

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, January 8, 2025 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, Douglas Whittlesey, and Devin Wilkie

MEMBERS ABSENT: Karen Zook, and George Sykes

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

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

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

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

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

4. OPEN TO PUBLIC:

A resident spoke to formation of an Advisory Finance Committee and a Capital Revenue Fundraising Committee for the City. The City needs to consider how to obtain funds from other sources. He would like the Council to continue to discuss what to do with City-owned properties. Councilor Liot Hill suggested that residents should reach out to City Councilors to request a formal agenda item for a future meeting.

5. RECOGNITIONS: NONE

6. ACCEPTANCE OF MINUTES:

- November 20, 2024

Amendments: None

- December 4, 2024

Amendments: None

- December 12, 2024 (Special Meeting)

Amendments: None

- December 18, 2024

Amendments: None

***Councilor Heistad MOVED to approve the November 20, 2024; the December 4, 2024; the December 12, 2024 (Special Meeting); and the December 18, 2024, meeting minutes as written and presented in the January 8, 2025, City Council agenda packet.
Seconded by Councilor Whittlesey.***

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

7. APPOINTMENTS:

- Heritage Commission, Claire Geno (Alternate Member)

Councilor Wilkie MOVED to NOMINATE Claire Geno as an Alternate Member of Heritage Commission. Term: 1/2025-1/2028

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

- Conservation Commission, Sarah Riley (Reappointment Regular Member)

Councilor Wilkie MOVED to NOMINATE Sarah Riley for Reappointment as a Regular Member of the Conservation Commission. TERM: 1/2025-1/2028

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

- Planning Board, Eric Stacy (Regular Member)

City Manager Mulholland MOVED to NOMINATE Eric Stacy as a Regular Member of the Planning Board. Term: 1/2025-1/2028

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

- Tree Advisory Board, Charles DePuy (Reappointment as Citizen Member)

Assistant Mayor Below MOVED to NOMINATE Charles DePuy for Reappointment as Citizen Member to the Tree Advisory Board. TERM: 1/2025-1/2028

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

- Zoning Board of Adjustment, David Newlove (Reappointment Regular Member)

Mayor McNamara MOVED to NOMINATE David Newlove for Reappointment as a Regular Member of the Zoning Board of Adjustment. Term: 1/2025-1/2028

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

- Zoning Board of Adjustment, William Koppenheffer (Reappointment Regular Member)

Councilor Whittlesey MOVED to NOMINATE William Koppenheffer for Reappointment as a Regular Member of the Zoning Board of Adjustment. Term: 1/2025-1/2028

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

- Lebanon Airport-Tech Park TIF Advisory Committee, Jason Archambeault
(Reappointment as Citizen Member)

Councilor Simon MOVED to NOMINATE Jason Archambeault for Reappointment as a Citizen Member of the Lebanon Airport-Tech Park TIF Advisory Committee. Term: 1/2025-1/2028

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

- Diversity, Equity, and Inclusion Commission, Richard Ford Burley (Reappointment as Public Representative)

Councilor Wilkie MOVED to NOMINATE Richard Ford Burley for Reappointment as a Public Representative to the Diversity, Equity, and Inclusion Commission. Term: 1/2025-1/2027

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

- Diversity, Equity, and Inclusion Commission, Keiselim Montas (Reappointment as Public Representative)

Councilor Wilkie MOVED to NOMINATE Keiselim Montas for Reappointment as a Public Representative to the Diversity, Equity, and Inclusion Commission. Term: 1/2025-1/2027
***The Vote on the NOMINATION was approved (7-0).**

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.

Included in the agenda packet: *(NOTE: All supportive documents and detailed information/changes can be found on pages 132-162 , Council agenda packet)*

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

Deputy City Manager Brooks reviewed the background and proposed amendments to the City Charter.

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.

Council Comments:

Councilor Heistad expressed concern regarding the proposed six year period. Deputy City Manager Brooks explained that staggering the six year term is consistent with what is required in towns. This does not prevent someone from stepping down if they if they have a reason or a need to do so, but it helps to preserve the institutional knowledge for those who are willing to serve that long. Councilor Wilkie stated that he had similar concerns but believes they were assuaged, being that a six year term allows someone to learn the position and be able to commit to it without having to worry about an election three years from that moment.

Assistant Mayor Below suggested language for a future amendment that if someone does not complete their term, the Council could elect someone to fill out that term in order to keep the expected rotation of terms. City Manager Mulholland stated that this would be considered further.

ACTION:

Councilor Wilkie MOVED the following:

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.

Seconded by Councilor Whittlesey.

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

10. NEW BUSINESS:

A. Review and Adoption of 2025 Annual Calendar

Included in the agenda packet: ***(NOTE: The complete Calendar for all City Council Meetings in 2025 can be found on pages 163-175, Council agenda packet.***

1. Proposed 2025 Annual Calendar

Deputy City Manager Brooks reviewed the 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.

Council Comments:

Councilor Wilkie noted that there may need to be additional meetings regarding the budget for 2025. City Manager Mulholland stated that he is suggested a Q&A session on November 20th. There was discussion regarding how to engage the public in the budget process early in the year.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as proposed in the January 8, 2025, agenda packet.

Seconded by Councilor Whittlesey.

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

B. Appointment of 2025 Chair and Vice-Chair for Economic Development Commission

Included in the agenda packet: *(All supportive documents and information can be found on pages 176-177, Council agenda packet)*

1. EDC Member Roster

Mayor McNamara noted that David Newlove will be stepping down as Chair of the Economic Development Commission. He has reached out to several of the current members to see if they are interested in stepping into the role but has not yet heard back. He recommended tabling this item to the Council's next meeting in order to hear feedback from the existing members on this item.

**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**

Included in the agenda packet: *(All supportive documents and detailed information can be found on pages 178-204, Council agenda packet)*

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

Deputy City Manager Brooks gave a background introduction for this item.

Jon Livadas, LWM Residential, LLC, presented to the Council. He explained that the originally proposed new building at 25 Mechanic Street has been removed from the plan. This is now proposed to be a parking lot to help service the development. This all been approved by the Planning Board. Half of the brick office building across from the mill was originally proposed to be demolished, but this building is filled with environmental contaminants and the entire building is now proposed to be removed. Removal of the building at 25 Mechanic Street results in the unit count reducing from 183 to 155. This results in the parking count changing from 213 to 239 spaces. Also, the oldest mill building on the site was originally planned to be maintained, but it is structurally unsound and will instead be removed. A structure will be built in its same footprint to honor the mill. The updated site plan shows increased parking at 25 Mechanic Street with an ADA compliant connection ramp to Mechanic Street. The plan shows a two story garage off Foundry Street. The plan shows a public plaza which everyone in the

community will have access to at all times. This will connect to the River and will connect Mechanic Street to downtown in a different way than ever before.

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.

Council Comments:

City Manager Mulholland asked about the slight reduction proposed in the public plaza area. Mr. Livadas stated that this has been measured at a 30' reduction. There will be continuous pedestrian access from Blacksmith Street to Mechanic Street. A bus stop and crosswalk are being worked on for this area.

Mayor McNamara asked why the proposed number of units has increased when the proposed number of units has decreased. Mr. Livadas explained that the 155 proposed units contains mostly one bedroom units, but these will likely house two people, each of which would likely have a vehicle.

Councilor Wilkie asked how much the proposed changes impact the green space and/or the heat islands for the property. Mr. Livadas explained that this site currently contains a four acre parking lot, and the proposal will mostly mirror this area which the addition of some trees.

Councilor Liot Hill asked for more information regarding the potential public benefit of environmental cleanup proposed for the site under the current plan. Mr. Livadas explained that the building on Mechanic Street was removed from the plan as it was not financially viable. Regarding the brick office building, through conversations with DES and an environmental consultant, it was determined that the amount of work needed to deal with the contamination would make preservation of the building not economically viable. Councilor Liot Hill asked what would be required regarding the environmental contamination if the site is not developed on. Mr. Livadas stated that there would be no requirements. The building would remain as it is.

Councilor Liot Hill stated that the Council's discussion tonight is the changes to the scope of the project and whether they trigger the need for a new application or if an amended application can be allowed to continue in the process. She asked about the impact to the project if the Council were to rescind the 79E approval and require a reapplication. Mr. Livadas stated that reapplication would likely lead to all of the existing equity investors pulling their commitments to the project. It would also put the project into a huge time crunch, potentially leading to it not being economically viable. The purpose of this proposal was to generate Downtown investment in blighted buildings. The proposed public plaza was designed from the get-go by the developer.

Mayor McNamara stated that he originally voted against this proposal. He did not feel at the time of the original proposal that there was sufficient financial justification to ask the citizens of the City to essentially become investors in this project. He wanted to see a more robust pro forma than was presented. The minimum for this was never presented. The site plan for the project has changed significantly. The number of units has changed and contains no workforce units. Mr. Livadas stated that there was never a workforce component to this project proposed. 79E deals with the public benefit and he asked how this has changed in the new plans. City Manager Mulholland stated that the area that citizens were supposed to be able to use on the property is half of what it used to be.

Councilor Liot Hill stated that 79E does not require public amenities. It requires public benefit. She struggles to find that there is a significant change to the public benefit in the modified plans. The plans still contain the addition of housing, which was the primary public benefit identified. It still contains the enhancement of the economic vitality of Downtown. It still contains the enhancement/improvement of a historically important structure. It still contains the promotion and preservation of existing building stock. It still contains the promotion of developing municipal centers, providing efficiency, safety and a greater sense of community. With all other items the same, for the purposes of satisfying the requirements of

79E, she does not find the reduction of units from 183 to 155, or a 15.3% decrease, to be significant. She is concerned with harming Lebanon taxpayers in the long run by rescinding the approval.

Mayor McNamara stated that the developer's rationale for modifying the site plan was to reduce the overall project cost. It is still unclear what the City's contribution does to the project, as there is a not a pro forma to review. It is also unclear what minimum contribution is needed to facilitate the project.

Councilor Whittlesey stated that the 15.3% reduction is significant and material. This reduction leads to a reduction in economic vitality. The financials involving the City's contribution are not yet clear.

City Manager Mulholland stated that he still believes 79E is appropriate for this project. The City Council must make a policy decision regarding the transparency of the use of public tax dollars for the project. Mr. Livadas stated that if this project does not happen, there will be approximately \$1M in fees that taxpayers will not have next year. In the incremental period, Lebanon will also miss out on hundreds of thousands of dollars of water and sewer fees. The mill will collapse if something is not done to it which will lead to a lower tax assessment for the property. The site is a brownfield site and continues to pollute the area.

Assistant Mayor Below stated that, at a high level, 79E was intended to help make good things happen that would not otherwise happen without some tax relief. The reality is that the project will likely not go ahead if the developer has to restart the application process and the property will then likely remain as it is for an extended period of time, not providing any public benefit.

Barry Schuster, Ward 3, stated that no other developer will touch this project for at least ten years, if it fails. He stated that the Council should do everything it can to make this project happen. There is nothing to lose if this tax break is given, but there is much to lose if the project does not proceed, and the site falls to ruin. This is an existing project that could lead to a more vibrant Downtown.

Josh Flanders, Ward 1, echoed Mr. Schuster's comments. As a homeowner and a taxpayer in Lebanon, he looks forward to collecting tax revenue on this project 11 years down the road. He does not see another developer touching this property and trying to work with the Council if this project fails.

Joan Townsend, Ward 2, asked if this is considered affordable housing. It was stated that this will be market rate housing. Ms. Townsend stated that taxpayers do not get breaks when they build residential homes. She is concerned that there will not be a tax break to residents for 11 years from this project. Mayor McNamara noted that the taxes on the base value of this property will increase each year, similarly to anyone else in the City.

Matt Smith, Ward 2 and Vice Chair of the Heritage Commission, stated that this City is built on mills. The few still standing are defining parts of the City. The Lebanon Woolen Mill is derelict, and it will not remain standing without active intervention. The developer is committing to doing just that, including preserving the last remaining smokestack. This site is not in the Historic District and requires no involvement of the Commission, but the developer has continued to meet with them.

Seth Messier, Ward 3, thanked the Council for doing its job in asking questions and defending the taxpayers.

Councilor Heistad stated that this proposal is asset protection for the City.

Mayor McNamara reviewed the options for the City to consider. One would be to rescind approval, the next would be to allow the application to continue as is, and a third would be to allow the application to continue while modifying the approval to some extent of less than 11 years.

Councilor Whittlesey stated that the Council has an obligation to ensure that it is being as prudent as possible, and it does not have enough financial information to understand the proposed economic valuation for this project. There has not been transparency regarding the economics. The Council asked for pro forms statements in the initial discussions on this project and the developer respectfully declined. Mr. Livadas noted that this was not a requirement at the time.

ACTION:

Councilor Simon MOVED, that the 79E, as was previously agreed to stay in effect with the revised site plan as presented tonight.

Seconded by Councilor Liot Hill.

Discussion:

Councilor Simon stated that he was disappointed in the proposed reduction. He continues to support the 79E. He thanked the public for their input.

Councilor Whittlesey requested to amend the motion to state that any further change in the size, scope, or layout of this project will trigger a review of the 79E abatement that was provided.

Councilor Wilkie asked if the Council could choose to do nothing this evening as an option. Mayor McNamara stated that, in his opinion, the site plan has changed from what was originally approved and so doing nothing is not an option. City Manager Mulholland stated that, if the Council wants the project to move along as presented, no action is required. Councilor Wilkie stated that the original 2023 motion was that the applicant's project was to renovate the existing mill structure, construct two new buildings, demolish buildings, remediate a brownfield site, and complete other site improvements as approved by the Lebanon Planning Board. He noted that he opposed the original approval due to the 11 year period without visibility and transparency. However, while he agrees there have been significant changes to the scope, he is not sure they are substantial enough to negate what was previously granted. He would prefer to let the existing agreement stand.

ACTION:

Councilor Whittlesey AMENDED the MOTION that the 79E, as was previously agreed to stay in effect with the change in plan as presented tonight, and that any further change in the size, scope, or layout of this project will trigger a review of the 79E abatement that was provided
There was no SECOND. AMENDED MOTION died on the floor.

ACTION:

Councilor Simon MOVED, that the 79E, as was previously agreed to stay in effect with the revised site plan as presented tonight.

Seconded by Councilor Liot Hill.

****The Vote on the Motion was approved (5-2).***

Mayor McNamara stated that he is very uncomfortable not knowing the financials of this project. However, the amount that is proposed to be collected in fees and in water and sewer fees is not

insignificant, and so he is willing to reverse his decision with the proviso that he is uncomfortable with the financials.

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

Included in the agenda packet: *(All supportive documents and detailed information (that includes the application and site renderings, etc.) can be found on pages 205-235, Council agenda packet)*

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

Jennifer Caine, 10 Spencer Studios, LLC, explained that 10 Spencer Street is a masonry building that was built in 1928. It was originally the Nabisco warehouse. The building is uninhabitable in its current condition. The building needs to be completely renovated in order to be used, but the renovations are in keeping with the existing structure. She and one of the owners are painters and plan to charge themselves rent for two of the units. This project may barely break even with the current tax rate. Rehabilitating the building offers a public benefit. This is a distinctive building which sits at the entrance of the rail trail on Spencer Street. It is within the Downtown district. The proposal includes an idea for a non-profit organization to allow emerging artists to find space within the building as part of a mentorship program to attract artists to the area. She noted that she would like the application to be considered for historic tax relief as well. The age and use seem to meet those requirements.

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.

Council Comments:

Mayor McNamara noted that this is being considered under the most recent revisions to 79E. He appreciated the data from the applicant's contractor on cost and the pro forma provided. He agreed that this building is located in a key area. He supports the five years suggested but is hesitant for the extra four years proposed for the historic relief.

Councilor Liot Hill stated that she would like to see this moved forward to a public hearing and would further consider the historic relief requested.

ACTION:

Councilor Liot Hill 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. Seconded by Councilor Whittlesey.

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

- E.** Discussion and Set Public Hearing for January 22, 2025: CDBG and Recovery Housing Program Application for Families Flourish Northeast Upper Valley-Lebanon

Included in the agenda packet: ***(All supportive documents and detailed information can be found on pages 236-241, Council agenda packet)***

1. Project Description – Families Flourish Northeast – Upper Valley Facility
2. City of Lebanon Residential Anti-Displacement and Relocation Assistance Plan for Families Flourish Northeast

Courtney Tanner, Families Flourish, presented the proposal which is to build a new building on 424 Mt Support Road with 12 beds for women with their children.

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 in the Council agenda packet for more information.

Council Comments:

Mayor McNamara noted that this is a vacant lot currently owned by Mary Hitchcock Memorial Hospital. It is located near the intersection of Lahaye Drive and Mt Support Rd. Ms. Tanner stated that the lot will continue to be owned by Mary Hitchcock and the proposal is for a 30+ year lease.

ACTION:

Councilor Liot Hill 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.***

Seconded by Councilor Wilkie.

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

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: _____

ACTION:

Councilor Wilkie MOVED to extend the meeting to 10:30PM.

Seconded by Councilor Heistad.

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

- 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

Included in the agenda packet: *(All supportive documents and information can be found on pages 242-252, Council agenda packet)*

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)

Deputy City Manager Brooks reviewed the background of the request as listed above.

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.

Council/Staff Comments: NONE

ACTION:

Assistant Mayor Below 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. Seconded by Councilor Liot Hill.

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

- G.** Review and Set Public Hearing for January 22, 2025: Proposed Zoning Amendments for Council Adoption and for Municipal Ballot *(Please Note: The information provided below was from a scanned document converted to a PDF that could not be converted to a MS Word document, so screen shots were used.)*

Included in the agenda packet: *(All supportive documents, maps and all detailed information can be found on pages 253-335, Council agenda packet)*

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)

Nate Reichert, Director of Planning & Development, reviewed this item with the Council. He noted that, after having conversations with landowners, there is a request that one portion of the Route 120 area be removed from any potential zoning changes. A further resolution on that item will be brought to the Council at a future meeting.

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.

Council/Staff Comments: NONE

ACTION:

Councilor Wilkie 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.***

Seconded by Councilor Whittlesey.

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

- H. Discussion of Potential Zoning Amendment to Add "Research Laboratory" as a Permitted Use in the Central Business District**

Included in the agenda packet: *(All supportive documents and information can be found on pages 336-341, Council agenda packet)*

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
2. TITLE LXIV. Planning & Zoning, Chapter 674, Local Land Use Planning and Regulatory Powers; Zoning, Section 674:17.

Mayor McNamara reviewed the background on this item.

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.

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 will 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.

Council/Staff Comments:

Deputy City Manager Brooks stated that the Council may want to consider adding this to the GC District at this time. Staff’s recommendation is to add this use to the Lebanon Downtown District. Councilor Whittlesey agreed with this proposal.

Councilor Simon stated that this was presented to the West Lebanon Revitalization Committee meeting on December 16th. He read a motion made by Mr. Nash during that meeting: “Mr. Nash moved that the West Lebanon Revitalization Advisory Committee support the proposal to add Research Laboratory as a permitted use in the Central Business District.” This motion was seconded and voted on by the Committee members. Seven were in favor, none against, and one member abstained, as he is the chair of the Planning Board. Councilor Simon asked the Council for its support on this item.

Assistant City Manager Below recused himself from this item.

ACTION:

Councilor Liot Hill 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), GC, and GC1, 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**

Seconded by Councilor Simon.

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

I. Discussion of Status of Board of Cemetery Trustees and Potential Courses of Action

Included in the agenda packet: [*\(All supportive documents and detailed information can be found on pages 342-359, Council agenda packet\)*](#)

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

City Manager Mulholland reviewed the background behind the status of the Board of Cemetery Trustees and the potential Course of Action(s) that the Council could take

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)).

Council Comments:

Councilor Liot Hill suggested reaching out to the public to attempt to fill the seats on the Board of Cemetery Trustees. The Council agreed.

11. CITY MANAGER REPORT:

A. Strategic Plan: As discussed during the update.

City Manager Mulholland further updated the Council on the following:

- Dry bridge report and recommendations
- Westboro Yard status
- Warming shelter opens this evening
- Q&A Session for the budget November 20th
- Pyrolysis technology, January presentation
- Candidate forum February 25/26
- Schedule Ask the Council sessions
- Three Strategic Plan engagement session (1/28, 1/30, 2/6)

Deputy City Manager Brooks stated that the 20 Spencer Street project/Muse Lebanon project was not funded in the competitive round. They followed up with New Hampshire Housing Finance to review their application. They feel confident they will be funded in a future round, but there is no expectation that there will be another round until October 2025. There continues to be discussion regarding how to fund this project.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Heistad MOVED for adjournment.

Seconded by Councilor Whittlesey.

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

The meeting was adjourned at 10:29 PM.

Respectfully submitted,
Kristan Patenaude
Recording Secretary