

FINAL

LEBANON CITY COUNCIL
MEETING MINUTES
Wednesday, May 6, 2026 7:00 p.m.
Council Chambers

Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS' PRESENT: Mayor Douglas Whittlesey, Assistant Mayor Devin Wilkie, Nicole Ford Burley, Eric Cole, Andrew Faunce, Lori Key, Timothy McNamara and Laurel Stavis

MEMBERS ABSENT: Kellen Appleton

STAFF PRESENT: City Manager Andrew Hosmer, Deputy City Manager David Brooks, Director of Public Engagement and Communications Beth Beraldi, Public Works Director Jay Cairelli, Public Works Assistant Director Christopher Kilmer, Solid Waste Manager Lawrence Carpenter, City Engineer Brian Vincent, DPW Administrative Services Manager Kelly Crate, Lebanon Fire Chief/Emergency Management Director Jim Wheatley, Deputy Finance Director Victoria Paquin

-
1. **CALL TO ORDER:** Mayor Whittlesey called the meeting to order at 7:00 p.m.
 - City Manager Andrew Hosmer announced the meeting criteria for attendees.
 2. **PLEDGE OF ALLEGIANCE:** Mayor Whittlesey led the Council in the Pledge.
 3. **PUBLIC FORUM:** Mayor Whittlesey made the Public Forum announcement.

4. CITY MANAGER REPORT:

City Manager Hosmer updated the Council on the following:

- Strategic Plan Task Force: Continues to take shape. Current membership includes Councilors Key, Appleton and McNamara along with Fire Chief Jim Wheatley, Deputy Finance Director Victoria Paquin and Recreation, Arts and Parks Director Paul Coats. There are two resident positions open (1 member position and 1 Alternate position). He encouraged residents who are interested in serving to submit an application through the City Website.
- Finance Advisory Committee: The City is still accepting applications from residents interested in serving. This Committee will provide valuable input as the City continues to evaluate financial priorities, long-term planning and responsible stewardship of taxpayer resources. Applications are available on the City's Website.
- SAU/City of Lebanon/Boys and Girls Club of Northern and Central NH regarding the Seminary School property: Discussions are progressing forward, but a lease has not been signed. He anticipates this will move along in the coming weeks.
- May 20 City Council Meeting: This will include a presentation on the Financial Outlook for the City and will provide an important opportunity to review current financial conditions, anticipated challenges, and future planning considerations. Feedback will be used to inform Department Heads as they prepare their budgets.

- Lebanon Airport’s Central Air Services: Applications are still open. He had one good meeting with a potential bidder. The City will be meeting with Cape Air (essential Air Services now) and Jet Blue.
- SCAM Email Warning: The City has been made aware of some scam emails circulating that say they come from the Planning and Zoning Commission of Lebanon demanding payment from residents and businesses. Lebanon does not have a Planning and Zoning Commission. The document looks pretty believable, so it is important to inform the Council and the public about this scam. He encouraged anyone who receives one of these emails to contact the City Manager’s Office, or the Planning and Development Department, to verify if an email is authentic or if they have questions.
- Ms. Melanie McDonough, Chief Innovation and AI Officer: He wanted to recognize Ms. McDonough, who is a long-time employee of the City. Ms. McDonough has been named one of Government Technologies top 25 Doers, Dreamers, and Drivers for 2026. This is a national recognition which highlights the public sector leaders who are using technology to improve services, strengthen communities, and address complex challenges. This also comes on the heels of the work that Melanie is doing for the State of NH. In the City Manager’s Office, Melanie leads projects that use AI (Artificial Intelligence) to improve day-to-day operations while maintaining a strong focus on ethics, transparency and resident trust. Congratulations to Ms. Melanie McDonough for this well-deserved recognition and we appreciate her leadership, creativity and commitment to responsible innovation in Lebanon’s municipal government.

5. OPEN COUNCIL DISCUSSION:

Councilor Cole noted that someone reached out to him today who was having difficulties in submitting an application for the Strategic Plan Task Force. City Manager Hosmer requested the name of the applicant so he could reach out to the person and walk them through the process.

Councilor Key questioned if the 2025 Quarterly Financial reports would be available for the May 20, 2026 Financial Outlook Meeting. City Manager Hosmer thought these reports would be added to the agenda. She would like to have the 2025 Q3 and Q4 reports in advance of the May 20, 2026 meeting. City Manager Hosmer said these would be posted when the agenda comes out, which is a week before the meeting.

Assistant Mayor Wilkie pointed out that at the conclusion of the Council’s meeting on April 15, 2026, the meeting ran very late and the Council did not have a chance to discuss housing (after the presentation was made).

Mayor Whittlesey noted that the Council has discussed the history, the supply and demand of housing, but we now need to get into capacity because we know there are only so many finite resources (police, fire, school district, DPW, etc.) The Council needs to have a clear understanding of what will trigger/increase the need of the City’s resources if housing is increased (i.e., what may increase the need for additional police officers, additional Fire Department resources, additional DPW resources to plow more streets, etc.) We are anticipating a presentation by the Housing Committee Task Force on July 15, 2026. Immediately after the Housing Task Force presentation, he recommended that the Council start having a discussion on capacity, which will take more than one meeting, and should include discussions on what kind of development we really want to see, where we want to see it, and how can the City ensure the outcome. This will involve really comprehensive and potential changes to Zoning and Planning and other Ordinances that might be applicable and further described his reasoning and gave examples.

6. OPEN TO PUBLIC:

- **Ms. Mary Davis (Ward-2)** came forth and spoke about her reasons for requesting that the City open their offices on Fridays, noting that Lebanon is a big enough City now and it is inconvenient for residents to not have access to City Hall five days a week.
- **Mr. Don Hemenway (Ward-1):** He came forth and wanted to revisit the comments he made at the April 15, 2026 meeting regarding the surge problem on Mack Avenue. He was disappointed that the Council voted to move \$144K for the sidewalk project and not care about our health and the process we have to go through when sewage comes into our bathrooms and our houses, the cleanup of sewage, and the odor we face sometimes up to 3 days. He was not against the sidewalk but was concerned about his family's health and his neighbors. He wanted the Council to reconsider their decision and have the City Manager move forward with getting this Project (Mack Avenue) fixed. He noted that Rick Brown (from DPW) came to his home last Thursday and said he was fully aware of the problem and the liner they put into this 80 year old pipe is not functioning properly, so they have to blow at a minimum of 4 times/year to move the surge down to the end of the street.

City Manager Hosmer thanked Mr. Hemenway for his comments and noted that after the last Council meeting, they took his comments very seriously. He did some research on the history of the sewer on Mack Avenue and worked with DPW trying to figure out the timeline of what did/did not occur on Mack Avenue and at what point did the City consider replacing all the sewer lines due to concerns that the 80 year clay sewer pipe was getting to the end of its life expectancy. As that project was discussed, an estimate was settled on, which was a little over \$3M to do all of the work. Because of the cost of that project, a determination was made by the City that it would not be able to bond or afford that project at the time. In narrowing a list of priorities that the City was going to do, even though the Mack Avenue situation was serious, the City did not go through with the project. This was initially a financial issue. As a follow up to this, he knows DPW took very seriously some of the limitations of the sewer pipe on Mack Avenue (i.e., flat spots, some disintegration of the parts of the pipe, some root knots that broke through the pipe causing them to clog.) Knowing the condition of the pipes, they decided to blow out and inspect those pipes 3-4 times per year to make sure that they are clear. A short time fix was to put a liner in those pipes to prevent some of the roots from breaking through, as well as to stabilize some of the disintegrating/aging pipe. That was not an 80-year fix, but because of the costs associated with it, and because of the concerns regarding the impact on Mack Avenue residents, this may have been a good step to take, though not perfect. He also went back and looked at some of the City records, noting that he has not been able to find any record of complaints. He also asked DPW if they had any record of complaints and they did not have anything that they could rely on. The money that was rescinded from the (Mack Avenue) project was a grand total of +/- \$200K, in which \$80K was used for the sidewalk planning. Though that is a significant amount of money it would not have addressed the overall costs of reclaiming the whole street, relaying the pipe, etc. So, instead of letting the funds sit there, and since we did not have a plan in the short term to take on that Capital Project, the funds could have been used for something else so that is why the funds were rescinded (from the Mack Avenue Project).

The options available now, would be taking a period of due diligence by the City so we can take these options forward if we need a Special Appropriation to do this work. We are making a determination of how much of this problem is associated with the aging public infrastructure; is

there an opportunity to do something with a smoke test to determine how well that pipe is performing and how well some of the private pipes are venting. This would give us some idea if it is entirely a City infrastructure problem or if the City is only responsible for a portion of it, and, whether or not there are some private plumbing issues going on that residents need to address in conjunction with working on the public infrastructure as well. Once this has been done, some of the discussions would include revisiting this as a Capital Project; determining what the cost would be to do the entire project; presenting the data to the Council as a project that they would have to vote on in order to appropriate the funds; and, then putting the project out to bid. Another option would be for the City to consider a less expensive option, which might be a Pump Station in the area and further explained his reasoning.

City Manager Hosmer reiterated again that the Mack Avenue issue has been taken very seriously by the City. It is a priority for our Department of Public Works to make recommendations after studies are done.

Mayor Whittlesey noted that the Mack Avenue issue is a bit of a root cause analysis work that needs to get done to collect the data so that we can ensure that whatever solutions that may be proposed may truly address the situation in the most effective way possible and further explained his reasons.

- **Ms. Georgia Tuttle (Ward-1):** She first spoke about the pothole problem they are having at the Dana Street Intersection. She also spoke about communication issues, noting that she has lived on Mack Avenue for 45 years and this project/problem has been discussed since the turn of the century, not just since 2022. She read a letter she had written to the Council that explained her reasons for asking that they rescind the \$250K from 4 projects, including a \$140K from the decades long proposed Mack Avenue Infrastructure Improvement Project. Her letter addressed: how residents were never notified about changes; how Mack Avenue was put at the end of the Federally Mandated Storm Water/Sewer Separation Project because there were so many issues that needed to be addressed; the history of Mack Avenue infrastructure issues that started at the turn of the century; the recurrent presence of raw sewage in residents basements, showers, tubs, sinks and floors; gas bubbles through drains; health hazards of the residents; the piecemeal efforts to resolve the Mack Avenue problem(s); the indications that there was a serious problem with the sewer pipes; how street residents were not notified directly about the liner until after it was all done. She also spoke about how the City was pumping air/water or both to try pushing sewage down the full length of the street, which is forcing materials into homes; how this issue has been discussed since she was a City Councilor starting back in 2009; and her personal situation with raw sewage seeping into her shower basin after the sewer liner was put into place. She pointed out that there was not enough money allocated to do the Mack Avenue Project noting that there were also not enough funds to do the \$750K for the Mechanic Street Project until funds were taken from four other projects, including the Mack Avenue Project. She implored the Council to rescind their prior vote before they waste money building a sidewalk that may need to be torn up, yet again, when the State comes through to do its Mechanic Street rebuild that has been promised for about 30 years and further explained her reasons.
- **Mr. Kevin Goldwin (Ward-1):** He came forth and spoke about his sewage surge problems, the gas build up in his home, sewage in his basement, water leakage on every floor after DPW came to clean the sewer pipe, and how both his cats became sick because of the sewer gas build up. He

wanted to echo what Georgia and Don said, noting the Council would not want to live this way. Two inches of sewage in your basement is a sewage problem. The worst problem is when water comes out of your toilet and just sprays everywhere, noting that the only time this happens is when the trucks are out there flooding out the street. He also noted he has had all the pipes replaced in his home recently.

City Manager Hosmer requested that all email addresses be collected from residents on Mack Avenue so he can keep them abreast of what the City is doing, noting he was not aware of this situation until recently.

- **Mr. Phil Bush (Ward-1):** He came forth and spoke about his complaints regarding the Mack Avenue sewage issues he has faced, noting that DPW has been aware of these issues for years. He also hoped that due diligence is on a fast track because this is a health issue for residents, and it is an environmental issue with broken sewer pipes so close to water lines.
- **Mr. Paul Roberts (Ward-2):** He spoke about a couple of concerns he had:
 1. If the City has been aware of the Mack Avenue issue for over 17 years, he questioned if the State Health Department has been notified and if they are conducting an investigation, noting he did not feel the City could investigate themselves. Somebody needs to look at this from a health perspective because putting raw sewage and sewer gases in someone's house has some culpability on the City's part. He also spoke about transparency from the City and questioned how much due diligence was done.

City Manager Hosmer noted the City has clearly made some efforts to remediate the situation. That was the purpose of the lining and was also probably the purpose of identifying, at some point, for a complete replacement of sewer pipe. Why it was decided it was not a priority when it came to a Capital Improvement Project in the City, this was something he could not answer (he has only been with the City for a little over a year). Transparency is something the City is trying to be cognizant of. He also noted that he could not find documentation of the issues/complaints so was unable to address a Public Health complaint to the State.

Mayor Whittlesey emphasized that the Council will be trying to find the right solution for this issue, noting that \$3M at that time would probably be \$5M now and that tremendous investment may not solve all the problems. This is something that the Council needs to look into and further explained more reasons.

2. He questioned the record keeping of minutes from the City Council meetings, noting that when he went back to research these minutes there was nothing there. They have either been destroyed or the documentation that has been put together on them was not there. He was trying to figure out whether or not it was worth having someone go through and type up minutes of a meeting, which are not a transactional recording of the meeting but rather a summary or an overview, and questioned why the City would destroy an audio recording if the audio recording is a complete transcript of the meeting. He also questioned why the public does not get a chance to make any minute corrections that they see, and why this is only done by the Council. He recommended that the video recordings be kept so there is a factual record of what took place and further explained his reasoning, noting there have been

complete quotes missing from some of these meetings. He was also concerned that by destroying the record (video/audio), it was deleting exculpatory evidence and further explained his reasoning.

City Manager Hosmer explained that meeting minutes are not required to be verbatim, a word-for-word transcript of what transpired in any given public meeting. He felt the Council has done their best to improve the meeting minutes by requesting corrections and adopting the corrected minutes. He asked Mr. Roberts to send him an email containing the dates of the minutes he is looking for and he will provide them to him. He also noted that we are in the process of transferring our meeting management system so we will be preserving, for an indefinite period or time, the audio and the video. There is no State requirement to hold these for a specific period of time, and we are not even required to have audio/video, but the City decided this was a good practice to adopt so people could not necessarily rely on the written minutes.

Assistant Deputy City Manager Brooks noted that the Statutory requirement is for the written minutes. Only the Motions should be expressed verbatim, and the Votes should capture how each of the Councilors, who were present and voting, voted (i.e. in favor/against). The rest of the minutes is a general overview of the discussion(s) and is not meant to be a transcription. This would be a vastly different and a time-consuming effort to completely transcribe the minutes of every meeting. With respect to the storage and retaining of the audio/video, this will become a cost issue over time. These 3-hour Council meetings, not to mention every other Board/Committee, takes up a lot of data. We are evaluating with the City’s Cyber Services Department the appropriate time period that we can continue to store more and more data, or if we should stick with the Statuary Requirement.

7. RECOGNITIONS: NONE

8. ACCEPTANCE OF MINUTES:

- April 15, 2026 (Regular Meeting)

Amendments: Page 12, line 48: Change “Road” to “Rod”

Councilor N. Ford Burley MOVED to approve the April 15, 2026 (Regular Meeting) minutes as amended and presented in the May 6, 2026 City Council agenda packet. Seconded by Councilor Stavid.

**The Vote on the Motion was approved (7-0). Mayor Whittlesey abstained because he was not present at this meeting.*

9. APPOINTMENTS: NONE

10. PUBLIC HEARING ITEMS:

- A. Supplemental Appropriation of up to \$724,000 for Solid Waste Fleet Replacement Capital Project; Authorization to Transfer up to \$724,000 from the Solid Waste Unassigned Fund Balance to the Solid Waste Fleet Replacement Capital Project** – Public hearing for the purpose of receiving public input and taking action to appropriate up to \$724,000 to supplement current funding for the Solid Waste Fleet Replacement capital project; and to authorize the transfer of funds

from the Solid Waste Unassigned Fund Balance to fund the supplemental appropriation **R-2026-5** Included in the agenda packet: (No supportive documents/information was included in the Council agenda packet. Minutes do not include screenshots, graphs, or images.)

Mr. Jay Cairelli (DPW Director) reviewed the background behind the Supplemental Appropriation as listed above. He noted that the truck they are proposing to buy has about twice the capacity of the two dump trucks, would increase staff efficiency and is much better at reaching the steep slopes that we are currently on. We cannot drive a dump truck down that slope without getting stuck or putting workers safety at risk. He also spoke about the rental costs from 2025 (+/- \$37K for the haul truck). We had the haul truck for three (3) months; dump trucks were \$225K for 2025. We did receive a new quote of \$250K and plan to carry \$275K for the out years, which is when these trucks will be replaced. The bid price change for 2027 is that there are new emission requirements for the trucks (\$125K/per truck).

BACKGROUND

In late 2025, the City received a direct pay refund of \$1,228,037.25 in connection with investment tax credits for the Landfill Gas-to-Energy Plant. Approximately 10% of this amount is payable to the accounting firm that managed the IRS submission on the City's behalf, resulting in a net refund of \$1,106,452.25, which was placed in the Solid Waste Fund's Unassigned Fund Balance.

The Department of Public Works (DPW) respectfully requests authorization to allocate a portion of the funds from the Solid Waste Unassigned Fund Balance toward the acquisition of a haul truck by transferring the needed funds into the Solid Waste Fleet Replacement capital project. The total funds needed are \$724,000 and would be used for the acquisition of a 2026 Caterpillar 735 Articulated truck.

A comparable Volvo haul truck was also evaluated in preparation for this request. Both the Caterpillar and Volvo units were competitively bid through Sourcewell. The quoted price for the Volvo would be \$782,290. The cost difference, combined with the City's existing fleet of Caterpillar equipment, forms the basis for recommending the Caterpillar unit.

The proposed articulated haul truck is specifically engineered for operation on sloped terrain, significantly enhancing access to critical areas of the landfill. This capability will support the consistent placement of cover material necessary to maintain compliance with DES requirements. Additionally, it will reduce reliance on bulldozers to push cover material across extended slope distances. Minimizing this practice will preserve valuable airspace during the interim period while the landfill expansion is permitted and constructed.

Furthermore, advancing this purchase at this time will eliminate the need for future CIP expenditures associated with replacing a 10-wheel dump truck in 2027 and 2030, as currently identified in the fleet replacement schedule.

Clarifying questions from Council:

The Council and Director Cairelli held discussions regarding: how one dump truck would be used for the highway and other would stay at the landfill; the life expectancy for this new equipment would be 7 years; the replacement timeline for the trucks; reasons why the haul truck was most important; whether or not this vehicle would be needed for the Phase III Project; whether or not there would be a reduction in an FTE; reduction of overtime for the landfill; the importance of considering regulatory fines from NH DES, which could run into the hundreds of thousands of dollars; the overwhelming task of determining the overtime for staff and the rationale for overtime; operational efficiency of the new truck; compliance matters; what the future may look like for the landfill; concerns about the cost of running the gas-to-energy portion of the landfill (now +/- \$866K was \$529,65); how and why the landfill budget was conservatively low because last year (this was the first time estimating this cost); how Phase III has a 3-4

year life span, which would be about half the time of the life span of this vehicle; what the rental fees would be over 70 months; the potential use of a used machine; the efficiency of the bull dozer in capping the landfill; whether or not it would be more efficient to add automation to the old dozer and the costs involved with a retrofit.

Mayor Whittlesey opened the Public Hearing.

- **Mr. Jay Simms (Ward-2):** He spoke about his concerns regarding the cost of \$724K for the acquisition of a 2026 Caterpillar 735 Articulated truck, noting these funds are coming from the City's Tax Credit Windfall of \$1.1M. He felt it was important to understand the gas-to-energy project a little better and further spoke about the budget costs for the gas-to-energy project and why he would like to see overtime reduction quantified.

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

Council/Staff Comments:

Councilor Cole felt he would be more comfortable in keeping the gas to energy credit that the City received so it could be used to fund any shortfalls the City may see, noting he does not have a lot of confidence in the gas-to-energy project being successful. He also would like to see the City continue to rent a machine when we need it and explained his reasoning.

Councilor McNamara spoke about his reasons why he felt there would be no asset for the City if the Council chose to rent the haul truck (+/- \$400K) instead of purchasing it (+/- \$724K) and further explained his reasoning. He would also like to get more information on the landfill gas-to-energy project.

Director Cairelli spoke about the costs of compliance, noting this was the biggest issue to solve. If the City gets hit with a fine for non-compliance it could cost the City more than the new equipment.

The Council and Director Cairelli continued discussions on the shortfalls of the landfill; whether or not there has been an increase in the production of gas from the landfill; improvements being made to the landfill's gas-to-energy project; operating conditions of the microturbines; reasons why selling landfill equipment would be difficult; pros/cons of renting vs. purchasing equipment; the useful life span of the landfill (Phase II, 2-4 years of operation left and Phase III would be +/- 19 years); how the City still needs to maintain Phase II of the landfill, even though it is reaching its life span; whether or not a rental would come with the same warranty that a purchased vehicle has (Answer: No); estimated repair costs of a rental vs. a purchased vehicle; and what would be covered under the extended service plan for a new vehicle.

Councilor Key expressed her concerns over the cost to the City for the gas-to-energy project and spoke about what would be offset by any kind of revenue. City Manager Hosmer responded to Councilor Key's question noting that the Council requested a longer period of time to give the City more time for more accurate data as opposed to taking a shorter period of time.

Councilor N. Ford Burley noted this makes financial and operational sense, especially when the compliance piece is pulled in.

ACTION:

Councilor N. Ford Burley MOVED the following Resolution:

FOR THE PURPOSE OF finalizing and implementing the Solid Waste Fleet Replacement capital project.

NOW THEREFORE BE IT RESOLVED, by the Lebanon City Council, that funds be appropriated in the amount of up to \$724,000 (Seven Hundred Twenty-Four Thousand Dollars) for expenditure in the Capital Improvements Fund to supplement current funding for the Solid Waste Fleet Replacement capital project.

BE IT FURTHER RESOLVED, by the City of Lebanon, that funds in an amount not to exceed \$724,000 be transferred from the Solid Waste Unassigned Fund Balance to the Solid Waste Fleet Replacement capital project to fund the supplemental appropriation.

This resolution shall be effective upon passage.

Seconded by Councilor Stavis.

Before a vote was taken:

Councilor Key noted it was hard to vote on this, especially when hearing about people’s sewage entering their homes.

Councilor Cole spoke about his reason why he was uncomfortable spending \$724K.

Assistant Mayor Wilkie spoke about his reasons why he was swayed by the threat of fines.

Councilor Stavis spoke about her reasons why she supports this measure and spoke about the work she has done in the State legislature with NH DES, noting we have to be diligent in managing our risk.

Mayor Whittlesey noted there continues to be legislation coming out of Concord on an annual basis that really targets landfills very broadly and in a way that would be very expensive for the City.

Councilor Faunce was in favor of this motion with the caveat that the Council continues to look at opportunities to address the needs of the residents on Mack Avenue.

****The Vote on the Motion was approved (7-1). Councilor Cole opposed.***

B. Ordinance #2026-06: Amendments to City Code Chapter 97, Landfill Regulations – Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2026-06 to amend City Code Chapter 97, Landfill Regulations.

Included in the agenda packet: [\(All supportive documents and information can be found on pages 28-32, Council agenda packet. Minutes do not include screenshots, maps, graphs, or images.\)](#)

1. Proposed Ordinance #2026-06

Mr. Jay Cairelli (DPW Director) reviewed the background behind his proposed amendments to Landfill Regulations, noting this was just a language update. He did call attention to 97:7 (b) 1 which clarifies the way interest is applied to late accounts. At the request of Mayor Whittlesey, DPW Staff clarified that

unpaid amounts after 30 days (by Commercial Account holders) will be subject to 8% interest and will accrue monthly. This will not apply to residents of Lebanon.

BACKGROUND

City Code Chapter 97, Landfill Regulations, was fully updated in July 2019 to incorporate the language from the former Chapter 143, Solid Waste, (which was repealed on July 24, 2019), and to include a fee schedule for disposal of refuse and recycling of certain materials.

Chapter 97, and the fee schedule outlined in Appendix A, were last revised on October 15, 2025, with an effective date of January 1, 2026, to update the permitting process and permit and tipping fees to reflect increased disposal and landfill operation costs.

Now, the City Administration is proposing Ordinance #2026-06 to recommend further clarifications to the permitting process in Chapter 97, and to authorize reactivation fees and associated accrued interest charges.

The proposed new changes would be effective upon passage.

Clarifying Questions from Council:

In response to Councilor Stavis' question on grammar in the billing section, 1, Deputy City Manager Brooks explained that it was his understanding for invoicing, any time any hauler (commercial or small haulers) bring a load to the landfill they will get an invoice when they leave. Only the large haulers will get a statement of the previous month's invoices. The statement date is the trigger for 30 days before interest is applied, and 60 days is relative to suspension of the Commercial Permit.

Mayor Whittlesey opened the Public Hearing.

- **Ms. Nancy Sansevere (Ward-2):** She spoke about Lebanon's revenues being down and wanted to know when a conversation would take place regarding having other people outside of the City of Lebanon potentially paying more (to the landfill) than the residents.

Mayor Whittlesey noted fees are looked at annually. We have revised the permitting fees and the overall landfill fees being changed, with a focus mostly on the commercial haulers.

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

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby adopts Ordinance #2026-06 to amend Lebanon City Code Chapter 97, Landfill Regulations, as presented in the May 6, 2026 City Council Agenda Packet as amended.

Seconded by Councilor N. Ford Burley.

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

11. OLD BUSINESS: NONE

12. NEW BUSINESS

- A.** Review of Potential Redevelopment of 14, 28, and 30 Main Street by DEW Properties, LLC; Authorization for City Manager to Execute Option to Purchase Agreement with DEW Properties

Included in the agenda packet: (For this item, please refer to the comprehensive presentation, supportive documents and information found on pages 33-74, Council agenda packet).

1. Draft Option to Purchase Agreement, between DEW Properties, LLC and the City of Lebanon, last revised April 17, 2026
2. Conceptual Site Plan, 14, 28, and 30 Main Street, West Lebanon, prepared by Engineering Ventures, dated April 20, 2026
3. Development Approach, City of Lebanon, NH Main Street Parcels, prepared by DEW Properties, April 10, 2025

Deputy City Manager Brooks reviewed the background/history of this item as listed above on behalf of DEW properties noting that Mr. Robert Wells and Mr. Don Wells were present remotely.

BACKGROUND

On May 31, 2023, the City completed the acquisition of properties located at 14, 28, and 30 Main Street in West Lebanon. Subsequently, the City Council asked the West Lebanon Revitalization Advisory Committee (WLRAC) to lead a process of engaging the community to determine the preferred disposition and/or redevelopment of the properties. In January 2024, the WLRAC recommended that a Request for Proposals (RFP) be advertised for the redevelopment of the properties, preferably with a mixed-use building including commercial uses on the first floor and residential units on the upper floors. The RFP was advertised on March 1, 2024, and closed on June 28, 2024, with no qualified responses having been received.

Following the unsuccessful RFP, the City Manager's Office reached out directly to numerous developers to better understand the lack of RFP responses and to solicit interest in the property. Most developers indicated that the property was too small for their purposes, or that they had no capacity to take on another project at that time. However, DEW Properties (DEW) expressed an interest in the site and in partnering with the City to redevelop the properties. Over the course of several months, the City Manager's Office held discussions with DEW and reviewed a conceptual layout and elevation rendering for possible redevelopment of the properties.

On August 20, 2025, the City Council authorized the City Manager to enter into further negotiations with DEW Properties regarding the redevelopment of the Main Street properties. On September 18, 2025, the City and DEW signed a Pre-Development Agreement giving DEW twelve months to complete appropriate due diligence to determine the feasibility of redeveloping the properties.

Earlier this year, DEW notified the City of its proposal to partner with Twin Pines Housing Trust to redevelop the Main Street properties. The redevelopment would include a multi-story building with at least 32 workforce housing units on the upper floors and the possibility of commercial space on the ground level if a suitable tenant can be identified. To move the effort forward, DEW has prepared a draft Option to Purchase Agreement for the City's consideration.

In order to align the redevelopment process with applicable timelines for grant and capital funding opportunities, DEW has submitted a conceptual application to the Planning Board for review in May. However, it is understood that any formal review by the Planning Board beyond the conceptual level is contingent on City Council approval of the proposed Option Agreement, or Council authorization to proceed while the option is further negotiated.

Mr. Don Wells, Founder and Chairman of DEW Properties and DEW Construction, came forth to speak about the Potential Redevelopment of 14, 28, and 30 Main Street, West Lebanon, NH. They have been

working with Twin Pines and Ever North on their units and spoke about other projects throughout the region where they are/or have been doing development.

Funding approvals should be received by December 2026 with construction starting in spring (if approved by Council). He noted they have a good track record with Andrew Winter and Twin Pines and felt they have an excellent track record in the area. They met with Twin Pines to figure out what the value of the property is from an appraisal standpoint noting the land value is +/-600K and that would have to be a clean site. They also met this morning with New Hampshire Housing, and they seem to be very much in favor of the project.

The project does include some commercial space, and he will have a proposed floor plan soon, based on Twin Pines input, our input and what the City would like to see and further described the proposed building construction.

Council/Staff Comments:

Councilor Faunce noted he works with West Lebanon Revitalization Advisory Committee (WLRAC) and they took a survey of residents' interests and provided content for the initial RFP. He wanted to understand where, within the chain of conversations, the project went from a project of market-based housing with commercial space to the present proposal of workforce or affordable housing with commercial. Mr. Wells explained they were not able to make the numbers work for market rate housing without the subsidies and tax credits that you get with the affordable workforce housing. We approached Twin Pines and they have an interest in the property so if the City wants to see something happen soon, this is the route to go, noting the City could sit on this property for many years waiting for the right/exact person to come along that might want to market rate housing. He also noted that the City did not get a response from their RFPs for a reason and spoke about other properties throughout the region that provide affordable/workforce housing.

Deputy City Manager Brooks noted that the RFP did not specify any specific housing type. This was left open because the WLRAC was interested in either or both.

Councilor Faunce spoke about how the WLRAC was looking for vibrancy in the downtown scene that is currently lacking.

Councilor McNamara noted that when the City purchased the property, the purchase price was not substantially above the assessed value and made the following 3 points:

1. What is being offered now is <50% of what we paid for it.
2. The need to know what percentage is going to be 50% AMA/AMI and if Section 8 vouchers will be accepted, noting that there are probably 100+ units of subsidized housing within walking distance of this site. His understanding from regional discussions was that our goal was to have this (project) be, if not predominately, market rate housing to offset some of the affordable subsidized housing.
3. If this is going to be housing as proposed, any payback to the City on this through property taxes will take much longer than it would be if this was market rate housing.

He did support the purchase of this property and noted his reasons why, but said this may not be the appropriate time to entertain this type of redevelopment.

Councilor Stavis noted she has received numerous calls/emails/texts from constituents who are very concerned. They have been following the news coming from the Hartford VT Selectboard who are reluctant to work with Twin Pines unless they create a Safety Committee because of the many drug-related incidents that have been taking place at River Walk and at other properties in the immediate vicinity of Downtown West Lebanon. While everyone deserves a home and a place to live, constituents also expressed their concern that this would not be a revitalization of Downtown West Lebanon and would be another subsidized very low or low income housing in an area that is very saturated with this type of development. She spoke about the funding from constituents that helped build the Kilton Library who noted they would no longer use the library because of the drug activity going on there. She could not support this project.

Assistant Mayor Wilkie concurred with most of what Councilor Stavis said but mentioned that he does not share concerns with housing that is below market rate and explained his reasons why. He did think that given the purchase price for the property at +/- \$1.8M, this project would be a significant loss in investment opportunities to make sure that property is what we want it to be. He has also heard from constituents that this is not what they want it to be and further explained his reasoning. Given this change, he felt the Council should be very conscious about what we want to do with this property and make sure it is both in the best interest/wishes of the community.

Councilor Cole stated that he agreed with previous comments regarding the proposed affordable and workforce housing project. He expressed the opinion that additional workforce housing was not needed at the proposed site and that the project would not achieve the intended goals for downtown revitalization.

Councilor Cole raised concerns about the process surrounding the proposal, noting that members of the revitalization committee were not informed or consulted during redevelopment discussions. He stated that the committee had been created for a purpose and should have been involved once discussions began.

He also expressed concern regarding public notification and communication. Councilor Cole stated that after speaking with several abutters and local business owners, many indicated they had either only recently received notice of the proposal or were entirely unaware of it. He noted that some abutters reportedly did not receive notices until Monday, while others had not yet received any notification. He stated that, in his opinion, there was a breakdown in communication and public outreach during the process and expressed hope that improvements could be made moving forward.

Councilor Cole further expressed concern regarding the possibility of the City incurring an estimated \$1.1 million loss on the real estate transaction. He stated that he did not believe the City should be engaged in speculative real estate activities and suggested that market forces should determine the appropriate development for the property.

Councilor Cole stated that he did not support moving forward with the proposal and recommended that the City engage a reputable real estate professional to market and sell the property.

He further noted that if the city retained ownership temporarily, opportunities may exist to generate interim rental income. He referenced recently renovated apartment units within one of the buildings that are currently vacant and suggested exploring options to utilize those units while determining the property's long-term future.

Councilor Key noted she agreed with much of what was stated and explained her reasons why she was concerned about the net gain/loss to the City, noting that we are asking the residents of the City to become investors, but will not get paid back for too long. She also heard from constituents about a variety of concerns regarding whether or not this was revitalization and explained her reasons why she felt other communities in the region should take on some of this type of housing.

Councilor Faunce spoke about the Lebanon Housing Task Force and the need to create housing that is affordable and will meet the needs of working people. They are very much vested in there being housing for people of all different degrees of economic means, but this project, at this location and for the purpose of revitalization, is not the right fit because somewhere along line the story changed. He could not support this project as presented.

Mayor Whittlesey asked the following questions and Mr. Wells answered;

1. Timeline if approved: The project would be occupied in 2028.
2. Completion of construction and put the property on the tax roll: Construction would begin next year. Mr. Wells was uncertain how much tax Twin Pines would pay because there is a formula they have to use.
3. Number of Units: There would be 15 two-bedroom units, 15 1 bedrooms, and 2 studios.

Councilor N. Ford Burley researched the meeting where these properties were purchased and spoke about the enthusiasm by everyone about the potential for these properties. She does not feel that same enthusiasm now and spoke about her reasons why she could not support this item and suggested that the Council wait and continue to explore their options.

The Council and Mr. Wells continued their discussions regarding the history of the interest in RFPs; looking into more market rate housing and what would this do to the overall financial picture of the selling price, etc.; how the ideal situation for these properties would be market rate housing; whether or not to hold onto these properties; how the dry bridge project, the main street redo, etc. may have an impact on the desirability's for these properties; the need for market rate housing based on the studies that were done on Downtown West Lebanon; reasons why Mr. Wells would not have accepted the RFP if it were 100% market rate housing; at what percentage rate for market rate housing would Mr. Wells accept; retail space possibilities that may offset residential property taxes; concerns about why the WLRAC was not informed about this proposed project; why was the loss of \$1.1M even considered; why the City should consider employing a reputable Realtor to market the properties; and, rental properties that are sitting vacant in Downtown West Lebanon and having the City try to generate a little income from these vacant properties for now.

Mayor Whittlesey noted he felt it was clear that the Council would not be taking any action tonight to approve this project. For now, it sounds like the Council's position is to hold off and revisit what we want to do and see for Downtown West Lebanon and what are the alternatives.

Councilor Stavis would like to re-open conversations with Andrew Dorset, Business and Economic Affairs, on the Main Street Project and have him come back up to walk that block (in Downtown West Lebanon). We need to start getting very creative with this area.

Councilor Faunce suggested getting the value from the properties.

Councilor McNamara suggested that a Motion not be crafted tonight and that one or more of the Council members put this forward as an agenda item in the future as a continuance of tonight’s discussion. Deputy City Manager Brooks and Mayor Whittlesey agreed that this will be placed on the Council’s agenda for their meeting on June 3rd.

ACTION: NONE

Councilor Stavis left the meeting at 9:45 PM.

- B.** Discussion and Set Public Hearing for May 20, 2026: Ordinance #2026-05, Amendments to City Code Chapter 72, Fire Prevention, to comply with state law requirements and update applicable fees

Included in the agenda packet: [\(All supportive documents and information can be found on pages 75-112, Council agenda packet\) Minutes do not include screenshots, maps, graphs, or images.\)](#)

1. Proposed Ordinance #2026-05
2. Chapter 72, Fire Prevention

Lebanon Fire Chief Wheatley summarized the background and history behind the amendments to Ordinance #2026-05.

BACKGROUND

Proposed Ordinance #2026-05 amends City Code Chapter 72, Fire Prevention, to comply with legislative changes approved last year. In 2025, the State of New Hampshire adopted changes to RSA 153 (State Fire Code) and RSA 155-A (State Building Code) that significantly limit how municipalities can regulate fire and building code requirements. These changes require the City of Lebanon to update its Fire Prevention Ordinance (Chapter 72) and related Rules and Regulations to remain compliant with State law.

State law now requires that the State Fire Code and Building Code are uniform across all municipalities. Cities and towns cannot adopt or enforce local amendments that:

- Add new technical requirements
- Modify existing code provisions
- Are more or less stringent than the State-adopted codes

In short, municipalities must apply the State codes as written, without modification. The City retains full authority over administration and enforcement, including:

- Permits and inspections
- Plan review processes
- Fees and cost recovery
- Enforcement actions and penalties
- Operational procedures and coordination

These updates do not reduce the City’s ability to enforce fire safety, but they do change how requirements are established.

To comply with State law, the City has:

- Reviewed existing ordinances and regulations
- Removed or revised provisions that could be interpreted as modifying technical code requirements

- Ensured all requirements align with the State Fire Code

The updated ordinance continues to support fire and life safety while aligning with the new legal framework.

As part of the code update process, the existing fire prevention fee schedule was also reviewed. Some fee descriptions have been changed. Fees that have been charged for mobile cooking facilities have been included into the fee schedule. New fees have been added to the schedule to cover:

1. The review and inspection of emergency responder radio communication systems. These are complicated systems designed to ensure that police and fire department radios will work within new structures and typically require several site visits, consultations, and testing with contractors.
2. The inclusion of a rental housing inspection fee. This fee is designed to assist in covering the cost of ensuring safe, code compliant rental housing within the City of Lebanon.

Council/Staff Comments: NONE

ACTION:

Councilor McNamara MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 20, 2026, beginning at 7:00pm, in Council Chambers, City Hall, and Remote via the City’s Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2026-05, to delete and repeal City Code Chapter 72, Fire Prevention, and replace it with a new City Code Chapter 72, to be entitled “Fire Prevention”, as presented in the May 6, 2026 City Council Agenda Packet.

Seconded by Councilor Key.

****The Vote on the Motion was approved (7-0). Councilor Stavis was absent at the time this vote was taken.***

Mayor Whittlesey informed the Council and attendees that Item 12.D: Preview of Guidance from the City Council regarding the 2027 City Budget would not be discussed at this meeting (due to time constraints). This item will be brought up at the next Council meeting on May 20, 2026.

Mayor McNamara MOVED to extend the meeting to 10:30PM

Seconded by Assistant Mayor Wilkie

****The Vote on the Motion was approved (7-0). Councilor Stavis was absent at the time this vote was taken.***

C. Discussion of Future of Lebanon Landfill (Agenda Request from Councilor McNamara)

Included in the agenda packet: [\(All supportive documents and information can be found on pages 113-178, Council agenda packet.\)](#)

1. March 11, 2026 City Council Agenda Request Form from Councilor McNamara
2. April 28, 2026 Memorandum from Jay Cairelli, Director of Public Works to City Manager Andrew Hosmer RE: Solid Waste Status Update, with responses to the Agenda Request Form questions and supporting materials

Councilor McNamara kicked off this discussion and noted he has been following the landfill for a long time and has been cognizant that the City is approaching the end of Phase II, and that Phase III is sort of a

continuation of Phase II by digging a hole and lining it. Phase IV is significantly more complicated because it involves re-excavating Phase I, pulling out anything that is recyclable, recompacting all the original waste after it is lined, and the cost is significant. It seemed to him, particularly as the City is coming to the end of Phase II, we really need to make some decisions very quickly on Phase IV, so we do not spend a fortune on studies, conceptual designs, etc. He also requested the Council discuss future utilization in the near future. We have talked about differential fees for Lebanon residents vs. non-residents and commercial haulers from other towns, noting we owe those other communities some significant notice times so they can make changes.

Lastly, the alternative ultimately is that landfill materials get shipped out of state and he would like to know what other communities are paying to ship out of state. Phase III would presumably give us another 19 years (to +/- 2050) based on current calculations, but his guess is that by 2050 this country will have figured out a better way to deal with solid waste. For example, we have been approached by a company just starting up whose process (now being evaluated) is using pyrolysis. This company has told us that they are a couple of years away from EPA Licensing so by the time we get to 2050 or so, maybe there will be a new technology in place that we do not currently have today.

Councilor McNamara wants to have the same set of information so that we can very quickly begin to talk about Phase III, Phase IV, and beyond (i.e., who we want to come to Lebanon's landfill and what they are going to get charged).

BACKGROUND

On March 11, 2026, Councilor McNamara submitted an Agenda Request Form to request a discussion of the future of Lebanon Landfill. Councilor McNamara's request included a number of questions regarding the status and remaining life of existing improvements and the status and expected life of future improvements.

Mr. Jay Cairelli (DPW Director), Mr. Lawrence Carpenter (Solid Waste Manager), and Chris Kilmer (DPW Assistant Director) came forth to speak about the information they have compiled to address the remaining life and expansion options for all phases of the Lebanon Landfill.

Director Cairelli began his presentation by answering the questions presented to DPW as follows:

1. **Estimated remaining life of Phase II:** Quarter 1 of 2029 and further described how this calculation was done. DPW has planned to do a Business Plan next year for the landfill moving forward and part of that will be a transition plan.
2. **Estimated cost of design, permitting and construction of Phase III:** Currently the total appropriation is \$1.8M. Right now, the type I application is in review at NH DES and during this year's CIP DPW we will be proposing \$15.3M for Phase III construction.
3. **Estimated life of Phase III:** 29 years. He spoke about the setback change from the state that decreased the size of the proposed Phase III and the waiver that is now pending. If the waiver is not granted, it will reduce the life of Phase III to +/- 10 years.
4. **Estimated cost of design, permitting and construction of Phase IV:** A feasibility study was funded but put on hold, which would have potentially determined what could be sorted out and what would need to be put into Phase III. The estimated cost right now is \$40M.

In agreement with Councilor McNamara's opinion, Mr. Cairelli did not see the viability of Phase II and explained his reasoning. He also spoke about the potential environmental liability because Phase IV is an unlined landfill. The Council should focus on Phase III. The goals are to reduce the costs to Lebanon users of the landfill; maximize the life of Phase III; and, have enough money at the end to

make sure that if there is a new chemical that comes up, the City has enough funds to sample for whatever this might be going into the future.

5. **Estimated life of Phase IV:** 28 years
6. **Estimated cost of ultimate closure and monitoring:** Phase I cost in today's dollars is \$15.5M (with inflation it could be higher).
7. **Status of reserve funds relating to closure and monitoring and how the reserve funds work;** What NH DES keeps in reserve funds; under what circumstances the NH DHS would release those funds; and the rate of interest were discussed
8. **Whether adjustments should be made to fees paid by user outside of Lebanon and/or adjustments to the number of participating communities to extend landfill life and/or increase reserve funds:** DPW has begun talking about this so it could be included in the Business Plan reference at the beginning of 2027.

Council/Staff Comments:

The Council discussed making a decision about what the City's most important goal is (i.e., keep Phase III operational for as long as we can); how and why DPW still needs to maintain the compliance pieces of the cover, the leachate control, etc.; potentially implementing differential pricing and how that would influence supply and demand for all users of the landfill; whether or not to increase fees; concerns about increasing fees, again, across the board for all commercial haulers; potentially contracting with a hauler to take Lebanon's trash and have everyone else choose their own hauler; the need to evaluate all potential options because some may be less valuable than others; deciphering what percentage of solid waste goes into Lebanon's landfill vs. other regional users including VT; and, the potential needs to raise the landfill rates across the board as an incentive to shift away from trash in order to achieve more sustainable practices.

***Councilor McNamara MOVED to extend the meeting to 10:45 PM
Seconded by Councilor N. Ford Burley.***

****The Vote on the Motion was approved (7-0). Councilor Stavis was not present at the time this vote was taken.***

Mayor Whittlesey noted that the Council should have more discussions on this topic and wanted them to think about what we want to do with the landfill. Phase IV is not going to happen. Do we want to look at moving forward with Phase III?

Assistant DPW Director Chris Kilmer suggested the Council contact Deputy City Manager of Special Projects Paula Maville because she is very knowledgeable about the history and the decisions previously made regarding the landfill.

The next stage (2) of this discussion should include:

1. Financials
2. How will the City pay for Phase II
3. Minimizing the impact of Lebanon Residents

Mayor Whittlesey agreed with the recommendation that a Landfill Task Force should be created. They would be tasked with reviewing the above questions, bringing their findings back to the full Council, working on a Landfill Business Plan, and a comprehensive transition plan.

Mayor McNamara will take the lead on the membership for the Landfill Task Force and come up with a reasonable timeline for when particular subjects should take place.

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

D. Discussion RE: Preview of Guidance from the City Council regarding the 2027 City Budget.

Not Discussed Due to Time Constraints: Will be discussed at the Council’s May 20, 2026 meeting.

E. Discussion and Set Public Hearing for June 17, 2026: Ord 2026-07, Amendments to City Code Chapter 31, Boards, Committees, and Commissions, Article XVIII, Finance Advisory Committee

Included in the agenda packet: [\(All supportive documents and information can be found on pages 180-184, Council agenda packet\).](#)

1. Proposed Ordinance #2026-07
2. Chapter 31, Article XVIII, Finance Advisory Committee

Deputy City Manager Brooks noted he pushed the Public Hearing out to June 17, 2026 with the idea that there might be some discussion and some ideas about how the amendments should be set. If there are more changes to be made, those are what the Public Hearing should be based on. He suggested (due to time constraints) holding off on this item and bringing it back as Old Business with proposed changes on May 20, 2026, and then holding the Public Hearing based on that additional language. What gets advertised in the Public Hearing is what will be brought back to the Council for a vote.

ACTION:

Councilor Faunce MOVED to table this topic until May 20, 2026.

Seconded by Councilor McNamara.

***The Vote on Motion was approved (7-0). Councilor Stavis was not present at the time this vote was taken.**

Deputy City Manager Brooks informed the Council that the 3rd Quarter Budget Report for 2025 was reviewed on January 21, 2026, and it has now been added to the Transparent Lebanon webpage.

13. NON-PUBLIC SESSION: NONE

14. ADJOURNMENT:

Assistant Mayor Wilkie MOVED for adjournment.

Seconded by Councilor Faunce.

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

The meeting was adjourned at 10:42 PM.

Respectfully submitted,

Dona E. Gibson
Recording Secretary