

**FINAL**

**LEBANON CITY COUNCIL  
REGULAR SESSION MINUTES  
Wednesday, April 3, 2024 6:00 p.m.  
Council Chambers**

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

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

**MEMBERS ABSENT:**

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager David Brooks, Deputy Director of Planning & Development Tim Corwin, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Director of Planning & Development/Zoning Nathan Reichert, Planning Administrative Assistant Crystal Taplin

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

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

- City Manager Shaun Mulholland announced the meeting criteria for the public.
- Councilor Whittlesey attended remotely due to lack of child care.

**3. Boards and Committee Reports (1<sup>st</sup> Quarter):**

**Pedestrian & Bicyclist Advisory Committee: Colin Smith, Chair**

Chair Smith updated the Council on the following:

- Complete Street Policy: Started to review.
- Collaborations with Arts, Parks & Recreation on Mascoma Greenway extension projects.
- Events taking place in May: Main event will be Bike to Work Day on May 17, 2024

**Heritage Commission: Nicole Ford Burley, Chair**

Chair Ford Burley updated the Council on the following:

- Reviewed the 2024 Historic Landmark Designations from the March 20th Council Meeting: Since 1997, the Heritage Commission has recognized 100 historic structures throughout Lebanon.
- Reviewed the demolition of the Fire Station on South Park Street and its replacement, which came before the Commission in February. The Commission granted permission for both the demolition of the current structure and construction of the new station.
- Collaborations with City Engineer Rod Finley on the West Lebanon Streetscape Project and the Roundabout Project. One recommendation was to encourage renaming this intersection to its historic name: Jones Crossing.
- Collaborations with Arts, Parks, and Recreation to solicit proposals for artwork in the tunnel to celebrate Lebanon's transportation history.
- Will be updating the mall kiosk display and rolling out a walking tour brochure, as well as developing signage for the Northern Rail Trail.

**Conservation Commission: Sarah Riley, Chair**

Chair Riley updated the Council on the following:

- Reviewed 1 Wetlands Permit: For Trues Brook Bridge
- Provided comment on one zoning change.
- Continued to participate with other groups regarding the definition/recommendations for Environmental Justice for the City.
- Events scheduled for Quarter 2:
  - Blueberry Pruning Event: Jackson Conservation area.
  - Tree Planting Training Events on April 13 and a Tree Planting Event at the School Street Cemetery on April 27, 2024.
  - Wild About Lebanon Event
  - Amphibian Migration Season Event
  - Garlic Mustard pulling season
  - Educational Forest Health Series: The importance of healthy and resilient forests with a focus on deer overabundance and invasive species. Will be announced in LebNews.

**Councilor Liot Hill arrived at approximately 6:15 PM.**

**Planning Board: Andrew Faunce, Chair**

Chair Faunce updated the Council on the following:

- There is an urgent need for two (2) regular members and three (3) alternate members. He encouraged anyone who may be interested to fill out an application at the City Clerk's office.
- Acknowledged and expressed his appreciation for the support of all City Staff and Planning Board members.
- Reviewed a report from the consultant hired by the Planning Department to provide advice on Impact Fees. A Public Hearing will be held on this early in the next quarter.
- Conversations were held about the City's Master Plan and getting this mobilized for additional chapters to be added and working on updates (i.e., length, clarity, and coherence).
- Will be reviewing their role in the Capital Improvement Program in Quarter 3.
- Will be looking to collaborate with other local Land Use Boards regarding policies/regulations.

**Arts & Culture Commission: Councilor Wilkie**

Councilor Wilkie updated the Council on the following:

- Poetry Contest to be imprinted on Lebanon's sidewalks.
- Will be calling for artists for tunnel art work.
- They also have a shortage of members and are actively recruiting.

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

Councilor Wilkie updated the Council on the following:

- Equity Plan: Draft should be ready by fall.
- Environmental Justice Task Force: Worked on definition, which accurately defines what Environmental Justice should mean to the City of Lebanon.

**West Lebanon Revitalization Advisory Committee (WLRAC): Councilor Simon, Chair**

Chair Simon updated the Council on the following:

- Held first joint meeting with the EDC (Economic Development Committee) and talked about the TIF for West Lebanon, NH.
- They also have a couple of membership openings.
- Working on an event for this fall to officially rename the park on Bridge St.
- Looking to Collaborate with Arts & Culture to bring some of the wonderful things they are doing to West Lebanon.
- Accepting donations for the Beautification Project. They would like to see the flowers back in West Lebanon again this year.

**Economic Development Commission (EDC), Councilor Liot Hill**

Councilor Liot Hill updated the Council on the following:

- 20 Spencer Street.
- Looking at the parking lot behind City Hall regarding what the use is of those parking lots before recommendations can be made. Hopefully, more concrete proposals will be coming after the parking lot study is done.
- They participated in an Ethics and Conflict of Interest Training.
- Reviewing the City's Strategic Plan.
- Collaborating with the WLRAC to review whether a TIF District would be good for Downtown West Lebanon. Participated in TIF 101 with Deputy City Manager David Brooks.

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

**5. OPEN TO PUBLIC:**

- Ms. Amelia Sreen came forth and requested that everyone who participates in this meeting remotely should turn on their video so everyone can see who they are.
- Councilor Sykes updated the Council and those who attended this meeting about legislative bills that have pass in the NH House. These included a bill on cannabis; allowing high school students to vote; AI (Artificial Intelligence) disclosure in political advertisements; prohibition of private landowners to own a land fill; new version of State Retirement contributions; Medicaid medical transportation coverage; 10-year Transportation plan; shoreline septic systems; allowing two (2) ADUs (additional dwelling units) on a property, the NH version of the Red Flag Law.

**6. RECOGNITIONS:**

**- WEEK OF THE YOUNG CHILD PROCLAMATION**

**WHEREAS**, the first years of a child's life are crucial for brain development, laying the foundation for future learning, with high-quality early care and education mitigating poverty's effects, identifying delays, and preventing neglect, ensuring every child has access to a strong educational foundation; and

**WHEREAS**, the vitality of New Hampshire's economy is increasingly dependent on the availability of quality, affordable, safe, and reliable childcare, allowing parents to stay in the workforce and fostering a robust economy; and

**WHEREAS**, a significant shortage of early childhood education adversely affects our community, with 71% of young children having all available parents working, disproportionately impacting women of color and leading many women to exit the workforce for childcare duties, affecting

their income, career advancement, and future security; and

**WHEREAS**, early childhood educators have been frontline heroes, especially during the pandemic, underscoring the importance of their work in providing high-quality, inclusive care that honors our community's diversity. There is a growing demand to enhance compensation and respect for these educators, alongside efforts to ensure equitable access to quality early childhood education.

**NOW, THEREFORE**, I, Timothy J. McNamara, Lebanon City Mayor, hereby, proclaim April 6-12, 2024, as the WEEK OF THE YOUNG CHILD in Lebanon, New Hampshire.

Proclaimed this 3<sup>rd</sup> Day of April in the year 2024.

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Timothy J. McNamara Mayor, City of Lebanon

- **REFILL NOT LANDFILL PROCLAMATION**

**WHEREAS**, the City of Lebanon owns and operates the Lebanon landfill that has a permitted disposal capacity of another 6 years; and

**WHEREAS**, the City is concerned about conserving natural resources and with preserving the landfill disposal capacity for future Lebanon residents; and

**WHEREAS**, the City recognizes that the waste from single-use items like plastic water bottles, coffee cups, grocery bags et cetera, uses natural resources and consumes landfill disposal capacity; and

**WHEREAS**, the City also recognizes that eliminating waste through reuse is cost effective and environmentally beneficial; and

**WHEREAS**, choosing to reuse items like refillable containers for water, coffee and other beverages have the potential of reducing waste that will require disposal in the Lebanon Landfill; and

**WHEREAS**, choosing to reuse cloth grocery bags, cloth napkins and packing a lunch for school or work has a positive impact on the environment; and

**WHEREAS**, to encourage waste reduction, the month of April 2024 will be designated as “Refill NOT Landfill Month”.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Lebanon hereby proclaims the month of April 2024 as Refill NOT Landfill Month and encourages residents to join in observing this month to reduce waste that is ultimately disposed of in the Lebanon Landfill by using reusable items like travel mugs, water bottles, and grocery bags.

Proclaimed this 3<sup>rd</sup> day of April in the year Two-Thousand Twenty-Four.

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Timothy J. McNamara Mayor, City of Lebanon

**7. ACCEPTANCE OF MINUTES:**

- March 14, 2024 (Canvass of Vote)
- March 20, 2024 (Regular Meeting)

Amendments: Page 16, Line 13: Change Vote in Motion to (7-0): Page 23, Line 13: Should read

“Assistant Mayor Below.”

- March 27, 2024 (Organizational Meeting)

**Councilor Heistad MOVED to approve the March 14, 2024 Canvas of Vote; the March 20, 2024 Regular Session; and the March 27, 2024 Organizational Meets minutes as amended and presented in the April 3, 2024 City Council agenda packet.  
Seconded by Councilor Wilkie.**

**Roll Call Vote:**

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

**None voted Nay.**

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

**8. APPOINTMENTS:**

- Pedestrian & Bicyclist Advisory Committee, Tim Gilbert (Regular Member)

**Councilor Simon MOVED to NOMINATE Tim Gilbert as a Regular Member of the Pedestrian & Bicyclist Advisory Committee. Term: 04/24-04/27**

**Roll Call Vote:**

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

**None voted Nay.**

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

- Lebanon Energy Advisory Committee, Sherry Boschert (Reappointment Regular Member)

**Assistant Mayor Below MOVED to NOMINATE Sherry Boschert for Reappointment as a Regular Member of the Lebanon Energy Advisory Committee (LEAC). Term: 04/24-04/26**

**Roll Call Vote:**

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

**None voted Nay.**

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

**9. PUBLIC HEARING ITEMS:**

**A. Amendment to the Zoning Ordinance: Text Amendment to Light Industrial (IND-L) District Requested by Cicotte Properties, LLC – Public hearing for the purpose of receiving public input and taking action on a proposed zoning amendment to amend Zoning Ordinance Section 303.2, Light Industrial (IND-L) District Table of Uses, to add “Vehicular sales” as a use allowed by Conditional Use Permit in the IND-L District.**

Included in the agenda packet: [\*\(All supportive documents and information can be found on pages 40-49, Council agenda packet\)\*](#)

1. Memorandum from Planning and Development Department staff, dated March 13, 2024, including associated attachments.

Ms. Johanna Cicotte (owner of Volvo Volkswagen in Lebanon, NH and Cicotte Properties, LLC) and Attorney Barry Schuster were present and reviewed the history and background behind their request to amend Section 303.2 of the Zoning Ordinance.

## **BACKGROUND**

On January 17, 2024, the City Council voted to move a proposed zoning amendment requested by Cicotte Properties, LLC through the amendment process outlined in Section 1000 of the Zoning Ordinance. The request by Cicotte Properties, LLC is to amend Section 303.2 of the Zoning Ordinance to add “auto sales and service” as a use allowed by Conditional Use Permit in the Light Industrial (IND-L) District. At this point in time, any change in Section 303.2 would require a Variance, which would be a substantial hurdle.

Since the Council’s action in January, the amendment has been reviewed by the City’s legal counsel, the Planning Board, the Zoning Board of Adjustment, and the Conservation Commission. A summary of the proposed amendment is outlined in the attached memorandum from the Planning & Development Department. The City attorney’s legal opinion and excerpts of the Planning Board and Zoning Board of Adjustment draft meeting minutes are attached. The Conservation Commission determined that the proposed amendment had no conservation impact and, therefore, declined to take a position for or against the proposal.

Since the proposed term of “auto sales and service” is not currently used or defined within the Zoning Ordinance, the Planning & Development Department and the City’s attorney recommended that the term “Vehicular sales,” which includes accessory uses such as auto repair, be substituted instead.

## **Mayor McNamara opened the Public Hearing and the following came forth:**

- Mr. Jude Stull (111 N. Main St., Lebanon NH): He asked for the arguments against changing the Use Code to allow vehicular sales in this Light Industrial (IND-L) District. In response, Nate Reichart, Director of Planning & Development/Zoning, noted there will be a broader audience in which to gather input from on the topic of the whole neighborhood. The neighborhood study currently underway is from Exit 18 to the Hanover Board all along Rte. 120 to see if this area is correctly zoned; do we need to allow for more housing; or do we need space for recreational use, etc. This study is not just looking at this particular parcel but the whole neighborhood and should be completed by July/August 2024.

Attorney Schuster also informed Mr. Stull that there is no material or substantive objection to the particular use, especially since the IND-L Zone now includes essential services, a bus terminal, light industry, etc. and the Cicotte property right now is sandwiched between their Volvo/Volkswagen Dealership and the Truck Terminal. At his point, they are simply adding a particular use that is complementary to all the other uses and we would expect to have all these uses reviewed in this study. This is really adding a use in a particular area that is completely complementary to all of the other automobile uses in the area.

Mayor McNamara noted that based on the extensive testimony we had at the last meeting the Planning Board initially had been in favor of this (change) but that changed, and they decided it would be a better idea to wait for the study to be completed. There did not seem to be any particular objections to including this Use in the IND-L Zone. The IND-L Zone also includes the Airport and at least one other small area in the City. There was really no objection expressed to having an automobile dealership, it was more a matter of timing.

**Ms. Mary Maxfield (Ward-1):** She spoke about her concerns regarding the potential for more heat islands in Lebanon and this particular request would be adding more asphalt, the cutting down of trees, etc.

Mayor McNamara noted this would simply add another use to the current list of uses in the IND-L Zone, anyone of which could have exactly the same impact with regard to paving, vegetative removal, etc. This use is not dissimilar from anything that is currently allowed in the IND-L Zone so the proposal is not to convert this to a series of uses that would be potentially less impactful on the environment than the one that are currently allowed. It is basically just the same.

**Ms. Amelia Sereen (Ward-None given):** She spoke about the importance of planning and her concerns about spot zoning.

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

**Council Comments:**

Mayor McNamara summarized the discussion from the last meeting noting this was a small portion of an exceptionally large study area. There seemed to be a couple of options to facilitate this in the short-term while still having the overall study of the (Rte. 120) corridor move forward. One was the proposal that is offered tonight to include this use in the IND-L Zoning District and if necessary that can be pulled in the future. The Ordinance already allows equipment sales and service, so whether it is a tractor or car, those uses have similarities.

Councilor Liot Hill noted the request came to us with a sense of urgency. After the discussions at our last meeting, she withdrew her suggestion of looking at a different approach and was comfortable moving forward with this proposal.

The Council continued discussions regarding the study that will take place along the Rte. 120 corridor that includes this area; concerns about whether or not the Council is making a decision that is driven by a private entities business decisions rather than what is best for the future planning of the City; concerns about adding more pavement and heat zones in the City; putting this proposed amendment off until the Council has the results of the study; how the IND-L Zone is pretty well built out; how it is extremely unlikely, other than this particular site at the Interstate interchange, there are other spots where a car dealership is going happen within the next year; how the study can move forward and the Council can always modify what is done; the potential delay the study would cause could take up to a year; reviewed the Conditional Use review process; how business opportunities come and go, which can have either a positive or negative consequence in adding funds to the City's tax rolls; what could possibly happen if this amendment was not added (to the IND-L Zone); how a Use Variance can be difficult to get; making sure the Council is building a City that reflects its best and highest use; and, the need to provide healthy businesses that support and pay taxes.

Mayor McNamara noted he would typically defer to the recommendations of any advisory body, in this case the Planning Board, but as we delved further into this, he learned some things that caused him to change his mind. 1) The timeline could take longer than he was comfortable with. 2) While this would change all of the IND-L Zoning in the City by adding one new use, much of the IND-L (Districts) in the City are already developed and it is very unlikely that someone is going to put an auto dealership at the Airport. This is also a very tiny portion of the overall study area but has the potential for gain in economic activity.

**ACTION:**

**Councilor Simon MOVED, that the Lebanon City Council hereby amends Section 303.2 of the Lebanon Zoning Ordinance to add “Vehicular sales” as a use allowed by Conditional Use Permit in the Light Industrial (IND-L) District, as presented in the April 3, 2024, City Council Agenda Packet. Seconded by Councilor Liot Hill.**

**Roll Call Vote:**

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

**Voting Nay: Councilor Wilkie**

**\*The Vote on the Motion was approved (8-1-0).**

**Mayor McNamara, with Council’s approval, requested that Item 10A. Old Business, be moved and discussed at the end of the New Business items. The following items below are presented in the order they were discussed.**

**11. NEW BUSINESS:**

**A. Vote to Make Public Previously Sealed Non-Public Session Minutes of the City Council.**

Included in the agenda packet: [\*\(All supportive documents and information can be found on pages 82-85, Council agenda packet\)\*](#)

1. Chapter 189 HB 321-FN-LOCAL (Final Version) – Approved: August 4, 2023; Effective Date: October 3, 2023

City Manager Mulholland reviewed the background behind the request as listed above.

**BACKGROUND**

House Bill 321 was approved by the legislature on August 4, 2023, and became effective on October 3, 2023. This legislation establishes a timeframe for the release of previously sealed, non-public minutes for all municipalities in the State.

While adequate time has been provided by the State to address the issue, City Administration has made the choice to be proactive and will be working over the next several months to cull through previously sealed, non-public minutes to determine their continued sensitivity in relation to the protected categories outlined in RSA 91-A. For each review session, a list of minutes that are determined to be available for release will be provided to the Council for a vote to release to the public.

|                   |                    |
|-------------------|--------------------|
| February 7, 1979  | April 20, 1979     |
| July 5, 1979      | April 16, 1980     |
| August 19, 1981   | April 21, 1982     |
| June 30, 1982     | September 15, 1982 |
| December 15, 1982 | October 17, 1984   |
| January 16, 1985  | April 13, 1988     |
| November 16, 1988 | December 21, 1988  |

|                  |                  |
|------------------|------------------|
| January 18, 1989 | January 31, 1996 |
| April 3, 1996    | February 7, 1997 |

|                  |                   |
|------------------|-------------------|
| April 5, 1972    | June 18, 1980     |
| July 16, 1980    | November 19, 1980 |
| August 3, 1983   | August 17, 1983   |
| October 19, 1983 | June 20, 1984     |
| July 3, 1984     | May 1, 1985       |

**91-A:2.I(a);(b) – Strategy or Negotiations with Respect to Collective Bargaining;  
Consultation with Legal Counsel**

December 18, 1996

**ACTION:**

*Councilor Simon MOVED, that the Lebanon City Council hereby unseals and makes available to the public all City Council non-public session minutes as listed and provided in the April 3, 2024, City Council Agenda Packet.*

*Seconded by Councilor Wilkie.*

**Roll Call Vote:**

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

*None voted Nay.*

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

- B.** NH RSA 155-B Order for Demolition of Structure Owned by 375 North Main Street West Lebanon, NH LLC, 375 N. Main Street, West Lebanon

Included in the agenda packet: *(All supportive documents, photographs and information can be found on pages 86-119, Council agenda packet)*

1. Report of Inspection of Hazardous Building at 375 N. Main Street, West Lebanon, Tax Map 8, Lot 5, from Calvin Hunnewell, Building Inspector & Jeffrey S. Libbey, Assistant Fire Chief, dated March 26, 2024.
2. Written Notice of Order to Vacate 375 North Main Street, West Lebanon, New Hampshire, Tax Map ID 8-5, pursuant to RSA 147:16-a and RSA 674:52-a, dated February 12, 2024.
3. NH RSA 155-B, Hazardous and Dilapidated Buildings



### **BACKGROUND**

Because of inadequate maintenance, dilapidation, physical damage, and conditions which constitute a fire hazard and a hazard to public safety and health, the building located at 375 North Main Street, West Lebanon, further identified as Tax Map 8, Lot 5, is deemed a “hazardous building” as defined in NH RSA 155-B:1.

On January 23, 2024, Building Inspector and Health Officer Calvin Hunnewell and Assistant Fire Chief Jeff Libbey conducted an inspection of the yard and building at the above referenced property with the permission of the property owner, Thomas Patton, who was also present for the inspection. The summary report of the physical condition of the building on the lot was attached for review, along with numerous photographs of the property and structure taken on the day of the inspection on [pages 86-119](#) in the April 3, 2024 Council agenda packet. As noted in the summary report, portions of the building, including ceilings and floors, have begun collapsing; there is standing water in the basement; and the entire structure is an attractive nuisance and a fire hazard.

On February 12, 2024, Building Inspector and Health Officer Hunnewell issued an Order to Vacate the building pursuant to NH RSA 674:52-a and NH RSA 147:16-a on reasonable belief that the condition of the premises constitutes a clear and imminent danger to the life or health of occupants and other persons. On the same date, Assistant Fire Chief Libbey issued a warning to all Lebanon Firefighters that the structure should be considered “defensive only” for firefighting purposes, because of the overall condition of the building and the potential for collapse.

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City Attorney Matt Decker, Health Officer/Building Inspector Calvin Hunnewell, and Assistant Fire Chief Jeff Libbey were present and came forth to review their observations and reasons behind the NH RSA 155-B Order for Demolition of Structure at 375 North Main Street West Lebanon, NH.

Attorney Decker summarized the NH RSA 155-B Order for Demolition process noting this is a State Law that authorizes municipalities to address dilapidated, unmaintained buildings that have become a hazard to public safety or are a fire hazard by ordering them to be either repaired or removed as appropriate. He

has been working with City Staff on this particular property (375 North Main Street West Lebanon, NH) and informed the Council there are other issues with this property. Beyond the 155-B issues, he is also working on a junk yard cleanup issue, noting the yard around the building has been allowed to accumulate 10 or more unregistered, uninspected, non-road-worthy motor vehicles that constitute a junk yard under State Law. There is past history with the City having litigation with this property (in 2019 & 2012) and there were Superior Court case enforcement efforts to have the junk yard cleaned up, but this has now relapsed so there is a potential to return to Superior Court to enforce the junk yard action. He recommended the City Manager take a two-pronged approach with these enforcement efforts at District Court: 1) Address the junk yard under NH RSA 676.17-a, which is a Cease and Desist Order, to clean up the junk yard and reimburse the City's costs for removing the junk motor vehicles by placing a tax lean on the property. 2) Requesting that the District Court, under the NH RSA 155-B Order, to raise the building. If authorization is granted, then the City's costs of doing so would be collectible as a tax lean on the real estate.

Attorney Decker also summarized the key facts of the report, which can be found on [pages 88-91](#), Council agenda packet. Following the inspection there was an Order to Vacate the Property ([pages 113-114, Council agenda packet](#)). While it was already vacant we wanted to make sure it remained vacant and that no one would go inside without Mr. Hunnewell's knowledge and that included Mr. Patton, the owner of the building. He also stated this building does meet the definition of a hazardous building under NH RSA 155-B and spoke about the costs and what would need to be done to repair this building, noting the property owner has begun attempting some minor repairs since January 2024. He did inform the property owner that attempts at repairs were likely not going to be enough to save this building and while the property owner has right to make repairs, he was doing so at his own risk.

An Order is needed by the Council to get this process started. If the property owner disagrees with the Order and wishes to contest it, State Law NH RSA 155-B provides a process for him to so in District Court and further explained the process.

Assistant Fire Chief Libbey agreed with everything that legal counsel has advised and further described what he noticed during the inspection.

Health Officer/Building Inspector Calvin Hunnewell did not have anything to add.

**Mr. Thomas Patton (Owner of 375 N. Main Street) came forth and gave his Testimony.**

He disagreed with the observations and conclusions made. He has owned this building for almost 50 years and said it has been vacant for the last 10+ years because he has been out-of-state taking care of family for most of that time. He had a caretaker living in the building until about 7-years ago but for reasons unknown that person disappeared. He did get a Building Permit to repair the roof and sent legal counsel photographs of it and described the work he completed on the roof. He wanted to be clear that he wanted to sit down with these gentlemen to see what their observations were so he could address them. Mr. Hunnewell came to meet him in February to let him know that they were going to do some type of Order to let him do repairs, but he did not notify him they were on the eve of bringing this matter before the Council for a vote. The building is repairable and is not a candidate for demolition, noting that the gentleman from the Fire Department did about a 10 minute walkthrough with him, and that was the extent of the inspection. To his knowledge, Calvin, whom he has known for 40-years, has never been inside that building and did not go inside the building on that day. He spoke about his work in the building profession in the 70's & 80's and his work for the Upper Valley/Lake Sunapee Council for several years in the 80's managing low income housing rehab programs. He went on the further describe the

construction of this building and noted it is not in imminent danger of collapse and further described the damage, what caused the damage to the structure, and why there was neglect to the property (i.e., his wife could not deal with repairs because of her job). He also took issue with the fact that it is dilapidated, noting there are two buildings on either side of the building that look just the same as his. He further noted that had he been told ahead of time he would have facilitated the ability to inspect the rest of the building.

Mr. Patton requested the opportunity to address the conclusions presented before the Council takes a vote, and, if necessary, get a third party to take a look at the building to decide who is correct.

**Council Comments:**

Councilor Wilkie questioned that if we do not take action on this motion, does that preclude our being able to take some similar in the future. Attorney Decker said no. It is the Council's discretion when to issue the Order.

Assistant Mayor Below asked what additional processes would occur and what the time frame would be. Attorney Decker said they would follow the steps that are set out in the RSA, noting that after the Order is issued, it would authorize the City Manager to manage the Order, which would set a time frame for the property owner to act. If the property owner does not act within that specified time, then it is on the City to bring a motion to enforce the Order at the District Court and explained the procedure.

Councilor Sykes asked staff if they had seen any permits/applications/efforts to correct any of the building issues prior to the initial visit in January. The answer was no. Attorney Decker noted that Mr. Corwin (Deputy Director Planning/Development) sent Mr. Patton a number of letters (Notices of Violation) over approximately the past two years.

Councilor Liot Hill questioned why this building was so egregiously different from other dilapidated properties in the City and requested an explanation be given about why this property deserves exceptional treatment. In response, Attorney Decker noted that this property has a previous history with the City and has been on the City's radar more prominently since the Superior Court Case ended in 2012.

City Manager Mulholland informed the Council that he authorized Mr. Hunnewell to do the inspection because the building is unsafe and he wanted action to be taken.

Mayor McNamara also noted he has been driving past this property for past 23 years and it has been (at least on the exterior) observed to be in extremely poor condition for an exceedingly long time. He was shocked by the photographs of the interior of the building, but even with the limited inspection that was done, it seemed to him that the building certainly represents a public hazard.

Councilor Sykes spoke about his concerns regarding places where people can break in and hang out and create problems, noting that if a fire were to occur there, the Fire Department would be hard pressed to know if anyone was in that building.

**ACTION:**

***Councilor Sykes MOVED the following Order for Demolition:***

***WHEREAS the City of Lebanon's Building Inspector/Health Officer and Assistant Fire Chief have determined the structure located at 375 N. Main Street, Tax Map Parcel ID 8-5, to be a "hazardous building" under the meaning of NH RSA 155-B:1, II, constituting a fire hazard and a threat to public health and safety.***

**BE IT MOVED, that the Lebanon City Council, pursuant to NH RSA 155-B:3, hereby ORDERS the owner of the hazardous building located at 375 N. Main Street, Tax Map Parcel ID 8-5, to raze or remove the same within thirty (30) days; and**

**BE IT FURTHER MOVED, that the Lebanon City Council hereby designates and authorizes the City Manager or his designees to issue an appropriate written ORDER on behalf of the City Council and to undertake all actions and execute all documents as may be required (a) to enforce such ORDER through an NH RSA 155-B proceeding before the 2nd Circuit Court – District Division – Lebanon, (b) to cause the razing or removal of the hazardous building, and (c) to recover all sums expended by the City in bringing the property into compliance pursuant to NH RSA 155-B:3, 9, 9-a and 10.**

**Seconded by Councilor Simon.**

Councilor Sykes spoke to his motion noting that there would be further due process for Mr. Patton. It was worrisome to him that when he asked about if efforts had been made prior to the initial inspection the answer was no and felt the process needed to move along.

The Council continued discussions regarding what the process is in Lebanon for getting a Building Permit; what the difference is between what needs and does not need a permit; the type of repairs needed for this property to become habitable; how anything that requires a permit triggers an inspection; concerns that this property has been vacant for 10+ years and how the property owner has not engaged in any kind of repairs to keep the building habitable; concerns over public safety; and, reasons why this property could be considered dangerous.

**Roll Call Vote:**

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

**None voted Nay.**

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

- C. Discussion and Set Public Hearing for May 1, 2024: Complete Discontinuance of the Western (partially-built) Portion of Barrows Street between Parcels 77-106 and 77-107, Lebanon

Included in the agenda packet: [\*\(All supportive documents and information can be found on pages 120-121, Council agenda packet\)\*](#)

1. Barrows Street Public Right-of-Way Discontinuance plan, dated March 25, 2024



Deputy City Manager David Brooks reviewed the background.

## **BACKGROUND**

On February 7, 2024, the City Council acted, in accordance with City Council Policy, CC-102, Real Property Transactions, to determine that several City-owned parcels, including two located along Barrows Street (Tax Parcels 77-106 and 77-107), have redevelopment potential and are suitable for redevelopment as part of designated Redevelopment Areas.

In the process of considering redevelopment possibilities, the City Manager is recommending that the Council discontinue the westerly, partially-built portion of Barrows Street that currently separates the two City-owned parcels. Upon completion of the discontinuance process, the centerline of the former right-of-way will become the new boundary line between the parcels and will allow them to be formally merged into a single contiguous property.

No other properties would be impacted by the proposed discontinuance of this portion of Barrows Street.

## **ACTION:**

***Councilor Simon MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 1, 2024, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on the complete discontinuance of the westerly, partially-built portion of Barrows Street, between Tax Parcels 77-106 and 77-107, Lebanon.***

***Seconded by Councilor Wilkie.***

## **Roll Call Vote:**

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

***None voted Nay.***

***\*The Vote on the Motion was approved (8-0). Councilor Sykes was not present at time of vote.***

- D.** Discussion and Set Public Hearing for May 15, 2024: Amendment Mount Support Road Special Assessment District, and Authorization to Impose Special Assessment to pay for the Construction Phase of Traffic and Transportation Improvements at Intersection of Mt. Support Road and Lahaye Drive

Included in the agenda packet: ***(All supportive documents and information can be found on pages 122-126, Council agenda packet)***

1. Map of Mount Support Road Special Assessment District, updated through March 20, 2024
2. Property Owner spreadsheet for Mount Support Road Special Assessment District, including percentage of all trips and relative share of project costs, updated through March 20, 2024
3. Plan entitled “Lahaye Drive At Mount Support Road Intersection Improvements, Key Plan,” prepared by Weston & Sampson, dated September 2023, Project No. ENG21-1276.

Information available but not included in this Section:

[City of Lebanon Charter, Section C419:57 - Special Assessments - Council Resolutions NH RSA 52-A – Special Assessment Districts](#)



Deputy City Manager David Brooks reviewed the background for the setting the Public Hearing as listed below.

### **BACKGROUND**

Pursuant to NH RSA 52-A, Special Assessment Districts are districts in which public facilities and services are to be provided and in which special assessments and charges may be levied and collected to pay for those public facilities and services. Pursuant to Chapter C419:57 of the City of Lebanon Charter, the City Council has the power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the properties especially benefitted and shall so declare by resolution.

On June 2, 2021, the City Council unanimously approved the creation of the Mount Support Road Special Assessment District (S.A.D.) to pay for the cost of design and permitting for traffic and transportation improvements in and near the intersection of Mt. Support Road and Lahaye Drive. The improvements were found to be necessary based on traffic impact studies prepared for several large development projects located near and along Mt. Support Road in the preceding year.

The basis of the special assessment for properties located within the S.A.D. was determined based on a review and analysis of the traffic impact studies and the projected trip generation for the Dartmouth Health Patient Tower Expansion project, the Dartmouth College-Michael's Student Living residential development, and the Saxon Partners-Marek residential development, as well as existing traffic counts and standard traffic projection data. In addition to the existing and approved projects in the Mt. Support Road corridor, the City was determined to be responsible for a small portion of trips through the intersection that are not attributable to other developments within the district. The original calculated percentage of trips through the Mt. Support Road/Lahaye Drive intersection and the relative share of the anticipated project costs for the properties in the S.A.D. are summarized on the attached spreadsheet.

Subsequent to the creation of the S.A.D., in February 2022, another large development project (392-402 Mt. Support Road; n/f SPNH Lebanon North, LLC) was approved along Mt. Support Road within the district. In accordance with the Council's original S.A.D. resolution, the proportionate share of traffic through the Mt. Support Road/Lahaye Drive intersection was recalculated using the same methodology and incorporating the additional projected traffic generated from the newly-approved 204-unit residential development. The updated calculated percentage of trips and relative share of anticipated project costs for

the properties in the district are summarized on the spreadsheet as provided in the April 3, 2024 Council agenda packet.

At the time of its creation, the S.A.D. process was initiated, and the district was established specifically to raise \$250,000 for the design and permitting phases of the intersection improvements. Since the City did not borrow funds for the design and permitting phases, the special assessments levied against properties in the district only includes the payback of the principal amount in 10 payments over a relatively short 5-year period. Six of the anticipated 10 special assessments have been levied to date. Four more assessments are anticipated (two in 2024 and two in 2025) to fully recoup the cost of the design and permitting work for the improvements.

In order to raise funds for the construction phase of the intersection improvements, which are estimated to be approximately \$4.35 million dollars, the Council must re-initiate the S.A.D. process and amend the previously established district to authorize that the expense of constructing the traffic and transportation improvements shall be paid for, in part, by a special assessment levied upon the properties in the district. The City of Lebanon will continue to be responsible for its share of the costs, calculated at 7.279%, resulting from trips through the intersection that are not attributable to other developments in the district along with future background growth.

For the construction phase, the City expects to issue bonds for the cost of the project. The Finance Department has estimated that the interest on the borrowed funds will be approximately \$1.8 million dollars over the 20-year repayment period for the bond. The special assessments levied against the properties within the district, along with the City's share, for the construction phase of improvements will account for both the principal amount and the estimated interest on the borrowed funds and will be assessed in 40 payments over 20 years, which is the life of the bond.

**Council Discussions:**

In response to Councilor Liot Hill's question regarding the amount of payments the City will make, Deputy City Manager Brooks noted the City will pay \$11K, twice each year for 20 years.

**ACTION:**

***Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 15, 2024, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to re- initiate the Special Assessment District process, to amend the previously-established Mount Support Road Special Assessment District, and to authorize the imposition of a special assessment to pay for the construction phase of traffic and transportation improvements at the intersection of Mt. Support Road and Lahaye Drive, Lebanon.***

***Seconded by Councilor Sykes.***

**Roll Call Vote:**

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

***None voted Nay.***

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

- E. Authorization for City Manager to Execute Release of Obsolete Sewer Easement Over 207 Mechanic Street, Lebanon

Included in the agenda packet: *(All supportive documents and information can be found on page 127, Council agenda packet)*

Deputy City Manager Brooks reviewed the background for the topic listed above.

### **BACKGROUND**

The Department of Public Works was recently contacted about property at 207 Mechanic Street, Tax Map 105, Lot 115. The property is intended to be sold and the current owner is seeking the release of a sewer easement across the property held by the City. The existing sewer easement was made obsolete when the previous sewer line was abandoned in place as part of a CSO project in the area.

The legal authority to acquire or dispose of real property interests ultimately rests with the City Council. For the subject property, the City's attorney will prepare a Release of Sewer Easement, which can be executed by the City Manager upon authorization to do so by the Council.

### **ACTION:**

***Councilor Wilkie MOVED, that the Lebanon City Council hereby authorizes the City Manager to execute a Release of Sewer Easement, to be prepared by the City's attorney, related to an obsolete sewer easement over 207 Mechanic Street held by the City, as presented in the April 3, 2024 City Council Agenda Packet. Seconded by Councilor Simon.***

### **Roll Call Vote:**

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

***None voted Nay.***

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

- F.** Discuss a proposed legislative policy position to NHMA regarding remote meeting participation and allowing remote participants to count toward the quorum requirement

Included in the agenda packet: *(All supportive documents and information can be found on pages 128-129, Council agenda packet)*

1. Policy position submitted by Councilor Wilkie.: Support legislation allowing for remote participation in municipal meetings to be counted towards quorum.

City Manager Mulholland reviewed the background and Councilor Wilkie's proposed policy position from the City Council for consideration by the NHMA.

### **BACKGROUND**

The NH Municipal Association (NHMA) has begun its biennial policy position process. The process begins with an opportunity for municipalities to submit policy positions for consideration of adoption at the biennial policy conference held in the fall. The proposed policy positions submitted to NHMA are reviewed and, in some cases, amended by one of three policy committees, which will begin meeting on April 5<sup>th</sup>. The committees review the submissions and make recommendations to the NHMA policy conference. Municipalities have until April 15<sup>th</sup> to submit proposed policy positions.

Councilor Wilkie has proposed a policy position for the City Council to consider submitting to NHMA. The policy position is relative to allowing virtual participation to count toward the quorum requirement.

**Council Discussions:**

- Councilor Whittlesey was in full support of Councilor Wilkie’s proposed policy position.
- City Manager Mulholland spoke about the past difficulties in trying to get this passed.

**ACTION:**

***Councilor Wilkie MOVED, that the Lebanon City Council submits the proposed policy position which would allow for virtual participation by members of a public body to count toward the requirements regarding a quorum for consideration by the NHMA policy conference.***

***Seconded by Assistant Mayor Below.***

**Roll Call Vote:**

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

***None voted Nay.***

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

**(Note: Item 10A was taken out of order from the agenda packet and discussed next by the Council)**

**10. OLD BUSINESS:**

- A.** Discuss and Act on Recommendations from the DEI Commission regarding the Proposed Ceasefire Resolution for Gaza

Included in agenda packet: ***(PLEASE NOTE: All supportive documents, information and a petition of names and why they supported the Ceasefire Resolution can be found on pages 51-81, Council agenda packet)***

1. Draft City of Lebanon Resolution in Support of Peace in Gaza and Israel, as recommended by the DEI Commission
2. City Council Agenda Request Form, CMCC-24-1, submitted on February 6, 202

Councilor Wilkie reviewed the background for the topic listed as listed below, noting this was the 2<sup>nd</sup> time the City Council will be discussing this.

Councilor Liot Hill added she was the sole member of the DEI Commission to vote against the proposed Resolution (DEI) because she felt it is the DEI Commission’s mission is to create a more inclusive, welcoming community within the boundaries of Lebanon and that any Resolution passed by the DEI Commission should be faithful to that mission. Engaging in foreign policy discussions is not a charge of the DEI Commission and the Resolution passed by the DEI Commission was an overreach of their authority, as well intentioned as the Resolution might be. She found it very troubling that the DEI Commission received testimony from people living in Lebanon who indicated that passage of a Resolution would make them feel less safe, less comfortable, and less welcomed in the City of Lebanon. She also found it very troubling that the DEI Commission passed the Resolution in spite of the testimonies.

**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 a proposed Ceasefire Resolution regarding the present conflict in the Gaza Strip between Israel and Hamas.

On February 21, 2024, the City Council took the following action as indicated in the minutes of that meeting:

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

***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 call 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.”***

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On March 5, 2024, the DEI Commission received public input relative to the City Council’s directive on the proposed resolution submitted on February 6, 2024. The following action was taken by the DEI Commission;

***“A MOTION by Richard Ford Burley that the DEI Commission does Not Recommend the passing of the resolution as it currently stands.***

***\*The Motion was approved unanimously by roll-call vote.”***

On March 19, 2024, the DEI Commission acted on a new resolution that was developed by Richard Ford Burley. This new resolution, which is to be recommended to the City Council, was adopted by a vote of the DEI Commission (see below).

At the request of Mayor McNamara, Councilor Wilkie, for the record, read the following proposed Resolution as listed below, clarifying this is not a Resolution that the DEI Commission passed, it is the Resolution that the DEI Commission recommended the City Council to pass.

**PROPOSED by the DEI Commission:**

**City of Lebanon Resolution in Support of Peace in Gaza and Israel [DRAFT]**

**WHEREAS** the City Council of Lebanon (henceforth referred to as “the Council”) affirm the intrinsic value of human life and the human rights of all people regardless of race, skin color, national or ethnic origin, cultural group, language, gender identity or expression, sexual orientation, mental or physical ability, age, religious or political opinion or activity, economic status, immigration status, or housing status, in accordance with the Welcoming Lebanon Ordinance; and

**WHEREAS** the Council recognizes that in a widely multicultural community, matters of international concern have local significance; and

**WHEREAS** the Council grieves the tragic losses of human lives, both Palestinian and Israeli, in devastating numbers in the last half a year alone, and expresses its deepest sympathies for the friends, families, and communities of those affected by the ongoing violence; and

**WHEREAS** there have been significant local effects arising from the ongoing violence, including a rise in antisemitism, Islamophobia, and anti-Arab and anti-Palestinian racism, leading to safety concerns and a reduced quality of life for members of the greater Lebanon community; and

**WHEREAS** the Council understands that many members of the greater Lebanon community have not felt their concerns to be heard by members of higher levels of government and are seeking recognition at the local level;

**NOW, THEREFORE, BE IT RESOLVED** that the Council affirms and echoes the City’s residents’ fervent desire for an immediate and permanent bilateral end to violence in the region, the safe return of all hostages and prisoners, Israeli and Palestinian, and for the development of a lasting peace based on a recognition of the universality of human rights and fundamental equality of all peoples; and

**BE IT FURTHER RESOLVED** that the Council affirms and echoes the City’s residents’ fervent desire for priority to be given to humanitarian aid, especially medical care and relief from hunger to those most affected by the ongoing violence in the region, as well as an end to military aid; and

**BE IT FURTHER RESOLVED** that the Council condemns antisemitism, Islamophobia, and racism of all forms, at home and abroad, and will work to foster an environment in which all members of the greater Lebanon community can feel safe practicing and expressing their cultural and religious identities freely and in public, without fear of discrimination or harm; and

**BE IT FURTHER RESOLVED** that the Council will forward a copy of this resolution to our United States Congressional delegation, namely Representative Ann Kuster, Senator Jeanne Shaheen, and Senator Maggie Hassan, as an indication of the greater Lebanon community’s deeply held desire for peace, abroad and at home.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2024 at Lebanon, New Hampshire.

Councilor Wilkie also noted he received a recommendation from Assistant Mayor Below noting that after the 2<sup>nd</sup> BE IT FURTHER RESOLVED another: “BE IT FURTHER RESOLVED” be added that states: “An end to military aid in the region that is used whether unintentionally or intentionally to kill and maim civilians and destroy civilian homes and infrastructure.”

Councilor Liot Hill noted there was a recommendation at the DEI meeting to include the phrase “anti-Zionism,” and the DEI Commission refused to make that requested amendment to the Resolution.

**Mayor McNamara opened up discussions to the public and the following came forth to speak:**  
*(Please Note: Due to the number of individual testimonies, their comments/written text are only*

summarized below. Complete testimonies can be viewed in their entirety (either by video or by transcription) on the City's website for this meeting.)

- **Laila Volle (Ward-2):** She spoke about her reasons for supporting the DEI Resolution.
- **Rachel Kent (Ward-3):** She spoke about her reasons for supporting the DEI Resolution.
- **Elizabeth Keeley (Ward-3):** She spoke about her reasons for supporting the DEI Resolution.
- **Jeremy Katz (Ward-3):** He spoke about his reasons for not supporting the DEI Resolution.
- **Richard Abel (Ward-1):** He spoke about his reasons for not supporting the DEI Resolution.
- **Roberta Berner (Ward-1):** She spoke about her reasons for supporting the DEI Resolution.
- **Maria Solis Kennedy (Ward-2):** She spoke about her reasons for supporting the DEI Resolution.
- **Dr. Ahoam Abuawad (Ward-2):** She spoke about her reasons for supporting the DEI Resolution. She also presented photographs of families who are suffering in Gaza and of the destruction taking place there. (These are not included in the minutes but will be made available on the City's OneDrive for anyone who wishes to see them.)
- **Calvin George (Hanover Resident):** He spoke about his reasons for supporting the DEI Resolution.
- **Evelyn Campbell (Ward-3):** She spoke about her reasons for supporting the DEI Resolution.
- **Danny Keane (Dartmouth Student):** He spoke about his reasons for supporting the DEI Resolution.
- **Alexander Munson (Dartmouth Student):** He spoke about his reasons for supporting the DEI Resolution.
- **Dr. Graham Edwards (Ward-2):** He spoke about his reasons for supporting the DEI Resolution.
- **Jude Stull (Main St., West Lebanon):** He spoke about his reasons for supporting the DEI Resolution.
- **Roman Wade (Dartmouth Student):** She spoke about her reasons for supporting the DEI Resolution.
- **Ash Chainta (Hanover Resident):** She spoke about her reasons for supporting the DEI Resolution.
- **Lucie Rathgeb (Norwich, VT):** She spoke about her reasons for supporting the DEI Resolution.
- **Lindsey Dearborn (Ward-1):** She spoke about her reasons for supporting the DEI Resolution.
- **Michael & Susan Thomas (Ward-3):** Spoke about their support for the DEI Resolution.
- **Jenna Spero (Ward-1):** She spoke about her reasons against the DEI Resolution.
- **Liz Blum (Norwich, VT):** She spoke about her reasons for supporting the DEI Resolution.

**Councilor Wilkie Moved to extend the meeting to 10:30 PM.**

**Seconded by Councilor Heistad.**

**Roll Call Vote:**

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

**None voted Nay.**

**\*The Vote on the Motion to extend the meeting to 10:30 PM was approved (9-0).**

- **Ben Spero (Ward-1):** He spoke about his reasons for not supporting the DEI Resolution.
- **Sarah Wraight (Ward-1):** She spoke about her reasons for supporting the DEI Resolution.
- **Daisy Goodman (Lyne, NH):** She spoke about her reasons for supporting the DEI Resolution.

**Hearing no further comments from the public, Mayor McNamara closed the public comment portion of this meeting and opened discussions to the Council.**

**Council Discussions:**

**Councilor Liot Hill** read into the record an email sent to the City Council that she received from **Susan Painter (Ward-1)**. She wanted to start with Susan's comments because she felt they encapsulate a lot of her concerns about this situation. We have a special form of government in this country, and it relies on the separation of powers, checks and balances, and a concept known as Federalism. Federalism says that each different branch of government (Federal/State) has different powers. Sometimes we share those responsibilities (i.e., housing, etc.) and other things are expressly not shared. The United States Constitution expressly defines that Foreign Policy matters is the responsibility of the Federal Government (i.e., the President, the Executive Branch, and the Legislative Branch). States are specifically not entitled to make treaties with foreign governments or to engage in Foreign Policy. Cities and towns in New Hampshire also do not have the ability to engage in foreign relations. Her objection is that it is not the Council's role to be engaging in Foreign Policy.

Some people have claimed that Lebanon taxpayer dollars are being used to fund this war. This is not accurate! Lebanon's taxpayer dollars are used to pave our roads; replace our water/sewer systems; and pay for Advance Transit. Federal taxpayer dollars, which are collected from Lebanon residents, are, yes, being used to do all kinds of things at the Federal level, and yes, in this case, to provide weapons to Israel. We have to be clear about this: Lebanon taxpayer dollars are **not** being used to fund the war in the middle east and further reiterated how Lebanon's taxpayer dollars are being used and emphatically stressed that Lebanon taxpayer dollars are not being used to fund the war in Israel.

It is the Lebanon City Council's responsibility to focus on what our duties are which are laid out in NH State Constitution and in our City Charter. She wanted to hear from other members of the Council about why we should get involved in foreign policy and further explained her reasoning. She noted she has grave reservations about the City of Lebanon becoming involved in Foreign Policy but had no objection in taking the Resolution submitted to us and sending it on to our Federal delegation.

**Councilor Wilkie** did not want to relitigate his reasons why he feels this is an exceptional circumstance. He also was not keen on superseding the previous Resolution, noting that part of the effort in creating this Draft Resolution from the DEI Commission was to create a separate Resolution that has no direct comment on the war (in Gaza) but rather affirms and echoes the City resident's desires and further explained his reasoning. He also spoke about his opinions on Zionism, Israel, and the US Governments actions, noting we are not speaking about a race or religion, we are speaking about a Government. One of wonderful things about this country is that we have that protected ability to speak out against governments without speaking against peoples. He wants people to feel safe regardless of national origin, ethnicity, race, religion and wants to speak out against governments that he feels are behaving unacceptably and further explained his reasoning.

Councilor Heistad spoke about the hurt of losing his 4 year-old son, noting this topic is a moral issue and gave historical and examples. We have to do things differently and further spoke about his reasons.

**Assistant Mayor Below** spoke about the constitutional process, noting it is the right of the people to petition the government to redress grievances. There is long tradition in New Hampshire/New England of smaller levels of government/individuals (i.e., Town Meetings) petitioning higher levels of government (i.e., State Legislature/Federal Government) to express concerns/grievances. This is a grievance that impacts local residents causing unprecedented levels of angst, anxiety, distress, and a lot of emotion. Part of what makes this unique is the scale of the humanitarian crisis that the United States is a partner in: Funding/supplying the weapons that have destroyed the homes of an entire equivalent of the population of this State. The only way we can address the humanitarian crisis is through a cease fire and gave examples of what has been going (i.e., the killing of 7 humanitarian volunteers from the World Central Kitchen, and

the innocent women, children, men being killed). He felt that at this point in history, he has to use whatever voice he has to petition our Federal Representatives to hear our voices to help turn this crisis around. He supports the Council taking action on this humanitarian crisis.

**Councilor Whittlesey** spoke about his educational history regarding the middle east and spoke about the differences between state vs. non-state actors and the rational actor model. Israel is a state government and felt they could be pressured in accordance with international will. Hamas, which launched the current conflict by committing terrorist acts against civilians, is not a logical state actor, noting they will not abide by a cease fire and explained his reasonings. He also spoke about other foreign conflicts that the Council has not taken a position on (i.e., the civil war in Myanmar (50K civilians killed); the war in Ukraine; the civil war in Sudan (going on since 1985 and has resulted in +/- 2 million deaths). He spoke about the reasons for his concerns and asked: Where does this end. While he supports the right of Lebanon's residents and of nonresidents to voice their opinions this should not be the Council's purview. The Council's purview is not weighing in on international matters, it is the efficient, effective and timely management of the City. We should have a broader discussion on whether or not weighing in on Foreign Policy, but we need to tread very carefully and very lightly.

***Councilor Heistad Moved to extend the meeting to 10:45 PM.***

***Seconded by Councilor Wilkie.***

**Roll Call Vote:**

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

***None voted Nay.***

***\*The Vote on the Motion to extend the meeting to 10:45 PM was approved (9-0).***

Councilor Sykes spoke about his personal experiences and noted the Red Cross embodies the fundamental principles he believes in 1) Humanity. 2) Impartiality. 3) Neutrality. 4) Independence. 5) Voluntary Service. 6) Unity. 7) Universality. The Resolution we have before us embodies so much of those principles. We are working within a system that is tried and true, noting citizens have the right to redress issues and those messages should be sent to our government. We have an obligation to respond to the demands of our citizens. We are not engaged in Foreign Policy issues here; we are engaged in a humanitarian effort supported a motion to move this Resolution forward.

Mayor McNamara concurred with Councilors Liot Hill and Whittlesey, noting he does believe this is a Foreign Policy position and felt it was completely inappropriate. He did not think it was the Council's role: It is the role of the Federal Government. There is nothing preventing a group of citizens from writing a letter to our representatives/President/State Department, but it does not have to go through the City of Lebanon and further explained his reasoning.

Councilor Simon said it continues to bother him when he hears that residents do not feel safe, that they are hurting, and that we are hearing one group over another. He cannot sit here in good moral conscious and do that. Our City Policy is making sure we have roads; making sure bridges do not fall in; making sure people have emergency services, etc. That is the Council's duty here. If, later on, someone wants to write an agenda item we can have a full blown discussion about this issue when it is not an emotional issue. This discussion needs to be done when we can actually sit down to collaborative talk with one another. We should not be having this discussion when we are in the middle of an emotionally charged issue: that is just bad policy.

**ACTION:**

***Councilor Wilkie Moved that the City Council approve the resolution as presented in the packet with the addition, after “end to military aid” and before the semicolon, of the following: “to the region that is used, whether unintentionally or intentionally, to kill and maim civilians and destroy civilian homes and infrastructure.”***

***Seconded by Councilor Sykes.***

Assistant Mayor Below questioned if it could be incorporated into the motion wording to repeal the Resolution that was adopted on February 21, 2024 and replace it with this Resolution.

Councilor Wilkie would prefer not to do that because he does not see this as a replacement Resolution. He also spoke to his motion noting this is without precedent. He did not believe this Resolution has ignored people and his understanding is that the DEI Chair took great lengths to create a compromise document that takes into consideration the public comments we have heard. He was happy to take a position on something that is so pervasive in our local community that we had a citizen led petition and overwhelming public testimony, especially when they are asking us to speak truth to power to our government about something that is not happening. He would also like a conversation about the Council’s strategy/purview for the future and believed this Resolution is right step to take.

***Councilor Simon MOVED the question.***

**Roll Call Vote:**

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

***Voting Nay: Councilor Liot Hill***

***\*The Vote on Moving the question passed (8-0).***

**The Vote on the Resolution that was Moved by Councilor Wilkie and Seconded by Councilor Sykes was put up for a Roll Vote.**

**Roll Call Vote:**

***Assistant Mayor Below, and Councilors Heistad, Sykes, Wilkie, and Zook all voting Yea.***

***Voting Nay: Councilor’s Liot Hill, Simon, Whittlesey and Mayor McNamara***

***\*The Vote on the Motion for the Resolution from the DEI Commission was approved (5-4).***

**12. CITY MANAGER REPORT: NONE**

**13. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

**14. FUTURE AGENDA ITEMS: NONE**

**15. NON-PUBLIC SESSION: NONE**

**16. ADJOURNMENT:**

***Councilor Heistad MOVED for adjournment.  
Seconded by Councilor Wilkie.***

**Roll Call Vote:**

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

***None voted Nay.***

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

**The meeting was adjourned at 10:37 PM.**

Respectfully submitted,  
Dona E. Gibson  
Recording Secretary