

FINAL

**LEBANON CITY COUNCIL  
MINUTES, REGULAR SESSION  
Wednesday, June 17, 2020, 7:00 p.m.  
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Assistant Director of Public Works Jay Cairelli, Melonie McDonough (IT)

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

This meeting took place virtually due to the COVID-19 Pandemic and was conducted in accordance with the Emergency Orders issued by the New Hampshire Governor according to NH RSA 91-A “Right-to-Know.”

1. **PLEDGE OF ALLEGIANCE:** Councilor Bronner led the Council in the Pledge.
2. **PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.

**3. OPEN TO PUBLIC:**

Councilor Liot Hill came forth to inform the Council about a constituent who shared an interaction he had with Lebanon’s Police Department over social media with her. An email was sent to the LPD asking them about their use of body cameras and their employment of evidence-based de-escalation training. She thanked the LPD for their quick reply and read a summary of their response as follows: “The Lebanon PD requires all officers to wear body cameras and to activate them any time they are responding to a call, which includes traffic stops and other officer initiated encounters except in casual conversations on the street or where ever they are not required to be used unless an interaction escalates for some reason. All LPD officers receive de-escalation training during their initial training with the NH Police Training Academy. Additionally, Lebanon provides Crisis Intervention Training, which officers are required to complete on a yearly basis, along with annual training on all Use-of-Force measures”. Mr. Armstrong thanked the LPD for their prompt reply and Councilor Liot Hill thanked Mr. Armstrong for taking the initiative to reach out to the LPD.

A Roll Call was taken and all City Councilors who attended the virtual meeting are listed above.

**4. RECOGNITIONS: NONE**

**5. ACCEPTANCE OF MINUTES: June 3, 2020 (Regular Session)**

Amendments:

Page 1, line 15: Add “racial” before inequality; Page 1, line 17: Add “racial” before inequality; Page 7, Line 28: Change “current” to “currently”

**Councilor Winny *MOVED* to approve the June 3, 2020 (Regular Session) minutes as amended and presented in the June 17, 2020 City Council agenda packet.  
*Seconded by Councilor Heistad.***

**Councilor Sykes arrived at 7:10 PM.**

**Roll Call Vote:**

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

None voted Nay.

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

**6. APPOINTMENTS:**

- Conservation Commission: Donald Lacey (Regular Member Reappointment)

***Councilor Winny nominated Donald Lacey as a Regular Member of the Conservation Commission. Three-year term (6/20-6/23).***

**Roll Call Vote:**

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

None voted Nay.

***\*The Vote on the nomination was unanimous (9-0).***

- Arts & Culture Commission: Rebecca Foster (Regular Member - Reappointment)

***Councilor Bronner nominated Rebecca Foster for reappointment as a Regular Member of the Arts & Culture Commission. Three-year term (6/20-6/23)***

**Roll Call Vote:**

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

None voted Nay.

***\*The Vote on the nomination was unanimous (9-0).***

- Arts & Culture Commission: Ben Van Vliet (Regular Member - Reappointment)

***Councilor Prentiss nominated Ben Van Vliet for reappointment as an Arts Representative of the Arts & Culture Commission. One-year term (6/20-6/21)***

**Roll Call Vote:**

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

None voted Nay.

***\*The Vote on the nomination was unanimous (9-0).***

- Economic Development Commission: Andrew Key (Regular Member)

***Councilor Bronner nominated Andrew Key as a Regular Member of the Economic Development Commission. One-year term (6/20-6/21)***

**Roll Call Vote:**

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

None voted Nay.

***\*The Vote on the nomination was unanimous (9-0).***

## **7. PUBLIC HEARING ITEMS:**

### **A. ORDINANCE #2020-09**

A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 68, Fees, Article III, Miscellaneous Fees, Section 68-15, Enumeration of Fees, to allow exemptions of the fixed charge for 3/4-inch and 1-inch water meters serving fire suppression systems in one- and two-family residential dwelling units.

Included in the agenda packet was Ordinance #2020-09.

City Manager Mulholland came before the Council to present a briefing on Ordinance #2020-09.

The City Council approved a new water rate structure on May 15, 2019, which included a base charge by water meter size for all water customers. Previously adopted Code provisions required that newly constructed single-family homes be equipped with a fire suppression system (commonly referred to as a sprinkler system). This provision was later repealed by the Council and is no longer a requirement. Several single-family homes were constructed during the time that fire suppression systems were required and are therefore serviced with water meters larger than single family homes without fire suppression systems. At its May 20, 2020 meeting, the City Council addressed concerns expressed by residents related to the fixed charge for larger water meters. At the close of the discussion, Council directed administration to formulate an amendment to the Code to relieve those residents impacted by the larger fee. Ordinance #2020-09 proposes to amend City Code Chapter 68 to exempt the fees for ¾-inch and 1-inch water meters in those single-and two-family residences that contain a fire suppression system, which would take effect on the passage of the amended Ordinance #2020-09.

Upon approval by the Council, affected property owners who paid the higher rate during the first quarter will be sent a notice along with an abatement form, which will allow the City Manager to abate those fees.

### **Mayor McNamara opened the Public Hearing.**

Mr. Eric Hammond came forth via telephone and thanked the entire City Council for being, what he considered, very proactive in this matter. He applauded the Council for taking quick steps to rectify this issue. He asked how long the process would take after the paperwork was completed before those affected would start to see their abatements.

Mr. Mulholland said abatements for affected property owners would only apply to the first quarter of 2020 and as soon as this action is approved by the Council letters will be going out with the abatement form. Since the second quarter water bills will be coming out in July, if these forms have been filled out fast enough, abatements will be applied to the second quarter bill.

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

**ACTION:**

***Councilor Prentiss MOVED, that the Lebanon City Council hereby adopts Ordinance #2020-09 to amend City Code Chapter 68, Fees, Article III, Section 68-15, Enumeration of Fees, to exempt the fixed charge for ¾-inch and 1-inch water meters serving one and two-family residential dwelling units that contain a fire suppression system.***

***Seconded by Councilor Sykes.***

**Roll Call Vote:**

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

None voted Nay.

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

After hearing no opposition from the Council regarding the issuance of abatements, Mr. Mulholland said he will issue them as previously discussed.

**8. OLD BUSINESS**

**A. ORDINANCE #2020-07 - Reschedule Public Hearing to July 15, 2020**

Mayor McNamara briefed the Council on the background of Ordinance #2020-07, which is currently being reviewed by legal counsel.

Regulations regarding discharges to the City’s Stormwater Drainage System have been in place since 2014. The purpose of the existing regulations is to control and prohibit illicit connections and discharges into the storm drain system in order to comply with the requirement of the National Pollutant Discharge Elimination System permit process, in conformity with the City’s Illicit Discharge Detection and Elimination Plan (November 2011).

Ordinance #2020-07 proposes to implement a permitting system for connections to an extension or expansion of the existing stormwater system. Legal review of the proposed ordinance brought about questions that require further work before a legal opinion can be issued in accordance with City Code Chapter 115. Therefore, the Council was asked to reschedule the public hearing to July 15th.

**ACTION:**

***Councilor Prentiss MOVED, that the Lebanon City Council hereby reschedules the public hearing for proposed Ordinance #2020-07, to repeal and replace City Code Chapter 124, Use of Public Stormwater System, to Wednesday, July 15, 2020, beginning at 7:00 pm, Remote via Microsoft Teams.***

***Seconded by Councilor Bronner.***

Councilor Sykes questioned if the meeting on July 15, 2020 would be held via Microsoft Teams because the Governor’s Emergency Order #4 expires on June 30, 2020. Mr. Mulholland explained that the Governor’s Emergency Order #12 is still in effect and will remain in effect so long as the NH State of Emergency remains in effect.

**Roll Call Vote:**

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

None voted Nay.

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

## **9. NEW BUSINESS**

### **A. Discussion and Action to Deem Tax Map 78, Lot 52, Located at the West End of Foch Avenue, Lebanon as Surplus City Property and to Authorize the City Manager to Convey Property to an Abutting Property Owner**

Included in the agenda packet were the March 29, 2020 email from William Corrette; A GIS Map and City of Lebanon Property Record Card, Tax Map 78, Lot 52, 0 Foch Avenue, Lebanon; and City Council Policy, CC-102, Real Property Transactions. (Complete details of this property are located on pages 39-61 in the agenda packet.)

Deputy City Manager Paula Maville informed the Council that for both this request (Item 9A) and the following request (Item 9B) several requests from separate property owners to purchase property abutting or adjacent to their current properties were received. She noted the circumstances for both of these requests are different because they include a discontinuance of existing City rights-of-way, which are not part of these agenda items but will be brought before the Council at their July 1, 2020 meeting.

For this particular request, located on Foch Avenue, the City Manager has been contacted by abutting property owner William Corrette regarding the purchase of this parcel.

The City acquired Parcel 78-52 through a tax deed executed in 1959. The parcel is less than one-quarter acre in size, is located adjacent to the unbuilt portion of Foch Avenue and directly abuts Interstate 89 North.

In accordance with CC-102, Section A.4, upon recommendation of the City Manager, by resolution of the City Council, the City may sell or exchange any real property or interest therein to any person who owns an interest in adjoining real property, following a determination by the City Manager that the public benefit will be served by uniting ownership of the City's real property with the adjoining property.

In accordance with Council Policy CC-102, City Real Property Transactions, the property was put forth to the Planning Board, Conservation Commission, City Department Heads, and the Lebanon School District for consideration of future use.

The request was reviewed by the Planning Board on May 26, the Lebanon School District on May 27, and the Conservation Commission on June 11; none have recommended retention of the parcel for future use by the City. All City Department Heads have reviewed the potential for future use and recommend that the property be deemed surplus and sold.

Mr. Corrette came forth via telephone noting he is interested in purchasing the property abutting his and made himself available for questions from the Council.

The Council discussed the property owned by Mr. Corrette (tax map 78, lot 51, located at 9 Foch Ave Lebanon NH) and the property he wishes to purchase (tax map 78, lot 52) that included the discontinued portion of road on lot 78-52 that would be divided between the property owners at 78-51 and 78-53; and the sale of tax map 78, lot 52 as surplus property. The Council was informed that a notice of pending sale also went out to parcel 78-50.

**ACTION:**

***Councilor Bronner MOVED,***

**FOR THE PURPOSE OF** deeming Tax Map 78, Lot 52 located on Foch Avenue, Lebanon, as Surplus City Property and authorizing the City Manager to dispose of said property.

**BE IT HEREBY RESOLVED** that the Lebanon City Council, after review and comment by the Lebanon School District, Planning Board, Conservation Commission, and members of City Staff, hereby authorizes the City Manager to convey, in a manner consistent with Council Policy CC-102, City Real Property Transactions, property identified as Tax Map 78, Lot 52, located on Foch Avenue, Lebanon.

***Seconded by Councilor Heistad.***

Mr. Mulholland informed the Council that the motion, as presented, allows him to convey the property without coming back for the Council’s approval.

Ms. Maville explained this is the motion that has been put forth in the past giving the City Manager authorization to convey property. Once the Purchase & Sales Agreement has been agreed to, Mr. Mulholland could come back before the Council for their authorization on the amount agreed to on the P&S agreement if they chose to.

Councilor Liot Hill felt there was no need for the City Manager to come back before the Council for this particular property but did not wanted this to become a precedent for the future.

**Roll Call Vote:**

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

None voted Nay.

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

**B. Discussion and Action to Deem Tax Map 111, Lot 3-100, Located at Riverside Drive/Fellows Hill Road, Lebanon, as Surplus City Property and to Authorize the City Manager to Convey Property to an Abutting Property Owner**

Included in the agenda packet were the: 1. March 24, 2020 email from Dan Nash, Advanced Geomatics and Design on behalf of Robert G. and John T. Oakes. 2. GIS Map and City of Lebanon Property Record Card, Tax Map 111, Lot 3-100, Fellows Hill Road, Lebanon. 3. City Council Policy, CC-102, Real Property Transactions.

Deputy City Manager Paula Maville came before the Council regarding the above matter. (Complete details of this property can be found on pages 63-86 in the agenda packet.)

City owned Parcel 111-3-100 is less than one-half acre in size and is located adjacent to the terminus of Fellows Hill Road (where it meets Route 4), Lebanon, NH.

The City Manager was contacted by Dan Nash of Advanced Geomatics and Design on behalf of Robert G. and John T. Oakes (owners of adjacent property identified as City Tax Map 111, Lot 16) regarding the disposition and purchase of parcel 111-3-100 (pages 68-69, agenda packet). In accordance with CC-102,

Section A.4, upon recommendation of the City Manager, by resolution of the City Council, the City may sell or exchange any real property or interest therein to any person who owns an interest in adjoining real property, following a determination by the City Manager that the public benefit will be served by uniting ownership of the City's real property with the adjoining property. While the Oakes property does not currently directly adjoin parcel 111-3-100, a separate request was submitted for the City to discontinue the east end of Fellows Hill Road where it runs adjacent to parcel 111-16. This portion of Fellows Hill Road does not serve any other parcel and it terminates completely where it intersects with Route 4.

In accordance with Council Policy CC-102, City Real Property Transactions, the property was put forth to the Planning Board, Conservation Commission, City Department Heads, and the Lebanon School District for consideration of future use.

The request was reviewed by the Planning Board on May 26, the Lebanon School District on May 27, and the Conservation Commission on June 11; none have recommended retention of the parcel for future use by the City. All City Department Heads have reviewed the potential for future use and recommend that the property be deemed surplus and sold.

The Council discussed the developability of this lot (i.e., the lots accessibility to a City road; how zoning might be configured; the lots topography; and the possibility of the lot being combined with an additional lot, which could then make it a developable lot).

Ms. Maville believed the intent of the purchase of this property would be to combine it with the Oak's property.

***Councilor Bronner MOVED,***

***FOR THE PURPOSE OF* deeming Tax Map 111, Lot 3-100 located on Fellows Hill Road, Lebanon, as Surplus City Property and authorizing the City Manager to dispose of said property.**

***BE IT HEREBY RESOLVED* that the Lebanon City Council, after review and comment by the Lebanon School District, Planning Board, Conservation Commission, and members of City Staff, hereby authorizes the City Manager to convey, in a manner consistent with Council Policy CC-102, City Real Property Transactions, property identified as Tax Map 111, Lot 3-100, located on Fellows Hill Road, Lebanon.**

***Seconded by Councilor Prentiss.***

The Council further discussed the potential of the Oak's property (Lot 111-16, page 69, agenda packet) and the purchase of Lot 111-3, which would create a conforming lot in an RL-1 District (minimum of 3 acres with no City sewer).

Councilor Hill preferred the City Manager come back before the Council once the P&S has been negotiated so they can discuss what a fair price for the property would be. Mr. Mulholland agreed not to sign a P&S Agreement until the Council has had an opportunity to negotiate a fair market price.

**Roll Call Vote:**

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

None voted Nay.

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

### C. Warrant for Civil Forfeiture Notice

Included in the agenda packet was the June 9, 2020 Memo from Kristin Kenniston, City Clerk re: Warrant for Civil Forfeiture.

City Clerk Kristin Kenniston came before the Council representing the Warrant for Civil Forfeiture Notice. She informed the Council that for any dog that remains unlicensed after May 31<sup>st</sup> the forfeiture fine is \$25 and a \$1.00 late fee that accumulates each month. Due to the COVID-9 Pandemic, the Clerk's office received many concerns from residents who were not able to make this deadline due to difficulties getting their pets into a Veterinarian's office for a rabies vaccination, which is a mandatory requirement for a dog license. In trying to address these concerns in the best way possible while stay within the confines of the law, it was determined by both she and City Manager Mulholland that the date could be pushed out for the collection of these fines to July 10, 2020 if agreed upon by the Council. If the Council agrees, the Clerk's office will notify the residents of the new deadline.

Councilor Zook also pointed out that Veterinarian Clinics were closed due to COVID-19.

#### **ACTION:**

***Assistant Mayor Below MOVED, that the Lebanon City Council hereby issues a warrant to City Clerk, Kristin Kenniston, authorizing the issuance of a civil forfeiture for each dog which remains unlicensed at the close of business on Friday, July 10, 2020.***

***Seconded by Councilor Liot Hill.***

#### **Roll Call Vote:**

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

None voted Nay.

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

## **10. REPORTS**

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

Mr. Mulholland updated the Council on the following:

- Overall revenues are up by 3.28% for the month of May.
- Broad Band Internet Service throughout the City: This came about due to the Stay-at-Home Executive Order from the NH Governor due to the COVID-19 Pandemic that revealed inadequacies in terms of internet access. The Planning Department is looking into this and inquiries have been made with internet providers, which resulted in only minor success.

The Governor is proposing a \$50M Grant, which would be distributed to service rural areas that are currently unserved or underserved. It is uncertain if these funds would be available to Lebanon, as a City, because the terms of the grant only mentioned towns. It was also unclear who could apply for these funds (i.e., communication companies or municipalities). A guidance document from the Governor is pending.

- The September 8, 2020 and November 3, 2020 Elections: The Secretary of State and Governor's offices have been contacted regarding whether Lebanon can consolidate down to one (1) polling location due to the difficulty the City is having in finding poll workers. Since current poll workers are at more risk for COVID-19 this is causing the shortage making it more difficult to staff three (3) polling places. Also, all replacement poll workers will need to be trained



Council Sykes expressed his concerns about having only one polling place for those voters who work and do not know about the process for voting through an absentee ballot.

Ms. Kenniston said she has been looking into options if allowed to consolidate down to one polling location, noting the Clerk’s Office is trying to get a deal with the Airport for the use of one of their hangars. This location would provide plenty of parking and a large space for social distancing.

- Tax Payment Plan: Waiting for the Governor’s decision.

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

Councilor Sykes gave an update on the County Budget. The County’s Executive Board has made some recommendations to bring before the full delegation for a vote on Monday, June 22, 2020 at 9:00 AM. The current recommendation is that there will be a budget of \$48,527,310, with the amount of \$26,972,548 to be raised by taxes. This represents a decrease of .42% of the amount to be raised by taxes in fiscal year 2020.

Councilor Prentiss felt it is important for the City to hold a briefing with Chief Mello regarding the status of Lebanon’s law enforcement in response to what is happening throughout the country. Mayor McNamara said this will be taking place at the July 1, 2020 City Council meeting and informed the Council that Governor Sununu will be appointing a Commission at the State level, whose report should be forthcoming in approximately 45 days.

In response to Councilor Prentiss’s question regarding the confusion on left turn lanes on Rte. 12A, Mayor McNamara said the temporary lane markings are not reflective of what the permanent markings will be. Final striping will be done on June 18, 2020.

Councilor Winny informed the Council that the Lebanon Airport TIF District had its first meeting, noting there are a couple of vacant positions which need to be filled by Lebanon residents. One is for a property owner occupant and the other is for a citizen representative. Any interested parties should consider applying for these positions.

Councilor Hill updated the Council on the Fair & Impartial Policing Task Force (FIPTF), noting they have had two meetings so far and another meeting is scheduled. The Task Force has agreed to meet every other Tuesday over the course of the summer with a goal to have recommendations to the City Council by the end of September. They are dedicating ½ hour of each meeting for public testimony for those who wish to share their thoughts. Meetings will be posted on the City’s website and she hopes to hear from members of the public over the course of the summer.

**11. FUTURE AGENDA ITEMS:**

**12. NON-PUBLIC SESSION: NONE**

**13. ADJOURNMENT:**

*Councilor Bronner MOVED for adjournment.  
Seconded by Councilor Heistad.*

**Roll Call Vote:**

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

None voted Nay.

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

**The meeting was adjourned at 8:16 PM.**

Respectfully submitted,

Dona E. Gibson

Recording Secretary