



**LEBANON CITY COUNCIL
NOVEMBER 20, 2024 - 7:00 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: 940 704 531#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).
- B. The November 6, 2024 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. 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.)**

4. Open to the Public

5. Recognitions

- A. Recognition of Lebanon Fire Department Peer Support Team

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the November 20, 2024 agenda packet.

7. Appointments: None

8. Public Hearing Items

- A. City Charter Amendments – A public hearing for the purpose of receiving public input and taking action on three resolutions to direct the City Manager to file reports with the City Clerk, and subsequently with required State agencies, for review of three separate proposed Charter amendments in accordance with NH RSA 49-B:5, I(b).
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- 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, and to limit the allowable banners under the Code.

- i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - 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, Lebanon School District, and Lebanon Housing Authority shall not be required to pay applicable fees for City-, School District-, and Housing Authority-sponsored projects.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - 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 in Appendix A.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - 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.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- 9. Old Business: None**
- 10. New Business**
- A. 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.
 - B. Request for Zoning Map Amendment: ICV of NH, LLC – 67 Etna Road, Tax Map 26, Lot 2, Lebanon

- C. Vote to approve annual compensation for the City Manager
- 11. City Manager Report**
- 12. Council Representatives to Other Bodies Report**
- 13. Future Agenda Items**
- 14. Non-Public Session**
- 15. 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.
December 4, 2024

Old Business:

A. Presentation of Second Reading: 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.

New Business:

A. Request from Lebanon Opera House 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. Request from Devon Blanchard, DB Lights, to install security cameras in Colburn Park

C. Presentation of 2023 Financial Audit

D. Public Input on Proposed 2025 Municipal Budget

December 18, 2024

Public Hearing Items:

A. Adoption of 2025 City Budget

B. Amend Ordinance No. 18 Salary Plan

New Business:

A. Review and adoption of amendments to City Council Policy CC-101, Fund Balance

B. Review and adoption of amendments to City Council Policy CC-107, Debt Management

Agenda
Lebanon City Council
November 20, 2024

5. Recognitions:

- Resolution Honoring the Lebanon Fire Department Peer Support Team

Included in this Section:

1. Resolution Honoring the Lebanon Fire Department Peer Support Team



Resolution Honoring the Lebanon Fire Department Peer Support Team

WHEREAS, the health and safety of first responders is critical to public safety; and

WHEREAS, the Lebanon Fire Department has recognized the need for a peer support team to provide essential emotional and mental health support to its members during times of acute stress and personal crisis; and

WHEREAS, individual members of the Lebanon Fire Department have undertaken specialized training and have committed themselves to be available at a moment's notice, responding with empathy, understanding, and skill to assist their colleagues in times of need; and

WHEREAS, the Peer Support Team is a vital resource, fostering resilience and ensuring that members of the Lebanon Fire Department and other City departments have a safe, confidential, and supportive network available to them during and after traumatic events; and

WHEREAS, the Lebanon Fire Department Peer Support Team exemplifies the values of compassion, dedication, and courage, continually enhancing the well-being of first responders and helping to create a healthier, stronger, and more resilient fire department; and

WHEREAS, it is appropriate to recognize the value and commitment of peer support team members for their tireless service, as well as their impact on the morale, mental health, and overall well-being of the fire department and the wider community they serve.

NOW, THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, hereby recognizes and honors the Lebanon Fire Department Peer Support Team and thanks them for their service to the City.

BE IT FURTHER RESOLVED that this Resolution be written upon the minutes of the Lebanon City Council meeting.

Dated this 20th day of November 2024.

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

**Agenda
Lebanon City Council
November 20, 2024**

6. Acceptance Of Minutes:

Minutes To Be Accepted

- October 23, 2024 (Special Meeting)
- October 29, 2024 (Work Session)
- November 6, 2024 (Regular Meeting)

MOVED, to approve the minutes as presented in the November 20, 2024 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
SPECIAL SESSION MINUTES
Wednesday October 23, 2024 7:00 p.m.
Council Chambers**

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

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below (remote), and Councilors Erling Heistad, Christian Simon, George Sykes, Douglas Whittlesey, Devin Wilkie

MEMBERS ABSENT: Karen Liot Hill and Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Planning & Development Director Nathan Reichert, Deputy Planning & Development Director Tim Corwin

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 7:07 p.m.

2. PLEDGE OF ALLEGIANCE: This was not done as there was no American flag in the room.

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

3. SPECIAL MEETING

A. Presentation of 2024-2025 Proposed Zoning Amendments

Included in agenda packet: **(Please Note: All detailed supportive documents, maps and additional information can be found on pages 3-67, Council agenda packet)**

1. October 15, 2024 Memorandum from Planning & Development Department, including 2024- 2025 Proposed Zoning Amendments **(Pages 4-15 and pages 40-67, Council agenda packet)**
2. Public Health Council of the Upper Valley regarding their summary of housing **(Pages 16-39, Council agenda packet)**

BACKGROUND:

It is staff's practice to present a set of proposed zoning amendments to the City Council each Fall for review and consideration. Presenting the amendments in the Fall allows them to move through the required review process in time for placement on the March ballot, when necessary.

The current set of proposed changes are derived largely from the recently-completed Pattern Zones study and the Route 120/Northern Lebanon Community Planning Study, both of which were presented to the Council on September 18th. Other amendments relate to the Alice Peck Day Memorial Hospital campus and Recovery Housing, as well as other issues. Finally, the set of proposed amendments to be reviewed includes a zoning amendment petitioned by Dan Nash of Advanced Geomatics & Design, on behalf of Oakes Storage, LLC.

Please see the October 15, 2024 memorandum from the Planning & Development Department, which describes the proposed amendments in detail and outlines the process to amend the Zoning Ordinance.

Planning & Development Director Nate Reichert came forth to review and explain the 2024-2025 Proposed Zoning Amendments.

1
2 **Council Discussions:**
3

4 Councilor Simon asked why Westboro Woods off Seminary Hill was left out of the pattern zone for West
5 Lebanon. Mr. Reichert stated that this will be included.
6

7 Mr. Reichert explained that the recommendation from the consultant through the study was a 2,500 s.f.
8 minimum size lot. However, the recommendation from staff is a minimum lot size of 4,000 s.f. Councilor
9 Wilkie asked why 4,000 s.f. is the recommendation. Mr. Reichert explained that the Planning Board felt
10 that the 2,500 s.f. lot was a bit small. A 4,000 s.f. lot allows for a by-right, 40' wide, 100' deep lot.
11 Councilor Whittlesey stated that he feels more comfortable with a lot size of 4,000 s.f. Councilor Wilkie
12 stated that this is more about what the City is allowing people to choose and do with their land. He would
13 like this to be revisited in the future. Mr. Reichert explained that it could be that a 4,000 s.f. minimum lot
14 size is by-right and 2,500 s.f. could be considered by a special permit.
15

16 Regarding lot density, Councilor Simon suggested that permitted uses by special exception include
17 townhouses/rowhomes up to four units.
18

19 Mr. Reichert explained that the consultant proposes elimination of all parking requirements within the
20 overlay zone, but staff and the Planning Board propose a minimum of one space per dwelling unit.
21 Councilor Simon agreed and noted that it would be difficult to try to sell a unit if there is no parking space
22 and no parking on the street during winter events. Councilor Wilkie stated that this could also be
23 something to revisit in the future, based on market conditions.
24

25 Regarding the proposed Northern Lebanon Zoning Changes, Mr. Reichert stated that Mr. Chip Brown
26 provided comments via a letter for the Council's consideration. [This letter is attached below.]
27

1
2
3 Mayor McNamara stated that there are positives to mention, such as the condominiums built behind the
4 Co-op within the Centerra area. This has shown that high-end residential within Centerra is desirable.
5 Also, on the DHMC land, there is 60+ units of single family housing planned, which will likely have a
6 direct walkable connection to Centerra.
7

8 Ms. Judi Caprio, Headrest, thanked the Council for considering adding a definition of Recovery House to
9 the Zoning Ordinance. She explained that they do not have any difficulties with their recovery house. The
10 added definition would allow nonprofits to expand their level of care. A recovery house does not provide
11 ongoing treatment on site, which is the difference between this use and a residential treatment facility.
12

1 Councilor Wilkie asked about the proposal to add a Medical Center Two District. Mr. Reichert explained
2 that the needs for APD are different than those for DHMC. The intention is also to be able to allow for a
3 housing component for long term care nursing home. It was noted that one example of an item that is
4 allowed at the Medical Center District that would likely not be allowed at the Medical Center Two
5 District is the life flight aspect. The City may not want helicopters coming into the APD campus, but they
6 do occur at DHMC.

7
8 The Board reviewed various proposed miscellaneous text amendments.
9

10 Mr. Reichert explained that the housing structures within the pattern zones can come from different
11 sources. There are three options. The City is contracting with the pattern zones company to provide a
12 pattern book of designs that are architecturally approved and pre-approved by the Building Department.
13 One option is that, to build a home in the zone, a plan set from the approved plan list must be used.
14 Option two allows someone to use the pattern book or engage with an architect to have an architecturally
15 designed home that is consistent with the neighborhood. Option three allows for no standards other than
16 some very basic design standards that are required to meet the standard of the neighborhood. He asked for
17 the Council's opinion and noted that he would also be asking the Planning Board their thoughts. The
18 consultant's recommendation is to do the pattern book limit only.

19
20 Mayor McNamara stated that he would prefer option 2. Councilor Wilkie stated that he believes option 1
21 and option 2 seem to use pattern zoning as a cudgel and potentially undermine the opportunity to expand
22 housing, by limiting options to only architecturally designed zones or only pattern zone approved
23 patterns. Councilor Whittlesey stated that pattern zoning is a special thing the City is doing, and it does
24 not have to be a free for all. There should be a certain degree of oversight in the process. Councilor Sykes
25 suggested sticking with the pattern book, as a way to simplify the process. Councilor Heistad agreed. He
26 noted that there are very few architecturally designed houses that will come in cheaper. Mayor McNamara
27 stated that he sees the pattern zoning book as an incentive to someone who wants to do the right thing and
28 keep costs down. This would be an accelerated process and come with free plans, but if someone believes
29 they have a more architecturally appropriate idea, option 2 would allow them to have the ability to hire an
30 architect. Assistant Mayor Below and Councilor Simon agreed with option 2.

31
32 The Council agreed that it would like to hear input from other bodies before revisiting this topic.
33

34 Mr. Dan Nash made a private sector request regarding rezoning an area that is currently RL-1 to GC. This
35 would benefit the landowners in this area by allowing them to have conforming projects moving forward.
36 The Council had no objections to this proposal at this time.

37
38 **ACTION:**

39 *Councilor Wilkie MOVED, that the Lebanon City Council, in accordance with the City of Lebanon*
40 *Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the Zoning Ordinance*
41 *and Zoning Map amendments as described in the Planning & Development Department memorandum*
42 *titled "2024-2025 Proposed Zoning Amendments", dated October 15, 2024, including the accompanying*
43 *red-line excerpt of amendments, to the Planning Board, Conservation Commission, and Zoning Board*
44 *of Adjustment for their review and comment. The City Council hereby sets the following tentative review*
45 *schedule:*

46 *Conservation Commission – November 14, 2024*

47 *Zoning Board of Adjustment – November 18, 2024*

48 *Planning Board – November 25, 2024*

49 *City Council Work Session Review – January 8, 2025*

50 *City Council Public Hearing – January 22, 2025*

1 *Seconded by Councilor Simon.*

2
3 **Roll Call Vote:**

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

6 *None voted Nay.*

7 *Absent from Vote:* Karen Liot Hill and Karen Zook

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

10
11
12 **4. ADJOURNMENT:**

13
14 **The meeting was adjourned at 9:16PM.**

15
16 Respectfully submitted,

17 Kristan Patenaude

18 Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
BUDGET WORK SESSION MINUTES
Tuesday, October 29, 2024, 5:30 p.m.
Council Chambers**

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

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

MEMBERS ABSENT: Erling Heistad, George Sykes, and Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Deputy Finance Director Alesia Williams

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 5:30 p.m.

- City Manager Shaun Mulholland announced the meeting criteria for the public.

2. Presentation By City Manager & Deputy Finance Director

- Overview of Proposed 2025 Annual Budget
- Addendum – 2025 Budget Reductions to Achieve Tax Rate Increases

Included in Agenda Packet: **(All supportive documents and financial information can be found on Pages 2-28, Council agenda packet)**

City Manager Shaun Mulholland and Deputy Finance Director Aleisa Williams reviewed the City Manager's Office 2025 Budget.

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

- City Manager (To include City Manager & City Council Operations, Legal, and Advance Transit)

Included in Agenda Packet: **(All supportive documents and financial information can be found on Pages 2-28, Council agenda packet)**

Available but not included in Agenda Packet:

[City of Lebanon 2024 Proposed Operating Budget](https://lebanonnh.gov/budget) available at [LebanonNH.gov/Budget](https://lebanonnh.gov/budget)

City Manager Shaun Mulholland spent time reviewing, explaining, and giving examples of the Proposed 2025 Annual Budget for the City of Lebanon in order to provide the Council with information they need in order to make their decisions. His review included the following:

2025 BUDGET

CITY OF LEBANON, NH

Strategic Budgeting



STRATEGIC
PLAN



SUSTAINABILITY
PRINCIPLES



BUSINESS
PLANS



PERFORMANCE
MEASUREMENT



ANALYSIS AND
EVALUATION

Budget Objectives



Long Term Financial Plan

Reduce or eliminate	Reduce or eliminate the use of fund balance to offset the tax rate.
Utilize	Utilize the Unassigned Fund Balance to offset the cost of Capital Projects • Pay as you go- using cash to pay for projects/equipment • Capital Reserve Funds
Eliminate	Eliminate the use of the UFB to subsidize the cost of operating expenses

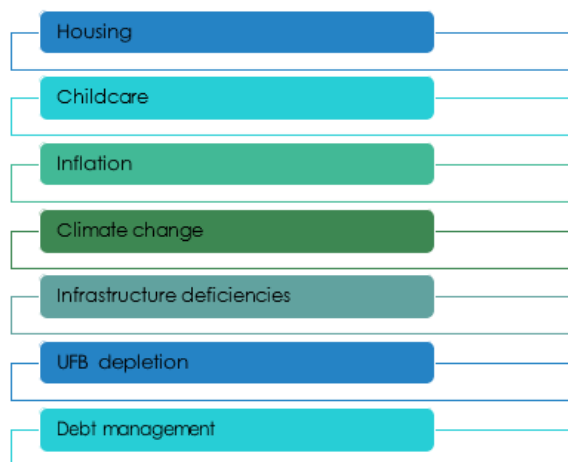
1



Opportunities

2

Challenges



3

Pending Challenges

Return of Airport Subsidy 2026	Revaluation of Properties 2025	Losing ground on the pavement management program.	Losing ground on sidewalk repair/maint.
Staffing needs- DPW, RAP, Police and Fire.	Growing list in the Capital Improvements Program that remain unfunded.	Landfill-PFAS and cell expansion.	Water-Distribution and Treatment System for new well.

1

How Your Tax Dollars Are Spent



2

Consumer Price Index & Tax Rate Change-New England Region

Year	CPI Jun-Jun	Tax Rate	Change in T Rate
2018	2.2%	\$10.97	2.5%
2019	1.9%	\$11.25	2.5%
2020	0.4%	\$9.96	-11.5%
2021	4.0%	\$10.06	1%
2022	7.9%	\$8.62	*2.5%
2023	1.8%	\$8.97	4.1%
2024	3.8%	\$9.66	7.7%
TOTAL Change	22%		20.3% (does not include 2020)

*REPRESENTS THE ACTUAL TAX RATE INCREASE ADJUSTED FOR REVALUATION

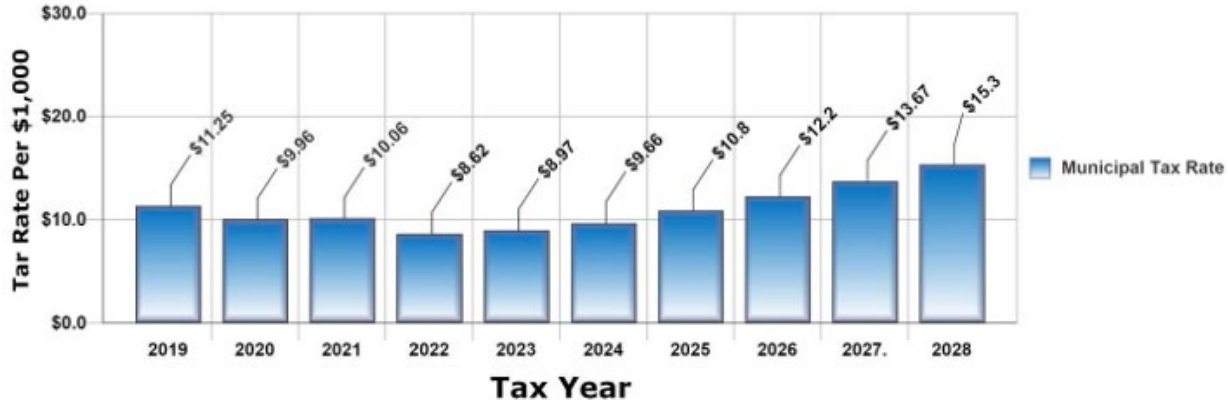
Tax Rate Factors

- Expenditures
- Revenues (Other than Property Taxes)
- Fund Balance Used to Reduce Tax Rate
- Assessed Valuation
- Overlay (Offsets Tax Abatements)
- War Service Tax Credits

= TAX RATE

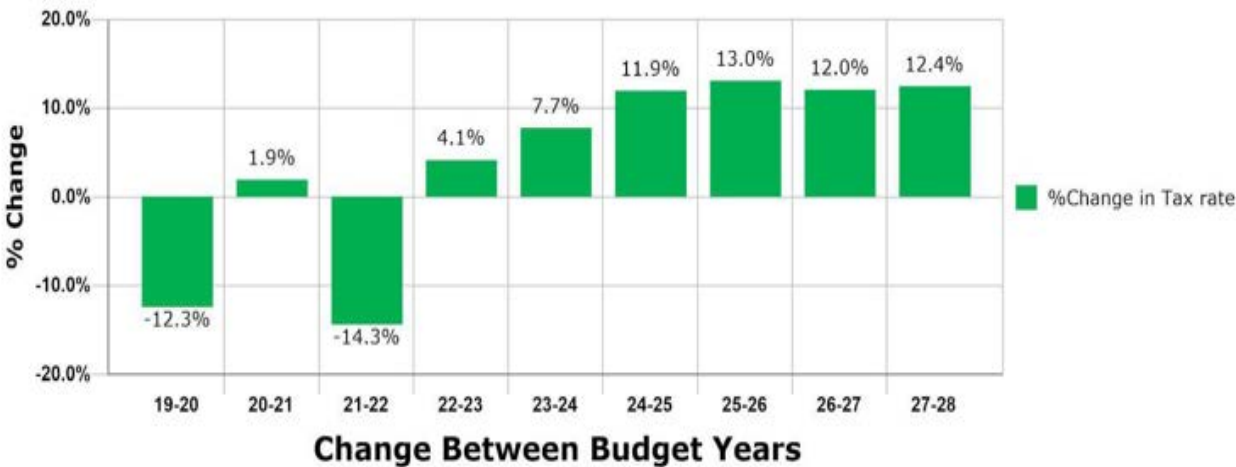
City Manager Mulholland explained that New Hampshire has one tax rate. The value of residential property is growing faster than the value of commercial property. Thus, the residential sector takes more and more of the tax burden because of that. The burden is simply shifted from one taxpayer to another, but the City does not make a single dollar more.

Change in Municipal Tax Rate



NOTE: The tax rate for 2025-2028 is projected based on a set of variable assumptions. The actual rate will be set in the fall of each year.

% Change in Municipal Tax Rate



NOTE: The 2024-2025 and through 2028 are projections based upon a set of variable assumptions. The reductions between 2019-2020 and 2021-2022 are a result of the revaluation of properties. Without the revaluations the actual percentage of increase would have been approximately 2.5% each year. A revaluation of properties is scheduled for 2025 which will skew the rate.

Unassigned Fund Balance Policy



MAINTAIN A RANGE
BETWEEN 15% TO 19% OF
CURRENT GENERAL FUND
EXPENDITURE BUDGET



STANDARD DEVELOPED BY
THE GOVERNMENTAL
ACCOUNTING STANDARDS
BOARD (GASB)



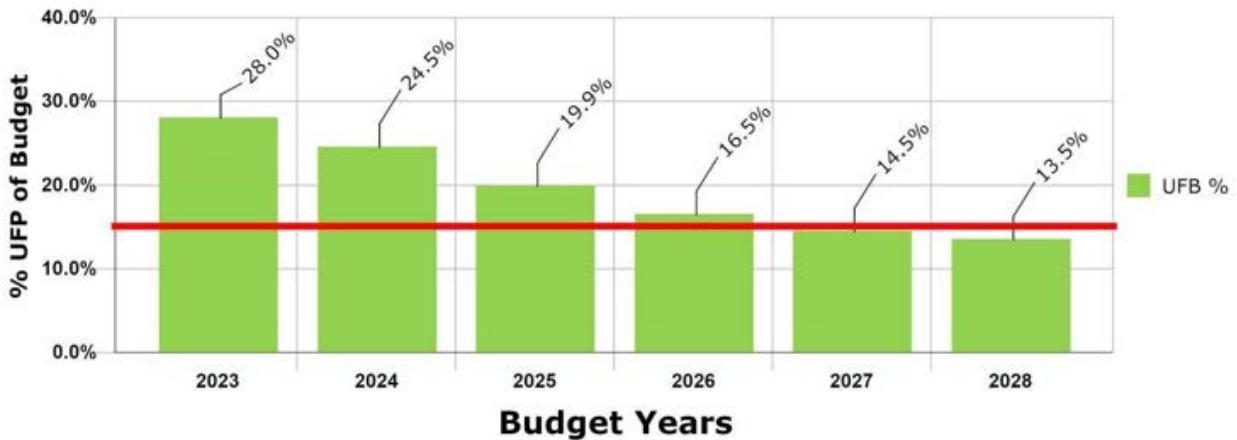
ALLOWS FOR ADEQUATE
CASH FLOW BETWEEN TAX
BILLINGS



SERVES AS A CASH
RESERVE FOR
EMERGENCIES

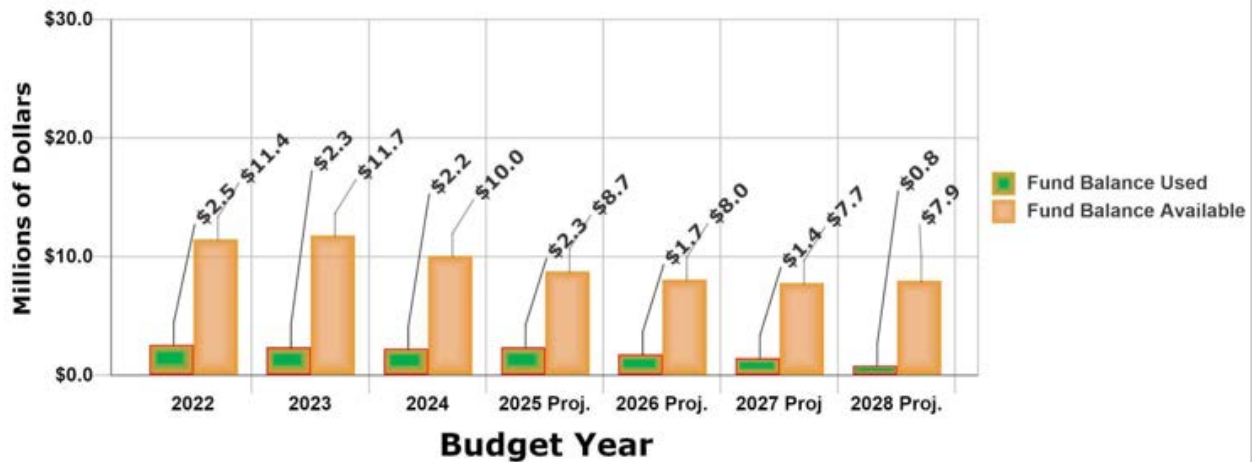
1

Unassigned Fund Balance % of Budget



2

Unassigned Fund Balance



3

In Summary



The 2025 Total budget is **20.7% lower** than the 2024 Budget due to smaller CIP.



The 2025 total projected revenues increase by **19.5%**.



The **2025** General Fund Budget is up by **10.7%**.

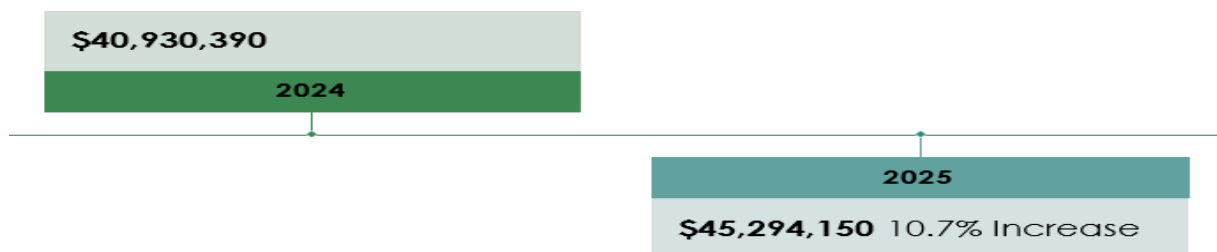


11.9% projected increase in the 2025 tax rate.



8% increase in Water rates and **6%** increase in Sewer rates.

General Fund Budget Change



2025 General Fund Budgetary Impacts (Without CIP)



The 2025 Budget represents a cost increase of **10.7%** equal to **\$4,363,760**.



The total impact of cost increase drivers as listed on subsequent slide is equal to **\$3,740,995**.

Cost Increase Drivers



Wages- \$1,326,140 (3% GWI & 3% Merit/Step)



Health 18.4%/Dental 5% insurance cost increase \$545,180



Retirement/WC/UC/FICA/Medicare Increase \$188,030



DPW Vehicle Leases \$215,050

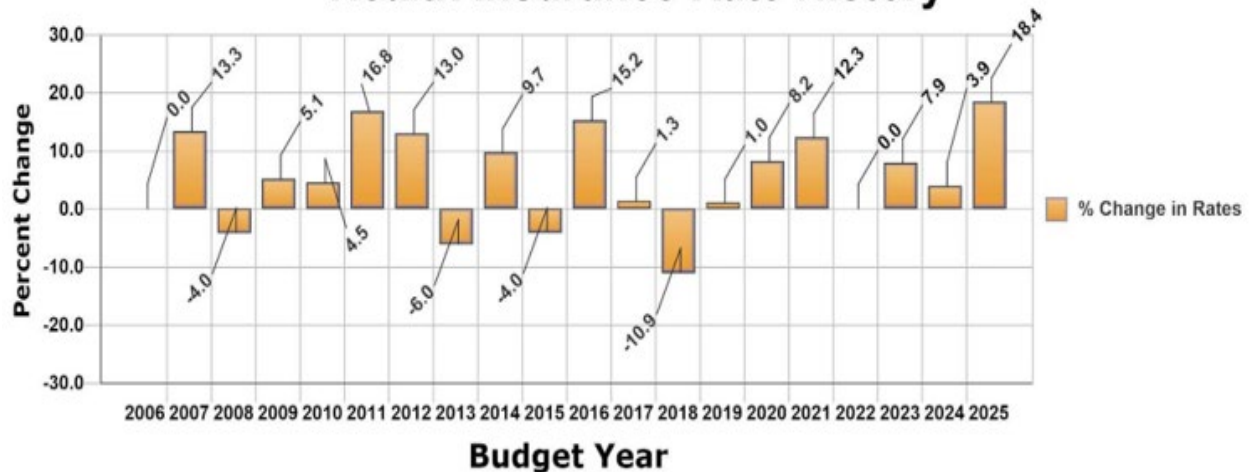


1 Additional FF/Paramedic \$142,215



Debt Service \$1,324,380

Health Insurance Rate History



Budget Overview All Funds

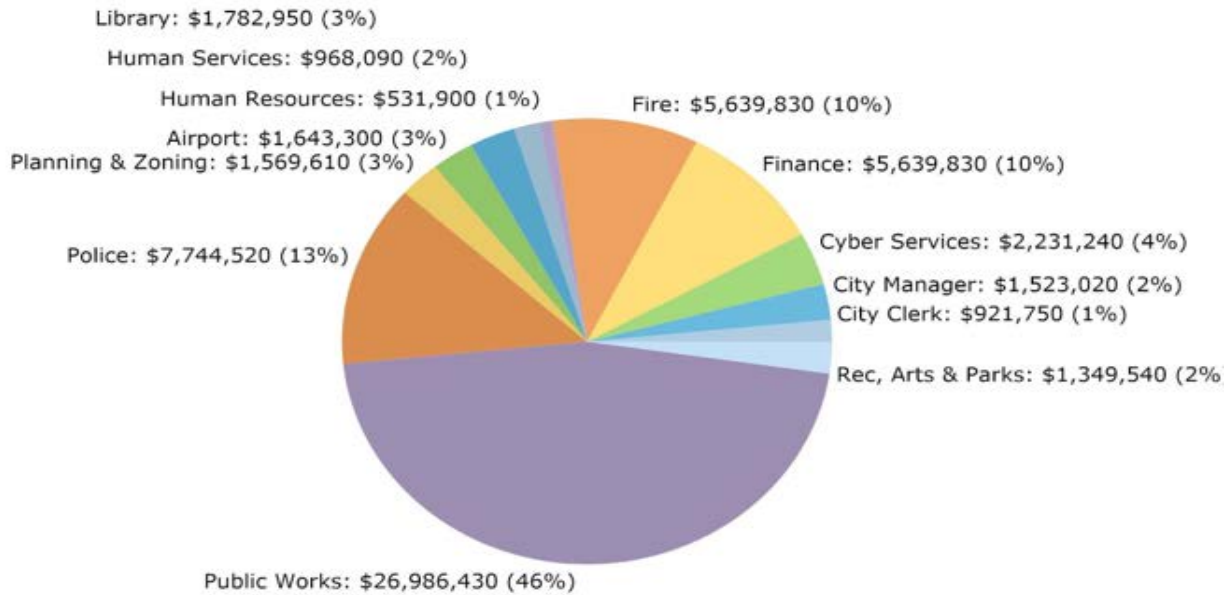
2024 Budget

- 7.7% increase in Tax Rate
- 7.2% increase in Water Rates
- 5.2% increase in Sewer Rates
- Total Budget **\$118,560,940**
- Without capital \$62,211,290

2025 Budget

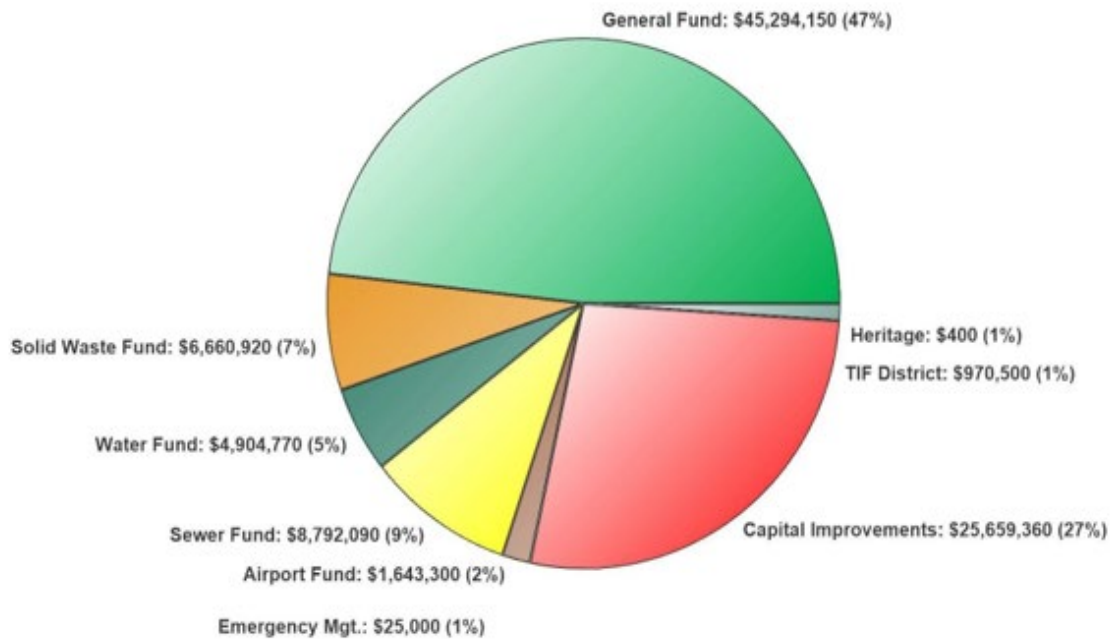
- 11.9% increase in Tax Rate
- 8% increase in Water Rates
- 6% increase in Sewer Rates
- Total Budget **\$93,973,590**
- Without capital \$68,314,230 (7.3% increase)

Operating Budget by Department



1

2025 Budget By Fund



2

City Revenue Impacts Vary by Source



State Revenue Impacts

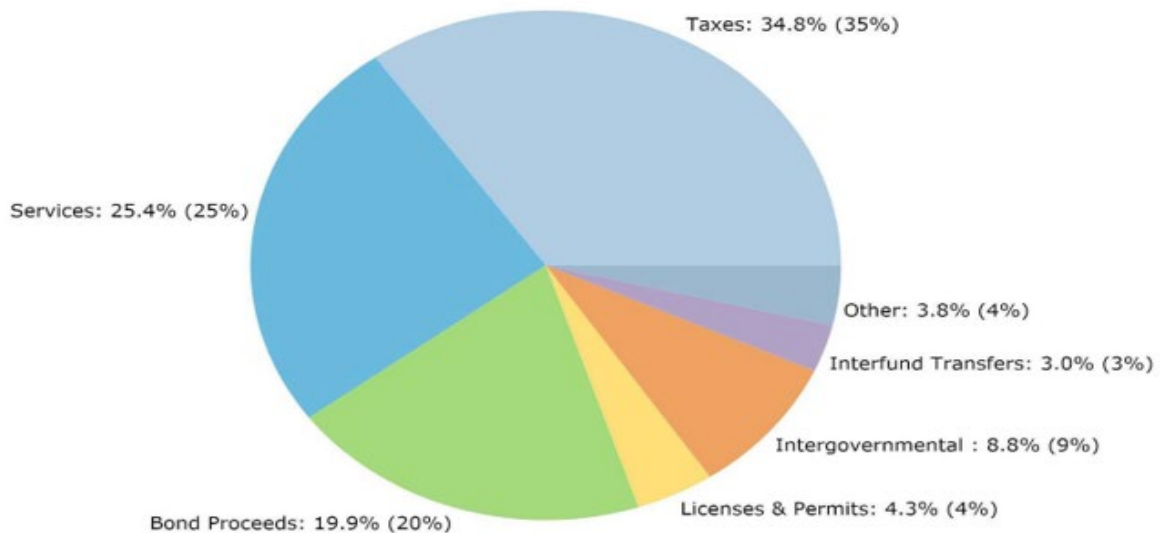
State budget year increased risk of reduced funding
Municipal Bridge Aid & Highway Block Grant funding
Grants relative to Housing
Rooms & Meals Tax Distribution

Revenue Projections

- Taxes- 12.26% Increase
- Licenses & Permits – 3.27% Increase
- **Intergovernmental- 16.98% Decrease**
- Charges for Services- 24.15% Increase
- **Miscellaneous Sources- 84.66% Decrease**
- **Interfund Transfers- 23.22% Decrease**
- Bond Proceeds- 32.44% Decrease

City Manager Mulholland explained that the Intergovernmental sources include interfund transfers, intergovernmental grants, nominally federal grants that pass through from the State, and in some cases State grants. The Miscellaneous line includes fees for certain things such as dog licenses and from the enterprise funds.

2025 Projected Revenue Sources



City Manager Mulholland stated that the budget numbers do not include an additional \$477,000 that would need to be cut to get down to the 7% figure. Approximately \$465,000 would have to be cut to get down to the 7.38% figure. In order to get to the projected tax rate increases, those amounts have to be cut, in addition to the 10% cut of \$500,000. These would be very dramatic impacts on services that people are not accustomed to.

B. Addendum – 2025 Budget Reductions to Achieve Tax Rate Increases

Note: Please refer to pages 29-79 of the City Council agenda packet for the detailed 2025 Budget Reductions and the impacts of these reductions (i.e., Service/Personnel Impacts; Short/Long Term Impacts; Alternatives) that would be needed to achieve the desired outcomes in the tax rate increases.

Summary:

To achieve a tax rate increase of 10%, we would need to reduce the proposed budget by approximately \$500,000.

To achieve a tax rate increase of 7%, we would need to reduce the budget by approximately \$1,275,000. The budget reductions articulated in this packet equate to \$797,990 of which we have identified as follows:

- \$203,930 from Public Works
- \$49,690 from Human Services
- \$117,430 from City Clerk
- \$145,100 from Recreation, Arts, and Parks
- \$146,850 from Library
- \$134,990 from Police
- Additional \$477,010

1 Subsequent to the process we went through to determine the reductions necessary to meeting
2 amounts necessary to achieve a 7% tax rate increase, new information which impacted these
3 numbers was received. This results in an additional \$477,010 in budget reductions that would be
4 necessary to achieve the 7% amounts. The impact of this additional amount has not been
5 determined yet.

6
7 The same situation impacts the amounts necessary to achieve the 3.8% tax rate increase as
8 indicated below with an additional \$465,390 in budget reductions that would be necessary.
9 Where those reductions would be made has not yet been determined.

10
11 To achieve a tax rate increase of 3.8%, we would need to reduce the budget by approximately
12 \$2,130,000. Originally, this was \$1,650,000, in addition to the above reductions we identified the
13 following:

- 14 - \$30,000 from Advance Transit
- 15 - \$228,770 from Public Works
- 16 - \$32,700 from Outside Agencies
- 17 - \$80,690 from Planning and Development
- 18 - \$100,990 from Recreation, Arts, and Parks
- 19 - \$160,430 from Library
- 20 - \$75,000 from Fire
- 21 - \$158,040 from Police
- 22 - Additional \$465,390

23
24 To achieve a tax rate increase of 3.8%, we need to reduce the budget by approximately
25 **\$1,650,000**, which would include the above reductions in addition to:

- 26 • \$30,000 from **Regional Association** Division of City Manager

27 28 29 **Presentations**

30 31 **City Manager:**

32
33 Deputy City Manager David Brooks presented the City Manager's Office 2025 Budget (**found**
34 **on Pages 76-77 of the overall Budget Book**). For 2025, the proposed budget is approximately
35 \$80,000, or a 5.5% increase. The largest portion of that increase is \$50,000 in the legal services
36 budget. The Office is proposing the creation of a new Director of Public Engagement and
37 Communication position. This position will help to emphasize proactive communication for
38 ongoing and overlapping City projects to enhance public awareness of anticipated impacts. The
39 Office is interested in using this position for renewed efforts to engage the public and ensure that
40 accurate and timely information is made available by the City as broadly as possible. This is not
41 another full-time position, but instead transferring additional responsibilities to an existing
42 position.
43

1 Assistant Mayor Below asked about the Outside Duplication line item. Deputy City Manager
2 David Brooks stated that the Outside Duplication line is for the Lebanon Times articles. These
3 cost approximately \$4,000-\$5,000 each.
4

5 Assistant Mayor Below asked about the Other Purchased Services line item. Deputy City
6 Manager David Brooks explained that this reflects funding for a public health council to initiate
7 an assessment which is already underway. There will also be an encumbrance for a GIS
8 technology assessment reflected under this line item. Assistant Mayor Below asked what is
9 envisioned for projects under this line item next year. City Manager Mulholland stated that staff
10 is trying to determine what to do for the American Public Works Association (APWA), which is
11 the Public Works Accreditation process. This is normally a three year cycle, but likely should be
12 expedited. This will help to make the Department more efficient while following national
13 standards.
14
15

16 **3. ADJOURNMENT:**
17

18 **The meeting was adjourned at 6:34 PM.**
19

20 Respectfully submitted,
21 Kristan Patenaude
22 Recording Secretary

DRAFT

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

Remote Via Microsoft Teams: LebanonNH.gov/Live

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

MEMBERS ABSENT: George Sykes, and Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks

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

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

- City Manager Shaun Mulholland announced the meeting criteria for the public.

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

Conservation Commission: Chair Sarah Riley

- In July, August, and September, the Commission worked with Hypertherm volunteers to clear invasive species, and open and maintain trails.
- Commissioners and volunteers from Hypertherm worked on building bog bridges at Boston Lot.
- A Commissioner and the Conservation Ranger worked to make use of lumber from the Boston Lot.

Planning Board: Chair Andrew Faunce

- Brandon Hill resigned his position on the Planning Board. There are three new Board members: Kellen Appleton, Eric Stacy, and Brian Ceglarski.
- This quarter, the Board committed itself to twice the number of the customary number of application-driven meetings. This is owing to the complexity and volume of applications received.
- The application for the Brickyard One Nominee Trust project has been redesigned and continues to move forward.
- The application for 2 Mascoma Street was granted an extension.
- A Condition Use Permit (CUP) for XYZ Dairy LLC was approved for a cottage development.
- The Board endorsed and approved a CUP for the City's proposed workforce housing/cottage development at Barrows Street.
- A site plan for an 80 unit affordable housing development for Muse Lebanon LLC was approved.

- A CUP was approved for Spencer Street Storage LLC for the use of an artist studio at the property adjacent to The Muse location.
- The Board successfully proposed, along with the DEI Commission, the Council's support for a Lebanon Housing Task Force, whose work is underway.
- The Board reviewed and endorsed the City's Housing Opportunity (HOP) grant support letter, which will hopefully provide needed resources to support the City's housing initiatives.
- The Board reviewed and adopted the 2025-2030 Capital Improvement Program.
- The Board will begin adding in to its notice of approval, written comments on the apparent or potentially controversial CIP projects to share the Board's fiscal resource preservation, change of views, or other concerns.
- The Board's Rules of Procedure have been updated and will be formally adopted.

Assistant Mayor Below joined the meeting.

Pedestrian & Bicyclist Advisory Committee: Chair Colin Smith

- The Committee continues to work with the West Lebanon to Hanover Trail Group.
- The group has been engaging in fundraising to raise money to fund a feasibility study for this project.
- The Committee has started to review the Complete Streets Policy.

Heritage Commission: Chair Nicole Ford Burley

- In collaboration with the Arts & Culture Commission, the Heritage Commission issued a call for proposals to install new artwork in the pedestrian tunnel. Julio Munoz Uribe will soon complete his mural, highlighting the agricultural and transportation history of Lebanon and the region.
- The Commission provided feedback to the Planning Board regarding the proposed housing development at the former Densmore Brickyard site.
- The Commission hosted a viewing of *Hand of Brick*, a documentary about the history of the Densmore Brick Company.
- In September, she met with the West Lebanon Revitalization Committee to provide a tour of the Dana House and to discuss the possibility of one or more new historic districts in West Lebanon.
- The Commission hired a consultant who has completed the documentation to update the Colburn Park Historic District National Register listing.
- The consultant is also working on recommendations for updating the Historic District Zoning Regulations and for revising the Heritage Commission Design Guidelines.

Mayor McNamara noted that there were three written submissions from the EDC, DEI, and LEAC.

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

5. OPEN TO PUBLIC: NONE

1 **6. RECOGNITIONS:**

2
3 Councilor Liot Hill recognized the City staff and volunteers who worked at the polls during the
4 election yesterday.
5

6 **7. ACCEPTANCE OF MINUTES: October 16, 2024 (Regular Meeting)**

7
8 *Councilor Heistad MOVED to approve the October 16, 2024, minutes as amended and*
9 *presented in the November 6, 2024, City Council agenda packet.*
10 *Seconded by Councilor Wilkie.*
11

12 *Amendments:*

13 *Page 1, Line 21: Change “Mayor McNamara” to “Councilor Liot Hill”*

14 *Page 4, Line 24: Change “Councilor Whittlesey MOVED the amended MOTION;” to*
15 *“Councilor Whittlesey AMENDED the MOTION.”*

16 **The Vote on the Motion was approved (6-0-1, with Mayor McNamara abstaining).*
17

18 **8. APPOINTMENTS:**

19 • West Lebanon Revitalization Advisory Committee, Emmett Frank (Ward 1 Resident
20 Member)
21

22 *Councilor Simon MOVED to NOMINATE Emmett Frank as a Ward 1 Resident Member of*
23 *the West Lebanon Revitalization Advisory Committee. Term: 11/2024-11/2027*
24

25 **The Vote on the NOMINATION was approved (7-0).*
26

27 **9. PUBLIC HEARING ITEMS: NONE**

28
29 **10. OLD BUSINESS: NONE**

30
31 **11. NEW BUSINESS:**

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

- 34 1. Reformatting
35 2. Supervisor of the Checklist
36 3. Dates to Sign up for Elections
37

38 Included in the agenda packet: **(All supportive documents and information can be found on**
39 **pages 28-35, Council agenda packet)**

- 40 1. Draft Proposed red-line version of Charter Table of Contents
41 2. Draft Proposed Charter Amendment Language for Section II, Elections, §C419:8, Ward
42 Officials
43 3. Draft Proposed Charter Amendment Language for Section II, Elections, §C419:10,
44 Preparation of Ballots
45

46 Deputy City Manager Brooks reviewed the red-lined version of the Charter Table of Contents.

City Manager Mulholland reviewed the draft proposed Charter Amendment Language for Section II, Elections, §C419:8, Ward Officials; and the draft proposed Charter Amendment Language for Section II, Elections, §C419:10, Preparation of Ballot.

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

Included in the agenda packet 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.

1
2 A third amendment is proposed to synchronize the candidate filing periods for School District
3 office elections and City office elections. (The date of the City election is already synchronized
4 with the School District election per §C419:6, which specifies that the City election “shall be held
5 annually on the same date as may be required by statute for the annual election of Lebanon School
6 District Officers...”.) Under the existing Charter language, the candidacy filing periods for City
7 offices and School District offices are not in sync. Additionally, the current filing period for City
8 offices defined in §C419:10 ends just 28 days before the city election, leaving little time for the
9 City Clerk to prepare the official ballots and publish sample ballots in advance of the annual
10 election. The proposed amendment to City Charter Section II, Elections, §C419:10, Preparation of
11 Ballots, [Section 2.07 under the proposed renumbering system], is intended to harmonize the
12 School District and City candidacy filing periods by linking the City office filing period to the
13 School District office filing period as set forth in NH RSA 669:19, which will also enable official
14 ballots and sample ballots to be prepared further in advance of the annual election.

15
16 In accordance with the provisions of NH RSA 49-C, to change the Lebanon Charter, the City
17 Council must first schedule a public hearing to determine that the proposed amendments are
18 necessary. NH RSA 49-B:5, I(c) requires that each Charter amendment shall be limited to a single
19 subject. Therefore, the three proposed amendments outlined above must be considered and acted
20 upon individually and separately. Following a public hearing, if the Council decides to move
21 forward with any or all of the proposed Charter amendments, the Council will be asked to adopt
22 separate resolutions to place the individual question(s) of each proposed Charter amendment on the
23 ballot of a municipal election.

24
25 It is requested that the City Council schedule the public hearings for November 20, 2024, at which
26 time the Council will be asked to consider adoption of the following proposed resolution(s):
27

28 **RESOLUTION FOR PROPOSED AMENDMENT #1:**

29 **BE IT RESOLVED** that the Lebanon City Council hereby requests that the following proposed
30 City Charter amendment be placed upon the ballot of the March 11, 2025 Municipal Election:
31 Proposed City Charter Changes: Amend the City Charter as follows:
32

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

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

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

41 42 **RESOLUTION FOR PROPOSED AMENDMENT #2:**

43 **BE IT RESOLVED** that the Lebanon City Council hereby requests that the following proposed

1 City Charter amendment be placed upon the ballot of the March 11, 2025 Municipal Election:

2
3 Proposed City Charter Changes: Amend the City Charter as follows:

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

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

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

15
16 **RESOLUTION FOR PROPOSED AMENDMENT #3:**

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

19
20 Proposed City Charter Changes: Amend the City Charter as follows:

21 Amend City Charter Section II, Elections, §C419:10, Preparation of Ballots, [Article II, Section
22 2.07 under the reorganized numbering outlined in proposed Charter amendment #1], to
23 synchronize the candidate filing periods for School District office elections and City office
24 elections.

25
26 Explanation: The purpose of this amendment is to harmonize the School District and City
27 candidacy filing periods by linking the City office filing period to the School District office filing
28 period as set forth in NH RSA 669:19, which will help ensure that the City Clerk has adequate time
29 to prepare the official ballots and sample ballots in advance of the annual election.

30
31 **This change will be effective July 1, 2025, if passed by voters at the March 11, 2025 Municipal**
32 **Election.**

33
34 **Council Comments:**

35
36 Councilor Wilkie asked if proposed amendment #2 may make it harder to find Supervisors of the
37 Checklist, due to the length of the term. City Manager Mulholland stated that this will be
38 consistent with all the other towns in the State.

39
40 **ACTION:**

41 ***Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for***
42 ***Wednesday, November 20, 2024, beginning at 7:00 pm in Council Chambers, City Hall, and***

1 *Remote via City's Virtual Platform, for the purpose of receiving public input and taking action*
2 *on resolutions to place the following proposed amendments of the City Charter on the ballot of*
3 *the March 11, 2025, Municipal Election:*

4 1. *Amendment to reorganize and renumber the Charter language to allow the existing*
5 *sections to be organized and presented in a more coherent and logical sequence.*

6 2. *Amendment to Section II, Elections, §C419:8, Ward Officials, to extend the term of*
7 *office for Supervisors of the Checklist for each ward to 6 years, and to stagger the terms of office*
8 *for each of the three Supervisors for each ward.*

9 3. *Amendment to Section II, Elections, §C419:10, Preparation of Ballots, to synchronize*
10 *the candidate filing periods for School District office elections and City office elections.*

11
12 *Seconded by Councilor Heistad.*

13 **The Vote on the Motion was approved (7-0)*
14

15 B. Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-11 to
16 Amend City Code Chapter 23, Banners, to remove references to the Licensing Board, and to limit
17 the allowable banners under the Code
18

19 Included in the agenda packet: **(All supportive documents and information can be found on**
20 **pages 36-39, Council agenda packet)**

21 1. Proposed Ordinance #2024-11 **(Pages 37-38, agenda packet)**

22 2. City Code Chapter 23, Banners **(Page 39, agenda packet)**
23

24 Deputy City Manager Brooks reviewed this item.
25

26 **BACKGROUND**

27 During its periodic review of the City Code, the City Manager's Office has noted that Chapter 23,
28 Banners, still contains references to the former Licensing Board, which was disbanded in April
29 2022 with the adoption of Ordinance #2022-01.

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

34 In addition, the City Manager recommends that the list of allowable banners should be limited to
35 banners placed on public buildings, such as City Hall, the fire stations, or the libraries, or along
36 the fence around Colburn Park. There is concern that erecting or placing banners over any public
37 street or sidewalk could become a hazard to persons or motor vehicles if not properly installed or
38 maintained.
39

40 **Council Comments:**

41
42 Councilor Wilkie stated that there are also smaller banners that do not go across roads and
43 sidewalks, but that hang from light poles. He asked if those will be affected by this. Deputy City
44 Manager Brooks stated that he does not believe those are affected by this. He does not believe
45 the intention is to is to approve those banners under this section.

ACTION:

Councilor Simon 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. Seconded by Councilor Whittlesey.

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

Please note that changes to the ordinance below are depicted in RED

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.~~

1
2 ~~§ 23-4 Fees.~~

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

5 § 23-~~5~~4 Penalties for offenses.

6
7 Violation of any provision of this chapter shall be punishable as provided in Chapter 1, General
8 Provisions.

9
10 Section 2: Severability

11
12 **The provisions of this ordinance are declared to be severable, and if any section,**
13 **subsection, sentence, clause or part thereof is, for any reason, held to be invalid or**
14 **unconstitutional by a court.**

15
16 Section 3: November 6, 2024

17
18 Ordinance shall be effective upon passage.

19
20 C. Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-13 to
21 Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to Authorize
22 Changes to the
23 Water and Sewer Service Rates and Ambulance Fees, to Establish a Fee Schedule for
24 the
25 Heritage Commission, to Establish a Fee Schedule for the City Clerk's Maintenance of a
26 Landlord's Agent Registry as Required by NH RSA 540:1-b, and to Clarify that the City
27 shall not be required to pay applicable fees for City-sponsored projects
28

29 Included in the agenda packet: **(All supportive documents and information can be found on**
30 **pages 40-62, Council agenda packet)**

- 31 1. Proposed Ordinance #2024-13 (Included in minutes – see below)
32 2. Memorandum from Fire Chief Jim Wheatley, dated June 21, 2024 **(Pages 44-45, Council**
33 **agenda packet)**
34 3. Lebanon Heritage Commission Fee Schedule, revised July 15, 2024 **(Page 46, Council**
35 **agenda packet)**
36 4. Excerpts of NH RSA 540, Actions against Tenants **(Page 47, Council agenda packet)**
37 5. 2025 Proposed Water, Wastewater, and Solid Waste Rates presentation **(Pages 48-62,**
38 **Council agenda packet)**

39 40 **BACKGROUND**

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

- 44 • An 8.0% increase to the Water Service Rates (base user rates and minimum charge) set
45 forth in §68-15.B(1);
46

- 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.

Jay Cairelli, Public Works Director; Chris Kilmer, Assistant Public Works Director; Rick Brown, Assistant Public Works Director; and Erica Douglas, Solid Waste Manager, reviewed and explained the background behind amending Ordinance #2024-13. They gave a presentation regarding the 2025 Proposed Water, Wastewater, and Solid Waste Rates. Highlights of the presentation are included below:

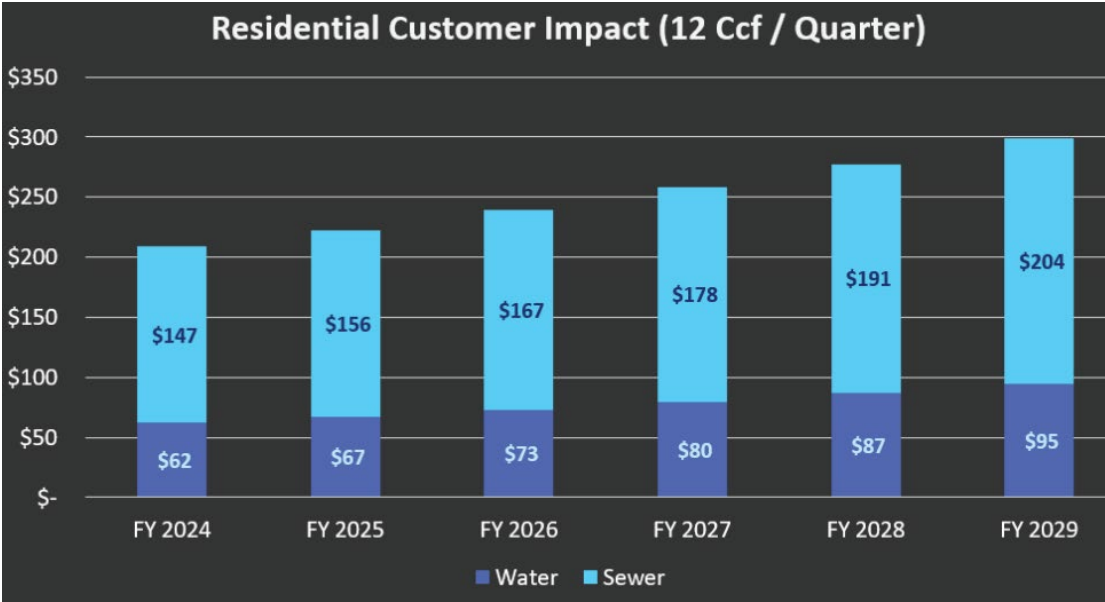
2025 Proposed Water, Wastewater and Solid Waste Rates

Presented to the City Council
On November 6, 2024

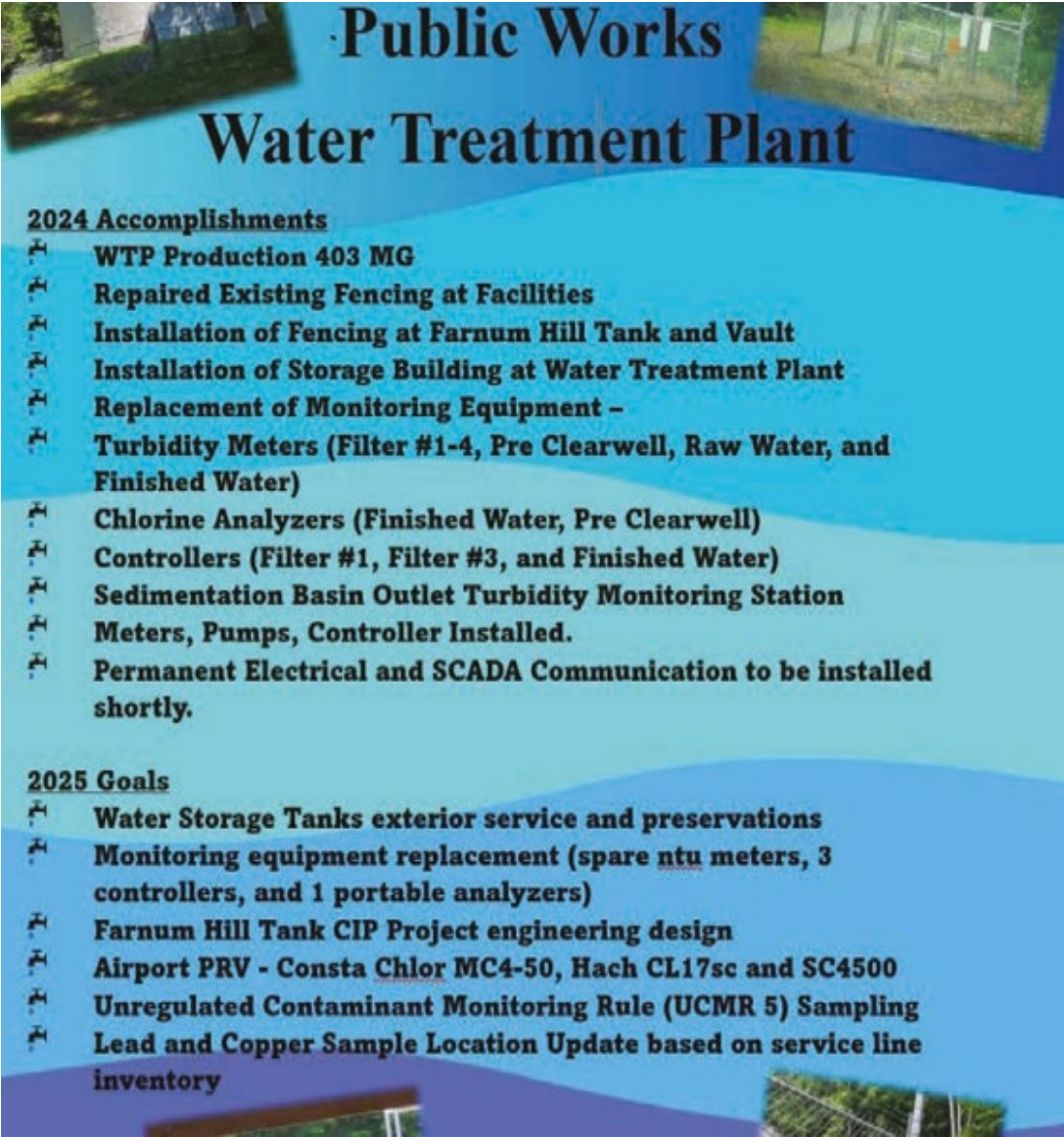


Water Rate Increase of 8%
Budget Increase of 4.4%

Sewer Rate Increase of 6%
Budget Increase of 4%



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**



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.**



Council Comments:

Ed Morris, Enfield Town Manager, stated that Enfield has moved forward with a \$1.9M project which looks to reduce inflow and infiltration. This will hopefully be finished by mid next year.

Fire Chief Wheatley discussed the proposed increase in Ambulance Fees. He explained that the Department looks to evaluate the EMS revenues and collections each year. There are various revenues that come in through the Department such as fire prevention, contracted EMS services, and EMS collections. This year, it was predicted that the Department would collect approximately \$1.1M in revenue from EMS transports, and the Department is currently on pace

1 to collect approximately \$1.3M. Increasing the rates by 15% brings these up to the average in the
2 area.

3
4 Deputy City Manager Brooks explained that the Planning Department has long had a fee
5 schedule for applications to the Heritage Commission. However, this was never established by
6 the Council. The current application fee is \$35, and the proposal is to increase that up to \$100.

7
8 Deputy City Manager Brooks explained that there is also a proposal to introduce a new fee for
9 the City Clerk's Office to maintain a landlord's agent registry. This is per RSA 540:1B, which
10 was adopted in 2011.

11
12 Deputy City Manager Brooks explained that the last section is to amend Section 68-11, the
13 Declaration of Purpose. It has long been the City's practice that the City and the School District,
14 as an independent governmental agency, do not pay for Planning Board, and Zoning Board fees,
15 but this has never been codified anywhere. This is part of the proposed language change. This
16 would not apply to private developers who are doing affordable housing.

17
18 **ACTION:**

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

- 24 *1. An amendment to §68-11, Declaration of Purpose, to clarify that the City of Lebanon*
25 *shall not be required to pay applicable fees as set forth in Chapter 68, or as outlined in*
26 *any other chapter of the Code of the City of Lebanon, for permits, licenses, or reviews*
27 *for any City-sponsored projects or applications; and*
- 28 *2. An 8.0% increase to the Water Service Rates set forth in §68-15.B(1); and*
- 29 *3. A 6.0% increase to the Sewer Service Rates set forth in §68-15.B(7); and*
- 30 *4. A 15.0% increase to the Ambulance Fees set forth in §68-15.E; and*
- 31 *5. A new fee schedule for applications to the Heritage Commission to be set forth in*
32 *§68-15.I; and*
- 33 *6. A new fee schedule for the City Clerk's Office to maintain a Landlord's Agent Registry*
34 *as required by NH RSA 540:1-b, and applicable penalties as allowed in NH RSA 540:1-*
35 *c, to be set forth in §68-15.D(4);*

36
37 *Seconded by Councilor Wilkie.*

38
39 **The Vote on the Motion was approved (7-0)*

40
41 **CITY OF LEBANON ORDINANCE #2024-13**

42 **AN ORDINANCE TO AMEND** the Code of the City of Lebanon, Chapter 68, Fees, Article III,
43 Miscellaneous Fees, by amending §68-15, Enumeration of Fees, to increase water and sewer
44 service rates, to increase ambulance fees, to establish filing fees for applications to the Heritage
45 Commission, and to establish a filing fee and penalty for the City Clerk to maintain a Landlord's
46 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.
- [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

- [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)(b) 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

1 \$100. Advertising fees and legal notification fees shall be determined by the City Manager pursuant
2 to Code Chapter § 68-14 (“Miscellaneous nonscheduled fees”).

3
4 Section 5:

5
6 The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III,
7 Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of establishing filing fees for
8 the City Clerk’s Office to maintain a Landlord’s Agent Registry, as required by NH RSA 540:1-
9 b, and applicable penalties as allowed in NH RSA 540:1-c, as follows:

10
11 Add a new Subsection 4 to the end of Section 68-15.D:

12
13 §68-15.D(4) Landlord’s Agent Registry:

14
15 (a) The fee to file a statement with the City Clerk to designate an agent for service of process
16 in accordance with NH RSA 540:1-b shall be \$15.00.

17
18 (b) The penalty for the failure to file a statement designating an agent for service of process
19 as required under NH RSA 540:1-b shall be \$100.00

20
21 Section 6: Severability

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

26
27 Section 7: Effective Date

28
29 This ordinance shall become effective January 1, 2025.

30
31 **D.** Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-14 to
32 Amend City Code Chapter 97, Landfill Regulations, including updating the current fee schedule

33
34 Included in the agenda packet: **(NOTE: Proposed Ordinance with the proposed changes**
35 **highlighted in RED can be found on pages 63-68, Council agenda packet)**

36 1. Proposed Ordinance #2024-14

37
38 Ms. Erica Douglas, Solid Waste Manager reviewed the proposed changes to the current fee
39 schedule.

40
41 **BACKGROUND**

42 City Code Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the
43 language from the former Chapter 143, Solid Waste, (which was repealed on July 24, 2019), and
44 to include a fee schedule for disposal of refuse and recycling of certain materials. The fee schedule,
45 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.

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*

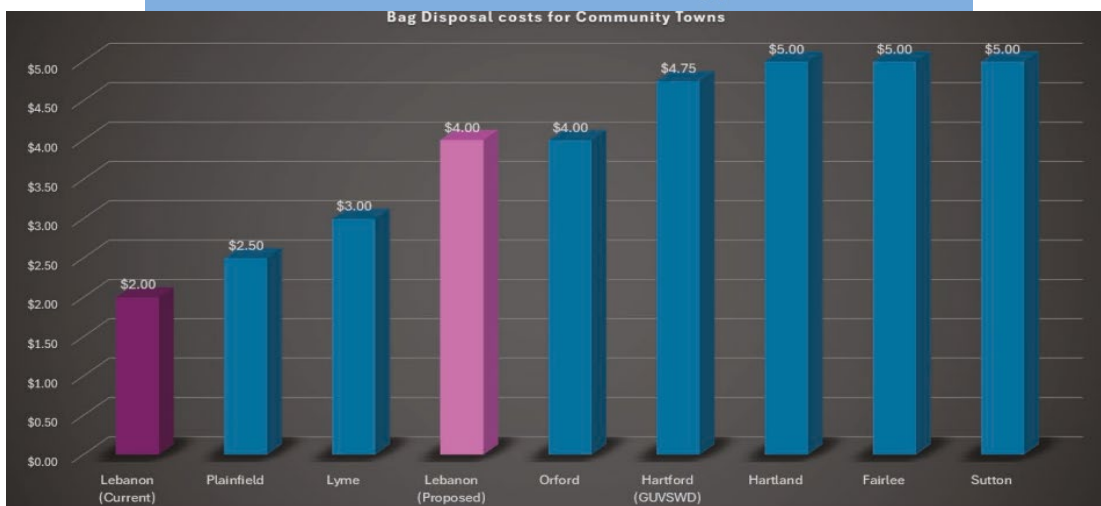
Cost for Commercial Handling: \$74,000 per year*

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

NOTE: Does not include disposal costs in the landfill

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



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

Left out slide of the 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

Left out slide of Historic and Proposed Landfill Tip Fees

Council Comments:

Mayor McNamara stated that he does not disagree that the cost of punch cards and bags should increase to cover the cost, which was noted to be \$390,000 for the handling. Even with the increases, this would only collect \$380,000. It is great to encourage recycling. A public outreach campaign will be important to explain the reason behind these proposed increases, as a need to cover the costs for the disposal of residential waste.

ACTION:

Councilor Wilkie 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.
Seconded by Councilor Simon.

Discussion:

Assistant Mayor Below asked about the definition of "dirty wood" under page 66 of the proposed regulations. Mayor McNamara agreed that this wording is not intuitive. Ms. Douglas explained that this is to cover a wide variety of construction and wood debris. This should not be landfilled. She stated that Staff would review the term further.

Assistant Mayor Below expressed concern regarding the heavily increased cost to dispose of compact fluorescent lights and that this may lead some to simply throw these items in the regular trash. Ms. Douglas explained that part of this increase is due to the fact that the credit card fee for this will no longer be charged separately but instead incorporated into the price. Assistant Mayor Below asked if the credit card charge is per charge or per item. Ms. Douglas stated that there is a provision that a certain amount of these items can be dumped free of charge, but otherwise the credit card charge is per item. Assistant Mayor Below stated that he understands

1 incorporating electronic waste into the fee, but the proposed rate to dispose of these items is
2 more than the cost of purchasing them. The fee may disincentivize people and lead to improper
3 disposal of the items.

4
5 **The Vote on the Motion was approved (7-0)*
6

7 **E.** Discussion and Set Public Hearing for November 20, 2024: Ordinance #2024-15 to
8 Amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules and Regulations, to
9 amend Airport Landing Fees

10
11 Included in the agenda packet: **(All supportive documents and information can be found on**
12 **pages 69-76, Council agenda packet)**

- 13 1. Proposed Ordinance #2024-15
14 2. 2024 Airport Operations and Landing Fee Collection presentation
15

16 **BACKGROUND**

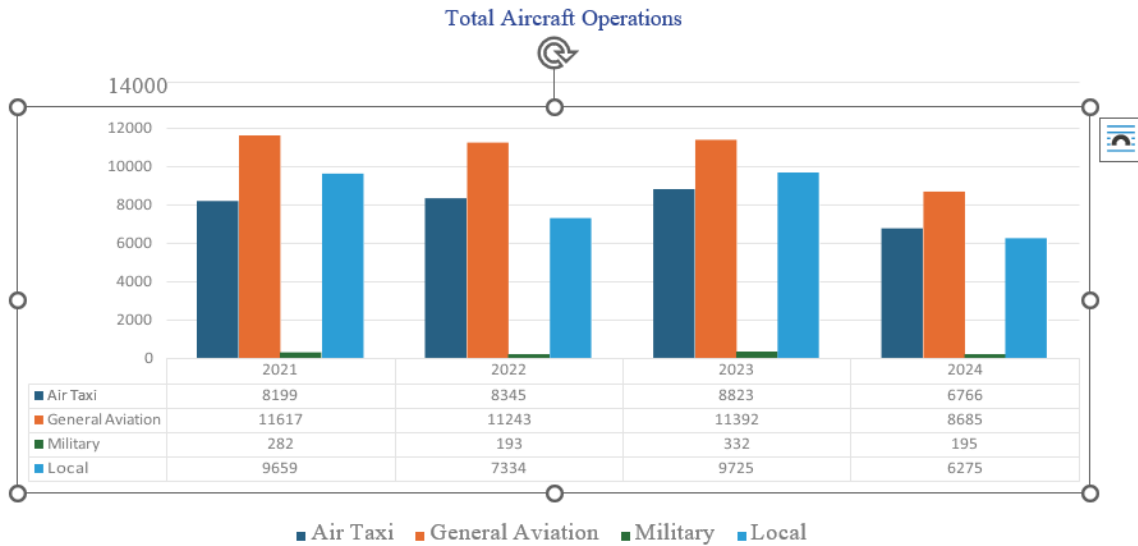
17 Landing fees at the Lebanon Municipal Airport were last adjusted in December 2023. A
18 comparison of the existing landing fees and the landing fees adjusted by the CPI-U Northeast
19 was completed and the recommended adjustments to the existing landing fees are shown in
20 Ordinance #2024-15. The airport will continue to monitor the CPI-U and existing fees to request
21 adjustments as necessary.
22

23 Deputy City Manager Brooks gave a presentation of the 2024 Airport Operations and Landing
24 Fee Collection.
25



Lebanon Airport

2024 Aircraft Operations and Landing Fee Collection



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

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

Council Comments: NONE

ACTION:

Assistant Mayor Below 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

1 *taking action on proposed Ordinance #2024-15 to amend City Code Chapter 8, Airport*
2 *Operations, Section 8.4, Airport Rules and Regulations, to amend Airport Landing Fees.*
3 *Seconded by Councilor Simon.*

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

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

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

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

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

16 Section 1 - Fees

17 Aircraft Landing Fees

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

- 20 • Single Engine / Commercial N/A
- 21 • \$ 15: Light Twin-Engine
- 22 • \$ 15: Piston Helicopter
- 23 • \$ 20: Turbine Helicopters
- 24 • \$ 40: Turboprops < 9,001 pounds weight
- 25 • ~~\$ 80~~ 85: Turboprops 9,001- 27,000 pounds weight (SE/ME)
- 26 • ~~\$ 80~~ 85: Turboprops 9,001- 27,000 pounds weight (ME)
- 27 • ~~\$ 145~~ 150: Turboprops > 27,000 pounds weight
- 28 • ~~\$ 100~~ 105: Very Light Jets (VLJs)
- 29 • ~~\$ 275~~ 290: Jets 9,001 - 27,000 pounds weight
- 30 • ~~\$ 375~~ 395: Jets 27,000 - 60,000 pounds weight
- 31 • ~~\$ 475~~ 495: Jets >60,000 pounds weight
- 32 • ~~\$ 800~~ 830: Jets (Airline Category)
- 33 • \$50: Aircraft Detailer Section 2: Severability

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

39 Section 3: Effective Date

41 Ordinance shall be effective January 1, 2025.

1 **12. CITY MANAGER REPORT:**

2 City Manager Shaun Mulholland updated the Council on the following:

- 3 • Regarding the Elm Street West truck traffic issue, APG Oldcastle is willing to entertain
- 4 a two-year easement through their property to allow for trucks from Twin State Sand &
- 5 Gravel that are not able to go under the stone arch bridge or otherwise access the
- 6 facility. He will also initiate an effort to try to close the gate at Elm Street West to allow
- 7 the neighborhood to just be residential and reduce traffic.
- 8 • Regarding the Route 12A bridge project status, DOT would like to build a temporary
- 9 transit facility, but Twin State was not on board.
- 10 • Regarding Westboro Yard, there is no update at this time.
- 11 • There are concerns regarding the discontinuance of the railroad along Glen Road.
- 12 • The Mt Support Road roundabout project is almost complete.

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

14 **14. FUTURE AGENDA ITEMS: NONE**

15 **15. NON-PUBLIC SESSION:**

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

18 *Councilor Liot Hill MOVED to go into Non-Public Session for the purpose of discussing RSA*

19 *91-A:3, II(a) "The dismissal, promotion, or compensation of any public employee..."*

20 *Seconded by Councilor Whittlesey.*

21 **ROLL CALL VOTE:**

22 *Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, and*

23 *Mayor McNamara all voting Yea.*

24 *None voted Nay.*

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

26 *The Council entered into the Non-Public Session at 8:09 PM*

27 *Councilor Whittlesey MOVED to come out of Non-Public Session.*

28 *Seconded by Councilor Liot Hill.*

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

30 *The Council came out of the Non-Public Session at 8:17 PM.*

31 *The Council was now back in Public Session.*

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

1 *Councilor Wilkie MOVED to go into Non-Public Session for the purpose of discussing RSA*
2 *91-A:3, II(a) "The dismissal, promotion, or compensation of any public employee..."*
3 *Seconded by Councilor Simon.*

4
5 **ROLL CALL VOTE:**

6 *Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Whittlesey, Wilkie, and*
7 *Mayor McNamara all voting Yea.*
8 *None voted Nay.*

9
10 **The Vote on the Motion was approved (7-0)*

11
12 *The Council entered into the Non-Public Session at 8:18 PM*

13
14 *Councilor Whittlesey MOVED to come out of Non-Public Session.*
15 *Seconded by Councilor Wilkie.*

16
17 **The Vote on the Motion was approved (7-0)*

18
19 *The Council came out of the Non-Public Session at 8:32 PM.*

20
21 *The Council was now back in Public Session.*

22
23 **16. ADJOURNMENT:**

24
25 *Assistant Mayor Below MOVED for adjournment.*
26 *Seconded by Councilor Whittlesey.*

27
28 **The Vote on the MOTION was unanimously approved (7-0)*

29
30 **The meeting was adjourned at 8:32 PM.**

31
32 Respectfully submitted,
33 Kristan Patenaude
34 Recording Secretary

**Agenda
Lebanon City Council
November 20, 2024**

8. Public Hearing Items:

**8.A – Placement of Proposed Amendments to the City Charter on the
Ballot of the March 2025 Municipal Election**

A public hearing for the purpose of receiving public input and taking action on three resolutions to direct the City Manager to file reports with the City Clerk, and subsequently with required State agencies, for review of three separate proposed Charter amendments in accordance with NH RSA 49-B:5, I(b).

The City Council scheduled this public hearing at its November 6, 2024 regular meeting. The public hearing was properly noticed in the *Valley News* on November 9, 2024 in accordance with City Code and State Law.

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 are red-line versions of the Table of Contents and the full Charter, which highlight the proposed reorganization and renumbering 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 the 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 directing the City Manager to file reports with the City Clerk containing a final draft of the proposed Charter amendment(s). The City Clerk, in accordance with NH RSA 49-B:4-a, must then file a certified copy of each report with the NH Secretary of State, the NH Attorney General, and the Commissioner of the NH Department of Revenue Administration, each of whom has 45 days to review the proposed amendment(s) to ensure that each is consistent with the general laws of the state. Only after the three state agencies have approved the proposed amendment(s) can the Council take action to have the proposed Charter amendment(s) placed on the ballot of the next municipal election.

The 2025 Municipal Election will take place on March 11, 2025. If passed by the voters, the Charter amendment(s) would not be effective until July 1, 2025.

Action:

If, following the public hearing, the Council decides to move forward with any or all of the proposed Charter amendments, the following resolutions are offered for consideration:

RESOLUTION FOR PROPOSED AMENDMENT #1:

BE IT RESOLVED that the Lebanon City Council hereby determines that the proposed amendment to the Lebanon City Charter to reorganize and renumber the existing Charter language is necessary and appropriate.

Proposed amendment to the City Charter is as follows:

Amend the City Charter by reorganizing and renumbering the Charter language to organize and present the existing sections in a more coherent and logical sequence.

Explanation: The purpose of this amendment is to organize and present the existing City Charter sections 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.

BE IT FURTHER RESOLVED that the Lebanon City Council hereby directs the City Manager to cause a report to be filed with the City Clerk containing the final draft of the proposed Charter amendment to reorganize and renumber the existing Charter language, as presented and summarized in the November 20, 2024 City Council agenda packet, after which the City Clerk, in accordance with NH RSA 49-B:4-a, I, shall cause a certified copy of such report to be filed with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New Hampshire Department of Revenue Administration.

RESOLUTION FOR PROPOSED AMENDMENT #2:

BE IT RESOLVED that the Lebanon City Council hereby determines that the proposed amendment to the Lebanon City Charter to extend and stagger the terms of office for the Supervisors of the Checklist for each ward is necessary and appropriate.

Proposed amendment to the City Charter is 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.

BE IT FURTHER RESOLVED that the Lebanon City Council hereby directs the City Manager to cause a report to be filed with the City Clerk containing the final draft of the proposed Charter amendment to extend and stagger the terms of office for the Supervisors of the Checklist for each ward, as presented and summarized in the November 20, 2024 City Council agenda packet, after which the City Clerk, in accordance with NH RSA 49-B:4-a, I, shall cause a certified copy of such report to be

filed with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New Hampshire Department of Revenue Administration.

RESOLUTION FOR PROPOSED AMENDMENT #3:

BE IT RESOLVED that the Lebanon City Council hereby determines that the proposed amendment to the Lebanon City Charter to synchronize the candidate filing periods for School District office elections and City office elections is necessary and appropriate.

Proposed amendment to the City Charter is 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 link the City office filing period to the School District office filing period, so that both filing periods have the same beginning and end dates. Currently, (a) the annual City and School District election is held on the second Tuesday in March per §C419:6, RSA 197:1 and RSA 40:13, VII; (b) the School District officer candidate filing period is a 10-day period from 48 to 39 days before the City election (from the seventh Wednesday before the election to the Friday of the following week) per RSA 671:19 and RSA 669:19; and (c) the City officer candidate filing period is a 15-day period from 42 to 28 days before the City election per §C419:10. Linking the City office filing period to the School District office filing period is consistent with the Charter's linking of the City election day to the School District election day (§C419:6), and will establish a uniform filing period for both City and School District offices. Moving the last day of the City filing period from 28 days before the election to 39 days before the election will also provide the City Clerk additional time needed to prepare the official ballots and allow publication of sample ballots further in advance of the annual election.

BE IT FURTHER RESOLVED that the Lebanon City Council hereby directs the City Manager to cause a report to be filed with the City Clerk containing the final draft of the proposed Charter amendment to synchronize the candidate filing periods for School District office elections and City office elections, as presented and summarized in the November 20, 2024 City Council agenda packet, after which the City Clerk, in accordance with NH RSA 49-B:4-a, I, shall cause a certified copy of such report to be filed with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New Hampshire Department of Revenue Administration.

Included in this Section:

1. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #1 – Reorganize and Renumber Charter Sections, including red-line versions of Charter Table of Contents and full Charter text

2. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #2 – Supervisors of the Checklist Terms of Office, including red-line version of amendment to §C419:8, Ward Officials
3. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #3 – City Office Candidacy Filing Period, including red-line version of amendment to §C419:10, Preparation of Ballots
4. Notice of Public Hearing as Published in the November 9, 2024 Edition of the *Valley News*

November 12, 2024

Lebanon City Council
c/o Mayor Timothy J. McNamara
City Hall
51 N. Park Street

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 11/14/2024



RE: RSA 49-B City Charter Amendment –
2025 Amendment #1 – Reorganize and Renumber Charter Sections

Mr. Mayor,

The City Manager has requested my firm's review of a proposed amendment to the City Charter. A redline of the proposed changes is attached to this letter. I understand that the purpose of the proposed amendment is to reorganize and renumber the existing Charter sections in a more coherent and logical sequence, following a model charter structure suggested by the National Civic League, without altering any existing Charter language.

RSA 49-B:5, 49-B:4, and 49-B:4-b describe a process by which the City Council may cause the proposed Charter amendment to be placed on the ballot for submission to voters at the next municipal election to be held on March 11, 2025. As part of this process, the Council must secure "a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws". See RSA 49-B:4-b, I; RSA 49-B:4, VI (b).

I have reviewed the proposed reorganization and renumbering of the Charter sections as shown in the attachment. It is my professional legal opinion that the Charter as it currently exists is not in conflict with the constitution or the general laws of New Hampshire. The proposed renumbering of the Charter sections does not change the existing sections' substantive meaning, nor does the reorganized sequence appear to impact the interpretation or meanings of the individual sections or the Charter as a whole. Therefore, it is my further opinion that the proposed renumbering and reorganization of Charter sections would not cause the Charter to become in conflict with the constitution or the general laws of New Hampshire.

Sincerely,



Matthew C. Decker
NH Bar ID #267540

Attachment (Redline of Charter TOC and Redline of Charter Text)
cc: City Manager

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.

CHARTER OF THE CITY OF LEBANON, NEW HAMPSHIRE
AN ACT TO ESTABLISH THE CITY OF LEBANON

Be it enacted by the Senate and House of Representatives in General Court convened:

“State law references: See Chapter 419, Laws 1957, and Chapter 415, Laws 1975.”

ARTICLE I

THE CITY ESTABLISHED

§ ~~C419:1~~.1.01. Establishment.

The inhabitants of the town of Lebanon, in the county of Grafton, shall continue to be a body corporate and politic, under the name of the "City of Lebanon."

§ ~~C419:2~~.1.02. Transfer of Property, Special Districts Abolished.

All existing property and assets now of said town of Lebanon and all precincts and districts within said town including Lebanon Center Fire precinct, Lebanon Water Works, and West Lebanon Village Fire District shall be vested in said city under the provisions of this chapter. Lebanon Center Fire Precinct, Lebanon Water Works and West Lebanon Village Fire District are hereby abolished. All bonded indebtedness of the Lebanon Center Fire Precinct existing at the time of the adoption of this charter shall be reassessed upon residents living within the bounds of said former precinct until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council. All bonded indebtedness of the Lebanon Water Works existing at the time of adoption of this charter shall be reassessed upon residents living within the bounds of said former Lebanon Water Works until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council. All bonded indebtedness of the West Lebanon Fire and Water District at the time of the adoption of this charter shall be reassessed upon the residents living within the bounds of said former district until at which time all indebtedness shall be removed. Method and duration of assessment shall be determined by the city council.

§ 1.03. Saving Clause.

All special legislation pertaining to water precincts, fire precincts and fire districts shall be hereby repealed, including the following acts of the general court: 1943, Chapter 298; 1941 Chapter 306; 1907, Chapters 191 and 247; 1887, Chapter 223; 1873, Volume 65, Page 155; 1868, Volume 60, Page 95. All ordinances and by-laws of the town of Lebanon pertaining to fire or water districts shall be repealed. All special legislation now in force relating to sewers, registration and elections, borrowing money, issuing bonds or refunding same, is hereby continued in force insofar as it is not inconsistent with the provisions of this charter, the powers thereby given to the town of Lebanon or any board or commission thereof being vested in the City of Lebanon, subject, however, to all the provisions of this charter. All special legislation relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the interests and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith.

§ 1.04. Saving Clause Municipal Legislation.

[Amended 11-16-2022]

All ordinances and by-laws of the town of Lebanon or its selectpersons shall continue in force until altered or repealed, except where a contrary intent herein appears.

§ 1.05. Commissions.

All commissions as constituted and existing at the time of the adoption of this charter shall continue to exist hereunder until such time as they may be consolidated or abolished pursuant to Section 33 ~~above~~ [§ 5.02], but their authority as previously prescribed by law or ordinance is hereby repealed and hereafter

they shall serve only in an advisory capacity to the council in matters of policy affecting their respective jurisdiction and to the manager in matters of administration relating thereto.

§ ~~C419:3~~1.06. School District.

[Amended 12-3-1968]

The school district of the town of Lebanon as presently constituted shall be a body corporate and politic and shall have all the powers and shall be subject to the same obligations and duties as are conferred or imposed upon town school districts by the statutes of the state of New Hampshire, in such case made and provided. However, the school district and the city manager provided for under this charter are hereby authorized to enter into such voluntary agreements for cooperative purchasing and the maintenance of buildings as may be desirable to effect economies and promote efficiency.

ARTICLE II
ELECTIONS

§ ~~C419:42~~.01. Wards Defined.

[Amended 3-8-1977; 6-17-1992; 3-8-2005; 3-13-2012]

The City of Lebanon shall consist of three wards. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and such ward lines are to follow easily identifiable physical features such as streets, railroad tracks, surface waters or power lines.

At least as often as each recurring federal census, the City Council shall review the ward boundaries and, if necessary to comply with a Constitutional requirement to equalize populations, shall, by ordinance, make adjustments to the City's ward boundaries. A public hearing on the proposed ward boundaries shall be held not more than 30 days before adoption by the City Council, at such time and place as the City Council shall determine. Notice of the public hearing shall be published at least 10 days in advance of the hearing by the City Clerk.

Until passage of an ordinance for future realignment of the City's ward boundaries, ward lines shall remain as approved by the voters of Lebanon on March 13, 2012. Notwithstanding any changes in the ward boundaries, the City and Ward officers serving in office, or elected to office, at the time of passage of this amendment shall continue in said offices until the end of the terms for which they were elected.

The three wards shall be divided as follows:

WARD 1 shall consist of all that land in said City of Lebanon beginning at the southwest corner of the Lebanon-Plainfield line; thence easterly along said boundary to Hibbard Brook; thence northerly along said brook until its western tributary meets Poverty Lane; thence northerly along said road to the intersection of Slayton Hill Road, thence northeasterly along Slayton Hill Road to the intersection of Farnum Hill Road; thence westerly along said road until it meets Old Kings Highway; thence northwesterly along said road until it intersects with power transmission lines; thence northwesterly along said power lines until it intersects another set of power lines; thence turning ninety (90) degrees and continuing northeasterly along the latter power lines until it meets the Hanover/Lebanon boundary; thence westerly along the Lebanon- Hanover line until it meets the New Hampshire-Vermont boundary; thence southerly along said boundary to the point of beginning.

WARD 2 shall consist of all that land in said City of Lebanon north of the Lebanon-Plainfield town line beginning at the Lebanon-Enfield line at the intersection of Interstate 89; thence northwesterly along I-89 until it meets Dartmouth College Highway; thence westerly along Dartmouth College Highway until it intersects with Laplante Road; thence southerly along Laplante Road until intersects with Meriden Road (Rt 120); thence northerly along said center line until it merges with School Street; thence continuing along the center line of School Street; to the center line of Prospect Street; thence easterly along said center line to the center line of Elm Street; thence northerly along said center line to the center line of Bank Street; thence westerly along said center line to the center line of East Park Street; thence northerly along said center line to the center line of North Park Street; thence westerly along said center line; and through the Lebanon Mall until it merges with Hanover Street; thence northerly along the center line of

Hanover Street to the center line of I-89; thence continuing northerly along Hanover Street Extension to the intersection of Heater Road, thence northerly along Mt. Support Road until the intersection of Rt 120; thence northerly to the Lebanon-Hanover boundary; thence westerly along said boundary to where it meets eastern boundary of Ward 1; thence easterly along the boundary of Ward 1 to the point of beginning.

WARD 3 shall consist of all that land in said City of Lebanon north of the Lebanon-Enfield town line beginning at the center line of Interstate 89; thence northerly along said Lebanon-Enfield boundary to the Lebanon-Hanover town line; thence westerly along said line until it meets the northeast boundary of Ward 2; thence southerly along the easterly boundary of Ward 2 to the point of beginning.

(Ward lines changed by Lebanon City Council on September 15, 1982, June 17, 1992, and March 8, 2005 and March 13, 2012)

Editor's Note: This amendment was adopted by voters on the 3-13-2012, to become effective 5-1-2012.

§ ~~C419:5~~2.02. Representatives to General Court.

[Amended 11-2-1971, effective 4-1-1972]

Representatives to the general court from the city of Lebanon shall be elected at large.

§ ~~C419:6~~2.03. 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.

§ ~~C419:7~~2.04. Members of the Council.

[Amended 11-6-1973]

The council consists of nine members, each with a two year term. One member shall be elected annually from each ward by the voters in the ward. One member shall be elected from the city at large in odd numbered years and two members shall be elected from the city at large in even numbered years. The term of office begins on the third Wednesday after the city election at which the member is elected, and ends two years from the date the term begins.

§ ~~C419:8~~2.05. Ward Officials.

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

Each ward shall at municipal elections choose by ballot a moderator, clerk and three supervisors of the checklist who shall hold office for two years and until their successors are elected and qualified. 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.

§ ~~C419:9~~2.06. Ward Checklists.

[Amended 11-16-2022]

The selectpersons of the town of Lebanon shall within fourteen days from the date of adoption of this act appoint a moderator, clerk and three supervisors of the checklist and four inspectors of election for each ward, which officers shall be residents of their respective wards. Said supervisors shall act as and be

select persons of their respective wards for the purpose of calling the first ward meeting, and shall call said meeting according to law. They shall seasonably prepare checklists for their respective wards and perform all duties respecting the same required by law. The supervisors of the checklist in each ward shall fix the polling place therein and give notice thereof.

§ ~~C419:10~~2.07. 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. 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. 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.

§ ~~C419:11~~2.08. Qualifications of Voters.

[Amended 3-4-1976]

Persons who would be qualified voters in a biennial election if held on the day of such municipal election shall be qualified voters therein. Municipal elections thereunder shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as consistent with this chapter.

§ ~~C419:11a~~2.09. Absentee Voting.

[Amended 3-8-1977]

Any legal voter of the city of Lebanon who is absent from the city on the day of any regular or special municipal election, or who, by reason of physical disability, is unable to vote in person at said election, may vote at said election by so-called absentee ballot. The provisions of state law, so far as applicable hereto and not inconsistent herewith, shall apply to such absentee voting in the city, provided that the city clerk shall prepare the forms and ballots for such voting and said clerk shall also prepare the required instructions.

§ ~~C419:12~~2.10. Procedure.

The qualified voters in each ward, at said election, shall give in to the moderator their votes which shall be received, sorted, counted and declared, and the ward clerk shall make a true and certified copy of the record of the votes and said record, certified also by a majority of the supervisors and the moderator, shall be delivered by the ward clerk to the city clerk within twenty-four hours after the meeting.

§ ~~C419:13~~2.11. Ballots Preservation.

All the ballots cast at a municipal election shall be kept by the city clerk sealed for two months, and may be opened during said two months after a request for a recount by any candidate voted for at the election at which they were cast, upon order of any court or the city council.

§ ~~C419:14~~2.12. Canvass.

[Amended 3-4-1976]

The city council shall meet on the Thursday following the election to canvass the votes. The city clerk

shall lay before the council the record of votes received in each ward for each person voted for on the ballots. The council shall examine the record of votes, and it shall declare the persons having the largest number of votes to be elected as councilors and shall cause them to be notified of their election.

§ ~~C419:15~~2.13. Recounts and Contested Elections.

[Amended 3-14-1978]

Upon request of any candidate for an elective office made within seven days after the canvass, the council shall recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the council may determine. In cases arising under this section the council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers. Any amendment to the Charter which is carried or lost by 1% or less of the vote shall be subject to an automatic recount.

ARTICLE III

AdministrationCITY COUNCIL

§ ~~C419:16~~3.01. The Council.

[Amended 3-4-1976; 3-8-1977; 11-16-2022]

The entire administration of all fiscal, prudential and municipal affairs of the City of Lebanon shall, except as otherwise provided, be vested in a City Council of nine Councilors, elected as provided in Section 7 [§ 2.04]. Vacancies occurring in the office of councilor at any time after the election of a candidate thereto, and from a failure to elect thereto, shall be filled by the remaining councilors, who, by majority vote and within thirty days, shall appoint some qualified person to fill the vacant seat until the next municipal election, at which time a councilor shall be elected to fill the unexpired term. The office of any ward council member shall be deemed vacant if said member takes up residence in any ward other than the one from which they were elected. The city clerk shall act as clerk of council.

§ ~~C419:17~~3.02. Mayor.

[Amended 11-6-1973; 11-16-2022; 3-12-2024]

Each year the council shall elect one of its members mayor at its first meeting after the terms of office of the newly elected members begin. A majority vote of all members of the council is necessary for election of the mayor. The mayor shall preside at council meetings and may speak and vote at those meetings. The mayor shall be head of the city for all ceremonial purposes. The mayor and council voting as a unit, neither with a veto over the other, shall make appointments of members of the Lebanon Housing Authority and the Zoning Board of Adjustment. All other administrative duties prescribed by the general statutes shall be exercised by the manager. Nothing in this section shall be construed to take away the manager's power to appoint all administrative officers listed in Section 32 [§ 5.01] of this chapter, or the manager's power to appoint an administrative official of the city to the Planning Board, or the manager's general power to appoint any administrative officers authorized under any ordinance. Each year the council shall elect from its members an assistant mayor who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term.

§ ~~C419:18~~3.03. Qualifications.

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

Any person may be a candidate for election as councilor provided said person is a duly qualified voter in the city and has been a resident of the city for at least two years immediately preceding the election. No person in default to the city shall be eligible for election to the council.

§ ~~C419:19~~3.04. Compensation.

[Amended 3-4-1976]

No councilor, shall, while in office, receive any pay or compensation of any sort, either as councilor or for any other personal services rendered for the benefit of the city, or be employed by the city, or any department or branch thereof, for any compensation, excepting that this provision shall not apply to compensation of call members of the fire department.

§ ~~C419:20~~3.05. Dealings Of Council With City.

[Amended 3-4-1976]

No councilor, or other official of the city, shall sell to or buy from the city any goods or commodities while in office other than by open competitive public bid.

§ ~~C419:21~~3.06. Meetings.

[Amended 3-14-1978 and 3-10-1998]

All meetings of the council shall be public and in compliance with the New Hampshire Right-to-Know Law, RSA Chapter 91:A. Nonpublic sessions may be held only as permitted under RSA Chapter 91:A. Regular meetings shall be held on such day of each month at such time as the council shall, from time to time, by ordinance or resolutions direct, and at such other times as are required by this charter. Special meetings may be had upon notice delivered to each councilor by the city clerk at the request of the mayor, the manager or a majority of the councilors. The council shall establish its own rules. A majority of the council shall constitute a quorum for the transaction of business.

§ ~~C419:22~~3.07. Ordinances.

[Amended 3-8-1977]

Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The City of Lebanon ordains" and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded in full uniformly and permanently by the city clerk and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Each ordinance shall be reviewed by the city council every five years, and revised where determined necessary. Ordinances shall be published and compiled in such manner and at such time as the council shall determine.

§ ~~C419:23~~3.08. General Powers.

The city council created by this act shall, except as here in otherwise provided, have all the powers and do and perform in reference to each other or otherwise, all the duties which mayors, boards of aldermen and common councils of cities and selectmen of towns are by law authorized or required to do and perform, either separately or otherwise, except insofar as such powers or duties are inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager, and all provisions of statutes pertaining to the duties or powers of aldermen or common councils, separately or otherwise, shall be construed to apply to said city council, except insofar as a contrary intention appears in this act or insofar as they may be inconsistent with other provisions of this charter or with powers or duties specifically transferred to the manager.

~~§ C419:23a. Citizens Binding Initiative.~~

~~[Adopted 11-2-1982, effective 1-1-1983]~~

~~Citizens may propose a measure with an initiative petition signed by qualified voters equal in number to ten percent of the votes cast in the last gubernatorial election. When said petition is complete, as certified by the city clerk to have met the above requirements, said proposed measure, shall be submitted to the city council requesting the city council to pass proposed measure without alteration; if said proposed measure be not passed without alteration within twenty days after the date of the Clerk's certification, then such proposed measure without alteration shall be submitted by the city council to the vote of qualified voters at the next municipal election. If a majority of the qualified voters voting on any proposed~~

~~measure, and which falls within the lawful rights and powers of the city, shall vote in favor thereof, same shall thereafter go into effect on the first day of the next succeeding municipal year.~~

~~§ C419:23b. Citizens Non-binding Initiative.~~

~~[Amended 3-13-1984, effective 9-1984]~~

~~In lieu of proposing a binding initiative, citizens may propose a non-binding measure providing they file a petition signed by qualified voters equal in number to 10 percent of the votes cast in the last gubernatorial election. If a majority of the qualified voters voting on any non-binding measure shall vote in favor thereof, then such vote shall constitute an advisory opinion to the city council. The provision of any ordinance passed by the city council dealing with binding initiative petitions shall also apply to non-binding initiative petitions.~~

§ ~~C419:24~~3.09. Salaries.

The city council of the City of Lebanon is hereby empowered to fix a scale of salaries to be paid to all officials and agents of the City of Lebanon in accordance with the provisions of Section 52 [§ 8.03] in this Charter.

§ ~~C419:25~~3.10. Procedure To Fix Salaries.

[Amended 3-14-1978]

No ordinance of said city council relating to a scale of salaries as above set forth shall be valid until it has had three separate presentations in said council, only one presentation at any meeting of said council, and shall have received the votes of at least two-thirds of all members elected to said council upon its final passage.

§ ~~419:29~~3.11. Non-interference By The Council.

[Amended 11-4-1986, effective 1-1-1987; amended 11-16-2022]

Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or the removal therefrom by the manager or any of the administrative officers except that the council shall have the power to appoint and remove the board of adjustment. In addition to appointing a council representative to the planning board, the council shall, by majority vote, appoint members of the planning board upon nomination by the city manager. However, members of the council may state objections to the appointment of any person proposed by the manager as provided in Section 31 [§ 4.05] of this Charter. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilor shall be a misdemeanor, a conviction of which shall constitute immediate forfeiture of office.

§ ~~C419:62~~3.12. Disqualification of Councilor, Board Member or Employee.

[Amended 3-18-1988, effective 1-1-1989; amended 11-16-2022]

A person who has, or within twelve months preceding had, a direct personal and pecuniary interest in a matter pending before the Council, any Board or department of the City shall be disqualified from participation, voting or acting on such matter, as a councilor, board member, or employee. Such person must at all times physically remove themselves from any and all consideration of that matter. Any person who is disqualified as provided herein and demands to participate, vote or act on such matter may be removed only by order of the Superior Court on petition by any person.

ARTICLE IV
CITY MANAGER

§ ~~419:26~~4.01. Manager.

[Amended 3-8-1977; 11-16-2022]

The city council shall appoint an officer of the City of Lebanon who shall have the title of city manager

and who shall have the powers and duties hereinafter provided. The city manager shall be appointed for an indefinite term by the votes of two-thirds of the members of the council.

§ ~~419:27~~4.02. Qualifications.

[Amended 3-8-1977; 11-16-2022]

The manager shall be chosen solely on the basis of the candidate for manager's executive and administrative qualifications but the candidate for manager need not be a resident of the city or state at the time of their appointment. During the city manager's tenure of office, the city manager shall reside within the city. No person who has within three years held elective or appointive office in the City of Lebanon shall be chosen manager.

§ ~~419:28~~4.03. Removal.

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

The manager may be removed by a two-thirds vote of the members of the council as herein provided. At least 90 days before the proposed removal of the manager, the council shall adopt a resolution stating its intention to remove the manager and the reasons therefor, a copy of which shall be served forthwith on the manager who may, within ten days, demand a public hearing in which event the manager shall not be removed until such public hearing has been held. Upon or after passage of such resolution, the council may suspend the manager from duty, but the manager's pay shall continue until the manager's removal. In case of such a suspension, the council may appoint an acting manager to serve at the pleasure of the council for not more than 90 days. If the manager chooses to leave the city's employ voluntarily, the city manager shall notify the council at least 90 days before the manager's planned departure. The action of the council in removing the manager shall be final.

~~§ 419:29. Non interference By The Council.~~

~~[Amended 11-4-1986, effective 1-1-1987; amended 11-16-2022]~~

~~Neither the council nor any of its members shall direct or request the appointment of any person to office or employment, or the removal therefrom by the manager or any of the administrative officers except that the council shall have the power to appoint and remove the board of adjustment. In addition to appointing a council representative to the planning board, the council shall, by majority vote, appoint members of the planning board upon nomination by the city manager. However, members of the council may state objections to the appointment of any person proposed by the manager as provided in Section 31 [§ 4.05] of this Charter. Neither the council nor any member thereof shall give orders to any of the administrative officers either publicly or privately. Any violation of the provisions of this section by a councilor shall be a misdemeanor, a conviction of which shall constitute immediate forfeiture of office.~~

§ ~~419:30~~4.04. Powers And Duties Of Manager.

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

The city manager shall be the chief executive and administrative officer of the city government, and shall carry out the policies laid down by the city council. The city manager shall be responsible to the city council for the proper administration of all affairs of the city, except the school department, but including the preservation of the public health, the public safety of all citizens and their property and management of all municipally owned utilities and be in responsible charge of the maintenance, care, construction or otherwise of all streets, highways, bridges, sewers, parks, playgrounds, buildings and all other municipally owned structures. The city manager shall keep the council informed of the condition and needs of the city and shall make such reports as may be required by law, this charter or ordinance, or may be requested by the council, and such other reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter, or required of the manager by ordinance or resolution of the council not inconsistent with this charter. The city manager shall have and perform such other powers and duties not inconsistent with the provisions of this charter as are or here after may be conferred or imposed upon the city manager by municipal ordinance or upon mayors of cities by

general law. The city manager shall have the right to take part in the discussion of all matters coming before the council but not the right to vote.

§ ~~C419:31~~4.05. Power To Appoint And Remove.

[Amended 11-16-2022]

The manager shall have the power to appoint and remove, subject to the provisions of this charter, all officers and employees in the administrative service of the city; but the manager may authorize the head of a certain department or office responsible to the city manager to appoint and remove subordinates in such department or office. It shall be the duty of the manager to furnish the council in writing with the identity of any person whom the manager proposes to appoint as the head of any department or office at least ten days prior to the date on which the appointment is to be made. If the council has any objection to the person proposed by the manager for appointment, it shall certify its objections to the manager in writing within said ten day period. All appointments shall be without definite term unless for provisional, temporary or emergency service not to exceed the maximum periods which may be prescribed by the rules and regulations of the merit plan.

ARTICLE V

DEPARTMENTS, OFFICES, AGENCIES

§ ~~C419:32~~5.01. Certain Officers.

[Amended 3-8-1977 and 11-14-1986, effective 1-1-1987; amended 11-16-2022]

The manager shall appoint a city clerk, fiscal account clerk for the department of finance assessor or assessors, treasurer, tax collector, fire chief, police chief, health officer, civil defense director, and such other officers as the city manager deems necessary to administer all departments which the council shall establish, which departments shall replace all existing departments, boards and commissions, except as herein specifically accepted. The duties of any two or more such officers may be combined in one officer except that the office of fiscal account clerk for the department of finance shall not be combined with the office of the treasurer. The powers and duties of these officers and heads of departments so appointed shall include those prescribed by state law, by this charter or by ordinance.

§ ~~C419:33~~5.02. Administrative Departments.

[Amended 3-8-1977; 11-16-2022]

The first manager under this charter shall draft and submit to the council within six months after assuming office an ordinance dividing the administrative service of the city into departments, divisions and bureaus and defining the functions and duties of each. After the adoption of the ordinance, upon recommendation of the manager, the council by ordinance may create, consolidate, or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. Such ordinance shall be known as the "Administrative Code." Each officer shall have supervision and control of their own department and the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code and the rules and regulations of the merit plan.

~~§ C419:34. Commissions.~~

~~All commissions as constituted and existing at the time of the adoption of this charter shall continue to exist hereunder until such time as they may be consolidated or abolished pursuant to Section 33 above, but their authority as previously prescribed by law or ordinance is hereby repealed and hereafter they shall serve only in an advisory capacity to the council in matters of policy affecting their respective jurisdiction and to the manager in matters of administration relating thereto.~~

ARTICLE VI

FINANCIAL MANAGEMENT

~~§ C419:35. Purchasing Procedure.~~

~~The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles for different departments and purchasing by competitive bids whenever practical.~~

§ ~~C419:36~~6.01. Municipal Year.

The fiscal and budget year of the city shall begin on the first day of January unless another date shall be fixed by ordinance.

§ ~~C419:37~~6.02. Financial Control.

[Amended 3-8-1977]

The department of finances shall maintain accounting control over the finances of the city, make financial reports and perform such other duties as may be required by the administrative code. No bill against the city shall be approved by the city manager until the department of finance has audited and approved the same and certified that said bill was lawfully contracted, that the prices charged for all goods and materials are reasonable, that the goods or materials were actually received by the city and that it is in favor of a person legally entitled to receive payment for the same.

§ ~~C419:38~~6.03. False Certification, Penalty.

[Amended 3-8-1977; 11-16-2022]

If the Department of Finance or any member thereof provided for under Section 37 [§ 6.02] above, shall knowingly make a false certification in any case provided for in Section 37 [§ 6.02] or approve any bill when the appropriation, as provided for in Sections 42 [§ 6.07] and 43 [§ 6.08] of this chapter, for which the same should be paid is exhausted, such false certification shall constitute a misdemeanor, and the person(s) responsible shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months or both.

§ ~~C419:39~~6.04. Unauthorized Payment, Penalty.

[Amended 3-8-1977; 11-16-2022]

If the disbursing officer of the city shall pay out any money from the city treasury except on order of the city manager after approval by the department of finance, such unauthorized payment shall constitute a misdemeanor and the person(s) responsible shall be fined not exceeding two hundred dollars or imprisoned not exceeding six months, or both, and shall be personally bound to refund to the city any sum so paid.

§ ~~C419:40~~6.05. Budget Procedure.

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

At such time as may be requested by the manager or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of expenditures for the next fiscal year for the departments or activities under their control. The manager shall submit the proposed budget to the council no later than October 31, annually.

§ ~~C419:41~~6.06. Budget Hearing.

A public hearing on the budget shall be held before its final adoption by the council, at such time and place as the council shall direct, and notice of such public hearing together with a summary of the budget as submitted shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days, including the day of publication, before the public hearing.

§ ~~C419:42~~6.07. Date Of Final Adoption.

[Amended 3-14-1978]

The budget shall be finally adopted no later than December 31, annually. Should the council take no final action on or prior to such day, the budget as submitted by the city manager shall be deemed to have been finally adopted by the council.

§ ~~C419:43~~6.08. Appropriations After Budget Is Adopted.

No appropriations shall be made for any purpose not included in the annual budget as adopted unless voted by two-thirds majority of the council after a public hearing held to discuss said appropriation, and notice of such public hearing shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. The council shall by resolution designate the source of any money so appropriated.

§ ~~C419:44~~6.09. Budget Control.

[Amended 11-16-2022]

At the beginning of each quarterly period during the fiscal year and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date, together with outstanding indebtedness and estimated future expenses and if it shall appear that the income is less than anticipated, the council or manager may reduce the appropriation, for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. The manager may provide for monthly or quarterly allotments of appropriations to departments, funds or agencies under such rules as the manager shall prescribe.

§ ~~C419:45~~6.10. Transfer Of Appropriations.

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

After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific additional appropriation therefor. The head of any department with the written approval of the manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within their department to another fund or agency within their department. The manager, with the approval of the council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

§ ~~C419:46~~6.11. Depository.

[Amended 3-14-1978]

The council shall designate the depository or depositories for the city funds. The council may provide for such security for the city deposits as it may deem necessary except that personal surety bonds shall not be deemed proper security.

§ ~~C419:47~~6.12. Independent Audit.

[Amended 3-14-1978]

An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants experienced in municipal accounting or a public accountant licensed by the state of New Hampshire under RSA 309-A:8 to conduct its annual audit. An abstract of the results of such an audit shall be made public. An independent audit shall also be made by an independent auditing firm as required above to make an annual audit of all trust funds established within the city. An annual report of the city's business shall be made available.

Editor's Note: Repealed. See now RSA 309-B.

§ ~~C419:48~~6.13. Official Bonds.

[Amended 11-16-2022]

Any city officer elected or appointed by authority of this charter may be required by the council to give a bond to be approved by the city solicitor for the faithful performance of the duties of their office but the manager and all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

§ ~~C419:49~~6.14. Borrowing Procedure.

Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, the council, by resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit and resources of the city for the payment of the obligations created thereby. Except in the case of borrowing in anticipation of taxes, borrowing for a term exceeding one year or in an amount of twenty thousand dollars or more shall be authorized by the council only after a public hearing held to discuss such borrowing, and notice of such public hearing shall be printed in a newspaper published or circulated locally, once a week in two successive calendar weeks, the last publication being at least seven days including the day of publication before the public hearing. In no event shall the term of such bonds exceed the limitations imposed by state law.

§ 6.15. Trust Funds.

Trust funds of the City of Lebanon, except where otherwise provided by the instrument creating such trust, shall continue to be kept separate and apart from all other funds and shall remain in the hands of the trustees of trust funds, one of whom shall be appointed by the mayor each year for a term of three years. Said trustees shall invest such funds in securities legal for investment by savings banks of this state.

ARTICLE VII

ROLE OF PUBLIC ENGAGEMENT

§ 7.01. Citizens Binding Initiative.

[Adopted 11-2-1982, effective 1-1-1983]

Citizens may propose a measure with an initiative petition signed by qualified voters equal in number to ten percent of the votes cast in the last gubernatorial election. When said petition is complete, as certified by the city clerk to have met the above requirements, said proposed measure, shall be submitted to the city council requesting the city council to pass proposed measure without alteration; if said proposed measure be not passed without alteration within twenty days after the date of the Clerk's certification, then such proposed measure without alteration shall be submitted by the city council to the vote of qualified voters at the next municipal election. If a majority of the qualified voters voting on any proposed measure, and which falls within the lawful rights and powers of the city, shall vote in favor thereof, same shall thereafter go into effect on the first day of the next succeeding municipal year.

§ 7.02. Citizens Non-binding Initiative.

[Amended 3-13-1984, effective 9:1984]

In lieu of proposing a binding initiative, citizens may propose a non-binding measure providing they file a petition signed by qualified voters equal in number to 10 percent of the votes cast in the last gubernatorial election. If a majority of the qualified voters voting on any non-binding measure shall vote in favor thereof, then such vote shall constitute an advisory opinion to the city council. The provision of any ordinance passed by the city council dealing with binding initiative petitions shall also apply to non-binding initiative petitions.

ARTICLE ~~IV~~VIII

MERIT PLAN

§ ~~C419:50~~8.01. Merit Plan – Appointments.

Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicant's fitness so far as practicable examination shall be competitive.

§ ~~C419:51~~8.02. Rules and Regulations.

[Amended 3-8-1977]

The first manager under this charter shall draft and submit to the council within three months after assuming office a set of rules and regulations, which shall become effective one month after its submission unless vetoed by the council within that period, providing for the establishment of a merit system personnel administration and for the implementation of such portions of that system as are prescribed by this charter. The rules and regulations shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations and any other matters necessary to the maintenance of efficient service and the improvement of working conditions. The rules and regulations shall continue in force subject to amendments submitted from time to time by the manager which shall become effective one month after their submission unless vetoed by the council within that period.

§ ~~C419:52~~8.03. Compensation.

The compensation of all officers and employees not fixed by this charter shall be fixed in the rules and regulations of the merit plan by a schedule of pay which include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position provided for in said rules and regulations and which shall be enacted in the form of an ordinance as provided for in said rules and regulations and which shall be enacted in the form of an ordinance as provided in Sections 24 [§ 3.09] and 25 [§ 3.10]. In increasing or decreasing items in the city budget, the council shall not increase or decrease any individual salary item but shall act solely with respect to total salaries in the various departments of the city.

§ ~~C419:53~~8.04. (Reserved)

Editor's Note: Former Section 53, Personnel Advisory Board, as amended 3-8-1977, was repealed 3-12-2024.

§ ~~C419:53a~~8.05. (Reserved)

Editor's Note: Former Section 53a, The Grievance Board, as amended 3-8-1977, was repealed 3-12-2024.

§ ~~C419:54~~8.06. Certification Of Compensation.

[Amended 11-16-2022]

No compensation shall be paid without Certification by the manager, or such officer as the manager may direct, that the recipients are employed by the city and that their rates of compensation comply with the pay schedule provided for in Section 52 [§ 8.03]. If such officer approves payments not in conformity therewith, the officer and the officer's surety shall be liable for the amount of such payments.

§ ~~C419:55~~8.07. Taxpayers Remedy.

A taxpayer may maintain a civil action to restrain payment of compensation to persons unlawfully appointed or employed or to recover for the city any sums paid contrary to the provisions of this charter.

ARTICLE ~~V~~IX

SPECIAL ASSESSMENTS

§ ~~C419:57~~9.01. Special Assessments – Council Resolutions.

The council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which special assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

§ ~~C419:58~~9.02. Procedure Fixed By Ordinance.

The council shall prescribe by general ordinance complete special assessment procedure concerning plans and the specifications, estimate of costs, notice and hearing, the making of the special assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

ARTICLE ~~VIX~~

MISCELLANEOUS~~GENERAL~~ PROVISIONS

§ ~~C419:59~~10.01. Oath Of Office.

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

Every person elected or appointed to any city office or city board, before entering upon the duties of said office shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the city clerk.

§ ~~C419:60~~10.02. Notice Of Election Or Appointment.

[Amended 11-16-2022]

Written notice of election or by appointment of any city officer shall be mailed to said officer at the officer's address by the city clerk within forty-eight hours after the appointment is made or the vote canvassed. If within ten days from the date of the notice, such officer has not filed with the city clerk a written notice of acceptance of such election or appointment and shall not take, subscribe to, and file with the city clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the council shall extend the time in which such officer may qualify.

§ ~~C419:61~~10.03. Vacancy Defined.

In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony, is physically incapacitated, or is judicially declared to be mentally incompetent.

~~§ C419:62. Disqualification of Councilor, Board Member or Employee.~~

~~[Amended 3-18-1988, effective 1-1-1989; amended 11-16-2022]~~

~~A person who has, or within twelve months preceding had, a direct personal and pecuniary interest in a matter pending before the Council, any Board or department of the City shall be disqualified from participation, voting or acting on such matter, as a councilor, board member, or employee. Such person must at all times physically remove themselves from any and all consideration of that matter. Any person who is disqualified as provided herein and demands to participate, vote or act on such matter may be removed only by order of the Superior Court on petition by any person.~~

§ ~~C419:63~~10.04. Private Use Of Public Property.

No officer or employee shall devote any city property or labor to private use except as may be provided by law or ordinance.

§ ~~C419:64~~10.05. Use Of Streets By Public Utilities.

Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use.

§ ~~C419:65~~10.06. Liability For Discharge.

The removal in accordance with this charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract, or otherwise.

§ ~~C419:67~~10.07. Public Records.

[Amended 3-10-1998]

All books of account, in relation to the receipt holding or disbursement of money of the city kept by any official of the city, shall be paid for by the city, shall remain the property of the city, and shall be turned over to the city clerk whenever the keeper of the books of account retires from the office. All books pertaining to city affairs kept by the city manager, city clerk, or any other elective or appointive officer of the city shall be kept in the city buildings in their proper places and shall not be removed therefrom without an order of court or a vote of the city council first had and obtained. All books and accounts of any official of the city and all records of the city council and any committee thereof shall at all times in business hours be open to the inspection of any citizen of the city, except that the council may vote to withhold minutes of proceedings of a nonpublic session only in accordance with the New Hampshire Right-to Know Law, RSA Chapter 91-A.

§ 10.08. Purchasing Procedure.

The administrative code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles for different departments and purchasing by competitive bids whenever practical.

~~§ C419:68. Trust Funds.~~

~~Trust funds of the City of Lebanon, except where otherwise provided by the instrument creating such trust, shall continue to be kept separate and apart from all other funds and shall remain in the hands of the trustees of trust funds, one of whom shall be appointed by the mayor each year for a term of three years. Said trustees shall invest such funds in securities legal for investment by savings banks of this state.~~

~~§ C419:69. Saving Clause.~~

~~All special legislation pertaining to water precincts, fire precincts and fire districts shall be hereby repealed, including the following acts of the general court: 1943, Chapter 298; 1941 Chapter 306; 1907, Chapters 191 and 247; 1887, Chapter 223; 1873, Volume 65, Page 155; 1868, Volume 60, Page 95. All ordinances and by-laws of the town of Lebanon pertaining to fire or water districts shall be repealed. All special legislation now in force relating to sewers, registration and elections, borrowing money, issuing bonds or refunding same, is hereby continued in force insofar as it is not inconsistent with the provisions of this charter, the powers thereby given to the town of Lebanon or any board or commission thereof being vested in the City of Lebanon, subject, however, to all the provisions of this charter. All special legislation relative to the government of cities shall remain in force in the city so far as the same can be applied consistently with the interests and purposes of this charter, but shall be deemed superseded as to this city so far as inconsistent herewith.~~

~~§ C419:70. Saving Clause Municipal Legislation.~~

~~[Amended 11-16-2022]~~

~~All ordinances and by-laws of the town of Lebanon or its selectpersons shall continue in force untilaltered or repealed, except where a contrary intent herein appears.~~

~~§ C419:73. Repeal Or Amendment.~~

~~No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed.~~

§ ~~C419:73a~~10.09. Violations.

[Adopted 11-7-1967]

Any person who violates any provision of this charter, unless otherwise provided, shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both. The council may provide in any city ordinance that any person who violates that ordinance shall be fined not exceeding five hundred dollars or imprisoned not exceeding ninety days, or both.

ARTICLE XI TRANSITION & SEVERABILITY

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

The sections of this charter and the parts thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

ARTICLE XII CHARTER AMENDMENT

§ 12.01. Repeal Or Amendment.

No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed.

Adopted: July 17, 1957

Amended:

November 7, 1967

December 3, 1968

November 2, 1971

November 6, 1973

March 4, 1976

March 8, 1977

March 14, 1978

March 10, 1981

November 2, 1982

March 13, 1984

November 4, 1986

March 8, 1988

June 17, 1992

March 11, 1997

March 10, 1998

March 8, 2005

March 13, 2012

November 16, 2022

March 12, 2024

November 12, 2024

Lebanon City Council
c/o Mayor Timothy J. McNamara
City Hall
51 N. Park Street

RELEASED TO THE PUBLIC

Lebanon City Manager's Office

Date: **11/14/2024**



**RE: RSA 49-B City Charter Amendment –
2025 Amendment #2 – Supervisors of the Checklist Terms of Office**

Mr. Mayor,

The City Manager has requested my firm's review of a proposed amendment to the City Charter §C419:8. A redline of the proposed amendment is attached to this letter. I understand that the purpose of the proposed amendment is to extend the term of office for the Supervisors of the Checklist within each of the three City wards from 2 years to 6 years, and to stagger the 6-year terms of each ward's three Supervisors.

The staggering of terms is to be accomplished by having each ward in 2027¹ elect one Supervisor for a term of 2 years, one Supervisor for a term of 4 years, and one Supervisor for a term of 6 years. Thereafter, beginning in 2029 and in every successive odd year, the term of one Supervisor in each ward will expire and the voters of each ward will elect a Supervisor for the ensuing 6 years.

RSA 49-B:5, 49-B:4, and 49-B:4-b describe a process by which the City Council may cause the proposed Charter amendment to be placed on the ballot for submission to voters at the next municipal election to be held on March 11, 2025. As part of this process, the Council must secure "a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws". See RSA 49-B:4-b, I; RSA 49-B:4, VI (b).

I have reviewed the proposed amendment to §C419:8 as shown in the attachment. It is my professional legal opinion that the amendment to §C419:8 would not cause the Charter to become in conflict with the constitution or the general laws of New Hampshire.

The Town of Lebanon was established as the City of Lebanon, and the City Charter was created, by an act of the state legislature in 1957, Chapter 419 of the session laws. The text of section 419:8 from the session law is substantially the same, in relevant part, as the present day text of §C419:8,² providing that each ward shall elect "three supervisors of the checklist who shall hold office for two years".

¹ Implementing the staggering starting in 2027 avoids curtailing the 2-year terms of Supervisors who will be elected to office at the 2025 city election, before the instant proposed Charter amendment would become effective.

² Amendments to §C419:8 in 1978 and 2022 are not relevant to this analysis.

Interestingly, the Charter apparently combines into a single office what were, under state law in 1957, two separate offices. §C419:8 provides that the supervisors of the checklist “shall perform all the duties required by law of selectmen of wards in cities and of supervisors of checklists in towns”.³

1942 Revised Law 62:11⁴ concerned the selection of selectmen of city wards (“Three selectmen, a moderator and a clerk shall be elected in each of the wards, who shall have the powers, perform the duties, and be subject to the liabilities, of those officers in towns, so far as relates to the warning of meetings, conducting elections, counting and declaring votes, recording the same, making returns of the votes received and certificates of elections, and all other matters relating to elections.”) Selectmen of wards would have been elected to three-year terms like their town counterparts, per 1942 Revised Law 59:11 (“Every town, at the annual meeting, shall choose, by ballot and major vote, one selectman to hold office for three years.”)

1942 Revised Law 32:1 concerned the selection of supervisors of the checklist in towns and specified they would serve two-year terms (“A board of supervisors of the check-list, consisting of three legal voters in each town, shall be chosen at each biennial election; but no selectman, moderator, clerk or ballot inspector shall be supervisor”), while 1942 Revised Law 62:4 provided that each city ward “shall be a town for the purpose of the election”, meaning that each city ward was required to have three supervisors of the checklist. 1942 Revised Law 62:5 defined the duties of supervisors of the checklists in city wards, providing that “[t]he qualifications of voters in such wards shall be the same as in towns, and check-lists of voters shall be prepared and used in all elections there, as in towns.”

By the terms of the original 1957 Charter, the City of Lebanon’s Supervisors of the Checklist, although assigned duties of both selectmen of wards and supervisors of the checklist, were somewhat more akin to supervisors than selectmen, because (a) their office title was set as “Supervisor”, not “Selectman”, (b) their duties were focused on election affairs of their wards, rather than to more broadly “manage the prudential affairs”⁵ of the wards, and (c) they were assigned two-year terms served by supervisors in towns rather than staggered three-year terms served by selectmen in towns.

Under New Hampshire’s current (2024) state laws, it is the duty of supervisors of the checklist in each city ward to “prepare, post, and revise the checklist for city elections in the same manner as for a state election as provided in RSA 654:25-654:31” (RSA 44:5), and each city ward is considered a town for election purposes (RSA 44:4). With respect to terms of office for city officials, RSA 44:11 generally provides that “all ward and city officers who are chosen by the

³ See also C419:9 (1957 original): “The selectmen of the town of Lebanon shall within fourteen days from the date of adoption of this act appoint a moderator, clerk and three supervisors of the checklist and four inspectors of election for each ward, which officers shall be residents of their respective wards. Said supervisors shall act as and be selectmen of their respective wards for the purpose of calling the first ward meeting...”

⁴ Later re-codified as the present-day RSA 44:12.

⁵ RSA 41:8 broadly describes the authority of selectmen of towns as the authority to “manage the prudential affairs of the town and perform the duties by law prescribed.”

November 12, 2024

Page 3

people shall hold their respective offices for the term and from the day fixed by law or ordinance". The term of office for supervisors of the checklist in towns is defined in RSA 41:46-a, adopted in 1979:

The board of supervisors of the checklist shall consist of 3 legal voters of the town. At the annual town election held in every even numbered year, the voters of each town shall elect, by ballot, one supervisor for a term of 6 years, provided that the supervisor elected at the state general election in 1974 shall serve until the annual town election in 1980, and that the supervisor elected at the state general election in 1976 shall serve until the annual town election in 1982.

The proposed amendment to §C419:8 follows in the form of RSA 41:46-a, establishing for the three supervisors of the checklist in each City ward, which is considered a "town" for election purposes, the same staggered 6-year term structure served by supervisors of the checklist in New Hampshire towns. Accordingly, it is my opinion that the amendment to §C419:8 would be in harmony with the constitution and general laws of the State of New Hampshire.

Sincerely,



Matthew C. Decker
NH Bar ID #267540

Attachment (Redline of §C419:8)

cc: City Manager

§ 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.

November 12, 2024

Lebanon City Council
c/o Mayor Timothy J. McNamara
City Hall
51 N. Park Street

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 11/14/2024



RE: RSA 49-B City Charter Amendment –
2025 Amendment #3 – City Office Candidacy Filing Period

Mr. Mayor,

The City Manager has requested my firm's review of a proposed amendment to the City Charter §C419:10. A redline of the proposed amendment is attached to this letter. I understand that the purpose of the proposed amendment is to synchronize the candidate filing period for City office elections with the candidate filing period for School District elections.

RSA 49-B:5, 49-B:4, and 49-B:4-b describe a process by which the City Council may cause the proposed Charter amendment to be placed on the ballot for submission to voters at the next municipal election to be held on March 11, 2025. As part of this process, the Council must secure "a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws". See RSA 49-B:4-b, I; RSA 49-B:4, VI (b).

I have reviewed the proposed amendment to §C419:10 as shown in the attachment. It is my professional legal opinion that the amendment to §C419:10 would not cause the Charter to become in conflict with the constitution or the general laws of New Hampshire.

The City Charter already links the date of the City election to the date of the School District election, which is in turn governed by state law. §C419:6 states that "[t]he 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." By current state law, the School District election is indeed held on the second Tuesday in March. RSA 197:1, concerning annual school district meetings, provides that "[a] meeting of every school district shall be held annually between March 1 and March 25, inclusive, or in accordance with RSA 40:13 if that provision is adopted in the district, for raising and appropriating money for the support of schools for the fiscal year beginning the next July 1, for the transaction of other district business and, in those districts not electing their district officers at town meeting, for the choice of district officers." The Lebanon School District has adopted the "official ballot referendum" a/k/a

“SB2”¹ form of annual meeting defined in RSA 40:13, and section VII of this law sets the school district’s annual election date as the second Tuesday in March.²

The candidate filing period for Lebanon School District elections is also defined by state law. RSA Chapter 671, concerning school district elections, provides at 671:19 that “[a]ll the provisions of RSA 669:19-669:22 relative to filing for office and withdrawal of candidacy for a non-partisan town election shall apply to school district elections....” RSA 669:19, in turn, defines the candidate filing period for town and school district elections: “In a town which has adopted the nonpartisan ballot system as provided in RSA 669:13, all candidates shall file a declaration of candidacy with the town clerk during the filing period for town candidates... The filing period shall begin on the seventh Wednesday and end on the Friday of the following week before the town election.” For an election held on the second Tuesday in March, the candidate filing period runs from late January into early February, from 48 to 39 days before the election date.

Meanwhile, however, the City Charter in §C419:10 defines a different candidate filing period for city elections: “Such filing shall take place not before nine o'clock in the morning of the forty-second [42nd] day before the election nor later than five o'clock in the afternoon of the twenty-eighth [28th] day before the election.” State law does not dictate a candidate filing period for city elections; this is left up to local control of the cities. RSA 44:11 states that “The meeting of the voters of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council”. RSA 44:19 states that “Cities holding elections on days other than those of state elections shall be governed by the provisions of RSA 658 and 659 in the choice of city and ward officers insofar as such provisions are not inconsistent with city charter provisions or other state statutes.” RSA Chapter 658, concerning pre-election procedures, does not reference a candidate filing period. Accordingly, I conclude that the City Charter is the primary authority for the City office candidate filing period.

The proposed amendment to §C419:10 would link the City office candidate filing period to the School District office candidate filing period and to the state laws controlling such period. Because the amended candidate filing period would be linked to state laws RSA 671:19 and RSA 669:19, and because there is no other state law defining when a city election candidate filing period must occur, I conclude that the proposed amendment is consistent with the constitution and general laws of the State of New Hampshire.

¹ The official ballot referendum form of annual meeting is referred to as “SB2” because its origin was Senate Bill 2 from 1995.

² The text of RSA 40:13, VII is as follows: “*The second session of the annual meeting*, which is the official ballot voting day as defined in RSA 652:16-g, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, *shall be held on the second Tuesday in March*, the second Tuesday in April, or the second Tuesday in May, as applicable unless it is postponed in accordance with RSA 40:4, II(b) and RSA 669:1. Notwithstanding RSA 669:1, 670:1, or 671:2, *the second session shall be deemed the annual election date for purposes of all applicable election statutes* including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30 through 32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.” (Emphasis added.)

November 13, 2024
Page 3

Sincerely,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is written in a cursive, flowing style.

Matthew C. Decker
NH Bar ID #267540

Attachment (Redline of §C419:10)
cc: City Manager

§ 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.



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, November 20, 2024 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
[LebanonNH.gov/LIVE](https://lebanonnh.gov/LIVE)**

The Lebanon City Council will hold a public hearing on November 20, 2024, beginning at 7:00pm for the following:

- A. City Charter Amendments** – A public hearing for the purpose of receiving public input and taking action on resolutions to direct the City Manager to file reports 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, and to limit the allowable banners under the Code.
- 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, Lebanon School District, and Lebanon Housing Authority shall not be required to pay applicable fees for City-, School District-, and Housing Authority-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 in Appendix A.
- 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.

The complete copy of the proposed ordinance or amendment is available for public inspection at City Hall.

The November 20, 2024 City Council agenda packet and documents pertaining to the above described public hearings will be available on the City's website beginning November 15, 2024: [LebanonNH.gov/Agendas](https://lebanonnh.gov/Agendas)

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](https://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.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 9, 2024.

Jaseya Ewing

Jaseya Ewing, City Clerk

Agenda

Lebanon City Council

November 20, 2024

8. Public Hearing Items:

8.B – Ordinance #2024-11 to Amend City Code Chapter 23, Banners, to Remove References to the Licensing Board, and Limit the Allowable Banners

A public hearing for the purpose of receiving public input and taking action on Ordinance #2024-11 to amend City Code Chapter 23, Banners, to remove references to the former Licensing Board, and limit the allowable types of banners.

The City Council scheduled this public hearing at its November 6, 2024 regular meeting. The public hearing was properly noticed in the *Valley News* on November 9, 2024 in accordance with City Code and State Law.

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:

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts 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, as presented in the November 20, 2024 City Council agenda packet. This Ordinance shall become effective upon passage.

Included in this Section:

1. Ordinance #2024-11
2. Legal opinion from Attorney Christine Johnston, dated November 9, 2024.
3. Notice of Public Hearing as Published in the November 9, 2024 Edition of the *Valley News*

**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.

November 9, 2024

Shaun Mulholland, City Manager
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

RELEASED TO THE PUBLIC

Lebanon City Manager's Office

Date: 11/14/2024



RE: Ordinance 2024-11 Chapter 23, Banners

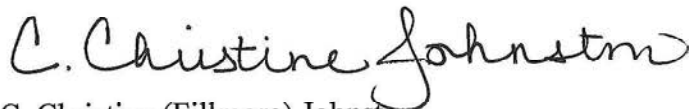
Mr. Mulholland,

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2024-11, Chapter 23, Banners, which was forwarded to me on November 8, 2024. The goals of the proposed ordinance as I understand them are to amend the existing Chapter 23 of the City Code by removing an obsolete reference to the former Licensing Board, clarifying the City Manager's authority to issue permits for banners within the City, and removing the option to permit banners over a public street or sidewalk.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,



C. Christine (Fillmore) Johnston



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, November 20, 2024 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
[LebanonNH.gov/LIVE](https://lebanonnh.gov/LIVE)**

The Lebanon City Council will hold a public hearing on November 20, 2024, beginning at 7:00pm for the following:

- A. City Charter Amendments** – A public hearing for the purpose of receiving public input and taking action on resolutions to direct the City Manager to file reports 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, and to limit the allowable banners under the Code.
- 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, Lebanon School District, and Lebanon Housing Authority shall not be required to pay applicable fees for City-, School District-, and Housing Authority-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 in Appendix A.
- 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.

The complete copy of the proposed ordinance or amendment is available for public inspection at City Hall.

The November 20, 2024 City Council agenda packet and documents pertaining to the above described public hearings will be available on the City's website beginning November 15, 2024: [LebanonNH.gov/Agendas](https://lebanonnh.gov/Agendas)

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](https://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.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 9, 2024.

Jaseya Ewing

Jaseya Ewing, City Clerk

**Agenda
Lebanon City Council
November 20, 2024**

8. Public Hearing Items:

8.C – 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 of Lebanon, Lebanon School District, and Lebanon Housing Authority Shall Not be Required to Pay Applicable Fees for City-, School District-, and Housing Authority-Sponsored Projects

A public hearing for the purpose of receiving public input and taking action on Ordinance #2024-13 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to authorize the following changes:

1. An 8.0% increase to the Water Service Rates set forth in §68-15.B(1); and
2. A 6.0% increase to the Sewer Service Rates set forth in §68-15.B(7); and
3. A 15.0% increase to the Ambulance Fees set forth in §68-15.E; and
4. A new fee schedule for applications to the Heritage Commission to be set forth in §68-15.I; and
5. 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); and
6. An amendment to §68-11, Declaration of Purpose, to clarify that the City of Lebanon, the Lebanon School District, and the Lebanon Housing Authority 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-, School District-, and Housing Authority-sponsored projects or applications.

The City Council scheduled this public hearing at its November 6, 2024 regular meeting. The public hearing was properly noticed in the *Valley News* on November 9, 2024 in accordance with City Code and State Law.

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 proposed fee schedule be 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, this exemption would not apply to water service rates under Section 68-15.B(1), hydrant fees under Section 68-15.B(3), and sewer service rates under Section 68-15.B(7).

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

Action:

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-13 to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to authorize the following changes, as presented in the November 20, 2024 City Council agenda packet:

- 1. An 8.0% increase to the Water Service Rates set forth in §68-15.B(1); and***
- 2. A 6.0% increase to the Sewer Service Rates set forth in §68-15.B(7); and***
- 3. A 15.0% increase to the Ambulance Fees set forth in §68-15.E; and***
- 4. A new fee schedule for applications to the Heritage Commission to be set forth in §68-15.I; and***
- 5. 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); and***
- 6. An amendment to §68-11, Declaration of Purpose, to clarify that the City of Lebanon, the Lebanon School District, and the Lebanon Housing Authority shall not be required to pay certain 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-, School District-, and Housing Authority-sponsored projects or applications.***

This ordinance shall become effective on January 1, 2025.

Included in this Section:

1. Ordinance #2024-13
2. Legal opinion from Attorney Christine Johnston, dated November 9, 2024
3. Memorandum from Fire Chief Jim Wheatley, dated June 21, 2024
4. Lebanon Heritage Commission Fee Schedule, revised July 15, 2024
5. Excerpts of NH RSA 540, Actions against Tenants
6. 2025 Proposed Water and Wastewater Rates presentation
7. Notice of Public Hearing as Published in the November 9, 2024 Edition of the *Valley News*

**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, and by amending §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 certain 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.

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 following: water service rates under Section 68-15.B(1); hydrant fees under Section 68-15.B(3); and sewer service rates under Section 68-15.B(7) ~~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: ~~\$4.36~~ 4.71.
- [2] Single-family residential: greater than 1,200 cubic feet: ~~\$8.73~~ 9.43.
- [3] Non-residential and non-single-family residential: ~~\$6.55~~ 7.07.

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

- [1] 5/8-inch: ~~\$22.91~~ 24.74.
- [2] 3/4-inch: ~~\$73.24~~ 79.07.
- [3] *One-inch: ~~\$108.85~~ 117.56.
- [4] 1.5-inch: ~~\$191.44~~ 206.76.
- [5] Two-inch: ~~\$317.09~~ 342.46.
- [6] Three-inch: ~~\$816.16~~ 881.45.
- [7] Four-inch: ~~\$3,166.85~~ 3,420.20.
- [8] Six-inch: ~~\$6,038.24~~ 6,521.27.
- [9] Eight-inch: ~~\$11,604.02~~ 12,529.10.

§68-15.B(7) Sewer Service Rates

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

- [1] 5/8-inch: ~~\$33.38~~ 35.38.
- [2] 3/4-inch: ~~\$106.74~~ 113.11.
- [3] One-inch: ~~\$158.68~~ 168.20.
- [4] 1.5-inch: ~~\$279.06~~ 295.80.
- [5] Two-inch: ~~\$462.25~~ 489.99.
- [6] Three-inch: ~~\$1,189.78~~ 1,261.17.
- [7] Four-inch: ~~\$4,616.62~~ 4,893.62.
- [8] Six-inch: ~~\$8,802.56~~ 9,330.71.
- [9] Eight-inch: ~~\$16,942.04~~ 17,926.76.

§68-15.B(7)(a) Per 100 cubic feet of metered water usage: ~~\$42.60~~ 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: ~~\$411.83~~ 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: ~~\$622.98~~ 716.43.
- (2) Basic Life Support, nonresident: ~~\$694.08~~ 798.19.
- (3) Advanced Life Support 1, resident: ~~\$1,146.20~~ 1,318.13.
- (4) Advanced Life Support 1, nonresident: ~~\$1,230.84~~ 1,415.47.
- (5) Advanced Life Support 2, resident: ~~\$1,720.72~~ 1,978.83.

- (6) Advanced Life Support 2, nonresident: ~~\$1,842.88~~ 2,119.31.
- (7) Specialty Care Transport: ~~\$2,248.40~~ 2,585.66.
- (8) Mileage: ~~\$14.98~~ 17.23.
- (9) Co-pay Waiver, resident: ~~\$117.29~~ 134.88.
- (10) Advanced Life Support, no transport: ~~\$527.79~~ 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.

November 9, 2024

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: **11/14/2024**

Shaun Mulholland, City Manager
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

RE: Ordinance 2024-13 Chapter 68, Fees

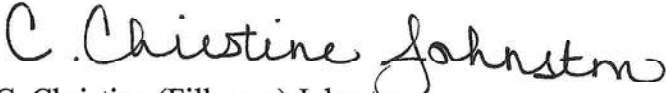
Mr. Mulholland,

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2024-13, Chapter 68, Fees, which was forwarded to me on November 8, 2024. The goals of the proposed ordinance as I understand them are to amend the existing Chapter 68 of the City Code to: clarify and confirm that the City of Lebanon, Lebanon School District (SAU #88) and the Lebanon Housing Authority are not subject to fees in Chapter 68 or elsewhere in the Code for permits, licenses or reviews but remain subject to public utilities fees in Section 68-15.B; adjust public utility (water/sewer) fees and ambulance fees, and establish fees with respect to the Heritage Commission and the landlord's agent registry under RSA 540:1-b.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,


C. Christine (Fillmore) Johnston



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

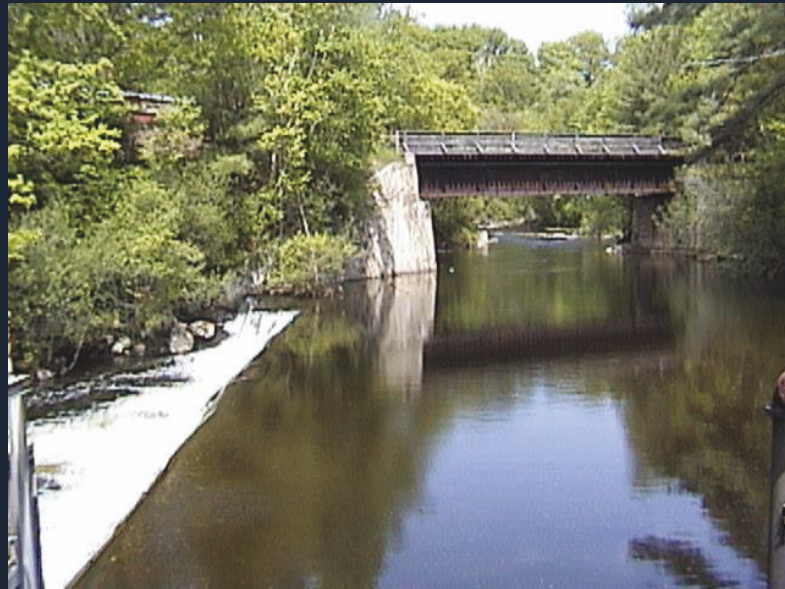
540:1-c Penalty. – The governing body of a municipality may establish a fine not to exceed \$100 for the failure to file a statement designating an agent for service of process as required under RSA 540:1-b. Any such fine may be collected in the same manner as a fine for violation of a municipal ordinance,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



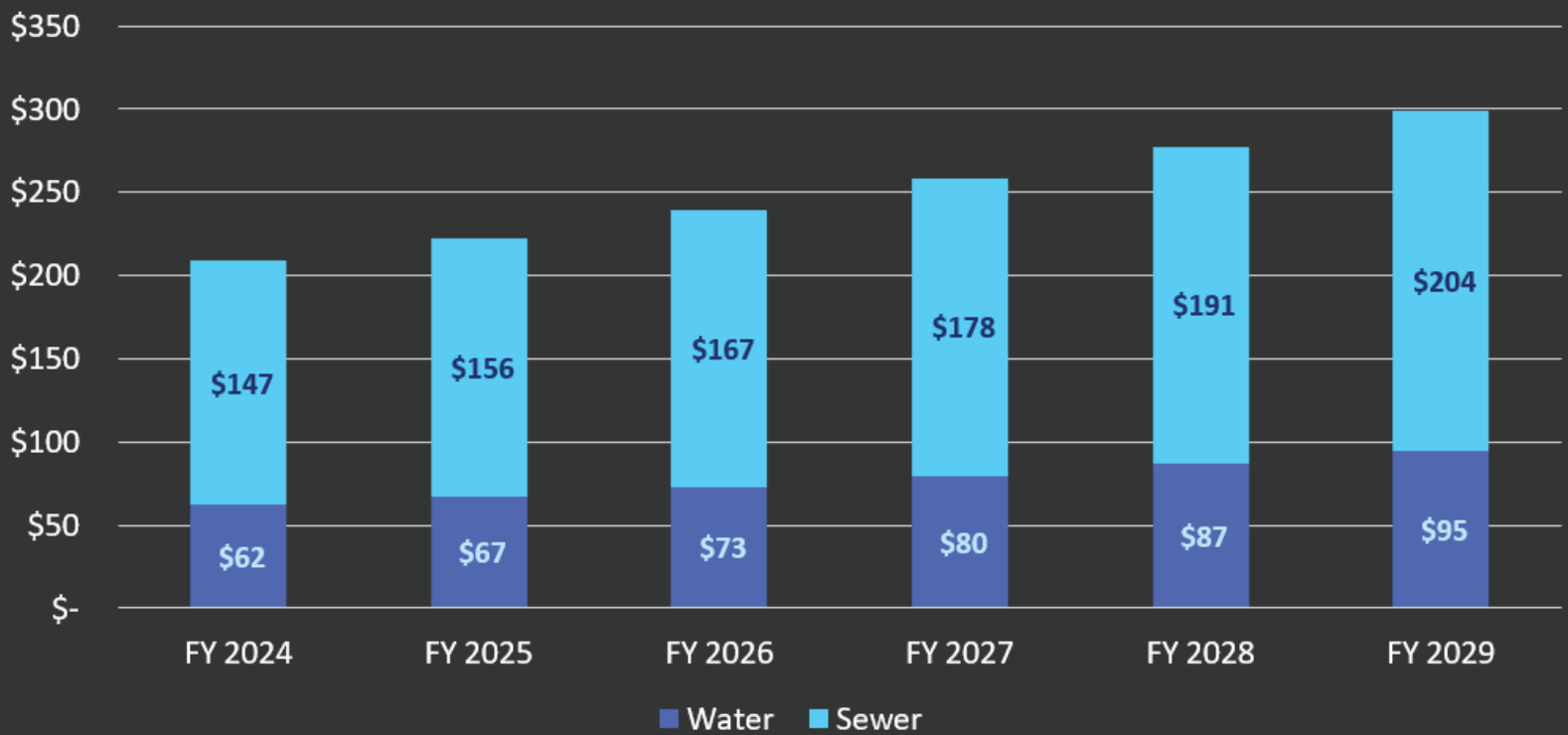


Water Rate Increase of 8%
Budget Increase of 4.4%



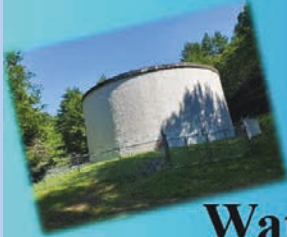
Sewer Rate Increase of 6%
Budget Increase of 4%

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.



Questions?



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, November 20, 2024 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE**

The Lebanon City Council will hold a public hearing on November 20, 2024, beginning at 7:00pm for the following:

- A. City Charter Amendments** – A public hearing for the purpose of receiving public input and taking action on resolutions to direct the City Manager to file reports 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, and to limit the allowable banners under the Code.
- 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, Lebanon School District, and Lebanon Housing Authority shall not be required to pay applicable fees for City-, School District-, and Housing Authority-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 in Appendix A.
- 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.

The complete copy of the proposed ordinance or amendment is available for public inspection at City Hall.

The November 20, 2024 City Council agenda packet and documents pertaining to the above described public hearings will be available on the City's website beginning November 15, 2024: LebanonNH.gov/Agendas

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.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 9, 2024.

Jaseya Ewing

Jaseya Ewing, City Clerk

Agenda

Lebanon City Council

November 20, 2024

8. Public Hearing Items:

8.D – Ordinance #2024-14 to Amend City Code Chapter 97, Landfill Regulations, including Appendix A, Fee Schedule

A public hearing for the purpose of receiving public input and taking action on Ordinance #2024-14, to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, including Appendix A, Fee Schedule.

The City Council scheduled this public hearing at its November 6, 2024 regular meeting. The public hearing was properly noticed in the *Valley News* on November 9, 2024 in accordance with City Code and State Law.

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, to update the fees outlined in Appendix A to reflect increased disposal rates, and to propose new fees for contaminated or mixed load recycling, drive-off fees, and oil.

Based on the attorney's legal review, the wording of several sections has been modified slightly to improve clarity and consistency of format and terminology. These updated sections are highlighted on the attached Ordinance. With these clarifications, the attorney has no legal concerns about the proposed Ordinance.

Action:

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-14, to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, as presented in the November 20, 2024 City Council agenda packet. This ordinance shall become effective on January 1, 2025.

Included in this Section:

1. Ordinance #2024-14
2. Legal opinion from Attorney Christine Johnston, dated November 9, 2024
3. 2025 Proposed Solid Waste Rates presentation
4. Notice of Public Hearing as Published in the November 9, 2024 Edition of the *Valley News*

**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 that generates revenue for the City. 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 will take the following items under this permit: scrap metal, Aluminum, steel cans, paper and cardboard.
- (2) A completed application must be submitted electronically using the form provided on the City's website. Fees for permits will be as outlined in § 97-8.
- (3) In order to retain a permit under this section, 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, the permit and associated access to the facility may be revoked. Fees for permits will be as outlined in § 97-8.
- (4) Loads of 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 under this section if rates of return on recyclables 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 in writing to the Municipal permit holder.

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 \$ Fifty dollar 25- 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) C&D Wood: ~~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~~include contaminated recyclables 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 ~~C~~contaminated or mixed load recycling fee. Mixed loads with ~~dirty wood~~construction wood shall be rejected.

~~G.H.~~ Permit fees.

- (1) Residential.
 - (a) ~~Five~~teen 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: Fifty dollars ~~\$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 <u>95.00</u> /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 <u>58.75</u> /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 \$3537.500
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) 15035.00 /ton Sectionals charged by the piece
Tires	\$1215.00 /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>0.00</u> /unit
Fluorescent bulbs	<u>\$2.50 Base + 0.15</u> /ft.
Compact fluorescent lamps (CFLs)	<u>\$2.50 Base+0.60</u> \$0.60 /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	\$24 <u>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 per 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.

November 9, 2024

Shaun Mulholland, City Manager
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: **11/14/2024**



RE: Ordinance 2024-14 Chapter 97, Landfill

Mr. Mulholland,

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2024-14, Chapter 97, Landfill, which was forwarded to me on November 8, 2024. The goals of the proposed ordinance as I understand them are to amend the existing Chapter 97 of the City Code to: establish a program for haulers and non-participating municipalities to drop off recyclables at the Lebanon Recycling Center; clarify the regulations regarding contaminated recyclables and certain construction & demolition debris; remove the expiration date for Landfill permits and clarify when new permits are required; and adjust various Landfill fees.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,



C. Christine (Fillmore) Johnston

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

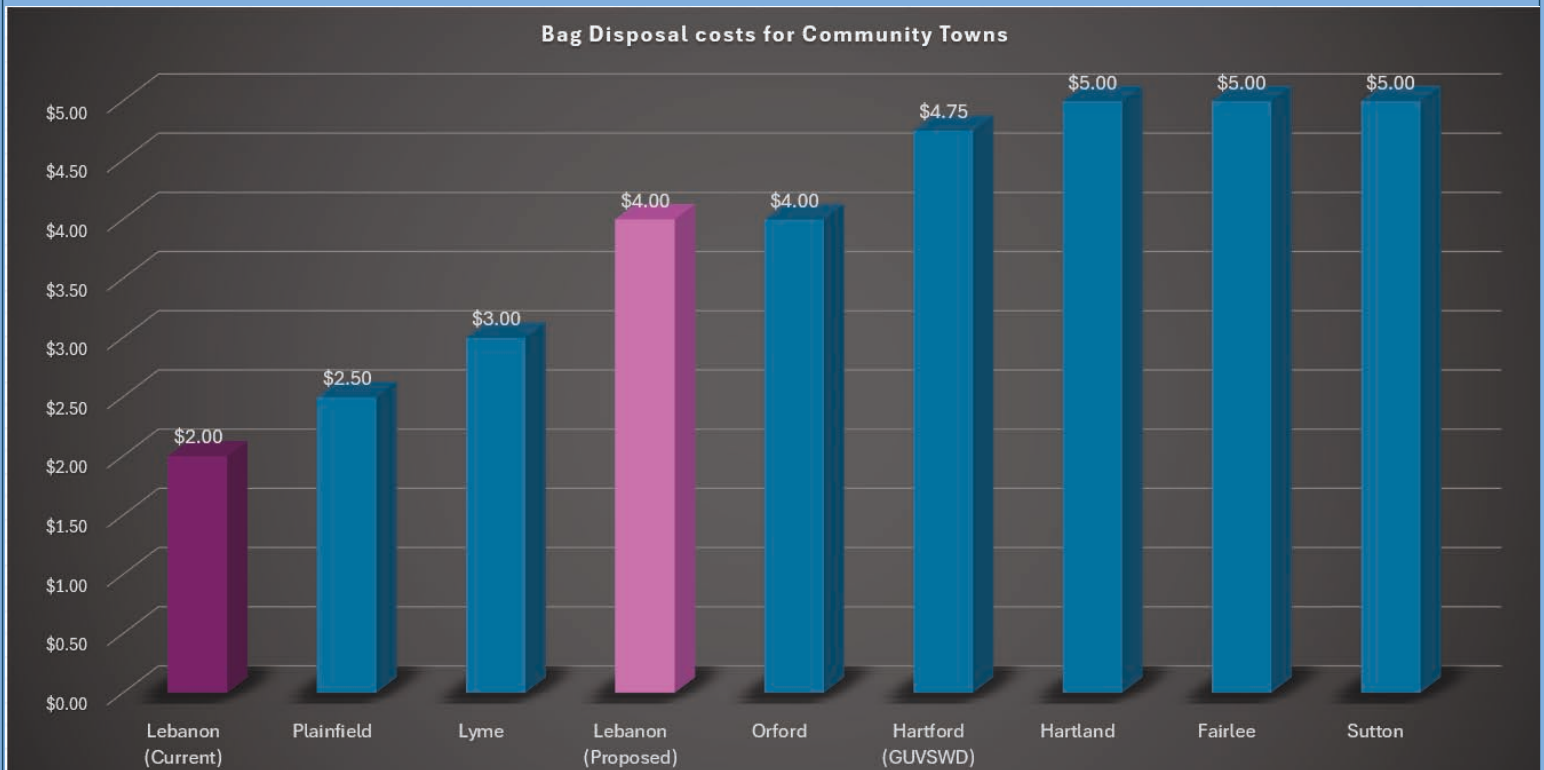
Cost for Residential Handling: \$390,000 per year*

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



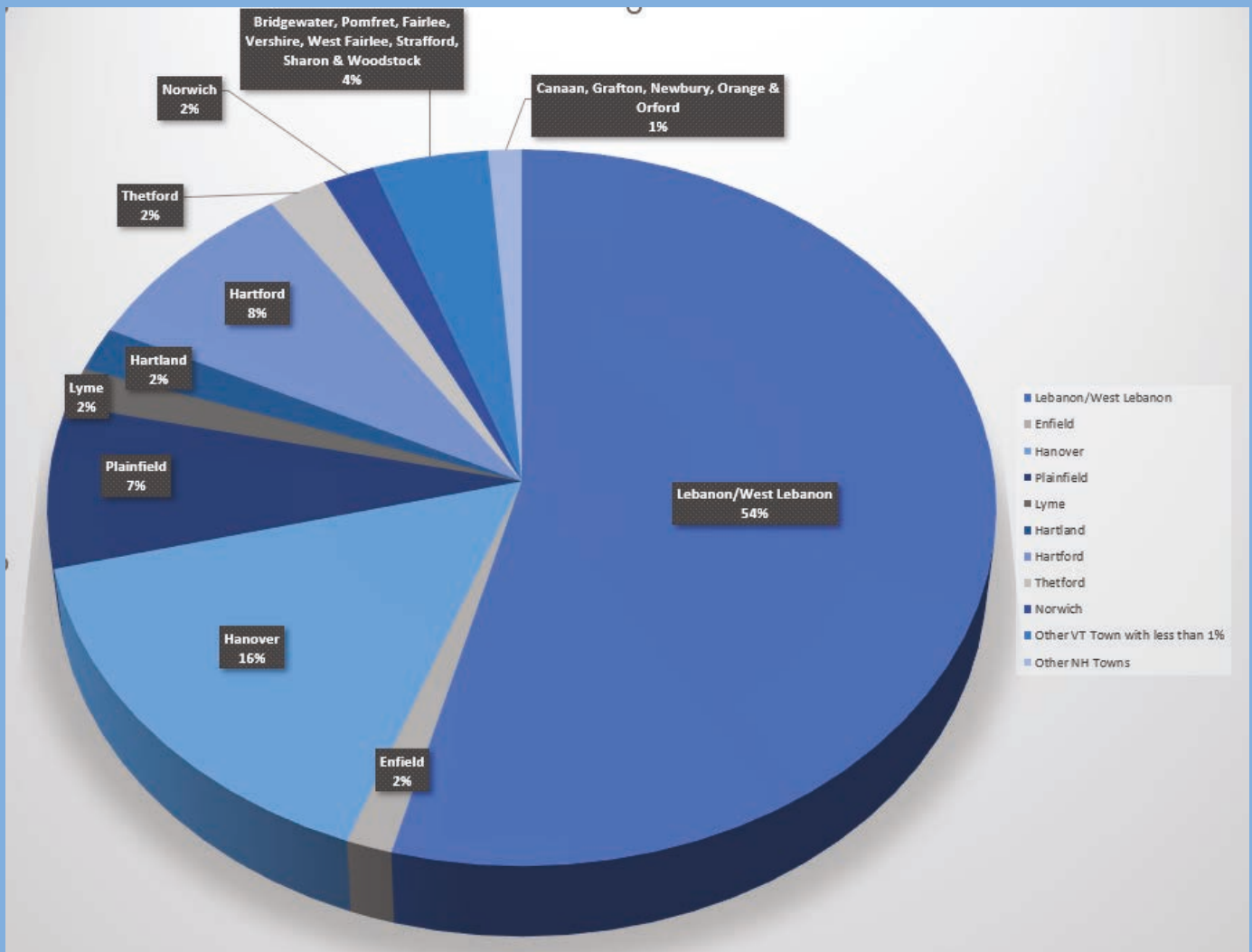
30-33 gal bag

* 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

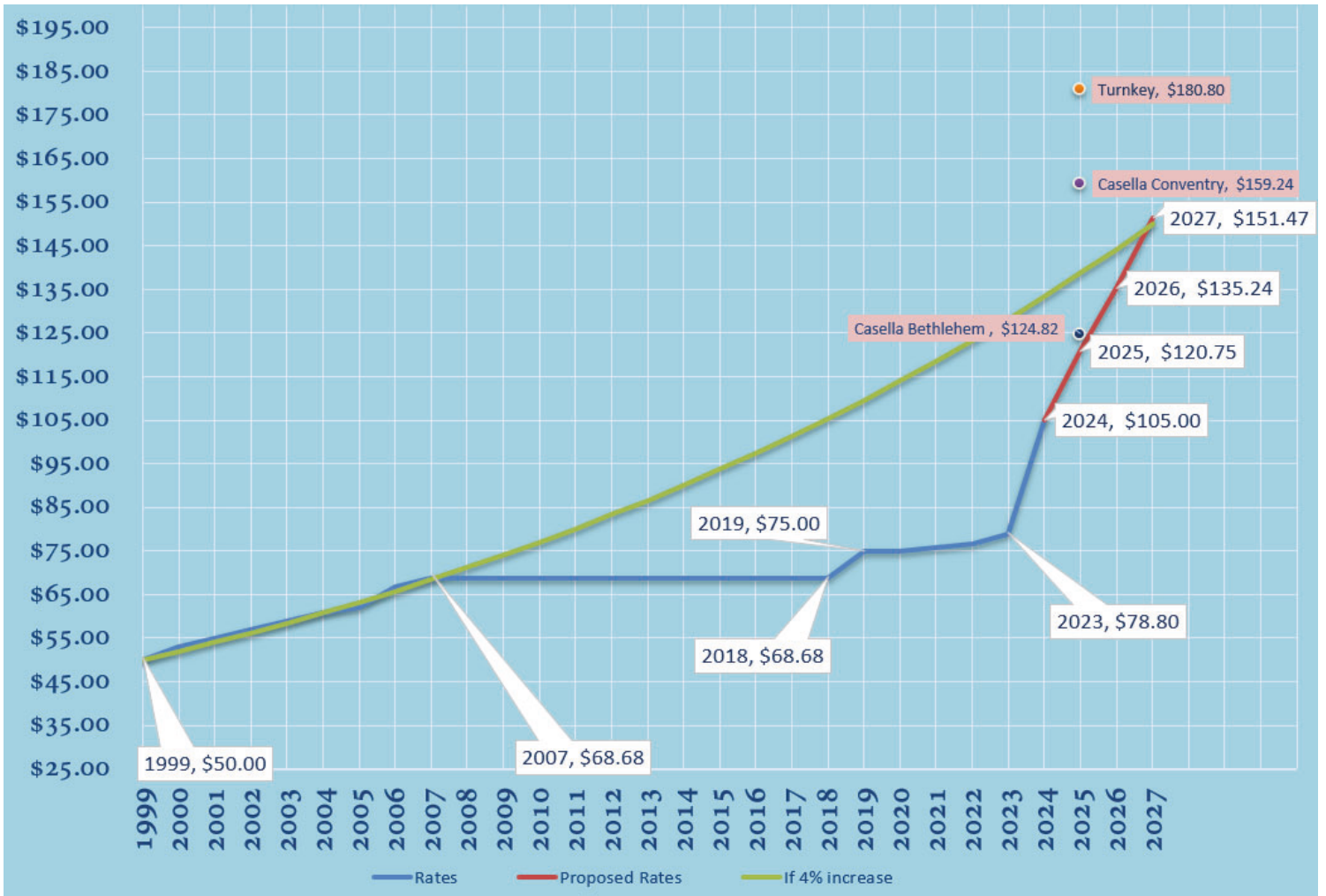


Commercial Rate Increases

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?



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, November 20, 2024 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
[LebanonNH.gov/LIVE](https://lebanonnh.gov/LIVE)**

The Lebanon City Council will hold a public hearing on November 20, 2024, beginning at 7:00pm for the following:

- A. City Charter Amendments** – A public hearing for the purpose of receiving public input and taking action on resolutions to direct the City Manager to file reports 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, and to limit the allowable banners under the Code.
- 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, Lebanon School District, and Lebanon Housing Authority shall not be required to pay applicable fees for City-, School District-, and Housing Authority-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 in Appendix A.
- 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.

The complete copy of the proposed ordinance or amendment is available for public inspection at City Hall.

The November 20, 2024 City Council agenda packet and documents pertaining to the above described public hearings will be available on the City's website beginning November 15, 2024: [LebanonNH.gov/Agendas](https://lebanonnh.gov/Agendas)

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](https://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.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 9, 2024.

Jaseya Ewing

Jaseya Ewing, City Clerk

Agenda

Lebanon City Council

November 20, 2024

8. Public Hearing Items:

8.E – Ordinance #2024-15 to Amend City Code Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations, to Amend Airport Landing Fees

A public hearing for the purpose of receiving public input and taking action on Ordinance #2024-15 to amend City Code Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations, to amend Airport Landing Fees.

The City Council scheduled this public hearing at its November 6, 2024 regular meeting. The public hearing was properly noticed in the *Valley News* on November 9, 2024 in accordance with City Code and State Law.

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:

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-15 to amend City Code Chapter 8, Section 8.4, Airport Rules and Regulations, to amend Airport Landing Fees, as presented in the November 20, 2024 City Council agenda packet. This ordinance shall take effect on January 1, 2025.

Included in this Section:

1. Ordinance #2024-15
2. 2024 Airport Operations and Landing Fee Collection presentation
3. Legal opinion from Attorney Christine Johnston, dated November 9, 2024
4. Notice of Public Hearing as Published in the November 9, 2024 Edition of the *Valley News*

**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

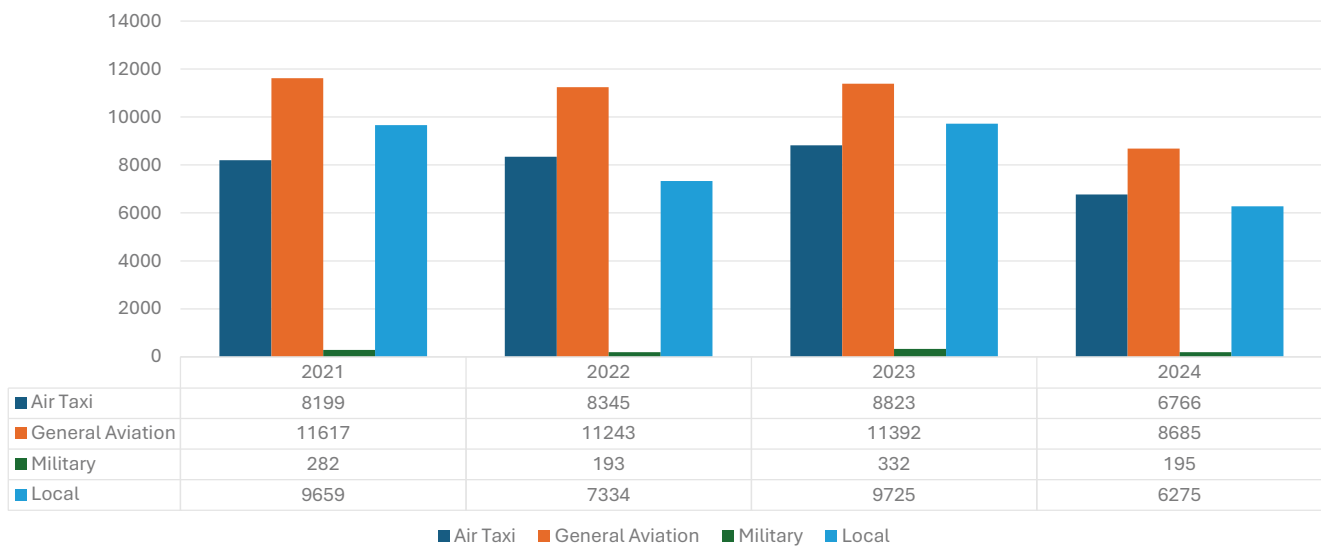
Ordinance shall be effective January 1, 2025.



Lebanon Airport

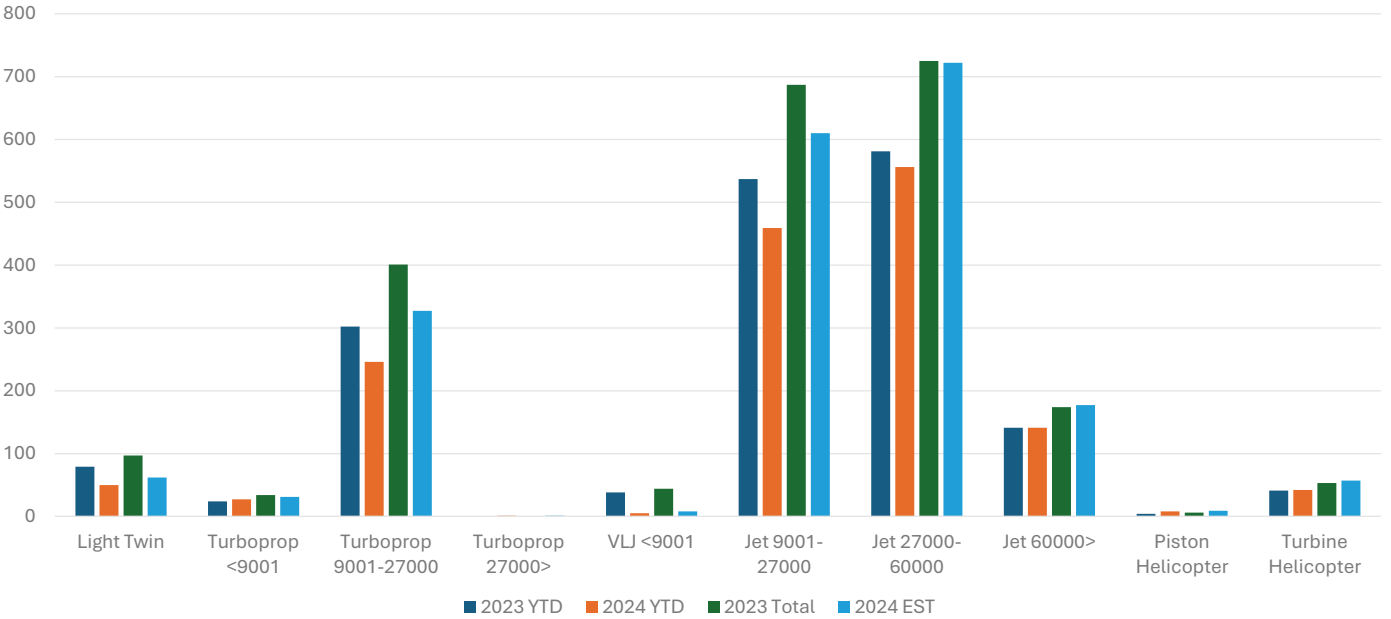
2024 Aircraft Operations and Landing Fee Collection

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

November 9, 2024

Shaun Mulholland, City Manager
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 11/14/2024

db

RE: Ordinance 2024-15 Chapter 8, Airport Operations

Mr. Mulholland,

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2024-15, Chapter 8, Airport Operations, which was forwarded to me on November 8, 2024. The goal of the proposed ordinance as I understand it is to amend the existing Chapter 8 of the City Code by adjusting aircraft landing fees.

I have reviewed the proposed ordinance in detail. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,

C. Christine Johnston

C. Christine (Fillmore) Johnston

Signature: *David R. Brooks*

Email: David.Brooks@lebanonnh.gov



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, November 20, 2024 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
[LebanonNH.gov/LIVE](https://lebanonnh.gov/LIVE)**

The Lebanon City Council will hold a public hearing on November 20, 2024, beginning at 7:00pm for the following:

- A. City Charter Amendments** – A public hearing for the purpose of receiving public input and taking action on resolutions to direct the City Manager to file reports 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, and to limit the allowable banners under the Code.
- 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, Lebanon School District, and Lebanon Housing Authority shall not be required to pay applicable fees for City-, School District-, and Housing Authority-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 in Appendix A.
- 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.

The complete copy of the proposed ordinance or amendment is available for public inspection at City Hall.

The November 20, 2024 City Council agenda packet and documents pertaining to the above described public hearings will be available on the City's website beginning November 15, 2024: [LebanonNH.gov/Agendas](https://lebanonnh.gov/Agendas)

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](https://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.

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, November 9, 2024.

Jaseya Ewing

Jaseya Ewing, City Clerk

**AGENDA
LEBANON CITY COUNCIL
NOVEMBER 20, 2024**

10. New Business:

**10.A – Presentation of First Reading and 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**

Background

The Council is asked to take action to amend Ordinance #18, Salary Plan, as follows:

1. General Wage Increase (GWI) – 2025

Implement a 3% General Wage Increase for 2025, for all Non-Affiliated positions, and all positions within the following Bargaining Units:

- Lebanon Professional, Administrative, and Salaried Employees (LPASE)
- American Federation of State, County and Municipal Employees, Local #1348/Council 93 AFL-CIO (AFSCME)
- Lebanon Permanent Firefighters' Association, Local 3197/International Association of Fire Fighters (LPFFA/IAFF)
- Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA)

The City Manager is responsible for maintaining the City's Compensation and Classification Plan. Within Ordinance No. 18, compensation for exempt (salaried) and non-exempt (hourly) Non-Affiliated employees is expressed as a minimum and maximum grade range, via hourly rates for non-exempt employees, and weekly rates for exempt (salaried) employees. Movement within ranges is achieved through annual General Wage Increases, and merit or step adjustments, applicable for employees who are not already at the top of their wage range. To be useful, it is imperative that compensation and classification systems be kept current. This is achieved primarily by revising compensation ranges through regular general wage adjustments and by systematically reviewing all positions on a regular basis. This is achieved by meaningful sampling of the labor market and internally relative to other positions.

For general wage adjustments, the City's practice is to use the percentage change in the Northeast Region CPI for June, from 12 months prior, with a minimum adjustment of 1% (floor), and a maximum adjustment of 3% (ceiling). This is true for Non-Affiliated (non-union) employees, as well as those that belong to our Collective Bargaining Units.

The increase in the Northeast Region CPI, for the period of June 2023-June 2024, was 3.8%. As a result, the City Council is asked to take action to implement a 3% General Wage Increase for all employees, as part of the 2025 City Budget. This change would be effective as of the first pay period of 2025.

2. Amend Article II, Non-Affiliated and LPASE Employees

A. Regular Full-Time and Part-Time Benefit Eligible Positions

- I. Remove the Position of Library Assistant (listed in the table as a Grade 4).
- II. Add the non-exempt position of Youth Services Library Assistant as Grade 4.
- III. Add the non-exempt position of Technical Services Library Assistant as Grade 4.
- IV. Transfer the Police Communications Supervisor from LPASE to Non-Affiliated position. Position will remain a Grade 10.
- V. Add the exempt position of Director of Public Engagement and Communications, within the City Manager Department, as Grade 11. This proposed position will serve as the primary spokesperson and media liaison for the City. This role will develop and implement communication strategies to effectively convey public information, and the successful representation of the City's interests via social media and traditional news outlets. The position will work closely with all City departments to ensure timely, accurate, and consistent dissemination of information.
- VI. Retitle the Assistant Fire Chief to Deputy Fire Chief and reclassify the position to a Grade 15 to be consistent with other executive officer positions within the City.

B. Seasonal/Temporary & Stipend Employees

- I. Implement a wage range to the following positions, within the Library Department:
 - a. Library Clerk I
 - b. Library Custodian Substitutes
 - c. Library Clerk II

The tables below reflect all changes (as shown in **red** text), to include the addition of new positions, changes in position titles and/or classification, as well as the 3% General Wage Increase. These changes would be effective as of the first pay period of 2025.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2025 SALARY & GRADES TO INCLUDE 3% GWI					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern	\$18.73	\$27.37	-	-
2	Custodian	\$21.04	\$28.41	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$22.32	\$30.12	-	-
	Custodian I	-	-	-	-
	Accounting Clerk	-	-	-	-
4	Library Assistant	\$23.64	\$31.91	-	-
	Youth Services Library Assistant (New)				
	Technical Services Library Assistant (New)				
	Custodial Supervisor	-	-	-	-
	Facilities Maintenance Specialist	-	-	-	-
5		\$25.05	\$33.84	-	-
6		\$26.54	\$36.24	-	-
7	Administrative Secretary	\$28.16	\$39.83	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
	Public Works Crew Leader**				
8	Accounting Clerk III	\$30.97	\$41.80	-	-
	Administrative Assistant	-	-	-	-
	Benefits Specialist	-	-	-	-
	Payroll Specialist	-	-	-	-
	Police Communications Assistant Supervisor** (New)				
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Deputy City Clerk/Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,238.72	\$1,672.21
	Children's Librarian	-	-	-	-
9	Code Health Inspector**	\$34.06	\$45.99	-	-
	Executive Assistant	-	-	-	-
	Public Relations Coordinator	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Solid Waste Supervisor**				
	Cemetery Supervisor**	-	-	-	-
	Associate Planner**	-	-	\$1,362.57	\$1,839.73
10	Asset Manager**	\$37.51	\$50.63		-

	Assistant City Engineer**			-	-
	Financial Analyst	-	-	-	-
	Community Nurse	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,500.59	\$2,025.37
	Youth Services Librarian	-	-	-	-
11	Technical Advisor I	\$39.76	\$53.66	-	-
	Cemetery Sexton**	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	System Administrator	-	-	-	-
	Airport Operations Supervisor**	-	-	\$1,590.36	\$2,146.43
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Director of Public Engagement and Communications (New)				
	Fire Marshal**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
12	Wastewater Treatment Superintendent**	\$42.14	\$56.89	-	-
	Water Treatment Superintendent**	-	-	-	-
	Administrative Services Manager**	-	-	\$1,685.43	\$2,275.29
	City Assessor**	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager	-	-	-	-
13	Chief Innovation and AI Officer	-	-	\$1,786.57	\$2,411.88
	City Clerk/Tax Collector				
	Cyber Security Analyst	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Deputy Human Resources Director	-	-	-	-
	Deputy Fire Chief**	-	-	-	-
	Human Services Director				
	Information Systems Manager**	-	-	-	-
	Maintenance Manager	-	-	-	-
	Police Captain**	-	-	-	-
	Deputy Planning and Development Director	-	-	-	-
	Systems and Operations Administrator	-	-	-	-
	Chief Building Official & Health Officer				
14	Human Resources Specialist	\$47.35	\$63.92	-	-
	Airport Manager	-	-	\$1,893.86	\$2,556.51
	Assistant Director/Public Works	-	-	-	-
	Assistant Fire Chief	-	-	-	-

	Chief Assessor	-	-	-	-
	Human Resources Director	-	-	-	-
	Library Director	-	-	-	-
	Lead Network Infrastructure Engineer	-	-	-	-
	Recreation, Arts & Parks Director	-	-	-	-
15	Deputy Police Chief	-	-	\$2,127.64	\$2,709.73
	Deputy Fire Chief				
16	Technical Advisor II	\$58.27	\$73.74	-	-
	Chief of Police	-	-	\$2,330.59	\$2,949.55
	Planning and Development Director	-	-	-	-
	Public Works Director	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Cyber Services Director	-	-	-	-
	Deputy City Manager	-	-	-	-

**Denotes LPASE Employees for which the January 1, 2025, GWI shall be based on the Northeast Region CPI for June 2023 – June 2024, but in no case shall be less than one percent (1%), nor greater than three percent (3%).

B. Seasonal/Temporary & Stipend Employees

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk	-	\$20.60
Election Assistant	-	\$16.10
Moderator	-	\$30.90
Ward Clerk	-	\$27.81
Chair Supervisor of the Checklist	-	\$27.81
Supervisor of the Checklist	-	\$25.75
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$12.94	\$32.81
RECREATION, ARTS & PARKS POSITIONS		
Front Desk Attendants – Pool	\$11.66	\$17.53
Lifeguards	\$11.66	\$20.12
Head/Lead Counselors	\$15.18	\$18.66
Head & WSI Lifeguards	\$14.00	\$20.98
Head Front Desk Attendant - Pool	\$14.00	\$17.51
Outdoor Adventurer - Educator	\$15.45	\$20.60
Day Camp Counselors	\$11.66	\$17.53
Arts & Craft Director	\$15.18	\$19.54
Farmers Market Coordinator	\$16.34	\$21.00
Market Assistant	\$14.00	\$17.51
Tennis Instructor	\$17.51	\$22.17
Stomp & Romp	\$17.51	\$22.17
Pool Operations Manager	\$17.51	\$24.13
Asst. Pool Director	\$17.51	\$24.13
Assistant Camp Director	\$17.51	\$24.13
Pool Director	\$18.66	\$27.58
Camp Director	\$18.66	\$27.58

RECREATION, ARTS & PARKS STIPEND POSITIONS:		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$235.60	\$821.74
Softball Coordinator - Stipend	\$2,040.43	\$2,612.90
LIBRARY POSITIONS		
Library Clerk I	\$18.73	\$27.37
Library Custodian Substitutes	\$21.04	\$28.41
Library Clerk II	\$22.32	\$30.12
PUBLIC WORKS POSITIONS		
Engineering Clerk	\$12.84	\$16.34
GIS Clerk – (or Intern)	\$17.51	\$19.84
Seasonal Laborers – Summer & Fall DPW, Parks & Rec.& Airport	\$18.66	\$23.59
Tree Warden	\$23.69	\$26.78
CDL Seasonal Drivers	\$26.21	\$57.46
PLANNING POSITIONS		
Park Ranger	\$17.51	\$19.84
POLICE DEPARTMENT POSITIONS		
Crossing Guard	-	\$19.00
*Communications Specialist	\$28.16	\$39.83
Police Administrative Aide	\$23.34	\$26.83
Parking Control Officer	\$23.34	\$26.83
Police Officers	\$30.22	\$39.94
CITY CLERK POSITIONS		
*Assistant City Clerks (Part-Time/Temp. <20)	\$28.16	\$39.83
Lead Recording Secretary	\$26.22	\$31.91
Recording Secretary	\$25.08	\$27.41
Recording Secretary Coordinator	\$26.22	\$28.01
SHARED POSITION		
General Intern I	\$15.18	\$19.25

3. Collective Bargaining Units

The City Council is not directly responsible for the negotiation of Collective Bargaining Agreements; it is the City policy making body and the legislative body with authority to raise and appropriate tax revenues to fund Labor Agreements. Under the City Manager form of government, the City Manager is responsible for administering the affairs of the City, including the appointment of employees and the negotiation of Labor Agreements. The City Manager's statutory obligation is to bargain in "good faith." In the collective bargaining context, "good faith" negotiation "...involves meeting at reasonable times and places to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter [RSA 273], but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession." Failure to bargain in good faith constitutes an unfair labor practice.

State law requires that only cost items be submitted to the City Council for approval. Cost item means any benefit acquired through collective bargaining, whose implementation requires an appropriation by the legislative body of the public employer (City of Lebanon), with which negotiations are being conducted. Cost items shall be submitted within 30 days

to the City Council for approval. Within 30 days of the receipt of the submission, the City Council shall vote to accept or reject the cost items. If the City Council rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost items submitted to it, either party may reopen negotiations on all or part of the entire agreement.

Legislative bodies may only raise and appropriate funds for the current fiscal year. Many Collective Bargaining Agreements cover several fiscal years. The New Hampshire Supreme Court held (Appeal of Sanborn Regional School Board) that a public employer was not bound by a Collective Bargaining Agreement where the legislative body, when approving and funding the cost items in the current year of the Labor Agreement, were not warned of the cost of the successive years. With known cost factors being disclosed for the life of the contract, collective bargaining agreements are considered "Sanbornized".

ARTICLE II, LPASE

The City and Lebanon Professional, Administrative, and Salaried Employees (LPASE) have reached a tentative three-year (January 1, 2025 – December 31, 2027) Labor Agreement.

According to the tentative three-year Labor Agreement, annual General Wage Increases (GWI's) for the life of the Contract will be based on the percent change in the Northeast Region CPI for June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 3.8% increase in the CPI as of June 2024, the GWI for 2025 will be 3%. Members will also be eligible for merit increases. The estimated wage and statutory benefit costs for 2025 is \$198,890.00.

In 2026, the second year of the Labor Agreement, LPASE members will be eligible for merit increases and will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the Northeast Region CPI, for June 2024 – June 2025.

In 2027, the third year of the Labor Agreement, LPASE members will be eligible for merit increases and will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the Northeast Region CPI, for June 2025 – June 2026.

Corresponding wage schedules for the subsequent two years are not provided, as the GWI for 2026 and 2027 will not be known until July of those years.

In addition to the GWI, the City Manager is proposing the following amendments to the LPASE Wage and Classification Scale:

- I. Remove the Public Works Crew Leader position (currently listed as a Grade 7). Position is being transferred to the AFSCME Bargaining Unit.
- II. Add the non-exempt position of Police Communications Assistant Supervisor as a Grade 8. This position has been created to assist the Police Communications Supervisor with the training of the on-shift personnel and will be in charge of the shift operations, in the absence of the Police Communications Supervisor.
- III. Remove the Grade 13 Deputy Fire Chief position in its entirety. The position is currently a LPASE position but has been replaced by the non-affiliated, Grade 15 Deputy Fire Chief position.

ARTICLE III, SECTION A, AFSCME Local 1348/Council 93 AFL-CIO

The City and the American Federal State, County and Municipal (AFSCME) have reached a tentative three-year (January 1, 2025 – December 31, 2027) Labor Agreement.

According to the tentative three-year Labor Agreement, annual General Wage Increases (GWI's) for the life of the Contract will be based on the percent change in the Northeast Region CPI for June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 3.8% increase in the CPI as of June 2024, the GWI for 2025 will be 3%. The estimated wage and statutory benefit costs for 2025 is \$289,050.00.

In 2026, the second year of the Labor Agreement, AFSCME members will receive step increases, and will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the Northeast Region CPI, for June 2024 – June 2025.

In 2027, the third year of the Labor Agreement, AFSCME members will receive step increases, and will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the Northeast Region CPI, for June 2025 – June 2026.

Corresponding wage schedules for the subsequent two years are not provided, as the GWI for 2026 and 2027 will not be known until July of those years.

In addition to the GWI, the City Manager is proposing the following amendment to the AFSCME Wage and Classification Scale:

- I. Add the Public Works Crew Leader (formerly a LPASE position) as a Grade 7.

The tables below reflect all changes (as shown in **red** text), to include the addition of new positions, changes in position titles and/or classification, as well as the 3% General Wage Increase. These changes would be effective as of the first pay period of 2025.

A. AFSCME LOCAL #1348/COUNCIL 93 AFL-CIO

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City and AFSCME (American Federation of State, County and Municipal Employees) Local #1348/Council 93 AFL-CIO, (effective January 1, 2025 to December 31, 2027) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2025, through the last pay period of 2025, as provided in that Agreement, and as placed on file in the office of the City Clerk.

AFSCME POSITIONS	
GRADE	POSITION(s)
1	Laborer
2	Utility Operator Trainee
3	Operator; Recycling Attendant; Construction Utility Operator I; Meter/Backflow Technician; Scale Technician
4	Light Equipment Operator; Airport Maintenance Technician;
5	Heavy Equipment Operator; Utilities Operator I; Airport Maintenance Specialist; Maintainer (Cemetery Crew Leader); Utilities Operator I;
6	Mechanic; Water Treatment Plant Operator; Wastewater Treatment Plant Operator;

7	Laboratory Technician/ Utilities Plant Operator; Airport Maintenance Supervisor; Utilities Maintenance Mechanic; Engineering Technician; Public Works Crew Leader
8	Supervisor; Parks & Grounds Crew Supervisor
9	Chief of Quality Assurance, Electrician

The January 1, 2025, GWI shall be based on the Northeast Region CPI, for June 2023 – June 2024, but in no case

AFSCME LOCAL 1348 - 2025 SALARY GRADES								3% GWI
<u>Minimum</u>	<u>Maximum</u>							
<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	
1	\$20.56	\$21.14	\$21.75	\$22.37	\$22.94	\$23.65	\$24.38	
2	\$22.18	\$22.82	\$23.48	\$24.12	\$24.76	\$25.52	\$26.32	
3	\$23.95	\$24.67	\$25.39	\$26.07	\$26.82	\$27.66	\$28.51	
4	\$25.86	\$26.67	\$27.43	\$28.22	\$29.05	\$29.94	\$30.88	
5	\$28.03	\$28.87	\$29.73	\$30.58	\$31.48	\$32.46	\$33.46	
6	\$30.34	\$31.25	\$32.26	\$33.25	\$34.26	\$35.28	\$36.24	
7	\$32.88	\$33.91	\$34.98	\$36.05	\$37.13	\$38.24	\$39.27	
8	\$34.53	\$35.62	\$36.75	\$37.88	\$39.10	\$40.29	\$41.86	
9	\$37.49	\$38.67	\$39.93	\$41.18	\$42.45	\$43.71	\$45.51	

shall be less than one percent (1%) nor greater than three percent (3%).

ARTICLE III, SECTION B, Lebanon Permanent Firefighters/IAFF

The City and the Lebanon Permanent Firefighters/IAFF have reached a tentative three-year (January 1, 2025 – December 31, 2027) Labor Agreement.

According to the tentative three-year Labor Agreement, annual General Wage Increases (GWI's) for the life of the Contract will be based on the percent change in the Northeast Region CPI for June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 3.8% increase in the CPI as of June 2024, the GWI for 2025 will be 3%. Members will also receive step increases. The estimated wage and statutory benefit costs for 2025 is \$ 261,040.00.

In 2026, the second year of the Labor Agreement, IAFF members will receive step increases, and will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the Northeast Region CPI, for June 2024 – June 2025.

In 2027, the third year of the Labor Agreement, IAFF members will receive step increases, and will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the Northeast Region CPI, for June 2025 – June 2026.

Corresponding wage schedules for the subsequent two years are not provided, as the GWI for 2026 and 2027 will not be known until July of those years.

In addition to the GWI, the City Manager is proposing the following amendment to the LPFF/IAFF Wage and Classification Scale:

- I. Escalate the pay grades to the 60th percentile of the Wage and Salary Study, conducted in October 2024, by implementing additional wage adjustments beyond the GWI, to the following positions:
 - a. Lieutenant
 - b. Lieutenant - Paramedic
 - c. Captain – Paramedic

The tables below reflect all changes (as shown in **red** text), to include the addition of new positions, changes in position titles and/or classification, as well as the 3% General Wage Increase. These changes would be effective as of the first pay period of 2025.

A. LEBANON PERMANENT FIREFIGHTERS' ASSOCIATION LOCAL 3197 / INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City and Lebanon Permanent Firefighters' Association Local 3197/International Association of Fire Fighters (IAFF), (effective January 1, 2025 to December 31, 2027), shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2025, through the last pay period of 2025, as provided in that Agreement, and as placed on file in the office of the City Clerk.

LEBANON PERMANENT FIREFIGHTERS/IAFF - 2025 SALARY GRADES							3% GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Firefighter - EMT	\$26.58	\$27.44	\$28.28	\$29.17	\$30.00	\$30.86	\$31.81
Firefighter - Paramedic	\$30.11	\$31.01	\$31.97	\$32.85	\$33.74	\$34.67	\$35.63
Fire Alarm Technician	\$37.02	\$37.79	\$38.56	\$39.29	\$40.07	\$40.80	\$41.54
Lieutenant	\$35.79	\$36.28	\$36.79	\$37.31	\$37.81	\$38.30	\$38.81
Fire Inspector	\$37.31	\$37.90	\$38.55	\$39.15	\$39.79	\$40.40	\$41.07
Lieutenant - Paramedic	\$38.87	\$39.39	\$39.89	\$40.40	\$40.94	\$41.42	\$41.95
Captain	\$43.51	\$43.95	\$44.47	\$44.93	\$45.40	\$45.90	\$46.36
Inspector - Paramedic	\$38.65	\$39.24	\$39.83	\$40.45	\$41.04	\$41.62	\$42.29
Captain - Paramedic	\$44.63	\$45.10	\$45.55	\$46.02	\$46.50	\$46.95	\$47.48

The January 1, 2025, GWI shall be based on the Northeast Region CPI, for June 2023 – June 2024, but in no case shall be less than one percent (1%) nor greater than three percent (3%).

ARTICLE III, SECTION C, LPBA/NEPBA

The City and the Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA) have reached a tentative three-year (January 1, 2025 – December 31, 2027) Labor Agreement.

According to the tentative three-year Labor Agreement, annual General Wage Increases (GWI's) for the life of the Contract will be based on the percent change in the Northeast Region CPI for June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 3.8% increase in the CPI as of June 2024, the GWI for 2025 will be 3%. Members will also receive a step increase. The estimated wage and statutory benefit costs for 2025 is \$ 228,260.00.

In 2026, the second year of the Labor Agreement, NEPBA members will receive step increases, and will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the Northeast Region CPI, for June 2024 – June 2025.

In 2027, the third year of the Labor Agreement, NEPBA members will receive step increases, and will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the Northeast Region CPI, for June 2025 – June 2026.

Corresponding wage schedules for the subsequent two years are not provided, as the GWI for 2026 and 2027 will not be known until July of those years.

No additional amendments are proposed.

The tables below reflect all changes (as shown in **red** text), to include the addition of new positions, changes in position titles and/or classification, as well as the 3% General Wage Increase. These changes would be effective as of the first pay period of 2025.

A. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA)

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City of Lebanon and the Lebanon Police Benevolent Association (LPBA)/New England Police Benevolent Association (NEPBA), (effective January 1, 2025 to December 31, 2027), shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2025, through the last pay period of 2025, as provided in that Agreement, and as placed on file in the office of the City Clerk.

LEBANON POLICE BENEVOLENT ASSOCIATION – 2025 SALARY GRADES							3% GWI
<u>Minimum</u>	<u>Maximum</u>						
<u>Position Title</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
Patrol Officer	\$30.22	\$31.98	\$33.08	\$34.72	\$36.46	\$38.31	\$39.94
Corporal	\$41.10						
Sergeant	\$41.10	\$41.96	\$43.03	\$44.14	\$45.21	\$46.29	\$47.42

The January 1, 2025, GWI shall be based on the Northeast Region CPI, for June 2023 – June 2024, but in no case shall be less than one percent (1%) nor greater than three percent (3%).

Amendment Process

Samantha Lauzon, Human Resources Director, will be present to discuss all proposed amendments and answer any questions the City Council may have.

Amending Ordinance #18 requires three separate presentations (see City Charter subsections §419:22, §419:24, §419:25, §419:52), followed by a public hearing, and the vote of at least two-thirds (2/3) of all members of the City Council - six (6) members - to adopt.

The Council is asked to recognize the first of three presentations on November 20, 2024, and to schedule a public hearing for December 18, 2024, to amend the Ordinance. The second and third presentations will occur on December 4, 2024, and December 18, 2024, respectively.

Action

The City Council is asked to recognize the first of three presentations and to schedule a public hearing as follows:

1. ACKNOWLEDGE FIRST PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance #18, Salary Plan, as fully described and contained in the November 20, 2024, City Council Agenda Packet

2. SCHEDULE PUBLIC HEARING:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, December 18, 2024, beginning at 6:00 PM, Council Chambers, City Hall, Lebanon, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, as fully described and contained in the November 20, 2024, City Council Agenda Packet.

Agenda

Lebanon City Council

November 20, 2024

10. New Business:

10.B – Request for Zoning Map Amendment – ICV of NH, LLC, 67-69 Etna Road, Tax Map 26, Lot 2, Lebanon, NH

Background

On October 30, 2024, Dan Nash, of Advanced Geomatics & Design, requested a zoning map amendment on behalf of his client, ICV of NH, LLC, for a property located at 67-69 Etna Road, Tax Map 26, Lot 2, Lebanon, NH. The property is currently zoned Light Industrial (IND-L) and is improved with a mixed-tenant building at 67 Etna Road and a 75-unit residential condominium building at 69 Etna Road.

Mr. Nash requests to have the ICV property rezoned from IND-L to General Commercial-One (GC-1) in conjunction with other rezoning proposals derived from the Route 120 / Northern Lebanon Community Plan (NLCP), which was presented to the City Council in September 2024. Mr. Nash has suggested that the ICV property was overlooked in the study process and should be included for consideration for a zone change.

The Planning and Development Department has prepared a brief memo clarifying that the ICV property was not “overlooked” in the study. Rather, no zoning change was recommended for that property in light of the other findings and recommendations of the NLCP study.

Nevertheless, if the Council elects to move the zoning request forward for consideration, Mr. Nash has requested that it be allowed to catch up with same review timeline as the staff-initiated zoning amendments, which were “kicked off” on October 23, 2024. It is noted that as a map-only zoning amendment, the Zoning Board of Adjustment is not required to review the request.

Action

If the Council decides to move forward with the proposed amendment request, the following motion is offered for consideration:

MOVED, that the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the proposed Zoning Map amendment as described in the October 30, 2024 letter from Dan Nash of Advanced Geomatics & Design, to the Planning Board and Conservation Commission for their review and comment. The City Council hereby sets the following tentative review schedule:

Legal Review – by November 25, 2024

Planning Board – November 25, 2024

Conservation Commission – December 12, 2024

City Council Work Session Review – January 8, 2025

City Council Public Hearing – January 22, 2025

Included In This Section:

1. October 30, 2024 letter from Dan Nash, of Advanced Geomatics & Design, including attachments.
2. Planning & Development Department memorandum, dated November 13, 2024



30 October 2024

Honorable Mayor and City Council
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of ICV of NH, LLC, this letter is being written to request a zoning change to be part of the city's annual zoning review.

Request #1. Rezone parcel 26-2 on Etna Road to GC-1 (see attached "Lot 26-2").

Parcel 26-2 is a large, mixed use industrial parcel. It currently has an office building and an a multi-family building on it. The parcel is unsuitable for typical industrial building as it is steep and boulder. The land could support one or two more multi-family structures, if re-zoned.

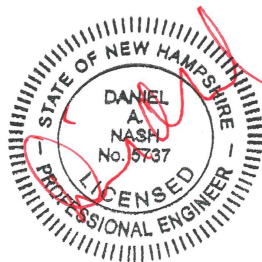
This parcel is in between the other parcels being considered for change to GC-1. It has the same characteristics as those parcels and could provide similar benefit to the city. Making this change fits with those properties. I believe this parcel was overlooked in the study process and should be included for consideration for a zone change.

Establishing this proper zoning to this parcel would be just, appropriate, and not cause the potential for harmful impacts from development.

Please let me know if you have any questions regarding this request.

Sincerely,

Daniel A. Nash, PE
Principal



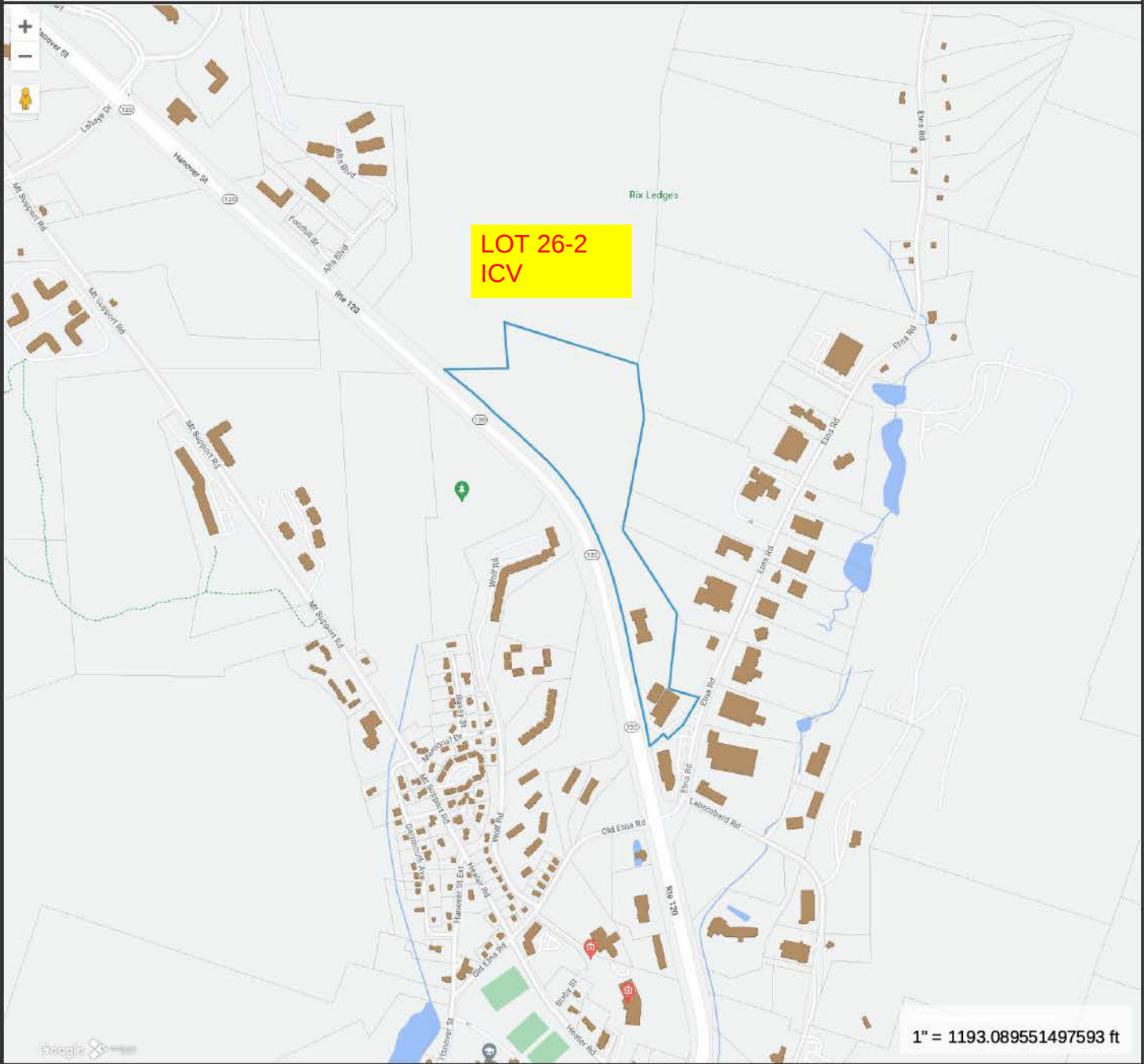
City Council
Request for Zoning Change
30Oct2024

Attachments:

- Lot 26-2
- North Lebanon zone change map
- signed petition

CC: Robert Sprayregen, ICV

M:\2024_projects\24-016\zone_change_2024\letter_col_30Oct2024.docx



Property Information

Property ID 26-2
Location 67 ETNA RD
Owner ICV HOLDINGS OF NH LLC

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 07/15/2024
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.

The Pattern Zones Study includes three primary areas of focus:

1. Creation of a Pattern Zones Overlay District to promote infill housing development within the study area.
2. A Preapproved Architecturally Designed Pattern Book, consisting of 15-25 house designs that can be accessed free of charge to those seeking to build a new house in the study area. The Pattern Book will be contracted for three years with Pattern Zones Co. and will be accessible online. The final stages of its approval are currently under development.
3. A sensitivity analysis, provided at the City Council meeting in September, analyzed housing market trends, zoning codes and the current neighborhood configuration to match housing opportunity with regulatory structure. The Zoning recommendations are based upon the sensitivity analysis.

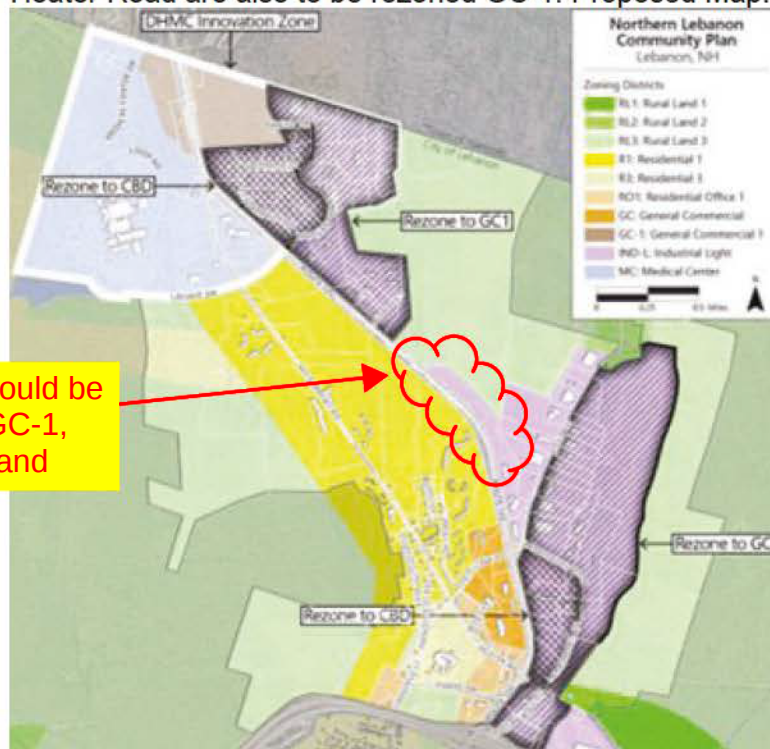
B. 120 – North Lebanon Study

The 120 North Lebanon Study was initiated in January 2024 and concluded with a presentation to City Council in September 2024. The study included substantial public engagement with the people that live and work in the Northern Lebanon neighborhood. The study makes a series of recommendations within three categories: Conservation, Zoning, and City amenities including transportation improvements. Specific recommendations include the creation of a wildlife crossing and land use-based protections for the crossing, and the re-zoning of the area to maximize development in line with the current and future needs of the neighborhood.

1. Zoning Map changes.

- a. The changes proposed within the study area are to rezone the areas around Centerra business park to Central Business District (CBD).
- b. The Altaria developments and surrounding areas are to be rezoned as General Commercial One (GC-1).
- c. The areas along Etna Road, Labombard Road, Heater Road and Little Heater Road are also to be rezoned GC-1. Proposed Map:

ICV land that should be considered for GC-1, as other IND-L land



Petition for Zoning Change to LD zone

(Mechanic Street)

21 October 2024

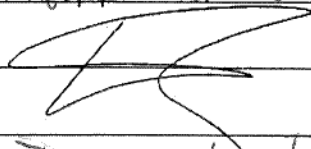
Members of the Lebanon City Council,

As voters of the City of Lebanon, we petition you to make changes to the zoning ordinance.

-Our request is under the provisions of the Zoning Ordinance, Section 1002.2.C..

-Our requests are outlined in AGD letter to the City Council dated 21Oct24

We, the voters, call on the City of Lebanon to make these changes to establish fair and just zoning for this property.

Name of Resident	Signature of Resident	Address and Phone	Date Signed
Daynel Parri's	Daynel Parri's	200 Maccoma St 603-898-6543	10/30
Jennifer Labrie	Jennifer Labrie	8 Forster Street 603-252-5149	10/30
Brenna Labrie	Brenna Labrie	603-790-3165	10/30
	Robert Oakes	603-443-0492	10/30
Daniel Nash	Daniel Nash	603-448-6023	30 Oct 24



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
David Brooks, Deputy City Manager

FROM: Planning and Development Department Staff

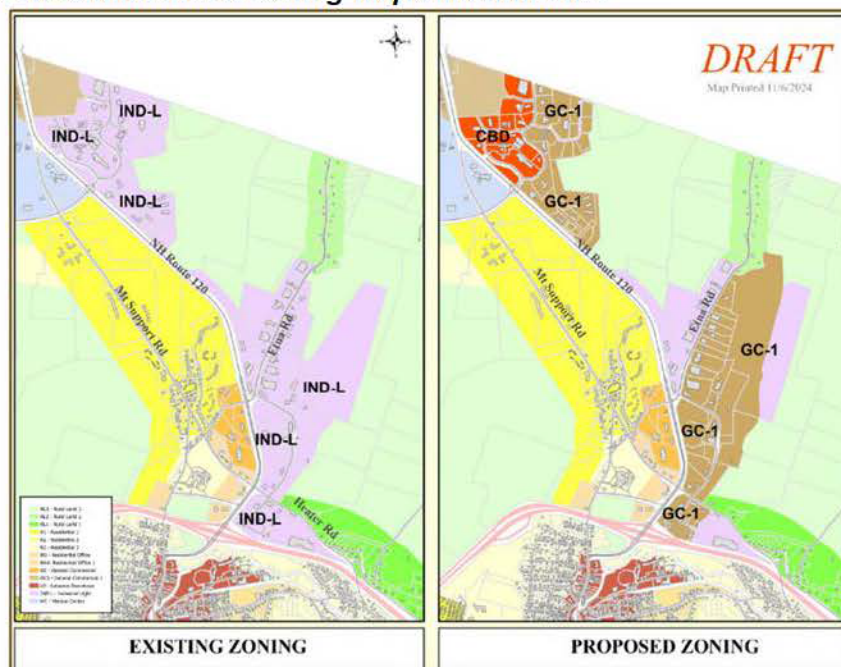
RE: Request by ICV of NH, LLC, to Rezone Tax Map 26, Lot 2 from IND-L to GC-1

DATE: November 13, 2024

On October 30, 2024, the City received a request from Dan Nash, of Advanced Geomatics and Design, on behalf of ICV of NH, LLC, pursuant to Section 1000.2.C of the Zoning Ordinance, to rezone 67 Etna Road (Tax Map 26, Lot 2) from Industrial Light (IND-L) to General Commercial-One (GC-1). ICV of NH, LLC's proposed zoning map amendment is set forth in the attached letter dated October 30, 2024, from Dan Nash, PE. Regarding the recently finalized "Northern Lebanon Community Plan" ("NLCP"), Mr. Nash's letter states that the subject parcel "was overlooked in the study process and should be included for consideration for a zone change."

The subject property was included within the study area for the NLCP which extended from I-89 Exit 18 to the Hanover town line along Route 120, Etna Road, and Mount Support Road. The NLCP does not include any rezoning recommendations relative to 67 Etna Road. By contrast, several other NLCP-recommended zoning map amendments are currently under review by the City's land use board following a "kick off" by the City Council in October. Those map amendments, as depicted in Figure 1, will return to the City Council for a public hearing in January.

Figure 1. NLCP-Recommended Zoning Map Amendments



NLCP Strategy 1 calls for the protection of the existing conservation areas, wildlife corridors, steep slopes and ecosystems, all of which are prominent features of the subject parcel, as well as the other parcels within the study area located between Route 120 and Etna Road and south of the Altaria development. Additional study is underway on how best to implement the recommendations of the NLCP including but not limited to locating and creating a wildlife corridor overlay district, conservation area buffers, and/or expansion of the steep slopes district. Given the prevalence of the sensitive natural features on the subject property and the NLCP's recommendation to explore further regulatory protections for these areas and features, no change in the underlying zoning for the property was proposed in the study.

RECOMMENDATION:

Should the City Council elect to proceed with consideration of the proposed zoning map amendment, the Planning and Development Department recommends that the Council establish a tentative schedule for review, as is required pursuant to Section 1000.3.A of the Zoning Ordinance. Staff offers the following tentative schedule for review and comment, which will allow this proposal to proceed on the same timeline as the zoning amendments that the Council "kicked off" in October:

City Council decision to proceed:	November 20, 2024
Legal review:	by November 25, 2024
Planning Board:	November 25, 2024
Conservation Commission:	December 12, 2024
City Council setting public hearing:	January 8, 2025
City Council public hearing:	January 22, 2025

=====

Supporting Materials:

- October 30, 2024 rezoning request letter from Dan Nash, of Advanced Geomatics, on behalf of ICV of NH, LLC, including attachments

**Agenda
Lebanon City Council
November 20, 2024**

10. New Business:

**10.C – Vote to Approve Annual Compensation
for the City Manager**

Background

Shaun Mulholland was appointed as the City Manager on January 22, 2018. The City Council sets the level of compensation for the City Manager on an annual basis.

Action

MOVED, that in accordance with City Charter §C419:24, Salaries, the City Council hereby increases the compensation of the City Manager by six percent (6%) effective for the first pay period of 2025.