

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, July 1, 2020, 6:00 p.m.
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/live)**

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

MEMBERS ABSENT: Bruce Bronner

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Associate Planner Rebecca Owens, Lebanon Police Chief Richard Mello, Deputy Chief of Police Phillip Roberts, Public Works Director Jim Donison, HR Director Gloria Leskiewicz, Airport Director Carl Gross, Planning Board Chair Bruce Garland, Ped/Bike Committee Chair Colin Smith, Conservation Commission Chair Sarah Riley, Melonie McDonough (IT)

Board/Commission/Committee Reports

NOTE: Since this portion of the meeting was not a formal meeting it was not recorded on video. This was an opportunity for Boards/Commissions/Committees to report on their activities to the City Council as highlighted below.

Mayor McNamara called this portion of the meeting to order at 6:05 p.m.

Planning Board: Mr. Bruce Garland, Chair, reported that the Planning Board has added a number of special meetings to accommodate the influx of new and continued applications and spoke about the impact on traffic congestion these applications would have. He reviewed the applications at **401 Mount Support Road** (Site Plan review for 309 units); **7 Lucent Drive** (Site Plan Review of a proposed 27,300 sq. ft. addition to an existing industrial building); **343 Mount Support Road**, which was a Site Plan Review consisting of 250 residential dwelling units; and **Bank Street** (Site Plan Review for a 47-unit multi-family residential development - there is widespread opposition on this project).

Chair Garland mentioned that meeting technology is good, but would prefer to meet in person and spoke about a Special Meeting that had to be dismissed because a wrong ID# was used, resulting in residents not being able to participate in that meeting.

The Development Regulation Subcommittee: Chair Garland noted this Subcommittee reviewed Site Plan regulations relative to Pedestrian/Bicyclist improvements and will be reviewing the process for identifying and reviewing other potential amendments to the Development Regulations.

There was further discussion regarding traffic assessments; what the City's share of the cost is for traffic assessment and mitigation are; the possibility of amending the Impact Fee structure to build up funds to address traffic issues; working on a plan to have property development assessments paid by the developer and not the taxpayers. They will continue to review the regulations, but will not make policy changes.

Ped/Bike Committee – Mr. Colin Smith, Chair, reported the Committee is continually concerned over the safety of pedestrians and bicyclists and have posted an analysis on accidents that involved cross walks/pedestrian cross walks on the City’s Web Site and are working on how to improve pedestrian cross walks by adding lighting, etc. The Committee would like to be consulted during the infrastructure work that will be taking place on the Mt. Support and Lahaye paths.

A survey has been developed for users of the Mascoma Greenway that includes questions on both the short-term and long-term goals of the Greenway. Of note, there was a desire from those who responded to the survey to have the trail extended to West Lebanon, and eventually to Hartford, VT.

The Committee will be working with the State on a Rail Trail Plan.

Lebanon Airport TIF District - Councilor Winny informed the Council that they 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.

Economic Development Committee - Councilor Liot Hill reported that discussions have taken place on the Spencer Street Project; the Committee has been focused on the proposed projects for West Lebanon; and letters on how to apply for a tax payment plan have been drafted for businesses. They are just waiting on the Governors approval before they are sent out.

Fair & Impartial Policing Task Force (FIPTF) – Councilor Liot Hill, Chair, reported that the FIPTF has had three meetings to date and will be meeting 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 working on language issues that were reviewed and recommended by Attorney Waugh and have divided the remaining meetings into four provisions that need to be addressed (in the Welcoming Lebanon Ordinance), starting with a discussion on Provision #6 that Councilor Prentiss will be leading on July 7, 2020. She noted that the FIPTF is dedicating ½ hour of each meeting for public testimony for those who wish to share their thoughts.

Arts & Culture Commission – Councilor Zook reported that the Commission has only met once due to the COVID-19 Pandemic, but they have been working with the Recreation Department on a plan to have graffiti artwork placed at the Skate Park.

Conservation Commission – Ms. Sarah Riley, Chair, reported that she and Ms. Barbara Hirai have been meeting weekly with small groups of folks. The Commission is trying to recruit resident volunteers who will steward conservation lands. Wild about Lebanon was put on hold due to the COVID-19 pandemic and the Commission is working on alerts to inform residents about amphibian migration events.

This portion of meeting was adjourned at 6:50 p.m.

Mayor McNamara called this portion of 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 Prentiss 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.**

A Roll Call was taken and all City Councilors were present virtually, except Councilor Bronner as listed above.

4. RECOGNITIONS: NONE

5. ACCEPTANCE OF MINUTES: June 17, 2020

Councilor Heistad MOVED to approve the June 17, 2020 (Regular Session) Minutes as written in the July 1, 2020 City Council agenda packet.

Seconded by Councilor Prentiss

Roll Call Vote:

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

None voted Nay.

****The Vote on the Motion was unanimously approved by those present (7-0).***

6. APPOINTMENTS:

- Class VI Roads Advisory Committee: Marc Coleman (Citizen Representative)**

Assistant Mayor Below nominated Marc Coleman as a Citizens Representative of the Class VI Roads Advisory Committee. Two-year term (7/20-7/22).

Roll Call Vote:

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

None voted Nay.

****The Vote on the Motion was unanimously approved by those present (7-0).***

- Arts & Culture Commission: Joe Clifford (Regular Member, Modifying Term)**

On the memo for the June 3rd City Council meeting, Mr. Clifford’s term was listed in error as a three-year term; Art Representatives are only one-year terms. Therefore, we must correct his term to a one-year term as follows: One-year term (6/20-6/21). **Note:** Since this was a correction to Mr. Clifford’s 3-year term to a 1-year, no nomination was needed.

Roll Call Vote:

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

None voted Nay.

**The Vote on the Motion was unanimously approved by those present (7-0).*

7. PUBLIC HEARING ITEMS: NONE

8. OLD BUSINESS: NONE

9. NEW BUSINESS

A. Modification of 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 Notice.

City Clerk Kenniston came before the Council and gave a brief background regarding the Warrant for Civil Forfeiture Notice.

Per NH State Statute, dogs are required to be licensed annually by April 30th. To procure a dog license, a current rabies vaccination must be on file with the City Clerk's Office. The month of May is a grace period which allows dog owners to follow up on expired rabies vaccinations in order to obtain a license. Any dog that remains unlicensed as of June 1st is assessed with a \$25.00 Civil Forfeiture fine and \$1.00 late fees which accumulates each month that the dog remains unlicensed.

ACTION:

Councilor Winny 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 Monday, August 31, 2020 pursuant to New Hampshire Governor Sununu's Emergency Order #23.

Seconded by Councilor Prentiss.

Roll Call Vote:

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

None voted Nay.

**The Vote on the Motion was unanimously approved by those present (7-0).*

B. Discussion & Set Public Hearing for August 5, 2020 - Complete Discontinuance Of Western (Unbuilt) Portion of Foch Avenue Abutting Interstate-89, Lebanon

Included in the agenda packet were the March 29, 2020 email from William Corrette and the GIS Map of utilities.

Deputy City Manager Paula Maville came before the Council, noting this is part 2 of the disposition of two pieces of property that was talked about at the June 17, 2020 City Council meeting. Each of the requests came forward to discontinue certain portions of rights-of-way.

The request to discontinue this portion of Foch Avenue (as depicted on the Map, page 30 in agenda packet) was presented by William Corrette. Mr. Corrette owns property located at 9 Foch Avenue, further

identified as Tax Map 78, Lot 51, Lebanon. This portion of Foch Avenue has been maintained by Mr. Corrette and his current neighbor to keep from overgrowth. The standard process for discontinuing a road results in the right-of-way being split down the center and each half going to the abutting property owners, in this case the right-of-way would be split, and the land merged with Tax Map 78, Lots 51, 52 & 53. The attached parcel map shows a water main running under this length of Foch Avenue with a fire hydrant near the top corner with Parcel 78-53. An easement for maintenance of the water line will be retained as part of the discontinuance.

Councilor Liot Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 5, 2020, beginning at 7:00 pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on the complete discontinuance of the western (unbuilt) portion of Foch Avenue abutting Interstate 89, Lebanon.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

****The Vote on the Motion was unanimously approved by those present (7-0).***

C. Discussion & Set Public Hearing for August 5, 2020 - Complete Discontinuance of East End of Fellows Hill Road Between Parcels 111-16 And 111-3-100, Lebanon

Included in the agenda packet were the March 24, 2020 email from Dan Nash, Advanced Geomatics and Design on behalf of Robert G. and John T. Oakes and the GIS Map.

Deputy City Manager Paula Maville came before the Council regarding the complete discontinuance of east end of Fellows Hill Road, as depicted on page 38 in July 1, 2020 City Council agenda packet. There is an area of this road that terminates at the intersection with Route 4 and Dartmouth College Highway on Fellows Hill.

Robert G. and John T. Oakes own property located at 92 Riverside Drive, further identified as Tax Map 111, Lot 16, Lebanon. They have expressed interest in the purchase of a City-owned parcel identified as Tax Map 111, Lot 3-100 located on Fellows Hill Road, and are requesting discontinuance of the portion of Fellows Hill Road that separates their property from the 111-3- 100. The standard process for discontinuing a road results in the right-of-way being split down the center and each half going to the abutting property owners, in this case the right-of-way would be split, and the land merged with Tax Map 111 Lots 16 and 3-100.

Councilor Sykes signed into the meeting at approximately 7:15 p.m.

Councilor Liot Hill's understanding was the lot presently owned by the Oakes is not a buildable lot under the current zoning and that it is an existing non-conforming use. She questioned if this portion of Fellows Hill, being requested for discontinuance, would create a developable parcel under the existing zoning if a boundary line adjust was sought to create one lot with their existing lot. Ms. Maville explained that the parcel owned by the Oakes is not a non-conforming lot. The Oakes had to go before the Zoning Board to get a Variance because they want to build some self-storage units. The lot that the Oakes are looking for the City to dispose of (111-3-100) is a non-conforming lot and that lot, combined with the discontinuance of the portion of Fellows Hill Road, would then be annexed to their existing lot. What that would do is to

increase the lot size for them to do their planned development. She also noted, in response to Councilor Winny's question, that the property owners of lot 111-3 have been notified of this request.

ACTION:

Councilor Winny *MOVED*, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 5, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on the complete discontinuance of the portion of Fellows Hill Road between Parcels 111-16 and 111-3-100, Lebanon.

Seconded by Councilor Liot Hill.

Roll Call Vote:

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

None voted Nay.

****The Vote on the Motion was unanimously approved by those present (8-0).***

D. Presentation of First Reading and Set Public Hearing for August 5, 2020: Amendment To Ordinance No. 18, Salary Plan, Article II, Non-Affiliated Employees, To Incorporate Lebanon Professional and Salaried Employees (LPASE) Wage & Classification Salary Plan Positions and Delete Article III, Bargaining Unit Employees, D. Lebanon Professional And Salaried Employees (LPASE).

Ms. Gloria Leskiewicz, Human Resources Director, came before the Council to present the background and discuss the first reading of the proposed amendment to Ordinance No. 18.

During 2019 negotiations with the Lebanon Professional, Administrative and Salaried Employees (LPASE) Collective Bargaining Unit, the City agreed to provide an independent wage and classification study to review LPASE positions. Municipal Resources Incorporated (MRI), was contracted to perform the study which included a thorough market analysis and comprehensive review of each position within the bargaining unit. The market analysis compared average, minimum, and maximum salaries with the towns of Bedford, Dover, Durham, Hampton, Hanover, and Hooksett; and the cities of Claremont, Concord, and Keene. The comprehensive review of job positions was a collaboration between employees, department heads and MRI staff. Each employee was charged with reviewing their individual job descriptions and completing a position analysis questionnaire. Department Heads met with employees and finalized job descriptions based on department needs and operations. MRI then analyzed, measured, and compared against a common set of criteria in a systematic and objective manner utilizing a point-factor evaluation to arrive at an assigned salary grade. Due to the similar nature of LPASE positions and those that are currently non-affiliated, the decision was made to integrate the classification and pay plans to create one comprehensive compensation and classification schedule (see below for proposed changes). The Proposed integration will provide a useful tool to the City when evaluating and analyzing changes to an existing LPASE and/or Non-Affiliated position as the same point-factor system was used in both wage and classification studies.

Process to Amend Ordinance No. 18

The Council was asked to begin the process of amending Ordinance No. 18 to integrate the LPASE Wage and Classification Schedule into Article II - Non-Affiliated Employees Salary Pay Plan, and to remove Article III, Section D, Lebanon, Professional, Administrative and Salaried Employees (LPASE). 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.

The Council was asked to recognize the first of three presentations on July 1, and to schedule a public hearing for August 5, 2020 to amend the Ordinance. The second and third presentations will follow on July 15, and August 5, respectively.

ACTION:

Councilor Liot Hill MOVED, that the Lebanon City Council acknowledges the first of three presentations to amend Ordinance No. 18, Salary Plan, Article II, to integrate the Lebanon Professional, Administrative and Salaried Employees (LPASE) into the Non-Affiliated Compensation and Classification schedule; AND to remove Article III, Section D, Lebanon, Professional, Administrative and Salaried Employees (LPASE). Changes to the compensation and classification schedules are shown on pages 40-42 in the Council’s July 1, 2020 agenda packet.

2. SCHEDULE PUBLIC HEARING:

Councilor Liot Hill further MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 5, beginning at 7:00 p.m., Remote via Microsoft Teams, for the purpose of receiving public input and taking action to amend Ordinance No. 18, Salary Plan, to integrate the Lebanon, Professional, Administrative and Salaried Employees (LPASE) wage and classification schedule into Article II - Non-Affiliated Employees Salary Pay Plan; and to remove Article III, Section D, Lebanon, Professional, Administrative and Salaried Employees (LPASE).

Changes to the compensation and classification schedules are shown in *blue italics* type.

REGULAR FULL-TIME/REGULAR PART-TIME NON-AFFILIATED EMPLOYEES & FULL-TIME LEBANON PROFESSIONAL AND SALARIED EMPLOYEES 2020 SALARY GRADES 1.6% GWI					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	General Intern II	\$16.52	\$22.31	-	-
2	Custodian	\$17.52	\$23.64	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.56	\$25.06	-	-
	Custodian I	-	-	-	-
4	Library Assistant	\$19.68	\$26.57	-	-
5		\$20.86	28.15	-	-
6	-	\$22.11	\$29.84	-	-
7	Administrative Assistant 1	\$23.43	<i>\$31.97</i>		
	Administrative Secretary			-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	<i>Field Inspector I</i>				

	Library Administrative/Technical Assistant	-	-	-	-
8	Administrative Assistant II	\$24.84	\$33.54	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	<i>Field Inspector II</i>				
	<i>Electrical Inspector</i>				
	Young Adult Librarian	-	-	\$993.65	\$1,341.53
	Outreach Librarian	-	-	-	-
9	<i>Code Health Inspector</i>	\$27.32	\$36.88		
	Executive Assistant			-	-
	Digital Media Officer	-	-	-	-
	Information Technology Technical Specialist	-	-	-	-
	<i>Associate Planner</i>			\$1,092.81	\$1,475.23
	<i>Real Estate Appraiser II</i>				
	Systems Librarian	-	-		
	Information Technology Librarian	-	-	-	-
10	<i>Assistant City Engineer</i>	\$30.05	\$40.57		
	<i>Cemetery Sexton</i>				
	Financial Analyst			-	-
	<i>Fleet Maintenance Supervisor</i>				
	<i>Maintenance Superintendent</i>				
	<i>Police Communications Supervisor</i>				
	Tax Collector				
	Human Services Director	-	-	\$1,202.11	\$1,622.84
	<i>Recreation Program Coordinator</i>				
11	Technical Advisor I	\$33.09	\$44.67		
	<i>Utilities Maintenance Superintendent</i>				
	<i>Administrative Services Manager</i>	-	-	\$1,323.45	\$1,786.70
	<i>Airport Operations Supervisor</i>				
	<i>Assistant Recreation Director</i>				
	<i>Code Enforcement Director</i>				
	Deputy Library Director				
	<i>Fire Marshal</i>				
	<i>Planner/GIS Coordinator</i>				
	<i>Senior Planner</i>				
12	<i>Wastewater Treatment Superintendent</i>	\$35.07	\$47.34		
	<i>Water Treatment Superintendent</i>				
	<i>City Assessor</i>			\$1,402.68	\$1,893.45
	City Clerk	-	-		
	<i>City Engineer</i>				
	<i>City Planner</i>				
	Deputy Finance Director	-	-	-	-
	<i>Energy & Facilities Manager</i>	-	-	-	-
	<i>Police Lieutenant</i>				

	Prosecuting Attorney				
	<i>Solid Waste Manager</i>				
13	Airport Manager	-	-	\$1,486.91	\$2,007.28
	Assistant Fire Chief	-	-	-	-
	<i>Deputy Fire Chief</i>				
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	<i>Information Systems Manager</i>				
	<i>Maintenance Manager</i>				
	Recreation Director	-	-	-	-
	<i>Police Captain</i>				
	Systems and Information Technology Administrator	-	-	-	-
14	Assistant Director/Public Works	-	-	\$1,576.13	\$2,127.78
	Chief Assessor	-	-	-	-
	Library Director	-	-	-	-
15	Information Technology Director	-	-	\$1,670.78	\$2,255.37
16	Technical Advisor II	\$44.27	\$59.76		
	Chief of Police	-	-	\$1,770.86	\$2,390.47
	Director of Planning and Zoning	-	-	-	-
	Director of Public Works	-	-	-	-
	Finance Director	-	-	-	-
	Fire Chief	-	-	-	-
	Deputy City Manager	-	-	-	-

- Non-Union positions are designated in black print
- *LPASE Members are designated in blue italics*

LPASE EMPLOYEES: The January 1, 2021 GWI shall be based on the NE Urban CIP for June 2019 – June 2020, but in no case shall be less than one and one-half percent (1.5%) nor greater than three percent (3%).

Both MOTIONS were seconded by Councilor Prentiss.

Roll Call Vote:

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

None voted Nay.

****The Vote on the Motions were unanimously approved by those present (8-0).***

E. Discussion and Set Public Hearing for July 15, 2020 - Ordinance #2020-10, To Amend City Code Chapter 182, Water Service, By Adding an Additional Statutory Reference, Adding Definitions and Adding A New Section to Implement Water Use Restrictions in The Event Of A Drought or Other Emergency

Included in the agenda packet was the Proposed Ordinance #2020-10.

Deputy City Manager Paula Maville came before the Council representing the proposed amendment to Ordinance #2020-10.

It has come to the attention of City Administration that there is currently no provision within the City Code to implement restrictions on the use of water during times of drought or other water emergencies. NH RSA 485, the New Hampshire Safe Drinking Water Act, provides community water systems with the authority to restrict non-essential water use when there is a threat of demand exceeding supply.

Ordinance #2020-10 is structured to coincide with NHDES' Model Water Use Restriction Ordinance for Water Systems Owned or Operated by Municipalities or Village Districts. It proposes to add an article to Chapter 182, Water Service, that provides an orderly and easily understood means of restricting water use (pages 45-47 of the agenda packet).

In response to Councilor Winny's question regarding whether a Water Restriction Order was being planned now, Ms. Maville explained this proposed Ordinance amendment is a precautionary measure, especially when the City went from a dry to a moderate drought and realized they would not be able to institute any kind of water restriction under the current code. The City decided to take action in the event it would be needed in the future.

Councilor Prentiss *MOVED*, that the Lebanon City Council hereby schedules a public hearing for Wednesday, July 15, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on proposed Ordinance #2020-10, to amend the Code of the City of Lebanon, Chapter 182, Water Service.

Seconded by Councilor Winny.

Councilor Prentiss commented that she was surprised this was not already in place considering how many communities are routinely under some type of water emergency due to drought-like conditions and felt this is good tool for the City to have should it be needed.

Roll Call Vote:

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

None voted Nay.

****The Vote on the Motion was unanimously approved by those present (8-0).***

**F. Police Department's Commission on Accreditation for Law Enforcement (CALEA)
Accreditation Status; Policing Protocols, Policies & Procedures**

Included in the agenda were the following and can be viewed in the July 1, 2020 agenda packet. (**NOTE:** please refer to pages 49-115 in the City Council's July 1, 2020 agenda packet for in depth details regarding this presentation):

1. Lebanon Police Department Policy, OP-120, Dealing with Mentally or Developmentally Disabled Persons/ IEA Process/ Crisis Intervention Team
2. Lebanon Police Department Policy, OP-131, Officer Selection Process
3. Lebanon Police Department Policy, PR-214, Citizen Complaints and Internal Investigations
4. Lebanon Police Department Policy, PR-246, Use of Force
5. Lebanon Police Department Policy, PR-256, Fair and Impartial Policing
6. Lebanon Police Department Policy, PR-264, Personnel Early Warning System

Lebanon Police Chief Richard Mello came before the Council to provide an overview and the status of the Standards/Policing Protocols/Policies & Procedures adopted as part of the Lebanon Police Departments Law Enforcement Accreditation(CALEA). It is not lost on the Lebanon Police Department

about the national events taking place in every part of this country. We, as law enforcement, need to take a hard look at ourselves in the way we do business, not only nationally, but in Lebanon.

The LPD has been going through the process of becoming CALEA Accredited for the last three years. In looking through their Procedures/Policies, in the light of what had already been assessed, they still found areas for improvement. The national conversation is important, and it is certainly important for the LPD to look at this so we can continue to improve our performance and services to the City.

Chief Mello presented an overview of what CALEA Accreditation Standards are for Law Enforcement and Public Safety Agencies; the various stages involved with accreditation, and the Standards/Policies that were adopted by the LPD as part of the accreditation process. The accreditation process requires departments to meet National Standards for Policies/Procedures that included enrollment requirements, a self-assessment, and an onsite assessment by CALEA Assessors. There are 181 standards that must be followed and the LPD has worked on modifying its past practices and implemented new policies to achieve those standards. Captain Timothy Cohen and Lieutenant Matthew Isham have been the two key leaders in the LPD moving this effort forward.

The Lebanon Police Department has achieved an important step in the CALEA Accreditation process. This past week, the department successfully completed the “Onsite” assessment by two CALEA Assessors and their report will be submitted to the CALEA Commission in November for a vote. This has been a three-year process that less than 5% of the Law Enforcement Agencies in the country have been able to achieve. There are nearly 18,000 Law Enforcement Agencies in the United States and only 726 of those agencies have achieved CALEA Accreditation. In the State of New Hampshire there are currently only 15 Police Departments (out of 200) that have achieved CALEA Accreditation.

Chief Mello explained what CALEA Accreditation means for the Lebanon Police Department as follows:

- **Hiring Practices:** The LPD’s hiring practices are extremely high and meets CALEA’s criteria. We employ best practices to find the best people and in recruiting a diverse work force by trying to recruit outside our immediate area. Hiring practices includes a written examination; an oral report in front of a panel looking at different topics; looking at a candidates decision making process; looking at their background; looking at how they think and apply reasoning; their physical abilities and being able to pass a PT test; and looking into a candidates background (i.e., psychological examination, a polygraph, a drug test, a medical exam, and a thorough background check looking over a candidates entire life). The candidates are hired only after they have completed and passed all hiring requirements.
- **Training:** Once an officer has been hired, they go through an extensive training program. Every police officer goes to the same Academy in Concord. When you look at some of the unfortunate tragedies that have happened nationally, the LPD has worked hard to prevent those things from happening in Lebanon through its hiring practices, accountability, transparency, and training. These are just some of the things the LPD focuses on to make sure we are doing the right thing. (See the New Hampshire Police Training Council topic below.)
- **Sharing Analysis Reports with the City Manager:** There are four (4) primary things that they look at every year, but of particular note, the following reports are especially important: Use of Force; Internal Affairs; Fair & Impartial Policing that includes an analysis on Bias-Based Policing such as immigration issues, retainers, arrests, summons, demographics, etc. After reviewing the Bias-Based Policing Policy, several sections were added that deal with immigration, ICE Retainers, etc., which give officers instructions on how they should deal with those situations to better safe-guard the community and the LPD. LPD officers also receive Crisis Intervention Training and De-escalation Training. The Complaint Process includes an anonymous way for people to file complaints in an effort to break down barriers.

- The New Hampshire Police Training Council (NHPTC): They play a role in police officer’s certification, how they do their jobs, honoring Police Departments on a yearly basis, and the decertification of police officers. Over the last 5-7 years they have improved their practices by including requirements for reporting on how officers leave their agencies in the State (i.e., termination, resignation, association through internal investigation, etc.). Action will be taken against police officers, if the need arises, to remove their certification. There is also a State Exculpatory List that an officer is placed on if they have committed a Policy violation or a crime, etc. This list is kept and maintained in the Attorney General’s Office and the County Attorney’s Office

Chief Mello said the incident in Minneapolis shocked the conscience of the LPD and informed the Council about the recent policy changes that have taken place to prevent this type of situation in Lebanon. The LPD looked through their Policies (that was approved by CALEA just the week before) and made the following eight (8) provision changes to their Use of Force Policy as follows:

- Choke holds/strangle holds: This was banned in Lebanon unless it was a deadly force situation. However, he did not think the language was specific or strong enough, so it was modified.
- De-escalation Training is required, and the wording has been strengthened.
- Warning required before shooting: This has always been in the LPD Use of Force Policy.
- Duty to intervene to stop excessive force by officers: This has always been in the LPD Use of Force Policy.
- Shooting at moving vehicles: Not allowed unless it is a deadly force situation where every other option has been exhausted.
- Use of Force continuum: Policy gives very specific tools the officer can use to try to de-escalate and bring a resolution to a situation with a minimum amount of force.
- Requirement for Comprehensive Reporting: This is in the LPD Use-of-Force Policy Reports.
- Transparency: All activities by the LPD are listed on the City’s Web Site.

Councilor Heistad thanked Chief Mello and was impressed with his 77-page report, what he had to say, and the examples he used. Before Chief Mello came to Lebanon, he had not heard of CALEA and expressed his pride for what the Chief was doing, particularly in hiring procedures, background checks, and could not say enough about what Chief Mello has brought to the LPD.

Councilor Prentiss said accreditation does matter. It is an opportunity to use the best proven practices and bringing in a set of outside eyes to look at how things are done and applied to make sure Lebanon is going by the letter of the law laid out for our citizens. Transparency also speaks to the work that gets done in Lebanon (i.e., how de-escalation is managed and in strengthening the language around the Use-of-Force-choke holds in particular). This conversation does not end here, but important points were made.

Councilor Liot Hill put forth the following questions for Chief Mello to answer:

- Are all officers trained in De-escalation and Crisis Intervention Training, and how are these applied when there are social services issues.

Chief Mello: All officers are trained in Crisis Intervention and the other social issues they have to tackle, such as homelessness. In certain instances, a liaison is assigned to get more involved. Communication is a big part of the training and examples were given on the Social Services aspect of the community. Other examples of opportunities to de-escalate a situation were also given.

- Since there is an increasing demand for Social Service related calls through 911, do you think it would be helpful for Lebanon to augment the LPD with additional Social Service Staff.

Chief Mello: There are models across the country where this has been done. The LPD started discussions with DHMC to start a program similar to this and felt this is a model that could work. However, you have to be careful not to replace police officers with social workers because this is a safety issue, noting that one of the reasons calls come into 911 is because there is generally danger associated with the call. He would certainly advocate for the State to expand its mental health resources and would like to see some of these resources embedded into the LPD.

- In the Valley News, there was an article that said the LPD does not code their social crisis intervention calls. Is this something the LPD could envision so that data could be collected and looked back on in the future.

Chief Mello: For clarification, the LPD does code their social crisis intervention calls now, but did not do so until this past year so they cannot go back 10-years to do an analysis because this data was not previously done. We will be able to do data analysis moving forward.

- It seems like there was a distinction that 9/11 really changed policing and after 9/11 there has been an increased militarization in law enforcement at the local level (i.e., surplus military-style weapons and uniforms funded through Homeland Security Grants). She asked if he could speak about this.

Chief Mello: He has been doing this job for 28-years, and while 9/11 was certainly a turning point for many reasons, the paradigm shift he harkened back to was Columbine, noting this was the first really published tragic mass shooting event that took place. Prior to and during Columbine, the response for police departments was to contain the scene. The procedure in place at that time was for police officers to go to the school and then call the SWAT Team. The end result was, while police officers were surrounding the school waiting for the SWAT Team, two individuals were inside the school killing people. What came out of that scenario was a completely different training regimen, which is now taking 1-2 officers into the scene (mass shooting) to try and stop the shooting situation. When Law Enforcement Agencies started looking at that paradigm shift in training, which was sending a local police officer into a building with a pistol and soft body armor to engage with one or multiple people armed with rifles, incendiary devices, explosives, shot guns, etc., it was determined they would not be able to save anyone. This was truly the shift towards better equipment for police officers and he presented examples to the Council where the LPD has updated their equipment, such as shotguns, noting the reason for this was not to militarize ourselves, or to give us a military look, but rather to prepare our officers (for mass shootings or other scenarios). The LPD did not have the funds to purchase 34 rifles (a cost of almost \$40K), so surplus equipment was obtained through a Grant at a reduced cost. If you look at Lebanon, the purchase of rifles seemed to be a reasonable acquisition in order to protect our community. However, while other communities have Humvees and other military surplus equipment of that nature, the LPD does not have a need for these. He is sensitive how the LPD looks (i.e., traditional uniforms identifying them as police officers) and while other communities are going for more military-style uniforms, he resists this because the LPD does not want to be viewed as being militarized. The Canine Unit does wear different uniforms because they are dealing with canines all day long, trekking through the woods, and going through swamps, etc.

- What efforts are being taken in the LPD regarding recruitment and having a more diverse police force given the demographics in NH, VT, and ME.

Chief Mello: While the demographics in NH, VT and ME are not greatly diverse, the challenge he is facing is that recruitment on a national scale is down exponentially and is not getting any better. What the LPD tries to do is diversify itself expanding recruitment advertisement throughout the

country, such as colleges, job fairs, and in different demographic areas beyond the immediate area of Lebanon.

Councilor Liot Hill appreciated Chief Mello’s professionalism and echoed what Councilor Prentiss said – accreditation matters. She supports the LPD becoming CALEA Accredited and spoke highly about her personal observations of Chief Mello’s work.

Mayor McNamara asked if Chief Mellow felt CALEA Accreditation would help with recruitment. Chief Mello said it absolutely would and explained the reason why only 700+ across the country are CALEA Accredited- it’s hard to achieve, but gives one a level of respect within the industry.

Mayor McNamara appreciated the fact that Lebanon has a willingness to look really hard and honestly at itself, and to see opportunities for improvement, which takes humility. He appreciated the fact that the LPD has consistently displayed that sort of humility and willingness to recognize when things need to change. He appreciated the Chief speaking about Columbine and spoke about the militarization, or the Warrior Ethos, since 9/11 (i.e., more violent, aggressive, popularization of violence in Movies, TV, Video games, etc.). While this may work well for entertainment, what a local municipal police department does, is normal community policing. He understands there is probably a constant challenge to be elite and felt being a good police officer is, in many ways, harder than being a good special operator in the military because their mission is more specific, defined, and narrower than what the LPD does every day. He hopes that Lebanon is able to recruit and retain police officers whose goal of being elite is to be the *best community police officer there is* and not something from a SWAT movie.

Councilor Sykes thanked the Chief for integrating the 8 immediate actions into the LPD’s program. He spoke about HB 1645 that has been introduced to the NH State Legislature, and wanted to make sure Chief Mello would conduct a review to make sure the LPD Policies fit the new RSA as signed by the Governor, if approved. Chief Mello assured him this would be done.

Councilor Prentiss felt the integration of social service agencies, social workers, and mental health professionals into the City’s law enforcement practices is worth a future conversation and spoke about policing strategies used in other cities where police officers are required to live in the community they serve and work in.

The Council further discussed of data collection categories; conflict between neighbors; and possible reasons why people are not able to de-escalate minor conflicts between each other.

Mr. Mulholland read into the record a memo from Ms. Susan Johnson that was received at 8:34 PM as follows:

“I appreciate seeing the Police Section packet for tonight and the explicit statement that being in this country non-documented is not, in itself, a crime. I have found this has been a sticking point with people when the Ordinance was discussed, and it is crucial to clear this point up.”

Mr. Mulholland reiterated that being non-documented is clearly not a crime in the State of New Hampshire and is certainly not a violation of any City Code. In Federal Law, it is a Civil Violation and a Civil Violation only, so does not constitute a criminal offense.

Councilor Heistad asked Chief Mello how the Laurie List is used in Lebanon and if he sees any problems developing from this. Chief Mello said it is now called an Exculpatory Evidence List and has changed a little over the last year. This list would be used by prosecutors to inform the Defense Counsel about a potential credibility issue with an officer. The categories have now been expanded and includes some

mental health issues that some officers may deal with that would result in discipline but does not put them on that list. If someone applies to become an LPD policer, and they are on this list, they will not be hired.

Councilor Liot Hill presented a question from an anonymous participant who asked: “During the CALEA evaluation process, is there a mechanism for public input.” Chief Mello said anyone can send their comments directly to CALEA Commissioners until November 2020. Their address is listed on the City’s website.

ACTION:

Mr. Mulholland congratulated Chief Richard Mello and the Police Department for the very hard work they have put in to reach this level of accreditation, noting that very few departments have been able to do so. This is a credit to the professionalism of the men and women of the Lebanon Police Department who serve our City every day, and they need to know that we continue to support the work that they do, and we are very appreciative.

11. City Manager: (Taken out of order)

A. Broadband/High-Speed Internet Access in Lebanon

Included in the agenda packet was the July 1, 2020 memo and map from the Planning Department, RE: Broadband/High-Speed Internet Access in Lebanon.

Ms. Rebecca Owens, Associate Planner, came before the Council to review the Planning Staff report that outlines the current broadband conditions, along with the challenges and opportunities for improving/expanding service as outlined on pages 117-136 in the City Council agenda packet.

City Manager Mulholland requested the Planning Department to assess what is currently being done at the local and State of New Hampshire levels by Internet Service Providers (ISPs) to improve residential broadband internet access. Residential access needs are going to continue to be elevated due to COVID, and were already an issue before the pandemic, especially for rural communities. The standard for defining it is provided by the internet service providers (ISPs) and they were giving data to the Federal Government through a standard reporting form based on the census block, so if one address in an entire census block (can be quite large) has the internet, then the full block was deemed to have coverage. Areas not achieving that threshold are deemed as unserved.

Ms. Owens’ spoke about residential access in the era of COVID, that has shifted the demand for where/why fast internet is needed (i.e., telemedicine providers/clients, educational providers & students, online shopping, online banking, entertainment and media, and the use of multiple devices in a household). She also reviewed the areas in Lebanon that are underserved; the levels of residential satisfaction; what the approach might be to address broadband gaps in coverage/capacity to expand broadband; what strategies could be used to identify opportunities for the City to facilitate improvements (i.e., funding through the CARES Act or similar State or Federal Funding availabilities); and what further assessments might be needed and who needs to be engaged. She also briefed the Council on what types of internet access is available in our area and spoke about a program called Fastroads/Firstlight (page 123, agenda packet); NH SB 170-Municipal Bonding; NH HB 238-Broadband Study Committee; NH HB 1111-to allow communities to combine into communication districts (page 124, agenda packet); the ISPs in Lebanon and their coverage, performance, and costs (page 125 agenda packet); and the locations where publicly funded internet access nodes are located (page 126, agenda packet).

In conclusion, Cable continues to be the limited and is the main option available for high speed internet in Lebanon. Survey results from the State has verified the need for better quality of service.

This topic will be coming before the Council at a later date for a detailed discussion and what the City's next steps should be.

City Manager Mulholland spoke about the \$50M CARES Act fund from the Governor, noting the reasons why Lebanon cannot apply for these funds and discussed how Lebanon can make a case for the need of broadband service. He suggested the Council form a Committee to investigate this issue.

Councilor Prentiss encouraged any effort on the part of the City and the Council to continue this conversation because this is not a new problem. Now more than ever, schools, work, telehealth, worship and family communication are needed, noting the City uses the internet to conduct meetings.

Councilor Hill agreed that a Committee should be formed, noting there are many people in the City of Lebanon who are not being served adequately with access to the internet. What shocked her was when the School District was asked about this, they said everything was fine. Since then, many people have contacted her saying they did not have adequate broadband access to take care of their remote educational requirements.

Mayor McNamara informed the Council about a new business who is being started by the NH Electric Cooperative to provide broadband to their rural constituents. This is an example of an organization who had the ability to establish an entity to seek funding to help rural Lebanon. It is unfortunate the City is tied to ISPs who we have to usher along to work with us in this process to serve those sections of the City that are currently underserved. The City is going to have to look at innovative solutions.

ACTION:

No action necessary; for informational purposes only.

10. REPORTS

A. City Manager (Taken out of order. Item 11 A. was discussed first).

Mr. Mulholland updated the Council on the following:

- City Elections: Residents have been volunteering to work for the City during elections. There is a problem in Ward 2 because the Baptist Church has closed for COVID-19. Other locations are being looked at for a Ward 2 poll place.

Councilor Hill has been in touch with the Baptist Church. They are certainly open to the idea of using the Church for Polling, but are uncertain whether they will be ready by September 8th due to construction.

- Tax Payment Plan: The Board of Assessor has not approved this yet. The City, as a courtesy, will be assessing a 1%, instead of an 8%, interest rate on those property taxes that are not paid by July 2, 2020. This will give property owners (both business and residential) 30-days to apply for a Tax Payment Plan.
- Revenue Status: Up by 79%, which is up 9% from the previous year.
- Westboro Yard: Should be expecting an answer from the Governor in July/August 2020.

Assistant Mayor Below left the meeting at approximately 9:16 PM.

- Lebanon Gas-to-Energy Project: Still working through the process of a draft report.

- School District Plans & Social Distancing: School will be starting up at the end of August and the City will be working with them to help meet their objectives, which is to get kids back to school safely (i.e., using the Council Chambers as a classroom if necessary).
- 387 North Main Street demolition: The Court Order was received, and we are in the process of getting cost estimates to demolish the structure and make the property safe.

12. COUNCIL REPRESENTATIVES TO OTHER BODIES: NONE

13. FUTURE AGENDA ITEMS: NONE

14. NON-PUBLIC SESSION: NONE

15. ADJOURNMENT:

Councilor Heistad MOVED for adjournment.

Seconded by Councilor Sykes.

Roll Call Vote:

Mayor McNamara and Councilors Heistad, Liot Hill, Prentiss, Sykes, Winny and Zook all voting Yea.
None voted Nay.

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

The meeting was adjourned at 9:21 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary