

FINAL

LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, September 16, 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 Planning & Zoning David Brooks, Lebanon Police Chief Richard Mello, Melanie 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 Law.”

A Roll Call of City Councilors was taken and those who attended the meeting remotely are listed above.

1. PLEDGE OF ALLEGIANCE: Councilor Bronner led the Council in the Pledge.

Mayor McNamara requested a moment of silence for the late Mr. Ed Ashey and spoke about Mr. Ashey’s historical knowledge and the many contributions he made to the City as its Historian.

2. PUBLIC FORUM: Mayor McNamara made the Public Forum announcement.

3. OPEN TO PUBLIC: No one from the public came forth

4. RECOGNITIONS: Councilor Liot Hill came forth to thank the City Clerk and all election officials who kept things running smoothly during Election Day. This year there was a record number of voters who turned out in person, plus a record number of voters who exercised their ability to vote by Absentee Ballot.

5. ACCEPTANCE OF MINUTES: September 2, 2020 (Regular Meeting)

ACTION:

Councilor Heistad MOVED to approve the September 2, 2020 (Regular Session) minutes as written and presented in the September 16, 2020 City Council agenda packet.

Seconded by Councilor Bronner.

Roll Call Vote:

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

None voted Nay.

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

Councilor Prentiss arrived at approximately 7:15 PM.

6. APPOINTMENTS:

- **David Muzzy** - Reappointment as Ward 2 Representative of the Board of Cemetery Trustees.

ACTION:

Councilor Sykes nominated Mr. David Muzzy for reappointment as Ward 2 Representative of the Board of Cemetery Trustees. Two-year term (9/20 – 9/22).

Roll Call Vote:

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

None voted Nay.

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

7. PUBLIC HEARING ITEMS

- A. Public hearing for the purpose of receiving public input and taking action on a proposed Public Services grant application for up to \$500,000 in CDBG-CV funds to be sub-granted to West Central Behavioral Health for their Mobile Health Crisis Response Initiative; and to authorize the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application.

Included in the agenda was the Project Description – West Central Behavioral Health – MOBILE HEALTH CRISIS RESPONSE (pages 24-26). Background information can be found on page 21, agenda packet.

Mr. Mulholland came before the Council and reviewed the background behind the CDBG-CV grant, noting this is part of a larger strategy to provide the public with mental health services by allowing a Mental Health professional within the community to provide in-person crisis counseling beyond regular working hours. The goal is to minimize potential crisis situations so they do not cause major impacts on patients, their families, and the community at large.

Mr. Roger Osmun (CEO, West Central) and Ms. Vicki Davis (Upper Valley-Lake Sunapee Regional Planning Commission and the CDBG-CV grant writer) came forth to represent the Mobile Health Crisis Response and answer questions. Mr. Osmun spoke about how the Mobile Health Crisis Response would be utilized in the community, particularly between the hours of Midnight and 8:00AM; potential future funding sources; their intent to partner with Dartmouth Hitchcock Medical Center; their intent to provide around the clock mental health telephone and mobile crisis services; and establishing regional access to these services in the future.

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

Assistant City Mayor Below commended the City Manager, the Lebanon Police Chief, West Central Behavioral Health, and everyone who has been involved in bringing this forward in such a short time period.

Councilors agreed with Assistant City Mayor Below and also appreciated the City Manager integrating this initiative into a larger picture that involves community nursing and paramedicine.

In response to Councilor Prentiss' question regarding the protocol of how these services will be dispatched to a scene, Mr. Osmun stated they would be working very closely with the 911 dispatch system, but will need to look at any rules/regulations they will be required to work under with respect to who can be contacted directly, etc. West Central would like to create a culture change over time where, ideally, calls do not need to go through the 911 system, they can go directly to West Central's 800 number, 24/7. WCBH has a history of working with 911, the LPD and EMS, so there will be multiple opportunities for the community to gain access to crisis services.

ACTION:

As part of the application process, Councilor Bronner read the required following language into the record:

Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects and feasibility studies that primarily benefit low and moderate-income persons. The purpose of the public hearings required for CDBG funding is to solicit the view of the citizens on community development; furnish the citizens with information concerning the amount of funds available and the range of community development activities which may be undertaken under the Community Development Act.

For the remainder of the year 2020, 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. The City of Lebanon is eligible for up to \$500,000 in each of the following categories: housing, public facilities and economic development. Emergency grants of up to \$500,000 and planning grants of up to \$25,000.

Councilor Bronner MOVED, that the Lebanon City Council hereby approves the submittal of the Public Services grant application for up to \$500,000 in CDBG-CV funds to be sub-granted to West Central Behavioral Health for their Mobile Health Crisis Response Initiative; and authorizes the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG Application.

Seconded by Councilor Prentiss.

Roll Call Vote:

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

None voted Nay.

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

8. OLD BUSINESS

A. NHMA Legislative Policy Recommendations

Included in the agenda packet was: The 2021-2022 NHMA Recommended Policy Positions; The 2021-2022 NHMA Legislative Policy Process Q&A; The 2021-2022 NHMA Recommended Legislative Principles; The 2021-2022 Floor Policy Proposal Form; and the August 20, 2020 Floor Policy Proposal from the Hudson Board of Selectmen.

City Manager Mulholland reviewed the Legislative Principles with the Council and Hudson’s proposal for the NHMA Policy Conference.

The New Hampshire Municipal Association’s (NHMA) annual Policy Conference is being held virtually on October 2, 2020. The Conference provides a venue for voting by individual municipalities on NHMA’s proposed 2021-2022 Legislative Policy Positions. 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 began reviewing NHMA’s policy recommendations at its July 15, 2020 meeting. In addition to the policy recommendations that were reviewed, a “Floor Policy Proposal” was submitted by the Town of Hudson’s Board of Selectmen regarding the alignment of abatement interest paid by a municipality with that of interest rates on delinquent property taxes (recently lowered by the NH Legislature). The Council has reviewed Hudson’s proposal and will provide direction to its delegate for the Policy Conference.

Mayor McNamara read the NHMA Legislative Principles (page 45, agenda packet) as listed below for the benefit of the audience:

In addition to the established legislative policy positions adopted by the New Hampshire Municipal Association membership, the following principles have also been adopted to guide staff in setting priorities during any legislative biennium:

1. Identify and oppose mandates that violate Part 1, Article 28-a of the New Hampshire Constitution.
2. Work to maintain existing revenue streams to municipalities, (i.e. revenue sharing, meals and rooms tax, highway, and other state aid). Be especially watchful of proposals to reduce local aid in order to meet other funding commitments.
3. Advocate to maintain and enhance existing local authority.
4. Support legislation that provides greater authority to govern more effectively, efficiently, and flexibly at the local level, including local option legislation. If the legislature is considering adopting a program that is particularly controversial at the local level, support a requirement that a local legislative body vote is necessary before full implementation of the measure.
5. Support bills proposed by individual municipal members, except when they conflict with these principles or NHMA’s Legislative Policies. Staff should prioritize time and resources when there are competing demands in order to focus on NHMA's broad agenda first.
6. Encourage exemptions from state taxes rather than local property taxes when legislative intent

is to preserve statewide resources.

7. Advocate for municipal representation on state boards, commissions, and study committees that affect municipal government and have non-legislative members.
8. Work cooperatively with other groups and associations to support efforts to improve the delivery of services at the local level.
9. Support municipal efforts toward effective regional and state cooperation and delivery of municipal and state services
10. Advocate for local options for economic development and vitality in partnership, including public/private partnerships, with regional and state economic development goals to encourage the overall economic health and social well-being of New Hampshire.
11. Encourage clarity and the elimination of ambiguity in statutory language, especially in areas of decision-making authority.

ACTION:

***Councilor Heistad Moved to approve the Legislative Principles as presented on page 45 the September 16, 2020, City Council agenda packet.
Secoded by Councilor Liot Hill.***

Roll Call Vote:

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

None voted Nay.

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

Floor Policy Proposal as presented by the Hudson Board of Selectman.

Mr. Mulholland explained that the State Legislature reduced the interest rate for unpaid property taxes for a 30 day period. For those property owners who have been overcharged for their property taxes, the City needs to also reimburse them for the interest they paid on the amount of overpaid taxes. What the Board of Selectman in Hudson has proposed is a similar reduction in the interest rate the municipality has to pay the property owner. The concept is that if a property owner pays less in interest, the municipality pays less in interest.

ACTION:

***Councilor Below MOVED to support the Floor Policy Proposal of the Hudson Board of Selectman.
Secoded by Councilor Liot Hill.***

Roll Call Vote:

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

None voted Nay.

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

9. NEW BUSINESS

A. Discussion and Action on the Development Agreement for 20 Spencer Street with the

Braverman Company, LLC to Construct a Multifamily Residential or Mixed-Use Structure.

Included in the agenda packet was the Staff memo dated September 8, 2020 from David Brooks, Director of Planning & Zoning and the Draft Development Agreement, including Exhibits A-1 and A-2.

Mr. Mulholland came before the Council representing the Development Agreement for 20 Spencer Street.

In August 2019, the City of Lebanon advertised a Request for Proposals (RFP) seeking a qualified and capable developer to propose and complete the redevelopment of the 20 Spencer Street property. Responses were received from two developers in November 2019. A review committee comprised of members of the former Economic Vitality Exchange Committee and the Downtown TIF Advisory Board reviewed the proposals and interviewed both respondents. Based on the review committee's results and following a presentation by The Braverman Company, LLC to the City Council on February 5, 2020, the Council authorized the City Administration to move forward with negotiations to create an agreement for the redevelopment of the 20 Spencer Street property. Since that time, the Planning Department and City Manager have worked with The Braverman Company to draft a Development Agreement outlining the basic expectations of each party relative to the redevelopment effort. The draft Development Agreement (detailed on pages 56-63 in the September 16, 2020 agenda packet) has been reviewed by legal counsel for both the City and The Braverman Company and is ready for review and consideration by the City Council.

Mr. Mulholland informed the Council about the work done at 20 Spencer Street such as: a number of well tanks were removed; materials containing PCBs will be removed shortly; most environmental issues have been abated, but there are still some unresolved issues being worked out; and, asbestos located in part of the building has been removed. He presented the slides on page 65 of the agenda packet and noted this is a great opportunity to include workforce housing within this area. The sale price of the property is \$1,504,000. The plan is to reinvest some of the funds from the sale of the property back into the neighborhood for repairs to Spencer Street, with the goal of coinciding those repairs with the work being done by the Braverman Co. The project cost to reconstruct the street, repair sidewalks, place flashing beacons at crosswalks, and do some sewer work will be \$90K. In addition, he plans to pave the Rail Trail from Spencer Street down to Bank Street. He also noted the new building will be assessed at approximately \$18M, which will bring in about \$580K per year in new property taxes that will go toward the new TIF District.

Mr. David Brooks informed the Council that the Public Works Department hosted a public meeting on September 9, 2020 relevant to the redevelopment of Spencer Street itself. With respect to the cleanup effort, the Regional Planning Commission's Brownfields Advisory Committee has authorized the use of additional Brownfields Grant Funds to help assist with the cost of additional soil samplings that is needed to address some of the required EPA cleanup requirements.

Mr. Ken Braverman (Braverman Co. LLC.) came forth remotely via telephone and reviewed the materials as detailed and presented on pages 68-76 of the agenda packet for the benefit of the public, noting this was the same presentation previously presented to the City Council. His Redevelopment Review included the property layout; style of proposed building; street scape designs and improvements, particularly the Rail Trail; key public and economic benefits; workforce housing (i.e., mixed income housing and coordination of Public/Private improvements); and scheduling goals, which were to have City permits by the spring of 2021 and start construction by the summer/fall of 2021).

In response to Councilor Heistad's question regarding the status of covered bike storage, Mr. Braverman informed the Council that while final plans have not been made yet, the buildings recently completed by them that had an underground parking garage, hanging bike storage was provided. Typically, there is a 3

to 5 ft. space in front of each parking space that would allow enough room for two bikes to be hung. Mayor McNamara said this would be addressed when the Planning Board reviews this project..

ACTION:

Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to finalize and execute the Development Agreement with The Braverman Company, LLC for the redevelopment of the 20 Spencer Street property as provided in the September 16, 2020 City Council Agenda Packet.

Seconded by Councilor Liot Hill.

Ms. Kristin Kenniston, City Clerk, informed the Council it was pointed out to her that Mayor McNamara should be called on last during votes/roll call votes because, in the event of a tie, he holds the tie breaker vote.

Roll Call Vote:

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

None voted Nay.

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

B. Discussion & Set Public Hearing for October 7, 2020: Ordinance #2020-16 to amend the Code of the City of Lebanon by adding Chapter 6, Administrative Enforcement.

Included in the agenda packet was the Proposed Ordinance #2020-16 and the September 11, 2020 Legal Opinion.

Lebanon Police Chief Richard Mello came before the Council representing the addition of Chapter 6 to Ordinance #2020-16, noting this is a follow-up from the September 2nd, 2020 City Council meeting. A new chapter of the City Code is required in order to enable the administrative enforcement of City Code Violations. This enabling language will provide a mechanism for City officials to issue citations for any violation of the ordinances or codes that they are responsible for enforcing. This enforcement authority is provided for under NH RSA 31:39.

ACTION:

Assistant Mayor Below 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 #2020-16, to amend the Code of the City of Lebanon, by adding new Chapter 6, Administrative Enforcement.

Seconded by Councilor Prentiss.

Roll Call Vote:

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

None voted Nay.

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

C. Request for Exception from City Code Chapter 110, Noise from Sound Amplification: Gardner, 53 Winter Street, Lebanon.

Included in the agenda packet was the September 10, 2020 Request from Lindsey Gardner; the Lebanon Police Department Issued Sound Permit; and the City Code Chapter 110, Noise from Sound Amplification Systems.

Deputy City Manager Paula Maville came before the Council representing the exception from City Code Chapter 110 as listed above from Ms. Lindsey Gardner for an engagement party. Ms. Gardner is aware that she needs to speak with her neighbors in advance of this event.

City Code Chapter 110, “Noise from Sound Amplification Systems,” allows residents to obtain a permit for sound amplification between the hours of 8am – 8pm. Chapter 110-2(B) allows the City of Lebanon upon its motion, or upon application and for good cause shown, to modify, suspend, repeal or amend the provisions of any rule or regulation or section therein contained.

Lindsey Gardner of 53 Winter Street, Lebanon, was issued a Sound Permit from the Lebanon Police Department for a function on Saturday, September 26, 2020. The permitted time frame is 8:00am – 8:00pm. Ms. Gardner requested an extension to allow amplification equipment to be utilized for her event until 10:00pm.

Councilor Prentiss *MOVED*, that the Lebanon City Council, in accordance with City Code Chapter 110, Noise from Sound Amplification System, §110-2, hereby authorizes Lindsey Gardner of 53 Winter Street, Lebanon, to utilize amplification equipment until 10:00pm on Saturday, September 26, 2020, provided that the area neighbors are notified in advance.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

In response to Councilor Liot Hill’s concern about the number of people who would be attending this event, Mr. Mulholland explained the limit for gatherings is now at 100 people, according to the Governor’s Executive Order. Councilor Hill expressed the importance of notifying Ms. Gardner about the requirements of social distancing and wearing face masks so there are no unintended consequences from the spread of COVID-19. Mr. Mulholland said City management will make her aware of these requirements.

10. REPORTS

A. City Manager:

Mr. Mulholland informed the Council about the following:

- Gas-to-Energy Project update: We are now looking at, at least \$1.2M to operate power substations. Now, the EPA wants us to do an additional study with National Grid (additional cost TBD). It is at the point where this project is not cost effective. The City has already spent \$612K in public funds since 2007, and are nowhere closer to a solution than we were then. He will present the data to the Council once it has been completed, but most likely his recommendation would be to sell the gas onsite.
- Streetlight Project update: The goal is to get this done by the end of the year. The installs are expected to be done by the end of March 2021. He just signed the notice of awards to the two

supply companies that will provide the lights, as well as the smart streetlight technology. The estimated cost was significantly under what was expected. (\$900K down to \$275K).

- DHMC PILOT Agreement: Further meetings have been held with DHMC and more details have been worked.
- Colburn Park repairs update.
- Smiths Field Playground Project: The playground is up.
- School District FEMA Funds: The State Emergency Management sent a letter to the school districts on September 11, 2020 notifying them that promised reimbursements for COVID-19 related emergency response costs would no longer be funded through FEMA and were directed to contact their municipality/city/town to use their CARES ACT Funds. He explained the back story of this situation, noting there was supposed to be funds from the Federal Government (FEMA). However, the President, by Executive Order, has taken money from FEMA to fund the six weeks of unemployment compensation, and, at the same time, there are wildfires in the west and hurricanes in the south which are draining FEMA funds. Consequently, there will not be enough funds left to reimburse school districts.

Mr. Mulholland explained the City had to submit its last request for the CARES ACT funding by September 15, 2020, which was actually submitted on Monday, September 14, 2020, and because the CARES ACT funds have already been spent, the City cannot help out the school district.

- Health Trust Update: The City will be receiving a \$150K rebate for health insurance.
- City Hall Renovation Update: The plan is still to move back to City Hall during the week of November 9th-13th and he expects City Hall will be fully operational and open to the public by November 16th (not necessarily Council meetings, but for regular business). This is subject to any outbreaks due to COVID-19 or other issues that may come up.
- Opera House construction/funding update: He needs the Council’s approval to move \$65K from somewhere else in the City budget for this project to be completed. This proposal will be brought before the Council soon. He stressed now is the time to get this done.
- Halloween 2020: Waiting for guidance from the State regarding trick-or-treat.
- City Re-evaluation update.
- Airport Update: Hertz Rental Car has gone bankrupt, which is a nation-wide issue for them. The good news is another company is ready to move in. AVIS Car Rental is still at the airport and doing quite well.
- Salt/sand from the landfill for 20 Spencer Street can be picked up during regular business hours this winter.

B. Council Representatives to other bodies: NONE

11. FUTURE AGENDA ITEMS: NONE

12. NON-PUBLIC SESSION: NONE

13. ADJOURNMENT:

Councilor Bronner MOVED for adjournment.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

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

The meeting was adjourned at 8:59 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary