

FINAL

LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, September 2, 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, Jim Winny, and Karen Zook

MEMBERS ABSENT: George Sykes

STAFF PRESENT: Deputy City Manager Paula Maville, City Clerk Kristin Kenniston, Lebanon Police Chief Richard Mello, Cemetery Sexton Patrick McCarthy

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 Law."

Councilors who attended the meeting remotely are listed above.

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: NONE

5. ACCEPTANCE OF MINUTES:

• **August 12, 2020 (Regular Session)**

Amendments: (agenda packet) Page 3, Line 8: Change "Councilor" to "Councilors"; Change "Paul Barr" to "Paul Barr" throughout; Page 3, line 21: Change "Rhoads" to "Rhoades"; Page 4, line 10: Change "at" to "to"; Page 6, line 14: Change "Tim" to "Tom; Page 7, line 7: Add "will be provided with" before "a copy"; Page 6, lines 19 & 20: For clarity, the three anonymous comments were removed as they will not become part of the public record.

• **August 19, 2020 (Regular Session)**

Amendments: Page 3, line 49" Remove "are"

Councilor Prentiss MOVED to approve the August 12, 2020 (Regular Session) and the August 19, 2020 minutes as amended and presented in the September 2, 2020 City Council agenda packet.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

****The Vote on the Motion was approved (8-0).***

6. APPOINTMENTS:

- Cemetery Board of Trustees: Susan Painter (Regular Member)

Councilor Bronner nominated Susan Painter for reappointment as Ward 1 Representative of the Board of Cemetery Trustees. Two-year term (8/20 – 8/22).

Seconded by Councilor Prentiss.

Roll Call Vote:

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

None voted Nay.

****The Vote on the nomination was approved (8-0).***

7. PUBLIC HEARING ITEMS:

A. ORDINANCE #2020-03

A public hearing for the purpose of receiving public input and taking action to amend City Code Chapter 46, Cemeteries to update a number of fees, to remove the requirements for a Perpetual Care Trust Fund, and to include provisions for establishment of a Cemetery Maintenance & Preservation Fund and Cemetery Maintenance Special Reserve Fund

Included in the agenda packet was Ordinance #2020-03 and the August 24, 2020 Legal Opinion by Attorney H. Bernard Waugh re: Proposed Ordinance 2020-03 Cemeteries.

Deputy City Manager Paula Maville came before the Council and presented the history and proposed amendment changes to Ordinance #2020-03.

Proper maintenance of our public cemeteries has been a topic of discussion for the past few years. Discussion began with the formation of a Cemetery Governance Task Force in 2017, continued with the establishment of a formal Board of Cemetery Trustees in 2018, and the hiring of a Cemetery Sexton in 2019.

One major topic within the maintenance discussion has been the limited ability to access money through the current Perpetual Care Trust Fund. The current fund was established a number of decades ago and was created as a “non-expendable trust.” Due to the nature of a nonexpendable trust, the only expendable portion of the fund is the total interest gained on an annual basis (typically averaging somewhere around \$20,000). Past practice has been to use the interest income from the fund to offset the total (operational) maintenance portion of the Cemeteries budget.

With an eye towards future maintenance needs for the cemeteries, the Cemetery Trustees and staff have been working with attorney Bernie Waugh on proposed amendments to Chapter 46. Proposed amendments have been focused on discontinuing fees for “Perpetual Care” and beginning fees to fund Cemetery Maintenance and Preservation. To that end, the Board of Cemetery Trustees and City administration recommend the establishment of two separate funds to be utilized for these purposes: A Cemetery Maintenance Special Revenue Fund and a Cemetery Maintenance & Preservation Trust Fund.

The Cemetery Maintenance Special Revenue Fund would be funded through the sale of lots (50% of a grave lot cost), and any appropriations made to the fund by action of the City Council. The purpose of the fund will be for special and/or capital projects. Oversight and expenditure authority shall rest with the City Manager.

The Cemetery Maintenance & Preservation Trust Fund would be overseen by the City’s Trustees of Trust Funds with authority to expend granted to the Board of Cemetery Trustees for maintenance & preservation efforts (mostly related to monument maintenance & preservation). The fund would be funded through the interest income derived from the Perpetual Care Trust Fund as well as fees for monument foundations and any private donations received.

All receipts from burial fees, entombment fees, marker setting fees; and half of the revenue generated through the sale of grave lots are general fund revenues and will not be placed into either of the funds described above.

The Perpetual Care Trust Fund will be maintained at current levels with no additional Trusts being established once the proposed amendments become effective.

Further, amendments to Chapter 46 include updating burial, entombment, and monument foundation fees; clarifying “Holiday Burials”; and clarifying timelines for permissible entombments.

Mr. Patrick McCarthy, Cemetery Sexton, noted that fees are going up to cover only the costs; the timelines have changed for keeping remains in the City tomb; and memorabilia flags are requested to be placed on the head/monument end of the lots for maintenance purposes.

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

The City Council thanked members of the Cemetery Board, and Mr. McCarthy, for their work, dedication and commitment in finally providing the attentions, care, and quality services the cemeteries deserve.

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby adopts Ordinance #2020-03 to amend City Code Chapter 46, Cemeteries, as presented in the September 2, 2020 City Council Agenda Packet.

Seconded by Councilor Liot Hill.

Roll Call Vote:

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

None voted Nay.

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

8. OLD BUSINESS: NONE

9. NEW BUSINESS

A. Discussion & Set Public Hearing for September 16, 2020: CDBG-CV Public Services

Application - West Central Behavioral Health Mobile Health Crisis Response Initiative

Included in the agenda packet was the Project Description – West Central Behavioral Health – MOBILE HEALTH CRISIS RESPONSE (pages 47-49, agenda packet).

Deputy City Manager Paula Maville came before the Council to present the background and the proposal for the above initiative.

The Community Development Block Grant-COVID (CDBG-CV) funds were authorized under the CARES Act and must be used to prepare for, respond to, or recover from the COVID-19 pandemic. The Community Development Finance Authority (CDFA), runs the CDBG balance of state program on behalf of the State of New Hampshire. New Hampshire has been allocated two awards of CDBG-CV funds totaling approximately \$10 million. The CDFA has identified that there is a significant need for Public Services assistance, additional microenterprise and small business technical assistance. Of the initial \$5.4 million award, CDFA has allocated approximately \$1.7 million to microenterprise and small business technical assistance which has been awarded. The remaining \$3.7 million is available for this Public Services round. All regular CDBG requirements are applicable to this round. CDBG funds must primarily benefit low- and moderate-income persons. Categories and eligibility for the remaining CDBG-CV allocations will be determined in the near future. CDFA typically receives approximately \$9 million annually for the statewide CDBG program which includes all non-entitlement municipalities and counties. The CDBG-CV funds are supplementing the regular program under which municipalities are eligible to apply for up to \$500,000 in each of the following categories: housing, public facilities, economic development, emergency grants (up to \$500,000), and planning grants (up to \$25,000).

West Central Behavioral Health (“West Central”) requested that the Lebanon City Council support the submission of a CDBG-CV for Public Services (up to \$500,000) to support an enhanced behavioral health crisis response through a proposed MOBILE HEALTH CRISIS RESPONSE initiative in order to better serve the residents of Lebanon. If successful, the funds would be sub-granted to West Central (less administrative costs) to be used to implement this new initiative. The current COVID-19 pandemic has amplified and publicized the need for emergency mental health services among non-vulnerable populations, but among the most vulnerable and marginalized groups of Lebanon residents with whom West Central works each day, the need for crisis mental health services has spiked dramatically.

Mr. David Celone (West Central Public Health) came forth remotely representing West Central’s new initiative. In an effort to handle an uptick in calls that have been coming into the Lebanon Police Department and other first responders, he proposed adding additional staff to West Central’s current crisis services (a.k.a., Emergency Services Team in Lebanon) noting this grant is really focused on pandemic-related occurrences (i.e., ways to prevent COVID-19 issues from developing, or addressing/preparing for them). The pandemic has been isolating people, which has increased their levels of stress, depression, PTSD, and substance use. The number of crisis calls have increased in Lebanon, particularly between the hours of Midnight and 8:00AM, when the crisis lines are not staffed, so the intent of this initiative is to provide 24/7, around the clock, mental health telephone and mobile crisis services.

Councilor Prentiss asked if these calls would come in from 911 and then be triaged over to West Central or would their normal line be picked up, answered, and then a mobile team sent. Mr. Celone felt calls coming into 911 would have to be triaged over to West Central. However, they would also have an 800 number where people can call them directly.

Mr. Roger Osmon (CEO, West Central) responded via telephone and informed the Council about his experience in Pennsylvania running Mobile Crisis Services. The goal of Mobile Crisis Intervention is to divert people from ever having to go to the ER if at all possible. Hopefully, people in a crisis will contact us either through 911, where their call will be transferred to us, or they will call our 800 number. Once a call is received, the Mobile Crisis Intervention Team will be dispatched and will stay with the person in crises as long as needed. The goal is to be a live connection for those in need, even if it is in the middle of the night. This provides a lot of hope and confidence to those in crisis by reaching out to them. The Mobile Crisis Team will do continual follow-up to make sure individuals in crisis are staying connected and getting the help they need.

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, September 16, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on a proposed CDBG-CV grant application for up to \$500,000 in CDBG-CV Public Services funds to be sub-granted to West Central Behavioral Health; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application and contract.

Seconded by Councilor Prentiss.

Ms. Kathy Beckett submitted a question to West Central via the chat box in MS Teams. She felt it was critical to train the Lebanon Police Department Dispatchers in order to ensure proper referrals and questioned if this was part of the grant. In response, Mr. Celone said West Central’s Mobile Health Crisis Response would certainly have a collaboration with the Police. Councilor Prentiss thought City representatives from Lebanon’s Fire/EMS were involved in this discussion and was pretty sure the folks running this model in Concord, NH would be willing to break down how their decisions are made and become part of this discussion with the City of Lebanon.

Roll Call Vote:

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

None voted Nay.

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

B. Request from Salt Hill Pub to extend authorization to serve alcoholic beverages within their expanded outdoor seating area until December 31, 2020.

Included in the agenda packet was the August 19, 2020 letter from Josh Tuohy, Salt Hill Pub.

Salt Hill Pub requested an amendment to their exemption to serve alcohol on City-owned property within the confines of their outdoor seating area per City Council approval granted on April 1, 2020. The City of Lebanon’s City Council approved closing the parking area in front of Salt Hill Pub and the 20 West Park Street building to allow for additional outdoor seating for Salt Hill Pub on May 13, 2020. The original amendment to extend their outdoor seating area and serve alcohol is set to expire on September 15, 2020. Salt Hill Pub would like to extend this, subject to weather conditions, to December 31, 2020.

Councilor Prentiss MOVED,

FOR THE PURPOSE of amending the April 1, 2020 exemption to serve alcoholic beverages on City-owned property and the May 13, 2020 exemption to serve alcoholic beverages within the expanded outdoor seating area for Salt Hill Pub;

BE IT MOVED, that the exemption to serve alcohol within the expanded outdoor seating area be located in the parking area in front of Salt Hill Pub and the 20 West Park Street building is hereby extended and shall be valid until December 31, 2020.

Seconded by Councilor Heistad.

Mayor McNamara explained this extension would need to be contingent upon weather conditions (i.e., snow removal, etc.)

Roll Call Vote:

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

None voted Nay.

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

C. Request from Three Tomatoes Trattoria to extend authorization to serve alcoholic beverages within their expanded outdoor seating area until December 31, 2020.

Included in the agenda packet was the August 11, 2020 Letter from Robert Meyers, Three Tomatoes Trattoria.

Three Tomatoes Trattoria requested an amendment to their exemption to serve alcohol on City-owned property within the confines of their outdoor seating area per City Council approval granted on April 1, 2020. The City of Lebanon's City Council approved closing a portion of Court Street and a larger portion of the Lebanon Pedestrian Mall to allow for additional outdoor seating for Three Tomatoes Trattoria on May 13, 2020. The original amendment to extend their outdoor seating area and serve alcohol is set to expire on September 15, 2020. Three Tomatoes Trattoria would like to extend this to December 31, 2020.

Assistant Mayor Below recused himself from this vote due to a conflict of interest.

ACTION:

Councilor Prentiss MOVED,

FOR THE PURPOSE of amending the April 1, 2020 exemption to serve alcoholic beverages on City-owned property and the May 13, 2020 exemption to serve alcoholic beverages within the expanded outdoor seating area for Three Tomatoes Trattoria;

BE IT MOVED, that the exemption to serve alcohol within the expanded outdoor seating area located in a portion of Court Street and the larger portion of the Lebanon Pedestrian Mall is hereby extended and shall be valid until December 31, 2020.

Seconded by Councilor Bronner.

Mayor McNamara explained this extension would need to be contingent upon weather conditions (i.e., snow removal, etc.)

Roll Call Vote:

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

Assistant Mayor Below abstained.

***The Vote on the MOTION was approved (7-0-1).**

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

D. Discussion & Set Public Hearing for October 7, 2020: Ordinance #2020-13 to amend City Code Chapter 14, Alcoholic Beverages

At the request of Mayor McNamara, agenda Items **9D** (Ordinance #2020-13, Alcoholic Beverages), **9E** (Ordinance #2020-14 to amend City Code Chapter 62, Drugs and Drug Paraphernalia), and **9F** (Ordinance #2020-15 to amend City Code Chapter 168, Vehicles and Traffic) were discussed together and voted on separately to set a Public Hearing for October 7, 2020.

Included in the agenda packet were the Proposed Ordinance amendments and Legal Opinions by the City's Legal Counsel, Attorney C. Christine Fillmore.

Lebanon Police Chief Richard Mello came before the Council remotely to present and discussed the proposed amendments as presented in detail on pages 59-72, in the September 2, 2020 City Council agenda packet. The changes to the proposed Ordinances came about due to the difficulties in enforcing a number of City Code violations. Under the current City Code, with the exception of issuing a Parking Ticket, all other Code Violations require a summons to appear in Court.

For items 9D (Ordinance #2020-13, Alcoholic Beverages) and 9E (Ordinance #2020-14 to amend City Code Chapter 62, Drugs and Drug Paraphernalia) the proposed amendments to Chapter 14 and Chapter 62 deal with adding some fine language to each section of the code so LPD officers can issue a ticket. The offender could then decide whether or not they want to pay that ticket via an electronic process or contest it and have it reviewed by a judge. The concept is that the vast majority of the time the person will pay the ticket, which will alleviate the burden on the Court docket, on the prosecutors, and on the LPD officers having to appear in Court (using overtime pay.)

Item 9F (Ordinance #2020-15 to amend City Code Chapter 168, Vehicles and Traffic) deals with parking tickets. At present, we have an issue with unpaid Parking Tickets. (Currently, there are over \$500K in unpaid parking tickets.) The LPD increased their focus on the Downtown area around the Green and town parking areas, which has resulted in more Parking Tickets being issued. As of right now, the only option the LPD has to recover those unpaid fines is to track a person down and issue them a summons to appear in court. Changing this Ordinance would help reduce unnecessary court appearances and help alleviate an already back-logged court docket, in addition to reducing the amount of cases the Lebanon Police Prosecutor would have to handle on a weekly basis. The Lebanon Police Department has designed a City Ordinance ticket to be used in this process. The offender will still have the option, should they choose, to appear in court for a due process hearing. This proposed amendment would also allow the LPD options to boot the vehicle, based on the number of tickets they have accumulated; impounding the vehicle; or paying a bond, to pay off the parking fines, while the offender decides whether or not to contest their case.

ACTION on 9D - Ordinance #2020-13:

Councilor Bronner MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of

receiving public input and taking action on proposed Ordinance #2020-13, to amend City Code Chapter 14, Alcoholic Beverages, §14-6 Penalties for Offenses.

Secoded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

E. Discussion & Set Public Hearing for October 7, 2020: Ordinance #2020-14 to amend City Code Chapter 62, Drugs and Drug Paraphernalia.

ACTION on 9E - Ordinance #2020-14:

Councilor Winny MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on proposed Ordinance #2020-14, to amend City Code Chapter 62, Drugs and Drug Paraphernalia, §62-6 Penalties for Offenses.

Secoded by Heistad.

Roll Call Vote:

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

None voted Nay.

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

F. Discussion & Set Public Hearing for October 7, 2020: Ordinance #2020-15 to amend City Code Chapter 168, Vehicles and Traffic

ACTION on 9F- Ordinance #2020-15:

Councilor Bronner MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2020, beginning at 7:00 pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on proposed Ordinance #2020-15, to amend City Code Chapter 168, Vehicles and Traffic, §168-13 Enforcement.

Secoded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

10. REPORTS

A. City Manager: NONE

B. Council Representatives to other bodies:

Councilor Winny informed the Council that at the last Planning Board meeting they discussed having a Technical Review Committee to do minor Site Plan Reviews. There will be a follow-up presentation on this soon.

Councilor Liot Hill informed the Council that a notice from Twin Pines, Chiplun and The Haven was received by the Planning Office to withdraw their application for Main Street, West Lebanon.

11. FUTURE AGENDA ITEMS: NONE

12. NON-PUBLIC SESSION: NONE

13. ADJOURNMENT:

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

Roll Call Vote:

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

None voted Nay.

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

The meeting was adjourned at 8:01 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary