

FINAL

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

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

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, 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 twice 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 a 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

6. RECOGNITIONS:

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

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

Councilor Heistad MOVED to approve the October 16, 2024, minutes as amended and presented in the November 6, 2024, City Council agenda packet.

Seconded by Councilor Wilkie.

Amendments:

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

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

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

8. APPOINTMENTS:

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

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

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

9. PUBLIC HEARING ITEMS: NONE

10. OLD BUSINESS: NONE

11. NEW BUSINESS:

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

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

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

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

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.

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

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

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

RESOLUTION FOR PROPOSED AMENDMENT #1:

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

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

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

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

RESOLUTION FOR PROPOSED AMENDMENT #2:

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

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

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

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

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

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

RESOLUTION FOR PROPOSED AMENDMENT #3:

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

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

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

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

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

Council Comments:

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

ACTION:

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

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

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

Seconded by Councilor Heistad.

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

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

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

- 1. Proposed Ordinance #2024-11 (Pages 37-38, agenda packet)***
- 2. City Code Chapter 23, Banners (Page 39, agenda packet)***

Deputy City Manager Brooks reviewed this item.

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.

Council Comments:

Councilor Wilkie stated that there are also smaller banners that do not go across roads and sidewalks, but that hang from light poles. He asked if those will be affected by this. Deputy City Manager Brooks stated that he does not believe those are affected by this. He does not believe the intention 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.~~

~~§ 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.

Section 3: November 6, 2024

Ordinance shall be effective upon passage.

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

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

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

BACKGROUND

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

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

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

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

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

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

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

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

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

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

the Code of the City of Lebanon, for permits, licenses, or reviews for City-sponsored projects or applications.

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

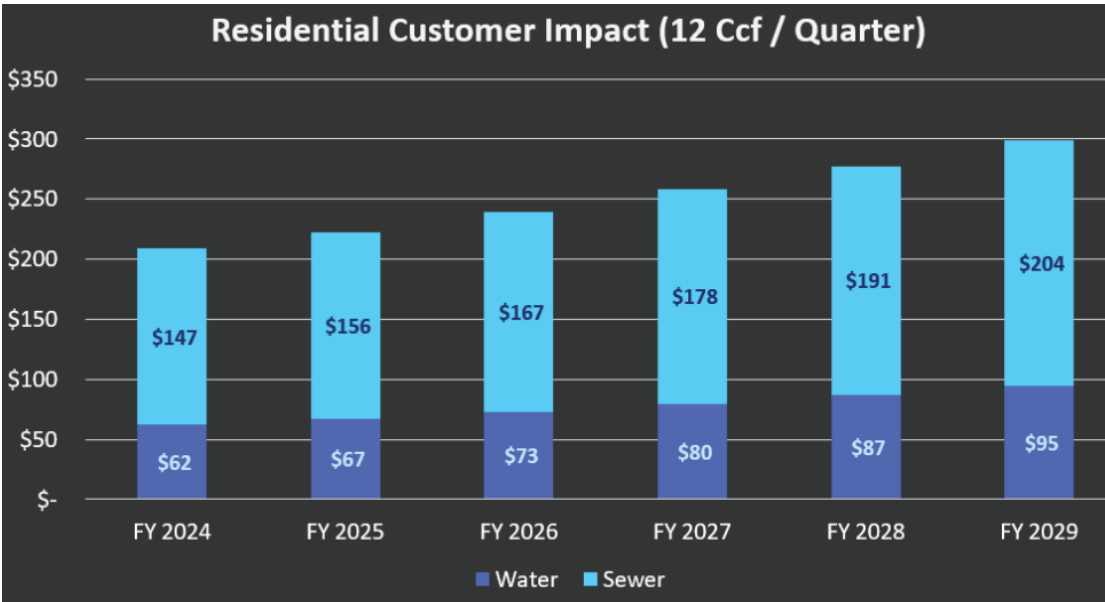
Jay Cairelli, Public Works Director; Chris Kilmer, Assistant Public Works Director; Rick Brown, Assistant Public Works Director; and Erica Douglas, Solid Waste Manager, reviewed and explained the background behind amending Ordinance #2024-13. They gave a presentation regarding the 2025 Proposed Water,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

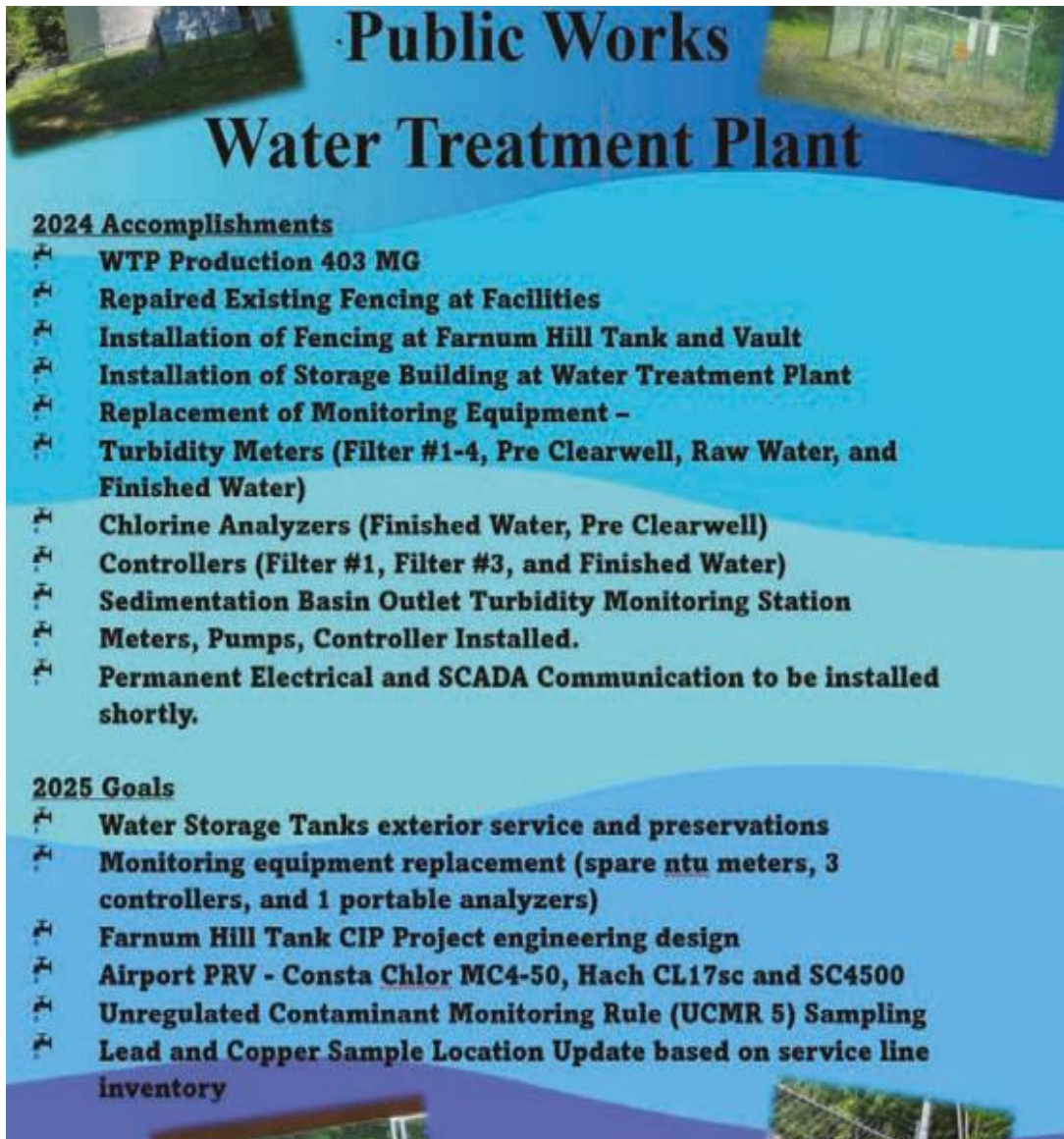


Water Rate Increase of 8%
Budget Increase of 4.4%

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

The slide features a blue background with wavy lines and images of water treatment facilities. The title "Public Works Water Treatment Plant" is prominently displayed at the top. Below the title, the slide lists "2024 Accomplishments" and "2025 Goals" in a bulleted format. The text is white and black, providing high contrast against the blue background.

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

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

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

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

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

ACTION:

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

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

Seconded by Councilor Wilkie.

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

CITY OF LEBANON ORDINANCE #2024-13

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

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows: Section 1:

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

§ 68-11. Declaration of purpose.

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

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

Section 2:

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

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

§68-15.B(1) Water Service Rates

§68-15.B(1)(a) Per 100 cubic feet:

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

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

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

1. Proposed Ordinance #2024-14

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

BACKGROUND

City Code Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the

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

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

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*

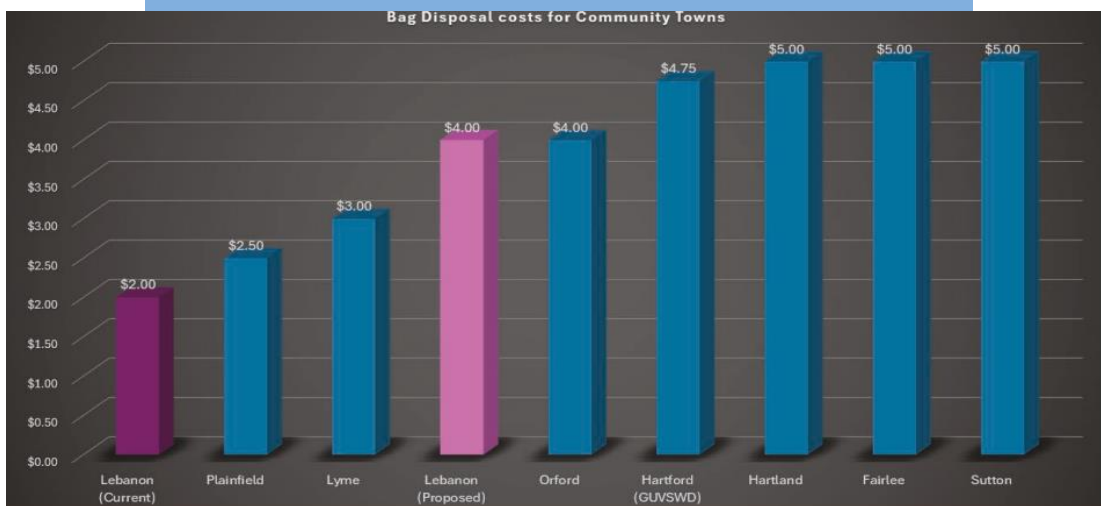
Cost for Commercial Handling: \$74,000 per year*

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

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- We have 4,149 multifamily homes in Lebanon
- Over 33% of single family homes in Lebanon have curbside pickup*
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- 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

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

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

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

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

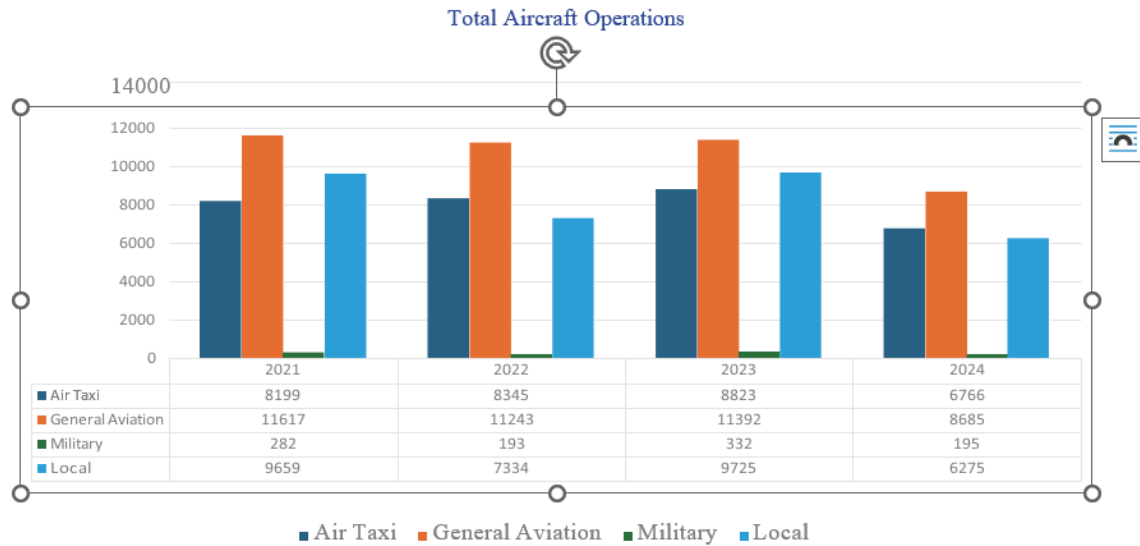
1. Proposed Ordinance #2024-15
2. 2024 Airport Operations and Landing Fee Collection presentation

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.

Deputy City Manager Brooks gave a presentation of the 2024 Airport 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

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

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

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:

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

Aircraft Landing Fees

- 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
 - ~~\$ 100~~ 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.

12. CITY MANAGER REPORT:

City Manager Shaun Mulholland updated the Council on the following:

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

13. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

14. FUTURE AGENDA ITEMS: NONE

15. NON-PUBLIC SESSION:

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

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

ROLL CALL VOTE:

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

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

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

***Councilor Whittlesey MOVED to come out of Non-Public Session.
Seconded by Councilor Liot Hill.***

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

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

The Council was now back in Public Session.

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

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

ROLL CALL VOTE:

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

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

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

Councilor Whittlesey MOVED to come out of Non-Public Session.
Seconded by Councilor Wilkie.

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

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

The Council was now back in Public Session.

16. ADJOURNMENT:

Assistant Mayor Below MOVED for adjournment.
Seconded by Councilor Whittlesey.

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

The meeting was adjourned at 8:32 PM.

Respectfully submitted,
Kristan Patenaude
Recording Secretary