

FINAL

**LEBANON CITY COUNCIL  
MINUTES, REGULAR SESSION  
Council Chambers - City Hall  
Wednesday, August 21, 2019  
7:00 p.m.**

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Sandra Allard, Police Chief Richard Mello, Fire Chief Chris Christopoulos, City Attorney Adele Fulton, Director of Public Works Jim Donison, Energy & Facilities Manager Tad Montgomery

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Mayor McNamara called the meeting to order at 7:01 p.m.

Suzanne Prentiss was present via conference call because she was out of town for work in Virginia.

Mayor McNamara announced that any votes taken at this meeting will need to be by roll call vote due to one member participating electronically (Councilor Prentiss).

1. **PLEDGE OF ALLEGIANCE:** Councilor Winny led the Council in the Pledge.
2. **PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
3. **OPEN TO PUBLIC:** No one from the public came forth.
4. **RECOGNITIONS:** None
5. **ACCEPTANCE OF MINUTES:**
  - July 24, 2019 (Regular Session)

***Councilor Bronner MOVED to approve the July 24, 2019 (Regular Session) minutes as written and provided in the August 21, 2019 agenda packet.  
Seconded by Councilor Winny.***

***Roll Call Vote:***

***Mayor Tim McNamara, Assistant Mayor Clifton Below, Councilors Bronner, Heistad, Prentiss, Hill, Winny, and Zook all voting in favor. Councilor Sykes abstained because he was not a member of the Council when this session took place.***

***\*The Vote on the MOTION passed (8-1).***

- August 7, 2019 (Non-Public Session)

**Councilor Winny *MOVED* to approve the August 7, 2019 (Non-Public Session) minutes as written and provided in the August 21, 2019 agenda packet.  
Seconded by Councilor Heistad.**

**Roll Call Vote:**

***Mayor Tim McNamara, Assistant Mayor Clifton Below, Councilors Bronner, Heistad, Prentiss, Hill, Winny, and Zook all voting in favor. Councilor Sykes abstained because he was not a member of the Council when this session took place.***

***\*The Vote on the MOTION passed (8-1).***

- August 7, 2019 (Regular Session)

**Councilor Hill *MOVED* to approve the August 7, 2019 (Regular Session) minutes as written and provided in the August 21, 2019 agenda packet.  
Seconded by Councilor Prentiss.**

**Roll Call Vote:**

***Mayor Tim McNamara, Assistant Mayor Clifton Below, Councilors Bronner, Heistad, Prentiss, Hill, Winny, and Zook all voting in favor. Councilor Sykes abstained because he was not a member of the Council when this session took place.***

***\*The Vote on the MOTION passed (8-1).***

**6. APPOINTMENTS:**

- Library Board of Trustees: Emma Wunsch (Alternate Member)

**Councilor Heistad nominated Emma Wunsch for Reappointment as an alternate member of the Library Board of Trustees. One-year term (8/19 – 8/20).**

**Roll Call Vote:**

***Mayor Tim McNamara, Assistant Mayor Clifton Below, Councilors Bronner, Heistad, Prentiss, Hill, Winny, Zook and Sykes all voting in favor.***

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

**7. PUBLIC HEARING ITEMS:**

**A. ORDINANCE #2019-05 ADOPTION OF AMENDED AIRPORT RULES &**

**REGULATIONS:** Public Hearing for the purpose of receiving public input and taking action to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules & Regulations. (PH Set 7/24/19)

Interim Airport Manager Chris Christopoulos and City Attorney Adele Fulton came forth representing the adoption of Ordinance #2019-05 to amend the Airport Rules & Regulations.

The Rules and Regulations for Operation of the Airport were adopted in 1993, and other than an amendment to the Landing Fees in 2018, have not been revised since. A fully revised version based on staff review and input from existing airport tenants, along with an attached memo from Interim Airport Manager, Chris Christopoulos, was included in the agenda packet.

Mr. Christopoulos presented a brief history of the Rules and Regulations for Airport Operations, an overview of the proposed amendments, and a summary of major changes made to the existing Regulations. He noted that the list of commercial aeronautical activities and associated required minimum standards has been expanded. These standards included meeting minimum dimensional requirements, operating agreements, annual submission of insurance documents, and a new commercial operator category for transient service providers. Transient service providers will be required to obtain a permit and approval from the Airport Manager, along with proof of insurance, before conducting commercial activities at the airport. For equitable treatment of the airport's current leases, he felt it was also important to implement, or look at a fee structure, for transient operators. The proposed fees would be based on the type of aircraft being serviced/repaired or providing flight training as follows: Smaller Piston Engine aircraft would be \$250 per occurrence; Turbo Prop Engine aircraft would be \$500 per occurrence; and Turbine Engine aircraft would be \$750 per occurrence. Based on the feedback from tenants, considerable information in the Rules and Regulations were vetted extensively and the airport was able to grandfather some of the existing lease holders because the new Rules and Regulations were not applicable to them.

Attorney Fulton commented that by adding a minimum dimensional requirement, because of the shortage of space at the airport for both commercial and non-commercial operations, the dimensions can be divided up between various locals and gave examples. The intent was to make it simpler for people to accomplish the dimensional requirement and to meet the goal of an orderly development that is also safe for the public and appropriate for the use. The intent was also to grandfather anyone who is already based at and invested in the airport.

**Mayor McNamara opened the Public Hearing.**

Mr. Jason Archambeault (Co-owner of Granite Air) came forth stating that Granite Air's concern was the proposed motion to change the transient service fees for Piston Aircraft to \$250 per occurrence or a \$1K annual fee. He felt this could cause discriminatory practices and explained his viewpoint, noting that this amendment could allow someone to park outside of the fence and work from their pick-up truck while the others pay an annual fee of \$1K plus property taxes on the building and land. He recommended that the City Council adopt the Rules and Regulations, as proposed, and not include the amendment to Exhibit #1, Fee Schedule, Section 4.B, Transient Commercial Operators.

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

In response to Mayor McNamara's question, Mr. Christopoulos reiterated that transient operators would be required to have a permit and show proof of insurance to be onsite, noting the airport usually finds out who is operating onsite. Permit applications could be done online.

The Council further discussed the proposed fee structure, the number of Piston Engine aircraft that would be affected (5-10 service operations per year), and transient fees from other airports that were utilized in the 2016 market study (ranged from \$0.00, to a percentage, and all the way up to \$1,700.). Mr. Christopoulos stated the proposed amendment was the airport's attempt to try to close the gap between people who are operating on City property, generating an income, and not providing any proof of insurance. A discussion took place about tenant occupancy at the airport and how the implementation of the proposed fees might affect them.

**ACTION:**

**Councilor Hill MOVED, that the Lebanon City Council hereby adopts Ordinance #2019-05, to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules & Regulations as presented in the August 21, 2019 City Council Agenda Packet. Seconded by Councilor Below.**

Councilor Hill said the most important thing for now is to adopt the revised Airport Rules and Regulations, since it has not been updated in 26 years and questioned the urgency of the Piston Engine aircraft fee structure.

**Roll Call Vote:**

**Mayor Tim McNamara, Assistant Mayor Clifton Below, Councilors Bronner, Heistad, Prentiss, Hill, Winny, Zook and Sykes all voting in favor.**  
**\*The Vote on the MOTION was approved unanimously (9-0).**

- B. ORDINANCE #2019-11 FEE ADJUSTMENT FOR DISPOSAL OF RESIDENTIAL C&D DEBRIS:** Public Hearing for the purpose of receiving public input and taking action to amend City Code Chapter 97, Landfill Regulations, Appendix A, Fee Schedule, to change the disposal rate for Residential Construction and Demolition Debris from \$1.50 for 15 pounds to \$1.50 for 20 pounds. (PH Set 8/7/19)

In accordance with City Code Chapter 97, Section 97-7.E, by memo dated July 29, 2019, City Manager Mulholland directed that the rate for residential customers be one punch for 20 pounds of C&D until the City Council could take formal action to amend the fee schedule.

**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 hereby adopts Ordinance #2019-11 to amend City Code Chapter 97, Landfill Regulations, Appendix A – Fee Schedule as presented in the August 21, 2019 City Council Agenda Packet. Seconded by Councilor Prentiss.**

**Roll Call Vote:**

**Mayor Tim McNamara, Assistant Mayor Clifton Below, Councilors Bronner, Heistad, Prentiss, Hill, Winny, Zook and Sykes all voting in favor.**  
**\*The Vote on the MOTION was approved unanimously (9-0).**

**8. OLD BUSINESS**

- A. Ordinance #18: Presentation of Second Reading:** Amend Ordinance #18, Salary Plan, Article II Non-Affiliated Employees to reclassify the position of Deputy City Manager from a Grade 15 to a Grade 16; reclassify the position of Children's Librarian from a Grade 8 to a Grade 9; and add the position of Outreach Librarian as a Grade 8.

**ACTION:**

**Councilor Below *MOVED***, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated Employees by reclassifying the position of Deputy City Manager from a Grade 15 to a Grade 16; reclassifying the position of Children’s Librarian from a Grade 8 to a Grade 9; and adding the full-time position of Outreach Librarian as a Grade 8.

*Changes to the compensation and classification schedule shown in red italics type.*

**Non-Affiliated Employees 2019**

	Deputy Tax Collector	-	-	-	-
	<i>Outreach Librarian</i>				
	<i>Children’s Librarian</i>				
	Young Adult Librarian			\$978.00	\$1,320.40
9	Executive Assistant	\$26.89	\$36.30	-	-
	Information Technology Librarian	-	-	-	-
	Systems Librarian				
	Digital Media Officer				
	Information Technology Technical Specialist			\$1,075.60	\$1,452.00
	<i>Children’s Librarian</i>				
10	Financial Analyst	\$29.58	\$39.93	\$1,183.18	\$1,597.28
	Human Services Director	-	-	-	-
	Tax Collector	-	-	-	-
11	Deputy Library Director	-	-	\$1,302.61	\$1,758.56
12	City Clerk	-	-	\$1,380.59	\$1,863.63
	Deputy Finance Director	-	-	-	-
	Prosecuting Attorney	-	-	-	-
13	Airport Manager	-	-	\$1,463.49	\$1,975.67
	Assistant Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Recreation Director	-	-	-	-
14	Assistant Director/Public Works	-	-	\$1,551.31	\$2,094.27
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
15	Information Technology Director	-	-	\$1,644.47	\$2,219.85
16	Chief of Police	-	-	\$1,742.97	\$2,352.82
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	<i>Deputy City Manager</i>	-	-	-	-

*Seconded by Councilor Hill.*

***Roll Call Vote:***

***Mayor Tim McNamara, Assistant Mayor Clifton Below, Councilors Bronner, Heistad, Prentiss, Hill, Winny, Zook and Sykes all voting in favor.***

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

**B. Dog Licensing Civil Forfeiture Update**

NH RSA 466:16 requires the City Clerk to report back to the Council on or before August 31st with the number of owners who received and paid the civil forfeiture, the number of dogs in the City which have been seized and held, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture or license their dog.

Ms. Allard came forth to update the Council on the following Dog Licensing Civil Forfeiture Report:

As of August 1, 2019

# of Owners who received Civil Forfeiture Notices	302
# of Owners who Paid Civil Forfeiture Fees	199
# of Dogs which have been seized*	0
# of Owners who have received summons to Lebanon District Court**	20

\*The Lebanon Police Department does not seize dogs as a result of failure to license.

\*\* A list of negligent owners has been provided to the Police Department who will contact the owners. Summons have not yet been issued but are expected to be soon.

**ACTION:** No Council Action required.

**C. Westboro Yard:** No report.

**9. NEW BUSINESS**

**A. Critical Incidents Readiness Presentation:**

Lebanon Police Department (LPD) Chief Richard Mello and Lebanon Fire Department (LFD) Chief Chris Christopoulos came before the Council and presented an update regarding the City’s capabilities and level of readiness in the event of a Critical Response Incident.

LPD Chief Mello and LFD Chief Christopoulos have been collaborating on Critical Incident Readiness, in response to some of the national events that have been going on recently. They informed the Council that they would not be speaking in-depth about policy changes due to confidentiality issues but would present an overview of what they have been working on in preparation for a Critical Incident(s).

Chief Mello said the LPD has been working tirelessly over the last 3-years to make sure that their policies, staffing, equipment, and capabilities are up to speed with the services that they need to provide to the City. These services not only includes Critical Incidents, but City-wide services that are needed from a public safety standpoint. Their Policies and Procedures now have a number of updated public safety requirements, including an All-Hazards response as well as a Critical Incident or Active Shooter response. The LPD has a SWAT-trained Tactical and Containment Team. They continue to provide training to the community, the LPD Officers, along with collaboration with the LFD, the Lebanon School District and other departments on a Citizen’s Response to Active Shooter Event (CRASE).

Chief Christopoulos said the LFD maintains a very high level of training in readiness related to an active threat or a Critical Incident Response. The Fire and Police Departments have worked heavily in helping the Lebanon School District update their Emergency Response Plans. Both Departments participate not only in Fire Drills, but lock downs and off-site Evacuation Drills every year. They also collaborate heavily with Dartmouth-Hitchcock Medical Center in their Emergency Management structure and their exercise program, including a number of Active Shooter Drills. He described the shooting incident that took place a couple of years ago at DHMC that resulted in a massive evacuation of the hospital. The lessons learned from this tragic event have been incorporated in their current plans and procedures.

The LPD and LFD have been working on their Critical Incident Policies and other policies surrounding their capabilities (e.g., Active Threat Plan, Active Shooter, or an All Hazards Threat that covers everything from a bomb to weather events, plane crashes, etc.). These policies include staff communication and training. The LFD is working with their Mutual Aid System (Upper Valley Mutual Aide) on a Regional Policy and explained how the concept of Warm Zoning EMS operates, noting that the Regional Mass Casualty Action Plan has been updated. The intent of the Regional Mass Casualty Action Plan is to allow other towns within the mutual aid area to adopt this plan. The LPD and LFD also

operate under the Unified Command Process and LFD Chief Christopoulos explained how this process works.

LPD and LFD Mutual Aide Agreements are in place for all of the City's nearby towns and they will go into Vermont and other areas if requested, noting that at the DHMC incident there were police officers from three states assisting the LPD at this incident. There are 42 communities in VT/NH that are part of the Upper Valley Mutual Aide (UVMA) for Fire/EMS response and the UVMA is also part of the far reaching State of NH Fire and EMS Mobilization Plan.

Chief Mello said that hundreds of hours are spent each year on training police officers, that include Critical and Hazardous Incident responses, in their many forms, and noted that so far this year over 2K hours of training has taken place. He also explained the War Zone Concept training and said the LPD is currently working on organizing a Joint Active Shooter/Active Threat type training before an actual incident occurs.

Chief Mello briefed the Council on the types of updated equipment that are currently in place: A Mobile Command vehicle; laptop MBT computers with internet access and access to their Record Management System; and updated communications capabilities (both radio and telephone that provides workstations for hostage negotiations or to separate Fire Command from Police Command). In addition, their personal protection platform has been expanded exponentially over the last 3-years, and their technology continues to increase that also allows both the LFD and LPD to communicate with Vermont and other agencies in NH in case of a Critical Incident.

Chief Christopoulos said the Fire Department has received sets of an EMS kit, which includes ballistic helmets, ballistic vests, rapid treatment trauma care and patient removal equipment. They also have a Regional Mass Casualty Response Trailer that houses equipment related to IV supplies, backboards, oxygen and anything that might be needed to manage an incident that involves a large number of people. This Regional Mass Casualty Response Trailer is an asset that can be available anywhere in the State and region.

The Council thanked Chiefs Mello and Christopoulos for being so highly prepared, with Councilor Prentiss noting that it was important for the residents of the City, businesses and people in the region to know that the LPD and LFD are highly prepared for public safety.

**ACTION:** No Council action was required.

### **B. Presentation of bid results for the City Hall Renovation Project**

Mayor McNamara said there were some modifications to the items that went out to bid, which was a more limited scope of what was originally requested. The reduced scope of this bid included a new boiler, all work on the roof, structural improvements and the outfitting of the former Recreation Department for IT Staff.

Mr. Jason LaCombe (President, SMP Architecture), Mr. Richard Parks (MPG Engineering), Mr. Bert DeLaBruere (President, ReArch Company) and Mr. Jim Donison (Director, Lebanon DPW) came before the Council representing the revised scope of work that has been bid out on the City Hall Renovation.

Mr. LaCombe presented an overview, and slides, that included design details of the 5 sections of the roof issues and renovations, the boiler, the HVAC system, and the renovation of the former Recreation

Department that the IT Department will occupy. While these design details were not included in the agenda packet, they are available for review through Mr. Donison (Lebanon DPW).

The soft costs of this project have come down about \$138K from what was originally budgeted. The bid results were about \$144K under budget, so the total budget is under by \$282K. For the six major trades, 3-4 bids have been received that included mechanical, electrical, sprinkler, structural, roof and insulation, which are the big ticket items.

The Project Cost Summary and Bid Results are included below. Construction is set to begin on September 3, 2019 with completion anticipated in March of 2020.

Project **Lebanon City Hall**

Date: 8/16/2019

**Project Summary - 100% Construction Drawings & Bid Results**



<b>Lebanon City Hall - 2019 Cost Summary:</b>			<b>16-Aug-19</b>	
<b>Description</b>	<b>Yes, No, Pending</b>	<b>Budget</b>	<b>Approved Total</b>	
Architectural, Structural, MEP		\$ 284,870	\$	-
Commissioning		\$ 30,000	\$	-
Owner Contingency		\$ 140,000	\$	-
Testing & Special Inspections		\$ 15,000	\$	-
Hazmat Survey/Removal		\$ 30,000	\$	-
Building Science - To see if Spray foam should be increase from 3" to 5"		\$ 8,000	\$	-
Utility Cost & Fees		\$ 15,000	\$	-
Furniture		N/A	\$	-
Technology Purchase/Install for AV equipment and Sound System		N/A	\$	-
Temporary Leasing location		N/A	\$	-
Relining of Chimney		N/A	\$	-
Clean Existing Oil Tank		N/A	\$	-
New Solar Panel System		N/A	\$	-
Tasco Security Budget		N/A	\$	-
Moving/Temp Storage		N/A	\$	-
<b>Sub Total - Owner Soft Cost =</b>		<b>\$ 522,870</b>		
ReArch Construction Cost		\$ 2,644,829	\$	-
<b>Sub Total ReArch Construction Cost based on 8/14/19 Estimate &amp; Bid Results =</b>		<b>\$ 2,644,829</b>	\$	-
<b>Total Owner Soft Cost + ReArch Construction Cost =</b>		<b>\$ 3,167,499</b>	\$	-
<b>Total Available Funding =</b>		<b>\$ 3,450,000</b>	\$	-
<b>Delta (Available Funding - Total Project Cost) =</b>		<b>\$ 282,501</b>	\$	-

Councilor Hill requested the number of bids received and the bidding ranges. She was informed that the full 89-page detailed packet, that included all bids, was not included in the agenda packet, but Mayor McNamara said he would provide her with all that information. Mr. Phil Biondo (ReArch) read and reviewed the bids that were received to the Council.

At the request of Councilor Hill, Mr. LaCombe reviewed his meeting with the Heritage Committee regarding the replacement windows and how the historic look of the building would be maintained, noting they were very supportive of the project.

Discussions also took place regarding insulation, roof repairs, the former Recreation Department room, duct work cleaning, air quality improvement, the dual fuel boiler, and accessibility of the side entrance to City Hall.

**ACTION :** No action required. For informational purposes only.

## **10. REPORTS**

### **A. City Manager: Mr. Mulholland gave updates on the following:**

- Resident concerns that the Airport roadway needs work.
- He will be meeting with Hannaford regarding how to redirect traffic while construction is being done on I-89.
- The IT Director search has been narrowed down to one primary candidate.
- Airport Director applicants update.
- Finance Director applicants update.
- Electric Vehicle (EV) charging stations: LEAC will be presenting this topic to the Council.
- State Budget status: No news to report.
- The 20 State Street RFP has gone out.
- A Special City Council meeting (not a work session) will be held on September 23, 2019.

Deputy City Manager Paula Maville informed the Council that there will be a Charrette in West Lebanon on Friday & Saturday, October 18 & 19, at the SAU Administrative Office Building. Mailers will be sent out and this event will be posted on the City's web site. A kick-off is being planned for either Monday, Sept. 16<sup>th</sup> or Thursday, Sept. 19<sup>th</sup> in the multipurpose room at Mt. Leb. A walk of the entire West Lebanon Downtown area will take place on September 9<sup>th</sup> with the City's Consultant Group, Ms. Maville and Mr. David Brooks. A web page will be prepared where all public outreach information and other proposed information will be posted. This web page will be live on September 15, 2019.

Deputy City Manager Paula Maville informed the Council that there will be added City Council meetings coming up. She will send out these dates to Councilors.

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

Assistant Mayor Below reported the following:

- The LEAC EV Subcommittee Recommendations were read and explained to the Council:
  1. Recommends that the City be prepared to respond to the State RFP for the installation of a level 2 and/or level 3 charging stations by working with one or more vendor partners.
  2. Recommends that the City consider signing the charge point provided MIU, pending legal review, that it is non-binding and non-exclusive.
- HB 464 has been signed.

Councilor Hill reported on the following:

- EVEC has created a Subcommittee tasked with seeking interest in having a Downtown Market. The Co-Op has expressed interest but would first like to get a better sense of community support.

Councilor Sykes spoke about the Social Services budget for the County and explained the new application process, noting they are trying to focus on where resources are going. He encouraged Councilors to speak with the City's non-profit organizations so they are aware that the application process has changed.

**11. FUTURE AGENDA ITEMS: None**

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

**13. ADJOURNMENT:**

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

**Roll Call Vote:**

*Mayor Tim McNamara, Assistant Mayor Clifton Below, Councilors Bronner, Heistad, Prentiss, Hill, Winny, Zook and Sykes all voting in favor.*

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

*The meeting was adjourned at 9:05 PM.*

Respectfully submitted,  
Dona E. Gibson  
Recording Secretary