

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Council Chambers - City Hall
Wednesday, July 10, 2019
7:00 p.m.**

MEMBERS PRESENT: Mayor Tim McNamara, Assistant Mayor Clifton Below, Bruce Bronner, Erling Heistad, Karen Liot Hill, Suzanne Prentiss, Shane Smith

MEMBERS ABSENT: Karen Zook, Jim Winny

STAFF PRESENT: City Manager Shaun Mulholland (via telephone), Deputy City Manager Paula Maville, City Clerk Sandra Allard, Planning & Zoning Director David Brooks, Finance Director Greg Colby, Public Works Director Jim Donison, HR Director Gloria Leskiewicz, Lebanon Libraries Director Sean Fleming, Solid Waste Manager Marc Morgan, City Consultant Shelley Hadfield

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

1. PLEDGE OF ALLEGIANCE: Councilor Prentiss led the Council in the Pledge.

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

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

4. RECOGNITIONS: None

5. ACCEPTANCE OF MINUTES:

- June 19, 2019 (Regular Session)

Amendments: Page 7, line 19: Add “when” before this; Page 11, line 11: Add “Buildings” after Resilient.

Councilor Prentiss MOVED to approve the June 19, 2019 (Regular Session) Minutes as amended and presented in the July 10, 2019 agenda packet.

Seconded by Councilor Heistad.

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

- June 26, 2019 (Special Session)

Amendments: Page 1, line 5: Councilor Heistad led the Council in the Pledge; Page 2, line 27: change “composting” to “collection”; line 33: change “Beaushane” to “Beauchene”; Page 3, lines 7 & 14: change “7/PPT” to “70 PPT”; Page 4, line 17: change “17 lbs.” to “1700 lbs.”; Page 5, line 45: change “resident” to “residential”; Page 6, line 2: change “or” to “and”

Vice Chair Below MOVED to approve the June 26, 2019 (Special Session) Minutes as amended and presented in the July 10, 2019 agenda packet.

Seconded by Councilor Hill.

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

6. APPOINTMENTS:

- Lebanon Energy Advisory Committee: Woody Rothe (Regular Member)
Councilor Bronner nominated Woody Rothe for reappointment as a Regular Member of the Lebanon Energy Advisory Committee. Two-year term (7/19-7/21).
**The Vote on the nomination was unanimous (7-0).*

- Pedestrian & Bicyclist Advisory Committee: Alex Belenz (Alternate Member)
Councilor Hill nominated Alex Belenz as an Alternate Member of the Pedestrian & Bicyclist Advisory Committee. Three-year term (7/19-7/22).
**The Vote on the nomination was unanimous (7-0).*

- Alan Schnur (Regular Member)
Vice Chair Below nominated Alan Schnur for reappointment as a Regular Member of the Pedestrian & Bicyclist Advisory Committee. Three-year term (7/19-7/22)
**The Vote on the nomination was unanimous (7-0).*

- Planning Board: Matthew Cole (Regular Member)
City Manager Shaun Mulholland nominated Matthew Cole as a Regular Member of the Planning Board. Unexpired term (7/19-1/21).
**The Vote on the nomination was unanimous (7-0).*

7. PUBLIC HEARING ITEMS:

A. ORDINANCE #2019-07 ECONOMIC DEVELOPMENT COMMISSION

Public Hearing for the purpose of receiving public input and taking action to amend City Code, Chapter 31, Board, Committees & Commission to establish an Economic Development Commission. (PH Set 6/5/19)

Ms. Maville came forth representing the above item stating that the purpose of this Ordinance amendment is to convert the Economic Vitality Exchange Commission (EVEC) into a more formalized Economic Development Commission (EDC). Ordinance #2019-07 has been reviewed for legal compliance and an opinion in accordance with City Code Chapter 115 has been provided by Attorney Christine Filmore. One minor change has been made to §31-43, based on her opinion, to change the reference to the Economic Vitality Exchange Committee (EVEC) to the Economic Development Commission (EDC). The EDC will also be charged with making an appointment to the TIF District rather than the EVEC.

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

ACTION:

Councilor Hill MOVED, that the Lebanon City Council hereby adopts Ordinance #2019-07 to amend City Code Chapter 31, Boards, Committees & Commissions, to establish an Economic Development Commission.

Seconded by Councilor Prentiss.

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

B. ORDINANCE #18 (LIBRARY POSITIONS)

Public Hearing for the purpose of receiving public input and taking action to amend Ordinance #18, Salary Plan to move the positions of Children’s Librarian (Grade 9), Young Adult Librarian (Grade 8) and Systems Librarian (Grade 9) from the LPASE Bargaining Unit to the Non-Affiliated Employee Unit, Grades 8, 8, and 8, respectively. (PH Set 6/5/19).

Ms. Gloria Leskiewicz, Human Resources Director, came forth representing the above changes in Ordinance #18 as listed above.

Due to a mutual agreement between the City of Lebanon and the Lebanon Professional, Administrative, Salaried Employees Bargaining Unit (LPASE), a Modification Petition was filed on March 25, 2019, with the New Hampshire Public Employee Labor Relations Board to remove four (4) Library positions from LPASE and place three (3) into a Nonunion affiliated salary plan.

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

ACTION:

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

- 1. Amend Article III, Bargaining Unit Employees, Lebanon Professional, Administrative, Salaried Employees (LPASE) by removing the full-time positions of Branch Librarian Coordinator (Grade 6), Children’s Librarian (Grade 9), Systems Librarian (Grade 9), and Young Adult Librarian (Grade 8).**
- 2. Amend Article II, Non-Affiliated Unit Employees by adding the full-time positions of Children’s Librarian (Grade 8), Young Adult Librarian (Grade 8), and Systems Librarian (Grade 9).**

RESOLUTION:

FOR THE PURPOSE OF amending Ordinance No. 18, Salary Plan.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council amends Ordinance No. 18, Article III, Bargaining Unit Employees, Lebanon Professional, Administrative, Salaried Employees (LPASE) by removing the full-time positions of Branch Librarian Coordinator (Grade 6), Children’s Librarian (Grade 9), Systems Librarian (Grade 9), and Young Adult Librarian (Grade 8). The Lebanon Professional Administrative, Salaried Employees index follows. Be it further resolved that the Lebanon City Council amend Ordinance #18, Article II, Nonaffiliated Unit Employees by adding the full-time Children’s Librarian (Grade 8), Young Adult Librarian (Grade 8), and Systems Librarian (Grade 9), followed by the Nonaffiliated Employees Pay Grade Schedule.

LEBANON PROFESSIONAL, ADMINISTRATIVE, SALARIED EMPLOYEES (LPASE)

APPENDIX B - LPASE - 2019 Salary Grade		Minimum	Step 2	Step 3	Step 4	Step 5	Step 6	Maximum
Grade Position Title		Step 1	\$25.21	\$26.22	\$27.23	\$28.25	\$29.22	Step 7
		\$24.20						\$30.24
6-Branch Librarian-Coordinator								
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
	Fleet Maintenance Superintendent	\$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
	Utilities Maintenance Superintendent	\$30.52	\$32.29	\$34.06	\$35.85	\$37.61	\$39.39	\$41.17
10	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

NON-AFFILIATED EMPLOYEES

Non-Affiliated Employees 2019					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	-	\$16.26	\$21.96	-	-
2	Custodian	\$17.24	\$23.27	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.27	\$24.67	-	-
	Custodian I	-	-	-	-
4	Library Assistant	\$19.37	\$26.15	-	-
5	-	\$20.53	\$27.71	-	-
6	-	\$21.76	\$29.37	-	-
7	Administrative Secretary	\$23.06	\$31.14	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Administrative Assistant	\$24.45	\$33.01	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Children's Librarian	-	-	-	-
	Young Adult Librarian	-	-	\$978.00	\$1,320.40
9	Executive Assistant	\$26.89	\$36.30	-	-
	Information Technology Librarian	-	-	-	-
	Systems Librarian	-	-	\$1,075.60	\$1,452.00
10	Financial Analyst	\$29.58	\$39.93	\$1,183.18	\$1,597.28
	Human Services Director	-	-	-	-

Seconded by Councilor Heistad.

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

C. ORDINANCE #2019-08 CHAPTER 74

Public Hearing for the purpose of receiving public input and taking action to amend City Code Chapter 74, Flood Damage Prevention, to clarify the types of new residential construction permitted in special flood hazard areas. (PH Set 6/19/19)

Mr. David Brooks, Planning Director, came forth representing the above Ordinance change.

Development occurring in areas of special flood hazard (i.e. the 100-year floodplain) within the City is currently regulated by City Code Chapter 74, Flood Damage Prevention, originally adopted by the City Council on June 4, 1980 in order to comply with the National Flood Insurance Program (NFIP) requirements being enacted at that time.

Section 74.21.A addresses Special Standards for residential construction within the 100-year floodplain and reads as follows:

“New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. New residential construction shall be limited to single-family dwelling units.”

City staff has recently been asked about the interpretation and application of the second sentence of this section (as highlighted above), limiting new residential construction to single-family dwelling units, as it relates to potential redevelopment opportunities along Spencer Street. With Ordinance 2019-08, changes are proposed to Chapter 74 to remove this restriction.

Mr. Brooks provided details regarding the requested changes in a memo included in the June 19, 2019 agenda packet.

In response to Mayor McNamara’s question, Mr. Brooks informed the Council that the lowest occupied floor has to be above the flood level, there cannot be a basement, but parking on the lower level would be permitted.

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

ACTION:

Councilor Hill MOVED, that the Lebanon City Council hereby adopts Ordinance #2019-08 to amend City Code Chapter 74, Flood Damage Protection.

Seconded by Councilor Bronner.

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

Mr. Brooks said a request has been sent to the State to have portions of the Mascoma River drainage area remapped due to development along the river since 1980 because certain areas along the floodplain may not be correctly depicted. He is unsure of where this request currently stands at the State level.

D. PROPERTY ACQUISITION CAPITAL RESERVE FUND

Public Hearing for the purpose of receiving public input and taking action to amend the purpose of the Property Acquisition Capital Reserve Fund established December 19, 2018. (PH Set 6/19/19)

Ms. Paula Maville and Mr. Greg Colby came forth representing the above amendment.

This fund is to aggregate resources to acquire real estate, or interests in real estate, as deemed in the City’s interest. The present purpose and name of the fund is very broad, so the primary objective is to narrowly define this Capital Reserve Fund for the purposes intended and is redefined as follows:

“Library Facilities Capital Improvement Fund” – The purpose of the fund will be to “acquire property, construct new facilities, or renovate existing library facilities.” The City Manager shall be the agent of the City to carry out the purpose of this Fund as established by the City Council.

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

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby renames the “Property Acquisition Capital Reserve Fund,” originally established December 19, 2018, to the “Library Facilities Capital Improvement Fund.”

BE IT FURTHER MOVED, that the purpose of the Library Facilities Capital Reserve Fund is to “acquire property, construct new facilities, or renovate existing library facilities.” The City Manager shall be the agent of the City to carry out the purpose of this fund as established by the City Council.

Seconded by Councilor Hill.

****The Vote on Motion passed (7-0).***

8. OLD BUSINESS

A. ORDINANCE #2019-09, LANDFILL REGULATIONS

Continuation of Discussion: Ordinance #2019-09 to repeal City Code Chapter 143, Solid Waste; and repeal and replace City Code Chapter 97, Landfill Regulations. (Public Hearing has been set for July 24, 2019)

Ordinance #2019-09 was presented to the Council for review on June 26, 2019. During the discussion, a number of questions were raised which required further input for clarification from City staff based on the June 26th discussion. The public hearing on the ordinance has been set for July 24th.

Mr. Jim Donison and Mr. Marc Morgan came forth representing the proposed amendments to Ordinance #2019-09 and to facilitate a discussion on the above repeal and replace of this ordinance. Included in the agenda packet for this meeting were the proposed amendments (highlighted in RED), a table of the proposed fee schedule, and a letter from Drummond Woodsum, Attorneys at Law.

Mayor McNamara said he agrees with Councilor Bronner’s comment from the June 26th meeting that the current charges (\$120/ton) for C&D Debris may not be adequate, and his proposal is to change the fee to \$150/ton.

Vice Chair Below presented his interpretation of the discussion regarding C&D Debris, both processed and unprocessed, that took place on June 26, 2019. He was curious if the chipping and processing would be done outdoors or in an enclosed structure. Mr. Morgan said it would be done outdoors.

Assistant Mayor Below handed out a sheet of proposed amendments to the amendments (not included in the agenda packet) for the record and discussion. His proposed amendments to the amendments and discussions were as follows:

1. Amend § 97-3.D to read as Unprocessed Construction and Demolition Debris by adding: “*except for specific items or types of items authorized in writing by the Public Works Director as most appropriately disposed of in the Landfill.*”

Assistant Mayor Below said that basically anything that is not ground up into 2” pieces is unprocessed and gave examples of the materials that could be compacted and those that could not. One of his concerns was lead-based paint waste, noting that under the NH DES rules, this is not considered hazardous waste unless it’s from a complete demolition of a building or a commercial building and has a certain concentration of lead in it, which requires testing. If lead-based paint waste comes out of a residential property, regardless of the size of the residential property, it is not considered hazardous waste unless it is in a solvent type form. He said that under NH DES rules, if this type of material is to be processed or chipped up in any way, it should be done in an enclosed space to contain the dust. He did not feel that it was a good idea to chip up lead-based paint waste.

Councilor Hill was uncertain if an amendment was needed because the Public Works Director will be making specific rules on how employees handle different sorts of C&D waste. Assistant Mayor Below referred to the definition of Unprocessed C&D Debris and said this definition would make it clear that it is up to the discretion of the Public Works Director, after processing, on what could go into the landfill.

2. (§ 97-4) Amend the definition of Construction and Demolition (C&D) Debris to read: Waste building materials resulting from construction, remodeling, repair or demotion operation, including but not limited to, asphalt shingles, clean lumber, treated lumber (pressure-treated, painted, stained, etc.), plywood, sheetrock, and aggregates; *but not including any Hazardous Waste.*

Mr. Morgan said he did not have a concern with these two definition amendments.

3. (§ 97-4) Amend the definition of Commercial Refuse to read: Discarded waste materials in a solid state from any commercial or industrial source, including multi-family dwellings and condominium dwellings with more than five dwelling units, *and may include not more than one household sized bag of small nonrecyclable C&D debris, such as floor sweepings, per facility account per week.*

For this amendment, Mr. Morgan said he appreciated the intent but noted it was difficult to regulate what someone was doing in their house. At the facility, staff manages waste from 21 other communities that have curb side collection and described the difficulties it would cause to try and monitor each household’s account per week. He stated his reasons why this would be an enforcement burden.

Councilor Below, after explaining his reasonings for this amendment, felt it was reasonable to allow very small quantities of C&D debris to go into the landfill.

Councilor Hill said that part of what is being done with this ordinance is signaling to the residents and commercial haulers to be more mindful about how they deal with their refuse, whether it is household waste, recycling or related to construction. Why should residents not have to pay the \$120/\$150 rate for C&D debris, noting that the burden is going to fall heavily on the haulers that would require some substantial changes in their business practices. We are also asking residents to work together with all of us in preserving the life of the landfill for the current and futures generations of Lebanon. This may require a third bin in homes for C&D debris. She asked people to consider a new paradigm for how waste

is handled in Lebanon and felt it was fair to ask the residents to engage in similarly mindful practices that haulers would be required to follow.

Councilor Bronner said this is a difficult issue, noting that 90% of this refuse comes in a huge truck that is either compacted or from a roll-off container. These haulers are willing to pay the extra money to not have to sort it. The idea that this could be processed under cover is just not practical if you look at the scope of what the landfill will be doing.

Mr. Morgan informed the Council about alternatives for processing C&D outdoors, i.e., using a sprayer to contain dust. He also noted there would be uncertainty of the amount of C&D debris that would be coming into the facility, estimated at 10K/tons per year, once the rate is set. In addition, it would affect how staff is working with haulers on compliance issues, and how solid waste management is changing. The hole that Lebanon enjoys putting its garbage into is not getting larger, and there are not more landfills being constructed anywhere. To preserve what Lebanon has makes sense.

Councilor Heistad said that what is not being talked about is how much imposition is being placed on the City's employees and what they have to do to handle this waste. If we get into too much sorting, the City would need more employees, and more costs would be imposed on residents. We need to have something in place that would allow waste to move through the system smoothly; and he is concerned that if this ordinance becomes too refined, it would cause a bottleneck in terms of how the City deals with waste.

More discussions ensued about the disposal of residential/contractor C&D debris, with Mr. Morgan stating that staff would not be opening black bags. They are only going to verifying the bags contents according to what the customer has told them. Mr. Morgan also explained how the facility manages the prohibition of C&D debris as well as MSW (Mixed Solid Waste).

4. (§ 97-4) Amend definition of Landfill Use to read as : *This term includes residents of and businesses and organizations located within the City of Lebanon, residents of and businesses and organizations located within municipalities in the States of New Hampshire and Vermont for which the City has an agreement to use the Lebanon Solid Waste Facility, and properly authorized waste haulers.*

5. (§ 97-4) Amend definition of Mixed Loads by adding, after Debris: *except for di minimis amounts included in the definition of Commercial Refuse of Residential Refuse.*

Mr. Morgan said this amendment would be another enforcement issue and reiterated that his staff will not be touching any bags, only verifying them, noting that staff has been stuck by needles and cut on glass which are inherent dangers and safety issues.

6. (§ 97-4) Amend definition of Processed Construction and Demolition Debris to read:
Construction and Demolition Debris that has been sorted and screened to remove contaminants ~~like~~ such as *lead-based paint waste and or asbestos* as well as valuable recyclable material such as metal, mixed aggregates, and cardboard. Resultant processed product must be less than 2" in size per piece/section and able to be utilized as a cover material for the landfill, *except for items or types of items authorized in writing by the Public Works Director as most appropriately disposed of in the Landfill.*

7. (§ 97-4) Amend the definition of Residential refuse by adding after declaration: *and may include not more than one household sized bag of small, nonrecyclable C&D Debris, such as floor sweepings, per dwelling unit per week.*

8. (§ 97-4) Amend definition of Unprocessed Construction and Demolition Debris to read as:
Construction and Demolition debris that has not been processed according to the above definition of

“Processed Construction and Demolition Debris *but does not include di minimis amounts of small nonrecyclable C&D Debris disposed of within the of ~~Commercial Refuse or Household Refuse~~*.
9. (§ 97-7.F) Mixed loads: Change original amendment’s last sentence to read: Commercial mixed loads containing C&D debris *not within the definition of ~~Commercial Refuse or Residential Refuse~~* will be rejected.

Mayor McNamara clarified that Mr. Morgan had no problems with Assistant Mayor Below’s amendment edits for #1, #2, #4 and #6. Mr. Morgan concurred. He also clarified that Mr. Morgan would prefer not to have the other amendments suggested by Assistant Mayor Below included in the ordinance due to management concerns. Mr. Morgan concurred.

Mayor McNamara called for a motion on Assistant Mayor Below’s proposed amendments #1, #2, #4 & #6, that would also include, in the fee schedule, an increase in the Commercial C&D debris rate for \$120./ton to \$150./ton.

Councilor Hill requested that Assistant Mayor Below’s amendments and the fees be separated.

ACTION:

Assistant Mayor Below MOVED that the text of the proposed Ordinance #2019-09 be amended as described in items #1, #2, #4 and #6 of his handout.

Seconded by Councilor Hill.

****The Vote on the Motion was (6-1). Councilor Bronner opposed.***

Councilor Bronner spoke about the proposed fees for C&D debris, noting what others were charging around the area. He was uncertain if the City should go to \$150./ton, but felt the City should be between \$140 to \$150. That, in itself, would act as a moderator on how much C&D debris the City would receive.

The Council had further discussions regarding the fee charges for C&D Debris, with Councilor Hill stating her reasons why fee increases should be done gradually: setting aside some of the increased C&D debris fees for future use and/or to help defray the cost of a PFAS resolution; the fees are being charged in other areas; the resident vs. nonresident fee rates; the potential of creating a permit system; the legal opinion (as provided in the agenda packet); and cost recovery.

ACTION:

Councilor Bronner moved that the City Council change the proposed rate of C&D debris from \$120./ton to \$135./ton.

Seconded by Councilor Prentiss.

Assistant Mayor Below questioned if these fees would only be for Commercial C&D debris and noted the different rate structure for residential customers.

Councilor Heistad presented his reasoning for going to \$150./ton, noting that expenses could be large ones in the future. He felt that the Council needed to look ahead and put money away so this project pays for itself in the future.

Councilor Heistad MOVED to amend Councilor Bronner’s motion from \$135./ton to \$150./ton. Seconded by Councilor Smith.

****The Vote on the amendment to go to \$150./ton passed (5-2). Assistant Mayor Below and Councilor Hill opposed.***

Assistant Mayor Below MOVED that his proposed amendment edits be approved as follows:

- *#7 (as written above)*
- *#8 (striking out the reference to Commercial Refuse) to read as follows: § 97-4: Amend definition of Unprocessed Construction and Demolition debris to read as: Construction and Demolition debris that has not been processed according to above definition of “Processed Construction and Demolition Debris but does not include di minimis amounts of small nonrecyclable C&D Debris disposed of within the definition of ~~Commercial Refuse~~ or Household Refuse, which is no more than one small household bag per week per dwelling.*
- *#9 (striking out reference to Commercial Refuse) to read as follows: § 97-7: Commercial mixed loads containing C&D debris not within the definition of ~~Commercial Refuse~~ or Residential Refuse will be rejected.*

**The Vote on the Motion failed due to lack of a second.*

B. Westboro Yard : No Report

9. NEW BUSINESS

A. Review of Capital Reserve Fund Policy:

Mr. Greg Colby, Finance Director, came forth representing the above Policy and gave a brief review of the funds.

The purpose of this policy is to achieve and maintain capital reserve fund capacity and capability as a pay-go financing supplement or alternative to debt issuance and applies to all major operating funds of the City. The policy requires an annual review by the City Council and changes are made as warranted. The policy has also been amended to include the “Library Facilities Capital Improvement Fund.”

Assistant Mayor Below said that the 4 Suzor Court lease (referenced on page 108 of the agenda packet) has been sold to Geokon, so the City will no longer have revenue going into that account.

Councilor Hill asked if the Landfill Reserve Funds could be accessed to help address the PFAS issue that may be coming. She did not require an answer tonight but would like to have a PFAS discussion in the future.

ACTION: No action is required by the Council. For informational purposes only.

B. Ordinance #18 (IT Position)

First Reading & Set Public Hearing for August 7, 2019: Amendment to Ordinance #18, Salary Plan, Article II, Non-Affiliated Employees to add the positions of Information Technology Specialist (Grade 9), Digital Media Officer (Grade 9), Systems and Information Technology Administrator (Grade 13), and Information Technology Director (Grade 15)

Ms. Gloria Leskiewicz, Human Resources Director, came forth representing the above amendment to Ordinance #18. This request is due to a decision the City made to move the IT operation from an outside consultant service to an inhouse division. This was adopted in the 2019 budget.

ACTION:

(1) PRESENTATION:

Councilor Prentiss MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated Employees by adding the positions of Technology Specialist (Grade 9), Digital Media Officer (Grade 9), Systems and Information Technology Administrator (Grade 13), and Information Technology Director (Grade 15).

(2) SCHEDULE PUBLIC HEARING:

Councilor Prentiss also MOVED, that the Lebanon City Council schedules a public hearing for August 7, 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, Article II, Non-Affiliated Employees by adding the positions of Technology Specialist (Grade 9), Digital Media Officer (Grade 9), Systems and Information Technology Administrator (Grade 13), and Information Technology Director (Grade 15). Changes to the classification schedules are shown in red italics on a table on page 113 of the Council packet (and included below).

Non-Affiliated Employees 2019					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	-	\$18.28	\$21.96	-	-
2	Custodian	\$17.24	\$23.27	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.27	\$24.67	-	-
	Custodian I	-	-	-	-
4	Library Assistant	\$19.37	\$26.15	-	-
5	-	\$20.53	\$27.71	-	-
6	-	\$21.76	\$29.37	-	-
7	Administrative Secretary	\$23.08	\$31.14	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Administrative Assistant	\$24.45	\$33.01	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Children's Librarian	-	-	\$978.00	\$1,320.40
	Young Adult Librarian	-	-	-	-
9	Executive Assistant	\$26.89	\$36.30	-	-
	Information Technology Librarian	-	-	-	-
	<i>Digital Media Officer</i>	-	-	-	-
	<i>Information Technology Technical Specialist</i>	-	-	-	-
	Systems Librarian	-	-	\$1,075.60	\$1,452.00
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	-	-	-	-
	<i>Systems and Information Technology Administrator</i>	-	-	-	-
14	Assistant Director/Public Works	-	-	\$1,551.31	\$2,094.27
15	Deputy City Manager	-	-	\$1,644.47	\$2,219.85
	<i>Information Technology Director</i>	-	-	-	-
16	Chief of Police	-	-	\$1,742.97	\$2,352.82
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-

The Motions were seconded by Councilor Hill.

**The Vote on the Motions passed (7-0)*

C. Ordinance #2019-10 – CH 181

Discussion & Set Public Hearing for July 24, 2019: Ordinance #2019-10 to amend City Code Chapter 181, Water & Sewer Main Extensions, §181-8, Temporary Limitations on Sewer Extensions, to extend the Sunset Provision until December 31, 2019.

Ms. Paula Maville came forth representing the above Ordinance amendment.

On January 2, 2019, the Council acted to extend the temporary limitation to July 31, 2019 in order to provide an opportunity to formulate language to amend the Code and develop a construction project to upgrade portions of the interceptor to increase capacity. An extension is being requested to extend the Sunset Provision until December 31, 2019.

Mayor McNamara informed the Council about projects that are underway that will add 125K - 200K gallons/day to the City's capacity, i.e., the interceptor improvements in the Rte. 12A area and changes on how the City defines the number of gallons/day assigned to a bedroom.

Ms. Maville said the City is also able to increase the threshold for pipes (from 80% to 95%), which will also help to increase capacity. The biggest thing is getting the language that the City needs into Chapter 181 and both the Subdivision and Site Plan Review Regulations.

Mayor McNamara said the City is not just kicking the can down the road. There is progress being made on a number of items, both practical things and changes to the City's regulations, all of which will increase the City's capacity significantly. It was his opinion that this temporary limitation needs to be extended until the end of the year to get the Council to the point where we really know what the City will have for capacity.

Councilor Prentiss concurred with Mayor McNamara. She understands that some people are running out of patience but stressed this needs to be done the right way.

Councilor Hill agreed with having this project done the right way and that more time is needed to get the language worked out, but asked the Council to consider doing a 60-day extension instead of a full 5-month extension in order to put some pressure on the City Administration to get this language done sooner rather than later. She would prefer not to keep extending it indefinitely.

Mayor McNamara said he would normally be in support of Councilor Hill's request, but in this case the City would be gaining most of its capacity through the construction that will happen on Rte. 12A. This project would most likely not start until August and would not be finished until October or November.

Councilor Hill said there are two points to the extension request: 1) the physical improvement, and 2) modifications to the City's regulations to free up capacity. To the extent those two things can be separated and a fast track put on the paper modifications, she felt the Council should only extend this for 60 days.

Ms. Maville appreciated where Councilor Hill was coming from, but she would need time to go back and forth with legal, and 60 days would not be enough time for this. City Administration just finished their LEAN process so Public Works is still working out some of the ways the City is going to be able to utilize this model (LEAN) to help Staff look at not only what we are doing on the interceptor, but to look at what we are doing in the collection system that meets the interceptor. Sixty (60) days is just is not realistic.

Councilor Heistad said Staff needs to be supported and the Council needs to allow Staff time to do it right. We need to get something that works for the City rather than pushing forward because someone is asking the City to get out of the way so they can do a project. We need projects, but we need to do them in a way that works for the City.

Councilor Below was sympathetic to Council Hill’s concern but noted the short-term complications. He said it made sense to go to the end of the year at this point.

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedule a public hearing for July 24, 2019, beginning at 7:00pm in Council Chambers, City Hall, for the purpose of receiving public input and taking action on Proposed Ordinance 2019-10, to amend the Code of the City of Lebanon, Chapter 181, Water and Sewer Main Extension, by amending Section 181-8.D, Temporary Limitation on Sewer Extensions, to extend the Sunset Provision to December 31, 2019. Seconded by Councilor Heistad.

****The Vote on the Motion was (6-1). Councilor Hill opposed.***

D. CDBG Application for Headrest

Discussion & Set Public Hearing for July 24, 2019: Housing and Public Facilities Community Development Block Grant Application for Headrest

Shelley Hadfield, City Consultant, came forth representing Headrest in the above application.

Headrest was before the City Council in April 2019 to request support for a CDBG Feasibility Study Grant to assess the status of their building at 14 Church Street, Lebanon for a small 4-bed expansion of their low-intensity treatment facility. The Community Development Finance Authority has awarded the Feasibility Study Grant. This has been moving ahead a lot faster than anticipated so Headrest is now requesting that the Council support an application for a Community Development Block Grant (Housing and Public Facilities) for up to \$500,000 to implement the scope of work identified in the Feasibility Study.

ACTION:

Councilor Prentiss MOVED, that the Lebanon City Council hereby schedules public hearings for Wednesday, July 24, 2019, beginning at 7:00 pm in Council Chambers, City Hall as follows:

- 1. Public hearing for the purpose of receiving public input and taking action on a proposed Housing and Public Facilities grant application for up to \$500,000 in CDBG funds (to be sub-granted to Headrest); and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and Contract.**
- 2. Public hearing for the purpose of receiving public input and taking action to adopt the City of Lebanon Anti-Displacement and Relocation Plan for Headrest.**

Seconded by Councilor Smith.

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

10. REPORTS

A. City Manager: No report.

B. Council Representatives to Other Bodies: No Report.

11. FUTURE AGENDA ITEMS: None

12. NON-PUBLIC SESSION: None

13. ADJOURNMENT:

Councilor Bronner moved for adjournment.

Seconded by Councilor Smith.

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

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary