

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Remote via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/live)
Wednesday, April 15, 2020
7:00 p.m.**

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

MEMBERS ABSENT: Bruce Bronner

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Sandra Allard, Deputy City Clerk Kristin Kenniston, Planning & Zoning Director David Brooks, Director of Public Works Jim Donison, Assistant Director of Public Works Jay Cairelli, Finance Director Vicki Lee, Chief Assessor Rick Vincent

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

1. PLEDGE OF ALLEGIANCE: Mayor McNamara led the Council in the Pledge. Mr. Mulholland called for a Roll Call on members of the Council who were present remotely.

2. PUBLIC FORUM: Mayor McNamara made the Public Forum announcement.

3. OPEN TO PUBLIC: No One from the public came forth remotely.

4. RECOGNITIONS:

RESOLUTION HONORING CITY HISTORIAN ED ASHEY

WHEREAS, Ed Ashy served as the formal City Historian for the City of Lebanon for 6 years, from March 2014 through April 2020; and **WHEREAS**, Ed, in his capacity as City Historian, has served as a member of the Heritage Commission for the City of Lebanon from 2014 through April 2020; and

WHEREAS, while serving in his capacity of City Historian, Ed has demonstrated his commitment to involving and educating the public about the City of Lebanon and its rich past; and

WHEREAS, it is important to celebrate the role of history in our lives and contributions made by individuals such as Ed Ashy; and

WHEREAS, Ed continues to serve as the curator of the Lebanon Historical Society, providing a valuable service to that organization and the community.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to Ed Ashy for his time, effort and knowledge provided to the community during his service as City Historian and as a member of the Heritage Commission and looks forward to his continued involvement in the education of the history of Lebanon through the Lebanon Historical Society.

BE IT FURTHER RESOLVED, that this Resolution be written upon the minutes of the Lebanon City Council meeting and a copy be presented to Ed Ashy. Dated this 15th day of April 2020 at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On behalf of the Lebanon City Council

**RESOLUTION IN HONOR OF
OUR VOLUNTEERS**

WHEREAS, the Lebanon City Council recognizes National Volunteer Appreciation Week, April 19-25, 2020, and recognizes the importance of community volunteers and wishes to encourage an environment in which volunteers can flourish; and

WHEREAS, there are hundreds of volunteers in our community who give their time and effort to help others through their community organizations, church, service clubs, schools, hospitals, charitable organization, recreational events and other worthy endeavors; and

WHEREAS, our City government could not function without volunteers who serve on our boards, committees and commissions; and

WHEREAS, every day, volunteers help shape the policies that keep our City heading in the right direction and their impact can be felt throughout the community; and

WHEREAS, volunteers are motivated by the simple satisfaction of helping their fellow citizens and making their community a better place to live;

NOW, THEREFORE BE IT RESOLVED, we, the Lebanon City Council, do hereby express our sincere gratitude to the hard work and selfless dedication of the hundreds of volunteers who serve the City of Lebanon and the community and extend our appreciation to their valued efforts.

Dated this 15th day of April 2020, at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On behalf of the Lebanon City Council

Mayor McNamara informed the Council about the loss of **Mr. Gregory Schwarz**, who has voluntarily served the City of Lebanon for many years on various Boards/Commissions. He called for a minute of silence in his honor. Mr. Schwarz will be formally recognized by the City Council for his contributions to the City of Lebanon at a later date.

5. ACCEPTANCE OF MINUTES:

- March 25, 2020 (Organizational Meeting)
- April 1, 2020 (Regular Session)

Councilor Winny Moved to approved the March 25, 2020 (Organizational Meeting) and the April 1, 2020 Regular Session) Minutes as written in the April 15, 2020 City Council agenda Packet. Seconded by Councilor Heistad.

Roll Call Vote:

Mayor McNamara, Assistant Mayor Below, and Councilors, Heistad, Winny and Zook all voting Yea.

None voted Nay.

***The Vote on the Motion was unanimously approved (5-0).**

6. APPOINTMENTS:

- Planning Board: Bruce Garland

City Manager, Mr. Sean Mulholland nominated Mr. Bruce Garland for reappointment to the Planning Board. Three-year term (4/20 – 4/23)

Roll Call Vote:

Mayor McNamara, Assistant Mayor Below, and Councilors, Heistad, Winny and Zook all voting Yea.

None voted Nay

****The Vote on the nomination was unanimous (5-0).***

7. PUBLIC HEARING ITEMS:

A. COMMUNITY REVITALIZATION TAX RELIEF APPLICATION: DANA SEGUIN, 4 SOUTH PARK STREET

Public Hearing for the purpose of receiving public input and taking action on a request by Dana Seguin for re-approval of his April 19, 2017 approval for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E).

Included in the agenda packet was the March 18, 2020 memo from Planning Director David Brooks.

Mr. David Brooks came before the Council regarding Mr. Seguin’s application for the Community Revitalization Tax Relief Application for 4 South Park Street.

On March 16, 2016, the Lebanon City Council approved an application from Dana Seguin for seven (7) years of limited property tax relief pursuant to the City’s Community Revitalization Tax Relief Incentive (RSA 79-E) Program. The tax relief was requested and granted in connection with the development of three (3) additional dwelling units on property located at 4 South Park Street (Tax Map 92, Lot 8).

In April 2017, the City Council granted an extension of the limited property tax relief by reapproving a request from Mr. Seguin when he was unable to meet the original March 2017 deadline.

Subsequent to the Council’s 2017 decision, Mr. Seguin sought a modification of the project approval to propose four (4) additional apartments instead of the originally approved 3 units. The Planning Board’s decision of May 13, 2019 required the applicant to obtain a Building Permit by April 10, 2021. As a result, on March 17, 2020, Mr. Seguin submitted a request to the City Council for a further extension of limited property tax relief for the 4 South Park Street project in order to align the Council’s timeframe for obtaining a Building Permit and commencing construction with the Planning Board’s latest decision.

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

ACTION:

RESOLUTION

Councilor Winny MOVED IT BE HEREBY RESOLVED by the Lebanon City Council, after a duly-notice public hearing that:

WHEREAS, the City Council has determined that the application of Dana Seguin (hereinafter the “Applicant”) for property assessment tax relief under the City’s 79-E Program is complete enough to commence consideration, and

WHEREAS, the City Council has determined that the Applicant’s property, located at 4 South Park Street, Tax Map 92, Lot 8, (hereinafter the “Property”) is situated in the Downtown Lebanon 79-E District as adopted by the City and, therefore, meets the 79-E Program requirement as a Qualifying Structure, and

WHEREAS, the City Council has determined that the Applicant’s project to construct four (4) additional multi-family dwelling units on the Property pursuant to plans and information provided in the application (hereinafter the “Project”) exceeds the lesser of 15% of the current rehabilitation assessed valuation or \$75,000 and, therefore, meets the 79-E Program requirement as a Substantial Rehabilitation, and

WHEREAS, the City Council has determined that the Applicant’s proposed Project will generate one or more Public Benefits to the City, including: 1. An increase in residential housing in the Downtown Lebanon 79-E District, and 2. The promotion of development of the Downtown District, providing for efficiency, safety, and a greater sense of community, consistent with NH RSA 9-B,

NOW THEREFORE, pursuant to the provisions of the Community Revitalization Tax Relief Incentive (NH RSA 79-E) Program, as adopted by the City, the City Council hereby grants to the Applicant seven (7) years of property assessment tax relief for the Property as a result of the Project to commence upon completion of the Project, with the following conditions:

1. The Applicant shall grant to the City of Lebanon a Declaration of Covenant to be recorded in the Grafton County Registry of Deeds ensuring that the Project shall be maintained and used in a manner that furthers the Public Benefit(s) set forth above for which this property tax relief is granted. The term of the Declaration of Covenant shall be effective for 14 years, which is twice the duration of the approved tax relief period as permitted under RSA 79-E:8, II. The recorded Declaration of Covenant shall be a burden upon the property and shall bind all transferees and assigns of such property.

2. The Applicant shall obtain and maintain property and casualty insurance, as well as flood insurance, if appropriate, for twice the number of years of property tax relief granted to ensure proper restoration or replacement of the Project and the Property. Such insurance shall name the City as an additional insured by endorsement and the City shall be provided with certificates of insurance annually. The applicant agrees to have the City made a loss payee of the proceeds of any property or casualty insurance coverage, subject to the rights of any current or future mortgagee of the Property and any structures thereon, for the purpose of ensuring proper and timely restoration or demolition of the Property, including any damaged structures thereon. The City further requires that restoration or demolition commence within one year following the date of any occurrence or incident for which an insurance claim is or could be made; otherwise the Applicant shall be subject to the termination provisions set forth in RSA 79-E:9, I. The obligation to name the City as an additional insured and a loss payee shall remain in effect for the term of these Covenants.

3. The Applicant shall obtain a Building Permit for the Project and commence construction no later than April 10, 2021, unless otherwise extended by the City Council in writing. The Project, as approved, shall be completed on or before March 31, 2022, unless otherwise extended by the City Council in writing.

Seconded by Councilor Heistad.

Roll Call Vote:

Mayor McNamara, Assistant Mayor Below, and Councilors, Heistad, Winny and Zook all voting Yea.

None voted Nay.

****The Vote on the MOTION was unanimously approved (5-0).***

B. ORDINANCE #2020-05

A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article I, Water Investment Fee, to update and clarify language and to implement a “Water Development Fee.”

Included in the agenda packet was Ordinance #2020-05. Available but not included in the agenda packet was the 2020-04-01 Item 9.E - ORD 2020-05 AMEND CH 68 WATER FEES from the April 1, 2020 agenda packet.

Mr. Jay Cairelli came before the Council remotely and gave a brief update to the Council highlighting the points discussed at the April 1, 2020 City Council Meeting regarding the proposed Water Development Fee (WDF), which will come out of the Water Investment Fee (WIF) funds.

This is a change to the existing Water Investment Fee (WIF) that has been in place since 1981. We are adding to that a Water Development Fee (WDF) based on a re-evaluation of our system. The biggest change is that the WDF fee will be based on flow and not meter size, like the current WIF is. The WIF will be used only for new sources of water for the purposes of expanding the municipal water distribution system while the WDF will be used to maintain, repair or renovate the existing water distribution system. The cost is not changing, it is just creating two pools of funds. There is no change for someone obtaining a building permit for a new structure, the cost would remain the same. This change would affect existing customers who increase their water service size.

The primary goal in 2020 and for the foreseeable future is to maintain, repair or renovate the existing system. The City does not have any present plans to expand the distribution system by the use of public funds. The City does need to explore additional water source options since we currently do not have a secondary source from where to draw water were it needed.

The proposed WDF is derived from the present value of the system after depreciation is calculated and is based on the estimated gallons of water used per day for a particular use. The WIF would be changed from a calculation based upon meter size to an estimated gallons per day calculation.

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

ACTION:

Councilor Below MOVED, that the Lebanon City Council hereby adopts Ordinance #2020-05 to amend City Code Chapter 68, Fees, Article I, Water Investment Fee, to update and clarify language and to implement a “Water Development Fee.”

Seconded by Councilor Heistad.

Councilor Below spoke to his motion by saying the City has invested a lot of money over the past decade on improvements to the water system, primarily to separate the storm water flows from the sanitary flows to prevent polluting the rivers during high water events. This left the City challenged to maintain other parts of the system that have not been touched by the CSO Project. As new development is added to the

City’s existing capacity, this is a way to reinvest some of the cost of that capacity to help maintain and expand that capacity in a systematic and affordable way to sustain our system in the long-term.

Roll Call Vote:

Mayor McNamara, Assistant Mayor Below, and Councilors Heistad, Winny and Zook all voting Yea.

None voted Nay.

***The Vote on the MOTION was *unanimously approved (5-0)*.**

C. AMEND CAPITAL BUDGET TO INCLUDE SPENCER STREET RECONSTRUCTION PROJECT & APPROPRIATE \$100,000 FOR DESIGN ENGINEERING

A public hearing for the purpose of receiving public input and taking action to amend the 2020 Capital Budget to include a project for the reconstruction of Spencer Street; and to appropriate \$100,000 (One Hundred Thousand Dollars) for design engineering for the project. Appropriation will be funded by a transfer of funds from the existing 20 Spencer Street Cleanup Project to the newly created Spencer Street Reconstruction Project.

Included in the agenda packet was the March 11, 2020 Memo from Jim Donison, Public Works Director

Mr. Mulholland and Mr. Jim Donison (remotely) came before the Council representing the Spencer Street reconstruction project and the appropriation of \$100,000 for design engineering.

Mr. Mulholland gave a brief background update noting the cleanup of the 20 Spencer Street property (former location of the City’s DPW facility) was included in the 2020-2025 Capital Improvement Program. Three Hundred Thousand Dollars (\$300,000) was included in the 2020 Capital Budget to fund the cleanup of the site (full demolition of existing structures and environmental remediation).

The project was put out to bid and results yielded a need for just under \$200,000 to complete the project as proposed. Administration is requesting that the remaining \$100,000 be repurposed to allow design engineering for the reconstruction of Spencer Street. Reconstruction of the street would be in conjunction with redevelopment of the site. Changes to the street would be in concert with the alternatives put forth as part of the 2016 Downtown Visioning Study, taking us one step closer to implementing the desired outcomes of the study.

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

ACTION:

Councilor Winny MOVED that it is hereby:

RESOLVED, by the City of Lebanon, that the 2020 Capital Improvements Fund Budget included an appropriation in the amount of \$300,000 (Three Hundred Thousand Dollar) for the 20 Spencer Street Cleanup Project.

BE IT FURTHER RESOLVED, that costs associated with the 20 Spencer Street Cleanup Project will not exceed \$200,000 (Two Hundred Thousand Dollars).

BE IT FURTHER RESOLVED, by the City of Lebanon, that the 2020 Capital Improvements Fund Budget is hereby amended to include the Spencer Street Reconstruction Project; and that funds, in the amount of \$100,000 (One Hundred Thousand Dollars), be appropriated for transfer from the 20

Spencer Street Cleanup Project to the Spencer Street Reconstruction Project to fund engineering design costs associated with the project.

Secoded by Councilor Zook.

Roll Call Vote:

Mayor McNamara, Assistant Mayor Below, and Councilors Heistad, Winny and Zook all voting Yea.

None voted Nay.

****The Vote on the MOTION was unanimously approved (5-0).***

8. OLD BUSINESS

A. Presentation of Second Reading: Amendment to Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, To Include the Position of Assistant City Engineer Within the Pay Scale for The Lebanon Professional, Administrative And Salaried Employees (LPASE) Bargaining Unit

Included in the agenda packet was the March 24, 2020 Memo by Gloria Leskiewicz, Human Resources Director re: Including the position of Assistant City Engineer in the LPASE Bargaining Unit Employees Compensation and Classification Schedule.

In the absence of Gloria Leskiewicz, Human Resources Director, Mr. Mulholland came forth and reviewed the Amendment to Ordinance No. 18, Salary Plan with the Council.

The Council is being asked to continue the process of amending Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, for the purpose of including the position of Assistant City Engineer in the Lebanon Professional, Administrative and Salaried Employees (LPASE) Salary Plan/Pay Schedule.

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

On April 1, 2020, the City Council scheduled a public hearing for May 6, 2020 and recognized the first reading of the proposed amendment to Ordinance No. 18 to include the position of Assistant City Engineer within the LPASE Collective Bargaining Unit. The third presentation will be held on May 6 along with the Public Hearing and action to adopt the proposed amendment. In accordance with the City Charter, the City Council is now asked to recognize the second of three presentations.

ACTION:

Councilor Below MOVED, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance No. 18, Salary Plan, Article III, Bargaining Unit Employees, Lebanon Professional, Administrative and Salaried Employees (LPASE) by including the position of Assistant City Engineer, Grade 9.

LEBANON PROFESSIONAL AND SALARIED EMPLOYEES – 2020 SALARY GRADES – 1.6% GWI								
<u>Grade</u>	<u>Position Title</u>	<u>Minimum Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Maximum Step 7</u>
6		\$24.59	\$25.61	\$26.64	\$27.67	\$28.70	\$29.69	\$30.72
7	Field Inspector	\$25.58	\$26.64	\$27.70	\$28.76	\$29.81	\$30.87	\$31.97
8	Code/Health Inspector	\$26.09	\$27.18	\$28.24	\$29.33	\$30.42	\$31.50	\$32.62
	Real Estate Appraiser 2	\$26.09	\$27.18	\$28.24	\$29.33	\$30.42	\$31.50	\$32.62
	Associate Planner	\$1,043.81	\$1,087.20	\$1,130.13	\$1,173.28	\$1,216.80	\$1,260.00	\$1,304.95
9	Assistant City Engineer	\$28.17	\$29.82	\$31.46	\$33.11	\$34.76	\$36.39	\$38.05

Seconded by Councilor Winny.

Roll Call Vote:

Mayor McNamara, Assistant Mayor Below, and Councilors Heistad, Winny and Zook all voting Yea.

None voted Nay.

**The Vote on the MOTION was unanimously approved (5-0).*

9. NEW BUSINESS

A. Release of Collected Public School Impact Fees

Included in the agenda packet was the Impact Fee Report as of March 26, 2020.

Ms. Paula Maville came before the Council and reviewed the Memorandum of Understanding (MOU) between the City and Lebanon School District (September 30, 2010), which 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 \$40,432.02 in collected Public School Impact Fees (through 3/26/2020) to the Lebanon School District.

ACTION:

Councilor Heistad 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 \$40,432.02 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 Moulton 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 Winny.

Roll Call Vote:

Mayor McNamara, Assistant Mayor Below, and Councilors Heistad, Winny and Zook all voting Yea.

None voted Nay.

**The Vote on the MOTION was unanimously approved (5-0).*

B. Discussion & Set Public Hearing for May 6, 2020: Adoption of Provisions of NH RSA 72:85, Exemption for Electric Energy Storage Systems

Included in the agenda packet was the April 3, 2020 Memo from Rick Vincent, Chief Assessor; re: Solar Energy Systems Exemption

Mr. Mulholland and Chief Assessor Rick Vincent came before the Council representing the exemption for Electric Energy Storage Systems.

City Manager Mulholland requested the Assessing Office review existing Solar Energy Systems Exemption to see if the City is in-line with the current provisions of RSA 72:61 (as amended), RSA 72:85 and House Bill 464. During the review, it was discovered that the definition of a solar energy system as defined in RSA 72:61 did not include energy storage systems as an exempted component of a solar energy system at the time the City Council adopted the Solar System Exemption in 2013. House Bill 464 changed the definition of solar energy systems for purposes of determining assessed value for real estate taxes, as well as enables municipalities to adopt an exemption as provided in RSA 72:85 in an amount equal to any increase in incremental assessed value of the entire property attributable to the qualifying electrical energy storage system.

ACTION :

Councilor Winny *MOVED*, that the Lebanon City Council hereby sets a public hearing for Wednesday, May 6, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action to adopt the provisions of NH RSA 72:85, Exemption for Electric Energy Storage Systems.

Seconded by Councilor Heistad.

Roll Call Vote:

Mayor McNamara, Assistant Mayor Below, and Councilors Heistad, Winny and Zook all voting Yea.

None voted Nay.

****The Vote on the MOTION was unanimously approved (5-0).***

C. Presentation of Findings from West Lebanon Charrette; Discussion of Next Steps

Included in the agenda packet were the March 23, 2020 Memo from Planning Director David Brooks re: West Lebanon Village Visioning Charrette Report and the March 23, 2020 DRAFT West Lebanon Charrette Report.

Mr. David Brooks came before the Council to present the findings from the West Lebanon Charrette and discuss potential next steps for implementation as described in his memo dated March 23, 2020. He also reviewed a detailed 85-page PowerPoint slide presentation that can be found on pages 80-165 under item 9C in the April 15, 2020 City Council agenda packet.

A summary report has been produced that outlines the findings from the Charrette. Administration is looking for further direction from the City Council on possible next steps to implement the findings in the report which coincide greatly with action items in Chapter 4 (West Lebanon Central Business District) of the Master Plan.

Mayor McNamara ask the public if anyone had comments on the Charrette or the report. Hearing no comments from the public, he opened up the discussion to the Council.

Councilors Liot Hill and Prentiss joined the meeting remotely around 7:45 PM.

The Council commended everyone involved with the Charette process and discussed the history and future opportunities for the Westboro Yard connection to the Connecticut River; the NHDOT history with the City regarding Westboro Yard; how negotiating with the NHDOT to broaden access to the sewer main easement would be worth pursuing; the Bridge at Street Park and reasons why the boat launch at that site would not be feasible; the Route 12A Dry Bridge Project, which is in the process of being finalized; and developing the proposed Seminary Hill site into a pocket park.

Mr. Mulholland said the application to lease or purchase Westboro Yard has been sent, but it is contingent upon the buildings being demolished. The NHDOT has agreed to the change in the wording the City put forth in this agreement and the agreement is now before the AG, noting the only constraint on this being approved now would be due to the COVID-19 impact on the State's budget.

Mr. Rick Vincent informed the Council about a parcel of land in West Lebanon near Smith Field Baseball Park that was conveyed from the New England Conference of Seventh Day Adventists to the City of Lebanon to use as a public park. The Recreation Department has identified this parcel as a prime location for development, and described the advantages of developing this parcel into a playground and how adding additional parking for Smith Field would be beneficially to West Lebanon neighborhoods.

Councilor Hill was delighted with the findings from the Charette and its consistency with the City's Master Plan. She spoke about the Rotary Club's String of Pearls Project to connect two points along the Mascoma River. While the idea that the Westboro Yard would be an ideal destination unto itself, the Rotary Club's String of Pearls Project's ultimate goal was to have a true river front trail that would go all the way from River Park, to the Sewer Treatment Plant on the Connecticut River, and then connect to the Rail Trail. She also asked where the City stood on getting the Bridge Street boat launch and pocket park done. Mr. Mulholland informed the Council there would be no boat launch in this area because the water current is not conducive for putting boats in at this particular location. He also responded to Councilor Hill's question about using this location as a green space/pocket park, by stating there are also issues with this location due to handicapped access and explained the work that would need to be done to address this and other issues. The Council and Mr. Mulholland further discussed the viability of using this particular area as a park.

Councilor Sykes joined the meeting remotely at approximately 8:05 PM.

Councilor Winny felt the Seminary Hill site would not be a good as a pocket park because it is too small and has two busy roads abutting two sides of the location. He liked the concepts presented from the Charette findings and the idea of creating a possible TIF District to encourage improvements and the development of Main Street. If some of River Park could be included in a TIF District, this might help keep West Lebanon moving forward with their vision.

Mayor McNamara agreed with Councilor Winny noting Seminary Hill may not be the ideal location for a pocket park and suggested the property could be sold with an understanding that any building constructed on the site would have to be a particular type of construction and have a particular use. The proceeds from the sale could be used for beautification improvements in the West Lebanon Downtown area and a TIF District.

Mr. Brooks informed the Council he has already begun to look at the potential for a TIF District to make sure the current valuation fits within the statutory limitations. The TIF District would include an area that stretches from River Park and encompasses Main Street and could even include the potential Iron Horse area. All of these areas fit within the statutory limitations in terms of lot area and valuation.

The Council agreed to have Mr. Brooks look into creating a TIF District for West Lebanon and to bring his findings before the Council at a future date.

Mayor McNamara requested an evaluation on what could be done with the Tracy/Main/River Park area and described what he would like to see such as streetscapes, green spaces, and bringing back trees.

The Council discussed the time-table and design of the playground near Smith Field Baseball Park; using community volunteers to construct the playground vs. a purchased design; liability issues arising from a community build; the appropriation of funds (\$114,887.92+/-) to be used for the playground; Seminary Hill; and adding additional parking at Smith Field. The West Lebanon Capital Improvements Budget of \$465K has already been approved.

Councilors agreed to have Planning Staff move forward with these projects and expressed their positive feedback for the playground.

ACTION :

No action was required by the Council. Item was for informational purposes only.

D. Discussion re: Reconvening Class VI Roads Advisory Committee

A current request by Patch Forest LLC to discontinue four Class VI Roads in the vicinity of the Meriden Road brought to light the question of whether the City's Class VI Road Advisory Committee should be reconvened. When established, the Class VI Road Advisory Committee had a primary charge of reviewing the status of all Class VI roads within the City and making recommendations to the Council for their action to continue the present use, upgrade, discontinue or otherwise change the status of the roads.

While the majority of suspected Class VI Roads in the City have been reviewed with some form of action taken to reclassify, discontinue, etc., a number of roads remain on the list to be reviewed, including the four roads which Patch Forest LLC has requested to be discontinued.

The current membership of the Class VI Roads Advisory Committee includes:

- 1 Council Representative (Councilor Heistad)
- 1 Conservation Commission Representative (Don Lacey)
- 1 Planning Board Representative (Joan Monroe)
- 1 Ped & Bike Committee Representative (Colin Smith)
- 1 Heritage Commission Representative (Raymond Book)

There is currently no provision for a member(s) of the public to serve on the committee and the Class VI Roads Advisory Committee has not formally met since 2017.

The Council discussed restarting the work of the Class VI Roads Advisory Committee and felt the membership should be adjusted to include two (2) citizen representatives, each serving a two (2) year term. Mr. Mulholland will reach out to the current membership to see if they still want to participate in the Class VI Roads Advisory Committee, noting that they would still need to be appointed by the Committees/Boards/Commission for whom they represent.

Staff will work with respective board/committee members to ensure representation on the Class VI Roads Advisory Committee and will reinstitute a formal meeting schedule to systematically review outstanding roads.

ACTION :

Councilor Heistad *MOVED* to increase the number of members of the Class VI Roads Advisory Committee by adding two (2) citizen representatives (for a term of 2-years each) in addition to the five (5) already representatives of the Committees.

Secoded by Councilor Hill.

Ms. Maville said because representative Board terms coincide with their terms on their respective Boards, terms will need to be assigned to public representatives.

Mayor McNamara restated the Motion from Councilor Heistad to say:

***Councilor Heistad MOVED* to expand the number of the current Class VI Roads Advisory Committee from the current five (5) City Boards to a total of seven (7) by adding two (2) additional community members who will be appointed by the City Council to serve for a term limit of two (2) years.**

Secoded by Councilor Hill.

Roll Call Vote:

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

None voted Nay.

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

E. 2021-2022 Proposed Legislative Policy

Included in the agenda packet were the 2021-2022 Policy Proposal Form and the 2021-2022 NHMA Legislative Policy Process Q&A.

Mr. Mulholland came before the Council to give an update on the New Hampshire Municipal Association (NHMA) as it begins planning for the Legislative Policy Conference in the fall. The policy process begins with solicitation of policy proposals from local officials to create an initial issues list. The deadline for submission of a policy proposal is now June 12, 2020.

NHMA's legislative policy committees - Finance and Revenue; General Administration and Governance; and Infrastructure, Development and Land Use – will review all policy proposals in order to make recommendations which will go to the NHMA Legislative Policy Conference in September.

After reviewing the NHMA's micro-type policy positions, Mr. Mulholland encouraged the Council to focus on bigger picture issues such as policies on housing, public transportation, the Right-to-Know Law, economic development, and the City's meals/rooms tax.

Some Council members suggested Legislative Policies should also include: Renewable Energy/Climate Change; Infrastructure Development and Land Use; Funding for Education; and, crafting new language that would include Housing and Property Tax Relief.

Since policy proposals are not due until June 12, 2020, Councilors were urged to continue to think about policy proposals and send their ideas to the City Manager.

ACTION: None required at this time.

10. REPORTS

A. City Manager:

Mr. Mulholland updated the Council on the following:

- COVID-19:
 - Revenue/Expenditure Projects: Approximately \$820K in losses between now and the end of the year.
 - Still pending is how the \$1.2B from the Federal Government to the State of NH will be distributed to towns/municipalities.
 - Emergency Order regarding Property Tax Waivers: Tech/legal issues are problematic.
 - City Hall Renovations: On hold due to COVID-19 restrictions set by Vermont Governor Scott as it pertains to contractors who come from Vermont to work in the City.
 - It is uncertain if the Farmer's Market will be allowed to open on May 14, 2020.
 - The Airport will be getting just over \$1M in stimulus funds.
 - COVID-19 restrictions are expected to stay in place through June 2020 at this point.
- PFAS Litigation Update.
- 20 Spencer Street: Structures have been removed.
- Westboro Yard Status.
- North Main Street Property and court action.
- Route 12A Bridge Agreement.
- Cyber Security: There have been a number of attacks/scams that have been made on the City's servers. These have been unsuccessful so far, but everyone was urged to look carefully at any emails they receive.

Councilor Hill expressed two informational concerns regarding the Planning Board after attending their last meeting as an alternate Council representative. 1) Planning Board members appeared to be asking questions and making comments that were outside the scope of their purview (i.e., referencing newspaper articles, giving their own personal opinions, and raising questions and issues outside the scope of the Planning Board). 2) Concern about the COVID-19 Executive Order issued by the Governor stating that Land Use Boards can extend certain abilities to modify time-lines, which apparently means the Planning Board has the ability to put a complete pause on their operations and/or delay planning decisions, or they can meet in emergency situations and conduct their business virtually.

Councilor Hill stated there was a particular agenda item the Planning Board was actually prepared to postpone indefinitely (until such a time the Planning Board and applicant could meet in person with the public), therefore, treating this particular application differently than any other application that came before it during this meeting.. She brought her concerns before the Planning Board, but wanted to bring these issues to the Council to express her feelings that every applicant should be treated with equal protection and fairness, and questioned if the Council wanted the Planning Board to be putting a moratorium on planning & development in the City of Lebanon during the COVID Pandemic. She was very uncomfortable about the Planning Board cherry picking applicants, regardless of whether they were contentious or subjective, and making this type of policy decision for the City.

Mayor McNamara questioned if the possibility existed where the applicant was willing to move forward virtually or if the applicant was willing to wait, at the Planning Boards request, until there were people in the room.

Councilor Winny, who also attended the Planning Board Meeting, agreed with Councilor Hill about some of her concerns regarding the purview of the Planning Board. Regarding her second issue, the feeling he got from the Planning Board was that there was a very substantial amount of public response to this particular (applicants) plan, noting there was approximately 70 people in electronic attendance for this

meeting and numerous emails were received. In this case, the applicants pointed out they would prefer to wait because of the amount of public interest. He felt there was a material difference between this project and the other projects during this meeting because the public response was of a magnitude higher than anything else he has seen during his time on the Planning Board.

Councilor Zook commented this was the second or third time this particular applicant's application had been on the agenda and was continued at the request of the applicant.

Councilor Hill did not understand why the applicant was never given an opportunity to speak at this meeting, noting the emails the applicant sent to staff.

Due to technical difficulties, Mayor McNamara summarized his understanding of the conversations by noting this applicant apparently agreed to wait until there was an opportunity to have a true in-person meeting where people could speak up in a non-virtual way. However, this may not always be the case, and we (the City) certainly do not want to be put into a position where the Planning Board is treating one applicant differently than another. He requested Planning Staff look into this issue, seek the opinions of the two Council representatives to the Planning Board, and bring their findings back to the Council for discussion at a future meeting. We certainly want everyone to be treated equally and fairly and he, personally, would certainly not want the Planning Board to shut their process down because of the uncertainty about how long the COVID-19 Pandemic restrictions will last.

B. Council Representatives to other bodies:

Councilor Below informed the Council that: 1) LEAC had applied for a Community Development Finance Authority Tax Credit Grant to fund the development of a business plan for the proposed Lebanon Community Power Municipal Electric Aggregation. Through the generosity of local businesses, the \$75K goal was met back in March 2020. 2) There has been a lot going on in working with communities to develop the idea of Community Power New Hampshire. There will be a feature article coming out regarding this collaboration in the Town and City Magazine from NHMA.

11. FUTURE AGENDA ITEMS: None reviewed.

12. NON-PUBLIC SESSION: NONE

13. ADJOURNMENT:

Councilor Winny MOVED for adjournment.

Seconded by Councilor Below.

Roll Call Vote:

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

None voted Nay.

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

The meeting was adjourned at 9:20 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary

