

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, July 17, 2024 6:00 p.m.
Council Chambers
Remote Via Microsoft Teams: LebanonNH.gov/Live**

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

MEMBERS ABSENT: George Sykes, Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, City Manager Intern Klaleh Punni, Finance Director Vicki Lee, City Engineer Brian Vincent, Planning Administrative Assistant Crystal Taplin

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.

At Mayor McNamara's request, the following Agenda Packet Items were taken out of order and are presented in the order they were presented and discussed by the Council.

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

5. OPEN TO PUBLIC:

- **Mr. Bates (Ward-1):** He spoke about the hundreds of dog waste bags that have been accumulating over time being littered around the West Lebanon Cemetery (southeast corner). He also noted this dog waste is likely seeping into the stream located in this area and suggested the City should restore trash bins in/around all of Lebanon's cemeteries. Councilor Wilkie suggested putting in waste receptacles that are just big enough for a dog waste bags as an alternative to having large trash bins.

6. RECOGNITIONS:

- **RESOLUTION HONORING BOB THERRIEN'S LIFETIME SERVICE**

WHEREAS, Bob Therrien dedicated his life to public service, significantly contributing to the well-being of the community; and

WHEREAS, Bob served as a police officer in Hartford, VT, and Lebanon, NH, until his retirement in 2002, demonstrating unwavering commitment to maintaining public safety; and

WHEREAS, Bob's service extended beyond law enforcement, as he also participated as a City of Lebanon election official, ensuring fair and transparent democratic processes, and volunteered for initiatives such as Toys for Tots and the Police Cadet Academy, positively impacting the lives of local residents; and

WHEREAS, Bob faithfully served on the Soldiers Memorial Building Advisory Board from 2006 to 2014, and as the Guardian for the Soldiers Memorial Building from 2014 to 2024, preserving the historical and cultural heritage of Lebanon; and

WHEREAS, he provided invaluable advice to the Department of Public Works on essential upkeep and repair needs of the Soldiers Memorial Building, managed contributions instrumental in preservation efforts, and promoted the building’s significance through various activities, enhancing its visibility and historical appreciation; and

WHEREAS, Bob’s collaboration with the Lebanon Heritage Commission ensured the preservation and respect of artifacts and memorabilia within the building, facilitated access for organizations like the Lebanon Historical Society, and demonstrated his dedication to the community’s historical legacy.

THEREFORE, BE IT RESOLVED that we, the members of the Lebanon City Council, express our deep admiration and respect for Bob Therrien’s outstanding lifetime contributions to our community. We extend our heartfelt gratitude to his family.

BE IT FURTHER RESOLVED that this resolution be recorded in the minutes of the Lebanon City Council meeting and a copy be presented to Bob Therrien’s family members.
Dated this 17th day of July 2024 at Lebanon, New Hampshire.

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

- RESOLUTION HONORING BOB SHERMAN

WHEREAS, Bob Sherman – aka “Radio Bob” - has been a fixture in local radio for the past 50 years; and

WHEREAS, Bob – an Upper Valley native and Lebanon resident – has, in addition to his continuous presence on local radio, also actively served the community for decades with organizations including with the United Way, the Lebanon Chamber of Commerce, Rotary Club, and the Upper Valley Business Alliance; and

WHEREAS, Bob has also always been an integral part of the fabric of the community, whether on the radio, in the PTO, in the North Country Community Theater, or delivering Christmas dinners to the homebound.

THEREFORE, BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, hereby recognizes and honors Bob Sherman on the occasion of his retirement from WTSL radio and thanks him for all of his service to our community.

BE IT FURTHER RESOLVED that this resolution be written upon the minutes of the Lebanon City Council meeting and a copy be presented to Bob Sherman.

Dated this 3rd day of July 2024 at Lebanon, New Hampshire.

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

3. BOARDS and COMMITTEE REPORTS (2nd Quarter 2024)

Conservation Commission: Sarah Riley, Chair

Chair Riley updated the Council on the following:

- Review of one wetland permit
- Finalized their comments to FERC regarding the re-licensing of the Wilder Dam. Comments were focused on natural resources
- Reviewed and commented on the proposed amendment to Section 214 of the Zoning Ordinance
- Hosted/supported education outreach regarding mustard pulling, amphibian migrations, and the Forest Health program “Seeing the Forest for the Trees”
- Conservation land volunteer work
- Boston Lot review of trails: Special kudos to Hypertherm in West Lebanon for the volunteers they provided on many projects
- Volunteer work done in the Jackson conservation area trimming blueberry patches

Planning Board (PB): Andrew Faunce, Chair

Chair Faunce updated the Council on the following:

- Accolades to all Planning Board Members
- Difficulties in maintaining PB membership
- Difficulties in expediting some of the business applications that come before the board in a regular and timely manner due to the processes involved and the Public Hearings required.
- Reviewed the applications that came before the PB and explained the results of the applications for the following.
 - Liberty Utilities for power line clearing on Poverty Lane
 - Edward Properties Conditional Use Permit/Site Plan Review
 - Minor Subdivision for two lot conversion on Maple Street
 - Application Site Plan modification for Adimab, LLC
 - Notch Climbing Real Estate, LLC and Chaloux Properties, LLC lot line adjustment
 - Tri Storage, LLC
 - DHMC Request for Site Plan Amendment for additional parking
 - Centerra, LLC Request to modify their previously approved drive in
 - Presentation by the City of Lebanon for the Fire Station on South Park Street
 - XYZ Dairy conceptual review for a 16 unit Cottage Development Plan on Crafts Avenue
- Endorsed the Zoning Amendment 214, Governmental Uses to exempt projects from the Zoning Ordinance, and endorsed language that compels the Council to re-evaluate this in two years
- Impact Fee presentation by Bruce Barry

Heritage Committee: Nicole Ford Burley, Chair

Chair Ford Burley updated the Council on the following:

- Dana House Improvements/cleanup
- Reviewed the City’s application to replace the front door and windows in City Hall, and windows at 9 Hanover Street
- Developing signage for the Northern Rail Trail
- Work on designating additional Historic Districts in Lebanon

- Hosted a Commission assistance mentoring program/camp by the National Alliance of the Preservation Commission

Councilor Simon requested that Chair Nicole Ford Burley attend a West Lebanon Revitalization Committee Advisory Board meeting. Chair Ford Burley agreed and they will be in touch to compare schedules.

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

Councilor/Chair Simon updated the Council on the following:

- Results of the RFP for the Main Street Properties: It was disappointing to have only one return, and this was not a completed RFP. The gentleman was from overseas and may or may not have fully understood exactly what it was the City was hoping for. Next steps: City Manager Mulholland will reach out to the one gentleman who applied for clarification as to what we were looking for. He will also be reaching out to other developers who have worked, or asked about, City projects in the past to glean more information regarding their interest.
- Vacant Store Fronts: Possibly use those to potentially advertise what is going on in West Lebanon (i.e., Streetscape Project, Dry Bridge Project, etc.)
- Joint meetings with the Economic Development Commission
- Requested meetings with the Heritage Commission (Dana House, etc.) and the SAU Superintendent to discuss the Seminary Hill School and what their future plans are.

City Manager Mulholland noted they need some definitive answers for the RFP and wanted to make sure the Council was comfortable with the WLRAC and him reaching out to other development companies in order to make the RFP more proactive so the City can move forward. The Council agreed.

City Manager Mulholland spoke about a letter received on July 15, 2024 from the NH DES (Department of Environmental Services) and NH DOT (Department of Transportation) Westboro Yard regarding three (3) different chemicals on the site (arsenic, chromium, and nickel) that were above groundwater ambient standards. He also spoke about PFAS testing for the wells on the site, which has not been done by the NH DOT.

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

Councilor Wilkie updated the Council on the following:

- Environmental Justice Task Force
- Pride Week and Juneteenth: Weather (rain) had an impact on both festivities that depressed turnout but there was still strong attendance for some of the other public activities that took place indoors.

LEAC (Lebanon Energy Advisory Committee): Councilor Below

Councilor Below updated the Council on the following:

- Lebanon Community Power rates: Slight increase in rates but these are still 20% below Liberty Utility rates.
- Electric Vehicle (EV) status: reached out to the superintendent of schools about applying for the next round of funding for electric school buses.
- Rental Decarbonization Pilot Project to quantify what opportunities there are for energy efficiency conversions into electric heat pumps, in particular, the rental housing sector.

- Potential Geothermal Energy Network Pilot Program
- Worked on updating the Energy Chapter in the City’s Master Plan.

Arts & Culture Commission: Councilor Wilkie

Councilor Wilkie updated the Council on the following:

- Due to quorum issues, they had only one meeting this quarter
- Tunnel Art Submissions: Five (5) have moved forward to the City Manager’s office for final review.
- Hosted the second sidewalk poetry contest. Winners were selected last week. They received 15 submissions in April and May. Winners will be posted soon.
- Continued support for different art organizations throughout the City.

7. ACCEPTANCE OF MINUTES: July 3 2024 (Regular Meeting)

Amendments: Page 19, Line 29: Change word “putting” to “including”

Councilor Heistad MOVED to approve the July 3, 2024 minutes as amended and presented in the July 17, 2024 City Council agenda packet.

Seconded by Councilor Wilkie.

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

8. APPOINTMENTS: NONE

9. PUBLIC HEARING ITEMS:

- A. Ordinance 2024-07: Chapter 136, Sewer Service** – A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2024-07 to amend City Code Chapter 136, Sewer Service.

Included in the agenda packet: **(All supportive documents and information can be found on pages 31-40, Council agenda packet)**

1. Proposed Ordinance #2024-07
2. Legal opinion from Attorney Christine Johnston, dated June 12, 2024

Available, but not included in this Section:

1. [City Code Chapter 136, Sewer Service](#)

Mr. Brian Vincent, City Engineer, reviewed the background and changes made to proposed Ordinance 2024-07, which can be found on pages 33-39, Council agenda packet.

BACKGROUND

Over a three-day period in February this year, City staff met in a LEAN event to review the current process associated with applying for and obtaining a sewer use permit. The problem statement being addressed was “how do we simplify the permitting process and align expectations for applicants while still gathering the necessary information to make informed decisions that protect the integrity of our sewer system?” The overall goals of the event were to understand the current capacity in our sewer system; to improve the customer experience by simplifying the application form and providing more education via the website; and to reform and simplify the internal review and tracking process.

The results of the event produced new internal processes and created a more user-friendly application form, both of which can be implemented once Ordinance #2024-07 is adopted, and Chapter 136 is updated. In summary, Chapter 136 is being updated to include, revise, or clean up the language for the following:

- Separate and clarify processes for both sewer use and sewer connection permits.
- Reformat paragraphs to improve the flow of information provided.
- Incorporate references to the City’s Sewer Construction Standards.
- Remove the requirement for a two-part payment for Sewer Development Charges.
- Exempt Sewer Development Charges for municipalities and school districts that are developing or improving their municipally/school-owned facilities (governmental land uses).
- Authorize the City Manager to accept rights-of-way or other property interests on behalf of the City for sewer purposes and to release such rights-of-way or other property interests held by the City when no longer needed for sewer purposes.
- Remove the requirement for a 5-year historical lookback for those parcels without a current sewer unit allotment.

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

Council/Staff Comments:

In response to the question Assistant Mayor Below had regarding Section 136, 9-D (**Note: See page 33, Council agenda packet**), Mr. Vincent noted that when this was created they did not change the language/intent. It is just a rewording of the language. The proposal is to make two separate connections, so we do not have a situation where we have a singular connection to the sewer system with two or more residential units.

Councilor Liot Hill questioned whether or not this amendment proposal would address any future requests for abatement like the one that came before the Council a few weeks ago, noting part of the tension was that the applicants received a temporary CO without having made all their payments. Mr. Vincent felt it would because they cannot issue a permit before the fees are paid. He would not issue a temporary CO without a sewage permit moving forward.

City Manager Mulholland informed the Council that this was a building that already had an existing sewer pipe attached to the building. The temporary CO was to allow the applicants to occupy the building. The difference here is that they had to go out and recalculate what the sewer (capacity) was, and this could have prevented occupancy for an additional 4-5 weeks more. He wanted to be very cautious about saying this would have totally solved their problem because it does not. Directions from the Planning Department were given to the applicants notifying them there may have been a change in the sewer capacity, and they were asked to check with DPW and submit their application. Once that was done, DPW had to then do their calculations. Since the applicants already had a connection to the sewer, there was no change in the capacity.

Councilor Liot Hill expressed her concern and would like this type of situation fixed, even if this holds people up for 4-5 weeks, rather than giving people surprise bills, which could be a larger bill than the applicants anticipated. We cannot issue temporary CO’s until (applicants) pay all the fees.

City Manager Mulholland noted he asked Deputy City Manager Brooks to look into the issuance of temporary COs.

Assistant Mayor Below reiterated his ongoing concerns (as listed in the June 5th and June 19th, Council agenda packet) on this general topic and felt the ordinance should be changed so any “prior Use” is looked at and gave examples. He did not feel a Sewer Development Fee should be paid again for a building if a property’s original “Use” was a single family home, then converted to an office, then converted back to a single family home. If a property had a “Use” prior to the most current “Use”, it did not make sense to him, either for the purpose of the ordinance, or from a basic fairness and equity point of view, to have the possibility of repeatedly charging (Sewer Development Fees) over and over again.

The Council and Mr. Vincent continued to discuss whether or not the payment of Sewer Development Fees should take place if a property that had a single use (single family home), was then converted to an office, and was then reconverted back to a single family home; how the City’s residents did not have to absorb these costs until the CSO was instituted; Section 139-9D and how it would apply to ADUs; how, in order to encourage ADUs, we should consider always requiring a separate connection; ADUs on a separate lot by adding the phrase “or where an ADU stands at the rear of another building on the same lot, and, etc.....”; what happens, regarding fees, if an existing sewer line needs to be replaced from a home to the street; how caution should be taken against making amendments to what is being presented on the fly; how the assessment of Sewer Development Fees should be continued as a separate item (in a future agenda).

City Manager Mulholland said that if the Council wanted to make any changes (to the ordinance), staff and legal counsel should look at any proposed changes before the next meeting and have this come back to Council for review.

The Council concurred and will discuss the larger changes (to the ordinance) at their next meeting in August.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-07 to amend City Code Chapter 136, Sewer Service, as presented in the July 17, 2024 City Council agenda packet.

Seconded by Councilor Whittlesey.

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

- B. Ordinance 2024-09: Chapter 124, Public Stormwater System, Use of** – A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2024-09 to amend City Code Chapter 124, Public Stormwater System, Use of.

Included in the agenda packet: **(All supportive documents and information can be found on pages 42-54, Council agenda packet)**

1. Proposed Ordinance #2024-09
2. City Code Chapter 124, Public Stormwater System, Use of
3. Legal opinion from Attorney Christine Johnston, dated June 18, 2024

Deputy City Manager Brooks reviewed the background for the ordinance as listed above

BACKGROUND

The legal authority to acquire and dispose of real property interests on behalf of the City rests with the City Council. On April 3, 2024, the City Council was requested and took action to authorize the City Manager to execute a Release of Sewer Easement over 207 Mechanic Street in Lebanon, which had become obsolete when a previous sewer line was abandoned in place as part of a CSO project in the area.

During the April 3rd meeting, there was some discussion about delegating to the City Manager the authority to accept and release easements and rights-of-way for public infrastructure systems under certain circumstances. The City's attorney has helped prepare potential amendments to Chapter 124 (Public Stormwater System, Use of), as well as Chapter 136 (Sewer Service) and Chapter 182 (Water Service), which are being considered separately.

As proposed for Chapter 124, the City Manager would have the authority to accept rights-of-way or other property interests associated with connections to or extensions of the public stormwater system, and to dispose of such rights-of-way or property interests when no longer needed, and when not reasonably anticipated to be needed in the foreseeable future, for stormwater purposes.

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

Council Comments:

In response to Assistant Mayor Below's questions regarding the prohibitive language in the ordinance regarding properties who have combined pre-existing storm/sewer lines within a building, the City Manager and Mayor McNamara said the City has the authority to ask that those illegal lines (sewer/water) be separated and explained their reasoning.

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-09 to amend City Code Chapter 124, Public Stormwater System, Use of, as presented in the July 17, 2024 City Council agenda packet.

Seconded by Councilor Wilkie.

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

- C. Ordinance 2024-10: Chapter 182, Water Service** – A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2024-10 to amend City Code Chapter 182, Water Service.

Included in the agenda packet: **(All supportive documents and information can be found on pages 55-58, Council agenda packet)**

1. Proposed Ordinance #2024-10
2. Legal opinion from Attorney Christine Johnston, dated June 18, 2024

Available, but not included in this Section:

1. [City Code Chapter 182, Water Service](#)

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

BACKGROUND

The legal authority to acquire and dispose of real property interests on behalf of the City rests with the City Council. On April 3, 2024, the City Council was requested and took action to authorize the City Manager to execute a Release of Sewer Easement over 207 Mechanic Street in Lebanon, which had become obsolete when a previous sewer line was abandoned in place as part of a CSO project in the area.

During the April 3rd meeting, there was some discussion about delegating to the City Manager the authority to accept and release easements and rights-of-way for public infrastructure systems under certain circumstances. The City's attorney has helped prepare potential amendments to Chapter 182 (Water Service); as well as Chapter 136 (Sewer Service) and Chapter 124 (Public Stormwater System, Use of), which are being considered separately.

As proposed for Chapter 182, the City Manager would have the authority to accept rights-of-way or other property interests associated with connections to or extensions of the public water system, and to dispose of such rights-of-way or property interests when no longer needed, and when not reasonably anticipated to be needed in the foreseeable future, for water purposes.

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

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-10 to amend City Code Chapter 182, Water Service, as presented in the July 17, 2024 City Council agenda packet.

Seconded by Councilor Whittlesey.

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

- D. Request to Rescind Prior Authorizations to Transfer Funds to Capital Projects, and to Transfer Appropriated but Unspent Funds** – A public hearing for the purpose of receiving public input and taking action to rescind prior authorizations to transfer funds to capital projects, and to transfer appropriated, but unspent funds back to the General Fund.

Included in the agenda packet: [**\(All supportive documents and information can be found on pages 59-61, Council agenda packet\)**](#)

City Manager Mulholland reviewed the background for the above.

BACKGROUND

On December 13, 2023, the City Council voted to increase the FY2024 General Fund, Interfund Transfers budget by \$165,860 and to authorize a transfer of the same amount to the Capital Improvements Fund for a new Electric Street Sweepers and Charging Stations capital project. The appropriation and transfer were intended to provide the City's portion of the funds required to accept funding from the NH Department of Environmental Services Granite State Clean Fleets Grant Program. As proposed, the capital project included the procurement of two 100% electric street sweeper units to replace two existing diesel sweeper units; and the procurement and installation of two electrical vehicle charging stations (one Level 2 and one Level 3).

Subsequently, on May 15, 2024, the City Council approved a Supplemental Appropriation in the amount of \$53,200 to be raised and appropriated for expenditure in the Capital Improvements Fund to supplement the

funding for the Electric Street Sweepers and Charging Stations capital project to cover the City’s portion of the additional funds required to accept funding from the NHDES Granite State Clean Fleets Grant Program.

However, in early June, the Governor & Executive Council declined to consider the Granite State Clean Fleets grant award to the City of Lebanon for the Electric Street Sweepers and Charging Stations project. As a result, the previously appropriated and transferred funds are no longer needed for the capital project.

Therefore, the City Manager recommends that the Council rescind the prior appropriations and authorizations to transfer the funds to the Capital Improvement Fund, and authorize that the appropriated, but unspent funds be transferred back to the City’s General Fund.

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

ACTION:

Councilor Liot Hill MOVED, the following:

- 1. WHEREAS, the Lebanon City Council, on December 13, 2023, authorized \$165,860 to be transferred from the General Fund to the Electric Street Sweepers and Charging Stations Capital Project Fund to provide the City’s portion of the funds required to accept funding from the NH Department of Environmental Services (NHDES) Granite State Clean Fleets Grant Program; And,***

WHEREAS, as the NHDES Granite State Clean Fleets Grant was not awarded to the City, the funds are no longer needed for the project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that the appropriations in the General Fund and Capital Improvement Fund authorized on December 13, 2023, in the amount of \$165,860, in connection with the Electric Street Sweepers and Charging Stations Capital Project, be rescinded, And,

- 2. WHEREAS, the Lebanon City Council, on May 15, 2024, authorized \$53,200 to be raised and appropriated for expenditure in the Electric Street Sweepers and Charging Stations Capital Project Fund to supplement the City’s portion of the additional funds required to accept funding from the NHDES Granite State Clean Fleets Grant Program; and***

WHEREAS, the NHDES Granite State Clean Fleets Grant was not awarded to the City, the funds are no longer needed for the project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that the appropriations in the General Fund and Capital Improvement Fund authorized on May 15, 2024, in the amount of \$53,200 in connection with the Electric Street Sweepers and Charging Stations Capital Project, be rescinded.

Seconded by Councilor Heistad.

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

10. OLD BUSINESS: NONE

11. NEW BUSINESS:

- A. Joint Request from Planning Board and Diversity, Equity & Inclusion (DEI) Commission for Creation of Housing Task Force**

Included in the agenda packet: **(The Joint Statement, listed in its entirety, can be found on pages 62-65, Council agenda packet)**

1. Joint Statement by the Lebanon Planning Board and the Lebanon Diversity, Equity and Inclusion Commission on Community Housing Solutions, dated July 8, 2024.

Mr. Andrew Faunce (Planning Board Chair) and Mr. Richard Ford Burley (DEI Commission Secretary) were present and discussed the joint statement and their recommendations with the City Council.

BACKGROUND

The 2025-2028 Strategic Plan includes numerous references to planning for housing, including Strategic Objective 2.1: “Facilitate the healthy continuum of Development / Redevelopment of Housing” and Strategic Objective 2.4: “Development of a comprehensive citywide housing strategy.” Proposed actions within both of these Strategic Objectives refer to updating the Housing chapter of the 2012 Master Plan.

In recent months, the Diversity, Equity & Inclusion (DEI) Commission and the Planning Board have begun a discussion around working collaboratively to address community housing goals outlined in the City’s Strategic Plan and Master Plan. The DEI Commission and Planning Board have prepared a joint statement requesting that the City Council establish a Lebanon Housing Task Force, with the stated goals of producing an in-depth report on housing and corresponding recommendations for changes to the Housing chapter of the Master Plan and to the Neighborhood and Housing functional area of the Strategic Plan.

Council Comments:

Mayor McNamara felt this was a great idea but suggested the composition of the Task Force should probably be nine (9) rather than thirteen (13) and explained his reasons, noting that some of the Task Force members could certainly be contributors to this as stakeholders, but may not need to be part of the Task Force. He thought that DHMC/Dartmouth/Upper Valley Lake Sunapee Regional Planning Commission/Advance Transit could be asked to contribute input. We should be talking to Novo Nordisk, Hypertherm and a number of other large and small employers in the City. He would like this to move forward expeditiously and efficiently. He looks forward to being involved with this.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby establishes a Lebanon Housing Task Force with the stated goal of producing a report on housing and, based on the findings of said report, recommending changes to (i) the Housing chapter of the City’s 2012 Master Plan, and (ii) the Neighborhood and Housing functional area of the City of Lebanon Strategic Plan; and

BE IT FURTHER MOVED, that the areas of study, the contents of the final report, and the composition of the Lebanon Housing Task Force shall be as described in the Joint Statement by the City of Lebanon Planning Board and the City of Lebanon Diversity, Equity and Inclusion Commission on Community Housing Solutions, as presented in the July 17, 2024 City Council agenda packet with the removal of representatives from Advance Transit, The Upper Valley Lake Sunapee Regional Planning Commission, Dartmouth Health, and Dartmouth College; and

BE IT FURTHER MOVED that the final report and recommended Master Plan and Strategic Plan changes shall be completed no later than July 1, 2026, at which time the Lebanon Housing Task Force will be dissolved unless other action is taken by the City Council.
Seconded by Assistant Mayor Below.

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

B. Discussion and Set Public Hearing for August 7, 2024: Supplemental Appropriation of \$250,000 for South Main Street Bridge Replacement Capital Project

Included in the agenda packet: **(All supportive documents and information can be found on pages 66-67, Council agenda packet)**

1. Memo from DPW Director Jay Cairelli, dated July 8, 2024

City Manager Mulholland summarized the background for the above.

BACKGROUND

This project location is along Route 12A, South Main Street in West Lebanon at the existing bridge crossing over the New England Central Railroad (NECR) rail corridor. The City is working with the New Hampshire Department of Transportation (NH DOT) on final design and permitting for the new bridge crossing in addition to a new access road into the rail yard, utility improvements and intersection improvements at Seminary Hill. The project construction was originally planned to be over an active railroad, which adds substantial complexity to the bridge and road construction activities, planning, and schedule coordination. The NECR offered to close the track during construction with the condition that a transloading facility be built within the railyard, and with the new access road construction occurring in the first phases of the project.

This request for a supplemental appropriation is to fund the design, permitting, and construction of the proposed transloading facility associated with the above-referenced project. The City will be reimbursed 80 percent of these costs by NH DOT from State-Aid Bridge funds.

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 7, 2024, beginning at 7:00pm in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to appropriate \$250,000 to supplement current funding for the South Main Street Bridge Replacement capital project, and to authorize the issuance of bonds/notes in accordance with the Municipal Finance Act (NH RSA 33). Seconded by Councilor Whittlesey.

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

C. Creation of Food Truck Task Force

Included in the agenda packet: **(All supportive documents and information can be found on pages 68-75, Council agenda packet)**

1. City Code Chapter 179
2. Lebanon Food Truck Task Force Charter

City Manager Intern, Klaleh Punni reviewed the background behind the creation of a Food Truck Task Force.

BACKGROUND

City Code Chapter 179 regulates sales by vendors within the general area of Colburn Park and the Mall in the City of Lebanon. This code was established on August 22, 1990. The current language of the code presents practical conflicts regarding the space and area needed for food trucks to operate along South Park Street. The current scope of the code also presents practical concerns, as the West Lebanon Revitalization Advisory Committee has recently discussed the feasibility of having food trucks in West Lebanon as a means of enhancing local business opportunities, increasing foot traffic, and fostering a vibrant community

atmosphere.

Food trucks have been a great addition to our community thus far. There has been positive feedback from the general public, as well as considerable use of the food trucks, which have attracted more people into our downtown business district. However, there have also been concerns from the public about traffic safety and the use of parking spaces by vendors that would otherwise be available to the general public.

There is a desire to mitigate safety concerns while maintaining the opportunities for economic growth and vitality that food trucks bring to our community. Temporary measures have been put in place for 2024, but more permanent solutions and resulting zoning and code changes may be necessary to allow for the safe use of food trucks next year. Our mission is to maintain their presence in the community while upholding public safety.

Lebanon Food Truck Task Force Charter

Purpose/Charge

The Food Truck Task Force shall evaluate and address the practical and regulatory challenges associated with the operation of food trucks within the City of Lebanon. This task force is created by the City Council, and, aiming to foster economic growth and community vibrancy while ensuring public safety and accessibility, shall:

1. Review current City Code Chapter 179 and relevant zoning regulations to identify conflicts and limitations impacting food truck operations. Provide recommendations for changes to facilitate the safe and efficient operation of food trucks city-wide.
2. Develop a comprehensive, sustainable strategy for permitting and managing food trucks on public property in downtown Lebanon and West Lebanon. This strategy should consider various aspects such as traffic and pedestrian safety, public health, parking, and fire safety.
3. Conduct public outreach to gather feedback from residents, local businesses, and other stakeholders to ensure community needs and concerns are addressed.
4. Submit a detailed report of findings, recommendations, and proposed code and zoning changes to the City Council by February 15, 2025.

Membership:

Task Force members shall be appointed by the Mayor and shall consist of one City Council representative and four residents of the City of Lebanon, selected by the Mayor to represent a diverse range of perspectives and interests within the community. The City Manager's office will provide technical assistance and support as needed to help the task force achieve its objectives. Task Force members must comply with the provisions of RSA 91- A regarding public meetings. The members shall serve on this task force without compensation.

Council Comments:

The Council discussed whether or not the February 15, 2025 date would be enough time to implement any changes in time for next year permitting (Ms. Punni & Mayor McNamara felt it would); how presenting the report to the Council by February 15, 2025 would give the City two solid months to book and hold a public hearing; how, from a vendor's perspective, the timing of the report is a short timeframe to make their plans for the upcoming season; due to conflicts of interest, avoid having current Food Truck

vendor's on the Task Force but, as an alternative option, inviting former Food Truck vendors to be a part of this Task Force.

Assistant Mayor Below noted he was interested in serving on the Food Truck Task Force Committee.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby establishes a Task Force to address the issues related to Food Trucks. The Food Truck Task Force shall report back to the City Council no later than February 15, 2025.

Seconded by Councilor Whittlesey.

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

D. New Hampshire Municipal Association (NHMA) Policy Positions

Included in the agenda packet: **(All supportive documents and information can be found on pages 76-89, Council agenda packet)**

1. 2024-2025 Proposed NHMA Policy Positions and Principles

City Manager Intern Klaleh Punni reviewed the background behind the NHMA legislative process.

BACKGROUND

The City of Lebanon is a member of the New Hampshire Municipal Association (NHMA). Every two years the NHMA conducts a process to update its legislative policy positions and principles which are used by advocacy staff to support or oppose legislation before the NH Legislature.

The process began just after the first of the year. Municipalities were requested to propose new policy positions or principles to be considered as well as proposing changes to existing policy positions or principles. The existing policy positions and principles as well as proposals for new positions/principles and proposed changes are reviewed by three committees. The three committees are the following.

1. General Administration and Governance
2. Finance and Revenue
3. Infrastructure, Development, and Land Use

Municipal officials from across the state volunteer to work on the three committees from April until the end of June. The three committees are assigned policies that are relevant to their scope of work which they review and make any proposed changes. The draft proposed policies and principles are then sent back to the governing body of each town and city for review and consideration.

The City Manager recommended that the City Council take the following actions:

- **Review proposed 2024-2025 Legislative Policies and Principles**
- **Vote on policies and principles, and develop any proposed amendments**
- **Select a delegate to represent the City at the September 27 Legislative Policy Conference**
- **Develop any floor proposals, if desired, by August 9, 2024**

Council Comments:

Mayor McNamara suggested the Council accept all of the 2024-2025 Proposed NHMA Policy Positions and Principles unless there were some specific issues they wanted to address individually.

Councilor Liot Hill noted that a couple of years ago the Council did not support the Labor-related provisions and requested they be taken off the consent portion and discussed separately. **(Note: See pages 78-79, Council agenda packet).** She felt these were anti-labor and could potentially undermine the City's relationships with our Unions.

Councilor Wilkie concurred with Councilor Liot Hill. He requested the following bullet points be pulled from the NHMA opposes section in the Substance Use, Prevention & Response and moved to the NHMA supports section. **(Note: See pages 79-80, Council agenda packet)** because he felt what they are opposing is not necessarily a problematic policy. He did not, personally, agree with the bullet points below and agreed with Councilor Liot Hill's statement that the NHMA supports the following requirements:

NHMA opposes (Councilor Wilkie requested to move from opposes to "supports"):

- Legislation that authorizes the sale of cannabis unless the following requirements or conditions are included:
 - The processing, manufacture, refinement or sale of cannabis products in any municipality shall only be permitted after the legislative body of that municipality has adopted the provisions of enabling state legislation permitting such activities--"opt in," not "opt out."
 - Legislation that legalizes the sale of cannabis must include provisions for adequate and sustained funding to municipalities to address the costs associated with legalization because municipalities will be the governmental entities that will have to directly deal with the impacts of legalization.
 - Any legislation allowing for establishments engaged in selling, distributing, growing, or storing cannabis or cannabis products shall include a requirement for a host community agreement with the municipality in which such an establishment is located, which may include provisions such as a community impact fee; a limit on the percentage of sales of total gross receipts that are related to cannabis sales; security measures for premises; agreements to fund police details when necessary; for crowd or traffic control; and termination of business provisions.

City Manager Mulholland noted the NHMA has never held a position on cannabis before now and this section takes the middle position, noting there is great division in communities as to whether or not they should be legalizing this (section) for public health reasons.

After some discussion between Councilor Wilkie and City Manager Mulholland, Councilor Liot Hill suggested offering a proposal that says NHMA will remain neutral on all cannabis legislation or encouraging NHMA to support legalization with certain conditions.

Assistant Mayor Below spoke about Charitable Gaming and felt the 1st bullet point was reasonable. He also questioned the purpose of 3rd bullet point that states: "measures for premises; agreements to fund police details when necessary; for crowd or traffic control; and termination of business provisions."

Councilor Wilkie questioned and requested the Proposed NHMA Principles #5 that states: "Support bills proposed by individual municipal members, except when they conflict with these principles or NHMA's "Legislative Policies" be changed. To him, this was a carte blanche for any new positions by the NHMA to, by default, support anything that has not already been considered (by the NHMA). City Manager Mulholland explained the purpose behind this section and gave examples of why this was included.

Councilor Liot Hill raised the reduction/elimination of the dividends/interest tax and the continued reduction of business profits/enterprise taxes, which are affecting the local property taxpayers.

She would like the Council to think about where we could propose that NHMA Opposes reduction in the Dividends and Interest Tax and Business Enterprise Tax or any State Tax unless an alternative funding source is identified to replace those funds and explained her reasons. After some discussion on this item, City Manager Mulholland noted this does affect education funding. He suggested and gave his reasons why the Council should make this change before August 9, 2024.

Councilor Liot Hill spoke about her concern that sometimes the interests of cities and towns are not exactly aligned and gave examples. She felt towns are disproportionately represented by the NHMA and felt cities/municipalities should be more proportionately represented.

The Council concurred and may discuss larger changes to the NMHA Policies at a future meeting for the following:

1. Labor & Employment, and
2. Substance Use Prevention and Response: the 3rd bullet point under opposition
3. The floor amendment for item #5 under the NHMA Proposed Principles for 2025-2026

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council endorses the policies and principles of the NHMA 2025-2026 Proposed Policies as provided in the City Council agenda packet of July 17, 2024 with the exception of the Labor & Employment section and the 3rd bullet in the Substance Use Prevention and Response section under the NHMA opposes.

Councilor Liot Hill FURTHER MOVED, that the Lebanon City Council identifies Mayor Tim McNamara as the authorized delegate to vote on these matters at the NHMA Conference on September 27, 2024, or whenever it may take place.

Seconded by Councilor Simon.

***The Vote on the MOTION was approved by members present (7-0).**

(It is anticipated that the City Council will begin review of the policies at the July 17th meeting and will continue the review process during the next several City Council meetings as needed to complete the review process.)

12. CITY MANAGER REPORT:

City Manager Mulholland updated the Council on the following:

- Bond Rates on \$25M is now 3.78% (actually 3.74%). Higher than what was projected.
- Westboro Yard Update
- Leadership Organization Assessment Sessions
- Deputy City Manager Brooks spoke about what the issues were coming out of the Citizen's Academy and other venues regarding what the community would like the Council to be achieving. There is a need for the Council to be representing its respective Wards to a greater degree in terms of its quarterly meetings with constituents.
- Potential partnership with Hartford, VT regarding the Wilder Dam
- The Public Communications Plan regarding major traffic issues/disruption in Lebanon from February 2025-February 2026

13. COUNCIL REPRESENTATIVES TO OTHER BODIES:

14. FUTURE AGENDA ITEMS:

15. NON-PUBLIC SESSION: (Not schedules in the Council agenda packet.)

Councilor Liot Hill MOVED, that the Lebanon City Council go into Non-Public Session for the purpose of discussing RSA 91-A:3.11(d) "Consideration of the acquisition, sale or lease of real or personal property."

Seconded by Councilor Heistad.

Roll Call Vote:

Voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, and Mayor McNamara all.

None voted Nay.

Absent from vote: Councilors Sykes and Zook

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

The Council went into Non-Public Session at 9:08 PM

Councilor Whittlesey MOVED, that the Lebanon City Council come out of Non-Public Session.

Seconded by Councilor Wilkie.

Roll Call Vote:

Voting Yea: Assistant Mayor Below, Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, and Mayor McNamara all.

None voted Nay.

Absent from vote: Councilors Sykes and Zook

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

The Council came out of Non-Public Session at 9:29 PM.

16. ADJOURNMENT:

Councilor Whittlesey MOVED for adjournment.

Seconded by Councilor Wilkie.

****The Vote on the MOTION was unanimously approved (7-0).***

The meeting was adjourned at 9:29 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary