

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, August 21, 2024 7:00 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, George Sykes, , Devin Wilkie, and

MEMBERS ABSENT: Karen Zook and Douglas Whittlesey

STAFF PRESENT: Deputy City Manager David Brooks, Finance Director Vicki Lee, Deputy Finance Director Alesia Williams, Fire Chief Jim Wheatley, Assistant Fire Chief Jeff Libbey

1. **CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Councilor Heistad led the Council in the Pledge.
 - Deputy City Manager David Brooks announced the meeting criteria for the public.
3. **PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
4. **OPEN TO PUBLIC:**
 - **Ms. Abby Brae (self-identified as currently homeless):** She spoke about her concerns regarding children in schools being subjected to crack and that she has seen sex abuse. She wanted to see counseling nation-wide. She also spoke about how the transient population is being exploited to give money to individuals who use it to buy crack. The situation is getting really bad.
 - **Councilor Simon,** for the record, spoke about the dog waste and bags being left behind in cemeteries, as mentioned several weeks ago by Mr. Eric Bates, and wanted the Council to know that nothing has been done on this issue. He will follow-up with City Manager Mulholland when he returns.

Councilor Liot Hill Arrived at approximately 7:08 PM.

5. RECOGNITIONS: NONE

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

Amendments:

Page 10, Line 27: "Remove "MOVED to."

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

***The Vote on the Motion was approved by members present (5-0-2).** Mayor McNamara and Councilor Sykes abstained because they were not in attendance for this meeting

7. APPOINTMENTS:

- A. Upper Valley Subcommittee of the Connecticut River Joint Commissions, Jude Stull
(Alternate Citizen Member)

Councilor Wilkie MOVED to NOMINATE Jude Stull as an Alternate Citizen Member of the Upper Valley Subcommittee of the Connecticut River Joint Commissions. Term: 8/24-N/A

****The Vote on the NOMINATION was approved among members present (7-0).***

8. PUBLIC HEARING ITEMS: NONE

9. OLD BUSINESS: NONE

10. NEW BUSINESS:

- A. Reaffirm Discontinuance of Romano Circle in West Lebanon as a Class V Public Highway and Authorize the City Manager to Execute Documents for Conveyance of Land Underlying the Roadway to the Lebanon Housing Authority

Included in the agenda packet: ***(All supportive documents, Site Plan Maps and information can be found on pages 22-27, Council agenda packet)***

1. “Lot Merger, Ground Lease & Easement Plan in Lebanon, Grafton County, New Hampshire for Lebanon Housing Authority”, prepared by Bruno Associates, dated June 5, 2009
2. Granite Engineering - Lebanon Housing Authority, Conceptual Overview Plan, dated February 9, 2024
3. July 26, 2024 Statement of Public Benefit from Deputy City Manager Brooks.

Deputy City Manager Brooks reviewed the background and the reasons behind the request as listed above.

BACKGROUND

On May 15, 2024, the City Council voted to discontinue Romano Circle in West Lebanon as a Class V public highway. The discontinuance was conditioned upon Lebanon Housing Authority (LHA) granting easements to the City for continued access to and maintenance of existing utility infrastructure in the roadway.

The discontinuance was requested by Lebanon Housing Authority, which owns property completely surrounding Romano Circle, in order to help facilitate the proposed construction of a new office building on the property.

While preparing the applicable utility easements, it was determined that the City of Lebanon owns the underlying land beneath Romano Circle in fee simple by virtue of a November 1973 deed, instead of simply having a public right-of-way over the land. As a result, even after the discontinuance of the roadway is complete, the City would still own the underlying land unless the Council also decides to convey title to the property to the Lebanon Housing Authority. Once the roadway has been discontinued as a public highway, with maintenance responsibility turned over to LHA, there will be no other reason for the City to retain fee simple ownership of the underlying land. The City will still require and obtain easements to access and maintain the existing utility infrastructure on the property.

In accordance with City Council Policy CC-102, Real Property Transactions, the City Manager has prepared a statement of public benefit which is attached for your review.

The City Manager recommends that the City Council reaffirm the discontinuance of Romano Circle, approve the conveyance of the underlying land to the Lebanon Housing Authority, and authorize the City Manager to execute the deed and take all other actions necessary to complete the conveyance transaction.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby reaffirms the May 15, 2024 decision to discontinue completely, and in its entirety, Romano Circle in West Lebanon, as a Class V Public Highway as shown on plans and information included in the May 15, 2024 City Council Agenda Packet.

BE IT FURTHER MOVED, that such discontinuance remains conditional upon, and shall not take effect unless and until, the Lebanon Housing Authority conveys to the City full easement rights for continued access to and maintenance of existing municipal utilities, including water, sewer, and storm drainage systems, located within such street subject to approval by the Public Works Director and the City's attorney.

BE IT FURTHER MOVED, that once the condition specified above is complete and the discontinuance becomes final, the Lebanon City Council hereby agrees to convey fee simple ownership of the underlying land area of Romano Circle to the Lebanon Housing Authority, and hereby authorizes the City Manager to execute the deed and take all other actions necessary to complete the conveyance transaction.

Seconded by Councilor Liot Hill.

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

B. Discussion of Church Street and Fire Station Modifications

Included in the agenda packet: ***(All supportive documents and information, including photos and Map renditions, can be found on pages 28-41, Council agenda packet)***

1. Agenda Request Form submitted by Assistant Mayor Below
2. Letter from VHB Engineers regarding roadway width
3. Letter from Lavallee Brensinger Architects regarding building design
4. Letter from Lebanon Public Safety Committee

BACKGROUND

On August 5, 2024. Assistant Mayor Clifton Below submitted an agenda request pursuant to *Rules § A191-7* regarding modification of Church Street to allow for two-way traffic. See the agenda request form for further explanation.

The agenda request submission states the following:

Move to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge or pavement, of 20 feet be established or maintained where reasonably practical and affordable.

Move to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street

to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street.

Assistant Mayor below reviewed the background behind his request above, the letter from VHB Engineers regarding roadway width, the letter from Lavallee Brensinger Architects (LBA) regarding building design, and the Letter from Lebanon Public Safety Committee. He noted that at the time the Council held a previous Public Hearing, representatives from the First Congregational Church had not heard about Church Street and there was some misunderstanding as to what we were doing. The argument was that the street would be too narrow because the building had to be moved over to accommodate two-way traffic. After looking into this, he realized that some of the city's streets were pretty narrow and some of them often have cars parked on both sides of the street, which made them pretty narrow areas for two cars to pass.

It appears that the plans for the Fire Station could be modified to make the entire length of Church Street at least 20' wide, which would be wider than 3 alternatives (Valley, Davis and Pine) and also create an alternative to the 4th access, turning north from Spring Street onto a ~22% grade on Church. This would promote equity and inclusion by enabling better access to the parking area & accessible entrance for the Congregational Church to accommodate people with walking disabilities, elderly parishioners, services, concerts, etc., especially in the winter.

Specific questions from Assistant Mayor below were:

1. Could a modification to the curb line along the south end of the church (east side of Church) be incorporated into the project to widen the south end of the constrained area to 20', aligning with curb to south of parking lot entrance and estimated cost?
2. What is the dimension of the projection of the main (public) entrance beyond the main building plane? It appears to be about 1'-10" based the plans available. (It is actually 2 ft.)
3. Is it feasible and what might it cost to modify the architectural design to reduce that current projection of the main (public) entrance along Church Street by about 10 inches to 1 ft. from approximately 1'-10" projection beyond the plane of the rest of the eastern facade of the new Fire Station to enable a minimum 20'-0" width the full length of the portion of Church Street that is becoming one way?
4. Related, are there structural steel beams that would need to be shortened and are they already in production, and is the interior "storefront" window from the public lobby to the "Firefighter EMS & Office" in production and can it be modified to 10" to 1' narrower to accommodate the interior wall of the vestibule being moved 10" to 1' further into the lobby?

Assistant Mayor Below proposed the following action, motion, goal, and/or code or policy amendment(s):

Move to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge or pavement, of 20 feet be established or maintained where reasonably practical and affordable.

Move to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street. **No action needs to be taken on this for a while because it is projected to be closed off for a couple years with the construction.**

Assistant Mayor Below spoke with Reverend Silver who assured him that the First Congregational Church would be happy to work with the City to enable modification of the curb and street line along the south end of the church, even if such would entail an encroachment onto the property of the church. He also presented and explained the screenshot of the neighborhood below, which is the same as presented in the City Council agenda packet:

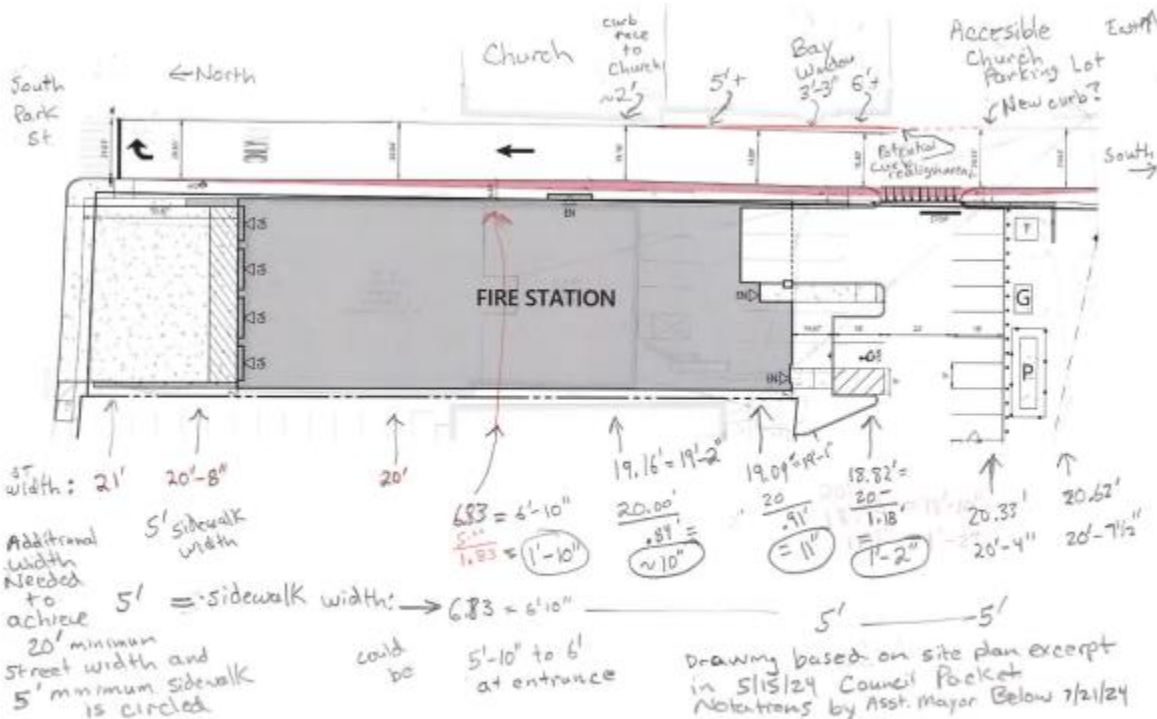


Assistant Mayor Below noted the width of the asphalt skirt (including curb width) between Church Street and the oldest part of the church (north end) is only about 2'. The width of the skirt along the south ~80' of the church is about 5' to 6' except at the bay window where there is only 3'-3". The shift in the alignment of this curb line at the south end to make it 1'-2" closer to the church, would still leave at least 2'-1" of skirt space at the bay window, which is not less than the narrowest width of the skirt along the 75' long north end of the church and further explained how

the dimensions of the sidewalk/building could be modified (to accommodate two-way traffic).

New Fire Station: Potential to adjust vestibule to maintain 5' sidewalk width outside entrance door and 20' Church St. width.

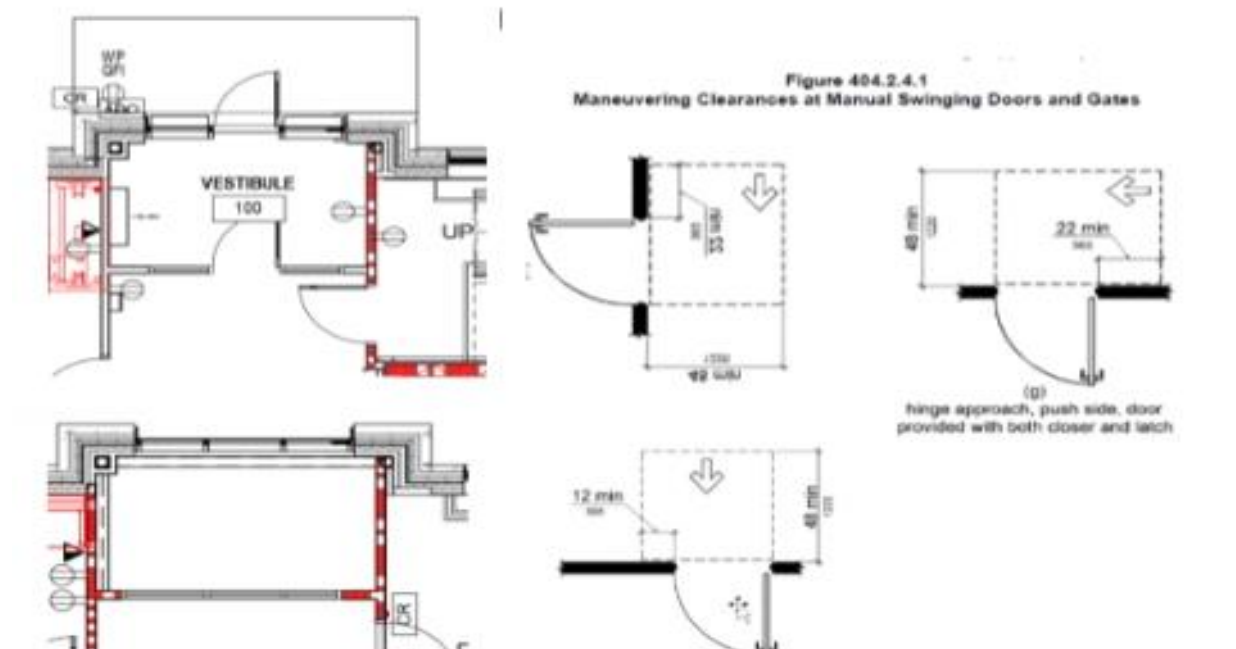
The projection of the Public Vestibule and entrance door beyond the rest of the eastern building façade is about 1'-10" based on sidewalk bowing out to 6'-10" beyond the 5'-0" width at the north and south ends of the building. This projection seems to be about or less than the distance between the inner vestibule wall and the door to the stair well, so either bringing the outer vestibule flush to the façade or reducing the projection by about half (10" to 12") would allow 5' sidewalk width outside entrance door and 20'-0" street width at this point. With realignment of the curb on the east side of the street (only at the south end of the church) to match curb lines at either end of this ~80' section, the entire width of Church Street could be at least 20', which is wider than 3 of the other 4 alternate routes to the back of these 2 buildings.



Assistant Mayor Below then briefly reviewed and gave his responses to: 1) The letter sent to City Manager Mulholland dated August 6, 2024 regarding the Church Street Traffic Patterns/Lebanon Fire Station (as listed on [pages 34-35, Council agenda packet](#)); 2) The response from LaVallee/Brensinger Architects (LBA) dated August 14, 2024 regarding the City of Lebanon's New Fire Station and the Church Street Traffic Pattern ([as listed on pages 36-39, Council agenda packet](#)); and 3) the response from the City of Lebanon's Public Safety Committee dated August 14, 2024 regarding Church Street ([as listed on pages 40-41, Council agenda packet](#)).

Assistant Mayor Below noted the City, over the past two decades, has constructed at least 15 streets, designed by a professional engineer, that are 20 feet or less in width and most of them almost always have two-way traffic on some portions of those streets. He then presented and explained examples of different street width designs that were done for the CSO projects. (**Note:** These designs were not included in the Council agenda packet.)

Assistant Mayor Below, a representative from VHB (name not identified) and Mr. John Adams from (LBA) had a lengthy discussion regarding whether or not the curb line was feasible; regulatory requirements; design/width of the sidewalk (on Church Street); and how, potentially, the design of the building could/could not be modified (to allow for two-way traffic), with Mr. Adams specifically mentioning the requirements for ADA (handicapped) access to the building he had to follow. The aesthetics, along with other technical materials that could be used in/out of building without moving the building were also discussed. In particular, the vestibule (see design below) was discussed at length.



At the request of Mayor McNamara, the following came forth to give their testimony either for/against the proposed changes as presented by Assistant Mayor Below:

- **Reverend Steve Silver (Ward-2)** questioned if it might be possible to put in a yield sign, noting the Street (Church Street) has been two-way for a long time, noting he felt there should be a way forward. He explained his reasons why he felt it is really important for them to maintain the two-way access into their parking for the people/groups who use the church.

- **Mr. Brian Clancy (Ward 2 & administrator for the First Congregational Church in Lebanon)** He spoke about how turning Church Street into a one-way street would affect the church and the individuals/groups who use the church and gave examples. His point was that their parking lot gets used a lot and all of their functional and most frequently used entrances are off of that lot. If the street becomes one way, he spoke about his reasons why he felt Church Street should become a one-way street going in the opposite direction (of the plan now) so that people arriving at the Church would at least be able to turn right onto Church Street. He also spoke about his reasons why he felt the detours/alternate routes in place now are more dangerous than the traffic on Church Street and gave examples.
- **Mr. Ben Van Vliet (Ward 1& Executive Director, Upper Valley Music Center):** He spoke about his reasons why he felt Church Street should remain a two-way Street.
- **Ms. Elizabeth Borowsky (Ward 2):** She spoke about her use of the First Congregational Church and why she felt Church Street should remain a two-way street.

There were no further comments from the public.

Council Comments:

Mayor McNamara noted that what we are talking about tonight is not the architectural changes but whether or not the Council should change (street) policy.

Deputy City Manager Brooks noted the design details is delegated to the City Manager according to the City Charter, so this is not really open for discussion but was sure City Manager Mulholland would be open to a conversations with the Council when he returns from vacation. The Council certainly has purview over whether or not a roadway is a one-way or two-way. The Council also has the authority to revisit Ordinance 2024-06 and rescind it if they choose to. You have some ability to impact the design/width of the road. However, there is no money in the budget for this project (the road is outside the scope of this project) so revisiting the width of the road and getting a proper design would require supplemental appropriations just for the design piece. Once we have a design and get some cost estimates, then there would be another supplemental appropriation to actually construct the road. With respect to the operation of the right-of-way he would suggest that the Council actually do a Statutory Layout Process to formally widen the road and the right-of-way rather than simply relying on easements and somewhat less formal agreements. The reason for that is there are buildings immediately adjacent to both sides of this road and any kind of regular road maintenance and operational assistance from Public Works so the City will want to have some kind of indemnification/protection to do what it has to do with respect to the operation of and plowing the roads and not rely on agreements. This could involve additional expenses with respect to legal work due to the Deeds/Layout/Indemnification, etc. He reiterated again what is in the Council's purview as listed below:

- Control of the Statutory layout process
- One-way vs. two-way of the road

He suggested that other questions about the design of the building be set aside for tonight because City Manager Mulholland is not present to have those discussions with the Council.

Mayor McNamara and Councilor Liot Hill supported Assistant Mayor Below's changes, with Mayor McNamara noting we are talking about a \$24M investment that needs to last the for the next 70 years and wanted to get it right the first time.

Assistant Mayor Below offered one more design suggestion and that was to relocate the fire hydrant across the street and explained his reasons. Where it is located now would affect how snow can be removed during the winter. A number of the city's streets that have been designed to be 18 ft. or 20 ft wide have fire hydrants on them.

Lebanon Fire Chief/Emergency Management Director wanted to mention that a comment made about Public Safety Committee letter that the Fire Department was unwilling to work with anyone was not true. What they set out to do was to be very objective and look at Public Safety and just wanted to clear the air about this. The code language about the fire hydrant is that if this (Church Street) is to be a two-way street, it needs to be 26 ft. so a fire truck can be parked on the street and attached to that fire hydrant.

In response to Councilor Liot Hill's questions, Assistant Mayor Below agreed that it was to:

- Maintain Character
- Make improvements when possible
- Meet as many neutrally beneficial goals as possible, and
- To create options for the next 75 years

The Council continued discussion regarding Church Street's width and whether or not there should be 1 sidewalk or 2 sidewalks.

Councilor Sykes spoke about his reason why he felt more information is needed so this project could be cost effective to achieve the results the City wants. He could not vote on any motion where there are no cost estimates, etc.

ACTION:

Councilor Liot Hill MOVED, to establish a city policy that when significant city work is being done to a paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb or to edge of pavement be established or maintained or as close thereto as is reasonably practical and affordable.

Seconded by Assistant Mayor Below.

****The Vote on the Motion was approved amongst the members present (6-1). Councilor Simon opposed.***

**NO ACTION WAS TAKEN, AND WAS NOT REQUIRED, ON THE MOTION BELOW.
WILL BE DISCUSSED AT A FUTURE DATE.**

MOVED to request for a future agenda item to set a hearing for a proposal to repeal Ordinance No. 2024-06 to allow 2-way traffic along the entire length of Church Street to be effective upon a date after the completion of exterior building and site work on the east side of the new Fire Station along the northern 325 feet of Church Street.

11. CITY MANAGER REPORT:

Deputy City Manager Brooks updated the Council on the following:

- Barrows Street Development Project
- Ambro Designs: Will now be part of the Pattern Zoning Program
- Hanover Street Extension housing project

- 3 Seminary Hill housing project
- 20 Spencer Street: City Staff will be asking the Planning Board to hold a special meeting because there is an October 1, 2024 deadline to apply for some of the New Hampshire Housing Finance Authority funding, noting a Conditional approval is needed by October 1, 2024.
- Rail Trail Playground
- West Lebanon Main Street Redevelopment RFPs from Developers
- Transportation & Energy Projects: Funding discussions with representatives from Senator Shaheen's office
- Updated State Hazard Mitigation Plan

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

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

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

The meeting was adjourned at 8:37 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary