

FINAL

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

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

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

Mayor McNamara spoke about the history of negotiations regarding a long-term lease vs. sale, noting that Deputy Cass's predecessor said it would be cleaner if the City owned the land directly because then we would not have to go to DOT or another entity if we wanted to change something. He felt very

uncomfortable about that because the City/Council knows very clearly, based on the contamination of the site, what we wanted to do (i.e., low impact recreational use and fields) and we have no intentions of putting up a permanent structure or digging into the ground). The AG's Office stated that this needs to be an ownership or nothing. He also spoke about the overall cost of the project, noting the Dry Bridge has been slated for a replacement for many, many, many years. We have known there would need to be some access constructed to get to the Dry Bridge because currently it is not adequate and disappears with the Dry Bridge construction and needs a new road for access because we cannot go over the railroad tracts to get to it. As time has gone by, and costs have escalated, our 20% share of the Dry Bridge replacement has also continued to go up. We now have, from our City Engineer, an estimate of our portion (60% of the cost) of installing the access road and that +/- \$600K, which is 60% of \$1.2. That means the City is investing in that in addition to our 20% of the cost of replacing the Dry Bridge. That means the City is really paying that amount of money essentially to acquire this site. Over and above that, the City will have to pay the costs of developing the recreational fields, which is another several thousand dollars. The question then becomes a benefit cost analysis and questioned if the benefit of spending that money for the access road and for the recreational fields are worth the cost of the benefit that we would be gained from the purchase price for recreational fields, particularly in our recent discussions regarding limiting capital projects. He appreciated the Commissioner and Deputy Commissioner coming up to discuss this with us face to face. He noted that Commissioner Kass and the previous Commissioner were very supportive and have worked with the city quite closely. However, the AG's office had a different view, and they changed some of the language, so I'm going to read the part in the P&S Agreement part which he thought was the most critical issue here in terms of the environmental contamination.

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

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

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

The Council/Staff/NH DOT continued their discussions and opinions regarding the importance of the Westboro Yard; the need to have a Public Hearing that will disclose the real costs to the public; reservations about acquiring contaminated property; how West Lebanon would like to see something on this spot; how costs continue to go up and the costs, as presented by the City Engineers, reflects the inclusion of the access road in the Dry Bridge design; a decision needs to be made quickly on whether or not we are going to proceed with the land acquisition because if we are not going to proceed with the access road, then the Dry Bridge design needs to be modified (once again) and the modified design will need to be approved by the State before it can go out to bid; why can't the language in the P&S

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

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

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

ACTION: Item for discussion Only

THE FOLLOWING AGENDA ITEMS WERE TAKEN IN THE ORDER AS DISCUSSED BY THE COUNCIL.

4. OPEN TO PUBLIC: No one came forth.

5. RECOGNITIONS:

A. PROCLAMATION - WORLD DOWN SYNDROME DAY

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

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

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

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

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

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

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

Dated this 19th day of March 2025.

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

B. RESOLUTION HONORING CLIFTON BELOW

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

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

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

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

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

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

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

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

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

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

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

C. RESOLUTION HONORING KAREN LIOT HILL

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Heistad MOVED to approve the March 5, 2025 minutes as written and presented in the March 19, 2025 City Council agenda packet.
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.***

7. APPOINTMENTS:

- Pedestrian & Bicycle Advisory Committee, Nelson Rooker (Regular Member)

Councilor Liot Hill MOVED to Nominate Nelson Rooker as a Regular Member to the Pedestrian & Bicycle Advisory Committee. Term: 3/2025-3/2028

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)***

8. PUBLIC HEARING ITEMS:

A. Proposed Amendments to the Lebanon Zoning Ordinance

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

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

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

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

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

BACKGROUND

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

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

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

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

BACKGROUND

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

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

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

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

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

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

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

including the following:

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

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

Mayor McNamara opened the Public Hearing.

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

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

Council/Staff Comments:

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

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

ACTION:

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

Seconded by Councilor Whittlesey.

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).**

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

Seconded by Councilor Liot Hill.

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)*

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

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

Seconded by Councilor Liot Hill.

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)*

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

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

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

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

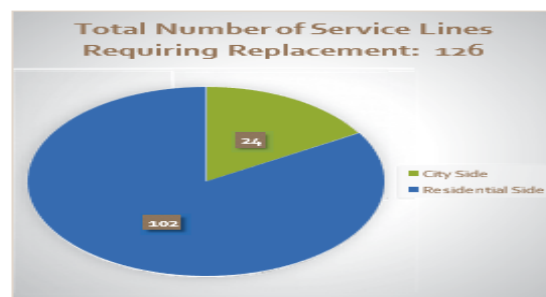
- Request authorization to borrow \$2.31 million through the Drinking Water State Revolving Fund (DWSRF).
- Funding will be used to comply with EPA Lead and Copper Rule Revisions (LCRR) by replacing lead and galvanized water service lines.

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

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

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

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

ACTION:

Councilor Wilkie MOVED the following RESOLUTION:

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

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

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

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

This resolution shall be effective upon passage.

Seconded by Councilor Liot Hill.

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).***

9. OLD BUSINESS

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

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

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

BACKGROUND

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

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

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

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

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

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

Council/Staff Comments:

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Discussion of the salary range for the City Manager Position

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

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

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

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

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

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

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

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. NEW BUSINESS

- A. Ordinance #2025-02, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets: Discussion and Set Public Hearing for April 16, 2025: Ordinance #2025-02, 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

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.

ACTION:

Councilor Wilkie 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 the City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2025-02 to amend City Code Chapter 168, Vehicles and Traffic, §168- 9, One-way streets, to remove the one-way designation for the easterly portion of Memorial Drive, between Bassy Street and Wolf Road in Lebanon.

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

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

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).***

- B. Ordinance #2025-03, To Amend City Code Chapter 168, Vehicles & Traffic, Section 168-9, One-Way Streets: Discussion and Set Public Hearing for April 16, 2025: Ordinance #2025-03, 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

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

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

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

BACKGROUND

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

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

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

ACTION:

Councilor Liot Hills 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 the City’s Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2025-03 to amend City Code Chapter 168, Vehicles and Traffic, §168- 9, One-way streets, to remove the one-way designation for the northerly 325 feet of Church Street in Lebanon and to restore two-way traffic upon reopening of the roadway following the construction of the Central Fire Station.

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

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

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 approved by members present (8-0).***

- C. Ordinance #2025-04, To Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees: 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, Paragraph 68-15.B(10), Town of Enfield Sewer Rental Rate

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

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

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

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

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

BACKGROUND

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

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

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

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

Council/Staff Comments:

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

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

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

ACTION: No Action was taken by the Council.

D. Discussion of Potential Zoning Amendments

1. To Add "Hotel" as a Permitted Use in the General Commercial One (GC-1) District
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>

City Council Public Hearing:

May 21, 2025

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)***

The meeting was adjourned at 9:50PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary