



**LEBANON CITY COUNCIL
MARCH 6, 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: 331 788 547#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The March 6, 2024 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the March 6, 2024 agenda packet.

7. Appointments: None

8. 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 for Civic Park Playground Improvements; and to authorize disbursement of \$135,000 in Recreation Impact Fees as the means to pay for a portion of the work.
- 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

- B. Presentation of Second Reading: 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

10. New Business

- A. Request from Lebanon VP, LLC for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- B. Request to Reschedule Public Hearing and On-site Public Meeting for Personal Examination for Layout of Additional Right-of-Way areas for Trues Brook Road
- C. Discussion and Set Public Hearing for March 20, 2024: to Adopt City Code Chapter 164, Trees
- D. Presentation & Discussion of Proposed Amendment to City Council Rules: §A191-8, Order of Business
- E. Review and Discussion of Responses to 20 Spencer Street RFP and City Manager Recommendation on Preferred Developer

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 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: Arts & Culture Commission
Position: Regular Member
Applicant: S. Blanchard
City Councilor: D. Whittlesey
Assigned Date: 2/22/2024

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

Board/Committee: Lebanon Energy Advisory Committee
Position: Alternate Member
Applicant: W. Stearns
City Councilor: C. Below
Assigned Date: 2/22/2024

Proposed Future Agenda Items: Dates may be tentative, and this list is not considered all inclusive.
March 14, 2024 – Canvass of the Vote

March 20, 2024

Lebanon City Council Agenda
March 6, 2024

Public Hearing Items:

- A. Adoption Of City Code Chapter 164, Trees – A public hearing for the purpose of receiving public input and taking action on the proposed adoption of City Code Chapter 164, Trees
- B. 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 schedule

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

March 27, 2024 – Organizational Meeting

April 3, 2024

Public Hearing Items:

- A. Proposed Amendment to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on a proposed zoning amendment to amend Section 303.2 (IND-L District Table of Uses) to add “vehicular sales” as a use allowed by Conditional Use Permit in the Light Industrial (IND-L) District.

**Agenda
Lebanon City Council
March 6, 2024**

6. Acceptance Of Minutes:

Minutes To Be Accepted

- February 21, 2024

MOVED, to approve the minutes as presented in the March 6, 2024 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, February 21, 2024 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS PRESENT: Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill (Arrived 7:45P), Christian Simon, George Sykes (Arrived 7:06P), Douglas Whittlesey and Devin Wilkie

MEMBERS ABSENT: Mayor Tim McNamara, City Manager Shaun Mulholland, and Councilor Karen Zook

STAFF PRESENT: Deputy City Manager David Brooks, Human Resources Director Samantha Lauzon, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Planning Administrative Assistant Crystal Taplin, Police Sergeant Adam Leland, LPD Chief Phillip Roberts, LPD Deputy Chief of Police Matthew Isham

1
2 **1. CALL TO ORDER:** In the absence of Mayor McNamara, Assistant Mayor Below called the meeting
3 to order at 7:00 p.m.
4

5 **2. PLEDGE OF ALLEGIANCE:** Councilor Simon led the Council in the Pledge.
6 • Deputy City Manager David Brooks announced the meeting criteria for the public.
7

8 **3. PUBLIC FORUM:** Assistant Mayor Below made the Public Forum announcement.
9

10 **4. OPEN TO PUBLIC: No one came forth.**
11

12 **5. RECOGNITIONS:**
13 • Resolution in Honor of Bruce Garland
14

15 **WHEREAS**, Bruce Garland served as a dedicated member of the Planning Board for the City of Lebanon
16 from August 7, 2015 until November 13, 2023, and as Chair from 2020 until 2023; and
17

18 **WHEREAS**, Bruce contributed his time, expertise, and leadership to the betterment of our community
19 and exhibited exemplary commitment and demonstrated exceptional qualities in navigating the
20 complexities of urban planning and community development; and
21

22 **WHEREAS**, Bruce's unwavering dedication to the responsibilities of the Planning Board has significantly
23 impacted the shaping of the city's future, reflecting his deep sense of civic duty and genuine concern for
24 the well-being of our residents; and
25

26 **WHEREAS**, Mr. Garland's ability to engage with the community, navigate intricate issues, and make
27 informed decisions has set a standard of excellence within the Planning Board that will leave a lasting
28 legacy; and
29

30 **WHEREAS**, Bruce Garland consistently went above and beyond, contributing to the creation and
31 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.

Assistant Mayor Below
*On Behalf of Mayor Timothy J. McNamara and
the Lebanon City Council*

- Distinguished Service Award for Police Sergeant Adam Leland
(Please note: Lebanon Police Sergeant Adam Leland's Distinguished Service Award Certificate can be found **on page 6, Council agenda packet**. It was unable to be pasted into the minutes.)

Lebanon Police Chief Phillip Roberts came forth to recognize Sergeant Adam Leland for his acts of bravery and professionalism that he demonstrated during an investigation of a stolen vehicle and the accompanying arrests of the subject on November 17, 2023. During the incident, the subject attempted to pull a knife on Sergeant Leland. Although presented with a deadly force situation, Sergeant Leland was able to quickly point his taser allowing for the apprehension of the armed suspect with no injuries to himself or the suspect. Sergeant Leland is recognized for maintaining a calm composure and a high level of professionalism. His actions ultimately rendered a safe and successful conclusion.

LPD Sergeant Leland was present and accepted this Distinguished Service Award and accolades from the Lebanon City Council and the Lebanon Police Department.

Councilor Sykes joined the meeting at approximately 7:05 PM.

6. ACCEPTANCE OF MINUTES: February 7, 2024 (Regular Meeting)

**Councilor Heistad MOVED to approve the February 7, 2024 minutes as written and presented in the February 21, 2024 City Council agenda packet.
Seconded by Councilor Wilkie.**

***The Vote on the Motion was approved (6-0).**

7. APPOINTMENTS:

- Planning Board, Brandon Hill (Regular Member)
Deputy City Manager David Brooks MOVED to NOMINATE Brandon Hill as a Regular Member of the Planning Board.

***The Vote on the NOMINATION was approved (6-0).**

- Arts & Culture Commission, Nicholas Gaffney (Reappointment as an Arts Organization Representative)
Councilor Wilkie MOVED to NOMINATE Nicholas Gaffney for Reappointment as an Arts Organization Representative to the Arts & Culture Commission.

***The Vote on the NOMINATION was approved (6-0).**

1 **8. PUBLIC HEARING ITEMS:**

- 2 **A. Establishment of a Redevelopment Properties Revolving Fund** - A public hearing for the
3 purpose of receiving public input and taking action to establish a Redevelopment Properties
4 Revolving Fund to include 0 Barrows Street (M/L 77-106 and 77-107), 0 Hanover St Ext
5 (M/L 64-1), 3 Seminary Hill (M/L 86-56), and 5 S. Main St (M/L 86-55); Authorization to
6 Transfer InvestNH grant funds into the Revolving Fund.
7

8 Included in agenda packet: *(Detailed information can be found on pages 41-42, Council agenda*
9 *packet.)*

10
11 Available but NOT Included in the agenda packet:

12 **1. January 17, 2024 City Council Agenda Packet.**

13
14 Deputy City Manager Brooks reviewed the background for the establishment of a Redevelopment
15 Properties Revolving Fund.
16

17 **BACKGROUND**

18 On January 17, 2024, the City Council reviewed and discussed a proposal from the City Manager's Office
19 regarding the redevelopment of city-owned parcels in furtherance of the Council's April 2022 Resolution
20 on Housing. Specifically, the City Manager is proposing to use \$440,000 in grant funding from the
21 InvestNH program, along with the adopted cottage cluster zoning regulations and the Pattern Zoning
22 study's housing plans to execute one or more demonstration projects on city-owned parcels around the
23 community.
24

25 On February 7, 2024, the Council adopted a resolution determining that the five parcels referenced above
26 have redevelopment potential and are suitable for redevelopment as part of designated Redevelopment
27 Areas in accordance with City Council Policy CC-102, Real Property Transactions.
28

29 In order to provide for the planning and construction phases of the redevelopment proposal, the City
30 Manager recommends that the City Council authorize the establishment of a Redevelopment Properties
31 Revolving Fund pursuant to NH RSA 31:95-h for the accrual of grant funds and future sales proceeds and
32 for the payment of costs associated with planning, design, permitting, and construction of residential units
33 on the city-owned properties that have become the focus of the redevelopment proposal, including city-
34 owned properties on Barrows Street, Hanover Street Extension, Seminary Hill and South Main Street.
35

36 In addition, it is recommended that the Council authorize the transfer of the \$440,000 in grant funding
37 from the InvestNH program, which was received from the State on February 12th, into the
38 Redevelopment Properties Revolving Fund so those funds can be used as seed money for the initial
39 design, permitting, and other costs associated with the redevelopment of the city owned parcels as
40 proposed. It is envisioned that as residential units are constructed and sold, any excess proceeds would be
41 placed in the Revolving Fund as seed money for subsequent redevelopment projects on other city-owned
42 properties
43

44 **Assistant Mayor Below opened the Public Hearing and the following came forth to speak:**

- 45
 - **Woody Rothe (Ward-3):** He spoke about his reasons why the City should consider the long-
46 term costs for energy efficiency in affordable housing noting it is worth the upfront investment.

- **Georgia Tuttle (Ward-1):** She spoke about her reasons why she felt these buildings should be reserved for City employees and questioned if there was a way to keep the costs of these buildings from rising. Deputy City Manager Brooks noted the plan is to include some declarations of covenants and restrictions that would help to ensure the continuum of affordability. The details of how this will happen has not been worked out yet and the details regarding limits to City employees has also not been discussed. They anticipate this will be some sort of lottery system for City, School District employees and non-profits.

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

Council Comments:

Councilor Whittlesey clarified that what is being forward tonight is just to put the funds from the grant into a Revolving Fund in an effort to provide greater transparency on how the funds will be spent and further explained his reasons.

Councilor Sykes wanted to be clear and spoke about his reasons for supporting this item, noting the housing crisis in Lebanon.

ACTION:

Councilor Whittlesey 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 Seconded by Councilor Wilkie.

***The Vote on the Motion was approved (6-0).**

9. OLD BUSINESS:

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

Included in the agenda packet: [*\(All supportive documents/information can be found on Pages 43-44, Council agenda packet\)*](#)

1. 2025-2026 NHMA Explanation of Proposed Policy form

ACTION: No action taken. Item included in agenda as a reminder for the Council to think about policies they might want to request for the upcoming NHMA Forum, which are due on April 15, 2024.

1
2 **10. NEW BUSINESS:**

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

4 Included in the agenda packet: *(All supportive documents/information can be found on Pages 45-49,*
5 *Council agenda packet)*

- 6 1. Impact Fee Report as of 12/31/2023
7 2. November 22, 2021, Memorandum of Understanding between the City of Lebanon and
8 The Lebanon School District, SAU#88
9

10 Deputy City Manager Brooks briefly reviewed the background as listed below.
11

12 **BACKGROUND**

13 A Memorandum of Understanding (MOU) was developed in 2010 between the City and the School
14 District for the quarterly transfer of collected Public School Impact Fees to the Lebanon School District
15 for application toward the payment of debt on the (then) new middle school.
16

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

21 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				

22
23 This request is for the City Council to authorize the disbursement of \$6,341.26 in collected Public School
24 Impact Fees (through 12/31/2023) to the Lebanon School District.

25 **PUBLIC FACILITIES IMPACT FEES**

	PAID BY/LOCATION	MAP/LOT/PLOT	<u>School</u>
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

1 **ACTION:**

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

9
10 ***The Vote on the Motion was approved (6-0).**

11
12 **B.** Request for Authorization to Transfer Appropriated Funds in the Amount of \$125,000.00
13 from the General Fund to the Public Assistance Revolving Fund
14 Included in the agenda packet: *(All detailed supportive documents/information can be found on Pages*
15 *50-54, Council agenda packet)*

16 1. Excerpt from City of Lebanon Proposed 2024 Operating Budget

17
18 Deputy City Manager Brooks reviewed the background behind the request as listed above.

19
20 **BACKGROUND**

21 On December 13, 2023, the City Council approved the City's proposed operating budget for fiscal year
22 2024. Included within the Interfund Transfers section of the proposed budget was an appropriation of
23 \$125,000 to be transferred from the General Fund to the Public Assistance Revolving Fund. The Public
24 Assistance Revolving Fund was created in 2022 to provide general assistance for housing and emergency
25 shelter, food, fuel, utilities, and other necessities of the public welfare function.

26
27 However, when the Budget Adoption Guide was prepared for the City Council's budget hearing, it did not
28 include a specific Resolution for the Council to authorize the transfer of the appropriated funds into the
29 Public Assistance Revolving Fund.

30
31 The City Manager recommends that the Council take action now to transfer the appropriated funds into the Public
32 Assistance Revolving Fund as was originally intended in the 2024 budget.

33
34 **ACTION:**

35 **Councilor Wilkie MOVED the following Resolution:**

36
37 **BE IT HEREBY RESOLVED, that the Lebanon City Council authorizes the transfer of appropriated**
38 **FY2024 funds in the amount of \$125,000.00 from the General Fund to the Public Assistance Revolving**
39 **Fund for the purpose of providing general assistance for housing and emergency shelter, food, fuel,**
40 **utilities, and other necessities of the public welfare function.**

41
42 **This Resolution shall be effective upon passage.**

43
44 **Seconded by Councilor Whittlesey.**

45 ***The Vote on the Motion was approved (6-0)**

46
47 **C.** Report on Council questions from January 3, 2024 discussion of Traffic Patterns on Elm
48 Street West

49 Included in the agenda packet: *(All supportive documents/information/maps can be found on Pages 55-*
50 *67, Council agenda packet)*

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

Deputy City Manager Brooks reviewed the background and Planning Staff's memo of findings dated February 12, 2024, which answers the Council's questions as listed in the January 3, 2024 agenda packet.

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 roads and USGS maps for evidence of past rights-of-way in the area. Findings show that the road/driveway existed but it does not say anything about the legal status of that road. 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 (laid out in 1850). 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 action, this topic should be scheduled for further discussion at a future meeting.

Council Comments:

In response to Councilor Whittlesey's concern regarding the impact of traffic as mentioned by Ms. Driscoll on page 65, Council agenda packet, Deputy City Manager Brooks spoke about the Minor Site Plan Process and why Elm Street West may not qualify for this process, noting that the impact they would be looking at for traffic, as well as any buildings, falls below the threshold at which the full Site Plan Review process occurs and further explained his reasons. He will follow-up with the Planning Department to see if and when these uses come before the Minor Site Plan Committee or if they elevate to the full Planning Board Committee. Information will be brought back to Council in the future.

Deputy City Manager Brooks also noted that delineator posts have been installed on the bump out island as you approach Seminary Hill along Elm Street West.

ACTION: No action required. Will be put on a future agenda for further discussion by the Council.

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

Included in the agenda packet: *(All supportive documents/information can be found on Pages 68-69, Council agenda packet)*

Samantha Lauzon, Human Resources Director, was present and reviewed the proposed amendment to Ordinance #18 as listed above.

In response to Councilor Sykes' question regarding how the Health Officer's position would be utilized, Deputy City Manager Brooks noted that the current Code Health Officer position has a limited role in the City. We do not have a full Health Department but we do have a Health Officer for issues (i.e., when a septic system fails; concerns about mold; etc.). This position would take on that role and come away from the position that it occupies now. Whether we go further in terms of formulating a true function for a Health Officer, to take on all aspects of public health, is a discussion the Council will want to have and further explained his reasons.

BACKGROUND

The City Council was 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

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.

1
2 **1. Acknowledge First Presentation:**

3
4 *Councilor Wilkie MOVED, that the Lebanon City Council acknowledges the first of three presentations*
5 *to amend Ordinance #18, Salary Plan, Article II, by adding the position of Chief Building Official &*
6 *Health Officer (Grade 13, Non-Affiliated) in the Non-Affiliated & LPASE Employee compensation and*
7 *classification schedules as outlined in the February 21, 2024, City Council Agenda Packet.*

8
9 *Below is an excerpt of the Non-Affiliated & LPASE Employees' compensation and classification schedules*
10 *impacted by the proposed change described above. Changes to the compensation and classification*
11 *schedules are shown in red type; new positions and retitled or reclassified positions are shown in red bold*
12 *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	-	-	-	-

13 **Denotes LPASE Employees

14
15 **1. Schedule Public Hearing:**

16
17 *Councilor Wilkie FURTHER MOVED, that the Lebanon City Council hereby schedules a public*
18 *hearing for Wednesday, March 20, 2024, beginning at 7:00 PM, in Council Chambers, City Hall,*
19 *and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action*
20 *to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to add*
21 *the position of Chief Building Official & Health Officer (Grade 13), as fully described and*
22 *contained in the February 21, 2024, City Council Agenda Packet.*

23
24 *Seconded by Councilor Whittlesey.*

25
26 **The Vote on the Motion was approved (6-0-1). Councilor Liot Hill abstained from vote.*

27
28 *Councilor Liot Hill arrived at approximately 7:45 PM, which was in the middle of the motion*

29
30 **E. Citizen Request for Ceasefire Resolution**

Included in the agenda packet: *(The Ceasefire Resolution in its entirety can be found on pages 70-75, in the February 21, 2024 Council agenda packet)*

1. Proposed 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 proposed Ceasefire Resolution as listed below and present in the council agenda packet.

“PROPOSED” 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

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

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

1 and

2
3 **WHEREAS** \$219,005 in annual military funding comes from federal taxes paid by residents of
4 Lebanon;¹¹ and

5
6 **WHEREAS** cities across the country are speaking up for what is right, calling for a full and lasting
7 ceasefire, including Atlanta, Seattle, Minneapolis, Detroit, Oakland, San Francisco, Seattle, Portland, OR,
8 Portland, ME, and Albany, exercising democratic process; and

9
10 **WHEREAS** the majority of countries, 153 nations, around the world have voted in favor of a ceasefire as
11 part of a United Nations General Assembly resolution;

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

17
18 **NOW, THEREFORE, BE IT RESOLVED** that the Mayor of Lebanon and the Lebanon City Council
19 call for an immediate and permanent ceasefire; and

20
21 **BE IT FURTHER RESOLVED** that the Council calls for the release of all hostages, both Palestinian
22 and Israeli; and

23
24 **BE IT FURTHER RESOLVED** that the Council urges the New Hampshire state government to pass a
25 resolution of its own to call for a ceasefire in Israel and Palestine, and to urge President Biden and
26 Congress to follow suit; and

27
28 **BE IT FURTHER RESOLVED** that the Council calls directly on our congressional delegation, namely
29 Congresswoman Ann Kuster, Senator Jeanne Shaheen, and Senator Maggie Hassan, to pressure Israel to
30 adhere to an immediate and permanent ceasefire; and

31
32 **BE IT FURTHER RESOLVED** that the Council calls on the U.S. federal government to both pressure
33 Israel to lift its onerous restrictions on the border crossing at Rafah to allow the full capacity of
34 humanitarian aid required to fully meet the food, water, shelter, and medical needs of the people of Gaza,
35 and to resume funding to aid organizations including UNRWA; and

36
37 **BE IT FURTHER RESOLVED** that the Council calls on the U.S. federal government to cease all
38 funding and arming of Israel as a consequence of its government's well- documented crimes against
39 humanity, both historically¹⁴ and in the recent case against Israel presented by South Africa in the
40 International Court of Justice,¹⁵ and to reinvest this money in helping Palestinians rebuild their homes
41 and critical infrastructure, such as schools, hospitals, roads, and water treatment, storage, and distribution
42 infrastructure; and

43
44 **BE IT FURTHER RESOLVED** that the Council urges the U.S. federal government to reinvest funds
45 that would otherwise have been appropriated as aid to Israel to address the needs of the American people,
46 including the people of the City of Lebanon, through programs such as affordable housing and healthcare;
47 and

48
49 **BE IT FURTHER RESOLVED** that the Council reinforces its commitment to the values of the City of
50 Lebanon as stated in the Welcoming Lebanon Ordinance, and encourages Lebanon residents to feel safe

1 in practicing and expressing their cultural and religious identity freely without fear of discrimination; and

2
3 **BE IT FURTHER RESOLVED** that the Council denounces the rise in anti-Palestinian racism,
4 Islamophobia, and antisemitism within the United States as a result of Israel's genocide of Palestinians in
5 Gaza; and

6
7 **BE IT FURTHER RESOLVED** that a copy of this resolution will be printed and sent to the offices of
8 all state and federal congressional representatives beholden to the residents of the city of Lebanon.
9

10 **Assistant Mayor Below opened discussions/comments to the Public and the following came forth to**
11 **speak: (Please Note: Due to the number and length of each individual's testimony, their comments**
12 **and written text are only summarized below. Complete testimonies can be viewed in their entirety**
13 **(either by video or by transcription) on the City's website for this meeting. Lebanonnh.gov; scroll**
14 **down the agendas & minutes and search for the February 21, 2024 City Council Meeting.)**
15

- 16 • **Rachel Kent (Ward-3):** She spoke about her reasons supporting the Ceasefire Resolution and
17 handed out a copy of a Petition that contained the names and comments of 247 individuals (77 of
18 whom are Lebanon residents) who supported the Ceasefire Resolution.
19
- 20 • **Evelyn Campbell (Ward-3):** She spoke about her reasons supporting the Ceasefire Resolution.
21
- 22 • **Rachel Kent (Ward-3):** She again came forward and spoke about her reasons for passing the
23 Ceasefire Resolution.
24
- 25 • **Sabiya Ahamed (Ward-2):** She spoke about her reasons supporting the Ceasefire Resolution.
26
- 27 • **Ahoam Abuawad (Ward-2):** She spoke about her reasons for supporting the Ceasefire
28 Resolution.
29
- 30 • **Jordan Narrol (Hanover, NH):** He spoke about his reasons for supporting the Ceasefire
31 Resolution.
32
- 33 • **Ramsey Al Sheikh (Hanover, NH):** He spoke about his reasons supporting the Ceasefire
34 Resolution.
35
- 36 • **Abdul Latif (Ward-2):** He spoke about his reasons supporting the Ceasefire Resolution.
37
- 38 • **Richard Abel (Ward-1, Former State House Representative for Lebanon):** He spoke about
39 his reasons for not supporting the Ceasefire Resolution because the language, as written, is a
40 problem and further explained his reasoning. He also felt the City of Lebanon should not be
41 involved in international foreign policies and did not see how the City of Lebanon would
42 influence the rest of the world or our Federal Government.
43
- 44 • **Dr. Graham Edwards (Ward-2):** He spoke about his reasons for supporting the Ceasefire
45 Resolution.
46
- 47 • **Maria Solice Kennedy (Ward-2):** She spoke about her reasons supporting the Ceasefire
48 Resolution.
49
- 50 • **Ben Spiro (Ward-1):** He spoke about his reasons for not supporting the Ceasefire Resolution.

- **Elon Kluger (Hanover, student at Dartmouth College):** He spoke about his reasons for not supporting the Ceasefire Resolution.
- **Oren Poleshuck-Kaidel (Dartmouth Student, Hanover, NH):** He spoke about his reasons for not supporting the Ceasefire Resolution.
- **Jeremy Katz (Ward-3):** He spoke neither for/against the Ceasefire Resolution but about his concerns regarding how both the Lebanon, NH Muslim/Jewish residents feel unsafe, which should be of concern to the City Council, noting we may not be doing a good job at making people in our own community feel like they are part of our community and further explained his reasons.
- **Bradley Conway (Manchester NH):** He spoke about his reasons supporting the Ceasefire Resolution.
- **Max Orman—Kollmar (Graduate Student, Dartmouth, Hanover, NH):** He spoke about his reasons for not supporting the Ceasefire Resolution.
- **Ahmad Herzallah (Dartmouth student, Hanover, NH):** He spoke about his personal reasons supporting the Ceasefire Resolution.
- **Daisy Goodman (Lyme, NH):** She spoke about her reasons supporting the Ceasefire Resolution.
- **Dr. Golamar Nikpour (Ward-3):** Statement read on his behalf (by Nancy Welch, Hanover, NH) in support of the Ceasefire Resolution.
- **Nancy Welch (Hanover, NH):** She spoke about her reasons supporting the Ceasefire Resolution.
- **Ainan Adeam (Dartmouth Student, Hanover, NH):** She spoke about her reasons supporting the Ceasefire Resolution.
- **Roan Wade (Hanover, NH):** She spoke about her reasons supporting the Ceasefire Resolution.
- **Kristina Woalff ((location not given):** She spoke about her reasons supporting the Ceasefire Resolution.
- **Phillip Mulligan (Ward-3):** He spoke about his reasons supporting the Ceasefire Resolution.
- **Paul Yange (Student, Dartmouth, Hanover, NH):** He spoke about his reasons supporting the Ceasefire Resolution.
- **Dina Stein (Student, Dartmouth, Hanover, NH):** She spoke about her reasons for not supporting the Ceasefire Resolution.

Assistant Mayor Below reminded the audience that this is not the time for back-and-forth conversations between speakers.

- **Yaila Volle (Ward-2):** Statement read on her behalf (by Hayden Smith, Hanover, NH)

supporting the Ceasefire Resolution.

- **Hayden Smith (Hanover, NH):** He spoke about his reasons supporting the Ceasefire Resolution.
- **Danny Keane (Student, Dartmouth, Hanover, NH):** He spoke about his reasons supporting the Ceasefire Resolution.
- **Harper Richardson (Student, Dartmouth, Hanover, NH):** She spoke about her reasons supporting the Ceasefire Resolution.
- **Jeanna Spiro (Ward-1):** She spoke about her reasons for not supporting the Ceasefire Resolution.
- **Sam Amkieh (Student, Dartmouth, Hanover, NH):** He spoke about his reasons supporting the Ceasefire Resolution.
- **Miriam Garcia (Student, Dartmouth, Hanover, NH):** She spoke about her reasons supporting the Ceasefire Resolution.
- **Sarah Wraight (Ward-1):** She spoke about her reasons supporting the Ceasefire Resolution.
- **Aleks Austin (Ward-2):** She spoke about her reasons for supporting the Ceasefire Resolution.
- **Yousef Helali (Vermont resident):** He spoke about his reasons for supporting the Ceasefire Resolution.
- **Lucie Rathgeb (Norwich, VT):** She spoke about her reasons supporting the Ceasefire Resolution.

Hearing no further comments from the public, either in person or remotely, Assistant Mayor Below closed the public discussion session.

Council Discussions/Deliberations Summary:

Councilor Heistad spoke about the horrors of WWII, the Vietnam War, and other wars, noting it is not a pretty scene no matter who is dying or shooting. We need to think about this and take it seriously. This happens again and again in our world and felt we need to stand up and say enough is enough.

Councilor Wilkie: He supported the Ceasefire Resolution and thought the Council should take action tonight. Many communities are taking action or speaking out against genocide and are in favor of a ceasefire. They are not acting out of turn, they are acting out Democracy. In this Resolution, he thought a number of points became apparent.

1. The resolution calls for an immediate ceasefire.
2. The resolution calls for the release of all hostages, both Palestinian and Israeli. One of the most frequent arguments against this is that it needs to call for the release of all hostages, this does that.
3. The resolution also talks about our State government and our Congressional delegation and addresses something the Lebanon City Council has addressed in the past.

1 He felt that this is something that affects Lebanon residents and is something we have heard about from
2 many Lebanon residents. Ultimately, regardless of what other communities are feeling or experiencing,
3 this is not necessarily a combative resolution. In fact, it is the opposite. It is asking for peace rather than
4 combat. He supported this Ceasefire Resolution and further explained his reasons.

5
6 **Councilor Liot Hill:** She thanked everyone who came and testified, noting this is a beautiful exercise in
7 Democracy. For the record, having the Lebanon City Council weighing in on foreign policy is absolutely
8 unprecedented. The City Council did affirm the Paris Climate Accord but it was specifically related to
9 energy, which is a topic that we have within our jurisdiction. The only extent to which we have been
10 engaged in any kind of international discussions has been about particular policy issues that are in front of
11 the City Council. She understood Councilor Wilkie's and others points about their desire for urgency but
12 also understands that sometimes you have to take a little more time to get something right.

13
14 In its current form, she could not support this Ceasefire Resolution, even though she has empathy for
15 these requests. Furthermore, we have a process. For example, matters relating to energy goes to our
16 Energy Advisory Commission (LEAC) who debate and gather more information about the issues, then
17 sends their recommendations back to the City Council. This has also been our practice with the
18 Economic Development Commission. This seems like a matter that would be appropriate to send to our
19 DEI (Diversity, Equity, and Inclusion) Commission and have them work with the people who have
20 proposed this resolution, noting she would be in favor of a resolution that really focuses on what can be
21 done in Lebanon to make people feel safe. This is also something we have to address and requested the
22 Council to take more time so we can get this right and pass a resolution with unanimous support instead
23 of forcing a vote tonight on something that people may have misgivings about.

24
25 **Councilor Whittlesey:** He echoed what Councilor Liot Hill said and noted he did not support this
26 resolution in its current form, although he condemns the violence, death, and the humanitarian crisis.
27 International Foreign Policy to him is not the purview of the City. Where we have engaged our various
28 delegations was really related to policy at both a State and Federal level that directly impacted
29 municipalities. He would like to see a statement of our values/principles that echoes and re-enforces what
30 is in the Welcoming Lebanon Ordinance, noting Lebanon is a City that welcomes all. He agreed this
31 resolution should go to the DEI Commission, noting his biggest concern is that our residents feel safe.
32 Our residents deserve to feel safe and welcomed here. They should not be targeted, subjected to violence,
33 or subjected to hate speech. Something should be added to the Welcoming Lebanon Ordinance stating
34 that Lebanon is against islamophobia and against antisemitism. He did not feel forcing a vote (tonight)
35 serves anyone any good.

36
37 **Councilor Sykes:** When this resolution proposal first came before the Council (December 2023) he
38 spoke in favor of seeing such a resolution. He echoed again why he felt that it is important for the
39 Council to take a stand about a resolution. After speaking about his 17 years of volunteer work with the
40 American Red Cross/International Federation of the Red Cross (Red Crescent), he felt that sometimes
41 taking baby steps is the way to get to where we need to be. In his mind, that first step would be a
42 ceasefire and expressed his support for a ceasefire. We heard a lot of discussion from many citizens and
43 other Councilors that it is not the place for the Lebanon City Council to get involved with foreign policy,
44 but disagreed, noting our City Councilors have been elected to be the voice of our citizens and it is
45 incumbent upon us to take sometimes difficult, unrewarding positions because we are the voice of our
46 citizens. He felt having some other commission take a look at this could not be done in a timely manner.

1 The two most important pieces of the resolution are: 1. There should be a ceasefire and 2. The hostages
2 should be released.

3
4 **Councilor Simon:** He spoke about his 30 years of experience in the Fire and Emergency Medical Services
5 noting he has seen violence locally at its worst and it affects us all and questioned if there was a way
6 where we can meet in the middle of the road to serve the greater good: Peace. He was concerned about
7 the resounding feeling of residents/citizens not feeling/being safe in Lebanon.

8
9 One thing he learned when he got on the Council is that there are processes and there are a lot of
10 Boards/Committees/Commissions and felt there is a process that we need to follow. A good starting point
11 for this process would be to start with the DEI Commission. He also noted that while there may have
12 been a little rumble now and then, all-in-all everyone has been very respectful of one another and has
13 listened to one another. Why can't we take that forward as a community and build upon it so all of our
14 citizens feel safe and respected? He concurred with Councilors Whittlesey and Liot Hill that the next
15 place for this to go would be our DEI Commission for their review and bring their recommendations back
16 to the Council. He also spoke about the need to have a full Council present, noting the Mayor and one of
17 the Council members were absent, noting that if this (resolution) moves forward, he will abstain because
18 he will not pick one side or the other.

19
20 **Assistant Mayor Below:** He appreciated everyone coming out and sharing their passionate feelings.
21 What happened on October 7th (2023) and what has happened since makes him sick, including the
22 funding from the US Government, noting he does not have a problem with calling for a ceasefire – it is
23 overdue. He does see where some people would think that a few of the statements are not as balanced as
24 they might be and would like to see the resolution tweaked so that it is more balanced.

25
26 One thing that is missing from the resolution is:

- 27 • We abhor the murder, rape, pillaging and kidnapping that occurred on October 7th and we abhor
28 the murder/killing of thousands of innocent children, women and men and it cannot go on with
29 our weapons.

30
31 He spoke about certain items in the resolution that he agreed with and items he felt needed changes,
32 noting the Palestinian people are entitled to a State as well. While he was not comfortable with all of the
33 text in the resolution, the bottom line is that he does not have a problem with the Council expressing their
34 support for an immediate ceasefire.

35
36 **Councilor Wilkie:** He wanted to propose a possible solution that may help everybody to feel more
37 comfortable and felt it would be appropriate for the Council to make a motion that includes:

- 38 1. Affirm its support for an immediate permanent ceasefire, and
- 39 2. Release of all hostages on both sides (Palestinians and Israeli), then
- 40 3. Share this proposed resolution with the DEI Commission

41
42 As a member of the DEI Commission, he requested specific changes that everyone would like to see in
43 the resolution.

44
45 **Councilor Liot Hill MOVED to extend the meeting to 10:15.**

46 **Seconded by Councilor Whittlesey.**

47 ***The vote to extend the meeting was approved (7-0)**
48

1 **Councilor Whittlesey:** He supported Councilor Wilkie’s suggested solution. His concern with the
2 proposed Ceasefire Resolution, as written, is that there needs to be balance. The way it is written, is that
3 it is putting the ownership for everything in Israel, noting Israel should not be absolve in its part in this or
4 what it has done (since October 7, 2024), but the attacks were initiated by Hamas and continued to
5 explain his reasons regarding historical events. He would support adding (to the resolution) a call for
6 ensuring the provision of humanitarian aid directly to the people who need it. He did not want to move
7 quickly on this for the sake of moving quickly because it pays to be very careful and clear with what we
8 are trying to say.

9
10 **Councilor Liot Hill:** She would appreciate it if the City Council could deliberate more about the issue of
11 whether the Lebanon City Council should be weighing in on foreign policy. This is a precedent we are
12 setting for the future and the City Council here-to-for has not weighed in on foreign policy or military
13 engagements. She did not feel the Lebanon City Council has actually grappled with the question of
14 whether we should be starting to advise our federal delegation or the President of the United States on
15 matters of foreign policy. Maybe this is something we should be doing but has not been able to talk to the
16 members of the Council on this issue. Secondly, we can ask the DEI Commission to hold an emergency
17 meeting if we feel that we want to move quickly. They know this issue was likely to come before them
18 and she absolutely could support a resolution that calls for peace and condemns violence.

19
20 If we are going to do something, let’s do it intentionally, deliberately, and respectfully and requested the
21 Council have the DEI Commission take up the matter of the Ceasefire Resolution and come back to the
22 Council with a resolution calling for peace and condemning violence within 30 days.

23
24 **Councilor Heistad:** He was looking at the dangers if the Council does not make a decision, noting that
25 in looking back, there are examples where if we, as a people, we rose up and said, “No carpet bombing,”
26 millions of people would not have died and further explained his reasoning about what happened during
27 previous wars/conflicts and what is happening now.

28
29 ***Councilor Wilkie MOVED to extend the meeting to 10:30.***

30 ***Seconded by Councilor Liot Hill.***

31 ****The vote to extend the meeting was approved (7-0)***

32
33 ***Councilor Wilkie Moved that it be resolved that the Lebanon City Council call for an immediate and***
34 ***permanent ceasefire; and***

35
36 ***BE IT FURTHER RESOLVED that the Council calls for the release of all hostages, both Palestinian***
37 ***and Israeli; and***

38
39 ***BE IT FURTHER RESOLVED that the Council Call for humanitarian aid to the people who need it.***

40
41 ***MOVED ALSO, that the Lebanon City Council directs the DEI Commission, along with specific***
42 ***feedback regarding proposed changes, to examine the ceasefire resolution as presented in the***
43 ***February 21, 2024 packet, with a response to be provided to the Lebanon City Council no later than the***
44 ***end of March 2024.***

45 ***Seconded by Council Sykes.***

46
47 Assistant Mayor Below requested an amended motion adding in (after the first sentence after ceasefire) in
48 the word “Israel and Palestine.”

49
50 **Councilor Wilkie Moved to amend the Motion to read as follows:**

1 **Councilor Wilkie Moved that it be resolved that the Lebanon City Council call for an immediate and**
2 **permanent ceasefire in Israel and Palestine; and**

3
4 **BE IT FURTHER RESOLVED that the Council calls for the release of all hostages, both Palestinian**
5 **and Israeli; and**

6
7 **BE IT FURTHER RESOLVED that the Council Call for humanitarian aid to the people who need it.**

8
9 **MOVED ALSO, that the Lebanon City Council directs the DEI Commission, along with specific**
10 **feedback regarding proposed changes, to examine the ceasefire resolution as presented in the**
11 **February 21, 2024 packet, with a response to be provided to the Lebanon City Council no later than the**
12 **end of March 2024.**

13 **Seconded by Councilor Sykes.**

14
15 Councilor Wilkie spoke to his motion saying it is relevant and important to have the Council discuss
16 whether they should address issues outside its jurisdiction but believed now is not the time to address this
17 issue. We do not stop in the middle of gunfire to ask whether our actions are just or ask what we want to
18 do next. The time to call for a ceasefire is now. The time to determine whether we should be transferring
19 that call into a request for the Federal /State Government may be coming in a month and that is why we
20 are going to pass the larger resolution to DEI for their specific feedback and did think the call for a
21 ceasefire was unprecedented. This particular conflict has extensive funding using taxpayer dollars. It's
22 not the case that because of this one instance we will then be called upon to address every geopolitical
23 conflict. While many of the other topics in the resolution may be controversial to some, calling for a
24 ceasefire, the release of hostages, and humanitarian aid to those in need all seem consistent with what the
25 City Council has advocated/supported to date. He hoped his Motion would pass and the Council would
26 have a broader discussion in the months ahead.

27
28 **Councilor Liot Hill:** She realized this was not popular in this room right now, but the truth is that the
29 people of Lebanon did not vote for us to weigh in on foreign policy matters. That is not something the
30 City Council has ever done before and when people elected us to represent them, they did not do it with
31 any understanding that we were going to suddenly weigh in on foreign policy matters. If what we were
32 being asked to do was to send this resolution to the voters, she would absolutely support that. The people
33 of Lebanon should weigh in on what they think. Without taking more time to talk about what is
34 appropriate is not going to all of a sudden stop the violence that is happening. Yes, what we do at the
35 local level matters, but it is not going to stop the violence. We can take a couple more weeks to deliberate
36 on this, which is what we do. Democracy is about deliberation. We have had more deliberation over
37 masking during COVID; over whether we should open up a homeless shelter; what we should do with the
38 redevelopment of Main Street in West Lebanon; and more mundane issues. To be clear, she did not
39 support the Council rushing to do something we have never done before, or the people of our City have
40 never seen us do before and have never weighed in on.

41
42 The Council continued their deliberations regarding: The Council's process in making decisions;
43 consulting the City's residents in a transparent way; how weighing in on foreign policy issues is a big
44 shift for the Council and should not be done piecemeal or be forced on them; having this Ceasefire
45 Resolution go to DEI for their review and recommendation; the need to have the full City Council
46 present for a discussion regarding foreign policy and if this is something we should do; how setting a
47 precedent should be mindful; how the Council in Lebanon is here for the purpose of overseeing the City
48 government and making sure it is running effectively; how the City could easily be overwhelmed by
49 being asked to weigh in on foreign policy matters (i.e., various conflicts wars, insurrections, coups, etc.);
50 and, how not taking action on this resolution tonight is not because we are failing in raising our voices.

1 **Councilor Wilkie:** He is concerned that if the Ceasefire Resolution is sent to the DEI Commission
2 without a clear intention, the City Council may not act on their recommendation. Councilor Wilkie
3 discussed the reasons behind this concern. Overall, he wants to affirm whether the Council will address
4 this topic, acknowledging that the details will be discussed later. Councilor Wilkie made clear that he will
5 not be withdrawing this motion.

6
7 The Council continued with their lengthy debates and explained their reasonings on whether or not they
8 should weigh in on foreign policies.

9
10 **Councilor Liot MOVED to extend the meeting to 10:45P.**

11 **Seconded by Councilor Whittlesey.**

12 ***The Vote on the MOTION was approved (6-0). Councilor Heistad was not in the room at the time**
13 **this vote was taken.**

14
15 The City Council discussed the motion further. During their discussion, there was a significant focus on
16 whether they should be involved in foreign policies.

17
18 Assistant Mayor Below informed the Council that what they are being asked to vote on is not the original
19 Ceasefire Resolution presented in the agenda packet, but just Councilor Wilkie's Amended Motion.

20
21 **(Note:** Procedurally, when someone wants to "Call the Question," it is a motion to end a debate and vote
22 on a pending proposal bringing it to an immediate vote without further debate.)

23
24 **Councilor Sykes MOVED to call the question.** (Voting on the Amended Motion from Councilor Wilkie
25 without any further debate.)

26 ***Vote on the question failed (3-3). Assistant Mayor Below abstained.**

27
28 **Councilor Liot Hill MOVED to extend the meeting to 11:00PM**

29 **Seconded by Councilor Wilkie.**

30
31 Assistant Mayor Below informed the audience that the meeting would end if there were any more
32 disruptions.

33
34 ***The Vote on the Motion to extend the meeting to 11:00 PM was approved (7-0).**

35
36 After more Council deliberations took place regarding whether or not the Council weigh in on foreign
37 policy issues and Councilor Wilkie's Amended Motion, the following action was taken

38
39 **ACTION:**

40
41 **Assistant Mayor Below MOVED to Call the Question:** (Voting on the Amended Motion from Councilor
42 Wilkie without any further debate.)

43 **Seconded by Councilor Sykes.**

44
45 **Voting For:** Assistant Mayor Below and Councilor's Wilkie, Heistad and Sykes.

46 **Abstaining:** Councilor's: Liot Hill, Simon, and Whittlesey.

47 ***The Vote on the MOTION was approved (4-0-3).**

48
49 **The Motion as listed below was carried.**

Councilor Wilkie Moved, that it be resolved that the Lebanon City Council call for an immediate and permanent ceasefire in Israel and Palestine; 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 calls for humanitarian aid to the people who need it.

MOVED ALSO, that the Lebanon City Council directs the DEI Commission, along with specific feedback regarding proposed changes, to examine the Ceasefire Resolution as presented in the February 21, 2024 packet, with a response to be provided to the Lebanon City Council no later than the end of March 2024.

Seconded by Councilor Sykes.

Councilor Sykes left the meeting at approximately 10:45PM.

11. CITY MANAGER REPORT:

Deputy City Manager Brooks updated the Council on the following:

- Candidate's Forum: Hosted by Upper Valley Business Alliance
- Community Conversation on the Strategic Plan.
- 20 Spencer Street Proposals

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS:

- Further Discussion regarding Report on Council questions from January 3, 2024 discussion of Traffic Patterns on Elm Street West

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Wilkie MOVED for adjournment.

Seconded by Councilor Whittlesey.

***The Vote on the MOTION was unanimously approved (6-0). Councilor Sykes was not present for this vote.**

The meeting was adjourned at 10:53 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary

Agenda
Lebanon City Council
March 06, 2024

8. Public Hearing Items:

**8.A – Supplemental Appropriation in the Amount of \$270,000 for
New Civic Park Playground Improvements; Authorization for Disbursement of
\$135,000 in Recreation Impact Fees**

A public hearing 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.

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 24 and February 27, 2024 in accordance with City Code and State Law.

Background

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

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

RAP proposes to fund approximately 50% of the total project cost from Recreation Impact Fees collected from new development in the community. The remaining costs will be raised through leadership level 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.

Please see the attached memorandum from Recreation, Arts & Parks Director Paul Coats for a detailed explanation about the project and examples of the proposed playground design.

Pursuant to Section C419:43, Appropriations After Budget is Adopted, requests for appropriations that are not included in the annual budget require a two-thirds (2/3) majority vote of the Council after a public hearing.

Action

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

RESOLVED, by the City of Lebanon, that funds, in the amount of \$270,000 (Two Hundred Seventy Thousand Dollars), be appropriated for expenditure from the Capital Improvements Fund for New Playground Improvements at Civic Park.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds, in an amount not to exceed \$135,000 (One Hundred Thirty-Five Thousand Dollars), be disbursed from the Recreation Impact Fees Fund to the Civic Park Playground Improvements Capital Project for the purpose of financing a portion of the playground improvements at Civic Park, with the remaining project costs to be raised from grants and donations.

This Resolution shall be effective upon passage.

Included in this Section:

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

To: Honorable Mayor and City Council
Cc: David Brooks
From: Paul Coats
Date: December 19, 2023
Re: Civic Park Playground, Recreation Impact Fees

INTRODUCTION:

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

BACKGROUND:

Civic Park was constructed in 1985 as a City project utilizing the Land Water Conservation Fund (LWCF) and locally raised funds. Park amenities include a softball field, multi-purpose field, maintenance building with bathrooms, outdoor basketball court, tennis courts, green space, and a playground. Civic Park saw tremendous usage over the ensuing 38 years as the home location for many youth sports teams, Sem Hill Elementary School classes, Camp K, adult softball, and as a park that West Lebanon residents could access by foot or bike. The heavy use of the playground combined with its advanced age made it necessary to remove the playground in 2022 for safety reasons. It is time to replace it.

The Friends of Lebanon Recreation Arts & Parks and the Recreation Arts & Parks Department initiated the "Civic Plays" taskforce to gather community input for a new playground design, research playground manufacturers, and to raise funds through a capital campaign. The Civic Plays taskforce has been actively pursuing these objectives through 2023 and is now engaged in raising a portion of the needed funds.

One of the taskforce's primary goals is to make this playground as inclusive as possible, welcoming for all children ages 2 – 12 regardless of their abilities. To that end, a poured-in-place (PIP) surfacing is included in the design, the first of its kind for the Lebanon area. The total project cost with surfacing and a "community build" installation will be \$270,000.

RECOMMENDATION/RATIONALE:

The Recreation Impact Fee Account has a current balance of \$370,000 with \$180,000 earmarked for upcoming CIP projects (Westboro and Mascoma River Greenway). **We propose allocating \$135,000 from the Impact Fee Account to the Civic Plays project**, 50% of the total project cost. The remaining 50% will be raised through leadership level gifts in the first quarter of 2024, followed by a public capital campaign. Once successful, the play structures will be purchased with an anticipated installation date of Fall 2024.

BACKUP INFORMATION:

Examples of the playground design are attached.



landscape
structures

CIVIC MEMORIAL PARK

MEO23568 • 6.20.2023

O'BRIEN
& SONS
ELEMENTS FOR A GREAT OUTDOORS

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CIVIC MEMORIAL PARK
MEO23568 • 6.20.2023

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**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING**
Wednesday, March 6, 2024 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL
PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold a public hearing on March 6, 2024, beginning at 7:00pm for the following:

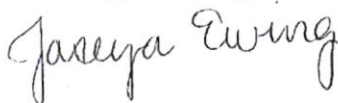
A. SUPPLEMENTAL APPROPRIATION FOR CIVIC PARK PLAYGROUND IMPROVEMENTS: Public hearing for the purpose of receiving public input and taking action to appropriate \$270,000.00 for Civic Park Playground Improvements; and to authorize disbursement of \$135,000.00 in Recreation Impact Fees as the means to pay for the work

The March 6, 2024 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website beginning March 1, 2024: LebanonNH.gov/Agendas

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 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.

NE-438994

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, February 24, 2024 and Tuesday, February 27, 2024.



Jaseya Ewing, City Clerk

**Agenda
Lebanon City Council
March 06, 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
March 06, 2024**

9. Old Business:

9.B – Presentation of Second Reading:

**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

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

The first presentation was recognized by the City Council on February 21, 2024. The Council is now asked to recognize the second of three presentations. The third presentation will occur on March 20, 2024, along with a public hearing to adopt the amendment as proposed.

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 second of three presentations:

1. Acknowledge Second Presentation:

MOVED, that the Lebanon City Council acknowledges the second 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

**Agenda
Lebanon City Council
March 06, 2024**

10. New Business:

**10.A – Request from Lebanon Village Pizza, LLC for Exemption of City Code
Chapter 14, Alcoholic Beverages, to Permit the Serving
of Alcoholic Beverages on City Property**

Background

Michael Drake, owner of Lebanon Village Pizza, LLC, is requesting an expanded outdoor seating area within the pedestrian mall adjacent to his business. Please see attached email from Michael Drake.

City Administration has no objection to the seating within the pedestrian mall.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.” Whereas the current request is for an alcohol exemption/permit to cover the remainder of the current year through December, Council approval is required pursuant to §14-5 above.

ACTION

If the Council decides to grant the exemption to Lebanon Village Pizza, LLC, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby grants an exemption to Lebanon Village Pizza, LLC pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to permit the service of alcoholic beverages on the Lebanon Pedestrian Mall as shown on the map included in the March 6, 2024 City Council Agenda Packet. The exemption shall be valid beginning March 7, 2024 and shall expire on December 31, 2024.

Included in this Section:

1. February 16, 2024 email from Michael Drake, Lebanon Village Pizza
2. Location Map of Outdoor Seating Area for Lebanon Village Pizza

From: [Michael Drake](#)
To: [Manager](#)
Subject: [EXTERNAL] Outdoor Seating Permit Request - Lebanon Village Pizza
Date: Friday, February 16, 2024 4:03:49 PM
Attachments: [lvp exterior patio plan Feb 2024.pdf](#)

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

Good afternoon,

My name is Michael Drake. As of last month we became the owners of Lebanon Village Pizza at 45 Hanover Street. We would like to apply for an outdoor seating permit, I stopped by the town offices and they said as our space would be on city property, we should submit our request here.

Specifically, we are requesting seating for 80 people on the East side of the building (facing toward the town square). I have attached a schematic showing the layout and various distances, this is tucked against the building and we have preserved ample walkway spaces. The space will be blocked off via 4' fencing.

Timing, we would like to have the space for May of this year onward, and of course a seasonal space to be completely taken down and removed after the Fall.

We ARE requesting this be a space with alcohol allowed to be served, we have our full liquor license for the restaurant, and will be applying to the NHLC for the required permit from their side as well.

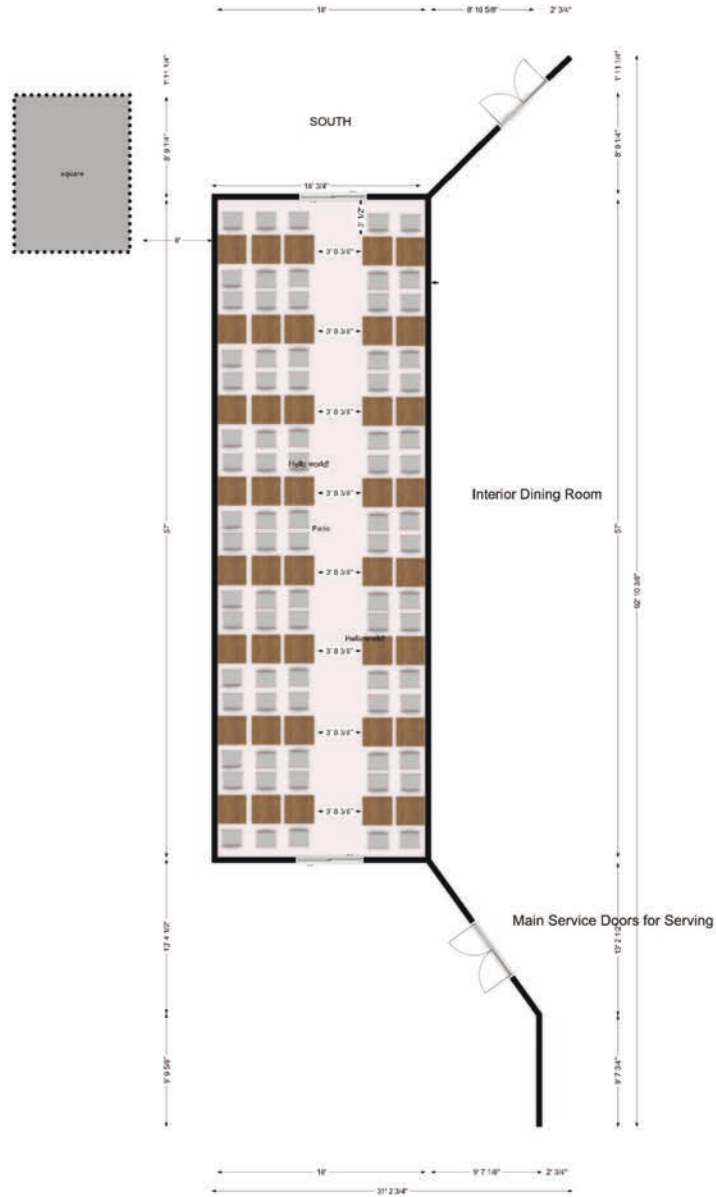
We own and operate 4 other restaurants in Vermont all with liquor licenses as well, and understand operating outdoors requires an even higher standard of supervision and care for our patrons and guests.

Please let me know next steps in the process, I am available at this email and at 802-595-1843.

Best,

Michael Drake

Outdoor Patio to use 4' fence barriers to isolate entire area (two entrances / exits to the south and north.



**Agenda
Lebanon City Council
March 06, 2024**

10. New Business:

**10.B – Request to Reschedule Public Hearing and On-Site Public Meeting
for Personal Examination for Layout of Additional Right-of-Way areas for
Trues Brook Road**

Background

On February 7, 2024, the City Council voted to schedule a public hearing for March 20, 2024 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. The Council also scheduled an on-site public meeting for the same date for the purpose of making a personal examination of the proposed roadway layout in accordance with NH RSA 231:11.

As noted in the attached memorandum from City Engineer Rod Finley, DPW is requesting that the Council reschedule the public hearing and the on-site public meeting to April 17, 2024 in order to provide more time to issue notice of the public hearing to abutters and to mortgage holders, where applicable, to meet the required 30-day notice period as required by state law.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby reschedules a public hearing for Wednesday, April 17, 2024, beginning at 6:00pm in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action 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)", as included within the March 6, 2024 City Council Agenda Packet.

BE IT FURTHER MOVED, that an on-site public meeting be rescheduled for Wednesday, April 17, 2024, beginning at 4:30pm, for the purpose of making a personal examination of the proposed roadway layout in accordance with NH RSA 231:11.

Included In This Section:

1. February 27, 2024 memorandum from City Engineer Rod Finley to City Council.
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



**CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS**

193 Dartmouth College Highway
Lebanon, NH 03766
Rodrick J. Finley, P.E.
City Engineer

February 27, 2024

RE: Reschedule Public Hearing and On-Site Public Meeting for Personal Examination of Proposed Trues Brook Road Bridge Project

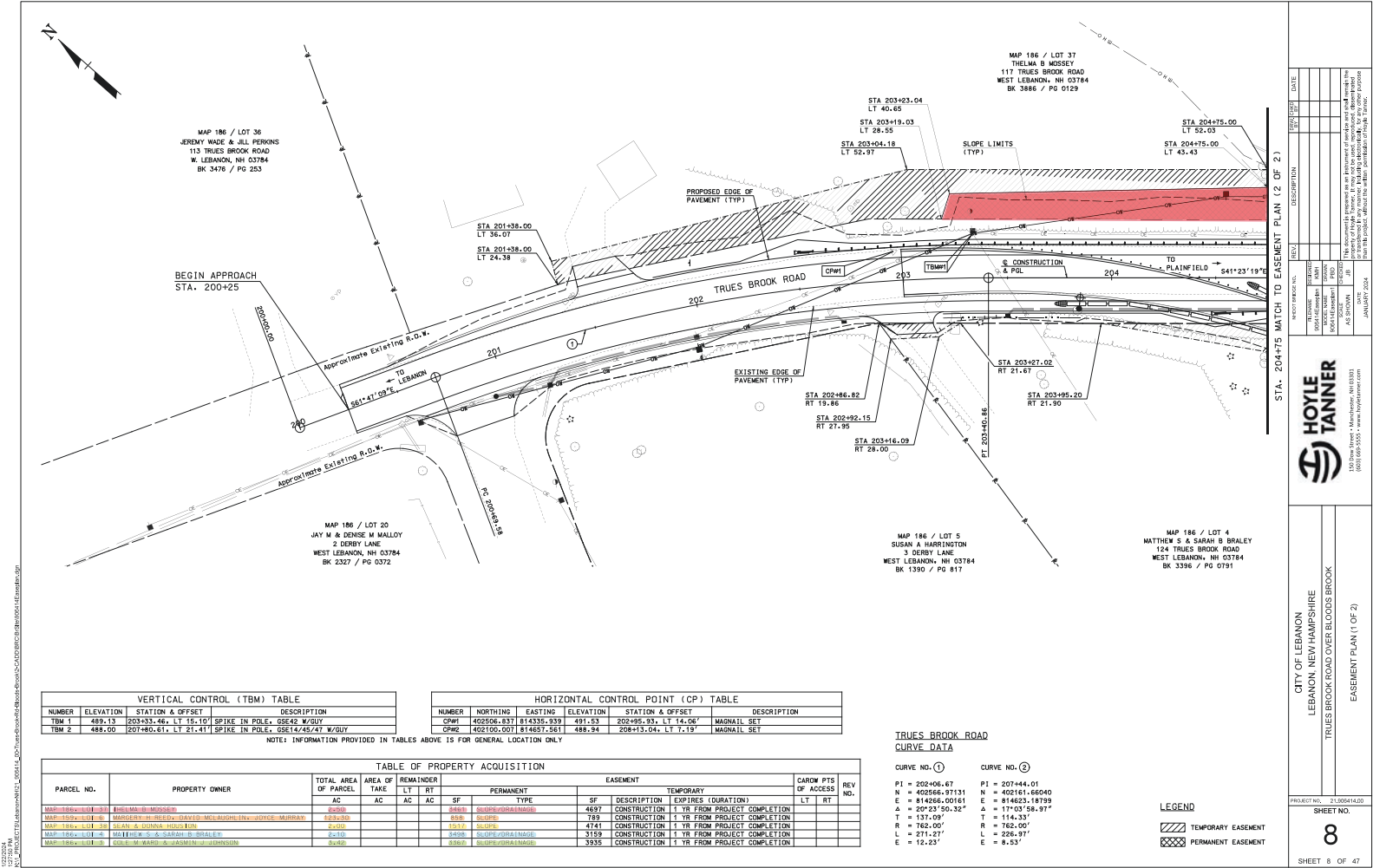
Dear Honorable Mayor and City Councilors:

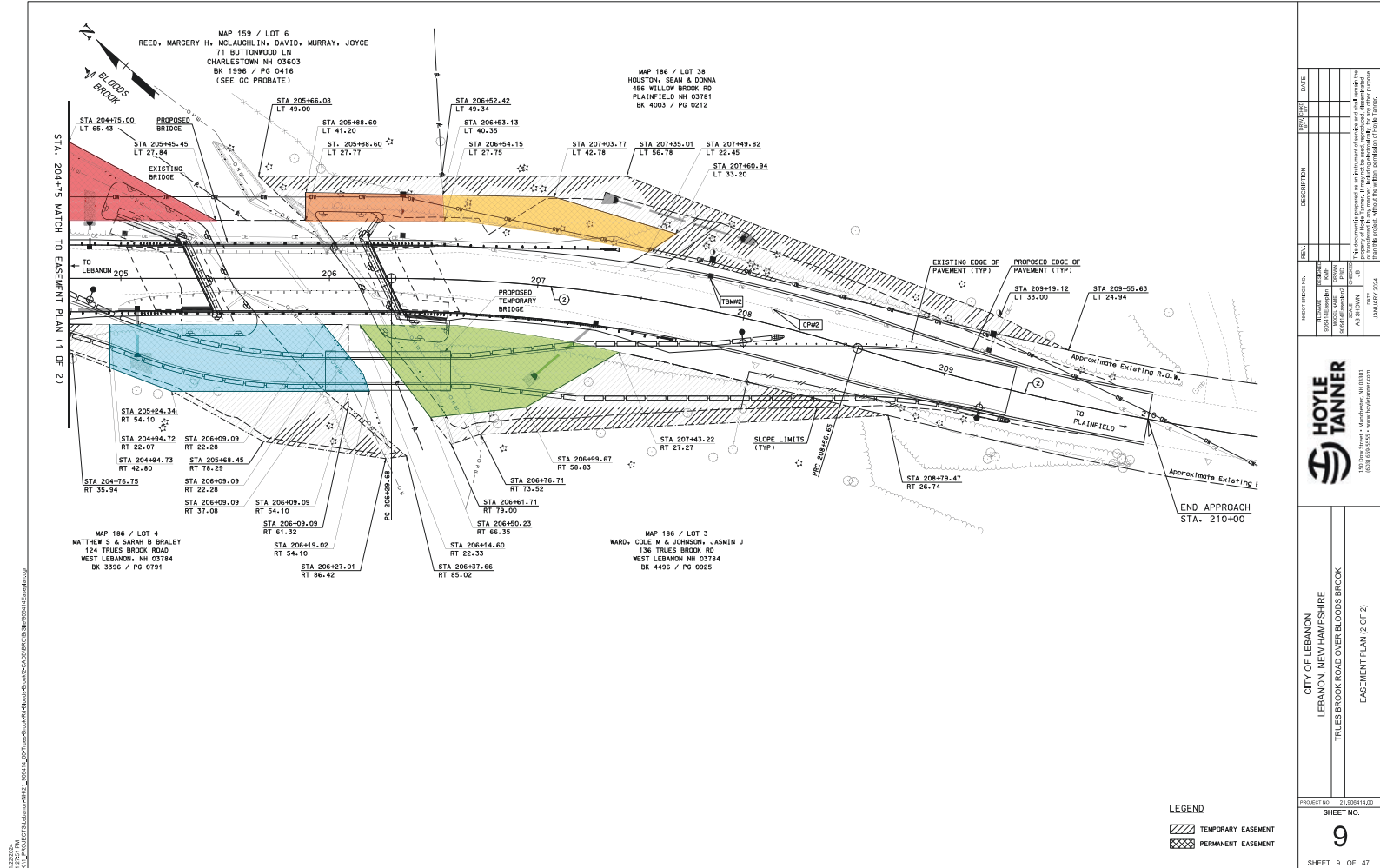
We request that the Public Hearing and On-Site Public Meeting for personal examination of the proposed Trues Brook Road Bridge project be rescheduled to April 17, 2024. This will provide more time to issue the Abutter Notice of Public Hearing, via certified mail to abutters and mortgage holders, and the ability to meet the required 30-day notice period.

Sincerely,

Rodrick J. Finley, P.E.
City Engineer

Cc: Shaun Mulholland, City Manager
David Brooks, Assistant City Manager
Jay Cairelli, Public Works Director





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**Agenda
Lebanon City Council
March 06, 2024**

10. New Business:

**10.C – DISCUSSION AND SET PUBLIC HEARING TO ADOPT CITY CODE
CHAPTER 164: TREES**

Background

The City Manager along with the Department of Public Works and the Recreation, Arts and Parks Department have been working in collaboration with the Tree Advisory Board to develop City Code Chapter 164 regarding trees. NH RSA 31:51 is the enabling legislation that allows municipalities to make regulations for the planting, protection, and preservation of shade or ornamental trees upon lands appropriated for public use.

The proposed new chapter outlines the authority to manage trees on public property and rights-of-way. Various provisions of NH RSA Chapter 231 provide statutory authority to municipalities related to public ways and rights-of-ways. There are several NH Supreme Court decisions that further delineate the authority of municipalities regarding trees.

There is an administrative policy that further articulates the management of trees under the statutory provisions and the provisions of Chapter 164 when Chapter 164 is enacted.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 20, 2024, beginning at 7:00 p.m. in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-05 to enact City Code Chapter 164, Trees.

Included In This Section:

1. Proposed Ordinance #2024-05

ORDINANCE 2024-05

AN ORDINANCE TO AMEND the Code of the City of Lebanon, to add Chapter 164, Trees, to establish regulations for trees in public spaces.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by adding §164, Trees.

§ 164-1. PURPOSE/INTENT

To enhance the quality of life and the present and future health, safety, and welfare of all residents, and to ensure proper planting and care of trees on public property and within City rights-of-way, the City Council pursuant to RSA 31:51 and RSA 47:1 herein delegates the authority and responsibility for managing public trees.

§ 164-2. DEFINITIONS

Damages- Damages as referred to in RSA 231:154 relating to tree rights shall mean the taking of ownership rights to trees that are located within the City's rights of way or areas where the City has or acquires an easement. Damages equate to the dollar amount that is paid to the owner for the value of the trees taken and/or the property where the trees are planted.

Ornamental Tree- a tree planted or valued chiefly for its aesthetic value.

Public Tree- Trees located on land owned by the City.

Shade Tree- a tree planted or valued chiefly for its shade from sunlight.

Shrub- Shrub and bush shall have the same meaning. A woody plant that is smaller than a tree and typically has multiple stems or branches growing from a base. Unlike trees, which generally have a single trunk, bushes or shrubs usually have a more rounded and bushy appearance.

Street Tree- Trees located within the City's rights of way or provided by separate easement.

Right of Way- Shall mean the area of land which constitutes a public way under the provisions of RSA 229:1, Highways are only such as are laid out in the mode prescribed therefor by statute, or roads which have been constructed for or are currently used for motor vehicle, bicycle, or pedestrian public travel over land which has been conveyed to a city or town or to the state by deed of a fee or easement interest, or roads which have been dedicated to the public use and accepted by the city or town in which such roads are located, or roads which have been used as such for public travel, other than travel to and from a toll bridge or ferry, for 20 years prior to January 1, 1968, and shall include the bridges thereon. Highway does not include any bridge, trail, or path intended for use by off highway recreational vehicles, as defined in RSA 215-A:1, or snowmobiles, as defined in RSA 215-C:1.

Tree - a woody perennial plant having a single usually elongated main stem generally with few or no branches on its lower part.

Tree Advisory Board - The City Manager established a Tree Advisory Board in 2021 to facilitate the goals of educating the public and working in an advisory capacity to DPW, the City Manager and the other boards/committees/commissions of the City.

Tree Warden - The City Manager may appoint a Tree Warden to manage trees in the City's rights of way and City properties. The Tree Warden position is established pursuant to RSA 231:139, I. The duties of the Tree Warden are detailed in the job description created for the position by the City Manager. In the absence of a Tree Warden the duties of this position shall fall to the Public Works Director.

Tree Rights- relative to RSA 231:154 refers to owner of trees whether they are located in the City's ROW or on private property.

Urban Compact- As defined by RSA 229:5, IV and V. Class IV highways shall consist of all highways within the compact sections of cities and towns listed in RSA 229:5, V. The compact section of any such city or town shall be the territory within such city or town where the frontage on any highway, in the opinion of the commissioner of transportation, is mainly occupied by dwellings or buildings in which people live or business is conducted, throughout the year and not for a season only.

§ 164-3. AUTHORITY AND RESPONSIBILITIES

- A.** The Public Works Director is responsible for planting, care and maintenance of trees located within the City's public rights of way as well as other City-owned properties under the management of the Department of Public Works. All other trees located on City property or to be planted on City property shall be the responsibility of the director of the department which manages the property the tree is located on, except subject to provisions regarding the removal of trees as detailed in § 164-5, A, unless otherwise proscribed in the Code of the City of Lebanon or applicable State law.
- B.** The City shall have control of all shade trees, ornamental trees and shrubs situated within the limits of the City's public ways, state highways within the urban compact, village commons, parks, cemeteries, and other public grounds, which have been or may be acquired by gift or purchase, or planting by or with the advice of the Public Works Director, or by condemnation by the Public Works Director as provided in RSA 231:140.
- C.** Trees located within the City's right-of-way but located on private property are controlled by the property owner not the City other than the exceptions discussed below and as interpreted by the Courtsⁱ

§ 164-4. PLANTING OF TREES

- A. Taking Tree Rights.** – In accordance with the provisions of RSA 231:154, when any highway shall be laid out damages may be assessed to the abutting owners to provide for the maintenance or planting, from time to time, within the limits of such highway, of such shade and ornamental trees as may be necessary for the preservation and improvement of such highway. Damages may be assessed to abutting owners on any existing highway upon petition therefor, and such proceedings had as in the laying out of highways by the City Council to provide for the maintenance and planting from time to time, of such trees within the limits of such highways as may be necessary for the preservation and

improvement of the same. When such damage shall be assessed and paid there shall be, in addition to the right of travel over such highway, a public easement to protect, preserve and renew the growth thereon for the purposes aforesaid.

- B. **Public Ownership.** – in accordance with RSA 231:149, Any young shade or ornamental tree planted within the limits of a public highway by the tree wardens or by any other person or persons, with the approval of the City Manager, or any young seedling tree or sprout left within the limits of the highway as specified in RSA 231:150 and designated by the tree warden to be preserved for its future value as a shade tree, shall become the property of the municipality; provided, that the abutting landowner, having been notified of the intention of the municipality to take and preserve such young tree, shall make no written objection to the tree warden within 30 days from the date of such notification

§ 164-5. REMOVAL OF TREES

- A. **Shade and Ornamental Trees-** Whoever desires the cutting and removal in whole or in part of any public shade or ornamental tree owned by the City may apply to the Public Works Director, who shall give a public hearing at least 10 days prior to the cutting or removal of the trees, upon the application, at some suitable time and place, after publishing and posting notices of the hearing in 2 or more public places and also upon the tree or trees which it is desired to cut and removed. No tree shall be cut, except to trim it, or removed by the City staff, without such hearing. The decision of the Public Works Director shall be subject to review by the City Manager.
- B. **Hazardous Trees-** Notwithstanding the provisions of other sections of this Chapter and subject to the provisions of RSA 231:157 and RSA 231:158, the Public Works Director on class IV, V, and VI highways and City maintained portions of class II highways may declare any tree, either alive or dead, situated within the limits of City property, highways, roads, or streets to be a public nuisance by reason of danger to the general or traveling public, spread of tree disease, or the reliability of equipment installed at or upon utility facilities authorized under RSA 231:160 or RSA 231:160-a. After such declaration by the Public Works Director and notice to the abutting landowner on whose property such tree is located the said authority shall within a reasonable time remove the same without compensation or cost to the abutter. However, no such declaration and notice shall be required when the delay entailed by such declaration and notice would pose an imminent threat to safety or property, including electric transmission and distribution lines. Nothing in this subdivision shall be construed to relieve the public utility companies of their accepted responsibility of tree trimming and tree removal for the protection of their lines, or for the construction of new lines, or to alter the provisions of RSA 231:150-182 in any manner. The Public Works Director may require of the public utilities owning lines which pass through or near a tree or trees which are condemned for removal as a public nuisance to assist in their removal at their expense by either the temporary removal of their lines or by causing to be removed at their expense the top portion of said tree or trees from a point below their lines.
- C. **Notice-** as detailed in RSA 231:146, notice to the abutting landowner of a tree declared a public nuisance shall be given by delivery at their place of residence or by sending by registered mail to their last known address and it shall clearly state the intention of removal of such tree. The landowner may appeal to the superior court as to the validity of such declaration within 30 days of delivery or mailing of said notice, and shall be entitled to a

speedy hearing. The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the declaration complained of in whole or in part, as the case may be; but in case such declaration is wholly or partly vacated the court may also, at its discretion, remand the matter to the City for such further proceedings, not inconsistent with the decree, as justice may require. Following expiration of the aforesaid 30-day period of appeal, or following waiver of said right of appeal, the abutting landowner is relieved of any liability or responsibility in connection with the tree or trees declared a public nuisance and similarly is relieved of any liability or responsibility in connection with any stump or stumps left remaining.

- D. **Clearing Highways** – In accordance with the provisions of RSA 231:150, the Public Works Director shall annually, and at other times when advisable, cause to be cut and disposed of, from within the limits of City maintained highways, all trees and bushes that may cause damage or pose a safety hazard to such highways or to the traveling public; provided however that no tree which has a circumference of 15 inches or more at a point 4 feet from the ground shall be removed in the absence of notice to the abutter in the same manner as provided above, except when the delay entailed by such notice would pose an imminent threat to safety or property. Shade and fruit trees that have been set out or marked by the abutting landowners or by the Public Works Director, and young trees standing at a proper distance from the highway and from each other, shall be preserved, as well as banks and hedges of bushes that serve as a protection of the highway, or that add to the beauty of the roadside.
- E. **Scenic Roads-** The management of trees along scenic roads shall be conducted in accordance with the provisions of RSA 231:158 and Lebanon City Code Chapter 134, excepting the removal of trees or portions of trees which have been declared a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property. Such exceptions must be preceded by authorization of the Public Works Director. Further, that a public utility when involved in the emergency restoration of service, may without such hearing or permission of the Public Works Director, perform such work as is necessary for the prompt restoration of utility service which has been interrupted by facility damage and when requested, shall thereafter inform the Public Works Director of the nature of the emergency and the work performed, in such manner as the Public Works Director may require.

§ 164-6. ROLE OF THE TREE ADVISORY BOARD AND TREE WARDEN

- A. The Tree Advisory Board in accordance with the provisions of its charge may provide guidance to the Public Works Director regarding the planting, care, maintenance and removal of trees on public property or within public rights of way. Notices of public hearings shall be provided to the Tree Advisory Board on or before the time of posting under section § 164-5, or in the case of Section § 164-5, B and C, on or before the time of notice. The Public Works Director shall take into consideration recommendations made by the Tree Advisory Board relative to the tree(s) that are under consideration for cutting or removal.
- B. The Tree Warden shall provide guidance and recommendations to the Public Works Director relative to the planting, care, maintenance and removal of trees on public property including rights of way and where the City has easements.

§ 164-7 INJURY OR DEFACEMENT OF TREES

As detailed in the provisions of RSA 231:147, It shall be unlawful to cut, destroy, injure, deface, or break any public shade or ornamental tree; or to affix to any such tree a play bill, picture, announcement, notice, advertisement, political or otherwise, or other device or thing, or to paint or mark such tree, except for the purpose of protecting it and under a written permit from the Public Works Director. Additionally, persons responsible for the injury or defacement of trees shall make restitution for the replacement and/or mitigation of trees injured or defaced.

§ 164-8. SEVERABILITY

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

§ 164-9. EFFECTIVE DATE

This ordinance shall become effective April 1, 2024.

ⁱ *Graves vs. Shattuck*, 35 N.H. 257 (1857); *Laconia vs. Morin*, 92 N.H. 314 (1943)

**Agenda
Lebanon City Council
March 06, 2024**

10. New Business:

**10.D – Presentation and Discussion of Proposed Amendment
to City Council Rules, Chapter A191-8, Order of Business**

BACKGROUND

Attached is a proposed amendment to the City Council Rules, Chapter A191-8, to amend the process for changes to the order of business. Currently, the Council's Rules require a vote of at least 2/3 of the members present in order to suspend the rules and change the order of business. However, based on past practice, the Council rarely, if ever, holds a vote on the issue of whether to change the order of business during a given meeting.

In an effort to have the Council's Rules reflect the actual conduct of its meetings, a proposal is being made to allow the Mayor to change the order of business for good cause. Only if a member of the Council objects to the proposed change would the Mayor call for a vote on the question. In that instance, a vote of 2/3 of the members present would be required to change the order of business.

In accordance with Chapter A191-13 of the Council's Rules, amendments must be presented in writing at the preceding regular meeting, prior to adoption. As such, this amendment will be presented for adoption at the March 20th meeting. Adoption requires a 2/3 vote of all members of the Council.

ACTION

No action is required at this time. Action on the amendment will be scheduled for March 20, 2024.

Included in this Section:

1. Proposed amendment to City Council Rules, §A191-8, Order of Business
2. City Council Rules, as adopted on November 16, 2022

Chapter A191 Council Rules

§ A191-8. Order of business.

[Amended 6-21-1978; 4-7-1982; 5-7-1986; 4-6-1988; 3-27-1991; 6-23-1993; 7-19-1995; 5-15-1996; 4-16-1997; 6-7-2006; 9-3-2008; 4-1-2009]

The business of all regular meetings of the Council shall be transacted in the following order, unless the Mayor elects to change the order of business for good cause. If any member of the Council objects to the proposed change to the order of business, the Mayor shall ask that the Council vote on the proposed change, by a vote of at least 2/3 of the members present, to suspend the rules and changes the order of business.

1. Call to Order.
2. Pledge of Allegiance.
3. Announcement by Mayor. Public forum. "Any member of the public who desires to speak on any agenda 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 public. (Limited to 10 Minutes)
5. Recognitions.
6. Acceptance of Minutes:
7. Appointments.
8. Public Hearings
 - i. Presentation
 - ii. Mayor Opens Public Hearing
 - iii. Questions and Comments by the Public
 - iv. Mayor Closes Public Hearing
 - v. Council Deliberation & Action
9. Old Business.
10. New Business.
11. City Manager Report
12. Council Representatives to Other Bodies Report
13. Future agenda items
14. Nonpublic sessions.
15. Adjourn.

Chapter A191

COUNCIL RULES

§ A191-1.	Council meetings.	§ A191-13.	Rules: Adoption, Amendment, & Suspension.
§ A191-2.	Temporary Chair.	§ A191-14.	Appointment of Council Representatives to Other Bodies
§ A191-3.	City Clerk.	§ A191-15.	Council appointments to City Boards, Committees, Commissions.
§ A191-4.	Legal counsel.	§ A191-16.	Constituent - Council contacts.
§ A191-5.	Robert's Rules of Order.	§ A191-17.	Confidential materials.
§ A191-6.	Raise hand to be recognized.	§ A191-18.	Attendance at Seminars, Workshops, etc.
§ A191-7.	Agenda.		
§ A191-8.	Order of business.		
§ A191-9.	Budgetary summary.		
§ A191-10.	Motion to be stated by Presiding Officer; withdrawal.		
§ A191-11.	Communications.		
§ A191-12.	Permission required to address Council.		

[HISTORY: Adopted by the City Council of the City of Lebanon 9-18-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Ordinances -- See Charter § C419:22.

Enactment of ordinances -- See Ch. 115.

§ A191-1. Council meetings.

- A. The Council shall meet in regular session on the first and third Wednesday of every month at 7:00 p.m. until the conclusion of business or 10:00 p.m., whichever comes first. The 10:00 p.m. adjournment shall only be extended by a two-thirds vote of the Council. [Amended 11-7-1979; 4-15-1992; 6-23-1993; 3-30-1994; 7-19-1995; 10-18-1995; 5-21-2003]
- B. Attendance. Prior to each meeting, unless prevented by emergency, a Councilor shall notify either the Mayor, City Manager or City Clerk if he or she will be unable to attend a meeting.
- C. Remote Attendance. As long as a quorum of the Council is present in person, one or more members of the City Council at the discretion of the Mayor may participate in a meeting by electronic or other means of communication only when attendance is not reasonably practical. This procedure shall not be construed to mean that conferencing by electronic means shall be regularly used or used at every meeting of the Council but shall be used only as necessary to allow the participation of Council members who are unable to attend in person due to such circumstances as personal illness or disability, employment obligations, or a family or other emergency.

- 1) Member must notify the City Manager's office at least 24 hours in advance of the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements may result in the inability of the members remote attendance.
- 2) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear the other members physical present or participating electronically during the meeting and shall be audible or otherwise discernable to the public in attendance at the meeting's location.
- 3) If participation is not in person, the member must state the reason such attendance is not reasonably practical, and that information must be included in the minutes of the meeting.
- 4) Sufficient security and identification procedures be employed, either at the outset of any meeting or at any time during the meeting as appropriate, to ensure that any and all members attending for discussion or voting purposes are in fact an authorized member with the right to speak and vote.
- 5) The person not in attendance shall identify the persons present (if any) in the location from which the member is participating.
- 6) If a member of the Council is participating by electronic or other means of communication, all votes must be recorded by roll call vote.
- 7) Electronic or other means of communication can include, but due to changing technology, are not limited to Telephone/Speakerphone/Conference Calls and Computer audio/video conferencing.

D. Remote Participation. Members of the public are permitted to attend and participate in meetings remotely through a live link provided on the City's website or via phone through the number provided by the meeting organizer for all Council meetings that are open to the public. At the beginning of each meeting, participants will be informed of rules for speaking on agenda items and will be called on by the Mayor in an order as determined by the Mayor.

§ A191-2. Temporary Chair.

In case of the absence of the Mayor and Assistant Mayor, the Clerk shall call the Council to order. If a quorum is found to be present, the Council shall choose one of its members to act as Chair.

§ A191-3. City Clerk. [Amended 3-30-1994]

The City Clerk or his/her designee shall be ex-officio clerk of the Council and shall keep minutes of the meeting and perform such other and further duties in the meeting as may be ordered by the presiding officer of Council. Copies of the minutes of meetings shall be furnished to each Councilor with the agenda of the next meeting.

§ A191-4. Legal counsel. [Amended 4-18-1990]

Designated legal counsel shall attend any meetings of the Council when requested by the Mayor or City Manager. Any member of the Council, upon notification to the City Manager, may call upon Counsel for an oral or written opinion to decide any question of law or parliamentary procedure.

§ A191-5. Robert's Rules of Order. [Amended 2-6-1991; 7-19-1995; 4-21-2004]

Robert's Rules of Order (most recent Edition) shall be used in all Council deliberations except as modified herein.

§ A191-6. Raise hand to be recognized.

Councilors do not have to stand to move motion or second.

§ A191-7. Agenda. [Amended 5-7-1986; 7-19-1995; 6-3-1998; 4-18-2007; 4-15-2009]

As stated in §A191-1 above, the Council shall meet in regular session on the first and third Wednesdays of every month at 7:00pm. Agendas for Council meetings are the responsibility of the City Manager and the Mayor.

Submission Deadlines:

- The first Wednesday of the month will be the date in which the agenda is set for the meeting on the first Wednesday of the next month.
- The third Wednesday of the month will be the date in which the agenda is set for the meeting on the third Wednesday of the next month.

Any Councilor wishing to have an item placed on an agenda must submit said item (in its proper format by utilizing a City Council Agenda Request Form, provided by the City Manager's Office) to the City Manager's Office by Noon on the Tuesday preceding the Wednesday on which the agenda is to be set.

Items of an urgent nature which require special attention or are in need of immediate action by the Council may be placed on any agenda at the discretion of the Mayor and/or City Manager.

§ A191- 8. Order of business. [Amended 6-21-1978; 4-7-1982; 5-7-1986; 4-6-1988; 3-27-1991; 6-23-1993; 7-19-1995; 5-15-1996; 4-16-1997; 6-7-2006; 9-3-2008; 4-1-2009]

The business of all regular meetings of the Council shall be transacted in the following order unless the Council, by a vote of at least 2/3 of the members present, suspends the rules and changes the order.

1. Call to Order.
2. Pledge of Allegiance.
3. Announcement by Mayor. Public forum. "Any member of the public who desires to speak on any agenda 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 public. (Limited to 10 Minutes)
 5. Recognitions.
 6. Acceptance of Minutes:
 7. Appointments.
 8. Public Hearings
 - i. Presentation
 - ii. Mayor Opens Public Hearing
 - iii. Questions and Comments by the Public
 - iv. Mayor Closes Public Hearing
 - v. Council Deliberation & Action
 9. Old Business.
 10. New Business.
 11. City Manager Report
 12. Council Representatives to Other Bodies Report
 13. Future agenda items
 14. Nonpublic sessions.
 15. Adjourn.

§ A191-9. Budgetary summary. [Amended 3-00-1985]

On a quarterly basis, and within the months of October and November, the City Manager shall submit a budgetary summary to the City Council. Discussion of the summary shall be placed on the agenda of the next Council meeting following submissions.

§ A191-10. Motion to be stated by Presiding Officer; withdrawal. [Amended 7-19-1995]

- A. When a motion is made and seconded it shall be repeated upon request by the presiding officer before debate. At his/her discretion the presiding officer may request motions to be put in writing. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the Council.
- B. The presiding officer may at any time, by a majority vote of the members present, permit a member to introduce an ordinance, resolution or motion out of the regular order.

§ A191-11. Communications. [Amended 12-9-1992; 7-19-1995; 6-16-2004]

- A. Unattributed communications shall not be introduced in Council meetings. Information advocating a certain position obtained from constituent contact may be introduced at Council meetings if the name of the source is given. Electronic and written communications from any Councilor to four or more members shall constitute public comment and shall be transmitted to the City Manager's office for public record.
- B. With the exception of the Mayor's use of City letterhead, stationery, or official City insignia for resolutions or proclamations, members of the City Council may only

use such for purposes officially approved by the Council.

§ A191-12. Permission required to address Council. [Amended 4-7-1982]

Persons other than members of the Council and City officers shall be permitted to address the Council. A time limit of three minutes shall be in effect. The speaker shall not enter into a debate with any person, Mayor or Council member and shall speak only on a subject on that particular agenda item.

§ A191-13. Rules: Adoption, Amendment, & Suspension. [Amended 7-19-1995]

- A. Each newly seated Council by motion shall formally adopt the Council Rules and Regulations currently in place.
- B. These rules may be amended or new rules adopted by a 2/3 vote of all members of the Council. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business.
- C. These rules may be suspended by a 2/3 vote of those members present and voting. The purpose for suspension must be clearly stated before the vote is taken, and 2/3 of the members present and voting must declare the matter one of such priority that it would be detrimental to hold it over until the next regular meeting.

§ A191-14. Appointment of Council Representatives to Other Bodies.

The Mayor shall designate and appoint representatives from the City Council to other bodies, including City boards, committees, and commissions, as the need arises.

§ A191-15. Council Appointments to City Boards, Committees, Commissions.

- A. When vacancies occur on City boards, committees, commissions, either by resignation, removal or lapse of term, applications received by the City Clerk will be forwarded to the City Council in a timely manner in order for vacancies to be filled as quickly as possible. [Amended 4-2-2008]
- B. All appointments shall be acted upon by the City Council as authorized by the City Code, the City Charter and New Hampshire Law. [Amended 8-2-1995; 5-21-2003; 4-2-2008]
- C. The following procedure shall be followed for board, commission and committee appointments and reappointments: [Added 9-18-1996; Amended 4-2-2008]
 - 1) For initial appointment, the applicant shall fill out the standard application form. [Amended 5-21-2003; Amended 4-2-2008]
 - 2) For reappointment, the applicant can update the current form on file or complete a new updated application form. [Amended 4-2-2008]
 - 3) One member of the City Council shall interview applicants for initial

appointment within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment. Applicants for reappointment to the same board, committee, or commission may be nominated for reappointment without completion of an interview with a City Councilor. [Amended 4-2-2008; Amended 11-16-2022]

- 4) While one city councilor is officially assigned to interview each applicant, any city councilor may interview any applicant for any position to better inform their decision.

§ A191-16. Constituent-Council contacts. [Added 5-13-1992]

Council members shall use the process outlined on the attached flow chart for constituent contacts.

§ A191-17. Confidential materials.

A. Classification.

- 1) In the event that materials need to be classified as confidential, a standard will be applied by the City administration to determine if a compelling purpose exists to require that the materials be confidential and that public disclosure of the materials would serve to undermine the interest of the City. The City administration's determination of confidentiality shall be made in accordance with RSA 91-A. [Amended 5-21-2003]
- 2) Some examples where materials would be classified as confidential would include positions in labor negotiations, personnel matters involving a right of privacy and settlement discussions of pending litigation.
- 3) In order to ensure that the government of the City of Lebanon conducts its affairs in public and not in private, and that the citizens' deliberation on public affairs in Lebanon be as fully informed as practically possible, hereby be it resolved, that the City promptly release to the public all legal opinions received hereafter by the City, including, but not limited to, memoranda from any legal counsel to the City, and opinions received by the City in private consultation with legal counsel (as allowed under RSA 91-A:2, Meetings Open to Public, I(c), Consultation with legal counsel), except that the following shall only be released at the discretion of the City Manager and City Council: [Added 5-15-2002]
 - (a) Opinions pertaining to the dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against the employee; [amended 4-01-2009]
 - (b) Opinions pertaining to the hiring of any person as a public employee;
 - (c) Opinions which, if released to the public, would likely affect adversely the reputation of any person other than a City Councilor; [amended 4-01-2009]
 - (d) Opinions pertaining to the consideration of the acquisition, sale or lease of real or personal property which, if released to the public, would likely benefit a party or parties whose interests are adverse to those of the City;
 - (e) Opinions pertaining to the consideration or negotiation of claims or

- litigation which has been threatened in writing or filed against the City;
- (f) Opinions pertaining to matters before quasi-judicial boards of the City;
- (g) Opinions which, in the judgment of the City Manager and City Council, could potentially cause harm to the City if released.

- B. Treatment of classified materials. When materials are classified as confidential, they will be identified and marked as "Confidential" and transmitted to the City Council in sealed envelopes marked as "Confidential." The reason for the confidential classification will be noted on the materials.
- C. In the event that a significant portion of a document may be made available to the public without compromising the portions of a document which are necessary to be maintained as confidential in accordance with Subsection A of this policy, then such portion(s) shall be made available to the public with only the confidential portion(s) classified. [Amended 6-19-1996; 5-21-2003]

§ A191-18. Attendance at Seminars, Workshops, etc.

Any Councilor who wishes to attend (at the expense of the City) a seminar, workshop, or other function designed to improve their ability to serve on the City Council (or their respective board, committee, or commission) must first confirm with the City Manager that funds are available for use. If funding is in place, the following options are available:

- (1) Register for the event through the City Manager's Office and request payment in advance of attendance; or
- (2) Self-register for the event and request reimbursement after attending.

If option (2) is exercised, reimbursement is only guaranteed if confirmation of funding was requested in advance of attending and proper documentation, according to the City's Purchasing Policy, is submitted with the reimbursement request.

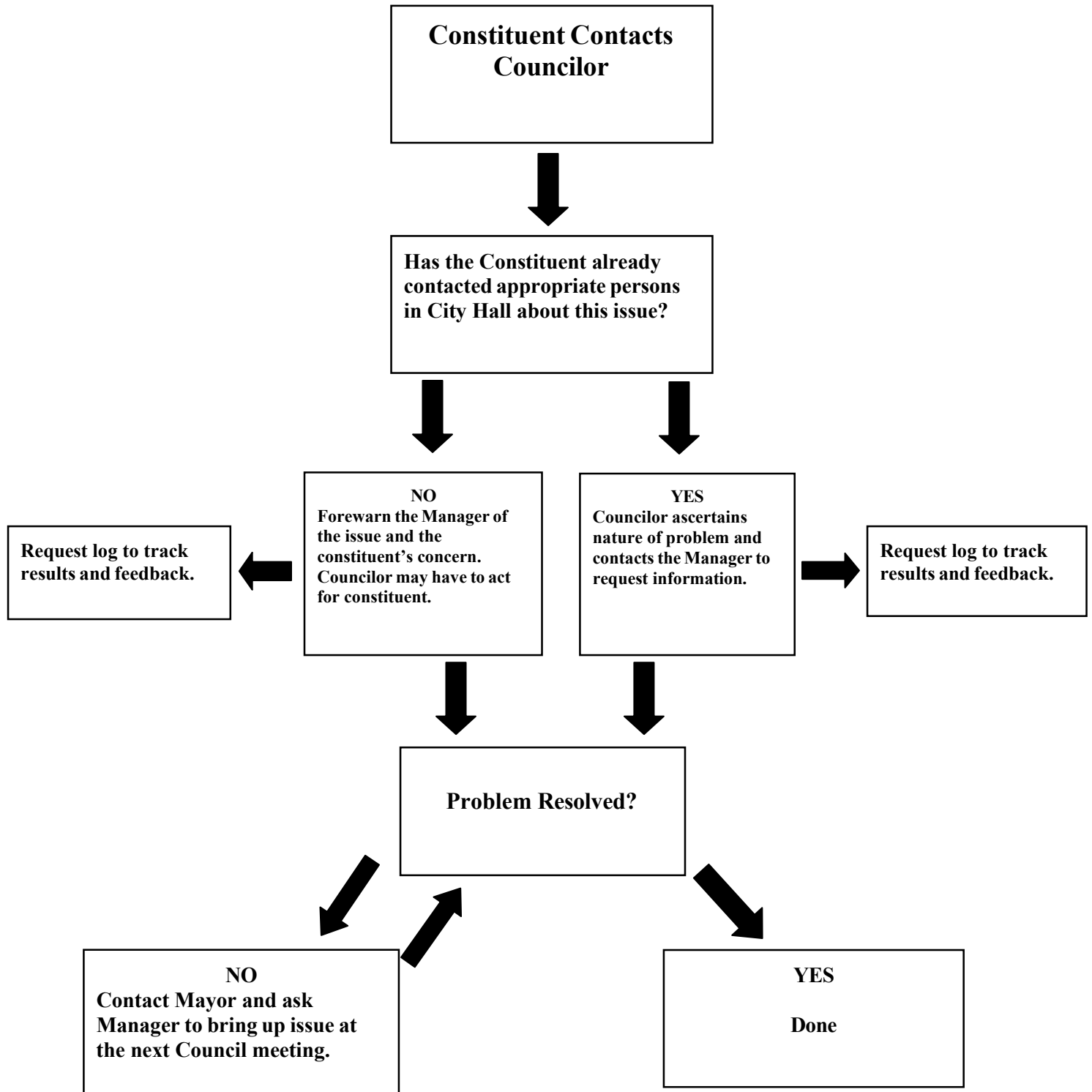
§ A191-19. Email and Computer Use

All City Councilors will be provided with City issued email addresses and computer devices to assist them in their capacity as elected officials. Use of City email addresses and/or computer devices is not mandatory. Councilors who elect to utilize City email addresses and/or computer devices must comply with and sign an acknowledgement form for compliance with any City computer use and cyber security policies.

FLOW CHART FOR CONSTITUENT-COUNCILOR CONTACTS

Council Rules, Section A191:16

[Amended 4-20-2011; 5-16-2012]



**Agenda
Lebanon City Council
March 06, 2024**

10. New Business:

**10.E – Review and Discussion of Responses to 20 Spencer Street
Request for Proposals (RFP) and City Manager Recommendation on
Preferred Developer**

Background

In September 2023, the City issued a Request for Proposals (RFP) seeking to identify a qualified and capable non-profit, private developer, or development team to propose and complete the redevelopment and revitalization of the 20 Spencer Street property for the express purpose of having the site redeveloped for 100% residential workforce housing.

The City ultimately received three (3) responses to the RFP prior to the submission deadline of January 26, 2024. Responses were received from Pennrose, LLC of Boston, MA; The Muse Lebanon, LLC / Stephen and Jake Tamposi of Hollis, NH; and Weston Associates of Boston, MA / Fulcrum Associates of Amherst, NH. All of the respondents appear highly qualified and have relevant experience on similar projects throughout the region.

Following the receipt of the responses, the City Manager and Deputy City Manager conducted interviews with all three respondents on February 9, 2024. Following the interviews, the respondents were given an opportunity to summarize answers in writing and to provide any other supplemental information they felt was relevant and appropriate. A summary table of the RFP responses is attached, which highlights the unit count, unit mix, proposed affordability levels, proposed land purchase price, estimated completed project value, and other project information.

Based on the RFP submittals, the subsequent interviews, and the supplemental information received, the City Manager and Deputy City Manager scored each response within the OpenGov bid portal pursuant to the selection criteria outlined in the original RFP. A table of composite scores is attached for the Council's review.

Based on the final proposals and scoring, the City Manager recommends that the Council authorize the City Manager to pursue further negotiations with The Muse Lebanon, LLC / Stephen and Jake Tamposi as the preferred developer for the future redevelopment of the 20 Spencer Street site for an affordable, workforce housing project.

Excerpts of The Muse Lebanon / Tamposi RFP response are attached to this memo. The full, original RFP submission materials, as well as any supplemental information, from each of the respondents are available through links at the bottom of this memo.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into further negotiations with The Muse Lebanon, LLC / Stephen and Jake Tamposi regarding

the redevelopment of the 20 Spencer Street property for an affordable, workforce housing development.

Included In This Section:

1. Summary Table of RFP responses
2. Composite Table of Selection Criteria Scores
3. Excerpts of 20 Spencer Street RFP response from The Muse Lebanon, LLC / Tamposi

Available, but not included in this Section:

4. [20 Spencer Street Redevelopment Project, RFP response from Pennrose, LLC](#), including:
 - a. [February 9, 2024 interview presentation materials](#)
 - b. [February 13, 2024 interview responses and supplemental information](#)
5. [20 Spencer Street Redevelopment Project, RFP response from The Muse Lebanon, LLC / Stephen and Jake Tamposi](#), including:
 - a. [February 7, 2024 response to questions](#)
6. [20 Spencer Street Redevelopment Project, RFP response from Weston Associates / Fulcrum Associates](#), including:
 - a. [February 13, 2024 interview responses and revised concept design](#)

20 Spencer Street RFP

Summary of Responses received on or before January 26, 2024

	Pennrose, LLC	The Muse Lebanon, LLC / Tamposi	Weston Associates / Fulcrum Associates
Total Units Proposed	67	80	118* (changed to 113 following interview)
Unit Mix / Avg Size (initial proposal)	39 -1Bd, 588 SF 22 -2Bd, 880 SF 6 -3Bd, 1078 SF	39 -1Bd, 621 SF 33 -2Bd, 840 SF 8 -2Bd L/W, 865 SF	5 -Studio, 642 SF 44 -1Bd, 695 SF 59 -2Bd, 985 SF 10 -3Bd, 1,268 SF
Unit Mix / Avg Size (subsequent proposal, if different)			39-1Bd, 695 SF 59-2Bd, 985 SF 15-3Bd, 1,268 SF
Building Size / Height	69,406 SF / 4-story	71,535 SF / 4-story	104,585 SF / 5-story
Affordability Level (initial proposal)	8 units@30% AMI 7 units@50% AMI 23 units@60% AMI 12 units@80% AMI 17 units@unrestricted	80 units@60% AMI	118 units@80% AMI
Affordability Level (subsequent proposal, if different)	8 units@30% AMI 7 units@50% AMI 52 units@60% AMI		30 units@60% AMI 83 units@80% AMI
Estimated Completed Project Value	~\$24M	~\$29M	~\$37.4M
Purchase Price to City	\$50,000	\$400,000	\$0
Estimated Property Tax (initial proposal)	\$500/unit/year under PILOT Agreement	~\$110,000/year under RSA 75:1-a	\$0 for first 3 years (duration of construction), then subject to further negotiations with City
Estimated Property Tax (subsequent proposal, if different)	\$500/unit/year under PILOT Agreement; or ~\$112,111/year under RSA 75:1-a		\$50,000/year for first 3 years; then \$100,000/year for next 7 years; then \$100,000 + annual adjustment for
On-site Parking Spaces	94 Spaces	89 Spaces	95 Spaces
On-Site Bicycle Parking	29-34	80	unspecified

20 Spencer Street RFP

Composite Scoring of Responses

	Weighted Points	Pennrose	The Muse / Tamposi	Weston/Fulcrum
DEVELOPMENT TEAM (20%)		19.5	19.0	18.0
1 Relevant credentials, particularly related to comparable residential and/or mixed-use development projects.	6	6	5.5	6
2 Demonstrated ability to effectively execute work in a timely manner.	5	5	4.5	5
3 Proven ability to work effectively and productively with the community and public agencies.	5	4.5	5	4
4 Track record in contributing to the revitalization of adjacent neighborhoods and sustainable building practices.	4	4	4	3
DEVELOPMENT VISION (40%)		30.5	36.0	27.0
1 Creativity and overall development vision for this site	11	9.5	10.5	7
2 Design aesthetic as demonstrated in previous projects and as proposed.	10	7.5	8.5	6.5
3 Responsiveness to the characteristics and qualities presented in the RFQ, Master Plan and Downtown Visioning Study, and the connectivity to creating a vibrant and interesting urban core	11	7.5	10	7.5
4 Experience with and commitment in this project to high performance, energy efficient, and sustainable building practices, including use of renewable energy and low impact development techniques	8	6	7	6
FINANCIAL (30%)		15.5	25.5	15.0
1 The value to the community of the proposed commitment to affordable workforce housing units	8	5.5	8	5
2 Revenue generated in the form of projected tax income	9	4	8.5	5
3 Updates to public infrastructure	7	4	5	3
4 Other components, which might result from a public/private partnership	6	2	4	2
OTHER FACTORS (10%)		5.5	9.5	5.5
1 Completeness and quality of the submission	4	2.5	4	2.5
2 Other compelling information and materials as provided by the development team	3	1.5	2.5	1.5
3 Overall value of the project in supporting goals of the City's Master Plan, Visioning Study, Strategic Plan, and Sustainability Principles	3	1.5	3	1.5
		71.0	90.0	65.5

2023 Request for Proposals - 20 Spencer Street



The Muse Apartments
The Muse Lebanon, LLC
PO Box 847, Hollis, NH 03049

Contact Person:
Jake Tamposi, Manager
978-419-1699
Jake.tamposi@gmail.com

The Muse Lebanon, LLC
PO Box 847
Hollis, NH 03049

January 26, 2024

David Brooks, Assistant City Manager
City of Lebanon
51 N. Park St.
Lebanon, NH 03766

RE: 20 Spencer Street RFP

Dear Mr. Brooks:

The Muse Lebanon, LLC is pleased to submit the following proposal for the 20 Spencer Street RFP. Our proposed development plan is for 80 rental homes affordable to households earning 60% of the Grafton County Area Median Income, with 8 of the units being live-work units with a preference for artists. The development seeks to enrich the streetscape and cultural vibrancy of the downtown area. Funding is anticipated through a combination of public resources, including Low-Income Housing Tax Credits, allocated by the New Hampshire Housing Finance Authority.

We very much look forward to the opportunity to pursue the development of the property, and we would like to thank the City of Lebanon for reviewing and considering our proposal. The Muse Lebanon, LLC hopes to be selected to develop this important housing for the City's workforce.

We await the opportunity to further discuss our proposal and hear your feedback. In the meantime, please contact me with any further questions or comments.

Thank you,



Jake Tamposi
The Muse Lebanon, LLC
978-419-1699

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1. Development Team**Developer:**

The Muse Lebanon, LLC
Stephen and Jake Tamposi
Managers

Architectural Design and Master Planning:

Embarc Design
Dan Riggs, AIA
Associate Principal

Passive House Consultant

Thornton Tomasetti
Prudence Ferreira, CPHC, LEED AP BD+C
VP of Sustainability

Legal*

Sheehan Phinney
Greg Chakmakas, esq.
Shareholder

Tax Credit Equity*

Stratford Capital
Josh Gould
Vice President

Civil Engineering and Survey*

TF Moran
Nick Golon, P.E.
Principal

Property Manager*

Hodges Property Management
Diane Benoit
Vice President

Construction and/or Permanent Debt*

New Hampshire Housing Finance Authority
Jim Menihane
Director

Note: Certain members of the development team are only anticipated with final selection based on competitive bidding, programmatic requirements, and other factors.

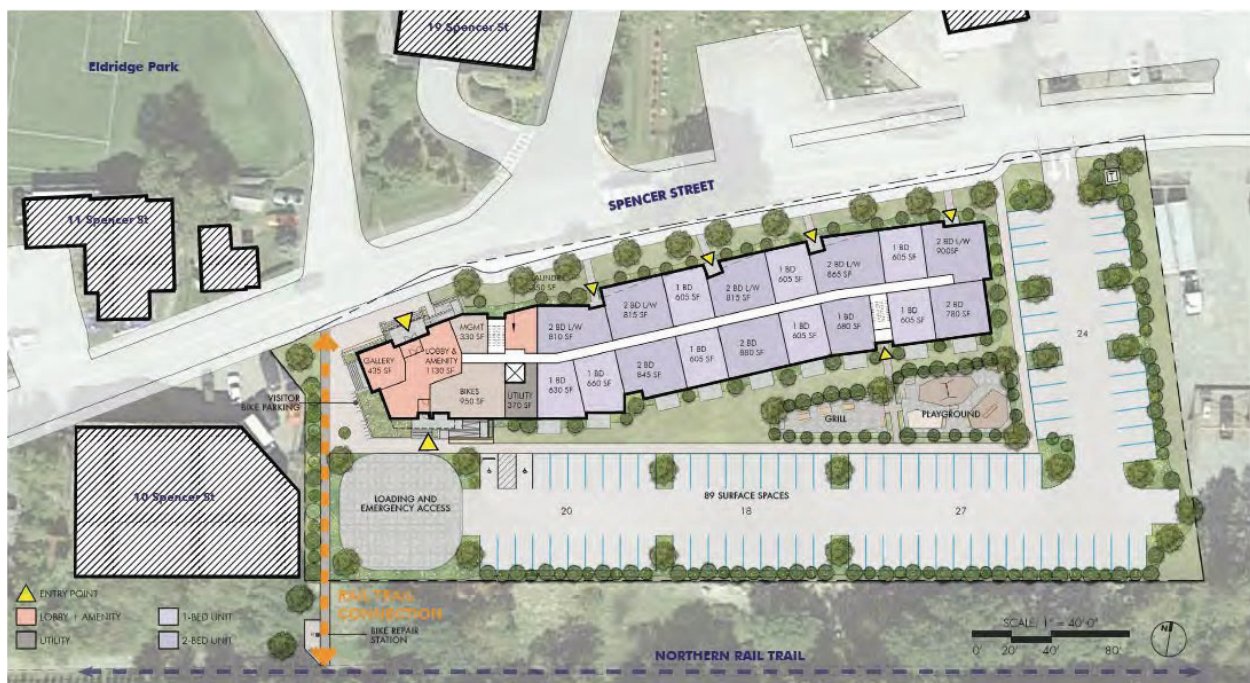
2. Design Goals and Conceptual Development Plan

The Muse Lebanon, LLC seeks to redevelop the site at 20 Spencer Street into a vibrant, privately-owned, 100% affordable housing community (the Muse Apartments) that enriches the social fabric and physical landscape of Lebanon's downtown area. The redevelopment follows four key principles as our lodestars:

- 1) Provide high-quality affordable housing for a diverse range of households
- 2) Create spaces that inspire artists and add to the community's cultural vitality
- 3) Develop a site that is connected and integrated with the broader community and streetscape
- 4) Construct a building and physical infrastructure that is energy efficient and lasting

Provide high-quality, affordable housing for a diverse range of households

Creating affordable housing in New Hampshire is one of our passions. We are committed to redeveloping 20 Spencer Street into a community that is fully affordable for households making no more than 60% of the Area Median Income (AMI) for Grafton County. This commitment shapes the design of the project. Because the project anticipates financing through Low-Income Housing Tax Credits (LIHTCs) and other public sources, it is critical to control costs and realize economies-of-scale in order to stay within programmatic cost thresholds. Although we explored multiple design options through internal charrettes, we selected a 4-story, wood-frame, double-loaded corridor building with surface parking as the best means to accomplish this.



(Site Plan of 4-story, wood-frame, double-loaded corridor building with surface parking)

The development proposes 40 one-bedroom and 40 two-bedroom apartments. The relatively high ratio of 2-bedroom apartments in the project helps provide affordable housing for families with children, which is an important consideration given Lebanon's status as an area of opportunity within the Upper Valley.

The project will work to provide affordable housing at a range of income levels. We will seek funding and resources to set aside a certain percentage of units that are affordable to very low-income households (50% AMI) and potentially extremely low-income levels (30% AMI) in addition those affordable at 60% AMI. Ultimately, the number of such units will depend on the availability of public resources.

Create spaces that inspire artists and add to the community's cultural vitality

Existing cultural institutions like AVA Gallery, the Lebanon Opera House, and the Upper Valley Music Center help position the City of Lebanon as a hub for the arts and culture within the Upper Valley. However, high housing costs and the lack of affordable housing for artists threaten the vitality of Lebanon's creative economy and cultural institutions. Based on dialogues with the New Hampshire State Council on the Arts' Director of Creative Communities, a lack of affordable housing and studio space—especially a lack live-work spaces for artists—is inextricably connected with the major challenges that creative workers experience in New England. The Muse Apartments responds to this need by dedicating eight units as live-work studios for artists, providing street-level gallery and exhibition space for resident-artists, and offering flexible work-spaces and maker-spaces throughout the building.¹



(Street-level Live-Work Studio Perspective)

The benefits of having community art spaces and live-work units for artists is not limited to people employed in the arts or who simply enjoy the arts: Exposure to the arts has demonstrable positive effects on low-income families and children. Research by the University of Pennsylvania's School of Social Policy & Practice found that low-income New York City residents who are exposed to the arts enjoy better education, security and health outcomes than their counterparts with lower exposure to the arts. Similarly, the National Endowment for the Arts report, "The Arts and Achievement in At-Risk Youth" demonstrated a variety of positive outcomes, including a finding that low-income students who have high levels of exposure to the arts are twice as likely to graduate college than their peers with low arts exposure. By coupling safe, modern, affordable housing with space for the arts, the Muse Apartments is designed to be a positive, vibrant, and uplifting environment for all of its residents.

¹ The preference for artists for the eight, live-work units will be consistent with the general use requirement exemption contained in IRS Section 42(g)(9)(3), which allows for residents "who are involved in artistic or literary activities."

Develop a site that is connected and integrated with the broader community

Successful development does not occur in a vacuum. To create a rich, vibrant affordable housing community, we have consciously designed the Muse Apartments to connect with broader context of downtown Lebanon.

Taking inspiration from Lebanon's Master Plan and Downtown Visioning Study, the Muse Apartments establishes an inviting and lively presence on Spencer Street. The saw-toothed articulation of the Spencer Street façade creates dynamic visual interest along the street. The color palette and material selections attempt to link the project to the New England vernacular, while still providing a modern look, durability, and cost-efficiency to meet funding requirements. At the same time, the prominent location of the community art gallery space and the dedicated window displays and stoop spaces associated with the live-work unit establish a mixed-use atmosphere—notwithstanding the fact that the project is 100% affordable housing. Finally, thoughtful landscaping improvements along Spencer Street will help beautify the City's public roadway infrastructure.

The Northern Rail Trail facilitates alternative transportation options and important connections to the Mascoma River and its associated greenways. The design of the Muse Apartments seeks to activate the Rail Trail for its residents. In addition to providing a direct connection from Spencer Street to the trail, the Muse Apartments leans into biking as a viable means of commuting and travel. The ground floor lobby space includes an indoor bike storage and repair station for residents. With a Walk Score® of 72 ("Very Walkable"), 20 Spencer Street represents a rare opportunity in the State of New Hampshire to promote modes of transportation without carbon emissions. This rare opportunity justifies a relatively low car-parking ratio (1.1 spaces per unit) with a very high bike-parking ratio (1 space per unit) that far exceeds the standards of the City of Lebanon Planning Board. Finally, as a good neighbor to the City's transportation and recreational infrastructure, the Muse Apartment anticipates providing a publicly available bike repair station at its connection with the Northern Rail Trail.



(Active Streetscape with Connection to Northern Rail Trail)

The overarching principle of connectivity and integration with the broader community will carry into the public approvals for the project. Given the importance and visibility of 20 Spencer Street, we anticipate fruitful conversations with neighbors and stakeholders at all stages of the development process, from the design stage through to construction completion.

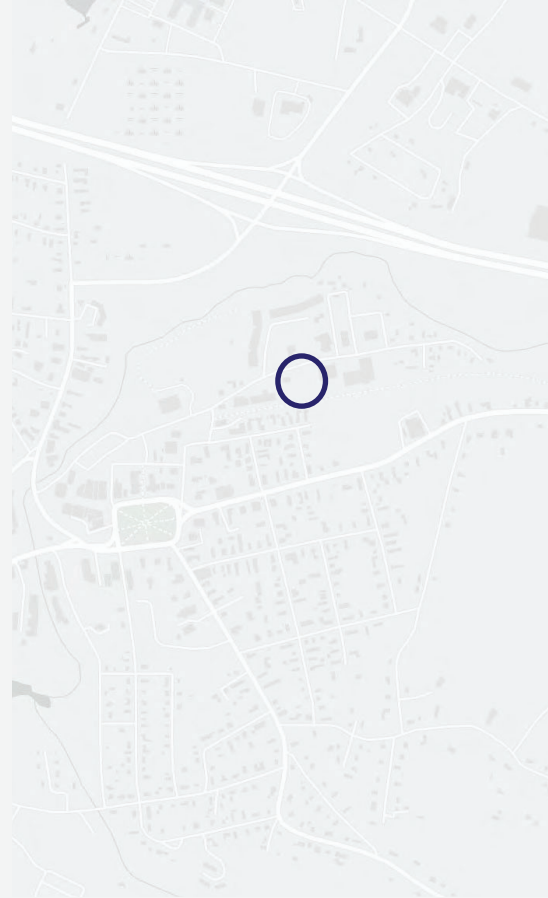
Construct a building and physical infrastructure that is energy efficient and lasting

From its initial conception, the Muse Apartments is designed to be at the forefront of energy-efficient building practices in New England. Based on preliminary energy modeling by Thornton Tomasetti (the Development Team's passive house consultant), the Muse Apartments will achieve Passive House CORE Compliance, meeting Phius 2021 Design Criteria Targets. The project anticipates extremely low energy consumption (Source Energy) of 4,450 kWh/person-year. Complete details of the Muse Apartments' energy efficiency goals and Passive House benchmarks are contained in the Passive House Feasibility Report by Thornton Tomasetti included as an appendix to this proposal.

THE MUSE LEBANON
CONCEPT PACKAGE

20 Spencer Street

LEBANON NH



EMBARC

JANUARY 26, 2024

Site Location



KEY A Lebanon Opera House B Upper Valley Music Center C AVA Gallery D Colburn Park E Basin Field F Eldridge Park

EMBARC

Existing Conditions



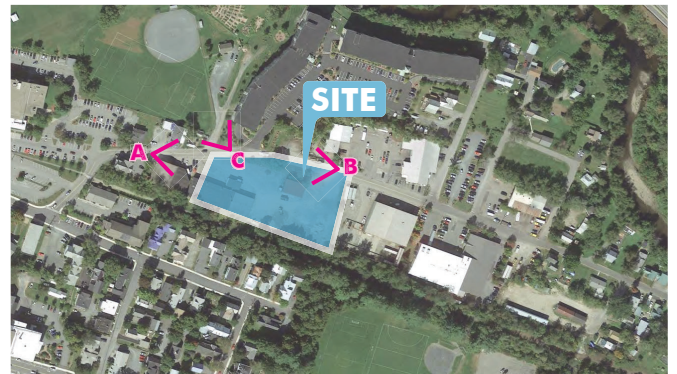
A View of site heading north on Spencer Street, presenting opportunity to connect commercial and residential activity with the future vision for downtown Lebanon



B Facing West on Spencer Street, neighboring housing communicates with the site

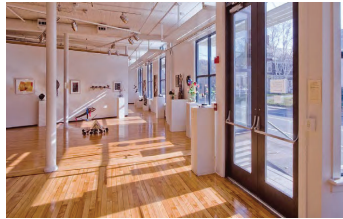


C Towards the northwest portion of the site, there is a direct connection to Eldridge Park



Lebanon Inspiration & Vision

LEBANON NH CHARACTER



Precedent from Downtown Vision Plan



EMBARC



Rivermill Commercial Center



Formerly Mascoma Flannel Mill est. 1882



River Park West Lebanon

WHAT IS THE "COMMUNITY BRAND" OF LEBANON?

(From pgs 82-83 of Downtown Vision Plan)

- Arts and culture
- Connection to the river
- Place with a legacy of industry
- "A great place to live, work and play"

DESIGN GUIDELINES FROM DOWNTOWN VISION PLAN

SPENCER STREET IS AN "ADDRESS STREET"

- Front facades should align along a continuous plane
- Front yard areas should be landscaped & include small porches or front stoops for separation of sidewalk and private living space

MULTIFAMILY

- Inclusion of bay windows &/or porches
- Emphasize vertical proportions
- Designed with horizontal lines of expression
- Individual entrances to ground floor units

Project Goals



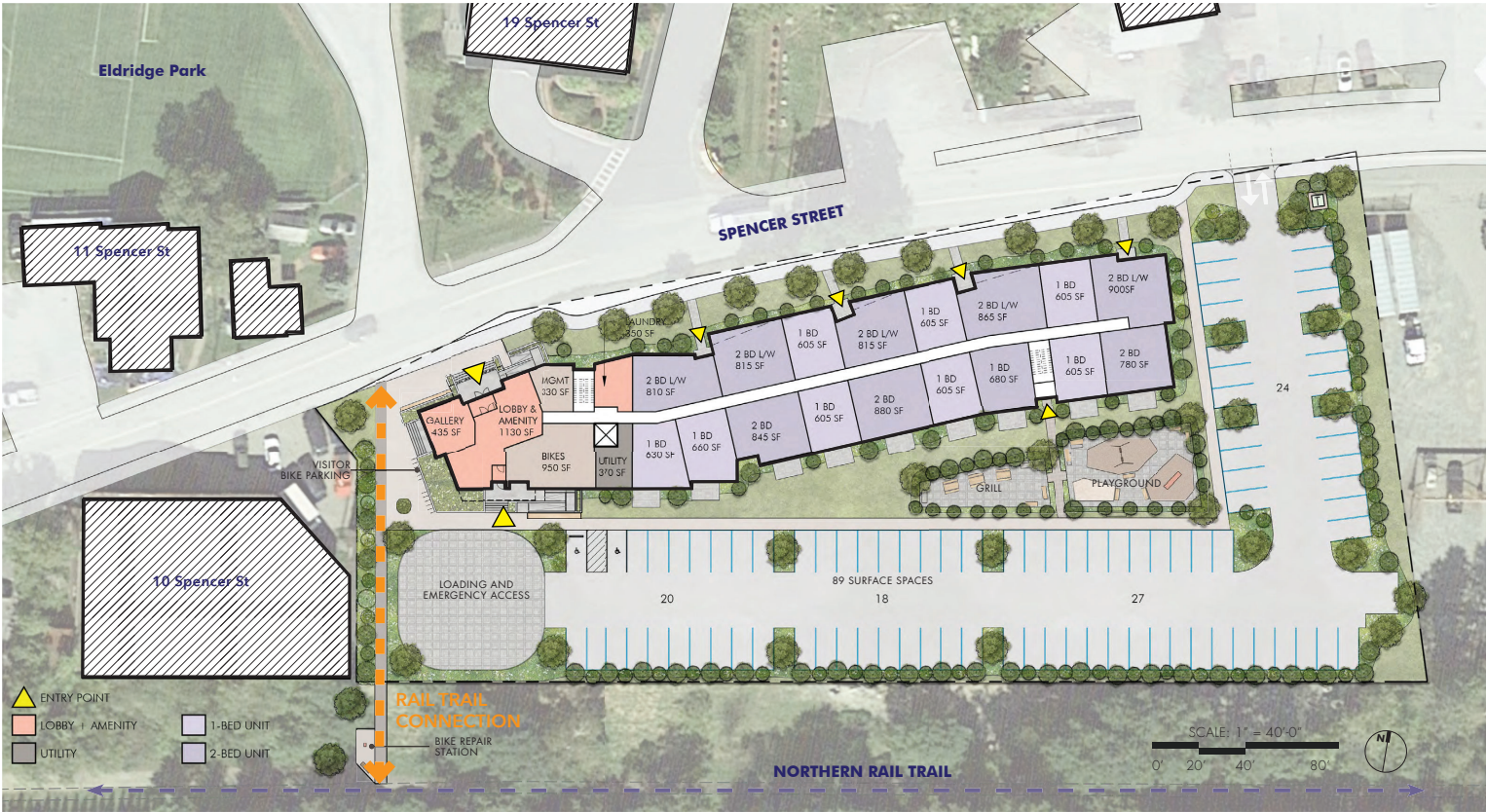
- 1. Provide High-Quality Affordable Housing**
For a diverse range of households
- 2. Improve Streetscapes**
Through 'Complete Streets' design, new landscaping and open space
- 3. Improve Connectivity**
Integrating with the broader neighborhood and streetscape
- 4. Create Artist Live/Work**
To inspire and activate the art community
- 5. Energy Efficiency**
For a lasting effect on the residents and city

Project Features



EMBARC

Site Plan

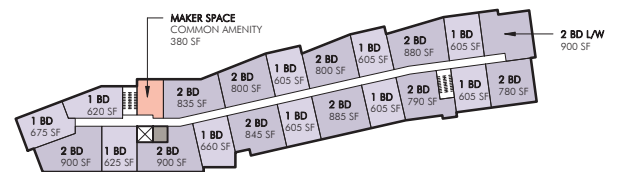


EMBARC

Building Plans and Metrics



1 GROUND FLOOR PLAN - LVL 1
1" = 60'-0"



2 TYPICAL FLOOR PLAN - LVLS 2-4
1" = 60'-0"

PROJECT METRICS

SITE TOTALS		BUILDING AREA						Total GSF
Site Area (SF)	83,725		Common +					
Site Area (Acres)	1.92	Residential	Amenity Space	Circulation	Utility/Storage	Management		
FAR	0.84	1st Floor	12,505	1,915	1,780	1,320	330	17,850
Building Footprint	17,895	2nd Floor	15,520	380	1,905	90		17,895
Total Building GSF	71,535	3rd Floor	15,520	380	1,905	90		17,895
Total Building GSF for FAR	69,945	4th Floor	15,520	380	1,905	90		17,895
Total Units	80	Total	59,065	3,055	7,495	1,590	330	71,535
TOTAL SITE PARKING		UNIT COUNTS						
Car Parking Spaces	89	Count	Avg Size (GSF)		Ratio			
Car Parking Ratio	1.11	1 BR	39	621	49%			
Bicycle Parking Spaces	80	2 BR	33	840	41%			
Bicycle Parking Ratio	1.00	2 BR Live/Work		8	10.0%			
		Total	80	736				

Spencer Street Elevation

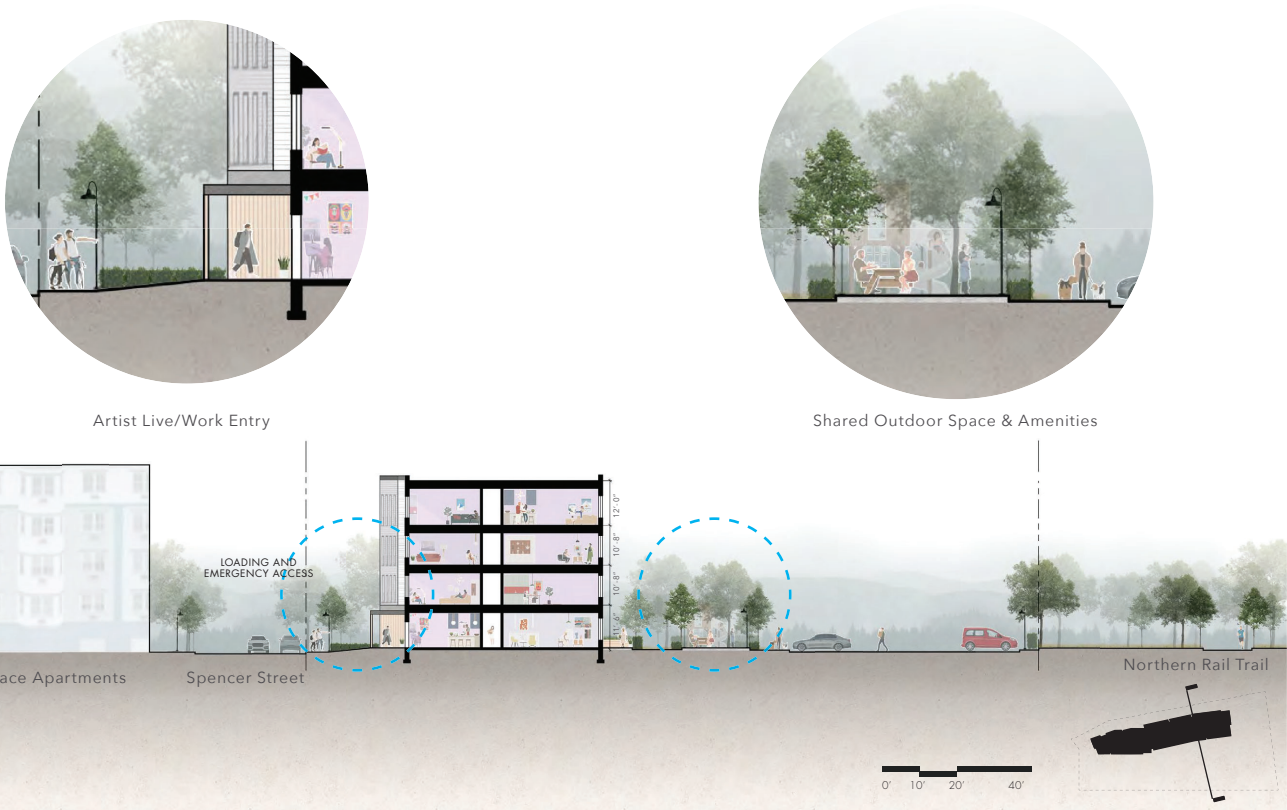


SCALE: 1" = 30'-0"

0' 15' 30' 60'

EMBARC

Section



EMBARC

Spencer Street View Facing East



EMBARC

20 SPENCER STREET | THE MUSE LEBANON | CONCEPT PACKAGE | JANUARY 26, 2024 | 11

Neighborhood Connections



EMBARC

20 SPENCER STREET | THE MUSE LEBANON | CONCEPT PACKAGE | JANUARY 26, 2024 | 12

Artist Live-Work Unit Entry



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20 SPENCER STREET | THE MUSE LEBANON | CONCEPT PACKAGE | JANUARY 26, 2024 | 13

3. Project Schedule

Execution of Purchase Option ²	60 days from Acceptance of Proposal
Topographical Survey	60 days from Purchase Option
FEMA LOMA or CLOMR-F Process	90-180 days from Survey
Predevelopment	120 days from receipt of LOMA/CLOMR
• Conceptual meetings with City Staff/Planning • Community Outreach • Preparation of Plans for Site Plan Approval	
State and Local Permitting	90 days from Predevelopment
• Site Plan Approval • NH Division of Historic Resources Review • NHDES Water/Sewer Connection Permits • NHDES Alteration of Terrain (if applicable) • NH National Heritage Bureau Data Check	
NH Housing Financing Application	Next Available Notice of Funding Opportunity after Permitting
NH Housing Reservation of Funds	Pursuant to NOFO
Preconstruction	6 months from Reservation of Funds
• Finding of No Significant Impact from HUD • Final LOMR-F (if applicable) • Preparation of Construction Documents • Bidding and Contractor Selection • Building Permit Application/Approvals • RFP's for Tax Credit Equity • Property, Tax Credit, and Bond Closing	
Construction	18-24 months from Preconstruction
Completion and Full Occupancy	2-6 months from Construction

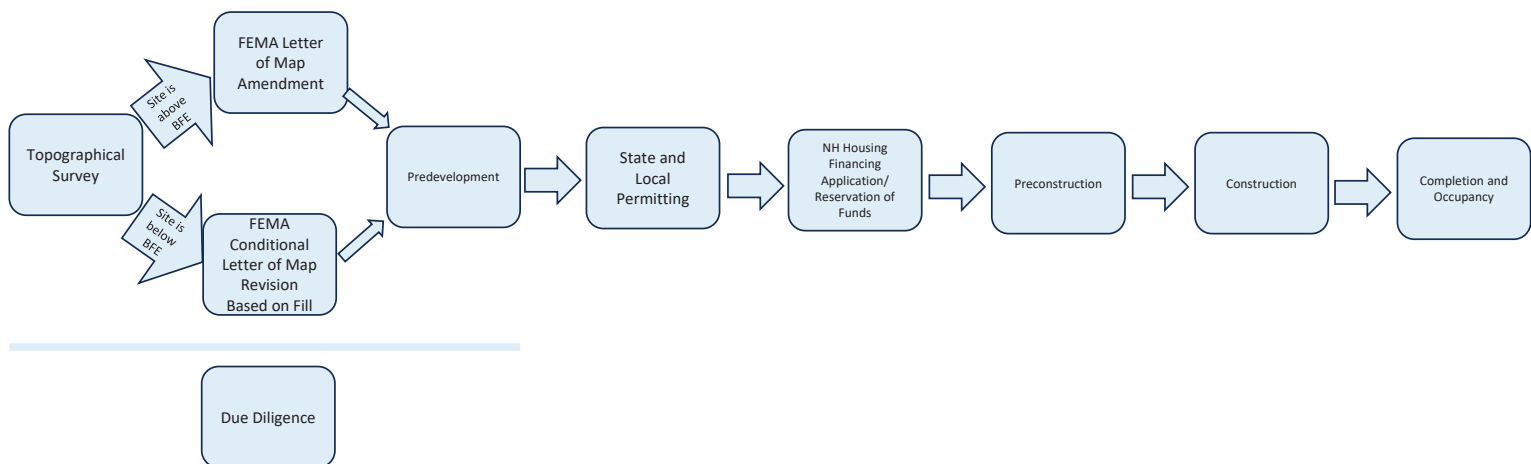
² Note: To meet NH Housing and federal funding requirements a Purchase Option will be used in lieu of a Purchase and Sale Agreement or Development Agreement.

The Muse Lebanon

20 Spencer Street RFP

1.26.2024

Project Schedule Summary

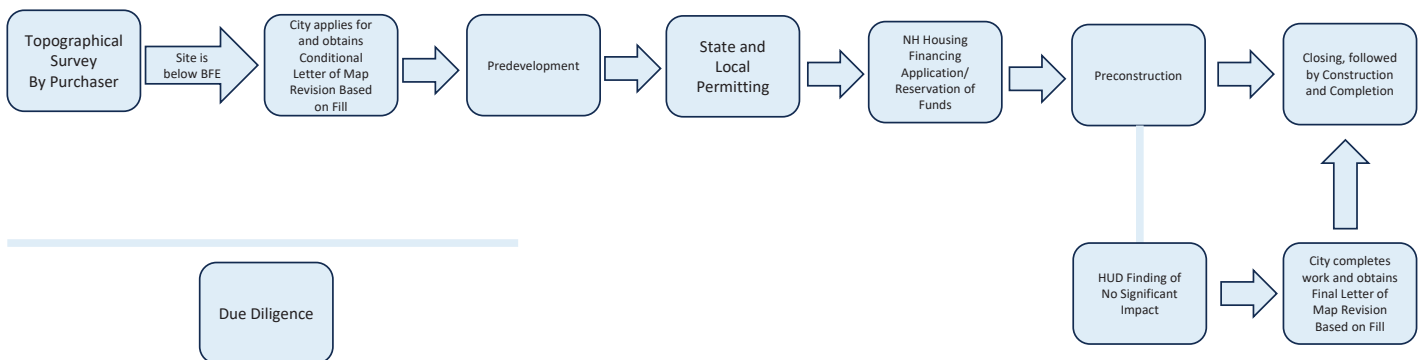


The Muse Lebanon

20 Spencer Street RFP

1.26.2024

Letter of Map Revision Based on Fill Track Details



4. Environmental / Public Approvals Plan

Local Permitting

The Muse Lebanon, LLC will work diligently to obtain all necessary local permits for the project at its sole cost and expense. The purchase is subject to such approvals, including:

- Site Plan Approval
- Building Permit Approval
- Ancillary Permits required for Construction (utility connection applications/fees, driveway permit applications/fees, etc.)

State Approvals

The Muse Lebanon, LLC will work diligently to obtain all necessary state permits for the project at its sole cost and expense. The purchase is subject to such approvals, including:

- NH Division of Historic Resources Review
- NHDES Water/Sewer Connection Permits
- NHDES Alteration of Terrain (if applicable)
- NH National Heritage Bureau Data Check

FEMA Flood Plain Approvals

The Muse Lebanon, LLC anticipates that the purchase will be subject to receipt of LOMA or a CLOMR-F and FCLORM-F removing the property from the AE Zone. See Section 8 “Statement of Challenges” for additional details.

Environmental Approvals

Based on the information contained in the RFP, the Muse Lebanon, LLC anticipates that the site will be delivered and conveyed by the City of Lebanon free and clear from any environmental issues that prevent the financing, construction, or occupancy of the project as multifamily affordable housing. As a part of the public financing process, the Muse Lebanon, LLC will be required to obtain a Finding of No Significant Impact (FONSI) under HUD’s Statutory Environmental Checklist and satisfy NH Housing’s environmental review policies.

5. Public Funding Plan

In addition to significant investment of approximately \$3 Million from the Muse Lebanon, LLC in the form of predevelopment investments and developer loans, the construction of 100% affordable housing will be subject to the receipt of public funding. Depending on funding availability at any given time, we anticipate the project being financed principally through some combination of:

- Federal Low Income Housing Tax Credits
- Tax-Exempt Bond Proceeds
- HOME Investment Partnership Funds
- State Affordable Housing Funds
- Housing Trust Funds
- InvestNH Funds

These resources are typically allocated on an annual basis by the New Hampshire Housing Finance Authority (NH Housing), with requests for funding typically outstripping availability. We have been extremely successful in securing such funding for multiple projects and feel confident that we could secure funding for the Muse Apartments. However, because only a handful of projects can be funded in a given funding round, we would request a letter of support from the City of Lebanon in our application and the opportunity to apply in multiple funding rounds.

6. Approach to Development

Our team is committed to owning and operating the Muse Apartments for the long-term. As second and third generation developers in New Hampshire, we are involved in the development of certain properties that we have owned for nearly 50 years. Although the project would ultimately be constructed by a tax-credit partnership, we would anticipate maintaining ownership, maintaining control, and maintaining the affordability of the property for significantly longer than the tax credit compliance period. Our ideal holding time: Forever.

The use of LIHTC funds for development activities that are not exclusively for low-income populations can pose potential legal issues. Notwithstanding this, we would work to ensure that the project's art spaces and galleries are enjoyed by many members of the community by programming regular events with our property management team.

7. Financial Proposal

Property: The development shall occur on the City-owned property at 20 Spencer Street with no other parcels required for the proposed development.

Property Owner: City of Lebanon

Purchaser: The Muse Lebanon, LLC (or related tax-credit partnership/entity)

Redevelopment Overview:

- 80 workforce housing rental units restricted for households below 60% AMI
- 8 of the units shall have a preference for artists as live-work studio units (consistent with IRS Section 42(g)(9))
- Community art gallery, public street level displays associated with the live-work units, and maker-spaces
- Connectivity to Northern Rail Trail with abundant bike storage
- Passive House CORE Compliance

Purchase Price: Four Hundred Thousand Dollars (\$400,000.00)

Deposit: Fifty Thousand Dollars (\$50,000.00) upon the execution of a mutually acceptable Purchase Option with terms and conditions dictated by said Purchase Option. The Deposit shall be applicable toward the Purchase Price.

Topographical Survey Period and FEMA Approval: Purchaser shall have 60 days from the date of the Purchase Option to conduct a topographical survey of the property (the “Topographical Survey Period”). In the event that the property is above FEMA’s Base Flood Elevation (BFE), Purchaser shall seek a Letter of Map Amendment (LOMA) from FEMA. In the event that the property is below the BFE and a Letter of Map Revision Based on Fill (LOMR-F) is feasible for the project, the City shall seek Conditional LOMR-F (CLOMR-F) from FEMA. Upon receipt of the CLOMR-F, the development process shall continue until the developer receives a Finding of No Significant Impact (FONSI) from HUD, at which time the City shall meet the conditions necessary to receive a Final LOMR-F. The “Initial FEMA Approval Date” shall be the date on which the final, unconditional LOMA or the CLOMR-F is received and delivered to Purchaser.

Inspection Period: From the execution of the Purchase Option through the 120th day subsequent to the Initial FEMA Approval Date.

Closing Conditions:

- Purchaser shall have received a Finding of No Significant Impact (FONSI) pursuant to HUD’s statutory environmental review
- Purchaser shall have received all Permits and Approvals necessary to construct the Project
- The Property shall be conveyed free and clear of any environmental contamination that would require further remediation in order to construct the project
- FEMA’s designation of the property shall be modified to remove it from the 100-year flood zone through a FEMA LOMA or FLOMR-F

- Purchaser shall have received a final, unappealable allocation of funding, including without limitation a final reservation of Low-Income Housing Tax Credits and capital subsidy, through the New Hampshire Housing Finance Authority (“NH Housing”) sufficient to construct the Project.
- Other conditions defined and agreed upon by Purchaser and Seller in the Purchase Option

Closing Date: Closing shall occur within 90 days of the satisfaction of all Closing Conditions and subject to NH Housing’s authorization to close. The Property shall be conveyed by a Warranty Deed, and said deed shall convey good and clear record and marketable fee-simple title to the Property.

Other Project Income: The Project anticipates ancillary income from laundry and tenant pets.

Property Taxes: The project shall pay property taxes subject to RSA 75:1-a. Anticipated taxes in the Project’s first year of occupancy are approximately \$110,000.

This Proposal provides a summary of the key business points of the transaction. The Purchase and Sale shall contain additional agreed-upon conditions as defined in the Purchase Option.



January 22, 2024

David R. Brooks, Deputy City Manager
City of Lebanon, NH
51 North Park Street
Lebanon, NH 03766

Re: Letter of Reference for Tamposi Brothers Holdings, LLC

Dear Mr. Brooks,

The purpose of this letter is to provide a reference for Tamposi Brothers Holdings, LLC. Stratford Capital Group, headquartered in Peabody, MA, is a private real estate investment firm and a recognized leader in the multifamily investment industry with a particular focus on the Low-Income Housing Tax Credit industry. Stratford Capital, along with its affiliated companies, SCG Capital Corp., SCG Development Co. LLC, SCG Development Partners, LLC, and Stratford Asset Management Co., LLC, are involved in various facets of multifamily real estate investment, development and asset management. Since 2007, Stratford Capital has successfully underwritten, sponsored and syndicated private equity in more than 300 multifamily rental apartment properties totaling approximately 35,000 apartment units in 40 states with a capitalized value of approximately \$6.2 billion.

Personally, I have worked comprehensively with Tamposi Brothers Holdings, LLC as an equity investment partner on their Pembroke Road Apartments transaction which closed in 2023. As developers of affordable housing, Tamposi Brothers Holdings, LLC has displayed an abundance of knowledge and experience in the affordable housing industry, including the LIHTC program. Tamposi Brothers Holdings, LLC and its principals, Joe Tamposi and Jake Tamposi, continue to be a pleasure to work with and have proven to be honest, diligent, reasonable and responsive partners.

My relationship with Tamposi Brothers Holdings, LLC has proven to be mutually beneficial. In my experience with them, Tamposi Brothers' performance in the underwriting and development of affordable housing has been of excellent quality. As such, Stratford Capital highly recommends Tamposi Brothers Holdings, LLC as developers of affordable housing, and we would be interested in serving as their equity investment partner on a Lebanon, NH transaction.

If you need any additional information or have any questions regarding this recommendation, please feel free to contact me at (978) 535-5600, extension 155 or via email at jkg@stratfordcapitalgroup.com.

Sincerely,

Joshua K. Gould

Joshua K. Gould
Vice President, Acquisitions

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
Low Income Housing Tax Credit Program, Annual Filing To Municipality
Income Approach Calculations

	Efficiency	1 Bdrm.	2 Bdrm.	3 Bdrm.	4 Bdrm.	5 Bdrm.	6 Bdrm.
UNIT MIX							
Market Rate Units	0	0	0	0	0	0	0
Project-Based Units	0	0	0	0	0	0	0
50% Units	0	0	0	0	0	0	0
60% Units	0	40	40	0	0	0	0
Low HOME Rent	0	0	0	0	0	0	0
High HOME Rent	0	0	0	0	0	0	0

	Efficiency	1 Bdrm.	2 Bdrm.	3 Bdrm.	4 Bdrm.	5 Bdrm.	6 Bdrm.
NET RENTS							
Market Rate Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project-Based Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0
50% Units	\$0	\$0	\$0	\$0	\$0	\$0	\$0
60% Units	\$0	\$1,031	\$1,234	\$0	\$0	\$0	\$0
Low HOME Rent	\$0	\$0	\$0	\$0	\$0	\$0	\$0
High HOME Rent	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Potential Annual Gross Income		\$1,087,200
Less: Vacancy Rate	3.0%	(\$32,616)
Effective Gross Income		\$1,054,584
Less: Operating Expenses:		\$600,000
Net Annual Operating Income		\$454,584
Market Capitalization Rate	8.0600%	
Equalized Tax Rate	2.0905%	
Overall Capitalization Rate		10.1505%
Capitalized Value (Per RSA 75:1-a)		\$4,478,436
Equalization Ratio (If 'Update', automatically defaults to 100%)		86.1000%
Equalized Assessed Value		\$3,855,933
Tax Rate (If 'Update', automatically defaults to Projected Tax Rate)		\$24.28
Estimated Real Estate Tax (Relies on Cells E39 and E40)		\$93,622

PA-67

NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION
Low Income Housing Tax Credit Program, Annual Filing To Municipality
Determination of Taxes Due

TAX YEAR: 2024

NAME OF PROPERTY/PROJECT: Muse Apartments

OWNER'S NAME: The Muse Lebanon, LLC

NH MUNICIPALITY: Lebanon

NH COUNTY/METRO AREA: Grafton County, NH

RSA 75:1-a "10% of Actual Income"

Estimated Real Estate Tax: \$110,000

Or,

RSA 75:1-a "Income Approach"

Estimated Real Estate Tax: \$93,622

RSA 75:1-a,V

"A taxpayer making an election under this section shall be liable for taxes on the property in an amount that is the greater of:

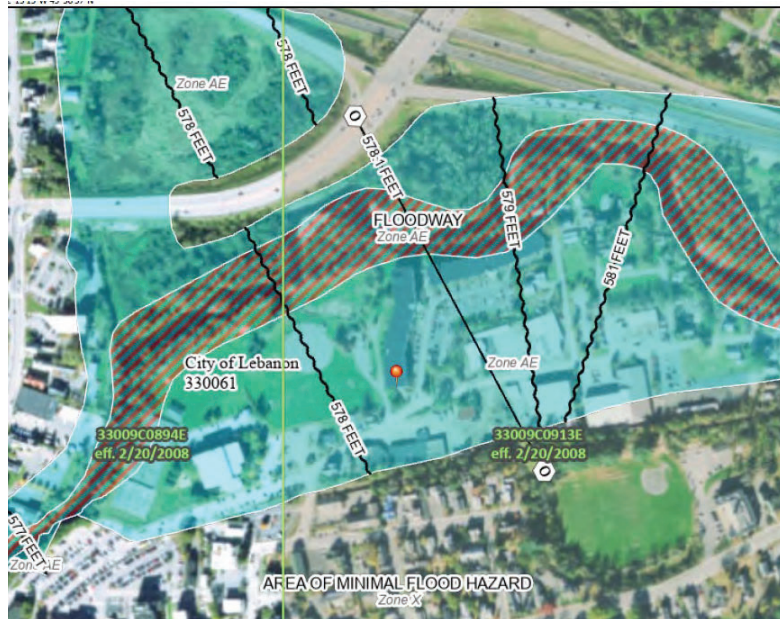
(a) The taxes determined using the income Approach under this section; or

(b) The taxes in an amount equal to 10 percent of the actual rental income and other income."

Final Estimated Property Tax Due: \$110,000

8. Statement of Challenges

1. Flood Zone: According to Flood Map for 20 Spencer Street (33009C0913E), the property is located in the AE Zone (100-year Flood Plain). Pursuant to 24 CFR Part 55, HUD strongly discourages the use of public funds for projects within the 100-year Flood Plain; similarly, NH Housing's Underwriting Standards state that the Authority will not fund projects within the 100-year flood plain. It is not feasible to redevelop 20 Spencer Street as affordable housing without these public funds. Based on data from the groundwater sampling, the as-built reconstruction plans of Spencer Street, and LIDAR elevation data, it appears that at least a portion of the site may be below the base flood elevation (BFE) of 578 and 579 feet.



(Property Location from FEMA FIRMETTE 33009C0913E)

Given the uncertainty around this fundamental issue, we propose to a public-private process to ensure that affordable housing can be built and funded on this site:

- a. The Muse Lebanon, LLC will engage a professional topographical survey of the 20 Spencer Street site.
- b. In the event that the site is entirely above the BFE, The Muse Lebanon, LLC will file for a Letter of Map Amendment (LOMA) to change FEMA's determination that the property is within the AE Zone. Subject to the approval of the LOMA, the purchase and redevelopment will proceed as contemplated.
- c. In the event that portions of the site are below the BFE, the Muse Lebanon will work with the City to determine whether a Letter of Map Revision Based on Fill (LOMR-F) would be feasible for the proposed development.
 - i. If a LOMR-F is feasible, the City of Lebanon will be responsible for conducting any work and permitting necessary to obtain a Conditional LOMR-F (CLOMR-F). Upon receipt of the CLOMR-F, the purchase and transaction will proceed until such time that HUD issues its Finding of No Significant Impact (FONSI). At this stage, the City of Lebanon shall be responsible for any earthwork necessary to meet the requirements of the CLOMR-F and obtain the Final Letter of Map

Revision. Upon receipt of the Final Letter of Map Revision, the purchase and redevelopment will proceed as contemplated.

- ii. If a LOMR-F is not feasible or not approved, the Muse Lebanon and the City will consider project alternatives, including without limitation undertaking HUD's 8-step process for developing affordable housing in the 100-year flood plain.

2. **Competitive Capital Resources:** The affordable housing rent levels for Grafton County limit the amount of traditional debt the 20 Spencer Street redevelopment can support. Consequently, the project will require a significant amount of "soft debt" or capital subsidy compared to affordable housing projects in other market areas with higher rent limits. Furthermore, NH Housing has a backlog of upcoming projects competing for the same resources as 20 Spencer Street.

Securing competitive funding is a critical element of any affordable housing proposal. The team behind the Muse Lebanon has a keen understanding of NH Housing's funding processes and expertise in designing projects that can secure funding. In NH Housing's past two funding rounds for competitive tax credits, applications from our principals were the highest scoring projects in each round (Pembroke Road Apartments tied as the top project for 2023 Tax Credits and Avery Lane Apartments was the top project for 2024 Tax Credits). That being said, given the competitive nature of these resources, the fact that the funding plans and award criteria are in flux, and the known backlog of projects seeking funding, we would anticipate the need to participate in multiple NOFO's in order to secure resources. Given that closing on a property is considered a "Choice Limiting Activity" under HUD's environmental review, it is not typically feasible to close on the property prior to securing funding.

3. **Multiple Stakeholders:** The capital stack of affordable housing projects requires guiding multiple parties to the closing table—public housing agencies, construction lenders, permanent lenders, tax credit syndicators, equity investors, landowners—in addition to the normal cooperation and collaboration with municipal officials, state agencies, neighbors, and community members that is needed for any development project. Working with all of these stakeholders to get a project done requires patience, flexibility, and creativity.

Given the very public nature of the City's disposition of 20 Spencer Street, there is a risk that the goals of some stakeholders will come into conflict with others. For example: tax credit investors may have specific title commitment requirements that could cause a delay of the City's desired closing date; the project-cost thresholds required by NH Housing's Qualified Allocation Plan may make it impossible to follow requests from community members regarding certain materials or façade treatments; NH Housing's and HUD's environmental review standards may result in duplicative work on the City's part relative to remediation and documentation.

These types of issues are almost inevitable given the nature of these projects. However, our commitment to setting clear expectation and maintaining open communication helps alleviate their effect on the project's ultimate success.

9. Development Team Qualifications and Resumes

The Muse Lebanon, LLC

The Muse Lebanon, LLC is a single-purpose, New Hampshire Limited Liability Company established by Jake Tamposi and Stephen Tamposi to redevelop the site at 20 Spencer Street in Lebanon. As second and third generation developers, the Muse's principals have extensive and multifaceted experience in all aspects of real estate, including acquisitions, permitting, financing, and construction in highly regulated markets.

The team behind the Muse Lebanon, LLC is committed to building exceptional affordable housing that enriches the social fabric and physical landscape of Lebanon's downtown area. The principals anticipate investing over \$3 Million toward the development in the form of equity and developer loans, with the remaining balance of the development funded through relationships with New Hampshire Housing, tax credit investors (see attached letter from Stratford Capital), and other sources.

Jake Tamposi

Manager

Jake Tamposi has over a decade of experience in real estate development and investment. As an active partner in a number of multigenerational real estate investments and as an independent developer in niche markets, Jake brings a perspective that is both long-term and highly targeted. Through various privately owned entities, he has been directly responsible for the permitting, development, and/or construction of approximately 1,000 market rate and affordable homes in New England and Florida.

Jake is a licensed Construction Supervisor in the Commonwealth of Massachusetts and a certified Building Contractor in the State of Florida. He graduated magna cum laude from Williams College in Williamstown, Massachusetts where he was an NCAA National Champion swimmer.

Stephen Tamposi

Manager

Stephen Tamposi has nearly five decades of experience in real estate development and investment. For the past 30 years, he has been the President and CEO of Citrus Hills Holdings, LLC, the developer and builder of the Villages of Citrus Hills—which consistently ranks as one of the top master-planned communities in the country. In that time, he has been directly responsible for the construction of over 6,000 homes, the development of over 5,000 acres of land, and the creation of over \$500 Million of public and private development infrastructure. Prior to Citrus Hills, Stephen oversaw the ownership and development of over 1 million square feet of commercial and industrial space and the development and construction of over 500 multifamily homes in southern New Hampshire.

Additionally, as a manager and partner in Comprehensive Land Holdings, LLC, Stephen has been responsible for the permitting and anticipated development of over 200 affordable and mixed-income housing units in some of Massachusetts' most restrictive housing markets through MGL Chapter 40B.

Below is a select portfolio of our affordable development activities in New Hampshire.

Affordable Housing Developments in New Hampshire

Project Name:	Avery Lane Phase I and Phase II
Location:	Nashua, NH
Developer Entity:	Tamposi Brothers Holdings, LLC (Jake Tamposi, partner/manager)
Total Development Costs:	\$33 Million
Public Funding Sources:	Federal Low Income Housing Tax Credits, Tax-Exempt Bonds, HOME Funds, NH Affordable Housing Funds, HOME-ARP Funds, Project Based Vouchers
Energy Standards:	NH Saves Energy Charette
Status:	Funding Allocated, Pre-Construction with anticipated start Summer 2024
Project Reference:	Sam Durfee Planning Manager City of Nashua, NH 603-589-3112

Narrative Summary:

The riverfront area of Nashua's East Hollis Street is a neighborhood at a crossroads. Old, heavy industrial uses share space with smaller scale residential uses. However, the City of Nashua's Master Plan, East Hollis Street Area Plan, and Transit Overlay Development District envision the area being revitalized with new transportation options supporting higher density residential and mixed-use development in close proximity to the river and downtown. The Avery Lane project supports this vision by redeveloping an environmentally-compromised, industrial and contractor yard into a vibrant, 100% affordable workforce housing community.

Avery Lane Phase I will create 32 new, high-quality, affordable housing units for general occupancy in a four-story garden-style elevator building. Hillsborough County in New Hampshire has one of the lowest vacancy rates in the state of NH for apartments (0.4%) and the highest median gross monthly rental costs (\$1,858). The project secured competitive Low Income Housing Tax Credits in NH Housing's most recent funding round and will feature rents affordable to households at 60% AMI, 50% AMI, as well as a set-aside for the HUD 811 program at 30% AMI for individuals experiencing severe mental health issues.

Sharing a campus with Avery Lane Apartments Phase I, Phase II will feature interconnected sidewalks and a playground, as well as easy access to shopping, retail, employment, and transit opportunities. The project will create 63 new, high-quality, affordable housing units for general occupancy in the City of Nashua in a four-story garden-style elevator building. The project is being financed in part with 4% Low Income Housing Tax Credits and Tax-Exempt Bond funding, and will feature rents affordable to households at 60% AMI.



VIEW FROM PARKING

EAST HOLLIS STREET
APARTMENTS

Project Name:	Pembroke Road Apartment Phase I and Phase II
Location:	Concord, NH
Developer Entity:	Four Percent Pembroke Road Manager, LLC and Nine Percent Pembroke Road Manager, LLC (Jake Tamposi, partner/manager)
Total Development Costs:	\$39 Million
Public Funding Sources:	Federal Low Income Housing Tax Credits, Tax-Exempt Bonds, InvestNH Funds, NH Affordable Housing Funds
Energy Standards:	NH Saves Energy Charette
Status:	Construction with anticipated completion in late 2024/ early 2025
Project Reference:	Jim Menihane Director of Multifamily Originations & Business Development New Hampshire Housing (603) 310-9273

Narrative Summary:

The area between Loudon Road, Sheep Davis Road, and Pembroke Road in Concord has historically lacked a clear identity. The construction of Steeplegate Mall in 1990 spurred commercial development along Loudon Road, but the rise of online retail and a lack of higher density housing (despite appropriate zoning) has led to a decline in foot traffic.

Located directly adjacent the Steeplegate Mall, Pembroke Road Apartments is one of several projects that will increase foot traffic, provide housing for the workforce, and support plans to renovate Steeplegate Mall into a mixed-use destination. The project consists of a total of 123 affordable apartments in three, 3-story buildings in a New England style campus. Featuring all 2-bedroom units, interconnected sidewalks, a playground, and dog park, the community will help meet the need for affordable housing for families with children in Merrimack County.

Phase I consists of 39 units with rents affordable to households at 60% AMI and 50% AMI as well as a set-aside for the HUD 811 program for individuals experiencing severe mental health issues. Phase II consists of 84 units with rents affordable to household at 60% AMI. Financing for the phases is through a combination of state, federal, and private funding sources.



Project Name:	Courtyard Apartments
Location:	Manchester, NH
Developer Entity:	245 Main Street Manchester, LLC (Jake Tamposi, partner/manager)
Total Development Costs:	\$2 Million
Public Funding Sources:	Project Based Vouchers
Energy Standards:	NH Saves Low Income Housing Energy Audit and Assistance
Status:	Occupied
Project Reference:	Ned Olney President and CEO Crotched Mountain Foundation 603-792-0133

Narrative Summary:

Originally constructed in the 1980's by Crotched Mountain Foundation, Courtyard Apartments has provided safe, clean, affordable housing for households with disabilities in Manchester for decades. When Crotched Mountain's programmatic goals changed, they sought a purchaser who would be committed to preserving the property as affordable housing for households with disabilities.

245 Main Street Manchester, LLC purchased Courtyard Apartments from Crotched Mountain in 2022, navigating a complex regulatory process associated with paying off the original HUD Section 202 program loan used to build the project and assigning the project's Housing Assistance Payment contract.

After closing, 245 Main Street Manchester, LLC undertook significant energy improvements to the project through the NH Saves Low Income Housing Energy Audit and Assistance Program. Improvements included the purchase and installation of new, high-efficiency mini-split units for each apartment, insulation improvements, and smart thermostat technologies.

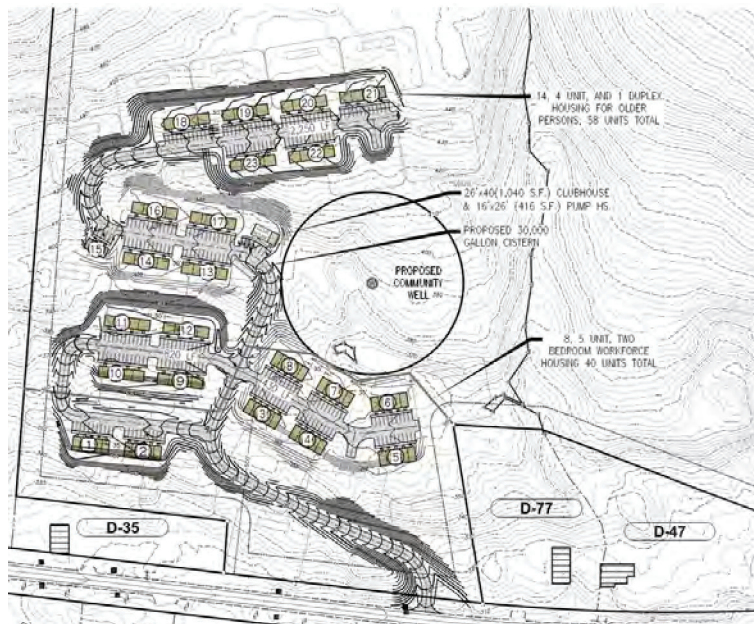


Project Name:	Brookline Opportunities
Location:	Brookline, NH
Developer Entity:	Brookline Opportunities, LLC (Jake Tamposi, partner/manager)
Total Development Costs:	\$32 Million
Public Funding Sources:	Federal Low Income Housing Tax Credits, Tax-Exempt Bonds, Other Capital Subsidy (Anticipated)
Energy Standards:	Passive House (Anticipated)
Status:	Permitting
Project Reference:	Jim Menihane Director of Multifamily Originations & Business Development New Hampshire Housing (603) 310-9273

Narrative Summary:

The Brookline Opportunities project reflects our commitment to creating affordable housing in New Hampshire. After Brookline Opportunities, LLC proposed a workforce housing rental project for families with children—the first ever in the Town of Brookline—the town imposed a moratorium, enacted a growth management ordinance, and changed its Workforce Housing Ordinance to make it functionally impossible to develop affordable rental housing. Whereas most developers would abandon a project after these actions, our passion for affordable housing and recognition of a likely violation of the Fair Housing Act inspired us to find a way for the project to proceed.

In late 2023, through several sessions of creative and concerted mediation, the Town of Brookline agreed to support the town's first ever affordable rental community of 98 townhomes and seek training to better understand the need for fair and diverse housing. The project is currently resubmitting plans, and based on the settlement, anticipates commencing construction on the affordable housing for families with children no earlier than 2026.





FIRM OVERVIEW

EMBARC

JANUARY 26, 2024



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FIRM DESCRIPTION

Embarc is a 50 person, Boston-based, Architecture and Interior Design firm with substantial design experience from luxury brownstone homes to mixed-use, multi-building residential developments. We are a certified Minority Business Enterprise.

Our clients rely on us to guide them through the challenging entitlement process. We have taken many projects through Boston's Article 80 permitting process with the goal of enhancing the neighborhood life of the communities around them. In the Allston Square project, for instance, our design includes a community-wide arts program, integrating landscape design throughout the two-plus acre development. We are proud to work with some of the most established residential, commercial, retail, and institutional developers in New England such as MITIMCo, New England Development, Leggat McCall Properties, and The Davis Companies.

Collaboration is at the heart of our work, and we believe people of diverse backgrounds and experiences greatly enhance the spaces in which we create together. This philosophy shapes our conversations and is evident in the spaces we design - a consensus among clients, users, and the community. In order to connect with people experientially and socially, we form close relationships to our sites and the neighborhoods. The understanding of these relationships informs and ensures each project has a unique and meaningful outcome.

Engaging with the community early in the design process is critical in enabling us to successfully navigate the municipal permitting and approval process. Our architects and designers stay with each project from beginning to end, ensuring quality, and adding value for our clients. We are proud to say that 99% of our work is either from repeat clients or their referred connections.



\$2.85+

Project Valuation

13,800 +

Housing Units

235 +

Zoning Approvals

EMBARC

EMBARC OVERVIEW | DATE | 3

CLIENT SUMMARY



RESIDENTIAL

- ARX Urban
- Boston Realty Advisors
- Boston Property
- Boylston Properties
- BSA Management
- Cabot, Cabot, & Forbes
- Cathartes
- CB Equities Saratoga Street
- Crest City Capital
- CRM Property Management
- CMK Development Partners
- Comprehensive Land Holdings
- Dinosaur Capital Partners
- East Boston CDC
- Eden Properties
- Encore Properties
- Fenway CDC
- Forest Properties Management
- Gansett Ventures
- Grander Capital Partners
- Jumbo Capital
- Langwater Capital Partners
- Leggat McCall Properties
- Lupoli Companies
- MITIMCO
- NB Development Group
- Penrose Reality
- P&G Properties & Design
- Rhino Capital
- Samuels & Associates
- Seabrook Real Estate Partners
- Sonder USA
- Tamposi Brothers
- The Davis Companies
- TRAX
- The NRP Group
- Torrington Properties
- Trichilo Development
- Urbaness
- WaterMark Development
- Westbrook Properties
- Wood Partners

COMMERCIAL + RETAIL

- BentallGreenOak
- Boston Teachers Union
- Boston Offices
- Cabot Wellington
- Capitol Waste Service
- Coldwell Banker
- Clarke
- Davis Family Charitable Foundation
- Democracy Brewing
- Dumpling Daughter
- Duvine Cycling
- Fallon Company
- Frank Anthonys
- Fresh Press
- Generis Collective
- GTI Properties
- Greystone
- Indresano Photography
- JLL
- Kimball Office
- Kohler
- KS Partners
- Lord Hobo Brewing
- Martignetti Companies
- MITIMCO
- Middlesex Integrative Medicine
- Motiv
- Mount Vernon Company
- Native Sun Wellness
- New England Development
- Northeastern
- Plansee
- Salvation Army
- Saunders Real Estate
- Serafina
- SwissBaker
- Transom Real Estate
- Ver-Tex
- Walden Local Meat Co.

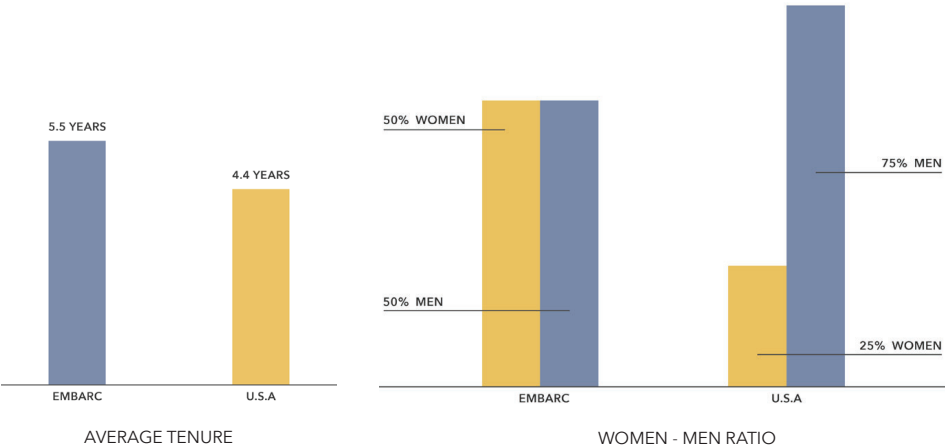
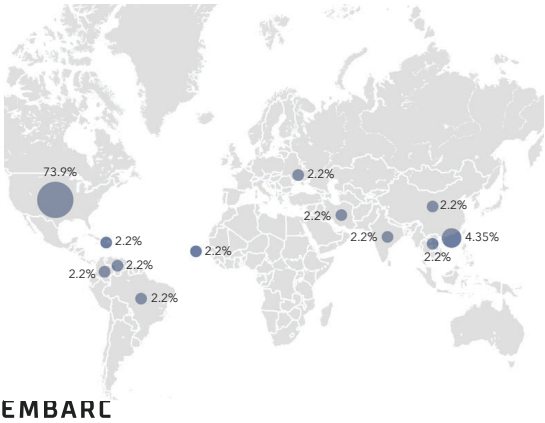
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EMBARC OVERVIEW | DATE | 4

DIVERSITY, EQUITY + INCLUSION

Architectural design and masterplanning are enriched by the diverse voices of the architects and designers who participate in the design process. **Embarc** is a **Massachusetts certified Minority Business Enterprise**. We have an office far more diverse than the average: an even 50/50 male to female ratio and more than 36% of our staff born outside the United States. Still, we remain committed to continuing to improve the diversity of our office and expanding on the unique talents, skills, and perspectives that enrich our work.

At Embarc, we have created an atmosphere where this exceptionally diverse group can gain a foothold in the industry. Office-wide training, mutual respect and a “grow-from-within” mindset allow for team members to feel empowered, take responsibility and contribute. These factors are at the core of Embarc’s better-than-average typical employee tenure. In addition to our client work, we also believe in community outreach, mentoring and the ability for remote work as key factors in career development and a rich work-life balance.



SUSTAINABILITY DESIGN APPROACH

The entire project team is unified under the common goal of designing and constructing healthy, high-performance buildings that do not adversely impact the environment and at the same time complement the demands of modern, life.

As a baseline, we would look to eliminate the building's reliance on fossil fuels by promoting an 'all-electric' building. We have great experience with this type of building and actively as a team have a handful of 'all-electric' buildings currently under construction in the greater Boston market. Complimentary to an 'all-electric' building is the use of rooftop solar to offset electrical demand.

As a standard, our buildings are detailed in such a way that the building's envelope is 'high-performing' in terms of reduced air-leakage, increased wall & roof R-Values, and have extremely efficient windows and doors in terms of U-Value and solar heat gain coefficient.

With an extremely tight and high-performing building envelope comes the challenge of making sure the inhabitants of the building have access to a constant supply of fresh air. Lighting, another key driver in residential energy consumption, will be all high efficiency, utilizing LED lamps and environmental control systems such as occupancy sensors for interior spaces and photo-time clock programmable sensors for all exterior and landscape lighting.



COMMUNITY OUTREACH

We firmly believe in giving back to the community and enriching the lives of the people in the neighborhoods we design for. As part of our Community Outreach efforts, Embarc has a dedicated committee that plans regular events for a different nonprofit each quarter.

Over the years we have worked with some amazing organizations, including helping to build houses with Habitat for Humanity, pack food for the Greater Boston Food, and teach children about architecture and design at the interactive learning event, Kids Build!

Each year we host a charity golf tournament, the EMBARC Classic. We have partnered and donated the proceeds to the following nonprofit organizations: Youth Enrichment Services, ACE Mentorship, and the Children's Well-being Foundation.

This year, we are proud to have partnered with YouthBuild Boston for an immersive mentorship program where we welcome a group of high students into our office for a week-long intensive inside look at an architecture firm. The students learned valuable lessons, went on multiple site tours, had one-on-one time with our team, and were given a design challenge to solve and present to our office at the end of the week.



YouthBuild Boston



YouthBuild Boston



Kids Build



The Greater Boston Food Bank



Habitat for Humanity

EMBARC

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PASSIVE HOUSE CONSULTING SERVICES

The Muse

Lebanon, NH

On the cover: Village Center, Brewer, ME. Passive house consulting, energy modeling and thermal analysis services for a 48-unit affordable housing development. Sustainable design features include double stud r-40 walls, r-80 roof system, triple pane windows and exterior shading.

ThorntonTomasetti

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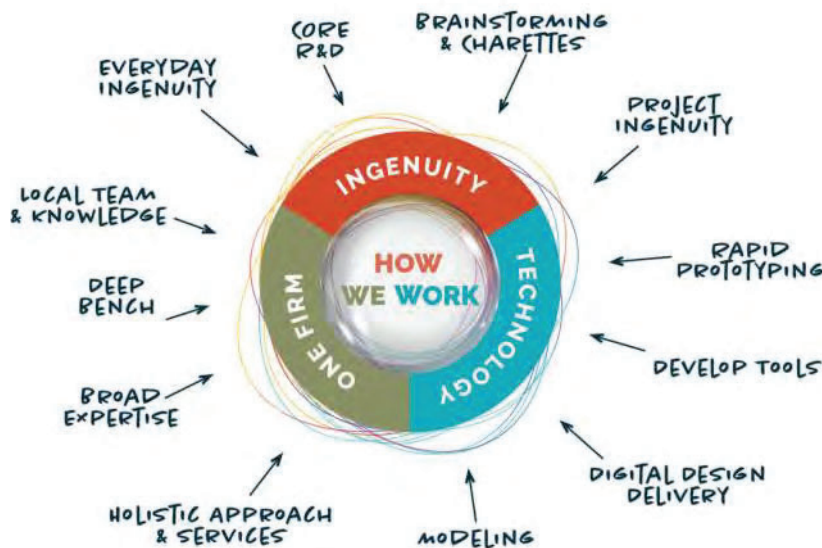
SECTION 1

Firm capabilities



ABOUT THORNTON TOMASETTI

We're an international firm of 1,500+ problem solvers, integrating multidisciplinary expertise to forge enduring solutions for complex challenges. Our engineers, scientists, architects and sustainability experts collaborate to design, analyze and optimize structures, infrastructure and neighborhoods, as well as systems, materials and tools, while fostering a culture of growth and inclusivity. Our commitment to sustainability and innovation drives us to build a better, more resilient future.



How we work

We love solving problems. So when you work with us, you get more than experience and expertise. We function as **One Firm** – connecting expertise and ideas from people across the firm to ensure the best solutions are brought to bear. We bring **Ingenuity** – actively creating platforms for exploration, cross-collaboration and advancing innovation throughout the firm, on our projects and in the industry. We develop **Technology** – designing our own tools and software and applying them with the latest technology to realize better outcomes with efficiency. We are passionate about how we work and seek like-minded clients.

70+

YEARS

45+

OFFICES WORLDWIDE

CAPABILITIES

- Sustainability consulting
- Resilience consulting
- Structural engineering
- Acoustics, noise & vibration control
- Construction engineering
- Façade engineering
- Restoration & renewal
- Forensics
- Protective design & security
- Transportation & infrastructure
- Applied science

SUSTAINABILITY SOLUTIONS

Our sustainability practice actively pursues innovation in our approach to energy, materials, water and health. When we see an opportunity to optimize a building through better information and visualization, we create new tools in collaboration with our CORE studio. Our unique access to a diverse suite of internal practices allows us to reach beyond the typical sustainability consultant's toolbox and to reimagine sustainable design to better realize the goals of our clients. With more than 25 years in the green building industry, we continue to expand the boundaries of sustainable design.

Our passion for working with owners, designers and occupants to create efficient, high-performance, climate-responsive buildings and communities is reflected in the value we bring. We offer a comprehensive selection of sustainability services led by a multidisciplinary, LEED-accredited staff. We embrace sustainable-driven strategies to meet comfort targets and create healthy environments that prioritize passive over mechanical systems with an eye toward life cycle-driven solutions that support the project budget and goals. For clients at the forefront of sustainability, we consult on achieving Passive House Certification, Net Zero Energy Buildings, Living Building Challenge design, Embodied Carbon Optimization and BECx Commissioning.

A smart and collaborative approach

We work with architects and building owners at the inception of every project to help create a sustainability vision—and then we turn it into a reality. Our specialists evaluate buildings holistically to determine the relative environmental pros and cons of particular design decisions as well as associated economic parameters. We collaborate on the design, construction and operation of sustainable buildings to provide innovative solutions that greatly reduce operational costs and contribute to more resilient buildings. We combine creative thinking with time-tested MEP knowledge to help clients prioritize architectural solutions for performance, creating opportunities to right size, if not eliminate, MEP systems that result in efficient and highly effective solutions for comfort, reliability and optimized design.

400+

SUSTAINABLE PROJECTS



Thornton Tomasetti provided structural engineering, passive house consulting and daylighting analysis to the Waynflete School Campus's new Lower School Addition. The addition is Phius+ 2015 Design Certified

CAPABILITIES

Building analytics

Comfort analysis
Daylight analysis
Schematic energy analysis
Advanced energy modeling
Parametric daylight & energy analysis
Façade thermal & hygrothermal analysis
Renewable energy potential life-cycle analysis
Embodied carbon
Water balancing

Project certification

Passive House
Living Building Challenge, Core & Petal Certification
Net Zero & Positive Carbon
LEED
WELL
GreenPoint Rating
BREEAM
SITES
Fitwel

PASSIVE HOUSE SERVICES

At Thornton Tomasetti, our mission is to be a global driver of change and innovation in our industry. We believe that striving for ultra-high performance, sustainably designed facilities will lead to breakthrough innovations that will change the way we deliver buildings. The passive house design approach is critical for realizing this vision.

Thornton Tomasetti meets passive house design standards and achieves significant upfront and long-term savings for our clients by drawing on our knowledge of high-performance systems, envelope design, building science and structure.

We have certified passive house consultants, along with highly qualified energy analysts, architectural engineers, building scientists, integrative design specialists and envelope consultants who excel at managing the complex interactions and synergies between a high-performance envelope and simple, yet very effective and efficient mechanical systems. Our multi-disciplined staff has consulted on more than one million square feet of passive house projects. We combine our experience with software analysis programs such as WUFI Plus and Passive House Planning Package (PHPP) with our in-house parametric analysis tool for our Design Explorer interface that enables us to truly optimize any project for all potential passive house design variables as well as for first cost optimization.



Village Centre is a 48-unit affordable housing project that is Phius+2015.



Thornton Tomasetti provided passive house services for the Khalil Gibran International Academy at 100 Flatbush, which is targeting Phius 2021.



Pine Hall, at Wheaton College, is the first Phius+ certified residence hall in Massachusetts. (Phius+2015)

Phius

Our team works with Phius (Passive House Institute US) and assisted in developing their multifamily program and requirements. The 54,000-square-foot Village Centre apartments, an affordable housing complex in Maine, was designed at a very aggressive cost point — it came in only 2.5 percent more than conventional construction and had a payback of seven years. Thornton Tomasetti provided passive house consulting and structural engineering for this award-winning project.

2

SECTION 2

Project experience



PASSIVE HOUSE PROJECT EXPERIENCE



COURTESY SPAGNOLO GISNESS & ASSOCIATES

Wheaton College, Pine Hall, Phius+ 2015



ALLOY DEVELOPMENT

100 Flatbush, Brooklyn, NY, targeting Phius 2021

Passive House Consulting Experience

The Alloy Block, Brooklyn, NY. Sustainability and passive house consulting services for a one-million-square-foot LEED for Communities development that includes two residential towers sitting on a podium with commercial, office and retail space and two schools. The residential portion is the first all-electric residential tower in New York City. The two schools are pursuing Phius+ certification. Phase one comprises a 38-story tower with 100,000 square feet of commercial space and 30,000 square feet of retail. Phase two tower rises 69 stories and contains a mix of residential, office, and retail spaces.

200 Valley Street, Portland, ME. Passive house consulting services for an affordable, five-story, 60-unit apartment building. Our team worked closely at late stages of design and early construction with the project team to optimize the design with passive house principles, including but not limited to window options, mechanical equipment, and envelope insulation selection. The project is Phius+ 2018 Design Certified.

Bigelow Laboratory for Ocean Sciences Graham Shimmield Residence Hall, East Boothbay, ME. Passive house consulting and structural engineering services for a 15,000-square-foot residence hall for students and visiting scientists. The building contains various accommodations, from multi-bed rooms to studio apartments, and communal spaces that foster collaboration. To minimize the building's environmental impact, several wings and a ground-floor amphitheater nestle into the hillside. The residence is designed to meet passive house standards.

Bowdoin College, Park Row Apartments, Brunswick, ME.

Passive house consulting, energy analysis and structural engineering services for four, 11,000-square-foot, three-story, steel and wood constructed apartment buildings with 22 beds. The buildings are Phius+ Source Zero certified using efficient air-exchange systems for heating, cooling and ventilation, thick insulation and triple-pane windows.

Bowdoin College, Schiller Coastal Studies Center, Orr's

Island, ME. Passive house design services for a 16,000-square-foot Living Learning Center, four cabins and a dry lab building, which will support marine, estuarine, and terrestrial research and teaching. The building is Phius+ 2018 certified.

Community Housing of Maine, The Equinox, Portland, ME.

Passive house consulting and energy modeling services for a 43-unit multi-family affordable housing development. The all-electric development is being designed with Passive house principles in mind and in compliance with Portland's Green New Deal, which requires energy performance of 30 percent better than ASHRAE 90.1-2019. The building is designed to Phius 2021 CORE standards.

Community Housing of Maine, Phoenix Flats, Portland,

ME. Passive house consulting services for a five-story, 45-unit affordable housing building for those 62+ and/or disabled. Scope entailed advising on the passive house boundary with the retail and residential portions of the building, as well as envelope and related hygrothermal, window comfort and condensation requirements. The team coordinated throughout construction to advise on the impact of any changes on passive house performance. The project is Phius 2021 CORE Design Certified and pursuing final certification.

PASSIVE HOUSE PROJECT EXPERIENCE CONTINUED

Community Housing of Maine, Winter Landing, Portland, ME. Structural engineering, energy modeling and sustainability consulting services for a four-story, light-framed wood, senior housing development. The structural design includes structural steel canopies and steel framing in open areas on the ground floor, and wood trusses on light frame bearing walls above the podium. Lateral forces are resolved with sheathed wood shear walls. The all-electric development is designed with passive house principles in mind and in compliance with Portland's Green New Deal, with an energy performance of 34 percent better than ASHRAE 90.1-2019. The building is designed to Phius 2021 CORE standards.

Dartmouth College, Undergraduate Student Housing, Hanover, NH. Passive house, LEED consulting, WELL consulting, feasibility studies, design analysis, energy modeling and sustainability charrette facilitation services for a cluster of residential buildings to accommodate 750-beds, as part of the master planning efforts. The vision for the new site is to create an undergraduate housing village that may be used as "swing" space during the 10-to-20 year housing renewal project and for dedicated first-year or upper class student residences.

Go Logic House, Belfast, ME. LEED for Homes Provider Quality Assurance Designee and sustainability consulting for the first building in Maine to receive passive house certification. The building incorporates both a 2.8-kW photovoltaic system and solar hot water panels, allowing the building to produce all the energy needed, making it near net zero. The project achieved the LEED for Homes Platinum rating.

Harvard University, 5 Sacramento Street and 13 Kirkland Place, Cambridge, MA. Passive house and Living Building Challenge consulting services for the renovations of two wood-framed buildings into housing for graduate students and faculty. 5 Sacramento is a 9,400-square-foot building constructed in the 1910s while 13 Kirkland is a 6,700-square-foot building constructed in the 1850s. Both buildings serve as pilot projects for campus-side sustainability improvements. The two buildings target Phius 2021 CORE and LBC Core Certification.

Harvard University, Graduate Student Residence, Cambridge, MA. Sustainability consulting for a 334,787-square-foot residential building. The project scope assumes the pursuit of LBC Core Certification, Phius 2021 ZERO Certification, LEED Gold Certifiable for Boston Article 37 compliance, and enhanced compliance with the Harvard Healthier Building Academy initiative in alignment with LBC Materials Petal.

Milliken Heights, Old Orchard, ME. Passive house consulting services for a building composed of 55 one-bedroom apartments, community space, laundry room and a fitness center for people 55 and over. Scope entailed optimizing the building with passive house principles, including balancing the glazing solar heat gain coefficient with the adjacent forest shading the west and south facades, and appropriately modeling and optimizing the range of mechanical equipment serving the building. The building is Phius+ 2018 Design Certified.

Portland Housing Authority, Washington Gardens, Riverton Park, & Harbor Terrace, Portland, ME. Building science and energy analysis services for the renovation of three affordable housing buildings. Scope included consulting and analysis to determine the optimal insulation type and thickness for a balance of energy performance while maintaining the hygrothermal performance of the wall assemblies. Buildings are pursuing Phius 2021 CORE Certification.

Princeton University, Graduate Housing, Princeton, NJ. Sustainability consulting services for several new three-story dormitory halls to accommodate approximately 550 students on the new Lake Campus. The project features a café and community center as well as pedestrian paths, plazas and landscaping that integrates with the lake campus stormwater approach. The project aims to reduce geothermal well usage through a high-performance envelope. The life-cycle analysis shows over 20 percent embodied carbon savings compared to a typical building. The project is LEED certified, seeking LEED Healthy Material credits, PHIUS+ CORE Pre-Certified and pursuing final certification.

University of Virginia, Bond House, Brandon Avenue, Charlottesville, VA. LEED and passive house consulting and energy modeling services for a new 200,000-square-foot, six-story residence with 311 beds and two levels of parking. A series of parametric energy modeling studies performed by the sustainability team inform the building's unique exterior shading system, which is fine-tuned to the sun's orientation. Thornton Tomasetti also performed structural design services. The building targets LEED Silver certification.

PASSIVE HOUSE PROJECT EXPERIENCE CONTINUED

Village Centre, Brewer, ME. Structural engineering and sustainability consulting services for a three-story 55,850-square-foot apartment complex. The sustainability scope included thermal analysis, energy modeling and passive house consulting. Sustainable design features include double stud R-40 walls, R-80 roof system, triple pane windows tuned for each orientation and exterior shading. Construction consisted of a double loaded corridor layout using wood framed bearing walls and open web wood floor and roof trusses. The 48-unit complex was the largest passive house project in a cold climate in North America at the time of completion. The buildings are Phius+ 2015 certified.

Waynflete Lower School and Gymnasium, Portland, ME. Passive house consulting and structural engineering services for a new, 30,000-square-foot lower school building and gymnasium. The building comprises two wings joined by an atrium and a shared classroom with three exposures to natural light. The building is designed with a Site Energy Use Intensity of less than 10 kbtu/sf/yr, which is more than 50 percent better than a typical high performance school building. The building is Phius+ 2015 certified.

Wheaton College, Pine Hall, Norton, MA. Passive house consulting, whole building energy modeling, building envelope and structural engineering services for a three-and-four-story, L-shaped student residence hall with 178 beds. The 45,500-square-foot building uses precast concrete hollow core planks on structural steel framing with a lateral system that consists of steel concentrically braced frames. This low energy building cut operational costs by approximately 50 percent in its first year and is the first Phius+ 2015 certified residence hall in Massachusetts.

Williams College, Garfield House Residence Hall, Williamstown, MA. LEED, passive house and building envelope consulting, energy modeling, geotechnical and structural engineering services for a new 15,000-square-foot student residence is LEED Gold and Phius+ 2015 Pre-certified. The sustainability team provided extensive analyses to evaluate the envelope, structure and energy performance of the existing building constructed in 1851 to assist the college in deciding whether to renovate or build new.

730 Stanyan, San Francisco, CA. Sustainability consulting for a mixed-use residential community between six and eight stories featuring 150 to 190 units, with 25 percent set aside for formerly homeless families. Services include GreenPoint Rated, Title 24, energy analysis and passive house consulting. The building is pursuing Phius certification.

Feasibility Study

58 Boyd Street Apartments, Portland, ME. Structural engineering and passive house feasibility study for a 54-unit affordable housing building, developed by the Portland Housing Authority. The project includes the addition of administrative spaces, amenities and community gathering spaces.

571 Revere Housing Development, Revere, MA. LEED and passive house feasibility study and energy analysis services for the feasibility study for a new 52-unit, 52,000-square-foot residential building with mixed income levels.

Bowdoin College, Harpswell Student Housing Village, Brunswick, ME. Structural engineering, passive house feasibility study and energy analysis services for three 17,700-square-foot student residences with 21 apartments that house 132 students. The complex is designed to meet passive house standards and combines light-framed wood construction, comprising two-by-six stud walls and open web wood trusses, with the lobby and two-story common areas using mass timber.

Confidential Mixed-use Laboratory Building, Cambridge, MA. Structural engineering, passive house feasibility study, connection design and high performance envelope consulting services for a six-story, 440,000-square-foot mixed-use development that includes commercial laboratories and offices with ground floor retail above three levels of below grade parking. The high performance envelope scope entails goal development and solar radiation, radiation benefit, parametric box model, daylight and thermal comfort analyses, as well as design assistance with façade design to meet passive house standards. The project is pursuing LEED Platinum.

Williams College, Lehman Hall, Williamstown, MA. Passive house feasibility study, LEED, and LBC Materials Petal consulting, workshop facilitation, energy modeling and hygrothermal analysis services through design development for a 10,000-square-foot renovation of a 32-unit residence hall constructed in 1927.



BESS ADLER / THORNTON TOMASETTI

Thank You

for considering ThorntonTomasetti. We look forward to continuing our conversation.

1. With respect to potentially setting aside units for 50% or 30% AMI, do you have any experience in partnering with local housing authorities to utilize project based vouchers?

All 24 units in our Courtyard Apartments Project in Manchester are covered by Project Based Vouchers. When we purchased the property, we elected to maintain affordability for the extremely low-income household under a Mark-Up-To-Market renewal with HUD. For Phase II of our Avery Lane project in Nashua, 15 of the 63 units have been awarded Project Based Vouchers through New Hampshire Housing's NOFO.

2. Have you given any additional thought to the design of the direct connection between the project and the Northern Rail Trail?

We appreciated the renderings of some of the other respondents with respect to the Northern Rail Trail connection. We ultimately did not flesh out a full rendering of the public bike repair and rest station along the rail trail. We envision a paved or paver connection with decorative landscaping and appropriate signage. By siting the path on the western side of the site, the vision is for it to provide a vibrant and direct connection between the Rail Trail, the Muse's community arts space, and Spencer Street so that it feels like a part of the public domain rather than a project-specific feature. We would want to make sure that the area is well designated and attractive so that if any bicyclist needs to add air to a tire or repair a chain, they know that the station and equipment is publicly available. We are open to further discussion.

3. Can you further elaborate on the process for obtaining LOMA or CLOMR-F and the roles envisioned for the City and developer? Do you have an estimate of the potential timeline?

FEMA's process for a Letter of Map Amendment (LOMA) is straightforward and should be completed within 60-120 days from submission to FEMA. The timing and complexity of the CLOMR-F process will depend on the results of the topographical survey. We are open to further discussion on the relationship between the City and the Developer for the LOMR-F process. We will ask Nick Golon from TF Moran to join the call on Friday to help elaborate on some of the details.

4. Do you envision applying for 9% tax credits, 4% tax credits, or both?

Applying for the right funding and securing it is one of the most important aspects of any affordable housing development. We would like to share more of our thinking on this subject in our discussion on Friday.

5. What is the estimated value of project improvements?

Based on our current workforce housing construction and development costs in New Hampshire, we anticipate a total investment of approximately \$29 Million.

6. Is EV charging proposed or site-ready?

Our number one priority is ensuring that the features of the project meet NH Housing's financial and cost threshold requirements. Dependent on Total Development Cost (TDC) relative to NH Housing's requirements, we anticipate 5% of the spaces with Electric Vehicle Supply Equipment installed and 25% of the parking spaces being site-ready. There are important construction cost considerations for sizing electrical equipment for EV's, so we would not want to oversize these services when the adoption of new electric vehicles will likely lag among the project's tenants. That being said, we are open to further discussion.

7. Are solar panels proposed?

Our hope and expectation is that we will be able to provide rooftop solar to meet most or all of the energy needs for the project (although we do not require on-site solar to achieve Passive House certification). However, we would prefer not to commit to this until we are closer to bidding out the construction of the project to ensure that the project complies with NH Housing's Total Development Cost (TDC) requirements. Although there was discussion at recent NH Housing QAP meetings about exempting costs for solar from the TDC requirements, this did not make it into the latest draft QAP. As a point of reference, on our Pembroke Road project, we had the opportunity to incorporate rooftop solar through a change order during construction, but it was not something that we felt comfortable committing to when we applied for funding. There is also a strong possibility that NH Housing/ NHDOE will receive a competitive grant from the Solar for All Program in spring of 2024 that will ensure that the Muse Apartments would have solar.