

FINAL

**LEBANON CITY COUNCIL
MINUTES, REGULAR SESSION
Wednesday, February 3, 2021, 7:00 p.m.
Remote Via Webex: [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, Fire Chief, Emergency Management Director Chris Christopoulos

1. CALL TO ORDER: 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.”

All Councilors attending the meeting remotely are listed above.

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

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

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

- Councilor Liot Hill congratulated Councilor Zook for her nomination as “someone whose someone” under the age of 40 in New Hampshire this year.
- Councilor Prentiss recognized the Lebanon Fire Department, the Hanover Fire Department, the members of the Upper Valley Public Health Council and the community nurses for the tremendous work they have done with the vaccine roll-out. She apologized if she left anyone out.

5. RECOGNITIONS:

**A. Reaffirmation of Inclusiveness Resolution in honor of Black History Month
(originally proclaimed June 20, 2018)**

RESOLUTION FOR INCLUSIVENESS

WHEREAS, the City Council of Lebanon wishes to act in accord with the City’s Master Plan, Principles for Sustainability and Guiding Principles in preserving the public trust and promoting community identity, civic pride, and quality of life for all residents, regardless of race, skin color, national or ethnic origin, gender identity, sexual orientation, mental or physical disability, religious or political opinion or activity, immigration status, or housing status; and

WHEREAS, the City Council of Lebanon wishes to take a leading role in protecting civil liberties, promoting tolerance, and providing equal protection under the law to all persons in the City; and

WHEREAS, the City Council of Lebanon recognizes that a diverse population supports a resilient economy and fosters a high quality of life for its residents and visitors, in accordance with the City’s Sustainability Principles; and

WHEREAS, the City Council of Lebanon recognizes that while free speech is protected under the First Amendment; we can speak out against and discourage hate speech as contrary to our values; and

WHEREAS, the City Council of Lebanon has demonstrated its commitment to protecting its citizens, residents, and visitors against discrimination on the basis of race, skin color, national or ethnic origin, gender identity, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or housing status; and

WHEREAS, the City Council wishes to take a stand against ideologies of violence, hatred, and intolerance.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of Lebanon denounces and rejects **ALL** ideologies based on hatred and intolerance, including racism, xenophobia, and homophobia, and condemns activities that promote these ideologies; and the City Council of Lebanon affirms its strong support for the fundamental constitutional rights, human dignity and civil liberties of every person, regardless of race, skin color, national or ethnic origin, gender identity, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or housing status; and the City Council of Lebanon celebrates and embraces its diverse community and is committed to fostering a community of tolerance, respect and inclusion.

Proclaimed this Third Day of February in the Year Two Thousand Twenty-One.

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

B. Connie Emerson, Ward 2 Ballot Clerk

RESOLUTION HONORING CONNIE EMERSON

WHEREAS, Connie Emerson served as Ballot Clerk for Ward 2 in the City of Lebanon for 11 years; and

WHEREAS, during this time, Connie was responsible for checking off voter names on the checklist when residents came to the poll to cast their ballots; and

WHEREAS, Connie’s passion for the election process showed in her ability to take her responsibilities very seriously and taking great pride in her work to ensure the accuracy of the checklist during elections; and

WHEREAS, Connie attended trainings to maintain and refresh her knowledge and learn new law updates, which are integral to protecting the integrity of the election process; and

WHEREAS, during the performance of her duties, Connie was always willing to help her fellow election officials and the residents of Ward 2; and

WHEREAS, Connie’s efforts were greatly appreciated by residents, fellow election officials and City officials.

NOW THEREFORE BE IT RESOLVED; that the Lebanon City Council, on behalf of the City of Lebanon, extends its sincere appreciation to Connie Emerson for her time, effort and knowledge provided to the community during her service as a Ballot Clerk.

Dated this 3rd day of February 2021 at Lebanon, New Hampshire.

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

6. ACCEPTANCE OF MINUTES:

A. January 20, 2021 (Regular Session)

Councilor Prentiss MOVED to approve the January 20, 2021 (Regular Session) minutes as written and presented in the February 3, 2021 City Council agenda packet.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

Abstained: Mayor McNamara and Councilor Zook abstained because they were not present at this meeting.

**The Vote on the MOTION was approved (7-0-2).*

7. APPOINTMENTS:

A. Arts & Culture Commission, Nicholas Gaffney (Reappointment as Arts Representative)

Assistant Mayor Below put forth the NOMINATION of Nicholas Gaffney for Reappointment as an Arts Representative for a one-year term. (1/21 – 1/22)

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 nomination was unanimously approved (9-0).*

8. PUBLIC HEARING ITEMS: NONE

9. OLD BUSINESS: NONE

10. NEW BUSINESS

A. Request from Salt hill Pub for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property.

Included in the agenda packet were a January 8, 2021 Letter from Josh Tuohy, Salt hill Pub and Map depicting proposed expanded outdoor seating areas.

City Manager Shaun Mulholland came before the Council and spoke about Salt hill Pub’s request to renew their exemption to serve alcohol on City-owned property.

In 2020, the City Council approved an expanded outdoor seating area for Salt hill that included additional space within the pedestrian mall, as well as the parking area on West Park Street in front of Salt Hill Pub and the 20 West Park Street building. Due to ongoing restrictions imposed by the COVID-19 Pandemic, Salt hill Pub is requesting renewal of their exemption to include those expanded seating areas approved in 2020.

City Administration has no objection to the closure of the parking area for use by Salt hill as was done in 2020. If, as we progress through the summer season, restrictions imposed by the pandemic are lessened and dining tables may be positioned in closer proximity to each other, it is intended to reduce/eliminate Salt hill’s expanded seating area within the pedestrian mall so it may be utilized by other mall tenants.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption states that, “Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis.” Due to the nature of the business and the desire to continue to serve alcohol on City-owned property, Council approval is required pursuant to §14-5 above.

ACTION:

Councilor Prentiss MOVED, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Salt hill Pub to serve alcoholic beverages on the Lebanon Pedestrian Mall and the parking area on West Park Street as shown on the map included in the February 3, 2021 City Council Agenda Packet.

BE IT FURTHER MOVED, that should restrictions imposed by the COVID-19 Pandemic be lessened to a degree that permits dining tables in closer proximity to each other, Salt hill may continue to utilize the closed parking area at West Park Street along with their normally permitted area on the pedestrian mall, but must forgo their expanded seating area within the pedestrian mall in favor of other Mall tenants that may wish to utilize the space. Exemption shall be valid beginning April 1, 2021 to December 31, 2021.

Seconded by Councilor Bronner.

Mayor McNamara opened up the lines for public concerns or comments regarding this request. No one came forth.

Councilor Liot Hill questioned if the short term parking situation would be different this year now that City Hall has been re-opened. Mr. Mulholland stated the parking area where the tunnel was under construction is now open and felt there would be less impact for business parking. He also noted that due to the impact of COVID-19, parking and traffic is down along the Green in the City.

Mayor McNamara and Councilor Liot Hill spoke about the positive public comments regarding the outdoor seating in this area.

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. Request from Three Tomatoes Trattoria for an Exemption (per §14-5) of City Code Chapter 14, Alcoholic Beverages, to permit the serving of alcoholic beverages on City property

Included in the agenda packet were a January 8, 2021 letter from Robert Meyers, Three Tomatoes Trattoria and Map depicting proposed expanded outdoor seating areas.

City Manager Shaun Mulholland came before the Council and spoke about Three Tomatoes Trattoria's request to renew their exemption to serve alcohol on City owned property.

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

In 2020, the City Council approved an expanded outdoor seating area for Three Tomatoes Trattoria that included additional space within the pedestrian mall, as well as a portion of Court Street. Due to ongoing restrictions imposed by the COVID-19 Pandemic, Three Tomatoes Trattoria is requesting renewal of their exemption to include those expanded seating areas approved in 2020. Please see attached letter from Robert Meyers.

City Administration has no objection to the closure of the portion of Court Street for use by Three Tomatoes Trattoria as was done in 2020. If, as we progress through the summer season, restrictions imposed by the pandemic are lessened and dining tables may be positioned in closer proximity to each other, it is intended to reduce/eliminate Three Tomatoes Trattoria's expanded seating area within the pedestrian mall so it may be utilized by other mall tenants.

City Code Chapter 14, Alcoholic Beverages, §14-5, Exemption states that, "Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the City Manager after consultation with and approval by the Chief of Police. For a period of time exceeding 12 hours but not exceeding one year, permission must first be obtained from the Lebanon City Council and reviewed on an annual basis." Due to the nature of the business and the desire to continue to serve alcohol on City-owned property, Council approval is required pursuant to §14-5 above.

ACTION:

Councilor Bronner MOVED, that the Lebanon City Council hereby grants an exemption pursuant to §14-5 of City Code Chapter 14, Alcoholic Beverages, to Three Tomatoes Trattoria to serve

alcoholic beverages on the Lebanon Pedestrian Mall and the closed portion of Court Street as shown on the map included in the February 3, 2021 City Council Agenda Packet.

BE IT FURTHER MOVED, that should restrictions imposed by the COVID-19 Pandemic be lessened to a degree that permits dining tables in closer proximity to each other, Three Tomatoes Trattoria may continue to utilize the closed portion of Court Street along with their normally permitted area on the pedestrian mall, but must forgo their expanded seating area within the pedestrian mall in favor of other Mall tenants that may wish to utilize the space. The exemption shall be valid beginning April 1, 2021 and shall expire on December 31, 2021.
Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

Recused: Assistant Mayor Below

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

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

C. Discussion re: Council support of a proposed resolution by Open Democracy Action regarding Nonpartisan, Transparent, and Fair Redistricting of Electoral Districts in the State

Included in the agenda packet was the Sample Redistricting Resolution as proposed by Open Democracy Action (pages 37-38 agenda packet).

Mr. William Secord came before the Council to speak about the proposed resolution as above. The decision by the US Supreme Court last year said redistricting was purely up to the State processes. It has become ever more important the we (New Hampshire) establish fair and non-partisan redistricting processes. Open Democracy has distributed this resolution to over 100 towns and cities across the State and it is meant to indicate to our legislators how significant the support is in New Hampshire to have fair and non-partisan redistricting.

Mayor McNamara read the sample Redistricting Resolution as listed below.

Sample Redistricting Resolution
for Cities with a City Council or Board of Aldermen
Or for Towns using a Town Council form of Government

RESOLUTION:

To adopt a **RESOLUTION FOR NONPARTISAN FAIR REDISTRICTING**

The City of Lebanon resolves as follows:

WHEREAS, the U.S. Census will be completed in 2021; and

WHEREAS, the New Hampshire General Court is obligated to redraw the maps of political districts within the state for state and federal elected positions; and

WHEREAS, most of the 2010 redistricting process was conducted non-publicly, with only the majority’s proposed maps being voted on in public: and

WHEREAS, the public was not able to view the proposed redistricting maps at public hearings in 2010, and additional maps created by the public appear to have been ignored; and

WHEREAS, some 2010 proposed redistricting maps appear to have been designed to benefit one political party over another.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lebanon that:

- 1) Redistricting by the State of New Hampshire should be fair, nonpartisan, and ensure effective representation; and
- 2) Voting maps should not be gerrymandered to favor a political party or candidate; and
- 3) Communities of interest should be considered when redistricting; and
- 4) The process of redistricting should be transparent and open to public input at all stages; and
- 5) The City of Lebanon shall call upon its elected state legislators to uphold these fair redistricting principles when creating state redistricting maps by sending them a copy of this resolution.
- 6) This resolution shall take effect upon its passage.

Adopted in Lebanon City Council on this date: TBD (February 3, 2021)

ACTION:

Assistant Mayor Below MOVED, that the Lebanon City Council adopts the (Redistricting) Resolution as read by the Mayor and presented on page 37 of the City Council Agenda Packet, and authorize the Mayor to transmit it to our legislative delegation. Seconded by Councilor Prentiss.

Councilor Prentiss appreciated what Mr. Secord, Open Democracy and others have done to bring this forward at a local level throughout the State. This is an important issue to us and shining the light of day on redistricting is what we are trying to do here.

At the request of Councilor Liot Hill, Mr. Secord spoke about what other communities are doing regarding this resolution, noting this is a grass root effort across the State of New Hampshire.

Councilor Sykes asked Mr. Secord if there was any reason why this resolution could not be sent to the Governor’s office as well. Mr. Secord responded by saying that whomever the Council decides to send this to would be wonderful.

Councilor Prentiss spoke about SB-80, which was one our first defeats in this area, but that does not mean we should give up. We should press on.

The Council concurred this should be sent to the Governor’s Office as well, even though it was not mentioned or changed in the Motion above.

Representative Richard Abel (Grafton, NH District 13) came forth and noted he would be delighted to accept the Council’s resolution and share it with others. He concurred with colleagues that this is an important issue for the City of Lebanon and the State.

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).*

Mayor McNamara will sign the Redistricting Resolution and send it to our NH State Legislators and the Governor’s office.

D. Discussion re: Streetlights around Colburn Park and the Pedestrian Mall

Included in the agenda packet (pages 39-46) was the January 20, 2021 memorandum “The Mall, Colburn Park and Park Street (West, South, East, North) Light conversion – Phase 2” submitted by Assistant Public Works Director Everett Hammond.

City Manager Shaun Mulholland came before the Council and spoke about the streetlights around Colburn Park and the Pedestrian Mall and requested the Council’s consensus on what should be done before a final decision is made.

The Street Light Conversion project, as originally presented to City Council on November 29, 2018, has entered Phase 2 which includes upgrades of the streetlights in the following locations:

1. The Mall, West Park Street, North Park Street, Court Street, and the East side of City Hall: Rehab poles and upgrade to LED streetlights with control nodes.
2. Colburn Park, South Park Street, West Park Street, East Park Street and North Park Street which addresses the tall aluminum light poles owned by Liberty Utilities by either modifying to 3,000K/2,700K LED lights with control nodes or replacing with Decorative poles.

The Phase 2 LED Lighting Cost Options are outlined in detail in the memorandum submitted by Assistant Public Works Director Everett Hammond (page 39, agenda packet).

Mr. Mulholland referred to a memo from Assistant Public Works Director Everett Hammond and noted the recommendation at this time by the Public Works Dept and the Lebanon Energy Advisory Committee (LEAC) is rehabbing the existing decorative streetlights and replacing all fixtures with 7 pin 3,000K or 2,700K LED fixtures. The estimated remaining budget after Phase 1 and Phase 2 (Option 1A/1B) is completed will be \$429,000. This is a significant savings over options 2A & 2B which would replace existing Liberty lights/poles with new decorative poles/LED lights.

Assistant Mayor Below referred the Council to page 45 of the agenda packet, which showed an image of the decorative pole originally contemplated in the CIP proposal. What was assumed in the original proposal is that the City would be able to use the existing foundations and underground wiring system, owned by Liberty Utilities (LU). Mr. Hammond looked at the condition of the foundations and found that new foundations would be needed if we went with the new decorative poles and the City would probably have to put in an all new underground conduit stretching across a couple of streets because part of the existing LU underground system has failed. LEAC has been following this issue, have discussed it, and unanimously voted in favor of going with the lower cost option because we will get warmer colored temperature lights and controls to allow for dimming or turning them off. The point is that lighting will be improved and the distribution pattern is more targeted using the existing poles making for better illumination within and around Colburn Park.

Assistant Public Works Director Everett Hammond elaborated on the difference between the 2,700, 3K and the 4K lights, noting the 4K lights will be replaced with the 2700 or the 3K light and described where this would take place. He pointed out that in order to go with dark sky friendly lighting, these lights will have no globes (sample on page 40, agenda packet). Since the existing poles are good quality, in this package we will order four (4) new lights and rehab all the remaining existing lights.

Assistant Mayor Below shared a screen shot of the poles and lights being discussed.

The Council discussed rehabbing the existing light poles; going with the low cost option due to economic times; energy savings for the City; and, the opportunity of having dark sky friendly lighting.

Ms. Rebecca Owens expressed her concerns about replacing the antique lighting and felt this should be brought before the Heritage Commission for their consultation. Assistant Mayor Below clarified that “Antique Lights” is a brand name and the lighting she referred to was purchased in 1988, so they are not true antiques.

The Council’s consensus was for the City Manager to pursue the lower cost options as presented by Assistant Mayor Below and Mr. Everett Hammond.

ACTION:

No action is required by the Council. Item is for discussion purposes only.

E. Authorization for the City Manager to enter into “Memorandum of Understanding for Professional Services Between Coalition Communities 2.0”, a Coalition to oppose the redistribution of excess Statewide Education Property Taxes (SWEPT) collected by individual communities to broadly fund public education in the State.

Included in the agenda packet (pages 49- 257) were:

1. December 1, 2020 Commission Report on Education Funding (pages 49-239, agenda packet)
2. January 4, 2021 Simplified AIR Model Rev. Est. (pages 229-239, agenda packet)
3. November 15, 2020 Calculation of Impact of HB 504 (page 240-245, agenda packet)
4. HB 504 SWEPT Remittance & Tax Relief (pages 246-247, agenda packet)
5. City of Portsmouth MOU for Professional Services Between the Coalition Communities 2.0 (pages 248-257, agenda packet)

City Manager Shaun Mulholland gave a briefing on the proposed SWEPT (Statewide Education Property Tax) initiative that is currently being discussed in the New Hampshire State Legislature. Usually, educational tax issues are dealt with by the School District(s) and, for most communities, municipalities simply collect the taxes for their School District(s) and then transfer those funds back to them.

The City of Portsmouth is working with other municipalities to advocate against the proposed statutory changes for the distribution of Statewide Education Property Taxes (SWEPT). On December 1, 2020, a Commission to Study School Funding issued its findings and recommendations based on property taxes only. The Commission proposed a model that would re-distribute SWEPT revenue to School Districts based upon need as defined by statute. The Commission determined there is sufficient funding being raised through taxation in New Hampshire and that the distribution of that funding was the issue.

Project Manager Paul Deschaine, who works for the Town of Newington, utilized the model created by the study using 2018 data showing a theoretical distribution of SWEPT (2021-01-04 Simplified AIR

Model Rev. Est). This would bring back the concept of “donor” towns. In this scenario, municipalities, such as Lebanon, would be remitting SWEPT revenues to the State for distribution to other communities to subsidize the cost of public education. In order to implement the model created by the study, several pieces of legislation are now or will be shortly before the Legislature for consideration.

HB-504 would implement several of the provisions of the model and will come before the NH Ways and Means Committee on February 17, 2021. This legislation would require municipalities to remit what would be referred to as excess SWEPT to the NH Department of Revenue Administration for distribution in the form of grants to school districts across the state based upon need.

The City of Portsmouth, through its City Council, approved the “Memorandum of Understanding for Professional Services Between the Coalition Communities 2.0” on January 25, 2021. The purpose of this agreement is to create a coalition of communities that would be adversely affected by the return of “donor” towns. The City of Portsmouth was part of a previous coalition named the Claremont Coalition. There are still funds remaining in the accounts for this coalition which successfully opposed the practice of “donor” towns in the past.

This reconstituted coalition opposes the use of the broad-based property tax (SWEPT) to redistribute revenue from some communities to other communities, which is intended to resolve the education funding issue in our state. There are many concerns about the proposed model developed by the recent legislative study. The feeling of the municipalities involved is that a more comprehensive study should be conducted looking at all other sources of funding to address this issue instead of focusing solely on SWEPT.

The Memorandum of Understanding (MOU) would assess the costs to participating members to hire a lobbying firm to advocate on behalf of the coalition, as well as other professional services such as legal services to achieve the objectives of the coalition.

The concern for the City is the potential of large sums of property tax dollars raised in the City being transferred out of the City for use by other School Districts. Some of the communities that stand to gain from the property tax revenues raised by the City of Lebanon are the Towns of Bedford and Londonderry. There are questions as to whether these two municipalities are “needy” or “property poor” regarding education funding.

Mr. Paul Deschaine came forth and provided his spread sheet calculations based on the AIR Model recommended by the School Funding Commission as of 12/01/2020 and his assumptions in this particular bill (Calculation Impact of HB-504), which he shared this with the Council. These assumptions were for discussion purposes only. His estimates for the City of Lebanon, based on its demographics and attendance, is the City would need approximately \$23M+/- to provide an adequate education to our children based on the AIR Data Report from 2018. He spoke about the tax rate used in the 2018 data (\$12.24 per \$1K statewide tax rate) and that the statewide property tax would raise (\$28M+/-). The difference between \$23M and \$28M would be turned over to the State for redistribution to be used for other challenged School Districts. The problem with this data is that in 2018, Lebanon actually spent \$34M from all revenue sources. The difference between \$34M and the \$23M+ is almost a gap of \$10M+. As a result, in order to run Lebanon’s schools on \$28M, we would have to either cut the budget by \$10M+ or we would have to not only raise the \$4.7M +/- but the additional \$10M+. He also found a flaw in the model where the utility tax base was counted twice. In Lebanon’s case, they were using the equalized valuation with utilities included. These numbers are not represented in any current legislation, but they represent the recommendation of the current Commission.

HB-504 will also be doing away with the offsets where communities will **not** be able to keep the access SWEPT as they currently do. In Lebanon’s case, it would indicate the City would be short \$1.5M, based on the 2019 assessed equalized valuation for Lebanon.

Mayor McNamara questioned if these formulas recognize towns that have a large valuation of tax exempt properties. For example, in Lebanon’s case, a large part of our value is due to Dartmouth-Hitchcock Medical Center, which is tax exempt. Mr. Deschaine was not aware of any provision that speaks to this issue but did note a change of \$0.62 in the SWEPT rate would make Lebanon a “donor town” if all other things do not change.

Mr. Deschaine also spoke about HB-504’s taxpayers relief program; the MOU (Memorandum of Understanding); and the cost of hiring a lobbyist (\$120K yr.) shared by 50 donor towns.

At the request of Councilor Liot Hill, Ms. Susan Almy (House of Representatives, Grafton, NH’s 13 District) spoke about the tax-rate version and history of HB-504. HB-504 has two purposes: 1) To bring state-wide property taxes to the State and put those funds into an Education Trust Fund, and 2) To meet the educational needs of the children. HB-20 is a more clear and present danger. It proposes a voucher system where anyone in the State who has a child is eligible to get a voucher of over \$4,700 for each child per year that can be used for education in a religious or private school, or used to home school their child. If HB-20 is enacted, it would take funds out of the State’s Educational Trust Fund and would take children out of the public school system. As a result, school systems would need more funding because the State will not provide for that lost money. This would mean the School Boards will be faced with a budget almost as big as it is now but with only half the funding that was coming to them from the State. She shared a screen shot of a simulator that depicts certain towns ability to pay up to its capacity in statewide property taxes and compared Hanover and Claremont with Lebanon, NH.

Mayor McNamara reminded the Council that the objective for tonight is to give the City Manager authorization to expend funds to join this Coalition Communities 2.0. He knows there needs to be an answer to adequate funding for statewide education and understands there are significant discrepancies in the solution that is certainly not good for a lot of towns.

The Council discussed the potential of Lebanon becoming a donor town and the incredible tax rate increase if SWEPT was enacted; joining in the MOU with other Coalition Communities 2.0 to oppose SWEPT (HB-504) and what this could mean for the City; the potential risk, confusion and politics of HB-504; the pros/cons of having a paid lobbyist in Concord to advocate for the Coalition; the structural inequity in the State’s system of using property taxes to pay for education; if the Coalition will be advocating for finding a solution; and, having State Legislatures perform an adequate study to look at all options and make a recommendation, which has not been done.

Councilor Below reiterated that part of the problem here is an over reliance on property taxes in the State and shared a screen shot showing an analysis done by the Institute for Taxation and Economic Policy that showed New Hampshire is in the top 16% in terms of the most regressive taxes in the U.S., noting that New Hampshire residents spend over 9% of their income in State and Local taxes. With the latest DRA data, at least 70% of communities in NH have lower equalized tax rates than Lebanon. This is because Lebanon is a commercial/regional center that has to support municipal services not supported by the State such as responders and other community services.

ACTION:

Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to execute all documents relative to entering into the Memorandum of Understanding for Professional

Services Between the Coalition Communities 2.0 as presented in the February 3, 2021 City Council Agenda Packet.

Seconded by Councilor Liot Hill

Roll Call Vote:

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

None voted Nay.

****The Vote on the MOTION approved (8-0).*** Councilor Prentiss did not respond to the roll call due to technical difficulties.

F. Next steps for Westboro Yard

Included in the agenda packet (pages 260 – 309) was the 2019 ATC Westboro Yard Assessment and Cost Estimate.

City Manager Shaun Mulholland noted the information provided in the agenda packet has changed since it was published. Funds have now been released for the demolition of the structures in Westboro Yard (former Railroad Round House, Bunk House, Sand Shed and Stack in the Westboro Rail Yard) owned by the NH Department of Transportation (NHDOT). He reached out to the Bureau Chief for Aeronautics and Rails regarding the next steps to be taken to get this out to bid so the work can be completed.

New Hampshire Executive Councilor (District 1) Joe Kenney indicated he talked with Commissioner Sheehan (NHDOT) and reiterated the City’s concerns regarding propane operations in the railyard and also expressed those concerns at the NH Executive Council meeting.

Mr. Mulholland said Items A-G, as listed in the agenda packet, are not necessary at this point and has asked NHDOT to re-initiate the process allowing the City to lease the Westboro Yard property. There are several steps in the acquisition process concerning the disposal of State property that have been completed, but the remaining steps are pending.

Councilor Winny thanked the City Manager for the work done on a lot of different levels. The West Lebanon Revitalization Advisory Committee, along with the residents and business owners in Downtown Lebanon are appreciative as well.

Representative Laurel Stavis echoed Councilor Winny and wanted to personally thank the City Manager for all the work done over the years on getting to this goal. She also thanked Executive Councilor Kenney who has taken a lively interest in the welfare of Downtown West Lebanon and is looking forward to bringing Downtown West Lebanon back.

Fire Chief Chris Christopoulos updated the Council on the status of Rymes propane tanks (now owned by Superior), noting there is no transloading, offloading or movement of product (propane) by rail at this point. Superior is working with consultants to look at what their options are moving forward with the facility. Engagement with Superior has been positive, and he will keep the Council up-to-date moving forward.

ACTION:

No formal action was required by the Council.

G. Authorization for the City Manager to enter into an intermunicipal agreement under the provisions of RSA 53-A to create the Community Power Coalition of New Hampshire (CPCNH)

Included in the agenda packet (pages 312 – 370) were:

1. CPCNH Power Point Presentation
2. CPCNH Joint Powers Agreement
3. Letter from the NH AG’s Office approving the proposed JPA
4. RSA 53-A

Assistant Mayor Below presented an overview of the slide presentation of the Community Power Coalition of New Hampshire (pages 312-329, agenda packet).

As background information, the City has been working with the Towns of Hanover, City of Nashua, and Cheshire County regarding the implementation of community electric power aggregation. Community Power Coalition of New Hampshire (CPCNH) would be created as a not-for-profit local government sponsored entity to support member communities in developing and implementing electric power aggregation plans pursuant to RSA 53-E, as well as related statutory authorities. The entity would pool the purchasing power of residential, commercial, and industrial customers in participating communities to purchase power on a wholesale basis. This has the potential to reduce costs and allow the entity to purchase power from renewable energy sources. The provisions of state law provide for an opt-out option. If the City Council were to approve an aggregation plan for Lebanon Community Power (LCP) on an opt-out basis, after public meetings and hearings, all electric customers in Lebanon that are on Liberty Utilities default services would automatically be brought into the LCP and CPCNH customer base. Individual customers would have the option of opting out and have at least 30 days-notice to do so. They would need to take affirmative action to remove themselves from that customer base. Customers already taking competitive electric supply would have the option to opt-in to LCP.

This entity would be the first of its kind in New Hampshire. Nationwide there are many states that have municipal (community) aggregation programs that have had various levels of success. The City of Boston will be implementing an aggregation program on February 1, 2021. Several municipalities in Massachusetts have already implemented community aggregation. The States of California, New York, Ohio, New Jersey, and Illinois have a longer history of community aggregation programs.

The New Hampshire Attorney General’s Office has reviewed and approved the Joint Powers Agreement (JPA) proposed for this collaborative effort. The JPA was created by the participating municipalities/county with the technical assistance of the law firm of Duncan, Weinberg, Genzer & Pembroke PC. The provisions of RSA 53-A allow for municipalities and counties to enter into cooperative agreements to implement community electric power aggregation.

Grafton County Commissioner Wendy Piper spoke about her support for the CPCNH and thanked Assistant Mayor Below for all the work he has done on this initiative.

ACTION:

Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into an intermunicipal agreement known as the “Joint Powers Agreement” under the provisions of New Hampshire RSA 53-A to create the Community Power Coalition of New Hampshire (CPCNH) for the purpose of supporting member municipalities and counties in developing and implementing electric aggregation plans, pursuant to RSA 53-E, as well as related statutory authorities.

BE IT FURTHER MOVED, that the Mayor, in consultation with the City Manager, is authorized to appoint a City representative and an alternate to the CPCNH Membership and Board of Directors.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

***The Vote on the MOTION was approved (8-0).** Councilor Prentiss did not respond to the roll call due to technical difficulties.

11. City Manager Report:

City Manager Shaun Mulholland updated the Council on the following:

- Broadband for Lebanon's 142 homes that do not presently have this service.
- 20 Spencer Street: Delayed because more PCB contamination has been found in the ground and in the soil. More testing in this area needs to be done in order to determine what the next steps will be.

12. Council Representatives to Other Bodies Reports: NONE

13. Future Agenda Items: NONE

14. Non-Public Session: Took place at 6:00 PM before the beginning of this meeting.

15. Adjournment:

Councilor Bronner MOVED for adjournment.

Seconded by Councilor Heistad.

Roll Call Vote:

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

None voted Nay.

***The Vote on the MOTION was approved (8-0).** Councilor Prentiss did not respond to the roll call due to technical difficulties.

The meeting was adjourned at 9:57 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary