

FINAL

**CITY OF LEBANON
CITY COUNCIL**

Minutes, Regular Session, March 6, 2019
City Hall – Council Chambers
7:00 P.M.

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

MEMBERS ABSENT: Bruce Bronner, Karen Zook

STAFF PRESENT: Shaun Mulholland (City Manager), Paula Maville (Deputy City Manager), David Brooks (Zoning Director), Paul Coats (Director, Parks & Recreation)

Mayor Prentiss called the meeting to order at 7:00 P.M.

1. **PLEDGE OF ALLEGIANCE:** Councilor Below led the Council in the Pledge.
2. **PUBLIC FORUM:** Mayor Prentiss made the Public Forum announcement.
3. **OPEN TO PUBLIC:** No comments put forth by the public.

Mayor Prentiss announced the passing of former Planning Board member and a long-time Chair of the Lebanon Planning Board, Dr. Kenneth Morley. Dr. Morley served the City and was a member of various committees throughout the Upper Valley for over 20 years. The Council extended their deepest condolences to his family and held a moment of silence to honor Dr. Morley.

4. **RESOLUTIONS:** None

5. **ACCEPTANCE OF MINUTES:**

- February 6, 2019 (Regular Session)
- February 20, 2019 (Regular Session)

Councilor Hill MOVED to approve the February 6, 2019 and February 20, 2019 Minutes as written and presented in the March 6, 2019 agenda packet.

Seconded by Councilor Winny.

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

6. **APPOINTMENTS:**

- TIF Advisory Board: Mayor Prentiss will make an appointment before her tenure as Mayor ends.

7. **PUBLIC HEARING ITEMS:**

A. PROPOSED AMENDMENTS TO THE ZONING ORDINANCE FOR COUNCIL

ADOPTION - A public hearing for the purpose of receiving public input and taking action to amend the definition of "Family."

BACKGROUND

At their February 20, 2019 meeting, the City Council discussed a revised amendment proposal for the definition of “Family” within the Zoning Ordinance. Based on the Council’s discussions and public comments received during previous meetings, the Planning Staff crafted a revision to the proposed definition to expand the “relationship” clause to include guardianship arrangements, such as foster care. Additionally, the meaning of a “single housekeeping unit” was modified to reflect that an owner or landlord may elect to retain some private areas (such as a private study or exercise room) within a dwelling unit, so long as the general living, cooking, and eating areas are commonly accessible.

For additional background about the proposed amendment, please refer to the March 6, 2019 agenda packet memos dated February 11, 2019 and February 26, 2019 from Planning Director David Brooks.

Mr. Brooks reviewed and then read the proposed definition of “Family” to the Council as follows:

FAMILY: Any number of persons related to each other by blood, adoption, marriage, or civil union, or by a guardianship arrangement, such as foster care, along with not more than three (3) unrelated individuals, living together as a single housekeeping unit; or, not more than four (4) persons not related to each other by blood, adoption, marriage, or by civil union, living together as a single housekeeping unit. A single housekeeping unit means that all such person have common access to, and common use of, living, cooking, and eating areas within the dwelling unit; provided, however, that an owner or landlord may designate some living areas in the dwelling unit as private. This term shall not include any Group Residence, Lodging House, Hotel, or Motel as defined herein.

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

ACTION

Councilor Below MOVED, that the Lebanon City Council hereby adopts an amendment to Appendix A of the Lebanon Zoning Ordinance to revise the definition of “Family” as presented in the March 6, 2019 City Council Agenda Packet. Seconded by Councilor Smith.

In response to Council Hill’s question, Mr. Brooks said he has received no further comments from the public, but he did run this definition past the City’s attorney, and she had no problem with the definition as stated above.

****The vote on the Motion passed unanimously (7-0).***

8. OLD BUSINESS

A. WESTBORO YARD

Mayor Prentiss presented two updates:

- The Governor has included in his proposed budget, under Capital Improvements for revitalization land, the sum of \$577K for the demolition of four (4) buildings in the Westboro Yard. The City will commit funds (\$287K) for removal of materials from the site for disposal and purchased the house on the corner of the property in order to secure reasonable access to Westboro Yard.

- Rymes Propane is in the negotiation process for another TUA (Temporary Use Agreement), with the State. Mr. Mulholland will be providing the City's comments to the Office of Strategic Initiatives by the March 11, 2019 deadline.

Mr. Mulholland said the City will be requesting the following public safety provisions from Rymes Propane in his letter:

- Mound their propane tanks because they cannot be buried and request that they go through the City's process.
- Install flame/gas detectors (which they have not agreed to) in order to give advance warning to minimize any impact of a potential flame incident. (This is not required by the NFPA, but the City is asking for it anyway.)

Councilors discussed:

- Their opposition to any TUA (Temporary Use Agreement) relating to propane use on this site.
- What the City can/cannot do to maximize safety for residents.
- How a TUA by Rymes would be distracting from the potential use of Westboro Yard.
- Reiterating to the Governor that the City of Lebanon strongly opposes any TUA for Westboro Yard and if the Governor insists on doing something that is strongly opposed by Lebanon residents, then the Council hoped he would at least consider the public safety concerns from Lebanon residents.

Mr. Mulholland said the TUA will be approved, but the question is whether or not these two items can be included in the agreement to help protect the safety of the citizens of Lebanon. Right now, the NHDOT and the NFPA do not require mounded tanks or flame/gas detectors: we are trying to negotiate these into the agreement.

More discussion took place regarding the safety of Lebanon residents. Councilor Hill requested that the letter included a short reference noting the City's preferences and requesting that any TUA be the shortest term possible.

9. NEW BUSINESS:

A. AUTHORIZATION TO PURCHASE PROPERTY IDENTIFIED AS TAX MAP 105, LOT 15, LOCATED ON MASCOMA STREET, LEBANON (ADJACENT TO THE RAIL UNDERPASS)

Representing the item was Director of Parks and Recreation, Paul Coats.

BACKGROUND

The Mascoma River Greenway (MRG) was formally opened in July 2018. As stated in the MRG Action Plan (adopted December 2010), and in the CIP proposal, access to the MRG is key to its success. This proposed land acquisition would provide the 4th official access point along the 2.2 Mile length of the Greenway. Please see the February 13, 2019 memo provided in the agenda packet from Recreation Director Coats for complete details about the property.

Mr. Coats described the property to the Council, showed an overview of where the property was located and noted that the purchase of this property would provide greater access to the Greenway, give better access for those who have mobility challenges, and provide additional parking. He said that Parks and Recreation has been working with an attorney, who is in the process of drawing up all documents needed to close on the property.

ACTION:

Councilor Heistad MOVED, that the Lebanon City Council hereby authorizes the City Manager to execute documents for the acquisition of a (+/-) 10,000 sq. ft. parcel of land located on Mascoma Street, Lebanon, further identified as Tax Map 105, Lot 15. Property is to be purchased for \$9,657 through the use of Capital Budget Funds remaining in the Mascoma River Greenway project. Seconded by Councilor Smith.

**The vote on the Motion was unanimous, (7-0).*

B. PRESENTATION BY THAYER SCHOOL STUDENTS: OPTIONS TO EXTEND THE MASCOMA RIVER GREENWAY TO WHITE RIVER JUNCTION, VT

Representing this item from the Thayer School of Engineering were Sebastian Strong, Isalys Quinones, Eleanor Dowd, Sarah Atac, and David Ruiz.

BACKGROUND

The original Mascoma River Greenway Action Plan envisions a non-motorized year-round bicycle and pedestrian trail connecting downtown Lebanon to downtown West Lebanon, and ultimately to the Lyman Bridge's connection to Vermont. The July 2018 opening provides the first segment of this multi-use path from High Street to Glen Road. The combination of NHDOT's unwillingness to allow access to the remaining 2000 feet of rail to Riverside Community Park, and the delay of the Iron Horse Commercial Park development has left the Greenway stranded at Glen Road.

Dick Mackay from the Friends of the Northern Rail Trail took the initiative of partnering with the Thayer School of Engineering with the hopes that fresh eyes on the project might produce alternatives for the City to consider.

Project Team 17 from the Thayer School of Engineering, Cook Engineering Design Center, has been the team working with the Friends of the Northern Rail Trail to produce a feasibility report for the MRG extension to the Lyman Bridge.

The team passed around a very professional booklet they prepared for the Council to memorialize the project, and gave a detailed well-done power point presentation on the work they have completed regarding the options of extending the Mascoma River Greenway to White River Junction, VT. The team answered questions from the Council.

The Council thanked and extended kudos to the team for all the time, research and hard work they put into this project.

ACTION: No action is required by the Council; informational presentation only.

C. ORDINANCE #18 FIRST READING, SET PUBLIC HEARING - PRESENTATION OF FIRST READING AND SET PUBLIC HEARING FOR APRIL 3, 2019: AMENDMENT TO ORDINANCE #18, SALARY PLAN, ARTICLE III, BARGAINING UNIT EMPLOYEES TO STRIKE REFERENCE TO "TEAMSTERS LOCAL #633" AND AMEND THE TABLE OF SALARY GRADES FOR LEBANON PROFESSIONAL, ADMINISTRATIVE AND SALARIED EMPLOYEES (LPASE) TO INCLUDE THE POSITION OF CEMETERY SEXTON (GRADE 9).

BACKGROUND

The Council was being asked to begin the process of amending Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees to strike reference to “Teamsters Local #633” throughout the document, as the Lebanon Professional, Administrative, Salaried Employees (LPASE) Bargaining Unit has disaffiliated with the Teamsters Group; and to add the position of Cemetery Sexton Grade 9, to the Table of Salary Grades for LPASE.

The position of the Cemetery Sexton has been created in support of the proposed amendments to City Code Chapter 46, Cemeteries. In brief, the position, working with the newly established Board of Cemetery Trustees, will be responsible for the coordination of the rules, regulations, and supervision for the operation and use of municipal cemeteries in the City of Lebanon.

Amending Ordinance No. 18, Salary Plan 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.

ACTION:

Councilor Hill MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, as follows:

- 1. Striking the reference to “Teamsters Local #633” throughout the document; and***
- 2. Adding the position of Cemetery Sexton, Grade 9, to the Table of Salary Grades for the Lebanon Professional, Administrative, Salaried Employees (LPASE) Bargaining Unit.***

SCHEDULE PUBLIC HEARING

Councilor Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 3, 2019, beginning at 7:00pm, City Council Chambers, City Hall, for the purpose of receiving public input and taking action to adopt proposed amendments to Ordinance No. 18, Salary Plan, as follows:

- 1. Striking reference to “Teamsters Local #633” throughout the document; and***
- 2. Adding the position of Cemetery Sexton as a Grade 9 to the Table of Salary Grades for the Lebanon Professional, Administrative, Salaried Employees (LPASE) Bargaining Unit as shown on the table on page 34 of the March 6, 2019 City Council agenda packet.***

Changes to the Table of Salary Grades are shown in strikeout and red italics type.

Teamsters Local #633/Lebanon, Professional and Salaried Employees

APPENDIX B -

9 Salary Grades		2.6%							
Grade	Position Title	Minimum							Maximum
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
6	Branch Librarian Coordinator	\$24.20	\$25.21	\$26.22	\$27.23	\$28.25	\$29.22	\$30.24	
7	Field Inspector	\$25.18	\$26.22	\$27.26	\$28.31	\$29.34	\$30.38	\$31.47	
8	Code/Health Inspector	\$25.68	\$26.75	\$27.80	\$28.87	\$29.94	\$31.00	\$32.11	
	Real Estate Appraiser II	\$25.68	\$26.75	\$27.80	\$28.87	\$29.94	\$31.00	\$32.11	
	Associate Planner	\$1,027.37	\$1,070.00	\$1,112.33	\$1,154.80	\$1,197.60	\$1,240.00	\$1,284.40	
	Young Adult Librarian	\$1,027.37	\$1,070.00	\$1,112.33	\$1,154.80	\$1,197.60	\$1,240.00	\$1,284.40	
9	Communication Supervisor	\$27.73	\$29.35	\$30.96	\$32.59	\$34.21	\$35.82	\$37.45	
	Cemetery Sexton	\$27.73	\$29.35	\$30.96	\$32.59	\$34.21	\$35.82	\$37.45	
	Maintenance Superintendent	\$27.73	\$29.35	\$30.96	\$32.59	\$34.21	\$35.82	\$37.45	
	Children's Librarian	\$1,109.32	\$1,174.11	\$1,238.48	\$1,303.60	\$1,368.40	\$1,432.80	\$1,498.00	
	Recreation Program Coordinator	\$1,109.32	\$1,174.11	\$1,238.48	\$1,303.60	\$1,368.40	\$1,432.80	\$1,498.00	
	Systems Librarian	\$1,109.32	\$1,174.11	\$1,238.48	\$1,303.60	\$1,368.40	\$1,432.80	\$1,498.00	
10	Utilities Maintenance Superintendent	\$30.52	\$32.29	\$34.06	\$35.85	\$37.61	\$39.39	\$41.17	
	Wastewater Treatment Superintendent	\$30.52	\$32.29	\$34.06	\$35.85	\$37.61	\$39.39	\$41.17	
	Water Treatment Superintendent	\$30.52	\$32.29	\$34.06	\$35.85	\$37.61	\$39.39	\$41.17	
	Administrative Services Manager	\$1,220.45	\$1,291.42	\$1,362.40	\$1,433.37	\$1,504.35	\$1,575.34	\$1,646.96	
	Airport Operations Supervisor	\$1,220.45	\$1,291.42	\$1,362.40	\$1,433.37	\$1,504.35	\$1,575.34	\$1,646.96	
	Assistant Recreation Director	\$1,220.45	\$1,291.42	\$1,362.40	\$1,433.37	\$1,504.35	\$1,575.34	\$1,646.96	
	Code Enforcement Director	\$1,220.45	\$1,291.42	\$1,362.40	\$1,433.37	\$1,504.35	\$1,575.34	\$1,646.96	
	Fire Marshal	\$1,220.45	\$1,291.42	\$1,362.40	\$1,433.37	\$1,504.35	\$1,575.34	\$1,646.96	
	GIS Coordinator	\$1,220.45	\$1,291.42	\$1,362.40	\$1,433.37	\$1,504.35	\$1,575.34	\$1,646.96	
	Senior Planner	\$1,220.45	\$1,291.42	\$1,362.40	\$1,433.37	\$1,504.35	\$1,575.34	\$1,646.96	
11	City Engineer	\$1,342.40	\$1,420.67	\$1,498.93	\$1,577.20	\$1,655.46	\$1,733.75	\$1,812.02	
	City Planner	\$1,342.40	\$1,420.67	\$1,498.93	\$1,577.20	\$1,655.46	\$1,733.75	\$1,812.02	
12	City Assessor	\$1,368.71	\$1,448.63	\$1,528.53	\$1,608.43	\$1,688.33	\$1,768.24	\$1,848.19	
	Deputy Fire Chief	\$1,368.71	\$1,448.63	\$1,528.53	\$1,608.43	\$1,688.33	\$1,768.24	\$1,848.19	
	Energy & Facilities Manager	\$1,368.71	\$1,448.63	\$1,528.53	\$1,608.43	\$1,688.33	\$1,768.24	\$1,848.19	
	Information Systems Manager	\$1,368.71	\$1,448.63	\$1,528.53	\$1,608.43	\$1,688.33	\$1,768.24	\$1,848.19	
	Police Lieutenant	\$1,368.71	\$1,448.63	\$1,528.53	\$1,608.43	\$1,688.33	\$1,768.24	\$1,848.19	
	Solid Waste Manager	\$1,368.71	\$1,448.63	\$1,528.53	\$1,608.43	\$1,688.33	\$1,768.24	\$1,848.19	
13	Maintenance Manager	\$1,396.33	\$1,477.79	\$1,559.23	\$1,640.69	\$1,722.12	\$1,803.57	\$1,885.02	
14	Police Captain	\$1,424.62	\$1,507.72	\$1,590.79	\$1,673.87	\$1,756.96	\$1,840.06	\$1,923.17	

Seconded by Councilor Below.

*The vote on the Motion passed unanimously (7-0)

10. REPORTS

A. CITY MANAGER:

Mr. Mulholland informed the Council about the following:

- Renovation and objective updates on approved CIP for Parks & Rec. Building on 3 Seminary Hill. An additional \$250K, that was not provided for in the budget, will be needed to complete the project. Due to the costs of this project, and uncertainty about future costs, he suggested the building be demolished, that the lot be leveled and grassed, and fencing be placed around the property to prevent people from using it as an ad hoc parking lot. He will be working on an RFP (Request for Proposals) and bring his findings back to the Council for their review.
- Legislation:
 - Councilor Hill reported about her testimony on HB 641 which would allow towns and cities to collect and retain up to \$2/per hotel room as a hospitality fee. There is a debate at the State level with regards to this being an additional tax. Next steps for the bill are to be determined.
 - Mr. Mulholland spoke about the State’s Marijuana Bill and the need to begin thinking about possible implications it could have for the City.
 - Councilor Below reviewed SB 307 (Outdoor Lighting) and SB 286 (Municipal Aggregation). He said he also advocated for a property tax exemption for energy storage systems.
- A tentative agreement for the Bank Street Ball Fields has been reached.

- A Residents Forum will take place on March 18, 2019, 7:00 PM at Kilton Library. He encouraged Council members to attend. Mayor Prentiss also invited members of the public to attend the City Councils regular meetings.
- EVEC has been working on the 20 Spencer Street RFP. A recommendation(s) should be ready for the Council’s review in May 2019.
- Transportation Management Plan: Ms. Maville said that the NHDOT came before the Council in November of 2018 to talk about the work planned at the Exit 19 interchange and the need to close the north bound off-ramp for a number of weeks to facilitate ramp work. As they (NHDOT) were working through some of their design issues, they made a request to potentially close the north bound on-ramp for 4-5 months. She and 20 City/NHDOT representatives reviewed the impact and congestion this closure would have on the City. As a result, the NHDOT will no longer request a five (5) month closure and will stick with the three-week/one-week combination. She informed the Council that there will be a Traffic Management Overview Plan coming for 2020-2023 because over the next 5-years the City will be involved with over 25 projects from both the City and State. There will be a plan put before the public as all these construction projects start to take place. Mr. Mulholland said this project is one example of the types of projects that Deputy Manager Maville will be charged with overseeing.

Councilor Hill requested that a 1 to 2-page document be drafted describing the 25 City/State projects, their time frames, and what the City’s Transportation Management Plan will be. This document could then be shared with the public through the City’s web site.

Councilor Hill requested that Mr. Mulholland look into the Engine Break Ordinance due to an egregious flaunting of the rules on School Street, noting there are a number of trucks on a regular schedule who are abusing this rule.

B. COUNCIL REPRESENTATIVES TO OTHER BODIES: None

11. FUTURE AGENDA ITEMS

- Fee for Heavy Trucks Discussion.
- Resurrect Plans to creating a park along the 2-acres on the northern side Westboro Yard’s property.
- Mascoma River Greenway: Next steps.
- Community Nursing Program: Next steps.
- Natural Gas Line Discussion: Should the City becomes a customer.

12. NON-PUBLIC SESSION: None

13. ADJOURNMENT:

Councilor Below moved for adjournment.

Seconded by Councilor Smith.

**The MOTION passed unanimously, (7-0).*

The meeting was adjourned at 8:43PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary