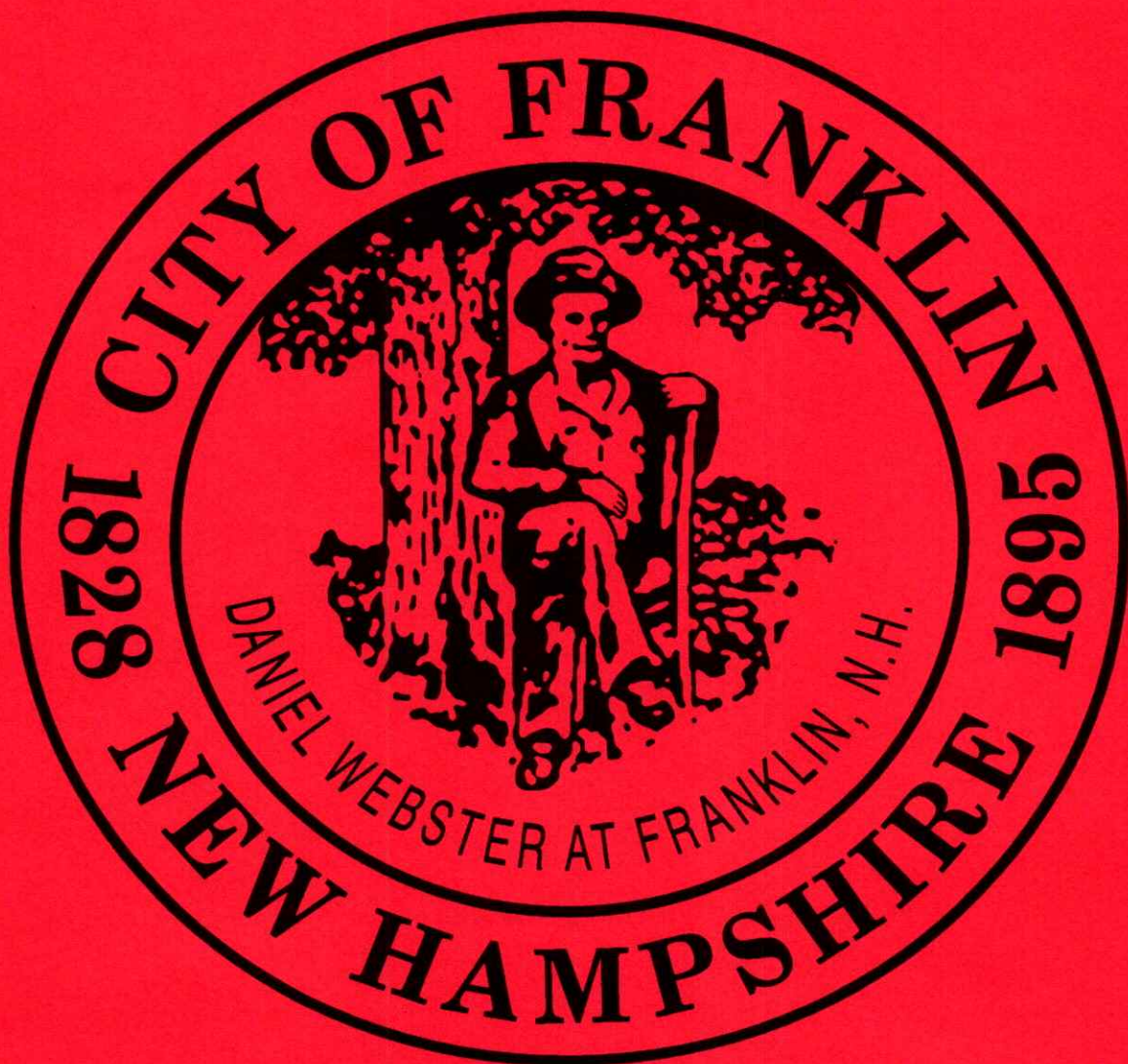


CITY OF FRANKLIN
CITY COUNCIL MEETING
December 5th, 2022
6:00 P.M.





CITY COUNCIL MEETING

Monday, December 5, 2022 - 6:00 p.m.

Council Chambers, Franklin City Hall

or view only via Zoom: <https://us02web.zoom.us/j/86080748180>

or by phone: 1-312-626-6799, Meeting ID# 860 8074 8180

SALUTE TO THE FLAG

MOMENT OF SILENCE FOR OUR VETERANS

PUBLIC HEARINGS

Ordinance 03-23 repealing and replacing current Chapter 257 "Solid Waste" of the Municipal Code

Ordinance 04-23 to revise existing Chapter 233 Adoption of the Property Maintenance Code, and Chapter 233-2 Additions, Insertions and Changes

Resolution 06-23 accepting and appropriating funds from the Federal (CCASP) Child Care Achieving Stabilization Program for the Before and After School Program

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 October 24, 2022 City Council Special meeting.

Agenda Item II. (pg. 31)

Jake and Ella Blanchette to present to the council a plan for putting up American flags on Central Street.

Agenda Item III. (pg. 33)

School Board Update

Agenda Item IV. (pg. 35)

Council to consider setting a public hearing for Resolution 07-23 to appropriate \$100,268.84 of the state portion of funding to the New Hampshire Retirement System and EFA Phase Out grant to the Franklin School District for Fiscal Year 2023.

Agenda Item V. (pg. 41)

Council to consider Ordinance 03-23 repealing and replacing current Chapter 257 "Solid Waste" of the Municipal Code.

Agenda Item VI. (pg. 67)

Council to consider Ordinance 04-23 to revise existing Chapter 233 Adoption of the Property Maintenance Code, and Chapter 233-2 Additions, Insertions and Changes.

Agenda Item VII. (pg. 73)

Council to consider Resolution 06-23 accepting and appropriating funds from the Federal (CCASP) Child Care Achieving Stabilization Program for the Before and After School Program.

Agenda Item VIII. (pg. 78)

Council to approve terms of loans through Franklin Savings Bank.

Agenda Item IX. (pg. 87)

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 December 5th, 2022

Subject: Approval of Minutes

Motion: "I move that the Franklin City Council approve the minutes of the October 24, 2022 City Council Special Meeting."

Mayor calls for a second, discussion and the vote.



**City Council Meeting Minutes
Monday, October 24, 2022 - 6:00 p.m.
Public Library, Upstairs**

Council in attendance: Mayor Jo Brown, Councilor Jay Chandler, Councilor George Dzujna, Councilor Valerie Blake, Councilor Bob Desrochers, Councilor April Bunker, Councilor Ted Starkweather and Councilor Vincent Ribas, Councilor Olivia Zink and Councilor Paul Trudel

Others in attendance: City Manager Judie Milner, MSD Director Justin Hanscom and members of the public.

Mayor Brown called the meeting to order at Franklin Public Library at 6:00 p.m.

Salute to the Flag was led by Councilor Dzujna.

Agenda Item I: Discussion on Trash Ordinance 03-23:

Councilor and MSD Committee Chair George Dzujna stated that the reason for this particular meeting is to address the solid waste ordinance. It is a 21-page ordinance that needs to be reviewed line by line to discuss/revise issues with the wording and to clarify anything that people may not understand. The goal of this meeting is to get the ordinance ready for a hearing and for the public to review.

Councilor Dzujna asked the council to start this review, going section by section to break down each provision within the articles to discuss problems and make necessary revisions.

The Solid Waste Ordinance 03-23, Chapter 257 is attached to the end of these minutes showing all corrections/revisions made by the City Council.

Motion - Councilor Paul Trudel made a motion to table ordinance 03-23. Seconded by Councilor Bob Desrochers.

Roll Call Vote:

Councilor Starkweather	<u>yes</u>	Councilor Dzujna	<u>no</u>	Councilor Ribas	<u>no</u>
Councilor Blake	<u>no</u>	Councilor Bunker	<u>no</u>	Councilor Trudel	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Chandler	<u>no</u>	Councilor Zink	<u>no</u>

6 opposed: 3 in favor; motion failed.

Motion - Councilor Bob Desrochers made a motion to change the definition of a multi-family with 3 or more units back to the previous definition of residential instead of commercial, making a multi-family only defined as commercial with 6 or more units. Seconded by Councilor Paul Trudel.

Roll Call Vote:

Councilor Starkweather	<u>no</u>	Councilor Dzujna	<u>no</u>	Councilor Ribas	<u>no</u>
Councilor Blake	<u>no</u>	Councilor Bunker	<u>no</u>	Councilor Trudel	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Chandler	<u>no</u>	Councilor Zink	<u>abstain</u>

6 opposed: 2 in favor: 1 abstention; motion failed

Agenda Item II: Other Business:

No other business was discussed.

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

The meeting adjourned at 9:22 p.m.

Respectfully submitted,

Lisa Jones
Executive Secretary

SOLID WASTE ORDINANCE 03-23 - Chapter 257

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Twenty-Two

Be it ordained by the City Council of the City of Franklin that the existing Chapter 257, Solid Waste, of Franklin Municipal Code, be repealed in its entirety and replaced with the following:

Chapter 257 Solid Waste Article I

General Provisions

257-01 **Purpose:**

The purpose of this Chapter is to describe the procedures and requirements for the management, handling, and disposal of solid waste generated within the City of Franklin, New Hampshire. These provisions shall apply, but not be limited to all activities at the Franklin Transfer Station; Commercial Collection and Storage; Recycling; the cCity provided Automated Curbside Collection System-by means of specialized containerized service using mechanized equipment, and all phases of solid waste enforcement. The proper management of solid waste is necessary in order to protect the health, safety and welfare of the citizens, property owners, and visitors to the City of Franklin.

257-02 **Definitions:**

The following words and abbreviations used in this Ordinance shall mean and be defined as outlined below. Any other words not outlined below and used in this Ordinance shall have its commonly used and understood definition.

- a. Accepted Public Way: A street or road that has been formally accepted and approved by the City Council for public use and maintained by the city, as well as any New Hampshire Department of Transportation State Highway within city limits.
- b. Automated Curbside Collection System: The curbside solid waste collection system used by the City of Franklin by means of automated collection trucks and specialized containers lifted into trucks by mechanical arms. The term "Automated Residential Curbside Collection System" is added below to specifically address residential versus pickup, and "Automated Commercial

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Curbside Collection System," ~~Automated Collection~~, specifically addressing commercial ~~both pickup, both~~ of which are discussed later in this document.

c. Base level Service: The automated curbside collection service system level being provided to eligible properties as defined in this Ordinance for ~~the~~ curbside collection, and ~~the~~ disposal of municipal solid waste, ~~and~~ at the Transfer Station in compliance with facility "Transfer Station Guidelines," which will be updated with the City Council approval of a new Solid Waste Ordinance.

d. Bypass Waste: ~~Waste that is diverted to the end source without passing through the transfer station.~~

e. City: The City of Franklin, NH, including city staff or subcontractors.

f. City Council: The legislative body of the city as defined in the Franklin, NH City Charter.

g. Commercial Hauler: A private, licensed company, corporation, or individual that operates within the city for the collection and disposal of solid waste hired either by the city or by the residential or commercial property owner.

g.h. Commercial Unit/Use: A Commercial property containing a business entity or similar use, or a residential multifamily housing dwellings of three or more units or any combination thereof to include condominiums. The unit(s) may be an individual and/or stand-alone use, or it may be of mixed use with multiple business activities or commercial dwelling units.

h. ~~Commercial Unit / Use: A Commercial property containing a business entity or similar use and residential multifamily housing dwellings of three or more units or any combination thereof. The unit(s) may be an individual and stand-alone use or it may be of mixed use with multiple business activities or commercial dwelling units.~~

i. Concord Regional Solid Waste & Resource Recovery Cooperative (CRSWRRC): The Cooperative of which the city is a participating member where certain types of solid waste are disposed of for incineration; referred to as CRSWRRC in this Ordinance.

j. Courtesy Notice: A notice, issued by the Director of Municipal Services or designee(s), under the enforcement provision outlined below, to inform a resident or property owners that they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first step in the overall enforcement process and is

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intended to be an educational and informational reminder for the proper preparation, handling, and management of municipal solid waste by the property owner.

- k. Construction & Demolition (C&D): All building and construction—material not fit for processing at the incinerator or alternate facilities as specified in their regulations for delivery of materials.

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- l. Contractor: A private, licensed company, corporation, or individual that operates within the city ~~A company contracted by the city~~ to manage and provide municipal solid waste curbside collection services. Also, a contractor licensed to provide various types of solid waste collection services within city limits.

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- m. Curbside Trash Receptacle: Trash containers listed under Base Level Service that meet the specifications identified and suitable to be used by the city or their contractor to qualify for pickup by automated collection. These containers are specified by minimum and maximum size, lid color, manufacturer and ~~by~~ other means.

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- n. Customer: The individual property owner, tenant, lessee, or other party receiving the base level collection service provided by the city, or who uses the Transfer Station.

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- o. Director: The Director of the Municipal Services Department or a designee(s) to act on the city's behalf to manage its Municipal Solid Waste Curbside Collection Program.

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- p. Formal Notice of Noncompliance: A notice, issued by the Director of Municipal Services or designee(s) under the enforcement provision outlined below, to inform a resident(s) or property owner(s) they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first or second step in the overall enforcement process. The issuance of multiple formal notices can result in loss of service, penalties, or enforcement actions as outlined in this Ordinance.

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- q. Gross Annual Tonnage: The amount of municipal solid waste that the city delivers to the CRSWRRRC and other permitted solid waste disposal facilities on an annual basis. This amount is annually calculated by the city and may change as the generation rates of municipal solid waste increase or decrease due to the various factors including: population growth, increases in the amount of solid waste generated, or general economic and market conditions.

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~~p. a. **Formal Notice of Noncompliance:** A notice, issued by the Director of Municipal Services or designee under the enforcement provision outlined below, to inform a resident(s) or property owner(s) they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first or second step in the overall enforcement process. The issuance of multiple formal notices can result in loss of service, penalties, or enforcement actions as outlined in this Ordinance.~~

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q. **Gross Annual Tonnage:** The amount of municipal solid waste that the city delivers to the CRSWRRRC and other permitted solid waste disposal facilities on an annual basis. This amount is annually calculated by the city and might change as the generation rates of municipal solid waste increase or decrease due to the various factors including population growth, increases in the amount of solid waste generated, or general economic and market conditions.

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r. **Hazardous Waste:** All waste identified by the New Hampshire Department of Environmental Services and the NHDES Solid Waste Management Bureau requiring special handling, transport, and disposal.

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~~r. Identified by the NHDES, Solid Waste Management Bureau.~~

s. **Incinerator:** The facility being used for by the city for the disposal and processing of solid waste, currently known as Win Waste Innovations.

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t. **Municipal Services Committee:** The committee established by the City Council to advise the Department on operational and budgetary issues, and referenced in this Ordinance.

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u. **Municipal Services Department:** The department of the city that is responsible for the collection, handling and transport of all solid waste and, trash and recyclable materials; and referenced in this Ordinance as the MSD.

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v. **Neglect:** The misuse of a city-issued container that results in breakage or other damage of the container so it cannot be properly used to hold the materials. These conditions include: the lid of the container is removed or the lid or body of the container is significantly cracked so that rain can enter; the wheels do not function; it cannot be picked up by the automated trucks; or is otherwise rendered inoperable. Any repairs to the city-owned containers will be performed by city staff. The property owner/customer shall contact the MSD office to report damage and request a repair. Containers damaged beyond repair by damage caused by city vehicles, must be replaced by the city. The city reserves the right to charge for container replacement, due to homeowner neglect, at a cost consistent with Chapter 160 "Fees" of the Franklin City Code. If containers are subject to neglect or other damage by the property owner as determined by the Director,

the Director may issue a Notice of Noncompliance letter to the owner and/or customer indicating that the next repair necessary due to neglect or abuse will result in a charge for the repair or replacement of the container at a cost to the property owner or tenant. Similarly, if the containers are improperly removed from the property, the owner may be charged for the next replacement container. Property owners are ultimately responsible for all property owner damages or missing containers, and the owner shall work to educate the household members and/or tenants on the proper use, placement and maintenance of the containers.

v.

w. Policies: This includes procedures and guidelines prepared by the Director of Municipal Services and city staff for the proper implementation and operation of the provisions of this Ordinance.

w-x. Recyclable Materials: For the purposes of this Ordinance this includes all the materials accepted by the City for recycling which will be transported to firms contracted by the city for recycling services. These materials are generated by residential units and commercial properties for disposal at the Transfer Station or a satellite collection center. The Director will issue a list of acceptable items, which may change due to market, regulatory and economic conditions. There are a variety of recyclable materials that include: glass bottles, tires, metals, clothing, batteries, household appliances, waste oil, mercury-containing devices, non-burnable wood-waste and construction materials, leaves and yard waste, and other items included by the Director on the allowed-items list, which can be found in the written "Transfer Station Guidelines."

x. Recyclable Materials: For the purposes of this Ordinance this is all of the materials accepted by the City for recycling and which will be transported to firms contracted by the city for recycling services. These materials could be generated by residential units and commercial properties for disposal at the Transfer Station. The Director will issue a list of acceptable items, which may change due to market, regulatory and economic conditions. There are a variety of recyclable materials:

y. Recyclables can be disposed of at the Transfer Station or other satellite collection centers. This category includes glass bottles, tires, metals, clothing, batteries, household appliances, waste oil, mercury-containing devices, non-burnable wood-waste and construction materials, leaves and yard waste, and other items included by the Director on the allowed-items list, which can be found in the written "Transfer Station Guidelines."
Residential Unit: An individual residential dwelling used for habitation. A single-family home is one unit, a two-family structure is a two-unit building, and a multi-unit building or complex is designated by the number of individual units such as apartments,

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condominium complexes, mobile/manufactured home parks, or a mixed-use or cluster type of building development categorized as commercial use.

Residential Unit: An individual residential dwelling used for habitation. A single family home is one unit; a two-family structure is a two-unit building; and a multiunit building or complex is designated by the number of individual units like apartments, condominium complexes, mobile/manufactured home parks or a mixed-use type of building or cluster type development categorized as commercial use.

z. Scavenging: The removal of, or the rummaging through, any form of solid waste (any recyclable or nonrecyclable material) from any container that has been placed at the curbside for collection by the city or for disposal at the Transfer Station. All solid waste and recyclable materials placed on the curbside for collection, or brought to the Transfer Station, are considered the property of the City of Franklin, and no scavenging of the materials placed curbside for collection is the responsibility of the property owner, directly or through any tenant or lessee, as outlined in Section 257-07.

y.—

z. Scavenging: The removal of, or the rummaging through, any form of solid waste (any recyclable or nonrecyclable material) from any container that has been placed at the curbside for collection by the city or for disposal at the Transfer Station.

aa. Separation of Solid Waste: Items exempt from, or not accepted, for regular curbside municipal solid waste collection, which is acceptable at the Transfer Station in accordance with the State of N.H. issued permit to operate. Separated materials must be placed in the appropriate and approved containers for disposal at the Transfer Station.

bb. Single Stream Recycling: A type of recycling program that allows for the mixing of all types of recyclable materials. The mixing is done by the homeowner or ~~other~~ another resident, a business, or ~~other a~~ property owner.

cc. Solid Waste: This is the entire waste stream which includes both recyclable and nonrecyclable materials; also, sometimes referred to as the solid waste stream.

dd. Special Waste: Types of wastes that are liquid, solid, gaseous or vapor in nature not considered hazardous requiring special handling. ~~and This waste is~~ not permitted to be

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disposed of ~~for-through~~ Curbside Collection. It may be taken and separated at the Transfer Station for appropriate disposal.

ee. State or Federal Statute: Any State or Federal statute, law, regulation or policy intended to address any issue related to the collection, storage or disposal of any solid waste material or any unacceptable or prohibited material.

ff. Transfer Station: The facility operated by the city, located on Punch Brook Road, where eligible residents, businesses, contractors and persons may deposit trash, recyclables, and various yard and construction waste materials. Please refer to Article III of the Ordinance and the "Transfer Station Guideline" for additional information.

gg. Transfer Station Guidelines: A written information packet summarizing operational guidelines, facility rules and other pertinent information for the Public who use the facility. These guidelines are updated as needed by the Municipal Services Director for public distribution.

hh. Trash: Typical Municipal Solid Waste (MSW), i.e., trash and garbage that is generated by a residential dwelling unit or a commercial property, not requiring special handling.

a.ii. Unacceptable and Unapproved Waste: Waste not designated in the city's permit ~~to~~ operate or not permitted in the solid waste stream by an applicable city Ordinance, ~~any~~ State or Federal Statute or Law, or by firms contracted with the city to handle and dispose of the waste.

257-03 Administration of Chapter:

The Director of the Municipal Services Department or designee(s) (hereinafter the "Director" and the "Department" respectively) shall have responsibility for the administration of this Chapter subject to the direction and control of the City Manager and the City Council.

As deemed appropriate by the Director, certain responsibilities may be delegated to the Deputy Director or other appropriate city staff. As outlined below in Section 257-10, the Director shall have the full authority to make and enforce certain policies and procedures to carry out the purpose of this Chapter.

257-04 Mandatory Separation of material at Transfer Station:

By and through this Ordinance, it is a requirement in the City of Franklin that all waste ~~being~~ delivered to the Municipal Transfer Station be separated by type and disposed of in a designated appropriate container(s). The mixing of special

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waste with trash is a violation of this Chapter and subject to the appropriate enforcement procedures as outlined in Section 257-11. The reason for mandatory separation at the Transfer Station is to help manage, contain and control the costs associated with the disposal and management of solid waste by diverting as many recyclables and specialized types of solid waste from the stream as possible and in accordance with waste bans required by the State of New Hampshire. The listing of designated recyclable materials shall be prepared by the Director and included in the "Transfer Station Guidelines," which can be found on the city website; ~~at the~~under Transfer Station, and at the Municipal Services Department office. The list will also be available to civic and business organizations for use in their events and programs.

257-05 **Education:**

The City Council and the City Administration recognize that the most efficient, ~~cost-effective~~ way to handle ~~and~~ dispose of solid waste, ~~and the most cost-effective way is~~ to design and implement a solid waste program. ~~Secondly, residents should be, is to educate the residents of the City of Franklin~~educated on ways to separate, reduce, reuse, and recycle as much solid waste as possible. The strong potential exists that ~~the~~ costs associated with the disposal of trash will continue to increase and one method of reducing the overall costs to the city is to recycle and separate as many materials as possible. While the markets for recyclables are always fluctuating, the costs of disposing of solid waste are generally lower than the costs of disposing of nonrecyclables, if separated. Thus, the city along with interested individuals, schools, and civic organizations, will educate, inform, and encourage ~~the~~ residents and business owners regarding city solid waste collection and disposal methods. Educational outreach programs and information will be made available on the City website, through the schools, at community events, cooperative efforts with local businesses and in the local media. The City Council welcomes the cooperation and assistance of all residents in making Franklin a leader in programs that reduce, reuse and re-purpose all types of municipal solid waste.

257-06 **Unlawful Disposal; Out of City Refuse; Unacceptable and Prohibited Materials:**

It shall be a violation of this Chapter for any individual, business, property owner, or other person ~~or~~ entity to unlawfully dispose of any solid waste, hazardous waste or special waste in a manner not in accordance with the provisions of this Chapter or contrary to any policy, regulation or guidelines established hereunder, or any applicable state statute or regulation. The dumping or disposal of any type of waste generated from any location outside of the boundaries of the city shall also be considered a violation. The previous

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sentence notwithstanding, the burial/disposal of ash on the CRSWRRC property, or any future disposal agreement with the CRSWRRC to use their land within the city, and approved by the City Council, shall be exempt from the restrictions of this Section. The penalties for any violation of this chapter will be as outlined in Section 257-11 below. Certain materials are not accepted and prohibited through the City Curbside Collection Program and at the Transfer Station. These materials ~~might~~ may be banned through State or Federal Statutes or regulations, ~~by~~ by the owner/operator of the incinerator where city trash is burned, ~~or~~ any future final disposal location, or by City Ordinance per regulation. No individual shall dispose of or accumulate any unacceptable materials, as defined in 257-02, ii Unacceptable and Unapproved Waste, within the City on public or private property. The Department office can be contacted for a listing of such materials ~~or directed~~ or will direct the party to an online list outlining such materials. Violations may be reported to the City of Franklin, Municipal Services Department at 43 West Bow Street or by calling 603-934-4103.

257-07 **Obligation of Parties:**

The City assumes no obligation under this Chapter to remove trash, recyclables, garbage, rubbish, or other solid waste that is not properly managed and containerized by the property owner in conformance with this Chapter. It shall be the duty of any person owning, ~~or~~ having under his or her control, any property in the City to keep the same free from paper, rubbish, garbage and any other types of accumulated waste that may be a fire hazard, or obnoxious or dangerous to the general health, safety or welfare of the public and surrounding properties. If the City's Property Maintenance code (chapter 233), the Fire Chief, the Health Officer, the Code Enforcement Officers, Municipal Services Director, or the City Manager makes a determination that said material constitutes such a hazard or danger, then the owner or the responsible party shall remove said materials if ordered to do so by the appropriate city official.

257-8 **Use of ~~Receptacles~~ Containers by others:**

~~The use of receptacles~~ containers intended for the management of solid waste, whether for residential, commercial or industrial purposes, and in place on the subject property, is limited to the property owner, tenants, or lessees. No unauthorized person shall place or dispose of any solid waste in said ~~receptacles~~ containers, and any such placement or disposal shall be considered a violation of this Chapter and subject to the enforcement provisions of Section 257-11. The containers issued by the city for the automated curbside collection program shall not be used by any individual for any other purpose other than

the collection of curbside ~~collection of MSW waste~~ generated from within the city.

257-9 **Anti-scavenging[Reserved]:**

~~All solid waste and recyclable materials that have been placed on the curbside for collection or brought to the Transfer Station are considered to be the property of the City of Franklin and no scavenging of the materials is permitted. This section notwithstanding, the proper management of the materials placed curbside for collection is the responsibility of the property owner, directly or through any tenant or lessee, as outlined in Section 257-07.~~

257-10 **Policies and Procedures:**

The Director shall have the authority to ~~create, and~~ create, and modify as needed, policies and procedures necessary and appropriate for the effective implementation of the provisions of this Chapter. These policies/ ~~or~~ procedures are intended to address specific sections of this Chapter outlined below, ~~or or~~ the general management and disposal of the overall solid waste stream, and shall apply to the automated curbside collection ~~curbside pick-up program system~~, the operation of the Transfer Station, and any private commercial collection services. This authority is deemed necessary by the City Council due to the variety of factors including, but not limited to: economic conditions, any changes to applicable State or Federal law or regulation that affects the disposal of solid waste and recyclables, or the availability of markets and/or disposal sites for either solid waste or recyclable materials. The Director is authorized to implement emergency fees after consulting with the City Manager when deemed necessary by changes in state or federal waste disposal statutes or laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the City Council at their next available meeting for review and approval or modification as deemed appropriate by the Council.

257-11 **Enforcement:**

The MSD Director and other city staff identified in this Ordinance are authorized to issue Notices of Noncompliance when it is determined that a property is in violation of the provisions of this Ordinance. The violation of any provision of this Chapter shall be considered a violation of the Codes of the City of Franklin and may result in the issues of notices, fines, penalties, or prosecution through the appropriate court of jurisdiction. Each violation shall be considered a separate offense and each day a violation exists shall be a separate violation. The city shall seek compensation from the violator for the costs of any prosecution associated

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with the enforcement of this Chapter. Per Section 1-16, General Penalties, ~~of of~~ the City Code, the fines shall not exceed \$1,000 per violation. The Director reserves the right to issue Courtesy Notices intended to inform the property owner that certain materials are not authorized for pick-up or disposal. If two (2) Courtesy Notices are issued to an individual property within the previous three (3) months, then the next violation shall result in the issuance of a Formal Notice of Noncompliance. The forgoing sentence notwithstanding, the Director is authorized to issue formal notices at any point in time if deemed as an appropriate enforcement action. The Courtesy Notices or the Formal Notices of Noncompliance may be issued by the Director, the MSD's solid waste staff, or the City's Code Enforcement Division. The issuance of two (2) Notices of Noncompliance may result in the loss of service for curbside pickup, and/or prohibit the offending individual from using the Transfer Station, until and unless the property owner/customer meets with the Director or designee(s) to discuss the violations and establish a mechanism to bring the property into compliance. Following the issuance of any formal Notice of Noncompliance of which fines may be assessed, the Director is authorized to order a discontinuance of the curbside pickup for the subject property or to prohibit the offending individual from using the Transfer Station. If such an order is issued no curbside collection service or privileges for the Transfer Station shall be restored until the offender meets with the Director or his/her designee to discuss the violations and establish a mechanism to restore necessary compliance, and the Director is satisfied that a workable solution is achieved.

Enforcement:

~~In addition to the Enforcement provision discussed in Section 257-11 above, the~~ The city reserves the right to conduct Trash Audits for the purpose of reviewing compliance with the provisions of this Ordinance. Initial trash audits will be used to determine if courtesy notices need to be issued. If a property is regularly and continually in noncompliance then the information gathered through the trash audit may be used to issue penalties or an order to stop curbside pickup per § 257-33.

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257-12 Complaints¹² Complaints:

~~Any~~ All complaints brought by ~~any~~ property owner, tenant, lessee, or other affected party shall be made in writing, through the submission of a service request, to the MSD Director. These forms are to the Municipal Services Department, available at City Hall and on the city website. Complaints regarding missed pick up of trash shall ~~shall~~ be addressed by calling the company contracted

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by the city for the purpose of residential curbside collection services. All other complaints shall be made in writing to the MSD Director by filling out an "Service Request Form" available at City Hall on the city website.

257-13 to 19 [Reserved]

Article II Automated Containerized "Residential Curbside Collection ServicesSystem"

257-20 **Purpose:**

The purpose of the residential curbside collection program is to provide an efficient, reliable and effective means of solid waste collection for city residential/noncommercial properties as specified per this Ordinance. Per the adoption of this Ordinance, the Franklin City Council is continuing with its current residential automated curbside collection program with the noted changes, which now differentiates between residential and commercial curbside collection.
Thiscollections. This will include the collection of residential household municipal solid waste, as well as commercial containerized commercial collection by means of an outside contractor(s) approved by the city to operate within city limits and to use CRSWRRRC Facilities for disposal by means of registering annually on July 1 with the City Municipal Services Department. The sections below will address the automated collection service authorized and approved by the City Council and to be implemented by city staff per this Ordinance and the applicable policies, guidelines and regulations issued by the Director.

257-21 —Transition from the City's current Automated ~~Containerized~~ Curbside Collection Program—System / "Base Level Service"— to an Automated "Residential" Containerized

Curbside Collection Program-System / "Base Level Service"—.

Until such time as the new automated residential curbside collection program-system is fully implemented, the current curbside collection practices and procedures will remain in effect. The city owns all containers used for automated pickup of residential curbside trash collection. These containers will be removed from all commercial properties
when city services to commercial properties are phased out. During this transition period the property owner(s) will be duly notified of the options and services
available. The city reserves the right to phase in the implementation of revised residential automated curbside collection program in order to more efficiently deal with and address any operational issues and resulting changes. During this transition period, light commercial and multi-family dwellings three and over currently being serviced will

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be phased out consistent with this Ordinance. Those affected property owners will be notified in advance of changes to their service and provided options consistent with section 257-22 below. Once the transition occurs, this paragraph is null and void.

Approved Containers and Transition Period:

The city owns all containers used for automated pickup of residential curbside trash collection. These containers will be removed from all commercial properties at the time when city services to commercial properties are phased out. During this transition period the property owner(s) will be duly notified of the options and services available.

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257-22 **Base Level Service:**

The implementation of the automated residential curbside collection program is carried out through the creation of a Base Level of Service that is available to properties identified below. Properties not covered under the Base Level of Service will rely on individually contracted commercial services (see Article IV below). This residential Base Level Service will be carried out using the same city owned containers. See Section 257-23 for a description of the types and sizing of the containers to be used.

- a. Single and two-family residences. All such residences, all of which must be on accepted, maintained public ways. Accessible, and some accessible private ways, as outlined in para d. will below, will continue to be eligible for the base level automated residential curbside collection services-system services provided by the city.
- b. i. Multifamily residential buildings with three units or greater. These units are considered commercial entities under provisions of this Ordinance, and will not be serviced by the city residential automated automated residential curbside curbside collection-collection program-system.
ii. Commercial properties. will likewise These properties, not be serviced by the city's automated residential curbside collection system residential automated curbside collection program, in conformance with the provisions of Sections 252-23 through Section 252-35.
- c. Municipal Buildings, Public Schools (under the fiscal control of the Franklin School District), Charter Schools and Churches. These facilities will be serviced by the city's automated curbside collection program-system.
- d. Properties on private roadways or unaccepted subdivisions/roadways. These properties are potentially eligible for automated residential curbside collection residential automated curbside collection service provided that the owner(s) or appropriate responsible parties provide the city with a Release of Liability, in a format acceptable to the City SolicitorAttorney, and the subject property is fully accessible, as determined by the Director, to the city's collection vehicles in all

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seasons. All requests to provide residential base level service to these properties must be made in ~~writing and~~ writing, and a site visit by the Director shall be conducted on a periodic basis to determine the adequacy of the access and the ability to properly situate containers for the automated pick-up. The base level curbside collection service for these properties may be discontinued by the city at any time if the owner, developer, or the appropriate responsible party fails to maintain the road or access way so that the city's collection vehicles cannot properly, safely, and adequately access the subject properties for the automated collection. The Director may issue warning letters to these properties, but service may also be immediately discontinued or stopped without notice if adequate access is not provided as determined by the Director.

- e. The following properties are not eligible for Automated Residential Curbside Collection ~~residential base level automated curbside collection service~~ System provided by the city:
 - i. Condominium/apartment buildings or complexes, or multifamily buildings, with three or more individual residential dwellings;
 - ii. Mobile/ manufactured home parks, campgrounds, vacant lots and homes under an enforcement order for a Solid Waste Ordinance violation.
 - iii. Any property listed in Section "d" that does not provide the Release of Liability, and/or the access way is not reasonably accessible, as determined by the Director, to the collection vehicles.

257-23 **Automated Residential Curbside Collection Containers for City and established "Base Level Service:"** ~~Size; Weight; Maximum Weekly Pick-up; Container Maintenance;~~

- a. The "Base Level Service" for the Automated Residential Curbside Collection ~~automated curbside collection program~~ will be accomplished using specialized containers designed for automated pickup by the city's contracted service. Generally speaking, the containers supplied by the city will continue to be 48, 64, or 96 gallons in size.
- b. Only approved containers, as obtained through the city, shall be used by the eligible properties for curbside pickup. No non-automated configured containers or stand-alone bags shall be used by the customer for the purpose of curbside pickup. All municipal solid waste must be bagged and placed in the designated container with the lid closed. Over-packed containers should be avoided, ~~since as~~ trash will not dump from the container if stuffed.
- c. ~~Per For~~ residential properties, two units and under, the maximum weekly amount of trash that will be picked at the curb by the city will ~~be up to but not to exceed~~ 192 gallons per housing unit, regardless of the number of containers. - The total weight of trash placed in a container will not exceed 200 pounds. All containers of

waste that exceed the "Base Level Service" amount must be disposed of at the Transfer Station or through the use of -or-by-means-of-the residential, property owner purchase ofing a specified container by-from the city. Containers that become damaged or unsuitable for continued use will also be required to be replaced through the city at the property owner's expense as outlined in para 257-02 v, above "Neglect.".

- d. Appropriately sized city specified containers, or containers approved by the Director or designee(s), shall be provided by the city to each property owner eligible for curbside pickup at no charge up to the 192-gallon capacity. The Director or designee(s) will work with the solid waste staff to determine the sized containers for individual properties based on the amount of trash a property generates. Historic solid waste generation rates and/or trash audits might-may be conducted to determine the properly sized containers to be provided to each eligible residential property. Upon implementation of this ordinance, all excess containers (over base level service) will be removed from the property. by the MSD Department.
- e. If a property owner/customer finds that the size of the container is not adequate then the MSD office should be contacted to discuss an exchange and upgrade of the container unit. A "trash audit" discussed in Section 257-35 below, might be used to determine the need for an increase in the size of the container and or number of containers.
- f. For single-family and two-family units, the Director shall determine how many containers will be provided. More than one unit might be required to share trash containers based on site specific conditions and circumstances.
- g. The containers are the property of the City of Franklin and are not to be removed from the property even in the event of a change in ownership or resident status. All automated containers shall be assigned to a street address.
- ~~h. Any repairs to the city-owned containers will be performed by city staff. The property owner/customer shall contact the MSD office to report damage and request a repair. Containers damaged beyond repair must be replaced by the city. The city reserves the right to charge for container replacement at a cost consistent with Chapter 160 "Fees" of the Franklin City Code.~~
- ~~i. The terms of paragraph "h" above aside, if the containers are subject to neglect or other damage as determined by the Director, the Director may issue a Notice of Noncompliance letter to the owner and/or customer indicating that the next repair necessary due to neglect or abuse will result in a charge for the repair or replacement of the container at a cost to the property owner or tenant. Similarly, if the containers are improperly removed from the property, the owner might be charged for the next replacement container. The property owners are ultimately responsible for all damages or missing containers and the owner shall work to~~

educate the household members and/or tenants on the proper use, placement and maintenance of the containers.

j. If a container is stolen from a specific property, then the owner or resident shall contact the MSD office to report the theft.

257-24 **Automated Residential Curbside Collection Residential Automated Curbside Collection-Schedule and Holiday Schedules:**

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The collection schedule for pickup shall be prepared by the Director or designee(s). The schedule, to include holiday collection, will be available at City Hall, the Transfer Station, and the MSD Office, on the city website, website in the "Transfer Station Guidelines," and in educational materials distributed through the schools and civic organizations. The Holiday Collection Schedule will be approved by the Director and a complete Holiday Collection Schedule will be posted in January of each year. Delays due to unforeseen circumstance, such as snow storms or mechanical issues, will be posted on the home page of the city's website.

257-25 **Preparation of Materials for Residential and Commercial Automated Curbside Containerized Curbside Collection:**

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- a. For the containerized automated automated curbside collection program system, both commercial and residential, all trash shall be placed into the appropriate containers so that the lid can be securely shut. No solid waste placed on the ground or on top of a container or in any unapproved containers will be picked up by the city or its contractor. The containers shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times to prevent water from filling the container or to provide access to animals. If containers are improperly placed, overfilled or contain unacceptable items, the city or contractor reserves the right to refuse container pickup.
- b. Any spillage, from any containers placed for curbside pickup such as that resulting from animals, wind-blown litter and other weather conditions, etc., from any containers placed for curbside pickup shall be the responsibility of the owner/customer to clean up. City staff or contractor will not pick up or clean up such spillage. The city strongly recommends that all residents take care to protect the containers against spillage, wind-blown litter, vandalism and intrusion by animals.
- c. All trash must be bagged before placing it into the trash container.
- d. In the event of inclement weather or mechanical breakdowns resulting in a disruption to the pickup schedule, the container should be left out for pick up the following day and placed in a manner as not to interfere with snow removal operations.

257-26 **Placement of Containers:**

- a. For the automated residential and commercial curbside containerized collection program, the containers shall be placed at the curb-line and outside of the travel way, ~~and~~ off the edge of the paved roadway, at the end of the driveway apron, or at another appropriate location, so that it is accessible ~~to for~~ automated trucks for pickup. It is essential that containers be placed three feet apart and four feet away from any type of fixed object including but not limited to parked vehicles, mail boxes, trees, utility poles, overhead wires, etc. In selected cases, the Director or designee(s) may designate a specific location for the placement of containers.
- b. The containers shall be in place ready for collection by 6:45 AM on the designated collection day. The containers shall not be placed out for collection before 5 PM on the previous day.
- c. City staff or contractor will not cross over private property to pick up solid waste materials.
- d. The container handle must be facing inward toward the residence to allow for the automated truck to properly pickup and dump the container.

257-27 **Removal of Empty Containers:**

Empty containers shall be removed from the collection point by the end of the collection day and properly stored on the owners' property. Containers that are not removed from the point of collection within 24 hours after being emptied may be removed by the city or contractor for noncompliance.

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257-28 **Approved Materials for PickupCurbside Collection:**

Waste can be placed in both green and gray lid containers. Recyclable materials shall be mixed in with regular household trash. Recycling of certain household items may ~~be~~

~~be~~ dropped off at the Transfer Station in accordance with the "Transfer Station Guidelines." See section 257-29 below for prohibited / acceptable and unacceptable items.

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257-29 **Prohibited and Unacceptable Materials and/or Hazardous Waste:**

Certain materials will not be collected by the city or the contractor at the curbside. These items include, but are not limited to, ~~the~~ sand, stone, or brick products; ~~the~~ construction or demolition/building materials; ~~the~~ electronics of any type, ~~the~~ electronics or white good appliances; household appliances; ~~the~~ auto parts; ~~the~~ waste oil; ~~the~~ paint; ~~the~~ furniture; ~~the~~ electronics of any type; ~~the~~ automotive part; oils of any type; ~~the~~ yard waste or tree limbs/roots; ~~the~~ hot ashes; ~~the~~ asbestos; ~~the~~ propane tanks; ~~the~~ pressurized containers; ~~the~~ mercury containing devices; ~~the~~ and scrap metal. If any resident has a question on whether or not an item is accepted or prohibited, they can contact the MSD office for more information. The Director is authorized to make a final determination as to what constitutes prohibited and unacceptable materials. Many of the items listed above are accepted at the Transfer Station for recycling or general disposal, some of which require a fee. (See Article III for more information on the Transfer Station). No

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hazardous materials or waste are permitted to be placed out for curbside pickup. All hazardous materials shall be disposed of at a city sponsored or sanctioned hazardous waste collection day, or at a regional collection facility authorized to accept hazardous materials.

257-30 **City's Right to Refuse Pickup:**

For the automated collection program in general, ~~automated collection program~~, if the Director or designee(s) determine that materials being placed out for curbside pickup are unacceptable, or if the materials are not properly containerized or managed per the provisions of this Ordinance, then the city reserves the right to not pickup said materials. The property owner or resident will then be responsible for removing the materials from the curb or other location and properly disposing of the materials at the Transfer Station or other appropriate disposal facility.

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257-31 ~~Policies and Procedures~~[Reserved]: As outlined in Section 257-10, above, the Director has the authority to create and modify policies and procedures for the implementation of the curbside collection program as conditions warrant.

257-32 Complaints[Reserved]

~~257-32~~257-33 [Reserved]

~~Complaints regarding missed pick up of trash shall be addressed by calling the company contracted by the city for the purpose of residential curbside collection services. All other complaints shall be made in writing to the MSD Director by filling out an "Service Request Form" available at City Hall on the city website.~~

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257-33 Notification for Noncompliance:

~~As outlined in Section 257-11, the Director and other city staff identified in this Ordinance are authorized to issue Notices of Noncompliance when it is determined that a property is in violation of the provisions of this Ordinance. The issuance of two (2) Notices of Noncompliance may result in the loss of service for curbside pickup, until and unless the property owner/customer meets with the Director or designee to discuss the violations and establish a mechanism to bring the property into compliance.~~

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257-34 ~~f~~ [Reserved]

~~257-34~~ 257-35 [Reserved]

~~257-35~~257-29 Enforcement:

~~In addition to the Enforcement provision discussed in Section 257-11 above, the city reserves the right to conduct Trash Audits for the purpose of reviewing compliance with the provisions of this Ordinance. Initial trash audits will be used to determine if courtesy notices need to be issued. If a property is regularly and continually in noncompliance then the information gathered through the trash audit may be used to issue penalties or an order to stop curbside pickup per § 257-23.~~

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Article III Transfer Station

257-41 **Purpose:**

The Franklin Transfer Station provides an alternative method to city residents and commercial customers for the disposal of solid waste, recyclable and nonrecyclable materials that are generated within the boundaries of the City of Franklin. The disposal of certain waste products (for example, appliances, tires, electronics, construction and demolition debris, glass, yard waste, waste oil, mercury containing devices; batteries, propane tanks, certain light bulbs etc.) ~~might~~ may require a handling fee due to the disposal charges paid for by the city for these items to redirect them to various markets. Each July the Director of Municipal Services ~~provides an update for customers entitled~~ makes available the "Transfer Station Guidelines." The purpose of this document is to update customers on fees, operational changes and any other factual information necessary to keep residents and commercial customers informed. These guidelines are available on the city website, at the Transfer Station and the Municipal Services Department office.

257-42 **Days and Hours of Operation:**

The Director shall establish days and hours of operation for the Transfer Station. These will be posted at the Transfer Station, ~~on the city's website;~~ at City Hall and the Municipal Services Department ~~office and~~ office, and outlined in the educational and information packages for solid waste management prepared by the city. Any change to the hours will be posted on the city website and will be listed in the "Transfer Station Guidelines."

257-43 **Authority of Staff, Enforcement:**

The staff of the Transfer Station reserve the right to not accept any solid waste materials that fail s to conform to the policies and disposal procedures as established through this Ordinance or by the "Transfer Station Guidelines." The enforcement provisions of Section 257-11 shall apply.

257-44 **Transfer Station, Establishment of a "Base Level Service", Decals and Bags:**

Decals. All vehicles and commercial haulers received at the Transfer Station shall have a decal permanently attached to the passenger side of the vehicle. Decals are available at the Transfer Station or the MSD office. Decals are reserved for citizens and property owners of Franklin to deposit trash, special waste, and recyclables on an unlimited basis.

City of Franklin Trash Bags. All residential trash disposed of at the Transfer Station must be placed in a City of Franklin trash bag available for purchase at participating

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retailers (see the City Website for details). For property owners with Base Level Service that exceeds the maximum weekly amount of 192 gallons of residential trash, as described in Article II, paragraph 257-23, City of Franklin trash bags must be used and taken to the Transfer Station for disposal.

Non bagged trash. Any trash not bagged in City designated bags will be disposed of by scale weight; see Chapter 160, Fees, of the Franklin City Code. All other commercial haulers, packers and roll off containers, etc., are prohibited from using the Transfer Station – their material must be taken directly to a licensed facility. See Article V for further discussions on commercial collection services. The City reserves the right to refuse disposal if alternative means of disposal makes more sense. Diverting solid waste will result in bypassing the Transfer Station thus reducing the amount of handling and truck cost.

257-45 Use of Transfer Station by Nonresidents and Contractors, Permits:

Nonresidents and contractors needing to dispose of solid waste and/or recyclables generated within the boundaries of the City of Franklin must obtain an authorization permit from the MSD office. Proper documentation of the source (tax bill, letter of authorization, contract between property owner and contractor), type and amount of materials, must be provided when requesting a permit. All applicable disposal policies, regulations and fees will be in effect for the issuance of the permit.

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257-46 [Reserved]

257-47 [Reserved]

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257-44 Transfer Station, Establishment of a "Base Level Service", Permits and Decals:

All vehicles and commercial haulers being received at the Transfer Station shall have a decal permanently attached to the passenger side of the vehicle. They shall be available at the Transfer Station or the MSD office.

Decals are reserved for citizens and property owners of Franklin to deposit trash, special waste and recyclables on an unlimited basis. All residential trash disposed at the transfer station will be placed in a City of Franklin trash bags purchased at participating retailers. Any trash not bagged in City designated bags will be disposed of by scale weight; see Chapter 160, Fees, of the Franklin City Code.

All other commercial haulers, packers, roll off containers etc. are prohibited from using the Transfer Station and their materials must be taken directly to a licensed facility. See Article V for further discussions on commercial collection services. The city reserves the right to refuse disposal if alternative means of disposal make more sense.

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~~Diverting such solid waste will result in bypassing the Transfer Station thus reducing the amount of handling and trucking costs.~~

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~~257-45 Use of the Transfer Station by Nonresidents and Contractors:~~

~~Nonresidents and contractors needing to dispose of solid waste and/or recyclables generated within the boundaries of the City of Franklin may obtain an authorization permit from the MSD office. Proper documentation of the source (like a tax bill, letter of authorization, contract between property owner and contractor), and type and amount of materials must be provided when requesting a permit. All applicable disposal policies, regulations and fees will be in effect for the issuance of the permit.~~

~~257-46 Anti-scavenging:~~

~~As noted in Section 257-9 above, all solid waste deposited at the Transfer Station is considered to be the property of the city.~~

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~~257-47 Mandatory Separation:~~

~~As noted in Section 257-04, the City of Franklin requires that all items be separated from household trash. The Transfer Station has specific containers for the disposal of the materials. The policies and regulations issued by the Director shall identify the complete list of all materials that are accepted by the city. This list can be found in the "Transfer Station Guidelines."~~

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~~257-48 Disposal of recyclables and other materials at the Transfer Station:~~

~~As addressed in the 247-41 above, the Transfer Station provides for the disposal of certain other items that are outside of the normal waste stream and are not eligible to be picked up by the automated curbside collection program(s). Some of these materials may ultimately be recyclable or reusable. A complete list of all accepted materials will be issued and updated in the "Transfer Station Guidelines."~~

~~A disposal fee is required for certain items as authorized by the Franklin City Council. Chapter 160, Fees, of the City Code contains the approved fees, but in addition the Director is authorized to implement emergency fees after consulting with the City Manager when deemed necessary by changes in State or Federal waste disposal statutes or laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the City Council at its next available meeting for review and approval or modification as deemed appropriate by the Council.~~

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~~257-49 Handling and Management of Materials at, and on route to, the Transfer Station:~~

~~All All vehicles, including cars, trucks, trailers and commercial haulers, etc., shall properly cover and contain any and all materials being transported to the Transfer Station so as to prevent the spillage of litter and blowing of materials onto the public roadway-system. Failure to provide such covering, resulting in the spillage and~~

blowing of any materials onto the roadway, shall be considered a violation of this Chapter and the violator may be subject to the enforcement provisions of Section 257-11. The provisions of State RSA 266:72, which contains similar provisions and state requirements for the proper transport and handling of all materials, shall also apply.

~~257-50~~ ~~257-50-to~~ 54 [Reserved]

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Article IV Automated ~~Commercial Containerized Curbside~~ Commercial Curbside Collection Service System for Commercial Containers and Dumpsters

257-55 **Purpose:**

The City Council, as part of the overall establishment of this Ordinance, has made the determination that all commercial properties as identified in 257-02, will be responsible for the regular collection and disposal of all waste generated from commercial properties. This includes but is not limited to violations of the city's "Property Maintenance Code." Items disposed of at the Transfer Station must conform ~~with-to~~ the facility operations and the "Transfer Station Guidelines." Under this scenario, properties classified as "commercial" by the City Zoning Ordinance, are required to contract with a licensed and reputable solid waste hauler for the regular collection and disposal of all types of solid waste generated inside or outside of a property. All storage of commercial solid waste will be containerized in either dumpsters or roll out carts/containers. Storage, collection, and disposal will follow the same protocol identified, as applicable, throughout this Solid Waste Ordinance. Frequency of pickup and the number and size of containers must be coordinated between the property owner and trash collection company to ensure containers are not overfilled and the frequency of pickup is regularly scheduled based on a property's weekly or biweekly trash generation rate.

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257-56 **-Duties of the Property Owners; Landlords and Tenants:**

It shall be the responsibility of the property owner(s) of record to ensure that adequate storage capacity and trash disposal services are available for its tenants. The city requires pickup of all types of solid waste generated from a commercial ~~property~~ property for numerous public health reasons. In order to guarantee compliance, the property owner(s) must provide a sufficient number of containers to meet the amount of trash generated by its tenants on a weekly or biweekly basis. ~~Containerized~~

Containers

~~receptacles~~ can either be a dumpster that is properly sized to meet the tenants needs, or ~~by means of a~~ rollout curbside collection containers properly sized to meet the needs

of each

~~of each~~ individual living unit.

Property owner(s) that opt to use the city contractor for “commercial containerized curbside collection” pickup may contact the Municipal Services Department to obtain the contact information necessary to assist with obtaining commercial service that meets the requirements specified in this Ordinance. Property owners are responsible to pay all fees associated with trash collection. This ensures that regular service goes uninterrupted, thus keeping and keeps a property in full compliance. Failure of the property owner(s) of record to comply with the provisions of this Ordinance may result in enforcement action to be taken by the city.

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257-57 Duties of Tenants:

It is the duty and obligation of all Tenants occupying commercial property to maintain the area where trash receptacles containers are stored. Containers must be stored on private property, have lids closed at all times, and are not to be filled over capacity. The tenant(s) and property owner(s) are responsible for following established city rules for commercial trash collection services.

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~~**257-58 Approved Containers and Transition Period:**~~

~~The city owns all containers used for automated pickup of residential curbside trash collection. These containers will be removed from all commercial properties at the time when city services to commercial properties are phased out. During this transition period the property owner(s) will be duly notified of the options and services available.~~

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257-58 to 64 [Reserved]

Article V Commercial Collection and Container Storage

257-65 Purpose:

The purpose of this article is to outline the required operational and handling procedures for the collection and disposal of solid waste by private contractors within the city limits. These requirements are necessary in order to protect the health, safety, and welfare of the general public, as well as residents, businesses, and tenants using the properties served by private disposal firms.

257-66 Registration Requirements:

All class 2 and 3 Commercial Rubbish Haulers, section 257-44, shall register with the Municipal Services Department on a form approved by the Director or designee(s). At the time of registration, the firm or individual shall demonstrate that they have the

necessary permits and approvals required by state and local agencies to operate a legitimate disposal service. Registration period is ~~during~~normally the first three weeks of ~~every~~ June or as needed throughout the period of July 1 through June 30th annually.

257-67 **Disposal of Waste under City's Annual Tonnage Agreement with ~~Wheelabrator~~
~~and the CRSWRRG disposal facility:~~**

The commercial haulers that pick up municipal solid waste in the City of Franklin are eligible to dispose of these materials at the ~~regional incinerator~~disposal facility under the city's Gross Annual Tonnage allotment established ~~yearly~~annually. ~~by the City of Franklin.~~ This financial benefit ~~might~~may be subject to changes based ~~in on~~ the ~~contract~~contract, and any modifications to said contract, between the city and the firm or agency, for the final disposal of certain components of the solid waste stream. Commercial haulers are billed by the city for the tonnage disposed at the facility. An administrative handling fee is also charged to the hauler per Chapter 160, Fees, of the City Code. All commercial haulers/packers shall be registered with the appropriate firm, agency, or final disposal facility and ~~the~~ vehicles shall meet the criteria that permits disposal. The purpose of bypassing the City Transfer Station and hauling directly to an outside facility is to avoid the reprocessing of municipal solid waste.

257-68 **Out of Town Refuse:**

Only trash and solid waste materials generated within the boundaries of the City of Franklin may be disposed of at the ~~regional incinerator or other~~ disposal facility. There will be no load mixing of solid waste from any sources, customers or municipalities, from outside the city. The city may request a list of customers for verification that they are complying with this requirement.

257-69 **Prohibited Wastes:**

Any firm that the city, or the appropriate regional agency, has a contract with to dispose of solid waste is authorized to prohibit or ban certain materials from disposal. No prohibited materials are to be placed or disposed of in any can, dumpster, or other receptacle. It is the obligation of all ~~licensed commercial~~ haulers to ~~inform~~provide their customers with a list of such prohibited items.

257-70 **Permitted Hours for Waste Collection and Transport:**

All commercial haulers/packers shall operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No collections are to be made outside of these hours except when unusual circumstances may arise. The Director of Municipal Services or designee(s) shall be notified and seek approval if such conditions warrant.

257-71 **Termination of Registration; Appeal Process and Reapplication:**

The Director reserves the right to terminate the registration of a firm or individual determined to be in noncompliance of this Ordinance. A letter of warning ~~might~~ may be issued, but is not required, before any termination and upon the receipt of such a notification letter. If a violation is issued, the firm or individual is encouraged to meet with the Director to review noncompliance issues and create a process and mechanism to resolve the violations. If the Director determines that the proper corrective actions are not being taken or additional violations occur then the registration may be terminated. If a registration is terminated, the property owner and the collection firm shall be required to meet with the Director or designee(s) to review violations and to implement the necessary corrective actions before reinstatement of the registration. All other provisions of Section 257-11, Enforcement, shall apply.

257-72 **Solid Waste Containers and Site Maintenance:**

For the purposes of protecting the health, safety, and welfare of the general public and specifically the residents and businesses of properties using private collection services, all containers and solid waste disposal areas used for private collection shall be operated and maintained in conformance to the following standards:

- a. The solid waste disposal areas shall be kept clean and free of trash, debris, windblown litter, furniture, and any other solid waste. All materials shall be placed within the appropriate containers and shall not be placed on the ground adjacent to the containers. For items like furniture, mattresses, or other large items that cannot be placed in the containers or dumpster, the property owner or other responsible party is obligated to make arrangements with their collection firm to collect these items or to use the Franklin Transfer Station, and will be subject to appropriate fees. These types of items shall not be left in the open air for longer than 48 hours before a collection is made.
- b. All containers shall have a lid or other protective cover that shall be closed at all times, except when materials are being deposited in and/or removed from said containers. The containers shall not be overfilled so that the lid or cover is not closed or closable, or otherwise not effective in preventing spillage, blowing, or other dispersal of the waste materials.
- c. All containers shall be solid in design, such as metal or heavy plastic cans or the standard dumpster. This provision notwithstanding, if the Director or the Code Enforcement Division of the city determines that ~~the~~ bags of waste inside the container are being repeatedly subject to ripping and damage from animals or the waste materials become a health hazard, then the city reserves the right to order that a more proper and appropriate container be used. Service and size of the container should be consistent with the amount of waste generated from a property over no more than a one-to-two-week period. Dumpsters should be equipped with a locking device in order to prevent unauthorized use.

257-73 **Service Frequency:**

All containers shall be regularly emptied so that the lids or covers ~~for~~ the containers can be closed ~~and so that the~~ containers do not overflow. If inspections by the Director or other city staff result in a determination that the frequency of the collection service is not sufficient for the amount of waste generated from the property with all of these requirements, then the city reserves the right to terminate the registration per Section 257-71.

257-74 **Enforcement; Violations and Penalties:**

Failure to conform to any such provision of this Article will be a violation of this Ordinance and the enforcement and penalty provisions of Section 257-11 shall apply.

To be effective ~~January~~ July 1, 2023, by roll call vote.

By a roll call vote.

Roll Call:

Councilor Blake ___ Councilor Dzujna ___ Councilor Zink ___

Councilor Ribas ___ Councilor Bunker ___ Councilor Chandler ___

Councilor Desrochers ___ Councilor Starkweather ___ Councilor Trudel ___

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

CITY COUNCIL MEETING
AGENDA ITEM II



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
December 5th, 2022

Subject: Council to hear from Jake and Ella Blanchette about their plan for putting up American flags on Central Street

CITY COUNCIL MEETING
AGENDA ITEM III



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of December 5th, 2022

Subject: Monthly School Board Update

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

CITY COUNCIL MEETING
AGENDA ITEM IV



From: Dan LeGallo, Superintendent
Subject: 2022-2023 Appropriations New Revenue

Recommendation:

To allow the Franklin School District to appropriate additional funding from the New Hampshire Retirement System Refund and Education Funding Account Phase Out Grant. The total amount of additional funding is \$100,268.84.

Suggested Motions:

December 5, 2022

Councilor moves, "I move that the Franklin City Council set a public hearing on January 9, 2023 at 6:00 p.m. in Council Chambers for Resolution 07-23 appropriating \$100,268.84 to the Franklin School District fiscal year 2023 budget.

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

January 9, 2023

Councilor moves, "I move that the Franklin City Council adopts Resolution 07-23 appropriating \$100,268.84 to the Franklin School District fiscal year 2023 budget.

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

Discussion:

Due to legislative action taken by the state government of New Hampshire the state will be contributing 7.5% of the cost of the retirement contributions for teachers, fire fighters and police to the New Hampshire Retirement System. The actual dollar amount is based from the FY22 retirement contributions. This represents \$92,215 being refunded to the Franklin School District.

Also due to the passage of the Education Funding Accounts that provide scholarships to those students who choose to leave the public school of their residence to attend a different public school, private school or be home schooled, the State of New Hampshire has by legislative action enacted the EFA (Education Funding Account) Phase out grant that will provide 50% of the loss of base adequacy per ADM (Average Daily Membership). This amount is based

from the End of Year ADM calculation for FY22. This amount is \$8,053.84 from an ADM of 3.17.

Fiscal Impact:

This amount will have no effect on the taxes raised by the City of Franklin as this is excess funds to be received by the district from other sources.

Alternatives:

Do not appropriate at this time or use the funds for another purpose.

Attachments/Exhibits:

Resolution 07-23

Franklin School District Revenue Estimate Updated FY23.



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION # 07-23

A Resolution Granting Authority to Accept and Appropriate \$100,268.84 of the state portion of funding to the New Hampshire Retirement System and EFA Phase Out grant to the Franklin School District for Fiscal Year 2023.

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

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive a refund of 7.5% (or \$92,215) of its FY22 contribution for teachers to the state retirement system; and,

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive from the EFA (Education Funding Account) Phase Out Grant of \$8,053.84: and,

WHEREAS, the City Council of the City of Franklin would like to appropriate an additional \$100,268.84 to preserve potential fund balance from the 2023 year to be carried over to the 2024 fiscal year. Due to the challenges and uncertainties funding regarding the adequacy funding formula these funds could help support the next budget cycle; **Now**,

THEREFORE, BE IT RESOLVED, that at a regularly scheduled meeting of the City Council on January 9, 2023, at 6:00 p.m., the City Council of Franklin New Hampshire does hereby vote to adopt resolution #07-23 to formally accept and appropriate \$100,268.84 of additional revenues for the Franklin School District as follows:

An Increase in Revenues:

New Hampshire Retirement System Ninety-Two Thousand, Two Hundred Fifteen Dollars (\$92,215)

EFA Phase Out Grant – Eight Thousand, Fifty-Three Dollars and Eighty-Four Cents (\$8,053.84)

An Increase in Expenditures:

School District Expenditures – One Hundred Thousand, Two Hundred Sixty-Eight and Eighty-Four Cents (\$100,268.84)

By a roll call vote.

Roll Call:

Councilor Blake _____ **Councilor Desrochers** _____ **Councilor Starkweather** _____

Councilor Bunker _____ **Councilor Dzujna** _____ **Councilor Trudel** _____

Councilor Chandler _____ **Councilor Ribas** _____ **Councilor Zink** _____

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, Franklin, New Hampshire.

A true copy, attested: _____
City Clerk

Date: _____

Franklin School District
Revenue Projection
Fiscal Year 2022/2023

Source	20-21 Actuals	21 22 Budgeted	22-23 Estimates	Difference
General Fund:				
Revenue from State Sources				
Special Education Aid	152,885	122,295	145,000	c 22,705
Charter School Aid	39,604	30,000	45,000	15,000
Vocational Transportation Aid	5,122	5,000	5,000	0
Adequate Education Grant	8,701,824	8,268,687	8,630,294	361,607
NHRS Refund	0	0	92,215	
EFA Phaseout Grant	0	0	8,054	
Extraordinary Grant	0	0	360,165	360,165
Building Aid	181,944	81,944	81,944	0
Indirect Costs	55,850	69,000	69,000	0
Revenue from Federal Sources				
Medicaid Reimbursement	162,932	175,000	160,000	(15,000)
E-Rate Funding	54,062	47,173	47,173	0
Local Revenue Other than Taxes				
Tuition	18,293	18,000	0	(18,000)
Earnings on Investments	2,084	2,500	2,500	0
Other Local Revenue	2,553	2,000	2,000	0
Insurance Premium Holidays	148,272	98,586	105,685	7,099
Athletic Receipts	0	3,500	3,500	0
NH Charitable Foundation (Aware)	75,000	0	0	0
Unreserved Fund Balance	402,418	1,211,997	1,281,870	69,873
Total Revenues and Credits	10,002,844	10,135,682	11,039,399	803,449
District Appropriation	4,467,354	4,595,004	4,943,755	348,751
Education Tax	1,201,740	1,190,971	886,084	(304,887)
Additional Voted By City Council	0	0	0	0
Total General Fund	15,671,938	15,921,657	16,869,238	847,313
Food Service Transfer	715,157	535,718	600,000	64,282
Total General Fund and Food Service Revenues	16,387,095	16,457,375	17,469,238	1,011,864
Grant Funds	1,997,972	1,729,650	1,565,000	(164,650)
ESSER/GOFERR Funding	225,895	1,278,897	1,300,000	21,103
Grand Total Revenues	18,610,962	19,465,922	20,334,238	868,317
		Appropriations	19,080,631	

CITY COUNCIL MEETING
AGENDA ITEM V



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**
December 5, 2022

From: *Justin Hanscom, Municipal Services Director*

Subject: City Council to consider repealing the current Solid Waste Ordinance of the Franklin Municipal Code Chapter 257, entitled, "Solid Waste" and replacing with Ordinance #03-23 entitled Solid Waste Chapter 257.

Recommended Motion:

"I move that the Franklin City Council adopt Ordinance 03-23 repealing and replacing current Chapter 257 "Solid Waste" of the City of Franklin, New Hampshire, Municipal Code.

Mayor calls for a second, discussion and vote.

Discussion:

The City of Franklin along with numerous other municipalities throughout the State of New Hampshire are being faced with the challenges of locating various State of New Hampshire D.E.S permitted facilities to accept a wide variety of Municipal Solid Waste (MSW) and Recyclables. As predicted, we are now entering into a phase of a volatile and unpredictable market, which may become critical, due to a shortage of facilities which accept and process Franklin's MSW and Recyclables. As a result, City Staff along with assistance from our Municipal Services Committee and the City Council have worked on an affordable and acceptable "Transition Plan". This plan began with the outsourcing of curbside trash pickup in Fiscal Year 2020 with an affordable five -year contract.

It is difficult to project our future needs and balance costs thus, we continue to monitor and attempt to project where this current situation is headed over the next several years. The greatest problem is the "capacity" of our various disposal options and how the private sector resolves this issue along with associated costs. Currently, options within the recycling market continue to be limited, expensive to transport and to obtain reliable contracts for handling.

Concurrences: Over the past year the Municipal Services Committee has met on five occasions coupled with a special meeting of the entire City Council, providing input to City Staff towards the development of this new ordinance. The creation of this latest ordinance incorporates recommended changes as a result of these public meetings.

Fiscal Impact: The primary purpose to repeal and replace our current Solid Waste Ordinance is to reduce and stabilize costs associated with the collection and disposal of our Municipal Solid Waste and Recyclables.

Alternatives: Taking no action will result in a negative impact on future City Solid Waste Budgets. This proposed ordinance change will better position the City for future budgets while providing Staff with the guidance we need to meet our goals and establish an ongoing strategic plan.

Attachments/Exhibits:
Ordinance 03-23

SOLID WASTE ORDINANCE 03-23 - Chapter 257

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Twenty-Two

Be it ordained by the City Council of the City of Franklin that the existing Chapter 257, Solid Waste, of Franklin Municipal Code, be repealed in its entirety and replaced with the following:

Chapter 257 Solid Waste Article I

General Provisions

257-01 Purpose:

The purpose of this Chapter is to describe the procedures and requirements for the management, handling, and disposal of solid waste generated within the City of Franklin, New Hampshire. These provisions shall apply but not be limited to all activities at the Franklin Transfer Station; Commercial Collection and Storage; Recycling; the city provided Automated Curbside Collection System means of specialized containerized service using mechanized equipment; and all phases of solid waste enforcement. The proper management of solid waste is necessary to protect the health, safety and welfare of the citizens, property owners, and visitors to the City of Franklin.

257-02 Definitions:

The following words and abbreviations used in this Ordinance shall mean and be defined as outlined below. Any other words not outlined below and used in this Ordinance shall have its commonly used and understood definition.

- a. Accepted Public Way: A street or road that has been formally accepted and approved by the City Council for public use and maintained by the city, as well as any New Hampshire Department of Transportation State Highway within city limits.
- b. Automated Curbside Collection System: The curbside solid waste collection system used by the City of Franklin by means of automated collection trucks and specialized containers lifted into trucks by mechanical arms. There are two terms used in this document, "Automated Residential Curbside Collection System," specifically addressing residential

pickup, and “Automated Commercial Curbside Collection System,” specifically addressing commercial pickup, both of which are discussed later in this document.

- c. Base level Service: The automated curbside collection system level being provided to eligible properties as defined in this Ordinance for curbside collection, and the disposal of municipal solid waste at the Transfer Station in compliance with “Transfer Station Guidelines” which will be updated with the City Council approval of a new Solid Waste Ordinance.
- d. Bypass Waste: Waste that is diverted to the end source without passing through the transfer station.
- e. City: The City of Franklin, NH, including city staff or subcontractors.
- f. City Council: The legislative body of the city as defined in the Franklin, NH City Charter.
- g. Commercial Hauler: A private, licensed company, corporation, or individual that operates within the city for the collection and disposal of solid waste hired either by the city or by the residential or commercial property owner.
- h. Commercial Unit/Use: A Commercial property containing a business entity or similar use, or a residential multifamily housing dwellings of three or more units or any combination thereof to include condominiums. The unit(s) may be an individual and/or stand-alone use, or it may be of mixed use with multiple business activities or commercial dwelling units.
- i. Concord Regional Solid Waste & Resource Recovery Cooperative (CRSWRRC): The Cooperative of which the city is a participating member where certain types of solid waste are disposed of for incineration; referred to as CRSWRRC in this Ordinance.
- j. Courtesy Notice: A notice, issued by the Director of Municipal Services or designee(s), under the enforcement provision outlined below, to inform a resident or property owners that they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first step in the overall enforcement process and is intended to be an educational and informational reminder for the proper preparation, handling, and management of municipal solid waste by the property owner.
- k. Construction & Demolition (C&D): All building and construction material not fit for processing at the incinerator or alternate facilities as specified in their regulations for delivery of materials.

- l. Contractor: A private, licensed company, corporation, or individual that operates within the city to manage and provide municipal solid waste curbside collection services. Also, a contractor licensed to provide various types of solid waste collection services within city limits.
- m. Curbside Trash Receptacle: Trash containers listed under Base Level Service that meet the specifications identified and suitable to be used by the city or their contractor to qualify for pickup by automated collection. These containers are specified by minimum and maximum size, lid color, manufacturer and other means.
- n. Customer: The individual property owner, tenant, lessee, or other party receiving the base level collection service provided by the city, or who uses the Transfer Station.
- o. Director: The Director of the Municipal Services Department or a designee(s) to act on the city's behalf to manage its Municipal Solid Waste Curbside Collection Program.
- p. Formal Notice of Noncompliance: A notice, issued by the Director of Municipal Services or designee(s) under the enforcement provision outlined below, to inform a resident(s) or property owner(s) they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first or second step in the overall enforcement process. The issuance of multiple formal notices can result in loss of service, penalties, or enforcement actions as outlined in this Ordinance.
- q. Gross Annual Tonnage: The amount of municipal solid waste that the city delivers to the CRSWRRRC and other permitted solid waste disposal facilities on an annual basis. This amount is annually calculated by the city and may change as the generation rates of municipal solid waste increase or decrease due to the various factors including: population growth, increases in the amount of solid waste generated, or general economic and market conditions.
- r. Hazardous Waste: All waste identified by the New Hampshire Department of Environmental Services and the NHDES Solid Waste Management Bureau requiring special handling, transport, and disposal.
- s. Incinerator: The facility being used by the city for the disposal and processing of solid waste.

- t. Municipal Services Committee: The committee established by the City Council to advise the Department on operational and budgetary issues and referenced in this Ordinance.
- u. Municipal Services Department: The department of the city that is responsible for the collection, handling and transport of all solid waste and trash and recyclable materials and referenced in this Ordinance as the MSD.
- v. Neglect: The misuse of a city-issued container that results in breakage or other damage of the container so it cannot be properly used to hold the materials. These conditions include: the lid of the container is removed or the lid or body of the container is significantly cracked so rain can enter; the wheels do not function; it cannot be picked up by the automated trucks; or is otherwise rendered inoperable. Any repairs to the city-owned containers will be performed by city staff. The property owner/customer shall contact the MSD office to report damage and request a repair. Containers damaged beyond repair by damage caused by city vehicles, must be replaced by the city. The city reserves the right to charge for container replacement, due to homeowner neglect, at a cost consistent with Chapter 160 "Fees" of the Franklin City Code. If containers are subject to neglect or other damage by the property owner as determined by the Director, the Director may issue a Notice of Noncompliance letter to the owner and/or customer indicating that the next repair necessary due to neglect or abuse will result in a charge for the repair or replacement of the container at a cost to the property owner or tenant. Similarly, if the containers are improperly removed from the property, the owner may be charged for the next replacement container. Property owners are ultimately responsible for all property owner damages or missing containers, and the owner shall work to educate the household members and/or tenants on the proper use, placement and maintenance of the containers.
- w. Policies: This includes procedures and guidelines prepared by the Director of Municipal Services and city staff for the proper implementation and operation of the provisions of this Ordinance.
- x. Recyclable Materials: For the purposes of this Ordinance this includes all the materials accepted by the City for recycling which will be transported to firms contracted by the city for recycling services. These materials are generated by residential units and commercial properties for disposal at the Transfer Station or a satellite collection center. The Director will issue a list of acceptable items, which may change due to market, regulatory and economic conditions. There are a variety of recyclable materials that include: glass bottles, tires, metals, clothing, batteries, household appliances, waste oil, mercury-containing devices, non-burnable wood-waste and construction materials,

leaves and yard waste, and other items included by the Director on the allowed-items list, which can be found in the written "Transfer Station Guidelines."

- y. Residential Unit: An individual residential dwelling used for habitation. A single-family home is one unit, a two-family structure is a two-unit building, and a multi-unit building or complex is designated by the number of individual units such as apartments, condominium complexes, mobile/manufactured home parks, or a mixed-use or cluster type of building development categorized as commercial use.
- z. Scavenging: The removal of, or the rummaging through, any form of solid waste (any recyclable or nonrecyclable material) from any container that has been placed at the curbside for collection by the city or for disposal at the Transfer Station. All solid waste and recyclable materials placed on the curbside for collection, or brought to the Transfer Station, are considered the property of the City of Franklin, and no scavenging of the materials is permitted. This section notwithstanding, the proper management of the materials placed curbside for collection is the responsibility of the property owner, directly or through any tenant or lessee, as outlined in Section 257-07.
- aa. Separation of Solid Waste: Items exempt from, or not accepted, for regular curbside municipal solid waste collection, which is acceptable at the Transfer Station in accordance with the State of N.H. issued permit to operate. Separated materials must be placed in the appropriate and approved containers for disposal at the Transfer Station.
- bb. Single Stream Recycling: A type of recycling program that allows for the mixing of all types of recyclable materials. The mixing is done by the homeowner or another resident, a business, or a property owner.
- cc. Solid Waste: This is the entire waste stream which includes both recyclable and nonrecyclable materials; also, sometimes referred to as the solid waste stream.
- dd. Special Waste: Types of wastes that are liquid, solid, gaseous or vapor in nature not considered hazardous requiring special handling. This waste is not permitted to be disposed of through Curbside Collection. It may be taken and separated at the Transfer Station for appropriate disposal.
- ee. State or Federal Statute: Any State or Federal statute, law, regulation or policy intended to address any issue related to the collection, storage or disposal of any solid waste material or any unacceptable or prohibited material.

- ff. Transfer Station: The facility operated by the city, located on Punch Brook Road, where eligible residents, businesses, contractors and persons may deposit trash, recyclables, and various yard and construction waste materials. Please refer to Article III of the Ordinance and the "Transfer Station Guideline" for additional information.
- gg. Transfer Station Guidelines: A written information packet summarizing operational guidelines, facility rules and other pertinent information for the Public who use the facility. These guidelines are updated as needed by the Municipal Services Director for public distribution.
- hh. Trash: Typical Municipal Solid Waste (MSW), i.e., trash and garbage that is generated by a residential dwelling unit or a commercial property, not requiring special handling.
- ii. Unacceptable and Unapproved Waste: Waste not designated in the city's permit or not permitted in the solid waste stream by an applicable city Ordinance, State or Federal Statute or Law, or by firms contracted with the city to handle and dispose of the waste.

257-03 Administration of Chapter:

The Director of the Municipal Services Department or designee(s) (hereinafter the "Director" and the "Department" respectively) shall have responsibility for the administration of this Chapter subject to the direction and control of the City Manager and the City Council. As deemed appropriate by the Director, certain responsibilities may be delegated to the Deputy Director or other appropriate city staff. As outlined below in Section 257-10, the Director shall have the full authority to make and enforce certain policies and procedures to carry out the purpose of this Chapter.

257-04 Mandatory Separation of material at Transfer Station:

By and through this Ordinance, it is a requirement in the City of Franklin that all waste delivered to the Municipal Transfer Station be separated by type and disposed of in a designated appropriate container(s). The mixing of special waste with trash is a violation of this Chapter and subject to the appropriate enforcement procedures as outlined in Section 257-11. The reason for mandatory separation at the Transfer Station is to help manage, contain and control the costs associated with the disposal and management of solid waste by diverting as many recyclables and specialized types of solid waste from the stream as possible and in accordance with waste bans required by the State of New Hampshire. The listing of designated recyclable materials shall be prepared by the Director and included in the "Transfer Station Guidelines," which can be found on the city website under Transfer Station, and at the

Municipal Services Department office. The list will also be available to civic and business organizations for use in their events and programs.

257-05 **Education:**

The City Council and the City Administration recognize that the most efficient, cost-effective way to handle/dispose of solid waste is to design and implement a solid waste program. Secondly, residents should be educated on ways to separate, reduce, reuse, and recycle as much solid waste as possible. The strong potential exists that costs associated with the disposal of trash will continue to increase and one method of reducing the overall costs to the city is to recycle and separate as many materials as possible. While the markets for recyclables are always fluctuating, the costs of disposing of solid waste are generally lower than the costs of disposing of nonrecyclables, if separated. Thus, the city along with interested individuals, schools, and civic organizations, will educate, inform, and encourage residents and business owners regarding city solid waste collection and disposal methods. Educational outreach programs and information will be made available on the City website, through the schools, at community events, cooperative efforts with local businesses and in the local media. The City Council welcomes the cooperation and assistance of all residents in making Franklin a leader in programs that reduce, reuse and re-purpose all types of municipal solid waste.

257-06 **Unlawful Disposal; Out of City Refuse; Unacceptable and Prohibited Materials:**

It shall be a violation of this Chapter for any individual, business, property owner, or other person or entity to unlawfully dispose of any solid waste, hazardous waste or special waste in a manner not in accordance with the provisions of this Chapter or contrary to any policy, regulation or guidelines established hereunder, or any applicable state statute or regulation. The dumping or disposal of any type of waste generated from any location outside of the boundaries of the city shall also be considered a violation. The previous sentence notwithstanding, the burial/disposal of ash on the CRSWRRRC property, or any future disposal agreement with the CRSWRRRC to use their land within the city, and approved by the City Council, shall be exempt from the restrictions of this Section. The penalties for any violation of this chapter will be as outlined in Section 257-11 below. Certain materials are not accepted and prohibited through the City Curbside Collection Program and at the Transfer Station. These materials may be banned through State or Federal Statutes or regulations, by the owner/operator of the incinerator where city trash is burned, any future final disposal location, or by City Ordinance per regulation. No individual shall dispose of or accumulate any unacceptable materials, as

defined in 257-02, ii Unacceptable and Unapproved Waste, within the City on public or private property. The Department office can be contacted for a listing of such materials or will direct the party to an online list outlining such materials. Violations may be reported to the City of Franklin, Municipal Services Department at 43 West Bow Street or by calling 603-934-4103.

257-07 Obligation of Parties:

The City assumes no obligation under this Chapter to remove trash, recyclables, garbage, rubbish, or other solid waste that is not properly managed and containerized by the property owner in conformance with this Chapter. It shall be the duty of any person owning, or having under his or her control, any property in the City to keep the same free from paper, rubbish, garbage and any other types of accumulated waste that may be a fire hazard, or obnoxious or dangerous to the general health, safety or welfare of the public and surrounding properties. If the City's Property Maintenance code (chapter 233), the Fire Chief, the Health Officer, the Code Enforcement Officers, Municipal Services Director, or the City Manager makes a determination that said material constitutes such a hazard or danger, then the owner or the responsible party shall remove said materials if ordered to do so by the appropriate city official.

257-8 Use of Containers by others:

The use of containers intended for the management of solid waste, whether for residential, commercial or industrial purposes, and in place on the subject property, is limited to the property owner, tenants, or lessees. No unauthorized person shall place or dispose of any solid waste in said containers, and any such placement or disposal shall be considered a violation of this Chapter and subject to the enforcement provisions of Section 257-11. The containers issued by the city for the automated curbside collection program shall not be used by any individual for any other purpose other than the collection of curbside waste generated from within the city.

257-9 [Reserved]:

257-10 Policies and Procedures:

The Director shall have the authority to create, and modify as needed, policies and procedures necessary and appropriate for the effective implementation of the provisions of this Chapter. These policies/ procedures are intended to address specific sections of this Chapter outlined below, or the general management and disposal of the overall solid waste stream, and shall apply to the automated curbside collection system, the operation of the Transfer

Station, and any private commercial collection services. This authority is deemed necessary by the City Council due to the variety of factors including, but not limited to: economic conditions, any changes to applicable State or Federal law or regulation that affects the disposal of solid waste and recyclables, or the availability of markets and/or disposal sites for either solid waste or recyclable materials. The Director is authorized to implement emergency fees after consulting with the City Manager when deemed necessary by changes in state or federal waste disposal statutes or laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the City Council at their next available meeting for review and approval or modification as deemed appropriate by the Council.

257-11 Enforcement:

The MSD Director and other city staff identified in this Ordinance are authorized to issue Notices of Noncompliance when it is determined that a property is in violation of the provisions of this Ordinance. The violation of any provision of this Chapter shall be considered a violation of the Codes of the City of Franklin and may result in the issues of notices, fines, penalties, or prosecution through the appropriate court of jurisdiction. Each violation shall be considered a separate offense and each day a violation exists shall be a separate violation. The city shall seek compensation from the violator for the costs of any prosecution associated with the enforcement of this Chapter. Per Section 1-16, General Penalties of the City Code, the fines shall not exceed \$1,000 per violation. The Director reserves the right to issue Courtesy Notices intended to inform the property owner that certain materials are not authorized for pick-up or disposal. If two (2) Courtesy Notices are issued to an individual property within the previous three (3) months, then the next violation shall result in the issuance of a Formal Notice of Noncompliance. The forgoing sentence notwithstanding, the Director is authorized to issue formal notices at any point in time if deemed as an appropriate enforcement action. The Courtesy Notices or the Formal Notices of Noncompliance may be issued by the Director, the MSD's solid waste staff, or the City's Code Enforcement Division. The issuance of two (2) Notices of Noncompliance may result in the loss of service for curbside pickup, and/or prohibit the offending individual from using the Transfer Station, until and unless the property owner/customer meets with the Director or designee(s) to discuss the violations and establish a mechanism to bring the property into compliance. The city reserves the right to conduct Trash Audits for the purpose of reviewing compliance with the provisions of this Ordinance. Initial trash audits will be used to determine if courtesy notices need to be issued. If a property is regularly and continually in noncompliance then the information gathered through the trash

audit may be used to issue penalties or an order to stop curbside pickup per § 257-33.

257-12 Complaints:

All complaints brought by a property owner, tenant, lessee, or other affected party shall be made in writing, through the submission of a service request, to the MSD Director. These forms are available at City Hall and on the city website. Complaints regarding missed pick up of trash shall be addressed by calling the company contracted by the city for the purpose of residential curbside collection.

257-13 to 19 [Reserved]

Article II Automated Containerized “Residential Curbside Collection System”

257-20 Purpose:

The purpose of the residential curbside collection program is to provide an efficient, reliable and effective means of solid waste collection for city residential/noncommercial properties as specified per this Ordinance. Per the adoption of this Ordinance, the Franklin City Council is continuing with its current residential automated curbside collection program with the noted changes, which now differentiates between residential and commercial curbside collections. This will include the collection of residential household municipal solid waste, as well as commercial containerized commercial collection by means of an outside contractor(s) approved by the city to operate within city limits and to use CRSWRRRC Facilities for disposal by means of registering annually on July 1 with the City Municipal Services Department. The sections below will address the automated collection service authorized and approved by the City Council and to be implemented by city staff per this Ordinance and the applicable policies, guidelines and regulations issued by the Director.

257-21 Transition from the City’s current Automated Curbside Collection System / “Base Level Service,” to an Automated “Residential” Curbside Collection System / “Base Level Service.”

Until such time as the new automated residential curbside collection system is fully implemented, the current curbside collection practices and procedures will remain in effect. The city owns all containers used for automated pickup of residential curbside trash collection. These containers will be removed from all commercial properties when city services to commercial properties are phased out. During this

transition period the property owner(s) will be duly notified of the options and services available. The city reserves the right to phase in the implementation of revised residential automated curbside collection program in order to more efficiently deal with and address any operational issues and resulting changes. During this transition period, light commercial and multi-family dwellings three and over currently being serviced will be phased out consistent with this Ordinance. Those affected property owners will be notified in advance of changes to their service and provided options consistent with section 257-22 below. Once the transition occurs, this paragraph is null and void.

257-22 Base Level Service:

The implementation of the automated residential curbside collection program is carried out through the creation of a Base Level of Service that is available to properties identified below. Properties not covered under the Base Level of Service will rely on individually contracted commercial services (see Article IV below). This residential Base Level Service will be carried out using the same city owned containers. See Section 257-23 for a description of the types and sizing of the containers to be used.

- a. Single and two-family residences. All such residences must be on accepted, maintained public ways. Accessible private ways, as outlined in para d. below, will continue to be eligible for the base level automated residential curbside collection system services provided by the city.
- b.
 - i. Multifamily residential buildings with three units or greater. These units are considered commercial entities under provisions of this Ordinance, and will not be serviced by the city automated residential curbside collection system.
 - ii. Commercial properties. These properties, not be serviced by the city's automated residential curbside collection system in conformance with the provisions of Sections 252-23 through Section 252-35.
- c. Municipal Buildings, Public Schools (under the fiscal control of the Franklin School District), Charter Schools and Churches. These facilities will be serviced by the city's automated curbside collection system.
- d. Properties on private roadways or unaccepted subdivisions/roadways. These properties are potentially eligible for automated residential curbside collection service provided that the owner(s) or appropriate responsible parties provide the city with a Release of Liability, in a format acceptable to the City Attorney, and the subject property is fully accessible, as determined by the Director, to the city's collection vehicles in all seasons. All requests to provide residential base level service to these properties must be made in writing, and a site visit by the Director shall be conducted on a periodic basis to determine the adequacy of the access

and the ability to properly situate containers for the automated pick-up. The base level curbside collection service for these properties may be discontinued by the city at any time if the owner, developer, or the appropriate responsible party fails to maintain the road or access way so that the city's collection vehicles cannot properly, safely, and adequately access the subject properties for the automated collection. The Director may issue warning letters to these properties, but service may also be immediately discontinued or stopped without notice if adequate access is not provided as determined by the Director.

- e. The following properties are not eligible for Automated Residential Curbside Collection System provided by the city:
 - i. Condominium/apartment buildings or complexes, or multifamily buildings, with three or more individual residential dwellings.
 - ii. Mobile/ manufactured home parks, campgrounds, vacant lots and homes under an enforcement order for a Solid Waste Ordinance violation.
 - iii. Any property listed in Section "d" that does not provide the Release of Liability, and/or the access way is not reasonably accessible, as determined by the Director, to the collection vehicles.

257-23 Automated Residential Curbside Collection Containers for City and established "Base Level Service:" Sizing, Weight, Maximum Weekly Pick-up, Container Maintenance:

- a. The "Base Level Service" for the Automated Residential Curbside Collection will be accomplished using specialized containers designed for automated pickup by the city's contracted service. Generally speaking, the containers supplied by the city will continue to be 48, 64, or 96 gallons in size.
- b. Only approved containers, as obtained through the city, shall be used by the eligible properties for curbside pickup. No non-automated configured containers or stand-alone bags shall be used by the customer for the purpose of curbside pickup. All municipal solid waste must be bagged and placed in the designated container with the lid closed. Over-packed containers should be avoided, as trash will not dump from the container if stuffed.
- c. For residential properties, two units and under, the maximum weekly amount of trash that will be picked at the curb by the city will not exceed 192 gallons per housing unit, regardless of the number of containers. The total weight of trash placed in a container will not exceed 200 pounds. All containers of waste that exceed the "Base Level Service" amount must be disposed of at the Transfer Station or through the use of a residential, property owner purchase of a specified container from the city. Containers that become damaged or unsuitable for continued use will be required to be replaced through the city at the property owner's expense as outlined in para 257-02 v, above "Neglect."

- d. Appropriately sized city specified containers, or containers approved by the Director or designee(s), shall be provided by the city to each property owner eligible for curbside pickup at no charge up to the 192-gallon capacity. The Director or designee(s) will work with the solid waste staff to determine the sized containers for individual properties based on the amount of trash a property generates. Historic solid waste generation rates and/or trash audits may be conducted to determine the properly sized containers to be provided to each eligible residential property. Upon implementation of this ordinance, all excess containers (over base level service) will be removed from the property by the MSD Department.
- e. If a property owner/customer finds that the size of the container is not adequate then the MSD office should be contacted to discuss an exchange and upgrade of the container unit. A "trash audit" discussed in Section 257-35 below, might be used to determine the need for an increase in the size of the container and/or number of containers.
- f. For single-family and two-family units, the Director shall determine how many containers will be provided. More than one unit might be required to share trash containers based on site specific conditions and circumstances.
- g. The containers are the property of the City of Franklin and are not to be removed from the property even in the event of a change in ownership or resident status. All automated containers shall be assigned to a street address.
- h. If a container is stolen from a specific property, then the owner or resident shall contact the MSD office to report the theft.

257-24 Automated Residential Curbside Collection Schedule and Holiday Schedules:

The collection schedule for pickup shall be prepared by the Director or designee(s). The schedule, to include holiday collection, will be available at City Hall, the Transfer Station, the MSD Office, on the city website in the "Transfer Station Guidelines," and in educational materials distributed through the schools and civic organizations. The Holiday Collection Schedule will be posted in January of each year. Delays due to unforeseen circumstance, such as snow storms or mechanical issues, will be posted on the home page of the city's website.

257-25 Preparation of Materials for Residential and Commercial Automated Curbside Collection:

- a. For the automated curbside collection system, both commercial and residential, all trash shall be placed into the appropriate containers so that the lid can be securely shut. No solid waste placed on the ground or on top of a container or in any unapproved containers will be picked up by the city or its contractor. The containers shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times to prevent water from filling the container or to provide access to animals. If containers are improperly placed, overfilled or

contain unacceptable items, the city or contractor reserves the right to refuse container pickup.

- b. Any spillage from any containers placed for curbside pickup such as that resulting from animals, wind-blown litter and other weather conditions etc., shall be the responsibility of the owner/customer to clean up. City staff or contractor will not pick up or clean up such spillage. The city strongly recommends that all residents take care to protect the containers against spillage, wind-blown litter, vandalism and intrusion by animals.
- c. All trash must be bagged before placing it into the trash container.
- d. In the event of inclement weather or mechanical breakdowns resulting in a disruption to the pickup schedule, the container should be left out for pickup the following day and placed in a manner as not to interfere with snow removal operations.

257-26 Placement of Containers:

- a. For the automated residential and commercial curbside containerized collection program, the containers shall be placed at the curb-line and outside of the travel way and off the edge of the paved roadway at the end of the driveway apron, or at another appropriate location so that it is accessible for automated truck pickup. It is essential that containers be placed three feet apart and four feet away from any type of fixed object including but not limited to parked vehicles, mail boxes, trees, utility poles, overhead wires, etc. In selected cases, the Director or designee(s) may designate a specific location for the placement of containers.
- b. The containers shall be in place ready for collection by 6:45 AM on the designated collection day. The containers shall not be placed out for collection before 5 PM on the previous day.
- c. City staff or contractor will not cross over private property to pick up solid waste materials.
- d. The container handle must be facing inward toward the residence to allow for the automated truck to properly pickup and dump the container.

257-27 Removal of Empty Containers:

Empty containers shall be removed from the collection point by the end of the collection day and properly stored on the owners' property. Containers that are not removed from the point of collection within 24 hours after being emptied may be removed by the city or contractor for noncompliance.

257-28 Approved Materials for Curbside Collection:

Waste can be placed in both green and gray lid containers. Recyclable materials shall be mixed in with regular household trash. Recycling of certain household items may be dropped off at the Transfer Station in accordance with the "Transfer Station Guide-

lines.” See section 257-29 below for prohibited / acceptable and unacceptable items.

257-29 Prohibited and Unacceptable Materials and/or Hazardous Waste:

Certain materials will not be collected by the city or the contractor at the curbside. These items include but are not limited to: sand, stone, or brick products, construction or demolition/building materials, electronics of any type, household appliances, auto parts, waste oil, paint, furniture, oils of any type, yard waste or tree limbs/roots, hot ashes, asbestos, propane tanks, pressurized containers, mercury containing devices, and scrap metal. If any resident has a question on whether or not an item is accepted or prohibited, they can contact the MSD office for more information. The Director is authorized to make a final determination as to what constitutes prohibited and unacceptable materials. Many of the items listed above are accepted at the Transfer Station for recycling or general disposal, some of which require a fee. (See Article III for more information on the Transfer Station). No hazardous materials or waste are permitted to be placed out for curbside pickup. All hazardous materials shall be disposed of at a city sponsored or sanctioned hazardous waste collection day, or at a regional collection facility authorized to accept hazardous materials.

257-30 City’s Right to Refuse Pickup:

For the automated collection program in general, if the Director or designee(s) determine that materials being placed out for curbside pickup are unacceptable, or if the materials are not properly containerized or managed per the provisions of this Ordinance, then the city reserves the right to not pickup said materials. The property owner or resident will then be responsible for removing the materials from the curb or other location and properly disposing of the materials at the Transfer Station or other appropriate disposal facility.

257-31 **[Reserved]**

257-32 **[Reserved]**

257-33 **[Reserved]**

257-34 **[Reserved]**

257-35 **[Reserved]**

Article III Transfer Station

257-41 Purpose:

The Franklin Transfer Station provides an alternative method to city residents and commercial customers for the disposal of solid waste, recyclable and nonrecyclable materials that are generated within the boundaries of the City of Franklin. The disposal of certain waste products (for example, appliances, tires, electronics, construction and demolition debris, glass, yard waste, waste oil, mercury containing devices; batteries, propane tanks, certain light bulbs etc.,) may require a handling fee due to the disposal

charges paid for by the city for these items to redirect them to various markets. Each July the Director of Municipal Services makes available the "Transfer Station Guidelines." The purpose of this document is to update customers on fees, operational changes and any other factual information necessary to keep residents and commercial customers informed. These guidelines are available on the city website, at the Transfer Station and the Municipal Services Department office.

257-42 Days and Hours of Operation:

The Director shall establish days and hours of operation for the Transfer Station. These will be posted at the Transfer Station, on the city's website, at City Hall and the Municipal Services Department office, and outlined in the educational and information packages for solid waste management prepared by the city. Any change to the hours will be posted on the city website and will be listed in the "Transfer Station Guidelines."

257-43 Authority of Staff:

The staff of the Transfer Station reserve the right to not accept any solid waste materials that fails to conform to the policies and disposal procedures as established through this Ordinance or by the "Transfer Station Guidelines." The enforcement provisions of Section 257-11 shall apply.

257-44 Transfer Station, Establishment of a "Base Level Service", Decals and Bags:

Decals. All vehicles and commercial haulers received at the Transfer Station shall have a decal permanently attached to the passenger side of the vehicle. Decals are available at the Transfer Station or the MSD office. Decals are reserved for citizens and property owners of Franklin to deposit trash, special waste, and recyclables on an unlimited basis.

City of Franklin Trash Bags. All residential trash disposed of at the Transfer Station must be placed in a City of Franklin trash bag available for purchase at participating retailers (see the City Website for details). For property owners with Base Level Service that exceeds the maximum weekly amount of 192 gallons of residential trash, as described in Article II, paragraph 257-23, City of Franklin trash bags must be used and taken to the Transfer Station for disposal.

Non bagged trash. Any trash not bagged in City designated bags will be disposed of by scale weight; see Chapter 160, Fees, of the Franklin City Code. All other commercial haulers, packers and roll off containers, etc., are prohibited from using the Transfer Station – their material must be taken directly to a licensed facility. See Article V for further discussions on commercial collection services. The City reserves the right to refuse disposal if alternative means of disposal makes more sense. Diverting solid waste will result in bypassing the Transfer Station thus reducing the amount of handling and truck cost.

- 257-45 **Use of Transfer Station by Nonresidents and Contractors, Permits:**
Nonresidents and contractors needing to dispose of solid waste and/or recyclables generated within the boundaries of the City of Franklin must obtain an authorization permit from the MSD office. Proper documentation of the source (tax bill, letter of authorization, contract between property owner and contractor), type and amount of materials, must be provided when requesting a permit. All applicable disposal policies, regulations and fees will be in effect for the issuance of the permit.
- 257-46 [Reserved]
- 257-47 [Reserved]
- 257-48 **Disposal of recyclables and other materials at the Transfer Station:**
As addressed in 247-41, the Transfer Station provides for the disposal of certain other items that are outside of the normal waste stream and are not eligible to be picked up by the automated curbside collection program(s). Some of these materials may ultimately be recyclable or reusable. A complete list of all accepted materials will be issued and updated in the "Transfer Station Guidelines." A disposal fee is required for certain items as authorized by the Franklin City Council. Chapter 160, Fees, of the City Code contains the approved fees, but the Director is authorized to implement emergency fees after consulting with the City Manager when deemed necessary by changes in State or Federal waste disposal statutes or laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the City Council at its next available meeting for review and approval or modification as deemed appropriate by the Council.
- 257-49 **Handling and Management of Materials at, and on route to, the Transfer Station:**
All vehicles, including cars, trucks, trailers and commercial haulers, etc., shall properly cover and contain any and all materials being transported to the Transfer Station so as to prevent the spillage of litter and blowing of materials onto the public roadway. Failure to provide such covering, resulting in the spillage and blowing of any materials onto the roadway, shall be considered a violation of this Chapter and the violator may be subject to the enforcement provisions of Section 257-11. The provisions of State RSA 266:72, which contains similar provisions and state requirements for the proper transport and handling of all materials, shall also apply.
- 257-50- 54 [Reserved]

Article IV Automated Curbside Commercial Collection System for Commercial Containers and Dumpsters

257-55 Purpose:

The City Council, as part of the overall establishment of this Ordinance, has made the determination that all commercial properties as identified in 257-02, will be responsible for the regular collection and disposal of all waste generated from commercial properties. This includes but is not limited to violations of the city's "Property Maintenance Code." Items disposed of at the Transfer Station must conform to the facility operations and the "Transfer Station Guidelines." Under this scenario, properties classified as "commercial" by the City Zoning Ordinance, are required to contract with a licensed and reputable solid waste hauler for the regular collection and disposal of all types of solid waste generated inside or outside of a property. All storage of commercial solid waste will be containerized in either dumpsters or roll out carts/containers. Storage, collection, and disposal will follow the same protocol identified, as applicable, throughout this Solid Waste Ordinance. Frequency of pickup and the number and size of containers must be coordinated between the property owner and trash collection company to ensure containers are not overfilled and the frequency of pickup is regularly scheduled based on a property's weekly or biweekly trash generation rate.

257-56 Duties of the Property Owners; Landlords and Tenants:

It shall be the responsibility of the property owner(s) of record to ensure that adequate storage capacity and trash disposal services are available for its tenants. The city requires pickup of all types of solid waste generated from a commercial property for numerous public health reasons. In order to guarantee compliance, the property owner(s) must provide a sufficient number of containers to meet the amount of trash generated by its tenants on a weekly or biweekly basis. Containers can either be a dumpster that is properly sized to meet the tenants needs, or a rollout curbside collection containers properly sized to meet the needs of each individual living unit. Property owner(s) that opt to use the city contractor for "commercial containerized curbside collection" pickup may contact the Municipal Services Department to obtain the contact information necessary to assist with obtaining commercial service that meets the requirements specified in this Ordinance. Property owners are responsible to pay all fees associated with trash collection. This ensures that regular service goes uninterrupted, and keeps a property in full compliance. Failure of the property owner(s) of record to comply with the provisions of this Ordinance may result in enforcement action by the city.

257-57 Duties of Tenants:

It is the duty and obligation of all Tenants occupying commercial property to maintain the area where trash containers are stored. Containers must be stored on private property, have lids closed at all times, and are not to be filled over capacity. The tenant(s) and property owner(s) are responsible for following established city rules for commercial trash collection services.

257-58 to 64 **[Reserved]**

Article V Commercial Collection and Container Storage

257-65 Purpose:

The purpose of this article is to outline the required operational and handling procedures for the collection and disposal of solid waste by private contractors within the city limits. These requirements are necessary in order to protect the health, safety, and welfare of the general public, as well as residents, businesses, and tenants using the properties served by private disposal firms.

257-66 Registration Requirements:

All Commercial Haulers, shall register with the Municipal Services Department on a form approved by the Director or designee(s). At the time of registration, the firm or individual shall demonstrate that they have the necessary permits and approvals required by state and local agencies to operate a legitimate disposal service. Registration period is normally the first three weeks of June or as needed throughout the period of July 1 through June 30th annually.

257-67 Disposal of Waste under City's Annual Tonnage Agreement with disposal facility:

The commercial haulers that pick up municipal solid waste in the City of Franklin are eligible to dispose of these materials at the disposal facility under the city's Gross Annual Tonnage allotment established annually. This financial benefit may be subject to changes based on the contract and any modifications to said contract, between the city and the firm or agency, for the final disposal of certain components of the solid waste stream. Commercial haulers are billed by the city for the tonnage disposed at the facility. An administrative handling fee is also charged to the hauler per Chapter 160, Fees, of the City Code. All commercial haulers/packers shall be registered with the appropriate firm, agency, or final disposal facility and vehicles shall meet the criteria that permits disposal. The purpose of bypassing the City Transfer Station and hauling directly to an outside facility is to avoid the reprocessing of municipal solid waste.

257-68 Out of Town Refuse:

Only trash and solid waste materials generated within the boundaries of the City of Franklin may be disposed of at the disposal facility. There will be no load mixing of solid waste from any sources, customers or municipalities, from outside the city. The city may request a list of customers for verification that they are complying with this requirement.

257-69 Prohibited Wastes:

Any firm that the city, or the appropriate regional agency, has a contract with to dispose of solid waste is authorized to prohibit or ban certain materials from disposal. No prohibited materials are to be placed or disposed of in any can, dumpster, or other receptacle. It is the obligation of all commercial haulers to provide their customers with a list of such prohibited items.

257-70 Permitted Hours for Waste Collection and Transport:

All commercial haulers/packers shall operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No collections are to be made outside of these hours except when unusual circumstances may arise. The Director of Municipal Services or designee(s) shall be notified and seek approval if such conditions warrant.

257-71 Termination of Registration; Appeal Process and Reapplication:

The Director reserves the right to terminate the registration of a firm or individual determined to be in noncompliance of this Ordinance. A letter of warning may be issued, but is not required, before any termination and upon the receipt of such a notification letter. If a violation is issued, the firm or individual is encouraged to meet with the Director to review noncompliance issues and create a process and mechanism to resolve the violations. If the Director determines that the proper corrective actions are not being taken or additional violations occur then the registration may be terminated. If a registration is terminated, the property owner and the collection firm shall be required to meet with the Director or designee(s) to review violations and to implement the necessary corrective actions before reinstatement of the registration. All other provisions of Section 257-11, Enforcement shall apply.

257-72 Solid Waste Containers and Site Maintenance:

For the purposes of protecting the health, safety, and welfare of the general public and specifically the residents and businesses of properties using private collection services, all containers and solid waste disposal areas used for private collection shall be operated and maintained in conformance to the following standards:

- a. The solid waste disposal areas shall be kept clean and free of trash, debris, windblown litter, furniture, and any other solid waste. All materials shall be placed within the appropriate containers and shall not be placed on the ground adjacent

to the containers. For items like furniture, mattresses, or other large items that cannot be placed in the containers or dumpster, the property owner or other responsible party is obligated to make arrangements with their collection firm to collect these items or to use the Franklin Transfer Station, and will be subject to appropriate fees. These types of items shall not be left in the open air for longer than 48 hours before a collection is made.

- b. All containers shall have a lid or other protective cover that shall be closed at all times, except when materials are being deposited in and/or removed from said containers. The containers shall not be overfilled so that the lid or cover is not closed or closable, or otherwise not effective in preventing spillage, blowing, or other dispersal of the waste materials.
- c. All containers shall be solid in design, such as metal or heavy plastic cans or the standard dumpster. This provision notwithstanding, if the Director or the Code Enforcement Division of the city determines that bags of waste inside the container are being repeatedly subject to ripping and damage from animals or the waste materials become a health hazard, then the city reserves the right to order that a more proper and appropriate container be used. Service and size of the container should be consistent with the amount of waste generated from a property over no more than a one-to-two-week period. Dumpsters should be equipped with a locking device in order to prevent unauthorized use.

257-73 Service Frequency:

All containers shall be regularly emptied so that the lids or covers for the containers can be closed so containers do not overflow. If inspections by the Director or other city staff result in a determination that the frequency of the collection service is not sufficient for the amount of waste generated from the property with all of these requirements, then the city reserves the right to terminate the registration per Section 257-71.

257-74 Enforcement; Violations and Penalties:

Failure to conform to any such provision of this Article will be a violation of this Ordinance and the enforcement and penalty provisions of Section 257-11 shall apply.

To be effective July 1, 2023, by roll call vote.

By a roll call vote.

Roll Call:

Councilor Blake ___ Councilor Dzujna ___ Councilor Zink ___

Councilor Ribas ___ Councilor Bunker ___ Councilor Chandler ___

Councilor Desrochers ___ Councilor Starkweather ___ Councilor Trudel ___

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, December 5, 2022 at 6:00 p.m. in Council Chambers at Franklin City Hall regarding Ordinance #03-23, repealing and replacing current Chapter 257 “Solid Waste” of the Municipal Code.

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

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

CITY COUNCIL MEETING
AGENDA ITEM VI



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting - December 5th, 2022

From: Michael Foss, Fire Chief/EMD

Subject: City Council to consider the approval of **Ordinance #04-23**, to revise existing Chapter 233-1 Adoption of the Property Maintenance Code, and Chapter 233-2 Additions, Insertions and Changes.

Recommended Motion for the November 14th, 2022 Meeting of the City Council:

"I move that the Franklin City Council set a public hearing date for 6:00 pm, at the December 5th, 2022 meeting of the City Council, for Ordinance #04-23. Adoption of Ordinance #04-23 will result in the update to the City Municipal Code Chapter 233-1 and 233-2.

Mayor calls for a second, discussion and vote.

Recommended Motion for the December 5th, 2022 Meeting of the City Council:

"I move that the Franklin City Council adopt Ordinance #04-23, which will update Chapter 233-1, and 233-2 of the International Property Maintenance Code from the 2018 International Code Council Edition, to the 2021 International Code Council Edition to include appendices and commentaries to be utilized for clarification and litigation if necessary.

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

Background:

On August 2, 2004, the City of Franklin adopted the 2003 International Property Maintenance Code as a standard to assist the Code Enforcement Division with potential safety, health, and aesthetic concerns within the community. The adoption of the International Property Maintenance Code can be found in City Municipal Code § 233-1. At the time of the adoption, several additions, insertions, and changes were documented in Chapter 233-2. These alterations provided clarification, and a tailoring of the adopted code sections to the City of Franklin.

The City of Franklin currently enforces and utilizes the 2018 Property Maintenance Code; however, the 2021 International Property Maintenance Code is the current edition published by the International Code Council. The only change from the 2018 to the 2021 edition is that the most recent addition adds language in Section 602.2 regarding Residential Occupancies needing the ability to achieve a room temperature of 68 degrees. The 2021 code adds that *"The installation of one or more portable space heaters shall not be used to achieve compliance with this section."*

Fiscal Impact: No foreseen fiscal impact will result by revising the code as all fees remain current.

Alternatives: The alternative is to forego the update of the Property Maintenance Code, and work from the 2018 standard currently adopted.

Attachments:

Proposed Ordinance #04-23

§ 233-1

Adoption of Property Maintenance Code.

A certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the International Property Maintenance Code, ~~2018~~ 2021 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Franklin, in the State of New Hampshire, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Inspector's office are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 233-2 of this chapter.

§ 233-2

Additions, insertions and changes.

A.

Section 101.1. Insert "City of Franklin."

~~B.~~

~~Section 103.5. Insert "(Reserved)."~~

B.

Section 304.14. Insert "April 1 to December 1."

C.

Section 602.3. Insert "October 1 to May 15."

D.

Section 602.4. Insert "October 1 to May 15."

E.

Section 302.8 Insert "Exception": On owner-occupied detached single family dwelling properties not more than one currently unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

[Amended 9-5-2019 by Ord. No. 04-20]

F.

Insert the following:

"Consultant: The Board of Appeals may, by majority vote, hire independent consultants to advise the Board with regard to matters in which particular expertise may be required. The cost of any such consultant shall be borne by the applicant prior to the incurring of any such expense. The refusal of the applicant to accept responsibility for such costs shall be grounds for the dismissal of any application or appeal." [1]

[1]

Editor's Note: For appeals procedures, see Section 111, Means of Appeal, in the International Property Maintenance Code.

G.

Section 202. Insert "Unlicensed - Not currently registered or inspected."

[Added 3-6-2006 by Ord. No. 05-06]

H.

Add a new Section 301.3.1 to read:

[Added 4-4-2011 by Ord. No. 05-11]

In order to prevent blight, to protect the integrity of the applicable business or residential zone, and to protect the health, safety, and welfare of the surrounding area, no structure or any part thereof shall be boarded up in any fashion except under the following circumstances:

In order to prevent blight, to protect the integrity of the applicable business or residential zone, and to protect the health, safety, and welfare of the surrounding area, no structure or any part thereof shall be boarded up in any fashion except under the following circumstances:

1.

Following a fire, explosion, automobile-related damage, or other similar casualty, the windows, doors, or portions of the exterior structure may be boarded up in order to secure and stabilize the building. The Code Enforcement Officer (CEO) shall be contacted the next available business day to discuss the stabilization of the building. The initial approval period for such action will be for 45 days from the date of the incident. Following the expiration of this initial time frame any request for a second forty-five-day approval period must demonstrate that there is a viable time line to initiate the work for the restoration of the structure. An approved building permit must be in place for the second approval period to be issued.

2.

An extension of the collective ninety-day period allowing portions of a structure to be boarded up shall only be approved if compelling evidence is submitted to the CEO that additional time is necessary to finalize insurance claims or an approval for the restoration work from the person or institution which holds the mortgage on the property. The CEO reserves the right to ask for any and all documentation necessary to substantiate a claim that an extension is necessary. For any extension beyond the ninety-day period outlined in Subsection 1 above, the wood or other material used to board up the building shall be painted to match the color scheme of the existing building.

3.

For any structure for which a building permit has been obtained, no portion of the structure shall be boarded up without the approval of the CEO. The request to permit such boarding up shall include a time frame for the completion of the exterior repairs or improvements. The forty-five-day and ninety-day time lines outlined above shall apply.

4.

For any vacant structure, the CEO may order or otherwise authorize the boarding up of the structure.

5.

All work and stabilization work approved under these provisions shall be completed in a professional and workmanlike manner as determined by the CEO, who reserves the right to order corrective work to insure the protection of the public's health, safety, and welfare and the integrity of the surrounding area. No materials used to board up or stabilize a structure shall be placed on City land (sidewalk, right-of-way, etc.) without the permission of the Municipal Services Director and the City Manager. Additionally, the CEO may require that the plywood or other material is painted to match the existing color scheme of the building.

The enforcement provisions of this code shall apply to all activities and work pursuant to this section.

To be effective January 1, 2023, by roll call vote.

By a roll call vote.

Roll Call:

Councilor Blake	___	Councilor Dzujna	___	Councilor Zink	___
Councilor Ribas	___	Councilor Bunker	___	Councilor Chandler	___
Councilor Desrochers	___	Councilor Starkweather	___	Councilor Trudel	___

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, December 5, 2022 at 6:00 p.m. in Council Chambers at Franklin City Hall regarding Ordinance #04-23, to revise existing Chapter 233 Adoption of the Property Maintenance Code, and Chapter 233-2 Additions, Insertions and Changes.

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

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

CITY COUNCIL MEETING
AGENDA ITEM VII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

December 5th, 2022 City Council Meeting

From: Krystal Alpers, Parks and Recreation Director

Subject: City Council to consider accepting and appropriating funds from the Federal (CCASP) Child Care Achieving Stabilization Program for the Before and After School Program.

Recommended Motions:

November 14th, 2022

Council moves: “I move the Franklin City Council schedule a public hearing on Resolution #06-23 at 6:00pm on November 7th, 2022 to accept and appropriate \$24,420 from the Federal CCASP (Child Care Achieving Stabilization Program) for the purpose of stabilizing child care and \$25,680 from CCDF (Child Care and Development Fund) Discretionary Funds quality grant for the Parks and Recreation Before and After School and Summer Program.”

December 5th, 2022

Council moves: “I move the Franklin City Council to adopt Resolution #06-23 to accept and appropriate \$24,420 from the Federal CCASP (Child Care Achieving Stabilization Program) for the purpose of stabilizing child care and \$25,680 from CCDF (Child Care and Development Fund) Discretionary Funds quality grant for the Parks and Recreation Before and After School and Summer Program.”

Discussion:

Due to the passing of the Federal CCASP (Child Care Achieving Stabilization Program) the Parks and Recreation Department through the American Rescue Plan Act (ARPA) was awarded a second round of funding in the amount of \$24,420. This funding is intended to support the child care sector and the families they serve. This support is part of a multi-faceted plan to stabilize child care in New Hampshire. Funding will be used to support the Before and After School and Summer Program.

Additionally, the Department of Health and Human Services is awarding Licensed Child Care Centers a one-time CCDF (Child Care and Development Fund) Discretionary Funds quality grant. Funds will be used to support program quality expenses for the Before and After School and Summer Program.

Fiscal Impact: This will have no effect on the taxes raised by the City of Franklin as this is a federal grant distributed through the Child Care Achieving Stabilization Program and the Child Care and Development Fund.

Attachments/Exhibits:

1. Resolution #06-23



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION #06-23

A Resolution Relating to a supplemental appropriation for Fiscal Year 2023.

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

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2023 beginning July 1, 2022, **and**;

WHEREAS, the City Council realizes the child care workforce crisis and the need for stabilization and,

WHEREAS, the City of Franklin Recreation department has been awarded at total of \$50,100 due to the passing of the Federal CCASP (Child Care Achieving Stabilization Program) and CCDF (Child Care and Development Fund) Discretionary Funds and,

WHEREAS, the City Council appreciates and acknowledges the Recreation workers' continuing efforts to provide an essential service to the working parents of this community now,

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, December 5th, 2022, the City Council of Franklin, New Hampshire does hereby vote to adopt resolution #06-23 to authorize the City Manager to accept and appropriate the funds of \$50,100 (fifty thousand one hundred dollars)*

An Increase in Revenue:

Federal Grants Operating- CCASP Acct. No. 01-5-211-33111-129

An Increase in Expenditures:

Recreation Admin Summer Rec – Childcare Stabilization - Acct. No. 01-5-211-40121-129 – fifty thousand one hundred dollars (\$50,100)

By a roll call vote.

Roll Call:

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

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, December 5, 2022 at 6:00 p.m. in Council Chambers at Franklin City Hall regarding Resolution #06-23, accepting and appropriating funds from the Federal (CCASP) Child Care Achieving Stabilization Program for the Before and After School Program.

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

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

CITY COUNCIL MEETING
AGENDA ITEM VIII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of December 5th, 2022

From: Esaundra Gaudette/Finance Director

Subject: City Council to consider the approval of Franklin Savings Bank loan terms for the \$1.4 million short term bond anticipation note to be converted to long term debt and the loans for the approved vehicle purchases in the FY2023 budget.

Recommended Motion for the December 5th, 2022 Meeting of the City Council:

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

- 1) the conversion of the \$1.4 million short term bond anticipation note to loan term debt, as approved in resolutions 21-18 and 06-20, at an interest rate of 3.6% fixed over twenty years, and*
- 2) the financing of the vehicle/equipment purchases approved in the FY2023 budget (Resolution 01-23):*
 - a. (1) Chevy Trailblazer at an interest rate of 2.9% fixed for four years,*
 - b. (2) Chevy Colorado vehicles at an interest rate of 2.9% fixed for four years and*
 - c. (1) Case Loader backhoe at an interest rate of 3.05% fixed for six years.*

Mayor calls for a second, discussion and vote.

Background:

On May 7, 2018 the Franklin City Council adopted Resolution #21-18 authorizing the borrowing of \$1.0 million for the Franklin Falls Mixed Use Tax Increment Financing (TIF) District Amendment #1 via a short term bond anticipation note (BAN) in accordance with the provisions of the Municipal Finance Act (RSA 33) to finance approved Franklin Falls Mixed Use Tax Increment Financing District Amendment #1 as changed and to authorize the municipal officials to issue and negotiate such bonds, determine the rate of interest thereon and authorize the Mayor and Treasurer to sign all necessary paperwork. On November 4, 2019, the Franklin City Council adopted resolution 06-20, increasing the amount from \$1m to \$1.4m for the Franklin Falls Mixed Use Tax Increment Financing District Amendment #1 project. The projects are substantially complete and it is time to secure the long-term debt (bond).

The City of Franklin will retire Bond Anticipation Note #9804 which is drawn on Franklin Savings Bank and convert into long term debt for a term not to exceed 20 years (240 Months) at a rate of 3.60% fixed.

On July 11, 2022 the Franklin City Council adopted the FY2023 budget. The budget included the purchase of four vehicles. A Chevy Trailblazer to replace the current MSD director's vehicle; the purchase of two vehicles for the Code department and the purchase of a backhoe. The backhoe

was originally authorized to pay over a ten-year term, however, the very generous financing rate offered through FSB allowed the City to stay within the proposed budget payment with lowering the term to six years (instead of ten) while maintaining the same payment amount.

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

- (1) 2022 Chevy Trailblazer \$34,000 for 4 years (48 months) at a rate of 2.9% fixed
- (2) 2022 GM Colorado Trucks for Code \$101,300 for 4 years (48 months) at a rate of 2.9% fixed
- (1) Case 580SN Loader Backhoe \$123,0000 for 6 years (72 months) at a rate of 3.05% fixed

Fiscal Impact:

This vote is only accepting the loan terms. The long-term debt has previously been approved by the Franklin City Council.

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.

As a reminder, per the developer's agreement with Chinburg Builders, Chinburg will guarantee the TIF assessment increment to pay the long-term debt for the TIF project (\$1.4m).

Alternatives:

Look for other financing options which will likely result in higher interest rates and payments or do nothing and budget will be significantly overspent.

Attachments:

Resolution 21-18

Resolution 06-20

Resolution 01-23

Page 150 of the approved FY2023 budget which shows authorized debt payments.



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION #21-18

A Resolution Relating to the authorization to borrow for Franklin Falls Mixed Use Tax Increment Financing District Amendment #1.

In the year of our Lord, Two Thousand Eighteen,

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted Amendment #1 to the Franklin Falls Mixed Use Tax Increment Financing District at a scheduled City Council meeting on March 21, 2018, and;

WHEREAS, the Franklin City Council wishes to finance the amendment with tax increment from the district for an amount not to exceed \$1,000,000 over a 20 year term, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, May 7, 2018 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution #21-18 to authorize the issuance of not more than \$1,000,000 (one million dollars) of bonds via a bond anticipation note in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the municipal officials to issue and negotiate such bonds, determine the rate of interest thereon and authorize the Mayor and Treasurer to sign all necessary paperwork thereof.

By a roll call vote.

Roll Call:

Councilor Barton	<u>Absent</u>	Councilor Desrochers	<u>Yes</u>	Councilor Ribas	<u>Yes</u>
Councilor Brown	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Trudel	<u>Absent</u>
Councilor Clarenbach	<u>Yes</u>	Councilor Moquin	<u>Yes</u>	Councilor Zink	<u>Yes</u>

Approved: _____

Tony Licata
Mayor

Passed: May 7, 2018

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

A true copy, attested: _____

Katie A. Gargano
City Clerk

Date: 5/7/18



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION #06-20

A Resolution Relating to an increase in the authorization to borrow for Franklin Falls Mixed Use Tax Increment Financing District Amendment #1.

In the year of our Lord, Two Thousand Nineteen,

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted Amendment #1 to the Franklin Falls Mixed Use Tax Increment Financing District at a scheduled City Council meeting on March 21, 2018, and;

WHEREAS, The City Council of the City of Franklin, New Hampshire adopted changes to the Franklin Falls Mixed Use Tax Increment Financing District at a scheduled City Council meeting on November 4, 2019, and;

WHEREAS, the Franklin City Council wishes to finance the changed amendment with tax increment from the district by increasing the current \$1,000,000 project to an amount not to exceed \$1,400,000 over a 20-year term, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, November 4, 2019 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 06-20 to authorize the issuance of not more than \$1,400,000 (one million four hundred thousand dollars) of bonds via a bond anticipation note in accordance with the provisions of the Municipal Finance Act (RSA 33) to finance approved Franklin Falls Mixed Use Tax Increment Financing District Amendment #1 as changed and to authorize the municipal officials to issue and negotiate such bonds, determine the rate of interest thereon and authorize the Mayor and Treasurer to sign all necessary paperwork thereof.

By a roll call vote.

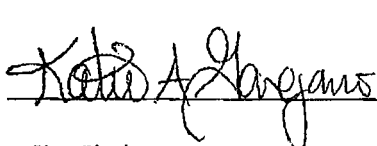
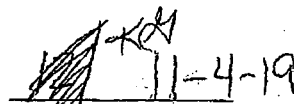
Roll Call:

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

Approved: 
Mayor

Passed: November 4, 2019

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 Katie Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A true copy, attested:  
City Clerk Date



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

316 Central Street
Franklin, NH 02353

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

RESOLUTION #01-23

A resolution relating to Appropriations and Estimated Revenues for Fiscal Year 2023.

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

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 2023:

MUNICIPAL DEPARTMENTS

APPROPRIATIONS:

General Operations (MS-232):

General Government	\$	1,851,952
Public Safety		6,754,657
Highways & Streets		2,264,223
Sanitation		1,226,913
Health		361,879
Welfare		94,460
Culture & Recreation		1,332,100
Conservation & Development		500,000
Debt Service		402,899
Capital Outlay		179,226
Interfund Operating Transfers Out		260,603
Transfer to School District		0
Total General Operations Appropriations		15,228,912

Other Funds:

Parks & Recreation Appropriations		15,500
Outside Police Detail Appropriations		27,600
Water Appropriations		2,139,102
Sewer Appropriations		1,636,416
Capital Projects Appropriations		0
Pass Through Grant Appropriations		15,000
Total Municipal Appropriations	\$	19,062,530

ESTIMATED REVENUES:

General Operations (MS-434):

City Revenues General Fund	\$	5,877,632
Use of Fund Balance		300,000
Interfund Operating Transfers In		151,967
Local Taxation		8,899,312
Total General Operations Estimated Revenues		15,228,912

Other Funds:

Parks & Recreation Estimated Revenues		15,500
Outside Police Detail Estimated Revenues		27,600
Water Estimated Revenues		2,139,102
Sewer Estimated Revenues		1,636,416
Capital Projects Estimated Revenues		0
Pass Through Grant Estimated Revenues		15,000
Total Municipal Estimated Revenues	\$	19,062,530

SCHOOL DEPARTMENT**APPROPRIATIONS:**

General Operations	\$	19,080,631
Food Service		0
Total School Department Appropriations	\$	19,080,631

ESTIMATED REVENUES:

General Operations	\$	12,062,207
Transfer from Municipal		0
Use of Fund Balance		850,000
Transfer from Capital Reserve		0
Local & State Taxation		6,168,424
Total School Estimated Revenues	\$	19,080,631

MERRIMACK COUNTY

Estimated Tax to be Raised \$ 1,851,087

INDUSTRIAL PARK TAX INCREMENT FINANCING DISTRICT

Estimated Tax to be Raised \$ 21,587

FRANKLIN FALLS MIXED USE TAX INCREMENT FINANCING DISTRICT

Estimated Tax to be Raised \$ 62,198

VETERAN'S CREDITS

Estimated Tax to be Raised \$ 136,325

OVERLAY

Estimated Tax to be Raised \$ 31,000

Roll Call:

Councilor Dzunja	Yes	Councilor Zink	No
Councilor Blake	Yes	Councilor Starkweather	Yes
Councilor Desrochers	No	Councilor Ribas	Yes
Councilor Chandler	Yes	Councilor Trudel	No
Councilor Bunker	Yes		

Approved: _____



Mayor

Passed: _____

July 11, 2022

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: _____

7.11.22

CITY COUNCIL MEETING
AGENDA ITEM IX



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of December 5th, 2022

Subject: Other Business

- 1. Mayor & Council Appointments**
- 2. Committee Reports**
- 3. City Manager's Update**
- 4. Late Items**

Adjournment

Mayor Appointments

Recommended Motions:

“I re-appoint Tim Stangroom to the Heritage Commission, seat HC5, term of service to January 2026.”

“I re-appoint Colby Morrill to the Heritage Commission, seat HC2, term of service to January 2026.”

“I re-appoint Kathy Lauer-Rago to the Planning Board, seat PB8, term of service to January 2026.”

“I re-appoint Christine Dzujna to the Planning Board, seat PB5, term of service to January 2026.”

Councilor Appointments

Recommended Motions:

“I move that the Franklin City Council re-appoint Glen Feener to the Zoning Board of Adjustment, seat ZBA3, term of service to January 2026.”

“I move that the Franklin City Council re-appoint Cecile Cormier to the Zoning Board of Adjustment, seat ZBA5, term of service to January 2026.”

“I move that the Franklin City Council accept the resignation of Meri-Lynn Banton from Ward Clerk, Ward III, seat WC3, effective immediately.”

Attached:

Resignation Letter: Meri-Lynn Banton

November 8, 2022

To the Franklin City Council:

Dear members,

I have encountered some unforeseen health concerns and am unable to serve out the new term of office as Ward Clerk for Ward III. Unfortunately I need to resign from this position.

It has been a privilege serving Franklin and Ward III and getting to know my fellow workers.

Sincerely,

A handwritten signature in cursive script that reads "Meri-Lynn Banton". The signature is written in black ink and is positioned above the printed name.

Meri-Lynn Banton



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting December 5, 2022

Date: November 29, 2022
From: Judie Milner, City Manager
Subject: City Manager's Update

- Contingent Grant Line Activity –
- Trust fund for school funding – \$271.21
- Congratulations: Franklin Police Canine Association award to PSS student; Police department – several large drug operation busts; K9 Miller – breaking the language barrier
- Committee meetings – December:
 - Police – Thursday, 12/15, noon, police department
 - Parks & Rec– Thursday, 12/22, 10 am Bessie Rowell
- Welcome: Newfound Pet Center - 760 Central St; Mike River's Automotive - 8 Green Street; Kettlehead – 20 Canal St (Stevens Mill)
- Tax Bills
- Shout Out – Library Director Rob Sargent
- Random Acts of Community – Jason Brassard
- Media contacts –
- 11/28 Public Forum Trestle Bridge
- Holiday Stroll
- Assessment Revaluation Underway

- InvestNH grant – municipal application completed
- Stanley Mill update – ownership; DES grant; InvestNH grant; EPA grant
- Holiday Luncheon
- City Manager Contract Renewal

Non-Public

I move the City Council enter into nonpublic session under RSA 91-A:3 II(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.

CITY OF FRANKLIN

AND

JUDITH A. MILNER

EMPLOYMENT AGREEMENT

This Agreement is made and entered into this 2nd day of April, 2018, by and between the City of Franklin, 316 Central Street, State of New Hampshire, a municipal corporation, hereinafter called the "City" and Judith A. Milner, hereinafter called the "Manager."

WHEREAS, the City desires to employ the services of said Judith A. Milner as the City Manager for the City of Franklin as provided by the City Charter. It is the desire of the City to (1) secure and retain the services of Judith A. Milner and to provide inducement for this individual to remain in such employment, (2) to make possible full work productivity, (3) to assure the Manager's morale and peace of mind with respect to future security, (4) to act as a deterrent against malfeasance, or dishonesty for personal gain on the part of the manager, and (5) to provide a just means for terminating the manager's services at such time as she may be unable fully to discharge her duties due to disability or for other reasons, when the City Council may otherwise desire to terminate her employ;

WHEREAS, Judith A. Milner desires to accept the employment as City Manager for the City of Franklin and to devote her full-time effort to such a position to the best of her ability; and

WHEREAS, the parties mutually understand that the offer of employment contained herein is conditioned upon several contingencies contained in paragraph 16, herein;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. DUTIES

The City agrees to employ said Judith A. Milner as City Manager of said City to perform the function and duties specified by the laws of the State of New Hampshire, by the Franklin City Charter, the Administrative Code and Ordinances of the City of Franklin, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign. Such duties shall include, but shall not be limited to, the general management of the administration of the City and all departments thereof, the preparation of such reports and information as deemed necessary by the Council for presentation to the Council or such other bodies or persons as the Council may direct, the attendance at all meetings of the City Council, whether formal meetings or "work sessions", the attendance at all meetings of committees and subcommittees of the Council, at the request of the Chair person of such committees, the attendance of other such meetings by various boards, commissions or other political subdivisions of the City as requested and the performance of such other duties as may be required or allowed by the Council or by law. It is understood that the City Manager is the Administrative Head of all City Departments under her jurisdiction and that all municipal department heads are responsible to the Manager for the efficient administration of the departments. The Manager understands that she shall, in all matters, be subject to the direction and supervision of the City Council.

SECTION 2. TERMS

- A. This employment agreement shall take effect on April 2, 2018 and shall remain in effect until June 30th, 2023. On or before this date, the contract may be extended with the approval of the City Council and the City Manager.
- The Manager specifically waives any rights that she may have to an indefinite appointment pursuant to Section C-19 of the Franklin City Charter and agrees that she shall bring no action, claim or suit of any kind, in law or in equity, asserting a right to employment upon terms other than those contained in this document and specifically not to assert any claim to an indefinite appointment of employment. Should the Manager bring any such claim, the City shall be entitled to immediate judgment in its favor and the Manager shall indemnify and hold the City harmless for all expenses arising from said claim, including any judgment on the merits of such claim.
- B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City to terminate the services of the Manager, subject only to the provisions set forth in the City Charter or this agreement.
- C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Manager to resign at any time from her position with the City.
- D. The Manager agrees to not accept supplemental or additional employment (moonlight) during the term of this agreement. The Manager may engage in occasional teaching, writing, or consulting performed during her time off with the approval of the Council.
- E. In the event written notice is not given by either party to this agreement to the other, 90 days prior to the termination date as herein before provided, this agreement shall be extended on the same terms and conditions as herein provided, all for an additional one year.

SECTION 3. DISABILITY

- A. If the Manager, after an examination by a physician or other medical specialist of the City Council's choosing is found to be unable to perform her duties because of sickness, accident, injury, mental incapacity, or other reason, for a period of four successive weeks beyond any accrued sick leave, or for twenty (20) working days over a thirty (30) day period, the City shall have the option of terminating this agreement. However, the Manager shall be compensated for any accrued sick leave, vacation, holidays, and other accrued benefits minus only debts due the City.
- B. If the sickness, accident, injury, or mental incapacity is job related, the provisions of the New Hampshire Worker's Compensation law shall apply.

SECTION 4. SALARY

- A. Under this agreement, the City agrees to pay the Manager a salary of no less than \$104,000.00 (gross wages) annually, paid weekly at the rate of \$2,000.00 (gross wages). This amount shall not be reduced during the terms of this agreement extension (See Section 2-A).
- B. Such annualized salary shall be payable in equal installments at the same time as other employees of the City are paid. Should the City revise the pay periods for City employees, the Manager will be on the same timetable as City employees.
- C. For the entire term of this contract and any additional contract extension, the Council will perform an annual review of the City Manager before or during the month of April (with the exception of April, 2018). The results of the annual performance review will be the basis for any salary and/or COLA increases determined by a majority vote of the Council and which will take effect on July 1 following.

SECTION 5. MISCELLANEOUS EXPENSES

- A. The City shall be responsible for paying the accepted federal allowance for all actual mileage driven on City business when the manager uses her private vehicle.
- B. The City also agrees to budget and pay for a cellular telephone allowance at the rate of \$30.00 per month.

SECTION 6. VACATION AND SICK LEAVE

- A. The Manager shall accrue, and have credited to her personal account, sick leave at the same rate as provided by the City personnel policy.
- B. The Manager shall be entitled to twenty (20) days vacation annually. Accrual of personal vacation days shall be capped at forty (40) days. Any accrued vacation accrual beyond forty (40) days shall be treated in accordance with the city's personnel plan.

SECTION 7. HEALTH, DISABILITY, DENTAL AND LIFE INSURANCE

- A. The City agrees to provide hospitalization, dental, surgical, and comprehensive medical insurance for the Manager and her bonafide dependents, and to pay one-hundred percent (100%) of the premiums thereon for coverage which is the equivalent of that provided to other City employees pursuant to the City personnel regulations. The City's sole responsibility under this provision shall be the payment of the relevant premiums and all co-pays, deductibles or other similar expenses shall be borne by the Manager.

- B. The City agrees to purchase and to pay the required premiums on a term life insurance policy equal to the Manager's annual salary for each fiscal year, with the beneficiary to be named by the Manager.
- C. The City agrees to purchase and to pay 100% of the required premiums for an illness/injury disability insurance policy providing loss of income coverage of 60% salary for a period of up to 26 weeks with a seven-day waiting period.
- D. The City agrees that other insurance programs shall be the same as those offered to other employees pursuant to the City personnel regulations.

SECTION 8. RETIREMENT PLAN

- A. The City agrees to execute all necessary agreements for the City's continued participation in the State of New Hampshire Retirement Plan on behalf of the Manager.

SECTION 9. DUES AND SUBSCRIPTIONS

The City agrees to budget and to pay for the professional dues and subscriptions of the Manager necessary for her continuation and full participation in national, state, regional, and local associations and organizations necessary and desirable for her continued professional participation, growth and advancement, and for the good of the City. This shall include the International City Management Association, the State Manager's Association, the New Hampshire Municipal Association and other organizations mutually agreed upon by a majority vote of the City Council.

SECTION 10. PROFESSIONAL DEVELOPMENT

- A. The City hereby agrees to budget for and to pay the travel and subsistence expenses of the Manager for professional and official travel, meetings and occasions adequate to continue the professional development of the Manager and to adequately pursue necessary official and other functions for the City, including but not limited to, the annual conference of the International City Management Association, meetings of the New Hampshire Manager's Association, New Hampshire Municipal Association, and such other national, regional, state, and local governmental groups and committees thereof which the Manager serves as a member. All payments are subject to presentation by the City Manager to the City Council and approved based upon a majority vote of the City Council prior to incurring any expenses.
- B. The City also agrees to budget for and pay for the travel and subsistence expenses of the Manager for short courses, institutes, and seminars necessary for her professional development and for the good of the City. All payments are subject to presentation by the City Manager to the City Council and approval based upon a majority vote of the City Council prior to incurring any expenses.

C. Subject to the advance approval of the Council, the City will reimburse the Manager for one graduate level course per contract year. Reimbursement for such course shall be subject to the following:

- Prior approval of the specific course selection by the City Council in a study area within the discipline of public administration.
- Mutual agreement between the Manager and the City Council of the time commitment required for the course, including research and study time.
- Achievement of a grade of "B" (or equivalent) or above.
- The Manager may present related expenses for approval by the City in advance of incurring them.
- The specifics of this section may be subject to renegotiation annually as part of the Manager's review process.
- The Manager's reimbursement request shall also be subject to the Council providing funding for same (although not necessarily a specific line item) during the annual municipal budget process.

SECTION 11. INDEMNIFICATION

- A. The Manager shall be indemnified against any tort, professional liability claim or demand or other legal action in accordance with Section 61-5 through 61-8 of the Franklin City Code as in effect on the date of the execution of this contract.

SECTION 12. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

- A. Upon review, consultation, and agreement with the Manager, the Council may amend the terms and conditions of employment by a majority vote, as deemed necessary from time to time, provided such terms and conditions are not inconsistent with or in direct conflict with the provisions of this agreement, or any law.
- B. The City and the Manager agree that all other rules and regulations of the City related to vacation, sick leave, holidays, and other fringe benefits and working conditions as they now exist or hereafter may be amended, also shall apply to the Manager as they would to other employees pursuant to the City personnel regulations, in addition to said benefits enumerated specifically for the Manager in this agreement except as modified herein.

SECTION 13. RESIDENCY

- A. In concurrence with the City Charter, the City does not require the City Manager to reside within the City of Franklin.

SECTION 14. TERMINATION AND SEVERANCE PAY

- A. The parties agree that this contract is for employment at will. The Manager specifically waives any rights that she may have to an indefinite appointment pursuant to Section C-19 of the Franklin City Charter and agrees that she shall bring no action, claim or suit of any kind, in law or in equity, asserting a right to employment upon terms other than those contained in this document and specifically not to assert any claim to an indefinite appointment of employment. Should the Manager bring any such claim, the City shall be entitled to immediate judgment in its favor and the Manager shall indemnify and hold the City harmless for all expenses arising from said claim, including any judgment on the merits of such claim.
- B. In the event of early termination by the City, the severance pay will be equal to six (6) months aggregate salary plus all accrued leave balances. In the event the Manager is terminated because of a conviction in a court of law of any illegal act, including but not limited to a criminal conviction involving theft, dishonesty, or moral turpitude, in that event, the City shall have no obligation to the severance sum designated in this section.
- C. In the event the Manager voluntarily resigns from her position with the City before the expiration of the aforesaid term of her employment, then the Manager shall give the City 60 days notice in advance. The Manager shall then receive the normal payoff of benefits earned.

SECTION 15. GENERAL PROVISIONS

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Manager.
- C. This agreement shall become effective on April 2, 2018.
- D. If any provision, or any portion thereof, contained in this agreement is held invalid, unconstitutional or unenforceable, the remainder of this agreement, or portions thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

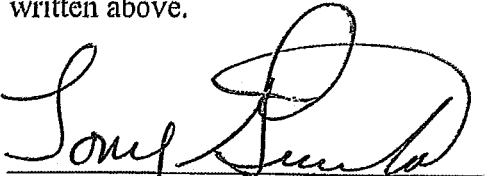
SECTION 16. CONDITIONAL NATURE OF AGREEMENT.

- A. This agreement is conditional in nature and both parties recognize that it shall not be considered effective in any way or binding upon either party until a standard employment background investigation (including criminal

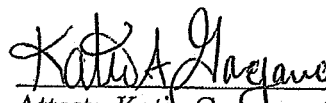
record and credit) has been conducted as directed by the City Council and the results of said investigation have been reviewed by the Council. In the event any portion of that investigation results in the disclosure of negative information (in the sole discretion of the Council), the Council may, (again, in its sole discretion), withdraw the offer of employment contained herein and this contract shall be considered null and void and of no effect.

- B. Should the Council, in its sole discretion, revoke the offer of employment contained herein and nullify this contract in accordance with this section, the Manager agrees that the decision of the Council shall be final and binding and that she shall make no effort to enforce any term of the contract or seek damages from the City as a result of that revocation and/or nullification. In the event that the Manager takes any such action, this term shall constitute a binding agreement on her part that judgment in favor of the City may be entered promptly and that no appeal of that judgment shall be taken.
- C. By signing this agreement, the Manager recognizes that the terms of employment as stated herein are conditioned upon the contingencies stated above and no other terms shall be considered binding upon the City, regardless of the execution of this document, until she has been notified by the Council that they have accepted the results of the background investigation and those results have not caused them to exercise their rights contained within this section.

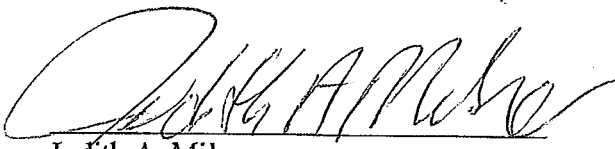
IN WITNESS WHEREOF, the City of Franklin has caused this agreement to be signed and executed in its behalf by the Mayor of the City Council; and duly attested by the City Clerk, and the Manager has signed and executed this agreement, both in duplicate, the day and year first written above.



Tony Giunta, Mayor
City Council
City of Franklin



Attest: Katie Gargano, City Clerk
City of Franklin



Judith A. Milner
City Manager Designee