

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, April 21, 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, George Sykes, Douglas Whittlesey, Devin Wilkie, Jim Winny and Karen Zook

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Zoning David Brooks, Solid Waste Manager Marc Morgan, Lebanon Police Chief Richard Mello, Finance Director Vicki Lee, Deputy Finance Director Tina Stearns, Airport Director Carl Gross, Recreation/Arts & Parks Director Paul Coats, HR Director Gloria Leskiewicz

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.

Agenda items were taken out of order and are listed in the order they were presented.

5. RECOGNITIONS:

A. Resolution in Honor and Memory of Gregory Schwarz

**RESOLUTION IN HONOR AND MEMORY OF
GREGORY SCHWARZ**

WHEREAS, Gregory Schwarz served as a member of the Planning Board for the City of Lebanon from April 2008 until his untimely passing on April 7, 2020; and

WHEREAS, Gregory, besides being a member of the Planning Board, during his twelve-year tenure, also served as the Planning Board's representative to the Heritage Commission and as the Chair of the Steering Committee for the Implementation of the Master Plan; and

WHEREAS, Gregory's knowledge and understanding of the City enabled him to make thoughtful and principled decisions relative to the City's growth and development in order to serve the best interest of the residents of the City of Lebanon; and

WHEREAS, Gregory contributed to the adoption and implementation of the City’s Master Plan through the review of multiple zoning amendments, updates of development regulations, and the approval of numerous development applications, and generally promoted and advanced the benefits of sound planning and the protection of neighborhoods and quality of life for the City; and

WHEREAS, Gregory was steadfast and conscientious in his commitment to public service as a member of the Planning Board and Heritage Commission; being fully dedicated to the duties and responsibilities of a Board member, serving with sound judgement, professionalism, and integrity; and

WHEREAS, Gregory left a lasting legacy and a positive impact on everyone who had the opportunity to work with him.

NOW THEREFORE BE IT RESOLVED that the Lebanon City Council, on behalf of the City of Lebanon, extends its deepest condolences to his widow, Susan Schwarz, along with its sincere appreciation for the dedicated service of Gregory Schwarz and for his contributions to the community over the past 12 years.

Dated this 21st day of April 2021 at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On Behalf of the Lebanon City Council

Members of the Planning Board, City Council, City Staff, and members of the community came forth to express their personal experiences and gratitude for the work Mr. Schwarz did, serving in many capacities, for the City of Lebanon and its residents over many years. Mr. Schwarz’s family was present and accepted his recognition in person.

B. Retirement of Richard Mello, Police Chief

**RESOLUTION IN HONOR OF
RICHARD R. MELLO**

WHEREAS, Richard R. Mello retiring from the City of Lebanon on April 30, 2021, has devoted himself to a career in public service as a Police Officer, having served in the Lebanon Police Department for over five years and within the State of New Hampshire for 28 years; and

WHEREAS, Chief Mello has served as an example of dedication to his profession by providing outstanding leadership, a strong work ethic and showing extreme devotion to department members and the citizens of Lebanon; and

WHEREAS, during his tenure, Chief Mello served on the City of Lebanon Taskforce on Homelessness, the Lebanon Partners United for Safety and Health (PUSH), New Hampshire Chiefs of Police Association Representative on the Legislative Committee to Study the Legalization and Taxation of Marijuana and was the past President of the Grafton County Chiefs Association; and

WHEREAS, Chief Mello spearheaded the Lebanon Police Department to achieve accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA), and on November 13, 2020,

Lebanon Police joined the less than five percent of Law Enforcement Agencies in the country to be CALEA Accredited; and

WHEREAS, Chief Mello has demonstrated those many attributes that were essential to his position, always conducting himself in an open and forthright fashion, and continually giving of himself freely and unselfishly; and

WHEREAS, Chief Mello has served thousands of the region’s residents over the past five years in a courteous and helpful manner, often going above and beyond his duties to assist them, which has earned the respect, confidence, and friendship of his fellow coworkers, business associates, and citizens in the community.

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Lebanon City Council, on behalf of the citizenry of Lebanon, Chief Mello’s friends, fellow employees, and associates, express our admiration of and respect for the career of our outstanding and faithful employee and extend to him our sincere gratitude and wish him well in his retirement,

BE IT FURTHER RESOLVED that this Resolution be written upon the minutes of the Lebanon City Council meeting and a copy be presented to Richard R. Mello.

Dated this 21st day of April 2021 at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On behalf of the Lebanon City Council

At the request of the Council, Chief Mello spoke briefly about his career with the LPD and his long 30-year career in law enforcement, noting the LPD Staff and Officers deserve the credit for the achievements over the last 5+ years and spoke highly about the skills of Deputy Chief Phillip Roberts who will be taking over his position as Chief.

C. Proclamation for Older Americans Month

PROCLAMATION OLDER AMERICANS MONTH – MAY 2021

WHEREAS, The City of Lebanon includes a growing number of older Americans who have built resilience and strength over their lives through successes and difficulties; and

WHEREAS, The City of Lebanon benefits when people of all ages, abilities and backgrounds are included and encouraged to share their successes and stories of resilience; and

WHEREAS, The City of Lebanon recognizes our need to nurture ourselves, reinforce our strength, and continue to thrive in times of both joy and difficulty; and

WHEREAS, The City of Lebanon can foster communities of strength by:

- Creating opportunities to share stories and learn from each other,
- Engaging older adults through education, recreation, and service, and

- Encouraging people of all ages to celebrate connections and resilience.

THEREFORE, BE IT NOW RESOLVED, that the City of Lebanon, N.H., proclaims May 2021 to be Older Americans Month. We urge every resident to recognize older adults and the people who support them as essential contributors to the strength of our community. Proclaimed this 21st Day of April in the year Two-Thousand-Twenty-One.

Timothy J. McNamara Mayor, City of Lebanon

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

4. OPEN TO PUBLIC:

Mayor McNamara thought it was time for the Council to begin discussions about ending the Mask Mandate. At the Council meeting on May 5th, 2021, he would like to set a Public Hearing for May 19th, 2021, to come up with a tentative date of June 30, 2021 to end the Mask Mandate, unless things change dramatically in the next few weeks.

Councilor Whittlesey suggested having someone from Dartmouth-Hitchcock be present at these discussions to help inform the Council and residents about what is happening in our area.

Councilor Liot Hill spoke about the general consensus from people and businesses who have expressed their positive feedback that the City has maintained its Mask Ordinance in spite of the Governor lifting the State-wide Mask Mandate, noting they felt the Governor was premature in lifting this mandate from a public health perspective. There is a very serious situation going on right now with COVID variants and the city still has a lot of people who are not going to be eligible for the vaccine. She also suggested putting signs up in the City to let people know Lebanon's Mask Ordinance is still in effect, noting some businesses are dealing with patrons who are refusing to comply with the City's Mask Ordinance.

The Council also discussed the potential for a 3rd wave (of COVID) due to the variants and people are not paying attention to mask mandates; setting clear vaccination criteria before the mandate can be lifted; and, the City's obligation to promote public safety and needs and balancing competing interests.

All Councilors agreed it would be prudent to hold a Public Hearing on May 19, 2021, and continue these discussions at the May 5, 2021 City Council meeting.

6. ACCEPTANCE OF MINUTES:

A. April 7, 2021 (Regular Session)

Amendments: Page 10, line 33 of agenda packet: insert "Development" so it reads "the Community Development Finance Authority Grant..."

Councilor Liot Hill MOVED to approve the April 7, 2021 (Regular Session) minutes as amended and presented in the April 21, 2021 City Council agenda packet.

Seconded by Assistant Mayor Below.

Roll Call Vote:

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

None voted Nay.

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

Councilor Heistad MOVED to approve the April 7, 2021 (Non-Public Session) minutes.

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

Councilor Sykes abstained.

****The Vote on the MOTION was approved (8-0-1).***

7. APPOINTMENTS:

- Rebecca Owens, Advance Transit Board of Directors (Citizen Representative)

Councilor Heistad put forth the NOMINATION of Rebecca Owens as a Citizen Representative to the Advance Transit Board of Directors. Three Year Term (4/21 – 4/24)

Roll Call Vote:

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

None voted Nay.

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

- Karen Liot Hill, Economic Development Commission (Vice Chairperson)

The Economic Development Commission (EDC) has recommended to the Council that Councilor Karen Liot Hill be appointed as the Vice Chairperson to the EDC.

Assistant Mayor Below put forth the APPOINTMENT of Karen Liot Hill to serve as Vice Chairperson to the Economic Development Commission.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

8. PUBLIC HEARING ITEMS:

A. COMMUNITY REVITALIZATION TAX RELIEF APPLICATION – ONE

MECHANIC STREET, LLC A public hearing for the purpose of receiving public input and taking action on a Community Revitalization Tax Relief Application (per NH RSA 79-E) by One Mechanic Street, LLC for property located at 1 Mechanic Street, Lebanon

Included in the agenda packet:

1. March 26, 2021 Memo from Planning & Development Director David Brooks, RE: Community Revitalization Tax Relief Incentive Program (RSA 79-E) Application – One Mechanic Street, LLC – 1 Mechanic Street; Tax Map 91, Lot 264 (pages 36-51, agenda packet)
2. March 29, 2021 Downtown Lebanon TIF Advisory Board DRAFT Minutes (pages 52-53, agenda packet).

Director of Planning & Zoning David Brooks noted there was lengthy discussion on this application and request at the Council's prior meeting on April 7, 2021. The owner/applicant of the building at One Mechanic Street, Lebanon, is applying for tax relief under the 95-E program, as they are converting the structure from a commercial use (formerly NAPA Auto) to an 18-unit multi-family building.

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

Mr. Brooks stated the project can be considered as a qualifying structure, since it is located in the Downtown Lebanon 79-E District. It far exceeds the thresholds for a substantial rehabilitation and the applicant has suggested there are numerous public benefits which would be satisfied by this project including: the advancement of economic vitality in Downtown; promotion, preservation, and reuse of existing building stock; promotion of the municipal centers; and, increasing the residential housing in Lebanon's Downtown centers.

The question that came up at the last session was the duration of time for the tax relief. The applicant has requested a minimum of seven (7) years of tax relief for the project, but there was a discussion about extending the tax relief to eleven (11) years for affordable housing. Staff provided some recommended guidance relative to the number of units and the potential affordability thresholds that the Council might want to consider as it reviews whether to grant those last four (4) years of tax assessment relief understanding that the goal of the (79-E) program is to make projects happen that may not be otherwise viable. If the Council chooses, it can vary those standards as it sees fit.

For detailed information regarding the project, please see the memo by Director of Planning & Development David Brooks, along with the accompanying application and supporting documentation submitted by One Mechanic Street, LLC (pages 36-51, agenda packet).

Mr. Jeremy Katz (Ward 3 & Manager/Owner of One Mechanic Street, LLC): He spoke about his application and shared a screenshot (page 46, agenda packet) of the before picture and what the proposed project would look like when finished, giving a history of the building. He was originally looking at redeploing this as a commercial building but learned this would not be viable because of a projected round-a-bout project. The proposed plan now is for 18 residential units (17 studio and 1 two-bedroom apartments) that do not have fossil fuel burning systems on site. The property is less 150 ft. from the Greenway and an Advance Transit Station. It is walkable to Downtown and has the potential for residents to contribute to the local economy. He plans to spend in excess of \$1.6M on the building, which is all personal risk capital and bank financing. The project does have the benefit of enhancing the economic vitality of the Downtown; the promotion, preservation, and reuse of the existing building stock;

and the development of the municipal center by bringing these residential units into a core Downtown area which will increase residential housing within the municipal center. He asked the Council to consider a minimum of seven (7) years and spoke about what he would consider as affordable housing to the market. He is willing to reserve 20% of the units (4 of the 18 units) to be no more than 35% of the median single person income. If the Council does not grant the additional four (4) years as affordable housing, the seven (7) years will be fine and will not kill the project. He also addressed the letter from Attorney Barry Schuster, and felt the TIF District and the 79-E program are not at odds with each other because large amounts of private investment in the district also improves the district and property values.

The expected completion date for this project would be March 31, 2022, but Mr. Katz expects it to only take 6-8 months.

City Manager Shaun Mulholland explained the importance for the Council to address the letter dated April 19, 2021 from Chair Barry Schuster Re: RSA 79-E/TIF Advisory Board. Councilor Sykes noted that the TIF Advisory Board felt a need to reconcile the goals of the TIF Advisory Board vs. the goals that Mr. Katz's presents. (The letter can be found, in its entirety, on page 54, agenda packet.)

Councilor Wilkie was curious if the TIF Advisory Board discussed any criteria that was less than the maximum previously awarded. Councilor Sykes, speaking on behalf of the TIF Advisory Board, explained they were not comfortable saying what those criteria should be and were mindful that anything the Council does will become a precedent, which may have a big impact on the future ability of the TIF District to raise funds. They also felt the funds that become available through the TIF District would clearly help improve property owners' value in their properties.

The Council discussed the TIF Advisory Board's concern regarding the balance between the public vs. private funding assistance, with Councilor Whittlesey speaking about his reasons why granting tax relief through the 79-E program will ultimately serve the spirit of the TIF District.

Councilor Liot Hill spoke about the City's policy to revitalize the Downtown using the TIF District and the 79-E program, noting they are not working against each other. They can actually be complimentary.

Mr. Brooks said the overarching goal of both programs is the long term redevelopment and revitalization of our Downtowns, both Lebanon and West Lebanon. Each improvement made to a specific private property or for a public improvement has the potential to provide some appreciative benefit to surrounding properties. While there may be a short-term loss to the TIF District, it may be made up by appreciated values in the vicinity of a project.

Mayor McNamara felt there are at least some projects where substantial improvements to a property would not be made in the absence of a 79-E program. He would argue that the 79-E program can actually accelerate the funds going into the TIF program because the value of the property goes up more substantially than if it would if it were not improved. The more investments made in properties, the more investments are likely to be made in other properties and felt both programs are complimentary.

Mayor McNamara opened the Public Hearing.

The following people came forth to speak:

Matt Hall (Ward 3): He spoke about his support for the project and felt it was quite worthy.

Suzanne Prentiss (Ward 1): She spoke about her support for the project, noting the project is bringing in needed housing to the Downtown area, the projects economic plus for the City, and its contributions by being a clean energy building.

Mayor McNamara closed the Public Hearing.

Mayor McNamara noted the points the Council should consider below:

1. Initial application for a 5-year tax relief.
2. The Council is allowed up two (2) additional years for a project that results in new residential units.
3. The question of the remaining (4) years for affordable housing, recognizing there is no definition for affordable housing at this point in time.

The Council discussed the need to have a broader discussion on creating affordable housing criteria for the 79-E program; what the precedent would be when granting tax relief for projects that may not be affordable to those not making the median income for Grafton County.

Mr. Brooks stated that through the RSA 79-E program, tax relief can only be granted prior to a project's work being done. Tax relief cannot be requested for work that has started prior to the Council's granting of the tax relief.

Councilors all agreed moving ahead to grant the seven (7) year tax relief provision.

ACTION:

Councilor Liot Hill MOVED the following:

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

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

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

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

WHEREAS, the City Council has determined that the Applicant's proposed Project will generate one or more Public Benefits to the City, including: 1. Enhancement of the economic vitality of Downtown Lebanon, and 2. Promotion of the preservation and reuse of existing building stock, and 3. Promotion of the development of municipal centers, providing for efficiency, safety, and a greater sense of community consistent with RSA 9-B, and 4. Increasing residential housing in municipal centers.

NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant seven (7) years of property assessment tax relief for the Property to commence upon completion of Project, with the following conditions:

1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for fourteen (14) years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II.

2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for the term of the Declaration of Covenant set forth above to ensure proper restoration or replacement of the Project and Property. Such insurance shall, effective as of the date on which the Project is completed, name the City of Lebanon as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. Further, the applicant shall agree to have the City made a Loss Payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The Applicant shall agree to commence any restoration or demolition of such structures within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I.

3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than one year from the date of this Resolution, unless otherwise extended by the City Council in writing. The Project, as approved, shall be completed on or before April 21, 2022, unless otherwise extended by the City Council in writing.

Seconded by Assistant Mayor Below.

Roll Call Vote:

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

None voted Nay.

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

- B. ORDINANCE #2021-04 - TO AMEND CITY CODE CHAPTER 97, LANDFILL REGULATIONS** - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations, to implement a permitting system for access and use of the Solid Waste Facility.

Included in the agenda packet:

1. Ordinance 2021-04 (pages 56-60, agenda packet)
2. March 30, 2021 Legal Opinion by Attorney C. Christine Fillmore, RE: Emergency Ordinance #2021-04 Landfill Regulations (page 61, agenda packet)

City Manager Shaun Mulholland explained that the Lebanon Solid Waste Facility currently accepts waste from 23 participating communities, plus residents and businesses within the City. While commercial waste haulers are required to have an established billing account, commercial or residential users are currently not required to have a permit showing their identification, or proof of residency. In an effort to gain better control over access and use of the facility, administration is looking to implement a permitting process as outlined in Ordinance 2021-04.

Solid Waste Manager Marc Morgan stated this completes the update to the Solid Waste Code for the City of Lebanon and is being amended to better control the use and enforcement of authorized communities at the Lebanon Solid Waste facilities. They have been working on a digital permit process that should be in place by September 1, 2021. He spoke about the process of applying for a permit and fees (online is free but a fee will be charged for in-person applications). They have been working with the Lebanon Libraries to ensure people have access to free internet and computers and have also been working with other staff members to assist residents in obtaining online permits. He spoke about how these digital permits would be used and tracked, noting permits will be attached to a person and their residents.

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

Assistant Mayor Below MOVED, that the Lebanon City Council hereby adopts Ordinance 2021-04, to amend City Code Chapter 97, Landfill Regulations, to implement a permitting system for access and use of the Solid Waste Facility.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

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

Included in agenda packet: Ordinance # 18, Salary Plan.

City Manager Mulholland 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 first presentation was March 17; the second was April 7. The Council is asked to finalize the process by acknowledging the third presentation and acting to amend the Salary Plan at the close of the public hearing.

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

Councilors Heistad and Whittlesey were recused.

ACTION:

1. PRESENTATION:

Councilor Liot Hill 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, Seasonal/Temporary & Stipend Employees, to increase 2021 wages for Memorial Pool & Camp Recreation, Arts & Parks employees.

B. SEASONAL/TEMPORARY& STIPEND EMPLOYEES

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

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

POSITION TITLE	HOURLY	
ELECTION POSITIONS (HOURLY)		
Ballot Clerk		\$10.15
Election Assistant		\$10.15
Supervisors of the Checklist		\$10.15
Moderator		\$12.69
Ward Clerk		\$12.69
FIRE DEPARTMENT POSITIONS		
Call Firefighter	\$11.25	\$28.54
PARK AND RECREATION POSITIONS		
Camp Counselors	\$10.15	\$12.18
Front Desk Attendants – Pool	\$10.15	\$12.18 \$15.25
Head Front Desk Attendants	\$11.17	\$13.70
Site Assistant	\$10.15	\$13.20
Lifeguards	\$10.15	\$12.18 \$17.50
Head/Lead Counselors	\$13.20	\$16.24
Site Assistant	\$10.15	\$13.20
Head & WSI Lifeguards	\$12.18	\$15.23 \$18.25
Head Front Desk Attendant - Pool	\$12.18	\$15.23 \$15.50
Outdoor Adventurer - Educator	\$12.69	\$16.24
Softball Coordinator	\$12.69	\$16.24
Camp Director	\$13.20	\$16.24 \$20.00
Day Camp Counselors	\$10.15	\$14.21 \$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

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, Seasonal/Temporary & Stipend Employees, to increase 2021 wages for Memorial Pool & Camp Recreation, Arts & Parks employees.

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

Councilors Heistad and Whittlesey were recused.

****The Vote on the MOTION was approved (7-0-2).***

Councilor's Heistad and Whittlesey returned as regular members of the City Council.

9. OLD BUSINESS: None**10. NEW BUSINESS**

A. Request from Lalo's Taqueria for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

Included in agenda packet: March 31, 2021 Letter from Nick Yager, Lalo's Taqueria, and Map depicting proposed expanded outdoor seating area.

Lalo's Taqueria is requesting exemption to serve alcohol on City-owned property.

On April 1, 2021, City administration approved an outdoor seating area for Lalo's Taqueria within the Lebanon Pedestrian Mall. As the restaurant serves alcoholic beverages as part of their dining menu, they would like to serve alcohol as part of their outdoor dining service.

City Code Chapter 14, Alcoholic Beverages, regulates the consumption of alcohol on City-owned property. Section 14-5, Exemption, states that, "Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of

time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.”

Due to the nature of the business and the desire to serve alcohol on City-owned property, Council approval is required pursuant to §14-5 above.

Mr. Nick Yagar spoke about his request for Lalo’s Taqueria.

Councilor Liot Hill was recused.

Councilor Wilkie *MOVED*, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Lalo’s Taqueria to serve alcoholic beverages on the Lebanon Pedestrian Mall within the area shown on the maps included in the April 21, 2021 City Council Agenda Packet.

Exemption shall be valid beginning April 1, 2021 and shall expire on December 31, 2021.

Seconded by Councilor Winny.

Roll Call Vote:

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

None voted Nay.

Councilor Liot Hill was recused.

****The Vote on the MOTION was approved (8-0-1).***

Councilor Liot Hill returned as a regular member of the City Council.

B. Review and Discussion of 2020 Year End and 2021 1st Quarter Budget Reports

Included in agenda packet:

1. April 21, 2021 Memo and 2020 Year End Budget Report from Vicki Lee, Finance Director, Tina Stearns, Deputy Finance Director and Doug Smith, Finance Consultant (pages 73-82, agenda packet)
2. April 21, 2021 Memo and 1st Quarter 2021 Budget Report from Vicki Lee, Finance Director, Tina Stearns, Deputy Finance Director and Doug Smith, Finance Consultant. (pages 83-92, agenda packet).

Finance Director Vicki Lee presented a summary of the year-to-date budget reports for expenditures and revenues (end of year 2020 and first quarter 2021) as depicted in the memos dated April 21, 2021 on pages 73-93 in agenda packet, which included spreadsheets and graphs. She highlighted the General Fund Expenditures, General Fund Revenues, Other Funds and Unassigned Fund Balance.

The Council, City Manager, and Ms. Lee discussed the reasons behind the 633.2% increase in the 2020 Miscellaneous Revenues; Water/Wastewater Department Revenues/Expenditures; Staffing shortage in the Water/Wastewater Plants; and, the reasons for the surplus of almost \$5K in wastewater treatment.

ACTION: No action required by the Council. For informational purposes only.

C. Presentation of First Reading and set public hearing for May 19, 2021: Amend AFSCME Wage Schedule in Ordinance No. 18 To Implement Changes Proposed as Part of the 2020 Wage & Classification Study Completed by Municipal Resources, Inc.

Included in agenda packet: Ordinance No. 18

Gloria Leskiewicz, Human Resources Director, presented a broad overview of the proposed amendment to the AFSCME Wage Schedule in Ordinance No. 18.

While negotiating with AFSCME Local #1348/Council 93 AFL-CIO in 2019, the City agreed to provide an independent wage and classification study to review all full-time AFSCME positions. Municipal Resources Incorporated (MRI), was contracted to perform the study which included a thorough market analysis and comprehensive review of each position within the bargaining unit.

The market analysis compared average, minimum, and maximum salaries with the towns of Bedford, Dover, Durham, Hampton, Hanover, Hooksett, and the cities of Claremont, Concord, and Keene.

The comprehensive review of job positions was a collaboration between employees, department heads and MRI staff. Each employee was charged with reviewing their individual job descriptions and completing a position analysis questionnaire. Department Heads met with employees and finalized job descriptions based on department needs and operations. MRI then analyzed, measured, and compared against a common set of criteria in a systematic and objective manner utilizing a point-factor evaluation to arrive at an assigned salary grade.

The proposed Wage & Classification Plan includes grades that combine the point-factor system, market data, and other unique qualities that pertain to the City of Lebanon.

Process to Amend Ordinance No. 18

The Council was asked to begin the process of amending Ordinance No. 18 Article III – Bargaining Unit Employees, Section A, AFSCME Local #1348/Council 93 AFL-CIO, to implement the results of MRI's 2020 Wage and Classification Study as shown in the table below.

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 first of three presentations on April 21, and to schedule a public hearing for May 19, 2021 to amend the Ordinance. The second and third presentations will follow on May 5, and May 19, respectively.

ACTION

1. ACKNOWLEDGE FIRST PRESENTATION:

Councilor Whittlesey MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section A, AFSCME Local #1348/Council AFL-CIO, to implement the results of the 2020 Wage & Classification Study completed by Municipal Resources, Inc.

*Changes to the compensation and classification schedules are shown **red italics** to delete the position from the current grade, and in **blue italics** type to reclassify the position in the new grade. **No wage rate adjustments are proposed as a result of this study.***

AFSCME POSITIONS	
GRADE	POSITION(s)
1	Laborer
2	Utility Operator Trainee
3	Operator; Maintainer ; Recycling Attendant; Construction Utility Operator I; Meter/Backflow Technician; Scale Technician
4	Light Equipment Operator; Airport Maintenance Technician; Utilities Plant Operator
5	Heavy Equipment Operator; Utilities Operator I; Airport Maintenance Specialist; Water Plant Operator; Wastewater Plant Operator Maintainer (Cemetery Crew Leader); Utilities Operator I;
6	Parks & Grounds Crew Foreman ; Mechanic; Water Treatment Plant Operator; Wastewater Treatment Plant Operator;
7	Electrician ; Laboratory Technician/ Utilities Plant Operator; Airport Maintenance Foreman; Parks & Grounds Crew Foreman; Utilities Maintenance Mechanic; Engineering Technician;
8	Electrician; Foreman;
9	Chief of Quality Assurance

AFSCME LOCAL 1348 - 2021 SALARY GRADES 1.5% GWI

MinimumMaximum

<u>Grade</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>
1	17.31	17.84	18.39	18.91	19.46	20.01	20.52
2	18.66	19.24	19.84	20.42	21.01	21.58	22.15
3	20.12	20.77	21.42	22.06	22.71	23.33	23.99
4	21.74	22.45	23.14	23.85	24.54	25.25	25.98
5	23.52	24.31	25.07	25.83	26.59	27.36	28.16
6	25.51	26.32	27.15	27.96	28.81	29.63	30.49
7	27.61	28.51	29.41	30.33	31.23	32.13	33.05
8	29.89	30.89	31.87	32.87	33.83	34.84	35.87
9	31.43	32.48	33.54	34.59	35.66	36.70	37.79

2. SCHEDULE PUBLIC HEARING:

Councilor Whittlesey further MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 19, beginning at 7:00 p.m., Remote via Microsoft WebEx, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Section A, AFSCME Local #1348/Council AFL-CIO, to implement the results of the 2020 Wage & Classification Study completed by Municipal Resources, Inc.

Seconded by Councilor Liot Hill

Roll Call Vote:

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

None voted Nay.

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

D. DISCUSSION & SET PUBLIC HEARING FOR MAY 19, 2021: RESCISSION OF PRIOR FUNDING AUTHORIZATIONS AND APPROPRIATIONS FOR NINE (9) CAPITAL PROJECTS TOTALING \$1,602,723.62.

Finance Director Vicki Lee explained the purpose of this agenda item is to request the City Council to rescind prior authorizations and appropriations for unissued bonds or notes that are no longer required, and therefore will not be issued. Total amount to be rescinded is \$1,602,723.62 and includes prior funding authorization for the following projects:

	APPROPRIATION
2018 Landfill Compactor	(\$290,085.00)
2011 School St/120s Pedestrian Facility	(\$229,483.97)
2015 Packard Hill Bridge #154-113	(\$ 27,773.34)
2019 10 Wheel Truck #88 Replacement	(\$ 24,915.00)
2019 Miracle Mile Pedestrian & Transit Improvements	(\$800,000.00)
2019 LPD Communications Console Upgrade	(\$ 54,313.94)
2018 Water Line Capital Improvements	(\$157,137.24)
2017 WWTP Underground Fuel Storage Tank	(\$ 6,440.00)
2019 Sewer System	<u>(\$ 12,575.13)</u>
	(\$1,602,723.62)

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, May 19, 2021, remote via Webex, for the purpose of receiving public input and taking action to rescind prior funding authorizations and appropriations for nine (9) capital projects totaling \$1,602,723.62.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

E. Authorization for Transfer of Unspent Bond Proceeds from the 2013 NH Route 120 Project to the 2019 Sewer System Rehabilitation Project

Finance Director Vicki Lee explained this is money that has not been spent, is bonded, and the project has been completed. This is to simply transfer these funds to another sewer rehabilitation project so money will not have to be borrowed for other appropriations.

ACTION:

Assistant Mayor Below MOVED the following:

RESOLUTION

FOR THE PURPOSE OF authorizing the transfer of unspent bond proceeds from the 2013 NH Route 120 Project to the Sewer System Rehabilitation Project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that New Hampshire RSA 33:3-A of the Municipal Finance Act provides that if after notes or bonds have been issued and no expenditure of the proceeds has been made for the purpose or purposes for which the debt was incurred, or if a balance remains after the completion of the project or projects for which the debt was authorized, a city by a vote of 2/3 of the city council may authorize the expenditure of the sum or sums on hand, including any premiums received, for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time at any time which said sum or any portion thereof remains available; provided, however, that if the sum obtained by issuance of bonds or notes, as aforesaid, or any balance thereof, including any premium, is not appropriated as aforesaid, then the same shall be used to pay the principal of the loan as it matures.

NOW THEREFORE BE IT FURTHER RESOLVED, by the City of Lebanon, that appropriation authority, and associated funding derived from the issuance of bonds, is authorized to be transferred as follows and depicted on page 97 of 99, agenda packet:

Project	Bond Issue/Dated	Unspent Bond Proceeds BEFORE Transfer	Funded Transfer	Unspent Bond Proceeds AFTER Transfer	Project Useful Life
FROM					
2013 NH 120	CS-330092-09	\$292,519.67	(\$292,519.67)	\$0	20 years
TO					
2019 SEWER SYSTEM REHABILITATION	Unissued	\$0	\$292,519.67	\$292,519.67	20 years

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

F. Authorization for Transfer of Unspent Bond Proceeds from The Dulac Street Reconstruction Project to the 20 Spencer Street Cleanup Project

Finance Director Vicki Lee explained this is money that has not been spent, is bonded, and the project has been completed. This is to simply transfer these funds to another sewer rehabilitation project so money will not have to be borrowed for other appropriations.

ACTION:

Councilor Winny *MOVED* the following:

RESOLUTION

FOR THE PURPOSE OF authorizing the transfer of unspent bond proceeds from the Dulac Street Reconstruction Project to the 20 Spencer Street Cleanup Project.

NOW THEREFORE BE IT RESOLVED, by the City of Lebanon, that New Hampshire RSA 33:3-A of the Municipal Finance Act provides that if after notes or bonds have been issued and no expenditure of the proceeds has been made for the purpose or purposes for which the debt was incurred, or if a balance remains after the completion of the project or projects for which the debt was authorized, a city by a vote of 2/3 of the city council may authorize the expenditure of the sum or sums on hand, including any premiums received, for any purpose or purposes for which bonds or serial notes may be issued for an equal or longer period of time at any time which said sum or any portion thereof remains available; provided, however, that if the sum obtained by issuance of bonds or notes, as aforesaid, or any balance thereof, including any premium, is not appropriated as aforesaid, then the same shall be used to pay the principal of the loan as it matures.

NOW THEREFORE BE IT FURTHER RESOLVED, by the City of Lebanon, that appropriation authority, and associated funding derived from the issuance of bonds, is authorized to be transferred as follows on the table with the correction of \$7,491.21 to \$7,491.32:

Project	Bond Issue/Dated	Unspent Bond Proceeds BEFORE Transfer	Appropriation & Funded Transfer	Unspent Bond Proceeds AFTER Transfer	Project Useful Life
FROM					
Dulac Street Reconstruction	NHMBB17B/06-16-17	\$7,491.32	(\$7,491.32)	\$0	20 years
TO					
20 Spencer Street Cleanup Project	Unissued	\$0	\$7,491.32	\$7,491.21	20 years

Seconded by Councilor Whittlesey.

Roll Call Vote:

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

None voted Nay.

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

- G. Authorization for the City Manager to Transfer Appropriated Funds in the Amount of \$37,910 from the Finance Department to the Department of The City Clerk to Facilitate the Reorganization of Each Department**

City Manager Mulholland has reorganized 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. Funding for the position of Deputy Tax Collector is currently located in the Finance Department and must be transferred to the City Clerk for accounting purposes.

Councilor Sykes *MOVED*, that in accordance with City Charter C419:45, Transfer of Appropriations, the City Council hereby authorizes the City Manager to transfer unencumbered appropriated funds in the amount of \$37,910 from the Finance Department to the Department of the City Clerk to facilitate the reorganization of each department.
Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

11. City Manager Report:

City Manager Shaun Mulholland updated the Council on the following:

- Drought conditions for our area.
- Westboro Yard: Will need assistance in pushing the NH DOT for the larger lease area.
- 1B Airport Industrial Park: Bids came in under budget and the City will actually have enough funds available to do both Phase I and Phase II, noting it will be cheaper to do both projects at the same time. Mayor McNamara concurred with the City Manager. This is a good investment as it will open up five (5) lots instead of two (2). The Council had no objections.
- 20 Spencer Street: Testing for PCB will need to be expanded to a larger area and will be an expensive proposition.
- Opera House: They have an interest in taking over the entire 3rd floor of the building and would like to utilize the current Cyber Services space for a concession stand. This would require Cyber Services to be moved to an off-site area. He suggested profit sharing from the sale of alcohol and other concessions to offset the cost of leasing space for Cyber Services.

The Council discussed the idea of profit sharing and their support for the Arts District. The City Manager will move forward with this proposal and report back to the City Council as it progresses.

Councilor Liot Hill *MOVED* to extend the meeting by 15 minutes.

Seconded by Councilor Wilkie.

Roll Call Vote:

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

None voted Nay.

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

The meeting was extended to 10:15 PM.

City Manager Report – continued.

- Downtown area events for this summer/fall: Councilor Liot Hill felt we should talk about these large gatherings, especially if the Council is discussing lifting the Mask Ordinance.
- National League of Cities & Towns regarding racial adversity and equity. Information was sent to the Council. Staff selected as facilitators will receive appropriate training provided by the National League of Cities & Towns.
- Mechanic Street, High Street and the Mascoma Street round-a-bout will be submitted to Congresswoman Kuster's office as one of the 10 projects they will be submitting to Congress for infrastructure funding.

12. Council Representatives to Other Bodies Reports: None

13. Future Agenda Items: None

14. Non-Public Session: None

15. Adjournment:

Assistant Mayor Below MOVED for adjournment.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

The meeting was adjourned at 10:04 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary