

FINAL

**CITY OF LEBANON  
CITY COUNCIL  
Minutes, Regular Session, February 6, 2019  
Lebanon Middle School Cafeteria-3 Moulton Avenue  
7:00 p.m.**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Sandra Allard, Planning & Zoning Director David Brooks

**GUEST:** Executive Councilor Michael Cryans, State of New Hampshire, District 1

---

**Mayor Prentiss called the meeting to order at 7:00 PM.**

**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:**

There were no comments from the public.

**4. RESOLUTIONS:**

There were no resolutions.

**5. ACCEPTANCE OF MINUTES:**

- January 16, 2019 (Regular Session)

*Councilor Bronner MOVED to approve the January 16, 2019 (Regular Session) Minutes as amended. Seconded by Councilor Heistad.*

*\*The vote on the MOTION passed 9-0.*

Amend Page 5, Line 41: remove (6-0) and replace with (6-2).

**6. APPOINTMENTS:**

- Arts & Culture Commission: (Council Representative)

The Councilors recommended Councilor Zook to serve on the commission. A number of applicants are applying to serve on the Commission. Karen Hill nominated Councilor Zook.

*\*The appointment was approved 8-0.*

- Downtown Lebanon TIF Advisory Board: (Council Representative)

Councilors Hill, Below and Smith offered to serve on the TIF Advisory Board. Mayor Prentiss will interview each of the counselors. A decision will be made at the next meeting.

- Heritage Commission: Lindamae Peck (Regular Member)

Assistant Mayor McNamara interviewed Lindamae Peck and recommended her reappointment. Nominated by Assistant Mayor McNamara.

***\*The reappointment was approved 8-0.***

**7. PUBLIC HEARING ITEMS:**

- A. A public hearing for the purpose of receiving public input and taking 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 the first pay period of 2019 and with the personnel rules and regulations implemented under Section 419:51 of the Charter of the City of Lebanon.”

City Manager Mulholland said this is the mechanism to provide a salary increase for the nonaffiliated employees. The four collective bargaining agreements have been executed. This has not been effective for the non-affiliated employees and this will retroactively be put in place for those employees.

**Mayor Prentis opened the public hearing. No members of the public spoke at this time. The public meeting was closed.**

**ACTION:**

***Councilor Hill MOVED, that the Lebanon City Council recognizes the third 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.”***

***RESOLUTION TO AMEND ORDINANCE NO. 18: RESOLVED, for the purpose of amending Ordinance No. 18, Salary Plan, Article II, Nonaffiliated Employees.***

***BE IT FURTHER RESOLVED, that the Lebanon City Council, amends 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.” A revised compensation and classification schedule follows:***

Non-Affiliated Employees 2019		2.60%			
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	-	-

Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
9	Executive Assistant	\$26.89	\$36.30	-	-
	Information Technology Librarian	-	-	-	-
10	Financial Analyst	\$29.58	\$39.93	\$1,183.18	\$1,597.28
	Human Services Director	-	-	-	-
	Tax Collector	-	-	-	-
11	Deputy Library Director	-	-	\$1,302.61	\$1,758.56
12	City Clerk	-	-	\$1,380.59	\$1,863.63
	Deputy Finance Director	-	-	-	-
	Prosecuting Attorney	-	-	-	-
13	Airport Manager	-	-	\$1,463.49	\$1,975.67
	Assistant Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Recreation Director	-	-	-	-
14	Assistant Director/Public Works	-	-	\$1,551.31	\$2,094.27
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
15	Deputy City Manager	-	-	\$1,644.47	\$2,219.85
16	Chief of Police	-	-	\$1,742.97	\$2,352.82
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-

***This resolution shall be effective upon passage.***

***Seconded by Councilor Smith.***

***\*The MOTION passed 8-0.***

**8. OLD BUSINESS:**

**A. Westboro Yard**

City Manager Mulholland has been working with the Mayor regarding the demolition of this yard in West Lebanon. The State spent over \$15,000 to assess asbestos and other contaminants that are present in the buildings. They are already aware there are contaminants in the ground. The report has been emailed to the Councilors. They have been working with the Governor and with the Legislative Delegation to ensure there is funding in the Governor’s budget to get this demolition accomplished. The budget is due on February 15, 2019. Mayor Prentiss detailed the meetings over the last year with several people at the Governor’s Office where they discussed what could eventually be in this year’s budget for the project. An assessment had to be done under State Contract to determine what it would cost to demolish the buildings and remove the debris. The assessment determined the estimated cost to demolish and remove the hazardous chemicals is \$858,000.

Mayor Prentiss reached out to Executive Councilor Michael Cryans, District 1. They met at the site to evaluate the yard and discuss why the City would like to clean up the yard. Mr. Mulholland said some State Representatives are meeting with the Governor and will advocate to include this project in the State’s final budget. The nonhazardous masonry debris could be taken to the City’s land fill and used for road fill. Or they could leave it in the yard until it is needed. The City is negotiating a lease of this property for City purposes, so there are some options. The City is considering offering to make the in-kind contribution to handle the nonhazardous debris. The cost to the State to dispose of the debris would be over \$287,000. This is offering over 30% of the cost of the project at little cost to the City.

The Councilors discussed the benefits and risks of offering the in-kind contribution. The City has the first rights of refusal to lease the property. There is also value in getting the buildings down even if the lease is not obtained. Cleaning up the yard would be a contribution to the community. It may be a good negotiation tool to help fund this project with in-kind services. The debris is worth \$109 a ton and the only cost to the City is using the City's grinder to grind up the debris. After discussion and from a straw poll perspective, there were no dissenting comments.

## **9. NEW BUSINESS:**

### **A. Introduction & Discussion with Executive Councilor Mike Cryans**

Mayor Prentiss welcomed Executive Councilor Michael Cryans to the Council Chambers. He gave a brief presentation describing his District, his past work as a County Commissioner, and the work he is doing with his constituents. He was asked by the Governor to recommend some additional projects to fund if the Governor's budget has some additional funds. He will recommend this project. He agreed the Westboro Yard is an eye sore and it would be beneficial to clean it up. He would also like to get more volunteers from District 1 on Boards and Commissions at the State level in Concord. When issues come along that are significant to Lebanon, it will be helpful to have a voice at the Council. He is interested in participating in any event that the City would like him to attend. He looks forward to working with the City.

**ACTION:** No action is required.

### **B. Discussion and Set Public Hearing for February 20, 2019, re: placing the question of whether to permit the operation of Keno games on the March 12, 2019 municipal ballot.**

Assistant Mayor McNamara asked to have this on the Agenda based on input from the Public at the January meeting. This request came up last year and after lengthy discussions the Council determined they would not put it on the ballot. The Assistant Mayor expressed his perspective and the research he has done on Keno. He described Keno as a very different type of gambling than scratch cards or the lottery. This type of a game tends to be more addictive because new numbers come up every five minutes. He feels this is not the best way to fund City government or education.

The two organizations that are asking to put this on the ballot make significant contributions to the community. Assistant Mayor McNamara would like to bring closure this year and get the opinion of the public and let the voters decide. He would also like the public to understand the advantages and the risks of having Keno in the community.

Councilor Below said he appreciated the good intentions and understands the argument to just let the people vote. It might settle the issue. If it passes, it will become a part of the life in Lebanon. He voiced two City Council guiding principles, 1) all actions should benefit the current residents and 2) they should make informed data and research-based decisions. The purpose is for elected officials to take the time to make informed decisions.

He cited a national gambling impact study and research he has done on all forms of State sponsored gambling. He feels the proponents of gambling do not care about the research or understand the difficulties of expanding gambling. The businesses that are invested in the equipment and the services of providing gambling earn most of the gambling wealth. The research shows that gambling can become an addiction or a disorder, and it is a bigger problem than the use of alcohol. Disadvantaged communities have a higher rate of addictive gambling disorders. He reflected that gambling revenue was accounted to a minimum number of people. One study showed only 6 % of the people were responsible for 96% of the revenue. There is no systematic way to treat addiction in the State of New Hampshire. The revenue from

the use of alcohol, tobacco, (and likely gambling) is not directed to publicly support skilled people who can provide recovery from addictive conditions.

Some of the Councilors said this is not necessarily about the merits of gambling. They discussed that not all the impacts are negative, and gambling is not a problem for the majority of people. This is about supporting the democratic process. The State contributed a portion of the revenue from Keno for all day kindergarten. The State provided an opportunity for communities to make their own decision if Keno would be permitted. This is very different from the typical policy that the City Council is managing. The Councilors discussed the two mechanisms to bring this to vote. One is adequate signatures, and the other is the Council's vote. If the petition mechanism was not an option, it could be determined that this vote could stop the democratic process.

**Mayor Prentiss asked if anyone from the public would like to speak.**

Three individuals spoke.

*Pete St. Pierre* said he is not at the meeting to speak for either of the organizations supporting putting Keno on the ballot. Speaking as a citizen he wants the right to vote on an issue that impacts taxes. He feels there is an obligation to help the State support education and wants to let the people make the decision.

*Donald Hemenway* said he canvased the community on this issue over the last two years. His said in his discussions in the community he found people would like the opportunity to exercise their democratic vote. He did not ask their opinion about Keno, just the opportunity to vote.

*Charles Therriault*, Ward 3, said he is a member of several organizations in the community that support charitable efforts. He came tonight to ask for support to help with the charitable efforts. Listening to the discussion tonight he is having a change of heart. He feels there is a bias on the Council, and he feels he has not been treated as a responsible voter.

Mr. St. Pierre spoke again, saying that the State set aside money from Keno revenue to address the gambling addiction problems in the State. He acknowledged that there is not a guarantee that the money set aside will be used for that purpose.

Mayor Prentiss read a letter into the record from Georgia Tuttle, the former Ward 1 Councilor. She was in support of allowing the voters to decide and asked the Council to put it on the ballot this year. She requested a public hearing to discuss the matter.

Assistant Mayor McNamara explained that when the motion is read, it can be a confusing process. Tonight, they will vote about putting it on the ballot. There will also be a public hearing about Keno at a future meeting if it is voted to be put on the ballot.

**ACTION:**

*Assistant Mayor McNamara MOVED, that the Lebanon City Council hereby directs the City Clerk to place the following question on the March 12, 2019 municipal ballot: "Shall we allow the operation of keno games within the city?" BE IT FURTHER MOVED that a public hearing be scheduled for February 20, 2019 for receiving public input on the question of whether to allow Keno within the city. Seconded by Councilor Hill.*

*\*The vote on the MOTION failed, 4-5.*

*There will not be a public hearing.*

### **C. Release of Collected Public School Impact Fees**

A Memorandum of Understanding (MOU) between the City and Lebanon School District (September 30, 2010) provided the City would transfer once each quarter of the calendar year all collected Public Schools Impact Fees to the Lebanon School District for application toward the payment of debt on the new middle school.

This request is for the City Council to authorize disbursement of \$1,833.10 in collected Public School Impact Fees (through 12/31/18) to the Lebanon School District.

#### **ACTION:**

*Councilor Hill MOVED, that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, the City Council authorizes disbursing the sum of \$1,833.10 in collected Public Schools Impact Fees to the Lebanon School District to be applied toward the payment of debt on the new middle school located at the intersection of Mouton Avenue and Route 4 consistent with the September 2010 Memorandum of Understanding Between the City of Lebanon and the Lebanon School District, SAU 88.*

*Seconded by Councilor Bronner*

*\*The vote on the MOTION passed 9-0.*

#### **10. REPORTS:**

##### **A. City Manager**

City Manager Mulholland asked Councilors Hill and Erling to assist with the Legislative update, Councilor Hill reported on SB254, a popular program with an 80/20 match for eligible waste water projects. It was important during the City's CSO. The City lost 3 million dollars to cover the CSO costs when it was taken out of the budget. Yesterday when it passed out of committee, they were hopeful that it will be in this year's budget. She discussed HB641, a bill to add an occupancy fee of up to \$2 to hotel rooms. There was mixed testimony. The lodging industry is opposed to it, but several communities are in favor of it. There are costs to communities with the season influx of population. There was ample discussion, but it is not clear where the opinion lies. The written testimony suggests that if this was adopted it would mean \$198,000 at 40% occupancy to \$496,000 at 100% occupancy in revenue annually.

Councilor Below reported on SB307 that would require State agencies to put in warmer colored outdoor lighting. This is important because the State DOT is converting to LED which is a light with a bluer spectrum. The blue light has been deemed to be more harmful. After the research they believe it is a public health issue. The introduction of the bill has caused the State to recommend moving to warmer 3000 K light which they believe they can do for the same cost. That is the American Medical Association recommendation and has been adopted for the City of Lebanon. All State agencies within a community would have to conform to City standards. The bill also expressed support of the smart street lights and community owned street lights.

City Manager Mulholland discussed the Airport lease with LHA. It is moving in a positive direction. There are three entities that are interested in the restaurant space at the airport and they may have a renter there soon.

Airport rules are being finalized. The existing rules date back to the '90s. They intend to bring the rules forward to the City Council in March with a Public Hearing in April. There are many administrative rules that do not have quality of life impacts and the City Manager indicated it may be better for the City Administration to deal with most of the administrative pieces. The Council has to weigh in on the penalties associated with the rules.

The Executive Ramp RFP is being finalized. The public safety facilities study has an RFQ issued. It will study the existing fire and police facilities. They are working on a potential Dispatch Study with Hanover to determine if there is a benefit for a joint communications facility. There is a shared cost for the study between the two cities.

Laptops have been ordered for the Council members.

Councilor Below will continue to assist the Manager's office with the solar project and to get tasks completed. He has 6 respondents to the solar project and a good team of reviewers. They have completed 3 proposal interviews. They hope to have some projects to recommend going forward with this year. The proposals are purchase power agreements.

The Landfill gas energy project is going to be revised in the next few weeks. The options will be narrowed down to three options and the proposed timeline with milestones is being developed.

City Hall improvements are still being reviewed. Councilor Below will work with the City on energy improvements.

A public education session regarding the tunnel will be scheduled soon. The public will be invited, as well as members of other City commissions. The intent is to get specific input on the design elements. The City intends to come back with design plans by April and Staff hope to go out to bid by the end of September.

#### **B. Council Representatives to other bodies**

There were no further updates.

#### **11. FUTURE AGENDA ITEMS:**

There were no future agenda items.

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

##### **A. Non-Public Session**

##### **RSA 91-A:3.11(d) "Consideration of the acquisition, sale or lease of real or personal property."**

*Motion by Mayor Prentiss, seconded by Assistant Mayor McNamara to go into non-public session per RSA 91-A:3,II(d) "Consideration of the acquisition, sale or lease of real or personal property."*

Roll call vote with Mayor Prentiss, Assistant Mayor McNamara and Councilors Below, Bronner, Hill, Heistad, Smith, Zook and Winny voting Aye and none voting Nay (9-0).

Council entered Non-Public Session at 8:45 pm.

Staff present included City Manager Shaun Mulholland and Parks and Recreation Director Paul Coates.

Council discussed property by the Mascoma Greenway on Mascoma Street.

No action taken.

*Motion by Mayor Prentiss, seconded by Assistant Mayor McNamara to go out of non-public session at 9:01 pm.*

*\*Vote on the MOTION was unanimous in favor.*

**13. ADJOURNMENT:**

*Motion by Councilor Bronner, seconded by Council Winny to adjourn the meeting.*

*\*Vote on the MOTION was unanimous in favor.*

**The meeting adjourned at 9:01 PM.**

Respectfully Submitted,  
Linda Billings  
Recording Secretary