

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, September 3, 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, Timothy McNamara, Laurel Stavis, and George Sykes

MEMBERS ABSENT: Christian Simon and Karen Zook

STAFF PRESENT: Interim City Manager Jack Wozmak, Deputy City Manager David Brooks, City Manager Andrew Hosmer

1. **CALL TO ORDER:** Mayor Whittlesey called the meeting to order at 7:00 p.m.
 - This is the first official meeting for City Manager Andrew Hosmer, and he 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:**

Councilor Heistad spoke about delivery access for the Asian Super Store (located on the Lebanon Mall), who has been in business for the last 20-years, noting that the owner has an asthmatic condition and his medical advice is not to do anything too strenuous, so when it comes down to unloading delivery items this needs to be done in the easiest way as possible. This has become a problem, in terms of being able to bring the van up in front of his door so he can unload it, due to an objection from a nearby restauranter who is objecting to his being able to drive up and unload the van in front of his business, which takes approximately 10 minutes. There has never been a problem in the last 20 years with him being able to do this. In the regulation, there is a special exception that could be made by the City Manager. He would like to know whether we (City Council) can respond to a person's personal needs in a way which accommodates for someone's frailties.

Interim City Manager Jack Wozmak spoke about the City Code, noting this is a pedestrian mall (in place for the past 25 years) that states the City Manager can authorize vehicles to park and unload under special circumstances for a limited period of time. His initial observation was that this is a Pedestrian Mall, and vehicles are not allowed. His concern was about special treatment for one store owner vs. another store owner and also that this is a Pedestrian Mall and was uncertain if vehicles should be there, but was not insensitive to the fact that there is a City Code in place that appears to allow this to happen under an "undefined" special circumstance for a limited period of time. He invited the City Council to give some feedback/guidance on this issue, while the City Code is still on the record, so the City Manager can decide if one person/business can bring a vehicle on the Pedestrian Mall over another person/business. Hopefully, this can be done before 11:00am tomorrow morning, when the store owner has his once-a-month delivery.

The Council, while not insensitive to the store owner's medical condition, held discussions that included having the store owner purchase a wagon to help with unloading his cargo 50 to 80 feet from the curb to the store; concerns about setting a precedent for other businesses that we may not be able to unravel if the special exception in the Code is approved; how we (the City) are striving, for good cause, to make reasonable accommodations for people with different ability levels and different physical needs to continue operating their business(es); how it is also incumbent upon the petitioners to outline why they have good cause; the need to provide guardrails (for special exemptions) such as times for unloading cargo through a permitting process, etc.; how this is a long-standing business in the City and we might want to reconsider changing the Code to accommodate access to this business; competing issues such as: Do we want to make reasonable accommodations for folks or are we going to continue to go down the road where we have a more pedestrian/bicycle friendly space in the Mall?; how the equity is treating all businesses the same (i.e., if we allow one (business) to do something, we should allow all to do the same; having a permitting process in place for special exemptions; how the city should strive for equal treatment for all businesses; meeting with the individual business owner and constructing some guidelines to issue a limited permit for a limited duration and if this become inequitable it can always be repealed; how the Code is 25 years old and needs to be reviewed for long-term revision clarifications; how we can accommodate the needs of this long-standing business and balance that against the needs of having a true Pedestrian Mall; how, by not providing reasonable accommodation to a store owner, they might be forced out of business; how a decision cannot be made tonight by the Council because the Code needs to be revisited to provide clear guidance, and, how this request is not in the purview of the City Council and should be decided by City Manager Andrew Hosmer.

5. OPEN TO PUBLIC: NO ONE CAME FORTH

6. RECOGNITIONS: NONE

7. ACCEPTANCE OF MINUTES: August 20, 2025 (Regular Meeting)

Amendments: Page 20, Line 12: Change "Ron" to "Robert"; Page 5, Line 18: Under Appointments name should be Don Collins.

Councilor N. Ford Burley MOVED to approve the August 20, 2025 minutes as amended and presented in the September 3, 2025 City Council agenda packet.

Seconded b Councilor McNamara.

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

8. APPOINTMENTS: NONE

9. PUBLIC HEARING ITEMS: NONE

10. OLD BUSINESS

A. Discussion and Vote on Amendment to Council Rules, §A191-8

Included in the agenda packet: [\(All supportive documents and information can be found on pages 28-38, Council agenda packet\)](#)

1. Proposed amendment to City Council Rules, §A191-8, Order of Business
2. City Council Rules, as adopted on April 16, 2025

Assistant Mayor Wilkie reviewed the background, the reasons why he wanted to bring this before the Council and gave examples where he felt the public was not allowed to speak.

Mayor Whittlesey noted that this is an idea that either the Council will allow public comment as the items come up if they are on the agenda, or we will allow them up front in the Open to the Public comment time. He also needs guidance from the Council so he can follow the same practice consistently at each meeting.

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."

Based on the Council's discussion of this issue on July 2nd, this amendment was presented, but not taken up by the Council, at the July 16th and the August 20th meetings. The proposed amendment is being re-presented for consideration at the September 3, 2025 meeting. Adoption requires a 2/3 vote of all members (6 votes) of the Council.

Mayor Whittlesey recognized the following member of the Public:

- **Mr. Jay Simms (Ward-2)** came forth and spoke about his reasons why he felt the Council Rules should remain as they currently are written.

Council/Staff Comments:

The Council discussed the way this proposal was structured, such as public items vs. Public Hearings; adding a line for clarification in the City Manager's meeting criteria for attendee's announcement that states: otherwise, you may do so during the comment section; solving the big picture of practice vs. rules

(i.e., when should the public be allowed to provide comments about what the Council is discussing or not discussing); how the practice has always been not to take public comment when certain agenda items come up (that are not Public Hearing items); how, for clarification other than Public Hearing items, the Council should allow public comment on anything whether it is on the agenda or not, during the Open to the Public Session and if it is a Public Hearing item then the public testimony should take place at that time; how, when the Council knows there are many people present to give testimony on a particular item, the item can be moved to the top of the agenda so folks are not waiting a couple of hours to give their testimony; and, not changing the language (in the Council Rules) but adding something that makes it very clear that the Council does welcome ad hoc comments.

After further discussions the Council decided to take no action on this item.

ACTION: NONE TAKEN. Council Rules, §A191-8, as adopted on April 16, 2025 will remain as written.

11. NEW BUSINESS

A. Environmental Justice Task Force Report from Diversity, Equity, and Inclusion (DEI) Commission

Included in the agenda packet: [\(All supportive documents and detailed information, including their 12-page report, can be found on pages 39-51, Council agenda packet\)](#)

1. “Responsible Governance and the Environment” report, prepared by the Environmental Justice Task Force.

Assistant Mayor Wilkie reviewed the background history and introduced some of the members that were present from the Boards/Committees who helped draft this report: Mary Maxfield (Tree Advisory Board), Sarah Riley (Conservation Commission), Jon Chaffee (Lebanon Energy Advisory Board-LEAC and Sustainable Lebanon) and Ash Ford Burley (Diversity, Equity & Equality Commission – DEI). Assistant Mayor Wilkie also participated in this group for the DEI Commission and the City Council. In short, the term Environmental Justice means that we are evenly distributing environmental risks, access to environmental benefits among our population, and allowing for broad involvement in the policy investments and advocacy decisions that the community is making pertaining to environmental issues our population. The Task Force met with a number of City employees, external stakeholders from organizations within the City but not part of the City Government, and other affected individuals in order to put together the list of recommendations listed in this report. This report divides the recommendations by area and includes both priority and additional recommendations. He emphasized that this report is not meant to be a report that requires the City to do anything, it is not meant to be a theoretical application to the Strategic Plan or actions that we intend to take in the coming years. This report includes recommendation and suggestions that could be beneficial for the community to consider, some of which will save the City money and some of which may cost the City money. If, at some point, if it costs the City money, we would then need to complete a full analysis of what those costs would be and whether or not the benefits outweigh the costs. Again, this report is for the City’s use and is not committing the City to do anything with this report. The hope is that this is a resource that can be accessed in the future if needed.

BACKGROUND

In 2023, the Lebanon City Council approved a Strategic Plan that called for developing the concept of environmental justice throughout City government and the broader community. [Objective 9.5]. The

Strategic Plan further called for the development of a plan regarding environmental justice as it relates to the operations of the City with a goal of producing a report by the end of 2024 [Action 9.5.1].

Starting in July 2023, representatives from Lebanon’s City Council; Diversity, Equity, and Inclusion (DEI) Commission; Conservation Commission; Tree Advisory Board; Lebanon Energy Advisory Commission (LEAC); and Sustainable Lebanon established an informal task force and began meeting regularly to explore and develop the concept of environmental justice as it relates to the City of Lebanon. This task force met monthly and sought input and suggestions from City departments, external stakeholders, and its own members. From there it developed a list of recommendations, which spent considerable time developing, organizing, and prioritizing based on the capacity of the City and the value to the community.

The resulting report is included in the agenda packet. The task force representatives sought and secured endorsements from the DEI Commission, Conservation Commission, Tree Advisory Board, and Sustainable Lebanon.

Mayor Whittlesey opened up comments on this report from the public and the following came forth to give testimony:

- **Mr. Jay Simms (Ward-2):** He thanked the different committees for the work they did in drafting this report. He spoke about different points in this report and assumed the goal of this report is to make it part of a guiding document, noting Lebanon does have guiding principles that has a lot of these points. He was concerned that a lot of money was being proposed in this report (i.e., Housing Officer and staff at a minimum; permanent year round shelter, micro dwellings, etc.; elimination of parking for certain developments, etc.). He did not feel this was a guiding document that contained some recommendations the City should consider, noting he felt fiscal responsibility and budgeting should be our priority.
- **Mr. Paul Roberts (Ward-2):** He also thanked the different committees for the work they did in drafting this report. He spoke about not seeing the statistical data to justify some of things this report is looking at and felt that if the City is looking at spending other people’s money, they need to justify what they are saying in the guiding document. Some of the things stated in this report have scared the public terribly and there is a lot of discussion going on in the street right now about some of this stuff. He explained and gave examples why he did not feel this was a guiding document and also noted his concerned about the cost (of this report) to City residents. What did this report cost us?

Mayor Whittlesey noted that the City’s Boards/Committee’s and the Council do not receive a dime. Assistant Mayor Wilkie also added this Task Force did not have staff support, and they spoke with maybe 4-5 City employees with a maximum of an hour for each one. Most or all of them are salaried employees so the cost was maybe a few hours of city time.

Councilor Sykes pointed out, for the record, that the volunteers for these committees are very easy to find out on the City’s website, or Mr. Roberts can send in an inquiry asking for the information he would like, which will be provided for him.

There were continued discussions regarding Mr. Roberts’ request for transparency (i.e., the cost of doing some of these things, the impact on taxes, etc.)

Assistant Mayor Wilkie pointed out that while there were 5 of us who originally undertook this work, all are unpaid volunteers and sought and received endorsements for the committees listed. That’s why we do not list individual names on this report. In response to Mr. Roberts’ question

regarding the projections of the total cost of this plan, Assistant Mayor Wilkie noted it was not in the scope of the Task Force’s responsibilities because none of these recommendations are actual commitments. These are recommendations for the Council to use.

Mayor Whittlesey spoke about the Strategic Plan and how it is used by the Council and other Boards/Committees/Commissions.

- **Ms. Sarah Riley (Ward-2):** She was speaking as one of the members of the Environment Task Force, noting she was involved as a member of the Conservation Commission and Tree Advisory Board. She spoke briefly about the question regarding transparency and costs, noting the cost of this report was zero, except for the volunteer time which was hours over the course of a couple of years researching this topic. She also spoke about how to find the meeting agendas/minutes, noting that while it may be laborious, the information is out there and is as transparent as it can be at this point in time. She hoped the Council would look at this report for what it is: a list of recommendation/suggestions regarding the concept of environmental justice.
- **Ms. Joan Townsend (Ward-2):** She spoke about and explained some of the things she was confused about in this report (i.e., shelter; homelessness; the camping ban; access to nature; ecological protections; battery operated string trimmers; electric vehicles; phasing out small gas powered engine devices; solid waste pick-up; etc.) and felt a lot of these ideas were great but would like the Council to look closer at the recommendations, noting that not every recommendation fits the circumstances of all residents.

Assistant Mayor Wilkie specifically addressed in length some of Ms. Townsend’s concerns and explained some of the reasons why these topics were in the report and emphasized, again, that this report is not meant to be a regulation or City commitment.

Mr. Jon Chaffee (Ward-1): He spoke about what the Environmental Justice Task Force was charged with and noted that the impacts of climate change and extreme conditions fall disproportionately on the people who live in poorer neighborhoods and are more likely to get flooded out or suffer from extreme heat. We were charged as volunteers to look at things we should be considering for people in Lebanon. This report is a series of ideas that the Task Force came up with to discuss with the Council and the public should be aware of. He challenged the public to come up with some good suggestions for mitigating the effects that climate change will have on people in Lebanon.

- **Ms. Lori Key (Ward-3):** She was shocked that what was being said is that these are just ideas, this isn’t meant to be a policy, and that this (report) is just meant to be a guiding document. She thought that if you want to educate citizens about the issue of Environmental Justice you should say these (recommendations) are elements that you might find in a town like Lebanon that has been known by their Environmental Justice and explained her reasoning. For her, what is lacking in this report is one of the benefits of not going this alone. This should be a regional effort, and she explained her ideas and reasons on how this could be accomplished. To her, this could be a laundry list in an urban city and Lebanon is not an urban city. This report should be more descriptive of what it was meant to be, noting that some things (i.e., charging stations requirements for new development) are intrusive, even though they may be well intentioned.

Councilor Sykes felt that part of the strength of this document will be to educate the Council and the general public and did not see anything in this report that required him to do anything other than to read it and learn.

- **Mr. Fran Casale (Ward-2):** He spoke about the Strategic Plan and its connection with funding ideas, noting the City has experienced two years of substantial tax increases and felt there was a lot of anxiety within the community. He felt the report was good and contained a lot of good ideas, but when he looked at some of the ideas, he was looking at dollars and recommended that rather than calling this a guiding document, it should be called a report, handed to the City Manager. He discouraged the Council from moving forward with this as a guiding document tonight and requested more involvement from other members of our community/region.
- **Ms. Deb Roberts (Ward-2):** She deals with the lack of housing within this community on a daily basis and noted that small housing developments or smaller houses were important to her and explained her reasons why it is almost impossible to take a large house and turn it into one-bedrooms units and gave examples. She also spoke about her reasons why she felt that City Zoning is not representative of the housing needed for low-income residents, the City's permitting process and its regulations and felt the City should think about what and how they put out things to the public.

Council/Staff Comments:

Councilor McNamara, while he may have misunderstood the term Environmental Justice, was very surprised to see not only the inclusion of shelter, but the emphasis on shelter (in the report), which he did not think of as part of the environment. After hearing the testimony tonight, he felt that the only way he could vote on the motion would be to remove the section about adopting this report as a guiding document and explained his reasons.

Councilor Stavis concurred with Councilor McNamara about striking the wording guiding document. She also spoke about the New Hampshire State Statute that towns and cities are obligated to care for the indigent in our communities, noting that in recent years the Legislature has expanded that Statute to facilitate coordination amongst neighboring communities so that cities like Lebanon can more easily be reimbursed by their neighboring communities. She would like to see a recognition of this in the report. The issues in this report are crucially important, and she was glad this report exists, but not as a guiding document.

The Council continued to discuss the pros/cons of using the wording Guiding Document (i.e.: and shall consider it where applicable and appropriate in the creation and formulation in the City's Strategic Plan.); having some assurance that this report remains accessible and available to the Council and public beyond the September 3, 2025 meeting; the precedent this report may create; using the language that was used during the development of the report by the West Lebanon Revitalization Advisory Committee (Deputy City Manager Brooks noted it was presented on January 19, 2022 for informational purposes only); potentially developing an Environmental Justice Task Force in the future; taking a softer approach by having communications put forth in a way that the public can understand what we are trying to do; how it is very hard to accomplish things if we do not have goals in writing that can be referenced when things come up so we do not squander resources and opportunities; how it is always the less advantaged amongst the general population who suffer the most from environmental disasters and this report brings this to our attention; taking no action on this item tonight while more thought is given to the language (Councilor Sykes insisted that the Council come back and think about the language on how this report can work for the City.); uploading this and other documents to the Transparent Lebanon webpage, with links, so these types of reports/recommendations are readily available to the public (i.e., adding a new category and calling it Reports/Recommendations to City Council, etc.)

On another note; Councilor Sykes spoke about his reason why the City of Lebanon needs a Public Health Officer. Councilor Heistad concurred.

ACTION:

Councilor N. Ford Burley MOVED, that the Lebanon City Council hereby accepts the report entitled “Responsible Governance and the Environment”, prepared by the Environmental Justice Task Force, as presented in the September 3, 2025 City Council Agenda Packet. Seconded by Councilor Heistad.

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

B. Discussion and Set Public Hearing for September 17, 2025: To Change the Amount of the Service-Connected Disabled Veterans Tax Credit

Included in the agenda packet: [\(All supportive documents and detailed information as listed below can be found on pages 52-57, Council agenda packet\)](#)

1. NH Department of Revenue Administration, Technical Information Release, TIR 2025-003, dated July 7, 2025.
2. Chapter 15, Laws of 2025, NH House Bill 99, Effective July 13, 2025.

NOTE: Councilors Heistad and McNamara were recused from this discussion and vote because they are Veterans.

Mayor Whittlesey emphasized that this item was simply to set the Public Hearing.

Deputy City Manager David Brooks reviewed the background behind the proposed change to the Veterans Tax Credits.

BACKGROUND

Veterans Tax Credits are programs made available by the City for Lebanon veterans and their spouses. The tax credit reduces the total property taxes owed on the veteran’s residential property by the amount of the credit.

The City has adopted the Optional Veterans’ Tax Credit (per RSA 72:28) and the All-Veterans’ Tax Credit (per RSA 72:28-b), both in the amount of \$750. Veterans and/or their spouses may qualify for either the Optional Veterans’ Credit or the All-Veterans’ Credit but cannot receive both. In addition, the City has adopted the Service-Connected Total Disability Tax Credit (per RSA 72:35) in the amount of \$4,000.

NH statutes previously allowed veterans to claim, or “stack”, both the Optional Veterans’ Credit of \$750 and the Service-Connected Total Disability Tax Credit of \$4,000, for a total credit of \$4,750. This “stacking” of tax credits was not allowed with the All-Veterans’ Tax Credit program. Veterans qualifying under the All-Veterans’ program had to choose either the All-Veterans’ Credit or the Service-Connected Total Disability Tax Credit.

On July 13, 2025, new legislation took effect allowing municipalities to increase the maximum amount of the Service-Connected Total Disability Tax Credit up to \$5,000. However, under the new legislation, the Service-Connected Total Disability Tax Credit may no longer be stacked with the Optional Veterans’ Tax Credit. Individuals qualifying for the Optional Veterans’ Credit and the Service- Connected Total Disability Tax Credit will now have to choose one or the other.

In 2024, the Assessing Department determined that 26 veterans received both the Optional Veterans' Credit of \$750 and the Service-Connected Total Disability Tax Credit of \$4,000. Two other veterans qualified under the All-Veterans' Tax Credit Program and received only the Service-Connected Total Disability Tax Credit of \$4,000.

If the City Council makes no changes to the Service-Connected Total Disability Tax Credit amount, then 26 veterans will see their tax credit benefits reduced. The other two veterans qualifying under the All-Veterans' Program will see no change in their tax credit benefits. Alternatively, if the City Council chose, for example, to increase the Service-Connected Total Disability Tax Credit amount from \$4,000 to \$4,750, then the 26 veterans currently receiving both tax credits would see no change in their total tax credit benefits, and two other veterans would now receive an additional \$750 in tax credit benefits.

The City Administration recommends that the City Council discuss whether to change the amount of the Service-Connected Total Disability Tax Credit and, if there is support for such a change, the Council should schedule a public hearing to receive public input and to take action as deemed appropriate.

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, September 17, 2025, beginning at 7:00 pm, in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to change the amount of the Service-Connected Total Disability Tax Credit from \$4,000 to \$5,000 (Five Thousand Dollars) in accordance with NH RSA 72:35.

Seconded by Councilor Stavis.

****The Vote on the Motion was approved by members present (5-0). Councilors Heistad and McNamara were recused from vote.***

Councilors Heistad and McNamara returned as regular members of the Council.

12. City Manager Report:

City Manager Hosmer updated the Council on the following:

- He spoke about how grateful he was to have this opportunity to serve as Lebanon's City Manager noting that for the last 5 years, he has served as the Mayor of the City of Laconia. Prior to that he was a City Councilor in Laconia and prior to that he served two terms in the NH Senate representing Laconia. Although he is a licensed attorney, he does not practice law and has spent the majority of his professional life in private business. He and his wife have been married for 30 years and have 4 children. He also noted that over the last two days, he has gotten a glimpse into the competence and the professionalism of the Cyber Services team and City staff.

His management philosophy is straight forward and thought Lebanon is a high functioning organization and is looking for opportunities to build on the past success of the City and for opportunities to improve upon the services delivered to our residents. We are all stewards of the City and are trying to leave it in the best shape we can for the generations that come after us. He is also looking forward to making the City more transparent in the information that is shared with the public and appreciates people voicing their concerns about what is going on in the City and in the idea of being very wise with the tax dollars, which is a priority of his. For the next 30 days, while he is transitioning into this position, he sees his responsibility is to hopefully ask good

questions and be an excellent listener so he can learn about the different departments and those who staff them.

13. NON-PUBLIC SESSION: NONE

14. ADJOURNMENT:

Councilor McNamara MOVED for adjournment.

Seconded by Councilor Heistad

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

The meeting was adjourned at 9:24 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary