



**LEBANON CITY COUNCIL
APRIL 2, 2025 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

To participate in this meeting, please [join live](#) via Microsoft Teams or call 929-229-5356 (access code: 172 843 198#). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).

1. Call to Order

The April 2, 2025 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Board, Committee, and Commission Reports (1st Quarter 2025)

4. Public Forum Announcement by the Mayor

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

5. Open to the Public

6. Recognitions

A. Refill Not Landfill Proclamation

7. Approval of Minutes

- A.
- March 13, 2025 (Canvass of Vote)
 - March 19, 2025 (Regular Meeting)

8. Appointments

A. Library Board of Trustees, Adam Ali (Alternate Member)

9. Public Hearing Items

A. Ordinance #2025-01

A public hearing for the purpose of receiving public input and taking action to delete and repeal City Code Chapter 179, Vendors, and to replace it with a new City Code Chapter 179, to be entitled Vendors

- Presentation:
- Opening of the Public Hearing:
- Questions & Comments by the Public:
- Closing of the Public Hearing:
- Council Deliberation & Action:

10. Old Business: None

11. New Business

- A. Presentation of American Public Works Association (APWA) Accreditation Process
 - B. Request from Devon Blanchard of DB Lights for a Monument in Colburn Park
 - C. Ordinance #2025-05
Discussion and Set Public Hearing for April 16, 2025: Ordinance #2025-05, City Code Chapter 31, Boards, Committees & Commissions, to Add the Lebanon Energy Advisory Committee (LEAC)
 - D. Town of Wentworth Recycling Agreement
Authorization for City Manager to enter into an agreement with the Town of Wentworth, NH for limited purpose of receiving recycling material at the Lebanon Solid Waste & Recycling Facility
 - E. Ordinance #2025-06
Discussion and Set Public Hearing for May 7, 2025: Ordinance #2025-06, Adopt New City Code Chapter 85, Housing Standards, Minimum
 - F. Discussion of Proposed Amendment to City Council Rules: Chapter A191-8, Order of Business
 - G. Proposed Revisions to CC-108 Ethics Policy
Presentation & Discussion of Proposed Revisions to City Council Policy CC-108 Ethics Policy to create a combined policy to include City employees presently covered by ADM-108 Ethics Policy
- 12. City Manager Report**
- 13. Council Representatives to Other Bodies Report: None**
- 14. Future Agenda Items: See below.**
- 15. Non-Public Session**
- A. RSA 91-A:3, II(a)
“The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her...”

16. Adjournment

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

Future Board/Committee/Commission Appointments
Board/Committee: Economic Development Commission
Position: Regular Member
Applicant: J. Townsend

Lebanon City Council Agenda
April 2, 2025

City Councilor: D. Wilkie
Assigned Date: 3/20/2025

Board/Committee: West Lebanon Revitalization Advisory Committee
Position: Regular Member
Applicant: S. Roberts
City Councilor: C. Below
Assigned Date: 3/6/2025

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

April 16, 2025

Public Hearing Items:

- A. Ordinance #2025-02 – A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets, to Remove One-way Designation of East End of Memorial Drive
- B. Ordinance #2025-03 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets, to Remove One-way Designation of North End of Church Street
- C. Ordinance #2025-05 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 31, Boards, Committee and Commissions, to add the Lebanon Energy Advisory Committee (LEAC)
- D. Potential Acquisition of Portions of Westboro Yard

Old Business:

- A. Discuss proposed Strategic Plan changes received during the public engagement session that occurred in January and February.
- B. Discussion and Set Public Hearing for April 2, 2025: Ordinance #2025-04, To Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, Section 68-15, Enumeration of Fees, to Provide a Preliminary Sewer Rate for the Town of Enfield for 2026

New Business:

- A. Release of Collected Public School Impact Fees (1st Quarter 2025)
- B. Storrs Hill Facility Planning Advisory Group Presentation

April 24, 2025 – Strategic Plan Work Session

April 26, 2025 – Strategic Plan Work Session

May 7, 2025

New Business:

- A. Discussion and Set Public Hearing for June 4, 2025: Supplemental Appropriation for Mechanic Street Sidewalk Segment 2 Improvements; and to authorize a transfer in the amount of \$xxxxxx from unassigned fund balance
- B. Presentation of Downtown Parking Lot Redevelopment Study Report
- C. Presentation and Discussion of Potential Signal Hill TIF District
- D. Discussion and Set Public Hearing for May 21, 2025: Proposed Amendments to the Lebanon Zoning Ordinance as follows:
 - 1. To add new Section 615, Mobile Food Service Vending; to Allow Mobile Food Service Vending in the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC), General Commercial One (GC-1), Light Industrial (IND-L), Medical Center (MC), and Medical Center Two (MC-2) zoning districts; to add various definitions to Appendix A
 - 2. To add "Hotel" as a Permitted Use in the General Commercial One (GC-1) District
 - 3. To add "Care and Treatment of Animals" as a Use Allowed by Conditional Use Permit in the Residential Office One (RO-1) District
- E. Receive public input on Strategic Plan



PROCLAMATION

Refill NOT Landfill Month



WHEREAS, the City of Lebanon owns and operates the Lebanon Landfill that has a permitted disposal capacity of another 5 years; and

WHEREAS, the City is concerned about conserving natural resources and with preserving the landfill disposal capacity for future Lebanon residents; and

WHEREAS, the City recognizes that the waste from single-use items like plastic water bottles, coffee cups, grocery bags et cetera, uses natural resources and consumes landfill disposal capacity; and

WHEREAS, the City also recognizes that eliminating waste through reuse is cost effective and environmentally beneficial; and

WHEREAS, choosing to reuse items like refillable containers for water, coffee and other beverages have the potential of reducing waste that will require disposal in the Lebanon Landfill; and

WHEREAS, choosing to reuse cloth grocery bags, cloth napkins and packing a lunch for school or work has a positive impact on the environment; and

WHEREAS, to encourage waste reduction, the month of April 2025 will be designated as "Refill NOT Landfill Month".

NOW, THEREFORE, BE IT RESOLVED, that the City of Lebanon hereby proclaims the month of April 2025 as Refill NOT Landfill Month and encourages residents to join in observing this month to reduce waste that is ultimately disposed of in the Lebanon Landfill by using reusable items like travel mugs, water bottles, and grocery bags.

Proclaimed this 2nd day of April in the year Two-Thousand Twenty-five.

Mayor, City of Lebanon

**Agenda
Lebanon City Council
April 2, 2025**

7. Acceptance Of Minutes:

Minutes To Be Accepted

- March 13, 2025 (Canvass of Vote and Special Meeting)
- March 19, 2025 (Regular Meeting)

MOVED, to approve the minutes as presented in the April 2, 2025 agenda packet.

DRAFT

**CITY OF LEBANON CITY COUNCIL
CANVASS OF THE MARCH 11, 2025, VOTE /SPECIAL MEETING
MINUTES
MARCH 13, 2025– CITY HALL**

MEMBERS PRESENT: Mayor Timothy McNamara, Assistant Mayor Clifton Below,
Councilors: Erling Heistad, Karen Liot Hill, Chris Simon, Doug
Whittlesey, Devin Wilkie

MEMBERS ABSENT: George Sykes, Karen Zook

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David
Brooks, Deputy City Manager Special Projects Paula Maville, City
Clerk Jaseya Ewing, Deputy City Clerk Kara Tracy, Deputy Tax
Collector Diane Mulholland

Per the City Charter, the City Council met on March 13, 2025, to canvass the March 11, 2025,
municipal vote.

1. **CALL TO ORDER:** The meeting was called to order by Mayor McNamara at 8:00 AM.

2. Councilor Simon led the Council in the Pledge of Allegiance.

- City Manager Shaun Mulholland spoke about the meeting criteria for the public.
- City Manager Shaun Mulholland read §C419:14 of the City Charter.

3. **Canvas-of-Vote Meeting:**

The City Council reviewed the voting results as presented by Mayor McNamara from the City Clerk
Jaseya Ewing.

Motion by Councilor Heistad:

BE IT RESOLVED, that voting results of the March 11, 2025 City Election, as presented by the
City Clerk, be accepted as printed and that the following persons be declared elected to serve as:

Ward Councilors:

(2-year terms)

Douglas Whittlesey, Ward 1

Devin R. Wilkie, Ward 2

Nicole Ford Burley, Ward 3

Councilors At Large:

(2-year term)

Laurel Stavis

Library Board of Trustees:

(3-year terms)

Ellen Hubbell

Moderators:

(2-year terms)

Roxanne Benzel, Ward 1
Vacant, Ward 2
Matthew J. Fay, Ward 3

Ward Clerks:
(2-year terms)

Vacant, Ward 1
Vacant, Ward 2
Vacant, Ward 3

Supervisor of the Checklist:
(2-year term)

Eileen Taylor, Ward 1
Gail Patten, Ward 1
Margaret Hastings, Ward 1
Valentina Baldwin, Ward 2
(2) Vacancies, Ward 2
Heidi Conner, Ward 3
Kim Rheinlander, Ward 3
Karen Sheehan, Ward 3

Respectfully submitted,
Jaseya Ewing
Lebanon City Clerk

Seconded by Councilor Liot Hill

**The Vote on the Canvas-of-Vote Meeting was approved among the members present (7-0).*

The Canvas of Vote meeting adjourned at 8:03 am.

CITY COUNCIL SPECIAL MEETING

Mayor McNamara opened the City Council Special Meeting at 8:04AM

3. City Manager Hiring Process

A. Meet with Municipal Resources Inc. (MRI) to discuss the City Manager hiring process and the role of an Interim City Manager.

Mr. Alan Gould (President of MRI) and Mr. Jack Wozmak from MRI came forth to introduce themselves and gave a background of MRI and the hiring process for replacement of the City Manager position.

Mr. Jack Wozmak, who will be taking over the role of Interim City Manager, noted he began his career in government administration back in 1998 when he ran the Cheshire County Government for 18 years; worked with Governor Hassan on a grant-funded project regarding the opioid epidemic; worked as manager for the City of Keene, NH's Airport (1-year contract but stayed there for 3 years); he was also Director of Human Resources for a local mental health agency; then started working for MRI. Prior to his work in the County, he practiced law in

1 Massachusetts. He had also worked as Interim City Manager for a few major towns (Enfield,
2 Cannan, Hinsdale). At the moment, he is finishing up in Meridith, NH.

3
4 For the benefit of incoming City Councilor Nicole Ford Burley, City Manager Mulholland
5 explained the interim plan for the City of Lebanon, NH, noting the goal is to make sure the City
6 keeps moving forward without a pause during the transition.

7
8 City Manager Mulholland and Interim City Manager Wozmak will work together for the next
9 several months, which will allow them to finish the Strategic Plan and issue directives to the
10 City's departments. It is critical that Mr. Wozmak is involved with the budget process and how
11 it works, because he will be working with Department Heads to build the budget, which will then
12 be turned over to the new City Manager, once one has been hired, and further explained how the
13 budget would be a big change for staff. He also noted that the City would be having a new
14 Finance Director and a new Deputy Finance Director. City Manager Mulholland stated his last
15 day will be May 30, 2025 (90 days), in accordance with the State's Charter.

16
17 Mr. Jack Wozmak will start as Interim City Manager on April 1, 2025. He anticipates being in
18 the City 2-3 days/week although his schedule will remain flexible and will work with City
19 Manager Mulholland to understand what the City's needs are and what the time schedule should
20 be. Mayor McNamara added there will be some day-to-day operational duties and felt it is a
21 critical time for the City's Budget, noting that by May 14, 2025 the City is planning to adopt
22 their Strategic Plan, which starts the budget process.

23
24 At the request of Councilor Simon, Mr. Gould described what MRI does throughout the State
25 and what they would be doing for the City and noted Mr. Wozmak will be overseeing the
26 recruitment process for the City of Lebanon and will be developing the City/community profile.

27
28 Mr. Gould spoke about how brutal the hiring market is at the moment and noted there are more
29 good people leaving their positions now than are entering the market. Those that are entering the
30 market are good people, but they do not have the experience. Salaries have escalated since
31 COVID. He has advised City Councils and towns to make sure that they put enough funding into
32 the advertising as to what the top salary range is in the profile, which is an opportunity to sell the
33 City to potential candidates. He further explained what needs to be done in developing the
34 City/Community profile. It would most likely take a couple of weeks to develop the profile.
35 MRI would also be requesting essays from potential candidates; will be doing background
36 checks and doing phone interviews for each candidate. While there may be multiple candidates,
37 they would bring back the three (3) final candidates to the Council for their review. Mr. Gould
38 and City Manager Mulholland further explained how interview screenings would be conducted.

39
40 Mayor McNamara spoke about why the Council needed to act quickly on the salary for a new
41 City Manager and suggested an April meeting after the new City Councilors have been seated.

42
43 The Council and Mr. Gould continued discussions on how to post the salary range (i.e., hiring
44 range up to; commensurate with experience; etc.); the Council's concerns regarding the
45 residency requirement in the City's Charter; how long it would take to change the residency
46 requirement; the difficulties/concerns a potential candidate might have with the City's residency

1 requirement; the housing shortage/costs in Lebanon and how that might affect a potential
2 candidate's decision; the timeline for changing the City's Charter regarding the residency
3 requirement; how most cities/towns have changed their residency requirement to a non-resident
4 status that would allow candidates to commute to work; potentially holding a Special Election
5 Meeting regarding the residency requirement in the City's Charter to get input from the residents;
6 the need to have public discussions early to actively engage with the community; comparable
7 salaries that other cities/towns are paying their managers/administrators (i.e., Hanover \$172K;
8 Somersworth \$170K; Amherst Town Administrator \$175K; Hudson Town Administrator \$170K;
9 Meridith \$160K; Laconia \$160K+/-; Rochester \$178,750; Portsmouth \$189.5K; Dover is off the
10 charts at \$259K+/-; Lexington, MA \$260K; Lebanon currently at \$164K); the regional
11 population pool for candidates that Lebanon will be drawing from; work arounds on the
12 residency requirements for the City (i.e., develop housing for new City Manager on city-owned
13 land; purchasing/renting an apartment; potential use of house on the Mascoma Street Extension;
14 making sure that in the advertisement the resident requirement is mentioned and the details can
15 be worked out later.

16
17 Councilor Simon spoke about having uncomfortable talks with his constituents concerning the
18 level of pay/benefits for the City's employees and requested the need to have more background
19 information rather than having just a number so Councilors can go out and talk to their
20 communities.

21
22 The Council continued discussions regarding making a salary decision at their meeting on March
23 19th, and while the new Councilors will not be seated at this time, they could still attend this
24 meeting and participate in the discussion; the pros/cons of the residency requirement; the
25 importance of having public engagement with the City by future candidates; housing costs; the
26 challenges a candidate might have with family (i.e., having kids in schools where they might
27 want to commute; a candidates' spouse needing to find a job); salary challenges; reasons for
28 government toxicity; and labor shortages.

29
30 Deputy City Manager Brooks noted that in looking at the Charter, the citizens binding initiative
31 process states that if it passes it takes effect in the next municipal year. For a Charter that the
32 Council initiates, such as the ones passed on Tuesday, the Council can identify when it can take
33 affect (i.e., those passed on Tuesday can take effect on July 1, 2025). Unless the Council has a
34 Special Election, you would be looking at March of 2026 (for the residency requirement to be
35 lifted). The Council does have some flexibility (in determining the effective date).

36
37 Hiring process:

- 38 • Profiles: MRI will be reaching out to the Council within 1 week
 - 39 ○ Suggested MRI interview the 9 Councilors seated and the 2 new Councilors
- 40 • MRI will bring 4-5 finalists to City Council for their review
- 41 • Next Steps will be determined by the Council:
- 42 • More extensive interviews by MRI will be done after final candidates are selected and
43 then a discussion of salary range will be done

44
45 Councilors Liot Hill and Whittlesey requested the Council receive a list of all the applicants so
46 everyone can understand what the larger pool looks like.

1
2 Mayor McNamara also requested more information regarding MRI's vetting process.
3

4 **4. Adjournment**

5 ***Councilor Heistad MOVED for Adjournment.***

6 ***Seconded by Councilor Wilkie.***

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

8
9 ***The Special Meeting was adjourned at 9:04 AM**

10
11 Respectfully Submitted,

12 Dona E. Gibson

13 Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, March 19, 2025, 6:00 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, Public Works Director Jay Cairelli, Planning & Development Director Nathan Reichert, Deputy Director of Planning & Development Tim Corwin, Chief Innovation & AI Officer Melanie McDonough, Deputy Finance Director Alesia Williams, City Engineer Brian Vincent, Planning Administrative Assistant Crystal Taplin

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

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

- City Manager Shaun Mulholland announced the meeting criteria for the public.
- Councilor Zook attended the meeting remotely because she was ill.

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

NEW BUSINESS Item10E was taken out of order from the agenda packet and discussed first by the Council.

- E. Council Discussion with NHDOT Commissioner William J. Cass and NHDOT Deputy Commissioner Andre J. Briere (By prior arrangement by the City Council, this discussion item was commenced at 6:00pm)

Councilor Liot Hill read a lengthy memo she prepared for the Council that included a timeline/ history for the Westboro Yard between the City and the State since she has been on the Council. Her memo also included environmental discussions, the Dry Bridge Project, negotiations with the Railroad, the access road, etc. She stated the City now has the opportunity to take ownership of the Westboro Yard, fulfilling the long-standing aspirations of the residents of West Lebanon and the entire City. As she understands it, the remaining issues to be resolved are:

- 1) Liability for future environmental contamination at the Westboro Yard, and
 - 2) Access to the Westboro Yard and the finalization of the Dry Bridge Replacement Project.
- (Note: The memo was not included in the agenda packet but is available to listen to on the City's Website for this meeting.)

NHDOT Commissioner William J. Cass and NHDOT Deputy Commissioner Andre J. Briere introduced themselves to the Council.

Commissioner Cass started their opening statement by saying their department is certainly motivated to work with the City and will try to find a solution (for Westboro Yard). They want to fairly allocate the

1 risks for environmental contamination and have done a lot of work on this agreement over the past few
2 years by doing the necessary environmental characterization of the area and making sure that there is
3 nothing there or making sure we understand what is there. Through those discussions, there have been
4 some things that have come up and felt they have negotiated good faith on (i.e., the ground water permit
5 from the diesel spill/emissions that came up in the 70's & early 90's). We know there has been a diesel
6 leak there and a ground water permit since then. We recognize the City's concern and recognize it covers
7 the whole area where the State is going to retain responsibility for that ground water permit. Most of the
8 environmental characterization that has taken place in the last two years of evaluation have not raised any
9 significant red flags that can't be dealt with. Things that are identified in the agreement are mainly
10 anything before the sale goes through (i.e., exists there, anything that is determined to be the
11 responsibility either from past actions of either the department or prior owners) would be the State's
12 responsibility. This is spelled out in the agreement. Going forward, any change of condition based on the
13 activities that the City does with their passive recreation, they would be responsible for any exacerbation
14 of the underlying contamination. One of the outstanding issues has been "What if something comes up
15 that is unknown? What if something in the future gets regulated and is a future regulated
16 substance/material? Who would be responsible for that?" The way the agreement is structured is that the
17 State and City would sit down and try to figure out who is responsible, where it came from, what the
18 issues are, and if it is determined to be attributable to either the State or the buyer's / owner's previous
19 use, we would be responsible for that. We have done the best we can to understand what environmentally
20 there is, structured this agreement to be fair and equitable to both sides, allocated the risks the best they
21 can, and further explained the reasoning.

22
23 NHDOT Deputy Commissioner Andre J. Briere added his accolades to the Mayor, City Manager,
24 Executive Councilor Liot Hill, who have all been very actively working with them. The level of
25 environmental responsibility that they will continue to share with the City, if the sale is executed, is
26 extraordinary in as far as the Attorney General will allow us to go, which is farther than they have gone
27 with any other sale.

28
29 Council/Staff/NH DOT Comments/Questions included: Confirmation on whether or not the State would
30 be responsible for the existing contaminates that are known (YES); whether or not future contaminates
31 are just a promise or is that something that would be formalized in a contract (Answer: it is very explicate
32 in the way the agreement was structured: "That if hazardous materials are discovered, and that existed
33 prior to the sale, they (NH DOT and the State) would work with City in good faith to identify the source
34 and if it is attributable to activities from the department or prior owners, they would bear the liability for
35 that in conformance with environment and federal laws.); how this process could be included in an
36 addendum or memo; how nothing in this contract (P&S agreement) will limit the State's liability
37 according to whatever governing laws/regulations are out there; how some particle (i.e., particle X that
38 no one is aware) would really be whether that release of said particle X could be attributable to rail use or
39 an associated use of the facility by us (the State) or a previous owner; Council's hypothetical questions
40 were answered about who has the final say, if the City and State disagrees on who caused it (particle X) –
41 Answer is that this would enter the political or legal process;

42
43 Mayor McNamara spoke about the history of negotiations regarding a long-term lease vs. sale, noting that
44 Deputy Cass's predecessor said it would be cleaner if the City owned the land directly because then we
45 would not have to go to DOT or another entity if we wanted to change something. He felt very
46 uncomfortable about that because the City/Council knows very clearly, based on the contamination of the
47 site, what we wanted to do (i.e., low impact recreational use and fields) and we have no intentions of

1 putting up a permanent structure or digging into the ground). The AG's Office stated that this needs to be
2 an ownership or nothing. He also spoke about the overall cost of the project, noting the Dry Bridge has
3 been slated for a replacement for many, many, many years. We have known there would need to be some
4 access constructed to get to the Dry Bridge because currently it is not adequate and disappears with the
5 Dry Bridge construction and needs a new road for access because we cannot go over the railroad tracts to
6 get to it. As time has gone by, and costs have escalated, our 20% share of the Dry Bridge replacement has
7 also continued to go up. We now have, from our City Engineer, an estimate of our portion (60% of the
8 cost) of installing the access road and that +/- \$600K, which is 60% of \$1.2. That means the City is
9 investing in that in addition to our 20% of the cost of replacing the Dry Bridge. That means the City is
10 really paying that amount of money essentially to acquire this site. Over and above that, the City will
11 have to pay the costs of developing the recreational fields, which is another several thousand dollars. The
12 question then becomes a benefit cost analysis and questioned if the benefit of spending that money for the
13 access road and for the recreational fields are worth the cost of the benefit that we would be gained from
14 the purchase price for recreational fields, particularly in our recent discussions regarding limiting capital
15 projects. He appreciated the Commissioner and Deputy Commissioner coming up to discuss this with us
16 face to face. He noted that Commissioner Kass and the previous Commissioner were very supportive and
17 have worked with the city quite closely. However, the AG's office had a different view, and they
18 changed some of the language, so I'm going to read the part in the P&S Agreement part which he thought
19 was the most critical issue here in terms of the environmental contamination.

20
21 City Manager Mulholland read a paragraph from the P&S Agreement that stated:

22
23 "The seller (State of New Hampshire) shall bear the cost or expense for the removal or
24 mediation of any hazardous materials and/or existing materials and substances in accordance
25 with environmental laws to the extent seller would be liable if it were the property owner. (This
26 language was removed and the language inserted was) to the extent seller caused the release of
27 such hazard material and/or existing materials in substances on the premises or seller otherwise is
28 liable for such removal or mediation on environmental laws so long as such a requirement for a
29 meal or removal under any environmental laws is not the result of an actual mission by the
30 buyer."

31
32 The way this works is whoever owns the property is responsible for cleaning it up. That's why we
33 wanted the language we put in there that said the State would be removed by the AG's Office, not by NH
34 DOT, and further elaborated on the language that he and the City's legal Counsel preferred in the P&S
35 Agreement. City Manager Mulholland wanted to make it very clear that this change in language from the
36 AG's is a serious liability for the City.

37
38 The Council/Staff/NH DOT continued their discussions and opinions regarding the importance of the
39 Westboro Yard; the need to have a Public Hearing that will disclose the real costs to the public;
40 reservations about acquiring contaminated property; how West Lebanon would like to see something on
41 this spot; how costs continue to go up and the costs, as presented by the City Engineers, reflects the
42 inclusion of the access road in the Dry Bridge design; a decision needs to be made quickly on whether or
43 not we are going to proceed with the land acquisition because if we are not going to proceed with the
44 access road, then the Dry Bridge design needs to be modified (once again) and the modified design will
45 need to be approved by the State before it can go out to bid; why can't the language in the P&S
46 agreement be more straightforward (i.e., if the contamination is more likely than not to have occurred
47 before the date of transfer, then it is deemed the State's responsibility, and if it is more likely than not,

1 after an evidential hearing, that was caused after the City took ownership, then it is the City's
2 responsibility); discussions regarding how the language could be modified in the agreement; how the
3 Attorney General would not let the NH DOT say that anything existing on the site preceding the sale is
4 the State's responsibility because there could be a lot of things on the site that are natural, that are
5 discovered to be hazardous in the future, etc., and the key distinction is what this language was changed
6 to is that they cannot accept a sale that will continue to maintain all the responsibilities of property
7 ownership when the State is not the property owner; and how if the City and the State has a common
8 understanding of what this means then it can be memorialized in either a memo of understanding; why a
9 lease is not practical for the State (i.e., future liabilities, insured liability; purpose of the lease (railroad);
10 recreational use (not a business that the NH DOT is funded for); legislation would need to be enacted in
11 order to self-insure this site, etc., and how the City would lose their investment (under a lease) if the
12 railroad took back this property.

13
14 Councilor Liot Hill presented her arguments and reasons for moving forward with the purchase of
15 Westboro Yard.

16
17 After further discussions, the Council would like to move forward with a Public Hearing in April.

18
19 **ACTION: Item for discussion Only**

20
21 **THE FOLLOWING AGENDA ITEMS WERE TAKEN IN THE ORDER AS DISCUSSED BY**
22 **THE COUNCIL.**

23
24 **4. OPEN TO PUBLIC: No one came forth.**

25
26 **5. RECOGNITIONS:**

27 **A. PROCLAMATION - WORLD DOWN SYNDROME DAY**

28
29 **WHEREAS**, Down Syndrome is a naturally occurring chromosomal arrangement that has always been a
30 part of the human condition, affecting people of all racial, gender, and socioeconomic backgrounds; and

31 **WHEREAS**, individuals with Down Syndrome contribute to our communities in countless ways,
32 bringing joy, diversity, and a unique perspective that enriches our society; and

33 **WHEREAS**, World Down Syndrome Day is observed annually on March 21st (3/21) to symbolize the
34 triplication of the 21st chromosome, which causes Down Syndrome; and

35 **WHEREAS**, this day is dedicated to raising public awareness, advocating for the rights and inclusion of
36 people with Down Syndrome, and celebrating their accomplishments and potential; and

37 **WHEREAS**, the City of Lebanon is committed to fostering an inclusive community where all
38 individuals, regardless of ability, are valued and empowered to reach their full potential; and

39 **WHEREAS**, community organizations such as the New Hampshire Down Syndrome Association work
40 tirelessly to support individuals with Down Syndrome and their families, advocating for education,
41 employment, and opportunities for full participation in society.

1 **NOW, THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of
2 Lebanon, do hereby proclaim March 21, 2025, as World Down Syndrome Day in the City of Lebanon
3 and encourage all residents to join in recognizing and celebrating the abilities, achievements, and
4 contributions of individuals with Down Syndrome.

5 Dated this 19th day of March 2025.
6

7
8

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

9
10 **B. RESOLUTION HONORING CLIFTON BELOW**

11
12 **WHEREAS**, Clifton Below has served on the Lebanon City Council since 2015, representing Ward 3;
13 and

14 **WHEREAS**, he has held the position of Assistant Mayor since 2019, providing steadfast leadership and
15 dedication to the community; and

16 **WHEREAS**, during his tenure, Assistant Mayor Below has been an active member of the Governance
17 Committee and the Lebanon Energy Advisory Committee, contributing significantly to the city's
18 governance and energy initiatives; and

19 **WHEREAS**, he is the principal author of the Community Power Law (NHRSA 53- E, 2019) and co-author
20 of the nation's first Electric Utility Restructuring Act (NH RSA 374-F, 1996), demonstrating his
21 commitment to innovative energy solutions; and

22 **WHEREAS**, Assistant Mayor Below's extensive public service includes roles as a State Representative
23 (1992-1998), State Senator (1998-2004), and Public Utilities Commissioner (2005-2012), reflecting his
24 dedication to public service at multiple levels; and

25 **WHEREAS**, his knowledge, attention to detail, and commitment to public service have enabled him to
26 make thoughtful and principled decisions that have benefited all residents of the City of Lebanon; and

27 **WHEREAS**, the Lebanon City Council appreciates the time, effort, knowledge, and commitment
28 provided to the community by Assistant Mayor Below during his time on the Lebanon City Council.

29 **NOW THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of
30 Lebanon, extends its sincere appreciation to Clifton Below for his dedicated service and contributions to
31 the community.

32 Dated this 19th day of March 2025 at Lebanon, New Hampshire.
33

34
35

 Timothy J. McNamara, Mayor
 On Behalf of the Lebanon City Council

36
37 Assistant Mayor Below spoke about all the other Committees and activities that Councilor Liot Hill has
38 been a part of during her City career.
39

1 C. RESOLUTION HONORING KAREN LIOT HILL

3 **WHEREAS**, Karen Liot Hill has served on the Lebanon City Council since 2005, making her the longest-
4 serving councilor in the city's history; and

5 **WHEREAS**, she held the position of Mayor from 2008 to 2009, demonstrating exceptional leadership and
6 dedication to the community; and

7 **WHEREAS**, during her tenure, Councilor Liot Hill has been an active member of several committees,
8 including the Economic Development Commission, Governance Committee, Joint School District/City
9 Council Task Force, and the Diversity, Equity & Inclusion Commission, contributing significantly to the
10 city's development and inclusivity initiatives; and

11 **WHEREAS**, she has also served as Grafton County Treasurer since 2016, overseeing fiscal matters and
12 ensuring the financial well-being of the county; and

13 **WHEREAS**, Councilor Liot Hill's commitment to sustainability, social justice, economic vitality,
14 affordable housing, transparency, and inclusiveness has been evident throughout her nearly two decades of
15 public service; and

16 **WHEREAS**, her knowledge, attention to detail, and dedication to public service have enabled her to
17 make thoughtful and principled decisions that have benefited all residents of the City of Lebanon; and

18 **WHEREAS**, the Lebanon City Council appreciates the time, effort, knowledge, and commitment provided
19 to the community by Councilor Liot Hill during her time on the Lebanon City Council.

20 **NOW THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of
21 Lebanon, extends its sincere appreciation to Karen Liot Hill for her dedicated service and contributions to
22 the community.

23 Dated this 19th day of March 2025 at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On Behalf of the Lebanon City Council

28 Councilor Liot Hill spoke about all the other Committees and activities that Assistant Mayor Below has
29 been a part of during his City career.

31 **6. ACCEPTANCE OF MINUTES:** March 5, 2025 (Regular Meeting)
32 Amendments:

34 ***Councilor Heistad MOVED*** to approve the March 5, 2025 minutes as written and presented in the
35 **March 19, 2025 City Council agenda packet.**
36 ***Seconded by Councilor Whittlesey.***

*The Vote on the Motion was approved (7-0). Councilor Zook was recognized only after this vote was taken. All votes moving forward was done by a Roll Call Vote.

1 **7. APPOINTMENTS:**

- 2 • Pedestrian & Bicycle Advisory Committee, Nelson Rooker (Regular Member)
3 ***Councilor Liot Hill MOVED to Nominate Nelson Rooker as a Regular Member to the Pedestrian &***
4 ***Bicycle Advisory Committee. Term: 3/2025-3/2028***

5
6 **Roll Call Vote:**

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

9 ***None voted Nay.***

10 ***Absent from vote: Councilor Sykes***

11
12 ****The Vote on the Motion was approved by members present (8-0)***

13
14 **8. PUBLIC HEARING ITEMS:**

15 **A. Proposed Amendments to the Lebanon Zoning Ordinance**

16 A public hearing for the purpose of receiving public input and taking action to amend the
17 Lebanon Zoning Ordinance to define “Research Laboratory” and add it as a Permitted Use in the
18 Central Business (CB), Lebanon Downtown (LD), General Commercial (GC), and General
19 Commercial One (GC-1) zoning districts.

20 Included in the agenda packet: **(All supportive documents and information can be found on pages 35-**
21 **55, Council agenda packet)**

- 22 1. February 24, 2025 Memo from Planning & Development Department RE: Proposed
23 Zoning Amendments: Research Laboratory

24
25 **Assistant Mayor Below recused himself from this discussion & vote because he has ownership of 1**
26 **Court Street that may be affected by this.**

27
28 Mr. Nathan Reichert reviewed the background noting this has gone through all the Land Use Boards and
29 received their recommendations. None of the Boards have any significant opposition to the concept of
30 adding Research Laboratory to the Use Charts as proposed (in agenda packet). A notable recommendation
31 from the Planning Board is to make it a Conditional Use Permit as opposed to by right, which would
32 allow for an additional level of scrutiny into the use code that could potentially have a lot of variance in
33 operations. It would be “by-right” in several districts and by “Conditional Use Permit” in the GC-1 Zone.

34
35 **BACKGROUND**

36 On January 8, 2025, the City Council initiated the zoning amendment review process to propose adding
37 "Research Laboratory" as a Permitted Use in the Central Business (CB), Lebanon Downtown (LD), and
38 General Commercial (GC) zoning districts. The Council also proposed to change "Research Laboratory"
39 from a use allowed by Conditional Use Permit to a Permitted Use in the General Commercial One (GC-
40 1) district, and to provide a definition for the term for inclusion in Appendix A of the Zoning Ordinance.

41
42 The review of the proposed amendment by legal counsel and the land use boards is complete and is
43 summarized in the Planning Department memorandum **(pages 36-37, agenda packet).**

44
45 **Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public**
46 **Hearing was closed.**

Council/Staff Comments:

Councilor Zook noted the Planning Board spent time looking at things like walkable streetscapes (i.e., the first floor being public space and upstairs being other things). Part of the idea behind the Conditional Use recommendation was that a medical research facility is not like an Art Museum.

Mr. Reichert explained the reasons behind the Planning Board's recommendations, noting they were looking at broader Conditional Use Permit recommendation(s) (GC-1) given the variability of what could be involved in a Research Laboratory, including the various elements/chemicals that might be used. They felt additional safety plans would need to be put in place and explained their reasonings, including a change of use for a building (i.e., how it would impact parking and site plan requirements).

Deputy City Manager Brooks clarified that the draft motion offered in the agenda packet reflects the way this Zoning Amendment was kicked off by the Council back in January (2025) to make it a permitted use in all four (4) of the Zoning Districts. It's worth noting that Research Laboratory is already a Conditional Use Permit Use in the GC-1 Zoning District. That is the only district that this use is currently allowed in, the GC-1, and is not currently permitted at all in the CB, LD, or GC. The motion should be changed from a Permitted Use to a Conditional Use Permit and take GC-1 off the list.

In response to Councilor Simon's question regarding how much time it would add to an applicant's timeline, Mr. Reichert noted it would be very little additional time for a new building. If you have an existing property that wants to change, it may depend on the nature of the changes that are being made and explained his reasoning, which may include an applicant going back to the full Planning Board. After expressing his concerns, Councilor Simon was uncertain if he would support this motion.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby approves an amendment to the Lebanon Zoning Ordinance to define "Research Laboratory", and to add it as a Conditional Use within the Central Business (CB), Lebanon Downtown (LD), General Commercial (GC) Zoning Districts as presented in the March 19, 2025 City Council Agenda Packet. Seconded by Councilor Wilkie.

Roll Call Vote:

Councilors Heistad, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea. (5)

Voting Nay: (2) Councilors Simon & Liot Hill

Recused: Assistant Mayor Below

Absent from vote: Councilor Sykes

****The Vote on the Motion was approved by members present (5-2-1). Assistant Mayor Below was recused. Councilor Sykes was not present.***

Assistant Mayor Below returned as a regular member of the Council.

- B.** Proposed Amendments to the Lebanon Zoning Ordinance – Continued Public Hearing: A continued public hearing for the purpose of receiving public input and taking action to amend the Zoning Ordinance to:

Mayor McNamara recommended that several of the Amendments be subject to re-notice (highlighted in RED below). These are the Amendments that are related directly to rezoning within the area of Centerra and Route 120. He would like to proceed with Amendments #10 and Amendment #20.

- **Amendment #4** – To rezone the following properties within the Centerra Planned Business Park from IND-L to GC-1: Tax Map/Lots 10-11-1200, 10-13, 10-11-1300, 10-11-1302, 10-11-3100, 10-11-3200, 10-11-3400, 10-11-3600, and 10-11-3800; to rezone the +/-15.72 acre Altaria Planned Unit Development from IND-L to GC-1; to rezone the +/-50.1 acre former Altaria Planned Business Park from IND-L to GC-1; and to rezone to GC-1 all properties currently zoned IND-L located to the east of Etna Road, and east and west of Labombard Road, excluding Tax Map/Lot 51-12; and all properties currently zoned IND-L located to the east of Route 120 between Heater Road and I-89 Exit 18, excluding Tax Map/Lots 78-41, 78-42, and 78-43. The City Council may also consider rezoning to GC-1 all properties currently zoned IND-L located to the west of Etna Road. (Zoning Map Amendment)
- **Amendment #5** – To amend the GC-1 District Tables of Uses to allow “industrial planned unit development” and “planned business park” by Conditional Use Permit. (Zoning Ordinance Sections 305A and 508.2)
- **Amendment #6** – To amend the Commercial PUD and Industrial PUD regulations relative to tract size and calculating permitted residential dwelling unit density. (Zoning Ordinance Sections 501.4)
- **Amendment #10** – To allow stairs and stairwells to project up to 6 ft. into minimum required yards. (Zoning Ordinance Section 201)
- **Amendment #20** – To rezone the property located at 92 Riverside Drive (M/L 111-16) from RL-1 to GC. (Zoning Map Amendment)
- **Amendment #21** – To rezone the property located at 67-69 Etna Road (M/L 26-2) from IND-L and RL-3 to GC-1. (Zoning Map Amendment)
- **Hatch Map Amendment** – to rezone portions of the Hatch Property, 24 Labombard Road, Tax Map 51, Lot 12, from Light Industrial (IND-L) to General Commercial One (GC-1). (Zoning Map Amendment)

Included in the agenda packet: **(All supportive documents and information can be found on pages 56-76, Council agenda packet)**

1. Memorandum from Planning & Development Department Staff RE: Proposed Zoning Ordinance Amendment – Section 201 (Amendment #10), dated February 24, 2025
2. Memorandum from Planning & Development Department Staff RE: Request to Rezone 92 Riverside Drive (Tax Map 111, Lot 16) from RL-1 to GC; Amendment #20 – by Petition per Section 1000.2.C of the Zoning Ordinance, dated March 11, 2025

Mr. Reichert reviewed the background behind these Amendment changes, noting delaying the changes (as highlighted in RED above) so they could concurrently bring forward the environment overlay and consider these all together. A small group was brought together, which consisted of the Chair of the Planning Board, the Vice Chair of the Planning Board, the Chair of the Conservation Commission, the Vice Chair of the Conservation Commission, Mr. Reichert on behalf of the Planning Board, and Mark Goodwin on behalf of the Conservation staff to bring forward a proposed draft for the Council’s consideration for the environment overlay. They are still working on the overlay draft but expect to bring this (draft) before the Council on June 18, 2025. He also spoke about the Amendments that were not properly noticed and the Map Amendment. If there are questions about proper notifications, the City’s Legal Counsel said they have to re-notice the hearing and reconduct the vote with City Council. The

1 alternative would be to continue a disagreement by litigating the question, which he felt was a waste of
2 everyone's time and money.

3 4 **BACKGROUND**

5 On October 23, 2024, the City Council was presented with a number of staff-initiated and petitioned
6 amendments to the Lebanon Zoning Ordinance. The Council took action to accept the amendments for
7 consideration and forwarded them for review and comment by the Planning Board, Conservation
8 Commission, and Zoning Board of Adjustment. Legal review was also obtained, and the boards completed
9 their review. Separately, in January 2025, the City Council "kicked-off" a citizen request from Margaret
10 Hatch to rezone her property to match the proposed rezoning of surrounding properties.

11
12 On January 22, 2025, the City Council held a public hearing on three proposed amendments that required
13 placement in the municipal ballot for voter consideration. A second public hearing for zoning amendments
14 within the City Council's purview for adoption was postponed and rescheduled for February 19, 2025.

15 Following the February 19th public hearing, the City Council took action to adopt a subset of the proposed
16 staff-initiated amendments, including Amendments #7-9 and #11-19 as presented in the Council meeting
17 agenda packet. Also, on February 19th, the City Council discussed and took action on portions of
18 Amendments #4-6 to rezone certain lots within the Centerra Business Park from Light Industrial (IND-L)
19 to Central Business (CB); to amend the Table of Uses for the CB District to include Planned Business Parks
20 as uses allowed by Conditional Use Permit (Sections 306 and 508.2); and to amend the Planned Business
21 Park regulations relative to allowed uses and permitted residential unit density (Sections 508.2 and 508.4).

22
23 The remaining zoning amendments that were not addressed on February 19th, including portions of
24 Amendments #4-6 and #20-21, were continued to March 19th. As a reminder, proposed However,
25 since February 19th, a question has been raised as to whether the City properly complied with notice
26 requirements outlined in RSA 675:7, I-a. The Planning & Development Department believes it applied the
27 statute correctly but has nevertheless reached out to the New Hampshire Municipal Association's Legal
28 Advisory Service for clarification on the interpretation of the statute.

29 As a result, out of an abundance of caution while waiting for legal guidance on the issue, the Planning &
30 Development Department now requests that the City Council continue the remaining zoning amendments
31 related to the North Lebanon Community Plan (including #4-6, #21, and the Hatch map amendment) for
32 approximately three months. The Department also plans to pause the implementation and administration of
33 the zoning changes approved on February 19th with respect to certain lots within the Centerra Business
34 Park. During the three-month pause, and regardless of the legal guidance received relative to the statute,
35 the Planning & Development Department intends to notify all owners in the Route 120 corridor whose
36 properties might be impacted by the proposed amendments in order to further discuss and explain the purpose,
37 origin, and the potential impacts of the amendments.

38 The requested pause will also provide time for the Planning Board and Conservation Commission to work
39 jointly with Department staff on language for a proposed "North Lebanon Environmental Overlay", which
40 is another recommendation of the North Lebanon Community Plan. The Planning & Development Director
41 has already initiated a working group with the Chair and Vice Chair of the Planning Board and Conservation
42 Commission to draft proposed language and map(s) associated with this effort. The draft language and
43 map(s) would be brought back to the City Council for review and to kick-off the amendment review process
44 with a timeline that would allow the Environmental Overlay proposal to catch up with the remaining Route
45 120 corridor amendments for a comprehensive public hearing during the Summer.

46
47 In light of the above information, the Planning & Development Department requests that the City Council
48 hold the scheduled public hearing and address the zoning amendments that are ready for consideration,

1 including the following:

- 2 • **Amendment #10** – To allow stairs and stairwells to project up to 6 ft. into
3 minimum required yards. **(Zoning Ordinance Section 201) – Scribner’s**
4 **Error (typo between 2 ft. and 6 ft. It should be 6 ft setback.)**
- 5 • **Amendment #20** – To rezone the property located at 92 Riverside Drive
6 (M/L 111-16) from RL-1 to GC. **(Zoning Map Amendment) – Citizen’s**
7 **petition by Mr. Dan Nash. Sign Variance.**

8 The Planning & Development Department requests that the remaining amendments associated with the
9 Route 120 corridor and the North Lebanon Community Plan be continued to June 18, 2025. This also might
10 include a Hotel Amendment.

11
12 **Mayor McNamara opened the Public Hearing.**

13 **Mr. Dan Nash (Ward-1, Advanced Geomatics & Design):** He represents Oake Storage and spoke about
14 his reasons behind Amendment #20, noting that he felt the legal attorney made a mistake by saying there
15 were no abutters and referred to the map in the agenda packet showing the abutters. Their property is an
16 abutter to an existing GC District and further described the property and other reasons why he felt this
17 property should be rezoned.

18
19 **Hearing no further comments from the public, the Public Hearing was closed.**

20
21 **Council/Staff Comments:**

22 In response to Councilor Liot Hill’s question, Mr. Reichert explained the reasons for the delay in bringing
23 the Centerra/Route 120 Amendments back to the City Council.

24
25 Mayor McNamara felt there should be three separate motions: 1) Relating to Amendment #10. 2) Related
26 to Amendment #20. 3) Continuation and re-noticing of Amendments #4, #5, #6, #21 and the Hatch Map
27 Amendment to June 18.

28
29 **ACTION:**

30 ***Councilor Liot Hill MOVED, that the Lebanon City Council will continue until June 18, 2025, the***
31 ***continue and re-notice the proposed Amendments for #4, #5, #6, #21 and the Hatch Map as presented***
32 ***in the March 19, 2025 City Council Agenda Packet.***

33 ***Seconded by Councilor Whittlesey.***

34
35 **Roll Call Vote:**

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

38 ***None voted Nay.***

39 ***Absent from vote: Councilor Sykes***

40
41 ****The Vote on the Motion was approved by members present (8-0).***

42
43 ***Councilor Wilkie MOVED, that the Lebanon City Council hereby approves zoning amendment #10 as***
44 ***presented in the March 19, 2025 City Council Agenda Packet.***

45 ***Seconded by Councilor Liot Hill.***

46
47 **Roll Call Vote:**

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

3 *None voted Nay.*

4 *Absent from vote: Councilor Sykes*

5
6 **The Vote on the Motion was approved by members present (8-0)*

7 *Councilor Simon MOVED, that the Lebanon City Council hereby approves zoning amendment #12 as*
8 *presented in the March 19, 2025 City Council Agenda Packet and as discussed below:*

- 9 • *Public benefits*
- 10 • *The existing zoning is not appropriate for what the current use is of that property and*
11 *will bring it into better compliance and will be consistent with future use planning for*
12 *the City of Lebanon as has been discussed in other studies.*
- 13 • *This property does, in fact, abut an existing property of the GC-1 Zone and is in close*
14 *proximity to a busy interstate interchange. On the other side of the interchange there*
15 *is GC on both sides of Route 4. It's location is close to this interchange across from*
16 *GC uses and on the corner of the entrance of Riverside Drive, and the particular*
17 *shape to the property, none of lends itself to the RL-1 uses anymore. This is a more*
18 *appropriate designation.*
- 19 • *In terms of long-term planning, this also falls under the City's Strategic Plan of high*
20 *performing government and efficiency because then they will be taking the Planning*
21 *Board and Planning Department time by having to constantly come back with the*
22 *Condition Use processes because it is not currently zoned correctly. It is in keeping*
23 *with the City's efforts to find efficiencies where we can.*

24
25 *Seconded by Councilor Liot Hill.*

26
27 **Roll Call Vote:**

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

30 *None voted Nay.*

31 *Absent from vote: Councilor Sykes*

32
33 **The Vote on the Motion was approved by members present (8-0)*

- 34
35 C. Supplemental Appropriation of \$2,310,000 for EPA-mandated Identification and Replacement of
36 Lead and Galvanized Water Service Lines - **Resolution: R-2025-5** Authorization for City
37 Manager to Apply for Drinking Water State Revolving Loan Fund; Designation of City Manager
38 as Authorized Agent of the City - A public hearing for the purpose of receiving public input and
39 taking action to appropriate \$2,310,000 for EPA-mandated Identification and Replacement of
40 Lead and Galvanized Water Service Lines; to authorize the City Manager to apply for a New
41 Hampshire Drinking Water State Revolving Fund Loan up to \$2,310,000; and to designate the
42 City Manager as the authorized representative of the City.

43
44 Included in the agenda packet: **(All supportive documents and information can be found on pages 77-**
45 **89, Council agenda packet)**

- 46 1. DPW Presentation of Request for Authority to Borrow Funds through DWSRF LSLR
47 Loan Program
48

Director of Public Works Jay Cairelli reviewed the background behind this Supplemental Appropriation and explained his presentation as provided below. The reason for doing this is to ensure public health by reducing the risk for lead exposure in the City's drinking water. While the City of Lebanon, NH has never found lead in our drinking water, the rule states that galvanized iron that may include a lead connection needs to also be replaced. There is a new action level for lead (10ppb). The DPW tests for lead and copper every three (3) years but now needs to do about 70 samples every year.

The new rule will take effect in 2027. Starting at that time, the City will have to replace at least 10% of the service lines affected by this rule. Full replacement needs to be completed by 2037. Under the loan request, we have 5 years to spend the funds and then at that point DPW will see if we are all done. He also noted that if a resident declines water service line replacement, the DPW will be responsible for issuing them an annual notice warning them of their potential for lead exposure. It is required, by law, to undertake this project.

If the City does not take advantage of the loan forgiveness this year it is expected to drop by 5% next year and will diminish each year after that until there is no loan forgiveness available. The risk of not taking advantage of the loan forgiveness now is that costs will be higher and there will be less funds available.

BACKGROUND

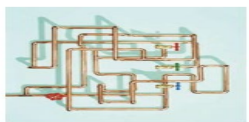
On October 16, 2024, the Environmental Protection Agency (EPA) adopted changes to the Lead and Copper Rule. These changes included:

1. New Action Level for Lead of 10 parts per billion (PPB), effective in 2027. The current Action Level is 15 PPB.
2. Beginning in 2027, water systems **must replace 10% of lead and galvanized service lines each year for 10 years**, ending in 2037.

In order to comply with the new rule and proactively begin replacement, DPW has been working with the NH Department of Environmental Services (NHDES) to submit a Drinking Water State Revolving Fund (DWSRF) loan application to begin this process. The current loan forgiveness percentage is 71% of the money borrowed. NHDES has stated that the percentage of loan forgiveness will decrease with each future round of loan applications. As a result, DPW is requesting the appropriation of funds to allow the DWSRF loan application to be completed.

The amount being requested for the DWSRF loan is \$2.31 million, of which approximately \$1.64 million will be forgiven by the State through disbursement requests as the work is being completed. The total amount that will not be eligible for reimbursement will be approximately \$670,000

Request for Authority to Borrow Funds DWSRF LSLR Loan



Purpose of the Presentation

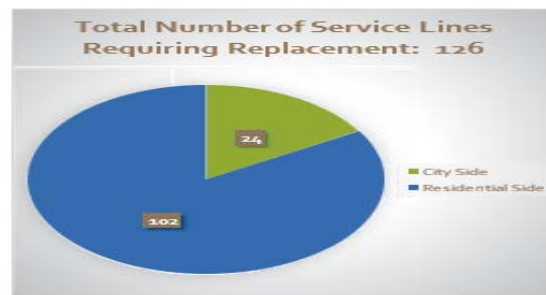
- Request authorization to borrow \$2.31 million through the Drinking Water State Revolving Fund (DWSRF).
- Funding will be used to comply with EPA Lead and Copper Rule Revisions (LCRR) by replacing lead and galvanized water service lines.

A Critical Need

- New EPA Lead and Copper Rule (LCRR): New Action Level of 10 ppb effective 2027.
- Requires replacement of all lead and galvanized service lines on both City and residential sides.
- Beginning in 2027, cities must replace 10% of lead service lines each year for 10 years, ending in 2037.
- For this loan, the project must be completed within 5 years.
- Annual Notices: If residents decline replacement, the City must send yearly notifications warning of potential lead exposure.

Project Scope and Costs

- Loan Amount Requested:
 - \$1,800,000 – Construction Costs
 - \$360,000 – Construction Contingency
 - \$150,000 – Engineering/Planning Costs
- Estimated Cost per Full Service Line Replacement: \$15,000 total
 - \$7,500 City responsibility
 - \$7,500 Resident responsibility



For the 102 residential site services, it would be a total of \$765K. The 71% forgiveness makes this \$221,800, which would be the responsibility of the property owners to pay over time. The remaining amount is \$1.359M, which works out to \$446,300 that the City would owe for 20 years (\$25K per year in Debt Service).

Breakdown of Work to be Completed



- Step 1
 - Potholing
 - Identify 554 city-side service materials at curb stops.
- Step 2
 - Inspections
 - Identify remaining service lines inside residential buildings.
- Step 3
 - Replacement
 - Replace 126 known galvanized service lines.

Financial Details – DWSRF Loan Forgiveness



Loan Terms

- 71% Principal Forgiveness for this loan.
- Low-interest rate of 3.072% for 20 years.
- Loan forgiveness percentage is expected to decrease each year.
- Future loans are not guaranteed.
- City's Financial Responsibility
 - The remaining balance will be repaid by the City over 20 years.

Why We Need City Council Approval

- **Compliance**
 - Ensures regulatory compliance with EPA and NHDES requirements.
- **Health and Safety**
 - Reduces the risk of lead exposure in drinking water.
- **Financial Advantage**
 - 71% loan forgiveness and low-interest rates minimize the financial burden.

Moving the Project Forward: Next Steps



- **Step 1 – Council Authorization**
 - Borrow \$2.31 million through DWSRF
- **Step 2 – Complete LSL Inventory**
 - Submit to NHDES
- **Step 3 – Construction**
 - Begin construction and coordinate replacement efforts with residents.
- **Step 4 – City Council Updates**
 - Provide updates to City Council throughout duration of the project.

Recommendation

We respectfully request that the City Council grant us authority to borrow \$2.31 million through the DWSRF for lead service line replacements.

The timeframe for houses who have galvanized pipes starts in the 1950's through the 1960's.

Mayor McNamara opened the Public Hearing.

- **Mr. Brian Cassel (Ward-2):** He wanted to make sure about the steps that are being taken to ensure residents that they are not going to miss the steps in applying for the loan forgiveness. Director Cairelli stated it would be completely up to him to do this and further explained how it would be done.
- **Charley Depuy (Ward-2):** Mr. Cairelli explained to Mr. Depuy that the lead samples are taken from the tap in the house and are meant to intentionally reflect the quality of the water someone puts into their body. The only elevated samples DPW has ever gotten back that were well above the action level as is stands were from vacant home where the water had not run in months. The

1 rule requires that the tap cannot be used for 12 hours prior to testing. He usually turns on the tap
2 to let the water run for a few minutes to clear out the tap.

- 3 • **Mr. Paul Roberts (Ward-2):** He spoke about his reasons for moving forward with this project
4 and questioned whether or not the City would be removing other projects to offset the cost.

5
6 **Hearing no further comments from the public, the Public Hearing was closed.**

7
8 **ACTION:**

9 ***Councilor Wilkie MOVED the following RESOLUTION:***

10 ***RESOLVED, by the City of Lebanon, that funds in the amount of \$2,310,000 (Two Million Three***
11 ***Hundred Ten Thousand Dollars) be appropriated for expenditure in the Capital Improvements Fund***
12 ***for a new Lead and Galvanized Water Service Line Replacement Project.***

13 ***WHEREAS, the City of Lebanon, after thorough consideration of the nature of water pollution***
14 ***problems, hereby determines that the completion of certain work, described as identification and***
15 ***replacement of lead and galvanized water service lines - \$2,310,000, is desirable and in the public interest***
16 ***and, to that end, it is desired to apply for assistance from the Drinking Water State Revolving Fund for***
17 ***up to \$2,310,000; and***

18 ***WHEREAS, the City of Lebanon, has examined and duly considered the provisions of New Hampshire***
19 ***Code of Administrative Rules Chapter Env-Dw 1100, which relates to loans from the Drinking Water***
20 ***State Revolving Fund, and deems it to be in the public interest to file a loan application and to authorize***
21 ***other actions in connection therewith.***

22 ***NOW THEREFORE BE IT RESOLVED, by the City of Lebanon City Council, that: 1) The City***
23 ***Manager is hereby authorized on behalf of the City to file an application for a loan to be made in***
24 ***accordance with New Hampshire Code of Administrative Rules Chapters Env- Dw 1100; 2) That if such***
25 ***loan be made, the City agrees to repay the loan as stipulated in the loan agreement; 3) That the City***
26 ***Manager is hereby authorized to furnish such information and to take such other action as may be***
27 ***necessary to enable the City to qualify for the loan; 4) That the City Manager is hereby designated as the***
28 ***authorized representative of the City for the purpose of furnishing such information, data, and***
29 ***documents pertaining to the City for a loan as may be required, and otherwise to act as the authorized***
30 ***representative of the City in connection with this application; 5) That certified copies of this resolution***
31 ***be included as part of the application to be submitted for a loan; 6) That if such loan be made, the City***
32 ***agrees to make provisions for assuming proper and efficient operation and maintenance of the water***
33 ***service lines after completion of the identification and replacement thereof.***

34 ***This resolution shall be effective upon passage.***

35 ***Seconded by Councilor Liot Hill.***

36
37 **Roll Call Vote:**

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

40 ***None voted Nay.***

41 ***Absent from vote: Councilor Sykes***

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

2
3 **9. OLD BUSINESS**

4 **A. Discussion of Draft Resolution Objecting to Freezing of Federal Grant Programs**

5
6 Included in the agenda packet: **(All supportive documents and information can be found on pages 90 -**
7 **91, Council agenda packet)**

- 8 1. Draft Resolution Objecting to the Freezing of Federal Grant Program, adopted on February 19,
9 2025

10
11 **BACKGROUND**

12 On February 19, 2025, the City Council approved the following motion to provisionally adopt a
13 proposed resolution objecting to the freezing of federal grant program:

14 *Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts the*
15 *Resolution objecting to the freezing of federal grant programs to states and*
16 *municipalities and to agencies and organizations that support Lebanon residents,*
17 *as presented in the February 19, 2025 City Council agenda packet.*

18 *BE IT FURTHER MOVED, that the Lebanon City Council shall seek additional*
19 *support for this Resolution from the mayors of New Hampshire cities and from*
20 *New Hampshire towns as appropriate, in attempt to build as broad a coalition as*
21 *possible prior to forwarding the resolution to the named representatives no later*
22 *than March 21, 2025.*

23
24 *Seconded by Councilor Liot Hill. *The Vote on the Motion was approved (9-0).*

25 In accordance with the approved motion, since February 19th, members of the City Council and
26 community have contacted other municipalities and organizations seeking support for the original
27 resolution or comparable language. The Council agreed to discuss the results of efforts to garner additional
28 support before deciding whether to make any further modifications to the resolution and prior to
29 forwarding a final version to the City's Congressional delegation and other state and local representatives.

30
31 Please note that the enclosed version of the resolution includes two minor edits requested by the resident
32 sponsor, Kathleen Corrigan.

33
34 **Council/Staff Comments:**

35 The Council discussed the support for this Resolution from other communities and decided to keep the
36 Resolution as provided below with the two minor edits requested by resident sponsor, Kathleen Corrigan.

37
38 **ACTION: No Action Necessary. Was previously approved by the Council**

39 **City of Lebanon Resolution strongly objecting to the freezing of federal grant programs to**
40 **states and municipalities and to agencies and organizations that support Lebanon**
41 **residents.**

42 **WHEREAS** the City Council of Lebanon (henceforth referred to as "the Council") recognizes the
43 importance of Federal funds in support of services and functions critical for the well-being of the
44 residents of Lebanon.

1
2 **WHEREAS** the Council is aware that increasing demands on the City Budget and the resulting
3 necessity of substantial property tax increases in recent years makes the availability of Federal
4 funds even more critical for the City.

5
6 **WHEREAS** the Council shares the concerns of Lebanon residents about the potential loss of
7 funding supporting important services and projects, including approximately \$60 million in grant
8 funds that would be owed to the City for various projects and programs.

9
10 **WHEREAS** the Council shares the concerns of Lebanon residents as to how the loss of funding to
11 local organizations, institutions and individuals could place even greater demand on the City's
12 resources and adversely affect its ability to serve its residents.

13
14 **WHEREAS** the Council recognizes that the residents of Lebanon expect that tax dollars they paid
15 to the federal government, and which were appropriated by Congress back to the State of New
16 Hampshire, the City of Lebanon, and local agencies and organizations will, in fact, be disbursed
17 according to the law and the agreements the City entered into with the federal government.

18
19 **WHEREAS** the Council has an important duty to protect the interests of Lebanon's residents and to
20 amplify their voices as they seek to hold their government to the commitments made to the City of
21 Lebanon and its residents.

22 **NOW, THEREFORE, BE IT RESOLVED** that the Council strongly objects to the President's
23 attempted freeze and impoundment of funds appropriated by Congress to be disbursed to the people
24 of the United States, including the residents of Lebanon, New Hampshire.

25
26 **BE IT FURTHER RESOLVED** that the Council calls on the members of its United States
27 Congressional delegation to do everything in their power to protect the interests of the residents of
28 Lebanon and to demand that the President honor the agreements and commitments the government
29 has made to the City and its residents.

30
31 The Council will forward a copy of this resolution to our United States Congressional delegation,
32 namely Representatives Maggie Goodlander and Chris Pappas, Senators Jeanne Shaheen, and
33 Maggie Hassan, and to our New Hampshire State Legislative delegation, Representatives Thomas
34 Cormen, Susan W. Almy, Laurel Stavis, and George Sykes, and State Senator Suzanne Prentiss.

35
36 **BE IT FURTHER RESOLVED** that the Council calls on our Governor, Kelly Ayotte, our
37 Attorney General, John Formella, and our Executive Councilors Karen Liot Hill, Joseph D. Kenney,
38 John Stephen, Janet Stevens, and David K. Wheeler to do everything in their power to protect the
39 interests of the residents of Lebanon, by urging the President and his Administration to follow the
40 law and honor their commitments. **Copies of this resolution will be forwarded to the above-named**
41 **officials.**

42
43 **B. Discussion of the salary range for the City Manager Position**
44 The City Manager will be departing in a couple of months, and the Council is starting an active search for
45 a new City Manager immediately. MRI is doing this for us. There will be an interim City Manager
46 coming in early April to assist us until we can arrive at a permanent City Manager. At our last meeting
47 (Cavass of the Vote), we had a last minute presentation by MRI where they gave us the range of salaries
48 of managers in the State that they were aware of (both county and cities), and they all seemed to be in the
49 \$170K - \$180K/year range at the top end with the exception of Dover, which was over \$200K. As we

1 move forward with this recruiting process, the Council needs to discuss what the “up to” salary range for
2 that position.

3
4 Councilor Liot Hill also added that included in these discussions with MRI is the fact that the City of
5 Lebanon has a residency requirement in the City’s Charter, and this provides a real constraint on
6 prospective candidates. The housing market in Lebanon is very tight and there are not many options
7 available, so this is something that also creates pressure on the salary needs for this position to make it
8 attractive for someone to take the position and the Council will have to offer someone an upper salary that
9 makes them able to purchase a home in Lebanon. Another discussion also took place regarding
10 potentially modifying/or removing that residency requirement, which would require a City Charter
11 change. This is a lengthy process and is not something that could be done in time for this search,
12 although it could be done within a year.

13
14 Mayor McNamara noted that the residency requirement has been in the City Charter for a long time.
15 After talking with MRI a residency requirement in other NH cities/towns is not particularly prevalent
16 anymore, and Lebanon would be one of the few that has that residency requirement. This is likely to
17 narrow the pool for candidates. He also spoke about how rents in the City are not cheap, but the City
18 does own a home on the Mascoma Street Extension that they currently rent and could potentially be
19 offered for rent on a month-to-month basis to the new City Manager. MRI needs to go out with an upper
20 salary number and the Council needs to reach a decision on this sooner rather than later.

21
22 Assistant Mayor Below noted the Council did receive a fresh report (from MRI) on large towns and city
23 managers salaries in New Hampshire, which are publicly disclosable. Someone can always go onto the
24 State’s website and look at any State employee salary (i.e., Concord (\$216K); Hookset (\$173K); Dover
25 (\$260K); Portsmouth (\$189.5K); Rochester (\$178, 750); Londonderry (\$180K); Meredith (\$160); Hudson
26 (\$170K); Amherst (\$175K); Somersworth (\$170K); Hanover (\$178K). He felt the City might do well
27 with a salary “up to” range between \$170-\$180 range.

28
29 Councilors Whittlesey, Wilkie, and Mayor McNamara explained their reasons why they felt an up to
30 salary range should be \$180K.

31
32 ***Councilor Liot Hill MOVED that the Lebanon City Council authorizes MRI to go out to advertisement***
33 ***for a position of City Manager for the City of Lebanon with a salary range of up to \$180,000 (One***
34 ***Hundred and Eight Thousand Dollars).***
35 ***Seconded by Councilor Whittlesey.***

36
37 **Roll Call Vote:**

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

40 ***None voted Nay.***

41 ***Absent from vote: Councilor Sykes***

42
43 ****The Vote on the Motion was approved by members present (8-0).***

44 45 **10. NEW BUSINESS**

- 46 **A.** Ordinance #2025-02, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9,
47 One-Way Streets: Discussion and Set Public Hearing for April 16, 2025: Ordinance #2025-02,
48 To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets, to
49 Remove One-way Designation of East End of Memorial Drive
50

Included in the agenda packet: **(All supportive documents and information can be found on pages 92-266, Council agenda packet)**

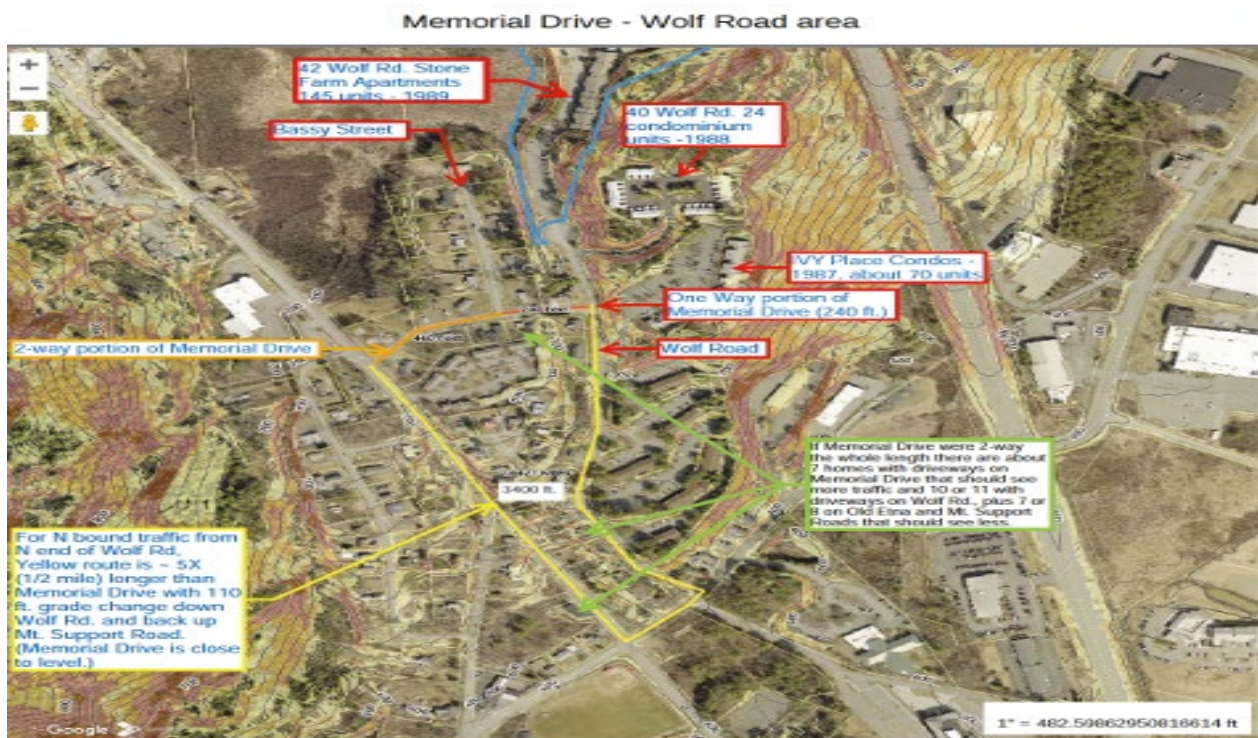
1. Agenda Request Form submitted by Assistant Mayor Below, received February 23, 2025
2. Map of Memorial Drive - Wolf Road Area
3. Lebanon Police Department Traffic Accident Reports
4. Agenda packets, a legal opinion, and minutes from the January 21, 2009 City Council meeting
5. February 26, 2025 memorandum from Police Chief Phillip Roberts on behalf of the Public Safety Committee
6. Proposed Ordinance #2025-02

Assistant Mayor Below reviewed the background materials in the agenda packet, and discussed his reasons why he felt Ordinance #2025-02 should be amended to remove the one-way designation at the east end of Memorial Drive. **(Please review the detailed information in the March 19, 2025 Council agenda packet.)**

BACKGROUND

On February 23, 2025, Assistant Mayor Below submitted an Agenda Request to discuss removing the one-way designation of the east end of Memorial Drive, between Bassy Street and Wolf Road in Lebanon. Following receipt of the Agenda Request, the Public Safety Committee was asked to review the proposal and comment on any public safety concerns that were identified.

The existing one-way designation of a portion of Memorial Drive dates to a City Council action in July 1987. However, the one-way designation of Memorial Drive was most recently discussed by the Council during a public hearing on January 21, 2009. Enclosed with this packet are the supporting materials from the 2009 discussion, which includes some background information that led to the original 1987 Council action.



Mr. Dan Nash (Ward-1): He spoke about the history behind this emotional issue that took place back in 1989.

1
2 **ACTION:**

3 *Councilor Wilkie MOVED, that the Lebanon City Council hereby schedules a public hearing for*
4 *Wednesday, April 16, 2025, beginning at 7:00pm in Council Chambers, City Hall, and Remote via the*
5 *City's Virtual Platform, for the purpose of receiving public input and taking action on proposed*
6 *Ordinance #2025-02 to amend City Code Chapter 168, Vehicles and Traffic, §168- 9, One-way streets,*
7 *to remove the one-way designation for the easterly portion of Memorial Drive, between Bassy Street*
8 *and Wolf Road in Lebanon.*

9
10 After further discussion by the Council, Councilor Wilkie amended his motion to include the following:

11
12 **BE IT FURTHER MOVED** that all abutting property owners on Memorial Drive, Bassy Street and
13 the portion of Wolf Road north of the Memorial Drive intersection be notified by mail about this
14 **Public Hearing.**

15 *Seconded by Councilor Simon.*

16
17 **Roll Call Vote:**

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

20 *None voted Nay.*

21 *Absent from vote: Councilor Sykes*

22
23 **The Vote on the Motion was approved by members present (8-0).*

- 24
25 B. Ordinance #2025-03, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-
26 Way Streets: Discussion and Set Public Hearing for April 16, 2025: Ordinance #2025-03, To
27 Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets, to Remove
28 One-way Designation of North End of Church Street

29
30 Included in the agenda packet: **(All supportive documents and information can be found on pages**
31 **267-306, Council agenda packet)**

- 32 1. Agenda Request Form submitted by Assistant Mayor Below, received March 4, 2025
33 2. Excerpts from City of Lebanon CSO Plans, compiled by Assistant Mayor Below
34 3. Agenda Packet and Minutes from August 21, 2024 City Council meeting
35 4. Proposed Ordinance #2025-03
36 5. Updated Central Fire Station plans, dated revised October 7, 2024, and responses to
37 specific questions from Agenda Request

38
39 Assistant Mayor Below reviewed the background history and spoke about the reasons why the one-way
40 street designation of the north end of Church Street should be removed.

41
42 **BACKGROUND**

43 On May 15, 2024, the City Council adopted Ordinance #2024-06 to amend City Code Chapter 168,
44 Vehicles & Traffic, §168-9, One-way streets, to designate the northerly 325 feet of Church Street in
45 Lebanon as a one-way street with a northward direction of travel. The one-way designation was
46 implemented in conjunction with the reconstruction of the Central Fire Station, which at the time, was
47 anticipated to encroach further into Church Street and limit roadway width to approximately 18.82 feet at
48 its narrowest point.

1
2 Subsequently, on August 21, 2024, the Council had further discussions about Church Street and potential
3 modifications to the Fire Station project. Assistant Mayor Below noted that it appeared the Fire Station
4 design could be modified to make the entire northerly segment of Church Street approximately 20-feet
5 wide, which is as wide or wider than some other local streets reconstructed through the CSO programs. The
6 Council ultimately voted to establish a City policy “that when significant city work is being done to a
7 paved street where two-way traffic is allowed or has been since 2020, that a minimum width, curb to curb
8 or to edge of pavement, of 20 feet be established or maintained or as close thereto as is reasonably practical
9 and affordable.” However, the Council declined to take action to repeal Ordinance #2024-06 at that time
10 noting that the roadway was entirely closed for the duration of construction of the Fire Station.
11

12 On March 4, 2025, Assistant Mayor Below submitted an Agenda Request to discuss ending the one-way
13 designation of the north end of Church Street in order to follow through on the Council discussion from
14 August 2024.
15

16 **ACTION:**

17 *Councilor Liot Hills MOVED, that the Lebanon City Council hereby schedules a public hearing for*
18 *Wednesday, April 16, 2025, beginning at 7:00pm in Council Chambers, City Hall, and Remote via the*
19 *City’s Virtual Platform, for the purpose of receiving public input and taking action on proposed*
20 *Ordinance #2025-03 to amend City Code Chapter 168, Vehicles and Traffic, §168- 9, One-way streets, to*
21 *remove the one-way designation for the northerly 325 feet of Church Street in Lebanon and to restore*
22 *two-way traffic upon reopening of the roadway following the construction of the Central Fire Station.*
23

24 *After Reverend Silver said he would notify his parishioners and remarked that the property owners on*
25 *Church Street should also be notified, Councilor Liot Hill amended her motion to read:*
26

27 **BE IT FURTHER MOVED** *that notice should be sent to all the property owners on Church.*
28

29 *Seconded by Councilor Heistad.*
30

31 **Roll Call Vote:**

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

34 *None voted Nay.*

35 *Absent from vote: Councilor Sykes*
36

37 **The Vote on the Motion was approved by members present (8-0).*
38

- 39 C. Ordinance #2025-04, To Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees:
40 Discussion and Set Public Hearing for April 2, 2025: Ordinance #2025-04, To Amend City Code
41 Chapter 68, Fees, Article III, Miscellaneous Fees, Section 68-15, Enumeration of Fees,
42 Paragraph 68-15.B(10), Town of Enfield Sewer Rental Rate
43

44 Included in the agenda packet: **(All supportive documents and information can be found on pages**
45 **308-315, Council agenda packet)**

- 46 1. Enfield Sewer Rate Evaluation presentation prepared by the Department of Public Works
47 2. Proposed Ordinance #2025-04
48

1 Ed Morris, Enfield Town Manager, Eric Russel, Selectboard Chair for Town of Enfield, and June Taylor,
2 Enfield DPW Director were present and represented the Town of Enfield.

3
4 City Manager Mulholland spoke about the background noting this presentation is regarding what the
5 appropriate sewer rate structure should be for the Town of Enfield. This issue has not been resolved for a
6 long time.

7
8 Jay Cairelli (Director of Public Works) reviewed and explained the methodology used for 2026 in his
9 presentation that is included on **pages 308-314, Council agenda packet.**

10 11 **BACKGROUND**

12 Last fall, during the rate-setting hearing with the City Council, the sewer rate for the Town of Enfield, set
13 forth in City Code Chapter 68-15.B (10), was a point of discussion. At that time, no adjustments to the
14 Enfield sewer rate were made, as it was noted that Enfield's current sewer rate was higher than that of
15 Lebanon, prompting a need for further evaluation. The City Council agreed that the rate should be
16 reviewed in detail before any adjustments were made.

17 Since then, a comprehensive evaluation has been conducted, considering various factors, including
18 modeled sewer flow, debt service obligations, the transfer to capital reserves, and administrative overhead.
19 Based on this evaluation, a new sewer rate for Enfield has been calculated. The current sewer rate for
20 Enfield is \$15.20 per 100 cubic feet, while Lebanon's rate is \$13.36 per 100 cubic feet. The proposed new
21 sewer rate for Enfield, if applicable in 2025, would be \$8.29 per 100 cubic feet.

22
23 If the proposed rate change is implemented, the projected revenue from sewer user fees in the Town of
24 Enfield would decrease from \$687,540 to \$430,725.12 (2025 numbers).

25 This proposal is to set a preliminary rate for the Town of Enfield for 2026, which will need to be adjusted
26 once the 2026 budget is created and included in the annual rate-setting meeting and public hearing in the
27 Fall of 2025.

28 29 **Council/Staff Comments:**

30 Councilor Liot Hill noted she had some reservations about scheduling this item for a Public Hearing and
31 felt this needs more consideration by the Council. She spoke about the lost revenue of \$250K and had
32 concerns about how this amount of money would be made by the residents of the City. She suggested
33 using a phase-in approach or coming up with another approach.

34
35 City Manager Mulholland explained how the Town of Enfield's rates are calculated and what is
36 included/not included in their fee rate structure.

37
38 After more discussion between the Council and the Town of Enfield regarding the rate fee structure
39 methodology used, the Council chose not to take any action of this item and felt the formulary needs more
40 work

41
42 **ACTION: No Action was taken by the Council.**

43 44 **D. Discussion of Potential Zoning Amendments**

- 45 1. To Add "Hotel" as a Permitted Use in the General Commercial One (GC-1) District
- 46 2. To Add "Care and Treatment of Animals" as a Use Allowed by Conditional Use Permit in

the Residential Office One (RO-1) District

Included in the agenda packet: **(All supportive documents and information can be found on pages 316-337, Council agenda packet)**

1. Memorandum from Planning & Development Department Staff RE: Proposed Zoning Amendments: Hotel in GC-1, dated March 5, 2025, including January 29, 2025 letter from Dan Nash, of Advanced Geomatics & Design, RE: Request for Zoning Change [Hotel/ GC-1]
2. Memorandum from Planning & Development Department Staff RE: Proposed Zoning Amendments: Care & Treatment of Animals, dated March 5, 2025, including January 29, 2025 letter from Dan Nash, of Advanced Geomatics & Design, RE: Request for Zoning Change, Lot 78-40-1 [Care and Treatment of Animals/ RO-1]

Director Reichert reviewed the background and noted these amendment requests came from two (2) citizens.

BACKGROUND

On January 29, 2025, Dan Nash, of Advanced Geomatics & Design, submitted two zoning amendment requests on behalf of clients.

The first amendment, submitted on behalf of Choice Storage, LLC/Jay Campion and Cicotte Properties, LLC/Johanna Cicotte, requests that "Hotel" be added to Section 305A.2, Table of Uses, as a Permitted Use within the General Commercial One (GC-1) zoning district. (Adding this item to the June 18th Public Hearing)

The second amendment, submitted on behalf of Evans Drive SPE, LLC/Johanna Cicotte, requests that "Care and Treatment of Animals" be added to Section 311A.2, Table of Uses, as a Use Allowed by Conditional Use Permit in the Residential-Office One (RO-1) zoning district. (Regarding Food Trucks)

The Planning and Development Department prepared a brief memorandum concerning each of the respective requests and summarized the amendment process, including suggesting a tentative review schedule pursuant to Section 1000.3.A of the Zoning Ordinance. **(See agenda packet)**

Mr. Dan Nash (Ward-1) came forth and spoke about his reasons for adding the Treatment of Animals to the table of Uses in the GC-1 area.

ACTION:

Councilor Liot Hill MOVED that the Lebanon City Council, in accordance with City of Lebanon Zoning Ordinance, Article X, Section 1000.3, Amendment Procedures, submits the proposed zoning amendments as described in two separate letters dated January 29, 2025 from Dan Nash of Advanced Geomatics & Design, to the Planning Board, Zoning Board of Adjustment, and Conservation Commission for their review and comment with regard to the care and treatment of animals request. The City Council hereby sets the following tentative review schedule:

<i>City Council Decision to Proceed:</i>	<i>March 19, 2025</i>
<i>Legal Review:</i>	<i>by March 31, 2025</i>
<i>Zoning Board of Adjustment:</i>	<i>April 7, 2025</i>
<i>Conservation Commission:</i>	<i>April 10, 2025</i>
<i>Planning Board:</i>	<i>April 28, 2025</i>
<i>City Council Setting Public Hearing:</i>	<i>May 7, 2025</i>

And with regard to the Hotel Amendment, the City Council requests the Planning Staff to put it on the incorporated schedule to be included in the package of Zoning Amendments that will be set for a Public Hearing on June 18, 2025.

Seconded by Councilor Simon.

Roll Call Vote:

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

None voted Nay.

Absent from vote: Councilor Sykes

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

10.E – Discussion with NHDOT Commissioner William J. Cass and NHDOT Deputy Commissioner Andre J. Briere (DISCUSSED EARLIER IN MEETING).

11. City Manager Report:

City Manager Mulholland updated the Council on the following:

- Update on Senate Bill 297 (as amended): This was an emergency bill that was submitted by Senator Carson relative to the HealthTrust of NH. The Council discussed the impact this bill would have on the costs for Health Insurance for the City.
- New House Bill 707: Proposed a moratorium on landfills in the State of New Hampshire. This will have some extremely adverse effects on the City's landfill if it cannot be amended to exclude (not for profit) municipalities. Without an amendment, the City will have to cap its landfill in the next 5 years and find another source for waste.
- Dry Bridge Project: Still waiting the approval from the railway that would allow the City to operate on the railroad services land. Contractors are ready to go as soon as approval is received.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES:

13. FUTURE AGENDA ITEMS:

14. NON-PUBLIC SESSION:

15. ADJOURNMENT:

Councilor Whittlesey MOVED for adjournment.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

Absent from vote: Councilor Sykes

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

1

2 **The meeting was adjourned at 9:50PM.**

3

4 Respectfully submitted,

5 Dona E. Gibson

6 Recording Secretary

**Agenda
Lebanon City Council
April 2, 2025**

8. Appointments:

Appointments

Board/Committee Appointments as presented by City Clerk/Tax Collector Jaseya Ewing

- Library Board of Trustees, Adam Ali (Alternate Member)

Included in this Section:

1. Memo from City Clerk/Tax Collector Jaseya Ewing dated April 2, 2025



Office of the City Clerk & Tax Collector
51 N. Park Street
Lebanon, NH 03766

MEMORANDUM

DATE: April 2, 2025
TO: The Honorable Mayor & City Council
FROM: Jaseya Ewing, City Clerk & Tax Collector
RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment.

Note: nominations do not need to be seconded.

Library Board of Trustees

- **Adam Ali** – Appointment as an alternate member for a one-year term.

Term: 4/2025-4/2026

Interviewed By: Councilor Simon

From: [Kara Tracy](#)
To: [Kara Tracy](#)
Subject: FW: [EXTERNAL] Online Form Submission #11341 for Board Member Application
Date: Wednesday, March 26, 2025 7:32:46 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Board Member Application

Application Process

After submitting this application, you will be contacted and interviewed by one of our City Councilors. Your application will then go before the full Council at one of their regular meetings for consideration of appointment. If you have questions, please contact the City Clerk's Office at 603-448-3054 or cityclerk@lebanonnh.gov.

Basic Requirements

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

(Section Break)

First Name	Adam
------------	------

Last Name	Ali
-----------	-----

Physical Address	
------------------	--

City	
------	--

State	
-------	--

Zip Code	
Is this your mailing address?	Yes
Home Phone Number	
Work Number	<i>Field not completed.</i>
Email Address	
How long have you resided in Lebanon?	45 days
(Section Break)	
Is this an application for re-appointment?	This application is not for re-appointment.
For which board, committee, or commission are you applying?	Library Board of Trustees
Other Committee	<i>Field not completed.</i>
Why would you like to serve?	I would like to serve as a way to truly engage with and learn about my new community. Public libraries are essential learning and community spaces that need validation, protection, and advocacy. I would love to be a part of an organization that does just that.
State a few of what you feel your qualifications are or why you wish to be appointed to this board / committee.	I have served for over four years in public libraries around suburban Philadelphia in a few different roles. My education background is in accounting and I've worked on the public library floor as a reference assistant and a branch manager. I've worked in as a finance assistant, and currently work as a financial analyst for Dartmouth Libraries. My skills and experience of both in front of and behind the scenes of libraries make me uniquely qualified for this position.
Certification	I hereby certify that I meet the basic requirements for applying to a Lebanon board / committee.

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

Councilor Interview Report Form

Councilor Name: Co. Simon

Date of Interview: 3/3/25

Applicant Name: Adam Ali

Board(s) to Which Applied: Library Board of Trustees

☐ Regular Seat

☒ Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? ☒ Yes ☐ No

(If yes, indicate date of meeting.) Date: 2/25/25

Recommend Appointment: ☒ Yes ☐ No

☐ Regular Seat

☒ Alternate Seat

General Comments:

Excellent addition to the board.

Hx of working w/ Library Boards

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

Standard Questions for All Applicants:

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

To provide guidance & assistance to the Library & Staff in completing their work.

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

Yes, time & work permitting.

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

Worked in multiple Library systems in financial services

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

Yes, time & work permitting.

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

None.

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

Budget challenges

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

Providing high value & a wide range of services

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

To deliver statistics that show the need for and strongly advocate for Library programs & services.

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

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

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

Agenda

Lebanon City Council

April 2, 2025

9. Public Hearing Items:

9.A – Ordinance #2025-01: Delete and Repeal City Code Chapter 179, Vendors, and Replace it With a New City Code Chapter 179, to be Entitled Vendors

A public hearing for the purpose of receiving public input and taking action to delete and repeal existing City Code Chapter 179, Vendors, and to replace it with a new City Code Chapter 179, to be entitled Vendors.

The City Council scheduled this public hearing at its March 5, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on March 22, 2025 in accordance with City Code and State Law.

Background

The Food Truck Task Force (FTTF) was established by the City Council at its July 17, 2024, meeting with an aim to foster economic growth and community vibrancy while ensuring public safety and accessibility.

The FTTF was charged with evaluating and addressing the practical and regulatory challenges associated with the operation of food trucks within the City of Lebanon, and more specifically to:

1. Review current City Code Chapter 179 and relevant zoning regulations to identify conflicts and limitations impacting food truck operations. Provide recommendations for changes to facilitate the safe and efficient operation of food trucks city-wide.
2. Develop a comprehensive, sustainable strategy for permitting and managing food trucks on public property in downtown Lebanon and West Lebanon. This strategy should consider various aspects such as traffic and pedestrian safety, public health, parking, and fire safety.
3. Conduct public outreach to gather feedback from residents, local businesses, and other stakeholders to ensure community needs and concerns are addressed.
4. Submit a detailed report of findings, recommendations, and proposed code and zoning changes to the City Council by February 15, 2025.

The FTTF began meeting in October 2024, held a public input session on January 7, 2025, and concluded its business in February. A presentation of the Task Force's process and recommendations was provided to the City Council on March 5, 2025, at which time this public hearing for Chapter 179 was scheduled. Also on March 5th, the Council kicked-off recommended zoning amendments, which will conclude with a public hearing in late May.

Action:

If the Council decides to move forward, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby adopts Ordinance #2025-01 to delete and repeal City Code Chapter 179, Vendors, and replace it with a new City Code Chapter 179, to be entitled Vendors, as presented in the April 2, 2025 City Council Agenda Packet.

Included in this Section:

1. Food Truck Task Force, Report of Findings and Recommendations
2. Proposed Ordinance #2025-01
3. March 25, 2025 Legal Opinion from Attorney Matthew Decker
4. Notice of Public Hearing as Published in the March 22, 2025 edition of the *Valley News*

Lebanon Food Truck Task Force

Report of Findings and Recommendations

The Food Truck Task Force (FTTF) was established by the City Council at its July 17, 2024, meeting with an aim to foster economic growth and community vibrancy while ensuring public safety and accessibility.

The FTTF was charged with evaluating and addressing the practical and regulatory challenges associated with the operation of food trucks within the City of Lebanon, and more specifically to:

1. Review current City Code Chapter 179 and relevant zoning regulations to identify conflicts and limitations impacting food truck operations. Provide recommendations for changes to facilitate the safe and efficient operation of food trucks city-wide.
2. Develop a comprehensive, sustainable strategy for permitting and managing food trucks on public property in downtown Lebanon and West Lebanon. This strategy should consider various aspects such as traffic and pedestrian safety, public health, parking, and fire safety.
3. Conduct public outreach to gather feedback from residents, local businesses, and other stakeholders to ensure community needs and concerns are addressed.
4. Submit a detailed report of findings, recommendations, and proposed code and zoning changes to the City Council by February 15, 2025.

TASK FORCE RECOMMENDATIONS:

The Food Truck Task Force has worked to address all components of the charge set forth by the City Council. The proposed amendments to Chapter 179 and the Zoning Ordinance were thoughtfully crafted and provide due consideration to existing challenges and concerns expressed by the public. While solutions to the existing challenges and concerns may not be fully met through the proposed amendments, the amendments **do provide and should be considered as an interim solution (particularly with the vending areas along South Park Street). As such, the FTTF recommends the City Council move forward with the amendments as proposed.**

In looking at the future of vending in the city the Food Truck Task Force recommends that:

- City administration work to create a destination area for food service vendors where electricity, portable restrooms, and seating areas are provided.
- Designated parking spaces for food service vending on Main Street, West Lebanon be established once the Main Street improvements are completed; and

FUTURE CONSIDERATIONS:

Ending license agreements with Salt hill Pub and Three Tomatoes for use of West Park Street and Court Street respectively for summer dining.

OCTOBER 2024

The FTTF began meeting in October. Discussion at the initial meeting held on October 21, focused on the many challenges associated with vending operations on South Park Street. Challenges discussed included:

- Number of lost parking spaces
- Vendors not vending when spaces are reserved (lack of accountability/responsibility)
- Lack of electricity and other facilities/infrastructure
- Pedestrian safety
- Noise from generators
- Traffic flow

Other discussions that took place during the meeting included the provision of multiple vending locations in downtown Lebanon as well as downtown West Lebanon, and possibly creating a “destination” area where several trucks could gather and be provided with the infrastructure necessary for them and their patrons (adequate electricity; seating areas; portable restrooms, etc.) In conjunction with these discussions, it was noted that a food truck is a great opportunity for anyone trying to start a small business and that should be supported here in the city. Mention was also made that it would be helpful for everyone to understand the customer base patronizing the food trucks, i.e. are they a destination, or do most people stop just because they are passing by?

NOVEMBER 2024

The meetings held in November involved review and discussion of current zoning regulations and City Code Chapter 179 - Vendors. Input by task force members at these meetings resulted in proposed amendments to both sets of regulations, each of which are attached.

CHAPTER 179:

When reviewing Chapter 179 it became apparent that regulations for vending needed to better delineate food service vending from vending of general goods. As such existing definitions were expanded to include one for “Mobile Food Service Unit” and one for “Mobile Food Service Vendor.” Also, in an effort to better define and regulate food

service vending from units other than a truck or trailer, a definition for “Stand Vendor” was developed.

In trying to find a balance between resident/visitor concerns and the needs/wants of food service vendors, the task force is recommending a shift from quarterly seasons to one vending season beginning April 1st and ending October 31st. Areas for seasonal vending are recommended as follows:

- (2) on South Park Street (east of the midblock crosswalk)
- (2) on Campbell Street (parking spaces located in front of the Carter Mansion)
- (2) in the lower (Taylor Street) parking lot beginning in the spaces closest to the boundary line with the CCBA fronting on the Mascoma River.

Electrical service is only available to the vendor utilizing the area immediately east of the crosswalk on South Park Street. There are no plans to provide electricity beyond that space. For this reason (along with visibility, etc.) this space is highly desired by vendors. Currently, if there were more than one vendor applying for this space, a random drawing would be held to determine which vendor would be awarded the space. The task force is recommending that the random drawing process become an “auction” process with the minimum bid being the fee required for a seasonal permit (\$200). The vendor that bids the highest would get the space for the pending season.

Another more substantial change being recommended is requiring that all seasonal vendors be responsible for reserving/freeing their designated vending areas. Currently safety cones are provided by and placed by City staff. Under the proposed regulations, vendors will be solely responsible for placing cones when they need to reserve their area and for removing cones when they know they will not be vending. This will free up parking spaces and help to alleviate the expressed public concern.

Other changes to Chapter 179 included moving of text between relevant sections to improve the flow and clarify existing language.

ZONING:

Proposed amendments to the Zoning Ordinance include permitting mobile food service vending in multiple non-residential zoning districts, adding new definitions, and adding a new Section 614, Mobile Food Service, that outlines additional standards required for mobile food service vending.

DECEMBER 2024

The meetings held in December were a culmination of all previous discussions resulting in final drafts of proposed amendments to the zoning ordinance and Chapter 179. The proposed zoning amendments were reviewed with and further refined by staff from the Planning & Development Department. Both documents were made available to the public in advance of the January 7, 2025, public input session.

JANUARY 2025

January 7 (Public Input Session):

Public input was gathered through form submissions on the City's website, via email, and in-person through attendance on January 7. The main concerns expressed are recognized in the following themes:

- Safety & Accessibility
- Noise & Environmental Impacts
- Operational Logistics
- Community Benefits & Fairness
- Residential and Aesthetic Concerns
- Competition with Established Businesses

Summaries of comments for each particular theme can be found in the attached Public Comment Summary.

January 28

Discussion at the January 28 meeting centered around the review of the Draft Report and Recommendations (including proposed amendments to the Zoning Ordinance and Chapter 179) to be presented to the City Council. Public input was reviewed to ensure that the majority of concerns were addressed through the proposed amendments to be considered.

CITY OF LEBANON
ORDINANCE #2025-01

AN ORDINANCE TO AMEND the Code of the City of Lebanon by deleting and repealing Chapter 179 thereof, Vendors, and replacing it with a new Chapter 179, to be entitled Vendors, which chapter provides for the regulation of sales by vendors within the general area of Colburn Park, the Lebanon Mall, and the area of Hanover Street formerly known as “Hough Square” in the City of Lebanon.

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

Section 1:

The Code of the City of Lebanon is hereby amended by deleting and repealing Chapter 179, Vendors.

Section 2:

The Code of the City of Lebanon is hereby amended by adding thereto a new chapter, to replace Chapter 179 hereinabove repealed, to be Chapter 179, Vendors, to read as follows:

- §179-1 Declaration of purpose.
- §179-2 Definitions.
- §179-3 Permit required.
- §179-4 Permits and fees.
- §179-5 Limitation of number and location of vending operations; nonprofit permits.
- §179-6 Restrictions applicable to all vendors.
- §179-7 Grey water waste disposal.
- §179-8 Suspension or revocation of permit.
- §179-9 Appeals.
- §179-10 Penalties for offenses.

§ 179-1 Declaration of purpose.

The purpose of this chapter is to provide for the regulation of sales by vendors within the general area of Colburn Park, the Lebanon Mall, and the area of Hanover Street formerly known as “Hough Square” in the City of Lebanon. This is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare in that area.

§ 179-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Abutting Business - Any legitimate business located within, whether by lease, rental or ownership, a property directly abutting North Park Street, West Park Street, the Lebanon Mall, and those businesses located on Hanover Street within the area formerly known as “Hough Square” (shown on the map attached as Appendix A).

Food Waste (also referred to as food scraps) - Waste that has the potential of being composted and thereby diverted from disposal in the landfill. Examples include, but are not limited to: coffee grounds, eggshells, meat, dairy, fruit and vegetable scraps/peelings.

Grey Water Waste - Any wash water that has been used in a home or business, except water from toilets.

Mobile Food Service Unit – Any vehicle that is self-propelled or can be pulled down a street, the purpose for which is to prepare and/or dispense food or beverages for immediate service and/or consumption.

Mobile Food Service Vendor – Any person who prepares and/or dispenses food or beverages from a mobile food service unit for immediate service and/or consumption.

Public Street or Sidewalk - Include all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

Stand - Any newsstand, table, bench, booth, rack, handcart, pushcart, or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, used for the display, storage, or transportation of articles offered for sale by a vendor.

Stand Vendor - Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods, or merchandise on permitted public parcels or sidewalks from a stand as defined herein.

Vending Area - Public parking spaces designated for seasonal vendors during the established vending season only. All vehicles associated with the vending operation (truck & trailer combined) must be contained within their permitted vending area. Vending areas are as shown on the map attached as Appendix B.

Vending Hours - Vending is permitted for daily, weekly, and seasonal vendors between the hours of 7:00am-9:00pm, Monday through Sunday during the vending season only.

Vending Season - The vending season for seasonal vendors shall be April 1 through October 31. The vending season for daily or weekly vendors shall be year round.

§ 179-3 **Permit required.**

Vending which occurs as an inherent part of an event properly licensed or permitted by the City Manager, including but not limited to: a farmers' market, street fair, or alumni day, shall be exempt from the provisions of this chapter.

Vending activity shall be unlawful on all streets, sidewalks, and other public property in Lebanon, other than those listed below. However, this prohibition shall not apply to mobile vendors whose vehicle, stand or cart does not remain in any single site longer than 30 minutes, including but not limited to mobile ice cream trucks.

No vending permit shall be issued to a Mobile Food Service Vendor without an inspection by the Lebanon Fire Department, or an authorized agency as designated by the Lebanon Fire Department. Should inspection be unfavorable, a permit will not be issued until the food service unit is found to be compliant with required regulations.

No permit shall be issued to an applicant unless the applicant assumes liability for damages, property loss, injury or death, or other related liability resulting from the activities of the vending operation.

Vending activity is limited to the areas described below. It shall be unlawful for any vendor or abutting business to sell, display, or offer for sale any food, beverage, goods, or merchandise without first obtaining a permit from the City Manager. Vending activity on private property is regulated by the Zoning Ordinance.

- A. South Park Street: up to two designated vending areas east of the mid-block crosswalk on the north side of the street. Vendors using these spaces with service windows facing the street shall be responsible for placing a continuous safety barrier within the depth of the existing parking spaces for the full length of the mobile food service unit as approved by the department of public works. These vending areas are for seasonal vending only.
- B. North Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on North Park Street. Vending shall be by means of a "stand" as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
- C. West Park Street: vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on West Park Street. Vending shall be by means of a "stand" as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.
- D. Colburn Park: described as the entire area bordered by North, West, South, and East Park Streets, excluding the sidewalks along those streets. A maximum of four "stand" vendors will be permitted to utilize Colburn Park at any given time. Permits will be issued for daily/weekly vending only and will not be issued on Thursdays from May 1 through September 30 so as not to conflict with the weekly farmers' market.
- E. Campbell Street: up to two designated vending areas between the intersection of North Park Street (in front of the Carter Mansion) and the driveway entrance between 1 & 3 Campbell Street. These vending areas are for seasonal vending only and Vendors using these spaces are required to have their food service window facing the sidewalk.
- F. Taylor Street (Lower Level) Parking Lot: up to two designated vending areas in the parking spaces fronting the Mascoma River beginning at the eastern most corner of the parking lot (closest to the playing fields for the CCBA). These vending areas are for seasonal vending only and Vendors using these spaces are required to have their food service window facing the sidewalk.
- G. Lebanon Mall: described as extending from the westerly sideline of West Park Street west and north to Hanover Street, meaning and intending to include the entire area of the pedestrian mall. A maximum of two "stand" vendors will be permitted to utilize Lebanon Mall at any given time. Permits will be issued for daily/weekly vending only. Permits for seated outdoor dining will only be issued to businesses physically located within or abutting the bounds of the pedestrian mall.
- H. Hanover Street "Hough Square": vending shall be permitted within the sidewalk area directly in front of a legally established business or place of residence that is physically located on Hanover Street within the area formerly known as "Hough Square" (properties include 55,

57 & 59 Hanover Street). Vending shall be by means of a “stand” as defined above and shall be placed in a location that does not impede pedestrian travel. If a stand cannot be placed in such a manner as to allow a minimum five-foot width for pedestrian movement, vending will not be permitted.

§ 179-4 **Permits and fees.**

A. Daily Permits:

Daily Permits are issued for “Stand” vendors only. They are issued for any day of the week to include weekend days. Consecutive daily permits may not exceed three days. If a permit is requested for 4 or more days, the permit shall be considered a Weekly Permit. The fee for a daily vendor permit is \$10. Applicants wishing to obtain daily permits shall apply to the City Manager at least 24 hours prior to the desired start date. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.

Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.

When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.

Permits and assigned locations are non-transferable, and the fee is non-refundable.

Use of City-owned electricity requires an inspection and approval by the City Electrician. If authorized, the daily fee for use of electricity from a City-owned power supply is \$3.

B. Weekly Permits:

Weekly permits are issued for “Stand” vendors only. Permits are issued for the week beginning Monday and ending Sunday and may run consecutively. The fee for a weekly vendor permit is \$50. Applicants wishing to obtain a weekly permit shall apply to the City Manager at least 5 days prior to the desired start date. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.

Applicants must meet the requirements of the City Manager for size of vending stand, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.

When more completed applications are received for vending areas than are available, the City Manager shall determine the allocation of vending areas by a random drawing.

Permits and assigned locations are non-transferable, and the fee is non-refundable.

Use of City-owned electricity requires an inspection and approval by the City Electrician. If authorized, the daily fee for use of electricity from a City-owned power supply is \$15.

C. Seasonal Permits:

Seasonal Permits are issued for the time beginning April 1st and ending October 31st for specified vending areas as defined above and depicted on the map attached as Appendix B. The fee for a seasonal vendor permit is \$200. Applicants wishing to obtain a seasonal permit shall apply to the City Manager between January 1 and March 14 for the vending season. All applications shall include the following:

- (1) Proof of identity and business address of the applicant.
- (2) A brief description of the nature, character and quality of the food, beverages, goods, or merchandise to be sold.
- (3) If employed by another, the name and business address of the person, firm, association, organization, company, or corporation.
- (4) A description and size (length and width) of the vehicle, together with the motor vehicle registration number.
- (5) Desired Vending Area Location.

Applicants must meet the requirements of the City Manager for size of vehicle/operation, noise, state permit(s), hours of operation and other conditions as may be set by the City Manager.

Permits and assigned locations are non-transferable, and the fee is non-refundable.

To retain a permit for assigned vending area, seasonal vendors must utilize their assigned vending area at least 15 days of each month.

A vendor may, upon written permission from the City Manager, utilize the assigned vending area on less than 15 days in any month due to vacation, illness, or other extenuating circumstance. Noncompliance will result in the assigned vendor losing the vending area and disqualifying the vendor from applying for any vending area for the period of one year.

For any day that a vending area is not to be occupied, the vendor is responsible to ensure that the parking spaces are available for use by the public. This includes the removal of all barriers that impede access to the spaces.

Vending area #2 (north side of the South Park Street east of the crosswalk entering Colburn Park) is the only vending area that has access to electricity. Use of City-owned electricity requires an inspection and approval by the City Electrician. If authorized, the seasonal fee for use of this power source is \$350 which is payable in monthly installments of \$50 each or as one lump sum at time of permit issuance.

When more completed applications are received for vending areas than are available, or when more than one completed application has been submitted for one specific vending area location, the City Manager shall determine the allocation of the vending area(s) through an auction process. On a date chosen by the City Manager sometime between the close of applications (March 14) and the beginning of the vending season (April 1) the City Manager shall accept verbal bids from all applicants wanting to be a part of the process. The applicant that bids the greatest amount for the desired area will be awarded that area for the vending season. Remaining vending areas will be awarded using the same process unless or until no further auction is required.

D. Abutting Business Permits:

Abutting businesses shall be entitled to a permit for the use of an area in the vicinity of their established place of business. Permitted areas shall not be situated as to impede pedestrian travel. Areas may not exceed 250 square feet, unless specifically approved by the City Manager, and may be prescribed, mapped, and modified from time to time by the City Manager, depending on the needs of the City.

Permits must be renewed annually and are subject to all other applicable state and City regulations.

The annual fee for an abutting business permit shall be \$125.

§ 179-5 Limitation of number and location of vending operations; nonprofit permits.

- A. As noted in § **179-6** below, the City Manager may limit the number and location of vending operations. Absent any other limiting factor, the City Manager shall not permit more than two seasonal vending areas on South Park Street.
- B. Nonprofit permits. The City Manager may designate additional vending locations within the designated areas, provided that the proceeds from all sales at the location are used exclusively for the benefit of civic, school, charitable, philanthropic, religious, or other not-for-profit organizations. These spaces shall be available on a daily basis for a consecutive period of time and shall be assigned without charge, at the discretion of the City Manager, and according to the above procedure for permits.

§ 179-6 Restrictions applicable to all vendors.

The following restrictions shall apply to all vendors obtaining permits to operate under this Code. In addition, the City Manager may limit the number and location of permits issued based on the criteria below or for other conditions as may be set by the City Manager.

- A. Stands/carts/vehicles shall not:
 - (1) Exceed nine feet in width and 54 feet in length (including towing vehicle and trailer). Height shall not exceed 13 feet.
 - (2) Impede access to the entrance of Colburn Park or any adjacent building or driveway.
 - (3) Locate within 25 feet of a fire hydrant, fire escape, bus stop, loading zone, or driveway of a fire station, police station, or hospital.
- B. Hours of operation. Vendors shall be allowed to engage in the business of vending only between 7:00am and 9:00pm, except for abutting businesses operating under § **179-4D**, which shall be allowed to operate in their permitted area during their normal business hours or as otherwise provided pursuant to § **179-4D**. All vendors must leave public property during non-vending hours, except for good reason and by special waiver from the City Manager.
- C. Handicapped areas. No vendor shall block access to any handicapped parking space or access ramp.
- D. Removal of trash. All trash or debris originating from the operation of the vending stand shall be collected by the vendor and removed from public property daily.

- E. Food waste disposal – Beginning February 1, 2025, state law requires that any person generating one ton of food waste per week or greater shall not dispose of such waste in a landfill or incinerator provided that an alternative facility authorized to manage food waste is located within 20 miles. Food truck vendors are advised that the City of Lebanon solid waste facility has adequate capacity to accept food waste for purposes of compliance with the provisions of NH RSA 147-M:27, V.
- F. The area occupied by a vendor shall be limited to that area so designated by the City Manager.
- G. No vendor shall utilize an open fire in connection with the sale or display of the vendor's wares without a permit from the Lebanon Fire Department.
- H. No vendor shall shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the vendor proposes to sell. Vending operations must be reasonably quiet, i.e., no vending stand or vehicle shall emit excessive mechanical or compressor noise to the detriment of the surrounding environment.
- I. No vending activity shall unreasonably impede the flow of vehicular or pedestrian traffic. The City Manager may impose restrictions in addition to those listed in this section, when warranted, in order to ensure at all times the public's use of streets and sidewalks for purposes of travel.
- J. It is the intent of this chapter that goods or merchandise to be offered for sale shall consist solely of items which can easily be carried away from the sales location by customers, and which entail no special needs or problems pertaining to loading, handling, installation, or delivery, such as might interfere with vehicular traffic or with other users of the surrounding areas. Heavy or bulky items such as tires, large appliances, large furniture items, motorized equipment, or the like are generally not permitted. All goods or merchandise displayed shall be for immediate sale and delivery. Displays or advertising whose primary purpose is to promote future or off-site transactions are not permitted. The City Manager may deny a permit to any vendor whose stand/vehicle/cart does not meet the intent of this subsection.
- K. No banners associated with vending operations may be displayed on the Colburn Park fence.
- L. LED signs are allowed as long as the sign stays static and is non-changeable. It cannot change colors or flash on and off, or otherwise become a nuisance or distraction to vehicular or pedestrian traffic.

§ 179-7 Grey water waste disposal.

- A. Vendors shall not dispose of grey water waste into City storm drains. Such actions are a violation of City Code Chapter 124-3 and the Code of Federal Regulations Title 4. Food service vendors are required to sign and submit a "City of Lebanon Grey Water Waste Disposal Agreement" as part of their application for a vending permit.
- B. Waiver of disposal: Any vendor who does not utilize the Lebanon Wastewater Treatment Facility as a grey water waste disposal site shall provide proof of an alternative disposal location.

- C. Grey water waste disposal is available at the Wastewater Treatment Plant. The disposal fee for seasonal vendors with grey water waste tanks, if utilized, is \$200; for daily permits is \$5; weekly permits is \$25.

§ 179-8 Suspension or revocation of permit.

- A. Any permit issued under this chapter may be suspended or revoked for any of the following reasons:
- (1) Fraud or misrepresentation in the application for the permit.
 - (2) Conducting the business of vending contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
 - (4) Failure to pay applicable fees.
 - (5) Unauthorized disposal of grey water waste into the City's storm drain system.
- B. Upon suspension or revocation, the City shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address.

§ 179-9 Appeals.

Persons who are denied permits or whose permits have been suspended or revoked may appeal by filing a written notice of appeal to the City Manager's Office. The appeal must be filed with the City Clerk within three working days after receipt of the notice of denial, suspension, or revocation. The City Manager shall render its decision in writing within 15 days thereafter.

§ 179-10 Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be charged a penalty of \$25 for each day the violation exists, or their permit may be suspended for a period to be determined by the City Manager, or revoked entirely.
- B. Any person who discharges grey water waste in an unapproved location shall be subject to a fine of \$600.

Section 3: Severability.

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

Section 4: Effective Date.

The Ordinance shall become effective upon passage.

March 25, 2025

Shaun Mulholland, City Manager
City of Lebanon
51 N. Park Street
Lebanon, NH 03766

**RE: Ordinance #2025-01, Repeal and Replace
City Code Chapter 179, Vendors**

Mr. Mulholland,

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance #2025-01, to repeal and replace Chapter 179, Vendors, which was forwarded to me on March 6, 2025. The goals of the updated Vendors ordinance, as I understand them, are to improve upon the City's comprehensive and sustainable strategy for permitting and managing food trucks and other outdoor vendors on public property in downtown Lebanon.

I have reviewed the proposed new version of Chapter 179 in detail. The City has the authority to adopt this ordinance pursuant to, *inter alia*, RSA 47:17, VII, XII and XV. In my opinion, the proposed ordinance is consistent with New Hampshire law and would be valid if adopted by the Council. I discern no legal concerns with the proposed ordinance.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,



Matthew C. Decker

March 24, 2025



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARING

Wednesday, April 2, 2025 - 6:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold a public hearing on April 2, 2025, beginning at 6:00pm for the following:

- A. Ordinance #2025-01:** A public hearing for the purpose of receiving public input and taking action to delete and repeal City Code Chapter 179, Vendors, and to replace it with a new City Code Chapter 179, to be entitled Vendors

The April 2, 2025 City Council agenda packet and documents pertaining to the above-described public hearing will be available on the City's website beginning March 28, 2025: LebanonNH.gov/Agendas

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

NE 463150

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, March 22, 2025.

Jaseya Ewing, City Clerk

**Agenda
Lebanon City Council
April 2, 2025**

11. New Business:

11.A – Presentation of APWA Accreditation Process

Background

The City of Lebanon is undertaking a process to pursue accreditation from the American Public Works Association (APWA). The purpose of the accreditation process, as defined by the City, is to recognize insufficiencies in operation, stimulate self-improvement for employees, and increase overall performance to boost morale and improve public confidence.

The accreditation process will address thirty-four (34) functional areas and will include nine (9) DPW divisions and will involve six (6) additional departments.

The accreditation effort is being led and overseen by Deputy City Manager Paula Maville, who will provide an overview of the process and the anticipated timeline.

Action

No City Council action is required; this item is for informational purposes only.

Included In This Section:

1. Presentation slides for APWA Accreditation

The graphic features a large white circle in the center of a dark blue background. The background is decorated with geometric patterns of diagonal lines in various shades of blue. The text 'APWA ACCREDITATION' is centered within the white circle.

APWA ACCREDITATION

1

PURPOSE

AS DEFINED BY THE APWA

- “The purpose of accreditation is to promote excellence in the operation and management of a public works agency, its programs, and employees. Accreditation is designed to assist the agency in continuous improvement of operations and management and provides a valid and objective evaluation of agency programs as a service to the public and the professions.”

AS DEFINED BY THE CITY OF LEBANON

- “The purpose of accreditation is to recognize insufficiencies in operation, stimulate self-improvement for employees, and increase overall performance to boost morale and improve public confidence.”

SCOPE

34 FUNCTIONAL AREAS

454 Management Practices

9 DPW DIVISIONS

6 ADDITIONAL DEPARTMENTS

PROCESS

- ☐ Self-Assessment
- ☐ Application
- ☐ Improvement
- ☐ Evaluation
- ☐ Accreditation

PARTICIPANTS & ROLES

REVIEWING MANAGEMENT PRACTICES AND DECIDING:

Who should be participating?

What should their role be?

Who will be the main point of contact?

EXPECTATIONS

- ☐ Commitment
- ☐ Communication
- ☐ Diligence
- ☐ Maximum Participation



Questions?

**Agenda
Lebanon City Council
April 2, 2025**

11. New Business:

**11.B – Request from Devon Blanchard, DB Lights,
for a Monument in Colburn Park**

Background

On February 13, 2025, Devon Blanchard, Owner of DB Lights, contacted the City Manager's Office with a request to have a permanent monument built in Colburn Park to recognize his volunteer work on his annual light display. Following a meeting with the City Manager, this item was added to the April 2nd City Council meeting for further discussion.

Enclosed is a brief presentation prepared by Mr. Blanchard concerning his request.

Action

Recommended action will be determined based on the City Council's discussion of this agenda item.

Included In This Section:

1. February 13, 2025 email request from Devon Blanchard
2. Presentation slides prepared by Devon Blanchard, Owner of DB Lights
3. Letters of Support obtained by Devon Blanchard

From: [David Brooks](#)
To: [David Brooks](#)
Subject: FW: [EXTERNAL] Monument honoring DB Lights/my Work in the community
Date: Tuesday, March 25, 2025 12:33:30 PM

From: Devon Blanchard <dblights1@gmail.com>
Sent: Wednesday, March 12, 2025 8:00 AM
To: David Brooks <David.Brooks@lebanonnh.gov>
Subject: Re: [EXTERNAL] Monument honoring DB Lights/my Work in the community

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi David!

Thank you for all your help, the meeting went well!

He said he will be putting it as an official agenda item for an upcoming council meeting, is there a chance I can request it to be at one of the April meetings??

Thank you so much for your help! I look forward to hearing back!

-Devon Blanchard
Owner of DB Lights

From: Devon Blanchard <dblights1@gmail.com>
Sent: Thursday, February 13, 2025 9:21 AM
To: David Brooks <David.Brooks@lebanonnh.gov>
Subject: [EXTERNAL] Monument honoring DB Lights/my Work in the community

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good morning there,

I would like to have a permanent monument be built to recognize my volunteer work for the city of Leb with my light display, but also to remember my late uncle who I do the display in memory of.

Last night, I met with members of the heritage committee, after that, they have suggested that I contact you about further steps including permits etc.

Please let me know what's next.
Thank you!

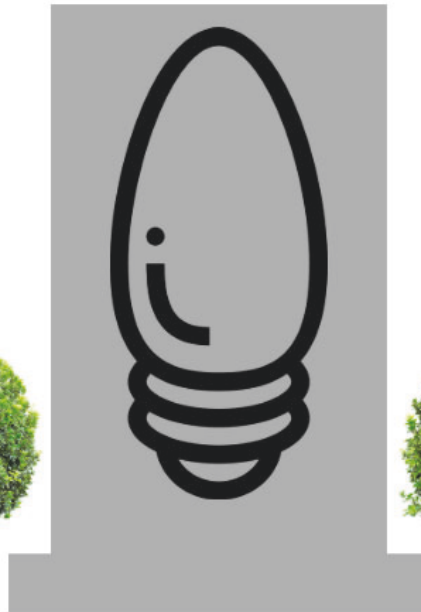
-Devon Blanchard
Owner of DB Lights

DB Lights Request for a Permanent Monument be installed in Colburn park

monument idea



Note:
bushes not
necessarily
Needed



- a plaque will be located on top of the monument built into it.



Mini replica



Created by the sculpture artist Tony perham

Location ideas

1. west side facing UVMC, or facing bandstand, or against the fence
2. East Side facing UVMC

 = location ideas



Location ideas (continued)



Notes

- 1. the monument will be 3ft tall by 2-2.5ft width roughly.**
- 2. cost: this project will be 100% crowdfunded and The city will not have to worry about the cost. We just need your approval, we will also maintain it.**

project timeline

April 2nd: city council approval

April-May: Crowdfunding

may-July: project creation

revealed to the public July 21st-26th (no exact date yet)

Community/economic impact

Economic Boost:

Local businesses benefit immensely from the influx of visitors who attend the light show. Restaurants, shops, and service providers see increased patronage during the holiday season, which helps sustain jobs and invigorates the local economy

Tourism Attraction:

DB Lights attracts visitors from surrounding areas and even beyond, putting Lebanon on the map as a holiday destination. This influx of tourists not only supports local businesses but also promotes Lebanon's attractions and creates opportunities for future visits, just this past February governor Kelly Ayyote called the DB Lights Holiday Display ““The Best In the State Of New Hampshire”

Community Engagement

Given that the DB Lights holiday display has become an annual tradition attracting crowds since its inception in 2018, a monument would symbolize the spirit of unity and joy that this event brings to Lebanon, just like the current monuments do.



Cultural Significance

The display is not just about lights; it represents a story of resilience and hope. The origin of the light show stems from my personal tragedy, where i transformed my grief into a source of joy for others. A monument would honor this narrative and serve as a reminder of how communities can come together in times of sorrow to create something beautiful. It would also educate future generations about the importance of compassion and community spirit.

In summary, a DB Lights permanent monument in Colburn Park would be an excellent idea for the city, as it would enhance community engagement, celebrate cultural significance, stimulate economic growth through tourism, and resonate emotionally with residents and visitors alike. Such an addition would not only honor the legacy of the DB Lights but also enrich the fabric of Lebanon's community life, but don't just listen to me, listen to the people in this room tonight who have our back.

March 18th, 2025

To the Lebanon City council members:

I first met Devon Blanchard when he was a young man videotaping a movie about the band 8084. I thought he was pretty young to be filming a full length movie, but I saw the end result and he did a great job.

Devon has approached his business, DB Lights, with incredible dedication and passion. his knowledge and drive to succeed are unmatched. Year after year, I've witnessed his display grow more elaborate and awe-inspiring, a testament to his hard work and commitment to his craft.

Devon is deeply committed to both his family and his business. From what I understand, he's seeking to create a permanent monument to honor his work as well as honoring others in the community who have passed, particularly during the holiday season. This monument would be more than just a tribute—it would serve as a symbol of remembrance and community spirit, bringing people together to reflect on the season's true meaning, any time of the year.

A DB Lights monument in colburn park would not only commemorate loved ones lost but would also become a landmark in the area, enriching the community with Devon's unique blend of creativity and dedication. With Devon leading this project, you can be sure it will be carried out with the utmost care and excellence. His ability to bring ideas to life has already been proven, and this monument would be a lasting testament to the strength of the Upper Valley community.

Supporting Devon in this endeavor would be an investment in both remembrance and the cultural fabric of Lebanon. I truly believe it would be a meaningful addition to the community, and with Devon at the helm, it will undoubtedly become a cherished landmark for years to come.

Sincerely,

Colleen Wright of Colleen Wright events

Jonathan Joyce
14 Tracy St
W. Lebanon NH
3/14/25

Dear Members of the Council,

I am writing to express my strong support for Devon Blanchard in his request to install a memorial honoring his late uncle, in recognition of the annual holiday light display that has become a cherished tradition in our community. His dedication to this tribute has not only served as a heartfelt remembrance of his uncle but has also brought immense joy and unity to our community.

Each year, Devon Blanchard (DB Lights) voluntarily devotes his time, effort, and resources to creating a beautiful and festive display that brightens our downtown area. This display has become a highlight of the winter season, attracting residents and visitors alike who appreciate the warmth and charm it brings. His unwavering commitment to spreading holiday cheer reflects the values of community service, remembrance, and goodwill.

Beyond its aesthetic and sentimental value, the light display has fostered a sense of togetherness, providing a gathering place for families, friends, and neighbors. It is a testament to the spirit of our community and the power of one individual's effort to create lasting positive change. A memorial installation recognizing both Devon Blanchard (DB Lights) and his late uncle would be a fitting tribute to the legacy of love and generosity that has been shared with us.

I respectfully urge the Council to approve this request and grant the installation of a memorial,
This small but
meaningful gesture would ensure that the contributions of Devon Blanchard are honored for
years to come.

Thank you for your time and consideration.

Sincerely,
Jonathan Joyce
Proud Community Member, Small Business Owner, and Father

**Agenda
Lebanon City Council
April 2, 2025**

11. New Business:

**11.C – Discussion & Set Public Hearing for April 16, 2025: Ordinance #2025-05
to Amend City Code Chapter 31, Boards, Committees & Commissions,
to Add the Lebanon Energy Advisory Committee (LEAC)**

Background

An agenda request was submitted by City Councilor Devin Wilkie to amend the membership of the Lebanon Energy Advisory Committee (LEAC). Councilor Wilkie proposes to authorize the Mayor to request that the City Council appoint a suitable person other than a City Councilor to fill the designated City Councilor position if the Mayor deems it appropriate to do so.

LEAC was created by the City Council in 2007 and the charge and membership have been amended several times since then. However, the creation of LEAC was never adopted by ordinance into City Code Chapter 31. This agenda item would address both issues. Creating an ordinance to put LEAC in City Code and make the modifications regarding membership as discussed above.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 16, 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 proposed Ordinance #2025-05, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to add the Lebanon Energy Advisory Committee (LEAC).

Included in this Section:

1. Proposed Ordinance #2025-05

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

ORDINANCE NO. **2025-05**

An Ordinance to Amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to add a new section for the Lebanon Energy Advisory Committee.

Section 1. Chapter 31 of the Code of the City of Lebanon is hereby amended to add a new section, Article XIV as follows:

ARTICLE XIV, Lebanon Energy Advisory Committee

§31-55. ESTABLISHMENT; MEMBERSHIP; QUALIFICATIONS.

On July 18, 2007, the City Council established a charge and membership of the committee. Nine members (two Council Representatives, one Planning Board Representative, one Lebanon High School student Representative, one Thayer Engineering School Faculty member or student, and four at-large Citizen Representatives).

Membership Amendments

- February 18, 2009 - amended to include three alternate citizen members.
- July 7, 2010 - amended to consist of three at-large citizen representatives, two alternate citizen representatives, one Council representative and one alternate Council representative, one LHS Student representative and one Planning Board representative.
- April 2017 - amended to add one additional at-large citizen representative.
- September 21, 2017 - the Lebanon Energy Advisory Committee established a Subcommittee to work on aggregation projects, initiatives and assignments as the need arises.
- July 5, 2023 - amended membership to change the high school student representative position to a regular member position, and clarified that committee membership would consist of five regular citizen members, two alternate citizen members, one Planning Board representative, one City Council representative, and one alternate Council representative.

Membership

Effective April 16, 2025, the membership of the LEAC shall consist of one City Council representative, one alternate City Council representative, one Planning Board representative, seven at-large citizen representatives, and up to two alternate citizen representatives. The Mayor may, in lieu of appointing a City Councilor to the committee, ask the City Council to appoint another suitable person to fill the position that would normally be filled by a City Councilor.

§31-56. PURPOSE/CHARGE/MISSION.

The Lebanon Energy Advisory Committee (LEAC) was established by the City Council and issued the following charge: To identify opportunities and make recommendations to the City Council with regard to reducing energy use, increasing energy efficiency, exploring alternative energy usage and reducing pollution, to the environmental and fiscal benefit of the City. Charge modified on February 18, 2009 to include: To promote energy conservation measures for city residents and businesses, thereby cutting greenhouse gas emissions and reducing energy costs for taxpayers.

Section 2. Severability

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

Section 3. Effective Date

This Ordinance shall become effective upon passage.

**Agenda
Lebanon City Council
April 2, 2025**

11. New Business:

**11.D – Authorization for City Manager to Enter into an Agreement with the
Town of Wentworth, NH, for the Limited Purpose of Receiving Recycling
Materials at the Lebanon Solid Waste & Recycling Facility**

Background

On March 11, 2025, the Selectboard of the Town of Wentworth, NH, submitted a letter to the City to formally request consideration for an agreement allowing residents of Wentworth to utilize Lebanon's recycling facility for recyclable materials only. The letter indicates that Wentworth does not currently offer a recycling program, and the Town is interested in arranging a viable and sustainable solution in a community that Town residents may already be traveling to for work, shopping, healthcare, or other purposes.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby authorizes the City Manager to negotiate and enter into an agreement with the Town of Wentworth, NH, to allow Wentworth residents to utilize Lebanon's recycling facility for recycled materials only.

Included In This Section:

1. March 11, 2025 letter from Town of Wentworth, NH, Selectboard members

TOWN OF WENTWORTH

OFFICE OF THE SELECT BOARD

P.O. BOX 2 • 7 Atwell Hill Road

Wentworth, NH 03282-0002

(603)764-9955 • townofwentworth@wentworth-nh.org



March 11, 2025

Shaun Mulholland, City Manager
City of Lebanon
51 N Park St
Lebanon, NH 03766

Dear Mr. Mulholland:

We are writing to formally request consideration for an agreement allowing residents of Wentworth, NH to utilize Lebanon's recycling facility, for recyclable materials only. As Wentworth does not currently offer a town recycling program, some of our residents have a strong interest in accessing a comprehensive recycling facility in a community they travel to for work, shopping and healthcare.

Your recycling center's robust program presents a viable and sustainable solution for Wentworth residents who may already be traveling to your region for other purpose. Understanding that Lebanon's facility may be open to such an arrangement and that your recycling-only partnerships do not impact landfill capacity, we believe this arrangement would benefit both municipalities.

We are open to discussing this proposal in detail and would be grateful for any information regarding terms, potential resident permit fees, or other requirements.

Thank you for considering this partnership opportunity.

Sincerely,

Arnold Scheller, Chair

cc: George DeWolf

Richard Ducheneau, Sr.

Brian DuBois

Agenda

Lebanon City Council

April 2, 2025

11. New Business:

11.E – Discussion and Set Public Hearing for May 7, 2025: Ordinance #2025-06, to Adopt a New City Code Chapter 85, Housing Standards, Minimum

Background

Over the course of the past year, the City has received numerous complaints concerning housing. Through the course of investigating, verifying, and working with the property owners to bring their properties into compliance with the State's minimum housing standards, as set forth in NH RSA 48-A, it has become apparent that relying solely on the State RSA for enforcement is difficult and labor intensive. For example, in order to enforce the statutory provisions, the Planning and Development Department has to involve the City's Prosecutor and charge the property owner criminally for violations of the statute.

However, NH RSA 48-A grants local municipalities the power to adopt their own minimum housing standards ordinance. The enforcement of a local ordinance is less involved and labor intensive and allows the use of a local citation process to achieve compliance, instead of criminal prosecution.

The proposed City Code Chapter 85 is a replica of the state minimum housing standards and enforcement procedure, with a few additions under Section 85-5.J, General Occupancy Standards, to help ensure safe residences for all of Lebanon's citizens. The proposed ordinance has been reviewed by the City's legal counsel to ensure compliance with all relevant state laws.

Chief Building Official and Health Officer Leigh Hays has prepared the proposed City Code language and will provide an overview of the proposal to the City Council.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 7, 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 proposed Ordinance #2025-06, to enact a new City Code Chapter 85, Housing Standards, Minimum.

Included in this Section:

1. Proposed Ordinance 2025-06
2. Letter of Support from the Lebanon Housing Task Force
3. NH RSA 48-A, Housing Standards

ORDINANCE 2025-06

AN ORDINANCE TO AMEND the Code of the City of Lebanon, to add Chapter 85, Housing Standards, Minimum, to establish a local ordinance for the regulation and enforcement of minimum housing standards to ensure the health, safety, and general welfare of the community.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by adding Chapter 85, Housing Standards, Minimum.

§ 85-1. Authority

Pursuant to the provisions of New Hampshire RSA 48-A, and every other of its applicable powers, the City of Lebanon (the "City") hereby adopts the following City Code chapter to govern the minimum acceptable housing standards within the city.

§ 85-2. Purpose

This chapter is adopted for the purposes set forth in RSA 48-A:2, and for the health, safety, and general welfare of the residents, to the end that any dwelling within the City which is unfit for human habitation due to dilapidation, dangerous defects which are likely to result in fire, accidents or other calamities, unhealthful lack of ventilation or sanitary facilities, or due to other unhealthy or dilapidated or hazardous conditions, may be caused to be repaired, closed, demolished, or removed from the City, or, if injurious to the public health, safety and welfare, the use and occupancy of the same may be prevented.

§ 85-3. Definitions

Health Officer: An official appointed by the City Manager pursuant to Section 5.01 of the City Charter who enforces the state and local health laws, codes, and ordinances.

Deputy Health Officer: An official who performs the duties of the health officer when the latter is unavailable or in cooperation with such officer.

Housing Board of Appeals: For purposes of this chapter, the Housing Board of Appeals shall mean the City Council.

Dwelling: Any building, structure, trailer, mobile home, camp, or part thereof, used and occupied for human habitation or intended to be so used, including any appurtenances belonging thereto or usually enjoyed therewith.

Owner: Any person holding any legal or equitable title to any dwelling that is subject to the provisions of this chapter.

Landlord: An owner, lessor, or agent thereof who rents or leases residential premises including manufactured housing or space in a manufactured housing park to another person.

§ 85-4. Establishment of Public Agency

- A. A Public Agency is hereby established under RSA 48-A:3, I, which for purposes of this chapter shall mean the Health Officer and Deputy Health Officer, or any one of them acting singly.
- B. The Public Agency may not also serve as an elected officeholder, the City Manager, or a member of the City Council.
- C. The Public Agency and its delegated officers shall have and may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, provided that such powers shall not be used to impose any additional restrictions on dwellings used as a vacation rental or short-term rental as defined in RSA 48-A:1, V, including the power:
 - 1. To investigate the dwelling conditions in the City in order to determine which dwellings are unfit for human habitation;
 - 2. To administer affirmations, examine witnesses and receive evidence;
 - 3. To enter upon premises for the purpose of making examinations under a duly issued administrative inspection warrant if entry is first denied or resisted;
 - 4. To appoint and fix the duties of such officers, agents, and employees as deemed necessary to carry out the purposes and provisions of this chapter; and
 - 5. To delegate any of its functions under this chapter to such officers as it may designate.

§ 85-5. Housing Standards and Enforcement

- A. Standards for Public Agency: The Public Agency may determine that a dwelling is unfit for human habitation if conditions are found to exist in such dwelling which are unusually, abnormally, or unreasonably dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the City. Such conditions may include, but are not limited to, the following: defects which increase beyond normal the hazards of fire, accident, or other calamities; lack of reasonable adequate ventilation, light, or sanitary facilities; dilapidation; disrepair, dangerous structural defects; uncleanness; overcrowding; inadequate ingress and egress; inadequate drainage; or any violation of other health, fire or safety regulations.
- B. Fitness for human habitation, as defined herein, and/or the standards applicable to rented or leased residential dwellings contained in RSA 48-A:14 (as may be amended), as the case may be, are declared to be minimum standards for use and occupancy as permitted under RSA 48-A:11. In addition to all of its other powers, the Public Agency is authorized to prevent the use or occupancy of any dwelling which is injurious to the public health, safety, or welfare. See RSA 48-A:11, II.
- C. Procedures for Complaints
 - 1. Whenever a petition is filed with the Public Agency by at least 10 residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the Public Agency by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in

interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. If a person to be served resides outside the state, service may be made upon by certified or registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication in a newspaper having general circulation in the City, such publication to be at least 10 days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the Public Agency at a place set forth in such notice not less than 10 days nor more than 30 days after the serving of said complaint; that the owner, mortgagee and parties in the interest shall be given the right to file an answer to the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before such Public Agency.

2. After such notice and hearing, the Public Agency determines that the dwelling under consideration is unfit for human habitation it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which, if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or if the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to remove or demolish such dwelling. If after notice given under this chapter an owner or interested person fails to appear for the stated hearing, the Public Agency may proceed to follow the process(es) set forth herein.
3. If an owner is aggrieved by an order of the Public Agency made under section 85-5(C)(2) of this chapter, he may appeal to the City Council which shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the Public Agency and to the owner. The City Council may affirm or revoke the order of the public agency, or it may modify the same in accordance with its findings. If the City Council shall affirm or modify such order, the Public Agency shall proceed to enforce said order as affirmed or so modified, in the manner prescribed in section 85-5(E), below. If the City Council shall revoke said order, the proceedings shall be terminated.

D. Posting of notice:

1. Any structure declared as unfit for human occupancy (or found to be injurious to the public health, safety, or welfare pursuant to section 85-5(C)) pursuant to this chapter, and after following the process prescribed herein, shall be posted with a placard by the Public Agency. The placard shall include the following:
 - a. The name of the City.
 - b. The name of the authorized officer.
 - c. The chapter and section of the code under which it is issued.
 - d. An order that the structure when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn.
 - e. The date the placard is posted.
 - f. A statement of the penalty for defacing or removing the placard.

2. An order to prevent use or occupancy issued under section 85-5(C) of this chapter may be posted according to this section without prior notice and hearing, but such an order may be immediately appealed to the City Council.
- E. Enforcement Procedure. If the owner fails to comply with an order made under section 85-5(C)(2) of this chapter to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling, the Public Agency may file a petition in the Superior Court in which it shall set forth the charges issued under this chapter, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation. The court shall thereupon direct notice to be given all parties having an interest in said dwelling, including mortgagees and persons in possession thereof. Such notice shall be given, where practicable, by personal service, except that if a person to be served resides outside the state, service may be made upon him by certified or registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication of the petition in a newspaper having general circulation in the City, such publication to be at least 10 days before the date set for the hearing. The court shall set a date for hearing such charges and additional allegations. Upon hearing, the matter shall be treated as de novo, and the court shall hear such pertinent evidence concerning the fitness of the dwelling for human habitation as may be relevant.
- F. Order of the Court. If the court finds the dwelling complained against is unfit for human habitation as defined in this chapter, it shall direct the Public Agency to repair, alter, or improve such dwelling to render it fit for human habitation if such repair, alteration or improvement can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost; or if the repair, alteration or improvement of said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, to remove or demolish such dwelling. If the court shall find in favor of the owner, it shall award him his reasonable costs and expenses, including counsel fees, all as determined by the court, incurred by him in defense of the action in the Superior Court.
- G. Liens. Whenever the Public Agency shall incur cost for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the Superior Court, the amount of such costs shall be a lien against the real property as to which such cost was incurred and such lien, including as part thereof upon allowance of the Public Agency's costs and necessary attorneys' fees, may be foreclosed upon by order of the Superior Court made pursuant to a petition filed for that purpose. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed and recorded with the register of deeds. If the dwelling is demolished by the Public Agency, it shall sell the materials of such dwelling and pay the proceeds of such sale over to the Superior Court, for distribution to such persons as the court shall find entitled thereto.
- H. Fines and Penalties.
1. The Public Agency may establish a procedure for the issuance of warnings for violations of this chapter in its discretion, RSA 47:17, XVI; RSA 48-A:8, VI, but the failure of the Public Agency to issue a warning shall not preclude the Public Agency from proceeding under this chapter or under any other law or authority. The Public Agency is authorized to issue citations and to utilize all remedies and processes available under Chapter 6, Administrative Enforcement, of the City Code. The Public

Agency may also, or exclusively, follow other existing avenues for administering and enforcing this chapter. See, e.g., RSA 31:39-d.

2. It is declared to be a violation of this chapter:
 - a. For an owner keep or maintain a dwelling, including rented or leased premises, below the minimum standard established under section 85-5(B) of this chapter;
 - b. To fail to comply with an order issued by the Public Agency under this chapter;
 - c. To occupy a dwelling or structure having notice of an order not to use and occupy the same;
 - d. To destroy, disconnect, or render inoperable a smoke detector in a rental dwelling or unit;
 - e. To violate and provision or standard contained in this chapter; and
 - f. To do any of the foregoing by neglect, omission, or through an agent.
3. The civil penalty for violating this chapter is \$275 for the first offense, and \$550 for subsequent offenses, each day a violation continues constating a separate offense.

I. Minimum Standards for Rented or Leased Dwellings.

In addition and without exclusion to the minimum standard established for dwellings under this chapter, no landlord, as defined herein, renting or leasing a residential dwelling in the City, shall maintain those rented premises in a condition in which:

1. The premises are infested by insects and rodents where the landlord is not conducting a periodic inspection and remediation program. As used in this paragraph, "remediation" means action taken by the landlord that substantially reduces the presence of bed bugs in a dwelling unit for a period of at least 60 days;
2. There is defective internal plumbing or a back-up of sewage caused by a faulty septic or sewage system;
3. There are exposed wires, improper connectors, defective switches or outlets or other conditions which create a danger of electrical shock or fire;
4. The roof or walls leak consistently;
5. The plaster is falling or has fallen from the walls or ceilings;
6. The floors, walls or ceilings contain substantial holes that seriously reduce their function or render them dangerous to inhabitants;
7. The porches, stairs or railings are not structurally sound;
8. There is an accumulation of garbage or rubbish in common areas resulting from the failure of the landlord to remove or provide a sufficient number of receptacles for storage prior to removal unless the tenant has agreed to be responsible for removal under the rental agreement and the landlord has removed all garbage at the beginning of the tenancy;

9. There is an inadequate supply of water or whatever equipment that is available to heat water is not properly operating;
10. There are leaks in any gas lines or leaks or defective pilot lights in any appliances furnished by the landlord; or
11. The premises do not have heating facilities that are properly installed, safely maintained and in good working condition, or are not capable of safely and adequately heating all habitable rooms bathrooms and toilet rooms located therein, to a temperature of at least an average of 65 degrees F; or, when the landlord supplies heat in consideration for the rent, the premises are not actually maintained at minimum average room temperature of 65 degrees F. in all habitable rooms.

J. General Occupancy Standards.

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, rooming house, dwelling unit, or rooming unit which does not comply with the following minimum standards for ventilation, light and heating:

1. Glazing and repair of windows. All windows and doors containing glass panes shall be glazed according to accepted practice and kept in good repair and in easily workable condition; broken panes shall be promptly repaired.
2. Public halls. Every public hall, passageway, and vestibule in a dwelling unit shall contain at least one (1) supplied ceiling- or wall type electric light fixture. Every public hall stairway in every two-family multifamily dwelling and rooming house shall be adequately lighted by an adequate lighting system, which may be turned on when needed by conveniently located light switches or by automatic means.
3. Every dwelling and multifamily dwelling shall have heating facilities, and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least an average of 65 degrees Fahrenheit.
4. Gas heaters or other portable heating equipment employing a flame do not meet the standards of this chapter and are prohibited.
5. Every multi-unit dwelling and rental unit, and every single family dwelling built or substantially rehabilitated after January 1, 2020, shall be equipped with such smoke and/or carbon monoxide detectors as required by RSA 153:10-a, provided, however, that a carbon monoxide detection device shall not be required if the single family dwelling does not have an attached garage and does not contain an appliance or device that uses a combustion method of burning solid, liquid, or gas fuel. If a garage or combustion fuel appliance or device is later added to the dwelling, a carbon monoxide detection device shall be required.
6. Boiler and heater rooms shall be protected with a one-hour fire resistive assembly including a self-closing fire door, or such area shall be equipped with an automatic extinguishing system.

7. All operating hardware or means of egress shall be operable without any special tools or special knowledge needed.

K. General Owner Responsibilities.

1. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.
2. Wherever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition or wherever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

L. General Occupant Responsibilities.

1. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling unit and premises thereof, which they occupy and control.
2. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit shall be responsible for such extermination whenever their dwelling unit is the only one infested.
3. No tenant or guest of a tenant shall destroy, disconnect, or rendering inoperable a smoke detector in a rental dwelling or unit.

M. "Fitness for human habitation" shall include compliance with the standards set forth in §85.5(J)—(L).

§ 85-6. Miscellaneous

- A. Any dwelling, building, or structure situated within an historic district established under RSA 674:46, or within such other classes of dwellings, buildings or structures as the City Council shall by Resolution determine have special significance to the public interest, which Resolution shall thereafter become codified as part of this chapter, may be approved by the City Council as a special exception, after public hearing, and the provisions of this chapter may be waived in their application to such dwelling, building, or structure, in whole or in part or otherwise so modified as the City Council may determine.
- B. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Section 2. Severability

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

Section 3. Effective Date

This Ordinance shall become effective upon passage.



Lebanon Housing Task Force

Honorable Mayor and City Council,

The Lebanon Housing Task Force is sincerely supportive of Leigh Hays, Chief Building Official and Health Officer, and his initiative of creating a Minimum Housing Standards Ordinance. Our residents who rely on rental housing and their landlords would benefit greatly with the creation of this ordinance. The Ordinance will clearly lay out the standards of housing all landlords are expected to provide for their residents. If a landlord is in violation, this ordinance will allow the Chief Building and Health Official to issue a Land Use Citation and not seek prosecution through the Criminal Court System. Unfortunately, this extreme situation is how the system is set up now in Lebanon. The creation of the Minimum Housing Standards Ordinance will reduce the number of Lebanon Police Department staff and time that is spent on housing enforcement and give those in violation a less severe route to come into compliance.

As a task force committed to a) better understanding the factors shaping housing and Lebanon and b) working towards more equitable, accessible housing for all our residents, we support the Minimum Housing Standards Ordinance as a means of more efficiently partnering with landlords to ensure safer housing for renting residents.

Please contact myself or any member of the Lebanon Housing Task Force if we can be of any assistance.

Sincerely,

Andrew Faunce
Vice-Chair Lebanon Housing Task Force

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

Chapter 48-A

HOUSING STANDARDS

Section 48-A:1

48-A:1 Definitions. –

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

- I. "Municipality" shall mean any city or town in this state.
- II. "Governing body" shall mean, in a city, that governing body which is designated as such by the charter of the particular city; in a town, the town meeting.
- III. "Dwelling" shall mean any building, structure, trailer, mobil-home or camp or part thereof, used and occupied for human habitation or intended to be so used and includes any appurtenances belonging thereto or usually enjoyed therewith.
- IV. "Public agency" shall be a board, department, officer, or employee of a municipality, designated by ordinance, code or bylaw to exercise the powers and perform the duties conferred upon it by this chapter.
- V. "Vacation rental" or "short-term rental" means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner occupied residential home, that is offered for a fee and for less than 30 consecutive days. For purposes of this chapter, vacation rental and short-term rental are residential uses of the property and do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center, or another similar use.

Source. 1959, 293:1. 1965, 341:1, eff. Aug. 7, 1965. 2017, 249:6, eff. July 1, 2017.

Section 48-A:2

48-A:2 Grant of Power. – Whenever the governing body of any municipality finds that there exists in such municipality dwellings which are unfit for human habitation due to dilapidation, dangerous defects which are likely to result in fire, accidents, or other calamities, unhealthful lack of ventilation or sanitary facilities, or due to other unhealthy or hazardous or dilapidated conditions, including those set forth in RSA 48-A:7, power is hereby conferred upon such municipality to adopt ordinances, codes, or bylaws to cause the repair, closing, or demolition or removal of such dwellings in the manner provided in this chapter. Any municipality which adopts such a code or ordinance which has provisions for appeal, pursuant to this chapter, shall be exempt from any provisions of RSA 48-A which are in conflict with the adopted ordinance. The power conferred by this section shall not be used to impose any

additional ordinances, codes, bylaws, licenses, certificates, or other restrictions on dwellings used as a vacation rental or short-term rental.

Source. 1959, 293:1. 1989, 89:1, eff. June 30, 1989. 2017, 249:7, eff. July 1, 2017.

Section 48-A:3

48-A:3 Provisions of Ordinances, Codes and Bylaws. –

Such ordinances, codes and bylaws shall include the following provisions:

I. That a public agency is established, consisting of such one of the following as the governing body, at its option; shall expressly provide in such ordinance, code, or bylaw:

(a) A board consisting of at least 3 members 2 of whom shall be the head of the municipal health department, and the head of the municipal fire department, if such offices exist, and such other incumbents of municipal offices or positions as such ordinance, code, or bylaw shall prescribe. Selectmen, and city and town managers, and members of the governing bodies of cities shall be ineligible for membership on such board. No person shall serve concurrently as a member of such board and as a member of the appointing authority.

(b) A board consisting of at least 5 members, 2 of whom shall be the head of the municipal health department and the head of the municipal fire department, if such offices exist, and such other incumbents of municipal offices or positions as such ordinance, code, or bylaw shall prescribe. A selectman who concurrently serves as the head of the municipal health department may serve on such board, however he or she must recuse himself or herself as an appointing authority and from his or her role as selectman during an appeals process.

(c) A minimum housing standards enforcement officer, under such title as the governing body shall prescribe, who shall be qualified by training or experience to interpret, administer, and enforce the provisions of such ordinance, code or bylaw, which shall be his or her principal duty and responsibility.

(d) Any other qualified department, officer, or employee of the municipality as the governing body shall designate, other than an elected officeholder, city or town manager, or member of the housing board of appeals hereinafter provided; the department, officer, or employee so designated may perform the duties of the public agency in addition to his or her other duties, with or without additional compensation, as the governing body shall determine.

II. That whenever a petition is filed with the public agency by at least 10 residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the public agency by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication in a newspaper having general circulation in the municipality, such publication to be at least 10 days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the public agency at a place therein fixed not less than 10 days nor more than 30 days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of

evidence prevailing in courts of law or equity shall not be controlling in hearings before such public agency.

III. That if, after such notice and hearing, the public agency determines according to the standards of the ordinance, code or bylaw that the dwelling under consideration is unfit for human habitation it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which, if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or if the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to remove or demolish such dwelling.

IV. If an owner is aggrieved by an order of the public agency made pursuant to paragraph III hereof, he may appeal to the city council or mayor and board of aldermen in the case of cities, or to the board of selectmen in the case of towns. Said city council or mayor and board of aldermen or board of selectmen shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the public agency and to the owner. The city council or mayor and board of aldermen or board of selectmen may affirm or revoke the order of the public agency, or they may modify the same in accordance with their findings. If they shall affirm or modify such order, the public agency shall proceed to enforce said order as affirmed or so modified, in the manner prescribed in RSA 48-A:4. If the city council or mayor and board of aldermen or board of selectmen shall revoke said order, the proceedings shall be terminated.

Source. 1959, 293:1. 1965, 341:2. 1969, 175:1, eff. May 28, 1969. 2014, 20:1, eff. July 22, 2014.

Section 48-A:4

48-A:4 Procedure for Enforcement. — If the owner fails to comply with an order, made pursuant to the provisions of RSA 48-A:3, to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling, the public agency may file a petition in the superior court in which it shall set forth the charges issued pursuant to RSA 48-A:3, II, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation. The court shall thereupon direct notice to be given all parties having an interest in said dwelling, including mortgagees and persons in possession thereof. Such notice shall be given, where practicable, by personal service, except that if the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication of the petition in a newspaper having general circulation in the municipality, such publication to be at least 10 days before the date set for the hearing. The court shall set a date for hearing such charges and additional allegations. Upon hearing, the matter shall be treated as de novo, and the court shall hear such pertinent evidence concerning the fitness of the dwelling for human habitation as may be relevant.

Source. 1959, 293:1. 1969, 175:3, eff. May 28, 1969.

Section 48-A:5

48-A:5 Order of the Court. – The court shall as soon as practicable issue its order upon said petition; and if the court finds the dwelling complained against is unfit for human habitation due to any of the causes or conditions enumerated in RSA 48-A:2, such order shall direct the public agency to repair, alter, or improve such dwelling to render it fit for human habitation if such repair, alteration or improvement can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost; or if the repair, alteration or improvement of said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, to remove or demolish such dwelling. If the court shall find in favor of the owner, it shall award to him his reasonable costs and expenses, including counsel fees, all as determined by the court, incurred by him in his defense of the action in the superior court.

Source. 1959, 293:1, eff. Nov. 16, 1959.

Section 48-A:6

48-A:6 Lien. – Whenever the public agency shall incur cost for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the superior court, the amount of such costs shall be a lien against the real property as to which such cost was incurred and such lien, including as part thereof upon allowance of his costs and necessary attorneys' fees, may be foreclosed upon order of the superior court made pursuant to a petition for that purpose filed in said court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the register of deeds for the county in which the real estate is situated, and shall be recorded by him. If the dwelling is demolished by the public agency, he shall sell the materials of such dwelling and pay the proceeds of such sale over to the superior court, for distribution to such persons as the court shall find entitled thereto.

Source. 1959, 293:1 eff. Nov. 16, 1959.

Section 48-A:6-a

48-A:6-a Lien for Unpaid Fines. –

- I. Whenever a court of competent jurisdiction enters a fine against a property owner for violation of a housing code enacted pursuant to this chapter or for violation of the minimum standards set forth in RSA 48-A:14, the amount of said fine shall be a lien against the real property, and such lien, including as part thereof costs and necessary attorneys fees may be foreclosed upon order of the superior court pursuant to a petition for that purpose filed in said court. Such lien may be filed after 45 days following the entry of the fine.
- II. Notice of said lien shall be filed with the register of deeds for the county in which the real estate is situated, and shall be recorded by the registrar.
- III. Such lien shall be subordinate to any mortgage, tax lien, or encumbrance of record filed prior to the municipality's lien.
- IV. If the lien authorized by paragraph I is not satisfied within 120 days of the recording of the

judgment in the registry of deeds in which the property is located, it may be foreclosed upon in accordance with the process in RSA 48-A:6.

Source. 2010, 203:1, eff. Jan. 1, 2011.

Section 48-A:7

48-A:7 Standards for Public Agency. – An ordinance, code or bylaw adopted by a municipality pursuant hereto shall provide that the public agency may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are unusually, abnormally, or unreasonably dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of such municipality. Such conditions may include the following: Defects which increase beyond normal the hazards of fire, accident, or other calamities; lack of reasonable adequate ventilation, light, or sanitary facilities; dilapidation; disrepair, dangerous structural defects; uncleanness; overcrowding; inadequate ingress and egress; inadequate drainage; or any violation of other health, fire or safety regulations.

Source. 1959, 293:1, eff. Nov. 16, 1959.

Section 48-A:8

48-A:8 Additional Provisions of Ordinances, Codes, or Bylaws. –

An ordinance, code or bylaw adopted by the governing body of the municipality may authorize the public agency and its delegated officers to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, provided that such powers shall not be used to impose any additional restrictions on dwellings used as a vacation rental or short-term rental. Such powers shall include the following powers in addition to others herein granted:

- I. To investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation;
- II. To administer affirmations, examine witnesses and receive evidence;
- III. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an administrative inspection warrant under RSA 595-B for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;
- IV. To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of such ordinance, code or bylaw;
- V. To delegate any of its functions under such ordinance to such officers as it may designate; and
- VI. To establish penalties for violations of such ordinance, code, or bylaw, which shall be in addition to any other remedies provided under this chapter. The penalty for any separate offense shall not exceed the maximum penalty permitted under RSA 47:17, and may be enforced pursuant to the procedure established in RSA 31:39-c, RSA 31:39-d, or both, subject to the provisions and limitations thereof, or in any other manner authorized by law. For purposes of any fines imposed hereunder, each day that a violation of the ordinance, code, or bylaw continues shall be considered a separate offense.

Source. 1959, 293:1. 1991, 231:2. 2009, 270:5, eff. Jan. 1, 2010. 2017, 249:8, eff. July 1, 2017.

Section 48-A:9

48-A:9 No Abrogation of Other Powers of Municipalities. – Nothing herein shall be construed to abrogate or impair the powers of the courts or of any governing body, city council, or department of any municipality to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof; and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law.

Source. 1959, 293:1, eff. Nov. 16, 1959.

Section 48-A:10

48-A:10 No Abrogation of Powers of Municipalities as to Nuisances. – Nothing in this chapter shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

Source. 1959, 293:1, eff. Nov. 16, 1959.

Section 48-A:11

48-A:11 Minimum Standards; Barring the Use or Occupancy; Violations and Punishment. –

Any municipality may (by ordinance adopted by its governing body):

- I. Prescribe minimum standards for the use and occupancy of dwellings throughout the municipality;
- II. Prevent the use or occupancy of any dwelling which is injurious to the public health, safety, or welfare.
- III. Enact, in the sections of their housing codes dealing with infestations of insects, provisions directed at the unique problems posed by infestations of bed bugs, provided that such provisions are no less protective of the residents of dwelling units in which bed bug infestations are found than are the provisions dealing with infestations of other kinds of insects.

Source. 1959, 293:1, eff. Nov. 16, 1959. 2013, 48:3, eff. Jan. 1, 2014.

Section 48-A:12

48-A:12 Exceptions. – An ordinance, code or bylaw adopted pursuant to the authority of this chapter may provide that any dwelling, building or structure situated within an historic district that is established under RSA 31:89-b, or within such other classes of dwellings, building or structure as the governing body shall determine to have special significance to the public interest and shall expressly define in such ordinance, code or bylaw, may be approved by the board of aldermen as a special exception, after public hearing, and the provisions of such

ordinance, code or bylaw may be waived in their application to such dwelling, building or structure, in whole or in part or otherwise so modified as the housing board of appeals may determine.

Source. 1959, 293:1. 1965, 341:3, eff. Aug. 7, 1965.

Section 48-A:13

48-A:13 Conflicting Provisions. – Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulation, that provision which imposes the higher standard shall govern.

Source. 1965, 341:4, eff. Aug. 7, 1965.

Section 48-A:14

48-A:14 Minimum Standards Established. –

No landlord, as defined by RSA 540-A:1, I, renting or leasing a residential dwelling in a municipality which has not adopted ordinances, codes or bylaws pursuant to this chapter shall maintain those rented premises in a condition in which:

I. The premises are infested by insects and rodents where the landlord is not conducting a periodic inspection and eradication program;

I-a. The premises are infested by bed bugs and the landlord is not conducting a periodic inspection and remediation program. In this paragraph "remediation" means action taken by the landlord that substantially reduces the presence of bed bugs in a dwelling unit for a period of at least 60 days;

II. There is defective internal plumbing or a back-up of sewage caused by a faulty septic or sewage system;

III. There are exposed wires, improper connectors, defective switches or outlets or other conditions which create a danger of electrical shock or fire;

IV. The roof or walls leak consistently;

V. The plaster is falling or has fallen from the walls or ceilings;

VI. The floors, walls or ceilings contain substantial holes that seriously reduce their function or render them dangerous to the inhabitants;

VII. The porches, stairs or railings are not structurally sound;

VIII. There is an accumulation of garbage or rubbish in common areas resulting from the failure of the landlord to remove or provide a sufficient number of receptacles for storage prior to removal unless the tenant has agreed to be responsible for removal under the rental agreement and the landlord has removed all garbage at the beginning of the tenancy;

IX. There is an inadequate supply of water or whatever equipment that is available to heat water is not properly operating;

X. There are leaks in any gas lines or leaks or defective pilot lights in any appliances furnished by the landlord; or

XI. The premises do not have heating facilities that are properly installed, safely maintained and in good working condition, or are not capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of 65

degrees F.; or, when the landlord supplies heat in consideration for the rent, the premises are not actually maintained at a minimum average room temperature of 65 degrees F. in all habitable rooms.

Source. 1979, 305:7, eff. Aug. 21, 1979. 2013, 48:2, eff. Jan. 1, 2014.

Section 48-A:15

48-A:15 Enforcement of Minimum Standards. – In municipalities which have not established a public agency as described in RSA 48-A:3, a violation of the minimum standards set forth in RSA 48-A:14 shall be a violation, and each continuing day of violation after notice shall be a separate offense.

Source. 2001, 274:4, eff. Jan. 1, 2002.

**Agenda
Lebanon City Council
April 2, 2025**

11. New Business:

**11.F – Discussion of Proposed Amendment to City Council Rules:
Chapter A191-8, Order of Business**

Background:

During the annual Organizational Meeting on March 26, 2025, the newly-seated City Council voted to adopt the Council Rules as set forth in Chapter A191 of the City Code.

Once formally adopted, the City Council may amend the Rules. The amendment process is outlined in §A191-13.B, which states, "These rules may be amended or new rules adopted by a two-thirds vote of all members of the Council. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business."

Attached is a proposed amendment to the Council Rules, Chapter A191-8, to amend the Order of Business. Currently, the Council's Rules indicate that the Order of Business will include #12, Council Representatives to Other Bodies Report, and #13, Future agenda items. However, in recent years, the Council has begun to host quarterly Board and Committee Reports to allow the Chairperson of each board, committee, or commission to provide an oral or written update on the activities of the respective body. As a result, agenda item #12 is rarely utilized by individual City Councilors to provide updates regarding the other boards and committees on which they serve. Similarly, the Council's Rules indicate that the regular Order of Business will include item #13, Future agenda items. However, the City Manager's Office already routinely summarizes upcoming appointments and agenda items at the bottom of each published meeting agenda.

In an effort to have the Council's Rules reflect the actual conduct of its meetings, a proposal is being made to remove Items #12 and #13 from the regular Order of Business as set forth in Chapter A191-8.

In accordance with Chapter A191-13 of the Council's Rules, amendments must be presented in writing at the preceding regular meeting, prior to adoption. As such, if there is support among the City Council for the proposed change, this amendment will be presented for adoption at the April 16th meeting. Adoption requires a 2/3 vote of all members of the Council.

Action:

No action is required at this time. Action on the amendment will be scheduled for April 16, 2025.

Included in this Section:

1. Proposed amendment to City Council Rules, §A191-8, Order of Business
2. City Council Rules as adopted on March 20, 2024

Chapter A191

§ A191-8. Order of business.

[Amended 6-21-1978; 4-7-1982; 5-7-1986; 4-6-1988; 3-27-1991; 6-23-1993; 7-19-1995; 5-15-1996; 4-16-1997; 6-7-2006; 9-3-2008; 4-1-2009; 3-20-2024]

The business of all regular meetings of the Council shall be transacted in the following order, unless the Mayor elects to change the order of business for good cause. If any member of the Council objects to the proposed change to the order of business, the Mayor shall ask that the Council vote on the proposed change, by a vote of at least 2/3 of the members present, to suspend the rules and change the order of business.

1. Call to Order.
2. Pledge of Allegiance.
3. Announcement by Mayor. Public forum. "Any member of the public who desires to speak on any agenda item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. (Note: Speakers are asked to state their name, ward of residence and to use the microphone provided.)"
4. Open to public. (Limited to 10 Minutes)
5. Recognitions.
6. Acceptance of Minutes:
7. Appointments.
8. Public Hearings
 - i. Presentation
 - ii. Mayor Opens Public Hearing
 - iii. Questions and Comments by the Public
 - iv. Mayor Closes Public Hearing
 - v. Council Deliberation & Action
9. Old Business.
10. New Business.
11. City Manager Report
12. ~~Council Representatives to Other Bodies Report~~
13. ~~Future agenda items~~
14. ~~12.~~ Nonpublic sessions.
15. ~~13.~~ Adjourn.

Chapter A191

COUNCIL RULES

§ A191-1.	Council meetings.	§ A191-13.	Rules: Adoption, Amendment, & Suspension.
§ A191-2.	Temporary Chair.	§ A191-14.	Appointment of Council Representatives to Other Bodies
§ A191-3.	City Clerk.	§ A191-15.	Council appointments to City Boards, Committees, Commissions.
§ A191-4.	Legal counsel.	§ A191-16.	Constituent - Council contacts.
§ A191-5.	Robert's Rules of Order.	§ A191-17.	Confidential materials.
§ A191-6.	Raise hand to be recognized.	§ A191-18.	Attendance at Seminars, Workshops, etc.
§ A191-7.	Agenda.		
§ A191-8.	Order of business.		
§ A191-9.	Budgetary summary.		
§ A191-10.	Motion to be stated by Presiding Officer; withdrawal.		
§ A191-11.	Communications.		
§ A191-12.	Permission required to address Council.		

[HISTORY: Adopted by the City Council of the City of Lebanon 9-18-1974. Amendments noted where applicable.]

GENERAL REFERENCES

Ordinances -- See Charter § C419:22.

Enactment of ordinances -- See Ch. 115.

§ A191-1. Council meetings.

- A. The Council shall meet in regular session on the first and third Wednesday of every month at 7:00 p.m. until the conclusion of business or 10:00 p.m., whichever comes first. The 10:00 p.m. adjournment shall only be extended by a two-thirds vote of the Council. [Amended 11-7-1979; 4-15-1992; 6-23-1993; 3-30-1994; 7-19-1995; 10-18-1995; 5-21-2003]
- B. Attendance. Prior to each meeting, unless prevented by emergency, a Councilor shall notify either the Mayor, City Manager or City Clerk if he or she will be unable to attend a meeting.
- C. Remote Attendance. As long as a quorum of the Council is present in person, one or more members of the City Council at the discretion of the Mayor may participate in a meeting by electronic or other means of communication only when attendance is not reasonably practical. This procedure shall not be construed to mean that conferencing by electronic means shall be regularly used or used at every meeting of the Council but shall be used only as necessary to allow the participation of Council members who are unable to attend in person due to such circumstances as personal illness or disability, employment obligations, or a family or other emergency.

- 1) Member must notify the City Manager's office at least 24 hours in advance of the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements may result in the inability of the members remote attendance.
- 2) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear the other members physical present or participating electronically during the meeting and shall be audible or otherwise discernable to the public in attendance at the meeting's location.
- 3) If participation is not in person, the member must state the reason such attendance is not reasonably practical, and that information must be included in the minutes of the meeting.
- 4) Sufficient security and identification procedures be employed, either at the outset of any meeting or at any time during the meeting as appropriate, to ensure that any and all members attending for discussion or voting purposes are in fact an authorized member with the right to speak and vote.
- 5) The person not in attendance shall identify the persons present (if any) in the location from which the member is participating.
- 6) If a member of the Council is participating by electronic or other means of communication, all votes must be recorded by roll call vote.
- 7) Electronic or other means of communication can include, but due to changing technology, are not limited to Telephone/Speakerphone/Conference Calls and Computer audio/video conferencing.

D. Remote Participation. Members of the public are permitted to attend and participate in meetings remotely through a live link provided on the City's website or via phone through the number provided by the meeting organizer for all Council meetings that are open to the public. At the beginning of each meeting, participants will be informed of rules for speaking on agenda items and will be called on by the Mayor in an order as determined by the Mayor.

§ A191-2. Temporary Chair.

In case of the absence of the Mayor and Assistant Mayor, the Clerk shall call the Council to order. If a quorum is found to be present, the Council shall choose one of its members to act as Chair.

§ A191-3. City Clerk. [Amended 3-30-1994]

The City Clerk or his/her designee shall be ex-officio clerk of the Council and shall keep minutes of the meeting and perform such other and further duties in the meeting as may be ordered by the presiding officer of Council. Copies of the minutes of meetings shall be furnished to each Councilor with the agenda of the next meeting.

§ A191-4. Legal counsel. [Amended 4-18-1990]

Designated legal counsel shall attend any meetings of the Council when requested by the Mayor or City Manager. Any member of the Council, upon notification to the City Manager, may call upon Counsel for an oral or written opinion to decide any question of law or parliamentary procedure.

§ A191-5. Robert's Rules of Order. [Amended 2-6-1991; 7-19-1995; 4-21-2004]

Robert's Rules of Order (most recent Edition) shall be used in all Council deliberations except as modified herein.

§ A191-6. Raise hand to be recognized.

Councilors do not have to stand to move motion or second.

§ A191-7. Agenda. [Amended 5-7-1986; 7-19-1995; 6-3-1998; 4-18-2007; 4-15-2009]

As stated in §A191-1 above, the Council shall meet in regular session on the first and third Wednesdays of every month at 7:00pm. Agendas for Council meetings are the responsibility of the City Manager and the Mayor.

Submission Deadlines:

- The first Wednesday of the month will be the date in which the agenda is set for the meeting on the first Wednesday of the next month.
- The third Wednesday of the month will be the date in which the agenda is set for the meeting on the third Wednesday of the next month.

Any Councilor wishing to have an item placed on an agenda must submit said item (in its proper format by utilizing a City Council Agenda Request Form, provided by the City Manager's Office) to the City Manager's Office by Noon on the Tuesday preceding the Wednesday on which the agenda is to be set.

Items of an urgent nature which require special attention or are in need of immediate action by the Council may be placed on any agenda at the discretion of the Mayor and/or City Manager.

§ A191- 8. Order of business. [Amended 6-21-1978; 4-7-1982; 5-7-1986; 4-6-1988; 3-27-1991; 6-23-1993; 7-19-1995; 5-15-1996; 4-16-1997; 6-7-2006; 9-3-2008; 4-1-2009; 3-20-2024]

The business of all regular meetings of the Council shall be transacted in the following order, unless the Mayor elects to change the order of business for good cause. If any member of the Council objects to the proposed change to the order of business, the Mayor shall ask that the Council vote on the proposed change, by a vote of at least 2/3 of the members present, to suspend the rules and change the order of business.

1. Call to Order.
2. Pledge of Allegiance.
3. Announcement by Mayor. Public forum. "Any member of the public who desires to

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

4. Open to public. (Limited to 10 Minutes)
5. Recognitions.
6. Acceptance of Minutes:
7. Appointments.
8. Public Hearings
 - i. Presentation
 - ii. Mayor Opens Public Hearing
 - iii. Questions and Comments by the Public
 - iv. Mayor Closes Public Hearing
 - v. Council Deliberation & Action
9. Old Business.
10. New Business.
11. City Manager Report
12. Council Representatives to Other Bodies Report
13. Future agenda items
14. Nonpublic sessions.
15. Adjourn.

§ A191-9. Budgetary summary. [Amended 3-00-1985]

On a quarterly basis, and within the months of October and November, the City Manager shall submit a budgetary summary to the City Council. Discussion of the summary shall be placed on the agenda of the next Council meeting following submissions.

§ A191-10. Motion to be stated by Presiding Officer; withdrawal. [Amended 7-19-1995]

- A. When a motion is made and seconded it shall be repeated upon request by the presiding officer before debate. At his/her discretion the presiding officer may request motions to be put in writing. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the Council.
- B. The presiding officer may at any time, by a majority vote of the members present, permit a member to introduce an ordinance, resolution or motion out of the regular order.

§ A191-11. Communications. [Amended 12-9-1992; 7-19-1995; 6-16-2004]

- A. Unattributed communications shall not be introduced in Council meetings. Information advocating a certain position obtained from constituent contact may be introduced at Council meetings if the name of the source is given. Electronic and written communications from any Councilor to four or more members shall constitute public comment and shall be transmitted to the City Manager's office for public record.

- B. With the exception of the Mayor's use of City letterhead, stationery, or official City insignia for resolutions or proclamations, members of the City Council may only use such for purposes officially approved by the Council.

§ A191-12. Permission required to address Council. [Amended 4-7-1982]

Persons other than members of the Council and City officers shall be permitted to address the Council. A time limit of three minutes shall be in effect. The speaker shall not enter into a debate with any person, Mayor or Council member and shall speak only on a subject on that particular agenda item.

§ A191-13. Rules: Adoption, Amendment, & Suspension. [Amended 7-19-1995]

- A. Each newly seated Council by motion shall formally adopt the Council Rules and Regulations currently in place.
- B. These rules may be amended or new rules adopted by a 2/3 vote of all members of the Council. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business.
- C. These rules may be suspended by a 2/3 vote of those members present and voting. The purpose for suspension must be clearly stated before the vote is taken, and 2/3 of the members present and voting must declare the matter one of such priority that it would be detrimental to hold it over until the next regular meeting.

§ A191-14. Appointment of Council Representatives to Other Bodies.

The Mayor shall designate and appoint representatives from the City Council to other bodies, including City boards, committees, and commissions, as the need arises.

§ A191-15. Council Appointments to City Boards, Committees, Commissions.

- A. When vacancies occur on City boards, committees, commissions, either by resignation, removal or lapse of term, applications received by the City Clerk will be forwarded to the City Council in a timely manner in order for vacancies to be filled as quickly as possible. [Amended 4-2-2008]
- B. All appointments shall be acted upon by the City Council as authorized by the City Code, the City Charter and New Hampshire Law. [Amended 8-2-1995; 5-21-2003; 4-2-2008]
- C. The following procedure shall be followed for board, commission and committee appointments and reappointments: [Added 9-18-1996; Amended 4-2-2008]
 - 1) For initial appointment, the applicant shall fill out the standard application form. [Amended 5-21-2003; Amended 4-2-2008]

- 2) For reappointment, the applicant can update the current form on file or complete a new updated application form. [Amended 4-2-2008]
- 3) One member of the City Council shall interview applicants for initial appointment within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment. Applicants for reappointment to the same board, committee, or commission may be nominated for reappointment without completion of an interview with a City Councilor. [Amended 4-2-2008; Amended 11-16-2022]
- 4) While one city councilor is officially assigned to interview each applicant, any city councilor may interview any applicant for any position to better inform their decision.

§ A191-16. Constituent-Council contacts. [Added 5-13-1992]

Council members shall use the process outlined on the attached flow chart for constituent contacts.

§ A191-17. Confidential materials.

A. Classification.

- 1) In the event that materials need to be classified as confidential, a standard will be applied by the City administration to determine if a compelling purpose exists to require that the materials be confidential and that public disclosure of the materials would serve to undermine the interest of the City. The City administration's determination of confidentiality shall be made in accordance with RSA 91-A. [Amended 5-21-2003]
- 2) Some examples where materials would be classified as confidential would include positions in labor negotiations, personnel matters involving a right of privacy and settlement discussions of pending litigation.
- 3) In order to ensure that the government of the City of Lebanon conducts its affairs in public and not in private, and that the citizens' deliberation on public affairs in Lebanon be as fully informed as practically possible, hereby be it resolved, that the City promptly release to the public all legal opinions received hereafter by the City, including, but not limited to, memoranda from any legal counsel to the City, and opinions received by the City in private consultation with legal counsel (as allowed under RSA 91-A:2, Meetings Open to Public, I(c), Consultation with legal counsel), except that the following shall only be released at the discretion of the City Manager and City Council: [Added 5-15-2002]
 - (a) Opinions pertaining to the dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against the employee; [amended 4-01-2009]
 - (b) Opinions pertaining to the hiring of any person as a public employee;
 - (c) Opinions which, if released to the public, would likely affect adversely the reputation of any person other than a City Councilor; [amended 4-01-2009]
 - (d) Opinions pertaining to the consideration of the acquisition, sale or lease of

- real or personal property which, if released to the public, would likely benefit a party or parties whose interests are adverse to those of the City;
- (e) Opinions pertaining to the consideration or negotiation of claims or litigation which has been threatened in writing or filed against the City;
 - (f) Opinions pertaining to matters before quasi-judicial boards of the City;
 - (g) Opinions which, in the judgment of the City Manager and City Council, could potentially cause harm to the City if released.
- B. Treatment of classified materials. When materials are classified as confidential, they will be identified and marked as "Confidential" and transmitted to the City Council in sealed envelopes marked as "Confidential." The reason for the confidential classification will be noted on the materials.
- C. In the event that a significant portion of a document may be made available to the public without compromising the portions of a document which are necessary to be maintained as confidential in accordance with Subsection A of this policy, then such portion(s) shall be made available to the public with only the confidential portion(s) classified. [Amended 6-19-1996; 5-21-2003]

§ A191-18. Attendance at Seminars, Workshops, etc.

Any Councilor who wishes to attend (at the expense of the City) a seminar, workshop, or other function designed to improve their ability to serve on the City Council (or their respective board, committee, or commission) must first confirm with the City Manager that funds are available for use. If funding is in place, the following options are available:

- (1) Register for the event through the City Manager's Office and request payment in advance of attendance; or
- (2) Self-register for the event and request reimbursement after attending.

If option (2) is exercised, reimbursement is only guaranteed if confirmation of funding was requested in advance of attending and proper documentation, according to the City's Purchasing Policy, is submitted with the reimbursement request.

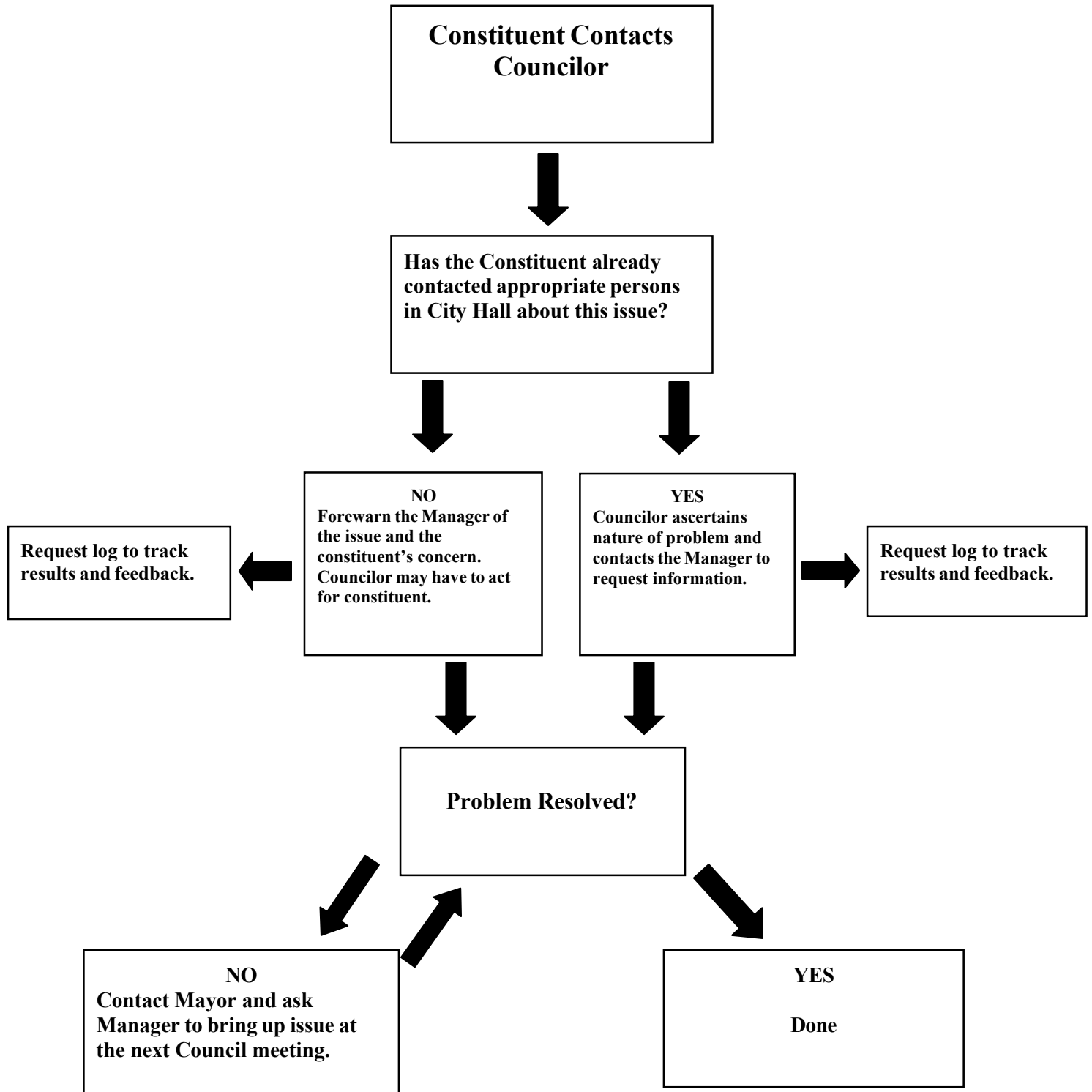
§ A191-19. Email and Computer Use

All City Councilors will be provided with City issued email addresses and computer devices to assist them in their capacity as elected officials. Use of City email addresses and/or computer devices is not mandatory. Councilors who elect to utilize City email addresses and/or computer devices must comply with and sign an acknowledgement form for compliance with any City computer use and cyber security policies.

FLOW CHART FOR CONSTITUENT-COUNCILOR CONTACTS

Council Rules, Section A191:16

[Amended 4-20-2011; 5-16-2012]



**Agenda
Lebanon City Council
April 2, 2025**

11. New Business:

**11.G – Discussion and Adoption of a Combined Ethics Policy
for City Staff and Public Officials**

Background

The City Council adopted an Ethics and Conflict of Interest Policy on 5/2/2012 (12-02-C) which was revised on 8/2/2021 (renumbered to CC-108). This policy applies to elected officials and those officials appointed by the City Council. The City Manager implemented an ethics policy on 8/24/2018 which was recently revised on 1/14/2025. This policy applies to city staff and those officials appointed by the City Manager.

The City Manager is proposing a combined policy that addresses ethics, conflict of interest and lobbying for elected and appointed officials as well as city staff. This creates one standard for everyone. The City Council and the City Manager would need to agree on a combined policy as city staff and those officials appointed by the City Manager are under the authority of the City Manager.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council adopts the revisions to CC-108 Ethics and Conflict of Interest Policy and rennumbers the policy to CC-108.1 in concurrence with the City Manager with an effective date of 60 days from the date of adoption.

Included In This Section:

1. Proposed City Council Policy, Ethics and Conflict of Interest for Elected, Appointed City Officials and Employees, CC-108.1



City of Lebanon
New Hampshire

CITY COUNCIL POLICY
ETHICS AND CONFLICT-OF-INTEREST FOR
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Section 1.0: Purpose

The City of Lebanon is committed to maintaining the highest standards of ethical conduct. This Ethics Policy integrates the principles of ADM-108 and CC-108, establishing a unified framework for the ethical behavior of city employees, elected/appointed officials, and volunteers. It also includes provisions prohibiting lobbying activities during work and the use of city resources for lobbying, in compliance with federal and state regulations.

Section 2.0: Scope

This policy applies to all City employees, elected officials, appointed officials, and volunteers acting in an official capacity for the City.

Section 3.0: Definitions

- **Conflict of Interest:** Any situation where a private (pecuniary or personal) interest could interfere with the proper discharge of a public duty. That interest must be “immediate, definite and capable of demonstration; not remote, uncertain, contingent or speculative” (*Atherton v. Concord*, 109 N.H. 164 (1968)).
- **Pecuniary Interest** – Any private financial advantage (whether in the form of money, property, commercial or other interest), the primary significance of which is economic gain from the outcome of one’s official actions. Financial advantage applicable to the public at large, such as reduced taxes or increased general prosperity, does not constitute a pecuniary interest, for the purpose of this Ethics and Conflict-of-Interest Policy.
- **Personal Interest** – Any direct benefit or non-financial interest in the outcome of a matter, when such benefit or interest could influence one’s official actions. Examples of direct personal benefit include family (by blood or marriage), employment, and/or business relationships that would bias one’s official decision-making against the public interest. Official interest as a function of one’s elected or appointed position does not constitute a personal interest, for the purpose of this Ethics and Conflict-of-Interest Policy.
- **Electioneering:** Activities intended to influence the outcome of a vote on any question or office, as defined in RSA 659:44-a.
- **Lobbying:** Actions designed to influence the decision-making process of governmental bodies, voters or officials, including promoting or opposing legislation or administrative actions.



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- **Recusal:** The act of removing oneself from participation in any official matter due to a conflict of interest.
- **City Resources:** Includes City funds, property, computers, equipment, staff time, and facilities. This definition is not exclusive of the previous sentence.
- **Elected and Appointed City Officials** – City Councilors and members of City Boards, Committees, and Commissions, when acting in a position other than as a member of the general public.

Section 4.0: Policy Detail

4.1 Ethical Standards

All employees, officials, and volunteers are expected to:

1. Act in the best interest of the City and its residents.
2. Disclose any personal or financial interests in matters affecting the City.
3. Recuse themselves from discussions or decisions where a conflict of interest exists.
4. Conduct City business transparently, fairly, impartially and with integrity.
5. Openly conduct the public's business, unless legally confidential under New Hampshire statute (RSA 91-A:3) or other applicable law, rule or regulation, in a respectful and civil atmosphere with due care, competence, and diligence.

4.2 Prohibited Activities

1. **Conflict of Interest:**
 - No employee, official, or volunteer shall use their position for personal gain or allow private interests to affect their public duties.
 - Individuals must disclose conflicts of interest and abstain from related decisions or actions.
2. **Electioneering and Lobbying:**
 - Employees shall not engage in lobbying activities during work hours or use City resources for lobbying purposes. The City Manager may authorize City employees to advocate on behalf of the City regarding matters that are germane to the City and are not contrary to the legislative policy positions of the City Council.
 - Lobbying includes advocating for the public to influence City Council decisions or any other City governmental process.



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- Employees are prohibited from using City property, such as email accounts, websites, or social media, for any lobbying or electioneering purposes.
 - **Federal Grant Restrictions:** In accordance with federal regulations, no appropriated federal funds may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, grant, loan, or cooperative agreement. Conflicts of interest must be disclosed in writing to the federal DOT component in accordance with federal award agency policy.
 - **State Grant Restrictions:** Recipients of state funds are prohibited from using such funds for lobbying activities. Organizations receiving state funding must segregate these funds from those used for lobbying purposes, ensuring physical and financial separation.
3. **Use of City Resources:**
- Public resources shall not be used for personal purposes or private gain.
 - City facilities, equipment, and staff time may not be used for lobbying, political advocacy, or electioneering. This provision does not prohibit the expenditure of City funds for membership fees to organizations such as the NH Municipal Association, the NH Clerk's Association, NH Fire Chiefs Association, NH Planners Association, etc...
4. **Freedom of Expression:**
- In accordance with NH RSA Chapter 98-E, public employees have the right to publicly discuss and give opinions as individuals on all matters concerning any government entity and its policies.
 - No person shall interfere with the right of freedom of speech, full criticism, or disclosure by any public employee.
 - This policy does not suspend or affect any law relating to confidential and privileged records or communications.

4.3 Confidentiality

City employees and officials must maintain the confidentiality of information acquired through their official duties unless disclosure is legally authorized.

4.4 Gifts and Favors



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Employees and officials shall not accept gifts exceeding \$50 in value or any gift that could appear to influence their decisions or actions. Employees and officials shall not directly or indirectly solicit gifts, nor accept or receive any gift (whether money, services, loans, travel, entertainment, hospitality, equipment, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any service, action, recommendation or decision on their part.

4.5 Education and Acknowledgment

All employees, officials, and volunteers shall receive training on this policy and acknowledge their understanding in writing upon assuming their roles.

Section 5.0: Procedures

5.1 Reporting and Addressing Ethical Violations

1. Suspected violations shall be reported to the City Manager or designated ethics officer.
2. The City Manager will investigate complaints, ensuring compliance with relevant state laws in accordance with the provisions of ADM-126.1 Complaints and Investigations Policy.
3. Violations may result in disciplinary actions, up to and including termination or removal from office.

5.2 Advisory Opinions

Employees and officials may seek advisory opinions from the City Manager regarding potential ethical concerns. The City Manager will respond to written inquiries with written advisory opinions that shall be documented and may serve as precedents for future guidance.

5.3 Conflict of Interest Procedures for Elected and Appointed Officials

1. When an elected or appointed City official recognizes a conflict of interest, they shall publicly disclose the reason(s) for the conflict at the earliest possible opportunity and shall recuse themselves from any and all official activity on the matter to which the conflict pertains.



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When an uncertainty arises as to whether an elected or appointed City official has a conflict of interest in a particular circumstance, the body shall, at the request of that official or of another member of that body, vote on the question. Such vote shall be advisory and non-binding. Any member of the public may voice an objection to a body officials' participation, setting forth specific reasons, and may also request such a vote, but such a request shall be non-binding. Any such request or objection shall be made either prior to or at the commencement of the body's discussion or public hearing on that matter, or at such later time as the facts claimed to warrant disqualification first become known. No vote on disqualification shall be taken if the body's official steps down voluntarily.

The mayor, chair or presiding officer of the meeting shall ensure that the reason(s) for recusal are clearly stated (as stated by the member in person) and are recorded into the minutes of the meeting. Members of the Planning Board, Zoning Board of Adjustment, Building Code Board of Appeals, and Heritage Commission are further bound by the provisions of New Hampshire RSA 673:14.

2. Elected and appointed City officials shall not use City letterhead or stationery for any purpose other than official City business. Under the City Charter, official City business is determined by formal action of the City Council and not by individual City Councilors. Members of Boards, Committees, and Commissions may use City letterhead only for purposes approved by their respective Board, Committee, or Commission.
3. Elected and appointed City officials shall not speak on behalf of their respective Council, Board, Committee, or Commission unless authorized to do so by said Council, Board, Committee, or Commission. Individual members speaking publicly shall clearly state that they are speaking only as an individual and not on behalf of the Council, Board, Committee, or Commission.
4. No member of the City Council, nor any member of a Board, Committee, or Commission, shall appear before his or her own public body on behalf of the private interests of third parties.
5. Complaints shall be addressed by the City Council in accordance with the provisions of ADM-126.1. Boards, Committees, and Commissions are expected to govern themselves.



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If the situation cannot be resolved at that level, it may be brought to the City Council for resolution.

6. The City Council shall consider compliance with this Ethics and Conflict-of-Interest Policy during the reappointment process for members of Boards, Committees, and Commissions.

Section 6.0: References (Charter/Code/State Statutes)

- **Federal Regulations:**
 - 31 U.S.C. 1352: Limitation on use of appropriated funds to influence certain federal contracting and financial transactions.
 - 2 CFR § 200.450: Lobbying.
 - 2 CFR § 1201.112 Conflict of Interest
 - 45 CFR Part 93: New Restrictions on Lobbying.
- **State Laws:**
 - NH RSA 640 Corrupt Practices
 - NH RSA 643 Abuse of Office
 - NH RSA 659:44-a: Electioneering by Public Employees.
 - NH RSA 673:14 Disqualification of Member
 - NH RSA 15:5: Prohibited Activities.
 - NH RSA 95:1: Public Officials Barred from Certain Private Dealings.
 - NH RSA 98-E: Public Employee Freedom of Expression
 - NH RSA 31:39-a Conflict of Interest Ordinances
 - NH RSA 31:41-c Electioneering
 - NH RSA 49-C:33,I(c) Optional Provisions; Limitations
- **City Charter/Code/Policy**
 - City of Lebanon, Charter C419:20 Dealings of Council with City.
 - City of Lebanon, Charter C419:29 Non-Interference by the Council.
 - City of Lebanon, Charter C419:62 Disqualification of Councilor, Board Member or Employee.



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- City of Lebanon, Charter C419:63 Private Use of Public Property.
- ADM-126.1 Complaints & Investigations Policy
- **Guidance Documents:**
 - EPA's Lobbying and Litigation Information for Federal Grants.
https://www.epa.gov/grants/lobbying-and-litigation-information-federal-grants-cooperative-agreements-contracts-and?utm_source=chatgpt.com
 - HHS's Lobbying Restrictions on Grant Recipients. [Additional Requirement 12: Lobbying Restrictions | Grants | CDC](#)
 - ICMA Code of Ethics [ICMA Code of Ethics | icma.org](#)

Section 7.0: Policy & Procedure Revision History

	Section	Revisions	Date
Original Adoption		Initially adopted 12-02-C	5/2/2012
Amendment		Reformatted, references added, renumbered	8/4/21
Amendment			
Amendment			