moving in a westerly direction.
24

25 It is noted that City Code Chapter 168, §168-1, No Parking, already includes a no parking restriction on a
26 335-foot section on the north side of Eldridge Street westerly from the intersection with Hanover Street.
27 As a result, the pending proposal would apply the No Parking restriction to both sides of Eldridge Street
28 for a distance of 340 feet westerly from the intersection with Hanover Street.
29

30 Mayor McNamara noted the Council did receive a letter via email from Ms. Sarah Riley, 45 Eldridge St.
31 He did not read this into the record because of its length. The letter was related to the proposed Eldridge
32 St. parking ban.
33

34 **Mayor McNamara opened the Public Hearing and the following came forth to speak:**
35

36 Mr. Harrison Trumbull (Owner of building at 76 Hanover St. and one on Eldridge St.) He was curious
37 about the nature of the complaints, noting he has owned these building for 30 years and never had a
38 problem with cars parking on Eldridge Street. He spoke with several of his tenants, and nobody had any
39 complaints. In response to Mayor McNamara's question, Mr. McCarthy noted this issue was on the other
40 side of the street (north side) from where Mr. Trumbull's building is located. The complaint came from a
41 commercial building. City Staff spoke to the owners of the commercial space and they were neglecting to
42 work with us regarding the parking issue.
43

44 In looking at City Code, Chapter 168-1, Deputy City Manager Brooks noted that Eldridge Street already
45 has a prohibition on the north side from the intersection of Eldridge Street to Hanover Street, 335 feet to
46 the west. Mayor McNamara then questioned why the Council was being asked to institute a No Parking
47 Zone when there is already a No Parking Zone in place.

1
2 Mr. Jay Cairelli (Director of Public Works) stated they did receive a complaint from 76 Eldridge Street.
3 He was uncertain if Mr. Trumbull had spoken to all of his tenants, noting that staff drove down the streets
4 several times and saw that driveway blocked many times. They also received complaints from the other
5 side of the street.
6

7 Mayor McNamara suggested that before instituting another No Parking ban, the Council allow Mr.
8 Trumbull to talk to his tenants. Mr. Cairelli concurred but noted that part of the problem was some
9 private businesses on Hanover Street utilized that area for parking. In response to Mr. Trumbull's
10 request, Mayor McNamara said it would be helpful if he put up a Please Do Not Block Driveway sign on
11 his properties. Mr. Trumbull concurred and will put up the signs. This will be discussed by the Council
12 at another time, if necessary.
13

14 Ms. Sarah Riley (Ward-2; 45 Eldridge street). She felt that since there is already an existing Ordinance
15 that addresses not blocking driveways, it would be good to focus on enforcing the Ordinance. She also
16 spoke about and explained some of the issues she had (i.e., plowing could be addressed separately; how
17 cars block the intersection in an unsafe way) and suggested that instead of a no parking ban, she was in
18 favor of a flashing beacon and creating a pedestrian island for pedestrian safety.
19

20 **Hearing no further comments from the public, the Public Hearing was closed.**
21

22 **Council Discussions:**

23 At the Request of Mayor McNamara, the Council focused their discussion on the seasonal parking
24 restrictions for the Prospect Street Extension and Laplante Road. They also discussed the NH State Law
25 that prohibits parking within 30 feet (facing) a Stop sign; the NH State Law that prohibits blocking
26 driveways (violation); and, speaking with the Lebanon Police Department Chief about the need to have
27 more downtown parking enforcement.
28

29 **ACTION:**

30 ***Councilor Liot Hill MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-01 to***
31 ***amend City Code Chapter 168, Vehicles and Traffic, §168-1, No Parking, as presented in the February***
32 ***7, 2024 City Council agenda packet with the removal of the provisions applying to Eldridge Street so***
33 ***that it will only affect the Prospect Street Extension and LaPlante Road. This will be effective upon***
34 ***passage.***

35 ***Seconded by Councilor Whittlesey.***

36 ****The Vote on the Motion was approved by the members present (8-0).***
37

- 38 **B. Ordinance #2024-02** - A public hearing for the purpose of receiving public input and
39 taking action to amend City Code Chapter 68, Fees, to include a fee schedule for
40 applications to the Zoning Board of Adjustment and Building Code Board of Appeals, and
41 administrative preparation of Zoning Verification Letters.
42

43 Included in the agenda packet: ***(All supportive documents and information can be found on Pages 51-***
44 ***58, Council agenda packet)***

45 1. Ordinance #2024-02

46 2. Zoning Board of Adjustment Fee Schedule, last revised 8/30/21
47

1 BACKGROUND

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

8 A. Zoning Board of Adjustment

9 Filing fees for the Zoning Board of Adjustment are currently enumerated in the Zoning Board of
10 Adjustment Fee Schedule as follows:

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

16
17 It is not known when these fees were last amended. However, in reviewing prior fee schedules, it is clear
18 that the \$150.00 filing fees for Special Exception and Variance applications have been in place since at
19 least 2007. To adjust for inflation and better account for staff administrative time, the Planning &
20 Development Department proposes to increase the filing fee for Special Exception and Variance
21 applications to \$300.00.

22
23 The Planning & Development Department proposes to establish filing fees for Administrative Appeals,
24 Equitable Waivers of Dimensional Requirements, Rehearing Requests, and Rehearing’s. All of these
25 applications require staff time to review and administer, which the proposed fees, as follows, are intended
26 to help cover:

- 27 • Administrative Appeal - \$300.00
- 28 • Equitable Waiver of Dimensional Regulation - \$300.00
- 29 • Rehearing Request - \$100.00
- 30 • Rehearing - \$300.00

31
32 Mr. Nathan Reichert (Director of Planning & Development) and Mr. Tim Corwin (Deputy Director of
33 Planning & Development) reviewed the background and the reasons behind their proposed amendments
34 to Chapter 68 of the Lebanon City Code. What they are trying to do is: 1) To put the fees where they
35 belong, which is in the fee structure and not in the hands of the Zoning Board, and 2) Adjust the fee
36 structure in a way that is consistent with the rest of the State of NH.

37
38 At the request of Mayor McNamara, Director Reichert reviewed the Zoning fees that will be set by the
39 Council per §68-15.A Zoning Code as follows:

- 40 [1] Zoning Board of Adjustment fees: (a) Filing fees: \$300.00.
- 41 [2] Variance application fees \$300.00.
- 42 [3] Special Exception fees: \$300.00.
- 43 [4] Equitable Waiver of Dimensional Regulations: \$300.00.
- 44 [5] Rehearing requests: \$100.00.
- 45 [6] Rehearing fees: \$300.00. Should the Zoning Board grant a rehearing request, the party initiating
46 the rehearing request shall be responsible for all fees associated with the rehearing.

1 (a) The application fee of \$300 shall be waived if the Board, in granting the rehearing request,
2 determines that it did or may have made a prejudicial technical or legal error in its original
3 decision.

4 (b) Advertising fees and legal notification fees shall be determined by the City Manager
5 (“Miscellaneous nonscheduled fees”).

6 [7] Zoning Verification letter administrative fee: \$100.00.
7

8 The Building Code of Appeals, which is a standing subcommittee of the ZBA, would also be \$300.
9

10 All of these applications require staff time to review and administer, which the proposed fees are intended
11 to help cover. While these fees reflect more closely the costs of staff time, they do not cover the total cost
12 for processing an application.
13

14 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
15 **Hearing was closed.**
16

17 **ACTION:**

18 ***Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-02 to***
19 ***amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, as***
20 ***presented in the February 7, 2024 City Council agenda packet, effective upon passage.***

21 ***Seconded by Councilor Whittlesey.***

22 ****The Vote on the Motion was approved by members present (8-0).***
23

24 **Item D was taken out of order from the agenda packet and discussed next.**
25

26 **D. Ordinance #2024-03** - A public hearing for the purpose of receiving public input and
27 taking action to amend City Code Chapter 46, Cemeteries, to remove provisions for
28 holiday burials.
29

30 Included in the agenda packet: *(All supportive documents and information can be found on Pages 137-*
31 *140, Council agenda packet)*

32 1. Proposed Ordinance #2024-03
33

34 City Manager Mulholland requested that action be delayed due to added information that has been
35 obtained. There are some changes that need to be made in Ordinance #2024-03.
36

37 **In order to give people a chance to express their opinions on this topic, Mayor McNamara opened**
38 **the Public Hearing and the following residents came forth to speak:**
39

40 **Ms. Roberta Berner** (Ward-1 and President of the Upper Valley Jewish Community): She spoke about
41 her concerns limiting the dates that burials could occur in a city cemetery, noting that Jewish tradition/law
42 requires that a body be buried as quickly as possible, preferably within a day or two. For example, if
43 someone died on the Wednesday before Thanksgiving, it could take up to five (5) days before a burial
44 could take place, which is out of the question. She sent a letter to the Council regarding this issue.
45

46 **Hearing no further comments from the public, the Public Hearing was closed.**
47

1 **BACKGROUND (Left in minutes for Informational purposes only)**

2 In an effort to streamline operations and create equity amongst staff within the Department of Public
3 Works, Public Works Administration is proposing that burials no longer be permitted on any holiday
4 officially observed by the City. As proposed, weekends immediately preceding or immediately following
5 a holiday would be included as part of the holiday and burials would not be permitted on these days.
6

7 By current regulation, burials are not permitted on New Year's Day, Memorial Day, Independence Day,
8 Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public
9 Works. Burials have not been previously approved on any of these holidays for as long as staff can recall.
10 The other observed annual holidays are Martin Luther King, Jr./Civil Rights Day (Third Monday in
11 January); Presidents' Day (Third Monday in February), Veterans' Day (November 11), and the Day after
12 Thanksgiving.
13

14 A calendar would be created annually to show available burial dates and would be available to the public
15 via the City's website or in-person at the DPW Admin Building. The calendar would also be furnished to
16 our local churches and funeral home(s). Should this Ordinance be adopted as proposed on February 7,
17 2024, there would be 17 days for the remainder of the year where burials would not be permitted.
18

19 **ACTION: No action was taken by the Council at this time.**
20

21 **Note: The remainder of the agenda items were taken in the order as discussed by the Council.**
22

23 **C. Proposed Amendments to the Zoning Ordinance for Council Adoption** – Public hearing
24 for the purpose of receiving public input and taking action on proposed zoning amendments
25 for adoption by the City Council as listed below:
26

27 Included in the agenda packet: *(All supportive documents, Zoning Map renditions, letters, and*
28 *supplemental information can be found on Pages 59-136, in the February 7, 2024 Council agenda*
29 *packet.*
30

31 1. January 4, 2024 Memo to the Lebanon City Council from Planning & Development Department Staff
32 re: Public Hearing on Proposed Zoning Amendments for Consideration and Adoption by the City
33 Council, which includes:

- 34 • December 21, 2023 Memo to the Lebanon City Council from Planning & Development Department
35 Staff re: 2023-2024 Proposed Zoning Amendments, which includes the following:
 - 36 o Existing Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated November, 2023
 - 37 o Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated December, 2023
 - 38 o 2023-2024 Draft Amendments to Zoning Ordinance (Red-lined Version, last revised December 21,
39 2023)

40 2. January 4, 2024 Memo to the Lebanon City Council from Planning & Development Department Staff
41 re: Public Hearing on Proposed Zoning Amendments by Cicotte Properties, LLC for Consideration
42 and Adoption by the City Council, which includes:

43 3. January 22, 2024 letter from Sarah Riley, Chair, Lebanon Conservation Commission
44

45 Available, but not included in this Section:

46 **1. January 3, 2024 City Council Agenda Packet**
47

1 BACKGROUND

2 **Amendment #1** – To amend Section 213 (Impact Fees) to collect fees from residential additions
3 larger than 500 sq. ft., to expand and clarify the type of development that is excluded from
4 paying fees, and to amend the waiver and appeals provisions (**Zoning Ordinance Sections**
5 **213.3(E) and 213.8**)

6 **Amendment #2** – To amend Section 305A.1 (GC-1 District Purpose), Section 305A.2 (GC-1
7 District Table of Uses) and Section 500 (Planned Developments Table) to allow Manufactured
8 Housing Planned Unit Residential Development (PURDs) in the GC-1
9 District by Condition Use Permit from the Planning Board. (**Zoning Ordinance Sections**
10 **305A.1, 305A.2, and 500**)

11 **Amendment #3** – To amend Section 410.3 (Description of Riverbank Protection District) to
12 remove properties from the Riverbank Protection District if the properties are granted an
13 Urbanized Shoreland Exemption by the NH Department of Environmental Services pursuant to
14 NH RSA 483-B:12. (**Zoning Ordinance Section 410.3**)

15
16 **Amendment #4** – To amend Section 610 (Accessory Dwelling Unit (ADU)) to update the size
17 ratios for ADU calculations, to add a parcel size threshold for larger ADUs, to clarify the
18 property owner temporary leave of absence requirement, and to create a clear checklist of items
19 needed for the ADU application. (**Zoning Ordinance Sections 610.B, 610.G, and 610.K**)

20
21 **Amendment #5** – To amend the definition of “Gross Living Area” in Appendix A (Definitions)
22 to clarify the calculation of impact fees and the size of Accessory Dwelling Units.

23
24 **Amendment #6** – To adopt miscellaneous minor amendments, including clarifying existing
25 language and making minor editorial changes, clarifying the enabling authority for the Riverbank
26 Protection District, commercial and industrial PUD open space requirements, off-lot parking
27 conditional use application requirements, ZBA administrative appeal procedures and definitions,
28 ZBA application and hearing procedures, and changes to the definitions of “dwelling”,
29 “primary/secondary educational facility”, “child day care facility”, “health club,” and
30 “structure”. (**Zoning Ordinance Sections 213, 410.2, 501.1.F.2.a, 607.5, 610, 801, 802, and**
31 **Appendix A**)

32
33 **Amendment #7 (Requested by Choice Storage, LLC)** – Proposed Zoning Map change at 0
34 Etna Road (Tax Map 26, Lot 17), which is currently split-zoned between Light Industrial
35 (IND-L) and Rural Lands Three (RL-3). The property owner has requested to rezone
36 approximately 50 acres of RL-3 land to IND-L and, in exchange, to rezone approximately 50
37 acres of IND-L land to RL-3 to provide more protection for wetland areas, steep slopes, and a
38 wildlife corridor existing in areas to be rezoned to RL-3, while allowing for development of
39 the areas to be rezoned to IND-L.

40
41 **Amendment #8 (Requested by Cicotte Properties, LLC)** – To amend Section 311A.2 (R-O-1
42 District Table of Uses) to allow one of the following uses in the R-O-1 District by Conditional
43 Use Permit from the Planning Board: either “auto sales and service” or “vehicular sales”.
44 (**Zoning Ordinance Sections 311A.2**)

45 Mr. Nathan Reichert (Director of Planning & Development) and Mr. Tim Corwin (Deputy Director of
46 Planning & Development) reviewed the background and went through the general concepts of the
47 proposed Zoning Amendments. A PowerPoint presentation was given regarding the proposed Zoning
48 Amendments. A few highlights from their presentation are listed:

1

1. IMPACT FEES - Section 213

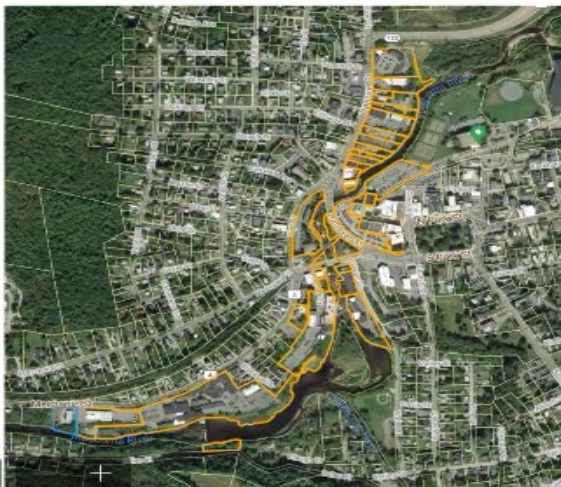
- ▶ Expand definition of “new development” to include residential additions of greater than 500 sq. ft.
- ▶ Amend the waiver and appeals process:
 - ▶ Authorize administrative approvals for waiver of school impact fees for dwelling units of 500 sq. ft. or less

2
3

2. GC-1 District - Manufactured Home PURDs



3. Riverbank Protection District - LD District



The following cities or towns have received
Urbanized Shoreland Exemptions:

- Claremont
- Dover
- Franklin
- Goffstown
- Gorham
- Keene
- Laconia
- Lincoln
- Littleton
- Manchester
- Milford
- Nashua
- Newmarket
- Newport
- Portsmouth
- Rochester
- Somersworth
- Swanzey
- Winchester
- Wolfeboro

4
5

Planning Staff are at the beginning of the process of an Urbanization Exemption and are looking at the properties in the downtown area of Lebanon, NH because these areas are urbanized properties that have effectively lost their forest coverage due to development over many years. Director Reichert noted that if the City should seek an exemption from the State of NH regulations, then this would bring about a local regulatory exemption. The State would need to approve any application for an exemption from their regulations which targets the protection of forests and buffers around our waterways.

12

4/5. Accessory Dwelling Units (ADUs)

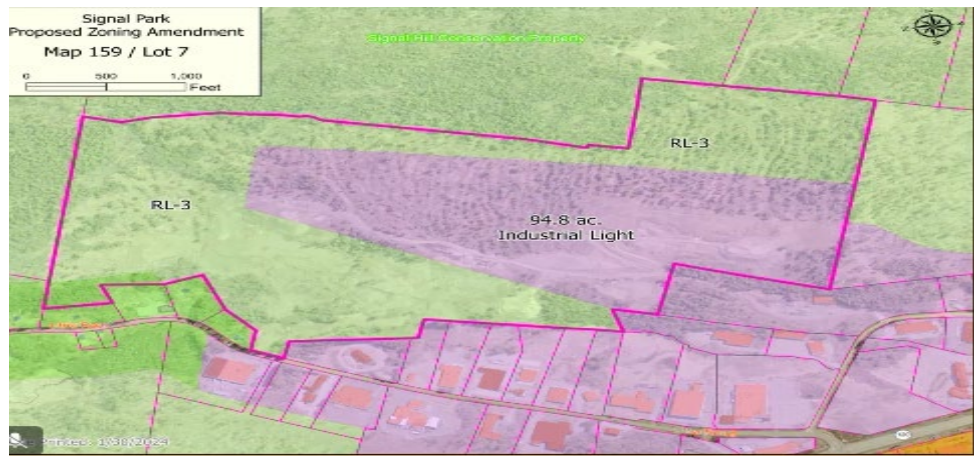
- Increasing permissible size and square footage ratios of ADUs
- Clarifying the owner occupancy requirements
- Clarifying application submission requirements
- Amend definition of “Gross Living Area”

13
14

5. Miscellaneous

- **Amend Section 410.2 (Riverbank Protection District enabling authority)** to remove the reference to RSA 674:21
- **Amend Section 501.1.F.2.a** to make the minimum open space requirements for commercial and industrial PUDs consistent with the minimum open space requirements of the Subdivision Regs
- **Amend Section 607.5 (off-lot parking requirements)** to require that the legal documentation securing the right to use the off-lot parking is provided as part of the CUP application
- **Amend Section 801** to amend the ZBA administrative appeal procedures for consistency with state statutory requirements
- **Amend Section 802** to clarify that ZBA application fees are established pursuant to City Code Chapter 68

The amendments above are just technical clean up with small clarifications that allow us to help make things easier for people to understand.



The above map depicts a parcel of land owned by Mr. Champion. He is seeking to swap RL-3 with the Light Industrial (as depicted above) and is an equal trade (acre for acre) between the two and would allow us to do several things:

- 1) Focuses the Ind-L area in the area of the property that is most likely and logical to develop.
- 2) It moves that industrial development further away from the wetlands.
- 3) The RL-3 District (left side of map) is a wildlife corridor that is fairly significant. This swap moves the development further away from that wildlife migration zone and creates more uplands protection from the standpoint of steep slopes and will also encapsulate more of the steep slopes area of the property which would provide more protection for that area.

(Please note that detailed map renditions can be found in the February 7, 2024, Council agenda packet.)

Director Reichert spoke in depth about Amendment #8, which is listed below.

Amendment #8 (Requested by Cicotte Properties, LLC) – To amend Section 311A.2 (R-O-1 District Table of Uses) to allow one of the following uses in the R-O-1 District by Conditional Use Permit from the Planning Board: either “auto sales and service” or “vehicular sales”.
(Zoning Ordinance Sections 311A.2)

1 On September 28, 2023, Planning Staff received a request from Dan Nash, of Advanced Geomatics, on
2 behalf of Cicotte Properties, LLC. Director Reichert noted there is a Zoning violation present on the
3 property now and they are seeking a pathway to legalize that Zoning Violation and explained the process
4 that Cicotte Properties, LLC needs to go through noting that a Conditional Use Permit would take what is
5 now a Non-conforming Use (prior to 2001) and turn it into something that we could legally permit.
6 Cicotte Properties, LLC will need to go through the Planning Board for a Site Plan Review, as well for a
7 Conditional Use Permit.

8
9 (NOTE: Cicotte Properties, LLC detailed requests and maps can be found in the Memorandum sent to
10 City Manager Mulholland and the Planning & Development Staff dated October 10, 2023. This
11 Memorandum, along with supplemental documents can be found on *pages 91-136, in the February 7,*
12 *2024 Council agenda packet.*)

13
14 **Mayor McNamara opened the Public Hearing.**

15
16 **Mr. Barry Schuster (W-3):** He was representing Cicotte Properties, LLC. For many years, this property
17 was Smith Auto. There was a 5-4 vote by the Council in 2000, but this was unfortunate because since
18 then, any time a successive owner wanted to put in a new office, they had to get a Variance. There is a
19 question over parking now that requires a Variance or some sort of approval. A Conditional Use Permit
20 simply says that if the Planning Board approves it, then you go for a Site Plan Review and further
21 explained his reasoning.

22
23 **Ms. Sarah Riley (Chair, Conservation Committee):** She summarized the Conservation Commission's
24 comments/points/concerns/recommendations made in a letter (dated January 24, 2024) sent to the City
25 Council. The letter can be found on **pages 132-135, Council agenda packet.**

26
27 **Mr. Casey Boardman (W-1):** He spoke about his reasons supporting ADUs (Amendment #4).

28
29 **Ms. Sarah Riley (speaking as resident):** She spoke about her reasons against the proposed Zoning Map
30 Amendment at 0 Etna Road and the future Land Use Map.

31
32 **Hearing no further comments from the public, the Public Hearing was closed.**

33
34 **Council Discussions:**

35 The Council, Director Reichert and Deputy Director Corwin reviewed and discussed the proposed Future
36 Zoning Map vs. the existing Zoning Map; steep slope locations; wetland locations; wildlife crossing
37 locations; how much land can be developed for PUDs; if PUDs can be configured to recognize/identify
38 topography and different constraints on a property (i.e., natural resources such as wildlife corridors;
39 wetlands; steep slopes; etc.); the land and natural resources in and around Cicotte Properties, LLC
40 proposed Zoning Amendment; a study that will be taking place for properties along the Route 120
41 corridor and Exit 18; and, the City Board/Commissions reviews for the proposed amendments.

42
43 Ms. Sarah Riley clarified that the Conservation Commission reviewed the dealerships parking lots, and
44 while they were not in favor of additional asphalt (impervious surfaces), it did not change what was
45 already allowed in that zone. Because of that, the Conservation Commission felt there was not any
46 conservation implications.

1 **ACTION:**

2 *Assistant Mayor Below MOVED, that the Lebanon City Council hereby approves amendments #1-8 to*
3 *the Lebanon Zoning Ordinance as presented in the February 7, 2024 City Council Agenda Packet.*
4 *Seconded by Councilor Liot Hill.*

5
6 Assistant Mayor Below spoke to his motion, particularly Amendment #8, and felt a Conditional Use
7 Permit was a good solution. For Amendment #7, he spoke about the pros/cons of this area but felt it
8 offers better protection to this area while also allowing a reasonable amount of development. With regard
9 to the Riverbank Protection District, he respected the concerns of the Conservation Commission, but he
10 felt it was an appropriate set of parcels to be looking at for an Urban Exemption and further explained his
11 reasons.

12
13 Councilor Liot Hill concurred with Assistant Mayor Below and spoke about her reasons for supporting
14 the ADU Amendment (Amendment #7) and the protection of Lebanon's wildlife corridors.

15
16 Councilor Heistad spoke about the vast wildlife corridors that exist in Lebanon, noting that Lebanon is
17 part of a really big network of wildlife corridors.

18
19 Deputy Director Corwin clarified Amendments 1-6, noting the Planning Board adopted a motion to
20 accept these amendments. With respect to Amendment #7 (Etna Road Rezoning Request) the Planning
21 Board (PB) Motion was unanimously approved to accept and support the Map Amendment regarding 0
22 Etna Road. At the December PB meeting regarding the Cicotte Properties, the PB adopted a motion to
23 allow auto sales in RO-1 Zones only as a Conditional Use. They believed Lot 63-4 should be left zoned
24 as RL-3 pending further zoning and environmental review.

25
26 **The Vote on the Motion was approved (8-0)*

27
28 **9. OLD BUSINESS:**

- 29 **A.** Discuss the City Manager's proposal for development of city-owned parcels pursuant to City
30 Council's April 2022 Resolution on Housing – Request for determination that city- owned
31 properties have redevelopment potential per City Council Policy, CC-102, Real Property
32 Transactions

33
34 Included in the agenda packet: *(All supportive reports documents, site maps, and information can be*
35 *found on Pages 141-201, Council agenda packet)*

36
37 1. January 22, 2024 Memo from Deputy City Manager Brooks, Summary of Review and Comments on
38 City-owned Properties for Determination as Surplus to City Needs or Suitable for Redevelopment, with
39 attachments.

40 2. City Council's Resolution on Housing, dated April 21, 2022

41 3. City Council Policy, CC-102, Real Property Transactions

42
43 Available, but not included in this Section:

44 1. January 17, 2024 City Council Agenda Packet

45
46 Deputy City Manager David Brooks reviewed the background and the proposed five (5) parcels submitted
47 for development. Comments were received and an extraction of the comments are included in Council

1 agenda packet. He believed Planning Staff had completed the process required by CC-102 and asked the
2 Council to designate them as redevelopment areas.

3 4 **BACKGROUND**

5 On January 17, 2024, the City Council reviewed and discussed a proposal from the City Manager's Office
6 regarding the redevelopment of city-owned parcels in furtherance of the Council's April 2022 Resolution
7 on Housing. Specifically, the City Manager is proposing to utilize grant funding from the InvestNH
8 program along with the adopted cottage cluster zoning regulations and the Pattern Zoning study's housing
9 plans to execute one or more demonstration projects on city-owned parcels around the community. The
10 overall aim of the program would be to develop new, affordable homes for owner-occupancy that could
11 be marketed toward specific populations. The program would also demonstrate the viability of these types
12 of projects and programs to builders, lenders, and others in the housing development field.

13
14 The procedures for the City Council's consideration of disposition or redevelopment of city owned
15 parcels are outlined in City Council Policy, CC-102, Real Property Transactions. In accordance with
16 Section 4.1.1 (Deeming Properties As Surplus To City Needs Or Suitable For Redevelopment) of the
17 policy, in November 2022, the City Manager's Office solicited review and comment from City
18 departments (Airport, Fire, Planning & Development, Police, Public Works, and Recreation, Arts &
19 Parks), the Planning Board, Conservation Commission, and the Lebanon School District on a list of city-
20 owned parcels that appeared to be suitable for disposition or redevelopment. The November 2022 request
21 included a total of eighteen (18) city owned properties, including the five (5) parcels that have become the
22 primary focus of the current redevelopment proposal.

23
24 The agenda packet contains a report and supporting information summarizing the comments received
25 from Public Works, the Planning Board and Conservation Commission. It should be noted that no
26 comments were received regarding the five subject parcels from the remaining City departments, or from
27 the Lebanon School District.

28
29 In order for the City Manager to continue to move forward with the proposed redevelopment effort, the
30 City Council must determine that the city-owned parcels have redevelopment potential and must act to
31 designate the properties as Redevelopment Areas in accordance with City Council Policy, CC-102, Real
32 Property Transactions.

33 34 **Council Discussions:**

35 Councilor Liot Hill reviewed the process, noting that for these properties the concepts would be
36 developed and brought back to City Council; Public Hearings would take place before the properties
37 are sold; the Council would have the ability to tailor the terms of the sale and any future considerations
38 of the properties.

39
40 Deputy City Manager Brooks added that these housing developments would be subject to zoning and
41 would go through the Site Plan process and each of these steps would involve a Public Hearing. They
42 expect to reach out to engage and have discussions with each of these neighborhoods as these
43 development concepts come together.

44 45 **ACTION:**

46 *Councilor Wilkie MOVED that:*

47 ***BE IT HEREBY RESOLVED** that the Lebanon City Council, in accordance City Council Policy,*
48 ***CC-102, Real Property Transactions, hereby determines that the following City owned properties***

1 *have redevelopment potential and are suitable for redevelopment as part of designated*
2 *Redevelopment Areas:*

- 3 • *0 Barrows Street; Tax Map 77, Lot 106*
- 4 • *0 Barrows Street; Tax Map 77, Lot 107*
- 5 • *0 Hanover Street Extension; Tax Map 64, Lot 1*
- 6 • *3 Seminary Hill; Tax Map 86, Lot 56*
- 7 • *5 South Main Street; Tax Map 86, Lot 55*

8
9 ***BE IT FURTHER RESOLVED** that the Lebanon City Council hereby authorizes the City Manager*
10 *to pursue redevelopment of the above-listed parcels in accordance with the proposal outlined in the*
11 *January 17, 2024 City Council Agenda Packet, for the purpose of achieving the goals and objectives*
12 *of the City, including those expressed in the City Council's April 2022 Resolution on Housing, as*
13 *well as the 2012 Master Plan, and the 2024-2027 Strategic Plan.*

14 *Seconded by Whittlesey.*

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

16
17 **B. Discuss Potential TIF District for the Main Street Area of West Lebanon**

18
19 Included in the agenda packet: *(All supportive documents and information can be found on Pages 202-*
20 *217, Council agenda packet)*

- 21
22 1. NH RSA 162-K Chapter 162-K Municipal Economic Development And Revitalization Districts
23 (state.nh.us)
- 24 2. Government Finance Officers Association (GFOA) Best Practices-Creation, Implementation and
25 Evaluation of Tax Increment Financing Creation, Implementation, and Evaluation of Tax Increment
26 Financing (gfoa.org)

27
28 Councilor Simon noted he brought this request forward to the Council for their discussion at their last
29 meeting to see if it was worth bringing it to the West Lebanon Revitalization Advisory Commission
30 (WLRAC) and the Economic Development Committee (EDC) to look into the creation of a TIF District.

31
32 City Manager Mulholland explained the background and the phases/questions that need to be answered
33 before a proposal to create a TIF District can be created. He suggested that the WLRAC/EDC work
34 through the two phases of this project. (as listed below).

35
36 **BACKGROUND**

37 Municipalities in New Hampshire are permitted to create Tax Increment Finance Districts pursuant to
38 RSA Chapter 162-K entitled Municipal Economic Development and Revitalization Districts. The City
39 Council has the authority to create TIF districts with limitations identified in the RSAs. The City
40 presently has two TIF districts: the Downtown TIF District and the Airport-Tech Park TIF District. The
41 Council discussed the concept of a TIF district in West Lebanon at its meeting on January 17, 2024. This
42 agenda item is a result of that conceptual discussion.

43
44 **Phase I** – The following questions should be answered before moving to the Phase II analysis.

- 45 1. What is the purpose of the TIF district?
- 46 2. What are its objectives?
- 47 3. How and why is TIF the most effective option to address this objective(s)?
- 48 4. What is the geographical area of the TIF district?

5. Will the TIF district share any portion of the captured tax increment with the School District, the General Fund and/or the County, especially if there are additional residential structures created in the TIF district?

Phase II – The following questions will need to be answered before a TIF district can be created.

6. What are the answers to the following requirements from RSA 162-K:6? The development program shall contain a complete statement as to the public facilities to be constructed within the district, the open space to be created, the environmental controls to be applied, the proposed reuse of private property, and the proposed operations of the district after the capital improvements within the district have been completed.

7. What are the answers to the following requirements from RSA 162-K:9? A tax increment financing plan shall contain a statement of objectives of a municipality for improvement of a development district. Such plan shall be incorporated into the development program for the district. It shall contain estimates of the following: cost of the development program; sources of revenues to finance those costs including estimates of tax increments; amount of bonded indebtedness to be incurred; and the duration of the program's existence. The plan shall also contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the district is located.

8. What are the fiscal and economic implications of the proposed TIF district (RSA 162-K:9, III)?

The process to create the Downtown TIF District involved economic analysis developed by the consulting firm Applied Economic Research (AER) in 2017. The cost at that time was \$35,000. The Phase II analysis will require the development of an RFP and a subsequent contract with a firm to conduct the analysis necessary to finish the feasibility study before a TIF district can be considered by the City Council. The Phase I analysis should be conducted through a joint effort of the City Manager, the West Lebanon Revitalization Advisory Committee, and the Economic Development Commission. The Phase I analysis and recommendations of the City Manager, WLRAC and EDC should be presented to the City Council before directives are issued to conduct Phase II. There are no funds presently appropriated for the Phase II process. This would need to be considered in the 2025 Budget if it is determined that a TIF District is necessary after the Phase I analysis.

Council Discussions:

Mayor McNamara felt this was a good process to go through and thought Phase I, and certainly the outcome would cause a robust discussion in order to pursue the cost of Phase II. He further explained his reasons and thoughts. (i.e., How funds would be utilized to further the objectives of this TIF?)

Councilor Wilkie felt that the Committees should keep in mind that a TIF District will withhold funds from the General Fund, and wanted to make sure this could not be achieved through some other means. Mayor McNamara concurred and noted the (West Lebanon) TIF District should facilitate additional tax dollars that could be then rolled back into the General Fund.

Councilor Liot Hill explained her reasons why she felt this was a good time to consider a West Lebanon TIF District.

Councilor Wilkie spoke about how a (West Lebanon) TIF District could build and pay for the infrastructure needed to further development in the West Lebanon area.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby directs the City Manager, the West Lebanon Revitalization Advisory Committee, and the Economic Development Commission to work collaboratively to conduct the Phase I analysis as detailed above, receive stakeholder input, and produce a report back to the City Council no later than October 31st, 2024.

Seconded by Councilor Simon.

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

C. Discuss possible NHMA Policy Positions for the 2024 NHMA Legislative Policy process

Included in the agenda packet: ***(All supportive documents and information can be found on Pages 218-219, Council agenda packet)***

1. 2025-2026 NHMA Explanation of Proposed Policy form

BACKGROUND (Left on agenda as a reminder to the Council).

It is the time of year when the New Hampshire Municipal Association (NHMA) begins planning for the Legislative Policy Conference in the Fall. The policy process begins with solicitation of policy proposals from local officials to create an initial issues list. The deadline for submission of a policy proposal is April 15, 2024.

NHMA's legislative policy committees - Finance and Revenue; General Administration and Governance; and Infrastructure, Development and Land Use – will review all policy proposals in order to make recommendations which will go to the NHMA Legislative Policy Conference in September.

Council Discussions: NONE

ACTION: No action was taken at this time.

10. NEW BUSINESS:

A. Discuss changes to the City's Strategic Plan regarding the Financial Stability and Efficiency functional area.

Included in the agenda packet: ***(All supportive documents and information can be found on Pages 220-222, Council agenda packet)***

1. Strategic Plan PDF of functional area Financial Stability and Efficiency with proposed changes.

City Manager Mulholland reviewed the background, and his reasons for the need to create financial stability and efficiency in the Strategic Objectives and his proposed changes to the Vision Statement. He wanted to give the Council preparation time to think about this before the workshops that will take place in April.

BACKGROUND

The City Council approved its first Strategic Plan in May of 2023. The Strategic Plan is intended to be updated every year and to set objectives for the ensuing year and the two subsequent years after that. Significant changes in the direction of the City's finances have occurred by actions of the City Council. The strategic objectives need to change to chart the path moving forward relative to those decisions.

1 The previous Strategic Plan section 3.2 Maintain a long-term strategy to stabilize the tax rate and user
2 fees to avoid spikes in the rates is not consistent with recent actions taken by the City Council. The
3 strategic objectives should be modified to state that the objective is to mitigate the impacts of tax rate
4 increase and user fee increases to achieve other objectives in the Strategic Plan.

5 6 **Council Discussions:**

7 Mayor McNamara said one significant change recommended by Administration (to the Strategic Plan) is
8 to substitute the word “stabilize” to “mitigate impact on (tax rate),” noting that stabilization is not
9 possible at this point unless we do some significant cuts in services. The other significant change is to the
10 Unassigned Fund Balance, which will be changed from “19% to 24%” to “5%-19%.” (As noted on page
11 222, agenda packet.)

12
13 Councilor Whittlesey felt that mitigating the impact on the tax rate is more in line, noting the Council will
14 have to make more decisions that will cause the tax rate to fluctuate due to significant infrastructure
15 investment needs. Being fiscally responsible and making sound financial choices is what we need to do
16 and further explained his reasons.

17
18 **ACTION: No action taken by Council. Item was for discussion purposes only at this time.**

- 19
20 **B.** Discussion and Set Public Hearing for March 6, 2024: Request for Supplemental Appropriation
21 in the amount of \$268,000 for Civic Park Playground Improvements; and to Authorize
22 Disbursement of \$135,000 in Recreation Impact Fees

23
24 Included in the agenda packet: *(All supportive documents, pictorial renditions, and information can be
25 found on Pages 223-226, Council agenda packet)*

- 26 1. December 19, 2023 Memo from Recreation, Arts & Parks Director Paul Coats, including examples of
27 the proposed playground design.

28
29 Not included in agenda packet: Director Paul Coats’ PowerPoint Presentation.

30
31 Paul Coats, Director of Arts, Parks, and Recreation, reviewed the background regarding the proposed
32 request for a supplemental appropriation as listed above.

33 34 **BACKGROUND**

35 Civic Park is the largest and most accessible park in the West Lebanon area, and it is the most actively
36 programmed park in the City. The park is strategically located within walking distance of 200 children’s
37 homes and is visited by hundreds of families on a regular basis during programmed activities. The
38 popularity of Civic Park makes it a priority location for a playground to serve children 2-5 and 5-12 years
39 old. No such playground currently exists.

40
41 Last year, the Recreation, Arts & Parks Department (RAP) created the “Civic Plays” task force to gather
42 community input for a new playground design, research manufacturers, and to raise funds through a
43 capital campaign. The Civic Plays taskforce has been actively pursuing these objectives through 2023 and
44 is now engaged in raising a portion of the needed funds.

45
46 RAP proposes to fund approximately 50% of the total project cost from Recreation Impact Fees collected
47 from new development in the community. The remaining costs will be raised through leadership level
48 gifts in the first quarter of 2024, followed by a public capital campaign. Since funds for the appropriation

are to be transferred from Recreation Impact Fees to the Capital Improvements fund, and will be supplemented with grants and donations, there will be no impact to the tax rate.

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 6, 2024, beginning at 7:00pm in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to appropriate \$270,000 for a new Civic Park Playground Improvements capital project; and to authorize disbursement of \$135,000 in Recreation Impact Fees as the means to partially pay for the work, with the remaining project costs to be raised from grants and donations

Seconded by Councilor Simon.

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

- C.** Discussion and Set Public Hearing for March 20, 2024: Layout of right-of-way widening for Trues Brook Road; Scheduling of on-site public meeting for personal examination of proposed roadway

Included in the agenda packet: *(All supportive documents and information can be found on Pages 227-233, Council agenda packet)*

1. Petition for Layout of Class V Highway, dated January 26, 2024
2. Plans entitled "Trues Brook Road Over Bloods Brook, Easement Plan (1 of 2) and Easement Plan (2 of 2)" (Sheets 8 and 9 of 47), prepared by Hoyle Tanner, dated January 2024, Project No. 21.906414.00

Mr. Rod Finley, City Engineer, reviewed the background behind widening the right-of-way for Trues Brook Road.

BACKGROUND

The Trues Brook Road Bridge was built in 1952 and rebuilt in 1986. The bridge is showing signs of deterioration and has been placed on the NHDOT's Red-List.

The Department of Public Works has an ongoing project to replace the existing structurally deficient bridge with a new bridge that will be structurally sound and that can safely accommodate traffic and design flood events in a cost-effective manner, while minimizing environmental impacts, construction duration, and project costs. The new bridge will be widened to provide two 11' wide lanes and two 5' wide shoulders to allow both bicycles and walkers to safely share the road with vehicular traffic. The project includes approximately 1,000 feet of roadway reconstruction and improvements approaching each side of the bridge. Additionally, the project includes a temporary bridge, to be constructed adjacent to the permanent bridge, to eliminate the need for closing of the road and creating a long detour from Rte. 12A in the City of Lebanon to the town of Plainfield and vice-versa.

At the current time, the Bridge project is in the final design phase. The layout of the right-of-way widening required for the project and the development of easement plans identifying the required permanent and temporary easements from abutting properties have been completed.

To enable construction of the new bridge, roadway approaches, and the associated improvements, the City Council must, in accordance with RSA 231:8, receive and act upon a petition to "lay out" the widened road right-of-way. A petition was filed on January 26, 2024 and is attached hereto for review and

consideration. Pursuant to NH RSA 674:40, III, before the City Council can locate and construct the roadway, the proposed layout must first be submitted to the Planning Board for review. Review by the Planning Board is tentatively scheduled for February 26th.

In addition, RSA 231:11 requires the City Council to make a “personal examination” of the proposed new road layout. Staff recommends that the Council hold a public meeting prior to the public hearing (on the same day, if possible) to review the proposed road location.

Chair Sarah Riley clarified that the Conservation Commission can only comment on wetland impacts and noted the NH DES has no jurisdiction over Lebanon’s high value wetland buffers.

ACTION

Councilor Wilkie MOVED, that the Lebanon City Council hereby refers the layout of the widening of Trues Brook Road as shown on the plans entitled “Trues Brook Road Over Bloods Brook, Easement Plan (1 of 2) and Easement Plan (2 of 2)” (Sheets 8 and 9 of 47), prepared by Hoyle Tanner, dated January 2024, Project No. 21.906414.00, for review by the Planning Board in accordance with RSA 674:40

BE IT FURTHER MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 20, 2024, beginning at 7:00pm in Council Chambers, City Hall, and Remote via the City’s Virtual Platform, for the purpose of receiving public input and taking action on approval of the layout of the widening of Trues Brook Road to facilitate the replacement of the Trues Brook Road Bridge and the reconstruction of the roadway and other improvements approaching each side of the bridge, as shown on the plans entitled “Trues Brook Road Over Bloods Brook, Easement Plan (1 of 2) and Easement Plan (2 of 2)” (Sheets 8 and 9 of 47), prepared by Hoyle Tanner, dated January 2024, Project No. 21.906414.00.

BE IT FURTHER MOVED, that an on-site public meeting be scheduled for Wednesday, March 20, 2024, beginning at 5:30pm, for the purpose of personal examination of the proposed roadway layout in accordance with NH RSA 231:11

Seconded by Councilor Whittlesey.

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

- D.** Request for Exemption of Zoning Requirements per Section 214 of the Zoning Ordinance for City of Lebanon to Construct Public Infrastructure Improvements for the Trues Brook Road Bridge Reconstruction Project

Included in the agenda packet: ***(All supportive documents and information can be found on Pages 234-236, Council agenda packet)***

1. Plan entitled “Trues Brook Road Over Bloods Brook, Wetland Impacts Plan” (Sheet 23 of 45), prepared by Hoyle Tanner, dated September 2021, Project No. 906414

Mr. Rod Finley, City Engineer, briefly summarized the background (pages 237-238, Council agenda packet) for his request as listed above.

Councilor Whittlesey MOVED that in accordance with Section 214 of the Lebanon Zoning Ordinance, the City Council hereby exempts the Trues Brook Road Bridge project from all zoning

1 *requirements; however, in accordance with NH RSA 674:54, the Department of Public Works is*
2 *directed to prepare all necessary documentation to notify the Planning Board of the planned Bridge*
3 *project prior to the commencement of construction.*

4 *Seconded by Councilor Wilkie.*

5 **The Vote on the MOTION was approved (8-0).*
6

- 7 **E.** Request for Exemption of Zoning Requirements per Section 214 of the Zoning Ordinance
8 for City of Lebanon to Construct Public Infrastructure Improvements for the Lahaye
9 Drive/Mt. Support Road Intersection Project

10
11 Included in the agenda packet: *(All supportive documents and information can be found on Pages 237-*
12 *246, Council agenda packet)*

- 13 1. Plan entitled “Lahaye Drive At Mount Support Road Intersection Improvements, Key Plan” (Sheet 2),
14 prepared by Weston & Sampson, dated September 2023, Project No. ENG21- 1276.
15 2. NHDES Permit: AOT-2496, dated December 6, 2023.
16 3. NHDES Wetlands and Non-Site Specific Permit 2023-02602, dated December 28, 2023.
17 4. Approved Standard Dredge and Fill Wetlands Permit Application (RSA 482-A), NHDES File Number:
18 2023-02602, dated December 29, 2023.
19

20 Mr. Brian Vincent, City Engineer, reviewed the background and the reasons for the request of an
21 exemption from the requirements of Section 214 for this project.
22

23 **BACKGROUND**

24 Between 2019 and 2024, several large residential development projects were proposed and approved in
25 the Mt. Support Road corridor, including: 401 Mt. Support Road sponsored by Trustees of Dartmouth
26 College (309 residential units), 343 Mt. Support Road, the Marek (250 residential units), and 402 Mt.
27 Support Road, the Marek 2 (204 residential units). In addition, Dartmouth Health constructed a new, 5-
28 story patient tower containing 128 additional hospital beds. These projects, and the associated traffic
29 generated by them, have rendered the Lahaye Drive/Mt. Support Road Intersection (Intersection) into a
30 poorly functioning and inefficient intersection. This problem is exacerbated as vehicle capacity needs are
31 projected over the next 10 to 20 years.
32

33 The Department of Public Works has an ongoing project to address this poor level of service problem. In
34 addition to intersection improvements, the project proposes improvements to pedestrian and bike
35 movement and accessibility with the addition of 1,200+ linear feet of a multiuse path along Mt. Support
36 Road, north of the intersection. The Intersection Improvements project was authorized by the City
37 Council as part of the CIP process. The costs associated with the Intersection project are covered using a
38 Special Assessment District comprised of the aforementioned developments including the DH patient
39 tower expansion.
40

41 At the current time, the Intersection Improvements project is in the final design phase. Permits were
42 sought from the New Hampshire Department of Environmental Services (NHDES) to include an
43 Alteration of Terrain (AOT) Permit and a Wetland Dredge and Fill (Wetland) Permit. The AOT permit
44 was received on December 7, 2023 and the Wetland Permit was received on December 29, 2023. The
45 Intersection Improvements project impacts adjacent properties owned by the Trustees of Dartmouth
46 College and Dartmouth Health. The City is seeking easements for these impacts, and preliminary
47 discussions have been positive as both entities strongly support this project.

1
2 In accordance with RSA 674:54, the Intersection Improvements project was presented to the Lebanon
3 Planning Board in 2022 and 2023 as part of the CIP process, and the Planning Board expressed no
4 objection to proceeding as planned.

5
6 The project is scheduled to go to bid in the Summer of 2024 and begin construction later in 2024
7 contingent upon utility pole relocation and finalization of the easement process.

8
9 Section 214 of the Zoning Ordinance regulates Governmental Uses as follows: “Governmental Uses shall
10 be governed by RSA 674:54; provided, however, that governmental uses proposed by the City of
11 Lebanon shall be considered to be subject to this Ordinance, unless expressly exempted from it by vote of
12 the City Council.” The Intersection Improvements project is a public infrastructure and safety
13 improvements project. The project is a capital improvements project that does not seek any kind of
14 revenue or profit generation. The project is not a “land use” project such as the development of a building
15 lot. Rather, it constitutes an expansion of existing infrastructure in response to public need. With that,
16 Public Works requests an exemption from the requirements of Section 214 for this project.

17
18 **ACTION:**

19 *Councilor Below MOVED that in accordance with Section 214 of the Lebanon Zoning Ordinance, the*
20 *City Council hereby exempts the Lahaye Drive/Mt. Support Road Intersection Improvements project*
21 *from all zoning requirements.*

22 *Seconded by Councilor Whittlesey.*

23 **The Vote on the MOTION was approved (8-0)*
24

25 **F. Request for Exemption of Zoning Requirements per Section 214 of the Zoning Ordinance**
26 **for City of Lebanon to construct Lahaye Drive Multi-Use Path/TAP Project**

27
28 Included in the agenda packet: *(All supportive documents, construction renditions, and information can*
29 *be found on Pages 247-256, Council agenda packet)*

30 1. Plans entitled “Construction Plans, Transportation Alternatives Program (TAP), Lahaye Drive Multi-
31 Use Path, FHWA Project No. X-A004(617), NHDOT Project No. 41366”, prepared by Dubois & King,
32 dated November 2, 2023, D&K Project No. 624260.

33 2. Approved Standard Dredge and Fill Wetlands Permit Application – Required Payment to Aquatic
34 Resource Mitigation Fund (RSA 482-A), NHDES File Number: 2021-02369, dated January 10, 2022.

35
36 Mr. Brian Vincent, City Engineer, reviewed the background behind his request as listed above.
37

38 **BACKGROUND**

39 In 2016, the City sought and received grant funding under the Transportation Alternatives Program (TAP)
40 through the NH Department of Transportation. The goal of the federally funded TAP program is to
41 provide choices for non-motorized users that are safe, reliable, and convenient. At the time of the original
42 TAP application, the City was aware of a gap in connectivity along Lahaye Drive between Mt. Support
43 Road and the Centerra and Altaria Business Parks on the east side of NH Route 120. Subsequently,
44 between 2019 and 2024, several large residential development projects were proposed and approved in
45 the Mt. Support Road corridor, including: 401 Mt. Support Road sponsored by Trustees of Dartmouth
46 College (309 residential units), 343 Mt. Support Road, the Marek (250 residential units), and 402 Mt.
47 Support Road, the Marek 2 (204 residential units). In addition, Dartmouth Health constructed a new, 5-

1 story patient tower containing 128 additional hospital beds. These newer projects, and the overall need for
2 expanded pedestrian and bike facilities and improved connectivity, have only increased the importance of
3 the Lahaye Drive TAP project. The TAP project consists of a multi-use path (MUP) along the north edge
4 of Lahaye Drive, extending from the Route 120/Centerra Intersection to the intersection with Mt. Support
5 Road. The current road shoulder in this area is very narrow with guardrail extending along its length,
6 which is unsafe for pedestrians. The Lahaye Drive MUP project was authorized by the City Council as
7 part of the CIP process. The costs associated with the MUP project are shared by the NHDOT LPA
8 Program, city funds, donations from Dartmouth College and Dartmouth Health, and other local resources.
9 At the current time, the Lahaye Drive MUP project has been bid and Public Works is in the process of
10 evaluating the bids. Permits were sought and obtained from NHDES for a Wetland Dredge and Fill
11 (Wetland) Permit. The MUP project impacts adjacent properties owned by the Trustees of Dartmouth
12 College. The City has received permanent and temporary easements for these impacts, with permanent
13 easements recorded at the Grafton County Registry of Deeds. In accordance with RSA 674:54, the
14 Lahaye Drive MUP project was presented to the Lebanon Planning Board in 2022 and 2023 as part of the
15 CIP process, and the Planning Board expressed no objection to proceeding as planned. The project
16 schedule is to select a contractor in February 2024 and begin construction shortly thereafter, as the
17 NHDES Wetlands Permit requires certain work to be completed during winter months to avoid impacting
18 sensitive plants.

19 20 **Council Discussions:**

21 Councilor Liot Hill questioned if wetland impacts are being mitigated. Mr. Vincent noted that
22 for both projects, there is wetland mitigation required by the NH DES and we are providing
23 mitigating those impacts through the ARM Funds.

24 25 **ACTION:**

26 ***Councilor Whittlesey MOVED that in accordance with Section 214 of the Lebanon Zoning Ordinance,***
27 ***the City Council hereby exempts the Lahaye Drive Multi-Use Path/TAP project from all zoning***
28 ***requirements.***

29 ***Seconded by Councilor Wilkie.***

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

31
32 **G.** Discussion and Set Public Hearing for February 21, 2024: Establishment of a Redevelopment
33 Properties Revolving Fund to include 0 Barrows Street (M/L 77-106 and 77-107), 0 Hanover
34 St Ext (M/L 64-1), 3 Seminary Hill (M/L 86-56), and 5 S. Main St (M/L 86-55); Authorization
35 to Transfer InvestNH grant funds into the Revolving Fund upon receipt
36

37 Included in the agenda packet: ***(All supportive documents and information can be found on pages 257,***
38 ***Council agenda packet).***

39
40 Deputy City Manager Brooks reviewed the background behind the proposed projects.

41 42 **BACKGROUND**

43 On January 17, 2024, the City Council reviewed and discussed a proposal from the City Manager's Office
44 regarding the redevelopment of city-owned parcels in furtherance of the Council's April 2022 Resolution
45 on Housing. Specifically, the City Manager is proposing to utilize \$440,000 in grant funding from the
46 InvestNH program, along with the adopted cottage cluster zoning regulations and the Pattern Zoning

1 study's housing plans to execute one or more demonstration projects on city-owned parcels around the
2 community.

3
4 In order to provide for the planning and construction phases of the redevelopment proposal, the City
5 Manager recommends that the City Council authorize the establishment of a Redevelopment Properties
6 Revolving Fund pursuant to NH RSA 31:95-h for the accrual of grant funds and future sales proceeds and
7 for the payment of costs associated with planning, design, permitting, and construction of residential units
8 on the city-owned properties that have become the focus of the redevelopment proposal, including city-
9 owned properties on Barrows Street, Hanover Street Extension, Seminary Hill and South Main Street.

10
11 In addition, it is recommended that the Council authorize the transfer of the \$440,000 in grant funding
12 from the InvestNH program into the Redevelopment Properties Revolving Fund, upon receipt from the
13 State, so those funds can be used as seed money for the initial design, permitting, and other costs
14 associated with the redevelopment of the city-owned parcels as proposed. It is envisioned that as
15 residential units are constructed and sold, any excess proceeds would be placed in the Revolving Fund as
16 seed money for the subsequent redevelopment of other city-owned properties

17
18 **ACTION:**

19 *Councilor Wilkie MOVED that the Lebanon City Council hereby schedules a public hearing for*
20 *Wednesday, February 21, 2024, beginning at 7:00pm in Council Chambers, City Hall, and Remote via*
21 *the City's Virtual Platform, for the purpose of receiving public input and taking action to establish a*
22 *Redevelopment Properties Revolving Fund pursuant to NH RSA 31:95-h, to facilitate the planning,*
23 *design, permitting, construction, and sale of residential units on city-owned properties at 0 Barrows St.*
24 *(M/L 77-106), 0 Barrows St. (M/L 77-107), 0 Hanover St. Ext. (M/L 64-1), 3 Seminary Hill (M/L 86-*
25 *56), and 5 S. Main St. (M/L 86-55)*

26 *Seconded by Councilor Whittlesey.*

27 **The Vote on the MOTION was approved by members present (8-0).*

28
29 **H. Discuss the City Manager's plan to Begin the Process of Determining the Development**
30 **Options for Downtown Parking Lots**

31
32 Included in the agenda packet: *(All supportive documents and information can be found on Pages 258-*
33 *261, Council agenda packet).*

34 **1. Downtown Parking Lot Redevelopment, Scope and Process of Evaluation**

35
36 Available, but not included in this Section but available on the City's website:

- 37 1. Lebanon 2024-2027 Strategic Plan
38 2. Strategic Plan Miro Board

39
40 **Assistant Mayor Below recused himself from this discussion and vote because of his ownership**
41 **interest in 1 Court Street, which abuts these parking lots, and took a seat in the audience.**

42
43 Mayor McNamara kicked this discussion off by noting he felt this was a good, methodical process.

44
45 City Manager Mulholland reviewed the background and discussed the potential options for the
46 Downtown Parking lots. He said this will be a very comprehensive study, noting the City has only done
47 limited point-in-time parking assessments, but has not done parking modeling. He described the work

1 that needs to be done (i.e., the dilapidated guardrails; the retaining wall that is starting to shift; the
2 parking lot cracks, which are beyond filling; how there is not a good connection between the Mascoma
3 Greenway to the NRT and Rail Trail; and identified heat zones, etc.). He did not want to move forward
4 with this project without support from the Council and if they were not interested he would take this out
5 of the Strategic Plan.

6 7 **BACKGROUND**

8 In the 2016 Lebanon Downtown Vision Plan and Tunnel Assessment report, the surface parking areas
9 located between City Hall and the Mascoma River were identified as one of several potential opportunity
10 sites for the City to pursue redevelopment or other improvements to invigorate and enliven the
11 downtown. In August of 2022, the City issued a Request for Expressions of Interest (RFI or RFEI) to
12 solicit interest and redevelopment ideas and strategies for the parking areas, which would advance the
13 City's goals and objectives, including enhanced visibility and access to the Mascoma River; improved
14 connectivity between the Northern Rail Trail and the Mascoma River Greenway via the downtown tunnel;
15 and economic development opportunities to further enhance vitality in the downtown core.

16
17 From the RFI, three responses were received from the design and development community. The
18 Economic Development Commission (EDC) and Downtown TIF Advisory Board spent a number of
19 months reviewing the individual responses with the developers and the community. The joint committees
20 were in the process of considering changes to the RFI for incorporation into a potential future Request for
21 Proposals (RFP) when the City Council redirected their attention to the 20 Spencer Street property.

22
23 Subsequently, in October 2023, the City Council, EDC, and Downtown TIF Board held a joint meeting to
24 discuss reexamining the Downtown Parking Lot project. Both committees made suggestions regarding
25 next steps. Following the joint meeting, the City Manager's Office took responsibility for developing a
26 process to determine and evaluate options for redeveloping the Downtown Parking Lots.

27
28 As envisioned, the effort would start with engaging a planning and design firm to help the City address
29 and resolve some of the outstanding issues and questions that impact what can or should be accomplished
30 in the downtown parking lots, including: a comprehensive study of parking and traffic needs,
31 consideration of environmental and floodplain issues, structural and geotechnical questions, economic
32 development potential, and other factors. The next step would be to apply that information to creating a
33 set of scenarios for community consideration. Along the way, the City would seek assistance in engaging
34 stakeholders and the public and in coordinating with boards and committees to review the alternatives and
35 identify preferred outcomes.

36
37 The City's Strategic Plan, adopted in May 2023, includes Strategic Objective 8.5 to "implement
38 opportunities for redevelopment in the four core business districts of the City." Specific action plans and
39 key performance indicators referenced in the Plan includes; Action 8.5.2 "Downtown Redevelopment –
40 20 Spencer, Village Mkt, Kleen, Parking Lots" and KPI 8.5.2a "Redevelopment of the parking lots
41 behind City Hall, maintaining the existing parking capacity, developing workforce housing and green
42 space.

43
44 As one of the stated objectives of the current Strategic Plan, redevelopment of the downtown parking lots
45 is an effort that the City Manager's Office is prepared to work on and execute over the coming period,
46 unless otherwise directed by the City Council.

1 **Council Discussions:**

2 In response to Councilor Simon's request about an estimate, City Manager Mulholland noted he has put
3 this question before one of the City's consultants and guessed we are in the range of \$200-\$300K.
4 Councilor Simon wanted to know what exactly it is that we want to accomplish before we start spending
5 money to try to accomplish something.

6
7 Mayor McNamara said this study will lead us up to that decision (i.e., what are the relative costs of doing
8 minor repairs vs. creating buffers; what is the impact of any or those potential options on parking in
9 Downtown – do we lose 50 – 100 spaces or do we have 100 extra spaces to use during prime time
10 events?) In Councilor Simon's mind, he felt that if we are going to put money into something, perhaps
11 someone else could invest the funds instead of us.

12
13 The Council continued discussion regarding the funds that would potentially be needed to evaluate the
14 Downtown parking lots and hiring a consultant to provide some of the answers to their questions (i.e.,
15 What can we do and what are we trying to?).

16
17 Councilor Liot Hill spoke about her reasons why parking data is needed to help provide basic
18 information, which would help us get closer to the answers we are looking for.

19
20 Councilor Heistad did not think the Council knows how many (parking spaces) are needed on a daily
21 basis.

22
23 City Manager Mulholland requested that the Council provide some feedback on what they think they
24 would want because he wants to take this to the EDC/Downtown TIF to get their feedback before
25 finalizing it, noting we do not want to do this again.

26
27 Assistant Mayor Below (speaking from the audience) suggested tweaking:

28
29 1. Item 1.b (*page 260, agenda packet*) adding in “***factoring in/considering current vacancies and***
30 ***proposed and plausible uses***” and explained his reasons and difference between proposed uses and
31 plausible uses.

32
33 b. Model anticipated parking needs and trip generation based on existing downtown uses and
34 proposed uses depending on scenarios based on existing Downtown uses ***factoring in/considering***
35 ***current vacancies and proposed and plausible uses*** depending on scenarios discussed below.

36
37 2. Adding a 1.d under Parking-Mobility (page 260, agenda packet):
38 ***d. An evaluation of the traffic flows in and around this area.***

39
40 ***Councilor Liot Hill MOVED to extend the meeting to 10:30 PM.***

41 ***Seconded by Councilor Wilkie.***

42 ****The Vote on the MOTION was approved by members present (8-0).***

43
44 Councilor Liot Hill spoke about her reasons why she felt exploring the idea of a bus stop shelter, or
45 facility should be included.

46
47 **ACTION:**

48 ***Councilor Wilkie MOVED that the Lebanon City Council supports the plan proposed by the City***
49 ***Manager, who also serves as the Downtown Lebanon TIF District Administrator, to initiate the process***

1 *outlined in the February 7, 2024 City Council agenda packet regarding the potential development of*
2 *the downtown parking lots behind City Hall.*

3 *Seconded by Councilor Whittlesey.*

5 **The Vote on the MOTION was approved by members present (6-0-1). Assistant Mayor Below was*
6 *recused; Councilor Sykes was absent from vote; Councilor Heistad was not present at the time this*
7 *vote was taken.*

9 **Assistant Mayor Below returned to his seat as a regular member of the Council.**

11 **11. CITY MANAGER REPORT:**

12 City Manager Mulholland updated the Council on the following:

- 13 • Ethics Training
- 14 • 20 Spencer Street Proposal
- 15 • Candidates Forum on February 27, 2024
- 16 • AI (Artificial Intelligence) Training for staff
- 17 • City Manager Mulholland and Mayor McNamara's vacations: February 16-25, 2024.

19 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES REPORT: NONE**

21 **13. FUTURE AGENDA ITEMS: NONE**

23 **14. NON-PUBLIC SESSIONS:**

25 *Councilor Liot Hill MOVED to go into the first Non-Public Session for the purpose of discussing the*
26 *following:*

- 27 **A. RSA 91-A:3, II(a) – “The dismissal, promotion, or compensation of any public employee or**
28 **the disciplining of such employee, or the investigation of any charges against him or her...”**

29 *Seconded by Councilor Wilkie.*

31 **Roll Call Vote:**

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

34 *None voted Nay.*

35 *Absent from discussion and vote: Councilor Sykes*

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

39 **The Council went into the first Non-Public Session at 10:03 PM**

- 41 **B. RSA 91-A:3, II(a) – “The dismissal, promotion, or compensation of any public employee or**
42 **the disciplining of such employee, or the investigation of any charges against him or her...”**

44 *Councilor Liot Hill MOVED to go into the second Non-Public Session for the purpose of discussing the*
45 *following: “The dismissal, promotion, or compensation of any public employee or the disciplining of*
46 *such employee, or the investigation of any charges against him or her...”*

47 *Seconded by Councilor Whittlesey.*

1 **Roll Call Vote:**

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

4 *None voted Nay.*

5 *Absent from discussion and vote: Councilor Sykes*

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

9 **The Council went into the second Non-Public Session at 10:08 PM**

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

12 *Seconded by Councilor Wilkie.*

14 **Roll Call Vote:**

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

17 *None voted Nay.*

18 *Absent from vote: Councilor Sykes*

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

22 **The Council came out of the first and second Non-Public Session at 10:27 PM.**

24 **Council was back in Public Session.**

26 **15. ADJOURNMENT:**

27 *Councilor Whittlesey MOVED for adjournment.*

28 *Seconded by Councilor Wilkie*

30 **The Vote on the MOTION was unanimously approved by members present (8-0)*

32 **The meeting was adjourned at 10:27 PM.**

34 Respectfully submitted,

35 Dona E. Gibson

36 Recording Secretary

**Agenda
Lebanon City Council
February 21, 2024**

7. Appointments:

Appointments

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

- Planning Board, Brandon Hill (Regular Member)
- Arts & Culture Commission, Nicholas Gaffney (Reappointment as Arts Organizations Representative)

Included in this Section:

1. Memo from City Clerk/Tax Collector Jaseya Ewing dated February 21, 2024.



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

MEMORANDUM

DATE: February 21, 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.

Planning Board

- **Brandon Hill** – Appointment as a regular member of the Planning Board for a three-year term. Nominated by: Shaun Mulholland

Term: 01/24-01/27

Arts & Culture Commission

- **Nicholas Gaffney** – Reappointment as an Arts Organization Representative for the Arts & Culture Commission for a one-year term.
- Term: 02/24-02/25

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #9468 for Board Member Application
Date: Tuesday, February 6, 2024 9:33:26 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

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	Brandon
------------	---------

Last Name	Hill
-----------	------

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?	3 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?	Planning Board
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I've recently joined the Conservation Commission. In attending their meetings, I've watched as requests for recommendations come from the Planning Board. Often these requests stir up more questions for the Conservation Commission before they can answer. It seemed to me that having a member on both boards could reduce that. The chair of the Conservation Commission agreed that when they do have a member on both boards it is helpful. Andrew Faunce is a neighbor and Planning Board member and asked for volunteers interested in filling the vacancies on the board. Beyond trying to ease tasks between boards, I'm genuinely quite interested in seeing Lebanon grow in an intelligent fashion.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have lived all over the US. I've seen the effects of both good and poor development planning. As a relatively new resident, I've also felt the existing strains of growth on this town. This strain comes in trying to buy a home, buy goods, or when trying to hire people. A healthy town accommodates the needs of residents across the entire economic spectrum. The town is clearly growing, and I'd like to contribute what I can to helping that growth happen with thought and care.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #9483 for Board Member Application
Date: Tuesday, February 6, 2024 9:41:08 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

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	Nicholas
------------	----------

Last Name	Gaffney
-----------	---------

Physical Address	
------------------	-------------

City	
------	-------------

State

Zip Code

██████

Is this your mailing
address?

Yes

Home Phone Number

██████████

Work Number

Field not completed.

Email Address

██████████████████

How long have you resided
in Lebanon?

15.5 years

(Section Break)

Is this an application for re-
appointment?

This application is for re-appointment.

For which board,
committee, or commission
are you applying?

Arts and Culture Commission

Other Committee

Field not completed.

Why would you like to
serve?

I have enjoyed serving on the Arts & Culture Comission in the past, and look forward to continue to serve.

State a few of what you
feel your qualifications are
or why you wish to be
appointed to this board /
committee.

I am a working artist and am currently the Education Manager at AVA Gallery and Art Center. I strongly believe the Art and Culture is necessary for the vitality and well-being of Lebanon. Having a dynamic Arts and Culture community is one of the reasons I live in Lebanon, and I hope I'm able to continue my position on the comission.

Certification

I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

Email not displaying correctly? [View it in your browser.](#)

Agenda

Lebanon City Council

February 21, 2024

8. Public Hearing Items:

8.A – Establishment of a Redevelopment Properties Revolving Fund to include:

**0 Barrows St. (M/L 77-106 and 77-107), 0 Hanover Street Ext. (M/L 64-1),
3 Seminary Hill (M/L 86-56), and 5 S. Main St. (M/L 86-55); Authorization to
Transfer InvestNH Grant Funds into the Revolving Fund**

A public hearing for the purpose of receiving public input and taking action to establish a Redevelopment Properties Revolving Fund pursuant to NH RSA 31:95-h to facilitate the planning, design, permitting, construction, and sale of residential units on city-owned properties at 0 Barrows St. (M/L 77-106), 0 Barrows St. (M/L 77-107), 0 Hanover St. Ext. (M/L 64-1), 3 Seminary Hill (M/L 86-56), and 5 S. Main St. (M/L 86-55).

The City Council scheduled this public hearing at its February 7, 2024 regular meeting. The public hearing was properly noticed in the *Valley News* on February 10, 2024 in accordance with City Code and State Law.

Background

On January 17, 2024, the City Council reviewed and discussed a proposal from the City Manager's Office regarding the redevelopment of city-owned parcels in furtherance of the Council's April 2022 Resolution on Housing. Specifically, the City Manager is proposing to use \$440,000 in grant funding from the InvestNH program, along with the adopted cottage cluster zoning regulations and the Pattern Zoning study's housing plans to execute one or more demonstration projects on city-owned parcels around the community.

On February 7, 2024, the Council adopted a resolution determining that the five parcels referenced above have redevelopment potential and are suitable for redevelopment as part of designated Redevelopment Areas in accordance with City Council Policy CC-102, Real Property Transactions.

In order to provide for the planning and construction phases of the redevelopment proposal, the City Manager recommends that the City Council authorize the establishment of a Redevelopment Properties Revolving Fund pursuant to NH RSA 31:95-h for the accrual of grant funds and future sales proceeds and for the payment of costs associated with planning, design, permitting, and construction of residential units on the city-owned properties that have become the focus of the redevelopment proposal, including city-owned properties on Barrows Street, Hanover Street Extension, Seminary Hill and South Main Street.

In addition, it is recommended that the Council authorize the transfer of the \$440,000 in grant funding from the InvestNH program, which was received from the State on February 12th, into the Redevelopment Properties Revolving Fund so those funds can be used as seed money for the initial design, permitting, and other costs associated with the redevelopment of the city-owned parcels as proposed. It is envisioned that as residential units are constructed and sold,

any excess proceeds would be placed in the Revolving Fund as seed money for subsequent redevelopment projects on other city-owned properties.

Action:

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby authorizes the establishment of a Redevelopment Properties Revolving Fund pursuant to NH RSA 31:95-h for the purpose of accumulating grant funds and sales revenue and for the payment of costs associated with the planning, design, permitting, construction, and disposition of residential units on city-owned properties located at 0 Barrows St. (M/L 77-106), 0 Barrows St. (M/L 77-107), 0 Hanover St. Ext. (M/L 64-1), 3 Seminary Hill (M/L 86-56), and 5 S. Main St. (M/L 86-55); that money in the Redevelopment Properties Revolving Fund shall accumulate from year to year and shall not be considered part of the City's General Fund; and that the City Manager shall be the agent of the City to carry out the objects of the Fund as established by the City Council.

BE IT FURTHER MOVED, that the Lebanon City Council hereby authorizes the transfer of \$440,000 in grant funding received from the State of New Hampshire through the InvestNH Program into the Redevelopment Properties Revolving Fund to facilitate the planning, design, permitting, construction, and disposition of residential units on city-owned properties included in the fund.

Available, but not included in this Section:

1. [January 17, 2024 City Council Agenda Packet](#)

**Agenda
Lebanon City Council
February 21, 2024**

9. Old Business:

9.A – 2025-2026 NHMA Legislative Policy Process

Background

It is the time of year when the New Hampshire Municipal Association (NHMA) begins planning for the Legislative Policy Conference in the Fall. The policy process begins with solicitation of policy proposals from local officials to create an initial issues list. The deadline for submission of policy proposals is April 15, 2024.

NHMA's legislative policy committees - Finance and Revenue; General Administration and Governance; and Infrastructure, Development and Land Use – will review all policy proposals in order to make recommendations which will go to the NHMA Legislative Policy Conference in September.

Action

Should the Council decide not to submit proposed Legislative Policies, no action is required.

Should the Council decide to submit policy proposals, an Explanation of Proposed Policy Form (attached) must be completed for each proposal.

Included In This Section:

1. 2025-2026 NHMA Explanation of Proposed Policy form



New Hampshire Municipal Association

Explanation of Proposed Policy

Submitted by (Name): _____ Date: _____

Title of Person Submitting Policy: _____

City or Town: _____ Phone: _____

To see if NHMA will SUPPORT/OPPOSE:

Municipal interest to be accomplished by proposal:

Explanation:

A sheet like this should accompany each proposed legislative policy. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal and an explanation that describes the nature of the problem or concern from a municipal perspective and discusses the proposed action that is being advocated to address the problem. Mail to NHMA, 25 Triangle Park Drive, Concord, NH 03301; or e-mail to <mailto:governmentaffairs@nhmunicipal.org> **no later than the close of business on April 15, 2024.**

Agenda

Lebanon City Council

February 21, 2024

10. New Business:

10.A – Release of Collected Public School Impact Fees

Background

A Memorandum of Understanding (MOU) was developed in 2010 between the City and the School District for the quarterly transfer of collected Public School Impact Fees to the Lebanon School District for application toward the payment of debt on the (then) new middle school.

On October 12, 2021, the Planning Board authorized a broader use of Public School Impact Fees to include construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings. A revised MOU was developed and signed between the parties on November 22, 2021.

To date \$835,548.13 of collected impact fees has been disbursed to the Lebanon School District.

7/17/2013	\$83,690.78	11/6/2013	\$14,651.99	5/21/2014	\$19,407.00
8/6/2014	\$2,122.75	2/18/2015	\$723.00	5/20/2015	\$2,819.00
7/15/2015	\$1,627.50	11/4/2015	\$936.00	3/2/2016	\$3,156.00
5/18/2016	\$864.00	5/17/2017	\$5,230.00	12/6/2017	\$6,140.75
2/7/2018	\$41,262.70	9/5/2018	\$12,564.45	2/6/2019	\$1,833.10
8/7/2019	\$8,822.20	4/15/2020	\$40,432.02	7/15/2020	\$123,709.65
12/2/2020	\$57,567.42	1/21/2021	\$102,409.40	8/4/2021	\$12,695.86
1/19/2022	\$9,035.45	4/20/2022	\$3,216.15	10/19/2022	\$261,738.35
2/1/2023	\$2,185.00	4/19/2023	\$3,824.44	9/6/2023	\$3,142.57
11/15/2023	\$9,740.60				

This request is for the City Council to authorize the disbursement of \$6,341.26 in collected Public School Impact Fees (through 12/31/2023) to the Lebanon School District.

ACTION

The Council is requested to take action on the following motion:

MOVED, that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, and the November 22, 2021 Memorandum of Understanding between the City of Lebanon and the Lebanon School District, SAU 88, the City Council hereby authorizes the disbursement of \$6,341.26 in collected Public School Impact Fees to the Lebanon School District to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings.

Included in this Section:

1. Impact Fee Report as of 12/31/2023
2. November 22, 2021, Memorandum of Understanding between the City of Lebanon and The Lebanon School District, SAU#88

PUBLIC FACILITIES IMPACT FEES

	PAID BY/LOCATION	MAP/LOT/PLOT	School
10/23/2023	Catherine Patch	73/43	\$ 1,545.70
11/14/2023	Becky Jones	58/91	\$ 2,998.00
11/29/2023	Shawn Griffin	90/13	\$ 804.02
12/12/2023	One Mechanic St	91/264	\$ 993.54
		Balance 12/31/2023	\$ 6,341.26

MEMORANDUM OF UNDERSTANDING
between
THE CITY OF LEBANON
and
THE LEBANON SCHOOL DISTRICT, SAU 88

WHEREAS, New Hampshire RSA 674:21,V authorizes municipalities to adopt impact fees to offset municipal costs occasioned by new residential and non-residential development, and

WHEREAS, New Hampshire RSA 674:21,V requires that a municipality have enacted a Capital Improvement Program pursuant to RSA 674:5-7 before adopting impact fees, and

WHEREAS, the City of Lebanon annually reviews and adopts a Capital Improvement Program, and

WHEREAS, the Lebanon City Council duly amended Section 213 of its Zoning Ordinance, adopting impact fees and authorizing the Lebanon Planning Board to assess impact fees on new development in proportion to its demand on the public capital facilities of the City of Lebanon and the Lebanon School District, and

WHEREAS, the Lebanon Planning Board commissioned Bruce C. Mayberry, working as BCM Planning LLC, to provide a foundation document justifying the basis for the assessment of impact fees and to provide a schedule of fees, and

WHEREAS, the Lebanon Planning Board on October 12, 2021 duly adopted a report entitled “City of Lebanon Impact Fee Update 2021, Basis for School, Recreation, Police and Fire Department Impact Fees”, dated August 30, 2021 and prepared by BCM Planning LLC (copy attached) and City of Lebanon Impact Fee Schedule 2021 (copy attached), and

WHEREAS, the Impact Fee Schedule 2021 assigns fees for School Facilities, Recreation Facilities, Police Department Facilities, and Fire Department Equipment and Apparatus, and

WHEREAS, through the adoption of the Impact Fee Schedule 2021, the Lebanon Planning Board authorized the use of impact fees collected for School Facilities to be applied toward the construction, renovation, improvement or expansion of K-12 school buildings and related building systems, equipment, and furnishings;

NOW THEREFORE, the City of Lebanon and Lebanon School District, parties to this Memorandum of Understanding, agree as follows:

1. The City of Lebanon shall collect and manage all impact fees pursuant to Section 213 of the Lebanon Zoning Ordinance and in accordance with the report entitled “City of Lebanon Impact Fee Update 2021, Basis for School, Recreation, Police and Fire Department Impact Fees”, dated August 30, 2021 and the City of Lebanon Impact Fee Schedule 2021, which

may be amended from time-to-time.

2. The City of Lebanon shall maintain all monies received as impact fees in separate accounts, each dollar identified by contributor, date received, and fund (School Facilities, Recreation Facilities, Police Department Facilities, and Fire Department Equipment and Apparatus).
3. The City of Lebanon shall transfer, once each quarter of the calendar year, all monies in the School Facilities Fund to the Lebanon School District.
4. The Lebanon School District shall apply all monies received from the School Facilities Fund toward the construction, renovation, improvement, or expansion of K-12 school buildings and related building systems, equipment, and furnishings.
5. The Lebanon School District shall provide an annual report to the City of Lebanon accounting for the use of such monies from the School Facilities Fund.
6. This Memorandum of Understanding shall supersede the prior Memorandum of Understanding between the parties executed on September 21, 2010 by Interim City Manager Leonard W. Jarvi on behalf of the City of Lebanon and executed on September 30, 2010 by Superintendent Gail E. Paludi on behalf of the Lebanon School District, SAU 88.

APPROVED BY:

City of Lebanon

DocuSigned by:
 11/22/2021
AE8C225904D9436...
Date

Lebanon City Manager

Title

Lebanon School District, SAU 88

DocuSigned by:
 11/22/2021
5D702A0EC4B6489...
Date

Superintendent, SAU #88

Title

Agenda
Lebanon City Council
February 21, 2024

10. New Business:

10.B – Request for Authorization to Transfer Appropriated Funds in the Amount of \$125,000 from the General Fund to the Public Assistance Revolving Fund

Background

On December 13, 2023, the City Council approved the City's proposed operating budget for fiscal year 2024. Included within the Interfund Transfers section of the proposed budget was an appropriation of \$125,000 to be transferred from the General Fund to the Public Assistance Revolving Fund. The Public Assistance Revolving Fund was created in 2022 to provide general assistance for housing and emergency shelter, food, fuel, utilities, and other necessities of the public welfare function.

However, when the Budget Adoption Guide was prepared for the City Council's budget hearing, it did not include a specific Resolution for the Council to authorize the transfer of the appropriated funds into the Public Assistance Revolving Fund.

The City Manager recommends that the Council take action now to transfer the appropriated funds into the Public Assistance Revolving Fund as was originally intended in the 2024 budget.

Action

The following resolution is offered for City Council consideration:

BE IT HEREBY RESOLVED, that the Lebanon City Council authorizes the transfer of appropriated FY2024 funds in the amount of \$125,000.00 from the General Fund to the Public Assistance Revolving Fund for the purpose of providing general assistance for housing and emergency shelter, food, fuel, utilities, and other necessities of the public welfare function.

This Resolution shall be effective upon passage.

Included In This Section:

1. Excerpt from City of Lebanon Proposed 2024 Operating Budget

**CITY OF LEBANON
PROPOSED 2024 OPERATING BUDGET**

INTERFUND TRANSFERS

Transfers to Special Revenues Fund

The 2024 Transfers to Special Revenues Fund Budget is \$25,400. Special Revenue Funds include the Emergency Management Fund and the Heritage Fund.

Budgeted Fund	2022 Budget	2023 Budget	2024 Budget	\$ Chg.	%Chg.
General Fund to Emergency Management Fund	\$25,000	\$25,000	\$25,000	\$0	0.0%
General Fund to Heritage Fund	\$400	\$400	\$400	\$0	0.0%
General Fund to Public Assistance Fund	\$0	\$0	\$125,000	\$125,000	100.0%
General Fund to Enterprise Properties Fund	\$0	\$0	\$16,020	\$16,020	100.0%
Total	\$25,400	\$25,400	\$166,420	\$141,020	555%

Transfers to Emergency Management Fund: The General Fund provides resources to the Emergency Management Fund (related equipment and supplies), which is that Fund's only source of financing. The 2024 transfer is \$25,000, unchanged from 2023.

Transfers to Heritage Fund: The Heritage Fund is the Heritage Commission's only source of financing. It supports public engagement/outreach efforts and events as well as the Historic Landmark Designation Program and has been used to fund match requirements for grant proposals. The 2024 transfer is \$400, unchanged from 2023.

Transfers to Public Assistance Fund: The Public Assistance Fund provides general assistance for housing and emergency shelter, food, fuel, utilities, and other necessities of the public welfare function. The 2024 transfer is \$125,000.

Transfers to Enterprise Properties Fund: The Enterprise Properties Fund provides for the operation and maintenance of City-owned properties. The 2024 transfer is \$16,020.

Transfers to Capital Improvements Fund

The 2024 Transfers to Capital Improvements Fund Budget is \$598,910.

Transfers to Capital Improvements Fund						
Budgeted Fund	2022 Budget	2023 Budget	2024 Budget	\$ Chg.	%Chg.	
General	\$691,450	\$0	\$48,000	\$48,000	#DIV/0!	
Solid Waste Disposal Fund	\$200,000	\$899,700	\$0	(\$899,700)	-100.0%	
Water Treatment and Distribution	\$0	\$0	\$0	\$0	0.0%	
Sewage Collection and Disposal	\$0	\$0	\$357,000	\$357,000	100.0%	
Municipal Airport Fund	\$90,000	\$417,000	\$193,910	(\$223,090)	0.0%	
Total	\$981,450	\$1,316,700	\$598,910	(\$717,790)	-54.5%	

**CITY OF LEBANON
PROPOSED 2024 OPERATING BUDGET**

**LINE-ITEM DETAIL
INTERFUND TRANSFERS**

BUDGET REPORT FOR CITY OF LEBANON

Calculations As Of 10/16/2023

				2024		
GL Number	Description	2023 Amended Budget	2023 Activity	2024 Recommended	2024 Requested Amt Change	2024 Requested % Change
INTERFUND TRANSFER						
Appropriations						
TRANSFERS TO GENERAL FUND						
2108-4911-0000-9100-0009	ADMINISTRATIVE OVERHEAD	350,210.00	350,210.00	307,930.00	(42,280.00)	-12%
2108-4911-0000-9100-0015	HOST COMMUNITY FEE	550,000.00	428,304.78	550,000.00	-	0%
2108-4911-0000-9100-0017	COMPUTER SERVICES	29,540.00	29,540.00	30,430.00	890.00	3%
2110-4911-0000-9100-0009	ADMINISTRATIVE OVERHEAD	318,670.00	318,670.00	309,220.00	(9,450.00)	-3%
2110-4911-0000-9100-0017	COMPUTER SERVICES	29,540.00	29,540.00	30,430.00	890.00	3%
2115-4911-0000-9100-0008	USE OF BOND PROCEEDS CSO	3,340.00	3,340.00	3,230.00	(110.00)	-3%
2115-4911-0000-9100-0009	ADMINISTRATIVE OVERHEAD	550,480.00	550,480.00	556,980.00	6,500.00	1%
2115-4911-0000-9100-0017	COMPUTER SERVICES	29,540.00	29,540.00	30,430.00	890.00	3%
2120-4911-0000-9100-0009	ADMINISTRATIVE OVERHEAD	58,090.00	58,690.00	72,760.00	14,670.00	25%
2120-4911-0000-9100-0017	COMPUTER SERVICES	29,540.00	29,540.00	30,430.00	890.00	3%
2200-4911-0000-9100-0010-2200	DOWNTOWN TUNNEL BOND	279,600.00	279,597.46	270,980.00	(8,620.00)	-3%
Total Department TRANSFERS TO GENERAL FUND:		2,228,550.00	2,107,452.24	2,192,820.00	(35,730.00)	-2%
TRANSFERS TO SPECIAL REVENUE FUNDS						
1100-4912-0000-9100-0003	HERITAGE FUND	400.00	400.00	400.00	-	0%
1100-4912-0000-9100-0005	EMERGENCY MANAGEMENT FUND-EQUIPMENT	25,000.00	25,000.00	25,000.00	-	0%
1100-4912-0000-9100-0018	PUBLIC ASSISTANCE REVOLVING FUND	-	-	125,000.00	125,000.00	100%
1100-4912-0000-9100-0019	ENTERPRISE PROPERTIES REVOLVING FUND	-	-	16,020.00	16,020.00	100%
Total Department TRANSFERS TO SPECIAL REVENUE FUNDS:		25,400.00	25,400.00	166,420.00	141,020.00	555%
TRANSFERS TO CAPITAL PROJECT FUNDS						
1100-4913-0000-9300-0048	LAHAYE DRIVE PED & BIKE IMPROVEMENTS	-	-	48,000.00	48,000.00	100%
2108-4913-0000-9300-0031	LANDFILL PHASE 3-4 DESIGN & PERMITTING	500,000.00	500,000.00	-	(500,000.00)	-100%
2108-4913-0000-9300-0032	LANDFILL GAS & COLLECTION	144,700.00	144,700.00	-	(144,700.00)	-100%
2108-4913-0000-9300-0043	LANDFILL EQUIPMENT	255,000.00	255,000.00	-	(255,000.00)	-100%
2115-4913-0000-9300-0050	MILL ROAD SLOPE	-	-	57,000.00	57,000.00	100%
2115-4913-0000-9300-0051	SEPTAGE RECEIVING UPGRADE	-	-	300,000.00	300,000.00	100%
2120-4913-0000-9300-0040	RUNWAYSAFETY PROJECT 18/36	352,000.00	352,000.00	193,910.00	(158,090.00)	-45%
2120-4913-0000-9300-0044	NORTH AIR CARRIER APRON	55,000.00	55,000.00	-	(55,000.00)	-100%
2120-4913-0000-9300-0045	LOCALIZER RELOCATION CONSTRUC OVERSIGHT	10,000.00	10,000.00	-	(10,000.00)	-100%
Total Department TRANSFERS TO CAPITAL PROJECT FUNDS:		1,316,700.00	1,316,700.00	598,910.00	(717,790.00)	-55%
TRANSFERS TO PROPRIETARY FUNDS-WATER						
1100-4914-0050-9100-0001	FIRE PROTECTION: HYDRANTS	276,500.00	276,500.00	284,800.00	8,300.00	3%
2115-4914-0050-9100-0007	RADIO READ CONVERSION	2,510.00	2,510.00	2,420.00	(90.00)	-4%
2115-4914-0050-9100-0008	USE OF BOND PROCEEDS CSO	22,320.00	22,320.00	22,320.00	-	0%
Total Department TRANSFERS TO PROPRIETARY FUNDS-WATER:		301,330.00	301,330.00	309,540.00	8,210.00	3%
TRANSFERS TO CAPITAL RESERVE FUNDS						
1100-4915-0000-9600-0001	FIRE EQUIPMENT	325,000.00	325,000.00	200,000.00	(125,000.00)	-38%
1100-4915-0000-9600-0002	DPW VEHICLES/EQUIPMENT	450,000.00	450,000.00	-	(450,000.00)	-100%
1100-4915-0000-9600-0003	RECREATION EQUIPMENT/VEHICLES	20,000.00	20,000.00	-	(20,000.00)	-100%
1100-4915-0000-9600-0007	ACCRUED BENEFITS LIABILITY	-	-	50,000.00	50,000.00	100%
2108-4915-0000-9600-0015	CLOSEOUT/LTMM SECURED LANDFILL CAPITAL RESERVE	295,000.00	202,537.00	295,000.00	-	0%
2108-4915-0000-9600-0016	LTMM UNSECURED LANDFILL CAPITAL RESERVE	40,000.00	40,000.00	40,000.00	-	0%
2108-4915-0000-9600-0017	TRNS CR: ACCRUED BENEFITS LIABILITY	5,000.00	5,000.00	5,000.00	-	0%
2110-4915-0000-9600-0018	ACCRUED BENEFITS LIABILITY	5,000.00	5,000.00	5,000.00	-	0%
2110-4915-0000-9600-0019	WATER IMPROVEMENTS	250,000.00	250,000.00	491,200.00	241,200.00	96%
2115-4915-0000-9600-0020	ACCRUED BENEFITS LIABILITY	5,000.00	5,000.00	5,000.00	-	0%
2115-4915-0000-9600-0021	SEWER EQUIPMENT	400,000.00	400,000.00	176,330.00	(223,670.00)	-56%
2120-4915-0000-9600-0023	ACCRUED BENEFITS LIABILITY	5,000.00	5,000.00	5,000.00	-	0%
Total Department TRANSFERS TO CAPITAL RESERVE FUNDS:		1,800,000.00	1,707,537.00	1,272,530.00	(527,470.00)	-29%
TOTAL APPROPRIATIONS		5,671,980.00	5,458,419.24	4,540,220.00	(1,127,250.00)	-20%

Agenda

Lebanon City Council

February 21, 2024

10. New Business:

10.C – Report on City Council’s Questions from January 3, 2024

Discussion of Traffic Patterns on Elm Street West, West

Lebanon

Background

On January 3, 2024, the City Council held a discussion about traffic patterns on Elm Street West in West Lebanon. The discussion was held to consider concerns raised by resident Jennifer Driscoll about an incident that occurred along the street in October 2023 and her request that the City consider taking some action to address what she feels is a potentially hazardous condition related to the roadway.

During the course of the discussion, the City Council requested more information from City staff about certain aspects of the roadways and land uses in the vicinity of Elm Street West and the Twin State Sand & Gravel property before a decision could be made on the issue. The Mayor requested that a report be provided back to the City Council in February 2024.

In response to the Council’s request for additional information, Planning & Development Department staff have reviewed historical Class VI road and USGS maps for evidence of past rights-of-way in the area. In addition, staff have reviewed an ALTA/ACSM Land Title Survey prepared for the Twin State Sand & Gravel property in connection with its past development proposals for evidence of easements or rights-of-way benefiting the Twin State property. Finally, staff have met with the owner of Twin State Sand & Gravel and inspected the existing uses on the property to verify conformance with the City’s zoning regulations. Please see the attached memorandum from Planning & Development Department staff for a summary of their findings regarding the Council’s questions.

Again, this agenda item is intended to provide the Council with additional information as requested during the previous discussion about Elm Street West. If the Council wishes to take any particular actions, this topic should be scheduled for further discussion at a future meeting.

Action

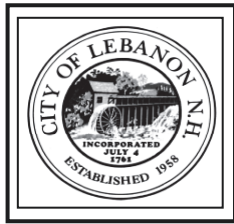
No action required unless the City Council chooses to make changes to the City Code or provides other direction to the City Manager.

Included In This Section:

1. Memorandum from Planning & Development Department staff, dated February 12, 2024
2. Excerpt of minutes from City Council meeting of January 3, 2024

Available, but not included in this Section:

1. [January 3, 2024 City Council Agenda Packet](#)



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: Responses to Questions Raised During January 3, 2024 Discussion
of Traffic Patterns on Elm Street West

DATE: February 12, 2024

Honorable Mayor and City Councilors,

This memo is intended to address several questions that arose during the City Council's discussion of traffic patterns on Elm Street West at the January 3, 2024 Council meeting (agenda item #10.F on the January 3, 2024 City Council meeting agenda). The Council's discussion follows communication from a resident of Elm Street West requesting that the City take action to address a potentially hazardous condition related to the use of the roadway. The Council has deferred taking any action pending the receipt of additional information from City staff regarding alleged historical roads in the area as well as research into easements and zoning compliance issues.

1. Historical Roads

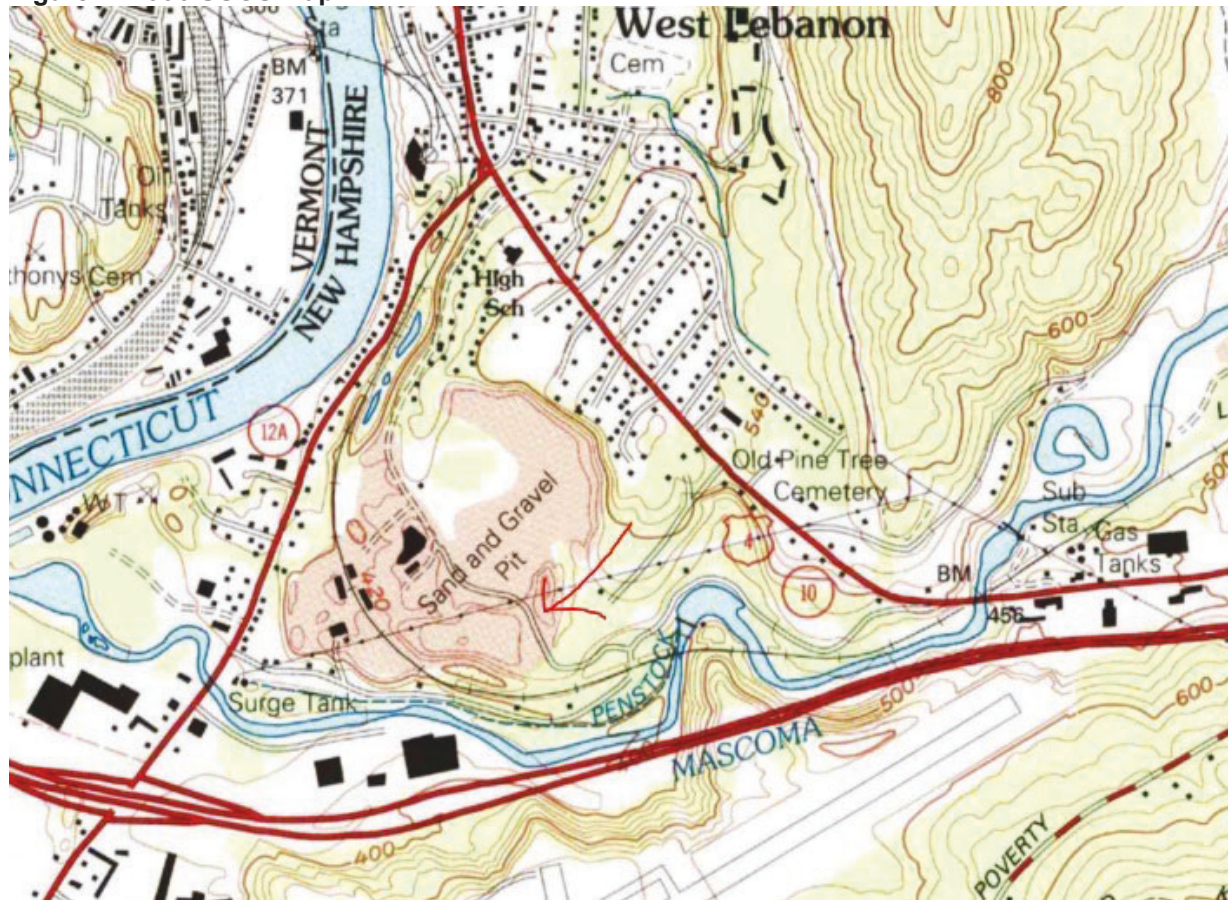
There are no public rights-of-way on the Twin State properties. At the January 3rd City Council meeting, a resident stated he had seen old USGS maps that appear to show the Elm Street West roadway extending beyond its current terminus at the entrance to the Twin State Sand & Gravel property located at 73 Elm Street West (Tax Map 116, Lot 2).

USGS maps are an expression of the act of aerial photogrammetry in that a photograph is taken from an airplane and a cartographic map is then generated depicting the features captured in the photograph. The 1959 USGS map does not include a roadway feature extending from Elm Street West and intersecting with Glen Road, whereas the 1996 USGS map does include the depiction of a roadway connecting these two reference points. One would infer that the road was built sometime between 1959 and 1996 and would likely be confident in asserting its existence as supported by the map evidence. However, absent information supporting a dedication and acceptance or statutory layout to become a public right-of-way, the road feature would be presumed to be privately owned. Like school buildings and cemeteries depicted on USGS maps, the ownership status of such features is typically not illuminated; the depiction on the USGS map merely represents what is present on the landscape.

To be clear, the depiction of a roadway on a USGS map doesn't correlate with a public right-of-way in the absence of a formal dedication and acceptance or statutory layout process. To debunk the presumption that the 1996 USGS map is depicting a private access road, either City of Lebanon dedication & acceptance or layout evidence would need to exist, or there would need to

be enough prescriptive evidence to support the assertion that the public, and not Twin State, used this road for a period of 20 consecutive years, prior to 1968. The omission of the road from the 1959 USGS map would likely derail the 20 years of continuous use argument.

Figure A. 1996 USGS Map

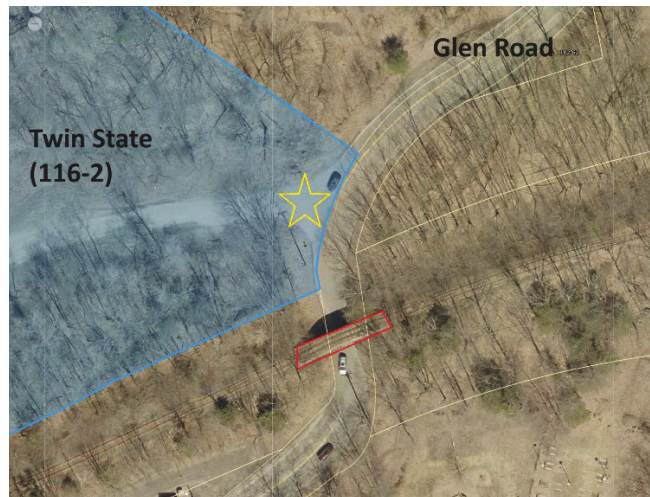


Moreover, the Lebanon Class VI Road Committee has spent approximately fifteen years reviewing various forms of prescriptive evidence associated with rights-of-way. The Committee's review has included upwards of fifty-five "road like" segments on the landscape, located in every quadrant of the City, but has not included anything on the Twin State property or even within a relative proximity of the property. No prescriptive evidence supporting the assertion of a public right-of-way on the Twin State properties has ever been presented to the Committee.

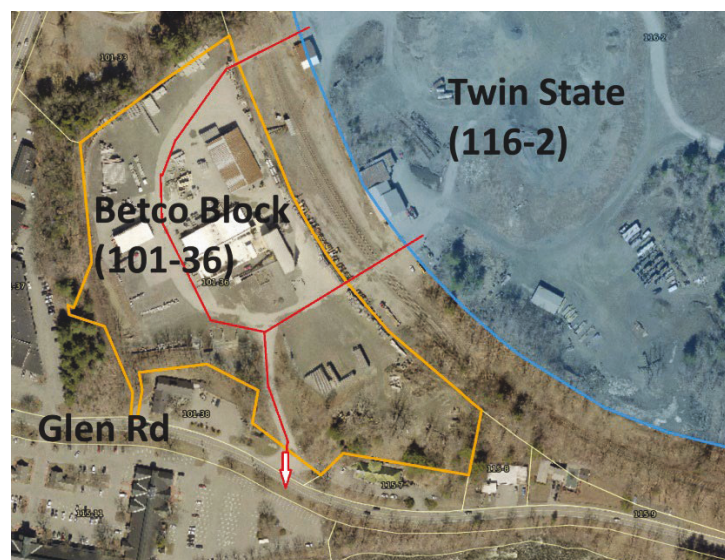
Finally, in connection with the now-expired Iron Horse Park development, the City is in possession of a draft ALTA/ACSM survey of the property (attached for reference). The title exceptions are identified on sheet 4 of the survey and do not include any public right-of-way over the property (note that Glen Road is referenced in the exceptions since it separates a small property owned by Twin State from the larger group of Twin State properties located on the north side of Glen Road). If any public right-of-way encumbered the property (other than Glen Road), it would have presumably been identified as a title exception on sheet 4 of the ALTA/ACSM survey.

2. Access to Glen Road

It does not appear that there is an appurtenant easement across the Betco Block property (M/L 101-36) in favor of the Twin State property. The Twin State property has direct access onto Glen Road (marked by the yellow star below) located north of the Glen Road railroad bridge (outlined in red below):



The question was asked at the January 3, 2024 Council meeting whether the Twin State property has any legal rights to cross over the railroad tracks and the Betco Block property (outlined in orange below) to directly access Glen Road (approximately along the path of one of the red lines shown below):



There is no indication on the draft ALTA/ACSM survey that an appurtenant easement across the Betco Block property exists or has been granted in favor of the Twin State property. However, to verify this conclusion with certainty, the City would need to obtain a title report for the Twin State and Betco Block properties.

3. Land Use Compliance

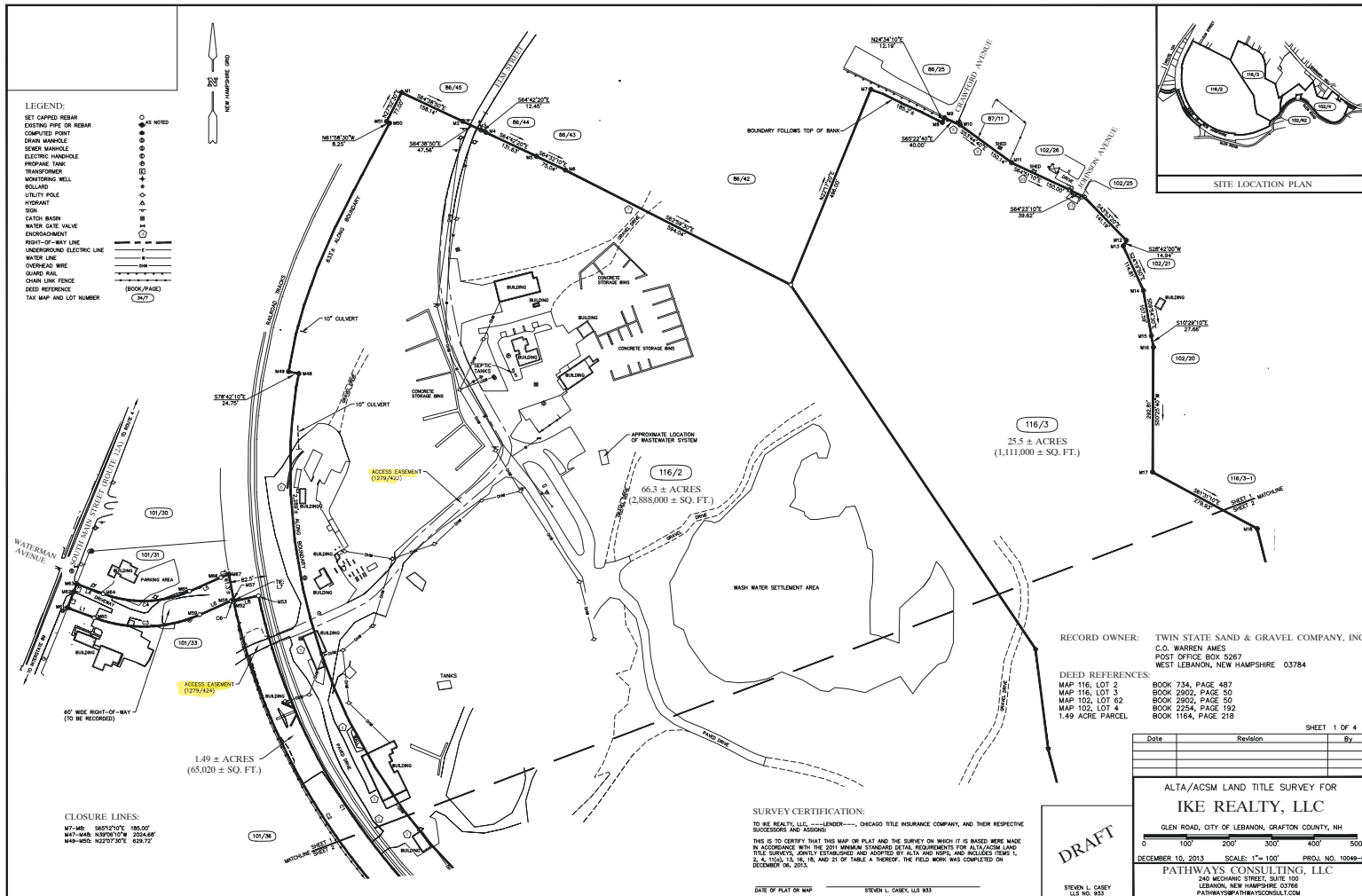
The property is in compliance with the Zoning Ordinance; the new contractor's yard and outdoor storage uses require Minor Site Plan Review. The principal tenants of the Twin State property include Twin State Sand and Gravel Co., Inc., Blaktop, Inc., and Romano Trucking, Inc. These businesses have operated on the property for decades and are all conforming uses in the Light Industrial Rail Access (IND-RA) District, which is the zoning district in which the Twin State property is located. More recently, vacant portions of the property have been leased to the following businesses for use as storage yards/laydown areas:

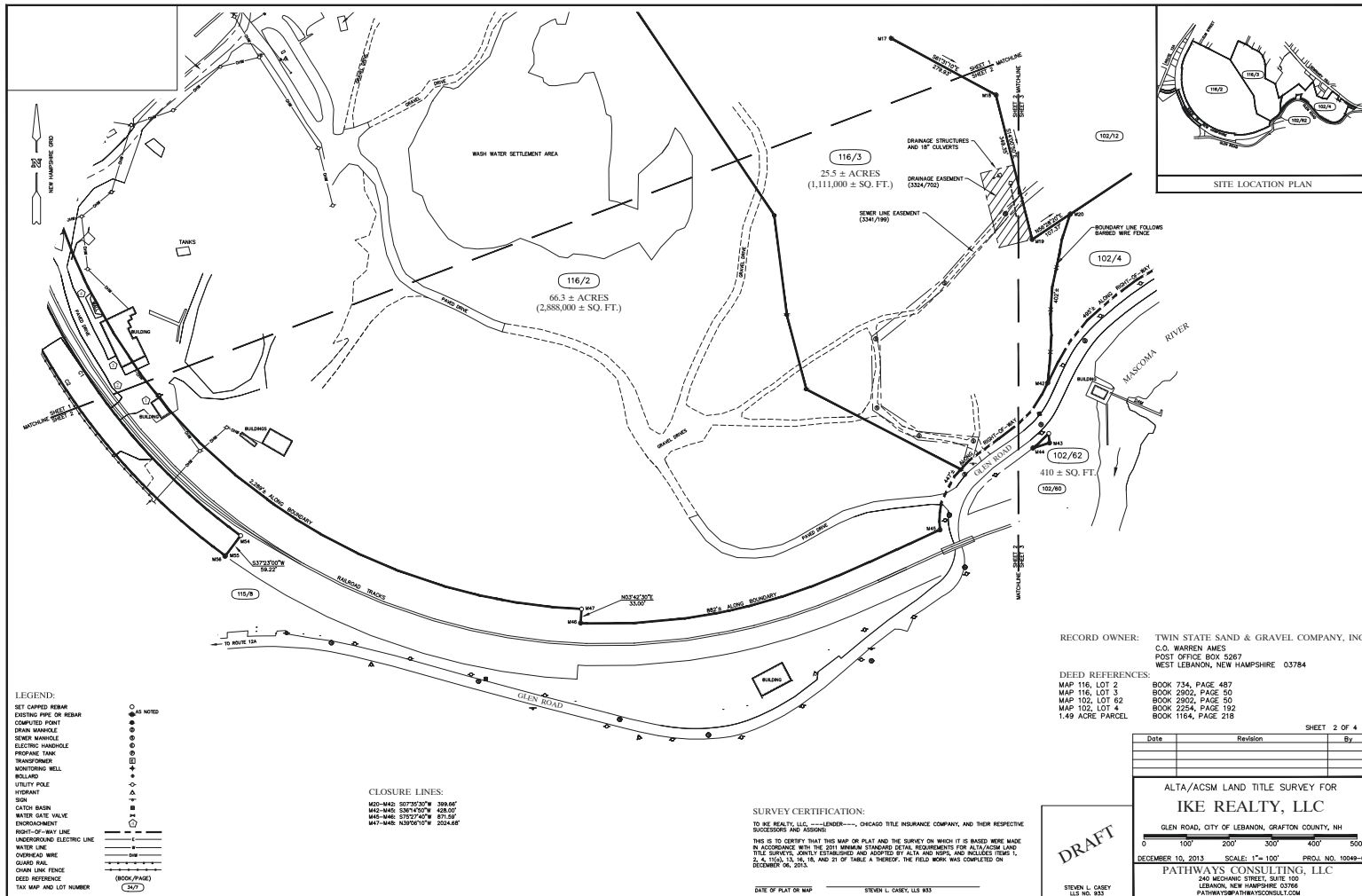
- RS Audley Inc. (*construction equipment/vehicle laydown area in connection with the I-89 Connecticut River bridge reconstruction project*)
- Eastman Trucking & Excavation, Inc. (*logging truck, trailer, and excavation equipment storage*)
- Casella Waste Systems (*storage of empty roll off dumpsters*)
- Nott's Gravel & Excavation (*construction equipment/vehicles laydown area*)

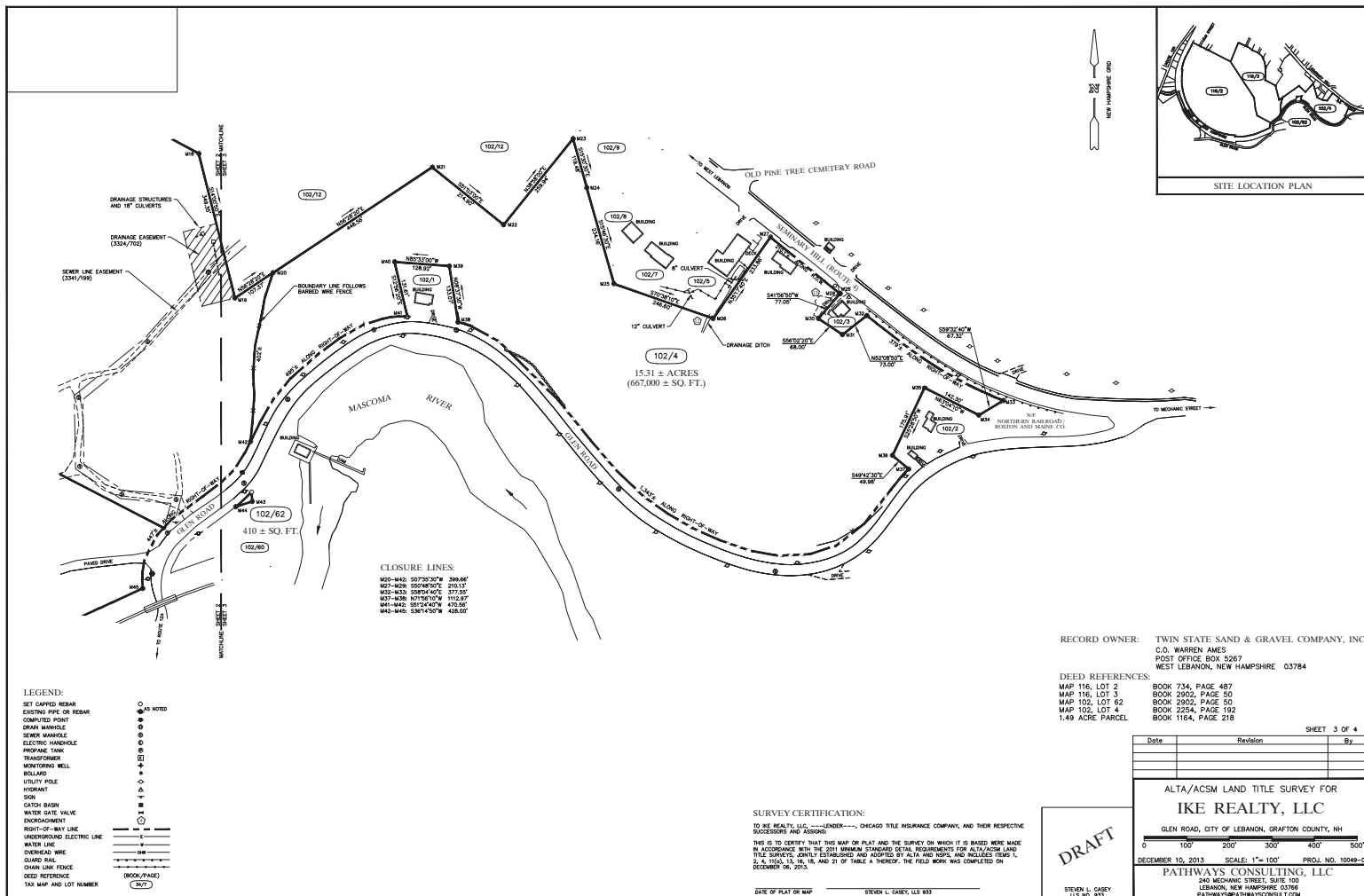
These newer uses all constitute either a “contractor’s yard” or “outdoor storage” use (or both) as those terms are defined in Appendix A of the Zoning Ordinance. “Contractor’s yard” and “outdoor storage” uses are both permitted uses in the IND-RA District. Consequently, it is the Planning and Development Department’s determination that the Twin State property is in conformance with the applicable use regulations of the Zoning Ordinance. However, because of the potential and apparent impact to traffic generated by these new uses, it is also staff’s determination that Minor Site Plan Review from the Minor Site Plan Committee is required pursuant to Section 3.1.C.1 of the Site Plan Review Regulations. The Twin State property owner has been notified of staff’s determination and will be provided a reasonable opportunity to prepare the required site plan application materials. Once a complete application is received, a public hearing will be scheduled before the Minor Site Plan Committee and a notice of the public hearing will be published in the Valley News and mailed to all abutters.

ATTACHMENTS

- Draft survey titled, “ALTA/ACSM Land Title Survey for IKE Realty, LLC,” prepared by Pathways Consulting, LLC, dated December 10, 2013, Proj.. No. 10049-04 (4 sheets)







1 ~~Mr. Nathan Lowrey (Ward 1 & combat veteran): He pointed out that a lot of the members of the~~
2 ~~Army Reserve/National Guard who are mobilized and sent overseas that the pay they get from the~~
3 ~~military is less than what they would have gotten from their civilian jobs. This puts them and their~~
4 ~~families in financial burden and suggested raising the amount.~~

5
6 Councilor Simon would like to see, all across the board, these tax credits raised to the maximum
7 allowable by law, as well as the caveat of the choices that can be combined. Our service men and women
8 have given a lot to our country/community and this is a very small thing that can be done to help them out
9 and further spoke about his reasons.

10
11 In response to Councilor Sykes question regarding the specific wording that should be added to the
12 motion, Deputy City Manager Brooks noted the language should say: "and also consider adopting the
13 Combat Service Tax Credit pursuant to RSA 72:28-c and also consider adopting in the amount of \$500.00
14 and also adopting the Surviving Spouse Tax Credit in the amount of \$2000.00 pursuant to RSA 72:20-a".

15
16 Mr. Nathan Lowrey (Ward 1) spoke about natural disaster deployments and suggested changing the title
17 of the Combat Service Tax Credit to a Mobilization Tax Credit. Assistant Mayor Below stated these titles
18 are prescribed by State Statute, so even the names and what you qualify for are all prescribed by State
19 Statute.

20
21 **ACTION:**

22 *Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for*
23 *Wednesday, January 17, 2024, beginning at 6:00 pm, in Council Chambers, City Hall, and Remote via*
24 *the City's Virtual Platform, for the purpose of receiving public input and taking action to change the*
25 *amount of the Optional Veterans' Tax Credit from \$250 to \$750.00 in accordance with NH RSA 72:28,*
26 *to change the amount of the All Veterans' Tax Credit from \$250 to \$750.00 in accordance with NH*
27 *RSA 72:28-b, and to change the amount of the Service-Connected Total Disability Tax Credit from*
28 *\$1,400 to \$4,000.00 in accordance with NH RSA 72:35, and to consider adopting the Combat Service*
29 *Tax Credit up to the amount of \$500.00 pursuant to NH RSA 72:28-c, and to consider adopting the*
30 *Surviving Spouse Tax Credit in the amount of \$2,000.00 pursuant to NH RSA 72:29-a.*

31
32 *Seconded by Councilor Whittlesey.*

33
34 Councilor Liot Hill requested that these Tax Credits be explained when they are advertised so people can
35 clearly understand where they qualify.

36
37 **The Vote on the Motion was approved (6-0-2). Mayor McNamara and Councilor Heistad were*
38 *recused.*

39
40 **Mayor McNamara and Councilor Heistad returned as regular members of the City Council.**

41 ~~Assistant Mayor Below returned as a regular member of the Council.~~

42
43 **F. Discussion of Traffic Patterns on Elm Street West, West Lebanon**

44
45 **Included in the agenda packet: *All supportive documents can be found on [pages 134-145](#), Council***
46 ***Agenda Packet.***

- 47 1. Memorandum from former Deputy City Manager Nik Coates to City Manager Shaun
48 Mulholland, dated October 23, 2023, including email communication from Seth Ames of Twin
49 State Sand & Gravel Co., Inc.

City Manager Mulholland reviewed the background behind this complaint.

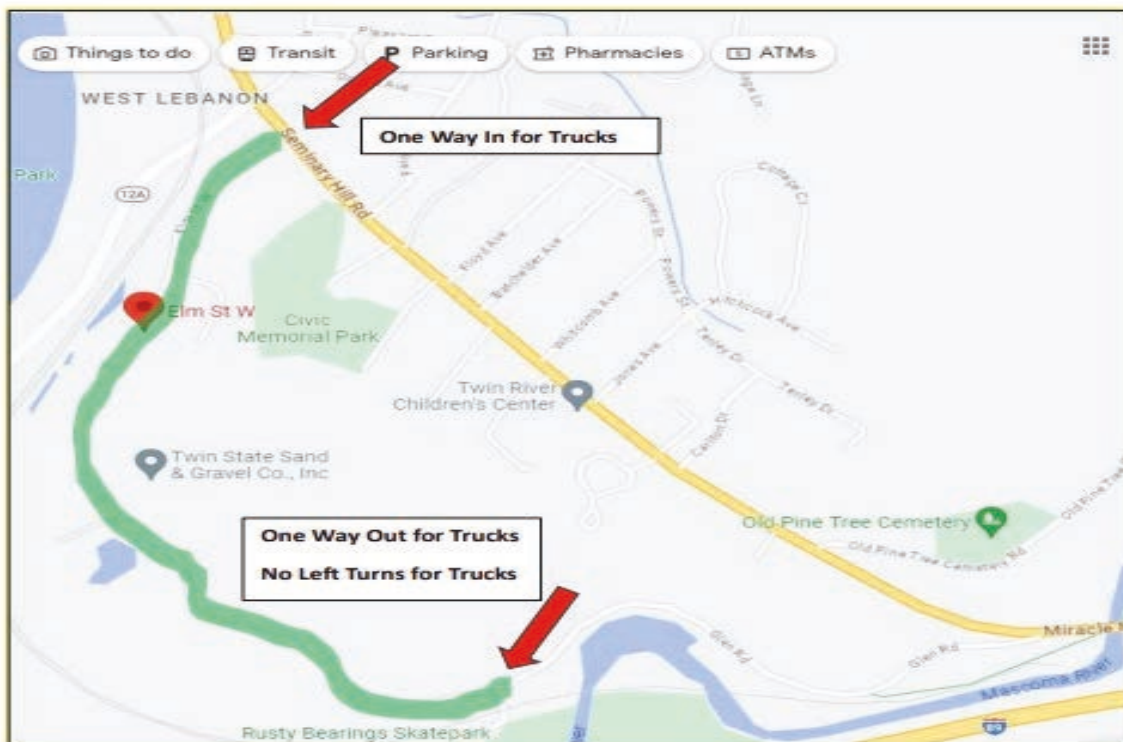
BACKGROUND

On October 5, 2023, the City received communication from Mr. & Mrs. Driscoll 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 because there are no viable options, in our view, to be able to resolve this issue.

Map and Photo Documentation:



Mayor McNamara invited everyone involved with this complaint to speak and the following came forth:

Mrs. Jennifer Driscoll (Elm Street West, West Lebanon): She spoke about the large increase of road traffic by oversized trucks on their street; two incidents that occurred which was a safety concern to her and her family; how their road is getting dangerous (i.e., using people's driveways and driving on sidewalks). While there has not been any catastrophic failures to date, what happens in the future if more and more traffic continues to use this road? She clarified the traffic situation for Mayor McNamara

1 noting that the traffic is caused by both incoming and outgoing traffic on Elm St. West, and it is the
2 tractor trailers who ride the sidewalks.

3
4 Councilor Liot Hill questioned what the status of this road is. Mayor McNamara noted it is a city street
5 all the way up to the top of the sand and gravel company. At that point, you are on private property and
6 they have an exit out onto Glen Road just prior to the old river bridge.

7
8 Mr. Brooks noted that the development application by Twin State for the approval of the Iron Horse
9 project included closing off the gated end of Elm Street and keeping it gated for emergency access, but
10 most traffic is directed in different directions other than Elm Street West. More discussions took place
11 regarding a previously proposed development plan; the desire stated in the City's 2012 Master Plan to see
12 Elm Street West gated, which was approved by the Planning Board, and; how the previously proposed
13 development plan did not move forward.

14
15 Councilor Liot Hill regretted not being able to solve this problem because she felt it has been a consistent
16 issue over the years.

17
18 **Ms. Tracy Lowrey (Elm Street West):** She also spoke about the amount of truck traffic on the road and
19 the passing problems they cause for residents on this small road. It's like a commercial street and takes
20 away from a neighborhood feeling and felt this also causes safety concerns (i.e., the bump out for the
21 apartments).

22
23 **Mr. Nate Lowrey (Elm Street West):** He spoke about the past history of the road (West Elm Street)
24 from 1907 to the 1930's, after which time the topographic maps kept being updated. He noted the trucks
25 begin around 5:00AM and will go to 6-6:30PM. In the winter, there are fewer trucks, and in the summer
26 when construction is going on they can come every 5-10 minutes. He also expressed his safety concerns
27 over the bump out.

28
29 **Mr. Steven Blanchard (Elm Street West):** He spoke about the dramatically increased truck traffic on
30 their road. He recommended the City put a camera on this road for 8 months/through the summer so the
31 City can see what they are experiencing. These trucks/employees are moving fast, above the speed limit,
32 many times throughout the day. He noted he is a cyclist and would rather cycle on Route 12A than his
33 own street. It's not just Twin State Gravel, it's the other folks that have rented out their property to (i.e.,
34 the Eastmans, the Casella, and the Romano trucks).

35
36 **Mr. Doug Ames (owner of Twin State Sand & Gravel):** He spoke about how they have been on Elm
37 Street since 1947 and believed the gravel pit existed long before that. Safety and the safety of their
38 neighbors is important to them. Once they learned of the complaints, they had safety meetings with all
39 their drivers, the drivers of their vendors and conducted their own internal investigations and did not find
40 any specific incidences. The road is narrower than most roads (22 ft.), but trucks can safely negotiate past
41 each other. He was uncertain about what the next steps should be but recommended that a Traffic Study
42 be done. To that end, they have reached out to a traffic consultant and spoke about the practical
43 implications of having one way traffic; what is considered a truck; the definition of a commercial vehicle;
44 how their property is private property and the probability that others may be using this road without their
45 consent. He also concurred that the location of the bump out is a safety hazard. He also responded to
46 Councilor Liot Hill's comments regarding how the level of activity has changed over the last few years,
47 noting that their truck traffic overall has actually decreased over the years since they tore down the
48 crushing plant (in 2012) that used to be located there. However, in the last few years, they have rented

1 out some of their property to others (i.e., Eastman Trucking; RSL-working on the I-89 Bridges; and
2 Casella Waste). They also spoke with all of them about being courteous to all the neighbors, following all
3 the safety rules, and to try and use the Glen Road access as much as possible). He was uncertain what
4 more they could do to enforce the behavior of others.

5
6 In response to Councilor Liot Hill's question regarding when their property used to be all together, Mr.
7 Ames stated it was a very long time ago, back in the 1940's/1950's.

8
9 The Council and Mr. Ames discussed: If there were any property easements or rights of way conveyed
10 between the Twin State Gravel property and any of the other properties that used to be a part of it; having
11 City staff check to see if Twin State Gravel conforms to the City's Zoning Regulations, and; how the rail
12 yard is being used.

13
14 Mr. Steven Blanchard (Elm Street West) was interested in knowing when the gated access was changed.

15
16 **Mr. Jake Champion:** He came forth to attest that the Casella traffic is extensive. Before they relocated to
17 their current location, they were located on his property (on Glen Road) and they were in and out of there
18 60/70 times each day during the summer season.

19
20 Councilor Liot Hill wanted to learn more about the history of these property transfers and easement, as
21 well as the history of that road (West Elm Street). She felt the Council needs to do more fact finding
22 before a decision can be made.

23
24 Mayor McNamara concurred and stated there is a lot more information needed before an educated
25 decision can be made on this issue. He directed City Staff to take a look at the historical roads in the area
26 and to take a look at the property lines and report back to the Council in the near future (next month-
27 February 2024). He also wanted to talk more about Jay's potential options.

28
29 **ACTION:** *No action was taken. Topic will come back for review in February 2024.*

30 ~~C. Review of Proposed Zoning Amendments for Council Adoption and Set Public Hearing~~
31 ~~for January 17, 2024~~
32

33 **Included in the agenda packet: *PLEASE NOTE: All of the detailed supportive documents, as listed***
34 ***below, can be found on pages 146-188 in the January 3, 2024 City Council Agenda Packet.***

- 35 1. December 21, 2023 Memo to the Lebanon City Council from Planning &
36 Development Department Staff re: 2023-2024 Proposed Zoning Amendments,
37 which includes the following:
- 38 • Existing Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated November, 2023
 - 39 • Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated September 19, 2023
 - 40 • Proposed Zoning Map of 0 Etna Road (Tax Map 26, Lot 17), dated December, 2023
 - 41 • 2023-2024 Proposed Zoning Ordinance Amendments (Red-lined Version, last
42 revised December 21, 2023)
 - 43 • October 20, 2023 Legal Opinion from Attorney Christine (Fillmore) Johnston
 - 44 • Excerpt of Planning Board meeting minutes from October 23, 2023
 - 45 • Excerpt of Zoning Board of Adjustment meeting minutes from November 6, 2023
 - 46 • Excerpt of Conservation Commission meeting minutes from November 9, 2023
- 47

**Agenda
Lebanon City Council
February 21, 2024**

10. New Business:

10.D – Presentation of First Reading and Set Public Hearing for March 20, 2024:

**Amendment to Ordinance #18, Salary Plan, Article II, Non-Affiliated
& LPASE Employees, to Add Position to Existing Salary Plan**

Background

The City Council is asked to take action to amend Ordinance #18, Salary Plan, as follows:

1. Article II, Non-Affiliated & LPASE Employees:
 - I. Add the exempt position of Chief Building Official & Health Officer, as a Grade 13 position within the Planning & Development Department.

Article II, Non-Affiliated & LPASE Employees

City Administration is proposing the addition of a Chief Building Official & Health Officer position within the Planning & Development Department. This Grade 13, exempt position is being created to direct the plan review, permitting, and inspection of all construction activities within the City of Lebanon and to ensure compliance with adopted codes and ordinances. The position will oversee the City's role in restaurant and food inspections, enforce other health codes, as applicable, and provide accountability for the supervision and operation of the Code Enforcement Division of the Planning & Development Department. The position will supervise the Division's staff, providing professional oversight, advice, and direction, and will report to the Planning & Development Director.

Amendment Process

Samantha Lauzon, Human Resources Director, will be present to discuss the proposed amendment 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 Council is asked to recognize the first of three presentations on February 21, 2024, and to schedule a public hearing for March 20, 2024, to amend the Ordinance. The second and third presentations will occur on March 6, 2024, and March 20, 2024, respectively.

The table below reflects all proposed changes (as shown in **red** text), to include the addition of new positions, changes in position titles and/or classification. These changes would be effective upon passage.

Action

The City Council is asked to recognize the first of three presentations and to schedule a public hearing as follows:

1. Acknowledge First Presentation:

MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance #18, Salary Plan, Article II, by adding the position of Chief Building Official & Health Officer (Grade 13, Non-Affiliated) in the Non-Affiliated & LPASE Employee compensation and classification schedules as outlined in the February 21, 2024, City Council Agenda Packet.

*Below is an excerpt of the Non-Affiliated & LPASE Employees compensation and classification schedules impacted by the proposed change described above. Changes to the compensation and classification schedules are shown in **red** type; new positions and retitled or reclassified positions are shown in **red bold** type; position deletions are shown stricken and in **red italics** type.*

REGULAR FULL-TIME / REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2024 SALARY & GRADES					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
13	Chief Building Official & Health Officer	-	-	\$1,734.53	\$2,341.63
	Chief Innovation Officer				
	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	-	-	-	-

**Denotes LPASE Employees

2. Schedule Public Hearing:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 20, 2024, beginning at 7:00 PM, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to add the position of Chief Building Official & Health Officer (Grade 13), as fully described and contained in the February 21, 2024, City Council Agenda Packet.

**Agenda
Lebanon City Council
February 21, 2024**

10. New Business:

10.E – Citizen Request for Ceasefire Resolution

Background

On February 6, 2024, the City Manager's Office received a request from a resident of the City to have the City Council consider adopting the attached Ceasefire Resolution.

Action

City Council action shall be determined based on the discussion.

Included In This Section:

1. Proposed Ceasefire Resolution



City of Lebanon

Ceasefire Resolution

WHEREAS the Mayor of Lebanon and the City Council of Lebanon (henceforth referred to as “the Council”) affirm the human rights of all people regardless of race, skin color, national or ethnic origin, religious or political opinion or activity, and cultural group, in accordance with the Welcoming Lebanon Ordinance;¹ and

WHEREAS violence anywhere, especially collective punishment against a particular group of people, gives rise to a dangerous logic of dehumanization that risks compromising the safety and dignity of residents of the City of Lebanon, and therefore must be opposed, both here in Lebanon and everywhere; and

WHEREAS Palestinian people and those who speak in favor of Palestinian human rights have been targeted by racist, anti-Palestinian, and Islamophobic hate in this country, including three Palestinian students who were shot while speaking Arabic and wearing keffiyehs, a Palestinian cultural symbol, only an hour and a half away in Burlington, VT;² and

WHEREAS many Americans are speaking up for Palestinian human rights, protesting in cities and towns across the country, including in various parts of New Hampshire, and the majority of Americans are calling for a ceasefire;³ and

WHEREAS the Council grieves the tragic loss of human life, both Palestinian and Israeli; and

¹ “City of Lebanon, NH: Welcoming Lebanon.” *City of Lebanon, NH Code*, <https://ecode360.com/37303347>. Accessed 1 Feb. 2024.

² Rathke, Lisa, and Holly Ramer. “3 Young Palestinian Men Were Shot in Vermont. Their Families Thought the US Would Be Safer.” *AP News*, 28 Nov. 2023, <https://apnews.com/article/shooting-burlington-vermont-palestinian-students-suspect-dd781a57f5d96cf591a1840db890b4ed>.

³ “Voters Want the U.S. to Call for a Permanent Ceasefire in Gaza and to Prioritize Diplomacy.” *Data For Progress*, 5 Dec. 2023, <https://www.dataforprogress.org/blog/2023/12/5/voters-want-the-us-to-call-for-a-permanent-ceasefire-in-gaza-and-to-prioritize-diplomacy>.



City of Lebanon

Ceasefire Resolution

WHEREAS Israel has launched an unprecedented violent campaign against the Palestinian people, resulting in a genocide⁴ of over 27,300 Palestinians in Gaza, including over 11,500 children, and more than 8,000 missing under the rubble at time of writing;⁵ and

WHEREAS more than 1.9 million Palestinians in Gaza have been displaced, with many of their homes destroyed and no safe haven to turn to, and many are living without access to food, water, shelter, or other basic needs for themselves and their families, with the threat of death from starvation becoming a cruel reality;⁶ and

WHEREAS the current proliferation of violence, including the October 7 Hamas attack and Israel's siege on the Gaza Strip, comes in the context of 75 years of displacement of the Palestinian people,⁷ 56 years of unlawful Israeli settlements in the West Bank (deemed as such by the United Nations Security Council in 2016),⁸ and 17 years of an Israeli-imposed blockade of Gaza;⁹ and

⁴ Segal, Raz. "A Textbook Case of Genocide." *Jewish Currents*, 13 Oct. 2023, <https://jewishcurrents.org/a-textbook-case-of-genocide>.

⁵ AJLabs. "Israel-Gaza War in Maps and Charts: Live Tracker." *Al Jazeera*, <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live-tracker>. Accessed 1 Feb. 2024.

⁶ Bland, Archie. "The Numbers That Reveal the Extent of the Destruction in Gaza." *The Guardian*, 8 Jan. 2024. *The Guardian*, <https://www.theguardian.com/world/2024/jan/08/the-numbers-that-reveal-the-extent-of-the-destruction-in-gaza>.

⁷ UN News. *UN Marks 75 Years since Displacement of 700,000 Palestinians* | UN News. 15 May 2023, <https://news.un.org/en/story/2023/05/1136662>.

⁸ "Israel's Settlements Have No Legal Validity, Constitute Flagrant Violation of International Law, Security Council Reaffirms | UN Press." United Nations Meetings Coverage and Press Releases, 23 Dec. 2016, <https://press.un.org/en/2016/sc12657.doc.html>.

⁹ Monitor, Euro-Med Human Rights. "- Suffocation and Isolation 17 Years of Israeli Blockade on Gaza." Euro-Med Human Rights Monitor, <https://euromedmonitor.org/en/gaza> Accessed 1 Feb. 2024.



City of Lebanon

Ceasefire Resolution

WHEREAS the U.S. government continues to unconditionally fund Israel, supplying funds amounting to nearly \$300 billion (inflation adjusted) , including over \$200billion dollars in military funding, since 1948;¹⁰ and

WHEREAS \$219,005 in annual military funding comes from federal taxes paid by residents of Lebanon;¹¹ and

WHEREAS cities across the country are speaking up for what is right, calling for a full and lasting ceasefire, including Atlanta, Seattle, Minneapolis, Detroit, Oakland, San Francisco, Seattle, Portland, OR, Portland, ME, and Albany, exercising democratic process; and

WHEREAS the majority of countries, 153 nations, around the world have voted in favor of a ceasefire as part of a United Nations General Assembly resolution;

WHEREAS there is ample precedent for the Council to weigh in on global matters that also impact residents of Lebanon, for example the 2017 Resolution in Support of the Paris Climate Agreement;¹² and in light of the ways Israel's bombardment of Gaza gravely exacerbates the climate crisis,¹³ which endangers residents of Lebanon;

¹⁰ Masters, Jonathan, and Will Merrow. "U.S. Aid to Israel in Four Charts." Council on Foreign Relations, <https://www.cfr.org/article/us-aid-israel-four-charts>. Accessed 1 Feb. 2024.

¹¹ "U.S. Military Funding to Israel Map." US Campaign for Palestinian Rights, <https://uscpr.org/activist-resource/us-military-funding-to-israel-map/>. Accessed 1 Feb. 2024.

¹² A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEBANON, NEW HAMPSHIRE IN SUPPORT OF THE PARIS CLIMATE AGREEMENT. 10 Aug. 2017, <https://lebanonnh.gov/DocumentCenter/View/4542/Resolution-in-support-of-Paris-Agreement-PDF?bidId=>.

¹³ Lakhani, Nina, and Nina Lakhani Climate justice reporter. "Emissions from Israel's War in Gaza Have 'Immense' Effect on Climate Catastrophe." The Guardian, 9 Jan. 2024. The Guardian, <https://www.theguardian.com/world/2024/jan/09/emissions-gaza-israel-hamas-war-climate-change>.



City of Lebanon

Ceasefire Resolution

NOW, THEREFORE, BE IT RESOLVED that the Mayor of Lebanon and the Lebanon City Council call for an immediate and permanent ceasefire; and

BE IT FURTHER RESOLVED that the Council calls for the release of all hostages, both Palestinian and Israeli; and

BE IT FURTHER RESOLVED that the Council urges the New Hampshire state government to pass a resolution of its own to call for a ceasefire in Israel and Palestine, and to urge President Biden and Congress to follow suit; and

BE IT FURTHER RESOLVED that the Council calls directly on our congressional delegation, namely Congresswoman Ann Kuster, Senator Jeanne Shaheen, and Senator Maggie Hassan, to pressure Israel to adhere to an immediate and permanent ceasefire; and

BE IT FURTHER RESOLVED that the Council calls on the U.S. federal government to both pressure Israel to lift its onerous restrictions on the border crossing at Rafah to allow the full capacity of humanitarian aid required to fully meet the food, water, shelter, and medical needs of the people of Gaza, and to resume funding to aid organizations including UNRWA; and

BE IT FURTHER RESOLVED that the Council calls on the U.S. federal government to cease all funding and arming of Israel as a consequence of its government's well-documented crimes against humanity, both historically¹⁴ and in the recent case against Israel presented by South Africa in the International Court of Justice,¹⁵ and to reinvest this money in helping Palestinians rebuild their homes and critical infrastructure, such as schools, hospitals, roads, and water treatment, storage, and distribution infrastructure; and

¹⁴ Israel: 50 Years of Occupation Abuses | Human Rights Watch. 4 June 2017, <https://www.hrw.org/news/2017/06/04/israel-50-years-occupation-abuses>.

¹⁵ Application Instituting Proceedings and Request for the Indication of Provisional Measures. International Court of Justice, 29 Dec. 2023, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>.



City of Lebanon

Ceasefire Resolution

BE IT FURTHER RESOLVED that the Council urges the U.S. federal government to reinvest funds that would otherwise have been appropriated as aid to Israel to address the needs of the American people, including the people of the City of Lebanon, through programs such as affordable housing and healthcare; and

BE IT FURTHER RESOLVED that the Council reinforces its commitment to the values of the City of Lebanon as stated in the Welcoming Lebanon Ordinance, and encourages Lebanon residents to feel safe in practicing and expressing their cultural and religious identity freely without fear of discrimination; and

BE IT FURTHER RESOLVED that the Council denounces the rise in anti-Palestinian racism, Islamophobia, and antisemitism within the United States as a result of Israel's genocide of Palestinians in Gaza; and

BE IT FURTHER RESOLVED that a copy of this resolution will be printed and sent to the offices of all state and federal congressional representatives beholden to the residents of the city of Lebanon.

Dated this 21st day of February 2024 at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On Behalf of the Lebanon City Council