

FINAL

**LEBANON CITY COUNCIL  
REGULAR SESSION MINUTES  
Wednesday October 2, 2024, 7:00 p.m.  
Council Chambers**

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

**MEMBERS PRESENT:** Mayor Tim McNamara, Assistant Mayor Clifton Below, Karen Liot Hill, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie

**MEMBERS ABSENT:** Erling Heistad, and Karen Zook

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager David Brooks, Director of Recreation, Arts, and Parks Paul Coats,

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1. **CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** Councilor Simon led the Council in the Pledge.
  - City Manager Shaun Mulholland announced the meeting criteria for the public.
3. **PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
4. **OPEN TO PUBLIC:**

Mayor McNamara thanked the Council and those responsible for the flower beds around the Green and in West Lebanon. City Manager Mulholland also thanked those responsible for the artwork in the tunnel and the events that have been occurring on the Green.

**5. RECOGNITIONS:**  
- **Resolution Honoring Alisha Robinson**

**WHEREAS**, Alisha Robinson joined the City of Lebanon's Diversity, Equity, and Inclusion Commission in summer 2022 and was elected to serve as Chair of the Commission in February 2024; and

**WHEREAS**, Alisha has been an integral member of the Commission, organizing the City's now-annual Juneteenth Celebration and helping to develop the City's first Equity Plan; and

**WHEREAS**, Alisha began her term as Chair with a discussion and public hearing on the Ceasefire Resolution proposed by residents of Lebanon and led that public hearing with exceptional poise and attention to the statements and concerns of the City's residents; and

**WHEREAS**, in all her work with the Diversity, Equity, and Inclusion Commission Alisha has acted with a high level of respect and thoughtfulness toward the City's residents and their needs and wishes, as well as a strong passion for finding lasting, effective, and inclusive solutions for the City.

**NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon, hereby recognizes and honors Alisha Robinson on the occasion of her

departure from the Diversity, Equity, and Inclusion Commission and thanks her for her service to the City.

**BE IT FURTHER RESOLVED** that this Resolution be written upon the minutes of the Lebanon City Council meeting and a copy presented to Alisha Robinson.

Dated this 2<sup>nd</sup> day of October 2024.

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

**6. ACCEPTANCE OF MINUTES:** September 18, 2024 (Regular Meeting)

Amendments:

**Councilor Wilkie MOVED to approve the September 18, 2024, minutes as written and presented in the October 2, 2024, City Council agenda packet.**

**Seconded by Councilor Liot Hill.**

***\*The Vote on the Motion was approved (7-0)***

**7. APPOINTMENTS:**

- Economic Development Commission, Benjamin Carter (Citizen Representative)

**Councilor Whittlesey MOVED to NOMINATE Benjamin Carter as a Citizen Representative to the Economic Development Commission. Term: 10/2024-10/2026**

***\*The Vote on the NOMINATION was approved (7-0)***

- Planning Board, Eric Stacy (Alternate Member)

**City Manager Mulholland MOVED to NOMINATE Eric Stacy as an Alternate Member to the Planning Board. Term: 10/2024-10/2027**

***\*The Vote on the NOMINATION was approved (7-0)***

**8. PUBLIC HEARING ITEMS:**

**A. Ordinance #2024-12: To Amend City Code Chapter 31, Boards, Committees and Commissions, by Deleting and Repealing Article IV, Board of Assessors:** A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2024-12 to Amend City Code Chapter 31, Boards, Committees and Commissions, by Deleting and Repealing Article IV, Board of Assessors

Included in the agenda packet: ***(All supportive documents and information can be found on pages 37-46, Council agenda packet)***

1. Proposed Ordinance #2024-12
2. City Code Chapter 31, Article IV, Board of Assessors
3. Excerpt of NH RSAs related to Assessors
4. Legal Opinion from Attorney Christine Johnston, dated September 9, 2024

City Manager Mulholland reviewed this proposed ordinance.

### **BACKGROUND**

NH RSA 48:12-13, *et. seq.*, passed in 1846 and last revised in 1855, set forth a community's choice of assessors and the duties of such assessors, constituted as a Board of Assessors (BOA). During that century and into the 1900s, the members of the BOA actually conducted assessments of the value of properties and prepared the grand list to issue the annual tax warrant. This work is now done by professional, certified assessors based on standards created by the NH Assessing Standards Board.

On January 6, 1988, in accordance with NH RSA 48:12, the City established a Board of Assessors with the authority to perform all duties related to inventory taking, property appraisal for taxation, tax assessment, and abatement, as well as issuing warrants for tax collection. This Board assumed all the powers and responsibilities typically held by Selectmen and Assessors in towns, as required by law. The Board was also responsible for establishing rules and procedures governing its operation.

The Lebanon Board of Assessors is composed of five members appointed by the City Manager (per City Charter C419:32 and NH RSA 48:12). Each member is required to be a resident of the City of Lebanon, and to remain a resident throughout the duration of their term. However, for at least the last three years, the Board has operated with the minimum number of members required for a quorum (three votes are necessary).

NH RSA 48:12 provides enabling statutory provisions for cities to have Boards of Assessors; however, they are not required. There are similar statutory provisions for towns. It appears that the Towns of New Ipswich and Wakefield may be the only towns that still have Boards of Assessors. The last BOA meeting in the Town of Littleton appears to have occurred in 2020 and the Town of Washington abolished its BOA in 2015.

The administration is seeking to streamline the assessment process, especially given the ongoing difficulty in finding qualified candidates willing to serve on the Board of Assessors. As a result, the administration requests that the Council consider repealing the requirement for a Board of Assessors, and delegating the assessing duties to the City's supervising assessor or contracted assessing firm employed by the City.

The following cities still have Boards of Assessors: Nashua  
Keene Laconia Concord Rochester

The following cities do not have Boards of Assessors:  
Manchester Portsmouth  
Claremont (abolished in 2022) Dover  
Somersworth Franklin

**Mayor McNamara opened the Public Hearing.**

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

**Council Comments:** NONE

### **ACTION:**

***Assistant Mayor Below MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-12 to amend City Code Chapter 31, Boards, Committees and Commissions, by deleting and repealing Article IV, Board of Assessors, as presented in the October 2, 2024, City Council agenda packet. This Ordinance shall become effective upon passage.***

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

***\*The Vote on the Motion was approved (7-0)***

## **CITY OF LEBANON ORDINANCE #2024-12**

**AN ORDINANCE TO AMEND** the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, by deleting and repealing Article IV, Board of Assessors.

Be it ordained by the Council of the City of Lebanon as follows: Section 1.

The Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, is hereby amended by deleting and repealing Article IV, Board of Assessors.

### Section 2. Severability

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

### Section 3. Effective Date

This ordinance shall become effective upon passage.

## **9. OLD BUSINESS: NONE**

## **10. NEW BUSINESS:**

- A.** Authorization for City Manager to Execute an Amendment to Lease an Operating Agreement with Lebanon Outing Club concerning the Storrs Hill Ski Area

Included in the agenda packet: *(All supportive documents and information can be found on pages 47-61, Council agenda packet)*

1. Lebanon Outing Club / City of Lebanon – Amendment to Lease and Operating Agreement, drafted by Drummond Woodsum
2. Lebanon Outing Club / City of Lebanon – Lease and Operating Agreement, dated January 18, 2019

Paul Coats, Director of Recreation, Arts, and Parks reviewed this proposed authorization.

## **BACKGROUND**

The Lebanon Outing Club (LOC) is an outside non-profit organization, affiliated with the Lebanon Recreation, Arts and Parks Department, utilizing City-owned lands in its mission to provide recreational opportunities in the city. The LOC manages the Storrs Hill Ski Area under a Lease and Operating Agreement with the City, dated January 2019.

The City Council has often encouraged the LOC to find new ways of providing additional services and generating increased revenue at Storrs Hill, and the LOC has been actively pursuing that recommendation. In recent years, the frequency of special events has increased, and the LOC has explored ways to offer year-round ski jumping, year-round learn to ski, and mountain biking.

In addition, the ability to serve alcohol in an established beer garden during special events and night skiing was determined to be one of the ideas that would help attract new patrons and increase revenues. The LOC worked with the State of New Hampshire and the City to upgrade the lodge kitchen to commercial grade and has successfully obtained a State of NH Liquor License.

Alcohol service also increases opportunities for Storrs Hill Ski Lodge rentals. When combined with planned lodge improvements, renting the lodge for private functions can be broadly advertised, helping attract additional clients to Storrs Hill.

On January 17, 2024, the City Council granted the LOC a one-year permit to serve alcohol on the premises pursuant to City Code Chapter 14, Alcoholic Beverages, while an amendment to the existing Lease and Operating Agreement was formulated. An attorney with Drummond Woodsum drafted the proposed amendment based on a similar amendment that was recently approved by the City Council and Lebanon Opera House.

City staff recommends the City Council authorize the City Manager to sign the proposed Amendment to the Lease and Operating Agreement between the LOC and City.

**Council Comments:** NONE

**ACTION:**

***Councilor Wilkie MOVED, that the Lebanon City Council hereby authorizes the City Manager to execute an Amendment to the Lease and Operating Agreement between the City of Lebanon and the Lebanon Outing Club concerning Storrs Hill Ski Area, as presented in the October 2, 2024, City Council Agenda Packet.***

***Seconded by Councilor Simon.***

***\*The Vote on the Motion was approved (7-0)***

- B.** Authorization for City to Acquire Approximately 2,220 SF from Grafton County Senior Citizens Council, Inc.

Included in the agenda packet: ***(All supportive documents and information can be found on pages 62-66, Council agenda packet)***

1. Draft Boundary Line Adjustment & Merger Plan, Grafton County Senior Citizens Council, Inc. and City of Lebanon, dated September 12, 2024.
2. Memorandum from Grafton County Senior Citizens Council, Inc., dated May 2, 1996, re: Upper Valley Senior Center Property, including boundary survey dated November 1995.

Deputy City Manager Brooks reviewed the proposed authorization.

**BACKGROUND**

Over the last several years, the City has been evaluating the potential for redevelopment of the downtown parking lots behind City Hall. During the evaluation process, it has been noted that a portion of the Grafton County Senior Citizens Council (GCSCC) property at 10 Campbell Street (M/L 92-23) extends into the existing city parking area.

Researching the matter further, GCSCC provided the City with a survey of its property in 1996 and offered

to transfer ownership of a portion of its property to the City at that time, which was never acted upon. In the early 2000s, the City acquired an adjacent parcel from Mascoma Bank, and reconfigured the public parking areas, including on GCSCCs property.

For several months, the City has been communicating with GCSCC about potentially conveying a portion of its property to the City in an effort to address the property boundary and title issues. GCSCC has agreed to convey the portion of its property to the City at no cost in exchange for the City preparing the survey and the applicable deeds for recording.

The City has contracted with a surveyor to prepare a potential boundary line adjustment plan, which has been agreed to by GCSCC. As depicted on the proposed plan, the City would acquire approximately 2,220 SF (0.05 Ac) of land from GCSCC, which would be merged with the remaining parking lot parcels (M/L 91-245 and 92-17).

If the City Council authorizes the acquisition of the property, the City will file an application with the Lebanon Planning Board to approve the Boundary Line Adjustment and will then record the approved plan and appropriate deed to formalize the conveyance.

**Council Comments:** NONE

**ACTION:**

***Councilor Whittlesey MOVED the following:***

***FOR THE PURPOSE OF acquiring a portion of a parcel of land, situated at 10 Campbell Street, Lebanon (Tax Map 92, Lot 23; ~0.05 Acres) (hereinafter the “Property”), from the Grafton County Senior Citizens Council, Inc., it is hereby:***

***RESOLVED, that the Lebanon City Council, pursuant to its authority under NH RSA 47:5 to purchase real property, hereby designates and authorizes the City Manager to act on behalf of the City Council to undertake all actions and obligations of the City and execute all documents as may be required to complete the City’s acquisition of the Property free and clear of all liens and encumbrances.***

***Seconded by Councilor Wilkie.***

***\*The Vote on the Motion was approved (7-0)***

**C. Discussion of Proposed Acquisition of Westboro Yard**

Included in the agenda packet: [\*\(All supportive documents and information can be found on page 67, Council agenda packet\)\*](#)

City Manager Mulholland reviewed the proposed acquisition.

**BACKGROUND**

For nearly 25 years, the City of Lebanon has pursued acquisition of portions of the Westboro Yard property from the NH Department of Transportation (NHDOT). As of last summer, the City and State had reached a conceptual agreement on the prospective boundary of the lands proposed for acquisition by the City, and the general location of necessary easements between the parties.

On June 2, 2023, the City forwarded a draft Purchase & Sale Agreement to NHDOT for review by the Department and by the Attorney General's Office. Since the beginning of the year, it has become clear that environmental liability is the primary sticking point preventing a broader agreement on a proposed conveyance. In May, the City received comments and alternative language from NHDOT concerning environmental liability.

Following a discussion of NHDOT's position on environmental liability in June, the City Council reiterated its preference to continue pursuing acquisition of portions of Westboro Yard. Since June, there has been another round of edits to the proposed Purchase & Sale Agreement between the parties.

At present, NHDOT's position can be summarized as follows: the State is still willing to accept and retain responsibility for the existing Groundwater Management Permit and any future expansion thereof, and for any known contamination of hazardous materials and currently regulated substances across the entire Westboro Yard property, including the portion that would be conveyed to the City. Also, the State is now willing to bear "its share" of the cost and expense of removal and remediation of existing materials that were on the property before closing, but only to the extent the State is liable under *existing* environmental laws. In addition, if any contaminants are discovered after the conveyance transaction, and if it is determined that they were present on the site before the closing, the State will "assist" the City in discovering the source, and if any action is required, the State will be responsible for its share of any costs under existing environmental laws as a previous owner of the property, but not for the City's share.

The Council should discuss whether the City is prepared to continue pursuing acquisition of portions of the Westboro Yard property with the State's current position on environmental liability in mind.

#### **Council Comments:**

Mayor McNamara stated that the work and associated iterations on this item come down to a benefit/risk analysis. The risk is mainly environmental liability. The question is if this risk is justified by the potential benefits of owning the property. The property will mainly be utilized for open space/recreation. The changes suggested in Section 21, E. and F. are important with regard to the risk that remains.

Councilor Whittlesey noted that he is concerned because, while the risk is fairly low, the cost of the risk is extremely high. No one else seems to want to take on the liability of this land. This is an unlimited liability based off complete unknowns for the site.

Councilor Liot Hill stated that the risk seems minimized by limiting the use of the property. Regarding the open-ended nature of the proposed liability, the City is already a large landowner. Due diligence has been done to identify the risks on this parcel. This should not increase the City's liability that is already had by being a large landowner. There has been a clear direction from the people of West Lebanon that they would like to see investment in Downtown West Lebanon and see something done with this property.

Councilor Sykes stated that there is always a need for additional recreation opportunities in the City and there will be the opportunity for playing fields on this property. City Manager Mulholland noted that the property is currently not maintained and there are some people living on the property. The Dry Bridge project should start next year and there is impetus to get this acquisition moving forward.

Councilor Whittlesey stated that he is concerned with taking on an additional new potential large liability that was not created by the City. If the City is on the hook for an environmental remediation of this property, the cost could be vast and there would also be ripple effects.

Assistant Mayor Below stated that the proposed language in Paragraph F. provides that a subsequent discovery of hazardous materials or regulated substances that were not previously identified, which can be determined to have preexisted the City's ownership, will have liability accepted by the State. The City's proposed use leads to a very small likelihood of new contamination. He asked about the limitation of what can be done with the property and if portable restrooms or storage sheds could be considered. City Manager Mulholland stated that portable toilets would likely be allowed. He does not want to see the ground disturbed on the property in any way.

Councilor Wilkie acknowledged the risk in accepting this liability, but noted that it is a small, potentially insignificant risk. The work that has been done reassures him that he could be comfortable moving forward with this.

Councilor Simon stated that the West Lebanon Committee feels this is an important piece of beginning the revitalization of Downtown West Lebanon. He would like the City Manager to continue to move forward with this.

Mayor McNamara stated that he would like to see the State accept the revised language in the agreement. An appraisal of the property will also be important, as he believes the City should not pay anything for this property. Deputy City Mayor Below stated that the agreement does provide that the appraisal consider the limited uses, the deed restrictions, the easements, and the existing hazardous waste problem.

**ACTION: No action is required by the City Council. This item is for informational purposes only**

**D. Mayor's Discussion of Potential Sachem Village – Dartmouth Hitchcock Connector Project**

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

Mayor McNamara reviewed a history of this item.

**BACKGROUND**

Mayor McNamara has requested an opportunity to initiate discussion about a potential Sachem Village to Dartmouth Hitchcock connector project.

**Council Comments:**

Councilor Sykes stated that, in 1989, he proposed a connector road available for emergency services in this area, but could not convince the hospital or Dartmouth to buy in. Much has changed since that time. Route 10 now receives more ambulance calls to this area, and it takes longer for calls to be responded to. This connector project should consider that.

Mayor McNamara stated that the proposed layout works to minimize environmental impacts.

Councilor Wilkie stated that he does not necessarily see a clear benefit to advanced transit, but also recognizes a potential benefit. The City currently has significant challenges maintaining its current roadways. He would like to make sure studies are pursued before any additional resources are placed into this project.

Councilor Simon stated that there was significant early opposition from many members of the public to this. He noted that he was contacted by several members of his Ward in opposition to this.

**ACTION: No action is required by the City Council. This item is for informational purposes only**

**11. CITY MANAGER REPORT:**

City Manager Mulholland updated the Council on the following:

- Woolen Mill went before the Planning Board and the proposed changes should be reviewed by the City Council
- ICMA Conference in Pittsburgh
- Elm Street West

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

**13. FUTURE AGENDA ITEMS: NONE**

**14. NON-PUBLIC SESSION:**

- Non-Public Session in accordance with the provisions of RSA 91-A:3, II(a) "The dismissal, promotion, or compensation of any public employee..."

**Councilor Whittlesey MOVED that the City Council enter into Non-Public Sessions for the purpose of discussing: RSA 91-A:3, II(a) "The dismissal, promotion, or compensation of any public employee..."**  
**Seconded by Councilor Wilkie.**

**Roll Call Vote:**

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

None voted Nay.

Abstained: None

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

**The Council went into Non-Public Session at 8:23 PM**

**Councilor Wilkie MOVED that the City Council come out of Non-Public Session at 9:26 PM.**  
**Seconded by Councilor Whittlesey.**

**Roll Call Vote:**

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

None voted Nay.

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

**The Council came out of Non-Public Session at 9:26 PM**  
**Council was now back in Regular Session.**

**16. ADJOURNMENTS:**

***Councilor Below MOVED to adjourn the meeting.  
Seconded by Councilor Wilkie.***

**Roll Call Vote:**

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

None voted Nay.

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

**The meeting was adjourned at 9:26 PM.**

Respectfully submitted,  
Kristan Patenaude  
Recording Secretary