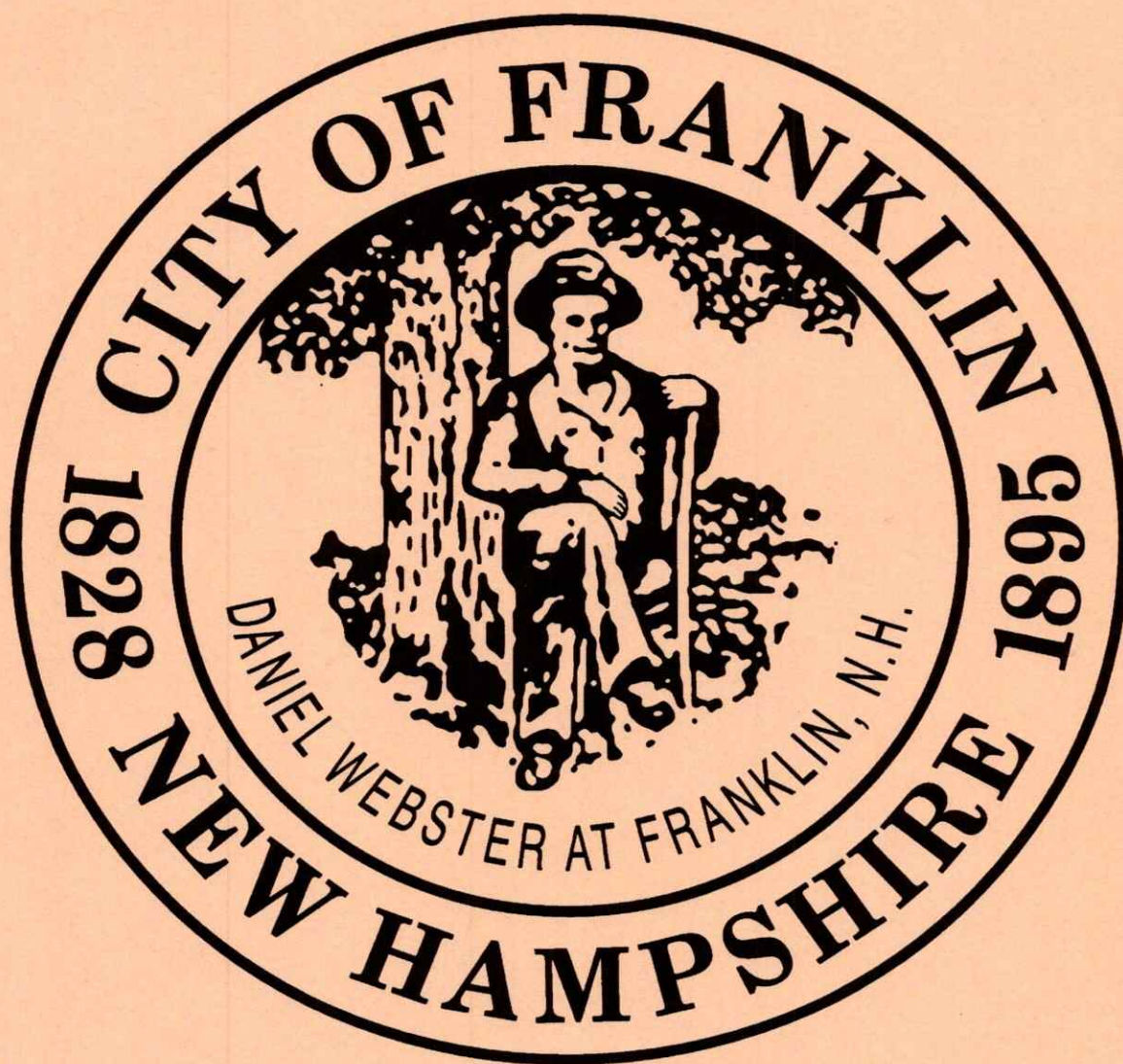


CITY OF FRANKLIN  
CITY COUNCIL MEETING  
September 5<sup>th</sup>, 2023  
6:00 P.M.





## **CITY COUNCIL MEETING**

**Tuesday, September 5<sup>th</sup>, 2023 - 6:00 p.m.**

**Franklin High School Cafeteria**

or view only via Zoom: <https://us02web.zoom.us/j/85752928380>

or by phone: 1-312-626-6799, Meeting ID# 857 5292 8380

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### **SALUTE TO THE FLAG**

\*\*\*\*\*

### **MOMENT OF SILENCE FOR OUR VETERANS**

### **PUBLIC HEARINGS**

**Resolution 05-24 to accept and appropriate \$418,000 InvestNH grant funds towards Stanley Mill demolition.**

**Resolution 06-24 to accept and appropriate \$310,000 InvestNH grant funds towards municipal purposes.**

### **LEGISLATIVE UPDATE**

### **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. Reminder that public comment is welcome and will be taken under advisement by the Manager & Council. Ongoing requests for status should be addressed to the city manager or her designee during regular business hours. The council is a public body required to conduct the business before it on the agenda that has been vetted through the City's professional staff.*

### **CITY COUNCIL ACKNOWLEDGEMENT**

### **MAYOR'S UPDATE**



**Agenda Item I. (pg. 1)**

Council to consider the minutes of the July 24<sup>th</sup>, 2023 City Council Workshop meeting, the August 7<sup>th</sup>, 2023 City Council meeting, the nonpublic minutes from the August 7<sup>th</sup>, 2023 City Council meeting and the August 21<sup>st</sup>, 2023 City Council Workshop meeting.

**Agenda Item II. (pg. 54)**

School Board Update

**Agenda Item III. (pg. 56)**

Council to consider Resolution 05-24 to accept and appropriate \$418,000 InvestNH grant funds towards Stanley Mill demolition.

**Agenda Item IV. (pg. 62)**

Council to consider Resolution 06-24 to accept and appropriate \$310,000 InvestNH grant funds towards municipal purposes.

**Agenda Item V. (pg. 69)**

Council to consider setting a public hearing on Resolution 07-24 accepting and appropriating a federal Department of Transportation grant for a Central Street Action Plan.

**Agenda Item VI. (pg. 85)**

Council to consider setting a public hearing on Resolution 08-24 accepting and appropriating a federal Department of Safety grant for Franklin PD Highway Safety.

**Agenda Item VII. (pg. 119)**

Council to consider 2023 Fall disposition list of city property.

**Agenda Item VIII. (pg. 123)**

Council to consider supporting the City Spirit Program with Department of Justice.

**Agenda Item IX. (pg. 135)**

Council to consider setting a public hearing for Trestle Bridge decision.

**Agenda Item X. (pg. 138)**

**Other Business**

**1. Mayor & Council 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. 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 September 5<sup>th</sup>, 2023*

**Subject: Approval of Minutes**

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**Motion:** "I move that the Franklin City Council approve the minutes of the July 24<sup>th</sup>, 2023 City Council Workshop meeting, the August 7<sup>th</sup>, 2023 City Council Meeting, the nonpublic minutes from the August 7<sup>th</sup>, 2023 City Council meeting, and the August 21<sup>st</sup>, 2023 City Council Workshop meeting."

Mayor calls for a second, discussion and the vote.



**City Council Meeting Minutes  
Monday, July 24<sup>th</sup>, 2023 - 6:00 p.m.  
Council Chambers, City Hall**

**Council in attendance:** Mayor Jo Brown, Councilor Jay Chandler, Councilor Leigh Webb, Councilor Bob Desrochers, Councilor George Dzujna, Councilor Valerie Blake, Councilor Paul Trudel, Councilor Vince Ribas, Councilor Ted Starkweather and Councilor Olivia Zink

**Absent:** None

**Others in attendance:** City Manager Judie Milner, Planning & Zoning Director Seth Creighton, members of the School Board and members of the public.

Mayor Brown called the meeting to order in Council Chambers at 6:00 p.m.

Mayor Brown stated that this is a workshop meeting and there would not be any public comments.

Salute to the Flag was led by Councilor Dzujna.

**Agenda Item I.**

Economic Development Discussion with Council & School Board.

Mayor Brown asked the city council and school board to go around the table and introduce themselves.

Milner thanked everyone for attending. The Economic Development Task Force, group and team asked to have everyone here because they have done their due diligence with the public and would like to do the same with this group as well. The Economic Development Task Force/Team has one mission, which is growing the tax base to increase property taxes for citywide use. As a reminder, when talking about citywide, she is talking about the municipal departments and the school district together. This task force is responsible for the investments that are made into the community since becoming a team. The team has been holding public forums over the last four months regarding recommended next steps. Quite a few people at the table have attended these forums and have done their due diligence, however, everyone at the table tonight is responsible for the 35,000-foot view of the city. Milner stated that she wanted to take the time to have a conversation with everyone attending tonight. She stated that the team will not be asking for a consensus tonight, instead they will have information from all of the public forums, the seven listening sessions and tonight's workshop after completed to make a unified and educated recommendation to the city council on these projects.

Milner stated that the team is looking at projects that will change the destiny of the city and she would like to discuss these projects that the team is bringing forward as a recommendation and

why, before getting into the funding options. She asked Planning & Zoning Director Creighton to go over the projects.

Creighton listed 4 recommended projects that have been discussed over the past several months. The first three projects are deferred maintenance items that are moving into emergency items. These are things that need to be fixed. Keep in mind that how to fix projects or how to fund them is not the task of this team.

- **City Hall/Opera House**: \$5M is the ballpark amount to be able to renovate.
- **Roads**: \$9.5M has been recommended for this project. It will not fix all of them, but is a good start and the city could tackle the most high-risk roads. The list of roads that need to be repaired is on the Capital Improvements Plan.
- **Trestle Bridge**: This would be about \$3M to repair or up to \$1M to demolish. An example of Vermont was given, which had a very similar bridge that was destroyed after recent rain storms. All of the wood was completely missing afterwards. This could be our reality as well.

The fourth project is not a deferred maintenance item and is not an emergency.

- **White Water Park**: This is not a deferred maintenance or emergency item. \$2.5M is the engineered number to complete this project. This is the least expensive project and has the biggest and possibly the only real return on investment.

Creighton did add that businesses owners come through his department first when they have a plan in place and all of the newer businesses have made Franklin their location based on the publicity of the White-Water Park and the direction that the city is going. Restaurants and industrial properties alike have stated this to him directly.

Creighton concluded stating that he hopes that he was able to give a better view of why these four projects have been recommended by the Economic Development team.

Mayor Brown stated that it was time to take Q&As from the council and school board. Below are some key subjects that were discussed.

- Projects specifically needed for the school district were not selected for this bond. The reason behind this is because these items are on the CIP for capital funding, which is not the responsibility of the Economic Development Taskforce, but the responsibility of the city. What is being recommended are projects that will expand the tax base, which increases that pool. The increase in taxes would then go to the school district and municipal departments.
- The Trestle Bridge was added to the project list for the purpose of getting feedback from the public. The city recently received a grant of almost \$600,000 from NH DOT, which will not cover all of the repairs. It did go towards engineering costs to be able to find out the



exact condition of the bridge. The condition was found to be very bad and NH DOT is requiring the city to come up with a solution, whether it is to repair or demolish the bridge. This will be a community decision and they are required to have so many public forums/hearings on it before a decision is made. There have already been three community forums in the past 18 months on the bridge and the community seems to like the restoration option for \$3.5M the best so far.

- It was made clear by Milner that a bond cannot pay for operating expenditures such as wages, etc. A bond has to be used to pay for something that has a useful life of whatever the bond term is. However, if the bond goes towards projects that have a return on investment, this could definitely go towards CIP items or operating expenditures for both the municipal departments and school district. This is part of the Economic Development Taskforce group sustainability plan.
- New Hampshire has a \$5.5B tourism economy so Franklin is in better shape to capture it than most other states. 81% of tourist spending would go to the city and that will drive real estate investment. This is what pays taxes and supports the schools and the operation of municipal government. NH is unique, as it is 1 of 47 states that does not receive state aid to local government. The best way to build a bigger tax base is through real estate investment.
- Franklin is almost 50% empty downtown. The city needs more businesses to fill them up. With at least 20,000 square feet of unused space downtown that is another \$40M that could be going towards the tax base.
- The City Hall/Opera House project has recently been awarded to an architect for the engineering study and their project schedule is 14 weeks. That is when a more accurate estimate for renovations should be available.
- It was also clarified that the roads project would fall under the terms of the bond, as roads have a useful life of 20-35 years. This is when roads are completely repaired as opposed to repaving without fixing what is underneath.

This concluded the workshop discussion.

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

##### **Other Business.**

Councilor Webb stated that he needed to bring something up that will be effective tomorrow. There was an email sent to the councilors from the City Manager that had an issuance of a letter of hazard from the Fire Chief that will be in effect tomorrow, July 25<sup>th</sup>, 2023. He wanted to see if the council would consider asking the Fire Chief to delay this letter of hazard until August 6<sup>th</sup> in

order to give the downstairs departments time to move upstairs, as well as allowing the performance of the FACT Camp on August 4<sup>th</sup> & 5<sup>th</sup> as a favor to the community. Councilor Webb also wanted to know if the delay would be acceptable to the insurer of the building as well.

Milner stated that the council was notified of this letter of hazard that was coming on July 25<sup>th</sup>, 2023, a year ago. Also, in January, Attorney Fitzgerald spoke to the council about their responsibilities and their non-involvement in directing department heads of the City of Franklin. She does not think it is appropriate for the city council to take a vote that would direct a city department head to do anything, especially on this matter.

She added that this was something everyone was aware of and planned for. The insurance company also knows about it, as it has also been in the paper multiple times. Once the city has a notice of hazard, moving forward after that is not a good move for the city.

Councilor Webb corrected Milner by saying that he is only asking for consideration and not proposing a vote to direct any city department head.

School Board Chair Dow, adjourned the school board, as they had no further questions on the workshop, so that the city council could continue their business.

Milner thanked the school board and the Economic Development Taskforce for attending this meeting.

Mayor Brown asked Milner if she would be able to go to Fire Chief Foss to see if he could delay the notice of hazard until after August 6<sup>th</sup> and have that answer by tomorrow.

Milner stated that she can do that, but asked the council how that would look to the community. She cautioned against it as it would be difficult to explain the sudden delay after knowing about this date for a year now.

Mayor Brown stated that they could say it was poor planning and she could take the questions from the media. She added that this would be for the kids.

Creighton answered questions about permitting, stating that a permit for renovating this building could take months. That is why an architectural firm was hired, they can do that with their large team and it will take them a proposed 14 weeks to do.

Milner also stated that the city should be setting a precedent. Kettlehead Brewery was also not able to start when they wanted to due to code issues needing to be resolved first.

Councilor Zink reminded everyone that the city elections will still be held in the Opera House this October.

Milner clarified that the code states, after the assembly stops in this building, that the city falls into the code for a business. That is why this floor can still be used for business purposes, and not assembly purposes. There will be a fire watch in abundance of caution in case more than 99 people are here at the same time for city elections. The city clerk is also looking into location options before the presidential primary, since that will have more foot traffic.

**Motion – Councilor Ribas moved that it is the sense of the City Council that the City Manager ask the Fire Chief to delay the delivery of the letter of hazard until after the FACT performances. Seconded by Councilor Webb.**

There was more discussion on the matter and it was suggested that the word “delay” be amended to say “extension” of the date of hazard, along with changing the original motion from directing the City Manager to asking her.

**Motion – Councilor Webb moved that the original motion be amended to change the word “direct” to “ask”. Seconded by Councilor Ribas.**

Mayor Brown asked for a vote on the amendment.

**6 in favor: 3 opposed. Motion PASSED.**

Mayor Brown asked for a vote on the motion as amended.

**7 in favor: 2 opposed. Motion PASSED.**

No other business was discussed.

**ADJOURNMENT:**

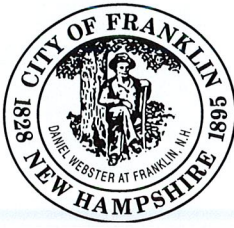
**Motion to adjourn was made by Councilor Ribas and seconded by Councilor Zink. All in favor. Motion PASSED.**

The meeting adjourned at 8:21 p.m.

Respectfully submitted,

Lisa A. Jones  
Executive Secretary





**City Council Meeting Minutes  
Monday, August 7, 2023 - 6:00 p.m.  
BRCC, Gymnasium**

**Council in attendance:** Mayor Jo Brown, Councilor Jay Chandler, Councilor Leigh Webb, Councilor George Dzujna, Councilor Ted Starkweather, Councilor Valerie Blake, Councilor Vince Ribas, Councilor Olivia Zink, Councilor Bob Desrochers and Councilor Paul Trudel

**Absent:** None

**Others in attendance:** City Manager Judie Milner, City Department Heads, and members of the public.

Mayor Brown called the meeting to order in Council Chambers at 6:03 p.m.

Salute to the Flag was led by Councilor Dzujna. This was followed by a moment of silence in remembrance of veteran Corporal James Champion, US Army 1966-1968, Vietnam 1966-1967, recipient of the Purple Heart and 2 Bronze Stars; one with V for outstanding valor, led by Councilor Desrochers.

**Public Hearings:**

**Ordinance 03-24 regarding the election recount procedure.**

The public hearing opened at 6:06 p.m.

A resident asked if amendments could be made to the ordinance during the vote and the answer was yes.

The public hearing on Ordinance 03-24 closed at 6:06 p.m.

**Resolution 04-24 granting the City Manager the authority to file an application for the Lead Service Line Inventory (LSLI) and Replacement Plan for Large Community Water Systems Grant program and acting as the authorized representative.**

The public hearing opened at 6:06 p.m.

There was no discussion on this hearing.

The public hearing on Resolution 04-24 closed at 6:07 p.m.

**Legislative Update:**

NH representative Jason Gerhard stated that bills need to be in by September 10<sup>th</sup> for filing.

**Comments from the Public:**

Mayor Brown reminded everyone that persons wishing to address the council may speak for a maximum of three minutes and no more than thirty minutes will be devoted to public

commentary.

Public comments opened at 6:07 p.m.

Multiple residents approached the council to let them know about a specific property at 141 Webster Avenue that is being used as a full-time Airbnb, with absentee owners. Three neighbors of this property have been having nothing but issues with the renters that stay there. They are trespassing on their private property, making noise all hours of the night and parking in many areas that are unsafe or blocking other neighbors from entering their own property. They have not been able to get anywhere with the owner of the property and the police department has not been able to keep up with the issues. They are pleading for help on this issue.

There was a small discussion about the awarding process for the City Hall/Opera House architectural firm and it was clarified that it is the job of the city management team to process and award RFP's and RFQ's.

Resident Dean Laughy, Ward III, approached the council and his speech is attached to the end of the minutes.

Councilor Blake read letters to the public that she received from two different residents. These letters are attached to the end of the minutes.

Coalition Coordinator, Stephanie Wolff, gave some updates for Franklin Partners in Prevention:

- On July 17<sup>th</sup> – 20<sup>th</sup> Wolff stated that she traveled to Grapevine, Texas for the CADCA Mid-Year training institute. At this conference she sat in on a plenary speech from former NFL quarterback, Ryan Leaf, who spoke about his journey with his own recovery. In addition, she attended training pertaining to overcoming barriers to fighting the teen vaping epidemic, early intervention programs for teens, seven strategies for community change, effective policy advocacy, and best practices for supporting LGBTQI+ youth.
- Franklin Police and Fire Departments National Night Out was a roaring success. The city had about 500 attendees come to this event. She thanked their partners Franklin Elks Lodge for cooking and Mix 94 FM for advertising the event. She also thanked their sponsors; Walmart, The Thrift Closet, Central Street Mission, Franklin Savings Bank, Service Credit Union, Franklin Area Lions Club, Hill Village Church, and to the residents who donated money towards the cookout. This event truly would not have been successful without everyone involved! Lastly, she thanked Councilor Webb and his wife for coming out to volunteer.
- Fall Fest 2023 planning has begun! This year's Fall Fest will occur the weekend of October 21<sup>st</sup>. Soup Fest registration will begin sometime next week. Please look to Facebook and the City website for registration details if you are interested.

Public comments closed at 6:52 p.m.

**City Council Acknowledgement:**

Councilor Dzujna recognized Parks & Recreation Director Alpers and Kirk Kelly from the municipal maintenance department for working hard to get this meeting put together at the Bessie Rowell Community Center.

Councilor Webb stated that National Night Out was a wonderful event and recognized Stephanie Wolff, who did such a good job with this event.

Councilor Zink said that everyone did a terrific job with the Finding Nemo FACT Camp with having to do it in a new location as well.

Councilor Trudel thanked the city for the bereavement flowers that he and his family received recently and stated that it is another thing that shows that the city goes over and beyond.

**Mayor's Update:**

- Mayor Brown stated that she participated in a panel discussion sponsored by the NH Women's Foundation called Women Run to encourage young women to consider getting involved in community leadership roles.
- Milner and her met with Amy Slattery of Rep Kuster's office to update on city activities.
- She attended and read a Proclamation at the Elks event on July 15<sup>th</sup> for deceased members of the Armed Forces from Korea through Afghanistan, sponsored by Fr. Roger Sargent, and attended by Councilor Desrochers and Councilor Chandler.
- She also attended the Mayors Roundtable event in Concord on July 25<sup>th</sup> with several mayors to discuss homelessness and concerns on sharing availability information among other things with Commissioners Weaver DHHS and Caswell BEA.
- On August 3<sup>rd</sup> a member of a Focus Group in Concord provided input to the development of the Workforce Innovation and Opportunity Act Combined State Plan.

**Agenda Item I.**

Approval of Minutes.

Council to consider the minutes of the May 22<sup>nd</sup>, 2023 City Council Special meeting, the July 10<sup>th</sup>, 2023 City Council meeting and the nonpublic minutes from the July 10<sup>th</sup>, 2023 City Council meeting.

**Motion – Councilor Dzujna moved that the Franklin City Council approve the minutes of the May 22<sup>nd</sup>, 2023 City Council Special meeting, the July 10<sup>th</sup>, 2023 City Council meeting and the nonpublic minutes from the July 10<sup>th</sup>, 2023 City Council meeting. Seconded by Councilor Ribas.**

Mayor Brown asked if there was any discussion.  
No discussion ensued.



**8 in favor; 1 abstention. Motion PASSED.**

**Motion – Councilor Desrochers moved that the Franklin City Council unseal the nonpublic minutes from the July 10<sup>th</sup>, 2023 City Council meeting. Seconded by Councilor Blake.**

Councilor Desrochers felt that the nonpublic minutes should be unsealed since the subject matter had already been printed in the paper. Milner recommended that they keep these sealed for now since the person mentioned is still involved in a legal matter and this would likely affect the ongoing investigation. Many other councilors agreed with this as well.

**8 opposed; 1 in favor. Motion FAILED.**

**Agenda Item II.**

Economic development workshop follow-up and next steps.

Milner stated that there have been 3 public forums, 7 listening sessions and 1 City Council/School Board workshop meeting from the Economic Development team about a bond and investing in Franklin. These were done to engage the public and get feedback on what was being presented. Different venues were selected for the listening sessions to cater to people with different comfort levels.

Milner let everyone know that they have listened to the public and agree with the public. They will not be bringing forward the \$20M bond to city council, but rather each project as it becomes shovel ready.

She then let the Economic Development team (Marty Parichand, Niel Cannon, and Jim Aberg) take over to speak to the public per a handout they received showing current assessed values of improvement. This handout can be found at the end of the minutes and was read by the team.

**Agenda Item III.**

School Board Update.

Superintendent LeGallo was unable to attend so there was no school board update.

**Agenda Item IV.**

Council to consider Ordinance 03-24 regarding the election recount procedure.

**Motion - Councilor Ribas moved that the Franklin City Council adopt Ordinance 03-24, regarding the Election Recount Procedure. Seconded by Councilor Dzujna.**

Mayor Brown asked if there was any discussion on this motion.  
There was a small discussion on some of the language in the ordinance.

**Motion - Councilor Webb moved that the Franklin City Council amend line 2 of ordinance 03-24 to say “two City Councilors from the ward of the contested election” in place of “two City Councilors of the City of Franklin”. Seconded by Councilor Starkweather.**

**All in favor. Motion PASSED.**

By a roll call vote on original motion.

Roll Call:

Councilor Blake	<u>yes</u>	Councilor Desrochers	<u>yes</u>	Councilor Starkweather	<u>yes</u>
Councilor Webb	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Trudel	<u>yes</u>
Councilor Chandler	<u>yes</u>	Councilor Ribas	<u>yes</u>	Councilor Zink	<u>yes</u>

All in favor. Motion PASSED

**Agenda Item V.**

Council to consider Resolution 04-24 granting the City Manager the authority to file an application for the Lead Service Line Inventory (LSLI) and Replacement Plan for Large Community Water Systems Grant program and acting as the authorized representative.

**Motion - Councilor Ribas moved that the Franklin City Council adopts Resolution #04-24 granting the City Manager authority to file an application under the State of New Hampshire Department of Environmental Services, Lead Service Line Inventory (LSLI) and Replacement Plan for Large Community Water Systems Grant program, and designating as Authorized Representative. Seconded by Councilor Trudel.**

Mayor Brown asked if there was any discussion on this motion.

Councilor Zink asked if this language was per state requirements and Milner answered saying yes. No other discussion ensued.

By a roll call vote.

Roll Call:

Councilor Blake	<u>yes</u>	Councilor Desrochers	<u>yes</u>	Councilor Starkweather	<u>yes</u>
Councilor Webb	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Trudel	<u>yes</u>
Councilor Chandler	<u>yes</u>	Councilor Ribas	<u>yes</u>	Councilor Zink	<u>yes</u>

All in favor. Motion PASSED

**Agenda Item VI.**

Council to consider returning tax deeded property back to previous owner.

**Motion - Councilor Ribas moved that the Franklin City Council deed 373 New Hampton Road Map/Lot #128-066-00 back to Barbara Labrie. Seconded by Councilor Blake.**

Mayor Brown asked if there was any discussion on this motion.

A small discussion ensued. Milner explained that this is a tax deeded property from 2022 and because it is the primary residence of the tax deeded property, the 10% penalty shall be waived per RSA.

**8 in favor; 1 abstention. Motion PASSED.**

**Agenda Item VII.**

Council to consider renewal of Lease Agreement between the City and Franklin Targeteers.

**Motion – Councilor Dzujna moved that the Franklin City Council approves the renewal of the Lease Agreement between the Franklin Targeteers and the City of Franklin for five years beginning April 1, 2023 and ending March 31, 2028 and authorize the City Manager to sign said agreement on behalf of the City. Seconded by Councilor Trudel.**

Mayor Brown asked if there was any discussion on this motion.

Councilor Starkweather noted that the Targeteers do all of the maintenance and is not done by the city.

It was also brought up that the agreement was supposed to start in April of 2023 and should be changed to reflect the current date.

**Motion – Councilor Dzujna moved that the Franklin City Council amend the contract to start on August 7, 2023 and end on August 6, 2028. Seconded by Councilor Trudel.**

**7 in favor; 2 abstentions. Motion PASSED.**

**Vote on original motion:**

**7 in favor; 2 abstentions. Motion PASSED.**

**Agenda Item VIII.**

Council to consider changing the date of the regularly scheduled City Council meeting in September and October.

The regular city council meeting for September falls on the Labor Day Holiday (9/4). Traditionally, the city council moves the September city council meeting to either the Tuesday following the holiday (9/5 for 2023) or the following Monday (9/11 for 2023).

The regular city council meeting for October falls on Monday, October 2, 2023. Municipal elections are Tuesday, October 3rd. Monday October 9<sup>th</sup> is the Columbus Day Holiday. Last year, upon staff recommendation, the City Council moved the October city council meeting to the following Tuesday to accommodate staff and election needs regarding set up requirements of the shared space for Monday night meeting and Tuesday elections. While this is not an issue this year

as city council meetings will be held at the Bessie Rowell Community Center, this change in meeting date did eliminate the need for the council to hold another meeting in October by including the “canvass of the votes” as an agenda item for the regularly schedule city council meeting. If the council chooses to change the meeting, Tuesday, October 10<sup>th</sup>, is the date that the task of canvass of votes must be done.

Per the recommendations from Milner, the City Council agreed to change the next two City Council meetings to September 5<sup>th</sup>, 2023 and October 10<sup>th</sup>, 2023.

**Agenda Item IX.**

Council to consider setting a public hearing for Resolution 05-24 to accept and appropriate \$418,000 InvestNH grant funds towards Stanley Mill demolition.

**Motion – Councilor Ribas moved that the Franklin City Council set a public hearing date for 6:00 p.m. on Tuesday, September 5<sup>th</sup>, 2023, regarding Resolution #05-24 accepting and appropriating an InvestNH grant in the amount of \$418,000 for the purpose of demolishing the Stanley Mill and authorizing the City Manager to execute all documents relating to the grant. Seconded by Councilor Dzujna.**

Mayor Brown asked if there was any discussion.  
No discussion ensued.

**All in favor. Motion PASSED**

Mayor Brown read resolution 05-24 to the public:

**RESOLUTION #05-24**

**A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2024.**

**In the year of our Lord, Two Thousand Twenty-Three,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2024 which began July 1, 2023, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire understands the Stanley Mill property is an extensive environmental clean-up project which requires the demolition of the mill, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire understands the City received federal grant funds through the New Hampshire Business and Economic Affairs InvestNH program in the amount of \$418,000 for the purposes of demolishing the Stanley Mill, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire wishes to appropriate the grant for the demolition of the mill, **Now,**

**THEREFORE, BE IT RESOLVED** that at the scheduled meeting of the City Council on Tuesday, September 5<sup>th</sup>, 2023 at 6pm the City Council of the City of Franklin, New Hampshire does hereby adopt resolution #05-24 accepting the InvestNH grant, authorizing the City Manager to execute all grant related documents and authorizing a non-lapsing appropriation through an increase in FY2024 revenues:

Federal Grant Brownfield Acct. No. 01-0-000-33110-413 – Four Hundred Eighteen Thousand dollars (\$418,000)

And an increase in FY2024 expenditure accounts,

Nuisance Abatement Brownfield Acct No. 01-1-302-40491-413 – Four Hundred Eighteen Thousand dollars (\$418,000)

**Agenda Item X.**

Council to consider setting a public hearing Resolution 06-24 to accept and appropriate \$310,000 InvestNH grant funds towards municipal purposes.

**Motion – Councilor Ribas moved that the Franklin City Council set a public hearing date for 6:00 p.m. on Tuesday, September 5<sup>th</sup>, 2023, regarding Resolution #06-24 accepting and appropriating an InvestNH grant in the amount of \$310,000 for the purpose of matching DOT Action Plan, funding development studies and the city hall project. Seconded by Councilor Trudel.**

Mayor Brown asked if there was any discussion.

There was a small discussion about the amount that would go towards the City Hall project, which will be a total of \$250,000.

**8 in favor; 1 opposed. Motion PASSED**

Mayor Brown read resolution 06-24 to the public:

**RESOLUTION #06-24**

**A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2024.**

**In the year of our Lord, Two Thousand Twenty-Three,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2024 which began July 1, 2023, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire understands the City received federal grant funds through the New Hampshire Business and Economic Affairs InvestNH program in the amount of \$310,000 for municipal purposes, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes several economic development purposes in which the InvestNH funding would be instrumental including DOT



Action Plan project, traffic, parking and wayfinding signage studies, and the “city hall/opera house” project at Soldiers Memorial Hall, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire wishes to appropriate the grant for these economic development purposes, **Now,**

**THEREFORE, BE IT RESOLVED** that at the scheduled meeting of the City Council on Tuesday, September 5<sup>th</sup>, 2023 at 6pm the City Council of the City of Franklin, New Hampshire does hereby adopt resolution #06-24 accepting the InvestNH grant, authorizing the City Manager to execute all grant related documents and authorizing a non-lapsing appropriation through an increase in FY2024 revenues:

Federal Grant Acct. No. 01-0-000-33110-000 – Three Hundred Ten Thousand dollars (\$310,000)

And an increase in FY2024 expenditure accounts,

Economic Development Other Professional Services Acct No. 01-6-511-40390-000 – One Hundred Twenty Thousand dollars (\$120,000)

Buildings Acct No. 01-9-012-40720-000 – One Hundred Ninety Thousand dollars (\$190,000)

#### **Agenda Item XI.**

#### **Other Business:**

##### **1. Mayor & Council Appointments**

Mayor Brown re-appointed (Chair) Kathy Zink to the Trustees of the Trust Funds Committee, seat TT1, term of service to September 2026 and re-appointed Christine Sheedy to the Conservation Commission Committee, seat CC3, term of service to September 2026.

**Motion – Councilor Ribas moved that the Franklin City Council reappoint Rodney Judkins to the Code Enforcement Appeals Board, seat CEAB3, term of service to September, reappoint Ernest Fredette to the Code Enforcement Appeals Board, seat CEAB6, term of service to September 2026, and appoint Debra Gibbs to the Ward III Clerk position, seat WC3, to fill in for the rest of 2023. Seconded by Councilor Dzujna.**

**All in favor. Motion PASSED**

##### **2. Committee Reports**

Councilor Ribas stated that he had sent out the email to councilors with a test of the city manager’s evaluation questions and was short 4 answers. He asked that if anyone couldn’t find the email to let him know so that he can resend it out.

Mayor Brown discussed a focus group that would be meeting on August 15<sup>th</sup> with the Department of Justice on Community SPIRIT. She is hoping to have Karen Darling there



to represent Franklin's Anti-Hate group.

### 3. City Manager's Update

- Contingent Grant Line Activity – \$566.08 from sex offender compliance grant, \$420 towards Parks & Rec for kayak beautification, \$243.76 from Hannaford's for FPIP, \$200 from Franklin Savings Bank for FPIP, and \$475 from Thrift Clothes Closet towards National Night Out.
- Trust fund for school funding – \$272.55
- Welcome: Adam Green to the water department
- Congratulations: Director Sargeant for being asked to judge at the 2023 NH Literacy Awards and Mike Mussey for successfully completing Paramedic School and passing the national exam.
- Committee Meetings – Aug:
  - Joint Finance – No Aug meeting; meeting dates are 9/19 (at 6:15pm/Bessie Rowell) & 10/12 (School is hosting so this location/time TBD)
  - Legislative – This is being rescheduled to another date/time - TBD
  - Municipal Services – This was cancelled and the next meeting will be in October
- Shout Out for National Night Out – To Stephanie Wolff, Krystal Alpers, PD, FD and the Lodge of Elks
- Election Updates:
  - Candidates Filing Period – August 16<sup>th</sup> – August 25<sup>th</sup>
  - Supervisors of Checklist Session – This is scheduled for August 15<sup>th</sup> from 6pm – 630pm
- Tax Deed Update – Out of 11 deeded properties, 4 were taken and 2 will be able to buy them back.
- Dog Forfeiture Update – This started out as 550 and is now down to 227 unlicensed dogs. This list is getting updated.
- Media contacts – Concord Monitor, Laconia Daily Sun, and Union Leader
- Plan NH Event – On July 25<sup>th</sup> the city led about 30 attendees on a walking tour of downtown. They wanted to see the progress after last year. Milner gave a shout out to Franklin after these 3 charettes.
- Legislative Update – The budget has been passed at the state level. There will be \$160M in NH reimbursements.

- Stanley Mill update – EPA grants are still being worked on for cleaning up the site.
- City Hall Update – The awarded architect for this project is ARCove out of Portsmouth, NH. They have a lot of experience with historical buildings in that area. The contract was given to the city last Friday so this is with the city attorney for approval. The clock will be starting very soon on the beginning stages.
- Workshop meeting -August 21, 2023 – This will be at 6pm, location TBD and this will be on Trestle Bridge. The city is getting pressure from the DOT on what the next steps will be.
- CDBG grant for Healthfirst has been submitted.
- Late Item is needed
- Non-Public is needed:

#### **4. Late Item**

City Council to consider the approval of Franklin Savings Bank loan terms for the loans for the approved vehicle purchases in the FY2024 budget. (The info that was passed out for this late item is attached to the end of the minutes)

**Motion – Councilor Ribas moved that the Franklin City Council accept the loan terms provided by Franklin Savings Bank for:**

- 1) the financing of the vehicle/equipment purchases approved in the FY2024 budget (Resolution 01-24):**
  - a. (1) 2023 5500 Reg Cab Chassis 4x4 (water 1-ton) at an interest rate of 5.00% fixed for five years and,**
  - b. (1) Chevy Equinox at an interest rate of 5.00% fixed for four years and,**
  - c. (1) 2024 Western Star 6-Wheeler at an interest rate of 5.15% fixed for seven years and,**
  - d. (1) Case 621G Wheel Loader at an interest rate of 5.25% fixed for ten years and,**
  - e. (1) 2023 Felling Trailer at an interest rate of 5.00% fixed for four years and,**
  - f. (2) 2023 Police Chevy Tahoe's (fully outfitted) at an interest rate of 5.00% fixed for five years and,**
  - g. (1) Ford F-150 at an interest rate of 5.00% fixed for four years.**

**Seconded by Councilor Blake.**

Mayor Brown asked if there was any discussion.

It was mentioned that these items did come off of the CIP.

**All in favor. Motion PASSED**

#### **5. Nonpublic Session Needed**

Milner stated that they were ready to enter into a nonpublic session.

**Motion – Councilor Ribas moved that the Franklin City Council enter into nonpublic according to RSA 91-A:3 II(I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Seconded by Councilor Zink.**

**By a roll call vote.**

**Roll Call:**

<b>Councilor Blake</b>	<b><u>yes</u></b>	<b>Councilor Desrochers</b>	<b><u>yes</u></b>	<b>Councilor Starkweather</b>	<b><u>yes</u></b>
<b>Councilor Webb</b>	<b><u>yes</u></b>	<b>Councilor Dzujna</b>	<b><u>yes</u></b>	<b>Councilor Trudel</b>	<b><u>yes</u></b>
<b>Councilor Chandler</b>	<b><u>yes</u></b>	<b>Councilor Ribas</b>	<b><u>yes</u></b>	<b>Councilor Zink</b>	<b><u>yes</u></b>

**All in favor. Motion PASSED**

Entered into nonpublic at 8:40 p.m.

**Motion – Councilor Webb moved to leave nonpublic session and return to public session. Seconded by Councilor Ribas.**

**All in favor. Motion PASSED**

Public Session reconvened at 9:03 p.m.

**Motion — Councilor Ribas moved to seal the minutes. Seconded by Councilor Chandler.**

**By a roll call vote.**

**Roll Call:**

<b>Councilor Blake</b>	<b><u>yes</u></b>	<b>Councilor Desrochers</b>	<b><u>yes</u></b>	<b>Councilor Starkweather</b>	<b><u>yes</u></b>
<b>Councilor Webb</b>	<b><u>yes</u></b>	<b>Councilor Dzujna</b>	<b><u>yes</u></b>	<b>Councilor Trudel</b>	<b><u>yes</u></b>
<b>Councilor Chandler</b>	<b><u>yes</u></b>	<b>Councilor Ribas</b>	<b><u>yes</u></b>	<b>Councilor Zink</b>	<b><u>yes</u></b>

**All in favor. Motion PASSED**

**ADJOURNMENT:**

**Motion to adjourn was made by Councilor Zink and seconded by Councilor Ribas. All in favor. Motion PASSED.**

The meeting adjourned at 9:04 p.m.

Respectfully submitted,

Lisa A. Jones  
Executive Secretary



## Franklin Economic Development Forum

June 19, 2023, Franklin, New Hampshire Elks Club

My name is Dean Laughy, Ward Three and I am a life long resident in Franklin, except for a few years in school. I was born right here at the Aikens Homestead and invested in our first home in Franklin in 1979, we have been investing in Franklin for 44 years.

I want to share with you three comments that have been stated to the tax paying residents of the City of Franklin. These have been stated several times by a non resident.

### **Come on wake up**

### **Man, think**

### **You must invest**

I can assure you the tax paying residents in the City of Franklin are awake. We are awake, we care and we want to be heard.

As a tax paying resident of the City of Franklin I am thinking, that is the reason I am here, I care about the future of Franklin and what is happening to the City and the direction it is going.

As I mentioned we have been told to invest in the city. I am investing and have been for 44 years and so aren't all the tax paying residents of Franklin, we are all investing, ~~are you?~~

In the last 44 years we have invested each year and counted on the City Council to use these investments for the best interest of the City of Franklin for services, education and safety in the city.

As a tax paying resident in the City of Franklin I am here to tell you:

I am Awake

I am Thinking

I am Investing

~~Are you?~~ ( how many of you don't live in Franklin?)

As was were asked several meeting ago by Councilman Webb, do you have any solutions?

Let me share with you several options:

First let's look at the Petition and Pole Licensings fees for utilities. Just in the 500 feet near my home there at 12 poles that are not permitted? ( not to mention the mounted equipment) What would a complete audit in the City of Franklin reveal? Just this fee, a State of New Hampshire RSA 231:161, requirement would pay for the needed software for the planning department, mentioned in the budget meetings.

Now let's think about parking in Franklin. Many of the parking spots have been leased on an annual basis. More leasing option were just approved. This annual lease should be change and increased. We always hear about comparison to other towns and city and the annual lease cost is not enough. An option could be implementing parking fee with eletronic meters. Not sure of the total parking spaces in Franklin so lets just use some rough numbers.

Parking permit in towns and city run \$50 a month, \$600 a year, not in Franklin, I believe these are about \$200 annually.

200 spaces at \$.25 an hour with a 30% occupenence rate which would be about \$360 a day, bringing in \$131,400 a year and I think these numbers are light. This alone would pay for additional life / safety for fire and police.

Laconia is \$2.00 an hour, Concord is \$1.00 and Manchester is \$.75.

Now lets look at the water park. It has been stated several times that this will bring 190,000 visitors a year. Excellent. With an investment cost of \$6.7 mm, each of the visitors could invest a one time fee of just \$35.26 or a five year plan brings this to \$7.05. I for one, would be the first to issue my investment check of \$35.26 to the water park.

The City of Franklin needs to focus on the investment of the city operations and not non esentials projects.

During the last 15 years or so we have seen a continued concern for the road conditions in the city. Where have the prior investments gone? We do need to invest in the roads for the safety and comfort of the tax paying residents in Franklin. As for the Soldiers Hall, how have we gotten here? Many of the concerns can be resolved quickly, to protect the safety of the people, and at an expense the city can afford. However investment is needed to make sure that the Soldier Hall / Opera House is brought back to it glory days, this should be the cornerstone for cultural and arts and focus of the city not the water park.

I am sure someone believes in the investment in the water park and they believe it is a good investment, if this is true, than having this self funded should not be a problem and should be done in this fashion and not a city funded project.

The City of Franklin needs an increase in its tax base, not increased taxes. What builds a strong tax base, a strong school system and a strong infrustructure. And if the City Council members thinks the city can afford a \$20mm bond than it should be based on the city needs not wants or wishes. For example what about a technical training center at the High School, (like Hewitt) What about a computer training lab at the high school, what about industrial arts center for the High School, (wood, Metal and automotive). What about training to be a chef? What about converting our school building to self sustaining with a



green heating systems and solar power, reducing our costs and improving the environment for our children. Our kids need our investment not an amusement park.

The bond must be split up and each element must have a separate vote so we as the tax paying citizens in Franklin know exactly how each council person vote for each element. If this was your money you would not invest in an amusement park when there are so many other true needs for the city.

Thank you for listening.

A concerned tax paying resident of the City of Franklin.

#### Franklin Tax Rate Comparisons

Description	Rate	Position From the Highest	Total Positions	In the top
Total Tax Rate	\$24.39	60	266	22.56%
Municipal Rate	\$13.12	4	266	1.50%
School Rate	\$ 7.16	194	266	72.93%

[Property Tax Rates & Related Data | Municipal | NH Department of Revenue Administration](#)

Testimony of: William Yacopucci, Resident of Ward 3 – Franklin, NH

Written on 08/05/23 and delivered to the City Council of the City of Franklin, NH on 08-07-23

Good evening from Bill Yacopucci, Ward 3. Work has called me away, but this issue is of such significance to Franklin that I took the time to write out my testimony. I appreciate it being read to the council.

I am generally known within the community for leading the effort to bring a makerspace to Franklin. Its goal is to help advance the community and provide opportunities for its inhabitants. Much of what exists within this bond is akin to what we are all about. No one project will “save” Franklin but the culmination of all the projects we are working on is transformative and can be life-changing for our residents.

My concern is, that if we fail to act during this time of greatest opportunity, we may once again add these projects to the list of “almosts” or “could- have- beens” that we lament as we settle back into our well-worn persona as the city that can’t catch a break.

Of course, that will not be an accurate assessment. We will actually be a city that had opportunity within its grasp and failed to take it. We have, for too long, looked to handouts and lottery-style wins to determine our future. That has brought us nothing but failure. Luck is a factor in life, but it is what you do with that luck that matters!

I grew up in Franklin, attending and graduating from its school system. After 25 years or so, away pursuing a career, I made the choice to return to Franklin in 2014. It was a great decision. You sometimes cannot fully appreciate where you came from until you leave and experience other places. The great recreational opportunities that we have in Franklin seldom appear in such abundance in one location. We should be thankful for all that we have. And recognize its abundance in helping our community reach its potential.

Having spent time on the West Coast and in the Mid-West I was exposed to other ways that communities address their most pressing issues. Franklin must understand that those that join us from outside can bring valuable experience and insight. No one better personifies that for me in Franklin than Marty Parichand.

Again, luck brought him to us, now what are we going to do with it. I have seen lies and misinformation representing Mill City as a personal vanity project with no redeeming value to the community. It is not a private for-profit corporation, it is a city owned park, free to all - that has, and will, continue to draw millions of dollars of investment into our town.

Of all of the items in the proposed bond, it is one of the least expensive and has, by far, the most return on investment! It is a simple math equation when you come down to it. If someone said give me \$2 and I'll give you \$10 back you would be a fool not to do it!

While it is true, Mill City made it this far without the use of tax dollars, the project's completion should not be condemned because it is included in the proposed bond. New opportunities for Mill City to become an Olympic caliber site only enhance Franklin's profile as a place to be. Inclusion in the bond will allow for timely completion of Mill City. This will maintain critical momentum and ensure other investments in Franklin will continue to flow.

We must take a long view as we look at the whitewater park and all other elements of the bond. Our public representatives must have the foresight to consider the long-term as well as the short-term if they are to truly represent our best interest.

A city, like a business, is a going-concern - there is no expiration date. As custodians of a community - which elected officials and civil servants are - it is a dereliction of duty to wear blinders and fail to address its direction and future. For far too long that has been the status quo for Franklin.

The proverbial can has been kicked down a dead end road and is bouncing back and hitting us in the face. There are bold and brave servants of this community that refuse to kick the can anymore. Mike Foss, for one, who puts the citizens' safety first and demands that we do it right. A selection of elected officials, civil servants and business people – who think beyond themselves have banded together to forge a solution for Franklin's future.

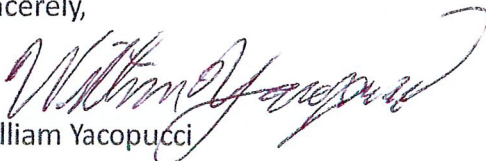
Franklin has failed to use the fiscal tool of investment in infrastructure that most every other NH community has used to greater effect. Unless we wake up to reality Franklin is destined to the same lot as a third-world country – a failed state.

Local is where stuff gets done, where the individual can make a difference. The divisive politics practiced at a national level are not welcome. "No" alone is not a solution, it is not a result. Municipal public servants are not game show judges who can say no, make a wise-ass comment, drop the mic and exit the stage. If not this, then what? No other plan is not an option. It is not doing your job.

Approving to investment in Franklin's future is not an end. The bond is a beginning. Going forward, choices will be available on how to proceed, options will exist. This is not a blank check. Having invested in our future we will have greater determination over it. A widened tax base will allow us to better maintain what we have so future generations don't have to dig out of a hole – a self-inflicted hole – like this again.

I ask that all council members approve the bond and work toward implementing the opportunities it affords us to the best of your abilities. Thank you.

Sincerely,

  
William Yacopucci



August 7, 2023 City Council Meeting

Good evening. Judith Ackerson from Ward 3. I wish to extend my thanks to Chief Foss of the Fire Department for bringing us to the point we are at today. Your integrity and courage are commendable.

First, I will address an elephant in the room. When some people don't like an action being proposed, facts be damned. When they don't have any data to back up their argument, they resort to loud personal attacks. People do have the First Amendment right to say what they are thinking but angry retorts turn people against them. The loudest mouth in the room does not mean you are the majority. I believe most people in this community have had quite enough.

To Judie Milner, Jo Brown, George Dzujna, Valarie Blake and possibly others who sit at the front table and have been much maligned, and Marty Parachand who has given so much of himself and his personal investment, I am in awe of your courage and grace under fire. You all respond with good solidly researched data that you can back up. You are not looking to win; you are looking to form consensus among the voting public.

My thought on the bond is that one item be removed from consideration, Trestle Bridge. This structure has been neglected for decades and I don't feel its interest to the community justifies spending \$5 million on it. It may, however, be considered wise to spend the estimated \$1 million cost to take it down at this time for safety reasons. If it has sentimental value, many photos have been taken. I have one hanging in my living room.

Mill City Park and the Opera House which is housed within City Hall are the two biggest reasons for recent and future investments in our community. Seventy percent of our school children have taken advantage of arts programs at the Opera House at no cost to taxpayers. How could we possibly entertain the thought of losing this resource for our children by letting City Hall go? Multiple youngsters have been introduced to our river and lake through the Recreation Department in concert with Mill City Park.

I attended the joint meeting of City Council and the School Board where one school board member asked "but what about the children" in spending on this bond. A reminder that the city did take out a bond in 2006 for \$2,700,000 for school renovations. Our city is an **extension of our classrooms** where kids not only learn new skills but how to be a part of a community. The Junior Youth Group is another example of community education. Isn't it time now that we now tend to the city's infrastructure needs?

Further grants to finish the water park have been denied **because** grantors are asking when is the city going to kick in some cash. Chinburg is spending millions of dollars here because these two features draw people to want to spend time here and live here. Waterhorse, Downtown Crepes, Asian Delight, Franklin Café, Lakes Region eBikes, to name a few, are here because they see Franklin as a good investment. Imagine City Hall abandoned, deteriorating or torn down and paved over. What would it cost to build another city hall or rent an adequate space?

I love the City of Franklin since I moved here 47 years ago and hope our current City Council members will be the ones we can point to with pride for having done the right thing. Thank you for all you do and for your time.

Judith Ackerson, 3 Morning Glory Drive, Franklin NH 03235 603-369-0574





# Current Assessed Values of Improvement

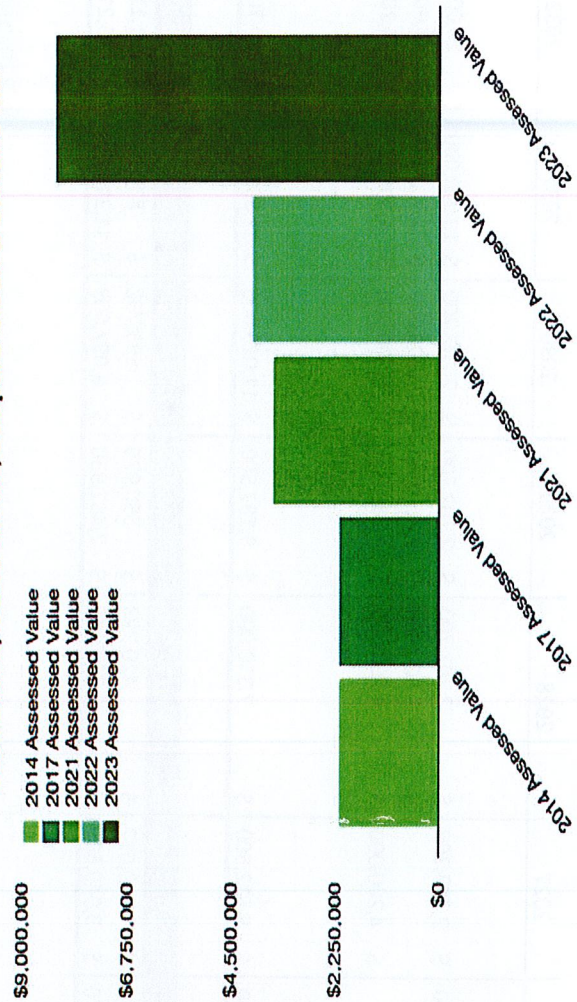
Redeveloped Property	2014		2017		2021		2022	
	Assessed Value	Annual Taxes	Assessed Value	Annual Taxes	Assessed Value	Annual Taxes	Assessed Value	Annual Taxes
Buell Block	\$270,400	\$6,746	\$270,600	\$6,847	\$561,600	\$13,180	\$563,500	\$13,744
Odd Fellows	\$335,400	\$8,368	\$340,300	\$8,698	\$630,800	\$14,641	\$793,900	\$19,363
Shepard Block	\$139,100	\$3,471	\$140,900	\$3,607	\$407,500	\$9,458	\$467,000	\$11,390
Stevens Mills	\$1,385,500	\$39,645	\$1,384,800	\$52,911	\$1,989,900	\$46,186	\$2,202,700	\$53,724
<b>TOTALS</b>	<b>\$2,130,400</b>	<b>\$58,230</b>	<b>\$2,136,600</b>	<b>\$72,062</b>	<b>\$3,589,800</b>	<b>\$83,465</b>	<b>\$4,027,100</b>	<b>\$98,221</b>

ASSESSED VALUE IMPROVEMENT 2017 to 2023

1

Redeveloped Property	2023	
	Assessed Value	Annual Taxes
Buell Block	\$690,900	
Odd Fellows	\$4,269,400	
Shepard Block	\$1,092,000	
Stevens Mills	\$2,202,700	
<b>TOTALS</b>	<b>\$8,255,000</b>	<b>Tax rate not set</b>

Assessed Value of Buell Block, Odd Fellows, Shepard Block & Stevens Mill



①



# Projected Assessed Values Attributable to Catalytic Investments

Fiscal Year	2025	2026	2027	2028	2029	2030	2031	2032
<u>Existing/Potential Projects</u>								
Stevens Mill	\$ 2,202,700	\$ 2,202,700	\$ 2,202,700	2,202,700	\$ 2,202,700	\$ 2,202,700	\$ 10,000,000	\$ 20,000,000
Stanley Mill/Armory/Proulx Hotel				3,500,000	\$ 7,000,000	\$ 7,000,000	\$ 7,000,000	\$ 7,000,000
			\$ 4,200,000	4,200,000	\$ 4,200,000	\$ 4,200,000	\$ 4,200,000	\$ 4,200,000
<u>Background Projects</u>								
60,000 SF of Downtown Space								
Upgraded @ \$350/SF x 70%	\$ 1,837,500	\$ 3,675,000	\$ 5,512,500	7,350,000	\$ 9,187,500	\$ 11,025,000	\$ 12,862,500	\$ 14,700,000
<b>TOTAL:</b>	<b>\$ 4,040,200</b>	<b>\$ 5,877,700</b>	<b>\$ 11,915,200</b>	<b>\$ 17,252,700</b>	<b>\$ 22,590,200</b>	<b>\$ 24,427,700</b>	<b>\$ 34,062,500</b>	<b>\$ 45,900,000</b>
POTENTIAL TAX REV. @ \$ 24.39	\$ 98,540	\$ 143,357	\$ 290,612	420,793	\$ 550,975	\$ 595,792	\$ 830,784	\$ 1,119,501
"BONDABILITY"(1)	\$ 1,339,198	\$ 1,948,270	\$ 3,949,509	5,718,719	\$ 7,487,930	\$ 8,097,003	\$ 11,290,631	\$ 15,214,384



NOTES:

(1) "Bondability" is the principal amount of a 20-year/4% bond that can be supported by estimated tax revenues.

Myth Buster: TIF (Tax Increment Financing) District does not retain any value unless there is an APPROVED project by the city council.

2



\*\*\*LATE ITEM\*\*\*

**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**  
*City Council Meeting of August 7<sup>th</sup>, 2023*

**From:** Esaundra Gaudette/Finance Director

**Subject:** City Council to consider the approval of Franklin Savings Bank loan terms for the approved vehicle purchases in the FY2024 budget.

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**Recommended Motion for the August 7<sup>th</sup>, 2023 Meeting of the City Council:**

*"I move that the Franklin City Council accept the loan terms provided by Franklin Savings Bank for:*

- 1) the financing of the vehicle/equipment purchases approved in the FY2024 budget (Resolution 01-24):*
  - a. (1) 2023 5500 Reg Cab Chassis 4x4 (water 1-ton) at an interest rate of 5.00% fixed for five years and,*
  - b. (1) Chevy Equinox at an interest rate of 5.00% fixed for four years and,*
  - c. (1) 2024 Western Star 6-Wheeler at an interest rate of 5.15% fixed for seven years and,*
  - d. (1) Case 621G Wheel Loader at an interest rate of 5.25% fixed for ten years and,*
  - e. (1) 2023 Felling Trailer at an interest rate of 5.00% fixed for four years and,*
  - f. (2) 2023 Police Chevy Tahoe's (fully outfitted) at an interest rate of 5.00% fixed for five years and,*
  - g. (1) Ford F-150 at an interest rate of 5.00% fixed for four years.*

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

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**Background:**

On June 5, 2023 the Franklin City Council adopted the FY2024 budget. The budget included the purchase of nine vehicles/equipment. A purchase of a 1-ton to replace the current 1-ton truck #29 in water/sewer; the purchase of two vehicles for the Recreation department: the purchase of a 6-wheeler to replace #3; the purchase of a Loader to replace #14; the purchase of a trailer to replace #40 in Building and Grounds; the purchase of (2) fully outfitted Chevy Tahoe's for the Police department to replace two other units in the fleet; and the purchase of a truck in Highway to replace #2. Unfortunately, at this time the City has not been able to purchase a replacement for the truck #2 in highway and therefore it is not included in this financing round. We will continue to search for a vehicle that works and fits into the approved budget and obtain financing at that time.

The term for the vehicle/equipment loans are as follows:

- (1) 2023 5500 Reg Cab Chassis 4x4 (water 1-ton) up to \$135,860 for 5 years (60 months) at a rate of 5.00% fixed



- (1) Chevy Equinox for Recreation up to \$28,438 for 4 years (48 months) at a rate of 5.00% fixed
- (1) 2024 Western Star 6-Wheeler up to \$279,675 for 7 years (84 months) at a rate of 5.15% fixed
- (1) Case 621G Wheel Loader up to \$183,500 for 10 years (120 months) at a rate of 5.25% fixed
- (1) 2023 Felling Trailer up to \$29,825 for 4 years (48 months) at a rate of 5.00% fixed
- (2) 2023 Police Chevy Tahoe's fully outfitted up to \$137,685.92 for 5 years (60 months) at a rate of 5.00% fixed
- (1) Ford F-150 for Recreation up to \$42,105 for 4 years (48 months) at a rate of 5.00% fixed

#### **Fiscal Impact:**

This vote is only accepting the loan terms. The capital outlay and debt service payments have previously been approved by the Franklin City Council through the FY2024 budget process.

These rates are being held for the City by Franklin Savings Bank even though several interest rates increases have occurred since the passage of the budget which can only be achieved through a partnership with a strong community orientated bank such as Franklin Savings Bank.

#### **Alternatives:**

Other financing options were looked at which resulted in higher interest rates and payments. The rates ranged from 5.99% to 7.25%. Two of the four banks chose not to even submit a rate as they had already exceeded their municipal lending line. We could do nothing and the budget will be significantly overspent due to the maintenance and repair costs of the aging fleet that was slated to be replaced.

#### **Attachments:**

Resolution 01-24

Pages 158 and 159 of the approved FY2024 budget which shows authorized debt payments.

Pages 171 and 176 of the approved FY2024 budget which shows authorized debt payments (Water/Sewer)

City of Franklin, New Hampshire									
FY2024 Budget Expenditures									
		FY 2023				FY2024 Budget			
		Prior Year Encumbrances	Council Adopted Budget Expenditures	Actual Expenditures (thru 5/31/23 Unadjusted)	Department Proposed Expenditures	Managers Proposed Expenditures	Council Adopted Expenditures	% Change Over Prior Year Appropriated Expenditures	Account Detail
Debt Service									
									Bonds & Notes; Roads (8 of 10 payments \$53,880.10); Fire Engine (7 of 10 payments \$67,308.90); Ambulance (4 of 7 payments \$28,537.22); MSD Grader (4 of 7 payments \$42,905.66); (2)Chevy Tahoe-Police (payment 3 of 4 \$19,817.74); 2 code vehicle (Payment 2 of 4 \$24,948.31) and MSD director vehicle (Payment 2 of 4 total payment = \$8,422.83 (\$1684.56 ( 20% GF), \$5,474.85 (65% Water), \$1,263.42 (15% Sewer)); Highway Backhoe (payment 2 of 10 \$19,564.04); Franklin Falls Mixed Use TIF Amendment #1 note (payment 1 of 20 \$49,022); Police Dispatch center upgrade (payment 1of 6) \$85,426.15;Purchase 2 vehicles for the Rec dept (1) Chevy Equinox (payment 1 of 4) \$6,902.41 & (1) Ford Ranger (payment 1 of 4) \$7,395.60; Replace Highway Truck #2 (payment 1 of 5) \$20,304.69; Replace 6 wheeler #3 (payment 1 of 7) \$33,584.24; Replace Cat Loader #14 (payment 1 of 10) \$19,961.53; Purchase (2) New Police Tahoes Fully outfitted to replace older cruisers (payment 1 of 4) \$32,050.62; replacement of Bldg & grounds trailer #40 (payment 1 of 4) \$6,884.49
	01-7-111-40980-000 Principle Debt Serv - Princ		313,992	227,297	385,730	520,178	520,178	65.7%	
	01-7-112-40981-000 Interest Debt Serv - Interest		26,052	36,695	111,268	111,268	111,268	327.1%	Interest relating to bonds & notes
	01-7-119-40982-000 Debt Service - Capital Leases		62,855	62,855	0		0	-100.0%	
	Total Debt Service	0	402,899	326,847	496,998	631,446	631,446	56.7%	
Capital Outlay									
	01-9-012-40720-451 Buildings CO - Bldgs LWCF - Daniell Park Bath house upgrades	See approved 5 year Capital Improvement Plan							
			56,320	20,004	0	0	0	-100.0%	
	01-9-012-40720-000 Buildings CO - Bldgs		60,000	0	0	0	0	-100.0%	
	01-9-013-40740-000 Machinery & Equip CO - Mach & Equip	90,000	69,226	158,416	496,061	496,061	496,061	616.6%	\$248,986 replacement of 6 wheeler #3; \$217,500 replacement of Cat loader #14; \$29,575 replacement of Bldg & grounds trailer #40

City of Franklin, New Hampshire									
FY2024 Budget Expenditures									
	FY 2023	FY 2024 Budget			Department Proposed Expenditures	Managers Proposed Expenditures	Council Adopted Expenditures	% Change Over Prior Year Appropriated Expenditures	Account Detail
		Prior Year Encumbrances	Council Adopted Budget Expenditures	Actual Expenditures (thru 5/31/23 Unadjusted)					
01-9-013-40760-000 Machinery & Equip CO - Vehicles			0	0	302,199	302,199	302,199	#DIV/0!	\$28,438 Chevy Equinox for Rec dept; \$30,470 Ford Ranger for Rec dept; \$105,605 replacement of Truck #2 Highway dept; \$137,685.92 purchase 2 fully outfitted police tahoes to replace 2 other units in fleet
01-9-014-40730-000 Other Improvements CO - Land			0	0	0	0	0	#DIV/0!	
01-9-014-40770-000 Other Improvements - Technology			520,193	0	0	0	0	-100.0%	Res#08-22 Police Dispatch Center, IMC upgrade
01-9-014-40798-000 Other Improvements CO - Infrastructure		37,650	0	0	0	0	0	#DIV/0!	Keegan Block Parking Lot
Total Capital Outlay		127,650	705,739	178,420	798,260	798,260	798,260	13.1%	



City of Franklin, New Hampshire									
FY2024 Budget									
Expenses									
FY 2023									
		Budget Expenses	Actual Expenses (thru 05/31/23 Unadjusted)	FY 2024 Budget					
				Department Proposed Expenses	Manager Proposed Expenses	Council Adopted Expenses	% Change Over Prior Year Appropriated Expenses	Account Detail	
21-0-331-40350-000 Medical		800	303	800	800	800	0.0%	random drug testing, annual physicals, pre-employment physicals	
21-0-331-40410-000 Water Admin Electricity		4,000	2,720	4,000	4,000	4,000	0.0%	50% Administration Building	
21-0-331-40411-000 Water Admin Heating Oil/Gas		2,500	2,780	2,500	2,500	2,500	0.0%	50% Administration Building	
21-0-331-40430-000 Water Admin Bldg Repairs & Maint		200	433	500	500	500	150.0%	Paper towels, etc.; any repairs to office building (Water Fund share)	
21-0-331-40439-000 Water Admin Other Contracted Services		3,200	2,542	3,200	3,200	3,200	0.0%	Background Checks, data collection for mapping, JP Pest services	
21-0-331-40440-000 Water Admin Equip Lease		820	743	850	850	850	3.7%	Portion of MSD office copier & 25% of folding machine maint.	
21-0-331-40521-000 Water Admin General Liability		43,155	41,310	47,725	47,725	47,725	10.6%	Insurance costs related to the operation of the Water fund	
21-0-331-40528-000 Water Admin Gen Liab Deduct		2,500	0	2,500	2,500	2,500	0.0%	Any insurance claim deductibles for Water Dept. claims	
21-0-331-40551-000 Water Admin Advert/Legal Notices		200	0	200	200	200	0.0%	Legal notices as needed; newspaper ads	
21-0-331-40560-000 Water Admin Membership/Dues		1,200	1,550	1,600	1,600	1,600	33.3%	AWWA (\$487) & NHWWA (\$664), GSRWA (\$400) (Water Dept. training dues required to participate)	
21-0-331-40620-000 Water Admin Supplies - Office		700	558	700	700	700	0.0%	Paper, pens, etc. for Water Dept.	
21-0-331-40625-000 Water Admin Postage		3,000	2,471	3,000	3,000	3,000	0.0%	Mailing Bills for Water Dept.	
21-0-331-40840-000 Water Admin PILOT		2,471	0	2,929	2,929	2,929	18.5%	Payment in lieu of taxes for Water Dept. land in Sanbornton	
21-0-331-40980-000 Water Admin Debt Serv - Princ		464,332	383,352	483,004	483,004	483,004	4.0%	\$130,180 USDA Rural Development (Water Treatment Facility - expires 2040); \$99,756.37 DWSRF West Franklin Water Tanks (expires 2034); \$55,931 Cross Street Rehabilitation/US3 Water Main Relocation Projects (expires 2027); \$29,029.76 Pleasant St. PRV (expires 2029); \$75,162.40 New Hampton Rd Water Main Replacement (expires 2051); MSD director vehicle replacement (payment 2 of 4) \$5,474.85; replacement of 1 ton #29 \$12,740 (payment 1 of 5); placeholder for east/west bow street DWSRF project (\$75,000)	
21-0-331-40981-000 Water Admin Debt Serv - Interest		156,616	156,616	149,741	149,741	149,741	-4.4%	\$49,060 USDA Rural Development (Water Treatment Facility - expires 2040); \$61,778.89 DWSRF West Franklin Water Tanks (expires 2034); \$2,791.37 Cross Street Rehabilitation/US3 Water Main Relocation Projects (expires 2027); \$1,905.1 Pleasant Street PRV (expires 2029); \$31,443.72 New Hampton Rd. Water Main Replacement (expires 2051); MSD director vehicle replacement (payment 2 of 4) \$491.69; replacement of 1 ton truck #29 \$2,270 (payment 1 of 5)	



City of Franklin, New Hampshire									
FY2024 Budget Expenses		FY 2023		FY2024 Budget					
	Budget Expenses	Actual Expenses (thru 05/31/23 Unadjusted)	Department Proposed Expenses	Manager Proposed Expenses	Council Adopted Expenses	% Change Over Prior Year Appropriated Expenses	Account Detail		
22-0-321-40980-000 Sewer Internal Operations Debt Serv - Princ	147,556	46,176	161,727	161,727	161,727	9.6%	\$47,723.59 NHDES/SRF Loan for North Main/Route11/Kidder Avenue sewer main replacement project (expires 2026);MSD director vehicle replacement (payment 2 of 4) \$1,263.42; replacement of 1 ton #29 \$12,740 (payment 1 of 5); placeholder for East/West Bow Street sewer replacement program CWSRF grant/loan \$100,000		
22-0-321-40981-000 Sewer Internal Operations Debt Serv - Interest	8,276	10,004	9,111	9,111	9,111	10.1%	\$6,727.76 NHDES/SRF Loan for North Main/Route11/Kidder Avenue sewer main replacement project (expires 2026);MSD director vehicle replacement (payment 2 of 4) \$113.46; replacement of 1 ton truck #29 \$2,270 (payment 1 of 5)		
Total Sewer Administration	740,405	407,419	5,779,747	5,740,405	5,740,405	675.3%			
Winnepesaukee River Basin Program - 10 community program with shared costs based on a formula established in the 70's. Program is operated by State of New Hampshire with a local advisory board made up of participating communities.									
Sewer External Operations									
22-0-322-40581-000 Sewer External Operations WSPCC Admin	184,675	181,986	226,073	226,073	226,073	22.4%	Franklin is 16% of total WRBP cost		
22-0-322-40582-000 Sewer External Operations WSPCC Capital	153,072	122,173	124,383	124,383	124,383	-18.7%	Franklin is 22% of total WRBP cost		
22-0-322-40583-000 Sewer External Operations WSPCC O & M Costs	489,038	617,468	821,553	821,553	821,553	68.0%	Franklin is 16% of total WRBP cost		
22-0-322-40584-000 Sewer External Operations WSPCC Replacement Costs	69,226	68,085	63,018	63,018	63,018	-9.0%	Franklin is 8% of total WRBP cost		
Total Sewer External Operations	896,011	989,712	1,235,027	1,235,027	1,235,027	37.8%	Franklin's share for Administrative Cost's under WRBP current assessment formula		
TOTAL SEWER ENTERPRISE FUND EXPENSES	1,636,416	1,397,131	7,014,774	6,975,432	6,975,432	326.3%			



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

316 Central Street  
Franklin, NH 02353

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

**RESOLUTION #01-24**

A resolution relating to Appropriations and Estimated Revenues for Fiscal Year 2024.

In the Year of our Lord, Two Thousand and Twenty Three.

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 2024:

**MUNICIPAL DEPARTMENTS**

**APPROPRIATIONS:**

General Operations (MS-232):

General Government	\$	2,004,993
Public Safety		7,151,451
Highways & Streets		2,029,217
Sanitation		1,356,511
Health		371,879
Welfare		98,179
Culture & Recreation		1,484,123
Conservation & Development		100,000
Debt Service		631,446
Capital Outlay		798,260
Interfund Operating Transfers Out		284,696
Total General Operations Appropriations		16,310,755

Other Funds:

Parks & Recreation Appropriations	15,500
Outside Police Detail Appropriations	70,609
Water Appropriations	5,736,852
Sewer Appropriations	6,975,432
Capital Projects Appropriations	0
Pass Through Grant Appropriations	0
Total Municipal Appropriations	\$ 29,109,148

**ESTIMATED REVENUES:**

General Operations (MS-434):

City Revenues General Fund	\$	5,576,080
Other Financing Resources		897,682
Interfund Operating Transfers In		121,350
Local Taxation		9,715,643
Total General Operations Estimated Revenues		16,310,755

Other Funds:

Parks & Recreation Estimated Revenues	15,500
Outside Police Detail Estimated Revenues	70,609
Water Estimated Revenues	5,736,852
Sewer Estimated Revenues	6,975,432
Capital Projects Estimated Revenues	0
Pass Through Grant Estimated Revenues	0
Total Municipal Estimated Revenues	\$ 29,109,148

**SCHOOL DEPARTMENT****APPROPRIATIONS:**

General Operations	\$	23,965,639
Food Service		0
Total School Department Appropriations	\$	23,965,639

**ESTIMATED REVENUES:**

General Operations	\$	16,469,461
Transfer from Municipal		0
Use of Fund Balance		893,956
Transfer from Capital Reserve		0
Local & State Taxation		6,602,222
Total School Estimated Revenues	\$	23,965,639

**MERRIMACK COUNTY**

Estimated Tax to be Raised \$ 1,931,238

**INDUSTRIAL PARK TAX INCREMENT FINANCING DISTRICT**

Estimated Tax to be Raised \$ 62,290

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

Estimated Tax to be Raised \$ 72,324

**VETERAN'S CREDITS**

Estimated Tax to be Raised \$ 128,525

**OVERLAY**

Estimated Tax to be Raised \$ 31,000

**Roll Call:**

Councilor Dzunja	<u>YES</u>	Councilor Zink	<u>NO</u>
Councilor Blake	<u>YES</u>	Councilor Starkweather	<u>YES</u>
Councilor Desrochers	<u>NO</u>	Councilor Ribas	<u>YES</u>
Councilor Chandler	<u>YES</u>	Councilor Trudel	<u>NO</u>
Councilor Webb	<u>YES</u>		

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 Michelle Stanyan is the City Clerk for the City of Franklin, New Hampshire.

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

City Clerk

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



**City Council Meeting Minutes**  
**Monday, August 21<sup>st</sup>, 2023 - 6:30 p.m.**  
**BRCC, Gymnasium**

**Council in attendance:** Mayor Jo Brown, Councilor Jay Chandler, Councilor Leigh Webb, Councilor Bob Desrochers, Councilor George Dzujna, Councilor Valerie Blake, Councilor Paul Trudel, Councilor Vince Ribas, Councilor Ted Starkweather and Councilor Olivia Zink

**Absent:** None

**Others in attendance:** City Manager Judie Milner, Planning & Zoning Director Seth Creighton, McFarland Johnson Project Manager Brian Colburn and members of the public.

Mayor Brown called the meeting to order in Council Chambers at 6:30 p.m.

Salute to the Flag was led by Councilor Ribas.

**Agenda Item I.**

**Trestle Bridge Discussion**

Mayor Brown stated that this was an update to a presentation that the engineering firm did last year.

Milner let the public know that this workshop is about the Trestle Bridge. In 2019 the city received a Transportation Alternative Program (TAP) grant from NHDOT towards this bridge. She clarified that this is NOT a Mill City Park project, but a city project. There have already been a few public hearings about this as required for this grant.

The city received a recent letter from NHDOT asking the council what will be done with the Trestle Bridge, as they need an answer. This letter is attached to the end of the minutes.

The agenda item on this will be added to the next City Council meeting, which will be held on Tuesday, September 5<sup>th</sup>, at 6pm in the High School Cafeteria.

Milner turned the rest over to McFarland Johnson PM, Brian Colburn.

Colburn gave a presentation with PowerPoint slides, which can be found at the end of the minutes.

He went over the five project options that the city will need to make a decision on including the total project estimates:

- Historical Restoration/Rehabilitate Trestle - \$4,815,000 (NHDOT will fund **up to 80%**)
- Historical Restoration/Replace Trestle In-Kind - \$4,385,000 (NHDOT will fund **up to 80%**)



- New Pedestrian Bridge & Stabilize Trestle - \$3,455,000 (NHDOT will fund **up to** 80%)
- Stabilize Existing Trestle - \$1,700,000 (City will be responsible for 100% of the funding)
- Removal of the Trestle - \$750,000 (City will be responsible for 100% of the funding)

Colburn, Creighton, and Milner answered questions from the council and members of the public.

Some of the key points were as follows:

- NHDOT wants to know what to do with the TAP grant. If there is no decision made by the end of December 2023, the Department will close out the project due to inactivity and indecision.
- The 20% match from the city is a best-case scenario. The city will most likely need to cover more than 20% of whichever option is chosen, as the extra money from the state is not guaranteed. The Economic Development team has been looking into other funding resources and it's been very challenging.
- \$128,000 of city funding refers to the amount that will be paid by Mill City Park towards a new trestle option and that would go through the city as a donation. \$512,000 has already been awarded from the NHDOT. This is a total of \$640,000 that is already funded towards the 3 options to rehabilitate/replace/rebuild the trestle bridge.
- This engineering firm was hired to see if this bridge could be restored or made into a pedestrian bridge. They were not hired to evaluate the existing conditions or how much longer it will last if left as is.
- The costs provided do not reflect future maintenance costs for the city.
- It has been absolutely confirmed by Creighton that this entire bridge is owned by the city. He has liens from the 1970's that clearly show that the state gave the bridge to the city.
- Nothing can proceed with NHDOT until the city council makes the decision to fund this project.
- With new infrastructure bill the NHDOT has more money to put towards this TAP grant.
- On Tuesday, September 5<sup>th</sup>, this project will be on the agenda to set a public hearing for a vote at the October City Council meeting.

There was a lot of discussion between the members of the public and the council. There were concerns about the risks and many variables if taking on any rebuilding, as the extra funding from NHDOT is not known at this time, where removing the bridge would be 100% of the city's share and that alone would start at \$750,000 to complete. Aside from removal, the option to build a new pedestrian bridge and stabilize the trestle would possibly be the next cheapest way to go, depending on how much grant funding would be received. If the state were to pay 80% of the

total for that option, the 20% match from the city would cost \$691,000. This is, however, if the state actually pays the full 80% of the project.

The mayor stated that Colburn is going to try to get real numbers from NHDOT of what they would contribute for each option and hopes to present that to the city within the next few weeks.

**Agenda Item II.**

Other Business.

No other business was discussed.

**ADJOURNMENT:**

**Motion to adjourn was made by Councilor Zink and seconded by Councilor Chandler.  
All in favor. Motion PASSED.**

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

Lisa A. Jones  
Executive Secretary



**William Cass, P.E.**  
**Commissioner**

**THE STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF TRANSPORTATION**



**David Rodrigue**  
**Assistant Commissioner**  
**Andre Briere**  
**Deputy Commissioner**

August 15, 2023

Seth Creighton, AICP  
Planning & Zoning Director  
City of Franklin  
316 Central Street  
Franklin, NH 03235

RE: FRANKLIN, X-A004(886), #42513  
Trestle Bridge Mill City Park Trail

Dear Mr. Creighton:

The Trestle Bridge Mill City Park Trail, project #42513 was selected in the 2018-2019 Transportation Alternative Program (TAP) selection round. A municipal agreement was signed by the city of Franklin on June 19, 2019, and funds were obligated for design on October 15, 2020. Approval to hire McFarland Johnson was given on October 29, 2020, and the city was given a notice to proceed with an Engineering Study at the same time. At this point in time, almost three years have passed since the city was given approval to hire McFarland Johnson. NHDOT typically see full project designs take 4-5 years and the city hasn't yet completed the Engineering Study, never mind the remaining design.

The Department does understand that there are serious concerns with project, based on work completed so far. The consultant conducted a thorough inspection of the trestle and found that a significant portion of the trestle is not salvageable and can't be rehabilitated. A preliminary estimate was submitted for three possible options, plus another estimate to remove the trestle if rehabilitation isn't feasible due to safety concerns.

- Rehabilitate as much of the trestle as feasible. Cost \$4,350,000
- Remove the trestle and build a new structure that would have a similar look as the trestle. Cost \$4,215,000.
- Construct a new modern structure up stream to cross the river. Cost \$3,050,000.
- Remove existing trestle due to safety concerns. Cost \$1,500,000.

All the option estimates are significantly higher than the current funding awarded to the 42513 project which is approximately \$597,000.

The Department has been clear with the City and their consultant over the last few months that local decisions need to be made with this project. We have also spent quite a bit of time looking at different options for moving forward, shutting the project down, various options in between, and what the implications of each is for the City. However, no decision by the City has been made. The Department needs to see the City make a

go-no go decision for this project, and if it is a go, than the City needs to provide their share of funding and progress in a timely manner.

In other words, to move this project forward, the Department needs to have a commitment from the City of Franklin that officials will work toward providing the necessary funds to construct this project. The Department has an estimate review committee (ERC) that is able look at similar projects to see if the provided estimates are reasonable. If they are, the Department would look to see how much additional federal funding could be provided to this project. For the project to go before the ERC the Department will need to see in writing from the City a commitment that they will provide a 20% match on any additional funding provided and to be prepared to put in additional city funding to cover costs over what the Department can provide. If we don't receive a commitment in writing before the end of December 2023, the Department will move to close out the project due to inactivity and indecision.

If you have questions or want to have a meeting, please contact me anytime at the email address below or call me at the phone number listed below.

Sincerely,

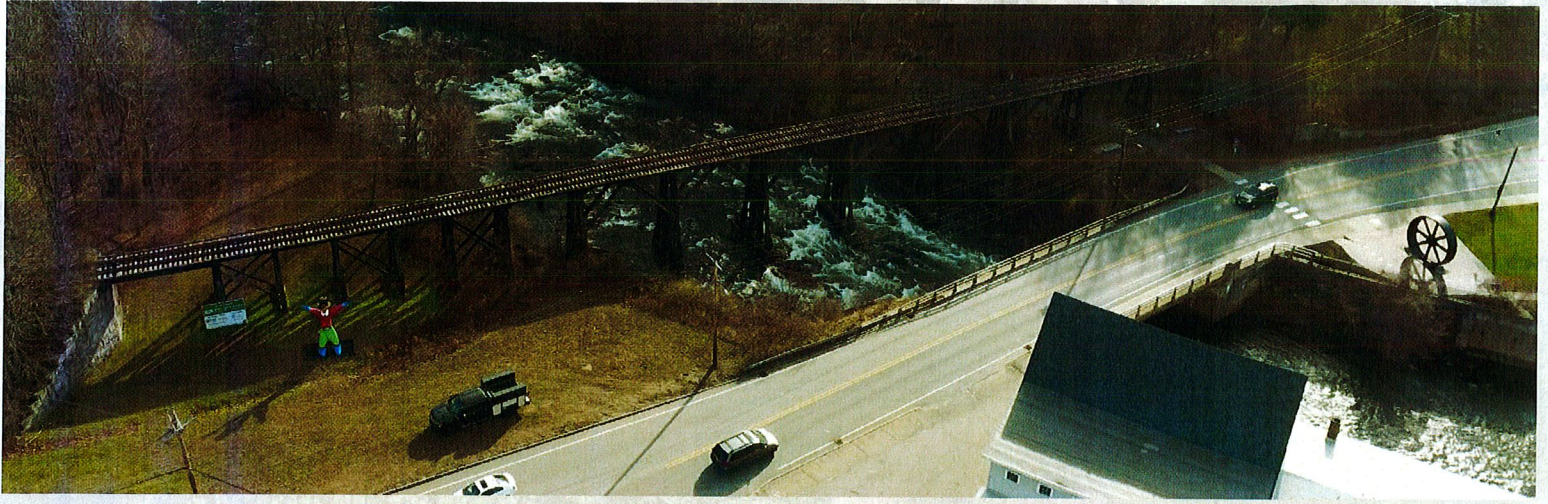


Thomas E. Jameson, PE  
Project Manager  
Bureau of Planning and Community Assistance  
Tel. (603) 271-3462  
Email: [thomas.e.jameson@dot.nh.gov](mailto:thomas.e.jameson@dot.nh.gov)

Cc: Bill Watson, NHDOT, CR Willeke, NHDOT, Brian Colburn McFarland Johnson



# City Council Workshop – August 21, 2023



## Project Description

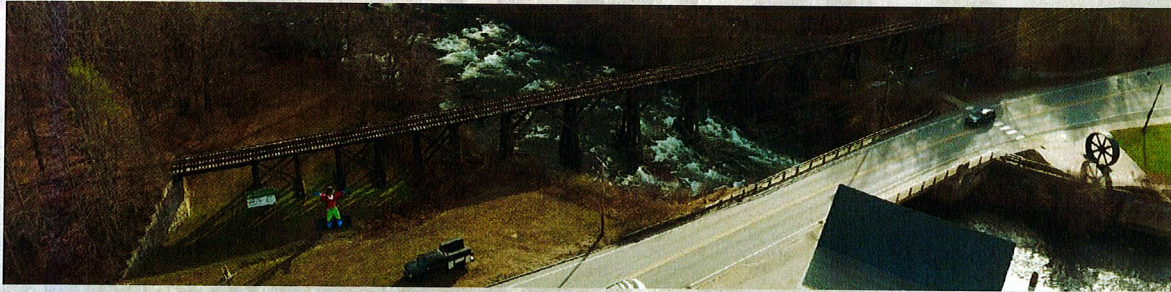
- Construct a Pedestrian Connection Between Winnepesaukee River Trail and Mill City Park
- Awarded a Grant from NHDOT in 2019
  - NHDOT Funding \$512,000
  - City Funding \$128,000
  - Total Funding \$640,000
  - (Assumed Replacing Railroad Ties with Solid Timber Deck)
  - Project Must Follow NHDOT Prescribed Process





# Description of Bridge

- Built circa 1890's
- 15-Spans, 356' Long, 12' Wide, 20' Above Ground
- 3 Types of Trestle Spans
  1. Standard (Spans 1-6 & 15)
  2. A-Frame (Spans 8-13)
  3. Inverted King Post (Spans 7 & 14)



## 2019 Inspections Results

### Condition Summary Table

Element	Total	Green (Retain)	%	Red (Replace)	%	Yellow (Repair)	%
Bents	70	27	39%	20	29%	23	33%
Stringers	90	10	11%	38	42%	42	47%
A-Frames	30	12	40%	8	27%	10	33%
	<b>190</b>	<b>49</b>	<b>26%</b>	<b>66</b>	<b>35%</b>	<b>75</b>	<b>39%</b>



## Structural Inspection Findings

- Portions of the Truss are in Poor Condition
- Truss is Continuing to Deteriorate
- 2019 Inspection Led to Path Relocation



**Franklin**  
NEW HAMPSHIRE  
*The Three Rivers City*



**McFarland Johnson**

## Current Alternatives

- Rehabilitate Existing Railroad Trestle
  - Remove Rail, Ties, & Stringer and Put on New Deck & Historic Style Railing
  - Rehabilitate and Replace Trestle Members In Kind
- New Railroad Trestle
  - Replicate Existing Design
  - All New Timber Members
- New Pedestrian Bridge Upstream
  - Includes Maintenance Work To Existing Trestle



**Franklin**  
NEW HAMPSHIRE  
*The Three Rivers City*



**McFarland Johnson**



# Current Alternatives

- Stabilize Trestle
  - Remove Vegetation
  - Repair or Replace Failed Trestle Members In Kind
  - Will Not Allow Pedestrian Traffic On Trestle
- Remove Trestle
  - Coordinate Stone Pier Removal



# Alternative Cost Estimates

	ALTERNATIVE COST ESTIMATES				
	HISTORIC RESTORATION ALTERNATIVES FOR PEDESTRIAN LOADING		NEW PEDESTRIAN BRIDGE & STABILIZE TRESTLE	NO-BUILD & STABILIZE TRESTLE	NO-BUILD & REMOVE TRESTLE
	REHABILITATE TRESTLE	REPLACE TRESTLE IN-KIND			
TIMBER TRESTLE WORK	\$ 2,200,000	\$ 1,925,000	\$ 1,000,000	\$ 1,000,000	\$ 500,000
NEW CONCRETE RIVER PIERS (TBD)	\$ 550,000	\$ 550,000	\$ -	\$ -	\$ -
PEDESTRIAN DESIGN & HISTORIC STYLE RAILING	\$ 625,000	\$ 625,000	\$ -	\$ -	\$ -
CONTINGENCY	\$ 350,000	\$ 300,000	\$ 225,000	\$ 225,000	\$ 100,000
MOBILIZATION	\$ 350,000	\$ 300,000	\$ 225,000	\$ 225,000	\$ 100,000
NEW PEDESTRIAN BRIDGE & FOUNDATIONS	\$ -	\$ -	\$ 1,495,000	\$ -	\$ -
APPROACH WORK	\$ 75,000	\$ 75,000	\$ 60,000	\$ -	\$ -
<b>TOTAL CONSTRUCTION COST ESTIMATE</b>	<b>\$ 4,150,000</b>	<b>\$ 3,775,000</b>	<b>\$ 3,005,000</b>	<b>\$ 1,450,000</b>	<b>\$ 700,000</b>
ENGINEERING, GEOTECHNICAL & PERMITTING	\$ 375,000	\$ 350,000	\$ 240,000	\$ 150,000	\$ 50,000
CONSTRUCTION ENGINEERING (7% CONSTRUCTION)	\$ 290,000	\$ 260,000	\$ 210,000	\$ 100,000	\$ -
<b>TOTAL PROJECT ESTIMATE</b>	<b>\$ 4,815,000</b>	<b>\$ 4,385,000</b>	<b>\$ 3,455,000</b>	<b>\$ 1,700,000</b>	<b>\$ 750,000</b>
CITY SHARE	20%	20%	20%	100%	100%
<b>CITY COST</b>	<b>\$ 963,000</b>	<b>\$ 877,000</b>	<b>\$ 691,000</b>	<b>\$ 1,700,000</b>	<b>\$ 750,000</b>

\$640,000 Already Funded (\$512,000 DOT - \$128,000 City)





# *New Railroad Trestle Alternatives*

- Modern Materials Could Be Used to Build a More Efficient Trestle
  - Fewer Bents
  - Longer Spans
  - Would Change the Look of the Trestle
  - Would Lower Construction Costs
  - Require Additional Coordination with Resource Agencies
  - Wide Range of Options

## *October 11, 2022 Meeting Summary*

- Concerns with Rehab Option
  - Future Maintenance Costs
  - Unknowns During Construction
- Not Much Support for New Bridge Upstream of Trestle
- New Trestle Preferred
  - Explore Options To Reduce Costs and Future Maintenance
  - Use of Modern Materials





# NHDOT Grant Requirements

1. Engineering Study
  - Develop A Range of Alternatives
  - Select Locally Preferred Alternative
2. Preliminary Design
  - Refine Locally Preferred Alternative
  - Fully Evaluate Impacts of Proposed Alternative on Resources
3. Final Design
4. Construction



# NHDOT Grant Requirements

- NHDOT Reimburses City for 80% of Funds Expended
- NHDOT Grant Summary
  - Total Grant \$640,000
  - NHDOT Funding \$512,000
  - City Funding \$128,000

## Engineering Study

Total Cost	~\$88,000
NHDOT Funding	~\$70,400
City Funding	~\$17,600

## Remaining Grant Funds

\$552,000
\$441,600
\$110,400





# NHDOT Grant Requirements

- Project Must Come to a Finish Point
  1. Engineer Study Concludes No Viable Project – “No-Build”
  2. Preliminary Design Concludes No Viable Project – “No-Build”
  3. Project is Constructed
- If Project Does Not “Finish”, NHDOT Will Take Back Money Reimbursed

## Next Steps

### If “No-Build” Alternative is Selected

- Complete Engineering Study
- Submit to NHDOT
- Project Finishes
- Total Funds Expended            ~\$88,000
- City Funds Expended            ~\$17,600



## Next Steps

### If “New Trestle” Alternative is Selected

- Complete Engineering Study
- Submit to NHDOT
- Prepare Scope of Work for Preliminary Design
- Submit to City and NHDOT
- Establish Budget for Preliminary Design Effort
  - Estimated at \$200,000



## Next Steps

### If “New Trestle” Alternative is Selected

- Tasks for Preliminary Design
  - Design Charrettes
  - Design Alternatives
  - Historic Consultation
  - Renderings and Preliminary Drawings
  - Updated Costs
  - Public Input
  - Develops Refined Preferred Alternative





## Next Steps

### If “New Trestle” Alternative is Selected

- Secure Additional Funding
  - Roughly \$4 Million Additional Funds Needed
  - Almost All Potential Grants Require City Matching Funds
  - % of City Funding Varies By Grant (Assume 20%)
  - Should Plan on At Least \$800,000 of Additional City Funds
  - Could Take 1 -2 Years to Secure Funding

## Next Steps

### If “New Trestle” Alternative is Confirmed At End of Preliminary Design

- Complete Preliminary Design
- Submit to NHDOT
- Prepare Final Construction Documents
- Advertise Project
- Construct Project



## Next Steps

### If “No-Build” Alternative is Selected at Conclusion of Preliminary Design

- Complete Preliminary Design
  - Submit to NHDOT
  - Project Finishes
- |                        |            |            |
|------------------------|------------|------------|
| • Total Funds Expended | ~\$200,000 | + \$88,000 |
| • City Funds Expended  | ~\$40,000  | + \$17,600 |

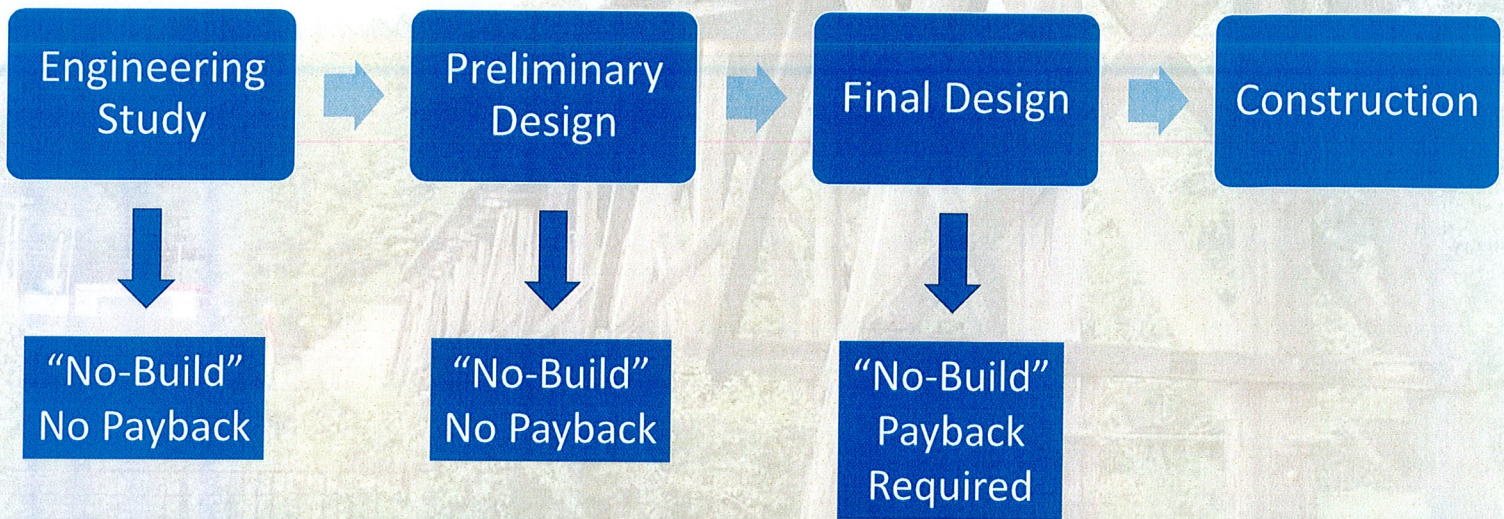
## Next Steps

### City Needs To Determine If Project Should Continue to Preliminary Design

- Yes
  - MJ will Finalize Engineering Study and Prepare Scope and Fee for Preliminary Design
  - Present to City for Approval
- No
  - MJ Will Finalize Engineering Study
  - Project Ends



## Next Steps



## NHDOT Letter Dated August 15, 2023

- City Needs to Make a Decision to Move the Project Forward or Cancel the Project by December 2023
- City Needs to Commit to 20% Match of Additional Funding from NHDOT
- City Needs to Commit to 100% of Funds Beyond What NHDOT Can Provide
- Commitments Need to be in Writing



# Questions



**Franklin**  
NEW HAMPSHIRE  
*The Three Rivers City*



**McFarland Johnson**

## Contact Information

Seth Creighton, AICP

City Planning & Zoning Director

[screighton@franklinnh.org](mailto:screighton@franklinnh.org)

603-934-2341

Brian Colburn, PE

McFarland Johnson Project Manager

[bcolburn@mjinc.com](mailto:bcolburn@mjinc.com)

603-225-2978



**Franklin**  
NEW HAMPSHIRE  
*The Three Rivers City*



**McFarland Johnson**



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



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of September 5<sup>th</sup>, 2023*

**Subject: Monthly School Board Update**

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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 Meetings of August 7, 2023 and September 5, 2023*

**From:** Judie Milner, City Manager

**Subject:** Franklin City Council to consider Resolution #05-24 accepting and appropriating an InvestNH grant for the purpose of demolishing the Stanley Mill.

---

### **Recommended Motions:**

#### **August 7, 2023:**

Councilor moves, "I move that the Franklin City Council set a public hearing date for 6:00 p.m. on Tuesday, September 5<sup>th</sup>, 2023, regarding Resolution #05-24 accepting and appropriating an InvestNH grant in the amount of \$418,000 for the purpose of demolishing the Stanley Mill and authorizing the City Manager to execute all documents relating to the grant."

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

#### **September 5, 2023:**

Councilor moves, "I move that the Franklin City Council adopt Resolution #05-24 accepting and appropriating an InvestNH grant in the amount of \$418,000 for the purpose of demolishing the Stanley Mill and authorizing the City Manager to execute all documents relating to the grant."

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

---

### **Background:**

As was previously discussed with the City Council, the City applied for two InvestNH Grants from the NH Business and Economic Affairs. The City received both grants. One of the grants is called a "Demolition Grant" which would be used for demolition of Stanley Mill and is recommended to be appropriated in resolution 05-24. The other grant is "Per Unit Grant" which offers up to \$10,000 for each recently approved affordable unit in the City (there are 31 such units in the Chinburg Stevens Mill project) will be addressed in resolution 06-24 separately.

### **Concurrences:**

City Council voted to allow the City Manager to apply for this grant, accept and act as signatory on all related InvestNH matters on 12/5/22 and re-affirmed that vote on 5/1/23.

### **Fiscal Impact:**

These grants are 100% federal funds with no match required.

### **Attachments:**

Resolution 05-24

Governor & Council approved grant agreement



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

316 Central Street  
Franklin, NH 03235

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

**RESOLUTION #05-24**

**A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2024.**

**In the year of our Lord, Two Thousand Twenty-Three,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2024 which began July 1, 2023, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire understands the Stanley Mill property is an extensive environmental clean-up project which requires the demolition of the mill, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire understands the City received federal grant funds through the New Hampshire Business and Economic Affairs InvestNH program in the amount of \$418,000 for the purposes of demolishing the Stanley Mill, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire wishes to appropriate the grant for the demolition of the mill, **Now,**

**THEREFORE, BE IT RESOLVED** that at the scheduled meeting of the City Council on Tuesday, September 5<sup>th</sup>, 2023 at 6pm the City Council of the City of Franklin, New Hampshire does hereby adopt resolution #05-24 accepting the InvestNH grant, authorizing the City Manager to execute all grant related documents and authorizing a non-lapsing appropriation through an increase in FY2024 revenues:

Federal Grant Brownfield Acct. No. 01-0-000-33110-413 – Four Hundred Eighteen Thousand dollars (\$418,000)

And an increase in FY2024 expenditure accounts,

Nuisance Abatement Brownfield Acct No. 01-1-302-40491-413 – Four Hundred Eighteen Thousand dollars (\$418,000),

**By a roll call vote.**

**Roll Call:**



Councilor Chandler \_\_\_\_\_ Councilor Desrochers \_\_\_\_\_ Councilor Webb \_\_\_\_\_

Councilor Dzujna \_\_\_\_\_ Councilor Blake \_\_\_\_\_ Councilor Trudel \_\_\_\_\_

Councilor Ribas \_\_\_\_\_ Councilor Starkweather \_\_\_\_\_ Councilor Zink \_\_\_\_\_

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

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

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


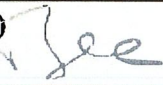


A true copy, attested: \_\_\_\_\_  
City Clerk

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

## GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby  
Mutually agree as follows:  
GENERAL PROVISIONS

## 1. Identification and Definitions.

<b>1.1. State Agency Name</b> Department of Business and Economic Affairs (BEA)		<b>1.2. State Agency Address</b> 100 N. Main Street, Suite 100, Concord, NH 03301	
<b>1.3. Grantee Name</b> City of Franklin		<b>1.4. Grantee Address</b> 316 Central Street, Franklin, NH 03235	
<b>1.5 Grantee Phone #</b> (603) 934-3900	<b>1.6. Account Number</b> DEMO22-115	<b>1.7. Completion Date</b> December 31, 2024	<b>1.8. Grant Limitation</b> \$418,000.00
<b>1.9. Grant Officer for State Agency</b> Andrew Dorsett, Housing Finance Director		<b>1.10. State Agency Telephone Number</b> 603-931-2109	
If Grantee is a municipality or village district: "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
<b>1.11. Grantee Signature 1</b> 		<b>1.12. Name &amp; Title of Grantee Signor 1</b> Judie Milner, City Manager	
<b>Grantee Signature 2</b>		<b>Name &amp; Title of Grantee Signor 2</b>	
<b>Grantee Signature 3</b>		<b>Name &amp; Title of Grantee Signor 3</b>	
<b>1.13 State Agency Signature(s)</b> 		<b>1.14. Name &amp; Title of State Agency Signor(s)</b> Taylor Caswell, Commissioner	
<b>1.15. Approval by Attorney General (Form, Substance and Execution) (if G &amp; C approval required)</b> By:  Mark W. Dell'Oprano, Attorney - DOJ Assistant Attorney General, On: 05/30/2023			
<b>1.16. Approval by Governor and Council (if applicable)</b> By:  <b>SECRETARY OF STATE</b> On: JUN 28 2023			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), the Grantee identified in block 1.3 (hereinafter referred to as "the Grantee"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT B (the scope of work being hereinafter referred to as "the Project").

Grantee Initials 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 Tuesday, September 5, 2023 at 6:00 p.m. in the Franklin High School Cafeteria regarding Resolution #05-24, accepting and appropriating an InvestNH grant in the amount of \$418,000 for the purpose of demolishing the Stanley Mill and authorizing the City Manager to execute all documents relating to the grant.**

**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 IV**





## CITY OF FRANKLIN COUNCIL AGENDA REPORT

*City Council Meetings of August 7, 2023 and September 5, 2023*

**From:** Judie Milner, City Manager

**Subject:** Franklin City Council to consider Resolution #06-24 accepting and appropriating an InvestNH grant for municipal purposes.

---

### **Recommended Motions:**

#### **August 7<sup>th</sup>, 2023:**

Councilor moves, "I move that the Franklin City Council set a public hearing date for 6:00 p.m. on Tuesday, September 5<sup>th</sup>, 2023, regarding Resolution #06-24 accepting and appropriating an InvestNH grant in the amount of \$310,000 for the purpose of matching DOT Action Plan, funding development studies and the city hall project."

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

#### **September 5, 2023:**

Councilor moves, "I move that the Franklin City Council adopt Resolution #06-24 accepting and appropriating an InvestNH grant in the amount of \$310,000 for the purpose of matching DOT Action Plan, funding development studies and the city hall project."

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

---

### **Background:**

As was previously discussed with the City Council, the City applied for two InvestNH Grants from the NH Business and Economic Affairs. The City received both grants. One of the grants is called a "Demolition Grant" which would be used for demolition of Stanley Mill and is addressed separately under resolution 05-24. The other grant is "Per Unit Grant" which offers up to \$10,000 for each recently approved affordable unit in the City (there are 31 such units in the Chinburg Stevens Mill project) which is not restricted. As these grants are a result of economic development by way of affordable housing, the city manager's economic development group is recommending to appropriate the funding for the match for the DOT Action Plan grant (\$20,000), funding or matching development studies such as a traffic, parking or way finding signage (\$100,000) and the remaining \$190,000 to the City Hall project. As the council is aware, the city sent out an RFQ for all architectural service tasks needed for the project (vs just the cost estimate task as previously funded - \$60,000 via resolution 15-23). The project was awarded to ARcove for a total of \$132, 815. The \$190,000 InvestNH grant plus the \$60,000 already appropriated \$250,000 for the city hall project which will cover the architectural services. The remainder to be used toward the project construction or toward relocating costs for city offices as a result of the construction.

**Concurrences:**

City Council voted to allow the City Manager to apply for this grant, accept and act as signatory on all related InvestNH matters on 12/5/22 and re-affirmed that vote on 5/1/23.

**Fiscal Impact:**

These grants are 100% federal funds with no match required.

**Attachments:**

Resolution 06-24

Governor & Council approved grant agreement





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

316 Central Street  
Franklin, NH 03235

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

**RESOLUTION #06-24**

**A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2024.**

**In the year of our Lord, Two Thousand Twenty-Three,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2024 which began July 1, 2023, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire understands the City received federal grant funds through the New Hampshire Business and Economic Affairs InvestNH program in the amount of \$310,000 for municipal purposes, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes several economic development purposes in which the InvestNH funding would be instrumental including DOT Action Plan project, traffic, parking and wayfinding signage studies, and the "city hall/opera house" project at Soldiers Memorial Hall, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire wishes to appropriate the grant for these economic development purposes, **Now,**

**THEREFORE, BE IT RESOLVED** that at the scheduled meeting of the City Council on Tuesday, September 5<sup>th</sup>, 2023 at 6pm the City Council of the City of Franklin, New Hampshire does hereby adopt resolution #06-24 accepting the InvestNH grant, authorizing the City Manager to execute all grant related documents and authorizing a non-lapsing appropriation through an increase in FY2024 revenues:

Federal Grant Acct. No. 01-0-000-33110-000 – Three Hundred Ten Thousand dollars (\$310,000)

And an increase in FY2024 expenditure accounts,

Economic Development Other Professional Services Acct No. 01-6-511-40390-000 – One Hundred Twenty Thousand dollars (\$120,000)

Buildings Acct No. 01-9-012-40720-000 – One Hundred Ninety Thousand dollars (\$190,000),

**By a roll call vote.**

**Roll Call:**

Councilor Chandler \_\_\_\_\_ Councilor Desrochers \_\_\_\_\_ Councilor Webb \_\_\_\_\_

Councilor Dzujna \_\_\_\_\_ Councilor Blake \_\_\_\_\_ Councilor Trudel \_\_\_\_\_

Councilor Ribas \_\_\_\_\_ Councilor Starkweather \_\_\_\_\_ Councilor Zink \_\_\_\_\_

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

Mayor

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

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

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

City Clerk


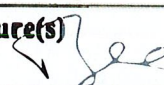


Date: \_\_\_\_\_



## GRANT AGREEMENT

The State of New Hampshire and the Grantee hereby  
Mutually agree as follows:  
GENERAL PROVISIONS

## 1. Identification and Definitions.

<b>1.1. State Agency Name</b> Department of Business and Economic Affairs (BEA)		<b>1.2. State Agency Address</b> 100 N. Main Street, Suite 100, Concord, NH 03301	
<b>1.3. Grantee Name</b> City of Franklin New Hampshire		<b>1.4. Grantee Address</b> 316 Central St Franklin, NH 03235	
<b>1.5 Grantee Phone #</b> 603-934-2341	<b>1.6. Account Number</b> MPU22-106	<b>1.7. Completion Date</b> December 31, 2024	<b>1.8. Grant Limitation</b> \$310,000.00
<b>1.9. Grant Officer for State Agency</b> Andrew Dorsett, Housing Finance Director		<b>1.10. State Agency Telephone Number</b> 603-931-2109	
If Grantee is a municipality or village district: "By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
<b>1.11. Grantee Signature 1</b> 		<b>1.12. Name &amp; Title of Grantee Signor 1</b> Judie Milner, City Manager	
<b>Grantee Signature 2</b>		<b>Name &amp; Title of Grantee Signor 2</b>	
<b>Grantee Signature 3</b>		<b>Name &amp; Title of Grantee Signor 3</b>	
<b>1.13 State Agency Signature(s)</b> 		<b>1.14. Name &amp; Title of State Agency Signor(s)</b> Taylor Caswell, Commissioner	
<b>1.15. Approval by Attorney General (Form, Substance and Execution) (if G &amp; C approval required)</b> By:  Assistant Attorney General, On: 05/30/2023			
<b>1.16 Approval by Governor and Council (if applicable)</b> By:  <b>SECRETARY OF STATE</b> JUN 28 2023			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), the Grantee identified in block 1.3 (hereinafter referred to as "the Grantee"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT B (the scope of work being hereinafter referred to as "the Project").

Grantee Initials

Date

5/11/23

**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 Tuesday, September 5, 2023 at 6:00 p.m. in the Franklin High School Cafeteria regarding Resolution #06-24, accepting and appropriating an InvestNH grant in the amount of \$310,000 for the purpose of matching DOT Action Plan, funding development studies and the city hall project.**

**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 V**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meetings of September 5, 2023 and October 10, 2023*

**From:** Judie Milner, City Manager

**Subject:** Franklin City Council to consider Resolution #07-24 accepting and appropriating a federal grant from Dept of Transportation Safe Streets for All program for the purpose of creating an Action Plan for Central Street.

---

**Recommended Motions:**

**September 5, 2023**

Councilor moves, "I move the Franklin City Council set a public hearing date for 6:00 p.m. on Tuesday, October 10, 2023, regarding Resolution #07-24 accepting and appropriating a federal grant from Dept of Transportation Safe Streets for All program in the amount of \$80,000 for the purpose of creating an Action Plan for Central Street and authorizing the City Manager to execute all documents relating to the grant."

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

**October 10, 2023**

Councilor moves, "I move that the Franklin City Council adopt Resolution #07-24 accepting and appropriating a federal grant from Dept of Transportation Safe Streets for All program in the amount of \$80,000 for the purpose of creating an Action Plan for Central Street and authorizing the City Manager to execute all documents relating to the grant."

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

---

**Discussion:**

As was previously discussed with the City Council, the city applied for and received a Safe Streets for All Action Plan Grant from the federal Department of Transportation (DOT) for the purpose of developing an action plan for Central Street for safety upgrades to accommodate pedestrian, bicyclist and motorized traffic. The action plan is required by DOT in order to later apply for implementation funding for the construction of the project.

**Concurrences:**

City Council is considering appropriation of the required match, \$20,000, on September 5, 2023 as part of Resolution 06-24.

**Fiscal Impact:**

The total project is \$100,000. \$80,000 federal grant, \$20,000 match.

**Attachments:**

Resolution 07-24

Federal DOT approved grant agreement





## CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

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

### RESOLUTION #07-24

#### **A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2024.**

**In the year of our Lord, Two Thousand Twenty-Three,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2024 which began July 1, 2023, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire understands the City received federal grant funds through the Department of Transportation Safe Streets for All program in the amount of \$80,000 for the development of an action plan for Central Street, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes the need to improve safety of the Central Street corridor for all users, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire wishes to accept and appropriate the Safe Street for All grant for the action plan, **Now,**

**THEREFORE, BE IT RESOLVED** that at the scheduled meeting of the City Council on Tuesday, October 10, 2023 at 6pm the City Council of the City of Franklin, New Hampshire does hereby adopt resolution #07-24 accepting the Safe Streets for All grant through the federal Department of Transportation in the amount of \$80,000, authorizing the City Manager to execute all grant related documents and authorizing a non-lapsing appropriation through an increase in FY2024 revenues:

Federal Grant Acct. No. 01-0-000-33110-000 – Eighty Thousand dollars (\$80,000)

And an increase in FY2024 expenditure accounts,

Economic Development Other Professional Services Acct No. 01-6-511-40390-000 – Eighty Thousand dollars (\$80,000)

**By a roll call vote.**

**Roll Call:**

Councilor Chandler	_____	Councilor Desrochers	_____	Councilor Webb	_____
Councilor Dzujna	_____	Councilor Blake	_____	Councilor Trudel	_____
Councilor Ribas	_____	Councilor Starkweather	_____	Councilor Zink	_____

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

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

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

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

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



- |   |  |                |          |                  |          |                      |     |              |     |        |           |
|---|--|----------------|----------|------------------|----------|----------------------|-----|--------------|-----|--------|-----------|
| <p><b>1. Award No.</b><br/>693JJ32345004</p> <p><b>4. Award To</b><br/>City of Franklin<br/>316 Central Street<br/>Franklin, NH 03235-1774</p> <p>Unique Entity Id.: PSYYABB65ZE5<br/>TIN No.: 02-6000292</p> <p><b>6. Period of Performance</b><br/>Effective Date of Award - 24<br/>Months</p> <p><b>8. Type of Agreement</b><br/>Action Planning Grant</p> <p><b>10. Procurement Request No.</b><br/>HSSP230149PR</p> <p><b>12. Submit Payment Requests To</b><br/>See article 20.</p> <p><b>14. Accounting and Appropriations Data</b><br/>15X0173E50.0000.055SR10500.5592000000.41010.61006600</p> <p><b>15. Description of Project</b><br/>Development of an action plan for the redesign of Central Street, which is the main street through downtown, to address safety concerns with pedestrians, bicycles, and motor traffic.</p> | <p><b>2. Effective Date</b><br/>See No. 17 Below</p> <p><b>3. Assistance Listings No.</b><br/>20.939</p> <p><b>5. Sponsoring Office</b><br/>U.S. Department of Transportation<br/>Federal Highway Administration<br/>Office of Safety<br/>1200 New Jersey Avenue, SE<br/>HSSA-1, Mail Drop E71-117<br/>Washington, DC 20590</p> <p><b>7. Total Amount</b></p> <table border="0"> <tr> <td>Federal Share:</td> <td style="text-align: right;">\$80,000</td> </tr> <tr> <td>Recipient Share:</td> <td style="text-align: right;">\$20,000</td> </tr> <tr> <td>Other Federal Funds:</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Other Funds:</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td>Total:</td> <td style="text-align: right;">\$100,000</td> </tr> </table> <p><b>9. Authority</b><br/>Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021; also referred to as the "Bipartisan Infrastructure Law" or "BIL")</p> <p><b>11. Federal Funds Obligated</b><br/>\$0</p> <p><b>13. Payment Office</b><br/>See article 20.</p> | Federal Share: | \$80,000 | Recipient Share: | \$20,000 | Other Federal Funds: | \$0 | Other Funds: | \$0 | Total: | \$100,000 |
| Federal Share:  | \$80,000   |                |          |                  |          |                      |     |              |     |        |           |
| Recipient Share:  | \$20,000   |                |          |                  |          |                      |     |              |     |        |           |
| Other Federal Funds:  | \$0  |                |          |                  |          |                      |     |              |     |        |           |
| Other Funds:  | \$0  |                |          |                  |          |                      |     |              |     |        |           |
| Total:  | \$100,000  |                |          |                  |          |                      |     |              |     |        |           |

**RECIPIENT**

**16. Signature of Person Authorized to Sign**

Signature	Date
Name: Judie Milner	
Title: City Manager	

**FEDERAL HIGHWAY ADMINISTRATION**

**17. Signature of Agreement Officer**

Signature	Date
Name: Kyle R. Griggs	
Title: Agreement Officer	

**U.S. DEPARTMENT OF TRANSPORTATION**  
**GRANT AGREEMENT UNDER THE**  
**FISCAL YEAR 2022 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM**

This agreement is between the [United States Department of Transportation (the “USDOT”)] [Federal Highway Administration (the “FHWA”) and the City of Franklin, NH (the “**Recipient**)”].

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All (“SS4A”) Grant for the City of Franklin, NH SS4A Action Plan.

The parties therefore agree to the following:

**ARTICLE 1**  
**GENERAL TERMS AND CONDITIONS**

**1.1 General Terms and Conditions.**

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under the Fiscal Year 2022 Safe Streets and Roads for All Grant Program,” dated February 8, 2023, which is available at <https://www.transportation.gov/grants/ss4a/grant-agreements>. Articles 7–30 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions. Recipient also states that it is required to comply with all applicable Federal laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200); National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.); and Build America, Buy America Act (BIL, div. G §§ 70901-27).
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, termination of the SS4A Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the SS4A Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.



**ARTICLE 2**  
**APPLICATION, PROJECT, AND AWARD**

**2.1 Application.**

Application Title: City of Franklin Action Plan

Application Date: September 15, 2022

**2.2 Award Amount.**

SS4A Grant Amount: \$80,000

**2.3 Award Dates.**

Period of Performance End Date: See Section 6 on Page 1

**2.4 Budget Period**

Budget Period End Date: See Section 6 on Page 1

**2.5 Action Plan Grant or Implementation Grant Designation.**

Designation: Action Plan

**2.6 Federal Award Identification Number.** The Federal Award Identification Number is listed on page 1, line 1.

### ARTICLE 3 SUMMARY PROJECT INFORMATION

#### 3.1 Summary of Project's Statement of Work.

The award will be used by the City of Franklin to develop a comprehensive safety action plan.

#### 3.2 City of Franklin, NH SS4A Action Plan Project's Estimated Schedule.

Milestone	Schedule Date
Planned Draft Action Plan Completion Date:	9/30/2024
Planned Action Plan Completion Date:	12/31/2024
Planned Action Plan Adoption Date:	3/31/2025
Planned SS4A Final Report Date:	4/30/2025

#### 3.3 Project's Estimated Costs.

##### (a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	\$80,000
Other Federal Funds:	\$0.00
State Funds:	\$0.00
Local Funds:	\$0.00
In-Kind Match:	\$20,000
Other Funds:	\$0.00
<b>Total Eligible Project Cost:</b>	<b>\$100,000</b>

##### (b) Supplemental Estimated Budget

Cost Element	Federal Share	Non-Federal Share	Total Budget Amount
Direct Labor	\$0.00	\$0.00	\$0.00
Fringe Benefits	\$0.00	\$0.00	\$0.00
Travel	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00
Contractual/Consultant	\$80,000.00	\$0.00	\$80,000.00
Other	\$0.00	\$20,000.00	\$20,000.00
Indirect Costs	\$0.00	\$0.00	\$0.00
<b>Total Budget</b>	<b>\$80,000.00</b>	<b>\$20,000.00</b>	<b>\$100,000.00</b>



## ARTICLE 4

### RECIPIENT INFORMATION

#### 4.1 Recipient's Unique Entity Identifier.

PSYYABB65ZE5

#### 4.2 Recipient Contact(s).

Judie Milner  
City Manager  
City of Franklin, NH  
316 Central Street, Franklin, NH 03235-1774  
603-934-3900 ext. 251  
[citymgr@franklinnh.org](mailto:citymgr@franklinnh.org)

#### 4.3 Recipient Key Personnel.

Name	Title or Position
Judie Milner	City Manager
Justin Hanscom	Municipal Services Director
Seth Creighton	Planning & Zoning Director
David Goldstein	Police Chief
Michael Foss	Fire Chief

#### 4.4 USDOT Project Contact(s).

Caroline Truman  
Safe Streets and Roads for All Program Manager  
Federal Highway Administration  
Office of Safety  
HSSA-1, Mail Stop: E71-117  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590  
(603)734-1946  
[Caroline.Trueman@dot.gov](mailto:Caroline.Trueman@dot.gov)

and

Ashley Cucchiarelli  
Agreement Officer (AO)  
Federal Highway Administration  
Office of Acquisition and Grants Management  
HCFA-33, Mail Stop E62-310  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590  
(720) 963-3589  
[ashley.cucchiarelli@dot.gov](mailto:ashley.cucchiarelli@dot.gov)

and

Ashley Cucchiarelli  
Agreement Officer (AO)  
Federal Highway Administration  
Office of Acquisition and Grants Management  
HCFA-33, Mail Stop E62-310  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590  
(720) 963-3589  
[ashley.cucchiarelli@dot.gov](mailto:ashley.cucchiarelli@dot.gov)

and

Division Administrator  
Agreement Officer's Representative (AOR)  
New Hampshire Division Office  
53 Pleasant Street, Suite 2200  
Concord, NH 03301

and

Lucas Siik  
NH Division Office Point of Contact  
ITS/Area Engineer  
Federal Highway Administration  
53 Pleasant Street, Suite 2200  
Concord, NH 03301  
(603)410-4868  
[Lucas.Siik@dot.gov](mailto:Lucas.Siik@dot.gov)



## **ARTICLE 5**

### **USDOT ADMINISTRATIVE INFORMATION**

#### **5.1 Office for Subaward and Contract Authorization.**

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

#### **SUBAWARDS AND CONTRACTS APPROVAL**

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the AO are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327.

Note: This clause is only applicable to Action Plan Grants.

Unless described in the application and funded in the approved award, the Recipient must obtain prior written approval from the AO for the subaward, transfer, or contracting out of any work under this award above the Simplified Acquisition Threshold. This provision does not apply to the acquisition of supplies, material, equipment, or general support services. Approval of each subaward or contract is contingent upon the Recipient's submittal of a written fair and reasonable price determination, and approval by the AO for each proposed contractor/sub-recipient. Consent to enter into subawards or contracts will be issued through written notification from the AO or a formal amendment to the Agreement.

The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

(Fill in at award or by amendment)

#### **5.2 Reimbursement Requests**

- (a) The Recipient may request reimbursement of costs incurred in the performance of this agreement if those costs do not exceed the funds available under section 2.2 and are allowable under the applicable cost provisions of 2 C.F.R. Part 200, Subpart E. The Recipient shall not request reimbursement more frequently than monthly.
- (b) The Recipient shall use the DELPHI eInvoicing System to submit requests for reimbursement to the payment office. When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient shall electronically submit supporting cost detail with the SF 271 (Outlay Report and Request for Reimbursement for Construction Programs) to clearly document all costs incurred.

- (c) The Recipient's supporting cost detail shall include a detailed breakout of all costs incurred, including direct labor, indirect costs, other direct costs, travel, etc., and the Recipient shall identify the Federal share and the Recipient's share of costs. If the Recipient does not provide sufficient detail in a request for reimbursement, the AO may withhold processing that request until the Recipient provides sufficient detail.
- (d) The USDOT shall not reimburse costs unless the Agreement Officer's Representative (the "AOR") reviews and approves the costs to ensure that progress on this agreement is sufficient to substantiate payment.
- (e) The USDOT may waive the requirement that the Recipient use the DELPHI eInvoicing System. The Recipient may obtain waiver request forms on the DELPHI eInvoicing website (<http://www.dot.gov/cfo/delphi-einvoicing-system.html>) or by contacting the AO. A Recipient who seeks a waiver shall explain why they are unable to use or access the Internet to register and enter payment requests and send a waiver request to

Director of the Office of Financial Management  
US Department of Transportation,  
Office of Financial Management B-30, Room W93-431  
1200 New Jersey Avenue SE  
Washington DC 20590-0001

or

[DOTElectronicInvoicing@dot.gov](mailto:DOTElectronicInvoicing@dot.gov).

If the USDOT grants the Recipient a waiver, the Recipient shall submit SF 271s directly to:

DOT/FAA  
P.O. Box 268865  
Oklahoma City, OK 73125-8865  
Attn: Agreement Specialist

- (f) The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for Recipients.



**ARTICLE 6**  
**SPECIAL GRANT TERMS**

- 6.1** SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds, which is the budget period end date in section 10.3 of the Terms and Conditions and section [wherever the date it is in this agreement].
- 6.2** The Recipient acknowledges that the Action Plan will be made publicly available, and the Recipient agrees that it will publish the final Action Plan on a publicly available website.
- 6.3** The Recipient demonstrates compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements.
- 6.4** There are no other special grant requirements for this award.

**ATTACHMENT A**  
**PERFORMANCE MEASUREMENT INFORMATION**

**Study Area:** Central Street - from Town of Tilton town line to intersection at Main Street in Franklin.

**Baseline Measurement Date:** 01/15/2024

**Baseline Report Date:** 03/15/2024

**Table 1: Performance Measure Table**

Measure	Category and Description	Measurement Frequency
Equity	Percent of Funds to Underserved Communities: Funding amount (of total project amount) benefitting underserved communities, as defined by USDOT	End of period of performance
Costs	Project Costs: Quantification of the cost of each eligible project carried out using the grant	End of period of performance
Lessons Learned and Recommendations	Lessons Learned and Recommendations: Description of lessons learned and any recommendations relating to future projects of strategies to prevent death and serious injury on roads and streets.	End of period of performance

## ATTACHMENT B CHANGES FROM APPLICATION

**INSTRUCTIONS FOR COMPLETING ATTACHMENT B:** Describe all material differences between the scope, schedule, and budget described in the application and the scope, schedule, and budget described in Article 3. The purpose of this attachment B is to document the differences clearly and accurately in scope, schedule, and budget to establish the parties' knowledge and acceptance of those differences. See section 10.1.

**Scope:**

**Schedule:**

**Budget:**

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3	
	\$	%	\$	%
<b>Previously Incurred Costs (Non-Eligible Project Costs)</b>				
Federal Funds				
Non-Federal Funds				
Total Previously Incurred Costs				
<b>Future Eligible Project Costs</b>				
SS4AFunds				
Other Federal Funds				
Non-Federal Funds				
Total Future Eligible Project Costs				
Total Project Costs				



## ATTACHMENT C RACIAL EQUITY AND BARRIERS TO OPPORTUNITY

### 1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with "X" in the following table are accurate:

	A racial equity impact analysis has been completed for the Project. <i>(Identify a report on that analysis or, if no report was produced, describe the analysis and its results in the supporting narrative below.)</i>
	The Recipient or a project partner has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall delivery and implementation of the Project. <i>(Identify the relevant programs, plans, or policies in the supporting narrative below.)</i>
	The Project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation. <i>(Identify the relevant investments in the supporting narrative below.)</i>
	The Project includes new or improved walking, biking, and rolling access for individuals with disabilities, especially access that reverses the disproportional impacts of crashes on people of color and mitigates neighborhood bifurcation. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities. <i>(Identify the new or improved access in the supporting narrative below.)</i>
	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity, as described in the supporting narrative below.
	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but, before beginning construction of the project, will take relevant actions described in the supporting narrative below
X	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

### 2. Supporting Narrative.

N/A

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



## CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meetings of September 5, 2023 and October 10, 2023

**From:** David Goldstein, Police Chief

**Subject:** Council to consider accepting and appropriating \$6,600 in federal funding through the New Hampshire Department of Safety, Office of Highway Safety for directed police enforcement patrols.

---

### Suggested Motions:

#### **September 5, 2023**

Councilor moves: "I move that the Franklin City Council set a public hearing for Tuesday, October 10, 2023 at 6:00 pm, regarding Resolution #08-24, to accept and appropriate grant funds in the amount of \$6,600 from the Office of Highway Safety for the Franklin Police Department.

Mayor calls for a second, discussion and vote.

#### **October 10, 2023**

Councilor moves: "I move that the Franklin City Council adopts Resolution #08-24, to accept and appropriate grant funds in the amount of \$6,600 from the Office of Highway Safety for the Franklin Police Department.

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

### Discussion:

The Franklin Police Department has been awarded a grant from the New Hampshire Department of Safety, Office of Highway Safety for the purpose of participation in National Campaigns and Traffic Enforcement Projects. The Franklin Police Department would like to participate in national highway safety events such as "Operation Safe Commute", "Join the Clique" and "Drive Sober or Get Pulled Over". These patrols will be highly visible and publicized using department social media. The Franklin Police Department will implement an aggressive speed enforcement strategy. The department will conduct multiple 4-hour speed enforcement patrols during peak periods.

The Traffic Enforcement Project: \$6,600 was not included in the FY2024 budget and therefore must be appropriated for FY 2024, via resolution #08-24.



**Fiscal Impact:**

The grant is a 20% matching grant. The total cost of the Traffic Enforcement Project is \$8,250 with \$6,600 coming from the federal funds and the City of Franklin match in the amount of \$1,650 already appropriated as part of the FY2024 police department budget.

**Alternatives:**

The City of Franklin declines to approve the grant from the New Hampshire Department of Safety, Office of Highway Safety and the patrols are not completed.

**Attachments/Exhibits:**

Resolution #08-24  
Grant Agreement



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

316 Central Street  
Franklin, NH 03235

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

**RESOLUTION #08-24**

**A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2024.**

**In the year of our Lord, Two Thousand Twenty-Three,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2024 which began July 1, 2023, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire understands the City received federal grant funds through the New Hampshire Department of Safety, Office of Highway Safety in the amount of \$6,600 for highway safety directed patrols, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire wishes to conduct these directed patrols which included speed, DUI, seatbelt and distracted driving enforcement for the safety of Franklin residents, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes the required match of \$1,650 is appropriated in the FY2024 police department budget, **and;**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire wishes to accept and appropriate the Highway Safety grant for directed patrols, **Now,**

**THEREFORE, BE IT RESOLVED** that at the scheduled meeting of the City Council on Tuesday, October 10, 2023 at 6pm the City Council of the City of Franklin, New Hampshire does hereby adopt resolution #08-24 accepting the Office of Highway Safety grant through the New Hampshire Department of Safety in the amount of \$6,600, authorizing the City Manager to execute all grant related documents and authorizing a non-lapsing appropriation through an increase in FY2024 revenues:

Federal Grant - Police Acct. No. 01-2-103-33111-000 – Six Thousand Six Hundred dollars (\$6,600)

And an increase in FY2024 expenditure account,

Patrol Overtime Acct No. 01-2-103-40140-000 – Six Thousand Six Hundred dollars (\$6,600)

**By a roll call vote.**

**Roll Call:**

Councilor Chandler	_____	Councilor Desrochers	_____	Councilor Webb	_____
Councilor Dzujna	_____	Councilor Blake	_____	Councilor Trudel	_____
Councilor Ribas	_____	Councilor Starkweather	_____	Councilor Zink	_____

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

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

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

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

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



## OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby mutually agree as follows:

### GENERAL PROVISIONS

**Grant Agreement Title:** Franklin PD Highway Safety Grant

**Grant Agreement #:** 24-063

1. Identification and Definitions.

<b>1.1. State Agency Name</b> New Hampshire Department of Safety Office of Highway Safety		<b>1.2. State Agency Address</b> 33 Hazen Drive, Room 208 Concord, NH 03305	
<b>1.3. Subrecipient Name</b> Franklin Police Department		<b>1.4. Subrecipient Address</b> 5 Hancock Terrace Franklin, NH 03235	
<b>Chief of Police Name:</b> David Goldstein <b>Grant Contact Name:</b> Lt. Ralph Hale		<b>Chief of Police email:</b> dgoldstein@franklinnh.org <b>Grant Contact's email:</b> rhale@franklinnh.org	
<b>1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) City Government</b>		<b>1.4.2 UEI #</b> PSYYABB65ZE5 <b>Exp Date:</b> 11/28/2023	
<b>1.5. Subrecipient Phone #</b> 603-934-7159	<b>1.6. Effective Date</b> 10/01/2023	<b>1.7. Completion Date</b> 09/30/2024	<b>1.8. Grant Limitation</b> \$ 6,600.00 <small>(Total amount of Federal funds obligated to the Subrecipient (2 CFR § 200.331(a)(1)(vii))</small>
<b>1.9. Grant Officer for State Agency</b> Stephen Fisher/James Gilbert		<b>1.10. State Agency Telephone Number</b> 603-271-6708/603-271-2021	
<b>"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b." "RSA Chapter 37 - Chairman of Selectmen, Town Manager, Mayor, County Commissioners.</b>			
<b>1.11. Subrecipient Signature 1</b>		<b>1.12. Name &amp; Title of Subrecipient Signor 1</b>	
<b>Subrecipient Signature 2</b>		<b>Name &amp; Title of Subrecipient Signor 2</b>	
<b>Subrecipient Signature 3</b>		<b>Name &amp; Title of Subrecipient Signor 3</b>	
<b>1.13. Acknowledgment: State of New Hampshire, County of _____, on    /    / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.</b>			
<b>1.13.1. Signature of Notary Public or Justice of the Peace (Seal)</b>		<b>1.13.2 Name &amp; Title of Notary Public or Justice of the Peace</b>	
<b>1.14 State Agency Signature 1</b>  X _____ Date: _____		<b>1.15 Name &amp; Title of State Agency Signor 1</b> Robert L. Quinn, Commissioner - or Designee NH Department of Safety	
<b>1.16. Approval by Attorney General (Form, Substance and Execution) (if G &amp; C approval required)</b>  <b>By:</b> _____ <b>Assistant Attorney General, On:</b> /    /			
<b>1.17. Approval by Governor and Council (if applicable)</b>  <b>By:</b> _____ <b>On:</b> /    /			



2. SCOPE OF WORK In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT B (the scope of work being hereinafter referred to as "the Project").
3. AREA COVERED Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.
4. EFFECTIVE DATE: COMPLETION OF PROJECT
- 4.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.15.
- 4.2 Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.7 (hereinafter referred to as "the Completion Date").
5. GRANT AMOUNT: LIMITATION ON AMOUNT: VOUCHERS: PAYMENT
- 5.1. The Grant Amount is identified and more particularly described in EXHIBIT A, attached hereto.
- 5.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT A.
- 5.3. In accordance with the provisions set forth in EXHIBIT A, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.
- 5.4. The payment by the State of the Grant amount shall be the only, and the complete payment to the Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient other than the Grant Amount.
- 5.5. Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.
6. COMPLIANCE BY SUBRECIPIENT WITH LAWS AND REGULATIONS In connection with the performance of the Project, the Subrecipient shall comply with all statutes, laws regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Subrecipient, including the acquisition of any and all necessary permits.
7. RECORDS and ACCOUNTS
- 7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.
- 7.2. Between the Effective Date and the date three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions.
8. PERSONNEL
- 8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient warrants that all personnel engaged in the project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.
- 8.2. The Subrecipient shall not hire, and it shall not permit any subcontractor, sub grantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.
- 8.3. The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.
9. DATA: RETENTION OF DATA: ACCESS
- 9.1. As used in this Agreement, the word "data" shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, performed, who exercises any functions or responsibilities in the review or computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.
- 9.2. Between the Effective Date and the Completion Date the Subrecipient shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.
- 9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State.
- 9.4. On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.
- 9.5. The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.
10. CONDITIONAL NATURE OR AGREEMENT Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Subrecipient notice of such termination.
11. EVENT OF DEFAULT: REMEDIES
- 11.1. Any one or more of the following acts or omissions of the Subrecipient shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):
- 11.1.1 Failure to perform the Project satisfactorily or on schedule; or
- 11.1.2 Failure to submit any report required hereunder; or
- 11.1.3 Failure to maintain, or permit access to, the records required hereunder; or
- 11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.



11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:

11.2.1 Give the Subrecipient a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Subrecipient notice of termination; and

11.2.2 Give the Subrecipient a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and

11.2.3 Set off against any other obligation the State may owe to the Subrecipient any damages the State suffers by reason of any Event of Default; and

11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.

## **12. TERMINATION**

12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Subrecipient shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.

12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Subrecipient to receive that portion of the Grant amount earned to and including the date of termination.

12.3. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient's breach of its obligations hereunder.

12.4. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.

13. **CONFLICT OF INTEREST** No officer, member or employee of the Subrecipient, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

14. **SUBRECIPIENT'S RELATION TO THE STATE** In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.

15. **ASSIGNMENT AND SUBCONTRACTS** The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in EXHIBIT B without the prior written consent of the State.

16. **INDEMNIFICATION** The Subrecipient shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Subrecipient or subcontractor, or subgrantee or other agent of the Subrecipient. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.

## **17. INSURANCE AND BOND**

17.1. The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:

17.1.1 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and

17.1.2 Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and

\$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and

17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.

18. **WAIVER OF BREACH** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.

19. **NOTICE** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.

20. **AMENDMENT** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.

21. **CONSTRUCTION OF AGREEMENT AND TERMS** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.

22. **THIRD PARTIES** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.

23. **ENTIRE AGREEMENT** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.



## **SPECIAL PROVISIONS**

### **U.S. Department of Transportation/NHTSA Grant Conditions:**

**As a result of participating in Federal highway safety grant programs administered by National Highway Traffic Safety Administration (NHTSA) and the US Department of Transportation (USDOT), highway safety subrecipients are required to comply with the following documents:**

- Subrecipients agree to comply with all applicable elements of NHTSA's Memorandum: Use of NHTSA Highway Safety Grant Funds for Certain Purchases May 18, 2016 and found at the following Web link.: <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide> . Subrecipients should pay particular attention to the sections on (1) allowable costs for equipment, travel, training, and consultant services; and (2) unallowable costs for equipment, facilities and construction, training and program administration.
- Subrecipients agree to comply with all applicable elements of 2 CFR 200 - the **Uniform Administrative Requirement for Grants, Cost Principles, and Audit Requirements** as promulgated by the U.S. Department of Transportation. This document is found at the following Web link <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide> .
- Subrecipients agree to comply with all applicable Federal basic and incentive grant program requirements as outlined in the **Highway Safety Grant Management** Manual found at the following Web link: <https://www.nhtsa.gov/highway-safety-grants-program>. This document provides information on each of the grant programs.

**The following additional provisions apply to highway safety subrecipients as a result of certifications and assurances provided to NHTSA by State Highway Safety Offices in their Highway Safety Plan:**

## **GENERAL REQUIREMENTS**

**The State will comply with applicable statutes and regulations, including but not limited to:**

- 23 U.S.C. Chapter 4 Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

## **INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS**

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

## **FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)**

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsr.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsr.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) ) by reporting to FSR.gov for each sub- grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;

- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- Unique entity identifier (generated by SAM.gov);
- The names and total compensation of the five most highly compensated officers of the entity if:
  - (i) the entity in the preceding fiscal year received—
    - (I) 80 percent or more of its annual gross revenues in Federal awards;
    - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
  - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

## NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- **49 CFR part 21** (*entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- **28 CFR section 50.3** (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 et seq.), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (preventing discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (requiring that recipients of Federal financial assistance provide meaningful access for applicants and beneficiaries who have limited English proficiency (LEP));
- **Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government** (advancing equity across the Federal government); and

1. **Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation** (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

## General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

***“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA.”***

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

### **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in § 21.23(b) and (e) of 49 CFR part 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:  
  
***“The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”***
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A)<sup>[1]</sup> in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees,



contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

***THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)***

The State will provide a drug-free workplace by:

- a Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- b Establishing a drug-free awareness program to inform employees about:
  - 1) The dangers of drug abuse in the workplace;
  - 2) The grantee's policy of maintaining a drug-free workplace;
  - 3) Any available drug counseling, rehabilitation, and employee assistance programs;
  - 4) The penalties that may be imposed upon employees for drug violations occurring in the workplace;
  - 5) Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
  - 1) Abide by the terms of the statement;
  - 2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
  - 1) Taking appropriate personnel action against such an employee, up to and including termination;
  - 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

- f) Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

#### **POLITICAL ACTIVITY (HATCH ACT)**

**(applies to subrecipients as well as States)**

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

#### **CERTIFICATION REGARDING FEDERAL LOBBYING**

**(applies to subrecipients as well as States)**

##### **Certification for Contracts, Grants, Loans, and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### **RESTRICTION ON STATE LOBBYING**

**(applies to subrecipients as well as States)**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

**(applies to subrecipients as well as States)**

##### **Instructions for Primary Tier Participant Certification (States)**

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below.

The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

#### **Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions**

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
  - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.



### Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

#### **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### **BUY AMERICA ACT**

**(applies to subrecipients as well as States)**

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.



**Certification on Conflict of Interest**  
**(Applies to Subrecipients as Well as States)**

**General Requirements**

No employee, officer or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
  - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
  - b. The code or standards shall establish penalties, sanctions or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

**Disclosure Requirements**

No State or its subrecipient, including its officers, employees or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may
  - (a) terminate the award, or
  - (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present or currently planned organizational, financial, contractual or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

**PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE**

**(applies to subrecipients as well as States)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

**POLICY ON SEAT BELT USE**

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers,



please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at [www.trafficsafety.org](http://www.trafficsafety.org). The NHTSA website ([www.nhtsa.gov](http://www.nhtsa.gov)) also provides information on statistics, campaigns, and program evaluations and references.

### **POLICY ON BANNING TEXT MESSAGING WHILE DRIVING**

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

### **SECTION 402 REQUIREMENTS**

1. To the best of my personal knowledge, the information submitted in the annual grant application in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or on behalf of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and on behalf of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
4. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
5. As part of a comprehensive program, the State will support a data-based traffic safety enforcement program that fosters effective community collaboration to increase public safety, and data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. (23 U.S.C. 402(b)(1)(E))
6. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
  - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to –
    - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
    - Increase use of seat belts by occupants of motor vehicles;
  - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
  - An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
  - Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
  - Coordination of triennial Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a); and
  - Participation in the Fatality Analysis Reporting System (FARS), except for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands. (23 U.S.C. 402(b)(1)(F))
7. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
8. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system, except in a work zone or school zone. (23 U.S.C. 402(c)(4))



#### **§ 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.**

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115–232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115–232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information.

(d) See also § 200.471.

#### **§ 200.317 Procurements by states.**

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.

#### **§ 200.318 General procurement standards.**

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)

(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest.

Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.214.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)

(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

[85 FR 49543, Aug. 13, 2020, as amended at 86 FR 10440, Feb. 22, 2021]

#### **§ 200.319 Competition.**

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

(5) Organizational conflicts of interest;

(6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

(7) Any arbitrary action in the procurement process.

(c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

(1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

(f) Noncompetitive procurements can only be awarded in accordance with § 200.320(c).

#### **§ 200.320 Methods of procurement to be followed.**

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award.

(a) *Informal procurement methods.* When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold (SAT), as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

(1) *Micro-purchases –*

(i) ***Distribution.*** The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of *micro-purchase* in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.

(ii) ***Micro-purchase awards.*** Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.

(iii) ***Micro-purchase thresholds.*** The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.

(iv) ***Non-Federal entity increase to the micro-purchase threshold up to \$50,000.*** Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in



accordance with § 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
- (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
- (C) For public institutions, a higher threshold consistent with State law.

(v) **Non-Federal entity increase to the micro-purchase threshold over \$50,000.** Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) *Small purchases –*

(i) **Small purchase procedures.** The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) **Simplified acquisition thresholds.** The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) **Formal procurement methods.** When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) **Sealed bids.** A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

- (A) A complete, adequate, and realistic specification or purchase description is available;
- (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

- (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (E) Any or all bids may be rejected if there is a sound documented reason.

(2) **Proposals.** A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

- (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;
- (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
- (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

(c) **Noncompetitive procurement.** There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
- (2) The item is available only from a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
- (5) After solicitation of a number of sources, competition is determined inadequate.

**§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

**§ 200.322 Domestic preferences for procurements.**

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

- (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

#### **§ 200.323 Procurement of recovered materials.**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

#### **§ 200.340 Termination**

(a) The Federal award may be terminated in whole or in part as follows:

- (1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;
- (2) By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;
- (3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;
- (4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety; or
- (5) By the Federal awarding agency or pass-through entity pursuant to termination provisions included in the Federal award.

(b) A Federal awarding agency should clearly and unambiguously specify termination provisions applicable to each Federal award, in applicable regulations or in the award, consistent with this section.

(c) When a Federal awarding agency terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, the Federal awarding agency must report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS).

(1) The information required under paragraph (c) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either—

- (i) Has exhausted its opportunities to object or challenge the decision, see § 200.342; or
- (ii) Has not, within 30 calendar days after being notified of the termination, informed the Federal awarding agency that it intends to appeal the Federal awarding agency's decision to terminate.

(2) If a Federal awarding agency, after entering information into the designated integrity and performance system about a termination, subsequently:

- (i) Learns that any of that information is erroneous, the Federal awarding agency must correct the information in the system within three business days;
- (ii) Obtains an update to that information that could be helpful to other Federal awarding agencies, the Federal awarding agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.

(3) Federal awarding agencies, must not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information, that some of the information made publicly available is covered by a



disclosure exemption under the Freedom of Information Act, the Federal awarding agency who posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

- (d) When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in §§ 200.344 and 200.345.

#### **§ 200.414 Indirect (F&A) costs.**

(a) **Facilities and administration classification.** For major Institutions of Higher Education (IHE) and major nonprofit organizations, indirect (F&A) costs must be classified within two broad categories: "Facilities" and "Administration." "Facilities" is defined as depreciation on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses. "Administration" is defined as general administration and general expenses such as the director's office, accounting, personnel and all other types of expenditures not listed specifically under one of the subcategories of "Facilities" (including cross allocations from other pools, where applicable). For nonprofit organizations, library expenses are included in the "Administration" category; for IHEs, they are included in the "Facilities" category. Major IHEs are defined as those required to use the Standard Format for Submission as noted in appendix III to this part, and Rate Determination for Institutions of Higher Education paragraph C. 11. Major nonprofit organizations are those which receive more than \$10 million dollars in direct Federal funding.

(b) **Diversity of nonprofit organizations.** Because of the diverse characteristics and accounting practices of nonprofit organizations, it is not possible to specify the types of cost which may be classified as indirect (F&A) cost in all situations. Identification with a Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs of Federal awards. However, typical examples of indirect (F&A) cost for many nonprofit organizations may include depreciation on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.

(c) **Federal Agency Acceptance of Negotiated Indirect Cost Rates.** (See also § 200.306.)

(1) The negotiated rates must be accepted by all Federal awarding agencies. A Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute or regulation, or when approved by a Federal awarding agency head or delegate based on documented justification as described in paragraph (c)(3) of this section.

(2) The Federal awarding agency head or delegate must notify OMB of any approved deviations.

(3) The Federal awarding agency must implement, and make publicly available, the policies, procedures and general decision-making criteria that their programs will follow to seek and justify deviations from negotiated rates.

(4) As required under § 200.204, the Federal awarding agency must include in the notice of funding opportunity the policies relating to indirect cost rate reimbursement, matching, or cost share as approved under paragraph (e)(1) of this section. As appropriate, the Federal agency should incorporate discussion of these policies into Federal awarding agency outreach activities with non-Federal entities prior to the posting of a notice of funding opportunity.

(d) Pass-through entities are subject to the requirements in § 200.332(a)(4).

(e) Pass-through entities are subject to the requirements in § 200.332(a)(4).

(1) Appendix III to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs);

(2) Appendix IV to Part 200—Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations;

(3) Appendix V to Part 200—State/Local Governmentwide Central Service Cost Allocation Plans;

(4) Appendix VI to Part 200—Public Assistance Cost Allocation Plans;

(5) Appendix VII to Part 200—States and Local Government and Indian Tribe Indirect Cost Proposals; and

(6) Appendix IX to Part 200—Hospital Cost Principles.

(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix VII to this part, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which

may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in § 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time

(g) Any non-Federal entity that has a current federally-negotiated indirect cost rate may apply for a one-time extension of the rates in that agreement for a period of up to four years. This extension will be subject to the review and approval of the cognizant agency for indirect costs. If an extension is granted the non-Federal entity may not request a rate review until the extension period ends. At the end of the 4-year extension, the non-Federal entity must re-apply to negotiate a rate.

Subsequent one-time extensions (up to four years) are permitted if a renegotiation is completed between each extension request.

(h) The federally negotiated indirect rate, distribution base, and rate type for a non-Federal entity (except for the Indian tribes or tribal organizations, as defined in the Indian Self Determination, Education and Assistance Act, 25 U.S.C. 450b(1)) must be available publicly on an OMB-designated Federal website.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75886, Dec. 19, 2014; 85 FR 49563, Aug. 13, 2020]

#### **Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR

Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See § 200.323.

(K) See § 200.216.

(L) See § 200.322.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014; 85 FR 49577, Aug. 13, 2020]

**I understand that failure to comply with applicable Federal statutes and regulations may subject State officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 2 CFR 200.**

**I sign these Certifications and Assurances based on personal knowledge, after appropriate inquiry, and I understand that the Government will rely on these representations in awarding grant funds.**

Authorized Contract Signatory:  Date:

Signors Printed Name:  Signors Title:



## EXHIBIT A

OHS Grant Award		
Project Titles	Federal Budget	Minimum Match Required
<b>SPEED ENFORCEMENT PATROLS</b>	\$1,600.00	\$400.00
<b>DUI ENFORCEMENT</b>	\$1,600.00	\$400.00
<b>DISTRACTED DRIVING</b>	\$0.00	\$0.00
<b>PEDESTRIAN BICYCLE</b>	\$0.00	\$0.00
<b>JOIN THE NH CLIQUE</b>	\$850.00	\$212.50
<b>DRIVE SOBER OR GET PULLED OVER</b>	\$1,700.00	\$425.00
<b>U DRIVE, U TEXT, U PAY</b>	\$850.00	\$212.50
<b>E-CRASH EQUIPMENT (MDT)</b>	\$0.00	\$0.00
<b>E-CRASH EQUIPMENT (Printers/Scanners/Receivers/Software)</b>	\$0.00	\$0.00
<b>SPEED EQUIPMENT</b>	\$0.00	\$0.00
<b>C.A.R. EQUIPMENT</b>	\$0.00	\$0.00
<b>C.A.R. TRAINING</b>	\$0.00	\$0.00
<b>EMERGENCY MEDICAL SERVICES (Fire Extrication Equipment)</b>	\$0.00	\$0.00
<b>Community Outreach &amp; Betterment (COB) Grant</b>	\$0.00	\$0.00
<b>Total</b> Total amount Federal funds obligated to the subrecipient, <a href="#">(2 CFR § 200.331(a)(1)(vii))</a> Project Costs: 80% Federal Funds, 20% Applicant Share (Minimum Match Required).	\$ 6,600.00	\$1,650.00

<b>Awarding Agency:</b> Office of Highway Safety (OHS)
<b>Federal Awarding Agency:</b> National Highway Traffic Safety Administration (NHTSA), US DOT NHTSA Region 1 55 Broadway, RTV-8E Cambridge, MA 02142
<b>Budget period (new) –</b> <b>10/01/2023 to 09/30/2024</b>
<b>Is This a Research and Development Project:</b> NO



EXHIBIT B  
**GRANT REQUIREMENTS AND INFORMATION**

- Officers funded during these overtime enforcement grants shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, or in the case of a riot where all available personnel must divert their attention.
- Officers may pull over drivers for any driving offense during patrols. This includes, but is not limited to, suspected drunk driving, speeding, school bus violations, CPS violations, traffic light/stop sign running, and distracted driving.
- Nothing in this grant shall be interpreted as a requirement, formal or informal that a law enforcement officer issue a specified or predetermined number of summons in pursuance of the department's obligation associated with the grant.
- If an officer makes an arrest during the patrol shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest even if the time exceeds the scheduled patrol shift; however, the total request for reimbursement must not exceed the approved budget in the Grant Agreement.
- An officer who stops working a Highway Safety grant to assist with a Non-Highway Safety Grant related issue (i.e. crash, domestic dispute, criminal complaint, etc.), must not count such hours as hours worked on a Highway Safety Grant.
- Full-time officers will be reimbursed at an overtime rate of pay as established by the department and/or municipality for hours worked during the enforcement patrols. Part-time officers will be reimbursed at their normal hourly rate of pay.
- The Patrol Activity Report (HS-200) must be signed and dated by an authorized signatory (Police Chief or designee). Individuals working the enforcement patrol may not sign off on the Patrol Activity Report for themselves and if the Chief Law Enforcement Officer (CLEO) works an overtime enforcement patrol, they must comply with 29 CFR Part 541 as it relates to "exempt employees". This will require that the CLEO provide a waiver of 29 CFR, Part 541 from their governing body with any reimbursement requests in which the CLEO has worked. Additionally, the CLEO may not sign off on their own HS200 or that of a spouse, child or sibling who may work an enforcement patrol.
- If weather impedes a particular enforcement detail, this should be noted on the Patrol Activity Report (HS-200).
- Command staff may participate in and be compensated for enforcement details if acting in a traffic enforcement role rather than acting exclusively in a supervisory role overseeing officers engaged in traffic enforcement.
- Failure to comply with reporting requirements may result in non-reimbursement of funds or suspension of grant award.
- Non-participation or non-compliance with the performance measures may result in grant agreement suspension, termination and/non-reimbursement of expenses.

**Reimbursement Schedule and Required Paperwork**

- Reimbursements are due no later than 15 days after the close of the quarter. Due dates are as follows:
  1. **January 15<sup>th</sup>** for October-December (Quarter 1)
  2. **April 15<sup>th</sup>** for January-March (Quarter 2)
  3. **July 15<sup>th</sup>** for April-June (Quarter 3)
  4. **October 15<sup>th</sup>** for July-September (Quarter 4)
- See link for all the required forms - <https://www.nh.gov/hsafety/publications/index.htm>
- Over-Time enforcement patrol reimbursements shall include the following:
  1. Reimbursement Request Cover Letter (HS-1);
  2. Overtime Payroll Reimbursement Form (HS-20) for each project;
  3. Match Tracking Form (HS-22) for each project;
  4. Quarterly Summary Report (HS-100 QSR) for each project;
  5. Patrol Activity Reports (HS-200) for each project; and
  6. Updated Grant Application/Performance Tracking Tool (App/PTT)
- Equipment reimbursements shall include the following:
  1. Reimbursement Request Cover Letter (HS-1). **Note:** if submitting equipment reimbursement along with overtime enforcement patrol reimbursements only one (1) Reimbursement Request Cover Letter (HS-1) shall be submitted.
  2. Copy of the detailed equipment invoice (with all Serial #'s);
  3. Match Tracking Form (HS-22);
  4. Copy of Cancelled Check; and
  5. Final Equipment Report (HS-8E) (with all Serial #'s)



- Over-Time COB Grant reimbursements shall include the following:
  1. Reimbursement Request Cover Letter (HS-1);
  2. COB Grant Activity Overtime Payroll Reimbursement Form (HS-20) found within COB Grant Excel Workbook;
  3. COB Grant Activity Match Tracking Form (HS-22) found within COB Grant Excel Workbook;
  4. COB Grant Excel Workbook File updated with quarterly COB activity and related expenses.
  5. Copies of all COB Grant related invoices and/or receipts.
- If no enforcement patrols took place during the quarter you are required to submit the Reimbursement Cover Letter (HS-1) indicating that you are not seeking reimbursement by placing \$0 in the projects where you were awarded funding.
- Failure to file required reports by the submission due dates can result in grant termination or denial of future grants.
- All publications, public information, or publicity released in conjunction with this project shall state "This project is being supported in part through a grant from the NH Office of Highway Safety, with Federal funds provided by the National Highway Traffic Safety Administration" or related social media tag provided by our office.
- Grant agreements shall terminate in the event funds are exhausted and/or not made available by the federal government for this program. If the grantee makes obligations in anticipation of receiving funds under this grant, the grantee does so at their peril and the State of New Hampshire will be under no obligation to make payments for such performance.

#### **SPECIAL PROVISION-NH OFFICE OF HIGHWAY SAFETY**

- (A) In the event of any conflict or ambiguity between the provisions of the Subrecipient's application and the provisions of the Office of Highway Safety Grant Agreement, including applicable EXHIBITS A and B, the provisions of the Grant Agreement shall govern.
- (B) The New Hampshire Office of Highway Safety (OHS) will review all reports and certifications received to ensure compliance. If findings specific to Highway Safety Programs are detected within an agency's Single Audit, appropriate action shall be taken to ensure that identified sub recipient risks are being timely and appropriately corrected.

#### **CASH MANAGEMENT**

Cash draw-downs will be initiated only when actually needed for disbursement (i.e., as close as possible to the time of making disbursements). Cash disbursements and balances will be reported in a timely manner as required by NHTSA. 2 CFR Part 200.305.

For subrecipients, recipients must establish reasonable procedures to ensure the receipt of reports on subrecipients' cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. Recipients must monitor cash draw-downs by their subrecipients to assure that they conform substantially to the same standards of timing and amount as apply to advances to the recipients. 2 CFR 200.305.

Failure to adhere to these provisions may result in the termination of draw-down privileges.

#### **OFFICE OF MANAGEMENT AND BUDGET GRANT CONDITIONS**

The following documents issued by the Office of Management and Budget (OMB) apply to all Federal grants regardless of the Federal Department making them available:

- **Audit Requirement of Federal Funds:** (2 CFR § 200.332(a)(5)) 2 CFR part 200, subpart F (formerly known as OMB Circular A-133) – These requirements apply to each non-profit organization, each institution of higher education, and local governments as a whole when they or one of their departments receives federal funds. Any non-profit organization, institution of higher education, or local government spending more than \$750,000 in federal funds from all sources within a 12-month period must have an audit performed on the use of the funds. OGR defines the 12-month period as July 1 to June 30. The following link provides the full text of this basic federal grant requirement: <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>.
- **Cost Principles for Federal Grants to State and Local Governments**
  - 2 CFR 200 subpart E – These requirements apply only to state and local government subrecipients. These regulations list and define general categories of costs that are both allowable and unallowable. Examples include the following:
  - The cost of alcoholic beverages is unallowable.
  - Costs incurred by advisory councils are allowable.



- Audit costs are allowable.
- Compensation costs are allowable so long as they are consistent with that paid for similar work in other activities of the local government.
- Entertainment costs are unallowable.
- Equipment costs are allowable with the prior approval of the HSO. Equipment having a useful life of more than one year or a current per-unit fair market value of \$5,000 or more must be tracked. When replacing equipment purchased with federal funds, the equipment to be replaced may be used as a trade-in or can be sold with the proceeds used to offset the cost of the replacement equipment. In addition, during the period of the contract with HSO, insurance on the equipment is allowable.
- Travel costs are allowable if pre-approved by the HSO and so long as they are consistent with those normally allowed in like circumstances for non-federally funded activities.
- **Cost Principles for Federal Grants to *Non-Profit Organizations and Institutions of Higher Education*** - These requirements apply to only the non-profit and higher education sub recipients. These document list and define general categories of costs that are allowable and unallowable. The link below provides the full text of these two basic federal grant requirements.
  - eCFR :: 2 CFR Part 200 Subpart E -- Cost Principles

**I sign these Grant Requirements based on personal knowledge, after appropriate inquiry, and I understand that the Government will rely on these representations in reimbursing grant funds.**

**Authorized Contract Signatory:**

**Date:**

**Signors Printed Name:**

**Signors Title:**

Project Titles, PSP & Task, ALN, and FAIN Numbers (FFY24)
<b>SPEED ENFORCEMENT PATROLS</b> <b>PSP &amp; Task</b> 24-02-04 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>SPEED EQUIPMENT</b> <b>PSP &amp; Task</b> 24-02-04 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>DUI ENFORCEMENT</b> <b>PSP &amp; Task</b> 24-07-04 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>DISTRACTED DRIVING</b> <b>PSP &amp; Task</b> 24-04-04 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>PEDESTRIAN BICYCLE</b> <b>PSP &amp; Task</b> 24-06-04 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>JOIN THE NH CLIQUE</b> <b>PSP &amp; Task</b> 24-01-04 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>DRIVE SOBER OR GET PULLED OVER</b> <b>PSP &amp; Task</b> 24-07-11 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>U DRIVE, U TEXT, U PAY</b> <b>PSP &amp; Task</b> 24-04-11 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>E-CRASH EQUIPMENT (MDT)</b> <b>PSP &amp; Task</b> 24-03-06 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>E-CRASH EQUIPMENT (Printers/Scanners/Receivers/C.A.R. Equipment/C.A.R. Training)</b> <b>PSP &amp; Task</b> 24-03-06 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>EMERGENCY MEDICAL SERVICES (Fire Extrication Equipment)</b> <b>PSP &amp; Task</b> 24-10-03 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0
<b>COMMUNITY OUTREACH &amp; BETTERMENT (COB) GRANT</b> <b>PSP &amp; Task</b> 24-09-03 FAST Act 402/Bil/Sup <b>ASSISTANCE LISTING NUMBER:</b> 20.600 <b>FAIN Number</b> (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752400004020NH0, 69A3752230SUP4020NH0, 69A3752330SUP4020NH0

## Scope of Work

### SPEED ENFORCEMENT

For additional grant requirements please familiarize yourself with the section of the grant agreement titled, "Grant Requirements and Information".

- The locations as well as time and days of the Speed overtime enforcement patrols should support the problem statement identified in your grant application.
- Speed enforcement patrols should be no more than **4-hours** in duration. These hours shall be run consecutively without interruption.
- If the last stop of a grant-funded patrol results in an arrest that requires the patrol to exceed 4-hours, OHS will consider payment, after review of the dispatch log and Patrol Activity Report (HS-200). The dispatch log must show the arrest as the last stop of the patrol as well as showing the time the arrest was cleared.
- The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour are made during a grant-funded patrol, an explanation must be provided on note section of the HS-200/Patrol Activity Report.
- To maximize grant funding, patrols must consist of **one grant-funded officer per cruiser**; however, multiple cruisers may be out at one time.
- All vehicles stopped should be visually checked for violations of the Child Passenger Restraint law. The total number of visual checks and any action taken should be noted on the HS-200 Patrol Activity Report.
- The NHOHS Highway Safety Commander may, and in their prolonged absence, the NHOHS program manager may, in consultation and conjunction with the Chief of Police, at their discretion, authorize adjustments in the duration of patrols and focus efforts in both location and area of enforcement, to help maximize the potential for success in meeting objectives and achieving overall goals.

Grantee Initials: \_\_\_\_\_

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

Grantee Initials: \_\_\_\_\_

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

Grantee Initials: \_\_\_\_\_

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



## Scope of Work

### Impaired Driving Enforcement (DUI)

For additional grant requirements please familiarize yourself with the section of the grant agreement titled, "Grant Requirements and Information".

- The locations as well as time and days of the Impaired Driving enforcement overtime patrols shall support the problem statement identified in your grant application.
- DUI enforcement patrols, including DUI saturation patrols, can be a minimum of **4-hours** or a maximum of **6-hours** in duration. These hours shall be run consecutively without interruption.
- With **written**, pre-approval, from the Office of Highway Safety, departments may conduct 6-hour Sobriety Check Points.
- If the last stop of a grant-funded patrol results in an arrest that requires the patrol to exceed 4-hours, OHS will consider payment, after review of the dispatch log and Patrol Activity Report (HS-200). The dispatch log must show the arrest as the last stop of the patrol as well as showing the time the arrest was cleared.
- The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol period. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour are made during a grant-funded patrol, an explanation must be provided on note section of the HS-200/Patrol Activity Report.
- To maximize grant funding, patrols must consist of **one grant-funded officer per cruiser**; however, multiple cruisers may be out at one time.
- All vehicles stopped should be visually checked for violations of the Child Passenger Restraint law. The total number of visual checks and any action taken should be noted on the HS-200 Patrol Activity Report.
- The NHOHS Highway Safety Commander may, and in their prolonged absence, the NHOHS program manager may, in consultation and conjunction with the Chief of Police, at their discretion, authorize adjustments in the duration of patrols and focus efforts in location, to help maximize the potential for success in meeting objectives and achieving overall goals.

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

## Scope of Work

### High Visibility Mobilizations

Departments have an allowable budget to conduct overtime enforcement during each of the time periods listed below. Unspent funds from a campaign period cannot be rolled over into any other enforcement activity.

Grant-funded overtime enforcement activity shall occur on the required dates and primary enforcement efforts should be project specific; departments are encouraged to use their own internal data to conduct enforcement activity in their community hotspots.

The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour are made during a grant-funded patrol, an explanation must be provided on note section of the HS-200/Patrol Activity Report.

**NOTE:** Please e-mail your Field Representatives at [HWYSAFETYMAIL@dos.nh.gov](mailto:HWYSAFETYMAIL@dos.nh.gov), in advance, if a mobilization effort will not be conducted.

\*\*\*\*\*

**Join the NH Clique Enforcement Patrols- \$850 total:** The purpose of this mobilization is to enforce the Child Restraint Law for anyone under 18 years of age, as well as to educate unbelted occupants 18 years and older regarding the importance of wearing seatbelts. Patrols must be conducted during daylight hours at locations such as elementary schools, high schools, shopping centers, and/or locations where drivers and passengers up to the age of 18 are known to frequent. Officers conducting the "Join the NH Clique Patrols", are highly recommended to complete an Online training course; "Child Passenger", sponsored by Police Standards and Training.

- **Required Dates:**

- One 3-4 hour patrol conducted on kickoff day - **TBD**
- The remaining patrol hours shall be conducted between - **TBD, 3<sup>rd</sup> Quarter**

\*\*\*\*\*

**Drive Sober or Get Pulled Over-\$850 each:** The purpose of these **two** mobilizations will focus on the apprehension of the impaired driver. **Unspent funds from the first DSOGPO campaign may be rolled over to the second DSOGPO campaign.**

- **\$850- Required Dates of the first mobilization:**

- One 3-4 hour patrol conducted on kickoff day - **TBD**
- The remaining patrol hours shall be conducted between - **TBD, 1<sup>st</sup> Quarter**

- **\$850- Required Dates of the second mobilization:**

- One 3-4 hour patrol conducted on kickoff day - **TBD**
- The remaining patrol hours shall be conducted between - **TBD, 4<sup>th</sup> Quarter**

\*\*\*\*\*

**U Drive, U Text, U Pay-\$850 total:** The purpose of this mobilization is to enforce New Hampshire's Hands Free Electronic Device Law, as well as other activities that occur behind the wheel that cause the driver to be distracted.

- **Required Dates:**

- One 3-4 hour patrol conducted on kickoff day - **TBD**
- The remaining patrol hours shall be conducted between - **TBD, 3<sup>rd</sup> Quarter**

\*\*\*\*\*

Grantee Initials: \_\_\_\_\_

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

Grantee Initials: \_\_\_\_\_

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

Grantee Initials: \_\_\_\_\_

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

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





**CITY OF FRANKLIN, NEW HAMPSHIRE  
COUNCIL AGENDA REPORT**

*City Council Meeting September 5, 2023*

**From:** Justin Hanscom, Municipal Services Director

**Subject:** City Council to consider the disposition of City Surplus Equipment

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**Recommended Motion(s):**

“I move that the Franklin City Council authorize the Municipal Services Director to sell, for the best possible price, vehicles and equipment as itemized on the proposed “Fall 2023, Municipal Services Department, Surplus Equipment Disposition List”.

Mayor calls for second and the vote:

**Discussion:**

The City of Franklin participates in the State of New Hampshire Surplus Property Auction, as well as other means available, to sell various pieces of used/obsolete City owned equipment and vehicles. Included with this Council Agenda Report is a “Fall 2023, Municipal Services Department, Surplus Equipment Disposition List”. The attached list contains items recommended for disposition using the best available method and sources of advertisement in order to maximize revenue from sales.

**Concurrences:**

Disposition of City surplus equipment must be authorized by the City Council. Historically, authority has been granted to the Municipal Services Director to oversee the sale of surplus City equipment, once approved.

**Fiscal Impact:**

The City Council may consider designating funds generated from the sale of items sold, into various revenue lines within the City Budget or as discussed on previous occasions by the City Council, place the revenue into a “Municipal Services Department, Equipment Replacement Fund”. Proceeds generated for any non-general fund equipment (i.e. water and sewer fund) items, would be deposited into the appropriate enterprise fund as revenue. Any proceeds from military surplus will be deposited back into the City of Franklin Police Department budget.

**Alternatives:**

Do not authorize the sale of surplus City equipment. Given the condition and age of the equipment recommended for disposition, it serves no useful purpose for the City to retain these items. They take up space, need to be insured and may be of value to the right person or company.

**Attachments/Exhibits:**

- “Fall 2023, Municipal Services Department, Surplus Equipment Disposition List”.

## Surplus Equipment Disposition List - Fall 2023

### General Fund

- 2003 Ford F-650 – VIN – 3FDWF65253MB01330
- 2003 International 7400 6 Wheel Dump Truck – VIN – 1HTWDAAR93J071314
- 1984 Larochelle Plow Model LR1142P – S/N-R1A10400
- 2007 Ford Crown Victoria – VIN – 2FAFP71W37X158528
- 2011 Ford Crown Victoria – VIN – 2FABP7BVXBX171399
- 2006 Chevy 2500 Pickup – VIN – 1GCHK24U56E193764
- 1999 938G CAT Loader – S/N – 4YS00970
- 1995 Mohawk 12,000 Car Lift Model LMF-12 S/N-95121822
- 2000 Coats Wheel Balancer 850 – S/N-9911303210
- Weather Guard Truck Tool Box
- 2001 Husqvarna Mower – S/N – O12400651
- 2006 Chevy Trailblazer – VIN – 1GNET16S766129006
- 2013 Ford F-350 – VIN – 1FT8X3B65DEA99201
- 2013 Ford Explorer – VIN – 1FM5K8AR5DGC40861
- 2015 Ford Explorer – VIN – 1FM5K8AR6FGB41484
- 2016 Ford Explorer – VIN – 1FM5K88AT3GGC35626
- 13 Folding Cafeteria Tables

### Water/Sewer Funds

- 2009 Ford F-450 1 Ton Dump Truck – VIN – 1FDAF47R79EA11538
- 2008 Highway Super-P 9' – Sander S/N-128163
- 2008 Chevy Trail Blazer – VIN – 1GNDDT135382148937

### Military Surplus (revenues to be placed in police budget)

- 2008 1 ½ Ton Trailer M103A3 – S/N – 0196
- 2003 1 ½ Ton Trailer M103A3 – S/N – 551



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



**CITY OF FRANKLIN**  
**COUNCIL AGENDA REPORT**  
September 5, 2023

**Subject: Council to consider City SPIRIT initiative**

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Darryck Dean from the USDOJ Community Relations Services gave a presentation (attached) on August 15<sup>th</sup> at Peabody Place. It was attended by 10-15 people. The program gets people engaged with local government officials to provide and implement solutions to problems identified by the community as important.

It will take a commitment of a smaller core group of individuals from all sectors of the community, called the SPIRIT Council, of about 18 mos. The DOJ will lead the initiative to a point where the SPIRIT Council is self-sustaining but will be available for support throughout the whole process. Council support of the initiative is needed to begin the process.

**Attachments:**

City SPIRIT Presentation



# CITY SPIRIT

City-Site Problem Identification and Resolution of Issues Together



Source: shutterstock\_344191121



## What is **CRS** COMMUNITY RELATIONS SERVICE ?

Created under **Title X of  
Civil Rights Act of 1964**

CRS, a U.S. Department of Justice  
agency, is the Federal government's

“peacemaker”

for community conflicts and  
tensions arising from differences  
of race, color and national origin.

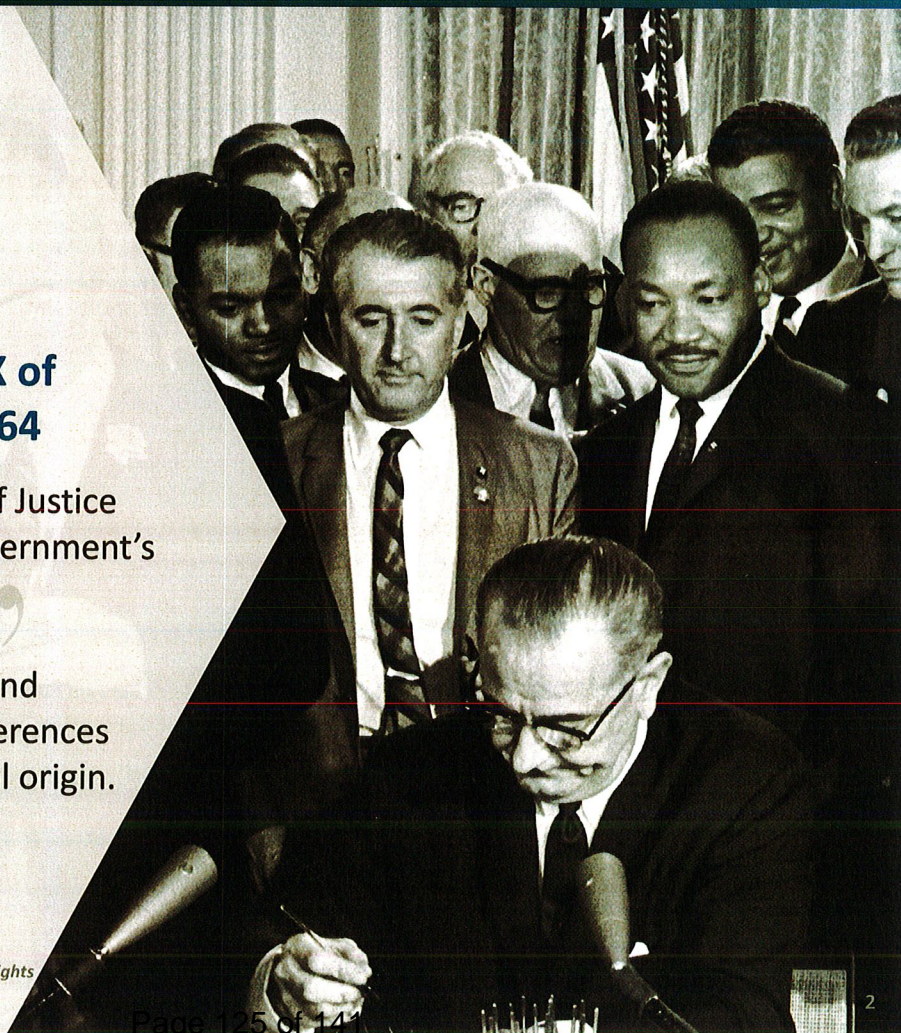


Photo: President Lyndon Baines Johnson signs the Civil Rights Act of 1964, surrounded by civil rights and congressional leaders. Taken from the 2015 Annual Report.





## What is **CRS** COMMUNITY RELATIONS SERVICE ?

Services expanded under the  
Hate Crimes Prevention Act of  
2009, CRS acts to prevent and  
respond to violent hate crimes:

- Gender
- Gender Identity
- Sexual Orientation
- Religion
- Disability
- Race
- Color
- National Origin

Source: Getty Images: 92430581

3

## CRS Services

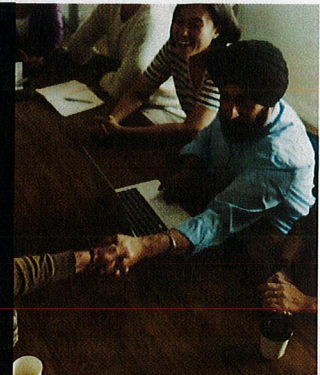
### Facilitation

Convening  
parties in  
dialogue to  
identify issues  
and solutions



### Mediation

Structured  
process to  
reach  
agreement



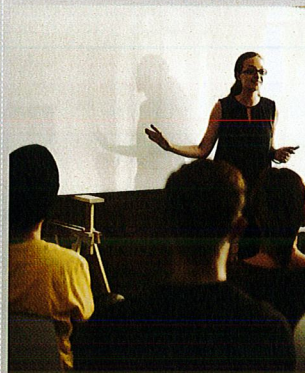
### Consultation

Technical  
assistance, best  
practices, models,  
and evidence-  
based resources



### Training

Knowledge or  
skills-based  
programs





# Reasons to Host a City-SPIRIT Program

Improve	Collaborate	Prevent and Respond
		
Communication	Issues Identification	Bias Incidents
Problem Solving	Solutions Development	Hate Crimes
Trust	Plan of Action	Community Tensions
Relationships	SPIRIT Council	Critical Incidents

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## City-SPIRIT Program Goals



Convene community and government leaders in dialogue to identify issues impacting their community and to develop solutions to address those issues



Improve communication and collaboration between government and community leaders

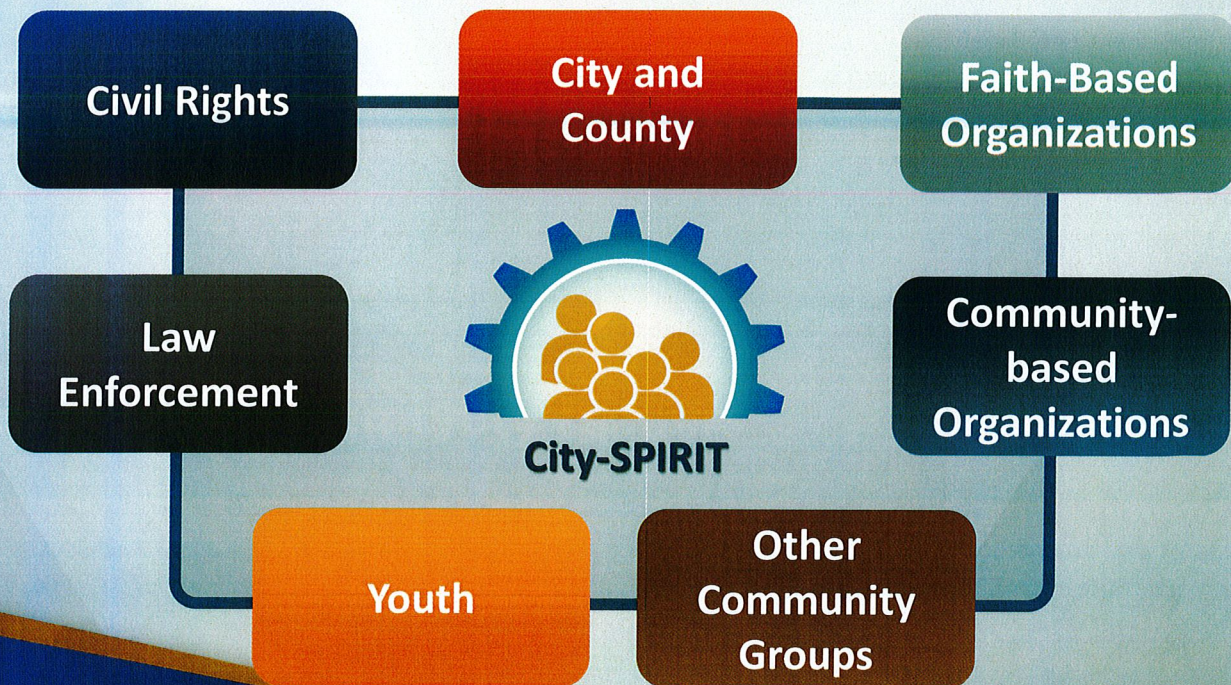


Create a council of community leaders to work with government officials to implement solutions together

6



# Diverse Community Leaders



7

## City-SPIRIT Program

### Program Facilitation:

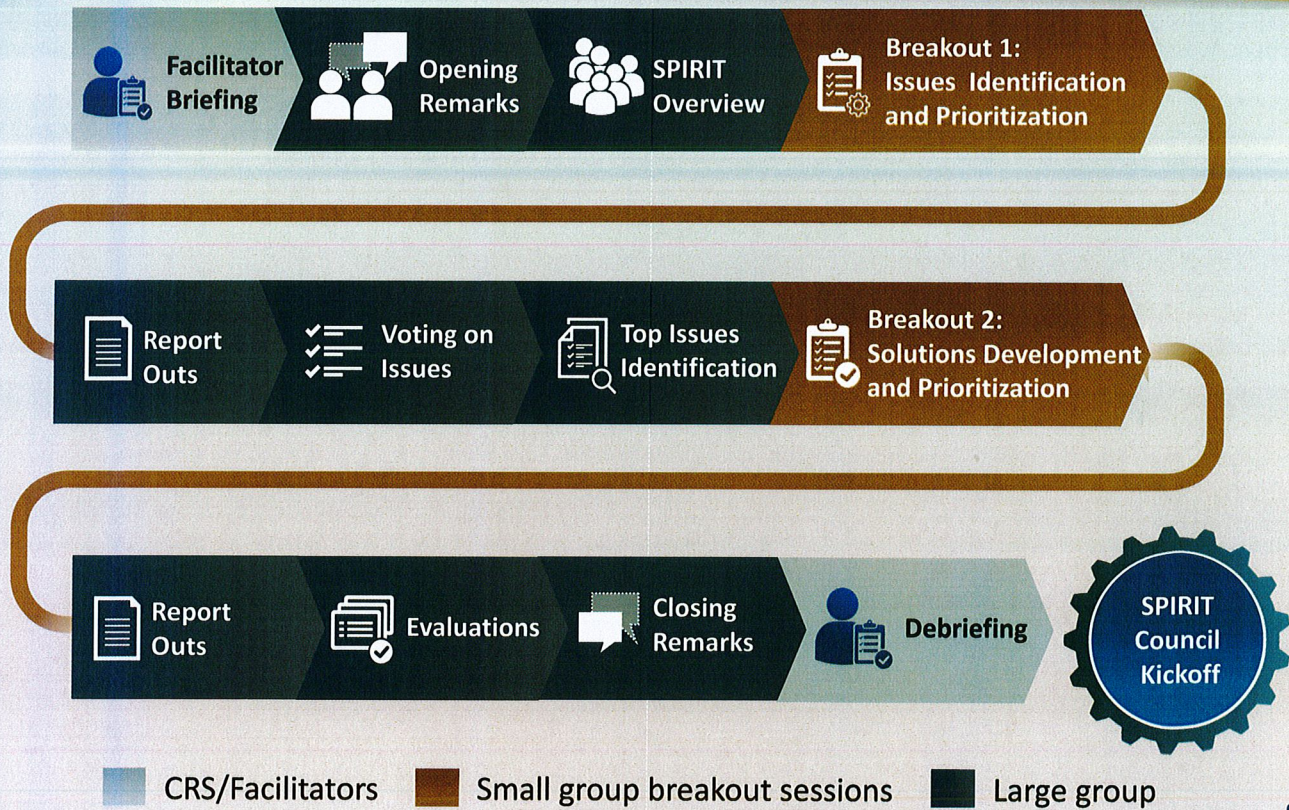


### Following Program Facilitation:



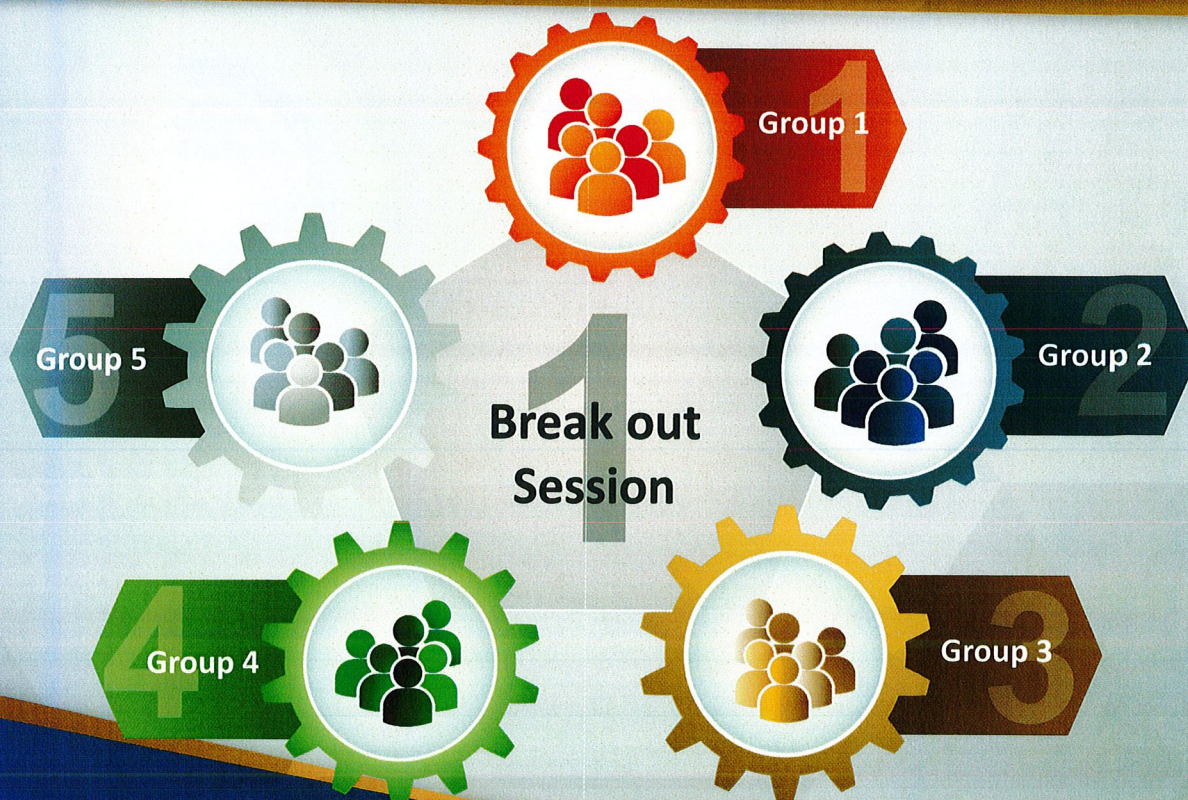


# School-SPIRIT Program



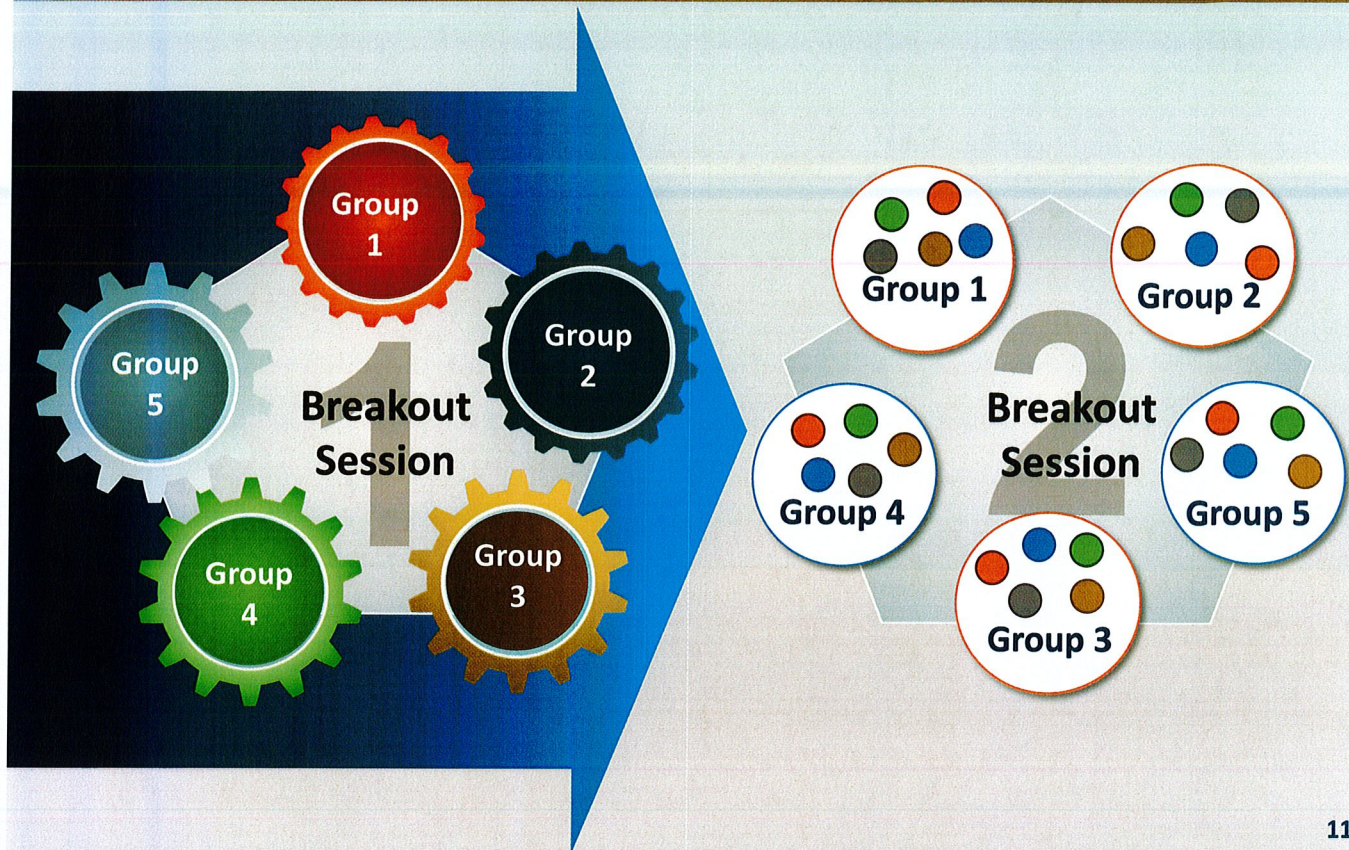
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## Issues Identification



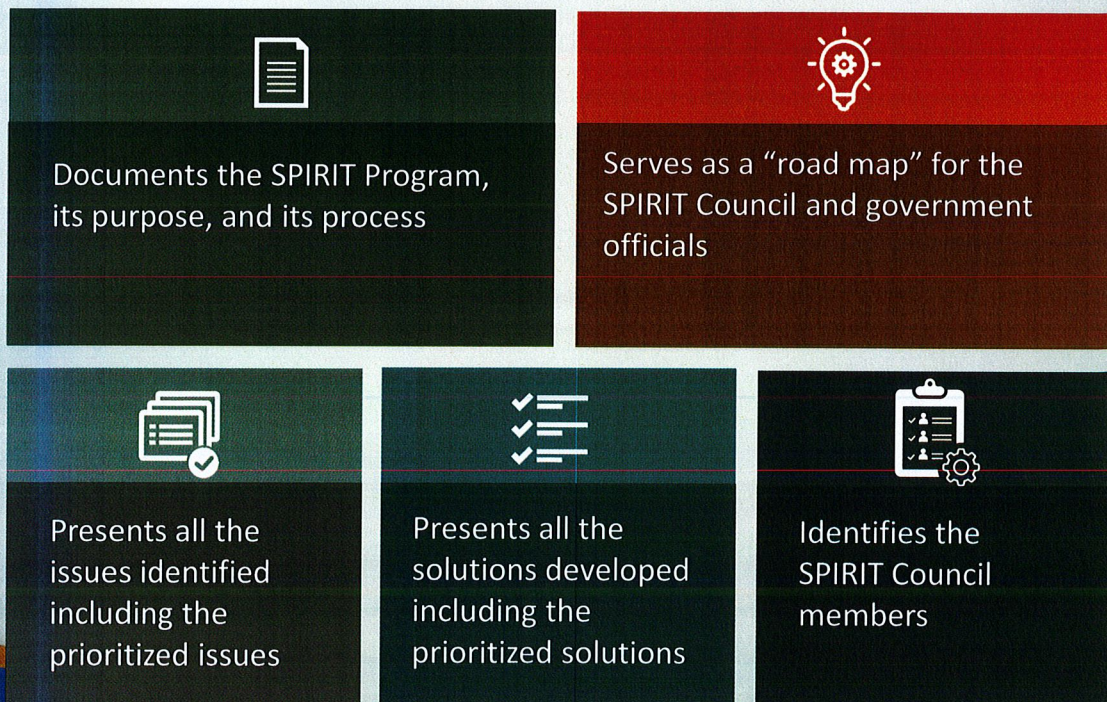


# Solutions Development



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## City-SPIRIT Report

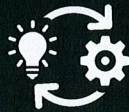




# City-SPIRIT Council



Made up of two representatives from each like group



Meets on a regular basis



Acts as an “advisor” to government officials for community relations issues



Creates action plans for solutions created during the SPIRIT Program



Works with government officials to implement action plans



Increases communication and collaboration among leaders



Reports progress to the broader community



Proactively identifies and works with government officials to address community conflicts and tensions

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## Sample Agenda: 1-Day Program

Minutes	Sample Time	Presenter(s)	Agenda
30 minutes	7:30 am – 8:00am	Conciliation Specialist	Small Group Facilitator Briefing
15 minutes	8:00 am – 8:15am	Community Leaders	Welcome and Overview
30 minutes	8:15 am – 8:45am	Conciliation Specialist	SPIRIT Overview
@60 minutes	8:45 am – 10:00am	Small Group Facilitators	Small Group Breakout Session #1 Issues Identification and Prioritization
45 minutes	10:00 am – 10:45am	Conciliation Specialist	Large Group Session Report-Out #1
15 minutes	10:45 am – 11:00am	Conciliation Specialist	Voting and Prioritization (Dot Voting)
45 minutes	11:00 am – 11:45am	Lunch	Participants
45 minutes	11:00 am – 11:45am	Conciliation Specialist Small Group Facilitators	Large Group Issues Prioritization
@90 minutes	11:45 am – 1:15pm	Small Group Facilitators	Small Group Breakout Session #2 Solutions Development and Prioritization
45 minutes	1:15 pm – 2:00pm	Conciliation Specialist	Large Group Session Report-Out #2 Solutions Prioritization
10 minutes	2:00 pm – 2:10pm	Conciliation Specialist	Program Evaluation
15 minutes	2:10 pm – 2:25pm	Community Leaders	Closing Remarks by Community Leaders Announcement of SPIRIT Council
30 minutes	2:25pm – 3:05pm	SPIRIT Council Members	Introductory Meeting
30 minutes	2:25 pm–3:05pm	Conciliation Specialist	Debriefing: Community Leaders, Conciliation Specialist, Small Group Facilitators
			Small Group Facilitators Evaluation



# Sample Agenda: Two Half-Day Program

## Day One: City-SPIRIT Agenda

Minutes	Time	Presenter(s)	Agenda
30 minutes	8:00–8:30	Conciliation Specialist	Briefing of Small Group Facilitators
15 minutes	8:30–8:45	Community Leaders	Participants Convene Welcome
30 minutes	8:45–9:15	Conciliation Specialist	SPIRIT Overview
At least 60 minutes	9:15–10:15	Small Group Facilitators	Small-Group Breakout Session #1 Issues Identification and Prioritization
45 minutes	10:15–11:00	Conciliation Specialist	Large Group Session Report-Out #1
15 minutes	11:00–11:15	Conciliation Specialist	Voting and Prioritization (Dot Voting) Close Day One
30 minutes	11:15–11:45	Conciliation Specialist	Debriefing: •Community Leaders •Conciliation Specialist •Small Group Facilitators

## Day Two: City-SPIRIT Agenda

Minutes	Time	Presenter(s)	Agenda
30 minutes	8:00–8:30	Conciliation Specialist	Briefing with Small Group Facilitators
15 minutes	8:30–8:45	Community Leaders	Participants Convene Welcome
15 minutes	8:45–9:00	Conciliation Specialist	SPIRIT Overview
At least 90 minutes	9:00–10:30	Small Group Facilitators	Small-Group Breakout Session #2 Solutions Development and Prioritization
45 minutes	10:30–11:15	Conciliation Specialist	Large-Group Session Report-Out #2 Solutions Prioritization
15 minutes	11:15–11:30	Conciliation Specialist	Evaluation
15 minutes	11:30–11:45	Community Leaders	Closing Remarks by Community Leaders Announcement of SPIRIT Council
30 minutes	11:45–12:15	SPIRIT Council	Introductory meeting
30 minutes	11:45–12:30	Conciliation Specialist	Debriefing: •Community Leaders •Conciliation Specialist •Small Group Facilitators

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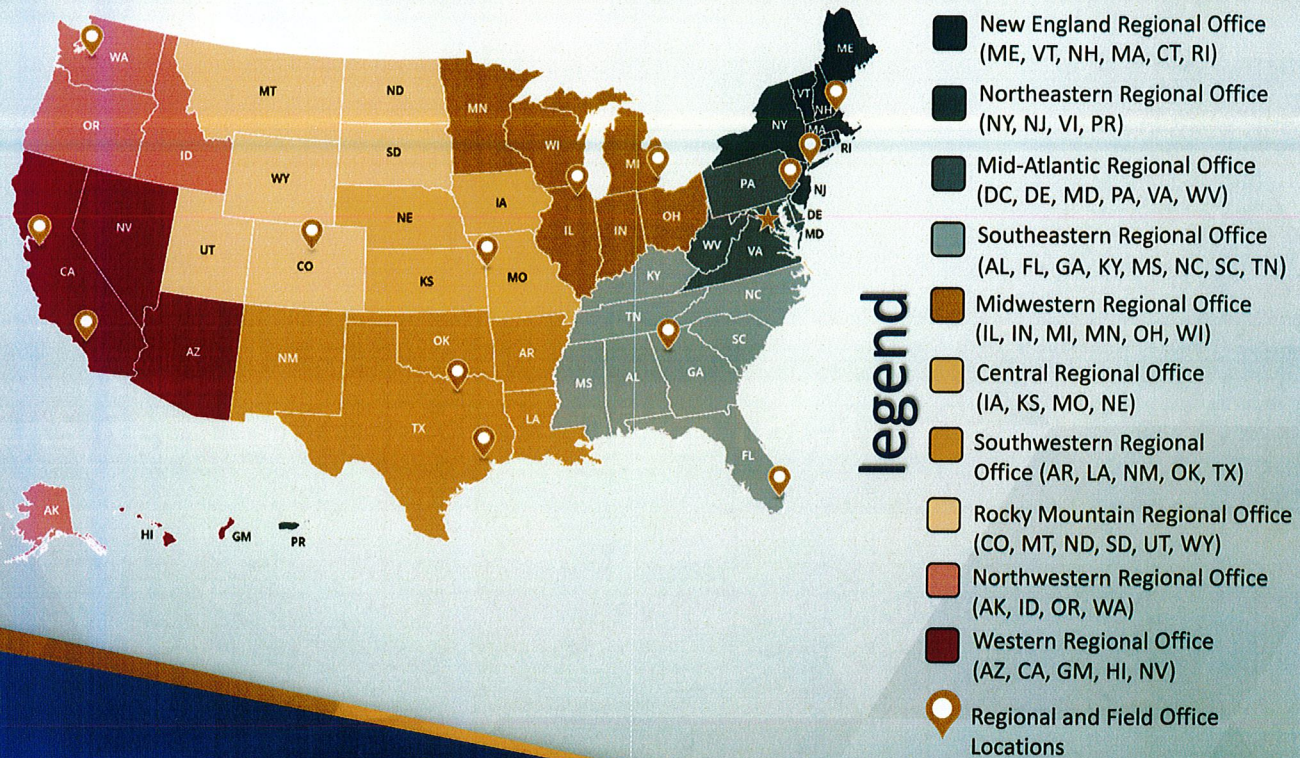
## City-SPIRIT Program Commitments



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# CRS Regional and Field Office Locations



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## Regional and Field Offices Contacts (1 of 2)

Office	Address	Telephone and Fax Number
New England Regional Office (Region I) (ME, VT, NH, MA, CT, RI)	408 Atlantic Avenue, Suite 222 Boston, MA 02110	T: 617.424.5715 F: 617.424.5727
Northeastern Regional Office (Region II) (NY, NJ, VI, PR)	26 Federal Plaza, Suite 36-118 New York, NY 10278	T: 212.264.0700 F: 212.264.2143
Mid-Atlantic Regional Office (Region III) (DC, DE, MD, PA, VA, WV)	200 2nd & Chestnut Street, Suite 208 Philadelphia, PA 19106	T: 215.597.2344 F: 215.597.9148
Southeastern Regional Office (Region IV) (AL, FL, GA, KY, MS, NC, SC, TN)	61 Forsyth Street, SW, Suite 7B65 Atlanta, GA 30303	T: 404.331.6883 F: 404.331.4471
Southeastern Field Office	51 SW First Avenue, Suite. 624 Miami, FL 33130	T: 305.536.5206 F: 305.536.6778
Midwestern Regional Office (Region V) (IL, IN, MI, MN, OH, WI)	230 South Dearborn Street, Room 2130 Chicago, IL 60604	T: 312.353.4391 F: 312.353.4390
Midwestern Field Office	211 West Fort Street, Suite 1404 Detroit, MI 48226	T: 313.226.4010 F: 313.226.2568

Email us at [askcrs@usdoj.gov](mailto:askcrs@usdoj.gov) for Regional and Field Offices



# Regional and Field Offices Contacts (2 of 2)

Office	Address	Telephone and Fax Number
Southwestern Regional Office (Region VI) (AR, LA, NM, OK, TX)	Harwood Center Building 1999 Bryan Street, Suite 2050 Dallas, TX 75201	T: 214.655.8175 F: 214.655.8184
Southwestern Field Office	515 Rusk Avenue, Suite 12605 Houston, TX 77002	T: 713.718.4861 F: 713.718.4862
Central Regional Office (Region VII) (IA, KS, MO, NE)	601 E. 12th Street, Suite 0802 Kansas City, MO 64106	T: 816.426.7434 F: 816.426.7441
Rocky Mountain Regional Office (Region VIII) (CO, MT, ND, SD, UT, WY)	1244 Speer Boulevard, Suite 650 Denver, CO 80204-3584	T: 303.844.2973 F: 303.844.2907
Western Regional Office (Region IX) (AZ, CA, GU, HI, NV)	888 South Figueroa Street, Suite 2010 Los Angeles, CA 90017	T: 213.894.2941 F: 213.894.2880
Western Field Office	90 Seventh Street, Suite 3-300 San Francisco, CA 94103	T: 415.744.6565 F: 415.744.6590
Northwestern Regional Office (Region X) (AK, ID, OR, WA)	915 Second Avenue, Suite 1808 Seattle, WA 98174	T: 206.220.6700 F: 206.220.6706

Email us at [askcrs@usdoj.gov](mailto:askcrs@usdoj.gov) for Regional and Field Offices

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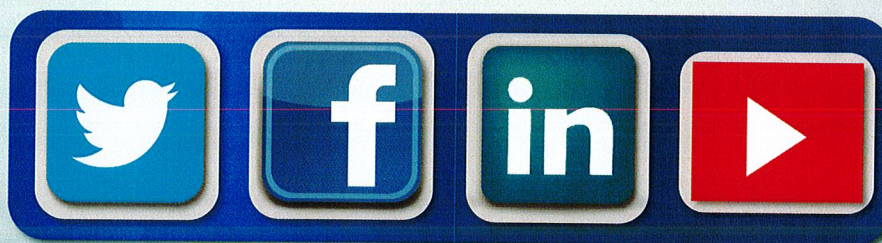
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**CITY COUNCIL MEETING**  
**AGENDA ITEM IX**





**CITY OF FRANKLIN**  
**COUNCIL AGENDA REPORT**  
for September 5, 2023

**Date:** For September 5, 2023 City Council Meeting

**From:** Seth Creighton, Director of Planning & Zoning

**Subject:** Trestle Bridge Grant Updates

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**Recommended Motion:**

Councilor moves, "I move that the Franklin City Council set a public hearing date for 6:00 p.m. on Tuesday, October 10<sup>th</sup>, 2023, regarding the Trestle Bridge options."

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

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**Discussion:** As you know, the City was awarded a grant from NH DOT for approximately \$600,000 in 2019 to rehab the Trestle Bridge and add a pedestrian walkway to the top of it; \$120,000 of that amount is required match – thankfully for the City, the non-profit Mill City Park guaranteed to pay the match on behalf of the City. The \$600,000 was estimated to be the total cost to finish the project.

Unfortunately, the \$600,000 project cost estimate was grossly underestimated; revised estimates call for \$4.5 to \$5 million dollar rebuild/rehab.

Several public hearings have been held since 2019, but no decision has been made yet by the City. But now NH DOT is requiring the City to decide. Most recently, on August 21<sup>st</sup>, the City Council held a public meeting regarding this matter. Much of the public present vocalized support to keep the Trestle Bride, or a new version of a trestle bridge, as long as 80% matching funds for the total project could be found.

On August 28<sup>th</sup> City Staff phoned NH DOT and explained the public's desire. NH DOT said they would support the project moving forward if the City Council picks an option and commits to funding the required 20% match. Staff asked NH DOT if they (NH DOT) would be able to commit to 80% funding; NH DOT said they would fight for this project and believe they can find the 80% funding.

Tonight, September 5<sup>th</sup>, Council should ask any remaining questions, review any updated cost estimates, and set a public hearing for a vote in October at which they will state the desired option and commit to doing all they can to secure funding for 20% of the project (if they choose to proceed with the project).

**Fiscal Impact:** Costs to the City will vary depending upon what option City Council chooses.

**Alternatives:** Several

**Attachments/Exhibits:** An updated series of Cost Estimates for each option

# FRANKLIN 42531

PEDESTRIAN BRIDGE PROJECT  
August 30, 2023

ALTERNATIVE COST ESTIMATES						
	HISTORIC RESTORATION ALTERNATIVES FOR PEDESTRIAN LOADING		NEW PEDESTRIAN BRIDGE & STABILIZE TRESTLE	NO-BUILD & STABILIZE TRESTLE	NO-BUILD & REMOVE TRESTLE	
	REHABILITATE TRESTLE	REPLACE TRESTLE IN-KIND				
TIMBER TRESTLE WORK	\$ 2,400,000	\$ 2,120,000	\$ 1,100,000	\$ 1,100,000	\$ 550,000	
NEW CONCRETE RIVER PIERS (TBD)	\$ 600,000	\$ 600,000	\$ -	\$ -	\$ -	
PEDESTRIAN DESIGN & HISTORIC STYLE RAILING	\$ 690,000	\$ 690,000	\$ -	\$ -	\$ -	
CONTINGENCY	\$ 385,000	\$ 330,000	\$ 250,000	\$ 250,000	\$ 110,000	
MOBILIZATION	\$ 385,000	\$ 330,000	\$ 250,000	\$ 250,000	\$ 110,000	
NEW PEDESTRIAN BRIDGE & FOUNDATIONS	\$ -	\$ -	\$ 1,650,000	\$ -	\$ -	
APPROACH WORK	\$ 85,000	\$ 85,000	\$ 70,000	\$ -	\$ -	
<b>TOTAL CONSTRUCTION COST ESTIMATE</b>	<b>\$ 4,545,000</b>	<b>\$ 4,155,000</b>	<b>\$ 3,320,000</b>	<b>\$ 1,600,000</b>	<b>\$ 770,000</b>	
ENGINEERING, GEOTECHNICAL & PERMITTING	\$ 415,000	\$ 385,000	\$ 265,000	\$ 165,000	\$ 55,000	
CONSTRUCTION ENGINEERING (7% CONSTRUCTION)	\$ 320,000	\$ 290,000	\$ 235,000	\$ 110,000	\$ -	
<b>TOTAL PROJECT ESTIMATE</b>	<b>\$ 5,280,000</b>	<b>\$ 4,830,000</b>	<b>\$ 3,820,000</b>	<b>\$ 1,875,000</b>	<b>\$ 825,000</b>	
MINIMUM CITY SHARE	20%	20%	20%	100%	100%	
<b>MINIMUM CITY COST</b>	<b>\$ 1,056,000</b>	<b>\$ 966,000</b>	<b>\$ 764,000</b>	<b>\$ 1,875,000</b>	<b>\$ 825,000</b>	



**CITY COUNCIL MEETING**  
**AGENDA ITEM X**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of September 5<sup>th</sup>, 2023*

**Subject: Other Business**

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- 1. Mayor & Council Appointments - None**
- 2. Committee Reports**
- 3. City Manager's Update**
- 4. Late Items**

**Adjournment**





**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

City Council Meeting September 5, 2023

**Date:** August 30, 2023  
**From:** Judie Milner, City Manager  
**Subject:** City Manager's Update

- Contingent Grant Line Activity –
- Trust fund for school funding –
- Congratulations:
- Committee Meetings – September:
  - Joint Finance – 9/19 6:15pm BRCC
  - Parks & Rec – 9/28 9am BRCC
  - Police – 9/21 noon Police Dept
- Shout out – Industrial Relics
- Ward 2 October 2023 Election
- CDL Driving Course Update
- Media contacts –
- City letter to Representatives and Senator – State mandated voting machines
- Stanley Mill update -
- City Hall Update –
- Workshop -
- Grant Submissions – (2) LWCF

*Franklin - The Three Rivers City*

- Merrimack County – 200<sup>th</sup>
- Broadband Study Update
- Change in council follow up procedure
- Late Item
- Non-Public Needed:

### **Non-Public**

Motion to go into non-public according to RSA 91-A:3 II (I)

Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

### **Roll Call Vote**