

FINAL

**LEBANON CITY COUNCIL  
MINUTES, REGULAR SESSION**  
Remote via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)  
Wednesday, April 1, 2020  
7:00 p.m.

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

**MEMBERS ABSENT:** None

**STAFF PRESENT:** City Manager Shaun Mulholland and remote attendees: Deputy City Manager Paula Maville, City Clerk Sandra Allard, Deputy City Clerk Kristin Kenniston, Planning & Zoning Director David Brooks, Public Works Director Jim Donison, Assistant Director of Public Works Jay Cairelli, HR Director Gloria Leskiewicz and Melanie McDonough

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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.

**4. RECOGNITIONS: NONE**

**5. ACCEPTANCE OF MINUTES:**

- March 12, 2020 (Canvass of the Vote)
- March 18, 2020 (Non-Public Session)
- March 18, 2020 (Regular Meeting)

*Councilor Heistad MOVED to approve the March 12, 2020 (Canvass of the Vote), the March 18, 2020 (Non-Public Session) and the March 18, 2020 (Regular Session) Minutes as written in the April 1, 2020 City Council agenda packet.  
Seconded by Councilor Winny.*

**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).*

**6. APPOINTMENTS:**

- Planning Board: Gregorio Amaro (Alternate Member)

*Mr. Shaun Mulholland, City Manager, nominated Gregory Amaro for appointment as an alternate member to the Planning Board. Three-year term (4/20 – 4/23).*

**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 unanimously approved (9-0).*

**7. PUBLIC HEARING ITEMS: NONE**

**8. OLD BUSINESS: NONE**

**9. NEW BUSINESS**

**A. Request from Salt Hill Pub for Exemption of City Code Chapter 14, Alcoholic Beverages, to Permit the serving of alcoholic beverages on City Property**

Included in the agenda packet were the March 20, 2020 letter from Josh Tuohy, owner of Salt Hill Pub, requesting renewal of approval for an alcohol exemption and a Map of Proposed Outdoor Dining Area for Salt Hill Pub.

Salt Hill Pub requested a renewal of their exemption to serve alcohol on City-owned property within the confines of their outdoor seating area. City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.”

Due to the nature of the business and the desire to continue to serve alcohol on City-owned property, Council approval is required pursuant to §14-5 above.

**ACTION:**

***Councilor Hill MOVED, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Salt Hill Pub to serve alcoholic beverages on the Lebanon Pedestrian Mall within their designated outdoor seating area as shown on the attached map. Exemption shall be valid beginning April 1, 2020 and shall expire on December 31, 2020.***

***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)*

**B. Request from Three Tomatoes Trattoria for Exemption of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City Property.**

**Assistant Mayor Below was recused.**

Included in the agenda packet were the February 4, 2020 Letter from Robert Meyers, Owner Three Tomatoes Trattoria including an outdoor seating plan drawn by Upland Construction, LLC, dated December 13, 2011, last revised April 12, 2012.

Three Tomatoes Trattoria requested a renewal of their exemption to serve alcohol on City owned property within the confines of their outdoor seating area. Please see attached letter from Owner Robert Meyers.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.”

Due to the nature of the business and the desire to continue to serve alcohol on City-owned property, Council approval is required pursuant to §14-5 above.

**ACTION:**

***Councilor Sykes MOVED, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Three Tomatoes Trattoria to serve alcoholic beverages on the Lebanon Pedestrian Mall within their designated outdoor seating area, as shown on the map provided. Exemption shall be valid beginning April 1, 2020 and shall expire on December 31, 2020.***

***Seconded by Councilor Hill.***

**Roll Call Vote:**

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

**None voted Nay.**

***\*The Vote on the MOTION was unanimously approved (8-0-1). Assistant Mayor Below abstained.***

**Assistant Mayor Below returned as a regular member of the Council.**

**C. Presentation of First Reading and Set Public Hearing for May 6, 2020: 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.

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

Currently, there exists within the AFSCME Collective Bargaining Unit, a Grade 7 position titled “Engineering Technician.” The role, function, and job description for the person who currently fills this position has been expanded to include functions associated with the City’s sewer capacity modeling and asset management programs. Due to the professional and technical nature of the expanded duties, along

with its associated Community of Interest, City Administration is requesting a modification to Ordinance No. 18 to retitle the current position as “Assistant City Engineer” and add it to the Lebanon Professional, Administrative and Salaried Employees (LPASE) Collective Bargaining Unit. This position has been evaluated and classified as a Grade 9 within the LPASE Pay Scale. It is budgeted and funded as part of the 2020 fiscal year in the Public Works Department.

The position of “Engineering Technician” will remain within the AFSCME Bargaining Unit but will remain vacant until such a time a position is created to support the proposed Landfill Gas to Energy Project. Therefore, at this time, there is no need to modify the AFSCME unit. Mutual agreements have been reached with both AFSCME and LPASE, and based on those agreements, a Modification Petition has been filed with the New Hampshire Public Employee Labor Relations Board. Approval is pending.

The City Council was asked to begin the process of amending Ordinance No. 18; Salary Plan to include the position of Assistant City Engineer as a Grade 9.

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. This is the first presentation.

**ACTION:**

**(1) PRESENTATION:**

***Assistant Mayor Below MOVED, that the Lebanon City Council acknowledges the first 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.***

**(2) SCHEDULE PUBLIC HEARING:**

***Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedules 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 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 as shown in the Compensation and Classification Schedule for LPASE.***

<b>LEBANON PROFESSIONAL AND SALARIED EMPLOYEES – 2020 SALARY GRADES – 1.6% GWI</b>								
<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	\$1,067.20	\$1,130.13	\$1,173.28	\$1,216.80	\$1,260.00	\$1,304.95
9	<i>Assistant City Engineer</i>	\$26.17	\$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 Bronner, Heistad, Liot Hill, Prentiss, Sykes, Winny and Zook all voting Yea.**

**None voted Nay.**

***\*The Vote on both MOTIONS (Presentation and Scheduling a Public Hearing) were unanimously approved (9-0).***

**D. Discussion & Set Public Hearing for April 15, 2020: Re-approval of Community Revitalization Tax Relief Application - Dana Seguin, 4 South Park Street, Lebanon**

Included in the agenda packet was the March 18, 2020 Memorandum from Planning Director David Brooks, re: Seguin Application for Extension of Community Revitalization Tax Relief Incentive (RSA 79-E).

Planning & Zoning Director David Brooks came forth and reviewed the Seguin Application for Extension of Community Revitalization Tax Relief Incentive (RSA 79-E) with the Council.

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 for the commencement of work. In its 2017 decision, the City Council required the applicant to obtain a Building Permit for the project and commence construction within two years (April 2019) and complete the project on or before March 31, 2020.

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. (For further details, please see attached memo dated March 20, 2020 from David Brooks, Director of Planning & Zoning.)

Mr. Brooks explained the (RSA 79-E) Program to the Council, noting the program freezes the tax assessment value for a limited duration (5-7 years).

Mr. Dana Seguin, applicant for the Extension of Community Revitalization Tax Relief Incentive (RSA 79-E), came forth remotely and read his letter to the Council as presented on page 42 of the agenda packet. He informed the Council that his circumstances have changed since the application was submitted noting he is now engaged to be married and is uncertain where he and his future wife would be living. He met a Lebanon couple who are interested in building Phase II of his project. He signed a Purchase & Sales Agreement with the couple, but it is contingent upon the City’s Tax Relief Program. His understanding is that the extension can be transferred to the new property owners. Mr. Brooks concurred.

In response to Councilor Winny’s question, Mr. Seguin said there were no issues attached to this property.

**ACTION:**

**Councilor Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 15, 2020 beginning at 7:00 p.m., Remote via Microsoft Teams, for the purpose of receiving public input and taking action on a request by Dana Seguin for a reapproval of his April 19, 2017 application for tax relief under the provisions of the Community Revitalization Tax Relief Incentive Program (NH RSA 79-E) as adopted by the City Council on February 17, 2016. Seconded by Assistant Mayor Below.**

**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 MOTION was unanimously approved (9-0).*

**E. Discussion & Set Public Hearing for April 15, 2020: Ordinance #2020-05 to amend City Code Chapter 68, Fees, to implement a "Water Development Fee"**

Included in the agenda packet was the Proposed Ordinance #2020-05 and a PowerPoint Presentation – City of Lebanon Water Investment Fee and Water Development Fee Code Revisions.

Mr. Mulholland reminded the Council that the City already has a Water Investment Fee (WIF) and this is just the implementation of a Water Development Fee (WDF) that is similar to the Sewer Development Fee that was passed in February. To the customer, the WDF will not fundamentally change what they are already paying except it will be rounded out to whole numbers. (Examples were given in the agenda packet presentation.)

The City enacted a Water Investment Fee (WIF) in 1981 for the purposes of expanding the municipal water distribution system and the development of new sources of water. The fee was imposed on all new customers or existing customers who were increasing their water service. The fee was based upon meter size and had a base fee for multi-family dwelling units. Currently, the fund has a balance of \$542,000.

Public Works Director Jim Donison and Assistant Director of Public Works Jay Cairelli came before the Council remotely to present the proposed amendment to implement a Water Development Fee (WDF), with Mr. Cairelli reviewing the PowerPoint Presentation as highlighted in on pages 53-59 of the agenda packet.

The primary goal in 2020, and into 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 using public funds, but does need to explore additional water source options as we do not have a secondary source from where to draw water if it were needed.

As currently established, WIF funds cannot be used to maintain, repair or renovate the existing water distribution system. In order to alleviate the burden of cost on existing rate payers, City Administration has recommended the establishment of a Water Development Fee (WDF) using funds from the WIF. Imposition of a WDF will shift more of the cost of water system maintenance, repair, and renovation from existing water users to new users or existing users that choose to expand their usage. As a result, new users would bear more of the burden of the cost since they would be investing in a system that present users are currently paying for.

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 noted this is a one-time fee and would not be assessed on a yearly basis.

Mr. Cairelli said these fees will be attached to a new building permit application and the only existing customers that would be subject to fees would be those who wished to increase their water service size.

The Council, Mr. Donison and Mr. Cairelli discussed: How customers would be charged if their businesses would be going in/out of different uses, such as restaurants; how fees would be calculated if a customer changes their meter size; the need to acquire different water sources; the difference between the WIF (can only be used for expansion and new water resources) and the WDF (would make funds available for projects); and, the standard formula used to calculate the differentiation between the WDF/WIF, which came from a model used by American Water Works Association.

**ACTION:**

***Councilor Winny MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, April 15, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on proposed Ordinance #2020-05, to amend the Code of the City of Lebanon, Chapter 68, Fees, Article 1, Water Investment Fee, to implement a “Water Development Fee.”***

***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).***

**F. 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 informed the Council about the New Hampshire Municipal Association (NHMA) planning process 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 any policy proposals is April 17, 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.

Councilor Hill requested, given the uncertainty about the COVID-19 Pandemic, more time be allowed for Councilors to think about their proposals. She also asked if there was a way the Governor could implement, without having to do another Executive Order, remote attendance for these types of meetings. Mr. Mulholland said this is a legislative process and explained the steps that would need to be taken for this to be done.

Mayor McNamara requested the Council to send their thoughts/requests to the City Manager, with Mr. Mulholland encouraging them 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/sales tax. Assistant Mayor Below noted that specific policy principals could also be used to lobby the Federal Government.

**ACTION:** None required at this time.

## 10. REPORTS

### A. City Manager:

Mr. Mulholland updated the Council on the following:

- Westboro Yard: The DOT asked him to submit a proposal regarding the City's in-kind contribution for the removal of demolition material, at no charge to the State. This would cost the City around \$278K. He proposed the City would take this debris at a cost of \$150 per ton, but requested a caveat that the State of NH agree to not expand the existing propane facility, or allow any other development to occur, in the area where the City wants to lease or purchase this property. He also included a second caveat stating the property would be either sold or leased to the City for \$1 per year for the next 99 years. NH DOT removed both of these provisions, which led him to question the NH DOT as to why the City would make this kind of investment without any guarantees from them. The conversation was left off with the NH DOT considering whether or not they wanted to continue the project. Mayor McNamara also asked the NH DOT where the property lease application stood (submitted in 2018) but has not received a response.

Mayor McNamara suggested the Council reach out to our State Legislative Representatives, and Executive Councilor Cryans, to inform them about the City's ongoing issues with the NH DOT. He felt the NH DOT has not negotiated in good faith on the part of the State, noting they have not stated their intention with this property (Westboro Yard) and the City has no guarantees that they would not approve some other use in the future.

The Council concurred with the sentiments expressed by both Mayor McNamara and Mr. Mulholland and felt the state has not been an honest broker on this project. A verbal agreement from the NH DOT is not enough.

Councilor Sykes felt a strong stance needs to be taken and suggested a letter from the Council be written to the States Representatives to let them know how serious this is for the City. He offered to move this forward before the legislature.

Mayor McNamara clarified that the City is not spending \$278K but would be giving the NH DOT the value of what it would cost them to take the debris somewhere else. In essence, the City is giving them \$278K of value. We have tried to help the project move along by purchasing adjoining properties that facilitates a new road, which the City feels would improve safety in Downtown West Lebanon.

After more discussion took place regarding the redevelopment of this area, Mayor McNamara will have a letter prepared, that he can sign on the Council's behalf, laying out the Council's views. The City has gone the extra mile. We have actively participated in meaningful discussions and have not been obstructionists at any point in time, but new objections come up every time we make any statements.



- Impacts on revenues and expenditures resulting from COVID-19 were reviewed. No major impacts on expenditures so far. The Council discussed potential revenue impacts on the Rooms/Meal Tax; the Highway Block Grant; the Airport; property taxes; Human Services (with Ms. Maville noting the impact would not be seen until after the Executive Order was lifted); the infusion of stimulus funds for investment into the City’s infrastructure; CSO projects (except for Water Works); the impact on the City’s businesses; and other economic issues.
- Community Transmission of COVID-19 and testing.
- Subcommittee issues with Zoom and the potential risk from what is called Zoom Bombing.
- Changes on how City meetings will be electronically evolving moving forward and how residents can participate in meetings.
- City Hall Project: On budget and on schedule.
- Tunnel Project: On budget and on schedule.
- 20 Spencer Street update.

**B. Council Representatives to other bodies: NONE**

**11. FUTURE AGENDA ITEMS:** Mr. Mulholland reviewed the upcoming agenda items that were presented in the agenda packet.

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

**13. ADJOURNMENT:**

*Councilor Bronner MOVED for adjournment.  
Seconded by Assistant Mayor Below.*

**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 8:44 P.M.**

Respectfully submitted,  
Dona E. Gibson  
Recording Secretary