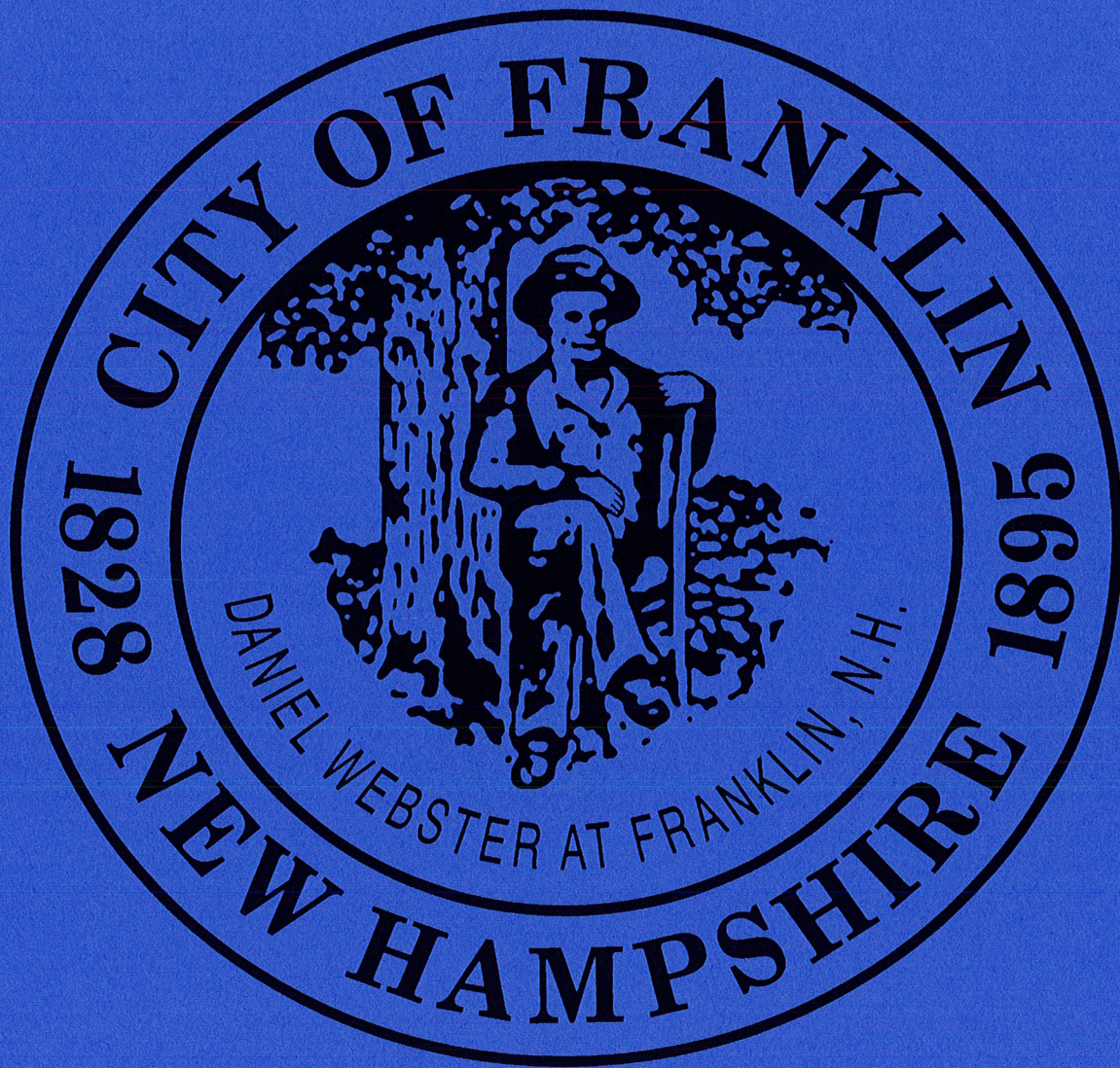


CITY OF FRANKLIN  
CITY COUNCIL MEETING  
July 1, 2019  
6:00 P.M.







**CITY COUNCIL MEETING**  
**Monday, July 1, 2019**  
**6:00PM – Council Chambers**

\*\*\*\*\*

**SALUTE TO THE FLAG**

\*\*\*\*\*

**PUBLIC HEARINGS**

**Ordinance #03-20** – An Amendment to the Franklin Municipal Code Chapter 160-1 Fees, Water Commodity charged by the City of Franklin Water Department.

**Resolution #02-20** – A Resolution authorizing the City Manager to file an application(s) under the NH Drinking Water State Revolving Fund Program (DWSRF) for a Water Main replacement.

**Resolution #03-20** – A Resolution accepting and appropriating a USDA Grant for \$50,000 to be used toward the purchase of an ambulance.

**COMMENTS FROM THE PUBLIC**

Persons wishing to address the Council may speak for a maximum of three minutes. No more than thirty minutes will be devoted to public commentary.

**LEGISLATIVE COMMENTS**



## **CITY COUNCIL ACKNOWLEDGEMENT**

The Mayor will recognize any Councilor who wishes to express their appreciation of behalf of the City.

### **MAYOR'S UPDATE**

#### **Agenda Item I.**

Council to consider the minutes of the May 20<sup>th</sup> Special City Council LEAN Update Meeting and minutes of the June 3<sup>rd</sup> City Council Meeting.

#### **Agenda Item II.**

Monthly School Board Update.

#### **Agenda Item III.**

Swearing in of Deputy Municipal Services Director Justin Hanscom

#### **Agenda Item IV.**

Mayor's Drug and Alcohol Task Force Update.

#### **Agenda Item V.**

Council to consider approval of Ordinance #03-20, amending the Franklin Municipal Code, Chapter 160-1 Fees, Water Commodity Fees, charged by the City of Franklin's Water Department.

#### **Agenda Item VI.**

Council to consider approval of Resolution #02-20, authorizing the City Manager to file an application(s) under the State of New Hampshire Drinking Water State Revolving Fund Program (DWSRF) for a Water Main Replacement and designate



the City Manager as the authorized representative to sign all necessary paperwork.

**Agenda Item VII.**

Council to consider approval of Resolution #03-20, accepting and appropriating a USDA Grant in the amount of \$50,000 to be used toward the purchase of an ambulance.

**Agenda Item VIII.**

Council to consider granting the Municipal Services Director pre-award authorization for four vendors that provide proprietary services to the Franklin Water and Sewer Departments.

**Agenda Item IX.**

Council to consider authorizing the Fire Department Administration to sell surplus fire and EMS equipment and use the proceeds generated from this sale toward a replacement stretcher and other EMS equipment.

**Agenda Item X.**

Council to consider approving the City of Franklin's Code of Conduct for Elected Officials and Appointed Board Members.

**Agenda Item XI.**

Council to consider setting a public hearing on August 5, 2019 regarding Ordinance #05-20, banning Kratom Citywide.

**Agenda Item XII.**

**Other Business**

1. Resignations/Appointments
2. Committee Reports
3. City Manager's Update
4. Late Items.



## Adjournment

*The City Council of the City of Franklin reserves the right to enter into non-public session when necessary according to the provisions of RSA 91-A.*

*This location is accessible to the disabled by stairwell elevator. Those wishing to attend who are hearing or vision impaired may make their needs known by calling 934-3900 (voice), or through "Relay New Hampshire" 1-800-735-2964 (T.D./TRY)*



**CITY COUNCIL MEETING**  
**AGENDA ITEM I**





**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of July 1, 2019*

**Subject: Approval of Minutes**

---

**Motion:** "I move that the Franklin City Council approve the minutes of the May 20, 2019 Special City Council Workshop and the minutes of the June 3, 2019 City Council Meeting".

Mayor calls for a second, discussion and the vote.



**Pending City Council Approval**

**Special City Council Workshop Meeting Minutes**

**May 20, 2019, Council Chambers**

**4:30PM LEAN Workshop**

**6:00PM – Public Hearing**

**Call to order**

Councilor Jo Brown called the meeting to order in Council Chambers at 4:35PM.

**City Council in attendance:**

Councilor George Dzujna, Councilor Kathy Rago, Councilor Karen Testerman, Councilor Paul Trudel, Councilor Bob Desrochers, Councilor Ted Starkweather.

**Others in attendance:**

City Manager Judie Milner, Finance Director Frank Lossani.

**Absent:**

Mayor Giunta, Councilor Scott Clarenbach, Councilor Vince Ribas.

Salute to the Flag was led by Councilor Dzujna.

LEAN Expert Richard Ellert began the meeting with an update on how the LEAN process is moving through the City Departments and School. The 5s process is going well throughout the City Hall offices. The City Clerk's Office cleared away approximately 25% of items not needed in the office and opened up some clear spaces. The next steps would be analyzing how long it takes to do whatever daily actions are normally done and see if there can be any refining opportunities to create efficiencies in those actions.

Ellert informed the group that the Fire Department did a fantastic job on their LEAN process. Later in June, Ellert will work with the Fire Department once again as they map out the Property Maintenance Process. Ellert instructed Fire Chief Mike Foss to invite a person from any other departments who are involved in that process so information, opinions, and suggestions can be gathered in order to create improvements in the process.

The Municipal Services Department was completely engaged in their LEAN Workshop and did a great job interacting and building out their roadmap filing it with action items that are within their control that they can do themselves. Ellert was very impressed.

Ellert informed the City Council that the School Board LEAN Workshops were going really well. The actions they created on their roadmap are meaningful and the group overall is working great together.



City Manager Milner stated that the City Manager's Office has been 5sing for six Fridays in a row and many have seen its impressive makeover. There were numerous unused items removed from the office and the overall flow of the space has been greatly improved. Ellert stated that there will be upcoming audits to see how everyone is progressing in their work spaces and in doing so; he will teach employees how to do their own audits so the improvements can be maintained.

City Manager Milner opened the Roadmap on her computer and shared it on the projector screen. Ellert commented on the items for April that are in a RED status meaning they weren't completed but they weren't moved over to May as they likely should be so it doesn't look like they dropped off. City Manager Milner stated that the items in April were moved out another month and May items moved to June. Ellert suggested to remove them because it just looks like they weren't done at all rather than just moved out one or two months.

#### **Education: Collaboration with Schools – Council Champion Scott Clarenbach**

These items are red and no progress has been made. Ellert asked if there should be a new champion assigned to this. There were a few comments and agreement that this should be re-assigned to Councilor Brown because she has been working with the school on education topics. Brown replied that out of all the other Councilors, she has worked the most with them so it does make sense for her to take this. She hopes that the school will have the right people to do what is needed to make progress. Brown requested that the City Manager Milner move the Downtown Group to another Councilor and location to allow her time to take this on. Milner agreed.

Councilor Testerman arrived after the meeting start time and apologized for being late due to a miscommunication on the time.

City Manager Milner will notify Councilor Clarenbach and let him know that his schedule doesn't allow for him to support these activities and that the Education piece will move over to Councilor Brown.

#### **Recreation – Council Champion George Dzujna**

Councilor Dzujna, with the help of Director Krystal Alpers and Audrey Lanzillo, identified over 30 non-profit organizations and looked at a few of the organization's calendars of events to compare and get ideas on how this should appear on the City Website. Dzujna stated that all of the organizations were in agreement that a Community Calendar on the City Website was a great idea. If only one central calendar can be utilized and updated, then duplication on their organization calendars isn't necessary. This calendar would show everything that is happening in the City. The organizations themselves can see what is happening on any given day so to possibly avoid scheduling an event on the same day as another organization which would affect either turnout. The process to create the Community City Calendar was fairly simple and once an organization creates an event and submits it, it should only take a small amount of time for

Krystal or Audrey to accept the content that an organizer creates so that it can appear on the calendar. There was no extra cost to the City whatsoever to set this up.

Dzujna and Alpers held an informational meeting with all of the organization's contacts and walked through the steps to submit an event to the City Calendar. We have the blessing from the City Manager and City Council to roll it out on June 1<sup>st</sup> which is ahead of schedule. The Council congratulated Councilor Dzujna on the completion of this task.

For the Measuring of Events piece under Recreation, Krystal monitors her events but Dzujna isn't sure how he could monitor outside events. It's possible that once these events get on the City Community Calendar, he can see what is going on and ask the organization's contact if the turnout is good or better than the last time. Ellert offered a suggestion on approaching outside groups for their event attendance data and stated that Dzujna could request percentages and percentage changes of attendee crowds. Councilor Brown agreed on asking for percentage changes mentioning that most organizations know their member base and how well their event was attended. Once the organizations use the City Calendar there should be an increase in event attendance and they should be able to let us know if it's improving. The purpose of doing this is to see if what we're doing is making a positive impact and worthwhile doing. Many of our events go through the Parks and Rec department so we should be able to tell quickly if the Community Calendar is making an impact.

City Manager Milner updated the Council on the Recreational Activity plan with SWEEB. The Mill City Park Board determined that this would not be a good fit for Mill City Park because the idea is to promote free recreation and the SWEEB would require maintenance and someone to oversee the structure. The ski area would not be a good fit either because SWEEB needs to be relatively flat and this is the opposite of the ski area. There are other locations that could be considered in the future but at this time, it wouldn't be a good fit. Odell Park could be a possible option.

Milner also provided an update on the Economic Development meeting where members attended the Main Street Academy event here in Franklin. The City is still working to advocate for the \$1.5M allocation from the state. State Senate Finance Committee Chair Lou D'Allesandro will be targeted for the City to reach out to as well. The City is considering a grant from Commissioner Caswell's budget under Outdoor Recreation. Senator French is willing to make that motion in Concord. Members of the City Council along with the public are welcome to write letters to congress to let them know how important this is to Franklin. This task is GREEN except for the SWEEB piece.

### **Business – Council Champion Jo Brown**

Councilor Brown and director Lewis created a How to Start a Business document. The on-line document lets a person know what forms need to be filed out. The document includes hyperlinks to specific zoning and permitting rules to follow, links to other organizations that provide helpful information, and a link to state requirements. The last page has a list of all the hyperlinks in case someone doesn't have the on-line version and wants to know what the actual



link is. A “final” version was sent to all the Councilors for their review and Brown stated that she hopes it can be reviewed once more and then posted on the City Website by the end of June. The next steps would be to have someone actually go through the motions and notate the time it takes a new business owner to go through the steps. This will help to identify possible inefficiencies and further streamline the process. Another side to this is marketing and attracting businesses to come here.

### **Safety – Council Champion Karen Testerman**

Councilor Testerman stated that she spoke to Police Chief Goldstein about offering a “coffee with the Chief” once a month. This would increase visibility.

Testerman also shared the good news that the comfort dog puppy has been born and the Police Department and the Fire Department are excited to have the new member join their teams. The puppy will begin training in a few months.

Ellert asked the Council how this should be more formalized and does it address the visibility concern that the Council stated they have at the beginning of planning the roadmap. Ellert stated that there needs to be steps documented around this if this is addressing what the Council identified as a visibility need.

Councilor Testerman stated that she did ride along with the Fire Dept and the PD and they have an inordinate amount of work and area to cover. In the winter months, an opportunity could be a sit down or coffee to address the visibility need.

Councilor Dzujna stated that the residents would like more police presence however the City’s budget is hindering the ability to hire another patrol officer.

Councilor Brown stated that this could be more aspirational but still something the City wants to work toward. The time the Chief walked downtown, all the businesses talked about it. Brown also stated that she wants to leave the comfort dog on the roadmap. Ellert stated that aspirational items in the road map should not be there. Items in the roadmap need to be measurable. Councilor Brown explained that comfort dog meetups are measurable and specific events can be planned and measured. On Community day, the trainers counted over 200 interactions with attendees and the dog.

Councilor Testerman agrees and also wants to leave it on the roadmap. She stated that the difficult part may be advertising the meetups for the Police Chief or Comfort Dog. A suggestion from Councilor Dzujna was to utilize the City Community Calendar. Ellert agreed that this is the specific item he was describing that is the measurable piece. Testerman would like to utilize papers and grocery stores or the Library. Ellert mentioned the electric sign board that sits on the side of the road can be used as well. Dzujna suggested that flyers could also be another option.

### **Safety - A Vibrant Healthy Community**

Councilor Testerman stated that she spoke to the Fire Chief, Steve Reale, and Dick Lewis regarding the Property Maintenance Process Map.

### **Resources**

City Manager Milner stated that Councilor Starkweather just got on board and will need a little time to dive into this.

### **Economic Growth**

In May, pitching Opportunity Zone grants. Investors are coming forward. Main Street Academy visited Franklin. The Downtown Group needs a new leader and wants to be heard on what they would like to see downtown. Standard signage will be part of the discussions. Colby Sawyer is looking to do their capstone projects here. We were offered an intern from George Washington University to help with some social media and marketing in the downtown area.

Next steps are working on the free items and having these groups help us market.

The Art Block and museum at the Library is moving along. PermaCityLife decided not to do an Art Block so the church may be a good option for an ART Block there. The museum at the Library is moving forward. Vulgar Brewery has a good space to place art. Next steps are where to put the ART Block.

Positive stories and Testimonials need to get out there. The City Website should be utilized more for this.

### **Training for City Employees**

Director Lossani stated that many of the directors have been working on their Time Studies. He suggested the Time Studies activity move to May and the Skills Matrix be moved to June. The training program should move to July. Five City-wide skills have been created and will be added to the matrix. The Department Heads are working on their Department level skills. Then the five job related skills will go into the matrix. The standard cookie cutter annual evaluations will be replaced by next year. The skills matrix will then become the new evaluation tool.

Ellert informed the Council that the skills matrix is a much better way to evaluate since it provides information on how an employee is doing right now and highlight whatever training is needed in order to bring that employee where they need to. The matrix will be based on what department you work in so an employee can be evaluated to their specific job as well as the skills that are set City-wide.



Councilor Starkweather stated that the matrix must be realistic. One of the measures when he worked for the City was the ability to write communications with the public. He asked how many men who are plowing snow need to compose a letter to the public.

Ellert informed the group that cross training is very important and the evaluation process is a two-way conversation. He offered his assistance if anyone needed it as they build the matrix for their department. Ellert also mentioned that the audits will be coming soon and anyone who has a safety issue in their area will receive an automatic zero.

The Overall feedback from the Council of utilizing this roadmap is positive. Councilor Brown stated that it helps keep her organized.

**Public Hearing on Resolution #20-19 opened at 6:00PM.**

Call for any public discussion. There was none.

Public Hearing on Resolution #20-19 closed at 6:00PM

**Motion – Councilor Desrochers moved that the Franklin City Council adopt Resolution #20-19, to accept grant funds in the amount of \$8,500 from the NH Department of Safety, Division of Homeland Security and Emergency Management \$8500 to be used to update the current Local Emergency Operation (L.E.O.P) and Continuity of Operations Plan (C.O.O.P).  
Seconded by Councilor Trudel.**

Call for discussion. There was none.

**RESOLUTION #20-19**

**A Resolution Granting Authority to Accept Grant Funds from the NH Department of Safety, Division of Homeland Security and Emergency Management**

**In the year of our Lord, Two Thousand Nineteen,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2019 beginning July 1, 2018, **and**;

**WHEREAS**, the City Council understands that the City Manager and Fire Chief have identified that the City's Local Emergency Operation (L.E.O.P) and Continuity of Operations Plans (C.O.O.P) need to be updated, **and**;

**WHEREAS**, the City has been awarded a grant of \$8,500 from the NH Department of Safety, Division of Homeland Security and Emergency Management, to help offset the costs of both plans, **and**;

**WHEREAS**, matching funds, in the form of donated funds and services, in the amount of \$8,500, will be directed towards this project for a total project funding of \$17,000, **now**;

***THEREFORE, BE IT RESOLVED***, that at a regularly scheduled meeting of the City Council on Monday, May 20, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #20-19 to accept \$8,500, in grant funds from the NH Department of Safety, Division of Homeland Security and Emergency Management, to update the City's Local Emergency Operation (L.E.O.P) and Continuity of Operations Plans (C.O.O.P), with required matching funds of \$8,500, ***and***;

***THEREFORE, BE IT FURTHER RESOLVED***, that the City Council does hereby authorize City Manager, Judie Milner, to sign all relevant documents pertaining to the acceptance and administration of this grant award and hereby authorizes the following non-lapsing appropriations,

**An Increase in Revenues:**

State Grants Revenue Acct. No. 01-0-000-33591-000 – Eight Thousand Five Hundred Dollars (\$8,500),

Donations from Non-Public Sources Acct. No. 01-0-000-35085-000 – Eight Thousand Five Hundred Dollars (\$8,500),

**An Increase in Expenditures:**

Emergency Management Mach & Equipment Expense Acct. No. 01-2-208-40740-000 – Seventeen Thousand Dollars (\$17,000),

**By a roll call vote.**

**Roll Call:**

<b>Councilor Brown</b>	<u><b>Yes</b></u>	<b>Councilor Dzujna</b>	<u><b>Yes</b></u>	<b>Councilor Ribas</b>	<u><b>Absent</b></u>
<b>Councilor Clarenbach</b>	<u><b>Absent</b></u>	<b>Councilor Lauer-Rago</b>	<u><b>Absent</b></u>	<b>Councilor Testerman</b>	<u><b>Yes</b></u>
<b>Councilor Desrochers</b>	<u><b>Yes</b></u>	<b>Councilor Starkweather</b>	<u><b>Yes</b></u>	<b>Councilor Trudel</b>	<u><b>Yes</b></u>

**All in Favor. Motion PASSED.**

City Manger Milner reminded the Council that their signatures on the grant documents are needed as well as for the Hazard Mitigation plan. Both can be located with Audrey Lanzillo.

**Other Business**

None

**Motion to adjourn was made by Councilor Starkweather. Seconded by Councilor Desrochers.**

**Meeting adjourned at 6:03PM.**

Respectfully Submitted,

Audrey Lanzillo



Pending City Council Approval

## City Council Meeting Minutes

June 3, 2019 – 6:00 p.m.

Council Chambers, City Hall

### Call to order

Mayor Giunta called the meeting to order in Council Chambers at 6:04PM

### City Council in attendance:

Mayor Tony Giunta, Councilor Jo Brown, Councilor Scott Clarenbach, Councilor Bob Desrochers, Councilor George Dzujna, Councilor Kathy Rago, Councilor Vince Ribas, Councilor Starkweather Councilor Karen Testerman, Councilor Paul Trudel.

### Others in attendance:

City Manager Judie Milner

Salute to the flag was led by Councilor Starkweather

Mayor Giunta opened the meeting stating that tonight's meeting has quite a few Public Hearings and asked City Manager Judie Milner to provide some background on the several Resolutions and Ordinances that we will be speaking about this evening.

City Manager Milner began with Resolution #18-19 appropriating a one-time contribution of \$64,287K received from Primex, which is our Workman's Compensation Pool, due to a good FY2017. This return of premium is being recommended to be placed in the City Manager's Nuisance Abatement Line specifically for 163 Central Street, City owned property that needs to come down. Code Enforcement supports the removal of this property as well.

Milner provided background on Resolution #19-19, appropriating \$15,965 from the sale of Fire Engine three and other surplus equipment that were sold last fall. These funds, along with a City Match and a grant will be used toward the replacement of the Fire Station Generator. The grant has not been approved at this point and if the City does not appropriate these funds now, then the City can't encumber it for the match.

Resolution #01-20 is the adoption of the proposed FY2020 Budget. Milner explained how the budget is appropriated. The state requires a Public Hearing format for tax rate setting purposes. The breakdown is as follows: The General Fund is the only governmental fund that is supported by taxpayer's dollars. The General Fund is split into two areas, the Municipal Departments under the City Manager, and the School District under the Superintendent and School Board. The FY2020 proposed General Fund budget is \$27,823,778. This further breaks down to \$12,066,439 or 43% of the Municipal Department. \$15,757,339 or the remaining 57% of the budget belongs to the School District.



Approximately 88% of taxpayer dollars goes toward this \$27M budget. The 88% equates to \$13,335,294 which goes to support the \$27M budget. To close this gap, other services such as fees for services, federal money and state money, other local sources, and interest on investments. The remaining 11% of taxpayer dollars goes to Merrimack County and final 1% goes towards Veterans credits and overlay. Overlays represent abatement requests. TIFF dollars are taxes paid by certain taxpayers who are within the TIFF district only. Milner further explained the State Downshifting of \$1.8M to taxpayers which is affecting the tax rate by \$2.69. Stabilization (formally known as Disparity Aid) is downshifting to the schools at approximately 4% every year. This 4% (or \$161K) has nothing to do with student enrollment and greatly affects the poorest communities in New Hampshire. The City can't keep up with this downshifting from the state. Milner stated that in order to correct this, public advocacy is needed to reach out to our Legislators and let them know that funding is extremely important for us and recently partnered with Sanbornton, Tilton-Northfield, and Laconia to provide a funding Education Forum. This forum will explain how this downshifting affects our property poor community and how best to address this issue with our Legislators.

Milner asked the Council if the City of Franklin could host this Education Forum on Tuesday, June 18<sup>th</sup>. Consensus was received from the majority of the Council that June 18<sup>th</sup> at 6:00PM would work best. She added that Attorneys John Tobin and Andru Volinski, who worked on the original Claremont Lawsuit, will also be in attendance. Milner also stated that she isn't confident that the state will pass their budget by July 1<sup>st</sup> but since Franklin is a City form of Government, we can adopt a resolution to appropriate funding for the school district as quickly as possible.

Other funds on the resolution that are not appropriated by taxpayer funds but rather appropriated by User Fees; users of the funds such as: Water usage, Sewer usage, Zumba class, or outside Police Detail). These types of funds are not supported by taxpayer dollars but supported by user fees. The Water fund is \$1,813,821, Sewer is \$1,592,268, Parks and Recreation Revolving Fund (Zumba Classes) is \$15,500, and Police outside details is \$10,354. Milner continued stating that the City has a pass thru account with City Access Fiscal Aid for a New Hampshire Federal Pass thru Grant for the strike team is \$20K.

Milner further continued providing some background on Ordinance #01-20 which will address the water commodity increase. The water rate will change from the current \$6.53 to \$6.65. The sewer disposal rate will change from \$6.96 to \$7.00.

The final Public Hearing this evening will cover Ordinance #02-20, Chapter 160 Fees and changes to Fees for City services. A couple of the fees will be re-categorized making it easier to locate within a certain category. New rates will be added for mobile home re-inspections which was \$0 will change to \$50 and requests for information on CD's, which will cost \$5.00 and thumb drives, which will cost \$10.00.

**Opened for Public Hearing at 6:21PM**

Resolution #18-19, a resolution appropriating \$64,287 received from Primex (NH Public Risk Management Exchange) as a one-time return of premium, to be added to the City manager's Nuisance Abatement Line.

Mayor Giunta requested that those making public comments, to please sign in on the sheet on the podium. He also requested that speakers hold their comments to three minutes to allow others time to speak as well. Once everyone gets a chance, people can come back up a second time if they had more to say to the Council.

There were no comments or questions from the public on Resolution #18-19.

**The Public Hearing on Resolution #18-19 closed at 6:22PM.**

**The Public Hearing on Resolution #19-19 opened at 6:22PM.**

Resolution #19-19, a resolution appropriating \$15,965 received from the sale of Fire Engine Three and Surplus Fire Equipment to be used towards the replacement of the Fire Station Generator.

Mayor Giunta asked the public if anyone would like to speak to this resolution. There were no comments from the public.

**The Public Hearing on Resolution #19-19 closed at 6:22PM.**

**The Public Hearing on Resolution # 01-20 opened at 6:22PM.**

Resolution #01-20, a resolution to adopt the proposed FY2020 Budget.

Councilor Brown opened with a few comments regarding the \$2M+ shortfall and clarified that the School did not present a tax cap budget but stated that they had one. The school asked the Council if they would agree on a tax cap budget at minimum, which the City did agree to however that budget has not been presented. There was a recent article in the Concord Monitor where our Mayor Giunta shared information about the impact to the City if \$2.4M was cut from the City side and transferred to the schools. Brown stated that the Police Department answered over 18K calls last year. There are 13 Police Department employees that answer those calls spread over three shifts each and every day of the year. She mentioned that the Police Department has an old 15-year radio system that is in need of replacement. The Fire department responded to 1,973 calls last year. The Fire department's proposed budget is \$2.4M which would eliminate the entire department if we move funding from there and gave it to the school. Brown continued to explain the other City Departments, their budgets and effects if their budgets were cut.



Councilor Brown referenced a recent letter written by Councilor Rago to the Concord Monitor stating that, "Such an appropriation to the school would not only break the tax cap but would average about a 20% increase for everyone that would be collected at Christmastime." Brown continued to explain the trickle-down effect of what happens when taxes go up. People that once helped other organizations in the City such as the Food Bank or after school programs will not be able to help going forward. They suffer, their family suffers, and the organizations that depend on donations will suffer. A homeowner may choose to roll that increase off to their tenants and raise rents etc. Brown continued by stating that Franklin's poverty rate is 21% vs. 8% in Merrimack County, and the same for the State of New Hampshire. Franklin's residents can't give more like other property rich communities can and why we need to go to the state and tell them to help with our shortfalls. We shouldn't have to do this on the backs of our taxpayers. She asked the public to go to our Legislatures and tell them to fund our students to the levels that it should be. Brown then asked the school where they believe the City can make adjustments in order to transfer \$2M+ to them.

Brown then stated that Paul Smith and the Middle School are making notable positive changes through their dedication to teaching and not so much on increases in salaries. She then compared Franklin's dropout rate @ 4.63% and with few improvements in SAT scores year over year. Winnisquam Regional's dropout rate is 0.68% and is just a few miles up the road. Brown provided an overview of the City and School Budgets. For FY2018, the General Fund Budget for the City was \$11,450,000 and \$16,840,000 for the School's Budget. FY2019 was similar and highlighted that the School's Budget was again over the City's Budget by more than \$5M. Franklin has much fewer offsetting revenues to fund the schools unlike what other property rich communities can offer.

Brown asked what changes were made with the school's \$18M budget last year and what results came from the \$700,000 that was found in the school's fund balance last year just after the huge push to break the tax cap. What did the students receive with that additional money that was found? The City Manager's FY2020 proposed Municipal Budget this year is \$12,066,000 and the proposed school budget is \$15,757,000 which is quite close to what Superintendent LeGallo recommended. She concluded by stating that the taxpayers have no more to give and others have given more this year due to the assessments that were done this past year.

Councilor Ribas interjected and stated that this was public comment time and not council comment time that has lasted for 10 minutes. Mayor Giunta responded letting everyone know that the Council can have an opportunity to speak when providing numbers and information important to the subject matter.

Mayor Giunta stated that with this information and all the budget numbers, which have been made available to the public, members of the public were welcome to provide input on the numbers and point out if something were missed or incorrect. Mayor Giunta asked the public to ask specific budget questions, sign in, and if someone before you make a statement or makes a point that you were going to make, just come up to the podium, sign in and state



just that then let the next person speak. It's not necessary to keep repeating the same points over and over but is important to write your name in to show presence in the conversation.

**Public Comments began at 6:37PM**

Jen Weaver ward 2 resident stated that this is not an easy process nor is anything easy as both her and her husband work a couple of jobs. An extra thousand dollars at the end of the year would have save her twelve thousand that she now has to spend to send her son to another school. Mrs. Weaver settled in Franklin 20 years ago and loves her home. She asked the Council on many occasions to support her children and the children of Franklin adding that the only thing that got her son into Syracuse was his SAT scores. She continued to express her deep concern and was visibly upset stating that the proposed budget doesn't give her daughter what she deserves. She concluded that there is no longer a computer class at the high school and that she wants her children to have the kind of education that they deserve. Mrs. Weaver pointed to several of the City Council members and stated that they don't care about education in Franklin.

Mayor Giunta responded to this latest comment and asked the public to go to the Department of Education's Website and look at the cost per student per district. Franklin pays more per student than Barrington, Hudson, Rochester, Goffstown, Andover, Bedford, and Nashua. Franklin has less to give but we spend more than those just mentioned. Mayor Giunta stated that we certainly support Franklin's children the best we can with what we have.

Jeff Savary ward 1 resident and School Board Vice Chair stated that he supported the presentation of the fully funded school budget, not to put the City on the spot or even to expect the City to come up with \$2.4M, but to demonstrate what is needed and why. The Federal Government is only providing 12% of what they mandate when they are supposed to be provided 40%.

Mayor Giunta interjected and stated that he is currently working with Councilor Rago to update numbers and that he is writing a letter to the President of the United States, the Secretary of Education, and the Governor regarding this issue.

Vice Chair Savary stated that Superintendent LeGallo and School Board Chair Tim Dow have been to dozens of meetings at the State House over the past few years because of the Stabilization and Adequacy issues. Savary stated that both the School and City are taking it personally that the school is honestly only asking for what they believe the children need.

Werner Horn ward 2 resident discussed the per pupil cost on the Department of Education's website and the Economy of Scale. The example he provided of the Economy of scale is when Bedford sends their school buses out, they probably return half or three quarters full. When Franklin's buses return to school, less than half of them, if any at all, are probably half full of students. Carry that through to the classroom and you see that it takes the same

amount of money to educate 20 kids than it does to educate 4. Horn stated that the City has eliminated some services already and if more were to be eliminated, it would be catastrophic for the City.

Horn continued stating that with the cut in services, taxes have still risen every year but not above the tax cap, but they have still risen. He stated that the Council has direct control over what the school receives so the cuts that the school has to make year over year is forcing the students and young people to leave Franklin and never come back.

Mayor Giunta informed Mr. Horn that he has been speaking for five minutes and stated that he is welcome to come back up once everyone who wants to speak has had a chance.

Bill Yacopucci ward 3 resident stated that he wasn't prepared to speak this evening but after listening so far, he felt compelled to speak. He stated that everyone is frustrated and the current amount spent on the school isn't acceptable and the problem doesn't lie with the City of Franklin, it lies with the State of New Hampshire. The City has done the very best they can with what they have. Mr. Yacopucci asked everyone to take their rightful anger to the State House. He concluded by stating that the State wants us to argue with each other over this as a distraction away from them where the problem lies.

Mayor Giunta applauded Mr. Yacopucci's comments and further added that there wasn't a little footnote at the bottom of the Claremont Law Suit Decision stating that the State is only responsible except when the City or town can pay. It is the State's responsibility period and a law isn't broken unless someone challenges it.

Werner Horn ward 2 resident stated that the Mayor and City Council have a responsibility to both the Education side as well as the Municipal side of the City of Franklin. The Fire Department and the Police department are dealing with fatigue but neither can hire additional employees. All of these problems the City is having are due to a serious revenue problem. Horn stated that he believes the City Council has done everything they can with funding that is available. Horn reference the City Charter as having a remedy to these issues but yet year over year, it isn't utilized. City employees deserve better and the school deserves better.

Tim Johnston ward 1 resident stated that he has been reviewing the City Budget and the City is receiving \$7.8M taxpayer dollars and the school is receiving \$5.5M taxpayer dollars. Mr. Johnston also stated that the Municipal Services Budget, which includes water and sewer, is very confusing and asked if the water and sewer department also receives taxpayer dollars. Mayor Giunta replied stating that their funds do not come from taxpayer dollars but come only from those who are on water and sewer. He then commented on the salaries of the Municipal Services Department and stated that it is very confusing to understand where the funds come on and how they are dispersed whether for salaries or infrastructure.



Mayor Giunta stated that Mr. Johnston's asked some very good questions and wants everyone to understand what the numbers mean. Mayor Giunta then asked City Manager Milner to explain the numbers so that the public can understand.

City manager Milner stated that she plans to invite Tim to next year's Budget Process meeting as she knows he would like to listen in.

City Manager Milner stated that there are several divisions in the Municipal Services Department. Water and Sewer is just one of them and taxpayer dollars doesn't go to these departments. Mr. Johnston asked why there was \$300K allocated for salaries in Water and Sewer. Milner replied that during her budget process presentation, she broke out the positions and the different full-time equivalents by department. Municipal Services, Full-time equivalent of the taxpayer funded portion is 17.45 employees. Several employees work in different divisions within Municipal Services where some money is paid from Water & Sewer rate payers and some from the other areas in Municipal Services. The different areas are: Garbage collection, the Transfer Station, Roads, the Mechanical Department which handles the fleet for the entire city, and Buildings and Grounds. Milner added that when you include all of those areas, this is where the 17.45 employees come from. Mr. Johnston asked why Municipal Services shows 24 employees and City Manager Milner replied that it was because the rest of the employees are in Water and/or Sewer. The Enterprise Fund is to pay for Water and Sewer that the City uses.

Mr. Johnston asked Mayor Giunta who receives the salary from the Mayor's Drug Task Force. City Manager responded for the Mayor stating that the Task Force is 100% funded by a Federal Grant. There is only one 32 hour per week employee. Mr. Johnston concluded by stating that the budget shows that all City departments are receiving 2-3% pay increase this year.

Councilor Dzujna stated that it is the first time in 4 years that they have received an increase.

Stan Weglarski ward 1 resident stated that his property tax bill increased 36% and wondered why the City can't pay its bills. He continued by stating that after listening to everyone tonight, he sees why the City can't pay its bills. It's because the City is too poor to provide the services required but the schools shouldn't be short changed. The tax base must be increased. He stated that the City doesn't want senior development, the City wants payrolls and unless the City gets some payrolls here, the City won't survive.

Kolbe Bunker ward 3 resident stated that he believes the City does spend more on students than other communities. Kolbe is a freshman at Franklin High School and stated that he just doesn't understand where the money is going. The school doesn't have a French teacher, computer teacher, or hardly any AP classes. The school has a total of 40 computers for over 20 classrooms. His friend from Belmont has his own laptop that the school provided him with. Kolbe stated that other students from other areas come to his class with computers. He concluded stating that the school has amazing teachers and believes some are the best in



the state. Many teachers drive to Franklin to teach here and they don't do it for the money. They do it because they care.

Tim Johnston ward 1 resident addressed Councilor Dzujna stating that he said the City hasn't had a raise in 4 years and compared the Municipal Services budget from 2014-2018 and noticed there was significant overtime paid out. Mr. Johnston next inquired about recreation and again compared an increase in salary from 2014 to 2018.

City Manager Milner replied that Municipal Services has not had a STEP and COLA increase. She referenced page 12 in the FY2020 budget and confirmed there hasn't been a STEP and COLA raise since 2014 although in 2015, there was a partial COLA and STEP. The City has been doing either a STEP or COLA or nothing. A Cost of Living Adjustment (COLA) adjusts everyone's grade level up. For FY2020, there is a STEP and a COLA. Milner also addressed the Summer Program line in the budget and stated that it should be renamed to "Other Programs" because it includes summer and after school programs which are offset by the Revenue side of the budget. Mr. Johnston referred to the salaries in the Garage, which for two people, are over \$100k. He stated that he is a diesel mechanic and doesn't make \$50k a year. City Manager Milner replied that there was a Wage and Class study done and the mechanics are actually underpaid by \$2.50. Most of the City staff is underpaid and why Milner would like to do a COLA and STEP increase. The Pay and Class study done in 2014 is now six budget cycles behind and most employees are not even up to the 2014 pay yet and not even close to what they are worth today. Milner would like to focus on employees this year because they all do more work with less. Mr. Johnston concluded that when he applied for a City job, he was told starting pay was \$18 per hour and that isn't even close to the numbers he sees in the City Proposed Budget.

Colby Morrill ward 1 resident asked the Council if the school is accredited. Mayor Giunta stated that it is. Mr. Morrill stated that he graduated in 1999 and the school was not accredited at that time but there was still so much more that the school offered during that time. There was a shop class, computer class, and a French class. Now none of that is available but the High School is accredited. Mr. Morrill stated that the state rules on what is needed for accreditation requirements and they should take more responsibility to help see that classes are not lost.

There were no further comments provided from the public.

**The Public Hearing on Resolution #01-20 closed at 7:15PM.**

**Public Hearing for Ordinance #01-20 opened at 7:16PM.**

Ordinance # 01-20, an ordinance relating to the FY2020 Water Commodity and Sewer Disposal Rates.

Mayor Giunta asked if there was anyone who wishes to comment on this Ordinance.

Werner Horn ward 2 resident asked the Council if the City could sell our water and sewer services to neighboring communities. Municipal Services Director Sullivan replied that we cannot at this time. Mr. Horn asked if it were a possible option for the future and has the City explored this yet. City Manager Milner responded stating that the City has explored this and the water is cost prohibited adding that other communities don't want to pay to have the City get the water to them. The sewer portion is already part of the Winnepesaukee River Basin Program as well as all of the surrounding communities, which are also part of this program.

Mayor Giunta stated that he like this idea from Mr. Horn and mentioned that he proposed this idea back in 2001 and it didn't go over very well back then but is still a good idea for our City's current needs.

Desiree McLaughlin ward 2 resident and business owner of the laundromat on Central Street stated that Water and Sewer are a big concern for her however the increase isn't that bad. She also expressed her appreciation for the Municipal Services Department. She needed their assistance and within seven minutes, they were there to help her. She stated that she supports the children's education but we can't cut services like MSD or the Police Department. Desiree explained the issue she had and how Director Brian Sullivan arrived quickly and was committed to stay and coordinate with her plumber so that her residents had water. She also commended the Police Department for their assistance all the times when she needed them. She concluded stating that frustration coming from the residents over school funding is understandable and Mr. Weglart nailed it by stating that there just isn't enough revenue coming into the City.

Mayor Giunta thanked Desiree for her comments and asked if there was anyone else that would like to provide any comments. There was none.

**The Public Hearing for Ordinance #01-20 closed at 7:21PM.**

**Public Hearing for Ordinance #02-20 opened at 7:21PM.**

Ordinance#02-19, an ordinance relating to FY2020 Chapter 160-1 Fees, fees charged for services provided by the City of Franklin.

Mayor Giunta asked the public if there was anyone who would like to provide any comments. There were none.

**The Public Hearing for Ordinance #02-20 closed at 7:22PM.**

### **Comments from the Public**

Annette Andreozzi ward 3 resident stated that she noticed there will be a few road closures of Central Street this month and alerted the City Manager and Council to make certain there is proper signage for directing people on a detour route. She further commented that



people who live here, know how to get around but those who do not are left confused. She gave an example of another recent parade when the road was closed and commuters who only drive through Franklin didn't know where to go causing additional unnecessary back-ups. There was no signage or anyone to direct traffic. She asked the Council to plan ahead carefully for all the streets in all directions.

Parks and Recreation Director Krystal Alpers informed the Council of the Winni River Days Event. There are posters hanging up all around the City. The event will be from June 21<sup>st</sup>-23<sup>rd</sup> with different foods, live music, various vendors, beer, kayaking, and the Mayor's Drug Task Force "Step-by-Step" 5K race. There will also be a free fitness class on Sunday morning. Director Alpers invited everyone to come down and visit. If anyone needs more information, please call, email, visit [MillCityPark.com](http://MillCityPark.com), or go to the City's Website Community Events Calendar.

Leigh Webb ward 3 resident stated that the budget cycle is one of the toughest processes that the City and School has to go through every year. Mr. Webb wanted to publicly show his appreciation for all of the organizations and agencies that work so hard for our community. He publicly thanked all the people within the agencies for their dedication and for using their limited resources to the fullest capacity. Applause was given to Mr. Webb.

Desiree McLaughlin ward 2 resident and business owner in downtown Franklin voiced her concern and objection the City Council regarding the restrictions of ingress and egress to her property during the Franklin Market Day on Saturday, June 29<sup>th</sup>. Saturday is the highest revenue day for Brother's Doughnut and her business Central Street Laundromat who will suffer from this unnecessary interruption in access as well as her tenants who will be denied the ability to come and go. Although this is a fundraiser event, Desiree stated that it defies logic to inflict harm on two businesses in order to raise funds for yet another. Community Day activities are held further down the street and do not cause restrictions on local businesses. Desiree asked why this event couldn't be located and planned in the same manner. She also stated that she sent Police Chief Goldstein a written letter, cc to Mayor Giunta and City Manager Milner asking to move the event further down the street. Desiree requested that this issue be resolved for all parties.

### **Legislative Comments**

Representative Werner Horn for Merrimack 2<sup>nd</sup> District, 1<sup>st</sup> and 2<sup>nd</sup> District in Franklin and the community of Hill stated that the Senate likely won't pass a budget that's acceptable to the Governor which means anything relating to Stabilization and Adequacy will be delayed. When

this expected delay actually happens, a continuing resolution can be created to argue a Stabilization Freeze. Horn stated that the Majority party writes the resolution and he doesn't plan to quibble over the amount of stabilization if it's included.

Councilor Ribas asked Representative Horn what his thoughts are on hammering out a new budget if Stabilization were included as opposed to it be included in a continuing Resolution.



Horn responded stating that he has only seen one other time where the budget was vetoed and once the 90 days was up, that same budget was passed. He stated that it appeared to be a political maneuver rather than true concern for the budget process.

Councilor Desrochers stated that he attended the school funding seminar in Belmont this past fall and noted the 77% of schools in the state are underfunded by the state for at least the last ten years and he asked why it has been so hard for the state legislature to come up with some money. There was \$150M surplus that the state didn't know what to do with last year so why are all our schools struggling? He continued that this isn't just a Franklin issue. He adamantly stated that Concord needs to open their eyes and ears and do something. Millions are spent on a UNH School Board but addressing the states own schools is hands-off? This is a very serious issue and all the politicians need to realize this and do something before all the cities and towns go bankrupt. Desrochers stated that his comments are not directed at Representative Horn but at all of the legislators and the Governor.

Representative Horn responded that he agrees with Councilor Desrochers and stated that the state has a statute that requires the legislators to look at the adequacy formula every 10 years to ensure that it's meeting the needs of the state. Horn further commented on how the spending of half a million dollars on a commission to find a solution to this issue is a joke and a waste of money. Horn stated that these issues should just be addressed as they come up as they didn't exist 10-20 years ago. Berlin's tax base is difficult to address because 2/3 of their land can't be levied for taxes. The state's responsibility toward adequacy hasn't been addressed. It hasn't been addressed in response to the courts or addressed in media conversations. The children throughout the state are our future and they all deserve an adequate education. Horn stated that he is hopeful that realistic adequacy can be put in place and is one of the most important issues on his mind. He does not have a lot of faith with what the House just pushed out of their budget.

Councilor Desrochers stated that he is in favor of suing the state but with Claremont I and Claremont II etc. and the state has lot each time except for one time and then spends years circumventing what the court says they are supposed to do. This nonsense must stop. At risk children have nothing, the machine shops and automotive shops are gone. There is nothing there for these kids. Not every kid is going to college; some of these kids want to learn shop and could succeed at it.

Horn stated that the Commissioner of Education along with the Governor put in place a public private program to address this. The Pilot program is running in Rochester NH where seniors can opt to stay an additional year and can then graduate with an Associate's in the selected field. Horn further added that voters in every community need to take this a step higher and send letters directly to the state representatives demanding to fix this at a state level, not just in their individual communities. Franklin only has five legislators as opposed to Manchester who has approximately thirty-seven legislators and can be out voted. If we work toward a solution for the whole state then we would be closer to find a solution the works for everyone.

Representative Dave Testerman for wards I, II, and the community of Hill updated the Council on the recent legislation on education. There were two bills. One would allow a student the ability to do something outside of school and receive credit but it did not pass. The other bill dealt with opt-in/opt-out surveys for parents to complete which would describe the “lesson” then allow the parents the ability to opt-in or opt-out for their child. Teachers were used to the opt-out but needed permission to opt-in would create more paperwork and convolute the process. This Bill did not pass either. Legalizing marijuana was discussed but will likely be studied for several more months. Testerman stated that we have one of the most partisan houses that he has ever seen and many vetoes are expected. There are still almost no restrictions on absentee ballots.

Testerman continued stating that the bill to sustain the Death Penalty was lost by one vote adding that the Speaker of the House, who normally doesn’t vote, had to vote.

Representative Greg Hill updated the Council on Election Law and Absentee Ballots. The Help America Vote administrator staff (HAVA) did some work in the Concord archives looking at where absentee ballots were mailed to. The hole in the current RSA is that no proof of identification is required when an absentee ballot is requested. If someone knows you aren’t going to vote in an upcoming election, someone else can request an absentee ballot be mailed anywhere in the world with your name on it and vote under your name. There are common addresses where these absentee ballots are being mailed. It was uncovered that up to 23 ballots were mailed to the same address. This is problematic and needs to be addressed. Hill stated that one of the easiest groups of people that would be subject to this theft are people who are targeted by telemarketers prior to an election who are asked if they are a registered voter and do you plan to vote in this upcoming election. If someone answers no to the second question, it opens the door to fraud. Many people, if any, would go back to the records of an election to see if they voted knowing that they knew they didn’t. Hill concluded offering a suggestion that at least a driver’s license or valid ID be presented somehow. He also mentioned that unfortunately all Election Law issues that have come through the House this year have been Partisan this year.

Councilor Dzujna asked Representative Hill if the person could be contacted to verify an absentee ballot has been requested in their name. Hill responded stating that there is currently nothing in the RSA to require that and there is very little consistency across the state on how clerks handle these situations. Recently, the ACLU won a case against the State which now prohibits the Clerk from verifying the signatures on the absentee ballots as they come back.

Councilor Trudel, baffled by this, stated that this is an open door for voter fraud. Representative Hill responded that out of 80K absentee voters, 14K were mailed out of NH. There are RSAs that prohibit anyone from retrieving information on where that ballot was actually sent. The Secretary of State isn’t even allowed to know where they were sent. At this time, the only thing that is allowed is to check to see if there are common addresses being used and until now, this has never been done in the state. Hill stated that he is the only one in his party that believes this is worthy of investigating further.



### **City Council Acknowledgements**

Councilor Dzujna publicly thanked Glen Morrill and the Morrill family for all of their contributions to the City. The kayaks and flower displays are beautiful and greatly appreciated. Applause was provided by all toward the Morrill family.

Councilor Desrochers reminded everyone that this Thursday, June 6<sup>th</sup> is D-day. He also stated that we lost a lifelong resident Franklin who was born here and raised his family here. Marine George Sargent Sr. served in the 4<sup>th</sup> Marine Division. He fought during WWII in the Pacific campaign of Saipan, Tinian and Iwo Jima. He also received two presidential citations for action on Saipan and Iwo Jima. Councilor Desrochers respectfully requested a moment of silence for Mr. George Sargent Sr.

Councilor Rago thanked Finance Director Frank Lossani for going above and beyond helping her and other Council members understand the City's budget.

### **Mayor's Update**

Mayor Giunta stated that he was thinking of commenting on the Morrill family however he did not want to steal the City Manager's thunder so instead he obliged a Council member's urgent request for a ten-minute break.

**City Council paused for a break at 8:00pm.**

**City Council reconvened at 8:10PM.**

### **Agenda Item I.**

Council to consider the minutes of the April 22<sup>nd</sup> Special City Council Meeting, the minutes of the May 6<sup>th</sup> City Council Meeting, the minutes of the May 7<sup>th</sup> Special City Council School Budget Review Meeting, and the minutes of the May 13<sup>th</sup> Special City Council City Manager's Proposed Budget Meeting.

**Motion – Councilor Desrochers moved that the Franklin City Council approve the minutes of the April 22<sup>nd</sup> Special City Council Meeting, the minutes of the May 6<sup>th</sup> City Council Meeting, the minutes of the May 7<sup>th</sup> Special City Council School Budget Review Meeting, and the minutes of the May 13<sup>th</sup> Special City Council City Manager's Proposed Budget Meeting.  
Seconded by Councilor Dzujna.**

Councilor Ribas requested several corrections be made that he forwarded to Audrey Lanzillo. There were no objections.

**All in favor of the motion and amendments. None opposed. Motion PASSED.**



**Agenda Item II.**

Superintendent Dan LeGallo provided the City Council with an update to the following: School Board meeting dates for the month of June. June 5<sup>th</sup>, 5PM, Strategic Meeting; June 10<sup>th</sup>, 1PM, School Parade; June 14<sup>th</sup>, 6PM, Graduation Ceremony; June 24<sup>th</sup>, 6PM, LEAN Update Meeting. LeGallo thanked Councilor Ribas for taking Councilor Moquin's place in the Strategic Planning meeting.

Superintendent LeGallo stated that he didn't understand why happened between the May 7<sup>th</sup> date and today but we need to figure this out. In mid-April, LeGallo stated that he sent a letter to the City Council through City Manager Milner showing that the school board agreed on a budget that was \$2.5M over their budget and also created a budget that met the tax cap. For awareness, the Riff details and deadline of May 16<sup>th</sup> was included in that packet. On May 7<sup>th</sup> the entire school administration presented the full school district budget to the City Council. The City found money every year to help the school. The meeting ended with Chair Dow asked for \$321,000 in additional revenue. LeGallo stated that Mayor Giunta then stated that this wasn't something that could be solved on that night of May 7<sup>th</sup> but we have numbers now to look at. LeGallo stated that he had all the faith in the world that the City Council would find the school some money but he is now confused about what has happened between then. He stated that he was hopeful that there was still a little time between now and September to possibly bring some of the people back that were riffed.

Mayor Giunta responded to Superintendent LeGallo stating that Councilor Desrochers asked Chairman Dow what number was needed to minimally meet the budget. The number provided was \$14.3M. City Manager Milner stated that the \$14.3M is the tax cap budget and is what is on the docket for tonight's discussion and request to approve. Milner stated that since the May 7<sup>th</sup> budget meeting, the Municipal Budget was presented which included some downshifting for the school. Milner stated that there isn't any extra in the budget for FY2020 so a Public Hearing was posted for tonight and here we are. If the state comes through with some money or if we receive extra funding, we can pass it on to the school. We have always done that in the past and will continue to do so. LeGallo stated that the message should be that this isn't over and we will keep looking at this together. Milner stated that she doesn't believe the state will have a budget for July 1<sup>st</sup> so we would be no better with this budget. There will likely be more than one Resolution this year to appropriate money for the school district.

Mayor Giunta also added that over the last years, the City has found money in pick-ups but this year it's been devastatingly low for pick-ups. Each time the City found money for the school, it was prefaced by noting that it was one-time found money and not to be depended on like revenue.

Superintendent LeGallo stated that he didn't believe this was anyone's fault and he knows there are a lot of smart people in the room tonight that can help figure this out. LeGallo

stated that this is not over or final from his standpoint. He hopes that there will remain some positivity so the right things can get done.

City Manager Milner asked Superintendent LeGallo if he would be willing to help her with the Education Forum gathering as many members of the school board there as he can. It will be held on June 18<sup>th</sup> in the Opera House. LeGallo agreed. The Education Forum will include several of our surrounding communities, Legislators, and the public. The plan is to send a contingent down to the hallways of the Committee of Conference.

Mayor Giunta added that at the end of each fiscal year, any left-over Fund Balance must return to the Council where it is then voted on again on where it will go. Mayor Giunta then stated that he guarantees that anything the schools save will go back to the schools for FY2020.

Councilor Testerman stated that the responsibility of the City Council is to look at the whole community and consider the fiduciary impact of the City Council's actions on the entire community not just one segment of it. There are approximately 15-20% of senior citizens in our community, many on fixed incomes. Testerman continued stating that the demographics would change if we drive the senior citizens out of their lifelong homes and she does not want to do that either. If there is a Fund Balance, the City Council should discuss a priority list and decide where the money should go and not just expect the group who found it to expect it will automatically go back to that same group.

Councilor Starkweather stated that he was going to make a few comments but two speakers already addressed it.

Councilor Desrochers agreed with Councilor Testerman but mentioned that approximately six years ago, an account was established so if the school has any money left over, it would be placed in that account and saved for a rainy day. Desrochers stated that if there is any money left over, it doesn't automatically come back to the City because a provision was made that states it can go into the school rainy day account.

Councilor Trudel commented to Superintendent LeGallo and Chair Dow with regards to part of a conversation during the April Joint Finance Committee Meeting regarding a SWOT Analysis performed on the school but that the school board voted and rejected it. Trudel could not find any reference to this conversation or how school board members in his ward voted on the topic. Trudel stated that he looked in School Board meeting minutes as far back as 2016.

LeGallo responded stating that he would bring it forward to the School Board this month and inquire.

Councilor Rago commended School Business Administrator Jefferson Braman for all his hard work in responding to Rago's requests. She stated that this process and reviewing the school budget was a difficult process and she noted that she is a CPA. Rago stated that she asked in



April if the Council could see the school YTD actuals (annualize that number), include that along with what the school wants for a budget and calculate a variance from there. Rago stated that she when she asked for this, she was told that it couldn't be done but she would like to ask again if that column of YTD Actuals can be added into the spreadsheet. LeGallo replied that he would speak with Jefferson on this.

Rago then asked for some explanation on the \$850K fund balance, the \$450K Project Aware program ended but the school board chose to keep the Project Aware employees on, and there is an increase of \$130K in the Office of the Superintendent/Office of the Principal. With respect to these numbers, Rago stated that she doesn't understand why teachers had to get laid off.

LeGallo replied that he has a responsibility to the students, the school district, and the City of Franklin to make sure a contract isn't put in someone's hands that can't be funded. LeGallo further explained that he and Business Administrator Jefferson Braman looked at the all numbers not just salary but benefits and they chose the layoffs in order to stay under the number that they needed to.

Rago further commented that when you take an employee's who base salary is \$50K and then add retirement and benefits; it could easily become \$80K. Most people don't realize that.

Councilor Brown asked Superintendent LeGallo if he did not want the budget to pass tonight and if not, is he looking for further discussion from the City Council. LeGallo replied that he wants what was asked at the School Budget Presentation meeting on May 7<sup>th</sup>; to find \$315K. He further stated that it doesn't mean that the budget shouldn't pass tonight and that the City Council could either approve it now or later. He stressed that either way, he hopes that the City will continue to look and if money is found, it could be passed on to the schools.

### **Agenda Item III**

Council to consider approval of Resolution #18-19, relating to the appropriation of \$64,287 received from Primex (NH Public Risk Management Exchange) as a one-time return of premium, to be added to the City Manager's Nuisance Abatement Line.

**Motion – Councilor Trudel moved that the City Council vote to adopt Resolution #18-19, to appropriate \$64,287 received from Primex (NH Public Risk Management Exchange) as a one-time return of premium, to be added to the City Manager's Nuisance Abatement Line.**

**Seconded by Councilor Desrochers.**

Councilor Clarenbach stated his concern on how the money will be spent. He doesn't think it's a good idea to use it toward tearing down a building and would rather see it be put into the City Manager's Contingency Line in case it is urgently needed for something more critical.

City Manager Milner stated that this return of contribution has already happened in the current Fiscal Year so we could let it drop to Fund Balance however if it isn't appropriated then the City Can't encumber it to carry it forward to the next year. Milner continued to state that the tear down may not cost \$60k and there are already visitors in the building that shouldn't be there. The longer the building stays vacant, the more likely something unwanted will occur.

Councilor Clarenbach then stated that the building has been vacant for six years now and because it is on a slope, there may be some unexpected issues that may happen during a teardown. He added that there are a lot of other things in the air that the City is involved in. Clarenbach stated that he is not in support of this and feels the money should be put aside for now.

Mayor Giunta asked if there was any further discussion. There was none.

### **RESOLUTION #18-19**

#### **A Resolution Granting Authority to Appropriate \$64,287 Received from the Workers' Compensation Insurance Vendor**

**In the year of our Lord, Two Thousand Nineteen,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2019 beginning July 1, 2018, **and**;

**WHEREAS**, the City Council recognizes the City received an unexpected Worker's Compensation Premium Holiday distribution in the amount of \$64,287, **and**;

**WHEREAS**, the City Council recognizes there are several deeded properties that need to be demolished, **now**;

**THEREFORE, BE IT RESOLVED**, *that at their regularly scheduled meeting of the City Council on Monday, June 3, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #18-19 to appropriate \$64,287 received from Primex (NH Public Risk Management Exchange), as a one-time return of premium, to be added to the City Managers Nuisance Abatement and hereby authorizes the following non-lapsing appropriations,*

#### **An Increase in Revenues:**

Miscellaneous Revenues Acct. No. 01-0-000-35090-000 – Sixty-Four Thousand Two Hundred Eight Seven Dollars (\$64,287),

#### **An Increase in Expenditures:**

City Managers Nuisance Abatement Expense Acct. No. 01-1-302-40491-000 – Sixty-Four Thousand Two Hundred Eight Seven Dollars (\$64,287),

**By a roll call vote.**



**Roll Call:**

Councilor Brown	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Ribas	<u>Yes</u>
Councilor Clarenbach	<u>No</u>	Councilor Lauer-Rago	<u>Yes</u>	Councilor Testerman	<u>Yes</u>
Councilor Desrochers	<u>Yes</u>	Councilor Starkweather	<u>Yes</u>	Councilor Trudel	<u>Yes</u>

**8 in FAVOR. 1 OPPOSED. Motion PASSED.**

**Agenda Item IV.**

Council to consider approval of Resolution #19-19, relating to the appropriation of \$15,965 received from the sale of Fire Engine Three and Surplus Fire Equipment to be used towards the replacement of the Fire Station Generator.

**Motion – Councilor Ribas moved that the Franklin City Council adopt Resolution #19-19 for the appropriation of \$15,965 received from the sale of Fire Engine Three and Surplus Fire Equipment to be used towards the replacement of the Fire Station Generator.**

**Seconded by Councilor Desrochers.**

Mayor Giunta asked if there was any discussion. There was none.

**RESOLUTION #19-19**

**A Resolution Granting Authority to Appropriate \$15,965.00 Received from the Sale of City's Fire Engine 3 and Surplus Fire Equipment**

**In the year of our Lord, Two Thousand Nineteen,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2019 beginning July 1, 2018, **and**;

**WHEREAS**, the City Council, at the October 1, 2019 City Council Meeting, authorized the Fire Chief and Finance Director to sell Fire Engine #3 and authorized the proceeds from the sale be used towards the replacement of the Fire Station generator, **and**;

**WHEREAS**, the City Council, at the December 3, 2019 City Council Meeting, authorized the Fire Chief and Finance Director to sell accumulated surplus fire equipment and authorized the proceeds from the sale be used towards the replacement of the Fire Station generator, **and**;

**WHEREAS**, Fire Engine #3 sold for \$14,150 and the accumulated surplus fire equipment sold for \$1,815 for a grand total of \$15,965, **now**;

***THEREFORE, BE IT RESOLVED,** that at their regularly scheduled meeting of the City Council on Monday, June 3, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #19-19 to appropriate \$15,965, received from the sale of Fire Engine 3 and Surplus Fire Equipment, to be used towards the replacement of the Fire Station generator, and hereby authorizes the following non-lapsing appropriations,*

**An Increase in Revenues:**

Sale of Municipal Property Acct. No. 01-0-000-35011-000 – Fifteen Thousand Nine Hundred Sixty Five Dollars (\$15,965),

**An Increase in Expenditures:**

Fire Station Other Contracted Services Acct. No. 01-2-209-40439-000 – Fifteen Thousand Nine Hundred Sixty Five Dollars (\$15,965),

**By a roll call vote.**

**Roll Call:**

**Councilor Brown**     Yes   **Councilor Dzujna**     Yes   **Councilor Ribas**     Yes

**Councilor Clarenbach** Yes   **Councilor Lauer-Rago**   Yes   **Councilor Testerman** Yes

**Councilor Desrochers** Yes   **Councilor Starkweather** Yes   **Councilor Trudel**     Yes

**All in Favor. Motion PASSED.**

**Agenda Item V.**

Council to consider approval of Resolution #01-20, relating to the adoption of the proposed FY2020 Budget.

**The**

**Motion – Councilor Desrochers moved that the Franklin City Council adopt Resolution #01-20 to appropriate the Fiscal Year 2020 budget.**

**Seconded by Councilor Trudel.**

Mayor Giunta asked if there was any discussion.

Councilor Testerman stated that she doesn't want to budget money that the City hasn't received yet and in hand. She stated that this isn't a good practice to do. City Manager Milner replied stating that the New Hampshire Charitable Foundation oversees several charities with a large staff. Milner continued stating that a budget is a projection for many numbers that she is confident will occur. Another option would be to create a resolution if the Council so desires.

Councilor Clarenbach stated that he is very saddened with this Council. The Mission Statement, that the City Council agreed on last Fall, contained the language that states, "to Strengthen Education" and he stated that there hasn't been any progress in this area. Clarenbach stated that he feels there



was more of a distraction from education than in strengthening it. He continued to state that it isn't just from a financial standpoint but rather in attitudes and editorials. Clarenbach also stated that although there are many positive happening in our downtown, leaders in our community have allowed the students to receive a below par education. We can re-do what's already been done. Parents are taking their children to other locations to receive their education. Clarenbach further stated that he agrees with Mayor Giunta that the Council tries to do the right things with the resources the City has but we are not the only community with a revenue problem and other communities still choose to spend more money per thousand than we choose to spend per thousand.

Clarenbach stated that we are driving residents out of their life long homes but this isn't only in Franklin rather a state-wide issue. The Council is bound to do what is best for all citizens in this community and our priorities are not where they should be. Our community will not be strong if our schools are not where they should be. He further stated that the City was hoping that Northern Pass would help our revenue issue but that hasn't happened for the last seven years and he is not hopeful at this point that we can count on that to help turn things around for us. Clarenbach also shared that in 2018, the DRA reported that the Town of Belmont has an assessed value of \$604M with utilities compared to Franklin which has \$685M. Belmont chooses to spend \$29.25 per thousand as opposed to our \$21.96 per thousand. He continued to state that a happy medium must be found and that doesn't mean having to increase taxes by \$7.75 per thousand. Efficiencies can be found on both sides. He further continued and stated that he doesn't blame the School board for coming forward with the \$2.4M budget; that's what they need. But he further added that he told them that they likely won't receive it. He concluded stating that there are still miscommunications from the City side, strengthening education isn't occurring by passing tonight's budget, and he stated that he will be voting no on this motion.

Councilor Brown stated that a lot of things that Councilor Clarenbach stated is true however she disagrees in a few areas. In one area, the schools are improving especially in the elementary and middle schools. The principals in those schools have been making lots of changes over the past couple of years and there is data to support that even with the limited budget. The second area Brown is in disagreement with is in the LEAN process with the schools. Councilor Brown stated that she attended a few of those meetings and therefore it is incorrect to state the City Council has done nothing to strengthen education.

Councilor Brown spoke with Police Chief Dave Goldstein today about locating any waste in the PD. They simply cannot get any thinner. The Fire Department is struggling and Brown stated that Clarenbach knows that from his own experience there. The City Council is being both fair and generous. The funds are not there this year and both sides need to consider a SWOT analysis and continue to work through the LEAN process.

Councilor Trudel stated he always has a lot of respect for what Councilor Clarenbach has to say and also agrees with Councilor Brown stating that she is spot on. Trudel recalls that Clarenbach had always said that we need to do things differently because the school budget is unsustainable to continue without any changes. There is legacy data on file that will help project and plan ahead for the future. He stated that this projection based on the historical data hasn't happened. Trudel stated that there was an opportunity to save money by combining the Finance offices but that did not go anywhere. There was also a recommendation to perform the SWOT Analysis to uncover savings on all the schools and the SAU but this was voted on and rejected by the school board. At the last Joint Finance Committee, the City stated they were told that the school board is comprised of

experts and they stated there is no waste to uncover. Unfortunately, the City can't force the school system into doing things that is known to uncover inefficiencies and save the City money. Trudel stated that he is and has always been open to meetings together with the school board and SAU but aside from the different councilor's thoughts, this is a community problem. It's not the City Council's sole problem nor the school's sole problem and until we can get both boards to work this out, things won't change. Trudel concluded by stating that Clarenbach had also stated in the past that the City needs to know what is required by state law and then build a curriculum around that.

Councilor Clarenbach stated that the essence of what he has said is that we can't keep kicking the can down the road. The state is responsible for their share but at some point, if we continue this way, the community will no longer look like a community. Clarenbach didn't think a two-hour City Manager's budget presentation was adequate towards working some of the issues together. There are a few things the City can look at and make some efficiency adjustments. He concluded by stating that even though the state pushed this financial problem on us, today it is our problem and we will be defined by our decisions today as we go forward.

Councilor Dzujna thanked everyone for their comments tonight. Because we are limited in our tax and he doesn't want to tell the school what to do but when certain decisions that are made without considering the City Council's thoughts, it's frustrating.

Councilor Brown asked Councilor Clarenbach for suggestions on addressing this issue school budget issue.

Councilor Clarenbach responded stating that a combined effort from both the City and the School, look at the 4.4% wage increase on the City side, look at the City side health insurance plan, and look to change or end the largest programs and/or processes that the City provides. He stated that maybe it's curbside collection or something else. This is where it will make the most impact.

Councilor Trudel added that the City and School needs to look at the essentials and figure out what we can live without and what we absolutely need and start there. Maybe when we consider hiring the next teacher, find out if she speaks French or Spanish. These were just a few of the thoughts Councilor Trudel wanted to share to the school and asked the school to come forward with thoughts they might have as well.

Mayor Giunta stated that the City Council has not been idle. There has been talk about combining administration and Finance while considering looking at the overhead. It was a painful time when Hill moved out of the school system and that was an opportunity to look at a single SAU Office. There are a lot of places we can look but we need the cooperation from both sides. Mayor Giunta stated that he is out speaking with developers every day about engineering projects and bringing them to Franklin. The only way out of this is either Northern Pass or build our revenue base. In order to build our revenue base, we have to bring more people in. Some of that requires spending tax dollars to rebuild old structures to bring their value up. Mayor Giunta specifically wanted this process to be shorter this year because for ten months out of the year he is trying to bring developers here and then two months out of the year, we knock each other over the head and destroy each other. Mayor Giunta continued stating that we tear apart our school system when people come up and bring up all the worst things instead of the positive things. Mayor Giunta continued to explain that yes, we have problems and we can address them quietly instead of bringing the Concord Monitor into it and twisting things to say that the City does not care about its students because that is just not true. The



Mayor asked that while the City and Schools look at ways to more efficiencies, can everyone talk about the positive things that are going on because it will attract the right people to come here and add to our tax base. This is our only salvation. The money is not just going to appear. Mayor Giunta stated that he just spoke with a developer today and that person stated that their only hesitation was that the residents, schools, and City speaks badly about themselves. The developer said that if you don't believe in yourselves, how can I trust coming into your community. We all need to be in on this and work together to help attract people and build our revenue base. Another reason the developers speak with Mayor Giunta at all is because Franklin has a stable tax rate.

Councilor Testerman stated that she moved to Franklin from a community whose taxes would be twice as high right now if they had stayed there. The results from that school isn't any better than ours in Franklin. Testerman continued that it's not just the money that make the education great, it's the family involvement. She further stated that when Mrs. Weaver spoke about her son doing well in school, it is mainly because she is involved. There have been studies done that prove that family involvement was key in the success of a student. Testerman also stated that there will continue to be problems if there is no involvement at home. She concluded by stating that the schools and City have to stop pointing fingers and work together to fix this.

Councilor Starkweather stated that this is a re-run of the previous 14 years when he was on City Council back during that time. He recalled a time over 40 years ago when he moved to Franklin but did not want to because of the schools. Franklin's reputation wasn't good even then and a lot of it is self-inflicted. People run to the newspaper and polish up their egos but nothing gets done. Starkweather also mentioned a time when he worked at the Fire Station and the story gets submitted to the newspaper but after the firemen read it in the paper, they questioned if it was the same incident. What is read in the paper may not explain all the pieces. He concluded by urging the City Council and the School to stop talking about it and start doing something. Mayor Giunta called for the roll call vote.

**RESOLUTION #01-20**

A resolution relating to Appropriations and Estimated Revenues for Fiscal Year 2020.

In the Year of our Lord, Two Thousand and Nineteen.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Franklin, New Hampshire, that the following appropriations and revenues be made for Fiscal Year 2020:

**MUNICIPAL DEPARTMENTS**

**APPROPRIATIONS:**

General Operations (MS-232):

General Government	\$ 1,711,933
Public Safety	5,775,530
Highways & Streets	1,466,205
Sanitation	896,492
Health	192,362
Welfare	143,565
Culture & Recreation	1,109,931
Conservation & Development	105,000
Debt Service	369,801
Capital Outlay	0
Interfund Operating Transfers Out	295,620
Transfer to School District	0
Total General Operations Appropriations	12,066,439

Other Funds:

Parks & Recreation Appropriations	15,500
Outside Police Detail Appropriations	10,354
Water Appropriations	1,813,821
Sewer Appropriations	1,592,268
Capital Projects Appropriations	0
Pass Through Grant Appropriations	20,000

**ESTIMATED REVENUES:**

General Operations (M5-434):

City Revenues General Fund	\$ 4,224,638
Use of Fund Balance	0
Interfund Operating Transfers In	24,292
Local Taxation	7,817,509
Total General Operations Estimated Revenues	12,066,439

Other Funds:

Parks & Recreation Estimated Revenues	15,500
Outside Police Detail Estimated Revenues	10,354
Water Estimated Revenues	1,813,821
Sewer Estimated Revenues	1,592,268
Capital Projects Estimated Revenues	0
Pass Through Grant Estimated Revenues	20,000
Total Municipal Estimated Revenues	\$ 15,518,382

**SCHOOL DEPARTMENT**

**APPROPRIATIONS:**

General Operations	\$ 15,757,339
Food Service	0
Total School Department Appropriations	\$ 15,757,339

**ESTIMATED REVENUES:**

General Operations	\$ 9,387,803
Transfer from Municipal	0
Use of Fund Balance	851,751
Transfer from Capital Reserve	0
Food Service	0
Local & State Taxation	5,517,785
Total School Estimated Revenues	\$ 15,757,339

**MERRIMACK COUNTY**

Estimated Tax to be Raised \$ 1,669,025

**INDUSTRIAL PARK TAX INCREMENT FINANCING DISTRICT**

Estimated Tax to be Raised \$ 59,834

**FRANKLIN FALLS MIXED USE TAX INCREMENT FINANCING DISTRICT**

Estimated Tax to be Raised \$ 41,615

**VETERAN'S CREDITS**

Estimated Tax to be Raised \$ 150,125

**OVERLAY**

Estimated Tax to be Raised \$ 31,000

**Roll Call:**

Councilor Brown	<u>Yes</u>	Councilor Ribas	<u>Yes</u>
Councilor Clarenbach	<u>No</u>	Councilor Starkweather	<u>Yes</u>
Councilor Desrochers	<u>Yes</u>	Councilor Testerman	<u>Yes</u>
Councilor Dzujna	<u>Yes</u>	Councilor Trudel	<u>Yes</u>
Councilor Lauer-Rago	<u>Yes</u>		



**Agenda Item VI.**

Council to consider approval of Ordinance #01-20, relating to the adoption of the FY2020 Water Commodity and Sewer Disposal Rates.

**Motion – Councilor Desrochers moved that the Franklin City Council adopt Ordinance #01-20 relating to the FY2020 budget water commodity and sewer disposal rates.**

**Seconded by Councilor Trudel.**

Councilor Rago stated that she is concerned with the recent assessments and for some, more taxes to pay. Rago then asked what the difference equates to.

City Manager replied that when there is a re-assessment, the City doesn't actually collect more taxes overall. Some properties will increase and others will decrease in order to stay under the tax cap. With the .12 increase for water, it equates to \$89.76 on an average bill per year. The .04 increase on the sewer will equate to approximately one third of that amount.

Councilor Testerman stated that on top of this small increase, Eversource is increasing their prices as well and when you add all of the utility increases, it will be approximately \$200 per year. Testerman asked why we have to keep increasing these rates.

City Manager Milner stated that the water and sewer systems in Franklin are aging and on top of this, Franklin has a small user group so it's very difficult to keep the same rates year over year. Franklin is still way under the National Average. We are also trying to address additional infrastructure issues with the same capital dollars including personnel benefits for this year. The water rate was first changed when the new treatment plant was built and then the City utilized the savings in the rate that was charged, for the loan, to complete a few other projects. The rate had remained constant for approximately ten years but when the bond came due for the new water treatment plant and the City had to take on a few of the other capital project items in the budget therefore the rates had to be increased quite a bit that first year. At that time, the Council asked that the rate be increased at a consistent rate and spread out so there wasn't one big jump all at once. Milner stated that's why the increases every year have been occurring and they have been very small.

Mayor Giunta stated that when growing the City's tax base and attracting businesses will bring more users to the system thus lowering the cost for everyone on the system. When a smaller group is using the system, they pay more for the cost of running and maintenance. This is yet another area where growth would help.

Mayor Giunta called for the roll call vote.

**ORDINANCE #01-20**

**AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:**

In the Year of our Lord, Two Thousand and Nineteen;

Be it ordained by the City Council of the City of Franklin New Hampshire, that the Franklin Municipal Code, Chapter 160, Fees, 160-1, Fees charges for service by the City of Franklin Water/Sewer Departments be changed as follows:

	Current Fee	Change To	New Fee
Water Commodity Charge Per 100 cubic feet	\$ 6.53		\$ 6.65
Sewer Disposal Charge Per 100 cubic feet	\$ 6.96		\$ 7.00

Fee to be effective July 1, 2019, by roll call vote.

**Roll Call:**

Councilor Brown	Yes	Councilor Ribas	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes
Councilor Desrochers	Yes	Councilor Testerman	Abstain
Councilor Dzujna	Yes	Councilor Trudel	Yes
Councilor Lauer-Rago	No		

**7 APPROVED, 1 ABSTENTION, 1 OPPOSED. Motion PASSED.**

**Agenda Item VII.**

Council to consider approval of Ordinance #02-20, relating to the FY2020 Chapter 160-1 Fees, Fees Charged for Services provided by the City of Franklin.

**Motion – Councilor Dzujna moved that the Franklin City Council adopt Ordinance #02-20 relating to FY2020 budget, Chapter 160 fee changes.  
Seconded by Councilor Trudel.**

Mayor Giunta asked if there was any discussion. There was none.

**ORDINANCE #02-20**

**AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:**

In the Year of our Lord, Two Thousand and Nineteen;

Be it ordained by the City Council of the City of Franklin New Hampshire, that the Franklin Municipal Code, Chapter 160, Fees, 160-1, Fees charges for service by the City of Franklin be changed as follows (change current fee to new fee, remove deleted language):

	Current Fee	Change To	New Fee
<b>Fees to Change:</b> Mobile Home Annual Permit Fee	\$3.00		\$5.00
Mobile Home Annual Reinspection Permit Fee (for failed mobile home units)	\$0.00		\$50.00
Certified Mailings Fee (The fee shall be adjusted per any change in the U.S. Postal Service fees, with the City fee being \$0.75 above the USPS rate, rounded to the nearest tenth of a dollar.)	\$6.30		\$6.70



	Transfer Station: Residential and Commercial demo materials and asphalt shingles, per ton.	\$127.00	\$129.00
<b>Fees to Delete:</b>	Mechanical Permit Zoning Board of Adjustments appeal/Panning Board Abutters Notification Fee (covered under Certified Mailing fees)	\$6.00	\$0.00
<b>Fees to Add:</b>	Documents on a CD (includes the cost of a CD)	\$0.00	\$5.00
	Documents on a thumb drive (includes the cost of thumb drive)	\$0.00	\$10.00
<b>Change in Fee Description:</b>	Water final meter reading (fee to remain at \$40)	from under 2 working days' notice	to all final meter readings
<b>Change Category of</b>	Mechanical Permit move to right above Multifamily/commercial/industrial section		
	Application:	set up a new category "Land Use Application" & locate between "Landlord filing fee" and "Kennel fees"	

**Roll Call:**

<b>Councilor Brown</b>	<u>Yes</u>	<b>Councilor Ribas</b>	<u>Yes</u>
<b>Councilor Clarenbach</b>	<u>Yes</u>	<b>Councilor Starkweather</b>	<u>Yes</u>
<b>Councilor Desrochers</b>	<u>Yes</u>	<b>Councilor Testerman</b>	<u>Yes</u>
<b>Councilor Dzujna</b>	<u>Yes</u>	<b>Councilor Trudel</b>	<u>Yes</u>
<b>Councilor Lauer-Rago</b>	<u>No</u>		

**8 APPROVED, 1 OPPOSED. Motion PASSED.**

**Agenda Item VIII.**

Council to consider setting two public hearings on July 1, 2019 regarding Resolution 02-20 and Ordinance 03-20, both relating to filing and funding for a grant/loan in the amount of \$3,605,230 with the State of New Hampshire Drinking Water State Revolving Fund for the New Hampton Road, Water Main Replacement Project.

**Motion – Councilor Desrochers moved that the Franklin City Council set two public hearings on July 1, 2019. A public hearing at 6:00 p.m., on Resolution 02-20 and public hearing at 6:00 p.m., on Ordinance 03-20, both relating to filing and funding for a grant/loan in the amount of \$3,605,230 with the State of New Hampshire, Drinking Water State Revolving Fund for the “New Hampton Road, Water Main Replacement Project.”**

**Seconded by Councilor Dzujna.**

Councilor Ribas stated that he is in favor of this motion but curious about the previous water fee change which shows a fee increase of over 10% which is really based on covering capital costs and deferred maintenance costs. When a similar conversation came up with the schools, everyone was against the schools deferring maintenance and capital costs.

Mayor Giunta asked if there was any further discussion. There was none.

**All in FAVOR. Motion PASSED.**

**Motion – Councilor Clarenbach moved to read Resolution 02-20 in title only.  
Seconded by Councilor Dzujna.  
All in Favor. Motion PASSED.**

Mayor Giunta read Resolution 02-20 in title only.

### **RESOLUTION 02-20**

**A Resolution authorizing the City Manager to file an application(s) under the State of New Hampshire Drinking Water State Revolving Fund (DWSRF) Program and designating the City Manager as the authorized representative.**

**WHEREAS**, the City of Franklin, Franklin, New Hampshire after thorough consideration of the nature of its water system needs, hereby determines that the undertaking of certain works, generally described as New Hampton Road Water Main Replacement Project is desirable and in the public interest, and to that end it is necessary to apply for assistance from the State of New Hampshire Drinking Water State Revolving Fund (DWSRF); and

**WHEREAS**, the City of Franklin has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Dw 1100, which relate to loans from the Drinking Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith; and

the Franklin City Council, Franklin, New Hampshire, the governing body of said City as follows:

1. That Judie Milner, City Manager for the City of Franklin, NH is hereby authorized on behalf of the City of Franklin to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapter Env-Dw 1100.
2. That if such loan be made, the City of Franklin, NH agrees to repay the loan as stipulated in the loan agreement.
3. That the said City Manager is hereby authorized to furnish such information and to take such other action as may be necessary to enable the City of Franklin to qualify for the loan.
4. That the City Manager is hereby designated as the authorized representative of the City of Franklin for the purpose of furnishing such information, data and documents pertaining to the applicant for a loan as may be required; and otherwise to act as the authorized representative of the City of Franklin in connection with this application.
5. That certified copies of this resolution be included as part of the application to be submitted for such loan.
6. That if such loan be made, the City of Franklin, NH agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

By a roll call vote:



Mayor Giunta read Ordinance 03-20.

**ORDINANCE 03-20**

**An Amendment to the Franklin Municipal Code:**

**In the Year of our Lord, Two Thousand and Nineteen,**

**Be it ordained**, by the City Council of the City of Franklin New Hampshire, that the Franklin Municipal Code, Chapter 160.Fees, 160-1. Fees charged for services provided by the City of Franklin Water Department be changed as follows:

	Current Fee	Change To	New Fee
Water Commodity Charge Per 100 cubic feet	\$ 6.65		\$ 7.32

**Fee to be Effective July 1, 2019, by a roll call vote.**

**Agenda Item IX.**

Council to consider the approval of a one-year non-exclusive lease with the Central New Hampshire Amateur Radio Club.

**Motion – Councilor Trudel moved that the Franklin City Council approves the Non-Exclusive Lease for a one-year period beginning July 1, 2019 and ending June 30, 2020 with Central New Hampshire Amateur Radio Club and authorize the City Manager to execute said Lease.**

**Seconded by Councilor Desrochers.**

Mayor Giunta asked if there was any discussion. There was none.

**All in Favor. Motion PASSED.**

**Agenda Item X.**

Council to consider the approval of an Agricultural Real Estate Lease with Mr. Brent Fife for City owned property located off River street.

**Motion – Councilor Desrochers moved that the Franklin City Council approves an Agricultural Real Estate Lease with Mr. Brent Fife for 11 acres of City owned property located off River Street which is not being used for an approved solar project, identified as Tax Map 123, Lot 403, and to authorize City Manager Milner to duly execute the lease on behalf of the City.**

**Seconded by Councilor Brown.**

Councilor Clarenbach asked the City Manager Milner if anyone has been over to the unused solar land and the brush growing there as it could be lost to any future agriculture.

Councilor Desrochers stated that he's addressed his concern to City Manager Milner a few times and if the solar project isn't moving forward, then it's time to allow Mr. Fife to lease the land. He stated that if it were up to him, he would allow Mr. Fife to farm it now. The brush at this point is 5 feet tall. Part of it is wet land and mud which is against the law to build on that part anyway. Desrochers also stated that it's been sitting there doing nothing for the last 5 years.

City Manager Milner replied to Councilor Desrochers stating that there are new owners of the solar project and she has met with them recently. If the solar arrays are not built by 12/31/19, the pilot agreement with the solar company will expire on 12/31/19. Milner stressed that this mean built by 12/31 and she clarified that it doesn't mean, started by 12/31. The brush will be addressed.

Councilor Clarenbach asked City Manager Milner if the current solar agreement binds us to hold the land for them. Milner replied that the pilot agreement doesn't obligate the City to hold the land. The lease agreement will be in affect to twenty years with five-year increments and Milner believes the solar project will make progress this year. Clarenbach further questioned that if the lease is twenty years, the City won't see any income until they are actually built. The City hasn't seen any progress in the last 5-6 years and if they don't complete the pilot by December 2019 then the City no longer will negotiate the pilot and the City can't do anything with the land. City Manager Milner stated that this is correct and for the agricultural portion of the land, it couldn't be used for agricultural but if we had to renegotiate a pilot, the City would contract for more money. Milner believes there would be recourse to break the contact if the pilot was renegotiated and progress wasn't being made and other certain terms.

Councilor Clarenbach asked City Manager Milner to look into the details of this because it doesn't look hopeful that they will finish by the end of December if they haven't even started yet. Clarenbach stated that he doesn't believe they have even reached out to the Sewer treatment plant yet for access. He concluded stating that it would be a shame to lose another 14 acres of land just sitting there.

Mayor Giunta stated that he would be surprised if there wasn't an escape clause included in the solar lease.



Councilor Testerman asked what the motion was actually addressing. Prior to this lease, Mr. Fife farmed the entire 34 acres but due to the solar agreement, there is 11 acres left to farm. The lease agreement being discussed tonight will allow Mr. Fife to farm the 11 acres.

Mayor Giunta asked if there was any further discussion. There was none.

All in favor. Motion PASSED.

**Agenda Item XI.**

Council to consider acquiring Properties for Tax Deed.

City Manager Milner provided some background on the properties and notified the Council that the copies in their packet did not print both sides so there was an insert provided in front of them this evening. One of the properties was taken for health code violations and the other is a small land lot.

Milner stated that with the help of City Clerk Katie Gargano, no payment plans were necessary. All except these two were able to pay their taxes thanks to Katie's assistance.

**Motion – Councilor Desrochers moved that the Franklin City Council accept the tax deeds on the following parcels; map/lot: 117/293/000 (Land and Building) and map/lot: 115/108/001 (Land only).  
Seconded by Councilor Ribas.**

Councilor Clarenbach wanted to confirm that the Cheney St. property will be destroyed and he also recommended that the guardians for the City hold the lien for the lot and others that pop up in that area because many of those small lots could be combined and a larger parcel be sold.

City Manager Milner stated that per the City Council's request a few months back, she and Director Lewis will be heading out to look at all City owned property and come to the Council with recommendations on their best use.

Mayor Giunta asked if there was any further discussion. There was none.

**All in Favor. None Opposed. Motion PASSED.**

Councilor Dzujna expressed his gratitude to City Clerk Katie Gargano for her work in getting the homeowners of the other 49 properties to pay their taxes.

**Agenda Item XII.**

1. Committee Reports:

- a. Councilor Desrochers update the Mayor and Council of the Legislative Committee Meeting on May 21<sup>st</sup>. Several items were discussed and will be brought in front of the Council. There is another Legislative Meeting coming up on June 13<sup>th</sup> @ 5:30PM. If anyone would like to request placing a topic on the agenda, please send it to Audrey Lanzillo.
- b. Councilor Clarenbach stated that the Municipal Services Director informed him that there is a need for a MSD Committee Meeting. A meeting will be scheduled within the next week or two. Councilor Desrochers requested that the MSD meeting be scheduled at any time except the 24<sup>th</sup> – 28<sup>th</sup>.
- c. Mayor Giunta requested an update from Councilor Brown regarding the Education Reform Committee Presentation which will be open to the public. Councilor Brown stated that her intent is to show a PowerPoint presentation to include information that the public would like discussed such as: consolidation, joining like organizations, and things that can be done that don't involve money. Brown stated that she will provide a draft to the Mayor in the next couple of weeks and plan to hold the meeting toward the end of June after all the budget meetings are completed.

2. City Manager's Update

- a. City Manager Judie Milner began with a few comments on the FY2020 budget and listened intently to all of the Councilors comments and concerns. She doesn't believe that there was an opportunity to look at everything that was done this year. The LEAN process may be taking longer than in other non-municipal organizations where their board of directors are making a lot of money vs how we are organized. Milner stated that the City has made progress in the LEAN process and on many of the roadmap items. We plan to make some progress on the LEAN items that involve the school district but the City needs the schools to be in the same spot in the process so we can move into the actual roadmap items. Milner also stated that she participated in the Advocacy this year and went down to Concord to testify, also held a Candidates Forum, and set up a fund so people who wanted to pay more taxes could contribute to the schools on their own. She stated that this year wasn't a stagnant year at all. Milner continued mentioning that there have been a couple of aggressive budget moves unfortunately, because of the State of New Hampshire downshifting. The municipalities were hit first. The hours of operation change and the Library and the Transfer Station as well as the discontinuation of Leaf pick-up came out of that type of aggressive budgeting. The City didn't bank on Northern Pass. If we did, the City wouldn't be building the Fund Balance. Milner stated that she would love to see Northern Pass come to fruition but it's still given us an opportunity to look closer at ourselves, at the tax cap formula, and funding for the capital projects fund. Water and Sewer are more of a wash than you might think. Milner stated that she doesn't believe we have been just kicking the can down the road.



Economic development is also a slow change. At the last Economic Development meeting, folks were feeling down but Milner wants everyone to know that the City is doing good work and making progress.

- b. The Contingent Grant Line Activity is: \$0.00
- c. The Trust Fund for school funding is: \$69.26
- d. The UNH Coop Extension Main Street Event was held on May 7<sup>th</sup> and was a very productive. The City received a lot of positive feedback from the meeting.
- e. Community Day on May 11<sup>th</sup> was amazing. Thank you to Choose Franklin and Krystal Alpers.
- f. The 55<sup>th</sup> Annual Youth Government week, May 13-15. The students did a great job. Thank you to the Franklin Elks and the City Department Heads.
- g. The Northern Pass Appeal Hearing occurred at the NH Supreme Court on May 15<sup>th</sup> at 9am. There is an audio to that and Milner stated that she can send it out to the Council if anyone is interested just reach out.
- h. Volunteers planted 200 periwinkle plants at the Police Station on May 18<sup>th</sup>. Thank you, Olive Morrill for purchasing the plants and lining up the volunteers to help plant them.
- i. The LEAN Process Audit for the City is scheduled for June 17<sup>th</sup>. It will be a great training exercise. LEAN expert Richard Ellert will train city employees to do audits at that same time. The next LEAN Workshop is on the 4<sup>th</sup> Monday of the month but Milner heard that the School District is working on their roadmap that same evening. Milner asked if the City Council would like to reschedule so Richard can be here for it or leave it and Council will update their own. The Council agreed to leave it for its normal date; June 24<sup>th</sup> at 6PM in Council Chambers.
- j. Legislative Committee is moving forward with several items that will be brought forward for July and August Public Hearings. There may be a few more brought forward from the next meeting scheduled on June 13<sup>th</sup>.
- k. Mill City Park Update – under the Land and Water grant, the City purchased the land behind the car wash and has asked the PD to enforce no camping on City property behind the car wash. There will also be some brush clearing and tree removal in that area.
- l. The next volunteer opportunity day for Mill City Park is on June 12<sup>th</sup> at 4 p.m. meeting at Trestle view park.
- m. The second annual Winni River Days event will be held on 6/21-6/23. Central Street will be closed from the east side of Sanell's to Prospect Street. One of the most important part of this event is the unveiling of Kayak Man on Friday at 4PM. Mayor Giunta and the President of Mill City Park Jeremy Laucks will christen it with water from the Winnipiesauke River.
- n. Franklin Savings Bank 150<sup>th</sup> year anniversary event will occur on Saturday June 29<sup>th</sup>. FSB has done so much for this community. Most of the economic development that's been completed downtown thus far has been due to FSB. They have been creative in how they could fund us and have stood behind what the City is doing 110%. Central street will be closed from the West-side

of Prospect St. to Memorial street. There will be access to the business downtown from the back side. There will be lots of vendors and bands playing. All proceeds will go the Veterans Memorial Ski Area. City Manager Milner thanked them and for 150 years of being in business.

- o. Kayak planters have been placed around the community. Thank you, Glen Morrill! They will be popping up around the community. Thank you to Black Forest Nursery for the donation of the flowers, the Blossom Shop, Katherine Zink, John Lacourse, Floyd Sargent, Olive Morrill, Romeos, Colby and Tim Morrill, and Krystal and her crew. Thank you everyone for stepping forward at no cost to the City or the taxpayer. Applause was provided.
  - p. Deputy Municipal Services Director Brian Barry is retiring after 24 years with the City. His last day is June 28<sup>th</sup>. The City is actively looking for his replacement.
  - q. The second piece of the Education Session on June 25<sup>th</sup> is to have as many people from other communities walk down the halls of the Committee of Conference. They will be behind closed doors trying to come to an agreement on the two budgets between the Senate and House. When they come out of the meeting, it's a good time to ask questions and let the Senate leaders know that this is an important subject for us. Milner stated that she will share more information on that as it comes forward.
  - r. There will be an Education 101 Forum on June 18<sup>th</sup> – to understand why this affects us so much and how we can address it.
  - s. There was a Press Release from the Website on the Business Energy Efficiency Campaign is in full swing from Eversource and Liberty Utilities. They are sending reps out to businesses offering rebates in order to upgrade their lighting or other equipment the rebates and savings from doing the upgrades will help pay for the cost.
  - t. Eversource has approved the Pole agreement on South and North Main Street for the Concord Hometown for Heroes Banner Program. City Manager Milner will be meeting with Matt Seiler on Wednesday morning to review Eversource's rules. Matt is actively seeking applicants to purchase the banners. The banners cost \$200.00 each and should last for three years.
3. Late Items – None.

Mayor Giunta asked if there were any questions. There were none.

**Motion to adjourn was made by Councilor Clarenbach. Seconded by Councilor Ribas.**

**All in Favor. Motion PASSED.**

**Meeting adjourned at 10:04PM**

**Respectfully Submitted,**

**Audrey Lanzillo**



**CITY COUNCIL MEETING**  
**AGENDA ITEM II**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of July 1, 2019*

---

**Subject: School Board Update**

---

**Superintendent Dan LeGallo will provide a monthly update to the Mayor and City Council.**



**CITY COUNCIL MEETING**  
**AGENDA ITEM III**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

---

*City Council Meeting of July 1, 2019*

**Subject: City Clerk Katie Gargano will swear in the new Municipal  
Services Deputy Director Justin Hanscom.**



**CITY COUNCIL MEETING**  
**AGENDA ITEM IV**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of July 1, 2019*

---

**Subject: Mayor's Alcohol and Drug Task Force**

---

**Drug Task Force Coordinator Kandyce Tucker will provide an update to the Mayor and City Council.**



**CITY COUNCIL MEETING**  
**AGENDA ITEM V**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of June 3, 2019*

**From:** Brian J. Sullivan, Municipal Services Director

**Subject:** City Council to consider approving Ordinance 03-20 and Resolution 02-20 and, granting the City Manager the authority to (1) file a State of New Hampshire Drinking Water State Revolving Fund (DWSRF) loan/grant final application and (2) establish funding for the "New Hampton Road Water Main Replacement Project."

---

**Recommended Motions:**

1. ***"I move that the Franklin City Council set two public hearings on July 1, 2019. A public hearing at 6:00 p.m., on Resolution 02-20 and a public hearing at 6:00 p.m., on Ordinance 03-20, both relating to filing and funding for a grant/loan in the amount of \$3,605,230, with the State of New Hampshire, Drinking Water State Revolving Fund for the "New Hampton Road, Water Main Replacement Project."***

Mayor calls for a second, discussion and vote.

2. ***"I move that the Franklin City Council approve Ordinance 03-20 by a roll call vote."***

3. ***"I move that the Franklin City Council approve Resolution 02-20 by a roll call vote."***

---

**Discussion:**

In 2015 the Franklin Water Department completed its' "Capital Efficiency Plan" for the City water system. The study identified critical areas of our water distribution system in need of rehabilitation, repair, or replacement. At this time, it is the recommendation by both the Director of Municipal Services and our consulting engineers Tata and Howard, that 14,000 linear feet of 10-inch vintage 1942 water main on New Hampton Road is in need of replacement.

Replacement of this water main is highly recommended due to the age, pipe condition, break history and the fact that this is the pipe line is critical to meet our average daily water demand of 525,000 gallons. This is the sole pipeline connecting the Sanbornton drinking water wells and pumping station to the rest of the City water distribution system and its' replacement enables us to meet and improve the ISO recommended fire flow of 500 gallons per minute near the intersection of New Hampton Road and New Boston Road and beyond.

*Franklin - The Three Rivers City*

Most important of all is the need for a reliable source of water **independent** of the water treatment plant. This is absolutely essential should there be a need to take the water treatment plant off line for maintenance or due to a failure or need to service one or more of the three wells which deliver water through the plant for filtration and treatment. Water main replacement will be within the existing roadway and/or shoulders of New Hampton Road. Contract specifications for the project will detail measures to be taken to mitigate temporary construction concerns such as traffic management, vibration, noise, dust and erosion control and pavement restoration. Another factor to consider is the current poor and deteriorating condition of New Hampton Road/Route 127. This project would benefit the City as reconstruction and resurfacing of the road would coincide with water main replacement along with other subsurface infrastructure improvements. Complaints and concerns relative to the deteriorating condition of New Hampton Road continue to be received by the Municipal Services Department.

**Concurrence:**

The purpose of the proposed project is to improve water quality, reliability and available capacity to the water distribution system. Tuberculation of the existing water main has resulted in reduced water pressure to homeowners and fire hydrants. The water main replacement will correct and greatly improve these deficiencies.

The project has been rated a high priority in the City's Capital Efficiency Plan. Main replacement will meet American Water Works Association and USEPA drinking water construction standards and specifications for materials used on the project. Rehabilitation of the City's water system continues to be one of our top priorities, as it is a major quality of life issue for our water customers and ensures adequate water pressures to homes and fire protection for now and the future.

**Fiscal Impact:**

The DWSRF program has been used by the City to fund several very successful water projects. The proposed loan has a minimum of 15% principal forgiveness and is for a 30 year period at an annual 2.704% interest rate. Project cost is estimated at \$3,605,230. The first annual payment (approximately \$152,000) is not due until November of 2021. In order to support the loan, the water commodity charge will need to be increased by \$0.67. For the average water customer of a family of four, using 9,600 cubic feet of water (18,000 gallons) per year, this equates to a \$61.00 increase annually on their water bill. A point that I continue to make is that the City has a complex and extensive public water system with a limited customer base. This results in higher costs to deliver safe, potable water to the customer. The greater the customer base the lower the cost.

**Alternatives:**

Neglecting aging water infrastructure will have a short and long-term adverse effect on the ratepayer. Deferred maintenance will result in higher construction costs for labor and materials in the future. As various components of our water infrastructure continue to near the end of its' useful life, there is little choice but to continue to meet system needs and ensure that we provide safe potable drinking water and meet ISO requirements for fire protection City wide. It is my recommendation that we undertake this critical project.

**Attachments/Exhibits:**

Resolution 02-20  
Ordinance 03-20  
Project Executive Summary  
NHDES Drinking Water SRF Loan Schedule





**CITY OF FRANKLIN, NEW HAMPSHIRE**  
*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

Phone: (603) 934-3900  
Fax: (603) 934-7413

**ORDINANCE 03-20**

**An Amendment to the Franklin Municipal Code:**

**In the Year of our Lord, Two Thousand and Nineteen,**

**Be it ordained**, by the City Council of the City of Franklin New Hampshire, that the Franklin Municipal Code, Chapter 160.Fees, 160-1. Fees charged for services provided by the City of Franklin Water Department be changed as follows:

	Current Fee	Change To	New Fee
Water Commodity Charge Per 100 cubic feet	\$ 6.65		\$ 7.32

**Fee to be Effective July 1, 2019, by a roll call vote.**

**Roll Call:**

Councilor Brown \_\_\_\_\_ Councilor Dzujna \_\_\_\_\_ Councilor Ribas \_\_\_\_\_  
Councilor Clarenbach \_\_\_\_\_ Councilor Lauer-Rago \_\_\_\_\_ Councilor Testerman \_\_\_\_\_  
Councilor Desrochers \_\_\_\_\_ Councilor Starkweather \_\_\_\_\_ Councilor Trudel \_\_\_\_\_

**Approved:** \_\_\_\_\_  
**Mayor**

**Passed:** \_\_\_\_\_

**I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Katie A. Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.**

**A true copy, attested:** \_\_\_\_\_  
**City Clerk**

**Date:** \_\_\_\_\_

**CITY OF FRANKLIN  
NOTICE OF PUBLIC HEARING & MEETING**

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, July 1<sup>st</sup>, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Ordinance # 03-20, an Amendment to the Franklin Municipal Code, Chapter 160-1 Fees, Water Commodity Fees charged by the City of Franklin Water Department.**

**Provisions for persons with special needs can be made by contacting the City Manager's office, via telephone or mail at least five days prior to the public hearing.**

**City of Franklin  
316 Central Street  
Franklin, NH 03235  
(603) 934-3900**

**CITY COUNCIL MEETING**  
**AGENDA ITEM VI**





**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of June 3, 2019*

**From:** Brian J. Sullivan, Municipal Services Director

**Subject:** City Council to consider approving Ordinance 03-20 and Resolution 02-20 and, granting the City Manager the authority to (1) file a State of New Hampshire Drinking Water State Revolving Fund (DWSRF) loan/grant final application and (2) establish funding for the "New Hampton Road Water Main Replacement Project."

---

**Recommended Motions:**

1. ***"I move that the Franklin City Council set two public hearings on July 1, 2019. A public hearing at 6:00 p.m., on Resolution 02-20 and a public hearing at 6:00 p.m., on Ordinance 03-20, both relating to filing and funding for a grant/loan in the amount of \$3,605,230, with the State of New Hampshire, Drinking Water State Revolving Fund for the "New Hampton Road, Water Main Replacement Project."***

Mayor calls for a second, discussion and vote.

2. ***"I move that the Franklin City Council approve Ordinance 03-20 by a roll call vote."***

3. ***"I move that the Franklin City Council approve Resolution 02-20 by a roll call vote."***

---

**Discussion:**

In 2015 the Franklin Water Department completed its' "Capital Efficiency Plan" for the City water system. The study identified critical areas of our water distribution system in need of rehabilitation, repair, or replacement. At this time, it is the recommendation by both the Director of Municipal Services and our consulting engineers Tata and Howard, that 14,000 linear feet of 10-inch vintage 1942 water main on New Hampton Road is in need of replacement.

Replacement of this water main is highly recommended due to the age, pipe condition, break history and the fact that this is the pipe line is critical to meet our average daily water demand of 525,000 gallons. This is the sole pipeline connecting the Sanbornton drinking water wells and pumping station to the rest of the City water distribution system and its' replacement enables us to meet and improve the ISO recommended fire flow of 500 gallons per minute near the intersection of New Hampton Road and New Boston Road and beyond.

*Franklin - The Three Rivers City*

Most important of all is the need for a reliable source of water **independent** of the water treatment plant. This is absolutely essential should there be a need to take the water treatment plant off line for maintenance or due to a failure or need to service one or more of the three wells which deliver water through the plant for filtration and treatment. Water main replacement will be within the existing roadway and/or shoulders of New Hampton Road. Contract specifications for the project will detail measures to be taken to mitigate temporary construction concerns such as traffic management, vibration, noise, dust and erosion control and pavement restoration. Another factor to consider is the current poor and deteriorating condition of New Hampton Road/Route 127. This project would benefit the City as reconstruction and resurfacing of the road would coincide with water main replacement along with other subsurface infrastructure improvements. Complaints and concerns relative to the deteriorating condition of New Hampton Road continue to be received by the Municipal Services Department.

**Concurrence:**

The purpose of the proposed project is to improve water quality, reliability and available capacity to the water distribution system. Tuberculation of the existing water main has resulted in reduced water pressure to homeowners and fire hydrants. The water main replacement will correct and greatly improve these deficiencies.

The project has been rated a high priority in the City's Capital Efficiency Plan. Main replacement will meet American Water Works Association and USEPA drinking water construction standards and specifications for materials used on the project. Rehabilitation of the City's water system continues to be one of our top priorities, as it is a major quality of life issue for our water customers and ensures adequate water pressures to homes and fire protection for now and the future.

**Fiscal Impact:**

The DWSRF program has been used by the City to fund several very successful water projects. The proposed loan has a minimum of 15% principal forgiveness and is for a 30 year period at an annual 2.704% interest rate. Project cost is estimated at \$3,605,230. The first annual payment (approximately \$152,000) is not due until November of 2021. In order to support the loan, the water commodity charge will need to be increased by \$0.67. For the average water customer of a family of four, using 9,600 cubic feet of water (18,000 gallons) per year, this equates to a \$61.00 increase annually on their water bill. A point that I continue to make is that the City has a complex and extensive public water system with a limited customer base. This results in higher costs to deliver safe, potable water to the customer. The greater the customer base the lower the cost.

**Alternatives:**

Neglecting aging water infrastructure will have a short and long-term adverse effect on the ratepayer. Deferred maintenance will result in higher construction costs for labor and materials in the future. As various components of our water infrastructure continue to near the end of its' useful life, there is little choice but to continue to meet system needs and ensure that we provide safe potable drinking water and meet ISO requirements for fire protection City wide. It is my recommendation that we undertake this critical project.

**Attachments/Exhibits:**

Resolution 02-20  
Ordinance 03-20  
Project Executive Summary  
NHDES Drinking Water SRF Loan Schedule



CITY OF FRANKLIN, NEW HAMPSHIRE  
*"The Three Rivers City"*

---

316 Central Street  
Franklin, NH 03235

(603) 934-3900  
fax: (603) 934-7413

**RESOLUTION 02-20**

**A Resolution authorizing the City Manager to file an application(s) under the State of New Hampshire Drinking Water State Revolving Fund (DWSRF) Program and designating the City Manager as the authorized representative.**

**WHEREAS**, the City of Franklin, Franklin, New Hampshire after thorough consideration of the nature of its water system needs, hereby determines that the undertaking of certain works, generally described as New Hampton Road Water Main Replacement Project is desirable and in the public interest, and to that end it is necessary to apply for assistance from the State of New Hampshire Drinking Water State Revolving Fund (DWSRF); and

**WHEREAS**, the City of Franklin has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Dw 1100, which relate to loans from the Drinking Water State Revolving Fund and deems it to be in the public interest to file a loan application and to authorize other actions in connection therewith; and

the Franklin City Council, Franklin, New Hampshire, the governing body of said City as follows:

1. That Judie Milner, City Manager for the City of Franklin, NH is hereby authorized on behalf of the City of Franklin to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapter Env-Dw 1100.
2. That if such loan be made, the City of Franklin, NH agrees to repay the loan as stipulated in the loan agreement.
3. That the said City Manager is hereby authorized to furnish such information and to take such other action as may be necessary to enable the City of Franklin to qualify for the loan.
4. That the City Manager is hereby designated as the authorized representative of the City of Franklin for the purpose of furnishing such information, data and documents pertaining to the applicant for a loan as may be required; and otherwise to act as the authorized representative of the City of Franklin in connection with this application.
5. That certified copies of this resolution be included as part of the application to be submitted for such loan.
6. That if such loan be made, the City of Franklin, NH agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.



**Resolution 02-20**

**Page 2**

**Roll Call:**

Councilor Brown \_\_\_\_\_ Councilor Dzujna \_\_\_\_\_ Councilor Ribas \_\_\_\_\_

Councilor Clarenbach \_\_\_\_\_ Councilor Lauer-Rago \_\_\_\_\_ Councilor Testerman \_\_\_\_\_

Councilor Desrochers \_\_\_\_\_ Councilor Starkweather \_\_\_\_\_ Councilor Trudel \_\_\_\_\_

**Approved:** \_\_\_\_\_

**Mayor**

**Passed:** \_\_\_\_\_

I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Katie A. Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.

**A true copy, attested:** \_\_\_\_\_

**City Clerk**

**Date:** \_\_\_\_\_

**CITY OF FRANKLIN  
NOTICE OF PUBLIC HEARING & MEETING**

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, July 1<sup>st</sup>, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Resolution # 02-20, Authorizing the City Manager to file an application(s) under the State of New Hampshire Drinking Water State Revolving Fund (DWSRF) Program for a Water Main Replacement and designate the City Manager as the authorized representative to sign all necessary paperwork.**

**Provisions for persons with special needs can be made by contacting the City Manager's office, via telephone or mail at least five days prior to the public hearing.**

**City of Franklin  
316 Central Street  
Franklin, NH 03235  
(603) 934-3900**

**CITY COUNCIL MEETING**  
**AGENDA ITEM VII**





**CITY OF FRANKLIN**  
**COUNCIL AGENDA REPORT**  
*City Council Meeting of July 1<sup>st</sup>, 2019*

**From:** Michael Foss, Fire Chief/EMD

**Subject:** Approval of Resolution #03-20 at the July 1<sup>st</sup>, 2019 Meeting of the City Council

---

**Recommended Motion for the July 1<sup>st</sup>, 2019 Meeting of the City Council:**

*"I move that the Franklin City Council adopt Resolution #03-20, to accept and appropriate grant funds, in the amount of \$50,000, from the United States Department of Agriculture to be used towards the purchase of the Franklin Fire Department's replacement Ambulance Two. I further move that the City Council authorize the City Manager to execute all documents associated with the grant."*

*Mayor calls for a second, discussion and vote.*

---

**Background:** In November of 2018, the Franklin Fire Chief identified the need to replace the current Fire Department Ambulance Two due to increase maintenance and reliability issues. A process was started to spec out and price the cost of a new ambulance as its replacement. It was identified that a replacement Ambulance Two would cost the City of Franklin approximately \$250,000.

As a result of the financial impact, the City of Franklin applied for a United States Department of Agriculture grant. On December 10<sup>th</sup>, 2018, the grant was filed by Director Lewis. The initial application for grant funds requested was \$87,500.

At the February 4<sup>th</sup>, 2019 Franklin City Council meeting, the Franklin City Council adopted Resolution #11-19 which authorized the City Manager to enter into a 7-year note, not to exceed \$250,000 towards the purchase of the replacement ambulance.

In June of 2019, the United States Department of Agriculture awarded \$50,000 to the City of Franklin for the purchase of the replacement Ambulance Two. As a result of the award, a public hearing date is set for July 1<sup>st</sup>, 2019 for the public to make comment on its acceptance by the City Council. This \$50,000 will offset the cost of the ambulance to the Franklin taxpayers.

**Fiscal Impact:** The total cost of the new ambulance will be \$250,000. With the acceptance of the grant in the amount of \$50,000, the cost to the community members of Franklin will be reduced to \$200,000.

**Alternatives:** The alternative is to forego the acceptance of the grant, and instead have the City of Franklin pay the total amount of \$250,000 for the replacement of Ambulance Two.

**Attachments and Exhibits:** Resolution #03-20



**CITY OF FRANKLIN, NEW HAMPSHIRE**  
*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

(603) 934-3900  
fax: (603) 934-7413

**RESOLUTION #03-20**

**A Resolution Granting Authority to Accept and Appropriate a USDA Rural Development Grant to be used Towards the Purchase of a New Ambulance.**

**In the year of our Lord, Two Thousand Nineteen,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2020 beginning July 1, 2019, **and**;

**WHEREAS**, the City Council of the City of Franklin recognizes the need for two ambulances to provide Emergency Medical Services to the community members of Franklin, **and**;

**WHEREAS**, at their regularly scheduled meeting of the Franklin City Council on Monday February 4<sup>th</sup>, 2019, the Franklin City Council adopted Resolution #11-19 which authorized the City Manager to enter into a 7-year note, not to exceed \$250,000 towards the purchase of the replacement Ambulance Two, **and**;

**WHEREAS**, the Franklin City Council recognizes that a grant application has been filed with USDA to help offset cost of this purchase and that any grant funds awarded for this purchase will decrease the amount to be borrowed, **Now**;

**THEREFORE, BE IT RESOLVED**, *that at their regularly scheduled meeting of the City Council on Monday, July 1, 2019, the City Council of Franklin, New Hampshire does hereby adopt resolution #03-20 to accept and appropriate grant funds, in the amount of \$50,000, from the United States Department of Agriculture to be used towards the purchase of the Franklin Fire Department's replacement Ambulance Two.*

**THEREFORE, BE IT FURTHER RESOLVED**, *that the City Council authorize the City Manager to execute all documents associated with the grant, and further authorizes an increase in Fiscal Year 2020 revenues and expenses:*

*Revenue: Federal Grant Acct. No. 01-0-000-33110-000, Fifty Thousand Dollars (\$50,000)*

*Expenses: Fire Admin CO Vehicles Acct. No. 01-2-201-40760-000, Fifty Thousand Dollars (\$50,000)*

By a roll call vote.

Roll Call:

Councilor Brown \_\_\_\_\_ Councilor Dzujna \_\_\_\_\_ Councilor Ribas \_\_\_\_\_

Councilor Clarenbach \_\_\_\_\_ Councilor Lauer-Rago \_\_\_\_\_ Councilor Testerman \_\_\_\_\_

Councilor Desrochers \_\_\_\_\_ Councilor Starkweather \_\_\_\_\_ Councilor Trudel \_\_\_\_\_

Approved: \_\_\_\_\_

Mayor

Passed: \_\_\_\_\_

I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Katie A. Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A true copy, attested: \_\_\_\_\_

City Clerk

Date: \_\_\_\_\_



**CITY OF FRANKLIN  
NOTICE OF PUBLIC HEARING & MEETING**

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, July 1<sup>st</sup>, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Resolution # 03-20, Accepting and Appropriating a USDA Grant in the amount of \$50,000 to be used toward the purchase of an ambulance.**

**Provisions for persons with special needs can be made by contacting the City Manager's office, via telephone or mail at least five days prior to the public hearing.**

**City of Franklin  
316 Central Street  
Franklin, NH 03235  
(603) 934-3900**

**CITY COUNCIL MEETING**  
**AGENDA ITEM VIII**



## CITY OF FRANKLIN, NH

### COUNCIL AGENDA REPORT

*City Council Meeting  
July 1, 2019*

**From:** Brian J. Sullivan, Municipal Services Director

**Subject:** City Council to consider granting the Municipal Services Director pre award Authorization to four vendors that provide proprietary services to the Franklin Water and Sewer Departments.

#### **Recommended motion:**

#### **Councilor Moves:**

"I move that the Franklin City Council, pursuant to Article III, Section 4-15, B (3) and Article III, Section 4-15, E (1) of the Franklin City Code, grant pre award authorization to the Municipal Services Director to contract, for fiscal year 2020 with the following service providers:

- E.J. Prescott Company, Concord, NH
- Barrie Miller Well and Pump Company, Antrim, NH
- Northeast Integration, LLC, Portsmouth, NH
- Robert Filters, Inc., Media, PA

#### **Mayor Calls for a second, discussion and vote.**

#### **Discussion:**

At the beginning of each fiscal year, at the request of the Municipal Services Director, the City Council has granted pre award authorization; in order that specific vendors may continue to provide proprietary service to the Franklin Municipal Services Department. I am requesting approval for this provision allowed within the Franklin City Code.

These proprietary services and materials are mainly the result of past Public Bidding or Request for Proposals, specifying and/or utilizing certain materials, equipment and vendor services when original project specifications were developed. As we continue to operate such specific types of equipment and to maintain uniformity the same vendors, material and services should be utilized. I have made the determination that this practice is in the City's best interest and serves the Department's needs. This further allows us to use the most qualified service providers many of whom have worked with the City for many years. I am requesting pre award authorization to the four companies listed below, in order to provide us services for fiscal year 2020.



- **E.J. Prescott Company, Concord, NH.**

This vendor continues to be the sole provider of the Sensus Water Meter System and the metering hardware/software and other pipe related and infrastructure materials. The City must purchase materials and equipment compatible to what has been provided to us since implementing our meter replacement program in 2004. Support service and training is also provided at no cost to the City by the vendor. A major benefit! They are also the closest company in proximity to the City which can be critical when specific parts are needed quickly.

- **Barrie Miller Well and Pump Company, Antrim, NH.**

This vendor has been working on the rehabilitation, upgrades, replacement and repair of City drinking water wells and various water pumps at all our pumping stations since 1984. Barrie's knowledge, familiarity and expertise guarantee the City rapid emergency response and an overall cost savings in meeting our needs as he knows every component of the City's groundwater wells and pumping stations. There is no learning curve!

- **Northeast Integration, LLC, Portsmouth, NH**

Northeast Integration replaces Electrical Installations Incorporated (EII) who was selected by the City, through the competitive an RFP process in 2005 to construct the City's Security Control and Data Acquisition System, otherwise known as SCADA. Northeast Integration has replaced EII. Their knowledge of the City SCADA system, specialized specific equipment and familiarity with all aspects of the City's infrastructure including the complex programming and operation of the mainframe computer at the Water Treatment Plant provide consistent and cost-effective services on an annual basis. Their proximity to Franklin and professional staff guarantees that Franklin's Water System's most essential operational needs are provided including Scada; programming and trouble shooting electrical issues.

- **Roberts Filters Company, Media, PA.**

This company was selected through the competitive bidding process to provide the "Franklin Treatment Plant" with their specific water filtration equipment, mechanical components such as filter media, programming, software and hardware support. The City maintains an annual contract with Roberts Filters to perform routine inspections and respond to emergency services. Utilization of this company guarantees that the plant runs at optimal efficiency and to design specifications.

**Concurrences:**

Franklin City Code, Article III, Section 4-15, B (3) provides the City Council the authority to award without competitive bidding and extend contracts if it in the City's best interest to do so.

Franklin City Code, Article III, Section 4-15, E (1) allows the authority to award without competitive bidding when it is clearly to the City's advantage.

**Fiscal Impact:**

Funding to operate the City's public water system and other divisions in the department is sufficient to cover costs necessary to continue utilizing these four afore-mentioned companies to provide their services, materials and equipment on an as needed basis. Additionally, by making a positive recommendation, we can save the City money by utilizing these companies due to their experience and familiarity with the City facilities, infrastructure and Staff. There is no learning curve compared to a new company coming in to essentially learn the various systems thus a cost savings in hours billed out on a project.

**Alternatives:**

Not granting pre award authorization will result in the inability of the Municipal Services Director to contract essential proprietary services throughout the Department without spending in inordinate amount of time developing revised bid specifications and going through a time procurement process. This saves the City time and a cost savings as I can focus on other far more important upcoming projects.

**CITY COUNCIL MEETING**  
**AGENDA ITEM IX**





**CITY OF FRANKLIN**  
**COUNCIL AGENDA REPORT**  
*City Council Meeting of July 1<sup>st</sup>, 2019*

**From:** Michael Foss, Fire Chief/EMD

**Subject:** For the Franklin City Council to consider selling surplus fire and EMS equipment.

---

**Recommended Motion for the July 1<sup>st</sup>, 2019 Meeting of the City Council:**

**"I move that the Franklin City Council authorize the Fire Department Administration to sell and/or scrap the accumulated surplus fire and EMS equipment. The proceeds from this sale will be used towards a replacement Stryker Power-Pro XT stretcher and other needed EMS equipment."**

***Mayor asks for a second, discussion and calls the vote.***

---

**Background:**

As a result of the LEAN 5S process, the Franklin Fire Department Administration realized an accumulated supply of unused, or unnecessary fire and EMS equipment being stored within the fire station. Along with this, stored fire alarm equipment was identified as obsolete. This equipment was once used for the Municipal Fire Alarm System. These items were removed from storage areas, and placed in a location, where it will be easier to liquidate.

The equipment to be liquidated includes the following items:

Approximately 15 Master/Street Boxes  
1 Stryker EMS Stretcher (Non-Power Cot)  
2 Forestry Council Rakes  
1 Pike Pole - 6'  
2 Backboards

**Fiscal Impact:**

Fire Department Administration will determine the most reasonable/profitable selling price for all said items. It is unknown how much money this equipment will draw. The revenue generated from this sale will be re-appropriated to offset the cost of EMS equipment.

**Alternatives:**

The alternative is to forge the sale of the surplus equipment. As a result, progress will be halted in this portion of the 5S process, and funds will not go towards the purchase of a Power-Pro XT stretcher.



**Subject:** Surplus Equipment



**CITY COUNCIL MEETING**

**AGENDA ITEM X**





**CITY OF FRANKLIN**  
**COUNCIL AGENDA REPORT**  
July 1, 2019

---

**Subject: Review & approve code of conduct for elected officials and appointed board members policy**

---

**Suggested Motion:**

Councilor moves, "I move that the Franklin City Council approve the code of conduct for elected officials and appointed board members policy."

Mayor calls for a second, discussion and vote.

**Discussion:**

Policy was reviewed at the June 13, 2019 legislative committee meeting and recommended to be brought forward to the full Council without changes from the September 8, 2015 version.

CITY OF FRANKLIN

CODE OF CONDUCT

FOR

ELECTED OFFICIALS

AND

APPOINTED BOARD MEMBERS

Date Approved: April 1, 2002

*Revised: September 8, 2015*

## TABLE OF CONTENTS

	Page
Preface.....	1
Attendance . . . . .	1
Conduct as a Public Official . . . . .	2
Conduct at Meetings . . . . .	4
Conflict of Interest . . . . .	4
Legal Communications . . . . .	6
Non-Public Sessions . . . . .	6
Sale and Use of Public Property . . . . .	8
Sexual Harassment . . . . .	8
Code Review. . . . .	9



## PREFACE

The purpose of the Code of Conduct is to assist Elected officials and appointed board members in performing their duties for the public. The Code of Conduct is a guide for the members to follow during their term in office. This Code does not reduce the authority granted to Elected officials and appointed board members by the laws of the United States and the State of New Hampshire, as well as the Charter for the City of Franklin.

We remember that we are, first and foremost, servants of the people and treat them with the highest respect and dignity in our public meetings and outside of those meetings. Further, Franklin's public officials should educate themselves on the requirements of the law and ordinances to ensure that they are never using their position to avoid either.

The Code of Conduct will be distributed to all City Council and board members annually in January, and new board members as they are appointed during the year.

## ATTENDANCE

Elected officials and appointed board members should make every effort to notify the Mayor, or City Manager (in the case of the City Council), or the Chairman of their respective board, if they will be unable to attend or will be late to a meeting. In the event a member needs to leave a meeting, while the meeting is in session, the member should receive acknowledgement of their departure from the presiding officer.

## CONDUCT AS A PUBLIC OFFICIAL

Public service is a public trust, requiring elected officials and appointed board members to place loyalty to the constitution of the United States and the New Hampshire Constitution, federal and state laws, city ordinances and Charter provisions and ethical principles above private gain for themselves or others.

Elected officials and appointed board members shall not, except as otherwise permitted by ordinance, solicit or accept any gift, service or favor from any person or entity seeking official action from, doing business with, or conducting activities regulated by the City of Franklin, whose interests may be affected by the performance or non-performance of the elected official's or appointed board member's duties.

Elected officials and appointed board members shall never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept favors or benefits under circumstances which might be construed as influencing the performance of their public duties.

Elected officials and appointed board members shall put forth honest effort in the performance of the public duties, remaining impartial and responsible to the public.

Elected officials and appointed board members shall make no promises of any kind binding upon the duties of their office, since an elected official or appointed board member only have authority to make binding decisions, when voting at a legally posted meeting of their board or committee, when a quorum is in attendance.

Elected officials and appointed board members shall not interfere with the powers and duties of the City Manager, as set forth in the Franklin City Charter, or interfere with the powers and duties of the Superintendent of Schools, as set forth by the laws in the State of New Hampshire. Interference by elected officials or appointed board members with the City Manager or Superintendent's powers and duties could constitute immediate forfeiture of their office and criminal charges.

### CONDUCT AT MEETINGS

At City meetings a councilor or board member shall be recognized to speak by the Mayor or chair or in his/her absence the person appointed by the Mayor/Chair. The behavior of an elected official/board member both in public and in private should reflect the trust placed in them as leaders of the community.

The goal of a Franklin elected official or board member is to provide the highest quality leadership for all its citizens, to be fiscally responsible and to be dedicated while listening to the needs of others.

### CONFLICT OF INTEREST

Elected officials and appointed board members of the City of Franklin shall avoid conflicts of interest when conducting City business – even the appearance of a conflict of interest.

State law demands that City officials, and board members, not participate in any matter in which they (or a member of their family) have a personal interest, which may directly or indirectly influence the impartial performance of their duties. In such instances, officials shall recuse themselves from discussion and decision-making.

If an elected or appointed office holder insists upon participation when there is a clear and serious conflict of interest, the Franklin City Council will consider this misconduct and may take corrective action allowable under State law and the City Charter.

Recusal means to remove oneself completely from all further participation in the matter. In the setting of a meeting, an official or board member who has been recused shall immediately leave the meeting room or seat themselves with other members of the public who are present. The person recused shall not participate in further discussions, unless it is clearly stated for the record that such comments are made only as a member of the public. A recused person may not deliberate or vote on the matter in question.

Immediate uncertainty about conflicts and recusal can be resolved by majority vote of the board or committee. Any such vote would be non-binding, but can assist the official's decision regarding participation.

## LEGAL COMMUNICATIONS

Designate legal counsel shall attend any meetings of the Council when requested by the Mayor or City Manager. Any member of the Council (through the City Manager when possible) may call upon Counsel for an oral or written opinion to decide any question of law or parliamentary procedure.

All boards in the City of Franklin shall direct all communications to Counsel through the Chairperson of their respective boards, and the Chairperson shall go through the City Manager when possible.

Legal communications received from the City Attorney are not public information and will not be shared with the public unless authorized by the City Manager.

## NON-PUBLIC SESSION

The meetings of all governmental bodies are open to the public, in accordance with the State of New Hampshire "Right-To-Know Law", RSA 91-A. There are occasions when governmental bodies need to conduct business in non-public sessions, as allowed under the provisions of RSA 91-A. The intent of non-public sessions, or "non-meetings" to meet with legal counsel are to allow for the governing bodies to discuss confidential information, that could affect someone's reputation, or releasing the information would make the action taken ineffectual.

The confidential information discussed, or actions taken in non-public sessions are to remain confidential. No elected official or appointed board member in the City



of Franklin shall violate the confidentiality of non-public sessions by publicizing, gossiping or discussing the information acquired in the course of official duties without a legitimate reason to do so. No elected official or appointed board member in the City of Franklin shall use any confidential information acquired by virtue of the individual's official position for personal benefit, or for the benefit of any other person or business. This does not apply to information, which is readily available to the general public.

The misuse of confidential information by any elected official or appointed board member in the city of Franklin could lead to the forfeiture of their office, or even criminal charges.

### SALE AND USE OF PUBLIC PROPERTY

Elected officials shall protect and conserve City property and services and shall not use them for other than authorized purposes or for personal benefit and or gain. No elected or appointed official shall devote any City property or labor to private use, except as may be provided by Law or Ordinance.

### SEXUAL HARASSMENT

All officials and board members of the City of Franklin are entitled to operate in an environment free of sexual harassment. History has shown that public entities are far from immune to this illegal behavior. This City is committed to preventing such misconduct. To accomplish these goals, the City's policy against sexual harassment shall be clearly communicated to all officials and board members. In addition, this policy will be reinforced through a complaint investigation procedure.

All complaints of sexual harassment or retaliation shall be promptly and thoroughly investigated by the City Manager or by the Mayor or his/her appointed designee when necessary. While it can never be completely guaranteed, particular care shall be taken in the course of investigations to protect confidentiality. Should it be determined through investigation that an elected or appointed City official has committed sexual harassment; their immediate removal from office may be considered by the City Council. The reason for removal shall be brought to the attention of the Superior Court, who holds jurisdiction over removal proceedings.

### CODE REVIEW

The Code of Conduct can be amended any time by the City Council. The Code should be reviewed and approved by the City Council annually.

**CITY COUNCIL MEETING**  
**AGENDA ITEM XI**



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT

*City Council Meetings of July 1, 2019 and August 5, 2019*

**From:** *Police Chief David Goldstein & Kandyce Tucker, Franklin Mayor's Drug Task Force Coordinator*

**Subject:** *Council to consider Ordinance #05-20 to amend Article I Sale and Possession of Illegal Smoking Products to include Kratom*

---

**Recommended Motion for the July 1, 2019 meeting of the City Council:**

*"I move that the Franklin City Council set a public hearing for 6:00pm at the August 5, 2019 meeting of the City Council for Ordinance #05-20 to amend Chapter 254, Article I Sale and Possession of Illegal Smoking Products to include Kratom."*

*Mayor calls for a second, discussion and vote.*

**Recommended Motion for the August 5, 2019 Meeting of the City Council:**

*"I move that the Franklin City Council vote to adopt Ordinance #05-20 to amend Chapter 254, Article I Sale and Possession of Illegal Smoking Products to include Kratom making it unlawful for any person to use, possess, purchase, attempt to purchase, sell, offer to sell, give away, deliver or publicly display for sale."*

*Mayor calls for a second, discussion and roll call vote.*

---

**Discussion:**

The Franklin Mayor's Drug Task Force is constantly monitoring new substances coming available for consumption. Franklin was the first City in the state to adopt the "K2" "Spice" ban. If this ordinance is adopted Franklin will again be the first city in New Hampshire to ban the new substance. Kratom has been popular in Southeast Asia, but has recently migrated to the US and New Hampshire. Throughout the Lakes Region many smoke shops are selling Kratom for recreational use.

Kratom is currently legal in the United States. It is a tropical tree that originates in South East Asia. Kratom can cause effects similar to both opioids and stimulants. Two compounds in Kratom leaves, *mitragynine* and *7- $\alpha$ -hydroxymitragynine*, interact with opioid receptors in the brain, producing sedation, pleasure, and decreased pain, especially when users consume large amounts of the plant. Mitragynine also interacts with other receptor systems in the brain to produce stimulant effects. When kratom is taken in small amounts, users report increased energy, sociability, and alertness instead of sedation. However, kratom can also cause uncomfortable and sometimes dangerous side effects. There have been 11 deaths related to Kratom exposure as of now. (<https://www.drugabuse.gov/publications/drugfacts/kratom>).

Banning Kratom from the City of Franklin is a proactive way of protecting public health in turn helping to eliminate youth & adult access. Which will limit the damages, such as addiction, disability, and death; the intent of this ordinance is to eliminate any person to use, possess, purchase, attempt to purchase, sell, offer to sell,

*Franklin - The Three Rivers City*



give away, deliver or publicly display for sale any form of Kratom within the City limits of the City of Franklin, New Hampshire. In addition to protecting our community from the health effects of this drug it could deter vape shops from entering Franklin which also helps reduce access for youth.

**Attachments:**

Ordinance 05-20

National Institute of Drug Abuse Info on Kratom

FDA info on Kratom



**CITY OF FRANKLIN, NEW HAMPSHIRE**  
*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

(603) 934-3900  
fax: (603) 934-7413  
cityhall@franklinnh.org

**ORDINANCE #05-20**

**AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:**

**In the Year of our Lord, Two Thousand Nineteen;**

**Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 254 to add the substance Kratom to prohibited activities.**

Chapter 254-1 of the Code of the City of Franklin is hereby amended to include the substance Kratom in 254-1 prohibited activities as follows:

**254-1 Prohibited Activities:**

It shall be unlawful for any person to use, possess, purchase, attempt to purchase, sell, offer to sell, give away, deliver or publicly display for sale any illegal smoking products (which includes but is not limited to the product known as "K2", "spice" or "Kratom") within the City limits of the City of Franklin, New Hampshire

(14)

( $\alpha$ E,2S,3S,12bS)-3-ethyl-1,2,3,4,6,7,12,12b-octahydro-8-methoxy- $\alpha$ -(methoxymethylene)-indolo[2,3-a]quinolizine-2-acetic acid methyl ester (CAS Registry Number: 4098-40-2). Other names: (E)-16,17-didehydro-9,17-dimethoxy-17,18-seco-20 $\alpha$ -yohimban-16-carboxylic acid methyl ester, 9-methoxycorynantheidine, and SK&F 12711 also known as Mitragynine or Kratom (*Mitragyna speciosa*).

**By a roll call vote.**

**Roll Call:**

<b>Councilor Starkweather</b> ____	<b>Councilor Ribas</b> ____	<b>Councilor Rago</b> ____
<b>Councilor Brown</b> ____	<b>Councilor Testerman</b> ____	<b>Councilor Clarenbach</b> ____
<b>Councilor Dzujna</b> ____	<b>Councilor Desrochers</b> ____	<b>Councilor Trudel</b> ____

**Approved:** \_\_\_\_\_  
Mayor

**I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Katie A. Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.**

A true copy, attested: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

## Kratom

---

**Revised April 2019**

### What is kratom?

Kratom is a tropical tree (*Mitragyna speciosa*) native to Southeast Asia, with leaves that contain compounds that can have psychotropic (mind-altering) effects.

Kratom is not currently an illegal substance and has been easy to order on the internet. It is sometimes sold as a green powder in packets labeled "not for human consumption." It is also sometimes sold as an extract or gum.

Kratom sometimes goes by the following names:

- Biak
- Ketum
- Kakuam
- Ithang
- Thom

### How do people use kratom?

Most people take kratom as a pill, capsule, or extract. Some people chew kratom leaves or brew the dried or powdered leaves as a tea. Sometimes the leaves are smoked or eaten in food.



Photo by [DEA](#)



## How does kratom affect the brain?

Kratom can cause effects similar to both opioids and stimulants. Two compounds in kratom leaves, *mitragynine* and *7- $\alpha$ -hydroxymitragynine*, interact with opioid receptors in the brain, producing sedation, pleasure, and decreased pain, especially when users consume large amounts of the plant. Mitragynine also interacts with other receptor systems in the brain to produce stimulant effects. When kratom is taken in small amounts, users report increased energy, sociability, and alertness instead of sedation. However, kratom can also cause uncomfortable and sometimes dangerous side effects.

## What are the health effects of kratom?

Reported health effects of kratom use include:

- nausea
- itching
- sweating
- dry mouth
- constipation
- increased urination
- loss of appetite
- seizures
- hallucinations

Symptoms of psychosis have been reported in some users.

## Can a person overdose on kratom?

There have been multiple reports of deaths in people who had ingested kratom, but most have involved other substances. A 2019 paper analyzing data from the National Poison Data System found that between 2011-2017 there were 11 deaths associated with kratom exposure. Nine of the 11 deaths reported in this study involved kratom plus other drugs and medicines, such as diphenhydramine (an antihistamine), alcohol, caffeine, benzodiazepines, fentanyl, and cocaine. Two deaths were reported following exposure from kratom alone with no other reported substances.\* In 2017, the FDA identified at least 44 deaths related to kratom, with at least one case investigated as possible use of pure kratom. The FDA reports

note that many of the kratom-associated deaths appeared to have resulted from adulterated products or taking kratom with other potent substances, including illicit drugs, opioids, benzodiazepines, alcohol, gabapentin, and over-the-counter medications, such as cough syrup. Also, there have been some reports of kratom packaged as dietary supplements or dietary ingredients that were laced with other compounds that caused deaths. People should check with their health care providers about the safety of mixing kratom with other medicines.

\*(Post et al, 2019. *Clinical Toxicology*).

## Is kratom addictive?

Like other drugs with opioid-like effects, kratom might cause dependence, which means users will feel physical withdrawal symptoms when they stop taking the drug. Some users have reported becoming addicted to kratom. Withdrawal symptoms include:

- muscle aches
- insomnia
- irritability
- hostility
- aggression
- emotional changes
- runny nose
- jerky movements

## How is kratom addiction treated?

There are no specific medical treatments for kratom addiction. Some people seeking treatment have found behavioral therapy to be helpful. Scientists need more research to determine how effective this treatment option is.

## Does kratom have value as a medicine?

In recent years, some people have used kratom as an herbal alternative to medical treatment in attempts to control withdrawal symptoms and cravings caused by addiction to

opioids or to other addictive substances such as alcohol. There is no scientific evidence that kratom is effective or safe for this purpose; further research is needed.

### Points to Remember

- Kratom is a tropical tree native to Southeast Asia, with leaves that can have psychotropic effects.
- Kratom is not currently illegal and has been easy to order on the internet.
- Most people take kratom as a pill or capsule. Some people chew kratom leaves or brew the dried or powdered leaves as a tea. Sometimes the leaves are smoked or eaten in food. Two compounds in kratom leaves, mitragynine and *7- $\alpha$ -hydroxymitragynine*, interact with opioid receptors in the brain, producing sedation, pleasure, and decreased pain.
- Mitragynine can also interact with other receptor systems in the brain to produce stimulant effects.
- Reported health effects of kratom use include nausea, sweating, seizures, and psychotic symptoms.
- Commercial forms of kratom are sometimes laced with other compounds that have caused deaths.
- Some users have reported becoming addicted to kratom.
- Behavioral therapies and medications have not specifically been tested for treatment of kratom addiction.

## Learn More

For more information about kratom, visit:

- [Commonly Abused Drug Charts](#)
- [Drug Enforcement Administration \(DEA\)](#)

This publication is available for your use and may be reproduced **in its entirety** without permission from the NIDA. Citation of the source is appreciated, using the following

language: Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services.

*This page was last updated April 2019*




## FDA and Kratom

The U.S. Food and Drug Administration is warning consumers not to use *Mitragyna speciosa*, commonly known as kratom, a plant which grows naturally in Thailand, Malaysia, Indonesia, and Papua New Guinea. FDA is concerned that kratom, which affects the same opioid brain receptors as morphine, appears to have properties that expose users to the risks of addiction, abuse, and dependence.

There are no FDA-approved uses for kratom, and the agency has received concerning reports about the safety of kratom. FDA is actively evaluating all available scientific information on this issue and continues to warn consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds, mitragynine and 7-hydroxymitragynine. FDA encourages more research to better understand kratom's safety profile, including the use of kratom combined with other drugs.

Since identifying kratom on an import alert ([https://www.accessdata.fda.gov/cms\\_ia/importalert\\_190.html](https://www.accessdata.fda.gov/cms_ia/importalert_190.html)) for unapproved drugs in 2012 and on a second import alert ([https://www.accessdata.fda.gov/cms\\_ia/importalert\\_1137.html](https://www.accessdata.fda.gov/cms_ia/importalert_1137.html)) in February 2014 regarding kratom-containing dietary supplements and bulk dietary ingredients, FDA has taken a number of additional actions, including:

- In September 2014, U.S. Marshals, at the FDA's request, seized (<https://wayback.archive-it.org/7993/20170111064932/http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm416318.htm>)  (<http://www.fda.gov/about-fda/website-policies/website-disclaimer>) more than 25,000 pounds of raw kratom material worth more than \$5 million from Rosefield Management, Inc. in Van Nuys, California.
- In January 2016, U.S. Marshals, at the FDA's request, seized (</news-events/press-announcements/us-marshals-seize-dietary-supplements-containing-kratom>) nearly 90,000 bottles of dietary supplements labeled as containing kratom and worth more than \$400,000. The product, manufactured for and held by Dordoniz Natural Products LLC, located in South Beloit, Illinois, is marketed under the brand name RelaKzpro.
- In August 2016, U.S. Marshals, at the FDA's request, seized (</news-events/press-announcements/kratom-seized-california-us-marshals-service>) more than 100 cases of products labeled as containing kratom and worth more than \$150,000. The products are distributed by Nature Therapeutics LLC, which does business as Kratom Therapy and is located in Grover Beach, California. The seized products are marketed under the brand name Kratom Therapy.

While FDA evaluates the available safety information about the effects of kratom, the agency encourages health care professionals and consumers to report any adverse reactions to the FDA's MedWatch (</medwatch-fda-safety-information-and-adverse-event-reporting-program>) program:

- Complete and submit the report online: MedWatch Voluntary Reporting Form (<https://www.accessdata.fda.gov/scripts/medwatch/index.cfm?action=reporting.home>)
- Download and complete the form (</download-forms>), then submit it via fax at 1-800-FDA-0178

### Related Information

- FDA releases test results identifying dangerous levels of heavy metals in certain kratom products (</news-events/public-health-focus/laboratory-analysis-kratom-products-heavy-metals>)
- Statement from FDA Commissioner Scott Gottlieb, M.D., on new warning letters FDA is issuing to companies marketing kratom with unproven medical claims; and the agency's ongoing concerns about kratom (</news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-new-warning-letters-fda-issuing-companies-marketing>)

- Statement from FDA Commissioner Scott Gottlieb, M.D. and FDA Deputy Commissioner for Foods and Veterinary Medicine Stephen Ostroff, M.D., on the ongoing risk of salmonella in kratom products ([/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-and-fda-deputy-commissioner-foods-and-veterinary](#))
- FDA warns companies selling illegal, unapproved kratom products marketed for opioid cessation, pain treatment and other medical uses ([/news-events/press-announcements/fda-warns-companies-selling-illegal-unapproved-kratom-products-marketed-opioid-cessation-pain](#))
- FDA orders mandatory recall for kratom products due to risk of salmonella ([/news-events/press-announcements/fda-orders-mandatory-recall-kratom-products-due-risk-salmonella](#))
- FDA objects to kratom compound intended for use as an alternative to prescription opioids and promoted with unproven claims to treat addiction ([/news-events/fda-brief/fda-brief-fda-objects-kratom-compound-intended-use-alternative-prescription-opioids-and-promoted](#))
- FDA Letter to Industrial Chemicals LLC and INI Botanicals Regarding Mitrasafe (mitragynine extract) ([/media/111232/download](#))
- FDA oversees destruction and recall of kratom products; and reiterates its concerns on risks associated with this opioid ([/news-events/press-announcements/fda-oversees-destruction-and-recall-kratom-products-and-reiterates-its-concerns-risks-associated](#))
- FDA Investigates Multistate Outbreak of Salmonella Infections Linked to Products Reported to Contain Kratom ([/food/outbreaks/fda-investigated-multistate-outbreak-salmonella-infections-linked-products-reported-contain-kratom](#))
- Statement from FDA Commissioner Scott Gottlieb, M.D., on the agency's scientific evidence on the presence of opioid compounds in kratom, underscoring its potential for abuse ([/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-agencys-scientific-evidence-presence-opioid-compounds](#))
- Statement from FDA Commissioner Scott Gottlieb, M.D. on FDA advisory about deadly risks associated with kratom ([/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-fda-advisory-about-deadly-risks-associated-kratom](#))
- Remarks by Dr. Gottlieb at FDA's Office of Criminal Investigations Meeting ([/news-events/speeches-fda-officials/remarks-fda-commissioner-scott-gottlieb-md-prepared-delivery-fda-oci-meeting-november-14-2017](#))
- CFSAN Adverse Event Reporting System: Kratom Deaths (December 1, 2017) ([/media/109959/download](#)) (PDF - 1.9MB)
- FDA Adverse Event Reporting System: Kratom Deaths (February 6, 2018) ([/media/111148/download](#)) (PDF - 37MB)

**CITY COUNCIL MEETING**  
**AGENDA ITEM XII**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of July 1, 2019*

---

**Subject: Other Business**

---

- 1. Resignations/Appointments**
- 2. Committee Reports**
- 3. City Manager's Update**
- 4. Late Items**



## **MAYOR APPOINTMENTS**

### **Planning Board:**

#### **Resignation**

**Motion: "I move to accept Brian Barry's resignation as ex-officio member from the Planning Board (Seat PB2)."**

#### **Appointment**

**Motion: "I appoint \_\_\_\_\_ as ex-officio member to the Planning Board (Seat PB2), Term of Service is the remainder of the current term to January 2020."**

## **CITY COUNCIL APPOINTMENTS**

### ***Resignation***

Motion: "I move to accept Brian Barry's resignation on The Concord Regional Solid Waste Resource Recovery Cooperative (Alternate Seat), the Winni River Basin Advisory Board, and the Transportation Advisory Board."

### ***Appointments***

#### **Concord Regional Solid Waste Resource Recovery Cooperative:**

Motion: "I move that the Franklin City Council appoint Justin Hanscom to The Concord Regional Solid Waste Resource Recovery Cooperative (Alternate Seat), Term of service is the remainder of the current term to December 2020."

#### **Winni River Basin Advisory Board:**

Motion: "I move that the Franklin City Council re-appoint Brian Sullivan to the Winni River Basin Advisory Board (Primary Seat), Term of service is from July 1, 2010 through June 30, 2020."

Motion: "I move that the Franklin City Council appoint Justin Hanscom to the Winni River Basin Advisory Board (Alternate Seat), Term of service is one year from July 1, 2019 through June 30, 2020."

#### **Lakes Region Planning Commission Transportation Advisory Committee (TAC):**

Motion: "I move that the Franklin City Council appoint Brian Sullivan to the TAC Committee (Primary Seat), Term of service is one year from July 1, 2019 through June 30, 2020."

Motion: "I move that the Franklin City Council appoint Justin Hanscom to the TAC Committee (Alternate Seat), Term of service is one year from July 1, 2019 through June 30, 2020."



**CITY OF FRANKLIN**  
**COUNCIL AGENDA REPORT**  
City Council Meeting July 1, 2019

**Date:** June 26, 2019

**From:** Judie Milner, City Manager

**Subject:** City Manager's Update

- 1) Contingent Grant Line Activity -
- 2) Trust fund for school funding - \$69.26
- 3) CDFA Tax Credit Award & 6/18 Press Conference
- 4) Winni River Days – Congrats MCP Board & Krystal Alpers
- 5) Kayak Man Unveiling – thank you MSD & Audrey
- 6) USDA funding award for ambulance \$50k
- 7) Jmilner email address ending 6/30/19
- 8) 7/22/19 – MCP Forum at Franklin Lodge of Elks – thank you Jack Benson
- 9) LEAN: roadmap update – 7/29/19 6pm
- 10) Education 101 forum & Education for the 21<sup>st</sup> century forum
- 11) FSB 150 year event
- 12) NHPA award for project of the year, 6/7 - Mill City Park
- 13) 6/12 6<sup>th</sup> grade ap social studies project presentation
- 14) Visit from Congresswoman Kuster's Office 6/20