



**LEBANON CITY COUNCIL
JANUARY 8, 2025 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

1. Call to Order

- A. To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 683 099 380#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

The January 8, 2025 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open to the Public

5. Recognitions: None

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the January 8, 2025 agenda packet.

7. Appointments

- A.
- Conservation Commission, Sarah Riley (Reappointment Regular Member)
 - Planning Board, Eric Stacy (Regular Member)
 - Tree Advisory Board, Charles DePuy (Reappointment as Citizen Member)
 - Heritage Commission, Claire Geno (Alternate Member)
 - Zoning Board of Adjustment, David Newlove (Reappointment Regular Member)
 - Zoning Board of Adjustment, William Koppenheffer (Reappointment Regular Member)
 - Lebanon Airport-Tech Park TIF Advisory Committee, Jason Archambeault (Reappointment as Citizen Member)
 - Diversity, Equity, and Inclusion Commission, Richard Ford Burley (Reappointment as Public Representative)
 - Diversity, Equity, and Inclusion Commission, Keiselim Montas (Reappointment as Public Representative)

8. Public Hearing Items: None

9. Old Business

- A. Amendments To City Charter – Review of comments by State agencies and order to place proposed charter amendments on the ballot for the March 11, 2025 municipal election.

10. New Business

- A. Review and Adoption of 2025 Annual Calendar
- B. Appointment of 2025 Chair and Vice-Chair for Economic Development Commission
- C. Discussion and Potential Rescission of Community Revitalization Tax Relief (79-E) Approval for LWM Residential, LLC for Redevelopment of 1 Foundry Street, Lebanon, NH
- D. Discussion and Set Public Hearing for January 22, 2025: Community Revitalization Tax Relief (79-E) Approval for 10 Spencer Studios, LLC for Rehabilitation of 10 Spencer Street, Lebanon, NH
- E. Discussion and Set Public Hearing for January 22, 2025:
 - 1. CDBG Application for Families Flourish Northeast
 - 2. RHP Application for Families Flourish Northeast
 - 3. Adoption of Anti-Displacement & Relocation Assistance Plan for Families Flourish Northeast
- F. Discussion and Set Public Hearing for February 5, 2025: Request by Edwards Properties, LLC to Discontinue Portions of Little Heater Road and Edwards Street, Lebanon
- G. Review and Set Public Hearing for January 22, 2025: Proposed Zoning Amendments for Council Adoption and for Municipal Ballot
- H. Discussion of Potential Zoning Amendment to Add “Research Laboratory” as a Permitted Use in the Central Business District
- I. Discussion of Status of Board of Cemetery Trustees and Potential Courses of Action

11. City Manager Report

- A. Strategic Plan

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

15. Adjournment

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

Future Board/Committee/Commission Appointments
Board/Committee: Conservation Commission
Position: Alternate Member
Applicant: T. Talbert
City Councilor: T. McNamara
Assigned Date: 12/18/2024

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

January 22, 2025 (6:00pm)

Public Hearing Items:

- A. Community Revitalization Tax Relief Application – A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Application (per NH RSA 79-E) by 10 Spencer Studios, LLC for property located at 10 Spencer Street, Lebanon.
- B. Public Facilities CDBG and Recovery Housing Program Applications for Families Flourish Northeast - Public hearings for the purpose of receiving public input and taking action on Community Development Block Grant (CDBG) and Recovery Housing Program (RHP) grant applications proposed by the City of Lebanon to the NH Community Development Finance Authority (CDFA). Counties and communities can apply for CDBG grants up to \$500,000 annually on a competitive basis for housing, public facilities, economic development, and for emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants. The Recovery Housing Program (RHP) is a pilot program for special needs housing, which municipalities and non-profits may apply to for up to \$1,000,000. Public hearings are as follows:
 - 1. A public hearing for the purpose of receiving public input and taking action on a proposed CDBG application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract; and
 - 2. A public hearing for the purpose of receiving public input and taking action on a proposed Recovery Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the RHP Application and contract; and
 - 3. A public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast.
- C. Proposed Amendments to the Zoning Ordinance for 2025 Municipal Ballot - Public Hearing for the purpose of receiving public input and taking action to place proposed zoning amendments on the 2025 Municipal Ballot.
- D. Proposed Amendments to the Zoning Ordinance for Council Adoption – Public hearing for the purpose of receiving public input and taking action on proposed zoning amendments for adoption by the City Council.

New Business:

- A. Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- B. Request from Three Tomatoes for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- C. Request from Lalo's Taqueria for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- D. Request from Village Pizza for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property
- E. Release of Collected Public School Impact Fees (3rd and 4th Quarter 2024)

February 5, 2025

New Business:

- A. Review and Discussion of Potential Expansion of Colburn Park National Register Historic District
- B. Vote to Make Public Previously Sealed Non-Public Minutes of the City Council

**Agenda
Lebanon City Council
January 8, 2025**

6. Acceptance Of Minutes:

Minutes To Be Accepted

- November 20, 2024
- December 4, 2024
- December 12, 2024 (Special Meeting)
- December 18, 2024

MOVED, to approve the minutes as presented in the January 8, 2025 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday November 20, 2024 7:00 p.m.
Council Chambers**

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

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, George Sykes, Douglas Whittlesey, Karen Liot Hill (remote)

MEMBERS ABSENT: Christian Simon, Devin Wilkie, and Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Airport Manager Carl Gross, Public Works Director Jay Cairelli, Fire Chief Wheatley, Solid Waste Manager Erica Douglas, Human Resources Director Samantha Lauzon

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

2
3 **2. PLEDGE OF ALLEGIANCE:** Assistant Mayor Below led the Council in the Pledge.

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

5
6 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

7
8 **4. OPEN TO PUBLIC:** NONE

9
10 **5. RECOGNITIONS:**

11 - **LEBANON FIRE DEPARTMENT PEER SUPPORT TEAM**

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

13
14 **WHEREAS**, the Lebanon Fire Department has recognized the need for a peer support team to provide essential emotional and mental health support to its members during times of acute stress and personal crisis; and

15
16
17 **WHEREAS**, individual members of the Lebanon Fire Department have undertaken specialized training and have committed themselves to be available at a moment's notice, responding with empathy, understanding, and skill to assist their colleagues in times of need; and

18
19
20 **WHEREAS**, the Peer Support Team is a vital resource, fostering resilience and ensuring that members of the Lebanon Fire Department and other City departments have a safe, confidential, and supportive network available to them during and after traumatic events; and

21
22
23
24 **WHEREAS**, the Lebanon Fire Department Peer Support Team exemplifies the values of compassion, dedication, and courage, continually enhancing the well-being of first responders and helping to create a healthier, stronger, and more resilient fire department; and

25
26
27
28 **WHEREAS**, it is appropriate to recognize the value and commitment of peer support team members for their tireless service, as well as their impact on the morale, mental health, and overall well-being of the fire department and the wider community they serve.

29
30
31
32 **NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon,

hereby recognizes and honors the Lebanon Fire Department Peer Support Team and thanks them for their service to the City.

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

Dated this 20th day of November 2024.

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

6. ACCEPTANCE OF MINUTES:

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

*Councilor Heistad MOVED to approve the October 23, 2024 (Work Session), the October 29, 2024 (Work Session) and the November 6, 2024 (Regular Meeting) minutes as written and presented in the November 20, 2024, City Council agenda packet.
Seconded by Councilor Whittlesey.*

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

7. APPOINTMENTS: NONE

Councilor Liot Hill joined the meeting remotely at 7:10pm.

8. PUBLIC HEARING ITEMS:

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

Included in the agenda packet: **(All supportive documents and information can be found on pages 53-85, Council agenda packet)**

1. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #1 – Reorganize and Renumber Charter Sections, including red-line versions of Charter Table of Contents and full Charter text.
2. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #2 – Supervisors of the Checklist Terms of Office, including red-line version of amendment to §C419:8, Ward Officials
3. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #3 – City Office Candidacy Filing Period, including red-line version of amendment to §C419:10, Preparation of Ballots

Deputy City Manager Brooks reviewed the background, and the proposed City Charter Amendments as listed above.

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

Attached for the Council's review are red-line versions of the Table of Contents and the full Charter, which highlight the proposed reorganization and renumbering of existing sections within the Charter.

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

A third amendment is proposed to synchronize the candidate filing periods for School District office elections and City office elections. (The date of the City election is already synchronized

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

13 In accordance with the provisions of NH RSA 49-C, to change the Lebanon Charter, the City
14 Council must first schedule a public hearing to determine that the proposed amendments are
15 necessary. NH RSA 49-B:5, I(c) requires that each Charter amendment shall be limited to a
16 single subject. Therefore, the three proposed amendments outlined above must be considered
17 and acted upon individually and separately. Following the public hearing, if the Council decides
18 to move forward with any or all of the proposed Charter amendments, the Council will be asked
19 to adopt separate resolutions directing the City Manager to file reports with the City Clerk
20 containing a final draft of the proposed Charter amendment(s). The City Clerk, in accordance
21 with NH RSA 49-B:4-a, must then file a certified copy of each report with the NH Secretary of
22 State, the NH Attorney General, and the Commissioner of the NH Department of Revenue
23 Administration, each of whom has 45 days to review the proposed amendment(s) to ensure that
24 each is consistent with the general laws of the state. Only after the three state agencies have
25 approved the proposed amendment(s) can the Council take action to have the proposed Charter
26 amendment(s) placed on the ballot of the next municipal election.

27 The 2025 Municipal Election will take place on March 11, 2025. If passed by the voters, the
28 Charter amendment(s) would not be effective until July 1, 2025.
29

30 **Mayor McNamara opened the Public Hearing.**

31
32 **Hearing no comments from the public, the Public Hearing was closed.**
33

34 **Council Comments:** NONE
35

36 **ACTION:**

37 ***Councilor Sykes MOVED the following:***
38

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

40 ***BE IT RESOLVED that the Lebanon City Council hereby determines that the proposed***
41 ***amendment to the Lebanon City Charter to reorganize and renumber the existing Charter***
42 ***language is necessary and appropriate.***
43

44 ***Proposed amendment to the City Charter is as follows:***
45

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

3
4 *Explanation: The purpose of this amendment is to organize and present the existing City*
5 *Charter sections in a more coherent and logical sequence following the model charter structure*
6 *suggested by the National Civic League, but without altering any existing Charter language.*

7
8 ***BE IT FURTHER RESOLVED** that the Lebanon City Council hereby directs the City Manager*
9 *to cause a report to be filed with the City Clerk containing the final draft of the proposed Charter*
10 *amendment to reorganize and renumber the existing Charter language, as presented and*
11 *summarized in the November 20, 2024 City Council agenda packet, after which the City Clerk,*
12 *in accordance with NH RSA 49-B:4-a, I, shall cause a certified copy of such report to be filed*
13 *with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the*
14 *Commissioner of the New Hampshire Department of Revenue Administration.*

15
16 *Seconded by Councilor Whittlesey.*

17
18 **Roll Call Vote:**

19 Assistant Mayor Below, and Councilors Liot Hill, Sykes, Whittlesey, Heistad, and Mayor
20 McNamara all voting Yea.

21 None voted Nay.

22 Abstained: None

23 Absent from vote: Simon, Zook, and Wilkie

24
25 **The Vote on the MOTION was approved (6-0)*

26
27 **ACTION:**

28 *Councilor Whittlesey MOVED the following:*

29
30 **RESOLUTION FOR PROPOSED AMENDMENT #2:**

31
32 ***BE IT RESOLVED** that the Lebanon City Council hereby determines that the proposed*
33 *amendment to the Lebanon City Charter to extend and stagger the terms of office for the*
34 *Supervisors of the Checklist for each ward is necessary and appropriate.*

35
36 *Proposed amendment to the City Charter is as follows:*

37
38 *Amend City Charter Section II, Elections, §C419:8, Ward Officials, [Article II, Section*
39 *2.05 under the reorganized numbering outlined in proposed Charter amendment #1], to extend*
40 *the term of office for Supervisors of the Checklist for each ward to 6 years, and to stagger the*
41 *terms of office for each of the three Supervisors for each ward.*

42
43 *Explanation: The purpose of this amendment is to allow for Supervisors of the Checklist for*
44 *each ward to serve a longer term, and to stagger the terms, so that each ward would normally*
45 *have two Supervisors already elected and serving, when a new Supervisor is elected. With this*
46 *proposed amendment, the institutional knowledge of Supervisors would be more easily*
47 *preserved and passed on to future elected Supervisors of the Checklist.*

1
2 ***BE IT FURTHER RESOLVED*** that the Lebanon City Council hereby directs the City Manager
3 *to cause a report to be filed with the City Clerk containing the final draft of the proposed Charter*
4 *amendment to extend and stagger the terms of office for the Supervisors of the Checklist for*
5 *each ward, as presented and summarized in the November 20, 2024 City Council agenda packet,*
6 *after which the City Clerk, in accordance with NH RSA 49-B:4-a, I, shall cause a certified copy*
7 *of such report to be filed with the New Hampshire Secretary of State, the New Hampshire*
8 *Attorney General, and the Commissioner of the New Hampshire Department of Revenue*
9 *Administration.*

10
11 *Seconded by Assistant Mayor Below.*

12
13 **Roll Call Vote:**

14 Assistant Mayor Below, and Councilors Liot Hill, Sykes, Whittlesey, Heistad, and Mayor
15 McNamara all voting Yea.

16 None voted Nay.

17 Abstained: None

18 Absent from vote: Simon, Zook, and Wilkie

19
20 **The Vote on the MOTION was approved (6-0)*

21
22 **ACTION:**

23 *Assistant Mayor Below MOVED the following:*

24
25 ***RESOLUTION FOR PROPOSED AMENDMENT #3:***

26
27 ***BE IT RESOLVED*** that the Lebanon City Council hereby determines that the proposed
28 *amendment to the Lebanon City Charter to synchronize the candidate filing periods for School*
29 *District office elections and City office elections is necessary and appropriate.*

30
31 *Proposed amendment to the City Charter is as follows:*

32
33 *Amend City Charter Section II, Elections, §C419:10, Preparation of Ballots, [Article II,*
34 *Section 2.07 under the reorganized numbering outlined in proposed Charter amendment #1],*
35 *to synchronize the candidate filing periods for School District office elections and City office*
36 *elections.*

37
38 *Explanation: The purpose of this amendment is to link the City office filing period to the*
39 *School District office filing period, so that both filing periods have the same beginning and*
40 *end dates. Currently, (a) the annual City and School District election is held on the second*
41 *Tuesday in March per §C419:6, RSA 197:1 and RSA 40:13, VII; (b) the School District officer*
42 *candidate filing period is a 10-day period from 48 to 39 days before the City election (from the*
43 *seventh Wednesday before the election to the Friday of the following week) per RSA 671:19*
44 *and RSA 669:19; and (c) the City officer candidate filing period is a 15-day period from 42 to*
45 *28 days before the City election per §C419:10. Linking the City office filing period to the*
46 *School District office filing period is consistent with the Charter's linking of the City election*
47 *day to the School District election day (§C419:6), and will establish a uniform filing period for*

1 *both City and School District offices. Moving the last day of the City filing period from 28 days*
2 *before the election to 39 days before the election will also provide the City Clerk additional*
3 *time needed to prepare the official ballots and allow publication of sample ballots further in*
4 *advance of the annual election.*

5
6 ***BE IT FURTHER RESOLVED that the Lebanon City Council hereby directs the City***
7 ***Manager to cause a report to be filed with the City Clerk containing the final draft of the***
8 ***proposed Charter amendment to synchronize the candidate filing periods for School District***
9 ***office elections and City office elections, as presented and summarized in the November 20,***
10 ***2024, City Council agenda packet, after which the City Clerk, in accordance with NH RSA 49-***
11 ***B:4-a, I, shall cause a certified copy of such report to be filed with the New Hampshire***
12 ***Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New***
13 ***Hampshire Department of Revenue Administration.***

14
15 ***Seconded by Councilor Heistad.***

16
17 **Roll Call Vote:**

18 **Assistant Mayor Below, and Councilors Liot Hill, Sykes, Whittlesey, Heistad, and Mayor**
19 **McNamara all voting Yea.**

20 **None voted Nay.**

21 **Abstained: None**

22 **Absent from vote: Simon, Zook, and Wilkie**

23
24 ****The Vote on the MOTION was approved (6-0)***

- 25
26 **B. Ordinance #2024-11** – A public hearing for the purpose of receiving public input
27 and taking action to amend City Code Chapter 23, Banners, to remove references
28 to the Licensing Board, and to limit the allowable banners under the Code.
29

30 Included in the agenda packet: **(All supportive documents and information can be found on**
31 **pages 86-90, Council agenda packet)**

- 32 1. Ordinance #2024-11
33 2. Legal opinion from Attorney Christine Johnston, dated November 9, 2024.
34

35 Deputy City Manager Brooks reviewed the amendments to Ordinance #2024-11 as listed above.
36

37 **BACKGROUND**

38 During its periodic review of the City Code, the City Manager's Office has noted that Chapter 23,
39 Banners, still contains references to the former Licensing Board, which was disbanded in April
40 2022 with the adoption of Ordinance #2022-01.
41

42 The City Manager recommends that the Council take action to remove the references to the former
43 Licensing Board from Section 23-4, Fees. The permitting process for Banners has already been
44 moved into the City's online permitting system, OpenGov, and there is no need for the City to
45 charge a fee for the issuance of a permit by the City Manager.
46

47 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.

Mayor McNamara opened the Public Hearing.

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

Council Comments: NONE

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-11 to amend City Code Chapter 23, Banners, to remove references to the former Licensing Board, and to limit the allowable banners under the Code, as presented in the November 20, 2024, City Council agenda packet. This Ordinance shall become effective upon passage. Seconded by Assistant Mayor Below.

Roll Call Vote:

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

None voted Nay

Abstained: None

Absent from vote: Simon, Zook, and Wilkie

****The Vote on the MOTION was approved (6-0)***

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:

- 1 A. A banner announcing voting in federal, state and local elections.
2 B. Banners relating to activities of civic groups, non-profit organizations, or other
3 approved associations. -
4

5 § 23-3 Conditions.

6 Any banner erected on any public building, or along the fence around Colburn Park ~~over~~
7 ~~a public street or sidewalk~~ shall be based upon conditions set by the City
8 Manager ~~Director of Public Works~~ for such period and upon such terms and conditions
9 as will be in the best interests of the City. A refundable deposit may be required to
10 ensure removal of the banner. Any such banner shall be safely installed in such a manner
11 that it will not constitute a hazard ~~to any person or motor vehicle on the public street.~~
12

13 ~~§ 23-4 Fees.~~

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

16 § 23-~~5~~4 Penalties for offenses.

17
18 Violation of any provision of this chapter shall be punishable as provided in Chapter 1,
19 General Provisions.

20 Section 2: Severability

21
22 The provisions of this ordinance are declared to be severable, and if any section,
23 subsection, sentence, clause or part thereof is, for any reason, held to be invalid or
24 unconstitutional by a court of competent jurisdiction, such decision shall not affect
25 the validity of the remaining sections, subsections, sentences, clauses or part of this
26 ordinance.

27 Section 3: Effective Date: November 20, 2024.

28
29 Ordinance shall be effective upon passage.
30

- 31 C. **Ordinance #2024-13** – A public hearing for the purpose of receiving public input and
32 taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, to
33 authorize an 8.0% increase to the Water Service Rate and a 6.0% increase to the Sewer
34 Service Rate; to authorize a 15% increase in Ambulance Fees; to establish a fee
35 schedule for applications to the Heritage Commission; to establish a fee schedule for
36 the City Clerk's Office to maintain a Landlord's Agent Registry as required by NH
37 RSA 540:1-b and 540:1-c; and to clarify that the City of Lebanon, Lebanon School
38 District, and Lebanon Housing Authority shall not be required to pay applicable fees
39 for City-, School District-, and Housing Authority-sponsored projects.
40

41 Included in the agenda packet: **(All supportive documents and information can be found on**
42 **pages 91-108, Council agenda packet)**

- 43 1. Ordinance #2024-13
44 2. Legal opinion from Attorney Christine Johnston, dated November 9, 2024
45 3. Memorandum from Fire Chief Jim Wheatley, dated June 21, 2024
46 4. Lebanon Heritage Commission Fee Schedule, revised July 15, 2024
47 5. Excerpts of NH RSA 540, Actions against Tenants
48 6. 2025 Proposed Water and Wastewater Rates presentation

Deputy City Manager Brooks; Jay Cairelli, Public Works Director; and Fire Chief Wheatley reviewed the background and the proposed amendments to Ordinance #2024-13 as listed above.

BACKGROUND

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

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

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

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

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

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

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

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

statement designating an agent for service as required under RSA 540:1-b. Any such fine may be collected in the same manner as a fine for violation of a municipal ordinance and shall be for the use of the municipality.

Finally, the City Administration recommends that a general statement be added to Article III, Miscellaneous Fees, §68-11, Declaration of Purpose, to clarify that the City of Lebanon, the Lebanon School District (SAU #88), and the Lebanon Housing Authority (LHA) shall not be required to pay applicable fees as set forth in Chapter 68, or as outlined in any other chapters of the Code of the City of Lebanon, for permits, licenses, or reviews for City-sponsored projects or applications. As proposed, this exemption would not apply to water service rates under Section 68-15.B(1), hydrant fees under Section 68-15.B(3), and sewer service rates under Section 68-15.B(7).

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

Mayor McNamara opened the Public Hearing.

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

Council Comments: NONE

ACTION:

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

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

This ordinance shall become effective on January 1, 2025.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay

Abstained: None

Absent from vote: Simon, Zook, and Wilkie

1
2 **The Vote on the MOTION was approved (6-0)*
3

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

5 **AN ORDINANCE TO AMEND** the Code of the City of Lebanon, Chapter 68, Fees, Article III,
6 Miscellaneous Fees, by amending §68-15, Enumeration of Fees, to increase water and sewer
7 service rates, to increase ambulance fees, to establish filing fees for applications to the Heritage
8 Commission, and to establish a filing fee and penalty for the City Clerk to maintain a Landlord's
9 Agent Registry, and by amending §68-11, Declaration of Purpose, to clarify that the City of
10 Lebanon, the Lebanon School District (SAU #88), and the Lebanon Housing Authority (LHA) shall
11 not be required to pay certain applicable fees as set forth in Chapter 68, or as outlined in any other
12 chapters of the Code of the City of Lebanon, for permits, licenses, or reviews for City- sponsored
13 projects or applications.

14
15 **BE IT ORDAINED**, by the City Council of the City of Lebanon, as follows:
16 Section 1:

17 The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III,
18 Miscellaneous Fees, §68-11, Declaration of Purpose, as follows:
19

20 § 68-11. Declaration of purpose.
21

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

28 Notwithstanding anything in this or any other chapter of the City Code to the contrary, the City
29 Council hereby confirms that the City of Lebanon, the Lebanon School District (SAU #88), and
30 the Lebanon Housing Authority (LHA) shall not be required to pay applicable fees as set forth in
31 Chapter 68, or as outlined in any other chapter of the Code of the City of Lebanon, for permits,
32 licenses, or reviews for City-, School District-, or LHA-sponsored projects or applications.
33 However, this exemption shall not apply to the following: water service rates under Section 68-
34 15.B(1); hydrant fees under Section 68-15.B(3); and sewer service rates under Section 68-15.B(7)
35 Public Utilities (water/sewer) service fees outlined in Chapter 68-15.B.
36

37 Section 2:

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

41 The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III,
42 Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of effecting changes to the

water and sewer service rates, as follows:

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

§68-15.B(1) Water Service Rates

§68-15.B(1)(a) Per 100 cubic feet:

- [1] Single-family residential: 0 to 1,200 cubic feet: ~~\$4.36~~ 4.71.
- [2] Single-family residential: greater than 1,200 cubic feet: ~~\$8.73~~ 9.43.
- [3] Non-residential and non-single-family residential: ~~\$6.55~~ 7.07.

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

- [1] 5/8-inch: ~~\$22.91~~ 24.74.
- [2] 3/4-inch: ~~\$73.21~~ 79.07.
- [3] *One-inch: ~~\$108.85~~ 117.56.
- [4] 1.5-inch: ~~\$191.44~~ 206.76.
- [5] Two-inch: ~~\$317.09~~ 342.46.
- [6] Three-inch: ~~\$816.16~~ 881.45.
- [7] Four-inch: ~~\$3,166.85~~ 3,420.20.
- [8] Six-inch: ~~\$6,038.21~~ 6,521.27.
- [9] Eight-inch: ~~\$11,601.02~~ 12,529.10.

§68-15.B(7) Sewer Service Rates

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

- [1] 5/8-inch: ~~\$33.38~~ 35.38.
- [2] 3/4-inch: ~~\$106.71~~ 113.11.
- [3] One-inch: ~~\$158.68~~ 168.20.
- [4] 1.5-inch: ~~\$279.06~~ 295.80.
- [5] Two-inch: ~~\$462.25~~ 489.99.
- [6] Three-inch: ~~\$1,189.78~~ 1,261.17.
- [7] Four-inch: ~~\$4,616.62~~ 4,893.62.
- [8] Six-inch: ~~\$8,802.56~~ 9,330.71.
- [9] Eight-inch: ~~\$16,912.04~~ 17,926.76.

§68-15.B(7)(a) Per 100 cubic feet of metered water usage: ~~\$12.60~~ 13.36.

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

- [1] Residential: ~~\$411.83~~ 436.54 per quarter.
- [2] Commercial: estimated flow to be computed by the Department of Public Works based on facility use and occupancy at the rate contained in Subsection **B(7)(b)** above.

Section 3:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, for the purpose of

effecting changes to the ambulance rates, as follows:

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

- (1) Basic Life Support, nonresident: \$~~694.08~~ 798.19.
- (2) Advanced Life Support 1, resident: \$~~1,146.20~~ 1,318.13.
- (3) Advanced Life Support 1, nonresident: \$~~1,230.84~~ 1,415.47.
- (4) Advanced Life Support 2, resident: \$~~1,720.72~~ 1,978.83.
- (5) Specialty Care Transport: \$~~2,248.40~~ 2,585.66.
- (6) Mileage: \$~~14.98~~ 17.23.
- (7) Co-pay Waiver, resident: \$~~117.29~~ 134.88.
- (8) Advanced Life Support, no transport: \$~~527.79~~ 606.96.

Section 4:

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

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

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

Section 5:

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

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

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

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

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

Section 6: Severability

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

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

Section 7: Effective Date

This ordinance shall become effective January 1, 2025.

D. Ordinance #2024-14 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations, including updating the current fee schedule in Appendix A.

Included in the agenda packet: **(All supportive documents and information can be found on pages 109-125, Council agenda packet)**

1. Ordinance #2024-14
2. Legal opinion from Attorney Christine Johnston, dated November 9, 2024
3. 2025 Proposed Solid Waste Rates presentation

Erica Douglas, Solid Waste Manager, reviewed the background and the proposed amendments to Ordinance #2024-14 as listed above.

BACKGROUND

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

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

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

Mayor McNamara opened the Public Hearing.

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

Council Comments:

In response to a question from Assistant Mayor Below, Ms. Douglas explained that, generally 1-2 electronic waste items are seen at a time. There has been feedback from the public that they would prefer to see the cost within the total price. Bulky items are generally charged the scale

1 minimum. The first four fluorescent bulbs are free, and the fifth is generally charged per the
2 schedule.

3
4 **ACTION:**

5 *Assistant Mayor Below MOVED, that the Lebanon City Council hereby adopts Ordinance*
6 *#2024-14, to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, as*
7 *presented in the November 20, 2024 City Council agenda packet, with a modification that on*
8 *page 114 of the Agenda Packet, for the line items Fluorescent Bulbs and Compact*
9 *Fluorescent Lamps (CFLs) a notation be added, applicable to both rows, that up to four bulbs*
10 *or CFLs per day be accepted without charge. This ordinance shall become effective on*
11 *January 1, 2025.*
12 *Seconded by Councilor Sykes.*

13
14 **Roll Call Vote:**

15 **Assistant Mayor Below, and Councilors Liot Hill, Sykes, Whittlesey, Heistad, and Mayor**
16 **McNamara all voting Yea.**

17 **None voted Nay.**

18 **Abstained: None**

19 **Absent from vote: Simon, Zook, and Wilkie**

20
21 **The Vote on the MOTION was approved (6-0)*
22

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

24 **AN ORDINANCE TO AMEND** Chapter 97, Landfill Regulations, of the Code of the City of
25 Lebanon, Section 97-4, Definitions; Section 97-5, Public Recycling Drop Off Center; Section 97-
26 6, Permits; Section 97-7, Commercial generators/waste haulers' accounts and billing; Section 97- 8,
27 Fees; and Appendix A, Fee Schedule.

28
29 **BE IT ORDAINED**, by the City Council of the City of Lebanon, as follows: Section 1:

30 The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations,
31 §97-4, Definitions, as follows:

32 Add a new defined term:

33
34 RECYCLABLES, CONTAMINATED — Any recyclable material that is rendered unrecyclable
35 through the presence of foreign material that cannot be removed by the recycling process.
36

37 Section 2:

38
39 The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations,
40 §97-5, Public Recycling Drop Off Center, as follows:

41 Amend Subsection §97-5.C:

42
43 ~~€~~ Fees may be collected for the following items for recycling: mercury-containing devices

(fluorescent bulbs, thermometers, thermostats, etc.), televisions, computer monitors, computer central processing units, tires, oil, and food waste.

Section 3:

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

Amend Subsection §97-6.B(5):

B. Commercial Permits.

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

Section 4:

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

C. Municipal Recycling Permit.

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

1 ~~D.~~ Implementation Provision. The effective date of this Section will be upon
2 passage by the City Council. Implementation of requirements for updated Solid
3 Waste Facility User Permits will be on- going until December 31, 2023, after
4 which date all users will be required to have and display a valid permit issued
5 through the EB2gov Software platform for entry into the Solid Waste Facility.
6

7 Section 5:
8

9 The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations,
10 §97-7, Commercial generators/waste haulers' accounts and billing, as follows: Amend
11

12 Subsection §97-7.B(3):

13 B. Billing.
14

- 15 (3) If a permit is suspended for non-payment, it will not be reinstituted and
16 access will not be permitted until such a time that payment is received in
17 full, including interest, plus a \$ Fifty dollar ~~25~~ permit reactivation fee.
18

19 Section 6:

20 The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill
21 Regulations,
22 §97-8, Fees, as follows:

23 Amend Subsection §97-8.E:
24

25 ~~E.~~ Construction and demolition debris:
26

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

- 34 (2) C&D Wood; ~~Dirty~~ wood, clean lumber, treated lumber (pressure
35 treated, painted, stained, etc.), wooden pallets, etc. shall be separated
36 from the rest of the C&D.
37

38 Section 7:
39

40 The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill
41 Regulations,
42 §97-8, Fees, as follows:

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

1
2 G. Contaminated or mixed load recycling:
3

- 4 (1) Loads of recycling that ~~are include~~ contaminated recyclables ~~and cannot~~
5 ~~be recycled~~ or loads of MSW and bulky waste that contain more than 5%
6 ~~recycling as determined by the landfill operator shall be charged at the~~
7 ~~Ccontaminated or mixed load recycling fee. Mixed loads with dirty~~
8 ~~woodconstruction wood shall be rejected.~~
9

10 Section 7:
11

12 The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations,
13 §97-8, Fees, as follows:

14 Add a new Subsection G to §97-8, renumber and amend existing Subsection G to H:
15

16 H. Contaminated or mixed load recycling:
17

- 18 (1) Loads of recycling that ~~are include~~ contaminated recyclables ~~and cannot~~
19 ~~be recycled~~ or loads of MSW and bulky waste that contain more than 5%
20 ~~recycling as determined by the landfill operator shall be charged at the~~
21 ~~Ccontaminated or mixed load recycling fee. Mixed loads with dirty~~
22 ~~woodconstruction wood shall be rejected.~~
23

24 G.H. Permit fees.

- 25 (1) Residential.
26

27 (a) ~~Five~~~~teen~~ dollars annually.
28

29 (b) ~~Twenty-five~~ Fifty dollars reactivation fee if permit is suspended.
30

- 31 (2) Commercial.
32

(a) Fifty dollars annually, ~~per vehicle.~~

(b) ~~Twenty-dollar~~ Fifty dollars reactivation fee if permit is suspended.

- 34 (3) Temporary/one-time use: Fifty dollars ~~\$50~~ (per occurrence).
35

- 36 (4) Municipal Recycling.

37 (a) Fifty dollars.
38

39 (b) Fifty dollars reactivation fee if permit is suspended.

- 40 H. Minimum charge for scaled waste is as shown in Appendix A. The
41 minimum weight scaled is 20 scale units or 200 pounds. As 200 pounds is
42 10% of a full ton, the minimum charge is calculated as .10 times the current
43 fee for associated waste/recycling material. Example: If the charge for

disposing of Municipal Solid Waste (MSW) is \$75 per ton, the cost to dispose the minimum amount of 200 pounds would be .10 x \$75 or \$7.50.

Section 8:

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

Item	Fee
MSW – Commercial	\$ 120.75 55.00 /ton
MSW – Residential	\$ 24.00 /household bag \$ 84.00 /contractor bag \$ 40 20.00 per punch card \$ 24.00 /15 Gallon PAYT household bag \$ 42.00 /30-Gallon PAYT household bag
Minimum Load – Scale Use	MSW – \$340.00 (15 punches) C&D – \$23.00 Bulky – \$22.00
Construction and demolition debris – NOTE: This does not include mixed aggregates	\$ 225.00 58.75 /ton
<u>Contaminated or mixed load recycling</u>	<u>\$300/ton</u>
Mattresses -Box spring is under bulky	Twin or Full \$25.00 Queen or King \$353 7.500
Bulky-Furniture, cabinets, sofa, chairs, box spring; excluding Mattresses	\$ 57.500 Small (10-35lbs) \$ 124.500 Medium (36lbs to 80lbs) \$ 220.500 Large (81lbs and up) \$ 150 35.00 /ton Sectionals charged by the piece
Tires	\$ 12 15.00 /tire Maximum of 10 tires per load.
Yard trimmings and brush	\$15.00/ton for commercial loads <u>and non-Lebanon resident, up to 4 inches</u> <u>\$75.00/ ton over 4inches in diameter</u> <u>\$110 Stumps</u> Lebanon Residents only are free for loads less than 2 Cubic yards NON Commercial drop off

	Leaves, wood chips and grass clipping free- 4 inches or less in diameter <u>Scale minimum ½ a ton.</u>
Bulk loads of , asphalt, brick and concrete and mixed aggregate	\$50 <u>75.00</u> /ton
Electronic waste – monitors and TVs	\$20 <u>22.500</u> /item
Electronic waste – solar panels	\$40 <u>42.500</u> /panel
Electronic devices – DVD, VCR, stereo, etc.	\$10 <u>12.500</u> /item
Freon-containing devices	\$22.50 00/unit-(
Fluorescent bulbs	<u>\$2.50 Base + 0.15</u> /ft.
Compact fluorescent lamps (CFLs)	<u>\$2.50 Base+0.60</u> \$0.60/each
Cover materials	\$15.00/ton
Food waste	\$50.00/ton
Food scraps – household	No charge for food scrap composting-Residential
Glass-Bulk Load	\$35 <u>40.00</u> /ton
In Person permit fee	\$15.00 (including the cost of the permit)
Equipment Assist	\$75.00
Scale Use Fee	\$10.00
Propane tanks 20lb	\$12 <u>14.500</u>
Propane tanks 1lb	\$24 <u>500</u>
Change of scale ticket fee, next day	\$30.00 (day of is free)
Lost card Fee-commercial	\$25.00
Account reactivation Fee	\$50.00
Found in Load Fee	Additional \$10 <u>20.00</u> on top of cost of item
<u>Drive off Fee</u>	<u>\$250 first offense, \$500 second offense, 6-month suspension 3rd offense</u>
Mixed Loads	Charged at the highest Rate of items contained in load
<u>Oil</u>	<u>\$5 for up to a gallon. \$5 per a-gallon after that.</u>

Section 9: Severability

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

Section 10: Effective Date

This ordinance shall become effective January 1, 2025.

E. Ordinance #2024-15 – A public hearing for the purpose of receiving public input and

1 taking action to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules
2 and Regulations, to amend Airport Landing Fees.
3

4 Included in the agenda packet: **(All supportive documents and information can be found on**
5 **pages 126-135, Council agenda packet)**

- 6 1. Ordinance #2024-15
 - 7 2. 2024 Airport Operations and Landing Fee Collection presentation
 - 8 3. Legal opinion from Attorney Christine Johnston, dated November 9, 2024
- 9

10 Carl Gross, Airport Manager, reviewed the amendment to Ordinance #2024-15.
11

12 **BACKGROUND**

13 Landing fees at the Lebanon Municipal Airport were last adjusted in December 2023. A
14 comparison of the existing landing fees and the landing fees adjusted by the CPI-U Northeast was
15 completed and the recommended adjustments to the existing landing fees are shown in Ordinance
16 #2024-15. The airport will continue to monitor the CPI-U and existing fees to request adjustments
17 as necessary.
18

19 **Mayor McNamara opened the Public Hearing.**

20
21 **Hearing no comments from the public, the Public Hearing was closed.**

22
23 **Council Comments: NONE**
24

25 **ACTION:**

26 ***Councilor Whittlesey MOVED, that the Lebanon City Council hereby adopts Ordinance #2024-***
27 ***15 to amend City Code Chapter 8, Section 8.4, Airport Rules and Regulations, to amend Airport***
28 ***Landing Fees, as presented in the November 20, 2024, City Council agenda packet. This***
29 ***ordinance shall take effect on January 1, 2025.***
30 ***Seconded by Assistant Mayor Below.***
31

32 **Roll Call Vote:**

33 **Assistant Mayor Below, and Councilors Liot Hill, Sykes, Whittlesey, Heistad, and Mayor**
34 **McNamara all voting Yea.**

35 **None voted Nay.**

36 **Abstained: None**

37 **Absent from vote: Simon, Zook, and Wilkie**
38

39 ****The Vote on the MOTION was approved (6-0)***

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

41 **AN ORDINANCE TO AMEND** the Code of the City of Lebanon, Chapter 8, Airport
42 Operations, Section 8.4, Airport Rules and Regulations.
43

44 **BE IT ORDAINED**, by the City Council of the City of Lebanon, as

follows: Section 1:

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

Section 1 - Fees

A. Aircraft Landing Fees

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

- Single Engine / Commercial N/A
- \$ 15: Light Twin-Engine
- \$ 15: Piston Helicopter
- \$ 20: Turbine Helicopters
- \$ 40: Turboprops < 9,001 pounds weight
- ~~\$ 80~~ 85: Turboprops 9,001- 27,000 pounds weight (SE/ME)
- ~~\$ 80~~ 85: Turboprops 9,001- 27,000 pounds weight (ME)
- ~~\$ 145~~ 150: Turboprops > 27,000 pounds weight
- ~~\$ 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.

9. OLD BUSINESS: NONE

10. NEW BUSINESS:

A. Presentation of First Reading & Set Public Hearing for December 18, 2024:

Amendments to Ordinance #18, Salary Plan, to include implementation of a 3% General Wage Increase, and to retitle, reclassify, and add positions to the existing salary plan.

Included in the agenda packet: **(All supportive documents and information can be found on pages 136-147, Council agenda packet)**

1. Ordinance #18, Salary Plan

Samantha Lauzon, HR Director, reviewed the first reading of the proposed amendments to Ordinance #18, Salary Plan.

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

1. General Wage Increase (GWI) – 2025

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

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

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

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

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

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

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

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

B. Seasonal/Temporary & Stipend Employees

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

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

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2025 SALARY & GRADES TO INCLUDE 3% GWI					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern	\$18.73	\$27.37	-	-
2	Custodian	\$21.04	\$28.41	-	-

	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$22.32	\$30.12	-	-
	Custodian I	-	-	-	-
	Accounting Clerk	-	-	-	-
4	Library Assistant	\$23.64	\$31.91	-	-
	Youth Services Library Assistant (New)				
	Technical Services Library Assistant (New)				
	Custodial Supervisor	-	-	-	-
	Facilities Maintenance Specialist	-	-	-	-
5		\$25.05	\$33.84	-	-
6		\$26.54	\$36.24	-	-
7	Administrative Secretary	\$28.16	\$39.83	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-		-
	Public Works Crew Leader**				
8	Accounting Clerk III	\$30.97	\$41.80	-	-
	Administrative Assistant	-	-	-	-
	Benefits Specialist	-	-	-	-
	Payroll Specialist	-	-	-	-
	Police Communications Assistant Supervisor** (New)				
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Deputy City Clerk/Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-
	Outreach Librarian	-	-	\$1,238.72	\$1,672.21
	Children's Librarian	-	-	-	-
9	Code Health Inspector**	\$34.06	\$45.99	-	-
	Executive Assistant	-	-	-	-
	Public Relations Coordinator	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Solid Waste Supervisor**				
	Cemetery Supervisor**	-	-	-	-
	Associate Planner**	-	-	\$1,362.57	\$1,839.73

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10	Asset Manager**	\$37.51	\$50.63		-
	Assistant City Engineer**			-	-
	Financial Analyst	-	-	-	-
	Community Nurse	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,500.59	\$2,025.37
	Youth Services Librarian	-	-	-	-
11	Technical Advisor I	\$39.76	\$53.66	-	-
	Cemetery Sexton**	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-
	System Administrator	-	-	-	-
	Airport Operations Supervisor**	-	-	\$1,590.36	\$2,146.43
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Director of Public Engagement and Communications (New)				
	Fire Marshal**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
12	Wastewater Treatment Superintendent**	\$42.14	\$56.89	-	-
	Water Treatment Superintendent**	-	-	-	-
	Administrative Services Manager**	-	-	\$1,685.43	\$2,275.29
	City Assessor**	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager	-	-	-	-
13	Chief Innovation and AI Officer	-	-	\$1,786.57	\$2,411.88
	City Clerk/Tax Collector				
	Cyber Security Analyst	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Deputy Human Resources Director	-	-	-	-
	Deputy Fire Chief**	-	-	-	-
	Human Services Director				
	Information Systems Manager**	-	-	-	-

	Maintenance Manager	-	-	-	-
	Police Captain**	-	-	-	-
	Deputy Planning and Development Director	-	-	-	-
	Systems and Operations Administrator	-	-	-	-
	Chief Building Official & Health Officer				
14	Human Resources Specialist	\$47.35	\$63.92	-	-
	Airport Manager	-	-	\$1,893.86	\$2,556.51
	Assistant Director/Public Works	-	-	-	-
	Assistant Fire Chief	-	-	-	-

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

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B. Seasonal/Temporary & Stipend Employees

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk	-	\$20.60
Election Assistant	-	\$16.10
Moderator	-	\$30.90
Ward Clerk	-	\$27.81
Chair Supervisor of the Checklist	-	\$27.81
Supervisor of the Checklist	-	\$25.75
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$12.94	\$32.81
RECREATION, ARTS & PARKS POSITIONS		
Front Desk Attendants – Pool	\$11.66	\$17.53
Lifeguards	\$11.66	\$20.12

Head/Lead Counselors	\$15.18	\$18.66
Head & WSI Lifeguards	\$14.00	\$20.98
Head Front Desk Attendant - Pool	\$14.00	\$17.51
Outdoor Adventurer - Educator	\$15.45	\$20.60
Day Camp Counselors	\$11.66	\$17.53
Arts & Craft Director	\$15.18	\$19.54
Farmers Market Coordinator	\$16.34	\$21.00
Market Assistant	\$14.00	\$17.51
Tennis Instructor	\$17.51	\$22.17
Stomp & Romp	\$17.51	\$22.17
Pool Operations Manager	\$17.51	\$24.13
Asst. Pool Director	\$17.51	\$24.13
Assistant Camp Director	\$17.51	\$24.13
Pool Director	\$18.66	\$27.58
Camp Director	\$18.66	\$27.58

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

Recording Secretary Coordinator	\$26.22	\$28.01
SHARED POSITION		
General Intern I	\$15.18	\$19.25

3. Collective Bargaining Units

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

State law requires that only cost items be submitted to the City Council for approval. Cost item means any benefit acquired through collective bargaining, whose implementation requires an appropriation by the legislative body of the public employer (City of Lebanon), with which negotiations are being conducted. Cost items shall be submitted within 30 days to the City Council for approval. Within 30 days of the receipt of the submission, the City Council shall vote to accept or reject the cost items. If the City Council rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost items submitted to it, either party may reopen negotiations on all or part of the entire agreement.

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

ARTICLE II, LPASE

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

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

In 2026, the second year of the Labor Agreement, LPASE members will be eligible for merit increases and will receive a minimum of 1% General Wage Increase (GWI), and no greater than

1 3% GWI, based on the Northeast Region CPI, for June 2024 – June 2025.

2
3 In 2027, the third year of the Labor Agreement, LPASE members will be eligible for merit
4 increases and will receive a minimum of 1% General Wage Increase (GWI), and no greater than
5 3% GWI, based on the Northeast Region CPI, for June 2025 – June 2026.

6
7 Corresponding wage schedules for the subsequent two years are not provided, as the GWI for
8 2026 and 2027 will not be known until July of those years.

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

- 11
12 I. Remove the Public Works Crew Leader position (currently listed as a
13 Grade 7). Position is being transferred to the AFSCME Bargaining Unit.
- 14 II. Add the non-exempt position of Police Communications Assistant
15 Supervisor as a Grade 8. This position has been created to assist the Police
16 Communications Supervisor with the training of the on-shift personnel and
17 will be in charge of the shift operations, in the absence of the Police
18 Communications Supervisor.
- 19 III. Remove the Grade 13 Deputy Fire Chief position in its entirety. The
20 position is currently a LPASE position but has been replaced by the non-
21 affiliated, Grade 15 Deputy Fire Chief position.
22

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

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

26
27 According to the tentative three-year Labor Agreement, annual General Wage Increases (GWI's)
28 for the life of the Contract will be based on the percent change in the Northeast Region CPI for
29 June from 12 months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling).
30 Based on a 3.8% increase in the CPI as of June 2024, the GWI for 2025 will be 3%. The
31 estimated wage and statutory benefit costs for 2025 is \$289,050.00.
32
33

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

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

40
41 Corresponding wage schedules for the subsequent two years are not provided, as the GWI
42 for 2026 and 2027 will not be known until July of those years.

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

3 I. Add the Public Works Crew Leader (formerly a LPASE position) as a Grade 7.
4

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

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

9 Employees covered by the terms and conditions of the Collective Bargaining Agreement between
10 the City and AFSCME (American Federation of State, County and Municipal Employees) Local
11 #1348/Council 93 AFL-CIO, (effective January 1, 2025 to December 31, 2027) shall be paid in
12 accordance with the accompanying pay plan covering the time period of the first pay period of
13 2025, through the last pay period of 2025, as provided in that Agreement, and as placed on file in
14 the office of the City Clerk.
15

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

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

17
18 The January 1, 2025, GWI shall be based on the Northeast Region CPI, for June 2023 – June
19 2024, but in no case

AFSCME LOCAL 1348 - 2025 SALARY GRADES							3%
GWI							
<u>Minimum</u>	<u>Maximum</u>						
<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
1	\$20.56	\$21.14	\$21.75	\$22.37	\$22.94	\$23.65	\$24.38
2	\$22.18	\$22.82	\$23.48	\$24.12	\$24.76	\$25.52	\$26.32
3	\$23.95	\$24.67	\$25.39	\$26.07	\$26.82	\$27.66	\$28.51

4	\$25.86	\$26.67	\$27.43	\$28.22	\$29.05	\$29.94	\$30.88
5	\$28.03	\$28.87	\$29.73	\$30.58	\$31.48	\$32.46	\$33.46
6	\$30.34	\$31.25	\$32.26	\$33.25	\$34.26	\$35.28	\$36.24
7	\$32.88	\$33.91	\$34.98	\$36.05	\$37.13	\$38.24	\$39.27
8	\$34.53	\$35.62	\$36.75	\$37.88	\$39.10	\$40.29	\$41.86
9	\$37.49	\$38.67	\$39.93	\$41.18	\$42.45	\$43.71	\$45.51

ARTICLE III, SECTION B, Lebanon Permanent Firefighters/IAFF

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

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

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

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

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

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

I. Escalate the pay grades to the 60th percentile of the Wage and Salary Study, conducted in October 2024, by implementing additional wage adjustments beyond the GWI, to the following positions:

- a. Lieutenant
- b. Lieutenant - Paramedic
- c. Captain – Paramedic

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

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

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

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

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

ARTICLE III, SECTION C, LPBA/NEPBA

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

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

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

4
5 In 2027, the third year of the Labor Agreement, NEPBA members will receive step increases, and
6 will receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based
7 on the Northeast Region CPI, for June 2025 – June 2026.
8 Corresponding wage schedules for the subsequent two years are not provided, as the GWI for
9 2026 and 2027 will not be known until July of those years.

10
11 No additional amendments are proposed.

12
13 The tables below reflect all changes (as shown in **red** text), to include the addition of new
14 positions, changes in position titles and/or classification, as well as the 3% General Wage
15 Increase. These changes would be effective as of the first pay period of 2025.

16
17 **A. LEBANON POLICE BENEVOLENT ASSOCIATION (LPBA)/NEW ENGLAND POLICE**
18 **BENEVOLENT ASSOCIATION (NEPBA)**

19 Employees covered by the terms and conditions of the Collective Bargaining Agreement
20 between the City of Lebanon and the Lebanon Police Benevolent Association (LPBA)/New
21 England Police Benevolent Association (NEPBA), (effective January 1, 2025 to December 31,
22 2027), shall be paid in accordance with the accompanying pay plan covering the time period of
23 the first pay period of 2025, through the last pay period of 2025, as provided in that Agreement,
24 and as placed on file in the office of the City Clerk.

25
26

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

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

30 Amendment Process

31
32 Amending Ordinance #18 requires three separate presentations (see City Charter subsections
33 §419:22, §419:24, §419:25, §419:52), followed by a public hearing, and the vote of at least
34 two- thirds (2/3) of all members of the City Council - six (6) members - to adopt.

35
36 The Council is asked to recognize the first of three presentations on November 20, 2024,
37 and to schedule a public hearing for December 18, 2024, to amend the Ordinance. The
38 second and third presentations will occur on December 4, 2024, and December 18, 2024,

1 respectively.

2
3 **Council Comments:** NONE

4
5 **1. ACKNOWLEDGE FIRST PRESENTATION:**

6
7 *Assistant Mayor Below MOVED, that the Lebanon City Council acknowledges the first of three*
8 *presentations to amend Ordinance #18, Salary Plan, as fully described and contained in the*
9 *November 20, 2024, City Council Agenda Packet*

10
11 **2. SCHEDULE PUBLIC HEARING:**

12
13 *Assistant Mayor Below Further MOVED, that the Lebanon City Council hereby schedules a*
14 *public hearing for Wednesday, December 18, 2024, beginning at 6:00 PM, Council Chambers,*
15 *City Hall, Lebanon, and Remote via City's Virtual Platform, for the purpose of receiving public*
16 *input and taking action to amend Ordinance No. 18, Salary Plan, as fully described and*
17 *contained in the November 20, 2024, City Council Agenda Packet.*

18 *Seconded by Councilor Whittlesey.*

19
20 **Roll Call Vote:**

21 **Assistant Mayor Below, and Councilors Liot Hill, Sykes, Whittlesey, Heistad, and Mayor**
22 **McNamara all voting Yea.**

23 **None voted Nay.**

24 **Abstained: None**

25 **Absent from vote: Simon, Zook, and Wilkie**

26
27 **The Vote on the MOTION was approved (6-0)*

28
29 Councilor Liot Hill exited the meeting at 8:00pm.

30
31 **B. Request for Zoning Map Amendment: ICV of NH, LLC – 67 Etna Road, Tax Map**
32 **26, Lot 2, Lebanon**

33
34 Included in the agenda packet: **(All supportive documents and information can be found on**
35 **pages 148-156, Council agenda packet)**

36 1. October 30, 2024, letter from Dan Nash, of Advanced Geomatics & Design, including
37 attachments.

38 2. Planning & Development Department memorandum, dated November 13, 2024

39
40 Dan Nash reviewed the request for the proposed Zoning Map amendment as listed above.

41
42 **BACKGROUND**

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

1 building at 69 Etna Road.

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

7
8 The Planning and Development Department has prepared a brief memo clarifying that the ICV
9 property was not "overlooked" in the study. Rather, no zoning change was recommended for
10 that property in light of the other findings and recommendations of the NLCP study.

11
12 Nevertheless, if the Council elects to move the zoning request forward for consideration, Mr.
13 Nash has requested that it be allowed to catch up with same review timeline as the staff-initiated
14 zoning amendments, which were "kicked off" on October 23, 2024. It is noted that as a map-only
15 zoning amendment, the Zoning Board of Adjustment is not required to review the request.

16
17 **Council Comments:**

18
19 Nate Reichert, Director of Planning & Development, explained that the recommendations from
20 the consultant included in the proposed plan leave everything on the left side of the road off of
21 the zoning change recommendations. During discussions about the area in question, there was a
22 recommendation made to consider the creation of a conservation wildlife overlay allowing for a
23 wildlife crossing. This recommendation has been sent to the Conservation Commission for
24 further development of a potential overlay district within that area. Based on the
25 recommendation from the 120 Corridor Study, the proposal is to hand the overlay efforts off to
26 the Conservation Commission to allow them to create a more nuanced corridor through the area
27 over the course of the next year. This could then be brought back to the Council for consideration
28 in the fall of 2025.

29
30 Assistant Mayor Below stated that, considering how critical of an issue more affordable and
31 workforce housing is, it is possible that the Board should not foreclose a possibility that might be
32 a benefit to the community in a place that is currently Industrial Zoned. If the whole south side of
33 Etna Road is being proposed, the Board may wish to consider changing the remaining Light
34 Industrial Zone to GC-1, which would allow for more housing. This could be acted on
35 separately.

36
37 **ACTION:**

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

44
45 *Legal Review - by November 25, 2024*
46 *Planning Board - November 25, 2024*

1 *Conservation Commission - December 12, 2024*
2 *City Council Work Session Review - January 8, 2025*
3 *City Council Public Hearing - January 22, 2025*
4

5 *Seconded by Councilor Whittlesey.*

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

8 C. Vote to Approve Annual Compensation for City Manager
9

10 Included in the agenda packet: **(All supportive documents and information can be found on**
11 **page 157 of the Council agenda packet)**
12

13 Mayor McNamara reviewed the request to approve annual compensation for the City Manager.
14

15 **BACKGROUND**

16 Shaun Mulholland was appointed as the City Manager on January 22, 2018. The City Council
17 sets the level of compensation for the City Manager on an annual basis.
18

19 **ACTION:**

20 *Councilor Whittlesey MOVED, that in accordance with City Charter §C419:24, Salaries,*
21 *the City Council hereby increases the compensation of the City Manager by six percent*
22 *(6%) effective for the first pay period of 2025.*
23

24 *Seconded by Councilor Heistad.*

25 **The Vote on the MOTION was approved (5-0)*
26

27 **11. CITY MANAGER REPORT:**

28 **City Manager Mulholland updated the Council on the following:**

- 29 • A public hearing notice needs to be posted regarding a potential additional \$3.5M bond
30 for roadway preservation. The Board could vote to allow the City Manager to include that
31 in the bond hearing notice so that it could later act on it, if it so chose.
32

33 **ACTION:**

34 *Councilor Heistad MOVED, to request that the City Manager include in the public hearing*
35 *notice for bonding for the 2025 budget, \$3.5 million for the Roadway Pavement*
36 *Preservation Project, to allow the Council to exercise that option if it wishes to do so.*

37 *Seconded by Councilor Whittlesey.*
38

39 **The Vote on the MOTION was approved (5-0)*
40

41 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**
42

43 **13. FUTURE AGENDA ITEMS: NONE**
44

45 **14. NON-PUBLIC SESSION: NONE**
46

1 **15. ADJOURNMENT:**

2
3 *Councilor Whittlesey MOVED for adjournment.*
4 *Seconded by Councilor Sykes.*

5
6 **The Vote on the MOTION was approved (5-0)*

7
8 **The meeting was adjourned at 8:20 PM.**

9
10 Respectfully submitted,
11 Kristan Patenaude
12 Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday December 4, 2024, 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

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

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Human Resources Director Samantha Lauzon; Finance Director Vicki Lee; Human Services Director Lynne Goodwin

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

3
4 **2. PLEDGE OF ALLEGIANCE:** Assistant Mayor Below led the Council in the Pledge.
5 • City Manager Shaun Mulholland announced the meeting criteria for the public.

6
7 **3. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

8
9 **4. OPEN TO PUBLIC:**

10
11 Devon Blanchard, owner of DB Lights, expressed concern that items at his display in Colburn Park have
12 been tampered with and stolen over the years. His uncle's memorial has been vandalized. He requested
13 permanent installation of cameras around Colburn Park to help with this issue.

14
15 **5. RECOGNITIONS:**

16 **A. PROCLAMATION FOR HOMELESS PERSONS' MEMORIAL DAY**

17
18 **WHEREAS**, the Lebanon City Council in its 2018 Resolution for Inclusiveness, and again in its 2020
19 Welcoming Lebanon Ordinance, has affirmed its commitment to the human rights and promotion of
20 quality of life of all the City's residents regardless of housing status; and

21
22 **WHEREAS**, Lebanon Human Services and LISTEN Community Services are among a growing
23 network of service providers that participate in the annual Point-in-Time Count coordinated by the US
24 Department of Housing and Urban Development in the month of January, and they have recently
25 supplemented this effort with an annual summer count to better understand the extent of homelessness
26 in our local community; and

27 **WHEREAS**, in January 2024 this effort discovered that 47 individuals were known to be unhoused
28 in the Upper Valley, including 15 individuals living unsheltered, and the summer 2024 count
29 discovered at least 63 individuals known to be unhoused, including 46 individuals living unsheltered,
30 and

31
32 **WHEREAS**, the City of Lebanon and LISTEN Community Services have for at least six years
33 supported or helped to coordinate an annual Homeless Memorial Vigil, held on the winter equinox as
34 the shortest day of the year and recognizing those who have died and whose lives had been shortened
35 by homelessness; and
36

1 **WHEREAS**, the 2023 Homeless Memorial Vigil recognized that 19 persons are known to have died in
2 the Upper Valley in the past year, whose lives had been shortened by homelessness; and
3

4 **WHEREAS**, the City of Lebanon is committed to mitigating the harms of homelessness, including
5 through the recent addition of its seasonal shelter on Mechanic Street and support for affordable
6 dwellings throughout the City, but still recognizes that there is more work to be done to aid those
7 suffering due to homelessness.
8

9 **NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council hereby proclaims
10 December 20, 2024, to be Homeless Persons' Memorial Day in the City of Lebanon.
11

12 **BE IT FURTHER RESOLVED** that this Proclamation be written upon the minutes of the
13 Lebanon City Council meeting.
14

15 Dated this 4th day of December 2024.
16

17 Timothy J. McNamara, Mayor
18 On behalf of the Lebanon City Council
19

20 **B. 2024 STATEWIDE, NH BUSINESS AND ECONOMIC AFFAIRS PARTNER OF**
21 **THE YEAR AWARD TO THE CITY OF LEBANON**
22

23 **WHEREAS**, the City of Lebanon has demonstrated exceptional leadership and innovation in
24 addressing housing needs within the Upper Valley region, earning the Statewide Partner of the
25 Year Award at the 2024 EconForum held at Manchester Community College on November 15,
26 2024; and
27

28 **WHEREAS**, the Department of Business and Economic Affairs (BEA) presented this award in
29 recognition of Lebanon's strategic approach to housing development, which aligns with the city's
30 commitment to sustainability, community character, and economic growth; and
31

32 **WHEREAS**, the City of Lebanon's Planning and Development Department has long been a
33 trailblazer in proactive planning, focusing on initiatives that enhance livability, promote
34 environmental stewardship, and support economic vitality through projects such as the Lebanon
35 Master Plan; and

36 **WHEREAS**, the City of Lebanon's innovative housing strategies have been instrumental in
37 fostering a vibrant community, with Planning and Development Director Nathan Reichert stating,
38 "The recognition at EconForum underscores our dedication to making Lebanon a vibrant place to
39 live, work, and thrive".
40

41 **NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the
42 City of Lebanon, hereby acknowledges and celebrates the City of Lebanon's receipt of the
43 Statewide Partner of the Year Award, reflecting its dedication to strategic housing development
44 and its commitment to enhancing the quality of life for all its residents.
45

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

1
2 Dated this 4th day of December 2024.

3
4 Timothy J. McNamara, Mayor
5 On behalf of the Lebanon City Council
6

7 **6. ACCEPTANCE OF MINUTES:**

- 8 - November 7, 2024 (Work Session)

9 *Amendments:* Councilor Wilkie was absent and should be noted as such.

- 10
11 - November 13, 2024 (Work Session)

- 12
13 - November 14, 2024 (Work Session)

- 14
15 - November 19, 2024 (Work Session)

16
17 *Councilor Whittlesey MOVED to approve the November 7, 2024 (Work Session); the November 13,*
18 *2024 (Work Session); the November 14, 2024 (Work Session); and the November 19, 2024 (Work*
19 *Session) minutes as amended and presented in the December 4, 2024, City Council agenda packet.*
20 *Seconded by Councilor Liot Hill.*

21
22 **Roll Call Vote:**

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

25 *None voted Nay.*

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

27
28 **7. APPOINTMENTS: NONE**

29
30 **8. PUBLIC HEARING ITEMS: NONE**

31
32 **9. OLD BUSINESS:**

- 33 A. Presentation of Second Reading: Amendments to Ordinance #18, Salary Plan, to include
34 implementation of a 3% General Wage Increase, and to retitle, reclassify, and add positions to
35 the existing salary plan.

36
37 Included in the agenda packet: **(The Amendments to Ordinance #18, in their entirety, can be found**
38 **on pages 74-85, Council agenda packet)**

- 39 1. Amendments to Ordinance #18, Salary Plan

40
41 Ms. Samantha Lauzon, Human Resources Director, was present to discuss all proposed amendments and
42 answered questions from the City Council.

43
44 **BACKGROUND**

45 The first presentation was recognized by the City Council on November 20, 2024. The Council was now
46 asked to recognize the second of three presentations. The third presentation will occur on December 18,

2024, along with a public hearing to adopt the amendments as proposed.

Council Comments: NONE

ACTION:

The City Council was asked to recognize the **second of three presentations** and to schedule a public hearing as follows:

1. ACKNOWLEDGE SECOND PRESENTATION:

Assistant Mayor Below MOVED, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance #18, Salary Plan, as fully described and contained in the November 20, 2024, City Council Agenda Packet on pages 74-85.

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

10. NEW BUSINESS:

- A. Request from Lebanon Opera House for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property in 2025

Included in the agenda packet: **(All supportive documents and information, including map renditions, can be found on pages 86-90, Council agenda packet)**

- 1. November 20, 2024, email and maps from Operations Manager Brian Cook, Lebanon Opera House

BACKGROUND

Lebanon Opera House (LOH) is requesting the City Council grant an alcohol exemption to provide them with the ability to serve alcoholic beverages on certain City property and within City Hall during LOH events and performances. City property outside of City Hall to be included in this request are the alley between City Hall and the neighboring building located at 55 North Park Street (Dutille's Jewelry building), the back parking lot behind City Hall, the sidewalk in front of City Hall, and all other areas immediately surrounding the building. The request is from January 1, 2025, through December 31, 2025.

City Administration has no objection to any of the above.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption states that, "Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police.

For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained

1 from the Lebanon City Council and reviewed on an annual basis.” Due to the nature of the business and
2 the desire to continue to serve alcohol on City-owned property, Council approval is required pursuant to
3 §14-5 above.

4
5 **Council Comments:** NONE

6
7 **ACTION:**

8 *Councilor Liot Hill MOVED, that the Lebanon City Council hereby grants an exemption pursuant to*
9 *§14-5 of City Code Chapter 14, Alcoholic Beverages, to Lebanon Opera House to serve alcoholic*
10 *beverages during LOH events and performances in areas as described in the December 4, 2024, City*
11 *Council Agenda Packet. Exemption shall be valid beginning January 1, 2025, and shall expire on*
12 *December 31, 2025.*

13 *Seconded by Councilor Whittlesey.*

14
15 **Roll Call Vote:**

16 *Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and*
17 *Mayor McNamara all voting Yea.*

18 *None voted Nay.*

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

- 20
21 **B.** Request from Lebanon Outing Club for an Exemption (per §14-5) of City Code Chapter 14,
22 Alcoholic Beverages, to permit the serving of alcoholic beverages on City property in 2025

23
24 Included in the agenda packet: **(All supportive documents and information can be found on pages 91-**
25 **93, Council agenda packet)**

- 26 1. November 21, 2024, email from Lebanon Outing Club, Cory Grant
27 2. Map of requested areas
28

29 **BACKGROUND**

30 The Lebanon Outing Club (LOC) was requesting an exemption to serve alcohol on city-owned property
31 at Storrs Hill Ski Lodge and immediate surrounding areas. Please see the attached email from Lebanon
32 Outing Club President Cory Grant. City Administration has no objection to the request.

33
34 City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption, states that, “Any person, publicly
35 recognized organization, organized group, family group or business may be exempted from the
36 provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission
37 from the City Manager after consultation with and approval by the Chief of Police. For a period of time
38 exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City
39 Council and reviewed on an annual basis.” Whereas the current request is for the alcohol
40 exemption/permit to cover a one-year period, Council approval is required pursuant to §14-5 above.

41
42 **Council Comments:** NONE

43
44 **ACTION:**

45 *Councilor Liot Hill MOVED, that the Lebanon City Council hereby grants an exemption to Lebanon*
46 *Outing Club (LOC) pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic*

1 *beverages on city-owned property at Storrs Hill Ski Lodge and immediate surrounding areas. The*
2 *exemption shall be valid beginning January 1, 2025, and shall expire on December 31, 2025.*

3 *Seconded by Councilor Whittlesey.*

4
5 **Roll Call Vote:**

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

8 *None voted Nay.*

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

10
11 **C. Presentation of 2023 Financial Audit**

12
13 Included in the agenda packet: **(Note: This is an extensive, detailed report and is not included in the**
14 **minutes. All supportive document information can be found on pages 94-176, Council agenda**
15 **packet)**

16 1. DRAFT City of Lebanon Annual Financial Report – Fiscal Year Ending December 31, 2023

17
18 Mr. Kyle Gingras of Plodzik & Sanderson was present and reviewed, discussed, and answered questions
19 from the Council regarding the City of Lebanon’s 2023 Financial Audit.

20
21 **Council Comments:**

22
23 Councilor Whittlesey noted that, regarding the C for the significant deficiency, there were no question
24 costs meaning that the money was spent appropriately in accordance with the program guidelines. Mr.
25 Gingras agreed.

26
27 **Public Comments:**

28
29 Nissanka Kiridena asked if there was a way to accelerate closing out the financial statements and
30 presentations. As a resident, it is very difficult to read through all of this as the budget is being presented.
31 Ms. Lee stated that the auditors usually come in April, as the books are closed in March. The audit
32 presentation is usually in October but was late in 2023 due to the 2022 software change.

33
34 **ACTION: No action is required by the Council, as item is for informational purposes only.**

35
36 **D. Authorization for the City Manager to Transfer Appropriated, Unencumbered FY2024**
37 **General Funds**

38
39 Included in the agenda packet: **(All supportive documents and information can be found on pages**
40 **177-179, Council agenda packet)**

41 1. Draft Resolution Authorizing the Transfer of Appropriations

42
43 Deputy City Manager Brooks reviewed the background for his request as listed above.

44
45 **BACKGROUND**

46 The City Council appropriates a budget on an annual basis. The FY2024 Budget was approved and

appropriated on December 13, 2023. Occasionally, situations occur that require the transfer of appropriated, but unencumbered funds from one department to another for unanticipated expenses. Unanticipated expenses have occurred in the Legal Services budget, which is included within the City Manager's Office budget, as summarized in the attached Resolution, that will cause this budget to be over expended.

The Council may authorize the City Manager to transfer funds from one department to another within the City's General Fund, pursuant to the provisions in City Charter §C419:45, Transfer of Appropriations. The City Manager intends to make budget recissions, as needed, to address the unanticipated expenditures to ensure the overall budget does not exceed the total appropriations in the City's General Fund Budget for Fiscal Year 2024.

On August 7, 2024, the City Council approved a resolution authorizing the City Manager to transfer up to \$100,000 to the Legal Services budget from other departments. Due to the continuation of ongoing legal matters, the City Manager requests that the Council authorize the transfer of an additional \$100,000 to the Legal Services budget. It should be noted that several of the legal enforcement actions undertaken by the City this year have resulted in judgments in favor of the City, for which the City's legal expenses have been or will be recouped.

Council Comments: NONE

ACTION:

Councilor Whittlesey MOVED, that the Lebanon City Council, pursuant to City Charter §C419:45, hereby approves the Resolution for the Authorization to Transfer Fiscal Year 2024 General Fund Appropriations, as provided in the following table and as presented in the December 4, 2024, City Council Agenda Packet:

Transfer of Appropriated, but Unencumbered, FY 2024 General Funds Pursuant to City Charter §C419:45	
From:	Up To Amount:
Finance Department	\$100,000
Total:	\$100,000
To:	
City Manager's Office (Legal Services)	\$100,000
Total:	\$100,000

RESOLUTION – LEBANON CITY COUNCIL

TITLE: AUTHORIZATION TO TRANSFER FY2024 GENERAL FUND APPROPRIATIONS

BE IT HEREBY RESOLVED by the Lebanon City Council, that:

WHEREAS, the City Council appropriates funds in December of each year for the ensuing fiscal year, and City Charter §C419:45, Transfer of Appropriations, provides that the Council may authorize the City Manager to transfer any unencumbered appropriation, or a portion thereof, from one department to another; and

1 **WHEREAS**, the costs associated with the City’s legal services, which are budgeted within the City
2 Manager’s Office, will exceed the appropriations within the 2024 Budget, as amended.

3 **NOW, THEREFORE**, the City Council hereby authorizes the City Manager to transfer unencumbered
4 appropriations in the FY2024 General Fund Budget in the amount of up to \$100,000 as indicated in
5 the following table:
6

Transfer of Appropriated, but Unencumbered, FY 2024 General Funds Pursuant to City Charter §C419:45	
From:	Up To Amount:
Finance Department	\$100,000
Total:	\$100,000
To:	
City Manager’s Office (Legal Services)	\$100,000
Total:	\$100,000

7
8 **BE IT FURTHER RESOLVED** that this Resolution be written upon the minutes of the Lebanon City
9 Council meeting on December 4, 2024.

10 *Seconded by Councilor Liot Hill.*

11
12 **Roll Call Vote:**

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

15 *None voted Nay.*

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

17
18 **E. Public Input on Proposed 2025 Municipal Budget**

19
20 ***Information available but not included herein:

21 [2025 Municipal Budget as proposed by the City Manager](#)
22

23 The public was invited to provide input to the City Council and members of city staff on the proposed
24 2024 Municipal Budget and the following came forth to give testimony:
25

26 Two 4th graders from the Hanover Street School addressed the proposed cuts to the Lebanon Library.
27 They spoke of their love for the library and the fact that cuts to the library budget would be detrimental to
28 children of all ages in the Upper Valley. They presented the Council with a kid's petition in support of the
29 Lebanon Library. They noted that cuts would likely lead to impacts on several learning and fun activities
30 at the library, or staff reductions which would lead to the library not being as fun or safe for children.
31 They stated that supporting local libraries builds a healthier community which helps to support children
32 and prepare them for the future. They stated that the kids of Lebanon urge the City Council to ask
33 themselves if this is the right thing to do and how it will impact Lebanon and its residents.
34

35 Tara and her son Garrett [last names unclear] spoke about the benefits of the Lebanon Library and the
36 importance of it to their family.
37

38 Kate O’Neil, Ward 3, asked the Council to reconsider their proposed cuts to the Public Library budget.

1 She stated that public libraries are a bastion of American democracy and upward mobility and focused on
2 the fact that the proposed cuts to the library would disproportionately hurt families involved in the foster
3 care system and lead to increased costs downstream for Human Services. The library is a popular place
4 for parents and children to meet for visitation. If the library does not have a porta potty, which is a very
5 possible reality with the budget cuts, there are people who will defecate on the grounds making the library
6 less safe and sanitary. If a family does not feel safe at the library, it may switch visits to shopping centers
7 or fast food restaurants, places without books, toys, and a quiet environment. The proposed cuts would
8 also result in reduced weekend hours and fewer functional computers. The proposed library cuts will do
9 material harm to the most vulnerable members of the community. She would gladly pay slightly more in
10 taxes to give at-risk children a better chance at reuniting safely with their families.

11
12 Ryan Ratts, 41 Union Street, spoke in favor of keeping a budget for the Community Paramedic position,
13 which is sponsored by the Fire Department. Many seniors lack access to appropriate resources pre and
14 post hospital visits, and the program has been critical for keeping patients out of the hospital and reducing
15 transport costs. He also spoke on behalf of the library system, as a pediatrician. The American Academy
16 of Pediatrics recently issued a mission statement on the role of literacy and the impact that it has on
17 community health. There are no other programs that exist to fill the role that community library programs
18 play in increasing literacy rates.

19
20 Philip Wiebkin (library staff) spoke to the library as a community service. He stated that the proposed
21 cuts would lead to program reductions and a reduction in available aid to those who access the library for
22 help. He asked the Council to consider the impacts of the proposed budget cuts, including potentially
23 having to close on certain days.

24
25 City Manager Mulholland stated that there are no cuts being proposed to the library budget at this time.
26 The Council requested two alternative budgets to be prepared, and the budget being proposed by the City
27 Manager does not include cuts to the library budget.

28
29 Dominic Calandrella, Ward 2, encouraged the Council to be strategic about where cuts should be made
30 and to recognize the essential nature of the Parks & Recreation Department, specifically the Veterans
31 Memorial Pool. A loss of the pool would eliminate affordable swim lessons in the Upper Valley. This
32 would eliminate a reliable resource for parents to send their children outdoors. The pool has taught him
33 social and safety skills over the years as an employee.

34
35 Allison P., Ward 3, expressed concern regarding the proposed budget cuts to the Recreation Department.
36 The website states that the budget is guided by the principles of sustainability as well as the Master Plan.
37 Two of the principles of sustainability address community access and engagement, and sense of place.
38 These principles look at sustaining quality of life and increasing citizen participation at all ages. The
39 Department's programming and the Lebanon Pool directly align with these principles. In reviewing the
40 2012 Master Plan, and the Community Vision for 2030, it states that the City of Lebanon shall uphold a
41 high quality of life by maintaining and enhancing the City's recreational resources and striving to provide
42 residents with access to recreation facilities and programs, appropriate for people of all ages,
43 backgrounds, interests, and ability levels. It appears that the budget cuts would be in stark contrast to the
44 long range plan for the city. She asked that the Council consider alternative cuts to the budget.

45
46 Raymond Hood, Ward 2, stated that there is an 11% increase proposed to the city portion of the budget.
47 Last year, there was a 7.7% increase for City and a 10.4% increase for the School District. He asked what
48 increase is expected from the School District this year? He noted that some people will no longer be able
49 to live in the city based on these increases. He asked why the city owns a property in West Lebanon

1 which has a city assessed value of \$1,447,300. It appears the city is losing \$38,105 every year in tax
2 revenue unless it is acting as a landlord. Mayor McNamara explained that the intention is to flip those
3 properties as quickly as possible and see them redeveloped to increase property tax revenues and help
4 with the revitalization of West Lebanon. Mr. Hood asked about an abatement given to a developer of the
5 property and stated that he is not in favor of it. Councilor Liot Hill explained that the idea of a 79-E
6 program is to give an abatement to make redevelopment of the property feasible for a developer to create
7 increased revenue from the property. Mr. Hood stated that the Council is supposed to represent the
8 community.

9
10 Joshua Flanders, Ward 1, expressed concerns regarding the proposed tax increase. Taxpayers cannot
11 afford double digit tax increases for the next year, let alone the next four. Compounded annually, this
12 would result in a 50% or greater increase, which is an unsustainable burden to the community. Lebanon's
13 population is aging, with 21% of its residents 65 or older, many living on fixed incomes. Social Security
14 payments are expected to increase merely 2.5% in 2025, which cannot keep pace with the rising taxes.
15 Young families and blue collar families are being forced out of Lebanon. The proposed tax increases
16 reflect a financial trajectory that is neither sustainable nor aligned with responsible governance.
17 According to his research, the City's projected debt is expected to exceed the debt ceiling in the 2026-
18 2027 fiscal year and the unassigned fund balance is deteriorating. Before embarking on expenditures such
19 as a \$24M Fire Station project, the city should have done adequate research to make sure that it was
20 staffed accordingly. Taxpayers are facing a \$24M bill and were recently informed that more is needed to
21 keep them safe. Taxpayers are losing trust in the City Council and its ability to prioritize the best interest
22 of the community. He suggested imposing a hiring freeze on all departments, justifying pay increases in
23 services with national benchmarks, and pausing any new capital projects until they are rigorously justified
24 and prioritized. The city should also request that DHMC come to the table to review the pilot program
25 that is only favorable to them and not favorable to the city. Enterprise funds must be self-sustaining, and
26 the city should reevaluate services that cannot operate without adding to the taxpayer burden. Lebanon's
27 future depends on adopting a fiscally responsible budget that protects residents and restores the
28 confidence in local government. He urged the Council to consider a 0% tax increase for 2025.

29
30 Terry Lacasse stated that the city has great Police and Fire Departments. He is on a fixed income, as are
31 many others. The proposed increases cannot be afforded. The first cuts to the budget are always to
32 remove services people want. The money should not be spent before the city has it.

33
34 Susan Kellogg, Shaw Steet, stated that she has been very fiscally responsible in order to remain in
35 Lebanon and is upset that this may have to change based on the city's mismanagement of its budget. The
36 tax burden will continue to become crushing to some and these people may have to move. The same
37 guiding principles should be used to manage the city's budget as a household budget.

38
39 Lori Key, Ward 3, stated that the Library and Recreation Department are small ticket items within the
40 budget. The city's taxpayers should not have to take on some of the responsibilities of the region, such as
41 fixing the housing issue. The city is spending the taxpayers' money to complete some of these projects. It
42 seems as though the budget will pass

43
44 Laila Volle, Ward 2, spoke in support of the library's full budget and other city services.

45
46 Joy, Ward 3, echoed sentiments that it is becoming expensive to live in Lebanon. She is not making
47 enough money as a teacher to live without roommates. She often uses the library services and programs
48 and finds the library to be an incredible resource to the city. This is a safe place and social service.

1 Jennifer Mercer, Ward 3, stated that the taxpayers cannot afford the spending that continues in the city.
2 Many people in the city of varying economic backgrounds will not be able to afford to live in the city.
3 She has created an online petition to cap tax increases year over year, as Manchester does.
4

5 Steve King, Ward 1, asked each councilor if they are for the passing of the proposed budget. He asked if
6 the Council would approve something that many in the city do not want. The Council should be ashamed
7 and should listen to its constituents.
8

9 Councilor Liot Hill stated that the budget process is that the City Manager presents his proposed budget to
10 the City Council by October 31st. The Council then has in-depth budget work sessions. At the end of the
11 presentations, the Council discusses which changes should be made. The Council has already requested
12 different scenarios in terms of potential cuts. This evening, the Council will hear from the public and then
13 hold its own discussion. No decisions have yet been made. The budget will be voted on December 18th.
14

15 Brendan Collins, Ward 3, stated that this is the worst situation he has seen in his 50 years in Lebanon. The
16 library and children's programs should not be cut from the budget.
17

18 Nancy Sansevere, Ward 3, expressed concern with the proposed 2025 budget. She asked about
19 accountability in creating a sustainable budget. There needs to be a more sustainable budget starting now,
20 including a flattening of the tax rate.
21

22 Chet Clem, Lyme Properties, asked how many taxpayer dollars the city of Lebanon Administration has
23 spent fighting against River Park in 2024. This is a project that the voters endorsed resoundingly, that
24 would contribute to the tax base and help fund improvements in West Lebanon. He asked how many full
25 time firefighters' worth of legal expenses the Mulholland Administration has spent on foolhardy attempts
26 to revoke the permits only to have two New Hampshire Superior Court judges overrule the Planning Staff
27 and Planning Board and issue a preliminary injunction and temporary restraining order against the City of
28 Lebanon last week. He does not understand that possible motive behind City Hall's actions. The city has
29 been sitting on a New Hampshire RSA 91-A Right to Know request for 174 days. He asked if the City
30 Council is aware of these efforts and expenditures. He asked if the City Manager apprised the Council
31 that they were paying two city attorneys by the hour to fight against River Park this year. He asked if the
32 Council is aware that Lyme Properties and XYZ Dairy spent April and May successfully appealing the
33 Planning Department's actions to revoke the building permit. The Lebanon Building Code Board of
34 Appeals in a 4-1 vote would have allowed this project to proceed this year but staff elected to, in effect,
35 sue itself and appeal its own Appeal Board to the State Building Code Board of Appeals. He asked if the
36 Council was told that the Attorney General's Office directed him to file a municipal estoppel claim, given
37 the unfairness of those actions from the Planning Staff, or that the city was paying to defend itself against
38 the municipal estoppel claims in New Hampshire Superior Court. He noted that staff has rejected
39 numerous attempts to resolve the matter and instead spent three days of evidentiary hearings defending
40 their failed decisions. He asked if the Council was aware that the staff and Planning Board, after four
41 hearings for requested extensions to make up for the delays suffered the past two years, wrote a decision
42 that was not read aloud or provided to the applicant in the public hearing. The 5-0 vote was a death
43 sentence for River Park and a decision that was subsequently overturned by the New Hampshire Superior
44 Court. He asked if the Council is comfortable with how its administration is treating taxpayers. There is
45 an important delineation between the administration and the Council. He stated that he believes most
46 people in Lebanon would prefer that the Council allocate money to after school programs, the pool, or
47 other pro-social programs, rather than spending six figures fighting one of its own taxpayers that is trying
48 to build a beautiful project that would increase the tax base.
49

1 Joan Townsend, Ward 2, stated that she would like the next Council meeting on this topic to be held in a
2 larger space to accommodate everyone. To Joan, it feels as though the residents here this evening are
3 being dismissed. She will not be able to stay in Lebanon if increases continue in this way. The city should
4 not own property it is not going to do something with. The Council needs to change the formula for the
5 budget. The city cannot continue to give to the region and should instead help its own first. City Manager
6 Mulholland stated that he agrees that the proposed increases are not sustainable. He has said that in the
7 past. He does not believe the Council will pass an 11% budget increase. This budget represents the same
8 level of service from last year with the exception of one additional firefighter. The question is what can be
9 done moving forward to make cuts while minimizing impacts to people. Joan stated that she does not
10 believe an 11% increase should have even been brought to the table.

11
12 Councilor Sykes stated that one of the things that that is frustrating for the Council is that it is between a
13 rock and a hard place. Those in Concord who run the State legislature have been downshifting costs to the
14 cities and towns. He gave examples such as the Meals and Rooms Tax and Highway Block grants. The
15 only way to make up for some of these items at the city level is through the property tax.

16
17 Alan Streeter, Farr Road, stated that he has lived in the city for 50 years and is considering moving due to
18 the cost. Some frivolous expenses need to be cut back on.

19
20 Shrenik Jain, Ward 3, asked why Lebanon residents pay more than Hanover residents. Councilor Liot Hill
21 stated that Lebanon is considered a micropolitan area. Lebanon and Hartford, VT, form the center for this
22 region. Lebanon contains most of the shopping areas and more jobs than the other towns. Hanover does
23 not have the same number of jobs or amount of economic activity. Due to the number of people that work
24 in Lebanon, it thus has to serve a larger population than its actual number of residents. Taxpayers thus
25 carry a heavy burden. Hanover does not have this same dynamic. Hanover's taxes are lower because their
26 property values are higher. Shrenik stated that this does not answer the question. He does not believe that
27 there is nothing that can be done about the cost of living in Lebanon.

28
29 City Manager Mulholland mentioned the city's debt load which is uncommon to any other communities.
30 This is due to the combined sewer overflow (CSO). These were against the law in the 1970's and the
31 federal government provided 90% of the funds and the State another 5% to separate those. The City of
32 Lebanon at that time chose not to take advantage of those funds while other cities did. Eventually the
33 EPA gave administrative orders for the city to separate these. That cost the city \$71M and interest. The
34 last CSO project was finished two years ago, and the city will be paying for these for the next 18 years.
35 This is being paid for by all residents proportionately because the roads have to be torn up to change the
36 pipes. Shrenik asked how all of the special advantages of the city seem to translate to higher property
37 taxes without benefits to residents.

38
39 City Manager Mulholland explained that the organizations under the city's pilot program are considered
40 charitable organizations under New Hampshire State Law and are thus entitled to the exemption. The city
41 previously went to court to make Dartmouth Hitchcock (DH) pay its fair share. The pilot agreement is
42 \$1.9M, but DH's property taxes would otherwise be \$23M. The City does not have the authority to make
43 DH even pay the pilot agreement, as that was what the courts already ruled on. They choose to do so out
44 of the goodness of their heart. DH also provides the funds for the community paramedicine program and
45 the community nurses. Councilor Liot Hill stated that the city has continued to negotiate for better pilot
46 programs but does not have much leverage.

47
48 Dan Billin, Ward 2, thanked the Councilors for their service to the city. He suggested that the city
49 consider the way it processes revaluations. He also suggested cancelling the two proposed roundabout

1 projects in the city, approximately \$9M total, in order to find savings in the budget.

2
3 ***Councilor Sykes MOVED, to extend the City Council meeting to 11:00pm.***
4 ***Seconded by Councilor Whittlesey.***

5
6 **Roll Call Vote:**

7 ***Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and***
8 ***Mayor McNamara all voting Yea.***

9 ***None voted Nay.***

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

11
12 Fran Casale, Ward 2, asked if the Council may choose a different budget than the 11% one presented.
13 Mayor McNamara stated that alternative options of 3.8% and 7% increases were also proposed. These
14 will be discussed at length by the Council. Mr. Casale asked why the city is handling the majority of the
15 human service needs for the region. He asked about a miscellaneous services line under the city's income
16 budget. This was \$23M in 2024 and for 2025 is projected to be \$3.5M. City Manager Mulholland stated
17 that the Human Services budget is \$968,900. He explained that the city previously proposed a childcare
18 facility paid for by donations and grants only. The city does not have the revenues for that project yet and
19 so it is not moving forward this year. This was shown in the 2024 budget but is not shown in the 2025
20 budget. Mr. Casale suggested that the city work on negotiating prices for projects.

21
22 Eric Streit, Ward 2, explained that he heard that the residents want the Council to represent them well by
23 making cuts where they can. A budget with serious cuts needs to be presented. He is concerned with
24 property tax increases and the valuation of properties. The Council does not represent those extra people
25 that come into the city to work each day; it represents the residents that pay taxes.

26
27 Jay Simms, Ward 2, agreed that an 11.9% increase cannot be endured. He suggested evaluating the 143
28 city owned properties and potentially selling them. Mayor McNamara stated that the city has actively sold
29 some city properties over the years, but this inventory needs to continue. Mr. Simms suggested that the
30 costs for regional human services should be pushed to the county. Hanover is not paying their fair share
31 and should be held responsible. City Manager Mulholland explained that, in NH, welfare is a local
32 municipality responsibility. The county has no responsibility for human services and the town is required
33 to provide it. Lynne Goodwin, Human Services Director, stated that every municipality in NH is required
34 to take care of those who cannot afford to meet their basic needs. When Lebanon provides services that
35 cost money to those from other communities, she contacts the town of origin for reimbursement.

36
37 Mr. Simms stated that all departments should share the cost of cuts, and that this should not be borne by
38 the Library and Rec Departments. The city should consider its overtime costs. Fire Chief Wheatley
39 explained that the operational overtime budget for the Fire Department covers shift overtime and
40 emergency callback overtime. A 2008 study that was requested by the City Council shows that, in order
41 to reduce overtime, an additional four people should be hired, and in the long term 16 total additional
42 people should be hired. In the 17 years since that study, the city has hired one net position for the Fire
43 Department and the call volume increased by 68%. The Department is using overtime to supplement
44 missing staffing. The Department responds to 175 calls per person and the average in the state of New
45 Hampshire is 102 calls per person. Most fire departments in the State of New Hampshire are funded an
46 average of 15%-18% and Lebanon's is funded at 10% of the municipal budget.

47
48 Mr. Simms asked about the percentage of Fire and Police employees that live in the city. This was

1 reported back to be 25% for the Fire Department and approximately 10% for the Police Department. Mr.
2 Simms stated that this is a problem for residents if essential service employees cannot live in the city.

3
4 Assistant Mayor Below noted that all of the city's enterprise funds are self-supporting. These do not
5 require taxpayer subsidies.

6
7 Dave McLaughlin, Ward 1, asked where the Milton Rent and Frito Lay owners pay funds to. City
8 Manager Mulholland explained that this money goes to the Airport Fund to offset the debt paid for the
9 roadway. This will eventually generate excess that will go to the Airport.

10
11 Louisa Spencer, Ward 1, stated that the city is going to have to accept lower levels of service in order to
12 reduce the budget. The city has pursued a larger tax base which always costs more than it brings in.

13
14 Seth Messier, Ward 2, stated that all of the proposed cuts will impact the city. Lebanon offers the
15 community important things, and he appreciates all of those involved.

16
17 Mayor McNamara explained that the currently proposed budget does not have cuts to the library, but the
18 alternative options presented do contain cuts to the library and this item has not yet been decided on by
19 the Council.

20
21 John O'Hara stated that the proposed property tax increases are very concerning. People are being forced
22 out of the city.

23
24 Larry Poulin stated that raising taxes is unsustainable and people will not be able to live in the city.
25 Certain proposed cuts seem unpopular, and the Council's job is to make these decisions.

26
27 Casey Bancroft asked how the proposed casino will benefit the community. City Manager Mulholland
28 stated that the property will have its value assessed as of April 1, 2025, and the taxes will be paid for
29 accordingly. Mayor McNamara stated that this will likely lead to some amount of additional tax revenue
30 for the city. Deputy City Manager Brooks stated that there is an impact fee associated for the change in
31 use of the property.

32
33 Henry Bromberg, Chair of the Lebanon Energy Advisory Committee, stated that the Committee sent a
34 letter to the Council with its thoughts on the property budget cuts. As a citizen of Ward 1, the proposed
35 budget increases are not sustainable. He then spoke of reducing the city's energy emissions and the
36 opportunities for savings that could be sought by the city employee tasked with sustainability.

37
38 ***Councilor Liot Hill MOVED, to extend the City Council meeting to 11:15pm.***
39 ***Seconded by Councilor Sykes.***

40
41 **Roll Call Vote:**

42 ***Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and***
43 ***Mayor McNamara all voting Yea.***

44 ***None voted Nay.***

45 ****The Vote on the Motion was approved (9-0)***
46

1 Lynne LaBombard asked about the proposed revaluation. City Manager Mulholland stated that residential
2 properties increase in valuation approximately 55% last time and this will likely be similar this
3 revaluation. There will be more of a shifting to the residential sector.

4
5 Mr. Wilkins, Ward 1, asked what the change in working capital from the 2022 revaluation brought to the
6 city budget. Mayor McNamara explained that the overall revenue does not increase from the revaluation.
7 It changed the proportion between residential and commercial properties.

8
9 Mr. Bancroft stated that the petition to cap the tax rate mentioned that city employees are receiving a 6%
10 raise annually. City Manager Mulholland stated that the COLA is maxed at 3%. Some employees may
11 receive a merit increase up to 3% on their anniversary date and some may receive a Step increase up to
12 3%. This could be as much as 6% for some employees.

13
14 There was discussion regarding the one additional full time (FTE) firefighter position included in the City
15 Manager's budget. City Manager Mulholland stated that this position is being 100% funded by Alice
16 Peck Day. The agreement for this was just signed. There is also a ¾ position which is not currently in the
17 budget. Assistant City Manager Below stated that he does not believe this is what was presented to the
18 city.

19
20 Lyndsey [no last name given], Ward 3, stated that part of the issue is how the Council and staff speak to
21 each other. Everyone is losing faith in the Council's ability to help with this issue.

22
23 ***Councilor Liot Hill MOVED, to extend the City Council meeting to 11:25pm.***
24 ***Seconded by Councilor Whittlesey.***

25
26 **Roll Call Vote:**

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

29 ***None voted Nay.***

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

31
32 Councilor Wilkie stated that he believed there would be opportunity for Councilors to discuss the budget
33 in depth to be prepared in advance of the December 18th meeting. Mayor McNamara stated that there is
34 not another meeting scheduled prior to the 18th, but any Councilor can reach out to the City Manager to
35 discuss proposed concepts prior to the 18th. Councilor Liot Hill stated that she would like the Council to
36 be able to talk amongst itself prior to the 18th. There was agreement to hold an additional meeting on
37 Thursday, December 12th.

38
39 **Council Comments: NONE**

40
41 **ACTION: No action is required by the City Council. This item is for informational purposes only.**

42
43 **11. CITY MANAGER REPORT: NONE**

44
45 **12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE**

1
2 **13. FUTURE AGENDA ITEMS: NONE**

3
4 **14. NON-PUBLIC SESSION: NONE**

5
6 **15. ADJOURNMENT:**

7
8 *Councilor Heistad MOVED for adjournment.*
9 *Seconded by Councilor Simon.*

10
11 **Roll Call Vote:**

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

14 *None voted Nay.*

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

16
17 **The meeting was adjourned at 11:30 PM.**

18
19 Respectfully submitted,
20 Kristan Patenaude
21 Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
SPECIAL MEETING MINUTES
Thursday, December 12, 2024 7:00 p.m.
Lebanon High School**

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, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: None

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

1
2 **1. CALL TO ORDER:** Mayor McNamara called the meeting to order at 7:00 PM.

3
4 **2. PLEDGE OF ALLEGIANCE:** Council Simon led the Council in the Pledge.

- 5 • City Manager Mulholland announced the meeting criteria for the public.

6
7 **3. SPECIAL MEETING**

8 A. Discussion of Proposed 2025 Municipal Budget

- 9
10 • City of Lebanon 2025 Proposed Operating Budget available at [LebanonNH.gov/Budget](https://lebanonnh.gov/budget)

11
12 **Council Discussions:**

13
14 Mayor McNamara stated that the purpose of this meeting is for the Council to have a comprehensive
15 discussion on the budget. The public was invited due to the high volume of interest. However, today's
16 meeting is not for public comment. The intent tonight is to allow the public to hear the in-depth
17 discussion and various thoughts of Council members.

18
19 Next Wednesday, December 18, 2024, 6:00PM, will be a public hearing on the budget and again will be
20 held at Lebanon High School, and during that meeting, the City Council will vote on a budget.

21
22 Mayor McNamara summarized key factors impacting the budget, starting with the fact that this Council
23 has taken steps over several years to have the tax increase be less than the CPI rate. The tax rate in 2023
24 and 2024 has grown faster than the CPI.

25
26 Decades ago, the City of Lebanon was found to be in violation of the Clean Water Act with combined
27 sanitary and storm sewage which caused raw sewage to be directly discharged in waterways, including
28 the Mascoma River during storm events. These combined sewers were outlawed in the 1970s. At that
29 time, the Federal government was offering 90% funding and the State of New Hampshire, an additional
30 5% grant funding, which would have covered 95% of the cost of the separation of these combined sewers.
31 At that time, the City of Lebanon failed to act on the requirement to separate its sewer system and did not
32 take advantage of the funding to complete the separation projects.

1 Subsequently, the United State Environmental Protection Agency (EPA) issued an administrative order,
2 requiring the City of Lebanon to complete the separation work. This order was issued on June 6, 2000,
3 following an initial order issued on June 2, 1996.

4
5 The separation work began in 2007, and the last project was completed in 2021, fourteen years later. The
6 total cost was approximately \$71,000,000 (seventy-one million dollars), which the City of Lebanon had to
7 fund by issuing debt. The last sewer bond payment will not be paid until approximately eighteen years
8 from now. This debt load continues to constrain the financial resources to provide services to the
9 community.

10
11 Some of the work that has been delayed due to the cost of the Combined Sewer Overflow (CSO), that
12 consumed the city's debt capacity, have become critical.

13
14 As required by the State of New Hampshire, the City of Lebanon will conduct a reevaluation of all
15 properties, residential and commercial, in 2025. Historically these are done at five-year intervals. The
16 purpose of these reevaluations is to ensure that the assessments are maintained within a range of 90% to
17 110% of market value. Post-Covid there has been a rapid increase of market values, due to housing
18 shortages, which has pushed the city's assessments below the market values, well below the State's
19 criteria, and is currently at 73%. By state law, the city is required to reevaluate properties to bring the
20 ratio in line with the requirement, ideally at 100%.

21
22 The City of Lebanon was notified this fall, that the health insurance rates for City Staff would increase by
23 18.4%, the highest increase the city has seen since at least 2006. The city will proactively conduct a
24 health insurance study in 2025, to explore alternative solutions in the healthcare marketplace, to try to
25 reduce this.

26
27 The city changed to a high deductible plan in 2019, and that has saved the city considerable money.

28
29 The City of Lebanon has negotiated payment in lieu of taxes (aka "pilot agreements") with both
30 Dartmouth Health (DH) and Alice Peck Day (APD). These 20-year agreements are both in effect. The
31 New Hampshire Supreme Court recently ruled in the New London Hospital case that charitable
32 institutions, such as these hospitals, are completely exempt from property taxes. They are under no
33 obligation to enter into pilot agreements; however, the pilot agreements we have with both Dartmouth
34 Health and Alice Peck Day were in effect prior to the Supreme Court's decision, and therefore they
35 remain binding on them.

36
37 In addition to these pilot payments, both entities (DH and APD) have agreed to fund related community
38 health projects, including the community paramedicine program, community nurse program, 1.75
39 firefighter positions, and the cost of the comprehensive annual physicals for firefighters.

40
41 New Hampshire has one tax rate, and the same rate is charged to all properties in this municipality. Some
42 other states have both a residential property tax rate and a commercial property tax rate, and an industrial
43 property tax rate. This is not an option for Lebanon, as New Hampshire is not a "home rule" state, and so
44 the city is strictly limited on what we can do, by state law.

45
46 Additionally, the City of Lebanon has several "urban compacts" which means that those state roadways
47 that travel through these urban compacts, while owned by the State, are required to be maintained by the

1 city. Capital projects in these areas are funded by the State for 80%, with the city being responsible for
2 the remaining 20%. These include things such as bridges, roundabouts, roadways, pre-construction, and
3 intersections.

4
5 Lebanon is a growing city and the demand for services continues to grow. The current population is
6 approximately 16,000, whereas the daytime population is more than double that.

7
8 Mayor McNamara stated that in closing, the City Council will continue to work through the budget
9 process tonight, and attempt to minimize the impact of property taxes, while simultaneously maintaining
10 public services.

11
12 Mayor McNamara would like this Council to provide direction for City Staff during tonight's meeting as
13 to what the Council is looking for from them, for a final budget number on December 18th.

14
15 He stressed that they cannot give everything to everyone, and that there will be some sacrifices. He has
16 run numbers and has ideas, but wants to hear from the Council, to see where they are headed.

17
18 Assistant Mayor Below, stated that he thinks the city needs to get the tax rate down into single digits, and
19 how far down they can go should be something to work through tonight. The City Manager's Office ran
20 scenarios at various tax rate increases, so Assistant Mayor Below would like to see these numbers
21 reviewed and discussed during this meeting.

22
23 Council Karen Liot Hill spoke next and stated that she is streaming the video for this meeting on her
24 Facebook site if they want to see tonight's meeting. She thanked citizens for providing their input to City
25 Council.

26
27 She stated that the State of New Hampshire does not fund public schools fairly and requires schools,
28 cities and towns to support these services. So, 60% of our property taxes go towards school funding.

29
30 She reiterated the information that Mayor McNamara shared about the CSO.

31
32 She questioned actions by prior Councils, including giving a \$5,000,000 windfall back to the taxpayers as
33 a property tax cut the following year. Also, the Airport previously was a regional airport and therefore
34 was maintained with funding from other towns, but a prior Council chose to have the City of Lebanon
35 Airport, and related expenses become the sole responsibility of the City of Lebanon.

36
37 The reason the Police and Fire Departments are so busy is due to growth as well as the increased daytime
38 population. Our Fire Department is the busiest in the State.

39
40 A 12% tax increase is just a maintenance budget. Councilor Liot Hill wants to minimize the impact on
41 people, on the most vulnerable people in our city and keep in mind who will be impacted by any cuts they
42 make, and she wants to be sure this Council's decisions are good for now and the long haul.

43
44 Mayor McNamara has been reviewing the different budget scenarios Assistant Mayor Below spoke of. A
45 tax increase in the range of 8%-8.5% would result in a \$900,000 (8.5%) budget cut. Anything less than
46 this would result in dramatic cuts in services. He thinks this is feasible without dramatic cuts in services.

1 Councilor Sykes has been asked what the city is doing to create revenue and share the burden. He said
2 that they have proposed a room tax on the hotels in the city. This money would come back to the City of
3 Lebanon and would be earmarked for public safety services. Four State Representatives presented this to
4 the State Legislature, and this bill has been defeated each time. They will continue to look at ways to
5 increase revenue streams. They will continue to promote this type of bill, to help share the tax burden.

6
7 An audience member spoke up and asked for City Council to talk about the budget, rather than historical
8 issues. The Mayor and Council shared some key points of the city's history as it sets the stage and better
9 informs the public about how and why the City of Lebanon has the current budget situation.

10
11 Councilor Liot Hill stated that the city also uses the services of a grant writer. The City of Lebanon works
12 with Rebecca Owens, and she has helped secure substantial funds to offset expenses. This is a process
13 with the budget, and it is important to know how we got here. She understands the frustrations but noted
14 that the issues are nuanced.

15
16 Councilor Whittlesey shared several line items that totaled approximately \$123,000. He revisited his list
17 of cuts and shared more specifics.

18
19 Mayor McNamara stated considering several substantial cuts including 1 full time (FT) Public Works
20 position (\$225,000), a Human Services position to revert back to PT (\$50,000), Systems Librarian FT
21 open position (\$130,000), 2 open Patrol positions in the Police Department, totaling \$279,830 (savings of
22 approximately \$122,000 if only 1 FT filled), Advance Transit 10% cut (\$30,000), other outside agencies
23 through Human Services 10% reduction (\$33,000), and 2 versus 3 Plant Development Electrical
24 Inspectors, 1 FT open position from an inspector that is retiring (\$130,000 if left unfilled). He thinks a
25 logical place to start is not adding additional positions and leaving some PT and FT positions unfilled at
26 this point in time.

27
28 Mayor McNamara will be advocating for 2 additional full-time firefighters rather than 4. This scenario
29 above would result in an approximate \$735,000 budget reduction.

30
31 The city has a downtown TIF District fund and Mayor McNamara believes that the city could pull
32 approximately \$200,000 from this fund. The amount currently in this fund is approximately \$935,000.
33 This addition would get the city to an 8.5% tax increase for 2025.

34
35 Councilor Skyes said that he too was concerned about tax increases, but he does not want tax cuts to go
36 down on the backs of people who are least able to bear them. For example, any reduction in Advance
37 Transit would impact those most vulnerable in our community. This must be part of their discussion.

38
39 Councilor Wilkie thinks there are several good options, but he too would be concerned about any cuts to
40 Advance Transit as it would translate into a cut in service hours, which would negatively impact people
41 being able to maintain their jobs, since they could not get to and from work. He is also opposed to cutting
42 Human Services, and again, any cuts impact those who can least afford it. He is in support of not filling
43 vacant positions for now.

44
45 Mayor McNamara stated that he is not proposing any cuts to Parks and Recreation and the reason is that it
46 is a very small budget and has a disproportionate positive impact on our citizens. Also, there is a potential
47 for some increased revenues, which they will continue to look for wherever they can find.

1
2 Councilor Whittlesey pointed out that it is important for them to also look at recent budget years and
3 review what was actually spent versus what was budgeted for. For example, the heating assistance line
4 was underspent. A reduction in this line item would have no negative impact.
5

6 Councilor Liot Hill supports not filling any vacant positions and asked if there is a consensus for the
7 vacant positions not being filled.
8

9 Councilor Wilkie reiterated that he is opposed to any cuts in Human Services. This aside, the unfilled
10 positions total \$415,000 and he agrees with Councilor Liot Hill on not filling these currently. He wants to
11 revisit the open library position next year.
12

13 Assistant Mayor Below asked what figure was being used for the open library position; it is \$135,350.
14 The library offered that \$5,000 could be cut from electricity usage. He also inquired about the two new
15 building inspectors.
16

17 Mayor McNamara said that both new inspectors are ICC certified building inspectors. Assistant Mayor
18 Below was in support of not filling the 3rd electrical inspector position.
19

20 Mayor McNamara also noted that Hanover has 2 full-time inspectors, not a dedicated electrical inspector.
21 They too have a substantial amount of construction going on.
22

23 Deputy City Manager Brooks was asked about inspections such as the big project at the hospital and
24 whether it is possible to contract for additional outside help and paid for through permit fees. Mr. Brooks
25 knows it is possible but stated that it has not happened often in the past 15 to 20 years, but again, it is
26 possible if necessary.
27

28 Mayor McNamara asked for feedback on his suggestion for the TIF District funds being utilized.
29 Assistant Mayor Below agreed that it does make sense and while they cannot do it immediately, he does
30 think some drawdown of \$100,000-\$200,000 is feasible. He also wants to review any development
31 opportunities.
32

33 Mayor McNamara has looked at this carefully and feels that a drawdown of \$200,000 does not put this
34 fund in jeopardy and would allow some taxpayer relief.
35

36 Councilor Whittlesey suggested that they revisit the TIF District fund each year, rather than allowing the
37 TIF District to make their own decisions, so that the council remains up to date each year, to see if any of
38 this funding is needed. He suggested possible suspension (not discontinuing) of funding for now.
39

40 Councilor Liot Hill said that the Economic Development Commission is literally in the process now of
41 evaluating some potential options for the back parking lots in Downtown Lebanon. The Spencer Street
42 Redevelopment is on hold now but will happen. She agreed it makes sense to use some funds from the
43 TIF District in the 2025 budget to support this.
44

45 Councilor Whittlesey stated it would be suspended, not discontinued.
46

1 City Manager Mulholland said you cannot “suspend” TIF District funds, but you can transfer funds to the
2 general fund, and the Council has the authority to do this. They can make a resolution of the budget to
3 transfer the money, and this can be addressed on December 18th. TIF takes the entire portion of the tax
4 rate: City, School, and County. TIF is intended for new projects. It is not designed for accruing money, so
5 there is no need to keep putting money into this fund, if there are no new projects.

6
7 Councilor Liot Hill stated if they give back these funds, the funds should be given back to the entity the
8 funds were set aside for.

9
10 Assistant Mayor Below would like to see the city add 3 or 4 firefighters, just one more position per shift.
11 As a point of reference, 16 would put Lebanon in line with national standards. These roles are medically
12 driven, rather than by fires.

13
14 Councilor Wilkie agrees to use the TIF District funds and use that money as part of the tax base. He also
15 thinks we need a minimum of 8 firefighters, and at the very least 4.

16
17 Councilor Heistad thanked the public for coming to this meeting and sending their emails. He thinks it is
18 helpful for the public to see the process the Council goes through. He stated that the senior community
19 has grown and has impacted the increased need for medical emergency help.

20
21 Councilor Sykes agreed on not filling currently unfilled positions. He also shared some constituents’
22 concerns and commented that citizens are very much in support of additional firefighter staffing.

23
24 Councilor Simon noted that police officers also help as first responders and help with medical
25 emergencies. He stated it is also important to keep the Police Department fully staffed. He noted several
26 line items that can be removed or delayed, starting with road repavement of \$560,000. He suggests this be
27 delayed. Solar phase 1 buyout reduction is zero for 2025. TIF District he thinks could be dissolved
28 completely and the full funds released.

29
30 Assistant Mayor Below inquired if the Slayton Hill proposed roundabout can be delayed and reevaluated.
31 Councilor Liot Hill agreed. Councilor Simon agreed.

32
33 Councilor Simon suggested the City move the Human Services offices to the emergency shelter location
34 on Mechanic Street, since there is capacity there during the daytime and particularly in warmer months.
35 He thinks it will save the City \$16,000 annually.

36
37 Mayor McNamara interjected that he wants to be able to give the City Manager and his staff some
38 concrete direction to work with between now and next Wednesday. After hearing from a majority of
39 Councilors he still feels like 8.5% (approximate cut in the budget of \$900,000) is reasonable and asked
40 how the Council felt about this.

41
42 Councilor Wilkie had run the tally from this meeting discussion and the packet.

43
44 An unknown member of the public suggested that Quail Hollow hire their own nurses.

45
46 Starting with Council Wilkie, examples (using the reductions consideration packet) were given as to
47 where the budget could be reduced as follows:

1 Snow removal item, cemetery, inspector, regional associations, firefighters, overtime, systems, and
2 another \$130, 000 from the electrical inspection role, and adding TIF of \$200,000 for an approximate
3 total expense reduction of \$791,000.

4
5 Assistant Mayor Below suggested they remain in the Regional Planning Commission and leave that line
6 item (dues) in the budget. Councilor Sykes agreed and has seen benefits from being a member of this
7 commission. For example, the city was able to get some solid recommendation on a matter a commission
8 was working on, and this resulted in substantial funds paid to the city. This is one example of the benefits
9 of being a member of this commission. Mayor McNamara agreed as well and said it would be very short
10 sighted to drop out of this.

11
12 Vital Communities (\$4,600 annual cost) brings people together with other communities to help each
13 other, and has a big impact on finding regional solutions for local communities, such as housing,
14 transportation, childcare issues, etc.

15
16 Mayor McNamara has reservations of cutting any of the plowing budget as he feels it is a public safety
17 issue. There is a line item for the maintenance of sidewalks and bike paths, for \$100,000

18
19 Councilor Liot Hill was reluctant to remove the budget item for sidewalk/bike path maintenance because
20 from her experience, once this type of thing is removed, it is hard to get restored. She cited an example of
21 paving. She does not want to zero out the paving budget. Kicking the can down the road is more
22 expensive than maintaining it.

23
24 Councilor Wilkie was also concerned about removing sidewalk maintenance, because a reduction of
25 sidewalk maintenance affects the more vulnerable people of our community that use these for their
26 transportation since many do not have vehicles and many use wheelchairs.

27
28 Councilor Wilkie suggested the Energy and Facilities Manager could possibly be reduced to part time
29 with an exclusive focus on energy.

30
31 Councilor Liot Hill said they had heard testimony from the Lebanon Energy Advisory Commission and
32 learned that this position and the funds generate more than offset the costs of this role (reference LEAC
33 November 21, 2024 meeting notes).

34
35 Councilors Wilkie and Liot Hill were agreeable to not spending funds on guardrails, at least temporarily.
36 Mayor McNamara said that work is already underway on Old Pine Tree Cemetery Road. City Manager
37 Mulholland said that if they cut the \$80,000 for guardrails, they cannot do the whole road. When roads
38 are repaved, the profile of the road is changed and so to meet the safety requirements, the guardrails have
39 to be raised up at the same time.

40
41 Councilor Wilkie shared an updated spreadsheet, reflecting the various changes in the line-items
42 discussed so far. He then added line-item cuts suggested by Councilor Whittlesey.

43
44 City Manager Mulholland answered questions about the 1.75 firefighters' equation reflected as a
45 \$257,000 budget line item and he, along with Fire Chief James Wheatley provided details about the
46 agreement with Alice Peck Day. The first agreement was assuming the city was going to get the Safer
47 Grant, which the city did not get. Alice Peck Day had agreed to act in good faith to be able to work out an

1 agreement with the city as they would like an ambulance service on site for interfacility transports. After
2 new negotiations, the current agreement includes \$101,000 for a social worker, the costs of the annual
3 physicals for the firefighters, and it also includes a \$100,000 provision for the Fire Department to balance
4 bill, for when the firefighters transport out of APD and don't get fully compensated. The total agreement
5 equates to approximately \$257,000. The city is now getting the revenue equivalent of 1.75 firefighters,
6 payable for seven years. When the City of Lebanon negotiated this agreement with Alice Peck Day, they
7 were and are under the understanding that the city will use this for adding 1.75 firefighters, to continue to
8 offer the level of service.

9
10 Dartmouth Health Medical Center also has negotiated an agreement with the City and Fire Department to
11 fund community nurses and community paramedics. That has been in place for three years and DHMC
12 has agreed to pay for an additional three years.

13
14 Councilor Simon proposed numerous cuts including delaying any work on some roadways on the
15 outskirts of town (no roads stated) and letting them go back to dirt, thereby reducing the paving budget,
16 reducing part time wages from the City Manager's Office totaling \$71,390, a reduction of \$100,000 from
17 Legal Services, as well as a \$150,000 reduction in paving.

18
19 Mayor McNamara reiterated that delaying road maintenance will cost much more down the road.
20 Councilor Liot Hill said that this cut does not impact people in need, and so even though the costs will be
21 higher in the future, she reluctantly agreed to this cut of \$150,000. Councilor Wilkie agreed to this paving
22 cut as well, though he does not think it is a good idea, and he would like to revisit this in 2025.

23
24 Councilor Sykes stated it is clear to him that the city has continued to underinvest in maintaining
25 roads/highways. The only way he would support this one-time cut of \$150,000 for the 2025 budget year,
26 is if there is a consensus among the councilors to revisit this in 2025. He also asked if this cost could be
27 bonded so the work can be done in 2025. The roads will continue to deteriorate, and this causes many
28 problems.

29
30 Next, they reviewed all the line items under the "Considerations/Rejected" columns which included:

31
32 **Advance Transit** **\$30,000**

33
34 Councilor Liot Hill inquired into the possibility of charging Advance Transit riders a fee.

35
36 Councilor Wilkie said that based on studies, fees for Advance Transit will cost more than keeping the fare
37 free service. Because of the infrastructure and the loss of grants, and the decrease in ridership, it would
38 likely cost more than it would save.

39
40 Assistant Mayor Below stated that the \$30,000 cut would actually result in a much larger cut of \$120,000
41 due to the 3x matching of federal funds that would be lost.

42
43 **Soldiers Memorial Building and Dana House** **\$22,000 and \$6,600 respectively**

44
45 Audience member from the public said the city has a binding agreement for the Soldiers Memorial
46 Building

Assistant Director of Human Services from FT to PT	\$50,000
Human Services relocation to the homeless shelter	\$16,000
Direct Assistance (e.g. heating, housing, etc.)	\$27,000

Councilor Sykes stated that the City of Lebanon has statutory and constitutional requirements to provide for the needy and this is the department that does this. He is against cutting from Human Services.

City Manager Mulholland stated that this move would cost more than any real savings. Phones, electricity, etc., would increase the costs, and eliminate any perceived savings in 2025.

Lynne Goodwin, Director Human Resources, was asked to speak and stated that there should be no cuts in direct assistance as they cannot predict what the need is. This would result in her needing to come back and ask for additional funding during 2025.

Having the Assistant Human Services position full-time (previously this position was 29 hours weekly) has freed some time up for Ms. Goodwin to successfully pursue additional revenue via grants and funding. She has been able to secure a \$10,000 grant from Grafton County, just yesterday, she submitted a grant request for \$50,000 towards shelter operations, she secured another \$5,000 in reimbursements from Tri County Cap, and she has been working the last year with a coalition of providers to bring some sort of transitional housing to Lebanon, for people with serious mental illness and criminal justice involvement. The Grafton County Commissioners just gave \$300,000 to start a program January 1, 2025, for hotel assistance, which has the potential to reduce costs for the City of Lebanon.

In terms of moving the Human Services offices, heating and cleaning expenses would continue at the new location. There would be no privacy for the people coming there to get help, nor are there any private rooms. Additionally, the City of Lebanon would have to move large pieces of equipment, and install land lines at the new location, and for the four months that the shelter is in operation, the challenges would increase exponentially.

Councilor Whittlesey explained his logic behind suggesting a cut in Human Services and proposed a level budget in line with the 2023 budget.

Councilor Simon stated he would rescind his request to move Human Services to the homeless shelter at 160 Mechanic Street. He still wants to address comments by many constituents, about the number of properties the City of Lebanon owns and wants them utilized to the fullest extent possible. Also, he wants to see consideration for selling some of these properties.

Assistant City Clerk - This position has been filled.

Fireworks budgeted	\$13,000
---------------------------	-----------------

Councilor Wilkie supports rejecting this line item.

Assistant Mayor Below wants this moved from under Consideration to Rejected. While it is nice to have, it is not a critical service.

Maintenance and Portable toilets	\$11,000
---	-----------------

Councilor Wilkie feels strongly this should not be eliminated from the budget.

Library Items, there are several line items. It was agreed that these will all need to be considered.

David Brooks, Deputy City Manager, clarified the electrical inspector role and provided additional perspective. While it is estimated that the savings would be \$134,000 if the 3rd position is not filled, he pointed out that the city would then need to hire out for this position, which would reduce the anticipated revenue that comes in. This needs to be factored in.

Councilor Sykes said that he is against hiring outside expertise for code enforcement. In the past, DHMC tried that and from his perspective, city staff had to come back in and do the work anyway. From a fire and safety and homeowner protection point of view, he said it is prudent to fill this role from within.

Mr. Mulholland, City Manager, said his goal tonight is simply to talk, and they will answer any current questions but will have further discussions next week.

Councilor Wilkie asked for the public to please write him via email over the next 4-5 days. He and Councilor Liot Hill agreed the City would get out a communication on the city website with the consensus that is building with this Council.

Following up on a request from Assistant Mayor Below, Councilor Liot Hill asked to see a scenario with a total of four firefighters. Earlier this week, City Manager Mulholland sent an email to City Council with the different scenarios for the number of firefighter positions and the impact on the budget.

Mayor McNamara asked about the \$200,000 proposed from TIF District Funds and wants it added to the budget line items. This would have a positive offset of the property taxes that are proposed in the fall of 2025. It was agreed to put in for \$300,000 for now.

City Manager Mulholland cautioned against exceeding approximately 36% of the TIF Funds. If this fund is ever dissolved, exceeding the amount that comes back to the City of Lebanon would create a hole in the future. This percentage reflects the percentage that the City of Lebanon actually gets back. The exact percentage needs to be confirmed.

City Clerk Office Staff Reduction	\$71,390
--	-----------------

City Manager Mulholland will provide them information next week.

Legal Services	\$100,000
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Councilor Simon requested this cut.

Assistant Mayor Below suggested they reduce this to \$50,000. This is the number that will be considered.

Cyber Services Hardware	\$47,600
--------------------------------	-----------------

Councilor Whittlesey asked if this proposed expenditure could be delayed until 2026. To date, this has only spent down \$67,000 on a budget of \$294,000. Also thereby extending the life of the hardware by six to twelve months.

Councilor Wilkie agreed that this could be under the Considerations column.

Postage (ancillary) \$15,000

Finance Director Vicki Lee stated this consists of three categories:

Print mail for water bills and tax bills

Postage to mail the above

Regular city postage

This entire postage budget gets used and this \$15,000 will remain unchanged in the 2025 budget.

Assistant Mayor Below suggested they review the other items on this list.

Energy & Facilities Manager (cut to part time) \$88,370

Mayor McNamara thinks this should be considered. Councilor Simon concurred. Councilor Sykes disagreed and thought that Lebanon Energy Advisory Commission (LEAC) members have excellent ideas, and this Manager helps these ideas come to fruition. The volunteers do not have the expertise or capacity to implement most. This is being kept under Considerations.

Plowing \$115,560

All cuts to plowing were rejected

Sidewalk Maintenance \$50,000

Assistant Mayor Below suggested that sidewalk maintenance be \$50,000 and pavement maintenance (see below) be \$100,000.

Guardrail \$80,000

Mr. Jay Cairelli, Director of Public Works, said this \$80,000 was for Old Pine Tree Cemetery Road. If they cut either the paving budget or the guardrails budget, they cannot complete Old Pine Tree Cemetery Road. Both will stay under Considerations for now.

Human Services Assistant Director \$49,690

Human Services Outside Agency \$32,700

These cuts were rejected by at least five (5) Council members.

Regional Assn. – UVLSRPC & VC \$30,687

Cuts were rejected

Fireworks \$13,000

1
2 This will stay under Considerations until the public hearing and input on December 18, 2024.

3
4 **Library** **\$7,500**

5
6 This amount will be left under Consideration.

7
8 **Pavement** **\$100,000**

9
10 This amount will be left under Consideration.

11
12 **Police Officers (2)** **\$279,830**

13
14 City Manager Mulholland reminded all that the Police Department actually needs a minimum of 3
15 positions, and that as Lebanon continues to grow, crime is getting more sophisticated, and so the need for
16 public safety is growing too.

17
18 One of these positions will be moved to Consideration, and the other under Accepted.

19
20 It was agreed that this Council has sufficient information for now. They again encouraged hearing from
21 the Public.

22
23 City Manager Mulholland suggested that the City Council look at this budget for more than one year into
24 the future, since decisions made now will continue to have an impact on subsequent years. Cuts now
25 could further exasperate future budgets.

26
27 **4. ADJOURNMENT:**

28 ***Councilor Heistad MOVED for adjournment.***

29 ***Seconded by Councilor Wilkie***

30
31 ****The Vote on the MOTION was unanimously approved (9-0)***

32
33 **The meeting was adjourned at 10:00 PM.**

34
35 Respectfully submitted,

36 Cinda Mersel

37 Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
2025 BUDGET APPROVAL MINUTES
Wednesday, December 18, 2024, 6:00 p.m.
Lebanon High School**

Remote Via Microsoft Teams: LebanonNH.gov/Live

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Finance Director Vicki Lee, Human Resources Director Samantha Lauzon, Deputy Finance Director Alesia Williams

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

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

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

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

4. OPEN TO PUBLIC:

5. PUBLIC HEARING ITEMS:

- A. ADOPTION OF 2025 CITY BUDGET** – Public Hearing for the purpose of receiving public input and taking action to adopt the 2025 City Budget as proposed by the City Manager, with additional actions to include: authorizing the issuance of bonds or notes to finance 2025 capital improvements; rescinding and/or transferring prior appropriations and/or authorizations for the issuance of bonds or notes; and authorizing the transfer of funds to Capital Reserve Funds.

Included in the agenda packet: **(PLEASE NOTE: The 2025 City of Lebanon Budget presentation by City Manager Mulholland, The Budget Guidelines, and the December 11, 2024 Letter from Mayor McNamara, in their entirety, can be found on pages 3-46, Council agenda packet)**

1. [Overview Presentation of Proposed 2025 Annual Budget](#)
2. Budget Adoption Guide
3. December 11, 2024 Letter from Mayor Timothy McNamara .

Information Available but not Included in this Section:

1. [2025 Proposed City Manager Budget Information](#) – LebanonNH.gov/Budget

City Manager Mulholland reviewed the background and presented an overview of the City's 2025 proposed budget.

2025 CITY BUDGET ADOPTION GUIDE – DECEMBER 18, 2024

This document is provided as a guide to help facilitate adoption of the 2025 City Budget.

- * In conformance with Section C419:41 of the Lebanon City Charter, the Notice of Public Hearing for the 2025 Budget adoption process was published in the Valley News on Saturday, November 30, and Saturday, December 7, 2024.
- * Budgets are adopted by the City Council on a fund basis. A fund segregates revenues and expenditures that are legally restricted to specific uses.
- * A majority of City Councilors present and voting, with a quorum of at least **five** members present, is required to approve the annual budget. The issuance or rescission of bonds or notes must be authorized by at least 2/3 (**six**) of the members. The change of purpose for a capital reserve fund must be authorized by at least 3/4 (**seven**) of the members.
- * The City Council may act on the amendments as written, or they may be modified. Amendments may perish for lack of movement and seconding, or other amendments may be introduced.
- * Once the relevant Resolution (MAIN MOTION) has been moved and seconded, amendments may be introduced by being moved and seconded and voted on. If passed, the vote is then on the MAIN MOTION AS AMENDED.
- * Clarity of Resolutions is imperative as the New Hampshire Department of Revenue Administration and the City's bond counsel review the meeting minutes and actions associated with appropriation and debt issuance authorization for compliance with New Hampshire law.

Summary of City Manager's Proposed 2025 City Budget: (amendments to be introduced where applicable during proposed action)

<u>Fund</u>	<u>2025</u> <u>Budget</u>	<u>\$ Chg. V.</u> <u>'24</u>	<u>Sources of Revenues</u>	<u>2025</u> <u>Budget</u>	<u>\$ Chg. V.</u> <u>'24</u>
General	\$45,294,150	\$4,363,760	Taxes	\$32,382,080	\$1,367,140
Solid Waste Disposal	\$6,660,920	\$1,279,970	Licenses and Permits	\$4,007,650	\$127,050
Water Treatment and Distribution	\$4,904,770	\$215,360	Intergovernmental	\$8,237,350	(\$1,685,124)
Sewage Collection and Disposal	\$8,792,090	\$308,690	Charges for Services	\$23,720,010	\$306,240
Municipal Airport	\$1,643,300	(\$240,410)	Miscellaneous Sources	\$3,514,410	(\$19,400,240)
Emergency Management	\$25,000	\$0	Interfund Transfers	\$2,769,940	(\$837,460)
Heritage Fund	\$400	\$0	Bond Proceeds	\$18,585,050	(\$8,924,790)
Enterprise Properties Revolving Fund	\$23,100	(\$94,920)			
Capital Improvements	\$25,659,360	(\$30,690,290)	Total	\$93,216,490	(\$22,569,344)
TIFD	\$970,500	\$270,490	Applied/(Realized) Fund	\$757,100	(\$2,018,000)

			Balance		6)
Total	\$93,973,59	(\$24,587,30)	Total Revenues and Fund	\$93,973,59	(\$24,587,30)
	0	50)	Balance	0	50)

The estimated 2025 Municipal Tax Rate is \$10.81 per \$1,000 of assessed real estate value, an increase of \$1.15 or 11.9% from the 2024 tax rate. A single-family home assessed for \$350,000 will have an estimated 2025 municipal tax bill of about \$3,784, an increase of \$403. Four rates make up the Total Tax Rate: Municipal, School: Local and State, and County. This budget concerns the Municipal portion only. **Increases of 8.0% and 6.0% to water and sewer service rates, respectively, are factored into the budget.**

ORDER OF BUSINESS:

1. OPEN PUBLIC HEARING
2. CLOSE PUBLIC HEARING
3. ENACT RESOLUTIONS TO ADOPT 2025 BUDGET

Proposed Resolutions include the following:

<u>Resolution</u>	<u>Page(s)</u>	<u>Purpose of Action</u>
No. 1	3	To Vote on the General Fund Budget
No. 2	3	To Vote on the Solid Waste Disposal Fund Budget
No. 3	3	To Vote on the Water Treatment and Distribution Fund Budget
No. 4	4	To Vote on the Sewage Collection and Disposal Fund Budget
No. 5	4	To Vote on the Municipal Airport Fund Budget
No. 6	4	To Vote on the Emergency Management Fund Budget
No. 7	5	To Vote on the Heritage Fund Budget
No. 8	5	To Vote on the Enterprise Properties Revolving Fund
No. 9	5	To Vote on the Downtown Lebanon Tax Increment Finance District Budget
No. 10	5	To Vote on the Airport-Tech Park Tax Increment Finance District Budget
No. 11	6-7	To Vote on the Capital Improvements Fund Budget
No. 12	7-8	To Vote on the Authorization of the Issuance of Bonds or Notes to Finance 2025 Capital Improvements
No. 13	8-11	To Vote to Rescind and/or Transfer Prior Appropriations and/or Authorizations for the Issuance of Bonds or Notes
No. 14	11-12	To Vote to Authorize the Transfer of Funds to Capital Reserve Funds

5 PUBLIC HEARING ITEM:

- A. **ADOPTION OF 2025 CITY BUDGET** – Public Hearing for the purpose of receiving public input and taking action to adopt the 2025 City Budget as proposed by the City Manager with additional actions to include: authorizing the issuance of bonds or notes to finance 2025 capital improvements; rescinding and/or transferring prior appropriations and/or authorizations for the issuance of bonds or notes; and authorizing the transfer of funds to Capital Reserve Funds.

Councilor Liot Hill thanked Jack & Dorothy Bryne for their generous gift of free pre-season skiing on Fridays, Saturdays, and Sundays at Lebanon Outing Club at Storrs Hill.

Note that a full video with audio recording can be viewed and is available on the City of Lebanon website. All comments by citizens have been summarized.

Mayor McNamara opened the Public Hearing, and the following came forth to give testimony about their reasons either for/against the proposed 2025 City Budget:

Ms. Mary Roar, President of Quail Hollow Condominium Assn., (Ward 1): She is aware that the City of Lebanon is understaffed and asked for the city to consider adequate EMT staffing for Quail Hollow and all of Lebanon.

Mr. Joshua Flanders (Ward 1): Mr. Flanders read from his phone and spoke about his expectations to have the city maintain their services without any tax increase; the line item for Advance Transit; and at the very most capping the budget at a 2.7% increase; the LISTEN Center; Human Services; and the Police and Fire Services

Ms. Rebecca K. Thomas (Ward 2): She spoke about what she felt was unnecessary spending, finance; planning and zoning, pilot payments by DHMC and Alice Peck Day, the need to add more firefighters; and asked the city to look at salaries and pay increases

Ms. Laurie Key (Ward 3): She spoke about her reasons for continued property tax increases and gave examples. She also requested that a stand-up advisory finance committee be added to the March 2025 Ballot. Mayor McNamara said he cannot commit to this.

Ms. Jennifer Mercer (Ward 3): She touched on several topics regarding grant funding and gave examples. She also questioned what alternatives have been considered to the proposal by Dan Nash.

Mr. Fran Casale (Ward not stated): He spoke about the 143 properties the city owns and proposed a task force to identify needs, goals, etc. for the city.

Ms. Nancy Sansevere (Ward 3): She spoke about city staffing and their annual salary/merit increases and would like more transparency and a cap on COL (Cost of Living) increases.

Mr. Jim Gregor (Ward 2): He spoke about his concerns regarding the upcoming home revaluations and potential impact it might have.

Ms. Heather Johnson (Ward 2): She spoke about the revenues from the landfill; Capital improvements; the DPW Budget (fleet replacement); new debt; water treatment and substantial unassigned funds. She asked the city to “dig deep” to try and lessen the burden.

Mr. Daniel McCarty (Ward not stated): He spoke about his reasons why he feels there are not enough checks and balances, and transparency in the city. He wants the city to think outside the box for other revenue sources and gave examples.

1 **Ms. Sue Locher (Ward 3):** She spoke about her reasons, and gave examples of why she felt a 12%
2 property tax increase would be like another mortgage for her.

3
4 **Mr. Bill Lapan (Ward 3, Guardian of the Soldiers' Memorial Building):** He spoke about his
5 concerns, and gave examples of why he felt this building should not be closed. He also expressed his
6 support for the Lebanon Fire/Police Departments requests for additional staff.

7
8 **Mr. Casey Wardman (Ward 2):** He spoke about his concerns regarding the proposed tax increase of
9 12% and supported the Lebanon Fire Department's staffing be increased by at least (4) four firefighters.

10
11 **Ms. Joan Townsend (Ward 2):** She spoke about her thoughts regarding a 2% merit increase; buildable
12 acres; childcare; collecting more revenue (i.e., adding parking meters, and gave examples).

13
14 **Ms. Patty Beak (Ward 2):** She spoke about her reasons against the proposed property tax increases and
15 gave examples, noting that eating should not be a luxury and that is what will happen if property taxes
16 keep increasing.

17
18 **Mr. Matt Wolcott (Ward 2):** He spoke about his reasons why he felt the City's IT Department should
19 be outsourced.

20
21 **Mr. Jeremy Perkins (Ward 1, Lebanon Police Officer):** He spoke about his concerns regarding the
22 staffing levels of the Lebanon Police Department and gave examples. He cautioned that if the police force
23 is reduced, Lebanon will become like Burlington, VT, whose crime is on the rise. He asked the city to
24 "support our officers".

25
26 **Mr. Joel Coelho, Lieutenant/ Paramedic Lebanon (no ward stated):** He is the President of the
27 Lebanon Paramedic, Firefighters Association, speaking on their behalf and echoed what Officer Perkins
28 said. Whether it is a fire, a car crash, or a medical emergency, these teams cannot fulfill the promise with
29 the current levels of staff. We are jeopardizing the safety of our city and our citizens, and Lebanon's
30 future.

31
32 **Ms. Marjorie Godfrey (Ward 2):** She spoke about her reasons why she felt the city has revenue issues
33 and asked the Council to look for new ideas and revenue opportunities. She encouraged "leadership with
34 humility", and she asked to have citizen advisory groups to start in early 2025. She also did not think
35 there should be waivers for developers, since Lebanon needs to generate revenue.

36
37 **Adams Carroll, Executive Director of Advance Transit (AT):** He spoke about and explained the
38 Advance Transit budget and how Lebanon's contribution fits into the overall picture, noting that this year,
39 Dartmouth Health & Medical Center will be contributing \$1.8M, funding that contributes to Lebanon, not
40 any DHMC services.

41
42 **Ms. Mary Davis, (Ward 2):** She stated that the theme for the budget should be "cut or compromise".
43 and asked to start with two firefighters now and build up to four and use the same mindset for adding
44 police officers.

1 **Ms. Rebecca K. Thomas, Ward 2 (2nd time speaking):** She has four children and said that while the
2 public pool is nice to have, it is not a necessity. Also, if it is kept, she suggested the Council consider
3 increasing the fees they charge for pool usage as another way to increase revenue.
4

5 **Frank Casale (no Ward stated, 2nd time speaking):** If the LFD wants more firefighters, he wants the
6 city to sell some of the properties they own.
7

8 **Ms. Terri Bigsby (Ward 3):** She said the Council should make their decisions on the current residents
9 of Lebanon, not future residents and felt the City should keep the pool and library, since those types of
10 services appeal to the population.
11

12 **Mr. Joshua Flanders (Ward 1 -2nd time speaking):** If the City wants to provide revenues, he thinks the
13 city needs a complete overhaul and the city needs to provide transparency. He stated that it is almost
14 completely impossible to get anything done in this city. He wants to build affordable housing, but he
15 cannot get past the impact fees and the fees associated with the city and felt he has been handcuffed.
16

17 **Mr. Seth Metzger (Ward 3):** He spoke about his interest in the library, and how important it is to have
18 sufficiently staffed Police and Fire Departments. City residents want to feel safe. This is an investment
19 for the future of our city. A 3% cut in the increase of wages would be sufficient to hire enough for both
20 teams of safety providers. When the city is safe, everyone is happier.
21

22 **Mr. Larry Poulin (Ward 2):** He commented there are lots of ideas tonight about increasing revenues
23 but that it is the 11th hour and wanted the city to focus on what people need.
24

25 **Ms. Sarah Riley (Ward 3):** She also challenged her fellow Lebanon residents to pay attention to see
26 what is happening throughout the year by reading, attending or listen to meeting recordings and felt it is
27 important not to make changes that would negatively impact our least advantaged in our city, such as
28 sidewalks and bus services, the library, the pool, etc. She also spoke about her reasons why she felt the
29 Energy and Facilities Manager position is important to the City of Lebanon and she asked it not to be cut.
30

31 **Mr. Mark Paag (Ward 1):** He spoke about his concerns regarding both the regular property tax
32 increases as well as the water and sewer rates and landfill rates. His greatest concerns were potentially
33 cutting police officers and spoke about what happened in Burlington, VT when police officers were cut.
34

35 **Barbara Harai (Ward 1):** She called in to thank all of the City Council for their time, effort and work,
36 and is confident that they care about the City of Lebanon and will do what is best.
37

38 **Jeffrey Egner (Ward 3):** He spoke about his reasons why he found it appalling that non-essential
39 services are not being cut, while essential services (police and fire) are being cut.
40

41 **Jeremy Perkins (Ward 1 – 2nd time speaking):** He spoke about his reasons why he felt there should be
42 no cuts in the Lebanon Police/Fire Departments.
43

44 **Ms. Joan Townsend, Ward 2 (2nd time speaking):** She spoke again about her reasons why she took
45 issue on the 6% increases (3% COL/3% merit) City of Lebanon employees are getting, but yet the city is
46 considering cutting emergency responder positions
47

1 **Ms. Heather Johnson (Ward 2 - 2nd time speaking):** Pet licenses fees could be increased. She
2 volunteered to offer her time and expertise as a consultant and thinks other citizens would as well, instead
3 of hiring consultants.

4
5 **Mr. Steve Hanser, Bristol, NH:** He is retired as a firefighter and explained how he fell from a roof and
6 sustained life-threatening injuries. Emergency responders helped to save his life. He thanked the Fire
7 Chief, and he thanked all the first responders and said they are amazing.

8
9 **Ms. Maria Malindi (Ward 1):** She spoke about her reasons why she felt a 12% property tax increase is
10 unsustainable.

11
12 **Henry Mozell (Ward 2):** He spoke about his reasons why he felt the Councils' decisions need to benefit
13 the current citizens; how \long term residents are leaving; capital purchases should be delayed; and
14 employees should not get the proposed salary increases.

15
16 **Mr. & Mrs. Larry P. (Ward 2):** Requested the Council to have another meeting before making any
17 decisions.

18
19 **Mr. Jack Hedges (Ward 1):** He said while no one enjoys paying taxes, our Police and Fire Departments
20 are critical, and we must be able to fund them.

21
22 **Mr. Benjamin Clarey (Ward 1):** He spoke about his reasons why the pool should not be eliminated
23 from the budget.

24
25 **Mr. Quan Stall (Ward 3):** He agreed that the pool and libraries are important for our children to feel
26 safe in Lebanon. He thinks that everybody would be in favor of cutting the three percent (proposed salary
27 increase).

28
29 **Mr. Frank Casale, Ward 2 (3rd time speaking):** He asked the council if they have looked into
30 consolidating the debt service and perhaps get a better rate or a local rate, which could be a tremendous
31 annual saving to the taxpayers?

32
33 **Mr. Nick Rodey (Ward 2):** He has observed that several senior citizens are moving away from the area.
34 He feels these people benefit us with their wisdom and experience. He thinks what the Council does will
35 determine if many people can stay here in Lebanon.

36
37 **Ms. Patty Beak (Ward 2-2nd time speaking):** She asked if the Council has considered the ripple effect
38 of people moving away from Lebanon has on the city, such as quitting their membership at CCBA, less
39 people eating out, less overall support to our local businesses. In support of our police and fire
40 departments, she has had to utilize their services, and appreciates them, and asked that their budgets not
41 be cut.

42
43 **Hearing no further comments from the public, the Public Hearing was closed.**

44
45 **Council/Staff Comments:**
46

1 Councilor Liot Hill asked when the right time would be to ask the City Manager to elaborate on and
2 discuss or further inform the public. For example, does the city engage in good fiscal practices?

3
4 City Manager Mulholland said he would first answer the question about the municipal bonds. When those
5 bonds are taken out, the bond periods are set (e.g. 5, 10, 20 years), and cannot be paid off early. They have
6 a fixed interest rate. These are reviewed constantly by the New Hampshire bond bank, and when the rates
7 do come down, they go and refinance that debt and then adjust the city's rates; the City of Lebanon gets
8 that money back.

9
10 There are also State revolving funds, SAG funding (from EPA) that comes in to us. He cannot reshuffle
11 that debt. The city takes advantage of funds available and stays current on what funding is available at
12 any given time. The State has given us a lot of that money, and we stay current on funding available
13 through them as well. Some projects though we do not have control of, such as the dry bridge project that
14 keeps being delayed (now 20 years). These capital projects are on a schedule but then these often get
15 delayed, like this one.

16
17 When the city plans to do capital projects, the plan is to reduce that tax load to avoid spikes.

18
19 There are also State revolving funds for water and sewer. A new fund will be available to the city at a
20 future date.

21
22 We apply for grant money every year and have a full-time grant writer that works on the city's behalf.

23
24 Councilor Liot Hill next asked about the DHMC pilot project. Would DMHC be required to pay any
25 taxes, if the city did not have a "pilot" agreement with them?

26
27 City Manager Mulholland said that they are required to pay some taxes on things that are not exempt,
28 such as revenue producing sources. This pilot agreement was renegotiated in 2020, and they are 20-year
29 agreements. The city cannot modify these agreements.

30
31 Councilor Liot Hill asked about City of Lebanon owned properties and if they are evaluated.

32
33 City Manager Mulholland stated that yes, they evaluate these regularly, at least every year, and a recent
34 request to do this was made by Councilor Liot Hill and Councilor Simon. Some properties have been
35 sold. Some are in conservation and cannot be sold. Some are small pieces and not viable. Others have
36 facilities on them such as police stations and fire stations, DPW facilities, etc. It is accurate to say all City
37 owned property is regularly evaluated for the potential to sell.

38
39 Councilor Liot Hill asked if the three roundabouts under discussion would impact (reduce) the property
40 tax rate for 2025. The CIP.

41
42 City Manager Mulholland stated that the roundabout at Mt. Support LaHaye was funded by a special
43 assessment district and there is a portion mostly paid for by DHMC. The debt service for the city is 7%
44 and is included. They will look up the rate for 2025. Regarding the Mascoma Street, Mechanic Street,
45 High Street intersections, what would the impact on that with the State be if we told them we did not want
46 to proceed? City Manager Mulholland said that we already have two (2) bonds on that, and the first one
47 started in 2012. The second started in 2020. We would be required to continue to pay the bond debt

1 service on both, but not only that, if we wanted to discontinue this project, since the State is funding 80%
2 of this project, the city would have to pay back that money. The city would then need to make a different
3 appropriation and then raise taxes to pay back those funds to the State of New Hampshire, for the money
4 they have provided. The City of Lebanon is heavily invested in this roundabout, and it would not be
5 prudent to discontinue this one.

6
7 Lastly, the third roundabout will be discussed at an upcoming City Council meeting.
8

9 In response to Councilor Liot Hill's question, City Manager Mulholland said that their first 2025 budget
10 strategy meeting was held in April 2024. The public was invited, like always. The City Manager and City
11 Council also held three strategic (workshop) meetings to discuss the 2025 budget. These were open to the
12 public.

13
14 City Manager Mulholland noted the first required budget hearing is held in October, and he provided the
15 2025 budget to the Council in mid-October. They have subsequently had at least 5 or 6 budget meetings.
16 The public has been invited each time, and all were posted on the City's website. The city posts extensive
17 information made available to the public, including the proposed budget, audits, PowerPoint
18 presentations, the budget packets, etc.

19
20 At the Mayor's request, Assistant Mayor Below shared the spreadsheet reflecting the budget line items.
21 These are grouped together by department. To date, \$1,1141,200 has been Accepted and reflects
22 \$841,200 in budget cuts so far along with a credit of \$300,000 from the TIF 2025 revenue and reflects the
23 City of Lebanon's share of these funds. Under Consideration went up because of an APD pilot, and some
24 under this line is simply a budget transfer. He explained that this budget discussion is not scripted, and
25 that aside from talking to some other members, their budget discussions take place openly. He also
26 showed 4 scenarios, ranging from 1 to 4 firefighters and suggested the Council focus on the items in the
27 column Under Consideration.

28
29 Lebanon Police Chief Roberts and Deputy Chief Lowe spoke about their recent workshop on November
30 19, 2024. While that workshop was open to the public, few Council members nor members from the
31 public attended this meeting.

32
33 The Lebanon Police Department currently have a staff or slots for 35 sworn officers, whereas for them to
34 be fully staffed according to a national standards recent job study, they should have a staff of 42 sworn
35 officers, or 2.81 sworn officers for 1,000 for residents. So, by these standards, they are already currently
36 understaffed, especially in light of the growth, and daytime population within the city.

37
38 He referenced some other cities that have cut their police force, and the impact that this has had on their
39 crime rates. They continue to see these trends elsewhere, as a result of reducing police staffing size. In
40 addition, police staffing reductions also have a negative impact on morale and makes recruiting and
41 retention more challenging.

42 43 **BUDGET LIST REVIEW BY THE CITY COUNCIL**

44 45 **Legal Services:**

46
47 **Rejected \$50,000 and \$50,000 be Accepted (cut)**

Cyber Services Hardware: Rejected \$47,600 (cut)

City Manager Mulholland cannot cut \$47,600. More things will break, and they will not be able to fix them. He already cut \$105,000 from hardware. These systems have to work to provide services. Also, they do not have all of the hardware expenditures fully reflected yet in expenditure and they might not show up until as late as March. Additionally, this hardware is across all departments, not just a central function.

Mayor McNamara asked City Manager Mulholland why this was brought in house, and he gave an example of a breach of the entire water system by a simple password algorithm. The city still hires out for some services when it can be done and more cost effectively than within the city.

City Manager Mulholland stated that the city spend should be \$3.5M annually to maintain roads and sidewalks, and that it is less expensive in the long run to maintain these.

Councilor Liot Hill does not want to zero out paving but wants to move \$100K to Accepted.

Councilor Simon wants to pull out \$640K the full budget from paving and guardrails.

Guardrails & pavement: Accepted \$180K (cut) by straw poll

Councilor Wilkie stated that they have an impossible task- does not want to lay off people and he is sensitive to this. These are not easy decisions, and he is not in favor of this with paving and guardrails but given the situation, agrees.

Energy & Facilities Manager Accepted \$88,370 (cut FT position)

Councilor Liot Hill asked City Manager Mulholland if they have realized most of the gains for the above role for now and the City Manager confirmed that the high payoff tasks are done and now there are diminishing returns.

Dana House Accepted: \$6,640 (cut), no cuts for the Soldiers' Memorial

Councilor Whittlesey suggested that they propose fee increases for the pool, etc. but Mayor McNamara does not want to disenfranchise the young people. Perhaps a fundraiser by Park and Recreation.

Human Services: Rejected (all cuts) by Straw Poll

Electrical Bldg. Inspector: Accepted \$134,160 (cut)

Fireworks: Accepted \$13,000 (cut)

Concerts: \$5,325 Accepted and \$5,325 Rejected (cut)

**COUNCILOR LIOT HILL MOVED TO EXTEND THE MEETING UNTIL 11:00PM.
SECONDED BY COUNCILOR WILKIE.**

1 *THE VOTE ON THE MOTION WAS APPROVED 9/ 0.

2
3 ENACT RESOLUTIONS TO ADOPT 2025 BUDGET

4
5 **RESOLUTION NO. 1**

6 * MOTION BY COUNCILOR BELOW TO MOVE PASSAGE OF RESOLUTION NO. 1 TO
7 APPROPRIATE \$44,328,145 FOR GENERAL CITY OPERATIONS:

8
9 RESOLVED, for the purpose of authorizing and financing the General Fund budget.

10
11 BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and
12 appropriated in the amount of \$44,328,145.

13
14 This resolution shall be effective January 1, 2025.

15
16 SECONDED BY COUNCILOR LIOT HILL. VOTE ON THE MOTION: 9/0.

17
18 **PROPOSED AMENDMENT(S) TO RESOLUTION NO. 1**

19 (1) MOTION BY COUNCILOR BELOW to increase the funds to be raised and
20 appropriated for the General Fund by \$388,000 for the purpose of funding
21 three (3) additional firefighter positions and in anticipation of offsetting revenue
22 of \$201,000 from Alice Peck Day.

23
24 SECONDED BY COUNCILOR LIOT HILL.

25 * VOTE ON THE AMENDMENT 9/0.

26 **RESOLUTION NO. 2**

27 * MOTION BY COUNCILOR WHITTLESEY TO MOVE PASSAGE OF RESOLUTION NO. 2
28 TO APPROPRIATE \$6,660,920 FOR SOLID WASTE DISPOSAL:

29 RESOLVED, for the purpose of authorizing and financing the Solid Waste Disposal Fund budget.

30
31 BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in
32 the amount of \$6,660,920.

33 This resolution shall be effective January 1, 2025.

34
35 SECONDED BY COUNCILOR WILKIE. VOTE ON THE MOTION: 9/0.

36
37 **RESOLUTION NO. 3**

38 * MOTION BY COUNCILOR HEISTAD TO MOVE PASSAGE OF RESOLUTION NO. 3 TO
39 APPROPRIATE \$4,904,770 FOR WATER TREATMENT AND DISTRIBUTION:

40 RESOLVED, for the purpose of authorizing and financing the Water Treatment and Distribution
41 Fund budget.

42
43 BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in

1 the amount of \$4,904,770.

2 This resolution shall be effective January 1, 2025.

3
4 **SECONDED BY COUNCILOR WILKIE. VOTE ON THE MOTION: 9/0.**

5
6 **RESOLUTION NO. 4**

7 * **MOTION BY COUNCILOR WILKIE TO MOVE PASSAGE OF**
8 **RESOLUTION NO. 4 TO APPROPRIATE \$8,792,090 FOR SEWAGE**
9 **COLLECTION AND DISPOSAL:**

10 **RESOLVED, for the purpose of authorizing and financing the Sewage Collection and**
11 **Disposal Fund budget.**

12 **BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and**
13 **appropriated in the amount of \$8,792,090.**

14
15 This resolution shall be effective January 1, 2025.

16
17 **SECONDED BY COUNCILOR LIOT HILL. VOTE ON THE MOTION: 9/0.**

18
19 **RESOLUTION NO. 5**

20 * **MOTION BY COUNCILOR SYKES TO MOVE PASSAGE OF RESOLUTION NO. 5 TO**
21 **APPROPRIATE \$1,643,300 FOR MUNICIPAL AIRPORT OPERATIONS:**

22
23 **RESOLVED, for the purpose of authorizing and financing the Municipal Airport Fund budget.**

24
25 **BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in**
26 **the amount of \$1,643,300.**

27 This resolution shall be effective January 1, 2025.

28
29 **SECONDED BY COUNCILOR SIMON. VOTE ON THE MOTION: 9/0.**

30
31 **RESOLUTION NO. 6**

32 • **MOTION BY COUNCILOR SIMON TO MOVE PASSAGE OF RESOLUTION**
33 **NO. 6 TO APPROPRIATE \$25,000 FOR EMERGENCY PREPAREDNESS:**

34 **RESOLVED, for the purpose of authorizing and financing the Emergency Management Fund budget.**

35
36 **BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and**
37 **appropriated in the amount of \$25,000.**

38 This resolution shall be effective January 1, 2025.

39
40 **SECONDED BY COUNCILOR WILKIE. VOTE ON THE MOTION: 9/0.**

RESOLUTION NO. 7

- **MOTION BY COUNCILOR LIOT HILL TO MOVE PASSAGE OF RESOLUTION NO. 7 TO APPROPRIATE \$400 FOR HISTORIC RESOURCES & PRESERVATION EFFORTS:**

RESOLVED, for the purpose of authorizing and financing the Heritage Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$400.

This resolution shall be effective January 1, 2025.

SECONDED BY COUNCILOR HEISTAD. VOTE ON THE MOTION: 9 / 0.

RESOLUTION NO. 8

- **MOTION BY COUNCILOR WHITTLESEY TO MOVE PASSAGE OF RESOLUTION NO. 8 TO APPROPRIATE \$23,100 FOR THE ENTERPRISE PROPERTIES REVOLVING FUND:**

RESOLVED, for the purpose of authorizing and financing the Enterprise Properties Revolving Fund.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$23,100.

This resolution shall be effective January 1, 2025.

SECONDED BY COUNCILOR WILKIE. VOTE ON THE MOTION: 9 / 0.

RESOLUTION NO. 9

- * **MOTION BY COUNCILOR LIOT HILL TO MOVE PASSAGE OF RESOLUTION NO. 9 TO APPROPRIATE \$915,000 FOR THE DOWNTOWN LEBANON TAX INCREMENT FINANCE DISTRICT:**

RESOLVED, for the purpose of financing the Downtown Lebanon Tax Increment Finance District Fund.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$915,000.

This resolution shall be effective January 1, 2025.

SECONDED BY COUNCILOR HEISTAD. VOTE ON THE MOTION: 9 / 0.

RESOLUTION NO. 10

- * **MOTION BY COUNCILOR SIMON TO MOVE PASSAGE OF RESOLUTION NO. 10 TO APPROPRIATE \$55,500 FOR THE LEBANON AIRPORT-TECH PARK TAX INCREMENT FINANCE DISTRICT:**

RESOLVED, for the purpose of financing the Lebanon Airport-Tech Park Tax Increment Finance District Fund.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be raised and appropriated in the amount of \$55,500.

This resolution shall be effective January 1, 2025.

SECONDED BY COUNCILOR SYKES. VOTE ON THE MOTION: 9/0.

RESOLUTION NO. 11

*** MOTION BY COUNCILOR LIOT HILL TO MOVE PASSAGE OF RESOLUTION NO. 11 TO APPROPRIATE \$25,659,360 FOR CAPITAL IMPROVEMENTS AND ACQUISITIONS:**

RESOLVED, for the purpose of authorizing and financing the Capital Improvements Fund budget.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds be appropriated in the amount of \$25,659,360 for expenditure in connection with the following Capital Improvements and Acquisitions:

Department	Project Name	2025	Bonds/Note Proceeds/Debt	Existing Funds from CRF	Transfers to CIP	Other (SAD, sale proceeds, etc)	Inter-governmental Grants
	GENERAL FUND						
FLEET & EQUIPMENT							
DPW	Fleet Replacement	\$905,000		\$905,000			
ROADS & BRIDGES							
DPW	South Main Street Bridge Replacement #082-117	\$4,158,380	\$982,650				\$3,173,710
DPW	Hanover Street/Route 120 Bridge Replacement #121-117	\$2,350,000	\$81,000			\$389,000	\$1,880,000
DPW	Mechanic St/Slayton Hill Rd/Mascoma St Intersection Reconstruction	\$367,000	\$73,400				\$293,600
OTHER							
DPW	Phase 1 Solar Project Buyout	\$275,800	\$275,800				
REC	Mascoma River Greenway Extension	\$433,000				\$88,000	\$347,000
	TOTAL GENERAL FUND	\$8,487,160	\$1,412,850	\$905,000	\$0	\$475,000	\$5,694,310
	WATER FUND						
DPW-WATER	Large Groundwater Well Development, Water Treatment Facility, and Infrastructure Improvements	\$1,440,000	\$1,440,000				
DPW-WATER	Phase 1 Solar Project Buyout	\$369,050	\$369,050				
	TOTAL WATER FUND	\$1,809,050	\$1,809,050	\$0	\$0	\$0	\$0
	SEWER FUND						
NEW-DPW-SEWER	Westboro Stormwater Holding Facility/Demo	\$150,000	\$150,000				
DPW-SEWER	Phase 1 Solar Project Buyout	\$359,780	\$359,780				
DPW-SEWER	Fleet Replacement	\$500,000	\$500,000				
	TOTAL SEWER FUND	\$1,009,780	\$1,009,780	\$0	\$0	\$0	\$0
	SOLID WASTE FUND						
DPW-SOLID	Landfill Phase 3-4 Design, Permitting, and Construction	\$34,000	\$34,000				
DPW-SOLID	Landfill Site Improvements	\$430,000	\$430,000				
DPW-SOLID	Fleet Replacement	\$1,392,000	\$1,392,000				
DPW-SOLID	Phase 1 Solar Project Buyout	\$235,390	\$235,390				
NEW-DPW-SOLID	Partial Permanent and Temporary/Capping Project	\$12,282,000	\$12,282,000				
	TOTAL SOLID WASTE FUND	\$14,353,390	\$14,353,390	\$0	\$0	\$0	\$0
	TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM	\$25,659,360	\$18,585,050	\$905,000	\$0	\$475,000	\$5,694,310

BE IT FURTHER RESOLVED, that the City Manager is authorized to take steps necessary and appropriate to apply for and secure maximum federal and state grant funding assistance; and

BE IT FURTHER RESOLVED, that the amounts indicated above for each project are estimates and that the City Manager may allocate more funds to any one or more of such projects, and less to others, so long as, in the judgment of the City Manager, each of the projects described above can be completed within the total appropriation made by this Resolution.

This resolution shall be effective January 1, 2025.

SECONDED BY COUNCILOR BELOW. VOTE ON THE MOTION: 9 / 0.

PROPOSED AMENDMENT(S) TO RESOLUTION NO. 11

(1) MOVED BY COUNCILOR BELOW to amend the list of 2025 Capital Improvements Projects to remove the Phase 1 Solar Project Buyout, and to decrease estimated revenues (bond proceeds) to the Capital Improvements Fund budget by \$1,240,000 for same.

SECONDED BY COUNCILOR SIMON. VOTE ON AMENDMENT: 9 / 0.

(2) MOVED BY COUNCILOR BELOW to amend the list of 2025 Capital Improvements Projects to remove the 2025 Sewer Fund Fleet Replacement project (Sewer Department Vacuum Truck), and to decrease estimated revenues (bond proceeds) to the Capital Improvements Fund budget by \$500,000 for same.

SECONDED BY COUNCILOR HEISTAD. VOTE ON AMENDMENT: 9 / 0.

(3) MOTION BY COUNCILOR BELOW to amend the list of 2025 Capital Improvements Projects to remove the Mechanic St./Slayton Hill/Mascoma St. Intersection Reconstruction project, and to decrease the estimated revenues (bond proceeds) to the Capital Improvements Fund budget by \$367,000.

SECONDED BY COUNCILOR LIOT HILL. VOTE ON AMENDMENT: 9 / 0.

RESOLUTION NO. 12

*** MOTION BY COUNCILOR WILKIE TO MOVE PASSAGE OF RESOLUTION NO. 12 TO AUTHORIZE THE ISSUANCE OF BONDS OR NOTES TO FINANCE 2025 CAPITAL IMPROVEMENTS:**

RESOLVED, by the City of Lebanon, that the City Treasurer, with the approval of the City Manager, is authorized to issue, in accordance with the Municipal Finance Act (RSA 33), a bond issue or bond issues in an amount not to exceed \$18,585,050 as follows:

Department	Project Name	Estimated		
		Useful Life	Paid for by	Amount
	GENERAL FUND			
ROADS & BRIDGES				
DPW	South Main Street Bridge Replacement #062-117	20 Years	Property Taxes	\$982,650

DPW	Hanover Street/Route 120 Bridge Replacement #121-117	20 Years	Property Taxes	\$81,000
DPW	Mechanic St/Slayton Hill Rd/Mascoma St Intersection Reconstruction	20 Years	Property Taxes	\$73,400
DPW	Phase 1 Solar Project Buyout	20 Years	Property Taxes	\$275,800
WATER FUND				
DPW WATER	Large Groundwater Well Development, Water Treatment Facility, and Infrastructure Improvements	20 Years	Water User Fees	\$1,440,000
DPW WATER	Phase 1 Solar Project Buyout	20 Years	Water User Fees	\$369,050
SEWER FUND				
DPW SEWER	Westboro Stormwater Holding Facility Demo	20 Years	Sewer User Fees	\$150,000
DPW SEWER	Phase 1 Solar Project Buyout	20 Years	Sewer User Fees	\$359,760
DPW SEWER	Fleet Replacement	10 Years	Sewer User Fees	\$500,000
SOLID WASTE FUND				
DPW SOLID WASTE	Landfill Phase 3-4 Design, Permitting, and Construction	20 Years	Solid Waste User Fees	\$34,000
DPW SOLID WASTE	Landfill Site Improvements	20 Years	Solid Waste User Fees	\$430,000
DPW SOLID WASTE	Fleet Replacement	10 Years	Solid Waste User Fees	\$1,392,000
DPW SOLID WASTE	Phase 1 Solar Project Buyout	20 Years	Solid Waste User Fees	\$235,390
DPW SOLID WASTE	Partial Permanent and Temporary Capping Project	20 Years	Solid Waste User Fees	\$12,262,000
TOTAL CITY CAPITAL IMPROVEMENTS PROGRAM				\$18,585,050

BE IT FURTHER RESOLVED, that, except as herein otherwise provided, discretion to fix the dates, maturities, denominations, interest rate, form, and other details of said note(s) / issue(s), is hereby delegated to the City Treasurer, with the approval of the City Manager; and

BE IT FURTHER RESOLVED, that, in accordance with the requirements of the Municipal Finance Act (RSA 33:2 Repayment of Loans), no loans issued to pay for public works or improvements shall exceed the expected useful life of said public works or improvements as determined by the City Council as designated in the foregoing table.

This resolution shall be effective January 1, 2025.

SECONDED BY COUNCILOR BELOW. VOTE ON THE MOTION: 9/0.

PROPOSED AMENDMENT(S) TO RESOLUTION NO. 12

(1) MOVED BY COUNCILOR BELOW to decrease the amount of bonds/notes authorized to be issued to finance 2025 Capital Improvements by \$1,240,000 for the Phase 1 Solar Project Buyout.

SECONDED BY COUNCILOR LIOT HILL. VOTE ON AMENDMENT: 9/0.

(2) MOVED BY COUNCILOR BELOW to decrease the amount of bonds/notes authorized to be issued to finance 2025 Capital Improvements by \$500,000 for the Sewer Fund Fleet Replacement project (Sewer Department Vacuum Truck).

SECONDED BY COUNCILOR SIMON. VOTE ON AMENDMENT: 9/0.

(3) MOTION BY COUNCILOR BELOW to decrease the amount of bonds/notes

1 authorized to be issued to finance 2025 Capital Improvements by \$73,400 for the
2 Mechanic St/Slayton Hill Rd/Mascoma St Intersection Reconstruction project.
3

4 **SECONDED BY COUNCILOR SIMON. VOTE ON AMENDMENT: 9/ 0.**
5

6 **RESOLUTION NO. 13**

- 7 • **MOTION BY COUNCILOR LIOT HILL TO MOVE PASSAGE OF RESOLUTION NO. 13**
8 **TO RESCIND AND/OR TRANSFER PRIOR APPROPRIATIONS AND/OR**
9 **AUTHORIZATIONS FOR THE ISSUANCE OF BONDS OR NOTES TOTALING**
10 **\$956,500.06 FOR THE FOLLOWING EIGHT (8) PROJECTS:**

11 **1. 2020 FIRE ENGINE #4 REPLACEMENT**

12 **WHEREAS, on December 18, 2019, the Lebanon City Council authorized the issuance of bonds**
13 **or notes in the amount of \$8,350,270 to fund capital projects, including \$765,000 to finance the**
14 **purchase of 2020 Fire Engine #4 Replacement; and**
15

16 **WHEREAS, there is a remaining appropriated and funded balance of \$196.03 which is not**
17 **required as the purchase of 2020 Engine #4 Replacement project is complete.**

18 **NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that appropriated and unspent**
19 **funds totaling \$196.03 be transferred from the 2020 Fire Engine #4 Replacement capital project**
20 **to the 2024 Fire Engine #2 Replacement capital project.**
21

22 **This resolution shall be effective upon passage.**
23

24 **SECONDED BY COUNCILOR SIMON. VOTE ON THE MOTION: 9 /0.**
25

26 **2. 2023 BAKER'S CROSSING SEWER FORCEMAIN**

27
28 **WHEREAS, on December 14, 2022, the Lebanon City Council authorized the issuance of bonds or notes**
29 **in the amount of \$17,022,970 to fund capital projects, including \$890,000 to finance the 2023 Baker's**
30 **Crossing Sewer Forcemain Project; and**
31

32 **WHEREAS, the project was completed for a total amount of \$376,581.25; and**

33 **WHEREAS, there is a remaining authorization to issue bond or notes and an appropriated balance of**
34 **\$513,418.75 which is not required as the project is complete.**
35

36 **NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that the appropriated but unfunded**
37 **amount of \$513,418.75, and the authorization to issue bonds or notes for such amount, be rescinded.**

38 **This resolution shall be effective upon passage.**
39

40 **SECONDED BY COUNCILOR WHITTLESEY. VOTE ON THE MOTION: 9 /0.**
41

42 **3. 2023 ESTABROOK CIRCLE AND MAPLE STREET STORMWATER**

43
44 **WHEREAS, on December 14, 2022, the Lebanon City Council authorized the issuance of bonds or notes**
45 **in the amount of \$17,022,970 to fund capital projects, including \$155,000 to finance the 2023 Estabrook**

1 Circle and Maple Street Stormwater project; and

2 **WHEREAS**, the project did not take place, and no monies have been funded.

3
4 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that the appropriated
5 and unfunded amount of \$155,000, and the authorization to issue bonds or notes for
6 such amount, be rescinded.

7 This resolution shall be effective upon passage.

8
9 **SECONDED BY COUNCILOR WILKIE. VOTE ON THE MOTION_9/ 0_.**

10 .

11 **4. 2022 LANDFILL GAS COLLECTION AND CONTROL SYSTEM**

12
13 **WHEREAS**, on December 15, 2021, the Lebanon City Council authorized the issuance of bonds or
14 notes in the amount of \$9,209,860 to fund capital projects, including \$137,800 to finance the 2022
15 Landfill Gas Collection and Control System project; and

16
17 **WHEREAS**, there is a remaining appropriated balance of \$4,115.00 which is not required as the
18 project is complete.

19
20 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that the appropriated
21 balance of \$4,115.00, and the authorization to issue bond or notes for such amount, be rescinded.
22 This resolution shall be effective upon passage.

23
24 **SECONDED BY COUNCILOR WHITTLESEY. VOTE ON THE MOTION 9/ 0.**

25
26 **5. 2022 AMBULANCE REPLACEMENT**

27
28 **WHEREAS**, on December 15, 2021, the Lebanon City Council authorized the transfer of \$235,000
29 from the Fire Department Equipment and Vehicles Capital Reserve Fund to partially fund the 2022
30 Ambulance Replacement project; and

31
32 **WHEREAS**, there is a remaining appropriated and funded balance of \$2,783.78 which is not required
33 as the purchase of the ambulance is complete.

34 **NOW THEREFORE BE IT RESOLVED**, by the City of Lebanon, that appropriated and unspent
35 funds totaling \$2,783.78 be transferred from the 2022 Ambulance Replacement project to the 2023
36 Ambulance Replacement project.

37
38 This resolution shall be effective upon passage.

39
40 **SECONDED BY COUNCILOR WILKIE. VOTE ON THE MOTION 9/ 0_.**

41
42 **6. 2021 CARDIAC MONITOR REPLACEMENT**

43
44 **WHEREAS**, on December 16, 2020, the Lebanon City Council authorized an appropriation of
45 \$180,000 to fund the 2021 Cardiac Monitor Replacement project with revenue from
46 other sources; and

1 WHEREAS, there is a remaining appropriated balance of \$7,761.11 which is not
2 required as the project is complete.

3 NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that the appropriated
4 but unfunded amount of \$7,761.11 be rescinded.

5 This resolution shall be effective upon passage.
6

7 SECONDED BY COUNCILOR SIMON. VOTE ON THE MOTION 9/ 0.
8

9 **7. 2019 HILLCREST INFRASTRUCTURE CONSTRUCTION**

10 WHEREAS, on December 19, 2018, the Lebanon City Council authorized the issuance of bonds or
11 notes in the amount of \$19,925,000 to fund capital projects, including \$4,550,000 to partially fund
12 the 2019 Hillcrest Acres Infrastructure Construction project; and
13

14 WHEREAS, there is a remaining appropriated and funded balance of \$27,646.81 which is not
15 required as the project is now complete.

16 NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that appropriated and unspent
17 funds totaling \$27,646.81 be transferred from the 2019 Hillcrest Acres Infrastructure Construction
18 project to the 2021 Spencer Street Improvements project.
19

20 This resolution shall be effective upon passage.
21

22 SECONDED BY COUNCILOR HEISTAD. VOTE ON THE MOTION 9 / 0.
23

24 **8. 2021 RAIL TRAIL PAVING**

25
26 WHEREAS, on December 15, 2021, the Lebanon City Council authorized the transfer of
27 \$253,939.94 from the 2014 Mascoma River Greenway Project to the 2021 Rail Trail
28 Paving project; and

29 WHEREAS, there is a remaining appropriated balance of \$245,578.58 which is not
30 required as the project is complete; and
31

32 WHEREAS, there is a remaining funded balance of \$75,578.58 which is not required
33 as the project is complete.
34

35 NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that the appropriated amount
36 of \$245,578.58, be rescinded; and the unspent funds totaling \$75,578.58 be transferred from the 2021
37 Rail Trail Paving project to the 2021 Spencer Street Improvements project.
38

39 This resolution shall be effective upon passage.
40

41 SECONDED BY COUNCILOR HEISTAD. VOTE ON THE MOTION 9/ 0.
42

43 *NOT PART OF THE RESOLUTION - Rescission efforts are part of an ongoing objective to reduce*
44 *outstanding authorized but unissued long- term debt and, ultimately, the City's debt exposure and the*

significant costs associated with servicing that debt. Therefore, unlike the other resolutions presented herein, the above resolutions will be effective upon passage, as they are to be taken into consideration when assessing the City's fiscal condition for year ending 2024.

RESOLUTION NO. 14

*** MOTION BY COUNCILOR WILKIE TO MOVE PASSAGE OF RESOLUTION NO. 14 TO AUTHORIZE THE TRANSFER OF FUNDS TO CAPITAL RESERVE FUNDS:**

RESOLVED, for the purpose of financing the Capital Reserve Funds.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds in the amount of \$2,044,150 be transferred to Capital Reserve Funds as follows:

TRANSFERS TO CAPITAL RESERVE FUNDS	
FROM UNASSIGNED FUND BALANCE (GENERAL FUND)	
to the Fire Department Equipment and Vehicles Capital Reserve Fund	\$ 300,000
to the DPW Department Equipment and Vehicles Capital Reserve Fund	\$ 905,000
to the Recreation and Parks Equipment and Vehicles Capital Reserve Fund	\$ 25,000
to the Police Department Equipment, Vehicles and Improvements Capital Reserve Fund	\$ 45,000
FROM GENERAL FUND	
to the General Fund Accrued Benefits Liability Expendable Trust Fund	\$ 64,150
FROM SOLID WASTE FUND	
to the Landfill Equipment Capital Reserve Fund	\$ 250,000
to the Landfill Closeout/Long-Term Monitoring and Maintenance Secured (Lined) Facility Capital Reserve Fund	\$ 295,000
to the Landfill Extended Long-Term Monitoring and Maintenance Entire Facility Capital Reserve Fund	\$ 40,000
to the Solid Waste Fund Accrued Benefits Liability Expendable Trust Fund	\$ 5,000
FROM WATER FUND	
to the Water Treatment and Distribution Improvements and Equipment	\$ 100,000
to the Water Fund Accrued Benefits Liability Expendable Trust Fund	\$ 5,000
FROM SEWER FUND	
to the Sewer Fund Accrued Benefits Liability Expendable Trust Fund	\$ 5,000
FROM AIRPORT FUND	
to the Airport Fund Accrued Benefits Liability Expendable Trust Fund	\$ 5,000
TOTAL	\$ 2,044,150

This resolution shall be effective January 1, 2025.

SECONDED BY COUNCILOR HEISTAD. VOTE ON THE MOTION 9 /0.

RESOLUTION NO. 15

*** MOTION BY COUNCILOR SYKES TO MOVE PASSAGE OF RESOLUTION NO. 15 TO AUTHORIZE THE TRANSFER OF FUNDS TO THE GENERAL FUND:**

RESOLVED, for the purpose of transferring funds from the Unassigned Fund Balance of the Downtown Tax Increment Finance District Fund to the General Fund.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds in the amount of \$262,310 be transferred from the Downtown Tax Increment Fund to the General Fund to pay for the cost of debt service for the Downtown Tunnel Reconstruction Project.

1
2 This resolution shall be effective January 1, 2025.

3
4 **SECONDED BY COUNCILOR BELOW. VOTE ON THE MOTION 9/0.**

5
6 **RESOLUTION NO. 16**

7 * **MOTION BY COUNCILOR BELOW TO MOVE PASSAGE OF RESOLUTION**
8 **NO. 16 TO REQUEST THE CITY MANAGER TO TRANSFER FUNDS TO THE**
9 **GENERAL FUND:**

10
11 RESOLVED, for the purpose of transferring funds from the 2025 Downtown Tax Increment
12 Finance District budget to the General Fund.

13
14 WHEREAS, The City Manager in accordance with the provisions of City Charter Section
15 C419:45 has the authority to transfer appropriations from one fund to another. Further, the
16 City Manager is the District Administrator for the Downtown Tax Increment Finance
17 District.

18
19 BE IT FURTHER RESOLVED, by the City of Lebanon, that the City Council requests the
20 City Manager transfer funds in the amount of \$300,000 from the 2025 Downtown Tax
21 Increment Finance District budget to the General Fund to offset the cost of maintenance,
22 Administration and operating expenses of the District.

23
24 This resolution shall be effective January 1, 2025.

25
26 **SECONDED BY COUNCILOR WHITTLESEY. VOTE ON THE MOTION 9/0.**

27
28 **COUNCILOR LIOT HILL MOVED TO EXTEND THIS MEETING UNTIL 11:30pm.**

29 **SECONDED BY COUNCILOR WILKIE.**

30 ***THE VOTE ON MOTION WAS APPROVED 9/0.**

31
32 **B. AMEND ORDINANCE NO. 18, SALARY PLAN** – A public hearing for the purpose of
33 receiving public input and taking action to amend Ordinance No. 18, Salary Plan, to include
34 implementation of a 3% General Wage Increase, and to retitle, reclassify, and add positions to
35 the existing salary plan.

36
37 Included in the agenda packet: **(Ordinance #18, Salary Plan can be found in its entirety on pages 48-**
38 **59, Council agenda packet)**

39 1. Ordinance No. 18, Salary Plan

40
41 **BACKGROUND**

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

43
44 **1. General Wage Increase (GWI) – 2025**

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

- 3 ▪ Lebanon Professional, Administrative, and Salaried Employees (LPASE)
- 4 ▪ American Federation of State, County and Municipal Employees, Local #1348/Council
- 5 93 AFL-CIO (AFSCME)
- 6 ▪ Lebanon Permanent Firefighters' Association, Local 3197/International Association of
- 7 Fire Fighters (LPFFA/IAFF)
- 8 ▪ Lebanon Police Benevolent Association (LPBA)/New England Police
- 9 Benevolent Association (NEPBA)

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

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

23
24 The increase in the Northeast Region CPI, for the period of June 2023-June 2024, was 3.8%. As a result, the
25 City Council is asked to take action to implement a 3% General Wage Increase for all employees, as part of
26 the 2025 City Budget. This change would be effective as of the first pay period of 2025.

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

28 29 **A. Regular Full-Time and Part-Time Benefit Eligible Positions**

- 30 I. Remove the Position of Library Assistant (listed in the table as a Grade 4).
- 31 II. Add the non-exempt position of Youth Services Library Assistant as Grade 4.
- 32 III. Add the non-exempt position of Technical Services Library Assistant as Grade 4.
- 33 IV. Transfer the Police Communications Supervisor from LPASE to Non-Affiliated
- 34 position. Position will remain a Grade 10.
- 35 V. Add the exempt position of Director of Public Engagement and Communications,
- 36 within the City Manager Department, as Grade 11. This proposed position will serve
- 37 as the primary spokesperson and media liaison for the City. This role will develop
- 38 and implement communication strategies to effectively convey public information,
- 39 and the successful representation of the City's interests via social media and
- 40 traditional news outlets. The position will work closely with all City departments to
- 41 ensure timely, accurate, and consistent dissemination of information.
- 42 VI. Retitle the Assistant Fire Chief to Deputy Fire Chief and reclassify the position to a
- 43 Grade 15 to be consistent with other executive officer positions within the City.
- 44
- 45
- 46
- 47

B. Seasonal/Temporary & Stipend Employees

I. Implement a wage range to the following positions, within the Library Department:

- a. Library Clerk I
- b. Library Custodian Substitutes
- c. Library Clerk II

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

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES 2025 SALARY & GRADES TO INCLUDE 3% GWI					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern	\$18.73	\$27.37	-	-
2	Custodian	\$21.04	\$28.41	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$22.32	\$30.12	-	-
	Custodian I	-	-	-	-
	Accounting Clerk	-	-	-	-
4	Library Assistant	\$23.64	\$31.91	-	-
	Youth Services Library Assistant (New)				
	Technical Services Library Assistant (New)				
	Custodial Supervisor	-	-	-	-
	Facilities Maintenance Specialist	-	-	-	-
5		\$25.05	\$33.84	-	-
6		\$26.54	\$36.24	-	-
7	Administrative Secretary	\$28.16	\$39.83	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
	Public Works Crew Leader**				
8	Accounting Clerk III	\$30.97	\$41.80	-	-
	Administrative Assistant	-	-	-	-
	Benefits Specialist	-	-	-	-
	Payroll Specialist	-	-	-	-
	Police Communications Assistant Supervisor** (New)				
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Deputy City Clerk/Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk	-	-	-	-

	Outreach Librarian	-	-	\$1,238.72	\$1,672.21
	Children's Librarian	-	-	-	-
9	Code Health Inspector**	\$34.06	\$45.99	-	-
	Executive Assistant	-	-	-	-
	Public Relations Coordinator	-	-	-	-
	Digital Media Officer	-	-	-	-
	Deputy Assessor	-	-	-	-
	Cyber Services Technical Specialist	-	-	-	-
	Real Estate Appraiser II**	-	-	-	-
	Solid Waste Supervisor**				
	Cemetery Supervisor**	-	-	-	-
	Associate Planner**	-	-	\$1,362.57	\$1,839.73
10	Asset Manager**	\$37.51	\$50.63		-
	Assistant City Engineer**			-	-
	Financial Analyst	-	-	-	-
	Community Nurse	-	-	-	-
	Police Communications Supervisor**	-	-	-	-
	Recreation Program Coordinator**	-	-	\$1,500.59	\$2,025.37
	Youth Services Librarian	-	-	-	-
11	Technical Advisor I	\$39.76	\$53.66	-	-
	Cemetery Sexton**	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**	-	-	-	-

1

	System Administrator	-	-	-	-
	Airport Operations Supervisor**	-	-	\$1,590.36	\$2,146.43
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Director of Public Engagement and Communications (New)				
	Fire Marshall**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
12	Wastewater Treatment Superintendent**	\$42.14	\$56.89	-	-
	Water Treatment Superintendent**	-	-	-	-
	Administrative Services Manager**	-	-	\$1,685.43	\$2,275.29
	City Assessor**	-	-	-	-
	City Engineer**	-	-	-	-
	City Planner**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager	-	-	-	-
13	Chief Innovation and AI Officer	-	-	\$1,786.57	\$2,411.88

	City Clerk/Tax Collector				
	Cyber Security Analyst	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Deputy Human Resources Director	-	-	-	-
	Deputy Fire Chief**	-	-	-	-
	Human Services Director				
	Information Systems Manager**	-	-	-	-
	Maintenance Manager	-	-	-	-
	Police Captain**	-	-	-	-
	Deputy Planning and Development Director	-	-	-	-
	Systems and Operations Administrator	-	-	-	-
	Chief Building Official & Health Officer				
14	Human Resources Specialist	\$47.35	\$63.92	-	-
	Airport Manager	-	-	\$1,893.86	\$2,556.51
	Assistant Director/Public Works	-	-	-	-
	Assistant Fire Chief	-	-	-	-
	Chief Assessor	-	-	-	-
	Human Resources Director	-	-	-	-
	Library Director	-	-	-	-
	Lead Network Infrastructure Engineer	-	-	-	-
	Recreation, Arts & Parks Director	-	-	-	-
15	Deputy Police Chief	-	-	\$2,127.64	\$2,709.73
	Deputy Fire Chief				
16	Technical Advisor II	\$58.27	\$73.74	-	-
	Chief of Police	-	-	\$2,330.59	\$2,949.55
	Planning and Development Director	-	-	-	-
	Public Works Director	-	-	-	-

	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Cyber Services Director	-	-	-	-
	Deputy City Manager	-	-	-	-

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

B. Seasonal/Temporary & Stipend Employees

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk	-	\$20.60
Election Assistant	-	\$16.10
Moderator	-	\$30.90
Ward Clerk	-	\$27.81
Chair Supervisor of the Checklist	-	\$27.81
Supervisor of the Checklist	-	\$25.75
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$12.94	\$32.81

RECREATION, ARTS & PARKS POSITIONS		
Front Desk Attendants – Pool	\$11.66	\$17.53
Lifeguards	\$11.66	\$20.12
Head/Lead Counselors	\$15.18	\$18.66
Head & WSI Lifeguards	\$14.00	\$20.98
Head Front Desk Attendant - Pool	\$14.00	\$17.51
Outdoor Adventurer - Educator	\$15.45	\$20.60
Day Camp Counselors	\$11.66	\$17.53
Arts & Craft Director	\$15.18	\$19.54
Farmers Market Coordinator	\$16.34	\$21.00
Market Assistant	\$14.00	\$17.51
Tennis Instructor	\$17.51	\$22.17
Stomp & Romp	\$17.51	\$22.17
Pool Operations Manager	\$17.51	\$24.13
Asst. Pool Director	\$17.51	\$24.13
Assistant Camp Director	\$17.51	\$24.13
Pool Director	\$18.66	\$27.58
Camp Director	\$18.66	\$27.58
RECREATION, ARTS & PARKS STIPEND POSITIONS:		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$235.60	\$821.74
Softball Coordinator - Stipend	\$2,040.43	\$2,612.90
LIBRARY POSITIONS		
Library Clerk I	\$18.73	\$27.37
Library Custodian Substitutes	\$21.04	\$28.41
Library Clerk II	\$22.32	\$30.12
PUBLIC WORKS POSITIONS		
Engineering Clerk	\$12.84	\$16.34

1

GIS Clerk – (or Intern)	\$17.51	\$19.84
Seasonal Laborers – Summer & Fall DPW, Parks & Rec.& Airport	\$18.66	\$23.59
Tree Warden	\$23.69	\$26.78
CDL Seasonal Drivers	\$26.21	\$57.46
PLANNING POSITIONS		
Park Ranger	\$17.51	\$19.84
POLICE DEPARTMENT POSITIONS		
Crossing Guard	-	\$19.00
*Communications Specialist	\$28.16	\$39.83
Police Administrative Aide	\$23.34	\$26.83
Parking Control Officer	\$23.34	\$26.83
Police Officers	\$30.22	\$39.94
CITY CLERK POSITIONS		
*Assistant City Clerks (Part-Time/Temp. <20)	\$28.16	\$39.83
Lead Recording Secretary	\$26.22	\$31.91
Recording Secretary	\$25.08	\$27.41

Recording Secretary Coordinator	\$26.22	\$28.01
SHARED POSITION		
General Intern I	\$15.18	\$19.25

1. Collective Bargaining Units

The City Council is not directly responsible for the negotiation of Collective Bargaining Agreements; it is the City policy making body and the legislative body with authority to raise and appropriate tax revenues to fund Labor Agreements. Under the City Manager form of government, the City Manager is responsible for administering the affairs of the City, including the appointment of employees and the negotiation of Labor Agreements. The City Manager's statutory obligation is to bargain in "good faith." In the collective bargaining context, "good faith" negotiation "...involves meeting at reasonable times and places to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter [RSA 273], but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession." Failure to bargain in good faith constitutes an unfair labor practice. State law requires that only cost items be submitted to the City Council for approval. Cost item means any benefit acquired through collective bargaining, whose implementation requires an appropriation by the legislative body of the public employer (City of Lebanon), with which negotiations are being conducted. Cost items shall be submitted within 30 days to the City Council for approval. Within 30 days of the receipt of the submission, the City Council shall vote to accept or reject the cost items. If the City Council rejects any part of the submission, or while accepting the submission takes any action which would result in a modification of the terms of the cost items submitted to it, either party may reopen negotiations on all or part of the entire agreement.

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

ARTICLE II, LPASE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Employees covered by the terms and conditions of the Collective Bargaining Agreement between the City

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

AFSCME POSITIONS							
GRADE	POSITION(s)						
1	Laborer						
2	Utility Operator Trainee						
3	Operator; Recycling Attendant; Construction Utility Operator I; Meter/Backflow Technician; Scale Technician						
4	Light Equipment Operator; Airport Maintenance Technician;						
5	Heavy Equipment Operator; Utilities Operator I; Airport Maintenance Specialist; Maintainer (Cemetery Crew Leader); Utilities Operator I;						
6	Mechanic; Water Treatment Plant Operator; Wastewater Treatment Plant Operator;						
7	Laboratory Technician/ Utilities Plant Operator; Airport Maintenance Supervisor; Utilities Maintenance Mechanic; Engineering Technician; Public Works Crew Leader						
8	Supervisor; Parks & Grounds Crew Supervisor						
9	Chief of Quality Assurance, Electrician						
AFSCME LOCAL 1348 - 2025 SALARY GRADES							3% GWI
Minimum	Maximum						
Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1	\$20.56	\$21.14	\$21.75	\$22.37	\$22.94	\$23.65	\$24.38
2	\$22.18	\$22.82	\$23.48	\$24.12	\$24.76	\$25.52	\$26.32
3	\$23.95	\$24.67	\$25.39	\$26.07	\$26.82	\$27.66	\$28.51
4	\$25.86	\$26.67	\$27.43	\$28.22	\$29.05	\$29.94	\$30.88
5	\$28.03	\$28.87	\$29.73	\$30.58	\$31.48	\$32.46	\$33.46
6	\$30.34	\$31.25	\$32.26	\$33.25	\$34.26	\$35.28	\$36.24
7	\$32.88	\$33.91	\$34.98	\$36.05	\$37.13	\$38.24	\$39.27
8	\$34.53	\$35.62	\$36.75	\$37.88	\$39.10	\$40.29	\$41.86
9	\$37.49	\$38.67	\$39.93	\$41.18	\$42.45	\$43.71	\$45.51

ARTICLE III, SECTION B, Lebanon Permanent Firefighters/IAFF

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

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

In 2026, the second year of the Labor Agreement, IAFF members will receive step increases and will

1 receive a minimum of 1% General Wage Increase (GWI), and no greater than 3% GWI, based on the
2 Northeast Region CPI, for June 2024 – June 2025.

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

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

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

- 11
12 l. Escalate the pay grades to the 60th percentile of the Wage and Salary Study, conducted in
13 October 2024, by implementing additional wage adjustments beyond the GWI, to the
14 following positions:
15 a. Lieutenant
16 b. Lieutenant - Paramedic
17 c. Captain – Paramedic
18

19 The tables below reflect all changes (as shown in **red** text), to include the addition of new positions,
20 changes in position titles and/or classification, as well as the 3% General Wage Increase. These changes
21 would be effective as of the first pay period of 2025.
22

23 **B. LEBANON PERMANENT FIREFIGHTERS' ASSOCIATION LOCAL 3197 / INTER-**
24 **NATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF)**
25

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

26
27 **ARTICLE III, SECTION C, LPBA/NEPBA**
28

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

32
33 According to the tentative three-year Labor Agreement, annual General Wage Increases (GWI's) for the
34 life of the Contract will be based on the percent change in the Northeast Region CPI for June from 12

months prior but shall be no less than 1% (floor) and no greater than 3% (ceiling). Based on a 3.8% increase in the CPI as of June 2024, the GWI for 2025 will be 3%. Members will also receive a step increase. The estimated wage and statutory benefit costs for 2025 is \$ 228,260.00.

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

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

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

No additional amendments are proposed.

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

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

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

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

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

ACTION

1. ACKNOWLEDGE THIRD PRESENTATION:

**COUNCILOR LIOT HILL MOVED, that the Lebanon City Council hereby acknowledges the third of three presentations to amend Ordinance #18, Salary Plan, as fully described and contained in the December 18, 2024, City Council Agenda Packet.*

2. RESOLUTION:

FOR THE PURPOSE OF amending Ordinance #18, Salary Plan.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council hereby amends Ordinance #18 to implement a 3% General Wage Increase for 2025 for all City employees; and to implement all other changes as fully outlined and described in the December 18, 2024 City Council Agenda Packet, effective the first pay period of 2025.

SECONDED BY COUNCILOR SYKES.

****The Vote on the MOTION was approved (9-0).***

6. OLD BUSINESS: NONE

7. NEW BUSINESS

- A.** Authorization for the City Manager to Transfer Appropriated, Unencumbered FY2024 General Funds

Included in the agenda packet: **(All documents can be located on pages 61-62, Council agenda packet.)**

1. Draft Resolution Authorizing the Transfer of Appropriations

BACKGROUND

The City Council appropriates a budget on an annual basis. The FY2024 Budget was approved and appropriated on December 13, 2023. The Council may authorize the City Manager to transfer funds from one department to another within the City's General Fund pursuant to the provisions in City Charter §C419:45, Transfer of Appropriations.

The City Manager proposes to utilize appropriated, but unencumbered General Funds from the current fiscal year (FY2024) to address the Kilton Library HVAC system, which is failing and must be rehabilitated or replaced in order to properly function for the library facility. The City Manager intends to make budget recissions to address the unanticipated expenditures to ensure the overall budget does not exceed the total appropriations in the City's General Fund Budget for Fiscal Year 2024.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council, pursuant to City Charter §C419:45, hereby approves the Resolution for the Authorization to Transfer Fiscal Year 2024 General Fund Appropriations, as provided in the following table and as presented in the December 18, 2024 City Council Agenda Packet:

Transfer of Appropriated, but Unencumbered, FY 2024 General Funds Pursuant to City Charter §C419:45	
From:	Up To Amount:
Finance Department	\$108,000
Total:	\$108,000
To:	
Library Department (Kilton Library HVAC system)	\$108,000
Total:	\$108,000

1 *Seconded by Councilor Heistad.*

2 **The Vote on the MOTION was approved (9-0)*

3
4 **RESOLUTION – LEBANON CITY COUNCIL**

5 Title: Authorization to Transfer FY2024 General Fund Appropriations

6
7 **BE IT HEREBY RESOLVED** by the Lebanon City Council, that:

8 **WHEREAS**, the City Council appropriates funds in December of each year for the ensuing fiscal year,
9 and City Charter §C419:45, Transfer of Appropriations, provides that the Council may authorize the City
10 Manager to transfer any unencumbered appropriation, or a portion thereof, from one department to
11 another; and

12
13 **WHEREAS**, the Kilton Library HVAC system is failing and must be rehabilitated or replaced in order to
14 properly function for the library facility.

15 **NOW, THEREFORE**, the Lebanon City Council hereby authorizes the City Manager to transfer
16 unencumbered appropriations in the FY2024 General Fund Budget in the amount of up to
17 \$108,000 as indicated in the following table:

18

Transfer of Appropriated, but Unencumbered, FY 2024 General Funds Pursuant to City Charter §C419:45	
From:	Up To Amount:
Finance Department	\$108,000
Total:	\$108,000
To:	
Library Department (Kilton Library HVAC system)	\$108,000
Total:	\$108,000

19
20 **BE IT FURTHER RESOLVED** that this Resolution be written upon the minutes of the Lebanon
21 City Council meeting on December 18, 2024.

22
23 **8. ADJOURNMENT:**

24 *Councilor Liot Hill MOVED for adjournment.*

25 *Seconded by Councilor Heistad*

26
27 **The Vote on the MOTION was unanimously approved (9-0)*

28
29 **The meeting was adjourned at 11:11PM.**

30
31 Respectfully submitted,

32 Cinda Mersel

33 Recording Secretary

Agenda
Lebanon City Council
January 08, 2025

7. Appointments:

Appointments

Board/Committee Appointments as presented by Interim City Clerk/Tax Collector Diane Mulholland.

- Conservation Commission, Sarah Riley (Reappointment Regular Member)
- Planning Board, Eric Stacy (Regular Member)
- Tree Advisory Board, Charles DePuy (Reappointment as Citizen Member)
- Heritage Commission, Claire Geno (Alternate Member)
- Zoning Board of Adjustment, David Newlove (Reappointment Regular Member)
- Zoning Board of Adjustment, William Koppenheffer (Reappointment Regular Member)
- Lebanon Airport-Tech Park TIF Advisory Committee, Jason Archambeault (Reappointment as Citizen Member)
- Diversity, Equity, and Inclusion Commission, Richard Ford Burley (Reappointment as Public Representative)
- Diversity, Equity, and Inclusion Commission, Keiselim Montas (Reappointment as Public Representative)

Included in this Section:

1. Memo from Interim City Clerk/Tax Collector Diane Mulholland dated January 8, 2025



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

MEMORANDUM

DATE: January 8, 2025
TO: The Honorable Mayor & City Council
FROM: Diane Mulholland, Interim City Clerk & Tax Collector
RE: **Appointments Proposed for Council Discussion/Action:**

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

Note: nominations do not need to be seconded.

Conservation Commission

- **Sarah Riley** – Reappointment as a Member for a three-year term.

Term: 1/2025-1/2028

Planning Board

- **Eric Stacy** – Appointment as a Member for a three-year term.

Recommended By City Manager, Shaun Mulholland.

Term: 1/2025-1/2028

Tree Advisory Board

- **Charles DePuy** – Re-appointment as a Citizen Member for a three-year term.

Term: 1/2025-1/2028



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

Heritage Commission

- **Claire Geno** – Appointment as an alternate Member for a three-year term.

Interviewed By: Councilor Wilkie

Term: 1/2025-1/2028

Zoning Board of Adjustments

- **David Newlove** – Re-appointment as a Member for a three-year term.

Term: 1/2025-1/2028

- **William Koppenheffer** – Re-appointment as a Member for a three-year term.

Term: 1/2025-1/2028

Lebanon Airport-Tech Park TIF Advisory Committee

- **Jason Archambeault** – Re-appointment as a Citizen Member for a three-year term.

Term: 1/2025-1/2028

Diversity, Equity, and Inclusion Commission

- **Richard Ford Burley** – Re-appointment as a Public Representative for a two-year term.

Term: 1/2025-1/2027

- **Keiselim Montas** – Re-appointment as a Public Representative for a two-year term.

Term: 1/2025-1/2027

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11097 for Board Member Application
Date: Tuesday, December 3, 2024 3:53:45 PM

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

Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Sarah
------------	-------

Last Name	Riley
-----------	-------

Physical Address	
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City	
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State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	rileysarah@yahoo.com
How long have you resided in Lebanon?	17 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Conservation Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I would like to continue to apply my understanding of Lebanon's natural resources to benefiting the City and its current and future residents. Volunteering on the Conservation Commission is an important part of how I strive to contribute to my community.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am familiar with the commission, and its charge, having served on the Conservation Commission since about 2017. Since then, I have attended many trainings, workshops, and webinars to increase my understanding of natural resource protection and stewardship in NH. I would like to be reappointed in order to continue the work of documenting natural Lebanon, educating residents about natural Lebanon, stewarding existing conservation lands, and following through on the goals and recommendations of chapter 5 of the Master Plan, the Open Space Plan, and the NRI and the Wildlife Crossing study.
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.](#)

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11119 for Board Member Application
Date: Monday, December 9, 2024 10:13:28 AM

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

Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Eric
------------	------

Last Name	Stacy
-----------	-------

Physical Address	
------------------	--

City	
------	--

State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	4 ██████
Work Number	██████
Email Address	eric.stacy1@gmail.com
How long have you resided in Lebanon?	2 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Planning Board
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I am currently serving as an alternate member and would like to be a regular member.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	As mention in the previous application, I have real estate experience, am good at understanding dense paperwork, and have a financial background that assists me in evaluating the various proposals before the board. In addition to raising my family in Lebanon, I have substantial financial ties to the city and therefore a vested interest in the City's well being.
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.](#)

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #10632 for Board Member Application
Date: Wednesday, December 18, 2024 3:51:51 PM

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

Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Charles
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Last Name	DePuy
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Physical Address	██████████
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City	██████████
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	████
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State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	c.depuy@yahoo.com
How long have you resided in Lebanon?	5 1/2 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Tree Advisory Board
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	To help meet the conditions of the USDA/USFS grant I helped to obtain for the City as a charter member of the Tree Board.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	Three years of prior service Previous experience on the Strafford VT Planning Board and the Enfield NH Energy Cttee Graduate degree in Architecture from University of Pennsylvania
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #10800 for Board Member Application
Date: Monday, December 30, 2024 1:37:42 PM

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Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Claire
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Last Name	Geno
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Physical Address	
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City	
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State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	clairedavisgeno@gmail.com
How long have you resided in Lebanon?	5 years
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Heritage Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I'm a new-ish resident of Lebanon and care deeply about becoming part of my new hometown. I'm interested in helping preserve and promote the city's heritage.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have an appreciation and interest in historic places and spaces, and am passionate about preserving the city's history. Previous career experience allowed me to work as a museum intern for The Kappa Kappa Gamma Foundation in Columbus, OH. Our organization was a member of The Columbus Landmarks Foundation and Ohio Museums Association, as well as AAM and The National Trust for Historic Preservation. As part of that experience, I learned more about the need for (and my passion for!) preservation of such spaces.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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Councilor Interview Report Form

Councilor Name: Devin R. Wilkie

Date of Interview: 12/30/2024

Applicant Name: Claire Geno

Board(s) to Which Applied: Heritage Commission

 Regular Seat

 X Alternate Seat

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

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

Recommend Appointment: X Yes No

 Regular Seat X Alternate Seat

General Comments: Claire is enthusiastic about joining as an alternate and brings both great ideas and current experience with Lebanon boards as an alternate to Arts & Culture. I am happy to recommend her 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?

Oversight and promotion of Lebanon's historic resources and opportunities.

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?

Working on resolving a schedule conflict, then yes, will be able to join starting in March.

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 — currently on Arts & Culture Commission. Also experienced in outreach and community engagement.

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?

Capacity; many great ideas, limited ability to implement them.

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

Outreach and promotion. Maybe a catalogue of historic resources, e.g. a self-guided walking tour?

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

Determine where it can add the most value to Lebanon as a community and how best to promote the historic resources we have.

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #10628 for Board Member Application
Date: Thursday, December 19, 2024 10:05:03 AM

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Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	David
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Last Name	Newlove
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Physical Address	
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City	
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State	
Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	david.j.newlove@dartmouth.edu
How long have you resided in Lebanon?	20+ years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Zoning Board of Adjustment
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I have been on the ZBA for at least two terms and maybe three. I enjoy being on the ZBA serving the City of Lebanon It takes a while on the ZBA to learn all the in and outs of the position and keeping reappointing me for the ZBA will be beneficial to our fine city I love.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I am already a ZBA member and my experience makes me qualified to continue in this roll for another term. I am also the Chairman of the Lebanon Economic Development Commission.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11199 for Board Member Application
Date: Thursday, December 26, 2024 2:26:42 PM

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Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	William
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Last Name	Koppenheffer
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Physical Address	
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City	
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State	
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Zip Code	
Is this your mailing address?	Yes
Home Phone Number	6034486274
Work Number	<i>Field not completed.</i>
Email Address	wkuppy33@gmail.com
How long have you resided in Lebanon?	50 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Zoning Board of Adjustment
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	Civic duty
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I've been on the ZBA FOR 15 years and chairman for the last 12.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11194 for Board Member Application
Date: Thursday, December 26, 2024 10:48:46 AM

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Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Richard
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Last Name	Ford Burley
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Physical Address	
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City	
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State	
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Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	<i>Field not completed.</i>
Email Address	richardfordburley@gmail.com
How long have you resided in Lebanon?	5 years
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	In the three years since I joined Lebanon's DEI Commission, we have accomplished some notable things and helped further some important community discussions. That said, there's still so much more to be done. Right now, the Commission is working on a number of important projects: an environmental justice working group is preparing recommendations for City operations to be delivered in the summer of 2025; we are liaising with a nonprofit to provide gender affirming spaces training to City staff, boards, and area businesses; we are crafting an ordinance to declare Lebanon a Disability-Friendly City in order to help it pursue grant funding for programs to improve disability access in the City; and we are building a Citywide Equity Plan to be integrated into the City's Strategic Plan in the spring. I would like to continue to serve so that I can help see these and other efforts to completion, to help the City of Lebanon to continue to strive for greater fairness, and to help it in its efforts to be welcoming to all of its residents, commuters, and communities.
State a few of what you feel your qualifications	I have served as the Secretary for Lebanon's DEI Commission since its inception in January of 2022, creating the minutes for the monthly meetings and drafting the text for various initiatives

are or why you wish to be appointed to this board / committee.

since then, including a rewrite of the City of Lebanon's Code and Charter to remove gendered language; various Commission recommendations to the City Council, including the joint statement with the Planning Board urging the creation of the City's Housing Task Force; action items and key performance indicators for the City's Strategic Plan; and a forthcoming resolution on recognizing Lebanon as a Disability-Friendly City. In March of this year, in the absence of the Chair and Vice-Chair, I served as acting Chair for the meeting in which the Commission took feedback on the proposed resolution concerning the ongoing violence in Palestine, and I worked with other members of the Commission to attempt to address the concerns of the public and offer to the City Council a series of revisions to the resolution for them to consider. I am currently working with members of several other City boards and commissions to craft a series of recommendations for the City on the topic of environmental justice, and look forward to continuing to work on this and other initiatives in the years to come.

Certification

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

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From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #10609 for Board Member Application
Date: Thursday, December 19, 2024 10:13:41 AM

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Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	Jason
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Last Name	Archambeault
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Physical Address	
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City	
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State	
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Zip Code	
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Is this your mailing address?	Yes
Home Phone Number	
Work Number	<i>Field not completed.</i>
Email Address	jarchambeault@graniteair.com
How long have you resided in Lebanon?	N/A. Business owner in Lebanon for 14 years.
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Lebanon Airport-Tech Park TIF Advisory Committee
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I spend most of my days at the Lebanon Airport. As such, I want to give back to the community by using my own insight and knowledge to help the airport succeed financially. The Tech Park is a very important part of that success.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have been involved with aviation since 1993, and at the Lebanon Airport specifically since 2003. I am a business owner and have an MBA in Leadership. All of these things combined with my analytical nature, allow me to bring a unique perspective to this committee.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11196 for Board Member Application
Date: Thursday, December 26, 2024 12:56:31 PM

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Board Member Application

Application Process

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

Basic Requirements

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

(Section Break)

First Name	KEISELIM
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Last Name	MONTAS
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Physical Address	
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City	
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State	
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Zip Code	██████
Is this your mailing address?	Yes
Home Phone Number	██████████
Work Number	██████████
Email Address	Keiselim.A.Montas@Gmail.com
How long have you resided in Lebanon?	16 years.
(Section Break)	
Is this an application for re-appointment?	This application is for re-appointment.
For which board, committee, or commission are you applying?	Diversity, Equity, and Inclusion Commission
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I would like to continue working on the initiatives we have started.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	My service in this Commission for the past 3 years.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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Agenda

Lebanon City Council

January 08, 2025

9. Old Business:

9.A – Review of Comments by State Agencies and Order to Place Proposed Charter Amendments on the Ballot for the March 11, 2025 Municipal Election

Background

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

The first proposed amendment is to reorganize and renumber the existing Charter language to follow the model charter structure suggested by the National Civic League. This proposed amendment allows for the existing Charter language to be organized and presented in a more coherent and logical sequence, but does not alter any existing Charter language. Attached are red-line versions of the Table of Contents and the full Charter, which highlight the proposed reorganization and renumbering of existing sections within the Charter.

The 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.

The 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.) Under the existing Charter language, the candidacy filing periods for City offices and School District offices are not in sync -- the School District candidate filing period is a 10-day period from 48 to 39 days before the City election per RSA 671:19 and RSA 669:19, whereas the City candidate filing period is a 15-day period from 42 to 28 days before the City election per §C419:10. The current filing period for City offices leaves 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 synchronize 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 allow more time for official ballots and sample ballots to be prepared in advance of the annual election.

Following a public hearing on November 20, 2024, the City Council adopted Resolutions for the three separate Charter amendments as described above. The Resolutions further directed that a final report of each proposed Charter amendment be filed with the City Clerk and that a certified copy of such report be filed by the Clerk with the New Hampshire Secretary of State, the New Hampshire Attorney General, and the Commissioner of the New Hampshire Department of Revenue Administration in accordance with the procedures in NH RSA 49-B. The final report of the proposed Charter amendments was filed with the City Clerk and the applicable state agencies on November 21, 2024.

Pursuant to NH RSA 49-B:4-a, I, the Secretary of State, the Attorney General, and the Commissioner of the Department of Revenue Administration have up to 45 days to review the proposed amendments to ensure that they are consistent with the general laws of the state and to provide notice to the City approving or disapproving the proposed amendments. Only after the three state agencies have approved the proposed amendments can the City Council take action to have the proposed Charter amendments placed on the ballot at the next municipal election on March 11, 2025.

On December 31, 2024, the City Clerk received a letter from the Attorney General's Office on behalf of all three state agencies stating that they do not object to the proposed amendments.

Pursuant to NH RSA 49-B:5, I(b), within 7 days after receiving approval from the state agencies under NH RSA 49-B:4-a, the Council may order the proposed amendments to be placed on the ballot at the next regular municipal election. The Council should take action at its regular meeting on January 8, 2025 to comply with the statutory requirement.

Action

If the Council wishes to move forward with the proposed amendment process, the following resolution is offered for the Council's consideration:

BE IT RESOLVED, that the Lebanon City Council, pursuant to its authority granted by NH RSA 49-B:5, I(b), hereby orders the City Clerk to place the following amendments to the City Charter on the ballot at the next municipal election to be held on March 11, 2025:

Amendment #1: To amend the City Charter by reorganizing and renumbering the Charter language to organize and present the existing sections in a more coherent and logical sequence; and

Amendment #2: To 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; and

Amendment #3: To 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.

BE IT FURTHER RESOLVED, that pursuant to RSA 49-B:6, IV(b), the amendments to the City Charter will become effective July 1, 2025, if a majority of the ballots cast at the March 11, 2025 Municipal Election favor acceptance of each amendment.

Included in this Section:

1. Letter from Attorney General, dated and received on December 31, 2024
2. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #1 – Reorganize and Renumber Charter Sections, including red-line versions of Charter Table of Contents and full Charter text
3. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #2 – Supervisors of the Checklist Terms of Office, including red-line version of amendment to §C419:8, Ward Officials
4. November 12, 2024 Legal opinion from Attorney Matthew Decker, RE: RSA 49-B City Charter Amendment – 2025 Amendment #3 – City Office Candidacy Filing Period, including red-line version of amendment to §C419:10, Preparation of Ballots

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

1 Granite Place South
Concord, NH 03301

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

December 31, 2024

Diane Mulholland
Interim City Clerk
City of Lebanon
51 North Park Street

Re: City of Lebanon Charter Amendment

Dear Clerk Mulholland:

Pursuant to RSA 49-B:4-a, on behalf of the City of Lebanon, you submitted three charter amendments for review dated November 21, 2024.

Upon review, the New Hampshire Attorney General's Office, the Secretary of State's Office, and the Department of Revenue Administration, pursuant to RSA 49-B:4-a, do not object to the proposed amendments to the city charter.

Sincerely,

/s/ Matthew Conley

Matthew G. Conley
Assistant Attorney General
Civil Bureau
(603) 271-6765
matthew.g.conley@doj.nh.gov

cc: David Scanlan, Secretary of State
Lawrence Gagnon, Department of Revenue Administration

November 12, 2024

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

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 11/14/2024



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

Mr. Mayor,

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

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

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

Sincerely,



Matthew C. Decker
NH Bar ID #267540

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

Chapter C

CHARTER

ARTICLE I **THE CITY ESTABLISHED**

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

ARTICLE II **ELECTIONS**

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

ARTICLE III **AdministrationCITY COUNCIL**

- § ~~C419:16~~3.01. The Council.
- § ~~C419:17~~3.02. Mayor.
- § ~~C419:18~~3.03. Qualifications.
- § ~~C419:19~~3.04. Compensation.
- § ~~C419:20~~3.05. Dealings Of Council With
City.
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CHARTER OF THE CITY OF LEBANON, NEW HAMPSHIRE
AN ACT TO ESTABLISH THE CITY OF LEBANON

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

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

ARTICLE I

THE CITY ESTABLISHED

§ ~~C419:1~~.1.01. Establishment.

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

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

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

§ 1.03. Saving Clause.

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

§ 1.04. Saving Clause Municipal Legislation.

[Amended 11-16-2022]

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

§ 1.05. Commissions.

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

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

§ ~~C419:3~~1.06. School District.

[Amended 12-3-1968]

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

ARTICLE II ELECTIONS

§ ~~C419:42~~.01. Wards Defined.

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

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

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

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

The three wards shall be divided as follows:

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

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

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

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

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

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

§ ~~C419:52.02~~. Representatives to General Court.

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

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

§ ~~C419:62.03~~. City Election.

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

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

§ ~~C419:72.04~~. Members of the Council.

[Amended 11-6-1973]

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

§ ~~C419:82.05~~. Ward Officials.

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

Each ward shall at municipal elections choose by ballot a moderator, clerk and three supervisors of the checklist who shall hold office for two years and until their successors are elected and qualified. Said supervisors shall perform all the duties required by law of selectpersons of wards in cities and of supervisors of checklists in towns, and for all purposes requiring such officers shall be considered and be the selectpersons of their wards. No other selectpersons shall be chosen. No person shall continue to perform as a ward official whose name appears on the ballot for an office other than that of a ward official.

§ ~~C419:92.06~~. Ward Checklists.

[Amended 11-16-2022]

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

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

§ ~~C419:10~~2.07. Preparation of Ballots.

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

The city clerk shall prepare the ballots to be used at the municipal elections in form as nearly like the ones used in state biennial elections as the requirements of this charter permit. The ballot shall contain the names in alphabetical order without party designation of all who file with the city clerk as candidates for councilor. Such filing shall take place not before nine o'clock in the morning of the forty-second day before the election nor later than five o'clock in the afternoon of the twenty-eighth day before the election. Candidates shall pay the city clerk a fee of one dollar except those on whose behalf a petition shall have been filed by at least fifty qualified voters. No name shall be printed on the ballot by reason of such petition unless consent thereto is endorsed on the petition by the candidate personally at the time that the petition is filed. Below the list of names of candidates for councilor there shall be as many blank spaces as there are councilors to be elected. The city clerk shall have the same powers and duties with preference to municipal elections as has the secretary of state with preference to general elections so far as such powers and duties are not inconsistent herewith. In the first instance, the town clerk shall have the same duties and powers as are given under this charter to the city clerk.

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

[Amended 3-4-1976]

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

§ ~~C419:11a~~2.09. Absentee Voting.

[Amended 3-8-1977]

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

§ ~~C419:12~~2.10. Procedure.

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

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

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

§ ~~C419:14~~2.12. Canvass.

[Amended 3-4-1976]

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

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

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

[Amended 3-14-1978]

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

ARTICLE III

AdministrationCITY COUNCIL

§ ~~C419:16~~3.01. The Council.

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

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

§ ~~C419:17~~3.02. Mayor.

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

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

§ ~~C419:18~~3.03. Qualifications.

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

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

§ ~~C419:19~~3.04. Compensation.

[Amended 3-4-1976]

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

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

[Amended 3-4-1976]

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

§ ~~C419:21~~3.06. Meetings.

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

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

§ ~~C419:22~~3.07. Ordinances.

[Amended 3-8-1977]

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

§ ~~C419:23~~3.08. General Powers.

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

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

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

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

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

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

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

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

§ C419:24.3.09. Salaries.

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

§ C419:253.10. Procedure To Fix Salaries.

[Amended 3-14-1978]

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

§ 419:293.11. Non-interference By The Council.

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

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

§ C419:62.3.12. Disqualification of Councilor, Board Member or Employee.

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

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

ARTICLE IV
CITY MANAGER

§ 419:264.01. Manager.

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

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

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

§ ~~419:27~~4.02. Qualifications.

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

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

§ ~~419:28~~4.03. Removal.

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

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

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

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

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

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

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

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

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

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

[Amended 11-16-2022]

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

ARTICLE V

DEPARTMENTS, OFFICES, AGENCIES

§ ~~C419:32~~5.01. Certain Officers.

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

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

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

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

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

~~§ C419:34. Commissions.~~

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

ARTICLE VI

FINANCIAL MANAGEMENT

~~§ C419:35. Purchasing Procedure.~~

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

~~§ C419:36~~6.01. Municipal Year.

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

~~§ C419:37~~6.02. Financial Control.

[Amended 3-8-1977]

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

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

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

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

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

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

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

~~§ C419:40~~6.05. Budget Procedure.

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

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

~~§ C419:41~~6.06. Budget Hearing.

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

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

[Amended 3-14-1978]

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

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

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

§ ~~C419:44~~6.09. Budget Control.

[Amended 11-16-2022]

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

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

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

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

§ ~~C419:46~~6.11. Depository.

[Amended 3-14-1978]

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

§ ~~C419:47~~6.12. Independent Audit.

[Amended 3-14-1978]

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

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

§ ~~C419:48~~6.13. Official Bonds.

[Amended 11-16-2022]

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

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

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

§ 6.15. Trust Funds.

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

ARTICLE VII

ROLE OF PUBLIC ENGAGEMENT

§ 7.01. Citizens Binding Initiative.

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

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

§ 7.02. Citizens Non-binding Initiative.

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

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

ARTICLE ~~IV~~VIII
MERIT PLAN

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

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

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

[Amended 3-8-1977]

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

§ ~~C419:52~~8.03. Compensation.

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

§ ~~C419:53~~8.04. (Reserved)

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

§ ~~C419:53a~~8.05. (Reserved)

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

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

[Amended 11-16-2022]

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

§ ~~C419:55~~8.07. Taxpayers Remedy.

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

ARTICLE ~~V~~IX
SPECIAL ASSESSMENTS

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

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

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

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

~~ARTICLE XIX~~
~~MISCELLANEOUS~~GENERAL PROVISIONS

§ ~~C419:59~~10.01. Oath Of Office.

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

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

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

[Amended 11-16-2022]

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

§ ~~C419:61~~10.03. Vacancy Defined.

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

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

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

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

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

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

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

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

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

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

§ ~~C419:67~~10.07. Public Records.

[Amended 3-10-1998]

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

§ 10.08. Purchasing Procedure.

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

~~§ C419:68. Trust Funds.~~

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

~~§ C419:69. Saving Clause.~~

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

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

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

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

~~§ C419:73. Repeal Or Amendment.~~

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

§ ~~C419:73a~~ 10.09. Violations.

[Adopted 11-7-1967]

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

ARTICLE XI TRANSITION & SEVERABILITY

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

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

ARTICLE XII CHARTER AMENDMENT

§ 12.01. Repeal Or Amendment.

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

Adopted: July 17, 1957

Amended:

November 7, 1967

December 3, 1968

November 2, 1971

November 6, 1973

March 4, 1976

March 8, 1977

March 14, 1978

March 10, 1981

November 2, 1982

March 13, 1984

November 4, 1986

March 8, 1988

June 17, 1992

March 11, 1997

March 10, 1998

March 8, 2005

March 13, 2012

November 16, 2022

March 12, 2024

November 12, 2024

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

RELEASED TO THE PUBLIC

Lebanon City Manager's Office

Date: **11/14/2024**



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

Mr. Mayor,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

November 12, 2024

Page 3

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

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

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

Sincerely,



Matthew C. Decker
NH Bar ID #267540

Attachment (Redline of §C419:8)

cc: City Manager

§ C419:8 **Ward Officials.**

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

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

November 12, 2024

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

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 11/14/2024



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

Mr. Mayor,

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

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

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

The City Charter already links the date of the City election to the date of the School District election, which is in turn governed by state law. §C419:6 states that "[t]he city election shall be held annually on the same date as may be required by statute for the annual election of Lebanon School District Officers, or, if none, on the second Tuesday of March." By current state law, the School District election is indeed held on the second Tuesday in March. RSA 197:1, concerning annual school district meetings, provides that "[a] meeting of every school district shall be held annually between March 1 and March 25, inclusive, or in accordance with RSA 40:13 if that provision is adopted in the district, for raising and appropriating money for the support of schools for the fiscal year beginning the next July 1, for the transaction of other district business and, in those districts not electing their district officers at town meeting, for the choice of district officers." The Lebanon School District has adopted the "official ballot referendum" a/k/a

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

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

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

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

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

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

November 13, 2024
Page 3

Sincerely,

A handwritten signature in blue ink that reads "Matthew C. Decker". The signature is written in a cursive style with a large, stylized 'M' and 'D'.

Matthew C. Decker
NH Bar ID #267540

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

§ C419:10 **Preparation of Ballots.**

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

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

Agenda
Lebanon City Council
January 08, 2025

10. New Business:

10.A – Review and Adoption of 2025 Annual Calendar

Background

To better organize the Council's annual events, a calendar has been drafted for review and consideration. Thus far, dates include City holidays, regular Council meetings, municipal election information, proposed dates for the annual work sessions (unconfirmed), a general budget work schedule (in-house), and proposed Council Budget Work Session dates (5 reserved dates in November - subject to change). If the proposed meeting schedule is acceptable, the Council is asked to take action to adopt the Calendar as presented. If changes/additions are desired, the Council is encouraged to suggest alterations for consideration by the body.

Action

If the proposed meeting schedule is acceptable, the Council is requested to consider the following motion:

MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as proposed in the January 8, 2025 agenda packet.

Included in this Section:

1. Proposed 2025 Annual Calendar

January 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Holiday	2	3	4
5	6	7	8 Regular Meeting	9	10	11
12	13	14	15	16	17	18
19	20 Holiday	21	22 Regular Meeting	23	24	25
26	27	28	29	30	31	om

February 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5 Regular Meeting	6	7	8
9	10	11	12	13	14	15
16	17 Holiday	18	19 Regular Meeting	20	21	22
23	24	25	26	27	28	

March 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5 Regular Meeting	6	7	8
9	10	11 Municipal/School Election	12	13 Canvass of the Vote	14	15
16	17	18	19 Regular Meeting	20	21	22
23	24	25	26 Organizational Meeting	27	28	29
30	31					

April 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Regular Meeting	3	4	5
6	7	8	9	10	11	12
13	14	15	16 Regular Meeting	17	18	19
20	21	22 Strategic Plan Work Session	23	24 Strategic Plan Work Session	25	26
27	28	29	30			

May 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7 Regular Meeting	8	9	10
11	12	13	14 Financial Outlook Special Meeting	15	16	17
18	19	20	21 Regular Meeting	22	23	24
25	26 Holiday	27	28	29	30	31

June 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4 Regular Meeting	5	6	7
8	9	10	11	12	13	14
15	16	17	18 Regular Meeting	19	20	21
22	23	24	25	26	27	28
29	30					

July 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Regular Meeting	3	4 Holiday	5
6	7	8	9	10	11	12
13	14	15	16 Regular Meeting	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6 Regular Meeting	7	8	9
10	11	12	13	14	15	16
17	18	19	20 Regular Meeting	21	22	23
24	25	26	27	28	29	30
31						

September 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Holiday	2	3 Regular Meeting	4	5	6
7	8	9	10	11	12	13
14	15	16	17 Regular Meeting	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 Regular Meeting	2	3	4
5	6	7	8	9	10	11
12	13	14	15 Regular Meeting / CIP Presentation	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	31

November 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 Budget Work Session	5 Regular Meeting	6 Budget Work Session	7	8
9	10	11 Holiday	12 Budget Work Session	13 Budget Work Session	14	15
16	17	18 Budget Work Session	19 Regular Meeting	20	21	22
23	24	25	26	27 Holiday	28 Holiday	29
30						

December 2025

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3 Regular Meeting	4	5	6
7	8	9	10	11	12	13
14	15	16	17 Regular Meeting	18	19	20
21	22	23	24 Holiday	25 Holiday	26	27
28	29	30	31			

Agenda
Lebanon City Council
January 08, 2025

10. New Business:

**10.B – Appointment of 2025 Chair and Vice Chair
for the Economic Development Commission (EDC)**

Background

On July 10, 2019, the City Council approved Ordinance #2019-12 to amend City Code Chapter 31, Boards, Committees, and Commissions, to establish the Economic Development Commission (EDC).

According to §31-46, Establishment; Membership; Qualifications, the City Council shall annually ... appoint a Chairperson and a Vice-Chairperson from the nine members of the Economic Development Commission to serve the following calendar year.

Action

The following motion is offered for City Council consideration:

MOVED, that _____ be appointed as Chair of the Economic Development Commission for calendar year 2025.

BE IT FURTHER MOVED, that _____ be appointed as Vice-Chair of the Economic Development Commission for calendar year 2025.

Included in this Section:

1. EDC Member Roster

**City of Lebanon
Economic Development Council - EDC**

City Council Representatives

Councilor Karen Liot Hill

Vice Chair (2024)

Email karen.liothill@lebanonnh.gov

Councilor Doug Whittlesey

Email doug.whittlesey@lebanonnh.gov

Representatives

David Newlove (2/23-2/25)

Chair (2024)

10 Westview Lane

Lebanon, NH 03766

Ph 603-448-5326

Work 603-646-2278

Email david.j.newlove@dartmouth.edu

Chip Brown (4/24-4/26)

44 S Main Street, #10

Hanover, NH 03755

Ph 603-652-1499

Email chip@brownncr.com

Dan Nash (2/23-2/25)

387 Poverty Lane

Lebanon, NH 03766

Ph 603-448-6295

Cell 802-356-4928

Email advancedgeomatrics@comast.net

Andrew Key (4/24-4/26)

255 Dartmouth College Highway

Lebanon, NH 03766

Ph 603-448-3060

Email andydana.key@gmail.com

Dean Cashman (3/24-3/26)

93 Buckingham Place

Lebanon, NH 03766

Email dean.cashman@mascomabank.com

Benjamin Carter (10/24-10/26)

88 Mechanic St. Apt #1

Lebanon, NH 03766

Ph 239-234-8779

Email benjamin.carter@dartmouth.edu

Vacant (Citizen Representative)

**Tracy Hutchins, Non-Voting Member Upper
Valley Business Alliance**

2 S. Park Street

Lebanon, NH 03766

Ph 603-448-1203

Email tracy@uppervalleybusinessalliance.com

Shaun Mulholland, City Manager

City of Lebanon

51 North Park Street

Lebanon, NH 03766

603-448-4220

Support Staff

David Brooks, Deputy City Manager

Beth Beraldi, Public Relations Coordinator

Agenda

Lebanon City Council

January 08, 2025

10. New Business:

10.C – Discussion and Potential Rescission of Community Revitalization Tax Relief (79-E) Approval for LWM Residential, LLC for Redevelopment of 1 Foundry Street and 25 Mechanic Street, Lebanon, NH

Background

On November 15, 2023, the City Council held a public hearing to consider a request from LWM Residential, LLC (LWM) for tax relief under the provisions of the Community Revitalization Tax Relief Incentive (RSA 79-E) Program. On December 14, 2023, the Council voted to grant eleven (11) years of 79-E tax relief to LWM in conjunction with its proposal to substantially rehabilitate and/or replace qualifying structures on properties located at 1 Foundry Street and 25 Mechanic Street (which have been merged) in Lebanon.

At the time of the Council's vote concerning the 79-E tax relief, LWM had Planning Board approval for a project involving two renovated buildings and two new buildings and a total of 183 dwelling units, with on-site parking and other improvements, including a central plaza (the "Mill Yard") and riverfront walking paths that would be open and accessible to the general public. [Note: the LWM project was originally approved in October 2022 for a total of 196 dwelling units, which included the renovation of an existing building on a third property located at 43 Mechanic Street. In November-December 2023, LWM sought and obtained an amendment from the Planning Board to remove the 43 Mechanic Street property from the project and to reduce the total number of approved units from 196 to 183.]

Subsequently, in August-September 2024, LWM requested and obtained a second amendment to the project, which eliminated the proposed new building at 25 Mechanic Street as well the proposed renovation of an existing office building at 1 Foundry Street. In both cases, the buildings were approved to be replaced with additional parking. Overall, the number of dwelling units was further reduced from 183 to 155 as approved by the Planning Board and on-site parking was increased. Also, the "Mill Yard" plaza area was reconfigured, and other changes were made to complement site layout revisions.

Following the Planning Board's decision on September 30th, the City Manager's Office alerted LWM of the Manager's intention to notify the City Council of the amendments to the overall project, including the changes to the number of dwelling units and to the publicly accessible components of the project. The City Manager's Office also informed LWM of the then recent changes to City Council Policy CC-105, Community Revitalization Tax Relief Incentive (79-E) Program guidelines and procedures. After learning of the project amendments, the Council requested that LWM appear to review the changes and to discuss whether they warranted the reconsideration of the 79-E relief granted to the project.

To the extent that changes in the project would affect items that were a material factor in the Council's original consideration and approval of the 79-E tax relief, and if the changes would reduce the identified public benefit(s) in a material way, then that could be the basis for the City Council to consider whether the project has changed enough that the tax relief should be modified or rescinded.

The City Manager recommends that the City Council meet with LWM Residential to review and discuss the changes to the LWM project as approved by the Planning Board in September 2024, and determine whether they warrant reconsideration of previously approved 79-E property tax relief.

Action

Should the City Council decide to take action with respect to the 79-E property tax relief approved for the LWM Residential, LLC project, a motion will be developed based on the discussion at the meeting.

Included In This Section:

1. Excerpts of minutes of November 15, 2023 and December 14, 2023 City Council meetings RE: Community Revitalization Tax Relief Application by LWM Residential, LLC
2. LWM Residential cover letter to Planning Board for site plan amendment, dated August 12, 2024
3. Excerpts of LWM Residential, LLC Site Plan layouts dated December 11, 2023 and September 30, 2024

Roll Call Vote:

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

None voted Nay.

The Vote on the NOMINATION was approved (9-0)

- Zoning Board of Adjustment, Michael Morris (Alternate Member)

Councilor Sykes MOVED to NOMINATE Michael Morris as an Alternate Member of the Zoning Board of Adjustment for a three-year term. Term: 11/23-11/26

Roll Call Vote:

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

None voted Nay.

The Vote on the NOMINATION was approved (9-0)

8. PUBLIC HEARING ITEMS

- A. Community Revitalization Tax Relief Application** - A public hearing for the purpose of receiving public input and taking action on a request by LWM Residential LLC, for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.

Included in the agenda packet: *NOTE: All supportive documents and information can be found on pages 41-57, Council agenda packet.*

Available but not included in agenda packet:

All renderings from Mr. Livadas can be viewed in the Video for the November 15, 2023 City Council Meeting.

BACKGROUND

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On February 26, 2021, One Mechanic Street, LLC applied for consideration under the program.

LWM Residential LLC is the owner of 1 Foundry Street (Tax Map 91, Lot 263) and 25 Mechanic Street (Tax Map 91, Lot 267) in downtown Lebanon. On October 24, 2022, the Planning Board granted Site Plan approval for a phased, 196-unit, multi-family development to include the renovation of the existing mill building at 1 Foundry Street and the construction of three new buildings to be located on 1 Foundry Street and 25 & 43 Mechanic Street. LWM is planning to return to the Planning Board to request an amendment of their original site plan approval to remove the 43 Mechanic Street site from the development and construct a total of 183 new units on the Foundry Street and 25 Mechanic Street parcels. The development will include the renovation of the existing mill structure, the construction of two new buildings, the demolition of blighted buildings, and the remediation of a longstanding brownfields site. The central area of the site will be preserved as a park (the "Mill Yard") which will be open to the public. Below grade

parking and surface parking will be available for both tenants and visitors.

Under the terms of the 79-E program, the City Council must hold a public hearing on the application within 60 days from receipt of the application to determine whether the structure at issue is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Does the project involve a Qualifying Structure?

The existing buildings, located at 1 Foundry Street and 25 Mechanic Street, are situated within the Downtown Lebanon 79- E District as adopted by the City Council and, therefore, are considered Qualifying Structures.

Is the project a Substantial Rehabilitation?

Under the terms of the 79-E program as adopted by the City, the project must cost at least 15% of the pre-rehabilitation assessed valuation or \$75,000, whichever is less, in order to be considered substantial. The applicant has provided a cost estimate of \$55,000,000 for completing the entire renovation and rehabilitation project as proposed. Based on the combined current assessed value totaling approximately \$1,660,000 the project will far exceed 15% of the current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

Does the project generate one or more Public Benefits?

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

As noted in the application form and cover letter, the applicant has indicated that the project will address several of the stated public benefits, including enhancing economic vitality, enhancing and improving a historically important structure, promoting the preservation and reuse of existing building stock, promoting the development of municipal centers, and increasing residential housing in municipal centers. If the City Council agrees with the above statements, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

For how long may tax relief be granted?

Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. The City Council may also, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. An additional four (4) years of tax relief may also be granted for the substantial rehabilitation of

a qualifying structure that is listed on or determined to be eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district. For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation.

The applicant has requested fifteen (15) years of tax relief for the project:

- **5 years for a project that complies with the program requirements;**
- **2 years for a project that results in new residential units;**
- **4 years for a project that includes affordable housing; and**
- **4 years for a project that substantially rehabilitates a qualifying historic structure**

RSA 79-E does not define the term "affordable" for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units that must be considered affordable in order to merit the tax relief. LWM Residential is proposing that ten percent (10%) of the total units in the development will be affordable and spread evenly across unit types and 60%, 80%, and 100% of AMI classifications

Since the City Council is essentially deciding whether to forego potential property tax revenue by granting limited tax relief through the 79-E program, staff recommends that the City Council carefully balance the benefit of enabling projects that might not otherwise "pencil out" and the public benefits to be derived from such projects versus the property tax revenue foregone through the tax relief.

The 79-E statute, and the program as adopted by the City, already requires the City Council to determine that one or more of the enumerated public benefits is generated by a project in order to grant up to five (5) years of tax relief. And whereas an increase of residential housing in our downtowns is a goal expressed in the 2012 Master Plan as well as the recent visioning efforts conducted for both Downtown Lebanon and West Lebanon Village, granting two (2) more years for projects that result in new downtown housing seems to address stated community goals.

For purposes of determining whether to grant additional years of tax relief for projects that will include affordable housing, staff recommends that the City utilize the definition of "workforce housing" instead of the term "affordable" from RSA 674:58. In that statute, the State defines workforce housing for rental units to mean "rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household". While "affordable" connotes a relative and variable threshold as determined by an individual household's gross annual income, "workforce housing" provides a rental threshold that is specifically tied to the region's Area Median Incomes (AMI) and the community's need for truly affordable housing. New Hampshire Housing Finance Authority annually publishes "Workforce Housing Purchase and Rent Limits", which provides information about the estimated maximum affordable amounts for purchase and rent in each of the State's Metropolitan or County (Non- Metro) Fair Market Rent Areas and which incorporates the 60% of AMI threshold for rental units (see attached).

In exchange for granting the additional four (4) years of tax relief for projects that include "workforce" housing, staff recommends that the City Council require developers to provide either: a) at least 40% of residential units at rates affordable to households with an income of no more than 60% of AMI or, b) at least 20% of units at rates affordable to households with an income of no more than 50% of AMI. These thresholds are the same as those associated with the Low Income Housing Tax Credit (LIHTC) program administered through the New Hampshire Housing Finance Authority and provide clearly definable

requirements for the number of units and level of affordability necessary to merit the additional tax relief.

However, staff understands that a significant purpose of the 79-E program is to enable and incentive rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the Council should have the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community against the potential tax revenue foregone.

PRESENTATION & COUNCIL DISCUSSIONS

City Manager Mulholland noted this is a statutory process that the City has adopted. The Council will have to act on this within 60 days one way or the other. There are a number of things required:

- Make a determination of the years in the different categories, and
- Make a finding of public value.

Mr. Jon Livadas, Developer & Representative of LWM Residential LLC, walked the Council through their proposal for the Woolen Mill and gave a few pictorial renderings in his presentation. He spoke about the new changes made to the Woolen Mill, the new site plan, ingress/egress to the Woolen Mill, and a rendering of what the mill will look like once completed.

SUMMARY OF PROJECT CHANGES

REMOVAL OF NEW BUILDING AT 43 MECHANIC ST.

- NEW BUILDING AT 43 MECHANIC ST. WAS REMOVED AND THE EXISTING BUILDING WILL REMAIN AND BE RENOVATED. SURFACE PARKING WILL BE PROVIDED ON THE REMAINDER OF THE LOT.

REDUCTION IN UNIT COUNT

- 183 UNITS. (PREVIOUSLY 196)

PARKING RATIO WAS INCREASED

- PARKING COUNT REMAINS AT APPROXIMATELY 213 SPACES

New Site Plan:



Mill Court Yard Rendering:



The applicant has requested fifteen (15) years of 79-E abatement (tax relief) for the project:

- **5 years for the base project that complies with the program requirements;**
- **2 years for the rehabilitation project that results in new residential units;**
- **4 years for a project that substantially rehabilitates a qualifying historic structure,**
- **4 years for a project that includes 10% of their units for affordable housing, with that affordability being spread evenly across unit type and 60%/80%/100% of AMI classifications.**

Mr. Livadas added that they are aware that there are funds that the City has received from an H&S Grant for the Heater Road Development, and we would like to also ask for the ability to utilize that money immediately for remediation/demolition and explained his reasons, noting this is a brown site.

Mayor McNamara opened the Public Hearing. Hearing no questions or comments from the public, the Public Hearing was closed.

Council Discussions:

Mayor McNamara noted that 15 years (tax abatement) is something that the City has never had. What is being asked for (from the applicant) is +/- \$11M-\$18M over the 15-year period. This is essentially money the taxpayers are going to be funding for this project. He felt this is a really good project in an area of the City that is not attractive; it does bring a large amount of housing into Lebanon's Downtown; and also noted it is a brown site. From the Council's perspective we want to make sure that this taxpayer investment is enough to make this pencil out for Mr. Livadas, but do not spend more tax money than we need to.

Mr. Livadas spoke about the present net value of the Mill and noted it is pretty clear they qualify for 7 years and with the historic component it will get us to 11 years. The value of those additional 4-years at the end are the least valuable for them. The reality of the situation they are in is an unprecedented time for inflation (up 40%), interest rates have more than doubled (theirs went up by \$1M). In terms of just trying to quantify those dollar amounts by adding affordability, in today's dollar, that reduction in rent is

a loss in value of \$6M on their project. Fast forward to 12 years, it goes to \$8M in (lost) value. If we are talking about today, we are talking about today, the economic and finance availability is the biggest issue because lenders aren't lending and investors are not willing to take the risk. They are not just here asking because for this it is not viable, this is the legislation that was passed years ago, and our development is exactly what this legislation is for and further explained his reasoning.

Mayor McNamara reiterated again that while this is a wonderful project the Council still answers to the taxpayers. This is an investment, by them, in the downtown and we want to make sure we get the best investment we can for the taxpayers. The first 11-years is pretty clear to him, but he was not as confident in the last 4-years for the 18 affordable units. With regard for the funds the City received from the State for the Heater Landing Project, he was less inclined to throw that into the pot because the City would be better off in using that \$440K to help facilitate a project that is dealing to what we referred to as the "missing middle" (small, affordable owner occupied housing). The \$440K will go a long way toward prepping a site for that type of housing project. He was inclined toward giving 79-E funding to some extent but was dis-inclined to add the Heater Landing funds.

Council Liot Hill noted the Council received an email from the City Manager and read the memo verbatim into the record as follows:

Mayor McNamara and Councilors;

In advance of the public hearing on 11/15 regarding the 79-E application for the Woolen Mill I wanted to make sure the Council takes certain pieces of information into consideration.

1. To clarify it is important to remember that the statutory provisions allowing for the number of years of tax exemption are the maximums the City can provide. The Council has the flexibility to provide none, some or the maximum number of years requested. Similar projects that Jon has been involved in, in the Town of Newport and City of Claremont in which he has requested 79-E relief have resulted in 3 years and 7 years, respectively.
2. I would highly encourage the Council to have very specific language to be included in the covenant regarding the public use components that Jon is proposing. There is no going back once we ink the agreement. Jon is a good person to work with however he is not the only partner, and it is common for these enterprises to be sold after they are built.
3. The City of Nashua only provides the number of years of tax exemption that are necessary to ensure the project pencils out. We haven't but we could ask Jon to provide his financials and demonstrate the gap. Nashua has been very successful in this effort involving similar projects. Everyone else who applies for a property tax exemption including our elderly residents must provide their financials. All our non-profits must do the same on forms that we provide (state forms). Because of the size of his project the Council may wish to consider this.
4. Although no one has asked I am providing what the project tax exemption amount would be. If you use Jon's value he indicated on application, it would be approximately \$1.2 million in tax dollars per year based on the 2022 tax rate. That is likely to go up every year as you well know. If you use Jon's numbers that would equate to \$18 million dollars in exempted tax revenue over a 15-year period. Jon has subsequently stated that he thinks the buildings will equal a value of \$36 million. That is about \$700,000 a year or \$11 million over a 15-year period again based on the 2022 tax rate which is of course higher now and is likely to increase each year resulting in a higher number.

5. There has been much talk about the island. The Council may want to consider having Jon agree to a conservation easement for the island if we do not want him to turn it over to the City.
6. The timing of this discussion could not be worse. We just announced the tax rate would be going up \$1.24 for 2023 and we are projecting a 4.6% increase in the City rate for 2024, unknown what the school, county or SWEPT rates will be. While most residents will be paying more in the tax bills, they will be receiving probably around the time of this public hearing in two weeks, we will be providing a tax exemption to a for profit entity. This will likely be a front-page Valley News article. I am sure the timing is not lost on you.

Staff has been working with Jon for several years on this project to help him be successful. The present derelict structure is a drain on our downtown. Jon's plans are a real plus for the City in so many ways. Critical housing will be provided in our downtown core. When we generated the policy for 79-E it was written in the context of the Woolen Mill Project as we anticipated there would be an application at some point for this project. The Woolen Mill is exactly the type of project that RSA 79-E was created for. We very much want Jon to proceed with this project. What I am suggesting is that the Council look at this critically as I know you will. We should be careful that we do not give up more than we need to and that we clearly delineate in the covenants the public use that has been proffered. If anyone has any questions, please do not hesitate to contact me.

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

City Manager Mulholland noted this is a critical project and Deputy City Manager David Brooks helped to draft this policy we were looking at for this project. At the time there was no application in consideration, but we expected there would be. The Woolen Mill is probably the worst looking building in our downtown area, and it has a lot of hazardous material. This is what our City's 79-E Program was designed for: to help make these projects viable so that they can be cleaned up by the private sector. He also suggested that we do not give up more than we have to and further explained his reasons.

Mr. Livadas spoke about the design of the building around the public plaza, noting they did not have to do this and did not have to build a river walk, or connect off Mechanic Street. We have 196 units approved. While he agreed with the City about this project being a partnership, he could not guarantee he would be here in 15 years, but his desire is to own this project and they have gone above and beyond in thinking about the public good. In terms of financials, he thought it was a dangerous precedent to start sending financials around. We are at the inflection point of whether or not we risk building this project. In terms of the island, his desire is to one day have access to that island noting that for conservation everyone may be looking at it differently in 15 years. While he was open for a discussion (on a conservation easement) he felt this would just get in the way of the bigger discussion at hand.

In response to Mayor McNamara's question regarding the approximate premium for turning this into a public space vs. parking/parking garage, Mr. Livadas noted that a surface parking space costs +/- \$35K per space and a parking garage is +/- \$50K. Additionally, the parking garage would be built into a hillside and spoke about the work/cost that would be needed.

At the request of Councilor Liot Hill, Mr. Livadas spoke about his background, experiences, personal investments over the last 15 years as a developer, and the locations/companies where he previously worked. Both he and his partners are Dartmouth/Tuck School of Engineering Alumni.

In response to Councilor Liot Hill's question regarding whether or not this project would be viable if he was only granted a 7-year (tax abatement) instead of 11 or 15 years, Mr. Livadas noted it would make things more difficult and he would have to check with the investors. We need every bit of assistance to move this along. In response to Councilor Liot Hill's question regarding whether or not this project is more or less viable if it's 11-years without the affordability component, or if it is 15-years with the affordability component, Mr. Livadas said it would be close to the same and explained his financial reasons.

Councilor Sykes spoke about his reasons why he felt a conservation easement would be a good thing for the island. Mr. Livadas noted he has no problem with an easement but he has no information about the island. He was just saying that making a decision on that now with no information would just be getting in the way of the big decisions. Councilor Sykes was interested in either a conservation easement or something else that prohibits any development of the island forever.

Councilor Wilkie concurred with Mayor McNamara around the affordability and questioned whether this project is actually a good benefit to the community and asked for rent projections. He spoke about the many open positions in the retail/food services and the wages people make in these areas who will require more affordable housing. His concern is that if most of the units (90%) are going to be more than the AMI, we are creating a greater need for affordable housing rather than lessening the burden.

Mr. Livadas explained the income needed for a one person household would be \$80K/year; a studio for a single person would be \$2K per month and noted that the market now is 99% leased. Building 200 units will create more supply, which will help with demand. The issue we have now is that people are paying \$2K to live in a 300 sq. ft basement/apartment. There are people who are making enough money to live in these apartments (i.e., DHMC staff). We feel like we are developing a true market rate development in a prime walkable location that will justify those rents and further explained his reasons.

Councilor Wilkie felt the Council was being pushed into the smallest and most expensive opportunity. He understands that we are trying to alleviate the incredible low vacancy rate in the City and spoke about his reasons why he was concerned about the City entering into this partnership, noting that the 11-15 year (tax abatement) is unprecedented and wanted to make sure that if the City becomes a partner without seeing the financials that we are not shooting ourselves in the foot by providing rental housing at rates that people might expect to be purchasing a home at. He was excited about this project, but was uncertain if it was worth having the taxpayers support 15-years of tax abatement for primarily market rate housing.

Councilor Heistad spoke about why he agreed with Councilor Sykes' comments regarding a Conservation Easement for the island.

Assistant Mayor Below suggested that one part of this deal could be that the City ends up owning this island, which could then be preserved for public access further down the road. He further suggested the open plaza be formalized in an agreement that public access be maintained. We are at a point of whether

or not we can balance the employment opportunities with the hot residential real estate market and felt this project would be a significant step moving forward and it would be attractive housing for many people. There is value in getting those 10% of affordable units.

Mr. Livadas said he would be open to the proposals regarding public access and can figure out a way to make it work out, but we are not going to be in a position to put in easements, or anything legally speaking that would hinder the value of the property or creating friction with the ownerships of the property. In terms of making the City comfortable, they will be giving access to the public.

Assistant Mayor Below noted this would make it tough and suggested that in between an easement and just a good faith intent there should be some form of license. City Manager Mulholland noted this could be a covenant and explained the difference between an easement and a covenant. Mayor McNamara also noted there is a difference between a formal easement and a legally binding agreement for usage. Further discussion ensued regarding the legal language and the time requirements for a covenant.

Councilor Simon spoke about the \$440K to dismantle 25 Mechanic Street, noting that as much he would like to see this (property) gone tomorrow, we have an obligation to not only work with Mr. Livadas but with other folks who are trying to develop our community. We own several pieces of vacant property where we have talked about putting in cottage clusters and other types of housing. He was not inclined to give them that money right now, noting the City has other needs for those funds. He wholeheartedly agreed with Assistant Mayor Below regarding the positive effects this housing project would have and the unique situation we are in with the shortage of employment in the area. He also noting he had friends that would have stayed in Lebanon if there were apartments like this because they wanted all the amenities. We are in the process of building affordable workforce housing on Spencer Street, so this is not the only project that will attempt to provide some need. It is somewhat of a victory that we have this proposal with the affordable housing component. He struggled with the 15-year (tax abatement) because at the end of the day, he has to look at what his taxpayers say to him: Geesh, I can't remodel my house under any of these rules, but I get a visit from the tax assessor and my tax bill goes up, but now you are giving millions of dollars of tax abatement. He also concurred with Assistant Mayor Below and the City Manager regarding (a covenant) for the island.

Councilor Sykes spoke about his reasons why it was important to address the issue of a conservation easement for the island and to have a requirement for public access that is clearly laid out. He also felt the 10% of affordable housing was an important component for this project and was against adding the Heater Landing funds items to this project.

Councilor Whittlesey spoke about his reasons why he supported having legal rights built into any agreement. Like any other investor, we are seeking assurances regarding our rights and would not want to move forward without some kind of covenant that protects our rights. His concern overall is the financials because it is really hard to evaluate what is a reasonable amount of the 79-E request vs. the public/taxpayer needs and the needs of the developer. The scale is so much different than the other 79-E programs he has been involved with for the City and because of all this, he believed Mr. Livadas was seeing a higher degree of review by the Council and felt this was warranted and justified. He did not feel the extra 4-years (tax abatement) for affordable housing made sense and further explained his reasons.

Mr. Livadas wanted to compare what they are doing as compared to the other 79-E projects, noting we are renovating a historic mill, building a park, and a riverwalk and going out of our way to do these. We want to work together to get there but it feels a little bit like because of these things, we are now in this broader discussion about how many years should we give them, even though we qualify. He is just trying to understand, if we are looking at past precedent, when was 9-years given; what year was that; what was the interest rate; what was the cost to build it; did they have a public plaza? We want the City to feel comfortable knowing you will have access (public access) forever, and we can figure that out. Conservation for the island, there is no issue with that. He also talked about the current parking lot in the Mill.

Mayor McNamara could not recall the specifics of other 79-E projects. In generalities, the delta between their condition when the 79-E approval was given, and theirs was a smaller delta than Mr. Lavada's project. In those projects, the City was an investor but we were relatively a minor investor for a relatively short period of time. In this project, the City is truly a very major investor. Let's say this is a \$50M project and even at \$1M-\$3M in forgone tax revenue over 15 years, we are an \$18M investor on a \$55M project. For him, this is the most major 79-E project the Council has ever had come before us.

In response to Councilor Liot Hill's question, Deputy City Manager David Brooks noted that since the program was adopted by the Council in 2016 there have been 4 projects that have received tax relief. Two projects resulted in new residential dwelling units, so they received 5-years for the base program (renovation/restore an existing structure) and received 2-years for the creation of new residential units: 7-years total. There were two other projects (Hanover St/Main Street W. Leb) that involved energy upgrades, façade improvements, etc. that did not result in residential units. In both of those cases they requested and received 5-years for the base program. No project has ever received more than 7-years. He was also not aware of any project that has ever been proposed that would hit all the boxes to even request more than 7-years. City Manager Mulholland noted it is important to understand that these structures already existed and we are talking about really small numbers compared to this project, which is huge. Mayor McNamara noted that while there are some new buildings in this project, this is not all historic preservation of an existing building.

Councilor Liot Hill spoke about the history of the State's legislation for the 79-E program, noting that each community has to actually adopt (the 79-E Program) for themselves. Our past precedence has been that projects who qualify have been given the maximum base, which is 5-years. Based on the Council's precedent, we can get to 11 years on a very basic project, a project that does not have to include the island or any public access to the property. To her, it seems this (Mill) project qualifies for 11 years without some of the additional public amenities. The law requires that we find public benefit. The law does not require that there be public amenities. The river trail, access to the Mill yard, and access to the island are actually public amenities. To her, this project qualifies for the public benefit. The question then becomes:

- Do we add an additional 4-years for affordability (housing)?
- How do we address the public amenities (an additional public benefit) in an equitable way?

She further talked about the affordability component; the location of the Mill and all that it offers to the public; the cost to the taxpayers of \$18M over time; do we think that this project is worth somewhere

between \$2.8 - \$4.8M to add 20 units of affordable housing to the downtown and further explained her reasons. She felt it was worth investing that additional amount and spoke about her reasons.

In response to Councilor Wilkie's clarifying questions, Deputy City Manager Brooks noted that the application for 1 Mechanic Street predated the creation of the (AMI) template and used a different definition (30% of income). The Council concluded that this property did not qualify for the additional 4-years. For South Park Street, renovation of the main building was started before the City's 79-E program was even adopted. What was granted for this project only applied to the new addition.

Mayor McNamara did not feel there was a lack of flexibility, nor did he necessarily feel the need to pay an additional amount for public amenities and explained his reasonings. He did not feel tied to 11/15-years and thought the Council had a lot of flexibility based on the characteristics of the project.

Councilor Sykes spoke about his reasons why he felt the public good was huge for this project, noting employers need more housing units and the City needs more housing units.

Mayor McNamara felt it important to make the distinction that not all applications apply to new units (i.e., no subsidy for units on Mt. Support Road). The importance of this project is these units are being created in downtown and in a 79-E District.

Councilor Heistad spoke about how the Mill is depreciating and is not being repaired or maintained and by going forward with this project, we would be making a better use of an asset we have and will not lose it.

Mr. Livadas again spoke about his reasons why this project actually qualifies for 2 additional years and then spoke again about the benefits to the City. He also respectfully informed the Council that if they do not get the 79-E funds as requested, those public amenities will be the first to go away due to finances.

The Council, including Mr. Livadas, discussed: whether or not to move forward with a Motion tonight; the need to address public access to the island in any agreement; how time is of the essence for Mr. Livadas; making a Motion of Intent; discussions around the 15-year tax abatement; discussions around having the tax abatement go to 11 or 12 years; the rental affordability of the Mill's apartments; potentially raising the affordability housing units to 20% instead of 10%; expressing the intent in a motion that includes 15-years providing all language regarding public access and a covenant to protect the island are included.

Councilor Liot Hill MOVED, that the Lebanon City Council expresses the intent to enter into and approve the application of LWM Residential LLC for a 79-E for property assessment tax relief under 79-E as expressed in the City Council packet of November 15, 2023, provided that agreements be executed regarding public access to the development and public access or ownership of the island for 15-years.

Seconded by Assistant Mayor Below.

The Council continued to debate the wording of the Motion at 15-years; whether or not Mr. Livadas should withdraw his application and resubmit it adding the terms of an agreement that addresses public access to the amenities, public access to the island (Conservation Agreement); Opening/closing times of access to the public ; how agreeing to 11-years tonight would help give Mr. Livadas the direction LWM Residential LLC should go; if potentially withdrawing the Motion would provide a faster turnaround time; the need to not rush into this project (\$18M) because the City needs to know what they are buying into; how the public hearing must be held within 60 days of receiving the application and the Council would then have up to 45-days to make a determination; adding into the Motion: “ the results of the negotiation, if any, shall come back to us (Council) by such and such a date.”

In response to Mr. Livadas’ question about whether it was possible to have a consensus that would make LWM Residential LLC feel a little more comfortable and allow them to keep on working as we are marketing it; Mayor McNamara said a Straw Poll could be taken.

Councilor Zook suggested that the Motion by Councilor Liot Hill be withdrawn, and a Straw Poll be taken that would give LWM Residential LLC some direction without committing the Council to the details of what an arrangement would be.

Councilor Liot Hill withdrew her Motion.

City Manager Mulholland explained to Mr. Livadas that we would be setting a Public Hearing tonight and then he would come back at a future date. When we come to that Public Hearing we will have the information that the public can actually see what is being proposed.

Mayor McNamara called for a Straw Poll regarding a re-application for 11-years (tax abatement) without the affordable housing but with some more definitive language on the public amenities and the island.

Councilors in support of 11-years (tax abatement): Whittlesey, Zook, Simon, , Heistad, Wilkie, Assistant Mayor Below (prefers to the affordable component to this with 15-years), Councilor Liot Hill also prefers to see the 15-years with the affordability; Sykes voted against the 11 years because he would like to see 15-years: Mayor McNamara would vote for 12-years with an affordable component.

Voting for: (5)

Voting against: (4)

Councilor Simon MOVED to table this matter until a Special Meeting can be held on December 14, 2023, at 7:00PM in Council Chambers.

Seconded by Councilor Sykes.

Roll Call Vote:

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

Voting Nay: Council Wilkie

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

NOTE: The Draft Resolution presented in the Council agenda packet was removed as this may be changing after the Council and Mr. Livadas meet again in December.

***Councilor Liot Hill MOVED to extend the meeting to 10:30 PM
Seconded by Councilor Heistad.***

Roll Call Vote:

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

None voted Nay.

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

ACTION:

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

Included in the agenda: ***NOTE: All supportive documents and information can be found on pages 58-62, Council agenda packet.***

1. Draft Proposed Charter Amendment Language

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.

In accordance with the provisions of RSA 49-C, to change the Lebanon Charter, the City Council must first schedule and hold a public hearing concerning the proposed amendment(s). Following the public hearing, if the Council votes to proceed with the amendment process, the Council must cause a report to be filed with the City Clerk containing the final draft of the proposed Charter amendment(s). The City Clerk must then file a certified copy of the report with the NH Secretary of State, the NH Attorney General, and the Commissioner of the NH Department of Revenue Administration, each of whom has 45 days to review the proposed amendment to ensure that it is consistent with the general laws of the state. Only after the three state agencies have approved the proposed amendment can the Council take action to have the proposed Charter amendment placed on the ballot at the next municipal election.

The 2024 Municipal Election will take place on March 12th. If passed by the voters, the Charter amendments would not be effective until July 1, 2024.

Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public Hearing was closed.

~~expires at the conclusion of the 2043 tax year on March 31, 2044, and also hereby authorizes the City Manager to execute all documents and take any action necessary to enter into said PILOT Agreement.” Said vote to approve the Pilot is contingent upon the following:~~

- ~~1. That the City Board of Assessors grant Alice Peck Day Memorial Hospital a Charitable exemption application for 2023, and~~
- ~~2. Alice Peck Day Memorial Hospital pays all outstanding taxes owed on its properties by December 31, 2023, and~~
- ~~3. Alice Peck Day Memorial Hospital makes the initial 2023 PILOT Agreement of \$299,000.00 by December 31, 2023, and~~
- ~~4. An agreement is reached and executed by the City and Alice Peck Day Memorial Hospital on a Contributions Agreement regarding the Lebanon Fire Department and to offer the City Manager with input from the Fire Chief to negotiate and execute said Contributions Agreement.~~

~~Seconded by Councilor Heistad..~~

~~*The Vote on the Motion was approved by members present (8-0).~~

B. Community Revitalization Tax Relief Application - Request by LWM Residential LLC, for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.

Included in the agenda packet: *Note: All supportive documents can be found on pages 7-30 , Council agenda packet.*

1. Declaration for Outdoor Recreational Activity, prepared for LWM Residential, LLC, received on December 6, 2023.
2. City Council Agenda Packet from November 15, 2023, which includes:
 - a. October 18, 2023 letter from LWM Residential LLC
 - b. Application for Community Revitalization Tax Relief Incentive Program (RSA 79-E) from LWM Residential LLC for the Lebanon Woolen Mill
 - c. September 12, 2023 letter from 106 Associates to the Lebanon Heritage Commission, RE: Historic Status and Opinion on Secretary’s Standards, Lebanon Woolen Mill Complex, 1 Foundry Street

BACKGROUND

On November 15, 2023, the City Council held a public hearing for the purpose of receiving public input and taking action on a request by LWM Residential LLC, for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016. After the public hearing, the City Council has up to 45 days to render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period. [RSA 79-E:4, III].

At the conclusion of the public hearing and the subsequent discussion, the City Council requested that the City Manager and LWM Residential continue to negotiate the details of public access to the property as offered by the applicant and also address the future ownership and/or conservation of the “island parcel”, Tax Map 106, Lot 33. The Council then delayed making a decision on the tax relief request until a special meeting scheduled for December 14th.

On December 6th, the City Manager received the attached draft Declaration for Outdoor Recreational Activity from LWM Residential, which outlines the provisions of public access to

portions of the property as well as the rights retained by the property owner.

Mr. Jon Livadas of LWM Residential, LLC and his legal counsel Dennis Robinson, Esq. were in attendance on December 14th to continue the discussions about public access and the island parcel, as well as the overall 79-E tax relief request.

City Manager Mulholland stated a decision on this needs to be made on this tonight one way or the other. The Council has the applications time limits and we are at the end of that time limit space.

Mr. Jon Livadas acknowledged that they understand what they are asking for, and what they qualify for, is a very significant length and amount of abatement. They also know it is discretionary. We feel that our project really qualifies for everything that the 79-E Program offers. We have gone out of our way to develop something that Lebanon has not seen at any point yet and would like to think they are setting a new standard in terms of building quality, not just for the Foundry, but for all the residents of Lebanon.

Attorney Dennis Robinson (Counsel for LMW Residential, LLC) prepared the Declaration for the Outdoor Recreational Activity ([pages 10-13, Council agenda packet](#)). The gist of the document is to make the Plaza, which is part of the development, as well as the River Walk area accessible to the public for sightseeing, biking and hiking. He understands that from the discussion at the last meeting that there was a desire for the public to be able to use this space in some way, and the Covenant essentially says that the owner of the property will not prevent the use of recreational uses for as long as the Tax Abatement is in effect. So, for whatever period the tax abatement is granted, this Covenant would essentially keep the Plaza and River Walk areas open so the public can enjoy those portions of the property.

City Manager Mulholland asked Attorney Robinson to talk about the issue they discussed because the Statute requires twice the period of time in the Covenants of the exemption (i.e., if they are granted 5, 10, 15 years, it is actually twice that period of time that the Covenant should be in effect). Attorney Robinson thought the impact would be that however long this Covenant would run, it would run coterminous with the 79-E Covenant (the normal tax abatement period).

Deputy City Manager David Brooks noted that while he believes up to two times is discretionary, in every instance the Council has granted 79-E relief, it has imposed the requirement that the Covenant be in effect for twice the number of years of the duration of the tax relief itself. It is discretionary and the Council has exercised that discretion in each instance. It is included in paragraph 1 of the “Now Therefore Clause” ([page 18, Council agenda packet](#)), noting that the boxes are blank to be filled in.

In response to Assistant Mayor Below’s question regarding the legal descriptions of the property in the Declaration for Outdoor Recreational Activity, Attorney Robinson noted this will be figured out during the discussion of the actual legal document and based off the Site Plan.

City Manager Mulholland noted this would be the (legal) description of the path of the planned River Walk, which is in front of the Planning Board. The agreement has to have a map that shows those areas which the public is going to be able to have access to. Mr. Livadas pointed out to the Council where public access would be granted on the screenshot of his Site Plan.

Councilor Liot Hill wanted clarification on the Declaration, noting that what they (LWM Residential LLC) are proposing is equal to the number of years of the tax abatement. We have the discretion to make it up to twice as long as the abatement. Mr. Livadas responded by saying they would like it to mirror the

length of that tax abatement. In response to Council Liot Hill's other question, Mr. Livadas stated that realistically, there will probably be another owner when the tax abatement ends and to burden the property up to 20-30 years is something they would not like to have as it would have an impact on the potential sale of the property in the future.

In response to Mayor McNamara's question regarding affordability, Mr. Livadas noted they have not had a discussion yet about the encumbrance and length of the affordability item. His question was since affordability was 4 years, so is it up to 2x's that?

Councilor Whittlesey spoke about the 79-E exemption and questioned if this exemption continues or does it sunset with their sale. City Manager Mulholland said it runs with the property. Councilor Whittlesey then noted that the cost they will probably put on the property will most likely be far less than is put on the abatement and further explained his reasons. Mr. Livadas noted he was speaking about the buyers who might buy the property when there is no abatement, noting they would be absorbing an encumbrance with no value, in terms of that abatement.

Councilor Heistad spoke about the Conservation easement (for the island) and questioned if this was off the table. Mr. Livadas stated it is not off the table at all.

Councilor Wilkie noted he brought himself up to the 1st 11 years and then up to 15 years, but it was done with the understanding of what they have seen in previous covenants that show twice the years of the tax relief period. This has been our precedent through all the other 79-E projects and questioned if this was part of the conversation in the past. Mr. Livadas noted he did not think 2 X's the length was ever brought up in a discussion regarding how long these covenants would last. We have just been discussing years.

Councilor Liot Hill noted that the Council just assumed it would 2X's the length (of the tax abatement) because this is what was done with all the past approved 79-E Projects.

Further discussions ensued between the Council and Mr. Livadas regarding 2X's the length of the tax abatement, which also included the affordability aspect.

Councilor Liot Hill suggested a compromise and explained her reasons why the Motion could contain the following two options:

1. 11-years with the affordability (continue for 22 years).
2. Up to 15 years, including affordability with conditions that would then run for 30 years.

Councilor Wilkie was not in favor of Councilor Liot Hill's two option proposal and explained his reasons.

Mayor McNamara read into the record an email from Ms. Sarah Riley sent to City Manager Mulholland. While Ms. Riley is Chair of the Conservation Committee, her email did not represent official comments from this Committee. This was her personal testimony supporting permanent protective measures, such as a Conservation Easement for the island as a condition of granting the requested tax relief and went on to explain her reasons why this should be done.

Councilor Liot Hill expressed her support for this project and explained in detail her reasons why the 5 public benefits below are important, noting that affordability is its own separate category.

1. Enhancement of the economic vitality of Downtown Lebanon

2. Enhancement and improvement of a structure that is historically important
3. Promotion of the preservation and reuse of existing building stock
4. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B
5. Increasing residential housing in municipal centers.

For the record, Councilor Liot Hill supports approving this project, at least for 11-years.

Councilor Whittlesey concurred with Councilor Liot Hill regarding her 11 year component and could support 12 years. His only caveat is that because it is discretionary, he was hesitant on the Conservation Easement (for the island) because he felt this should be handled through the Planning Board as those components are part of a Site Plan Review. He also felt that more affordable housing should be part of the criteria and further explained his reasons.

While Mayor McNamara supports this project moving forward, he reminded the Council that the relief is for the entire project, but there are buildings here that are not historic structures. We are not just granting relief for the historic structures; it is for the entire project. With regard to the housing units, 10% (19 units) are going to be affordable, but we are granting tax relief on the full 100% (183 units). This project has an important impact on Downtown Lebanon. He was uncertain if this project warrants everything being asked for, particularly when it is small portions of the project that are meeting the requirements and further explained his reasons. In this case we are actually asking the taxpayer to be a multi-million dollar investor in a project that we do not “have” open books on, and we do not know how this impacts the “economics of the” project”. We are going into this blind and that is the reason why he was very concerned about granting the type of (79-E) tax relief being talked about.

Councilor Heistad concurred with Mayor McNamara but noted the City has an asset just sitting there that will go either up or down (maintenance wise). Buildings do not get stronger by being left and sees this project as a need to do something with. He stated his reasons for what the cost (to the City) might be if nothing is done with this parcel in the future.

Assistant Mayor Below noted there is another provision that needs to be discussed, which is “the project should be completed on or before by ____? ____.” In response to Assistant Mayor Below’s question regarding how long it might take to complete the project, Mr. Livadas explained their goal is to start this summer (Phasing Schedule has been completed). Realistically these things take between 24-36 months. In essence, with all the work that needs to be done it could take 4-8 years with phasing. Assistant Mayor Below noted that putting 4 years out there for completion is fine, and he thought the affordability component (10% of units) is an important part of the project, so he would support the full 15 year grant, but felt that the affordability component needs to go a lot longer than the 15 years. For the amount of property taxes being invested, we need a longer term commitment for affordability and explained his reasons. He was in favor of moving ahead and if it doesn’t work out, Mr. Livadas can always come back to the Council.

In response to Mayor McNamara’s question regarding when the abatement would start, Deputy City Manager Brooks recited the statute that says: “The governing body may grant such tax relief assessment for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.” We have not had a project like this with multiple phases, so this might be something the Council will want to factor in.

Further discussions took place between City Council and Mr. Livadas regarding the planned phasing/substantial completion of this project and what qualifies as a completed structure.

Councilor Simon noted the island is in the middle of a river and believed that with a Conservation Easement or no Conservation Easement, the island would remain undevelopable. He was more concerned about the potential contamination that exists on the site now rather than something to do with the island. Containing the contamination that is onsite (known/unknown) is a much more pressing issue. Taking care of these contaminants will also protect more wildlife in the future. He felt the island should be off the discussion for tonight. Mayor McNamara and Councilor Sykes concurred.

The Council continued to discuss the length of the term for tax abatement; the affordability aspects of this project; using \$1M/year as an example, the difference between 11 years with the affordable aspect vs. 15 years without affordability would equal a difference (in tax abatements) of +/- \$4M; how many units of affordable housing could the City build with that \$4M; if the City is going to build affordable housing, the City will still have to make that investment; reasons why the City needs more affordable housing and how that could potentially be done; how saving +/- \$4M from this project will not necessarily be going into housing; how the City needs places that people can live in affordably (i.e., small houses, cluster housing, etc.)

In response to Councilor Liot Hill's question, Mr. Livadas noted that when they originally came before the Council they were asking for 11 years (of tax abatement). He then asked what it would take to get the extra 4 years to make it 15 years of tax abatement and he was asked to come back with an offer. He wanted to bring us back to where we started, and now wanted to request 11 years (of tax abatement) and explained his reasons.

Assistant Mayor Below spoke of his concerns about changing the application request from 15 years, as presented in Council agenda packet, to 11 years. The application in the packet is for the full 15 years with the affordability provision.

The Council discussed the potential (legal) aspects of changing what is in the packet and whether or not it would be possible for the applicant (Mr. Jon Livadas/ LWM Residential, LLC) to return to his original proposal of 11 years (tax abatement) and how the Motion could be adjusted to accommodate changes the Council may choose to make.

ACTION:

Councilor Whittlesey MOVED, that:

BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly noticed public hearing, that:

WHEREAS, the City Council has determined that the application of LWM Residential, LLC (hereinafter the "Applicant") for property assessment tax relief under the City's 79-E Program is complete enough to commence consideration, and

WHEREAS, the City Council has determined that the Applicant's properties, 1 Foundry Street, Tax Map 91, Lot 263, and 25 Mechanic Street, Tax Map 91, Lot 267 (hereinafter the "Property"), is situated in

the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

WHEREAS, the City Council has determined that the Applicant's project to renovate the existing mill structure, construct two new buildings, demolish blighted buildings, remediate a brownfields site, and complete other site improvements as approved by the Lebanon Planning Board (hereinafter the "Project") exceeds the lesser of 15% of the current pre-rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and

WHEREAS, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City, including:

- 1. Enhancement of the economic vitality of Downtown Lebanon, and*
- 2. Enhancement and improvement of a structure that is historically important, and*
- 3. Promotion of the preservation and reuse of existing building stock, and*
- 4. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and*
- 5. Increasing residential housing in municipal centers.*

*NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant **11** years of property assessment tax relief for the Property to commence upon completion of Project, with the following conditions:*

*1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for **11** years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.*

2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise, the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.

3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise extended by the City Council in writing. The Project, as approved, shall be completed on or before March 31, 2028 writing unless otherwise extend by the City Council in writing.

Seconded by Councilor Liot Hill.

Councilor Liot Hill spoke to her motion and gave her reasons why this motion is the best way to get this project off the ground and set in place something that is going to benefitting this City for the next century.

Councilor Sykes, while he felt this project is a good thing, his concern was that some of the very important aspects of our Strategic Plan was being overlooked by this motion. A small piece of this intended public benefit should have been done through our usual practice (i.e., 22 years and not 11 years). He hoped that a second motion would achieve all the intended purposes.

Councilor Sykes MOVED to amend the Motion stating the Council will go back to past practice, which is at least the 22 years.

Seconded by Councilor Heistad.

Assistant Mayor Below noted

1. There is no reference to public access in the Motion, so this is not part of the criteria at this time.
2. Without the affordable housing units, it does not really matter whether the Covenants are in place or not because the Covenant is only that the historic building will have been rehabilitated. He was uncertain what the public benefit is beyond the public access and explained his reasons.

Councilor Sykes withdrew his amended Motion.

Councilor Whittlesey modified his Motion to read as follows:

WHEREAS, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City to include (including 1, 2, 3, 4, 5 as already read) by adding # 6 (reflected below):

- 1. Enhancement of the economic vitality of Downtown Lebanon, and***
- 2. Enhancement and improvement of a structure that is historically important, and***
- 3. Promotion of the preservation and reuse of existing building stock, and***
- 4. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and***
- 5. Increasing residential housing in municipal centers.***
- 6. The proposed language from the applicant for public access; referred to as the Declaration of Outdoor Recreational Activity. Section 6 makes this contingent upon the execution of the attached Declaration of Outdoor Recreational Activity.***

Councilor Whittlesey FURTHER MOVED that the Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for (22) years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.

Councilor Liot Hill, who seconded the original MOTION, agreed to these changes.

Mayor McNamara noted that all the items in 1-6 will run for 22 years and the tax relief is for 11 years.

****The Vote on the revised MOTION was approved (5-3). Voting against were Mayor McNamara and Councilors Sykes & Wilkie.***

3. ADJOURNMENT:

Councilor Simon MOVED for adjournment.

Seconded by Councilor Heistad

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

The meeting was adjourned at 8:36 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary

August 12, 2024

City of Lebanon Planning & Development Department
Attn: Tim Corwin, Senior Planner and Zoning Administrator
51 North Park St
Lebanon, NH 03766

RE: Lebanon Woolen Mill SPR Amendment & CUP Application
Tax Map 91 Lot 263

Dear Mr. Corwin,

On behalf of LWM Residential LLC, Engineering Ventures is please to submit Site Plan Review Amendment and Conditional Use Permit applications for the Lebanon Wollen Mill project located at 1 Foundry Street (Tax Map 91 Lot 263). The previous approvals for this project are City of Lebanon file numbers PB2022-36-SPR and PB2023-38-CUPSPA.

The major changes from the approved plans include:

- A new building at 25 Mechanic Street is no longer part of the project, and a parking lot is programed for that space instead.
- The number of dwelling units changes from 183 to 148.
- Building 2 will be demolished instead of renovated and replaced with a parking lot.
- The parking garage is reconfigured.
- The number of parking spaces change from 213 to 239.
- The Mill Yard is reconfigured.
- Additional transformers are added to the site for a total of three (3).
- Additional ADA parking spaces are added along the Mill Building.
- A secondary egress and walkway is added to the Boiler Building.
- Site lighting is revised to complement the site layout revisions.
- Landscaping is revised to complement the site layout revisions.

As part of the revised Lebanon Woolen Mill site plans, the project now includes a parking area along Mechanic Street, which is considered to be in the front yard of the lot. As such, the project seeks a Conditional Use Permit pursuant to Article III Section 307.9, of the Zoning Ordinance. All other viable spaces for parking within the lot are slated to be occupied by buildings, parking, and important pedestrian spaces. The project includes parking below one building (Building 3) and a 2-level parking structure, maximizing those options.

Thank you for your time and consideration with this project. We look forward to reviewing this project with the City staff and the Lebanon Planning Board. In the meantime, please do not hesitate to call or email if you have any questions or need additional information.

Sincerely,
ENGINEERING VENTURES, PC

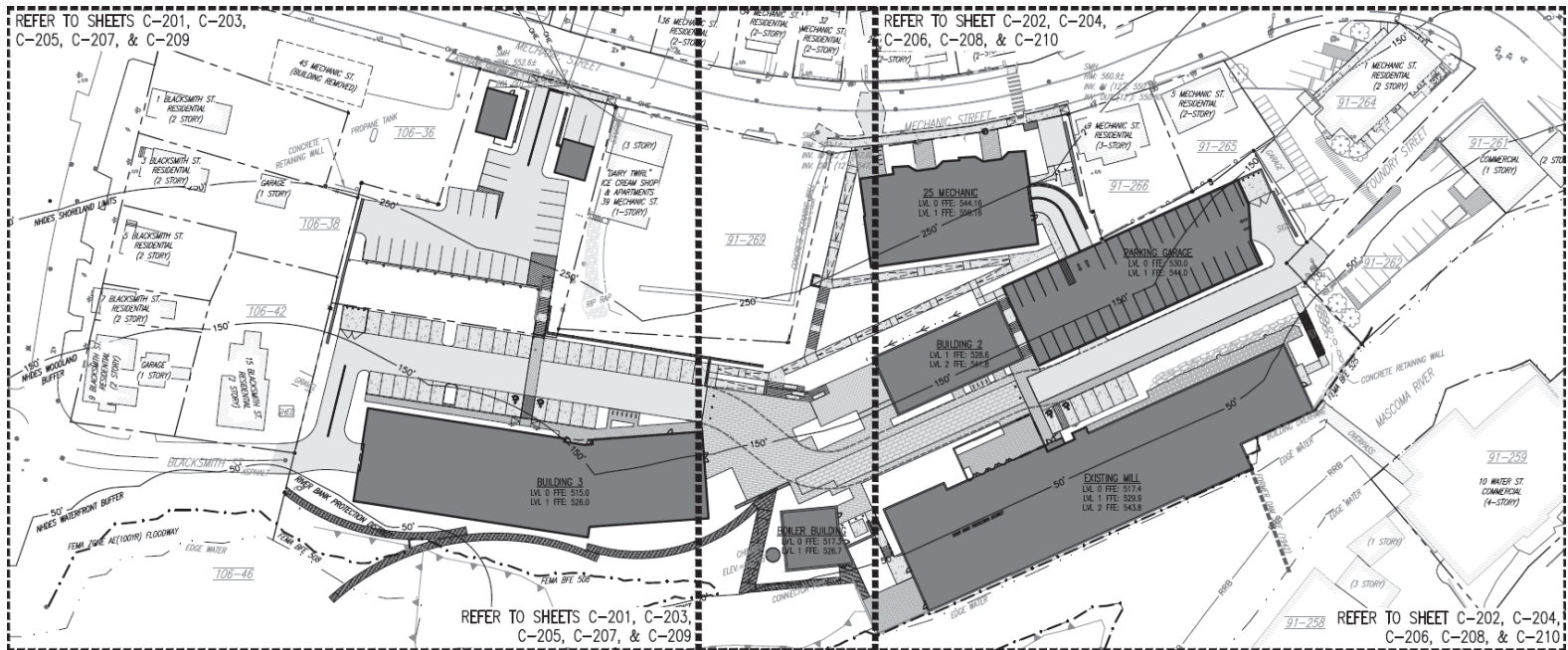


Nicholas A. Fiore, PE
Vice President

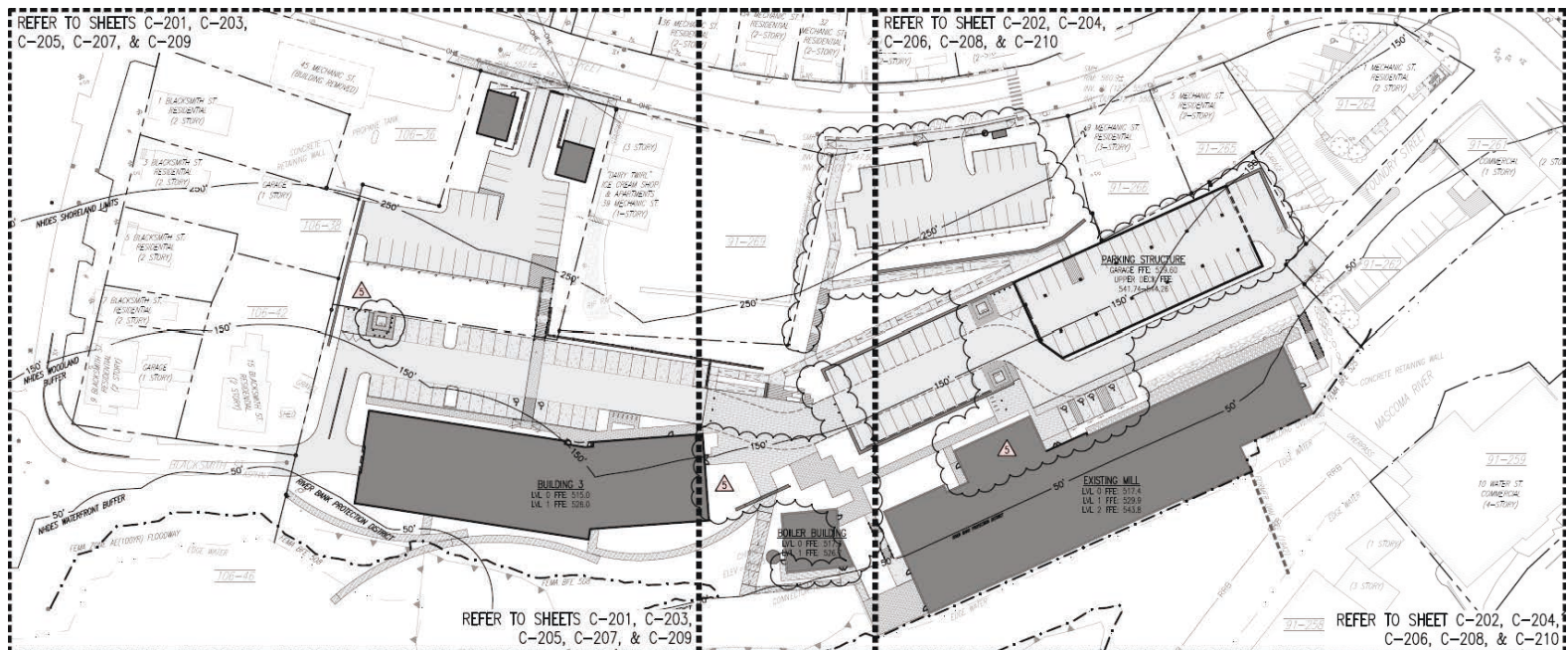
CC: Jon Livadas, LWM Residential LLC

Enc: SPR Application Form, Checklist, Fee Calculation, & Notification List
CUP Application Form, Support Statement, Fee Calculation, & Notification List
Plan Set (55 pages)

Excerpt from LWM Residential Site Plan
(Sheet C-200), approved 12/13/2023



Excerpt from LWM Residential Site Plan (Sheet C-200), approved 09/30/2024



Agenda

Lebanon City Council

January 08, 2025

10. New Business:

10.D – Discussion & Set Public Hearing for January 22, 2025: Community Revitalization Tax Relief Incentive (RSA 79-E) Program Application – 10 Spencer Studios, LLC

Background

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E. Subsequently, in August 2021, the Council adopted City Council Policy CC-105, Community Revitalization Tax Relief Incentive Program, which outlines the purposes of the program and the procedures to be utilized when considering applications for tax relief. Council Policy CC-105 was revised and updated in September 2024 to expand and clarify the guidelines and procedures.

10 Spencer Studios, LLC, owner of the building at 10 Spencer Street, Lebanon, is applying for tax relief under the program, as they are converting the structure from an industrial use (a former rug cleaning business) to an art studio use.

The City Manager's Office received the application from 10 Spencer Studios, LLC on November 19, 2024. Following an initial review, the applicant was advised of the changes to Council Policy CC-105, and was asked to submit revised and additional information, which were received on December 3, 2024.

Under the terms of the 79-E program, the City Council must hold a public hearing within 60 days of receipt of a complete application to determine whether the structure is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

For detailed information regarding the project, please see the attached memo from City administration, along with the accompanying application and supporting documentation submitted by 10 Spencer Studios, LLC.

Action

Should the Council decide to schedule a public hearing on this application, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, January 22, 2025, beginning at 6:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on a request by 10 Spencer Studios, LLC, for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.

Included in this Section:

1. December 27, 2024 Memo from Deputy City Manager David Brooks, RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application from 10 Spencer Studios, LLC – 10 Spencer Street; Tax Map 92, Lot 33
2. Application of 10 Spencer Studios, LLC for Community Revitalization Tax Relief Incentive Program, including supporting documents
3. Council Policy CC-105, Community Revitalization Tax Relief Incentive Program, last revised September 18, 2024



CITY MANAGER'S OFFICE
City of Lebanon, NH
51 North Park Street
Lebanon, NH 03766
(603) 448-4220 fax (603) 966-3122

TO: Honorable Mayor and City Councilors
FROM: David Brooks, Deputy City Manager
CC: Shaun Mulholland, City Manager
DATE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application from
10 Spencer Studios, LLC – 10 Spencer Street, Lebanon; 92-33
RE: December 27, 2024

Introduction:

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. Subsequently, in August 2021, the Council adopted City Council Policy CC-105, Community Revitalization Tax Relief Incentive Program Guidelines, which outlines the purposes of the program and the procedures to be utilized when considering applications for tax relief. Council Policy CC-105 was revised and updated in September 2024 to expand and clarify the guidelines and procedures.

On November 19, 2024, 10 Spencer Studios, LLC applied for consideration under the program. Following an initial review, the applicant was advised of the recent changes to Council Policy CC-105, and was asked to submit revised and additional information, which were received on December 3, 2024.

10 Spencer Studios, LLC is the owner of property located at 10 Spencer Street, Lebanon (Tax Map 92, Lot 33), which is situated in the Lebanon Downtown (LD) Zoning District. On September 23, 2024, the Planning Board granted Conditional Use Permit approval to convert the existing building from an industrial use (formerly a rug cleaning business) to an art studio use. The anticipated improvements will include complete interior renovation and exterior rehabilitation as well as electrical, plumbing, mechanical, and fire protection upgrades. Excerpts of project plans, photos of the existing building, and cost estimates from the proposed building permit application are attached for review.

Under the terms of the 79-E program, the City Council must hold a public hearing within 60 days from receipt of a complete application to determine whether the structure at issue is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Does the project involve a Qualifying Structure?

The existing building, located at 10 Spencer Street, is situated within the Downtown Lebanon 79-E District as adopted by the City Council and, therefore, the property can be considered a Qualifying Structure.

Is the project a Substantial Rehabilitation?

Since receiving the application, the City Assessor has reviewed the property and verified that the current pre-rehabilitation assessed valuation of the building is \$263,800 and the land is valued at \$263,300, for a total valuation of \$527,100. Under the terms of the 79-E program as adopted by the City, and as further clarified within Council Policy CC-105, the rehabilitation project must cost at least 15% of the building's pre-rehabilitation assessed valuation (excluding the value of the land and the cost of real estate acquisition, which is \$39,570) or \$75,000, whichever is less, in order to be considered substantial.

The applicant has provided a cost estimate of \$825,000 for completing the entire renovation and rehabilitation project based on construction estimates from their general contractor. The Building Inspector has reviewed the proposed project plans to verify that the estimated cost is reasonable based on the scope of the project and is comfortable that the project will exceed 15% of the building's current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

Does the project generate one or more Public Benefits?

Appropriate public benefits for consideration under the 79-E program are specified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

As noted in the application form and cover letter, the applicant has suggested that the project will address several of the stated public benefits, including enhancing economic vitality, enhancing and improving a culturally or historically important structure, promoting the preservation and reuse of existing building stock, and promoting the development of municipal centers. If the City Council agrees with the above statements, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

For how long may tax relief be granted?

Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. The City Council may also, in its discretion, grant up to four (4) additional years of tax relief for a Substantial Rehabilitation of a Qualifying Structure that is listed on or determined to be eligible for listing on the National Register of Historic Places, State Register of Historic Places, or is located within and important to a locally designated historic district, provided that the Substantial Rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation. (RSA 79-E:5, III)

For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation of the structure(s). In addition, all taxes, utility fees, impact fees, and any other user fees assessed by the City for the property on which the structure is located must be paid in full before any 79-E tax assessment relief goes into effect.

The applicant has requested a minimum of five (5) years of tax relief for the project, which appears to comply with program requirements. In addition, the applicant has asked the City Council to consider extending the tax relief for a period of four (4) additional years, for a total of 9 years, for the Substantial Rehabilitation of an historic building in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

In accordance with the updated Council Policy CC-105, the applicant has provided financial information about the project, including a basic *pro forma* and a listing of sources and uses for the project. The applicant has indicated that they are not pursuing the project as a money-making venture, but rather as owner/operators of the building in which they will contribute rental income as occupants of a portion of the rentable space.

Since the City Council is essentially deciding whether to forego potential property tax revenue by granting limited tax relief through the 79-E program, the Administration recommends that the City Council carefully balance the benefit of enabling projects that might not otherwise "pencil out" and the public benefits to be derived from such projects versus the property tax revenue foregone through the tax relief.

Recommendation:

Staff recommends that the City Council schedule and hold a public hearing on the application in order to receive public input on the request prior to making a final determination. Following the public hearing, the City Council will make a determination as to whether the applicant's Project and Property comply with the requirements of the 79-E Program as set forth above, and if so, whether to grant the requested tax relief and for how long.

10 Spencer Studios, LLC

23 S. Main St. Ste 2d

Hanover, NH 03755

APPLICATION FOR:

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM (RSA 79-E)

December 3, 2024

City of Lebanon

51 N. Park St.

Attn: Planning & Development

Lebanon, NH 03766

To Whom It May Concern:

I am writing to request your review of our application for the Community Revitalization Tax Relief Incentive Program (RSA 79-E).

10 Spencer Studios, LLC, an artist-owned partnership, purchased the property on November 13. Our intention is to complete a full rehabilitation of the building, within the existing footprint. Our intended renovations will preserve the historic charm of the building but make it functional, attractive, energy efficient, and safe. As an owner/manager, I will occupy one studio in the building, and the other artist/owner of the LLC, painter Enrico Riley, will occupy a second. The remaining two spaces will be rented to artists/creatives or other appropriate business use tenants.

We believe we meet the requirements of a Substantial Rehabilitation of a Qualifying Structure, with respect to cost of rehabilitation and also to energy efficiency improvements. We are requesting tax relief for a period of 5 years.

We also would ask that The Council consider extending tax relief for a period of 4 additional years, as we believe 10 Spencer is eligible for historic designation. Though it is not already designated, it meets the following requirements for historic designation 1) Building must be least 50 years old (*10 Spencer was built in 1928*) 2) Building must have significant historical association with events or people (*please see attached Nabisco article*) 3) Building retains a high degree of architectural integrity (*exterior masonry construction including distinctive parapet is unharmed, other than natural wear due to age*) 4) Building is considered important within its local context (*10 Spencer is importantly sited at the beginning of the Rail Trail and entry to Spencer Street, just outside of the Colburn Park historic district, a short walk from AVA Gallery and directly adjacent to CCBA*).

Our intention is to begin renovations as soon as possible, so that we can limit further deterioration of the building and begin to use our art studios and bring life to the building. In order to take on the amount of debt we will need to finance our project, we are counting on a period of tax relief to be able to generate a small profit (~\$5k per year, if all goes smoothly) or at least minimize our losses. We are not taking on this project as a money-making venture. Rather, as two working artists who have both had studios in Lebanon in the past, we fell in love with this building, and we want to dedicate the next chapter of our lives as artists to painting there.

Our long-term aspiration for the building is for it to also be home to a 501c3 non-profit organization offering studios, mentorship, and community engagement to high potential emerging artists. This non-profit is in its conception phase and thus is not part of our application, but in the short term we are looking for other tenants who share our love of the unique historic space of 10 Spencer and who will contribute to the revitalization of the area. It is clear from our pro forma that if we complete the thorough and extensive rehabilitation of the building we plan, we will barely break-even on a cash flow basis, even after we contribute rental income to the building partnership for the spaces we occupy as owner-artist-occupants of more than half the building's rentable square footage; however, the tax relief provided by the Community Revitalization Tax Relief Incentive Program will enable us to proceed with our project with confidence that we will be able to make it work, even as the numbers will be tight.

We appreciate your consideration of our application and would be happy to provide any additional information that might be helpful.

Sincerely,



Jennifer Caine

Manager

10 Spencer Studios LLC

617-304-3544

jennifercainerussell@gmail.com

www.jlcaine.com



APPLICATION FOR COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM (RSA 79-E)

Date application submitted: _____

Received by: _____

Note: Application must be accompanied by a \$50 application fee at the time of submission.

APPLICANT:	OWNER: (if different from applicant)
Name: Jennifer Caine	Name: 10 Spencer Studios, LLC
Mailing Address: 23 S. Main St., Ste 2d	Mailing Address: 23 S. Main St., Ste 2d
City, State, Zip: Hanover, NH 03755	City, State, Zip: Hanover, NH 03755
Phone / Fax: 617-304-3544	Phone / Fax: 617-304-3544
Email: jennifercainerussell@gmail.com	Email: jennifercainerussell@gmail.com

PROPERTY / BUILDING INFORMATION:			
Building Name (if any): 10 Spencer Street		Year Built: 1928	
Building Address: 10 Spencer Street		Gross Square Footage of Building: 7836	
Tax Map # 92	Lot # 33	Plot # 92-33	
Grafton County Registry Book # 4903		Page # 222	

Existing Property / Building Information:

(Describe *current* use, size, number of units, number of employees, etc.)

The building is currently vacant and has been for some time. However, it was previously used for various businesses, most recently a rug cleaning business. ,

Proposed Property / Building Information:

(Describe *proposed* use, size, number of units, number of employees, etc.)

The proposed use retains the existing footprint to create two owner-occupied professional artist studios. Two other rentable spaces will target other professional artists, creatives, or other appropriate business-use tenants.

Is there a change of use associated with this project?

Yes ☐ No ☒ If yes, please describe

Will the project include new residential units?

Yes ☐ No ☒ If yes, please describe

Will the project include new subsidized residential units?

Yes ☐ No ☒ If yes, please describe

Is the building eligible for listing or listed individually on the State or National Register of Historic Places or located within a State or National Register Historic District? Yes ☒ No ☒ If yes, provide a copy of the approved designation by the State or National Register of the building or the district.
Is the building located within and is it significant to a locally-designated historic district? Yes ☐ No ☒
Is the property located in an existing Tax Increment Finance (TIF) District? Yes ☒ No ☐
Has an abatement application been filed or has abatement been awarded on this property within the last year? Yes ☐ No ☒
Will any state or federal grants or funds or low income subsidies or tax credits be used in this project? Yes ☐ No ☒ If yes, what is the amount of the aid? \$_____ Describe and detail any terms of repayment, if applicable.

PROJECT INFORMATION: Describe the work to be done and the estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates. Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help describe and explain this application.	
Expected Project Start Date: <u>1/5/2025</u>	Expected Project Completion Date: <u>6/1/2025</u>
Structural: 	\$ _____
Exterior Alterations: (storefront/façade, walls, windows, doors, etc.) New replacement windows and doors throughout, ADA ramps, repointing of existing brick, roof.	\$ 262000
Interior Alterations: (walls, ceilings, moldings, doors, etc.) Full insulation of the entire building, new demising walls, molding, floors, interior painting.	\$ 206000
Electrical: All new electrical	\$ 155000
Plumbing/Heating: All new plumbing	\$ 36000
Mechanical: HVAC will be new and energy efficient.	\$ 141000
Fire Protection: New monitoring and alarm systems.	\$ 25000
Other: These are preliminary estimates, based on information furnished by Estes & Gallup Construction (details attached)	\$ _____
Total: NOTE: In completing this form, the applicant certifies that the estimated costs provided herein are reasonable and that such costs meet the above program requirements. Failure to meet the program requirements or the listing of unreasonable construction costs will result in denial of the application and forfeiture of the application fee.	\$ 825000
To be considered for this tax relief incentive program, the total project cost must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less. In the case of historic structures, the project must devote at least 10% of the pre-rehabilitation assessed value or \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation.	
TO BE COMPLETED BY CITY ASSESSING DEPARTMENT:	
Pre-Rehabilitation Assessed Valuation as of date of application submission: \$ _____	
Are the cost threshold requirements satisfied by the project as proposed? Yes ____ / No ____	

PROPOSED PUBLIC BENEFIT (RSA 79-E:7)

In order to qualify for property assessment tax relief under this program, the proposed substantial rehabilitation must provide at least one of the public benefits listed below. Any proposed *replacement* of a qualifying structure must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same qualifying structure.

Does the Project provide the following public benefits? (Check all that apply)

Enhances the economic vitality of the designated areas.

If yes, please describe.

The renovation and rehabilitation of 10 Spencer Street will contribute to the revitalization of Spencer Street, taking a dilapidated and vacant building and bringing it back to life. In addition, it will contribute to an "Arts District" in the downtown area of Lebanon, providing complementary building use activities to AVA Gallery and the adjacent 20 Spencer Street housing/gallery project. Whether in small towns or large cities, artist studios are a hub of creativity and craftsmanship, and along with other art spaces, are known to serve as cultural anchors, attracting visitors and members of the community alike. In addition to infusing the vibrancy of the arts into a vacant building, 10 Spencer will provide direct economic benefits as well, as artists often collaborate with local businesses and source materials locally.

Yes ☒
No ☐

Enhances and improves a culturally or historically important structure.

If yes, please describe.

The renovation/rehabilitation of the building will significantly beautify the former historic National Biscuit Co, Nabisco, warehouse. The building was well built in 1928 of masonry construction, sited on the Lebanon rail line with an attractive façade on Spencer Street. However, it has fallen into disrepair in recent years. The owners plan to entirely rejuvenate the building while preserving the historic charm of the structure. Restoration will include new windows and doors, a new roof, exterior repointing of the brick, attractive landscaping and a full renovation of the interior.

The warehouse directly abuts the Lebanon Rail Trail near its Spencer Street entrance, and the improvements to the building and site will make the area inviting for trail use.

Yes ☒
No ☐

Promotes preservation and reuse of existing building stock by rehabilitation of historic structures in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

If yes, please describe.

The artist owners of 10 Spencer are committed to preserving the historic and architecturally distinctive building, which lends charm and texture to the neighborhood. The extensive rehabilitation of the existing building will happen within the existing footprint and will preserve the original structure while repairing and restoring every surface. Renovation plans will dramatically improve the appearance, safety, energy efficiency and functionality of the building with virtually no change to the façade. Any outward facing renovations will only change the appearance of the building in compliance with current ADA requirements.

Yes ☒
No ☐

Promotes development in the designated areas, providing for efficiency, safety, and a greater sense of community, consistent with RSA Chapter 9-B.

If yes, please describe.

The clustering of arts-related buildings in the downtown area will further establish Lebanon as a cultural hub and draw visitors and residents to the area. Following renovation, 10 Spencer's welcoming facade at the start of Spencer St. will invite exploration of the neighborhood, helping create a vibrant atmosphere. Currently sitting vacant and overgrown with brush, 10 Spencer has begun to attract graffiti and dumping. The renovation will improve safety by providing an attractive, well-lit structure. Two of the owners will have studios in the building, and their presence will ensure that the building is properly maintained.

Yes ☒
No ☐

Increases residential housing in the designated areas.

If yes, please describe.

NA

Yes ☐
No ☒

HISTORICAL REQUIREMENT FOR REPLACEMENT OF QUALIFYING STRUCTURES

In the case of replacement of qualifying structure(s), the applicant shall submit a New Hampshire Division of Historical Resources Individual Inventory Form prepared by a qualified architectural historian and a letter issued by the Lebanon Heritage Commission that identifies any and all historical, cultural, and architectural value of the structure(s) that are proposed to be replaced and the property on which those structure(s) are located.

Note: An application for replacement of a qualifying structure shall not be considered complete, and no public hearing shall be scheduled, until the Individual Inventory Form and the Heritage Commission letter, as well as any other required information, have been submitted.

IMPORTANT

Per RSA 79-E:13, II, the Base or "Original" Assessed Value for any tax relief period is only set after the following two conditions are met:

1. Approval of the tax relief by the City Council following a public hearing.
2. The applicant's entering into a Covenant with the City of Lebanon to protect the public benefit(s).

Therefore, the applicant and/or property owner shall not commence any of the improvements included in this application until such time as he or she has satisfied the above requirements. This prohibition shall include any demolition to the existing structure.

AFFIDAVIT

I/We have read and understand the Community Revitalization Tax Relief Incentive (RSA 79-E) and am/are aware that this will be a public process, including a public hearing to be held to discuss the merits of this application and the subsequent need to enter into a covenant with the City and pay any reasonable expenses associated with the drafting of the covenant. I/We understand the application will not be determined as complete or recommended to the City Council for consideration until all of the necessary information is provided.

The undersigned hereby acknowledge understanding of the above statement and certify that the information provided herein are true and correct:

Signature 	Print Name Jennifer Caine	Date: 12/3/2024
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:





Barnes Architects
Paul J. Barnes, AIA
201 241-1000
Office: 100 Main St., VT 05642

Telephone: 802-256-0004
barnes@barnes.com

Project

PROJECT SITE

10 SPENCER STREET
LEBANON, NEW HAMPSHIRE

DATE: 11/11/2024

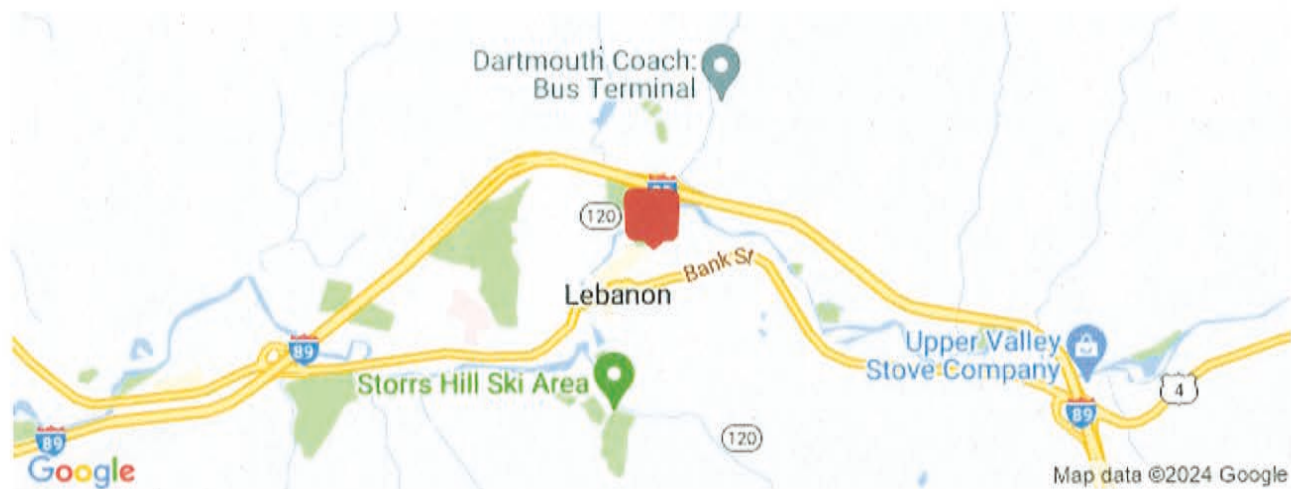
EXISTING ELEVATIONS

Revisions:

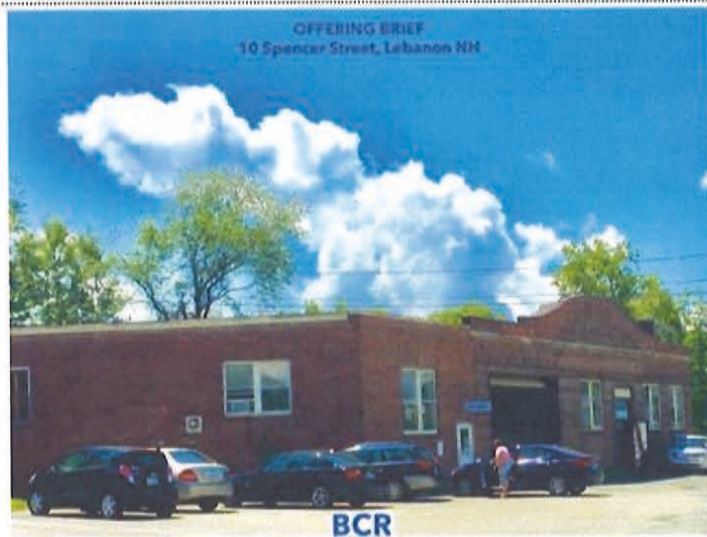
Sheet

X4

Date: 11 NOV 2024



Property Images



2. Exterior photo



4. Pending Adjacent Artist Housing



3. Aerial-Looking East

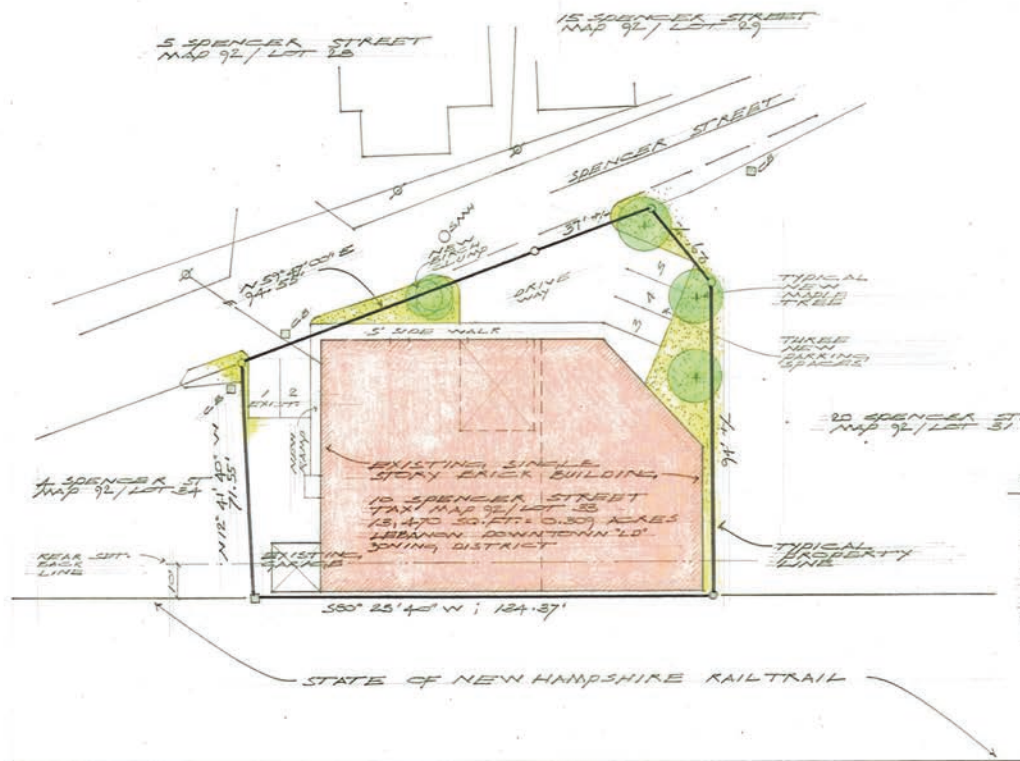


5. Aerial of Downtown

LEBANON, N. H.

The Lebanon Realty Comapny has been established here with its object the building and financing the building of a warehouse here for the National Biscuit Co. following its decision to establish warehouse headquarters in Lebanon provided a building to be leased by the Company for a number of years could be furnished by local capital. The matter has been under discussion by the Lebanon Chamber of Commerce and other local business men for sometime past and the Realty Company is negotiating with the Boston & Maine railroad for the lease of a siding as soon as the contract for the building is awarded and for which bids are not out. It is expected that the National Biscuit Co. will employ at least about 15 men here at the warehouse. The officers of the new corporation are Dean N. Dwinell, president; Alfred J. Densmore, vice-president; Arthur H. Hill, treasurer; Richard H. Kelley, clerk.

Clipped By:
nfordburley
Feb 10, 2021



NOTES

1. THIS DRAWING IS A BASIC TITLE: A PLAN LINE ADJUST. NOT BEAT CITY OF LEBANON AND KEITH BEASLEY, PREPARED BY KENWOOD LAND SERVICES LLC DATED (11/16/18)
2. THERE ARE NO REQUIRED FRONT OR SIDE SETBACK LINES.

SITE PLAN



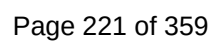
SCALE: 1" = 20'

10 SPENCER STREET
LEBANON, NEW HAMPSHIRE

ba barrett architecture
FRANK J. BARRETT, JR., AIA
281 The Bend Road • Greenboro Bend • VI 05842
(802) 296-0001 • frank@barrettjr.com

DATE: SEPT. 21, 2024
REVISED:

1 OF 1





Standard Estimate Report
10 Spencer Street Lebanon 09.2024

Project name	10 Spencer Street Lebanon 09.2024
Labor rate table	Bare Rates
Job size	8187 SF
Notes	General Budget Interior Fitup 975 SF Conidor / Common Jen 2325 SF Enrico 1837 SF Total Building = 8187 SF
Report format	Sorted by 'Group phase/Phase' 'Detail' summary Print item notes Paginate



ESTES &
GALLUP
CONSTRUCTION

Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Total
			Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount
1000.000 GENERAL CONDITIONS									
1050.000	Permits								
10	Building Permits by Owner		-	-			-		
10	Electrical Utility Fees NIC	0.00 ls	-	-			-		
1060.000	Documents								
10	Prints & Records Permit Drawings Allowance Documents	1.00 ls	-	-	4,500.00 /ls	4,500	-		4,500
						4,500			4,500
1100.000	Project Management								
14	Project Manager	120.00 hr	95.00 /hr	11,400	-	-	-		11,400
	Project Management			11,400					11,400
	120.00 Labor hours								
	4,800.00 Equipment hours								
1102.000	Site Supervision								
14	Superintendent	12.00 wk	3,000.00 /wk	36,000	-	-	-		36,000
	Site Supervision			36,000					36,000
	480.00 Labor hours								
	480.00 Equipment hours								
1260.000	Utilities								
14	Electric Power By OWNER	0.00 mo	-	-			-		
18	Telephone Charges	3.00 mo	-	-	125.00 /mo	375	-		375
20	Temporary Toilets	3.00 mo	-	-	150.00 /mo	450	-		450
	Utilities					825			825
1272.000	Safety Protection								
50	Temporary Protection	0.00 ls	0.00	0	0.00	0	-		
1300.000	Project Clean Up								
12	Weekly Cleaning Misc Labor, Safety.	12.00 wk	150.00 /wk	1,800	50.00 /wk	600	-		2,400
14	Final Cleaning	1.00 ls	5,000.00 /ls	5,000	1,000.00 /ls	1,000	-		6,000
46	Dump Fees LS	3.00 ea	-	-	1,200.00 /ea	3,600	-		3,600
	Project Clean Up			6,800		5,200			12,000
	480.00 Labor hours								
1350.000	Tools & Equipment								
16	Misc. Tools / Blades	1.00 ls	-	-	500.00 /ls	500	-		500



ESTES &
GALLUP
CONSTRUCTION

Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Total	
			Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	
CONCRETE				2,640		1,925	0		4,565	
4000.000	MASONRY									
4001.000	Masonry Sub									
10	Masonry Subcontract Misc Cut Patch Parge Infil Allowance	1.00 ls	-	-	-	-	7,500		7,500	
	Masonry Sub						7,500		7,500	
MASONRY				0		0	7,500		7,500	
5000.000	METALS									
5122.000	Structural Erection									
100	Misc Steel Lintels, Hangers, Misc Allowance	1.00 ls	-	-	-	-	2,500		2,500	
	Structural Erection						2,500		2,500	
METALS				0		0	2,500		2,500	
6000.000	ROUGH CARPENTRY									
6002.000	Rough Carpentry									
10	Rough Carpentry Materials Ramp Right Side	140.00 sf	-	-	30.00 /sf	4,200			4,200	
10	Rough Carpentry Materials Interior Ramp / Landing	300.00 sf	-	-	30.00 /sf	9,000			9,000	
10	Ramp stair Left Side	67.00 sf	-	-	30.00 /sf	2,010			2,010	
10	Rough Carpentry Materials Misc Interior Blocking, Etc.	1.00 ls	-	-	2,500.00 /ls	2,500			2,500	
15	Rough Carpentry Labor	40.00 md	480.00 /md	19,200	-	-	-		19,200	
	Rough Carpentry			19,200		17,710			36,910	
	320.00 Labor hours									
ROUGH CARPENTRY				19,200		17,710	0		36,910	
	320.00 Labor hours									
6200.000	FINISH CARPENTRY									
6210.000	Interior Door Trim									
10	Interior Door Trim Poplar 1x4	504.00 lf			1.74 /lf	877	-		877	
	Interior Running Trim Labor	10.00 md	480.00 /md	4,800					4,800	



ESTES &
GALLUP
CONSTRUCTION

Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Total	
			Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount
	Interior Door Trim			4,800		877				5,677
	584.00 Labor hours									
6211.000	Interior Window Trim									
30	Int Window Trim if needed or Not Drywall returns	2,160.00 lf	2.222 /lf	4,800	1.74 /lf	3,758	-			8,558
	Interior Window Trim			4,800		3,758				8,558
	54.00 Labor hours									
6212.000	Base Molding									
10	Interior Base	0.00 lf	0.00	0	0.00	0	-			
	Assumed Vinyl									
	FINISH CARPENTRY			9,600		4,635	0			14,235
	638.00 Labor hours									
7000.000	THERMAL & MOIST PROTECT									
7210.000	Blown-In Insulation									
sub	Foam / Cellulose/ Vapor Barrier Insulation Sub	1.00 ls	-	-	-	-	20,949			20,949
sub	Foam Insulation Sub at basement PO walls	1.00 ls	-	-	-	-	7,261			7,261
	Blown-In Insulation						28,210			28,210
7530.000	Membrane Roofing									
20	Membrane Roofing Base Price Budget (+/- 10k)	8,188.00 sf	-	-	-	-	160,000			160,000
	Range 150-170,000									
20	Add for 1/2" Gypsum thermal barrier (if needed)	8,188.00 sf	-	-	-	-	21,000			21,000
20	Asbestos Abatement allowance	8,188.00 sf	-	-	-	-	23,000			23,000
20	Roof at small garage area if needed	307.00 sf	-	-	-	-	6,000			6,000
	Membrane Roofing						210,000			210,000
	THERMAL & MOIST PROTECT			0		0	238,210			238,210
8000.000	DOORS & WINDOWS									
8100.000	Hollow Metal Purchase									
10	Semi Residential Interior Door Allowance	12.00 ea	-	-	556.667 /ea	6,680	-			6,680
	Hollow Metal Purchase					6,680				6,680
8102.000	Hollow Metal Frames									
10	Install Door Frame and Hardware	12.00 ea	480.00 /ea	5,760			-			5,760



ESTES &
GALLUP
CONSTRUCTION

Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Total	
			Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount
	Hollow Metal Frames			5,760						5,760
	320.000 Labor hours									
8205.000	Wood Door									
1000	Wood Door Exterior Plain Thermo Tru Allowance	2.00 ea			750.00 /ea	1,500	-			1,500
1000	Door Hardware Allowance	12.00 ea			175.00 /ea	2,100	-			2,100
	Wood Door					3,600				3,600
	28.00 Labor hours									
8410.000	Aluminum Storefront									
10	Aluminum Frame Storefronts	2.00 ea	-	-	-	-	41,826			41,826
	Aluminum Storefront						41,826			41,826
8500.000	Window Schedule									
1	Purchase Marvin Elevate Series	18.00 ea	-	-	2,177.222 /ea	39,190	-			39,190
	Window installation accessories	18.00 ea			125.00 /ea	2,250				2,250
	Window Installation labor	18.00 unit	480.00 /unit	8,640						8,640
	Window Schedule			8,640			41,440			50,080
DOORS & WINDOWS				14,400		51,720	41,826			107,946
	348.000 Labor hours									
9000.000	FINISHES									
9250.000	Drywall									
10	GWB Interior Partitions 5/8 20g Insulated Partitions	16,375.00 sf	-	-	-	-	56,000			56,000
	Drywall						56,000			56,000
9680.000	Flooring Allowance									
sub	Floor Underlayment (new finished areas only) ?	5,500.00 sf	-	-	-	-	10,950			10,950
sub	Complete Flooring Contract (Budget)	5,500.00 ls	-	-	-	-	61,081			61,081
	Flooring Allowance						72,031			72,031
9910.000	Painting Exterior									
sub	Painting Exterior Sub	0.00 ls	-	-	-	-	0			
	Not Included									
sub	Misc Painting Exterior / Touchup Allowance	1.00 ls	-	-	-	-	1,500			1,500
	Painting Exterior						1,500			1,500
9920.000	Painting Interior (budget									
sub	Painting Interior Sub	22,000.00 sf	-	-	-	-	33,000			33,000

10 Spencer Street Lebanon 09.2024

File Location SAGESG0323\SAGE_ESTIMATING

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CONSTRUCTION

Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Item	Description	Takeoff Qty	Labor		Material		Subcontract		Total	
			Unit Cost	Amount	Unit Cost	Amount	Amount	Name	Amount	Amount
	Painting Interior (budget)						33,000			33,000
	FINISHES			0		0	162,531			162,531
10000.000	SPECIALTIES									
10820.000	Bath Accessories by LS									
12	Bath Accessories	2.00 ea			525.00 /ea	1,050	-			1,050
12	Install Bath Accessories	1.00 md	480.00 /md	480	-	-	-			480
	Added Bathroom (assumed wall mount sink, no vanities)									
	Bath Accessories by LS			480		1,050				1,530
	8.00 Labor hours									
	SPECIALTIES			480		1,050	0			1,530
	8.00 Labor hours									
15000.000	MECHANICAL									
15050.000	Project Mechanical									
10	Mechanical HP Tenant A, B, (add Alternate)	0.00 ls	-	-	-	-	0			
	58000									
10	Mechanical HP Jen, Enrico Area	1.00 ls	-	-	-	-	115,000			115,000
	Project Mechanical						115,000			115,000
15110.000	Plumbing									
sub	Plumbing Subcontract Toilet Rm, Jan Closet	1.00 ls	-	-	-	-	22,000			22,000
	Plumbing						22,000			22,000
15470.000	Sprinkler Systems									
sub	Sprinklers Allowance	1.00 ls	-	-	-	-	40,500			40,500
	Sprinkler Systems						40,500			40,500
	MECHANICAL			0		0	177,500			177,500
16000.000	ELECTRICAL									
16110.000	Electrical Allowances									
sub	Fire Alarm System Allowance	1.00 ls	-	-	-	-	25,000			25,000
sub	3 phase 400 amp service upgrade allowance	1.00 ls	-	-	-	-	31,000			31,000
sub	Lighting allowance	1.00 ls	-	-	-	-	10,000			10,000
sub	Hvac Mech Eq Allowance, Electric heating at Bath, Janitor, corridor	1.00 ls	-	-	-	-	7,500			7,500



Standard Estimate Report
10 Spencer Street Lebanon 09.2024

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Item	Description	Takeoff Qty	Labor		Material		Subcontract	Name	Total
			Unit Cost	Amount	Unit Cost	Amount	Amount		Amount
16110.000	Electrical Allowances								
sub	Electrical Subcontract	1.00 ls	-	-	-	-	81,500		81,500
	Electrical Allowances						155,000		155,000
ELECTRICAL				0		0	155,000		155,000

10 Spencer Studios, LLC - Pro Forma P&L

Revenues:

	2025	2029
Base rental income (includes owner occupants)	\$100,200	116,400
CAM reimbursements	\$10,000	10,000

Expenses:

CAM expenses	\$10,000	10,000
Property taxes	\$14,906	14,906
Insurance	\$5,000	6,000
Property Management, Professional fees, Maintenance	\$9,500	10,000
Accounting and Legal Admin	\$2,500	3,000
Total Expenses	\$41,906	\$43,906
Net Operating Income (Before Depreciation and Interest)	\$68,294	\$82,494
Depreciation and amortization		

Non-cash Expense:

Other income (expense):

Mortgage expense (2025-29: interest only. 2029: interest and principal)	(\$63,373)	(81,600)
---	------------	----------

Net Operating Income (Before Depreciation)	\$4,921	894
--	---------	-----

Rental Income Assumptions

Rental Income	Per Month	PerMonth	Approx Sq Ft.
Tenant 1 (Enrico Riley - owner artist occupant)	\$2,000	\$2,400	1850
Tenant 2 (Jennifer Caine - owner artist occupant)	\$2,000	\$2,400	1850
Tenant 3	\$2,400	\$2,700	1800
Tenant 4	\$1,950	\$2,200	1400
Common Space	810		810
	7830	\$9,700	7830

Project Sources and Uses

Financing Sources		
Equity	\$200,000	
Debt	\$1,270,000	
Total Sources	\$1,470,000	
	Interest only	Amortizing
Rate	4.99%	5%
Annual Cost of Debt	(\$63,373)	(81,600)
Investment Uses		
Building Purchase	\$555,000	
Due Diligence/Soft Costs	\$15,000	
Restoration Expenses	\$900,000	
Total Uses	\$1,470,000	



COUNCIL POLICY COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM			
<i>Policy Number</i>	<i>Effective Date</i>	<i>Last Revision</i>	<i>Page No.</i>
CC-105	08/04/2021	09/18/2024	Page 1 of 6
<i>Approved by:</i>	City Council – Sept. 18, 2024		

Section 1.0: Purpose

This document details the guidelines City Council will be utilizing when considering applications for the Community Revitalization Tax Relief Incentive Program, commonly known as 79-E. The guidelines are intended to assist applicants as they develop their applications allowing them to take full advantage of the program and meet the City's community revitalization goals.

The Community Revitalization Tax Relief Incentive Program has multiple purposes as detailed below. The program is designed to provide short-term, limited property assessment tax relief for property owners who wish to undertake a substantial rehabilitation of a qualifying structure, or in certain cases, the replacement of a qualifying structure, which will provide one or more public benefits as defined in RSA 79-E. A recorded covenant is required to protect the demonstrated public benefit(s) for at least the length of the short-term property tax relief. The program is intended to assist property owners by providing a subsidy in the form of tax relief to enable projects providing a public benefit that would otherwise not be fiscally feasible.

Section 2.0: Scope

The guidelines apply to applicants, City Staff in the Planning & Development Department, the City Manager's Office, the Downtown Tax Increment Financing District Advisory Board, and the City Council.

Section 3.0: Definitions

Workforce Housing – (as provided in New Hampshire RSA 674:58, IV) means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for Grafton County as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for Grafton County as published annually by the United States Department of Housing and Urban Development.

Qualifying Structure – (as provided in RSA 79-E:2, II) A qualifying structure is a building or structure located within the designated Community Revitalization Tax Relief Incentive areas of the City including but not limited to the Downtown 79-E District and the Downtown West Lebanon 79-E District, an any other district established pursuant to RSA 79-E:2, II(a). Maps of the designated Downtown Lebanon 79-E District and the Downtown West Lebanon 79-E District, are attached to this Policy in Appendix A. In addition, historic structures located anywhere in the City are also considered qualifying structures for purposes of the 79-E program.

Substantial Rehabilitation – (as provided in RSA 79-E:2, IV) A substantial rehabilitation is a project which meets the following requirements:



City of Lebanon
New Hampshire

COUNCIL POLICY

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM

<i>Policy Number</i>	<i>Effective Date</i>	<i>Last Revision</i>	<i>Page No.</i>
CC-105	08/04/2021	09/18/2024	Page 2 of 6
<i>Approved by:</i>	City Council – Sept. 18, 2024		

- Rehabilitation projects must cost at least fifteen percent (15%) of the building's pre-rehabilitation assessed value (excluding the value of the land and cost of real estate acquisition, if any), or at least \$75,000, whichever is less.
- Excluding the value of the land and cost of real estate acquisition, if any, projects involving the demolition and replacement of qualifying structures must cost more than fifteen percent (15%) of the pre-replacement assessed value of the qualifying structure (excluding the value of the land and cost of real estate acquisition, if any), or \$75,000, whichever is less.
- In the case of historic structures, substantial rehabilitation means devoting at least ten percent (10%) of the pre-rehabilitation assessed valuation, or \$5,000, whichever is less, to energy efficiency improvements in accordance with the Secretary of Interior's Standards for Rehabilitation guidelines for historic structures.

Section 4.0: Policy Detail

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. At that time, the City Council established a Downtown Lebanon 79-E District and a Downtown West Lebanon 79-E District. Maps of the designated 79-E Districts are attached to this Policy in Appendix A.

Section 5.0: Procedures

Upon receipt of an application for tax relief under the City's 79-E program for a project that involves the *substantial rehabilitation* of a *qualifying structure*, as those terms are defined in RSA 79-E:2, the City Council shall hold a public hearing within 60 days.

5.1 The Council must determine if a project will generate one or more Public Benefits.

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or



City of Lebanon
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COUNCIL POLICY

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM

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- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

5.2 The Council must find that the proposed use is consistent with the City’s Master Plan or development regulations.

5.3 The Council must determine the period of time for which tax relief will be granted.

1. Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. (RSA 79-E:5, I)
2. The City Council may, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. (RSA 79-E:5, II)
3. The City Council may, in its discretion, grant up to four (4) additional years of tax relief for the Substantial Rehabilitation of a Qualifying Structure that is listed on or determined eligible for listing on the National Register of Historic Places, State Register of Historic Places, or is located within and important to a locally designated historic district, provided that the Substantial Rehabilitation is conducted in accordance with the U.S. Secretary of Interior’s Standards for Rehabilitation. (RSA 79-E:5, III)

For any amount of tax relief approved, such tax relief begins upon the completion of the substantial rehabilitation of the structure(s). In addition, all taxes, utility fees, impact fees, and any other user fees assessed by the City for the property on which the structure(s) is located must be paid in full before any 79-E tax assessment relief goes into effect.

RSA 79-E does not define the term “affordable” for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units within a development that must be considered affordable in order to merit the tax relief. Therefore, the City has adopted the definition of “workforce housing” from RSA 674:58 to define affordability as it relates to the RSA 79-E program.

For purposes of considering additional years of tax assessment relief for affordable housing allowed under RSA 79-E:5, II, the City Council will consider granting additional years of tax relief on a sliding scale depending on the targeted level of affordability (based on Area Median Income figures as published by the US Department of Housing and Urban Development (HUD)) and the percentage of units in a development subject to such affordability requirements. In general, greater levels of affordability and/or larger percentages of units subject to such affordability levels will be considered for more years of tax assessment relief, as follows:



City of Lebanon
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		<u>TARGETED AREA MEDIAN INCOME (AMI)</u>				
		60% or less	60 - 70%	70 - 80%	80 - 90%	90 - 100%
<u>% OF UNITS IN PROJECT</u>	40% or more	4	4	4	3	2
	30-40%	4	3	3	2	2
	20-30%	3*	3	3	2	1
	10-20%	3*	2	2	2	1
	0-10%	2*	2	1	1	1

* Units targeted for 50% or less of AMI qualify for 1 additional year of tax relief

However, the City Council understands that a significant purpose of the 79-E program is to enable rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards outlined above would undermine the viability of the project and prevent it from occurring at all, then the City Council shall retain the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community of the completed project against the potential tax revenue foregone.

5.4 Tax Increment Financing (TIF) Districts

Applications for tax relief under this program for properties located within a Tax Increment Financing (TIF) District shall be reviewed by the applicable TIF Advisory Board. The TIF Advisory Board shall provide recommendations to the City Council and the District Administrator regarding the impacts to the administration and operation of the TIF District relative to the proposed tax relief requested.

5.5 Program Details & Requirements

1. Eligibility.

- a. An owner / applicant shall not begin their project, including demolition or site preparation, until:
 - The City Council has held a public hearing and approved the application for tax assessment relief, and
 - The protective covenant has been granted to the City and recorded at the Grafton County Registry of Deeds.
 - Individuals who commence their projects prior to securing these items may be ineligible to participate in the 79-E Program.
- b. Properties located within Tax Increment Finance (TIF) Districts or which receive



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State or Federal funds, might be ineligible for this program. (See RSA 79-E:4, VI and 79-E:14.)

- c. Affordable housing developments which elect to have their assessed valuation and payment of property taxes determined under the provisions of RSA 75-1:a are ineligible for RSA 79-E. (See RSA 79-E:5, I-a.)
2. Property Owner Obligations. If tax relief is granted by the City Council, the property owner shall:
 - a. Grant to the City of Lebanon a covenant to:
 - i. Protect the public benefits of the development for a period of twice the duration of the tax relief term granted, to include payback and penalty provisions.
 - ii. Ensure the property remains taxable for the entire tax relief term.
 - b. Have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the property and any structures thereon, for the purpose of ensuring the proper and timely restoration or demolition of the property, including any damaged structures thereon.
 - c. In addition to the covenant, enter into a development agreement as may be required by the City Council to ensure the public benefits and any other requirements are met.
 3. Application of Tax Relief
 - a. Tax relief is only granted on the value of the new improvements. For the duration of the tax relief period, the pre-rehabilitation assessed value of the structure(s) is subject to adjustment due to market appreciation or depreciation.
 - b. The tax assessment relief shall run with the land and shall accrue to future property owners if the property is sold during the tax assessment relief period, provided that the property and any structures thereon are maintained in accordance with the terms and conditions of the recorded covenant.
 - c. Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

5.6 Determination of Revenues and Expenses

The purpose of the 79-E program is to incentivize property owners to rehabilitate or replace structures on their property that meet the criteria and intent of the program. Additionally, the program is intended to help offset the costs by providing short-term, limited tax relief for projects that would not otherwise be financially viable for the property owner. A reasonable amount of profit for the property owner is expected, however the program is not intended to enhance profits by subsidy through the City for projects that are already profitable. As a result, applicants are required to provide detailed information about their financing package for the project, including a statement of sources and uses (i.e. Project Budget), as well as a financial pro forma.



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COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM

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Property owners will be required to and must agree to provide complete documentation at the completion of the project to demonstrate the actual project costs and revenues. Additionally, the property owner will be required to provide expense and revenue data in a format required by the City annually by April 15 of each year during the tax relief period to continue to receive the tax exemption. Revenues generated by the use of the property in excess of the amounts agreed to in the development agreement may be the basis for a reduction or termination of the tax relief period.

5.7 Appeals

The decision to award a NH RSA 79-E Community Revitalization Tax Relief Incentive is within the sole discretion of City Council. The City Council's denial of an application may be appealed either to the Board of Tax and Land Appeals or the Grafton County Superior Court, in the same manner as provided for appeals of current use classification, pursuant to RSA 79-A:9 or 79-A:11, provided, however, that such denial shall be deemed discretionary and shall not be set aside by the Board of Tax and Land Appeals or the Superior Court except for bad faith or discrimination.

Section 6.0: References (Charter/Code/State Statutes)

1. NH RSA Chapter 79-E Community Revitalization Tax Relief Incentive
2. NH RSA 674:58 Definitions-Workforce Housing
3. City Code Chapter 31-43,2. Downtown TIF Advisory Board, Purposes; Authority and Duties

Section 7.0: Policy & Procedure Revision History

	Section	Revisions	Date
Original Adoption			08/04/2021
Amendment	All	Clarification of Purposes, Definitions, Eligibility, Procedures, and Requirements	09/18/2024
Amendment			
Amendment			

Agenda

Lebanon City Council

January 08, 2025

10. New Business:

10.E – Discussion and Set Public Hearing for January 22, 2025:

CDBG and Recovery Housing Program Applications for Families Flourish Northeast Upper Valley – Lebanon

Background

The New Hampshire Community Development Finance Authority (CDFA) receives approximately \$9 million annually for the statewide Community Development Block Grant (CDBG) program, which includes all non-entitlement municipalities and counties. Up to \$500,000 annually is available to communities or counties on a competitive basis in each of the four categories of housing, public facilities, economic development, and emergency activities that directly benefit low- and moderate-income persons. Up to \$25,000 is available for planning grants. The Recovery Housing Program (RHP) is a pilot program for special needs housing, which municipalities and non-profits may apply to for up to \$1,000,000.

Families Flourish Northeast requests that the Lebanon City Council support the submission of a CDBG application for Public Facilities for up to \$500,000 and an RHP application for up to \$1,000,000 to support the development of a high-intensity residential substance-use treatment center for pregnant and parenting women and their children in the Upper Valley. The proposed location for the facility is 424 Mount Support Road (Tax Map 24, Lot 6), which is owned by Mary Hitchcock Memorial Hospital. The cost of the construction is estimated at \$9 million. The goal is to begin providing services at the new facility in mid- to late-2026.

A request to submit applications for CDBG and RHP funds was approved by the City Council in May of 2023; the applications were submitted but then later withdrawn due to the site becoming unavailable. The proposal includes funds from both CDBG and RHP, which are both administered by CDFA and carry similar program criteria to CDBG and a separate application.

Please see the attached description and project overview for more information.

Action

Should the Council decide to move the CDBG and RHP applications forward, the Council is requested to approve the following actions:

MOVED, that the Lebanon City Council hereby schedules public hearings for Wednesday, January 22, 2025, beginning at 6:00pm, Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the following:

- 1) A public hearing for the purpose of receiving public input and taking action on a proposed Community Development Block Grant (CDBG) application for up to \$500,000 in CDBG Public Facilities funds to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract; and**
- 2) A public hearing for the purpose of receiving public input and taking action on a proposed Recovery Housing Program (RHP) grant application for up to \$1,000,000 to be sub-granted to Families Flourish Northeast; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the RHP Application and contract; and**
- 3) A public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti-Displacement and Relocation Plan for Families Flourish Northeast.**

Included in this Section:

1. Project Description – Families Flourish Northeast – Upper Valley Facility
2. City of Lebanon Residential Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast

Name and Town: Families Flourish Northeast, Lebanon, NH

Email: info@familiesflourishne.org

Families Flourish Northeast (FFNE) is a New Hampshire 501(c)3 nonprofit corporation in the final planning phase for a high-intensity residential substance-use treatment center for pregnant and parenting women and their children. The organization is currently seeking \$9 million dollars in funding for startup costs and renovation/construction of its future home in the Upper Valley of New Hampshire, with a goal of providing services by mid- to late-2026.

Filling the critical gap in access to family-centered residential treatment in New Hampshire. Rural families and communities in central and northern New Hampshire have been severely impacted by our state's substance use crisis yet have far less access to treatment than the more heavily populated southern part of our state. In 2020, the proportion of newborns born at Dartmouth-Hitchcock with prenatal substance exposure rose to 10.3%, in contrast to 6.7% for New Hampshire overall. By 2023, these numbers had risen again to 13.4% for DHMC compared to 6.4% % for the state. The COVID-19 pandemic increased rates of substance exposed pregnancies and the severity of maternal substance use have increased in the Upper Valley, as well as statewide. Unfortunately, treatment need far exceeds supply, especially for pregnant people. The two family- centered residential programs in New Hampshire are in the southern part of the state, comprise only 26 treatment beds, and carry up to a 6-month waiting list. FFNE will significantly increase treatment capacity for this vulnerable population by providing comprehensive treatment for up to 12 pregnant and parenting women and their children up to age 12.

Mission: Our mission is to fill a critical gap by providing trauma-informed residential substance use disorder treatment for pregnant and parenting women in a warm, safe and supportive community.

Vision: Our vision is to support lifelong health, healing and recovery for women, children, families, and communities by interrupting the intergenerational cycle of addiction.

Clinical Model Overview: The Families Flourish Northeast (FFNE) program will provide the American Society of Addiction Medicine level 3.5, Clinically Managed High-Intensity Residential Substance Use Treatment for women. This level of care includes residential services capable of addressing complex co-occurring mental health needs, providing 24-hour care with trained addiction and mental health counselors to stabilize and prepare participants for outpatient treatment. The FFNE 12-month program will be divided into three phases: stabilization, active treatment, and transition. FFNE's multidisciplinary approach will include comprehensive substance use and psychiatric evaluation, individual and group therapy, treatment medications as indicated, parent-child psychotherapy and attachment interventions, and critical parenting support. As women progress through treatment, emphasis will shift to recovery maintenance, development of life skills, employment training, and re-entry to the workforce. Pediatric services will include comprehensive behavioral and development assessment and age-appropriate interventions for children 0-12 years. FFNE will work closely with the Division of Children, Youth, and Families to support family reunification for women who do not have custody of their children.

Urgent need for residential services: Between 2018-2020, 29 women attending Dartmouth-Hitchcock's Moms in Recovery intensive outpatient treatment program were referred to residential treatment, of whom 25 declined referral due to lack of gender-specific services that would allow them to bring their children with them or to continue visitation with their children who were not in their care. Over 80% of program participants had co-occurring mental health diagnoses and many were experiencing family violence.

Gap in Existing Services: Currently, treatment for pregnant and parenting women with Substance Use Disorder (SUD) in Cheshire, Sullivan, Grafton, Carroll and Coos counties are almost entirely outpatient-based, with one gender-specific Intensive Outpatient Program (IOP) in Lebanon in the Moms in Recovery program. As mentioned previously, southern New Hampshire currently has two programs offering clinically managed, high intensity residential treatment for women with children, totaling 26 beds, both carry waitlists up to 6 months. While 28-day residential beds in mixed-gender facilities are more available, these programs do not allow women to bring their children with them. Lack of accessible treatment for parenting women is contributing to the current strain on New Hampshire's child welfare, criminal justice, and correctional systems.

Effectiveness of FFNE treatment model: FFNE aims to provide the appropriate level of addiction treatment needed to support sustained recovery, community reintegration, and intact maternal-child relationships. The FFNE model is based on the evidence-based *Horizons for Women* program, which provides long term residential treatment for women with children at the University of North Carolina. This treatment program is based on a relational model utilizing state-of-the-science practices in women's treatment, parent-child psychotherapy, and attachment-based approaches which address the developmental needs of children impacted by maternal substance use.

FFNE's program will support women as they move from initial stabilization through treatment, recovery maintenance, and finally re-entry into the community setting. The program will be provided in a structured environment which builds women's capacity for safely parenting their children, supports family reunification, and reduces the impact of adverse childhood events. Case management starting on admission will work proactively with community-based services, affordable housing providers, and employers to ensure successful reintegration to a woman's home community following residential program completion.

Physical space needed to deliver the Families Flourish clinical model. FFNE's future home will meet all requirements for NH residential program licensure, and accreditation by the Council for Accreditation of Rehabilitation Facilities (CARF), in an innovative family-centered model facility. Residential accommodations will allow for stabilization, active treatment, supported employment, and transition to independent, community-based recovery over the course of the 9–12-month program. Family units will be designed to facilitate mentored parenting skill development and attachment, in the context of a larger family-centered recovery community. Between the close of 2024 and beginning of 2025 FFNE is slated to sign a Letter of Intent to lease 424 Mount Support Road in Lebanon and construct a new building on the property, which is owned by and adjacent to the Mary Hitchcock Memorial Hospital. As a result, FFNE and Dartmouth Health, which operates the hospital, are now actively negotiating a long-term lease for the building with a goal to begin construction by the latter part of 2025. Necessary state and local permitting is under way with zoning review, including wetland permitting, anticipated for completion in January 2025, to be followed by site plan review.

Funding Sources. Families Flourish Northeast has worked diligently to explore multiple avenues of revenue to fund start-up and renovation costs. During the past several years, FFNE has received foundational support from the New Hampshire Charitable Foundation and DHMC, investing a combined total of over \$250,000 for the planning and development of our organization. FFNE is confident that the first phase of our upcoming Capital Campaign will be successful in recruiting several individuals, corporations, and philanthropists throughout New England who will be eager to support our project, including consideration of NHCDFA tax credits. FFNE will utilize a seasoned development consultant to help strengthen community connections and expand our current prospect pool through 2025. Overall FFNE is actively seeking additional community, state and federal funding for infrastructure and capacity building including the following opportunities: USDA Recovery Grant (ARPA), HRSA (earmark), Community Development Block Grant (CDBG), Recovery Housing Program Pilot (RHP), Governor's Office for Emergency Relief and Recovery (GOFERR), Northern Border Regional Commission (NBRC), NHHFA OUD Supportive Housing Capital Program, and donations as well as smaller grants. Once operational, FFNE will seek programmatic funding from SAMSHA, HUD, NIH, and other federal agency opportunities.

**CITY OF LEBANON
RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN
FAMILIES FLOURISH NORTHEAST**

Every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG project and a Recovery Housing project undertaken by the municipality. THE FAMILIES FLOURISH NORTHEAST WILL INCLUDE DISPLACEMENT of one or more existing businesses. Families Flourish will develop and submit a Relocation Plan.

However, in the event of displacement as a result of a federally funded award, the CITY OF LEBANON will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntarily and permanently displaced.

If the property is acquired, but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide that before obligating and spending funds that will directly result in such demolition or conversion the municipality will make public and submit to CDFA the following information:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion date of the demolition or conversion;
- e. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits for all low or moderate income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or;
 2. If elected by a family, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate of voucher for rental assistance provided through New Hampshire Housing Finance Authority.

- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and
- k. The right of appeal to the executive director of CDFA where a claim for assistance under subparagraph 2. above, is denied by the grantee. The executive director's decision shall be final unless a court determines the decision was arbitrary and capricious.
- l. Paragraphs a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

CITY OF LEBANON anticipates displacement or relocation activities will be necessitated by this project, and the City certifies that it will comply with the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

Printed Municipal Official Name: _____

Title: _____

Signature: _____

Date of Adoption by the Lebanon City Council : _____

Agenda

Lebanon City Council

January 08, 2025

10. New Business:

10.F – Discussion and Set Public Hearing for February 5, 2025: Request by Edwards Properties, LLC to Discontinue Portions of Little Heater Road and Edwards Street, Lebanon

Background

On November 15, 2024, the City received a request from Advanced Geomatics & Design on behalf of Edwards Properties to discontinue portions of Edwards Street and Little Heater Road in Lebanon. Edwards Properties has purchased the last parcel on Edwards Street (M/L 78-55) and proposes to merge it with the surrounding property, which it already owns, to create a single large parcel of land suitable for redevelopment.

The applicant has indicated that easements would be provided for the City to continue to access and maintain existing water and sewer utilities within the discontinued rights-of-way. Should the requested roadway discontinuances be approved, existing easements from Edwards Properties to the City for a “T” turnaround on Edwards Street would become obsolete and could be released by the City.

The Department of Public Works has reviewed the request and has provided a memorandum for the City Council’s consideration outlining recommended plans, information, and actions that should be provided or completed as conditions of the discontinuances.

Should the Council choose to act on this request, a public hearing would need to be scheduled to receive input from the general public and from any abutting property owners who may be impacted by the discontinuances. Administration is requesting a public hearing be scheduled for February 5, 2025, to allow adequate time to properly notify abutting landowners as required by statute.

Action

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

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 5, 2025, beginning at 7:00pm in Council Chambers, City Hall, and Remote via City’s Virtual Platform, for the purpose of receiving public input and taking action on a request by Edwards Properties, LLC to discontinue portions of Little Heater Road and Edwards Street in Lebanon. These streets are Class V roadways that may be discontinued by action of the City Council in accordance with the provisions of NH RSA 231:43.

Included In This Section:

1. November 15, 2024 letter from Advanced Geomatics & Design requesting the discontinuance of portions of Little Heater Road and Edwards Street

2. December 18, 2024 letter from Jay Cairelli, Director of Public Works
3. NH RSA Chapter 231 Transportation; Sections 231:43 – 231:52 (Discontinuance of Class IV, V and VI Highways)



15 November 2024

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

Re: Request for Road Discontinuances
Portions of Edwards Street and Little Heater Road

Dear Mayor McNamara and Councilors:

On behalf of Edwards Properties, this letter is being written to request discontinuances of portions of 2 city streets. Edwards Properties has purchased the last property on Edwards Street (Lot 78-55) area with the thought of combining it into one large parcel (Lot 78-56). As you may be aware, this area was an old neighborhood, cut up by the interstate construction in the 60's. The lots were primarily residential and were in an IND-L zone, a non-conforming use. In addition, most of the lots were sub-standard for industrial zoning, the minimum lot size being 2.0Ac.

As shown on the attached plan, the Edwards Street discontinuance requested is a segment of Edwards Street that passes between parcels owned by Edwards Properties. On Little Heater Road, we propose discontinuance up to Pershing Street. This will split the ROW between landowners. We propose discontinuing the Edwards Street TEE turn-around, which will be no longer needed for public access to Lot 78-55. We propose to provide needed easements for city utilities that are under the sections of road to be discontinued.

We hereby request your favorable consideration of this discontinuance request.

Sincerely,

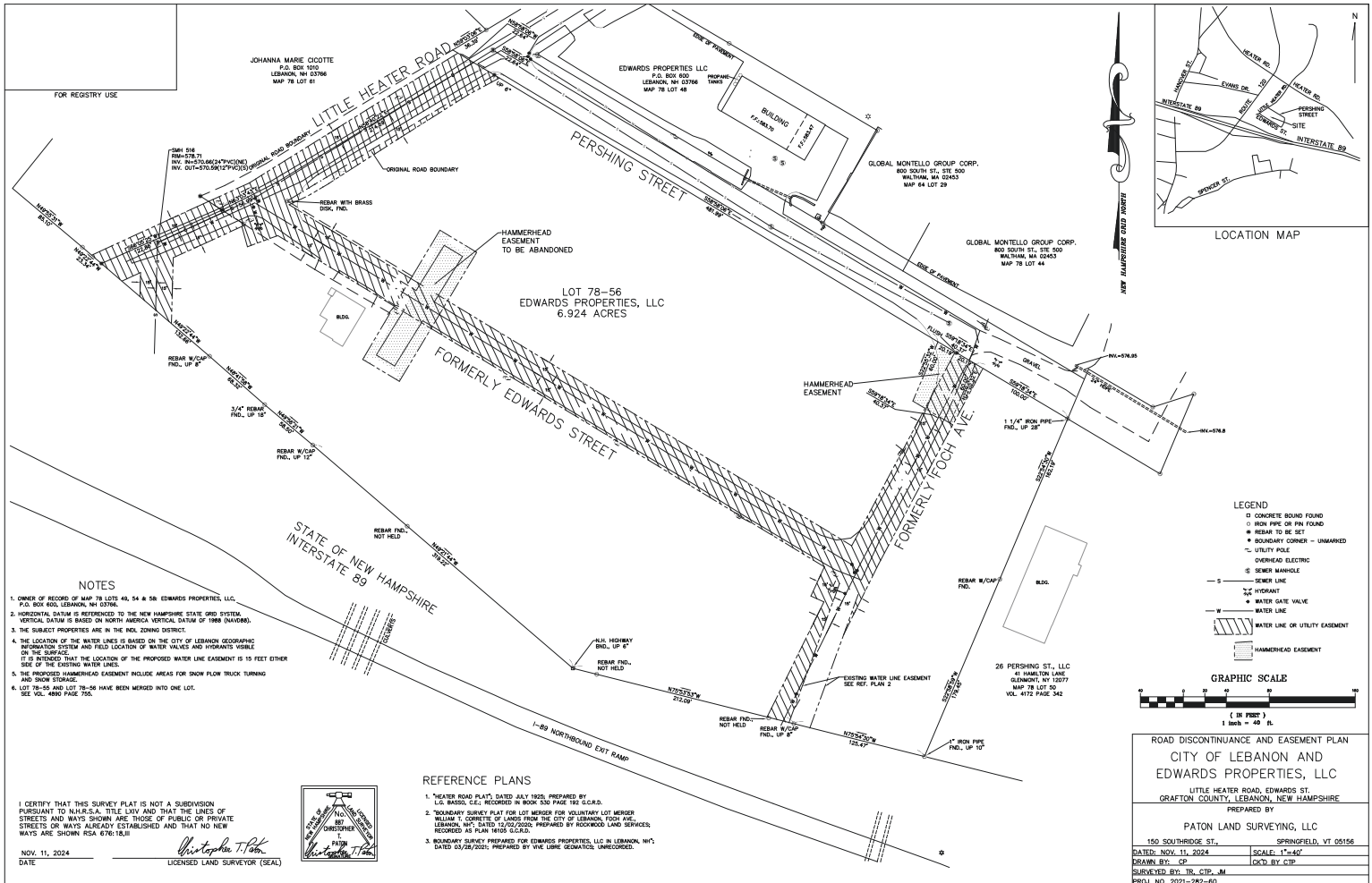
Daniel A. Nash, PE
Principal

Attachments:

- Easement Plan/Plat for recording
- Exhibit A, Edwards Properties

CC: J. Cicotte, Edwards Properties

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**CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 DARTMOUTH COLLEGE HIGHWAY
LEBANON, NH 03766**

MEMO

Date: December 18, 2024

TO: Shaun Mulholland, City Manager

FROM: Jay Cairelli, Director of Public Works

CC: Brian Vincent, City Engineer
David Brooks, Deputy City Manager

RE: Request to discontinue portions of portion of Edwards Street and Little Heater Road

This memo is to provide comments on the letter request dated 11/15/2024 from Advanced Geometrics and Design for the discontinuance of portions of Edwards Street and Little Heater Road. The following is pertinent:

1. It is recommended that the established turnaround at the ends of Pershing Street remain in place for City vehicles (to accommodate fire trucks and plow trucks). Detailed stamped surveyor licensed plans for this turnaround should be provided to the City, for the record, and they shall be tied into state plane coordinate system and NAVD 1988. The survey plan should include easement area for the city vehicle turnaround and for snow storage at the ends of the turnaround off the road right-of-way.
2. It is recommended that detailed plans and written descriptions be provided for 30 ft wide permanent water and sewer utility access and maintenance easements along the centerline of the existing water and sewer pipes, within the area of the proposed street discontinuance. The survey plans shall include the existing water gate valve locations and sewer manhole information with inverts and submitted in accordance with the City GIS format. The easement language shall also include areas and descriptions for City fire hydrants.
3. It is recommended that a certification be provided that all services to discontinued properties at the watermain and sewer main have been discontinued in accordance with City standards.

4. It is recommended that the property owner be responsible for the removal of all utility poles on these discontinued street sections. The City will contact Liberty Utilities to coordinate the removal of the two street lights on Little Heater Road, and also to confirm ownership.

END

Discontinuance of Class IV, V and VI Highways

Section 231:43

231:43 Power to Discontinue. –

I. Any class IV, V or VI highway, or any portion thereof, in a town may be discontinued by vote of a town; provided, however, that:

(a) Any highway to public waters, or portion of such highway, laid out by a commission appointed by the governor and council, shall not be discontinued except with the consent of the governor and council.

(b) Any class V highway established to provide a property owner or property owners with highway access to their property because of a taking under RSA 230:14 shall not be discontinued except by written consent by such property owner or property owners.

II. The selectmen shall give written notice by verified mail, as defined in RSA 21:53, to all owners of property abutting such highway, at least 14 days prior to the vote of the town. In the case of a petitioned warrant article calling for discontinuance of a class VI highway, the petitioners shall bear the cost of notice.

III. No owner of land shall, without the owner's written consent, be deprived of access over such highway, at such owner's own risk.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1; 121:1. RL 95:1. 1943, 68:1. 1945, 188:1, part 9:1. 1949, 13:1. RSA 238:1. 1981, 87:1. 1991, 36:1. 1995, 77:3, eff. June 8, 1995. 2014, 41:1, eff. July 26, 2014. 2019, 242:3, eff. Oct. 10, 2019.

Section 231:44

231:44 Notice Required. – When any class IV, V or VI highway, which joins a highway in another town, has been discontinued by vote of the town, the selectmen of the town wherein the highway has been so discontinued shall notify the selectmen of said adjoining town, by registered mail, of the fact of said discontinuance. Said notification shall be made within 15 days after the action of discontinuance has been taken.

Source. RSA 238:1-a. 1955, 107:1. 1981, 87:1, eff. April 20, 1981.

Section 231:45

231:45 Subject to Gates and Bars. – Any class IV, V or VI highway, or any portion thereof, may be discontinued as an open highway and made subject to gates and bars, by vote of the town. Such a discontinued highway shall not have the status of a publicly approved street.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1. RL 95:1. 1945, 188:1, part 9:2. RSA 238:2. 1969, 332:1. 1981, 87:1, eff. April 20, 1981.

Section 231:45-a

231:45-a Discontinuance of Highways Subject to Legislative Body Approval. –

- I. No class IV or V highway shall be discontinued or discontinued subject to gates and bars without the vote of the local legislative body as required by RSA 231:43 or RSA 231:45.
- II. No vote or other action of the governing body shall be effective to reclassify a class IV or V highway as a class VI highway, except for the failure to maintain and repair that highway in suitable condition for travel thereon for 5 or more successive years as provided by RSA 229:5, VII.
- III. Any municipality which neglects to maintain and repair a class IV or V highway, without the vote of the legislative body, shall be subject to proceedings under RSA 231:90 or RSA 231:82 at any time prior to the lapse of the 5-year period under RSA 229:5, VII.

Source. 1990, 97:1. 1991, 124:1, eff. July 19, 1991.

Section 231:46

231:46 Authority to Reserve Existing Utility Easements. – When any class IV, V or VI highway, or any portion thereof, has been discontinued, any existing sewer, drain, water pipe or other utility easements or any permits or licenses previously established pursuant to RSA 231:159-182 shall be presumed to be reserved and shall remain in effect as an encumbrance upon the underlying land for so long as they remain in active use, unless such easements, permits or licenses are expressly included in the vote to discontinue the highway, or are subsequently discontinued by vote of the city or town.

Source. RSA 238:2-a. 1977, 22:1. 1981, 87:1. 1992, 59:2, eff. June 12, 1992.

Section 231:47

231:47 Consent of Court. – Towns may not discontinue or discontinue as an open highway and make subject to gates and bars any highway concerning which proceedings are pending in court against the town for neglect or refusal to lay out, make or repair such highway, without the consent of the court.

Source. RS 54:2. CS 58:2. GS 65:2. GL 71:2. PS 72:2. PL 79:2. RL 95:2. 1945, 188:1, part 9:3. RSA 238:3. 1981, 87:1, eff. April 20, 1981.

Section 231:48

231:48 Appeal From Discontinuance; Damages. – Any person or other town aggrieved by the vote of a town to discontinue any highway, or discontinue any highway as an open highway and made subject to gates and bars, may appeal therefrom to the superior court for the county in which such highway is situate by petition within 6 months after the town has voted such discontinuance and not thereafter. Whenever any such petition is filed in the superior court the clerk shall issue a summons, with a copy of the petition, to be served by the date specified by the court on the summons, and the petitioner shall cause a certified copy of the same to be given to or left at the places of abode of one of the selectmen and the town clerk of each town in which the highway proposed to be discontinued is located, and give notice to the owners of land

abutting on such highway in the same manner as required of selectmen in laying out highways, by the service date specified on the summons, and such other notice as the court shall order. Any person or town so notified may become a party to the proceedings by entering an appearance in such proceedings with the clerk of the superior court; and no person or town so notified shall after being so notified institute any additional appeal from the vote to discontinue such highway. Except as above provided, like proceedings shall be had on such petition as in the case of appeals in the laying out of class IV, V and VI highways, and if the county commissioners report for such discontinuance they shall assess the damages sustained by any person within the town in which the highway has been discontinued.

Source. GS 65:3. GL 71:3. PS 72:3. 1903, 14:2. PL 79:3. RL 95:3. 1945, 188:1, part 9:4. RSA 238:4. 1981, 87:1, eff. April 20, 1981. 2014, 204:10, eff. July 11, 2014.

Section 231:49

231:49 Petition for Assessment of Damages. — Any person who sustains damages by the discontinuance of a highway, or by the discontinuance as an open highway and made subject to gates and bars, by vote of the town, and from which no appeal has been taken, may petition for the assessment of damages to the superior court in the county in which the highway is situate within 6 months after the town has voted such discontinuance, and not thereafter, and like proceedings shall be had as in the case of appeals in the laying out of class IV, V and VI highways.

Source. RS 54:3. CS 58:3. GS 65:4. GL 71:4. PS 72:4. 1903, 14:3. PL 79:4. RL 95:4. 1975, 188:1, part 9:5. RSA 238:5. 1981, 87:1, eff. April 20, 1981.

Section 231:50

231:50 Towns Not Liable After Discontinuance. — Towns shall be relieved of all obligation to maintain, and all liability for damages incurred in the use of, discontinued highways or highways discontinued as open highways and made subject to gates and bars.

Source. RS 54:1. CS 58:1. GS 65:1. GL 71:1. PS 72:1. 1903, 14:1. 1925, 19:1. PL 79:1. 1931, 12:1. RL 95:1. 1945, 188:1, part 9:6. RSA 238:6. 1981, 87:1, eff. April 20, 1981.

Section 231:51

231:51 Dedicated Ways. — Any street, lane or alley within this state which has been dedicated to public use by being drawn or shown upon a plan of lands platted by the owner, and the sale of lots in accordance with such plan, may be released and discharged from all public servitude by vote of the governing body of a city or town if such street, lane, or alley has not been opened, built, or used for public travel within 20 years from such dedication.

Source. 1913, 121:1. PL 79:5. RL 95:5. 1945, 188:1, part 9:7. RSA 238:7. 1981, 87:1. 1989, 131:1, eff. July 16, 1989.

Section 231:52

231:52 Release by Town. – The mayor and aldermen of a city or the selectmen of a town may release and discharge any way dedicated as aforesaid from all public servitude at any time after such dedication, upon petition by any interested party and notice and hearing thereon, whenever in their opinion such way will not be needed for the accommodation of public travel. All proceedings shall be conducted in the manner provided for the laying out of highways, and any interested party may appeal to the superior court from the decision, as in the case of petitions for laying out highways.

Source. 1913, 121:2. PL 79:6. RL 95:6. 1945, 188:1, part 9:8. RSA 238:8. 1981, 87:1, eff. April 20, 1981.

Agenda

Lebanon City Council

January 08, 2025

10. New Business:

10.G – Review and Set Public Hearing for January 22, 2025: Proposed Zoning Amendments for Council Adoption and for 2025 Municipal Ballot

Background

At its meeting on October 23, 2024, the City Council was presented with a number of proposed amendments to the Zoning Ordinance. The Council took action to accept the amendments as presented and forwarded them for review and comment by the Planning Board, Conservation Commission, and Zoning Board of Adjustment. Legal review has been obtained, and all land use boards have completed their review. Attorney Decker's legal opinions, along with excerpts of land use boards' meeting minutes, are attached for your review. A public hearing pursuant to Section 1000.3.D of the Zoning Ordinance is requested for January 22, 2025 (tentatively scheduled as part of the Council's prior action on October 23rd).

In addition, on November 20, 2024, the City Council reviewed and "kicked-off" a request, dated October 30, 2024, from Dan Nash of Advanced Geomatics and Design, on behalf of ICV of NH, LLC, to rezone the ICV property at 67-69 Etna Road (Tax Map 26, Lot 2) from IND-L and RL-3 to General Commercial One (GC-1). As with the larger batch of amendments kicked-off on October 23rd, the ICV rezoning request has been reviewed by legal counsel and by the land use boards.

The purpose of this meeting is to present the final version of the proposed amendments to be considered by the City Council at the upcoming public hearings. All of the proposed amendments are addressed in the attached comprehensive memoranda drafted by Planning & Development Department staff.

Some of the proposed amendments may be approved by the City Council, while others require placement on the 2025 Municipal Ballot for consideration by voters pursuant to Section 1000.4.A of the Zoning Ordinance. As a reminder, the Council has the authority to place any of the proposed amendments on the Ballot, including those that are under the Council's purview.

Once the proposed amendments are finalized, they will be posted as part of the public hearing. Once posted, all applications to the Land Use Boards and all Building/Zoning Permit applications will be subject to the provisions of both the existing Zoning Ordinance and the proposed amendments. The proposed amendments will be posted by January 10, 2025.

Action

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

MOVED, that the Lebanon City Council hereby schedules public hearings for Wednesday, January 22, 2025, beginning at 6:00pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to:

- 1. Adopt certain amendments to Ordinance #2, the City of Lebanon Zoning Ordinance and Zoning Map; and**
- 2. Place other proposed amendments to Ordinance #2 on the March 2025 Municipal Ballot for consideration by Lebanon voters.**

Included in this Section:

1. December 31, 2024 Memorandum to the Lebanon City Council from Planning & Development Department Staff re: 2024-2025 Proposed Zoning Amendments, including the following attachments:
 - Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (pattern zone regulations)
 - Pattern Zones Overlay District draft regulations (new Section 411)
 - Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (120 – North Lebanon Study map and text amendments, 31 Romano Circle map amendment, and 92 Riverside Drive map amendment petition)
 - 120 – North Lebanon Study text amendments (GC-1 & CB Tables of Uses and Sections 501.4 & 508)
 - Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (recovery houses)
 - Recovery House draft regulations (new Section 614)
 - Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (MC-2 District)
 - MC-2 District draft regulations (new Section 315A)
 - Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (miscellaneous text amendments)
 - Redline excerpt of current Zoning Ordinance with miscellaneous text amendments (redline last revised November 11, 2024)
 - Rezoning request letter dated September 27, 2024 from Dan Nash, of Advanced Geomatics, on behalf of Oakes Storage, LLC and Oakes Real Estate SPE, LLC, including attachments (92 Riverside Drive rezoning petition)
 - Excerpt of Zoning Board of Adjustment meeting minutes from November 18, 2024
 - Excerpt of Planning Board draft meeting minutes from November 25, 2024, December 9, 2024, and December 17, 2024
 - Excerpt of Conservation Commission draft meeting minutes from December 12, 2024
2. December 30, 2024 Memorandum to the Lebanon City Council from Planning & Development Department Staff re: Request by ICV of NH, LLC to Rezone Tax Map 26, Lot 2 to GC-1, including the following attachments:
 - Rezoning request letter dated October 30, 2024 from Dan Nash, of Advanced Geomatics, on behalf of ICV of NH, LLC, including attachments (5 pages)
 - Planning Staff memo to the City Council dated November 12, 2024 (2 pages)
 - Legal opinion from Matthew Decker, Esq., dated November 25, 2024 (2 pages)
 - Excerpt of draft Planning Board meeting minutes from November 25, 2024 (3 pages)
 - Zoning Amendment Sketch, submitted by Advanced Geomatics & Design on November 25, 2024 (1 page)
 - Excerpt of draft Conservation Commission meeting minutes from December 12, 2024 (1 page)



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

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

FROM: Planning and Development Department Staff

RE: 2024-2025 Proposed Zoning Amendments

DATE: December 31, 2024

Honorable Mayor and City Council,

Since the City Council kicked-off the zoning amendment process on October 23rd, the Planning and Development Department has coordinated with legal counsel and has met with the Land Use Boards for review and comment on the proposed changes to the Zoning Ordinance. Attached are copies of the relevant portions of the Planning Board, Conservation Commission, and Zoning Board of Adjustment minutes for the meetings at which the amendments were discussed. Additionally, staff held several public informational meetings in December dedicated to public education and engagement. Events were held at the City Hall, DHMC, and Kilton Library.

The proposed amendments originate from the following sources:

- A. The Pattern Zones Study (map and text amendments).
- B. The Route 120 / Northern Lebanon Neighborhood Plan (map and text amendments).
- C. Staff proposed technical amendments (recovery houses, MC-2 District, rezoning of 31 Romano Circle, and miscellaneous text amendments).
- D. A private zoning change petition (re: 92 Riverside Drive).

As noted below, the following three amendments will require voter approval per Section 1000.4.A of the Zoning Ordinance:

1. Amending the Zoning Map to create the Pattern Zones Overlay District and amending the Zoning Ordinance to create the Pattern Zones Overlay District regulations.
2. Amending the R-1, R-2, and R-3 District Tables of Uses to allow "recovery house" by Special Exception.
3. The rezoning of M/L 90-59, 76-4, 76-6, and 76-7 from Residential Three (R-3) to Medical Center Two (MC-2).

OVERVIEW OF AMENDMENTS

A. Pattern Zones Study

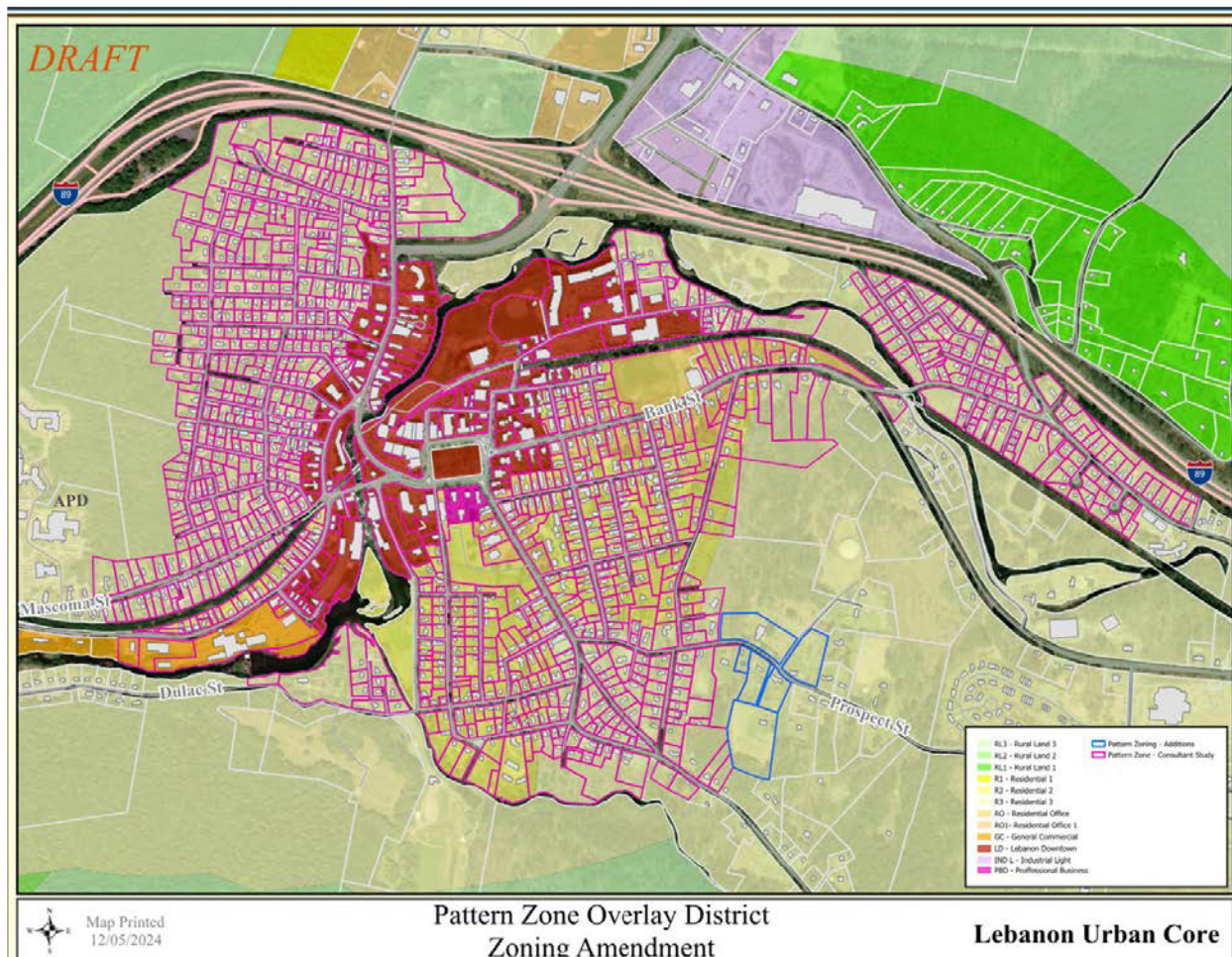
The Pattern Zones Study which utilized InvestNH Planning Grant funding was commissioned to analyze the possibility of infill housing development within downtown West Lebanon and Lebanon. The Pattern Zones Study includes three primary areas of focus:

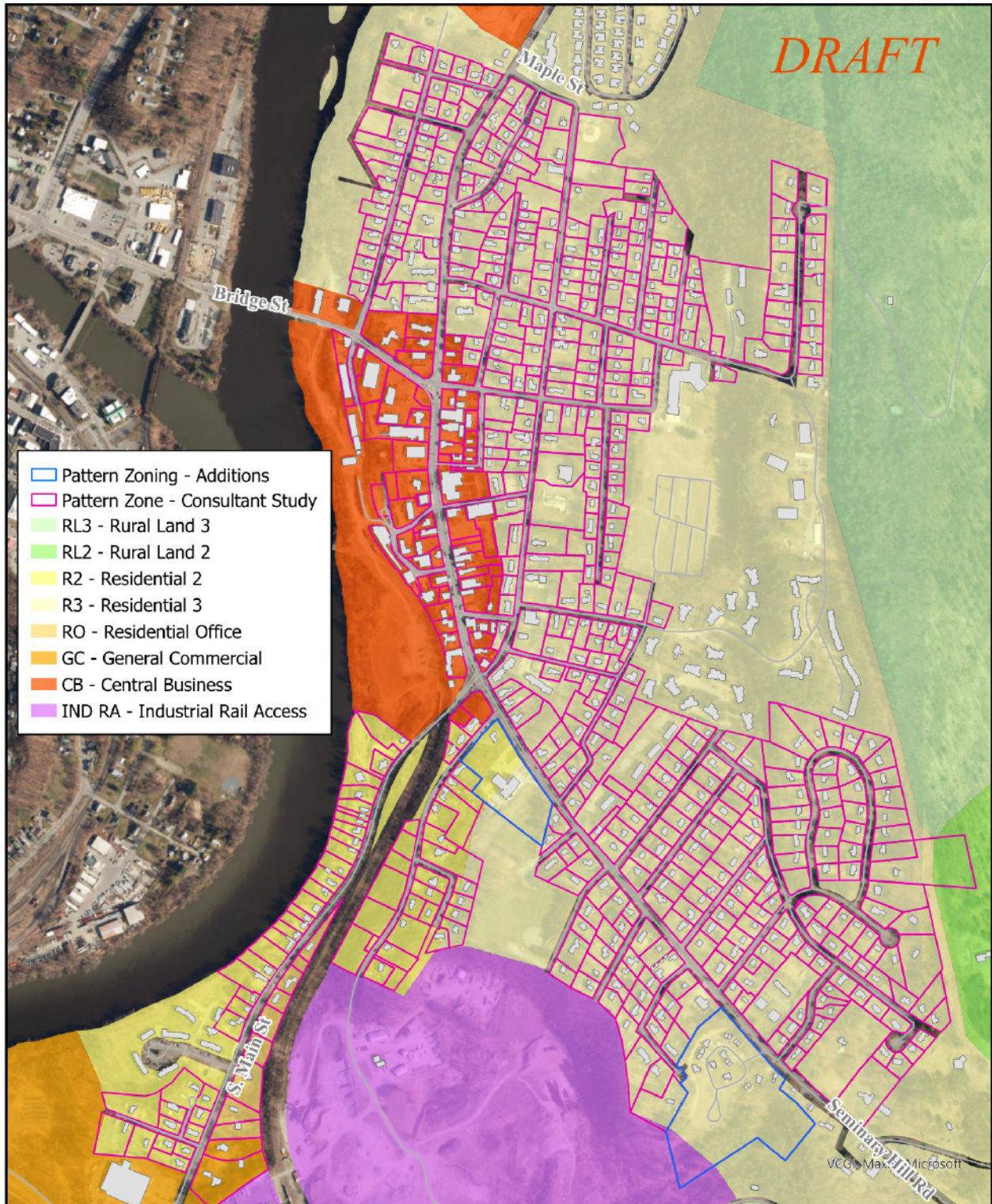
1. Creation of a Pattern Zones Overlay District to promote infill housing development within the study areas of downtown Lebanon and West Lebanon.
2. A Preapproved Architecturally Designed Pattern Book, consisting of 15-25 house designs that can be accessed free of charge to those seeking to build new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

Land Use Board Comments:

Recommendations from the Land Use Boards include expanding the study area beyond what the consultants recommended. The expanded area is shown in blue on the attached map. Other changes include defining "Front Yard" more specifically in the overlay district as we are creating lots that may not have a traditional shape or have additional buildings. Options on potential definitions are included in the attached draft overlay district.

The Conservation Commission recommends removing parcels that abut a conservation area in order to limit impacts on sensitive areas.







Map Printed
12/05/2024

**Pattern Zone Overlay District
Zoning Amendment**

West Lebanon

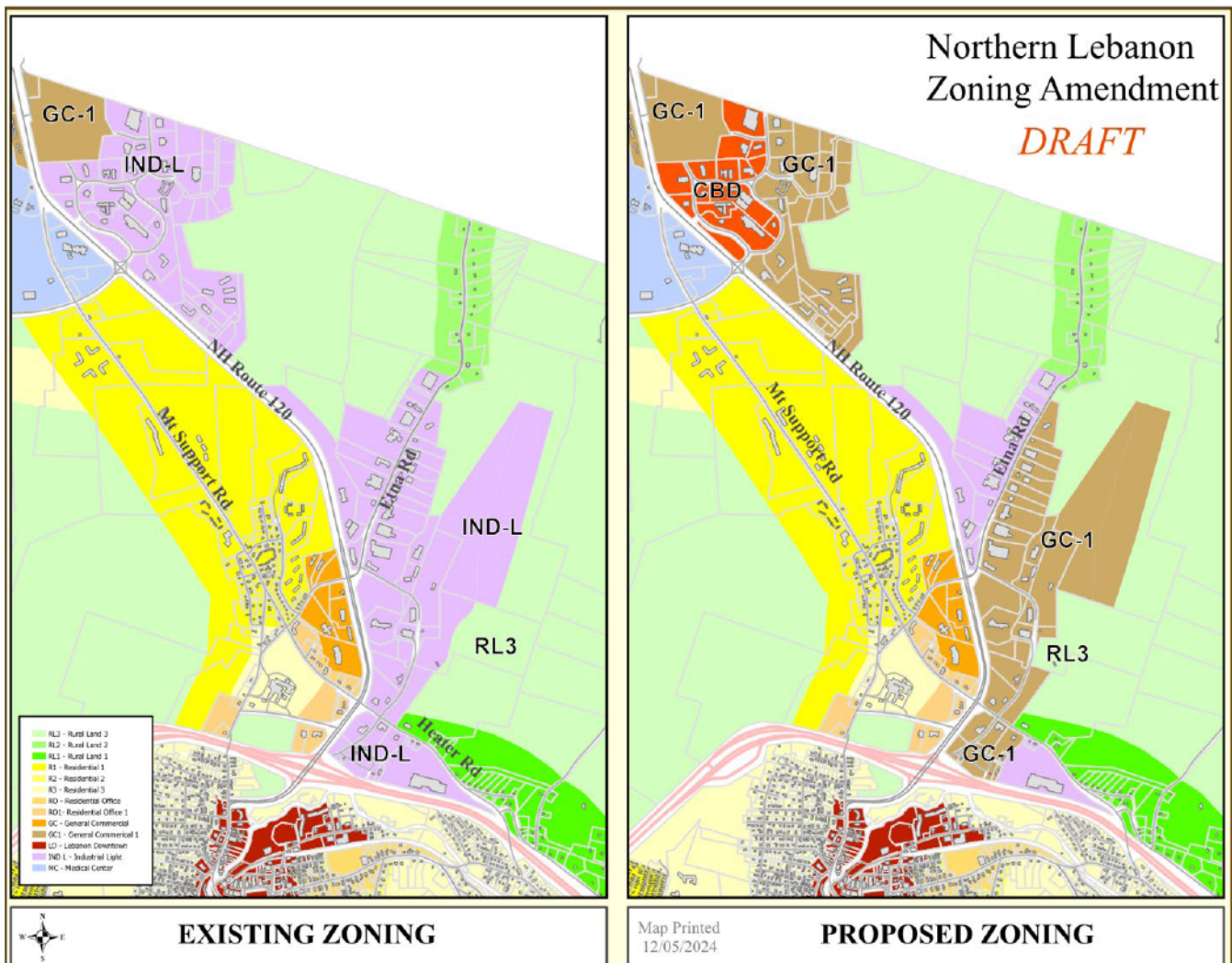
B. Route 120 – North Lebanon Study

Overview:

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

1. Zoning Map changes.

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



2. The Conservation Wildlife Corridor recommendations are being referred to the Conservation Commission for further work. The necessary details to create the recommended overlay, its buffers and design requirements need to be further refined. The 120 Study - Conservation recommendations were shared with the Conservation Commission at their October meeting and further discussion was had at the November meeting. It is expected that a path forward for the recommendations will be discussed at future meetings. Ultimately the Conservation Commission will work to make a series of recommendations to the City Council on the topic.
3. Small changes also need to be made to Sections 501 and 508 to allow developments that were approved as Planned Unit Development (PUD) or Planned Business Park (PBP) to take advantage of the additional uses that the rezoning will permit, if the owner chooses to do so.

Land Use Board Comments:

The Planning Board recommended leaving the zoning between Heater Rd and I-89 as Light Industrial. It was recommended that “Planned Business Park” is added to the GC-1 and CB Districts so the existing developments around the study area don’t become non-conforming.

The Conservation Commission expressed concerns about increased residential density around conservation lands. Strategy 1 of the 120 Neighborhood Study calls for the protection of the existing conservation areas, wildlife corridors, and ecosystems. The creation of a wildlife corridor passage is one of the key takeaways from this section. The plan also calls for a 100’ undisturbed natural buffer between any new development and conservation lands and for the expansion of the steep slopes district. The conservation area, wildlife corridor area, and the steep slopes have significant overlap on the east side of Route 120. The Commission is concerned that the recommended actions are focused on development while the natural resource protection recommendations were set aside for future consideration and not given high priority.

C. Staff Technical Amendments

1. Recovery Houses

- Lebanon currently lacks a use code and definition for a recovery house. Staff is working with Lynne Goodwin – Lebanon Human Services Director, the [New Hampshire Coalition of Recovery Houses](#), and Leigh Hays – Chief Building Official and Health Officer to cooperatively regulate the use. Creating the recovery house definition and use code will help protect the City and its neighborhoods and allow a much-needed service to be established under appropriate regulation.
- The State Legislature along with the State Fire Marshal, NHCORR and NH Building Officials have established a process to define a recovery house within the State Fire and Building Codes. The same definition from state law is proposed to be used as the definition for the Lebanon Zoning Ordinance. By employing the state definition, we synchronize with the state permitting requirements. The applicable RSA is attached for reference.
- There have been incidents of illicit non-accredited and unpermitted “sober house” or “recovery house” operations adversely impacting neighborhoods and putting people at risk. Cities that do not define a recovery house use have been the subject of litigation, with false claims about discrimination leading to

damages. The City of Lebanon currently does not have a definition, nor a use code. Thus, the City is vulnerable to unfounded litigation and disrupted neighborhoods at the hands of unscrupulous operators preying on those in need of recovery and support.

- Associated amendments include changing the use tables to the R-1, R-2, R-3, CB, LD, GC, RO, MC, MC2, and IND-L Districts to allow Recovery Houses. They will be allowed by Special Exception only in the residential districts.

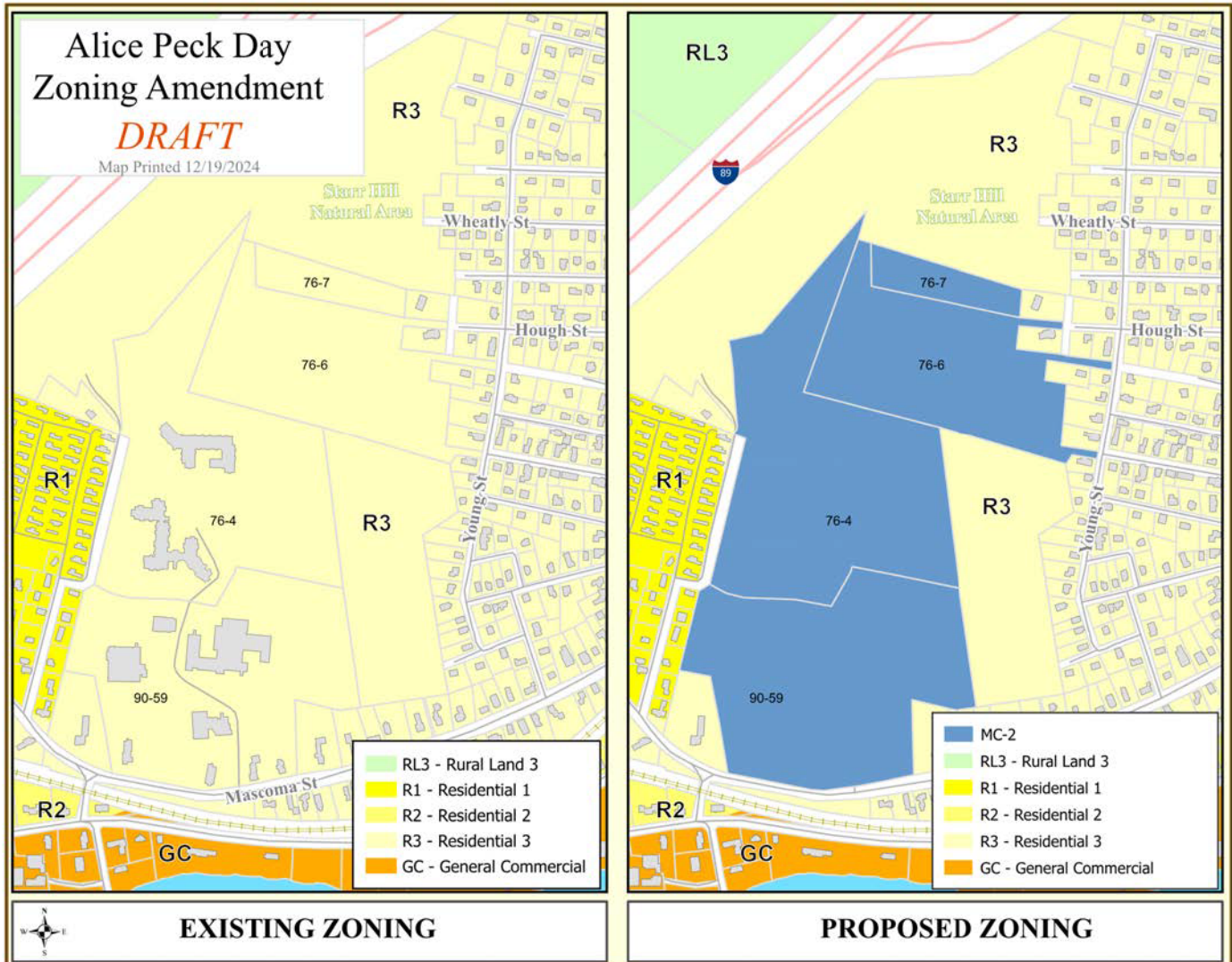
2. Medical Center Two (MC-2)

- Staff proposes the creation of a Medical Center Two (MC-2) zoning district and corresponding map amendment including the following properties:
 - Tax Map 90 Lot 59 – 10 Alice Peck Day Drive
 - Tax Map 76 Lot 4 – 23 Alice Peck Day Drive
 - Tax Map 76 Lot 6 - 0 Young Street
 - Tax Map 76 Lot 7 – 0 Hough Street
- The campus of Alice Peck Day Memorial Hospital is currently zoned Residential-Three (R-3). The R-3 zoning district greatly limits the ability for the campus to maintain a thriving modern day medical campus with all the amenities and services needed to serve the Lebanon community.
- Like the Medical Center (MC) zoning district that covers the DHMC neighborhood, it is recommended that the Medical Center 2 (MC2) zoning district be created, and the zoning map changed to rezone the APD campus. Establishing the proposed zoning district will allow for an orderly development of the campus that better serves the needs of the community.
- Currently, a housing project on campus that will serve APD employees is being contemplated. Establishing the MC2 district will streamline APD's permitting process as they potentially develop much needed housing on campus to serve their employees.

Land Use Board Comments:

The Conservation Commission addressed concerns about developing land that is still in its natural state so close to conservation lands. The Commission requests that the back parcels abutting Starr Hill remain zoned as is to limit development of APD to the existing campus footprint.

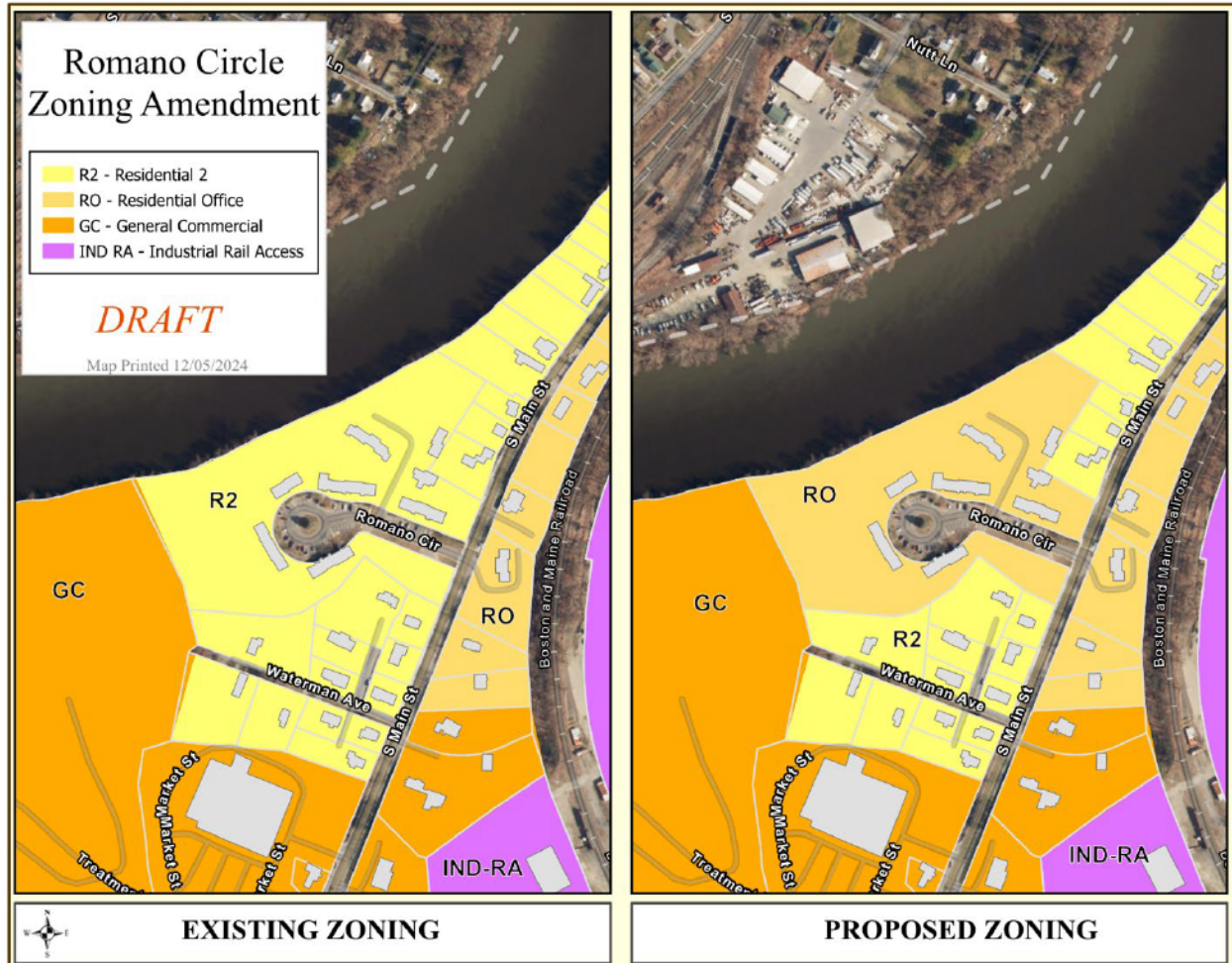
[MC-2 DISTRICT MAP ON FOLLOWING PAGE]



3. Re-zone 31 Romano Circle

- Staff proposes to rezone 31 Romano Circle, Tax Map 101, Lot 20, to Residential Office (RO), changing from Residential Two (R-2).
- The 31 Romano Circle complex has been under the jurisdiction of the Lebanon Housing Authority since its inception in the mid 1970's. The property is currently zoned R-2. The current use as a multi-family housing complex predates its current zoning and is therefore deemed pre-existing legal non-conforming.
- Over the history of the property several expansions have occurred. The most recent project currently in front of the Planning Board seeks approval for a new accessory office building use. During the summer of 2024, a Variance to allow the proposed office building was narrowly approved by the Zoning Board by a vote of 3-2. Unfortunately, the legal requirements of a Variance greatly challenge the LHA's ability to nimbly permit even the most basic change.
- With this rezoning, LHA can utilize a Special Exception use code for: Residential - Multi-family dwelling (5 dwelling units or more) per Section 601 with a density calculation of 3,000 square feet per unit. Upon utilization

of the Special Exception code possible changes are approved by the Zoning Board under a much simpler criterion. Without the change even minor changes to the plans, like the addition of a maintenance building, require a Variance. The difference between a Special Exception and a Variance is a major improvement in the LHA's ability to continue providing services to Lebanon's affordable housing market.



4. Miscellaneous text amendments:

- **Section 201 ("Yard Requirements")** – to allow stairs and stairwells in additional to architectural details to project up to 2 ft. into minimum required yards.
- **Section 212 ("Anti-Nuisance Standards")** – staff had proposed to remove anti-nuisance standards from the Zoning Ordinance contemporaneously with the adoption of a nuisance ordinance. However, as the nuisance ordinance is still in development, staff recommends that the Council "table" this amendment for now until such time as the proposed nuisance ordinance is ready for review and adoption. (Note that the Conservation Commission expressed opposition to removing Section 212 in the absence of the nuisance ordinance that staff is currently drafting).
- **Section 213 ("Impact Fees")** – to clarify procedures for requesting a waiver of impact fees from the Planning Board.

- **Section 215 (“Location of Accessory Use”)** - to (a) require applicants for a shared driveway to produce an easement with maintenance provisions and (b) allow off-site utility improvements by conditional use permit.
- **Section 507 (“Density Bonuses”)** - to allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems.
- **Section 509 (“Cottage Developments”)** - to clarify that building sites of no less than 1,500 sq. ft. shall be provided for both attached and detached cottages and a related amendment to the Section 607.1 minimum off-street parking requirements to require one (1) off-street parking spaces per cottage.
- **Section 604 (“Group Day Care Facilities”) & Appendix A (“Definitions”)** - pursuant to the recently enacted HB 1567, clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use.
- **Section 607.1 (“Minimum Off-Street Parking Requirements”)** - pursuant to the recently enacted HB 1400, permit Planning Board to authorize alternative parking solutions for residential uses.
- **Section 607.8 (“Electric Vehicles”)** - to clarify the minimum percentage of EVSE-installed, EV-ready, and EV-capable spaces for multi-family dwelling and non-residential uses.
- **Section 608 (“Signs”)** - to add a new section permitting freestanding non-static signs (i.e. digital message boards) on certain streets within the GC District, and related changes to the sign illumination standards and the sign enforcement provisions. The sign amendments have been refined since they were originally presented to the City Council in October, mostly from a stylistic standpoint.
- **Section 801 (“Powers and Duties”) & Appendix A (“Definitions”)** - pursuant to the recently enacted HB 1359, clarify who has standing to appeal an administrative decision to the Zoning Board of Adjustment, and who has standing to request a rehearing, and to clarify that the term “abutter” shall have the same meaning as provided by statute (i.e. NH RSA 672:3).

D. Private Zoning Change Petition – Map Amendment

A petition to rezone 92 Riverside Drive from RL-1 to GC (Tax Map 111 Lot 16) was submitted by Dan Nash of Advanced Geomatics & Design representing Oakes Storage, LLC and Oakes Real Estate SPE, LLC. See attached letter from Mr. Nash dated September 27, 2024. The City’s legal counsel advises that if “the Council wishes to approve this map amendment, it must identify legitimate planning-focused reasons for the change,” and further states that “[i]f the Council is unable to identify a planning or public benefit justification, then this map amendment would likely constitute “spot zoning” and would not be legally proper.” See attached letter from Matthew Decker, Esq., dated December 30, 2024 (subject line: “Proposed Zoning Amendment – Various Map Amendments). The Planning Board also expressed opposition to this request (see page 4 of the attached 11/25/24 Planning Board draft meeting minutes).

SCHEDULE

At the January 8, 2025 City Council meeting, staff will review the changes to the draft amendments that have been made as a result of the Land Use Board and legal review, and will ask the Council to schedule public hearings for the Council’s meeting on January 22, 2025 (one public hearing for

the amendments to be adopted by the Council, and another public hearing for the amendments to be placed on the March Ballot).

Following the public hearings, amendments requiring approval by referendum vote per Section 1000.4.A of the Zoning Ordinance (i.e. pattern zones, rezoning of APD properties, and adding recovery house to the R-1, R-2, and R-3 Districts) will be placed on the March 2025 ballot for voter approval. The remainder of the proposed amendments may be adopted by the City Council per Section 1000.4.B of the Zoning Ordinance (although it should be noted that the Council has the ability to place *any* proposed amendment on the March ballot for voter approval - see Section 1000.4.A of the Zoning Ordinance).

ATTACHMENTS

- Legal opinion from Matthew Decker, Esq., dated December 30, 2024 (pattern zone regulations)
- Pattern Zones Overlay District draft regulations (new Section 411)
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- Excerpt of Conservation Commission draft meeting minutes from December 12, 2024

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Pattern Zones Overlay District – Section 411 and Map Amendment**

Mr. Reichert:

In a letter dated November 13, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning a Pattern Zones Overlay District and related zoning map amendment. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are shown in a “Section 411 – Pattern Zones Overlay District” document dated as of November 13, 2024, as well as a map of the overlay areas for the two neighborhoods. The amendments would establish a new overlay zoning district including much of the downtown areas in Lebanon and West Lebanon, to preserve the historic downtown characteristics of these neighborhoods and to increase density and housing choices in those locations to promote infill housing development.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. My answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

Section 411 Pattern Zones Overlay District

Section 411.1 - Purpose

The purpose of the Pattern Zone Overlay District is to create additional housing that fits the character of the existing neighborhood in Downtown Lebanon and Downtown West Lebanon, to establish and preserve the characteristics of the historical downtown areas of Lebanon and West Lebanon, and to increase density and housing choices in the district.

Section 411.2 - Description of Pattern Zones Overlay District

The areas and boundaries of the Pattern Zone Overlay District are shown on the Pattern Zone Overlay District Map of the City of Lebanon and made a part of this Ordinance and the Official Zoning Map of the City of Lebanon. The Pattern Zone Overlay District Map is attached hereto as Appendix D.

Note: staff proposes to update to the overlay district map to also include properties along Prospect Street to the Reservoir Road intersection including 50, 58, 60, 62, 64, 59 and 75 Prospect Street.

Section 411.3 Permitted Uses

The Overlay District regulations are intended to only be used for uses allowed within the Pattern Zone Overlay District Table of Uses Table of Uses. Any nonresidential uses shall adhere to regulations set forth in Article III based on the underlying zoning district.

Pattern Zone Overlay District Table of Uses

Permitted Uses	Special Exception
Residential: - Up to 2 One-Family Detached Dwellings - Two-Family Dwelling - Accessory Dwelling Unit per Section 610 Commercial/Non-Residential - Any listed in the Base Zoning District pursuant to Article III.	Residential: - Tri-Plex (3 units) - Quad-plex (4 units) - Townhouses / Rowhomes up to 4 units Commercial/Non-Residential: - Any listed in the Base Zoning District pursuant to Article III. Conditional Use Permit Residential: - Cottage Development per Section 509 with a minimum 20,000 sq. ft. lot

Section 411.4 Table of Areas, Dimensions, and Coverage

Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard/ Corner Side Yard	Rear Yard	Lot Coverage % of impervious cover	Height
4,000 sq. ft.	40' on lot that abuts a street* 15' on a flag shaped lot* 0' if on rear split lot* *Pursuant to 411.6	10' OR pursuant to 411.9 Front Yard	5' / 7.5'	10'	60% by right 60% - 80% by Special Exception pursuant to 411.8	45'

Section 411.5 - Parking

A minimum of one on-site parking space per dwelling unit is required.

Section 411.6 - Creating New Lots in the Overlay District

- A. Notwithstanding underlying zoning districts, new lots within the overlay may be created utilizing the overlay lot dimensional requirements.
- B. Creating a **flag lot** split shall provide 15' of frontage and meet the minimum lot area requirements.
 1. Front yard setback requirements shall begin at the point where the lot widens.
- C. The creation of a rear lot without the street frontage required by RSA 674:41 may only be approved if all of the following conditions are met:
 1. A perpetual deeded easement in favor of the rear lot to use a driveway across a lot which does have legally-sufficient frontage and identifying maintenance responsibilities shall be submitted with the application for approval by the Planning Board. If the subdivision is approved, the execution and recording of the easement in the registry of deeds shall be a condition of approval.
 2. The driveway shall be shown on the subdivision plan.
 3. The Planning Board shall determine that the driveway is sufficient for access to the rear lot.

Section 411.7 Shading and Buffers

- A. Preservation of a property's existing trees is encouraged to maintain a natural shade canopy upon the property.
- B. Properties shall be landscaped to achieve a minimum of 30% shade coverage.
- C. New houses located with the minimum 5' side yard setback from a property line must have a vegetative buffer.

Section 411.8 Impervious Cover

- A. Within the overlay district, impervious cover shall be limited as follows:
 1. The maximum impervious cover shall be up to 60% by right.
 2. Maximum impervious cover up to 80% may be permitted by Special Exception pursuant to Section 801.3.
 3. For purposes of this overlay district impervious cover shall be defined as: A structure or land surface with a low capacity for infiltration,

including but not limited to pavement, roofs, roadways, and compacted soils, that has a Curve Number of 98 or greater.

4. Impervious cover determinations when in question shall be made by the City Engineer.
- B. An applicant for a Special Exception to allow impervious cover up to 80% shall meet the criteria of Section 801.3 in addition to the following:
 1. A stormwater management plan shall be provided to the Board. The plan must demonstrate that all stormwater is managed and treated onsite with a preference for low impact development stormwater management methods. Applicants may tie into the City's stormwater drain system as may be permitted by the City Code.

Section 411.9 Snow, Garbage, Fuel Tanks

- A. A snow storage plan shall be submitted with the application and, if approved, shall be a condition of the approval.
- B. Garbage/recycling receptacle storage plan shall be submitted with the application and, if approved, shall be a condition of approval.
 1. Garbage/recycling shall not be stored in the front yard of the property.
 2. Applicable screening shall be provided.
 3. If a dumpster is used then it shall be enclosed, stored on a hard surface and meet screening requirements. A dumpster shall meet setback requirements, not interfere with parking, be located in the rear or side yard and beyond the front line of the structure and meet the setback requirements.
- C. Exterior fuel storage within the overlay shall:
 1. Meet all zoning setback requirements.
 2. Fuel storage tanks shall be located within the rear yard.
 3. Underground fuel storage may be located in the front, side or rear yard provided they meet the required yard setbacks.
 4. **Above ground fuel tanks may not be located in the front yard**

*** Options for Section 411.10 ***

Option A

Section 411.10 Pattern Book Requirements

The architectural plan for a building within the overlay pursuant to these requirements shall be selected from the Pattern Zones Book (a catalog of preapproved house plans available through the Lebanon Planning and Development Department from 2025-2028).

Option B

Section 411.10 Architecturally Designed Plans

The architectural plan for a building within the overlay pursuant to these requirements shall be designed by a licensed Architect.

Option C

Section 411.10 Design Guidelines

The following design guidelines shall apply to any design that is not preapproved within the Pattern Zones Book, a catalog of preapproved house plans available through the Lebanon Planning and Development Department from 2025-2028:

- A. A majority of these requirements shall be employed in the building's design: a. Front porch, Wood appearing siding or brick exterior, a peaked roof, street facing entry, street facing windows, garage located behind the front building line, chimney, non-split-level design.
- B. All designs shall demonstrate that the proposed design fits the architectural characteristics of the street block in which it will be located.

411.11 Front Yard

- A. The required front yard may be reduced to the average front yard of the existing buildings on the same side of the street in the same block and located within 300 feet of the subject lot, provided that there are at least 2 such buildings. This reduction shall not be allowed for lots fronting on a state highway.
- B. On lots with more than one frontage on an indeterminate lot, the (option 1: The side with the narrowest frontage will be considered the front yard in regards to setbacks. The corner side with street frontage will be considered a corner side yard and have a setback that is the average of the established front and side setbacks.) (**OR** option 2: The front yard will be determined by the Zoning Administrator based on the orientation of the principal structure on the lot. The corner side with frontage will be considered a side yard and have a setback that is the average of the established front and side setbacks).
- C. On lots with no frontage, the front yard is determined by the Building Official or Zoning Administrator based on the orientation of the principal structure on the lot and the access easement location.

Appendix A - new definition

Flag lot - A lot that has access to a street by **means** of a narrow strip of land.

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Various Map Amendments**

Mr. Reichert:

In a letter dated November 14, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning three proposed amendments to the City's zoning map. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed map amendments are:

1. Re-zone 92 Riverside Drive (Lot 111-16) from RL-1 to GC.
2. Re-zone 31 Romano Circle (Lot 101-20) from R-2 to R-O.
3. Re-zone a number of lots along the northern NH Route 120 corridor from IND-L to CBD and GC-1.
 - a. Note: In connection the re-zoning of lots along the NH Route 120 corridor, various textual amendments to the ZO are also proposed, including changes to the CBD and GC-1 tables of uses, to prevent existing lot uses from becoming non-conforming as a result of zoning district change.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. Other than as explained below, my answer to these three questions is "yes", and I discern no legal or administrative issues of concern with these proposed amendments.

All zoning map amendments should be analyzed to determine whether they would constitute "spot zoning," which is not a permissible exercise of the power to divide land into different zoning districts. It is, of course, within the City's legal authority to amend its zoning map. Planning goals, the division of the City into zoning districts, and the uses to be permitted within each district are policy matters within the purview of the City. However, zoning map amendments must comply with the "rational basis" level of Due Process analysis to be constitutional. This means map amendments must not be arbitrary and they must be in reasonable furtherance of some valid public land use regulatory purpose.

Spot zoning is not determined automatically by the size of the land being rezoned or the number of parcels affected. An area is spot zoned when it is singled out for treatment different from that of similar surrounding land which cannot be justified on the basis of health, safety, morals or general welfare of the community, and which is not in accordance with a comprehensive plan. E.g., Miller v. Town of Tilton, 139 N.H. 429, 432 (1995). The mere fact that an area is small, or that it is rezoned at the request of a single owner, or that it is of greater benefit to that owner than to others, would not necessarily make it spot zoning so long as there is a public need or a compelling public reason for the change. Id.

In considering whether rezoning constitutes spot zoning, courts may consider whether the change is made in response to some public need. See Shadlick v. Concord, 108 N.H. 319 (1967) (zoning change was made in response to growing need for multi-family housing which already existed in proximity to the rezoned area, and thus was part of a comprehensive plan rather than spot zoning). Also relevant is whether there are sufficient opportunities for the targeted use elsewhere in the community, particularly if those other areas aren't being used. See Bosse v. Portsmouth, 107 N.H. 523 (1967) (rezoning of one parcel for industrial use when it was surrounded by residential uses was spot zoning because many other areas in the city were available for industrial use but weren't being used that way). The common thread in the case law is that a court will consider whether there is a reason or combination of reasons for the change that is in the public interest and consistent with the community's development goals.

A. 92 Riverside Drive (Lot 111-16)

This proposed map amendment involves one relatively small parcel (2.94 acres) which the owner asks to have changed from RL-1 to GC. There are no GC lots directly abutting this parcel but there appear to be four GC lots across from this lot on the south side of Route 4. The landowner's petition (a September 27, 2024 letter from Advanced Geomatics & Design) does not appear to identify any public good that would result from the change other than tax revenue. Rather, the stated justifications for the amendment seem to be related specifically to the burdens on the business currently operating on this lot and the owner's desire to make "warehouse" a permitted or CUP use for this property (which it is in GC but not in RL-1) to eliminate the need to obtain a variance when making changes to the property.

Benefits which would be specific to the owner are not relevant to the public good/compelling need analysis. It is fine if there are benefits to the owner, but to change the zoning designation of one lot there must also be some public good or need that is consistent with the City's land use goals and comprehensive development plan. The materials I have reviewed do not identify the public benefit to be gained or how this change would be consistent with the City's planning goals.

If the Council wishes to approve this map amendment, it must identify legitimate planning-focused reasons for the change. For example, would it be consistent with the City's planning goals to change this lot to GC so that certain uses can be allowed/encouraged there? Does this line up with the City's anticipated future uses of this area? Are there specific reasons that uses permitted in the RL-1 district don't make sense for this lot anymore? These kinds of questions

should be answered with reference to the future use map, master plan, topography, street configuration, traffic issues, etc.

If the Council is unable to identify a planning or public benefit justification, then this map amendment would likely constitute “spot zoning” and would not be legally proper.

B. 31 Romano Circle (Lot 101-20)

This proposed map amendment involves one parcel (7.88 acres) which is under the jurisdiction of the Lebanon Housing Authority and has been used as a multi-family affordable housing complex for some time. The existing multi-family complex on this lot pre-dates the current R-2 zoning designation (in which it is not a permitted use), which means it is a legally pre-existing nonconforming use. As a result, every change to the property to expand, reconfigure, or alter the multi-family development or its accessory uses require a variance. The proposal is to change this parcel from R-2 to R-O. The lots immediately surrounding this one on the west side of South Main Street are also R-2. Although this is one lot, it would not create an “island” of R-O because there are nine other R-O lots directly across the street.

Because the proposal is to re-zone only one parcel, it raises a concern about spot zoning. Such changes are permissible so long as they meet a public need or serve a comprehensive planning goal. In this case, the reason for the map amendment is to remove barriers to the continued development of affordable housing on this single lot which has been a part of the neighborhood for many years. The City is currently engaged in an across-the-board effort to increase its housing stock at all levels and this proposal (to facilitate the continued provision of moderate income housing) would seem to serve that community goal and fit in with the other proposed zoning changes to encourage housing development.

As a result, this map amendment appears to be permissible and would not constitute spot zoning. However, at the time of the public hearing of this proposed amendment, I recommend that the City Council’s deliberations should include additional specific discussion of (i) the ways in which this amendment fits in the City’s developmental goals, and (ii) the community planning interest, public interest, and public benefit of this amendment.

C. Northern Lebanon Route 120 Corridor Rezoning

This proposal involves a large-scale rezoning of several dozen lots in the Northern Lebanon area around Centerra Business Park, the Altaria developments, and Etna Road, Labombard Road, Heater Road and Little Heater Road from IND-L to CBD and GC-1. It follows a 9-month study undertaken by the City with substantial public engagement to consider the future of this area regarding conservation, zoning, and City services including transportation. Specific recommendations came from this study to rezone this area to maximize development in line with the current and future needs of the neighborhood. Accordingly, the community planning interest, public interest, and public benefit to this map amendment is clear, as it is driven by and in service to a comprehensive planning effort for that area. The public interest is further aided by the complementary textual amendments to the zoning ordinance which prevent the creation of new nonconforming lots.

December 30, 2024
Page 4

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,

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

Matthew C. Decker

305A General Commercial One District**305A.2 Table of Uses.**

<u>Permitted Uses</u>	<u>Uses by Conditional Use Permit (see Section 302.4)</u>
<u>Residential</u> 1. Multi-family dwelling (see Section 305A.4) <u>Commercial/Non-Residential</u> 2. Dwelling unit(s) above first floor 3. Essential service 4. Financial institution 5. Group day care facility per Section 604 6. Office 7. Personal service 8. Renewable energy system per Section 612 9. Bus Terminal 10. Health Club 11. Local Government Use 12. Outdoor Storage 13. Plumbing, electrical or carpentry shop 14. Publishing or Printing 15. Trucking Terminal 16. Warehouse 17. Equipment & Machinery Sales & Service 18. Outdoor Storage (less than 70%)	<u>Commercial/Non-Residential</u> 1. Alternative treatment center per Section 613 2. Drycleaning pick-up station 3. Educational facility, college/university 4. Inpatient rehabilitation facility 5. Light industry 6. Research laboratory 7. Restaurant , sandwich shop 8. Retail store 9. Outdoor storage (more than 70%) 10. Car Wash 11. Vehicular Sales <u>Planned Developments</u> 1. Commercial PUD per Section 501 2. Manufactured Housing PURD per Section 504 3. Cottage Development 4. Industrial PUD per Section 501 5. Planned Business Park per Section 508 <u>Special Exception</u> (see Section 801.3) 1. Care and Treatment of Animals

Section 306 Central Business District

306.2 Table of Uses

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. Dwelling Unit(s) above first floor 2. Multi-family dwelling (see section 305A.4) 3. Senior Housing Complex <u>Commercial/Non-Residential</u> 4. Amusement (indoor) 5. Community Center 6. Drycleaning Pickup Station 7. Financial Institution 8. Group Daycare Facility 9. Funeral Home 10. Health Club 11. Hotel 12. House of Worship 13. Laundromat 14. Library 15. Local Government Use 16. Membership Club 17. Motel 18. Museum 19. Office 20. Personal Service	<u>Commercial/Non-Residential</u> 1. Craftsman's Shop 2. Drive Through Facility 3. Educational Facility, college/university <u>Uses by Conditional Use Permit</u> (See section 302.4) <u>Commercial/Non-Residential</u> 1. Essential Service 2. Other uses per Section 306.4 3. Parking Facility 4. Publishing/Printing 5. Recreational Facility, indoor 6. Recreational Facility, outdoor <u>Planned Developments</u> 7. Commercial <u>or Industrial</u> PUD per Section 501 7. <u>8. Planned Business Park</u>

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.4 Commercial or Industrial Planned Unit Developments.

C. Tract Size: All Commercial or Industrial PUDs shall have a minimum tract size of 10 acres.

<u>District</u>	<u>Minium Tract Size</u>
<u>Industrial</u>	<u>10 acres</u>
<u>CB</u>	<u>10 Acres</u>
<u>GC</u>	<u>10 Acres</u>
<u>GC-1</u>	<u>10 Acres</u>

D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted or allowed by **special exception** or **conditional use** in the IND-L, CB, GC, or GC-1 Districts is allowed in a Commercial PUD. Such uses allowed by **special exception** or **conditional use** shall be considered permitted uses when included as part of a proposed Commercial PUD and shall not require separate **special exception** or **conditional use** approval.

Any non-residential use permitted or allowed by **special exception** or **conditional use** permit in the IND-L and IND-RA Districts is allowed in an Industrial PUD. Such uses allowed by **special exception** or **conditional use** shall be considered permitted uses when included as part of a proposed Industrial PUD and shall not require separate **special exception** or **conditional use** approval. Additionally, no more than 25 percent of the **gross floor area** in an Industrial PUD may be allocated to **hotels, restaurants, personal services** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees).

Dwelling units in **one-family, two-family** and **multi-family dwellings** or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, t~~he~~ density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 dwelling units per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such **dwelling units** may be clustered together and/or distributed within the Commercial or Industrial PUD in **mixed use buildings** at the discretion of the Planning Board.

SECTION 508 PLANNED BUSINESS PARKS.

[...]

508.2 General Requirement. A **planned business park** is allowed as a Conditional Use in the Light Industrial District, General Commercial One District, Central Business District and the Industrial Rail Access District.

508.4 Sectors, Allowed Uses.

- A. The **planned business park** shall be shown on an approved Subdivision Plan and Use Allocation Plan. The Subdivision Plan and Use Allocation Plan approved by the Planning Board shall designate the allocation of the Industrial/ Office, Commercial and Residential Uses within the Park.
- B. No more than 20% of the net land area not planned for open space, roads, or utilities shall be used for the Commercial Sector.
- C. Unless limited by the Planning Board at the time of subdivision approval, the following uses shall be permitted.
 1. The following uses shall be permitted by right for any **planned business park** Industrial/Office Sector: **light industry; warehouse;** trucking terminal; publishing/printing; plumbing, electrical or carpentry shop; research laboratory; local government use; **essential service;** outdoor storage per Section 303.4 (less than 20%); **group day care facility** per Section 604; general business offices, research facilities, medical office buildings; **health clubs,** Educational Facility, College/University; Educational Facility, Vocational School; any use allowed in the Central Business (CB) District; and **accessory uses** to a permitted use. Retail showrooms per Sections 303.5 and 303A.5 shall be allowed by **conditional use** permit.
 2. The following uses shall be permitted by right for any **planned business park** Commercial Sector: **retail store(s)** up to a cumulative maximum of 20,000 sq. ft. of **gross floor area; personal service;** bank, branch bank; **restaurant,** sandwich shop/deli; refreshment stand; **office; motel; hotel;** movie theater; **membership club; amusements (indoor);** printing (i.e. retail copy store); radio or TV studio; **group day care facility** per Section 604; local government use; ~~and health clubs;~~ any use allowed in the Central Business (CB) District.
- D. **Dwelling units** in **one-family, two-family** and **multi-family dwellings** or appropriate mixes thereof at the discretion of the Planning Board, shall be provided for in all **planned business parks.** The maximum number of **dwelling units** allowed pursuant to this section shall be based on a minimum of 15% and a maximum of 25% of the net land area of the park not planned for open space, roads, or utilities and calculated at a density of 13 **dwelling units** per acre. Such **dwelling units** may be clustered together and/or distributed within the Park at the

discretion of the Planning Board. For *planned business parks* in the GC-1 and CB District or portions thereof, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305A.4 and 306.5, respectively.

[...]

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

RE: Proposed Zoning Amendment – Recovery Houses

Mr. Reichert:

In a letter dated November 14, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning proposed amendments to the Lebanon Zoning Ordinance to regulate “Recovery Houses”. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are as shown in a “Recovery House” document dated as of November 13, 2024, which provides a proposed definition for “Recovery House” for ZO Appendix A, a list of proposed Article III Table of Use amendments to allow recovery houses by Special Exception in various zoning districts, and a new Section 614 setting forth specific regulations for the establishment and operation of recovery houses.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. My answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

ATTACHMENTS:
Recovery House

Recovery House Definition, Use Code Additions, and Text:

Proposed Definition for Appendix A:

Recovery House: As defined in RSA 153:10-d, II, as the same may be amended: A residence that provides a safe, healthy, family-like, substance free living environment that supports individuals in recovery from addiction and is centered on peer support and a connection to services that promote long-term recovery; provided that "recovery housing" shall not include a halfway house or any other facility requiring a license pursuant to RSA 151.

Proposed Article III Table of Use Amendments for City Council approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- CB - Central Business
- LD - Lebanon Downtown
- GC - General Commercial
- RO- Residential Office
- MC- Medical Center
- MC2- Medical Center Two
- IND-L- Industrial Light

Proposed Article III Table of Use Amendments for voter approval:

Allow "recovery house" by Special Exception per Section 614 in the following zoning districts:

- R-1- Residential One
- R-2- Residential Two
- R-3- Residential Three

Proposed amendment to Article VI of the Zoning Ordinance - new Section 614:

Section 614 Recovery Houses.

614.1 Purpose.

The purpose of this section is to institute reasonable regulations for the establishment of recovery houses in accordance with RSA 153:10-d Exemption for Recovery Houses and to protect the health, safety, and welfare of the patrons of such operations, and of the citizens of Lebanon, and to prevent the deleterious siting of recovery houses within the City.

614.2 Certification Required.

To establish and operate a recovery house, the following standards shall be met:

A. The recovery house shall be certified and maintain certification by the ~~New Hampshire Coalition of Recovery Residences~~ New Hampshire Partnership of Recovery Residences (NHPRR) at all times while in operation. Documentation of this certification and recertification shall be provided immediately to the Zoning Official, Fire Chief, Police Chief, and the City Clerk.

1. A letter from the New Hampshire Coalition of Recovery Residences (NHCORR) confirming the recovery house certification process has commenced shall accompany all City permit applications for the establishment of a new recovery house.

2. Upon final New Hampshire Partnership of Recovery Residences (NHPRR) certification of a new recovery house the certification shall immediately be communicated to the Zoning Official,

Fire Chief, Police Chief and City Clerk. The recovery house may not begin operation under any City approval until certification has been received and transmitted to the City as required by this section.

- B. A 24-hour emergency contact person with contact information and the approved building occupant load shall be posted in the common area of the building, so it is readily visible to residents and emergency responders. A 24-hour emergency contact person with contact information shall be provided, kept updated and remain on file with the Police Chief and Fire Chief.

614.3 Special Exception Application Requirements.

An application for a Special Exception shall include the following documentation:

- A. A location map demonstrating adherence to the 1320 ft. (1/4 mile) bus stop radius requirement set forth in Section 614.3.
- B. A site plan and floor plan demonstrating adherence to the requirements of RSA 153:10-d Exemption for Recovery Houses.
- C. A letter from the New Hampshire Coalition of Recovery Residences (NHCORR) confirming the recovery house certification process has begun.
- D. A proposed site plan depicting the following:
 - 1. A garbage management plan with locations of exterior garbage receptacles and compliance with the applicable criteria set forth in Section 614.3. If a garbage dumpster is being used, the plan shall demonstrate compliance with the applicable location and screening requirements as set forth in the Site Plan Review Regulations.
 - 2. A proposed smoking compliance plan that meets the standards of 153:10-d Exemption for Recovery Houses and the applicable criteria set forth in Section 614.4.
 - 3. A parking plan sufficient to demonstrate that the recovery house has sufficient parking to meet the needs of its residents.

614.4 Special Exception Criteria.

In addition to the general Special Exception criteria set forth in Section 801.3 and the certification requirements set forth in Section 614.2, an applicant for a Special Exception shall demonstrate compliance with the following criteria:

- A. The recovery house will be operated in a manner harmonious to the neighborhood and shall maintain a residential home appearance from the street view.
- B. The recovery house shall have walkable and bikeable access to and be located within 1/4 mile (1320 ft.) of a bus stop.
- C. Smoking areas are not permitted in the front yard of a recovery house.
- D. A designated smoking area shall meet applicable setback for the zoning district and if abutting a residential use screening shall be provided.
- E. All garbage receptacles shall be stored in a location on the side or rear of the house.

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment –
Creation of Medical Center Two (MC-2) Zoning District
Section 31X and Map Amendment**

Mr. Reichert:

In a letter dated November 13, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning proposed amendments to the Lebanon Zoning Ordinance to create a new Medical Center Two (MC-2) zoning district. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are as shown in a draft of a “Section 31X – Medical Center Two District (MC-2)” document dated as of November 13, 2024, and in a proposed zoning map amendment which shows four large lots in the vicinity of the Alice Peck Day Hospital which would be re-zoned from R-3 to MC-2. I understand that the proposed amendments would establish a new MC-2 zoning district to facilitate the continued development of the selected lots for inpatient and outpatient health care and other related and complimentary uses, including but not limited to housing for employees.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. Other than as explained below, my answer to these three questions is “yes”, and I discern no legal or administrative issues of concern with these proposed amendments.

Attorney Johnston’s preliminary letter of November 13 provided a discussion of “spot zoning” and cautioned that zoning map amendments must comply with a “rational basis” level of Due Process analysis to be constitutional, meaning that map amendments must not be arbitrary and they must be in reasonable furtherance of some valid public land use regulatory purpose. I refer you to this prior discussion, which I will not repeat in full here.

The re-zoning of four contiguous lots comprising ~59 acres from R-3 to MC-2, with an apparent purpose of facilitating the continued development of a medical campus that serves the City’s

December 30, 2024

Page 2

needs, does appear to advance the City's comprehensive development plans and serve the public interest. At the time of the public hearing of this proposed amendment, I recommend that the City Council's deliberations should include additional specific discussion of (i) the ways in which this amendment fits into the City's development goals, and (ii) the community planning interest, public interest, and public benefit of this amendment.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

ATTACHMENTS:
Medical Center

SECTION 315A MEDICAL CENTER TWO DISTRICT (MC-2).

315A.1 Purpose.

The purpose of the Medical Center Two District is to provide for the provision of inpatient and outpatient health care and other related and complimentary uses, including but not limited to housing for employees and staff.

315A.2 Permitted Uses.

MC-2 DISTRICT

Permitted Uses	Conditional Use Permit (see Section 302.4)
1. Hospital 2. Hospice 3. Medical office 4. Nursing home 5. Senior housing complex 6. Essential service 7. Renewable energy system per Section 612	1. Group day care facility 2. Group residence 3. Parking facility 4. <u>Multi-family dwelling</u>

315A.3 Table of Area, Dimensions and Coverage.

MC-2 DISTRICT

Minimum Lot Requirements					Maximum Limitations	
Lot Area	Lot Frontage	Front Yard	Side Yard	Rear Yard	Height	Building Coverage
30,000 sq.ft.	100'	20'	15'	20'	60' (See Section 31X.4)	40%

315A.4 Special Height Restriction.

On parcels adjacent to residential districts, the height limitation of the adjacent residential district shall apply; provided, however, that on such parcels, building height may be increased above the residential limitation by one (1) foot for each

two (2) feet that the building is set back from the required setback line(s) on sides of the lot adjacent to the residential district, but shall in no case exceed 60 feet.

315A.5 Dwelling Unit Density.

Density determinations for multi-family dwellings shall be made by the Planning Board during the course of site plan review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

December 30, 2024

Nathan Reichert, Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766
nathan.reichert@lebanonnh.gov

**RE: Proposed Zoning Amendment
Staff Technical Amendments**

Mr. Reichert:

In a letter dated November 14, 2024, my colleague Christine Johnston, Esq., provided a preliminary legal opinion concerning miscellaneous minor amendments (staff technical amendments) to the Lebanon Zoning Ordinance. Following review and comment upon the proposed amendments by the ZBA, Planning Board, and Conservation Commission, I am now providing a final legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance.

The proposed amendments are those listed in the "Draft Miscellaneous Minor Amendments to the City of Lebanon Zoning Ordinance" redline document with a last revised date of November 11, 2024.

ZO Section 1000.3(B) requires this legal review to cover: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced. My answer to these three questions is "yes", and I discern no legal or administrative issues of concern with these proposed amendments.

Please do not hesitate to contact me with any questions or concerns about this opinion.

Sincerely,



Matthew C. Decker

DRAFT AMENDMENTS TO THE CITY OF LEBANON ZONING ORDINANCE

[...]

ARTICLE II GENERAL PROVISIONS

[...]

SECTION 201 YARD REQUIREMENTS.

Except as otherwise provided herein, no **building** or **structure** other than accessory structures and buildings of 130 sq. ft. or less per Section 201.8 below shall occupy any part of any yard required by ARTICLE III, except that **architectural details** may extend not more than two (2) feet into any required yard and stairs and stairwells may extend not more than six (6) feet into any required yard.

[...]

SECTION 212 ANTI-NUISANCE STANDARDS(reserved).

~~212.1 General.~~

~~No use shall emit noise, odors, dust and smoke that is obnoxious, harmful or a nuisance to abutting properties or the neighborhood. Noise, odors and dust emitted by farming uses, including the keeping of livestock and poultry, that were existent as of the date of enactment of this Ordinance are exempt from this provision.~~

~~212.2 Noxious Gases.~~

~~No use shall emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which may have a tendency to cause injury or damage property, business or vegetation.~~

~~212.3 Vibration.~~

~~No use shall cause, as a result of normal operations, a vibration which creates displacement of 0.002 of one inch.~~

~~212.4 Vision Impairment.~~

~~No use shall have lighting or signs which create glare which would impair or obstruct the vision of a driver of any motor vehicle.~~

~~212.5 Fire, Explosion or Safety Hazard.~~

~~No use shall be such so as to potentially cause a fire, explosion or safety hazard.~~

[...]

SECTION 213 IMPACT FEES.

[...]

213.8 Waivers.

[...]

- B. The Planning Board may grant full or partial waivers of impact fees to an assessed property where the Board based on credible evidence presented by the applicant finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:
1. An assessed property may apply to the Planning Board for a full or partial waiver of impact fee assessments imposed by this Ordinance on the basis of other contributions toward public capital facilities. The amount of such a waiver shall not exceed the value of land, facilities construction, or other contributions for public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the City for the review of a proposed waiver, including consultant and counsel fees, shall be paid by the applicant.
 2. The Planning Board may waive an impact fee, in whole or in part where, in the opinion of the Board, in consultation with the Board's legal counsel, such fee would, due to interference with constitutionally-vested rights, pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this Ordinance.

A waiver request made pursuant to this subsection shall require a public hearing before the Planning Board but shall not require notice to abutters. Notice of the public hearing shall be posted in at least two (2) public places and shall be published in a newspaper of general circulation in Lebanon not less than ten (10) nor more than thirty (30) days before the date of the meeting at which the request will be considered.

[...]

SECTION 215 LOCATION OF ACCESSORY USE.

215.1 General.

An accessory use shall be permitted only upon the same lot where its respective primary use lawfully exists. In the case of lots in two or more zoning districts, an accessory use shall be permitted only on that portion of the lot where its respective primary use is permitted.

215.2 Exceptions.

Notwithstanding Section 215.1:

- A. ~~An **accessory use** shall be permitted only upon the same **lot** where its respective primary use lawfully exists, except that (i) a **driveway** may cross over an adjacent **lot** provided that the use the **driveway** serves is a permitted use on the **lot** over which the **driveway** crosses, and provided the affected property owners jointly apply for a zoning permit. In the case of a driveway providing sole access to the lot, the zoning permit application shall include a copy of an easement securing the perpetual right to utilize the driveway and identifying maintenance responsibilities. and (ii) a~~
- B. A common **driveway** serving not more than two adjacent **lots** is also permissible provided that the use(s) the common **driveway** serves is (are) permitted use(s) on the **lot(s)** over which the common **driveway** crosses, and provided the affected property owners jointly apply for a zoning permit, the application for which shall include a copy of an easement securing the perpetual right to utilize the driveway and identifying maintenance responsibilities. ~~In the case of lots in two or more zoning districts, an **accessory use** shall be permitted only on that portion of the **lot** where its respective primary use is permitted.~~
- C. Utility improvements including but not limited to stormwater management facilities located on an abutting lot may be approved by **conditional use permit** provided that, in addition to the findings required by Section 302.4.D, the Planning Board finds that (a) a lot line adjustment between the two properties is impractical and (b) such arrangements are formalized in a draft legal instrument acceptable to an attorney representing the City and submitted with the Conditional Use Permit application for approval by the Planning Board. The execution of such instrument as approved by the City shall be a condition on any approval under this section.

[...]

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

[...]

SECTION 507 DENSITY BONUSES ~~FOR CERTAIN PLANNED DEVELOPMENT.~~

PURD's, PRecs, and manufactured housing parks ~~PURDs, and multi-family developments in the R-1 District and R-2 District~~ may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section.

507.1 Increased Density Bonuses.

Maximum Amount of Bonus Available

<u>Type of Development</u>	<u>For Use of Technique</u>	<u>For Workforce Housing</u>	<u>For Energy Efficient Design</u>	<u>For Renewable Energy Systems</u>
PURD or PRec	12%	10%	10%	10%
Manufactured housing PURD	12%	----	10%	10%
<u>Multi-family development in the R-1 and R-2</u>	<u>---</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>

507.2 Criteria for Award of Bonus.

The Planning Board may allow a gross density of development greater than allowed under Article III of this Ordinance for PURDs, PRecs, **manufactured housing PURDs**, ~~or and~~ multi-family developments in the R-1 District and R-2 District ~~PRec's~~ up to a maximum bonus allowed by Table 507.1. The Planning Board may approve a density bonus for any one or more of the categories identified in Section 507.1. Density bonuses granted pursuant to this section shall be cumulative. The following guidelines shall be used in determining whether a bonus shall be awarded.

[...]

SECTION 509 COTTAGE DEVELOPMENTS.

[...]

509.6 Design Standards. The following design standards are intended to define design parameters to create a small community of cottages oriented around open space and to achieve compatibility with adjacent uses.

- A. Individual Cottage Spaces. ~~For each detached cottage, the~~ The site plan approved by the Planning Board shall delineate a regularly-shaped building site for each ~~detached cottage~~ of no less than 1,500 sq. ft. Each such building site shall be usable and may not include wetlands and/or steep slopes.

[...]

- I. Site Plan Review. **Cottage developments** shall demonstrate compliance with all applicable design requirements of the Site Plan Review Regulations. Consequently, applicants are required to apply for Site Plan Review contemporaneously with applying for a Conditional Use Permit.

[...]

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

[...]

SECTION 604 GROUP DAY CARE FACILITIES.

[...]

604.3 ~~Family Day~~Home-Based Care Home.

Home-based care (*family day care home* and *family group day care home*) ~~The care in the home of six (6) or fewer children (inclusive of children under 6 years old who live in the home)~~ is allowed as an accessory use to any primary residential use permitted in any residential use district as long as all requirements for such programs adopted in rules of the New Hampshire Department of Health and Human Services (He-C 4002) are met, and no zoning permit is required, provided that persons living off the premises are not employed. If persons living off the premises are employed, such child care is a home business subject to the requirements of Section 600 (home business permits).

The care in the home of more than six (6) children (inclusive of any children under 6 years old who live in the home) is a **group day care facility** under this Ordinance.

[...]

SECTION 607 PARKING.

607.1 ~~Table of~~ Minimum Off-Street Parking Requirements.

[...]

D. For residential uses as defined in RSA 676:16-a, I, an alternative parking solution as that term is defined in RSA 676:16-a, I, may be authorized by the Planning Board notwithstanding the requirements of the Table of Minimum Off-Street Parking Requirements pursuant to RSA 676:16-a ("On-Site Parking Requirements).

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
(Rounded down to the nearest whole - See Section 607.2)

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
RESIDENTIAL		
<i>Dwelling, One-family/Two-family</i> detached and attached	<i>Dwelling units</i>	2.0
<i>Dwelling</i> , Studio Apartment	<i>Dwelling units</i>	1.0
<i>Dwelling</i> , Apartment, One-bedroom and up	<i>Dwelling units</i>	1.5
Senior Housing	<i>Dwelling units</i>	1.0

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
Group residence	Residents	0.33
Lodging house	Rental units	2.0 base + 1.0/bed
<u>Cottage development</u>	<u>Cottage</u>	<u>1.0</u>

[...]

607.8 Electric Vehicles.

[...]

C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. **EVSE-installed spaces, EV-ready spaces, and EV-capable spaces** shall be provided as follows:

1. One- and Two-Family Dwellings. All new **one- and two-family dwellings** shall provide at least one (1) **EV-ready** space per **dwelling unit**.
2. Multi-Family Dwellings. Parking for **multi-family dwellings and senior housing complexes** shall include a minimum of 65% of EVSE-installed, EV-ready, and EV-capable spaces as follows:
 - a. **EVSE-installed spaces** for a minimum of 5% of proposed **off-street parking spaces**.
 - b. **EV-ready spaces** for a minimum of 20% of proposed **off-street parking spaces**.
 - c. **EV-capable spaces** for a minimum of ~~65~~40% of proposed **off-street parking spaces**.
3. Non-Residential Uses. Parking for uses requiring or proposing to provide 30 or more **off-street parking spaces** shall include a minimum of 50% of EVSE-installed, EV-ready, and EV-capable spaces as follows:
 - a. **EVSE-installed spaces** for a minimum of 2% of proposed **off-street parking spaces**, with a minimum of two **EVSE-installed spaces**.
 - b. **EV-ready spaces** for a minimum of 10% of proposed **off-street parking spaces**.
 - c. **EV-capable spaces** for a minimum of ~~50~~38% of proposed **off-street parking spaces**.

[...]

SECTION 608 SIGNS.

[...]

608.2 General Provisions.

[...]

- C. Enforcement. Any **sign** displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed, and shall be subject to all available enforcement options pursuant to NH RSA Chapter 676.

In the course of investigating a brightness or luminance complaint, the Planning and Development Department may request a certification of the brightness or luminance by an independent contractor. If the investigation and certification indicate that the sign exceeds any applicable brightness or luminance levels specified in Section 608, the owner of the sign shall turn off the sign within twenty-four (24) hours of a request to do so by the City, and the sign shall remain off until the brightness or luminance of the sign is brought into compliance.

[...]

608.3 Prohibited Signs.

The following are prohibited:

[...]

- C. **Non-static signs**, except **digital signs** as may permitted according to Section 608.2.H.3 and Section 608.4.A.7 ("Freestanding Digital Signs").

[...]

608.4 Non-Residential Uses.

- A. Non-Residential Uses in Commercial and Industrial Districts. Signage for non-residential uses in the **commercial** and **industrial districts** shall be subject to the following requirements:

[...]

4. Freestanding Signs. A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:
- a. Sign Area and Height Regulations.
- i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District					
Maximum	GC & GC-1	CB	LD	IND-L	IND-RA	IND-H
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

- ii. Strip Plazas and Multi-Tenant Buildings. A **freestanding sign** for a property improved with a **strip plaza** or **multi-tenant building** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 50 percent, except in the CB and LD Districts.
- iii. Height. For purposes of measuring the height of a **freestanding sign**, height shall mean the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the **sign** structure.
- iv. The size of a **freestanding sign** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 15 percent in order to accommodate numerals identifying the property address or building address, or for a **freestanding sign** on a property improved with a **strip plaza** or **multi-tenant building**, by up to 15 percent in addition to the increase in **sign area** allowed per Section 608.4.A.a.ii.

[...]

e. Freestanding Digital Signs. **Freestanding signs** may incorporate a **digital sign** subject to the following:

- i. **Freestanding digital signs** are only allowed in the General Commercial (GC) on properties with frontage on the following streets:
 - Mechanic Street
 - Miracle Mile
 - Plainfield Road
 - South Main Street
- ii. No more than one (1) display per hour shall be allowed.
- iii. Displays shall contain static messages only.
- iv. **Freestanding digital signs** shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
- v. The Planning and Development Department shall be provided with an on-call contact person and phone number for each **freestanding digital sign**. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise.

- vi. The **digital sign** portion of a **freestanding digital sign** may be no larger than 50% of the **sign area** of the **freestanding digital sign**.
- vii. No **freestanding digital sign** may be located within one hundred (100) feet of a residential dwelling.
- viii. **Freestanding digital signs** shall operate with no more than 0.3 foot candles at the property line.
- ix. If a **freestanding digital sign** is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.

[...]

6. Illumination. **Signs** may have either **external illumination** or **internal illumination**, subject to the following:

[...]

- d. Maximum Luminance. ~~Luminance~~ An illuminated sign shall ~~measure~~ operate with no more than 0.3 fc ~~above ambient light conditions~~ at the property line.

[...]

ARTICLE VIII BOARD OF ADJUSTMENT

[...]

SECTION 801 POWERS AND DUTIES.

The powers and duties of the Board shall be as prescribed by NH RSA 674:33, as amended. The powers and duties are:

801.1 Administrative Appeals.

As set forth in RSA 676:5, I, appeals to the Board concerning any matter within the Board's powers as set forth in RSA 674:33 may be ~~made~~ taken by the applicant, an abutter as defined by RSA 672:3, ~~any person aggrieved~~ or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

[...]

802.5 Rehearings and Appeals.

As provided by NH RSA 677:2, as amended, within 30 days after any order or decision of the Board, any party to the action or proceeding or any- abutter as defined by RSA 672:3 ~~person directly affected by it~~ may apply for a rehearing.

[...]

APPENDIX A DEFINITIONS

[...]

ABUTTER: This term shall have the meaning as set forth in RSA 672:3, as amended. ~~Abutter means the owner of record of a lot located in New Hampshire and which adjoins or is within two hundred (200) feet (including across the street or waterway) of the subject lot. In the case of an abutting lot being under a condominium or other collective form of ownership, the term "ABUTTER" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of condominium units which are located on a parcel within two hundred (200) feet of the subject lot shall be notified only by first class mail. any person whose property is located in New Hampshire and adjoins or is directly across the street or streams from the land under construction.~~

[...]

FAMILY DAY CARE HOME: This term shall have the meaning as set forth in RSA 170-E:2, IV(a), as amended

FAMILY GROUP DAY CARE HOME: This term shall have the meaning as set forth in RSA 170-E:2, IV(b), as amended

[...]

SIGN, DIGITAL: A *non-static sign* or portion of a *sign* that changes appearance by any electronic process or remote control.

[...]

SIGN, FREESTANDING DIGITAL: A *freestanding sign* that incorporates a *digital sign*.

[...]



27 September 2024

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

Re: Request for Zoning Change

Dear Mayor and Councilors:

On behalf of Oakes Storage, LLC and Oakes Real Estate SPE, LLC, this letter is being written to request a zoning change to be part of the city's annual zoning review.

Request #1. Rezone parcel 111-16 on Riverside Drive to GC (see attached "92 Riverside Drive").

Parcel 111-16 is a self storage facility. The existing operation maxes out the usable property. As can be seen on the site plan, the parcel is an odd shape and has been fully developed for storage. There is little risk of this change promoting a project that has harmful impacts, as it is essentially fully developed. The need is to change the use of this land to a use allowed as a "Conditional Use". The current RL-1 zoning places an unnecessary burden on the landowner to obtain either a zoning special exception or a variance to make any changes to the property. This property will be a responsible, quiet, and productive business for the city. The property will generate roughly \$30,000 of tax revenue each year.

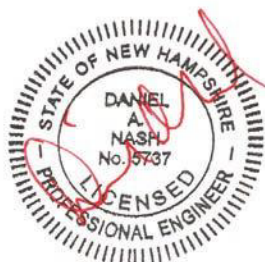
The two parcels across the street are zoned GC. Making this change fits with those properties.

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

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

Sincerely,

Daniel A. Nash, PE
Principal



City Council
Request for Zoning Changes
27Sep2024

Attachments:

-92 Riverside Drive

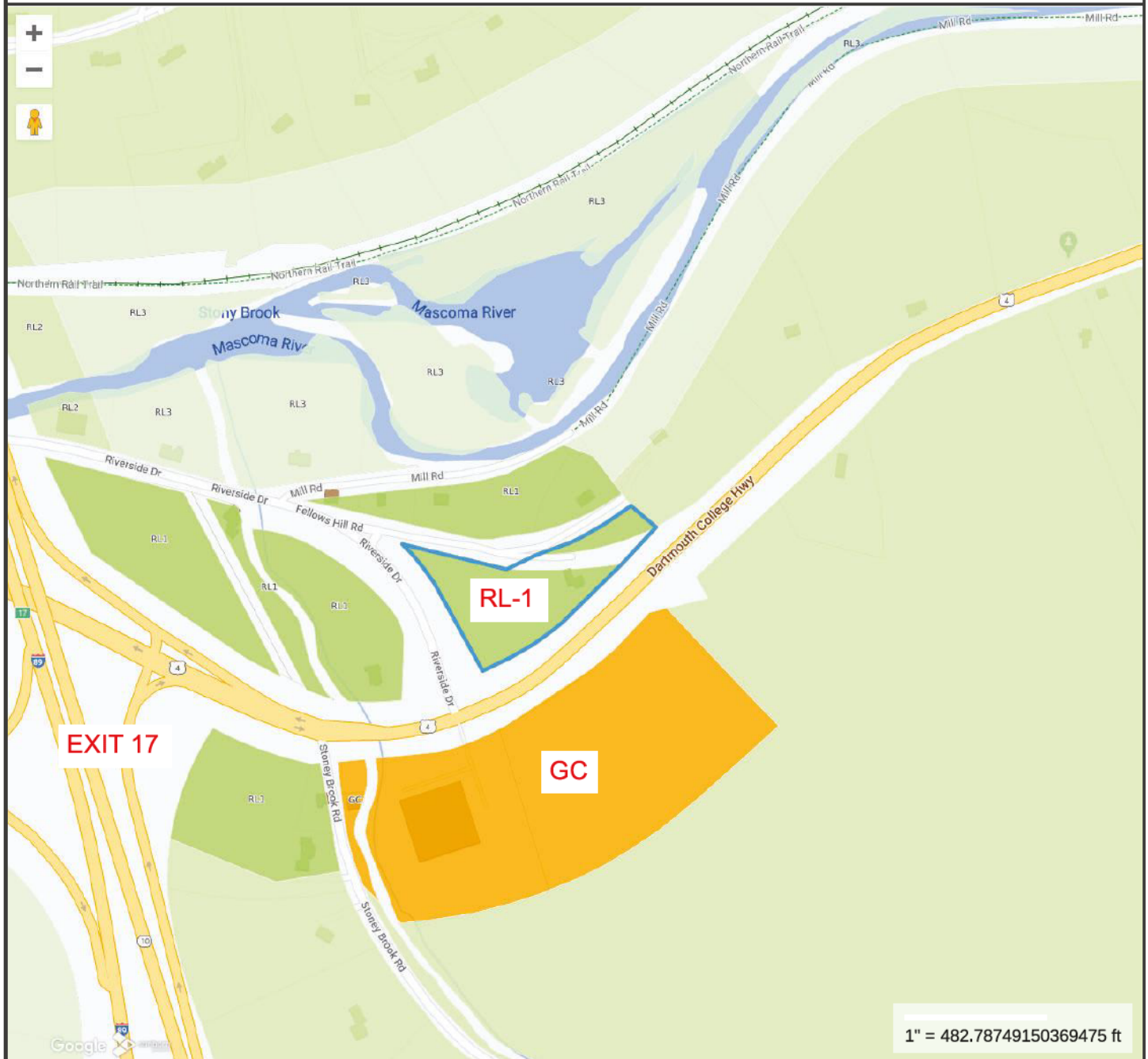
-GC

-Site Plan, Oakes Storage

CC: Robert Oakes

M:\2020_projects\20-001\zoning\zone_change_sep24\letter_col_27Sep2024.docx

92 RIVERSIDE DRIVE



Property Information

Property ID 111-16
Location 92 RIVERSIDE DR
Owner OAKES STORAGE LLC +



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

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

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

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

Map Theme Legends

Zoning District

- RL3 - RURAL LAND 3
- RL2 - RURAL LAND 2
- RL1 - RURAL LAND 1
- R1 - RESIDENTIAL 1
- R2 - RESIDENTIAL 2
- R3 - RESIDENTIAL 3
- RO - RESIDENTIAL OFFICE
- RO1 - RESIDENTIAL OFFICE 1
- GC- GENERAL COMMERCIAL
- GC-1 - GENERAL COMMERCIAL 1
- CB - CENTRAL BUSINESS
- IND-L - INDUSTRIAL LIGHT
- IND-RA - INDUSTRIAL RAIL ACCESS
- IND-H - INDUSTRIAL HEAVY
- MC - MEDICAL CENTER
- PB - PROFESSIONAL BUSINESS
- LD - LEBANON DOWNTOWN

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).305.1 Purpose.

The purpose of the GC District is to provide ample land with good highway access for the location of commercial development serving the regional and local markets.

305.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> Dwelling unit(s) above first floor Multi-family dwelling (see Section 305.5)	<u>Commercial/Non-Residential</u> Alternative treatment center per Section 613 Bus terminal Educational facility, college/university Essential service Truck terminal
<u>Commercial/Non-Residential</u> Amusements (indoor) - Car wash Community center Drive-in restaurant, refreshment stand Drive-through facility - Drycleaning pick-up station Financial institution - Funeral home Group day care facility per Section 604 Health club Hotel - House of worship - Laundromat Local government use Membership club Motel - Movie theater Office Personal service - Publishing/printing - Radio or TV studio Recreational facility, indoor	<u>Uses by Conditional Use Permit</u> (see Section 302.4)
	<u>Commercial/Non-Residential</u> Care and treatment of animals Contractor's yard Craftsman's shop - Plumbing, electrical or carpentry shop Produce stand Recreational facility, outdoor Warehouse - Wholesale sales
	<u>Planned Developments</u> Commercial PUD per Section 501

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
25. Renewable energy system per Section 612 26. Restaurant , sandwich shop 27. Retail product pickup 28. Retail store 29. Service station 30. Vehicular repair 31. Vehicular sales	

305.3 Table of Area, Dimension and Coverage.

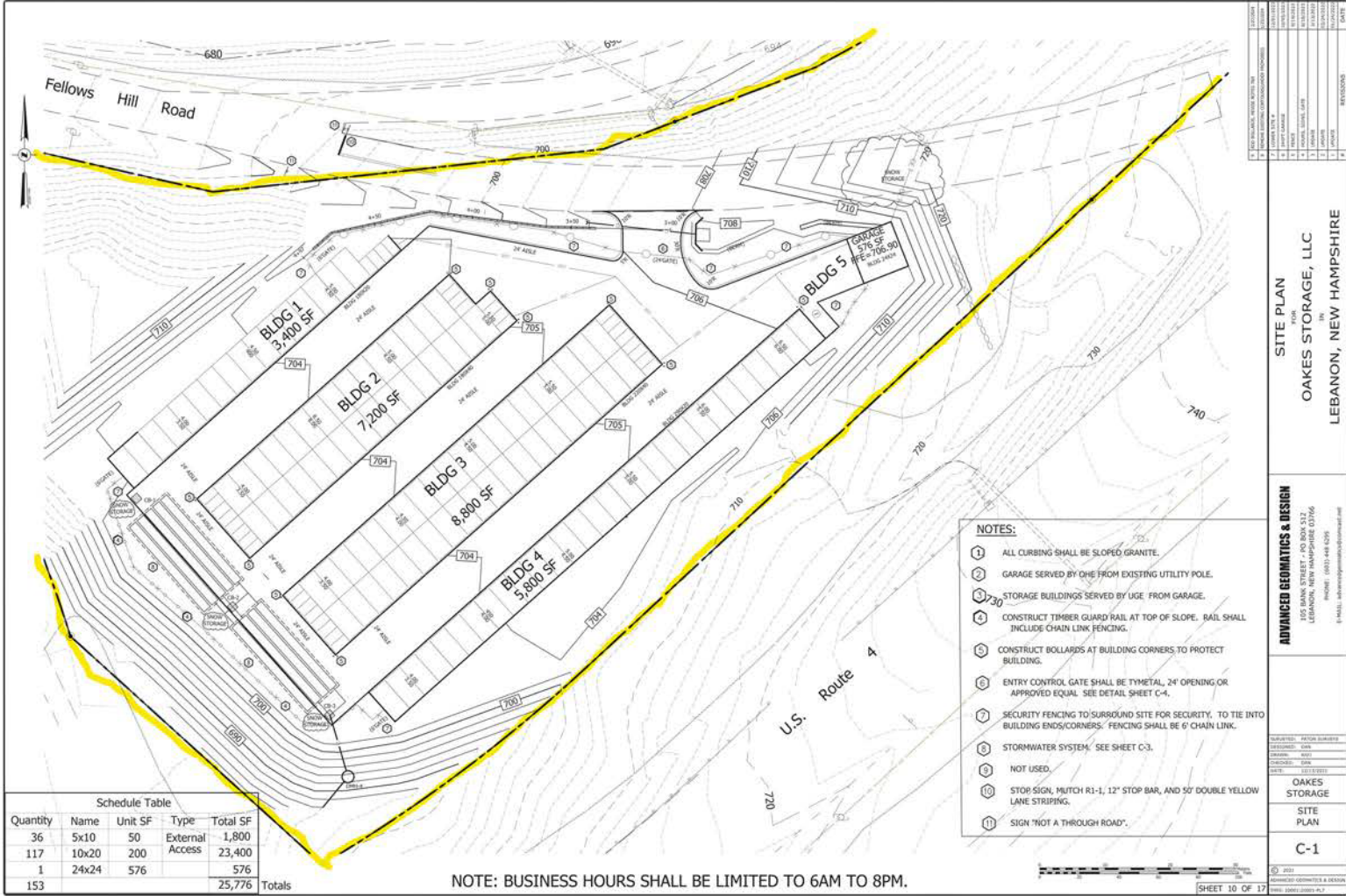
Minimum Lot Requirements					Maximum Limitations	
Area	Frontage	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
50,000 square feet	150'	40'	20'	20'	30%	45' See Section 305.4

305.4 Special Height Restriction.

On **parcels** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such **parcels**, **building height** may be increased above the residential limitation by one (1) foot for each two (2) feet that the **building** is set back from the required set back line(s) on sides of the **lot** adjacent to the residential district. However, in no case shall the height exceed 45 feet.

305.5 Dwelling Unit Density.

Density determinations for **multi-family dwellings** and **mixed use buildings** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.



Petition for Zoning Change to Lot 111-16, vicinity Exit 17

(92 Riverside Drive)

27 September 2024

Members of the Lebanon City Council,

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

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

-Our requests are outlined in AGD letter to the City Council dated 27Sep24

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

[illegible]

Zoning Administrator Reichert testified that the legal bounds of the parking area were approved by the Planning Board in its prior site plan review. Areas that were not approved were not legally allowed for parking. He stated that in order to be grandfathered, the parking use in the large area would have had to be lawful at the time, which it was not.

Chair Koppenheffer Opened the Public Hearing and hearing no one, the Public Hearing was closed.

The Board discussed whether the appeal should be granted or denied. They asked if this is a lawful nonconforming use and did the City get it wrong. They determined the only question before the Board is if the newly paved parking lot is grandfathered, and the applicants did not offer any proof of pre-existing lawful use in the enlarged area and therefore the appeal should be denied.

Mr. KATZ MOVED the appeal is denied. The burden of proof to show that a property is lawfully non-conforming to an obligation of the ordinance rests with the landowner and this board has determined that the burden has not been met. And therefore, the decision of the Zoning Administrator is upheld.

Seconded by Mr. Newlove.

**The Vote on the Motion was (4-0).*

4. OTHER BUSINESS

A. Proposed Zoning Amendments Review

The question is, can the Board clearly interpret and enforce the amendments. The members were asked to review each specific amendment. They will not discuss them in detail unless there are some amendments that are problematic.

But the core of the zoning package this year is really identified by the pattern zoning package that comes out of a fairly major study that has been conducted for the last 18 months. And the second piece is a 120-corridor study. Then there's a series of technical cleanup amendments that they have found through experience with this document. There are points in the document that are not very clear that need to be cleaned up.

It also includes the definition of a recovery house. There's been a move to try to bring a recovery house to Lebanon. It's an extended service for alcohol and drug rehabilitation. But it gives a very specific definition for allowing that recovery house to avail itself of what effectively will become a fire code variance in order to allow for more density for this specific type of living arrangement for people that are involved.

Chair Koppenheffer asked about the appeal language. It seems that people who can take an appeal are severely circumscribed. That the appeal language in the zoning ordinance was pointing to the wrong area of the RSA. The intention is to align with the RSA. It is thought

that any person aggrieved, rather than the applicant or the abutter, should be able to appeal as long as it is aligned with the new RSA.

5. STAFF COMMENTS

There will be pizza for the recognition of the Board at the December meeting.

6. ADJOURNMENT

Mr. Newlove MOVED to adjourn the meeting at 8:15 PM.

Seconded by Vice Chair Katz.

**The Vote on the Motion was (4-0).*

Respectfully submitted,
Linda Billings, Recording Secretary

DRAFT

**LEBANON PLANNING BOARD
MEETING ROOM ONE, CITY HALL OR
REMOTE VIA MICROSOFT TEAMS
LEBANNONNH.GOV/LIVE
MONDAY, NOVEMBER 25, 2024 6:30 PM**

MEMBERS PRESENT: Andrew Faunce (Chair), Kathie Romano (REMOTE), Patrick Kennelly, Jeremy Rutter, Kellen Appleton (REMOTE), Eric Stacy (alt), Brian Ceglarski (alt)

MEMBERS ABSENT: Richard Ford Burley (Vice Chair), Karen Zook (City Council Rep),

STAFF PRESENT: Tim Corwin (Deputy Planning Director), Nate Reichert (Director of Planning & Development / Zoning Administrator)

1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:31pm.

Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

2. STUDY ITEMS

A. Review of Proposed Amendments to the Zoning Ordinance and Zoning Map

Mr. Reichert said, after this discussion about the proposed amendments, there will be two more public sessions (December 5 at Kilton Library and December 9 at DHMC).

The group reviewed several miscellaneous edits to the proposed amendments.

Nuisance Ordinance

The group discussed the details of the nuisance ordinance. Mr. Reichert said Mr. Corwin was in the process of revising the current language of the nuisance ordinance. He said an option is for the ordinance itself to be discontinued and to define what constitutes a nuisance within the zoning ordinance instead. He said the ordinance should follow the health officers' enforcement (for example, in the case of hoarders and the health risk involved) more so than to zoning officials' enforcement.

Section 607.1

Mr. Corwin said legislation signed into law by the governor in August requires Planning Boards to consider alternative parking arrangements (that are different than what is prescribed by the zoning

ordinance) for residential projects. He said the burden is on the applicant to come up with what the solution will be and the Board has the option to engage a third-party consultant to peer review the proposed alternative parking arrangement.

Section 608

The group discussed the reasons why digital signs are prohibited in the City. Mr. Corwin said, at times, there has been interest in revisiting this prohibition. He said the proposed amendment to the sign regulations is to allow digital signs in certain areas of the City, with the stipulation that the messaging would refresh once per hour. Ms. Romano said it has been noted in the past that flashing signs distract drivers.

Section 607.8

The group discussed the idea of minimum percentages being used to determine how many EV spaces will be required for multi-family dwellings. Mr. Corwin explained how the percentages are calculated. Ms. Romano noted that, for large properties with 50 or 100 units, it is easier to determine a percentage than for smaller, four- or six-unit homes, where the percentage may turn out to be less than one space.

Section 411.3

The group discussed the special exception that allows townhouses to be built as part of the overlay district (for pattern zoning). Mr. Reichert suggested the general special exception criteria be clarified regarding allowing townhouses.

Ms. Romano said that section includes references to several requirements that may not be applicable to townhouses:

- tying into the City's stormwater system - does not say where that stormwater system is
- fuel tanks and garbage containers to be located at the rear of the property - often there's not much room in the rear of the property
- renewable energy – these properties will not have chimneys
- setbacks that start where the lot widens out from the driveway – may not be able to achieve the

- **Section 607.8** - clarify the minimum required percentage of EVSE-installed, EV-ready, and EV-capable spaces for multi-family dwelling and non-residential uses
- **Section 608** - allow freestanding non-static signs (i.e. digital message boards) on certain streets within the GC District, and related changes to the illumination standards and enforcement provisions
- **Section 610** - remove the requirement that an interior door is provided between the principal dwelling unit and an attached accessory dwelling unit (ADU)
- **Section 801 & Appendix A** – per HB 1359, clarify who has standing to (a) appeal an administrative decision to the ZBA, and (b) request a rehearing, and to clarify that "abutter" shall have the same meaning as provided by statute
- **Section 201** – allow stairs and stairwells to project up to 2 ft. into minimum required yards
- **Section 212** – in connection with the development of a proposed nuisance ordinance to be proposed to the City Council at a later date, remove anti-nuisance standards from the Zoning Ordinance
- **Section 213** – clarify procedures for requesting a waiver of impact fees from the Planning Board
- **Section 215** –
 - (a) require applicants for a shared driveway to produce an easement with maintenance provisions
 - (b) allow off-site utility improvements by conditional use permit
- **Section 507** - allow density bonuses for multi-family developments in the R-1 and R-2 Districts that provide for workforce housing, are energy efficient, and/or incorporate renewable energy systems
- **Section 509** -
 - (a) Clarify that building sites of no less than 1,500 sq. ft. shall be provided for both attached and detached cottages
 - (b) Provide a minimum parking requirement of 1.5 spaces per cottage
 - (c) Require an applicant to apply for Site Plan Review contemporaneously with the CUP
- **Section 604 & Appendix A** – per HB 1567, clarify that family day care homes and family group day care homes are allowed as an accessory use to any primary residential use
- **Section 607.1** – per HB 1400, permit Planning Board to authorize alternative parking solutions for residential uses

required lot width

- street-facing entry – multi-unit townhouses may have end units that do not have front-facing entrances

The group discussed the design standards criteria that have been identified for the pattern housing units. Mr. Reichert said the zoning ordinance can be interpreted to a certain degree by the zoning administrator. He explained that if someone disagrees with the interpretation of the zoning official, they have the right to appeal to the Zoning Board for a ruling.

The group discussed the designs that would be provided by the designers (for example, via a pattern book) and how allowing owners to use their own designs may result in errors during construction. The group discussed how the option to use the designs provided (which would require the services of an architect) will probably be generally accepted for these projects. The group discussed at length possible proposals for funding by groups for pattern zoning projects, specifically for Auxiliary Dwelling Units (ADUs).

Section 614 – Recovery Houses

The group discussed whether vaping is included in the Fire Marshall's state smoking regulation for recovery houses, which are situations where people who are not related live in the same home.

Medical Center 2 District

Mr. Reichert explained that Alice Peck Day (APD) is asking for zoning amendments to their area so it can add residential housing for medical professionals to live directly on campus.

Mr. Reichert noted the MC-2 District does not allow for helicopters to land (as the MC District for DHMC does). He said the APD campus is a light medical campus.

1. Reduce Minimum Lot Sizes and widths

- Minimum Lot Size: - R-1: Class 1 – 10,000 sq ft - R-2: Class 1 – 10,000 sq ft - R-3: Class 1 – 10,000 sq ft - LD: 3,000 sq ft - RO: 75' , CBD: 3,000 sq ft, PB 10,000 sq ft - Minimum Lot Width - R-1: Class 1 – 75' - R-2: Class 1 – 75' - R-3: Class 1 – 75' - LD: 40' may be reduced by CUP - RO: 75' , CBD: 40' , PB 75'	Minimum Lot Size Recommendations: Within the Pattern Zones Overlay Street Frontage: 40', 15' and 0'. Minimum Lot Size: 4,000 sq ft.
---	--

A class 1 lot has access to City Sewer and Water.

Staff Recommended Technical Amendments

- Recovery House - Create Use Code and Special Exception Requirements
- Create Medical Center two (MC2) Zone
- Technical Amendments
- Map Changes – Leb Housing Auth, Create MC2.

Medical Center Two

- Create a Medical Center Two (MC-2) Zoning district.
- Re-zone the following parcels from R-3 to MC-2:
 - 10 Alice Peck Day Drive (90-59)
 - 0 Young (76-6)
 - 23 Alice Peck Day Drive (76-4)
 - 0 Hough Street (76-7)



Lebanon Housing Authority Romano Circle

Mr. Reichert suggested the Romano Circle property, which is owned by the Lebanon Housing Authority, be rezoned to RO so a variance is not required each time a change needs to be made. He said the LHA would like to build an office space on the property and rezoning to RO will mean that the project will not require a variance.

Map Change: Re-Zone Lebanon Housing Authority

- Re-zone Lebanon Housing Authority's 31 Romano Cir. Complex from R-2 to RO

- The current use that has been in place since 1975
- The current use is legal non-conforming
- As legal non-conforming the use cannot be easily changed to adapt to the changing times. Additional apartments, office space, the conversion of office space to apartments or even a maintenance facility requires a Variance.



Oakes Storage Request

Mr. Dan Nash (Advanced Geomatics & Design) was present on behalf of the party requesting the amendment.

Private Map Change Request

- Oakes Storage

- 111-16 92 Riverside Drive Rezone from RL-1 to GC with a CUP for Self Storage.
- Zoning Board approved a Use Variance and several additional dimensional variances thereby allowing the Self-Storage Use.
- Request by AGD - Dan Nash representing Oakes Storage.

Mr. Nash said three variances have been required to finish the work on the property, which, he said, indicates the RL-1 zone is not appropriate for this business. He suggested rezoning the area to GC would be a better fit. The group discussed the attorney's suggestion that spot zoning could solve this particular issue as opposed to rezoning the whole area.

The group discussed how there has been some discussion in this neighborhood, which is near an Interstate exit, over the years because the Zoning Board has allowed additional uses in the area, which seem to have made it less residential. The group discussed how the area still utilizes septic systems and is not connected to the City's sewer system, which is a constraint on development in the neighborhood.

A MOTION was made by Andrew Faunce that the Lebanon Planning Board recommends against satisfying and addressing this particular request when the area as a whole is being put forth as a request for rezoning. The Motion was seconded by Patrick Kennelly.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

****The MOTION was approved (7-0).***

[at 8:01pm, Mr. Reichert left the meeting, He noted that Christine Johnston is going to be unavailable for a time and Attorney Matt Isham will be providing legal opinions during that time.]

Chair Faunce said Agenda Item 2D would be discussed next, which is out of the order of the agenda.

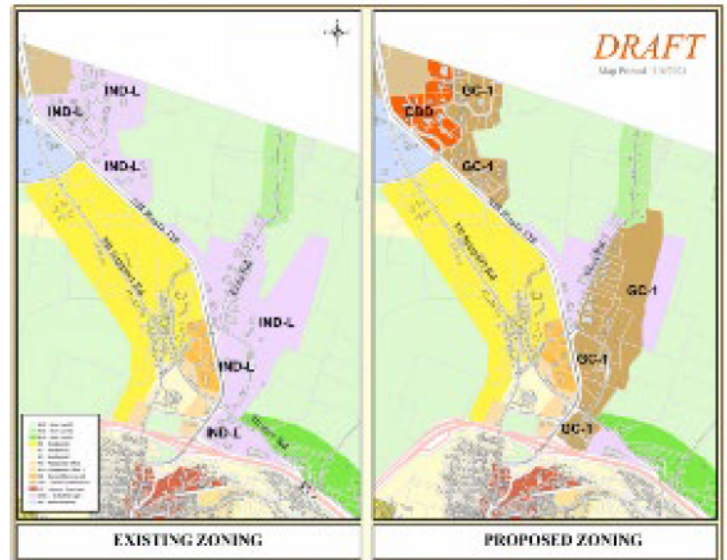
D. Review of Request for Zoning Map Amendment: ICV of NH, LLC - 67 Etna Road, Tax Map 26, Lot 2

Mr. Dan Nash was present on behalf of the applicant making the zoning amendment. Mr. Jay Campion also participated in the discussion.

Mr. Nash said the owner of the property has built a building with 75 units and was interested in building more buildings with residential units, but it has been limited by the regulations of an Industrial PUD that requires 25% of the calculated density (13 units per acre). He said the owner is asking that the percentage be increased or for the area to be rezoned GC1, like other areas in the vicinity and on the other side of Route 120.

The group discussed the concerns of the Conservation Commission about the wetlands and the wildlife corridor in that area. Ms. Romano noted that a wildlife crossing bridge or culvert has been planned to help wildlife cross Route 120. She said they would not want to change zoning that may negate the possibility of building that wildlife crossing. The group also discussed how the area includes residential, IND-L, and GC1 zones, and how expanding the GC1 zones would affect the general characteristics of the area. Chair Faunce noted that currently there is not a lot of property that is zoned IND-L in this area.

Mr. Corwin explained the density formula in relation to PUDs in Industrial-zoned districts. He explained that, if the rezoning proposed for the Centerra Planned Business Park and the Alteria PUD is approved, it calls into question how those developments can take advantage of the rezoning (based on their respective Planning Board approval conditions/requirements). He said the City wants to make sure that the approvals can be amended if the property owners want it. He said the Planning Board needs to be allowed to permit unlimited residential density, because without that there is no benefit to rezoning.



Dwelling units in one-family, two-family and multi-family dwellings or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, the density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 dwelling units per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such dwelling units may be clustered together and/or distributed within the Commercial or Industrial PUD in mixed use buildings at the discretion of the Planning Board.

The group discussed at length the pros and cons of applying the same zoning that is on one side of Route 120 to an area that is on the other side of the road, versus changing all of the area to zone GC1.

Mr. Kennelly noted the uses that would no longer be allowed if the whole area was zoned GC1:

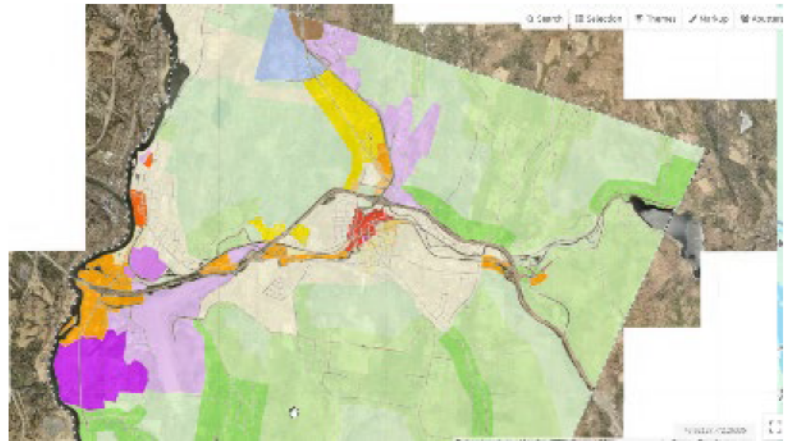
- Bus terminal
- Care and treatment of animals
- Car wash
- Contractor's yard
- Educational facility or vocational school
- Health club
- Industrial PG
- Local government usage

The group reviewed the current zone map and discussed the allowable uses for each (see image at right):

IND-L is light purple

GC is orange

GC-1 is brown



Mr. Kennelly noted the following uses are allowed in IND-L and/or GC and not in GC-1

- Funeral home
- Health club
- Hotel
- House of Worship
- Laundromat
- Membership clubs
- Motel
- Movie theater
- Local government usage
- Retail product pickup
- Retail showroom
- Vehicular sales
- Warehouse
- Publishing & printing

The group discussed the differences between the GC and GC-1 zones.

A MOTION was made by Andrew Faunce that the Lebanon Planning Board endorses the conversion of the remaining set of parcels and the study area on the west side of Route 120, currently zoned IND-L, to GC-1, subject to analysis by the City Council and their agents as to

1 *the remaining sufficiency of IND-L in the City and remedies to any nonconforming uses. The*
2 *Motion was seconded by Jeremy Rutter.*

3
4 **Roll Call Vote:**

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

5 *Voting Against – None*

6
7 **The MOTION was approved (7-0).*

8
9 *A MOTION was made by Andrew Faunce that the Lebanon Planning Board proposes that the*
10 *area south of Heater Road and east of Route 120, currently proposed to be rezoned GC-1, to*
11 *retain the zoning as IND-L. The Motion was seconded by Eric Stacy.*

12
13 **Roll Call Vote:**

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

14 *Voting Against – None*

15
16 **The MOTION was approved (7-0).*

17
18 Mr. Campion suggested that an updated map be created that shows the proposed rezoning to
19 prevent confusion.

20
21 **B. Review of Proposed Amendments to**
22 **Site Plan Review Regulations re:**
23 **Minor Site Plan Committee and**
24 **Conceptual Review**

25
26 Mr. Corwin said this amendment is to
27 establish the Planning Director as the Chair of
28 the Minor Site Plan Committee and to add the
29 Chief Building Official as a member. He said
30 he would take the role of Staff for the
31 committee.

A. MINOR SITE PLAN COMMITTEE

1. **Establishment.** A Minor Site Plan Committee is established in accordance with RSA 674:43, III, and the resolution passed by the City Council on September 1, 2021, for the purpose of reviewing minor site plan applications per Section 3.1.C.
2. **Membership.** The Minor Site Plan Committee consists of the Director of Planning and Development, the Chief Building Official, the Director of Public Works, the Fire Chief, and the Police Chief ~~Planning and Development Department's Senior Planner and Associate Planner, and a representative from each of the following City departments: Fire, Police, and Public Works.~~ The Director of Planning and Development ~~Senior Planner~~ shall serve as chair and may use ~~his or her~~ their reasonable discretion in coordinating the activity of the ~~Committee~~ in an efficient and effective manner. The Deputy Director of Planning and Development or designee shall serve as staff for the Committee. ~~The Director of Planning and Development members of the Committee may, at his or her~~ discretion, appoint a substitute representative from their respective departments to the Committee ~~for the~~

32
33
34
35 **Conceptual Review**

36 The group discussed the effectiveness of conceptual review and whether the conceptual review
37 period should be conducted earlier in the project review timeline. They also discussed whether the
38 conceptual review period should be lengthened (so the actual approval process can possibly be
39 shortened). Mr. Corwin suggested the conceptual review period might be a good time to inform
40 applicants what parts of their developments might undergo peer review.

41
42 Mr. Rutter asked if, during the conceptual review period, a cut-off point be enforced for applicants

(Tax Map 51, Lot 11), Route 120 Hotel, LLC, 35 Labombard Rd (Tax Map 64, Lot 21), Chaloux Properties, LLC, 25 Labombard Rd (Tax Map 64, Lot 25), Klubio, LLC, 39 Labombard Rd (Tax Map 51, Lot 14), TLL Realty, LLC, 41 Labombard Rd (Tax Map 51, Lot 1) & Notch Climbing Real Estate, LLC, 33 Labombard Rd (Tax Map 51, Lot 15) zoned IND-L and RL-3: Conceptual Review of a proposed Planned Business Park and Major Subdivision. PB2024-47-CON

Mr. Jay Campion and Mr. Dan Nash (Advanced Geomatics & Design) were present on behalf of the applicant.

Mr. Campion gave an overview of the project, which he confirmed he has presented for conceptual review to the Planning Board at a previous meeting. He said the project location has been “flipped around” on the site to accommodate the topography.

Mr. Campion explained the privately funded TIF that has been proposed for this project. The group discussed what may be involved in a TIF at length. The Board agreed that it will need a lot more information about this type of funding arrangement and agreed to discuss this in more detail at another meeting.

Mr. Campion explained why the project is proposed as a Planned Business Park. He said the plan is to include some owned properties in the residential portion.

Ms. Romano noted that, during previous presentations of this project, there was some discussion about the fact that the wildlife corridors run directly through the proposed recreation sites for children. She said Mr. Campion said he would do some further research into how to deal with that situation. Mr. Campion said there are proposed clarifications in the zoning amendments package that clarify exactly how that is to be treated. Mr. Campion said the land identified for recreation areas would be given to the City and it would be the City’s decision on how to use that land.

The group discussed the possible feedback that the Conservation Commission will provide after it reviews the location of the wildlife corridor as related to this project site. They also discussed the impact that the zoning amendments may have on how the project progresses. Mr. Campion said he would submit a formal application for the Board to review for completeness in January.

5. STUDY ITEMS

A. Review of Proposed Amendments to the Zoning Ordinance and Zoning Map

Mr. Reichert explained why changing the zoning to GC1 for the area near Route 120 (as proposed) would be good for the area. He said the GC1 zoning would create more of a neighborhood in the area, as opposed to the Industrial character that exists today. The group discussed possibly changing the allowed uses for the GC1 zones. The group agreed to review the latest amendments and discuss them at the December 17 Special Planning Board meeting.

6. OTHER BUSINESS

A. Review of 2025 Planning Board Meeting Calendar

1 *A MOTION was made by Richard Ford Burley to extend the meeting to 11:00pm. The MOTION*
2 *was seconded by Eric Stacy.*

3
4 **The MOTION was approved (6-0).*

5
6
7 *A MOTION was made by Richard Ford Burley that the Lebanon Planning Board approves the*
8 *application of Brickyard One Nominee Trust regarding 174 Hanover St.(Tax Map 48 Lot 4), 0*
9 *Hanover Street (Tax Map 48, Lot 2), 0 Hanover Street (Tax Map 48, Lot 1) and 238 Hanover*
10 *St. (Tax Map 63, Lot 1), zoned R-1, R-O-1, R-3 & RL-3. PB2024-22-SBRCUP for Site Plan*
11 *approval to construct a proposed 474 unit multi-family Planned Unit Residential Development*
12 *including five multi-family buildings containing 422 units and eight townhouse clusters*
13 *containing 51 units, and a maintenance building containing one unit, together with parking,*
14 *utilities, landscaping, access and other related site improvements as shown on plan set titled,*
15 *“The Brickyard Residential Development,” dated May 10, 2024, latest issue December 4, 2024,*
16 *prepared by VHB EV Project: 52933.00 (53 sheets plus cover sheet), including any and all*
17 *submissions and testimony provided for and during the public hearing.*

18
19 *In support of this decision, the board finds the applicant has submitted plans, testimony,*
20 *technical data, information, reports and studies that, together satisfactorily demonstrate*
21 *compliance with the applicable requirements of the Site Plan Review Regulations, except as may*
22 *be reasonably addressed through the imposition of certain conditions of approval, set forth*
23 *below, and except as may have been waived pursuant to section 7.1.*

24
25 *The approval is subject to the conditions gone over at quite at great length earlier in this meeting.*

26
27 *The MOTION was seconded by Eric Stacy.*

28
29 **The MOTION was approved (6-0).*

30
31
32 **3. STUDY ITEMS**

33 **A. Review of Proposed Amendments to the Zoning Ordinance and Zoning Map**
34 **Discussion continued from December 09, 2024 Planning Board Meeting**

35
36 Mr. Reichert said the draft amendments in the agenda packet are the current state of the zoning
37 approvals based on applicant feedback, board feedback, and public input.

38
39 He said Staff recommends the changes to the use codes to the proposed GC1 area for the Route
40 120 area that are included in the agenda packet for this meeting. He said the City Council has asked
41 that vehicular sales no longer be a non-conforming use in the GC1 zone. He said the City Council
42 suggested two options:

- 43
 - Add vehicular sales to the GC1 use code and allow that to happen within the entirety of the
 - 44 rezoned area.
 - 45 • Refrain from rezoning all the IND-L area south of Heater Rd.

46
47 After discussion, the group agreed that the second option was preferable and agreed to keep all
48 IND-L areas south of Heater Road as IND-L.

1 Mr. Reichert said another question was whether to add the R3 zoning district to the Recovery
2 House, which is managed by Headrest. He said they are in the process of buying a property within
3 the R3 zoning district, and a Recovery House would not be a permissible use in that zone. He said
4 it will allow the Recovery House to be built within close proximity to bus stops, which is an
5 important resource for residents of the House. Mr. Reichert noted the agenda packet includes
6 updated maps for the pattern zones that have been discussed in previous meetings. The group
7 discussed clarifying the definition of one-family and two-family dwellings.

8
9 *A MOTION was made by Richard Ford Burley that the Planning Board endorses the 2024-25*
10 *proposed Zoning Amendments as presented on December 17, 2024 to the Planning Board. The*
11 *MOTION was seconded by Jeremy Rutter.*

12
13 **The MOTION was approved (6-0).*

14 15 **4. APPROVAL OF MINUTES**

16 Chair Faunce said they would postpone the review of the November 12, 2024 and November
17 25, 2024 meeting minutes to a future meeting.

18 19 **5. ADJOURNMENT**

20
21 *A MOTION was made by Richard Ford Burley to adjourn the meeting at 10:55pm. The*
22 *MOTION was seconded by Eric Stacy.*

23
24 **The MOTION was approved (6-0).*

25
26 The meeting was adjourned at 10:55pm.

27 Respectfully submitted,
28 Paula Roux
29 Recording Secretary
30

1 **Mr. Lacey suggested some invasive species work somewhere in Lebanon as mitigation.**

2
3 **Ms. Hirai suggested that a variance from the Zoning Board could be sought to allow for**
4 **less parking on the site. Ms. Tanner explained that there will be a certain amount of**
5 **parking needed for those accessing the site.**

6
7 **In response to a question from Ms. Hirai, Ms. Tanner explained that due to the proposed**
8 **funding for the project, this building has to be for a pregnant and parenting women, for**
9 **the purposes of mental health and substance use disorder treatment, for the next 30 years.**

10
11 **The Commission discussed potential conditions, such as encouraging DES and the**
12 **applicant to work to find a local mitigation project, preferably on one of the landowner's**
13 **properties in Lebanon; and that the developer continue to explore options to reduce the**
14 **amount of impermeable surface created by parking, which would act as a way of lowering**
15 **the wetland impacts.**

16
17 ***Mr. James AMENDED the motion that the Conservation Commission approve this project as***
18 ***it has been designed and amended, with the following conditions:***

- 19 • ***to encourage DES and the applicant to work to find a local mitigation project,***
20 ***preferably on one of the landowner's properties in Lebanon***
21 • ***that the developer continues to explore options to reduce the amount of impermeable***
22 ***surface created by parking, which would act as a way of lowering the wetland impacts.***

23 ***Seconded by Mr. Lacey.***

24
25 **** The Vote on the MOTION was approved (6-0-0).***

26 The Commission discussed its comments to the Zoning Board on the special exception
27 application for this project. There was discussion regarding the City prioritizing a natural
28 resource over parking requirements.

29
30 Chair Riley suggested that the applicants work with the Planning Department and the ZBA to be
31 creative and consider ways of adjusting the parking or driveway requirements in order to further
32 minimize wetland impacts.

33
34 ***Chair Riley MOVED that the Conservation Commission recommend the special exception***
35 ***application for this project to the ZBA, with the following conditions:***

- 36 • ***that the developer continues to explore options to reduce the amount of impermeable***
37 ***surface created by parking, which would act as a way of lowering the wetland impacts.***

38 ***Seconded by Mr. James.***

39
40 **** The Vote on the MOTION was approved (6-0-0)***

41 ***The Commission took a five minute recess.***

42 43 **5. STUDY ITEMS**

44 **A. Zoning Amendments Review and Discussion**

1
2 The Commission reviewed the proposed pattern zone maps. Ms. Hembree explained that the
3 Pattern Zones Overlay District will be a proposed zoning referendum. The intention is to make
4 the two core historic downtowns that are served by City sewer and water denser. In order to do
5 so, the proposal is to reduce lot size, setbacks, and parking. This will also allow lots with no
6 frontages as flag lots. Ms. Hembree explained that this overlay district will bring much of what
7 has already been built in these areas closer to meeting the current zoning.

8
9 Chair Riley stated that much of this proposal does not have conservation implications. However,
10 there could be an impact from parcels that abut natural or otherwise sensitive areas. She
11 suggested that the Commission recommend that those parcels adjacent to these areas be excluded
12 from this zoning.

13
14 The Commission discussed the proposed North Lebanon zoning amendment, regarding the
15 changes from Industrial Light to GC1. Chair Riley explained that her concern with the change is
16 that more residential areas against natural areas will lead to more conflicts with existing wildlife.
17 Zoning changes that increase the residential intensity against sensitive areas have conservation
18 implications. It is unfortunate that the proposed development changes may be approved prior to
19 the proposed conservation preservation changes that will be brought forward.

20
21 ***Ms. Hirai MOVED to extend the meeting until 9:30PM.***
22 ***Seconded by Chair Riley.***

23
24 **** The Vote on the MOTION failed (2-4-0, with Chair Riley and Ms. Hirai in favor)***

25 ***Ms. Hirai MOVED to extend the meeting for 15 minutes.***
26 ***Seconded by Chair Riley.***

27
28 **** The Vote on the MOTION was approved (6-0-0)***

29 Mr. Lacey expressed concern with these changes creeping into other nearby areas that should be
30 protected or already are protected.

31
32 There was discussion regarding the proposed Alice Peck Day zoning amendment. Chair Riley
33 expressed concern regarding some of the areas being part of the Starr Hill natural area, along
34 with two vernal pools. She suggested that the Commission not recommend the proposed zoning
35 change due to important ecological resources and functions in the existing wooded portion of the
36 parcels. The proposed zoning change should be limited to the existing campus footprint. The
37 Commission agreed.

38
39 Chair Riley expressed concern regarding the conservation implications of entirely scratching the
40 anti-nuisance standards without replacing them with something. She suggested that the
41 Commission oppose this proposal without language to replace it. The Commission agreed.

42
43 ***Ms. Hirai MOVED to extend the meeting for 5 minutes.***
44 ***Seconded by Mr. James.***

1 * *The Vote on the MOTION was approved (5-0-1, with Mr. Oidtmann abstaining)*

2
3 **B. Review of Request for Zoning Map Amendment: ICV of NH, LLC – 67 Etna**
4 **Road, Tax Map 26, Lot 2**

5
6 Dan Nash presented his zoning amendment proposal.

7
8 Chair Riley explained that the Commission previously discussed how changes to a zone may
9 affect abutting zones. There is a nature preserve to the north of this proposed area. She suggested
10 that the Commission not recommend this item due to the increased intensity of abuse in the
11 adjacent natural area. Some Commissioners noted that there was not enough time to thoroughly
12 review this proposal in order to comment on it. The Commission agreed to defer comment on
13 this item.

14
15 *Ms. Hirai MOVED to make recommendations 1, 2, 3, and 4 to the City Council.*
16 *Seconded by Ms. Almy.*

17
18 * *The Vote on the MOTION was approved (6-0-0)*

19 **C. Status Update & Review - 2024 Con Com Goals – The Commission did not address**
20 *this item at this time.*

21
22 **6. COMMITTEE REPORTS – The Commission did not address this item at this time.**

23 **A. Biodiversity Group (Invasives)**

24 **B. Stewardship**

25 - Ranger

26 - Trail Coordinator

27 - Monitors and Stewards

28 **C. Wild about Lebanon**

29 **D. Amphibian Crossings**

30 **E. LUCT/Current Use**

31 **F. Other Subcommittees**

32
33 **7. OTHER BUSINESS – The Commission did not address this item at this time.**

34 **A. FYIs**

35 **B. Follow Up**

36 **C. Workshops and Educational Opportunities**

37
38 **8. FUTURE AGENDA ITEMS: – The Commission did not address this item at this time.**

39
40 **9. ADJOURNMENT:**

41 *The meeting ended at 9:30pm.*

42 Respectfully submitted,

43 Kristan Patenaude

44 Recording Secretary



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

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

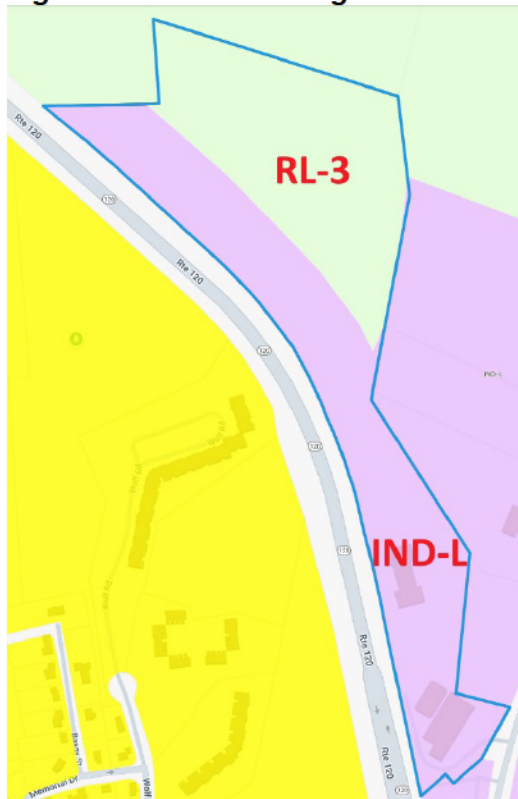
FROM: Planning and Development Department Staff

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

DATE: December 30, 2024

As set forth in the attached letter dated October 30, 2024, from Dan Nash of Advanced Geomatics & Design (AGD), AGD's client, ICV of NH, LLC (ICV), requests an amendment to the Zoning Map to rezone ICV's property at 67 Etna Road (Tax Map 26, Lot 2) from Industrial Light (IND-L) and Rural Lands Three (RL-3) to General Commercial-One (GC-1). Following the City Council's decision on November 20, 2024 to move the proposal through the process outlined in Section 1000 of the Zoning Ordinance, the amendment has been reviewed by the City's legal counsel, the Planning Board, and the Conservation Commission. The opinion of the City's legal counsel and excerpts of the Planning Board and Conservation Commission draft meeting minutes are attached.

Figure 1. Current Zoning of 67 Etna Road



As reflected in the attached excerpt of the draft November 25, 2024 Planning Board meeting minutes, the Board expressed support for rezoning all of the properties along the west side of Etna Road from IND-L to GC-1 (as opposed to rezoning only the subject property). Also, recognizing that 67 Etna Road is currently split-zoned IND-L and RL-3, the Board discussed rezoning only that portion of the property currently zoned IND-L to GC-1 and retaining the existing RL-3 zoning for the remainder of the property. In response, AGD suggested that if only the IND-L portion of the property were to be rezoned that the proposed GC-1 zoning extend 100 ft. into what is currently the RL-3 District portion of the property (as illustrated in the attached Zoning Amendment Sketch submitted by AGD following the Planning Board's discussion). It is staff's understanding that AGD's proposal to extend the requested GC-1 zoning into the RL-3 portion of the property is based on AGD's interpretation of the Section 204 of the Zoning Ordinance which provides as follows:

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a ***lot of record*** at the time such district boundary line is established, the regulations for either district of such ***lot*** may extend up to thirty feet (one hundred feet in rural lands districts) into the other district, provided the ***lot*** has ***frontage*** on a street in the district which is being extended, and provided that the ***lot*** has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary.

ATTACHMENTS

- Rezoning request letter dated October 30, 2024 from Dan Nash, of Advanced Geomatics, on behalf of ICV of NH, LLC, including attachments (5 pages)
- Planning Staff memo to the City Council dated November 12, 2024 (2 pages)
- Legal opinion from Matthew Decker, Esq., dated November 25, 2024 (2 pages)
- Excerpt of draft Planning Board meeting minutes from November 25, 2024 (3 pages)
- Zoning Amendment Sketch, submitted by Advanced Geomatics & Design on November 25, 2024 (1 page)
- Excerpt of draft Conservation Commission meeting minutes from December 12, 2024 (1 page)



30 October 2024

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

Re: Request for Zoning Change

Dear Mayor and Councilors:

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

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

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

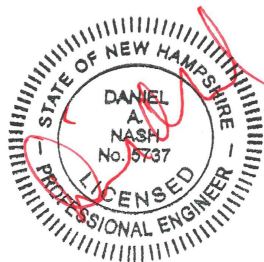
This parcel is in between the other parcels being considered for change to GC-1. It has the same characteristics as those parcels and could provide similar benefit to the city. Making this change fits with those properties. I believe this parcel was overlooked in the study process and should be included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

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

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

Sincerely,

Daniel A. Nash, PE
Principal



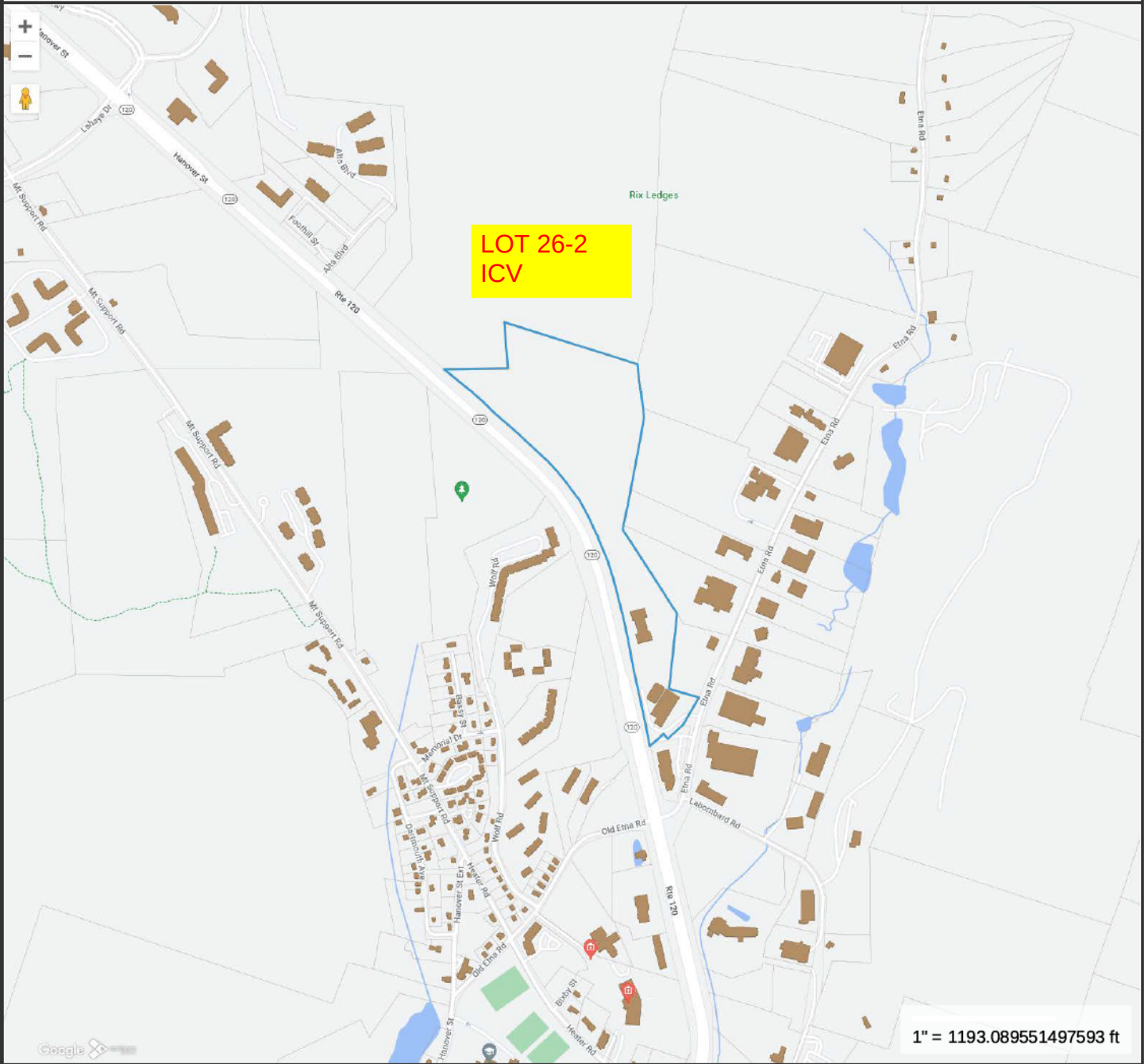
City Council
Request for Zoning Change
30Oct2024

Attachments:

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

CC: Robert Sprayregen, ICV

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



Property Information

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

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

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

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

The Pattern Zones Study includes three primary areas of focus:

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

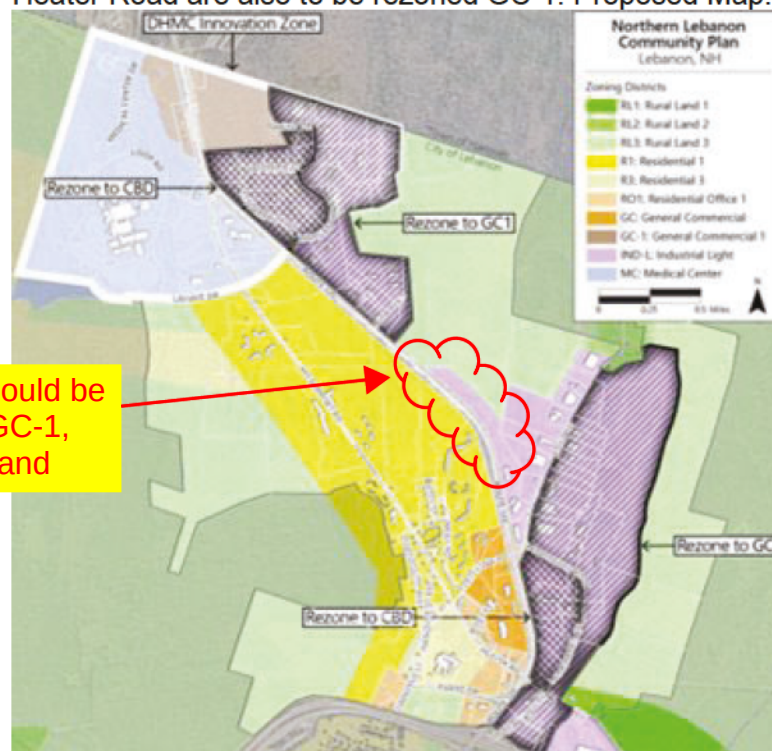
B. 120 – North Lebanon Study

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

1. Zoning Map changes.

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

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



Petition for Zoning Change to LD zone

(Mechanic Street)

21 October 2024

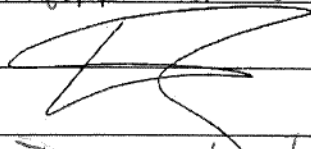
Members of the Lebanon City Council,

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

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

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

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

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



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

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

FROM: Planning and Development Department Staff

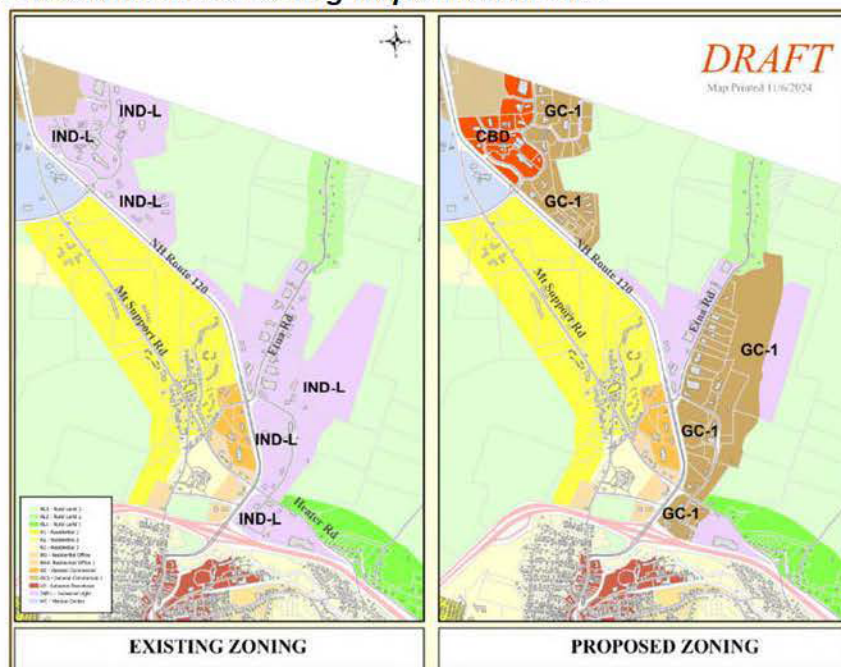
RE: Request by ICV of NH, LLC, to Rezone Tax Map 26, Lot 2 from IND-L to GC-1

DATE: November 13, 2024

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

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

Figure 1. NLCP-Recommended Zoning Map Amendments



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

RECOMMENDATION:

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

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

=====

Supporting Materials:

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

November 25, 2024

Via E-mail Only

Nathan Reichert
Director of Planning & Development
City of Lebanon
51 S. Park Street
Lebanon, NH 03766

**RE: Proposed Zoning Amendment – Map Amendment
for 67-69 Etna Road, Tax map 26, Lot 2**

Mr. Reichert:

My firm (by Attorney Christine Johnston) previously provided a legal opinion letter dated as of November 14, 2024 concerning certain proposed zoning map amendments, including the Northern Lebanon Rezoning proposal. I am now providing you a preliminary legal opinion as required by Section 1000.3(B)(2) of the Lebanon Zoning Ordinance (“ZO”) concerning a follow-on map amendment proposal in relation to the Northern Lebanon Rezoning proposal – that 67-69 Etna Road, a/k/a Tax Map 26, Lot 2 (“Lot 26-2”), be rezoned from IND-L to GC-1.

I have reviewed the following documents/information in connection with this opinion:

- October 30, 2024 Letter from Advanced Geomatics & Design (“AGD”), Daniel A. Nash, PE, Principal, requesting to rezone parcel 26-2 on Etna Road from IND-L to GC-1, with the following attachments:
 - City of Lebanon GIS Map of Lot 26-2
 - Extract from October 23, 2024 “Staff Memorandum – Proposed Zoning Amendments”, Page 3 of 15, with annotations showing Lot 26-2 in relation to other proposed North Lebanon/Route 120 Corridor zoning map amendments
 - A citizen petition pursuant to ZO Section 1000.2(C) bearing the signatures of five purported Lebanon residents and requesting a change to the zoning ordinance¹

¹ Note: ZO Section 1000.2(C) provides that zoning amendments may be proposed “[b]y petition of any number of voters”. It is not abundantly clear from the face of the petition attached to AGD’s letter that it is intended to refer to the re-zoning of Lot 26-2. The heading of the petition refers to a “Zoning Change to LD Zone (Mechanic Street)” and references a letter to the City Council dated October 21, 2024 as the source of the requested zoning change. AGD’s cover letter by itself cannot be deemed the voter petition required by ZO Section 1000.2(C), because the letter is written “[o]n behalf of ICV of NH, LLC”, the owner of Lot 26-2, a corporation that is not a “voter” of Lebanon. To the extent there is doubt whether the proposed zoning amendment has been sufficiently petitioned, I note that the petition signatures are dated October 30, 2024 (the same date as AGD’s cover letter), the author of AGD’s letter, Mr. Nash, is also a signatory of the petition, and Mr. Nash may be presumed to be a voter of Lebanon. His attachment of the petition bearing his signature to his cover letter proposing the zoning amendment to Lot 26-2 supports a conclusion that Mr. Nash is the required “voter” who is petitioning this amendment.

November 25, 2024

Page 2

- November 13, 2024 Staff Memo to City Council re: ICV of NH, LLC Proposed Zoning Map Amendment
- November 20, 2024 Lebanon City Council Agenda Packet, Item 10.B
- November 20, 2024 Video of Lebanon City Council Meeting concerning Agenda Item 10.B

The ZO requires this legal review to address: (a) whether such amendments are within the authority delegated to the City under State law; (b) whether the form is appropriate; and (c) whether, from an administrative point of view, the amendments can be administered and enforced.

My answer to the three questions in Section 1000.3.B(2) is “yes” and I discern no legal or administrative issues of concern with AGD’s request.

AGD’s proposal is that Lot 26-9 should also be rezoned from IND-L to GC-1, to the extent that other IND-L zoned lots to the north and south along the east side of Route 120 are also under consideration for re-zoning from IND-L to GC-1 under the Northern Lebanon Rezoning proposal.

The Northern Lebanon Rezoning proposal involves a large-scale rezoning of several dozen lots in the Northern Lebanon area around Centerra Business Park, the Altaria developments, and Etna Road, Labombard Road, Heater Road and Little Heater Road. Specific recommendations came from a Northern Lebanon Community Plan study (“NLCP”) to rezone this area to maximize development in line with the current and future needs of the neighborhood. Per the November 20 Staff Memo, I understand that Lot 26-2 was not included in the NLCP’s recommendations for re-zoning due to the prevalence of sensitive natural features on the lot and NLCP’s recommendation to explore further regulatory protection for the lot’s natural features. However, this does not mean that the City would not have the general authority to include this lot in the Northern Lebanon Rezoning plan, if it so chose.

With respect to the issue of spot zoning, I respectfully refer you to the full discussion provided by Attorney Johnston in her November 14 opinion letter. I see no spot zoning issue with AGD’s proposal, as it is requesting that Lot 26-2 be re-zoned along with other nearby lots and, as Mr. Nash asserted to the City Council, a public need for the change may be found (e.g. Mr. Nash explained that the rezoning of Lot 26-2 from IND-L to GC-1 would enable additional housing units to be developed on the lot, and Lebanon is in great need of additional housing).

Please do not hesitate to contact me about any aspect of this opinion.

Sincerely,



Matthew C. Decker

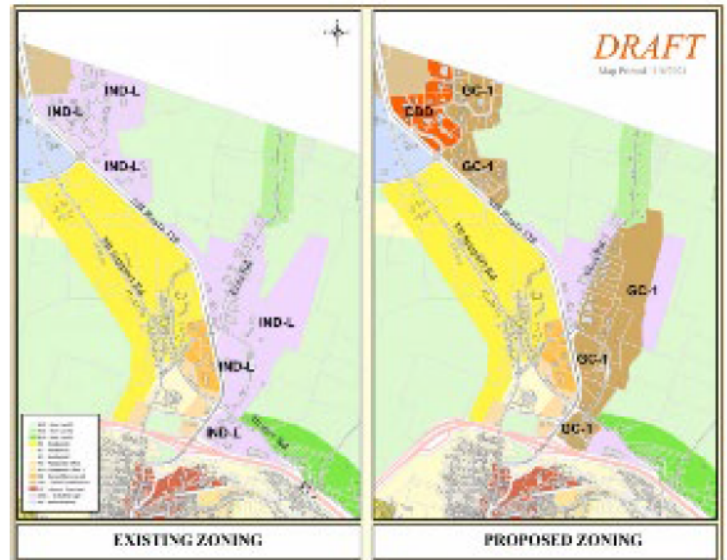
D. Review of Request for Zoning Map Amendment: ICV of NH, LLC - 67 Etna Road, Tax Map 26, Lot 2

Mr. Dan Nash was present on behalf of the applicant making the zoning amendment. Mr. Jay Campion also participated in the discussion.

Mr. Nash said the owner of the property has built a building with 75 units and was interested in building more buildings with residential units, but it has been limited by the regulations of an Industrial PUD that requires 25% of the calculated density (13 units per acre). He said the owner is asking that the percentage be increased or for the area to be rezoned GC1, like other areas in the vicinity and on the other side of Route 120.

The group discussed the concerns of the Conservation Commission about the wetlands and the wildlife corridor in that area. Ms. Romano noted that a wildlife crossing bridge or culvert has been planned to help wildlife cross Route 120. She said they would not want to change zoning that may negate the possibility of building that wildlife crossing. The group also discussed how the area includes residential, IND-L, and GC1 zones, and how expanding the GC1 zones would affect the general characteristics of the area. Chair Faunce noted that currently there is not a lot of property that is zoned IND-L in this area.

Mr. Corwin explained the density formula in relation to PUDs in Industrial-zoned districts. He explained that, if the rezoning proposed for the Centerra Planned Business Park and the Alteria PUD is approved, it calls into question how those developments can take advantage of the rezoning (based on their respective Planning Board approval conditions/requirements). He said the City wants to make sure that the approvals can be amended if the property owners want it. He said the Planning Board needs to be allowed to permit unlimited residential density, because without that there is no benefit to rezoning.



Dwelling units in one-family, two-family and multi-family dwellings or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. For PUDs or portions thereof in the IND-L or IND-RA Districts, the density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 dwelling units per acre. For PUDs or portions thereof located in the GC, GC-1, or CB Districts, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305.5, 305A.4, and 306.5, respectively. Where allowed, such dwelling units may be clustered together and/or distributed within the Commercial or Industrial PUD in mixed use buildings at the discretion of the Planning Board.

The group discussed at length the pros and cons of applying the same zoning that is on one side of Route 120 to an area that is on the other side of the road, versus changing all of the area to zone GC1.

Mr. Kennelly noted the uses that would no longer be allowed if the whole area was zoned GC1:

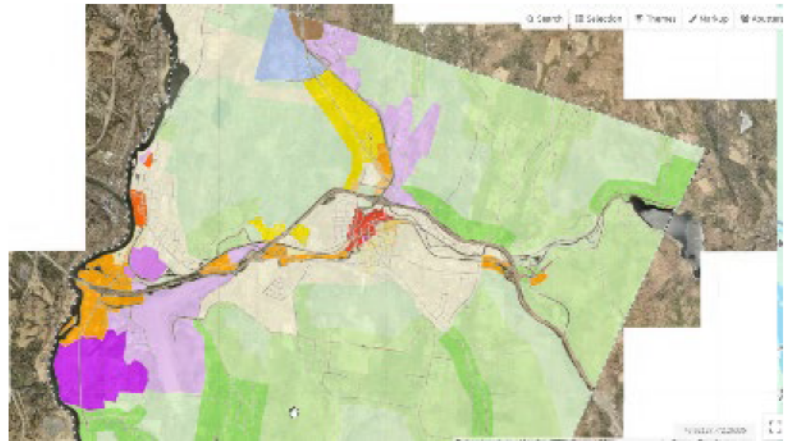
- Bus terminal
- Care and treatment of animals
- Car wash
- Contractor's yard
- Educational facility or vocational school
- Health club
- Industrial PG
- Local government usage

The group reviewed the current zone map and discussed the allowable uses for each (see image at right):

IND-L is light purple

GC is orange

GC-1 is brown



Mr. Kennelly noted the following uses are allowed in IND-L and/or GC and not in GC-1

- Funeral home
- Health club
- Hotel
- House of Worship
- Laundromat
- Membership clubs
- Motel
- Movie theater
- Local government usage
- Retail product pickup
- Retail showroom
- Vehicular sales
- Warehouse
- Publishing & printing

The group discussed the differences between the GC and GC-1 zones.

A MOTION was made by Andrew Faunce that the Lebanon Planning Board endorses the conversion of the remaining set of parcels and the study area on the west side of Route 120, currently zoned IND-L, to GC-1, subject to analysis by the City Council and their agents as to

the remaining sufficiency of IND-L in the City and remedies to any nonconforming uses. The Motion was seconded by Jeremy Rutter.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

*The MOTION was approved (7-0).

A MOTION was made by Andrew Faunce that the Lebanon Planning Board proposes that the area south of Heater Road and east of Route 120, currently proposed to be rezoned GC-1, to retain the zoning as IND-L. The Motion was seconded by Eric Stacy.

Roll Call Vote:

Voting For – Ms. Romano, Ms. Appleton, Mr. Kennelly, Mr. Faunce, Mr. Rutter, Mr. Stacy, Mr. Ceglarski

Voting Against – None

*The MOTION was approved (7-0).

Mr. Campion suggested that an updated map be created that shows the proposed rezoning to prevent confusion.

B. Review of Proposed Amendments to Site Plan Review Regulations re: Minor Site Plan Committee and Conceptual Review

Mr. Corwin said this amendment is to establish the Planning Director as the Chair of the Minor Site Plan Committee and to add the Chief Building Official as a member. He said he would take the role of Staff for the committee.

A. MINOR SITE PLAN COMMITTEE

1. **Establishment.** A Minor Site Plan Committee is established in accordance with RSA 674:43, III, and the resolution passed by the City Council on September 1, 2021, for the purpose of reviewing minor site plan applications per Section 3.1.C.
2. **Membership.** The Minor Site Plan Committee consists of the Director of Planning and Development, the Chief Building Official, the Director of Public Works, the Fire Chief, and the Police Chief ~~Planning and Development Department's Senior Planner and Associate Planner, and a representative from each of the following City departments: Fire, Police, and Public Works.~~ The Director of Planning and Development ~~Senior Planner~~ shall serve as chair and may use ~~his or her~~ their reasonable discretion in coordinating the activity of the ~~Committee~~ in an efficient and effective manner. The Deputy Director of Planning and Development or designee shall serve as staff for the Committee. ~~The Director of Planning and Development members of the Committee may, at his or her~~ discretion, appoint a substitute representative from their respective departments to the Committee ~~for the~~

Conceptual Review

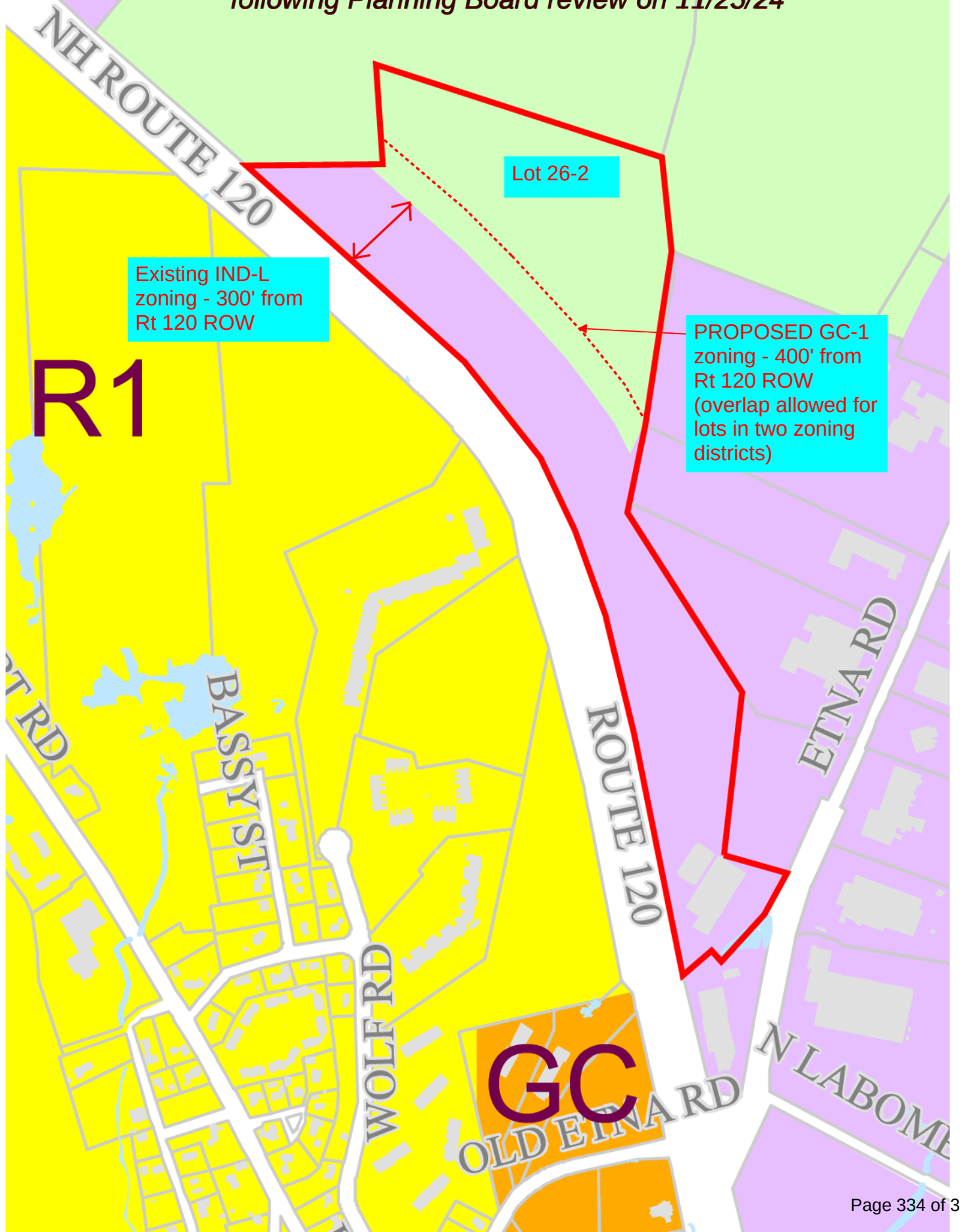
The group discussed the effectiveness of conceptual review and whether the conceptual review period should be conducted earlier in the project review timeline. They also discussed whether the conceptual review period should be lengthened (so the actual approval process can possibly be shortened). Mr. Corwin suggested the conceptual review period might be a good time to inform applicants what parts of their developments might undergo peer review.

Mr. Rutter asked if, during the conceptual review period, a cut-off point be enforced for applicants

Zoning Amendment Sketch

submitted by Advanced Geomatics & Design on 11/26/24

following Planning Board review on 11/25/24



1 * *The Vote on the MOTION was approved (5-0-1, with Mr. Oidtmann abstaining)*

2
3 **B. Review of Request for Zoning Map Amendment: ICV of NH, LLC – 67 Etna**
4 **Road, Tax Map 26, Lot 2**

5
6 Dan Nash presented his zoning amendment proposal.

7
8 Chair Riley explained that the Commission previously discussed how changes to a zone may
9 affect abutting zones. There is a nature preserve to the north of this proposed area. She suggested
10 that the Commission not recommend this item due to the increased intensity of abuse in the
11 adjacent natural area. Some Commissioners noted that there was not enough time to thoroughly
12 review this proposal in order to comment on it. The Commission agreed to defer comment on
13 this item.

14
15 *Ms. Hirai MOVED to make recommendations 1, 2, 3, and 4 to the City Council.*
16 *Seconded by Ms. Almy.*

17
18 * *The Vote on the MOTION was approved (6-0-0)*

19 **C. Status Update & Review - 2024 Con Com Goals – The Commission did not address**
20 *this item at this time.*

21
22 **6. COMMITTEE REPORTS – The Commission did not address this item at this time.**

23 **A. Biodiversity Group (Invasives)**

24 **B. Stewardship**

25 - Ranger

26 - Trail Coordinator

27 - Monitors and Stewards

28 **C. Wild about Lebanon**

29 **D. Amphibian Crossings**

30 **E. LUCT/Current Use**

31 **F. Other Subcommittees**

32
33 **7. OTHER BUSINESS – The Commission did not address this item at this time.**

34 **A. FYIs**

35 **B. Follow Up**

36 **C. Workshops and Educational Opportunities**

37
38 **8. FUTURE AGENDA ITEMS: – The Commission did not address this item at this time.**

39
40 **9. ADJOURNMENT:**

41 *The meeting ended at 9:30pm.*

42 Respectfully submitted,

43 Kristan Patenaude

44 Recording Secretary

Agenda

Lebanon City Council

January 08, 2025

10. New Business:

10.H – Discussion of Potential Zoning Amendment to Add “Research Laboratory” as a Permitted Use in the Central Business District (CBD)

Background

The Mayor has requested that the City Council consider amending Section 306.2 of the Zoning Ordinance to add “Research Laboratory” as a permitted use within the Central Business District (CBD). This request has been made pursuant to Section 1000.2.A of the Zoning Ordinance, which provides that amendments to the Zoning Ordinance may be proposed “[f]rom the City Council at any time.”

“Research Laboratory” is currently a permitted use in the Light Industrial (IND-L) and Industrial-Rail Access (IND-RA) districts and is also allowed in the General Commercial One (GC-1) district by Conditional Use Permit from the Planning Board. Currently, the Zoning Ordinance does not include a definition for research laboratory.

The Planning and Development Department has prepared a memorandum of recommendations, which also summarizes the amendment process outlined in Section 1000 of the Zoning Ordinance. As noted in the attached memorandum, if the Council wishes to consider adding “Research Laboratory” as a permitted use in the CBD, staff recommends that the Council also consider adding the same use to the Lebanon Downtown (LD) District. Staff further recommends that the Council adopt a definition for “Research Laboratory” to avoid future miscommunication and misinterpretation concerning the use.

Action

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

MOVED, that the Lebanon City Council, in accordance with the City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, hereby submits the proposed zoning amendment to add “Research Laboratory” as a Permitted Use in the Central Business District (CBD), to the Planning Board, Zoning Board of Adjustment, and Conservation Commission for their review and comment. The City Council hereby sets the following tentative review schedule:

Legal Review – by January 24, 2025

Zoning Board of Adjustment – February 3, 2025

Conservation Commission – February 13, 2025

Planning Board – February 24, 2025

City Council Work Session Review – March 5, 2025

City Council Public Hearing – March 19, 2025

Included In This Section:

1. Memorandum from Planning and Development Department, dated December 30, 2024, regarding the request to amend Section 306.2 of the Zoning Ordinance to add "Research Laboratory" as a Permitted Use in the Central Business (CB) District



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

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

FROM: Planning and Development Department Staff

RE: Request to Amend Section 306.2 of the Zoning Ordinance to Add “Research Laboratory” as a Permitted Use in the Central Business (CB) District

DATE: December 30, 2024

The Mayor has requested that the City Council take action to amend Section 306.2 of the Zoning Ordinance to add “research laboratory” as a Permitted Use in the Central Business (CB) District. The request has been made pursuant to Section 1000.2.A of the Zoning Ordinance which provides that amendments to the Zoning Ordinance may be proposed “[f]rom the City Council at any time.”

“Research laboratory” is currently a permitted use in the Light Industrial (IND-L) and Industrial – Rail Access (IND-RA) Districts and is also allowed in the General Commercial One (GC-1) District by Conditional Use Permit from the Planning Board. Currently, the Zoning Ordinance does not include a definition for research laboratory.

RECOMMENDATIONS

1. If “research laboratory” is to be added to the Central Business (CB) District as a permitted use, staff recommends that the Council also consider adding “research laboratory” as a permitted use in the Lebanon Downtown (LD) District. The West Lebanon Revitalization Committee’s (WLRAC’s) original recommendations included making the CB and LD Districts more consistent, and the City Council has moved in this direction with dimensional requirements and most allowed uses (except those that WLRAC preferred to retain in West Lebanon, such as drive-throughs). Adding “research laboratory” to the CB District but not to the LD District would be inconsistent with WLRAC’s stated goal.

In addition, zoning regulations may only be adopted in furtherance of the purposes enumerated in NH RSA 674:17. The most applicable purpose identified in RSA 674:17 that could be used to support the inclusion of “research laboratory” in the CB District would be to “promote health and the general welfare”. As such, a zoning regulation cannot be adopted in support of or for the exclusive benefit of any individual property. Rather, zoning regulations must be designed to support every similarly situated property impacted by the regulation.

In the context of the proposed amendment, high-tech companies that may operate as research laboratories already exist in the LD District with the benefit of zoning relief granted over the years. However, these existing uses still need additional zoning relief to expand or make changes in their operations since they are non-conforming with the underlying zoning requirements. There are no known research laboratories or high-tech companies currently operating within the CB District. Consequently, if the Council decides that adding “research laboratory” is appropriate in the CB District, it would also seem to be appropriate in the LD District.

2. Staff also recommends that the Council adopt a definition of “research laboratory” as is good drafting practice and to help avoid future misinterpretation and miscommunication. A definition will also help distinguish “research laboratory” from other similar uses such as “medical research facility” (allowed in the MC District) and “light industry” (allowed in the IND-L, IND-RA, and GC-1 Districts), which are defined in Appendix A of the Zoning Ordinance as follows:

LIGHT INDUSTRY: The assembly, manufacture, processing, packaging or other industrial operations conducted in such manner that all resulting cinders, dust, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air pollution and conducted in such a manner that noise, flashing lights and vibrations will not be a nuisance or otherwise detrimental to abutting properties. Light industry includes the development and production of computer software and hardware and its associated equipment.

MEDICAL RESEARCH FACILITY: A medically related research laboratory, which may as a subsidiary function, engage in the manufacture of products within the following Standard Industrial Classifications: biological products; medicinal chemicals; pharmaceutical preparations; optical instruments and lenses; and surgical and medical instruments.

In reviewing the various examples found in *A Planners Dictionary*, published by the American Planning Association (APA), staff offers the following potential definition of “research laboratory” for the Council’s consideration:

RESEARCH LABORATORY: A facility for scientific research, development, analysis, and testing in various technology-intensive fields of science including but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and electronics.

SCHEDULE

Should the City Council elect to proceed with consideration of the proposed zoning amendment, the Planning and Development Department recommends that the Council establish a tentative schedule for review, as is required pursuant to Section 1000.3.A of the Zoning Ordinance. Staff offers the following tentative schedule for review and comment:

City Council decision to proceed:	January 8, 2025
Legal review:	by January 24, 2025
Zoning Board of Adjustment:	February 3, 2025
Conservation Commission:	February 13, 2025
Planning Board:	February 24, 2025
City Council setting public hearing:	March 5, 2025
City Council public hearing:	March 19, 2025

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Zoning

Section 674:17

674:17 Purposes of Zoning Ordinances. –

I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements;
- (i) To encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and
- (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.

II. Every zoning ordinance shall be made with reasonable consideration to, among other things, the character of the area involved and its peculiar suitability for particular uses, as well as with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

III. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio service that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.

IV. If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15, VIII, it may allow the same incentive for the development of workforce housing as defined in RSA 674:58, IV. Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development.

Source. 1983, 447:1. 1989, 42:2. 1995, 176:2. 2000, 279:2. 2002, 73:2. 2011, 85:2, eff. July 15, 2011. 2022, 272:72, eff. Aug. 23, 2022.

Agenda

Lebanon City Council

January 08, 2025

10. New Business:

10.1 – Discuss the Status of the Cemetery Board of Trustees and the Options Regarding Management of the City's Cemeteries

Background

On November 1, 2017, the City Council created the Lebanon Cemeteries Governance Task Force. This was at the request of Councilor Sarah Welsch due to a lack of maintenance of the City's cemeteries. In reviewing the documents from the Task Force, there were several emails to City Councilors regarding the deteriorating condition of the City's cemeteries. The Task Force looked at three options (***Lebanon Cemeteries Governance Task Force, Minutes, Feb 6, 2018***):

- 1- *City Council appoints a Cemetery Board of Trustees*
- 2- *City Council appoints the City Manager to handle cemeteries from an administrative standpoint without a citizen's board in place*
- 3- *The existing trustees and trust fund are given the additional duty of being the Board of Trustees*

On June 20, 2018, the City Council adopted [an ordinance to amend Chapter 31](#), Boards, Committees and Commissions, of the Code of the City of Lebanon, by adding Article VIII, Board of Cemetery Trustees. The purpose of this ordinance was to establish a City of Lebanon Board of Cemetery Trustees pursuant to RSA 289 to operate and maintain all cemeteries owned by the City of Lebanon. Notwithstanding RSA 289:7,II, maintenance and other work on cemeteries shall continue to be performed by employees of the Department of Public Works (DPW), who shall continue to be subject to all applicable City personnel policies or collective bargaining agreements.

The Board of Cemetery Trustees has not met since April of 2023. The DPW has made several attempts to call a meeting; however, the members of the Board did not agree to meet. The Board consists of five members. The two at-large member positions are vacant. The terms have expired in 2024 for the persons appointed to the Ward 2 & 3 positions. The Ward 1 member is the only active member with a term expiring in February of 2026.

The City Council increased spending in subsequent budgets starting in 2019 to address the significant backlog of maintenance and facilities needs in the City's cemeteries. The City Council cut \$20,000 in funding from the 2025 Budget for cemeteries. Chapter 46 *Cemeteries* of the City Code details the responsibilities for cemeteries. The City Council has delegated the authority and responsibilities to create bylaws for cemeteries to the Board of Cemetery Trustees. Further, the Board of Cemetery Trustees has the sole authority to expend funds from the Cemetery Maintenance and Preservation Trust Fund.

NH RSA 289:6 requires every Town and City to have a Board of Cemetery Trustees or to delegate all of the duties and responsibilities of cemetery trustees to the town manager (RSA 37:6, VII, (i).

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council directs the City Manager to take the following action

...

Included In This Section:

1. NH RSA 37:6, Powers and Duties of Town Managers
2. NH RSA Chapter 289, Cemetery Trustees
3. November 1, 2017 - Lebanon City Council Agenda Request Form from Councilor Sarah Welsch
4. February 6, 2018 - Lebanon Cemeteries Governance Task Force Minutes

37:6 Powers and Duties in Particular. –

The town manager shall have the power and it shall be his duty:

I. To organize, continue, or discontinue, from time to time, such departments as the selectmen may from time to time determine.

II. To appoint, upon merit and fitness alone, and to remove, all subordinate officers and employees under his control, and to fix their compensation.

III. To attend such regular or special meetings of the selectmen as they shall require.

IV. To keep full and complete records of the doings of his office, and to render to the selectmen an itemized monthly report in writing, showing in detail the receipts and disbursements for the preceding month; and annually, or oftener at the request of the selectmen, to make a synopsis of all reports for publication.

V. To keep the selectmen fully advised as to the needs of the town, within the scope of his duties, and to furnish them on or before the thirty-first day of January of each year a careful, detailed estimate in writing of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest on maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department; and to submit at the same time an estimate in writing of the amount of income from all sources of revenue, exclusive of taxes upon property, and of the probable amount required to be levied and raised by taxation to defray all expenses and liabilities of the town. For the purpose of enabling the town manager to make up the annual estimate of expenditures, all boards, officers, and committees of the town shall, upon his written request, furnish all information in their possession and submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the fiscal year.

VI. To examine or cause to be examined, with or without notice, the affairs of any department under his control, or the conduct of any officer or employee thereof; and for that purpose he shall have access to all town books and papers, for the information necessary for the proper performance of his duties.

VII. To have charge, control, and supervision, subject to the direction of the selectmen and to the bylaws of the town, if any, of the following matters:

(a) The management of municipal water works, lighting, and power systems.

(b) The construction, maintenance, and repairing of all town buildings and of all town roads, highways, sidewalks, and bridges, except as otherwise specially voted by the town.

(c) The purchase of all supplies for the town.

(d) The police and fire departments of the town, if any.

(e) The system of sewers and drainage, if any.

(f) The lighting of streets, highways, and bridges.

(g) The sprinkling of streets and highways, the laying of dust, and the removal of snow.

(h) The maintenance of parks, commons, and playgrounds.

(i) The care of cemeteries when the town has adopted the provisions of RSA 289:6, II.

(j) The letting, making, and performance of all contracts for work done for the town.

In municipalities adopting the provisions hereof, the town manager shall supersede any board of commissioners or other supervisory officer or officers previously established, elected, or appointed to have superintendence of any of the matters specified in the foregoing paragraphs (a) to (j) inclusive; except that he shall not supersede, nor shall adoption of this chapter in any way impair the authority and duties of, fire engineers, the commissioner of transportation and his

assistants, or any police commission created by act of the legislature.

VIII. To administer the poor relief of the town, either directly or through a person or persons appointed by him, and under the supervision of the selectmen.

IX. To perform such other duties, consistent with his office, as may be required of him by vote of the selectmen.

Source. 1929, 69:6. RL 55:6. RSA 37:6. 1994, 318:4, eff. Aug. 7, 1994. 2004, 257:33, eff. June 15, 2004.

Cemetery Trustees

Section 289:6

289:6 Cemetery Trustees. –

I. Every municipality shall elect a board of cemetery trustees consisting of 3 members, unless a town at an annual or special town meeting votes that the board shall consist of 5 members. In the initial election of cemetery trustees, they shall be elected by ballot at an annual town meeting. One shall be elected for a one-year term, one for a 2-year term and one for a 3-year term. In towns with a board of 5 trustees the 2 additional trustees shall be appointed by the selectmen, one for one year and one for 2 years. Subsequent trustees shall be elected by ballot at the annual town meeting to replace those whose terms expire. The term of each trustee shall be 3 years.

Vacancies shall be filled by the selectmen for the remainder of the term. The board may recommend to the appointing authority the names of no more than 2 persons who may serve as alternate members on the board. The alternate members shall be appointed to one-year terms. In cities the trustees shall be chosen and hold their office for such term as shall be provided by city ordinance. Trustees shall organize by electing one of their number chairperson and another bookkeeper, who shall keep the records and books of the trustees, and shall issue vouchers as necessary for funds to be expended. The chairperson and the bookkeeper may be the same member.

II. Any town that has the town manager form of government may vote to not have cemetery trustees by delegating all of the duties and responsibilities of cemetery trustees to the town manager, as specified in RSA 289. This option may be adopted by a vote of the town meeting. The warrant article question to be voted shall be: "Shall we discontinue the board of cemetery trustees by delegating their duties and responsibilities to the town manager?" If the majority votes in the affirmative, then the discontinuance shall take effect 90 days after adoption.

II-a. (a) Any town, with a traditional town meeting form of government, may adopt by a vote of the town meeting to have the board of selectmen serve for the term of elected office as the cemetery trustees. The warrant article to be voted shall be:

"Shall we delegate the duties and responsibilities of the cemetery trustees to the board of selectmen?"

(b) If the majority vote in the affirmative then the delegation shall take effect 90 days after adoption and shall continue until rescinded by vote of the town meeting.

III. At any subsequent town meeting, the town may vote to reinstate the board of cemetery trustees. A new board of cemetery trustees shall be elected at the town meeting next following the vote to reinstate the board of cemetery trustees.

IV. Any town that has a municipal charter form of government may specify in its charter the procedure to be utilized for the election or appointment of cemetery trustees. Such procedure shall be adopted under the provisions of RSA 49-B.

Source. 1994, 318:2. 1995, 62:1, 2, eff. July 8, 1995. 2016, 60:1, eff. July 4, 2016.

Section 289:7

289:7 Powers and Duties. –

I. Except in those municipalities in which other provisions have been made by a general or special act of the legislature, all cemetery trustees in the state shall:

(a) Adopt bylaws and regulations for their transaction of business and for the establishment and management of all municipal cemeteries within their responsibility.

(b) Prepare an annual budget indicating what support and maintenance of the municipal public cemeteries will be required out of public funds for submission to the appropriate agency of the municipality. A separate budget request shall be submitted for planning and establishment of a new public cemetery and for capital improvements or expansion of an existing public cemetery.

(c) Expend all moneys raised and appropriated by the municipality for cemetery purposes. Such funds shall be maintained in the general fund and paid in the same manner that funds of other municipal departments are paid.

(d) Expend income from all trust funds for cemetery purposes in accordance with the conditions of each donation or bequest accepted by the municipality. Such trust funds shall be held in the custody and under the management of the trustees of trust funds. The trust income shall be transferred to the cemetery trustees by the trustees of trust funds in response to vouchers executed by the cemetery trustees, if the requested funds are available. Such trust fund income shall not be commingled with the moneys raised and appropriated by the municipality.

(e) Prepare deeds of cemetery lots for the governing body to sign.

II. Cemetery trustees may appoint a cemetery custodian or sexton who shall not be a trustee and who shall be responsible to the cemetery trustees for supervising work done in the cemeteries.

Source. 1994, 318:2. 1995, 62:3, eff. July 8, 1995.

Section 289:8

289:8 Enforcement. – Any person designated as a cemetery trustee failing to comply with the provisions of RSA 289:7 shall be guilty of a violation. Any other person who violates this chapter or any regulation established under the authority of this chapter shall be guilty of a violation.

Source. 1994, 318:2, eff. Aug. 7, 1994.

Section 289:9

289:9 Use of Trust Funds. – Cemetery corporations and the trust fund trustees of municipalities may take and hold funds in trust, and may apply the income of the trust to the improvement, watering, or embellishment of the cemetery, or to the care, preservation, or embellishment of any lot or its appurtenances.

Source. 1994, 318:2, eff. Aug. 7, 1994.

Section 289:10

289:10 Investments. – Cemetery corporations holding funds in trust as provided in RSA 289:9 may establish, maintain, and operate common trust funds as provided in RSA 31:27-30.

Source. 1994, 318:2, eff. Aug. 7, 1994.

Section 289:11

289:11 Accounting. – Whenever any cemetery corporation shall take and hold trust funds according to the provisions of RSA 289:9, such corporation shall keep in its books an account of all funds received and held by it in the same manner as required of municipalities, and the account of any such fund shall be open to inspection by any person having an interest in the proper administration of the trust.

Source. 1994, 318:2, eff. Aug. 7, 1994.

Section 289:12

289:12 Reports. – A copy of the annual financial report of such corporations shall be filed with the attorney general, unless otherwise required by law to file such a report with any town, city, county, or state agency.

Source. 1994, 318:2, eff. Aug. 7, 1994.

Section 289:13

289:13 Cemetery Association Termination. – Any cemetery laid out by an individual or corporation and located within the municipality, in which all lots have been sold and for the care of which trust funds are held by the municipality, may be deeded to the municipality with no implied financial liability to the municipality for the maintenance of the cemetery over and above the trust fund income, provided the municipality votes to accept such cemetery transfer. Municipalities may raise and appropriate additional funds for the care of such cemeteries. Upon the transfer of the title to the cemetery, the municipal cemetery trustees shall have the sole management responsibility for the cemetery.

Source. 1994, 318:2, eff. Aug. 7, 1994.

Section 289:14

289:14 Right of Way to Private Burial Ground. – Any person wishing to have a temporary right of entry over private land in order to enter a private burial ground enclosure to which there is no public right of way may apply in writing to the selectmen of a town or the mayor of a city stating the reason for such request, which may include the maintenance, repair, and preservation of the burial ground, and the period of time for which such right is to be exercised. The applicant shall also notify in writing the owner or occupier of the land over which the right of way is desired and obtain the written permission of the owner. The selectmen or

mayor, in the exercise of discretion and in consultation with the cemetery trustees, may issue a permit for such temporary right of entry designating the particular place where the land may be crossed. The owner or occupier of the land may recommend the place of crossing which, if reasonable, shall be the place designated by the selectmen or mayor. The person exercising the right of entry shall complete the work on the cemetery and restore the right of way to its original condition, if it is disturbed.

Source. 1994, 318:2. 2011, 97:1, eff. Jan. 1, 2012.

Section 289:14-a

289:14-a Maintenance, Repair, and Preservation of Burial Grounds. –

I. Any person or organization interested in caring for a burial ground which has not been maintained and the owner of which is unknown, or whose present address is unknown, may petition the selectmen, town council, mayor, or cemetery trustees for permission to clean, maintain, restore, and preserve that burial ground at the person's or organization's own expense. Upon approval of this petition on any conditions deemed appropriate, including the permission of the owner of the surrounding property, the selectmen, town council, mayor, or cemetery trustees shall require the person or organization to place an advertisement in a local newspaper providing notice that the burial ground is to be entered and that work is to be done, and notifying persons with a property interest in this burial ground who have objections to come forward by a date certain.

II. A petition under paragraph I may be granted notwithstanding the fact that the burial ground has not been declared abandoned pursuant to the procedure in RSA 289:20.

III. Any city, town, or public body shall be immune from civil liability in any action brought on the basis of any act or omission by any person who voluntarily and without compensation undertakes to maintain or to repair any burying ground.

IV. No private landowner permitting access over his or her property to a burial ground for the purpose of voluntary maintenance or repair of the burial ground shall be held civilly liable for any breach of duty resulting in injury to the person or damage to the property of those seeking to repair or maintain the cemetery.

V. After approval and notice required under RSA 635:6, II, any marker, gate, or other material removed for repair shall be stored and kept safely in a manner determined by the selectmen, town council, mayor, or cemetery trustees. Upon approval of the selectmen, town council, mayor, or cemetery trustees, a marker, gate, or other material deemed to be at risk of irreparable damage or loss may be placed permanently in a safe facility and the fact of its removal or replacement made visible in the cemetery or in public records.

VI. Any activities undertaken under this section involving an African American grave shall be conducted in consultation with the descendant community.

VII. Any African American remains, marker, gate, or associated mortuary or archaeological materials that have been removed from a site shall be returned for reburial or placement at the grave site, or if removed under the provisions of paragraph V, in consultation with the descendant community.

VIII. Any African American remains, marker, gate, or associated mortuary or archaeological materials that have been removed from a cemetery or burial ground shall be returned for reburial or placement at the grave site, in consultation with the descendants or descendant community. If

such return is deemed to be not feasible or appropriate by the descendants or descendant community, they shall be deposited in another suitable location, under paragraph V, in consultation with the descendants or descendant community, by June 30, 2028.

IX. The New Hampshire division of historical resources, department of natural and cultural resources, shall serve in an advisory capacity to municipalities and the descendants and descendant community in complying with paragraphs VI-VIII of this section.

Source. 2011, 97:2, eff. Jan. 1, 2012. 2023, 200:5, eff. Oct. 3, 2023.

Section 289:14-b

289:14-b Historic Burial Grounds and Cemeteries. – Historic burial grounds and cemeteries, including their markers, walls, gates, and other associated and identifying features and artifacts, are meaningful to the history, historic landscape, cultural, religious, craft and architectural traditions of the state; were established prior to January 1, 1950; and are consistent with the definitions of "burial ground" and "cemetery" established in RSA 289:1. Cemetery trustees may, in cooperation with non-governmental organizations, provide information relative to the location of historic burial grounds and cemeteries to such organizations for the inclusion in their online and other databases accessible for public use.

Source. 2018, 3:1, eff. Apr. 9, 2018.

Section 289:15

289:15 Discontinuance. – Whenever there is a public necessity for the discontinuance of any municipal cemetery and the removal of the remains of persons buried in such cemetery, the cemetery may be discontinued by a 3/4 vote of the legal voters present and voting at any town meeting held for the purpose, or by 3/4 of each board of the city councils present and voting.

Source. 1994, 318:2, eff. Aug. 7, 1994.

Section 289:16

289:16 Reinterment. – The governing body may, at the expense of the municipality, disinter all the remains of persons buried in such cemetery and reinter the same in the unoccupied part of another cemetery within the municipality, such reinterment to be in the place designated by the nearest surviving relatives of the deceased persons or, in the absence of such surviving relative, by the cemetery trustees. Such removal and reinterment shall be done prudently and with proper care and attention.

Source. 1994, 318:2, eff. Aug. 7, 1994.

Section 289:17

289:17 Removal of Monuments. – The monuments, gravestones, and other appurtenances attached to the graves shall be carefully removed and properly set up at the place of reinterment with as little injury as the nature of the case will admit. In case of injury to any monument, gravestone, or appurtenance, the damages shall be assessed by the governing body in the same manner and with the same right of appeal as in the case of alteration of the grade of highways.

Source. 1994, 318:2, eff. Aug. 7, 1994.

LEBANON CITY COUNCIL
AGENDA REQUEST FORM

1. Councilor Name: Sarah Welsch

2. Preferred Date of Council Meeting to Consider Item: November 1, 2017

Please keep in mind that if this request is for an agenda item and is not urgent in nature, a future date is preferable in order to allow proper time to prepare materials. See Council Rules § A191-7. Agenda, last amended 4-20-2011.

3. Is there a deadline associated with this item, if so, what is it: Yes, as soon as possible

4. Name of agenda topic item: Cemetery Task Force. Purpose of Task Force to explore establishing a Lebanon Cemeteries' Board of Trustees in accordance with RSA 289:6,II.

5. Reason for topic item: The maintenance by DPW of all the cemeteries in Lebanon as it is now covers ONLY mowing and plowing and lands' management. And further, all cemeteries' monuments are in the control of the deceases' families regarding any upkeep maintenance (this is according to NH state law; specifically, all of RSA 289). Concerns continue to be raised about the physical upkeep of Lebanon's cemeteries, with emphasis on the monuments. Based on the legal opinion provided to the City Council in the October 4, 2017, meeting agenda packet, the City to has options to consider in order to change the current course of maintenance, perpetual care and the ability to address the issues with broken monuments. These options include considering amending City Code to include an elected Cemetery Board of Trustees. Also under consideration is should the Council move forward with a "cy press" petition to "expend excess interest from the Perpetual Care Trust Funds or to release perpetual care trusts that may still be held for abandoned burial plots" which would need to be done by a Lebanon Cemeteries Board of Trustees. State law RSA 289:6 ("Cemetery Trustees")

and RSA 289:7 (“Sexton”) is applicable regarding these trustees’ ability to appoint a “non-trustee” sexton to manage the cemeteries.

6. Specific questions related to topic item: _____

* Research and re-visit the reasons the City of Lebanon shifted the decisions, and maintenance of the Cemeteries under the Department of Public Works.

* Is it correct that even with or after establishing a Cemetery Trustee Board, municipalities in NH must have/create additional means for covering the costs of repair and replacing any old, damaged stones on a regular basis?

* If so, how is this arranged and managed by other NH towns and cities, such as Hanover?

* The establishment of a Board of Cemetery Trustees

* If the answer from the Task Force is either: “No, not advisable”; “not at this time—due to fiscal situations facing the City in other areas;” or if the Task Force cannot agree on a plan to move forward, what kind of “Stop Gap” measures can the City Council undertake now and instead?

7. Proposed or possible action, motion, goal, and/or code or policy amendment: _____

To immediately request that the City’s Mayor, in conjunction with the Acting City Manager appoint a Task Force to consist of an appropriate number of citizens, but including at the least: two City Councilors; two members of the Lebanon citizenry; one member of the Lebanon Historical Society and one member of the Heritage Commission; representative of the local Lebanon funeral home, and the like—who have prior experience tap into; a member of the local American Legion Post

8. Supporting documentation requested re: topic item: _____

9. Documentation and/or references related to this topic (i.e. web links, web sites, reports, etc.) supplied by the requestor and for informational purposes only - not to be included in any agenda package: _____

10. Other: *The Task Force, if formed now, must conclude its work in time for the action recommended to be in keeping with the schedules of the City Clerk's office, in order to be placed on the ballot for the municipal voting in March 2018.

*The question of a budget line item addition for any monument maintenance work must be considered before that date, so management of this task may be needed during this year's 2018 Budget period.

DRAFT

**CITY OF LEBANON
CEMETERIES GOVERNANCE TASK FORCE
Minutes, February 6, 2018
Public Works Administration Building—Conference Room
6:30 p.m.**

MEMBERS PRESENT: Chair Tim McNamara (City Council), Doug Boisvert (Citizen Representative), Fran Hanchett (Lebanon Historical Society), Joshua Lascell (Heritage Commission), Patrick McCarthy (Funeral Home Representative), David Muzzy (Citizen Representative), Wayne Aldrich (American Legion), Bruce Temple (Public Works), Tina Waterman (Public Works)

MEMBERS ABSENT: Shane Smith (City Council)

I. CALL TO ORDER: The meeting was called to order at 6:28 p.m. by Chair McNamara.

II. APPROVAL OF MINUTES: January 9, 2018

Changes to January minutes: page 2, line 25, add “slate” before “stones”; page 2, line 43-44, change “is” to “was”, replace “Glenwood Cemetery, and it could be a liability if it tips” with “Glenwood Cemetery that fell. It could be a liability if a stone tips”; page 3, line 18, replace “Mt. Calvary” with “Glenwood”.

Doug Boisvert moved to approve the minutes of the Lebanon Cemeteries Governance Task Force meeting of January 9, 2018 as amended. Seconded by David Muzzy.

****The motion passed unanimously.***

III. DISCUSSION OF RECOMMENDATION FOR BOARD OF CEMETERY TRUSTEES

Chair McNamara noted that the Task Force has had four meetings and that they have made good progress in understanding the current situation as well as state laws. He asked the Task Force whether they felt they were in a good position to make a recommendation regarding composition of the Cemetery Board of Trustees. Chair McNamara said he believes there is an advantage to getting this on the City Council’s agenda early in the year so that a new board could do some meaningful work before Veterans Day.

The three options for a future Cemetery Board of Trustees

- 1- City Council appoints a Cemetery Board of Trustees
- 2- City Council appoints the City Manager to handle cemeteries from an administrative standpoint without a citizen’s board in place

- 1 3- The existing trustees and trust fund are given the additional duty of being the Board of
2 Trustees

3
4 The Task Force indicated they are ready to proceed with recommendations.

5
6 ***Patrick McCarthy moved that the recommendation of the Cemetery Governance Task Force***
7 ***be that the City Council fulfill the obligation that the State requires by appointing a***
8 ***Cemetery Board of Trustees. Seconded by Wayne Aldrich.***
9 ****The motion passed unanimously.***

10 11 **III. DISCUSSION OF CEMETERY MAINTENANCE PRIORITIES**

12
13 Chair McNamara said he would like the Task Force to come up with a short list of things that the
14 Cemetery Board of Trustees should undertake immediately as their first priorities. Using the list
15 of recommendations that was identified in previous meetings, Chair McNamara asked that each
16 person give their top recommendations.

17
18 Ms. Hanchett said the priorities should be straightening older stones first as a preventative,
19 amending City fees to align with other cemeteries in the area which would need a Council vote,
20 deciding how the City wants to sell the lots (interment vs. selling lot), repairing the worst section
21 of School Street with the worst section being halfway down on the right toward the end of the
22 cemetery, and preparing the detailed damages to include graphic imaging. Ms. Waterman noted
23 that Mark Goodwin has already done some imaging on the cemeteries and integrated them into
24 the cemetery management software.

25
26 Mr. Lascell said the priorities should be to create an inventory and condition assessment as a
27 basis for moving forward and make sure that the Board seeks input from subject matter experts,
28 especially in matters of restoration and historic preservation. Mr. Lascell said he believes that the
29 inventory and condition assessment is a critical priority and is essential for good planning.

30
31 Mr. Muzzy said that the priorities should be to make sure that the structures are up to code and
32 that spaces are safe and usable. If stones are moved for maintenance, there needs to be a place to
33 store them. Ms. Hanchett voiced concern over moving stones and Chair McNamara said that the
34 group should come back to the question of maintenance, which remains an open topic. Mr.
35 Muzzy also identified the mapping as a priority for planning. Ms. Waterman noted that existing
36 imaging is partially at the lot level, partially at the grave level. Chair McNamara said that a
37 benefit of the imaging is that it can be added to over time.

38
39 Mr. McCarthy said that the priorities should be to continue to build the inventory database,
40 having a sexton and a Board of Trustees, updating the fees, and creating a trust for maintenance
41 and preservation. Chair McNamara asked for clarification on a trust for maintenance and
42 preservation. Mr. McCarthy has been in contact with other cemeteries and surrounding states that
43 are building trusts in addition to the perpetual care fees. In some instances, cemeteries become
44 the responsibility of the City but do not come with funds to maintain them. Chair McNamara
45 asked the group to consider how to strike a balance between affordability and the cost to
46 maintain the grave. Mr. Boisvert said that Lebanon's fees are currently among the cheapest in the

1 state of New Hampshire. Mr. McCarthy said that there are issues over time related to sink holes
2 and foundation failures. As an example, foundation fees are \$150 in Lebanon and \$550 in
3 Hanover. Chair McNamara summarized that the fees considered are a purchase fee, perpetual
4 care fee, interment fee, and a maintenance and preservation fee that is payable half at purchase
5 and half upon interment. Mr. McCarthy said that a lot currently includes one full burial and five
6 cremations or six cremations which creates the potential for six markers which must be
7 maintained. He would recommend that the maintenance and preservation fee be charged per
8 burial. Ms. Hanchett noted that different cities have different rules for the number of burials per
9 lot, and many have four. The group noted that Lebanon is close to the top with six. Chair
10 McNamara asked whether the Task Force should recommend to the Board of Trustees that the
11 amount of burials should be reconsidered. Mr. McCarthy noted that lots are 4-5 feet wide and in
12 some cases markers are border to border and many of the Task Force members voiced support in
13 considering a reduction of the burials per lot. Mr. Temple said that there are presently 3,500
14 burials now and that new burials are low at 50-60 a year. The incremental step to get more
15 money is a good step forward but won't solve financial issues right now. Mr. Temple said that
16 large steps in fees will be a hurdle, given that this will be a sensitive topic. Mr. Lascell agreed
17 that the current issues won't be solved by burial fees alone and suggested that alternate funding
18 sources be explored by the new Board of Trustees.

19
20 Mr. McCarthy presented information that he gathered regarding granite niches. The most
21 popular styles offered by Wilbert Memorials are a hex shape and a rectangle. Wilbert Memorials
22 does the installation and the concrete pad for \$25,000 and each granite structure takes up
23 approximately a plot and a half worth of space. The average New England selling price for a
24 single niche is \$1,500 each and Wilbert recommended \$800 each. One niche can hold two
25 people. The revenue from 72 niches at \$800 each would be \$57,600. Opening fees would be
26 \$300 per niche, or \$21,600 for 72 niches, and that could be double, because there is a two-person
27 capacity per niche, which would bring in another \$21,600. Engraving is an additional \$300, or
28 \$21,600. Total income would be \$108,000 for single interments per niche and approximately
29 \$122,000 if there are two in a niche. Deducting the \$25,000 investment, there is an expected
30 profit of \$75,000 for using a plot and a half worth of space. Mr. McCarthy also added that 70%
31 of the volume that he sees is for cremations, although he services different towns and not all of
32 them are going to a cemetery. Mr. McCarthy spoke with Craig (from Wilbert) and they offer site
33 planning free of charge. Chair McNamara said that one niche per cemetery could generate a lot
34 more revenue than it costs to maintain it, a potential way to transition some of the cemeteries to
35 alternatives to conventional burials. The Task Force agreed that providing alternatives to the
36 community was a good idea. Ms. Waterman said to start small and see if it could expand. People
37 tend to prefer Glenwood and this might be a way to make more room.

38
39 Mr. Boisvert said that first priority is establishing the Board of Trustees, getting more manpower
40 and hiring a sexton, then establishing rules and regulations. He said that hiring a full-time sexton
41 is important.

42
43 Mr. Aldrich agrees that a sexton is important but the next priority should be #7 on the list of
44 recommendations and should include GIS. He feels that #3 & #4 on the list of recommendations
45 should be combined as both address similar issues regarding maintenance and repairs.

1 Chair McNamara summarized the priorities of the Task Force as planning tools and GIS being a
2 high priority, staffing issues including sexton, fee updates, alternative funding, alternative
3 interment (niches), taking care of maintenance issues especially leaning stones, undertaking a
4 small but doable project to make a visual difference, and taking a look at issues with buildings.
5 Ms. Hanchett reiterated that simple maintenance is important, as is preventing liability issues.
6 Mr. Temple said that tree removal is also an issue, especially at School Street, and that he would
7 like Trustee support since dead trees are expensive and can cause thousands of dollars to fix. The
8 Task Force agrees that they are dangerous and expensive.

9
10 Chair McNamara said there are a lot of questions regarding a sexton and whether should they be
11 FTE. He would support a FTE for sexton to also include upgrading landscapes and be on top of
12 landscaping improvements. Ms. Hanchett asked whether there is anyone currently attending the
13 seminar in Concord and there is not. Mr. Temple said that Councilor Hill had been talking about
14 entry way beautification and there are some issues around special trees. The sexton may be able
15 to facilitate beautification efforts. Chair McNamara suggested that it might be beneficial to have
16 a specialist that could offer suggestions on how to improve the landscaping and increase
17 efficiency, elevating the position to include turf and landscape management, rather than simply
18 routine maintenance.

19
20 The Task Force said that based on discussions with Public Works, staffing is a major issue and
21 not only is additional staffing required, but additional supervisory staff in the form of a sexton is
22 important. Seasonal help and consistency of help could be an issue. Compensation should also be
23 at a level that ensures consistently good seasonal help. This is a multiyear problem but the
24 incremental changes over time can make a real difference. Chair McNamara will take the
25 staffing challenges and concerns to the Council.

26
27 Ms. Hanchett said that cemeteries should be locked from dusk to dawn, at least to vehicular
28 traffic- Glenwood has a large gate, West Lebanon could have a chain at the front and there is a
29 gate at the back, Valley is the most difficult. School Street is the worst but there is little that can
30 be done because much of it is walking traffic. Chair McNamara asked if the Task Force should
31 recommend to the Trustees that added security might deter vandalism. It used to be done by
32 police but not any longer. Mr. Temple recommended a thorough review of the ordinance so that
33 the police could have something to refer to. Ms. Waterman asked if the new Board of Trustees
34 would be coming up with a cemetery master plan and Chair McNamara said that the Task
35 Force's recommendations would be used as part of their charter. Many of the recommendations
36 are under \$50K and can be done using the operations budget.

37
38 Chair McNamara asked if anyone is interested in serving on the Board of Trustees or if the Task
39 Force had any recommendations for potential members. He recommends a cap of seven to nine
40 but more than five. Mr. Temple recommended three from each ward so there is a potential for
41 equal representation for ideal composition. Ms. Hanchett asked if there are any restrictions for
42 family members serving on the same Board. Chair McNamara didn't think so but thought that
43 they should ask Deputy City Manager Paula Maville; he will double check and get back to the
44 Task Force.

1 Chair McNamara will send out a summary for review and get feedback so that hopefully this
2 could be put before the Council in March.

3
4 **VII. ADJOURNMENT**

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6 *Patrick McCarthy moved for adjournment. Seconded by Wayne Aldrich.*
7 **The motion passed unanimously.*

8
9 The meeting was adjourned at 7:32 p.m.

10
11 Respectfully submitted,

12
13
14 Brandy Sailors-Dow
15 Recording Secretary