

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, February 5, 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, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: George Sykes

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Chief Innovation & AI Officer Melanie McDonough, Deputy Tax Collector Diane Mulholland, Director of Planning & Development Nathan Reichert, Planning Administrative Assistant Crystal Taplin, Deputy Finance Director Alesia Williams, Lebanon Fire Chief Jim Wheatley and Deputy Fire Chief Jeff Libbey

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

2. PLEDGE OF ALLEGIANCE: Councilor Whittlesey 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:

- Ms. Kathleen Corrigan (Ward-1) came forth to request that the City Council act to protect the interests of Lebanon residents by passing a Resolution redressing the Trump Administration's attempted impoundment of Federal Funds and was concerned where we would find the money to make up for Federal Funds that support critical services and functions in our City, which had been appropriated to us by Congress.

Mayor McNamara noted the Council could certainly bring this up at a future meeting for discussion.

5. RECOGNITIONS:

- **Resolution Honoring Lebanon Police Officers Involved in the Rescue of Citizens During the Dairy Twirl Fire**

WHEREAS, on the night of January 10, 2025, a fire broke out at 39 Mechanic Street, Lebanon, a property housing the Dairy Twirl ice cream shop, Montshire Towing and Recovery offices, and upstairs apartments; and

WHEREAS, the fire necessitated the evacuation of three apartment residents who were stranded on the roof and in immediate danger due to heavy fire conditions; and

WHEREAS, Lebanon Police Sergeant Logan Scelza, Corporal Dean Bullock, Officer Matthew Kaufman, Officer Stephan Nix and Officer Kevin Champney, demonstrated exceptional bravery and

quick thinking by assisting the individuals in safely escaping from the roof, ensuring their safety and well-being; and

WHEREAS, the swift and selfless actions of these officers exemplified the highest standards of public service and commitment to community safety, earning the gratitude and respect of the Lebanon community.

NOW, THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, extends its deepest gratitude to these Lebanon Police Officers for their selfless actions and formally recognizes and honors them for their dedication and valor during this emergency.

Dated this 5th day of February 2025.

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

Lebanon Police Sergeant Logan Scelza, Corporal Dean Bullock, Officer Matthew Kaufman, Officer Stephan Nix and Officer Kevin Champney were all present to receive their honors from the Council.

6. ACCEPTANCE OF MINUTES: January 22, 2025 (Regular Meeting)

Amendments: Page 7, Line 3: Change “Committee” to “Commission”; Page 7, Line 4: Change “should be” to “should include: Page 10, Line 36: Change “last” to “few”; Page 22, Line 35; remove “withing and Add: including those withing Starr Hill; Page 9 Line 35; Change “Frank” to “Fran”; Page 11, Lines 35: fill blank in with 9 years & line 42 fill the blank with 18 years.

Councilor Wilkie MOVED to approve the January 22, 2025 minutes as amended and presented in the February 5, 2025 City Council agenda packet.

Seconded by Councilor Liot Hill.

****The Vote on the Motion was approved by members present (8-0).***

Deputy City Manager David Brooks made a statement noting that after the January 8, 2025 minutes were approved, an issue was discovered with the motion relative to kicking off the Research Laboratory zoning amendment, noting the Lebanon Downtown District was left out and Assistant Mayor Below was recused.

The MOTION should have read as follows (changes highlighted in red).

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), the Lebanon Downtown District, 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:

1. ***Legal Review – by January 24, 2025***
2. ***Zoning Board of Adjustment – February 3, 2025***

3. **Conservation Commission – February 13, 2025**
4. **Planning Board – February 24, 2025**
5. **City Council Work Session Review – March 5, 2025**
6. **City Council Public Hearing – March 19, 2025**

Seconded by Councilor Simon.

***The Vote on the Motion was approved (6-0, ~~Abstained-1~~ Recused-1 (Assistant Mayor Below))**

Since the Council had already approved the January 8, 2025 minutes, by discussing and presenting these (changes) tonight the changes will show up in tonight's minutes. No further action is needed by the Council.

7. APPOINTMENTS:

- Arts & Culture Commission, Claire Geno (Reappointment Arts Organization Representative)

Councilor Wilkie MOVED to Nominate Claire Geno for Reappointment as an Arts Organization Representative to the Arts & Culture Commission. Term: 2/2025-2/2026

***The Vote on the NOMINATION was approved by members present (8-0)**

- Arts & Culture Commission, Nicholas Gaffney (Reappointment Ward 3 Citizen Representative)

Councilor Wilkie MOVED to Nominate Nicholas Gaffney for Reappointment as a Ward 3 Citizen Representative to the Arts & Culture Commission. Term: 2/2025-2/2028

***The Vote on the NOMINATION was approved by members present (8-0)**

- Planning Board, Kathie Romano (Reappointment Alternate Member)

Councilor Simon MOVED to Nominate Kathie Romano for Reappointment as an Alternate Member to the Planning Board. Term: 2/2025-2/2028

***The Vote on the NOMINATION was approved by members present (8-0)**

8. PUBLIC HEARING ITEMS:

- A. **Discontinuance of Roadways** – A public hearing 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, Lebanon.

Included in the agenda packet: **(All supportive documents and detailed information, including maps, can be found on pages 41-52, Council agenda packet)**

1. November 15, 2024 letter from Advanced Geomatics & Design requesting the discontinuation of portions of Little Heater Road and Edward.
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 David Brooks reviewed the history and summarized the background for the discontinuation of Little Heater Road. The applicant is requesting the discontinuation of these roads in order to collapse those properties into a single larger parcel that would be suitable for redevelopment. There was one easement created in 2021/2022 for a turnaround at the end of what was left of Edwards Street. If the Council entertains the request tonight and approves it, that (easement) would be unnecessary/obsolete and is mentioned in the Motion asking the City Manager to remove that easement.

BACKGROUND

On November 15, 2024, the City received a request from Dan Nash, PE of Advanced Geomatics & Design, on behalf of Edwards Properties, LLC, to discontinue portions of Edwards Street and Little Heater Road in Lebanon. The requested discontinuances would apply to Little Heater Road extending south and west of its intersection with Pershing Street and to the remainder of Edwards Street, which were not previously discontinued by action of the City Council in November 2021.

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.

Written notice of the public hearing and the potential discontinuances was provided to the owners of properties abutting the roadways proposed for discontinuance as required by NH RSA 231:43, II.

Mr. Dan Nash, PE of Advanced Geomatics & Design, on behalf of Edwards Properties, LLC was present to answer questions from the Council and public.

Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public Hearing was closed.

Council/Staff Comments:

In response to Councilor Liot Hill’s request to display the map (page 45, Council agenda packet) of the project, Mr. Nash explained the area in question.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby discontinues completely, and in their entirety, portions of Little Heater Road and Edwards Street in Lebanon, as described and depicted in materials dated November 15, 2024, received from Daniel A. Nash, PE, on behalf of Edwards Properties, LLC, as presented in the February 5, 2025 City Council Agenda Packet.

BE IT FURTHER MOVED, that such discontinuances are conditional upon, and shall not take effect unless and until Edwards Properties, LLC performs all tasks outlined in the December 18, 2024 letter from the Director of Public Works to the City Manager, including but not limited to the preparation of survey plans and easement documents, which shall be prepared to the satisfaction of the Director of Public Works and the City’s attorney.

BE IT FURTHER MOVED, that the Hammerhead Easement at the terminus of Edwards Street, which was conveyed by Edwards Properties, LLC to the City of Lebanon by an Easement Deed recorded at the Grafton County Registry of Deeds on August 17, 2023, at Book 4820, page 223, shall be deemed obsolete upon completion of the roadway discontinuances referenced above; and the City Council hereby authorizes the City Manager to execute appropriate documents to terminate and release the Edwards

Street Hammerhead Easement upon satisfactory completion of the tasks outlined in the December 18, 2024 letter from the Director of Public Works.

Seconded by Assistant Mayor Below.

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

9. OLD BUSINESS – NONE

10. NEW BUSINESS

A. Presentation and Discussion of Potential S.A.F.E.R Grant

Included in the agenda packet: **(All supportive documents and detailed information, including the entire presentation, can be found on pages 53-78, Council agenda packet)**

1. January 23, 2025 Memorandum from Fire Chief Jim Wheatley to City Manager Shaun Mulholland Re: SAFER Grant Guidance
2. Lebanon Fire Department Presentation on Staffing for Adequate Fire and Emergency Response (S.A.F.E.R.) Program

Lebanon Fire Chief Wheatley and Deputy Fire Chief Libbey were present and reviewed the history and background behind the S.A.F.E.R Grant. Chief Wheatley noted that through the budget season this year and the assistance of Alice Peck Day, the LFD were able to add 4 positions, which will be starting the first part of March 2025. He also wanted to clarify that there is often a misconception that the Lebanon Fire Department is the Fire Department. We are more than just the Fire Department. We are the Fire/EMS Department. We are the same people who respond to a vehicle accident to extricate trapped people and transport them in one of our ambulances. We also respond to: people falling through the ice; people who get stranded in the rapids on the river; carbon monoxide calls; respond to water pipe breaks in homes/businesses; respond to crash/alerts at the airport; we do emergency planning for natural disasters such as floods, hurricanes, tornadoes; we are responsible for hazard mitigation plans. We are the same people who respond to all these emergencies along with all first responders. We do not just drive around in fire trucks or ambulances. We were also awarded the EMS Unit Citation for the best EMS Service in the early 2000's, and we still have a very strong reputation for being one of the best EMS/Fire Departments in the State of New Hampshire. We are an all-hazards organization.

Chief Wheatley noted that when he presented the S.A.F.E.R Grant last year (2024), prior to that he had presented a memo as part of the 2024 budget preparations stating he wanted to get to 8 personnel on a shift. Knowing that that was not going to be feasible with the burden of the tax situation in Lebanon, we came up with an alternative plan to try and seek the S.A.F.E.R Grant for 8 positions. He was notified in December 2024 that we made the funding pool but ran out of money. To him, the need is there but they are not able to obtain the funding. The Council had to make some very difficult decisions. He is looking for guidance from the City Council as to whether or not to apply again for the S.A.F.E.R Grant and spoke about how no one knows what is going on with the Grants at the Federal Government level. He is a realist and understands what the budget will look like in the future and that it will be very difficult to add positions in the Lebanon City budget moving forward and a lot of tough decisions will have to be made, but as a Fire Chief he has to tell what is happening in the community so the Council can make the best informed decisions.

BACKGROUND

In October 2023, the City Council authorized the Lebanon Fire Department to seek a S.A.F.E.R. (Staffing for Adequate Fire and Emergency Response) Program Grant for eight (8) additional firefighters to address staffing needs for the department. Fire Chief Jim Wheatley was informed in December 2024 that the City's grant application scored high enough to be added to the funding pool, but available funds had already been exhausted prior to the City being awarded. Subsequently, the City Council added funding for four (4) additional firefighters through the 2025 City Budget review and adoption process.

The next application round of the S.A.F.E.R. Grant Program opens in February 2025, and the City administration seeks guidance on whether to pursue grant funding in the upcoming round, and if so, for how many firefighters.

Highlights from the S.A.F.E.R presentation are presented below.

Staffing For Adequate Fire and Emergency Response (SAFER)

Purpose

- Provide fire departments with additional staffing to better meet:
 - ✓ Service Demands
 - ✓ National Response Standards

Program Funding

- 100% Salary and Benefits for (36 months)

MEASURING SERVICE DELIVERY

Availability—The degree to which the resources are ready and available to respond.

Capability—The abilities of deployed resources to manage an incident.

Operational Effectiveness—A product of availability and capability. It is the outcome achieved by the deployed resources or the ability to match resources deployed to the risks to which they are responding.

MASSCHUSETTS MUNICIPAL ASSOCIATION STUDY STATEMENTS AND RECOMMENDATIONS FROM 2008

"The City's road network and dispersed population make it difficult for the Fire Department to achieve response benchmarks. However, the Department has made progress toward meeting these benchmarks".

"The fire department should add 4 additional firefighters"(2008)

"The fire department should, in long-term add 4 additional firefighters per shift" (2008)

The Fire Department should continue to maintain EMS at the Advanced Life Support Level. The Fire Department should continue to deploy ambulances from both Station 1 and Station 2

The Fire Department should formalize the current practice of having an incident commander available at a structure fire or other significant emergency response.

SERVICE DEMANDS

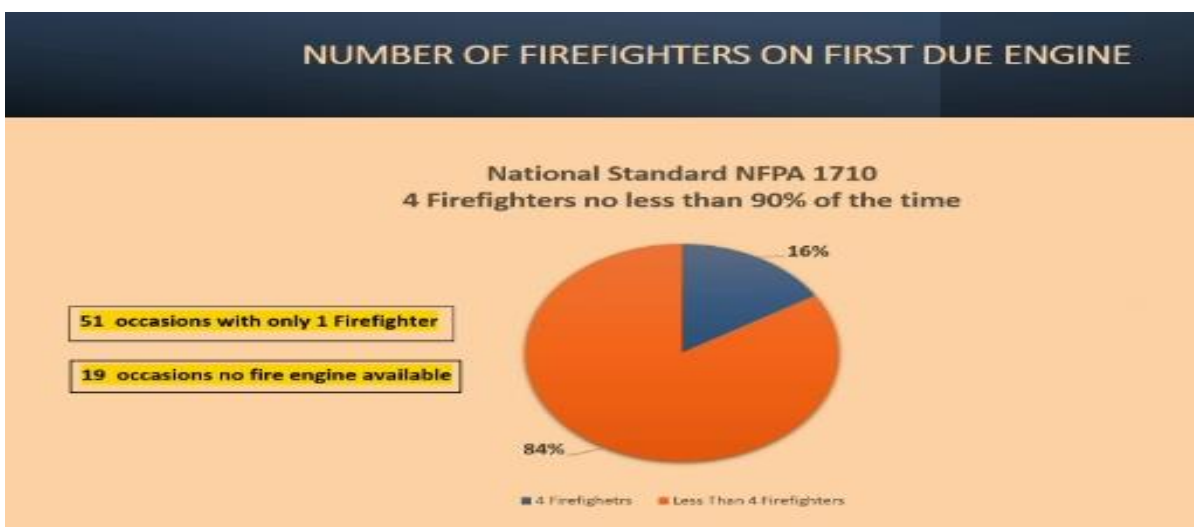
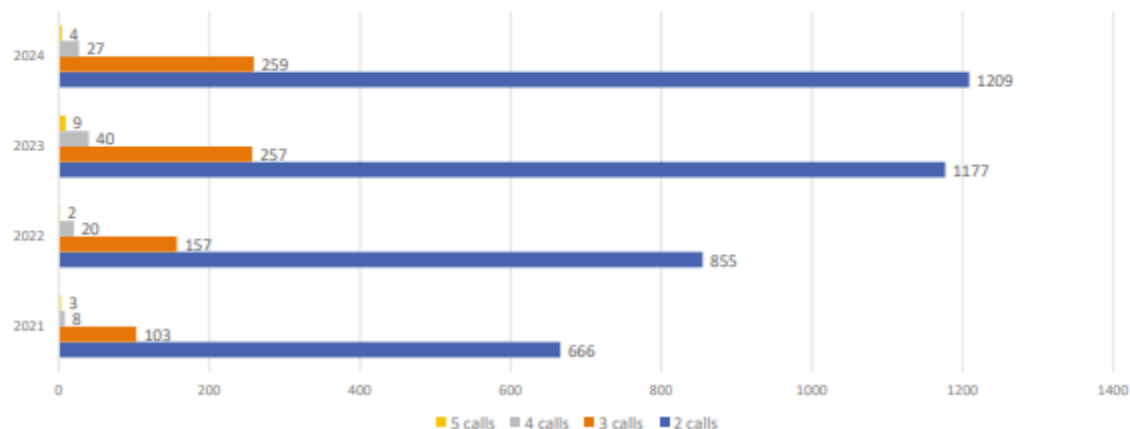
Between 2007 and 2024

- 61% increase in call volume
- Staffing increased by 4% (1 Position)

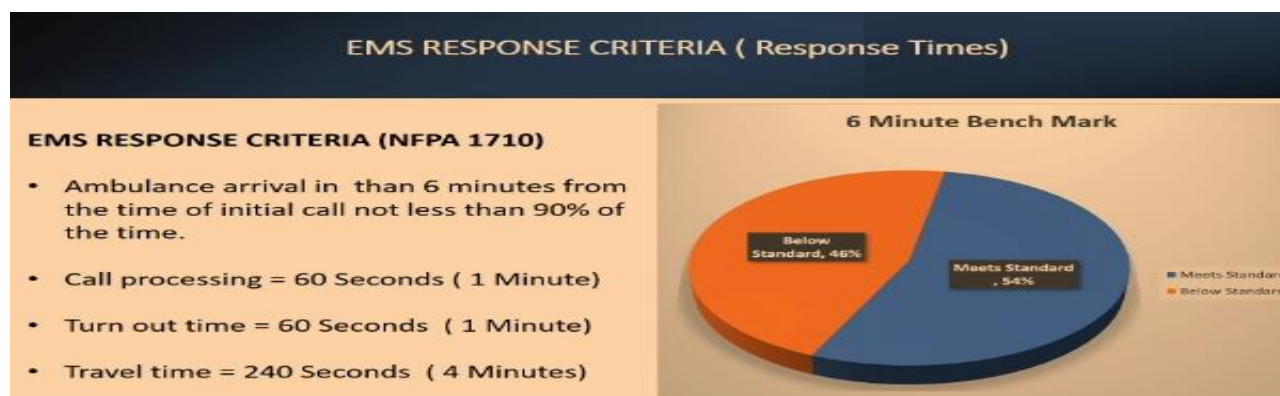
4 New positions are being added in 2025



SIMULTANEOUS CALL BREAK DOWN



This is the GOLD Standard, but Lebanon is unable to achieve this standard. These occurrences are going to continue to grow.



HOW WE TRY TO RELIEVE THE TAXPAYER COST



2024 Operating Budget

\$ 5,278,300 offset by \$1,836,140 in revenue
35% of the operating budget is offset by revenue



2024 Revenue

Alarm Monitoring Fees \$ **83,900.00**
 EMS \$ **1,409,595.00**
 Fire Prevention/Plans Review \$ **29,145.00**
 Mobile Integrated Health \$ **313,500**

THE CONSIDERATION

What does 4 new positions do for the City of Lebanon.

- Allows us to cover 3 ambulance calls which happens approximately 300 times per year and still have 2 members available to cover a fire engine.
- Increases community and responder safety.

Why aren't we requesting 4 more per shift as indicated by the MMA Study

- Even though Data support this. Its not fiscally reasonable to expect to achieve this recommendation in the short term given the tremendous financial strains our taxpayers are experiencing. Long term staffing plans are outlined in Lebanon Strategic Plan.

3 YEAR COST COMPARISON FOR THE CITY OF LEBANON (4 Fulltime Positions)

ANNUAL BUDGET CYCLE	COL COST WITHOUT SAFER GRANT	COL COST WITH SAFER GRANT
2026 Operating Budget	\$ 629,511.00	\$ 57,980.00
2027 Operating Budget	\$ 633,564.00	\$ 42,673.00
2028 Operating Budget (12 Months)	\$ 644,829.00	\$ 18,478.00
TOTAL over Grant Duration (36 Months)	\$ 1,907,904.00	\$ 119,131.00

Grant Covers three years. At end of grant City has the option to retain the Firefighter (FF). However, for the 3 years, the City has the obligation to keep the FF or will need to repay grant funds back to the Federal Government.



Chief Wheatley noted that FEMA hosts this grant. The important thing is that the date we get the notice of award that he has 30 days to come back to the Council and the Council needs to accept the grant. All you would be doing tonight is to say yes or no to apply (for the grant) and if an award is granted, he will come back to the Council to accept or reject the award. Within 180 days he would have to get those employees onboard (if the Council accepts the grant).

Council/Staff Discussions:

In response to Councilor Heistad's question regarding getting staff in place within the timeframe, Chief Wheatley stated his reason why it would be very achievable is because we are not struggling to get candidates.

Mayor McNamara noted this is the 2nd/3rd time the Council has reviewed this presentation, and was very sympathetic to the position the department is in. He understood the call volume is tremendous but also understands that at the expiration of this grant (if we get it) the City's costs would go up another \$660K/year in the budget because, at a practical point, we are not going to lay those 4-5 firefighters off. The last budget season they got 4 firefighters but the flip side of this is that we eliminated 3 positions in other City departments and the next budget season is going to be equally tough because there are no easy choices. He was struggling with where we would go from there and was uncertain if the City would be in a better position (financially) at the end of three years. Adding an additional \$600K + annually makes him think about where else we are going to lay people off in order to keep these new positions. He knows the Fire Department needs the additional personnel but was uncertain if it is feasible for the City to do at this time, even with the S.A.F.E.R Grant.

Councilor Liot Hill spoke about the Dairy Twirl fire last week and the shortage of firefighters able to respond to this fire due to three medical calls happening at the same time. Chief Wheatley noted there were actually 2 active ambulance medical calls and a propane odor at DHMC. Hanover covered another medical call at the same time. Then there was a fire alarm that came in requiring a response and Deputy Chief Libbey responded in their regular staff vehicle.

Councilor Liot Hill noted it was not unthinkable that another call could also have come in at the same time. This is a real safety issue for the people of Lebanon and felt it concerning and important for people to understand that there were literally no more ambulances available and there was no one to get on a truck and leave the Fire Station. She understood the point Mayor McNamara made but in light of the current public safety situation in Lebanon she thought it was important to at least put in the application for the S.A.F.E.R Grant. It does not bind us in accepting the grant but does give us some options, and the public will have a chance to weigh in. It would be prudent for the Council to move forward with the S.A.F.E.R Grant by at least putting in the application.

Councilor Wilkie was inclined to agree with Councilor Liot Hill but understood Mayor McNamara's concern about the budget. However, he felt there is a very real likelihood that the cost of not taking care of our First Responders could have greater consequences (in the future) and further explained his reasoning. He sees the need for 12 more firefighters but agreed the City could not afford 12. Submitting this application for 4 more firefighters may be as close as we could come to a compromise. While all the requests the Council has received are important this one is starker. If we choose not to move forward with this grant, we would be choosing to do so on the public's behalf (without their input). If we do move forward with the application, the public has 6-months to tell us what they think. He further spoke about his reasons why the Council should start the S.A.F.E.R Grant process.

Councilor Simon shared an incident noting that he was one of those people who showed up at a building fire (when he was a firefighter) by himself. It is an incredible gut check when you have to turn to a member of the public and say, "Can you go knock on the doors of the occupied structures on either side of this (fire) to make sure that people know." This person was probably a few years his senior, but he was the only one who stepped up to give me a hand to start evacuating people. The need is there, and we know we are getting crushed financially. We know it is going to be a tough several years for the budget and further explained his reasonings why he hoped the Council would support the S.A.F.E.R Grant.

Councilor Heistad noted that Lebanon prides itself as being a place where people can come and age in place, but it does not come for free. He has had classmates move because they can no longer afford to live here. This is a major problem Lebanon is going to have to live with because it will not get any better. Are we going to try and help people stay in their homes and age in place?

Mr. James Simms (Ward 2): He spoke about how he thought Chief Wheatley should come to the Council and explain how much overtime we could save, which could possibly be budget neutral. He also spoke about how other areas in the Fire Department/EMS could cut costs and compared Lebanon's Fire Department/EMS with Portsmouth, NH. He felt there were other areas where they could tighten their belt. Chief Wheatley, after addressing Mr. Simms' comments, stated he will look into the overtime, the supplies budget, and education and training, and repeat offender false alarms.

Assistant Mayor Below suggested considering two (2) firefighters this year and two (2) firefighters next year and explained his reasoning. He spoke about the crest in Debt Service in a few years for Capital Projects and felt that in a couple of years out we may see some significant retirements. He felt the need is there and could support four (4) firefighters but two (2) might be a more certain thing in terms of being able to smooth out (the budget) when funding stops.

Mayor McNamara reiterated his concern about the \$600K+ being added to the budget when funding from S.A.F.E.R Grant runs out in three years. He did not mind the idea of 2 (firefighters).

Councilor Whittlesey noted the Council has heard from constituents who have told him they are leaving because they can no longer afford the taxes. We have to be very careful because the City cannot absorb \$600K and further explained his reasoning noting this will mean cuts if we are going to level the budget. What is going to go: the pool? Recreation Programs? Cuts to the Library or other essential services? This is the position we will be in at the \$600K. He reiterated his concern again but stated he could consider two (2) firefighters but was hesitant to do more given the fact the City cut 3 positions this year and felt something more drastic would have to be done 3 years from now.

In response to Councilor Wilkie's question about not being able to apply for another S.A.F.E.R Grant if we already have one (i.e., request 2 this year and 2 next year) Chief Wheatley stated that was the previous terms but now we can apply for 2 this year and can definitely apply for 2 in the following year as well.

The Council continued their discussions regarding the uncertainty of what will happen in the future; how the Council can maximize options; how it makes sense to submit this grant for 4 firefighters given the gravity of the public safety conditions; the importance of engaging the public in the final decision; keeping people in the City who can age in place and not leave due to unaffordability of taxes; and, applying for only 2 firefighters this year.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council directs the City Manager to submit a S.A.F.E.R. grant application for four (4) full time firefighter positions. If the grant is awarded, it is understood that the four (4) positions funded through the S.A.F.E.R. Program will be maintained for the performance period of 36 months, and no staffing reductions can occur within the Fire Department during the grant performance period. The City would be responsible for fully funding the four (4) positions after the 36-month period.

Seconded by Councilor Wilkie.

****The Vote on the Motion was approved (5-3).***

Voting Yea: Assistant Mayor Below and Councilors Liot Hill, Simon, Wilkie, and Zook.

Voting Nay: Councilor Heistad, Mayor McNamara and Councilor Whittlesey

Absent from Vote: Councilor Sykes.

B. Review and Discussion of Potential Expansion of Colburn Park National Register Historic District Boundary

Assistant Mayor Below recused himself from this discussion and vote because he owns one of the properties that would be moved into the Historic District Boundary.

Included in the agenda packet: **(NOTE: Please refer to the extensive supportive documents and detailed information, which can be found on pages 79-118, Council agenda packet)**

1. Agenda Request Form from Councilor Wilkie received October 7, 2024
2. January 23, 2025 Memorandum from Planning & Development Department Staff RE: 2025 Application to DNR to Expand the National Register District in Lebanon, including:
 - a. January 22, 2025 letter from NH Division of Historical Resources
 - b. Draft National Register of Historic Places Registration Form

Nicole Ford Burley (Chair, Heritage Commission & City Historian), Brandy Loughlin and Megan Rupnik (NH Division Historical Resources), and Max Smith (Vice Chair, Heritage Commission) were present to review and support the Potential Expansion of the Colburn Park National Register Historic District Boundary.

Chair Ford Burley gave a presentation about Lebanon's only National Registered Historic District, Colburn Park, in the interest of gaining the Council's approval to submit an update for the district to increase its boundary in the National Register of Historic places. She spoke about the background.

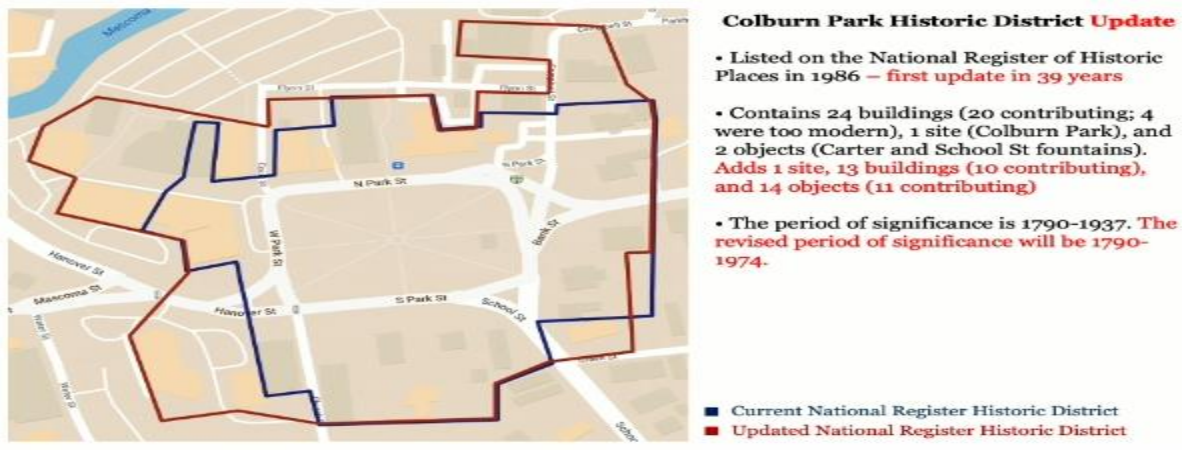
Ms. Brandy Loughlin (Preservation Planning & Development Coordinator, NH Division of Historical Resources), spoke about what it means to be listed in the National Register and reviewed what changes would be made under the update. (For complete details, please refer to the page numbers listed above, especially **her memo listed on pages 85-86, Council agenda packet.**)

BACKGROUND

Last fall, Councilor Wilkie submitted a City Council Agenda Request Form on behalf of the Lebanon Heritage Commission to discuss the potential expansion of the Colburn Park National Register Historic District Boundary Line.

In recent years, the Heritage Commission has received multiple Certified Local Government (CLG) grants to survey and update the National Register Historic District, which was established in 1986. Having completed the grant-funded studies, the Heritage Commission requests the City Council's support and approval to submit a National Register of Historic Places Boundary Expansion Application to the NH Department of Natural and Cultural Resources and the National Park Service.

One of the reasons why the Heritage Commission would like to update the National Registers Historic District is to include the building and structure that were not eligible 40 years ago which are now recognized as historically significant and are important parts of the Colburn Park District.



**Figure 2:
Recommended Boundary Expansion Map**



Original Listed District Boundary- RED
Expanded Boundary Expansion – BLACK



**Colburn Park Historic District (National Register)
vs
Lebanon Historic District (local zoning)**

- Though they cover similar areas, the Lebanon Historic District (LHD) covers a larger area than the current National Register district.
- The LHD is a zoning district and carries regulatory authority.
- The updated National Register district will cover the entire LHD, as well as 6 additional buildings.
- Currently, 5 buildings are part of the LHD but *not* part of the National Register district.

- Current National Register Historic District
- Updated National Register Historic District
- Lebanon Historic District (LHD, zoning)

<u>Current Colburn Park Historic District</u>	<u>2025 District Additions</u>
• Mascoma Savings Bank (non-contributing) • Richards Block • Lebanon City Hall • Rogers House • Soldiers Memorial Building • LaCoss/Gulf Station (non-contributing) • Frank C. Churchill House • Churchill Carriage House/Barn • Carter Homestead • Lebanon Public Library • U.S. Post Office (non-contributing) • Village House, 1 School St • Willis House, 2 South Park St • Wood House, 4 South Park St • Wood Carriage House/Barn • Kendrick-Wood House, 8 South Park St • Kendrick-Wood Carriage House/Barn • First Congregational Church • Lebanon Fire Station (non-contributing) • National Bank Building • Whipple Block • Pulsifer Building • Hildreth's Hardware • Colburn Park • Information Booth/Bandstand (non-contributing) • Carter Fountain • School Street Fountain	• Lebanon Mall • 20-22 Hanover St (McNeill's) • 24 Hanover St • Woolworth Building, 15 Hanover St • 31 Hanover St (non-contributing) • Lewis Hardware Block, 39 Hanover St • Pavilion Building, 45 Hanover St (non-contributing) • Court Street (non-contributing) • Emerson Block, 2 Campbell St • Carter Community Building • A & P Store, 10 Campbell St • J. Goodhue House, 3 School St • IGA, 2 Mascoma St • Butson's Market, 2 Mascoma St Structures Made Contributing: - LaCoss/Gulf Station - U.S. Post Office - Information Booth/Bandstand Defined Objects: - The Infantryman statue - Stacked Cannonballs sculpture - Shells sculpture - Colburn Park border fence - WWI Veterans Memorial - All Wars Veterans Memorial

Council/Staff Discussions:

In response to Mayor McNamara's question regarding costs to the City for this expansion, Chair Ford Burley said there are no additional costs to the City.

Mayor McNamara also questioned if a landowner, who is not looking for any special grant funding because they have this historic building but wants to do a renovation, does this expansion make their construction/permitting process any more complicated than it is today? Chair Ford Burley stated it does not. The only qualifiers are if they are applying for any federal funding, permitting, or licensing (i.e., HUD funding could trigger a review). They also discussed the benefits of having a building listed in the National Historical Registry (i.e., tax credits, etc.).

Mayor McNamara noted that if this does not impose any additional development hurdles, but it potentially streamlines the process for someone to get potential grants from the Federal Government for redevelopment, then he felt the benefits outweigh the costs.

Councilor Liot Hill spoke about her reasons why she supports this request noting it will protect/preserve properties in Lebanon.

Councilor Wilkie also spoke about his reasons why there is a need to have written historical documents(s) for Lebanon.

Mr. Clifton Below (Ward-3): Speaking as a member of the public, he stated he is also the managing general partner of 1 Court Street Associates that owns 1 Court Street. He made a couple of factual corrections for the record: 1) Court Street should be listed as 1 Court Street. 2) The upper windows in the description of this are not fixed, they “do” open.

ACTION:

Councilor Wilkie MOVED, that the Lebanon City Council hereby endorses the boundary expansion of the Colburn Park National Register Historic District and supports the submission of the nomination to the National Register of Historic Places.

Seconded by Councilor Simon.

***The Vote on the Motion was approved (7-0-1). Assistant Mayor Below was recused.**

Assistant Mayor Below was un-recused after the vote was taken and returned to the Council as a regular member.

11. City Manager Report:

A. WESTBORO YARD ACQUISITION STATUS REPORT

Background

The City began discussions with the NH Department of Transportation as early as 1999 to acquire or lease portions of the Westboro Rail Yard. The discussions have gone back and forth relative to leasing or acquiring the property. The latest discussion over the last several years have focused on the DOT preference for the City acquiring the property. A purchase and sales agreement has been under negotiation for the last two years.

The City's preference was for a long-term lease agreement for an agreed upon portion of the property. The City has been clear all along that it had no intention of taking on the liability of the environmental contamination of the property which is well documented through various studies. There is a ground water management permit issued for the site by the NH Department of Environmental Services. The lease would allow the City use of the property to construct and operate recreational facilities such as an athletic field, parking area and riverwalk.

Former DOT Commissioner Victoria Sheehan and present Commissioner William Cass requested the City acquire the property instead of leasing it. DOT felt this would be a cleaner process and would not require the management of a lease agreement by DOT. The City stated it would be interested in an acquisition instead of a lease only under the condition that DOT maintain the environmental contamination liability issues as if it were the owner of the property. With that mutual understanding the City began a Phase I & II environmental assessment at its cost of the area to be acquired by the City. Legal counsel for the City has worked with the Attorney General's Office regarding contract language that would be agreeable to the City and the State. There have been numerous meetings with DOT and City officials to address concerns with different proposed versions of the agreement.

Deputy City Manager David Brooks and I participated in a virtual meeting with State officials on January 29th. The latest proposed language articulated by the State in Section 21F of the agreement does not take responsibility for the environmental contamination on the site after the acquisition. This is a change in the State's position relative to the City acquiring the property. Assistant Attorney General Robert Pearce stated that the State could not maintain liability for the environmental contamination after the transfer of the property to the City. However, the State would maintain responsibility for the ground water management permit responsibilities. He stated the State does not have an appropriation to comply with a potential EPA ordered environmental remediation or cleanup of the property. I countered with stating the State presently owns the property and if such an EPA administrative or court order were to be issued the State would need to comply whether it has an existing appropriation or not.

Assistant DOT Commissioner Andre Briere (retired USAF Colonel) stated that he has worked on superfund sites on military installations. He stated it was very unlikely the EPA would issue an administrative order to mitigate or clean up this site. He reiterated the State's position that a lease agreement with the City is not an option for DOT.

Despite the assertions of ADOTC Andre Briere I would recommend to the City Council that it not agree to the acquisition as proposed by the State. The risks associated with the potential of an

EPA order to mitigate or clean up the site at some time in the future and the potential significant costs in doing so far out way the value of the passive recreational uses the City would derive from the property.

I find the States position unfortunate for the following reasons.

1. The State leases portions of the property to the railroad and other private entities without the requirement that those entities having any responsibility for the pre-existing environmental contamination on the site and yet it will not lease other portions of the railyard to one of its political subdivisions, the City of Lebanon.
2. There is nothing in State law that would prohibit the State from entering into an acquisition of the property with the City while maintaining the environmental contamination liability it presently assumes.
3. The City would make improvements to the property that would make it an asset in the middle of our downtown West Lebanon community instead of its present abandoned state. The State has allowed persons to camp on the property and dispose of human waste and trash on the site with little to no management of the property.
4. The City has agreed to assume half of the cost of the proposed new access road from South Main St. by the Rt 12A bridge. This access road would allow trucks and other vehicles to access the remaining portion of the property owned by the State that will continue to be leased to third parties. This would mitigate trucks from traveling onto Main St. and negotiating the constrained turn from Railroad Ave. onto Main St. The diversion of truck traffic from the Main St. area will reduce traffic congestion and provide a more efficient route to I-89 via. South Main St.
5. Overall this is an unfortunate lost opportunity for the State to partner with the City to make positive improvements to this area that benefit both the State and the City.

City Manager Mulholland updated the Council on the Status of the Westboro Yard Acquisition noting that the City has been going through this for over a 27-year period, and maybe further back than that, and briefly summarized the negotiation history going back 2 two years. At that time, Deputy Commissioner William Cass and Commissioner Sheehan suggested that the City not pursue the issue of leasing the property and instead consider buying the property. The City's position then was that we did not want to acquire it because we did not want the environmental liability that is well known at the site. Commissioner Sheehan's position was that if the State agreed to maintain that environmental liability for the things that were on the property, would the City reconsider? She came back to the Council with her proposal and the Council told her to consider discussions along that vein.

Mayor McNamara stated the rationale at that time was for a sale vs. a long-term lease because it gave the City of Lebanon more flexibility with regard to using the property. If we leased it and then decided we wanted to do something different with it in the future it would be a very difficult process.

City Manager Mulholland noted that the City spent time and money to work on a Purchase & Sales Agreement which was provided to the State, and we went back and forth numerous times making changes to this document to meet the requirements they were looking for. Now, we have a new Assistant Attorney General who was assigned this matter and the position of the NHDOT just changed their position and are not going to take on the environmental issues for this site. The City Manager's position was that this was not acceptable and felt this matter was over with. The City is not interested in moving forward at this point, but that he would bring it before the Council for their review and decision.

Council Comments:

Councilor Liot Hill discussed how frustrating this situation is and spoke about her work on the Westboro Yard Committee twenty (20) years ago. That property is not going anywhere and we have heard from the residents of West Lebanon that they would like the Council to do something with it. While she understood the City Manager's frustration and wanting to walk away, she requested the Council put this

on a pause for now, noting we have a new Governor and a new Executive Councilor noting this provides some opportunities to reframe the conversation. She consulted with the NH Executive Councilor Kenney who, a few years back, did convene a meeting with Mayor McNamara, the NHDOT and DES which helped getting some permission to take down the buildings that were on the property. Having another meeting like this could possibly help with breaking this stalemate and asked the Council to give her a chance to try and facilitate something to find a way through this, understanding that we need to protect the taxpayers of Lebanon from taking on any undue liability for the environmental contamination, that is clearly not our fault and further explained her reasoning.

Mayor McNamara supported Councilor Liot Hill's request, and he would like to see this go before the State's Executive Council and Governor Ayotte, but he does not want to go another 2-3 years and end up in the same place. The bottom line is that the City is not going to accept the environmental liabilities. He suggested that we simplify this and do a 100-year lease since the City has no particular need to own the property, especially if it is going to be used as an open space for recreation and further discussed his reasonings.

The Council continued discussion regarding the cost of the access road, which the City is responsible for paying half of (City responsible for more than 50% (roughly \$800K of that \$1.7M cost); their support for Councilor Liot Hill's request; what would happen if the City said no, do not move forward with the plans to finish the road; the purpose of the (access) road is to allow people to use it to get to the park and allow the State access so they are not going through our West Lebanon Downtown; whether or not the access road would stop the bridge project and if it does not, the City would then have that \$800K to use for other projects; having a discussion regarding putting a pause on the purchase of Westboro Yard; why have a road if the City will not be acquiring the property; how the downside of not having the access road is that the City will be losing their ability to do anything with that property (.i.e., we cannot clean it up, we cannot use it, etc.); the importance of getting the bridge out to bid, which needs to be done soon; how building the bridge now could be done, but it would be done solely at the City's expense; is it worth \$800K for the City to have some control over the Westboro Yard site, which is a question that needs to be answered very soon; and, does the bridge design become more simplified and therefore less expensive without the access road or does the access road actually limit the flexibility and design of the bridge itself? (Answer from City Manager is no.)

Councilor Liot Hill reiterated again that she does not want to make a decision tonight and explained the capital costs the City has already spent on this property. She suggested putting this on the Council's agenda and communicating with the NHDOT to let them know we do not want to pay for an (access) road to nowhere and we do not want to be responsible for any environmental issues.

After further discussions regarding the access road and its costs, the Council decided not to consider the Purchase & Sales Agreement (included on **pages 121-135**, Council agenda packet) until further discussions can take place.

ACTION: NO ACTION TAKEN BY THE COUNCIL.

City Manager Mulholland continued his updates to the Council as follows:

- Main Street Reconstruction Project (\$1.9M shortfall and project will need to be phased)
- Federal Grant Status: Tree Advisory Board; DPW; Energy-Related Grants (Solar; Fire Stations) and Airport (\$30M, unclear). Grants on hold due to uncertainty/guidance/standards from the Federal Government.
- Passive devices will be used to deter bird messes (will not harm/kill birds).

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: February 19, 2025: Continue discussions regarding Westboro Yard.

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

***Councilor Whittlesey MOVED for adjournment.
Seconded by Councilor Heistad.***

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

The meeting was adjourned at 9:22 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary