

FINAL

**LEBANON CITY COUNCIL
MEETING MINUTES
Wednesday, September 2, 2026 7:00 p.m.
Council Chambers**

Remote Via Microsoft Teams: LebanonNH.gov/Live

MEMBERS PRESENT: Mayor Douglas Whittlesey, Assistant Mayor Devin Wilkie, Kellen Appleton, Nicole Ford Burley, Eric Cole, Andrew Faunce, Lori Key, Timothy McNamara and Laurel Stavis

MEMBERS ABSENT: City Manager Andrew Hosmer

STAFF PRESENT: Deputy City Manager David Brooks, Director of Planning and Development Nathan Reichert, GIS Coordinator Mark Goodwin, Deputy Finance Director Victoria Paquin, Public Works Assistant Director Christopher Kilmer

1. CALL TO ORDER: Mayor Whittlesey called the meeting to order at 7:00 p.m.
• Deputy City Manager David Brooks announced the meeting criteria for attendees.

2. PLEDGE OF ALLEGIANCE: Mayor Whittlesey led the Council in the Pledge.

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

4. CITY MANAGER REPORT:

In City Manager Hosmer's absence, Deputy City Manager Brooks updated the Council on the following:
REMINDER: The Dry Bridge on Route 12a Will Be Closing At 7:00 Am on Monday, September 14, 2026 And Will Remain Closed For 365 Days. Please Plan Accordingly.

5. OPEN COUNCIL DISCUSSION: NONE

6. OPEN TO PUBLIC: NO ONE CAME FORTH

7. RECOGNITIONS: NONE

8. ACCEPTANCE OF MINUTES: August 19, 2026 (Regular Meeting)

Amendments: Page 6, Line 16: Change to read: The 2024 City Audit.....: Page 14, lines 44: Change to read – We, in fact, tried to raise the floor of the exemption for the Elderly Tax Exemption: Page 15, line 21: change \$100K to \$700K: Page 15, line 24: Change Elderly Tax Exemption to Elderly asset limits: Page 15, line 36: Change Elderly Tax Exemption to Elderly asset limits:

Councilor McNamara MOVED to approve the August 19, 2026 minutes as amended and presented in the September 2, 2026 City Council agenda packet.

Seconded by Councilor N. Ford Burley.

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

9. APPOINTMENTS: NONE

10. PUBLIC HEARING ITEMS:

A. Reclassification of Baker Lane (Class VI Road #27) from a Class VI Road to a Class A Trail

– Public hearing for the purpose of receiving public input and taking action on the Class VI Road Advisory Committee’s recommendation to reclassify Baker Lane (Class VI Road #27) from a Class VI Road to a Class A Trail.

Note: Councilor Cole recused himself from this discussion/vote because he is an abutting landowner.

Included in the agenda packet: [\(All publicly available documents and detailed information can be found on pages 25-35, Council agenda packet.\)](#)

1. August 13, 2026 Memorandum from Mark Goodwin, Sr. Planner/GIS Coordinator, RE: Recommendation from the Lebanon Class 6 Road Advisory Committee – Road Segment #27 (Baker Lane)
2. Class 6 Road Abutter Notification Map, Baker Lane (Road #27), prepared by the Planning Department, printed August 18, 2026
3. Baker Lane (2001 Photos)
4. Class VI Road Assessment Template – Road Name: Baker Ln.

Mayor Whittlesey briefly reviewed the background behind this item.

Mark Goodwin (Senior GIS Coordinator and staff liaison for the Class VI Roads Advisory Committee) also reviewed and explained the purpose/charge and history of the Class VI Road Advisory Committee and gave a slide presentation that included the ways a Public Road can be created; the Creation of Class 6-Public Roads; the differences between a Class VI Highway vs. a Class A Trail; A graphic map showing where Baker Lane is located; Town records dating back to 1775 that showed the layout descriptions and how Baker Lane was historically plotted out; Baker Lane’s historical road map inventories; Baker Lane’s historical rights-of-way; What counts as evidence of Public Use; the 2014 version of Baker Lane’s Class VI Road designation and its legal status.

Mr. Goodwin noted that nothing will be discontinued on Baker Lane, it would simply be a change in the use of the property if the Council chooses to change it from a Class VI Road to a Class A Trail. Baker Lane will still have public rights of way. He also spoke about what vehicles can and cannot be used on a Class VI Road and a Class A Trail noting the All-Terrain Vehicles (ATVs) cannot be used on either classification. ATVs are not permitted on any public road; they are only permitted on private property with permission from the landowner. There are areas in the State, however, where they are permitted.

Mayor Whittlesey informed the Council/Public about the Class VI Road Assessment.

Councilor McNamara questioned if Baker Lane would have an impact on driveway access to existing homes. Mr. Goodwin stated he did not believe so noting there are no abutters who have access to their homes from Baker Lane. Tax lines were also discussed.

Mayor Whittlesey opened the Public Hearing.

- **Mr. Erling Heistad (Ward-3).** He was a member of the Class VI Road Committee and noted that his family has been living in Lebanon since 1761. One of the things that has not been touched on is that abutters cannot only use their land for agriculture, but they also can limit what a common road is used for. A Class A Trail protects the abutting landowners noting that a Class VI Road does not do that.
- **Ms. Barbara Hirai (Ward-1):** She was also a member of the Class VI Road Committee and spoke about her reasons why she felt Baker Lane should become a Class A Trail. She also advocated that signage should be put up so people know what kind of access they have.
- **Mr. Eric Cole (Ward-2):** He read his 3-page testimonial and requested the Council to fully evaluate the legal and economic consequences for affected abutting properties before changing Baker Lane from its existing state as a Class VI Highway to a Class A Trail. A summarization of his testimonial included access to his property; the recent change in New Hampshire Law governing Class VI Roads; recent Old Kings Highway/Storrs Hil Road reclassifications; the potential effect on property values and landowner rights. (His complete testimonial is available upon request.)

Councilor McNamara questioned whether or not the wetlands along the Cross Road would significantly inhibit access to his lot. Councilor Cole said it would.

- **Mr. Bob Townsend (Ward-2):** He spoke about his reasons why Baker Lane should remain as a Class VI Road.
- **Mr. Steve Wood (Ward-1 and former Chair of the Class VI Roads Advisory Committee):** He spoke about his reasons why he, and the Class VI Roads Advisory Committee, felt that Baker Lane should be classified as a Class A Trail to protect property owners.
- **Ms. Carolyn Townsend (Ward-2):** She spoke about her reasons why she felt Baker Lane should remain as a Class VI Road.
- **Mr. Eric Cole (Ward-2):** He came forth again and spoke about his belief that it was in the Council's authority to put date restrictions on the use of a Class VI Road (i.e., how it can be used in spring-mud season, summer, winter, fall) noting that when he was growing up in Lebanon Class VI Roads did have signage prohibiting seasonal wheeled vehicle access.
- **Mr. Steve Wood (Ward-1 and former Chair of the Class VI Roads Advisory Committee):** He came forth again and noted that the Class VI Roads Advisory Committee acknowledged that Baker Lane was a public right of way.

Hearing no further comments from the public, the Public Hearing was closed.

Council/Staff Comments/Discussions:

In response to Councilor McNamara's question, Mr. and Ms. Townsend acknowledged that they are abutters to Baker Lane on lot 134:17.

Mayor Whittlesey noted he felt (the public) preference was to maintain Baker Lane as a Class VI Road (with signage), noting there is nothing preventing the Council from revisiting this in the future.

Deputy City Manager Brooks confirmed that all abutting property owners were sent notices of this Public Hearing.

Councilor McNamara recommended that the most prudent course for the Council would be to simply acknowledge the Committees report and their recommendation that this is, in fact, a Class VI Road.

Assistant Mayor Wilkie asked the other abutters, who did not come to this meeting because they did not have a particular preference one way or the other, to reach out to the Council and let us know if we need to revisit this in the future.

ACTION:

Assistant Mayor Wilkie MOVED, the Lebanon City Council accepts the report and recommendation of the Class VI Road Advisory Committee and hereby maintains Class VI Road #27 (Baker Lane – extending south to north from Cross Road to Storrs Hill Road), as shown on the City of Lebanon Draft Class VI Roads Map, printed June 2013, and as presented in the September 2, 2026 agenda packet, as a Class VI Road.

Seconded by Councilor McNamara.

****The Vote on the MOTION was approved (8-0). Councilor Cole was recused from this vote.***

Note: Councilor Cole returned as a regular member of the Council.

B. Reclassification of Ticknor Lane (Class VI Road #30) from a Class VI Road to a Class A Trail – Public hearing for the purpose of receiving public input and taking action on the Class VI Road Advisory Committee’s recommendation to reclassify Ticknor Lane (Class VI Road #30) from a Class VI Road to a Class A Trail.

Included in the agenda packet: ([All publicly available documents and detailed information can be found on pages 36-46, Council agenda packet.](#))

1. August 13, 2026 Memorandum from Mark Goodwin, Sr. Planner/GIS Coordinator, RE: Recommendation from the Lebanon Class 6 Road Advisory Committee – Road Segment #30 (Ticknor Lane)
2. Class 6 Road Abutter Notification Map, Ticknor Lane (Road #30), prepared by the Planning Department, printed August 18, 2026
3. Ticknor Lane (2001 and 2011 Photos)
4. Class VI Road Assessment Template – Road Name: Ticknor Lane

Mark Goodwin (Senior GIS Coordinator and staff liaison for the Class VI Roads Advisory Committee) reviewed and explained the purpose/charge and history of the Class VI Road Advisory Committee and gave a slide presentation. He discussed the background information as presented in the Council’s agenda packet noting the assertion that Ticknor Road’s use is a public resource that contains a public rights of way; the prescriptive map histories and a historical reference to Ticknor Lane; the Class VI Road Assessment, and; the Class VI Roads Advisory Committee recommendation to reclassify Ticknor Lane as a Class A Municipal Trail, as defined in RSA 231-A:1 (I).

Councilor McNamara questioned where the historical reference to Ticknor Lane was derived from. Councilor N. Ford Burley (City Historian) noted this was first discussed in a 1960’s Historical Society annual report and then it was rolled into the National Resources Publication dates from the 80’s and early 90’s.

Mr. Goodwin also presented and described/explained the historical maps dating back to the Town Records of 1775, the 1855 Map of Lebanon, NH from Cartographer Eaton and Author EM. Woodford C.E., and an early Nineteenth Century (1800's) map done by Torbet in 1932 (this map was based upon road layout and homestead descriptions contained within the Lebanon Town Records); a historian's map done by Bob Leavitt: a map done by the UVLSPC (Upper Valley Lake Sunapee Regional Planning Commission back in 1990); a map from the Lebanon Historical Society; and, a map showing survey work that was done around 2000, which identified Ticknor as a Class VI Road, etc.

Councilor Cole, Councilor Faunce, Mayor Whittlesey and Mr. Goodwin discussed the accuracy of the UVLSPC map.

Mayor Whittlesey opened the Public Hearing.

- **Ms. Barbara Hirai** (Ward-1, member of Class Road Committee & Conservation Commission): She spoke about conservation lands and the reasons why she felt Ticknor Lane should be reclassified to a Class A Trail, noting the on ground condition of this property is more fragile, wetter, and has lots of erosion in places. She also spoke about the need for signage.
- **Mr. Justin Carver** (Ward-2): He lives in the RL2 District on Slayton Hill Road with a disputed portion of Ticknor Road that passes through his property. He questioned what the specific 20-year period was prior to 1968 the City was relying on (for living prescriptive evidence), and what evidence establishes the qualified public use during that period.

Mr. Goodwin stated this is another type of prescriptive evidence and Ticknor has been in use for a period of 20 years, noting that other people in the room have said they have used this land since they were little kids. They all described that they had walked it with no need to ask any permission because they were walking on a public rights of way. That 20-year clause stops at a certain point, noting there are a number of residents alive today that have a belief that Ticknor is a public rights of way and who have actually used it as such.

Ms. Carver (Ward-2): She spoke about and questioned RSA 229-1 used as prescriptive evidence of the use for 20 years prior to January 1, 1968 (because there is no map). Mr. Goodwin explained there are nine (9) different types (of prescriptive evidence) and one of them is the recollections of old timers as referenced in the City's books and maps. We were just talking about one type of prescriptive evidence, continued use, and further explained his reasons noting that map after map shows this prescriptive usage.

Mr. and Ms. Carver respectfully asked the Council to keep the Public Hearing open and continue it to a later meeting so they could have their attorney present before any final actions are taken. They dispute the public rights of way (ROW) because the City has no original layout and is instead relying on prescription and these issues should be resolved before the Council affirms a public rights of way through their property.

Councilor Cole wanted them to clarify that they are disputing that this is currently a ROW, and Mr. and Ms. Carver noted it may have been at one point in time where the road that went to the Ticknor Farms was used and felt this was inconsistent in the maps and further explained their reasoning and gave examples. They also noted that road does dice their property on both sides.

Councilor Cole, after noting that deeds usually mention roads, questioned whether or not the City has looked at any property deeds that about Ticknor Road. Mr. Goodwin felt that deeds often do not describe the property/roads and explained his reasons and gave examples. As far back as he can remember deeds were researched for prescriptive evidence. Councilor Cole suggested that if research has not been done completely, he would be hesitant to stamp this as a rights of way.

- **Mr. Steve Wood (Ward-1)** came forth again, noting he was part of the living prescriptive evidence and stated that he has walked up and down that road (Ticknor) down to Storrs Hill since 1965. He also noted that deeds are not the only evidence we have. Those maps show it and they show that part of it and spoke about how Ticknor Road connects with other trails and is part of a public utility network of all the roads to allow people to really walk all over this City.
- **Ms. Sarah Riley (Ward-2 and Chair of the Conservation Commission):** She spoke about her reason why she was in support of the Class VI Roads Committee's recommendation that this be converted from a Class VI Road to a Class A Trail.
- **Mr. Erling Heistad (Ward-3):** He spoke about his dad/family moving to Lebanon in 1924 and started the Ski Team, noting Ticknor Road had the best training for the Ski Team and spoke about the living memory prescriptive evidence he and his family have preserved over the years and the work they have done on this road. He also spoke about how the US Ski Association's Race Trail is there. Ticknor is an active road and has been for a long, long time.

Hearing no further comments from the public, Mayor Whittlesey declared that the Public Hearing be left open.

Council/Staff Comments/Discussions:

Councilor McNamara advocated to leave the Public Hearing open and explained his reasons, noting that the land on both sides of Ticknor Road is owned by the City and we do have the ability to, without going through the lengths of reclassifying this, change classification for roads/trails. The City has other options to protect the vast majority of this while hearing what the Carver's attorney has to say.

Councilor Key concurred with Councilor McNamara, noting that any questions should be resolved before we close the discussion.

Mr. Goodwin wanted to make it clear that what he is doing tonight is just bringing everything he is aware of before the Council so they can make a determination. He is not giving his opinion on what should be done.

Further discussions took place regarding when a continuance of the Public Hearing could take place (October 21, 2026 was suggested).

- **Ms. Barbara Hirai (Ward-1, member of Class Road Committee & Conservation Commission)** came forth again and noted they (Class VI Roads Committee) talked about this trail for at least 6 months, noting that right now they are being presented with information that they have not seen before. She noted that the Class VI Committee will need to reconvene and review any information the Carver's will be presenting before they could come back with a recommendation. She felt that October was too soon for them to make a realistic response. She also noted that the Class VI Roads Committee does not meet on a regular basis anymore so it will take time to set up another meeting, and they may need to consult with a lawyer as well.

Mayor Whittlesey, instead of leaving the Public Hearing Open, Tabled this discussion and closed the Public Hearing.

Mayor Whittlesey MOVED, that this (Public Hearing Item 10.B as presented on [pages 36-46](#), in the September 2, 2026, Council agenda packet) be tabled until a future date to allow the Class VI Roads Committee to meet with abutters and to review additional evidence to perhaps make another decision/recommendation at which time a new Public Hearing will be scheduled and advertised as a new Public Hearing.

Seconded by Councilor McNamara.

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

Mayor Whittlesey noted that the intent of tabling this item was to give everyone time to get the necessary legal counsel, both the City and the Carver's; for the Class VI Road's Committee time to meet with the Carver's, and then the Class VI Roads Committee can come back to the Council with the same or another recommendation and then the Council can have a Public Hearing at that time.

ACTION: TOPIC TABLED TO A FUTURE DATE.

- C. Supplemental Appropriation of up to \$94,000 for Replacement of Kilton Library HVAC System – Public hearing for the purpose of receiving public input and taking action on a supplemental appropriation of up to \$94,000 to the FY2026 Library Operating Budget for the Kilton Library HVAC System Replacement project, to supplement existing operating budget funds with a transfer of \$57,000 from the Library Facilities Capital Improvements Capital Reserve Fund, and a contribution of \$37,000 from the Library Board of Trustees. – R-2026-9**

Included in the agenda packet: ([All publicly available documents and detailed information can be found on pages 47-53](#), Council agenda packet.)

1. July 21, 2026 proposal from Alliance Group Services, LLC for Kilton Public Library Geothermal System – Supplemental Heating System – REV 1

Sean Fleming (Lebanon Libraries Director) and a representative from the Engineering Alliance Group, including Greg Deutscher, P.E. Director, reviewed the background/purpose/costs of this request and explained the need and detailed reasons why they felt these services are needed for the Kilton Library.

Director Fleming noted that the Kilton Library is not actually replacing the entire HVAC System. What they are replacing is the supplementary propane boiler that is going to be a main heat source for the building. There will be no cost to the City's taxpayers.

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

Council/Staff Comments/Discussions (Summarized):

Councilor McNamara spoke about his reasons why this work needed to be done, noting that no taxpayer funds would be used for this project.

In response to Councilor Cole’s question, Director Fleming noted the delivery system is not the issue. The Alliance Group explained how the new heating system would work and how/why the size of the heating system is based on capacity.

In response to Councilor Key’s question regarding whether or not the Bosch would stay in place, the Alliance Group representatives explained how the new system being put in the Kilton Library would work.

ACTION:

Councilor McNamara MOVED, the following:

FOR THE PURPOSE OF facilitating the replacement of the Kilton Library HVAC System.

NOW THEREFORE BE IT RESOLVED, by the Lebanon City Council, that funds in an amount of up to \$94,000 (Ninety Four Thousand Dollars), be appropriated for expenditure from the FY2026 Library Operating Budget to supplement existing operating budget funds for the Kilton Library HVAC System Replacement project.

BE IT FURTHER RESOLVED, by the Lebanon City Council, that funds in an amount not to exceed \$57,000 be transferred from the Library Facilities Capital Improvements Capital Reserve Fund to the FY2026 Library Operating Budget, and \$37,000 be contributed from the Library Board of Trustees, to fund the supplemental appropriation.

This resolution shall be effective upon passage.

Seconded by Councilor Stavis

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

11. OLD BUSINESS - NONE

12. NEW BUSINESS

- A.** Authorization for City Manager to Sign and Accept Declaration of Restrictive Covenant for Sugarwood, LLC Planned Unit Residential Development Open Space; Authorization for City Manager to Accept Sidewalk Maintenance Easement over 407 North Main Street in Connection with Sugarwood Circle PURD

Included in the agenda packet: [\(All publicly available documents and detailed information can be found on pages 54-73, Council agenda packet.\)](#)

1. May 17, 2021 Planning Board Notice of Action (PB2020-31-FMAJ)
2. Plat titled “Layout and Open Space Plan for Occom Path, Inc.,” prepared by Pathways Consulting, LLC, dated May 23, 2019, last revised July 15, 2025, Proj. No. 11465-01
3. Draft Declaration of Restrictive Covenant
4. Plat titled “Sidewalk Extension Plan for Occom Path – Basic Holdings, LLC,” prepared by Pathways Consulting, LLC, dated October 13, 2020, last revised July 22, 2025, Proj. No. 11465-01
5. Draft Easement Deed

Deputy City Manager Books reviewed the background material for this item which was put together by Tim Corwin (Deputy Director Planning and Development) who has been following this project through

its construction phase. A representative from Sugarwood LLC was present to answer questions from the Council.

The project was approved as a Planned Unit Development under the Zoning Regulations. PUDs are required to set aside at least 15% of the property as open space. Typically, when there are individual owners of individual lots or units, a HOA (Homeowners Association) will be created, and the HOA will manage/oversee that open space requirement. In this case, Dartmouth College is the owner of all the units (currently rental units) and you cannot have a HOA with only one owner (that being Dartmouth College), therefore, Sugarwood has reached out to the City to see if the City of Lebanon would be willing to take the initial lead to oversee the project and accept the Covenants and Restricts that are tied to the open space aspects of this project. The City has done this before (i.e., Twin Pines Project, etc.) and this is not something new. Under the existing Statutes, the City has a role to play in overseeing these Covenants and Restrictions anyway: it is considered a Conveyance of Real Estate in this case, so the Council has to be involved in making this decision. The ultimate plan is that these units will eventually be sold and once there are multiple owners of the individual units, then an HOA can be created and the City's role in overseeing the Declaration can sunset and the HOA can take responsibility for managing/overseeing the open space moving forward.

Council/Staff Comments/Discussions:

In response to Councilor Stavis' question, Deputy City Manager Brooks noted the roads for this project are private roads and the City has no responsibility for the maintenance of the (roads) infrastructure. Sugarwood's Developer Representative noted that the roads are not owned by the City and they will be owned by the Development (Dartmouth). The infrastructure portions (i.e., the water system) will be subject to an easement so the City can maintain those portions of the infrastructure (sidewalks), but all the other infrastructure will be maintained by the Development (Dartmouth) including the snowplowing, etc.

In response to Councilor McNamara's question, Deputy City Manager said there would be not be any costs to the City in administering this easement. He noted the City has done this on a couple of occasions and noted that the City always has the right (through the Statute #674.21-a) to enforce these restrictions if an issue arose, but we have no obligation to do so and further explained his reasoning.

Councilor Stavis spoke about the roles of an HOA one of which is to also mediate disputes between neighbors and make sure that architectural standards are up to par, etc. She questioned if the City would be responsible for doing those things and asked what would happen if there were such a dispute or if someone built an illegal appendage onto their home.

Deputy City Manager Brooks stated that Dartmouth College is the owner of all 21 units so, since they are the landlord, they would manage/address those issues. The City is only being asked to assume the role just for the open space restriction and nothing else. However, because there is a separate easement that is part of this project, the Planning Board required the developer to construct a sidewalk along Oak Bridge Road out towards Route 10. His understanding is that all of the sidewalk (or vast majority of the sidewalk) is within the public rights of way. However, the developer needs to acquire a permanent maintenance easement so that snow can be pushed of into what is now the Wellspring Worship Center property. Wellspring was kind enough to work with the developer to provide that easement but because the sidewalk is within the City's Rights of Way, it was felt appropriate for the City to take that maintenance easement over from the Wellspring property. The City's work will be to push the snow off the sidewalk, and we need that easement before we can do this.

Deputy City Manager Brooks noted that the City is only being asked to do the following:

1. Accept the Conservation Restriction, at least temporarily until there is an HOA within this development, and
2. Accept the Sidewalk Easement for as long as the sidewalk exists.

In response to Councilor Cole's question, Deputy City Manager Brooks noted that this sidewalk is connected to other City sidewalks along Route 10 (Sachem Village area up to the Hanover, NH line). Councilor Cole also questioned whether or not the Sidewalk Maintenance Easement and the Covenant for the Declaration of Restrictive Covenants for the open space were in the original proposal. Mr. Brooks noted that the requirement for the sidewalk comes from the Planning Board's initial approval. The fact that the developer ultimately needed to obtain an easement came out after the fact and explained his reasoning (i.e., without an easement, the City would not be able to push the snow off the sidewalks). With respect to the Restrictive Covenants, he thought it was always anticipated that this (project) would be rental units. There are a couple of other options: They (Dartmouth) could go to a third party like the Upper Valley Land Trust or the Protection of NH Forests, etc., but that would depend on whether a small 2.5 parcel fits within their model as worthwhile to accept.

Councilor Cole questioned whether or not a Financial Analysis had been done and Deputy City Manager said he cannot speak for the Planning Department, but he would guess no because there is no expectation that this will really have any significant costs or even resource requirements for the City. Councilor Cole noted that even though we might know there is not a financial impact for the City, he would like to see the City conduct a Financial Impact Analysis for any kind of project like this, so we know that due diligence has been done. This would be a perfect opportunity for the (Lebanon) Finance Advisory Committee to review things like this.

Councilor Stavis questioned whether or not the only reason the City is being asked to do this is because this is anticipated to be a rental community. Deputy City Manager Brooks stated yes and explained. Councilor Stavis also asked if there was a timeline by which (this project) will become an HOA, and Sugarwood's representative informed her they do not have a target date. In the indefinite future we (Dartmouth) will continue to own the units.

Councilor Faunce noted that it was his understanding (after being on the Planning Board) that the Covenants the City would be providing is basically receiving feedback from a neighbor that someone did something inappropriate in the open space between one of the buildings and an abutter. He also noted that area is basically going to be mowed grass, and he doubted that the City would ever hear about somebody putting, for example, a swing set where it does not belong, etc. He felt there was a relatively low risk for City involvement.

The Sugarwood, LLC representative stated they (Dartmouth) intend to run a tight ship but there needs to be somebody to enforce this if necessary but felt there is a very remote possibility that the City would be called upon to do so.

The Council continued discussions regarding the City's role in receiving complaints from an abutter regarding the open space; how the City's role depends on the nature of the issue (Deputy City Manager Brooks gave an example); Whether or not the City needed to do this; the Zoning Board requirements for open spaces that must be managed by someone (HOA); Reasons why an HOA cannot exist at the

moment; what is considered an open space; and, whether or not other third (3rd) parties should be contacted to oversee the open spaces instead of the City.

Councilor Cole, in his opinion, would rather not see Lebanon involved (with this project) at all and stated his reasons why.

Sugarwood's representative spoke about his reasons why he felt having the City involved with the project was a reasonable request.

Councilor N. Ford Burley questioned how this project was different from other PURDs where Conditions of Approval are violated.

Councilor Appleton noted that both things being discussed here (the Open Space Agreement and the Sidewalk Maintenance Easement) felt like technicalities for us to fulfill our rules without taking on a lot of responsibility or obligation that we would not already have. She felt like this was pretty straight forward.

The Council continued to discuss HOA responsibilities/inequities and other properties in the City where this type of project (open space) have taken place; how Dartmouth is the first stop and replaces the HOA until the project is up and running and the City is the 2nd stop; and, how the Zoning Ordinance lists a set of acceptable entities that could hold the Conservation Restrictions.

Councilor Cole noted that just because the City of Lebanon is requiring that as part of the approval, it does not mean it needs to carry the responsibilities of the Covenants. He liked the potential for having zero liability and costs added to the City. As for the MOTION, he would prefer to split the (MOTION) into two paragraphs below and take each one separately for a vote.

ACTION:

Councilor Appleton MOVED, that the Lebanon City Council hereby authorizes the City Manager to accept a Declaration of Restrictive Covenant, pursuant to NH RSA 477:47, from Occom Path Inc. to the City of Lebanon, with respect to land designated as protected open space, as shown on a plan titled, "Layout and Open Space Plan for Occom Path, Inc.," prepared by Pathways Consulting, LLC, dated May 23, 2019, last revised July 15, 2025, Proj. No. 11465-01, recorded as Plan #17188, approved by the Lebanon Planning Board on May 17, 2021. Seconded by Councilor N. Ford Burley.

****The Vote on the Motion was approved (8-1). Councilor Cole was opposed.***

Councilor N. Ford Burley MOVED, that the Lebanon City Council, pursuant to its authority to manage municipal property under RSA 41:11-a, hereby authorizes the City Manager to accept an easement on and over property located at 407 North Main Street, Tax Map 4, Lot 24, for the purpose of maintaining the public sidewalk constructed along the north side of Oak Ridge Road from Pinewood Village Road to NH Route 10, as required by the conditions of approval set forth in the Planning Board Notice of Action dated May 17, 2021 for the Sugarwood Circle PURD, application PB2020-31-FMAJ. Seconded by Councilor Appleton.

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

B. Review and Discussion of 2026 2nd Quarter Budget Report (including Finance Advisory Committee report on Quarter 2 Budget report)

Included in the agenda packet: (All publicly available documents and detailed information can be found on pages 74-107, Council agenda packet.)

1. Memorandum from Finance Department RE: 2nd Quarter Financial Report (June 30, 2026), including 2nd Quarter Revenues and Expenditures budget lines
2. August 25, 2026 Memorandum from Finance Advisory Committee RE: Q2 2026 Budget to Actuals Review

Deputy Finance Director Victoria Paquin reviewed the highlights of the 2nd Quarter Finance Report as presented in the Council agenda packet.

ACTION: *The agenda item is for informational purposes only. No action is required by the Council.*

C. Annual Review and Adoption of City Council Policy CC-100, Cash Management & Investment

Included in the agenda packet: (All publicly available documents and detailed information can be found on pages 108-116, Council agenda packet.)

1. City Council Policy CC-100, Cash Management and Investment, last revised September 17, 2025

Deputy City Manager Brooks reviewed and explained the highlights of the above item, noting that the Statute requires that the City Council at least annually review and adopt an Investment Policy. While there were some changes made last year, there are no proposed changes to the policy this year.

ACTION:

Councilor Stavis MOVED, that the Lebanon City Council hereby re-adopts City Council Policy CC-100, Cash Management and Investment Policy, which was first adopted on June 20, 2018, and last revised on September 17, 2025, as presented in the September 2, 2026 City Council Agenda packet, to be effective upon passage.

Seconded by N. Ford Burley.

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

D. Annual Review of City Council Policy CC-101.1, Fund Balance

Included in the agenda packet: (All publicly available documents and detailed information can be found on pages 117-122, Council agenda packet.)

1. City Council Policy #CC-101.1, Fund Balance Policy

Deputy City Manager Brooks explained and gave a brief overview of the Policy list above, noting there is a tradition of reviewing this item and it does not have to be re-adopted every year. This speaks to how much the City targets to have in its Unassigned Fund Balance. There are no proposed changes to the Policy at this time.

ACTION: *No action is required at this time, as this is an annual review of the Fund Balance Policy.*

E. Landfill Gas to Energy Update and Discussion

Included in the agenda packet: (All publicly available documents and detailed information can be found on pages 123-125, Council agenda packet.)

1. Landfill Gas-to-Energy (LFGTE) Budget Information
2. LFGTE Project, Summary of Alternatives Spreadsheet, as of December 31, 2024

Christopher Kilmer (Department of Public Works (DPW) Assistant Director) reviewed the information included in the Council agenda packet and informed the Council on how the LFGTE operational system is presently working. He was happy to report that three (3) microturbines are now running, noting the system was down most of July due to one chiller failure, which has been a regular problem. This current chiller is a completely different setup due to the design, and we upsized it at the beginning of August and it has been running well since then. He was hoping to get a larger chiller and spoke about what this chiller would do, noting it controls the temperature for both heat and cooling of gases going into the microturbines. He tried to provide some information and put it into useable form and explained the data contained in the graphs in the Council agenda packet.

Assistant Director Kilmer noted that after a year into the LFGTE Project, they were still learning the system and making changes and explained what they have been doing to prevent the gas from escaping the 6.5 acres at the landfill that is being capped. One of the concerns is whether or not we going to need to do more immediate changes because we still want to see the same level of cleanliness in the gas. There are still some unknowns and referred to media changes (which have come down) because this was one of the main operational costs that was not considered in the initial ROI. The worst case scenario from what DPW is seeing is that they have to make three (3) media changes a year, which is down from the original 9 (estimated). For the data in the Council agenda packet, assumptions were made to come to the numbers.

For net generation, we only see +/- 600 if they can get 4 microturbines running and we can get the gas flow through. The other estimate that was not included is the methane (gas) that the microturbines' are burning. It was believed that the landfill was going to produce 350 cubic ft./minute. We are seeing +/- 260 cubic ft./minute but we can this up to +/- 290 when we get everything right. Once we reach 290 cubic ft./minute they can get the 4th microturbine running. The issue is it takes the 350 cubic ft./minute flow to run all five (5) microturbines, noting the landfill has insufficient gas to run all five (5) microturbines, which has been the problem from the beginning (of the project). All the expectations of what the return was going to be for this plant was based on the fact that there was enough gas being created by the landfill to run all five (5) microturbines and we are just not seeing that (happen). We are doing some things operationally to increase the generation output as we can (i.e., will be putting in two new gas collection wells next year, but there are significant costs for this; capping should help; etc.).

Assistant Director Kilmer noted that the original estimate for 1-year of operation was going to be the \$6,657,600 net Kwh generated per year, but what we actually generated from June 1, 2025 to June 30, 2026 was 2,742,250 Kwh, which is +/- 1/3rd of what the projected estimate was. He also explained the breakdown of costs for the LFGTE (not included in the agenda packet), noting the takeaway is that while there has been a positive gain, it is not enough to offset the bond payment as well as operational costs. He was unable to make a prediction that the City would be reaching net zero in two years and noted there are some things that are out of their control (i.e., the landfill-generated methane, etc.).

Council/Staff Comments:

Councilor McNamara was very appreciative of the work Assistant Director Kilmer did to put this information together and thanked him, noting he had inherited this project. In response to Councilor McNamara's question regarding whether or not the chillers were covered under warranty, Mr. Kilmer said yes and explained what they are doing to keep them running.

Mayor Whittlesey MOVED to extend the meeting to 10:30 PM

Seconded by Assistant May Wilkie.

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

Councilor Key and Assistant Director Kilmer discussed the \$171K/year Veritas Annual plan. Councilor Key was disappointed and asked the question: When do we call it? Mr. Kilmer noted that we are still pretty early on in the operations of a very technical plan and spoke about what they could do to help make the LFGTE work better, noting that if their attempts failed, he would agree that it would be time to close the project down.

Deputy City Manager Brooks noted that he would make sure the information regarding the power production information, which was not included in the packet, would be sent to the Council.

The Council further discussed the potential timeline for making a decision on whether or not to shut the LFGTE project down; how the assumptions for this project were well overestimated; how the initial projections were very wrong and have noticed this in similar technical work projections (i.e. solar contract). How the consultants for this project painted a rosy picture and backed it up with (unrealistic data); how it possibly could be more expensive to pull the plug right now with the Debt Service than it would be to keep trying; whether or not it would be worth scrapping the LFGTE modular units and scrap metal and selling them to someone outside the City; the recommendation from Deputy Finance Director Paquin to not sell the LFGTE because the City would incur additional penalties based on the bond for this project; the need to have the gas collection wells installed to control the odor and would allow for more gas to be sent to the plant; whether or not a break even projected analysis has been done and the reasons why this cannot be done; how staying the course, for now, would buy the City time to collect more data in order to determine what the breaking point would be (to close LFGTE project down); what is the best time reduction strategy; what would be the costs to shut this project down now vs. the costs of continuing to the run the (LFGTE) project; what is the debt for this project, how long has the debt been accumulating; continuing to monitor and gather data (on the LFGTE project) for the Council's review every 6 six months; and, having DPW Assistant Director Kilmer monitor/keep track of the energy output (methane) and report his findings to the Mayor/Council on a monthly basis.

At the request of Mayor Whittlesey, Deputy Finance Director Paquin will put together what the estimated costs would be on the bond for the LFGTE, if the City chooses to sell it, and will provide this information to the Council.

Assistant Mayor Wilkie MOVED to extend the meeting to 10:50 PM.

Seconded by Councilor N. Ford Burley.

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

The Council continued their discussions regarding having other resources, such as the Lebanon Finance Advisory Committee, and their resources, take a look at and do a financial analysis for the LFGTE project

to help the City determine whether or not it is worth keeping; gathering case studies from other municipalities to see how their LFGTE projects are doing; and, whether or not there is any potential to sell this project.

ACTION: *This agenda item was for informational purposes only. No further action is required by the Council.*

- F. Discussion and Set Public Hearing for October 7, 2026: Supplemental Appropriation of up to \$3,000,000 for a new Solid Waste Phase III Preliminary Site Work Capital Project; Transfer Prior Appropriation and Authorization to Issue Bonds or Notes of up to \$3,000,000 from 2025 Solid Waste Partial Permanent and Temporary Capping Capital Project to the new Landfill Phase 3 Preliminary Site Work Capital Project

Included in the agenda packet: ([All publicly available documents and detailed information can be found on pages 126-127, Council agenda packet.](#))

Mayor Whittlesey reminded the Council that they are just setting the Public Hearing, and this can be reviewed more extensively at the public hearing.

Assistant Director Kilmer briefly reviewed the highlights of this topic noting that the current capping project will come in well under the projected \$12M cost. He spoke about the reasons why the City needs to do everything they can to keep this Capping Expansion Project going in order to prevent the high costs of transferring waste to another waste collection facility.

ACTION:

Councilor N. Ford Burley MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2026, beginning at 7:00pm in Council Chambers, City Hall, and Remote via the City's Virtual Platform, for the purpose of receiving public input and taking action to appropriate up to \$3,000,000 for a new Solid Waste Phase 3 Preliminary Site Work capital project; and to transfer prior appropriations and authorizations to issue bonds or notes in the amount of up to \$3,000,000 from the 2025 Solid Waste Partial Permanent and Temporary Capping capital project to the new Phase 3 Preliminary Site Work capital project to fund the supplemental appropriation. Seconded by Councilor Stavis.

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

13. NON-PUBLIC SESSION: NONE

14. ADJOURNMENT:

Councilor N. Ford Burley MOVED for adjournment. Seconded by Councilor Stavis.

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

The meeting was adjourned at 10:42 PM.

Respectfully submitted,
Dona E. Gibson
Recording Secretary