

FINAL

**LEBANON CITY COUNCIL
MINUTES
BOARD/COMMITTEE/COMMISSION REPORTS SESSION
Wednesday, April 7, 2021, 6:00 p.m.
Remote Via Webex: LebanonNH.gov/Live**

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Erling Heistad, Douglas Whittlesey, Devin Wilkie, and Karen Zook

MEMBERS ABSENT: Karen Liot Hill, George Sykes, and Jim Winny

STAFF PRESENT: City Manager Shaun Mulholland, City Clerk Kristin Kenniston

Reports: 4th Quarter 2020 and 1st Quarter 2021

1. CALL TO ORDER: Mayor McNamara called this portion of the meeting to order at 6:00 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 this portion of the meeting remotely are listed above.

Assistant Mayor Below and Councilor Zook arrived after the Roll Call was taken.

Arts & Culture Commission – Report given by Chair Jessica Giordani.

- They are settling in nicely with their new home – Recreation, Arts & Parks.
- They have completed their second season of having the fountain covers up in Downtown Lebanon. They have now been removed and sent to AVA Galleries where they will be working on changing up the artwork this upcoming winter season.
- In late 2020, they commissioned a local designer to do some branding for them so they now have a logo and a name that the Commission decided on, which is Leb Artways, noting this is how they will be interfacing with the community surrounding all of the public art projects they are involved in.
- They have partnered with the Recreation, Arts & Parks Department this winter to unveil the Graffiti Park in West Lebanon.
- Chair Giordani, Councilor Zook and Vice Chair Joe Clifford attended the New Hampshire Council for the Arts Networking Event, where they were able to meet with others from Art Organizations throughout the State to touch base with them on things they are working on and how they are adapting due to COVID safety measures.
- They are working with City Staff and City Manager Shaun Mulholland to do a draft policy for public art in the City of Lebanon. This is presently being reviewed.
- Coming soon is a temporary poetry installation on the sidewalks in Lebanon and West Lebanon. This project will highlight pieces of poetry in the community. Permanent installations are being planned.
- They have been working with Recreation Department on planning the Tunnel’s Grand Opening Event in July. They are proposing to provide a display of potential art installations for the community to consider during this event.

Conservation Commission - Report given by Councilor Heistad

Volunteers have been pulling up invasive species and they have an Amphibian Crossing Program. There is always room for more volunteers if you want to help amphibian's cross the road. He noted Garlic Mustard will be upon us soon and they will need more volunteers for pulling this up as well.

They had a joint meeting in Hanover with members of the Upper Valley Land Trust, who sponsored a meeting for conservation groups. They were discussing applications for landscape funding for protection of large landholdings.

Class VI Roads Advisory Board – Report given by Councilor Heistad

- They took action on 5 different roads that they will be recommending to the Council, and are working 3 more.
- They recommend the Far Road be classified as a Class A Trail for foot, snowshoe, and skiing.
- The Eldon Road is being recommended to be classified as a Class A Trail, subject to normal trail precautions.
- Monica Road is being recommended to be classified as a Class A Trail.
- Road #56, off Monica, is recommended to be discontinued.
- Work will be continuing on Ticknor, 29 and Dorothy Pearling.

Pedestrian/Bicyclist Advisory Committee – Report given by Colin Smith

- One of the main things they have worked on over the last 9 months was an online survey and results from the Mascoma Greenway. The results can be found on the Mascoma Greenway website.
- Being developed is a state-wide rail trail plan, which is hoped will go all the way down to West Lebanon, NH. The committee will be participating in this endeavor.
- Tunnel connections between the Greenway and the Rail Trail have been discussed, along with improvements to the Rail Trail.
- The Grafton County Friends of the Rail Trail will be merged with the Friends of the Rail Trail in Merrimack County, which will help with maintenance efforts.
- They will be working on sidewalk improvement projects, like completing sidewalks in the most difficult and dangerous areas in the City for pedestrians, like Route 120 & Hanover Street. DPW will be trying to get these projects reviewed.

Assistant Mayor Below noted that Route 120 and the Hanover Street intersection is a real dilemma with no real solution yet and will require different approaches in solving this problem.

Cemetery Board of Trustees – Report given by Chair Fran Hatchett

Last fall, the Infant Memorial Garden was demonstrated to Mrs. Logan, who donated the fountain for the project in the **Glenwood** Cemetery, which was to be specifically used in the Glenwood Cemetery. The Cemetery Trustees decided to put in a Memorial Garden in memory of the infants. The money for this project was donated by Stephen Cristy Fund at the Mascoma Foundation. The flowers in the garden were donated by various people and students in the Lebanon School District. Last fall Mascoma Lodge 20 donated a bench for the garden, which will be placed in the garden this spring. The Cemetery Trustees have also decided to mark the three (3) baby sections with a column with the feet and dates of the infant burials.

In January, the Upper Valley Mountain Bike Association approached the Cemetery Trustees wanting permission to use the Valley Sacred Heart Cemetery to access the Boston lot across the street. Ms. Hatchett noted the bikes have done a lot damage to the steep bank at the cemetery and after a very lengthy discussion by the Board and from public input, along with a petition signed by 685 residents, tax payors, families of people buried there and owners of future burials, the Board voted to keep the ordinance not allowing bikes in the cemeteries. Our cemeteries need to be protected. The Board also voted to have a fence erected across the back side of the cemetery to block off access for the bikes. Paul Coates, from the Recreation Department, supported the Board with its decision and offered to assist with the funding of the fence to help alleviate the issues with the bicycles. New fencing was placed around the Cole Cemetery and the Mascoma Cemetery.

The Board has been working very hard researching natural burials. There is a tremendous amount of research that needs to be done before this can be implemented by the City. The Board wants to research every avenue to make certain this will be a possibility for Lebanon to ensure the safety of funeral attendees, staff and future generations of families visiting our cemeteries. Part of the research included bringing a GPR company in to survey the Old Pine Tree Cemetery to determine the section of the cemetery that appeared to be unused. The study came back noting there were no current burials in this section,. If the Board determines that green burials to be a safe and viable option for the City, this location would be the most probable. Sexton Patrick and Ms. Hatchett have also been working together to finalize the reconstruction of the West Lebanon Cemetery Maps, by combining maps, that are sometimes illegible, into a complete full map. This project also has the ability to submitted to the City's GIS programming for digital imaging.

Plans for this spring will be to complete and dedicate the Infant Memorial Garden; place the monuments for the infant grave sections; repair damage done to the Valley Cemetery; erect the fencing in the Valley Cemetery; and the preparation of placement for the new columbarium in the Glenwood Cemetery.

LEAC – Report given by Assistant Mayor/Chair Below

They been monitoring:

- The potential for a Phase II Solar project, particularly at the Airport, but City administration has decided not to move forward on this, except on a limited extent.
- The Gas-to-Energy Project.
- The LED Streetlight conversion and have provided input and advice on this project.
- The EV Subcommittee has also been monitoring what has been going on at the state level. The Planning Board is looking at some questions around whether this should be included in site plans for larger projects, particularly large multi-family projects to make EV charging at least ready for installation to keep costs down for future EV charging. This may have been put off for another year.
- A lot of focus has been on the Community Power Aggregation, the PUC proceedings and legislative activity related to this. There has been an update to the Community Power Statute that helps make Community Power Aggregation more feasible in New Hampshire.
- The Community Development Finance Authority Grant update. They have received an extension to the end of June to be able to use these funds.
- The Aggregation Subcommittee has been working on a draft Electric Aggregation Plan.

- Community Power Coalition is about to roll out a new website. He shared a couple of graphics depicting their logo and brand. He will send the link out when it becomes available.
- They had a presentation from Habitat for Humanity discussing a high performance project they are doing to provide a high performance, cost effective way for residential buildings.
- Goals and work plan resets: 1) What are the building codes doing in terms of encouraging higher performance construction standards, and 2) How does the City begin to develop a City action plan where we begin to think about how we achieve our carbon reduction goals in the most cost effective way.

Planning Board – No Report

Heritage Commission – A written report was sent to the Council but not read.

Zoning Board – No Report

West Lebanon Revitalization Advisory Committee – Report given by City Manager Shaun Mulholland.

- Have been working on a CIP Plan for the parking lot behind the buildings on Main Street.
- They have provided Mr. Mulholland the information to lease the larger area in the Westboro Yard. The RFP for the demolition of the structures in the Westboro Yard will be going out on April 28th.
- They have been working on Street Scape improvements and what can be done with the 3 Seminary Hill Road property.

Economic Development Commission - Report given by City Manager Shaun Mulholland.

- Update on 20 Spencer Street project and what the future looks like for the Downtown Visioning Plan.
- They will be discussing the possibility of a Wet Water Park along the Mascoma River.
- Business and Economic Affairs Department visit. They discussed the areas that the City has for Biotech development. Mr. Mulholland noted that during their visit he stressed that the City only wants Biotech development in certain areas of the City.

This portion of the meeting was adjourned at 6:42 PM

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, April 7, 2021, 7:00 p.m.
Remote Via Webex: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

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

MEMBERS ABSENT: George Sykes and Jim Winny

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Zoning David Brooks, Airport Director Carl Gross, Solid Waste Manager Marc Morgan, Kelly Crate-DPW

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: Mayor McNamara led the Council in the Pledge.

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

4. OPEN TO PUBLIC:

- Mayor McNamara read a letter from Ms. Amelia Sreen opposing HB 266, and any similar legislation, and requested the Council write a letter to the State Legislature and Governor opposing this bill.
- Ms. Sarah Wraight (Ward 1) and Ms. Kathleen Becket (Ward 3) also came forth and spoke about their opposition to HB 266 and concurred with Ms. Sreen that the Council should draft a letter to the State Legislature and Governor stating Lebanon’s opposition to this bill.
- Councilor’s Wilkie and Liot Hill noted they have already drafted language to be included a letter for the Council’s approval and will be discussed later in the meeting.
- Solid Waste Manager Marc Morgan informed the Council about a solid waste application called Better Bin which was launched on Monday, April 5, 2021. This allows users to scan bar codes on items to determine whether or not the item is recyclable and how to recycle the item in Lebanon.

5. RECOGNITIONS:

A. Refill NOT Landfill Proclamation

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

6. ACCEPTANCE OF MINUTES:

- A. March 17, 2021 (Regular Session)**
- B. March 24, 2021 (Organizational Session)**

Councilor Heistad MOVED to approve the March 17, 2021 (Regular Session) minutes and the March 24, 2021 Organizational Session minutes as written and presented in the April 7, 2021 City Council agenda packet.

Seconded by Councilor Liot Hill.

Roll Call Vote:

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

None voted Nay.

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

7. APPOINTMENTS:

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

Councilor Zook put forth the NOMINATION of Douglas Whittlesey as an alternate Member of the Library Board of Trustees. Unexpired Term (4/21 – 4/22).

Roll Call Vote:

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

Abstained: Councilor Whittlesey

None voted Nay.

****The Vote on the MOTION was approved by those present (6-0-1)***

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 parttime employees and to retitle positions in the City Clerks, and Cyber Services Departments.

City Manager Mulholland presented a briefing on Ordinance #18, Salary Plan.

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.

Councilor Liot Hill stated for the record that she opposes any change in the name of the City Clerk's Office.

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, 2021; the second was March 17, 2021. The Council was asked to finalize the process by acknowledging the third presentation and acting to amend the Salary Plan at the close of the public hearing.

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

ACTION:

1. PRESENTATION:

Assistant Mayor Below *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. Table can be found on pages 35-37 in the Council agenda packet.

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	\$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	-	-	\$1,695.84	\$2,289.20
	Information Technology Director				
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).**

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

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

Included on **page 40** of the Council's agenda packet: Ordinance 2021-02.

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.

Mayor McNamara opened the Public Hearing. Hearing no further comments from the public, Mayor McNamara closed the Public Hearing.

ACTION:

Councilor Liot Hill 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.

Seconded by Assistant Mayor Below.

Roll Call Vote:

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

None voted Nay.

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

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

Included on **page 43** of the Council’s agenda packet: Ordinance 2021-03.

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.

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

ACTION:

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

Seconded by Councilor Liot Hill.

Roll Call Vote:

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

None voted Nay.

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

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**

Included in agenda packet: Ordinance # 18, Salary Plan

City Manager Mulholland came forth and explained the background and reasons behind the amendment to Ordinance #18.

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 was asked to recognize the second of three presentations on April 7, 2021 to amend the Ordinance. The third presentation will follow on April 2, 2021, respectively.

For the benefit of the new City Councilors Whittlesey and Wilkie, Mayor McNamara briefly reviewed the Council's past discussions on this Ordinance.

ACTION:

1. ACKNOWLEDGE SECOND PRESENTATION:

Councilor Heistad 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.

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	\$14.21 \$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

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

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

Included in the agenda packet:

1. UVLSRPC PowerPoint presentation (pages 49-56, agenda packet)
2. UVLSRPC Services and Member Benefits (page 57, agenda packet)

Ms. Meghan Butts came forth to inform the Council and public about services provided by the Upper Valley/Lake Sunapee Regional Planning Commission (UVLSRPC), noting she joined the UVLSRPC in April 2014 and is now the newly appointed Executive Director.

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.”

Ms. Butts spoke about the regions the UVLSRPC serves; the benefits of having a Regional Planning Commission; member benefits; contractual services they provide at a reduced rate and cost-share options such as:

- 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

For the City of Lebanon, Ms. Butts spoke about the projects the UVLSRPC have been involved with which includes:

- 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: When it comes to transportation funding in the State, all of those projects need to go through a Regional Planning process and through our Transportation Advisory Committee, which Lebanon does have a sit on this Committee. The big projects we are talking about recently (i.e., Exit 18, Route 120 projects with State funds involved), those projects went through the UVLSRPC before being presented to the State.
- Hazard Mitigation Plan 2016
- Regional Corridor Transportation Plan
- Keys to the Valley Housing Project
- Household Hazardous Waste Collections

In the future they hope to have more community engagement; development of Action Plans and the Implementation effort of Regional Plans; and to further leverage funds through the Upper Valley Lake Sunapee Regional Planning Foundation (UVLSRPF) to support our communities. Detailed information on the services and member benefits of the UVLSRPC can be found on page 59 of the Council's April 7, 2021 agenda packet.

Councilor Liot Hill asked if there have been any discussions happening at the Regional Planning Commission or State level regarding funding for infrastructure and the State's 10-year plan. Ms. Butts explained that they are primarily talking about is the transportation infrastructure. She has heard there will be some water infrastructure funding having to do with lead pipe removal, but this is not something the UVLSRPC plays a role in. For transportation funding, the UVLSRPC continually fights for this, but noted that NH get a 50 of 50 and the Upper Valley Region gets a 9 out of 9 from these funds. When it comes to what she knows about the new infrastructure opportunity, it has a lot to do with State's 10-year plan, but it is actually the first 4 years of that plan (Transportation Improvement Program) and the funds are already there. For the City of Lebanon, we have been advocating on behalf of the projects that are in that first 4 years of the plan. It's funding after the first 4 years that is questionable and have asked the State if they would be spreading those funds around instead of just putting it all in Concord or Manchester.

ACTION:

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

- 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**

Included on **pages 59-74** in the agenda packet: 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

Director of Planning & Zoning David Brooks shared a screen shot of the One Mechanic Street project and gave a background of the project.

On February 17, 2016, the Council took action to adopt and implement the provisions of the Community Revitalization Tax Relief Incentive program pursuant to NH RSA 79-E in order to encourage rehabilitation of existing buildings and structures in Downtown Lebanon and Downtown West Lebanon. The 79-E program allows the City to provide a temporary period of limited tax relief. The tax relief is provided by freezing the property valuation at the pre-rehabilitation value for a limited period of time determined by the City Council. At the end of that tax relief period, the property is assessed at its full market value, inclusive of those rehabilitation improvements.

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 Board has already reviewed this project and granted Site Plan Approval to convert the existing structure from a Commercial Use into 18 multi-family units. Under the 79-E program, the City Council is obligated to hold a Public Hearing and determine whether the project is a qualifying structure, whether it represents a substantial rehabilitation, whether there are public benefits in order to grant the tax relief, and if so, for what duration.

As for a qualifying structure, the property is situated in the City's Downtown Lebanon's 79-E District, and as a result, the property can be considered a qualifying structure.

For substantial rehabilitation, the project must cost at least 15% of the pre-rehabilitation valuation, which is just \$43K to \$75K, whichever is less. The applicant has provided a cost estimate of about \$1.675M to complete the entire renovation, so the project will far exceed the 15% of the current assessed valuation as required to make it a substantial rehabilitation.

In terms of the public benefits, the applicant has indicated they are specified in the Statute as to what the five (5) public benefits are. The applicant has indicated in his application materials that the project will address several of those stated public benefits including enhancing the economic vitality of Downtown; promoting the preservation and reuse of the existing building stock; promotion of the development of the municipal centers; and, providing an increase in housing. If the Council agrees with those statements, then the project can be considered to generate one or more public benefits.

Mr. Brooks said the question, in this instance, is how long the tax relief may be granted, noting this (project) is just the 4th 79-E request that the City has entertained. It is the 2nd that involved the creating of new housing units, and it is the 1st to suggest including additional years for the creation of affordable housing units. The 79-E program is discretionary for the City Council. If a project meets the basic program requirements, the Council may grant up to five (5) years. If the project provides housing, then the Council may grant up to two (2) additional years. If the project includes affordable housing, then the Council may grant up to four (4) additional years for a total of eleven (11) years. In this case, the applicant has requested a minimum of seven (7) years tax relief, which is comparable to the 4 South Street project, which was also granted seven (7) years of tax relief. The applicant is also asking the Council to consider granting up to four (4) additional years for a total of eleven (11) years for the provision of affordable housing. However, the Statute does not define the term "affordable." That term is defined in a different Statute which references projects where the combined rental/utility costs do not exceed 30% of the households gross annual income. In this case, the applicant has indicated that at least 1/3rd of the residential units would be rented at prices that are affordable to a one person household earning 100% a varied income (this is roughly \$64,800 for Grafton County).

Since the City will get more applications like this in the future, Planning Staff recommends that the Council carefully balance the benefits that the 79-E program offers in terms of enabling projects that might not otherwise pencil out, and the benefits that they create vs. the property tax revenue that would be forgone through the tax relief. The 79-E program already requires the Council to find that one or more of

the public benefits are generated to grant the five (5) years. The City's Master Plan and the Visioning studies for both Downtown Lebanon and West Lebanon indicate that more new Downtown housing is desired for the City. Truly affordable housing is certainly a goal and a need for the community, but staff believes that there should be some requirements for the number/percentage of units, as well as the specific levels of affordability, noting that their recommendation is offered in the staff memo (page 72, agenda packet) and are recommending that the City utilize the definition of Workforce Housing from RSA 674:58-61 rather than the term "affordable" from that Statute. That way, the price of the housing is actually tied to the region's area median income rather than being a variable threshold determined by whomever happens to rent an individual unit. Staff also recommends that the Council require developers to provide at least 40% of the units at rates affordable to household earning 60% or less of the area median income or 20% of the units affordable to households with an income of no more than 50% of the area median income. These are the same thresholds that are used through the Low-income Housing Tax Credit Program and the 60% value is the same threshold that the NH Housing Finance Authority published data on concerning what the maximum thresholds for purchasing and rental units are (published annually).

With those recommendations for clearly definable requirements for the number of units and levels of affordability, staff understands that a significant purpose of the 79-E program is to incentivize/enable projects that may not be otherwise be financially viable. So, if the Council concludes that requiring a project to achieve those thresholds would undermine the viability of the project, then the Council already does, and should continue to have the discretion and freedom to vary those affordability requirements. Again, the 79-E program is one of the few tools that the City has at its discretion to incentivize the creating of new affordable units, but the Council should exercise that discretion wisely.

At the request of Mayor McNamara, Mr. Brooks stated the Planning Board approved 17 studios and one (1) two bedroom unit. Mayor McNamara also asked who would monitor ongoing compliance with the Workforce Housing requirements if the Council allowed this? Mr. Brooks said it would be a joint effort, noting that one of the requirements of the 79-E program is for the applicant to prepare a covenant, which demonstrates and requires the applicant to maintain the public benefits for which the tax relief was granted. We typically require that covenant to be in place for at least twice the duration of the tax relief that is approved. We could build into that covenant a requirement that the applicant provide rent-levels and documentation indicating that they are complying with the affordability requirements that the Council establishes.

City Manager Mulholland reiterated that the Council has broad discretion on this issue any relief under 79-E and the criteria by which this is done. Staff is recommending basically a standard by which this is done. For that additional four (4) years, it is classified as affordable housing. Even though the Council has that broad discussion, he felt it was important to not be arbitrary or discriminatory and that people know what is to be expected of them. The recommendations provided is defensible and we will have updated data every year and it is important the Council use a standard, like the one provided by the Planning Department, when these decision are made.

Mayor McNamara felt setting a standard that the City could carry forward is important and liked the concept of Workforce Housing as a criteria because the applicant(s) would have a couple of options if they wanted to do a smaller percentage of Workforce Housing.

Councilor Liot Hill spoke about her reasons for supporting this project, but requested how the 79-E program and the TIF District how these programs either work together or if there are any implications. Mr. Brooks noted that the 79-E program works on the premise that you freeze the property valuation at the pre-rehabilitation value for a period of time. The TIF District, works on the assumption that valuations rise over time and the increment that is generated from between the base value when the

district is created and whatever that valuation is in any given year, that increment is siphoned off and used by the City to make additional improvements within the Downtown to enable development and further explained why these two projects could potentially work against each other. City Manager Mulholland noted it was important to remember that the objective is to enhance the quality of life and enhance the Downtown area, it isn't just generating revenue for public projects. It's providing housing (79-E program) and enhancing the Downtown area (TIF District).

Mr. Katz, applicant and owner of One Mechanic Street, LLC, came forth and spoke about his proposed substantial improvements to this property; the investment he is making in the property; described the property and location of the property; benefits to public; the need for affordable housing and other information as provided in his letter to the Council & Planning Department dated on February 24, 2021 (pages 62-64, agenda packet).

The Council continued to discuss the tax exemption periods; what the Council has the authority to do under the criteria regarding this project; the tension between the 79-E program and the TIF District program; the goal of achieving Downtown revitalization and economic development; investments the City make through the TIF program and how they can help fund projects like Mr. Katz's and other TIF projects; how Mr. Katz's project has the potential to raise the valuation of properties around it; and protocols the City has used in the past for 79-E projects.

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:

Councilor Liot Hill 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.

Seconded by Assistant Mayor Below.

Roll Call Vote:

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

None voted Nay.

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

- 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

Included in agenda packet:

1. March 31, 2021 Memorandum from Planning & Development Director David Brooks, RE: Acceptance and Layout of Extension of Airpark Road for Airport TIF District (pages 77-82)
2. March 30, 2021 Petition for Layout of Class V Highway, Extension of Airpark Road, West Lebanon, NH (pages 83-84)

Planning & Development Director David Brooks came forth to provide an overview of the Airpark Road extension layout.

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. The Department of Public Works has assumed project management for the bidding and the construction phase.

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.

Since this has only been shown on a plan approved by the Planning Board, the Council only needs to accept the dedication that occurred with the recording of the plat in 1983. The Council also needs to schedule a public meeting for a site visit to do a "personal examination of the proposed new roadway."

Councilor Liot Hill spoke about the strategies discussed over the last few years due to the financial burden the Airport has put on Lebanon's taxpayers. In trying to shift that burden away from Lebanon taxpayers and have the Airport become more sustaining in its own operations, a TIF District was created to develop and lease land adjacent to Airport property so the City would have a revenue stream into the future.

Assistant Mayor Below wanted to make is clear that acceptance of the road, does not occur until later on when the construction is complete. If this is a private developer, the City will want to make sure that the road is constructed according to specifications first.

Councilor Heistad made the point that this road is not to be used for the development of the Airport. We need to be very clear what the cost of the Airport is, and what the City can generate from any development park, are separate entities and should be viewed separate entities in the future.

ACTION:

Councilor Liot Hill 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.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

D. Discussion & Set Public Hearing for April 21, 2021: Ordinance #2021-04 to amend City Code Chapter 97, Landfill Regulations

Included in the agenda packet:

1. Proposed Ordinance 2021-04 (pages 86-90)
2. March 30, 2021 Legal Opinion by Attorney C. Christine Fillmore, RE: Emergency Ordinance #2021-04 Landfill Regulations (page 91)

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, so the City has no record of who is using the Solid Waste Facility. The long-term goal in the future is also to allow for an electronic means of payment.

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.

Solid Waste Manager Marc Morgan reviewed the background and purpose of amending Ordinance #2021-04, which is to better monitor and maintain those using the facility and to create a permit process

that will allow us to collect data on where residential trash is coming from. We are very good at tracking where our commercial waste is coming from, but residential waste is a whole other matter. Ordinance #2021-04 changes cleans up the current Ordinance by adding a few definitions; helps establish late payments and creates a more business savvy environment for the Solid Waste Division.

Mayor McNamara spoke in favor of amending Ordinance #2021-04, noting that when people who purchase their tickets from retail vendors we do not know who they are and no one is asking them where they are from, so we do not know where this trash is coming from. This is a good long-term planning effort for our municipal solid waste facility.

Councilor Wilkie also spoke in favor and gave his reasons for amending Ordinance #2021-04. He did notice there was a fee for a paper application but not an online application and was curious if there was some other provision to ensure those who do not have internet access, or otherwise may not be able to pursue an online application are still able to apply and not left to pay the fee for a paper application. Mr. Morgan stated this is something they can consider, but at the present paper applications are impacting staff time than online. For online applications, they have been able to develop some AI (Artificial Intelligence) elements within the online environment so the process time for managing online applications is far less than in person. We will be definitely be considering those fees going into the future as those online options become more available.

Assistant Mayor Below *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.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

11. City Manager Report:

City Manager Shaun Mulholland updated the Council on the following:

- HB 266: A bill that takes the powers away from municipalities to make their decisions to govern themselves. The bill also contains provisions that requires things which he and others believe are unconstitutional in terms of making arrests and containing people who are immigrants, noting this is the job of the Federal Government. They also have a provision that will take away the funds that a City or Town might have if they develop any ordinances that are contrary to the State. There is no appeals process, so the Attorney General would be allowed to make a determination, notify the Town Treasurer, and deny us the ability to receive State funds. This would be a significant change in State policy. This is being voted on today by the House, so it would be wise for the City to write a letter to our Senators and the Governor and act more proactively if this bill survived the House today. He noted it would not invalidate all of the Welcoming Lebanon Ordinance or Code 185, but large portions of it would make it illegal and the City would have legal conflicts immediately to deal with.

Mayor McNamara also felt HB 266 was poorly written, noting the City was asked to draft a letter in opposition to our State Senator and to the Governor and was in favor of doing so, regardless of what happened today.

Councilors Wilkie and Liot Hill met today and shared with the City Manager the draft language that they came up with addressing the many points that the City Manager has already mentioned. Councilor Liot Hill read the proposed draft letter to the Council that was sent to the City Manager, noting that perhaps the City Manager and Mayor can use their language and incorporate other comments as well. Mayor McNamara said is more than willing to sign such a letter on behalf of the Council and if he available, he would be happy to testify if he is available. If he is not available, he would ask Council Liot Hill and/or Wilkie to testify for him. Hearing no objections from the Council on signing a letter in opposition to HB 266, he and the City Manager will craft a letter and send it to the State Senate and the Governor.

- Creation of a Tree Advisory Board to oversee arbor (tree) issues. City Manager Mulholland will appoint members. This will be run by the Conservation Commission first to get their feedback.
- Broadband: HUB 66 is looking at the northern part of Lebanon to provide coverage but are still in the analysis stage. Discussions are still continuing with Comcast.
- Coburn Park paving and replacement of park benches is being done.
- Visit from BEA (Business and Economic Assistance Department). Their particular focus is on Life Sciences and Bio Medical Industries in our area. We have target areas ready to go in our area.
- CCBA Community Center: Discussion will continue.
- Community Social Worker concept: A survey had now been drafted with the help of the Upper Valley Health Council, Vital Communities and Lynn Goodwin. Alice Peck Day is also interested in working with us.
- State Budget: Passed by the House and will now be going to the Senate. One of biggest impacts of this will be the SAG funding.
- Lebanon Police Department Accreditation: The LPD was accredited in November 2021 and now the City will receive a reduction in our insurance rates because of this.
- Legislation:
 - HB 302: Deficiencies in the Statute that allows for electronic records and digital signatures by municipalities. Passed the House with bi-partisan support and moving to the Senate.
 - HB 111
 - HB 95: Allows electronic meetings to continue after COVID-19. Made it through the Senate and is before House.
- Westboro Yard: NH DOT will be sending an RFP (Request for Proposal) out by April 28, 2021. Their goal is to have the demolition done by the end of the summer.
- Outside seating requests for permits.
- Tents for Salt Hill Pub, Three Tomatoes and Lucky's for outside seating: Individual businesses will have to cover this expense.
- Cares Act Funds: This has all been expended. We are waiting for the guidance from the State on how the new funding from the US Treasury will be distributed.
- Sidewalk Projects: Projects between \$100K-\$400K will be submitted to Congresswoman Custard's office to be considered for funding from grant.

- Wilder Dam license authorization: Councilor Winny sent a letter to Mayor McNamara, which he did not have in front of him. The content of the letter stated that the Wilder Dam was currently being re-authorized and talked about our desire to have a trail system that would ultimately connect up through that area and encouraged them to consider that as part of the re-authorization program. Deputy City Manager Paula Maville stated there will be a discussion on this topic at the May 19, 2021 City Council Meeting.

12. Council Representatives to Other Bodies Reports: None

13. Future Agenda Items: None

14. Non-Public Session:

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

ACTION:

Councilor Heistad MOVED that the Council to go into a Non-Public session Pursuant to RSA 91-A:3,II(d).

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

The Council went into a Non-Public Session at 9:25 PM.

15. Adjournment:

The Regular Session of this meeting was adjourned at 9:25 PM.

Non-Public Session:

Assistant Mayor Below MOVED to come out of the Non-Public Session at 9:45 PM.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

The Non-Public Session was adjourned at 9:45 PM

Respectfully submitted,

Dona E. Gibson

Recording Secretary