

**FINAL**

**LEBANON CITY COUNCIL  
MINUTES, REGULAR SESSION  
Wednesday, May 5, 2021, 7:00 p.m.  
Remote Via Webex: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Planning & Development David Brooks, Chief of Police Phillip Roberts, Public Works Director James Donison, Finance Director Vicki Lee, Airport Director Carl Gross, Recreation, Arts & Parks Director Paul Coats, Human Services Director Lynne Goodwin, Library Director Sean Fleming

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

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

All Councilors attending the meeting remotely are listed above.

**2. PLEDGE OF ALLEGIANCE:** Mayor McNamara led the Council in the Pledge.

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

**4. OPEN TO PUBLIC:**

- *Mr. John Kenyon (Ward 1)* spoke about his reasons for lifting the Mask Ordinance and his concerns raised by the Council at their last meeting.
- *Mr. James Novakowski (Ward – uncertain)* spoke about his reasons for defunding the Lebanon Police Department and his support for more funding going towards Human Services. He would like this reflected in the City's budget.
- *Mr. Alan Schnur (Ward 3)* noted he is a retiree from the World Health Organization (WHO) and spoke about his reasons for supporting the Lebanon Mask Ordinance and requested the Council to consider maintaining the Mask Ordinance until the data clearly shows that COVID transmission is fully under control.

**5. RECOGNITIONS:**

**A. Post-Traumatic Stress Disorder (PTSD) Awareness Month Proclamation**

**PROCLAMATION  
POST TRAUMATIC STRESS DISORDER (PTSD) MONTH  
JUNE 2021**

**WHEREAS** June has been declared as PTSD Awareness Month each year around the world; and

**WHEREAS**, for centuries we have recognized post-traumatic stress disorder; and

**WHEREAS**, PTSD can affect all ages, children through to seniors: and

**WHEREAS** treatment for PTSD is available; and

**WHEREAS** it is up to each of us to know that the PTSD Assessment form is a major tool to seek medical assistance; and

**WHEREAS** PTSD Awareness Month urges all to seek help for those who may have PTSD requiring medical assistance.

**THEREFORE, BE IT NOW RESOLVED**, that the City of Lebanon, N.H., proclaims June as PTSD Awareness month in our city and encourages the residents of Lebanon to actively learn about the PTSD Assessment form written by the Centre for PTSD Research as a tool to assist those affected by PTSD to obtain medical assistance.

Proclaimed this 5th Day of May in the year Two-Thousand-Twenty-One.

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Timothy J. McNamara  
Mayor, City of Lebanon

**6. ACCEPTANCE OF MINUTES:**

**A. April 21, 2021 (Regular Session)**

*Assistant Mayor Below MOVED to approve the April 21, 2021 (Regular Session) minutes as written and presented in the May 5, 2021 City Council agenda packet.  
Seconded by Councilor Heistad.*

**Roll Call Vote:**

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

None voted Nay.

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

**7. APPOINTMENTS:**

- Pedestrian & Bicyclist Advisory Committee, Amy Chan (Citizen Member)

***Councilor Heistad put forth the NOMINATION of Amy Chan as a Citizen Representative to the Pedestrian & Bicyclist Advisory Committee. Two Year Term (5/21 – 5/23).***

**Roll Call Vote:**

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

None voted Nay.

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

• Arts & Culture Commission, Gavin Fischer (Ward 2 Citizen Member)  
***Councilor Wilkie put forth the NOMINATION of Gavin Fischer (Ward 2 Citizen Representative) to the Arts & Culture Commission. Three Year Term (5/21 – 5/24).***

**Roll Call Vote:**

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

None voted Nay.

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

**8. PUBLIC HEARING ITEMS: NONE**

**9. OLD BUSINESS:**

- A. Presentation of Second Reading: Amendment to Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, AFSCME Local #1348/Council 93 AFL-CIO, to implement changes proposed as part of the 2020 Wage & Classification Study completed by Municipal Resources, Inc.

Included in agenda packet: Ordinance No. 18

City Manager Shaun Mulholland spoke about the proposed amendments to the AFSCME Wage Schedule in Ordinance No. 18.

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

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

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

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

**Process to Amend Ordinance No. 18**

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

The first presentation was recognized by the Council on April 21, 2021. The Council was asked to recognize the second of the three presentations. The third presentation will follow on May 19, 2021 along with a public hearing to adopt the amendments as proposed.

**ACTION:**

**1. ACKNOWLEDGE SECOND PRESENTATION:**

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

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

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

| AFSCME LOCAL 1348 - 2021 SALARY GRADES |                |               |               | 1.5% GWI      |                |               |               |
|----------------------------------------|----------------|---------------|---------------|---------------|----------------|---------------|---------------|
|                                        | <u>Minimum</u> |               |               |               | <u>Maximum</u> |               |               |
| <u>Grade</u>                           | <u>Step 1</u>  | <u>Step 2</u> | <u>Step 3</u> | <u>Step 4</u> | <u>Step 5</u>  | <u>Step 6</u> | <u>Step 7</u> |
| 1                                      | 17.31          | 17.84         | 18.39         | 18.91         | 19.46          | 20.01         | 20.52         |
| 2                                      | 18.66          | 19.24         | 19.84         | 20.42         | 21.01          | 21.58         | 22.15         |
| 3                                      | 20.12          | 20.77         | 21.42         | 22.06         | 22.71          | 23.33         | 23.99         |
| 4                                      | 21.74          | 22.45         | 23.14         | 23.85         | 24.54          | 25.25         | 25.98         |
| 5                                      | 23.52          | 24.31         | 25.07         | 25.83         | 26.59          | 27.36         | 28.16         |
| 6                                      | 25.51          | 26.32         | 27.15         | 27.96         | 28.81          | 29.63         | 30.49         |
| 7                                      | 27.61          | 28.51         | 29.41         | 30.33         | 31.23          | 32.13         | 33.05         |
| 8                                      | 29.89          | 30.89         | 31.87         | 32.87         | 33.83          | 34.84         | 35.87         |
| 9                                      | 31.43          | 32.48         | 33.54         | 34.59         | 35.66          | 36.70         | 37.79         |

***Seconded by Councilor Liot Hill***

**Roll Call Vote:**

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

None voted Nay.

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

**10. NEW BUSINESS****A. Financial Outlook with Vicki Lee, Finance Director**

Included in agenda packet:

1. May 5, 2021 Finance Department Memorandum RE: Financial Outlook (pages 41-50, agenda packet)
2. 2021 Financial Outlook PowerPoint. (pages 52-86, agenda packet).

To prepare the Council for the FY 2022 budget process City Manager Shaun Mulholland presented the 2021 Financial Outlook PowerPoint (as listed above) which contained data to provide projections and the financial outlook for fiscal years 2022 through 2024. This sets the stage for what the budget might look like going into 2022. The final budget will be submitted to the Council in October. Since some things might change between now and then, this data and what you see for future years are only projections. His presentation showed graphs and information on the following COVID-19 Financial Impacts as follows:

- Consumer Price Index-Northeast Region: This is the number we use to determine the GWI-cost of living increase for employees.
- Change in Unemployment Claims (February 2020-February 2021).
- City Revenue Impacts: Varies by Source. These include:
  - Property taxes: We brought in more property taxes in 2020 than we did in 2019. Uncollected property taxes remain at a very low rate.
  - MV Registration Fees: Up slightly. We came in 5.1% over our projection.
  - Recreation Department Fees – This took a big hit in 2020 because their programs were not operational. We expect a rebound in 2021.
  - Utility Users Tax, Franchise Payments: Uncollected Water/Sewer Bills were less than 1% for 2020.
  - Rooms & Meals Tax: This depends on what happens in the Legislature, but right now we should have a slight increase in revenues.
  - Development Fees: There was a significant increase in 2020 and this is what saved us when it came to making sure we came out on top of our budget.
  - Airport Federal Assistance: The Airport received just over \$2 million in funds which will offset the general fund subsidy for 2022/2023. The City is expecting to receive \$1,351,000 from the American Rescue Plan Act.
  - State Aid: Rooms & Meals Tax - Possible Increase; Highway Block Grant - Slight Increase; State Aid Grants (SAG) have been eliminated which will affect the City's wastewater projects and will have impacts of \$384,306 (2022), \$378,166 (2023), and \$6,074,253 (2024-2028); Municipal Bridge Aid – Reduction; Revenue Sharing – Eliminated; Municipal Aid - Eliminated; \*15% Retirement System Contribution by State – has been tabled and is yet TBD.
- Debt Service Projections for 2021-2026: These are based upon projects authorized by the Council. The City is transitioning from CSO era. **\*NEW PROJECTIONS DO NOT INCLUDE FUTURE PROJECTS\***. The 2021 Budget fund balance will be used to offset debt service increases as planned at the start of the CSO era. The CSO debt service plan was based upon pre-

determined tax rate and user rate increases to prevent tax rate spikes and minimize spikes in utility rates.

The City Manager explained the process of how the Council appropriates funds for different projects, how and why the City borrows money from the NH Municipal Bond Bank for CIP Projects, and the difference between borrowing funds and using the Operating Budget.

- General Fund:
  - Planned Tax rate increases: These were planned in conjunction with the use of fund balance to reduce tax rate spikes and allow for adequate service delivery. Planned tax rate increases 2021- 2.5%. Projected tax rate increases for 2022-2025 are less than 2.5% each year.
  - Change in projected municipal tax rate: 2.5% (2021-2024).
  - General Fund Debt Service: The plan is to offset the increase in the General Fund Debt Service for 2021 by the use of approx. \$1.7 million from fund balance to stabilize the tax rate. The Unassigned Fund Balance of the General Fund will be approx. \$11.8 million that can be moved to the Capital Reserve funds to pay for one-time items to make sure the City does not have to borrow money for fire and DPW vehicles, etc. Right now, the City is putting just enough money in this account (UFB) to meet the immediate demands of the City, but we are not building up a reserve, which will be needed to replace a ladder truck in a number of years (+/- \$1M each). The plan requires the use of fund balance and tax rate increases to smooth the impact of debt service on the budget.
- The Long-Term Financial Plan: Reduce or eliminate the use of fund balance to offset the tax rate, to utilize the Unassigned Fund Balance to offset the cost of Capital Projects by using cash to pay for projects/equipment and eliminate the use of the UFB to subsidize the cost of operating expenses.
- Unassigned Fund Balance Ratios: Policy requires fund balance to be between 19% and 24% of Revenues or Expenditures for any budget year. The purpose of this to make sure there are reserves in case of emergencies or if there is a shortfall in revenue. Mr. Mulholland noted that the City only collects the taxes for the School District/County and needs to be remitted according to their schedule. For 2021, the City is planning on the use of \$1.7 million from the fund balance for 2021 tax rate stabilization and utilizing the excess fund balance after debt smoothing to fund Capital Reserve Funds.

Assistant Mayor Below suggested that if there is choice to make a significant investment that will primarily affect future taxpayers, it is worth considering a Generational Equity category to incur those expenses out into the future on a situational basis.

- Limitation of Future Capital Projects General Fund (page 73, agenda packet): City Manager Shaun Mulholland said the amount of new debt would be limited to the amount of retired debt over a six-year fixed period. However, improvements are needed in the City, which it cannot afford to do if funds are maintained at the same standard proposed last year (e.g., reconfiguring the roadways around Colburn Park, drainage, water/sewer lines and other work in and around the Kimball Street area, improvements at the police station, and the City's sewer and water systems etc.). There have been many LebAlerts about water main breaks, which are symptoms of a failing system. There are a number of road projects that need to be done or our pavement index is going to continue to decline. There are a number of drainage issues that need to be addressed. Failure to address known issues may result in cascading impacts and could result in higher long-term costs and negative service delivery impacts.
- Water Financial Plan & Debt Service: 8% for FY 2021-2023. See graph on page 77, agenda packet for Water Fund Debt Service.

- Water and Sewer Rate Increases: (graph on p. 78, agenda packet.)
- Sewer Financial Plan & Debt Service: 7.2% for FYs 2021-2023.
- Sewer Fund Debt Service: (see graph on page 81, agenda packet).
- Solid Waste Fund Debt Service: (See graph on page 83, agenda packet).
- Airport Fund: (pages 85-86, agenda packet): The good news is that for 2022/2023, the City is expecting not to have to subsidize the Airport at all. However, this is an artificial situation due to the COVID funds that were provided to the Airport.

Department Heads will be given guidance on their budget by May 10, 2021. The deadline for budget submissions is July 23, 2021. The final budget will be given to the Council on or around October 31, 2021.

The Council discussed making sure their approach is consistent with a very long-term view of Debt Service by combining the goals of stable rate increases and utilizing the Unassigned Fund Balances; how to communicate the City's 15-20 year strategies to residents so they understand what the Council is doing; creating a Taxpayer 101 Academy to help residents understand the complicated budget process; scheduling virtual meetings to include the School District; creating pre-recorded budget videos, along with a County component, and uploading these to the City's website for residents to access; creating a detailed transcription of the budget process for those who cannot access videos; and, adding time or an additional Work Session for each Councilor to express three (3) components of their budget priorities.

The City Manager will start working on putting an educational budget program together for the public.

**ACTION: No action is required. Item is for informational purposes only.**

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

Included in agenda packet:

1. Memorandum dated April 12, 2021 from David Brooks, Planning & Development Director
2. Draft Map of Mount Support Road – Special Assessment District, dated March 11, 2021 (page 92, agenda packet)
3. Draft Property Owner Spreadsheet for Mount Support Road – Special Assessment District, dated March 18, 2021
4. City Code Chapter 147 – Special Assessment Procedure

During Planning Board review for several large development projects along Mt. Support Road in the last 12-18 months, traffic studies prepared on behalf of the applicants have highlighted that the intersection of Mt. Support Road and Lahaye Drive is approaching its operational capacity overall and that certain turning movements are already over capacity and failing from a transportation standpoint. In response, the Planning and Public Works Departments worked jointly to prepare a capital improvement project proposal to determine the improvements required to address the existing deficiencies and future operating needs at the intersection.

In December 2020, the City Council approved a capital project for the initial design and permitting phase for traffic and transportation improvements at the intersection. The source of funding for the project was to come from a Special Assessment District to be created, which would be comprised of properties that would be specially benefitted by the proposed improvements.

Pursuant to NH RSA 52-A, Special Assessment Districts are districts in which public facilities and services are to be provided and in which special assessments and charges may be levied and collected to pay for those public facilities and services. Pursuant to Chapter C419:57 of the City of Lebanon Charter, the City Council has the power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the properties especially benefitted and shall so declare by resolution. Special Assessment Districts are over and above the regular tax bill for a defined area and the TIF (Tax Increment Finance District) is where the tax payors would pay what they would normally pay.

The Planning Department prepared a draft map of a proposed Special Assessment District identifying properties that would be specially benefitted by the proposed improvements and has calculated the proportionate share of benefits attributable to each property within the District as the basis for the special assessments.

On March 30th, the Planning and Development Department hosted a Community Conversation with potentially affected property owners and provided an overview presentation of the reasons for proposing the District, the methodology for calculating each property's proportionate share, the anticipated capital improvements needed for the intersection, and the additional steps necessary to create and implement the proposed District.

Planning & Development Director David Brooks shared the same PowerPoint overview presentation that was given to the potentially affected property owners of the Special Assessment District, and provided the same overview of the reasons for proposing the District, the methodology for calculating each property's proportionate share, the anticipated capital improvements needed for the intersection, and the additional steps necessary to create and implement the proposed District in order to introduce the Council to the proposed Special Assessment District for a portion of the Mt. Support road corridor.

The Dartmouth Hitchcock area has received approval for a new 5-story patient tower for up to an additional 128 patient beds and have received approval for a substantial reconfiguration of the Emergency Department. The patient tower is already under construction and the Emergency Department is coming soon. The Dartmouth College property has received approval and construction has started on 309 units for graduate student housing. The Saxon Partners property has been approved for 250 residential units but have not yet started construction on this project. The City received a conceptual application for up to 202 residential. As a result of these development projects, the City has become aware that the Mt. Support Road intersection with Lahaye Drive is reaching its capacity and certain turning movements are already over capacity at this intersection. To address this issue, the City is proposing this Special Assessment District to coordinate and help pay for the needed transportation and traffic improvements. The proposed Special Assessment District includes the DHMC Medical Center complex and other properties on both sides of Mt. Support Road north of Lahaye Drive, as well as the properties along Mt. Support Road to about ½ mile south of Lahaye Drive. The presumption being that these properties will be uniquely benefited by the improvements to the intersection and in the immediate surrounds.

DHMC and Mary Hitchcock Memorial Hospital account for 10 of the properties (tax parcels) within the district and the Dartmouth College Trustees is the owner of another 7 out of the 24 properties. Those institutions account for a majority of the area and parcel numbers. Of the remaining parcels, there is one single family dwelling, one 4-plex unit, one hospice facility, one unstaffed building, and two other large multi-family complexes: Timberwood Commons already exists, Saxon is approved, and the Dartmouth College Project is already under construction.

Mr. Brooks presented a summary list of all parcels sorted by owner and discussed the Traffic Impact Study done for the Saxon Partners Development, which depicted the number of vehicles making each

turning movement through the Mt. Support Road/Lahaye Drive intersection during both the AM/PM peak hours. Overall, there are 1850 vehicles that pass through this intersection during the AM peak hours, but a little less during the PM.

Mr. Brooks discussed how each property's proportionate share was calculated, noting Planning Staff used the same traffic count data from the traffic studies and collected the trip generation information from other existing developments and properties within the corridor and plugged the information into their analysis. For David's House and the two single family dwellings, data from the Institute of Traffic Engineers Trip Generation manuals were used to estimate the number of vehicles generated from each of those existing properties. Then, Planning Staff calculated the City's share of existing traffic by counting the vehicles moving through this intersection that were bypassing the DHMC complex minus trips that are already attributed to some other project. The City's share would be around 61 trips through this section. All the existing trips through this intersection are attributed to DHMC.

The future projected trips from these recently approved developments were determined by taking the estimated trips to be generated from the DHMC Patient Tower Project Traffic Study and plugged those trips into our assumption. We did the same thing with the Dartmouth College Project and the Saxon Project. These studies also provided for what is called background growth. Background growth are trips attributed to a previously approved development located outside of the Special Assessment District (i.e., Altaria or ICV that were approved years ago). Background growth also includes trips that are not attributable to any specific project and that growth is assigned to the City.

The relative percentages of the existing and future AM/PM peak hour traffic through this intersection were calculated for each property and then staff took the average percentage share of AM/PM peak hours to arrive at each property's proportionate share of traffic through the intersection. Under this proposal, the new developments that are arguably triggering the need for intersection improvements, would be paying about 90.4% of the cost of those improvements. The City's share is just under 7.5%, and the remaining existing properties (David's House, the single-family home, etc.) would be paying about 2%.

City Manager Shaun Mulholland pointed out that this is just a snapshot in time, noting that DHMC and Dartmouth College are exempt from taxation but are not exempt from a Special Assessment District. As other properties develop, these percentages will change based on those new developments, whether it be 5-10 years or more.

Anticipated improvements include adding additional lanes at the intersection of Mt. Support Road/Lahaye Drive but the design has not yet been done.

In response to Mayor McNamara's question about potentially adding a round-a-bout, Mr. Brooks stated an evaluation was done by DHMC to include a round-a-bout, but the issue was the high volume of traffic at this intersection that may need to have slip lanes added. At that point you are beginning to expand the impact on the impervious area needed at this intersection, noting all four (4) corners of this intersection have wetlands.

Planning Staff would also like to consider additional Pedestrian/Bicyclist improvements north of Lahaye Drive on Mt. Support Road to allow tenants of these new residential developments to safely/conveniently access DHMC, and points north, to potentially reduce/minimize traffic volume. Staff has been working in partnership with DHMC and Dartmouth College and we have a grant from NH DOT that will be paying 80% of this project's cost.

It is anticipated that the design/permitting phase for the traffic improvement phase in and around this intersection will cost approximately \$250K. This cost was applied to each proportionate share for each

property. The City is expecting to pay for the design/permitting phase without having to bond or borrow these funds as they were already included in a previous CIP. Staff also predicts a short payback time of five (5) years.

By Statute, a Special Assessment District must be re-evaluated periodically (3-years), so when we get to the point where we are ready to build the improvements, this project would have to come back to the Council to appropriate CIP funds and review the proportionate share projections. The Special Assessment District would remain in effect until all allocated funds are paid back to the City.

**Councilor Whittlesey recused himself.**

Councilor Heistad spoke about his support for investigating a rotary at this intersection.

In the interest of full disclosure, Mayor McNamara noted that he was employed by Dartmouth College but his job there has nothing to do with the Mt. Support Road project and did not feel a need to recuse himself. He will be voting on this.

**ACTION:**

***Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, June 2, 2021, beginning at 7:00pm, Remote via Webex, for the purpose of receiving public input and taking action on the establishment of a Special Assessment District to pay for traffic improvements at the intersection of Mount Support Road and Lahaye Drive, Lebanon. Seconded by Councilor Sykes.***

**Roll Call Vote:**

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

None voted Nay.

Recused: Councilor Whittlesey

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

**C. Discussion & Set Public Hearing for June 2, 2021: Supplemental Appropriation for Final Phase Improvements to Lebanon Rusty Berrings Skatepark**

Included in agenda packet: April 26, 2021 memo from Paul Coats, Recreation Arts & Parks Director re: Authorization for disbursement of impact fee funds for Skatepark Final Phase Improvement

Recreation, Arts & Parks Director Paul Coats spoke about the phased improvements to the Lebanon Rusty Berrings Skatepark have been ongoing since 2017 as part of the Skatepark Redevelopment Capital Improvement Project. Final phases of the planned improvements are underway and include adding a transition into the park from the parking lot, removing prefabricated concrete retaining wall blocks and replacing them with a skateable retaining wall, adding some retaining walls around some Phase II features (currently experiencing erosion), and landscaping around new features. The total cost for the final phase improvements is \$70,000.

Friends of Lebanon Recreation are financing \$55,000 of the total cost, leaving a balance of \$15,000 to complete the project. Ample funds exist in the Recreation Arts & Parks Impact Fee account which Administration is requesting be utilized to fund the \$15,000 balance.

As this is an appropriation after the adoption of the 2021 Municipal Budget, Council action was required to transfer existing funds from the Recreation Arts & Parks Impact Fee account to the Skatepark Redevelopment Capital Improvement Project, which will have no adverse impacts on the tax rate.

**ACTION:**

**Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, June 2, 2021, beginning at 7:00pm, Remote via Webex, for the purpose of receiving public input and taking action to appropriate \$15,000 for final phase improvements to Lebanon Rusty Berrings Skatepark; and to authorize disbursement of \$15,000 in Recreation Arts & Parks Impact Fees as the means to pay for the work.**

***Seconded by Councilor Heistad***

**Roll Call Vote:**

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

None voted Nay.

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

**D. Discussion & Set Public Hearing for May 19, 2021: Potential Rescission of Emergency Ordinance #2020-11, Face Masks, adopted by City Council on August 12, 2020.**

Included in agenda packet:

1. Emergency Ordinance #2020-11, Face Masks
2. State of NH COVID-19 Response Website link: <https://www.covid19.nh.gov/dashboard/map>

**BACKGROUND**

On August 12, 2020, the City Council adopted Emergency Ordinance 2020-11 relative to requirements of wearing face masks under certain circumstances. The City Manager, in cooperation with the Health Officer and Emergency Management Director, made recommendations to the Council to implement the provisions of 2020-11 due to the impacts of the COVID-19 virus. The ordinance itself details the reasons for implementation of the face mask requirements.

The CDC and the NH Department of Public Health project that every American over the age of 16 who chooses to be vaccinated will have had a chance to do so by the middle of June 2021. The full effect of the vaccine is believed to take an additional two-week period. The present projections indicate that by the end of June everyone (16 years of age or older) who has chosen to be vaccinated, will be fully vaccinated. At the present time it is still unclear when children under the age of 16 will be fully vaccinated.

There have been cases of persons who have been fully vaccinated who have subsequently contracted COVID-19. At present, those numbers remain very low (as of this date there were 24 people in the state with this situation). The virus continues to mutate resulting in a variety of strains. The vaccines at present continue to be effective in preventing illness, as well as minimizing the health impacts of those contracting the virus.

As of the writing of this document (4/27/2021) the rate of new cases in the last 14 days for the City of Lebanon (per 100,000 population) is between 1-25. The actual number of cases in the City for the last 14 days was 18. As of this date there were only 10 active cases out of a population of approximately 14,000 people, or 0.07% of the City's population.

The City Manager, in conjunction with the Health Officer and Emergency Management Director, recommends the following:

1. The Council schedule a public hearing to rescind Emergency Ordinance 2020-11 (currently proposed for May 19, 2021). Further, that the Council not act to rescind 2020-11 until the last meeting in June with an effective date of June 30, 2021. This will allow City Administration to provide the Council with the latest information regarding the impacts of COVID-19 in the City.
2. The City Administration will continue to monitor the situation in collaboration with the CDC and the NH Department of Public Health as it relates to the following:
  - a. Rates of infection in the City.
  - b. The impacts of mutations as they develop and how they affect the ability of the present vaccines to prevent illness and their health impacts.
  - c. Vaccination rates in the City, the County, and the State.
3. The Council will need to determine whether the public health situation requires the wearing of face masks through an Emergency Order under the policing powers of the City or whether public health warnings and recommendations are adequate to mitigate the impacts of COVID-19.

Mayor McNamara clarified that his purpose of bringing this subject up at the April 21, 2021 City Council meeting was not to propose any particular solution/change to this (Ordinance), but rather to initiate a discussion, particularly in light of actions that the State has taken, in light of where we are at with vaccinations, and in light of where society is right now with respect to the pandemic. It was not to suggest that we set a date to drop or not drop the mask mandate, but merely to have a public discussion. After his comments on April 21, 2021, he received an email from the New Hampshire Medical Society with respect to this exact issue. Their email included suggestions, as medical professionals, on when one might consider lifting mask mandates, vaccination levels, levels of community transmission, and infection levels. What he wanted to discuss at this meeting is whether the Council wants to set a Public Hearing at this point for discussing the Mask Ordinance, and, if so, when. He strongly suggested that this needs to be a data-based decision and the guidance provided by the NH Medical Society is one set of metrics that we might consider in looking at the long-term future of the mask mandate.

Councilor Whittlesey noted that one of the criteria brought up in June was that anyone who was eligible for the vaccine would have had the opportunity to get it by then. This did not include children, which are a significant portion of Lebanon's population. Recent news highlights that the Pfizer vaccine is currently seeking the same emergency approval for children ages 2 and up, which would start in September. He recommended that this discussion be postponed until we get further clarity on the status of that vaccine out of respect for the safety of our kids.

Councilor Heistad thanked Mayor McNamara for bringing up the letter from the 13 medical organizations and hoped the Council would be able to use their information as a basis to draw our conclusions from. When you think about the impact on individual families, it changes the perspective of how cautious we need to be in protecting the children, who are apparently the source of shedding the virus. He supported the discussion being held later in the year.

Councilor Winny was in favor of having this discussion sooner rather than later and revisiting it as we need to. There are a number of information pieces we need to use to make this decision. One is what is happening in Lebanon. Lebanon is a place that many people come to and he was uncertain if there was a way to track where people are coming from or how many are vaccinated but thought it might be worth trying to parse that out. It would also be helpful to hear from Epidemiology, Public Health or DHMC who are tracking this information to get an idea of what our targets should be. While there are other places already opening and removing restrictions, he would like to see data on what is happening in those

places as well. There are a lot of moving parts here. Regardless of what choices are made, it is important to revisit that decision at some point in the future so we can continue to monitor the situation.

Councilor Liot Hill was not particularly tied to the idea that a Public Hearing has to be held in two weeks from tonight. She received feedback from many people and pointed out the letter the Council received from the COOP food store requesting we keep the mask ordinance in place for now as grocery store workers have to interact with a lot of people. Also, another issue is the School District having continuity until the end of the school year which makes sense. She was not in a rush to lift what she felt has been an effective policy for the City of Lebanon. We have been able to keep transmission rates low and able to avoid some of the surges seen in other communities, even those nearby. Using criteria, such as those recommended by the NH Medical Society, and other benchmarks around minimal community transmission (7-day transmission rates < 5%) makes a lot of sense. She proposed that the Council have the Public Hearing in June so we can see what happens with the vaccinations and how many children get vaccinated.

Councilor Wilkie generally agreed with everything that Councilor Liot Hill said, noting it is important to have this discussion but less important that it happens two weeks from now. He was in favor of setting a Public Hearing for some time in June.

Councilor Sykes agreed this discussion is an important issue, but also thought the Council has not had sufficient public input to set a Public Hearing two weeks from now. He supported having a Public Hearing for the purposes of discussing what we might do at a later date. Two weeks from now is too soon.

Assistant Mayor Below felt the Mask Ordinance has served the City well. Lebanon has a lower number of infections on average than the State as a whole. We are in the 2-2.5% range, and the State as a whole is closer to 10%. He felt it made sense to have the Public Hearing sooner rather than later because part of the point is for the Council to solidify our thoughts about what criteria we will use and to make that criteria publicly known so we can have a common goal and people have reasonable expectations. He would like to hear more from the NH Medical Society, and other medical associations in the State who have recommended some specific science-based criteria like having a mask order stay in place until community vaccination levels reach community-wide immunity of at least 70%. The point has been made that right now we are not vaccinating anybody under 16 years-old and thought Lebanon was quite a way off from 70% if you include children. We need to look beyond Lebanon and into the bigger Upper Valley picture, and to some extent the State or region as a whole, because of the summer traffic that will be coming through Lebanon. The specific metric recommended for community transmission is <50 new infections per 100K population over the prior 14 days. Glancing at the State dashboard over the last 14 days, we are at 200 new infections per 100K population with 20 new cases. This is still high compared to where we were last summer. He had no problem waiting until June for a Public Hearing, but also thought it would be fine to begin to consider whether we want to adopt some specific criteria as recommended by the NH Medical Society and other local medical specialists in this area.

***Councilor Heistad MOVED to extend the meeting to 10:15 p.m.***

***Seconded by Councilor Whittlesey.***

**Roll Call Vote:**

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

None voted Nay.

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

The Council continued to discuss whether to schedule the Public Hearing for May 19, 2021, and Councilor Liot suggested that criteria be discussed on May 19th as an agenda item and invite public health experts in the Upper Valley to speak about what their potential criteria should be. The results of that discussion could be used in the Public Hearing notice in June.

Assistant City Manager Paula Maville was unsure of what would come out of the May 19th meeting and how much staff time would be needed for follow-up, noting there is a relatively short amount of time between the May 19th and June 2nd meeting to prepare. She suggested the Public Hearing take place on June 16, 2021. City Manager Shaun Mulholland concurred.

**ACTION:**

**Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, June 16, 2021, remote via Webex, for the purpose of receiving public input and taking action on adopting criteria regarding the potential rescission of Emergency Ordinance #2020-11, Face Masks, originally adopted by the City Council on August 12, 2020.**

**Seconded by Councilor Heistad.**

The Council and City Manager discussed the content of the MOTION and took the following action:

**Assistant Mayor Below MOVED to amend the wording of the MOTION to read: “consider adopting criteria and/or repealing the Ordinance.”**

**Seconded by Councilor Liot Hill.**

**Councilor Heistad accepted Councilor Liot Hill’s second.**

Councilor Liot Hill restated the MOTION as follows:

**Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, June 16, 2021, remote via Webex, for the purpose of receiving public input and taking action on the adoption of criteria and/or possible rescission of Emergency Ordinance #2020-11, Face Masks, originally adopted by the City Council on August 12, 2020.**

**This MOTION was acceptable to Assistant Mayor Below.**

**Seconded by Councilor Heistad.**

Councilor Whittlesey spoke about his reasons why the amended MOTION was too confusing and why he could not support the amendment as it stands.

Assistant Mayor Below spoke about why he felt the Council would be in a position to act at the June 16th meeting. Alternatively, he suggested the Council could defeat the MOTION and have further discussions at the May 19th meeting.

Councilor Sykes spoke about his reason why he would vote against the amended Motion.

**Councilor Liot Hill MOVED to extend the meeting to 10:30 p.m.**

**Seconded by Councilor Heistad.**

**Roll Call Vote:**

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

None voted Nay.

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

After more discussion on the amended MOTION, the following action took place:

**ACTION:**

**Councilor Liot Hill withdrew her MOTION regarding the public hearing.**

**Councilor Heistad withdrew his second.**

***\*The MOTION was withdrawn and taken off the table.***

**11. City Manager Report:**

City Manager Shaun Mulholland updated the Council on the following:

- Westboro Yard: The NH DOT is planning on sending out their RFP at the end of May.
- He will be submitting four (4) projects to U.S. Senator Jeanne Shaheen's office, as each member of the Senate will be allowed to submit 10 projects for different funding the government has. The projects he will be submitting are:
  1. Miracle Mile Phase III sidewalk.
  2. Miracle Mile water main lining/repaving
  3. Community Center Project.
  4. Fire Station #2 Project.

**12. Council Representatives to Other Bodies Reports: None**

**13. Future Agenda Items: None**

**14. Non-Public Session:**

***Councilor Liot Hill MOVED to go into a Non-Public Session regarding RSA: 91A-3:32(a), special promotion, compensation of any public employee.***

***Seconded by Councilor Heistad.***

**Roll Call Vote:**

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

None voted Nay.

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

**15. Adjournment:**

**The public portion of this meeting was adjourned at 10:15 PM.**

Respectfully submitted,  
Dona E. Gibson

Recording Secretary