



**LEBANON CITY COUNCIL
SEPTEMBER 16, 2026 - 7:00 PM
COUNCIL CHAMBERS, CITY HALL OR
REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE**

To participate in this meeting, please [join live via Microsoft Teams](#) or call 929-229-5356 (access code: 547 601 550#). If you have trouble accessing this meeting, please [email David Brooks](#).

1. Call to Order

The September 16, 2026 Lebanon City Council Meeting is hereby called to order.

2. Pledge of Allegiance

3. Public Forum Announcement by the Mayor

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

4. City Manager Report

5. Open Council Discussion

6. Open to the Public

7. Recognitions

A. Proclamation for Direct Support Professionals' Appreciation Week

8. Approval of Minutes

A. MOTION TO approve the minutes as presented in the September 16, 2026 agenda packet.

9. Appointments

- A.
- Class VI Roads Advisory Committee, Stephen Wood, Reappointment Citizen Representative
 - Zoning Board of Adjustment, Jeremy Katz, Reappointment Regular Member

10. Public Hearing Items

- A. Reclassification of Class VI Road #44 (Morse Road) from a Class VI Road to a Class A Trail
- Public hearing for the purpose of receiving public input and taking action on the Class VI Road Advisory Committee's recommendation to reclassify Class VI Road #44 (Morse Road) from a Class VI Road to a Class A Trail.
- i. Presentation:
 - ii. Opening of the Public Hearing:

- iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
 - B. **Reclassification of Class VI Road #46 (Unnamed Road connecting Daisy Hill Road to Storrs Hill Road) from a Class VI Road to a Class A Trail**
Public hearing for the purpose of receiving public input and taking action on the Class VI Road Advisory Committee's recommendation to reclassify Class VI Road #46 (Unnamed Road connecting Daisy Hill Road to Storrs Hill Road) from a Class VI Road to a Class A Trail.
 - i. Presentation:
 - ii. Opening of the Public Hearing:
 - iii. Questions & Comments by the Public:
 - iv. Closing of the Public Hearing:
 - v. Council Deliberation & Action:
- 11. Old Business: None**
- 12. New Business**
- A. **Lebanon Police Facility Mold Remediation capital project**
Discussion and Set Public Hearing for October 7, 2026: Supplemental Appropriation of up to \$106,000 for Lebanon Police Facility Mold Remediation capital project; Authorization to Transfer \$106,000 from Police Department Impact Fees
 - B. **Ordinance 2026-08**
Discussion and Set Public Hearing for October 7, 2026: Ordinance 2026-08, to Amend City Code Chapter 8, Airport Operations, to Authorize Changes to Landing Fees and Add Hangar Rentals and Tie-Down Fees to the Fee Schedule
 - C. **Ordinance 2026-09**
Discussion & Set Public Hearing for October 7, 2026: Ordinance 2026-09 to Amend City Code Chapter 97: Landfill Regulations, including Appendix A: Fees
 - D. **Ordinance 2026-10**
Discussion & Set Public Hearing for October 7, 2026: Ordinance 2026-10, to Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to Authorize Changes to Certain Public Utilities Fees, Stormwater Permit Fees, Driveway Permit Fees, and Floodplain Permit Fees
 - E. **Ordinance 2026-11**
Discussion & Set Public Hearing for October 7, 2026: Ordinance 2026-11, to Amend City Code Chapter 46, Cemeteries, to Authorize Changes to Certain Cemetery Fees
 - F. **Ordinance 2026-12**
Discussion & Set Public Hearing for October 7, 2026: Ordinance 2026-12, to Amend City Code Chapter 152, Streets and Sidewalk, Article II, Excavations, §152-8, Application for Permit; Fee, to Authorize Changes to the Excavation Permit Fee
 - G. **Welcoming Lebanon Task Force Report**

H. Discussion of Potential Social Districts

13. Non-Public Session: None

14. Adjournment

Meetings are open for in-person and remote attendance. Members of the public who wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupt virtual or phone connection(s), the meeting will continue without remote access capabilities.

Any person with a disability who wishes to attend this public meeting and needs additional accommodation, please contact the ADA coordinator at City Hall by calling 603-448-4220 at least 72 hours in advance so that the City can make any necessary arrangements.

Future Board/Committee/Commission Appointments:
Board/Committee: Class VI Roads Advisory Committee
Position: Regular
Applicant: E. Backstrom

Board/Committee: Library Board of Trustees
Position: Alternate
Applicant: L. Shutz

Board/Committee: Lebanon Energy Advisory Committee
Position: Regular
Applicant: M. O'Keefe

Proposed Future Agenda Items: Dates may be tentative, and this list is not considered all-inclusive.

October 7, 2026

Public Hearing Items:

Public Hearing Items:

- A. Supplemental Appropriation of up to \$3 million for new Solid Waste Phase III Preliminary Site Work Capital Project; Transfer of Prior Appropriation and Authorization to Issue Bonds or Notes of up to \$3 million from 2025 Solid Waste Partial Permanent and Temporary Capping Capital Project
- B. Supplemental Appropriation of up to \$106,000 for Lebanon Police Department Facility Mold Remediation Capital Project; Authorization to Transfer up to \$106,000 from Police Department Impact Fees
- C. Ordinance 2026-08 - A public hearing for the purpose of receiving public input and taking action to Amend City Code Chapter 8, Airport Operations, to Authorize Changes to Landing Fees and Add Hangar Rentals to the Fee Schedule
- D. Ordinance 2026-09 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97: Landfill Regulations, Appendix A: Fees
- E. Ordinance 2026-10 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to Authorize Changes to Certain Public Utilities Fees
- F. Ordinance 2026-11 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 46, Cemeteries, to Authorize Changes to Certain Cemetery Fees
- G. Ordinance 2026-12 - A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 152, Streets and Sidewalk, Article II, Excavations, §152-8, Application for Permit; Fee, to Authorize Changes to the Excavation Permit Fee

New Business:

- A. Special Needs Support Center (SNSC) Universal Design Presentation endorsed by the Diversity, Equity, and Inclusion Commission
- B. Complete Streets Policy Update Presentation
- C. Presentation of 2026-2027 Proposed Zoning Amendments

October 21, 2026

Public Hearing Items:

- A. Reclassification of Laplante Road Extension (Class VI Road #7) from a Class VI Road to a Class A Trail
- B. Reclassification of Class VI Road #42 (Unnamed Road connecting Old Kings Highway to Poverty Lane) from a Class VI Road to a Class A Trail

New Business:

- A. Release of Collected Public School Impact Fees (3rd Quarter 2026)

- B. Discussion and Set Public Hearing for November 18, 2026: Placement of Proposed Amendments to the City Charter on the ballot of the March 2027 Municipal Election
 - 1. Section 6.05, Budget Procedure, to clarify amendments approved by voters in March 2026
- C. Discussion RE: Council Housing Goals, Potential Zoning Amendments



Proclamation

Direct Support Professionals’ Appreciation Week

September 13 – 19, 2026

WHEREAS, Direct Support Professionals are essential to the physical, mental, and emotional security of New Hampshire citizens living with a disability and Direct Support Professionals’ commitment and dedication to caring for others with disabilities personifies the true meaning of community; and

WHEREAS, Direct Support Professionals, direct care workers, personal assistants, and In-Home Care Providers are the primary providers of publicly funded long-term supports and services for individuals with disabilities in Lebanon; and

WHEREAS, Direct Support Professionals assist New Hampshire citizens with disabilities in leading independent lives and are dedicated to developing close and trusted relationships with individuals, their families, and their community to provide a broad range of daily living support; and

WHEREAS, Direct Support Professionals’ devoted commitment enriches lives by enabling community engagement of citizens impacted by disabilities and further strengthens communities by including people with disabilities; and

WHEREAS, 2026 marks 19 years of celebrating Direct Support Professionals’ contributions to improving the lives of those they support and the communities they enrich.

NOW, THEREFORE, I, Douglas Whittlesey, Mayor of the City of Lebanon, New Hampshire, do hereby proclaim September 13th through 19th, 2026, as Direct Support Professionals’ Appreciation Week, and call this to the attention of all citizens.

Proclaimed this 16th Day of September in the year 2026.

Douglas Whittlesey
Mayor, City of Lebanon

**Agenda
Lebanon City Council
September 16, 2026**

8. Acceptance Of Minutes:

Minutes To Be Accepted

- September 2, 2026

MOVED, to approve the minutes as presented in the September 16, 2026 agenda packet.

DRAFT

**LEBANON CITY COUNCIL
MEETING MINUTES
Wednesday, September 2, 2026 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

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

MEMBERS ABSENT: City Manager Andrew Hosmer

STAFF PRESENT: Deputy City Manager David Brooks, Director of Planning and Development Nathan Reichert, GIS Coordinator Mark Goodwin, Deputy Finance Director Victoria Paquin, Public Works Assistant Director Christopher Kilmer

1. CALL TO ORDER: Mayor Whittlesey called the meeting to order at 7:00 p.m.
• Deputy City Manager David Brooks 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:

In City Manager Hosmer's absence, Deputy City Manager Brooks updated the Council on the following:
REMINDER: The Dry Bridge on Route 12a Will Be Closing At 7:00 Am on Monday, September 14, 2026 And Will Remain Closed For 365 Days. Please Plan Accordingly.

5. OPEN COUNCIL DISCUSSION: NONE

6. OPEN TO PUBLIC: NO ONE CAME FORTH

7. RECOGNITIONS: NONE

8. ACCEPTANCE OF MINUTES: August 19, 2026 (Regular Meeting)
Amendments: Page 6, Line 16: Change to read: The 2024 City Audit.....: Page 14, lines 44: Change to read – We, in fact, tried to raise the floor of the exemption for the Elderly Tax Exemption: Page 15, line 21: change \$100K to \$700K: Page 15, line 24: Change Elderly Tax Exemption to Elderly asset limits: Page 15, line 36: Change Elderly Tax Exemption to Elderly asset limits:

Councilor McNamara MOVED to approve the August 19, 2026 minutes as amended and presented in the September 2, 2026 City Council agenda packet.

Seconded by Councilor N. Ford Burley.

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

1 **9. APPOINTMENTS: NONE**

2
3 **10. PUBLIC HEARING ITEMS:**

4 **A. Reclassification of Baker Lane (Class VI Road #27) from a Class VI Road to a Class A Trail**

5 – Public hearing for the purpose of receiving public input and taking action on the Class VI Road
6 Advisory Committee's recommendation to reclassify Baker Lane (Class VI Road #27) from a
7 Class VI Road to a Class A Trail.
8

9 **Note: Councilor Cole recused himself from this discussion/vote because he is an abutting**
10 **landowner.**

11
12 Included in the agenda packet: [\(All publicly available documents and detailed information can be found](#)
13 [on pages 25-35, Council agenda packet.\)](#)

- 14 1. August 13, 2026 Memorandum from Mark Goodwin, Sr. Planner/GIS Coordinator,
15 RE: Recommendation from the Lebanon Class 6 Road Advisory Committee – Road
16 Segment #27 (Baker Lane)
- 17 2. Class 6 Road Abutter Notification Map, Baker Lane (Road #27), prepared by the
18 Planning Department, printed August 18, 2026
- 19 3. Baker Lane (2001 Photos)
- 20 4. Class VI Road Assessment Template – Road Name: Baker Ln.
21

22 Mayor Whittlesey briefly reviewed the background behind this item.
23

24 Mark Goodwin (Senior GIS Coordinator and staff liaison for the Class VI Roads Advisory Committee)
25 also reviewed and explained the purpose/charge and history of the Class VI Road Advisory Committee
26 and gave a slide presentation that included the ways a Public Road can be created; the Creation of Class
27 6-Public Roads; the differences between a Class VI Highway vs. a Class A Trail; A graphic map showing
28 where Baker Lane is located; Town records dating back to 1775 that showed the layout descriptions and
29 how Baker Lane was historically plotted out; Baker Lane's historical road map inventories; Baker Lane's
30 historical rights-of-way; What counts as evidence of Public Use; the 2014 version of Baker Lane's Class
31 VI Road designation and its legal status.
32

33 Mr. Goodwin noted that nothing will be discontinued on Baker Lane, it would simply be a change in the
34 use of the property if the Council chooses to change it from a Class VI Road to a Class A Trail. Baker
35 Lane will still have public rights of way. He also spoke about what vehicles can and cannot be used on a
36 Class VI Road and a Class A Trail noting the All-Terrain Vehicles (ATVs) cannot be used on either
37 classification. ATVs are not permitted on any public road; they are only permitted on private property
38 with permission from the landowner. There are areas in the State, however, where they are permitted.
39

40 Mayor Whittlesey informed the Council/Public about the Class VI Road Assessment.
41

42 Councilor McNamara questioned if Baker Lane would have an impact on driveway access to existing
43 homes. Mr. Goodwin stated he did not believe so noting there are no abutters who have access to their
44 homes from Baker Lane. Tax lines were also discussed.
45

46 **Mayor Whittlesey opened the Public Hearing.**

- 1 • **Mr. Erling Heistad (Ward-3).** He was a member of the Class VI Road Committee and noted
2 that his family has been living in Lebanon since 1761. One of the things that has not been touched
3 on is that abutters cannot only use their land for agriculture, but they also can limit what a
4 common road is used for. A Class A Trail protects the abutting landowners noting that a Class VI
5 Road does not do that.
- 6 • **Ms. Barbara Hirai (Ward-1):** She was also a member of the Class VI Road Committee and
7 spoke about her reasons why she felt Baker Lane should become a Class A Trail. She also
8 advocated that signage should be put up so people know what kind of access they have.
- 9 • **Mr. Eric Cole (Ward-2):** He read his 3-page testimonial and requested the Council to fully
10 evaluate the legal and economic consequences for affected abutting properties before changing
11 Baker Lane from its existing state as a Class VI Highway to a Class A Trail. A summarization of
12 his testimonial included access to his property; the recent change in New Hampshire Law
13 governing Class VI Roads; recent Old Kings Highway/Storrs Hil Road reclassifications; the
14 potential effect on property values and landowner rights. (His complete testimonial is available
15 upon request.)

16
17 Councilor McNamara questioned whether or not the wetlands along the Cross Road would
18 significantly inhibit access to his lot. Councilor Cole said it would.
19

- 20 • **Mr. Bob Townsend (Ward-2):** He spoke about his reasons why Baker Lane should remain as a
21 Class VI Road.
- 22 • **Mr. Steve Wood (Ward-1 and former Chair of the Class VI Roads Advisory Committee):**
23 He spoke about his reasons why he, and the Class VI Roads Advisory Committee, felt that Baker
24 Lane should be classified as a Class A Trail to protect property owners.
- 25 • **Ms. Carolyn Townsend (Ward-2):** She spoke about her reasons why she felt Baker Lane should
26 remain as a Class VI Road.
- 27 • **Mr. Eric Cole (Ward-2):** He came forth again and spoke about his belief that it was in the
28 Council's authority to put date restrictions on the use of a Class VI Road (i.e., how it can be used
29 in spring-mud season, summer, winter, fall) noting that when he was growing up in Lebanon
30 Class VI Roads did have signage prohibiting seasonal wheeled vehicle access.
- 31 • **Mr. Steve Wood (Ward-1 and former Chair of the Class VI Roads Advisory Committee):**
32 He came forth again and noted that the Class VI Roads Advisory Committee acknowledged that
33 Baker Lane was a public right of way.
34

35 **Hearing no further comments from the public, the Public Hearing was closed.**
36

37 **Council/Staff Comments/Discussions:**

38 In response to Councilor McNamara's question, Mr. and Ms. Townsend acknowledged that they are
39 abutters to Baker Lane on lot 134:17.
40

41 Mayor Whittlesey noted he felt (the public) preference was to maintain Baker Lane as a Class VI Road
42 (with signage), noting there is nothing preventing the Council from revisiting this in the future.
43

44 Deputy City Manager Brooks confirmed that all abutting property owners were sent notices of this Public
45 Hearing.
46

Councilor McNamara recommended that the most prudent thing for the Council to do would be to just acknowledge the report and recommendation that this is a Class VI Road.

Assistant Mayor Wilkie asked the other abutters, who did not come to this meeting because they did not have a particular preference one way or the other, to reach out to the Council and let us know if we need to revisit this in the future.

ACTION:

Assistant Mayor Wilkie MOVED, the Lebanon City Council accepts the report and recommendation of the Class VI Road Advisory Committee and hereby maintains Class VI Road #27 (Baker Lane – extending south to north from Cross Road to Storrs Hill Road), as shown on the City of Lebanon Draft Class VI Roads Map, printed June 2013, and as presented in the September 2, 2026 agenda packet, as a Class VI Road.

Seconded by Councilor McNamara.

**The Vote on the MOTION was approved (8-0). Councilor Cole was recused from this vote.*

Note: Councilor Cole returned as a regular member of the Council.

B. Reclassification of Ticknor Lane (Class VI Road #30) from a Class VI Road to a Class A Trail – Public hearing for the purpose of receiving public input and taking action on the Class VI Road Advisory Committee’s recommendation to reclassify Ticknor Lane (Class VI Road #30) from a Class VI Road to a Class A Trail.

Included in the agenda packet: [\(All publicly available documents and detailed information can be found on pages 36-46, Council agenda packet.\)](#)

1. August 13, 2026 Memorandum from Mark Goodwin, Sr. Planner/GIS Coordinator, RE: Recommendation from the Lebanon Class 6 Road Advisory Committee – Road Segment #30 (Ticknor Lane)
2. Class 6 Road Abutter Notification Map, Ticknor Lane (Road #30), prepared by the Planning Department, printed August 18, 2026
3. Ticknor Lane (2001 and 2011 Photos)
4. Class VI Road Assessment Template – Road Name: Ticknor Lane

Mark Goodwin (Senior GIS Coordinator and staff liaison for the Class VI Roads Advisory Committee) reviewed and explained the purpose/charge and history of the Class VI Road Advisory Committee and gave a slide presentation. He discussed the background information as presented in the Council’s agenda packet noting the assertion that Ticknor Road’s use is a public resource that contains a public rights of way; the prescriptive map histories and a historical reference to Ticknor Lane; the Class VI Road Assessment, and; the Class VI Roads Advisory Committee recommendation to reclassify Ticknor Lane as a Class A Municipal Trail, as defined in RSA 231-A:1 (I).

Councilor McNamara questioned where the historical reference to Ticknor Lane was derived from. Councilor N. Ford Burley (City Historian) noted this was first discussed in a 1960’s Historical Society annual report and then it was rolled into the National Publication dates from the 80’s and early 90’s.

1 Mr. Goodwin also presented and described/explained the historical maps dating back to the Town
2 Records of 1775, the 1855 Map of Lebanon, NH from Cartographer Eaton and Author EM. Woodford
3 C.E., and an early Nineteenth Century (1800's) map done by Torbet in 1932 (this map was based upon
4 road layout and homestead descriptions contained within the Lebanon Town Records); a historian's map
5 done by Bob Leavitt: a map done by the UVLSPC (Upper Valley Lake Sunapee Regional Planning
6 Commission back in 1990); a map from the Lebanon Historical Society; and, a map showing survey work
7 that was done around 2000, which identified Ticknor as a Class VI Road, etc.

8
9 Councilor Cole, Councilor Faunce, Mayor Whittlesey and Mr. Goodwin discussed the accuracy of the
10 UVLSPC map.

11
12 **Mayor Whittlesey opened the Public Hearing.**

- 13 • **Ms. Barbara Hirai** (Ward-1, member of Class Road Committee & Conservation Commission):
14 She spoke about conservation lands and the reasons why she felt Ticknor Lane should be
15 reclassified to a Class A Trail, noting the on ground condition of this property is more fragile,
16 wetter, and has lots of erosion in places. She also spoke about the need for signage.
- 17 • **Mr. Justin Carver** (Ward-2): He lives in the RL2 District on Slayton Hill Road with a disputed
18 portion of Ticknor Road that passes through his property. He questioned what the specific 20-
19 year period was prior to 1968 the City was relying on (for living prescriptive evidence), and what
20 evidence establishes the qualified public use during that period.

21
22 Mr. Goodwin stated this is another type of prescriptive evidence and Ticknor has been in use for a
23 period of 20 years, noting that other people in the room have said they have used this land since
24 they were little kids. They all described that they had walked it with no need to ask any
25 permission because they were walking on a public rights of way. That 20-year clause stops at a
26 certain point, noting there are a number of residents alive today that have a belief that Ticknor is a
27 public rights of way and who have actually used it as such.

28
29 **Ms. Carver** (Ward-2): She spoke about and questioned RSA 229-1 used as prescriptive evidence
30 of the use for 20 years prior to January 1, 1968 (because there is no map). Mr. Goodwin
31 explained there are nine (9) different types (of prescriptive evidence) and one of them is the
32 recollections of old timers as referenced in the City's books and maps. We were just talking about
33 one type of prescriptive evidence, continued use, and further explained his reasons noting that
34 map after map shows this prescriptive usage.

35
36 Mr. and Ms. Carver respectfully asked the Council to keep the Public Hearing open and continue
37 it to a later meeting so they could have their attorney present before any final actions are taken.
38 They dispute the public rights of way (ROW) because the City has no original layout and is
39 instead relying on prescription and these issues should be resolved before the Council affirms a
40 public rights of way through their property.

41
42 Councilor Cole wanted them to clarify that they are disputing that this is currently a ROW, and Mr. and
43 Ms. Carver noted it may have been at one point in time where the road that went to the Ticknor Farms
44 was used and felt this was inconsistent in the maps and further explained their reasoning and gave
45 examples. They also noted that road does dice their property on both sides.

1 Councilor Cole, after noting that deeds usually mention roads, questioned whether or not the City has
2 looked at any property deeds that about Ticknor Road. Mr. Goodwin felt that deeds often do not describe
3 the property/roads and explained his reasons and gave examples. As far back as he can remember deeds
4 were researched for prescriptive evidence. Council Cole suggested that if research has not been done
5 completely, he would be hesitant to stamp this as a rights of way.

- 6
- 7 • **Mr. Steve Wood (Ward-1)** came forth again, noting he was part of the living prescriptive
8 evidence and stated that he has walked up and down that road (Ticknor) down to Storrs Hill since
9 1965. He also noted that deeds are not the only evidence we have. Those maps show it and they
10 show that part of it and spoke about how Ticknor Road connects with other trails and is part of a
11 public utility network of all the roads to allow people to really walk all over this City.
- 12 • **Ms. Sarah Riley (Ward-2 and Chair of the Conservation Commission):** She spoke about her
13 reason why she was in support of the Class VI Roads Committee's recommendation that this be
14 converted from a Class VI Road to a Class A Trail.
- 15 • **Mr. Erling Heistad (Ward-3):** He spoke about his dad/family moving to Lebanon in 1924 and
16 started the Ski Team, noting Ticknor Road had the best training for the Ski Team and spoke about
17 the living memory prescriptive evidence he and his family have preserved over the years and the
18 work they have done on this road. He also spoke about how the US Ski Association's Race Trail
19 is there. Ticknor is an active road and has been for a long, long time.

20

21 **Hearing no further comments from the public, Mayor Whittlesey declared that the Public Hearing**
22 **be left open.**

23

24 **Council/Staff Comments/Discussions:**

25 Councilor McNamara advocated to leave the Public Hearing open and explained his reasons, noting that
26 the land on both sides of Ticknor Road is owned by the City and we do have the ability to, without going
27 through the lengths of reclassifying this, change classification for roads/trails. The City has other options
28 to protect the vast majority of this while hearing what the Carver's attorney has to say.

29

30 Councilor Key concurred with Councilor McNamara, noting that any questions should be resolved before
31 we close the discussion.

32

33 Mr. Goodwin wanted to make it clear that what he is doing tonight is just bringing everything he is aware
34 of before the Council so they can make a determination. He is not giving his opinion on what should be
35 done.

36

37 Further discussions took place regarding when a continuance of the Public Hearing could take place
38 (October 21, 2026 was suggested).

- 39
- 40 • **Ms. Barbara Hirai (Ward-1, member of Class Road Committee & Conservation**
41 **Commission)** came forth again and noted they (Class VI Roads Committee) talked about this trail
42 for at least 6 months, noting that right now they are being presented with information that they
43 have not seen before. She noted that the Class VI Committee will need to reconvene and review
44 any information the Carver's will be presenting before they could come back with a
45 recommendation. She felt that October was too soon for them to make a realistic response. She
46 also noted that the Class VI Roads Committee does not meet on a regular basis anymore so it will
47 take time to set up another meeting, and they may need to consult with a lawyer as well.

1
2 Mayor Whittlesey, instead of leaving the Public Hearing Open, Tabled this discussion and closed
3 the Public Hearing.

4
5 *Mayor Whittlesey MOVED, that this (Public Hearing Item 10.B as presented on [pages 36-46](#), in the*
6 *September 2, 2026, Council agenda packet) be tabled until a future date to allow the Class VI Roads*
7 *Committee to meet with abutters and to review additional evidence to perhaps make another*
8 *decision/recommendation at which time a new Public Hearing will be scheduled and advertised as a*
9 *new Public Hearing.*

10 *Seconded by Councilor McNamara.*

11 **The Vote on the MOTION was approved (9-0).*
12

13 Mayor Whittlesey noted that the intent of tabling this item was to give everyone time to get the necessary
14 legal counsel, both the City and the Carver's; for the Class VI Road's Committee time to meet with the
15 Carver's, and then the Class VI Roads Committee can come back to the Council with the same or another
16 recommendation and then the Council can have a Public Hearing at that time.
17

18 **ACTION: TOPIC TABLED TO A FUTURE DATE.**
19

20 **C. Supplemental Appropriation of up to \$94,000 for Replacement of Kilton Library HVAC**
21 **System – Public hearing for the purpose of receiving public input and taking action on a**
22 **supplemental appropriation of up to \$94,000 to the FY2026 Library Operating Budget for the**
23 **Kilton Library HVAC System Replacement project, to supplement existing operating budget**
24 **funds with a transfer of \$57,000 from the Library Facilities Capital Improvements Capital**
25 **Reserve Fund, and a contribution of \$37,000 from the Library Board of Trustees. – R-2026-9**
26

27 Included in the agenda packet: ([All publicly available documents and detailed information can be found](#)
28 [on pages 47-53](#), Council agenda packet.)

29 **1. July 21, 2026 proposal from Alliance Group Services, LLC for Kilton Public Library**
30 **Geothermal System – Supplemental Heating System – REV 1**
31

32 Sean Fleming (Lebanon Libraries Director) and a representative from the Engineering Alliance Group,
33 including Greg Deutscher, P.E. Director, reviewed the background/purpose/costs of this request and
34 explained the need and detailed reasons why they felt these services are needed for the Kilton Library.
35

36 Director Fleming noted that the Kilton Library is not actually replacing the entire HVAC System. What
37 they are replacing is the supplementary propane boiler that is going to be a main heat source for the
38 building. There will be no cost to the City's taxpayers.
39

40 **Mayor Whittlesey opened the Public Hearing. Hearing no comments from the public, the Public**
41 **Hearing was closed.**
42

43 **Council/Staff Comments/Discussions (Summarized):**

44 Councilor McNamara spoke about his reasons why this work needed to be done, noting that no taxpayer
45 funds would be used for this project.
46

In response to Councilor Cole’s question, Director Fleming noted the delivery system is not the issue. The Alliance Group explained how the new heating system would work and how/why the size of the heating system is based on capacity.

In response to Councilor Key’s question regarding whether or not the Bosch would stay in place, the Alliance Group representatives explained how the new system being put in the Kilton Library would work.

ACTION:

Councilor McNamara MOVED, the following:

FOR THE PURPOSE OF facilitating the replacement of the Kilton Library HVAC System.

NOW THEREFORE BE IT RESOLVED, by the Lebanon City Council, that funds in an amount of up to \$94,000 (Ninety Four Thousand Dollars), be appropriated for expenditure from the FY2026 Library Operating Budget to supplement existing operating budget funds for the Kilton Library HVAC System Replacement project.

BE IT FURTHER RESOLVED, by the Lebanon City Council, that funds in an amount not to exceed \$57,000 be transferred from the Library Facilities Capital Improvements Capital Reserve Fund to the FY2026 Library Operating Budget, and \$37,000 be contributed from the Library Board of Trustees, to fund the supplemental appropriation.

This resolution shall be effective upon passage.

Seconded by Councilor Stavis

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

11. OLD BUSINESS - NONE

12. NEW BUSINESS

- A.** Authorization for City Manager to Sign and Accept Declaration of Restrictive Covenant for Sugarwood, LLC Planned Unit Residential Development Open Space; Authorization for City Manager to Accept Sidewalk Maintenance Easement over 407 North Main Street in Connection with Sugarwood Circle PURD

Included in the agenda packet: [\(All publicly available documents and detailed information can be found on pages 54-73, Council agenda packet.\)](#)

1. May 17, 2021 Planning Board Notice of Action (PB2020-31-FMAJ)
2. Plat titled “Layout and Open Space Plan for Occom Path, Inc.,” prepared by Pathways Consulting, LLC, dated May 23, 2019, last revised July 15, 2025, Proj. No. 11465-01
3. Draft Declaration of Restrictive Covenant
4. Plat titled “Sidewalk Extension Plan for Occom Path – Basic Holdings, LLC,” prepared by Pathways Consulting, LLC, dated October 13, 2020, last revised July 22, 2025, Proj. No. 11465-01
5. Draft Easement Deed

Deputy City Manager Books reviewed the background material for this item which was put together by Tim Corwin (Deputy Director Planning and Development) who has been following this project through

1 its construction phase. A representative from Sugarwood LLC was present to answer questions from the
2 Council.

3 The project was approved as a Planned Unit Development under the Zoning Regulations. PUDs are
4 required to set aside at least 15% of the property as open space. Typically, when there are individual
5 owners of individual lots or units, a HOA (Homeowners Association) will be created, and the HOA will
6 manage/oversee that open space requirement. In this case, Dartmouth College is the owner of all the units
7 (currently rental units) and you cannot have a HOA with only one owner (that being Dartmouth College),
8 therefore, Sugarwood has reached out to the City to see if the City of Lebanon would be willing to take
9 the initial lead to oversee the project and accept the Covenants and Restricts that are tied to the open
10 space aspects of this project. The City has done this before (i.e., Twin Pines Project, etc.) and this is not
11 something new. Under the existing Statutes, the City has a role to play in overseeing these Covenants and
12 Restrictions anyway: it is considered a Conveyance of Real Estate in this case, so the Council has to be
13 involved in making this decision. The ultimate plan is that these units will eventually be sold and once
14 there are multiple owners of the individual units, then an HOA can be created and the City's role in
15 overseeing the Declaration can sunset and the HOA can take responsibility for managing/overseeing the
16 open space moving forward.

17 **Council/Staff Comments/Discussions:**

18
19
20 In response to Councilor Stavis' question, Deputy City Manager Brooks noted the roads for this project
21 are private roads and the City has no responsibility for the maintenance of the (roads) infrastructure.
22 Sugarwood's Developer Representative noted that the roads are not owned by the City and they will be
23 owned by the Development (Dartmouth). The infrastructure portions (i.e., the water system) will be
24 subject to an easement so the City can maintain those portions of the infrastructure (sidewalks), but all the
25 other infrastructure will be maintained by the Development (Dartmouth) including the snowplowing, etc.

26
27 In response to Councilor McNamara's question, Deputy City Manager said there would be not be any
28 costs to the City in administering this easement. He noted the City has done this on a couple of occasions
29 and noted that the City always has the right (through the Statute #674.21-a) to enforce these restrictions if
30 an issue arose, but we have no obligation to do so and further explained his reasoning.

31
32 Councilor Stavis spoke about the roles of an HOA one of which is to also mediate disputes between
33 neighbors and make sure that architectural standards are up to par, etc. She questioned if the City would
34 be responsible for doing those things and asked what would happen if there were such a dispute or if
35 someone built an illegal appendage onto their home.

36
37 Deputy City Manager Brooks stated that Dartmouth College is the owner of all 21 units so, since they are
38 the landlord, they would manage/address those issues. The City is only being asked to assume the role
39 just for the open space restriction and nothing else. However, because there is a separate easement that is
40 part of this project, the Planning Board required the developer to construct a sidewalk along Oak Bridge
41 Road out towards Route 10. His understanding is that all of the sidewalk (or vast majority of the
42 sidewalk) is within the public rights of way. However, the developer needs to acquire a permanent
43 maintenance easement so that snow can be pushed of into what is now the Wellspring Worship Center
44 property. Wellspring was kind enough to work with the developer to provide that easement but because
45 the sidewalk is within the City's Rights of Way, it was felt appropriate for the City to take that
46 maintenance easement over from the Wellspring property. The City's work will be to push the snow off
47 the sidewalk, and we need that easement before we can do this.

1
2 Deputy City Manager Brooks noted that the City is only being asked to do the following:

- 3 1. Accept the Conservation Restriction, at least temporarily until there is an HOA within this
- 4 development, and
- 5 2. Accept the Sidewalk Easement for as long as the sidewalk exists.
- 6

7 In response to Councilor Cole's question, Deputy City Manager Brooks noted that this sidewalk is
8 connected to other City sidewalks along Route 10 (Sachem Village area up to the Hanover, NH line).
9 Councilor Cole also questioned whether or not the Sidewalk Maintenance Easement and the Covenant for
10 the Declaration of Restrictive Covenants for the open space were in the original proposal. Mr. Brooks
11 noted that the requirement for the sidewalk comes from the Planning Board's initial approval. The fact
12 that the developer ultimately needed to obtain an easement came out after the fact and explained his
13 reasoning (i.e., without an easement, the City would not be able to push the snow off the sidewalks). With
14 respect to the Restrictive Covenants, he thought it was always anticipated that this (project) would be
15 rental units. There are a couple of other options: They (Dartmouth) could go to a third party like the
16 Upper Valley Land Trust or the Protection of NH Forests, etc., but that would depend on whether a small
17 2.5 parcel fits within their model as worthwhile to accept.

18
19 Councilor Cole questioned whether or not a Financial Analysis had been done and Deputy City Manager
20 said he cannot speak for the Planning Department, but he would guess no because there is no expectation
21 that this will really have any significant costs or even resource requirements for the City. Councilor Cole
22 noted that even though we might know there is not a financial impact for the City, he would like to see the
23 City conduct a Financial Impact Analysis for any kind of project like this, so we know that due diligence
24 has been done. This would be a perfect opportunity for the (Lebanon) Finance Advisory Committee to
25 review things like this.

26
27 Councilor Stavis questioned whether or not the only reason the City is being asked to do this is because
28 this is anticipated to be a rental community. Deputy City Manager Brooks stated yes and explained.
29 Councilor Stavis also asked if there was a timeline by which (this project) will become an HOA, and
30 Sugarwood's representative informed her they do not have a target date. In the indefinite future we
31 (Dartmouth) will continue to own the units.

32
33 Councilor Faunce noted that it was his understanding (after being on the Planning Board) that the
34 Covenants the City would be providing is basically receiving feedback from a neighbor that someone did
35 something inappropriate in the open space between one of the buildings and an abutter. He also noted
36 that area is basically going to be mowed grass, and he doubted that the City would ever hear about
37 somebody putting, for example, a swing set where it does not belong, etc. He felt there was a relatively
38 low risk for City involvement.

39
40 The Sugarwood, LLC representative stated they (Dartmouth) intend to run a tight ship but there needs to
41 be somebody to enforce this if necessary but felt there is a very remote possibility that the City would be
42 called upon to do so.

43
44 The Council continued discussions regarding the City's role in receiving complaints from an abutter
45 regarding the open space; how the City's role depends on the nature of the issue (Deputy City Manager
46 Brooks gave an example); Whether or not the City needed to do this; the Zoning Board requirements for
47 open spaces that must be managed by someone (HOA); Reasons why an HOA cannot exist at the

1 moment; what is considered an open space; and, whether or not other third (3rd) parties should be
2 contacted to oversee the open spaces instead of the City.

3
4 Councilor Cole, in his opinion, would rather not see Lebanon involved (with this project) at all and stated
5 his reasons why.

6
7 Sugarwood's representative spoke about his reasons why he felt having the City involved with the project
8 was a reasonable request.

9
10 Councilor N. Ford Burley questioned how this project was different from other priorities where projects
11 went out to other parties for a specific role when the Conditions of Approval are violated. She questioned
12 whether or not the City has the right to enforce a violation. Deputy City Manager Brooks said yes, and
13 Mayor Whittlesey added this is why the City now has a current Enforcement Officer to handle violations
14 to such Ordinances.

15
16 Councilor Appleton noted that both things being discussed here (the Open Space Agreement and the
17 Sidewalk Maintenance Easement) felt like technicalities for us to fulfill our rules without taking on a lot
18 of responsibility or obligation that we would not already have. She felt like this was pretty straight
19 forward.

20
21 The Council continued to discuss HOA responsibilities/inequities and other properties in the City where
22 this type of project (open space) have taken place; how Dartmouth is the first stop and replaces the HOA
23 until the project is up and running and the City is the 2nd stop; and, how the Zoning Ordinance lists a set
24 of acceptable entities that could hold the Conservation Restrictions.

25
26 Councilor Cole noted that just because the City of Lebanon is requiring that as part of the approval, it
27 does not mean it needs to carry the responsibilities of the Covenants. He liked the potential for having
28 zero liability and costs added to the City. As for the MOTION, he would prefer to split the (MOTION)
29 into two paragraphs below and take each one separately for a vote.

30
31 **ACTION:**

32 *Councilor Appleton MOVED, that the Lebanon City Council hereby authorizes the City Manager to*
33 *accept a Declaration of Restrictive Covenant, pursuant to NH RSA 477:47, from Occom Path Inc. to the*
34 *City of Lebanon, with respect to land designated as protected open space, as shown on a plan titled,*
35 *"Layout and Open Space Plan for Occom Path, Inc.," prepared by Pathways Consulting, LLC, dated May*
36 *23, 2019, last revised July 15, 2025, Proj. No. 11465-01, recorded as Plan #17188, approved by the*
37 *Lebanon Planning Board on May 17, 2021.*

38 *Seconded by Councilor N. Ford Burley.*

39
40 **The Vote on the Motion was approved (8-1). Councilor Cole was opposed.*

41
42 *Councilor N. Ford Burley MOVED, that the Lebanon City Council, pursuant to its authority to manage*
43 *municipal property under RSA 41:11-a, hereby authorizes the City Manager to accept an easement on*
44 *and over property located at 407 North Main Street, Tax Map 4, Lot 24, for the purpose of maintaining*
45 *the public sidewalk constructed along the north side of Oak Ridge Road from Pinewood Village Road to*
46 *NH Route 10, as required by the conditions of approval set forth in the Planning Board Notice of Action*
47 *dated May 17, 2021 for the Sugarwood Circle PURD, application PB2020-31-FMAJ.*

48 *Seconded by Councilor Appleton.*

1
2 **The Vote on the Motion was approved (9-0).*

3
4 **B. Review and Discussion of 2026 2nd Quarter Budget Report (including Finance Advisory**
5 **Committee report on Quarter 2 Budget report)**

6
7 Included in the agenda packet: (All publicly available documents and detailed information can be found
8 on pages 74-107, Council agenda packet.)

- 9 1. Memorandum from Finance Department RE: 2nd Quarter Financial Report (June 30, 2026), including
10 2nd Quarter Revenues and Expenditures budget lines
11 2. August 25, 2026 Memorandum from Finance Advisory Committee RE: Q2 2026 Budget to Actuals
12 Review

13
14 Deputy Finance Director Victoria Paquin reviewed the highlights of the 2nd Quarter Finance Report as
15 presented in the Council agenda packet.

16
17 **ACTION:** *The agenda item is for informational purposes only. No action is required by the Council.*

18
19 **C. Annual Review and Adoption of City Council Policy CC-100, Cash Management &**
20 **Investment**

21
22 Included in the agenda packet: (All publicly available documents and detailed information can be found
23 on pages 108-116, Council agenda packet.)

- 24 1. City Council Policy CC-100, Cash Management and Investment, last revised September 17, 2025

25
26 Deputy City Manager Brooks reviewed and explained the highlights of the above item, noting that the
27 Statute requires that the City Council at least annually review and adopt an Investment Policy. While
28 there were some changes made last year, there are no proposed changes to the policy this year.

29
30 **ACTION:**

31 *Councilor Stavis MOVED, that the Lebanon City Council hereby re-adopts City Council Policy CC-*
32 *100, Cash Management and Investment Policy, which was first adopted on June 20, 2018, and last*
33 *revised on September 17, 2025, as presented in the September 2, 2026 City Council Agenda packet, to*
34 *be effective upon passage.*

35 *Seconded by N. Ford Burley.*

36
37 **The Vote on the Motion was approved (9-0)*

38
39 **D. Annual Review of City Council Policy CC-101.1, Fund Balance**

40
41 Included in the agenda packet: (All publicly available documents and detailed information can be found
42 on pages 117-122, Council agenda packet.)

- 43 1. City Council Policy #CC-101.1, Fund Balance Policy

44
45 Deputy City Manager Brooks explained and gave a brief overview of the Policy list above, noting there is
46 a tradition of reviewing this item and it does not have to be re-adopted every year. This speaks to how
47 much the City targets to have in its Unassigned Fund Balance. There are no proposed changes to the
48 Policy at this time.

ACTION: *No action is required at this time, as this is an annual review of the Fund Balance Policy.*

E. Landfill Gas to Energy Update and Discussion

Included in the agenda packet: (All publicly available documents and detailed information can be found on pages 123-125, Council agenda packet.)

1. Landfill Gas-to-Energy (LFGTE) Budget Information
2. LFGTE Project, Summary of Alternatives Spreadsheet, as of December 31, 2024

Christopher Kilmer (Department of Public Works (DPW) Assistant Director) reviewed the information included in the Council agenda packet and informed the Council on how the LFGTE operational system is presently working. He was happy to report that three (3) microturbines are now running, noting the system was down most of July due to one chiller failure, which has been a regular problem. This current chiller is a completely different setup due to the design, and we upsized it at the beginning of August and it has been running well since then. He was hoping to get a larger chiller and spoke about what this chiller would do, noting it controls the temperature for both heat and cooling of gases going into the microturbines. He tried to provide some information and put it into useable form and explained the data contained in the graphs in the Council agenda packet.

Assistant Director Kilmer noted that after a year into the LFGTE Project, they were still learning the system and making changes and explained what they have been doing to prevent the gas from escaping the 6.5 acres at the landfill that is being capped. One of the concerns is whether or not we going to need to do more immediate changes because we still want to see the same level of cleanliness in the gas. There are still some unknowns and referred to media changes (which have come down) because this was one of the main operational costs that was not considered in the initial ROI. The worst case scenario from what DPW is seeing is that they have to make three (3) media changes a year, which is down from the original 9 (estimated). For the data in the Council agenda packet, assumptions were made to come to the numbers.

For net generation, we only see +/- 600 if they can get 4 microturbines running and we can get the gas flow through. The other estimate that was not included is the methane (gas) that the microturbines' are burning. It was believed that the landfill was going to produce 350 cubic ft./minute. We are seeing +/- 260 cubic ft./minute but we can this up to +/- 290 when we get everything right. Once we reach 290 cubic ft./minute they can get the 4th microturbine running. The issue is it takes the 350 cubic ft./minute flow to run all five (5) microturbines, noting the landfill has insufficient gas to run all five (5) microturbines, which has been the problem from the beginning (of the project). All the expectations of what the return was going to be for this plant was based on the fact that there was enough gas being created by the landfill to run all five (5) microturbines and we are just not seeing that (happen). We are doing some things operationally to increase the generation output as we can (i.e., will be putting in two new gas collection wells next year, but there are significant costs for this; capping should help; etc.).

Assistant Director Kilmer noted that the original estimate for 1-year of operation was going to be the \$6,657,600 net Kwh generated per year, but what we actually generated from June 1, 2025 to June 30, 2026 was 2,742,250 Kwh, which is +/- 1/3rd of what the projected estimate was. He also explained the breakdown of costs for the LFGTE (not included in the agenda packet), noting the takeaway is that while there has been a positive gain, it is not enough to offset the bond payment as well as operational costs. He

1 was unable to make a prediction that the City would be reaching net zero in two years and noted there are
2 some things that are out of their control (i.e., the landfill-generated methane, etc.).

3
4 **Council/Staff Comments:**

5 Councilor McNamara was very appreciative of the work Assistant Director Kilmer did to put this
6 information together and thanked him, noting he had inherited this project. In response to Councilor
7 McNamara's question regarding whether or not the chillers were covered under warranty, Mr. Kilmer said
8 yes and explained what they are doing to keep them running.

9
10 ***Mayor Whittlesey MOVED to extend the meeting to 10:30 PM***

11 ***Seconded by Assistant May Wilkie.***

12 ****The Vote on the Motion was approved (9-0)***

13
14 Councilor Key and Assistant Director Kilmer discussed the \$171K/year Veritas Annual plan. Councilor
15 Key was disappointed and asked the question: When do we call it? Mr. Kilmer noted that we are still
16 pretty early on in the operations of a very technical plan and spoke about what they could do to help make
17 the LFGTE work better, noting that if their attempts failed, he would agree that it would be time to close
18 the project down.

19
20 Deputy City Manager Brooks noted that he would make sure the information regarding the power
21 production information, which was not included in the packet, would be sent to the Council.

22
23 The Council further discussed the potential timeline for making a decision on whether or not to shut the
24 LFGTE project down; how the assumptions for this project were well overestimated; how the initial
25 projections were very wrong and have noticed this in similar technical work projections (i.e. solar
26 contract). How the consultants for this project painted a rosy picture and backed it up with (unrealistic
27 data); how it possibly could be more expensive to pull the plug right now with the Debt Service than it
28 would be to keep trying; whether or not it would be worth scrapping the LFGTE modular units and scrap
29 metal and selling them to someone outside the City; the recommendation from Deputy Finance Director
30 Paquin to not sell the LFGTE because the City would incur additional penalties based on the bond for this
31 project; the need to have the gas collection wells installed to control the odor and would allow for more
32 gas to be sent to the plant; whether or not a break even projected analysis has been done and the reasons
33 why this cannot be done; how staying the course, for now, would buy the City time to collect more data in
34 order to determine what the breaking point would be (to close LFGTE project down); what is the best
35 time reduction strategy; what would be the costs to shut this project down now vs. the costs of continuing
36 to the run the (LFGTE) project; what is the debt for this project, how long has the debt been
37 accumulating; continuing to monitor and gather data (on the LFGTE project) for the Council's review
38 every 6 six months; and, having DPW Assistant Director Kilmer monitor/keep track of the energy output
39 (methane) and report his findings to the Mayor/Council on a monthly basis.

40
41 At the request of Mayor Whittlesey, Deputy Finance Director Paquin will put together what the estimated
42 costs would be on the bond for the LFGTE, if the City chooses to sell it, and will provide this information
43 to the Council.

44
45 ***Assistant Mayor Wilkie MOVED to extend the meeting to 10:50 PM.***

46 ***Seconded by Councilor N. Ford Burley.***

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

1
2 The Council continued their discussions regarding having other resources, such as the Lebanon Finance
3 Advisory Committee, and their resources, take a look at and do a financial analysis for the LFGTE project
4 to help the City determine whether or not it is worth keeping; gathering case studies from other
5 municipalities to see how their LFGTE projects are doing; and, whether or not there is any potential to
6 sell this project.

7
8 **ACTION: This agenda item was for informational purposes only. No further action is required by the**
9 **Council.**

10
11 **F. Discussion and Set Public Hearing for October 7, 2026: Supplemental Appropriation of**
12 **up to \$3,000,000 for a new Solid Waste Phase III Preliminary Site Work Capital Project;**
13 **Transfer Prior Appropriation and Authorization to Issue Bonds or Notes of up to**
14 **\$3,000,000 from 2025 Solid Waste Partial Permanent and Temporary Capping Capital**
15 **Project to the new Landfill Phase 3 Preliminary Site Work Capital Project**

16
17 Included in the agenda packet: ([All publicly available documents and detailed information can be found](#)
18 [on pages 126-127, Council agenda packet.](#))

19
20 Mayor Whittlesey reminded the Council that they are just setting the Public Hearing, and this can be
21 reviewed more extensively at the public hearing.

22
23 Assistant Director Kilmer briefly reviewed the highlights of this topic noting that the current capping
24 project will come in well under the projected \$12M cost. He spoke about the reasons why the City needs
25 to do everything they can to keep this Capping Expansion Project going in order to prevent the high costs
26 of transferring waste to another waste collection facility.

27
28 **ACTION:**

29 ***Councilor N. Ford Burley MOVED, that the Lebanon City Council hereby schedules a public hearing***
30 ***for Wednesday, October 7, 2026, beginning at 7:00pm in Council Chambers, City Hall, and Remote via***
31 ***the City's Virtual Platform, for the purpose of receiving public input and taking action to appropriate***
32 ***up to \$3,000,000 for a new Solid Waste Phase 3 Preliminary Site Work capital project; and to transfer***
33 ***prior appropriations and authorizations to issue bonds or notes in the amount of up to \$3,000,000 from***
34 ***the 2025 Solid Waste Partial Permanent and Temporary Capping capital project to the new Phase 3***
35 ***Preliminary Site Work capital project to fund the supplemental appropriation.***
36 ***Seconded by Councilor Stavis.***

37
38 ****The Vote on the Motion was approved (9-0).***

39
40 **13. NON-PUBLIC SESSION: NONE**

41
42 **14. ADJOURNMENT:**

43 ***Councilor N. Ford Burley MOVED for adjournment.***
44 ***Seconded by Councilor Stavis.***

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

46
47 **The meeting was adjourned at 10:42 PM.**
48

1 Respectfully submitted,
2 Dona E. Gibson
3 Recording Secretary

Agenda
Lebanon City Council
September 16, 2026

9. Appointments:

Appointments

Board/Committee Appointments as presented by City Clerk/Tax Collector.

- Class VI Roads Advisory Committee, Stephen Wood (Reappointment as Citizen Representative)
- Zoning Board of Adjustment, Jeremy Katz (Reappointment Regular Member)

Included in this Section:

1. Memo from City Clerk / Tax Collector Jaseya Ewing dated September 16, 2026.



City Clerk & Tax Collector's Office
51 North Park Street | Lebanon, NH 03766
Phone: (603) 448-3054
www.lebanonnh.gov

MEMORANDUM

DATE: September 16, 2026
TO: The Honorable Mayor and City Council
FROM: Jaseya Ewing, City Clerk & Tax Collector
RE: Appointments Proposed for Council Discussion/Action:

If the Council wishes to proceed with action on the appointments below, a nomination should be made and voted on for each appointment.

Note: nominations do not need to be seconded.

Class VI Roads Advisory

1. Stephen Wood – Reappointment as a Citizen Representative to the Class VI Roads Advisory for a two-year term.

Term: 09/16/2026 to 09/16/2028

Zoning Board of Adjustment

2. Jeremy Katz – Reappointment as a Regular Member to the Zoning Board of Adjustment for a three-year term.

Term: 09/16/2026 to 09/16/2029

City of Lebanon, New Hampshire — Seat Application

Application #2026-049
Submitted Sep 2, 2026

Class VI Roads Advisory
Citizen Representative (May 15, 2026 – May 14, 2028)

Personal Information

FIRST NAME
Stephen

LAST NAME
Wood

Application Details

QUALIFICATIONS

I've been on this committee since its inception, and have served as its elected chair for some years.

REASON FOR INTEREST

Own and manage substantial land in Lebanon, and have been engaged in establishment and management of public conservation lands for years.

Additional Information

HOW LONG HAVE YOU RESIDED IN LEBANON?
15 or more years

IS THIS APPLICATION FOR REAPPOINTMENT?
Yes

I CONFIRM THAT I HAVE ATTENDED A MEETING.
Yes

BRIEFLY DESCRIBE YOUR QUALIFICATIONS AND YOUR REASONS FOR SEEKING AN APPOINTMENT TO THIS BOARD/COMMITTEE/COMMISSION?
I've served on the Class VI Roads Committee since its inception, and am the current elected chair.

IF APPOINTED AS A MEMBER OF A CITY OF LEBANON BOARD, COMMITTEE, OR COMMISSION, I ACKNOWLEDGE I HAVE READ AND UNDERSTAND CITY COUNCIL POLICY, CC-108, ETHICS AND CONFLICT-OF-INTEREST FOR ELECTED AND APPOINTED OFFICIALS.
Yes

I HEREBY CERTIFY THAT I MEET THE FOLLOWING BASIC REQUIREMENTS FOR APPLYING TO A CITY OF LEBANON BOARD/COMMITTEE/COMMISSION: - LEBANON/WEST LEBANON RESIDENT (EXCEPT FOR THOSE BOARDS/COMMITTEES/COMMISSIONS WHOSE MEMBERSHIP MAKEUP INCLUDES NON-RESIDENT) - WILLINGNESS TO LEARN - COMMITMENT TO ATTEND MEETINGS - TREAT PEOPLE FAIRLY - CONSIDER THE BEST INTEREST OF THE COMMUNITY AS A WHOLE WHEN MAKING DECISIONS - MUST HAVE ATTENDED ONE MEETING OF THE BOARD THAT YOU WISH TO APPLY TO WITHIN THE LAST SIX MONTHS TO OBSERVE THE PROCESS AND FUNCTION OF THE BOARD.
Yes

City of Lebanon, New Hampshire — Seat Application

Application #2026-047
Submitted Aug 5, 2026

Zoning Board of Adjustment
Member (Sep 1, 2026 – Aug 31, 2029)

Personal Information

FIRST NAME
Jeremy

LAST NAME
Katz

Application Details

QUALIFICATIONS

I am the current Chairman of the Zoning Board of Adjustment. I am willing to continue my volunteer service to the City by continuing to chair this Board. I have been on the Board for many years now.

REASON FOR INTEREST

I believe that the Board requires thoughtful, caring and interested members who will give applicants, abutters and interested parties a fair hearing and render just and impartial decisions. We have an excellent Board at this point and I am very proud of everybody's service on it.

Additional Information

HOW LONG HAVE YOU RESIDED IN LEBANON?
15 or more years

IS THIS APPLICATION FOR REAPPOINTMENT?
Yes

I CONFIRM THAT I HAVE ATTENDED A MEETING.
Yes

BRIEFLY DESCRIBE YOUR QUALIFICATIONS AND YOUR REASONS FOR SEEKING AN APPOINTMENT TO THIS BOARD/COMMITTEE/COMMISSION?
As stated above, this is my 27th year living in the City and I am presently the Chair of this Board. I am interested in continuing to serve my City, which I care very much about.

IF APPOINTED AS A MEMBER OF A CITY OF LEBANON BOARD, COMMITTEE, OR COMMISSION, I ACKNOWLEDGE I HAVE READ AND UNDERSTAND CITY COUNCIL POLICY, CC-108, ETHICS AND CONFLICT-OF-INTEREST FOR ELECTED AND APPOINTED OFFICIALS.
Yes

I HEREBY CERTIFY THAT I MEET THE FOLLOWING BASIC REQUIREMENTS FOR APPLYING TO A CITY OF LEBANON BOARD/COMMITTEE/COMMISSION: - LEBANON/WEST LEBANON RESIDENT (EXCEPT FOR THOSE BOARDS/COMMITTEES/COMMISSIONS WHOSE MEMBERSHIP MAKEUP INCLUDES NON-RESIDENT) - WILLINGNESS TO LEARN - COMMITMENT TO ATTEND MEETINGS - TREAT PEOPLE FAIRLY - CONSIDER THE BEST INTEREST OF THE COMMUNITY AS A WHOLE WHEN MAKING DECISIONS - MUST HAVE ATTENDED ONE MEETING OF THE BOARD THAT YOU WISH TO APPLY TO WITHIN THE LAST SIX MONTHS TO OBSERVE THE PROCESS AND FUNCTION OF THE BOARD.
Yes

Agenda

Lebanon City Council

September 16, 2026

10. Public Hearing Items:

10.A – Reclassification of Class VI Road #44 (Morse Road) from a Class VI Road to a Class A Trail

A public hearing for the purpose of receiving public input and taking action on the Class VI Road Advisory Committee's recommendation to reclassify Class VI Road #44 (Morse Road) from a Class VI Road to a Class A Trail.

The City Council requested this public hearing at its June 3, 2026 regular meeting. The public hearing was properly noticed in the *Valley News* on September 5, 2026 in accordance with City Code and State Law.

Background

The Class VI Road Advisory Committee was established by the City Council on September 1, 2004, to review the status of all of the Class VI roads within the City to include their current, historic, and possible future uses, and to report findings and make recommendations to the Council for their action to continue the present use, upgrade, discontinue, or otherwise change the status of the roads.

The Class VI Roads Advisory Committee reviewed Class VI Road #44 (extending from the eastern terminus of Morse Road easterly toward the Meriden Road) during several meetings in 2013, 2014, and 2021. The summary of those discussions includes an assertion that this portion of Morse Road is a public right-of-way, as well as the Advisory Committee's recommendation that the current Class VI designation be changed to a Class A Trail. A summary of the Advisory Committee's report and recommendation are included in the enclosed memo from the Planning and Development Department.

In alignment with past practice, the City Council, as the authoritative legislative body, is requested to complete a two-step process, including:

1. Acceptance of the Class VI Road Advisory Committee's report as an affirmation of the existence of Class VI Road #44 as a public right-of-way; and
2. Review and consideration of the Class VI Road Advisory Committee's recommendation to change the current designation for Class VI Road #44 from a Class VI Road to a Class A Trail.

Action:

If the Council chooses to follow the recommendation of the Class VI Roads Advisory Committee the following motion is offered for consideration:

MOVED, the Lebanon City Council accepts the report and recommendation of the Class VI Road Advisory Committee and hereby reclassifies Class VI Road #44 (Morse Road – extending from the eastern terminus of Morse Road easterly toward the Meriden Road), as shown on the City of Lebanon Draft Class VI Roads Map, printed June 2013, and as

presented in the September 16, 2026 agenda packet, to a Class A Municipal Trail as defined in RSA 231-A:1(I) subject to the following public trail use restrictions: Permitted means of travel shall be by foot, skis, and snowshoes, so long as such use will not encourage erosion or otherwise damage the trail. Motor vehicles, wheeled vehicles, and off-highway recreational vehicles, including snowmobiles, shall be prohibited, subject, however to vehicular uses of abutting landowners for access to existing uses of land as set forth in RSA 231-A:1(I). The Public Works Director shall cause to be posted legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.

Included in this Section:

1. August 25, 2026 Memorandum from Mark Goodwin, Sr. Planner/GIS Coordinator, RE: Recommendation from the Lebanon Class 6 Road Advisory Committee – Road Segment #44 and #46 (Old Kings Hwy / Morse Rd)
2. Class 6 Road Abutter Notification Map, Road #46 and Road #44, prepared by the Planning Department, printed August 18, 2026
3. #44 Old Kings / Morse Road (2001 Photos)
4. Class VI Road Assessment Template – Road Name: 44
5. Notice of Public Hearing as Published in the September 5, 2026 edition of the *Valley News*



CITY OF LEBANON ~ PLANNING OFFICE

MEMORANDUM

TO: Honorable Mayor & City Council,
City Manager, A. Hosmer; Deputy City Manager D. Brooks

FROM: Planning Department
Mark Goodwin, Sr. Planner / GIS Coordinator

RE: Recommendation from the Lebanon Class 6 Road Advisory Committee -
Road Segment #44 and #46 (Old Kings Hwy / Morse Rd)

DATE: August 25, 2026

I. BACKGROUND

Segment #46 connects Storrs Hill Road with present day Morse Road in a west to east direction, with segment #44 extending from Morse Road to the Meriden Road. These two individual rights-of-way, combined with several other right-of-way segments, collectively form the historic Kings Highway. It reportedly was one of the first formal rights-of-way in Lebanon, including perhaps being up to five or six rods in width.

The present condition along this right-of-way would certainly not be deemed suitable for the King to travel. The course of the route can be followed from existing field evidence but is far from suitable for vehicular use. On its current forest regeneration trajectory, it will likely be difficult to distinguish in the field for future generations in the absence of any prescriptive maintenance, noting that has no bearing on the status of the right-of-way but simply is a reflection of the desired use of the right-of-way, including limited to no use.

Figure 1: USGS basemap with #44 & # 46

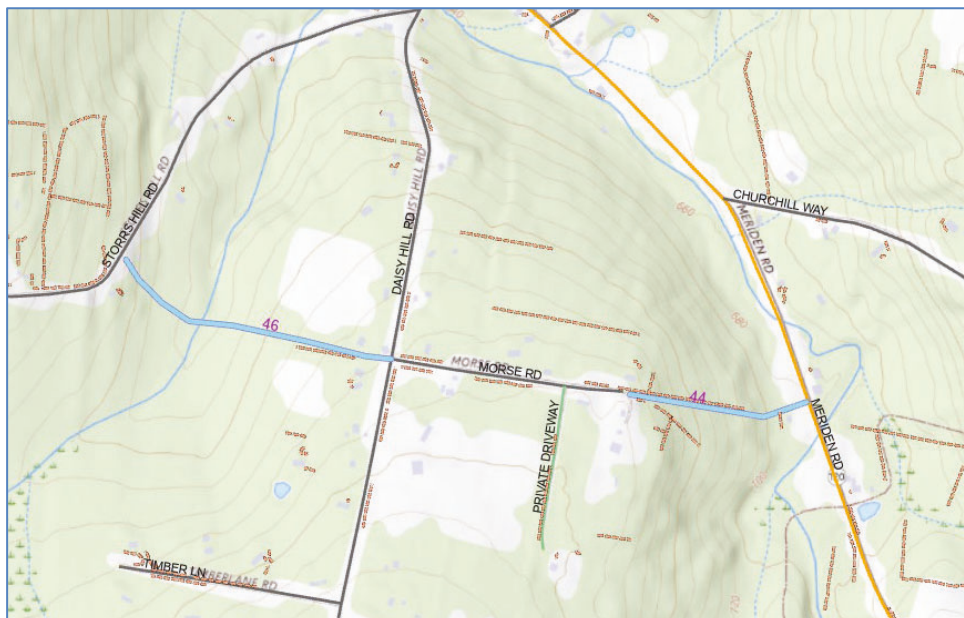


Figure 2: Historic Benton Map with #44 & # 46



The Class 6 sub-committee reviewed #44 and #46 during several meetings, including meetings in 2013 and 2014, as well as 2021. The summary outcome of those discussions includes an assertion that they are public R.O.Ws, as well as a recommendation that the current Class 6 designation be changed to a Class A Trail. The specific motion language is provided in the section below. Attached is the assessment template tool used by the C6 sub-committee to facilitate the review process and to capture the findings.

In alignment with past City Council practice, as the authoritative legislative body, the Council is requested to complete a two-step process, including:

1. Acceptance of the C6 Committee report as an affirmation to the existence of a public right-of-way;
2. Review and consideration of the C6 Committee's recommendation as to the proposed right-of-way roadway designation, e.g. Discontinuance, Class 6, Class A Trail, Class B Trail

A brief presentation, including supporting materials, will be provided at the beginning of the City Council agenda item discussion.

II. C6 COMMITTEE REPORT & RECOMMENDATION:

The C6 sub-committee reviewed the prescriptive evidence supporting the assertion of Kings/Morse (#44 & #46) as a public rights-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council both affirm its existence as a public right-of-way by acceptance of this report, and to reclassify to a Class A Trail designation.

The following two specific motions were generated by the C6 Committee on **2021.10.21**:

(Road #44)

Mr. Heistad MOVED that the Class VI Road Committee recommend that the Lebanon City Council reclassify Road #44, a Class VI Road, as a Class A Municipal Trail as defined in RSA 231-A:1(I). The location of which is to be generally described as extending from the eastern terminus of Morse Road, easterly toward the Meridien Road, as depicted within the October 21st 2021 Class VI Road agenda packet. The committee further recommends

that Road #44 be subject to the following public trail use restrictions: Permitted means of travel shall be by foot, skis, and snowshoes. Notwithstanding these permissions, none of these uses shall be allowed in a manner, or in conditions that will encourage erosion, or otherwise damage the trail. All wheeled vehicles or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access of their land as set forth in RSA 231-A:1(I). The Public Works Director shall cause to be placed legible signs at the entrance to trail describing the restrictions contained herein, as provided by RSA 231-A:4.

Seconded by Mr. Wood.

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, and Colin Smith all voting Yea.

None voted Nay.

** The Vote on the MOTION was approved (5-0)*

(Road #46)

Mr. Heistad MOVED that the Class VI Road Committee recommend that the Lebanon City Council reclassify Road #46, a Class VI Road, as a Class A Municipal Trail as defined in RSA 231-A:1(I). The location of which to be generally described as extending from Storrs Hill Road, easterly to where it intersects with Daisy Hill and Morse Road, as depicted within the October 21st 2021 Class VI Road agenda packet. The committee further recommends that Road #46 be subject to the following public trail use restrictions: Permitted means of travel shall be by foot, skis, and snowshoes. Notwithstanding these permissions, none of these uses shall be allowed in a manner, or in conditions that will encourage erosion, or otherwise damage the trail. All wheeled vehicles or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access of their land as set forth in RSA 231-A:1(I). The Public Works Director shall cause to be placed legible signs at the entrance to trail describing the restrictions contained herein, as provided by RSA 231-A:4.

Seconded by Ms. Hirai.

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, and Colin Smith all voting Yea.

None voted Nay.

** The Vote on the MOTION was approved (5-0)*

BACKUP INFORMATION:

2026_08_25_Assessment_Template_44-OldKings_Morse

2026_08_25_Assessment_Template_46-OldKings_Morse

2026_08_25_Notification_Map-46_44

2026_08_25_Photos_44-OldKings_Morse

2026_08_25_Photos_46-OldKings_Morse



Class 6 Road
Abutter
Notification
Map

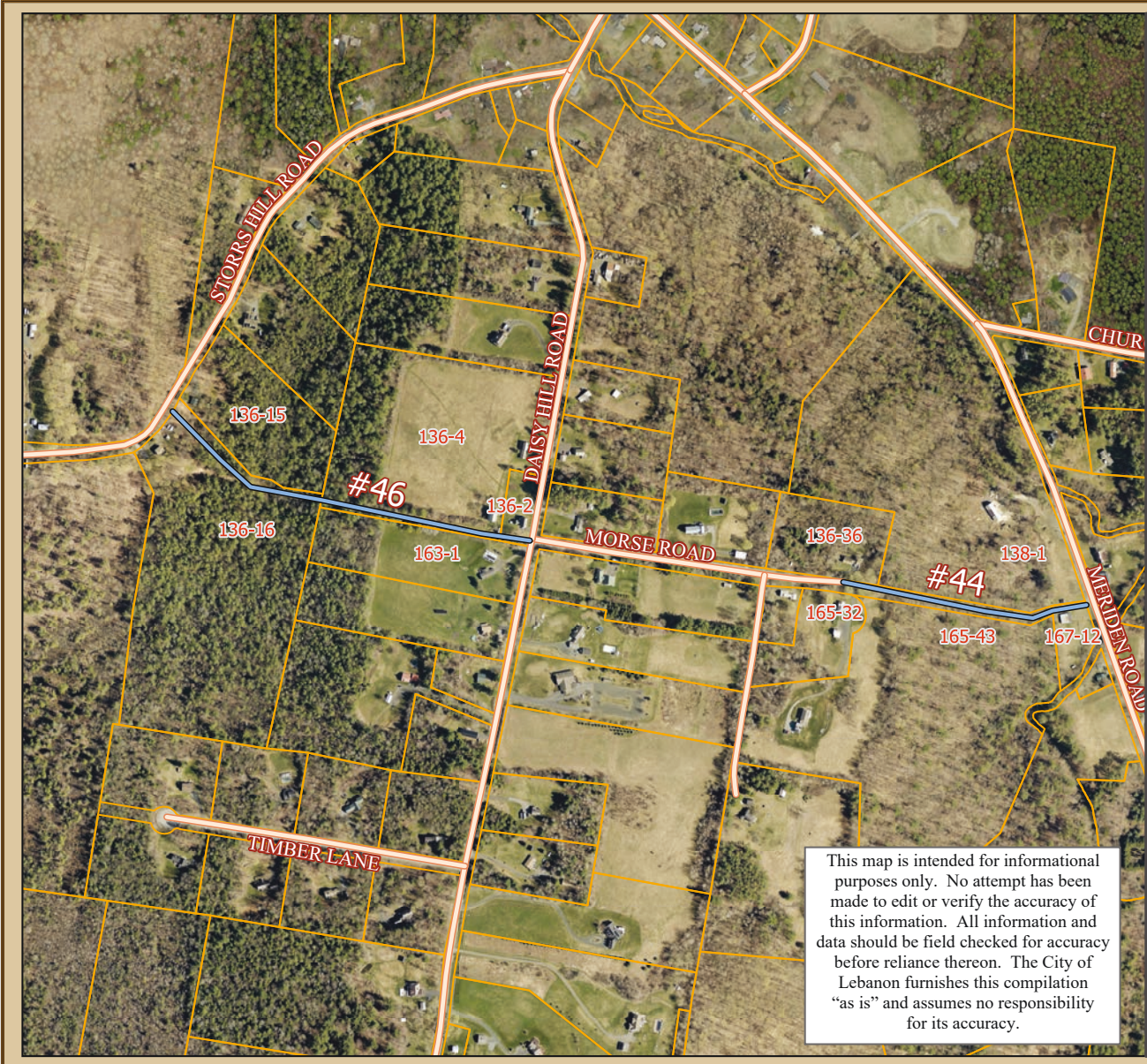
Road #46
&
Road #44



This map is intended for informational purposes only. No attempt has been made to edit or verify the accuracy of this information. All information and data should be field checked for accuracy before reliance thereon. The City of Lebanon furnishes this compilation "as is" and assumes no responsibility for its accuracy.

Map created by LebGIS
Map printed on 8/18/26

DRAFT





Eastern End – View East



Eastern End – View West



West End

#44 Old Kings / Morse Rd

(2001 photos)

CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



Road Name: 44

Step 1 – Evidence Supporting Creation of the Road

CREATION OF THE ROAD	Yes	No
Layout (a record of the governing body's layout of the road)		
Evidence of Prescription (prior to 1968) - To include map, field, deed, historical documentation, etc)	x	
Dedication and Acceptance (e.g. Subdivision Layout)		
Deeded Ownership Deed on record at City Clerks office		

Step 1A – Evidence of Prescription

Map Evidence

1855 W.C. Eaton	
1892 Hurd Atlas	
USGS Map(s)	
Torbert Map(s)	x
Other	x

Field Evidence

ROW Evidence	x
Stone Walls	partial
Cellar Holes	
Other	

Deed Evidence

Yes	no
-----	----

General Comment(s) 1761 Parchment Map & 1968 Benton Map

Historical Documentation

Downs History Book	
R. Carroll History Book	
Oscar Jewell Inventory	
NH DOT Archives	
Other	

Governing Body Documentation

Governing Body Votes (e.g. to change status, etc)	
Reference Regulations (e.g. weight limits, etc)	
Other	

Step 2 – Evidence of Discontinuance

Discontinuance Documentation

Lebanon City Clerk	
Town Meeting Minutes	
Registry of Deeds	
Other	



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



Step 3 – Current Condition of Road

	Yes	No
Historical ROW distinguishable	x	
Supports Hiking	x	
Supports Biking		x
Passable by Auto		x
Passable by 4x4		x

Evidence of Road Mis-Use

	Yes	No
Excessive Rutting		x
Littering		x
Wheeled Vehicle Use		x
Other (e.g. stream erosion, etc.,)		x

Step 4 – Current Road Usage

	Yes	No
Snowmobile		x
Pedestrian Hiking Trail	x	
Wheeled Vehicle Use		x
Landowner(s) Access (accessing abutting props.)		x
Access (supporting hunting, maintenance, etc)		x
Other		

Step 5 – Potential Future Uses

	Yes	No	N/A
Hiking / Foot Trail Network	x		
Biking Network	x		
Emergency Roadway Access		x	
Lebanon Road Network		x	
Other			



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 3 – Status of Recommendation)



Step 6 – Outreach Activity

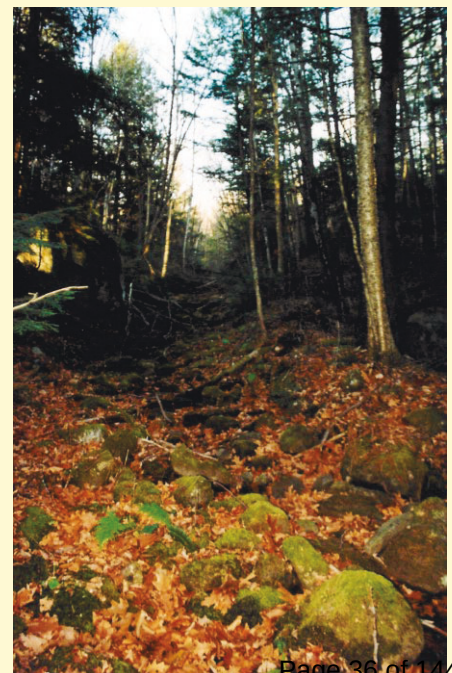
	Yes	No
Feedback garnered from residents related to existing and potential future use	x	
Informal Public Meetings for discussion	x	
Informal Abutter Notification related to meetings and discussions	x	
City Department Feedback		
Formal Abutter Notification prior to Council Public Hearing		
Other		

Step 7 – Class VI Road Committee Recommendation

Status Recommendation	Yes	No
Discontinuance		
Class B Trail		
Class A Trail	x	
Class VI Road		
Class V Road		

Step 8: Action Items

	Yes	No
Signage to be installed		
Gates / Barriers to be installed		
Funding Source Identified to support action items		
Coordination amongst vested/interested parties		
Abutter Notice		



September 16, 2026.

The foregoing notice was published in the Valley News, a newspaper of general circulation in the City of Lebanon, in accordance with the City's code, on Saturday September 5, 2026.

Jay Bish

Jay Bish

Deputy City Clerk



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS**

Wednesday, September 16, 2026 - 7:00pm

Council Chambers, City Hall or

REMOTE VIA VIRTUAL PLATFORM

LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on September 16, 2026, beginning at 7:00pm for the following:

- A. Reclassification of Class VI Road #44 (Morse Road) from a Class VI Road to a Class A Trail
- B. Reclassification of Class VI Road #46 (Unnamed Road connecting Daisy Hill Road to Storrs Hill Road) from a Class VI Road to a Class A Trail

The September 16, 2026 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website by September 11, 2026: LebanonNH.gov/Agendas

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

NE-492761

Agenda

Lebanon City Council

September 16, 2026

10. Public Hearing Items:

10.B – Reclassification of Class VI Road #46 (Unnamed Road Connecting Daisy Hill Road to Storrs Hill Road) from a Class VI Road to a Class A Trail

A public hearing for the purpose of receiving public input and taking action on the Class VI Road Advisory Committee's recommendation to reclassify Class VI Road #46 (extending from Storrs Hill Road, easterly to where it intersects with Daisy Hill and Morse Road) from a Class VI Road to a Class A Trail.

The City Council requested this public hearing at its June 3, 2026 regular meeting. The public hearing was properly noticed in the *Valley News* on September 5, 2026 in accordance with City Code and State Law.

Background

The Class VI Road Advisory Committee was established by the City Council on September 1, 2004, to review the status of all of the Class VI roads within the City to include their current, historic, and possible future uses, and to report findings and make recommendations to the Council for their action to continue the present use, upgrade, discontinue, or otherwise change the status of the roads.

The Class VI Roads Advisory Committee reviewed Class VI Road #46 (extending from Storrs Hill Road, easterly to where it intersects with Daisy Hill and Morse Road) during several meetings in 2013, 2014, and 2021. The summary of those discussions includes an assertion that Class VI Road #46 is a public right-of-way, as well as the Advisory Committee's recommendation that the current Class VI designation be changed to a Class A Trail. A summary of the Advisory Committee's report and recommendation are included in the enclosed memo from the Planning and Development Department.

In alignment with past practice, the City Council, as the authoritative legislative body, is requested to complete a two-step process, including:

1. Acceptance of the Class VI Road Advisory Committee's report as an affirmation of the existence of Class VI Road #46 as a public right-of-way; and
2. Review and consideration of the Class VI Road Advisory Committee's recommendation to change the current designation for Class VI Road #46 from a Class VI Road to a Class A Trail.

Action:

If the Council chooses to follow the recommendation of the Class VI Roads Advisory Committee the following motion is offered for consideration:

MOVED, the Lebanon City Council accepts the report and recommendation of the Class VI Road Advisory Committee and hereby reclassifies Class VI Road #46 (extending from Storrs Hill Road, easterly to where it intersects with Daisy Hill and Morse Road), as

shown on the City of Lebanon Draft Class VI Roads Map, printed June 2013, and as presented in the September 16, 2026 agenda packet, to a Class A Municipal Trail as defined in RSA 231-A:1(I) subject to the following public trail use restrictions: Permitted means of travel shall be by foot, skis, and snowshoes. Notwithstanding these permissions, none of these uses shall be allowed in a manner, or in conditions that will encourage erosion, or otherwise damage the trail. Motor vehicles, wheeled vehicles, and off-highway recreational vehicles, including snowmobiles, shall be prohibited, subject, however to vehicular uses of abutting landowners for access to existing uses of land as set forth in RSA 231-A:1(I). The Public Works Director shall cause to be posted legible signs at the entrance to the trail describing the restrictions contained herein, as provided by RSA 231-A:4.

Included in this Section:

1. August 25, 2026 Memorandum from Mark Goodwin, Sr. Planner/GIS Coordinator, RE: Recommendation from the Lebanon Class 6 Road Advisory Committee – Road Segment #44 and #46 (Old Kings Hwy / Morse Rd)
2. Class 6 Road Abutter Notification Map, Road #46 and Road #44, prepared by the Planning Department, printed August 18, 2026
3. #46 Old Kings / Morse Road (2001 Photos)
4. Class VI Road Assessment Template – Road Name: 46
5. Notice of Public Hearing as Published in the September 5, 2026 edition of the *Valley News*



CITY OF LEBANON ~ PLANNING OFFICE

MEMORANDUM

TO: Honorable Mayor & City Council,
City Manager, A. Hosmer; Deputy City Manager D. Brooks

FROM: Planning Department
Mark Goodwin, Sr. Planner / GIS Coordinator

RE: Recommendation from the Lebanon Class 6 Road Advisory Committee -
Road Segment #44 and #46 (Old Kings Hwy / Morse Rd)

DATE: August 25, 2026

I. BACKGROUND

Segment #46 connects Storrs Hill Road with present day Morse Road in a west to east direction, with segment #44 extending from Morse Road to the Meriden Road. These two individual rights-of-way, combined with several other right-of-way segments, collectively form the historic Kings Highway. It reportedly was one of the first formal rights-of-way in Lebanon, including perhaps being up to five or six rods in width.

The present condition along this right-of-way would certainly not be deemed suitable for the King to travel. The course of the route can be followed from existing field evidence but is far from suitable for vehicular use. On its current forest regeneration trajectory, it will likely be difficult to distinguish in the field for future generations in the absence of any prescriptive maintenance, noting that has no bearing on the status of the right-of-way but simply is a reflection of the desired use of the right-of-way, including limited to no use.

Figure 1: USGS basemap with #44 & # 46

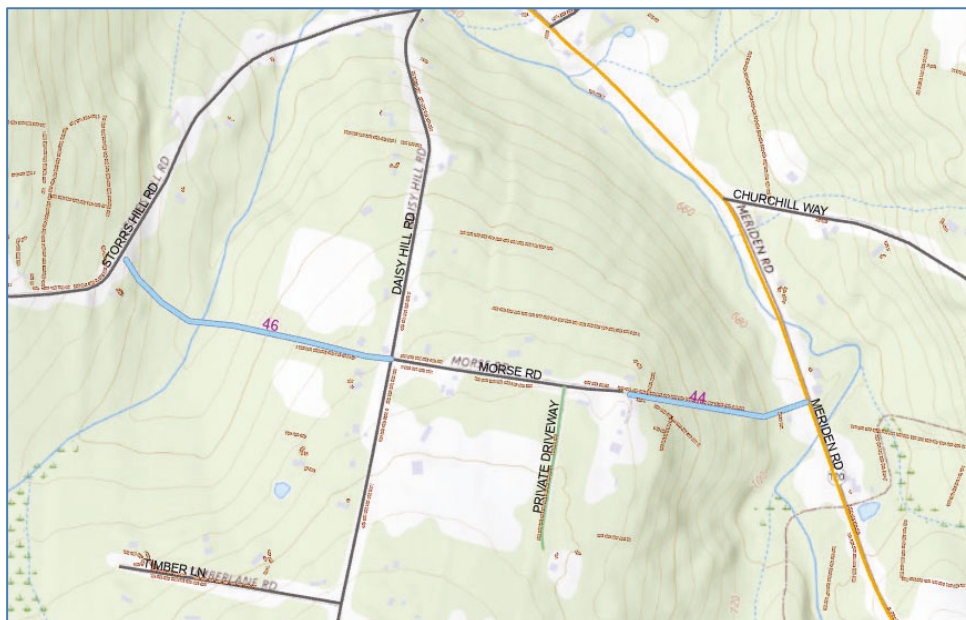


Figure 2: Historic Benton Map with #44 & # 46



The Class 6 sub-committee reviewed #44 and #46 during several meetings, including meetings in 2013 and 2014, as well as 2021. The summary outcome of those discussions includes an assertion that they are public R.O.Ws, as well as a recommendation that the current Class 6 designation be changed to a Class A Trail. The specific motion language is provided in the section below. Attached is the assessment template tool used by the C6 sub-committee to facilitate the review process and to capture the findings.

In alignment with past City Council practice, as the authoritative legislative body, the Council is requested to complete a two-step process, including:

1. Acceptance of the C6 Committee report as an affirmation to the existence of a public right-of-way;
2. Review and consideration of the C6 Committee's recommendation as to the proposed right-of-way roadway designation, e.g. Discontinuance, Class 6, Class A Trail, Class B Trail

A brief presentation, including supporting materials, will be provided at the beginning of the City Council agenda item discussion.

II. C6 COMMITTEE REPORT & RECOMMENDATION:

The C6 sub-committee reviewed the prescriptive evidence supporting the assertion of Kings/Morse (#44 & #46) as a public rights-of-way, the current conditions and use, as well as potential future uses, and is recommending that the Council both affirm its existence as a public right-of-way by acceptance of this report, and to reclassify to a Class A Trail designation.

The following two specific motions were generated by the C6 Committee on **2021.10.21**:

(Road #44)

Mr. Heistad MOVED that the Class VI Road Committee recommend that the Lebanon City Council reclassify Road #44, a Class VI Road, as a Class A Municipal Trail as defined in RSA 231-A:1(I). The location of which is to be generally described as extending from the eastern terminus of Morse Road, easterly toward the Meridien Road, as depicted within the October 21st 2021 Class VI Road agenda packet. The committee further recommends

that Road #44 be subject to the following public trail use restrictions: Permitted means of travel shall be by foot, skis, and snowshoes. Notwithstanding these permissions, none of these uses shall be allowed in a manner, or in conditions that will encourage erosion, or otherwise damage the trail. All wheeled vehicles or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access of their land as set forth in RSA 231-A:1(I). The Public Works Director shall cause to be placed legible signs at the entrance to trail describing the restrictions contained herein, as provided by RSA 231-A:4.

Seconded by Mr. Wood.

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, and Colin Smith all voting Yea.

None voted Nay.

** The Vote on the MOTION was approved (5-0)*

(Road #46)

Mr. Heistad MOVED that the Class VI Road Committee recommend that the Lebanon City Council reclassify Road #46, a Class VI Road, as a Class A Municipal Trail as defined in RSA 231-A:1(I). The location of which to be generally described as extending from Storrs Hill Road, easterly to where it intersects with Daisy Hill and Morse Road, as depicted within the October 21st 2021 Class VI Road agenda packet. The committee further recommends that Road #46 be subject to the following public trail use restrictions: Permitted means of travel shall be by foot, skis, and snowshoes. Notwithstanding these permissions, none of these uses shall be allowed in a manner, or in conditions that will encourage erosion, or otherwise damage the trail. All wheeled vehicles or motorized vehicles, on or off road, shall be prohibited, excepting the allowed vehicular uses of abutting landowners for access of their land as set forth in RSA 231-A:1(I). The Public Works Director shall cause to be placed legible signs at the entrance to trail describing the restrictions contained herein, as provided by RSA 231-A:4.

Seconded by Ms. Hirai.

Roll Call Vote:

Erling Heistad, Barbara Hirai, Joan Monroe, Stephen Wood, and Colin Smith all voting Yea.

None voted Nay.

** The Vote on the MOTION was approved (5-0)*

BACKUP INFORMATION:

2026_08_25_Assessment_Template_44-OldKings_Morse

2026_08_25_Assessment_Template_46-OldKings_Morse

2026_08_25_Notification_Map-46_44

2026_08_25_Photos_44-OldKings_Morse

2026_08_25_Photos_46-OldKings_Morse

CITY of LEBANON, NH



Class 6 Road
Abutter
Notification
Map

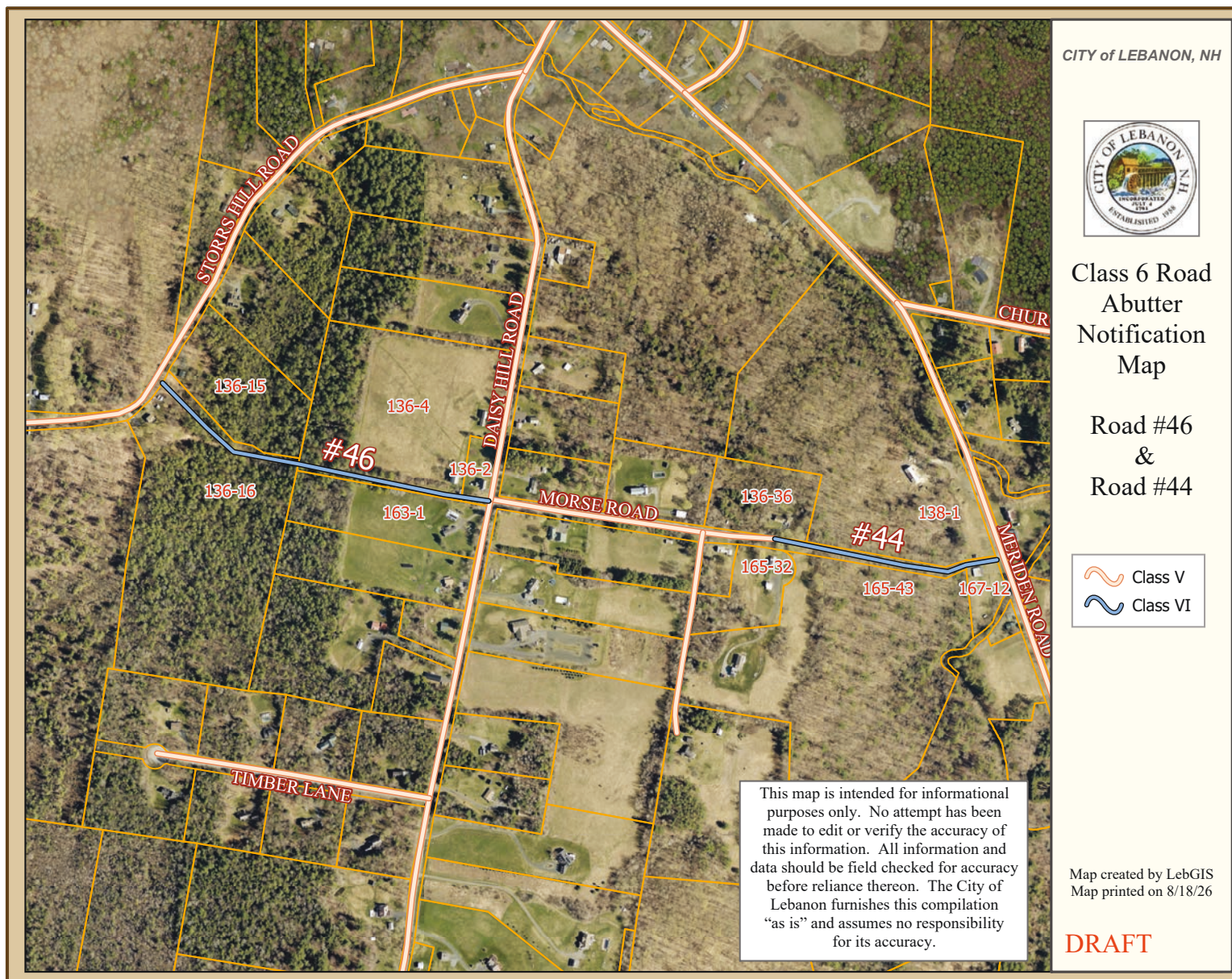
Road #46
&
Road #44



This map is intended for informational purposes only. No attempt has been made to edit or verify the accuracy of this information. All information and data should be field checked for accuracy before reliance thereon. The City of Lebanon furnishes this compilation "as is" and assumes no responsibility for its accuracy.

Map created by LebGIS
Map printed on 8/18/26

DRAFT





East End



West End – Looking West up to
Septic Field



West End



West End – view East

#46 Old Kings / Morse Rd

(2001 photos)

CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 1 – Legal Status)



Road Name: 46

Step 1 – Evidence Supporting Creation of the Road

CREATION OF THE ROAD	Yes	No
Layout (a record of the governing body's layout of the road)		
Evidence of Prescription (prior to 1968) - To include map, field, deed, historical documentation, etc)	x	
Dedication and Acceptance (e.g. Subdivision Layout)		
Deeded Ownership Deed on record at City Clerks office		

Step 1A – Evidence of Prescription

Map Evidence

1855 W.C. Eaton	x
1892 Hurd Atlas	x
USGS Map(s)	
Torbert Map(s)	x
Other	x

Field Evidence

ROW Evidence	x
Stone Walls	partial
Cellar Holes	
Other	

Deed Evidence

Yes	no
-----	----

General Comment(s) 1761 Parchment Map,
1832/1855/1930 Eaton Map, & 1968 Benton Map

Historical Documentation

Downs History Book	
R. Carroll History Book	
Oscar Jewell Inventory	
NH DOT Archives	
Other	

Governing Body Documentation

Governing Body Votes (e.g. to change status, etc)	
Reference Regulations (e.g. weight limits, etc)	
Other	

Step 2 – Evidence of Discontinuance

Discontinuance Documentation

Lebanon City Clerk	
Town Meeting Minutes	
Registry of Deeds	
Other	



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 2 – Condition & Use Status)



Step 3 – Current Condition of Road

	Yes	No
Historical ROW distinguishable (barely)	x	
Supports Hiking (* marginally supports)	x	
Supports Biking		x
Passable by Auto		x
Passable by 4x4		x

Evidence of Road Mis-Use

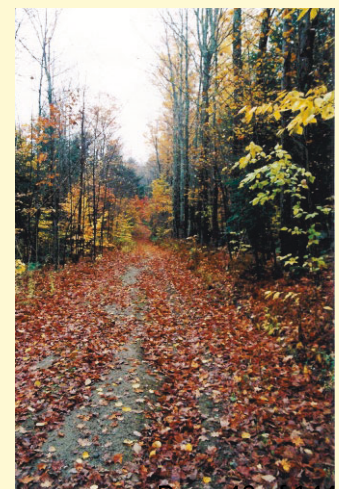
	Yes	No
Excessive Rutting		x
Littering		x
Wheeled Vehicle Use		x
Other (e.g. stream erosion, etc.,)	x	

Step 4 – Current Road Usage

	Yes	No
Snowmobile		x
Pedestrian Hiking Trail		x
Wheeled Vehicle Use		x
Landowner(s) Access (accessing abutting props.)		x
Access (supporting hunting, maintenance, etc)		x
Other		

Step 5 – Potential Future Uses

	Yes	No	N/A
Hiking / Foot Trail Network (*with a lot of work)	x		
Biking Network (* with a lot of work)	x		
Emergency Roadway Access		x	
Lebanon Road Network		x	
Other			



CLASS VI ROAD ASSESSMENT TEMPLATE

(Sheet 3 – Status of Recommendation)



Step 6 – Outreach Activity

	Yes	No
Feedback garnered from residents related to existing and potential future use	x	
Informal Public Meetings for discussion	x	
Informal Abutter Notification related to meetings and discussions	x	
City Department Feedback		
Formal Abutter Notification prior to Council Public Hearing		
Other		

Step 7 – Class VI Road Committee Recommendation

Status Recommendation	Yes	No
Discontinuance		
Class B Trail		
Class A Trail		
Class VI Road		
Class V Road		

Step 8: Action Items

	Yes	No
Signage to be installed		
Gates / Barriers to be installed		
Funding Source Identified to support action items		
Coordination amongst vested/interested parties		
Abutter Notice		



September 16, 2026.

The foregoing notice was published in the Valley News, a newspaper of general circulation in the City of Lebanon, in accordance with the City's code, on Saturday September 5, 2026.

Jay Bish

Jay Bish

Deputy City Clerk



LEBANON CITY COUNCIL NOTICE OF PUBLIC HEARINGS

Wednesday, September 16, 2026 - 7:00pm

Council Chambers, City Hall or

REMOTE VIA VIRTUAL PLATFORM

LebanonNH.gov/LIVE

The Lebanon City Council will hold public hearings on September 16, 2026, beginning at 7:00pm for the following:

- A. Reclassification of Class VI Road #44 (Morse Road) from a Class VI Road to a Class A Trail
- B. Reclassification of Class VI Road #46 (Unnamed Road connecting Daisy Hill Road to Storrs Hill Road) from a Class VI Road to a Class A Trail

The September 16, 2026 City Council agenda packet and documents pertaining to the above-described public hearings will be available on the City's website by September 11, 2026: LebanonNH.gov/Agendas

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NE-492761

**Agenda
Lebanon City Council
September 16, 2026**

12. New Business:

12.A – Discussion and Set Public Hearing for October 7, 2026: Supplemental Appropriation of up to \$106,000 for Lebanon Police Facility Mold Remediation Project; Authorization to Transfer \$106,000 from Police Department Impact Fees to Fund the Supplemental Appropriation

Background

In November 2025, the Lebanon Police Department retained APS Environmental Group (APS) to perform an assessment of mold conditions following the discovery of suspect mold growth in the Police Department facility at 36 Poverty Lane. In January 2026, APS completed its microbial investigation and submitted remediation recommendations for the Police Department facility.

As summarized in the APS report, elevated microbial spores were discovered in the air samples associated with the Dispatch Hallway and the Administration Office. Tape samples also showed the presence of microbial spores from the HVAC supply and return vents and in adjacent ceiling tiles. The report provides a Mold Remediation Protocol to address the fungal contamination and outlines the procedures necessary to safely remove contaminated materials, clean the affected areas, remediate the HVAC system, and restore acceptable indoor air quality while minimizing the potential for cross-contamination.

As noted in the enclosed memorandum from Police Chief Roberts, the Police Department has obtained two proposals for remediation services to address the situation. Chief Roberts recommends engaging Indoor Air Technologies and utilizing existing Police Department Impact Fees to pay for the project. The Police Department Impact Fee account currently has approximately \$281,000 available, of which approximately \$46,000 needs to be utilized during the current year.

By using previously collected impact fees to complete the remediation work, there will be no impact on the General Fund or on property taxes.

Action

The following motion is offered for City Council consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 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 to appropriate up to \$106,000 to supplement the existing FY2026 Police Department Operating Budget for the Police Department Mold Remediation Project; and to authorize a transfer of up to \$106,000 from Police Department Impact Fees to fund the supplemental appropriation.

Included In This Section:

1. August 12, 2026 Memorandum from Chief Phillip Roberts RE: Police Department Mold Remediation Project – Bid Award and Funding Request
2. Excerpts from Microbial Identification and Remediation Recommendations Report, prepared by APS Environmental Group, dated January 14, 2026
3. City of Lebanon Quote from Indoor Air Technologies

City of Lebanon, N.H.
POLICE DEPARTMENT

M E M O R A N D U M

TO: Andrew Hosmer, City Manager

FROM: Chief Phillip Roberts

DATE: August 12, 2026

RE: Police Department Mold Remediation Project – Bid Award and Funding Request

The Police Department recently requested proposals for the mold remediation project at the Police Department facility. Two proposals were received:

- **EnviroVantage, Inc.:** \$283,790
- **Indoor Air Technologies:** \$105,920

Following review of the proposals, I recommend that the City proceed with **Indoor Air Technologies** at a cost of **\$105,920**.

I am also requesting that this matter be placed before the City Council for authorization to use available **impact fee funds** to pay for the project. Approximately **\$281,000 in impact fee funding is currently available**, and approximately \$46,000 of those funds need to be utilized during the current year.

The mold remediation work is necessary to address conditions within the Police Department facility, and the Indoor Air Technologies proposal provides the City with the ability to complete the work within the available funding.

I respectfully request to proceed with Indoor Air Technologies in the amount of **\$105,920** and to bring the necessary funding request before the City Council for approval of the use of impact fee funds for this project.



Microbial Identification and Remediation Recommendations

Prepared for:
Lebanon Police Department
36 Poverty Lane
Lebanon NH, 03756

Report Date: January 14th, 2026
Inspection / Testing Date: January 8th, 2026

Prepared by: Craig Leland

Reviewed by: Jonathan Nicoll



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1.0 EXECUTIVE SUMMARY & INTRODUCTION

APS was retained by Lebanon Police Department, to complete a Microbial Investigation and develop a Remediation Protocol for the residence, located at 36 Poverty Lane in Lebanon NH.

APS has prepared the Microbial Remediation Recommendations based on the Visual Damage Assessment completed on January 8th, 2026. The independent lab results observed elevated microbial contamination of interior spaces. Suspect mold was observed. Publication of protocol addendum(s) may be necessary during remediation efforts within the subject property. The Mitigation Contractor shall notify APS if an addendum(s) should be required.

The inspector has prepared these written findings letter for the sole use and benefit of the client. The findings letter identifies the areas that require maintenance to limit the requirement for future remediation or evaluation. The client agrees to read the entire findings letter when received and shall promptly call the inspector with questions or concerns regarding the Report.

Respectfully Submitted,

Jon Nicoll
Vice President
APS Environmental Group



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2.0 DISCLAIMER

APS assumes no liability for any loss, injury, claim, or damages arising directly or indirectly from any use or reliance on this report or the opinions expressed herein. APS makes no risk assessment, warranty, guarantee or insurance policies of any kind, express or implied. This report is limited only to the samples taken, locations sampled, or visual observations made during the site visit. The information contained in this report is relevant as of the date on which the fieldwork was performed and should not be relied upon to represent site conditions at a later date. There are no risk assessments, warranties, guarantees, or insurance available or provided by APS. Additional sampling may be needed to further identify other pollutants and affected areas inside the subject property. This report was prepared pursuant to the contract APS has with the client. That contractual relationship included an exchange of information about the subject property that was unique and between APS and its client and serves as the basis upon which this report was prepared. Because of the importance of communication between APS and its client, reliance, or any use of this report by anyone other than the client, for whom it was prepared, is prohibited and therefore not foreseeable to APS. CLIENT was the only party to which APS explained the risks and limitations of the services and were solely involved in shaping the scope of services. The results of this report are not intended to be construed as legal interpretation of existing federal, state, or local environmental, health and safety laws or regulations. APS assumes no responsibility or liability for errors in information or data provided to APS by the CLIENT or any third party or developments resulting from activities or situations outside of the scope of this project. Accordingly, reliance on this report by any other party may involve assumptions leading to an unintended interpretation of findings and opinions. Contractors or consultants reviewing this report must draw their own conclusions regarding further investigation or remediation deemed necessary. APS does not warrant the work of regulatory agencies, laboratories or other third parties supplying information, which may have been used in the preparation of this report. APS performed its Services in accordance with generally accepted practices of the profession undertaken in similar services at the same time and in the same geographical area. No other warranties, expressed or implied, apply to the Services hereunder or this report. APS's report is based on information made available to APS at this time. Should additional information become available, APS reserves the right to determine the impact, if any, and amend or supplement APS's opinions and conclusions if necessary and warranted by discovery of additional information.

No warranty is made. APS's liability and that of contractors and subcontractors arising from any service rendered hereunder shall not exceed the total fee paid by the client to APS.



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3.0 LIMITED SCOPE & PURPOSE

The assessment and sampling conducted was performed in accordance with the Environmental Criteria and Assessment Guidelines, recommended by the U.S. EPA Environmental Criteria and Assessment Office, Office of Health and Environmental Assessment, US EPA 600/8-91/202 (ECAO-R-0315); American Conference of Governmental Industrial Hygienists (ACGIH); and the National Institute of Occupational Safety and Health (NIOSH).

The assessment was comprised of visual observations of building conditions with the collection of air samples and surface samples for mold analysis and the collection of direct-read real-time IAQ data for ambient conditions (Temperature, Relative Humidity)

Please find enclosed the documentation for, and of analytical results, Indoor Air Quality recommendations, Engineering Controls and Protocols by APS Environmental Group.

The purpose of this assessment was to conduct a visual mold survey and to collect and evaluate the necessary samples to determine the presence or absence of mold and moisture within the subject-affected areas and/or in the air.

The scope of this assessment included a visual inspection of all affected areas in the subject property for visible mold and or water staining. **A total of four (4) air samples with one (1) air outdoor control and five (5) tape samples were collected** and analyzed by the independent laboratory. The results are incorporated into this report. APS environmental Group used a moisture meter where necessary to identify any elevated moisture within the subject property's building materials.

The assessment was executed in accordance with the authorized scope of work. This report is solely a record of activities, observations, analytical results, and recommendations performed to date.

This inspection is not intended to be technically exhaustive.

4.0 INSPECTOR'S PHYSICAL INSPECTION of SUBJECT PROPERTY

During the inspection visible suspected mold growth was observed on the ceiling tiles in various rooms of the police station. Most notably around the supply vents for the HVAC System. Suspected mold/Debris was also visible on the supply and return vents of the HVAC system throughout the building. While most of the building is heated and cooled by the HVAC system, the Dispatch Office also has two supplementary mini split systems along with the buildings primary HVAC system. This is likely due to the large amount of computer equipment within the dispatch office. No signs of suspected mold growth was observed on any other building materials or furniture.



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Field ID	A1	Volume (L)	Debris Rating	Detection Limit	Outdoor Control
Lab ID	260108041-001	75	2	89	
Location	Dispatch				
Fungal Spore Type	RawCount	Count/M3			
Alternaria			0		
Ascospores			0		
Aspergillus/Penicillium	2	178	18		
Basidiospores	3	267	27		
Chaetomium			0		
Cladosporium	1	89	9		
Curvularia			0		
Drechslera/Bipolaris group			0		
Hyphal Structures	2	178	18		
Miscellaneous/Unidentified	3	267	27		
Smuts/Myxomycetes			0		
Stachybotrys			0		
Ulocladium			0		
Total	11	978	100		

Field ID	A2	Volume (L)	Debris Rating	Detection Limit	Outdoor Control
Lab ID	260108041-002	75	2	89	
Location	Dispatch Hall				
Fungal Spore Type	RawCount	Count/M3			
Alternaria			0		
Ascospores			0		
Aspergillus/Penicillium	29	2578	60		
Basidiospores	4	356	8		
Chaetomium			0		
Cladosporium			0		
Curvularia			0		
Drechslera/Bipolaris group			0		
Hyphal Structures	5	444	10		
Miscellaneous/Unidentified	9	800	19		
Smuts/Myxomycetes	1	89	2		
Stachybotrys			0		
Ulocladium			0		
Total	48	4267	100		

Field ID	A3	Volume (L)	Debris Rating	Detection Limit	Outdoor Control
Lab ID	260108041-003	75	2	89	
Location	Admin Office				
Fungal Spore Type	RawCount	Count/M3			
Alternaria			0		
Ascospores			0		
Aspergillus/Penicillium	14	1244	88		
Basidiospores			0		
Chaetomium			0		
Cladosporium			0		
Curvularia	1	89	6		
Drechslera/Bipolaris group			0		
Hyphal Structures			0		
Miscellaneous/Unidentified	1	89	6		
Smuts/Myxomycetes			0		
Stachybotrys			0		
Ulocladium			0		
Total	16	1422	100		

Field ID	A4	Volume (L)	Debris Rating	Detection Limit	Outdoor Control
Lab ID	260108041-004	75	2	89	
Location	Basement Report Room				
Fungal Spore Type	RawCount	Count/M3			
Alternaria			0		
Ascospores			0		
Aspergillus/Penicillium			0		
Basidiospores	2	178	29		
Chaetomium			0		
Cladosporium	1	89	14		
Curvularia			0		
Drechslera/Bipolaris group			0		
Hyphal Structures	1	89	14		
Miscellaneous/Unidentified	3	267	43		
Smuts/Myxomycetes			0		
Stachybotrys			0		
Ulocladium			0		
Total	7	622	100		



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Field ID	A5	Volume (L)		Debris Rating		Detection Limit		Outdoor Control	x
Lab ID	260108041-005			1					
Location	Outside								
Fungal Spore Type	RawCount	Count/M3							
Alternaria									
Ascospores	1								
Aspergillus/Penicilium	1								
Basidiospores									
Chaetomium									
Cladosporium									
Curvularia									
Drechslera/Bipolaris group									
Hyphal Structures									
Miscellaneous/Unidentified	2								
Smuts/Myxomycetes									
Stachybotrys									
Ulocladium									
Total	4								



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Field ID	T1	Debris Rating
Lab ID	260108039-001	3
Location	Vent Dispatch	
Fungal Spore Type		Fungal Loading
Alternaria		
Ascospores		1
Aspergillus/Penicilium		1
Basidiospores		2
Chaetomium		
Cladosporium		2
Curvularia		
Drechslera/Bipolaris group		
Hyphal Structures		1
Miscellaneous/Unidentified		1
Smuts/Myxomycetes		1
Stachybotrys		
Ulocladium		

Field ID	T2	Debris Rating
Lab ID	260108039-002	3
Location	Dispatch Ceiling Tile	
Fungal Spore Type		Fungal Loading
Alternaria		
Ascospores		
Aspergillus/Penicilium		1
Basidiospores		
Chaetomium		
Cladosporium		2
Curvularia		
Drechslera/Bipolaris group		
Hyphal Structures		3
Miscellaneous/Unidentified		1
Smuts/Myxomycetes		1
Stachybotrys		
Ulocladium		

Field ID	T3	Debris Rating
Lab ID	260108039-003	3
Location	Dispatch Hall Vent	
Fungal Spore Type		Fungal Loading
Alternaria		
Ascospores		
Aspergillus/Penicilium		3
Basidiospores		
Chaetomium		
Cladosporium		4
Curvularia		
Drechslera/Bipolaris group		
Hyphal Structures		3
Miscellaneous/Unidentified		1
Smuts/Myxomycetes		2
Stachybotrys		
Ulocladium		

Field ID	T4	Debris Rating
Lab ID	260108039-004	5
Location	Dispatch Super Return	
Fungal Spore Type		Fungal Loading
Alternaria		1
Ascospores		1
Aspergillus/Penicilium		1
Basidiospores		2
Chaetomium		
Cladosporium		2
Curvularia		
Drechslera/Bipolaris group		
Hyphal Structures		2
Miscellaneous/Unidentified		3
Smuts/Myxomycetes		3
Stachybotrys		
Ulocladium		1



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Field ID	T5	Debris Rating
Lab ID	260108039-005	4
Location	Basement Hall Ceiling Tile	
Fungal Spore Type		Fungal Loading
Alternaria		
Ascospores		1
Aspergillus/Penicillium		2
Basidiospores		1
Chaetomium		
Cladosporium		4
Curvularia		
Drechslera/Bipolaris group		
Hyphal Structures		4
Miscellaneous/Unidentified		3
Smuts/Myxomycetes		2
Stachybotrys		
Ulocladium		

6.0 INTERPRETATION OF RESULTS & CONCLUSION

Sample A1, collected from the Dispatch, contained a raw count of 11 mold spores, which translates to a mold concentration of 978 mold spores/meter³ of air. *2 Penicillium/Aspergillus, 3 Basidiospores, and 1 Cladosporium* were observed in the sample. **APS considers this air sample satisfactory.**

Sample A2, collected from the Dispatch Hall, contained a raw count of 48 mold spores, which translates to a mold concentration of 4267 mold spores/meter³ of air. *29 Penicillium/Aspergillus and 4 Basidiospores* were observed in the sample. **APS considers this air sample unsatisfactory.**

Sample A3, collected from the Admin Office, contained a raw count of 16 mold spores, which translates to a mold concentration of 1422 mold spores/meter³ of air. *14 Penicillium/Aspergillus and 1 Curvularia* were observed in the sample. **APS considers this tape sample unsatisfactory.**

Sample A4, collected from the Basement Report Room, contained a raw count of 7 mold spores, which translates to a mold concentration of 662 mold spores/meter³ of air. *2 Basidiospores and 1 Cladosporium,* were observed in the sample. **APS considers this tape sample satisfactory.**

Sample T1, collected from the Vent Dispatch, contained *1 Ascospores, 2 Aspergillus/Penicillium, 2 Basidiospores, and 2 Cladosporium.* **The Debris Rating is 3.**



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Sample T2, collected from the Dispatch Ceiling Tile, contained 1 *Aspergillus/Penicillium*, and 2 *Cladosporium*. The Debris Rating is 3.

Sample T3, collected from the Dispatch Hall Vent, contained 3 *Aspergillus/Penicillium*, and 4 *Cladosporium*. The Debris Rating is 3.

Sample T4, collected from the Dispatch Super Return, contained 1 *Alternaria*, 1 *Ascospores*, 1 *Aspergillus/Penicillium*, 2 *Basidiospores* and 2 *Cladosporium*. The Debris Rating is 5.

Sample T5, collected from the Basement Hall Ceiling Tile, contained 1 *Ascospore*, 2 *Aspergillus/Penicillium*, 1 *Basidiospore*, and 4 *Cladosporium*. The Debris Rating is 4.

Conclusion

Elevated microbial spores have been discovered in the air samples associated with the Dispatch Hallway and the Administration Office. Tape Samples T1 through T5 also showed the presence of both *Aspergillus/Penicillium* and *Cladosporium*. The tape samples were collected from the HVAC supply and return vents, along with the ceiling tiles adjacent to the vents. Based on the findings during our visual inspection and lab results attached to this report, APS Environmental Recommends the following remediation actions.

APS Recommendations: Entire Building

This Mold Remediation Protocol has been prepared to address fungal contamination identified within the Lebanon Police Headquarters. Air and tape lift sampling identified *Penicillium/Aspergillus*-type and *Cladosporium* spores associated with HVAC vents and ceiling tiles throughout the building. The intent of this protocol is to outline the procedures necessary to safely remove contaminated materials, clean affected areas, remediate the HVAC system, and restore acceptable indoor air quality while minimizing the potential for cross-contamination.

All remediation activities shall be performed by contractors experienced in commercial mold remediation and HVAC system cleaning and shall be conducted in general accordance with EPA guidance (*Mold Remediation in Schools and Commercial Buildings*), IICRC S520 (*Standard and Reference Guide for Professional Mold Remediation*), and applicable OSHA and state safety requirements. This remediation work will likely need to be completed in stages, as the building is in use twenty four hours a day, and cannot be closed completely.

Prior to the start of work, contractors shall implement appropriate health and safety measures. Workers shall utilize personal protective equipment including protective suits, gloves, eye



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protection, and respiratory protection appropriate for mold remediation activities in accordance with a written respiratory protection program. HVAC systems serving active work areas shall be shut down or isolated as needed, and negative pressure shall be maintained within remediation areas where feasible using HEPA-filtered air filtration devices.

Work areas shall be properly isolated to prevent the spread of dust and fungal spores to non-impacted areas. Containment shall be constructed using polyethylene sheeting as necessary, with barriers adjusted based on the size of the work area, occupancy, and sequencing of remediation activities. All disturbed materials shall be handled carefully to minimize dust generation, and waste materials shall be bagged or wrapped prior to removal from the containment.

As a primary remediation activity, all ceiling tiles throughout the building shall be removed and discarded as contaminated material. Ceiling tile removal shall be performed carefully to limit disturbance of settled dust within the ceiling plenum. Following removal, all accessible above-ceiling surfaces, including ceiling grids, structural components, and utilities, shall be thoroughly HEPA vacuumed and then damp-wiped or wet-cleaned using an EPA-registered antimicrobial cleaner appropriate for non-porous materials.

A qualified HVAC duct cleaning contractor with demonstrated experience in mold remediation shall inspect and remediate the HVAC system. Metal ductwork deemed suitable for cleaning shall be cleaned using source-removal methods with HEPA-filtered equipment. The duct cleaning contractor may recommend replacement of flex duct in lieu of cleaning if contamination, deterioration, or access limitations prevent effective remediation. Any duct replacement or cleaning shall be completed prior to installation of new ceiling tiles. Supply and return vents, diffusers, and grilles shall be removed and cleaned and disinfected, or replaced if cleaning is not feasible. HVAC air handling units shall be inspected and internally cleaned as necessary.

Following completion of HVAC remediation and installation of new ceiling tiles, a detailed cleaning of affected areas shall be conducted. All horizontal and vertical surfaces shall be HEPA vacuumed and damp-wiped, with focused detail cleaning performed at vents, diffusers, and surrounding surfaces.

All removed ceiling tiles, duct materials, and disposable personal protective equipment shall be handled as contaminated waste, sealed prior to transport, and disposed of in accordance with applicable local and state regulations.

Upon completion of remediation activities, all areas shall meet visual clearance criteria, including the absence of visible dust, debris, or suspect microbial growth. Post-remediation verification sampling, including air and/or surface sampling, is recommended to confirm that fungal spore concentrations are consistent with normal indoor conditions and comparable to outdoor levels.



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This protocol is based on conditions observed at the time of assessment. If additional areas of contamination or water intrusion are discovered during remediation, the scope of work may require modification.

The protocol includes, but is not limited to, the following major components:

A certified remediation contractor shall perform remediation under controlled conditions. The remediation contractor shall perform the work according to the guidelines and requirements specified in:

- ✓ The accepted remediation practices of the Indoor Air Quality Association, IICRC S500, and S520.
- ✓ The U.S.E.P.A. document, Mold Remediation in Schools and Commercial Buildings, March 2001, EPA 402-K-01-001; and
- ✓ Chapter 15 of the book **Bioaerosol: Assessment and Control**, 1999, by the American Conference of Governmental Industrial Hygienists.

1. General remediation specifications include as follows: All workers must wear proper protective gear at all times when doing mold and/or bacterial remediation in the subject property. Proper protective gear includes the following: 3M brand 6001 or equivalent full-face mask, hooded Tyvek suit with built-in shoe covers, and construction-grade rubber gloves.
2. Establishment of engineering controls and critical barriers in preparation of the work areas for Microbial remediation – see narrative descriptions and plans.
 - i. Set up air filtering devices (AFDs), as appropriate.
 - A. HEPA filters for the AFD should be thoroughly assessed prior to delivery to the job site, as well as once inside the work zone and prior to activation.
 - B. The filter should be checked to assure it has no holes, rips, or gaps that could allow contamination to flow through the filter and back out into the work zone. The fastening system, holding the filter in place, should be checked to assure the filter is securely seated in the correct position.
 - C. The AFD should be thoroughly cleaned and ready to be placed in the remediation areas. i. AFD is to provide negative pressure within the work area while active remediation is being performed. Upon completion of active remediation, the AFDs will continue to provide negative pressure or be placed in 'scrub mode'.
 - ii. If makeup air is required, it will be required to be filtered air from the outdoors.
 - iii. After remediation cover flooring in walk areas so visual inspection and sampling may be completed.
3. Each area of known or suspected contamination must be thoroughly sprayed with a high-pressure airless sprayer using an EPA-approved disinfectant like IAQ1000, Sporidicin, Shock Wave, or equivalent. The spraying should be allowed to dry naturally because the disinfectant kills while it is wet.
4. When treating visibly contaminated areas, the remediator must treat two (2) feet beyond the contamination in each direction by spraying and removing the affected building product.



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5. After demolition and removal of affected building materials, all remaining affected building materials (wood, green board, and drywall surfaces) must have the remaining mold or bacterial staining removed by sanding, grinding, wire brushing, or scraping. The sawdust or removed wood shavings must be vacuumed with a HEPA vacuum and the contents removed from the area by placing in a 6-mill plastic bag. The remediated area must be re-sprayed a second time with a high-pressure airless sprayer using an EPA-approved disinfectant as described in 4 above.
6. All contaminated building materials must be removed from the remediated area in 6-mill plastic bags.
7. The remediated area must be wiped down and HEPA vacuumed using the 5- step method before the final inspection and air assessment.
 - HEPA vacuum from the contaminated areas toward the HEPA air scrubber and /or negative air machine, allowing 15 minutes for the dust to settle.
 - Wet wipe with a disinfectant from the contaminated area toward the HEPA negative machine, allowing time for the dust to settle 15 min.
 - HEPA vacuum from the contaminated areas toward the HEPA negative air machine, allowing time for the dust to settle 15 min.
 - Wet wipe with a disinfectant from the contaminated area toward the HEPA negative machine, allowing time for the dust to settle 15 minutes.
 - Final HEPA Vacuum from the HEPA negative machine toward the remediation area exit. (Remember to always 5-step the polypropylene containment, micron-sized particles will collect on the negatively charged surface.)
8. No antimicrobial may be applied before the material to be treated is less than 18% moisture content as measured by a moisture meter.
9. After the contaminated areas are cleaned, they can be sprayed with a non-pigmented antimicrobial like IAQ 6000 or equivalent.
10. Upon completion of the remediation work but **before** the antimicrobial coating is applied and the containment system is removed, and the property must be inspected and sampled by an **Indoor Environmental Professional** familiar with the project who is independent of the remediation company in order to receive **Post Remediation Verification**.



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7.0 POST REMEDIATION VERIFICATION CRITERIA

An APS representative will complete the Post Remediation Verification after the remediation process is completed to ensure that the proper protocols were followed. Upon completion of all remaining gross removal and fine cleaning, the remediation contractor will provide APS with at least a 2-business day notification for the completed remediation areas to be visually assessed by APS. This is to ascertain that the work area meets the following criteria in the workspaces of the building:

- A. Contractor materials, equipment, waste bags, etc. shall be removed from the work area except for the AFD(S) and temporary lighting.
- B. AFD(s) have had a minimum of 24 hours to reduce dust aerosols. The AFDs are and have been sealed and turned off, allowing air to “rest” for 24 hours prior to Post Remediation Verification.
- C. The work area shall be visually free of microbial contaminated materials and associated dust or debris. Re-cleaning of the work area shall be required if the above criteria are not met.
- D. All surfaces must not positively react with IAQ-1000, a strong hydrogen peroxide solution, which indicates the presence of organic growth.
- E. Surface samples must not contain microbial spores in any quantity.
- F. Air sample mold concentrations must be equal to or lower than the outdoor control sample. No elevated water indicator mold types can be in the indoor air sample that is not present in the control sample. Even the presence of 1 water indicator mold type mold spore may cause the project to fail.

GLOSSARY OF FUNGAL SPORES

Alternaria is a common outdoor and indoor mold. Alternaria is an indicator of moisture or chronic condensation. Alternaria species are known as major plant pathogens. They are also common allergens in humans, growing indoors and causing hay fever or hypersensitivity reactions that sometimes lead to asthma. They readily cause opportunistic infections in immunocompromised people such as AIDS patients. Causes hypersensitivity pneumonitis and bronchitis. Alternaria is regarded as the main cause of allergy and asthma in children aged 6-11 years. They are known to produce over 70 various mycotoxins.

An **ascospore** is a spore contained in an ascus or that is produced inside an ascus by a member of the Ascomycota phylum. Ascospores are formed under optimal condition and are often release when relative humidity is high. There are over 64,000 different species of fungus that produce ascospores.



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Aspergillus and Penicillium are common outdoor and indoor mold. These spores are combined because the spores are so similar they cannot be reliably separated into their respective genera. These species are very fast growing, opportunistic molds that can thrive with just the presence of settled dust and humidity.

Acremonium is a fungal genus formerly known as Cephalosporium. It is a widespread mold currently believed to contain about 100 species. Most species of this mold exist as saprophytes, being isolated from dead plant material and soil. Some species are parasites of plants and animals capable of causing serious infections. In indoor environment, Acremonium species are primarily isolated from acoustic and thermal fiberglass insulation used in heating ventilation and air conditioning systems, cooling coils, drain pans, windowsills, and water from humidifiers. Also found on carpet and mattress dust, damp or wet walls (especially in basements), gypsum board and wallpaper. The most common species in indoor environment are Acremonium strictum and A. charticola. Acremonium strictum is commonly encountered in wet, cellulose-based building materials suffering from chronic wet conditions. It can also be recovered from outside air samples.

A **Basidiospore** is a reproductive spore produced by Basidiomycete fungi, a grouping that includes mushrooms, shelf fungi, rusts, and smuts. These spores serve as the main air dispersal units for the fungi. The spores are released during periods of high humidity.

Cladosporium is a genus of fungi including some of the most common indoor and outdoor molds. Many species of Cladosporium are commonly found on living and dead plant material. Cladosporium spores are wind-dispersed and they are often extremely abundant in outdoor air. Indoors Cladosporium species may grow on surfaces when moisture is present. They also show presence of significant amounts of toxigenic (toxin producers) and/or allergenic (causing allergic reactions).

Chaetomium is a genus of fungi in the chaetomiaceae family. It is a dark walled mold normally found in soil, air, cellulose and plant debris. It is an indicator of moisture or chronic condensation. They also show presence of significant amounts of toxigenic (toxin producers) and/or allergenic (causing allergic reactions). Often found together with Stachybotrys.

Curvularia is a mold fungus which is a facultative pathogen of many plant species and common in soil and decaying plant matter. Curvularia can be a potential allergen to human beings, but usually don't pose a major health effect to healthy people. Curvularia is not known to produce any mycotoxins that can be harmful to people. Immunocompromised humans can develop adverse health issues due to exposure to Curvularia.



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(877) 292-7732
www.apsenv.com

Drechslera and Bipolaris are two genera of fungi having similar cylindrical spores. *Drechslera* is a genus of fungi. Many of the species in this genus are plant pathogens. *Bipolaris* is a common outdoor mold that thrives in decaying plant matter. *Bipolaris* is also known as a plant pathogen that grows on grasses. Although some people may have an allergy to *Bipolaris*, it normally doesn't have an adverse effect on humans. *Bipolaris* would potentially endanger people who are immunocompromised (having HIV or AIDS).

A **Hypha** is a long, branching filamentous structure of fungus. In most fungi, hyphae are the main mode of vegetative growth and are collectively called a mycelium.

Miscellaneous / Unidentified are fungal structures having characteristics inconsistent with all reported categories.

Smuts and Myxomycetes - The **Smuts** are multicellular fungi characterized by their large numbers of teliospores. The Smuts get their name from a Germanic word for dirt because of their dark, thick-walled, and dust-like teliospores. The Smuts are grouped with **Myxomycetes** because of their commonalities concerning sexual reproduction. Smuts are cereal and crop pathogens that most notably affect members of the grass family and sedges.

Stachybotrys is a genus of molds. Historically, it was considered closely related to the genus *Memnoniella*, because the spores are produced in slimy heads rather than in dry chains. A species is known as "black mold" and are frequently associated with poor indoor air quality that arises after fungal growth on water-damaged building materials. They also show presence of significant amounts of toxigenic (toxin producers) and/or allergenic (causing allergic reactions). It has been implicated as cause of: asthma attacks, conjunctivitis, inflammation of the mucus membranes of the respiratory system and skin irritation.

Ulocladium is a genus of fungi. Species of this genus contain both plant pathogens and food spoilage agents. Some members of the genus can invade homes and are a sign of moisture because the mold requires water to thrive. They can cause plant diseases or hay fever and more serious infections in immune-suppressed individuals. They also show presence of significant amounts of toxigenic (toxin producers) and/or allergenic (causing allergic reactions).

Asbestos | Mold | Testing | Project Management | Consulting | Indoor Air Quality



61 School St. Suite B
Victor, NY 14564
585-924-2010 Fax 585-924-2135
www.indoorairtechnologies.com

City of Lebanon Quote

Indoor Air Technologies (IAT) is pleased to present you with the following proposal for **the removal and replacement of ceiling tiles & cleaning of the entire HVAC systems within the Police station located at 36 Poverty Ln Lebanon, NH 03766.**

Indoor Air Technologies, **a Certified Woman Business Enterprise (WBE)**, provides the finest technicians and service available.

IAT realizes the importance of using only the highest quality, most experienced and credentialed employees. As well as the certifications mentioned, IAT, only employs **In-house**, fully trained personnel.

To streamline communications and minimize any inconvenience, IAT has included in this quotation the assignment of a Site Supervisor. IAT will provide you with one contact person and his 24-hour cell phone number. This information can be used for standard day-to-day communications as well as any emergency that may arise.

Thank you for the opportunity to quote you this project. Please feel free to contact me with any questions or concerns you may have. I look forward to working with you on this project.

Sincerely,

Edward Hernandez
Estimator
585-509-0555

Quotation

Indoor Air Technologies will access all ductwork associated with all HVAC units that services the building. All ductwork will be cut and patched to SMACNA standards; this means no access doors will be utilized. If access doors are needed this will be a substantial amount added to the cost. All ductwork and equipment will be cleaned to NADCA standards. All ductwork will be cleaned with the contact brush and vacuum methods not push pull. Contact brush and vacuum is the preferred method of cleaning per NADCA standards.

All registers and diffusers will be removed, HEPA vacuum, washed, sanitized then replaced to original settings. All inline volume dampers will be marked prior to cleaning to avoid any requirements to rebalance duct systems.

AHU's will be accessed and cleaned. This includes but not limited to coils, blowers, drains, outside air intake etc. IATs price does not include any new filter replacement. However, if filters are made available during the cleaning of the AHU, IAT will install new ones and dispose of existing in Police roll off.

Indoor Air Technologies will remove all existing ceiling tiles in the entire facility except the locker rooms that have mildew resistant and higher fire rating. The building is roughly under 15,000 SF and currently has Armstrong 9767 tegular 2x4 and Armstrong 934A tegular 2x2 tiles that need to be demoed and replaced. IAT suggests going with a flat lay in tile like the Armstrong #933 2x4 in the communications room and use Armstrong #935A 2x2 in hallways or approved equal. *IAT has priced the entire project both ways below.*

IAT will ask Police to put smoke heads on test during removal and replacement of new tiles while we perform the switch. The same with any cameras placed in the ceilings.

IAT is not responsible for any unlevel ceiling areas or missing Sprinkler Head Scussions. All areas will be protected during work and cleaned up at the end of the shift. We do ask the staff to take any breakable items off their desk while we are in their offices.

IAT will need a dedicated spot/area in the Parking lot to have a 40-foot Conex box and 30-yard dumpster during the duration of the project. IAT will also require a small area inside for some small equipment like HEPA vacuums and ladders for storage (this can be a mechanical room or corner of a room).

IAT has added a separate price below to clean the ductless mini split unit in server room along with remediating the mold on the ceiling sheet rock. If the mold has not penetrated the sheetrock vapor barrier this will be remediated then re-painted to match the existing ceiling. If it has penetrated the vapor barrier IAT will cut out the contaminated area to replace with new sheet rock, finish then re-paint to match existing.

Price does include all non-prevailing wages labor and material associated with ceiling systems removal and installations and duct cleaning. This price covers working in the evenings Monday through Friday with options to come in on Saturday if needed only. IAT will also furnish a final report outlying any areas of damage we came across along with pre & post pictures of the duct cleaning. Please call me directly (Edward Hernandez 585-509-0555) with any questions or concerns.

Duct Cleaning Only.....\$34,900.00

Ceiling Project with Tegular tile.....\$67,120.00

~~**Ceiling Project with Flat Lay in Tile.....\$58,120.00**~~

~~**Mold remediation in Server Room.....\$2,900.00**~~
(If the mold has not penetrated the sheet rock vapor barrier)

Mold remediation in Server Room.....\$3,900.00
(If the mold has not penetrated the sheet rock vapor barrier)

Agenda

Lebanon City Council

September 16, 2026

12. New Business:

12.B – Discussion and Set Public Hearing for October 7, 2026: Ordinance #2026-08 to Amend City Code Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations, to Amend Airport Landing Fees

Background

Landing fees at the Lebanon Municipal Airport were last adjusted in October 2025 with an effective date of January 1, 2026. A comparison of the existing landing fees and the proposed landing fees adjusted by the CPI-U Northeast was completed and the recommended adjustments to the existing landing fees are shown in Ordinance #2026-08. In addition, the administration is recommending that the T-hangar rental fees and aircraft tie-down fees be added to the fee schedule in Chapter 8.

As proposed, the new fees would be effective as of January 1, 2027. The airport will continue to monitor the CPI-U and existing landing fees to request adjustments as necessary.

Action

Should the Council decide to move forward with Ordinance #2026-08 as proposed, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2026, beginning at 7:00 pm in Council Chambers, City Hall, and Remote via City's Virtual Platform, for the purpose of receiving public input and taking action on proposed Ordinance #2026-08, as presented in the September 16, 2026 City Council agenda packet, to amend City Code Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations, to amend the Aircraft Landing Fees and Licensed Property Fees/Permit Fees, and to add T-hangar and Aircraft Tie-Down Fees to the Exhibit #1 - Fee Schedule.

Included in this Section:

1. Proposed Ordinance #2026-08
2. Airport Rules and Regulations Fee Schedule – Last Revised Jan. 7, 2026

**CITY OF LEBANON
ORDINANCE #2026-08**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations.

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

Section 1:

Exhibit #1, Fee Schedule, of the Lebanon Municipal Airport Rules and Regulations is hereby amended as follows:

1. Aircraft Landing Fees Applicable to All Transient Aircraft:

Type of Aircraft (Maximum Take-Off Weight)	Fee
Single-Engine / Commercial	\$0
Light Twin-Engine	\$25
Turboprops (<9,001 Pounds)	\$50 <u>55</u>
Turboprops (9,001 – 27,000 pounds) (SE/ME)	\$95 <u>100</u>
Turboprops (>27,000 Pounds)	\$175 <u>185</u>
Jet (Very Light Jets – VLJ)	\$120 <u>125</u>
Jet (9,001 – 27,000 Pounds)	\$345 <u>360</u>
Jet (27,000 – 60,000 Pounds)	\$455 <u>475</u>
Jet (> 60,000 Pounds)	\$555 <u>580</u>
Jet (Airline Category)	\$875 <u>910</u>
All Piston Helicopters	\$25
All Turbine Helicopters	\$30

4. Licensed Property Fees / Permit Fees

a. Commercial Operators using Licensed Property of City: Monthly license fees in the amount of either (i) 10% of the fees charged by Commercial Operators for services rendered on the Licensed Property at the Airport or (ii) an amount equal to the rental rate per square foot being paid by Commercial Operators for ground leases at the Airport applied to each square foot of Licensed Property, whichever amount is greater.

b. Transient Commercial Operators: A fee applied on a per occurrence basis for each single use of Aircraft, or each single repair or single service to an individual Aircraft, based on the Aircraft's type of engine:

Piston Engine: ~~\$250~~ 260 per occurrence
Turbo Prop Engine: ~~\$500~~ 520 per occurrence
Turbine Engine: ~~\$750~~ 780 per occurrence

Aircraft Detailer: ~~\$55~~ 60 per occurrence

6. T-Hangar Rental Rates and Aircraft Tie-Down Fees

a. T-Hangar Rental Rates: ~~\$0.64~~ 0.67 per square foot

b. Aircraft Tie-Down Fees:

<u>With Electricity</u>	<u>\$50.70 per month</u>
<u>Without Electricity</u>	<u>\$50 per month</u>

Section 2: Severability

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

Section 3: Effective Date

Ordinance shall be effective January 1, 2027.

EXHIBIT #1 – FEE SCHEDULE

1. Aircraft Landing Fees Applicable to All Transient Aircraft

Type of Aircraft (maximum take-off weight)	Fee
Single-Engine/Commercial	\$0
Light Twin Engine	\$25.00
Turboprops (< 9,001 Pounds)	\$50.00
Turboprops (9,001 - 27,000 Pounds) (SE)	\$95.00
Turboprops (9,001 - 27,000 Pounds) (ME)	\$95.00
Turboprops (> 27,000 Pounds)	\$175.00
Jet (Very Light Jets - VLJs)	\$120.00
Jet (9,001 - 27,000 Pounds)	\$345.00
Jet (27,001 - 60,000 Pounds)	\$455.00
Jet (> 60,000 Pounds)	\$555.00
Jet (Airline Category)	\$875.00
All Piston Helicopters	\$25.00
All Turbine Helicopters	\$30.00

2. Commercial Vehicle Fees

- a. \$25.00 per Permit Year for each Taxi (including limousines and other vehicles for hire)
- b. \$25.00 per Permit Year for each Shuttle Vehicle or Cargo/Freight Operator

3. Car Rental Agency and User Fees

- a. On-Airport car rental agencies shall pay an Airport Rental Fee of 10% of the total customer car rental charges.
- b. Off-Airport car rental agencies shall pay a user fee of 10% of the total customer car rental charges.

4. Licensed Property Fees/Permit Fees

- a. Commercial Operators using Licensed Property of City: Monthly license fees in the amount of either (i) 10% of the fees charged by Commercial Operators for services rendered on the Licensed Property at the Airport or (ii) an amount equal to the rental rate per square foot being paid by Commercial Operators for ground leases at the Airport applied to each square foot of Licensed Property, whichever amount is greater.
- b. Transient Commercial Operators: A fee applied on a per occurrence basis for each single use of Aircraft, or each single repair or single service to an individual Aircraft, based on the Aircraft's type of engine:

Piston Engine: \$250 per occurrence

Turbo Prop Engine: \$500 per occurrence

Turbine Engine: \$750 per occurrence

- c. In the case of a TASO providing flight training, the fee shall be based on the type of engine of each Aircraft utilized for flight lessons during each 30-calendar-day period of time.

- d. Non-Commercial Operators with Leases – None

5. Fuel Flowage Fees

The Fuel Flowage Fee shall be \$0.16 per Net Gallon of all Fuel.

Agenda Lebanon City Council September 16, 2026

12. New Business:

12.C – Discussion & Set Public Hearing for October 7, 2026: Ordinance 2026-09 To Amend City Code Chapter 97, Landfill Regulations, Including Appendix A: Fee Schedule

Background

City Code Chapter 97, Landfill Regulations, and the associated fee schedule outlined in Appendix A were last updated in October 2025, with an effective date of January 1, 2026, to recommend minor clarifications to the language of Chapter 97, as well as further updates to the fees to reflect increased disposal costs.

Now, the City Administration is proposing Ordinance 2026-09 to recommend additional updates and clarifications to the language of Chapter 97, as well as further updates to the fees listed in Appendix A to reflect increased disposal landfill operations costs. As proposed, the above new fees and other changes would be effective as of January 1, 2027.

One of the recommended changes involves the proposed phase out of the Pay-As-You-Throw (PAYT) bags, and a return to the use of punch cards for landfill transactions for all customers. Department of Public Works and Solid Waste staff feel that reverting to punch cards, while retaining the ability to use credit/debit cards, will streamline operations for customers and staff, and will help standardize procedures at the facility.

Action

Should the Council decide to move forward with Ordinance 2026-09 as proposed, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 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 2026-09, as presented in the September 16, 2026 City Council agenda packet, to amend the Code of the City of Lebanon, Chapter 97, Landfill Regulations, including the Fee Schedule set forth in Appendix A.

Included in this Section:

1. Proposed Ordinance 2026-09
2. City Code Chapter 97, Landfill Regulations – including proposed redline amendments
3. July 6, 2026 Memorandum to City Manager Hosmer RE: Phase out of the Pay-As-You-Throw Bags

**CITY OF LEBANON
ORDINANCE #2026-09**

AN ORDINANCE TO AMEND Chapter 97, Landfill Regulations, of the Code of the City of Lebanon, Section 97-4, Definitions; Section 97-6, Permits; Section 97-8, Fees; and Appendix A, Fee Schedule.

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

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-4, Definitions, as follows:

LANDFILL PUNCH CARDS — Form of currency utilized at the Solid Waste Facility for noncommercial users to pay for disposal of trash and recycling. (NOTE: Landfill Punch Cards will be transitioned in as the primary currency method for all customers during 2027. not be accepted as a form of currency for non-Lebanon residents beginning January 1, 2024, but will remain an option for Lebanon residents.)

MUNICIPAL PAY-AS-YOU-THROW (PAYT) TRASH BAGS — Bags for purchase at local retailers customized for and authorized by the City of Lebanon for disposal of residential bagged refuse. Lebanon residents may use either PAYT Trash Bags or punch cards for this purpose. (NOTE: Beginning January 1, 2024, all non-Lebanon residents directly disposing of bagged refuse at the Solid Waste Facility rather than through a local transfer station or a commercial hauler will be required to use Municipal PAYT Trash Bags will be phased out during 2027. Once all PAYT bags are depleted, all customers will use the Landfill Punch Card as the primary currency for disposal at the Lebanon Solid Waste Facility.)

Section 2:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-6, Permits, as follows:

Amend Subsection §97-6.E:

- E. Implementation Provision. The effective date of this Section will be upon passage by the City Council. Implementation of requirements for updated Solid Waste Facility User Permits will be on-going until December 31, 2023, after which date all users will be required to have and display a valid permit issued through the EB2gov Software platform or other permitting platform as utilized by the City for entry into the Solid Waste Facility.

Section 3:

The Code of the City of Lebanon is hereby amended to revise Chapter 97, Landfill Regulations, §97-8, Fees, as follows:

Amend Subsection §97-8:

- F. Mixed loads:

- (1) Mixed loads will be assessed the tipping fee associated with the highest rate of the type of materials in the load. For example: A load of residential refuse and bulky waste is received. The load will be charged at the tipping fee associated with bulky waste disposal.
A load of MSW mixed with C&D will be charged at the C&D tipping rate.
- (2) Customers are required to deliver loads separated to reduce handling and disposal costs. Commercial mixed loads containing C&D debris will be ~~rejected~~charged at the C&D tipping rate.

H. Permit fees.

(1) Residential.

- (a) Ten dollars annually for Lebanon residents; ~~\$25~~\$32.50 annually for non-Lebanon residents.
- (b) Fifty-five dollars reactivation fee if permit is suspended.

Section 4:

The Code of the City of Lebanon, Chapter 97, Landfill Regulations, Appendix A, Fee Schedule, is amended as follows:

Item	Fee
MSW – Commercial	\$155.00 <u>172.50</u> per ton
MSW – Residential	\$4.00/household bag \$8.00/contractor bag \$40.00 per punch card \$2.50/15 Gallon PAYT household bag <u>Phase Out</u> \$5.00/30-Gallon PAYT household bag <u>Phase Out</u>
Minimum Load – Scale Use	\$45.00
Construction and demolition debris – NOTE: This does not include mixed aggregates	\$275 <u>300.00</u> per ton
Contaminated or mixed load recycling	\$350.00/ton
Mattresses – (Box spring is under bulky)	\$37.50 <u>45.00</u>
Bulky-Furniture, cabinets, sofa, chairs, box spring; excluding Mattresses	\$7.50 <u>10.00</u> Small (10-35lbs) \$14.50 <u>17.00</u> Medium (36lbs to 80lbs) \$22.50 <u>25.00</u> Large (81lbs and up) \$155 <u>175.00</u> per ton Sectionals charged by the piece
Tires	\$10.00/tire Maximum of 10 tires per load.
Yard trimmings and brush	\$15 <u>45.00</u> /ton for commercial loads and non-Lebanon resident up to 4 inches \$155 <u>165.00</u> /ton over 4 inches in diameter \$110 <u>175.00</u> Stumps Lebanon Residents only are free for loads less than 2 Cubic yards

	NON Commercial drop off Leaves, wood chips and grass clipping free- 4 inches or less in diameter Scale minimum ½ a ton.
Bulk loads of asphalt, brick and concrete and mixed aggregate	\$75 125.00 per ton
Electronic waste – monitors and TVs	\$22.50/item
Electronic waste – solar panels	\$42.50/panel
Electronic devices – DVD, VCR, stereo, etc.	\$12.50/item
Freon-containing devices	\$22.50/unit
Fluorescent bulbs	\$2.50 Base + \$0.15/ft. (Up to 4 bulbs or CFLs accepted per day)
Compact fluorescent lamps (CFLs)	\$2.50 Base + \$0.60/each (Up to 4 bulbs or CFLs accepted per day)
Cover materials	\$20.00 per ton
Food waste	\$155 165.00 per ton
Food scraps – household	No charge for food scrap composting-Residential
Glass-Bulk Load	\$155.00 per ton No Longer Accepting
In Person Permit fee	\$10.00 (in addition to base permit fee)
Equipment Assist	\$75.00
Scale Use Fee	\$10.00
Propane tanks 20lb	\$14.50
Propane tanks 1lb	\$4.50
Change of scale ticket fee, next day	\$30.00 (day of is free)
Lost card Fee-commercial	\$25.00
Account reactivation Fee	\$50.00
Found in Load Fee	Additional \$20.00 on top of cost of item
Drive off Fee	\$250 first offense, \$500 second offense, 6-month suspension 3 rd offense
Mixed Loads	Charged at the highest Rate of items contained in load
Waste Water Sludge	\$200 210.00 per ton

Section 5: Severability

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

Section 6: Effective Date

This ordinance shall become effective January 1, 2027.

§ 97-1. General regulations.

- A. The City adopts the following regulations in accordance with the provisions and requirements of RSA 149-M:17 as the same may be revised from time to time:
- (1) A solid waste hierarchy of disposal practices has been established for solid waste operations within the City of Lebanon to include (in order of priority):
 - (a) Source reduction.
 - (b) Reuse.
 - (c) Recycling.
 - (d) Composting.
 - (e) Landfilling.
 - (2) All solid waste management activities shall be under the direction of the Public Works Director or designee and performed in accordance with New Hampshire Department of Environmental Services Administrative Rules.
 - (3) The Public Works Director or designee is hereby authorized to establish administrative policies subject to the approval of the City Manager for the effective administration of this chapter.
 - (4) The Lebanon Solid Waste Facility (landfill and recycling center) will operate on a schedule as determined by the Public Works Director.
 - (5) All users of the Lebanon Solid Waste Facility are required to obtain a permit to access/use the facility and its service as outlined in § 97-6 below. **[Added 4-21-2021 by Ord. No. 2021-04]**
- B. The following shall be the general rules and regulations for use of the Municipal Solid Waste Facility:
- (1) Only authorized landfill users are permitted to dispose of refuse at the solid waste facility.
 - (2) No person is allowed to scavenge on the property of the solid waste facility.
 - (3) All children under the age of 12 must be supervised by a parent or guardian.
 - (4) No person is allowed to smoke on the solid waste facility property. This is in accordance with the City of Lebanon's prohibition of smoking on public property.
 - (5) Any person bringing or allowing a pet on the property of the facility must be in control of their pets at all times while on the property.
 - (6) Any person using the facility may only deposit refuse in areas designated by DPW staff.
 - (7) Any person using the facility must comply with directions provided by DPW staff.
 - (8) Solid Waste Division staff operating heavy equipment have the right-of-way on the Solid Waste Facility grounds.
 - (9) The speed limit at the Lebanon Solid Waste Facility is 20 miles per hour.

- C. Curbside containers; removal after pickup; cleanup of debris.
- (1) Curbside refuse containers and/or recycling containers, once emptied, must be removed by the owner from the public way within 24 hours.
 - (2) Any debris strewn by animals, wind, or other cause shall be cleaned up by the owner within 24 hours. Private contractors will be responsible for any debris they drop or spill on the ground and shall clean it up before moving on to the next stop.

§ 97-2. Classification of material.

- A. Only the following classes of materials may be accepted at the solid waste facility:
- (1) Bulky waste.
 - (2) Construction and demolition debris.
 - (3) Residential refuse.
 - (4) Commercial refuse.
 - (5) Yard waste and brush.
 - (6) Recyclables.

§ 97-3. Unacceptable waste.

- A. The following types of waste are prohibited from being deposited in the landfill:
- (1) Refuse generated outside of the City of Lebanon; or refuse generated outside of municipalities the City has agreements with that have authority to dispose of solid waste at the Lebanon Landfill.
 - (2) Materials not defined as residential refuse, commercial refuse, or recyclables.
 - (3) Materials not in conformance with Lebanon's Solid Waste Facility permits.
 - (4) Unprocessed construction and demolition debris, except for specific items or types of items authorized in writing by the Public Works Director as most appropriately disposed of in the landfill.
 - (5) Commercial mixed loads that contain unprocessed construction and demolition debris.
 - (6) Hazardous waste will not be accepted at the solid waste facility unless in conjunction with an authorized household hazardous waste collection event.
 - (7) Septage.
 - (8) Liquid wastes.
- B. Yard waste and brush may be brought for recycling, but not for disposal, and must be separated from general refuse and taken to designated areas.

§ 97-4. Definitions.

The following words, terms and phrases, when used in this chapter or the accompanying fee schedule, shall have the meanings ascribed to them in this section, except where the context

clearly indicates a different meaning:

AGGREGATE — Inert solid waste to include asphalt, brick concrete, crushed stone, dirt and other rubble.

APPLIANCES — (Also referred to as "white goods") Device or piece of equipment designed to perform a specific task, typically a domestic one. Examples include but not limited to stoves, washers, dryers, water heaters, and furnaces.

BRUSH — Organic material which constitutes trimmings with a diameter greater than one inch.

BULKY WASTE — Waste material from a residential or commercial source other than construction and demolition debris or hazardous waste. Bulky wastes include items such as mattresses, couches, chairs, carpet, and other wastes that are oversized or overweight. Specific load requirements and limitations for bulky items are as provided in Appendix A, Fee Schedule.¹
[Amended 12-6-2023 by Ord. No. 2023-06]

COMMERCIAL GENERATOR/WASTE HAULER — An individual, firm, partnership, joint venture, corporation or association providing refuse/recycling collection and disposal services for residential, commercial, industrial and institutional establishments not owned by such entities for a collection service fee.

COMMERCIAL REFUSE — Discarded waste materials in a solid state from any commercial or industrial source, including multifamily dwellings and condominium dwellings with more than five dwelling units.

COMPOSTABLES — Products that are capable of disintegrating into natural components in a composting environment, thereby having the potential of being diverted from disposal in the landfill. These include, but are not limited to, compostable cups, dinnerware, paper towels, coffee filters and liners. **[Added 4-21-2021 by Ord. No. 2021-04]**

CONSTRUCTION AND DEMOLITION (C&D) DEBRIS — Waste building materials resulting from construction, remodeling, repair or demolition operations, including but not limited to asphalt shingles, clean lumber, treated lumber (pressure treated, painted, stained, etc.), plywood, sheetrock, and aggregates; but not including any hazardous waste.

DISPOSAL SITE — A refuse depository for the processing or final disposal of refuse, including but not limited to sanitary landfills, transfer stations, incinerators and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

ELECTRONIC WASTE — Electronic devices; a piece of equipment and/or mechanism utilizing circuits in a manner designed to serve a particular purpose. Examples include but are not limited to: computers, laptops, TVs, displays/monitors, stereos, routers, uninterrupted power supplies, microwave ovens, and hand-held devices such as tablets, phones and GPS devices.

FOOD WASTE — (Also referred to as food scraps) Waste that has the potential of being composted and thereby diverted from disposal in the landfill. Examples include but are not limited to: coffee grounds, egg shells, meat, dairy, fruit and vegetable scraps/peelings.

FREON-CONTAINING DEVICES — Any device that contains and uses a Class I (chlorofluorocarbon; CFC), Class II (hydrofluorocarbon; HCFC) substance or substitute (e.g., hydrofluorocarbon; HFC) as a refrigerant and which is used for household or commercial purposes, including any air conditioner, motor vehicle air conditioner, refrigerator, chiller, or freezer.

GOOD STANDING — An account established by a Commercial Generator/Waste Hauler that is

paid in full within 60 days of issued invoice. **[Added 4-21-2021 by Ord. No. 2021-04]**

HAZARDOUS WASTE — A solid, semi-solid, liquid or any combination of these wastes or which constitutes hazardous waste under NH RSA 147-A:2VII, as that statute may be amended from time to time. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive or ignitable, irritants, strong sensitizers or those which generate pressure through decomposition, heat or other means. Other hazardous waste items include pharmaceuticals, ammunition, and asbestos.

LANDFILL — Areas designated for the disposal and burying of refuse.

LANDFILL PUNCH CARDS — Form of currency utilized at the Solid Waste Facility for noncommercial users to pay for disposal of trash and recycling. (NOTE: Landfill Punch Cards will be transitioned in as the primary currency method for all customers during 2027, not be accepted as a form of currency for non-Lebanon residents beginning January 1, 2024, but will remain an option for Lebanon residents.) **[Added 4-21-2021 by Ord. No. 2021-04; amended 7-19-2023 by Ord. No. 2023-03]**

LANDFILL USER — This term includes residents of and businesses and organizations located within the City of Lebanon, residents of and businesses and organizations located within municipalities in the States of New Hampshire and Vermont for which the City has an agreement to use the Lebanon Solid Waste Facility, and properly authorized commercial waste haulers.

LIQUID WASTE — Wastes that fail a paint filter test; as described by EPA Method 9095B, Paint Filter Liquids Test. Lebanon's solid waste permit prohibits the disposal of liquid waste in the landfill.

MIXED LOADS — Waste received containing a mixture of acceptable wastes. For example: residential refuse combined with recyclables and bulky wastes. Commercial mixed loads are not permitted to contain unprocessed construction and demolition debris.

MUNICIPAL PAY-AS-YOU-THROW (PAYT) TRASH BAGS — Bags for purchase at local retailers customized for and authorized by the City of Lebanon for disposal of residential bagged refuse. Lebanon residents may use either PAYT Trash Bags or punch cards for this purpose. (NOTE: Beginning January 1, 2024, all non-Lebanon residents directly disposing of bagged refuse at the Solid Waste Facility rather than through a local transfer station or a commercial hauler will be required to use Municipal PAYT Trash Bags will be phased out during 2027. Once all PAYT bags are depleted, all customers will use the Landfill Punch Card as the primary currency for disposal at the Lebanon Solid Waste Facility.) **[Added 7-19-2023 by Ord. No. 2023-03]**

PARTICIPATING COMMUNITY — A community, municipality, or incorporated place for which the City of Lebanon has an agreement to utilize the Lebanon Solid Waste Facility. **[Added 4-21-2021 by Ord. No. 2021-04]**

PERSON — As defined by RSA 358-A:1, shall mean, where applicable, natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, and any other legal entity.

PROCESSED CONSTRUCTION AND DEMOLITION DEBRIS — Construction and demolition debris that has been sorted and screened to remove contaminants such as lead-based paint waste as well as valuable recyclable material such as metal, mixed aggregates, and cardboard. Resultant processed product must be less than two inches in size per piece/section and able to be utilized as a cover material for the landfill, except for items or types of items authorized in writing by the Public Works Director as most appropriately disposed of in the landfill.

PROOF OF RESIDENCY — Documentation provided to demonstrate residency in Lebanon or a participating community. Satisfactory documentation will be determined by each individual community based on their requirements for proof of residency as a property owner or a renter, and may include a driver's license, motor vehicle registration, and/or any of the following: **[Added 4-21-2021 by Ord. No. 2021-04]**

- A. Property Owners – Most current property tax bill or recently dated utility bill (current within 30 days) indicating full name and physical address.
- B. Renters – Lease agreement: signed, dated, and in effect; or recently dated utility bill (current within 30 days) indicating full name and physical address.

RECYCLABLES — Material including, but not limited to, glass food and beverage containers; steel cans; aluminum cans; aluminum foil; HDPE #2 (high-density polyethylene) and PETE #1 (polyethylene terephthalate) plastics; newspapers; mixed paper, including magazines, catalogs, junk mail, envelopes, stationery, computer paper, office paper and boxboard; paper bags; corrugated cardboard; used clothing; used oil; automobile batteries; and yard trimmings, including leaves, grass clippings and pine needles.

RECYCLABLES, CONTAMINATED — Any recyclable material that is rendered unrecyclable through the presence of foreign material that cannot be removed by the recycling process. **[Amended 11-20-2024 by Ord. No. 2024-14]**

REFUSE — Any waste product, solid or having the character of a solid rather than a liquid in that it will not flow readily without additional liquid, and which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial or domestic solid wastes.

RESIDENT — As defined by NH RSA 21:6, as that statute may be amended from time to time, a resident or inhabitant or both of the City of Lebanon shall be a person who is domiciled or has a place of abode or both in that place, and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence to the exclusion of all others. This definition shall also apply to residents of municipalities in the States of New Hampshire and Vermont for which the City has an agreement to use the Lebanon Solid Waste Facility. Such residents may have access to the Facility at their own expense either directly with a valid residential permit or by using the services of a holder of a valid commercial permit. **[Amended 4-21-2021 by Ord. No. 2021-04]**

RESIDENTIAL REFUSE — Discarded nonrecyclable waste materials in a solid state from any residential dwelling including single-family dwellings and multiunit dwellings (apartment and condominium dwellings with five or fewer dwelling units and manufactured housing subdivisions) whether or not under common ownership or configured on a common site in accordance with a condominium declaration.

SEPTAGE — Any liquid, solid or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.

SMALLER-LOAD HAULER — Haulers disposing of less than 1,000 lbs. a week and/or making fewer than eight visits a month to the landfill. **[Added 7-19-2023 by Ord. No. 2023-03]**

SOLID WASTE FACILITY (hereinafter referred to as "facility") — City of Lebanon Solid Waste Facility located at 370 Plainfield Road, West Lebanon, NH, permitted by the New Hampshire Department of Environmental Services to receive, manage, recycle, and landfill solid waste. The area of the facility encompasses all processing operations, to include, but not limited to, Recycling

Drop Off Center, Landfill, C & D Processing Area, and all interior roadways and maintenance facilities. **[Amended 4-21-2021 by Ord. No. 2021-04]**

SOLID WASTE FACILITY USER PERMIT (hereinafter referred to as "permit") — A permit issued by the City of Lebanon that permits access and use of the Lebanon Solid Waste Facility under the provisions of this Chapter. **[Added 4-21-2021 by Ord. No. 2021-04; amended 7-19-2023 by Ord. No. 2023-03]**

TEMPORARY LANDFILL USER — A residential user or commercial generator/waste hauler utilizing the Solid Waste Facility on a one-time basis or for periods not to exceed 30 days. All waste disposed by a Temporary Landfill User must be generated within the City of Lebanon or a participating community. **[Added 4-21-2021 by Ord. No. 2021-04]**

TIPPING FEE — Cost for waste disposal (charged in accordance with City Council approved Fee Schedule, attached as Appendix A.²)

UNIT-BASED PRICING — Pricing for services based on a unit of measure such as volume or weight.

UNPROCESSED CONSTRUCTION AND DEMOLITION DEBRIS — Construction and demolition debris that has not been processed according to above definition of "processed construction and demolition debris."

YARD WASTE — Organic material, including leaves, grass trimmings, garden waste and pine needles.

§ 97-5. Public Recycling Drop Off Center.

The Recycling Drop-off Center is located at the front of the Municipal Solid Waste Facility located at 370 Plainfield Road (Route 12-A), West Lebanon, New Hampshire. Users of the Lebanon Recycling Center shall participate in the segregation of recyclables in accordance with the following:

- A. Those items defined as recyclables in § 97-4 above will be accepted at the City Recycling Center at no charge when possible. When necessary, fees will be set by the City Manager for a period of no more than 90 days in duration. The City Council must approve fee changes for periods of more than 90 days.
- B. Other items collected for recycling include: vegetable oil, appliances, automotive batteries, and rechargeable batteries.
- C. Fees may be collected for the following items for recycling: mercury-containing devices (fluorescent bulbs, thermometers, thermostats, etc.), televisions, computer monitors, computer central processing units, tires, oil, and food waste. **[Amended 11-20-2024 by Ord. No. 2024-14]**
- D. All recyclables must be free of contaminants. Contaminated recyclables will be subject to disposal fees based on weight at the rate set by the City Manager and approved by the City Council.

§ 97-6. Permits. [Added 4-21-2021 by Ord. No. 2021-04; amended 7-19-2023 by Ord. No. 2023-03; 11-20-2024 by Ord. No. 2024-14; 10-15-2025 by Ord. No. 2025-11]

Applications for permits must be submitted electronically using the form provided on the City's website. All applications for permits will be submitted to the Solid Waste Manager for review and

approval.

A. Residential Permits.

- (1) Residents of the City of Lebanon or participating communities transporting and disposing of their own residential refuse and/or recycling are required to obtain a permit to access the Facility and its services. In order to obtain a permit, residents must provide the following:
 - (a) A completed application submitted electronically using the form provided on the City's website with proof of residency in Lebanon or in a participating community is required.
 - (b) Payment of applicable fee.
- (2) Issued permits will be valid for one year and must be renewed before expiration of existing issued permit. Fees for permits will be as outlined in § 97-8.
- (3) Permits are required to be displayed upon entrance to the Solid Waste Facility and may be required to be presented upon demand of staff on site at any time. Those in possession of an invalid permit will be denied access.
- (4) One permit is valid for two vehicles from the same household.
- (5) In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

B. Commercial Permits.

- (1) All commercial generators/waste haulers delivering commercial and/or residential refuse are required to obtain a permit to access the Facility and its services. All refuse delivered for disposal must originate from homes, institutions, medical facilities, or businesses located within Lebanon or a participating community. In order to obtain a permit, commercial generators/waste haulers must provide the following:
 - (a) Establishment of new Waste Hauler Account (to include a Smaller-Load Hauler) if not an existing customer.
 - (b) A completed application submitted electronically using the form provided on the City's website to include current Customer Number associated with Commercial Waste Hauler Account for the City of Lebanon (Note: Commercial Waste Hauler Account must be in good standing in order for permit to be issued).
 - (c) Payment of applicable fee.
- (2) Permits are required to be displayed upon entrance to the Solid Waste Facility and may be required to be presented upon demand of staff on site at any time. Those in possession of an invalid permit will be denied access.
- (3) One permit per vehicle is required.
- (4) In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

- (5) Issued permits will remain valid, subject to an annual renewal fee. New vehicles or changes to the license plate require re-permitting. Fees for permits will be as outlined in § 97-8.

C. Temporary/One-Time Use Permits.

- (1) Temporary permits will be issued to landfill users that would need the Facility's services for one-time use and/or for periods not to exceed 30 days. The thirty-day timeframe begins the day the permit is issued. Temporary Permit applications must be submitted electronically using the form provided on the City's website. Access to the facility will be permitted for 30 days only, and fees for disposal services are paid via credit card. In order to obtain a temporary permit, users must provide the following:
 - (a) A completed application submitted electronically using the form provided on the City's website along with proof that refuse or recycling delivered for disposal originated from a home or business located within Lebanon or a participating community.
- (2) In order to retain a permit, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, permit and associated access to the facility may be revoked.

D. Municipal Recycling Permit.

- (1) Municipal Recycling Permit for disposal of certain recycling items that generates revenue for the City. A permit will be issued to a hauler or municipality that is outside of Lebanon and its participating communities. The Lebanon Recycling center will take the following items under this permit: scrap metal, Aluminum, steel cans, paper and cardboard.
- (2) A completed application must be submitted electronically using the form provided on the City's website. Fees for permits will be as outlined in § 97-8.
- (3) In order to retain a permit under this section, permit holders must comply with all local, state, and federal regulations for disposal of waste. If a permit holder is found to have violated regulations, the permit and associated access to the facility may be revoked.
- (4) Loads of contaminated recycling will be rejected. If they have already been commingled, they will be charged at the contaminated load fee.
- (5) Suspended or cancelled privileges: The recycling markets can be volatile. The City retains the right to suspend privileges for recycling drop-off under this section if rates of return on recyclables drop below a profitable margin as determined by the City. The City also can suspend privileges for operational considerations. 30 days' notice will be provided in writing to the Municipal permit holder.

- E. Implementation Provision. The effective date of this Section will be upon passage by the City Council. Implementation of requirements for updated Solid Waste Facility User Permits will be on-going until December 31, 2023, after which date all users will be required to have and display a valid permit issued through the EB2gov Software platform or other permitting platform as utilized by the City for entry into the Solid Waste Facility.

§ 97-7. Commercial generators/waste haulers' accounts and billing. [Added 4-21-2021 by

Ord. No. 2021-04³; amended 7-19-2023 by Ord. No. 2023-03]

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

- A. Use of the Facility. All commercial generators/waste haulers (to include Smaller-Load Haulers) are required to utilize the scales when entering and exiting the facility. Waste will be measured in pounds and charged at the rates provided in the Fee Schedule (attached as Appendix A).
- B. Billing.
 - (1) Commercial generators/waste haulers will be provided with an invoice when exiting the landfill each time solid waste is brought to the facility. In addition, the City will mail a statement with a summary of the invoice(s) in the previous month to commercial generators/waste haulers, except for Smaller-Load Haulers as set forth in Paragraph 97-7.B.2 below. Payment(s) can be made at any time, but must be paid in full within 30 days of the date of the statement. Unpaid amounts after 30 days will be subject to 8% interest that will accrue monthly. Failure to pay the unpaid amount in full, including any applicable interest, within 60 days of the statement date shall result in the suspension of the commercial permit and a prohibition on access to the facility.
 - (2) Smaller-Load Haulers are not eligible for statement billing for waste disposal. Payment is required from Smaller-Load Haulers per transaction according to the Fee Schedule at the time of service and must be paid with a valid credit card. Smaller-Load Haulers who have exceeded the 1,000 lbs/week and/or eight trips/month threshold for one year can be reclassified at that time as ordinary Commercial Generators/Waste Haulers for invoicing/billing purposes.
 - (3) If a permit is suspended for non-payment, it will not be reinstated and access to the facility will not be permitted until such time that payment is received in full, including all applicable interest, plus a fifty dollar permit reactivation fee. **[Amended 11-20-2024 by Ord. No. 2024-14]**

§ 97-8. Fees. [Amended 4-21-2021 by Ord. No. 2021-04; 7-19-2023 by Ord. No. 2023-03; 11-20-2024 by Ord. No. 2024-14; 10-15-2025 by Ord. No. 2025-11⁴]

Fees for authorized users of the landfill users are in accordance with the City Council approved Fee Schedule for Disposal at the Lebanon Solid Waste Facility (attached as Appendix A⁵). Method of payments accepted at the Facility include landfill punch cards (for residential bagged refuse by Lebanon residents only after December 31, 2023), credit cards (for online payments and any fees for itemized or weighed material), and commercial generator/waste hauler accounts.

A. Residential refuse:

- (1) Tipping fee is based per bag, dependent on type/size of bag being disposed. Fee is established annually by the City Manager and approved by the City Council (effective January 1 for the ensuing year). City Manager is authorized to raise the tipping fee by no more than 10% without City Council authorization and with 60 days' prior notice.

B. Commercial refuse:

- (1) Tipping fee is based on weight (per ton), with the amount established annually by the City Manager and approved by the City Council (effective January 1 for the ensuing year). City Manager is authorized to raise the tipping fee by no more than 10% without City Council authorization and with 60 days' prior notice.

C. Bulky waste:

- (1) Tipping fee is based on a per-item or per-ton load, determined by the total number and type of items being disposed. Tipping fees for bulky wastes are subject to change based on market conditions. Therefore, the City Manager may make temporary fee adjustments for a period of no more than 90 days in duration.

D. Yard trimmings and brush:

- (1) State law (NH RSA 149-M) prohibits the landfilling or incineration of yard trimmings or brush. The Lebanon Solid Waste Facility will accept leaves, grass clippings, brush, stumps, and other bulky yard waste, but it must be separated from general refuse and disposed of within designated areas as determined by the Solid Waste Manager. Fees for disposal will be charged at a rate based on the cost to handle and dispose of such items. The fee will be established by the City Manager and approved by the City Council. The City Manager may make temporary fee adjustments for a period of no more than 90 days in duration.

E. Construction and demolition debris:

- (1) Tipping fee is based on weight (per ton), established annually by the City Manager and approved by the City Council (effective January 1 for the ensuing year). Tipping fees for C&D are subject to change based on market conditions. Therefore, the City Manager may make temporary fee adjustments for a period of no more than 90 days in duration. C&D debris shall be placed in the designated C&D processing area of the Solid Waste Facility.
- (2) C&D Wood, such as plywood, clean lumber, treated lumber (pressure treated, painted, stained, etc.), wooden pallets, etc., shall be separated from the rest of the C&D.

F. Mixed loads:

- (1) Mixed loads will be assessed the tipping fee associated with the highest rate of the type of materials in the load. For example: A load of residential refuse and bulky waste is received. The load will be charged at the tipping fee associated with bulky waste disposal. A load of MSW mixed with C&D will be charged at the C&D tipping rate.
- (2) Customers are required to deliver loads separated to reduce handling and disposal costs. Commercial mixed loads containing C&D debris will be ~~rejected~~ charged at the C&D tipping rate.

G. Contaminated or mixed load recycling:

- (1) Loads of recycling that include contaminated recyclables or loads of MSW and bulky waste that contain more than 5% recycling as determined by the landfill operator shall be charged at the contaminated or mixed load recycling fee. Mixed loads with construction wood shall be rejected.

H. Permit fees.

- (1) Residential.
 - (a) Ten dollars annually for Lebanon residents; ~~\$25~~32.50 annually for non-Lebanon residents.
 - (b) Fifty-five dollar reactivation fee if permit is suspended.
- (2) Commercial.
 - (a) Fifty-five dollars annually, per vehicle.
 - (b) Fifty-five dollars reactivation fee if permit is suspended.
- (3) Temporary/one-time use: \$55 (per occurrence).
- (4) Municipal Recycling.
 - (a) Fifty-five dollars.
 - (b) Fifty-five dollar reactivation fee if permit is suspended.
- (5) Minimum charge for scaled waste is as shown in Appendix A.⁶

§ 97-9. Emergency provisions for natural and man-made disasters.

The Public Works Director with approval of the City Manager may make temporary changes to this Chapter 97 during emergencies. An emergency is a natural or man-made disaster that creates debris as a result of that disaster which cannot effectively and/or financially be managed by this chapter as written. Any changes made by the Public Works Director and approved by the City Manager may only remain in effect for 90 days after which the Council must authorize a continuance. The City Manager shall notify the Council within three calendar days of any such temporary changes. The Council may rescind the changes approved by the City Manager at any time.

§ 97-10. Penalties.

Any person who violates the provisions of this code is subject to penalties not to exceed \$3,000 per offense, per occurrence.

§ 97-11. Appeals.

Any applicant or permittee who is aggrieved by a decision or rule of the Public Works Director or designee may petition the City Manager for review of that decision, but, except as provided in this section, shall immediately abide by such decision of the Public Works Director or designee. Appeal of any decision may be initiated by submitting a written appeal to the City Manager within 10 days of the decision. The decision of the Public Works Director may be stayed by the City Manager pending appeal upon request of the aggrieved party for good cause shown. An administrative hearing shall be held before the City Manager whose decision shall be final.

1. Editor's Note: Said appendix is included as an attachment to this chapter.



CITY OF LEBANON
DEPARTMENT OF PUBLIC WORKS
193 Dartmouth College Highway
Lebanon, NH 03766

MEMO

Date: July 6, 2026

To: Andrew Hosmer, City Manager

From: Jay Cairelli, Public Works Director
Chris Kilmer, Assistant Director
Butch Carpenter, Solid Waste Manager

RE: Phase out of the Pay-As-You-Throw Bags

We are proposing to phase out the Pay-As-You-Throw (PAYT) bags for waste disposal at the Solid Waste Facility. The original intention of these bags was to compel customers to recycle at a higher level. Following the Recycling Study released by MSW Consultants in May 2025, our facility is operating an effective recycling program. (Refer to page 13 Section 5.1 of the Recycling Study of Lebanon Landfill Authorized User Communities). Given the PAYT program was implemented as the study was underway, the study demonstrates that the PAYT program will not gain a significant increase in recycling practices for our facility as originally anticipated.

The PAYT program has created some operational inefficiencies, in particular at the scale house when customers check in. By eliminating the ability to use punch cards for non-Lebanon residents, transaction times have significantly increased due to credit/debit card processing. This is resulting in longer lines and wait times for customers at the scale house.

We proposed phasing out the PAYT bags during 2027, by not making further bag stock purchases and once stores are out of the PAYT bags, they revert to the sale of punch cards for all eligible customers. The ability to pay with a credit/debit card will remain should a customer not have sufficient punch cards punches for their disposal. This proposal drastically reduces the anticipated volume of daily credit/debit transactions staff process at the scale house. This simplifies the check-in, load inspection, and payment through the punch card for the majority of our customers. This also decreases the transaction fees we pay per transaction to the processing company.

We feel this proposal will afford a more timely and streamlined customer experience, decrease processing times, and standardize the disposal process at the facility.

Agenda

Lebanon City Council

September 16, 2026

12. New Business:

12.D – Discussion and Set Public Hearing for October 7, 2026: Ordinance 2026-10, to Amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to Authorize Changes to Certain Public Utilities Fees, Stormwater Permit Fees, Driveway Permit Fees, and Floodplain Permit Fees

Background

The City Administration is proposing Ordinance 2026-10 to recommend changes to certain public utilities fees outlined in City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, §68-15.B, Public Utilities (water/sewer), including the following:

- A 3.0% increase to the Water Service Rates set forth in §68-15.B(1);
- A 5.0% increase to the Sewer Service Rates set forth in §68-15.B(7).

The proposed increases to the Water and Sewer Service Rates are recommended in order to provide current and future resources to absorb projected operations and maintenance costs and debt service expenses in both enterprise funds. As proposed, the new Water and Sewer Service Rates would be effective as of January 1, 2027.

In addition, the Department of Public Works is proposing to amend the fees for Stormwater Permit applications as set forth in §68-15.C, Driveway Permit applications as set forth in §68-15.F, and Floodplain Permit applications as set forth in §68-15.G.

Action

Should the Council wish to move forward with proposed Ordinance 2026-10, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2026, beginning at 7:00 pm, 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 2026-10, as presented in the September 16, 2026 City Council agenda packet, to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, to authorize changes to certain Public Utilities fees, Stormwater Permit fees, Driveway Permit fees, and Floodplain Permit fees.

Included In This Section:

1. Proposed Ordinance 2026-10
2. City Code Section 68, Fees, Article III, Miscellaneous Fees – including proposed redline amendments

**CITY OF LEBANON
ORDINANCE #2026-10**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 68, Fees, Article III, Miscellaneous Fees, by amending §68-15, Enumeration of Fees, to change certain Public Utilities fees, Stormwater Permit fees, Driveway Permit fees, and Floodplain Permit fees.

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

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, §68-15.B, Public Utilities (water/sewer), as follows:

B. Public utilities (water/sewer) fees shall be as follows:

(1) Water Service Rates

(a) Per 100 cubic feet:

- [1] Single-family residential: 0 to 1,200 cubic feet: ~~\$5.09~~ \$5.24.
- [2] Single-family residential: greater than 1,200 cubic feet: ~~\$10.18~~ \$10.49.
- [3] Non-residential and non-single-family residential: ~~\$7.64~~ \$7.87.

(b) Fixed charge per quarter:

- [1] 5/8-inch: ~~\$26.72~~ \$27.52.
- [2] *3/4-inch: ~~\$85.40~~ \$87.96.
- [3] *One-inch: ~~\$126.96~~ \$130.77.
- [4] 1.5-inch: ~~\$223.30~~ \$230.00.
- [5] Two-inch: ~~\$369.86~~ \$380.96.
- [6] Three-inch: ~~\$951.97~~ \$980.53.
- [7] Four-inch: ~~\$3,693.82~~ \$3,804.63.
- [8] Six-inch: ~~\$7,042.97~~ \$7,254.26.
- [9] Eight-inch: ~~\$13,531.43~~ \$13,937.37.

*Typical residential dwelling units are adequately served by plumbing systems that only require a 5/8-inch water meter. Residential dwelling units plumbed to include a fire suppression system require a water meter at least 3/4-inch in size. As such, those one- and two-family residential dwellings serviced by a fire suppression system may be exempt from the requirement to pay a higher fixed meter charge and will be charged the same rate as a 5/8-inch water meter. The owner may apply for an exemption. The City Manager may issue an exemption to the 5/8-inch meter rate only if the structure being served does not otherwise have a need for a larger meter size.

(2) Fire sprinkler (based on size of sprinkler backflow device) for multifamily, commercial, industrial and institutional accounts:

- (a) Four inches or less: ~~\$85~~ \$95 per quarter.

(b) Greater than four inches, up to six inches: ~~\$250~~ \$270 per quarter.

(c) Greater than six inches, up to eight inches: ~~\$391~~ \$400 per quarter.

(d) Greater than eight inches: ~~\$533~~ \$540 per quarter.

(3) Fire hydrants (based on size of water main/service line):

(a) Four inches or less: ~~\$61~~ \$70 per quarter.

(b) Greater than four inches, up to six inches: ~~\$180~~ \$190 per quarter.

(c) Greater than six inches, up to eight inches: ~~\$281~~ \$290 per quarter.

(d) Greater than eight inches: ~~\$383~~ \$390 per quarter.

(4) Water standard service connection fee:

(a) 5/8-inch meter: ~~\$1,338~~ \$1,400*

(b) 3/4-inch meter: ~~\$1,423~~ \$1,500*

(c) One-inch meter: ~~\$1,514~~ \$1,550*

(d) Greater-than-one-inch meter: Installation is the responsibility of the consumer, per City specifications.

NOTES:

* Notwithstanding the base fee applied to all size categories, the total fee shall be equal to actual costs; cost of meter shall be at additional cost.

(5) Water meter cost schedule:

(a) 5/8-inch, 3/4-inch, and one-inch meters: Cost based on vendor quote (purchased and installed by City into pre-plumbed fittings).

(b) Greater-than-one-inch meter: Meter purchase and installation are the responsibility of the consumer, per City specifications, i.e., Badger Meter and compatible with City's automatic meter reading system.

(6) Miscellaneous water service fees:

(a) Water service connection deposit: The Finance Director may require a deposit for new accounts or for consumers who have a history of late payment in accordance with Chapter 123, Public Utilities, §123-10, Connection deposit.

(b) Meter test when requested by consumer: ~~\$110~~ \$125 when meter is determined to be accurate; no charge when meter is determined to be accounting for extra water.

(c) Meter installation or replacement when requested by consumer: ~~\$60~~ \$75 service fee, plus actual cost of replacement meter.

- (d) Damaged/frozen meter: ~~\$60~~ \$75 service fee, plus actual cost of repair/replacement of meter.
- (e) Meter tampering charge: ~~\$1,000~~ \$1,030, plus a tampering penalty as described in Chapter 182, Water Service, §182-25, Charges in case of meter tampering/fraudulent use of water.
- (f) Out-of-cycle meter reading/billing: ~~\$50~~ \$75 during normal working hours, or ~~\$140~~ \$165 during nonworking hours.
- (g) Discontinuance and/or restoration of service fee (turn-on/turn-off service): ~~\$50~~ \$75 during normal working hours, or ~~\$140~~ \$165 during nonworking hours.
- (h) Supplemental meter: ~~\$50~~ \$75 per quarter for reading and billing, and a one-time charge for the installation of a meter based on the water meter cost schedule, §68-15B(5).
- (i) Backflow prevention device testing: ~~\$67~~ \$75 per test.
- (j) New service main tap/inspection fee per inspection visit:
 - [1] Water main: ~~\$50~~ \$75.
 - [2] Service line: ~~\$50~~ \$75.
- (k) Renewed service line inspection: ~~\$50~~ \$75.
- (l) Water permit application fee to make connection:
 - [1] Residential: ~~\$50~~ \$75.
 - [2] Commercial: ~~\$100~~ \$125.
- (m) Hydrant test fee: \$250 for the first hour, \$150 per hour after the first hour. Charge will be rounded to the next full hour. Estimated water use is included in the hourly fees.
- (n) Temporary water setup fee: ~~\$100~~ \$125 plus non-residential and non-single-family residential cost of cubic foot usage as described in § 68-15B(1)(a)[3].
- (o) Dechlorinating of new water line: ~~\$100~~ \$125.
- (p) Chlorination and pressure test of new water line: ~~\$100~~ \$125.
- (q) Remark of previously marked Dig Safe lines: \$250. This includes all City infrastructure projects and is the responsibility of the contractor and cannot be back charged to the City.
- (r) Replacement of damaged or missing meter register or transponder: ~~\$50~~ \$75 plus cost of meter register or transponder.
- (s) Seasonal use meters: ~~\$50~~ \$75 per install and ~~\$50~~ \$75 for removal and water shutoff.
- (t) No shows to appointments: ~~\$50~~ \$75.

- (u) Bulk water to fill a tank: non-residential and non-single-family residential cost of cubic foot usage as described in § 68-15B(1)(a)[3] plus ~~\$100~~ \$125 service fee per fill or ~~\$150~~ \$175 service fee per fill after normal business hours.

(7) Sewer Service Rates

(a) Fixed charge per quarter:

- [1] 5/8-inch: ~~\$36.44~~ \$38.26.
- [2] 3/4-inch: ~~\$116.50~~ \$122.33.
- [3] One-inch: ~~\$173.25~~ \$181.91.
- [4] 1.5-inch: ~~\$304.67~~ \$319.90.
- [5] Two-inch: ~~\$504.69~~ \$529.92.
- [6] Three-inch: ~~\$1,299.04~~ \$1,363.96.
- [7] Four-inch: ~~\$5,040.43~~ \$5,292.45.
- [8] Six-inch: ~~\$9,610.63~~ \$10,091.16.
- [9] Eight-inch: ~~\$18,464.56~~ \$19,387.79.

- (b) Per 100 cubic feet of metered water usage: ~~\$13.76~~ \$14.45.

(c) Flat rate (limited to consumers who are not provided water service or a meter for computing flow):

- [1] Residential: ~~\$449.64~~ \$472.12 per quarter.
- [2] Commercial: estimated flow to be computed by the Department of Public Works based on facility use and occupancy at the rate contained in Subsection B(7)(b) above.

(8) Sewer use permit fee for new or modified services:

- (a) Residential (to include multifamily): ~~\$250-\$275~~ for one dwelling unit, plus ~~\$100~~ \$110 for each additional dwelling unit. (~~\$250-\$275~~ is the minimum fee for a sewer use permit.)
- (b) Commercial/industrial: ~~\$250-\$275~~ for one sewer unit, plus ~~\$100~~ \$110 for each additional sewer unit, rounded to the next whole sewer unit.

(9) Miscellaneous sewer fees:

(a) Septage disposal rates:

- [1] From properties within Lebanon: ~~\$80~~ \$90 per 1,000 gallons.
- [2] From properties outside Lebanon: ~~\$85~~ \$96 per 1,000 gallons.

- (b) Septage disposal for recreational vehicles: ~~\$34~~ \$39.

(c) New service sewer main tap/inspection:

- [1] Eight-inch or less: ~~\$488~~ \$500.
- [2] Greater than eight-inch: ~~\$964~~ \$980.

- (d) Renewed service line inspection: ~~\$34~~ \$75.

- (e) Sewer development charge (SDC): Sewer development charges imposed by this article shall be determined by the estimated gallons per day of sewer use by a sewer

user. The SDC is based on one sewer unit at an estimated usage of 210 gallons per day (gpd).

[1] For connections in Lebanon and Enfield where the flow is directed to the Lebanon Wastewater Treatment Plant, the rate for every 210 gpd of estimated usage is \$3,006.

[2] For connections in Lebanon where flow is directed to the Hanover Wastewater Treatment Plant, the rate for every 210 gpd of estimated flow is \$953.

(10) Town of Enfield sewer rental rate

(a) ~~\$7.87~~ \$8.26 per 100 cubic feet.

(b) New or expanded sewer users within the Town of Enfield are subject to the sewer development charge at the same rate charged to sewer users within the City of Lebanon.

Section 2:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, §68-15.C, Stormwater Permit Application Fee, as follows:

C. Stormwater permit application fee.

(1) The fee for a stormwater permit application shall be ~~\$250~~ \$275 for new or modified connections, which includes up to two visits for inspection services.

(2) For existing connections, the stormwater permit application fee may be waived by the City Manager for good cause shown.

(3) The fee for additional inspections is ~~\$50~~ \$75 per visit during regular business hours and ~~\$140~~ \$175 per visit outside of regular business hours.

Section 3:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, §68-15.F, Driveway Permit Application Fee, as follows:

F. Driveway permit application fee. The fee for a driveway permit application shall be ~~\$75~~ \$125, which includes two site inspections (one before and one after construction). A charge of ~~\$75~~ \$100 will be assessed for each additional inspection.

Section 4:

The Code of the City of Lebanon is hereby amended to revise Chapter 68, Fees, Article III, Miscellaneous Fees, §68-15, Enumeration of Fees, §68-15.G, Construction Within a Floodplain, as follows:

G. Construction within a floodplain. The fee for a permit to construct within a floodplain shall be ~~\$250~~ \$275 plus a service fee of ~~\$75~~ \$100 per hour for any inspections.

Section 5: Severability

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

Section 6: Effective Date

This ordinance shall become effective January 1, 2027.

ARTICLE III
Miscellaneous Fees

[Adopted by Ord. No. 58; effective 7-19-1989; amended in its entirety 9-20-2000 by Ord. No. 70,
effective 9-25-2000]

§ 68-11. Declaration of purpose. [Amended 11-20-2024 by Ord. No. 2024-13]

In 1989 the City adopted an ordinance establishing fees charged by the City for services, including but not limited to filing fees, costs of notice to abutters and permits. Council has since determined that having all fees in one ordinance did not provide the benefits originally envisioned. Fee for various permits, licenses and reviews are now in the individual ordinances which are included in the separate chapters of the Code of the City of Lebanon. Council adopts the following provisions which apply to fees not otherwise provided for in the Code of the City of Lebanon.

Notwithstanding anything in this or any other chapter of the City Code to the contrary, the City Council hereby confirms that the City of Lebanon, the Lebanon School District (SAU #88), and the Lebanon Housing Authority (LHA) shall not be required to pay applicable fees as set forth in Chapter 68, or as outlined in any other chapter of the Code of the City of Lebanon, for permits, licenses, or reviews for City-, School District-, or LHA-sponsored projects or applications. However, this exemption shall not apply to the following: water service rates under § 68-15B(1); hydrant fees under § 68-15B(3); and sewer service rates under § 68-15B(7).

§ 68-12. Amendment of fees.

Amendment of fees shall not require legal review pursuant to Chapter 115, Ordinances, Enactment of.

§ 68-13. Return of fees.

Fees shall be returned to the person who made payment only upon the following conditions:

- A. Where it is determined that an error has been made by the City.
- B. Refunds made by the City due to cancellations of any program or project, or similar situations.
- C. Refunds resulting from errors of the applicant which shall be in the sole discretion of the Manager.
- D. And such other refund approved by the Manager in the Manager's sole discretion.

§ 68-14. Miscellaneous nonscheduled fees.

The Manager may establish miscellaneous fees, for example, copies of voting lists and copies of documents, in the Manager's discretion, in an amount reasonably calculated to cover the City's administrative costs.

§ 68-15. Enumeration of fees. [Amended 6-5-2002; 9-3-2003 by Ord. No. 2003-6; 3-15-2006 by Ord. No. 2006-4; 1-21-2009 by Ord. No. 2009-3; 9-19-2012 by Ord. No. 2012-2; 12-3-2014 by Ord. No. 2014-4; 12-6-2017 by Ord. No. 2017-03; 8-1-2018 by Ord. No. 2018-05; 12-5-2018 by Ord. No. 2018-08; 2-20-2019 by Ord. No. 2019-02; 5-15-2019 by Ord. No. 2019-06; 12-4-2019 by Ord. No. 2019-16; 12-5-2019 by Ord. No. 2019-19; 6-3-2020 by Ord. No. 2020-08; 6-17-2020 by Ord. No. 2020-09; 12-2-2020 by Ord. No. 2020-20; 9-1-2021 by Ord. No. 2021-05; 12-1-2021 by Ord. No.

2. Editor's Note: This ordinance provided for an effective date of 1-1-2018.

2021-11; 12-1-2021 by Ord. No. 2021-12; 12-1-2021 by Ord. No. 2021-13; 12-23-2022 by Ord. No. 2022-05; 12-23-2022 by Ord. No. 2022-08; 12-6-2023 by Ord. No. 2023-05; 2-7-2024 by Ord. No. 2024-02; 11-20-2024 by Ord. No. 2024-13; 10-15-2025 by Ord. No. 2025-10³; 2-4-2026 by Ord. No. 2026-01]

A. Zoning. Zoning fees shall be as follows:

(1) Zoning Board of Adjustment fees:

(a) Filing fees:

- [1] Administrative appeal per Section 801.1 of the Zoning Ordinance or per Code § 74-18 (Floodplain Appeal Board): \$300.
- [2] Variance per Section 801.2 of the Zoning Ordinance or per Code § 74-18 (Floodplain Appeal Board): \$300.
- [3] Special exception per Section 801.3 of the Zoning Ordinance: \$300.
- [4] Equitable waiver of dimensional regulations per Section 801.4.B of the Zoning Ordinance: \$300.
- [5] Rehearing requests per Section 802.5 of the Zoning Ordinance: \$100.
- [6] Rehearing: \$300. Should the Zoning Board grant a rehearing request, the party initiating the rehearing request shall be responsible for all fees associated with the rehearing. The application fee of \$300 shall be waived if the Board, in granting the rehearing request, determines that it did or may have made a prejudicial technical or legal error in its original decision.

(b) Advertising fees and legal notification fees shall be determined by the City Manager pursuant to § 68-14, Miscellaneous nonscheduled fees.

(2) Zoning verification letter administrative fee: The fee for issuing a zoning verification letter prepared by the Planning and Development Department shall be \$100.

(3) Sign permit fee: Signs equal to or greater than 64 square feet shall be \$8 per square foot. Signs less than 64 square feet shall be \$4 per square foot.

(a) If work requiring a sign permit under this chapter is commenced or completed prior to the issuance of such permit(s), the applicable sign permit fee shall be doubled for the landowner's, company's, or individual's first such occurrence; tripled for the second occurrence; and quadrupled for any subsequent occurrence.

(b) If a sign permit includes structural, electrical, or other required building inspection(s), a unified sign and building permit may be issued. The fee for the structural component review and inspection shall be \$75. The fee for the electrical component review and inspection shall be \$75. The fee for any other required review and building inspection shall be \$75.

(4) Zoning ordinance amendment petition fee: \$300.

3. Editor's Note: This ordinance provided an effective date of 1-1-2026.

B. Public utilities (water/sewer) fees shall be as follows:

(1) Water service rates:

(a) Per 100 cubic feet:

- [1] Single-family residential: 0 to 1,200 cubic feet: ~~\$5.09~~ \$5.24
- [2] Single-family residential: greater than 1,200 cubic feet: ~~\$10.18~~ \$10.49
- [3] Non-residential and non-single-family residential: ~~\$7.64~~ \$7.87

(b) Fixed charge per quarter:

- [1] 5/8-inch: ~~\$26.72~~ \$27.52
- [2] 3/4-inch: ~~\$85.40~~ \$87.96
- [3] *One-inch: ~~\$126.96~~ \$130.77
- [4] 1.5-inch: ~~\$223.30~~ \$230.00
- [5] Two-inch: ~~\$369.86~~ \$380.96
- [6] Three-inch: ~~\$951.97~~ \$980.53
- [7] Four-inch: ~~\$3,693.82~~ \$3,804.63
- [8] Six-inch: ~~\$7,042.97~~ \$7,254.26
- [9] Eight-inch: ~~\$13,531.43~~ \$13,937.37

*Typical residential dwelling units are adequately served by plumbing systems that only require a 5/8-inch water meter. Residential dwelling units plumbed to include a fire suppression system require a water meter at least 3/4-inch in size. As such, those one- and two-family residential dwellings serviced by a fire suppression system may be exempt from the requirement to pay a higher fixed meter charge and will be charged the same rate as a 5/8-inch water meter. The owner may apply for an exemption. The City Manager may issue an exemption to the 5/8-inch meter rate only if the structure being served does not otherwise have a need for a larger meter size.

(2) Fire sprinkler (based on size of sprinkler backflow device) for multifamily, commercial, industrial and institutional accounts:

- (a) Four inches or less: ~~\$85~~ \$95 per quarter.
- (b) Greater than four inches, up to six inches: ~~\$250~~ \$270 per quarter.
- (c) Greater than six inches, up to eight inches: ~~\$391~~ \$400 per quarter.
- (d) Greater than eight inches: ~~\$533~~ \$540 per quarter.

(3) Fire hydrants (based on size of water main/service line):

- (a) Four inches or less: ~~\$61~~ \$70 per quarter.

- (b) Greater than four inches, up to six inches: ~~\$180~~ \$190 per quarter.
- (c) Greater than six inches, up to eight inches: ~~\$281~~ \$290 per quarter.
- (d) Greater than eight inches: ~~\$383~~ \$390 per quarter.
- (4) Water standard service connection fee:
 - (a) 5/8-inch meter: ~~\$1,338~~ \$1,400.*
 - (b) 3/4-inch meter: ~~\$1,423~~ \$1,500.*
 - (c) One-inch meter: ~~\$1,514~~ \$1,550.*
 - (d) Greater-than-one-inch meter: Installation is the responsibility of the consumer, per City specifications.

NOTES:

* Notwithstanding the base fee applied to all size categories, the total fee shall be equal to actual costs; cost of meter shall be at additional cost.

- (5) Water meter cost schedule:
 - (a) 5/8-inch, 3/4-inch, and one-inch meters: cost based on vendor quote (purchased and installed by City into pre-plumbed fittings).
 - (b) Greater-than-one-inch meter: Meter purchase and installation are the responsibility of the consumer, per City specifications, i.e., Badger Meter and compatible with City's automatic meter reading system.
- (6) Miscellaneous water service fees:
 - (a) Water service connection deposit: The Finance Director may require a deposit for new accounts or for consumers who have a history of late payment in accordance with Chapter 123, Public Utilities, §123-10, Connection deposit.⁴
 - (b) Meter test when requested by consumer: ~~\$110~~ \$125, when meter is determined to be accurate; no charge when meter is determined to be accounting for extra water.
 - (c) Meter installation or replacement when requested by consumer: ~~\$60~~ \$75, service fee, plus actual cost of replacement meter.
 - (d) Damaged/frozen meter: ~~\$60~~ \$75, service fee, plus actual cost of repair/replacement of meter.
 - (e) Meter tampering charge: ~~\$1,000~~ \$1,030, plus a tampering penalty as described in Chapter 182, Water Service, §182-25, Charges in case of meter tampering/fraudulent use of water.
 - (f) Out-of-cycle meter reading/billing: ~~\$50~~ \$75, during normal working hours, or ~~\$140~~ \$165, during nonworking hours.
 - (g) Discontinuance and/or restoration of service fee (turn-on/turn-off service): ~~\$50~~ \$75, during normal working hours, or ~~\$140~~ \$165, during nonworking hours.

4. Editor's Note: Chapter 123 was repealed 2-21-2001 by Ord. No. 2001-4. See now Ch. 182, Water Service.

- (h) Supplemental meter: ~~\$50~~\$75. per quarter for reading and billing, and a one-time charge for the installation of a meter based on the water meter cost schedule, §68-15B(5).
 - (i) Backflow prevention device testing: ~~\$67~~\$75. per test.
 - (j) New service main tap/inspection fee per inspection visit:
 - [1] Water main: ~~\$50~~\$75.
 - [2] Service line: ~~\$50~~\$75.
 - (k) Renewed service line inspection: ~~\$50~~\$75.
 - (l) Water permit application fee to make connection:
 - [1] Residential: ~~\$50~~\$75.
 - [2] Commercial: ~~\$100~~\$125.
 - (m) Hydrant test fee: \$250 for the first hour, \$150 per hour after the first hour. Charge will be rounded to the next full hour. Estimated water use is included in the hourly fees.
 - (n) Temporary water setup fee: ~~\$100~~\$125 plus non-residential and non-single-family residential cost of cubic foot usage as described in § 68-15B(1)(a)[3].
 - (o) Dechlorinating of new water line: ~~\$100~~\$125.
 - (p) Chlorination and pressure test of new water line: ~~\$100~~\$125.
 - (q) Remark of previously marked Dig Safe lines: \$250. This includes all City infrastructure projects and is the responsibility of the contractor and cannot be back charged to the City.
 - (r) Replacement of damaged or missing meter register or transponder: ~~\$50~~\$75 plus cost of meter register or transponder.
 - (s) Seasonal use meters: ~~\$50~~\$75 per install and ~~\$50~~\$75 for removal and water shutoff.
 - (t) No shows to appointments: ~~\$50~~\$75.
 - (u) Bulk water to fill a tank: non-residential and non-single-family residential cost of cubic foot usage as described in § 68-15B(1)(a)[3] plus ~~\$100~~\$125. service fee per fill or ~~\$150~~\$175. service fee per fill after normal business hours.
- (7) Sewer service rates:
- (a) Fixed charge per quarter:
 - [1] 5/8-inch: ~~\$36.44~~\$38.26.
 - [2] 3/4-inch: ~~\$116.50~~\$122.33.
 - [3] One-inch: ~~\$173.25~~\$181.91.
 - [4] 1.5-inch: ~~\$304.67~~\$319.90.
 - [5] Two-inch: ~~\$504.69~~\$529.92.

- [6] Three-inch: ~~\$1,299.01~~ \$1,363.96.
- [7] Four-inch: ~~\$5,040.43~~ \$5,292.45.
- [8] Six-inch: ~~\$9,610.63~~ \$10,091.16.
- [9] Eight-inch: ~~\$18,464.56~~ \$19,387.79.
- (b) Per 100 cubic feet of metered water usage: ~~\$13.76~~ \$14.45.
- (c) Flat rate (limited to consumers who are not provided water service or a meter for computing flow):
 - [1] Residential: ~~\$449.64~~ \$472.12 per quarter.
 - [2] Commercial: estimated flow to be computed by the Department of Public Works based on facility use and occupancy at the rate contained in Subsection B(7)(b) above.
- (8) Sewer use permit fee for new or modified services:
 - (a) Residential (to include multifamily): ~~\$250~~ \$275 for one dwelling unit, plus ~~\$100~~ \$110 for each additional dwelling unit. (~~\$250~~ \$275 is the minimum fee for a sewer use permit.)
 - (b) Commercial/industrial: ~~\$250~~ \$275 for one sewer unit, plus ~~\$100~~ \$110 for each additional sewer unit, rounded to the next whole sewer unit.
- (9) Miscellaneous sewer fees:
 - (a) Septage disposal rates:
 - [1] From properties within Lebanon: ~~\$80~~ \$90 per 1,000 gallons.
 - [2] From properties outside Lebanon: ~~\$85~~ \$96 per 1,000 gallons.
 - (b) Septage disposal for recreational vehicles: ~~\$34~~ \$39.
 - (c) New service sewer main tap/inspection:
 - [1] Eight-inch or less: ~~\$488~~ \$500
 - [2] Greater than eight-inch: ~~\$964~~ \$980.
 - (d) Renewed service line inspection: ~~\$34~~ \$75.
 - (e) Sewer development charge (SDC): Sewer development charges imposed by this article shall be determined by the estimated gallons per day of sewer use by a sewer user. The SDC is based on one sewer unit at an estimated usage of 210 gallons per day (gpd).
 - [1] For connections in Lebanon and Enfield where the flow is directed to the Lebanon Wastewater Treatment Plant, the rate for every 210 gpd of estimated usage is \$3,006.
 - [2] For connections in Lebanon where flow is directed to the Hanover Wastewater Treatment Plant, the rate for every 210 gpd of estimated flow is \$953.
- (10) Town of Enfield sewer rental rate.

- (a) ~~\$7.87~~ \$8.26 per 100 cubic feet.
- (b) New or expanded sewer users within the Town of Enfield are subject to the sewer development charge at the same rate charged to sewer users within the City of Lebanon.
- C. Stormwater permit application fee.
 - (1) The fee for a stormwater permit application shall be ~~\$250~~ \$275 for new or modified connections, which includes up to two visits for inspection services.
 - (2) For existing connections, the stormwater permit application fee may be waived by the City Manager for good cause shown.
 - (3) The fee for additional inspections is ~~\$50~~ \$75 per visit during regular business hours and ~~\$140~~ \$175 per visit outside of regular business hours.
- D. City Clerk's office.
 - (1) The data processing fee associated with generating and mailing motor vehicle renewal notices shall be \$1.
 - (2) The fee to license a dog shall be \$1.
 - (3) The fine for having an unlicensed dog in the City of Lebanon on or after October 1, of each calendar year shall be \$10.
 - (4) Landlord's Agent Registry.
 - (a) The fee to file a statement with the City Clerk to designate an agent for service of process in accordance with NH RSA 540:1-b shall be \$15.
 - (b) The penalty for the failure to file a statement designating an agent for service of process as required under NH RSA 540:1-b shall be \$100.
- E. Ambulance fees shall be as follows:
 - (1) Basic Life Support, Emergency Base Rate: \$1,505.30.
 - (2) Basic Life Support, Non-Emergency Base Rate: \$940.81.
 - (3) Advanced Life Support, Non-Emergency Base Rate: \$1,128.99.
 - (4) Advanced Life Support 1, Emergency Base Rate: \$1,787.57.
 - (5) Advanced Life Support 2, Emergency Base Rate: \$2,587.26.
 - (6) Specialty Care Transport: \$3,057.63.
 - (7) Mileage: \$29.25.
 - (8) Advanced Life Support, no transport: \$606.95.
- F. Driveway permit application fee. The fee for a driveway permit application shall be ~~\$75~~ \$125., which includes two site inspections (one before and one after construction). A charge of ~~\$75~~ \$100. will be assessed for each additional inspection.

- G. Construction within a floodplain. The fee for a permit to construct within a floodplain shall be ~~\$250~~ \$275, plus a service fee of ~~\$75~~ \$100 per hour for any inspections.
- H. Building Code Board of Appeals. The filing fee for an application to the Building Code of Board Appeals per § 36-13 shall be \$300. Advertising fees and legal notification fees shall be determined by the City Manager pursuant to § 68-14, Miscellaneous nonscheduled fees.
- I. Heritage Commission. The filing fee for an application to the Heritage Commission for a Certificate of Approval per Section 408 ("Historic District") of the Zoning Ordinance⁵ shall be \$100. Advertising fees and legal notification fees shall be determined by the City Manager pursuant to Code § 68-14 ("Miscellaneous nonscheduled fees").

5. Editor's Note: The Zoning Ordinance is on file in the office of the City Clerk.

**Agenda
Lebanon City Council
September 16, 2026**

12. New Business:

**12.E – Discussion and Set Public Hearing for October 7, 2026:
Ordinance 2026-11, to Amend City Code Chapter 46, Cemeteries,
to Authorize Changes to Certain Cemetery Fees**

Background

The Department of Public Works is proposing Ordinance 2026-11 to recommend changes to certain cemetery fees set forth in City Code Chapter 46, Cemeteries. The proposed fee changes would apply to the purchase and transfer of cemetery lots or graves, as well as to fees associated with burial and entombment and the installation of monuments and markers.

Most of the fees proposed to be changed have not been updated since 2020 or 2022.

Action

Should the Council wish to move forward with proposed Ordinance 2026-11, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2026, beginning at 7:00 pm, 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 2026-11, as presented in the September 16, 2026 City Council Agenda Packet, to amend City Code Chapter 46, Cemeteries, to authorize changes to certain cemetery fees.

Included In This Section:

1. Proposed Ordinance 2026-11
2. City Code Section 46, Cemeteries – including proposed redline amendments

**CITY OF LEBANON
ORDINANCE #2026-11**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 46, Cemeteries, Section 46-6, Purchase of Lots, Deeds and Ownership; Section 46-7, Burials; and Section 46-9, Monumentation, to authorize changes to certain cemetery fees.

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

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 46, Cemeteries, Section 46-6, Purchase of lots, deeds and ownership, as follows:

- E. Transfer of lots/graves. No transfer or assignment of a lot or individual graves shall be made by any owner without the express approval of the City Manager, or his/her designee and all transfers shall be made using a form approved by the Board of Cemetery Trustees, executed through the Department of Public Works, and recorded by the City Clerk in the cemetery records. A fee of ~~\$25~~ \$35 shall be paid to the City of Lebanon for such deed transfers.
- F. Charge for lots. The following prices are established as the purchase prices for cemetery lots and for required contributions to the Cemetery Maintenance Special Revenue Fund. (Cemetery Maintenance Special Revenue Fund payment is 50% of a grave lot cost.)

Grave Type	Resident	Nonresident
Full (with permanent outside container)	\$700-\$750 (\$350-\$375 grave/ \$350 <u>\$375</u> Special Revenue Fund)	\$1,400-\$1,450 (\$700-\$725 grave/ \$700 <u>\$725</u> Special Revenue Fund)
Full (natural burial)	\$1,050-\$1,100 (\$525-\$550 grave/ \$525 <u>\$550</u> Special Revenue Fund)	\$2,100-\$2,150 (\$1,050-\$1,075 grave/ \$1,050 <u>\$1,075</u> Special Revenue Fund)
Infant	\$300-\$350 (\$150-\$175 grave/ \$150 <u>\$175</u> Special Revenue Fund)	\$600-\$650 (\$300-\$325 grave/ \$300 <u>\$325</u> Special Revenue Fund)
*Cremation (in-ground or columbarium)	\$300-\$350 (\$150-\$175 grave/ \$150 <u>\$175</u> Special Revenue Fund)	\$600-\$650 (\$300-\$325 grave/ \$300 <u>\$325</u> Special Revenue Fund)

Section 2:

The Code of the City of Lebanon is hereby amended to revise Chapter 46, Cemeteries, Section 46-7, Burials, §46-7.C, Burial and Entombment Rates, as follows:

- C. Burial and entombment rates.

Full Burials	
Weekday during operating business hours	\$500 <u>\$550</u>
Weekday after operating business hours	\$500 <u>\$550</u> plus \$100 per hour after operating business hours
Weekend	\$750 <u>\$800</u>
Holiday [as permitted in § 46-7A(2) above]	\$875 <u>\$925</u>
Cremation Burials (In ground or columbarium)	
Weekday during operating business hours	\$250 <u>\$300</u>
Weekday after operating business hours	\$250 <u>\$300</u> plus \$100 per hour after operating business hours
Weekend	\$400 <u>\$450</u>
Holiday [as permitted in § 46-7A(2) above]	\$450 <u>\$500</u>
Columbarium niche inscription and service fee	\$100 + cost of inscription (*See Note 3 below)
Natural Burials	
Weekday during operating business hours	\$500 <u>\$550</u>
Weekday after operating business hours	\$500 <u>\$550</u> plus \$100 per hour after operating business hours
Weekend	\$750 <u>\$800</u>
Holiday [as permitted in § 46-7A(2) above]	\$875 <u>\$925</u>
Infant Burials	
Weekday during operating business hours	\$175 <u>\$200</u>
Weekday after operating business hours	\$175 <u>\$200</u> plus \$100 per hour after operating business hours
Weekend or holiday	\$350 <u>\$375</u>
Entombments	
Any period of time between November 1st and June 30th	\$500 <u>\$550</u>

- (1) Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.
- (2) All receipts from burial fees, as set forth in Subsection C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this chapter.
- (3) The Columbarium Niche Inscription & Service Fee covers the removal and reinstallation of the niche stone to allow for inscription. It does not include the actual inscription cost, which will be billed separately.

Section 3:

The Code of the City of Lebanon is hereby amended to revise Chapter 46, Cemeteries, Section 46-9, Monumentation, as follows:

C. Monument foundation and marker setting.

- (1) Foundations for monuments shall be constructed of concrete by the Department of Public Works upon request or by a monument company with the approval of the Department of Public Works. Those requesting foundations shall make the request in writing stating the location on the lot and size of foundation desired, both of which are subject to Subsection A.
- (2) The charge to the owner for foundations for monuments shall be:
 - (a) \$35 per cubic foot (minimum size - one foot [12 inches] by two feet [24 inches]. Additionally, for every new foundation installed, there will be a \$75 fee for future maintenance and preservation, to be placed in the Cemetery Maintenance and Preservation Trust Fund.
 - (b) The charge for setting cornerstones: ~~\$40-\$60~~ per lot (~~\$10-\$15~~ each).
 - (c) The charge for setting grass (flat two-foot by one-foot) markers: ~~\$50-\$60~~ per marker (Additional charges may be applied for larger size markers). There is no fee for setting government provided military markers.
- (3) Foundations are set three times per year. Orders are accepted up to May 1, July 1 and October 1 and are coordinated through the Department of Public Works.

Section 4: Severability

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

Section 5: Effective Date

This ordinance shall become effective January 1, 2027.

Chapter 46

CEMETERIES

§ 46-1.	Declaration of policy.	§ 46-8.	Cemetery maintenance.
§ 46-2.	Application of rules and regulations.	§ 46-9.	Monumentation.
§ 46-3.	General regulations.	§ 46-10.	The Cemetery Maintenance and Preservation Trust Fund and existing perpetual care funds.
§ 46-4.	Traffic regulations.		
§ 46-5.	Establishment of municipal cemeteries.	§ 46-11.	Violations and penalties.
§ 46-6.	Purchase of lots, deeds and ownership.	§ 46-12.	Authority of Cemetery Trustees.
§ 46-7.	Burials.		

[HISTORY: Adopted by the City Council of the City of Lebanon 4-3-2019 by Ord. No. 2019-03¹. Amendments noted where applicable.]

§ 46-1. Declaration of policy.

The City Council of the City of Lebanon hereby ordains that the following rules and regulations are hereby established to constitute an ordinance for the proper operation and use of municipal cemeteries within the City of Lebanon. The City Council recognizes that the municipal cemeteries are places of honor and respect reserved as a final resting place for the people of the City and desires to have the cemeteries maintained in the best possible manner and firmly believes that these rules and regulations are necessary for the protection of the City and of lot and grave owners, and for the proper conduct and good order of the cemeteries.

§ 46-2. Application of rules and regulations.

- A. The rules and regulations herein contained shall apply to any person, firm, corporation, association, club, partnership, society or any other form of association or organization.
- B. The City Council of the City of Lebanon, upon its own motion, or upon recommendation of the City Manager and/or Board of Cemetery Trustees, for good cause shown, may modify, suspend, repeal, or amend the provisions of this chapter in whole or in part thereof.

§ 46-3. General regulations.

The following shall be the general rules and regulations for use of municipal cemeteries as specified in § 46-5 herein. No person shall:

- A. Enter a cemetery except through an established gate or entranceway.
 - B. Deposit rubbish or debris on cemetery grounds.
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- C. Pick or damage any flowers, tree, shrub, (either wild or domestic) soil, or other plant material.
- D. Use the cemeteries as picnic grounds, or consume any liquor or alcoholic beverages, in accordance with RSA 175:I, XIII, and Article I, Consumption in Certain Places, of Chapter 14 of the Code of the City of Lebanon in a cemetery, or bring the same upon the premises.
- E. Use any form of advertising on municipal cemetery premises.
- F. In any way injure or deface any monument, stone, fence or other structure, or property within any municipal cemetery.
- G. Allow any unleashed dogs in any municipal cemetery.
- H. Cause or allow any horses or horseback riding within or through cemeteries expressly prohibited except when authorized by the Director of Public Works or his/her designee for a burial ceremony.
- I. Allow a child under the age of 14 years of age in any municipal cemetery unless accompanied by an adult.
- J. Use skates, a skateboard, bike or dirt bike, or similar instrumentalities on municipal cemetery property.
- K. Enter any municipal cemetery between the hours of 10:00 p.m. and 6:00 a.m.
- L. In accordance with Chapter 18, Animals, § 18-12, an owner or person having custody of any dog or other animal shall not permit said dog or other animal to defecate in any cemetery unless said defecation is removed immediately and properly disposed of in a container for trash or litter or similar manner. Any person having control over a dog or any other animal, whether or not the owner, and has knowledge that such dog or other animal is defecating on cemetery grounds and does not remove and properly dispose of the defecation in a container of trash or litter or similar manner, shall be in violation of this chapter.

§ 46-4. Traffic regulations.

- A. Any person operating a vehicle within any municipal cemetery shall be subject to all the traffic laws of the City of Lebanon and State of New Hampshire applicable to motor vehicle operation.
- B. No person shall operate or cause to operate any vehicle within a municipal cemetery except for cemetery business and only on roads designed for that purpose, and no vehicle shall be driven at a speed in excess of 10 miles per hour upon any roads within municipal cemeteries.
- C. No person shall enter any municipal cemetery with a loaded truck, except the City maintenance crews, unless permission has been received from the Department of Public Works.
- D. No person shall unload or remove any stone, dirt or other material in any municipal cemetery, except the City maintenance crews in the normal discharge of their work, or encumber walks, avenues or places with such material, without express permission and consent of the Department of Public Works.
- E. No person shall operate an off-highway recreational vehicle in any municipal cemetery.

§ 46-5. Establishment of municipal cemeteries.

- A. The City Council of the City of Lebanon, acting on its own motion, or upon formal recommendation

by the Board of Cemetery Trustees shall have the final authority for the establishment of municipal cemeteries within the corporate limits of the City of Lebanon and shall as the need arises set aside new City-owned ground areas for this purpose.

- B. Existing cemeteries. The following named existing cemeteries shall be deemed to have been established as municipal cemeteries:
 - (1) Glenwood/Mt. Calvary Cemetery: 117 Dulac Street, Lebanon.
 - (2) Valley/Sacred Heart Cemetery: 258 Mascoma Street, Lebanon.
 - (3) School Street Cemetery (Village Cemetery): 30 School Street, Lebanon.
 - (4) West Lebanon Cemetery: Pleasant Street, West Lebanon.
 - (5) Old Pine Tree Cemetery: Old Pine Tree Cemetery Road, West Lebanon.
 - (6) Mascoma Cemetery: 685 Dartmouth College Highway, Lebanon.
 - (7) Cole Cemetery: 108 Great Brook Road, Lebanon.
 - (8) Upper Valley Jewish Community Cemetery: 267 Mascoma Street, Lebanon (not City-owned, City-maintained per quitclaim deed (statutory form) dated April 18, 1994, bk2085 pg0354).
- C. Platting of cemeteries. Before any new land is opened for municipal cemetery use and the sale of lots, the City Manager shall have such land area laid out showing the system of streets and avenues, and a numbered system of lots; such platting to be done by a registered surveyor and results thereof to be recorded with the Grafton County Registry of Deeds.
 - (1) Indigent plots. Single grave lot sections shall be established within cemetery areas for the use of the City for the burial of indigent persons.
 - (2) The Board of Cemetery Trustees may recommend to the Council the designation of areas in any cemetery, as space permits, to be laid out exclusively for cremation burials, cremation columbariums, or natural burials, and applicable dimensional requirements, therefor. **[Amended 3-16-2022 by Ord. No. 2021-16]**
- D. Lot size established. Lot sizes for municipal cemeteries are hereby established as follows:
 - (1) Each single grave: four feet by 11 feet or 44 square feet.
 - (2) Each infant grave: 24 inches by 44 inches or 1,056 square inches, 7.4 square feet.
 - (3) Each cremation lot: 24 inches by 24 inches, or 4 square feet (applies to Sacred Heart and West Lebanon Cemeteries only).
 - (4) Natural burial lots: six feet by 11 feet or 66 square feet. **[Added 3-16-2022 by Ord. No. 2021-16]**
- E. Plat Review. The preliminary plan and layout of new municipal cemetery land areas shall first be submitted to the Board of Cemetery Trustees for nonbinding comments and recommendations, and then shall be submitted to the Planning Board for review and approval. Upon approval, the Planning Board shall advise the City Council of its approval with recommendation for adoption.
- F. There is hereby established, pursuant to RSA 31:95-c, the Cemetery Maintenance Special Revenue

Fund, whose purpose shall be the funding of cemetery general maintenance, preservation and capital improvements. All revenues from the portions of the lot prices designated for placement into the Cemetery Maintenance Special Revenue fund under § 46-6F of this chapter below shall be accounted for in that special revenue fund, which shall remain separate from the general fund, shall not be deemed part of the general fund accumulated surplus, and which shall be expended only after a Council vote to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund. **[Added 9-2-2020 by Ord. No. 2020-03]**

§ 46-6. Purchase of lots, deeds and ownership.

- A. Condition of lot purchases. Lots purchased in the laid-out sections of cemeteries in the City of Lebanon shall be conveyed by Cemetery Deed, using a format adopted by regulation by the Board of Cemetery Trustees. Conveyance of a lot shall not be deemed to convey ownership of a fee interest, but solely of a perpetual right in the nature of an easement, including interment and placement of monuments in accord with City regulations, and which shall remain subject at all times to the provisions of the City Charter, City ordinances and regulations, and applicable state laws, including any subsequent amendments to such provisions.
- B. Ownership of lots. For purposes of this chapter the ownership of a lot shall be determined as set forth in RSA 290:24, provided, however, that the deed form to be adopted by the Board of Cemetery Trustees shall contain provisions whereby each lot purchaser shall have designated, to the extent possible, the person or persons to whom ownership will pass, or a manner for the determination of such ownership when the purchaser or a designated prior owner is deceased — to be applicable both before and after a person is interred on the lot. Such deed provisions shall be deemed to supersede any inconsistent provisions contained in wills or other document, with respect to the cemetery lot. The Board of Cemetery Trustees shall, by regulation, adopt a procedure for hearing and resolving the issue of lot ownership when it has become uncertain or is in dispute. The decision of the Board of Cemetery Trustees on this issue shall be final, in the absence of a petition to the court of probate under RSA 290:24, III.
- C. Purchase procedure.
 - (1) Lots in the cemeteries of the City of Lebanon may be selected and purchased from the Department of Public Works, and payment for lots purchased shall be made to the City of Lebanon. Such purchases shall require documentation that demonstrates purchaser's residency (used to determine charge for lots in accordance with § 46-6F below) along with the completion of a cemetery application in a form approved by the Board of Cemetery Trustees and deemed complete with the issuance of a deed in a format adopted by the Board of Cemetery Trustees and prepared by the Department of Public Works, signed by the City Manager, and recorded by the City Clerk. Such deed shall contain the name of the owner, purchaser (if different from owner), amount paid, name of cemetery, lot number(s), grave number(s), and cemetery section in which located, as well as all information to be used for determining ownership, as set forth in Subsection B above. Full payment (grave and payment into the Cemetery Maintenance Special Revenue Fund) is required at the time of purchase. Documentation to show residency may include a most recent tax bill, vehicle registration, driver's license (must include a physical address), non-driver/state-issued photo identification card, utility bill, signed lease agreement, or other evidence deemed adequate by the Cemetery Sexton. **[Amended 9-2-2020 by Ord. No. 2020-03; 3-16-2022 by Ord. No. 2021-16]**
 - (2) Licensed funeral directors may act as agent of a purchaser for the selection and purchase of lot(s) required for immediate need. The funeral director shall be responsible for fully completing

the cemetery application with the correct purchaser and owner information necessary for the preparation of the deed, as set forth in Subsection B above, and for the payment of all fees outlined in this chapter on behalf of the purchaser. In addition, the owner must sign the application before a deed will be recorded.

- D. Records of cemeteries and purchase of lots. The keeping of records for the cemeteries of the City of Lebanon shall be the responsibility of the Department of Public Works. All maps showing laid out sections of each cemetery, records of lot ownership and burials shall be kept by the Department of Public Works. Copies of the deeds conveyed for lot purchases shall be recorded by the City Clerk in a book provided for this purpose.
- E. Transfer of lots/graves. No transfer or assignment of a lot or individual graves shall be made by any owner without the express approval of the City Manager, or his/her designee and all transfers shall be made using a form approved by the Board of Cemetery Trustees, executed through the Department of Public Works, and recorded by the City Clerk in the cemetery records. A fee of ~~\$25~~ \$35 shall be paid to the City of Lebanon for such deed transfers.
- F. Charge for lots. The following prices are established as the purchase prices for cemetery lots and for required contributions to the Cemetery Maintenance Special Revenue Fund. (Cemetery Maintenance Special Revenue Fund payment is 50% of a grave lot cost.) **[Amended 9-2-2020 by Ord. No. 2020-03; 3-16-2022 by Ord. No. 2021-16]**

Grave Type	Resident	Nonresident
Full (with permanent outside container)	\$700-\$750 (\$350-\$375 grave/ \$350 <u>\$375</u> Special Revenue Fund)	\$1,400-\$1,450 (\$700-\$725 grave/ \$700 <u>\$725</u> Special Revenue Fund)
Full (natural burial)	\$1,050-\$1,100 (\$525-\$550 grave/ \$525 <u>\$550</u> Special Revenue Fund)	\$2,100-\$2,150 (\$1,050-\$1,075 grave/ \$1,050 <u>\$1,075</u> Special Revenue Fund)
Infant	\$300-\$350 (\$150-\$175 grave/ \$150 <u>\$175</u> Special Revenue Fund)	\$600-\$650 (\$300-\$325 grave/ \$300 <u>\$325</u> Special Revenue Fund)
*Cremation (in-ground or columbarium)	\$300-\$350 (\$150-\$175 grave/ \$150 <u>\$175</u> Special Revenue Fund)	\$600-\$650 (\$300-\$325 grave/ \$300 <u>\$325</u> Special Revenue Fund)

As defined by NH RSA 21:6, as that statute may be amended from time to time, a resident or inhabitant or both of the City of Lebanon shall be a person who is domiciled or has a place of abode or both in the City of Lebanon and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence to the exclusion of all others.

*For cremation interment, minimum purchase is one grave space. Maximum number of cremation-type interments shall be six per grave space (except in the case of combining full and cremation burials in which only one full burial and five cremation burials per grave will be allowed).

*For columbarium niche interment, minimum purchase is one niche space. Maximum number of interments is two per niche.

§ 46-7. Burials. [Amended 9-2-2020 by Ord. No. 2020-03; 3-16-2022 by Ord. No. 2021-16; 2-18-2026 by Ord. No. 2026-03]

A. General conditions.

- (1) Condition for burial. No burial, including a cremation burial, shall take place without first obtaining a burial permit from the City Clerk or State Registrar where the death occurred. All conditions of laws and ordinances must be complied with, including the payment of any back charges, securance of perpetual care, and/or maintenance and preservation, or purchase of any lot(s).
- (2) Holiday burials. Holidays formally recognized by the City of Lebanon include the following:
 - *New Year's Day
 - Martin Luther King, Jr./Civil Rights Day
 - Presidents' Day
 - *Memorial Day
 - *Independence Day
 - *Labor Day
 - Veterans' Day
 - *Thanksgiving Day
 - Day after Thanksgiving
 - *Christmas Day

*Burials are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day unless otherwise approved by the Director of Public Works.

Burials are permitted on Martin Luther King, Jr./Civil Rights Day, Presidents' Day, Veterans' Day, and the Day after Thanksgiving, subject to the rates listed below.
- (3) Errors in grave location. Neither the City of Lebanon nor the Department of Public Works shall be responsible for errors in location of graves on lots arising from improper instructions from persons making arrangements. In all cases, orders for grave openings shall be communicated to the Department of Public Works in writing or can be taken verbally over the phone. Orders from funeral directors shall be construed as orders from owners.
- (4) No movement or upgrading of monuments, and no opening or shifting of location of any grave or its placement on a lot shall occur without approval of the City, and all relevant provisions of this § 46-7 shall apply to such activities.
- (5) Preparation of grave. The digging of graves and replacement of excavated materials, other than those for natural burials as outlined in Subsection B(2)(f) below, shall be the responsibility of the Department of Public Works unless other arrangements are approved by the Director of Public Works.
- (6) Ceremonial materials, if used, and lowering of remains shall be the responsibility of the funeral director or other responsible party.
- (7) Permanent outside containers. For burials other than natural burials as outlined in Subsection B below, remains for all interments, cremation or full, shall be enclosed in a permanent outside container which shall be provided by the owner of the lot or his agent, and installed under the supervision of the Cemetery Sexton or his/her designee. The following are considered

permanent outside containers: concrete boxes, copper or steel vaults or cremation urns designed to withstand the deteriorating factor of the elements of burial.

- (8) Winter burials. The Department of Public Works will prepare graves for burial during the winter months, weather and other circumstances permitting. The preparation of graves by the Department of Public Works for natural burials that require hand digging shall be the loosening and removal of only as much material is required to remove frozen ground. Removal of remaining soil to achieve minimum burial depth shall be the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee. If circumstances are such that burial cannot be made, temporary interment may be in the cemetery tomb as stipulated in Subsection A(9) below.
- (9) Entombments in City Tomb. Entombment is only available for remains that have been embalmed and are to be buried in a permanent outside container. No entombment shall take place without notification of the Department of Public Works. Entombment will be made until such time that burial is arranged. No entombment shall be accepted prior to November 1st of any year. All human remains must be removed from the City Tomb no later than the following June 15th.
- (10) Burial of indigents. In the case of single grave lots for the burial of indigents, the city will provide space and maintenance of a section for such. However, no aboveground monumentation will be allowed until such lot has been paid for and the required payment made to the Cemetery Maintenance Special Revenue Fund.

B. Natural burials.

"Natural" or "green" burial promotes the decomposition of the body with minimal impact to the environment. The deceased are buried without the use of embalming fluids, permanent outside containers, or modern caskets. In the spirit of natural burials, gravesites will be minimally maintained by the City of Lebanon pursuant to § 46-8B(4).

All other rules and regulations for Lebanon Cemeteries shall apply to natural burial grounds unless policies and procedures are inconsistent with this section or with the purpose and intent of natural burials, in which case this section will govern.

- (1) Permitted location. Natural burials are permitted in Old Pine Tree Cemetery and in Section "F" of the West Lebanon Cemetery.
- (2) Burial process:
 - (a) All burials and services must be overseen by the Cemetery Sexton or his/her designee.
 - (b) Remains will be buried without the use of a permanent outside container.
 - (c) Human remains must be contained within a rigid casket, coffin, or biodegradable burial container and should have minimal use of nails, staples, glue, or other fasteners. External finishes of casket or container must not include latex or metallic products. Use of any oil-based finish must be plant-based. Upon ordering of grave opening and service, next of kin, designated agent or his/her designee will be required to sign an acknowledgement that the casket, coffin, or container meets all requirements stated herein.
 - (d) At time of scheduling burial, a filed certified copy of death must be submitted to the Department of Public Works. If upon review, there is a question of the cause of death

being related to a contagious or potentially hazardous virus or disease, the question will be referred to and reviewed by the New Hampshire Department of Health, Center for Disease Control and/or the State of New Hampshire Chief Medical Examiner's Office. Should it be determined that the cause of death could result in possible infection and/or spread of a contagious or potentially hazardous virus or disease, a natural burial will not be permitted.

- (e) Prior to burial, next of kin, designated agent, or other responsible party must sign and submit a release of liability and waiver form to include responsibility for all attendees of services.
- (f) Graves must be dug by hand if those lots are inaccessible to excavation equipment as a result of the location of previous burials. Hand digging will not be performed by the Department of Public Works and is therefore the responsibility of the next of kin, designated agent, or his/her designee and shall be supervised by the Cemetery Sexton or his/her designee.
- (g) Natural burials require the bottom of the outside coffin, casket, or burial container to be at a depth of four feet below the natural surface of the ground with a minimum of three feet previously excavated material on top of the coffin, casket, or burial container to the natural surface of the ground. All material must be compacted, and an additional 18 inches of topsoil be mounded above the natural surface of the ground to accommodate for settling. Depth will be verified by the Cemetery Sexton or his/her designee.

C. Burial and entombment rates.

Full Burials	
Weekday during operating business hours	\$500 <u>\$550</u>
Weekday after operating business hours	\$500 <u>\$550</u> plus \$100 per hour after operating business hours
Weekend	\$750 <u>\$800</u>
Holiday [as permitted in § 46-7A(2) above]	\$875 <u>\$925</u>
Cremation Burials (In ground or columbarium)	
Weekday during operating business hours	\$250 <u>\$300</u>
Weekday after operating business hours	\$250 <u>\$300</u> plus \$100 per hour after operating business hours
Weekend	\$400 <u>\$450</u>
Holiday [as permitted in § 46-7A(2) above]	\$450 <u>\$500</u>
Columbarium niche inscription and service fee	\$100 + cost of inscription (*See Note 3 below)

Natural Burials	
Weekday during operating business hours	\$500 <u>\$550</u>
Weekday after operating business hours	\$500 <u>\$550</u> plus \$100 per hour after operating business hours
Weekend	\$750 <u>\$800</u>
Holiday [as permitted in § 46-7A(2) above]	\$875 <u>\$925</u>

Infant Burials	
Weekday during operating business hours	\$175 <u>\$200</u>
Weekday after operating business hours	\$175 <u>\$200</u> plus \$100 per hour after operating business hours
Weekend or holiday	\$350 <u>\$375</u>

Entombments	
Any period of time between November 1st and June 30th	\$500 <u>\$550</u>

- (1) Burial rates will be reviewed by the Board of Cemetery Trustees on an annual basis. If changes to the rates are proposed, the Board of Cemetery Trustees shall make recommendations to the City Council for consideration.
- (2) All receipts from burial fees, as set forth in Subsection C above, shall be deemed general fund revenues, and shall not be placed into either of the separate funds created under this chapter.
- (3) The Columbarium Niche Inscription and Service Fee covers the removal and reinstallation of the niche stone to allow for inscription. It does not include the actual inscription cost, which will be billed separately.

§ 46-8. Cemetery maintenance.

- A. Responsibility of the City. The general maintenance of the municipal cemeteries and grounds, designed to improve and maintain their appearance and condition, shall be the responsibility of the City. It shall include such items as the upkeep of drives, buildings, fences, spring and fall cleanup, raking of leaves, and the general periodic mowing of grass. Municipal cemeteries will be cleared of all flowers, artificial or natural, on April 1 and October 1, for a period of one month, each year. Any person wishing to retain their plants, flowers or pots (cement pots excluded) shall remove them prior to those dates.
- B. Care and maintenance of individual cemetery lots.
 - (1) The City shall be responsible for maintenance of individual lots to the extent of mowing and trimming of grass at reasonable intervals, the raking and cleaning of lots, and grading and seeding, all at levels to be determined in the discretion of the Cemetery Trustees, in light of available funds, including any applicable funds from pre-existing perpetual care funds, and use of the Cemetery Maintenance and Preservation Trust Fund. **[Amended 9-2-2020 by Ord. No. 2020-03]**

- (2) The City shall not be responsible for the maintenance or repair of any monuments, stones, markers or walls located on individual lots, nor the planting or care of flowers or plants thereupon, even where permitted under Subsection C below. Such maintenance and repair shall be the responsibility of the owner or owner's family, with any decisions concerning such maintenance or repair, or any other aspect of the individual lot, to be within the discretion of the owner, as determined under § 46-6, so long as such decisions are consistent with applicable regulations.
 - (3) Exception: The City may in its discretion expend public funds to repair grave markers or monuments which have been damaged by act of God or vandalism, or have deteriorated due to lengthy neglect, and if no responsible owner can be identified or located. Prior to performing such work, the City shall make reasonable efforts to determine and notify the then-current responsible owner, as determined pursuant to § 46-6, but such efforts shall not require a search of deed or probate records. The City may contract out for such marker/monuments repair as it deems required. All contractors shall provide a certificate of insurance, evidencing coverage at such levels as the City may determine.
 - (4) Lots within designated natural burial sections of any municipal cemetery will not be mowed or trimmed of grass, raked, cleared, or graded, either by the City or any other party. The City will, however, perform vegetative maintenance to prevent reforestation of natural burial sections on as-needed basis. **[Added 3-16-2022 by Ord. No. 2021-16]**
- C. Planting trees, shrubs and flowers prohibited. No trees, flowers or shrubs shall be permanently planted in any lot in any municipal cemetery. Existing trees or shrubs may be removed by the Department of Public Works if detrimental to the cemetery, adjoining lots, or inconvenient to the care and maintenance of lots. Natural flowers and plants shall be potted in containers and placed only in the front of the monument within the bounds of the lot readily movable for maintenance operations. Any plants that have died may be removed and disposed of by the Department of Public Works.
 - D. Grading and care of lots. All grading of lots shall be done by the Department of Public Works upon request of the owner, and no person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area. No person shall discharge any chemical or organic fertilizer, herbicide or other substance on any lot without prior authorization by the Department of Public Works.
 - E. Curbing and fencing. No curbs or fences shall be permitted around any individual lot or group of lots.

§ 46-9. Monumentation. [Amended 9-2-2020 by Ord. No. 2020-03]

- A. Monuments and markers. All municipal cemeteries allow monumentation, markers and cornerstones of such dimension and material as shall be approved by the Department of Public Works. Monumentation shall be the total responsibility of the lot owner. Dimensions for monuments shall not exceed 24 inches width for a single grave, 72 inches width for two graves, and 84 inches width for three graves. Monuments are to be centered in lot and in line with other monuments located in that row. All reference to "monuments and markers" is to mean monumentation of a permanent nature that protrudes above the lawn surface. All such monumentation requires a concrete foundation (refer to Subsection B of this section). Only one aboveground monument per owner's lot (grave or group of graves) is permitted unless additional monuments are approved by the Board of Cemetery Trustees pursuant to § 46-12B. All other structures, including cornerstones, grass markers, and markers, shall be set flush with the lawn surface so that no part shall protrude above the surface of the ground. In areas designated for cremation-only burials, only a single grass marker not to exceed 12 inches by 24

inches set flush with the lawn so that no part shall protrude above the surface of the ground is permitted. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran's grave, which should be placed on the upright monument end of the lot.

- B. In areas designated for natural burials, a single flat stone may be placed at the foot of the plot as a marker. The stone must be level with the ground and may not exceed 12 inches by 24 inches. An exception to the preceding is an allowance of one brass plaque and one flag on a veteran's grave. **[Added 3-16-2022 by Ord. No. 2021-16²]**
- C. Monument foundation and marker setting.
 - (1) Foundations for monuments shall be constructed of concrete by the Department of Public Works upon request or by a monument company with the approval of the Department of Public Works. Those requesting foundations shall make the request in writing stating the location on the lot and size of foundation desired, both of which are subject to Subsection A.
 - (2) The charge to the owner for foundations for monuments shall be:
 - (a) \$35 per cubic foot (minimum size - one foot [12 inches] by two feet [24 inches]. Additionally, for every new foundation installed, there will be a \$75 fee for future maintenance and preservation, to be placed in the Cemetery Maintenance and Preservation Trust Fund.
 - (b) The charge for setting cornerstones: ~~\$40~~ \$60 per lot (~~\$10~~ \$15 each).
 - (c) The charge for setting grass (flat two-foot by one-foot) markers: ~~\$50~~ \$60 per marker (Additional charges may be applied for larger size markers). There is no fee for setting government provided military markers.
 - (3) Foundations are set three times per year. Orders are accepted up to May 1, July 1 and October 1 and are coordinated through the Department of Public Works.

§ 46-10. The Cemetery Maintenance and Preservation Trust Fund and existing perpetual care funds. [Amended 9-2-2020 by Ord. No. 2020-03]

- A. Beginning on the date of adoption of the 2020 amendment to this chapter (September 2, 2020), the buyers of lots in Lebanon municipal cemeteries shall no longer be required to create a separate perpetual care trust fund.
- B. There is hereby established - pursuant to the authority of RSA 31:19-a, as applied to the City by way of RSA 47:1 - an expendable trust fund to be known as the Cemetery Maintenance and Preservation Trust Fund. Interest income received from perpetual care trusts created prior to the adoption of the 2020 amendment to this chapter shall be transferred annually by the Trustees of the Trust Fund to the Cemetery Maintenance and Preservation Trust Fund. Total income or principal from the fund may be expended by the Board of Cemetery Trustees in accordance with the City's normal budgeting and appropriations procedures, for the aims and purposes delineated as the City's responsibilities under § 46-8 of this chapter, including the "Exception" set forth in § 46-8B(3).
- C. As set forth in RSA 31:19-a, III, custody and investment of the Cemetery Maintenance and Preservation Trust Fund shall rest with the Trustees of Trust Funds. In accord with RSA 31:19-a, IV, the Trustees are authorized to accept privately donated amounts to be placed in the fund, provided

that, as set forth therein, such privately donated amounts shall be invested and accounted for separately from, and not commingled with, amounts appropriated to the fund by the City. The Cemetery Trustees shall adopt a Statement of Intent form to be executed by the purchaser or agent at the time such contributions are made.

- D. Perpetual care trusts created prior to the adoption of the 2020 amendment to this chapter shall remain in effect and continue to be administered as was required prior to said amendment; provided however, that interest income received from those trusts may be transferred annually by the Trustees of Trust Funds to the Cemetery Maintenance and Preservation Trust Fund, as long as such transfers are consistent with the terms of those trusts.
- E. Previous owners. Owners of cemetery lots purchased prior to August 1, 1966, shall secure perpetual care service by applying to the Trustees of Trust Funds through the Department of Public Works for the acceptance into the Cemetery Maintenance and Preservation Trust Fund of a sum sufficient to provide the income necessary for the care and maintenance of the lot.

§ 46-11. Violations and penalties.

- A. The penalty for violating any provision of this chapter or any regulation adopted under this chapter shall not exceed \$1,000 as provided in RSA 47:17, and the City will request that the court order restitution.
- B. Any person violating any provision of § 46-3 or § 46-4 above shall comply with the order of a police officer to leave the cemetery, and the failure to so comply shall constitute a violation in addition to the underlying violation of those provisions.
- C. In the event that an owner or other person is maintaining a cemetery lot or monument in a manner inconsistent with this chapter or with regulations adopted hereunder or any permit issued hereunder, in addition to any other remedy or penalty, the Department of Public Works may notify the owner or other person, if known, in writing concerning the deficiency, and setting forth a date before which corrective action must be taken, and if the violation remains uncorrected by that date, the Department may take action to correct the violation, including the removal of markers or monuments in violation.

§ 46-12. Authority of Cemetery Trustees.

- A. In accord with RSA 289:7, I(a), the Board of Cemetery Trustees may adopt such bylaws, regulations or forms as are consistent with this chapter and with applicable state and federal law. Such regulations may include procedures for the Cemetery Trustees to review, on request, a decision made by the Department of Public Works under this chapter.
- B. The Cemetery Trustees may upon request, grant exceptions to the restrictions on individual lots as set forth in § 46-7 above, including but not limited to permitting trees, shrubs, curbs or fencing on lots. However, any such exception shall require a long-term agreement giving the owner(s) responsibility for maintenance of any such plants or structures, such agreement to be approved by the Cemetery Trustees and signed by the owner. In the event the plants, structures or other conditions permitted by such exception are not maintained in accord with the agreement, the City may remove or otherwise remedy them.
- C. This chapter and all regulations or exceptions adopted hereunder shall be administered by the Cemetery Trustees and Department of Public Works in such a manner as will not be discriminatory toward any person on account of religion, creed, race, color, ethnicity or national origin.

**Agenda
Lebanon City Council
September 16, 2026**

12. New Business:

12.F – Discussion and Set Public Hearing for October 7, 2026:

Ordinance 2026-12, Amendments to City Code Chapter 152, Streets and Sidewalks, Article II, Excavations, Section 152-8, Application for Permit, Fee, to Authorize Changes to the Excavation Permit Fee

Background

The Department of Public Works (DPW) is proposing Ordinance 2026-12 to recommend a change to the Excavation Permit Fee as set forth in City Code Chapter 152-8.B(1).

Excavation Permits are required from DPW for any excavation work within a public right-of-way to ensure that work conducted within the public way is completed properly, in accordance with City standards, and that restoration leaves the public way in substantially the same condition, or better, than it was prior to such disturbance.

Action

Should the Council wish to move forward with proposed Ordinance 2026-12, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2026, beginning at 7:00 pm, 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 2026-12, as presented in the September 16, 2026 City Council Agenda Packet, to amend City Code Chapter 152, Streets and Sidewalks, Article II, Excavations, Section 152-8, Application for Permit, Fee, to amend the Excavation Permit Fee as set forth §152-8.B(1).

Included In This Section:

1. Proposed Ordinance 2026-12

**CITY OF LEBANON
ORDINANCE #2026-12**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 152, Streets and Sidewalks, Article II, Excavations, Section 152-8, Application for Permit, Fee, to amend the Excavation Permit Fee as set forth §152-8.B(1).

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

Section 1:

The Code of the City of Lebanon is hereby amended to revise Chapter 152, Streets and Sidewalks, Article II, Excavations, Section 152-8, Application for Permit, Fee, as follows:

§152-8 Application for permit, fee.

A. Any person desiring to excavate within the public way of the City of Lebanon shall submit a completed application a minimum of 72 hours prior to the planned start date, excluding Saturdays, Sundays and holidays. For any excavation that requires the complete closure of a roadway, a completed application must be submitted a minimum of 10 days in advance of planned start date. All applications for excavations in the public way shall contain such information and specifications as the Public Works Director or his/her designee may require and shall be accompanied by plans and profiles and a nonrefundable permit fee.

B. Fees:

(1) Excavation permit fee: ~~\$200~~\$275 (nonrefundable).

(2) Roadway degradation base fee: \$5 per square foot of roadway and sidewalk impacted (to include a three-foot zone of influence) as follows:

(a) Street or sidewalk pavement less than two years old: Three times roadway degradation base fee.

(b) Street or sidewalk pavement from two to five years old: Two times roadway degradation base fee.

(c) Street or sidewalk pavement from five to seven years old: Roadway degradation base fee as established.

(3) Work conducted within the public way that is performed by City departments or those contracted by the City are exempt from fees.

(4) Emergency repairs or replacement of existing sewer laterals for single-family and two-family dwellings are exempt from Roadway Degradation Fees but shall be subject to the Excavation Permit Fee and any bonding requirements.

C. The excavator shall not make or cause to be made any excavation in the public way other than that described in the application and plans or authorized by the permit. The excavator

shall comply with the provisions of this article as well as all requirements of local, state and federal law.

- D. New permits shall not be issued after November 1 each year unless the applicant can prove to the satisfaction of the Public Works Director or his/her designee that satisfactory repairs can be made prior to the onset of winter.¹

Section 2: Severability

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

Section 3: Effective Date

This ordinance shall become effective January 1, 2027.

Agenda

Lebanon City Council

September 16, 2026

12. New Business:

12.E – Welcoming Lebanon Task Force Report

Background

On January 7, 2026, the City Council voted to establish a Welcoming Lebanon Policy Task Force as recommended by the Diversity, Equity, and Inclusion (DEI) Commission. The Commission's recommendation came in the wake of the City Council's action in November 2025 to delete and repeal the former City Code Chapter 185, Welcoming Lebanon, in order ensure compliance with applicable state laws that took effect on January 1, 2026.

Over the last several months, the Task Force has worked to review, evaluate, and recommend updates to the City's policies, practices, and potential ordinances concerning inclusiveness, equity, and support for all residents. The Task Force was directed to submit final recommendations no later than September 30, 2026.

Attached is the Welcoming Lebanon Policy Task Force's draft recommendation for review and discussion by the City Council.

Action

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

MOVED, that the Lebanon City Council hereby adopts "A Resolution Affirming the City of Lebanon's Commitment to Inclusiveness, Equity, and Community Trust", as set forth in the September 16, 2026 City Council Agenda Packet.

Included In This Section:

1. Excerpt of City Council minutes from January 7, 2026
2. Draft: Resolution Establishing the Welcoming Lebanon Policy Task Force, prepared by DEI Commission, dated December 2025
3. Draft "Resolution Affirming the City of Lebanon's Commitment to Inclusiveness, Equity, and Community Trust", prepared by Welcoming Lebanon Policy Task Force, September 2026

11. NEW BUSINESS

A. Review and Adoption of 2026 Annual Calendar

Included in the agenda packet: (All supportive documents and information can be found on pages 100-112, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. Proposed 2026 Annual Calendar

Deputy City Manager Brooks reviewed the background as listed below.

BACKGROUND

To better organize the Council's annual events, a calendar has been drafted for review and consideration. Thus far, dates include City holidays, regular Council meetings, anticipated special meetings, municipal election information, proposed dates for the annual work sessions (unconfirmed), and proposed Council Budget Work Session dates (5 reserved dates in November- subject to change). If the proposed calendar is acceptable, the Council is asked to take action to adopt the Annual Calendar as presented. If changes/additions are desired, the Council is encouraged to suggest alterations for consideration by the body.

ACTION:

Assistant Mayor Wilkie MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as presented in the January 7, 2026 City Council Agenda Packet.

Seconded by Councilor Heistad.

**The Vote on the Motion was approved (7-0)*

B. Appointment of 2026 Chair and Vice-Chair for Economic Development Commission

Included in the agenda packet: (All supportive documents and detailed information as listed below can be found on pages 113-114, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. EDC Member Roster

BACKGROUND

On July 10, 2019, the City Council approved Ordinance #2019-12 to amend City Code Chapter 31, Boards, Committees, and Commissions, to establish the Economic Development Commission (EDC).

According to §31-46, Establishment; Membership; Qualifications, the City Council shall annually ... appoint a Chairperson and a Vice-Chairperson from the nine members of the Economic Development Commission to serve the following calendar year.

ACTION: Mayor Whittlesey MOVED, that Dan Nash be appointed as Chair of the Economic Development Commission for calendar year 2026.

BE IT FURTHER MOVED, that Andy Key be appointed as Vice-Chair of the Economic Development Commission for calendar year 2026.

Seconded by Councilor McNamara.

**The Vote on the Motion was approved (7-0)*

C. Review and Discussion of Diversity, Equity, and Inclusion (DEI) Commission

Recommendation for Creation of Welcoming Lebanon Policy Task Force

Included in the agenda packet: (All supportive documents and detailed information as listed below can be found on pages 115-122, Council agenda packet) Minutes do not include screenshots, graphs, or images.)

1. Draft: Resolution Establishing the Welcoming Lebanon Policy Task Force
2. Draft minutes of December 16, 2025 DEI Commission meeting

Assistant Mayor Wilkie reviewed the background and spoke about his reasons why the City should have a Welcoming Lebanon Task Force. **(Note: The Priorities and Goals for this Task Force can be found on page 121, Council agenda packet.)**

BACKGROUND

At its December 2025 meeting, the Diversity, Equity, and Inclusion (DEI) Commission discussed, and ultimately supported, a draft resolution advocating for the establishment of a new Welcoming Lebanon Policy Task Force. This recommendation comes in the wake of the City Council's action on November 5, 2025 to delete and repeal City Code Chapter 185, Welcoming Lebanon, effective December 31, 2025, in order to ensure compliance with applicable state laws that take effect on January 1, 2026.

Council/Staff Comments:

Assistant Mayor Wilkie noted membership in the Task Force should include:

- A member of City Council,
- A representative appointed by the City Manager;
- A representative from the Police Department,
- A representative from the School District,
- A representative from a local non-profit organization that serves immigrants and marginalized communities, and
- Four (4) residents of Lebanon appointed by the City Council.

Councilors McNamara, N. Ford Burley and Mayor Whittlesey spoke about their reasons in support of establishing a Welcoming Lebanon Task Force.

Deputy City Manager Brooks suggested that up to two (2) alternate members from Lebanon be appointed by the City Council due to the tight timeline of the Task Force, the diligent activity that will be required by this group, and the ability to assure a quorum at each meeting.

ACTION:

Councilor N. Ford Burley MOVED, that the Lebanon City Council hereby adopts the Resolution Establishing the Welcoming Lebanon Policy Task Force, including the Purpose and Scope, Composition, Reporting and Deliverables, and Sunset date, as set forth in the January 7, 2026 City Council Agenda Packet as amended at the January 7, 2026 meeting.

Seconded by Assistant Mayor Wilkie.

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

D. Review and Discussion of LEAC Recommendation Concerning Refresh Policy for Lebanon Community Power

Draft: Resolution Establishing the Welcoming Lebanon Policy Task Force

CITY OF LEBANON, NEW HAMPSHIRE

RESOLUTION 2026-XX

A RESOLUTION ESTABLISHING THE WELCOMING LEBANON POLICY TASK FORCE

WHEREAS, the City of Lebanon adopted the *Welcoming Lebanon Ordinance* in 2021 to affirm the City’s commitment to inclusiveness, equity, and public safety for all residents; and

WHEREAS, subsequent changes in state law, including House Bill 511 (2025) and Senate Bill 62 (2025), required revision of certain municipal policies and sections of the *Welcoming Lebanon Ordinance* relating to immigration enforcement and community trust; and

WHEREAS, the City Council wishes to ensure that Lebanon continues to be a welcoming and inclusive community for all residents while maintaining compliance with state and federal law; and

WHEREAS, the Council recognizes the importance of public input, equity analysis, and policy review in shaping the City’s approach to diversity, equity, inclusion, and civil rights;

NOW, THEREFORE, BE IT RESOLVED BY THE LEBANON CITY COUNCIL THAT:

Section 1. Establishment

There is hereby established a **Welcoming Lebanon Policy Task Force** (“the Task Force”) to review, evaluate, and recommend updates to the City’s policies, practices, and potential ordinances concerning inclusiveness, equity, and support for all residents, including immigrant and other vulnerable members of the community.

Section 2. Purpose and Scope

The Task Force shall:

1. Review the previous *Welcoming Lebanon Ordinance* and, if appropriate, recommend a replacement ordinance that complies with current state law while preserving the City’s commitment to inclusiveness and community trust.
2. Review and, if appropriate, recommend an updated or new *Resolution for Inclusiveness* to reaffirm the City’s values and support for all residents.
3. Evaluate current City policies and procedures, including those within the City Manager’s Office and Police Department, to identify opportunities to strengthen

protections against discrimination and bias, and recommend any necessary amendments.

4. Assess the feasibility and structure of a permanent **Diversity, Equity, and Inclusion (DEI) Subcommittee**, with potential charges including:
 - a. Supporting immigrant and marginalized community members in navigating local resources and services;
 - b. Serving as a complaint review and advisory body for discrimination concerns; and
 - c. Conducting regular equity analyses and reporting to the City Council with policy recommendations.

Section 3. Composition

The Task Force shall consist of **nine (9)** members, including:

- One member of the City Council;
- One representative from the City Manager's Office;
- One representative from the Lebanon Police Department;
- One representative from the Lebanon School District;
- One representative from a local nonprofit organization serving immigrant or marginalized communities;
- Four residents of Lebanon appointed by the City Council representing diverse backgrounds and perspectives.

The Mayor shall designate the Chair from among the appointed members.

Section 4. Meetings and Staff Support

The Task Force shall meet at least monthly and may establish working groups as needed. Administrative and staff support shall be provided by the City Manager's Office. All meetings shall comply with RSA 91-A (New Hampshire Right-to-Know Law).

Section 5. Reporting and Deliverables

The Task Force shall:

- Provide a **preliminary report** to the City Council by **June 30, 2026**; and

- Submit **final recommendations**—including any proposed ordinance or policy drafts, implementation steps, and recommendations regarding a permanent DEI Subcommittee—no later than **September 30, 2026**.

Section 6. Sunset

The Task Force shall dissolve automatically on **December 31, 2026**, unless extended by resolution of the City Council.

Section 7. Effective Date

This Resolution shall take effect upon passage.

1 A RESOLUTION AFFIRMING THE CITY OF LEBANON'S COMMITMENT TO INCLUSIVENESS,
2 EQUITY, AND COMMUNITY TRUST

3 WHEREAS, the City of Lebanon recognizes the inherent dignity and equality of all people
4 regardless of race, skin color, national or ethnic origin, cultural group, language, gender
5 identity or expression, sexual orientation, mental or physical ability, age, religious or
6 political opinion or activity, economic status, nationality, immigration status, or housing
7 status; and

8 WHEREAS, the City of Lebanon is a welcoming community with a diverse population of new
9 and longtime residents, employees, and business owners, including BIPOC individuals,
10 Indigenous peoples, religious minorities, LGBTQ+ individuals, and others who have
11 historically faced exclusion and discrimination, who contribute to the social, cultural, and
12 economic life of the city; and

13 WHEREAS, newcomers have long contributed to the strength and vitality of Lebanon and
14 the State of New Hampshire, supporting the workforce, economy, schools, and civic life;
15 and

16 WHEREAS, the City Council adopted a Resolution for Inclusiveness in June 2018,
17 expressing its commitment to preserving public trust and promoting community identity,
18 civic pride, and quality of life for all Lebanon residents; and

19 WHEREAS, Lebanon voters passed the Welcoming Lebanon Ordinance by citizen initiative
20 in 2020, which took effect as City Code Chapter 185 in January 2021; and

21 WHEREAS, the State of New Hampshire enacted HB 511 and SB 62 in 2025, which took
22 effect January 1, 2026 as RSA 106-Q and 106-R, and which prohibit municipalities from
23 limiting cooperation between law enforcement agencies and federal immigration
24 authorities; and

25 WHEREAS, the City Council, recognizing its legal obligations under state law, and under
26 threat of a 25% annual state funding fine, repealed City Code Chapter 185, Welcoming
27 Lebanon, effective December 31, 2025; and

28 WHEREAS, the repeal of the Welcoming Lebanon Ordinance does not diminish the City's
29 commitment to its values of inclusiveness, equity, and community trust; and

30 WHEREAS, fear, uncertainty, and the perception of unclear, discriminatory, and/or illegal
31 law enforcement activity can undermine public safety, discourage cooperation with public
32 safety and emergency responders, disrupt student education, deter residents from
33 accessing critical public services, deter those considering making Lebanon their place of
34 residence or employment from doing so, and erode trust in government institutions; and

35 WHEREAS, the City Council recognizes and respects the role of federal authorities in
36 enforcing federal law, and affirms that community public safety is best served through
37 transparency, accountability, and trust between residents and those exercising federal and
38 local law enforcement authority; and

39 WHEREAS, the City Council has an obligation to safeguard the health, safety, and welfare
40 of all residents and to speak clearly when conditions arise that threaten community
41 stability, even where direct regulatory authority is limited; and

42 WHEREAS, the City of Lebanon affirms its responsibility to demonstrate moral leadership
43 and advocate for the humane and antidiscriminatory treatment of all individuals in the
44 implementation and enforcement of guidelines, policies, and laws that affect Lebanon
45 community members ; and

46 WHEREAS, nothing in this resolution is intended or shall be construed as a directive to any
47 agency, officer, or employee of the City of Lebanon;

48 NOW, THEREFORE, BE IT RESOLVED, that the Lebanon City Council reaffirms its
49 commitment to the dignity and equitable treatment of all people in Lebanon, aiming to
50 honor and address cultural, language, educational, mental health, and other barriers to
51 accessing resources and/or understanding guidelines, policies, and laws; and

52 BE IT FURTHER RESOLVED, that the City Council expects that federal immigration
53 authorities operating within Lebanon will conduct any enforcement activities in a manner
54 that prioritizes public safety, transparency, clear identification, and de-escalation, and that
55 minimizes unnecessary fear or disruption to the public; and

56 BE IT FURTHER RESOLVED, that the City shall strive to provide residents with public
57 information related to their rights, resources, and appropriate points of contact for public
58 safety concerns, in coordination with trusted local and state organizations where
59 appropriate; and

60 BE IT FURTHER RESOLVED, that the City Council calls upon New Hampshire's
61 congressional delegation and state leadership to seek greater transparency, oversight, and
62 accountability regarding federal immigration enforcement practices impacting New
63 Hampshire communities and the nation as a whole; and

64 BE IT FURTHER RESOLVED, that the City Council encourages the City of Lebanon to engage
65 in dialogue with community organizations who are monitoring the impacts of local, state,
66 and federal policies on vulnerable community members, and to support legal and
67 legislative efforts to challenge or overturn discriminatory policies where appropriate; and

68 BE IT FURTHER RESOLVED, that this resolution is adopted as an expression of the Lebanon
69 City Council's concern for public safety and community well-being, and does not purport to
70 regulate or restrict federal authority, but rather to formally communicate the City's position
71 and concern over potential local impacts; and

72 BE IT FURTHER RESOLVED, that while the City of Lebanon will comply with state law, it
73 affirms its commitment to do so without surrendering its moral and ethical obligation to
74 protect human rights, and without participating in or facilitating any acts of hate, fear, or
75 exclusion; and

76 BE IT FURTHER RESOLVED, that the City Manager's Office is requested to share this
77 resolution with all City departments and to make it publicly available on the City website.

**Agenda
Lebanon City Council
September 16, 2026**

12. New Business:

12.F – Discussion of Potential Social Districts

Background

In March 2026, Lebanon voters approved a ballot question allowing the operation of social districts within the City. The ballot question authorized, but does not require, the City Council to establish one or more social districts in Lebanon.

As a reminder, New Hampshire passed legislation in 2025, NH RSA 178:33-38, legalizing social districts within the state subject to local voter approval. A social district is a defined outdoor area in which a person may consume alcoholic beverages sold by a liquor licensee located within or contiguous to the district. This would be a public outdoor area beyond the premises of the bar, restaurant, or property of the liquor licensee where people could consume alcoholic beverages purchased at a licensee's establishment in clearly labeled containers that are specific to the licensee and the district. Individuals would not be permitted to bring outside alcohol into these districts and may not carry alcohol outside of the district.

Assistant Mayor Wilkie submitted an agenda request to discuss the potential establishment of one or more social districts in light of the voters' authorization. Enclosed with the agenda packet is a copy of the City of Laconia's Social District Management and Maintenance Plan as an example.

Action

Recommended action will be determined based on the City Council's discussion of this agenda item.

Included In This Section:

1. City Council Agenda Request Form, CMCC-26-5, submitted June 23, 2026.
2. Ballot Question on Social Districts from March 2026 Municipal Ballot
3. City of Laconia Social District Management and Maintenance Plan



Record No: CMCC-26-5

City Council Agenda Request Form

Status: Complete

Submitted On: 6/23/2026

Requester Information

Are you the requester?*

Yes

Are you a member of the Lebanon City Council?*

Yes

Agenda Request Date

Lebanon City Council meets on the first and third Wednesday of every month.

Preferred Date of Council Meeting to Consider Item*

08/19/2026

Please keep in mind that if this request is for an agenda item and is not urgent in nature, a future date is preferable in order to allow proper time to prepare materials. (Council Rule, § A191-7. Agenda, last adopted 11/16/2022)

Is there a deadline associated with this item, if so,
what is it?*

No, but sooner is better.

Agenda Request

Name of Agenda Topic Item*

Social Districts

Reason for topic item*

Given this was favored by voters in 2026, the Council should begin to explore the implementation of one or two social districts.

Specific questions related to topic item*

Where would social districts make sense? Are there any known costs associated with social districts? What steps should be taken to move this forward?

Proposed or possible action, motion, goal, and/or City Code or Policy amendment*

Move to develop a proposal and to schedule a public hearing

Supporting documentation requested for topic item

Documentation and/or references related to this topic (for example, website links, reports, etc.) supplied by the requester and for informational purposes only - not to be included in any agenda packet.

Laconia S.D. management plan:

<https://mm.nh.gov/files/uploads/enforcement/documents/laconia-social-district-downtown.pdf>

Other Information

This handout provides voters with information on a municipal question appearing on the City of Lebanon's March 10, 2026 Municipal Ballot.

BALLOT QUESTION ON SOCIAL DISTRICTS

Question: Shall we allow the operation of social districts within the City of Lebanon?

The State of New Hampshire recently passed legislation, NH RSA 178:33-38, legalizing social districts within the State subject to local voter approval. A social district is a defined outdoor area in which a person may consume alcoholic beverages sold by a liquor licensee located within or contiguous to the district. This would be a public outdoor area beyond the premises of the bar, restaurant, or property of the liquor licensee where people could consume alcoholic beverages purchased at a licensee's establishment in clearly labeled containers that are specific to the licensee and the district. Individuals would not be permitted to bring outside alcohol into these districts and may not carry alcohol outside of the district.

This question asks whether voters would like to authorize the Lebanon City Council to establish "social districts" within the City. The ballot question would not have the effect of immediately establishing any such district.

A 'yes' vote to this question signifies that the voter wishes to authorize the City Council to establish one or more social districts within the City.

A 'no' vote to this question signifies that the voter wishes to prohibit the City Council from establishing any social districts within the City.

Regardless of the outcome, the City may reconsider this issue at any future municipal election.

If a majority of voters vote 'yes' to this question, then the City Council will have the authority, but not a requirement, to establish one or more social districts by creating the boundaries of the district(s), identifying the days and hours of operation for the district(s), and adopting and publishing a plan to manage and maintain the district(s). The operation of any social district must conform to all legal requirements under NH RSA 178:33-38, and any administrative rules adopted by the New Hampshire Liquor Commission.



City of Laconia Social District Management and Maintenance Plan

Purpose and Intent

The City of Laconia seeks to establish a designated Social District(s) to support economic vitality, and to create a community-oriented environment within identified commercial areas. The district(s) will allow patrons to purchase alcoholic beverages from licensed establishments and consume them outdoors within clearly defined public spaces, consistent with New Hampshire RSA 178, 179 and NH Liquor Commission regulations.

The goals of all Social Districts are to promote local businesses and tourism, to encourage community engagement, and to provide a safe, well-regulated environment for responsible outdoor alcohol consumption.

Legal Authority

The Social District will operate in compliance with relevant New Hampshire Statutes including but not limited to all applicable sections of NH RSA 178, and 179.

The City of Laconia will coordinate with the NH Liquor Commission to ensure all participating businesses meet licensing and operational requirements.

District Boundaries

The Social District boundaries will be defined by ordinance and mapped clearly. Boundaries for the first version of the defined social district will be mapped out in an area in and around the “downtown” area of Laconia.

Days and Hours of Operation

Social District(s) will operate during the following hours:

Thursday, Friday and Saturday: 12:00 PM – 9:00 PM

The City of Laconia reserves the right to modify hours for special events or public safety needs.

Start date for 2026: May 28th.

Participating Establishments

Eligible participants include any business with a NH Liquor License, operating within a designated Social District.

Permit Cost

\$250/year for permanent businesses within the social district

Permit fees will be waived by the City of Laconia for calendar years 2026, through 2028.

Approved Containers

To ensure compliance with RSA 178:36 and NH Liquor Commission rules, all beverages consumed in the Social District must be in:

- A container that clearly identifies the licensee from which the alcoholic beverage was purchased. **Design/purchase is responsibility of the business.**
- The container will clearly display a logo or some other mark that is unique to the social district in which it will be consumed. **Stickers to identify the social district are the will be created by the City and will be provided at a small fee.**
- The container shall not be made of glass
- The container shall display, in no less that 12-point font, the statement, “Drink Responsibly-Be 21”
- The container shall hold no more than 16 fluid ounces

Patrons may not carry beverages into another licensed establishment or outside district boundaries.

Signage

The City of Laconia shall install signs within the social district(s) that include:

- Days and Hours of which alcoholic beverages may be consumed within the social district
- Signs and/or road markings that define when you are about to exit a social district
- Telephone number for NH Liquor Commission and Laconia Police Department
- Clear statement that alcoholic beverages purchased for consumption in the social district shall:
 - Only be consumed in the district
 - Be disposed of before the person in possession of the alcoholic beverage exits the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased

Public Safety and Enforcement

The Laconia Police Department will be the primary enforcement authority, supported by, and working in conjunction with the NH Liquor Commission, Laconia Fire Department, City of Laconia code enforcement staff, and event security where applicable.

Laconia Police shall provide one police officer in the social district at all times of the social district's operation.

Enforcement priorities include, but are not limited to preventing underage drinking, preventing over-service, ensuring beverages remain within district boundaries, and addressing disorderly conduct or public safety concerns.

Violations may result in fines under RSA 179, removal from the district, suspension of business participation privileges or any other applicable violation and penalty applicable under NH law.

Maintenance and Sanitation Plan

The City will maintain a clean and safe environment through:

- Increased trash receptacles throughout the district
- Recycling containers where feasible
- Regular trash collection after normal City of Laconia operating hours
- Maintenance of sidewalks, lighting, and landscaping

Participating businesses will maintain a clean and safe environment through:

- Maintain cleanliness around their storefronts
- Provide staff to monitor outdoor seating areas
- Ensure proper disposal of used cups

Special Events and Temporary Expansions

The City of Laconia may authorize temporary expansions of the social district for temporary special events. Approval is subject to review and approval by the City Manager, Laconia Special Events and Licensing Committees and Laconia City Council. Following approval, an expanded map will be submitted to the NH Liquor Commission.

Public Communication

The City of Laconia webpage will include the following information:

- District map
- Rules and FAQs
- List of participating businesses
- Contact information for questions or concerns

All participating businesses will post in a clearly visible location, the following information:

- District map
- Rules and FAQs
- Contact information for questions or concerns

Adoption and Amendments

The Social District Management and Maintenance Plan shall be adopted by the Laconia City Council prior to implementation and may be amended as needed to comply with changes in NH state law, NH Liquor Commission guidance, public safety considerations, and community feedback.

Ordinance (*Changes in italics*)

§ 201-8 **Use of alcoholic beverages in public and Social Districts**

[Amended 6-29-1981 by Ord. No. 49-81.3; 6-27-1983 by Ord. No. 78-83.3]

- A. No person shall drink any alcoholic beverage or alcoholic liquor, as defined in Chapter 175 of the New Hampshire Revised Statutes Annotated, upon any public street or on any public highway, public sidewalk, public wharf, municipal park or any public or private parking lot which is accessible and/or open to the public, within the limits of the City of Laconia; provided, however, that the Licensing Board may grant permission to any person or persons for the use of alcoholic beverages within the confines of a public park in connection with any gathering or function on such conditions as it may deem advisable.
- B. This section shall be deemed to prohibit, among other things and without limitation, the consumption or possession of any open container of alcoholic beverages while in any motor vehicle upon any public street or on any public highway, sidewalk, wharf, park or any public or private parking lot which is maintained primarily for the benefit of paying customers. Possession of any open container of alcoholic beverages shall be deemed prima facie evidence of a violation of this section.
- C. *As an exemption to Section A, the City Council may vote to set Social Districts as places where persons can consume alcoholic beverages or alcoholic liquor in designated public places. Prior to implementation of any Social District, the City Council shall:*
 - (1) *Approve a Management and Maintenance Plan for Social Districts, which shall include a map of all approved Social Districts. Adjustment of any portion of the Management and Maintenance Plan can be realized with approval of a simple majority of the City Council.*
 - (2) *Provide to the liquor commission, a detailed map of the social district with the boundaries of the social district clearly marked, and the days and hours during which alcoholic beverages may be consumed in the social district.*