



**LEBANON CITY COUNCIL
APRIL 7, 2021 - 6:00 PM
REMOTE VIA WEBEX
LEBANONNH.GOV/LIVE**

6:00PM Quarterly Board/Committee Reports (4th Quarter 2020/1st Quarter 2021)

1. Call to Order

- A. **Meeting Access:** To participate in this meeting, please [join live via WebEx](#) or call 415-655-0001 (access code: 132 339 3693). If you have trouble accessing this meeting, please [email Shaun Mulholland](#).
- B. The April 7, 2021 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. Open to the Public

5. Recognitions

- A. Refill NOT Landfill Proclamation

6. Approval of Minutes

- A. MOTION TO approve the minutes as presented in the April 7, 2021 agenda packet

7. Appointments

- A. Library Board of Trustees, Douglas Whittlesey (Alternate Member)

8. Public Hearing Items

- A. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to include the positions of Utility Billing Clerk (Grade 8) and Accounting Clerk (Grade 3) within the pay plan for regular full-time & regular part-time employees and to retitle positions in the City Clerks, and Cyber Services Departments.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

- B. ORDINANCE #2021-02 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 136, Sewer Service, §136-78, Collection
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- C. ORDINANCE #2021-03 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 182, Water Service, §182-31, Collection
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:

9. Old Business

- A. Presentation of Second Reading: Amendment to Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, Seasonal/Temporary & Stipend Employees, to increase 2021 wages for Memorial Pool and Camp Recreation, Arts & Parks employees

10. New Business

- A. Discussion with Meghan Butts, Newly Appointed Executive Director of the Upper Valley Lake Sunapee Regional Planning Commission re: Services provided by UVLSRPC
- B. Discussion & Set Public Hearing for April 21, 2021: Community Revitalization Tax Relief Application - One Mechanic Street, LLC for proposed conversion of the former NAPA Auto Parts building into residential use
- C. Discussion & Set Public Hearing for May 19, 2021: Layout of extension of Airpark Road; Scheduling of on-site public meeting for personal examination of proposed roadway; and Acceptance of Dedication of existing segment of Airpark Road
- D. Discussion & Set Public Hearing for April 21, 2021: Ordinance #2021-04 to amend City Code Chapter 97, Landfill Regulations

11. City Manager Report

12. Council Representatives to Other Bodies Report

13. Future Agenda Items

14. Non-Public Session

- A. Pursuant to RSA 91-A:3,II(d)

15. Adjournment

Lebanon City Council Agenda
April 7, 2021

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams and WebEx. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting.

THE AGENDA, IN ITS ENTIRETY IS AVAILABLE ON THE CITY'S WEBSITE AT LEBANONNH.GOV/AGENDAS..

FUTURE BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Board/Committee: Guardian of Soldiers Memorial Building
Position: Regular Member
Applicant: B. Therrien
Assigned Councilor: C. Below
Reassigned Date: 3/24/2021

Note: While 1 City Councilor is officially assigned to interview each applicant, any City Councilor may interview any applicant for any position to better inform their decision.

PROPOSED FUTURE AGENDA ITEMS: Dates may be tentative and this list not considered all inclusive.

APRIL 21, 2021

PUBLIC HEARING ITEMS:

A. ONE MECHANIC STREET, LLC 79-E REQUEST – A public hearing for the purpose of receiving public input and taking action to convert the former NAPA Auto Parts building into residential use B. ORDINANCE #2021-04 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations

C. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, Seasonal/Temporary & Stipend Employees, to increase 2021 wages for Memorial Pool and Camp Recreation, Arts & Parks employees.

NEW BUSINESS:

A. Review and Discussion of 2021 1st Quarter Budget Report and Release of Collected Public School Impact Fees

B. Upgrade of a portion of Hall School Road from a Class VI Highway to a Class V Highway for the provision of access to Phase 2B of the Airport Industrial Park

APRIL 27, 2021 - WORK SESSION (Review of Outcomes & Work Plan)

APRIL 29, 2021 - WORK SESSION (Review of Outcomes & Work Plan)

MAY 5, 2021

NEW BUSINESS

A. Financial Outlook with Vicki Lee, Finance Director

B. Discussion & Set Public Hearing for June 2, 2021 re: establishment of a special assessment district to pay for traffic improvements at the intersection of Mount Support Road and Lahaye Drive, Lebanon (TENTATIVE)



PROCLAMATION **Refill NOT Landfill Month**

WHEREAS, within the Upper Valley region it is estimated that 10 million single-use plastic water bottles are purchased and disposed of annually; and

WHEREAS, although bottle recycling is available at the Lebanon Recycling Center, only about 30% of plastic bottles are recycled; and

WHEREAS, the City of Lebanon owns and operates the Lebanon Landfill that has a permitted disposal capacity of another 10 years; and

WHEREAS, the waste from single-use water bottles uses natural resources and consumes landfill disposal capacity; and

WHEREAS, the City is concerned about conserving natural resources and preserving the landfill disposal capacity for future Lebanon residents; and

WHEREAS, using refillable container water bottles conserves natural resources and reduces waste that would otherwise require disposal in the Lebanon Landfill; and

WHEREAS, residents of the Upper Valley region have full access to locally sourced, clean drinking water.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lebanon hereby proclaims the month of April as Refill NOT Landfill Month and encourages residents of the Upper Valley to join in observing this month by using refillable water bottles and thereby reducing waste that must be processed at the Landfill.

Proclaimed this 7th Day of April in the Year Two-Thousand Twenty-One.

Timothy J. McNamara
Mayor, City of Lebanon

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

6. ACCEPTANCE OF MINUTES:

MINUTES TO BE ACCEPTED

- March 17, 2021 (Regular Meeting)
- March 24, 2021 (Organizational Meeting)

MOVED, to approve the minutes as presented in the April 7, 2021 agenda packet.

LEBANON CITY COUNCIL

MINUTES, REGULAR SESSION

Wednesday, March 17, 2021, 7:00 p.m.

Remote Via Webex: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Bruce Bronner, Erling Heistad, Karen Liot Hill, , George Sykes, Jim Winny, Karen Zook

MEMBERS ABSENT: Suzanne Prentiss

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Recreation Coordinator Krissy Flythe

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

This meeting took place virtually due to the COVID-19 Pandemic and was conducted in accordance with the Emergency Orders issued by the New Hampshire Governor according to NH RSA 91-A "Right-to-Know Law."

All Councilors attending the meeting remotely are listed above.

2. PLEDGE OF ALLEGIANCE: Councilor Bronner led the Council in the Pledge.

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

4. OPEN TO PUBLIC: No one from the public came forth.

5. RECOGNITIONS: None

6. APPROVAL OF MINUTES:

- **March 3, 2021 (Regular Session)**

Councilor Liot Hill MOVED to approve the March 12, 2021 (Regular Session) minutes as written and presented in the March 17, 2021 City Council agenda packet.

Seconded by Councilor Sykes.

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor McNamara, all voting Yea.

None voted Nay.

**The Vote on the MOTION was unanimously approved by those present (8-0).*

- **March 11, 2021 (Canvass of the Vote)**

Councilor Sykes MOVED to approve the March 11, 2021 Canvass of the Vote minutes as written and presented in the March 17, 2021 City Council agenda packet.

Seconded by Councilor Liot Hill.

1 **Roll Call Vote:**

2 Assistant Mayor Below, and Councilors Bronner, Liot Hill, Sykes, Winny, Zook and Mayor McNamara,
3 all voting Yea.

4 None voted Nay.

5 Councilor Heistad abstained because he was not present at this meeting.

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

7
8 **7. APPOINTMENTS:**

9 A. Lebanon Housing Authority, Ian Girdwood (Citizen Member)

10 *Councilor Liot Hill put forth the NOMINATION of Ian Girdwood to serve as a Citizen Member of*
11 *Lebanon Housing Authority. Unexpired Term (3/21 – 10/22).*

12 *Seconded by Councilor Sykes.*

13
14 **Roll Call Vote:**

15 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
16 McNamara, all voting Yea.

17 None voted Nay.

18 **The Vote on the NOMINATION was unanimously approved by those present (8-0).*

19
20 **8. PUBLIC HEARING ITEMS:**

21 A. **ORDINANCE #2021-01** - A public hearing for the purpose of receiving public input and
22 taking action to amend City Code Chapter 31, Board, Committees & Commissions,
23 Article VII, Heritage Commission and Article X, Arts and Culture Commission

24
25 Included in the agenda packet was Ordinance #2021-01.

26
27 City Manager Mulholland presented a briefing on Ordinance #2021-01.

28
29 By action of the City Council on May 21, 2014, the City's Fountain Committee was dissolved and
30 recreated as the Fountain Working Group and placed under the umbrella of the Heritage Commission.

31 The charge of the Heritage Commission was formally amended in 2016 to include the following:

32
33 "H. Work towards the purchase and installation of fountains within the City of Lebanon by raising funds;
34 coordinating volunteer efforts; locating fountains for purchase by the City; developing plans for the
35 location of fountains; and seeking approval by the Heritage Commission and the City Council prior to the
36 installation of any new fountain."

37
38 The Fountain Working Group procured and installed its last fountain at the Glenwood Cemetery in 2020.
39 Members of the group have since stepped aside. We continue to be thankful for the work they
40 accomplished over their many years of dedicated service.

41
42 In December 2018, the City Council established the Arts and Culture Commission and charged them with
43 taking a lead role in implementing Chapter 12 of the City's Master Plan (Community Design and Civic
44 Art). Within this chapter, fountains are recognized as a cultural and civic art resource, and implementation
45 strategies and action items refer to reestablishing Lebanon as the "City of Fountains".

46
47 With all of this in mind, City administration is recommending that the charge of the Arts and Culture
48 Commission be amended to assume the role of fountain procurement. An amendment to the City Code is
49 required to effectuate the change and is outlined in Ordinance 2021-01.

1 Mayor McNamara opened the Public Hearing. Hearing no comments from the public, the Public
2 Hearing was closed.

3
4 **ACTION:**

5 *Assistant Mayor Below MOVED*, that the Lebanon City Council hereby adopts Ordinance #2021-01,
6 to amend City Code, Chapter 31, Boards, Committees & Commissions, Article VII, Heritage
7 Commission and Article X, Arts and Culture Commission, to amend the charge of the Arts and
8 Culture Commission to assume the role of fountain procurement.

9
10 *Seconded by Councilor Liot Hill.*

11
12 **Roll Call Vote:**

13 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
14 McNamara, all voting Yea.

15 None voted Nay.

16 **The Vote on the MOTION was unanimously approved by those present (8-0).*

17
18 Changes to Ordinance #2021-01 are listed in red below.

19
20 **CITY OF LEBANON**
21 **ORDINANCE #2021-01**

22
23 **AN ORDINANCE TO AMEND** Chapter 31, Boards, Committees and Commissions, of the Code
24 of the City of Lebanon, by deleting §31-33.H and adding §31-45.E.

25
26 Section 1:

27 The Code of the City of Lebanon is hereby amended by deleting the following:

28
29 Article VII, Heritage Commission, §31-33. Purposes; powers, Heritage Fund.

30
31 ~~H. Work towards the purchase and installation of fountains within the City of Lebanon by raising~~
32 ~~funds; coordinating volunteer efforts; locating fountains for purchase by the City; developing~~
33 ~~plans for the location of fountains; and seeking approval by the Heritage Commission and the~~
34 ~~City Council prior to the installation of any new fountain.~~

35
36 Section 2:

37 The Code of the City of Lebanon is hereby amended by adding the following:

38
39 Article X, Arts and Culture Commission, Section 31-45. Duties and responsibilities.

40
41 ~~E. Working towards the purchase and installation of fountains within the City by raising funds;~~
42 ~~coordinating volunteer efforts; locating fountains for purchase by the City; and developing~~
43 ~~plans for the location of fountains. City Council approval is required prior to the installation of~~
44 ~~any new fountain.~~

45
46 Section 3: Severability

47
48 The provisions of this ordinance are declared to be severable, and if any section, subsection,
49 sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court
50 of competent jurisdiction, such decision shall not affect the validity of any remaining sections,
51 subsections, sentences, clauses or part of this ordinance.

1 Section 4: Effective Date

2
3 This ordinance shall become effective upon passage.

4
5 **9. OLD BUSINESS**

6 **A. Presentation of Second Reading: Amendment to Ordinance #18, Salary Plan, Article II,**
7 **Non- Affiliated & LPASE Employees, to include the positions of Utility Billing Clerk**
8 **(Grade 8) and Accounting Clerk (Grade 3) within the pay plan for regular full-time &**
9 **regular part-time employees and to retitle positions in the City Clerks, and Cyber**
10 **Services Departments.**

11
12 **REORGANIZATION OF CITY CLERK'S OFFICE & FINANCE DEPARTMENT**

13
14 City Manager Mulholland is reorganizing positions within the City Clerk's office and Finance department
15 to implement "central collections." Central collections will provide the ability for the public to pay taxes
16 or water & sewer bills while registering to vote, registering their motor vehicles, or applying for a
17 marriage license and will allow the Finance Department to better concentrate efforts on financial services
18 and management.

19
20 To assist in the transition, the tax collection functions currently managed by Finance are being moved
21 under the umbrella of the City Clerk. In this, the positions of City Clerk and Tax Collector are being
22 combined; and the position of Deputy Tax Collector (Grade 8) is being moved from Finance to City
23 Clerk.

24
25 Currently the duties of the Deputy Tax Collector include billing and collection for water, sewer, and
26 landfill services. These duties will remain in finance under a position to be titled "Utility Billing Clerk"
27 (Grade 8). Duties for the revised Deputy Tax Collector position will be those associated with tax
28 collection plus those associated with Assistant City Clerks (motor vehicle registration, dog licensing,
29 issuance of vital records, election processing, etc.). As such, the Deputy Tax Collector will be fully able
30 to assist with counter coverage and daily public interactions.

31
32 Over the years, the Tax Collector has taken on duties to assist the Finance Department with accounts
33 payable and accounts receivable operations. Prior to the implementation of the revised compensation and
34 classification system for non-affiliated employees in 2018, a position titled "Accounting Clerk" was part
35 of the pool of positions in the City. Administration is reinstituting the position (part-time only) so the
36 Finance Department may hire a person to assume the duties that will not be transferred to the City Clerk.
37 All necessary funding to complete this transition is existing within the 2021 approved budget. The salary
38 for the Tax Collector will be utilized by the City Clerk's Office to facilitate the move of the newly
39 appointed Deputy Tax Collector and the funding for the retitled position of Utility Billing Clerk is
40 included in the Finance budget, as is funding for a part-time Accounting Clerk.

41
42 **RETITLING POSITIONS FROM "INFORMATION TECHNOLOGY" TO "CYBER**
43 **SERVICES"**

44
45 With the ever-evolving world of technology, and the all-encompassing functions associated with
46 protecting the City's technological resources, City Manager Mulholland has renamed the Information
47 Technology Department to "Cyber Services." As such, positions currently titled "Information
48 Technology" need to be updated. Positions include: Information Technology Director - Grade 15 (to be
49 retitled Cyber Services Director); and Information Technology Technical Specialist - Grade 9 (to be
50 retitled Cyber Services Technical Specialist). The Systems and Information Technology Administrator
51 (Grade 13) title will remain as is and assigned grades for all positions will not change.

Process to Amend Ordinance No. 18

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

On March 3, 2021, the City Council scheduled a public hearing for April 7, 2021 and recognized the first reading of the proposed amendment to Ordinance No. 18 to include the positions of Utility Billing Clerk (Grade 8) and Accounting Clerk (Grade 3) within the pay plan for regular full-time and regular part-time employees and to retitle positions in the City Clerks and Cyber Services Department. The third presentation will be held on April 7 along with the Public Hearing and action to adopt the proposed amendment. In accordance with the City Charter, the City Council is now asked to recognize the second of three presentations.

ACTION:

1. ACKNOWLEDGE SECOND PRESENTATION:

Councilor Bronner MOVED, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, as follows:

- 1. Retitle City Clerk to City Clerk/Tax Collector (Grade 12;***
- 2. Include the position of Utility Billing Clerk (Grade 8);***
- 3. Include the position of Accounting Clerk (Grade 3);***
- 4. Retitle Information Technology Director to Cyber Services Director (Grade 15); and***
- 5. Retitle Information Technology Technical Specialist to Cyber Services Technical Specialist (Grade 9)***

Changes in the table below (pages 31-32, agenda packet) are shown in **red**.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES – 2021 SALARY & GRADES

<u>Grade</u>	<u>Position Title</u>	<u>Hourly</u>		<u>Weekly</u>	
		<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
1	General Intern II	\$16.77	\$22.64	-	-
2	Custodian	\$17.78	\$23.99	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.84	\$25.44	-	-
	Custodian I	-	-	-	-
	Accounting Clerk				
4	Library Assistant	\$19.98	\$26.97	-	-
5		\$21.17	\$28.57	-	-
6	-	\$22.44	\$30.29	-	-
7	Administrative Assistant	\$23.78	\$32.45		
	Administrative Secretary			-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-

	Library Administrative/Technical Assistant	-	-	-
8	Administrative Assistant	\$25.21	\$34.04	-
	Benefits Coordinator/Payroll Specialist	-	-	-
	Deputy City Clerk	-	-	-
	Deputy Tax Collector	-	-	-
	Field Inspector**	-	-	-
	Electrical Inspector**	-	-	-
	Utility Billing Clerk			
	Outreach Librarian	-	-	\$1,008.55
	Young Adult Librarian	-	-	-
9	Code Health Inspector**	\$27.73	\$37.43	-
	Executive Assistant	-	-	-
	Digital Media Officer	-	-	-
	Cyber Services Technical Specialist			
	Information Technology Technical Specialist			
	Real Estate Appraiser II**	-	-	-
	Children's Librarian			\$1,109.20
	Associate Planner**	-	-	
	Systems Librarian	-	-	-
	Information Technology Librarian	-	-	-
10	Assistant City Engineer**	\$30.50	\$41.18	-
	Cemetery Sexton**	-	-	-
	Financial Analyst	-	-	-
	Fleet Maintenance Supervisor**	-	-	-
	Maintenance Superintendent**	-	-	-
	Utilities Maintenance Superintendent**			
	Police Communications Supervisor**	-	-	-
	Tax Collector	-	-	-
	Human Services Director	-	-	\$1,220.15
	Recreation Program Coordinator**	-	-	
11	Technical Advisor I	\$33.59	\$45.34	-
	Administrative Services Manager**	-	-	\$1,343.60
	Airport Operations Supervisor**	-	-	-
	Assistant Recreation Director**	-	-	-
	Code Enforcement Director**	-	-	-
	Deputy Library Director	-	-	-
	Fire Marshall**	-	-	-
	Planner/GIS Coordinator**	-	-	-
	Senior Planner**	-	-	-
12	Wastewater Treatment Superintendent**	\$35.60	\$48.05	-
	Water Treatment Superintendent**	-	-	-
	City Assessor**	-	-	\$1,424.00
	City Clerk/Tax Collector	-	-	
	City Clerk			-
	City Engineer**	-	-	-
	City Planner**	-	-	-
	Deputy Finance Director	-	-	-
	Energy & Facilities Manager**	-	-	-

	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,509.21	\$2,037.39
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Systems and Information Technology Administrator				
14	Assistant Director/Public Works	-	-	\$1599.77	\$2,159.70
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
15	Cyber Services Director Information Technology Director	-	-	\$1,695.84	\$2,289.20
16	Technical Advisor II	\$44.93	\$60.66		
	Chief of Police	-	-	\$1,797.42	\$2,426.40
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Deputy City Manager	-	-	-	-

**denotes LPASE Positions

Seconded by Councilor Heistad.

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor McNamara, all voting Yea.

None voted Nay.

****The Vote on the MOTION was unanimously approved by those present (8-0).***

10. NEW BUSINESS

A. Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Martin, 8 Pleasant Street, West Lebanon

Included in the agenda packet::

1. Lebanon Police Department Issued Sound Permit
2. City Code Chapter 110. Noise from Sound Amplification Systems

Charles and Valerie Martin of 8 Pleasant Street, West Lebanon came forth and spoke about their application request. They were issued a Sound Permit from the Lebanon Police Department for a function on Saturday, August 7, 2021. The permitted time frame is 2:00pm – 8:00pm. The Martins requested an extension to allow the amplification equipment to be utilized until 10:00pm.

City Code Chapter 110, “Noise from Sound Amplification Systems,” allows residents to obtain a permit for sound amplification between the hours of 8am – 8pm Chapter 110-2(B) allows the

1 City of Lebanon upon its motion, or upon application and for good cause shown, may modify,
2 suspend, repeal or amend the provisions of any rule or regulation or section herein contained.
3

4 **ACTION**

5 ***Councilor Liot Hill MOVED, that the Lebanon City Council, in accordance with City Code Chapter***
6 ***110, Noise from Sound Amplification System, §110-2, hereby authorizes Charles and Valerie***
7 ***Martin of 8 Pleasant Street, West Lebanon, to utilize amplification equipment until 10:00pm on***
8 ***Saturday, August 7, 2021, provided that the area neighbors are notified in advance.***

9 ***Seconded by Councilor Heistad.***

10
11 **Roll Call Vote:**

12 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
13 McNamara, all voting Yea.

14 None voted Nay.

15 ****The Vote on the MOTION was unanimously approved by those present (8-0).***

16
17 **B. Discussion & Set Public Hearing for April 7, 2021: Ordinance #2021-02 to amend City**
18 **Code Chapter 136, Sewer Service, §136-78, Collection**
19

20 Included in the agenda was Proposed Ordinance 2021-02.

21
22 City Manager Mulholland is reorganizing positions within the City Clerk's office and Finance department
23 to implement "central collections." In addition to central collections, reorganization efforts will split the
24 responsibility for billing of collections (taxes and utilities) between the City Clerk (taxes) and Finance
25 Department (water & sewer).

26
27 Chapter 136, Sewer Service, of the City Code currently commits the collection of fees and assessments
28 for sewer charges to the Tax Collector. In order to keep this function with the Finance Department,
29 administration is proposing to have the collection of fees and assessments committed to the Finance
30 Director. Past due fees and assessments would still be committed to the Tax Collector, so they would be
31 subject to the same lien process as past due taxes.

32
33 **ACTION:**

34 ***Councilor Bronner MOVED, that the Lebanon City Council hereby schedules a public hearing for***
35 ***Wednesday, April 7, 2021, beginning at 7:00pm, Remote via Webex, for the purpose of receiving***
36 ***public input and taking action on proposed Ordinance #2021-02, to amend City Code, Chapter 136,***
37 ***Sewer Service, §136-78, Collection.***

38 ***Seconded by Assistant Mayor Below.***

39
40 **Roll Call Vote:**

41 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
42 McNamara, all voting Yea.

43 None voted Nay.

44 ****The Vote on the MOTION was unanimously approved by those present (8-0).***

45
46 **C. Discussion & Set Public Hearing for April 7, 2021: Ordinance #2021-03**
47 **to amend City Code Chapter 182, Water Service, §182-31, Collection**
48

49 Included in the agenda packet: Ordinance 2021-03.
50

1 City Manager Mulholland is reorganizing positions within the City Clerk's office and Finance department
2 to implement "central collections." In addition to central collections, reorganization efforts will split the
3 responsibility for billing of collections (taxes and utilities) between the City Clerk (taxes) and Finance
4 Department (water & sewer).

5
6 Chapter 182, Water Service, of the City Code currently commits the collection of fees and assessments
7 for water charges to the Tax Collector. In order to keep this function with the Finance Department,
8 administration is proposing to have the collection of fees and assessments committed to the Finance
9 Director. Past due fees and assessments would still be committed to the Tax Collector, so they would be
10 subject to the same lien process as past due taxes.

11
12 **ACTION:**

13 ***Councilor Bronner MOVED, that the Lebanon City Council hereby schedules a public hearing for***
14 ***Wednesday, April 7, 2021, beginning at 7:00pm, Remote via Webex, for the purpose of receiving***
15 ***public input and taking action on proposed Ordinance #2021-03, to amend City Code, Chapter 182,***
16 ***Water Service, §182-31, Collection.***
17 ***Seconded by Assistant Mayor Below.***

18
19 **Roll Call Vote:**

20 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
21 McNamara, all voting Yea.

22 None voted Nay.

23 ****The Vote on the MOTION was unanimously approved by those present (8-0).***

24
25 Changes to Ordinance #2021-03 are listed in **purple** below:

26
27 **CITY OF LEBANON**
28 **ORDINANCE #2021-03**
29

30 AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 182, Water Service, Article V,
31 Service Billing; Discontinuance of Service; Collection and Abatement; Penalties, Section 182-31,
32 Collection.

33
34 **BE IT ORDAINED**, by the City Council of the City of Lebanon, as follows:

35
36 **Section 1**
37

38 The Code of the City of Lebanon is hereby amended to revise Chapter 182, Water Service, Article V,
39 Service Billing; Discontinuance of Service; Collection and Abatement; Penalties, Section 182-31 as
40 follows:

41
42 **§ 182-31 Collection.**
43

44 Collection of the fees made herein are committed to the **Finance Director** ~~Collector of Taxes~~, who shall
45 act under a warrant, requiring said **Finance Director** ~~Collector of Taxes~~ to collect these assessments. The
46 **Finance Director** Tax Collector shall have the same rights and remedies, including a lien on the real estate
47 in relation thereto, as in the collection of taxes. **Collection of the fees and assessments that are past due**
48 **shall be committed to the Tax Collector.** In the event of bankruptcy, the city may require a security
49 deposit equal to the highest quarterly bill for water service prior to the date of bankruptcy filing for future
50 water service, as provided by federal law. 11 USC § 366.
51

1 Section 2. Severability

2
3 The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence,
4 clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent
5 jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences,
6 clauses or part of this ordinance.
7

8 Section 3. Effective Date

9
10 This Ordinance shall become effective upon passage.
11

12 **D. Presentation of First Reading and Set Public Hearing for April 21, 2021:**
13 **Amendment to Ordinance #18, Salary Plan, Article II, Non-Affiliated &**
14 **Employees, Seasonal/Temporary & Stipend Employees, to LPASE increase 2021**
15 **wages for Memorial Pool and Camp Recreation, Arts & Parks employees**
16

17 Included in the agenda packet: Amendment to Ordinance #18, Salary Plan
18

19 City Manager Shaun Mulholland came forth and explained the history and reasons behind amending
20 Ordinance #18, Salary Plan.
21

22 The 2021 Budget was approved without funding to operate the pool this year. The anticipated revenue
23 reductions as a result of the COVID-19 Pandemic required the implementation of necessary austerity
24 measures to balance the City's budget. The US Congress passed legislation which was signed into law by
25 the President that would provide revenue relief and other funding to address the impacts of COVID-19.
26 This funding (as it appears right now) would come to the City from the federal government and allow for
27 the operation of the pool this year. The City Manager is proposing the salary increases as shown in the
28 charts provided for a number of reasons as annotated below:
29

- 30 1. These positions are seasonal with hourly rates that have never been assessed through a wage
31 classification study.
- 32 2. The staff assigned to the positions at the pool and the summer camp program will be exposed to a
33 higher level of risk to their own health regarding the possibility of contracting COVID-19 than
34 they normally would be under the circumstances.
- 35 3. The labor marketplace rates have become very competitive in our area which we have not kept
36 pace with.
- 37 4. Staff, especially summer camp staff, will be expected to work mandatory overtime due to the
38 enhanced supervision needed to mitigate the risk of COVID-19 spread among camp participants.
39 We expect staff will be working 50 hours per week for all six weeks of the program.
- 40 5. Some of the staff may not be able to obtain vaccinations by the time the pool and the summer
41 camp program open which further enhances the risk to their health.
- 42 6. The rates proposed are only in place for the calendar year 2021. The Council will determine new
43 rates during the annual budget process for budget year 2022. The CARES Act funding is one-
44 time funding and unlikely to continue into 2022.
45

46 ***Process to Amend Ordinance No. 18***
47

48 Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22,
49 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all
50 members of the City Council – six (6) members - to adopt.
51

The Council was asked to recognize the first of three presentations on March 17, and to schedule a public hearing for April 21, 2021 to amend the Ordinance. The second and third presentations will follow on April 7, 2021 and April 21, 2021 respectively.

Mr. Thomas Jasinski came forth and questioned if the proposed increase in the salaries would be covered through the governments relief package. City Manager Mulholland said this is the tentative expectation, but reminded everyone this ordinance will only become effective if the City receives the CARES Act funds, since the City does not have the money to pay for opening the pools on its own. Opening the pool/recreation facilities is also dependent on public safety due to COVID-19.

ACTION

1. ACKNOWLEDGE FIRST PRESENTATION:

*Assistant Mayor Below MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, Seasonal/Temporary & Stipend Employees, to increase 2021 wages for Memorial Pool & Camp Recreation, Arts & Parks employees.
Seconded by Councilor Sykes.*

B. SEASONAL/TEMPORARY& STIPEND EMPLOYEES

Seasonal, temporary and part-time positions with less than 20 hours are not placed into grades. These positions are based upon comparable municipal positions and wages and/or local current market values. These positions are NOT eligible for employee benefits. Seasonal positions are up to 6 months in duration; part-time positions are less than 20 hours weekly and may be year-round or by event; temporary positions vary in length of service (less than 1 year).

Changes to the compensation and classification schedules are shown in red below. Strikeout text represents a deletion of the position due to consolidation or to remove duplicates.

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk		\$10.15
Election Assistant		\$10.15
Supervisors of the Checklist		\$10.15
Moderator		\$12.69
Ward Clerk		\$12.69
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$11.25	\$28.54
PARK AND RECREATION POSITIONS		
Camp Counselors	\$10.15	\$12.18
Front Desk Attendants – Pool	\$10.15	\$12.18 \$15.25
Head Front Desk Attendants	\$11.17	\$13.70
Site Assistant	\$10.15	\$13.20
Lifeguards	\$10.15	\$12.18 \$17.50
Head/Lead Counselors	\$13.20	\$16.24
Site Assistant	\$10.15	\$13.20
Head & WSI Lifeguards	\$12.18	\$15.23 \$18.25
Head Front Desk Attendant - Pool	\$12.18	\$15.23 \$15.50
Outdoor Adventurer - Educator	\$12.69	\$16.24
Softball Coordinator	\$12.69	\$16.24

Camp Director	\$13.20	\$16.24 \$20.00
Day Camp Counselors	\$10.15	\$14.24 \$15.25
Arts & Craft Director	\$13.20	\$16.24 \$17.00
Farmers Market Coordinator	\$14.21	\$18.27
Market Assistant	\$12.18	\$15.23
Tennis Instructor	\$15.23	\$19.29
Stomp & Romp	\$15.23	\$19.29
Asst. Pool Director	\$15.23	\$19.29 \$21.00
Pool Director	\$16.24	\$20.30 \$24.00
LIBRARY POSITIONS		
Circulation Substitutes		\$13.41
Reference Librarian Substitutes		\$22.65
PUBLIC WORK POSITIONS		
Engineering Clerk	\$11.17	\$14.21
GIS Clerk - (or Intern)	\$15.23	\$17.26
Seasonal Laborers – Summer & Fall DPW, Parks & Rec. & Airport	\$16.24	\$19.29
CDL Seasonal Drivers	\$22.81	\$27.30
PLANNING POSITIONS		
Park Ranger	\$15.23	\$17.26
POLICE DEPARTMENT POSITIONS		
Crossing Guard		\$16.53
Communications Specialist	\$23.78	\$32.45
Police Administrative Aide	\$20.30	\$23.35
Parking Control Officer	\$20.30	\$23.35
Police Officers	\$26.86	\$32.39
CITY CLERK POSITIONS		
Assistant City Clerks (Part-Time/Temp. <20)	\$23.41	\$31.61
Recording Secretary	\$21.82	\$23.85
Recording Secretary Coordinator	\$22.82	\$24.36
SHARED POSITION		
General Intern I	\$13.20	\$16.75
STIPEND POSITIONS		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$205	\$715
(Chair) Supervisors of the Check List	\$155	\$255
Supervisor of the Voter Checklist	\$155	\$255

2. SCHEDULE PUBLIC HEARING:

Assistant Mayor Below further MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 21, beginning at 7:00 pm, Remote via Webex, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated Employees, Seasonal/Temporary & Stipend Employees to increase 2021 wages for Memorial Pool & Camp Recreation, Arts & Parks employees.
Seconded by Councilor Sykes

Roll Call Vote:

Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor McNamara, all voting Yea.
None voted Nay.

**The Vote on the MOTION was unanimously approved by those present (8-0)*

1
2 **11. City Manager Report:**

3 City Manager Shaun Mulholland updated the Council on the following:

- 4 • Legislation Updates:
- 5 ○ HB 216 & SB 95: Remote/Virtual meetings. Support for these two bills have waned and it
6 looks like they are destined to be killed. This is a head scratcher because both parties seemed
7 to be supportive of these bills because they allowed easier access for the public to participate
8 in meetings. Either way, after COVID-19 is mitigated to a degree where it is safe to hold in -
9 person meetings, the City's plan will be to continue virtual/remote meetings for the public.
10 However, since some Boards/Committees/Commissions have their own rules, the public may
11 only be able to listen to meetings and may not be able to speak during these meetings. Once
12 the Emergency Order goes away, and unless the law is changed, the City Council and other
13 Boards/Committees/Commissions will have to be physically present and the public will be
14 allowed to attend meetings in person.
 - 15 ○ SB-99 – Rooms & Meals Tax: This bill would allow, for the first time, part of this tax to go
16 back to municipalities. This was passed but has been tabled because it will become part of the
17 State's budget.
 - 18 • Broadband: There are funds in the American Rescue Plan passed by Congress that could be used
19 to expand broadband to Lebanon's 142 residential households that do not have high speed
20 internet capability. We are currently in conversations with Comcast, Hub 66, and a satellite
21 service, who want to expand their service in the City.
 - 22 • State Business and Economic Affairs Department visit: They will be looking at Lebanon's 1B
23 Airport Industrial Park expansion project, other vacant properties in the City, and especially
24 Lebanon's Biotech Industry. The Upper Valley Business Alliance (UVBA) has been very
25 successful as a group, and some of those facilities are looking at either creating or expanding their
26 services in our area. This meeting will take place on March 30, 2021.
 - 27 • Streetlight Project: Phase I is now complete after being in the works for 10 years. Kudos to
28 LEAC (Lebanon Energy Advisory Council), Assistant Mayor Below and Ms. Barbara Hirai for
29 their work over the years. Phase II and Phase III of the project are still being worked on.
 - 30 • Paving for summer 2021- CSO 12:
 - 31 ○ The areas around Mascoma Street will receive a final coat of pavement.
 - 32 ○ Seminary Hill Road: From Carlton Drive to the bridge will be ground, milled, shimmed and
33 overlaid.
 - 34 ○ Cavendish Court (in Centerra): Will be milled, shimmed and overlaid.
 - 35 ○ Hardy Hill collection of streets: Will be shimmed and overlaid.
 - 36 ○ Moss, Deer Run, Foliage: Will be milled, shimmed and overlaid.
 - 37 ○ A chip seal will be done on the streets off Seminary Hill to include Floyd Ave., Batchelder
38 Ave. and Whitcomb Ave.
 - 39 ○ Spencer Street Reconstruction Project: Repaving will be done in this area
 - 40 • Airport Tech Park: This has gone out to bid. We anticipate that the road and utilities will be
41 expanded by the end of the year and the Tech Park will be ready to be leased out.
- 42

43 **12. Council Representatives to Other Bodies Reports:**

44 Councilor Winny spoke about the West Lebanon Revitalization Advisory Committee's (WLRVAC)
45 efforts/request, which will be presented to the Council on April 7, 2021. He noted there is a potential
46 opportunity to work toward an expansion with the Dam relicensing, specifically looking at the Boston Lot
47 parking area and possibly a piece of the Greenway Trail along the side of the river to get us connected to

1 the Boston lot. He felt it might be the right time to pursue this endeavor during the Dam relicensing
2 negotiations.

3
4 Councilor Heistad felt that since the path around the dam is very difficult, this would be a way of
5 improving it so it would be safer for people foraging around the dam.

6
7 **13. Future Agenda Items: None**

8
9 **14. Non-Public Session: None**

10
11 **15. Adjournment:**

12
13 *Councilor Bronner MOVED for adjournment.*
14 *Seconded by Councilor Heistad..*

15
16 **Roll Call Vote:**

17 Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, Zook and Mayor
18 McNamara, all voting Yea.

19 None voted Nay.

20 **The Vote on the MOTION was unanimously approved by those present (8-0)*

21
22 **The meeting was adjourned at 7:48 PM.**

23
24 Respectfully submitted,

25 Dona E. Gibson

26 Recording Secretary

DRAFT

**LEBANON CITY COUNCIL
MINUTES, ORGANIZATIONAL MEETING
Wednesday, March 24, 2021, 7:00 p.m.
Remote Via MS Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Karen Liot Hill, Suzanne Prentiss, George Sykes, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: Bruce Bronner, Jim Winny

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Finance Director Vicki Lee

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

2
3 This meeting took place virtually due to the COVID-19 Pandemic and was conducted in accordance
4 with the Emergency Orders issued by the New Hampshire Governor according to NH RSA 91-A
5 “Right-to-Know Law.”

6
7 All Councilors attending the meeting remotely are listed above.

8
9 **2. Pledge of Allegiance:** Mayor McNamara led the Council in the Pledge.

10
11 **3. Public Forum Announcement:** Mayor McNamara made the Public Forum announcement.

12
13 **4. Open to the Public:** No one from the public came forth.

14
15 **5. Retirement of Outgoing Councilors:**
16 A. Resolution Honoring Suzanne Prentiss.

**RESOLUTION
HONORING SUZANNE PRENTISS**

17
18
19
20
21 **WHEREAS,** Suzanne Prentiss served on the City Council from March 2009 to March 2021, serving as
22 Assistant Mayor from 2014 to 2017, and as Mayor from 2017 to 2019; and

23
24 **WHEREAS,** during her tenure on the City Council, Suzanne served as a Council representative to the
25 Airport Advisory Committee, CATV Board of Directors, Public Facilities Committee, Public Safety
26 Committee, Pedestrian & Bicyclist Advisory Committee, Recreation Commission, Planning Board,
27 Advance Transit Board of Directors, Governance Committee, and the Heritage Commission; and

28
29 **WHEREAS,** Suzanne has supported the City of Lebanon through her involvement and participation on
30 the Boards and Committees listed above, and has been diligent in her commitment to ensuring that the
31 City provides the best value of services to its residents and visitors; and

32 **WHEREAS,** Suzanne led the effort to spotlight and advance arts and cultural opportunities in the City
33 through chairing the City Council’s Arts & Culture Task Force, resulting in the establishment of a
34 Commission to promote arts and cultural activities through the cultivation of public-private partnerships

1 and the creation of policies to integrate the arts throughout the community; and

2
3 **WHEREAS**, Suzanne was an active participant in the effort to improve the vitality and safety of
4 downtown West Lebanon through the pursuit of the clean-up and re-use of portions of the Westboro Rail
5 Yard; and

6
7 **WHEREAS**, Suzanne has demonstrated a particular skill in her ability to work with people on both sides
8 of an issue to develop consensus. This ability to lead in particularly divisive situations has been well
9 demonstrated by her and has served this City well; and

10
11 **WHEREAS**, the Lebanon City Council appreciates the time, effort, knowledge, and commitment
12 provided to the community by Suzanne Prentiss during her service on the Lebanon City Council.

13
14 **NOW THEREFORE BE IT RESOLVED** that the Lebanon City Council, on behalf of the City of
15 Lebanon, extends its sincere appreciation to Suzanne Prentiss for her dedicated service and for her
16 contributions to the community.

17
18 Dated this 24th day of March 2021 at Lebanon, New Hampshire.

19
20 _____
21 Timothy J. McNamara, Mayor
22 On Behalf of the Lebanon City Council

23 B. Resolution Honoring Bruce Bronner.

24
25 **RESOLUTION**
26 **HONORING BRUCE BRONNER**

27
28 **WHEREAS**, Bruce Bronner served on the City Council from March 2008 to March 2021; and

29
30 **WHEREAS**, during his tenure on the City Council, Bruce served as a Council Representative on the
31 Heritage Commission, Westboro Yard Committee, Public Facilities Committee, Economic Vitality
32 Exchange Committee, CATV Board of Directors, and the City Council's Task Force on Homelessness;
33 and

34
35 **WHEREAS**, Bruce has supported the City of Lebanon through his involvement and participation on the
36 Boards and Committees listed above, and has been diligent in his commitment to ensuring that the City
37 provides the best value of services to its residents and visitors; and

38
39 **WHEREAS**, Bruce has provided a great amount of insight based on his personal contracting and real
40 estate experience that has led to better informed decisions in the construction of improvements to City
41 buildings and the sale of City-owned lands and buildings, and

42
43 **WHEREAS**, Bruce, through a common-sense approach and pragmatic lens has served the City very well
44 in his review of the many municipal budgets passed during his tenure, always considering first what is
45 best for Lebanon residents; and

46
47 **WHEREAS**, the Lebanon City Council appreciates the time, effort, knowledge, and commitment
48 provided to the community by Bruce Bronner during his service on the Lebanon City Council.

49
50 **NOW THEREFORE BE IT RESOLVED** that the Lebanon City Council, on behalf of the City of
51 Lebanon, extends its sincere appreciation to Bruce Bronner for his dedicated service and for his
52 contributions to the community.

53
54 Dated this 24th day of March 2021 at Lebanon, New Hampshire.

6. Welcoming Newly Elected & Re-Elected Councilors; Election of Mayor and Assistant Mayor

The following City Councilors were officially seated: Douglas Whittlesey (Ward 1), Devin Wilkie (Ward 2), Clifton Below (Ward 3), and Karen Liot-Hill (At-Large).

Councilor McNamara noted that we are at a point in this country where discussions at the State and Federal levels seem to be increasingly fractured and hostile. In this very difficult period for our country, he personally is very proud, at the Council level here in Lebanon, that we are very non-partisan. We do not run for office with a letter after our names, at least not yet. We were elected based on the confidence that voters have given us as people, not the party we belong to. He hopes it stays this way because it serves the City of Lebanon much better as a non-partisan Council. When it comes to our relationships on the Council, he believes in what he calls the rule of seeds:

- We will always be civil and collegial to each other.
- We will always endeavor to be cooperative and collaborative in all of our discussions.
- We will try to arrive at consensus decisions, but if we cannot achieve consensus, we will work toward compromise and will be civil to each other.

7. NOMINATION AND ELECTION OF TEMPORARY CHAIR

City Clerk Kristin Kenniston opened the nominations for a Temporary Chairperson.

Councilor McNamara put forth the NOMINATION of Councilor George Sykes to serve as Temporary Chair.

Roll Call Vote:

Councilors Below, Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Zook and McNamara all voting Yea
None voted Nay.

**Councilor George Sykes was elected as Temporary Chair (8-0).*

8. NOMINATION AND ELECTION OF MAYOR AND ASSISTANT MAYOR

Councilor Sykes opened the nominations for the position of **Mayor**.

Councilor Liot Hill put forth the NOMINATION of Councilor Tim McNamara to serve as Mayor.

Roll Call Vote:

Councilors Below, Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, and Zook and all voting Yea.
None voted Nay.

Abstained: Councilor McNamara

**Councilor Timothy McNamara was elected as MAYOR (7-0-1).*

ASSISTANT MAYOR:

Mayor Timothy McNamara opened the nominations for the position of **Assistant Mayor**.

Councilor Heistad put forth the NOMINATION of Councilor Clifton Below to serve as Assistant Mayor.

Roll Call Vote:

Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.
None voted Nay.
Abstained: Councilor Below

****Councilor Clifton Below was elected as Assistant Mayor (7-0-1).***

NH State Senator, Suzanne Prentiss (District 5) spoke about her time as a Lebanon City Council member, thanked Council members for the Resolution honoring her, and welcomed the incoming Councilors before saying goodbye to her duties as a Lebanon City Councilor, noting she will always be available to her colleagues and constituents in her new role.

9. NEW BUSINESS

A. Adoption of Council Rules

Included in the agenda packet: Council Rules (last revised 1/20/2021)

***Councilor Liot Hill MOVED that the Lebanon City Council adopt the Council Rules as presented in the March 24, 2021 agenda packet.
Seconded by Assistant Mayor Below.***

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.

None voted Nay.

****The Vote on the MOTION to adopt the City Council Rules passed (8-0).***

Councilor Liot Hill spoke about Assistant Mayor Below's tremendous service and contributions to the City of Lebanon over the years. She also praised and extended her appreciation to City Clerk Kristin Kenniston, staff, and volunteers for their work in making the City's election day run smoothly.

B. Training: Welcoming Lebanon Policy

Included in the agenda packet: Welcoming Lebanon Policy

The City Council at their regularly scheduled January 20, 2021 City Council meeting adopted City Council Policy CC-104: Welcoming Lebanon. City Manager Mulholland provided the required training for City Code 185 - Officials of this policy. He reviewed the Legislative History; purpose of this policy; Immigration Status; Definitions included in the policy; as well as the following to the Council:

PROVISION #1

1. No law enforcement agent or other agent or agency of the City of Lebanon, shall profile, target, detain, or otherwise discriminate against any person because of any of the following, whether actual or perceived: age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental ability, national origin, sexual orientation, ethnicity or culture, language or religion, economic or housing status, or citizenship or immigration.

PROVISION #6

6. No Agent or Agency shall condition the provision of City of Lebanon benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by statute, federal regulation, or court decision. Where presentation of a New Hampshire driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a New Hampshire driver's license or identification card, except that this subsection shall not apply to the completion of the federally

1 mandated I-9 forms.

2
3 **ENFORCEMENT PROVISION A**

4 A. Failure by agents of the City to comply with the Welcoming Lebanon Ordinance shall be addressed
5 under the terms of the City's policies.

6
7 **ENFORCEMENT PROVISION B**

8 B. Any person who believes that they have been subjected to a violation of this Ordinance by a City
9 employee, or who otherwise has personal knowledge of such a violation, may submit a complaint in
10 whatever form or manner the complainant chooses, to the employee or department involved, or to the
11 City Manager, and may submit such a complaint anonymously. Reasonable efforts shall be made to
12 accommodate any language or access barriers. Such complaints shall be handled in accord with
13 applicable City complaints and investigations policies; provided, however, that at the discretion of the
14 Manager, the complaint may be referred to the appropriate law enforcement agency having jurisdiction,
15 and any internal investigation may be delayed pending the outcome of the law enforcement agency's
16 involvement.

- 17 • Complaints and investigations regarding reported or discovered violations of the provisions of
18 Chapter 185 shall be conducted in accordance with Policy ADM-126, Complaints &
19 Investigations.
20 • Guardian Tracking Software.
21 • Federal Civil Rights Violations.
22 • State Civil Rights Violations.

23
24 **ENFORCEMENT PROVISION C**

25 C. Complaints alleging violations of this Ordinance by non-employee agents of the City, including
26 appointed or elected officials, shall be filed with or forwarded to the City Manager, who may take such
27 action as is appropriate in light of the nature of the complaint, including referral to the law enforcement
28 agency having jurisdiction, and/or referral to the Council for such action as it deems justified.

- 29 • Contractors and Not-For-Profit Entities-Debarment and cancelation of contract or agreement.
30 • Elected Officials-Removal from office and/or censure.
31 • Appointed Officials-Removal from office and/or censure.
32 • Action by Council.
33 • Action by the Board/Commission/Committee the official is a member of.
34 • Action by City Manager where applicable.

35
36 **ENFORCEMENT PROVISION D**

37 D. This Ordinance shall not be construed to create any civil cause of action or any cause of action under
38 the criminal code or to form any basis of liability on the part of the City or its agents. Nothing herein
39 shall be deemed to pre-condition or restrict any person from pursuing a complaint in court or from
40 seeking such alternative remedies as may be available under law.

41
42 The Council discussed complaints and investigations; using censorship, rather than removal, to
43 discipline Board/Committee/Commission members for violation of this policy, with the City Manager
44 noting that there is no State Statute that covers censorship; the use of Resolutions instead of censorship;
45 the Guardian Tracking Software that is now up and running; and, how complaints can be filed and
46 tracked.

47
48 **ACTION**

49 **No action was required by the Council. Item was for training purposes only.**

50
51 **10. Mayoral Appointments of Councilors to Boards & Committees**

- 52 • Advance Transit Board of Directors: Councilor Wilkie

- Arts & Culture Commission: Councilor Zook
- Class VI Roads Advisory Committee: Councilor Heistad, Councilor Zook (alt.)
- Conservation Commission: Councilor Heistad, Councilor Sykes (alt.)
- Lebanon Airport Tech Park TIF Advisory Board: Councilor Winny
- Downtown Lebanon TIF Advisory Board: Councilor Sykes
- Grafton Regional Development Commission: Council Liot Hill
- Governance Committee: Mayor McNamara, Assistant Mayor Below and Councilor Liot Hill
- Economic Development Commission: Councilors Liot Hill and Whittlesey
- Heritage Commission: Councilor Zook, Councilor Wilkie (alt.)
- Lebanon Energy Advisory Committee (LEAC): Assistant Mayor Below, Councilor Wilkie (alt.)
- Licensing Board: Mayor McNamara
- Pedestrian/Bicyclist Committee: Councilor Heistad, Councilor Sykes (alt.)
- Planning Board: Councilor Zook, Councilor Whittlesey (alt.)
- Upper Valley Lake Sunapee Regional Planning Commission/Transportation Advisory Committee (UVLSRPC/TAC): Councilor Liot Hill, DPW Director– City Engineer Christina Hall has been attending these meetings and providing updates
- SCIMP (Steering Committee for the Implementation of the Master Plan: Councilor Liot Hill, Assistant Mayor Below (alt.)
- Joint School District/City Council Task Force: Mayor McNamara, and Councilors Liot Hill and Whittlesey
- West Lebanon Revitalization Advisory Committee: Councilor Winny

11. Adjournment

Councilor Sykes MOVED for adjournment.

Seconded by Assistant Mayor Below.

Roll Call Vote:

Assistant Mayor Below, and Councilors Heistad, Liot Hill, Sykes, Whittlesey, Wilkie, Zook and Mayor McNamara all voting Yea.

None voted Nay.

****The Vote on the MOTION was unanimously approved (8-0)***

The meeting was adjourned at 8:11 P.M.

Respectfully submitted,
Dona E. Gibson, Recording Secretary

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

7. APPOINTMENTS:

APPOINTMENTS

Board/Committee Appointments as presented by City Clerk Kristin Kenniston

- Library Board of Trustees, Douglas Whittlesey (Alternate Member)

Included in this Section:

1. Memo from City Clerk Kristin Kenniston dated March 24, 2021

OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: March 24, 2021

TO: The Honorable Mayor & City Council

FROM: Kristin M. Kenniston, City Clerk

RE: **Appointments Proposed for Council Discussion/Action:**

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment. *Note: nominations do not need to be seconded.*

Library Board of Trustees

- **Douglas Whittlesey** – Appointment as an Alternate Member. The Library Board of Trustees supports this nomination.
Interviewed by: Councilor Zook
Unexpired Term (4/21 – 4/22)



CITY OF LEBANON BOARD/COMMITTEE APPLICATION

You must meet the basic requirements listed below to be considered for appointment to a City board/committee.

BASIC REQUIREMENTS:

- ✓ Lebanon/West Lebanon resident (except for those boards who membership makeup includes non-resident)
- ✓ Willingness to learn
- ✓ Commitment to attend meetings
- ✓ Treat people fairly
- ✓ Consider the best interest of the community as a whole when making decisions
- ✓ Must have attended one meeting of the board that you wish to apply to within the last six months to observe the process and function of the board.

Check all that apply:

I am an applicant for: Alternate Library Trustee

☐ Check if for re-appointment

Name: Douglas Whittlesey
(Please print)

Address: 17 Green St West West Lebanon 03784
(street) (Town) (Zip)

Mailing Address, if different from above: _____

Home Phone _____ Work Phone: _____ Cell Phone: 609-751-109

Email Address: DWWittlesey@gmail.com

Continued on reverse side.....

How long have you resided in Lebanon? 8 years
(This will not necessarily reflect on your possible appointment.)

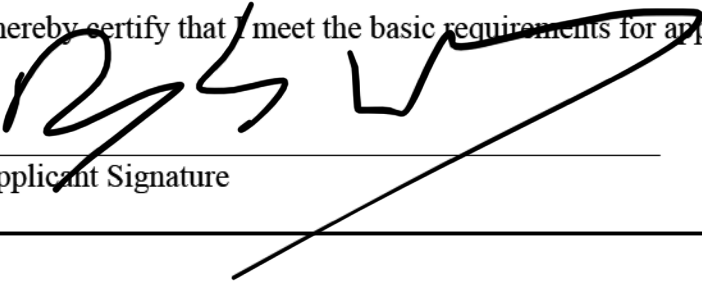
Why would you like to serve?

I want to support Lebanon Public Libraries and leverage my experience in finance and accounting.

State a few of what you feel your qualifications are or why you wish to be appointed to this board/committee.

I have an MBA, expect to have my Masters of Accounting in May 2021, I am a Chartered Financial Analyst, and have 15 years experience in finance and accounting. I want to use that experience to support the Library in the budget and financial process.

I hereby certify that I meet the basic requirements for applying to a Lebanon board/committee.


Applicant Signature

Feb 26, 2021

Date

Interview Committee Review

Official Use Only

Date Received by City Clerk _____ Date of Review _____

Date of Appointment _____ Appointment Term _____

Committee/Board to which appointed _____

Please return to:

Lebanon City Clerk's Office
51 North Park Street, Lebanon, NH 03766

Fax # 442-6148

Email: Sandi.Allard@lebcity.com

Councilor Interview Report Form

Councilor Name: Karen Zook Date of Interview: _____

Applicant Name: Doug Whittlesey

Board(s) to Which Applied: Library Board of Trustees

____ Regular Seat X Alternate Seat

Has Applicant Attended Meeting of Board to Which Applying? X Yes ____ No

(If yes, indicate date of meeting.) Date: 02/23/2021

Recommend Appointment: X Yes ____ No

____ Regular Seat X Alternate Seat

General Comments:

(PLEASE NOTE: THIS FORM WILL BE INCLUDED IN THE AGENDA MATERIALS WHEN APPLICANT IS SCHEDULED TO APPEAR BEFORE THE CITY COUNCIL.)

Standard Questions for All Applicants:

1) What do you believe is the purpose of this Board/Committee?

The Library Board of Trustees oversees the Lebanon Public Libraries, operations, updates, and finances to ensure operational and financial sustainability

2) Are you familiar with the meeting dates and time commitments of this Board/Committee?
Would you be available for additional meetings, site visits, or other official events when necessary?

Yes, the Library Board meets monthly on the fourth Tuesday of every month. Yes, Doug would be available for additional responsibilities and meetings as needed

3) Do you have any previous experience working with this type of Board/Committee, or in a related field, in this community or any other community?

Yes, Doug has served as the Treasurer of the Upper Valley Humane Society for five years. He's also served in both hospital operations and finance.

4) Do you have any interest in attending educational presentations and seminars in order to further educate yourself relative to the work of this Board/Committee?

Yes

5) Do you anticipate that you would have to recuse yourself from more than an occasional meeting due to a conflict of interest (perceived or real) relating to your past or present employment, organizational membership, real estate holdings, family ties, or other reasons?

Doug's wife Lauren works for Lebanon Public Libraries, but as he seeks to be an alternate this should not pose a regular conflict of interest.

6) What do you think are the key challenges for this Board/Committee?

The key challenges for the Board will be navigating a tight fiscal period, maintain proper COVID safety protocols, and continuing to make infrastructure investments

7) What do you think are the key opportunities for this Board/Committee?

Facilitating the budget and fiscal oversight process, developing safe reopening plans

8) What would you like to see this Board/Committee accomplish in the next year?

Safe reopening of the Library after all staff can receive their COVID vaccinations, continued support for innovative content delivery to meet the various needs of the community

Specific Questions for Applicants to Land-Use Boards:

Zoning Board of Adjustment:

1) Have you ever appeared before a zoning board, personally or through a representative?

- 2) Do you have any personal or professional knowledge or background in the area of zoning law?

- 3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted Zoning Ordinance?

- 4) Zoning Board decisions can be controversial. The Board is bound by law to work within the current zoning regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Planning Board:

- 1) Have you ever appeared before a planning board, personally or through a representative?

- 2) Do you have any personal or professional knowledge or background in the area of planning law?

- 3) Do you believe you can set aside your personal opinions and make impartial decisions based on the City's adopted site plan and subdivision regulations, as well as the Zoning Ordinance?

4) Planning Board decisions can be controversial. The Board is bound by law to work within the current site plan and subdivision regulations. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

Conservation Commission:

1) Have you ever appeared before a conservation commission, personally or through a representative?

2) The Conservation Commission’s advisory role in New Hampshire environmental permitting can be controversial. Do you believe you can tolerate possible criticism from your friends and neighbors as a result of how you may have voted?

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

8. PUBLIC HEARING ITEM:

**8.A – AMEND ORDINANCE NO. 18, SALARY PLAN,
ARTICLE II, NON-AFFILIATED & LPASE EMPLOYEES, TO INCLUDE THE
POSITIONS OF UTILITY BILLING CLERK (GRADE 8) AND ACCOUNTING CLERK
(GRADE 3) WITHIN THE PAY PLAN FOR REGULAR FULL-TIME AND REGULAR
PART-TIME EMPLOYEES AND TO RETITLE POSITIONS IN THE CITY CLERKS
AND CYBER SERVICES DEPARTMENTS**

BACKGROUND

REORGANIZATION OF CITY CLERK’S OFFICE & FINANCE DEPARTMENT

City Manager Mulholland is reorganizing positions within the City Clerk’s office and Finance department to implement “central collections.” Central collections will provide the ability for the public to pay taxes or water & sewer bills while registering to vote, registering their motor vehicles, or applying for a marriage license and will allow the Finance Department to better concentrate efforts on financial services and management.

To assist in the transition, the tax collection functions currently managed by Finance are being moved under the umbrella of the City Clerk. In this, the positions of City Clerk and Tax Collector are being combined; and the position of Deputy Tax Collector (Grade 8) is being moved from Finance to City Clerk.

Currently the duties of the Deputy Tax Collector include billing and collection for water, sewer, and landfill services. These duties will remain in finance under a position to be titled “Utility Billing Clerk” (Grade 8). Duties for the revised Deputy Tax Collector position will be those associated with tax collection plus those associated with Assistant City Clerks (motor vehicle registration, dog licensing, issuance of vital records, election processing, etc.). As such, the Deputy Tax Collector will be fully able to assist with counter coverage and daily public interactions.

Over the years, the Tax Collector has taken on duties to assist the Finance Department with accounts payable and accounts receivable operations. Prior to the implementation of the revised compensation and classification system for non-affiliated employees in 2018, a position titled “Accounting Clerk” was part of the pool of positions in the City. Administration is reinstituting the position (part-time only) so the Finance Department may hire a person to assume the duties that will not be transferred to the City Clerk.

All necessary funding to complete this transition is existing within the 2021 approved budget. The salary for the Tax Collector will be utilized by the City Clerk’s Office to facilitate the move of the newly appointed Deputy Tax Collector and the funding for the retitled position of Utility Billing Clerk is included in the Finance budget, as is funding for a part-time Accounting Clerk.

RETITLING POSITIONS FROM “INFORMATION TECHNOLOGY” TO “CYBER SERVICES”

With the ever-evolving world of technology, and the all-encompassing functions associated with protecting the City’s technological resources, City Manager Mulholland has renamed the Information Technology Department to “Cyber Services.” As such, positions currently titled “Information Technology” need to be updated. Positions include: Information Technology Director - Grade 15 (to be retitled Cyber Services Director); and Information Technology Technical Specialist - Grade 9 (to be retitled Cyber Services Technical Specialist). The Systems and Information Technology Administrator (Grade 13) title will remain as is and assigned grades for all positions will not change.

Process to Amend Ordinance No. 18

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The first presentation was March 3; the second was March 17. The Council is asked to finalize the process by acknowledging the third presentation and acting to amend the Salary Plan at the close of the public hearing.

ACTION

The City Council is asked to take the following actions:

1. PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the third of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, as follows:

- 1. Retitle City Clerk to City Clerk/Tax Collector (Grade 12);***
- 2. Include the position of Utility Billing Clerk (Grade 8);***
- 3. Include the position of Accounting Clerk (Grade 3);***
- 4. Retitle Information Technology Director to Cyber Services Director (Grade 15); and***
- 5. Retitle Information Technology Technical Specialist to Cyber Services Technical Specialist (Grade 9)***

Changes in the table below shown in **red**.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED & LPASE EMPLOYEES – 2021 SALARY & GRADES

<u>Grade</u>	<u>Position Title</u>	Hourly		Weekly	
		<u>Minimum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Maximum</u>
1	General Intern II	\$16.77	\$22.64	-	-
2	Custodian	\$17.78	\$23.99	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.84	\$25.44	-	-
	Custodian I	-	-	-	-
	Accounting Clerk				
4	Library Assistant	\$19.98	\$26.97	-	-
5		\$21.17	\$28.57	-	-

6	-	\$22.44	\$30.29	-	-
7	Administrative Assistant	\$23.78	\$32.45		
	Administrative Secretary			-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-		-
8	Administrative Assistant	\$25.21	\$34.04	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Field Inspector**	-	-	-	-
	Electrical Inspector**	-	-	-	-
	Utility Billing Clerk				
	Outreach Librarian	-	-	\$1,008.55	\$1,361.65
	Young Adult Librarian	-	-	-	-
9	Code Health Inspector**	\$27.73	\$37.43	-	-
	Executive Assistant	-	-	-	-
	Digital Media Officer	-	-	-	-
	Cyber Services Technical Specialist				
	Information Technology Technical Specialist				
	Real Estate Appraiser II**	-	-	-	-
	Children's Librarian			\$1,109.20	\$1,497.36
	Associate Planner**	-	-		
	Systems Librarian	-	-	-	-
	Information Technology Librarian	-	-	-	-
10	Assistant City Engineer**	\$30.50	\$41.18	-	-
	Cemetery Sexton**	-	-	-	-
	Financial Analyst	-	-	-	-
	Fleet Maintenance Supervisor**	-	-	-	-
	Maintenance Superintendent**	-	-	-	-
	Utilities Maintenance Superintendent**				
	Police Communications Supervisor**	-	-	-	-
	Tax Collector	-	-	-	-
	Human Services Director	-	-	\$1,220.15	\$1,647.20
	Recreation Program Coordinator**	-	-		
11	Technical Advisor I	\$33.59	\$45.34	-	-
	Administrative Services Manager**	-	-	\$1,343.60	\$1,813.60
	Airport Operations Supervisor**	-	-	-	-
	Assistant Recreation Director**	-	-	-	-
	Code Enforcement Director**	-	-	-	-
	Deputy Library Director	-	-	-	-
	Fire Marshall**	-	-	-	-
	Planner/GIS Coordinator**	-	-	-	-
	Senior Planner**	-	-	-	-
12	Wastewater Treatment Superintendent**	\$35.60	\$48.05	-	-
	Water Treatment Superintendent**	-	-	-	-
	City Assessor**	-	-	\$1,424.00	\$1,922.00
	City Clerk/Tax Collector	-	-		
	City Clerk			-	-
	City Engineer**	-	-	-	-

	City Planner**	-	-	-	-
	Deputy Finance Director	-	-	-	-
	Energy & Facilities Manager**	-	-	-	-
	Police Lieutenant**	-	-	-	-
	Prosecuting Attorney	-	-	-	-
	Solid Waste Manager**	-	-	-	-
13	Airport Manager	-	-	\$1,509.21	\$2,037.39
	Assistant Fire Chief	-	-	-	-
	Deputy Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Information Systems Manager**	-	-	-	-
	Maintenance Manager**	-	-	-	-
	Recreation Director	-	-	-	-
	Police Captain**	-	-	-	-
	Systems and Information Technology Administrator				
14	Assistant Director/Public Works	-	-	\$1599.77	\$2,159.70
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
15	Cyber Services Director Information Technology Director	-	-	\$1,695.84	\$2,289.20
16	Technical Advisor II	\$44.93	\$60.66		
	Chief of Police	-	-	\$1,797.42	\$2,426.40
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Deputy City Manager	-	-	-	-

**denotes LPASE Positions

2. RESOLUTION:

FOR THE PURPOSE OF amending Ordinance No. 18, Salary Plan.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council amends Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, as follows:

- 1. Retitle City Clerk to City Clerk/Tax Collector (Grade 12);**
- 2. Include the position of Utility Billing Clerk (Grade 8);**
- 3. Include the position of Accounting Clerk (Grade 3);**
- 4. Retitle Information Technology Director to Cyber Services Director (Grade 15); and**
- 5. Retitle Information Technology Technical Specialist to Cyber Services Technical Specialist (Grade 9)**

Included in this Section

1. Notice of Public Hearing as Published in the March 27, 2021 Edition of the *Valley News*

March 29, 2021



LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, April 7, 2021 - 7:00pm
REMOTE VIA WEBEX
LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on April 7, 2021, beginning at 7:00pm for the following:

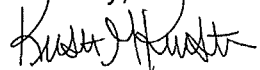
- A. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to include the positions of Utility Billing Clerk (Grade 8) and Accounting Clerk (Grade 3) within the pay plan for regular full-time & regular part-time employees and to retitle positions in the City Clerks, and Cyber Services Departments.
- B. ORDINANCE #2021-02 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 136, Sewer Service, §136-78, Collection
- C. ORDINANCE #2021-03 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 182, Water Service, §182-31, Collection

The April 7, 2021 City Council agenda package will be available on the City's website beginning April 2, 2021 and documents pertaining to the above public hearings can be viewed online at www.lebanonnh.gov

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Webex and Microsoft Teams. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the Webex or Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

NE-355216

The foregoing notice was published in the *Valley News*, a newspaper of general circulation in the City of Lebanon, in accordance with the Code of the City of Lebanon on Saturday, March 27, 2021.



Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

8. PUBLIC HEARING ITEMS:

**8.B – ORDINANCE 2021-02 TO AMEND CITY CODE CHAPTER 136,
SEWER SERVICE, SECTION 136-78, COLLECTION**

A public hearing for the purpose of receiving public input and taking action on Ordinance 2021-02 to amend City Code Chapter 136, Sewer Service, Section 136-78, Collection.

The City Council scheduled this public hearing at their March 17, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on March 27, 2021 in accordance with City Code and State Law.

BACKGROUND

City Manager Mulholland is reorganizing positions within the City Clerk's office and Finance department to implement "central collections." In addition to central collections, reorganization efforts will split the responsibility for billing of collections (taxes and utilities) between the City Clerk (taxes) and Finance Department (water & sewer).

Chapter 136, Sewer Service, of the City Code currently commits the collection of fees and assessments for sewer charges to the Tax Collector. In order to keep this function with the Finance Department, administration is proposing to have the collection of fees and assessments committed to the Finance Director. Past due fees and assessments would still be committed to the Tax Collector, so they would be subject to the same lien process as past due taxes.

ACTION

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

MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-02, to amend City Code Chapter 136, Sewer Service, Section 136-78, Collection, as presented in the April 7, 2021 City Council Agenda Packet.

Included in this Section:

1. Ordinance 2021-02
2. Notice of Public Hearing as Published in the March 27, 2021 Edition of the *Valley News*

**CITY OF LEBANON
ORDINANCE #2021-02**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 136, Sewer Service, Article X, Collection and Abatement, Section 136-78, Collection.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

The Code of the City of Lebanon is hereby amended to revise Chapter 136, Sewer Service, Article X, Collection and Abatement, Section 136-78 as follows:

§ 136-78 Collection

Collection of the fees and assessments made herein are committed to the Finance Director ~~Collector of Taxes~~. The ~~Tax Collector~~ Finance Director shall have the same rights and remedies and be subject to the same liabilities in relation thereto as in the collection of taxes. Collection of the fees and assessments that are past due shall be committed to the Tax Collector.

Section 2. Severability

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

Section 3. Effective Date

This Ordinance shall become effective upon passage.

March 29, 2021



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS**
Wednesday, April 7, 2021 - 7:00pm
REMOTE VIA WEBEX
LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on April 7, 2021, beginning at 7:00pm for the following:

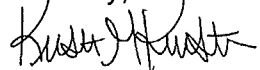
- A. AMEND ORDINANCE NO. 18, SALARY PLAN – A public hearing for the purpose of receiving public input and taking action to amend Ordinance #18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, to include the positions of Utility Billing Clerk (Grade 8) and Accounting Clerk (Grade 3) within the pay plan for regular full-time & regular part-time employees and to retitle positions in the City Clerks, and Cyber Services Departments.
- B. ORDINANCE #2021-02 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 136, Sewer Service, §136-78, Collection
- C. ORDINANCE #2021-03 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 182, Water Service, §182-31, Collection

The April 7, 2021 City Council agenda package will be available on the City's website beginning April 2, 2021 and documents pertaining to the above public hearings can be viewed online at www.lebanonnh.gov

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Webex and Microsoft Teams. Members of the public are encouraged to attend by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the Webex or Microsoft Teams software or by phone. Please visit LebanonNH.gov/Live for full details.

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Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

8. PUBLIC HEARING ITEMS:

**8.C – ORDINANCE 2021-03 TO AMEND CITY CODE CHAPTER 182,
WATER SERVICE, §182-31, COLLECTION**

A public hearing for the purpose of receiving public input and taking action on Ordinance 2021-03 to amend City Code Chapter 182, Water Service, §182-31, Collection.

The City Council scheduled this public hearing at their March 17, 2021 regular meeting. The public hearing was properly noticed in the *Valley News* on March 27, 2021 in accordance with City Code and State Law.

BACKGROUND

City Manager Mulholland is reorganizing positions within the City Clerk's office and Finance department to implement "central collections." In addition to central collections, reorganization efforts will split the responsibility for billing of collections (taxes and utilities) between the City Clerk (taxes) and Finance Department (water & sewer).

Chapter 182, Water Service, of the City Code currently commits the collection of fees and assessments for water charges to the Tax Collector. In order to keep this function with the Finance Department, administration is proposing to have the collection of fees and assessments committed to the Finance Director. Past due fees and assessments would still be committed to the Tax Collector, so they would be subject to the same lien process as past due taxes.

ACTION

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

MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-03, to amend City Code Chapter 182, Water Service, §182-31, Collection, as presented in the April 7, 2021 City Council Agenda Packet.

Included in this Section:

1. Ordinance 2021-03
2. Notice of Public Hearing as Published in the March 27, 2021 Edition of the *Valley News*

**CITY OF LEBANON
ORDINANCE #2021-03**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 182, Water Service, Article V, Service Billing; Discontinuance of Service; Collection and Abatement; Penalties, Section 182-31, Collection.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

The Code of the City of Lebanon is hereby amended to revise Chapter 182, Water Service, Article V, Service Billing; Discontinuance of Service; Collection and Abatement; Penalties, Section 182-31 as follows:

§ 182-31 Collection.

Collection of the fees made herein are committed to the Finance Director ~~Collector of Taxes~~, who shall act under a warrant, requiring said Finance Director ~~Collector of Taxes~~ to collect these assessments. The Finance Director ~~Tax Collector~~ shall have the same rights and remedies, including a lien on the real estate in relation thereto, as in the collection of taxes. Collection of the fees and assessments that are past due shall be committed to the Tax Collector. In the event of bankruptcy, the city may require a security deposit equal to the highest quarterly bill for water service prior to the date of bankruptcy filing for future water service, as provided by federal law. 11 USC § 366.

Section 2. Severability

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

Section 3. Effective Date

This Ordinance shall become effective upon passage.

March 29, 2021



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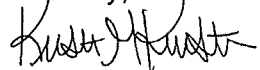
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Kristin M. Kenniston, City Clerk

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

9. OLD BUSINESS:

**9.A – PRESENTATION OF SECOND READING: AMENDMENT TO
ORDINANCE NO. 18, SALARY PLAN,
ARTICLE II, NON-AFFILIATED & LPASE EMPLOYEES, SEASONAL/TEMPORARY
& STIPEND EMPLOYEES TO INCREASE 2021 WAGES FOR
MEMORIAL POOL & CAMP RECREATION, ARTS & PARKS EMPLOYEES**

BACKGROUND

The 2021 Budget was approved without funding to operate the pool this year. The anticipated revenue reductions as a result of the COVID-19 Pandemic required the implementation of necessary austerity measures to balance the City's budget. The US Congress passed legislation which was signed into law by the President that would provide revenue relief and other funding to address the impacts of COVID-19. This funding (as it appears right now) would come to the City from the federal government and allow for the operation of the pool this year. The City Manager is proposing the salary increases as shown in the charts provided for a number of reasons as annotated below:

1. These positions are seasonal with hourly rates that have never been assessed through a wage classification study.
2. The staff assigned to the positions at the pool and the summer camp program will be exposed to a higher level of risk to their own health regarding the possibility of contracting COVID-19 than they normally would be under the circumstances.
3. The labor marketplace rates have become very competitive in our area which we have not kept pace with.
4. Staff, especially summer camp staff, will be expected to work mandatory overtime due to the enhanced supervision needed to mitigate the risk of COVID-19 spread among camp participants. We expect staff will be working 50 hours per week for all six weeks of the program.
5. Some of the staff may not be able to obtain vaccinations by the time the pool and the summer camp program open which further enhances the risk to their health.
6. The rates proposed are only in place for the calendar year 2021. The Council will determine new rates during the annual budget process for budget year 2022. The CARES Act funding is one-time funding and unlikely to continue into 2022.

Process to Amend Ordinance No. 18

Amending Ordinance No. 18 requires three separate presentations (see City Charter subsections 419:22, 419:24, 419:25, 419:52) followed by a public hearing and the vote of at least two-thirds (2/3) of all members of the City Council – six (6) members - to adopt.

The Council is asked to recognize the second of three presentations on April 7 to amend the Ordinance. The third presentation will follow on April 21 respectively.

ACTION

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

1. ACKNOWLEDGE SECOND PRESENTATION:

MOVED, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated & LPASE Employees, Seasonal/Temporary & Stipend Employees, to increase 2021 wages for Memorial Pool & Camp Recreation, Arts & Parks employees.

B. SEASONAL/TEMPORARY& STIPEND EMPLOYEES

Seasonal, temporary and part-time positions with less than 20 hours are not placed into grades. These positions are based upon comparable municipal positions and wages and/or local current market values. These positions are NOT eligible for employee benefits. Seasonal positions are up to 6 months in duration; part-time positions are less than 20 hours weekly and may be year-round or by event; temporary positions vary in length of service (less than 1 year).

Changes to the compensation and classification schedules are shown in red below. Strikeout text represents a deletion of the position due to consolidation or to remove duplicates.

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk		\$10.15
Election Assistant		\$10.15
Supervisors of the Checklist		\$10.15
Moderator		\$12.69
Ward Clerk		\$12.69
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$11.25	\$28.54
PARK AND RECREATION POSITIONS		
Camp Counselors	\$10.15	\$12.18
Front Desk Attendants – Pool	\$10.15	\$12.18 \$15.25
Head Front Desk Attendants	\$11.17	\$13.70
Site Assistant	\$10.15	\$13.20
Lifeguards	\$10.15	\$12.18 \$17.50
Head/Lead Counselors	\$13.20	\$16.24
Site Assistant	\$10.15	\$13.20
Head & WSI Lifeguards	\$12.18	\$15.23 \$18.25
Head Front Desk Attendant - Pool	\$12.18	\$15.23 \$15.50
Outdoor Adventurer - Educator	\$12.69	\$16.24
Softball Coordinator	\$12.69	\$16.24
Camp Director	\$13.20	\$16.24 \$20.00
Day Camp Counselors	\$10.15	\$14.24 \$15.25
Arts & Craft Director	\$13.20	\$16.24 \$17.00
Farmers Market Coordinator	\$14.21	\$18.27
Market Assistant	\$12.18	\$15.23
Tennis Instructor	\$15.23	\$19.29
Stomp & Romp	\$15.23	\$19.29
Asst. Pool Director	\$15.23	\$19.29 \$21.00
Pool Director	\$16.24	\$20.30 \$24.00
LIBRARY POSITIONS		
Circulation Substitutes		\$13.41
Reference Librarian Substitutes		\$22.65

PUBLIC WORK POSITIONS		
Engineering Clerk	\$11.17	\$14.21
GIS Clerk - (or Intern)	\$15.23	\$17.26
Seasonal Laborers – Summer & Fall DPW, Parks & Rec. & Airport	\$16.24	\$19.29
CDL Seasonal Drivers	\$22.81	\$27.30
PLANNING POSITIONS		
Park Ranger	\$15.23	\$17.26
POLICE DEPARTMENT POSITIONS		
Crossing Guard		\$16.53
Communications Specialist	\$23.78	\$32.45
Police Administrative Aide	\$20.30	\$23.35
Parking Control Officer	\$20.30	\$23.35
Police Officers	\$26.86	\$32.39
CITY CLERK POSITIONS		
Assistant City Clerks (Part-Time/Temp. <20)	\$23.41	\$31.61
Recording Secretary	\$21.82	\$23.85
Recording Secretary Coordinator	\$22.82	\$24.36
SHARED POSITION		
General Intern I	\$13.20	\$16.75
STIPEND POSITIONS		
Sport Coaches – Seasonally (Lacrosse, Track, Youth – Basketball, Field Hockey, Football, Cheerleader Coach etc. – may vary due to Programs)	\$205	\$715
(Chair) Supervisors of the Check List	\$155	\$255
Supervisor of the Voter Checklist	\$155	\$255

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

10. NEW BUSINESS:

**10.A – DISCUSSION OF SERVICES PROVIDED BY UPPER
VALLEY LAKE SUNAPEE REGIONAL PLANNING COMMISSION (UVLSRPC)**

BACKGROUND

The mission statement of UVLSRPC is “The purpose of the Commission shall be to guide, coordinate and promote sound economic growth and development and to prepare, maintain and implement a comprehensive regional plan for the Upper Valley Lake Sunapee Region; to serve as a research agency and information clearinghouse for the Upper Valley Lake Sunapee Region; to assist local units of government with their plans and programs; and to establish a public information program to promote the health, safety and general welfare of the inhabitants of the Upper Valley Lake Sunapee Region.”

Meghan Butts joined UVLSRPC in April 2014 and is the newly appointed Executive Director. She will be present to discuss services provided by UVLSRPC.

ACTION

No action is required. Item is for informational purposes only.

Included in this Section:

1. UVLSRPC PowerPoint presentation
2. UVLSRPC Services and Member Benefits

Upper Valley Lake Sunapee Regional Planning Commission

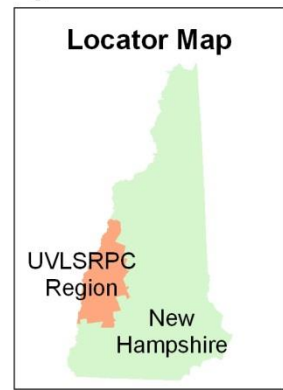
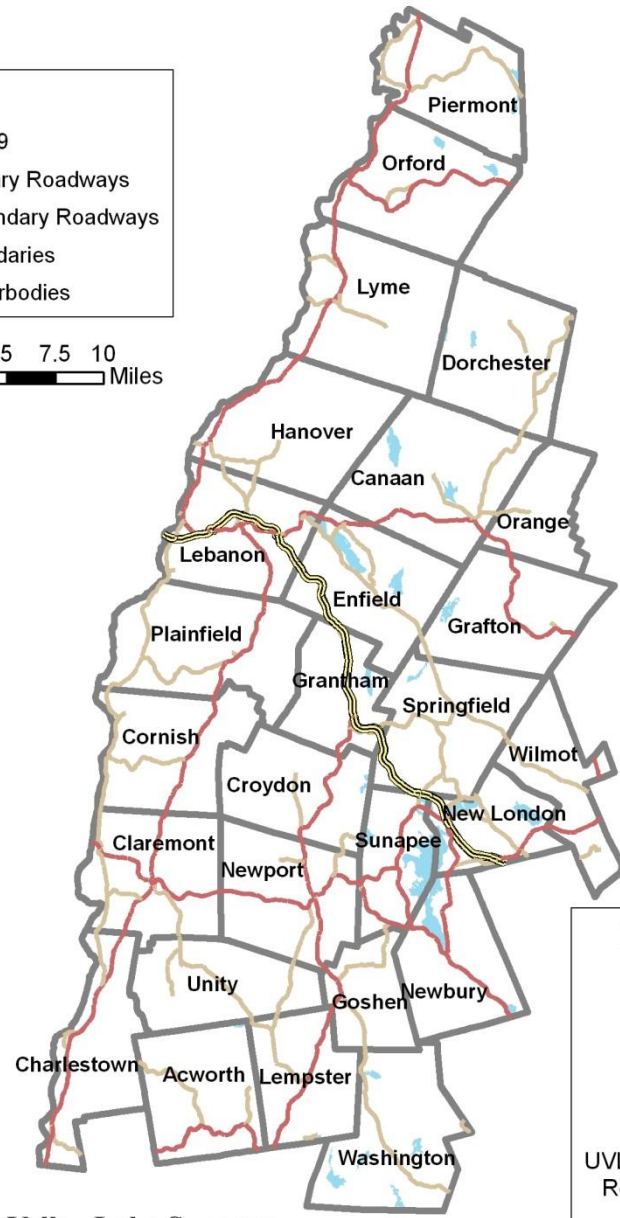
Meghan Butts
Executive Director



The Upper Valley Lake Sunapee Region

Legend

- Interstate 89
- State Primary Roadways
- State Secondary Roadways
- Town Boundaries
- Major Waterbodies



**Upper Valley Lake Sunapee
Regional Planning Commission**

Benefits of Having an RPC

**Seat on the
Commission**

**Regional Corridor
Transportation Plan**

**Regional Plan
Development**

**USDA Solid Waste
Management**

**Housing Needs
Assessment**

**EPA Brownfields
Mitigation Program**

Access to regional data and funding resources

Member Benefits

- **Large base map for community each year**
- **Information on Funding Sources**
- **Reduction in Matching and Contractual Service Charges**
- **Audit /Technical Assistance with Land Use Regulations and Planning**
- **Developments of Regional Impact Review and Comment**
- **Subdivision/Site Plan Review Assistance**

Contractual Services

(reduced rate and cost-share options)

- Plan support
 - Master Plans, Hazard Mitigation Plans, Local Emergency Operations Plans, Energy Plans, Transportation Plans, etc.
- **New or Revised Zoning Ordinances, Subdivision Regulations, Site Plan Regulations**
- Circuit Rider Contracts
- **GIS Mapping, training, & data collection**
- Capital Improvement Programs
- **Community Facilitation**
- Natural Resource Inventories
- **Build-Out Analyses**
- Transportation Corridor Studies
- **Household Hazardous Waste Collections**

Lebanon

- **Safe Routes to School/ Safe Routes to Play**
- **Urban Services Build Out Analysis 2019**
- **Stream Crossing Culvert Inventory 2015**
- **Mascoma River Greenway Survey 2020**
- **Transportation Project Development**
- **Hazard Mitigation Plan 2016**
- **Regional Corridor Transportation Plan**
- **Keys to the Valley Housing Project**
- **Household Hazardous Waste Collections**

Future

- More Community Engagement
- Action Plans/Implementation effort of Regional Plans
- Development of the Foundation

Questions?

Thank you!

Meghan Butts

mbutts@uvlsrc.org

603-448-1680



Upper Valley Lake Sunapee Regional Planning Commission

Services and Member Benefits

10 Water Street, Suite 225 Lebanon, NH 03766-1756

603/448-1680 www.uvlsrpc.org E-mail: info@uvlsrpc.org

REGIONAL SERVICES

- ♦ Regional Plan Development
- ♦ Housing Needs Assessment
- ♦ Culvert and Stream Assessments
- ♦ Road Inventories
- ♦ Regional Corridor Transportation Plan
- ♦ Planning Workshops
- ♦ Regional Data Resource
- ♦ USDA Solid Waste Management
- ♦ EPA Brownfields Mitigation

CONTRACT SERVICES

- ♦ Community Master Planning
- ♦ New or Revised Zoning Ordinances, Subdivision Regulations, Site Plan Regulations
- ♦ Circuit Rider Planning Assistance
- ♦ GIS Mapping, Training, and Data Collection
- ♦ Capital Improvement Programs
- ♦ Community Forum Facilitation
- ♦ Natural Resource Inventories
- ♦ Build-out Analysis
- ♦ Transportation Corridor Studies
- ♦ Hazard Mitigation Plans
- ♦ Emergency Operations Plans
- ♦ Household Hazardous Waste Collections

MEMBER BENEFITS

- ♦ Annual Community Base Map
- ♦ Discounted Contract Service Charges
- ♦ Representation on the Commission
- ♦ Statewide Initiative Representation
- ♦ Information on Funding Resources
- ♦ Land Use Regulatory Reviews
- ♦ Land Use Planning Assistance
- ♦ Developments of Regional Impact Review and Comment
- ♦ Subdivision and Site Plan Reviews

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

10. NEW BUSINESS:

**10.B – DISCUSSION & SET PUBLIC HEARING FOR APRIL 21, 2021:
COMMUNITY REVITALIZATION TAX RELIEF APPLICATION –
ONE MECHANIC STREET, LLC**

BACKGROUND

On February 17, 2016, following a duly noticed public hearing, the Council took action to adopt and implement the provisions of the Community Revitalization Tax Relief Incentive program pursuant to NH RSA 79-E.

One Mechanic Street, LLC, owner of the building at 1 Mechanic Street, Lebanon, is applying for tax relief under the program, as they are converting the structure from a commercial use (formerly NAPA Auto) to an 18-unit multi-family building.

The Planning & Development Department received the application from One Mechanic Street, LLC on February 26, 2021. Under the terms of the 79-E program, the City Council must hold a public hearing within 60 days from receipt of the application to determine whether the structure is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

For detailed information regarding the project, please see the attached memo by Director of Planning & Development David Brooks, along with the accompanying application and supporting documentation submitted by One Mechanic Street, LLC.

ACTION

Should the Council decide to schedule a public hearing on this application, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 21, 2021, beginning at 7:00pm, Remote via Webex, for the purpose of receiving public input and taking action on a request by One Mechanic Street, LLC, for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016.

Included in this Section:

1. March 26, 2021 Memo from Planning & Development Director David Brooks, RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application – One Mechanic Street, LLC – 1 Mechanic Street; Tax Map 91, Lot 264



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor and City Councilors

CC: Shaun Mulholland, City Manager

FROM: David Brooks, Planning & Development Director

RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application
One Mechanic Street, LLC – 1 Mechanic Street; M/L 91-264

DATE: March 26, 2021

INTRODUCTION:

In February 2016, the City Council adopted the provisions of the Community Revitalization Tax Relief Incentive Program pursuant to NH RSA 79-E to encourage rehabilitation of existing buildings and structures in downtown Lebanon and downtown West Lebanon. On February 26, 2021, One Mechanic Street, LLC applied for consideration under the program.

One Mechanic Street, LLC is the owner of property located at 1 Mechanic Street, Lebanon (Tax Map 91, Lot 264; the former NAPA auto parts building), which is situated in the Lebanon Downtown (LD) Zoning District. On November 23, 2020, the Planning Board granted Site Plan approval to convert the existing commercial structure into an 18-unit multi-family building. The anticipated improvements will include complete interior renovation and exterior rehabilitation as part of the conversion from commercial to residential use. Excerpts of project plans and elevation drawings from the pending building permit application are attached for review.

Under the terms of the 79-E program, the City Council must hold a public hearing on the application within 60 days from receipt of the application to determine whether the structure at issue is a Qualifying Structure; whether the proposed project is a Substantial Rehabilitation; and whether there is a Public Benefit to granting the requested tax relief, and if so, for what duration.

Does the project involve a Qualifying Structure?

The existing building, located at 1 Mechanic Street, is situated within the Downtown Lebanon 79-E District as adopted by the City Council and, therefore, the property can be considered a Qualifying Structure.

Is the project a Substantial Rehabilitation?

Since receiving the application, the City Assessor has reviewed the property and verified the current pre-rehabilitation assessed valuation to be \$285,900. Under the terms of the 79-E program as adopted by the City, the project must cost at least 15% of the pre-rehabilitation assessed valuation (\$42,885) or \$75,000, whichever is less, in order to be considered substantial. The applicant has provided a cost estimate of \$1,675,000 for completing the entire renovation and rehabilitation project as proposed. The Building Inspector has reviewed the proposed project plans to verify that the estimated cost is reasonable based on the scope of the project and is comfortable that the project will far exceed 15% of the current assessed valuation as required. As a result, the project can be considered a Substantial Rehabilitation.

Does the project generate one or more Public Benefits?

Appropriate public benefits for consideration of the 79-E program are specifically identified within the state law, including:

- Enhancement of the economic vitality of the downtown; (RSA 79-E:7, I)
- Enhancement and improvement of a structure that is culturally or historically important on a local, regional, state or national level, either independently or within the context of an historic district, town center, or village center; (RSA 79-E:7, II)
- Promotion of the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures; (RSA 79-E:7, II-a)
- Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B (State Economic Growth, Resource Protection, and Planning Policy) (RSA 79-E:7, III); or
- Increase of residential housing in urban or town centers. (RSA 79-E:7, IV)

As noted in the application form and cover letter, the applicant has indicated that the project will address several of the stated public benefits, including enhancing economic vitality, promoting the preservation and reuse of existing building stock, promoting the development of municipal centers, and increasing residential housing in municipal centers. If the City Council agrees with the above statements, the project can be considered to generate one or more Public Benefits in furtherance of the purposes of the 79-E program.

For how long may tax relief be granted?

Under the terms of the 79-E program, the City Council may, in its discretion, grant up to five (5) years of tax assessment relief for a project that complies with the program requirements. The City Council may also, in its discretion, grant up to two (2) additional years of tax relief for a project that results in new residential units and up to four (4) additional years of tax relief for a project that includes affordable housing. For any amount of tax relief approved, such tax relief begins upon the completion of the Substantial Rehabilitation.

The applicant has requested a minimum of seven (7) years of tax relief for the project, which appears to comply with program requirements and will result in the creation of new residential units in downtown Lebanon. In addition, the applicant has requested that the City Council consider granting up to four (4) additional years, for a total of 11 years, for the project that will include affordable housing.

RSA 79-E does not define the term “affordable” for purposes of the tax relief incentive program nor does it specify any minimum number or percentage of units that must be considered affordable in order to merit the tax relief. The applicant has referenced the definition of “affordable” from RSA 674:58 (the Workforce Housing statute), which, for that statute, states that “‘affordable’ means housing with combined rental and utility costs ... that do not exceed 30 percent of a household’s gross annual income.” The applicant has further indicated that at least one-third (1/3) of the new residential units will be rented at prices that are affordable to a one-person household earning 100% of the Area Median Income (AMI) for Grafton County as determined by HUD and reported by New Hampshire Housing Finance Authority. For context, 100% of AMI for a one-person household in Grafton County is approximately \$64,800, which translates to a monthly rental rate of up to \$1,620 for rent and utility costs.

Since the City Council is essentially deciding whether to forego potential property tax revenue by granting limited tax relief through the 79-E program, the Planning staff recommends that the City Council carefully balance the benefit of enabling projects that might not otherwise “pencil out” and

the public benefits to be derived from such projects versus the property tax revenue foregone through the tax relief.

The 79-E statute, and the program as adopted by the City, already requires the City Council to determine that one or more of the enumerated public benefits is generated by a project in order to grant up to five (5) years of tax relief. And whereas an increase of residential housing in our downtowns is a goal expressed in the 2012 Master Plan as well as the recent visioning efforts conducted for both Downtown Lebanon and West Lebanon Village, granting two (2) more years for projects that result in new downtown housing seems to address stated community goals. However, staff suggests that granting up to four (4) additional years of tax relief for affordable housing should perhaps include requirements for a minimum number or percentage of units as well as specific levels of affordability to address community needs in exchange for the additional tax relief.

For purposes of determining whether to grant additional years of tax relief for projects that will include affordable housing, Planning staff recommends that the City utilize the definition of “workforce housing” instead of the term “affordable” from RSA 674:58. In that statute, the State defines workforce housing for rental units to mean “rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household”. While “affordable” connotes a relative and variable threshold as determined by an individual household’s gross annual income, “workforce housing” provides a rental threshold that is specifically tied to the region’s Area Median Incomes (AMI) and the community’s need for truly affordable housing. New Hampshire Housing Finance Authority annually publishes “Workforce Housing Purchase and Rent Limits”, which provides information about the estimated maximum affordable amounts for purchase and rent in each of the State’s Metropolitan or County (Non-Metro) Fair Market Rent Areas and which incorporates the 60% of AMI threshold for rental units (see attached).

In exchange for granting the additional four (4) years of tax relief for projects that include “workforce” housing, Planning staff recommends that the City Council require developers to provide either: a) at least 40% of residential units at rates affordable to households with an income of no more than 60% of AMI or, b) at least 20% of units at rates affordable to households with an income of no more than 50% of AMI. These thresholds are the same as those associated with the Low Income Housing Tax Credit (LIHTC) program administered through the New Hampshire Housing Finance Authority and provide clearly definable requirements for the number of units and level of affordability necessary to merit the additional tax relief.

However, staff understands that a significant purpose of the 79-E program is to enable and incentive rehabilitation projects that may not otherwise be financially viable. If the City Council concludes that requiring a project to achieve the recommended affordability standards would undermine the viability of the project and prevent it from occurring at all, then the Council should have the discretion and freedom to vary the affordability requirements while still balancing the overall benefit to the community against the potential tax revenue foregone.

RECOMMENDATION:

Staff recommends that the City Council schedule and hold a public hearing on the application in order to receive public input on the request prior to making a final determination. Following the public hearing, the City Council will make a determination as to whether the applicant’s Project and Property comply with the requirements of the 79-E Program as set forth above, and if so, whether to grant the requested tax relief and for how long. Following is a sample Resolution for the Council’s consideration in advance of the public hearing.

One Mechanic Street, LLC
PO Box 1325
Lebanon, NH 03766

Lebanon City Council, and
City of Lebanon Planning & Development Department, and
Lebanon City Manager
City Hall
51 North Park Street
Lebanon, NH 03766

February 24, 2021

To whom it may concern:

Please find enclosed an Application for Community Revitalization Tax Relief Incentive Program (RSA 79-E) for 1 Mechanic Street in downtown Lebanon.

I am very proud of this project. One Mechanic Street was historically a brownfield site, polluted by gasoline from leaking underground storage tanks from the time that the property was a gas station more than sixty years ago. The building itself is dilapidated and unattractive, having been used most recently as a Napa auto parts store.

As part of our project, we have arranged for a remediation of the gasoline pollution in conjunction with the New Hampshire Department of Environmental Services. We will be making an architecturally attractive upgrade to the building that honors its original industrial look and conforms to the neighborhood aesthetic, while modernizing the structure and adding a substantial amount of windows and accents. On the western gateway to downtown Lebanon, I believe that this renovated building will be transformed from the neighborhood's least attractive structure to the most attractive one.

I am also extremely proud that this building is being designed to decrease the carbon footprint and be environmentally friendly. We will be removing two oil furnaces and a series of oil-fired blowers and replacing with electric heat pumps. By doing so, this building will no longer consume any fossil fuels on site. We are also pre-planning to be compatible with a future upgrade capability to solar energy.

The renovation will add 18 net new residential units to the immediate downtown Lebanon region. 17 of these units will be studio apartments and the 18th will be a 2-bedroom. These units are less than 100 feet away from the rail trail, the river, and an already existing Advanced Transit bus stop. They are walkable to downtown businesses, recreational facilities, and government services. In short, these units are exactly what the master plan was hoping for in terms of residential density increases in the core urban area through creative repurposing of existing land and structures.

The project meets all requirements of the 79-E program as follows:

Substantial Rehabilitation: The required investment of \$75,000 is exceeded by nearly 20 times.

Qualifying Structure: The structure is located in the identified 79-E downtown district.

Benefits Provided:

I: Enhancement of the economic vitality of the downtown

This project enhances the economic vitality of downtown by introducing 18 new units of year-round residential occupancy. It is reasonable to believe that these tenants will be patrons of local businesses, access local entertainment, and generally engage in economic activities that support the vibrancy of the City. Furthermore, the additional availability of housing will enhance the economic vitality of downtown employers who have repeatedly reported that the gating factor in their ability to hire new staff is the absence of local housing.

II: Promotion of the preservation and reuse of existing building stock

As stated above, the renovation project takes the existing shell of an old commercial building and substantially improves it, reusing the building stock that exists on site and preserves and accentuates the architectural features of that building stock in an aesthetically pleasing manner.

III: Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community.

The project prompted a greater sense of community by adding to downtown housing stock in a manner that is walkable, bike-able, and generally community building. By creating convenient downtown facilities that are close to public transportation and convenient by foot or bicycle the roadways are used more efficiently and traffic congestion is reduced. Reduction of traffic and decrease of fossil fuel consumption promotes the safety of the city and makes for cleaner air. As a result, the safety of the city is improved.

IV: Growth of residential housing in urban or town centers

The project provides an increase of 18 net new residential units in the urban center, delivering precisely what the statute desires.

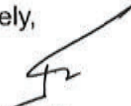
I respectfully request that the City provide the maximum possible benefit in terms of tax relief starting with the completion of the project, of either 7 or 11 years total. In addition to the base 5 years, I am requesting that an additional 2 years be added (making 7) because the renovation results in new residential units.

Additionally, I am requesting that the Council consider providing an additional 4 years of relief (to 11 years total) on the basis that the project will result in new affordable rental units. I have reviewed all data and the term "affordable" is not defined anywhere in the statute. The units will be market rent units, so they are not subsidized housing or low income housing. However, "affordability" is generally defined as the cost of housing being no more than 30% of the gross income of the renter. According to the New Hampshire Housing Finance Authority, the median income for a family of one in Grafton County in 2020 was \$64,820. The planned rental price for at least one third (and probably more) of the apartments will be less than 30% of the median family income of one, as reported by the NHHFA. On the basis that these units will be affordable to the median (regular income) renter, I would request that the Council consider extending the tax relief from 7 to 11 years.

I want to clarify one item on the application. There is a question on the second page that asks if an abatement application has been filed or awarded in the past year, for which the answer is no. However, I want to clarify that the assessing office corrected an error in the assessment through informal discussion based upon some incorrect property details. The informal adjustment to the correct state of the property resulted in the 2020 assessment being \$285,900.

Finally, thank you very much for your consideration of this project for the awarding of tax relief. The availability of tax relief is a major driver in feasibility for this project. Mascoma Bank has been very supportive of downtown revitalization efforts, and they have extended me credit in large part upon the tax relief benefits that this program will confer, and the anticipated award.

Sincerely,

A handwritten signature in black ink, appearing to be 'JK' or 'Jeremy Katz', written over a horizontal line.

Jeremy Katz
Manager
One Mechanic Street, LLC



APPLICATION FOR COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE PROGRAM (RSA 79-E)

Date application submitted: 2/26/21

Received by: D. Brooks

Note: Application must be accompanied by a \$50 application fee at the time of submission.

APPLICANT:	OWNER: (if different from applicant)
Name: One Mechanic Street, LLC	Name:
Mailing Address: PO Box 1325	Mailing Address:
City, State, Zip: Lebanon, NH 03766	City, State, Zip:
Phone / Fax: 603-653-8281 / 603-443-9888	Phone / Fax:
Email: katz95@gmail.com	Email:

PROPERTY / BUILDING INFORMATION:			
Building Name (if any): Former NAPA Building		Year Built: 1900	
Building Address: 1 Mechanic Street		Gross Square Footage of Building: 10,185	
Tax Map # 91	Lot # 264	Plot #	
Grafton County Registry Book # 4446		Page # 736	

Existing Property / Building Information: (Describe <i>current</i> use, size, number of units, number of employees, etc.) Mixed use commercial building. Top floor office space and warehouse. Street level auto parts store. Bottom level motorcycle/snowmobile repair shop and warehouse
Proposed Property / Building Information: (Describe <i>proposed</i> use, size, number of units, number of employees, etc.) 18 Unit Multifamily Residential Building consisting of 17 studio apartments and 1 two-bedroom apartment
Is there a change of use associated with this project? Yes ☒ No ☐ If yes, please describe Conversion from commercial to residential
Will the project include new residential units? Yes ☒ No ☐ If yes, please describe The project will add 18 new residential units to the Lebanon Downtown district at a location that is within 50 feet of the rail trail and an Advance Transit stop, and within easy walking distance to downtown businesses and recreational facilities.
Will the project include new subsidized residential units? Yes ☐ No ☒ If yes, please describe

Is the building eligible for listing or listed individually on the State or National Register of Historic Places or located within a State or National Register Historic District? Yes ☐ No ☒ If yes, provide a copy of the approved designation by the State or National Register of the building or the district.
Is the building located within and is it significant to a locally-designated historic district? Yes ☐ No ☒
Is the property located in an existing Tax Increment Finance (TIF) District? Yes ☒ No ☐
Has an abatement application been filed or has abatement been awarded on this property within the last year? Yes ☐ No ☒ <i>see NOTE</i>
Will any state or federal grants or funds or low income subsidies or tax credits be used in this project? Yes ☐ No ☒ If yes, what is the amount of the aid? \$_____ Describe and detail any terms of repayment, if applicable.

PROJECT INFORMATION: Describe the work to be done and the estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates. Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help describe and explain this application.	
Expected Project Start Date: <u>3/1/2021</u>	Expected Project Completion Date: <u>12/31/2021</u>
Structural: Per plan submitted to codes	\$ 85,000
Exterior Alterations: (storefront/façade, walls, windows, doors, etc.) Per plan	\$ 150,000
Interior Alterations: (walls, ceilings, moldings, doors, etc.) Brand new units within existing renovated structure	\$ 440,000
Electrical: All new electrical service	\$ 180,000
Plumbing/Heating: All new plumbing and heating	\$ 150,000
Mechanical: New heat pump system (1 per unit)	\$ 110,000
Fire Protection: New Sprinkler and addressable fire alarm system	\$ 40,000
Other: Environmental remediation of ground contamination and completion of certified asbestos abatement at interior of building, etc - water sewer expansion, impact fee contribution, etc	\$ 520,000
Total: NOTE: In completing this form, the applicant certifies that the estimated costs provided herein are reasonable and that such costs meet the above program requirements. Failure to meet the program requirements or the listing of unreasonable construction costs will result in denial of the application and forfeiture of the application fee.	\$ 1,675,000
To be considered for this tax relief incentive program, the total project cost must be at least 15% of the pre-rehabilitation assessed value or \$75,000, whichever is less. In the case of historic structures, the project must devote at least 10% of the pre-rehabilitation assessed value or \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation.	
TO BE COMPLETED BY CITY ASSESSING DEPARTMENT:	
Pre-Rehabilitation Assessed Valuation as of date of application submission: \$_____	
Are the cost threshold requirements satisfied by the project as proposed? Yes___ / No___	

PROPOSED PUBLIC BENEFIT (RSA 79-E:7)

In order to qualify for property assessment tax relief under this program, the proposed substantial rehabilitation must provide at least one of the public benefits listed below. Any proposed *replacement* of a qualifying structure must provide one or more of the public benefits listed below to a greater degree than would a substantial rehabilitation of the same qualifying structure.

Does the Project provide the following public benefits? (Check all that apply)

Enhances the economic vitality of the designated areas.

If yes, please describe.

The project will provide safe, new, energy efficient downtown residential capacity for 18 new units. The units are situated close to downtown amenities including businesses and entertainment and it is reasonable to believe that the occupants of the property will be patrons of local businesses and contribute to the local economy.

Additionally, a major constraint on employment growth and economic vitality in the region is the availability of housing.

Yes ☒
No ☐

Enhances and improves a culturally or historically important structure.

If yes, please describe.

The original building is more than a century old and we will be preserving the shell and enhancing it so that it will be transformed from a dilapidated yesteryear structure into one of the most attractive and architecturally interesting buildings on a primary gateway entrance to the City's downtown area.

Yes ☒
No ☐

Promotes preservation and reuse of existing building stock by rehabilitation of historic structures in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.

If yes, please describe.

The structure is not a registered historic site.

Yes ☐
No ☒

Promotes development in the designated areas, providing for efficiency, safety, and a greater sense of community, consistent with RSA Chapter 9-B.

If yes, please describe.

The development supports smart growth initiatives, specifically enhancing vibrant commercial activity, a strong sense of community in the downtown area, supports ample alternative transportation (pedestrian, bicycle and public transportation options), and decreases road congestion by promoting pedestrian traffic. Additionally, the substantial investment in environmental remediation decreases water pollution in an important ecological area near the Mascoma River. Furthermore, the project supports decreased air and water pollution because it does not burn any fossil fuels on site.

Yes ☒
No ☐

Increases residential housing in the designated areas.

If yes, please describe.

The development will add 18 residential units in the designated Lebanon Downtown district.

Yes ☒
No ☐

HISTORICAL REQUIREMENT FOR REPLACEMENT OF QUALIFYING STRUCTURES

In the case of replacement of qualifying structure(s), the applicant shall submit a New Hampshire Division of Historical Resources Individual Inventory Form prepared by a qualified architectural historian and a letter issued by the Lebanon Heritage Commission that identifies any and all historical, cultural, and architectural value of the structure(s) that are proposed to be replaced and the property on which those structure(s) are located.

Note: An application for replacement of a qualifying structure shall not be considered complete, and no public hearing shall be scheduled, until the Individual Inventory Form and the Heritage Commission letter, as well as any other required information, have been submitted.

IMPORTANT

Per RSA 79-E:13, II, the Base or "Original" Assessed Value for any tax relief period is only set after the following two conditions are met:

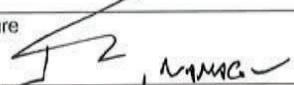
1. Approval of the tax relief by the City Council following a public hearing.
2. The applicant's entering into a Covenant with the City of Lebanon to protect the public benefit(s).

Therefore, the applicant and/or property owner shall not commence any of the improvements included in this application until such time as he or she has satisfied the above requirements. This prohibition shall include any demolition to the existing structure.

AFFIDAVIT

I/We have read and understand the Community Revitalization Tax Relief Incentive (RSA 79-E) and am/are aware that this will be a public process, including a public hearing to be held to discuss the merits of this application and the subsequent need to enter into a covenant with the City and pay any reasonable expenses associated with the drafting of the covenant. I/We understand the application will not be determined as complete or recommended to the City Council for consideration until all of the necessary information is provided.

The undersigned hereby acknowledge understanding of the above statement and certify that the information provided herein are true and correct:

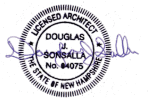
Signature 	Print Name JEREMY KATZ, Applicant	Date: 2/24/21
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:
Signature	Print Name	Date:



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1 MECHANIC STREET APARTMENTS

Issued For:
SITE PLAN REVIEW



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Issue Date: January 29 2021

Revisions		
No.	Description	Date

EXTERIOR VIEWS

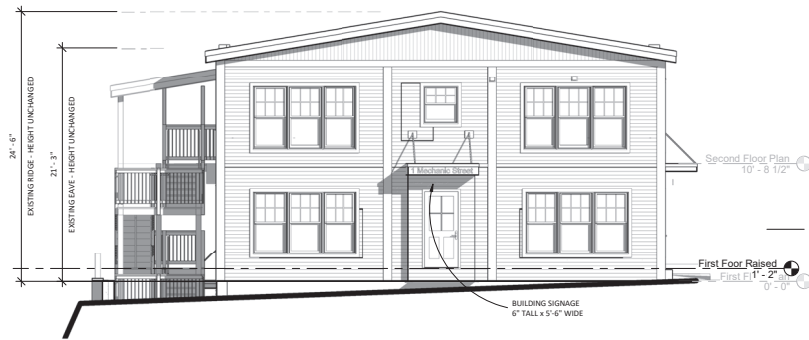
Project No.: 1922

G-9
SHEET 9 OF 10

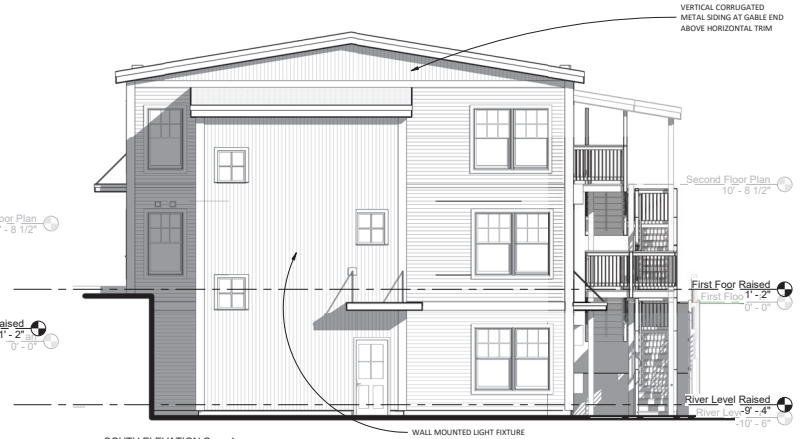
COPYRIGHT 2021 STUDIO NEXUS ARCHITECTS + PLANNERS, LLC



④ WEST ELEVATION Copy 1
3/16" = 1'-0"



③ NORTH ELEVATION Copy 1
3/16" = 1'-0"



② SOUTH ELEVATION Copy 1
3/16" = 1'-0"



① EAST ELEVATION Copy 1
3/16" = 1'-0"



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Issue Date: January 29 2021

Revisions		
No.	Description	Date

EXTERIOR ELEVATIONS

Project No.: 1922

G-7
SHEET 7 OF 10

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DOUGLAS A. SORRELLS is a duly licensed architect in the State of New Hampshire. His electronic signature is effective only as to that version of this document as originally published by Studio Nexus Architects + Planners, LLC. Studio Nexus Architects + Planners, LLC is not responsible for any subsequent modification, completion or unauthorized use of such documents. To verify the identity or employment of the signor, contact Douglas Sorrells.

Issue Date: January 29 2021

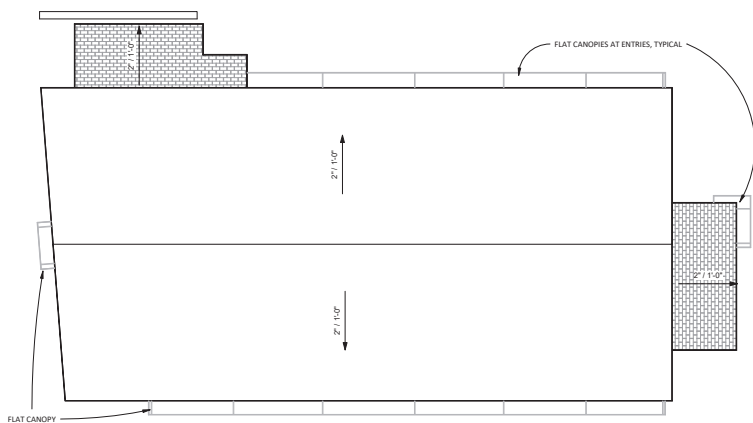
Revisions		
No.	Description	Date

FLOOR PLANS

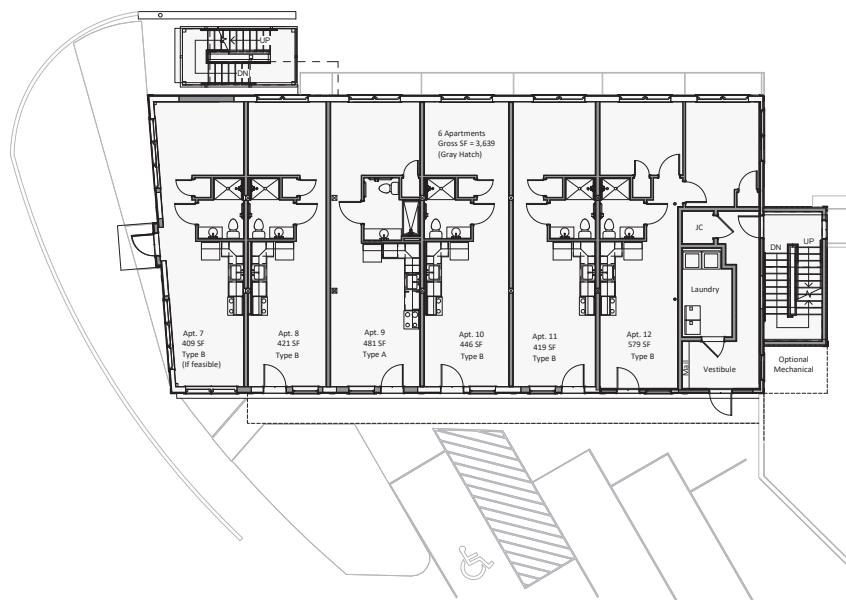
Project No.: 1922

G-6
SHEET 6 OF 10

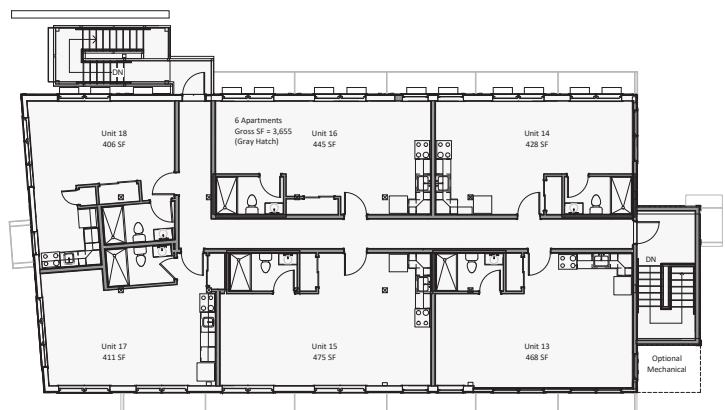
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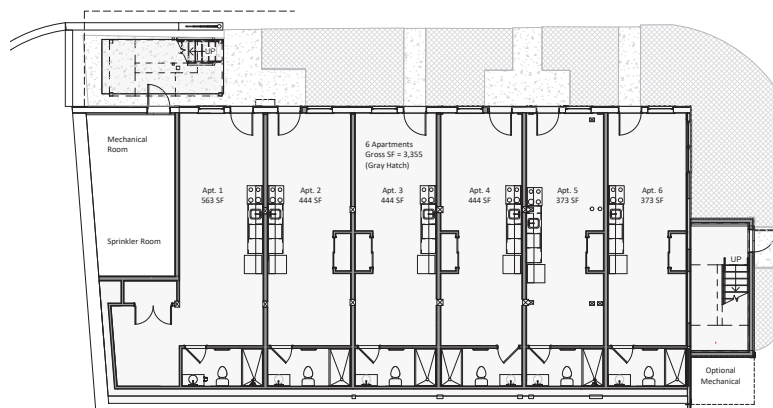
④ Roof plan
1/8" = 1'-0"



② First floor
1/8" = 1'-0"



③ Second floor
1/8" = 1'-0"



① River Level
1/8" = 1'-0"



PROJECT NORTH

2020 Workforce Housing Purchase and Rent Limits, **RSA 674:58 - 61**

This is an update to information that New Hampshire Housing provided to the Legislature in 2008 as it deliberated on the Workforce Housing statute. The purpose of this table is to assist municipalities in implementing the NH Workforce Housing statute, RSA 674:58 - 61. This analysis incorporates statutory requirements, and includes reasonable market assumptions for the targeted households' income levels such as interest rate, downpayment, mortgage term, taxes, and insurance. Please note that this table provides information about the estimated **maximum** affordable amounts for purchase and rent.

	Ownership				Renters	
	80% of 2020 HUD Median Area Income Family of four		100% of 2020 HUD Median Area Income Family of four		60% of 2020 HUD Median Area Income Adjusted for a family of three	
	Income	Estimated Maximum Affordable Purchase Price ¹	Income	Estimated Maximum Affordable Purchase Price ¹	Income	Estimated Maximum Affordable Monthly Rent ²
HUD Metropolitan Fair Market Rent Areas (HMFA):						
Boston-Cambridge-Quincy MA-NH	\$95,200	\$354,500	\$119,000	\$443,500	\$64,260	\$1,610
Hillsborough Co. NH (Part)	\$75,280	\$247,000	\$94,100	\$309,000	\$50,810	\$1,270
Lawrence, MA-NH	\$78,400	\$274,000	\$98,000	\$342,500	\$52,920	\$1,320
Manchester, NH	\$66,880	\$239,000	\$83,600	\$298,500	\$45,140	\$1,130
Nashua, NH	\$90,880	\$315,300	\$113,600	\$394,000	\$61,340	\$1,530
Portsmouth-Rochester, NH	\$82,240	\$291,000	\$102,800	\$364,000	\$55,510	\$1,390
Western Rockingham Co, NH	\$89,760	\$320,000	\$112,200	\$400,000	\$60,590	\$1,510
County Fair Market Rent Areas (Non Metro):						
Belknap County	\$65,920	\$242,000	\$82,400	\$302,500	\$44,500	\$1,110
Carroll County	\$57,520	\$225,000	\$71,900	\$281,000	\$38,830	\$970
Cheshire County	\$69,200	\$223,000	\$86,500	\$278,500	\$46,710	\$1,170
Coos County	\$49,520	\$165,500	\$61,900	\$206,500	\$33,430	\$840
Grafton County	\$74,080	\$261,500	\$92,600	\$327,000	\$50,000	\$1,250
Merrimack County	\$71,360	\$239,000	\$89,200	\$298,500	\$48,170	\$1,200
Sullivan County	\$61,520	\$205,500	\$76,900	\$257,000	\$41,530	\$1,040

¹ Estimated maximum price using 30% of income, 5% down payment, 30 year mortgage at 3.55%, 0.7 points, PMI, and estimated 2020 taxes for the area and hazard insurance.

Estimated maximum gross monthly rental cost (rent + utilities), using 30% of income.

SAMPLE RESOLUTION

BE IT HEREBY RESOLVED by the Lebanon City Council, after a duly-noticed public hearing, that:

WHEREAS, the City Council has determined that the application of One Mechanic Street, LLC (hereinafter the "Applicant") for property assessment tax relief under the City's 79-E Program is complete enough to commence consideration, and

WHEREAS, the City Council has determined that the Applicant's property, 1 Mechanic Street, Tax Map 91, Lot 264 (hereinafter the "Property"), is situated in the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

WHEREAS, the City Council has determined that the Applicant's project to complete interior renovation and exterior rehabilitation on the Property pursuant to plans and information provided in the application (hereinafter the "Project") exceeds the lesser of 15% of the current pre-rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and

WHEREAS, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City, including:

1. Enhancement of the economic vitality of Downtown Lebanon, and
2. Promotion of the preservation and reuse of existing building stock, and
3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and
4. Increasing residential housing in municipal centers.

NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant _____ years of property assessment tax relief for the Property to commence upon completion of Project, with the following conditions:

1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for _____ years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.
2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.
3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise extended by the City

Council in writing. The Project, as approved, shall be completed on or before March 31, 20__, unless otherwise extended by the City Council in writing.

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

10. NEW BUSINESS:

**10.C – DISCUSSION & SET PUBLIC HEARING FOR MAY 19, 2021:
LAYOUT OF EXTENSION OF AIRPARK ROAD; SCHEDULING ON-SITE PUBLIC
MEETING; AND ACCEPTANCE OF DEDICATION OF EXISTING SEGMENT OF
AIRPARK ROAD**

BACKGROUND

On November 6, 2019, the City Council established the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District on lands adjacent to the airport. On December 18, 2019, as part of the 2020 Capital Improvements Program, the Council approved funding for the initial design and permitting for a roadway and utility infrastructure to serve the TIF District.

To formally enable construction of the new roadway, as it has not previously been shown on the City's official street map and does not appear on any subdivision plat previously approved by the Planning Board, the City Council must, in accordance with RSA 231:8, receive and act upon a petition to "lay out" a new road. A petition was filed on March 30th and is attached hereto for review and consideration. Pursuant to NH RSA 674:40, III, before the City Council can locate and construct the roadway, the proposed layout must first be submitted to the Planning Board for review. Review by the Planning Board is scheduled for April 12th.

In addition to Planning Board review, RSA 231:11 requires the City Council to make a "personal examination" of the proposed new road layout. Staff recommends that the Council hold a public meeting prior to the public hearing (on the same day, if possible) to review the proposed road location.

Lastly, in addition to laying out the new road segment, the City Council is requested to accept the dedication of an existing segment of Airpark Road, originally dedicated in 1983 and constructed in approximately 2007 to provide access to the Magic Bird facility (now Big Green Aviation). This segment of right-of-way extends from the intersection of Commerce Avenue to the northern boundary of the Airport TIF parcel and is shown on a plan approved by the Planning Board and recorded in the Grafton County Registry of Deeds as Plan #2039 (attached). While the dedication occurred in 1983, there is no indication that the Council ever accepted the dedication.

Please see attached memo from Planning & Development Director David Brooks for more information. Planning staff will be present to provide an overview and answer any questions.

ACTION

The following motion is offered for Council consideration:

MOVED, that the Lebanon City Council hereby refers the layout of the extension of Airpark Road as shown on the plan titled, "City of Lebanon Airpark Road Extension," prepared by Paton Land Surveying, LLC, dated March 20, 2021, Project No. 2019-281-17A, for review by the Planning Board in accordance with RSA 674:40.

BE IT FURTHER MOVED, that public hearings be scheduled for Wednesday, May 19, 2021, beginning at 7:00pm, Remote via Webex, for the purpose of receiving public input and taking action on the following:

1. Acceptance of a dedication of a segment of Airpark Road, constructed in approximately 2007, and shown on a plan titled "Subdivision Plan of Land in Lebanon, New Hampshire," prepared by Hoyle, Tanner & Associates, Inc., dated June 1978, and recorded in the Grafton County Registry of Deeds on September 30, 1983 as Plan #2039; and

2. Approval of the layout of an extension of Airpark Road to serve the development of an industrial subdivision on City-owned property identified as Tax Map 159, Lot 4, West Lebanon, as shown on the plan titled "City of Lebanon Airpark Road Extension," prepared by Paton Land Surveying, LLC, dated March 20, 2021, Project No. 2019-281-17A.

BE IT FURTHER MOVED, that an on-site public meeting be scheduled for Wednesday, May 19, beginning at 5:30pm, for the purpose of personal examination of the proposed roadway layout in accordance with RSA 231:11.

Included in this Section:

1. March 31, 2021 Memorandum from Planning & Development Director David Brooks, RE: Acceptance and Layout of Extension of Airpark Road for Airport TIF District
2. March 30, 2021 Petition for Layout of Class V Highway, Extension of Airpark Road, West Lebanon, NH



CITY OF LEBANON ~ PLANNING & DEVELOPMENT

MEMORANDUM

TO: Lebanon City Council

CC: Shaun Mulholland, City Manager
Jim Donison, Public Works Director
Carl Gross, Airport Manager

FROM: David Brooks, Planning & Development Director

RE: Acceptance and Layout of Extension of Airpark Road for Airport TIF District

DATE: March 31, 2021

Honorable Mayor and City Councilors,

On November 6, 2019, the City Council voted unanimously to establish the Lebanon Airport-Tech Park Tax Increment Finance (TIF) District on lands adjacent to the airport. The Council subsequently approved funding for the initial design and permitting for a roadway and utility infrastructure to serve the TIF District. The design phase is complete and applicable permits have been or are being obtained.

The infrastructure improvements have been designed for construction in two phases to allow the City to make the minimum upfront investment necessary to provide access to the property and to enable development of the first 2 building sites on the City's Airport TIF District property (Map/Lot 159-4). The first phase of construction will also provide access to developable land on the east side of the Upper Valley Tech Park, LLC property (Map/Lot 131-3), which is also part of the TIF District. After development begins to occur and a tax increment is generated, the City could elect to construct the remainder of the roadway and utilities to open up 2-3 additional building sites on the City property.

For Fiscal Year 2021, the Council approved a capital project to construct the first phase of improvements, including approximately 850 linear feet of roadway and utilities. The Department of Public Works has assumed project management for the construction phase of the effort. The project has been advertised and construction bids were received on March 18, 2021. Construction is anticipated to commence this Summer and be complete by Fall 2021.

To formally enable construction of the new roadway (see the purple shaded area on Figure 1 below), the City Council must first receive and act upon a petition, in accordance with RSA 231:8, to "lay out" a road, which has not previously been shown on the City's official street map and does not appear on any subdivision plat previously-approved by the Planning Board. The City received a petition to layout the road on March 31, 2020. Pursuant to RSA 674:40, III, before the City Council can vote to locate and construct the roadway, the proposed road layout must first be submitted to the Planning Board for review, which will occur on April 12th. If the Planning Board approves the road layout, the City Council may then approve the location and construction of the roadway by simple majority. If the Planning Board disapproves of the road layout, then a two-thirds majority of the City Council is required to approve the location and construction.



Fig. 1 – Extension of Airpark Road

In addition to laying out the new road segment on the Airport TIF property, the City Council must also accept the dedication of an existing segment of Airpark Road from the intersection of Commerce Avenue to the northern boundary of the Airport TIF parcel (see the green shaded area on Figure 1 above). This segment of right-of-way is shown on a plan approved by the Planning Board and recorded in the Grafton County Registry of Deeds on September 30, 1983 as Plan #2039. However, there is no indication that the City Council ever previously accepted the dedication of Airpark Road south of Commerce Ave since that segment of roadway was not initially constructed in the 1980s with the remaining roads in the Airport Phase 1 Business Park.

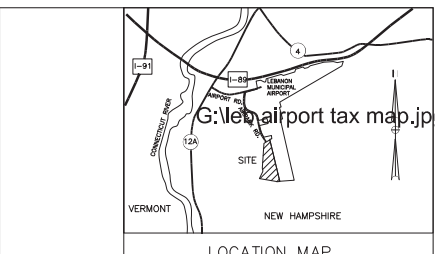
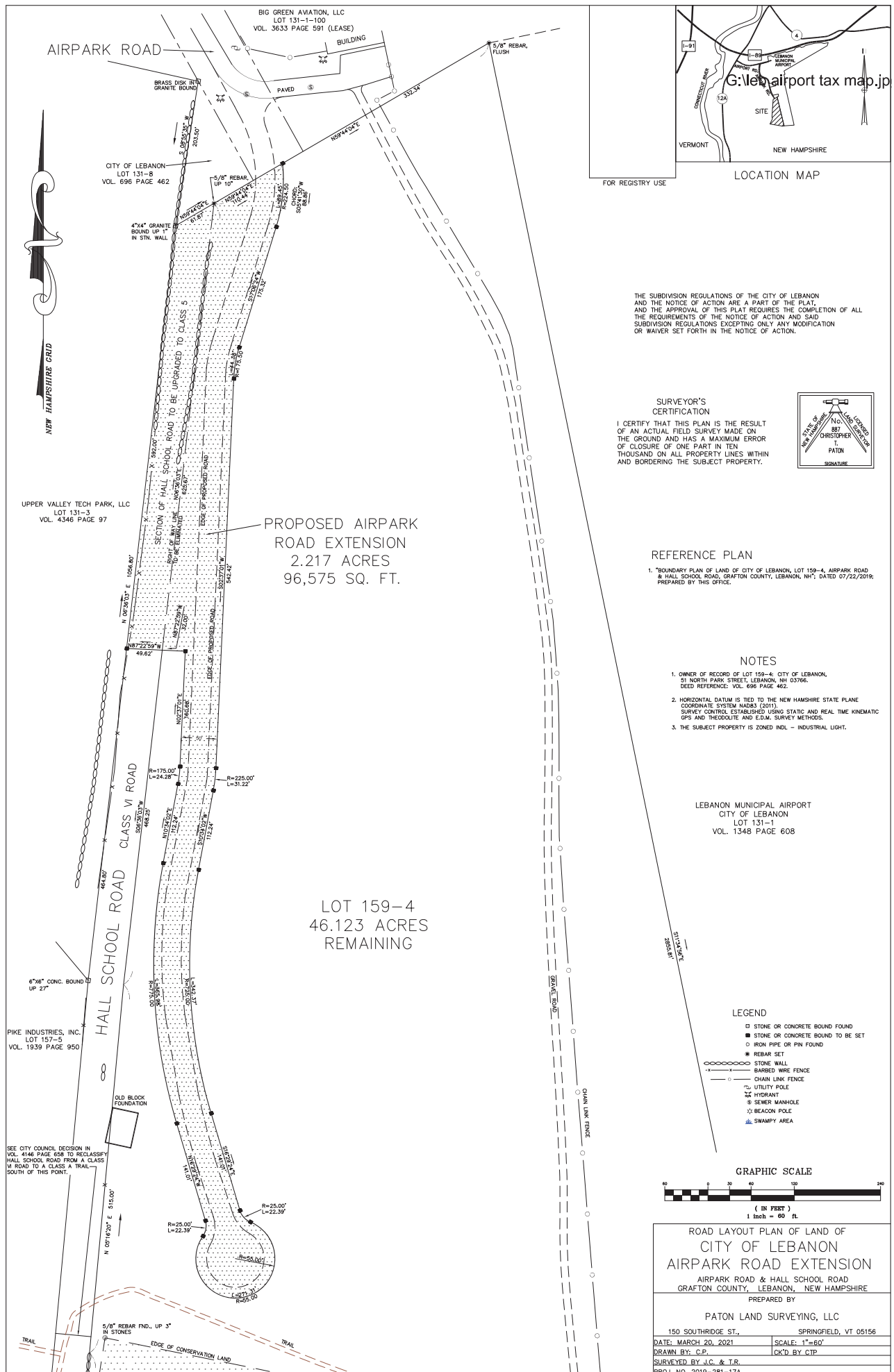
This segment of Airpark Road was constructed in approximately 2007 to provide access to the Big Green Aviation facility (formerly Magic Bird on Map/Lot 131-1-100) and in conjunction with the City's project to construct the Executive Ramp and "T" hangars at the Lebanon Airport. Since this segment of roadway is already shown on a plan approved by the Planning Board and recorded in the Registry of Deeds, the City Council only needs to accept the dedication that occurred with the recording of the plat in 1983.

On April 7th, the City Council will discuss the extension of Airpark Road and will be asked to schedule a public hearing for the acceptance of the existing road segment and the layout of the new road segment to serve the Airport TIF District. In addition, in accordance with the statutory

layout process, RSA 231:11 requires the City Council to make a “personal examination” of the proposed new road layout. Staff recommends that the Council hold a public meeting at the Airport site prior to the public hearing (on the same day, if possible) to view the proposed road location, which would allow the Council to proceed directly to a final vote at the end of the public hearing if so desired.

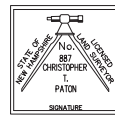
Planning staff will be on hand on April 7th to provide an overview and answer any questions.

enc. Road Layout Plan
excerpt of design plans



THE SUBDIVISION REGULATIONS OF THE CITY OF LEBANON AND THE NOTICE OF ACTION ARE A PART OF THE PLAT, AND THE APPROVAL OF THIS PLAT REQUIRES THE COMPLETION OF ALL THE REQUIREMENTS OF THE NOTICE OF ACTION AND SAID SUBDIVISION REGULATIONS EXCEPTING ONLY ANY MODIFICATION OR WAIVER SET FORTH IN THE NOTICE OF ACTION.

SURVEYOR'S CERTIFICATION
I CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY.

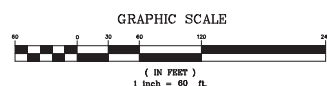


REFERENCE PLAN
1. "BOUNDARY PLAN OF LAND OF CITY OF LEBANON, LOT 159-4, AIRPARK ROAD & HALL SCHOOL ROAD, GRAFTON COUNTY, LEBANON, NH", DATED 07/22/2019; PREPARED BY THIS OFFICE.

- NOTES**
- OWNER OF RECORD OF LOT 159-4; CITY OF LEBANON, 51 NORTH PARK STREET, LEBANON, NH 03766. DEED REFERENCE: VOL. 696 PAGE 462.
 - HORIZONTAL DATUM IS TIED TO THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM NAD83 (2011). SURVEY CONTROL ESTABLISHED USING STATIC AND REAL TIME KINEMATIC GPS AND THEODOLITE AND C.D.M. SURVEY METHODS.
 - THE SUBJECT PROPERTY IS ZONED INDL - INDUSTRIAL LIGHT.

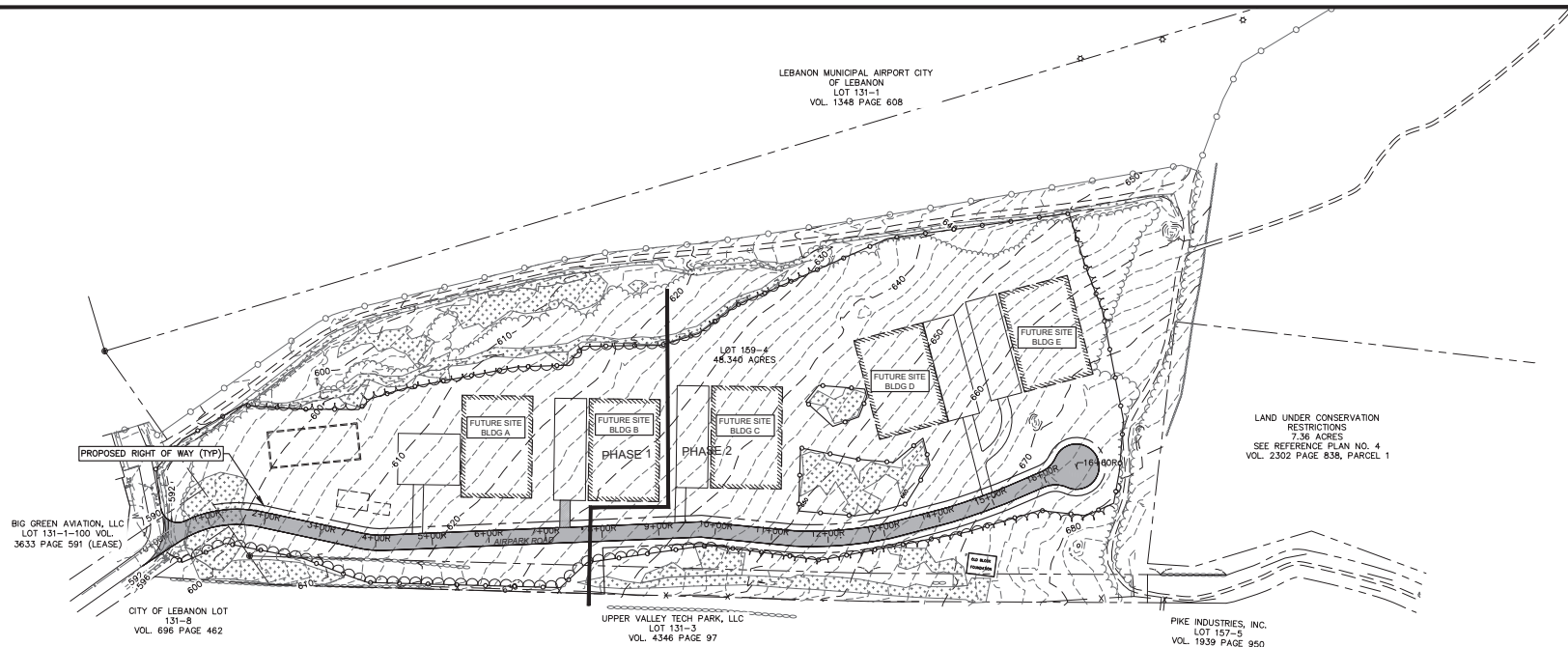
LEBANON MUNICIPAL AIRPORT
CITY OF LEBANON
LOT 131-1
VOL. 1348 PAGE 608

- LEGEND**
- STONE OR CONCRETE BOUND FOUND
 - STONE OR CONCRETE BOUND TO BE SET
 - IRON PIPE OR PIN FOUND
 - REBAR SET
 - STONE WALL
 - BARBED WIRE FENCE
 - CHAIN LINK FENCE
 - UTILITY POLE
 - HYDRANT
 - SEWER MANHOLE
 - BEACON POLE
 - SWAMPY AREA



ROAD LAYOUT PLAN OF LAND OF
CITY OF LEBANON
AIRPARK ROAD EXTENSION
AIRPARK ROAD & HALL SCHOOL ROAD
GRAFTON COUNTY, LEBANON, NEW HAMPSHIRE
PREPARED BY
PATON LAND SURVEYING, LLC
150 SOUTHRIDGE ST., SPRINGFIELD, VT 05156
DATE: MARCH 20, 2021 SCALE: 1"=60'
DRAWN BY: C.P. CK'D BY: CTP
SURVEYED BY: J.C. & T.R.
PROJ. NO. 2019-281-17A





PROPOSED SITE PLAN
SCALE: 1"=100'

NOTES:

1. THE PROPOSED SITE USE IS COMMERCIAL/INDUSTRIAL DEVELOPMENT.
2. THE PROJECT IS INTENDED TO BE CONSTRUCTED IN PHASES. THE ROADWAY AND UTILITIES, EXCEPT THOSE SERVING INDIVIDUAL LOTS, WILL BE CONSTRUCTED BY THE OWNER (CITY OF LEBANON). INDIVIDUAL BUILDINGS, PARKING AND DRIVEWAYS WILL BE CONSTRUCTED AS EACH SITE IS DEVELOPED. THE BIORETENTION SYSTEMS AND STORMWATER CONVEYANCE COMPONENTS FOR EACH SITE ARE REQUIRED TO BE CONSTRUCTED TO THE DIMENSIONS AND SPECIFICATIONS SHOWN ON THESE PLANS. REFER TO SHEETS C17-C19.
3. THE CONSTRUCTION PROJECT CONSISTS OF ROADWAY AND UTILITY CONSTRUCTION, STORMWATER POND CONSTRUCTION AND THE CONSTRUCTION OF THE BIORETENTION SYSTEM FOR THE ROAD. THE PROJECT ALSO INCLUDES CLEARING AND ROUGH GRADING OUTSIDE THE ROADWAY, STORMWATER POND AND BIORETENTION SYSTEM FOR THE ROAD. REFER TO SHEETS C7 AND C8 FOR ROUGH GRADING INFORMATION.
4. SOIL DISTURBANCE IN THE AREAS OUTSIDE OR BEYOND THE PROJECT DELINEATION FENCE AT THE SITE PERIMETER AND INSIDE THE PROJECT DELINEATION FENCING BETWEEN THE FUTURE SITES OF BUILDINGS C AND D IS PROHIBITED.
5. LOT DISTURBANCE FOR INDIVIDUAL SITES, OTHER THAN THAT SHOWN ON THE APPROVED PLANS, SHALL NOT COMMENCE UNTIL AFTER THE ROADWAY HAS THE BASE COURSE TO DESIGN ELEVATION AND THE ASSOCIATED DRAINAGE IS COMPLETE AND STABLE. ANY FUTURE DEVELOPMENT ON THE PROPERTY, INCLUDING CONSTRUCTION OF THE BUILDINGS SHOWN ON THE PLANS, WILL REQUIRE A NEW ADT PERMIT OR AN AMENDED PERMIT IF THE AMENDMENT CRITERIA OF ENR-NO 1503.21 ARE MET. THESE REQUIREMENTS APPLY TO ALL CONSTRUCTION PHASES.



**100% DESIGN
SUBMITTAL**
NOT FOR CONSTRUCTION

AIRPARK ROAD DEVELOPMENT - PHASE 1

PROPOSED SITE PLAN

LEBANON, NEW HAMPSHIRE

Project #	31202003
Project Mgr.	T.P. KNAPP
Design by	N.R. JOHNSON
Drawn by	K. MENESM. BISSELL
Reviewed by	N.R. JOHNSON
Approved by	N.R. JOHNSON
Date	JANUARY 7, 2021
Scale	AS SHOWN

C1

SHEET 3 OF 25

GRAPHIC SCALE



**PETITION FOR LAYOUT OF CLASS V HIGHWAY
EXTENSION OF AIRPARK ROAD, WEST LEBANON, NH**

The undersigned citizen(s) of the City of Lebanon hereby petition the City Council of the City of Lebanon, New Hampshire, pursuant to NH RSA 47:1, RSA 49-C:15, RSA 49-D:3, I(a), RSA 231:8, and RSA 231:12, for the layout of a Class V public highway upon such terms and conditions as the City Council deems reasonable, for accommodation of the public as there is occasion for such layout.

The proposed location of such highway is as shown on a plan entitled "Road Layout Plan of Land of City of Lebanon, Airpark Road Extension, Airpark Road & Hall School Road, Grafton County, Lebanon, New Hampshire" prepared by Paton Land Surveying, LLC, dated March 20, 2021, Proj. No. 2019-281-17A, and is more fully described and bounded as follows:

Beginning at a 4" x 4" granite bound up 1" in a stone wall marking the northwestern corner of lands of the City of Lebanon, known as Lebanon Tax Map 159, Lot 4, said point forming the northwest corner of the proposed layout;

Thence N59°44'04"E a distance of 61.87 feet along the northerly boundary of lands of City of Lebanon to an iron rod (5/8" rebar, up 10");

Thence N59°44'04"E a distance of 110.44 feet along the northerly boundary of lands of City of Lebanon to a stone or concrete bound to be set, said point forming the northeast corner of the proposed layout;

Thence along the arc of a curve to the right having a radius of 224.50 feet and a length of 89.45 feet with a chord of S05°41'30"W and a length of 88.86 feet to a stone or concrete bound to be set;

Thence S17°06'24"W a distance of 175.32 feet to a stone or concrete bound to be set;

Thence along the arc of a curve to the left having a radius of 175.50 feet and a length of 44.38 feet to a stone or concrete bound to be set;

Thence S02°37'01"W a distance of 542.42 feet to a stone or concrete bound to be set;

Thence along the arc of a curve to the right having a radius of 225.00 feet and a length of 31.22 feet to a stone or concrete bound to be set;

Thence S10°34'02"W a distance of 112.24 feet to a stone or concrete bound to be set;

Thence along the arc of a curve to the left having a radius of 725.00 feet and a length of 342.37 feet to a stone or concrete bound to be set;

Thence S16°29'24"E a distance of 141.01 feet to a stone or concrete bound to be set;

Thence along the arc of a curve to the left having a radius of 25.00 feet and a length of 22.39 feet to a stone or concrete bound to be set;

Thence along the arc of a curve to the right having a radius of 55.00 feet and a length of 271.31 feet to a stone or concrete bound to be set;

Thence along the arc of a curve to the left having a radius of 25.00 feet and a length of 22.39 feet to a stone or concrete bound to be set;

Thence N16°29'24"W a distance of 141.01 feet to a stone or concrete bound to be set;

Thence along the arc of a curve to the right having a radius of 775.00 feet and a length of 365.98 feet to a stone or concrete bound to be set;

Thence N10°34'02"E a distance of 112.24 feet to a stone or concrete bound to be set;

Thence along the arc of a curve to the left having a radius of 175.00 feet and a length of 24.28 feet to a stone or concrete bound to be set;

Thence N02°37'01"E a distance of 160.68 feet to a stone or concrete bound to be set;

Thence N87°22'59"W a distance of 32.00 feet to a point on the westerly boundary of lands of City of Lebanon and the easterly boundary of Hall School Road (Class VI) right-of-way;

Thence N87°22'59"W a distance of 49.62 feet to a stone or concrete bound to be set on the westerly boundary of Hall School Road (Class VI) right-of-way, which point is on the easterly boundary of lands of Upper Valley Tech Park, LLC, known as Lebanon Tax Map 131, Lot 3;

Thence N06°36'03"E a distance of 1056.80 feet along the easterly boundary of lands of Upper Valley Tech Park, LLC, to the point and place of beginning, an area of 2.217 Acres, 96,575 sq. ft, more or less.

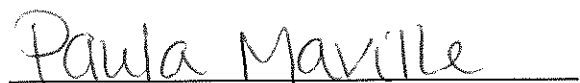
The proposed roadway is shown as Proposed Airpark Road Extension on plan entitled "Road Layout Plan of Land of City of Lebanon, Airpark Road Extension, Airpark Road & Hall School Road, Grafton County, Lebanon, New Hampshire" prepared by Paton Land Surveying, LLC, dated March 20, 2021, Proj. No. 2019-281-17A.

Date: March 30, 2021

Submitted by:



Sign Name:



Print Name:

**AGENDA
LEBANON CITY COUNCIL
APRIL 7, 2021**

10. NEW BUSINESS:

**10.D – SET PUBLIC HEARING FOR APRIL 21, 2021: ORDINANCE 2021-04
TO AMEND CITY CODE CHAPTER 97, LANDFILL REGULATIONS**

BACKGROUND

The Lebanon Solid Waste Facility currently accepts waste from 23 participating communities, plus residents and businesses within the City. While commercial generators/waste haulers are required to have an established billing account, no users of the landfill, commercial or residential, are currently required to have a permit, to show identification, or to show proof of residency.

In an effort to gain better control over access and use of the facility, administration is looking to implement a permitting process as outlined in Ordinance 2021-04.

ACTION

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 21, 2021, beginning at 7:00pm, Remote via Webex, for the purpose of receiving public input and taking action on proposed Ordinance #2021-04, to amend City Code, Chapter 97, Landfill Regulations.

Included in this Section:

1. Proposed Ordinance 2021-04
2. March 30, 2021 Legal Opinion by Attorney C. Christine Fillmore, RE: Emergency Ordinance #2021-04 Landfill Regulations

**CITY OF LEBANON
ORDINANCE #2021-04**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 97, LANDFILL REGULATIONS, Sections 97-1 A, 97-4, and 97-6 to clarify existing language; amend and add definitions; and include language to implement the requirement for Solid Waste Facility User Permits.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

Section 97-1, General Regulations, Subsection (A) is hereby amended to add new paragraph (5) to read as follows:

§97-1 GENERAL REGULATIONS

A. The City adopts the following regulations in accordance with the provisions and requirements of RSA 149-M:17 as the same may be revised from time to time:

(5) All users of the Lebanon Solid Waste Facility are required to obtain a permit to access/use the facility and its service as outlined in §97-6 below.

Section 2

Section 97-4, Definitions, is hereby amended to add the definitions of “Compostables,” “Landfill Punch Cards,” “Participating Community,” “Proof of Residency,” “Solid Waste Facility User Permit,” and “Temporary Landfill User;” and to amend the definition of “Solid Waste Facility.”

§97-4 DEFINITIONS

COMPOSTABLES – Products that are capable of disintegrating into natural components in a composting environment, thereby having the potential of being diverted from disposal in the landfill. These include, but are not limited to, compostable cups, dinnerware, paper towels, coffee filters and liners.

GOOD STANDING – An account established by a Commercial Generator/Waste Hauler that is paid in full within 60 days of issued invoice.

LANDFILL PUNCH CARDS – Form of currency utilized at the Solid Waste Facility for non-commercial users to pay for disposal of trash and recycling.

PARTICIPATING COMMUNITY – A community, municipality, or incorporated place for which the City of Lebanon has an agreement to utilize the Lebanon Solid Waste Facility.

PROOF OF RESIDENCY: Documentation provided to demonstrate residency in Lebanon or a participating community. Satisfactory documentation will be determined by each individual community based on their requirements for proof of residency as a property owner or a renter, and may include a driver's license, motor vehicle registration, and/or any of the following:

Property Owners – Most current property tax bill or recently dated utility bill (current within 30 days) indicating full name and physical address.

Renters – Lease agreement: signed, dated, and in effect; or recently dated utility bill (current within 30 days) indicating full name and physical address.

RESIDENT As defined by NH RSA 21:6, as that statute may be amended from time to time, a resident or inhabitant or both of the City of Lebanon shall be a person who is domiciled or has a place of abode or both in that place, and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence to the exclusion of all others. This definition shall also apply to residents of municipalities in the States of New Hampshire and Vermont for which the City has an agreement to use the Lebanon Solid Waste Facility. Such residents may have access to the Facility at their own expense either directly with a valid residential permit or by using the services of a holder of a valid commercial permit.

SOLID WASTE FACILITY (Hereinafter referred to as “Facility”) – City of Lebanon Solid Waste Facility located at 370 Plainfield Road, West Lebanon, NH, permitted by the New Hampshire Department of Environmental Services to receive, manage, recycle, and landfill solid waste. The area of the facility encompasses all processing operations to include, but not limited to: Recycling Drop Off Center, Landfill, C&D Processing Area, and all interior roadways and maintenance facilities.

SOLID WASTE FACILITY USER PERMIT (Herein after referred to as “Permit”) – A permit issued by the City of Lebanon or participating community that permits access and use of the Lebanon Solid Waste Facility under the provisions of this Chapter.

TEMPORARY LANDFILL USER – A residential user or commercial generator/waste hauler utilizing the Solid Waste Facility on a one-time basis or for periods not to exceed 30-days. All waste disposed by a Temporary Landfill User must be generated within the City of Lebanon or a participating community.

Section 3

Section 97-6, Permits, is hereby amended to include the following:

§97-6 PERMITS

Applications for permits may be submitted electronically using the form provided on the City's website or printed and submitted via hardcopy. All applications for permits will be submitted to the Solid Waste Manager for review and approval.

A. Residential Permits:

Residents of the City of Lebanon or participating communities transporting and disposing of their own residential refuse and/or recycling are required to obtain a permit to access the Facility and its services. In order to obtain a permit, residents must provide the following:

1. A completed application filed with the Solid Waste Division (proof of residency in Lebanon or in a participating community is required)
2. Payment of applicable fee

Lebanon Residents - Issued permits will be valid for three (3) years. Fees for permits will be as outlined in §97-8.

Participating Community Residents – Issued permits will be valid for two (2) years. Fees for permits will be as outlined in §97-8.

Permits are required to be displayed upon entrance to the Solid Waste Facility and may be required to be presented upon demand of staff on site at any time. Those in possession of an invalid permit will be denied access.

In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

B. Commercial Permits:

All commercial generators/waste haulers delivering commercial and/or residential refuse are required to obtain a permit to access the Facility and its services. All refuse delivered for disposal must originate from homes, institutions, medical facilities, or businesses located within Lebanon or a participating community. In order to obtain a permit, commercial generators/waste haulers must provide the following:

1. A completed application filed with the Solid Waste Division to include current Customer Number associated with Commercial Waste Hauler Account for the City of Lebanon (Note: Commercial Waste Hauler Account must be in good standing in order for permit to be issued)
2. Establishment of new Waste Hauler Account if not an existing customer.
3. Payment of applicable fee

Permits are required to be displayed upon entrance to the Solid Waste Facility and may be required to be presented upon demand of staff on site at any time. Those in possession of an invalid permit will be denied access.

In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

Issued permits will be valid as long as permit holder's Waste Hauler Account is in good standing.

C. Temporary/One-Time Use Permits:

Temporary permits will be issued to landfill users that would need the Facility's services for one-time use and/or for periods not to exceed 30-days. The thirty-day timeframe begins the day the permit is issued. Temporary Permit applications are not available online and must be obtained in-person at Lebanon City Hall or City/Town Hall of participating communities. Access to the facility will be permitted for 30 days only, and fees for disposal services are paid via Landfill Punch Cards or Commercial Waste Hauler accounts only. In order to obtain a temporary permit, users must provide the following:

1. A completed application filed with the Solid Waste Division (proof that refuse or recycling delivered for disposal originated from a home or business located within Lebanon or a participating community will be required)

In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

D. Implementation Provision:

The effective date of this Section will be upon passage by the City Council. Implementation of requirements for Solid Waste Facility User Permits will be on-going until August 31, 2021, after which date all users will be required to display a valid permit for entry into the Solid Waste Facility.

Section 4

Chapter 97, is hereby amended to add new Section 97-7, "Commercial Generators/Waste Haulers Accounts & Billing" to read as follows:

§97-7 COMMERCIAL GENERATORS/WASTE HAULERS ACCOUNTS & BILLING

All Commercial Generators/Waste Haulers must establish an account with the City of Lebanon before they will be permitted to access and use the Solid Waste Facility. Establishment of an account must be completed in accordance with the requirements of the City's Finance Department.

A. Use of the Facility:

All commercial generators/waste haulers are required to utilize the scales when entering and exiting the facility. Waste will be measured in pounds and charged at the rates provided in the Fee Schedule (attached as Appendix A).

B. Billing:

Commercial generators/waste haulers will be invoiced monthly for all solid waste brought to the facility in the previous month. Payment is due in full within 30 days of the date of the invoice. Failure to pay in full within 60 days shall result in the suspension of the commercial permit and prohibit access to the facility. Past due accounts will be assessed interest in the amount of eight percent (8%), which will accrue monthly.

If a permit is suspended, it will not be reinstituted and access will not be permitted until such a time that payment is received in full, including interest, plus a \$25 permit reactivation fee.

Section 5

Section 97-7, Fees, is hereby amended to renumber the Section as Section 97-8, to describe methods of acceptable payments, and to add new paragraphs "G. Permit Fees," and "H. Minimum Charge for Scaled Waste," as follows:

§97-8 FEES

Fees for authorized users of the landfill are in accordance with the City Council approved Fee Schedule for Disposal at the Lebanon Solid Waste Facility (attached as Appendix A). Method of payments accepted at the Facility include landfill punch cards and commercial generator/waste hauler accounts only.

G. Permit Fees

- Residential:
 - In-person application - \$10.00
 - Online application - \$0.00

- Commercial:
\$50.00 (One Time fee when Waste Hauler Account is established)
\$25.00 Reactivation Fee if permit is suspended
- Temporary/One Time Use: \$50.00 (per occurrence)

H. Minimum Charge for Scaled Waste

The minimum weight scaled is 20 scale units or 200 pounds. As 200 pounds is 10 percent of a full ton, the minimum charge is calculated as .10 times the current fee for associated waste/recycling material.

Example: If the charge for disposing of Municipal Solid Waste (MSW) is \$75.00 per ton. The cost to dispose the minimum amount of 200 pounds would be $.10 \times \$75.00$ or \$7.50.

Section 6. Severability

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

Section 7

Effective date: This Ordinance shall become effective upon passage.



C. Christine Fillmore
Admitted in NH

603.792.7417
cfillmore@dwmlaw.com

670 N. Commercial Street, Suite 207
Manchester, NH 03101-1188
603.716.2895 Main
603.716.2899 Fax

March 30, 2021

Shaun Mulholland
City Manager
City of Lebanon, NH
51 N. Park Street
Lebanon, NH 03766

RELEASED TO THE PUBLIC

Lebanon City Manager's Office

Date: 3/31/2021

DS

RE: Emergency Ordinance #2021-04 Landfill Regulations

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2021-04, Landfill Regulation, which your office forwarded to me on March 1, 2021 and as subsequently revised based upon communication with me. The goal of the proposed ordinance as I understand it is to amend the existing Chapter 97 of the City Code to establish a permitting system for users of the Facility, to implement a billing system for commercial waste generators and haulers, and to update the fee provisions and definitions as needed for those purposes.

I have reviewed the proposed ordinance in detail and this opinion is based on the version Deputy City Manager Paula Maville and I last discussed today. In my opinion, the ordinance is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,

C. Christine Fillmore