

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, July 15, 2020, 7:00 p.m.
Remote Via Microsoft Teams: [LebanonNH.gov/Live](https://lebanonnh.gov/Live)**

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

MEMBERS ABSENT: None

STAFF PRESENT: City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Director of Public Works Jim Donison, Assistant Director of Public Works Jay Cairelli, Finance Director Vicki Lee, Fire chief & Emergency Director Chris Christopoulos, Melonie McDonough (IT)

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

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

A Roll Call of City Councilor was taken and all who attended the meeting are listed above. For the purpose of this remote meeting, each Councilor said they were alone.

- 1. PLEDGE OF ALLEGIANCE:** Councilor Bronner led the Council in the Pledge.
- 2. PUBLIC FORUM:** Mayor McNamara made the Public Forum announcement.
- 3. OPEN TO PUBLIC:** No one from the public came forth.
- 4. RECOGNITIONS:**
- Chris Simon, Retirement

**RESOLUTION
HONORING CHRISTIAN A. SIMON**

WHEREAS, Christian A. Simon has devoted himself to a career in public service, having served as a Firefighter since July 23, 1990 and a Captain in the Lebanon Fire Department since October 14, 2005, and;

WHEREAS, Christian has demonstrated those many attributes essential to his position as a Captain in the Lebanon Fire Department, playing an intricate part in keeping our Fire Department's Vehicles and Apparatus ready, and;

WHEREAS, Christian has conducted himself in an open and forthright fashion, reflecting credit upon himself and his profession, always demonstrating the many attributes essential to his position, continually giving of himself freely and unselfishly, and;

WHEREAS, Christian has earned the respect, confidence, and friendship of his fellow coworkers, business associates and the many citizens he has served in his 30-year tenure as a Firefighter and Fire Officer with the Lebanon Fire Department.

THEREFORE, BE IT RESOLVED, that we, the members of the Lebanon City Council, on behalf of the citizenry of Lebanon, Christian’s friends, fellow employees and associates, express our admiration of and respect for the career of our outstanding and faithful employee and extend to him our sincere gratitude and wish him well in his retirement.

BE IT FURTHER RESOLVED, that this resolution be written upon the minutes of the Lebanon City Council meeting and a copy be presented to Christian A. Simon.

Dated this 15th day of July 2020, at Lebanon, New Hampshire.

Timothy J. McNamara, Mayor
On behalf of the Lebanon City Council

Chief Christopoulos and members of the Lebanon Fire Department came forth remotely to extend their accolades to Mr. Simon for his years of service to the City. They were joined by the City Council.

- **Fountain Working Group (Priscilla Gosselin & Lindamae Peck)**

RESOLUTION HONORING FOUNTAIN WORKING GROUP

WHEREAS, The Fountain Working Group of the City of Lebanon Heritage Commission has served the community since 1997, when it was formed by the City Council as the Carter Fountain Committee, through July 2020; and

WHEREAS, The Fountain Working Group has demonstrated a significant benefit to the City through the leadership of Priscilla Gosselin and Lindamae Peck, among many other local organizations, volunteers, and businesses, being fully dedicated to the beautification, arts and cultural heritage of the City and generous in the time and resources donated to related efforts; and

WHEREAS, Lindamae was an original and continuous Member of the Heritage Commission, as well as chairperson of the Dana House Committee and has acted as the primary liaison to the City for numerous fountain initiatives; and

WHEREAS, Priscilla and her family have cultivated numerous relationships to support fountain projects and build awareness of them, and meticulously maintained record of these contributions; and

WHEREAS, The Fountain Working Group’s commitments to restore Lebanon as the “City of Fountains” has resulted in significant achievements including funding, design, restoration and assembly, as well as various partnerships required to establish the Carter Memorial Fountain, Colburn Park Fountain, water feature in the Robert H. Leavitt Memorial Park on High Street, Lebanon Mall Fountain, and most recently, the Glenwood Cemetery Fountain; and

WHEREAS, The above accomplishments of the Fountain Working Group progress goals of the Lebanon Master Plan by adding uniqueness and character to our City’s gateways and open spaces, contributing to a sense of community identity, bringing people to relaxing and pleasing local attractions, and honoring Lebanon’s history; and explicitly as the fountains represent well-placed public art to highlight the meaning of a place; and

WHEREAS, The Fountain Working Group, from “the girl with the umbrella” to “turtles and dolphins on a pedestal” has thus left an enduring legacy for present and future generations to enjoy and be inspired by.

NOW THEREFORE BE IT RESOLVED, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to the Fountain Working Group and its partners for their dedicated service and contributions to the community over the past 23 years.

Dated this 15th day of July 2020 at Lebanon, New Hampshire.

Timothy McNamara, Mayor
On Behalf of the Lebanon City Council

5. ACCEPTANCE OF MINUTES: July 1, 2020 (Regular Meeting)

Amendments: Page 20 (packet, page 12 minutes), Line 11: Change “conscious” to “conscience”; Page 24 (packet, page 16 minutes), Line 21-23 should read: “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.”; Page 25 (packet, page 17 minutes), Line 4: Add “387 North” before Main Street.

Councilor Prentiss MOVED to approve the July 1, 2020 (Regular Session) minutes as amended and presented in the July 15, 2020 City Council agenda packet.
Seconded by Councilor Heistad.

Roll Call Vote:

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

Councilor Bronner abstained because he was not present at the last meeting.

None voted Nay.

****The Vote on the Motion was unanimously approved by those present (7-0-1).***

6. APPOINTMENTS:

- **Stephen Wood**– Appointment as a Citizen Representative of the Class VI Roads Advisory Committee

Mayor McNamara nominated Mr. Stephen Wood as a Citizen 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 Bronner, Heistad, Liot Hill, Prentiss, and Sykes, all voting Yea.

None voted Nay.

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

7. PUBLIC HEARING ITEMS:

A. Ordinance #2020-07

Public Hearing for the purpose of receiving public input and taking action to repeal and replace City Code Chapter 124, Use of Public Stormwater System

Included in the agenda packet was Ordinance #2020-07 and a letter from Attorney H. Bernard Waugh, Jr., RE: Stormwater System Ordinance (Code Chapter 124 Amendments) Our City of Lebanon File No. 20158-47.022 3.

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

Since there is no permit process in place, action to adopt Ordinance #2020-07 will effectuate a permitting system for connections to and extension/expansion of the existing stormwater system.

A legal review by Attorney Bernie Waugh has been completed in accordance with City Code Chapter 115 and can be found, in its entirety, and his opinion can be found in the City of Lebanon File No. 20158-47.022.

City Manager Shaun Mulholland came before the Council and presented the background leading up to the proposed Ordinance change and explained the history of the EPA’s MS4 permitting process for the discharge of stormwater. Components of the four MS4 provisions were included in the agreement for the City’s CSO projects.

Any residential/commercial property owner presently connected to the City’s stormwater system, and is not specifically permitted to do so, will be required to get a full permit. Mr. Mulholland addressed a few of the existing situations (mostly in neighborhoods that were not impacted by the CSO projects) that would be considered stormwater discharge emitted into the City’s sewer system, such as foundation drains, roof liters, sump pumps, houses that have floor drains, and oil tanks that can flip over and discharge oil into our sewer or stormwater system. The City is going to require those property owners to separate their stormwater/rainwater connections from the sewer system and either have them connect to our stormwater system or require them to have some other means to deal with their stormwater. The City’s plan is to help facilitate those separations by making this as inexpensive as possible such as not requiring an engineering study to be done and not charging a permitting fee.

For new structures being built, property owners/developers will have to provide the flow rate(s) going into the City’s system. If the system is unable to handle their flow rate, they will then be required to upgrade that system.

Written notices will be sent out, and published on the City’s website, well in advance so that property owners can make plans (i.e., hiring a contractor).

Mr. Mulholland reiterated that any connection will be considered non-permitted until property owners apply for a permit.

Mayor McNamara concurred and said that by Federal Law and State Statute, you cannot connect features, such as sump pumps, into the sanitary sewer system and could not stress enough about the oil tank issue, noting the many sites he's cleaned up over the decades where someone had an old rusted oil tank that popped and downed 125-220 gals. of oil that ended up in property owners floor drains or sump pump and was then either pumped into the ground or ended up in the sanitary sewer. This is why the State put a regulation into effect over 20-years ago requiring all floor drains be closed to prevent uncontrolled releases of petroleum products.

Councilor Zook signed into the meeting remotely at approximately 7:22 PM.

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

ACTION:

Councilor Winny MOVED, that the Lebanon City Council hereby adopts Ordinance #2020-07 to repeal and replace City Code Chapter 124, Use of Public Stormwater System. Seconded by Councilor Prentiss.

Roll Call Vote:

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

Councilor Zook abstained since she came in at the end of the presentation.

None voted Nay.

****The Vote on the MOTION was unanimously approved (8-0-1).***

B. Ordinance #2020-10

A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 182, Water Service, by adding an additional statutory reference to Section 182-1, Authority; by adding definitions Drought, Lawn & Landscape Watering and Water Supply Shortage to Section 182-7; and adding a new section to implement water use Restrictions in the event of a drought or other emergency, Article VII – Water Use Restrictions.

Included in the agenda packet were Ordinance #2020-10 and the July 1, 2020 Legal Opinion by Attorney Christine Fillmore re: Ordinance #2020-10, Amend Chapter 182, Water Service

Deputy City Manager Paula Maville came before the Council representing Ordinance #2020-10, which was brought before the Council at the July 1, 2020.

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.

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 #2020-10 to amend City Code Chapter 182, Water Service, as presented in the July 15, 2020, City Council Agenda Packet.
*Seconded by Councilor Prentiss.***

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).***

8. OLD BUSINESS

- A. Presentation of Second Reading: 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)**

City Manager Mulholland came before the Council representing the 2nd reading to Amend Ordinance 18, Salary Plan.

The Council was asked to continue 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.

On July 1, 2020, the City Council scheduled a public hearing for August 5, 2020 and recognized the first reading of the proposed amendment to 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). The City Council was asked to recognize the second of three presentations. The third presentation and public hearing will follow on August 5.

ACTION:

1. ACKNOWLEDGE SECOND PRESENTATION:

Councilor Prentiss *MOVED*, that the Lebanon City Council acknowledges the second 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).

Seconded by Councilor Liot Hill.

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	-	-	-	-

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%).

D. LEBANON PROFESSIONAL AND SALARIED EMPLOYEES (LPASE) - Employees covered by the terms and conditions of the collective bargaining agreement between the City of Lebanon and the Lebanon Professional and Salaried Employees (effective January 1, 2019 to December 31, 2021) shall be paid in accordance with the accompanying pay plan covering the time period of the first pay period of 2020 through the last pay period of 2020, as provided in that agreement and as placed on file in the office of the City Clerk. (Last Amended 7/10/19 removed some Library positions.)

LEBANON PROFESSIONAL AND SALARIED EMPLOYEES – 2020 SALARY GRADES – 1.6% GWI									
Grade	Position Title	Minimum							Maximum
		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
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	\$1,087.20	\$1,130.13	\$1,173.28	\$1,216.80	\$1,260.00	\$1,304.95	
9	Communication Supervisor	\$28.17	\$29.82	\$31.46	\$33.11	\$34.76	\$36.39	\$38.05	
	Gemetery Sexton	\$28.17	\$29.82	\$31.46	\$33.11	\$34.76	\$36.39	\$38.05	
	Fleet Maintenance Superintendent	\$28.17	\$29.82	\$31.46	\$33.11	\$34.76	\$36.39	\$38.05	
	Maintenance Superintendent	\$28.17	\$29.82	\$31.46	\$33.11	\$34.76	\$36.39	\$38.05	
	Recreation Program Coordinator	\$1,127.07	\$1,192.90	\$1,258.40	\$1,324.46	\$1,390.40	\$1,455.72	\$1,522.00	
10	Utilities Maintenance Superintendent	\$31.01	\$32.81	\$34.60	\$36.42	\$38.21	\$40.02	\$41.83	
	Wastewater Treatment Superintendent	\$31.01	\$32.81	\$34.60	\$36.42	\$38.21	\$40.02	\$41.83	
	Water Treatment Superintendent	\$31.01	\$32.81	\$34.60	\$36.42	\$38.21	\$40.02	\$41.83	
	Administrative Services Manager	\$1,240.40	\$1,312.40	\$1,384.20	\$1,456.80	\$1,528.42	\$1,600.80	\$1,673.31	
	Airport Operations Supervisor	\$1,240.40	\$1,312.40	\$1,384.20	\$1,456.80	\$1,528.42	\$1,600.80	\$1,673.31	
	Assistant Recreation Director	\$1,240.40	\$1,312.40	\$1,384.20	\$1,456.80	\$1,528.42	\$1,600.80	\$1,673.31	

	Code Enforcement Director	\$1,240.40	\$1,312.40	\$1,384.20	\$1,456.80	\$1,528.42	\$1,600.80	\$1,673.31
	Fire Marshal	\$1,240.40	\$1,312.40	\$1,384.20	\$1,456.80	\$1,528.42	\$1,600.80	\$1,673.31
	GIS Coordinator	\$1,240.40	\$1,312.40	\$1,384.20	\$1,456.80	\$1,528.42	\$1,600.80	\$1,673.31
	Senior Planner	\$1,240.40	\$1,312.40	\$1,384.20	\$1,456.80	\$1,528.42	\$1,600.80	\$1,673.31
11	City Engineer	\$1,363.88	\$1,443.40	\$1,522.91	\$1,602.44	\$1,681.95	\$1,761.49	\$1,841.01
	City Planner	\$1,363.88	\$1,443.40	\$1,522.91	\$1,602.44	\$1,681.95	\$1,761.49	\$1,841.01
12	City Assessor	\$1,390.61	\$1,471.81	\$1,552.99	\$1,634.16	\$1,715.34	\$1,796.53	\$1,877.76
	Deputy Fire Chief	\$1,390.61	\$1,471.81	\$1,552.99	\$1,634.16	\$1,715.34	\$1,796.53	\$1,877.76
	Energy & Facilities Manager	\$1,390.61	\$1,471.81	\$1,552.99	\$1,634.16	\$1,715.34	\$1,796.53	\$1,877.76
	Information Systems Manager	\$1,390.61	\$1,471.81	\$1,552.99	\$1,634.16	\$1,715.34	\$1,796.53	\$1,877.76
	Police Lieutenant	\$1,390.61	\$1,471.81	\$1,552.99	\$1,634.16	\$1,715.34	\$1,796.53	\$1,877.76
	Solid Waste Manager	\$1,390.61	\$1,471.81	\$1,552.99	\$1,634.16	\$1,715.34	\$1,796.53	\$1,877.76
13	Maintenance Manager	\$1,418.67	\$1,501.43	\$1,584.18	\$1,666.94	\$1,749.67	\$1,832.43	\$1,915.18
14	Police Captain	\$1,447.41	\$1,531.84	\$1,616.24	\$1,700.65	\$1,785.07	\$1,869.50	\$1,953.94

Roll Call Vote:

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

None voted Nay.

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

9. NEW BUSINESS

A. Dedication of Glenwood Fountain.

Included in the agenda packet were the following: MOU – Transfer of Ownership between the Lebanon Fountain Working Group, the Lebanon Heritage Commission and the City of Lebanon , along with Glenwood Fountain Photographs.

Mayor McNamara read, for the record, the background for the dedication of the Glenwood Fountain.

The Mt. Calvary and Glenwood Cemetery was established in 1862. In 1883, the City of Lebanon placed a fountain in the Cemetery. It was paid for by the fees extended to families of deceased members for their burials. It is important to impart that the people who placed this fountain in the cemetery did an incredible job of workmanship that lasted for many years. Still, the fountain was removed decades ago after it fell into disrepair.

Several years ago, the Lebanon Fountain Working Group, also known as the Fountain Workers Group, found the original fountain foundation and pictures of it. They set forth plans to refurbish the deteriorated basin and find a fountain close to the original one that was there years ago. The Fountain Working Group has replicated the original decorative concrete basin and installed a Victorian-style cast iron fountain. The ‘new’ fountain thus incorporates the original bottom basin and the swan figures that one can see on the yard planter situated at the Carter Home. Also important to their plans was the incorporation of eight small pillars in the surround of the original basin, to reflect its authentic design. The remaining fountain

parts have been carefully curated and assembled to complement the proportions and integrity of the original fountain.

To reflect more modern times and ensure serviceability, the fountain utilizes a solar-powered recycling water pump that also conserves energy and water. A protective shelter to cover the fountain over the winter is under development. The City of Lebanon assumes responsibility for maintenance of the working fountain upon acceptance of the fountain as a gift to the City.

With the Glenwood Cemetery fountain in place, Lebanon will be one fountain closer to regaining its previous reputation as “The City of Fountains”, and current residents will enjoy a community feature that enhances quality of life. In terms of honoring the past, the placement of this fountain in the original setting is a poignant remembrance of times passed and celebrates those who have gone before us.

Thank you to Ms. Priscilla Gosselin for providing the background content.

ACTION:

Councilor Sykes MOVED, that the Lebanon City Council hereby accepts the dedication of the fountain at Glenwood Cemetery from the City of Lebanon Fountain working group.

BE IT FURTHER MOVED, that the Lebanon City Council hereby extends its sincere gratitude and appreciation to Priscilla Gosselin and Lindamae Peck, and all others involved in the project, for their hard work and dedication in beautifying Lebanon through the installation of fountains such as the Glenwood Fountain.

Seconded by Councilor Heistad.

Roll Call Vote:

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

Upon this Roll Call Vote, Councilor Zook was no longer connected.

None voted Nay.

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

Ms. Lindamae Peck came before the Council remotely to extend the Fountain Working Group’s thanks and appreciation to the many businesses, organizations and prominently involved people who supported them through the decades on various fountain projects, starting from 1997 to the present. She read an extensive list of names that included their fountain project involvement(s) to the Council.

B. Annual Review and Re-Adoption of Cash Management & Investment Policy.

Included in the agenda packet were the July 15, 2020 Memo from Vicki Lee, Finance Director, re: Review and Adoption of the 2020 Cash Management and Investment Policy and the City Council Policy CC-100, Cash Management and Investment Policy.

Finance Director Vicki Lee came before the Council representing the Annual Review and Re-Adoption of the Cash Management & Investment Policy as detailed on pages 63-73 in the City Council Agenda packet.

The purpose of the City’s Cash Management and Investment Policy is to ensure that the administration of the City’s cash management system is handled as its highest public trust.

ACTION:

Councilor Bronner MOVED, that the Lebanon City Council adopts City Council Policy CC-100, Cash Management and Investment Policy, as presented in the July 15, 2020, City Council Agenda packet, to be effective upon passage.

Seconded by Councilor Prentiss.

Councilor Liot Hill requested the Purchasing Policy for the City be sent to the Council. She also suggested that in the future, the Finance Director consider keeping taxpayer dollars within the City.

Councilor Zook left the remote meeting at approximately 8:27 PM due to connectivity issues.

Roll Call Vote:

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

None voted Nay.

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

C. Annual Review of Fund Balance Policy

Included in the agenda packet was the July 15, 2020 memo from Vicki Lee, Finance Director, re: Review of the Fund Balance Policy 2. City Council Policy #CC-101, Fund Balance Policy.

Finance Director Vicki Lee came before the Council representing the Annual Review of the Fund Balance Policy as detailed on pages 77-80 in the City Council agenda packet.

The Fund Balance Policy is reviewed annually by the City Council. Changes are made as warranted.

ACTION:

No action is required at this time, as this is an Annual Review of the Fund Balance Policy, which has not been amended since changes were last incorporated and adopted on June 20, 2018.

D. Annual Review of Capital Reserve Fund Policy

Included in the agenda packet were the July 15, 2020 Memo from Finance Director Vicki Lee, re: Review of the Capital Reserve Policy 2. City Council Policy #CC-102, Capital Reserve Fund Policy.

Finance Director Vicki Lee came before the Council representing the Annual Review of the Capital Reserve Fund Policy as presented in detail on page 87 of the City Council agenda packet. She noted the Parking Facilities Repairs/Maintenance Capital Reserve Fund is presently supported exclusively by facility lease payments.

ACTION: No Council action was required. - For informational purposes only.

E. Release of Public Schools Impact Fees.

Included in the agenda packet was the Impact Fee Report as of June 25, 2020 as detailed on page 99 of the City Council agenda packet.

Finance Director Vicki Lee came before the Council requesting the City Council authorize the disbursement of \$123,709.65 in collected Public School Impact Fees (through 6/25/2020) to the Lebanon School District.

A Memorandum of Understanding (MOU) between the City and Lebanon School District (September 30, 2010) provided the City would transfer once each quarter of the calendar year all collected Public Schools Impact Fees to the Lebanon School District for application toward the payment of debt on the new middle school.

To date \$246,283.24 has been disbursed to the Lebanon School District.

ACTION:

Councilor Prentiss MOVED that in accordance with Section 213.10 (Administration of Impact Fees) of the Lebanon Zoning Ordinance, the City Council authorizes disbursing the sum of \$123,709.65 in collected Public Schools Impact Fees to the Lebanon School District to be applied toward the payment of debt on the new middle school located at the intersection of Moulton Avenue and Route 4 consistent with the September 2010 Memorandum of Understanding Between the City of Lebanon and the Lebanon School District, SAU 88.

Seconded by Councilor Bronner.

Roll Call Vote:

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

None voted Nay.

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

F. 2020 NHMA Legislative Policy Recommendations

Included in the agenda packet were the 2021-2022 NHMA Recommended Policy Positions, the 2021-2022 NHMA Legislative Policy Process Q&A, the 2021-2022 NHMA Recommended Legislative Principles, and the 2021-2022 Floor Policy Proposal Form

City Manager Shaun Mulholland came before the Council representing the 2020 NHMA Legislative Policy Recommendations and presented its history.

The New Hampshire Municipal Association's (NHMA) annual Policy Conference is being held virtually in November 2020 and provides a venue for voting by individual municipalities on NHMA's proposed 2021-2022 Legislative Policy Platform. One member of each municipality has voting privileges at the Conference, and the Council is asked to delegate a member for such voting purposes.

The Council was originally provided with NHMA's 2021-2022 Final Legislative Policy Recommendations in April. City staff has reviewed the proposed policies and provided recommendations for the Council's consideration when deciding which policies to support at the Policy Conference.

The Council was asked to:

1. Take a position on the policy recommendations listed (as presented on pages 105-114, agenda packet). A separate Motion is needed for each General Policy but not for each individual bullet points. Mr. Mulholland suggested that a consensus be taken on each one and then take a vote on all as one package.
2. Select a delegate to represent the City in November at the Legislative Policy Conference. Mayor McNamara volunteered.

The Council started their review on the individual Policy Recommendations as listed below, and Mayor McNamara read them into the record.

ADMINISTRATION AND GOVERNANCE:

- **Local Authority and Efficiency:** NHMA supports maintaining local government authority without infringement by the state, and supports measures that enable municipalities to exercise existing authority more efficiently and with greater discretion.

NHMA supports:

- Legislation granting towns the same authority to adopt ordinances that cities have under RSA 47:17 (**Note:** This does not apply to the City of Lebanon);
- The authority of municipalities to regulate or limit the use of firearms on municipal property, and to regulate the carrying of firearms by municipal employees while on duty;
- Legislation allowing a town, by vote of its legislative body, to authorize appointment of the town clerk or town clerk/tax collector by the governing body, or by the town clerk or town clerk/tax collector by the governing body, or by officer based on a town charter;
- Legislation allowing municipalities to satisfy notice publication requirements through the use of electronic notification rather than newspaper publication, in addition to posting notice in public places.

NHMA opposes legislation that detracts from existing local authority.

Councilor Prentis asked if limiting the use of firearms included the schools. Mayor McNamara said it does. As an FYI, Mr. Mulholland informed the Council that the NHMA does not take positions on bills that apply to schools.

After Mayor McNamara called for a Motion, Assistant Mayor Below suggested these should be considered to have a consensus of support unless there is an objection by a Councilor, noting these were all consensus-based recommendations coming out of the specific work groups that worked on these recommendations and represent a broad diversity of towns/cities.

Councilor Prentiss asked if the NHMA is considering any position changes due to the impacts of COVID-19. Mr. Mulholland said not so much on the positions, but there are certainly (legislative) bills where changes are needed due to COVID-19.

Assistant Mayor Below informed the Council that the Economic Development Policy Statement was discussed and language was added recognizing the economic recovery process will be ongoing for some period of time. The title was also changed to Economic Development, Recovery & Vitality.

- **Right-to-Know Law:** NHMA supports the purposes of the Right-to-Know Law: to ensure the greatest possible public access to the actions, discussions, and records of all public bodies, and to ensure government’s accountability to the people. NHMA also supports measures to make the law clearer and make compliance with public access requirements easier and less burdensome for public officials and employees and less costly for taxpayers.

NHMA supports:

- Reasonable requirements to make governmental records available electronically if no additional cost is involved;
- The ability to recover reasonable labor costs for responding to voluminous, excessive, or vexatious record requests;
- Exemptions from disclosure that are easy to administer and that provide appropriate protection for confidential and other sensitive information;
- An expedited and inexpensive process for resolving right-to-know complaints;
- Legislation and funding that provide support for education about the Right-to-Know Law.

At Councilor Liot-Hill’s request, Mayor McNamara opened the Right-to-Know Law NHMA Policy Recommendation to the Public.

Mr. Jeremy Katz (Ward 3) came forth and spoke about the wording and the NHMA’s approach to Right-to-Know Law, which he felt is more restrictive and makes documents less available to the public. In looking at some of the terms, he felt they were problematic and requested the Council to use more scrutiny before endorsing the NHMA’s platform on this issue. Essentially, when you see words like harassing, voluminous, excessive, or vexatious, those words have historically been used to describe people who are annoying or who are on to something, and spoke about what was learned from the Black Lives Matter movement and the instances of excessive use of force.

Additionally, with terms like “reasonable requirements to make governmental records available electronically if no additional cost is involved,” he noted there is always a cost involved in converting to a digital/electronic format, so an adverse interpretation of words like this really could mean: let’s find a way to say no to everything because there is a cost involved. By and large, we have a government for the purpose of supporting/representing the people and to be accountable to the people, but these days, he is not certain that a lot of people have faith in many forms of government that exist on a National or State-wide basis. To the extent that the NHMA Platform could be misinterpreted, in any way, to restrict or otherwise limit access of the public to documents, would be a problem.

At Mayor McNamara’s request, Mr. Katz will submit a detailed written summary of his comments to the City Clerk’s office.

Councilor Liot-Hill felt Mr. Katz’s comments were very thought provoking and requested the Council not take a position on the Right-to-Know Law at this meeting, but should be discussed further at a future meeting.

Assistant Mayor Below commented that he thought some of these *words* mean what they say, and are not intended to mean the opposite of what they say. For example: “NHMA supports the purposes of the

Right-to-Know Law to ensure the greatest possible public access to the actions, discussions, and records of all public bodies, and to ensure government’s accountability to the people.” He thought it was also true that there are significant ambiguities in the law, and sometimes compliance is difficult because of those ambiguities, so clearer language and making compliance less burdensome is not necessarily a bad thing, and makes it less costly for taxpayers. To the point about reasonable requirements to make governmental records available electronically if no additional cost is involved: In some cases, government entities have not done this because the law requires paper copies, which you can be charged for, even though its original form is a PDF. The intention (of the Right-to-Know Policy) is to actually make electronic records (already in the PDF format) more readily available at little or no cost.

Mr. Mulholland said the intent is not to diminish the public’s access to records, but to help it.

Assistant Mayor Below said there is room to support an expedited and inexpensive process for resolving Right-to-Know complaints. At present, if an agency rules that something can be considered confidential commercial information, the only recourse for the public to get their requested document(s) is to litigate through the Court System, and often those cases go all the way to the Supreme Court. Right now, there is no intermediate step between a governmental agency and going through litigation if they disagree with a public agency’s decision on disclosure.

- **Elections:** NHMA believes that state and local elections should be fair and open, that voting should be simple and convenient without risking election integrity or security, and that election processes should be efficient without imposing undue burdens on local officials.

NHMA supports:

- Establishment of an independent redistricting commission to draw election districts fairly and without regard to partisan advantage;
- Local autonomy over town and city elections;
- More frequent state review and approval of electronic ballot-counting devices;
- Registration and voting processes that are not unnecessarily complex or burdensome, either to voters or to election officials;
- The use of secure technology such as electronic poll books to make election processes more efficient;
- Greater flexibility in the processing of absentee ballots;
- State assistance for the cost of accommodations for disabled voters in local elections.

Councilor Liot Hill supports a “no excuse” absentee ballot and would support providing greater autonomy to local officials to change the Town Meeting date, or local election date, based on local conditions (i.e., weather-related or other emergency situations).

Councilor Prentiss felt people should not have to check the disability box on an absentee ballot. In looking forward to the future, and with the size of this pandemic, she felt the language (for greater flexibility in the processing of absentee ballots) should be broad enough to say - without risking integrity, security, or the health of the public.

The Council further discussed mail-in ballots; supporting a policy for excuseless absentee balloting/mail-in voting; crafting language for absentee ballots/mail-in voting so it is not controversial for some

town/cities; how situations can change after someone has already voted; and concerns about how election issues have become extremely partisan.

In response to Councilor Sykes request for details on the language of “more frequent state review and approval of electronic ballot-counting devices,” Mr. Mulholland noted that (ballot) machines are completely outdated and cannot be repaired. Confidence in the progressiveness of the Secretary of State’s Office is a significant concern and there seems to be a significant unwillingness to change with the changing times. In all fairness, though, the Secretary of State is very concerned about the real problem of security.

The Council further discussed spot checking ballot results in each of the three wards for the City, with the City Clerk explaining what the procedure was for tallying votes (i.e., mandatory hand tallying being compared against what the machine says prior to an election); randomly checking/reconciliation, by hand counting a ward’s voting tally after an election; concerns about election integrity and what the City can do to alleviate this issue; and using Drop Boxes to collect ballots and why they are not used - would require a change in the State law.

ACTION: No Action Taken – discussion only

Mayor McNamara announced he will not be present at the August 5, 2020 City Council Meeting. Assistant Mayor Below will be moderator for this meeting.

10. REPORTS

A. City Manager: Mr. Shaun Mulholland reported on the following:

- Westboro Yard: Letter from DOT puts this project officially on hold due to the State’s financial situation because of COVID-19.
- 37 North Main Street (condemned building): An RFP process is underway.
- Code Violation Enforcements: The process is changing for Life/Safety Violations Codes, Building Codes and Planning Regulations.
- Greenway extensions to West Lebanon: Agreement is being finalized.
- July 14, 2020 Storm Damage: Report will be sent to Councilors.
- RSA 29e-E: Proposed draft changes to the language being made in the legislation concerning provisions for electronic documents and signatures for the City. Will be sent to the Council for their review and guidance.

B. Council Representatives to other bodies:

Assistant Mayor Below informed the Council that LEAC’s LED Street Lights project was approved by the Public Utilities Commission (PUC) on June 30, 2020. This gives the City the right to own its street lights and use network controls for those, along with other details. The RFP’s for streetlight conversions have been issued through the Department of Public Works.

11. FUTURE AGENDA ITEMS: NONE

12. NON-PUBLIC SESSION:

Councilor Bronner MOVED to go into a Non-Public Session per RSA 91-A:3.11(a) "Dismissal, promotion or compensation of any public employee"

Seconded by Councilor Prentiss.

Roll Call Vote:

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

None voted Nay.

**The Vote on the MOTION was unanimously approved (8-0)*

The Council went into Non-Public Session at 8:57 PM.

Staff Attending Non-Public Session: City Manager Mulholland.

13. ADJOURNMENT: City Manager Mulholland noted the adjournment will be handled by the Council at the end of the meeting, so a formal adjournment will not be on meeting record.

The City Council (Regular Session) meeting ended at 8:57 PM.

Respectfully submitted,

Dona E. Gibson

Recording Secretary