

FINAL

**CITY OF LEBANON  
CITY COUNCIL  
Minutes, Regular Session, January 2, 2019  
City Hall – Council Chambers  
7:00 p.m.**

**MEMBERS PRESENT:** Mayor Suzanne Prentiss, Assistant Mayor Tim McNamara, Councilors Clifton Below, Bruce Bronner, Erling Heistad, Karen Liot Hill and Jim Winny

**MEMBERS ABSENT:** Shane Smith and Karen Zook

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Sandra Allard, Planning & Zoning Director David Brooks, Senior Planner Tim Corwin and Public Works Director, Jim Donovan

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Mayor Prentiss called the meeting to order at 7:00 p.m.

**1. PLEDGE OF ALLEGIANCE:**

Councilor Bronner led the Council in the Pledge.

**2. PUBLIC FORUM:** Mayor Prentiss made the Public Forum announcement.

**3. OPEN TO PUBLIC:** No members of the public spoke at this time. However, Councilor Hill read an email from a resident expressing her kudos to the Lebanon road department for the excellent work they are doing.

**4. RESOLUTIONS:** None

**5. ACCEPTANCE OF MINUTES:**

- December 6, 2018 (Work Session)

Amendments: Page 1: Move Jim Winny to members absent; Page 3, Lines 21, 25, 43 & 29: Remove “The” before Councilors; Line 52: Replace “They” with Some Councilors”; Page 4, Line 12: Replace “The” with “Some” and replace “feel” with “indicated”

- December 19, 2018 (Non-Public Session)

*Councilor Below **MOVED** to approve the December 6, 2018 (Work Session) and the December 19, 2018 (Non-Public Session) Minutes as amended and presented in the January 2, 2018 agenda packet. Seconded by Councilor Hill.*

*\*The vote on the **MOTION** passed (7-0).*

**6. APPOINTMENTS: (NONE)**

**7. PUBLIC HEARING ITEMS**

A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2019-01 to amend City Code Chapter 181, Water & Sewer Main Extension, §181-8, Temporary Limitations on Sewer Extensions, to extend the Sunset Provision until July 31, 2019.

Mr. Mulholland requested that the Council consider extending the current sunset provision, due to expire on January 3, 2019, to July 31, 2019 in order to articulate new language for a proposed new full sewer

capacity model of 95%. This extension would also allow time for consulting with the City’s attorney and the DPW staff. He is confident he would have the additional information to the Council by July 31, 2019 for their review. (The background of this project is described in the agenda packet.)

**Mayor Prentiss opened the Public Hearing.**

Mr. Dan Nash (Ward 1) presented his concerns and suggestions to the Council.

**Hearing no further comments from the public, Mayor Prentiss closed the Public Hearing.**

**ACTION**

***Assistant Mayor McNamara MOVED, that the Lebanon City Council hereby adopts Ordinance #2019-01 to amend the Code of the City of Lebanon, Chapter 181, Water and Sewer Main Extensions, §181-8.D, Temporary Limitation on Sewer Extensions, by extending the Sunset Provision to July 31, 2019. Seconded by Councilor Hill.***

***\*The MOTION passed (7-0).***

**8. OLD BUSINESS**

Mr. Mulholland is still waiting on the report from the DOT for Westboro Yard.

A discussion took place regarding a new LRS House Bill 135 that was introduced to the State Legislature by Senator Abel, which deals with leased railroad property. If approved, this bill would become an amendment to RSA 228:57. Mayor Prentiss read RSA 228:57 (Sale & Lease of Railway Property) to the Council. Mr. Mulholland will forward the memo he wrote to Senator Abel, with his proposed language changes, to the Council for their review.

**9. NEW BUSINESS**

**A. REVIEW AND ADOPTION OF 2019 ANNUAL CALENDAR**

**Councilor Winny MOVED, that the Lebanon City Council hereby adopts the Annual Calendar as proposed in the January 2, 2019 agenda packet.**

**Seconded by Councilor Below.**

Councilor Below requested that the July 3 and 17 dates be changed to July 10 & 24, due to the July 4th holiday.

***Councilor Below Moved that the Council shift the July 2019 meetings to be on Wednesday July 10 & Wednesday, July 24 instead of July 3 and July 17.***

***Seconded by Councilor Hill.***

***\*The MOTION passed (7-0).***

***\*The vote on the original MOTION also passed (7-0).***

**B. PRESENTATION OF FIRST READING AND SET PUBLIC HEARING FOR FEBRUARY 6, 2019: AMENDMENT TO ORDINANCE #18, SALARY PLAN, ARTICLE II, NON-AFFILIATED EMPLOYEES**

The City Council was asked to recognize the first of three presentations and to schedule a public hearing for February 6, 2019 beginning at 7:00 p.m., Lebanon Middle School, 3 Moulton Avenue, Lebanon, for the purpose of receiving public input followed by action to adopt the proposed amendment of Ordinance

No. 18, Salary Plan, Article II, Non-Affiliated Employees. The second and third presentations will follow on January 16 and February 6.

**ACTION: Presentation I:**

***Councilor Bronner MOVED, that the Lebanon City Council recognizes the first of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated Employees, by replacing the current language with “Employees shall be paid in accordance with the accompanying pay plan effective first pay period of 2019 (12/23/18) to the last pay period of 2019 (12/21/19) and with the personnel rules and regulations implemented under Section 419:51 of the Charter of the city of Lebanon. The compensation and classification schedule that follows includes a 2.6% General Wage Increase and shall include the Non-Affiliated Employees Chart that is on page 36 and page 37 (of the agenda packet.”***

***Also MOVED, that the Lebanon City Council directs that a public hearing be held on February 6, 2019 beginning at 7:00 p.m., Lebanon Middle School, 3 Moulton Avenue, Lebanon, for the purpose of receiving public input followed by action to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated Employees, by replacing the current language and compensation and classification schedule with “Employees shall be paid in accordance with the accompanying pay plan effective first pay period of 2019 (12/23/18) to the last pay period of 2019 (12/21/19) and with the personnel rules and regulations implemented under Section 419:51 of the Charter of the City of Lebanon.”***

**Seconded by Councilor Hill.**

**\*The MOTION passed (7-0).**

**The compensation and classification schedule that follows includes a 2.6% General Wage Increase.**

Non-Affiliated Employees 2019					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	-	\$16.26	\$21.96	-	-
2	Custodian Department Secretary	\$17.24	\$23.27	-	-
3	Airport Maintenance Worker Custodian I	\$18.27	\$24.67	-	-
4	Library Assistant	\$19.37	\$26.15	-	-
5	-	\$20.53	\$27.71	-	-
6	-	\$21.76	\$29.37	-	-
7	Administrative Secretary Assessing Clerk Assistant City Clerk Assistant Human Services Director Communications Specialist Library Administrative/Technical Assistant	\$23.06	\$31.14	-	-
8	Administrative Assistant Benefits Coordinator/Payroll Specialist Deputy City Clerk Deputy Tax Collector	\$24.45	\$33.01	-	-
9	Executive Assistant Information Technology Librarian	\$26.89	\$36.30	-	-
10	Financial Analyst Human Services Director Tax Collector	\$29.58	\$39.93	\$1,183.18	\$1,597.28
11	Deputy Library Director	-	-	\$1,302.61	\$1,758.56
12	City Clerk Deputy Finance Director Prosecuting Attorney	-	-	\$1,380.59	\$1,863.63
13	Airport Manager Assistant Fire Chief Deputy Police Chief Human Resources Director Recreation Director	-	-	\$1,463.49	\$1,975.67
14	Assistant Director/Public Works Chief Assessor Library Director	-	-	\$1,551.31	\$2,094.27
15	Deputy City Manager	-	-	\$1,644.47	\$2,219.85

Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
16	Chief of Police	-	-	\$1,742.97	\$2,352.82
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-

**C. RE-ACCEPTANCE OF BID AND RE-AUTHORIZATION OF SALE OF 7 FORTUNE STREET (TAX MAP 93, LOT 93)**

Councilor Bronner recused himself from this discussion.

Background information regarding the sale of this property was included in the agenda packet.

Mr. Mulholland presented a short history of the property, noting that the closing date for all bids ended today, January 2, 2019 at 4:00pm. Four bids were received, which were: \$44,500, \$42,750, \$36,000, and \$5,000. The highest bid was from Mr. Bruce Bronner in the amount of \$44,500.

**ACTION**

*Councilor Hill MOVED, that in accordance with Procedure 1 (E) of City Council Policy Number 00-01-C, City Real Property Transactions, the Lebanon City Council hereby authorizes the City Manager to prepare and execute documents for the sale of property identified as 7 Fortune Street, Lebanon (Tax Map 93, Lot 93) in the amount of \$44,500.*

*Seconded by Councilor Winny.*

*\*The MOTION passed (6-0). Councilor Bronner was recused from this vote.*

Councilor Bronner returned as a regular Council member.

**D. REVIEW OF PROPOSED ZONING AMENDMENTS FOR COUNCIL ADOPTION (PUBLIC HEARING TO BE HELD JANUARY 16, 2019)**

Mr. Tim Corwin and Mr. David Brooks came before the Council representing the above matter. Mr. Corwin gave a brief history of, and described in detail the reasons for, the seven (7) redlined text amendments and two (2) map amendments to the Council as described in Item 9D in the agenda packet. An updated legal opinion (dated 12/4/2018) and excerpts of meeting minutes obtained from the Planning Board, Conservation Commission, and the Zoning Board of Adjustment were also included in the agenda packet.

The purpose of this meeting was to present the final version of the proposed amendments to be considered by the Council at the upcoming public hearing, requested for January 16, 2019, pursuant to Section 1000.3.D of the Zoning Ordinance.

Mr. Brooks handed out the new signage proposal to the Council for their review. A discussion took place regarding the concerns addressed by the Planning Board for the 3 Seminary Hill property. Some Council members did not share the same concerns.

**ACTION**

*Councilor Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, January 16, 2019, beginning at 7:00pm in Council Chambers, City Hall for the purpose of receiving public input and taking action to adopt certain amendments to the City of Lebanon Zoning Ordinance & Zoning Map.*

*Seconded by Jim Winny.*

*\*The MOTION passed (7-0).*

## **E. PRESENTATION AND DISCUSSION: DRAFT URBAN SERVICES DISTRICT (USD) BOUNDARY**

Mr. Brooks referred the Council to pages 79-90 of the agenda packet, which describes the background for the Draft Urban Services District Boundary Lines and included maps which depicted the location of existing public gravity sewers, parcels within 100 ft. of existing public gravity sewers, and the potential boundaries of sewer within the Urban Services District (USD).

**Assistant Mayor McNamara recused himself from this presentation and discussion.**

Mr. Dan Nash (Ward 1) spoke about his concerns concerning three potential USD boundary areas.

A lengthy discussion took place regarding the proposed boundaries for a USD, the need for a build-out analysis, preserving Lebanon’s rural areas, what Lebanon might look like in the future, Lebanon’s infrastructure and sewer capacity, how the USD fits in with the City’s Master Plan and Land Use maps, and conservation property implications like the Tickner property.

After further discussion regarding the pros/cons of the proposed USD boundaries, the Council requested further input from the Planning Board and Conservation Commission. The Council would also like to see some type of public engagement, consultation with affected land owners, the impact on what areas could/could not be developed, and the impact a USD would have on sewer capacity. The Council requested Mr. Mulholland determine the estimated cost of two types of build-out analysis’s (Urban/City-wide), what the next steps would be, and submit this information back to the City Council for their review.

### **ACTION**

***Councilor Hill MOVED that the Lebanon City Council endorses the concept of an Urban Services District Boundary for Municipal Sewer Service in the City of Lebanon and asks the City Manager to come back with more information.***

***Seconded by Councilor Heistad.***

***\*The MOTION passed (6-0). Assistant Mayor McNamara was recused from this vote.***

Assistant Mayor McNamara returned as a regular Council member.

## **10. REPORTS**

### **A. City Manager**

Mr. Mulholland asked if the Council felt comfortable having him act/testify on certain State Legislative Bills that would affect the City. Councilors felt confident in Mr. Mulholland’s judgement and ability to keep the City’s best interest at heart but asked that he keep them informed about any new proposed legislation that might have implications for the City of Lebanon.

### **B. Council Representatives to other bodies: None**

## **11. FUTURE AGENDA ITEMS**

- Keno: The Council felt their position was made clear to the Lottery Commission earlier in 2018 so there is no need to put this item back on the agenda
- Sustainable Lebanon, Phil Bush

## **12. NON-PUBLIC SESSION**

***MOTION by Assistant Mayor McNamara to enter Non-Public Session per RSA 91-A:3.II(a) “The dismissal, promotion, or compensation of any public employee...”***

***Seconded by Councilor Hill.***

***Roll call vote with Mayor Prentiss, Assistant Mayor McNamara and Councilors Below, Bronner, Hill, Heistad and Winny voting Aye and none voting Nay (7-0).***

Council entered Non-Public Session at 9:03 pm.

Staff present at first non-public session included City Manager Shaun Mulholland and Deputy City Manager Paula Maville.

***MOTION by Councilor Winny, seconded by Councilor Heistad to go out of non-public session.***

***\*Vote on MOTION was unanimous in favor (7-0).***

Council went out of non-public session at 9:33 pm.

***MOTION by Councilor Heistad for the City Council to seal the minutes of the January 2, 2019 Non-Public session because it is determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this Council.***

***Seconded by Councilor Hill.***

***\*Roll call vote with Mayor Prentiss, Assistant Mayor McNamara and Councilors Below, Bronner, Hill, Heistad and Winny voting Aye and none voting Nay (7-0).***

***MOTION by Councilor Winny to enter Non-Public Session per RSA 91-A:3.II(a) “The dismissal, promotion, or compensation of any public employee...”***

***Seconded by Councilor Bronner.***

***\*Roll call vote with Mayor Prentiss, Assistant Mayor McNamara and Councilors Below, Bronner, Hill, Heistad and Winny voting Aye and none voting Nay (7-0).***

The Council entered their second Non-Public Session at 9:35 pm.

No staff members were present during second non-public session.

Council discussed the City Manager’s evaluation process.

***MOTION by Councilor Winny to go out of non-public session. Seconded by Councilor Heistad.***

***\*Vote on MOTION was unanimous in favor (7-0).***

Council went out of non-public session at 9:44 pm.

***MOTION by Mayor Prentiss, to adjourn the meeting. Seconded by Councilor Bronner.***

***\*Vote on MOTION was unanimous in favor (7-0).***

Meeting adjourned at 9:45 pm.

Respectfully submitted,  
Dona E. Gibson  
Recording Secretary