LEBANON CITY COUNCIL
JULY 2, 2025 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

To participate in this meeting, please join live via Microsoft Teams or call 929-229-5356 (access code: 428 822 663#). If you have trouble accessing this meeting, please email David Brooks.

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1. Call to Order

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

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open Council Discussion

5. Open to the Public

6. Recognitions: None

7. Approval of Minutes

A. MOTION TO approve the minutes as presented in the July 2, 2025 agenda packet.

8. Appointments: None

9. Public Hearing Items

A. Readoption of the Housing and Community Development Plan

Public hearing for the purpose of receiving public input and taking action to readopt the Housing and Community Development Plan.

i. Presentation:
ii. Opening of the Public Hearing:
iii. Questions and Comments by the Public:
iv. Closing of the Public Hearing:
v. Council Deliberation and Action:

10. Old Business: None

11. New Business

A. Cable Franchise Renewal Agreement

Discussion & Set Public Hearing for July 16, 2025: Authorization for City Manager to Execute Cable Franchise Renewal Agreement with Comcast

B. Sale or Exchange of Lands

Discussion and Authorization for City Manager to Prepare and Execute Documents for the Sale or Exchange of Lands between City of Lebanon and Anne and Gerald Rader for City-Owned Property at 0 Winter Street, Tax Parcel 77-82, Lebanon

C. Dry Bridge Project

Discussion of South Main Street Dry Bridge Project Update and Bidding Requirements

D. Discussion and Set Public Hearing for July 16, 2025: Repeal of Certain Zoning Amendments Approved on February 19, 2025

E. Discussion of Zoning Amendment Petition and Competing Amendment Proposals for EV Charging Requirements in Section 607.8

F. Discussion of Potential Amendment to Council Rules, §A191-8

G. Ordinance #2025-08

Discussion and Set Public Hearing for July 16, 2025: Ordinance #2025-08, to Amend City Code Chapter 31, Boards, Committees, Commissions, to Add West Lebanon Revitalization Advisory Committee (WLRAC), Pedestrian & Bicyclist Advisory Committee (PBAC), Tree Advisory Board (TAB), and to amend Article VII, Heritage Commission

12. City Manager Report

13. Non-Public Session

A. RSA 91-A:3, II(b) – The hiring of any person as a public employee.

14. Adjournment

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.
Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

Board/Committee: Heritage Commission
Position: Alternate Member
Applicant: B. Ware
City Councilor: N. Ford Burley
Assigned Date: 06/05/2025

Board/Committee: West Lebanon Revitalization Advisory Committee
Position: Alternate Member
Applicant: S. Roberts
City Councilor: D. Wilkie
Assigned Date: 5/29/2025

Proposed Future Agenda Items: Dates may be tentative, and this list is not considered all-inclusive.
July 16, 2025 (6:00pm start)
Public Hearing Items:
A. Comcast Franchise Renewal Agreement – Public hearing for the purpose of receiving public input and taking action to authorize the City Manager to execute the Cable Franchise Renewal Agreement with Comcast.
B. Repeal of Certain Zoning Amendments Approved on February 19, 2025 – Public hearing for the purpose of receiving public input and taking action on amendments to the Lebanon Zoning Ordinance as follows:
1. To Repeal the Zoning Map Amendment related to certain lots within the Centerra Planned Business Park

approved on February 19, 2025, by rezoning all properties within the Centerra Planned Business Park back to Light Industrial (IND-L);
2. To Repeal the Zoning Amendment related to the Central Business (CB) District Table of Uses approved on February 19, 2025, by removing Planned Business Park as a Use allowed by Conditional Use Permit from the Central Business District Table of Uses (Sections 306 and 508.2); and
3. To Repeal the Zoning Amendment related to allowed uses and the calculation of permitted residential unit density approved on February 19, 2025, by removing language added to the Planned Business Park Regulations in Sections 508.2 and 508.4 as depicted in the July 2, 2025 City Council Agenda Packet.
C. Ordinance #2025-08 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 31, Boards, Committees & Commissions, to Add the West Lebanon Revitalization Advisory Committee (WLRAC), Pedestrian & Bicyclist Advisory Committee (PBAC), Tree Advisory Board (TAB), and to Amend Article VII, Heritage Commission
Old Business:
A. Discussion and Vote on Amendment to Council Rules, A191-8
New Business:
A. Release of Collected Public School Impact Fees (2nd Quarter 2025)

August 6, 2025 (Meeting Cancelled)

August 20, 2025
New Business:
A. Review of Properties Qualified for Tax Deeding and Vote to Waive Tax Deeding
B. Dog Licensing Civil Forfeiture Update
C. Authorization for Purchase of Ballot Counting Devices
D. Environmental Justice Task Force Report from DEI Commission

Agenda
Lebanon City Council
July 2, 2025

7. Acceptance Of Minutes:

Minutes To Be Accepted

- June 18, 2025

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

DRAFT

LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, June 18, 2025, 7:00 p.m.
Council Chambers
Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS PRESENT:	Mayor Douglas Whittlesey, Assistant Mayor Devin Wilkie, Erling Heistad, Nicole Ford Burley, Laurel Stavis, Christian Simon and Karen Zook
MEMBERS ABSENT:	Timothy McNamara, George Sykes, Interim City Manager Jack Wozmak
STAFF PRESENT:	Deputy City Manager David Brooks, Chief Building Inspector/Health Officer Leigh Hayes, Public Works Assistant Director Christopher Kilmer, LFD Chief Jim Wheatley, LFD Deputy Chief Jeff Libbey

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1. **CALL TO ORDER:** Mayor Whittlesey called the meeting to order at 7:00 p.m.
    - Deputy City Manager David Brooks announced the meeting criteria for attendees.

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:**

Mayor Whittlesey thanked Parks & Recreation and the Lebanon Public Libraries for the Taste and Traditions Festival this past weekend.

5. **OPEN TO PUBLIC:**

Mr. Fran Casale (Ward-2): He and the Council had discussions on how the Strategic Plan and Budget Items roll into each other, noting he received a 10-page report from the Environmental Justice Task Force, which was charged for development in the Strategic Plan in 2023, and did not see this Committee listed in the City's Budget. He was concerned the costs for this Committee was never established.

Assistant Mayor Wilkie informed Mr. Casale that this was an informal task force created within the DEI Commission and was entirely comprised of volunteers (5) and there were no costs for staff time associated with the preparation of the report. There was no intention that the report coming out of this Task Force was a necessary commitment to expenditures, noting those expenditures or savings would be taken up by either the Departments, if they choose to accept the recommendations, or by the Council if they choose to create any policy based on those recommendations and gave examples. Deputy City Manager Brooks gave an example of the Public Health Council noting that through the Strategic Plan process, the Council indicated a desire to learn more about the Public Health process and what role it could play. Through the City Manager's Office and through appropriated funds, the City engaged the Public Health Council of the Upper Valley to conduct that report and to lead that process. The report (a summary of the study) that came out of that process was then presented to the Council and there was no request for the Council to formally accept that document or take responsibility for implementing each and every recommendation in that report. Mayor Whittlesey was willing to speak with Mr. Casale in person about how the budget and the Strategic Plan processes work together.

6. RECOGNITIONS: NONE

7. ACCEPTANCE OF MINUTES:

- May 14, 2025
- May 21, 2025
- June 4, 2025

Amendments: Page 38, Line # 5: Change "viable" to "appropriate."

***Councilor Heistad MOVED* to approve the May 14, 2025, the May 21, 2025, and the June 4, 2025 minutes as amended and presented in the June 18, 2025 City Council agenda packet.**
Seconded by Councilor Simon.

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

8. APPOINTMENTS:

- West Lebanon Revitalization Advisory Committee, Corinne Alfeld (Alternate Ward 1 Resident) Term: 6/2025-6/2027

Councilor Nicole Ford Burley MOVED to Nominate Corinne Alfeld as an Alternate Ward 1 Resident member to the West Lebanon Revitalization Advisory Committee.
**** The Vote on the NOMINATION was approved by members present (7-0).***

- West Lebanon Revitalization Advisory Committee, Susan Pagan-Hilton (Alternate Ward 1 Resident) Term: 6/2025-6/2027

Assistant Mayor Wilkie MOVED to Nominate Susan Pagan-Hilton as an Alternate Ward 1 Resident to the West Lebanon Revitalization Advisory Committee.
**** The Vote on the NOMINATION was approved by members present (7-0).***

9. PUBLIC HEARING ITEMS:

A. **Ordinance #2025-06**: A public hearing for the purpose of receiving public input and taking action to adopt a new City Code Chapter 85, Housing Standards, Minimum

Included in the agenda packet: **(All supportive documents and information can be found on pages 62-81, Council agenda packet)**

1. Proposed Ordinance #2025-06
2. April 9, 2025 Legal Opinion from Attorney Michael J. Malaguti
3. NH RSA 48-A, Housing Standards

Chief Building Official and Health Officer Leigh Hays reviewed Proposed Ordinance #2025-06 (the new City Code Chapter 85, Housing Standards, Minimum)

BACKGROUND

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

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

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

During a public hearing on May 7, 2025, questions were raised about parts of Section 85-5.J, General Occupancy Standards. Although the intent of the proposed City Code chapter is that it would apply solely to rented or leased dwellings, the introductory paragraph of Section 85-5.J made a reference to owner occupancy. Further, the confusion caused by the introductory paragraph raised concerns about the requirement of 85-5.J(6) potentially applying to owner- occupied dwelling units. As a result of the questions raised, the City Council declined to take action on the proposed Ordinance after the May 7th public hearing.

Following the public hearing, Chief Building Official & Health Officer Leigh Hays modified the proposed language to remove the reference to owner occupancy in the introductory paragraph of Section 85-5.J and also removed Section 85-5.J(6), which is based on a Fire Code requirement. Another modification added to Section 85-1 clarifies that the intent of the proposed City Code chapter is to govern the minimum acceptable housing standards of "dwellings let for rent" within the City.

Deputy City Manager Brooks noted this Ordinance mirrors the NH State Statute, with Mayor Whittlesey noting this was in response to calls that the City has been receiving from tenants regarding issues that have gone unresolved, and it would allow the City a faster enforcement mechanism.

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

ACTION:
Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts Ordinance #2025-06, to enact a new City Code Chapter 85, Housing Standards, Minimum, as presented in the June 18, 2025 City Council Agenda Packet.
Seconded by Councilor N. Ford Burley.

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

B. Ordinance #2025-07: A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations, Appendix A, Fee Schedule.

Included in the agenda packet: **(All supportive documents and information can be found on pages 82-85, Council agenda packet)**

1. Proposed Ordinance #2025-07

DPW Assistant Director Christopher Kilmer reviewed the background to the proposed amendments to Ordinance #2025-07.

BACKGROUND

City Code Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the language from the former Chapter 143, Solid Waste, (which was repealed on July 24, 2019), and to include a fee schedule for disposal of refuse and recycling of certain materials. The fee schedule set forth in Appendix A, last updated in November 2024, is to be reviewed annually for possible updates based on current market rates.

Ordinance #2025-07 proposes to amend Chapter 97, Appendix A to reduce the disposal rate for passenger tires from $15 to $10 per tire. This reduction is made possible through the negotiation of a more affordable tire recycling agreement resulting in operational savings that can be passed on to residents and customers.

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

Council/Staff Comments:
Assistant Mayor Wilkie spoke about his reasons why the change in this Ordinance for lowering the tire costs for recycling makes sense.

ACTION:
Councilor N. Ford Burley MOVED, that the Lebanon City Council hereby adopts Ordinance #2025-07, to amend Lebanon City Code Chapter 97, Landfill Regulations, Appendix A, Fee Schedule, as presented in the June 18, 2025 City Council Agenda Packet.
Seconded by Councilor Stavis.

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

Item	Fee
MSW – Commercial	$120.75/ton
MSW – Residential	$4.00/household bag $8.00/contractor bag $40.00 per punch card $2.00/15 Gallon PAYT household bag $4.00/30-Gallon PAYT household bag
Minimum Load – Scale Use	$40.00
Construction and demolition debris – NOTE: This does not include mixed aggregates	$ 258.75/ton
Contaminated or mixed load recycling	$300/ton
Mattresses -Box spring is under bulky	$37.50
Bulky-Furniture, cabinets, sofa, chairs, box spring; excluding Mattresses	$7.50 Small (10-35lbs) $14.50 Medium (36lbs to 80lbs) $22.50 Large (81lbs and up) $150.00/ton Sectionals charged by the piece
Tires	$~~15~~10.00/tire - Maximum of 10 tires per load.

Yard trimmings and brush	$15.00/ton for all commercial loads and non-Lebanon residents up to 4 inches $75.00/ton over 4 inches in diameter $110 Stumps Lebanon Residents only are free for loads less than 2 Cubic yards NON Commercial drop off Leaves, wood chips and grass clipping free- 4 inches or less in diameter Scale minimum ½ a ton.
Bulk loads of asphalt, brick and concrete and mixed aggregate	$75.00/ton
Electronic waste – monitors and TVs	$22.50/item
Electronic waste – solar panels	$42.50/panel
Electronic devices – DVD, VCR, stereo, etc.	$12.50/item
Freon-containing devices	$22.50/unit
Fluorescent bulbs	$2.50 Base + $0.15/ft (Up to 4 bulbs or CFLs accepted per day)
Compact fluorescent lamps (CFLs)	$2.50 Base + $0.60/ea. (Up to 4 bulbs or CFLs accepted per day)
Cover materials	$15.00/ton
Food waste	$50.00/ton
Food scraps – household	No charge for food scrap composting-Residential
Glass-Bulk Load	$40.00/ton
In Person permit fee	$15.00 (including the cost of the permit)
Equipment Assist	$75.00
Scale Use Fee	$10.00
Propane tanks 20lb	$14.50
Propane tanks 1lb	$4.50
Change of scale ticket fee, next day	$30.00 (day of is free)
Lost card Fee-commercial	$25.00
Account reactivation Fee	$50.00
Found in Load Fee	Additional $20.00 on top of cost of item
Drive off Fee	$250 first offense, $500 second offense, 6-month suspension 3rd offense
Mixed Loads	Charged at the highest Rate of items contained in load
Oil	$5 for up to a gallon. $5 a gallon after that.

Section 2: Severability

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

Section 3: Effective Date

This ordinance shall become effective upon passage.

10. OLD BUSINESS: NONE

11. NEW BUSINESS

A. Discussion of Changes to SAFER Grant Application and Program Parameters

Included in the agenda packet: **(All supportive documents and detailed information, including the complete presentation, can be found on pages 86-112, Council agenda packet)**

1. June 9, 2025 Memorandum from Fire Chief Jim Wheatley Re: SAFER Grant Guidance
2. Lebanon Fire Department Presentation on Staffing for Adequate Fire and Emergency Response (S.A.F.E.R.) Program
3. Excerpt of minutes from February 5, 2025 City Council meeting.

LFD Chief Wheatley and LFD Deputy Chief Libbey were present to review the background and their presentation regarding the proposed changes in the S.A.F.E.R. program grant.

BACKGROUND

In February 2025, the City Council authorized the Lebanon Fire Department to submit a S.A.F.E.R. (Staffing for Adequate Fire and Emergency Response) grant application for four (4) additional full-time firefighter positions. The authorization was approved with the understanding that, if the grant is awarded, the positions funded through the S.A.F.E.R. program, which is a FEMA-funded grant, would be maintained for the performance period of 36 months, and no staffing reductions would occur within the Fire Department during the grant performance period. It was further understood that the grant would pay 100% of salary and benefits for 36 months, with the City responsible for the cost of training and equipment during that period, but that the City would be responsible for fully funding the positions after the 36-month period.

As of February 2025, it was estimated that the cost of four new firefighters to the City with the S.A.F.E.R. grant would be approximately $119,000 for the 3-year period. For comparison, the cost to the City of four new firefighters without the S.A.F.E.R. grant would be approximately $1,900,000 for the 3 year period, or roughly $635,000 per year.

However, since the authorization to apply was granted in February, the S.A.F.E.R. grant program parameters have changed. With the abrupt stoppage of all federal grants, including FEMA grants, the application period did not open in February as anticipated. When the S.A.F.E.R. grant program funding was reinstated, the filing period was opened on May 23rd and applications are being accepted until July 3, 2025. In addition, the revised program parameters include a cost-sharing component, which results in the City absorbing a share of salary and benefits (as well as training and equipment) for the 3-year life of the grant. Specifically, in Years 1 and 2, the City would be responsible for 25% of salaries and benefits, plus training and equipment. In Year 3, the City would be responsible for 65% of salaries and benefits, plus training and equipment. As a result, the potential cost to the City over the 3 year period could range from approximately $211,000 for one firefighter to approximately $844,000 for four firefighters. This is the reason why this is being brought back before the Council.

Fire Chief Wheatley noted that after being given budget guidance, it was made clear that the Fire Department should try and focus on maintaining the services they already have so they are probably not looking at expanding any FTEs at this point.

Highlights from Chief Wheatley's presentation are as follows:

CITY OF LEBANON NEW HAMPSHIRE FIRE DEPARTMENT

STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER)

Purpose

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

Program Funding

- Cost Sharing Model Salary and Benefits for (36 months)

MASSACHUSETTS MUNICIPAL ASSOCIATION STUDY STATEMENTS AND RECOMMENDATIONS FROM 2008

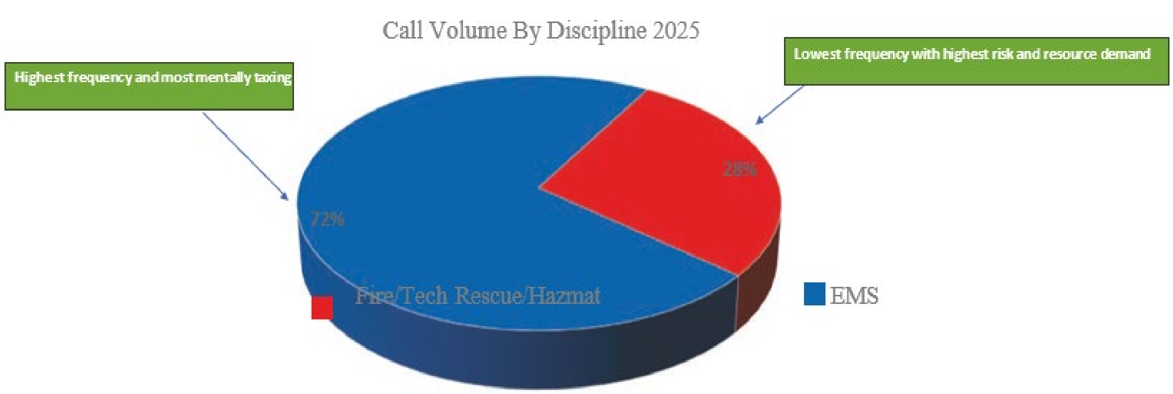
"The City's road network and dispersed population make it difficult for the Fire Department to achieve response benchmarks. However, the Department has made progress toward meeting these benchmarks".

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

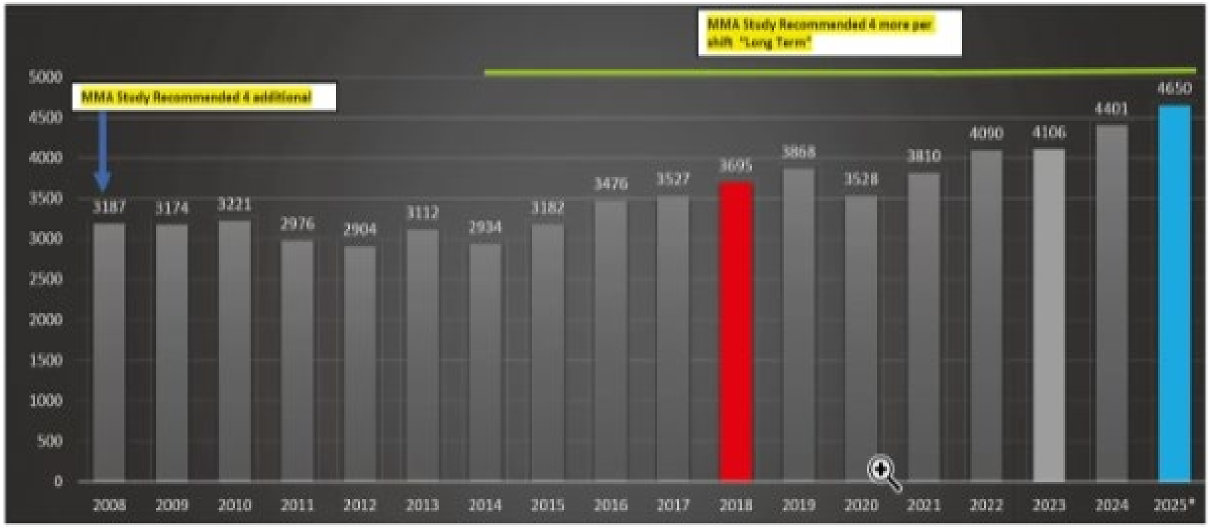
"The fire department should, in long-term add 4 additional firefighters per shift" (2008)

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

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



CALL VOLUME


MMA Study Recommended 4 more per shift "Long Term"
MMA Study Recommended 4 additional
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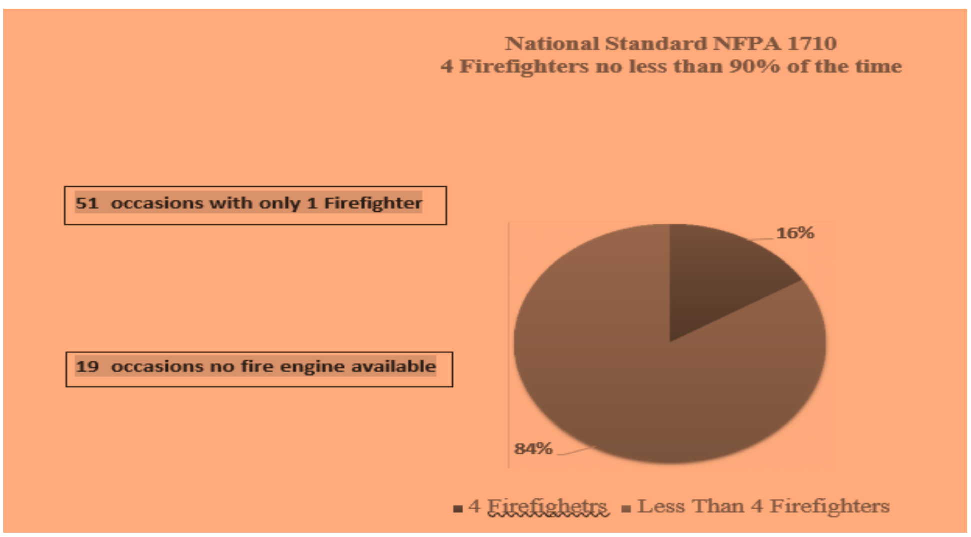
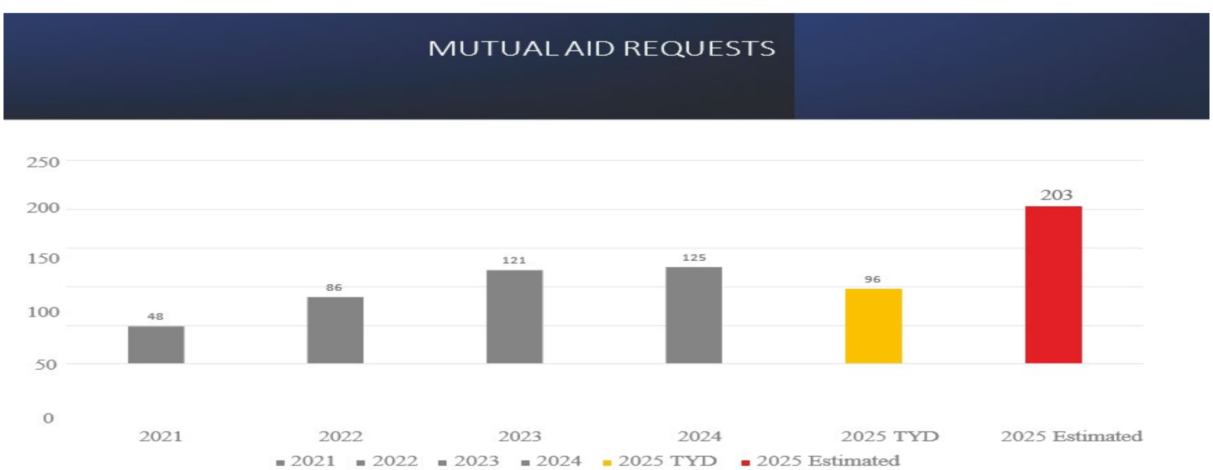

National Standard NFPA 1710
4 Firefighters no less than 90% of the time
51 occasions with only 1 Firefighter
19 occasions no fire engine available
16%
84%
4 Firefighetrs
Less Than 4 Firefighters


MUTUAL AID REQUESTS
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96
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2021
2022
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2025 TYD
2025 Estimated
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2025 TYD
2025 Estimated

HOW WE TRY TO RELIEVE THE TAXPAYER COST

2024 Operating Budget

$ 5,278,300 offset by $1,836,140 in revenue

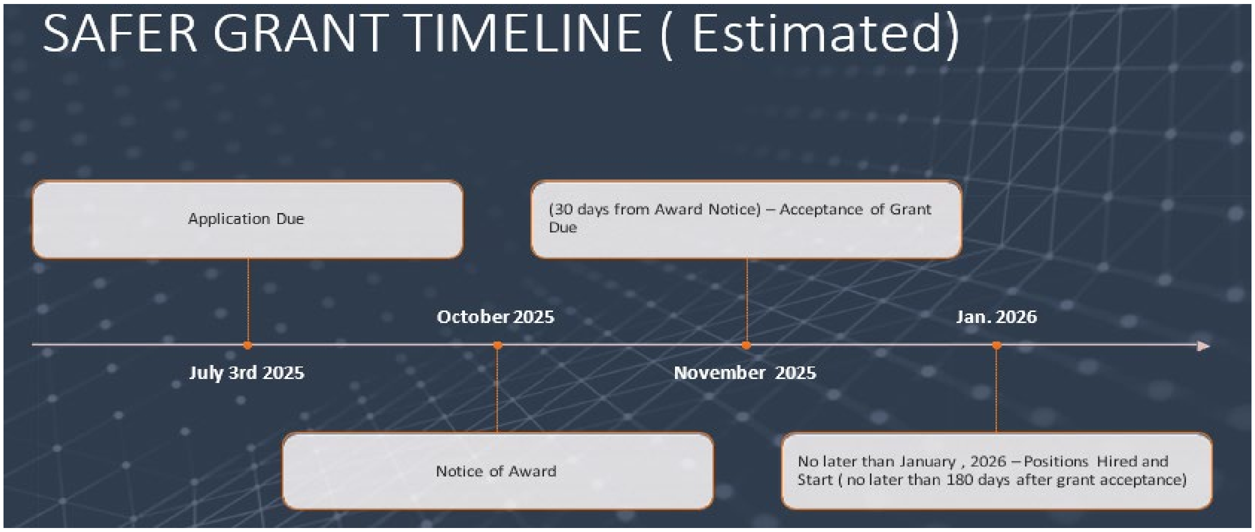
35% of the operating budget is offset by revenue

2024 Revenue

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

3 YEAR COST COMPARISON FOR THE CITY OF LEBANON (1- 4 Fulltime Positions)

2026	1 Firefighter	2 Firefighters	3 Firefighters	4 Firefighters
Total Salaries and Benefits	$ 147,168.29	$ 294,336.58	$ 441,504.87	$ 588,673.16
FEMA Share	$ 110,376.22	$ 220,752.44	$ 331,128.65	$ 441,504.87
City Share	$ 36,792.07	$ 73,584.15	$ 110,376.22	$ 147,168.29
Training and Equipment	$ 14,495.00	$ 28,990.00	$ 43,485.00	$ 57,980.00
Total Cost City of Lebanon	$ 51,287.07	$ 102,574.15	$ 153,861.22	$ 205,148.29
2027	**1 Firefighter**	**2 Firefighters**	**3 Firefighters**	**4 Firefighters**
Total Salaries and Benefits	$ 155,719.00	$ 311,438.00	$ 467,157.00	$ 622,876.00
FEMA Share	$ 116,789.25	$ 233,578.50	$ 350,367.75	$ 467,157.00
City Share	$ 38,929.75	$ 77,859.50	$ 116,789.25	$ 155,719.00
Training and Equipment	$ 10,668.00	$ 21,336.00	$ 32,004.00	$ 42,672.00
Total Cost City of Lebanon	$ 49,597.75	$ 99,195.50	$ 148,793.25	$ 198,391.00
2028	**1 Firefighter**	**2 Firefighters**	**3 Firefighters**	**4 Firefighters**
Total Salries and Benefits	$ 162,254.00	$ 324,508.00	$ 486,762.00	$ 649,016.00
FEMA Share	$ 56,788.90	$ 113,577.80	$ 170,366.70	$ 227,155.60
City Share	$ 105,465.10	$ 210,930.20	$ 316,395.30	$ 421,860.40
Training and Equipment	$ 4,619.50	$ 9,239.00	$ 13,858.50	$ 18,478.00
Total Cost City of Lebanon	$ 110,084.60	$ 220,169.20	$ 330,253.80	$ 440,338.40
3 Year Cost City of Lebanon With Grant	**$ 210,969.42**	**$ 421,938.85**	**$ 632,908.27**	**$ 843,877.69**



Council/Staff Comments:
The Council and Fire Chief Wheatley had lengthy discussions that included: The parameters of the SAFER Grant, which is typically set for the duration of the grant by the Grant administration; Concerns about FEMA going away, which would eliminate the SAFER Grant Program, and/or funding for this grant might change; How the City would be required to pay the SAFER Grant funds back to the Federal Government if they chose to eliminate/reduced the contracted police force during the Grant; The 3-year cost comparisons for 1-4 fulltime positions; Reasons why Chief Wheatley would like to get to 8 staff per shift (4 positions have been achieved to date); The reasons why there were 19 occasions when no fire engines were available and how this is being addressed; The reasons why call volume is rising, which is usually due to EMS calls in the busiest zones of West Lebanon, Downtown Lebanon, and along Route 12A; The stipulations of the SAFER Grant Process, which would include Chief Wheatley coming back to the Council for their approval if the Grant is approved; Whether or not the fine print in the Grant might change between now and the time it comes back to the Council for final approval; and, potential staff options to think about when applying for Grant (i.e., apply for 1-2 positions now and then applying for more positions in the future).

Councilor Simon spoke about his reasons why he felt the Council/Chief Wheatley should apply for the 4 positions now and then make a final decision on whether or not this would fit into the City's budget when the Grant is brought back to Council later this year.

Assistant Mayor Wilkie spoke about his reasons why he felt it would be prudent to authorize 1-2 firefighters, which would be the what the City can afford this year.

Mayor Whittlesey spoke about the number of calls per fire fighter each year starting 2023, noting that at the end of March 2025, each firefighter had 6 more calls/per year than they had in 2023.

Councilor N. Ford Burley spoke about her reasons why she was not in favor of applying for the grant and then not going through with the application if the application is approved and felt the Council should figure out if we support the SAFER Grant and the number of positions it should be for. She was also uncomfortable making budgetary decisions outside of the budget process but was in favor of applying for one (1) position.

The Council continued their discussions on whether or not to apply for the SAFER Grant and how many positions (1-2) the application should include.

ACTION:
Councilor N. Ford Burley MOVED, that the Lebanon City Council directs the City Manager to submit a S.A.F.E.R. grant application for ONE (1) full-time firefighter positions. If the grant is awarded, it is understood that the ONE (1) position funded through the S.A.F.E.R. Program will be maintained for the performance period of 36 months, and no staffing reductions can occur within the Fire Department during the grant performance period. The City would be responsible for fully funding the ONE (1) position after the 36-month period.
Seconded by Councilor Simon.

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

B. Presentation of Emergency Winter Shelter Operational Statistics for Winter 2024-25

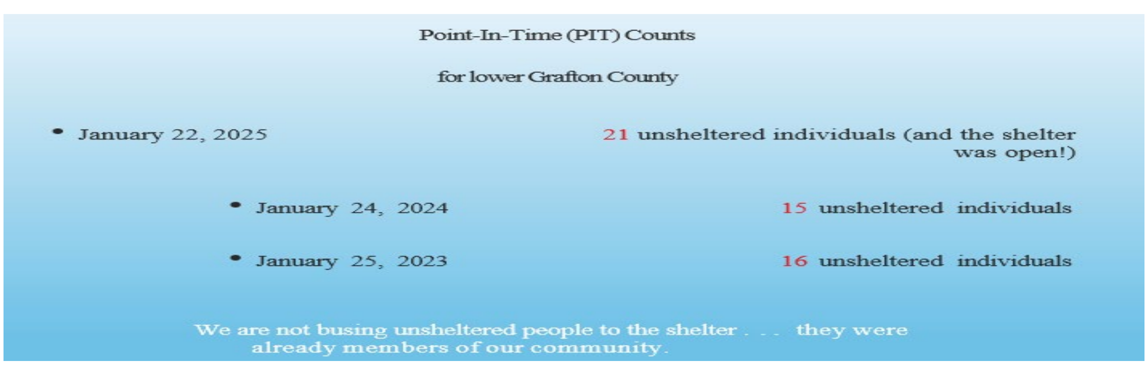
Included in the agenda packet: **(All supportive documents and detailed information, including the complete presentation, can be found on pages 113-135, Council agenda packet)**

1. Presentation of Lebanon Emergency Winter Shelter, 2024-2025 Data Summary

Human Service Director Lynne Goodwin and Deputy Human Services Director Rebecca Desilets reviewed the background behind the Emergency Winter Shelter in Lebanon and coordination with The Haven staff to summarize and present the operational statistics for the 2024-2025 winter season.

BACKGROUND
On January 8, 2025, Lebanon's Emergency Winter Shelter opened for its second winter of operations at 160 Mechanic Street. The City contracted with the Upper Valley Haven to operate the shelter on a nightly basis. The shelter was open for 98 nights until April 16th, and operated at nearly 100% capacity for the season, providing shelter for 73 separate individuals for a total of 1,368 bed-nights.

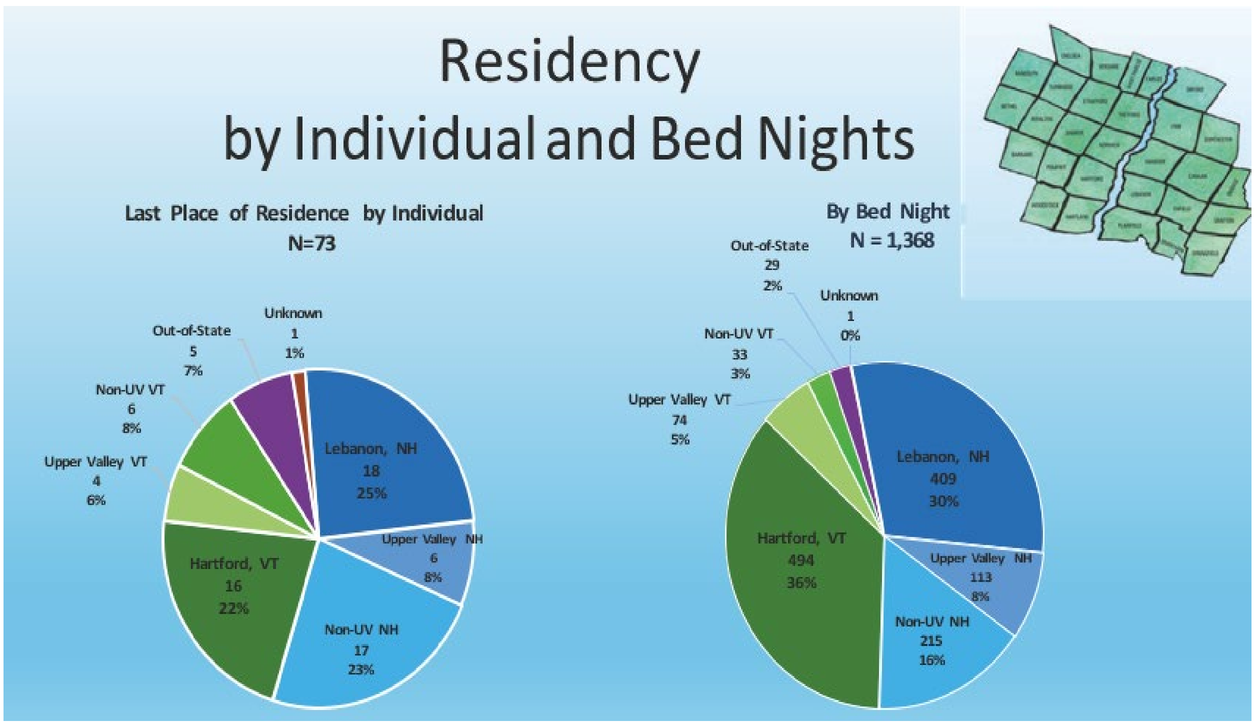
Highlights from Ms. Goodwin's and Ms. Desilets presentation are as follows:



Summary of Guests/Shelter Bed Nights

	Guests	Bed Nights	% Capacity*
Overall (98 nights)	**73**	**1,368**	**99.8%**
January 8-31	37	340	101.5%
February	37	393	100.3%
March	43	433	99.8%
April 1-15	27	202	96.2%

*During the 2023-2024 season, "capacity" was considered 15 beds, which was a lot for 1,800 square feet.
The 2024-2025 season began with an expectation that "capacity" was 13 beds. After the first night, "capacity" was increased to 14 beds.
Greater than 100% capacity implies that the Haven requested an exception for a 15th bed on certain nights.
Data above reflecting % capacity does not include shelter overflow in motels (covered later).



Shelter Usage by Town

New Hampshire:

- Lebanon, 409 bed nights, 30%, 18 guests
- Claremont, 99 bed nights, 7.2%, 7 guests
- Canaan, 82 bed nights, 6%, 3 guests Vermont:
- Hartford, 494 bed nights, 36%, 16 guests
- South Royalton, 42 bed nights, 3.1%, 3 guests

Consider asking Claremont and Canaan to contribute funding for shelter operations.

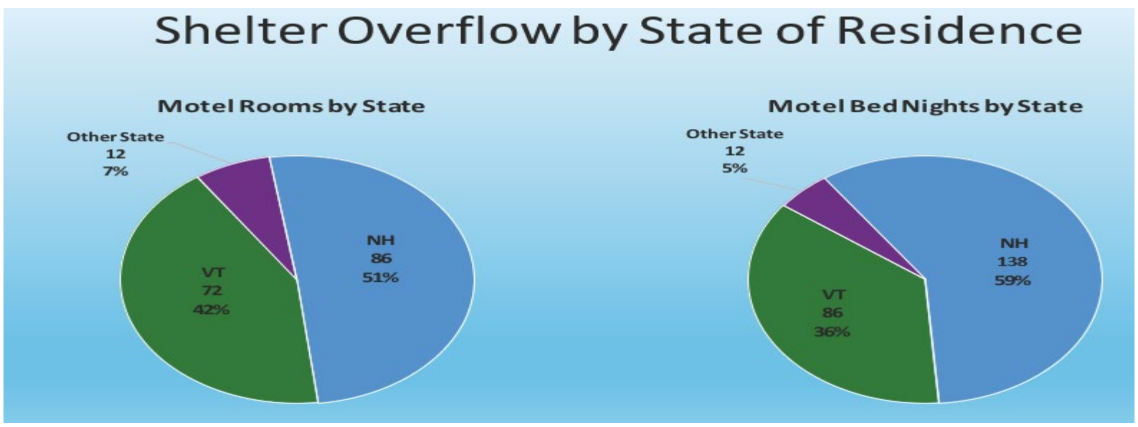
Hanover has approved a grant to the Haven of $10,000 over 3 years to help defray the costs of providing shelter in the community.

Influencing Factors

- Several Vermont residents who sought shelter were on the "Do Not Rent" lists at area motels. Shelter staff often offered overflow shelter to Lebanon residents so that everyone had shelter on a given night.
- The Vermont Motel Program had a limited number of motel rooms in the Hartford area. Rooms available in Brattleboro, Rutland, and Burlington were not accessible to some folks.
- Several shelter guests whose last place of residence was another NH community did not/do not intend to return to those communities.

Shelter Overflow in Motels

- 170 motel rooms representing 236 additional bed nights were utilized as shelter overflow.
- In addition to the 73 unique individuals who utilized the shelter, 3 more NH individuals had a motel stay.
- With motel bed nights included, the shelter was at 117% capacity (1,604 bed nights).
- On average, 17 shelter beds would have been needed to accommodate the number of guests served by the shelter and the motels.
- On the busiest nights, 23 shelter beds would have been needed to accommodate the number of guests served by the shelter and motels.



Emergency Response

- 39% of the calls were health-related*
- Eleven (11) of the twenty-two (22) health & health/substance use calls were from a single individual (Lebanon resident)
- There were no drug overdoses during the 2024-2025 season

* Includes health, health/substance, and mental health

Category		
Health	16	24.24%
Community Report (e.g., suspicious behavior, animal complaint, etc.)	10	15.15%
Health/Substance Use (alcohol)	6	9.09%
Arrest	6	9.09%
Mental Health	4	6.06%
Assault	3	4.55%
Duplicate	3	4.55%
Information provided to/requested from LPD	3	4.55%
Motor Vehicle Stop	3	4.55%
Facility	2	3.03%
Fight	2	3.03%
Initiated Foot Patrol	2	3.03%
Bail violation	1	1.52%
Fire Alarm Pull/Assault on Officer	1	1.52%
Motor Vehicle Accident	1	1.52%
Paperwork Service NTO	1	1.52%
Sex Offender (unregistered)	1	1.52%
Welfare Check	1	1.52%
Total	*66*	*100.00%*

Director Goodwin emphasized that there were **NO** drug overdoses during the 2024-2025 season since this was mentioned by a couple of Lebanon residents at the last meeting.

Shelter Operational Expenses

City of Lebanon 2025 (calendar year)			State of Vermont 2025 (FY ends 6/30)	
Budgeted			**Budgeted**	
Jan-Apr Dec	$120,000 HS		Dec'24-Apr'25	$61,314
Jan-Dec	$ 30,000 HS			
	$ 17,930 DPW			
Actual			**Actual**	
Jan-Apr	$113,068		Jan-Apr	$51,699

Operational expenses include DPW expenses for water/sewer, electricity, heat, information access, and maintenance.

Shelter Overflow and Transportation for NH Shelter Guests

Donations received:
$10,000 from Dartmouth Health
$1,000 from Geokon

Actual expenses:
$9,306 for motels
$285 for transportation

The Haven bore the financial burden of shelter overflow and transportation for VT Shelter Guests.

Director Goodwin noted The Haven has never charged Lebanon for any of the City of Lebanon's occupants.

Cost of Shelter vs. Motel

RSA 165 – Statutory Obligation to Provide Shelter to Lebanon Resident s

Month	Operational Costs (paid by Lebanon)	DPW Costs (paid by Lebanon)	Subtotal (Lebanon)	Operational Costs (paid by Vermont)	Bed Nights	Cost/ Bed Night
December-24	$6,248.80			$0	0	N/A
January-25	$26,150.91			$10,244.75	340	$107.05
February-25	$29,031.64			11,587.31	393	$103.36
March-25	$27,685.70	$2,236.21		$11,534.66	433	$95.74
April-25	$19,436.61	$2,278.09		$18,331.96	202	$198.25
TOTAL	**$108,553.66**	**$4,514.30**	**$113,067.96**	**$51,698.68**	**1368**	**$120.44**

The individual who stayed at the shelter for all 98 nights is a Lebanon resident. Had that person stayed at the Sunset Motor Inn for the same length of time, it would have cost the City of Lebanon $14,780* for the motel room ONLY (meals and staff support not included).

*Rate of $150.82 per night, including tax.

409 Lebanon bed nights X $120 = $49,080
737 NH bed nights X $120 = $88,440

vs.

409 Lebanon bed nights X $151 = $61,759
737 NH bed nights X $151 = $111,287

Comparison of Shelter Seasons

	2024-2025	2023-2024
Operational nights	98	82
Bed nights	1,368	658
Unique individuals (shelter only)	73	53
% Capacity*	99.8% (14 beds*)	53.5% (15 beds)
Average bed nights per guest	18.7	12.4
Mean resident age	42.4	40.8
Lebanon residents (by bed night)	30%	45%
NH/VT residents (by bed night)	54% NH/44% VT	51% NH/36% VT
Shelter overflow bed nights	236	0
NH/VT residents, shelter overflow	59% NH/36% VT	N/A

*First night's capacity was considered 13 beds

Future Shelter Beds Coming to the Upper Valley

The Haven's Shelter and Resource Center, under construction at 608 North Main Street in White River Jct., will provide a 20-bed, low-barrier emergency shelter and daytime resource center. The shelter will offer an estimated 5,000 bed nights annually, enabling over 100 individuals each year to have a safe, stable place to sleep, as well as a safe, supportive space during the day.

Completion of the project is anticipated in the spring of 2026.

There is a critical need for emergency winter shelter beds in 2025-2026. The Lebanon Emergency Winter Shelter can meet that critical need!

Thank you . . .

- Alice Peck Day Hospital – 3 dinners per week
- LISTEN Community Services – 2 dinners per week
- DH Population Health – funding for pizza 2 nights per week
- Mary's Transport – transportation to shelter overflow in motels

And

the many volunteers from the Upper Valley community who helped with dinner and contributed food, clothing and other supplies for shelter guests.

Council/Staff Comments:

In response to Mayor Whittlesey's question regarding staffing, Director Goodwin confirmed that staffing would remain the same (2 staff). Also, in response to Mayor Whittlesey's question about deaths in the shelter due to exposure, Director Goodwin noted that no one died in the shelter, but there was one individual who died from exposure and medical issues, but he did not use the shelter. Mayor Whittlesey felt it was important to point out that the shelter very much served its purpose of keeping people safe, warm, and taken care of during the worst part of winter weather in Lebanon. Whether we serve one person or 73 people, the cost is ultimately the same and thanked Director Goodwin for the work she has done to keep the overall costs down.

In response to Councilor N. Ford Burley's questions regarding if Claremont has a shelter, Director Goodwin said they do, but it has not eliminated the need (for a shelter in Lebanon) and Lebanon pays for our residents who shelter in Claremont. In addition to Claremont's regular shelter, they also have a winter shelter.

In response to Deputy Director Brooks' question, Director Goodwin will be reaching out to the welfare directors in Canaan and Claremont to share our data and then having a conversation with them to see if she can get invited to their Selectboard meetings to ask if they would consider at least a nominal amount to contribute to Lebanon's shelter.

Director Goodwin noted that Lebanon received a significant amount of cold weather shelter funds from the State through Tri-County Cap for Grafton County, so our 2025 point-in-time count data will be reflected and provided to the State of NH who makes the decision about funding. However, there is a question as whether there will be funding moving forward.

Director Goodwin explained to Councilor Stavis the impacts that the discontinuation of the LIHEAP Program funding would have on the City of Lebanon, noting that LIHEAP had served 195 Lebanon households for a total of $331K for fuel assistance. This was assistance from the Federal Government through the State to these households. If LIHEAP is cut, our concern is where those 195 households are going to get fuel assistance and further explained her data and reasonings. Right now, the City could see +/- $100K worth of requests for heating assistance, noting these are people who are housed but would have no heat. She was uncertain when, or if, a decision would be made regarding LIHEAP funding.

Deputy City Manager Brooks confirmed heating and utilities are items that fall under RSA 165 in terms of assistance to a person's basic needs. There is a statutory obligation that if a Lebanon resident comes to us and does not have heat or money to pay for heat, then we have an obligation to assist them in whatever way we can.

Mr. Michael Redmond, Director of The Haven, noted that last year Vermont did appropriate funds for shelter expansion and felt there was a chance this will occur again this year, but we can only receive funds for the days we work. He will be speaking with the Director of the Office of Economic Opportunity on Friday (June 19, 2025) to get more information on opportunities for Emergency Funds.

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

C. Discussion & Set Public Hearing for July 2, 2025: Readoption of the Housing & Community Development Plan

Included in the agenda packet: **(All supportive documents and detailed information, including the complete Lebanon's Housing and Community Development Plan, can be found on pages 136-143, Council agenda packet)**

1. City of Lebanon Housing and Community Development Plan

Deputy City Manager Brooks reviewed the background behind the Housing and Community Development Plan.

BACKGROUND

The City's Housing and Community Development Plan is a document required to be submitted as part of the application packet for Community Development Block Grants (CDBG). Rules put forth by the New Hampshire Community Development Finance Authority require that the Plan be reaffirmed or readopted every three (3) years. This is normally done in conjunction with a pending or proposed CDBG application.

Following the last update and readoption process in 2022, the City administration recommended that the Plan be placed on the Council's calendar for review and consideration every three years regardless of whether a CDBG application is pending. Given the Council's more proactive stance concerning the development of housing in recent years, it is felt that the information in the Plan can be of use in more instances than just accompanying CDBG applications.

ACTION:
Councilor Stavis MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 2, 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 to readopt the City of Lebanon Housing and Community Development Plan.
Seconded by Councilor Heistad.

****The Vote on the MOTION was approved by members present (7-0).***

D. Authorization for City Manager to Execute Extension of Existing Lease Agreement with Green Mountain Power Corporation for Glen Road Hydroelectric Facility

Included in the agenda packet: **(All supportive documents and detailed information, including the Lease Agreement as listed above, can be found on pages 136-143, Council agenda packet).**
1. Proposed First Amendment to Lease Agreement

Deputy City Manager Brooks reviewed the background behind the Lease Agreement with Mascoma Hydro Corporation.

BACKGROUND
In September 1988, the City entered into a Lease Agreement with Mascoma Hydro Corporation for the use of certain real estate and other property for the redevelopment and operation of the Glen Road Hydroelectric Facility on the Mascoma River. The original Lease Agreement has an initial term of 40 years from its effective date of June 25, 1985, and will expire on June 25, 2025.

Green Mountain Power Corporation (GMP), as successor-in-interest to Mascoma Hydro, is currently pursuing relicensing of the Glen Road Hydro Facility from the Federal Energy Regulatory Commission (FERC) for an additional 40-year term. In January 2025, GMP contacted the City to begin negotiations for the renewal of the existing Lease Agreement to run concurrently with anticipated FERC license. However, because the original terms of the Agreement are nearly 40 years old, and applicable laws, regulations, and practices have changed in the intervening years, additional time is required for the parties to negotiate the terms and conditions of a new Lease Agreement. At this time, the GMP and the City are proposing a 6-month extension until December 31, 2025 of the existing Lease Agreement. This would allow us to assess the Fair Market Value of this facility so we can use this data to assess our new rent and tax base and negotiate a longer-term extension.

ACTION:
Councilor N. Ford Burley MOVED, that the Lebanon City Council hereby authorizes the City Manager to execute the First Amendment to Lease Agreement with Green Mountain Power Corporation for the use of certain real estate and other property for the redevelopment and operation of the Glen Road Hydroelectric Facility, as presented in the June 18, 2025 City Council Agneda Packet, for the purpose of providing the parties with an additional six month period to negotiate the terms and conditions of a new Lease Agreement.
Seconded by Councilor Heistad.
****The Vote on the Motion was approved by members present (7-0)***

12. City Manager Report:

Deputy City Manager Brooks updated the Council on the following:

- Building Permit backlogs and City Staff overtime.
- 20 Spencer Street: There will be no tax credits coming this year from the State.
- The August 6, 2025 City Council meeting is being canceled and **will not** be rescheduled to Wednesday, July 30, 2025.

13. NON-PUBLIC SESSION: NONE

14. ADJOURNMENT:

Councilor Heistad MOVED for adjournment.
Seconded by Councilor Stavis.

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

The meeting was adjourned at 9:12 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary

Agenda
Lebanon City Council
July 2, 2025

9. Public Hearing Items:

9.A – Readoption of the Housing and Community Development Plan

A public hearing for the purpose of receiving public input and taking action to readopt the Housing and Community Development Plan.

The City Council scheduled this public hearing at its June 18, 2025 regular meeting. The public hearing was properly noticed in the *Valley News* on June 21, 2025 in accordance with City Code and State Law.

Background

The City's Housing and Community Development Plan is a document required to be submitted as part of the application packet for Community Development Block Grants (CDBG). Rules put forth by the New Hampshire Community Development Finance Authority require that the Plan be reaffirmed or readopted every three (3) years. This is normally done in conjunction with a pending or proposed CDBG application.

Following the last update and readoption process in 2022, the City administration recommended that the Plan be placed on the Council's calendar for review and consideration every three years regardless of whether a CDBG application is pending. Given the Council's more proactive stance concerning the development of housing in recent years, it is felt that the information in the Plan can be of use in more instances than just accompanying CDBG applications.

Action:

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

MOVED, that the Lebanon City Council hereby readopts the City of Lebanon Housing and Community Development Plan, as presented in the July 2, 2025 City Council Agenda Packet.

Included in this Section:

1. City of Lebanon Housing and Development Plan
2. Notice of Public Hearing as Published in the June 21, 2025 edition of the *Valley News*

City of Lebanon
Housing and Community Development Plan

Introduction

Housing and economic development have respective chapters in the current (2012) Lebanon Master Plan. Each chapter establishes an action program to address issues identified through the planning process. Complementary to master planning efforts, the Lebanon City Council formally adopted "Lebanon's Principles for a Sustainable Community" in September 2009 and revised and readopted them on March 4, 2015. Those principles relevant to the City of Lebanon Housing and Community Development Plan are discussed later in this document.

Housing Development

Lebanon Master Plan Chapter 7, "Housing," is hereby incorporated into this document by reference. Chapter 7 begins with the following Statement of Purpose:

> *The City of Lebanon shall actively foster a diverse range of housing opportunities and choices for current and prospective residents, and will strive to promote the development of diverse, sustainable neighborhoods that reflect Lebanon's "small-town" character and distinctiveness.*
>
> *The City of Lebanon shall encourage a range of housing options for all segments of the population. New housing development should contribute positively to existing neighborhoods and create safe and desirable new neighborhoods consistent with the other planning goals of the City as expressed in this Master Plan.*

A variety of housing options including renter and owner-occupied, multi-family, duplex, single-family, and manufactured housing units exist throughout the City in urban, suburban and rural settings. According to the US Census Bureau ACS 5-Year Estimates, 2018 and 2023, there are 7,514 housing units in Lebanon, an increase of 313 units since the last Housing and Community Development Plan (2022). The for-sale vacancy rate is 1.5% and the for-rent vacancy rate is 3.1%.[1] Of the occupied units, owner-occupancy accounts for roughly 49.8% and renter occupancy accounts for 50.2%.

In its report titled "Current Estimates and Trends in New Hampshire's Housing Supply: Updated January 2024", the New Hampshire Office of Planning & Development (OPD) estimated that the state will need 60,000 additional housing units by 2030 to meet current demand, which faces shortages due to factors including home ownership challenges, rental availability, affordability, and aging demographics. The report also estimated that 34.7% (2,816) of housing units in Lebanon were single-family units and 11.9% (969) were two-family units. Approximately 50.0% (4,064) of

[1] The overall vacancy rate is 13.9% which, in addition to units listed for sale and for rent, also includes units that are vacant for seasonal use, rented or sold but not yet occupied, or vacant for other reasons such as renovation, legal issues, or owner decisions.

units were multi-family units (3 units or more). The remaining 3.4% (277) of units were manufactured housing units.

Between 2010 and the end of 2019, the City of Lebanon Planning Board approved 612 Housing Units/Lots. Of those, 442 units have been constructed and occupied. The remaining approved projects from 2010-2019 have yet to file for construction permits. Since the start of 2020, the Planning Board has approved 1,761 more housing units, of which 603 units have been constructed. Construction of 678 units is underway and an additional 155 units is expected to commence before the end of 2025. If all projects that are approved are constructed, the result will be a roughly 20% increase in the number of housing units in the City above what was reported in the 2020 census.

According to the Upper Valley Lake Sunapee Regional Planning Commission’s Regional Housing Needs Assessment, in 2023 Lebanon had a total of 6,620 housing units, with a homeowner vacancy rate of 0.7% and a rental vacancy rate of 1.0%, well below the 3 to 5% generally considered an indicator of a healthy rental market, while the national vacancy rate ranged between 5.5% and 7.5% between 2015-2025. According to the results of state-wide surveys by the New Hampshire Housing Finance Authority (NHHFA), the rental vacancy rate in Grafton County decreased steadily between 2014 and 2023, ranging between a peak of 4.2% in 2014 and a low of 0.3% in 2019 and 2022. As of 2023, NHHFA estimated the vacancy rate for all units in Grafton County at 2.1% with a statewide vacancy rate estimated at 0.6%. As the overall vacancy rate has decreased, the cost of rental units in Lebanon has increased dramatically. The median monthly gross rental cost for a 2-bedroom unit in Grafton County in 2024 was $2,027, an increase of 67% between 2019-2024, and above the statewide 2024 average of $1,833. Rental rates in Lebanon are generally higher than for Grafton County as a whole. Two-bedroom median rent in Lebanon was $2,923 in 2024.

Lebanon has experienced steady population growth in recent years, with a greater increase experienced over the past five years. As of the latest estimates (2023), the City's population stands at approximately 14,759 residents, representing a 9% increase over the past decade. Looking ahead, projections indicate that Lebanon’s population will continue to grow, reaching an estimated 15,590 by 2030.

In an effort to address the issue of affordable housing in Lebanon, on April 20, 2022, the City Council passed the following resolution:

RESOLVED, the Lebanon City Council hereby directs the City Manager to take steps to Enable, Incentivize, and Partner in the development of housing needs not currently being addressed by the market through the following actions:

1. Prepare amendments to the Zoning Ordinance to enable the creation of “cottage cluster” housing developments on appropriate parcels in the City.
2. Prepare amendments to the Zoning Ordinance to revise the regulations for Manufactured Home Parks, Manufactured Home Subdivisions, and Manufactured Home Planned Unit Residential Developments (PURDs) to better reflect the existing Manufactured Home developments within the City and manufactured homes that are in production today.
3. Prepare amendments to the Zoning Ordinance to complete the Increased Density Bonuses table set forth in Section 507.1 and to develop Criteria for the Award of Bonus set forth in Section 507.2.

4. Develop regulations and guidance for the creation of Housing Opportunity Zones (pursuant to RSA 79-E:4-c) and/or Residential Housing Revitalization Zones (pursuant to RSA 79-E:4-b) to incentivize desirable forms of development.
5. Partner with the Lebanon Housing Authority and other residential developers to utilize city-owned properties for the development of new housing units, including the possibility of a "demonstration project" on a city-owned parcel with high visibility and an opportunity for a reasonable number of units to help overcome barriers to affordability.
6. Study and evaluate the benefits and impacts of Accessory Dwelling Units (ADUs) and potential barriers to ADU development and prepare guides, fact sheets, and educational materials to help reduce potential impacts and reduce regulatory and non-regulatory barriers.
7. In each of the above actions, consider enabling, incentivizing, or demonstrating affordable net zero energy or zero energy-ready homes.

Since adoption of the affordable housing resolution in 2022, the City has achieved approval of the following zoning changes by ballot initiative:

- Pattern Zones – A comprehensive zoning approval for an overlay district permitting significant reductions in dimensional requirements in the study area of the community in exchange for using a pre-approved architecturally designed home. This change supports the creation of walkable infill housing, and efficient use of existing municipal infrastructure in particular, and more affordable housing such as ADUs and compact homes, while providing an incentive (streamlined design/lower cost design) to developers, all outcomes that align with the HC designation program.

- Recovery Housing – A zoning definition, permitting requirements and certification of a recovery houses located within the City of Lebanon. This change supports the provision of housing for a demographic in Lebanon/the Upper Valley that has not traditionally been served, helping to address related housing challenges like homelessness, and allowing for dense, affordable, supportive housing. This supports New Hampshire Housing Champions program goals around workforce support.

- Medical Center 2 – Creating a new zoning district within the Alice Peck Day Medical Campus to allow for Medical Campus uses, including staff housing. This change supports New Hampshire Housing Champions program goals by adding a new location with housing as an allowable use, next to (or as part of) one of Lebanon's top employers, which will also support walkability and efficient use of existing municipal infrastructure.

In recognition of its progress toward meeting housing demands, in 2024, Lebanon was one of 18 NH cities and towns designated as Housing Champions by the NH Bureau of Economic Affairs (BEA). These communities qualified due to zoning and land use regulations that promote housing and offer training resources to land use board members. Additionally, they have implemented, or plan to implement, sewer and water improvements and public transportation or walkability improvements to support housing.

In addition to the City's efforts, a number of non-profit and for-profit organizations are actively working in and around Lebanon to help address the issue of affordability.

The Lebanon Housing Authority provides rental assistance in the form of both units and subsidies to serve the City of Lebanon. The Authority owns and manages six developments in Lebanon serving approximately 225 families. Developments include Rogers House (56 units of senior housing), Maple Manor (40 units of senior housing), Lebanon Towers (40 units of senior housing), Romano Circle (30 units of family housing), Romano Place (16 units of family housing) and Heater Landing (44 units of family housing). The Authority is able to provide rental assistance under Federal Section VIII for an additional 166 families, however, it is noted that not all Housing Choice Vouchers are being utilized due to the lack of available affordable units in addition to inadequate budget authority.

In addition to those units owned and managed by the Housing Authority, 198 affordable units are owned and managed by Twin Pines Housing Trust (developments include 10 Parkhurst Street, 420 Mount Support Road, Rivermere, Spencer Street, Spencer Square, Tracy Street Community Housing, and The Village at Crafts Hill); 37 units are owned by Lebanon Housing Associates (Mascoma Village); 11 supportive housing units are owned and managed by Visions for Creative Solutions; and 232 senior living units are owned and managed by Quail Limited Partnerships (developments include the River House at Quail Hollow (phases I, II, & III) and Quail Ridge). Quail LP also has Planning Board approval for 32 additional senior housing units in the "Lake House at Quail Hollow" project, but has not yet started construction.

In order to provide safe and accessible housing for all occupants, the City has adopted within its City Code Chapter 36, the enforcement of the New Hampshire State Building Code (RSA 155-A). The State Building Code is comprised of the following individual codes: International Building Code 2021, International Existing Building Code 2021, International Residential Code 2021, International Mechanical Code 2021, International Energy Conservation Code 2018, International Plumbing Code 2021, and the International Swimming Pool and Spa Code 2021, published by the International Code Council, and the National Electric Code (2020 Edition) published by the National Fire Protection Association, all as amended by the State Building Code Review Board.

For fire protection, the City is required to enforce the State Fire Code (RSA 153), which includes the Uniform Fire Code (NFPA-1; 2021 Edition), and the Life Safety Code (NFPA-101; 2021 Edition) as published by the National Fire Protection Association. In addition to the State Fire Code, City Code Chapter 72 provides for the automatic adoption of the most recent edition of the International Fire Code and all appendices therein as published by International Code Council.

In addition to the codes mentioned above, the City has adopted a Zoning Ordinance, which includes nine different residential districts. Multi-family developments are allowed in nine districts (including five residential districts and four non-residential districts); manufactured home parks and subdivisions are allowed in three districts; group residences are allowed in four districts; elderly housing complexes are allowed in seven districts; and Planned Unit Residential Developments (PURDs) are allowed in eight districts. Single-family housing is allowed in all nine residential districts, two-family housing is allowed in six districts, and both attached and detached accessory dwelling units (ADUs) are permitted for all one- and two-family dwellings. Each of these housing types allows for the development of low- to moderate-cost housing in a range of locations throughout the City.

Community Development

Lebanon Master Plan Chapter 6, "Economic Development," adopted by the Lebanon Planning Board on March 23, 2025, is hereby incorporated into this document by reference. Chapter 6 begins with the following Statement of Purpose:

> *The City of Lebanon shall promote high-quality economic development that provides safe, healthy working conditions, and rewarding careers and employment opportunities for residents of the City and region. In accordance with the "Residents-First" policy, economic development in Lebanon shall benefit our residents and enhance quality of life in the City. Our economic development strategy shall foster a vibrant and sustainable local economy by:*
>
> - *Proactively encouraging and attracting enterprises that contribute to the total welfare of the City of Lebanon, while also recognizing Lebanon's role as an employment center for the Upper Valley.*
> - *Preserving and enhancing the natural and built environment of Lebanon, and promoting a high quality of life for those who live in, work in, or visit the City.*
> - *Implementing economic development and redevelopment strategies that aim to avoid placing a greater tax burden on City residents.*
> - *Striving to support a diverse mix of businesses from a variety of economic sectors to better protect our local economy from sudden shifts within a single industry, and to increase our resistance to and resilience from economic downturns and unstained boom times.*
> - *Adopting smart growth policies that encourage mixing synergistic uses (such as retail, residential, and office), redevelopment of existing non-residential sites, and infill development of existing lands zoned for non-residential use before extensively developing any additional lands for non-residential use.*
> - *Maintaining and expanding the infrastructure needed to support economic development at high service levels, including fostering state-of-the-art communications infrastructure throughout the City.*
> - *Encouraging new non-residential construction and renovation of existing non-residential structures to result in high-quality, flexible, and adaptable buildings.*
> - *Supporting a full range of housing options, from affordable workforce units to market rate housing, for both rental and ownership, that will allow those working within the City at all income levels to also live in the City, while recognizing the impact on infrastructure and school budgets.*
> - *Understanding that a strong economy requires a well-educated and skilled workforce and providing educational and workforce training opportunities for residents at all stages of life.*
> - *Encouraging the retention and creation of adequate and affordable childcare opportunities to support employees, Lebanon residents, and employers.*

The City maintains a strong economic posture as the socio-economic hub of the Upper Valley region. A reasonably strong and diverse economy contributes to Lebanon's economic vitality. In 1950, the largest portion of the City's population worked in wholesale or retail-related jobs, with manufacturing being the next largest sector of employment. Since that time, the professional sector has grown to encompass the largest portion of the population, with retail and manufacturing ranking second and third, respectively. In particular, the period since 1990 has seen a substantial rise in management, professional, and related occupations largely associated with the relocation of the Dartmouth-Hitchcock Medical Center to Lebanon. Also notable has been the rise in biotech companies and high-tech manufacturing with ties to Dartmouth-Hitchcock and/or Dartmouth College. Service occupations (particularly health care, social assistance, and education services) and retail jobs associated with the continued build-out of the Route 12-A and Route 120 corridors are also prominent employment sectors. The City wishes to maintain and build on the diversity of its current economic base, recognizing that professional and industrial development generally provide higher-paying jobs, thus contributing more actively to the greater welfare of the community.

Lebanon is the employment center for the Upper Valley boasting roughly 45.8% (3,358 jobs) of the area's share – the highest ratio of any community in the region, according to the U.S. Census Bureau OnTheMap 2022. While not untouched by the recent recessions, Lebanon and the Upper Valley area have fared better than most of the nation and New Hampshire overall. As of April 2025, the City of Lebanon's unemployment rate (not seasonally adjusted) was 1.5% and the Upper Valley's rate was 2.5%, while New Hampshire's rate was 2.9% and the nation's (seasonally adjusted) unemployment rate was 4.2%. A four- to six-percent unemployment rate is generally considered optimal: Lower rates can result in inflation due to upward pressure on salaries, whereas higher rates can decrease consumer spending.

The Lebanon Zoning Ordinance provides for eleven districts where economic activity can take place. In addition, the City's residential districts allow for home occupations, including home-based contractor's yards and home-based agricultural business. Recent efforts to update the Zoning Ordinance look toward greater flexibility in allowing mixed-use development so that people can work, shop, and live with less commuting than occasioned by the development patterns of the past.

"Lebanon's Principles for a Sustainable Community"

This formally adopted Council policy is hereby incorporated into the City's Housing and Community Development Plan by reference. Principles that specifically support the intent of this document include #2 ("Sense of Place"), #4 ("Intelligent, Coordinated Development and Transportation"), #5 ("Economic Vitality"). #6 ("Fiscal Responsibility"), and #7 ("Regional Leadership"). Please refer to the attached policy.

Accordingly, and as a matter of longstanding City policy, the involuntary displacement of households from their neighborhoods by any type of development shall be minimized. An Anti-Displacement and Relocation Plan is formally adopted by the City Council for each CDBG application and project.

Lebanon Housing Task Force & Master Plan Housing Chapter Update

The City of Lebanon Housing Task Force is currently working on updating the Housing Master Plan Chapter. The City was awarded $100,000 in the form of a Housing Opportunity Planning (HOP) grant. This grant is being used to not only create a new Master Plan chapter that will focus on the current and expected future needs of Lebanon, but to also hire consults to provide a fiscal analysis of potential future housing projects and how they would impact the City's tax base. This project is expected to be completed in June of 2026. Draft information including the March 2025 Lebanon Housing Needs Assessment is available at https://lebanonnh.gov/1863/Lebanon-Housing-Plan---Living-in-Lebanon.

Conclusion

In accordance with the 2012 Lebanon Master Plan and the 2015 "Lebanon's Principles for a Sustainable Community," the City remains committed to benefitting its low- and moderate-income people, as well as its general population, with housing and community development initiatives. The City will continue to engage in these activities and establish reasonable policies, regulations, and programs to foster beneficial trends. The City will continue to pursue Community Development Block Grant (CDBG) funding, other state and federal funding, as well as private funding to promote the well-being of its citizenry.

Adopted by the Lebanon City Council on January 19, 2011

- Reaffirmed August 21, 2013 with no changes to document content
  - Twin Pines Housing Trust CDBG Emergency Funds Grant Application
- Reaffirmed September 18, 2013 with no changes to document content
  - Lebanon College CDBG Economic Development Funds Grant Application
- Reaffirmed October 15, 2014 with no changes to document content
  - Grafton County Economic Development Council/Fresh Air Sensor Corp. CDBG Economic Development Funds Grant Application
- Reaffirmed July 11, 2018 with no changes to document content
  - Twin Pines Housing Trust CDBG Housing & Public Facilities Funds Grant
- Updated and Readopted July 6, 2022 with updates to document content
  - Families Flourish Northeast CDBG and CDBG-CV Public Facilities Funds Grant
- Reaffirmed ___________, 2025 with updates to document content

____
Douglas Whittlesey
Mayor
City of Lebanon, New Hampshire

June 23, 2025

LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARING
Wednesday, July 2 , 2025 - 7:00pm
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

The Lebanon City Council will hold a public hearing on July 2, 2025, beginning at 7:00pm for the following:

A. Readoption of the Housing & Community Development Plan – Public hearing for the purpose of receiving public input and taking action to readopt the Housing & Community Development Plan.

The July 2, 2025 City Council agenda packet and documents pertaining to the above-described

public hearing will be available on the City's website beginning June 27, 2025: LebanonNH.gov/Agendas

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

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, June 21, 2025.

Jaseya Ewing

Jaseya Ewing, City Clerk

Agenda
Lebanon City Council
July 2, 2025

11. New Business:

11.A – Discussion and Set Public Hearing for July 16, 2025: Authorization for City Manager to Execute Cable Franchise Renewal Agreement with Comcast

Background

In August 2015, the City entered into a Cable Franchise Renewal Agreement with Comcast. The current Franchise Renewal Agreement runs for a 10-year term, beginning on August 19, 2015 and expiring on August 18, 2025.

In January 2025, Comcast reached out to the City to begin negotiations for another renewal of the Cable Franchise Agreement. Attorney Steven Whitley of Drummond Woodsum coordinated the review and updating of the prior Franchise Agreement.

As proposed, the Renewal Agreement will be for another 10-year term, from August 19, 2025 through August 18, 2035. The franchise fee payment is proposed to remain at 3.5% of Franchisee's Gross Annual Revenues.

Pursuant to NH RSA 53-C:3-a, the Council is requested to schedule a public hearing for July 16, 2025 to receive public input on the proposed draft agreement.

Attorney Whitley and representatives of Comcast will be available on July 2nd to answer any questions about the proposed Renewal Agreement.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council, pursuant to NH RSA 53-C:3-a, hereby schedules a public hearing for Wednesday, July 16, 2025, beginning at 6:00pm in Council Chambers, City Hall, and Remote Via the City's Virtual Platform, for the purpose of receiving public input and taking action to authorize the City Manager to execute the Cable Franchise Renewal Agreement between the City of Lebanon and Comcast, as presented in the July 2, 2025 City Council Agenda Packet.

Included In This Section:

1. Draft Renewal Cable Television Franchise for Lebanon, New Hampshire

CABLE TELEVISION FRANCHISE

GRANTED BY:

CITY OF LEBANON,
NEW HAMPSHIRE

GRANTED TO:

COMCAST OF CONNECTICUT/ GEORGIA/ MASSACHUSETTS/ NEW HAMPSHIRE/ NEW YORK/ NORTH CAROLINA/ VIRGINIA/ VERMONT, LLC,

TERM: AUGUST 19, 2025 – AUGUST 18, 2035

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CITY OF LEBANON, NH
FRANCHISE INTRODUCTION

WHEREAS, the Franchising Authority of the City of Lebanon, New Hampshire, pursuant to RSA Chapter 53-C and the Cable Act, is authorized to grant one or more nonexclusive, revocable cable television franchises to construct, upgrade, operate and maintain a cable television system within the City of Lebanon; and

WHEREAS, The Franchising Authority determined that the proposed Renewal Franchise is adequate to meet the future cable-related community needs and interests of Lebanon pursuant to 47 U.S.C. Section 546(h), conducted a public hearing and there has been opportunity for public comment on the proposed Renewal Franchise, on ______________ 2025; and

WHEREAS, the Franchising Authority has determined that the financial, legal, and technical ability of Franchisee is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, and desires to enter into this Franchise with Franchisee for the construction and operation of a cable system on the terms and conditions set forth herein;

WHEREAS, insofar as the State of New Hampshire has delegated to the City the authority to grant a Franchise for cable system operation within the City's territorial boundaries, the City hereby exercises its authority to grant a non-exclusive Franchise permitting the operation of a cable communications system within the City of Lebanon.

NOW THEREFORE, after due and full consideration, the Franchising Authority and Franchisee agree that this Franchise is issued upon the following terms and conditions:

ARTICLE 1

DEFINITIONS

SECTION 1.1 - DEFINITIONS

For the purpose of this Franchise, capitalized terms, phrases, words, and abbreviations shall have the meanings ascribed to them in the Cable Communications Policy Act of 1984, as amended from time to time, 47 U.S.C. §§521 et seq. (the "Cable Act"), and the Revised Statutes Annotated of New Hampshire, as amended from time to time, unless otherwise defined herein.

(a) Access Provider: The entity as may be designated from time to time by the Franchising Authority for the purpose of operating and managing Public, Educational and Governmental Access channel capability, facilities, training and programming for Lebanon Subscribers.

(b) Affiliate or Affiliated Person: When used in relation to any person, means another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person, excluding any entity that is not involved with the use, business, management, operation, construction, repair and/or maintenance of Comcast Corporation's cable systems, such as NBC Universal

(c) Basic Cable Service or Service - means the lowest tier of service which includes the retransmission of local television broadcast signals, Access Programming channels and other signals or services required by the FCC or the Cable Act.

(d) Cable Act - means the Cable Communications Policy Act of 1984, Public Law No. 98- 549, 98 Stat. 2779 (1984), 47 U.S.C. § 521 et. seq., amending the Communications Act of 1934, as further amended by the 1992 Cable Consumer Protection and Competition Act, Public Law No. 102-385 and the Telecommunications Act of 1996, Public Law No. 104-458, 110 Stat. 56 (1996) and as may be further amended.

(e) Cable Television System , Cable System or System - means the facility owned, constructed, installed, operated and maintained by Franchisee in the City of Lebanon, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (a) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (b) a facility that serves subscribers without using any public right-of-way; (c) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Cable Act, except that such facility shall be considered a cable system (other than for purposes of section 621(c) of the Cable Act) to the extent such facility is used in the transmission of video programming directly to subscribers unless the extent of such use is solely to provide interactive on-demand services; or (d) an open video system that complies with Section 653 of the Cable Act, or (e) any facilities of any electric utility used solely for operating its electric utility systems.

(f) Cable Service - means the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(g) City – means the City of Lebanon, New Hampshire.

(h) Complaint: Any written (including electronic) or oral communication by a Subscriber expressing dissatisfaction with Comcast's operation of its Cable System that is within Comcast's control and requires a corrective measure on the part of Comcast or its contractors or subcontractors.

(i) Drop - means the coaxial cable that connects a home or building to the Subscriber Network or Video Return Line.

(j) Dwelling Unit - means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household.

(k) Effective Date – means August 19, 2025

(l) FCC – means the Federal Communications Commission or any successor governmental entity.

(m) Franchising Authority – means the City Council of the City of Lebanon, New Hampshire, or the lawful designee thereof.

(n) Franchise – means this Renewal Franchise Agreement and any amendments or modifications in accordance with the terms herein.

(o) Franchise Fee – has the meaning set forth in Section 622(g) of the Cable Act, 47 U.S.C. Section 542(g).

(p) Franchisee – means Comcast of Connecticut/ Georgia/ Massachusetts/ New Hampshire/ New York/ North Carolina/ Virginia/ Vermont, LLC or any successor or transferee in accordance with the terms and conditions in this Franchise.

(q) Gross Annual Revenue – means the Subscriber revenue received by the Franchisee from the operation of the Cable System in the City of Lebanon to provide Cable Services, calculated in accordance with generally accepted accounting principles (GAAP), including but not limited to monthly Basic Cable Service, premium and pay-per-view fees, installation fees, leased access fees, advertising and home shopping revenues on a pro rata basis, and equipment rental fees. In the event that an Affiliate is responsible for advertising, advertising revenues shall be deemed to be the pro rata portion of advertising revenues paid to the Cable System by an Affiliate, for the Affiliate's use of the Cable System for the carriage of advertising. Gross Annual Revenue shall not include refundable deposits, bad debt, late fees, investment income, or any taxes, fees or assessments imposed or assessed by any governmental authority and collected by Franchisee on behalf of such entity.

(r) Multichannel Video Programming Distributor – means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, Internet Protocol video service (“IPTV”) or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.

(s) Outlet – means an interior receptacle that connects a television set to the Cable Television System.

(t) PEG Access Programming or Access Programming – means (i) ”Educational”: Non-commercial programming produced by the City of Lebanon Public Schools, or other educational organizations as designated by the Franchising Authority, and other non-commercial educational programming offered by them; (ii) “Governmental”: Non-commercial programming produced by City of Lebanon departments or agencies and other non-commercial programming offered by them or a duly authorized designee; (iii) "Public": non-commercial programming produced by the residents of the City of Lebanon, or produced by an Access Provider or non-profit corporation operating within the City of Lebanon, and other non-commercial programming.

(u) PEG Access User: A Person utilizing PEG Access facilities for purposes of production and/or transmission of PEG Access programming as opposed to utilization solely as a Subscriber.

(v) Person - means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for profit, but shall not mean the Franchising Authority.

(w) Public Access Channel: A specific channel(s) on the Cable System which is made available for use by, among others, Lebanon individuals and/or organizations wishing to present non-commercial Public Access programming and/or information to the public.

(x) Public Buildings – means those buildings owned or leased by the Franchising Authority for government administrative purposes or a public school district, for educational or administrative purposes, and shall not include buildings owned by Franchising Authority or a school district but leased to third parties or buildings such as storage facilities at which government or school employees are not regularly stationed.

(y) Public Way – means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the Franchising Authority in the City of Lebanon, which shall entitle Franchisee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. Public Way shall also mean any easement now or hereafter held by the Franchising Authority within the City of Lebanon for the purpose of public travel, or for utility or public service use dedicated for compatible uses, and shall include other easements or rights-of-way as shall within their proper use and meaning entitle Franchisee to the use thereof for the purposes of installing, operating, and maintaining Franchisee's Cable System over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to the Cable System.

(z) Renewal Franchise: The non-exclusive Cable Television Franchise granted to the Franchisee by this instrument.

(aa) Signal – mean any transmission which carries Programming from one location to another.

(bb) Standard Installation – means the standard one hundred twenty-five foot (125') aerial Drop connection to the existing distribution system.

(cc) Subscriber – means a Person or user of the Cable System who lawfully receives Cable Service with Franchisee's express permission.

(dd) Subscriber Network – means the Trunk and Distribution System and feeder signal distribution network over which video and audio signals are transmitted to Subscribers.

(ee)Trunk and Distribution System: That portion of the Cable System for the delivery of Signals, but not including Drops to Subscriber's residences.

(ff) Video Programming or Programming – means the Programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

ARTICLE 2

GRANT OF FRANCHISE

SECTION 2.1 - GRANT OF FRANCHISE

(a) Pursuant to the authority of RSA Chapter 53-C and the Cable Act, the Franchising Authority hereby grants a non-exclusive Franchise to Comcast of Connecticut/ Georgia/ Massachusetts/ New Hampshire/ New York/ North Carolina/ Virginia/ Vermont, LLC a New Hampshire Corporation, authorizing and permitting Franchisee to construct, operate and maintain a Cable Television System in the Public Way within the municipal limits of the City of Lebanon. Nothing in this Franchise shall be construed to prohibit Franchisee from offering any service over its Cable System that is not prohibited by federal or state law.

(b) This Franchise is granted under and in compliance with the Cable Act and RSA Chapter 53-C of the Laws of New Hampshire, and in compliance with all rules and regulations of the FCC and other applicable rules and regulations in force and effect during the period for which this Franchise is granted.

(c) Subject to the terms and conditions herein, the Franchising Authority hereby grants to Franchisee the right to construct, upgrade, install, operate and maintain a Cable Television System within the Public Way.

SECTION 2.2 - TERM: NON-EXCLUSIVITY

The term of this non-exclusive Franchise shall be for a period of ten (10) years and shall commence on August 19, 2025 and shall expire at midnight on August 18, 2035.

SECTION 2.3 - RENEWAL OF FRANCHISE

The renewal of this Franchise shall be governed by applicable federal law and regulations promulgated thereunder and by applicable New Hampshire law as such laws may be from time to time amended.

SECTION 2.4 - NON-EXCLUSIVITY OF FRANCHISE

Franchisee acknowledges and agrees that the Franchising Authority reserves the right to grant one or more additional franchises to other Cable Service providers within the City for the right to use and occupy the Public Ways; provided, however. that in accordance with RSA Chapter 53-C as it may be amended, no such franchise agreement shall contain terms or conditions more favorable or less burdensome than those in any existing Franchise within the City, when such terms are taken as a whole.

SECTION 2.5 - RESERVATION OF AUTHORITY

Nothing in this Franchise shall (i) abrogate the right of the Franchising Authority to perform any public works or public improvements of any description, (ii) be construed as a waiver of any codes or bylaws/ordinances of general applicability and not specific to the Cable Television System, Franchisee, or this Franchise, or (iii) be construed as a waiver or release of the rights of the Franchising Authority in and to the Public Ways. Any conflict between the terms of this Franchise and any present or future exercise of the municipality's police and regulatory powers shall be resolved by a court of appropriate jurisdiction.

SECTION 2.6 - POLE AND CONDUIT ATTACHMENT RIGHTS

(a) Franchisee must comply, if applicable, with all the requirements of RSA 231:160, et seq. for obtaining conduit or pole licenses for any conduits or poles that Franchisee wishes to install. Pursuant to RSA 231:161, permission is hereby granted to Franchisee to attach or otherwise affix including, but not limited to cables, wire, or optical fibers comprising the Cable Television System to the existing poles and conduits on and under public streets and ways, provided Franchisee secures the permission and consent of the public utility companies to affix the cables and/or wires to their pole and conduit facilities. By virtue of this Franchise, the Franchising Authority grants Franchisee equal standing with power and telephone utilities in the manner of placement of facilities on Public Ways, subject to the lawful exercise of the authority of the City to approve the location of all installations in the Public Ways, and subject to the City's lawful use of the Public Ways.

(b) To the extent permitted by applicable law and in accordance with the requirements of RSA 72:23,l(b), Franchisee using or occupying property of the state or of a City, school district or village district pursuant to this Franchise shall be responsible for the payment of, and shall pay, all properly assessed current and potential personal and real property taxes, if any, for such use or occupation and all properly assessed current and potential personal and real property taxes, if any, on structures or improvements made by Franchisee or any other entity using or occupying such property pursuant to this Franchise. Pursuant to the provisions of this section and subject to the provisions of Section 8.8 herein, failure of the Franchisee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate this Cable Television Renewal Franchise Agreement by the Franchising Authority. Accordingly, this is a material term of the franchise and failure to pay duly assessed personal and real property taxes when due shall be cause for Franchising Authority to provide a written notice to Franchisee, pursuant to Section 8.8, to show cause by a date certain specified in the notice as to why this Franchise should not be revoked pursuant to Section 8.7 of the Franchise. To the extent applicable law provides authority for the Franchising Authority to assess taxes on Franchisee, pursuant to RSA 72:23, I(b), 72:8-a, 73:10 and/or 48-B:4 or otherwise, the Franchising Authority shall be authorized to impose such taxes and Franchisee shall be obligated to pay such properly assessed taxes. However, Franchisee reserves all rights to appeal any assessment of personal or real property taxes. The parties agree to abide by any final decision made by a court of competent jurisdiction, after all appeals by either party have been exhausted.

(c) Nothing in this Franchise shall be deemed a waiver or relinquishment of any rights, defenses or claims that Franchisee may have with respect to the application of any law referenced in this Section 2.6 to Franchisee's services or the operation of its Cable System. Franchisee shall have the right to pass through to Subscribers and to itemize separately on Subscribers' monthly bills any tax imposed on Franchisee by the Franchising Authority.

ARTICLE 3

SYSTEM SPECIFICATIONS & CONSTRUCTION

SECTION 3.1 - AREA TO BE SERVED

(a) The Franchisee, subject to Section 3.1 (c) below, shall make Cable Service available in the City, upon request, to residents in Dwelling Units on Public Ways and Private Roads.

(b) The Franchisee shall make Cable Service available to every residential Dwelling Unit in the City in accordance with Section 3.1 (c) and (d) below, provided that the Franchisee is able to obtain any necessary easements and/or permits and subject to the completion of make-ready work. The Franchisee shall make every reasonable effort to obtain private rights-of-way and multiple dwelling units ("MDU") access agreements and will comply with applicable State laws and regulations.

(c) The Cable System shall be extended upon request, at the Franchisee's sole cost and expense, to any and all areas of the City containing twenty (20) Dwelling Units or more per aerial mile or forty (40) Dwelling Units or more per underground mile of Cable System plant or fractional proportion thereof, both as measured from termination of the existing Trunk and Distribution System from which a usable signal can be obtained. However, if there is suitable available conduit to be used for the underground Cable Plant extension, then the density for underground installation will be twenty (20) Dwelling Units per underground mile. For purposes of this section, a home shall only be counted as a "Dwelling Unit", if such home is within one hundred twenty-five (125') feet of the Public Way.

(d) Installation charges shall be non-discriminatory. A standard aerial installation charge shall be established by the Franchisee which shall apply to any residence located not more than one hundred twenty-five (125') feet from the existing aerial trunk and distribution system and additions thereto. The Franchisee may charge residents located more than one hundred twenty-five (125') feet from the existing aerial trunk and distribution system, and additions thereto, time and materials charges including a rate of return in accordance with applicable law in addition to the standard installation charge. The Franchisee shall have ninety (90) days to survey, design and install non-standard installations that are more than one hundred twenty-five (125') feet from the existing Trunk and Distribution System, subject to Force Majeure. Underground installations are considered non-standard installations and may be subject to additional charge(s).

(e) The Cable Television System shall be further extended to all remaining areas in the City that do not meet the requirements of Section 3.1(c) above upon the request of Dwelling Unit owners in such areas and based upon the following cost calculation:

(C/LE) – (CA/P) = SC

* C equals the cost of construction of new plant measured from termination of the existing Cable System plant;

* LE equals the number of Dwelling Units requesting Service in the line extension area and who subsequently pay a contribution in aid;

* CA equals the average cost of construction per mile in the City;

* P equals the twenty (20) Dwelling Units per aerial or forty (40) Dwelling Units per underground mile of aerial plant or twenty (20) Dwelling units per underground mile if there is suitable available conduit; and

* SC equals the per Dwelling Unit contribution in aid of construction in the line extension area.

(f) Any Dwelling Unit owner located in an area of the City without Cable Service may request such Service from the Franchisee. In areas meeting the requirements of Section 3.1 (c) and (d) above, the Franchisee shall extend Service to the area subject to Force Majeure and the performance of make ready. In those areas with less than twenty (20) Dwelling Units per aerial or forty (40) Dwelling Units per underground mile or twenty (20) Dwelling Unites underground if there is suitable available conduit, both as measured from termination of the existing Trunk and Distribution System, the Franchisee shall, within thirty (30) days following a request for Service, conduct a survey to determine the number of Dwelling Units in the area and shall inform the requesting Dwelling Unit owner of the contribution in aid of construction (see Section 3.1 (e) above) that will be charged. The Franchisee shall apply for all necessary permits and pole attachment licenses within thirty (30) days of receiving the contribution in aid of construction from all participating Dwelling Units. Cable Service(s) shall be made available and fully activated to all requesting Dwelling Units who made a contribution in aid of construction within ninety (90) days of receipt of all necessary permits and pole attachment licenses by the Franchisee, subject to Force Majeure (including the performance of make-ready work).

(g) The Franchising Authority shall make its best efforts to provide the Franchisee with written notice of the issuance of building permits for planned housing developments in the City.

SECTION 3.2 - SUBSCRIBER NETWORK

(a) Franchisee shall maintain a Cable Television System, fully capable of carrying a minimum bandwidth of 750MHz.

(b) Notifications to Subscribers and the Franchising Authority regarding changes in rates, Programming services or channel positions shall be made in accordance with applicable FCC regulations, currently 47 C.F.R. Part 76, at §§ 76.1601, 76.1602, 76.1603 and 76.1619, as they may be amended. Advance notice is not required for the launch of new channels when offered on a subscription basis or added to an existing service tier at no additional cost to the customer. The written notices required by this section may be provided electronically as permitted by 47 C.F.R. § 76.1600.

(c) Franchisee shall also comply with the requirements of N.H. RSA 53-C:3-d, as it may be amended, regarding annual notices to Subscribers and the Franchising Authority.

SECTION 3.3 - PARENTAL CONTROL CAPABILITY

(a) Pursuant to federal law and upon request, and at no separate additional charge (except as authorized by federal law), the Franchisee shall provide Subscribers with the capability to control the reception of any channels on the Cable System.

(b) The Franchising Authority acknowledges that the parental control capability may be part of a converter box and Franchisee may charge Subscriber for use of said box.

SECTION 3.4 - EMERGENCY OVERRIDE

The Cable System shall comply with the FCC Emergency Alert System ("EAS") regulations.

SECTION 3.5 - DELIVERY OF SIGNALS

The Franchisee will abide by the applicable provisions of the Consumer Electronics Equipment Compatibility provision of federal law (currently 47 U.S.C. § 544a), as such provisions may apply from time to time.

SECTION 3.6 – GOVERNMENT CABLE DROPS TO THE CABLE SYSTEM

The parties agree that Franchisee will continue to provide basic cable service to the locations identified in **Exhibit A** at no charge to the City and has the right in accordance with applicable law to deduct the marginal cost of those services from franchise fees. Franchisee will notify the City if it intends to implement said offset and the marginal cost of those services at least sixty (60) days prior to doing so.

Subject to the provisions herein the Franchisee shall provide, as directed in writing, by the Franchising Authority, (i) one cable drop connected to the Cable System within the standard installation requirements of Section 3.1(d), (ii) one Outlet, and (iii) the Basic Cable Service to all municipal and public school buildings which are listed in **Exhibit A** hereto and are located along the Cable System trunk and distribution system. The obligation of Franchisee to provide standard installation of drops, Outlets and Basic Cable Service shall apply specifically to municipal and public school buildings newly constructed or acquired subsequent to the commencement of this Renewal Franchise, which shall be wired within ninety (90) days of delivery of a written request from the Franchising Authority to Franchisee. The Franchisee shall consult with the Franchising Authority or its designee to determine the appropriate location of each Drop and Outlet prior to the installation of the service.

ARTICLE 4

TECHNOLOGICAL & SAFETY STANDARDS

SECTION 4.1 - SYSTEM MAINTENANCE

(a) In installing, operating and maintaining equipment, cable and wires, Franchisee shall avoid damage and injury to trees, structures and improvements in and along the routes authorized by the Franchising Authority, except as may be approved by the Franchising Authority if required for the proper installation, operation and maintenance of such equipment, cable and wires.

(b) The construction, maintenance and operation of the Cable Television System for which this Franchise is granted shall be done in conformance with all applicable laws, bylaws/ordinances of general applicability, codes and regulations, including but not limited to OSHA, the National Electrical Safety Code, and the rules and regulations of the FCC as the same exist or as same may be hereafter changed or amended.

(c) Operating and maintenance personnel shall be trained in the use of all safety equipment and the safe operation of vehicles and equipment. Franchisee shall install and maintain its equipment, cable and wires in such a manner as shall not interfere with any installations of the City or any public utility serving the City.

(d) All structures and all equipment, cable and wires in, over, under, and upon streets, sidewalks, alleys, and public rights of ways of the City, wherever situated or located shall at all times be kept and maintained in a safe and suitable condition and in good order and repair.

(e) The signal of any broadcast station carried on the Cable Television System shall be carried without material degradation in quality at all subscribing locations within the limits imposed by the technical specifications of the Cable System and as set forth by the FCC. The Cable System shall be operated and maintained so as to comply with the technical standards set forth in the FCC's rules and regulations as they apply to cable television systems.

(f) The City reserves the right to reasonably inspect all construction and installation work for compliance with applicable laws, codes, ordinances and regulations and with provisions of the Franchise. The Franchising Authority or its designee(s) shall have the right to inspect the plant or equipment of the Franchisee in the City at reasonable times and under reasonable circumstances in order to verify compliance with the terms and conditions of this Franchise. The Franchisee shall fully cooperate in such inspections; provided, however, that such inspections are reasonable and do not interfere with the operation or the performance of the Cable System or Franchisee's interconnected network, and that such inspections are conducted after reasonable written notice to the Franchisee. The Franchisee shall be provided prior written notice of said inspections and shall be entitled to have a representative present during such inspections. All inspections shall be at the expense of the City.

(g) All lines, cables and distribution structures and equipment, including poles and towers, constructed by Franchisee for use as a Cable System within the City shall be located so as not to obstruct or interfere with the proper use of the Public Ways, as defined herein, and not to interfere with the existing public utility installation. Franchisee shall have no vested right in a location except as granted herein by the franchise, and such construction shall be removed by Franchisee at its own cost and expense whenever the same restricts or obstructs or interferes with the operation or location of said Public Ways, provided, however, that this standard shall apply to all Persons or entities owning lines, cables, and distribution structures, and equipment located in the Public Ways, and provided further that the Franchisee shall not be required to remove any such construction solely to accommodate needs of competing Cable Systems or other providers of Cable Services.

(h) Upon written notice from the Franchising Authority, Franchisee shall remedy a general deficiency with respect to the technical standards described herein within sixty (60) days of receipt of notice and a safety deficiency within forty-eight (48) hours of receipt of notice and shall notify the Franchising Authority when the deficiency has been corrected.

SECTION 4.2 - REPAIRS AND RESTORATION

(a) Franchisee shall adhere to the applicable performance standard set by the FCC.

(b) Whenever the Franchisee takes up or disturbs any pavement, sidewalk or other improvement of any public right of way or public place, the same shall be replaced and the surface restored in as good condition as reasonably possible as before entry as soon as practicable, subject to all permitting and code specifications of general applicability. If not so repaired or restored, the Franchising Authority shall notify the Franchisee in writing and such repair or restoration shall be made within thirty (30) days, unless delayed by weather or events beyond the reasonable control of Franchisee, and/or unless otherwise agreed by Franchisee and the Franchising Authority. Upon failure of the Franchisee to comply within the time specified (unless the Franchising Authority sets an extended time period for such restoration and repairs) or if such damage presents an emergency situation presenting a threat to public safety, the Franchising Authority may cause proper restoration and repairs to be made and the reasonable expense of such work shall be paid by the Franchisee upon demand by the Franchising Authority.

(c) The Franchisee shall be subject to all laws of general applicability regarding private property in the course of constructing, installing, operating and maintaining the Cable System in the City. The Franchisee shall, at its sole cost and expense, promptly repair or replace all private property, real and personal, damaged or destroyed as a result of the construction, installation, operation or maintenance of the Cable System.

SECTION 4.3 - CABLE LOCATION

(a) In all areas of the City where all of the transmission and distribution facilities of all public or municipal utilities are installed underground, Franchisee shall install its Cable System underground provided that such facilities are actually capable of receiving Franchisee’s cable and other equipment without technical degradation of the Cable System’s signal quality.

(b) In all areas of the City where public utility lines are aerially placed, if subsequently during the term of the Franchise such public utility lines are required by local ordinance or State law to be relocated aerially or underground, Franchisee shall similarly relocate its Cable System if it is given reasonable notice and access to the public and municipal utilities facilities at the time that such are placed underground. Franchisee shall be entitled to reimbursement on a pro rata basis for any costs incurred by Franchisee for relocating utility poles or trenching for the placement of underground conduits, in the event that such reimbursement from public or private funds are made available to other users of the public right of way. In the event that such public or private funds are not available for the project, Franchisee reserves the right to pass through such project costs in accordance with applicable law and regulation.

(c) In any area of the City where the transmission or distribution facilities of the respective public or municipal utilities are both aerial and underground, the Franchisee shall have the discretion to construct, operate, and maintain all of its transmission and distribution facilities or any part thereof, aerially or underground.

(d) Nothing in this Section 4.3 shall be construed to require Franchisee to construct, operate, or maintain underground any ground-mounted appurtenances such as customer taps, line extenders, system passive devices, amplifiers, power supplies, pedestals, or other related equipment.

SECTION 4.4 - TREE TRIMMING

Franchisee shall have authority to trim trees upon and overhanging public streets, alleys, sidewalks and ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires, cables and equipment of Franchisee, in accordance with applicable state law and any City bylaws/ordinances and regulations. Notwithstanding the foregoing, the authority granted herein to trim trees is subject to state law, including, but not limited to, state laws governing scenic roads, including but not limited to New Hampshire RSA 231:157 and 158. In addition, Franchisee shall comply with all ordinances, laws or regulations of general applicability pertaining to designated historic districts in the City.

SECTION 4.5 - BUILDING MOVES

In accordance with applicable laws, Franchisee shall, upon the written request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of the building(s). Franchisee shall be given not less than thirty (30) days' advance written notice to arrange for such temporary wire changes. The cost to raise or lower wires shall be borne exclusively by the person(s) holding the building move permit.

SECTION 4.6 - PLANT MAPS

Upon written request by the City, Franchisee shall provide to the City an up to date franchise area map of the City, which will show those areas in which its facilities exist. Upon written request by the City, Franchisee shall provide updated franchise area maps annually.

SECTION 4.7 - DIG SAFE

Franchisee shall comply with all applicable "dig safe" provisions, pursuant to RSA 374:51 of the New Hampshire Laws.

SECTION 4.8 - DISCONNECTION AND RELOCATION

(a) Franchisee shall, at its sole cost and expense, protect, support, temporarily disconnect, relocate in the same street, or other Public Right of Ways, or remove from any street or any other Public Ways and places, any of its property as required by the Franchising Authority or its designee by reason of traffic conditions, public safety, street construction, change or establishment of street grade, or the construction of any public improvement or structure by any City department acting in a governmental capacity.

(b) In requiring Franchisee to protect, support, temporarily disconnect, relocate or remove any portion of its property, the Franchising Authority shall treat Franchisee the same as, and require no more of Franchisee, than any other similarly situated company.

(c) In either case, Franchisee shall have the right to seek reimbursement under any applicable insurance or government program for reimbursement.

SECTION 4.9 - PROHIBITION AGAINST RESELLING OF SERVICE

No Person shall resell, without the express prior written consent of Franchisee, any Cable Service, program or signal transmitted over the Cable System by Franchisee.

SECTION 4.10 - EMERGENCY REMOVAL OF PLANT

(a) If, at any time, in case of fire or disaster in the City, it shall be necessary in the reasonable judgment of the Franchising Authority to cut or move any of the wires, cable or equipment of the Cable Television System, the City shall have the right to do so without cost or liability, provided however that, wherever possible, the Franchising Authority gives Franchisee written notice and the ability to relocate wires, cable or other equipment.

(b) In either case, Franchisee shall have the right to seek reimbursement under any applicable insurance or government program for reimbursement. All cable operators or public or municipal utility companies shall be treated alike if reimbursed for such costs by the City.

SECTION 4.11 - EMERGENCY POWER

The Cable System shall incorporate equipment capable of providing standby powering of the head end for a minimum of twenty-four (24) hours upon failure of the power furnished by the electric utility company, unless for reasons of Force Majeure.

ARTICLE 5

PROGRAMMING

SECTION 5.1 - BASIC CABLE SERVICE

Franchisee shall make available a Basic Cable Service tier to all subscribers in accordance with 47 U.S.C. § 534.

SECTION 5.2 - PROGRAMMING

(a) Pursuant to 47 U.S.C. § 544, Franchisee shall maintain the mix, quality and broad categories of Video Programming as set forth in Exhibit **B**. Pursuant to federal law, all Video Programming decisions, excluding PEG Access Programming, are at the sole discretion of Franchisee.

(b) Franchisee shall comply with 47 C.F.R. § 76.1603 of the FCC Rules and Regulations regarding notice of programming changes.

SECTION 5.3 - REMOTE CONTROLS

In accordance with applicable law, Franchisee shall allow Subscribers to purchase remote control devices which are compatible with the converter installed by Franchisee, if any, and allow the use of remotes. Franchisee takes no responsibility for changes in its equipment or services that might render inoperable the remote control devices acquired by Subscribers.

SECTION 5.4 - STEREO TV TRANSMISSIONS

All Broadcast Signals that are transmitted to Franchisee's head end in stereo shall be transmitted in stereo to Subscribers.

SECTION 5.5 - CABLE CHANNELS FOR COMMERCIAL USE

Pursuant to 47 U.S.C. § 532, Franchisee shall make available channel capacity for commercial use by persons unaffiliated with Franchisee. Rates for use of commercial access channels shall be negotiated between Franchisee and the commercial user in accordance with federal law.

ARTICLE 6

CUSTOMER SERVICE & CONSUMER PROTECTION

SECTION 6.1 - CUSTOMER SERVICE

Franchisee shall comply with all applicable customer service regulations of the FCC (47 C.F.R. §§ 76.309; 1601, 1602, 1603 and 1619) as they exist or as they may be amended from time to time.

SECTION 6.2 - CONSUMER COMPLAINT

Franchisee shall comply with RSA 53-C:3-d regarding Quality of Service and RSA 53-C:3-e regarding customer complaints.

SECTION 6.3 - SERVICE INTERRUPTIONS

In the event that Franchisee's service to any Subscriber is completely interrupted for twenty-four (24) or more consecutive hours, Franchisee will upon request grant such Subscriber a pro rata credit or rebate, on a daily basis, of that portion of the service charge during the next consecutive billing cycle, or at its option, apply such credit to any outstanding balance then currently due. In the instance of other individual Subscriber service interruptions, credits shall be applied as described above after due notice to Franchisee from the Subscriber.

SECTION 6.4 - PROTECTION OF SUBSCRIBER PRIVACY

Franchisee shall comply with all applicable federal and state privacy laws and regulations, including 47 U.S.C. 551 and regulations adopted pursuant thereto.

SECTION 6.5 - PROPRIETARY INFORMATION

Notwithstanding anything to the contrary set forth in this Franchise, Franchisee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The Franchising Authority agrees to treat any information disclosed by Franchisee as confidential and only to disclose it to those employees, representatives, and agents of the Franchising Authority that have a need to know in order to enforce this Franchise and who shall agree to maintain the confidentiality of all such information. Franchisee shall not be required to provide Subscriber information in violation of 47 U.S.C. 551 or any other applicable federal or state privacy law. For purposes of this Section, the terms "proprietary or confidential" include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by Franchisee to be competitively sensitive. In the event that the Franchising Authority receives a request under a state "sunshine," public records or similar law for the disclosure of information Franchisee has designated as confidential, trade secret or proprietary, the Franchising Authority shall timely notify Franchisee of such request and provide Franchisee a reasonable opportunity to file in court to prevent said disclosure; if no such court filing occurs within that timeframe or the court allows the disclosure, Franchising Authority shall not be deemed in violation of this Agreement.

SECTION 6.6 - EMPLOYEE IDENTIFICATION CARDS

All of Franchisee's employees and contractors, including repair and sales personnel, entering private property shall be required to carry an employee identification card issued by Franchisee and bearing a picture of said employee. All of Franchisee's vehicles or Franchisee's contractors' vehicles which have direct contact with customers shall be placarded to identify them. Agents and contractors hired by Franchisee to perform any substantial work on the Cable System in the City shall reasonably inform the City's Police Department of the general work location within the City and provide relevant vehicle identification prior to commencing such work.

SECTION 6.7 - TERMINATION OF SERVICE

(a) In the event a Subscriber's Cable Service is terminated, monthly charges for service shall be pro-rated on a daily basis and, where advance payment has been made by a Subscriber, the appropriate refund shall be made by Franchisee to the Subscriber within forty-five (45) days of such termination provided, in the instance when the Subscriber is relocating, Subscriber has provided Franchisee a forwarding address and returned any equipment the subscriber has rented from the Franchisee has been returned.

(b) Franchisee shall have the right to disconnect a Subscriber for failure to pay an overdue account, for theft of services, or other violation of cable-related laws; provided that:

(i) Franchisee's billing practices and policy statement set forth the conditions under which an account will be considered overdue; and

(ii) The Subscriber's account is at least thirty (30) days delinquent.

ARTICLE 7

PRICES & CHARGES

SECTION 7.1 - PRICES AND CHARGES

All rates, fees, charges, deposits and associated terms and conditions to be imposed by Franchisee *or* any affiliated Person for any Cable Service as of the Effective Date shall be subject to regulation in accordance with applicable FCC's rate regulations and federal law, currently 47 U.S.C. § 543. Before any new or modified rate, fee, or charge is imposed, Franchisee shall follow the applicable FCC and State notice requirements and rules and notify affected Subscribers, which notice may be by any means permitted under applicable law. Nothing in this Franchise shall be construed to prohibit the reduction or waiver of charges in conjunction with promotional campaigns for the purpose of attracting or retaining Subscribers.

ARTICLE 8

REGULATORY OVERSIGHT

SECTION 8.1-FRANCHISE FEE PAYMENTS

(a) The Franchisee shall pay to the Franchising Authority, throughout the term of this Franchise, a Franchise Fee equal to three and a half percent (3.5 %) of Franchisee's Gross Annual Revenues, derived during each year of this Franchise. The Franchising Authority shall have the option, to be exercised by vote of the City Council at a public meeting, and made known to Franchisee in writing, to increase the Franchise Fee by not more than one percent (1%) annually as described herein, not to exceed five percent (5%) of Gross Annual Revenue as defined herein. The Franchisee shall have (90) days to implement the request.

(b) Franchisee’s payments to the City shall be made on a quarterly basis forty-five (45) days after the close of the previous quarter. The first and last payments shall be prorated, if necessary, to reflect the time period for which this Franchise is in effect.

(c) In accordance with Section 622(b) of the Cable Act (47 U.S.C. § 542(b)), Franchisee shall not be liable for a total financial commitment pursuant to this Franchise and applicable law in excess of five percent (5%) of its Gross Annual Revenues.

(d) Each payment shall be accompanied by a statement of the Gross Annual Revenues and a statement certifying the factual basis for payment, including a breakdown by category of Franchisee’s Gross Annual Revenues upon which such payment is based. The Franchising Authority may designate in writing one or more particular accounts or funds, including any non-capital reserve fund duly established, to which Franchisee shall direct Franchise Fees due hereunder.

(e) The Franchising Authority may, within twelve (12) months of receipt of any Franchise Fee payment, conduct an audit of all of Franchisee’s financial records relevant to the Gross Annual Revenue, and Franchisee shall make such information available to the

Franchising Authority or its agent(s). If, after such audit an additional fee is owed to the Franchising Authority, such fee shall be paid within thirty (30) days after such audit and the Franchisee shall contribute to the costs of such audit in an amount not to exceed One Thousand Dollars ($1,000.00). The interest on such additional fee shall be charged from the due date at the rate of two percent (2%) above the Prime Rate during the period that such additional amount is owed. In the event any such audit reveals an overpayment, then the City shall remit back to the Franchisee such overpaid amounts in a timely manner.

SECTION 8.2 – INDEMNIFICATION

Franchisee shall indemnify, defend and hold harmless the Franchising Authority, its officers, employees, and agents from and against any liability or claims resulting from property damage or bodily injury (including accidental death) that arise out of Franchisee's construction, operation, maintenance or removal of the Cable System, including, but not limited to, reasonable attorney's fees and costs, provided that the Franchising Authority shall give Franchisee timely written notice of its obligation to indemnify and defend the Franchising Authority within (best efforts of ten (10) business days) receipt of a claim or action pursuant to this Section. If the Franchising Authority determines that it is necessary for it to employ separate counsel, the costs for such separate counsel shall be the responsibility of the Franchising Authority.

SECTION 8.3 - INSURANCE

(a) Franchisee shall carry insurance throughout the term of this Franchise and any removal period with an insurance company authorized to conduct business in New Hampshire satisfactory to the Franchising Authority protecting, as required in this Franchise, Franchisee and listing the City as an additional insured, against any and all claims for injury or damage to persons or property, both real and personal, caused by the construction, installation, operation, maintenance or removal of its Cable System. The amount of such insurance against liability for damage to property shall be no less than One Million Dollars ($1,000,000) as to any one occurrence. The amount of such insurance for liability for injury or death to any person shall be no less than One Million Dollars ($1,000,000) and Two Million Dollars ($2,000,000) on account of injury to or death of any number of Persons in any occurrence. The amount of such insurance for excess liability shall be Five Million Dollars ($5,000,000) in umbrella form.

(b) Franchisee shall carry insurance against all claims arising out of the operation of motor vehicles and general tort or contract liability in the amount of One Million Dollars ($1,000,000) combined single limit for bodily injury and consequent death and property damage per occurrence.

(c) All insurance coverage, including Workers' Compensation, shall be maintained throughout the period of this Franchise. All expenses incurred for said insurance shall be at the sole expense of Franchisee.

(d) Franchisee shall provide Franchising Authority with certificate(s) of insurance for all policies required herein upon written request.

(e) Franchisee shall not cancel any required insurance policy without obtaining alternative insurance in conformance with this Section 8.3 and without submitting insurance certificates to the Franchising Authority verifying that Franchisee has obtained such alternative insurance. Franchisee shall provide the Franchising Authority with at least thirty (30) days prior written notice in the event the policies are cancelled or not renewed.

SECTION 8.4 - PERFORMANCE BOND

(a) Franchisee has submitted and shall maintain throughout the duration of this Franchise and any removal period a performance bond in the amount of Twenty-Five Thousand Dollars ($25,000) running to the City with a surety company satisfactory to the Franchising Authority to guarantee the following terms; subject to Section 8.8 herein (Notice and Opportunity to Cure):

(i) The satisfactory completion of the construction and operation of the Cable System in the time schedule provided herein;

(ii) The satisfactory restoration of pavements, sidewalks and other improvements;

(iii) The satisfactory operation of the Cable System in compliance with the material terms and conditions of this Franchise;

(iv) The indemnification of the City; and

(v) The satisfactory removal or other disposition of the Cable System.

Franchisee shall not reduce the amount of or cancel said bond, or materially change the terms of said bond from the provisions of Section 8.4(a) herein without the Franchising Authority's prior written consent. The Franchising Authority shall not unreasonably withhold its consent.

SECTION 8.5 - REPORTS

Franchisee shall maintain for public inspection all records required by the FCC and by N.H. RSA 53-C:3-e.

SECTION 8.6 - EQUAL EMPLOYMENT OPPORTUNITY

Franchisee is an Equal Opportunity Employer and shall comply with federal and state law and applicable FCC regulations with respect to Equal Employment Opportunities.

SECTION 8.7 - REVOCATION OF FRANCHISE

This Franchise may be terminated by the City Council, after notice and opportunity to cure pursuant to Section 8.8 hereof and after a duly noticed public hearing, for any of the following reasons:

(a) For failure to file and maintain the performance bond as described in Section 8.4 (Performance Bond) or to maintain insurance as described in Section 8.3 (Insurance);

(b) A violation of any material obligation of Franchisee which remains uncured for thirty (30) calendar days after written notice from the City Council, except as otherwise provided in this section;

(c) Repeated failure to maintain signal quality under the standards required by this Franchise, or by the FCC, whichever is more stringent;

(d) For any transfer or assignment of the Franchise made in violation of Section 8.9 herein;

(e) For repeated failure to comply with the material terms and conditions of the Franchise;

(f) For failure to pay the Franchise Fee within thirty days (30) calendar days after the due date.

(g) The City shall have given the Franchisee ninety (90) days' notice, in writing, of its intent to terminate.

(h) Except as to subsection (e) above:

(i) If the Franchisee is contesting the validity of a claim of default in court, then any termination shall be delayed pending the outcome of the litigation;

(ii) If the Franchisee has defaulted due to a Force Majeure beyond the control of the Franchisee, this Franchise shall not be terminated and shall remain in effect as long as the Franchisee demonstrates to the Franchising Authority that it is diligently working to correct the default and the Franchisee provides an acceptable schedule to cure said default.

SECTION 8.8 - NOTICE AND OPPORTUNITY TO CURE

In the event the Franchising Authority has reason to believe that Franchisee has defaulted in the performance of any or several provisions of this Franchise, except as excused by Force Majeure, the Franchising Authority shall notify Franchisee in writing, by certified mail, of the provision or provisions which the Franchising Authority believes may have been in default and the details relating thereto. Franchisee shall have ninety (90) days from the receipt of such notice to:

(a) respond to the Franchising Authority in writing, contesting the Franchising

Authority's assertion of default and providing such information or documentation as may be necessary to support Franchisee's position; or

(b) cure any such default (and provide written evidence of the same), or, in the event that, by nature of the default, such default cannot be cured within such ninety (90) day period, take reasonable steps to cure said default and diligently continue such efforts until said default is cured. Franchisee shall report to the Franchising Authority, in writing, by certified mail, at forty-five (45) day intervals as to Franchisee's efforts, indicating the steps taken by Franchisee to cure said default and reporting Franchisee's progress until such default is cured. Provided the efforts succeed to cure the default, as determined by the Franchising Authority, the Franchising Authority shall issue a written acknowledgement within thirty (30) days after Franchisee's notice that it cured said default.

(c) In the event that (i) Franchisee fails to respond to such notice of default; and/or (ii) Franchisee fails to cure the default or to take reasonable steps to cure the default within the required ninety (90) day period; the Franchising Authority or its designee shall promptly schedule a public hearing no sooner than fourteen (14) days after written notice, by certified mail, to Franchisee. Franchisee shall be provided reasonable opportunity to offer evidence, question witnesses, if any, and be heard at such public hearing.

(d) Within thirty (30) days after said public hearing, the Franchising Authority shall issue a written determination of its findings. In the event the Franchising Authority determines that Franchisee is in such default, the Franchising Authority may pursue any lawful remedy available to it.

(e) In the event that (i) the Franchising Authority fails to schedule a public hearing pursuant to Section 8.8(c) above; and/or (ii) the Franchising Authority fails to issue a written determination with thirty (30) days after the public hearing pursuant to Section 8.8(d) above, then the issue of said default against Franchisee by the Franchising Authority shall be considered null and void.

SECTION 8.9 - TRANSFER OR ASSIGNMENT

The Franchisee shall not sell, convey, transfer, exchange or release fifty-one percent (51%) or more of its direct ownership in the Cable System without the prior written consent of the Franchising Authority, which consent shall not be arbitrarily or unreasonably withheld. No consent shall be required, however, for a transfer in trust, by mortgage, hypothecation, or by assignment of any rights, title, or interest of the Franchisee in the Franchise or in the Cable System in order to secure indebtedness, or for a transfer of the Franchisee's interest in the Cable System to another entity directly or indirectly owned or controlled by Comcast Corporation. Within thirty (30) days of receiving a request for consent, the Franchising Authority shall, in accordance with FCC rules and regulations, notify Franchisee in writing of the additional information, if any, that it requires to determine the legal, financial, and technical qualifications of the transferee or new controlling party. If the Franchising Authority has not taken action on Franchisee's request for consent within one hundred twenty (120) days after receiving such request, consent shall be deemed given.

SECTION 8.10 - REMOVAL OF SYSTEM

(a) Upon lawful termination or revocation of this Franchise, Franchisee shall remove its supporting structures, poles, transmission and distribution systems and other appurtenances from the streets, ways, lanes, alleys, parkways, bridges, highways, and other public and private places in, over, under, or along which they are installed and shall restore the areas to their original condition. If such removal is not completed within six (6) months of such termination, the Franchising Authority shall cause all or part of same to be removed at Franchisee's expense or it shall be deemed abandoned to the City.

(b) During the term of the Agreement, if Franchisee decides to abandon or no longer use all or part of its Cable System, it shall give the Franchising Authority written notice of its intent at least ninety (90) days prior to the announcement of such decision, which notice shall describe the property and its location. Upon Franchisee's abandonment of the Cable System, the Franchising Authority shall have the right to either require Franchisee to remove the property, remove the property itself and charge Franchisee with the reasonable costs related thereto.

(c) Notwithstanding the above, Franchisee shall not be required to remove its Cable System, or to relocate the Cable System, or to sell the Cable System, or any portion thereof as a result of revocation, denial of renewal, or any other lawful action to forbid or disallow Franchisee from providing Cable Services, if the Cable System is actively being used to facilitate any other services not governed by the Cable Act.

SECTION 8.11 - INCORPORATION BY REFERENCE

(a) All presently and hereafter applicable conditions and requirements of federal, state and generally applicable local laws, including but not limited to the rules and regulations of the FCC and the State of New Hampshire, as they may be amended from time to time, are incorporated herein by reference, to the extent not enumerated herein.

(b) Should the State of New Hampshire, the federal government or the FCC require the Franchisee to perform or refrain from performing any act the performance or non-performance of which is inconsistent with any provisions herein, the Franchising Authority and the Franchisee will thereupon, if they determine that a material provision herein is affected, modify any of the provisions herein to reflect such government action.

SECTION 8.12- NO THIRD PARTY BENEFICIARIES

Nothing in this Franchise is intended to confer third-party beneficiary status on any member of the public to enforce the terms of this Franchise.

SECTION 8.13 - ANNUAL CITY REVIEW AND REPORT

(a) At the City's written request the Franchisee will attend an annual meeting with the City Council or its designee to review compliance with the terms of this Franchise and matters of interest to either party. No later than thirty (30) days prior to such meeting either party may submit a list of items to be reviewed.

(b) Additionally, at the City's written request, Franchisee shall submit an annual report in the form attached as **Exhibit C**.

ARTICLE 9

MISCELLANEOUS

SECTION 9.1 - SEVERABILITY

If any section, subsection, sentence, clause, phrase, or other portion of this Franchise is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 9.2 - FORCE MAJEURE

If for any reason of Force Majeure Franchisee is unable in whole or in part to carry out its obligations hereunder, said Franchisee shall not be deemed in violation or default during the continuance of such inability. Unless further limited elsewhere in this Franchise, the term "Force Majeure" as used herein shall have the following meaning: strikes; acts of God; acts of public enemies, orders of any kind of the government of the United States of America or of the State of New Hampshire or any of their departments, agencies, political subdivisions, or officials, or any civil or military authority; insurrections; riots, epidemics; landslides; lightning; earthquakes; tornados; fires; hurricanes; volcanic activity; storms; floods; washouts; droughts, arrests; civil disturbances; explosions; partial or entire failure of utilities; unavailability of materials and/or essential equipment; environmental restrictions or any other cause or event not reasonably within Franchisee's control.

SECTION 9.3 - NOTICES

(a) Every notice to be served upon the Franchising Authority shall be delivered or sent by certified mail (postage prepaid) or as allowed by applicable law to the following address or such other address as the Franchising Authority may specify in writing to Franchisee.

City of Lebanon
Attn: City Manager
51 N. Park Street
Lebanon, NH 03766

(b) Every notice served upon Franchisee shall be delivered or sent by certified mail (postage prepaid) to the following address or such other address as Franchisee may specify in writing to the Franchising Authority.

Comcast Cable Communications, Inc., Attn: Government Relations
222 New Park Drive
Berlin, CT 06037

with copies to: Comcast Cable Communications, Inc.
Attn: Government Affairs
One Comcast Center
Philadelphia, PA 19103

(c) Delivery of such notices shall be equivalent to direct personal notice, direction or order, and shall be deemed to have been given at the time of receipt.

SECTION 9.4 - ENTIRE AGREEMENT

This instrument contains the entire agreement between the parties, supersedes all prior agreements or proposals except as specifically incorporated herein, and cannot be changed without written amendment following publication of the proposed amendment in a manner consistent with the publication and notice provisions of RSA Chapter 43.

SECTION 9.5 – CAPTIONS

The captions to sections throughout this Franchise are intended solely to facilitate reading and reference to the sections and provisions of the Franchise. Such sections shall not affect the meaning or interpretation of the Franchise.

SECTION 9.6 - APPLICABILITY OF FRANCHISE

All of the provisions in this Franchise shall apply to the City, Franchisee, and their respective successors and assigns.

SECTION 9.7 – WARRANTIES

Franchisee warrants, represents and acknowledges that, as of the Effective Date of this Franchisee:

(a) Franchisee is duly organized, validly existing and in good standing under the laws of the State;

(b) Franchisee has the requisite power and authority under applicable law and its by-laws and articles of incorporation and/or other organizational documents, is authorized by resolutions of its Board of Directors or other governing body, and has secured all consents which are required to be obtained as of the date of execution of this Franchise, to enter into and legally bind Franchisee to this Franchise and to take all actions necessary to perform all of its obligations pursuant to this Franchise;

(c) This Franchise is enforceable against Franchisee in accordance with the provisions herein; and

(d) There is no action or proceeding pending or threatened against Franchisee which would interfere with performance of this Franchise.

SIGNATURE PAGE

In Witness Whereof, the Franchise is hereby issued as of ___________, 2025 by the City of Lebanon, New Hampshire, as Franchising Authority, and all terms and conditions are hereby agreed to by Comcast of Connecticut/ Georgia/ Massachusetts/ New Hampshire/ New York/ North Carolina/ Virginia/ Vermont, LLC.

CITY OF LEBANON, NH
By:

____
Jack Wozmak, Interim City Manager
Duly Authorized

COMCAST OF CONNECTICUT/ GEORGIA/ MASSACHUSETTS/ NEW HAMPSHIRE/ NEW YORK/ NORTH CAROLINA/ VIRGINIA/ VERMONT, LLC
By:

____
Carolyne Hannan
Regional Senior Vice President
New England Region

EXHIBIT A

COURTESY DROPS TO PUBLIC AND SCHOOL BUILDING ON THE CABLE SYSTEM*

WEST LEBANON:	**ADDRESS:**
Municipal Airport Terminal	5 Airpark Road #1
West Lebanon Fire Station (Station 2)	63 Main Street
Kilton Public Library	80 Main Street
Mount Lebanon School	5 White Avenue
LEBANON:	**ADDRESS:**
Police Station	36 Poverty Lane
Fire (Station 1)	12 South Park Street
Lebanon Public Library	9 E. Park Street
City Hall	51 N. Park Street
Water Treatment Plant	65 Pumping Station Road
Public Works Facility	195 Dartmouth College Highway/Rt 4
Lebanon Middle School	3 Moulton Avenue
Hanover Street School	193 Hanover Street
Lebanon High School	195 Hanover Street

*And, subject to Section 3.6, supra, any and all new municipal buildings and/or public schools that are constructed or put into use during the term of this Renewal Franchise.

EXHIBIT B

PROGRAMMING

Franchisee shall provide the following broad categories of Video Programming:

- News Programming;
- Sports Programming;
- Public Affairs Programming;
- Children’s Programming;
- Entertainment Programming;
- Local Programming; and
- Weather Programming.

EXHIBIT C

ANNUAL REPORT

CITY of LEBANON for _______ [Year]

Location of and hours of Payment Center:

Location of and hours of Customer Service Office:

Customer Service Telephone Number:

Location of Head End (Reception Facility):

Franchise Fee Paid: $_______________

Contact Person to Service Unresolved Customer Complaints:

Updated Labor/Material Costs (if applicable) for installation over 125 feet from existing plant:

Upon written request from the Franchising Authority, Franchisee shall also provide the following:

Customer Service Statistics:

a) Number of reports of system outages and response time for such outages:
b) A summary of written complaints and brief description re: resolution of such complaints:

Agenda
Lebanon City Council
July 2, 2025

11. New Business:

11.B – Discussion and Authorization for City Manager to Prepare and Execute Documents for the Sale or Exchange of Lands Between City of Lebanon and Anne and Gerald Rader for City-Owned Property at 0 Winter Street, Tax Map 77-82, Lebanon

Background

On May 6, 2025, Anne and Gerald Rader contacted the City Manager's Office to inquire about possibly acquiring part of a City-owned parcel, Tax Map 77, Lot 82, located at 0 Winter Street, Lebanon (outlined in blue in the image below). The Raders own the abutting parcel located at 54 Winter Street, Tax Map 77, Lot 81 (outlined in orange in the image below).

The City-owned parcel is approximately 0.40 acres and includes part of the vehicular turnaround area at the end of Winter Street, but is otherwise vacant. The City parcel extends to within a few feet of the Rader's home and is surrounded on three sides by the Rader's property, which is the only property that directly abuts the City's parcel.

As part of the Rader's initial inquiry, they identified an area of approximately 6,200 square feet between their home and the roadway for potential acquisition, which represents roughly 36% of the parcel area. The Raders have also offered the possibility of trading an approximately equal amount of land in the southwest corner of their property, which abuts the City's Starr Hill Conservation Area, so long as such an exchange does not negatively impact their existing mortgage requirements.

Pursuant to Council Policy CC-102, Real Property Transactions, Section 4.1.2.A.4 (Conveyance to Adjoining Property Owner(s)), the City Council may, by resolution, “sell or exchange any real property or interest therein to any person who owns an interest in the same real property or who owns an interest in adjoining real property. Sale or exchange shall require a determination by the City Manager that the public benefit will be served by uniting ownership of the City’s real property or real property interest with the adjoining property.” The City Manager’s Office has prepared a Statement of Public Benefit in support of the potential land conveyance.

The Department of Public Works has determined it does not need the entire City-owned parcel for its purposes, as long as sufficient area remains for snow storage, drainage, and placement of signage.

The Raders would like to discuss and understand their options for acquiring the portion of land off of Winter Street, including: 1) grant from the City, 2) land trade, or 3) the purchase price, in order to determine which course of action to consider.

Action

The following motion is offered for City Council consideration:

RESOLVED, that in accordance with Council Policy CC-102, Real Property Transactions, the Lebanon City Council hereby authorizes the City Manager to prepare and execute documents for the sale of a +/-6,200 sqft. (+/-0.14 Ac.) portion of City-owned property located at 0 Winter Street, Tax Map 77, Lot 82, Lebanon, approximately as depicted in the July 2, 2025 City Council Agenda Packet, to abutting property owners Anne and Gerald Rader, for the amount of ___________ and to include any other appropriate conditions or requirements as may be deemed necessary.

Included In This Section:

1. May 6, 2025 email from Anne Rader to former City Manager Shaun Mulholland
2. June 19, 2025 Statement of Public Benefit for Sale of Portion of City-owned Land located at 0 Winter Street, Tax Map 77, Lot 82, Lebanon
3. Council Policy CC-102, Real Property Transactions

From: David Brooks
To: David Brooks
Subject: FW: [EXTERNAL] Lot 77-81 inquiring about acquiring part of lot 77-82
Date: Monday, June 23, 2025 11:48:56 AM

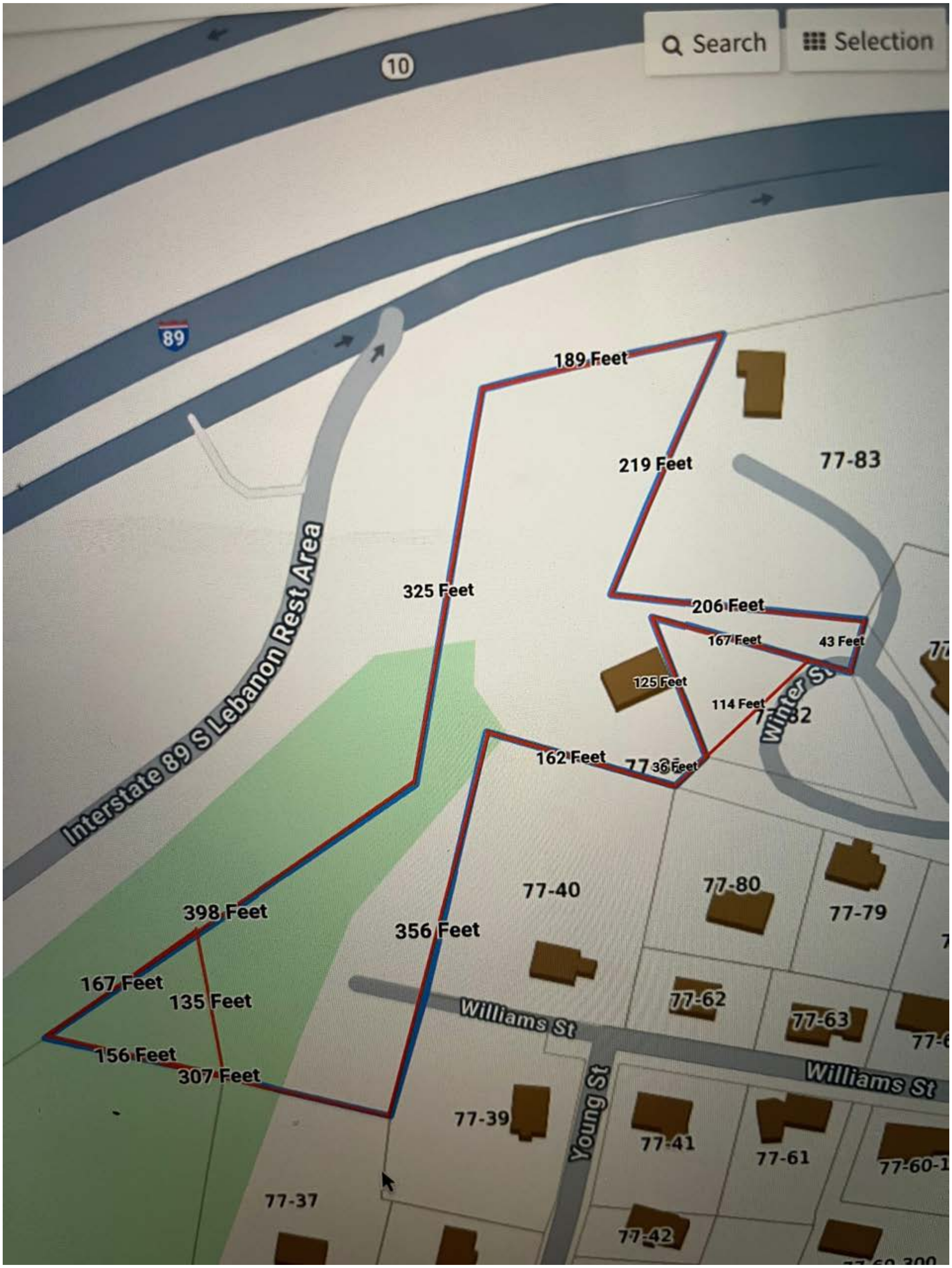
From: Anne R
Sent: Tuesday, May 6, 2025 9:32 AM
To: Shaun Mulholland
Cc: Gerald Rader
Subject: [EXTERNAL] Lot 77-81 inquiring about acquiring part of lot 77-82

Good morning, Shaun,

This is Anne Rader. We had spoke this morning over the phone about the possible acquisition of part of Lot 77-82. I have drawn a few rough lines on the GIS map (photo attachment). Basically we are requesting the triangle section of land between our house and the road frontage on our property (what would be our front yard essentially). We are currently managing the land (mowing the grass and RIght-Of-Way tree clearing). If needed, we would be willing to offer the same amount of land on the side of our lot that is up against the Star Hill Conservation property (the other triangle on the map I have sectioned). Let me know if you have any follow up questions for me or what the next step is. I'm generally available to come down to the office to sign anything needed any day of the week. My husband is a little harder to get down there in person but it's definitely possible as well if needed. He and I both own the property. Let me know if the attachment photo is also too big to view (I attached it via my phone to my computer so might give some trouble). Feel free to email or call me any time this week.

Thank you for your time and work,

Anne Rader


Search
Selection
10
89
Interstate 89 S Lebanon Rest Area
189 Feet
219 Feet
77-83
325 Feet
206 Feet
167 Feet
43 Feet
125 Feet
114 Feet
Winter St
162 Feet
36 Feet
77-40
77-80
77-79
398 Feet
356 Feet
167 Feet
135 Feet
77-62
77-63
Williams St
156 Feet
307 Feet
Williams St
77-39
Young St
77-41
77-61
77-37
77-42

CITY MANAGER'S OFFICE
City of Lebanon, NH
51 North Park Street
Lebanon, NH 03766
(603) 448-4220 fax (603) 966-3122

TO: Mayor Whittlesey and City Councilors
FROM: Deputy City Manager David Brooks
DATE: June 19, 2025
RE: Statement of Public Benefit for Sale of Portion of City-owned Land located at 0 Winter Street, Tax Map 77, Lot 82, Lebanon

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This letter serves as my recommendation to sell a portion of City-owned land which is located at 0 Winter Street, Tax Map 77, Lot 82. Anne and Gerald Rader own the abutting parcel located at 54 Winter Street, Tax Map 77, Lot 81.

The City-owned parcel is approximately 0.40 acres in total and is generally vacant, except for a vehicular turnaround area for Winter Street. The City parcel extends to within a few feet of the Rader's home in what is effectively their front yard, and is surrounded on three sides by the Rader property. The area proposed to be acquired by the Raders is approximately 6,200 SF (~0.14 Ac). The Rader property is the only parcel that directly abuts the City-owned parcel, and no other surrounding property can make use of the parcel without the discontinuance of additional road rights-of-way.

Although the City's parcel exceeds the minimum lot size for the R-3 zoning district, the presence and location of the vehicular turnaround area, as well as an 8-inch water main loop, substantially inhibits development potential.

The Department of Public Works has determined that it does not need the entire parcel for its purposes, as long as sufficient area remains for snow storage, drainage, and sign placement.

The City property is currently assessed at $12,200. Applying the current equalization ratio of 71%, the estimated value of the property is approximately $17,183. The Rader's proposed acquisition of approximately 6,200 square feet represents approximately 36% of the land area.

City of Lebanon
New Hampshire

COUNCIL POLICY Real Property Transactions			
Policy Number	*Effective Date*	*Last Revision*	*Page No.*
CC-102 *Prior #00-01-C*	**August 1, 2018**	**October 3, 2018**	Page **1** of **12**
Approved by:	City Council		

SECTION 1.0: PURPOSE
To provide guidance by clarifying the circumstances, procedures and processes for disposing of or transferring interests in CITY owned real estate.

SECTION 2.0: SCOPE
Authority to implement changes to this Policy is delegated to the CITY MANAGER without prior notice if it is deemed to be in the best interest of the City of Lebanon. This Policy is available for public review and inspection.

SECTION 3.0: DEFINITIONS

NOTICE OR NOTICE OF SALE: means a brief description of the property, the hour, date and place of sale or disposition, and the location of the property, as well as other such information considered relevant by the CITY MANAGER.

PUBLIC AGENCY: includes the federal government or any federal department or agency, the state and all departments, agencies, boards and commissions of the state, counties, school districts, cities, towns, municipal corporations and any other political subdivisions of the State of New Hampshire.

PUBLIC PROPERTY OR PROPERTY: means real property which is owned by the CITY.

REAL PROPERTY: means real estate, and appurtenances thereto, over which the CITY has oversight responsibilities as provided by City Charter and State law.

REDEVELOPMENT AREA: an area of the City that has been designated by the City Council as having redevelopment potential where City properties, regardless of whether they are deemed surplus or have current uses by the City, may be redeveloped in a manner that meets certain goals and objectives of the City as expressed in its Master Plan and other public policies. Public uses and parcels, including public ways, may be reconfigured in such areas, including, but not necessarily, in conjunction with private property.

SURPLUS PROPERTY: any real property no longer having practical use to the City of Lebanon.

TAX DEEDED PROPERTY: property taken due to non-payment of property taxes in accordance with RSA 80:38.

SECTION 4.0: PROCEDURES

4.1 DISPOSITION OF PROPERTY:

1. DEEMING PROPERTIES AS SURPLUS TO CITY NEEDS OR SUITABLE FOR REDEVELOPMENT

   When a property is being considered for disposition, it must first be deemed surplus to CITY needs or suitable for redevelopment as part of a redevelopment area. To determine whether a property is surplus to CITY needs or suitable for redevelopment, the following shall take place:

   A. If City property is being considered for redevelopment, the Council shall, by resolution, designate one or more specific redevelopment areas where the City may consider redevelopment proposals that may involve the reconfiguration of public and private property parcels and boundary lines and disposition of public property. The resolution may:

      1. Broadly indicate the parameters the Council may consider in deciding if redevelopment and disposition of public property is appropriate and in the public interest, including how any public uses of such property may be alternatively accommodated, and may be by reference to a draft REQUEST FOR PROPOSALS (RFP);
      2. Direct the City Manager to consider a public benefit determination pursuant to §4.1.2.A.4, "CONVEYANCE TO ADJOINING PROPERTY OWNER(S);" or
      3. Direct the City Manager to consider and propose a conveyance to a Development Authority pursuant to §4.1.2.A.9 "CONVEY TO A DEVELOPMENT AUTHORITY."

B. Review and comment shall be solicited by the City Manager or his/her designee from all CITY departments; relevant boards, committees and commissions; and the Lebanon School District.

C. A report shall be prepared for review by the City Council which contains the full assessment information and property card for each property along with all comments received from departments, boards, committees, commissions, and the School District.

D. Upon review of all information, the City Council shall consider, and act upon by resolution, authorization for the City Manager to:

1. retain such property or properties for future use by the CITY; or

2. convey such property or properties by deed through public auction, by advertised sealed bids, by other means specified herein, or in a manner as justice may require.

Authority to convey property or properties shall continue in effect for one year from the date of the action by the City Council unless otherwise provided.

2. DISPOSING OF PROPERTY

The City Council shall have the power to establish a minimum amount for which a property is to be sold and the terms and conditions of the sale. The disposal of any property or properties shall not be contrary to the public interest. The permanent disposition of property may be by SALE OR EXCHANGE and the partial or temporary disposition of property may be by EASEMENTS, LICENSES, AND LEASES. The sale of public property for redevelopment within a Tax Increment Financing District (TIFD) shall comply with any applicable Tax Increment Financing Plan (TIFP) adopted by the City pursuant to RSA 162-K:9.

A. SALE OR EXCHANGE – Disposition through sale or exchange of property or properties shall be by Competitive Sealed Bids, Public Auctions, Request for Proposal (RFP), Conveyance to Adjoining Property Owner(s), Trade-in or Exchange, Conveyance to Another Public Agency, Conveyance to a Development Authority, or in a manner as justice may require, as follows:

1. COMPETITIVE SEALED BIDS

a. A Request for Sale Bid Package shall be created that lists the property or properties offered for sale; designate location; and state the terms and conditions of sale and instructions to bidders including the place, date, and time set for bid opening.

b. Notice of the sale should be given at least 10 days before the date set for opening bids.

c. Notice shall be given by making the Request for Sale Bids publicly available through posting notice to the City's website and by newspaper advertisement. Notice may also be given by mailing a Request for Sale Bid Package to prospective bidders, including those bidders on lists that may be maintained for this purpose.

d. Bids shall be opened publicly.

e. Award shall be made in accordance with the provisions of the Request for Sale Bids to the highest responsive and responsible bidder, if the price offered by such bidder is acceptable to the City Council. Where such price is not acceptable, the City Council may reject the bids in whole or in part and negotiate the sale provided the negotiated sales price is higher than the highest responsive and responsible bidder's price, or bids may be resolicited.

f. The sale shall be binding upon the CITY only upon award of the bid and delivery of the deed to the successful bidder after adoption of a City Council resolution approving the sale, and no other action of the CITY or its representatives shall be construed to vest any right, title or interest to or in the property in any person prior to the adoption of the resolution and delivery of the deed.

2. PUBLIC AUCTION

   When appropriate, an experienced auctioneer should be used to cry the sale and assist in preparation of the sale. The solicitation to bidders should stipulate, at a minimum, all the terms and conditions of any sale; that a deposit may be required to participate in the bidding; that the purchaser must consummate the purchase within a stated time; and that the CITY retains the right to reject any and all bids.

3. REQUEST FOR PROPOSALS (RFPs)

The City may issue requests for proposals for the development or redevelopment of City property deemed surplus and/or suitable for redevelopment within Redevelopment Areas designated by the City Council. Such RFP process shall include the following:

a. The RFP shall specify the criteria on which proposals will be evaluated and scored. Such criteria may include, but not be limited to, proposed purchase price or other consideration for the property interests to be conveyed, the proposed extent of redevelopment including the expected assessed property value upon completion, conformity with specified public policy goals consistent with the City's Master Plan and other guidance documents, the time frame for development, the experience and management and financial capability of the proposed development team.

b. The Council shall designate an RFP review committee that shall score all complete and qualified RFP responses. The Council may designate itself as such review committee or may appoint such City Councilors, staff, other board and committee representatives, and citizens as it deems appropriate to such review committee. The review committee may recommend that the City Council proceed with a planned sale to the top scoring respondent that is deemed to provide the City with the best overall value to the City.

c. The Council may accept the recommendation of the review committee or reject it and make no sale or start the process over.

d. The Council may authorize the City Manager to negotiate certain terms and enter into a Purchase and Sale Agreement with the selected redeveloper that may specify certain milestones to be achieved prior to closing on a sale.

4. CONVEYANCE TO ADJOINING PROPERTY OWNER(S)

Upon recommendation of the City Manager, by resolution of the City Council, the City may sell or exchange any real property or interest therein to any person who owns an interest in the same real property or who owns an interest in adjoining real property. Sale or exchange shall require a determination by the City Manager that the public benefit will be served by uniting ownership of the CITY's real property or real property interest with the adjoining property. Such determination may consider, without limitation:

a. The range of possible uses for the real property or interests;

b. The proposed uses for the real property or interests by the proposed grantee;

c. The size, configuration and other characteristics of the real property or interests;

d. Existing or proposed restrictions upon the development or use of the real property or interests; and

e. The value of the real property or interests.

5. TRADE-IN, EXCHANGE, OR GRANT OUTRIGHT

   By resolution of the City Council, the City may trade-in, exchange or grant outright real property after a determination is made that the trade-in or grant outright value is expected to exceed the value estimated to be obtained through the sale or other disposition of such property as evidenced by an appraisal.

6. CONVEY TO A PUBLIC AGENCY

   By resolution of the City Council, the City may sell to a public agency any real property or interest therein. In the event of a real property interest other than a lease, the CITY shall obtain an appraisal of the property to be sold.

7. CONVEY TO A DEVELOPMENT AUTHORITY

   By resolution of the City Council, the City may sell property within a development or redevelopment area to a developer or redeveloper pursuant to a development or redevelopment agreement (pursuant to NH RSA 205). The development or redevelopment agreement shall provide such covenants, conditions, and restrictions upon the property and other terms and requirements as the CITY COUNCIL determines to be in the public interest or necessary to carry out the purposes of the development or redevelopment plan.

8. AS JUSTICE MAY REQUIRE

   By resolution of the City Council that the public interest would be served, disposal of property may be achieved by engaging a real estate agent or broker to list and sell the property, including a condition on the sale that the Buyer's obtain development approvals in advance.

B. EASEMENTS, LICENSES, AND LEASES – Disposition through Easements, Licenses, and Leases shall be as follows:

1. UTILITY EASEMENTS

The City may grant to any utility company a nonexclusive easement upon, under or across public property (other than street right-of-way) for such utility company's facilities. Such easement shall be subject to such payments, provisions, and limitations as the CITY may impose.

a. Conditions: Grant shall be made by resolution of the City Council provided that:

i. The easement will not substantially interfere with CITY use of the property;

ii. That the benefit to the public of increasing availability of utilities by granting the easement outweighs any detriment to the CITY of imposing the easement upon the public property;

iii. That granting the easement is otherwise consistent with the interests of the CITY.

b. Along with other appropriate provisions, the instrument granting the easement shall specify the facility to be installed by the easement holder within the easement and shall provide that:

i. The acceptance of the easement shall impose upon the grantee the obligation to indemnify, defend, pay and hold the CITY harmless against any loss, claims, injury or other liabilities of any description arising out of the easement or use or misuse of the property pursuant to the easement; and

ii. The CITY shall have the right to require the easement holder to relocate any and all facilities from time to time to avoid conflicts or potential conflicts with existing or proposed improvements to

CITY land. In the case of an easement which is described in this subsection and which is limited in use to providing utilities to CITY property, the easement may be granted administratively by the City Manager without resolution or other action by the City Council if the required findings are made by the City Manager, and if the easement document is approved as to form by an attorney for the CITY.

iii. The conveyance of interest in abandoned or discontinued rights-of-way shall be governed by New Hampshire RSA Chapter 231 and/or any other appropriate and applicable State statute.

2. TEMPORARY LICENSES

The City Manager shall have the authority to enter into temporary licenses or similar agreements for the use of CITY owned property, including but not limited to, land, buildings, office space, rooms and other interior and exterior space, but not CITY rights-of-way. Such agreements shall be in a form approved by the attorney for the CITY and shall have a term of one (1) year or less. Such agreements shall contain a unilateral termination clause in favor of the CITY that does not require the CITY to give more than thirty (30) days' notice of cancellation.

3. LEASES

Any lease of CITY owned real property shall be reviewed and approved by the City Manager followed by a recommendation to the CITY COUNCIL accompanied by a determination that such action is consistent with adopted CITY plans and policies.

Any lease of CITY owned airport real property shall be reviewed and recommended by the Airport Manager and reviewed and approved by the City Manager followed by a recommendation to the City Council accompanied by a determination that such action is consistent with adopted CITY plans and policies including the Airport Master Plan and compliance with FAA regulations/requirements.

Any lease of CITY owned real property shall be approved by the City Council. The City Council may take one of three actions:

a. Reject the lease as proposed and recommended by the City Manager;

b. Grant preliminary approval and request that it be brought back before the City Council after the necessary land-use permits have been obtained; or

c. Approve the lease as proposed and recommended by the City Manager with authorization for the City Manager to execute the necessary documents when all required land-use permits have been duly obtained. Land-use permits shall include appropriate review and action by all applicable land use boards (i.e. the Conservation Commission, Zoning Board, Planning Board, or Heritage Commission).

d. After the execution of the lease documents, zoning/building permits are applied for and issued to the CITY with the lessee as the co-applicant. The lessee is responsible for the construction of the buildings in accordance with the CITY's adopted Site Plan Review and Building Code Regulations. When construction is completed in accordance with the Site Plan Review approval, and the Building Code/Permit, a Certificate of Occupancy is issued.

e. In accordance with New Hampshire RSA Chapter 72:23, I(b), Real Estate and Personal Property Tax Exemption: *All leases and other agreements, the terms of which provide for the use or occupation by others of real or personal property owned by the state or a city, town, school dist4rict, or village district, entered into after July 1, 1979, shall provide for the payment of properly assessed real and* *personal property taxes by the party using or occupying said property no later than the due date. All such leases and agreements shall include a provision that "failure of the lessee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said lease or agreement by the lessor." All such leases and agreements entered into on or after January 1, 1994, shall clearly state the lessee's obligations regarding the payment of both current and potential real and personal property taxes, and shall also state whether the lessee has an obligation to pay real and personal property taxes on structures or improvements added by the lessee. If the lessee using or occupying the property fails to pay the duly assessed personal and real estate taxes on the due date, the tax collector of the taxing district involved shall notify the lessor that the same remains unpaid. Upon receipt of said notification from the tax collector, the lessor shall terminate said lease or agreement and pay over to the tax collector from amounts received from said lease such sums as are necessary to satisfy the tax due.*

3. Sale or lease proceeds in connection with the disposal of interest of CITY owned real property shall inure without restriction to the benefit of the Fund from which original acquisition was financed or upon which operational control and responsibility resides.

4. Net proceeds from the disposal or conveyance of interest in Airport real property acquired through Federal or State grants shall inure exclusively to the benefit of the Airport Fund for dedication to Airport operations, activities and capital requirements.

5. In the absence of City Council direction to the contrary, proceeds from the sale of Airport land shall be so reserved and accounted for to ensure that the corpus remains intact and that only interest accruing on such proceeds shall be utilized to finance Airport operations.

4.2. TAX DEEDED PROPERTIES

It shall be the intent of the CITY to return all parcels acquired through the tax deeding process to the tax rolls except where the public's interest may be better served through retention of specific parcels.

Unless a former owner gives notice of intent to repurchase a tax deeded property in accordance with RSA 80:89, disposition of those properties acquired through tax deeding will take place when recommended by the City Manager after approval from the Council in accordance with this policy.

SECTION 5.0: REFERENCES (Charter/Code/State Statues)

C419:23 General Powers (Council)
C419:30 Powers and Duties of Manager
RSA 47:5 City Property
RSA 80:80 Transfer of Tax Lien

SECTION 6.0: POLICY & PROCEDURE REVISION HISTORY

	Section	Revisions	Date
Original Adoption			**2/2/2000**
Amendment	**All**	**Re-Write of Policy**	**8/1/2018**
Amendment	**4.1.2.A**	**Amended Section**	**10/3/2018**
Amendment	**4.1.2.A.8**	**Added Section**	**10/3/2018**
Amendment	**5.0**	**Amended Reference**	**10/3/2018**

11. New Business:

11.C – Discussion of South Main Street Dry Bridge Project Update and Bidding Requirements

Background

The final plans, specifications, and estimates for the South Main Street Dry Bridge project are being finalized for bidding and construction. Permitting for the bridge reconstruction project is also in the final steps, and the project is expected to go out to bid in September 2025.

One of the challenges of this project is railroad coordination with respect to train operations during construction. The NECR railroad had previously expressed some willingness to accommodate the project during construction, including potential full-track closure during construction. However, in recent months, the railroad has made it clear that they will not compromise railroad operations for this project. As such, in order to work within the railroad ROW, the City's contractor will be required to accommodate all train operations and agree not to interfere with any train movements for the duration of construction, on either of the two tracks. This requirement obviously creates a substantial hardship for any prospective bidder, particularly in combination with the City's desire to have an open roadway/bridge during construction. Given these hardships, Public Works is concerned about the attractiveness of this project to prospective bidders. In short, Public Works is concerned about receiving either high bids or perhaps no bids.

To enhance the attractiveness of this project to prospective bidders, Public Works recommends that the project be bid with a base bid and an alternative bid option. The base bid option would consist of bridge closure for approximately 12 months. The alterative bid option would consist of phased bridge construction allowing the bridge to remain open for the duration of construction. Many of the constructability challenges and hardships for bidders/contractors are removed or softened with the closed bridge option. In addition, the construction schedule is expected to be shorter with the closed bridge option – the phased construction schedule is estimated to be 28 months, but with bridge closure, this timeline may be reduced by 4 to 6 months. The bridge closure option is also expected to save up to 25 percent of construction costs. The current engineer's estimate with an open bridge for the duration of construction is $16,050,000, including Construction Engineering services.

Using this base bid and alternative bid concept, the City would establish a "value" for having an open bridge during construction. If the difference between the lowest base bid (closed bridge) and the lowest alternative bid (open bridge) is less than the established value, then the City would proceed with the alternative bid (open bridge) option. If the difference between the bids is equal to or greater than the established value, then the City would proceed with the base bid (closed bridge) option. However, in order to proceed with the base bid and alternative bid concept, NHDOT and FHWA are requiring the City to establish the scoring criteria and decision-making parameters *prior* to advertising the project for bidding.

Public Works is requesting that the City Council, in coordination with the City Manager's Office, establish the value of having an open bridge during construction. Public Works recommends an amount on the order of $3 million dollars. In other words, if the difference between the base and alternative bids is less than $3 million dollars, then the project would be awarded to the lowest alternative (open bridge) bidder. If the difference between the base and alternative bids is equal to or greater than $3 million dollars, then the project would be awarded to the lowest base (closed bridge) bidder.

Action

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

11. New Business:

11.D – Discussion and Set Public Hearing for July 16, 2025: Repeal of Certain Zoning Amendments Approved on February 19, 2025

Background

On February 19, 2025, the City Council held a public hearing to consider a number of zoning amendments that had been kicked-off for review in October 2024. Following the February 19th public hearing, the City Council took action to adopt a subset of the proposed zoning amendments, including action to rezone certain lots within the Centerra Business Park from Light Industrial (IND-L) to Central Business (CB) District based on recommendations from the Northern Lebanon Community Plan, which was completed in the Fall of 2024. At the same meeting, the Council voted 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 (Section 508.2 and 508.4).

The remaining zoning amendments that were not addressed on February 19th, including other amendments derived from the Northern Lebanon Community Plan, were continued to March 19th. However, prior to the March 19th meeting, questions were raised as to whether the City properly complied with statutory notice requirements. Although the Planning & Development Department believed it applied the statute correctly, out of an abundance of caution, the Department requested that the City Council continue the remaining zoning amendments related to the Northern Lebanon Community Plan for several months. The additional time was used to notify all owners in the Route 120 corridor whose properties might be impacted by the proposed amendments and to schedule additional public outreach sessions to discuss and explain the purpose, origin, and the potential impacts of the amendments.

The pause in considering the zoning amendments also provided time for the Planning Department to engage the Conservation Commission and Planning Board to work on a Northern Lebanon Environmental Overlay District, which was another recommendation of the Northern Lebanon Community Plan. It was anticipated that the Environmental Overlay District would be ready for review alongside the remaining zoning amendments by mid-Summer. However, the preparation and review of the Environmental Overlay District has generated extensive public comment and has taken much more time than was initially expected. At this point, the Environmental Overlay District is not expected to be ready for review until at least late August or September, when the Planning Department should be preparing for the next round of annual zoning amendments.

The City administration has directed the Planning & Development Department to take the additional time needed to adequately prepare and vet all of the proposed amendments derived from the Northern Lebanon Community Plan. The Planning Department will continue to work with boards and committees, property owners, and other stakeholders to prepare and evaluate the potential zoning amendments. Those zoning amendments will be incorporated into the annual set of zoning amendments, which will be brought forward to the City Council in October and reviewed during the Fall of 2025, for final consideration in January 2026.

When consideration of the remaining zoning amendments was originally delayed from March to June, the Planning Department also paused the implementation and administration of the zoning changes that were approved on February 19th with respect to certain lots within the Centerra Business Park. Now that aspects of the overall Northern Lebanon Community Plan are being revisited and a much longer review period is anticipated, the City administration recommends that the zoning amendments approved on February 19th related to portions of the Centerra Business Park and Planned Business Park regulations, should be repealed and restored to their pre-amendment status, in advance of the further drafting and review of the Northern Lebanon Community Plan amendments.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 16, 2025, beginning at 6:00pm in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action on amendments to the Lebanon Zoning Ordinance as follows:

- ***To Repeal the Zoning Map Amendment related to certain lots within the Centerra Planned Business Park approved on February 19, 2025, by rezoning all properties within the Centerra Planned Business Park back to Light Industrial (IND-L);***
- ***To Repeal the Zoning Amendment related to the Central Business (CB) District Table of Uses approved on February 19, 2025, by removing Planned Business Park as a Use allowed by Conditional Use Permit from the Central Business District Table of Uses (Sections 306 and 508.2); and***
- ***To Repeal the Zoning Amendment related to allowed uses and the calculation of permitted residential unit density approved on February 19, 2025, by removing language added to the Planned Business Park Regulations in Sections 508.2 and 508.4 as depicted in the July 2, 2025 City Council Agenda Packet.***

Included In This Section:

1. Excerpt of February 19, 2025 City Council meeting minutes
2. Map Showing North Lebanon Community Plan/Route 120 Study Map Amendments Approved on February 19, 2025
3. Amended Central Business District Table of Uses (Section 306) Approved on February 19, 2025
4. Amended Planned Business Park Regulations (Section 508) Approved on February 19, 2025

Council/Staff Comments: NONE

ACTION:
Councilor Liot Hill MOVED, that the Lebanon City Council hereby approves zoning amendments #7, #8, #9, #11, #12, #13, #14, #15, #16, #17, #18 and #19 as presented in the February 19, 2025 City Council Agenda Packet.
Seconded by Councilor Whittlesey.

Councilor Liot Hill spoke to her motion by explaining the history of zoning updates and the reasons for doing incremental zoning updates.

Roll Call Vote*:*
Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.
None voted Nay.
****The Vote on the Motion was approved (9-0).***

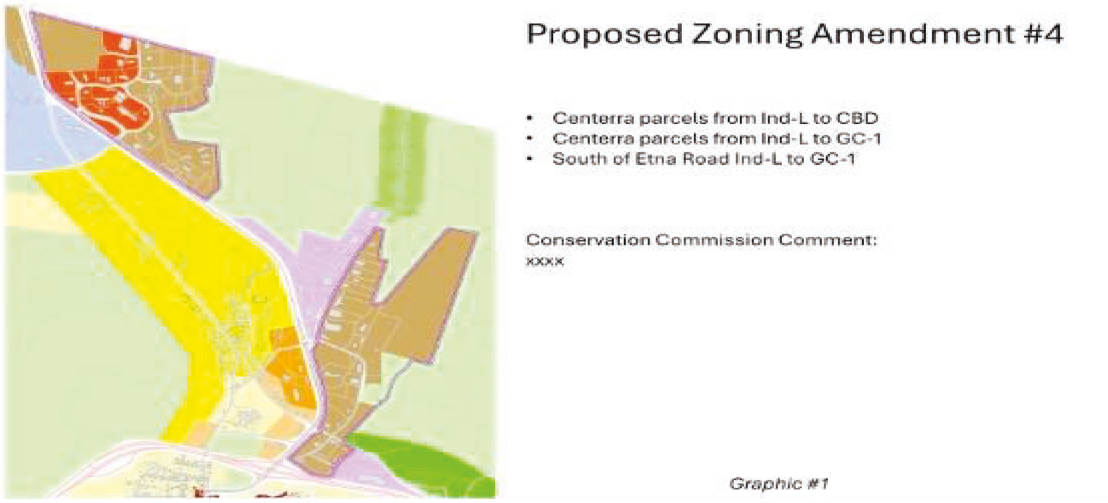
Staff Discussion and Public Hearing on Amendments #4, #5, #6, #20 & #21.

The Council started with Amendments #4, #5, & #6.

Director Reichert spoke about a study and the initial recommendations from the consultant to help the City to allow more residential development under various constraints within the Zoning Ordinance, which culminated in Amendments #4, #5, & #6. Amendments #4, #5, & #6 are amendments that harmonize the current use with the proposed use change(s)**.** We want to make conforming uses and explained his reasoning and gave examples. There is a large environmental piece that was recommended by the consultant and Staff felt that we were not capable of putting together the environmental piece for the overlay to create a wildlife crossing that bisects the Route 120 neighborhood. We had a long conversation with the Conservation Commission and requested that Conservation Commission Chair Riley articulate those. The question is: Do we want to move forward with the map changes right now and wait for the map overlay to come as it is developed by the Conservation Commission/Planning Board, or do we want to wait until the environmental overlay is written? He felt the Conservation Commission would want to delay the whole package until it can be put together.

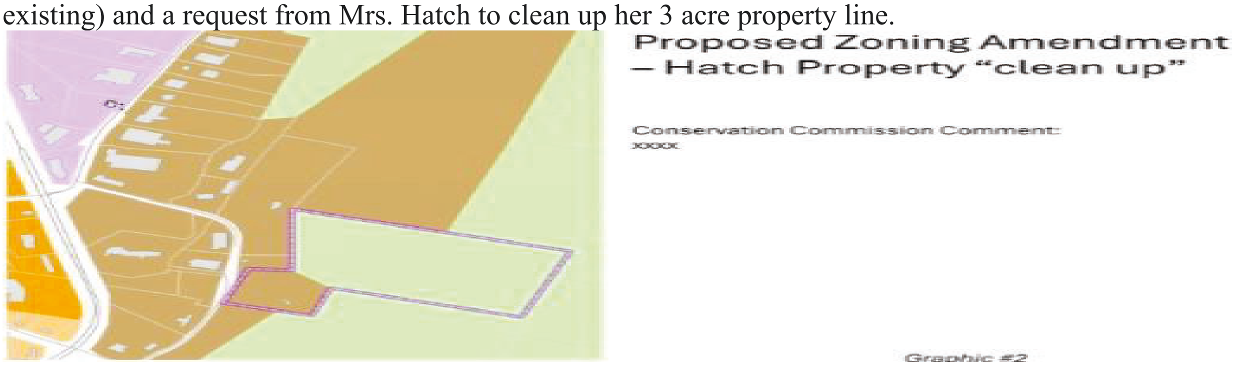
At the request of Mayor McNamara, Director Reichert gave an overview of the Map changes (i.e., the front part of Centerra changing to CBD and Altaria into GC-1). The recommendation on the CBD side is to allow for more density and more creation of a city center of the northern Lebanon area. For the CBD area it would bring a mixed use development into play, specifically relative to residential housing, noting that right now the area is limited to 25% residential. It also allows for a new building to be developed and allows for 2nd, 3rd, & 4th floors to be redeveloped into residential units. If we leave the current use of this area to stay in place, we cannot add more housing.

Director Reichert and Mayor McNamara had discussions regarding the east area of Etna Road and the east side of Route 120, which is proposed to go from IND-L to GC-1. (i.e., south-side of Etna Road change to GC-1) that would allow a hotel to become a long term rental property. Ind-L does not allow housing at all.



For Amendentments #5 & #6, we wanted to make sure those uses for existing businesses were present within the CG-1 District.

Director Reichert also spoke about a couple of other "use code" changes in the future. These were not added to the Council agenda packet for tonight because they were not noticed. One is for a hotel (new or existing) and a request from Mrs. Hatch to clean up her 3 acre property line.



Mayor McNamara opened the Public Hearing on Amendments #4, #5 & #6 (Route 120 area) and the following came forth to give testimony:

Sarah Riley (Conservation Commission Chair): She spoke about the Conservation Commission's comments and concerns regarding the proposed amendments, with a focus on Amendment #4 and read a quote from Chapter 5 of the Master Plan, which deals with the protection of the environment, retainment of Lebanon's open spaces, and rural character. The Conservation Commission recommended not advancing all of the zoning changes prescribed in amendment #4 at this time until some of the environmental protections are implemented. They did make an exception for a CBD in the heart of Centerra. They also suggested a more cautious/staged approach to rezoning. She spoke about the changes to the IND-L area to increase residential use and the impact this would have on natural resources, wildlife habitats and wetlands, which are intricately located within this area. The northern Lebanon Community Plan suggested numerous ways to increase protections for the wetland flood plains, steep slopes, the ridge lines and the wildlife habitat. It would be a mistake to move forward so quickly with so much rezoning in the Route 120, Labombard, Etna Road area without the balancing environmental protections. The Conservation Commission requests a pause to this amendment until protections can be implemented. The Conservation Commission could support moving forward with the CBD change. Timing to complete the environmental overlay is uncertain.

Councilor Heistad spoke about the conservation of water noting that the wells the City is proposing to put in West Lebanon starts at the vernal pool at the top of the ridge line and feeds down into the aquifer, which feeds down into the Mascoma River. By not having a protection plan in place, we are not protecting the potential water usage, which we as a City are going to be needing.

- **Mr. Richard Ford Burley (Ward-3)**. He spoke about his reasons why it was important for these amendments to move forward with expediency, noting we need more people to live in a place where services are being delivered. The CBD and GC-1 zonings are a great way to do this.
- **Mr. Chip Brown (Etna, NH)**: He spoke about his reasons why he felt the City needs changes along the Route 120 corridor. He spoke about his concerns about changing some Centerra parcels from IND-L to GC-1. It is very difficult to find good industrial property for people to develop.
- **Mr. Dan Nash (Ward-1):** He spoke about his reasons why the Council should move ahead with the adoption of Amendment #4, noting that the GC-1 adds value by increasing our grand list and our taxable revenue without affecting the people who already live here. He also spoke about the history of the IND-L areas in the Centerra area. The environmental concerns in this area have already been considered and explained his reasoning.
- **Ms. Barbara Hirai (Ward-1)**: She spoke about her reasons why she did not support moving these amendments forward. She suggested the Council accept the change for the Centerra parcels from IND-L to CBD but should not accept the Centerra parcels for IND-L to GC-2 and the parcels south of Etna Road from IND-L to GC-1 until the environmental portions can be considered.
- **Mr. Bruce James (Ward-3 & Vice Chair of the Conservation Commission)**: He spoke about co-technical details (soil composition; steep slope runoff; wetlands; etc.) which has to do with the purple wedge of the IND-L between Route 120 and Etna Road and part of the east of Etna Road. The Conservation Commission gave considerable weight and discussion to that zone and further explained his reasonings. (See the geographic map below, which Mr. James explained).

- **Mr. Jay Campion**: He spoke about his reasons why he felt rezoning should happen and pointed out that the Conservation Commission and members of the population have been involved with the North Lebanon environmental discussions since last February to voice their opinion. Nothing that is being suggested for rezoning alters the protections that we already have for wetland areas and steep slopes since these are already in our Ordinance and are applied as part of a Site Plan Review. He felt holding up the zoning change for what is already addressed in a Site Plan Review was not appropriate.

Councilor Liot Hill MOVED to extend the meeting to 10:30 PM.
Seconded by Councilor Wilkie.

Roll Call Vote*:*
Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.
None voted Nay.
****The Vote on the MOTION was approved (9-0)***

The Public Hearing Continued:

- **Dr. John McIntyre (Nonresident)**: He spoke about his reasons for supporting the industrial areas in Lebanon, NH. While he understands the housing problem in Lebanon, you do not destroy the industrial engine to create more housing and further explained his reasons, noting the City should increase the density in residential areas to create more housing.
- **Ms. Chris Haidari (Ward-3)**: She spoke about her reasons for not supporting this amendment, which would increase housing. We should look at the big picture and look at what else Lebanon is losing when we redevelop.
- **Ms. Ashley Callahan (Ward-not given)**: She represents Centerra Park and spoke about their reasons for taking more time to review the zoning changes for this area.
- **Mr. Andrew Faunce (Resident & Vice Chair of the Planning Board)**: He spoke about natural resources and his reasons for the need to take more time before passing this amendment to look more carefully at the Centerra parcel and the Etna Road areas until such a time that the Conservation Commission's study can be completed.
- **Ms. Darla Bruno (Ward-3):** She agreed with Chair Riley and Bruce James and spoke about her reasons for treading lightly with this amendment, especially noting the wetlands and keeping in mind that the City is projected to get 30% more precipitation due to climate change. Our wetlands are our flood protection.

Hearing no further comments from the public, the Public Hearing on Amendments #4, #5 & #6 (Route 120 area) was closed.

Council/Staff Discussions:
Mayor McNamara noted there was a lot of public interest in this area and there was a lot of potentially conflicting opinions on Planned Use & natural resources. He felt the Centerra CBD area is basic, and the Council could pull out the IND-L to GC-1 area changes now to give more time for the Conservation Commission's input and to answer some of the other land use questions that came up in these areas. Related to Amendment #4, he felt Amendments #5 & #6 are okay.

Councilor Liot Hill noted that the Conservation Commission agreed with the CBD portion of Centerra and agreed moving forward with that but holding off on approving the Centerra and South of Etna Road GC-1 areas.

In response to Mayor McNamara's question about whether or not Amendments #5 & #6 should be pulled from a vote tonight, Deputy Director Corwin said the Council could move forward with amendment #5 and postpone approval of amendment #6 and explained the language/code references that should be used in the motion.

For clarity, Mayor McNamara stated that what the Council should do is:

- Amendment #4: Vote to rezone the properties within Centerra from IND-L to CBD, except for Centerra parcel from IND-L to GC-1 and south of Etna Road from IND-L to GC-1.
- Amendment #5: Amend the GC-1 and CBD District uses to allow IND/PUD by Planned Conditional Use Permit. Deputy Director Corwin stated that what should be done is to amend the CBD table of Use to allow Planned Business by a Conditional Use Permit (Section 306 as well as 508.2).
- Amendment #6: Deputy Director Corwin stated that the Council would want to move forward with this one to amend the Planned Business Park Regulations to allowed uses in calculating Permitted Residential Dwelling Unit Density (Sections 508.2 and 508.4).

Deputy Director Corwin noted the Council would be moving Amendments #5 & #6 forward as they relate to the Central Businesses and the Business Park Regulations.

ACTION:
Councilor Liot Hill MOVED, that the Lebanon City Council hereby passes the following amendments:

- **Rezone properties within the Centerra Planned Business Park from IND-L to CBD (Central Business District) except tax map lots #10-11-1200, 10-11-1300; 10-11-1302; 10-11-3100; 10-11-3200; 10-11-3400; 10-11-3600 and 10-11-3800.**
- **Amendment #5: To amend the Central Business District (CBD) table of uses to allow IND-L table of uses to allow a Planned Business Park by Conditional Use. (Sections 306 & 508.2).**
- **Amendment #6: To amend the Planned Business Park Regulations relative to allowed uses and calculated Permitted Residential Unit Density pursuant to Zoning Ordinance Sections 508.2 & 508.4.**

Seconded Councilor Sykes.

Roll Call Vote*:*
Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.
None voted Nay.
****The Vote on the MOTION was approved (9-0)***

Amendments #20 & #21 Discussions:
After the Council discussed whether or not to discuss these amendments tonight, Director Reichert suggested the Council pick up the remaining balance of this entire process and move it forward in a continuance. If we are to bring the elements in Amendment #4 that did not pass tonight, these have to go back through the entire process of vetting through all the Boards. He felt we should continue this discussion at the next meeting on March 5, 2025 and hold a Public Hearing on March 19, 2025.

Councilor Liot Hill MOVED to continue the balance of Amendments #4, #5 & #6, as well as Amendments #20 & #21, until the Council's March 19, 2025 meeting.

Seconded by Councilor Simon

Roll Call Vote*:*
Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.
None voted Nay.
****The Vote on the MOTION was approved (9-0)***

9. OLD BUSINESS: NONE

10. NEW BUSINESS

A. Review and Discussion of Disability-Friendly City Resolution Proposed by DEI Commission

Included in the agenda packet: **(All supportive documents and information can be found on pages 101-106, Council agenda packet)**

1. Resolution on Lebanon as a Disability Friendly City as recommended by the DEI Commission
2. October 30, 2024 letter from Special Needs Support Center to the Lebanon DEI Commission

Mr. Richard Ford Burley (Secretary of the DEI Commission) reviewed the background and history of the Resolution noting that by passing this Resolution would cost the City no money, add nothing to the budget, and would likely aid the City in bringing in grant funds.

BACKGROUND
The Diversity, Equity and Inclusion (DEI) Commission has recently been working with the Special Needs Support Center (SNSC) to review and develop policies and recommendations around disability advocacy. SNSC has been developing a program to work with businesses, organizations, non-profits, and municipalities to become certified as Disability-Friendly. SNSC envisions that a Disability-Friendly certification could be marketed within the region and could be used to support grant applications to fund services and the implementation of accessibility recommendations and requirements.

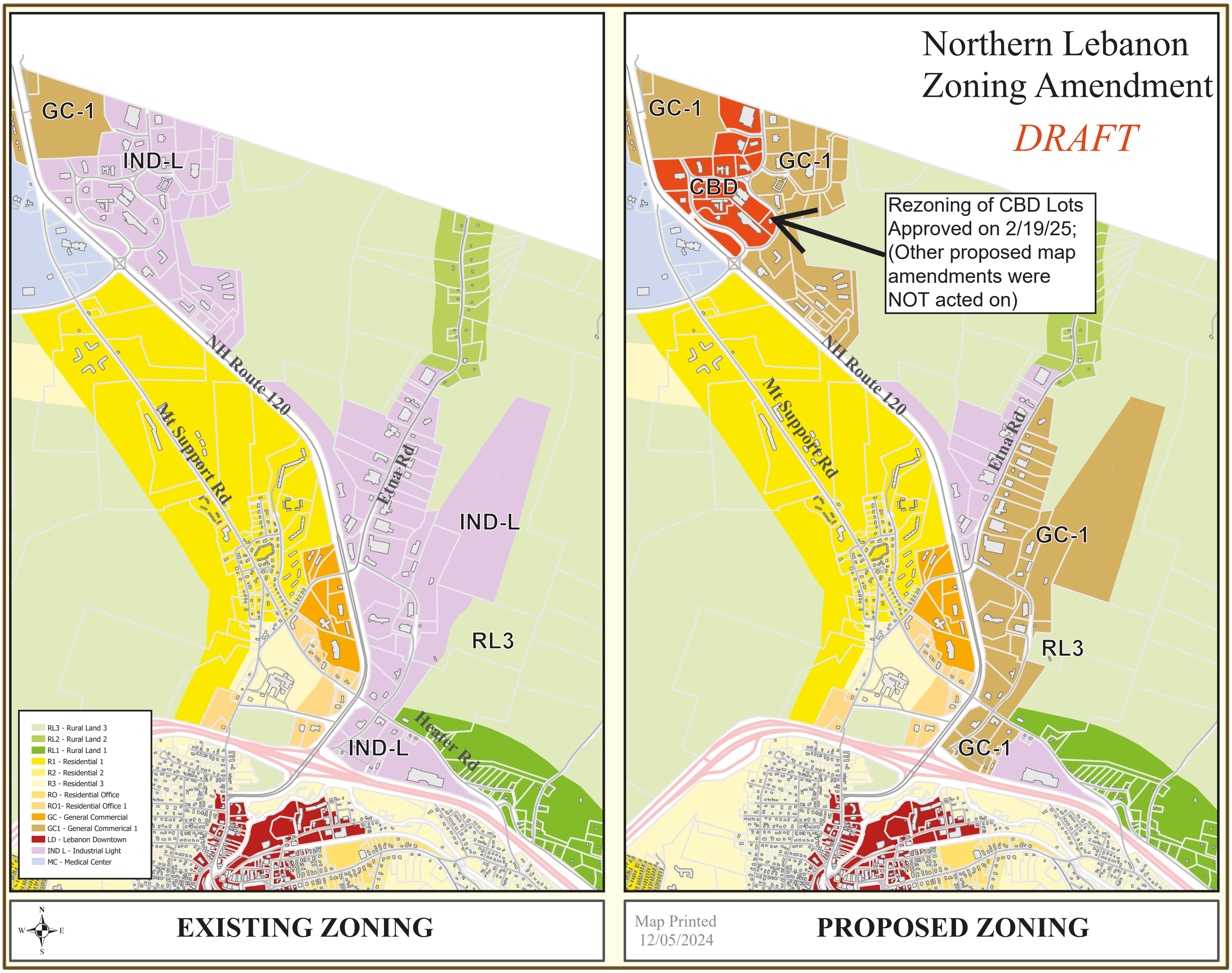
Jo-Anne Unruh noted she has been on the Board of the Special Needs Support Center of the Upper Valley for the last 15 years and was very much impressed with the work that Dr. Kendra LaRoche has done with Lebanon and spoke about her reasons for supporting the Resolution.

Council/Staff Comments: NONE

ACTION:
Councilor Wilkie MOVED, that the Lebanon City Council hereby adopts the Resolution on Lebanon as a Disability Friendly City, as presented in the February 19, 2025 City Council agenda packet
Seconded by Councilor Liot Hill.

Roll Call Vote*:*
Assistant Mayor Below, and Councilors Heistad, Liot Hill, Simon, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.
None voted Nay.

****The Vote on the Appointment was approved (9-0)***



Northern Lebanon
Zoning Amendment
DRAFT
GC-1
IND-L
NH Route 120
Mt Support Rd
Etna Rd
IND-L
RL3
IND-L
Heater Rd
RL3 - Rural Land 3
RL2 - Rural Land 2
RL1 - Rural Land 1
R1 - Residential 1
R2 - Residential 2
R3 - Residential 3
RO - Residential Office
RO1- Residential Office 1
GC - General Commercial
GC1 - General Commerical 1
LD - Lebanon Downtown
IND L - Industrial Light
MC - Medical Center
N
W
E
S
EXISTING ZONING
GC-1
CBD
GC-1
Rezoning of CBD Lots Approved on 2/19/25; (Other proposed map amendments were NOT acted on)
NH Route 120
Mt Support Rd
Etna Rd
GC-1
RL3
GC-1
Map Printed 12/05/2024
PROPOSED ZONING

Section 306 Central Business District

306.2 Table of Uses

<table>
<tr><th rowspan="1">Permitted Uses</th><th>Special Exception Uses
(see Section 801.3)</th></tr>
<tr><td rowspan="3">Residential
1. Dwelling Unit(s) above first floor
2. Multi-family dwelling (see section 305A.4)
3. Senior Housing Complex
Commercial/Non-Residential
4. Amusement (indoor)
5. Community Center
6. Drycleaning Pickup Station
7. Financial Institution
8. Group Daycare Facility
9. Funeral Home
10. Health Club
11. Hotel
12. House of Worship
13. Laundromat
14. Library
15. Local Government Use
16. Membership Club
17. Motel
18. Museum
19. Office
20. Personal Service</td><td>Commercial/Non-Residential
1. Craftsman’s Shop
2. Drive Through Facility
3. Educational Facility, college/university</td></tr>
<tr><td>Uses by Conditional Use Permit
(See section 302.4)</td></tr>
<tr><td>Commercial/Non-Residential
1. Essential Service
2. Other uses per Section 306.4
3. Parking Facility
4. Publishing/Printing
5. Recreational Facility, indoor
6. Recreational Facility, outdoor
Planned Developments
7. Commercial or Industrial PUD per Section 501
<s>7.</s>8. Planned Business Park</td></tr>
</table>

Addition of Planned Business Park to CBD as Use Allowed by Conditional Use Permit Approved on 2/19/25; (Other proposed text amendments were NOT acted on)

SECTION 508 PLANNED BUSINESS PARKS.

[…]

508.2 General Requirement. A ***planned business park*** is allowed as a Conditional Use in the Light Industrial District, General Commercial One District, Central Business District and the Industrial Rail Access District.

508.4 Sectors, Allowed Uses.

A. The ***planned business park*** shall be shown on an approved Subdivision Plan and Use Allocation Plan. The Subdivision Plan and Use Allocation Plan approved by the Planning Board shall designate the allocation of the Industrial/ Office, Commercial and Residential Uses within the Park.

B. No more than 20% of the net land area not planned for open space, roads, or utilities shall be used for the Commercial Sector.

Addition of Central Business District as Location for Planned Business Park Approved on 2/19/25;
(Other proposed text amendments were NOT acted on)

Unless limited by the Planning Board at the time of subdivision approval, the following uses shall be permitted.

The following uses shall be permitted by right for any ***planned business park*** Industrial/Office Sector: ***light industry***; ***warehouse***; trucking terminal; publishing/printing; plumbing, electrical or carpentry shop; research laboratory; local government use; ***essential service***; outdoor storage per Section 303.4 (less than 20%); ***group day care facility*** per Section 604; general business offices, research facilities, medical office buildings; ***health clubs***, Educational Facility, College/University; Educational Facility, Vocational School, any use allowed in the Central Business (CB) District; and ***accessory uses*** to a permitted use. Retail showrooms per Sections 303.5 and 303A.5 shall be allowed by ***conditional use*** permit.

2. The following uses shall be permitted by right for any ***planned business park*** Commercial Sector: ***retail store(s)*** up to a cumulative maximum of 20,000 sq. ft. of ***gross floor area***; ***personal service***; bank, branch bank; ***restaurant***, sandwich shop/deli; refreshment stand; ***office***; ***motel***; ***hotel***; movie theater; ***membership club***, ***amusements (indoor)***; printing (i.e. retail copy store); radio or TV studio; ***group day care facility*** per Section 604; local government use; ~~and~~ ***health clubs***, any use allowed in the Central Business (CB) District.

D. ***Dwelling units*** in ***one-family***, ***two-family*** and ***multi-family dwellings*** or appropriate mixes thereof at the discretion of the Planning Board, shall be provided for in all ***planned business parks***. The maximum number of ***dwelling units*** allowed pursuant to this section shall be based on a minimum of 15% and a maximum of 25% of the net land area of the park not planned for open space, roads, or utilities and calculated at a density of 13 ***dwelling units*** per acre. Such ***dwelling units*** may be clustered together and/or distributed within the Park at the discretion of the Planning Board. For ***planned business parks*** in the GC-1 and CB District or portions thereof, the density of residential uses allowed pursuant to this section shall be determined by the Planning Board pursuant to Sections 305A.4 and 306.5, respectively.

[…]

Addition of Density Calculation Language for Planned Business Park in CBD Approved on 2/19/25;

Agenda
Lebanon City Council
July 2, 2025

11. New Business:

11.E – Discussion of Zoning Amendment Petition and Competing Amendment Proposals for Electric Vehicle (EV) Charging Requirements

Background

On June 19, 2025, the City Manager's Office received correspondence from Jon Livadas, including a petition for amendments to Zoning Ordinance Section 607.8, Electric Vehicles. The petition was addressed to the City Council and submitted in accordance with Zoning Ordinance Section 1000.2.C, Source of Proposed Amendments, but does not purport to utilize the Citizens Binding Initiative procedure.

Subsequently, on June 19th, Sherry Boschert submitted comments to the City Council on behalf of the Lebanon Energy Advisory Committee advocating for an alternative set of amendments to the same section of the Zoning Ordinance, Section 607.8. The City administration is aware that discussion of prospective amendments to Section 607.8 are also planned by the Economic Development Commission for its next meeting in July.

Zoning Ordinance Section 1000.2, Source of Proposed Amendments, states:

> Amendments may be proposed as follows:
>
> […]
>
> B. From the City Council upon request by any Board or City official when the Council decides that it is appropriate to go forward with such amendment.
>
> C. By petition of any number of voters, provided however, that unless the petition is submitted utilizing the "Citizens Binding Initiative" procedure contained in Section 419:23a of the Lebanon City Charter, it will be within the sole discretion of the City Council as to whether or not to proceed in any way with the requested amendment.

With respect to both sets of proposed amendments submitted to date, the Zoning Ordinance is clear that it shall be up to the City Council to decide, in its sole discretion, whether it is appropriate to proceed in any way with the requested amendment(s).

Since at least two (and possibly more) competing sets of amendments have been proposed to the same section of the Zoning Ordinance, the City administration recommends that all such proposals should be incorporated into the Planning & Development Department's annual zoning amendment procedure for a thorough review and consideration this Fall rather than proceeding with one or more of them individually.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby directs the City Manager to ensure that proposed amendments to Zoning Ordinance Section 607.8, Electric Vehicles, including

those submitted by petition and from any board or committee, be included in the upcoming annual Zoning Amendment review process overseen by the Planning & Development Department.

Included In This Section:

1. Letter and zoning amendment petition submitted by Jon Livadas, received on June 19, 2025.
2. Online Form submitted by Sherry Boschert, on behalf of the Lebanon Energy Advisory Committee, dated June 19, 2025, including proposed zoning amendments.
3. Online Form submitted by Sherry Boschert, on behalf of the Lebanon Energy Advisory Committee, dated June 19, 2025.

Lebanon City Council
Shaun Mulholland
Jack Wozmak
Lebanon City Hall
51 N Park St
Lebanon, NH 03766

Dear Members of the Lebanon City Council,

I am writing to formally submit a petition in accordance with Section 1000.2.C of the Zoning Ordinance on behalf of the voters who have signed the petition. This petition seeks to amend the Zoning Ordinance, specifically Section 607.8.C.2, which pertains to the regulations for electric vehicle (EV) charging in multi-family dwellings.

The attached document outlines the proposed amendment and our rationale for the requested changes. We believe that the current EV charging requirements are overly restrictive and financially burdensome, particularly for new developments which will further inflate the housing crisis and limit affordable housing development. By revisiting the requirement using accurate data and by allowing these decisions to be made through the site plan review process, we can ensure a more flexible and case-by-case approach that better accommodates the diverse needs of different projects within our community.

We respectfully request that this petition be reviewed and considered for adoption to promote equitable development and the effective allocation of resources.

Thank you for your attention to this matter.

Sincerely,

Jon Livadas

Petition 1000.2 C: Revising the EV Charging Mandate

607.8 Electric Vehicles.

A. Purpose. The purpose of this section is to facilitate the transition to ***electric vehicle*** use and to expedite the establishment of convenient, cost-effective ***electric vehicle infrastructure*** that such a transition necessitates.

B. Applicability. ***EV charging stations*** are allowed as an ***accessory use*** in all zoning districts. When the retail charging of ***electric vehicles*** is proposed to be the principal use of a ***lot***, then the proposed ***EV charging station*** shall be considered a ***service station*** for zoning purposes.

~~C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. ***EVSE-installed spaces, EV-ready spaces***, and ***EV-capable spaces*** shall be provided as follows:~~

~~1. One- and Two-Family Dwellings. All new ***one-*** and ***two-family dwellings*** shall provide at least one (1) ***EV-ready*** space per ***dwelling unit***.~~

~~2. Multi-Family Dwellings. Parking for ***multi-family dwellings*** and ***senior housing complexes*** shall include a minimum of 65% of EVSE-installed EV-ready, and EV-capable spaces as follows:~~

~~a. ***EVSE-installed spaces*** for a minimum of 5% of proposed ***off-street parking spaces***.~~

~~b. ***EV-ready spaces*** for a minimum of 20% of proposed ***off-street parking spaces***.~~

~~c. ***EV-capable spaces*** for a minimum of 40% of proposed ***off-street parking spaces***.~~

~~3. Non-Residential Uses. Parking for uses requiring or proposing to provide 30 or more ***off-street parking spaces*** shall include a minimum of 50% of EVSE-installed, EV-ready, and EV-capable spaces as follows:~~

~~a. ***EVSE-installed spaces*** for a minimum of 2% of proposed ***off-street parking spaces***, with a minimum of two ***EVSE-installed spaces***.~~

~~b. ***EV-ready spaces*** for a minimum of 10% of proposed ***off-street parking spaces***.~~

~~c. ***EV-capable spaces*** for a minimum of 38% of proposed ***off-street parking spaces***.~~

4. Where the calculations above result in a fractional parking space, it shall round up to the next whole number.

~~5. Where the number of ***EVSE-installed spaces*** provided exceeds the minimum required, the excess spaces shall be deducted from the total number of required ***EV-ready spaces***.~~

~~6. Where the number of ***EV-ready spaces*** provided exceeds the minimum required, the excess ***EV-ready spaces*** shall be deducted from the total number of required ***EV-capable spaces***.~~

~~7. Up to five (5) ***Level 2 EV-installed spaces*** may be substituted with one (1) ***Level 3 EV-installed space*** (minimum 50kW).~~

~~8. ***EVSE-installed spaces***, ***EV-ready spaces***, and ***EV-capable spaces*** are to be included in the calculation for both the number of minimum required and maximum permitted off-street parking spaces.~~

~~a. Every two (2) ***EVSE-installed spaces*** provided in addition to the required minimum may be counted as four (4) ***off-street parking spaces*** as relates to Section 607.1 (Minimum Off-Street Parking Requirements), for reduction of total required parking not greater than 10 percent of the total amount of required parking.~~

This document serves as a petition to remove the Electric Vehicle (EV) charging mandates from the Zoning Ordinance and instead include a simpler requirement that suits the actual projected demand in Site Plan regulations.

The current multi-tiered approach of EV charging requirements is overly cumbersome, financially prohibitive, and confusing for property owners. The existing zoning ordinance assumes that almost every tenant will have at least one electric vehicle and lacks the flexibility needed to accommodate various types of projects, forcing all properties, including affordable housing, to adhere to the same overbearing standards. There is no data supporting the current mandates and while we understand Lebanon's EV goals the requirement seems to greatly out project a realistic EV adoption rate. Furthermore, the data showing EV growth in the Lebanon seems to be inaccurate, only covers a few years, and it doesn't distinguish between EV owners who own vs those who rent their homes. This is a crucial factor, as renters have different needs and priorities compared to homeowners when it comes to their vehicle choices. Ignoring this distinction further compounds the issues with the current one-size-fits-all approach

The EV industry continues to evolve as technology changes and making decisions today under the guise of being proactive to save property owners money in 5 or 10 years seems short-sighted given the limited and inconsistent data. Below are two screen grabs from the Lebanon website discussing registered EVs in Lebanon. The first is from last year (2024) and states Lebanon had 212 EVs in 2023. The second image is currently on the website and states there were 58 in 2023 and 95 in 2024.

News Flash Home
The original item was published from 12/28/2023 11:05:00 AM to 6/2/2024 12:00:01 AM.
Electric Vehicles

Posted on: December 28, 2023

[ARCHIVED] EV Adoption Zooming Ahead

NEWS from the CITY OF LEBANON EV Subcommittee

The latest vehicle registrations in Lebanon confirm a rapid rise in the number of electric vehicles (EVs), which includes all-electric cars or trucks and plug-in hybrids. The same acceleration is happening in Grafton County, across the State of New Hampshire, and in the United States as a whole, Lebanon's Electric Vehicle (EV) Subcommittee reports.

Compared with December 2022, the number of EVs registered in Lebanon increased by 70% in December 2023. And compared with 2016, when the first long-range EVs became available (other than Teslas), EV registrations in Lebanon increased by 278% in 2023. The absolute numbers still are small locally -- we are up to 212 EVs in Lebanon -- but the trend toward more EVs is happening in all parts of the state and the country.

CNN reports that in 2023 for the first time, U.S. consumers bought more than 1 million EVs in a single year, accounting for around 8% of car sales. A recent presentation by the New Hampshire Department of Environmental Services (DES) showed increased EV registrations in every county, with Grafton being the fourth most EV-popular county in the state:

Why EVs?

- EVs are fun to drive!
- Throughout New England, transportation emits carbon dioxide (a greenhouse gas) more than any other sector of society. The same is true in Lebanon. According to the 2012 Lebanon Master Plan, Lebanon's commercial sector is the largest carbon emitter here, and 70% of that is commute vehicle emissions.
- EVs can run on clean, affordable, domestic electricity.
- EVs save money in the long run. Although purchase prices for some EVs can be higher than for some internal-combustion vehicles, costs for fuel and maintenance are dramatically lower with EVs, producing considerable savings overall.
- EVs are good for business. Installing EV charging stations increased sales at nearby businesses by an average of 13% in a four-year study of 273 stores, restaurants, hotels, and other retail businesses. In a separate study of 4,000 EV charging stations and 140,000 business establishments, installing EV charging increased annual spending at nearby businesses by 2.7% in 2019 and 3.2% in 2021-2023.
- The U.S. auto industry is shifting to EVs. The number of plug-in vehicles registered in Lebanon increased by 58% between December 2023 and December 2024 (from 58 to 95 EVs and plug-in hybrids). Plug-in vehicles comprised 3.5% of vehicles in Lebanon in 2024, up from 0.5% in 2020. Also view a town-by-town breakdown of 2020 EV registrations (PDF).

So which number is correct? We would be surprised if EV ownership has gone down, and we are not arguing the industry isn't growing, but we do believe a more balanced approach is necessary. One that aligns with the actual needs of the community while forecasting a realistic adoption rate based on defensible, local data rather than nationwide statistics or only pro EV articles. Requiring 65% or more parking spaces to be EV/EV ready when there is no data to support that number is an overreach. For instance, The Lebanon Woolen Mill (LWM) multi-family development, has 240 parking spaces and is a required to 156 EV parking spaces mixed across the different levels. LWM, will have almost three times more EV ready spaces than there are registered EVs in Lebanon. Furthermore, the development is private, and the chargers will not be accessible to non-residents. Would we be better served by focusing on public charging stations accessible to everyone?

Imposing the current EV charging requirements is financially burdensome for property owners. The significant upfront costs will not yield short-term or long-term value, as technology and market demands evolve rapidly, and future value does not lower the cost of building today. These additional costs will result in less development of both market rate and affordable housing. We need housing units OF ALL KIND - the more supply the more rent relief the market will see.

As it stands, the EV ordinance does not offer the adaptability needed to address the unique circumstances of different developments. By moving EV requirements to the site plan review process, decisions can be made on a case-by-case basis just as parking requirements are managed today. This would allow for a more tailored approach, ensuring that the needs of each project are adequately met without imposing unnecessary financial burdens on specific projects such as affordable housing.

Lastly, the EV mandate seems to not have thought about the impact it will have on the power grid if all the proposed developments get built. We understand charging will mostly happen during the night when tenants are home but still, the grid must be able to support the power being brought to the site. Were utility companies consulted regarding the additional load these requirements would impose and if that type of power could be provided? Using the Lebanon Woolen Mill project as an example, the switchgear needed to power just the EV aspect could power a 100-unit building. Many designated EV spaces won't have chargers installed as laid out in the requirements, yet our site will still need three switchgears. This is creating a scenario where the power infrastructure is significantly expanded without any guarantee of utilization while potentially lowering the load potential elsewhere. These are all issues California is dealing with today due to their overly aggressive EV requirements.

We believe that rescinding the EV charging mandate, right sizing it for the community future need, and moving it to the Site Plan Regulations will foster a more economically viable development landscape while motivating smaller property owners to invest in their assets to bring more housing on a smaller scale to Lebanon. By enabling a flexible approach through site plan review, we can ensure that each project is evaluated on its own merits and specific needs, similar to how parking requirements are handled.

If you support the above, please sign below:

Name: Karen A. Slayton

Signature: [signature] Date: May 20, 2025

Name: Robert E. Slayton

Signature: [signature] Date: MAY 20, 2025

Name: Gordon Bayley

Signature: [signature] Date: May 20, 2025

Name: SAMANTHA MEDINA

Signature: [signature] Date: May 21 2025

Name: Tracy Packard

Signature: [signature] Date: May 21 2025

Name: Cote Swenson

Signature: [signature] Date: May 21 2025

Name: Kim Davis
Signature: Kimberlee Davis Date: 5/21/25
Name: Michele Hammond
Signature: Michele H[illegible] Date: 5/21/2025
Name: Mary Mayes
Signature: Mary Mayes Date: 5/21/2025
Name: Don Talbert
Signature: [illegible] Date: 5/21/2025

From:	noreply@civicplus.com
To:	webmaster; Beth Beraldi; Manager
Subject:	[EXTERNAL] Online Form Submission #12664 for Boards and Committees Contact Form
Date:	Thursday, June 19, 2025 5:29:14 PM

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

Boards and Committees Contact Form

Please complete this form to contact a City of Lebanon board or committee. Your submission will be received by a city staff member who will forward your communication to members of the board or committee you choose below. Please be aware that your submission will become part of the public record.

Visit our Boards and Committees page to find rosters, agendas, meeting details, and more. Please contact the City Manager's office if you have questions about this form.

(Section Break)

Your First Name	Sherry
Your Last Name	Boschert
Email Address	[redacted]
Contact Phone Number	[redacted]

(Section Break)

Which board or committee do you wish to contact?	City Council
Please enter your comments:	The Lebanon Energy Advisory Committee voted unanimously (with on recusal) on June 19, 2025 to ask the City Council to approve the attached proposed amendments to the Zoning Ordinance regarding requirements for EV charging stations at new housing and new developments. Essentially, the amendments allow for the option of Low-power Level 2 charging stations instead of full Level 2 stations. This will decrease costs for developers, decrease the burden on the electrical grid, and add convenience for residents of multi-unit housing by providing more (and more convenient) charging stations. See an eight-page paper on The Case for Low-power Level 2 that provides the reasoning behind these

proposed amendments at:
https://docs.google.com/document/d/1Kfth10VRxVSZ1ZlhFABwvUNJjDly-29t/edit?usp=sharing&ouid=114368692623349234926&rtpof=true&sd=true

We ask the City Council to approve these amendments and stand ready to give a brief presentation and answer any questions that Councilmembers may have.

Thanks for your consideration,

Sherry Boschert, member
for the Energy Advisory Committee

Do you need to attach a file?	Yes
Attach a File	Proposed EV Zoning amendments June 19, 2025.docx
Attach another File	*Field not completed.*
Attach another File	*Field not completed.*

Email not displaying correctly? View it in your browser.

Draft amendments to the Lebanon Zoning Ordinance
Endorsed unanimously by the Lebanon Energy Advisory Committee, June 19, 2025.
Proposed changes are in red text.

From Zoning Ordinance pages 183-184:

607.8 Electric Vehicles.

A. Purpose. The purpose of this section is to facilitate the transition to electric vehicle use and to expedite the establishment of convenient, cost-effective electric vehicle infrastructure that such a transition necessitates.

B. Applicability. EV charging stations are allowed as an accessory use in all zoning districts. When the retail charging of electric vehicles is proposed to be the principal use of a lot, then the proposed EV charging station shall be considered a service station for zoning purposes.

C. EV Infrastructure Requirements / Off-Street EV Parking Requirements. EVSE-installed spaces, EVSE-ready spaces, and EVSE-capable spaces shall be provided as follows:

1. One- and Two-Family Dwellings. All new one- and two-family dwellings shall provide at least one (1) EVSE-Ready Low-power Level 2 charging space per dwelling unit.

2. All new dwellings with up to three units, including Accessory Dwelling Units (ADUs), shall provide at least one (1) EVSE-Ready Low-power Level 2 charging space per new dwelling unit.

3. Multi-Family Dwellings (four or more units; adding units to existing multi-family housing triggers the requirements for the new units only). Parking for new multi-family dwellings shall include:

a. For each residential unit with parking, at least one EVSE-Ready Low-power Level 2 charging space per unit for 50% of total units with parking.

b. EV-Capable Low-power Level 2 spaces for a minimum of the remaining 50% of residential units with parking and 25% of the remaining off-street parking spaces.

4. Non-Residential Uses. Parking for uses requiring the provision of 10 or more new or additional off-street parking spaces shall include:

a. EVSE-Installed Level 2 spaces for a minimum of 2% of new or additional off-street parking spaces, with a minimum of two EVSE-Installed spaces.

b. EVSE-Ready or EVSE-Capable Level 2 spaces for a minimum of 20% of new or additional off-street parking spaces.

c. For parking spaces dedicated for employee use, these requirements may be replaced by a minimum of one EVSE-Ready Low-power Level 2 charging space per employee for at least half of employees in the largest shift who drive to work and who are offered parking.

d. For existing (not “greenfield”) non-residential developments, these requirements for EV charging may be replaced by a contribution to a common fund managed by the City of Lebanon for installing public EV charging stations at a separate site, with the contribution amount to be determined by the City.

5. Where the calculations above result in a fractional parking space, it shall round up to the next whole number.

6. Where the number of EVSE-Installed spaces provided exceeds the minimum required, the excess spaces shall be deducted from the total number of required EVSE-Ready spaces of a similar level (Low-power Level 2, or Level 2).

7. Where the number of EVSE-Ready spaces provided exceeds the minimum required, the excess EVSE-Ready spaces shall be deducted from the total number of required EVSE-Capable spaces of a similar level (Low-power Level 2, or Level 2).

8. Up to five(5) Level 2 EVSE-Installed spaces may be substituted with one (1) Level 3 EV-Installed space (minimum 150 kW).

9. EVSE-Installed spaces, EVSE-Ready spaces, and EVSE-Capable spaces are to be included in the calculation for both the number of minimum required and maximum permitted off-street parking spaces.

a. Every two (2) EVSE-Installed spaces provided in addition to the required minimum may be counted as four (4) off-street parking spaces as relates to Section 607.1 (Minimum Off-Street Parking Requirements), for reduction of total required parking not greater than 10 percent of the total amount of required parking.

10. In each instance where EVSE Capable is required, EVSE Ready or EVSE Installed may substitute. In each instance where EVSE Ready is required, EVSE Installed may substitute.

Pages 183-184 and 187:

Appendix A – Definitions

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE) / EV CHARGING STATION (EVCS): The apparatus installed specifically for the purpose of transferring energy between the site or building wiring and the Electric Vehicle. EVSE does not include any equipment affixed to the electric vehicle.

ELECTRIC VEHICLE INFRASTRUCTURE: Structures, machinery, and equipment necessary and integral to support an electric vehicle, including EV charging stations and electrical outlets.

ELECTRIC VEHICLE (EV): An automotive-type vehicle for on-road use primarily powered by an electric motor, including any battery electric vehicle, ~~fuel cell electric vehicle,~~ or plug-in hybrid electric vehicle, that draws current from an onboard battery charged through a building or site electrical service, EVSE, or other source of electric current.

EVSE-CAPABLE SPACE: An off-street parking space with electrical panel capacity and space for a branch circuit dedicated to the parking space that is not less than 20-ampere and 110/120-volt panel capacity for Level 1 charging, or 20-ampere and 208/240-volt for Low-Power Level 2 charging, or 40-ampere and 208/240-volt for Level 2 charging, and is equipped with raceways, both underground and surface mounted, to enable the future installation of EVSE. For two adjacent EV-capable spaces, a single branch circuit is permitted.

EVSE-READY SPACE: An off-street parking space provided with a full dedicated branch circuit that includes not less than 20-ampere and 110/120-volt panel capacity for Level 1 charging, or 20-ampere and 208/240-volt panel capacity for Low-Power Level 2 charging, or 40-ampere and 208/240-volt panel capacity for Level 2 charging plus conduit, wiring, receptacle, and overprotection devices terminating in an outlet or receptacle~~or junction box~~ that will support an installed EVSE or support attachment of a charge cord for the vehicle and which is located in close proximity to the location of the parking space. For two adjacent EV-Ready spaces, a single branch circuit is permitted. These spaces are "ready to go" as outlets for users who bring their own charging cords or with the addition of an installed EV charging station (EVCS).

EVSE-INSTALLED SPACE: An off-street parking space with a dedicated branch circuit and EVSE.~~ at minimum~~.

LEVEL 1 (which is not mandated but is included here for informational purposes): Charging level for EVs that operates on a dedicated 20-amp breaker (same kind used for conventional electrical outlets in most buildings) on a 110- or 120-volt AC circuit while drawing 1.9-3.2 kW to supply approximately 2-5 miles of range gained per hour of charging.

LOW-POWER LEVEL 2: Charging level for EVs that operates on a dedicated 20-amp breaker on a 208- or 240-volt AC circuit while drawing 3.3-6.1 kW to supply approximately 15+ miles of range gained per hour of charging.

LEVEL 2: Charging level for EVs that operates on a dedicated 40- to 100-amp breaker (same kind used by a clothes dryer or stove) on a 208- or 240-volt AC circuit while drawing 6.2+ kW to supply 19+ miles of range gained per hour of charging.

LEVEL 3: Fast or rapid charging level for EVs that operates on a 60-amp or higher breaker on a 480-volt AC electric circuit or higher three-phase circuit with special grounding equipment and mounting on an equipment pad.

From:	noreply@civicplus.com
To:	webmaster; Beth Beraldi; Manager
Subject:	[EXTERNAL] Online Form Submission #12665 for Boards and Committees Contact Form
Date:	Thursday, June 19, 2025 5:36:44 PM

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

Boards and Committees Contact Form

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Visit our Boards and Committees page to find rosters, agendas, meeting details, and more. Please contact the City Manager's office if you have questions about this form.

(Section Break)

Your First Name	Sherry
Your Last Name	Boschert
Email Address	[redacted]
Contact Phone Number	[redacted]

(Section Break)

Which board or committee do you wish to contact?	City Council
Please enter your comments:	The Lebanon Energy Advisory Committee voted unanimously on June 19, 2025 to advise the City Council that we would like to see the EV charging station regulations for new housing and developments remain in Lebanon's Zoning Ordinance and not be moved to the Site Plan Review Regulations. Recently some Planning Department staff members have floated the idea of moving Section 607.8 Electric Vehicles and related Definitions in Appendix A from the Zoning Ordinance to the Site Plan Review Regulations. After two meetings and related emails between LEAC members and Planning staff, LEAC decided after deliberations that these regulations better serve Lebanon if they remain in the Zoning Ordinance.

Thank you for your consideration,

Sherry Boschert, member
for the Energy Advisory Board

Do you need to attach a file?	No

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

Agenda
Lebanon City Council
July 2, 2025

11. New Business:

11.F – Discussion of Potential Amendment to Council Rules, §A191-8

Background

Assistant Mayor Wilkie recently raised a question about the Council's Rules, Section §A191-8, Order of Business, and the Council's practice of accepting public comments.

Assistant Mayor Wilkie notes that there is a current practice among the City Council of reserving the "Open to Public" agenda item for topics that are "specifically not on" a given night's agenda. This practice has resulted in multiple instances during which members of the public have felt that there is a moratorium on speaking on a given agenda item, if it is not a public hearing item and if the mayor chooses not to accept public comment.

As a result, Assistant Mayor Wilkie requests that the Council discuss the Council Rules to determine which of two procedures the Council would like to adopt as standard practice:

1. The Council changes § A191- 8. Order of business, agenda item 3, to read "...Any member of the public who desires to speak on any **public hearing** item may do so..."
2. The Council retains its existing rules and affirms that any member of the public may speak on any agenda item, even one which is not explicitly intended for public input.

The effect of the former would be to suggest that comments on other agenda items should be given during the Open to Public agenda item, but to allow the Mayor to decline public comment on those agenda items when they are taken up by the Council. The latter, by contrast, would carry the expectation that the Mayor will accept public comment on any agenda item.

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

If there is support among the City Council for a proposed change, this amendment will be presented for adoption at the July 16th meeting. Adoption requires a 2/3 vote of all members of the Council.

Action:

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

Included in this Section:

1. City Council Rules as adopted on April 16, 2025

Chapter A191

COUNCIL RULES

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

GENERAL REFERENCES
Ordinances -- See Charter § C419:22.
Enactment of ordinances -- See Ch. 115.

§ A191-1. Council meetings.

A. The Council shall meet in regular session on the first and third Wednesday of every month at 7:00 p.m. until the conclusion of business or 10:00 p.m., whichever comes first. The 10:00 p.m. adjournment shall only be extended by a two-thirds vote of the Council. [Amended 11-7-1979; 4-15-1992; 6-23-1993; 3-30-1994; 7-19-1995; 10-18-1995; 5-21-2003]

B. Attendance. Prior to each meeting, unless prevented by emergency, a Councilor shall notify either the Mayor, City Manager or City Clerk if he or she will be unable to attend a meeting.

C. Remote Attendance. As long as a quorum of the Council is present in person, one or more members of the City Council at the discretion of the Mayor may participate in a meeting by electronic or other means of communication only when attendance is not reasonably practical. This procedure shall not be construed to mean that conferencing by electronic means shall be regularly used or used at every meeting of the Council but shall be used only as necessary to allow the participation of Council members who are unable to attend in person due to such circumstances as personal illness or disability, employment obligations, or a family or other emergency.

1) Member must notify the City Manager's office at least 24 hours in advance of the meeting, unless impractical, so that necessary communications equipment can

be arranged. Inability to make the necessary technical arrangements may result in the inability of the members remote attendance.

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

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

§ A191-2. Temporary Chair.

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

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

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

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

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

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

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

§ A191-6. Raise hand to be recognized.

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

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

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

Submission Deadlines:

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

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

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

§ A191- 8. Order of business. [Amended 6-21-1978; 4-7-1982; 5-7-1986; 4-6-1988; 3-27-1991; 6-23-1993; 7-19-1995; 5-15-1996; 4-16-1997; 6-7-2006; 9-3-2008; 4-1-2009; 3-20-2024; 4-16-2025]

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

1. Call to Order.
2. Pledge of Allegiance.
3. Announcement by Mayor. Public forum. *"*Any member of the public who desires to speak on any agenda item may do so when the item is taken up by the Council and will be allowed to speak on the subject for not more than three minutes. (Note: Speakers are asked to state their name, ward of residence and to use the

microphone provided.”)

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

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

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

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

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

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

A. Unattributed communications shall not be introduced in Council meetings. Information advocating a certain position obtained from constituent contact may be introduced at Council meetings if the name of the source is given. Electronic and written communications from any Councilor to four or more members shall constitute public comment and shall be transmitted to the City Manager's office for public record.
B. With the exception of the Mayor’s use of City letterhead, stationery, or official City insignia for resolutions or proclamations, members of the City Council may only use such for purposes officially approved by the Council.

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

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

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

A. Each newly seated Council by motion shall formally adopt the Council Rules and Regulations currently in place.

B. These rules may be amended or new rules adopted by a 2/3 vote of all members of the Council. Any such alterations or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the calendar under the order of new business.

C. These rules may be suspended by a 2/3 vote of those members present and voting. The purpose for suspension must be clearly stated before the vote is taken, and 2/3 of the members present and voting must declare the matter one of such priority that it would be detrimental to hold it over until the next regular meeting.

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

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

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

A. When vacancies occur on City boards, committees, commissions, either by resignation, removal or lapse of term, applications received by the City Clerk will be forwarded to the City Council in a timely manner in order for vacancies to be filled as quickly as possible. [Amended 4-2-2008]

B. All appointments shall be acted upon by the City Council as authorized by the City Code, the City Charter and New Hampshire Law. [Amended 8-2-1995; 5-21-2003; 4-2-2008]

C. The following procedure shall be followed for board, commission and committee appointments and reappointments: [Added 9-18-1996; Amended 4-2-2008]

   1) For initial appointment, the applicant shall fill out the standard application form. [Amended 5-21-2003; Amended 4-2-2008]
   2) For reappointment, the applicant can update the current form on file or complete a new updated application form. [Amended 4-2-2008]
   3) One member of the City Council shall interview applicants for initial appointment within 30 days of receiving the application from the City Clerk and report to the full Council prior to any nomination for appointment. Applicants for

reappointment to the same board, committee, or commission may be nominated for reappointment without completion of an interview with a City Councilor. [Amended 4-2-2008; Amended 11-16-2022]

4) While one city councilor is officially assigned to interview each applicant, any city councilor may interview any applicant for any position to better inform their decision.

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

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

§ A191-17. Confidential materials.

A. Classification.

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

B. Treatment of classified materials. When materials are classified as confidential, they will be identified and marked as "Confidential" and transmitted to the City Council in sealed envelopes marked as "Confidential." The reason for the confidential classification will be noted on the materials.

C. In the event that a significant portion of a document may be made available to the public without compromising the portions of a document which are necessary to be maintained as confidential in accordance with Subsection A of this policy, then such portion(s) shall be made available to the public with only the confidential portion(s) classified. [Amended 6-19-1996; 5-21-2003]

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

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

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

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

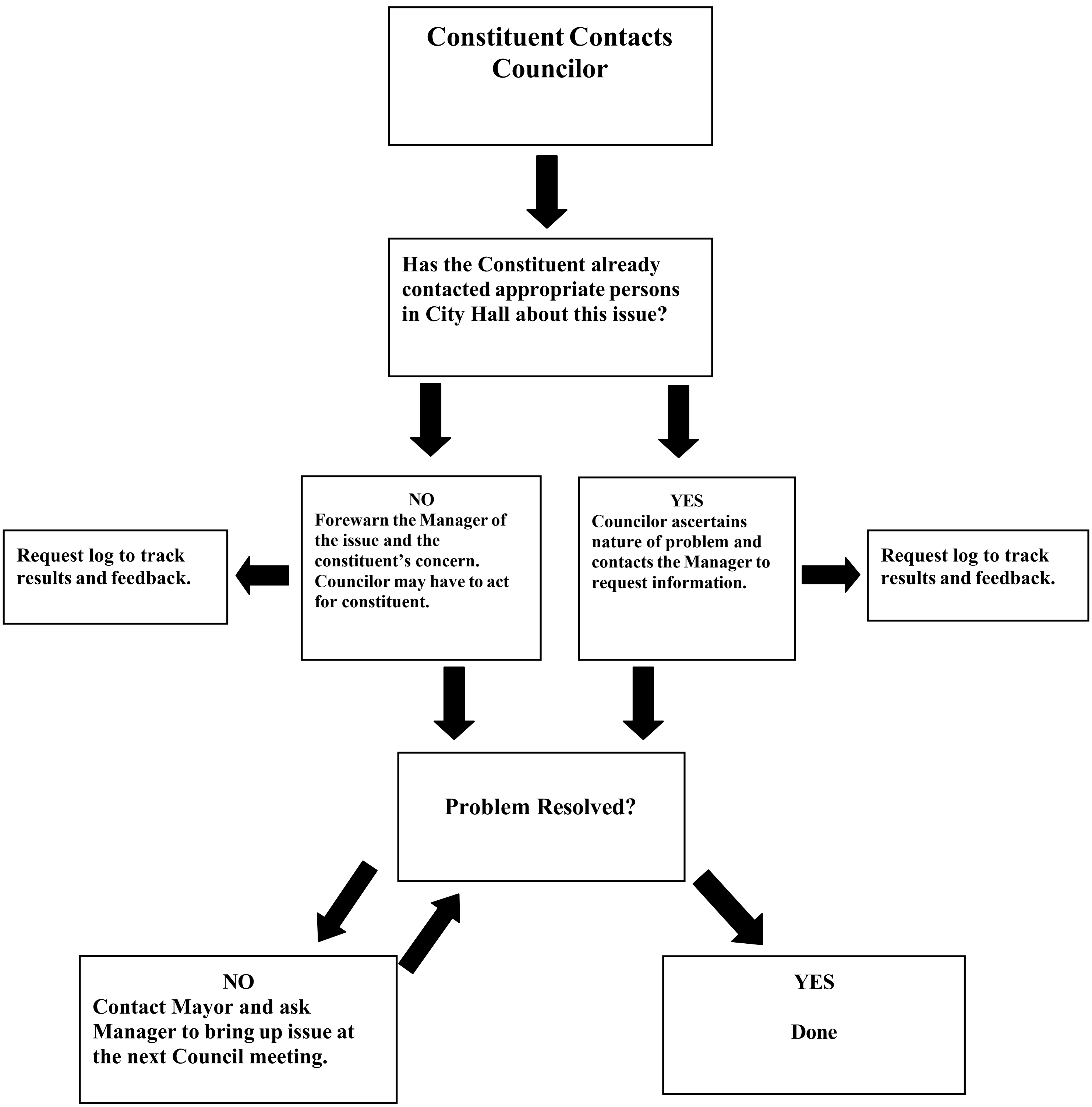
§ A191-19. Email and Computer Use

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

FLOW CHART FOR CONSTITUENT-COUNCILOR CONTACTS

Council Rules, Section A191:16

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



11. New Business:

11.G – Discussion and Set Public Hearing for July 16, 2025: Ordinance #2025-08, to Amend City Code Chapter 31, Boards, Committees & Commissions, to Add West Lebanon Revitalization Advisory Committee (WLRAC), Pedestrian & Bicyclist Advisory Committee (PBAC), and Tree Advisory Board (TAB), and to Amend Article VII, Heritage Commission

Background

In April 2025, the City Council amended City Code Chapter 31, Boards, Committees, and Commissions, to add the Lebanon Energy Advisory Committee (LEAC) to the City Code. LEAC had been established by the City Council in 2007, but had never formally been adopted by ordinance into Chapter 31.

It was noted at the time that other existing boards and committees were also not incorporated into Chapter 31, including the West Lebanon Revitalization Advisory Committee (WLRAC), the Pedestrian & Bicyclist Advisory Committee (PBAC), and the Tree Advisory Board (TAB). The proposed Ordinance #2025-08 would formally add each of these committees to Chapter 31.

In addition, a question about the membership of the Heritage Commission has recently come to light. Pursuant to Article VII, §31-32, the Heritage Commission shall "consist of five members plus not more than five alternate members as provided by law who shall be appointed by the City Council. One Commission member shall be a member of the local governing body. One member may be a member of the Planning Board. One Commission member shall be the City Historian as specified in §31-33G below."

At the present time, Councilor Ford Burley is the City Council's representative to the Commission, and also serves as the City Historian, having been reappointed to the position in June 2024. The current language of §31-32 does not appear to contemplate that either of the *ex officio* members serving on behalf of the City Council or Planning Board might also serve as the City Historian. As a result, there is some confusion about how many additional citizen member positions are available.

The proposed Ordinance #2025-08 seeks to clarify that in the event the City Historian position is held by an *ex officio* member serving on behalf of the City Council or Planning Board, said member would only be deemed to occupy one voting position on the Heritage Commission, which would allow for an additional citizen representative to be appointed as a regular member.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 16, 2025, beginning at 6:00pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed

Ordinance #2025-08, to amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to add the West Lebanon Revitalization Advisory Committee (WLRAC), the Pedestrian & Bicyclist Advisory Committee (PBAC), and the Tree Advisory Board (TAB), and to amend Article VII, Heritage Commission.

Included in this Section:

1. Proposed Ordinance #2025-08

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

ORDINANCE NO. **2025-08**

An Ordinance to Amend the Code of the City of Lebanon, Chapter 31, Boards, Committees and Commissions, to add new sections for the West Lebanon Revitalization Advisory Committee, the Pedestrian & Bicyclist Advisory Committee, and the Tree Advisory Board, and to amend Article VII, Heritage Commission.

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

ARTICLE XV, West Lebanon Revitalization Advisory Committee

§31-57. Establishment; Membership; Qualifications.

A. On March 2, 2022, the City Council established the charge and membership for the West Lebanon Revitalization Advisory Committee (WLRAC), comprised of seven (7) regular members, including one City Councilor, one Planning Board representative, one Economic Development Commission representative, two Ward 1 Residents, two Ward 1 Business Owners, and up to three alternate members.

B. Effective July 16, 2025, the membership of the Advisory Committee shall consist of one City Councilor (to be appointed by the Mayor), one member of the Planning Board (to be appointed by the Board), one member of the Economic Development Commission (to be appointed by the Commission), two Ward 1 Residents of the City, two Ward 1 Residents and/or Business Owners, and up to 3 Alternate members representing Ward 1 Residents and/or Business Owners. The Resident and Business Owner representatives shall be appointed by the City Council to terms of three years. The City Council, Planning Board, and Economic Development Commission representatives shall serve for their respective terms. The Mayor may, in lieu of appointing a City Councilor to the committee, ask the City Council to appoint a suitable person to fill the position that would normally be filled by a City Councilor. Not more than two (2) members of the Advisory Committee shall serve on any private civic association(s) that might be created for the West Lebanon area, in order to avoid membership and Right-To-Know conflicts, but to ensure adequate communication and coordination among the groups, as appropriate.

C. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the West Lebanon Revitalization Advisory Committee.

§31-58. Purpose; Charge; Mission.

A. The purpose of the West Lebanon Revitalization Advisory Committee is to work with the City's Administration to develop and implement plans for the revitalization and redevelopment of the Central Business District area of West Lebanon.

B. The West Lebanon Revitalization Advisory Committee shall:

1. Work with and serve in an advisory capacity to the City Council, City Manager, and the Planning & Development Department regarding the development, prioritization, and implementation of actions and strategies for the revitalization and redevelopment of the Central Business District area of West Lebanon as drawn from prior plans, reports, and studies related to West Lebanon, including but not limited to: the December 2021 Action Plan for West Leb, the April 2020 West Lebanon Village Visioning Charrette report, the West Lebanon CBD chapter of the 2012 Master Plan, and others.

2. Assist the Planning & Development Department with reviewing and updating the West Lebanon Central Business District chapter (Ch. 4) of the Master Plan and to monitor and report on progress on implementation efforts into the future.

3. Work with private civic associations to engage business owners and generate citizen interest and commitment to the improvement of West Lebanon Village.

Section 2. Chapter 31 of the Code of the City of Lebanon is hereby amended to add a new section, Article XVI as follows:

ARTICLE XVI, Pedestrian and Bicyclist Advisory Committee

§31-59. Establishment; Membership; Qualifications.

A. On September 7, 1994, the City Council established a Bicycle/Pedestrian Path Committee with members appointed on October 5, 1994. The committee was renamed the Pedestrian and Bicyclist Advisory Committee with a new charge established on September 20, 1995, and amended on October 5, 2005. Membership for the renamed Advisory Committee was appointed on November 1, 1995, with subsequent changes on March 15, 2006, September 17, 2014, and May 1, 2024.

B. Effective July 16, 2025, the membership of the Advisory Committee shall consist of one City Councilor (to be appointed by the Mayor), one alternate City Councilor representative (to be appointed by the Mayor), one member of the Planning Board (to be appointed by the Board), seven regular Citizen representatives, and up to six alternate Citizen representatives. The regular and alternate Citizen representatives shall be appointed by the City Council to terms of three years. The City Council and Planning Board representatives shall serve for their respective terms. The Mayor may, in lieu of appointing a City Councilor to the committee, ask the City Council to appoint a suitable person to fill the position that would normally be filled by a City Councilor.

C. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Pedestrian and Bicyclist Advisory Committee.

§31-60. Purpose; Charge; Mission.

A. The Pedestrian and Bicyclist Advisory Committee's mission is to help make the City of Lebanon more safely walkable and bikeable by facilitating, enhancing, and encouraging safe pedestrian and bicyclist travel and connectivity in the City of Lebanon. To this end, the Committee will:

1. Help complete the master plan for pedestrian and bicyclist facilities for presentation to the Planning Board and City Council.

2. Coordinate, consult with, and advise City administration (Planning, Public Works, Recreation, Arts & Parks, Manager) and City Boards (City Council, Planning Board, Public Safety Committee, and Conservation Commission) on matters that may impact pedestrians and bicyclists, including reviewing City and State public works projects with regard to accommodating pedestrians and bicyclists, assisting with evaluation and preparation of funding applications (especially for the Transportation Enhancement Program [TEP]), and following through on implementation.

Section 3. Chapter 31 of the Code of the City of Lebanon is hereby amended to add a new section, Article XVII as follows:

ARTICLE XVII, Tree Advisory Board

§31-61. Establishment; Membership; Qualifications.

A. On August 19, 2021, the City Manager established the Tree Advisory Board to provide support, education and advocacy for trees in the City of Lebanon.

B. Effective July 16, 2025, Board members shall be appointed by the City Manager and consist of six citizen members and one Conservation Commission member, who shall serve staggered 3-year terms. Other City department staff (Recreation, Arts & Parks, Planning & Development, Public Works) shall provide a liaison when appropriate.

C. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Tree Advisory Board.

§31-62. Purpose; Charge; Mission.

A. The Tree Advisory Board shall provide support, education, and advocacy for trees in the City of Lebanon. This Board was created by the City Manager and, working through the Department of Public Works, the Board shall:

   1. Promote tree health and vibrancy through proper planning, documentation, protection, education, planting programs, and advocacy throughout the City, and communicate with other interested boards annually.

   2. Share educational resources to assist landowners with the establishment and care of trees on private property.

   3. Consult and coordinate with City administration and boards regarding existing policies and future projects affecting trees. These include City and State public works and public utilities projects.

4. Establish policies for consideration and adoption by the City Manager that provide clear directives for planting, maintaining, and/or removing trees from public spaces and rights of way.

5. Seek funding opportunities from organizations and individuals to support tree initiatives.

6. Partner with local utility companies to better understand their requirements, and to educate residents of Lebanon about their rights and responsibilities with respect to trees and utilities.

7. Work with DPW to establish a GIS data collection system that treats trees in public spaces as critical infrastructure. This includes data on urban tree canopy, heat islands, and flood prevention.

Section 4. Article VII, Heritage Commission, of Chapter 31 of the Code of the City of Lebanon is hereby amended as follows:

ARTICLE VII, Heritage Commission

§31-32. ESTABLISHMENT; MEMBERSHIP; QUALIFICATIONS.

A. As provided in RSA 673:1 and in accordance with RSA 673:4-a, there is hereby established a Heritage Commission, to consist of five members plus not more than five alternate members as provided by law who shall be appointed by the City Council.

B. One Commission member shall be a member of the local governing body. One member may be a member of the Planning Board. One Commission member shall be the City Historian as specified in § **31-33G** below. In the event the City Historian position is held by a Commission member representing the local governing body or the Planning Board, such member shall be deemed to occupy only one voting position on the Commission for purposes of determining quorum or vacant membership positions. The regular and alternate citizen representatives shall be appointed by the City Council to terms of three years. The City Council and Planning Board representatives shall serve for their respective terms. The Mayor may, in lieu of appointing a City Councilor to the committee, ask the City Council to appoint a suitable person to fill the position that would normally be filled by a City Councilor. The City Council shall act within 60 days to fill vacancies and unexpired terms. All members shall be residents of the City of Lebanon.

~~A.~~C. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Heritage Commission.

Section 5. Severability

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

Section 6. Effective Date

This Ordinance shall become effective upon passage.