



**LEBANON CITY COUNCIL
NOVEMBER 6, 2024 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 380 875 936#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

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

2. Pledge of Allegiance

3. Boards and Committee Reports (3rd Quarter 2024)

4. Public Forum Announcement by the Mayor

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

5. Open to the Public

6. Recognitions: None

7. Approval of Minutes

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

8. Appointments

- A. West Lebanon Revitalization Advisory Committee, Emmett Frank (Ward 1 Resident Member)

9. Public Hearing Items: None

10. Old Business: None

11. New Business

- A. Discussion and Set Public Hearing for November 20, 2024: Placement of Proposed Amendments to the City Charter on the ballot of the March 2025 Municipal Election

1. Reformatting
2. Supervisor of the Checklist
3. Dates to Sign up for Elections

- B. Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-11 to Amend City Code Chapter 23, Banners, to remove references to the Licensing Board, and to limit the allowable banners under the Code
 - C. Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-13 to Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize an 8.0% increase to the Water Service Rate and a 6.0% increase to the Sewer Service Rate; to authorize a 15% increase in Ambulance Fees; to include a fee schedule for applications to the Heritage Commission; and to include a fee schedule for the City Clerk's Office to maintain a Landlord's Agent Registry as required by NH RSA 540:1-b and 540:1-c; and to clarify that the City of Lebanon shall not be required to pay applicable fees for City-sponsored projects
 - D. Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-14 to Amend City Code Chapter 97, Landfill Regulations, including updating the current fee schedule
 - E. Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-15 to Amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules and Regulations, to amend Airport Landing Fees
- 12. City Manager Report**
- 13. Council Representatives to Other Bodies Report**
- 14. Future Agenda Items**
- 15. Non-Public Session**
- A. Non-Public Session in accordance with the provisions of RSA 91-A:3,II(a) "The dismissal, promotion, or compensation of any public employee..."
- 16. Adjournment**

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

Future Board/Committee/Commission Appointments: There are no future board/committee/commission appointments at this time.

Proposed Future Agenda Items: Dates may be tentative, and this list is not considered all-inclusive.

November 7, 2024 – Budget Work Session

1. Review Of 2025 City Budget - Question & Answer Session

Public Works

- Administration (Engineering, Energy & Facilities, Operations & Maintenance)
- Solid Waste Disposal
- Water Treatment & Distribution
- Sewage Collection & Disposal

November 13, 2024 – Budget Work Session

1. Review Of 2025 City Budget - Question & Answer Session

- Human Services

Lebanon City Council Agenda
November 6, 2024

- Outside Agencies
- Fire
- City Clerk
- Cyber Services

November 14, 2024 – Budget Work Session

1. Review Of 2025 City Budget - Question & Answer Session
 - Police
 - Airport
 - Planning & Development
 - Library

November 19, 2024 – Budget Work Session

1. Review Of 2025 City Budget - Question & Answer Session
 - Human Resources
 - Recreation, Arts, and Parks
 - Outside Recreation Services
 - Finance / Assessing
 - Revenues, Interfund Transfers, Debt Service
 - General Q & A from All Previous Sessions

November 20, 2024

Public Hearing Items:

- A. City Charter Amendments – A public hearing for the purpose of receiving public input and taking action on a resolution to direct the City Manager to file a report with the City Clerk and subsequently with required State agencies for review of proposed Charter amendments in accordance with NH RSA 49-B:5, I(b).
- B. Ordinance #2024-11 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 23, Banners, to remove references to the Licensing Board,
- C. Ordinance #2024-13 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to authorize an 8.0% increase to the Water Service Rate and a 6.0% increase to the Sewer Service Rate; to authorize a 15% increase in Ambulance Fees; to establish a fee schedule for applications to the Heritage Commission; to establish a fee schedule for the City Clerk's Office to maintain a Landlord's Agent Registry as required by NH RSA 540:1-b and 540:1-c; and to clarify that the City of Lebanon shall not be required to pay applicable fees for City-sponsored projects
- D. Ordinance #2024-14 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations, including updating the current fee schedule.
- E. Ordinance #2024-15 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules and Regulations, to amend Airport Landing Fees.

New Business:

- A. Request from the Lebanon Outing Club for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property in 2025.
- B. Presentation of First Reading & Set Public Hearing for December 18, 2024: Amendments to Ordinance #18, Salary Plan, to include implementation of a 3% General Wage Increase, and to retitle, reclassify, and add positions to the existing salary plan.

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

7. Acceptance Of Minutes:

Minutes To Be Accepted

- October 16, 2024

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

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES &
CAPITAL IMPROVEMENTS PLAN WORK SESSION
Wednesday October 16, 2024, 7:00 p.m.
Council Chambers
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

MEMBERS PRESENT: Assistant Mayor Clifton Below (remote), Erling Heistad, Karen Liot Hill, Christian Simon, George Sykes [7:05pm], Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: Mayor Tim McNamara

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Tim Corwin, Deputy Planning and Development Director, City Engineer Brian Vincent, City Engineer Rod Finley, Energy & Facilities Manager Tad Montgomery, Director of Recreation, Arts & Parks Paul Coats, Solid Waste Manager Erica Douglas

1. CALL TO ORDER: City Manager Mulholland called the meeting to order at 7:00 p.m.

Councilor Heistad MOVED to nominate Councilor Liot Hill as the Temporary Chair for this meeting.

Seconded by Councilor Simon.

Roll Call Vote:

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

None voted Nay.

Absent from vote: Mayor McNamara, Councilor Sykes

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

Councilor Liot Hill sat as Temporary Acting Chair.

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

- City Manager Shaun Mulholland announced the meeting criteria for the public.
- Assistant Mayor Below attended the meeting remotely due to an illness.

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

4. OPEN TO PUBLIC: NONE

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES: October 2, 2024 (Regular Meeting)

1 *Councilor Heistad MOVED to approve the October 2, 2024, minutes as written and*
2 *presented in the October 16, 2024, City Council agenda packet.*
3 *Seconded by Councilor Wilkie.*

4
5 *Roll Call Vote:*

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

8 *None voted Nay.*

9 *Absent from vote: Mayor McNamara, Councilor Sykes*

10
11 **The Vote on the Motion was approved (7-0)*

12
13 **7. APPOINTMENTS:**

- 14 A. Planning Board, Brian Ceglarski (Alternate Member): Recommended by City Manager
15 Mulholland

16
17 *Councilor Sykes joined the meeting at 7:05pm.*

18
19 *Councilor Simon MOVED to NOMINATE Brian Ceglarski as an Alternate Member of the*
20 *Planning Board. Term: 10/2024-10/2027*

21 *Seconded by Councilor Wilkie.*

22
23 *Roll Call Vote:*

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

26 *None voted Nay.*

27 *Absent from vote: Mayor McNamara*

28
29 **The Vote on the Motion was approved (8-0)*

30
31 **8. PUBLIC HEARING ITEMS: NONE**

32
33 **9. OLD BUSINESS: NONE**

34
35 **10. NEW BUSINESS:**

- 36 A. Reauthorization of Conveyance of City Land at 0 Mascoma Street (Tax Map 90, Lot 20) to
37 Adjacent Parcel at 192 Mascoma Street (Tax Map 90, Lot 19)

38
39 Included in the agenda packet: **(All supportive documents, including legal documents, maps and**
40 **additional information can be found on pages 19-28, Council agenda packet)**

- 41 1. Excerpt of minutes from City Council meeting of February 5, 1968.
42 2. Plan of "Parcel Transfer, Donald A. & Irma W. Muzzy – City of Lebanon", prepared by K.A.
43 LeClair Associates, Inc., dated September 19, 1967, recorded March 12, 1968 at GCRD
44 Bk.1060, pg. 0067
45 3. Quitclaim Deed from Donald A. & Irma W. Muzzy to City of Lebanon, dated February 16,
46 1968, recorded March 12, 1968 at GCRD Bk. 1068, pg. 0134.
47 4. Draft Quitclaim Deed from City of Lebanon to Donald A. & Irma W. Muzzy, along with a title

1 opinion and a cover page from Attorney Larry Gardner, dated January 24, 1968.

2
3 Deputy City Manager Brooks reviewed the background information.

4
5 **BACKGROUND**

6 On February 5, 1968, the City Council passed a resolution approving the conveyance of a +/- 1,270
7 square foot parcel from a City-owned property at 0 Mascoma Street (Tax Map 90, Lot 20) to an
8 adjacent property at 192 Mascoma Street (Tax Map 90, Lot 19), then owned by Donald and Irma
9 Muzzy, in exchange for the conveyance of +/-275 square foot parcel from Muzzy to the City. The
10 land areas to be transferred were depicted on a September 1967 plan prepared by K.A. LeClair
11 Associates.

12 Subsequently, in March 1968, the LeClair plan and the Muzzy-to-City quitclaim deed were
13 recorded at the Grafton County Registry of Deeds. However, the City-to-Muzzy quitclaim deed
14 was never signed or recorded. A copy of the unsigned quitclaim deed was found in the City Clerk's
15 records, along with a January 1968 title opinion and cover letter from Attorney Larry Gardner.
16 Thus far, no information has been found as to why the City-to-Muzzy conveyance was not signed
17 and recorded at the same time as the other documents.

18 Both Donald and Irma Muzzy are now deceased, and the property at 192 Mascoma Street is
19 currently held by the Estate of Irma Muzzy. Presently, a prospective buyer is in contract to
20 purchase the 192 Mascoma Street property from the Muzzy Estate, but the failure to complete the
21 City-to-Muzzy conveyance was uncovered through a title search and is currently holding up the
22 closing.

23 Because so much time has passed, the City Manager requests and recommends that the City
24 Council re-authorize the land conveyance to the prospective purchaser of 192 Mascoma Street,
25 and to re-authorize the City Manager to execute the deed and take all other actions necessary to
26 complete the conveyance transaction.

27
28 **Council Comments: NONE**

29
30 **ACTION:**

31 *Councilor Whittlesey MOVED the following resolution:*

32
33 *WHEREAS, on February 5, 1968, the Lebanon City Council approved the conveyance of a*
34 *parcel of land consisting of 1,270 square feet, from a City-owned property located at 0*
35 *Mascoma Street, Tax Map 90, Lot 20, to Donald A. and Irma W. Muzzy, owners of property*
36 *at 192 Mascoma Street, Tax Map 90, Lot 19, in exchange for the conveyance of a parcel of*
37 *land consisting of 275 square feet, from Donald A. and Irma W. Muzzy to the City of Lebanon,*
38 *both parcels as shown on a Parcel Transfer Plan, prepared by Kenneth A. LeClair Associates,*
39 *Inc., dated September 19, 1967; and*

40
41 *WHEREAS, on March 12, 1968, the LeClair Parcel Transfer Plan, and the Muzzy-to-City of*
42 *Lebanon Quitclaim Deed were recorded in the Grafton County Registry of Deeds, pursuant*
43 *to the City Council's authorization; and*

44
45 *WHEREAS, the corresponding City of Lebanon-to-Muzzy Quitclaim Deed was never*
46 *executed or recorded by the City Manager as authorized by the City Council; and*

1
2 *WHEREAS, both Donald and Irma Muzzy are now deceased, and the property at 192*
3 *Mascoma Street is held by the Estate of Irma Muzzy and is in contract to be purchased by a*
4 *third party.*

5
6 *NOW THEREFORE BE IT RESOLVED, the Lebanon City Council hereby reaffirms the*
7 *February 5, 1968 decision to convey a portion of City-owned property, consisting of 1,270*
8 *square feet, located at 0 Mascoma Street, Tax Map 90, Lot 20, to the prospective purchaser of*
9 *property at 192 Mascoma Street, Tax Map 90, Lot 19, and hereby reauthorizes the City*
10 *Manager to execute the deed on behalf of the City, and to take all other actions necessary to*
11 *complete the conveyance transaction.*

12
13 *Seconded by Councilor Simon.*

14
15 **Discussion:**

16 *Deputy City Manager Brooks asked that the language in the motion in the last paragraph be*
17 *revised to read “NOW THEREFORE BE IT RESOLVED, the Lebanon City Council hereby*
18 *reaffirms the February 5, 1968 decision to convey a portion of City-owned property, consisting*
19 *of 1,270 square feet, located at 0 Mascoma Street, Tax Map 90, Lot 20, to the estate of Irma*
20 *Muzzy, or its successor-in-interest as owner of property at 192 Mascoma Street Tax Map 90,*
21 *Lot 19, and hereby reauthorizes the City Manager to execute the deed on behalf of the City,*
22 *and to take all other actions necessary to complete the conveyance transaction.”*

23
24 *Councilor Whittlesey MOVED the amended MOTION.*

25 *Seconded by Councilor Simon.*

26
27 **Roll Call Vote:**

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

30 *None voted Nay.*

31 *Absent from vote: Mayor McNamara*

32
33 **The Vote on the Motion was approved (8-0)*

34
35 **B. Work Session: Overview and Presentations of the 2025-2030 Capital Improvements**
36 **Program (CIP) and Capital Budget**

37
38 Included in the agenda packet: **(All supportive documents, information and the complete presentation**
39 **can be found on pages 29-128, Council agenda packet)**

- 40 1. 2025 Capital Improvements Plan Presentation
41 2. 2025-2030 Capital Improvements Program and Other Capital Projects packet

42
43 Tim Corwin, Deputy Planning and Development Director, reviewed the background. Please
44 note: As part of the preparation and review of the annual budget, the City Manager, Planning &
45 Development Department, and other City departments were present on October 16, 2024, and
46 reviewed their portions of the 2025-2030 CIP, their recommended 2025 Capital Budget items,
47 and answered questions from the City Council.

1
2 **BACKGROUND**

3 At its meeting on July 22, 2024, the Planning Board reviewed the proposed Capital Improvement
4 Program (CIP) for the six-year period of 2025-2030, discussing those projects that meet the
5 definition of a CIP Item regardless of which year(s) the projects are proposed for funding. At the
6 conclusion of the discussion, the Planning Board voted unanimously to approve and adopt the
7 Capital Improvement Program for 2025-2030, and to submit Year 1 (2025) of the CIP as the
8 Board's recommendation to the City Council for capital budget funding for 2025.
9 City Manager Mulholland reviewed the 2025-2030 Capital improvements Plan
10

11

The image shows a title slide for the '2025-2030 Capital Improvements Plan' for the City of Lebanon, New Hampshire. The text is white on a solid blue background.

Capital
Improvement
Program

Developed and updated annually to review proposed budget expenditures relative to community's capital needs.

Prepared in accordance with statutory requirements (RSA 674:5-8) and based on and supportive of the goals of the Master Plan.

Required to cover at least 6 years to allow community to plan for upcoming large expenditures to avoid significant fluctuations in spending and tax rates to the extent feasible.

Although the annual budget is a Council responsibility, the Planning Board is responsible for preparing and adopting the CIP; it is first and foremost a planning document.

Must have adopted Master Plan to have a CIP; must have adopted CIP to have Impact Fees and Growth Management Ordinances.

Constantly evolving and changing throughout the preparation and review process.

Capital Improvement Program Items



Roads, Bridges, Greenways



Acquisition of land



Construction of new buildings & facilities valued in excess of \$100,000



Facilities engineering design and preconstruction costs in excess of \$100,000



Reconstruction of existing facilities resulting in more capacity for growth at a cost in excess of \$100,000

2024-2025 CIP Budget Comparison

2024

General Fund- \$48,092,610

Sewer Fund- \$300,000

Water Fund- \$150,000

Solid Waste Fund- \$916,000

Airport Fund- \$3,878,340

TOTAL - \$53,336,950

2025

General Fund- \$8,487,160

Sewer Fund- \$1,009,760

Water Fund- \$1,809,050

Solid Waste Fund- \$14,353,390

Airport Fund- \$0

TOTAL - \$25,659,360

CIP Funding Sources

General
Obligations
Bonds

State Revolving
Funds-Water
and Sewer

Capital Reserve
Funds

Grants and
Loan
Forgiveness

Long Term Plan-General Fund

6 Year Capital Improvements Plan

Debt Load Stabilization Plan

Leveling of the General Fund Debt.

Limit new debt to the amount of debt being retired over the 6 Year period + CPI growth factor

Facilities

Streets and Bridges

Vehicles and Equipment

Rolling 6 -year period



The debt ceiling is calculated on a rolling six-year period based upon the CIP.

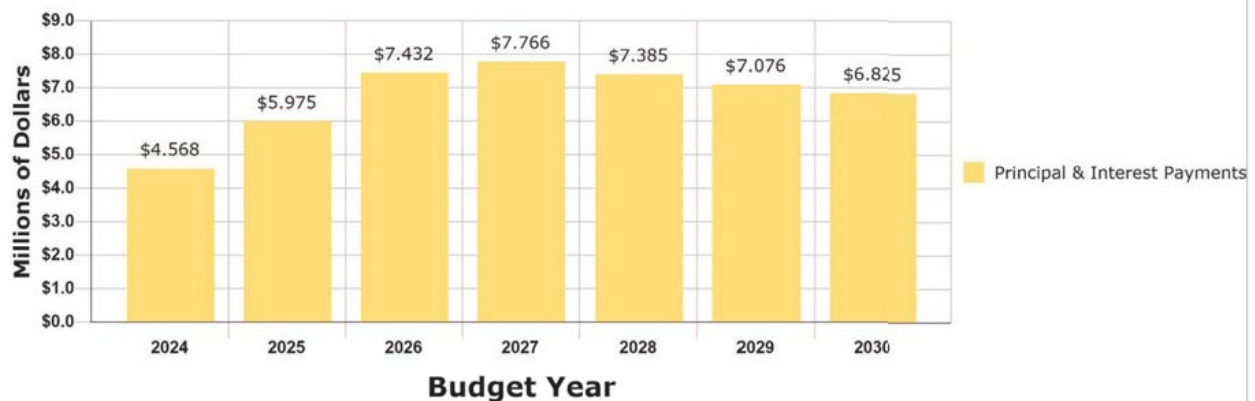


Debt attributable and paid by Tax Increment Finance Districts or Special Assessment Districts is not included in the debt ceiling



Large projects that cause exceedance of the debt ceiling would freeze incurring debt until the amount owed is below the ceiling.

General Fund Debt Service



Note: Projected Debt Service Cost based upon interest rates for present debt at various rates and new debt at 5% interest.

GENERAL FUND
DEBT LIMITATIONS

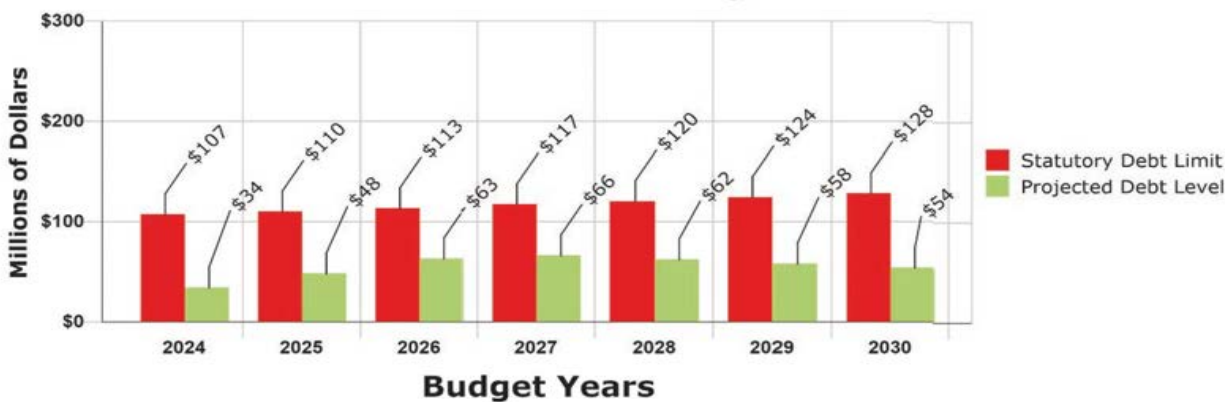
Statutory Debt Ceiling - \$110
Million

City Policy Debt Ceiling - \$48
Million

Debt Retirement

- 2024 \$3.4 Million
- 2025 \$4.08 Million

General Fund Statutory Debt Limits



NOTE: NH RSA 33:4-a limits a municipality's authority to borrow money by bonds to not exceed 3% of the assessed valuation of the City shown in red above. The green bar represents the City's actual and projected debt.

Long Term Plan-Sewer
Fund



SEWER COLLECTION
SYSTEM
REHABILITATION



SEWER INTERCEPTOR
REHABILITATION



WWTF UPGRADES



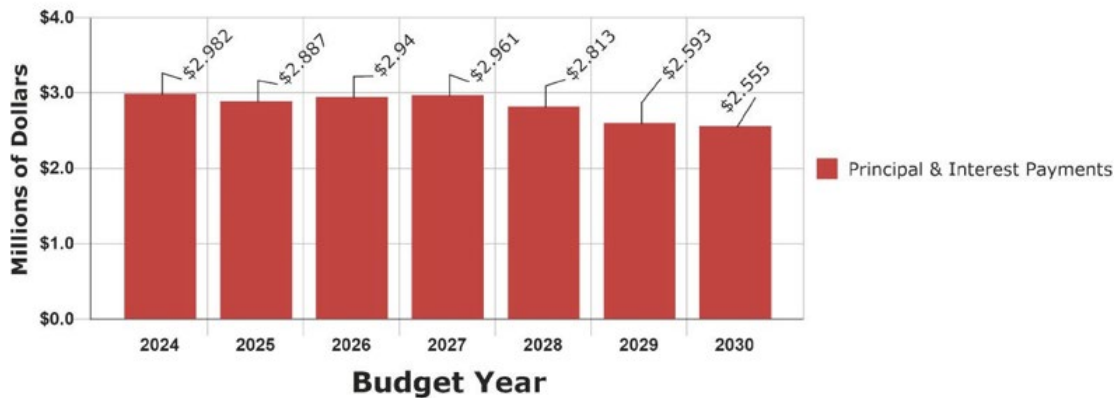
VEHICLE & EQUIPMENT
REPLACEMENT

Projected Rate Increase

6% increase in sewer rates for 2025
5.2% increase in sewer rates for 2024



Sewer Fund Debt Service



Note: Projected Debt Service Cost based upon interest rates for present debt at various rates and new debt at 5% interest.

Long Term Plan-Water Fund

Secondary Water Supply

- New Water Source Well
- New Water Distribution System from the new well to the storage tanks

Distribution System Improvements

- Mack Ave. Project
- Kimball St./Forest Ave. Project
- Mechanic St. water line rehabilitation
- Gate Valves and Fire Hydrants

Projected Rate Increase 2025



8% Rate Increase for 2025



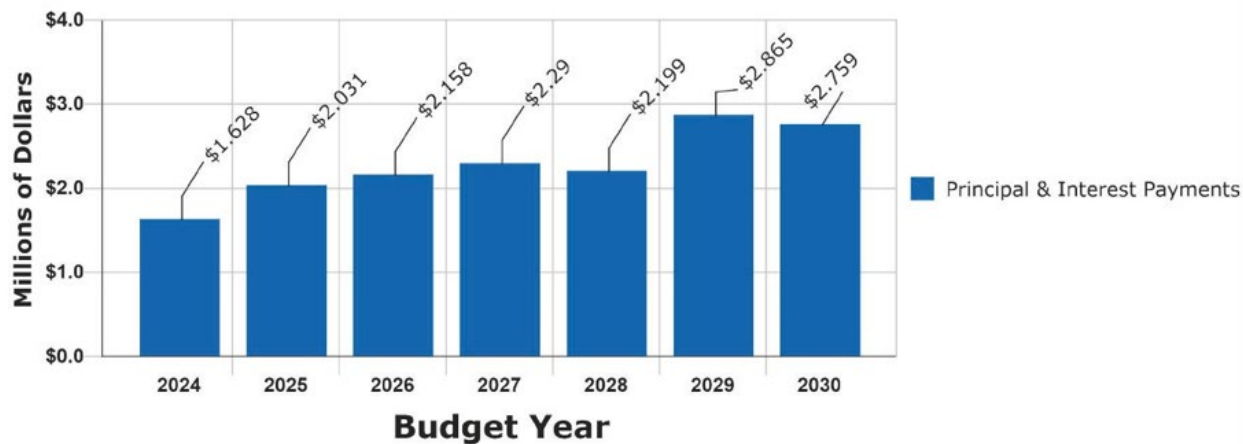
7.2% Rate Increase in 2024

Water fund
Debt
Management
Plan started in
2024

The recently approved debt management structure includes a fixed component annual increase of 5% and a variable component added to that based upon the % increase of the CPI (started in January of 2024)

The development of the secondary water source well will require additional distribution system upgrades which have not been determined yet. This will exceed the debt limits when these projects begin.

Water Fund Debt Service



Note: Projected Debt Service Cost based upon interest rates for present debt at various rates and new debt at 5% interest.

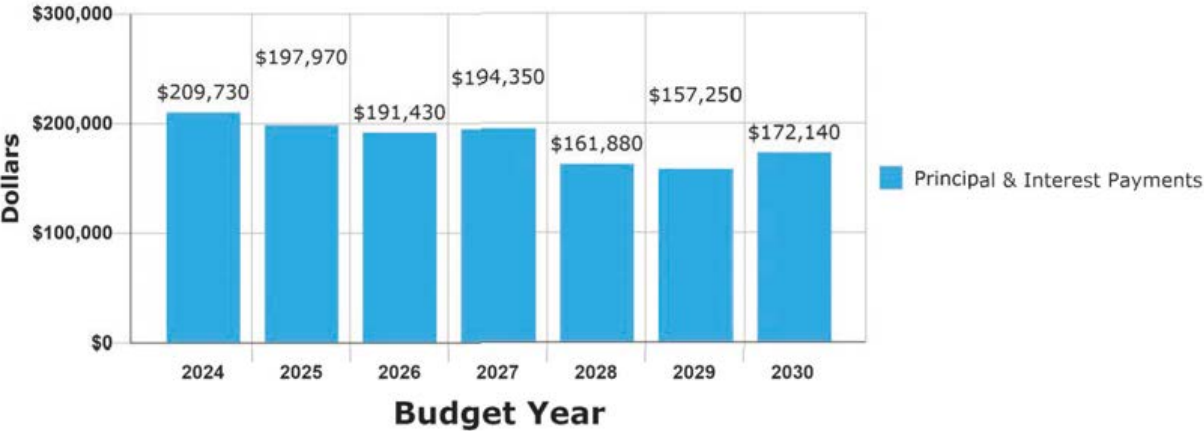




Airport CIP
Funding
Sources

- Federal portion 90%
- State portion 5%
- City portion 5%
- ARPA funds will be used for the City portion until exhausted

Airport Fund Debt Service



NOTE: Represents existing, approved but unissued debt and projected debt.



Priority Projects

Landfill Phase 3 & 4 Design and Construction

Phase 2 Capping Project

Gas Collection & Control System

Replacement of Vehicles & Equipment

PFAS & Emerging Contaminants



PRESENT DETECTABLE LEVELS OF PFAS WILL LIKELY EXCEED FEDERAL & STATE REGULATIONS IN THE FUTURE.



DISPOSAL AND DESTRUCTION TECHNOLOGIES HAVE NOT BEEN FULLY TESTED AT THIS TIME.



PROJECTED TO BE VERY EXPENSIVE TO REMEDIATE AND DISPOSE OF.

Solid Waste Fund



Debt limits are based upon the present and future capacity of the Solid Waste Facility to accept waste and generate the revenue from that waste to pay for operating expenses and debt service payments for the ensuing year and beyond.

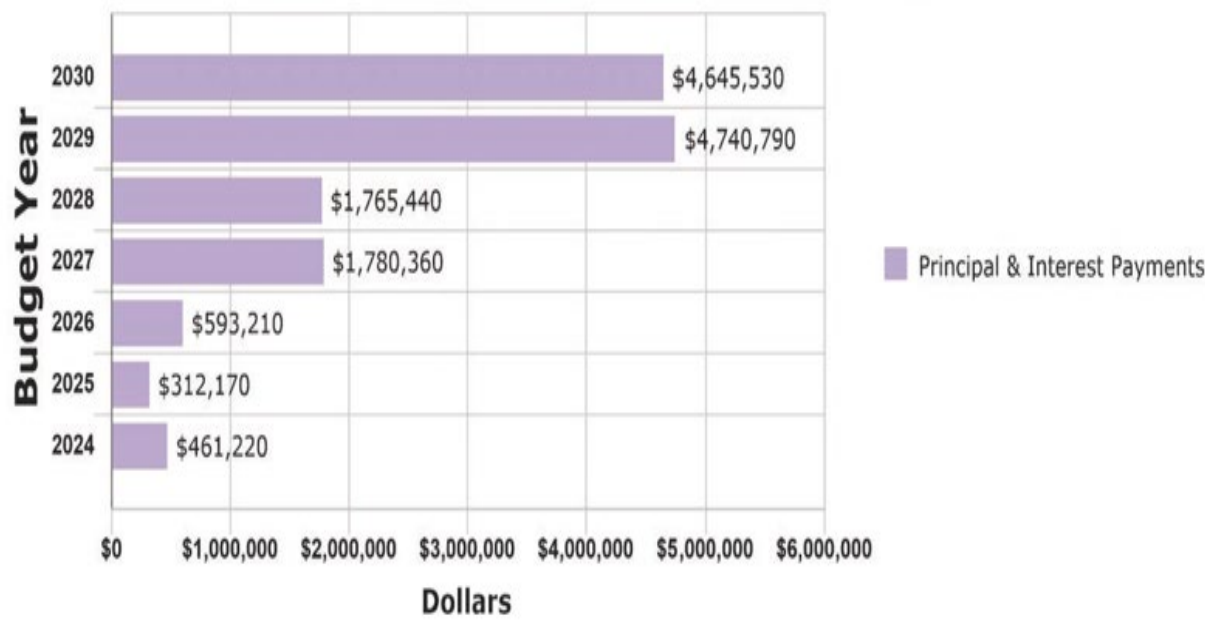


The period by which indebtedness may occur for any given project is limited to the useful life of the infrastructure asset.



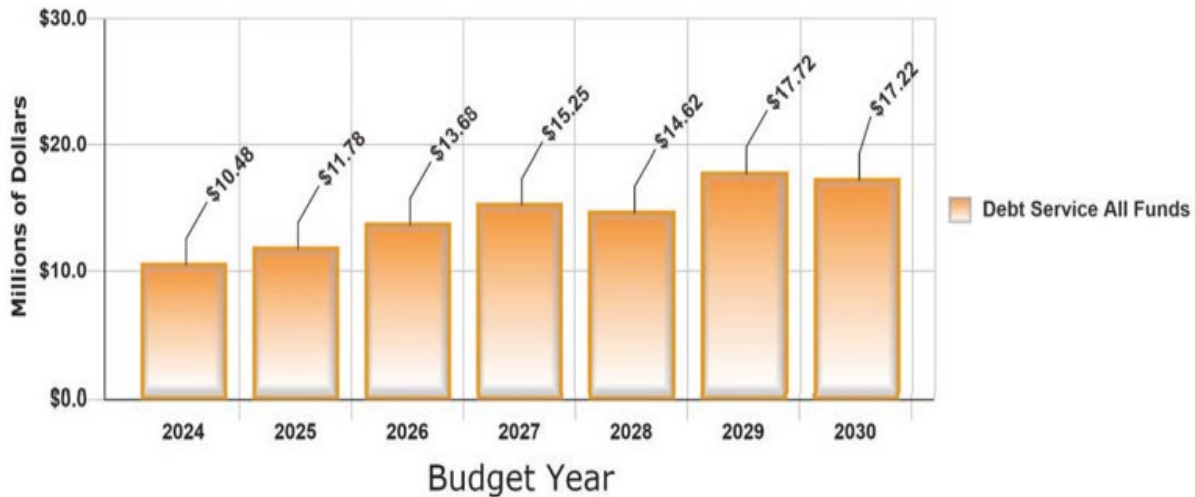
Situations where the state or federal government mandate by administrative or court order that action must be taken by the City that requires long term debt may require borrowing funds for periods beyond the useful life of the asset.

Solid Waste Fund Debt Service



Note: Projected Debt Service Cost based upon interest rates for present debt at various rates and new debt at 5% interest.

Total Debt Service All Funds



NOTE: Represents annual principal & Interest payments for all City funds: General Fund, Airport Fund, Water Fund, Sewer Fund, Solid Waste Fund.

CITY OF LEBANON ~ PLANNING & DEVELOPMENT

Mr. Tim Corwin, Deputy Planning & Development Director, reviewed and explained his memo to the City Council dated October 7, 2024, which contained the following attachments that were included on [pages 59-128, Council agenda packet](#). Since the information is detailed in depth for each project, including graphs and financial information, full details are not included in the minutes. Please refer to the following pages in the agenda packet as listed in [blue](#) below.

- Overview of the 2025-2030 Capital Improvements Program ([Pages 59-103](#))
- 2025 Capital Budget – DRAFT ([Page 68](#))
- 2025 Capital project materials and information ([Pages 104--118](#))
- 2025-2030 School District CIP ([Pages 119-120](#))
- 7/16/24 Planning & Development Department memorandum to the Planning Board ([Pages 121-122](#))
- 2025-2030 CIP adopted by the Planning Board on July 22, 2024 ([Page 126, Council agenda packet](#))
- 7/22/24 Planning Board meeting minutes ([Pages 123-128](#))

Council Comments:

Councilor Wilkie asked if the intent of the Slayton Hill roundabout replacement project is to build the roundabout and raise the underpass. Mr. Finley agreed. This is to both raise and widen the underpass. There will be opportunities for public participation in the design of this project throughout the process.

Councilor Sykes asked about how raising the underpass will impact the Mascoma Greenway rail trail. Rod Finley stated that the approach grade will be minimized to 2%.

Assistant Mayor Clifton Below asked if the Solar Phase 1 Buyout project will pay for itself. City Manager Mulholland agreed that this project will not add to the debt ceiling.

Temporary Chair Hill asked about how the Planning Board incorporated and interacted with the School District throughout the CIP process. Mr. Corwin stated that an SAU representative attended the Planning Board's work session in July in connection with the review of the proposed CIP. The SAU's proposed six-year CIP was provided to the Planning Board as is contemplated by State statute. Temporary Chair Hill noted that there do not seem to be many major construction projects planned for the SAU. She would like the City to ask the SAU to consider creating an unfunded project list.

Councilor Wilkie asked if there is a threshold for inclusion on the unfunded projects list. City Manager Mulholland stated that projects are usually included when they are not yet ready to move forward and do not yet have an assigned funding opportunity.

Jay Simms, Ward 2, asked about the timeline and projected cost for the dry bridge replacement project. City Manager Mulholland stated that most of the increases deal with the cost of steel. There are also issues with the railroad's requirements. A temporary transloading facility will be needed during the project.

Daniel Himmelstein, 7 Moss Road, stated that the landfill is a great resource, but he has noticed items being discarded that could have a second life. Reselling some of these items could make the City money and remove items from the landfill. City Manager Mulholland stated that other towns have swap shops, but this could be a huge liability for the City.

Assistant Mayor Below stated that the dry bridge project was originally estimated at 18 months and asked if that anticipated a complete closure. City Manager Mulholland stated that the original concept for a complete closure would create too much havoc for the City.

ACTION: The agenda item is for informational purposes only. No action is required by the Council.

11. CITY MANAGER REPORT: NONE

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION:

Councilor Heistad MOVED to enter into Non-Public Session per RSA 91-A:2-a at 9:04pm. Seconded by Councilor Whittlesey.

1 ***Roll Call Vote:***

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

4 ***None voted Nay.***

5 ***Absent from vote: Mayor McNamara***

7 ****The Vote on the Motion was approved (8-0)***

9 ***Councilor Whittlesey MOVED to exit Non-Public Session at 9:30pm.***

10 ***Seconded by Councilor Wilkie.***

12 ***Roll Call Vote:***

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

15 ***None voted Nay.***

16 ***Absent from vote: Mayor McNamara***

18 ****The Vote on the Motion was approved (8-0)***

20 **15. ADJOURNMENT:**

22 **The meeting was adjourned at 9:30 PM.**

25 Respectfully submitted,

26 Kristan Patenaude

27 Recording Secretary

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

8. Appointments:

Appointments

Board/Committee Appointments as presented by City Clerk/Tax Collector Jaseya Ewing

- West Lebanon Revitalization Advisory Committee, Emmett Frank (Ward 1 Resident Member)

Included in this Section:

1. Memo from City Clerk/Tax Collector Jaseya Ewing dated November 6, 2024.



Office of the City Clerk & Tax Collector
51 N. Park Street
Lebanon, NH 03766

MEMORANDUM

DATE: November 6, 2024
TO: The Honorable Mayor & City Council
FROM: Jaseya Ewing, City Clerk & Tax Collector
RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment.

Note: nominations do not need to be seconded.

West Lebanon Revitalization Advisory Committee

- **Emmett Frank** – Appointment as a Ward 1 Resident Member for a three-year term.
- Term: 11/2024-11/2027

Interviewed By: Chris Simon

From: [cityclerk](#)
To: [Kara Tracy](#)
Cc: [Jaseya Ewing](#)
Subject: FW: [EXTERNAL] Online Form Submission #10827 for Board Member Application
Date: Monday, October 7, 2024 11:15:48 AM

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Monday, October 7, 2024 11:00 AM
To: cityclerk <cityclerk@lebanonnh.gov>; webmaster <webmaster@lebcity.com>
Subject: [EXTERNAL] Online Form Submission #10827 for Board Member Application

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

Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

Basic Requirements

- *Lebanon/West Lebanon resident (except for those boards whose membership makeup includes non-resident)*
- *Willingness to learn*
- *Commitment to attend meetings*
- *Treat people fairly*
- *Consider the best interest of the community as a whole when making decisions*
- *Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.*

(Section Break)

First Name	Emmett
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Last Name	Frank
Physical Address	[REDACTED]
City	[REDACTED]
State	[REDACTED]
Zip Code	[REDACTED]
Is this your mailing address?	Yes
Home Phone Number	[REDACTED]
Work Number	<i>Field not completed.</i>
Email Address	[REDACTED]
How long have you resided in Lebanon?	Five years in November
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	West Lebanon Revitalization Advisory Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am interested in the changes happening in my local community and the positive impacts that they can make on the people that live there. I am eager to join the WLRAC to help address critical community needs by contributing my experience and practice in communication and proactive engagement. By engaging and communicating effectively, we can ensure that the voices of residents are heard and their interests and the town's efforts are aligned in the West Leb revitalization.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	1. Professional experience in communicating and engaging constituents with a diverse set of needs and interests (currently as CX Manager for Mascoma Bank and previously CX Manager for IT at Dartmouth College) 2. Ability to observe, listen, and synthesize community needs and

sentiments

3. As a ward 1 resident, a vested interest in improving the community around me

Certification

I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

Email not displaying correctly? [View it in your browser.](#)

Councilor Interview Report Form

Councilor Name: Chris Simon

Date of Interview: 10/15/24

Applicant Name: Emmett Frank

Board(s) to Which Applied: WLRAC

☒ Regular Seat or ☒ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? ☐ Yes ☒ No

(If yes, indicate date of meeting.) Date: _____

Recommend Appointment: ☒ Yes ☐ No

☒ Regular Seat or ☒ Alternate Seat

General Comments:

Mr. Frank has past experience with Committees through work and has a great sense of community.

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

Make recommendations for the improving of West Lebanon.

2) Are you familiar with the meeting dates and time commitments of this Board/Committee? Would you be available for additional meetings, site visits, or other official events when necessary?

Yes.

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

Yes in the work place.

- 4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

Yes.

- 5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

No.

- 6) What do you think are the key challenges for this Board/Committee?

Working to meet the community needs & wishes & how to make them possible.

- 7) What do you think are the key opportunities for this Board/Committee?

See above.

- 8) What would you like to see this Board/Committee accomplish in the next year?

Stand by & with past committees recommendations.

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

- 1) Have you ever appeared before a zoning board, personally or through a representative?

- 2) Do you have any personal or professional knowledge or background in the area of zoning law?

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

11. New Business:

**11.A – Discussion and Set Public Hearing for November 20, 2024:
Placement of Proposed Amendments to the City Charter on the
Ballot of the March 2025 Municipal Election**

Background

The Charter was first created and formally effectuated in 1957 when Lebanon chose to become a City with a City Council-City Manager form of government. As we continue to evolve with changes in laws, regulations, processes, and technology, it has become apparent that changes to the Charter are needed to create consistency and increase efficiency. At this time, three separate Charter amendments are proposed, each of which must be considered and acted upon independently of the others in accordance with NH RSA 49-B:5.

The first proposed amendment is to reorganize and renumber the existing Charter language to follow the model charter structure suggested by the National Civic League. This proposed amendment allows for the existing Charter language to be organized and presented in a more coherent and logical sequence, but does not alter any existing Charter language. As proposed, the Sections listed in the table below have been relocated within the Charter. The other Charter sections not listed in the table have been assigned new section numbers, but retain the same sequence as the current version of the Charter.

<u>Old Section (§C419:)</u>	<u>New Section</u>
23a	7.01
23b	7.02
29	3.11
34	1.05
35	10.08
62	3.12
68	6.15
69	1.03
70	1.04
73	12.01

Attached for the Council's review is a red-line version of the Table of Contents, which may be helpful in reviewing the proposed renumbering and relocation of existing sections within the Charter.

A second amendment is proposed to extend the terms of the Supervisors of the Checklist for each of the three city wards and to stagger the election of each Supervisor. Under the existing Charter language, the three Supervisors of the Checklist for each ward are elected every two years (in odd years) to serve two-year terms. This can result in three new Supervisors being elected at once with no institutional knowledge carrying over. The proposed amendment to City Charter Section II, Elections, §C419:8, Ward Officials, [Section 2.05 under the proposed renumbering system], would extend the Supervisors of the Checklist term of office to six years, and would

stagger the terms of the three Supervisors in each ward, so that each ward would normally have two Supervisors already elected and serving, when a new Supervisor is elected. With this proposed amendment, the institutional knowledge of Supervisors would be more easily preserved and passed on to future elected Supervisors of the Checklist.

A third amendment is proposed to synchronize the candidate filing periods for School District office elections and City office elections. (The date of the City election is already synchronized with the School District election per §C419:6, which specifies that the City election “shall be held annually on the same date as may be required by statute for the annual election of Lebanon School District Officers...”.) Under the existing Charter language, the candidacy filing periods for City offices and School District offices are not in sync. Additionally, the current filing period for City offices defined in §C419:10 ends just 28 days before the city election, leaving little time for the City Clerk to prepare the official ballots and publish sample ballots in advance of the annual election. The proposed amendment to City Charter Section II, Elections, §C419:10, Preparation of Ballots, [Section 2.07 under the proposed renumbering system], is intended to harmonize the School District and City candidacy filing periods by linking the City office filing period to the School District office filing period as set forth in NH RSA 669:19, which will also enable official ballots and sample ballots to be prepared further in advance of the annual election.

In accordance with the provisions of NH RSA 49-C, to change the Lebanon Charter, the City Council must first schedule a public hearing to determine that the proposed amendments are necessary. NH RSA 49-B:5, I(c) requires that each Charter amendment shall be limited to a single subject. Therefore, the three proposed amendments outlined above must be considered and acted upon individually and separately. Following a public hearing, if the Council decides to move forward with any or all of the proposed Charter amendments, the Council will be asked to adopt separate resolutions to place the individual question(s) of each proposed Charter amendment on the ballot of a municipal election.

It is requested that the City Council schedule the public hearings for November 20, 2024, at which time the Council will be asked to consider adoption of the following proposed resolution(s):

RESOLUTION FOR PROPOSED AMENDMENT #1:

BE IT RESOLVED that the Lebanon City Council hereby requests that the following proposed City Charter amendment be placed upon the ballot of the March 11, 2025 Municipal Election:

Proposed City Charter Changes: Amend the City Charter as follows:

Amend the City Charter by reorganizing and renumbering the Charter language to allow the existing sections to be organized and presented in a more coherent and logical sequence.

Explanation: The purpose of this amendment is to allow the existing City Charter sections to be organized and presented in a more coherent and logical sequence following the model charter structure suggested by the National Civic League, but without altering any existing charter language.

This change will be effective July 1, 2025, if passed by voters at the March 11, 2025 Municipal Election.

RESOLUTION FOR PROPOSED AMENDMENT #2:

BE IT RESOLVED that the Lebanon City Council hereby requests that the following proposed City Charter amendment be placed upon the ballot of the March 11, 2025 Municipal Election:

Proposed City Charter Changes: Amend the City Charter as follows:

Amend City Charter Section II, Elections, §C419:8, Ward Officials, [Article II, Section 2.05 under the reorganized numbering outlined in proposed Charter amendment #1], to extend the term of office for Supervisors of the Checklist for each ward to 6 years, and to stagger the terms of office for each of the three Supervisors for each ward.

Explanation: The purpose of this amendment is to allow for Supervisors of the Checklist for each ward to serve a longer term, and to stagger the terms, so that each ward would normally have two Supervisors already elected and serving, when a new Supervisor is elected. With this proposed amendment, the institutional knowledge of Supervisors would be more easily preserved and passed on to future elected Supervisors of the Checklist.

This change will be effective July 1, 2025, if passed by voters at the March 11, 2025 Municipal Election.

RESOLUTION FOR PROPOSED AMENDMENT #3:

BE IT RESOLVED that the Lebanon City Council hereby requests that the following proposed City Charter amendment be placed upon the ballot of the March 11, 2025 Municipal Election:

Proposed City Charter Changes: Amend the City Charter as follows:

Amend City Charter Section II, Elections, §C419:10, Preparation of Ballots, [Article II, Section 2.07 under the reorganized numbering outlined in proposed Charter amendment #1], to synchronize the candidate filing periods for School District office elections and City office elections.

Explanation: The purpose of this amendment is to harmonize the School District and City candidacy filing periods by linking the City office filing period to the School District office filing period as set forth in NH RSA 669:19, which will help ensure that the City Clerk has adequate time to prepare the official ballots and sample ballots in advance of the annual election.

This change will be effective July 1, 2025, if passed by voters at the March 11, 2025 Municipal Election.

Please note: After the public hearing is conducted, passage of each resolution requires a 2/3 majority of the City Council.

Action

If the City Council wishes to move forward with any or all of the proposed City Charter amendments, the following motion is offered for the Council's consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 20, 2024, beginning at 7:00 pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on resolutions to place the following proposed amendments of the City Charter on the ballot of the March 11, 2025 Municipal Election:

- 1. Amendment to reorganize and renumber the Charter language to allow the existing sections to be organized and presented in a more coherent and logical sequence.***
- 2. Amendment to Section II, Elections, §C419:8, Ward Officials, to extend the term of office for Supervisors of the Checklist for each ward to 6 years, and to stagger the terms of office for each of the three Supervisors for each ward.***
- 3. Amendment to Section II, Elections, §C419:10, Preparation of Ballots, to synchronize the candidate filing periods for School District office elections and City office elections.***

Included In This Section:

1. Draft Proposed red-line version of Charter Table of Contents
2. Draft Proposed Charter Amendment Language for Section II, Elections, §C419:8, Ward Officials
3. Draft Proposed Charter Amendment Language for Section II, Elections, §C419:10, Preparation of Ballots

Chapter C

CHARTER

ARTICLE I **THE CITY ESTABLISHED**

- § ~~C419:1~~1.01. Establishment.
- § ~~C419:2~~1.02. Transfer of Property,
Special Districts
Abolished.
- § ~~C419:69~~1.03. Saving Clause.
- § ~~C419:70~~1.04. Saving Clause Municipal
Legislation.
- § ~~C419:34~~1.05. Commissions.
- § ~~C419:3~~1.06. School District.

ARTICLE II **ELECTIONS**

- § ~~C419:4~~2.01. Wards Defined.
- § ~~C419:5~~2.02. Representatives to
General Court.
- § ~~C419:6~~2.03. City Election.
- § ~~C419:7~~2.04. Members of the Council.
- § ~~C419:8~~2.05. Ward Officials.
- § ~~C419:9~~2.06. Ward Checklists.
- § ~~C419:10~~2.07. Preparation of Ballots.
- § ~~C419:11~~2.08. Qualifications of Voters.
- § ~~C419:11a~~2.09. Absentee Voting.
- § ~~C419:12~~2.10. Procedure.
- § ~~C419:13~~2.11. Ballots Preservation.
- § ~~C419:14~~2.12. Canvass.
- § ~~C419:15~~2.13. Recounts and Contested
Elections.

ARTICLE III **AdministrationCITY COUNCIL**

- § ~~C419:16~~3.01. The Council.
- § ~~C419:17~~3.02. Mayor.
- § ~~C419:18~~3.03. Qualifications.
- § ~~C419:19~~3.04. Compensation.
- § ~~C419:20~~3.05. Dealings Of Council With
City.
- § ~~C419:21~~3.06. Meetings.
- § ~~C419:22~~3.07. Ordinances.
- § ~~C419:23~~3.08. General Powers.
- § ~~C419:23a~~. ~~Citizens Binding Initiative.~~

- § ~~C419:23b~~. ~~Citizens Non-binding
Initiative.~~
- § ~~C419:24~~3.09. Salaries.
- § ~~C419:25~~3.10. Procedure To Fix Salaries.
- § ~~C419:29~~3.11. Non-interference By The
Council.
- § ~~C419:62~~3.12. Disqualification of
Councilor, Board Member
or Employee.

ARTICLE IV **CITY MANAGER**

- § ~~C419:26~~4.01. Manager.
- § ~~C419:27~~4.02. Qualifications.
- § ~~C419:28~~4.03. Removal.
- § ~~C419:29~~. ~~Non-interference By The
Council.~~
- § ~~C419:30~~4.04. Powers And Duties Of
Manager.
- § ~~C419:31~~4.05. Power To Appoint And
Remove.

ARTICLE V **DEPARTMENTS, OFFICES, AGENCIES**

- § ~~C419:32~~5.01. Certain Officers.
- § ~~C419:33~~5.02. Administrative
Departments.
- § ~~C419:34~~. ~~Commissions.~~

ARTICLE VI **FINANCIAL MANAGEMENT**

- § ~~C419:35~~. ~~Purchasing Procedure.~~
- § ~~C419:36~~6.01. Municipal Year.
- § ~~C419:37~~6.02. Financial Control.
- § ~~C419:38~~6.03. False Certification,
Penalty.
- § ~~C419:39~~6.04. Unauthorized Payment,
Penalty.
- § ~~C419:40~~6.05. Budget Procedure.
- § ~~C419:41~~6.06. Budget Hearing.
- § ~~C419:42~~6.07. Date Of Final Adoption.
- § ~~C419:43~~6.08. Appropriations After
Budget Is Adopted.

- § ~~C419:44~~6.09. Budget Control.
- § ~~C419:45~~6.10. Transfer Of Appropriations.
- § ~~C419:46~~6.11. Depository.
- § ~~C419:47~~6.12. Independent Audit.
- § ~~C419:48~~6.13. Official Bonds.
- § ~~C419:49~~6.14. Borrowing Procedure.
- § ~~C419:68~~6.15. Trust Funds.

ARTICLE VII **ROLE OF PUBLIC ENGAGEMENT**

- § ~~C419:23a~~7.01. Citizens Binding Initiative.
- § ~~C419:23b~~7.02. Citizens Non-binding Initiative.

ARTICLE VIII **MERIT PLAN**

- § ~~C419:50~~8.01. Merit Plan – Appointments.
- § ~~C419:51~~8.02. Rules and Regulations.
- § ~~C419:52~~8.03. Compensation.
- § ~~C419:53~~8.04. (Reserved)
- § ~~C419:53a~~8.05. (Reserved)
- § ~~C419:54~~8.06. Certification Of Compensation.
- § ~~C419:55~~8.07. Taxpayers Remedy.

ARTICLE IX **SPECIAL ASSESSMENTS**

- § ~~C419:57~~9.01. Special Assessments – Council Resolutions.
- § ~~C419:58~~9.02. Procedure Fixed By Ordinance.

ARTICLE X **MISCELLANEOUS GENERAL PROVISIONS**

- § ~~C419:59~~10.01. Oath Of Office.
- § ~~C419:60~~10.02. Notice Of Election Or Appointment.
- § ~~C419:61~~10.03. Vacancy Defined.
- § ~~C419:62~~. ~~Disqualification of Councilor, Board Member or Employee.~~
- § ~~C419:63~~10.04. Private Use Of Public Property.

- § ~~C419:64~~10.05. Use Of Streets By Public Utilities.
- § ~~C419:65~~10.06. Liability For Discharge.
- § ~~C419:67~~10.07. Public Records.
- § ~~C419:35~~10.08. Purchasing Procedure.
- § ~~C419:68~~. ~~Trust Funds.~~
- § ~~C419:69~~. ~~Saving Clause.~~
- § ~~C419:70~~. ~~Saving Clause Municipal Legislation.~~
- § ~~C419:73~~. ~~Repeal Or Amendment.~~
- § ~~C419:73a~~10.09. Violations.

ARTICLE XI **TRANSITION & SEVERABILITY**

- § ~~C419:74~~11.01. Separability Clause.

ARTICLE XII **CHARTER AMENDMENT**

- § ~~C419:73~~12.01. Repeal Or Amendment.

§ C419:8 **Ward Officials.**

[Amended 3-14-1978; 11-16-2022]

Each ward shall at municipal elections choose by ballot a moderator ~~and~~, clerk ~~and three~~
~~supervisors of the checklist~~ who shall hold office for two years and until their successors are
elected and qualified. At the municipal election held in 2027, each ward shall elect one
supervisor of the checklist for a term of 2 years, one supervisor of the checklist for a term of 4
years, and one supervisor of the checklist for a term of 6 years. Henceforth, each ward shall at
municipal elections in every odd numbered year elect by ballot one supervisor of the checklist
for a term of 6 years. Said supervisors shall perform all the duties required by law of
selectpersons of wards in cities and of supervisors of checklists in towns, and for all purposes
requiring such officers shall be considered and be the selectpersons of their wards. No other
selectpersons shall be chosen. No person shall continue to perform as a ward official whose
name appears on the ballot for an office other than that of a ward official.

§ C419:6 City Election.

[Amended 3-14-1978; 3-11-1997]

The city election shall be held annually on the same date as may be required by statute for the annual election of Lebanon School District Officers, or, if none, on the second Tuesday of March. The polls shall be open not earlier than six o'clock in the forenoon of the day of the election nor later than eight o'clock in the evening, and shall be open not less than four hours on a schedule as the City Council shall determine at least thirty days prior to said election.

§ C419:10 Preparation of Ballots.

[Amended 3-4-1976; 11-16-2022]

The city clerk shall prepare the ballots to be used at the municipal elections in form as nearly like the ones used in state biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order without party designation of all who file with the city clerk as candidates for councilor and for other municipal offices as provided by this charter, state law and the Code of the City of Lebanon. ~~Such filing shall take place not before nine o'clock in the morning of the forty-second day before the election nor later than five o'clock in the afternoon of the twenty-eighth day before the election.~~ The filing period for such candidates for municipal office shall begin and end on the dates and times as may be required by statute for the declaration of candidacy for Lebanon School District Officers, or, if none, said filing period shall run for 10 days, beginning on the seventh Wednesday before the city election and ending on the Friday of the next week following. Candidates shall pay the city clerk a fee of one dollar except those on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such petition unless consent thereto is endorsed on the petition by the candidate personally at the time that the petition is filed. Below the list of names of candidates for councilor there shall be as many blank spaces as there are councilors to be elected. The city clerk shall have the same powers and duties with preference to municipal elections as has the secretary of state with preference to general elections so far as such powers and duties are not inconsistent herewith. In the first instance, the town clerk shall have the same duties and powers as are given under this charter to the city clerk.

Agenda

Lebanon City Council

November 6, 2024

11. New Business:

11.B – Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-11 to Amend City Code Chapter 23, Banners, to Remove References to the Licensing Board, and Limit the Allowable Banners

Background

During its periodic review of the City Code, the City Manager's Office has noted that Chapter 23, Banners, still contains references to the former Licensing Board, which was disbanded in April 2022 with the adoption of Ordinance #2022-01.

The City Manager recommends that the Council take action to remove the references to the former Licensing Board from Section 23-4, Fees. The permitting process for Banners has already been moved into the City's online permitting system, OpenGov, and there is no need for the City to charge a fee for the issuance of a permit by the City Manager.

In addition, the City Manager recommends that the list of allowable banners should be limited to banners placed on public buildings, such as City Hall, the fire stations, or the libraries, or along the fence around Colburn Park. There is concern that erecting or placing banners over any public street or sidewalk could become a hazard to persons or motor vehicles if not properly installed or maintained.

Action

Should the Council decide to move forward with Ordinance 2024-11 as proposed, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 20, 2024, beginning at 7:00 pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-11 to amend City Code Chapter 23, Banners, to remove references to the former Licensing Board, and to limit the allowable banners under the Code.

Included in this Section:

1. Proposed Ordinance #2024-11
2. City Code Chapter 23, Banners

**CITY OF LEBANON
ORDINANCE #2024-11**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 23, Banners, to delete references to the former Licensing Board, and to limit the allowable banners under the Code.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 23, Banners, as follows:

§ 23-1 Authority for issuance of permits.

The City Manager shall have authority to issue permits for the erection or placement of banners ~~across any public street, sidewalk, on any public building, or along the fence around Colburn Park.~~

§ 23-2 Allowable banners.

No banner shall be erected and placed on any public building, or along the fence around Colburn Park ~~over any public street or sidewalk~~ except as follows:

- A. A banner announcing voting in federal, state and local elections.
- B. Banners relating to activities of civic groups, non-profit organizations, or other approved associations.

§ 23-3 Conditions.

Any banner erected on any public building, or along the fence around Colburn Park ~~over a public street or sidewalk~~ shall be based upon conditions set by the City Manager ~~Director of Public Works~~ for such period and upon such terms and conditions as will be in the best interests of the City. A refundable deposit may be required to ensure removal of the banner. Any such banner shall be safely installed in such a manner that it will not constitute a hazard ~~to any person or motor vehicle on the public street.~~

~~§ 23-4 Fees.~~

~~The fee for a permit shall be as provided in Chapter 31, Boards, Committees and Commissions, Article VI, Licensing Board, § 31-30.~~

~~§ 23-5~~⁴ Penalties for offenses.

Violation of any provision of this chapter shall be punishable as provided in Chapter 1, General Provisions.

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 the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3: Effective Date

Ordinance shall be effective upon passage.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 23

Banners

[HISTORY: Adopted by the City Council of the City of Lebanon 4-18-1990 by Ord. No. 45 as Sec. 3H(i); effective 4-26-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing Board — See Ch. 31, Art. VI.

§ 23-1 Authority for issuance of permits.

[Amended 9-20-2000 by Ord. No. 70; 8-4-2010 by Ord. No. 2010-02]

The City Manager shall have authority to issue permits for the erection or placement of banners across any public street, sidewalk, on any public building, or along the fence around Colburn Park.

§ 23-2 Allowable banners.

No banner shall be erected and placed over any public street or sidewalk except as follows:

- A. A banner announcing voting in federal, state and local elections.
- B. Banners relating to activities of civic groups, nonprofit organizations, or other approved associations.
[Amended 8-4-2010 by Ord. No. 2010-02]

§ 23-3 Conditions.

[Amended 8-4-2010 by Ord. No. 2010-02]

Any banner erected over a public street or sidewalk shall be based upon conditions set by the Director of Public Works for such period and upon such terms and conditions as will be in the best interests of the City. A refundable deposit may be required to ensure removal of the banner. Any such banner shall be safely installed in such a manner that it will not constitute a hazard to any person or motor vehicle on the public street.

§ 23-4 Fees.

[Added 9-20-2000 by Ord. No. 70]

The fee for a permit shall be as provided in Chapter 31, Boards, Committees and Commissions, Article VI, Licensing Board, § 31-30.

§ 23-5 Penalties for offenses.

Violation of any provision of this chapter shall be punishable as provided in Chapter 1, General Provisions.

Agenda

Lebanon City Council

November 6, 2024

11. New Business:

11.C – Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-13 to Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to Authorize Changes to the Water and Sewer Service Rates and Ambulance Fees, to Establish a Fee Schedule for the Heritage Commission, to Establish a Fee Schedule for the City Clerk’s Maintenance of a Landlord’s Agent Registry as Required by NH RSA 540:1-b, and to Clarify that the City shall not be required to pay applicable fees for City-sponsored projects

Background

The City Administration is proposing Ordinance #2024-13, to recommend the following changes to fees outlined in City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees:

- An 8.0% increase to the Water Service Rates (base user rates and minimum charge) set forth in §68-15.B(1);
- A 6.0% increase to the Sewer Service Rates (base user rates, minimum charge, and residential flat rate) set forth in §68-15.B(7);
- A 15% increase to the Ambulance Fees set forth in §68-15.E.

The proposed increases to the Water and Sewer Service Rates are in line with the projections offered by Raftelis as part of the 2018 Water and Sewer Rate Study, and are suggested in order to provide current and future resources to absorb projected operations and maintenance and debt service expenses in both enterprise funds.

The proposed changes to the Ambulance Fees are based on a comparative analysis conducted in June 2024 by the Fire Department of the City’s costs to provide services versus the billing rates of other EMS transport services throughout the state. Please see the enclosed memorandum from Fire Chief Wheatley for further information.

In addition, the Administration is proposing new fees for the following:

- To establish and formalize a fee schedule for applications to the Heritage Commission pursuant to Section 408 of the Lebanon Zoning Ordinance;
- To establish an administrative filing fee for the City Clerk’s Office to maintain a Landlord’s Agent Registry as required by NH RSA 540:1-b; and to establish a penalty as allowed by NH RSA 540:1-c.

Section 408.7 of the Lebanon Zoning Ordinance outlines the procedures for applications for Certificates of Approval submitted to the Heritage Commission. Paragraph 408.7.A indicates that “the applicant shall pay an application fee as adopted by the City Council.” Although the Planning & Development Department has a fee schedule for Heritage Commission applications, it does not appear that the fees were ever established or adopted by the City Council. The Planning & Development Department recommends that the fee schedule be updated and adopted into City Code Chapter 68.

NH RSA 540:1-b, adopted in 2011, requires the owner of certain properties rented for residential purposes, to file a statement with the Clerk of the municipality where the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the property. A municipality may establish a reasonable filing fee to cover the cost to the Clerk of maintaining a record of the filings required by this section. In addition, as allowed by NH RSA 540:1-c, the governing body may establish a fine not to exceed \$100 for the failure to file a statement designating an agent for service as required under RSA 540:1-b. Any such fine may be collected in the same manner as a fine for violation of a municipal ordinance, and shall be for the use of the municipality.

Finally, the City Administration recommends that a general statement be added to Article III, Miscellaneous Fees, §68-11, Declaration of Purpose, to clarify that the City of Lebanon, the Lebanon School District (SAU #88), and the Lebanon Housing Authority (LHA) shall not be required to pay applicable fees as set forth in Chapter 68, or as outlined in any other chapters of the Code of the City of Lebanon, for permits, licenses, or reviews for City-sponsored projects or applications.

As proposed, the above new fees and other changes would be effective as of January 1, 2025.

Action

Should the Council wish to move forward with proposed Ordinance #2024-13, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 20, 2024, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-13 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to authorize the following changes:

- 1. An amendment to §68-11, Declaration of Purpose, to clarify that the City of Lebanon shall not be required to pay applicable fees as set forth in Chapter 68, or as outlined in any other chapter of the Code of the City of Lebanon, for permits, licenses, or reviews for any City-sponsored projects or applications; and***
- 2. An 8.0% increase to the Water Service Rates set forth in §68-15.B(1); and***
- 3. A 6.0% increase to the Sewer Service Rates set forth in §68-15.B(7); and***
- 4. A 15.0% increase to the Ambulance Fees set forth in §68-15.E; and***
- 5. A new fee schedule for applications to the Heritage Commission to be set forth in §68-15.I; and***
- 6. A new fee schedule for the City Clerk's Office to maintain a Landlord's Agent Registry as required by NH RSA 540:1-b, and applicable penalties as allowed in NH RSA 540:1-c, to be set forth in §68-15.D(4);***

Included In This Section:

1. Proposed Ordinance #2024-13
2. Memorandum from Fire Chief Jim Wheatley, dated June 21, 2024
3. Lebanon Heritage Commission Fee Schedule, revised July 15, 2024
4. Excerpts of NH RSA 540, Actions against Tenants
5. 2025 Proposed Water, Wastewater, and Solid Waste Rates presentation

**CITY OF LEBANON
ORDINANCE #2024-13**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees, to increase water and sewer service rates, to increase ambulance fees, to establish filing fees for applications to the Heritage Commission, and to establish a filing fee and penalty for the City Clerk to maintain a Landlord's Agent Registry.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-11, Declaration of Purpose, as follows:

§ 68-11. Declaration of purpose.

In 1989 the City adopted an ordinance establishing fees charged by the City for services, including but not limited to filing fees, costs of notice to abutters and permits. Council has since determined that having all fees in one ordinance did not provide the benefits originally envisioned. Fee for various permits, licenses and reviews are now in the individual ordinances which are included in the separate chapters of the Code of the City of Lebanon. Council adopts the following provisions which apply to fees not otherwise provided for in the Code of the City of Lebanon.

Notwithstanding anything in this or any other chapter of the City Code to the contrary, the City Council hereby confirms that the City of Lebanon, the Lebanon School District (SAU #88), and the Lebanon Housing Authority (LHA) shall not be required to pay applicable fees as set forth in Chapter 68, or as outlined in any other chapter of the Code of the City of Lebanon, for permits, licenses, or reviews for City-, School District-, or LHA-sponsored projects or applications. However, this exemption shall not apply to the Public Utilities (water/sewer) service fees outlined in Chapter 68-15.B.

Section 2:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of effecting changes to the water and sewer service rates, as follows:

§68-15.B Public utilities (water/sewer) fees shall be as follows:

§68-15.B(1) Water Service Rates

§68-15.B(1)(a) Per 100 cubic feet:

- [1] Single-family residential: 0 to 1,200 cubic feet: \$ 4.71.
- [2] Single-family residential: greater than 1,200 cubic feet: \$ 9.43.
- [3] Non-residential and non-single-family residential: \$ 7.07.

§68-15.B(1)(b) Fixed charge per quarter:

- [1] 5/8-inch: \$ 24.74.
- [2] *3/4-inch: \$ 79.07.
- [3] *One-inch: \$ 117.56.
- [4] 1.5-inch: \$ 206.76.
- [5] Two-inch: \$ 342.46.
- [6] Three-inch: \$ 881.45.
- [7] Four-inch: \$ 3,420.20.
- [8] Six-inch: \$ 6,521.27.
- [9] Eight-inch: \$ 12,529.10.

§68-15.B(7) Sewer Service Rates

§68-15.B(7)(a) Fixed charge per quarter:

- [1] 5/8-inch: \$ 35.38.
- [2] 3/4-inch: \$ 113.11.
- [3] One-inch: \$ 168.20.
- [4] 1.5-inch: \$ 295.80.
- [5] Two-inch: \$ 489.99.
- [6] Three-inch: \$ 1,261.17.
- [7] Four-inch: \$ 4,893.62.
- [8] Six-inch: \$ 9,330.71.
- [9] Eight-inch: \$ 17,926.76.

§68-15.B(7)(a) Per 100 cubic feet of metered water usage: \$ 13.36.

§68-15.B(7)(c) Flat rate (limited to consumers who are not provided water service or a meter for computing flow):

- [1] Residential: \$ 436.54 per quarter.
- [2] Commercial: estimated flow to be computed by the Department of Public Works based on facility use and occupancy at the rate contained in Subsection **B(7)(b)** above.

Section 3:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of effecting changes to the ambulance rates, as follows:

§68-15.E Ambulance fees shall be as follows:

- (1) Basic Life Support, resident: \$ 716.43.
- (2) Basic Life Support, nonresident: \$ 798.19.
- (3) Advanced Life Support 1, resident: \$ 1,318.13.
- (4) Advanced Life Support 1, nonresident: \$ 1,415.47.
- (5) Advanced Life Support 2, resident: \$ 1,978.83.
- (6) Advanced Life Support 2, nonresident: \$ 2,119.31.
- (7) Specialty Care Transport: \$ 2,585.66.
- (8) Mileage: \$ 17.23.
- (9) Co-pay Waiver, resident: \$ 134.88.
- (10) Advanced Life Support, no transport: \$ 606.96.

Section 4:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of establishing filing fees for applications to the Heritage Commission, as follows:

Add a new Subsection I to the end of Section 68-15:

§68-15.I Heritage Commission. The filing fee for an application to the Heritage Commission for a Certificate of Approval per Section 408 ("Historic District") of the Zoning Ordinance shall be \$100. Advertising fees and legal notification fees shall be determined by the City Manager pursuant to Code Chapter § 68-14 ("Miscellaneous nonscheduled fees").

Section 5:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of establishing filing fees for the City Clerk's Office to maintain a Landlord's Agent Registry, as required by NH RSA 540:1-b, and applicable penalties as allowed in NH RSA 540:1-c, as follows:

Add a new Subsection 4 to the end of Section 68-15.D:

§68-15.D(4) Landlord's Agent Registry:

- (a) The fee to file a statement with the City Clerk to designate an agent for service of process in accordance with NH RSA 540:1-b shall be \$15.00.
- (b) The penalty for the failure to file a statement designating an agent for service of process as required under NH RSA 540:1-b shall be \$100.00

Section 6: 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 7: Effective Date

This ordinance shall become effective January 1, 2025.



OFFICE OF THE FIRE CHIEF

MEMO

24-04

To: David Brooks, Deputy City Manager

From: Jim Wheatley, Fire Chief

Date: June 21, 2024

Re: 2025 Fee Increases

In 2022 a comparative analysis was conducted to measure our ambulance billing rates against other EMS transport services throughout the state as well as our cost for providing services. During the 2023 budget process we increased our rates by 7.9% which kept us well below the state average. The same comparative analysis was conducted in June of 2024. The results of that analysis indicated Lebanon is 20% below the state average in all billing categories. We have seen a 4% increase in calls for service, a 7% adjustment in wages and a 10% increase in EMS supplies since 2023. We are proposing an increase to our rates by 15% in 2025. This request will bring us closer to the average and should assist in offsetting increased service demands. While the state average was the comparison model and would support perhaps a more significant increase, it is our belief we need to be mindful of the financial burden on our community.

FEE SCHEDULE

LEBANON HERITAGE COMMISSION

(Revised 07/15/2024 Postage Increase)

HERITAGE COMMISSION		
		TOTALS
FILING FEE	\$35.00	\$35.00
NOTIFICATION FEE (SEE NOTE)	\$5.54 per certified notice x _____ notices	
ADVERTISING FEE	\$100.00	\$100.00
TOTAL FEES DUE		

NOTE - THE NOTIFICATION FEE IN ALL SECTIONS ABOVE INCLUDES THE FOLLOWING: ALL ABUTTERS; THE APPLICANT; PROPERTY OWNER; HOLDER OF CONSERVATION, PRESERVATION, OR AGRICULTURAL PRESERVATION RESTRICTION(S); AND EVERY ENGINEER, ARCHITECT, LAND SURVEYOR, OR SOIL SCIENTIST WHOSE PROFESSIONAL SEAL APPEARS ON ANY PLAT SUBMITTED TO THE BOARD.

Chapter 540

ACTIONS AGAINST TENANTS

Section 540:1-a

540:1-a Definitions. [excerpt]–

In this chapter:

- I. "Nonrestricted property" means all real property rented for nonresidential purposes and the following real property rented for residential purposes:
 - (a) Single-family houses, if the owner of such a house does not own more than 3 single-family houses at any one time.
 - (b) Rental units in an owner-occupied building containing a total of 4 dwelling units or fewer.
 - (c) [Repealed.]
 - (d) Single-family houses acquired by banks or other mortgagees through foreclosure.
- II. "Restricted property" means all real property rented for residential purposes, except those properties listed in paragraph I.

Section 540:1-b

540:1-b Landlord's Agent Required. –

- I. An owner of restricted property, as defined in RSA 540:1-a, II, who resides within the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property. Such person authorized to accept service may be the owner of the premises. This section shall not apply to manufactured housing parks as defined in RSA 205-A:1, II.
- II. An owner of restricted property who resides outside the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property.
- III. In any legal proceeding in which the property owner resides out of state and said owner fails to: (a) comply with paragraph II, and (b) appear in said proceeding, service of process pursuant to RSA 510:4 shall create a rebuttable presumption that such service was lawful and adequate. As used in this section the term "legal proceeding" includes, but is not limited to, any action at law or in equity or for the enforcement of any provision of RSA 48-A:14, or any housing code adopted by a municipality pursuant to RSA 48-A, or for the enforcement of any municipal health code, building code, or fire or life safety code. A municipality may establish a reasonable filing fee to cover the cost to the town or city clerk of maintaining a record of the filings required by this section.
- IV. [Repealed.]

Source. 2010, 203:2, eff. Jan. 1, 2011. 2011, 247:3, eff. July 13, 2011. 2014, 77:4, eff. Jan. 1, 2015.

Section 540:1-c

540:1-c Penalty. – The governing body of a municipality may establish a fine not to exceed \$100 for the failure to file a statement designating an agent for service of process as required under RSA 540:1-b. Any such fine may be collected in the same manner as a fine for violation of a municipal ordinance, and shall be for the use of the municipality.

Source. 2014, 77:3, eff. Jan. 1, 2015.

2025 Proposed Water, Wastewater and Solid Waste Rates

Presented to the City Council
On November 6, 2024



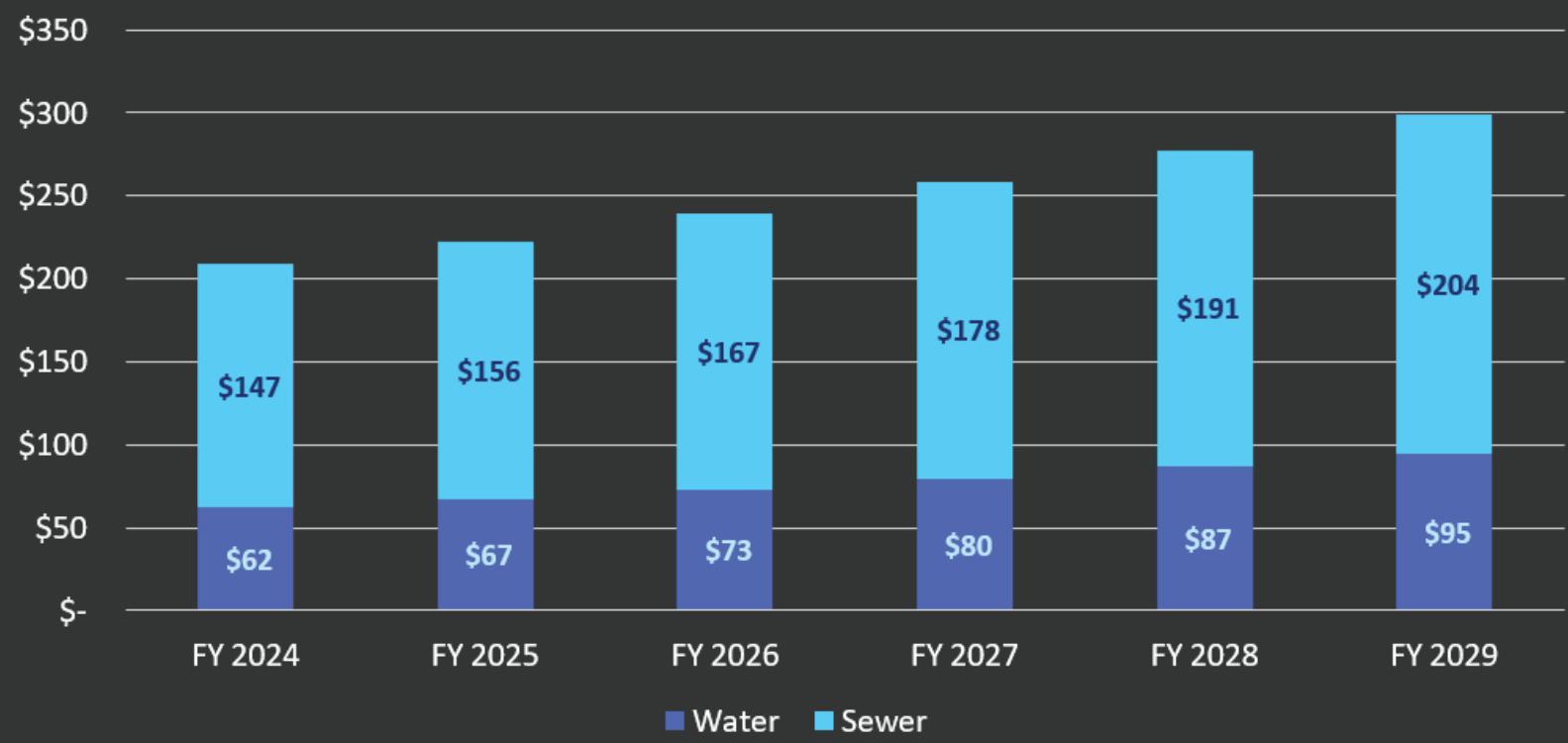


Water Rate Increase of 8%
Budget Increase of 4.4%



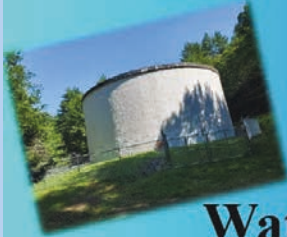
Sewer Rate Increase of 6%
Budget Increase of 4%

Residential Customer Impact (12 Ccf / Quarter)



Water and Sewer Cost per Gallon

Fund	Total Budget 2023	Million Gallons Produced	Cost Per Gallon
Water	\$4,436,960	523	\$0.008
Wastewater	\$7,862,020	617	\$0.013



Public Works Water Treatment Plant

2024 Accomplishments

- WTP Production 403 MG
- Repaired Existing Fencing at Facilities
- Installation of Fencing at Farnum Hill Tank and Vault
- Installation of Storage Building at Water Treatment Plant
- Replacement of Monitoring Equipment –
- Turbidity Meters (Filter #1-4, Pre Clearwell, Raw Water, and Finished Water)
- Chlorine Analyzers (Finished Water, Pre Clearwell)
- Controllers (Filter #1, Filter #3, and Finished Water)
- Sedimentation Basin Outlet Turbidity Monitoring Station
- Meters, Pumps, Controller Installed.
- Permanent Electrical and SCADA Communication to be installed shortly.

2025 Goals

- Water Storage Tanks exterior service and preservations
- Monitoring equipment replacement (spare ntu meters, 3 controllers, and 1 portable analyzers)
- Farnum Hill Tank CIP Project engineering design
- Airport PRV - Consta Chlor MC4-50, Hach CL17sc and SC4500
- Unregulated Contaminant Monitoring Rule (UCMR 5) Sampling
- Lead and Copper Sample Location Update based on service line inventory





Public Works Wastewater

2024 Accomplishments

- 🔧 Installed automated front gate at the treatment plant
- 🔧 Completed bridge over contact tank
- 🔧 Completed Huber Press project
- 🔧 Constructed and Operated New Odor Control Trailer
- 🔧 Conducted Chemical dosing and pH Monitoring at 4A Pump Station
- 🔧 Installed New Security Camera at Wastewater Plant
- 🔧 Septage taken to-date (through August 2024) from Lebanon and surrounding Communities: 2.67 MG
- 🔧 Dewatered and delivered to date over 1,900 Tons of Sludge to the Landfill
- 🔧 Implemented Automatic Wasting with Solitax Solids Meters
- 🔧 Average Removal of total Suspended Solids: 99%
- 🔧 Average Removal of BOD: 98%
- 🔧 Installed New Borger Feed Pump for Huber Dewatering
- 🔧 Replaced 3 VFD's in Sludge Storage
- 🔧 Purchased New Hand Wheel Slide Gates for Mixed Liquor Control on Aeration Tank Outfall
- 🔧 Purchased New Secondary Scum Pumps to Replace Outdated Original Pumps.



2025 Goals

- 🔧 Neuros Turbo Blower VFD Replacements to ensure functionality with critical plant equipment.
- 🔧 Route 12A Pump Station refurbishing. Work will include New Perimeter Fence, freshly painted building, rebuilt Pump Can Floor and New Generator Air Louvers.
- 🔧 Sludge Grinder refurbishing due to high volume processed and wear to components.
- 🔧 Raw Sewage Pump VFD Replacements to ensure functionality of critical plant equipment.
- 🔧 Borger Pump Rebuild Kits to replace worn items from high volume pumping operations.
- 🔧 WWTP Employee Locker Room refurbishing. New Lockers, toilets, sinks, showers, flooring, and ceiling.
- 🔧 Concrete Sandblasting and Coating of the Sludge Storage Tank at the WWTP.



Highlights of Proposed Fee increases

Item	Current	Proposed
MSW	\$105 a ton	\$120.75 a ton
Construction Debris	\$225 a ton	\$258.75 a ton
Bulky	\$135 a ton	\$150 a ton
Contaminated or Mixed Load Recycling	Current Rate	\$300 a ton
Punch Cards	\$20 a card	\$40 a card
15-gal PAYT bag	\$1 a bag	\$2 a bag
30-gal PAYT bag	\$2 a bag	\$4 a bag

Landfill Price Per Ton Comparison

Public Landfills (Limited Service Area)

- Lebanon(Proposed): \$120.75 Per ton

Commercial Landfills (Unlimited Service Area)

- Turnkey; Rochester, NH: \$180.80 ton for first ton, \$120.53 ton after
- Casella; Bethlehem, NH: \$124.82 ton
- Casella; Coventry, VT: \$159.24 ton

Employee and Equipment Cost Comparison to handle trash

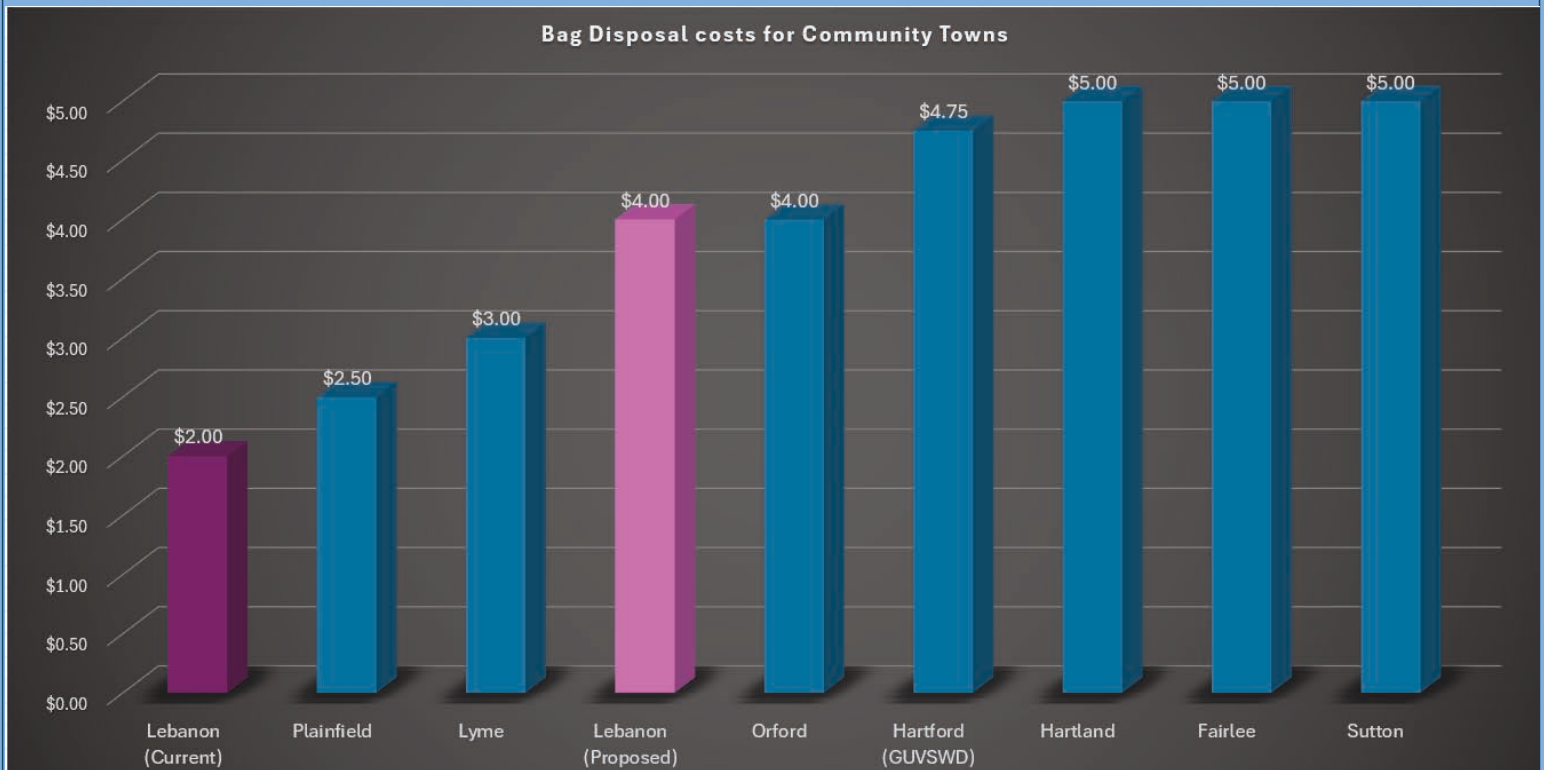
Cost for Residential Handling: \$390,000 per year*

Cost for Commercial Handling: \$74,000 per year*

Proposed Bag/Ticket Sales for 2025= \$380,000

* Does not include disposal costs in the landfill

Bag Disposal Costs for Community Towns



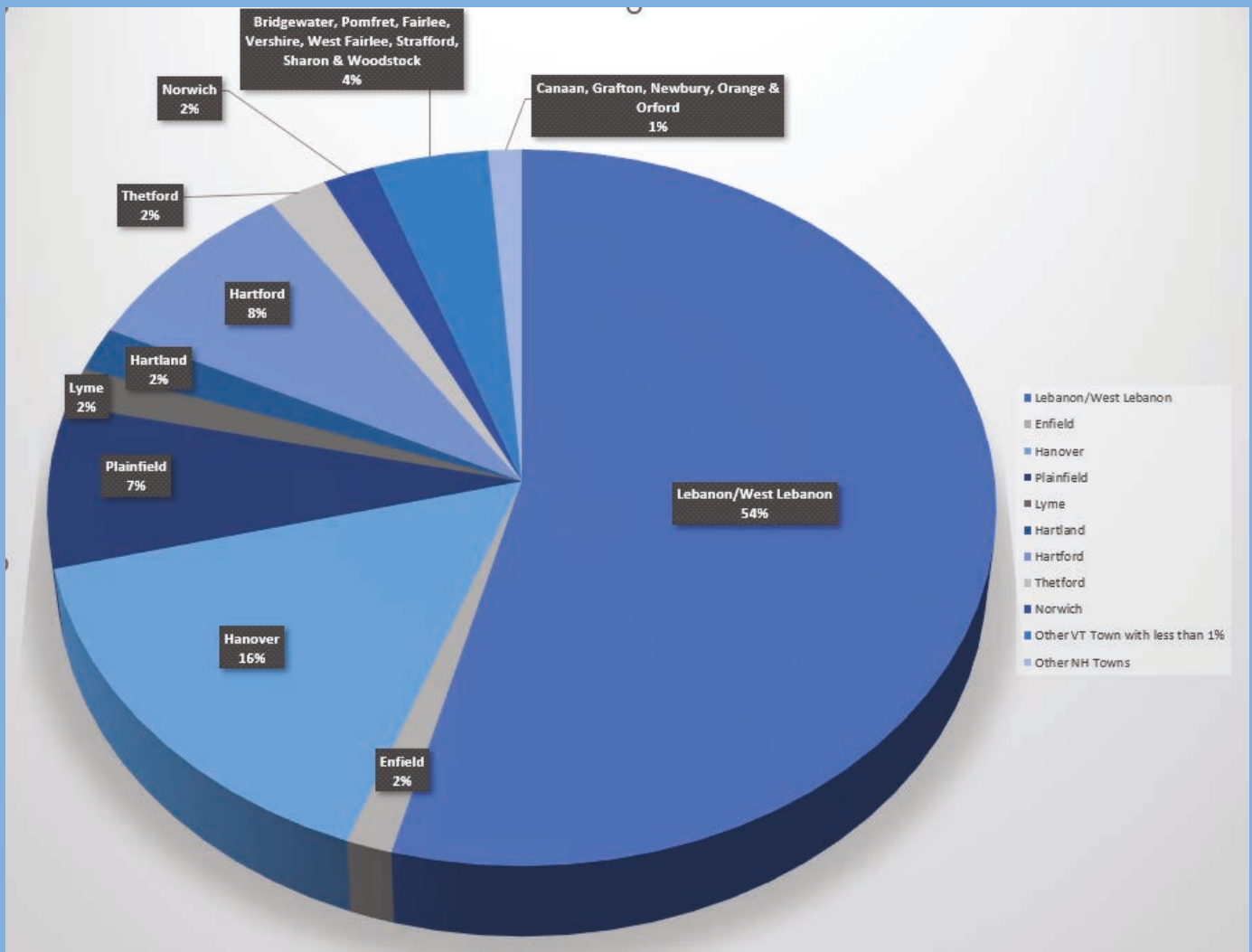
30-33 gal bag

* Enfield, Hanover, Canaan, Orange have curbside or free drop off.
Members of the Vermont GUVSWD can use the Hartford transfer station.

Resident Curbside Pickup Breakdown

- We have 2,776 single family homes in Lebanon
- We have 4,149 multifamily homes in Lebanon
- Over 33% of single family homes in Lebanon have curbside pickup*
- 54% of all users are Lebanon residents
- 80% of Lebanon residents are still using punch cards

Breakdown of Residential Trip Locations

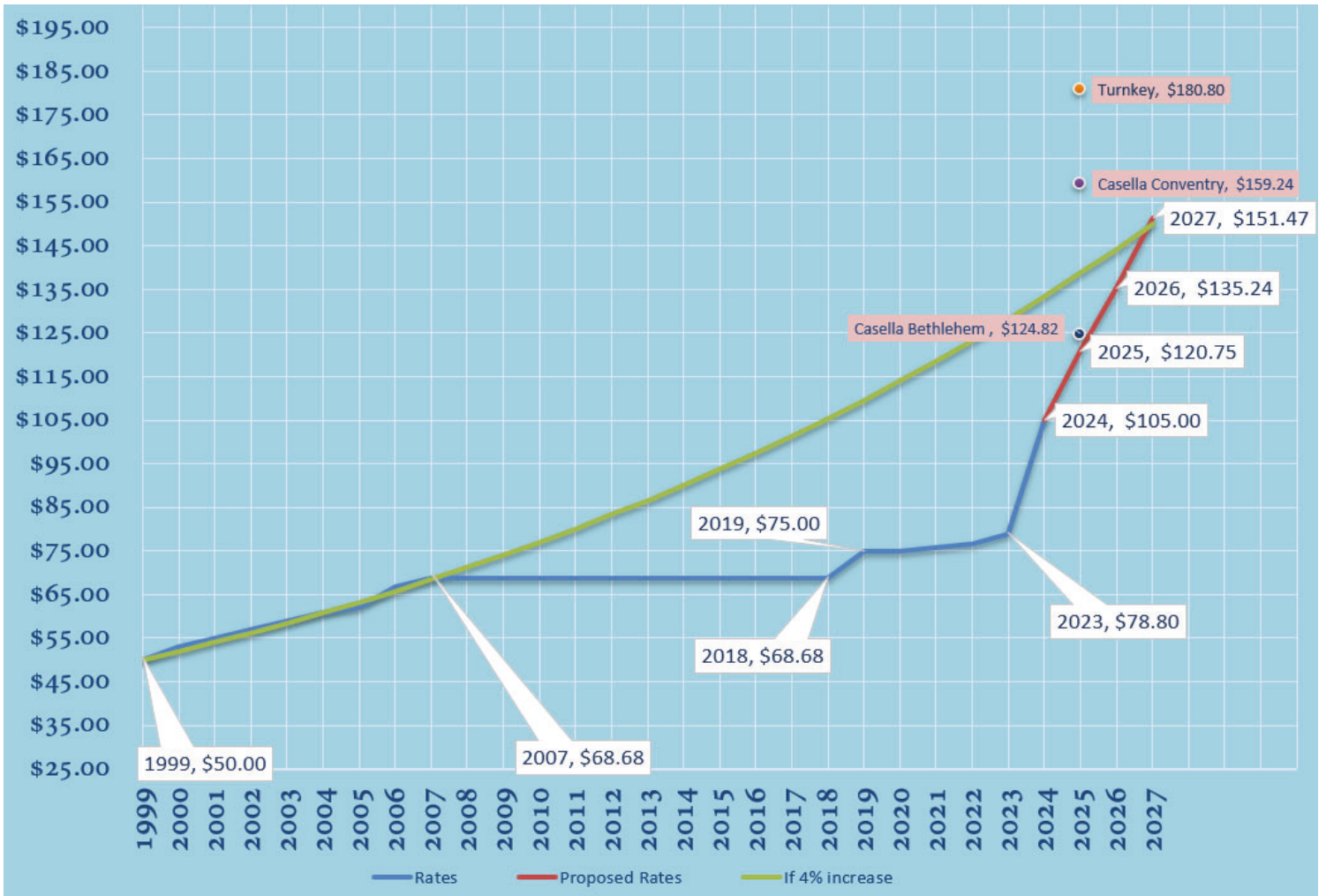


Commercial Rate Increases

Existing Proposed

	2023	2024	2025	2026	2027	2028	2029
Percent Increase	3%	33%	15%	12%	12%	12%	12%
Cost per ton	\$ 78.80	\$ 105	\$ 120.75	\$ 135.25	\$ 151.47	\$ 169.65	\$190.00

Historic and Proposed Landfill Tip Fees



Questions?

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

11. New Business:

**11.D – Discussion and Set Public Hearing for November 20, 2024:
Ordinance #2024-14 to Amend City Code Chapter 97, Landfill Regulations,
including Appendix A, Fee Schedule**

Background

City Code Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the language from the former Chapter 143, Solid Waste, (which was repealed on July 24, 2019), and to include a fee schedule for disposal of refuse and recycling of certain materials. The fee schedule, last updated in December 2023, is to be reviewed annually for possible updates based on current market rates.

Ordinance #2024-14 proposes to amend Chapter 97 to incorporate new and updated language in several sections of the chapter, and to update the fees outlined in Appendix A to reflect increased disposal rates, and proposes new fees for contaminated or mixed load recycling, drive-off fees, and oil.

Action

Should the Council decide to move forward with Ordinance 2024-14 as proposed, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 20, 2024, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-14, to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations.

Included in this Section:

1. Proposed Ordinance #2024-14

**CITY OF LEBANON
ORDINANCE #2024-14**

AN ORDINANCE TO AMEND Chapter 97, Landfill Regulations, of the Code of the City of Lebanon, Section 97-4, Definitions; Section 97-5, Public Recycling Drop Off Center; Section 97-6, Permits; Section 97-7, Commercial generators/waste haulers' accounts and billing; Section 97-8, Fees; and Appendix A, Fee Schedule.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-4, Definitions, as follows:

Add a new defined term:

RECYCLABLES, CONTAMINATED — Any recyclable material that is rendered unrecyclable through the presence of foreign material that cannot be removed by the recycling process.

Section 2:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-5, Public Recycling Drop Off Center, as follows:

Amend Subsection §97-5.C:

- C. Fees may be collected for the following items for recycling: mercury-containing devices (fluorescent bulbs, thermometers, thermostats, etc.), televisions, computer monitors, computer central processing units, tires, oil, and food waste.

Section 3:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-6, Permits, as follows:

Amend Subsection §97-6.B(5):

B. Commercial Permits.

- (5) Issued permits will ~~be valid for one year~~ remain valid. New vehicles or changes to the license plate require re-permitting. ~~and must be renewed before expiration of existing issued permit. Commercial Waste Hauler Account must be in good standing in order for permit to be renewed.~~ Fees for permits will be as outlined in § 97-8.

Section 4:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-6, Permits, as follows:

Add a new Subsection D to §97-6, and renumber existing Subsection D to E:

D. Municipal Recycling Permit.

- (1) Municipal Recycling Permit for disposal of certain recycling items. A permit will be issued to a hauler or municipality that is outside of Lebanon and its participating communities. The Lebanon Recycling center makes money off of its scrap metal, Aluminum, steel cans, paper and cardboard.
- (2) A completed application submitted electronically using the form provided on the City's website.
- (3) In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked. Fees for permits will be as outlined in § 97-8.
- (4) Contaminated loads of recycling will be rejected. If they have already been comingled, they will be charged at the contaminated load fee.
- (5) Suspended or cancelled privileges: The recycling markets can be volatile. The City retains the right to suspend privileges for recycling drop off if rates drop below a profitable margin as determined by the City. The City also can suspend privileges for operational considerations. 30 days notice will be provided.

~~D-E.~~ Implementation Provision. The effective date of this Section will be upon passage by the City Council. Implementation of requirements for updated Solid Waste Facility User Permits will be on-going until December 31, 2023, after which date all users will be required to have and display a valid permit issued through the EB2gov Software platform for entry into the Solid Waste Facility.

Section 5:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-7, Commercial generators/waste haulers' accounts and billing, as follows:

Amend Subsection §97-7.B(3):

B. Billing.

- (3) If a permit is suspended for non-payment, it will not be reinstituted and access will not be permitted until such a time that payment is received in full, including interest, plus a ~~\$25~~50 permit reactivation fee.

Section 6:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-8, Fees, as follows:

Amend Subsection §97-8.E:

E. Construction and demolition debris:

- (1) Tipping fee is based on weight (per ton), established annually by the City Manager and approved by the City Council (effective January 1 for the ensuing year). Tipping fees for C&D are subject to change based on market conditions. Therefore, the City Manager may make temporary fee adjustments for a period of no more than 90 days in duration. C&D debris shall be placed in the designated C&D processing area of the Solid Waste Facility.

- (2) Dirty wood such as plywood, clean lumber, treated lumber (pressure treated, painted, stained, etc.), wooden pallets, etc. shall be separated from the rest of the C&D.

Section 7:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-8, Fees, as follows:

Add a new Subsection G to §97-8, renumber and amend existing Subsection G to H:

G. Contaminated or mixed load recycling:

- (1) Loads of recycling that are contaminated and cannot be recycled or loads of MSW and bulky waste that contain more than 5% recycling as determined by the landfill operator shall be charged at the Contaminated or mixed load recycling fee. Mixed loads with dirty wood shall be rejected.

~~G.~~H. Permit fees.

- (1) Residential.
 - (a) ~~Five~~fteen dollars annually.
 - (b) ~~Twenty-five~~Fifty dollars s reactivation fee if permit is suspended.
- (2) Commercial.
 - (a) Fifty dollars annually, per vehicle.
 - (b) ~~Twenty-dollar~~Fifty dollars reactivation fee if permit is suspended.
- (3) Temporary/one-time use: \$50 (per occurrence).
- (4) Municipal Recycling.
 - (a) Fifty dollars.
 - (b) Fifty dollars reactivation fee if permit is suspended.

~~H.~~ Minimum charge for scaled waste is as shown in Appendix A. ~~The minimum weight scaled~~

is 20 scale units or 200 pounds. As 200 pounds is 10% of a full ton, the minimum charge is calculated as .10 times the current fee for associated waste/recycling material.
 Example: If the charge for disposing of Municipal Solid Waste (MSW) is \$75 per ton, the cost to dispose the minimum amount of 200 pounds would be .10 x \$75 or \$7.50.

Section 8:

The Code of the City of Lebanon, Chapter 97, Landfill Regulations, Appendix A, Fee Schedule, is amended as follows:

Item	Fee
MSW – Commercial	\$120.75 95.00/ton
MSW – Residential	\$24.00 /household bag \$84.00 /contractor bag \$4020.00 per punch card \$24.00 /15 Gallon PAYT household bag \$42.00 /30-Gallon PAYT household bag
Minimum Load – Scale Use	MSW – \$340.00 (15 punches) C&D – \$23.00 Bulky – \$22.00
Construction and demolition debris – NOTE: This does not include mixed aggregates	\$ 225.00 58.75/ton
<u>Contaminated or mixed load recycling</u>	<u>\$300/ton</u>
Mattresses -Box spring is under bulky	Twin or Full \$25.00 Queen or King \$35 37.50
Bulky-Furniture, cabinets, sofa, chairs, box spring; excluding Mattresses	\$ \$ 57.500 Small (10-35lbs) \$124.500 Medium (36lbs to 80lbs) \$220.500 Large (81lbs and up) \$150 35.00/ton Sectionals charged by the piece
Tires	\$12 15.00/tire Maximum of 10 tires per load.
Yard trimmings and brush	\$15.00/ton for commercial loads <u>and non-Lebanon resident; up to 4 inches</u> <u>\$75.00/ ton over 4inches in diameter</u> <u>\$110 Stumps</u> Lebanon Residents only are free for loads less than 2 Cubic yards_ NON Commercial drop off Leaves, wood chips and grass clipping free- 4 inches or less in diameter <u>Scale minimum ½ a ton.</u>

Bulk loads of , asphalt, brick and concrete and mixed aggregate	\$50 <u>75.00</u> /ton
Electronic waste – monitors and TVs	\$20 <u>22.50</u> /item
Electronic waste – solar panels	\$40 <u>42.50</u> /panel
Electronic devices – DVD, VCR, stereo, etc.	\$10 <u>12.50</u> /item
Freon-containing devices	\$22.50 <u>22.50</u> /unit {
Fluorescent bulbs	\$02.71 <u>2.71</u> /ft.
Compact fluorescent lamps (CFLs)	\$03.56 <u>3.56</u> /each
Cover materials	\$15.00/ton
Food waste	\$50.00/ton
Food scraps – household	No charge for food scrap composting-Residential
Glass-Bulk Load	\$35 <u>40.00</u> /ton
In Person permit fee	\$15.00 (including the cost of the permit)
Equipment Assist	\$75.00
Scale Use Fee	\$10.00
Propane tanks 20lb	\$12 <u>14.50</u>
Propane tanks 1lb	\$2 <u>4.50</u>
Change of scale ticket fee, next day	\$30.00 (day of is free)
Lost card Fee-commercial	\$25.00
Account reactivation Fee	\$50.00
Found in Load Fee	Additional \$10 <u>20.00</u> on top of cost of item
<u>Drive off Fee</u>	<u>\$250 first offense, \$500 second offense, 6-month suspension 3rd offense</u>
Mixed Loads	Charged at the highest Rate of items contained in load
<u>Oil</u>	<u>\$5 for up to a gallon. \$5 a gallon after that.</u>

Section 9: Severability

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

Section 10: Effective Date

This ordinance shall become effective January 1, 2025.

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

11. New Business:

**11.E – Discussion and Set Public Hearing for November 20, 2024:
Ordinance #2024-15 to Amend City Code Chapter 8, Airport Operations,
Section 8.4, Airport Rules and Regulations, to Amend Airport Landing Fees**

Background

Landing fees at the Lebanon Municipal Airport were last adjusted in December 2023. A comparison of the existing landing fees and the landing fees adjusted by the CPI-U Northeast was completed and the recommended adjustments to the existing landing fees are shown in Ordinance #2024-15. The airport will continue to monitor the CPI-U and existing fees to request adjustments as necessary.

Action

Should the Council decide to move forward with Ordinance 2024-15 as proposed, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, November 20, 2024, beginning at 7:00 pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2024-15 to amend City Code Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations, to amend Airport Landing Fees.

Included in this Section:

1. Proposed Ordinance #2024-15
2. 2024 Airport Operations and Landing Fee Collection presentation

**CITY OF LEBANON
ORDINANCE #2024-15**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

Part 5, Fees, of the Lebanon Municipal Airport Rules and Regulations, Section 1.A.1 regarding Aircraft Landing Fees is hereby amended to change the fees for Aircraft Landings as follows:

Section 1 - Fees

A. Aircraft Landing Fees

1. The Airport Manager is authorized to collect Landing Fees for Non-based Aircraft utilizing the Airport, which are as follows:

- Single Engine / Commercial N/A
- \$ 15: Light Twin-Engine
- \$ 15: Piston Helicopter
- \$ 20: Turbine Helicopters
- \$ 40: Turboprops < 9,001 pounds weight
- ~~\$ 80~~ 85: Turboprops 9,001- 27,000 pounds weight (SE/ME)
- ~~\$ 80~~ 85: Turboprops 9,001- 27,000 pounds weight (ME)
- ~~\$ 145~~ 150: Turboprops > 27,000 pounds weight
- \$ ~~400~~ 105: Very Light Jets (VLJs)
- ~~\$ 275~~ 290: Jets 9,001 - 27,000 pounds weight
- ~~\$ 375~~ 395: Jets 27,000 - 60,000 pounds weight
- ~~\$ 475~~ 495: Jets >60,000 pounds weight
- ~~\$ 800~~ 830: Jets (Airline Category)
- \$50: Aircraft Detailer

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 the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3: Effective Date

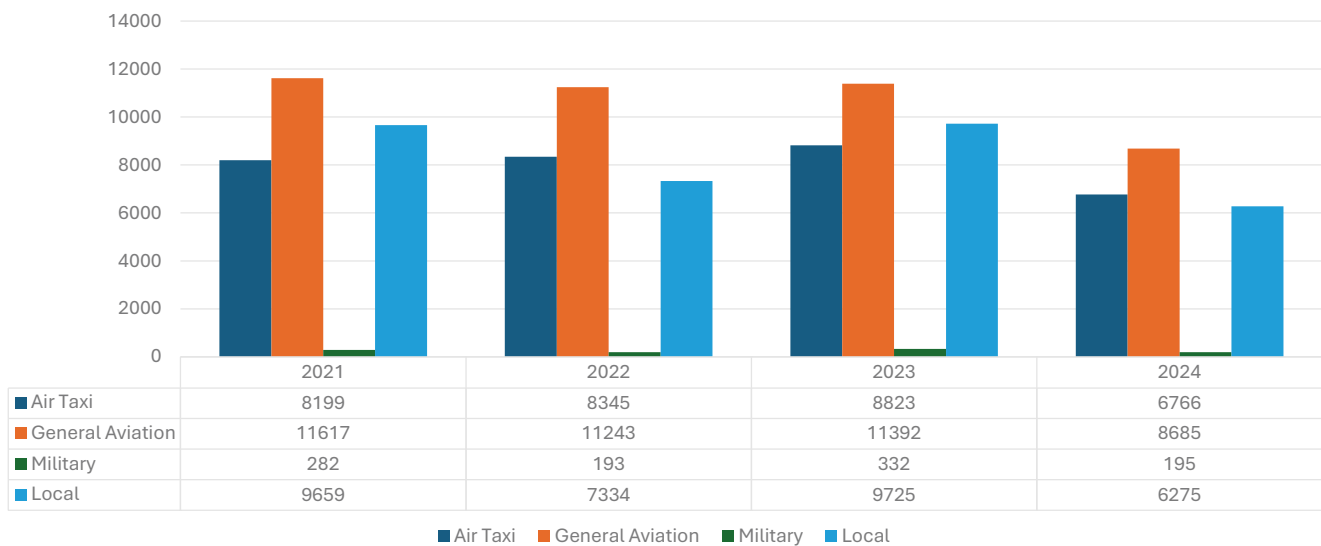
Ordinance shall be effective January 1, 2025.



Lebanon Airport

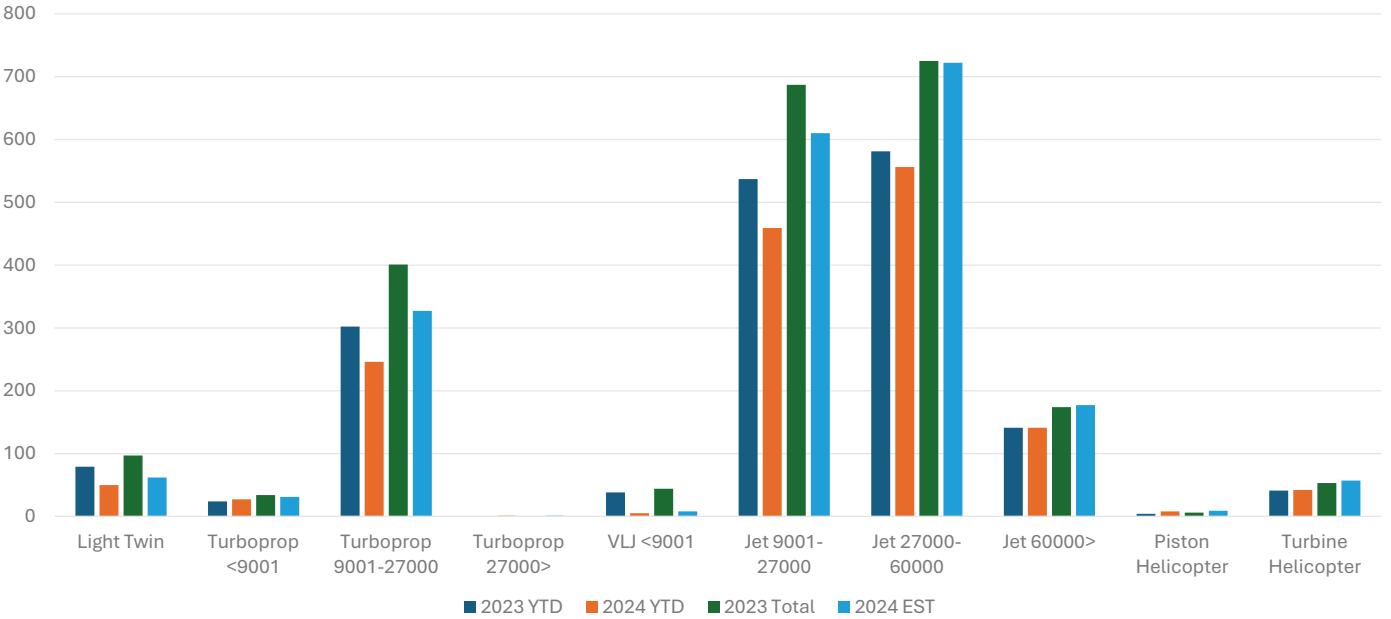
2024 Aircraft Operations and Landing Fee Collection

Total Aircraft Operations



2024 Traffic counts provided by the Control Tower are approximately 91% year to date of the 4-year average.

2023 -2024 Operations YTD and Total



2024 YTD Compared to 2023 YTD

- Light Twins are at 63.29% of last year
- Turboprops under 9,001 are at 112.50% of last year
- Single Engine 9,000-27,000 Turboprops are at 109.93% above last year
- Twin Engine 9,001-27,000 Turboprops are at 41.95% of last year
- Turboprops 9,001-27,000 combined are at 81.45% of last year
- Very Light Jets are at 13.15% of last year
- Jets 9,001-27,000 are at 85.47% of last year
- Jets 27,001-60,000 are at 95.70% of last year
- Jets over 60,000 are at 100.00% of last year
- Piston Helicopters are at 200% of last year
- Turbine Helicopters are at 102.44% of last year

2024 Revenue Estimates

	2023 Collected	2024 Projection	2024 Year-to- Date	2024 End-of- Year Est.
Light Twin	\$873.00	\$1305.50	\$562.50	\$697.50
Turboprop (<9,001 lbs.)	\$765.00	\$1140.00	\$810.00	\$900.00
Turboprop (9,001-27,000 lbs.)	\$18,045.00	\$25,584.00	\$14,760.00	\$19,320.00
Turboprop (>27,000 lbs.)	\$0.00	\$108.75	\$108.75	\$108.75
Jet (VLJ)	\$1980.00	\$1,140.00	\$375.00	\$600.00
Jet (9,001-27,000 lbs.)	\$79,863.75	\$137,775.00	\$94,668.75	\$140,456.25
Jet (27,001-60,000 lbs.)	\$97,875.00	\$184,781.25	\$156,375.00	\$173,531.25
Jet (>60,000 lbs.)	\$27,213.75	\$34,342.50	\$50,231.25	\$63,056.25
Jet (Airline Category)	\$0.00	\$0.00	\$0.00	\$0
Piston Helicopter	\$81.00	\$33.75	\$90.00	\$101.25
Turbine Helicopter	\$769.50	\$696.00	\$630.00	\$855.00
TOTAL	\$227,466.00	\$386,910.75	\$318,611.25	\$399,626.25

Proposed 2025 Fees and Estimated Revenue

Type	Current Fee	Proposed Fee	Total Estimated Landing Fees	Estimated Airport Revenue
Light Twin	\$15.00	\$15.00	\$930.00	\$697.50
Turboprop <9001 lbs.	\$40.00	\$40.00	\$1,200.00	\$900.00
Turboprop 9001-27000 lbs.	\$80.00	\$85.00	\$27,370.00	\$20,527.50
Turboprop 27000> lbs.	\$145.00	\$150.00	\$150.00	\$112.50
Jet <9001 lbs. (VLJ)	\$100.00	\$105.00	\$840.00	\$630.00
Jet 9001-27000 lbs.	\$275.00	\$295.00	\$200,895.00	\$150,671.25
Jet 27001-60000 lbs.	\$375.00	\$395.00	\$243,715.00	\$182,786.25
Jet 60000> lbs.	\$475.00	\$495.00	\$87,615.00	\$65,711.25
Jet (airline category)	\$800.00	\$830.00	\$0.00	\$0.00
Piston Helicopter	\$15.00	\$15.00	\$135.00	\$101.25
Turbine Helicopter	\$20.00	\$20.00	\$1,140.00	\$855.00
TOTAL			\$563,990.00	\$422,992.50