

FINAL

**LEBANON CITY COUNCIL
REGULAR SESSION MINUTES
Wednesday, November 5, 2025, 6:00 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, Christian Simon, George Sykes, and Karen Zook

MEMBERS ABSENT:

STAFF PRESENT: City Manager Andrew Hosmer, Deputy City Manager David Brooks, Deputy Assessor Kimberlee Burkhamer, Police Lieutenant Richard Norris, Finance Director Alesia Williams, Chief Assessor Michael Pelletier

1. CALL TO ORDER: Mayor Whittlesey called the meeting to order at 6:00 p.m.

- City Andrew Hosmer announced the meeting criteria for attendees.

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

3. BOARDS and COMMITTEE REPORTS (3rd Quarter)

Conservation Commission, Sarah Riley, Chair

Chair Riley updated the Council on the following:

- No meetings in July/August
- Hosted a Living in Lebanon Focus Group discussion: Housing and land conservation
- Did one conceptual review for a Planning Board application
- Projects: Vernal pool buffer ordinance proposal
- Conservation Ranger updates: Boundary blazing tasks. He continues to be funded by the City's Conservation Fund and is not coming out of the General Fund.
- DMAC application, which is the program allowing them to have additional doe permits.
- Repopulation of the Mascoma River area Committee

Arts & Culture Committee: Assistant Mayor Wilkie gave report for Chair

Assistant Mayor Wilkie updated the Council on the following:

- They had 2 meetings in the 3rd Quarter
- AVA's refresh of the fountain covers
- Tunnel Art: Mostly complete
- Poetry Stamping from contest

Diversity, Equity and Inclusion (DEI): The Council received their written report.

Downtown TIF: No Report

Economic & Development Committee: No Report

Heritage Commission: Councilor Nicole Ford Burley

Councilor N. Ford Burley updated the Council on the following:

- Updating Historical Resources Chapter of the Master Plan
- Proposed revisions to the Historic District Zoning Ordinance
- Supported opening the Soldier’s Memorial at two Farmers Markets

Lebanon Energy Advisory Committee: The Council received their written report.

Lebanon Housing Task Force: Councilor McNamara

Councilor McNamara updated the Council on the following:

- Actively engaged with their grant funded consultant. They have been continuing to interact with various local groups and City staff to get input on housing needs. They will be coming before the Council with a report most likely in January 2026.

Pedestrian/Bicyclist Advisory Committee: Colin Smith, Chair

Chair Smith updated the Council on the following:

- Worked on drafting an update to the City’s Complete Streets Policy
- Updates to the Pedestrian/Bike crash data. There was a change in the Lebanon Police Department Privacy in 2023, so since then, they have been releasing less information. The data received since that time is limited in use as to what has happened during an accident.
- Transportation Funding limitations from Federal, State and City

Planning Board: Andrew Faunce, Chair. The Council received their written report

Chair Faunce added a couple updates that were not included in the written report as follows:

- Met with Rick Creo, Developer for 2 Mascoma Street – Grocery Store. Have expedited the excavation of the main floor in that building and will construct the mid-sized towers for housing in Phase 2 and 3.
- Conceptual review for Revision Energy regarding their Solar Field Project

School/City Task Force: Mayor Whittlesey

Mayor Whittlesey updated the Council on the following:

- This group will be meeting monthly through January.

West Lebanon Revitalization Advisory Committee: Emmett Frank, Chair

Chair Frank updated the Council on the following:

- Focus has been on supporting businesses along the Main Street corridor which is undergoing some revitalization now
- Met with City Staff to discuss how the Committee can best use its City web page
- Will be working on Section 4 of the City of Lebanon’s Master Plan to update and revise it
- Will be looking at the Seminary Hill School building and its use. Will be engaging the public on how to use that space.

This portion of the meeting concluded at 6:21PM

At the request of Mayor Whittlesey, the Council agreed to move Item 7, Recognitions here. The rest of the agenda items will remain in the same order as discussed.

7. RECOGNITIONS: KRISTINE FLYTHE

WHEREAS, Kristine Flythe has made Lebanon her home away from home, has devoted herself to elevating the quality of life for Lebanon and West Lebanon's residents and visitors, and has served the City of Lebanon full-time for fifteen years, six months, and 3 weeks; and

WHEREAS, Kristine gave selflessly to the mission of Lebanon Recreation Arts & Parks every one of those days. She began her service to the City in 2006 as a Camp K Counselor, was promoted to Camp Director in 2008, and then to the full-time Recreation Coordinator position in April of 2010; and

WHEREAS, during her time as Recreation Coordinator, Kristine was awarded several certifications and awards, including Certified Parks and Recreation Professional, American Camp Association Accreditation, New Hampshire Recreation and Parks Association's (NHRPA) Communication Savvy Award, Kim Perkins Special Event Award, and the prestigious Don Heyliger Young Professional Award. True to her character, Kristine championed her colleagues by nominating them for awards of their own, including the High Five Award for Lebanon Youth-In-Action, and the Upper Valley Business Alliance Young Professional of the Year Award for Meagan Henry; and

WHEREAS, Kristine nurtured relationships with many civic partners, going above and beyond in serving the NHRPA, LISTEN Christmas Dinner, Upper Valley Business Alliance's LebFest, Upper Valley Senior Center, Lebanon Outing Club, Upper Valley Running Club, SAU88, the Arts and Culture Committee, and the American Camping Association; and

WHEREAS, Kristine has had an indelible positive impact on the lives of thousands, particularly Lebanon's youth and seniors, programming over 140 programs and special events per year and reaching over 300,000 participants during her career; and

WHEREAS, Kristine has been an avid team player, eager to help others, unique in her level of thoughtfulness and devotion to the common good, and an all-around pleasure to work with;

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Lebanon City Council, on behalf of the citizenry of Lebanon, Kristine's friends, and her fellow employees, express our admiration of and respect for the career of our outstanding and faithful employee, and extend to her our sincere gratitude and wish her well in her future endeavors,

BE IT FURTHER RESOLVED that this Resolution be written upon the minutes of the Lebanon City Council meeting and a copy be presented to Kristine Flythe.
Dated this 5th day of November 2025, in Lebanon, New Hampshire.

Douglas Whittlesey, Mayor
On behalf of the Lebanon City Council

Ms. Kristin Flythe was present and accepted her award.

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

5. OPEN COUNCIL DISCUSSION:

Assistant Mayor Wilkie thanked the public who reached out to him with budget questions via email. He noted there were some labor-related questions and there was some misunderstanding at last night's budget work session. The labor-related budget items are included in the budget, but the wages and the contracts are part of a parallel process that is not directly part of the budget process. This is something that does need to be addressed and he has worked on some questions that will be passed along to the City Manager. It is important to note the distinction: the numbers in the budget are one thing, but how labor is handled is another.

Mayor Whittlesey noted that in terms of the process, if your questions are related to the sections of the budget, questions will be held until we get to that section of the budget hearings.

Mayor Whittlesey spoke about the Finance Advisory Committee's presentation back in June 2025. A couple of weeks ago he reached out to Lori Key to kickstart the process, noting that at the time the Council wanted to wait to get our new City Manager hired and onboarded. We, as a City, have never had a committee like this before and like with other new committees, it involves a lot of legwork to get them up and running and codified. What we would like to do is have an ad hoc task force and will meet with Ms. Key and others this coming Thursday (November 6, 2025) to discuss an interim structure, which will give us a starting point to see what a Finance Advisory Committee might look like. Membership will include a combination of City Councilors and Lebanon residents. He also noted a committee like this is completely unique for Cities in the State of New Hampshire with a City Manager. Every other city that has a Finance Committee is made up entirely of a subset of the City Councilors or the Council itself. There will be more to come on this.

Councilor Simon spoke about the State's SB 542 which was recently passed and allows municipalities to have revenue from the gaming industry, which is located here in our community. He would like to see this put on a Council agenda as soon as possible. Councilor Stavis also noted that the gaming ordinance regulations are required under this statute. It is not an option. In response to Councilor Syke's question, City Manager Hosmer noted that it is required to come before the City. Deputy City Manager Brooks noted that in his reading of the regulations, and his conversations with representatives from Revo Casino, is that they can have up to two (2) charitable organizations at a time. If the municipality wants to be involved it does take one of those funds away from a charitable organization.

6. OPEN TO PUBLIC:

Mr. Fran Casale (Ward-2): He came forth and spoke about his exasperation regarding the City's municipal finances, and its double-digit property tax increases over the past few years. While he was actively involved in the initial presentation of the concept of having a Finance Advisory Committee, he has still not heard back from anyone. He further spoke about, and elaborated on, his reasons why he felt the City needed a Finance Advisory Committee. As a result of not hearing back from the Council, his group has formed a Petitioner's Coalition Committee to get signatures to ask the voters of the City of Lebanon about what they thought about having a Finance Advisory Committee. **(NOTE: the online sound went out at this point in the conversation.)**

Mayor Whittlesey wanted to make it clear that the 12% rise in property taxes is now inaccurate. He also emphasized that the numbers out to the public are inaccurate and also spoke positively about the financial expertise within the City and gave examples of their expertise. For the record, he also reiterated the history behind starting up a Financial Advisory Committee.

Mr. Fran Casale (Ward-2): He informed the Council that there is a citizen's binding petition that will contain 180 signatures. This will be on the March 2026 ballot.

Ms. Lori Key (Ward-3): She spoke about her reasons why she was looking forward to having a productive discussion tomorrow (November 6, 2025).

7. RECOGNITIONS: See above. Taken out of order

8. ACCEPTANCE OF MINUTES: October 15, 2025 (Regular Meeting)

Councilor Heistad MOVED to approve the October 29, 2025 minutes as written and presented in the November 5, 2025 City Council agenda packet.

Seconded by Councilor McNamara.

**The Vote on the Motion was approved (8-0).*

9. APPOINTMENTS:

- Conservation Commission, Bruce James (Reappointment Regular Member)

Councilor Heistad MOVED to NOMINATE Bruce James for Reappointment as a Regular Member to the Conservation Commission. Term: 11/25-11/2028

**The Vote on the NOMINATION was approved (8-0).*

- Conservation Commission, Christopher Johnson Reappointment Regular Member)

Councilor Heistad MOVED to NOMINATE Christopher Johnson for Reappointment as a Regular Member to the Conservation Commission. Term: 11/25-11/2028

**The Vote on the NOMINATION was approved (8-0).*

- Diversity, Equity, and Inclusion Commission, Bise Wood Saint Eugene (Reappointment Public Representative)

Assistant Mayor Wilkie MOVED to NOMINATE Bise Wood Saint Eugene for Reappointment as a Public Representative to the Diversity, Equity, and Inclusion Commission. Term: 11/25-11/2027

**The Vote on the NOMINATION was approved (8-0).*

- Downtown Lebanon TIF Advisory Board, Barry Schuster (Reappointment Property Owner/Occupant)

Mayor Whittlesey MOVED to NOMINATE Barry Schuster for Reappointment as a Property Owner/Occupant to the Downtown Lebanon TIF Advisory Board. Term: 11/25-11/2028

**The Vote on the NOMINATION was approved (8-0).*

- Downtown Lebanon TIF Advisory Board, Victoria Smith (Reappointment Property Owner/Occupant)

Mayor Whittlesey MOVED to NOMINATE Victoria Smith for Reappointment as a Property Owner/Occupant to the Downtown Lebanon TIF Advisory Board. Term: 11/25-11/2028

****The Vote on the NOMINATION was approved (8-0).***

- Heritage Commission, Nicole Dittrich (Alternate Member)

Assistant Mayor Wilkie MOVED to NOMINATE Nicole Dittrich as an Alternate Member to the Heritage Commission. Term: 11/25-11/2028

****The Vote on the NOMINATION was approved (8-0).***

- Lebanon Energy Advisory Committee, James Mashal (Reappointment Citizen Representative)

Assistant Mayor Wilkie MOVED to NOMINATE James Mashal for Reappointment as a Citizen Representative to the Lebanon Energy Advisory Committee. Term: 11/25-11/2028

****The Vote on the NOMINATION was approved (8-0).***

- Tree Advisory Board, Andrew Garthwaite (Reappointment Citizen Member)

Assistant Mayor Wilkie MOVED to NOMINATE Andrew Garthwaite for Reappointment as a Citizen Member to the Tree Advisory Board. Term: 11/25-11/2028

****The Vote on the NOMINATION was approved (8-0).***

- Tree Advisory Board, Susan Johnson (Reappointment Citizen Member)

Assistant Mayor Wilkie MOVED to NOMINATE Susan Johnson for Reappointment as a Citizen Member to the Tree Advisory Board. Term: 11/25-11/2028

****The Vote on the NOMINATION was approved (8-0).***

- West Lebanon Revitalization Advisory Committee, Barbara Krinitz (Resident Member)

Councilor Stavis MOVED to NOMINATE Barbara Krinitz as a Resident Member to the West Lebanon Revitalization Advisory Committee. Term: 11/25-11/2028

****The Vote on the NOMINATION was approved (8-0).***

- West Lebanon Revitalization Advisory Committee, Spenser Molloy (Business Owner Member)

NO ACTION TAKEN. STILL UNDERGOING INTERVIEWS.

- Zoning Board of Adjustment, Paul McDonough (Reappointment Regular Member)

Assistant Mayor Wilkie MOVED to NOMINATE Paul McDonough for Reappointment as a Regular Member to the Zoning Board of Adjustment. Term: 11/25-11/2028

****The Vote on the NOMINATION was approved (8-0).***

10. PUBLIC HEARING ITEMS:

A. Ordinance #2025-12 - A public hearing for the purpose of receiving public input and taking action to amend or repeal City Code Chapter 185, Welcoming Lebanon, to ensure compliance with applicable laws that will take effect on January 1, 2026.

Included in the agenda packet: [\(All supportive documents and detailed information \(below\) can be found on pages 64-78, Council agenda packet\)](#)

1. Proposed Ordinance #2025-12 (two alternative versions), including:

- "Draft Option 1a: to Amend Chapter 185", including proposed redline edits as reviewed by the DEI Commission; or
 - "Draft Option 1b: to Repeal Chapter 185"
2. Draft City of Lebanon Commitment to Community Resolution, as reviewed by the DEI Commission
 3. NH Municipal Association document issued July 16, 2025, re: *"Guidance on SB 62 and HB511, Cooperation with Federal Immigration, Prohibiting Sanctuary Cities Policies"*
 4. October 27, 2025 Legal Opinion from Attorney Matthew Decker

Assistant Mayor Wilkie summarized the background as listed below, noting that the City's Welcoming Lebanon Ordinance is in conflict with the State's new sanctuary law that takes effect on January 1, 2026. This is not a fun hearing to have, and he would much rather we not have this because he would really like to keep the Welcoming Lebanon Ordinance in effect. However, the concern that the Council has is that once this State law goes into effect, any municipality that is deemed to be out of compliance with the State law effectively risks losing up to 25% of the funds that the City receives from the State.

The DEI Commission, and individuals and vulnerable members of the community have discussed this, noting there is a very serious concern that if we lose a large sum of money, we could be jeopardizing the wellness of vulnerable residents. Because of that, while many of us would like to keep the Welcoming Lebanon Ordinance in place, he was concerned that this would end up doing more damage to our vulnerable members rather than helping them, particularly when Lebanon is one of two (2) communities in New Hampshire that actually would be violating the State law. He emphasized that this is not in direct response to anything happening at the Federal level. The City of Lebanon was placed on a list earlier in the year and we determined that we would wait until we received further guidance from the Federal Government before taking action, but since then the subsequent list does not have Lebanon on it and no action is being proposed in response to Federal directives. This is response to a State law that pertains to what municipalities will be allowed or not allowed to do. He felt the option to keep the ordinance in place could risk thousands of dollars of funding that in large part would affect the City's most vulnerable members.

We could make amendments to this ordinance, or we could repeal this ordinance. His proposal is to repeal this ordinance, which emerged from a Fair and Impartial Policing Task Force. He also proposed the City convene a Task Force whose charge would be to look at both the Welcoming Lebanon Ordinance and any other City Policy Resolutions and provide recommendations; it could include Administrative Policies; it could include oversight committees and any recommendations that would help to protect our vulnerable residents. Despite the State's legislation, we still want to maintain the spirit of the Welcoming Lebanon Ordinance.

Mayor Whittlesey added that he drafted some changes based off of the amendments and thought it would likely require further work to comply with the State laws. Since it is now November 5th, and we are in budget season, it is unlikely that we would cohesively rework things in a way that is in both in compliance with State law and meet the real spirit of the original ordinance.

Assistant Mayor Wilkie again noted the options for the Welcoming Lebanon Ordinance: 1) Draft Option 1a: to Amend Chapter 185, including proposed redline edits as reviewed by the DEI Commission; 2) Draft Option 1b: to Repeal Chapter 185; or 3) Take no action. He noted that what is in the packet is not the most recent version he meant to provide and does not include comments or

changes by legal counsel and others. He also noted that a Resolution should not commit to establishing a subcommittee, noting a Resolution would be a good guideline for the City, but it would not be something he would recommend that the Council passes in the form as presented in the Council packet.

In response to Councilor McNamara's question, Assistant Mayor Wilkie stated that 1b. is just the repeal and the resolution would be something that would be resolved separately at a future meeting.

BACKGROUND

In March 2020, Lebanon voters passed the "Welcoming Lebanon" ordinance, which began through a binding referendum process in October 2019.

In May 2020, the City Council established the Fair and Impartial Policing Task Force to study and propose amendments to the ordinance in an effort to make it compliant with then-applicable federal and state laws, rules, and regulations, while maintaining the intent and purpose of the ordinance as adopted by voters. The resulting language was adopted by the City Council through Ordinance #2020-19 on December 7, 2020, as City Code Chapter 185, Welcoming Lebanon, which took effect on January 1, 2021.

On July 21, 2025, new state legislation (Laws of 2025, Chapter 38 - Senate Bill 62) took effect, which prohibits municipalities from barring local police departments from applying for entry or entering into agreements with U.S. Immigration and Customs Enforcement (ICE) to participate in federal 287(g) programs pursuant to 8. U.S.C. §1357(g). Section 2 of SB 62 goes into effect on January 1, 2026, and will prohibit local municipalities from prohibiting or impeding a state or federal law enforcement agency from complying with Title 8 of the U.S. Code, which covers immigration and immigration enforcement. Any local government that violates this provision may be subject to a civil complaint brought by the NH Attorney General and could be subject to punitive damages of up to 25 percent of the total state funds received by the local government in the fiscal year when the violation occurred.

Also on January 1, 2026, related legislation (Laws of 2025, Chapter 39 - House Bill 511) will take effect, which will prohibit any unit of local government from having a "sanctuary policy" that impedes a law enforcement agency from complying with 8. U.S.C. §1357, or which impedes a local law enforcement agency from communicating or cooperating with a federal immigration agency on a variety of issues.

Included in the agenda packet is a document prepared by the New Hampshire Municipal Association that summarizes and provides guidance on interpreting the new laws. Based on the enacted legislation, it appears the existing language of Chapter 185, if left unchanged or unrepealed, would violate the new laws when they take effect on January 1, 2026.

In September, the City's DEI Commission held a discussion about potential amendments to Chapter 185, as well as a related proposed resolution, both of which are included with the agenda materials. At the conclusion of its discussion, the DEI Commission approved the following motion:

MOTION by Richard Ford Burley that the DEI Commission recommends to the City Council the following: that they (a) make due consultation with legal counsel in order to redraft City Code Chapter 185, Welcoming Lebanon, to preserve as many protections as possible for the community members of the City of Lebanon, without violating state law; and (b) that the passage of such revisions be contingent upon the passage of the

presented Commitment to Community Resolution; and (c) that the passage of such changes should come with a provision that Chapter 185 shall automatically revert to the present language upon the reversal of any laws preventing it by court order or subsequent legislation.

On October 15th, the City Council scheduled this public hearing to discuss either amendments to or repeal of the existing language of City Code Chapter 185, Welcoming Lebanon, to ensure compliance with applicable laws that will take effect on January 1, 2026. In connection with the public hearing, two alternate versions of proposed Ordinance #2025-12 have been prepared - Option 1a outlines potential amendments to the existing language of Chapter 185, while Option 1b would be to delete and repeal the existing language of Chapter 185 in its entirety. In accordance with City Code Chapter 115-3, the City's attorney has provided a legal opinion as to the authority and validity of each alternate version of proposed Ordinance #2025-12.

Mayor Whittlesey opened the Public Hearing, and the following came forth to give their testimony:

- **Ms. Tia Winter (Ward-3):** She read a statement prepared by other constituents who were unable to attend this meeting. The statement explained their reasons why they strongly urged the Council to keep the current Welcoming Lebanon Ordinance in place through January 1, 2026, and supported the idea of establishing a Task Force.
- **Ms. Rachel Kent (Ward-3):** She explained her reasons why she was against the anti-sanctuary law from the State of NH, noting this is not the time to back down from what we know as just. She asked the Council: 1) if they had been in touch with Hanover, NH and if they would also be considering a change in their welcoming policy, and 2) if it would be possible to specify the amount of State funding that would be subject to the 25% fine.
- **Mr. Mark Pageau (Ward-1):** He spoke about his reasons why he felt the City should align our Ordinance with State Law, noting that if we continue to enforce Chapter 185, Lebanon could face legal and financial consequences. This isn't about rejecting our community's diversity or compassion; it's about complying with State law. He urged the Council to repeal Chapter 185 before January 1, 2026.
- **Ms. Kathy Beckett (Ward-2):** She spoke about her reasons why she felt the City of Lebanon has never been a Sanctuary City; was against amending the ordinance but would support the creation of a new task force to create a new Ordinance with a policy attached that upholds human rights even in the face of restrictive or unjust State policies - not a Resolution.
- **Mr. Henry Mossell (Ward 2):** He spoke about reasons why he felt the City should go with (option) 1b, to Repeal Chapter 185, noting the City's massive budget problems and the affect it would have on the City if the State imposed their fines, along with all the legal fees, etc. the City would have to pay.
- **Ms. Lori Key (Ward-3):** She spoke about her reasons why she felt the City should be practical and Repeal the Ordinance and be really thoughtful about how we can balance what is just and what keeps the City of Lebanon safe.
- **Ms. Jennifer Wehner (Ward-2):** She spoke about what is happening right now in the country and questioned if this was a lawful State law and whether or not there was some way to push back again this law without any risk to the City.
- **Mr. Henry Mossell (Ward-2):** He came forth again and questioned if the Ordinance, as it stands now, would prevent ICE from coming into Lebanon. The response from the City Manager Hosmer was no. What the Ordinance does is prevent City employees and corrections to not

cooperate. If this Ordinance was repealed, the Police Department still has the authority not to cooperate (with ICE), noting the first paragraph in the State law, which he read to the audience.

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

Council/Staff Comments:

Assistant Mayor Wilkie, in response to Ms. Kent's question, noted that 1) Hanover has not made a decision on their Welcoming Policy yet and they are continuing to evaluate it, and 2) The fine at stake, according to Deputy City Manager Brooks, could be at least +/- \$500K, but could be substantially higher, noting this is just the City's amount and does not include the School District's funds; rooms and meals taxes; other block grants (i.e., the CSO Grant Funds), Railroad Tax; other grants such as the Police Department Grants; Water/Waste Water Grants; a variety of transportation projects that the State would be a partner in, and; the State's share of the Airport Grants (5%), etc.

Assistant Mayor Wilkie, in response to Ms. Wehner's questions, noted that: 1) This is not a State law on immigration enforcement, this is a State law on what municipalities are/are not allowed to do, and 2) While he would love to find a way to push back, he has not found a way to do this yet.

Councilor Stavis noted that this particular current law (almost verbatim) has come before her committee in the Legislature for the last +/- seven (7) years and every single year we have successfully either killed it, tabled it, or put it forth for further study. Given the numbers in the State Legislature during this past session, we were not able to do that, and in addition, the Speaker of the House sent it to the Criminal Justice Committee instead of the Municipal and County Government Committee, where it should have gone. In context, this law has a very long history and has come before the State Legislature with virtually the exact same language every single session since she has been in the Legislature, and probably before that. We knew that this sort of Damocles was going to fall at some point, depending on what the composition of the Legislature looked like in any given term, and now it has fallen. The fact that it has fallen is kind of coincidental given the presence of the administration in Washington now. Having said this, she also gave the context on how things happened in Legislature, noting that, depending on the numbers in the next session we may well file a bill to repeal this State Law, but this will require all of your support if and when we do that. Whether or not a bill is just or unjust is moot, it is the law, and the only way to change law, is to repeal it or take the State to court (at enormous cost for a very long period of time with a very uncertain outcome). She supports the 1b option because it keeps the City of Lebanon safe from danger that we cannot anticipate and further elaborated on her reasons.

Councilor Sykes explained his reasons why he did not support voting on any motion that did not include something in place that will bring us in line with State law, at least temporarily.

Councilor McNamara spoke about his reasons why he will continue to oppose what is going on at the Federal level, but his job on the Council is to look out for the residents of Lebanon. He felt that repealing this (ordinance) now and then going into a thoughtful discussion later on how we redo the Welcoming Lebanon Ordinance so that we are in full compliance of the law and people still know that we are a Welcoming City, not a Sanctuary City, is the best way to go in 2026.

Councilor Stavis noted that the environment in Concord where these laws get made is such that most of the attention is focused on towns. Cities are looked upon with suspicion and mistrust. She thought that

finding common cause with Hanover may not be a position of strength for us and further explained her reasoning.

Assistant Mayor Wilkie spoke about his reasons why he felt any motion should include the implementation of a task force. He was uncertain if the Council should craft a motion on the fly but did want a commitment from fellow Councilors that this would be a priority and further explained his reasoning. He will reluctantly support a repeal.

Councilor Heistad felt that what we are looking at is a sense of responsibility to protect the residents of Lebanon and other human beings, whether they are Lebanon residents or not. We need to find a way to honor those responsibilities in a way that we can move forward to somehow get through this mess to see what will/will not work and further explained his reasoning. He will reluctantly move forward to repeal this Ordinance. We need a way to protect everybody.

Councilor Nicole Ford Burley joined the meeting remotely at 7:45P. She was having childcare issues. Roll Call Votes will be taken moving forward.

Councilor Zook spoke about her reasons why she felt distressed to be thinking about removing protection when they are most needed, noting that when the City had immigration enforcement in the past, primarily on the highway. She was encouraged by the protections in this community.

Councilor Simon spoke about his reasons why we need to continue to do what is right for the greater community that we live in and sometimes that may be a move that others feel will be hurting them. This is not our intention. The potential loss of funds is huge. He encouraged the Assistant Mayor to put forth what he thinks this task force will be comprised of and bring it before the Council as soon as possible. He was uncertain if crafting it tonight, given the emotional roller coaster we are all on, is wise and reluctantly will be supporting a repeal.

Councilor Sykes explained his motivations against repealing the ordinance, noting that how we treat the least among us is a measurement of our society. This is the framework under which he stills feels very strongly about and why he needs to vote against repealing the ordinance.

Mayor Whittlesey spoke about his reasons why he did not necessarily believe in complying with unjust laws, noting that the United States has a very longstanding history of laws, that today, would never take place. He noted there is really not enough time to craft something (an Ordinance) tonight to make it what it needs to be. What he wants to see is actually a strengthening of our Welcoming Lebanon Ordinance, noting that the preamble is not just about immigration, but about a number of protected classes that we have seen in today's environment that are under constant threat and attacks and gave examples. While he will reluctantly vote to repeal the ordinance, he would like to start with something fresh so that we are not bound by some of the existing computations.

Councilor Stavis encouraged those who are in charge with crafting this other measure to look very, very carefully at the text of this State law and to not react with their emotions. The organization who crafted this State law has been very careful to avoid using language that attacks vulnerable populations and further explained her reasonings.

ACTION:

Councilor McNamara (reluctantly) MOVED, that the Lebanon City Council hereby adopts Option 1b of Ordinance #2025-12, to repeal City Code Chapter 185, Welcoming Lebanon, as presented in the November 5, 2025 City Council agenda packet, to ensure compliance with applicable laws that will take effect on January 1, 2026. Seconded by Councilor Simon.

Roll Call Vote:

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

Voting Nay: Councilor Sykes

****The Vote on the Motion was approved (8-1). Councilor Sykes voted against***

11. OLD BUSINESS: NONE

12. NEW BUSINESS

A. Presentation and Discussion Regarding the 2025 Property Revaluation

Included in the agenda packet: [\(All supportive documents and detailed information \(below\) can be found on pages 79-97, Council agenda packet\)](#)

1. 2025 Revaluation Process Presentation
2. NH Local Government Center article: “Property Tax: Understanding the Math, Dispelling the Myths”

Deputy City Manager Brooks reviewed the background and shared the PowerPoint presentation from Mr. Steve Walden (Vision Government Solutions) and Mr. Michael Pelletier (Lebanon Chief Assessor), which is included in the agenda packet. Topics reviewed included the Revaluation Flow Chart; Benefits of a Revaluation; Data Collection; Income & Expense Information; Market Analysis; Approaches to Valuation; Lebanon’s Percent of Change for FY 2025; How this will effect Property Taxes; the Informal Hearing Process; Project Finalization and Delivery, and a document called Property Tax: Understanding the Math and Dispelling the Myths.

BACKGROUND

The continued inflation of property values, especially residential property values, has resulted in an equalization rate outside the parameters established by the NH Department of Revenue Administration. The equalization rate is the ratio between the market value of a property compared to the assessed value used by the City to levy property taxes. To ensure fair taxation of property, the equalization rate should be in the range of 90% to 110% with the goal of being as close to 100% as possible. As of April 2024, Lebanon’s overall equalization rate was about 73%, which showed that assessments had fallen well below recent market prices.

As a result, the City contracted with Vision Government Solutions to conduct a 2025 Revaluation Study. The revaluation process is detailed in the PowerPoint presentation in the Council agenda packet. The City also has a contract with Municipal Resources Inc. to conduct cyclical evaluations of properties. This cyclical process involves the inspection by field personnel of +/-20% of the City’s properties on an annual basis. In the past, the City has planned to conduct revaluations of property every five years. However, that assumes the market rate for properties has remained within the equalization parameters discussed above. The recent volatility of the market has required more frequent revaluations of property. Depending upon the changes in the market for properties, additional revaluation of properties may be required within less than five years.

The changes in the market, especially for residential properties, have changed the proportional amount of the tax levy between residential versus commercial and industrial properties as articulated in the enclosed presentation. The shift in the proportion of total property valuation toward the residential sector and away from the commercial and industrial sectors means that the residential sector as a whole will assume a larger percentage of the total tax levy. This shift will result in increases to the amount of taxes owed by some residential property owners compared to commercial property owners. The actual impact on individual property owners will not be known until the tax rate is set by the NH Department of Revenue Administration, which should occur within the next few weeks.

Council/Staff Comments:

Questions from the Council included:

- How commercial properties are notified using the income, sales and cost approach and what is included (i.e., apartments, mixed use, commercial, industrial)? They are not required to respond, and their response rate is approximately 25%- 50%.
- Apartment vacancy rates: On average the rate used for large multifamily developments is typically 35%.
- Multifamily apartments revaluations: Whether or not the typical length of stay includes B&B's, Hotels, ADU's, ranch-styled housing; resident's private apartments, etc.? (Note: According to Councilor Stavis she noted that under NH law any stay of <180 days is considered a transient stay.) ADU's were discussed and are considered a commercial property. Length of lease is not asked.
- Factors contributing to the rise in manufactured housing which are defined by the Building Codes.
- How Lebanon compares with other communities in NH in the number of revaluations done. It was noted that the entire State is basically increasing in the number of revaluations at the same level as Lebanon.
- Which unit, if they were identical but one was a rental and the other building had independently owned occupied units, would generate more tax revenue and why: Answer is the owner-occupied units, in theory, would hold more value because they can be sold. Examples were given.
- The hearing process for revaluations for landlord-owned homes vs. owner-occupied homes.
- The total number of valid sales in the open market in Lebanon: +/- 300. Valid sales include institutions/companies that are aligned with each other; trusts, and sale of properties that anyone can buy (MLS), etc.
- The total number of sales vs. valid sales: +/- 300.
- How different property types are treated (i.e., 1-bedroom vs. 3 bedroom, 1 bath vs. 2-bath; size of lot, etc.).

Ms. Sarah Riley (Ward3): She came forth and questioned how the informal revaluation results changes down the line and whether or not it only affects equal condos in the same building; the impact on other homes in the same area if one property owner disputes their revaluation; what percentage of homeowners are asking for hearings and what percentage of homeowners are getting adjustments and if it will affect other homeowners in the City. She was concerned about the ability of homeowners to get revaluations.

Mr. Whalen noted they received +/- 5-7% of requests for hearings. The total number changed within that 5-7% he doesn't have the information now but can get it. Revaluations are determined on an individual basis, and the results are based on that individual property and not the neighbors' properties, and gave examples. He also noted that commercials are typically around 20% and the residential is in the 35-50%

(the commercials are bought and sold differently and based on an income approach). Property abatements are done through the City Assessor's Office. Out of the hearings, in approximately 50% of them, people came in and just reviewed the information on their individual property, and the largest majority were not happy with the overall tax amount. It was not so much the valuation of the property, it was the amount of taxes they were paying.

- If issues with the property are identified after the revaluations have taken place, residents can file an abatement with the City and they will come out and inspect the property, will correct any data changes to the property, which will change the value to the property. A reimbursement of taxes will be paid if an abatement is filed on time. As part of the contract with the City, there is a certain period of time for the informal hearings because the MS-1 has to be filed in a timely manner.

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

B. Discussion and Set Public Hearing for November 19, 2025: Ordinance 2025-13, Amendments to City Code Chapter 179

Included in the agenda packet: [\(All supportive documents and detailed information \(below\) can be found on pages 98-102, Council agenda packet\)](#)

1. Draft Ordinance #2025-13

Deputy City Manager Brook reviewed the background behind the amendments to City Code Chapter 179.

BACKGROUND

On April 2, 2025, the City Council adopted Ordinance #2025-01, which amended City Code Chapter 179, Vendors. The approved amendments to Chapter 179 were based on the findings and recommendations of the Food Truck Task Force (FTTF), which was established in the summer of 2024 with an aim to foster economic growth and community vibrancy while ensuring public safety and accessibility. More specifically, the FTTF was charged with evaluating and addressing practical and regulatory challenges associated with the operation of food trucks in downtown Lebanon.

Based on the City's experience following a full season of vending under the amended regulations, the administration proposes additional amendments to Chapter 179, which are outlined in the agenda packet as listed above.

At the recommendation of the Food Truck Task Force, new seasonal vendor locations were incorporated into Chapter 179, including two vendor areas along Campbell Street in front of the Carter Mansion, and two vendor areas along Taylor Street in the downtown parking lot adjacent to the Mascoma River and near the CCBA's sports courts. However, following vendor operations in those locations, both the vendor and the Lebanon Police Department expressed concerns about the safety of those locations. As a result, the administration recommends removing Campbell Street and Taylor Street from the list of acceptable vending locations in Section 179- 3.E.

The Planning and Development is processing some Zoning Amendments that will begin to enable foot trucks, with the mobile food service vending on private property outside of the downtown are on lots that are subject to zoning. The current proposal would add this capability for food vending on 9 residential zoning districts, the commercial zone, both downtown areas, the light industrial areas, and medical center zones. It is proposed to apply to residential zones. Some of the City's parks and playgrounds are located in residential zones. The

Lebanon pool, Civic Memorial Field, Logan Field, and Sachem Field are also located in residential zones and there might be reasons why the City would want to allow food trucks at those specific properties. The language proposed in the Zoning Ordinance, that would say certain properties that the City would want to designate, would be handled under Chapter 179 instead of the Zoning Ordinance. What is not currently reflected in the draft in the agenda packet, suggests that the Council identify some of those specific properties that in residential zones and add those into Chapter 179 as part of the amendments you will be working on (i.e., the Lebanon pool; Civic Memorial Field; Logan Field; Sachem Field and other properties such as Downtown West Lebanon when construction has been completed and any other properties the Council is aware of that are not in the residential zones such as Bridge Park in West Lebanon). If and when the Public Hearing is set, it could include those additional properties with the intention that they would be regulated under Chapter 179 instead of the Zoning Ordinance. If the Zoning Amendments go through, and it applies to the non-residential zones, then technically a variance would be required, which would be difficult to justify allowing these types of uses in a residential zone, even one owned by the City.

In addition, the City Manager's Office is recommending a clarification of the exemption in Section 179-3.A for vendors operating in connection with a larger event. Finally, the administration is recommending changes to the fees for seasonal permits (§179-4.C) and abutting business permits (§179-4.D).

Council/Staff Comments:

Assistant Mayor Wilkie spoke about his reasons for not setting the Public Hearing yet and was concerned about squeezing our food trucks. He would like to include in the Ordinance more spaces for food truck vendors.

Councilors McNamara and Stavis also spoke about their reasons why they felt a Public Hearing should not be set at this meeting, noting the ordinance needs further review on where food trucks can be located.

Mr. Frank Casale (Ward-3): He came forth and expressed his opinion why he felt the City should be getting competitive pricing from the Food Truck Vendors. Deputy City Manager Brooks will review other communities' Food Truck pricing.

ACTION: NO ACTION TAKEN. Will be brought back at a future date

13. City Manager Report:

City Manager Hosmer updated the Council on the following:

- Charitable gaming revenue
- Citizens Academy
- DPW Opera Housing parking lot work

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor McNamara MOVED for adjournment.

Seconded by Councilor Heistad.

Roll Call Vote:

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

Voting Nay:

Absent from vote:

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

The meeting was adjourned at 9:05 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary