

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Council Chambers – 20 W. Park Street
Wednesday, February 5, 2020
7:00 p.m.**

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Bruce Bronner, Erling Heistad, Suzanne Prentiss, Karen Liot Hill, George Sykes, Jim Winny, Karen Zook

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, Planning & Zoning Director David Brooks, Chief of Police Richard Mello, Public Works Director Jim Donison, Fire Chief/Interim Airport Director/Emergency Management Director Chris Christopoulos, Assistant Fire Chief Jeff Libby, City Consultant Shelley Hadfield

Mayor McNamara called the meeting to order at 7:01 p.m.

1. **PLEDGE OF ALLEGIANCE:** Councilor Hill led the Council in the Pledge.
2. **PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
3. **OPEN TO PUBLIC:** No one from the public came forth.
4. **RECOGNITIONS:**
 - **Reaffirmation of inclusiveness Resolution in honor of Black History Month (originally proclaimed June 20, 2018).** In honor of Black History Month, the Heritage Commission requested that the City Council reaffirm the *Resolution for Inclusiveness* originally proclaimed by the Council in June 2018.

February has been designated as Black History Month, also known as National African American History Month. The occasion celebrates the contributions that African Americans have made to American history and their struggles for freedom and equality. The Lebanon Heritage Commission and the Lebanon libraries will host a commemoration of National Black History Month at Kilton Library starting at 2:00 PM on February 22, 2020. Several local properties and African American figures with notable stories will be recognized.

In commemoration of African American Month, the Council took the following **ACTION**:

***Councilor Hill MOVED that the Lebanon City Council reaffirm the June 2018 Resolution for Inclusiveness.
Seconded by Councilor Prentiss.***

The Council stood in solidarity while Mayor McNamara read the following *Resolution for Inclusiveness*:

**RESOLUTION FOR
INCLUSIVENESS**

WHEREAS, the City Council of Lebanon wishes to act in accord with the City's Master Plan, Principles for Sustainability and Guiding Principles in preserving the public trust and promoting community identity, civic pride, and quality of life for all residents, regardless of race, skin color, national or ethnic origin, gender identity, sexual orientation, mental or physical disability, religious or political opinion or activity, immigration status, or housing status; and

WHEREAS, the City Council of Lebanon wishes to take a leading role in protecting civil liberties, promoting tolerance, and providing equal protection under the law to all persons in the City; and

WHEREAS, the City Council of Lebanon recognizes that a diverse population supports a resilient economy and fosters a high quality of life for its residents and visitors, in accordance with the City's Sustainability Principles; and

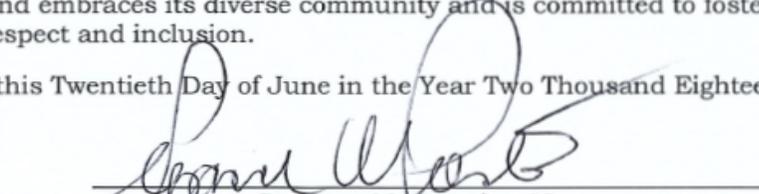
WHEREAS, the City Council of Lebanon recognizes that while free speech is protected under the First Amendment; we can speak out against and discourage hate speech as contrary to our values; and

WHEREAS, the City Council of Lebanon has demonstrated its commitment to protecting its citizens, residents and visitors against discrimination on the basis of race, skin color, national or ethnic origin, gender identity, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or housing status; and

WHEREAS, the City Council wishes to take a stand against ideologies of violence, hatred and intolerance.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of Lebanon denounces and rejects ALL ideologies based on hatred and intolerance, including racism, xenophobia, and homophobia, and condemns activities that promote these ideologies; and the City Council of Lebanon affirms its strong support for the fundamental constitutional rights, human dignity and civil liberties of every person, regardless of race, skin color, national or ethnic origin, gender identity, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or housing status; and the City Council of Lebanon celebrates and embraces its diverse community and is committed to fostering a community of tolerance, respect and inclusion.

Proclaimed this Twentieth Day of June in the Year Two Thousand Eighteen.



Suzanne M. Prentiss, Mayor
On behalf of the Lebanon City Council

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

5. ACCEPTANCE OF MINUTES: January 22, 2020 (Regular Session)

Assistant Mayor McNamara MOVED to approve the January 22, 2020 (Regular Session) Minutes as amended in the February 5, 2020 agenda packet.

Seconded by Councilor Prentiss.

Amendments/clarifications: Page 1, line 6: change “let” to “led”; Page 2, line 11: change “were” to “was”; Page 8, lines 1-3; Sentence should read: “Mayor McNamara addressed his concern, noting given the existing Zoning Map, limited opportunities for sprawl exist because the zones that would allow this do not exist.”; Page 8, line 20: add “new” before units; after units add “being constructed”; Page 9, line 22: add “version” after one; Page 10, line 10: change “coordinates” to “ordinates”; Page 10, line 46: Change “Sereon” to “Screen”; Page 16, line 18: remove “is being enforced”; Page 14, line 18: Add “Mark Pageau” for the record.

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

6. APPOINTMENTS:

- Economic Development Commission: David Newlove (Regular Member)

Mayor McNamara nominated David Newlove for appointment as a regular member of the Economic Development Commission. One-year term (2/20-2/21).

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

7. PUBLIC HEARING ITEMS:

- A. ORDINANCE #2020-01 TO AMEND CITY CODE CHAPTER 160 – Public Hearing for the purpose of receiving public input and taking action on Ordinance #2020-01 to Amend City Code Chapter 160, Tobacco Products and Equipment, to include a minimum age of 21 for purchasing tobacco and nicotine products. (PH Set 1/22/20)**

Included in the agenda packet were: Ordinance 2020-01; The January 28, 2020 Legal Opining by Attorney Christine Fillmore re: Proposed Ordinance 2020-01 Tobacco Sales; and, the October 31, 2019 letter from Peter Glenshaw, Vice President for External Affairs and Liz Swanton, Community Relations & Volunteer Specialist for Alice Peck Day Memorial Hospital.

Councilor Winny was recused because he is an employee of APD.

Mr. Peter Glenshaw, Ms. Liz Swanton and Lebanon Police Chief Richard Mello came before the Council and presented their testimonies in support for Ordinance #2020-01 to amend City Code Chapter 160 Tobacco Products and Equipment, which would raise the minimum age to 21 for purchasing tobacco and nicotine products. (Please see letter and supporting materials from Mr. Peter Glenshaw and Ms. Liz Swanton for more detailed information regarding their request.)

In accordance with City Code Chapter 115, Enactment of Ordinances, the proposed ordinance was reviewed for legal compliance by Attorney Christine Fillmore. Her legal opinion was attached in the February 5, 2020 City Council agenda packet.

Chief Mello informed the Council the Federal Government has now raised the age on tobacco products to 21, which creates an enforcement issue in the State of New Hampshire because the Bureau of Enforcement is on the record stating they will not enforce the 21 year-old age limit set by the Federal Government - they will follow the 19 year-old age limit. While some stores said they will enforce the 21 year-old age limit, there are currently no checks and balances where the Police Department can use enforcement efforts to see if vendors are following the Ordinance unless this Ordinance is passed. He referenced what is happening in Lebanon’s schools with vaping, noting this is an epidemic and implored the Council to pass this Ordinance to give the Police Department the tools they need to make sure it is followed.

Mayor McNamara said the City currently has a Tobacco Products and Equipment Ordinance relating to the distribution and use of these products in City spaces. What this proposed Ordinance would basically add is another sentence that says: “No person, firm, association, corporation or other legal entity selling, or otherwise distributing tobacco products or equipment shall sell or distribute tobacco products or equipment to a person under the age of 21.” Vaping is inclusive of this.

Assistant Mayor Below informed the Council about the State of New Hampshire benefiting from millions of dollars from the Tobacco Settlement Funds, the purpose of which was to invest in prevention and treatment programs. Most of the funds were diverted to the State’s General Fund after which the State of New Hampshire held one of the worst records in the country for the appropriate use of this resource.

In response to Police Chief Mello’s concern, Ms. Maville read §160-7, Violations and Penalties: “Any person who is found to have violated the provision of this Chapter shall be subject to a civil penalty in the amount of \$25 for the first offense, \$50 for the second offense, and \$100 for the third and subsequent offenses. Additionally, violators may be removed from State property.” In addition to these penalties, persons under the age of 18 shall be subject to the provision of RSA 1:26 (k). She asked if the minimum age should now be raised from 18 to 21.

Mayor McNamara opened the Public Hearing.

Ms. Susanne Tanski (Ward 1, Pediatric Nurse at DHMC) came forth in support of raising the minimum age to 21 for tobacco products and equipment. She was against penalizing the kids if they were found with nicotine products on their person and noted this burden needs to stay on the owner of a retail establishment.

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

In response to Councilor Sykes question about the definition of tobacco equipment, Ms. Maville read the definition from the existing Ordinance that states: “Tobacco equipment is defined as any product or device that is intended to deliver or facilitate delivery of tobacco products for use by one or more persons. Such equipment includes, but is not limited to bowls, pipes, chimneys, e-cigarettes, rolling paper, or other assistive devices.”

The Council discussed the delivery and regulation of Nicotine as a product of tobacco (The State regulates Nicotine, not municipalities); if the Council would be inadvertently making it illegal for a 20 year-old to buy Nicotine patches or gum; the process for enforcement of the Ordinance; notification of vendors regarding the new age limit of 21; what the underage persons responsibility/penalty would be for purchasing or using tobacco products or equipment, especially if they are between the ages of 19-21; and the use of public education as a tool to prevent underage use of tobacco/equipment.

ACTION:

Councilor Hill *MOVED*, that the Lebanon City Council hereby adopts Ordinance #2020-01, to amend the Code of the City of Lebanon, Chapter 160, Tobacco Products and Equipment, by amending Section 160-5, “Distribution and Sales Prohibited” to include a minimum age of 21 for purchasing tobacco and nicotine products.

Seconded by Councilor Sykes.

****The Vote on MOTION passed (8-0-1). Councilor Winny was recused.***

Councilor Winny returned as a regular member of the Council.

B. ORDINANCE #2020-02 TO AMEND CITY CODE CHAPTER 168 – Public Hearing for the purpose of receiving public input and taking action on Ordinance #2020-02 to Amend City Code Chapter 168, Vehicles and Traffic, §168-1 No Parking, to restrict parking along Moulton Avenue, Lebanon. (PH Set 1/22/20)

Included in the agenda packet were: Ordinance #2020-02 and the November 21, 2019 Memo from Police Chief Richard Mello, re: Designation of “No Parking” on Moulton Avenue (including map showing areas to be posted).

Mr. Jim Donison (Director of Public Works) and Chief Mello came before the Council representing Ordinance #2020-02 to Amend City Code §168-1.

The Lebanon School District, through Superintendent Joanne Roberts, raised a concern regarding parking on Moulton Avenue during school events. Moulton Avenue is a two lane, undivided road in the City. Cars parking on both sides of the roadway anywhere on Moulton Avenue restrict access for emergency vehicles, especially fire apparatus. This concern was passed along to the Public Safety Administrative Review Team, who met to study the issue.

The Public Safety Administrative Review Team was in favor of restricted parking along Moulton Avenue and recommended the Council adopt Ordinance #2020-02 to amend the Code. (Please see memo from Police Chief Richard Mello detailing the recommendations listed in the agenda packet.)

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

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby adopts Ordinance #2020-02, to amend the Code of the City of Lebanon, Chapter 168, Vehicles and Traffic by amending Section 1681, “No Parking” to restrict parking on Moulton Avenue.

Secoded by Assistant Mayor Below.

Assistant Mayor Below requested the School District provide signage to alternative parking areas during school events.

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

8. OLD BUSINESS

A. Appointment of 2020 Vice-Chair for Economic Development Commission

ACTION:

Assistant Mayor Below MOVED, that Bill Dunn be appointed as Vice-Chair of the Economic Development Commission for calendar year 2020.

Secoded by Councilor Hill.

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

9. NEW BUSINESS

- A. Preparation of Concise Explanations stating the City Council’s position on the Zoning Amendments to appear on the March 2020 Municipal Ballot. Explanations are required by Section 1000.4.D of the Lebanon Zoning Ordinance and must indicate the Council’s approval/disapproval of the proposed amendments, stating reasons for such.**

Mr. David Brooks came before the Council representing the proposed Zoning Amendments noting that in accordance with Section 1000.4(C)(2) of the Zoning Ordinance, the City Council, Planning Board, and Conservation Commission must prepare and include on the Ballot a brief and concise explanation of their positions on zoning amendments being presented for voter consideration.

Proposed Zoning Amendments for the March 10 Ballot are as follows:

1. Amend the R-1, R-2, R-3, R-O, R-O-1, and PB district tables to eliminate enhanced front setback from state highways and remove Section 201.2.
2. Miscellaneous adjustments to multi-family dwelling use categories in the R-1 and R-2 Districts.
3. Amend the R-3, RL-1, and RL-2 District tables to allow “accessory dwelling unit” as a permitted use.
4. Amend Section 501.2.C to clarify the uses allowed in a PURD.
5. Adopt proposed Section 600B (“Home Based Agricultural Business”) and amend the R-1, R2, and R-3 District Tables.
6. Amend the “church” use category to “house of worship”, Sections 305, 306, 308, 309, 310, 311, 311A, 311B, 312, 313, 607, 608, and Appendix A.

The Planning Board adopted concise explanations at its January 27, 2020 meeting which can be found in the attached January 28, 2020 memo from the Planning Staff. The Conservation Commission will be meeting on February 6 to prepare their concise explanations.

ACTION:

*Assistant Mayor Below **MOVED** that The Lebanon City Council hereby approves the proposed concise explanations as presented on pages 63 and 64 of the City Council agenda packet. Seconded by Councilor Sykes.*

Amendment #1 (Enhanced Front Yard Setback)

The Lebanon City Council approves of and endorses the adoption of this proposed zoning amendment which will eliminate a requirement that doubles the minimum required front yard setback for certain properties located along state highways.

Amendment #2 (Multi-Family Dwellings in the R-1 & R-2)

The Lebanon City Council approves of and endorses the adoption of this proposed zoning amendment as it supports the goals of the Lebanon Master Plan. The proposed amendment will help encourage and facilitate needed housing in the City of Lebanon by eliminating the distinction between new construction and conversions of existing structures in the R-1 District; and by increasing the number of dwelling units requiring a Special Exception from the Zoning Board of Adjustment from three (3) to five (5) in the R2 District.

Amendment #3 (ADU from Special Exception to Permitted Use)

The Lebanon City Council approves of and endorses the adoption of this proposed zoning amendment as it supports the goals of the Lebanon Master Plan. Removing the requirement for a Special Exception for Accessory Dwelling Units (ADUs) in the R-3, RL1, and RL-2 Districts will help encourage and facilitate needed housing in the City of Lebanon, while preserving community character by still requiring each ADU to meet the performance criteria set forth in Section 610.

Amendment #4 (Uses in a PURD)

The Lebanon City Council approves of and endorses the adoption of this proposed zoning amendment which will streamline the process for review of Planned Unit Residential Developments (PURDs) without compromising the standards of review, performance criteria, or opportunities for public input and comment.

Amendment #5 (Home-Based Agriculture)

The Lebanon City Council approves of and endorses the adoption of this proposed zoning amendment as it supports the goals of the Lebanon Master Plan. Allowing limited commercial agriculture uses on large-sized properties in the R-1, R-2, and R-3 Districts supports a sustainable community and promotes efficient land use.

Amendment #6 (Church to House of Worship)

The Lebanon City Council approves of and endorses the adoption of this proposed zoning amendment which will change the “church” use category to “house of worship” in order to be inclusive of all forms of worship.

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

B. Discussion & Set Public Hearing for February 19, 2020: Mid-Grant Update on Community Development Block Grant for Twin Pines Housing Trust (Tracy Street)

Councilor Zook was recused because she sits on the Board of Trustees for Twin Pines Housing.

Ms. Shelley Hadfield came forth representing the Mid-Grant Update on the Community Development Block Grant for Twin Pines Housing Trust (Tracy Street).

The City of Lebanon was awarded \$400,000 in Housing and Public Facility CDBG funds to support the development of Tracy Street Affordable Housing. The funds, less administrative costs, were sub-granted to Twin Pines Housing Trust to acquire the property needed to support the development of 29 units of energy efficient affordable housing. Substantial completion was achieved in December of 2019 (on schedule and on budget) and is now fully occupied. There is still some solar-related work to be done, but the project is complete for CDBG purposes and is in the process of being closed out.

Councilor Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 19, 2020 beginning at 7:00pm in Council Chambers, 20 West Park Street (3rd Floor), for the purpose of receiving public input and apprising Lebanon residents on the progress of the Twin Pines Housing Trust – Tracy Street CDBG Project.

Seconded by Councilor Bronner.

****The Vote on the Motion passed (8-0-1). Councilor Zook was recused.***

C. Discussion & Set Public Hearing for February 19, 2020: Mid-Grant Update on Community Development Block Grant for Twin Pines Housing Trust (Village at Crafts Hill)

Councilor Zook was recused because she sits on Board of Trustees for Twin Pines Housing.

Ms. Shelley Hadfield came forth representing the Mid-Grant Update on the Community Development Block Grant for Twin Pines Housing Trust (Village at Crafts Hill).

This is a renovation of the Village at Crafts Hill Affordable Housing project. The funds, less administrative costs, were sub-granted to Twin Pines Housing Trust (TPHT) to support the renovation of the 100-unit VILLAGE AT CRAFTS HILL subsidized housing development in West Lebanon. The units were constructed in 1977 and are in need of substantial renovation. The CDBG funds are being used primarily for temporary relocation of 100 households during the renovation process. The project has experienced significant delays due to the availability of the matching funds provided by USDA-Rural Development. The funds were made available in November of 2019, so the project is moving ahead. At this time TPHT anticipates being able to complete the project on schedule. However, should the need arise, they plan to ask for an extension on the CDBG funding and the NH CDFA was notified of this possibility.

ACTION:

Councilor Winny *MOVED*, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 19, 2020 beginning at 7:00pm in Council Chambers, 20 West Park Street (3rd Floor), for the purpose of receiving public input and apprising Lebanon residents on the progress of the Twin Pines Housing Trust – Village at Crafts Hill CDBG Project.

Seconded by Councilor Hill.

****The Vote on the Motion passed (8-0-1). Councilor Zook was recused.***

Councilor Zook returned as a regular member of the Council.

D. Discussion & Set Public Hearing for February 19, 2020: Mid-Grant Update on Community Development Block Grant for Headrest (Feasibility Study)

Ms. Shelley Hadfield came forth representing the Community Development Block Grant for Headrest (Feasibility Study).

The City of Lebanon was awarded a \$12,000 CDBG Feasibility Study Grant to evaluate the low-intensity treatment facility at 14 Church Street which allowed Headrest to employ an architect and energy design specialist to evaluate the 14 Church Street building for programmatic needs; long-term sustainability and energy efficiency; determine the cost to bring the facility into line with the needs of the clientele; and to ensure that the facility is up to standards for the health and well-being of Headrest’s clients. The study was completed in August of 2019. By providing both the cost estimates and a preliminary design early it allowed Headrest to successfully apply for implementation funds in 2019. The NH Community Development Finance Authority awarded the project \$500,000 in November and the project is currently awaiting Governor and Council approval of the funds and is moving ahead with environmental review. Renovations are anticipated to be completed in early 2021 in time for the Headrest 50th anniversary.

Councilor Sykes *MOVED*, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 19, 2020 beginning at 7:00pm in Council Chambers, 20 West Park Street (3rd Floor), for the purpose of receiving public input and apprising Lebanon residents on the progress of the Headrest, 14 Church Street Feasibility Study CDBG Project.

Seconded by Councilor Hill.

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

E. Discussion & Set Public Hearing for February 19, 2020: Mid-Grant Update on Community

Development Block Grant for River Valley Community College (Feasibility Study)

Ms. Shelley Hadfield came forth representing the Community Development Block Grant for River Valley Community College (Feasibility Study).

The City of Lebanon was awarded a \$12,000 CDBG Feasibility Study Grant to evaluate the low-intensity treatment facility at 14 Church Street. The study was completed in August of 2019 and early reporting for both cost estimates and preliminary design allowed Headrest to successfully apply for implementation funds. In November, the NH Community Development Finance Authority awarded the project \$500,000 and the project is currently awaiting Governor and Council approval. They are moving ahead with an environmental review.

Councilor Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, February 19, 2020 beginning at 7:00pm in Council Chambers, 20 West Park Street (3rd Floor), for the purpose of receiving public input and apprising Lebanon residents on the progress of the Headrest, 14 Church Street Feasibility Study CDBG Project.

Seconded by Councilor Bronner.

****The Vote on the Motion passed unanimously (9-0).***

F. Presentation by The Braverman Company and recommendation by City Manager and Staff re: Proposed redevelopment of 20 Spencer Street, Lebanon (former site of the Department of Public Works)

Included in the agenda packet were: The December 17, 2019 Memo from Planning Director David Brooks, re: 20 Spencer Street – RFP Review; the November 14, 2019 proposal by The Braverman Company re: Development of 20 Spencer Street; and, the November 14, 2019 proposal by Northland Residential Corporation re: Development of 20 Spencer Street.

Mr. Mulholland gave a brief history of the proposed redevelopment of 20 Spencer St., noting that responses were received from The Braverman Company of Stowe, VT and Northland Residential Corporation of Concord, MA prior to the submission deadline of November 15, 2019. (Please see the attached memo from Planning Director David Brooks for more information on the review and scoring of the submitted RFP's.)

Based on the Review Committee's results, City Administration recommended the City Council authorize the City Manager to enter into further negotiations with The Braverman Company to create a development agreement for the 20 Spencer Street property.

Mr. Ken Braverman (The Braverman Co.) came forth and reviewed some of the previous and upcoming projects the Braverman Company has done (pages 80-158 of agenda packet). He reviewed the proposed redevelopment site plan for 20 Spencer Street, noting their proposal is to construct a four-story mixed-use building containing 94 residential apartment homes with 4,500 square ft. of commercial space and approximately 146 parking spaces (some parking will be located under the buildings). He explained how this project embraces the Lebanon Downtown Visioning Study. Also included in their proposal is the purchase of 10 Spencer Street (currently under a P&S Agreement).

Mr. Braverman emphasized his company is focused on smart growth. Some of the advantages of the proposed development are: It is close to the Rail Trail; would provide an active pedestrian/bicyclist space; would help to reduce the City's carbon footprint; and, would appeal to the younger demographic and empty nesters.

Mr. Steve Whitman, Chair of both EVEC (Economic and Vitality Exchange Commission) and EDC (Economic Development Commission) came forth and spoke about the scoring process, finances and other issues that were involved in making their selection, noting both EVEC and the EDC supports the Braverman proposal.

Mr. Bill Dunn, (VP of the EDC) came forth and echoed the feelings of Mr. Whitman, noting Mr. Braverman’s proposal stood out with the look and feel components (i.e., their vision for the City, their commitment to the project, and the economic advantages for the City). He supported the Braverman proposal.

Mr. Dan Nash (Ward 1) came forth and presented his reasons in support of the Braverman proposal. He thanked Staff and the Council for all the work done to make this project possible and supported the Braverman proposal.

Councilor Prentiss expressed her support for this project. It has been almost 10 years since Public Works moved out of this building and while, at times, it seemed liked it dragged on, we finally got to the right place. Well done, everybody.

In response the Councilor Heistad’s question about supporting the use of, and accommodations for, bicycles, Mr. Braverman said there could either be a designated area in the garage where bikes could hang, or 1-2 bike hangers for each residential parking space in garage. Most projects also include bike racks outside.

Councilor Hill requested financing options for this project and the benefits to the City. Mr. Braverman said they propose to either purchase or ground lease the two structures but prefer to purchase. In terms of the purchase price, they proposed to pay Fair Market Value, based on what they were accustomed to paying for land. Mr. Braverman spoke about the advantages the TIF District would have on the City, noting this is a great site and has great amenities (i.e., the Rail Trail, and Historic Downtown, and is located in the Upper Valley). In terms of the community, they want to put down their roots here.

Mr. Heistad questioned the amount of workforce housing (10%) available in this project. Mr. Mulholland said this would be part of an upcoming discussion with Mr. Braverman, noting that in April they expect to have a development agreement to bring before the Council for their review.

Councilor Prentiss MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into further negotiations with The Braverman Company regarding the development of the 20 Spencer Street property.

Secoded by Councilor Winny.

Councilor Hill emphasized workforce housing is an important priority and felt it was important for the City Manager to explore differences between the sale option and the ground lease option. We owe it to City Councils 50 years from now to explore all options and make the right decision on this property moving forward.

****The Vote on the Motion passed unanimously (9-0).***

G. Request for Sewer Main Extension – The Braverman Company, Mount Support Road, Lebanon

Included in the agenda packet were: The January 16, 2020 memo from Jim Donison, Public Works Director & Erica Brittner, Staff Engineer re: Sewer Extension Application Request, Braverman Company for property at 392 & 402 Mount Support Road, Tax Map 24, Lots 9 & 10; the December 13, 2019 Letter from Kevin Worden of Engineering Ventures re: Mount Support Sewer Line; and, the October 22, 2019 Request for Sewer Main Extension by Ken Braverman.

Mr. Jim Donison (Public Works Director) and Mr. Ken Braverman (The Braverman Co.) came forth representing the Mount Support Road Sewer Main Extension.

Mr. Donison informed the Council about sewage flows and sewer capacity on Mount Support Road.

The Braverman Company is proposing construction of a 202-unit multi-family development on Mount Support Road, Lebanon (properties identified as City Tax Map 24, Lots 9 & 10). The development as proposed will consist of 126 one (1)-bedroom units and 76 two (2)-bedroom units. The current terminus of the City’s sewer system is in the vicinity of Timberwood Commons. In order for the proposed development to be serviced by City sewer, the main must be extended 1,655 feet up Mount Support Road.

The Public Works Department has reviewed the request for the extension and determined that sufficient capacity exists within the system and at the treatment plant to service the development as proposed. DPW recommended the request for the extension be approved with the condition that the pipes be upsized from the proposed 8” and 10” diameters to 10” and 12” (respectively) to accommodate future potential growth in the upper Mount Support area. Mr. Donison stated the project is feasible and cost effective.

Ms. Maville informed the Council the following verbiage would need to be added to the MOTION: “approves the sewer line extension and”

Councilor Sykes questioned if DPW looked at the pressure and volume availability of water for this project. Mr. Donison said yes.

Councilor Heistad noted the Conservation Commission is very interested in preserving the Wildlife Corridor and whatever the Braverman Company can do to minimize the impact on this corridor would be appreciated.

Councilor Hill concurred with Councilor Heistad and said this is a very sensitive area with an extensive Wildlife Corridor. The Council has been discussing the idea of having an Urban Services Boundary and setting limits on where services exist and where we want them to stay. Generally, she is not going to be in favor of extending water and sewer beyond the limits of where they are. With that being said, this project is consistent with the goals of the City’s Master Plan, the City’s sustainability principles, is connected to the City’s Advance Transit, and is close to jobs. While we are moving in the direction of setting some very firm boundaries on urban services, this project makes sense and she supported moving this forward.

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby approves the sewer line extension and authorizes the City Manager to negotiate and execute all necessary agreements in accordance with City Code Chapter 136, Sewer Service, §136-108, Extensions of Sewer Mains, for the construction, connection, and acceptance of a 1,655 linear foot sewer main extension to serve a proposed 202-unit multi-family housing development proposed by The Braverman Company at Mount Support Road, Lebanon, on properties identified as City Tax Map 24, Lots 9 & 10.

Seconded by Councilor Sykes.

****The Vote on the Motion passed unanimously (9-0).***

Mayor McNamara requested that Item 9.I come before Item 9.H because the presentation and review of the Public Safety Study would be lengthy.

- I. Discussion & Set Public Hearing for March 4, 2020: Discontinue completely Class VI Roads #13 (Downer Road), #14 (Barden Hill Road), #19 (Durkee Road), #20 (Atherton Road) and #21 (McCallister Road) located off Meriden Road between Churchill Way and the City’s borders with the Town of Meriden and the Town of Enfield.**

Mr. Mulholland recommended this be scheduled for a Public Hearing on March 4, 2020 where issues can be addressed and discussed at that time.

Councilor Hill was recused because the landowners were vendors for her business.

Councilor Sykes MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, March 4, 2020, beginning at 7:00pm in Council Chambers, 20 West Park Street, Room 386, for the purpose of receiving public input and taking action on a request to discontinue in their entirety and relinquish any right, title, or future interest in Class VI Roads #14 (Barden Hill Road), #19 (Durkee Road), #20 (Atherton Road), and #21 (McCallister Road) located on the easterly side of Meriden Road between Churchill Way and the City’s borders with the Town of Meriden and the Town of Enfield, as shown on the Draft Class VI Roads Map dated January 31, 2020. Secoded by Assistant Mayor Below.

Councilor Heistad informed the Council that the Class VI Roads Committee has not met for some time (since 2017) and these roads were never discussed by the Committee.

****The Vote on the MOTION passed (8-0-1). Councilor Hill was recused.***

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

Mayor McNamara informed the Council there would be Non-Public Session after the presentation of the Public Safety Study was completed.

H. Presentation of Public Safety Study (The completed and detailed Presentation was included in the agenda packet).

Lebanon Fire Chief Mello, Fire Chief Christopoulos, and Mr. Robert Robicsek (Lavalley/Brensinger Architects) came forth representing the results of the Phase I Public Safety Study.

The Lavalley/Brensinger Architects Team was retained by the City of Lebanon to prepare a comprehensive Public Safety Facilities Study. The Study incorporated the Police Department, Fire Station No. 1 and Fire Station No. 2 (Fire Station No. 3 was not evaluated). The purpose of the Study was to assess the existing condition of the facilities, develop the future space needs of the Police and Fire Departments projected to Year 2039, develop space programs for each department, and explore options to address the future space needs at the current facility locations or alternate new sites as identified by the City.

Mr. Robicsek (Lavalley/Brensinger Architects) presented and reviewed the complete details of his team’s findings as presented in the February 5, 2020 City Council agenda packet. This was a Phase 1 Study for

Police and Fire only. If the Phase I portion of the Study is approved at a future date, his team will initiate Phase 2, as detailed on page 198 of the agenda packet.

The Council, Mr. Robicsek, Police Chief Mello and Fire Chief Christopoulos discussed the site selection process; the importance of finding the right locations where growth is taking place in the City; response times for different service areas; and the importance of finding and/or identifying available land/properties that could be developed. As a next step, the Council suggested they work with the Planning Office to determine what may be available, or what may become available, for potential land/property acquisitions that could be redeveloped and requested interim reports on their progress. The Council gave City Manager Mulholland permission to move forward with this next step.

ACTION:

No Council Action required. For discussion purposes only.

10. REPORTS

A. City Manager: Mr. Mulholland updated the Council on the following:

- PFAS Standards
- City Hall renovations
- SB 614 – Regarding lease of Westboro Yard
- EV Charging Station status.

B. Council Representatives to other bodies: None

11. FUTURE AGENDA ITEMS: None

12. NON-PUBLIC SESSION:

A. Non-Public Session: RSA 91-A:3.11(c)

Councilor Prentiss MOVED to go into a Non-Public Session at 9:45 PM.

Seconded by Councilor Winny.

Roll Call Vote: Mayor McNamara, Assistant Mayor Below and Councilors Hill, Heistad, Sykes, Prentiss, Winny, Bronner and Zook all voting Yea. None voting Nay.

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

Council discussed the status of the Coronavirus and its impact on specific individuals within the City.

Councilor Winny moved to go out of Non-Public Session. Seconded by Assistant Mayor Below. Vote on motion was unanimous in favor (9-0).

The Council came out of the Non-Public Session at 10:02 PM.

13. ADJOURNMENT:

Councilor Winny moved to adjourn the regular meeting. Seconded by Assistant Mayor Below. Vote on motion was unanimous in favor.

The meeting was adjourned at 10:03 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary