

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, July 2, 2025, 7:00 p.m.
Council Chambers
Remote Via Microsoft Teams: LebanonNH.gov/Live**

MEMBERS PRESENT: Mayor Douglas Whittlesey, Assistant Mayor Devin Wilkie, Nicole Ford Burley, Timothy McNamara, Laurel Stavis, Christian Simon, and George Sykes

MEMBERS ABSENT: Erling Heistad, Karen Zook

STAFF PRESENT: Interim City Manager Jack Wozmak, Deputy City Manager David Brooks, Public Works Director Jay Cairelli, DPW Administrative Services Manager Kelly Crate, Attorney Stephen Whitley, City Engineer Brian Vincent

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

- Interim City Manager Wozmak announced the meeting criteria for attendees.

2. PLEDGE OF ALLEGIANCE: Mayor Whittlesey led the Council in the Pledge.

- **Councilor Sykes arrived at approximately 7:05PM**

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

4. OPEN COUNCIL DISCUSSION:

Mayor Whittlesey announced that the Council has chosen a finalist for the City Manager position. They are in the process of negotiating the terms of the contract and other particulars. Out of respect for the candidate's privacy, the name will not be released at this time. A public announcement will be made once everything is finalized.

5. OPEN TO PUBLIC: NONE

6. RECOGNITIONS: NONE

7. ACCEPTANCE OF MINUTES: June 18, 2025 (Regular Meeting)

*Assistant Mayor Wilkie MOVED to approve the June 18, 2025 minutes as written and presented in the July 2, 2025 City Council agenda packet.
Seconded by Councilor N. Ford Burley.*

**The Vote on the Motion was approved (6-0-1). Councilor McNamara abstained because he was not present at this meeting.*

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.

Included in the agenda packet: **(All supportive documents and information can be found on pages 23-31, Council agenda packet)**

1. City of Lebanon Housing and Development Plan

Deputy City Manager Brooks reviewed the background behind the re-adoption of 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.

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

Council/Staff Comments:

Councilor McNamara noted that re-adopting this on a 3-year basis is great. He found a lot of useful information, including a synopsis of housing over the prior 3-year period.

ACTION:

Councilor McNamara 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.

Seconded by Councilor Simon.

In response to Councilor Simon's question, Deputy City Manager Brooks confirmed that this will not be costing the taxpayer any money directly in staff time.

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

10. OLD BUSINESS: NONE

11. NEW BUSINESS

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

Included in the agenda packet: **(All supportive documents and information can be found on pages 32-76, Council agenda packet)**

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

Deputy City Manager Brooks gave a summarization of the background as listed below and noted Attorney Whitley was appointed to coordinate the negotiation efforts on the City's behalf and was present to answer any questions regarding the proposed Renewal Agreement.

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.

Council/Staff Comments:

Councilor Stavis noted that Fidium Fiber is installing fiber optic cables throughout the City and was wondering if this would present any issues that we might encounter down the road. Attorney Whitley noted he did not know the specifics or status of what Fidium was doing, but if they get to the point where they can ask the Council for a franchise, the Council would be obligated to give them the same deal, on the same terms, as Comcast. It is a possibility that the people in Lebanon would have an option between Comcast and Fidium at some point in the future.

Attorney Whitley noted the Cable Franchise Renewal Agreement with Comcast is very similar to the one that is about to expire in that it is for a 10-year term (the City is not required to renew for 10-years because this is an industry standard); the revenue terms that the Council can expect come from a franchise fee, which is set at 3.5% of Comcast's gross revenues. Federal Law does allow for a higher franchise fee, which is tapped at 5%. In his discussions with the former City Manager, the City Manager was content with continuing on another 10-year term and maintaining the 3.5% franchise fee (paid to the City by Comcast). The current agreement had language for public access channels, and his understanding is that Lebanon had not utilized those services, so it was removed from the proposed agreement. The former City Manager saw the draft and indicated it was acceptable to him and at that point it was sent to the Council to have this discussion and to set a Public Hearing. The Council is required to hold a Public Hearing before renewing the Franchise Agreement.

The Council discussed potentially increasing the franchise fee (to 5% from 3.5%) and what, based on Comcast's current revenue (from the City), that might translate into on an annual basis; the need to have Comcast's revenue for the City of Lebanon; the need to know whether or not Fidium offers channels like Comcast does, or do they only offer high speed internet; how part of the Public Hearing should be to seek

some input from the customers, who ultimately might bear the cost of the franchise fee increase; the appropriateness of having Councilor Stavis asking Fidium questions on behalf of the Council (okay); and how Comcast brought in +/- \$165K of revenues to the City through December of 2024.

Mayor Whittlesey questioned if Comcast's revenues to the City was for all the services they provided to the City and asked how that was determined. Attorney Whitley noted it was limited to the Cable System and referred the Council to the agreement on How Gross Annual Revenue was defined. It includes monthly cable service, premium and pay per view, installation fees; leased access; advertising and home shopping revenues on a pro/rated basis, and equipment rental fees.

The Council continued their discussions regarding the pros/cons of increasing the franchise fees and the requested the dollar amounts for those fees (3.5% and 5.0%), how many residents receive cable bills, and how many of Lebanon's residents use Comcast Cable vs. streaming. They also discussed being mindful that this is not just cable access, it is also internet access because many customers get their internet access through Comcast; how 146 residents, who did not have access to the internet, were provided high speed internet access by Comcast; how the contract does not include internet access services; and, if the City chooses to allow this contract to lapse (while Council further deliberates on it) or if the City and Comcast cannot come to agreement, Comcast would no longer be obligated to provide services in the City.

For the Public Hearing, Mayor Whittlesey requested representatives from Comcast to be present and provide a presentation on their services to the City including the following (based on their 3.5%):

- Comcast's gross annual revenue for Lebanon,
- The number of Lebanon subscribers that revenue was generated from, and
- The average cable bundle cost per month.

Mayor Whittlesey read the following to Council noting there is already an option to increase the fees:

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.

Interim City Manager Woznak said the City would work on getting a Comcast representative(s) to attend the July 16th Council meeting to answer questions from the public and the Council.

ACTION:

Councilor McNamara 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.

Seconded by Councilor Simon.

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

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 Parcel 77-82, Lebanon

Included in the agenda packet: *(All supportive documents and information can be found on pages 77-93, Council agenda packet)*

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

Deputy City Manager Brooks reviewed the background behind the proposal from Anne and Gerald Rader and introduced Ms. Rader.

Ms. Rader came forth to discuss their options for acquiring the portion of land off of Winter Street, including: 1) grant from the City, 2) land trade, or 3) purchase the property and the purchase price, in order to determine which course of action to consider. She also spoke about her proposals to the City, noting they wanted to put up a garage on the property and needed more property in order to do this. She also noted that before a garage could be built, the land would need to be surveyed, which, after doing research, could take up to a year to find a surveyor. She drew a few rough lines on the GIS map (photo attachment below). 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 Starr Hill Conservation property (the other triangle on the map).

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.

Council/Staff Comments:

The Council and Ms. Rader discussed how Starr Hill is under a conservation deed and if the exchange, as suggested, that the City would have to confirm that we can merge that bottom triangle with the Starr Hill property and revise the Conservation language that applies; how it would be good to know whether or not the current easement includes any properties not owned by the City; the difficulties (pros/cons) of land swapping; providing enough square footage for a garage (for set-back rules, etc.); the reasons why it would be simpler, for all involved, to do a purchase rather than a swap of land; and, whether or not the City would consider taking over the maintenance of their land if not purchased.

Mayor Whittlesey spoke about his price estimate, noting it would run just under \$6,186., with the new property assessment value included.

ACTION:

Councilor McNamara MOVED the following:

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 sq ft. (+/-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 \$6,200.00 (Six Thousand and Two Hundred Dollars & no cents) and to include any other appropriate conditions or requirements as may be deemed necessary.
Seconded by Councilor Simon.

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

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

Included in the agenda packet: **(All supportive documents and information can be found on pages 94-95, Council agenda packet).**

Interim City Manager Wozmak noted the question before the Council is to consider, as we approach the dry bridge reconstruction project, whether your interest would be to close the bridge totally during construction in order to accomplish the construction in a shorter period of time and at less expense, or whether you would want to advance the construction with one lane open, which adds a number of months (+/- 6-7 months) and an additional \$3Million to the cost, of which the City would be on the hook for +/- \$600K (it is an 80/20 construction project). Basically, is the bridge going to be open or closed? This is the discussion tonight in anticipation of the Public Hearing input session on July 16, 2025.

Councilor McNamara spoke about his past experiences when bridge repairs were needed, noting all of the businesses on Main Street in West Lebanon suffered. He also spoke about his experiences going through a multi-year debate with the State on the Westboro Yard, which included the replacement of the Dry Bridge. It is tragic to him that the railroad cannot seem to make a decision and when they do it is nonsensical (i.e., There is some rail traffic that goes under the bridge about once each day and some days there is nothing; during construction they want the City to have a full-time flagger to stop everything when they go under the bridge to make sure construction does not interfere with railroad operations). He thought the State's income for this year is +/- \$12K, which is nothing and is not benefiting anybody. He felt one of the things the Council needed to discuss on July 16th is when we go to bid on this, will we be asking the bidders for two (2) bids: 1. Closing the bridge, and 2. Keep the bridge open with one (1) lane traffic. This may cost the City some bidders and explained his reasons why. He felt the Council should make a decision on one or the other and not do a double bid.

Interim City Manager Wozmak noted that this is a construction project that may never happen because the City might not get a contractor interested in it due to the railroad's insistence that they have unfettered access (to the property) and want to keep the trains rolling within 15 minutes notice. He further explained his reasonings.

City Engineer Brian Vincent reviewed the background behind the Dry Bridge Construction Project and spoke in-depth about all the meetings and plans the City & railroad have been talking about over the last 10 months, noting that all of the City's proposals were rejected by the railroad. The last notice the City received from the railroad is that they wanted both tracks operating 100% of the time during the duration of construction and they refused to give the City an actual schedule of railroad operations.

Councilor McNamara added that in his experience, the NH DOT is either unwilling, or unable, to do mediation or intervention in this matter.

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

Council/Staff Comments:

Councilor Simon concurred with Councilor McNamara's comments, noting this has been an ongoing inability for someone with a big enough bat to step up and take a swing. Obviously, the City does not have it. This is costing the taxpayers of Lebanon and the State of New Hampshire millions of dollars while they (railroad) play this game of what can/cannot be done. It is funny they (railroad) shut down the transloading, when there is a portable trans loader that operates there every day and has for the last year, but nobody seems to know what they are transloading there. The City was going to put in a permanent (trans loader) temporarily, at great cost to the City, to meet their (railroad's) original demands, that they soon changed. It is just ridiculous that the State of NH, the NH DOT, the Governor's Office will not step up and say to the railroad: Hey, enough is enough. If the bridge falls down tomorrow, who will bear that liability: the State? The City? Probably not the railroad because they can do everything except fix the bridge. He spoke about the access road (which was trimmed from the plan). He will defer (this discussion) to his fellow citizens/residents on July 16th but felt that just shutting the Dry Bridge down would help the project get done faster than the 14-month timeline projection.

Councilor Sykes would like to have Public Safety data (traffic patterns, etc.). Public Safety should have a bearing on this discussion.

Mayor Whittlesey also suggested that City Staff reach out to the Public Schools and the Lebanon Housing Authority, so they have an opportunity to provide public input, noting the schools had significant disruptions when the Dry Bridge was first closed for emergency repairs.

City Engineer Vincent noted that during the emergency closure of the Dry Bridge, they set up a detour package and that was followed by the community. They talked with the Police Department, the Fire Department, the schools, and Advance Transit to give them notice that the Dry Bridge would be closing. They all agreed this could be done, so we proceeded, as we had to because of the emergency situation. Right now, we are talking about a 12-month period of closure, which will include holidays and summer vacation season. The Dry Bridge has +/- 94K cars/day and those cars will need to go along Seminary Hill to Exit 19 N/S or along Glen Road, which is not part of the detour package.

In response to Mayor Whittlesey's question, Mr. Vincent said the New England Railroad is owned by Genesee & Wyoming Inc. (G&W) based out of Jacksonville, FL, and they use the railroad tracks.

In response to Councilor Stavis' question, Mr. Vincent stated that salt and fertilizer is transported to Lebanon and then goes to Twin State Gravel for sale to either the State of New Hampshire or local municipalities. He was uncertain where the fertilizer goes. Councilor Stavis then noted that the people of the City are being held hostage by the interests of one private business, which did not seem right to her. Perhaps some other avenues should be pursued, with due respect to all the other avenues that have already been pursued. Mr. Vincent noted that the State of NH has helped the City a lot and we have exhausted every opportunity that we can from a City Staff perspective and explained in detail what they have done.

Mayor Whittlesey questioned if a Special Assessment District could be created that follows the pathway of the railroad from the Dry Bridge to the users of the railroad and assess the additional costs that the City will incur to them. Deputy City Manager Brooks was uncertain and will look at the Statute, noting it is arguable if the railroad will benefit from the Dry Bridge because they are not using the bridge. If the bridge was part of the right of way, then that would be a different discussion. Mayor Whittlesey stated the benefit would be the differential between the cost of shutting down the Dry Bridge and just filling it in (proposed by the former City Manager) vs. this nonsense, and spoke about his reasonings, noting perhaps this is something the City may want to consider.

Deputy City Manager Brooks noted that the railroad has had preferential treatment for 175 years or more and in this country there are lots of regulations that just do not apply to them, and other things that only apply to them, but he will look into getting some interpretation. He also spoke about the guidance that Mr. Vincent received from the NH DOT. We have to figure out all the mechanisms of the bid process and have that be part of the bids that go out and made publicly. We cannot decide this issue once we get the bids back. We have to decide what is the benefit of keeping the road open and what that is worth to the City. This needs to be done on July 16, 2025, because the next Council meeting in August is too late.

Mr. Vincent noted the language has been figured out with the bid. It has been approved by the State of NH and the Federal Highway. What we do not have is what the value is to the City of Lebanon for the duration of the Dry Bridge Construction.

The Council, Interim City Manager Wozmak and Mr. Vincent continued their discussions regarding the bidding process and the pros/cons of keeping the Dry Bridge closed or open during construction, with Councilor Stavis stating that when the notice (for the Public Hearing) is published, we should use as many channels of communication as possible to get as many people here as possible, and when the presentation is created it should be presented as a coherent story for the public (i.e., how the railroad is costing the City money and preventing residents from being safe; preventing residents from traveling; how this is not something the City is doing but this is something a private enterprise is doing to the City).

In response to Interim City Manager Wozmak's question, Mr. Vincent said the consultant for the railroad is Benesch out of Boston, MA.

ACTION:

Councilor Simon MOVED, that the Lebanon City Council hereby schedules a public input session 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 on the South Main Street Dry Bridge Replacement Project concerning the potential closure of the bridge for approximately 12 months of the +/- 28 month construction period for cost saving reasons.

Seconded by Councilor McNamara.

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

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

Included in the agenda packet: **(All supportive documents and information can be found on pages 96-107, Council agenda packet)**

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

Deputy City Manager Brooks reviewed and explained the background and the history behind repealing certain Zoning Amendments that were 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:

Councilor McNamara 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.
Seconded by Councilor Simon.***

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

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

Included in the agenda packet: **(All supportive documents and detailed information, including a signed petition that 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, can be found on pages 108-122, Council agenda packet)**

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.

Deputy City Manager Brooks reviewed and explained the background behind competing amendment proposal for Electric Vehicle (EV) charging requirement.

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.

This will take some time to work through, including staff time and a lot of coordination with different interest groups and stakeholders.

Council/Staff Comments:

Mr. Jon Livadas was not present to speak about his proposed amendment recommendations.

Ms. Sherry Boschert came forth to represent LEAC (Lebanon Energy Advisory Committee) and spoke about their proposed recommendations for Electric Vehicle (EV) charging requirements. She & LEAC supported the proposal to become part of the Planning Department's annual review process of looking at potential amendments. She commented on Mr. Livadas' proposal and his changes, then noted that what LEAC is proposing is designed to save developers money, make EV charge more acceptable, and reduce the demand on the electrical grid and explained her reasoning for each. She also spoke about the reasons why there are EV charging regulations in the Zoning Ordinance and gave a history of EV charging, noting that the City has a goal of reaching zero greenhouse gas emissions by 2050 and explained her reasonings why she felt there is no chance of meeting this goal if we do not have these regulations.

ACTION:

Mayor McNamara 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. Seconded by Councilor Stavis.

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

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

Included in the agenda packet: **(All supportive documents and detailed information can be found on pages 123-131, Council agenda packet)**

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

Assistant Mayor Wilkie reviewed the background and explained his reasons behind potentially amending the Council Rules, §A191-8, noting it was brought to the Council's attention that when a comment is not accepted at the time an agenda item is discussed, we are technically not following our own rules, which states that: "A member of the public may speak on any item when it is taken up by the Council."

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 noted 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 where 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.

Council/Staff/Public Comments:

Mayor Whittlesey noted that after doing his research on NHMA (New Hampshire Municipal Association), in the RSA, our obligation under the law is to provide for public comment on any duly noticed public hearing item. This proposal is specifically more about the extended Council practice of making sure our residents feel heard and to reduce subjectivity as to when we would allow public comment on an item.

Councilor McNamara questioned taking the public's comments on public items early in the meeting, when the Council has not heard the presentation, noting the public may not have the full picture at that point and gave examples. He also wondered about the difference between Public Hearings and non-public hearing because then everything becomes a Public Hearing. Mayor Whittlesey noted that if public comments are taken during the Open to the Public Session, everyone still has a chance to provide their input and further explained his viewpoint.

Assistant Mayor Wilkie spoke about his reasons why he felt the public should be allowed to speak on any agenda item when it is taken up by the Council. The question is whether we change the rules and say the Mayor has the opportunity to say no, we will not accept public comment on certain items, or whether we keep the rules as is, which technically do require that we allow public input on any of these items.

Ms. Sarah Riley (Ward 2) spoke about her reasons why she felt public comments should be at the beginning of the meeting, or at least having the Council do a double check to see if anyone from the public who wants to testify is being left out (especially at the end of a very long meeting) and gave a couple of examples of her experiences when she was not allowed to speak on an agenda item.

Deputy City Manager Brooks clarified that the amendment (to Council Rules) would be #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..." This item will be proposed for the Council's vote on July 16, 2025 under Old Business Item (not as a public hearing).

Mr. Clifton Below (Ward-3). He cautioned against requiring any public comment on an agenda item to occur at the start of the meeting and spoke about his reasons. He also noted that during his tenure with the Council he never felt there was ever a serious problem or that there were too many public comments on non-public hearing items.

Mr. John Collins (Ward 2). He thought there was a way to structure the Council meetings so meetings stay on time and suggested breaking the meetings into sections with limited comments and explained his reasons and gave examples.

Mr. Jay Simms (Ward-2): He agreed with Mr. Below's proposal and spoke about his reasons why he felt public comments should be taken up at the time the agenda item is taken up by the Council, noting it is more effective.

The Council continued discussions regarding when public items should be taken up by the Council; Providing a Public Input Section at the beginning of the meeting; encouraging clarity/transparency in the Public Input Section; making sure that everyone is treated the same way and has the same opportunity (to speak); the concept of adding intermission points for public comments after a couple of agenda have been presented (i.e., announcing if there are any comments on what was presented so far...); the need to have agendas be clear and consistent; changing the rules but still, as a general practice, allow public comments; how every item that the Council discusses should be open for public discussion at some point and that public discussion should be limited to a certain time period so the Council does not overextend themselves and put agenda items into the future; how a Council meeting can be extended due to the number of people who want to speak (i.e., in some instances there can be up to +/-50 people, who may have repetitive comments); how we have rules now, let's follow them for now for simplicity; how members of public could potentially be speaking during both the Open to the Public Section and then again when that item is discussed because they feel the more times they make a comment the more they are likely to prevail; and, the need for the Chair to exercise control over a meeting.

ACTION: No Action Required At This Time. Action will be taken at the July 16, 2025 City Council Meeting.

- 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), Tree Advisory Board (TAB), and to amend Article VII, Heritage Commission

Included in the agenda packet: **(All supportive documents and information can be found on pages 132-138, Council agenda packet)**

1. Proposed Ordinance #2025-08

Deputy City Manager Brooks reviewed the background and the need for amending Ordinance #2025-08, noting this still needs a legal review.

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 Nicole Ford Burley is the City Council’s representative to the (Heritage) 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, and 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.

Council/Staff Comments:

Councilor McNamara suggested that the Public Hearing be set for August 20, 2025, due to the number of items that will be discussed on July 16th.

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 20, 2025, beginning at 7:00pm in Council Chambers, City Hall, and Remote via City’s Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2025-08, 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.

Seconded by Assistant Mayor Wilkie.

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

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.

- 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.

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.

12. City Manager Report:

Interim City Manager Wozmak updated the Council on the following:

- Landfill leachate flows (run off).
- Main Street properties in West Lebanon
- Second water source for Lebanon, NH
- Councilor Sykes requested the Interim City Manager look into the cemetery stones that have been overturned at Glenwood Cemetery and also questioned why the fountains in Downtown Lebanon are not working.

Councilor Sykes MOVED to extend the meeting until 10:30 PM

Seconded by Councilor McNamara.

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

13. NON-PUBLIC SESSION:

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

Assistant Mayor Wilkie MOVED to go into Non-Public Session for the purpose of discussing RSA 91-A:3, II(b) – The hiring of any person as a public employee.

Seconded by Councilor Stavis.

ROLL CALL VOTE:

Voting Yea: Assistant Mayor Wilkie and Councilors N. Ford Burley, McNamara, Stavis, Simon, Sykes, and Mayor Whittlesey.

Voting Nay: NONE

Absent from vote: Councilors Heistad and Zook

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

The Council went into a Non-Public Session at 10:00 PM

Councilor McNamara MOVED to come out of Non-Public Session.

Seconded by Councilor Simon.

ROLL CALL VOTE:

Voting Yea: Assistant Mayor Wilkie and Councilors N. Ford Burley, McNamara, Stavis, Simon, Sykes, and Mayor Whittlesey.

Voting Nay.

Absent from vote: Councilors Heistad and Zook

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

The Council came out of Non-Public Session at 10:23 PM

The Council was back in Public Session.

14. ADJOURNMENT:

Councilor McNamara MOVED for adjournment.

Seconded by Councilor Simon.

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

The meeting was adjourned at 10:24 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary