

**FINAL**

**LEBANON CITY COUNCIL  
MINUTES, REGULAR SESSION  
Council Chambers - City Hall  
Wednesday, July 24, 2019  
7:00 p.m.**

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

**MEMBERS ABSENT:** Shane Smith

**STAFF PRESENT:** City Manager Shaun Mulholland, Deputy City Manager Paula Maville, City Clerk Sandra Allard, Public Works Director Jim Donison, Public Works Assistant Director Jay Cairelli, Solid Waste Manager Mark Morgan, City Consultant Shelley Hadfield, Interim Airport Director Chris Christopoulos, Cemetery Trustees David Muzzy, Heritage Commission Chair Robert Welsch, Arts & Culture Commission Chair Jessica Giordani

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**Quarterly Reports:** Mayor McNamara called the Quarterly Reports meeting to order at 6:01 p.m.

Cemetery Board of Trustees- David Muzzy

Mr. Muzzy handed out the Cemetery Board of Trustees detailed activities report to the Council and presented the following:

- The Trustees approved \$25K for monumentation repair at the School Street Cemetery.
- There are only 441 spaces available in West Lebanon at the Valley and Sacred Heart cemeteries so the possibility of adding a Crematorium was discussed.
- On May 14, Craig Neal (COO of Norwalk Vault Company) delivered a presentation covering Burial Vaults and Grave Box Columbarium's, Green Burials, Scatter Gardens, and statistics about different types of burials.
- Fencing will be replaced at the Cole and Mascoma Cemeteries this summer.
- The City has hired a full-time sexton.
- Fran Hatchet and David Muzzy attended a cemetery workshop in Plainfield, NH where they learned how to clean the monumentations.
- Cemetery Trustees independently walked each of the seven municipal cemeteries and submitted their comments on five criteria. Comments were charted and discussed by the Board and Public Works which will then be used to determine priorities for the next few years.
- Modifying the entrance to the Pine Tree Cemetery by moving the entry and parking area to the driveway adjacent to the small power station was discussed. Depending on time and budget, this may take place in 2019.
- Next steps and other related issues.

Heritage Commission – Chair Robert Welsch

Mr. Welsch handed out the Heritage Commission report to the Council. This quarter the Commission has been focused more intently on plans for restoration of Dana House. They have lost two members (VC Joshua Lascell and alternate member Morgan Swan but added one new member Mimi Hains, who is currently serving as Vice Chair). Both the Fountain and Special Projects Working Groups have been active this quarter. There are no active grants from NH Division of Historic Resources this year.

## **Regulatory Matters**

City Hall: The Commission approved the redesign of the window replacements and more recently a variety of minor changes allowing for solar power on the roof.

### **Dana House Working Group**

- A. On June 12, 2019, an open house for about 50 residents in Dana House was held, followed with a presentation by Lyssa Papazian at Kilton Library on the History of South Maple Street and a Power Point presentation was given by Robert Welsch on plans for restoring Dana House. Both events were very well attended.
- B. The Commission plans to develop a West Lebanon Historic District that will include part of the south end of Maple Street along with Dana House and the Seminary Hill School. This is in the early stages of development.
- C. An application was submitted for LCHIP funding to complete reroofing of the Dana House (erected in 1765 and 1792) and Dana House annex (erected 1987). Shelley Hadfield and Planning Office Staff have helped with this submission.

### **Special Projects Working Group**

- A. The Commission awarded the Landmark Property Medallion to Alice Peck Day Hospital for the Solon Peck Homestead building last month at City Hall.
- B. Ms. Hains is spearheading an effort to establish a 501(c)(3). The 501(c)(3) would serve as a tax deduction vehicle for funds gifted to support either the Heritage Commission or Arts and Culture projects and would be separate from City funds.

### **Fountain Working Group**

The work this quarter was focused on the Glenwood Cemetery Fountain, currently under construction.

- a. Priscilla Gosselin and her son removed debris from the concrete basin.
- b. Work on restoring or repairing the concrete basin will proceed this Summer
- c. Lebanon DPW has restored water to the fountain site.
- d. The working group decided to purchase a fountain of suitable size for this cemetery site once they learned that the original fountain had no cherubs on it. The plan is to deliver it to the Cemetery in care of DPW
- e. There will be a celebration of the Glenwood Cemetery Fountain in late Summer or early Fall or after the concrete work on the basin is complete.

### Arts & Culture Commission – Chair Jessica Giordani

This is the first Quarterly Report from the newly formed Arts & Culture Commission.

Chair Giordani informed the Council about two walk throughs related to the Tunnel Project. The first walk through was for the Commission to familiarize themselves with the tunnel and discuss the role the Arts & Culture Commission may play in the City's Tunnel rehabilitation and reuse project. The second Tunnel walk through was done by Joe Clifford's professional staff from the Lebanon Opera House to evaluate and submit technical recommendations for lighting and sound. These recommendations will be submitted soon.

The Data Collection Working Group recently met with Lyssa McCoy (NH Council on the Arts) to discuss different ways the Arts & Culture Commission can be quantifying the Arts, looking at the economic impact of the Arts, and what the Commission will want to be focusing on, since the Arts community will

be playing an essential role in Lebanon. Mr. Welsch told the Council that the NH Council on the Arts would like the ACC to pave the way for collection of data.

The Commission is exploring Civic Art Projects for both West Lebanon and Lebanon. They will be discussing potential projects with other organizations and municipalities and will start collecting research data. The Commission is reaching out to the School District to find ways to create a youth Public Art Project this fall. They will also be getting involved in the December 7<sup>th</sup> Celebration on the Mall and using this event as an opportunity for the Commission to do a formal welcome to an established performing arts organization that has found its new home in Lebanon.

Chair McNamara mentioned that the Chamber of Commerce will be moving forward with an event on September 28, 2019 from 2-7 PM, called Leb Fest. There will be an area on the Green that will be set aside specifically for nonprofits. Promotional materials will be sent out in the next couple of weeks.

Mr. McNamara reminded Ms. Giordani that the Budget for the ACC is due August 9, 2019.

#### Lebanon Energy Advisory Committee (LEAC) – Councilor Clifton Below, Chair

Councilor Below noted that LEAC is in transition because the Solar Committee is on hiatus due to the City administration taking over the Solar Projects. The LED Streetlighting Subcommittee had its last meeting in April since the DPW will be taking over the lead on this project. He also updated the Council on the following:

- Liberty Utilities (LU) is filing for a distribution rate case that includes what they call a proposed LED II Tariff. This is specifically to accommodate Lebanon's type of situation where the municipality wants to select and pay for the fixtures and potentially continue to maintain them. Councilor Below explained the proposed contract for Lebanon and is waiting to hear back from LU.
- Stretch Codes that go beyond the current State Building Codes.
- The City received a \$75K Tax Grant from the NH Community Development Finance Authority to work on developing a business plan for Lebanon Community Power.
- The Municipal Aggregation Committee has been re-enacted.
- Working with a UNH Sustainability Fellow, Cassidy Yates, to assess where the City is at in terms of its greenhouse emissions. She will be presenting her findings to the Council in August.
- A screen presentation was given that included Lebanon's vision for its energy future and included the long-term goals of the City's Master Plan.
- Global Covenant of Mayors for Climate & Energy: This is the largest coalition of Cities fighting climate change and has over 9K municipalities that have joined this network. It was formed to help municipalities think about climate issues and help them develop an Action Climate Plan. At the last LEAC meeting there was a vote to recommend that the City Council begin the process of considering whether Lebanon might want to join this Global Covenant of Mayors. Councilor Below gave a history of, and spoke further about, what the Global Covenant of Mayors does.
- New Electric Vehicle (EV) Subcommittee has been formed and they will be looking into potential funding for EV charging stations along, or close to, I-89.

#### Pedestrian and Bicyclist Advisory Committee – Councilor Erling Heistad

Councilor Heistad handed out an email regarding this Committee’s 4-page Quarterly Report. Due to time constraints, he did not review the report with the Council, but the report included updates on Accidents, 15 detailed Master Plan Priorities, and an updated on the 2019 Bike Rodeo Round-up.

Councilor Heistad noted the resignation of Ken Warren. Mr. Warren has been a long-time valuable member of the Ped/Bike Committee who did a tremendous amount of work, including maintenance on the Northern Rail Trail. He will be missed. The City will need another contact for the Northern Rail Trail Organization.

Conservation Commission – Councilor Erling Heistad

Councilor Heistad updated the Council on what the Commission worked on this past quarter as follows:

- Mr. Ernst Oidtmann is now Acting Chair since Hal Bourne has recently resigned.
- Salamander Crossing Project: Made people aware of when Salamanders were coming out to cross roads.
- Master Plan Review.
- Worked on Open Space and letters to landowners offering to intercede, financially, if they wanted to put land into Conservation Easement.
- Discussed the City’s Expedited Review application for a 400 ft. sidewalk along Labombard Road. In conclusion of their review, safety for the people walking to the Bus Station clearly outweighed any objection that the Commission had regarding the wetlands in the area. However, while the Commission approved the Labombard Road Expedited Review application, they were upset and concerned about paving over more of the wetlands, which should be protected.
- Mr. Oidtmann is concerned that there are fewer and fewer trees in downtown and was hoping that the City could find ways to build parking garages so this valuable resource would not be depleted.

Mayor McNamara spoke about carbon sequestration issues and what the City’s potential is with conservation land.

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Mayor McNamara called this portion of the meeting to order at 7:03 p.m.

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 members from the public came forth.
4. **RECOGNITIONS:** Mayor McNamara read the following:

**RESOLUTION HONORING SHANE SMITH**

**WHEREAS**, Shane Smith served on the City Council from March 2017 to July 2019; and

**WHEREAS**, Shane was the first person inspired to run for City Council as a result of his participation in the Lebanon Citizens Academy (2017 Alum); and

**WHEREAS**, during his tenure on the City Council, Shane served as a Council alternate representative to the Advance Transit Board of Directors, Conservation Commission, and the Pedestrian and Bicycle Advisory Committee; and as a Council regular representative to the Cemeteries Governance Task Force and Downtown TIF District Advisory Board; and

**WHEREAS**, Shane was an active participant in the development and adoption of the first-ever changes to the City’s Water and Sewer Rate Structure; and actively engaged in the review, understanding, and adoption of two municipal budgets; and

**WHEREAS**, Shane has supported the City of Lebanon through his involvement and participation on the Boards and Committees listed above, and has been diligent in his commitment to ensuring that the City provides the best value of services to its residents and visitors; and

**WHEREAS**, the Lebanon City Council appreciates the time, effort, knowledge, and commitment provided to the community by Shane Smith during his service on the Lebanon City Council.

**NOW THEREFORE BE IT RESOLVED**, that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to Shane Smith for his dedicated service and for his contributions to the community.

Dated this 24<sup>th</sup> day of July 2019 at Lebanon, New Hampshire.

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

**5. ACCEPTANCE OF MINUTES: None**

**6. APPOINTMENTS:**

- Heritage Commission: Mimi Hains (Regular Member)

**Councilor Zook nominated Mimi Hains as a Regular Member of the Heritage Commission. Three-year term (7/19-7/22).**

***\*The Vote on the nomination was unanimous (8-0)***

**7. PUBLIC HEARING ITEMS:**

**A. ORDINANCE #2019-09 TO AMEND CITY CODE CHAPTERS 97 & 143**

A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2019-09 to repeal City Code Chapter 143, Solid Waste; and repeal and replace City Code Chapter 97, Landfill Regulations (PH Set 6/26/19)

Mr. Jim Donison, Mr. Mark Morgan and Mr. Jay Cairelli came before the Council representing the above amendment.

This is a continuation of the last City Council Meeting on July 10, 2019. One change that was made pertained to the Construction and Demolition (C&D) debris, where the rate was raised to \$150/ton.

Mr. Mulholland said the reason why this Ordinance was looked at is because the Solid Waste rates have not gone up in a very long time, the City was not covering their costs, the landfill reserve funds have

dwindled, and the City should be growing to meet the needs in front of us. He indicated that the City needs to expand the existing landfill and will also have to deal with new State environmental regulations that have just recently been put into place. There is also a definitive need to extend the landfill for as long as the City possibly can as it is a finite resource. There were prohibitions in the previous code that did not allow the landfill to take Construction and Demolition (C&D) debris. This proposed amendment to Ordinance #2019-09 addresses a lot of these issues and allows the City to bring in the necessary funding to address the needs of the City into the future.

Mr. Morgan spoke about what the Landfill staff has been doing to inform the residents about the changing fee structure and explained the changes that will be taking effect when this amendment has been passed. Under the current system, staff is physically touching bags and estimating weights. The Landfill will be moving to a one bag/one punch system, which removes the estimated weight and will enhance the safety of staff, noting that there have been instances where people have been stuck with needles and cut with glass or other items that have fallen out of bags.

A discussion took place regarding different types of bags and their costs. Councilor Bronner suggested that examples of bags and their associated costs be displayed and posted at the entrance to the landfill.

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

**ACTION:**

***Councilor Hill MOVED, that the Lebanon City Council hereby adopts Ordinance #2019-09 to repeal City Code Chapter 143, Solid Waste; and repeal and replace City Code Chapter 97, Landfill Regulations.***

***Seconded by Councilor Winny.***

Councilor Hill said the City is sending a clear message in this regulation: The City is trying to protect what is becoming an increasingly valuable asset to the people of Lebanon, as well as a costly liability. The work that the DPW and City staff have put together are helping the City to be prudent stewards of both the City's assets and its liabilities.

***\*The Vote on Motion passed unanimously (8-0).***

**B. ORDINANCE #2019-10 TO AMEND CITY CODE CHAPTER 181**

A public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2019-10 to amend City Code Chapter 181, Water & Sewer Main Extensions, §181-8, Temporary Limitations on Sewer Extensions, to extend the Sunset Provision until December 31, 2019. (PH Set 7/10/19)

Mr. Mulholland presented the history and restrictions that were placed on the Sewer Interceptor. A model was developed for determining the status of the City's interceptor and what needs to be done to address this issue. The Council approved funds, they have seen the CMOM Report from the Engineering Firm and took action in December to provide the funds that will almost double the capacity in the receptor. Work will begin in September 2019 and should be completed by the end of the year. The first week of January 2020 is when the capacity will be available to be issued out. The new draft Ordinance that is being worked on, as well as sewer development fees, have been developed. Staff has been through a

LEAN process and have developed some process charts, all in anticipation of bringing this before the Council in October. The temporary provision that was put into place ends July 31, 2019 and the Council is being asked to extend the current sunset provision for the Temporary Limitation contained in City Code Chapter 181, Section 181-8, to December 31, 2019.

Mayor McNamara said the City will be gaining capacity in several different ways: 1) The approved project in the South Main Street area will get rid of the bottleneck and the sewer separation projects will give the City more capacity; 2) There will be a change in the way we calculate sewer requirements to try and get away from calculations usually used for on-site septic systems; and 3) Lastly, there will be an increase in the allowable pipe capacity to 95%. Since these various projects are coming together, he would like to see them done all at once. This should be the last extension agreement needed.

Councilor Hill expressed significant concerns about this extension at the July 10, 2019 City Council meeting where she disagreed with extending this agreement and once again made a plea for the Council to consider expediting the projects that can be expedited and minimizing the length of time that restrictions need to be in place. There are people interested in doing projects in Lebanon who are being stalled and others who are considering whether Lebanon is the right place to be making investments. She asked if there was any way to lift the restrictions on the water/sewer main extension and felt this would be to the benefit of the City of Lebanon.

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

**ACTION:**

***Councilor Prentiss MOVED, that the Lebanon City Council hereby adopts Ordinance #2019-10 to amend City Code Chapter 181, Water and Sewer Main Extension, by amending Section 181-8.D, Temporary Limitation on Sewer Extensions, to extend the Sunset Provision to December 31, 2019. Seconded by Councilor Bronner.***

***\*The Vote on the MOTION passed (7-1). Councilor Hill opposed.***

**C. CDBG APPLICATION – HEADREST**

Public hearings for the purpose of receiving public input and taking action on a proposed Housing and Public Facilities grant application for up to \$500,000 in CDBG funds (to be sub-granted to Headrest). (PH Set 7/10/19)

A handout is available describing the proposed project.

Mr. Cameron Ford (Headrest), Mr. Dana Nute (Resilient Building Group) and Ms. Shelley Hadfield (City Consultant) came before the Council representing the above application.

Mr. Nute handed out a summary narrative and engineering drawings of the proposed upgrades at 14 Church Street, Lebanon, NH to the Council for their review. He gave a brief presentation to the Council regarding the proposed upgrades.

Mayor McNamara opened the Public Hearings regarding the Headrest CDBG applications. There was no public comment.

Mayor McNamara closed the public hearings.

**As part of the application process, Councilor Prentiss read the 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 2019, there will be approximately \$5.8 million dollars available for housing and public facilities projects. Approximately \$1.5 million will be available for economic development. Economic development applications are submitted on a rolling basis until the funds are used up. Approximately \$60,000 is available for Feasibility studies. The City of Lebanon is eligible for up to \$500,000 per year for public facility/housing rehabilitation, up to \$500,000 per year for economic development projects, as well as up to \$500,000 per year in emergency funds. Feasibility Study funds are available for up to \$12,000 per year.*

#### **PUBLIC HEARING C.1:**

**Councilor Prentiss MOVED**, that the Lebanon City Council hereby approves the submittal of the CDBG application and authorizes the City Manager to sign, submit, and execute any documents which may be necessary to effectuate the CDBG contract for Headrest in the amount of up to \$500,000.

*Seconded by Councilor Below.*

*\*The Vote on the MOTION passed (8-0).*

#### **PUBLIC HEARING C.2:**

**Councilor Below MOVED**, that the Lebanon City Council hereby adopts the City of Lebanon Residential Anti-displacement and Relocation Plan for Headrest as presented in the July 24, 2019 City Council Agenda Packet.

*Seconded by Councilor Winny.*

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

### **8. OLD BUSINESS**

- A.** Presentation of Second Reading to amend Ordinance #18, Salary Plan, Article II, Non-Affiliated Employees to add the positions of Information Technology Specialist (Grade 9), Digital Media Officer (Grade 9), Systems and Information Technology Administrator (Grade 13), and Information Technology Director (Grade 15)

#### **ACTION:**

**Councilor Prentiss MOVED**, that the Lebanon City Council acknowledges the second of three presentations to amend Ordinance No. 18, Salary Plan, Article II, Non-Affiliated Employees by adding the positions of Technology Specialist (Grade 9), Digital Media Officer (Grade 9), Systems

and Information Technology Administrator (Grade 13), and Information Technology Director (Grade 15).

**Non-Affiliated Employees**

Non-Affiliated Employees 2019					
Grade	Position Title	Hourly		Weekly	
		Minimum	Maximum	Minimum	Maximum
1	-	\$16.26	\$21.96	-	-
2	Custodian	\$17.24	\$23.27	-	-
	Department Secretary	-	-	-	-
3	Airport Maintenance Worker	\$18.27	\$24.67	-	-
	Custodian I	-	-	-	-
4	Library Assistant	\$19.37	\$26.15	-	-
5	-	\$20.53	\$27.71	-	-
6	-	\$21.78	\$29.37	-	-
7	Administrative Secretary	\$23.06	\$31.14	-	-
	Assessing Clerk	-	-	-	-
	Assistant City Clerk	-	-	-	-
	Assistant Human Services Director	-	-	-	-
	Communications Specialist	-	-	-	-
	Library Administrative/Technical Assistant	-	-	-	-
8	Administrative Assistant	\$24.45	\$33.01	-	-
	Benefits Coordinator/Payroll Specialist	-	-	-	-
	Deputy City Clerk	-	-	-	-
	Deputy Tax Collector	-	-	-	-
	Children's Librarian	-	-	\$978.00	\$1,320.40
	Young Adult Librarian	-	-	-	-
9	Executive Assistant	\$26.89	\$36.30	-	-
	Information Technology Librarian	-	-	-	-
	Digital Media Officer	-	-	-	-
	Information Technology Technical Specialist	-	-	-	-
	Systems Librarian	-	-	\$1,075.60	\$1,452.00
10	Financial Analyst	\$29.58	\$39.93	\$1,183.18	\$1,597.28
	Human Services Director	-	-	-	-
	Tax Collector	-	-	-	-
11	Deputy Library Director	-	-	\$1,302.61	\$1,758.56
12	City Clerk	-	-	\$1,380.59	\$1,863.63
	Deputy Finance Director	-	-	-	-
	Prosecuting Attorney	-	-	-	-
13	Airport Manager	-	-	\$1,463.49	\$1,975.67
	Assistant Fire Chief	-	-	-	-
	Deputy Police Chief	-	-	-	-
	Human Resources Director	-	-	-	-
	Recreation Director	-	-	-	-
	Systems and Information Technology Administrator	-	-	-	-
15	Deputy City Manager	-	-	\$1,644.47	\$2,219.85
	Information Technology Director	-	-	-	-

Seconded by Councilor Winny.  
\*The Vote on the Motion passed (8-0).

**B. Westboro Yard: No Report**

**9. NEW BUSINESS**

**A. Authorization for the City Manager to enter into a Solid Waste Disposal Agreement with the Town of Cornish, NH**

Mr. Mulholland, Mr. Jim Donison, Mr. Mark Morgan, and Mr. Jay Cairelli came before the Council representing the above agreement.

The Town of Cornish is requesting the City enter into a Municipal Solid Waste Agreement with them for disposal of the community’s trash at the landfill. Solid Waste Manager Marc Morgan has reviewed their request and did not see the disposal of waste from Cornish as having a negative impact on the landfill since their refuse only represents 1% of the City’s landfill intake. Mr. Morgan explained that this would be for the duration of the cell and noted there is about 10 years capacity left in this cell.

**ACTION:**

***Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into a Municipal Solid Waste Agreement with the Town of Cornish, NH as presented in the July 24, 2019 City Council Agenda Packet.***

***Seconded by Councilor Prentiss.***

***\*The Vote on the Motions passed unanimously (8-0).***

**B. Discussion & Set Public Hearing for August 7, 2019: Payment In Lieu Of Taxes (PILOT) Agreement with ReVision Energy**

On May 15, 2019, the City Council took action to authorize the City Manager to enter into a forty-year Power Purchase Agreement (PPA) with ReVision Energy for the installation of solar photovoltaic systems at eight (8) locations throughout the City.

The PPA and State law require the City to address the subject of real estate taxes. Ordinarily, the real estate involved in a solar project would be privately owned and taxable. The systems that ReVision are installing qualify as “renewable generation facilities,” and while all are on City owned lands/buildings, they will be owned by ReVision Energy until the City chooses to exercise its option to purchase them. In accordance with RSA 72:73-74, the owner of a “renewable generation facility” may qualify for a payment-in-lieu-of-taxes (“PILOT”) agreement, subject to the City Council holding a public hearing and approving the agreement. A letter from Attorney Fulton was providing in the July 24, 2019 agenda packet, along with the proposed PPA PILOT agreement.

**ACTION :**

***Councilor Hill MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 7, 2019, beginning at 7:00pm in Council Chambers, City Hall, for the purpose of receiving public input and taking action on a Payment In Lieu Of Taxes (PILOT) Agreement with ReVision Energy. Included in this Section: 1. July 16, 2019 Letter from Attorney Adele Fulton, Drummond Woodsum; re: PILOT Agreement for Solar Power Purchase Agreement 2. Draft PILOT Agreement.***

***Seconded by Councilor Bronner.***

***\*The Vote on the MOTION passed unanimously (8-0)***

**C. Discussion & Set Public Hearing for August 21, 2019: Ordinance #2019-05 to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules & Regulations**

Airport Director Christopoulos presented the background of the Rules and Regulations for the Airport operation and presented a brief overview of the fully revised version of this Ordinance based on staff review and input from existing airport tenants.

**ACTION:**

***Councilor Winny MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 21, 2019, beginning at 7:00pm in Council Chambers, City Hall, for the purpose***

**of receiving public input and taking action on proposed Ordinance #2019-05, to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules & Regulations.**

***Seconded by Councilor Bronner.***

***\*The Vote on the MOTION passed unanimously (8-0).***

**D. Discussion: Process for Filling Vacant City Council Seat**

Ms. Maville said that with the resignation of Councilor Smith, a vacant Council seat has been created for Ward 2. There is no real process for filling a vacancy on the City Council listed in the City Charter, Section C419:16, but there is a time limit in which the seat needs to be filled.

Councilor Smith's effective date of resignation is July 24, 2019, therefore, based on the Council's regular meeting schedule, the Council has until August 21, 2019 to fill his seat.

Starting July 25, 2019, the following will be done:

- A Newsflash will be posted to the City's website announcing that applications are open and will be accepted until Sunday, August 4th.
- Advertise vacancy and application process in the Valley News (Planned run time: Friday, July 26 thru Monday, July 29)
- Applications will be compiled Monday, August 5th and presented to the Council at the August 7th meeting. No action will take place on August 7<sup>th</sup>, but there will an update to announce those people that have applied.
- City Clerk will notify interested applicants that they qualify/do not qualify for the seat and qualified applicants will be asked to attend the August 21st Council meeting.
- Nominations will be put forth and voted on at the August 21st meeting and the new Councilor will be sworn in by the City Clerk.

**ACTION:** No Council action is required. For discussion purposes only.

Before proceeding further on the agenda, Mayor McNamara presented a detailed review regarding what happened when he and Mr. Mulholland attended the Joint Legislative Committee on Administrative Rules (JLCAR) meeting, which is a joint Senate/House Committee that reviews rules proposed by the various State agencies. Mr. Mulholland and Mayor McNamara were attending this meeting to give testimony on the proposed State PFAS rules. After 5 hours had passed, the PFAS rules were passed without any public comments being accepted, only members of JLCAR and the NHDES were allowed to give comments. Mayor McNamara spoke with others who attended this meeting to specifically give testimony on the proposed PFAS rules and learned that they had never attended a meeting where absolutely no public comments were allowed. This was very disturbing to both Mayor McNamara and Mr. Mulholland, who felt the democratic process had been violated.

The Council was equally upset and after discussions about potential litigation and/or filing a formal complaint for the record about JLCAR's process, the Council agreed that Mr. Mulholland would draft a letter of concern to both the Senate President and Speaker of the House for the Council's review before it is sent.

Councilor Hill gave an update to the Council about the Committee on the Governors session on Friday, July 19, 2019, noting that the Governor is clearly interested in having Cities and Towns understand and support what he is portraying as a real compromise on his budget. Her interpretation is that there is a substantial hole in the budget that needs to be filled before the Governor is willing to sign a budget.

**10. REPORTS**

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

- He will be attending a School Board meeting on August 20, 2019 regarding the grant application eligibility for the Dana House to replace the roof. The School District owns the land the building is sitting on and their signature is required on the application.
- CATV Grant Funding issue: The FCC will be having a Rules Committee Hearing in August that will propose cable TV franchise fees be cut under a deregulation proposal being considered. He explained what would happen if this rule passes, noting that if this rule does pass, CATV faces funding cuts of approximately 50% of the revenue they receive, which would threaten CATV's ability to provide coverage for City Council, Planning Board and School Board meetings. CATV would also be facing staff layoffs.
- The City has advertised for a 3<sup>rd</sup> party Engineering Review for projects that come before the Planning Board. In other communities, tax payors do not pay for the cost of an Engineering Review, the developers pay for that. In Lebanon, the taxpayer pays for these reviews. Rules are being changed by the Planning Board that will pass these costs on to the developer and not the tax payor.
- The City is in the process of trying to hire an additional Engineer, since there is only one and she has more work than she can possibly handle alone.

**B. Council Representatives to other bodies: No Reports.**

**11. FUTURE AGENDA ITEMS:**

- Councilor Heistad brought up the topic of having a Bio-Mass Boiler for the City Hall Building. After a brief discussion, the Council felt that this should be added as a potential Future Agenda Item.

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

**13. ADJOURNMENT:**

*Councilor Bronner MOVED for adjournment.*

*Seconded by Councilor Winny.*

*\*The MOTION passed unanimously (8-0).*

*The meeting was adjourned at 8:40 PM.*

Respectfully submitted,  
Dona E. Gibson  
Recording Secretary