



**LEBANON CITY COUNCIL
MARCH 3, 2021 - 7:00 PM
REMOTE VIA WEBEX
LEBANONNH.GOV/LIVE**

1. Call to Order

The March 3, 2021 Lebanon City Council Meeting is hereby called to order.

To participate in this meeting, please [join live via WebEx](#) or call 415-655-0001 (access code: 132 972 7895). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

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. Resolution in Honor and Memory of Michael "Mike" Cole

6. Approval of Minutes

A. MOTION TO approve the minutes as presented in the March 3, 2021 agenda packet.

7. Appointments

A. Economic Development Commission, Dan Nash (Reappointment as Citizen Representative)

8. Public Hearing Items: None

9. Old Business: None

10. New Business

A. Discussion & Set Public Hearing for March 17, 2021: Ordinance #2021-01 to amend City Code Chapter 31, Board, Committees & Commissions, Article VII, Heritage Commission and Article X, Arts and Culture Commission

- B. Presentation of First Reading and Set Public Hearing for April 7, 2021: Amendments to Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to include the positions of Utility Billing Clerk (Grade 8) and Accounting Clerk (Grade 3) within the pay plan for regular full-time & regular part-time employees and to retitle positions in the City Clerks, and Cyber Services Departments

- 11. City Manager Report**
- 12. Council Representatives to Other Bodies Report**
- 13. Future Agenda Items**
- 14. Non-Public Session**
- 15. Adjournment**

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams and WebEx. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY'S WEBSITE AT LEBANONNH.GOV/AGENDAS.

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Lebanon Housing Authority
Position: Regular Member
Applicant: I. Girdwood
Assigned Councilor: K. Hill
Assigned Date: 12/14/2020

Board/Committee: Guardian of Soldiers Memorial Building
Position: Regular Member
Applicant: B. Therrien
Assigned Councilor: S. Prentiss
Assigned Date: 1/26/2021

Note: While 1 City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list not considered all inclusive.

MARCH 11, 2021 – Canvass of Vote

MARCH 17, 2021

PUBLIC HEARING ITEMS:

A. ORDINANCE #2021-01 to amend City Code Chapter 31, Board, Committees & Commissions, Article VII, Heritage Commission and Article X, Arts and Culture Commission

OLD BUSINESS:

A. Presentation of Second Reading amend Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to include the positions of Utility Billing Clerk (Grade 8) and Accounting Clerk (Grade 3) within the pay plan for regular full-time & regular part-time employees and to retitle positions in the City Clerks, and Cyber Services Departments.

NEW BUSINESS:

Lebanon City Council Agenda
March 3, 2021

- A. Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Martin, 8 Pleasant Street, West Lebanon
- B. Discussion & Set Public Hearing for April 7, 2021: Ordinance #2021-02 to amend City Code Chapter 97, Landfill Regulations
- C. Discussion & Set Public Hearing for April 7, 2021: Ordinance #2021-03 to amend City Code Chapter 136, Sewer Service, §136-78, Collection
- D. Discussion & Set Public Hearing for April 7, 2021: Ordinance #2021-04 to amend City Code Chapter 182, Water Service, §182-31, Collection

MARCH 24, 2021 - Organizational Meeting

APRIL 7, 2021

PUBLIC HEARING ITEMS:

- A. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to include the positions of Utility Billing Clerk (Grade 8) and Accounting Clerk (Grade 3) within the pay plan for regular full-time & regular part-time employees and to retitle positions in the City Clerks, and Cyber Services Departments.
- B. ORDINANCE #2021-02 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations
- C. ORDINANCE #2021-03 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 136, Sewer Service, §136-78, Collection
- D. ORDINANCE #2021-04 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 182, Water Service, §182-31, Collection



RESOLUTION IN HONOR AND MEMORY OF

Michael “Mike” Cole

WHEREAS, Mike Cole devoted himself to a career in public service, having served in the Lebanon Public Works Department for nearly 29 years; and

WHEREAS, Mike began his service to the City on February 28th, 1992, as a Heavy Equipment Operator at the solid waste facility; and

WHEREAS, In April of 2011, Mike left his Heavy Equipment Operator role at solid waste to become the DPW Operator at the Lebanon wastewater facility; and

WHEREAS, Mike served the Public Works Department over the past 29 years in a courteous and helpful manner, often going above and beyond his duties to assist the department and his co-workers whenever needed; and

WHEREAS, Mike demonstrated those many attributes that were essential to his position, continually giving of himself freely and unselfishly to not only his co-workers but to anyone who needed it; and

WHEREAS, Mike earned the respect, confidence, and friendship of his fellow coworkers, the business associates he came in contact with, as well as the many citizens he served, and will be missed by all.

THEREFORE, BE IT RESOLVED, that the Lebanon City Council on behalf of Lebanon’s residents, employees, visitors, and civil servants, extend their sincere appreciation to the family of Michael “Mike” Cole in honor of his exemplary service to Lebanon.

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

Dated this 3rd day of March 2021 at Lebanon, New Hampshire.

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

**AGENDA
LEBANON CITY COUNCIL
MARCH 3, 2021**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- February 17, 2021 (Regular Meeting)

MOVED, to approve the minutes as presented in the March 3, 2021 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, February 17, 2021, 7:00 p.m.
Remote Via Webex: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Bruce Bronner, Erling Heistad, Karen Liot Hill, George Sykes, Jim Winny, Karen Zook

MEMBERS ABSENT: Suzanne Prentiss

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Finance Director Vicki Lee, Deputy Finance Director Tina Stearns, GIS Coordinator Mark Goodwin, City Attorney Matthew Decker

1. CALL TO ORDER: Mayor McNamara called the meeting to order at 7:00 p.m.

This meeting took place virtually due to the COVID-19 Pandemic and was conducted in accordance with the Emergency Orders issued by the New Hampshire Governor according to NH RSA 91-A "Right-to-Know Law."

All Councilors attending the meeting remotely are listed above.

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

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

4. OPEN TO PUBLIC: No one from the public came forth.

5. RECOGNITIONS:

A. Susan McBain, Retirement

**RESOLUTION HONORING Retiring Tax Collector
SUSAN McBAIN**

WHEREAS, Susan McBain has devoted her life to a career in public service, having been the Tax Collector for the City of Lebanon since September 18, 1978; and

WHEREAS, during her tenure, Susan has been responsible for the collection and financial recording of hundreds of millions of dollars on behalf of the City, always conducting herself in an open, forthright, and professional manner; and

WHEREAS, over her more than 42-year career with the City, Susan has served generations of Lebanon's families, assisting through economic vibrancy, as well as economic hardships, always going above and beyond, which has earned her the respect of citizens and business owners in the community; and

1 **WHEREAS**, through her willingness to lend a hand where and when needed, and to make peanut butter
2 fudge every holiday season, Susan has earned the admiration, confidence, friendship and gratitude of her
3 supervisors and co-workers.

4
5 **NOW, THEREFORE, BE IT RESOLVED**, that we, the members of the Lebanon City Council, on
6 behalf of the citizenry of Lebanon, Susan's friends, and her fellow employees and associates, extend our
7 sincere gratitude; and express our admiration of and respect for her many years as an outstanding and
8 faithful employee, and wish her well in her retirement.

9
10 **BE IT FURTHER RESOLVED** that this Resolution be written upon the minutes of the Lebanon City
11 Council meeting and a copy be presented to Susan McBain.

12
13 Dated this 17th day of February 2021, in Lebanon, New Hampshire.

14
15 _____
16 Timothy McNamara, Mayor
17 On behalf of the Lebanon City Council

18 **6. ACCEPTANCE OF MINUTES:**

19 **A. February 3, 2021 (Regular Session)**

20 Amendments: Page 12, line 13: Remove Assistant Mayor Below from Roll Call vote.

21
22 *Assistant Mayor Below MOVED to approve the February 3, 2021 (Regular Session) minutes as*
23 *amended and presented in the February 17, 2021 City Council agenda packet.*
24 *Seconded by Councilor Liot Hill.*

25
26 **Roll Call Vote:**

27 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
28 McNamara, all voting Yea.

29 None voted Nay.

30 **The Vote on the MOTION was approved (8-0).*

31
32 **7. APPOINTMENTS:**

- 33 • Economic Development Commission, **David Newlove** (Reappointment Citizen Representative)

34
35 *Councilor Winny put forth the Nomination of David Newlove for reappointment as a Citizen*
36 *Representative of the Economic Development Commission. Three-year term (2/21 – 2/23)*
37 *Seconded by Assistant Mayor Below.*

38
39 **Roll Call Vote:**

40 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
41 McNamara, all voting Yea.

42 None voted Nay.

43 **The Vote on the Nomination was approved (8-0).*

- 44
45 • Planning Board, **Matthew Hall** (Reappointment as a regular member of the Lebanon Planning
46 Board). Planning Board members are nominated by the City Manager.

47
48 *City Manager Shaun Mulholland put forth the Nomination of Matthew Hall for Reappointment as a*
49 *Regular Member of the Planning Board. Three-year term (2/21 – 2/24)*

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor McNamara, all voting Yea.

None voted Nay.

****The Vote on the Nomination was approved (8-0).***

- Trustees of Trust Funds: **Jay Simms** (Reappointment as Trustee of Trust Funds)

***Mayor McNamara Reappointed Jay Simms as Trustee of Trust Funds.
Three-year term (2/21-2/24).***

Roll Call Vote: None Taken.

8. PUBLIC HEARING ITEMS:

Mark Goodwin (GIS Coordinator and staff liaison for the Class VI Roads Advisory Committee) came before the Council to present briefings on Public Hearing Items 8A-Barden Hill Road, 8B-Durkee Hill Road, 8C-Atherton Road, and 8D-McCallister Road. All general information he shared is either contained within the City Council agenda packet or within the agenda packets assembled for the Class VI Roads Advisory Committee meetings. He explained the history of the Class VI Roads Advisory Committee and reviewed the processes and tools they use to determine their findings. When presenting on a road, he began by referencing a map, shared the geographical location of the road features being discussed, and provided a list of summary points of the discussions that have taken place during the Class VI Roads Advisory Committee meetings.

In response to Mayor McNamara's request regarding the difference between a Class VI Road and a Class A Trail, Mr. Goodwin explained that while they are both public rights-of-way, the Class VI Road does not receive any City maintenance, residents can still travel up and down a Class VI Road in a wheeled vehicle unless it's specifically posted otherwise, and abutters still have all their rights for access to abutting properties. A Class A Trail is still a public right-of way, but a lot of the vehicular rights have been taken away and the only people who can use wheeled vehicles is limited to abutters and the existing uses they may have, which includes for forestry and agriculture.

Mr. Stephen Wood, Chair of the Class VI Roads Advisory Committee, noted that the municipality retains the ability to decide whether wheeled vehicles can be used on a Class A trail: it is no longer by right that people can do this.

City Attorney Matthew Decker agreed with Mr. Goodwin and Mr. Wood, noting there is a continuum of public rights-of way. A Class V road would be the lowest level maintained public highway, which is a typical local road that residential houses are on and maintained by the City. Once you go to a Class VI road, there is no (City) maintenance and these roads will not be paved or snowplowed. You can further request to divide them into Class A trails and then, at the most extreme end, a Class B trail. Those still remain full public rights-of-way, but the difference between trails and highways is that the municipality can control and restrict the uses on trails. Class A trails - abutters retain rights to use them. Class B trails - abutters have no special rights. He added that this is not a one-way reclassification. If there is a need in the future to reclassify a Class A trail again as a highway (i.e., the city starts maintaining it, paving it, and plowing it due to development) the trail can be turned back into a highway. The key differences between

1 a trail and a highway are restrictions on the uses on a trail and also the limited or inability to develop
2 along a Class A trail.

3
4 **BACKGROUND INFORMATION (Barden Hill, Atherton, Durkee, and McCallister Roads)**

5
6 Patch Forest, LLC purchased 950 contiguous acres along the entire Easterly side of Meriden Road
7 between their current farm at Walhowdon Way and the Plainfield and Enfield town lines to expand their
8 current maple sugaring operation. To facilitate the planned expansion, in February 2020, Patch Forest,
9 LLC put forth a request to the City Council for discontinuance of several Class VI roads (or portions
10 thereof) that traverse these 950 acres. Parcels owned by Patch Forest, LLC in this area include Tax Map
11 167, Lot 20; Tax Map 169, Lots 4 & 5; Tax Map 194, Lots 11, 15, & 25; and Tax Map 196, Lots 2, 4 & 5.
12 The roads (or portions thereof) requested to be discontinued are known as Atherton, Durkee, McCallister,
13 and Barden Hill.

14
15 At its February 5, 2020 meeting, the City Council reviewed the requests for discontinuance and scheduled
16 public hearings for March 4. On March 4, at the request of the attorney for the Patch family, no action
17 was taken on the requests in favor of obtaining more information by a land surveyor hired by Patch
18 Forest, LLC to complete additional research. Before the close of the hearing, Mayor McNamara informed
19 the Patch family, along with their attorney and land surveyor, that the Council would be reconvening the
20 Class VI Roads Advisory Committee and these roads would be reviewed by the Committee for
21 recommendations to the Council.

22
23 At its April 15, 2020 meeting, the City Council took action to reconvene the Class VI Roads Advisory
24 Committee and the committee began reviewing the roads in August.

25
26 Based on information available to the Class VI Roads Advisory Committee (as stated in the attached
27 memorandum in the agenda packet) they are not recommending discontinuance, but instead are
28 recommending that all the roads be reclassified to a Class A Trail, with specific trail use restrictions as
29 permitted by NH RSA 231-A:4.

30
31 **A. COMPLETE DISCONTINUANCE OR RECLASSIFICATION OF A PORTION OF**
32 **BARDEN HILL ROAD (pages 31-80, agenda packet)**

33 A public hearing for the purpose of receiving public input and taking action on one of two
34 options for the future use of a portion of Class VI Road #14 (Barden Hill Road).

35 Options include:

- 36 1. Discontinuance in its entirety with the relinquishment of any right,
37 title, or future interest; or
38 2. Reclassification to a Class A Municipal Trail.

39
40 Included in the agenda packet:

41
42 **For Discontinuance:**

- 43 1. February 5, 2021, Right-of-Way Discontinuance Map for Barden Hill Road, Durkee Road, Atherton
44 Road and McCallister Road.
45 2. January 30, 2020 Letter from Patch Forest, LLC RE: Request for Discontinuance of Class VI Roads
46 (known as Barden Hill, Atherton, Durkee, McCallister).
47 3. August 18, 2020 Letter from Patch Forest, LLC re: Petition to Discontinue a short segment of Barden
48 Hill Road.

4. July 24, 2020 Letter from Patch Forest, LLC and Glen and Anita Kimball, RE: Petition to Discontinue Barden Road Extension.
5. February 9, 2021 Letter from Brad Wilder, Esq. RE: Patch Forest, LLC Submissions for February 17, 2021 City Council Meeting.
6. Class VI Roads Advisory Committee Assessment, Barden Hill Road.
7. January 31, 2020 Class VI Road Map 8. August 25, 2020 Letter from Cindy Casale RE: Barden Hill and August 27, 2020 Letter from Janet Smith RE: Barden Hill Road.
9. 1775-1790 Historical Right-of-Way Records, Barden Hill Road.
10. New Hampshire Stonewall Mapper.
11. RSA 229:1 Highways Defined Effective July 1, 2017.
12. RSA 231-A:5 Acquisition of New Trails.
13. Town of Dunbarton v. Michael Guiney & A. (New Hampshire Supreme Court – February 5, 2020).
14. February 15, 2021 Letter from Janice LaHaye RE: Belief that Bardon Hill Road is a public road for all to use. ***Not Included in Agenda Packet. Received too late for inclusion, but will be included in the Public Record for this meeting.***

For Reclassification:

1. February 2, 2021 Class A Trail Reclassification Map.
2. January 6, 2021 Memo from Planning Staff RE: Class VI Road Committee Review of Barden Hill Road.

Mr. Goodwin shared a screen shot of the map showing Barden Hill Road (page 36, agenda packet), and noted the following summary points:

- Those speaking that Barden Hill Road did exist as a public right-of-way included the St. Pierre, LaHaye, Townsend, Casale, and Smith families.
- Resident feedback that Barden Hill Road never existed included the families of Muzzey and Cole.
- Specific resident feedback came from Janet Townsend-Smith, Cheryl Patch, Janet LaHaye, and Matthew Patch.
- Staff has reviewed the town record books for layouts, as well as discontinuance, and did not find anything. There are multiple versions in the town record books covering the same time periods of which the above residents spoke about. Staff did have a number of the earliest layout descriptions from one of the versions of the earliest Town Records, Volume 1. Those layouts were transcribed so they are more legible, but it was still very challenging to work with that information because it often referenced markers such as a large maple tree or a landowner where it was unclear where his homestead was. We have not been able to put our finger on a layout description in the town record books, or for a discontinuance.
- A copy of the minutes from a meeting in 2008 described a snowmobile club getting permission from Pete Johnson to put gates on Barden Hill Road, and yet there is a 2008 letter from the then City Manager to the Red Barn Trust conveying: “You keep the gates unlocked as not to prevent the public from accessing the road.” Input from a local professional surveyor stated that “No layout has been found to describe a road at this location, and no discontinuance has been found. Furthermore, during my walk in August 2020, I saw no evidence whatsoever to indicate a public road.”
- Photos taken by Ron Baley and others were presented showing a visible course of Barden Hill Road. Input related to that visible course in the 2000 photos is a trail that the snowmobile club put in.

- Other residents say they were using Barden Hill Road well before the 1980's. Several people were able to follow the old course down to Methodist Hill.
- There are not many stone walls along this course and are primarily limited to the Western section.
- There has been several different map depictions that have been created by City Staff over the years and the recent Class VI Roads Advisory Committee believed it went all the way to Methodist Hill Road.

Mayor McNamara opened the Public Hearing on the Discontinuance of Barden Hill Road.

The following people came forth:

Mr. Brad Wilder, (Montshire Law) Attorney for the Patch Family: He spoke about the importance of allowing the Patch family to protect, maintain and continue using portions of their land for agricultural purposes and hoped any decisions made by the Council was based on accurate information relative to Statutes in the Law.

In February 2020, the Patch family was informed by the City Council that they would be reconvening the Class VI Road Advisory Committee for the purpose of reviewing the roads now at issue. At the directions of the Council, the Class VI Roads Advisory Committee undertook the process of gathering information. The Committee completed the Class VI Road assessment templates for each of the roads. In addition to information the Committee gathered, a memorandum from the City's attorney was presented to the City Council on or around December 29, 2020. The memorandum provides a summary of relevant Statutes and case law applicable to a legal document known as a "Prescription." Based on the information available, or provided to it, the Committee came to conclusions that all of the roads under consideration are Class VI Roads by Prescription. Based on conclusions reached by the Committee, the Committee is now recommending that all these Class VI Roads be reclassified as Class A Trails. Unfortunately, various determinations made by the Committee regarding the status of roads are inconsistent with, or contrary to the law. To ensure the Council's decisions are part of accurate, reliable, and complete information, it is important that you be made aware of some of the Committee's inconsistencies and errors and specifically spoke about 173 N.H. 1 Supreme Court of New Hampshire. *TOWN OF DUNBARTON v. Michael GUINEY & A.* No. 2018-0591 | Argued: September 25, 2019 | Opinion Issued: February 5, 2020 (pages 57-67, agenda packet). Although this case predates the memorandum provided to you in December of 2020 by the City's attorney, and also predates the Class VI Road assessment templates completed by the Committee, there is no reference or mention of this case anywhere in those materials. The omission or oversight is unfortunate. Dunbarton is incredibly instructive on the issue of Prescription and should dictate the decisions the Council makes and referred the Council to the yellow highlights he made on pages 63-67, agenda packet. Based on the legal precedent that exists from the Dunbarton case, he requested the Council look at the various Class VI Road assessment templates completed by the Committee, specifically Barden Hill Road, and his highlighted map (pages 44-50, agenda packet), noting the Council would have to reach a conclusion that Barden Hill East does not qualify as a Class VI Road because it does not meet the standard or satisfy the criteria for Prescription. To make a determination that a Class VI Road should then be converted to a Class A trail, he would submit that the Council and municipality is without the jurisdiction to be able to do this because Barden Hill East does not reach the level of being a Class VI Road.

Attorney Wilder also reviewed Barden Hill West, noting the description of Barden Hill West does seem to fit into the category that was set forth in Dunbarton to qualify as a Class VI Road. However, there is a problem in that Barden Hill West does not exist by Prescription, it exists by layout, noting his

1 documentation was an extract dating back to 1776. His clients hired a surveyor in order to do the research
2 to determine what of these roads, or if any of them, exist by layout. What the surveyor came up with he
3 believes describes Barden Hill West. This information was submitted to, or was known, by the Class VI
4 Road Committee.

5
6 As Mr. Goodwin noted, there were various individuals who weighed in on the issue of whether or not
7 Barden Hill Road is a Class VI Road, and they all noted that they may have, at one point or another,
8 walked or ridden horses over it, but Dunbarton is instructive and says that in order to establish a public
9 highway by Prescription, RSA 229:1 requires evidence of public use of the road for 20 years prior to
10 January 1, 1968. See RSA 229:1 (Supp. 2019). After 1968 a public highway no longer could be
11 established by Prescription. Attorney Wilder pointed to another footnote (page 67, agenda packet) that
12 says: More than two witnesses testified to plowing the disputed area and the Town's maintenance of
13 Kelsea Road. However, all but two of them offered testimony regarding maintenance after 1968, which is
14 irrelevant to our Prescription analysis. See Blagbrough, 145 N.H. at 124, 755 A.2d 1141; RSA 229:1.
15 However, their testimonies are irrelevant to our Prescription analysis. So much of, if not all, the
16 information that the Class VI Road Committee compiled from people's testimonies are mostly irrelevant
17 to the analysis of Prescription.

18
19 What Attorney Wilder's clients (Patch Family) are asking is that Barden Hill Road (from the intersection
20 of Downer Road to the cellar hole East of the Downer intersection), to the extent that it qualifies as a
21 Class VI Road, be discontinued. This is generally the section of the Class VI Road that takes us to the
22 Patch Forest property. And, to the extent that Barden Hill East is not a Class VI Road, then the section of
23 Barden Hill West leading to the Patch property would essentially be a road to nowhere and would serve
24 no public service. We are not asking that any of the section of Barden Hill Road lying to the west of the
25 intersection with Downer Road be discontinued. He concurred with Mayor McNamara that this decision
26 is based on prescriptive evidence based on the Dunbarton case and is also based on information that he
27 believes was known to the Class VI Roads Advisory Committee and was incorporated in some of the
28 materials the Council may have. It is the municipality's burden to establish the existence of a Class VI
29 Road – it is not the Patch Family's obligation or burden to establish that it does not exist. Based upon the
30 evidence to establish that any of these roads rise to the level of a Class VI Road: Barden Hill West - yes,
31 that information exists. With respect to Barden Hill East - no, that information does not exist.

32
33 City Attorney Matthew Decker responded by saying he is aware of the Dunbarton case and has discussed
34 this with Attorney Wilder before. The memo he submitted to the Council for inclusion in the public
35 packet was intended as a high level review of the fundamental law for the benefit of the public. He
36 respectfully disagreed with Attorney Wilder's conclusion that there is insufficient evidence to establish
37 Barden Hill East by Prescription and would say that the existence of a layout for Barden Hill West does
38 not indicate one way or another whether there may have also been a Prescriptive use of the road. The
39 specific point where he would distinguish the Dunbarton case is that in Dunbarton there were two
40 individuals (Town employees) who testified to use of the road prior to 1968, but the only use they could
41 testify to was turning the town's snowplows around. It is very difficult to know, based on that testimony,
42 whether that use was by permission of the homeowner where the snowplows were turning around or if
43 that was without permission or within an assertion of right by the public highway department individuals.
44 This is different from the evidence the Class VI Roads Advisory Committee heard in terms of testimony
45 from multiple residents of the City on their recollections of personally using Barden Hill East to access
46 Methodist Hill Road dating back into the 1950's. He believed there were 2-3 individuals who testified to
47 that. In his opinion, he thought a court would and could conclude that there is sufficient evidence to find
48 Prescription for Barden Hill East.

1
2 Mayor McNamara felt this was challenging and complicated. The way he understood the application is
3 that it is for discontinuance of the road (Barden Hill Road) by Patch Forest, LLC. The question we are
4 getting into here is not whether to discontinue or continue, but rather is it, or was it, a Class VI Road to
5 start with. This may be a better decision for a court to make rather than for the Council to make.
6

7 Attorney Wilder respectfully disagreed with City Attorney Decker on a couple of issues. One is with
8 respect to the evidence by some people who came forward and submitted letters. The recollection of the
9 woman who had recollection of the grandfather and also discussed the letter by Ms. Casale, noting that
10 what her letter says is that in the mid-70's she would walk along Barden Hill Road. Fortunately, her
11 correspondence gives us a nice timeframe of when she remembers walking it. That is not a timeframe
12 that a court, or anybody can legally use in determining Prescription. He also spoke about Janet Smith's
13 letter and what she did in her teens. There again, she would not be old enough to satisfy the criteria
14 necessary to establish Prescription. In looking through the record about what was submitted by the Class
15 VI Roads Committee, he suggested that most everyone does not have a recollection that dates back far
16 enough (before 1968). What is only relevant is what happened prior to 1968. The Council has been put
17 into a box by having to make decisions on information that does not support the existence of Class VI
18 Roads. He suggested this issue should go back to the Class VI Roads Advisory Committee where they
19 can re-evaluate their findings in light of the Dunbarton case.
20

21 The Council continued to discuss with Attorney Wilder the Prescription evidence for Barden Hill Road
22 (East & West) as described by the Dunbarton case; use of Barden Hill Road by others prior to 1968 in
23 determining whether or not their use was adverse; Ms. Casale's letter referencing her grandfather who
24 gave her permission to walk along that road prior to 1968 and whether or not her letter gave valid
25 evidence for Prescription.
26

27 **Other members of the public came forth to express their opinions and are listed below:**
28

29 **Stephen Wood**, Chair of the Class VI Roads Advisory Committee: Spoke about letters the Committee
30 received from residents. He suggested that perhaps the word "adverse" be placed into the Committee's
31 template, noting the template has been a work in progress.
32

33 **Billy Saine (Ward 3)**: He respectfully disagreed with Attorney Wilder and felt these were the original
34 roads that came through this town and, noting these roads did not come before the Class VI Roads
35 Advisory Committee until the Patch's bought the property for a syrup farm and expressed his concerns
36 about the motives of the Patch Family.
37

38 **Sarah Riley (Ward 2)**: She supported what the Class VI Roads Advisory Committee has submitted,
39 noting they have been working on this for many months now and all meetings were public meetings.
40

41 **Janice LaHaye (No ward given)**: She supported keeping Barden Hill Road as a public right-of-way.
42

43 **Fran Casale (No ward given)**: He supported keeping Barden Hill Road as a public right-of-way.
44

45 **Robert Puchee**: Had problems unmuting, so did not speak.
46

47 **Arthur Patch (No ward given)**: He spoke about Barden Hill Road and his intent and plans to work with
48 the community to provide recreations trails. He also discussed the potential losses he and his family

1 would lose in agriculture and the potential of having to develop housing lots along Barden Hill if they
2 remain a Class VI Road.

3
4 **Stephen Wood (No ward given):** He spoke about his concerns of giving up a public right-of-way and
5 referenced a letter written by Robert Puchee, which Deputy City Manager Paula Maville will try to find.

6
7 **Paul Calandrella (No ward given):** He spoke about moving to Lebanon and felt the long-term interest of
8 the City should be considered because once this right is relinquished it cannot be taken back.

9
10 **Janice LaHaye (No ward given):** She talked with Mr. Robert Puchee who felt this road has always been
11 a public right-of way and should remain that way.

12
13 **Curtis Moodie (No ward given):** He spoke about his concerns about taking the City's pathways/trails
14 away, especially during a pandemic as they offer a change for people to get outside and give them things
15 to do. He supported keeping Barden Hill as a public right-of-way.

16
17 Mayor McNamara reminded everyone that the request here is to either discontinue this section of Barden
18 Hill Road or to, at the recommendation of the Class VI Roads Advisory Committee, turn it into a Class A
19 trail. Whether or not it is a Class VI Road may not be relevant to us because this is more a legal decision
20 and felt either decision taken could end up in court.

21
22 Councilor Sykes and Councilor Winny both felt the Council should move forward with a motion.

23
24 Councilor Heistad noted he has never been on this road before until this issue came up. He and his wife
25 walked the road and, after explaining where they had walked, there was never a doubt in his mind that
26 this had been a road and that he was on a road. The evidence of where it was is abundantly clear.

27
28 **Hearing no further comments from the public, Mayor McNamara closed the Public Hearing.**

29
30 At the request of Assistant Mayor Below, Mark Goodwin gave the Council a background on the Torbet
31 Map (page 77, agenda packet), which he felt was a modern representation of what existed around 1776.
32 He addressed Attorney Wilder's reference to the template, noting that one section of the template
33 inventories all the maps that are forms of Prescriptive evidence. For Barden Hill Road, there is a lot less
34 Prescriptive evidence than the other three roads. For Barden Hill Road, there is a fair amount of map
35 Prescriptive evidence for the section heading up from Route 120, and there are only two maps depicting a
36 roadway going further east. The first is the Torbet Map. Torbet was a student at Dartmouth (1930's) and
37 land use utilization was his Master Thesis. The work cited by Torbet said he used the town record books
38 that described the earliest road layouts, including going from one homestead to another. This map shows
39 Barden Hill Road, which says it was built before 1780, and Churchill Way coming down after 1780. The
40 second is the 1964 Benton Book of Early Settlers by Robert Leavitt, who was a former City Historian.
41 This, too, has the depiction of Barden Hill going up to the cellar hole. It should be noted that the 1855,
42 1816 and 1890 maps do not show Barden Hill Road going all the way through.

43
44 The Council further discussed whether or not Barden Hill Road is a public right-of-way; materials that
45 give the idea that Barden Hill Road has been used adversely by the public for more than 20 years prior to
46 1968; whether or not to act on this issue or support the Class VI Road Committee's recommendation,
47 knowing that the courts will probably have to decide whether the evidence supports the conclusion that
48 this is a public way; the option of not taking action; what would happen if the court decides it is not a

1 public highway; alternate opportunities for this land; preserving and keeping land in agricultural use and
2 preserving undeveloped land; and, maintaining access to Barden Hill Road as a public right-of-way in a
3 constrictive way that could co-exist with agricultural use.

4
5 **ACTION:**

6 **Reclassification:**

7 ***Councilor Heistad MOVED***, that the Lebanon City Council hereby reclassifies the section of Class
8 **VI Road #14 (Barden Hill Road)**, from the junction with Downer Road Easterly to the junction of
9 **Methodist Hill Road** between points 839407.9-405582.9 and 845075.1-405695.5 as shown on the
10 **Right-of-Way Class A Trail** reclassification map printed February 20, 2021 on page 69 of the City
11 **Council Agenda Packet** and included in the February 17, 2021, City Council Agenda Packet as a
12 **Class A Municipal Trail**, subject to the following use restrictions:

13
14 **1. Permitted means of travel shall be:**

- 15 a) feet, skis, snowshoes, and horses.
16 b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the
17 conditions of the trail warrant their use; and
18 c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is
19 adequate to warrant their use.

20
21 **Notwithstanding these permissions, none of these uses shall be allowed in a manner or in conditions**
22 **that will encourage erosion or otherwise damage the trail.**

23
24 **2. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the**
25 **allowed vehicular uses of abutting landowners for access to uses of their land as set forth**
26 **in RSA 231-A:1(1).**

27
28 **3. The Public Works Director shall cause to be posted legible signs at the entrance to the**
29 **trail describing the restrictions contained herein, as provided by RSA 231-A:4.**

30
31 ***BE IT FURTHER MOVED***, that the section(s) of Class VI Road #14 (Barden Hill Road) outside
32 **these coordinate points is unaffected by this reclassification.**

33
34 ***Seconded by Councilor Sykes.***

35
36 Councilor Bronner questioned what the next step would be if the Council approves this motion, noting the
37 road is not passable under its current condition due to the sap lines that run across it. City Manager
38 Mulholland explained the Patch Family has taken steps to increase the height of the sap lines to make it
39 easier for people to access those roadways. Councilor Bronner questioned what the timeline would be for
40 the Patch Family to make this road passable, noting they should be given the time to make any necessary
41 changes. The City Manager said they would be issued a permit to do their changes. City Attorney
42 Decker noted it was his understanding that Barden Hill Road does not have sap lines running across it, it
43 is the other three roads.

44
45 **Roll Call Vote:**

46 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
47 McNamara, all voting Yea.

48 None voted Nay.

1 **The Vote on the MOTION was approved (8-0).*

2
3 **B. COMPLETE DISCONTINUANCE OR RECLASSIFICATION OF DURKEE ROAD**
4 **(pages 81-119, agenda packet)**

5 A public hearing for the purpose of receiving public input and taking action on one of two
6 options for the future use of Class VI Road #19 (Durkee Road).

7 Options include:

- 8 1. Discontinuance in its entirety with the relinquishment of any right, title, or future interest; or
9 2. Reclassification to a Class A Municipal Trail.

10
11 Included in the agenda packet:

12 **For Discontinuance:**

- 13 1. February 5, 2021, Right-of-Way Discontinuance Map for Barden Hill Road, Durkee Road, Atherton
14 Road and McCallister Road
15 2. January 30, 2020 Letter from Patch Forest, LLC RE: Request for Discontinuance of Class VI Roads
16 (known as Barden Hill, Atherton, Durkee, McCallister)
17 3. July 24, 2020 Letter from Patch Forest LLC, Paul & Carol Cotter, Ames, PN & KB Co-TTE, Andrew
18 & Ellen Raymond RE: Petition to Discontinue Durkee Road
19 4. February 9, 2021 Letter from Brad Wilder, Esq. RE: Patch Forest, LLC Submissions for February 17,
20 2021 City Council Meeting
21 5. Class VI Roads Advisory Committee Assessment, Durkee Road
22 6. January 31, 2020 Class VI Road Map
23 7. New Hampshire Stonewall Mapper
24 8. RSA 229:1 Highways Defined Effective July 1, 2017
25 9. RSA 231-A:5 Acquisition of New Trails
26 10. Town of Dunbarton v. Michael Guiney & A. (New Hampshire Supreme Court – February 5, 2020)

27
28 **For Reclassification:**

- 29 1. February 2, 2021 Class A Trail Reclassification Map
30 2. January 6, 2021 Memo from Planning Staff RE: Class VI Road Committee Review of Durkee Road

31
32 Mr. Mark Goodwin gave a presentation on Durkee Road. He described where Durkee Road was located
33 and where the right-of-way begins and ends, noting there is a lot of Prescriptive evidence asserting this
34 road is a public right-of way going all the way to Enfield. Map information and the information depicted
35 on pages 86, 88-89 and the Class VI Roads Advisory Committee template (pages 93-95, agenda packet)
36 were reviewed. The Class VI Roads Advisory Committee felt there was enough Prescriptive evidence to
37 assert this is a public right-of-way and their preference is for it to be reclassified as a Class A Trail.

38
39 **Mayor McNamara opened the Public Hearing for Durkee Road.**

40
41 *Attorney Brad Wilder, on behalf of Patch Forest, LLC*, disagreed that Durkee Hill Road is a Class VI
42 Road and once again referred the Council back to the Dunbarton case where he had highlighted his
43 reasons (pages 100-109, agenda packet). He felt it was important for the Council to consider the names of
44 roads and in making a motion to define what is Durkee and what is McCallister. Although we may
45 concede that Durkee is a Class VI Road, the question is how far it goes. The map he submitted and
46 highlighted shows that it is a dead end, or that it comes into McCallister. The Council should also make a
47 determination on whether or not it goes all the way to Enfield and explained his reasons.

1 Mayor McNamara inquired if there was a specific coordinate for the end point where Durkee intersects
2 McCallister, so a potential motion can be modified to represent this point. Mr. Goodwin agreed with
3 Attorney Wilder and began looking for the requested coordinates.
4

5 **Paul Ames (Ward 3):** He spoke about his concerns regarding maintaining his section of the road. Mayor
6 McNamara said the reclassification of Durkee Road would not affect anything that abuts his property.
7

8 **Hearing no further comments from the public, Mayor McNamara closed the Public Hearing.**
9

10 In response from Councilor Liot Hill's request for clarification between a Class A and Class B trail, Mr.
11 Goodwin stated a Class A trail restricts uses and a Class B road restricts some uses by abutters.
12

13 **ACTION:**

14 **Reclassification:**

15 **Councilor Bronner MOVED,** that the Lebanon City Council hereby reclassifies Class VI Road #19
16 (Durkee Road), between points 838170.1-402236.7 to where Durkee intersects McCallister Road
17 and 843102.6-401003.1-as shown on the Right-of-Way Discontinuance Map depicting Coordinate
18 System NAD 1983 NH State Plane FIPS 2800, printed February 2, 2021, and included in the
19 February 17, 2021, City Council Agenda Packet as a Class A Municipal Trail, subject to the
20 following use restrictions:
21

22 **1. Permitted means of travel shall be:**

- 23 a) feet, skis, snowshoes, and horses.
24 b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the
25 conditions of the trail warrant their use; and
26 c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is
27 adequate to warrant their use.
28

29 **Notwithstanding these permissions, none of these uses shall be allowed in a manner or in**
30 **conditions that will encourage erosion or otherwise damage the trail.**
31

32 **2. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the**
33 **allowed vehicular uses of abutting landowners for access to uses of their land as set forth**
34 **in RSA 231- A:1(1).**
35

36
37 **3. The Public Works Director shall cause to be posted legible signs at the entrance to the**
38 **trail describing the restrictions contained herein, as provided by RSA 231-A:4.**
39

40 **BE IT FURTHER MOVED,** that the section(s) of Class VI Road #19 (Durkee Road) outside these
41 coordinate points is unaffected by this reclassification.
42

43 Mayor McNamara requested Councilor Bronner to modify the motion by adding "as shown on the map
44 on page 88 of 247 in the February 17, 2021 Agenda Packet."
45

46 Since Mr. Goodwin was still looking for the specific coordinates, the Council agreed to move forward to
47 the next item and would revisit this item later in the meeting.
48

1 **Councilor Bronner withdrew his Motion and the Motion was tabled until later in the meeting to**
2 **allow for Mr. Goodwin to continue his search for coordinates.**

3
4 ***Councilor Liot-Hill MOVED to extend the meeting to 10:15P.***
5 ***Seconded by Councilor Bronner.***
6

7 **Roll Call Vote:**

8 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
9 McNamara, all voting Yea.
10 None voted Nay.

11 ****The Vote on the MOTION was approved (8-0).***
12

13 **C. COMPLETE DISCONTINUANCE OR RECLASSIFICATION OF ATHERTON ROAD**
14 **(pages 120-161, agenda packet)**

15 A public hearing for the purpose of receiving public input and taking action on one of two
16 options for the future use of Class VI Road #20 (Atherton Road). Options include:

- 17 1. Discontinuance in its entirety with the relinquishment of any right, title, or future interest; or
18 2. Reclassification to a Class A Municipal Trail.
19

20 Included in the agenda packet:

21 **For Discontinuance:**

- 22 1. February 5, 2021, Right-of-Way Discontinuance Map for Barden Hill Road, Durkee Road, Atherton
23 Road and McCallister Road
24 2. January 30, 2020 Letter from Patch Forest, LLC RE: Request for Discontinuance of Class VI Roads
25 (known as Barden Hill, Atherton, Durkee, McCallister)
26 3. April 9, 2020 Letter from Stewart & Gayle Strachan re: Atherton Road
27 4. February 9, 2021 Letter from Brad Wilder, Esq. RE: Patch Forest, LLC Submissions for February 17,
28 2021 City Council Meeting
29 5. Class VI Roads Advisory Committee Assessment, Atherton Road
30 6. January 31, 2020 Class VI Road Map
31 7. April 24, 1984 Lebanon Planning Board meeting minutes
32 8. New Hampshire Stonewall Mapper
33 9. RSA 229:1 Highways Defined Effective July 1, 2017
34 10. RSA 231-A:5 Acquisition of New Trails
35 11. Town of Dunbarton v. Michael Guiney & A. (New Hampshire Supreme Court – February 5, 2020)
36

37 **For Reclassification:**

- 38 1. February 2, 2021 Class A Trail Reclassification Map
39 2. January 6, 2021 Memo from Planning Staff RE: Class VI Road Committee Review of Atherton Road
40

41 City Attorney Matthew Decker came before the Council to give an overview of the Class VI Roads
42 Advisory Committee's review of Atherton Road and their recommendation is that the road be reclassified
43 to a Class A Trail, with specific trail use restrictions as permitted by NH RSA 231-A:4 (pages 124-
44 161agenda packet). He felt there is sufficient prescriptive evidence that Atherton Road is a Class VI
45 Road.
46

47 **Mayor McNamara opened the Public Hearing for Atherton Road.**
48

1 *Attorney Brad Wilder, on behalf of Patch Forest, LLC*, reviewed his information in support of
2 discontinuance as provided on pages 139-149, agenda packet. His argument with respect to Atherton
3 Road was there is insufficient evidence to establish that Atherton Road is a Class VI Road, as defined by
4 the Dunbarton case and referred back his highlights in the Dunbarton case that explained his reasonings.

5
6 *Arthur Patch (No ward given)*: He spoke about the stone walls on his property, the pathway survey when
7 they purchased the land, and requested the sap lines be raised to 6-8 ft. instead of 14 ft. Mayor
8 McNamara explained the sap line height could be addressed during the permit process.

9
10 *Stephen Wood*: He noted that no one has found any evidence of a discontinuance, and this was discussed
11 with the City Attorney. He also spoke about what went into the Class VI Roads Advisory Committee's
12 decisions on these roads.

13
14 **Hearing no further comments from the public, Mayor McNamara closed the Public Hearing.**

15
16 **ACTION:**

17 **Reclassification:**

18 *Councilor Heistad MOVED*, that the Lebanon City Council hereby reclassifies the section of Class
19 VI Road #20 (Atherton Road), between points 837545.9-401345.6 and 843102.6-401003.1 as shown
20 on the Right-of-Way Discontinuance Map depicting Coordinate System NAD 1983 NH State Plane
21 FIPS 2800, printed February 2, 2021, and included in the February 17, 2021, City Council Agenda
22 Packet as a Class A Municipal Trail, subject to the following use restrictions:

23
24 **1. Permitted means of travel shall be:**

- 25 a) feet, skis, snowshoes, and horses.
26 b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the
27 conditions of the trail warrant their use; and
28 c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate
29 to warrant their use.

30
31 **Notwithstanding these permissions, none of these uses shall be allowed in a manner or in**
32 **conditions that will encourage erosion or otherwise damage the trail.**

- 33
34 **2. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the**
35 **Allowed vehicular uses of abutting landowners for access to uses of their land as set forth**
36 **in RSA 231- A:1(1).**

- 37
38 **3. The Public Works Director shall cause to be posted legible signs at the entrance to the**
39 **trail describing the restrictions contained herein, as provided by RSA 231-A:4.**

40
41 *Seconded by Councilor Bronner.*

42
43 **Roll Call Vote:**

44 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
45 McNamara, all voting Yea.

46 None voted Nay.

47 **The Vote on the MOTION was approved (8-0).*

1 **Councilor Liot Hill MOVED to extend the meeting to 10:30 p.m.**
2 **Seconded by Councilor Heistad.**

3
4 **Roll Call Vote:**

5 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
6 McNamara, all voting Yea.

7 None voted Nay.

8 ***The Vote on the MOTION was approved (8-0).**

9
10 **D. COMPLETE DISCONTINUANCE OR RECLASSIFICATION OF MCCALLISTER**
11 **ROAD (pages 162-197)**

12 A public hearing for the purpose of receiving public input and taking action on one of two
13 options for the future use of Class VI Road #21 (McCallister Road). Options include:

- 14 1. Discontinuance in its entirety with the relinquishment of any right, title, or future interest; or
15 2. Reclassification to a Class A Municipal Trail.

16
17 Included in the agenda packet:

18 **For Discontinuance:**

- 19 1. February 5, 2021, Right-of-Way Discontinuance Map for Barden Hill Road, Durkee Road, Atherton
20 Road and McCallister Road
21 2. January 30, 2020 Letter from Patch Forest, LLC RE: Request for Discontinuance of Class VI Roads
22 (known as Barden Hill, Atherton, Durkee, McCallister)
23 3. February 9, 2021 Letter from Brad Wilder, Esq. RE: Patch Forest, LLC Submissions for February 17,
24 2021 City Council Meeting
25 4. Class VI Roads Advisory Committee Assessment, McCallister Road
26 5. January 31, 2020 Class VI Road Map
27 6. New Hampshire Stonewall Mapper
28 7. RSA 229:1 Highways Defined Effective July 1, 2017
29 8. RSA 231-A:5 Acquisition of New Trails
30 9. Town of Dunbarton v. Michael Guiney & A. (New Hampshire Supreme Court – February 5, 2020)

31
32 **For Reclassification:**

- 33 1. February 2, 2021 Class A Trail Reclassification Map
34 2. January 6, 2021 Memo from Planning Staff RE: Class VI Road Committee Review of McCallister Hill
35 Road.

36
37 City Attorney Matthew Decker presented the Class VI Roads Advisory Committee's review of
38 McCallister Road, noting that based on information available to the Committee they are not
39 recommending discontinuance, but instead are recommending that the road be reclassified to a Class A
40 Trail, with specific trail use restrictions as permitted by NH RSA 231-A:4.

41
42 **Mayor McNamara opened the Public Hearing on McCallister Road.**

43
44 **Attorney Brad Wilder, on behalf of Patch Forest, LLC**, spoke about their support of a discontinuance for
45 McCallister Road and referred back to the Dunbarton case for his reasonings, as highlighted in yellow on
46 pages 178-188, agenda packet.

1 **Stephen Wood (No ward given):** He spoke about the findings of the Class VI Roads Advisory
2 Committee.

3
4 **Hearing no further comments from the public, Mayor McNamara closed the Public Hearing.**

5
6 **ACTION:**

7 **Reclassification:**

8 **Councilor Bronner MOVED,** that the Lebanon City Council hereby reclassifies the section of Class
9 VI Road #21 (McCallister Road), between points 840580.7-401227.5 and 843102.6-401003.1 as
10 shown on the Right-of-Way Discontinuance Map depicting Coordinate System NAD 1983 NH State
11 Plane FIPS 2800, printed February 2, 2021, and included in the February 17, 2021, City Council
12 Agenda Packet as a Class A Municipal Trail, subject to the following use restrictions:

13
14 **1. Permitted means of travel shall be:**

- 15 a) feet, skis, snowshoes, and horses.
16 b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the
17 conditions of the trail warrant their use; and
18 c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate
19 to warrant their use.

20
21 **Notwithstanding these permissions, none of these uses shall be allowed in a manner or conditions**
22 **that will encourage erosion or otherwise damage the trail.**

23
24 **2. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the**
25 **Allowed vehicular uses of abutting landowners for access to uses of their land as set forth**
26 **in RSA 231- A:1(1).**

27
28 **3. The Public Works Director shall cause to be posted legible signs at the entrance to the trail**
29 **describing the restrictions contained herein, as provided by RSA 231-A:4.**

30
31 ***Seconded by Councilor Heistad.***

32
33 **Roll Call Vote:**

34 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
35 McNamara, all voting Yea.

36 None voted Nay.

37 ****The Vote on the MOTION was approved (8-0).***

38
39 ****The Council revisited the Motion for item 8B that was tabled earlier in the meeting to amend the**
40 **previous Motion to reclassify Class VI Road #19 (Durkee Road) by adding the corrected**
41 **coordinates.**

42
43 **ACTION (8B):**

44 ***Reclassification:***

45 **Councilor Bronner MOVED,** that the Lebanon City Council hereby reclassifies Class VI Road #19
46 (Durkee Road), between points 838170.1-402236.7 and 841615.7-401874.8 as shown on the Right-of-
47 Way Discontinuance Map depicting Coordinate System NAD 1983 NH State Plane FIPS 2800,

1 printed February 2, 2021, and included in the February 17, 2021, City Council Agenda Packet as a
2 Class A Municipal Trail, subject to the following use restrictions:

3
4 **1. Permitted means of travel shall be:**

- 5 a) feet, skis, snowshoes, and horses.
6 b) bicycles, ridden appropriately for a multipurpose trail, when the city deems that the
7 conditions of the trail warrant their use; and
8 c) snowmobiles, ridden appropriately for a multipurpose trail, when snow cover is adequate
9 to warrant their use.

10
11 Notwithstanding these permissions, none of these uses shall be allowed in a manner or conditions
12 that will encourage erosion or otherwise damage the trail.

13
14 **2. All other wheeled or motorized vehicles, on or off road, shall be prohibited, excepting the**
15 **Allowed vehicular uses of abutting landowners for access to uses of their land as set forth**
16 **in RSA 231- A:1(1).**

17
18 **3. The Public Works Director shall cause to be posted legible signs at the entrance to the trail**
19 **describing the restrictions contained herein, as provided by RSA 231-A:4.**

20
21 ***BE IT FURTHER MOVED*, that the section(s) of Class VI Road #19 (Durkee Road) outside these**
22 **coordinate points is unaffected by this reclassification.**

23
24 ***Seconded by Councilor Sykes.***

25
26 **Roll Call Vote:**

27 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
28 McNamara, all voting Yea.

29 None voted Nay.

30 ****The Vote on the MOTION was approved (8-0).***

31
32 ***Councilor Liot Hill MOVED* to extend the meeting to 10:45 p.m.**

33 ***Seconded by Councilor Heistad.***

34
35 **Roll Call Vote:**

36 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
37 McNamara, all voting Yea.

38 None voted Nay.

39 ****The Vote on the MOTION was approved (8-0).***

40
41 **9. OLD BUSINESS - NONE**

42
43 **10. NEW BUSINESS**

- 44 **A. Water & Sewer Extension Request: Basic Holdings, LLC for Occom Path, a 22-unit**
45 **single family Planned Unit Residential Development at 5 & 11 Oak Ridge Road, West**
46 **Lebanon.**

47
48 Included in the agenda packet

49 1. December 15, 2020 letter from James Donison, Director of Public Works, RE: Municipal Water and

- 1 Sewer Extension Request, Oak Ridge/Occom Path Planned Unit Development (PURD), 5 & 11 Oak
2 Ridge Road, West Lebanon, New Hampshire
3 2. January 13, 2021 letter from Director of Public Works James Donison RE: Sewer Extension
4 Application Request, Basic Holdings, LLC for property at 5 & 11 Oak Ridge Road, Tax Map 4
5 Lots 5 & 6.
6 3. November 12, 2019 Lebanon Planning Board Preliminary Findings and Determinations
7

8 Basic Holdings, LLC is proposing construction of a 22-unit single family planned unit residential
9 development on Oak Ridge Road, West Lebanon (properties identified as City Tax Map 4, Lots 5 & 6).
10 The development as proposed will consist of 22 three-bedroom houses. The request for extension of the
11 sewer main into the development is a total of 803 linear feet while the request for extension of the water
12 main is 732 linear feet.
13

14 Peak sewer flow generated from this development is calculated at 16,170 gallons per day. All flows will
15 be directed to the Hanover wastewater treatment plant which has sufficient capacity to accept and treat the
16 flows. Water for the development will be supplied by the City. With 1,380,213 gallons per day of residual
17 capacity in the system, there is sufficient capacity to accommodate the 16,170 gallons per day required for
18 the development.
19

20 Attached in the agenda packet is memo from Jim Donison, Public Works Director regarding the
21 department's review of the request. You will note that DPW is recommending that the portion of the
22 sewer main extension to be on private property, be privately owned and maintained.
23

24 **Councilor Liot Hill recused herself from this matter due to a financial interest with one of the**
25 **principals.**
26

27 **ACTION:**

28 ***Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to***
29 ***negotiate and execute all necessary agreements in accordance with City Code Chapter 136, Sewer***
30 ***Service, §136-108, Extensions of Sewer Mains; and Chapter 182, Water Service, §182-40,***
31 ***Extensions, for the construction and connection of an 803 linear foot sewer main extension, and the***
32 ***construction, connection, and acceptance of a 732 linear foot water main extension to serve a***
33 ***proposed 22-unit single family planned unit residential development known as Occum Path, located***
34 ***at 5 & 11 Oak Ridge Road, West Lebanon, on properties identified as City Tax Map 4, Lots 5 & 6,***
35 ***subject to the following condition:***
36

- 37 **1. The sewer main extension shall be privately owned and maintained by the current and future**
38 **owner(s) of the Occum Path Planned Unit Residential Development.**
39

40 ***Seconded by Councilor Sykes.***
41

42 **Roll Call Vote:**

43 Assistant Mayor Below, and Councilors Bronner, Heistad, Sykes, Winny, Zook and Mayor McNamara,
44 all voting Yea.

45 None voted Nay.

46 Recused: Councilor Liot Hill

47 ****The Vote on the MOTION was approved (7-0).***
48

1 **Councilor Liot Hill returned as a regular member of the Council.**

2
3 **11. City Manager Report:**

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

- 5 • Airport CARES Act Grant #2.
- 6 • City Clerk's office is now taking over the collection of property taxes.
- 7 • Renaming of Departments:
 - 8 ○ Recreation and Park Department will now be Recreation, Parks and Arts Department.
 - 9 ○ Information Technology has now been renamed to Cyber Services Department

10
11 **12. Council Representatives to Other Bodies Reports:**

12
13 **13. Future Agenda Items: None**

14
15 **14. Non-Public Session: None**

16
17 **15. Adjournment:**

18
19 *Councilor Bronner MOVED for adjournment.*

20 *Seconded by Councilor Sykes.*

21
22 **Roll Call Vote:**

23 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
24 McNamara, all voting Yea.

25 None voted Nay.

26 **The Vote on the MOTION was approved (8-0).*

27
28 **The meeting was adjourned at 10:35 PM.**

29
30 Respectfully submitted,

31 Dona E. Gibson

32 Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
MARCH 3, 2021**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Economic Development Commission, Dan Nash (Reappointment as a Citizen Representative)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated February 23, 2021

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: February 23, 2021

TO: The Honorable Mayor & City Council

FROM: Kristin M. Kenniston, City Clerk

RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment. *Note: nominations do not need to be seconded.*

Economic Development Commission

- **Dan Nash** – Reappointment as a Citizen Representative for a two-year term.
Interviewed by: Councilor Sykes
Three-year term (3/21 – 3/23)

From: [Dan Nash](#)
To: [Allard, Sandi](#)
Subject: FW: Online Form Submittal: Board Member Application
Date: Tuesday, October 15, 2019 10:08:20 AM

Filed on-line, 11july2019

Dan Nash
Advanced Geomatics and Design
105 Bank Street
Lebanon, NH 03766
603-448-6295
802-356-4928 mobile
Advancedgeomatics@comcast.net
www.advancedgeomatics.org

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, July 11, 2019 9:44 AM
To: advancedgeomatics@comcast.net
Subject: Online Form Submittal: Board Member Application

Board Member Application

Board Member Application
City of Lebanon board / committee member application.

Basic Requirements

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

(Section Break)

First Name dan

Last Name nash

How long have you resided in Lebanon?	40 years
Current Address	387 poverty lane
City	lebanon
State	nh
Zip Code	03766
Is this your mailing address?	Yes
Home Phone Number	6034486023
Work Number	6034486295
Email Address	advancedgeomatics@comcast.net
(Section Break)	
Is this an application for re-appointment?	Yes
For which board, committee, or commission are you applying?	Other (please fill in blank)
Other Committee	EDC
Why would you like to serve?	The city needs healthy growth that grows the grand list and softens annual tax increases. I am ever optimistic that the group can foster vitality and economic development.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have been on EVEC since its inception. I do site design and permitting for Lebanon projects and am aware of what policies and procedures can foster healthy development.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

Councillor Interview Report Form

Councillor Name George Sykas

Date of Interview

2/18/21

Applicant Name Dan Nash

Board(s) to Which Applied EDC

☒ Regular Seat

☐ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying?

☒ Yes

☐ No

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

Recommend Appointment ☒ Yes

☐ No

☒ Regular Seat

☐ Alternate Seat

General Comments:

re-appointment

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

Standard Questions for All Applicants:

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

☐ TO EXAMINE opportunities to improve the economic climate for the City

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

☐ yes

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

☐ yes this is a re-appointment

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

☐ yes

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

No

☐

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

To continue to improve W. Lebanon

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

See Above

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

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

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

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

- 3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted Zoning Ordinance?

- 4) Zoning Board decisions can be controversial. The Board is bound by law to work within the current zoning regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Planning Board:

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

**AGENDA
LEBANON CITY COUNCIL
MARCH 3, 2021**

10. NEW BUSINESS:

**10.A – SET PUBLIC HEARING FOR MARCH 17, 2021: ORDINANCE 2021-01 TO
AMEND CITY CODE CHAPTER 31, ARTICLE VII, HERITAGE COMMISSION &
ARTICLE X, ARTS AND CULTURE COMMISSION**

BACKGROUND

By action of the City Council on May 21, 2014, the City's Fountain Committee was dissolved and recreated as the Fountain Working Group and placed under the umbrella of the Heritage Commission. The charge of the Heritage Commission was formally amended in 2016 to include the following:

"H. Work towards the purchase and installation of fountains within the City of Lebanon by raising funds; coordinating volunteer efforts; locating fountains for purchase by the City; developing plans for the location of fountains; and seeking approval by the Heritage Commission and the City Council prior to the installation of any new fountain."

The Fountain Working Group procured and installed its last fountain at the Glenwood Cemetery in 2020. Members of the group have since stepped aside. We continue to be thankful for the work they accomplished over their many years of dedicated service.

In December 2018, the City Council established the Arts and Culture Commission and charged them with taking a lead role in implementing Chapter 12 of the City's Master Plan (Community Design and Civic Art). Within this chapter, fountains are recognized as a cultural and civic art resource, and implementation strategies and action items refer to reestablishing Lebanon as the "City of Fountains."

With all of this in mind, City administration is recommending that the charge of the Arts and Culture Commission be amended to assume the role of fountain procurement. An amendment to the City Code is required to effectuate the change and is outlined in Ordinance 2021-01.

ACTION

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 7, 2021, beginning at 7:00pm, Remote via Webex, for the purpose of receiving public input and taking action on proposed Ordinance #2021-01, to amend City Code, Chapter 31, Boards, Committees & Commissions, Article VII, Heritage Commission and Article X, Arts and Culture Commission.

Included in this Section:

1. Proposed Ordinance 2021-01

**CITY OF LEBANON
ORDINANCE #2021-01**

AN ORDINANCE TO AMEND Chapter 31, Boards, Committees and Commissions, of the Code of the City of Lebanon, by deleting §31-33.H and adding §31-45.E.

Section 1:

The Code of the City of Lebanon is hereby amended by deleting the following:

Article VII, Heritage Commission, §31-33. Purposes; powers, Heritage Fund.

~~H. Work towards the purchase and installation of fountains within the City of Lebanon by raising funds; coordinating volunteer efforts; locating fountains for purchase by the City; developing plans for the location of fountains; and seeking approval by the Heritage Commission and the City Council prior to the installation of any new fountain.~~

Section 2:

The Code of the City of Lebanon is hereby amended by adding the following:

Article X, Arts and Culture Commission, Section 31-45. Duties and responsibilities.

~~E. Working towards the purchase and installation of fountains within the City by raising funds; coordinating volunteer efforts; locating fountains for purchase by the City; and developing plans for the location of fountains. City Council approval is required prior to the installation of any new fountain.~~

Section 3: 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 4: Effective Date

This ordinance shall become effective upon passage.

**AGENDA
LEBANON CITY COUNCIL
MARCH 3, 2021**

10. NEW BUSINESS:

**10.B – PRESENTATION OF FIRST READING AND SET PUBLIC HEARING FOR
APRIL 7, 2021: AMENDMENTS TO ORDINANCE NO. 18, SALARY PLAN,
ARTICLE II, NON-AFFILIATED & LPASE EMPLOYEES, TO INCLUDE THE
POSITIONS OF UTILITY BILLING CLERK (GRADE 8) AND ACCOUNTING CLERK
(GRADE 3) WITHIN THE PAY PLAN FOR REGULAR FULL-TIME AND REGULAR
PART-TIME EMPLOYEES AND TO RETITLE POSITIONS IN THE CITY CLERKS
AND CYBER SERVICES DEPARTMENTS**

BACKGROUND

REORGANIZATION OF CITY CLERK'S OFFICE & FINANCE DEPARTMENT

City Manager Mulholland is reorganizing positions within the City Clerk's office and Finance department to implement "central collections." Central collections will provide the ability for the public to pay taxes or water & sewer bills while registering to vote, registering their motor vehicles, or applying for a marriage license and will allow the Finance Department to better concentrate efforts on financial services and management.

To assist in the transition, the tax collection functions currently managed by Finance are being moved under the umbrella of the City Clerk. In this, the positions of City Clerk and Tax Collector are being combined; and the position of Deputy Tax Collector (Grade 8) is being moved from Finance to City Clerk.

Currently the duties of the Deputy Tax Collector include billing and collection for water, sewer, and landfill services. These duties will remain in finance under a position to be titled "Utility Billing Clerk" (Grade 8). Duties for the revised Deputy Tax Collector position will be those associated with tax collection plus those associated with Assistant City Clerks (motor vehicle registration, dog licensing, issuance of vital records, election processing, etc.). As such, the Deputy Tax Collector will be fully able to assist with counter coverage and daily public interactions.

Over the years, the Tax Collector has taken on duties to assist the Finance Department with accounts payable and accounts receivable operations. Prior to the implementation of the revised compensation and classification system for non-affiliated employees in 2018, a position titled "Accounting Clerk" was part of the pool of positions in the City. Administration is reinstituting the position (part-time only) so the Finance Department may hire a person to assume the duties that will not be transferred to the City Clerk.

All necessary funding to complete this transition is existing within the 2021 approved budget. The salary for the Tax Collector will be utilized by the City Clerk's Office to facilitate the move of the newly appointed Deputy Tax Collector and the funding for the retitled position of Utility Billing Clerk is included in the Finance budget, as is funding for a part-time Accounting Clerk.

RETITLING POSITIONS FROM “INFORMATION TECHNOLOGY” TO “CYBER SERVICES”

With the ever-evolving world of technology, and the all-encompassing functions associated with protecting the City’s technological resources, City Manager Mulholland has renamed the Information Technology Department to “Cyber Services.” As such, positions currently titled “Information Technology” need to be updated. Positions include: Information Technology Director - Grade 15 (to be retitled Cyber Services Director); and Information Technology Technical Specialist - Grade 9 (to be retitled Cyber Services Technical Specialist). The Systems and Information Technology Administrator (Grade 13) title will remain as is and assigned grades for all positions will not change.

Process to Amend Ordinance No. 18

Amending Ordinance No. 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 March 3, and to schedule a public hearing for April 7, 2021 to amend the Ordinance. The second and third presentations will follow on March 17, and April 7, respectively.

ACTION

The City Council is asked to take the following actions:

1. ACKNOWLEDGE FIRST PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, as follows:

- 1. Retitle City Clerk to City Clerk/Tax Collector (Grade 12);***
- 2. Include the position of Utility Billing Clerk (Grade 8);***
- 3. Include the position of Accounting Clerk (Grade 3);***
- 4. Retitle Information Technology Director to Cyber Services Director (Grade 15); and***
- 5. Retitle Information Technology Technical Specialist to Cyber Services Technical Specialist (Grade 9)***

Changes in the table below shown in **red**.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES – 2021 SALARY & GRADES

<u>Grade</u>	<u>Position Title</u>	<u>Hourly</u>		<u>Weekly</u>	
		<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
1	General Intern II	\$16.77	\$22.64	-	-
2	Custodian	\$17.78	\$23.99	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.84	\$25.44	-	-
	Custodian I	-	-	-	-
	Accounting Clerk				
4	Library Assistant	\$19.98	\$26.97	-	-
5		\$21.17	\$28.57	-	-

6	-	\$22.44	\$30.29	-	-
7	Administrative Assistant	\$23.78	\$32.45		
	Administrative Secretary			-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-		-
8	Administrative Assistant	\$25.21	\$34.04	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk				
	Outreach Librarian	-	-	\$1,008.55	\$1,361.65
	Young Adult Librarian	-	-	-	-
9	Code Health Inspector**	\$27.73	\$37.43	-	-
	Executive Assistant	-	-	-	-
	Digital Media Officer	-	-	-	-
	Cyber Services Technical Specialist				
	Information Technology Technical Specialist				
	Real Estate Appraiser II**	-	-	-	-
	Children's Librarian			\$1,109.20	\$1,497.36
	Associate Planner**	-	-		
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
10	Assistant City Engineer**	\$30.50	\$41.18	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**				
	Police Communications Supervisor**	-	-	-	-
	Tax Collector	-	-	-	-
	Human Services Director	-	-	\$1,220.15	\$1,647.20
	Recreation Program Coordinator**	-	-		
11	Technical Advisor I	\$33.59	\$45.34	-	-
	Administrative Services Manager**	-	-	\$1,343.60	\$1,813.60
	Airport Operations Supervisor**	-	-	-	-
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Fire Marshall**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
12	Wastewater Treatment Superintendent**	\$35.60	\$48.05	-	-
	Water Treatment Superintendent**	-	-	-	-
	City Assessor**	-	-	\$1,424.00	\$1,922.00
	City Clerk/Tax Collector	-	-		
	City Clerk	-	-	-	-
	City Engineer**	-	-	-	-

	City Planner**	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,509.21	\$2,037.39
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Systems and Information Technology Administrator				
14	Assistant Director/Public Works	-	-	\$1599.77	\$2,159.70
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
15	Cyber Services Director Information Technology Director	-	-	\$1,695.84	\$2,289.20
16	Technical Advisor II	\$44.93	\$60.66		
	Chief of Police	-	-	\$1,797.42	\$2,426.40
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Deputy City Manager	-	-	-	-

**denotes LPASE Positions

2. SCHEDULE PUBLIC HEARING:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 7, beginning at 7:00 pm, Remote via Webex, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated Employees, as follows:

- 1. Retitle City Clerk to City Clerk/Tax Collector (Grade 12);***
- 2. Include the position of Utility Billing Clerk (Grade 8);***
- 3. Include the position of Accounting Clerk (Grade 3);***
- 4. Retitle Information Technology Director to Cyber Services Director (Grade 15); and***
- 5. Retitle Information Technology Technical Specialist to Cyber Services Technical Specialist (Grade 9)***