

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, May 21, 2025, 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS PRESENT: Mayor Douglas Whittlesey, Assistant Mayor Devin Wilkie, Nicole Ford Burley, Timothy McNamara, Laurel Stavis, and Karen Zook

MEMBERS ABSENT: Christian Simon, George Sykes, Erling Heistad

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager David Brooks, Interim City Manager Jack Wozmak

1. **CALL TO ORDER:** Mayor Whittlesey called the meeting to order at 7:00 p.m.
 - **City Manager Shaun Mulholland announced the meeting criteria for the public**
2. **PLEDGE OF ALLEGIANCE:** Mayor Whittlesey led the Council in the Pledge.
3. **PUBLIC FORUM:** Mayor Whittlesey made the Public Forum announcement.
4. **OPEN COUNCIL DISCUSSION:** None at this time.
5. **OPEN TO THE PUBLIC:**

Eric Stacy, Ward 3, explained that the budget cuts seem to have impacted the Building Inspection Department. There are three positions on the organization chart, but one was not funded and therefore there are only two people working, each of which has a backlog of 70 applications to work through. He is not allowed to start work until a permit is approved. He applied for his first permit to replace a propane boiler on April 20th and is still waiting. He urged the Council to find that the work being held up all over the City constitutes an emergency and dip into any rainy day fund or reallocate from some other source to solve this problem quickly. Even then, it will take time to recruit and hire a new inspector. As a stopgap, the Council could speed this up by facilitating the approval of permits online or over the counter for any permit with a licensed technician's information on it.

6. RECOGNITIONS:

- **RESOLUTION HONORING SHAUN MULHOLLAND**

WHEREAS, Shaun W. Mulholland has served as City Manager for the City of Lebanon since January 22, 2018, becoming the longest serving City Manager, providing steadfast leadership and dedicated service to the community; and

WHEREAS, during his time as City Manager, Mr. Mulholland has been instrumental in strategic and capital planning, emergency management, and community-based advocacy at regional, state, and federal levels; and

WHEREAS, during the COVID-19 pandemic, Mr. Mulholland provided steady leadership and effective coordination of city operations, ensuring the continuity of essential services, supporting public health efforts, and keeping the community informed through clear and consistent communication; and

WHEREAS, during his tenure, Mr. Mulholland championed innovative approaches to some of the City’s most pressing challenges, leading efforts to expand access to childcare, improve the availability and affordability of housing, and modernize local government systems through the thoughtful use of technology, with a focus on strengthening the quality of life for residents and fostering long-term community resilience; and

WHEREAS, in recognition of his exemplary leadership and service as a veteran in public administration, Mr. Mulholland received the 2024 International City/County Management Association Veterans Recognition Award, honoring his ethical conduct, commitment to mentoring future leaders, and proactive efforts to solve complex municipal issues through collaboration, innovation, and advocacy within the profession; and

WHEREAS, he has accepted the position of Town Manager in Londonderry, New Hampshire, with an effective start date of June 1, 2025; and

WHEREAS, the Lebanon City Council wishes to acknowledge and express appreciation for Mr. Mulholland’s years of service, leadership, and commitment to the City of Lebanon and its residents.

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

Dated this 21st day of May 2025 at Lebanon, New Hampshire.

Douglas Whittlesey, Mayor
On Behalf of the Lebanon City Council

7. ACCEPTANCE OF MINUTES:

- April 22, 2025 (Work Session)
- April 24, 2025 (Work Session)
- May 7, 2025 (Regular Meeting)

Councilor McNamara *MOVED* to approve the April 22, 2025 (Work Session), the April 24 (Work Session) and the May 7, 2025 (Regular Session) minutes as written and presented in the May 21, 2025 City Council agenda packet.

Seconded by Councilor Ford Burley.

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

8. APPOINTMENTS:

- Library Board of Trustees, Leonee Derr (Reappointment as Alternate Library Trustee)

Assistant Mayor Wilkie *MOVED* to NOMINATE Leonee Derr for Reappointment as Alternate to the Library Board of Trustees. Term: 5/2025-5/2026

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

- Economic Development Commission, Brendan Callahan (Appointment as Regular Member)

Mayor Whittlesey *MOVED* to NOMINATE Brendan Callahan as a Regular Member of the Economic Development Commission. Term: 5/2025-5/2027

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

- Economic Development Commission, Eric Stacy (Appointment as Regular Member)

Councilor Ford Burley MOVED to NOMINATE Eric Stacy for Appointment as Regular Member to the Economic Development Commission. Term: 5/2025-5/2027

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

- Pedestrian & Bicyclist Advisory Committee, Sean Dittrich (Reappointment as Regular Member)

Mayor McNamara MOVED to NOMINATE Sean Dittrich for Reappointment as a Regular Member Pedestrian & Bicyclist Advisory Committee. Term: 5/2025-5/2028

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

- Arts & Culture Commission, Stevens Blanchard (Reappointment as Regular Member)

Mayor Whittlesey MOVED to NOMINATE Stevens Blanchard for Reappointment as Regular Member of the Arts & Culture Commission. Term: 5/2025-5/2027

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

- Lebanon Energy Advisory Committee, Clifton Below (Appointment as City Council Representative)

Mayor Whittlesey MOVED to NOMINATE Clifton Below as a City Council Representative to the Lebanon Energy Advisory Committee. Term: 5/2025-5/2027

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

9. 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 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 76 – 93, Council agenda packet)**

1. April 22, 2025 Memorandum from Planning & Development Department RE: Proposed Zoning Amendment: Care & Treatment of Animals

Nate Reichert, Planning & Development Director, reviewed the proposed Zoning Amendment. He explained that Treatment of Animals includes three different pieces: one for veterinary use, one for equine use, and one for kennels. The only recommendation from the Planning Board is that the Council limit this proposed amendment to the veterinary use instead of all three.

BACKGROUND

On March 19, 2025, the City Council initiated the zoning amendment process at the request of Dan Nash on behalf of one of his clients. The amendment, submitted on behalf of Evans Drive SPE, LLC/Johanna Cicotte, requested 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.

The review of the proposed amendment by legal counsel and the land use boards is complete and summarized in the Planning Department memorandum in the Council agenda packet.

Mayor Whittlesey opened the Public Hearing.

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

Council/Staff Comments:

The Council spoke in favor of the amendment and noted that the likelihood of a kennel or riding school being established was minimal and would be subject to the Conditional Use Permit process.

ACTION:

Assistant Mayor Wilkie MOVED, that the Lebanon City Council hereby approves an amendment to the Lebanon Zoning Ordinance to add "Care and Treatment of Animals" as a use allowed by Conditional Use Permit in the Residential-Office One (RO-1) zoning district, as presented in the May 21, 2025 City Council Agenda Packet.

Seconded by Councilor Stavis.

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

10. OLD BUSINESS

A. Presentation and Discussion Regarding the Proposed Methodology for Calculating Sewer Rates for the Town of Enfield

Included in the agenda packet: [**\(All supportive documents and detailed information, including the presentation, can be found on pages 94-106, Council agenda packet\)**](#)

1. 2026 Enfield Sewer Rate Structure presentation prepared by the Department of Public Works

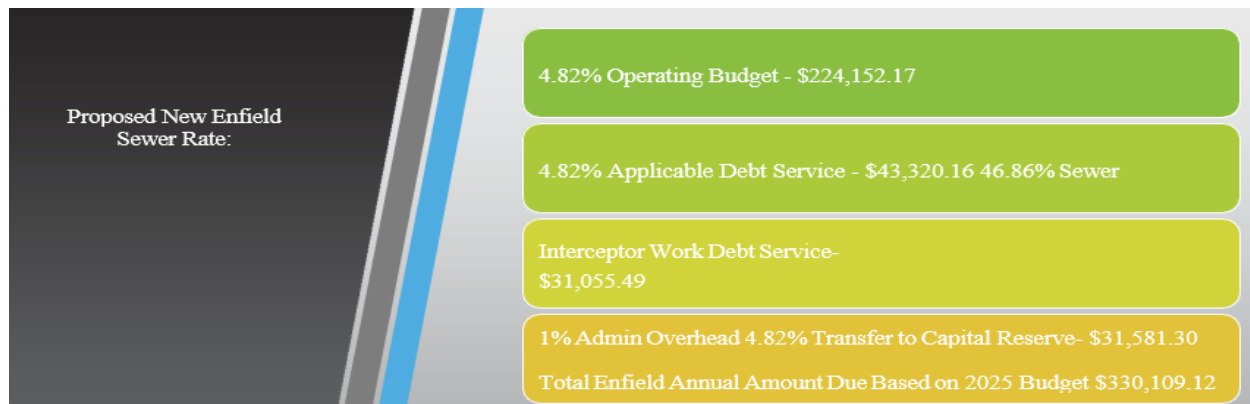
Jay Cairelli, Public Works Director, reviewed the proposed rate structure.

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.

In March 2025, the Department of Public Works presented the results of a comprehensive evaluation of the sewer rate charged to Enfield, including modeled sewer flows, debt service obligations, the transfer to capital reserves, and administrative overhead. Following the presentation and discussion, the Council asked the administration to further review and refine the rate structure methodology, which has now been completed.

When the issue was discussed in March, it was proposed that the City Council move forward with amending City Code Chapter 68, Fees, to reflect a revised sewer rate for Enfield even though the revised rate would not go into effect until January 2026 and would most likely be changed again before taking effect. Now, the City Manager is recommending that the Council simply agree to the methodology that will be used to calculate the Enfield sewer rate but not take action at this time to amend Chapter 68 with the understanding that rate will be recalculated during the Fall based on updated data and information, and the applicable fee schedule in Chapter 68 will be updated at that time.



Council/Staff Comments:

Councilor McNamara asked if Enfield is in favor of the proposed methodology. Ed Morris, Town Manager of Enfield, stated that the proposal is a good step forward and a good, fair methodology.

Jay Cairelli, Public Works Director, reviewed the fiscal impact of the proposal. The difference in the overall revenue expected if this were implemented for 2025 would be \$357,000. Applying that strictly to the volumetric rate that Lebanon residents are paying, would lead to a \$0.65 change in the sewer rate. This would change the Lebanon volumetric rate from \$13.36 to \$14.01. Staff is seeking ways to mitigate that difference. The increase in rate per quarter for treatment of wastewater, which would be paid by Enfield residents and Lebanon residents, for a typical three bedroom, single family home in Lebanon, would be approximately 4.7%.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby acknowledges and accepts the proposed methodology to be used to calculate the sewer rate charged to the Town of Enfield, as set forth in City Code Chapter 68-15.B(10), and presented in the May 21, 2025 City Council Agenda Packet.

Seconded by Councilor Stavis.

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

11. NEW BUSINESS

- A.** Request from Black Magic Mexican for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property.

Included in the agenda packet: **(All supportive documents and information can be found on pages 107-109, Council agenda packet)**

1. May 12, 2025 Request from Heath Gosselin, Black Magic Mexican
2. Map depicting outdoor seating area for Black Magic Mexican

City Manager Mulholland reviewed the proposed request.

BACKGROUND

Black Magic Mexican restaurant is requesting an exemption to serve alcohol on City-owned property. City Administration has approved an outdoor seating area for Black Magic Mexican within the Lebanon

Pedestrian Mall. As the restaurant serves alcoholic beverages as part of their dining menu, they would like to serve alcohol as part of their outdoor dining service.

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

Council/Staff Comments: None at this time.

ACTION:

Assistant Mayor Wilkie MOVED, that the Lebanon City Council hereby grants an exemption to Black Magic Mexican restaurant pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to serve alcoholic beverages on the Lebanon Pedestrian Mall within the area shown on the maps included in the May 21, 2025 City Council Agenda Packet. The exemption shall be valid beginning May 22, 2025, and shall expire on December 31, 2025.

Seconded by Councilor Ford Burley.

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

- B.** Designation of Jack Wozmak as Interim City Manager, Effective June 1, 2025 (page 110, Agenda Packet)

BACKGROUND

City Manager Shaun Mulholland will step down from his position as of May 31, 2025. Jack Wozmak, a senior consultant with Municipal Resources, Inc. (MRI), has been retained to serve as Interim City Manager pending the successful conclusion of the recruitment of Lebanon’s next permanent City Manager.

Council/Staff Comments: None at this time.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby appoints Jack Wozmak to serve as Interim Lebanon City Manager, effective June 1, 2025.

Seconded by Councilor Stavis.

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

- C.** Public Health Needs Assessment presentation from the Public Health Council of the Upper Valley.

Included in the agenda packet: (All supportive documents and detailed information, including presentation, can be found on pages 111-175, Council agenda packet)

1. “Lebanon Region Public Health Needs Assessment: 2025”, prepared by Public Health Council of the Upper Valley.

Alice Ely, Director of Public Health Council of the Upper Valley, reviewed the presentation. She recommended that the Council start with existing staff and build an interdepartmental public health team with unified leadership. This team would be cross trained to understand how public health functions serve a common goal for the City. Once assembled, the City could consider revising or enhancing the roles that they play. She also recommended that the City maximize its ability to use local ordinances and regulations to address current vulnerabilities and prepare for changing futures. The City could take the lead on building a momentum for more regional public health initiatives, such as piloting a Regional Health Officer role. She also recommended continuing to support outside social service agencies which help fulfill some of the priority functions and advocating for State support for a unified vision of public health.

BACKGROUND

In March 2024, the City engaged the Public Health Council of the Upper Valley to conduct a public health needs assessment that would identify the public health needs and functional areas for the City of Lebanon. The purposes of the assessment were:

- 1) to determine what programs need to be created, enhanced or eliminated to improve the public health of those who reside, travel through, work in or conduct business in the City;
- 2) to determine what programs and policies will be put in place as well as what resources should be allocated to reach objectives; and
- 3) to form the basis of a Health Chapter in the next Lebanon Strategic Plan.

The public health needs assessment report addresses Strategic Plan Objective #10.6, which calls for the City to “conduct a needs assessment and determine the feasibility for a more comprehensive Public Health Plan at the City or regional level.” Action items #10.6.1 and 10.6.2 call for a public health workgroup to be established to examine local level and regional level models of organizational structure and resources necessary to meet the identified needs.

Council/Staff Comments:

Councilor Stavis asked if there are any plans for the dental services van to visit West Lebanon. City Manager Mulholland explained that there are not currently plans to do so but this is based on the power needed for the service. Ms. Ely stated that if this program can demonstrate success through people signing up, there may be an opportunity later to advocate for a location in West Lebanon.

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

D. Review and Discussion of Proposed Fiscal Note Policy, CC-110

Included in the agenda packet: **(The proposed Council Policy #CC-110, Fiscal Note Policy, can be found on pages 176-180, Council agenda packet).**

1. Draft Council Policy #CC-110, Fiscal Notes

City Manager Mulholland reviewed the draft Policy.

BACKGROUND

As part of the Strategic Plan community engagement process, suggestions were made by members of the public for the City to consider implementing what is commonly referred to as a Fiscal Note Policy. State legislatures have fiscal notes on non-budgetary bills that have a financial impact on state and local governments. The New Hampshire Legislature has a fiscal note policy for this purpose. Research was

conducted to determine if any municipalities had fiscal note policies. We were unable to locate any other municipalities that have a fiscal note policy. However, we located fiscal note policies similar to that of New Hampshire's from the states of Alaska, Washington and Colorado that were used to develop this draft policy.

The purpose of this policy is to establish a formal procedure for the preparation and inclusion of fiscal notes on City Council legislative actions that may impact revenues, expenditures, or financial liabilities of the City of Lebanon outside of the annual budget process. This policy would ensure transparency, accountability, and informed decision-making by providing objective estimates of fiscal impacts before legislative actions are taken.

Council/Staff Comments:

Councilor Ford Burley suggested that the language regarding the estimate of anticipated revenues and expenditures include the implementation costs for continuing the activity over years and the cumulative costs over time. City Manager Mulholland agreed that this could be included.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby adopts Council Policy #CC-110, Fiscal Note Policy, as presented in the May 21, 2025 City Council agenda packet and amended this evening by Councilor Ford Burley, effective upon passage by the City Council. Seconded by Councilor Ford Burley.

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

12. City Manager Report:

Interim City Manager Wozmak updated the Council on the following:

- Regarding the City Manager search, 15 applications were received and vetted. Four of the applicants will be coming before the Council on June 10, 2025 at a non-public meeting. The Council discussed the interview process.

City Manager Mulholland updated the Council on the following:

- The rules on the SAFER Grant have been changed to require matching funds, which was not part of the agreement when the Council originally approved this to move forward. This will need to come back before the Council.
- There was damage to one of the HVAC units and Fire System of this building due to recent lightening strikes.
- He spoke of the pleasure it has been to work with the City Council over the years.

13. NON-PUBLIC SESSION: NONE

14. ADJOURNMENT:

Councilor McNamara MOVED for adjournment. Seconded by Councilor Stavis.

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

The meeting was adjourned at 8:43PM.

Respectfully submitted,
Kristan Patenaude
Recording Secretary