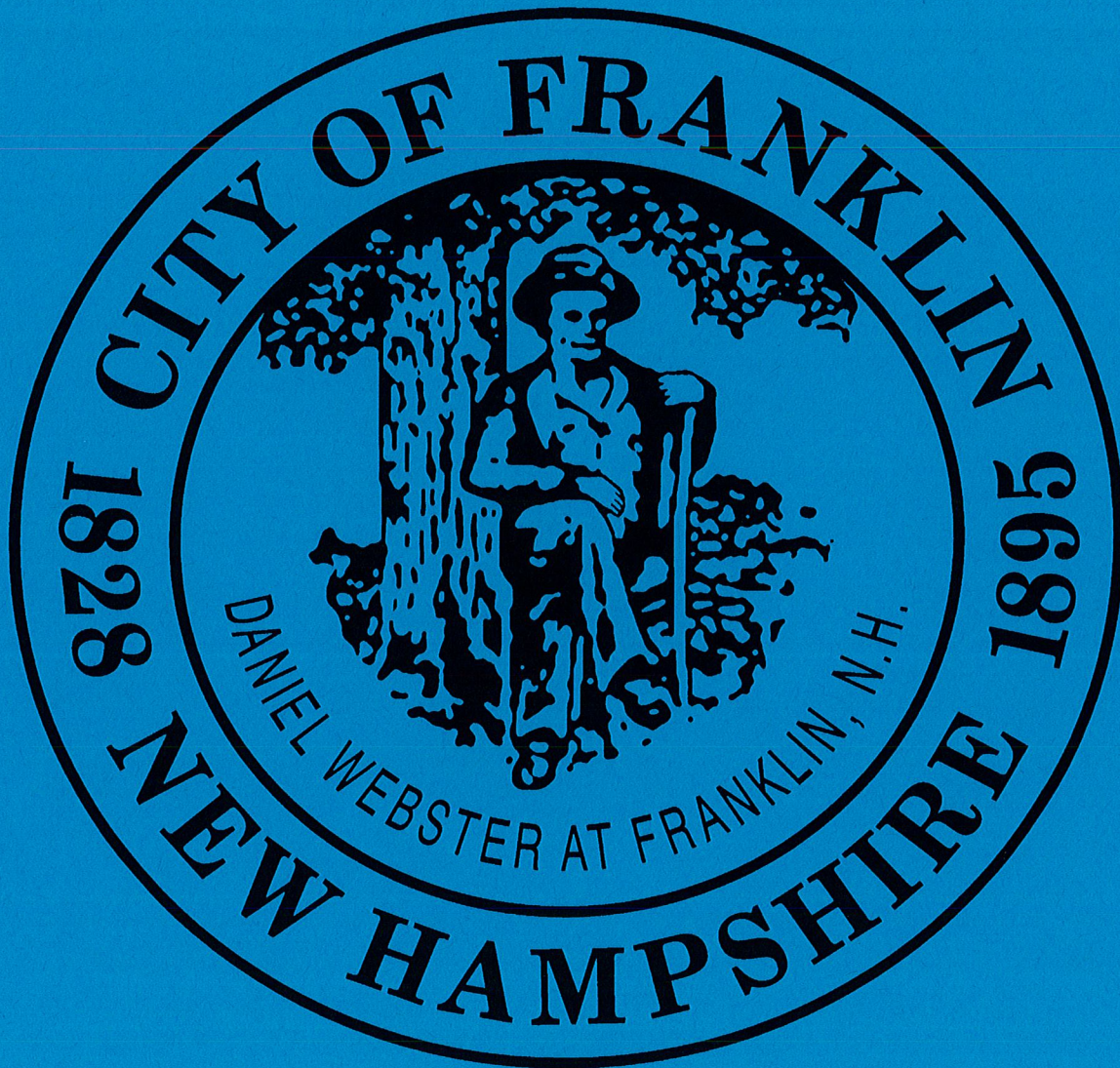


CITY OF FRANKLIN
CITY COUNCIL MEETING
September 5, 2019
6:00 P.M.





CITY COUNCIL MEETING
Thursday, September 5, 2019
6:00PM – Council Chambers

SALUTE TO THE FLAG

PUBLIC INFORMATION HEARING

October ballot question, “Shall we allow the operation of sports book retail locations within the City of Franklin?”

PUBLIC HEARINGS

Resolution #04-20 – a resolution appropriating \$500,000 of Community Development Finance Authority Tax Credit Program Funds.

Ordinance #4-20 – an amendment to the Franklin Municipal Code Chapter 233-1 and 233-2 to the 2018 International Property Maintenance Code.

Ordinance #06-20 – an ordinance to increase the purchase age to 21 to use, purchase, possess or sell Juuls, e-Cigarettes, Cigarettes, Tobacco and related paraphernalia.

Ordinance #07-20 – an amendment to the Franklin Municipal Code Chapter 222-7 to include, “The use of tobacco products and anything that simulates smoking is

prohibited in City recreation areas or facilities as more fully described below". Mill City Park is also being added to the list of City Owned Property.

Ordinance #08-20 – an amendment to the Franklin Municipal Code Chapter 101-1(B) to include the Fire Chief on the committee to approve alcohol consumption on City Property.

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.

CITY COUNCIL ACKNOWLEDGEMENT

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

MAYOR'S UPDATE

Agenda Item I.

Council to consider the minutes of the July 29th Special City Council Meeting and the minutes of the August 5th City Council Meeting.

Agenda Item II.

Monthly School Board Update.

Agenda Item III.

Consider to consider approval of Resolution #04-20, a resolution accepting and appropriating \$500,000 of funds awarded through the Community Development Finance Authority Tax Credit Program.

Agenda Item IV.

Council to consider approval of Ordinance #04-20, an amendment to the Franklin Municipal Code Chapter 233-1 and 233-2 to the 2018 versions of the International Property Maintenance Code Book.

Agenda Item V.

Council to consider approval of Ordinance #06-20 to increase the age to 21 to purchase, use, possess, or sell Juuls, e-Cigarettes, Cigarettes, or Tobacco and related paraphernalia.

Agenda Item VI.

Council to consider approval of Ordinance #07-20, an amendment to the Franklin Municipal Code Chapter 222-7 to include, "The use of any tobacco products and anything that simulates smoking is prohibited in the following City recreation areas or facilities as more fully described below." Also adding Mill City Park as the 11th City owned property.

Agenda Item VII.

Council to consider approval of Ordinance # 08-20, an amendment to the Franklin Municipal Code Chapter 101-1(B) to include the Fire Chief on the committee to approve alcohol consumption on City property.

Agenda Item VIII.

Council to consider setting a public hearing on Resolution #06-20, increasing Franklin Falls TIF Amendment 1 by \$400,000 and bonding authority to match.

Agenda Item IX.

Council to consider setting a public hearing on Resolution #07-20, increasing revenue and expenditure accounts based on the awarding of a grant from the New Hampshire Department of Safety, Office of Highway Safety for the Franklin Police Department in the amount of \$5,200.

Agenda Item X.

Other Business

1. Committee Reports
2. City Manager's Update
3. Late Items.

Adjournment

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

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

CHAPTER 215
HB 480-FN - FINAL VERSION EXCERPT

For the full text of HB 480: www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2019&id=217&txtFormat=html

HOUSE BILL 480-FN

AN ACT relative to sports betting.

Be it Enacted by the Senate and House of Representatives in General Court convened:

215:1 New Chapter; Sports Betting. Amend RSA by inserting after chapter 287-H the following new chapter:
CHAPTER 287-I SPORTS BETTING

287-I:5 Sports Book Retail Operations. The commission and its agents are further authorized to operate physical sports book retail locations within the state for the purposes of accepting tier I and tier III sports wagers from authorized bettors and paying prizes relating to those wagers. The sports book retail locations may be co-located with other commercial businesses or general commercial retail locations. No more than 10 sports book retail locations may be in operation at any given time.

287-I:6 Local Option for Operation of Sports Book Retail Locations.

I. Any town or city may allow the operation of a sports book retail location according to the provisions of this subdivision, in the following manner, excepting that nothing in this section shall be construed to prohibit Internet or mobile wagering or lottery games involving tier III sports wagers in the jurisdiction, if so authorized by the passage of this statute.

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 25 of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of sports book retail locations within the town or city?"

II. If a majority of those voting on the question vote "Yes", sports book retail locations may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I at the next annual town meeting or regular municipal election.

IV. A municipality that has voted to allow the operation of sports book retail locations may consider rescinding its action in the manner described in paragraph I of this section.

V. An unincorporated place may allow the operation of a physical sports book retail location by majority vote of the county delegation, after a public hearing is held.

VI. The commission shall maintain a list of municipalities where sports book retail locations may be placed into operation.

**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 Thursday, September 5, 2019 at 6:00 p.m. in the Council Chambers, Franklin City Hall regarding October Ballot Question – “Shall we allow the operation of sports book retail locations within the City of Franklin?”.

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 I



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of September 5, 2019

Subject: Approval of Minutes

Motion: "I move that the Franklin City Council approve the minutes of the July 29th, 2019 Special City Council Workshop and the minutes of the August 5th, 2019 City Council Meeting".

Mayor calls for a second, discussion and the vote.



**City Council Special Meeting
– LEAN Workshop Minutes
Monday, July 29, 2019 – 6PM
Bessie Rowell Community Center**

Call to order: City Manager Milner called the meeting to order at Bessie Rowell Community Center at 6:01PM

In attendance:

Councilor Brown, City Manager Milner, Councilor Dzujna, Councilor Starkweather, Councilor Trudel, Councilor Testerman, Councilor Rago.

Absent:

Mayor Giunta, Councilor Ribas, Councilor Desrochers, Councilor Clarenbach

Education – Council Champion Brown

Councilor Brown stated that it's still a challenge to bring the school board and City Finance people together for a discussion. Councilor Rago stated that she will attend the next school board meeting and bring a reformatted version of their financial information to share. Councilor Brown suggested sending the information to Superintendent LeGallo prior to the meeting so there is time to review it beforehand.

Councilor Brown also suggested that Councilor Rago provide a monthly financial update to the Council. City Manager Milner stated that Director Lossani can try to include it in his monthly summary to the Council. Milner continued to state that the school's financial computer program is very old and they are not able to download data into a normal excel spreadsheet.

Councilor Dzujna asked what the cost for the school would be to move to new financial software. City Manager Milner replied that it would cost at least \$20K.

City Manager Milner stated that Buildings and Grounds maintenance and the IT departments can be looked at for consolidation. The City is currently in a 5-year contract with IT. She added that the school has an actual IT department vs. the City who uses an outside source for IT. It was suggested that the school take on the City's IT and the City take on their Finance department.

Councilor Rago stated that the Bank of New Hampshire has a dozen or so buildings and had separate maintenance teams for each building. During cost cutting efforts, a new private company took over and was asked to interview their current maintenance teams and consolidate. The City has three employees who clean eight City buildings, plus three building and grounds employees for a total of six who also take

care of all the parks and beaches as well. The school has thirteen employees who take care of three buildings.

Councilor Brown explained that when North Conway or Conway, she wasn't sure which, bid out their food service department, the new company hired back every single food service employee in addition to the employees that already belonged to that new company.

Councilor Dzujna stated that the employees with vested years into a municipality must be considered.

Councilor Brown suggested that the focus should be on consolidating Finance first then look at maintenance and IT sometime later.

City Manager Milner informed the Council that Superintendent LeGallo and Business Administrator Braman explained to her that \$180K of Fund Balance was found in FY2019 and they would like to appropriate it to hire back the teachers. LeGallo requested a public hearing for the next City Council Special Meeting which would be in late August so the resolution can be approved thus allowing enough time to bring the teachers back. The Councilors were all curious as to where the money was found so they will ask that question during the Monday, August 5th City Council Meeting.

City Manager Milner stated that developing a communication package action item for both City and School was added to the roadmap. Councilors Brown and Rago suggested that a small group meeting should occur first to begin discussions on consolidating the Finance Departments. The meeting would be with City Manager Milner, Superintendent LeGallo, Finance Director Lossani, and School Business Administrator Jefferson Braman. City Manager Milner thought that was a great idea. Consensus was to move forward with this action item.

Councilor Brown stated that School Board Chair Tim Dow has made it clear that he doesn't think there would be any savings in doing anything differently.

The task of collaborating between the school and local industries was added. The manufacturing industry isn't the same as it used to be but still needed and it would great if a few options of classes could be offered at the high school. Councilor Brown stated that she is meeting with Superintendent LeGallo on this in August. The four industries of interest to teach the students a trade before they even graduate are Watts, Vitex, Mountain Ridge, and Franklin Regional Hospital.

August, September, and October tasks were updated.

Recreation - Council Champion Dzujna

Calendar of events – Next steps are tracking to see if organizations are using it and of it is effective for them. Dzujna will review this with the organizations.

City Manager Milner stated that there was a complaint that a Church organization was posting to the calendar and there was concern that we would allow that. It was relayed back to the complainant that all non-profits are allowed to post events to the calendar if they are doing something to help the community.

The feedback has been great from everyone. Councilor Dzujna has been touching base with Audrey Lanzillo and Krystal Alpers who stated that they haven't had to fix many postings and it is only taking a very small amount of their time to accept and post the organization's submissions.

City Manager Milner stated that we have our Recreation Venue in place and that SWEEB isn't going to move forward at this time. She stated that she changed the next action/task to: Selling our tax credits.

Councilor Rago stated that the City was approved for \$500K in tax credits. City Manager Milner confirmed that the City is really only getting \$400K. Rago asked Milner how the tax credit buy in is advertised to businesses. Milner stated that the list is split out by businesses. The Mayor has a few, the City Manager has a few, Marty Parichand has a few, Neil Cannon has a few, and Jim Aberg has a few. Ron Magoon has taken a step back but will re-engage if the City is in need of another buy-in. Eversource is very interested. City Manager Milner explained that the amount equates to a business paying the state taxes of 11 to 15 cents on the dollar. The remaining amount goes to the City and the business gets a tax credit in doing so.

Business – Council Champion Brown

City Manager Milner informed the Council that the Small Business Development Corporation (SBDC) asked to hold business meetings from 10am to 3pm on the 3rd Thursday of each month at City Hall. The MOU will be on the agenda for Monday's City Council Meeting. SBDC will assist with business planning and information to help someone get started. The SBDC only chose four communities in the state to have a satellite office in and Franklin was one of them.

Councilor Brown stated that Laura Knoy from NHPR's program The Exchange will be at The Franklin Studios on August 13th at noon. It will be a taped show to broadcast at a later date. The discussion will be focused on the great things that are happening in Franklin.

Safety – Council Champion Testerman

City Manager Milner shared the good news that one officer is back from training and two others are almost finished with the academy so this leaves the force two officers short. She stated that Police Chief Goldstein has twelve legitimate candidates. Milner also stated that she requested that the Chief apply to the Cop's Grant which is available again but wouldn't take effect until FY2021. In the past, the City was able to hire a police officer with a Cop's Grant.

City Manager Milner stated that she thought it would be a good idea to focus on each of the departments during a City Council Workshop Meeting. She stated that instead of calling a Police Committee, the issues and updates could be shared in this forum. She asked Councilor Testerman if that would be ok and to hold off on a separate Police Committee Meeting. Councilor Testerman stated that

she wanted to hold a Police Committee meeting due to communicating that it's important to respect police officers. Milner stated that she thought it would be a good idea to open up the Police Committee conversations to the entire Council instead of only in a small group of people.

Councilor Testerman expressed concern due to the escalation of disrespect of the police. Councilor Dzulna stated that he is taking over the Crime-line after September and recently discussed these issues with the Crime-line Board members and a couple of police officers from Concord. They will continue to discuss these issues and bring forward what other communities are doing to deal with this. Testerman stated that the City shouldn't place an officer at the school because we could use that officer on the street. If students are belligerent, then they shouldn't be in the school. City Manager Milner stated that the school is paying \$800.00 a month to rent the space across from City Hall for the CAP students to use an alternative classroom setting.

Councilor Starkweather added that this past Saturday, two police officers walked down Central Street to patrol and it did not go unnoticed. City Manager shared with the group a report out of 30 pages double sided of work that the shorthanded officers do in one day. Councilor Brown suggested to make the public aware of this and the work that the police do every day that doesn't always get noticed.

Milner stated that the budget process changed last year so feels that each City department needs more time to review their information and discuss their budget needs. She would like to dedicate time to one department at a time on a monthly basis to review their budget with the council. This will help the Council understand the details of the high-level budget review when it comes time for Milner to do the high-level budget review during budget season.

Councilor Testerman stated that the Fire Department's Code Enforcements continue to push property owners who are violating property maintenance codes.

Councilor Testerman and Councilor Rago also discussed that the right people who are "in-the-know" are not sharing important information with each other or they, themselves aren't aware of concerning things happening in the community that they support and have a lead role in.

Councilor Rago stated that she would like to see Barbara Slaton attend a City Council meeting and provide information on how the City can better collaborate with her efforts. City Manager Milner added that Barbara and Kandyce Tucker work together and they should both provide information to the Council. Kandyce does a monthly update to the Council already so Barbara can join in and provide her perspective on the social workers at the schools. Rago also added that the social workers are not educators and asked why there are so many.

City Manager Milner informed the Council that Director Lewis and Fire Captain Steve Reale are taking some heat from the public because of code issues. Milner is pushing for proper code adherence and so Lewis and Reale are taking all the heat for enforcing them. Milner is in full support of what they are doing and is projecting that to the community. There are local key establishments in the community that are unfortunately getting hit with some code issues and for public safety concerns, must be addressed. The safety of the public and children in this community comes first. It's not personal and

has nothing to do with relationships and who you know. Code must be followed. Milner stated that this message must also come from the Council.

Milner also added that the new Prosecutor Margot Newman is doing an awesome job. Things are moving along quickly and efficiently. The City is very happy to have her on board.

Value – Council Champion Trudel

Councilor Brown shared information on the state competency guidelines and how it can differ for “Pace” type schools. The Council further discussed the perplexing testing guidelines of the Franklin High School.

Councilor Rago asked why there are so many empty classrooms at the high school and heard they have been converted to storage rooms. Further discussion occurred on the school capacity and if it makes sense to operate a large building that is barely half full.

Franklin for a lifetime will begin doing monthly press releases. This task will be added as well as developing the Arts culture downtown. There are discussions occurring regarding the Opera House and the Regal Theatre.

Milner shared with the Council that it’s the right time for a Chamber of Commerce for Franklin and spoke with Kaitlin Nash, Chair of Choose Franklin about taking on the Chamber. She is in support of this and will discuss it with her board members. The vision is to combine with Tilton and Northfield making our own region.

Rebranding Downtown Franklin to Franklin Falls was also briefly discussed. Milner stated that it was decided to move the rebranding team to outside of the City. Capital Regional Development Corp (CRDC) gave \$5K, FBIDC gave \$5K, Neil Cannon gave \$2K, and the City provided \$4K from the Economic Development line. Marty Parichand is the lead in this project.

Milner concluded stating that the USDA Grant did not go through so plan B will be having Neil Cannon as the Opportunity Zone Guru and he is planning on seeking a different investor who will already have the right people in place.

There were no further updates.

Motion to adjourn was made by Councilor Trudel. Seconded by Councilor Starkweather.

Meeting adjourned at 8:20PM

Respectfully Submitted,

Audrey Lanzillo



CITY COUNCIL MEETING - Minutes
Monday, August 5, 2019
6:00PM – Council Chambers

Call to order

Mayor Giunta called the meeting to order in Council Chambers at 6:04 p.m.

City Council in attendance:

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

Others in attendance:

City Manager Judie Milner

Salute to the flag was let by Councilor Testerman.

PUBLIC HEARINGS – opened at 6:05 p.m.

Ordinance #05-20 – An amendment to the Franklin Municipal Code, Chapter 254-1 prohibiting any activity with relation to the use of Kratom.

Mayor Giunta asked if anyone would like to provide any comments or has questions. There were none.

The public hearing on Ordinance #05-20 closed at 6:05 p.m.

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.

Annette Andreozzi ward 3 resident stated that she has come before the Council as a member of the Choose Franklin Board to mention that a Candidates Forum is normally held on September 23rd however it appears that is a City Council Special Meeting LEAN Workshop is scheduled as well on that evening. The Candidates Forum has been held on the 4th Monday of September every year and Annette requested that the tradition continue.

Stephen Rayno lifelong Franklin resident stated that trucks are driving fast up route 127 to the top where it's a blind spot and end up in both lanes. He added that they're tearing up the road and they are speeding up and down Cheney Hill. It's getting worse and worse. He would like something done about it and also mentioned how other residents there are very unhappy about it as well. Mr. Rayno also mentioned that he spoke to City Council a couple of years ago regarding a bridge by Riverview drive that was supposed to be built but that was never done. Mr. Rayno further added that his mother used to be City Clerk for Franklin years ago.

Mayor Giunta addressed Mr. Rayno and thanked him for his comments. He also informed Mr. Rayno that the Police Chief is in attendance this evening and heard his concerns.

Gary Brassard resident on Central St. stated that he spoke at the last City Council meeting regarding the Trump sign and asked if there is a legal ruling on this and not an opinion but an RSA. City Manager Milner stated that she will follow up with the City Attorney on this but that he is was on vacation and will be back this week. Director of Planning and Zoning Dick Lewis stated that this touches on some constitutional grounds and recent U.S. Supreme Court rulings on signage. Director Lewis stated that the City Attorney explained to him that some of the RSA wording needs updating in order to be consistent with the Supreme Court rulings. The City will share any information once final direction is received from City Attorney Fitzgerald.

Leigh Webb ward 3 resident was happy to hear of the change of polling location for ward 1 and stated that he read that this isn't incurring any cost to the City and that the Elks has graciously donated the space. There's greater parking and accessibility at this new location.

Mr. Webb also asked what space within City Hall would be occupied by the Small Business Development Center. City Manager responded stating that they will use GAR Hall for a couple of hours each month and can move downstairs if any handicap accessibility is needed. Mr. Webb also asked the Council if the Conservation Commission should also review the MOU for the mountain biking. City Manager Milner stated it went to the conservation commission prior to this evening.

Annette Andreozzi ward 3 resident would like extreme care taken by the Small Business Development Center employee(s). They must be made aware that it's a historic space and need to be fully cognizant of the furniture and items in there so that they can be there for another 100 years. Annette further added that she doesn't want to assume they know but she would like it discussed with them.

Claire Wallace lifetime resident of Franklin who lives at the end of Terrace Road, updated the Council on the letter she sent to City Manager Judie Milner. Mrs. Wallace stated that although there can be some traffic on occasion, she is very happy living on Terrace road. She lived there for 54 years and there really aren't any problems there. She thanked the Council for having looked into the situation.

Mayor Giunta asked if there was anyone else who would like to provide comments during this time. There were no further comments from the public.

Public Comment closed at 6:16 p.m.

CITY COUNCIL ACKNOWLEDGEMENT

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

Councilor Brown thanked Fire Captain Steve Reale due to his assistance under time constraints with work in the Buell Building's Brewery. With short notice, Captain Reale assisted so work could continue there.

Councilor Dzujna recognized Claire Fifield and Phoebe Keck for watering the flowers diligently especially during the heat waves we've been having. They are doing a great job. Thank you, Claire and Phoebe.

Councilor Desrochers requested a moment of silence for the 40 people killed over the weekend. Desrochers requested a moment of silence for all the victims and their families. He included the country as a whole due to all of the violence going on all over the world. He stated that the world is headed in the wrong direction.

There was a moment of silence.

There were no further acknowledgements from the Council.

MAYOR'S UPDATE

Mayor Giunta mailed a Letter addressed to Governor Sununu. The letter was handed out to all of the Councilors and a copy of the letter is shown below. Mayor Giunta stated that he attended a meeting a couple of weeks ago at the State House where Governor Sununu discussed why the budget was vetoed and what the next steps will be. Governor Sununu explained in detail how the House and Senate versions of the budget differed. The Governor then took questions for almost two hours from elected officials. Mayor Giunta held Governor Sununu's budget and bullet points in his hand which had all the items that the Governor wanted to include in the budget. It all boiled down to 5 things that we really need. This resulted in Mayor Giunta writing Governor Sununu a letter to include those 5 things. Mayor Giunta stated that he spoke directly to Governor Sununu and that it was the first time he has ever heard the Governor say that he would put aside all of his own issues and stand for what the municipal leaders in attendance had just said they need the most. Mayor Giunta shared the following 5 things, that he wrote in the letter below, which will impact the taxpayers the most.

The letter sent to Governor Sununu from Mayor Giunta is below and was read into the record.



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

316 Central Street
Franklin, NH 03235

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

July 31, 2019

The Honorable Chris Sununu
Office of the Governor
New Hampshire State House
Concord, NH 03301

Dear Governor Sununu,

I would like to thank you for recently meeting with municipal officials from across New Hampshire to provide input on which FY 2020-2021 budget items would most significantly reduce the ever-mounting burdens placed on our local taxpayers.

After nearly two hours of comments, elected officials from many of our cities and towns were in near unanimous agreement that there were a handful of issues that would most positively impact our local budgets and local tax rates. After hearing this input, you graciously vowed to support the budget priorities enumerated by those of us in the room. For that, I am most grateful.

As a reminder of those State budget items that would have the greatest benefit to the citizens of Franklin, they are:

- Adjust Formula to Substantially Increase Education Funding
- Fully Fund Special Education Aid
- Fully Restore Stabilization Aid
- Adjust Rooms and Meals Tax to 60/40 State and Municipal Split
- State Pays 35% of Retirement Premiums for municipal employees

Governor Sununu, funding these five state budget priorities would significantly reduce what has become a crushing tax burden on our local taxpayers. As part of your pledge to us, please share these priorities with House and Senate budget negotiators. Let them know there was near unanimous consensus among municipal leaders that these five items are most important to our communities. I am confident upon review and discussion; both executive and legislative negotiators will approve an adjusted municipally focused FY 2020-2021 budget.

Respectfully submitted,

Tony Giunta, Mayor-City of Franklin

Councilor Ribas thanked Mayor Giunta for all he does for the City and asked him if the final bullet point regarding the state paying 35% of retirement premiums for municipal employees

would also include the school employees. Mayor Giunta replied that yes, it does include the school employees.

Agenda Item I.

Council to consider the minutes of the June 24th, Special City Council Meeting and the minutes of the July 1st City Council Meeting.

Motion – Councilor Desrochers moved that the Franklin City Council approve the minutes of the June 24th, Special City Council Meeting and the minutes of the July 1st City Council Meeting.
Seconded by Councilor Ribas.

Mayor Giunta asked if there was any discussion.

Councilor Ribas asked if there were any objections to the corrections that he sent Audrey Lanzillo. Councilor Trudel referenced page ten of the July 1st City Council Meeting Minutes, Agenda Item II, 2nd paragraph. The last sentence ends open ended and appears that it needs to be completed. Councilor Ribas replied that he also brought this up to Audrey before the meeting and the word “but” at the end of the sentence was inadvertently added and will be stricken from that sentence. The sentence ends after the word “others”.

There were no further corrections.

All in favor. Motion PASSED.

Agenda Item II.

Monthly School Board Update.

Superintendent Dan LeGallo stated that he hoped everyone was having a good summer. He thanked Mayor Giunta for sending that wonderful letter to the Governor. LeGallo continued with some enrollment statistics: Kindergarten has 76 students enrolled and 1st grade has 85 enrolled. A 5th kindergarten teacher will be hired. There will be approximately 21 students in a 1st grade class which is a lot.

The Entryway Safety Project is underway and there may be a work trailer or dumpster in front of the school which is being used for this work. This project is estimated to continue until October which means the start of school may have some alternative entrances.

The July 22nd LEAN meeting with Richard Ellert was held and the skills matrix for administrators was the focus. The meeting went very well.

LeGallo informed the Council that Union Negotiations will start up soon. He invited everyone to Opening Day on Aug 29th at 7:15am breakfast at the high school. The program starts at 8am. LeGallo asked Mayor Giunta if he could attend and read his letter to the Governor. Mayor Giunta replied that he will attend. He concluded stating that the school is ready for the new upcoming season.

Councilor Rago had several comments and questions for Superintendent LeGallo. Rago referred to page 10 of the July 1st City Council Meeting minutes where comments on how many students attend school here but whose parents do not live in Franklin. LeGallo replied that there is actually one family with two children who attend school in Franklin but do not live in Franklin. Rago asked if LeGallo was going to send Mayor Giunta the cost of tuition received for those students who attend school here. LeGallo replied that he will speak to School Administrator Jefferson Braman and provide that number to the Mayor and Council. Rago stated that she has been looking at the financials for several months and sent a spreadsheet to the Council, Superintendent LeGallo, and Chair Dow that shows the school's expenditures through June 30th and compared that to the City Council approved tax cap budget. The city has a lot of info on the website so anyone can go on our website and see how we spend our money. Councilor Rago stated how impressed she was that the information was available on the City Website and that it's transparent. The SAU website unfortunately doesn't have similar information on actuals or details around them. Rago asked LeGallo if the SAU actuals could be made available on the SAU website for the public to view. Rago also mentioned that she is aware that pulling actuals is not easy or possible with the type of financial software that is being used at the SAU but if there is some way to look deeper into this, it would be great. LeGallo replied that he would look into this.

Councilor Dzujna stated that in last month's update from Superintendent LeGallo, it was said that there was a 95% retention rate even though we have lost some teachers. Dzujna asked LeGallo if he could elaborate on that. LeGallo stated that as of this morning, the SAU lost 12 staff members and not all of them are teachers. Two or three of them were classroom teachers. LeGallo hopes to bring back at least one teacher who was laid off to fill the kindergarten teacher opening.

Councilor Ribas had a question on the tuition coming into the system and asked Dan LeGallo how many there are coming into the system who pay tuition. LeGallo replied that there is at least one additional student coming into the system from another public school.

Council Trudel asked Superintendent LeGallo about some comments and questions regarding the April 2019 Joint Finance Committee meeting. Trudel stated that the meeting minutes for the April Joint Finance Committee meeting resulted in 3 pages of meeting minutes but there was no mention of Chair Dow walking out of the meeting. There are other things missing as well and Trudel asked LeGallo why. LeGallo stated that he has not seen the minutes for the April meeting as of yet and if something is missing that should be there, it will be added.

LeGallo stated that the approval process for the Joint Finance Committee Meetings should be presented for review at the next Joint Finance Committee meeting and discussed the same way it is done for a City Council Meeting. Then members can call out what they believe is missing.

Councilor Trudel referred to the minutes of the May 20th School Board meeting where Trudel asked Chair Dow to step down but that is not included and it also states that there is an attachment and that is not included. Trudel expressed frustration on these points and would like to know where he can locate the attachments described in the minutes. Superintendent LeGallo replied that he will speak to his clerk and locate that information. Trudel asked if these minutes were approved by the School Board and LeGallo replied that yes it would have been approved during the June 2019 School Board meeting. Trudel then stated that he did not understand how it wasn't called out by someone on the school board before the minutes were approved mentioning that the attachment was missing. Trudel also recalled that during the April 2019 Joint Finance Committee meeting that School Board Chair Dow had stated the School Board discussed, voted, and rejected the request for a SWOT analysis. Trudel could not locate that information in the minutes and asked LeGallo where he could locate reference to it. LeGallo replied that he could not find information regarding that discussion and did not recall the discussion happening. Trudel insisted that Chair Dow said it occurred, Chris Kneeland supported it, LeGallo nodded in agreement, Deb Brown did not say anything at that time, and neither did the secretary. Trudel asked LeGallo again if the discussion happened. LeGallo replied he did not remember it happening. Trudel was extremely upset at this point because others on the school board had reinforced the discussion happening and Trudel then suggested that LeGallo was incompetent. LeGallo responded believing that the School Board was speaking to the consolidation of the Finance Departments and there must be some confusion on these two topics. Trudel then referenced the third page of the minutes of the April 2019 Joint Finance Committee Meeting, second to last bullet point item stated that a discussion on a SWOT Analysis having been performed. Trudel stated that it was at this point in that Chair Dow stated that it was voted on and rejected by the School Board and then he stood up and left the meeting. Trudel asked LeGallo if that had happened and LeGallo replied that it did. Then Trudel asked again if the School Board actually voted on the SWOT Analysis and LeGallo stated that the vote did not take place.

Councilor Trudel asked Chair Dow if he made those statements regarding the SWOT Analysis being discussed, voted on, and rejected. Chair Dow replied that he did not make those statements. Trudel insisted that he did.

Mayor Giunta interjected and asked if there is a recording of the School Board Meetings but the reply was that there was none taken.

Councilor Trudel stated that there were other Councilors present and members of the public present at that meeting who will support that the comments were made by Chair Dow. Trudel was extremely upset with Chair Dow for denying that he made those comments.

Mayor Giunta requested that Councilor Trudel create a letter with his comments and submit it to him and the Council. Trudel agreed to do so and will also send it to the City Manager, the Superintendent, and the School Board.

Councilor Testerman would like the number of teachers that were let go and what grades they taught. LeGallo stated that he needs to discuss it with the school board first. Testerman continued stating that the Councilors have a fiduciary responsibility to the residents to oversee the budgets from the City side and the School side. She asked that a council member be invited to sit in on all negotiations. LeGallo responded that he will bring her request to the School Board.

Councilor Desrochers stated that the City doesn't have the authority to sit in on the School Board negotiations. He doesn't think the City Councilors should interfere with that process just as the School Board doesn't interfere with the City's negotiation process. He made reference to Governor George Wallace when back in the 1960's he stated that the process should be separate but equal.

Mayor Giunta stated that City Manager Milner will review this with the City Attorney Paul Fitzgerald.

There were no further questions or comments for Superintendent LeGallo.

Agenda Item III.

Council to consider rescheduling the regularly scheduled September 2019 City Council Meeting falling on the Labor Day Holiday.

City Manager Milner stated that Director Sullivan wanted to inform the City Council that the floor in Council Chambers is being redone during the week of September 9th.

Mayor Giunta stated that it would be best to hold the September City Council Meeting, which falls on Labor Day, prior to September 9th due to the floor work and the upcoming activities in the Opera House.

Consensus from the Council is to hold the September City Council meeting on Thursday, September 5th.

Motion – Councilor Desrochers moved that the Franklin City Council move the Monday, September 2nd, 2019 City Council Meeting which falls on the Labor Day Holiday to Thursday, September 5th, 2019 at 6 p.m.
Seconded by Councilor Dzujna.

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

All in favor. Motion PASSED.

Agenda Item IV.

Council to consider approval of Ordinance #05-20, an amendment to the Franklin Municipal Code, Chapter 254-1 prohibiting the use of Kratom.

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

Councilor Clarenbach questioned the actual possession of Kratom and if it is legal in other communities in the State of New Hampshire, how will we communicate this to people entering our community if they are entering from a community where they can possess it. Clarenbach gave an example of the signs posted when you cross over into Massachusetts regarding their law on hand guns.

Chief Goldstein stated that it is difficult to let people know but we can do a media blitz and use social media. He stated that the City doesn't have the right to arrest someone if they possess it but a fine can be imposed. Councilor Ribas shared Clarenbach's concern and asked if the cost outweighs the benefit. Ribas asked if we would still meet our goals if we strike the word possess. Chief Goldstein stated that it would be handled just like any other issue that the prosecutor would handle and the possession of it as it is the foundation of the Ordinance and he doesn't see any problems with trying to enforce it.

Chief Goldstein stated that one of the issues though, once finding it, is that it might have to be sent to forensics to be certain of its identity. Councilor Dzujna asked if any of these issues came up when the bath crystals were causing a problem and Chief Goldstein replied there weren't any issues with searching and identifying the bath crystals.

Councilor Desrochers stated that the travelers from Maine and Vermont have to follow similar rules when carrying marijuana. It's up to them to know the laws of that state when traveling to another state.

Mayor Giunta asked if there were any further questions for Chief Goldstein. There were none. Mayor Giunta then asked if there were any questions or comments from the City Councilors with regards to the motion.

There were none.

ORDINANCE #05-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

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

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

254-1 Prohibited Activities:

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

(14)

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

By a roll call vote.

Roll Call:

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

All in favor. Motion PASSED.

Mayor Giunta stated that he likes the idea of a press release to assist in communicating this new ordinance.

Agenda Item V.

Council to consider setting a public hearing on Resolution #04-20, appropriating CDFA tax credits.

**Mayor Giunta asked if there would be a motion to read all the following Public Hearing Resolutions and Ordinances in title only. So moved by Councilor Ribas.
Seconded by Councilor Brown.**

City Manager Milner stated that all Resolutions must be read completely however the Ordinances can be read in title only and we also have a few of those this evening.

**Motion made by Councilor Ribas to withdraw the previous motion of reading all following Public Hearing Resolutions and Ordinances in title only.
Seconded by Councilor Brown.**

**Motion – Councilor Dzujna moved that the Franklin City Council set a public hearing for September 5, 2019 at 6pm on Resolution #04-20 accepting and appropriating the \$500,000 funds awarded through the Community Development Finance Authority tax credit program.
Seconded by Councilor Trudel.**

All in favor. Motion PASSED.

Mayor Giunta read Resolution #04-20

RESOLUTION # 04-20

A Resolution Granting Authority to Accept and Appropriate \$500,000 in CDFA Tax Credits

In the year of our Lord, Two Thousand Nineteen,

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

WHEREAS, the City Council recognizes that a Memorandum of Agreement was signed between the City of Franklin and the nonprofit Mill City Park at Franklin Falls, **and;**

WHEREAS, the City Council recognizes the recent efforts to improve the economic and residential viability of the downtown and the need to continue with additional progress, **and;**

WHEREAS, the City Council wishes to utilize the tax credit program administered by the Community Development Finance Authority (CDFA), as another economic tool to fund construction of Mill City Park, and;

WHEREAS, the City of Franklin, was recently awarded \$500,000 in tax credits through the Community Development Finance Authority (CDFA) tax credit program for the Mill City Park white water kayak venue, now;

THEREFORE, BE IT RESOLVED, *that at a regularly scheduled meeting of the City Council on September 5, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #04-20 to formally accept and appropriate the \$500,000 of funds awarded through the Community Development Finance Authority (CDFA) tax credit program for the Mill City Park white water kayak venue.*

THEREFORE, BE IT FURTHER RESOLVED, *that the City Council does hereby authorize City Manager, Judie Milner, to sign all relevant documents pertaining to the acceptance and administration of this tax credit award from the Community Development Finance Authority tax credit program and hereby authorizes the following non-lapsing appropriations,*

An Increase in Revenues:

Tax Credit Revenue – White Water Park Acct. No. 01-9-014-33590-437 – Five Hundred Thousand Dollars (\$500,000),

An Increase in Expenditures:

Economic Development – White Water Park Acct. No. 01-9-511-40335-437 – Five Hundred Thousand Dollars (\$500,000),

By a roll call vote.

Agenda Item VI.

Council to consider setting a public hearing on Resolution #05-20, the appropriation of unanticipated school funds.

Motion – Councilor Desrochers moved that the Franklin City Council set a public hearing on September 5, 2019 at 6pm regarding Resolution #05-20 allowing the franklin School District to appropriate approximately \$180,000 of the unassigned FY2019 fund balance to support the FY2020 school district budget.
Seconded by Councilor Starkweather.

City Manager Milner stated that Superintendent LeGallo and Business Administrator Braman informed her that they would like to utilize these funds to hire back teachers therefore requested if the public hearing could occur sooner and on the August 27, 2019 City Council

Special Workshop LEAN update meeting. Milner added that the City Council Special Meeting LEAN workshop would normally occur on the 4th Monday of each month but it is held at the same time that the school holds their LEAN workshop and therefore would like to move the City Council Special Meeting to the 4th Tuesday of each month. This mean the next City Council Special meeting would occur on Tuesday, August 27th. She asked if the Council approves of moving the workshop. The consensus of the Council was that it was fine to move it to the new time slot and hold the public hearing on this night as well.

**Amended Motion - Councilor Desrochers moved to amend his motion to hold the public hearing on August 27, 2019 at 6pm instead of September 5, 2019.
Seconded by Councilor Rago.**

Rago has questions for Superintendent LeGallo and would like them to be read into the minutes so he can prepare and provide answers for the August 27th public hearing.

Councilor Rago requested the following the information to be provided at the August 27th public hearing:

1. Can the City be provided the enrollment projections?
2. Can the City be provided the information on additional revenue above the budgeted projections relating to Medicaid receipts, tuition revenue from other districts, eRate reimbursements, and energy rebates?
3. Can the City be provided the budget vs anticipated revenue?
4. Can the City be provided information on the Fund Balance carryover of \$800K + and the new \$180k and how is it that money continues to be found after hearing of layoffs?
5. Please explain the layoffs, expenditures vs 1% reductions, and an increase in other staff.

Mayor asked that she put them in an email. Councilor Rago agreed that she will put these questions in an email.

Councilor Desrochers stated that he supports the school receiving this money but asked if it is sustainable for next year.

Mayor Giunta joyfully asked LeGallo to continue finding money.

Mayor Giunta asked if there was any discussion to the amended motion. There was none.

All in favor of the amended motion. Motion PASSED.

Councilor Ribas questioned the wording of “approximately” \$180,000 in the motion and the Resolution.

City Manager Milner recommended removing the word “approximately” in all documents including the vote.

**Motion – Councilor Ribas moved to amend the original motion to strike the word “approximately” in the motion and the Resolution.
Seconded by Councilor Clarenbach.**

Mayor Giunta asked if there was any confusion or concern from Superintendent LeGallo. LeGallo stated that he agrees with removing the word “approximately”.

Mayor Giunta asked if there was any further discussion to the amendment of the motion to remove the word “approximately”. There was none.

All in favor. Motion PASSED.

Mayor Giunta asked if there was any further discussion to the original motion to bring this to public hearing on August 27th. There was none.

All in favor of the original motion. Motion PASSED.

Councilor Clarenbach read Resolution #05-20.

RESOLUTION #05-20

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2020.

In the year of our Lord, Two Thousand Nineteen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2020 which began July 1, 2019, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district estimates ~~approximately~~ \$180,000 in additional unassigned fund balance at June 30, 2019, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire has already appropriated \$851,751 of the prior year fund balance during the FY2020 budget process, and:

WHEREAS, the City Council of the City of Franklin would like to appropriate an additional ~~approximately~~ \$180,000 of the prior year unassigned fund balance in order to hire needed staff due to updated enrollment projections, **Now,**

THEREFORE, BE IT RESOLVED that at the scheduled meeting of the City Council on August 27, 2019, the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 05-20 and authorize an increase in FY2020 revenues:

Appropriated Fund Balance – ~~Approximately~~ One Hundred Eighty Thousand dollars (\$180,000),

School District expenditures in the total amount of approximately One Hundred Eighty Thousand dollars (\$180,000),

By a roll call vote.

Agenda Item VII.

Council to consider setting a public hearing on Ordinance #04-20, an update to the Property Maintenance Code from the 2003 version to the 2018 version.

Motion – Councilor Trudel moved that the Franklin City Council set a public hearing date for 6pm at the September 5, 2019 meeting of the City Council for Ordinance #04-20. Adoption of Ordinance #04-20 will result in the update to the City Municipal Code Chapter 233-1 and 233-2. To be read in title only.
Seconded by Councilor Brown.

Councilor Desrochers asked if the information regarding the changes is included in the City Council Packet so a comparison before the voting can be done.

City Manager Milner stated that the referencing of the property maintenance code is to change the reference from the 2003 version which will now state that it references the 2018 version. The Franklin code that is affected is in the packet. Milner added that the State of New Hampshire is doing the same thing and updating the state building codes to 2015 and the state Fire code to 2015 so this is good timing.

Councilor Ribas pointed out that the packet states there are 3 attachments but they are not actually in the packet. City Manager Milner replied that the attachments are referencing Captain Steve Reale's letter to the Chief and everything that is changing is included in the packet.

Councilor Clarenbach recommended that the Public Hearing Notice should state that both versions of the Property Maintenance Code books will be made available to the public to review at City Hall. Milner agreed that this would be a great idea.

Mayor Giunta asked if there were any other comments with regards to the motion. There were none.

All in favor. Motion PASSED.

Mayor Giunta read the title of Ordinance #04-20.

ORDINANCE #04-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to revise existing Chapter 233-1, Adoption of Property Maintenance Code and Chapter 233-2, Additions, Insertions and Changes by removing all language that is struck and adding language that is bold:

§ 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, ~~2003~~ **2018** 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~~ **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 § ~~233-1~~ **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)."

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

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

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

F. Section ~~308.2~~ **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."

G. 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.

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

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

I. 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:

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.

By a roll call vote.

Agenda Item VIII.

Council to consider setting a public hearing on Ordinance #06-20, Increasing the age to 21 for the of purchase Juuls, Cigarettes, e-cigs, or tobacco and tobacco paraphernalia.

Motion – Councilor Trudel moved that the Franklin City Council set a public hearing for 6pm at the September 5, 2019 meeting of the City Council for Ordinance #06-20 to increase the age to 21 to purchase, use, possess or sell Juuls, cigarettes, e-cigs, or tobacco and tobacco paraphernalia.

Seconded by Councilor Desrochers.

Councilor Testerman asked if the restrictions are consistent with other ordinances in this type of category. City Manager Milner confirmed that she reviewed the other ordinances and the age is consistent.

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

Motion – Councilor Clarenbach moved to amend the motion to read the Resolution in title only.

Seconded by Councilor Ribas.

Motion – Councilor Testerman moved to amend the amendment to refer to this as an Ordinance and not a Resolution.

Seconded by Councilor Ribas.

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

All in favor of the amended motion. Motion PASSED.

Mayor Giunta asked if there was any discussion to the amended amendment. There was none.

All in favor of the amended amendment. Motion PASSED.

Mayor Giunta read Ordinance #06-20 in title only.

ORDINANCE #06-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 254, Smoking Products, to strike Article I section 254-5 and add Article II Sections 254-10, 254-11, 254-12 and 254-13 as follows (strike throughs for deleted language, **bold for added language**):

Chapter 254 Smoking Products

Article I Sale and Possession of Illegal Smoking Substances

☐ ~~§ 254-5 Severability; repealer; when effective.~~

~~**A.**~~

~~If any provision of this article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this article, which shall remain in full force and effect.~~

~~**B.**~~

~~All ordinances, resolutions, orders or parts thereof or in conflict with this article are hereby voided.~~

~~**C.**~~

~~This article shall be in full force and effect immediately upon its passage.~~

Article II Sale and Possession of Smoking Products

254-10 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. E-cigarette means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed

with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

- B. Liquid Nicotine means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.
- C. Tobacco Product means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

254-11 Purchase, Use and Possession of Tobacco, or Anything That Simulates Smoking, Products

- A. No person under the age of 21 shall:

- (1) Purchase a tobacco product, e-cigarettes, or liquid nicotine.

- (2) Use or possess a tobacco product, e-cigarettes, or liquid nicotine.

- B. No person or business shall:

- (1) Sell or provide a tobacco product, e-cigarettes, or liquid nicotine, to a person under the age of 21.

- C. For the purposes of this ordinance, the terms "Tobacco Product," "Ecigarette," and "Liquid Nicotine," shall include any product or device defined herein, and amended from time to time, and in NH RSA 126K, all other provisions of which statute are incorporated herein.

254-12 Penalties

Any person violating the provisions of this ordinance shall be subject to a fine of up to fifty dollars (\$50.00) for a first offense, and up to one hundred dollars (\$100.00) for a second or subsequent offense.

254-13 Severability; repealer; when effective.

A. If any provision of these articles shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of these articles, which shall remain in full force and effect.

B. All ordinances, resolutions, orders or parts thereof or in conflict with these articles are hereby voided.

C. These articles shall be in full force and effect immediately upon passage.

Roll Call:

Agenda Item IX.

Council to consider setting a public hearing regarding Ordinance #07-20, updating Ch 222-7 to include anything that simulates smoking.

**Motion – Councilor Trudel moved that the Franklin City Council set a public hearing for 6:00pm at the September 5, 2019 meeting of the City Council for Ordinance #07-20 to amend Chapter 222-7 to say “the use of any tobacco products and anything that simulates smoking is prohibited in the following City recreation areas or facilities as more fully described below.” In addition, adding Mill City Park as the 11th City owned property. To be read in title only.
Seconded by Councilor Desrochers.**

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

All in favor. Motion PASSED.

Mayor Giunta read Ordinance #07-20 in title only.

ORDINANCE #07-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 222-7 be changed as follows (**bold additional language**): ☐

§ 222-7 Use of tobacco.

[Added 7-12-2010 by Ord. No. 11-10]

A. Purpose. The purpose of this section is to protect the safety, health and welfare of the general public and to regulate the behavior in and protect the property interests of and the facilities owned and/or operated by the City of Franklin.

B. City recreation areas or facilities. The use of **any** tobacco products **and anything that simulates smoking** is prohibited in the following City recreation areas or facilities as more fully described below:

(1)

Griffin and Legace Beach, including the beach and restrooms.

(2)

Proulx Community Center, including all buildings and entryways.

(3)

Odell Park, including the playground, basketball courts, tennis courts, ball fields, gazebo, walking trail, restrooms, cottage, dugout and concession stands.

(4)

Daniell Park, including all fields, playgrounds, dugout and restrooms.

(5)

Stone Park, including playgrounds and basketball court.

(6)

Forest Hills, including basketball court and tennis court.

(7)

Scott Marceau Park, including information booth.

(8)

Rivers Edge Park, including fenced-in skate area.

(9)

Trestle View Park.

(10)

Bessie Rowell Community Center.

[Added 9-10-2012 by Ord. No. 03-13]

(11)

Mill City Park, including pavilion, pump track, all trails, campground and restrooms.

Change to be effective September 1, 2019.

Roll Call:

Agenda Item X.

Council to consider setting a public hearing regarding Ordinance #08-20, updating the Franklin Municipal Code chapter 101-1B to include the Fire Chief on the committee to approve alcohol consumption on City Property.

**Motion – Councilor Trudel moved that the Franklin City Council set a public hearing for September 5, 2019 at 6pm on Ordinance #08-20 updating the Franklin Municipal Code chapter 101-1B to include the Fire Chief on the committee to approve alcohol consumption on City owned property. To be read in Title only.
Seconded by Councilor Dzujna.**

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

All in favor. Motion PASSED.

Mayor Giunta read Ordinance #08-20 in title only.

ORDINANCE #08-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 101, Alcoholic Beverages, be changed as follows (**bold additional language**):

§ 101-1 Permit required for consumption on public property.

A.

No person shall drink any intoxicating liquor or beverage, as defined by RSA 175, in or on any public highway or sidewalk in the City of Franklin or in or on any municipal building, park, beach, parking lot, land or other facility of the City of Franklin without first obtaining a written permit as hereinafter provided.

B.

Permits to drink any intoxicating liquor or beverage in or on any municipal facility which is under the management and control of the Board of Education of the City of Franklin must be obtained from said Board. All other permits required by this chapter must be obtained from a committee consisting of the City Manager, Chief of Police, **Fire Chief** and the Director of Recreation.

Change to be effective September 1, 2019 by a roll call vote.

Agenda Item XI.

Council to consider changing the Ward 1 Polling Location.

**Motion – Councilor Brown moved that the Franklin City Council change the Ward 1 Polling location to the Franklin Lodge of the Elks.
Seconded by Councilor Trudel.**

Councilor Desrochers stated that the new polling room has a door that leads to the bar and asked if that door can be locked but still available for fire egress.

City Manager Milner stated that there is a second means of egress besides the door that leads to the bar, which remains locked and only certain Elks members have the combination to that lock. It will remain locked.

Councilor Dzujna stated that he was also concerned about this and already spoke to the Elk's Exalted Ruler who confirmed that the door to the bar will be locked.

Councilor Clarenbach stated that he found it ironic that the City is required to hold a public hearing to add the Fire Chief to a committee on where alcohol will be but we don't have to follow the same steps when changing our polling location.

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

All in favor. Motion PASSED.

Agenda Item XII.

Council to consider the approval of an MOU with the Small Business Development Center (SBDC) to hold monthly office hours in City Hall.

**Motion – Councilor Trudel moved that the Franklin City Council approve the Memorandum of Understanding between the City of Franklin and New Hampshire Small Business Development Center for monthly office hours in City Hall on the 3rd Thursday of the month from 10am-3pm and authorize the City Manager to execute the MOU on the City's behalf.
Seconded by Councilor Desrochers.**

Councilor Dzujna stated that this is exciting to hear and hopes that new businesses will take advantage of this and look at what the SBDC can offer.

Mayor Giunta stated that Councilor Dzujna beat him to the punch and that the state recognizes that things are happening here in Franklin. The beauty of this is that when a small business comes in for advice, they are already here in Franklin so our City could be the place where they want to start their small business. And you never know, the next Google could walk in the door.

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

All in favor. Motion PASSED.

Agenda Item XIII.

Council to consider the approval of the New England Mountain Bike Association MOU.

Motion – Councilor Desrochers moved that the Franklin City Council approve the Memorandum of Understanding between the City of Franklin, Franklin Outing Club and New England Mountain Bike Association for the construction of recreational trails at the Veran’s Memorial Ski Area.
Seconded by Councilor Trudel.

Councilor Clarenbach recommends having the forester, who is on retainer for this property, look at the intended cut plans and consider erosion types of potential issues. This should be done before the cutting occurs.

Mayor Giunta thanked Councilor Clarenbach for the recommendations and requested the City Manager to notate this request.

Councilor Dzujna commented that NIMBA worked on a very similar project at the Franklin Falls Dam. City Manager Milner stated that the same group will be working on this project as well.

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

All in favor. Motion PASSED.

Agenda XIV.

Other Business

1. Appointments

- a. Mayor Giunta appointed Director Rob Sargent as ex-officio to the Planning Board (seat PB2) term of service is the remainder of the current term to January 2020.

2. Committee Reports

- a. Councilor Brown stated that she will provide a monthly update from the Designing Franklin's Education 21st Century Committee and will include the status of the consolidation effort discussions. She stated that it's important to make teachers the focus and not laying them off only to bring them back every year. This Friday there will be a meeting to discuss bringing back Manufacturing class options to the Franklin High School. There will also be meetings on bringing Digital Access to the students. There will be state representation there as well as Superintendent LeGallo and Mr. McLaughlin. On October 25th, the City will hold a Manufacturing evening. A light meal will be offered with a discussion on manufacturing in today's world. Brown is striving to work together with the school board to make this a real viable option. Brown is hoping that room in the school can be found to let Watts, Vitex, other manufacturing organizations, and non-manufacturing organizations such as the VNA to come and train future potential employees. This a very positive move for our City. Mayor Giunta added that October is now Manufacturing Month with the governor delivering a proclamation at a manufacturer in the state. Mayor Giunta asked that this be presented at Vitex this year.
- b. Councilor Trudel provided an update on the Fire committee. On Friday, July 12th the Fire Committee held a meeting to discuss improvements to the property maintenance process, current staff levels with projections, the current state of apparatus with a 5-year plan, the current state of the City's Fire Alarm system, needed upgrades to the Fire Station, and the EMS transport update. When the full report is available, it will be shared with the community.

3. City Manager's Update

- a. Milner informed the Council that the MS232, the tax rate setting report, is ready for signatures this evening.
- b. Contingent Grant Line Activity - \$200 was received from the Lion's Club for K9's, \$500 received from FSB for K9 Miller, \$552.99 in T-shirt sales and miscellaneous donations were made for K9 Miller, \$196.56 from the Hannaford kiosk donation to Mayor's Drug & Alcohol Task Force, and \$1,037 was raised during the 5K fundraiser for the 1st annual Mayor's Drug & Alcohol Task Force. This was held in conjunction with Winni River Days.
- c. The Trust Fund for school funding is \$69.26
- d. Back in February, the City Council approved a resolution to allow City Manager Milner permission to borrow for the purchase an Ambulance. The low quote from FSB was 2.49%. The closing on the loan was last week on \$199,988.94 (total cost \$249,988.94 - \$50,000 USDA Grant) – thank you Mayor Giunta for bringing the USDA Grant to the City.
- e. Milner updated the Council on the City property disposition in exchange for the stormwater drainage improvements at the intersection of Lake & Webster Avenues. That area of land had a lot of storm water drainage issues. The owner of the home on the corner has been approved by DES to do the upgrades to the property and to the drainage system.

- f. Milner also provided the Council with an update of another City property disposition in exchange for stormwater drainage improvement. This one is located at 15 Tannery Street. That work has been completed and the City owned property underneath the power lines is in the process of being transferred.
- g. City Manager Milner informed everyone that the “Jmilner” email address is no longer active. If anyone thinks the City Manager is ignoring an email sent, please check the email address. The correct email address is Citymgr@FranklinNH.org.
- h. On July 17th, City Manager Milner accompanied Mayor Giunta to the Employee Appreciation BBQ at Watts. Milner praised Watts for their operation and what they do for their employees and their community.
- i. On July 22nd, a Mill City Park Forum was held at the Franklin Lodge of Elks – thank you, Jack Benson for pulling that forum together. There were many questions answered and misinformation that was clarified.
- j. City Manager Milner attended the CATCH Housing Board of Directors Dinner on July 23rd. It was great to hear from others who are heavily involved in economic development in other communities.
- k. The LEAN roadmap monthly update meetings are changing starting in August to the 4th Tuesday of every month. This will be a better time for LEAN Expert Richard Ellert to attend. Milner asked the Council if it works for all of them to attend on this new day each month.
- l. Social Media Busters for this past month are regarding the walkway in Marceau Park & Kayak Man. No taxpayer money was used for those projects. Milner thanked sponsors Kirk Weyant, Nick Bickford, Parks and Recreation, FBIDC, two anonymous donors, and the owners of Buell Block. Milner also thanked Rich Morton, Rocky Marsh, Charlie Cote, Dan Bushman, and Matt Parent for their hard work.
- m. Laura Knoy from NHPR will be at the Franklin Studios on August 13th from noon-1:30 holding her program; the Exchange. All are welcome to say hello to Laura.
- n. City Manager Milner will be on vacation during the week of August 12th-16th. Director Lossani will be in charge while she is away.
- o. The Monthly budget status report that the Directors receive from Director Lossani will now be found and accessible on the City website under Finance.
- p. The monthly LEAN City Council workshops will feature a City department starting in October. Public Safety - Police will be up first and Milner will poll the Chief for his availability.

At this time, City Manager Milner stated that there is a late item and after that discussion, she requested two separate non-public sessions.

4. Late Items.

- a. The NH lottery commission has informed the City of sports betting platforms. This is similar to the Keno Bill. The City Council needs to vote on whether or not to add it to the ballot so the voters can vote on it. The City Council can agree to put it on the ballot. If the City Council agree to put it on the ballot, a public hearing

must be held between 15 days and 30 days prior to the vote in October. It will be timely for the September City Council meeting where the public can come forward and discuss the subject prior to the election. Tonight, is the only night to decide on moving forward on this as the ballots are in queue for production. City Manager Milner provided a suggested motion stating that the Franklin City Council would like to put toward the voters, the question on the ballot regarding House Bill 480 regarding Sports Book Operations.

Councilor Desrochers so moved and it was seconded by Councilor Trudel.

Mayor Giunta asked if there was any discussion.

Councilor Dzujna asked if the Lottery will come to Franklin and explain where the money raised will go.

Mayor Giunta apologized for this late item and realizes that this doesn't allow the Council much time to think about it. Franklin's voting takes place on October 1st where other communities have another month to consider what is on their ballots. Milner stated that she will sit in the audience when the Lottery holds their hearing and she will attempt to get them here for the September 5th meeting or schedule a public hearing after that but the very latest date would be Friday the 13th in order to get in before elections.

Councilor Testerman stated that the Council should be advocating for families and their health. This is just opening the door for problems and she will vote no on this.

Councilor Ribas supports Councilor Testerman's concerns but will vote to put it on the ballot. Ribas wanted to be clear so the public understands. This voting of the City Council is to add it to the ballot so the public can vote on it. The Public Hearing is for informational purposes which will help the public decide how they wish to vote on the question on the ballot in the October election.

Councilor Brown asked if there was any information in the letter that the Lottery sent that indicates or hints where the money will go. Milner replied that there isn't any information on that so it is an unknown at this point.

Councilor Clarenbach stated that even though the Council can approve to add it to the ballot, there are many other steps before it is final in allowing this type of business in Franklin.

Mayor Giunta asked if there was any further discussion on this topic. There was none. However, since a few have indicated that they do not support it on the ballot, he asked the Council to raise their hands in favor of adding this to the ballot. There were eight in favor. One opposed.

Motion PASSED.

Councilor Testerman publicly acknowledged, thanked, and praised Keith Hanson from WNTK for his interviews of Mayor Giunta and his continued public support and positiveness of Franklin. He is doing great work promoting our City on his radio programs.

Mayor Giunta thanked Councilor Testerman for mentioning this and stated that he will call Keith and thank him as well.

Motion – Councilor Desrochers moved to enter into non-public according to RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee of the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has the right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

Seconded by Councilor Trudel.

Roll call vote to enter into non-public:

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

All in favor. Motion PASSED.

Entered non-public session at 7:56 p.m.

Motion – Councilor Trudel moved to return to public session. Seconded by Councilor Starkweather.

All in favor. Motion PASSED.

Public Session reconvened at 8:47 p.m.

Motion – Council Dzujna moved to seal the minutes because it is determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board.

Seconded by Councilor Desrochers.

Roll call vote to seal the minutes:

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

All in favor. Motion PASSED.

Motion – Councilor Desrochers moved to enter into non-public according to RSA 91-A:3, II(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public.

Seconded by Councilor Dzujna.

Roll call vote to enter into non-public:

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

All in favor. Motion PASSED.

Entered into non-public session at 8:49 p.m.

Motion – Councilor Desrochers moved to return to public session. Seconded by Councilor Ribas.

All in favor. Motion PASSED.

Public Session reconvened at 9:26 p.m.

Motion – Councilor Trudel moved to seal the minutes because it is determined that divulgence of this information likely would render a proposed action ineffective.

Seconded by Councilor Ribas.

Roll call vote to seal the minutes:

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

All in favor. Motion PASSED.

Motion – Councilor Vince Ribas moved that subject to approval by an attorney conversant with Federal Environmental Regulations and Contract Law, that the City of Franklin give the authority to City Manager Judie Milner to purchase the Birke Property.

Seconded by Councilor Brown.

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

All in favor. Motion PASSED.

Motion – Councilor Clarenbach moved that Franklin City Council authorize the City Manager to enter into a lease agreement for a maximum of twenty- four months for the property located at 599 South Main Street in Franklin to Hybrid Tech with the following conditions: \$100 rent for the first six months, \$500 rent for months seven through twelve, \$750 rent for months thirteen through twenty-four; all Triple net. At the end of the twenty-four-month period, the Lessee can purchase the property for the difference of a total purchase price of \$50K which includes the lease payments made for the twenty-four months. If the Lessee exists the contract prior to the twenty-four months, the property must be left in equal to or better condition. If the owner contemplates lease payments beyond the twenty-four months, renegotiations will take place at that time. The Triple net language means that the Lessee is responsible for real estate taxes, insurance, maintenance, repairs, and utilities. Seconded by Councilor Trudel.

City Manager Milner asked the Council if they wanted to review the lease agreement with Cumberland Farms prior. The Council stated that she has permission to move forward as referenced in the earlier motion from Councilor Ribas which was seconded by Councilor Brown.

Councilor Desrochers stated concern over some additional discussion on the Cumberland Farm lease and whether it should be shared publicly or be part of the sealed minutes.

Councilor Clarenbach replied that all official business must be discussed during public forum and the details and conversation will remain within the sealed minutes.

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

All in favor. Motion PASSED.

Motion to adjourn was made by Councilor Brown. Seconded by Councilor Testerman.

All in favor. Motion PASSED.

Meeting adjourned at 9:36 p.m.

Respectfully submitted,

Audrey Lanzillo

CITY COUNCIL MEETING
AGENDA ITEM II



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of September 5, 2018

Subject: School Board Update

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

CITY COUNCIL MEETING

AGENDA ITEM III



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

July 24, 2019

From: Judie Milner, City Manager

Subject: Resolution 04-20, appropriating \$500,000 CDFA tax credit award

Suggested Motions:

August 5, 2019

Councilor moves, "I move that the Franklin City Council set a public hearing for September 5, 2019 at 6pm on Resolution 04-20 accepting and appropriating the \$500,000 funds awarded through the Community Development Finance Authority tax credit program."

Mayor calls for a second, discussion and vote.

September 5, 2019

Councilor moves, "I move that the Franklin City Council adopts Resolution 04-20 accepting and appropriating the \$500,000 funds awarded through the Community Development Finance Authority tax credit program."

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

Discussion:

The City was recently awarded \$500,000 in tax credits for the Mill City Park white water kayak venue. \$100,000 is retained by Community Development Finance Authority for administration of the tax credit program and \$400,000 goes directly to Mill City Park project. Tax credits will be sold over the next several months by a team of City officials, FBIDC, Neil Cannon (downtown coordinator) and Mill City Park. Ron Magoon, CEO of Franklin Savings Bank is the chairperson of the team. Any business with NH employees can deduct 75% of their donation to Mill City Park off their NH business profits or NH business enterprise tax return under the tax credit program. This coupled with federal tax advantages allows businesses to make contributions to a local project for \$.11 - \$.15 on the dollar (depending on their individual circumstances). This gives a business the opportunity to direct their tax dollars that would otherwise go in the State's general fund to a specific community project. Tax credits can be carried forward for up to five years. This is a pass-through grant to Mill City Park similar to previous grants for CDBG projects and the NH medical strike team. The City acts as fiscal agent.



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION # 04-20

A Resolution Granting Authority to Accept and Appropriate \$500,000 in CDFA Tax Credits

In the year of our Lord, Two Thousand Nineteen,

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

WHEREAS, the City Council recognizes that a Memorandum of Agreement was signed between the City of Franklin and the nonprofit Mill City Park at Franklin Falls, **and;**

WHEREAS, the City Council recognizes the recent efforts to improve the economic and residential viability of the downtown and the need to continue with additional progress, **and;**

WHEREAS, the City Council wishes to utilize the tax credit program administered by the Community Development Finance Authority (CDFA), as another economic tool to fund construction of Mill City Park, **and;**

WHEREAS, the City of Franklin, was recently awarded \$500,000 in tax credits through the Community Development Finance Authority (CDFA) tax credit program for the Mill City Park white water kayak venue, **now;**

THEREFORE, BE IT RESOLVED, *that at a regularly scheduled meeting of the City Council on September 5, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #04-20 to formally accept and appropriate the \$500,000 of funds awarded through the Community Development Finance Authority (CDFA) tax credit program for the Mill City Park white water kayak venue.*

THEREFORE, BE IT FURTHER RESOLVED, *that the City Council does hereby authorize City Manager, Judie Milner, to sign all relevant documents pertaining to the acceptance and administration of this tax credit award from the Community Development Finance Authority tax credit program and hereby authorizes the following non-lapsing appropriations,*

An Increase in Revenues:

Tax Credit Revenue – White Water Park Acct. No. 01-9-014-33590-437 – Five Hundred Thousand Dollars (\$500,000),

An Increase in Expenditures:

Economic Development – White Water Park Acct. No. 01-9-511-40335-437 – Five Hundred Thousand Dollars (\$500,000),

By a roll call vote.

Roll Call:

Councilor Brown _____ **Councilor Dzujna** _____ **Councilor Starkweather** _____

Councilor Clarenbach _____ **Councilor Lauer-Rago** _____ **Councilor Testerman** _____

Councilor Desrochers _____ **Councilor Ribas** _____ **Councilor Trudel** _____

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____



June 19, 2019

Judie Milner, City Manager
City of Franklin
316 Central Street
Franklin, NH 03235

RE: Community Development Finance Authority
CDFA Tax Credit Program
Notice of Award: Whitewater Park and Associated Improvements Project
Award No. 20-154-CDIP-CDED

Dear Ms. Milner:

Congratulations! The Community Development Finance Authority Board of Directors has selected your application to receive a CDFA Tax Credit Program award in this year's round. On June 11, 2019, the Board approved an award of up to \$500,000 in tax credits which will net \$400,000 for your Whitewater Park and Associated Improvements project.

Your allocation per fiscal year is as follows:

State Fiscal Year 2020 (July 1, 2019 to June 30, 2020): \$250,000

- Pledges are due no later than March 30, 2020 and payment on all pledges are due no later than June 30, 2020
- Donor business may take credit on paid pledges after July 1, 2019

State Fiscal Year 2021 (July 1, 2020 to June 30, 2021): \$250,000

- Pledges are due no later than March 30, 2021 and payment on all pledges are due no later than June 30, 2021
- Donor business may take credit on paid pledges after July 1, 2020

Kevin Peterson has been assigned to manage your tax credit award. Feel free to contact Kevin at 717-9114 if you have any questions.

We look forward to working with you.

Sincerely,


Katherine Easterly Martey
Executive Director

TC/ml

cc: Kevin Peterson

Tax Credit Program (CDIP) Grants Management System (GMS) Contract Instructions

CDFA welcomes your participation in the Community Development Investment Tax Credit Program (CDIP). Please read the instructions below that outline the contracting process and what needs to be completed and returned to CDFA via the Webgrants (GMS) system.

The following pdf documents are attached as item:

1. draft Contract
2. Certificate of Authority
3. insurance requirement information page

Required Information to be executed and included in your contract includes:

1. The **Contract** document must be **signed and dated by the Authorized Official** of your Organization.
2. **Certificate of Insurance** Coverage Requirements must include:
 - a. The Nonprofit Grantee's name and address
 - b. CDFA must be named as certificate holder
 - c. comprehensive general liability - \$1,000,000 limit of coverage for per occurrence and \$2,000,000 in aggregate;
 - d. Statutory Worker's Compensation coverage
 - e. Issue date and signed by insurance company representative
3. **Certificate of Authority** must include:
 - a. Chairman/President of Board authorization and signature
 - b. Notarization of document

Instructions for sending your executed Contract Agreement back to CDFA via Correspondence:

- a. Scan all contract documents/attachments together and save in pdf format on your computer
- b. Sign into GMS at www.nhcdfragrants.org
- c. Click **My Grants**
- d. Click on your **Project Name** in blue
- e. Click on **Correspondence**
- f. Highlight **Missy Lackey's name**
- g. Click **ADD** and upload the pdf file from your computer (browse to find file)
- h. Add a **subject description** (required) and message
- i. Hit **Save** at top of screen to send

Once the contract is downloaded and is signed by the CDFA executive director, it will be uploaded and sent through **Correspondence**.

If you have any specific project-related questions, please notify your assigned portfolio manager.

If you have any questions about GMS or cannot download the documents, please call Jacqueline Matthews at 717-9109 or Missy Lackey at 717-9104.

**Community Development Finance Authority
Investment Tax Credit Program Contract
Award No. 20-154-CDIP-CDED**

1. Project Allocation, Purpose, and Description

1.1 Project Award: City of Franklin (Grantee) is awarded \$500,000 (the "Award") in Community Development Finance Authority ("CDFA") Investment Tax Credit Program funds for the Whitewater Park and Associated Improvements project (the "Project"), with a net total to the Project (after the standard 20% CDFA program fee) of \$400,000 (the "Grant").

1.2 Project Purpose: The purpose of this award, made under the provisions of RSA 162-L, is to provide funding to support development of a whitewater park along the Winnepesaukee River in Franklin, NH and will be used by the Grantee in accordance with the Grantee's application for tax credit funding, subject to any conditions and restrictions as set forth by the CDFA Board of Directors, as approved on June 11, 2019.

1.3 Grant Period: This Grant period shall begin on July 1, 2019, and end on June 30, 2024 (the "Grant Completion Date"). The parties agree that the Project activities shall be completed prior to the Grant Completion Date. The Grant Completion Date may be amended only upon the written request of the Grantee and the approval of CDFA.

1.4 Project Scope Requirements: The scope of the Project may not be substantially less than what was proposed in the tax credit application submitted, and/or as approved by the CDFA Board of Directors on June 11, 2019. CDFA retains the right at all times to evaluate the eligibility and scope of Grantee's Project and to adjust Contract terms accordingly. Any substantial changes to the scope, nature, location, implementation schedule, grantee administrative capacity or financing of the Project may require additional action of the CDFA Board of Directors. All determinations related to change in scope are at the sole discretion of CDFA.

2. Tax Credit Pledge Schedules and Fundraising Requirements

2.1 Schedule of State Fiscal Year Tax Credit Allocation: The allocation of \$500,000 in tax credit funds will take place over the State Fiscal Years ("SFY" which runs July 1 through June 30) as outlined below.

2.2 Fundraising Deadline Schedule and Donation Due Dates: The Grantee shall secure donations which shall be evidenced by an executed Pledge Agreement. The pledges shall be payable by cash or marketable securities specifically earmarked for the Project and payable to CDFA according to the following schedule:

Type	Amount	Due to CDFA by	for SFY
Pledges			
	\$250,000	March 31, 2020	2020
	\$250,000	March 31, 2021	2021
Cash Donations			
	\$250,000	June 30, 2020	2020
	\$250,000	June 30, 2021	2021

2.3 Early Pledge Fulfillment: Donors may fulfill Pledges at any time prior to the due date agreed to in the Pledge Agreement. Donors will be issued tax credits for the SFY approved by CDFA for that project.

2.4 Non-Collusion Requirement: The Grantee acknowledges that executed Pledge Agreements will require that the Donors not enter into any agreement or other arrangement with the Grantee or any other party to recoup, or in any way be reimbursed for, the pledged tax credit funds that do not qualify for a tax credit.

2.6 Fundraising Reporting Requirements: All Grantees are required to provide monthly tax credit fundraising reports to CDFA, while in the fundraising stage of the Project. This report is to be submitted to CDFA by the 5th of each month during the fundraising period via the Status Reports component on CDFA's Grants Management System.

3. Total Matching Fund Commitments

3.1 Matching Fund Commitments/Sources and Uses of Funds: CDFA is making this grant contingent on the Grantee's ability to obtain firm commitments in the amounts necessary to complete the Project, and will not release any tax credit funds held by CDFA until firm commitments are documented and provided to CDFA from the sources, or from acceptable substitute sources. In the event the funding sources change, an updated Sources and Uses Statement shall be submitted to CDFA by the Grantee.

4. Standard Conditions

4.1 Legal Existence: By countersigning this Contract, Grantee confirms that it is a community development corporation, other nonprofit organization involved in community development, or an employee or other type of cooperative, as referenced in RSA 162-L:4 (h)(i)(j).

4.2 Legal Compliance: The Grantee shall comply with all applicable federal, state, and local laws, statutes, regulations, executive orders, and rules as they relate to the application, acceptance, and use of funds for the Project, including but not limited to, requirements specified in the Contract.

4.3 Legal Remedies: Grantee shall have the right to institute legal proceedings to protect its rights, including without implied limitation actions for specific performance or monetary damages, in the event the Donor fails to complete the terms of its Pledge commitment.

4.4 Assignment: The Grantee shall not assign or transfer any of its rights or obligations under this Contract without the prior written consent of the CDFA, and any attempted assignment or transfer shall render this Contract null and void.

4.5 Dissolution: In the event of the dissolution of the Grantee corporation, after provision for payment of all the corporation's liabilities, the board of directors shall dispose or transfer all assets of the corporation, exclusively for the exempt purposes of the Grantee corporation, in such manner or to such organization organized and operated exclusively for similar purposes as the Grantee, which organization qualifies under section 501(c)3 of the US Internal Revenue Code.

4.6 Indemnification: CDFA's only obligation shall be to release funds to the Grantee in accordance with the terms of this Contract. CDFA shall have no liability with respect to the property, the Project, or the renovation, development, construction or operations contemplated by the Project, and Grantee agrees to indemnify and hold harmless CDFA, its officers and employees,

from and against such cost, loss, damage, or liability suffered by the Grantee and any and all claims, liabilities or penalties assessed the Grantee to the extent allowed under state law.

4.7 Security: To protect CDFA's investment of public funds, a relevant form of security (the "Security") will be required based upon the Project Purpose up to the net amount of funding. The CDFA Security will self-amortize over a period of ten years, effective upon Grant Start Date.

Tax credit funds will not be released until the Security is recorded and received at CDFA. Grantee will be responsible for requesting a written release of said Security after the ten-year period expires.

4.7.1 Grantee shall provide a performance lien on the project property, up to the net amount of funding. The lien shall amortize over a 10-year period.

4.8 Liability Insurance: Grantee shall, at its sole expense, obtain and maintain in force, and shall require any Subrecipient to obtain and maintain in force, for the benefit of CDFA and duration of the Grant Period the following insurance: 1) if applicable and only to the extent required by law, statutory worker's compensation and employers liability insurance for all employees engaged in the performance of the Grant Activities, and; 2) comprehensive general liability insurance against claims of bodily injury, death or property damage arising out of negligence in whole or part of the grantee, in amounts of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than thirty (30) days after written notice thereof has been received by CDFA. CDFA shall be named as a certificate holder. Any change in this requirement shall require the approval of CDFA.

4.9 Property Insurance: If applicable, the Grantee, at its sole expense, shall obtain and maintain in full force, fire and extended coverage insurance covering all property purchased or improved with Grant Funds in an amount not less than 100% of the whole replacement value of the property. CDFA shall be named as a certificate holder.

4.10 Builders' Risk Insurance: If applicable, the Grantee shall ensure that all contractors and subcontractors involved shall possess builders' risk insurance in amounts sufficient to cover the value of the property and its contents.

4.11 Taxes: The Grantee shall be required to pay all taxes, assessments, charges, fines, and impositions attributable to the property, as applicable.

4.12 Project Publicity: The Grantee shall acknowledge CDFA appropriately in all organizational and public forums as to the support, financial and otherwise, that has been provided to your Project. This recognition shall include, but not be limited to, print/electronic media, publications, interviews, brochures, etc. This will support our efforts to be visible, which in turn will aid in generating additional financial support for New Hampshire community development efforts.

4.12.1 CDFA does not require worksite signage be erected for construction/renovation projects; however, if a sign is erected the CDFA logo must be included. CDFA logo may not be any smaller than 50% of the size of the largest logo displayed.

4.12.2 Organizations using websites to solicit tax credit purchases must include the CDFA logo and a link to the CDFA website.

4.12.3 If none of these are applicable or feasible, an alternative display of the CDFA logo or public recognition agreeable to CDFA.

4.13 Grantee Certification: All agreements between CDFA and Grantee shall be executed by a person duly authorized by the Board of Directors of the Grantee, evidenced by a certificate (the "Certificate") and returned upon execution of the Contract.

4.14 RSA 162-L Restrictions: CDFA is providing the tax credit funding in accordance with RSA 162-L, as amended from time to time. Any future amendments to RSA 162-L may alter CDFA's ability to provide the funding covered by the Contract. In the event CDFA ceases to exist as an agency of the State of New Hampshire, to the extent permitted by applicable law, the rights and obligations hereunder shall be transferred to another agency of the State of New Hampshire to continue to administer the terms hereof.

4.15 Default: A failure on the part of the Grantee to successfully complete the terms of this Contract shall be considered a default, which may result in a loss or reallocation of tax credit funding and may impact Grantee's ability to qualify for future grant rounds. Should the agreement be terminated due to a default based upon the inability of the Grantee to perform or complete the Project, it is within the authority of the CDFA to request the return of grant funds, and the disposition of the returned Grant funds shall be determined solely by CDFA.

4.16 Conflict of Interest: Conflicts of interest or the appearance of such shall be avoided in order to ensure public confidence in the expenditure of state funds. No officer, member or employee of the Grantee or Subrecipient shall participate in any decision relating to this Agreement, which reflects his or her personal interest or the interests of any corporation, partnership or association in which he or she is directly or indirectly interested, nor shall such person have any personal or pecuniary interest, direct or indirect, in this Agreement or proceeds thereof.

5. Special Conditions

Grantee shall submit evidence that all other sources of funding to complete at least one water element are secured.

6. Reporting Requirements

6.1 Tax Credit Annual Status Report: For each year this Contract is active, the Grantee is required to report on the Project's progress as well as information that addresses the Project's goals and outcomes, financial data, and any special conditions as proposed in the application, and as identified below. The report shall also include a narrative on the Project's progress including the items proposed in the Outcome Measures narrative section of the application. This report is to be submitted to CDFA on an annual basis, no later than July 31 of each year. CDFA may not disburse tax credit funds being held for the Project until this report is received. The report shall be submitted through the Status Reports component on CDFA's Grant Management System.

Performance Outcomes:

Grantee shall provide the following as they pertain to this Project:

- 6.1.1** Total number of unduplicated persons served.
- 6.1.2** Total number of unduplicated low income persons served.
- 6.1.3** Total number of jobs created.
- 6.1.4** Total number of square feet of commercial, community facility or recreational space developed or improved.

Financial Data:

- 6.1.5** The Grantee shall submit its organization's most recent Annual Report.
- 6.1.6** The Grantee shall submit its most recent organization's Audited Financial Statements prepared in accordance with Generally Accepted Accounting Principles (GAAP).

6.2 Final Report and Closeout: Within thirty days of Project completion, the Grantee shall submit a Final Report in the same format as the Tax Credit Annual Status Report. This report will include cumulative outcomes and shall be submitted through CDFA's Grant Management System. Grantee and CDFA shall enter into and execute a Closeout Agreement once the project is complete and the final report has been submitted and approved.

7. Disbursement of Grant Funds

7.1 Disbursement Conditions: The Grant shall be disbursed to the Project, for the sole purpose of providing funds to the Project. CDFA reserves the right to amend, revoke, or reallocate its tax credit commitment to the Project if any of the conditions indicated in this Contract are not met. All disbursement requests shall be uploaded through CDFA's Grant Management System, and shall include any supporting documentation with each request, satisfactory to CDFA.

All tax credits must be secured by the Grantee prior to release of any funds, unless an exception is approved by CDFA. For programs funded over two state fiscal years, first-year proceeds may be considered for release once all Tax Credit pledges have been received by CDFA for that year. For programs funded in only one state fiscal year and the second year of two-year grants, CDFA will consider requests for early disbursement only when 50% of the Tax Credits for that grant year have been received. Any Grant funds that were received by Grantee and not spent on approved Grant activities shall be returned to CDFA.

7.2 Disbursement Restrictions: No disbursement from CDFA will be made to the Grantee greater than the amount of funding held on behalf of the Project in cash contributions, fulfilled pledges, or established values, net the standard 20% CDFA fee. Furthermore, no disbursement shall be made unless the Grantee is in compliance with Paragraphs 3, 4 and 5.

7.3 Compliance Requirement: Notwithstanding the conditions set forth in previous sections, CDFA shall not make any disbursement of grant funds unless, at the time of such disbursement, Grantee is in full compliance with all terms and conditions of this agreement, and the making of such disbursement of Grant funds (i) will not violate any provision of law, regulation, or administrative ruling to which CDFA is subject; (ii) will not subject CDFA to any tax, penalty, or fine; and (iii) will further the purposes of CDFA. Failure to meet the terms of this Contract may result in suspension and/or reallocation of tax credits for the Project.

If you agree to the terms of this Contract, please indicate by signing below.

Agreed,

By: City of Franklin

Judie Milner, City Manager

Date _____

By: Community Development Finance Authority

Katherine Easterly Martey, Executive Director

Date _____

CERTIFICATE OF AUTHORITY

Investment Tax Credit Award No. 20-154-CDIP-CDED

I, _____, Chairman/President of the Board of Directors/Trustees, do hereby certify that: the Board of Directors/Trustees of the City of Franklin (1) authorizes Judie Milner, City Manager to enter into a contract with the Community Development Finance Authority to execute any documents which may be necessary to effectuate this contract and any amendments hereto; (2) this authorization has not been revoked, annulled or amended in any manner whatsoever, and remains in full force and effect as of the date hereof; and (3) the following person has been appointed to and now occupies the office indicated under item (1) above:

Judie Milner, City Manager

IN WITNESS WHEREOF, I have hereunto set my hand as the Chairman/President this _____ day of _____, 2019.

Chairman/President

State of New Hampshire

County of _____

On this the _____ day of _____, 2019, before me, the undersigned officer, personally appeared _____, who acknowledged her/himself to be the Chairman/President of the Board of Directors/Trustees of the City of Franklin and that she/he, as such, being authorized so to do, executed the foregoing instrument for the purpose therein contained.

In witness whereof I hereunto set my hand and official seal.

Justice of the Peace/Notary Public

COMMISSION EXPIRATION DATE:

SEAL

INSURANCES REQUIRED

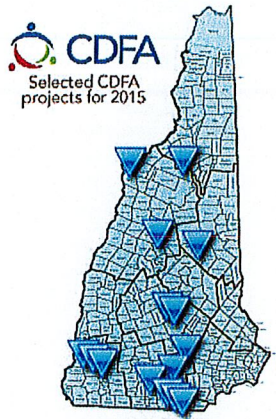
Please attach Certificate(s) of Insurance to the contract containing the following requirements as per Section 4 of your contract:

1. Issue Date;
2. Insured Grantee organization name and address;
3. Policy period (must be current);
4. Limits of coverage for Comprehensive General Liability: \$1 million per occurrence, \$2 million aggregate;
5. Statutory Worker's Comp coverage
6. CDFA must be named as a certificate holder;
7. Certificate must be signed by authorized representative of insurance provider.

If applicable to this grant, proof of Property and/or Builders' Risk Insurance must also be received at prior to disbursement of construction funds.



Tax Credit Program



Our most popular financial offering, the Tax Credit Program brings together worthy nonprofit projects and conscientious businesses to foster community development. Put another way, it lets businesses vote with their dollars about which programs mean the most to them and their communities.

Also known as the Community Development Investment Program (CDIP), CDFA gives a 75% state tax credit against a donation made to any approved project. The tax credit may be applied against the New Hampshire business profits tax, business enterprise tax, and/or the insurance premium tax. The donation also may be eligible for treatment as a state and federal charitable contribution. In most cases, businesses only pay about 11 cents on the dollar for their contribution.



Sounds interesting, right? Dig into the details by [going here](#).

About CDFA

Created in 1983, the Community Development Finance Authority (CDFA) supports affordable housing and economic development activities that benefit low and moderate income citizens in New Hampshire.

CDFA administers nearly \$25 million in funding resources, which includes a combination of state tax credits and federal Community Development Block Grant, and Energy Reduction Funds. We support the development of vibrant and resilient communities by providing financial resources to nonprofits, community development organizations, counties, municipalities, and for-profit businesses. These organizations, in partnership with CDFA, create affordable housing, support the formation of new jobs and help retain existing employment for low and moderate income New Hampshire residents.

New Hampshire Community Development Finance Authority

14 Dixon Ave, Suite 102
Concord, NH 03301
P 603-226-2170
F 603-226-2816



Program

The Tax Credit Program is actually very simple, so we'll try not to overcomplicate it for you. [Businesses that donate to a CDFA-approved project](#) can get at least 75% of that contribution back in the form of a state business tax credit.

Sounds like a win-win to us.

Through the program, also known as the Community Development Investment Program (CDIP), CDFA grants state tax credit awards on a competitive basis to qualified organizations for specific projects or programs. CDFA is attracted to innovative projects that show a high degree of community support, build partnerships, and leverage other funds.

We issue tax credits totaling 75% of the value of each donation to the project donors. For example, a donor making a \$10,000 donation to CDFA on behalf of an approved project will receive a state tax credit in the amount of \$7,500. All approved Tax Credit project sponsors must raise the money for their project within an allocated time frame.

The tax credit may be applied against the donating company's business profits tax, business enterprise tax, and/or the insurance premium tax. The donation also may be eligible for treatment as a state and federal charitable contribution.*

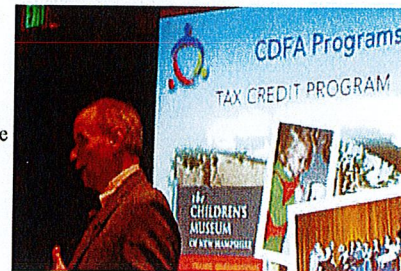
The contributing company may carry forward the credit for up to five years. The company can select which business tax and how much of their credit to apply towards their taxes in any given year.

There's no complicated paperwork either. CDFA sends all the documentation to the Department of Revenue Administration (because we're nice that way). The business simply fills out the credit amount on the appropriate line on their tax form (it's line 6a; we checked).

Tax credit awards are made annually in July. By law, CDFA is restricted to providing support to nonprofit community development organizations, cooperatives, and some municipal entities. Legislation permits CDFA to accept donations of up to \$5 million in each state fiscal year in exchange for \$3.75 million in state tax credits for CDFA approved community development projects.

If we overcomplicated it, or you still want to learn more about how the program works, call us at 226-2170, or drop us a line [here](#). Also, you can read a list of frequently asked questions by clicking [here](#).

**Contributors are responsible for consulting with their own tax advisors to determine the impact of contributing to the CDFA tax credits on their finances.*



About CDFA

Created in 1983, the Community Development Finance Authority (CDFA) supports affordable housing and economic development activities that benefit low and moderate income citizens in New Hampshire.

CDFA administers nearly \$25 million in funding resources, which includes a combination of state tax credits and federal Community Development Block Grant, and Energy Reduction Funds. We support the development of vibrant and resilient communities by providing financial resources to nonprofits, community development organizations, counties, municipalities, and for-profit businesses. These organizations, in partnership with CDFA, create affordable housing, support the formation of new jobs and help retain existing employment for low and moderate income New Hampshire residents.

New Hampshire Community Development Finance Authority

14 Dixon Ave, Suite 102
Concord, NH 03301
P 603-226-2170
F 603-226-2816



For Business

Has someone approached your business about purchasing CDFA tax credits? Maybe you've never heard about the program or you're unsure how to use the credits if you get them? Here's what we want you to know.

CDFA has been awarding Investment Tax Credits since 1999 on behalf of the state of New Hampshire. These can be applied toward the state Business Profits Tax, Business Enterprise Tax, and Insurance Premiums Tax.



You could contribute cash to that nonprofit (and get a modest federal tax deduction), but CDFA tax credits are an above-the-line, 75% state business tax credit. If you "purchased" \$1,000 in tax credits, you'd get \$750 off your state business taxes. Additional tax benefits mean most organizations will only pay 11 cents on the dollar for that investment.¹

That means you could contribute far more than \$1,000 and still pay less. In fact, 98% of participating businesses said they invested a greater amount of money than if they'd used cash alone. If you want to see what your potential benefit would be, play with our [online tax calculator](#).²

CDFA makes it easy for your business. You don't have to pay the money right now; you can fill out a pledge to pay at a later date (like the end of your fiscal year or when your taxes are due). You tell us when you want to be invoiced to fulfill the pledge and we'll mail you. (You can pledge online right now by clicking [here](#). How much easier can we make it?)

Okay...here's how much easier we can make it. CDFA will file all the paperwork to DRA for you. All you have to do is write the credit amount on your form DP-160 (your accountant knows which one that is). Also, you can carryover all or part of the credit for up to five years).

Ninety-two percent of participating businesses surveyed said they'd recommend purchasing CDFA tax credits to other NH businesses (and 92% can't be wrong; that's arithmetic). Plus, you know projects selected for CDFA tax credits have gone through a rigorous vetting process. You can have confidence these projects will have a real impact on your community.

Now you know why obtaining CDFA tax credits is far better than just giving cash. If you have more questions, go to our [FAQ page](#) or call 603-226-2170.

¹Everyone's tax situation is different. Your results may vary. Check with your tax professional for your particular benefit.

² For estimation only. Again, consult your tax professional for your particular benefit.

About CDFA

Created in 1983, the Community Development Finance Authority (CDFA) supports affordable housing and economic development activities that benefit low and moderate income citizens in New Hampshire.

CDFA administers nearly \$25 million in funding resources, which includes a combination of state tax credits and federal Community Development Block Grant, and Energy Reduction Funds. We support the development of vibrant and resilient communities by providing financial resources to nonprofits, community development organizations, counties, municipalities, and for-profit businesses. These organizations, in partnership with CDFA, create affordable housing, support the formation of new jobs and help retain existing employment for low and moderate income New Hampshire residents.

New Hampshire Community Development Finance Authority

14 Dixon Ave, Suite 102
Concord, NH 03301
P 603-226-2170
F 603-226-2816

Franklin: Whitewater Park and Associated Improvements

Franklin

Sponsor:

City of Franklin

Address:

316 Central Street
Franklin, NH 03235

Website:

www.franklinnh.org

Description:

Tax credits will support the development of a whitewater park along the Winnepesaukee River in Franklin. The project will be a driver for the downtown revitalization of Franklin by creating a tourism destination and increased economic activity, including the creation of new jobs and spurring local investments.

CDFA Tax Credits totaling \$250,000 are available for State Fiscal Year 2020 (July 1, 2019 to June 30, 2020.)

CDFA Tax Credits totaling \$250,000 are available for State Fiscal Year 2021 (July 1, 2020 to June 30, 2021.)

Contact:

Judie Milner

<
close



Current Projects

Information for businesses interested in tax credits

CDFA is pleased to offer New Hampshire businesses the unique opportunity to invest and target their tax dollars to community development projects throughout the state in exchange for a 75% state tax credit through the Tax Credit Program.

This program enables businesses to invest cash, securities, or property to fund economic or community development projects in exchange for this 75% tax credit which can be applied against any or all three of the business profits, business enterprise, or insurance premium taxes. This is a great way for a business to impact a community by leveraging their tax dollars. For more on how CDFA tax credits can affect your tax liability, check out our [online tax calculator](#).

Below is a list of projects that still have CDFA tax credits available for this state fiscal year or for the next fiscal year. For a list of all projects awarded by CDFA, [check our news release here](#).

Want to know more about CDFA and the Tax Credit Program? You can [email CDFA](#) or call us at 603-226-2170.

Community Development

[Boys & Girls Club of Greater Nashua/Pool Facility Upgrades](#)

[Franklin: Whitewater Park and Associated Improvements](#)

[Greengard Center for Autism](#)

[LAULT: Court Street Neighborhood Center](#)



NHCDFA - Current Projects

[Nashua Soup Kitchen: A Place to Call Home/Homeless Housing](#)

[Nashua: Nashua Performing Arts Center](#)

[NE Handicapped Sports Assn: HSA Lodge Health/Improvements and Expansion](#)

[New Homeless Shelter Building for Strafford County](#)

[NH Aviation Historical Society: High School Program to Build and Market Airplane](#)

[Seacoast Family Promise / SFP Day Center Renovations - Phase II](#)

[Vaughan Community Services: Food pantry/Clothing Depot and Daycare Renovation](#)

[West Claremont Center for Music and the Arts/Claremont Creative Center](#)

Economic Development

Housing Programs & Projects

About CDFA

Created in 1983, the Community Development Finance Authority (CDFA) supports affordable housing and economic development activities that benefit low and moderate income citizens in New Hampshire.

CDFA administers nearly \$25 million in funding resources, which includes a combination of state tax credits and federal Community Development Block Grant, and Energy Reduction Funds. We support the development of vibrant and resilient communities by providing financial resources to nonprofits, community development organizations, counties, municipalities, and for-profit businesses. These organizations, in partnership with CDFA, create affordable housing, support the formation of new jobs and help retain existing employment for low and moderate income New Hampshire residents.

New Hampshire Community Development Finance Authority

14 Dixon Ave, Suite 102
Concord, NH 03301
P 603-226-2170

**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 Thursday, September 5, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Resolution #04-20, accepting and appropriating \$500,000 of funds awarded through the Community Development Finance Authority Tax Credit 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 IV



CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meetings of August 5th, 2019 and September 5th, 2019

From: Michael Foss, Fire Chief/EMD

Subject: City Council to consider the approval of Ordinance #04-20, to revise existing Chapter 233-1 Adoption of the Property Maintenance Code, and Chapter 233-2 Additions, Insertions and Changes.

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

"I move that the Franklin City Council set a public hearing date for 6:00 pm, at the September 5th, 2019 meeting of the City Council, for Ordinance #04-20. Adoption of Ordinance #04-20 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 September 5th, 2019 Meeting of the City Council:

"I move that the Franklin City Council adopt Ordinance #04-20, which will update Chapter 233-1, and 233-2 of the International Property Maintenance Code from the 2003 International Code Council Edition, to the 2018 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 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. 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.

Since 2004, five revisions of the code have taken place. As a result, the Franklin Fire Department's Fire Prevention Division, has had to enforce a standard that is not the current recommendation of the International Code Council. Since the Fire Prevention Division of the Fire Department is working to streamline the property maintenance process, it is recommended that an update to the most current standard take place.

The 2018 International Property Maintenance Code is the current edition published by the International Code Council. Since the Code has had five revisions since 2003, the current edition now provides more clarity, definitions and a standard that is in line with current safety practices.

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 2003 Standard which provides minimal support from the International Code Council.

Attachments:

Ordinance #04-20

Letter recommending update of Code from Captain Steve Reale to Chief Michael Foss



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

316 Central Street
Franklin, NH 03235

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

ORDINANCE #04-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to revise existing Chapter 233-1, Adoption of Property Maintenance Code and Chapter 233-2, Additions, Insertions and Changes by removing all language that is struck and adding language that is bold:

§ 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, ~~2003~~ **2018** 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~~ **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)."

C.

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

D.

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

E.

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

F.

Section ~~308.2~~ **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."

G.

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.

H.

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

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

I.

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:

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.

By a roll call vote.

Roll Call:

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

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____



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

59 West Bow Street • 03235

Tel : (603) 934-2205
FAX: (603) 934-7408

Michael Foss, Fire Chief

David Hall, Deputy Chief

May 1, 2019

Reference: 2003 International Property Maintenance Code

Dear Chief Foss,

I am writing to you in regards to the International Property Maintenance Code, adopted as Edition 2003. I would like to request that the City of Franklin update the International Property Maintenance Code to the most current Edition 2018. At the conclusion of this letter I have written a specific proposal and recommendations.

History

On August 2, 2004, the City of Franklin adopted the 2003 International Property Maintenance Code as a tool to assist Code Enforcement. The adoption of the International Property Maintenance Code can be found in City Municipal Code § 233-1. It outlines the intention of this adoption in an effort to ensure the safety and well-being of Franklin's citizens and its visitors. Attached is a copy of § 233-1, for your reference.

At the time of the adoption, several additions, insertions and changes were documented in §233-2. These alterations provided clarification, and a tailoring of the adopted code sections to the City of Franklin. Attached is a copy of §233-2 for your reference. It is my recommendation that these same additions, insertions and changes with only modifications to the location and reference within the 2018 International Property. I have outlined these within the conclusion.

International Property Maintenance Code – Executive Summary

The International Property Maintenance Code (IPMC) is published by the International Code Council (ICC). ICC is a member focused association that develops model codes used in the design, build/construction and compliance process to construct safe, sustainable, affordable and resilient structures. Other examples of model codes and standards developed by ICC would be:

- International Building Code – State of NH currently adopted 2009
- International Residential Code- State of NH currently adopted 2009

When adopted in 2004 the following was written in Franklin Municipal Code §233-1 as explanation of purpose and definition of adoption. *"The IPMC provides a standard for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied structures and facilities and other physical*

*things and condition essential to ensure that structures are safe, sanitary and fit for occupancy and use, and the condemnation of buildings and structures unfit for human and use, and the demolition of such **existing** (sp) structures as herein provided for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, and conditions 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 additions, insertions, deletions and changes, if any, prescribed in §233-2 of this chapter”.*

The 2003 International property maintenance code provides a standard for establishing minimum standards for all properties with chapters with clarifications to address:

- Administration of the code
 - o Duties and Authority
 - o Violation process
 - o Unsafe Structures
 - o Emergency Measures
 - o Demolition
 - o Means of Appeal
- Definitions of terms used and word interchangeability
- General Requirements
 - o Property exterior
 - o Pools, spas and hot tubs
 - o Exterior structure
 - o Interior Structure
 - o Handrails and guard rails
 - o Rubbish and Garbage
 - o Extermination
- Light, Ventilation and Occupancy limitations
- Plumbing, facilities, and fixture requirements
- Mechanical and electrical requirements
 - o Heating
 - o Mechanical Equipment and maintenance
 - o Electrical Facilities, and equipment
 - o Elevators, escalators and dumbwaiters
 - o Duct Systems
- Fire Safety Requirements
- Referenced Standards

International Property Maintenance Revision Comparison

The adoption and application of the 2003 International Property Maintenance Code has provided the City of Franklin with a code that covers an easy to understand standards and expectations for residency.

However, since the adoption in 2004 this code has been revised five times. Codes published by the International Code Council are subject to public critique and recommendation. Review committees are established and all recommendations properly submitted are reviewed. As a result of the committee's review, the code may be revised. These revisions may include significant change due to technology, tragedy, wording changes, and provide clarification.

In an effort to understand the changes made within the International Property Maintenance Code throughout the five revisions, I made direct contact with the ICC Code Administration Division. My goal was to compare the five updates and provide a summary. However, I was informed by ICC that the 2003, 2006 and 2009 revisions of the International Property Maintenance Code (IPMC) are no longer supported, printed, or available. The ICC Staff advised that changes throughout the five revisions would mostly be clarifications, added definitions, and explanations. Their advice was to purchase the 2018 edition and compare; which I have done. I found that the materials have been rearranged and repackaged; with the largest difference in the amount of additional commentary. The table of contents has been reorganized, and additional information that provides a better definition and understanding of the code's outlined.

The largest area of change is found in Chapter 7: Fire Safety Requirements. This section has been revised, and it more accurately reflects the State of NH Fire Code Saf-C 6000 with regards to requirements and interconnectivity previously omitted from the 2003 Edition.

In Summary - The overall code book has increased from 40 pages to 117 pages. As previously mentioned, the biggest area of change reflective of Fire Safety Requirements that are more in alignment with the NH State Fire Code. Further page increase is not due to any added codes; but rather added definitions, explanation of applicability of codes, expanded details of codes and illustrations for the Code Administrators.

Conclusion and proposal

In consideration that the 2003 IPMC is no longer supported or available, I would like to recommend that the City of Franklin amend the adoption to reflect the 2018 Edition of the International Property Maintenance Code with the following additions, insertions, and/or changes:

Previously applied additions, insertions, and/or changes:

- 1) § 233-1 to be updated to reflect the proper Edition of 2018.
 - a. Make spelling correction (Exiting to Existing)
- 2) § 233-1 to be updated to reflect previously amended:
 - a. 101.1 Remains – Insert City of Franklin
 - b. 103.five Remains – Reserved
 - c. 304.14 Remains – April 1 to December 1
 - d. 602.3 Remains – October 1 to May 1 five
 - e. 602.3 Remains – October 1 to May 1 five
 - f. 308.2 – Needs to be changed to reflect the code intended which is and has been 302.8 (Clerical Error 2004)
 - i. Insertion needs to be applied to 302.8 as follows: “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”.
 - g. Section 111 Addition :
 - i. Consultant: The board Appeals may, by majority vote, hire independent consultants to advise the Board with regards 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 application or appeal.

Additional Recommended changes and alterations/action to be taken:

- 1) I recommend that the commentary within the 2018 International Property Maintenance Code be adopted as reference and clarification for the intent of the code. If this is not adopted; it cannot be used as formal interpretation or the appeals process.
- 2) Develop and implementation of An Appeals Board as outlined in Section 111 (111.1 – 111.8). I have included a copy of this section for your review.
- 3) Scheduled review and consideration for update of the International Property Maintenance Code to be conducted every 5 years. My recommendation is that the department responsible for administration and enforcement of the IPMC conduct a complete review of the newest edition and provide the City of Franklin Fire Chief [in writing] with a recommendation to either update to the newest edition or continue to use and maintain the edition under adoption.

Respectfully Submitted,

Steve Reale
Captain - Fire Prevention
City of Franklin Fire Department

Attachments:

#1 - Chapter 233: Property Maintenance Reference only to:

- a) § 233-1 Adoption of Property Maintenance Code.
- b) § 233-2 Additions, Insertions and changes

#2 - Letter (2006) written/signed by City Clerk for reference to Property Maintenance adoption and Roll Call Vote.

#3 – 2018 International Property Maintenance Code Section 111 (111.1 – 111.8) Means of Appeals.

**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 Thursday, September 5, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Ordinance #04-20, an update to the Franklin Municipal Code Chapter 233-1 and 233-2 to the 2018 International Property Maintenance Code. Both 2003 and 2018 versions of the International Property Maintenance Code books can be viewed in the City Manager's Office during normal business hours.

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

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

CITY COUNCIL MEETING
AGENDA ITEM V



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meetings of August 5, 2019 and September 5, 2019

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

Subject: *Setting of Public Hearing to consider Ordinance #06-20 to increase the age to 21 to purchase, use, possess or sell Juuls, Cigarettes, E-cigs, or Tobacco and Tobacco paraphernalia.*

Approval Ordinance #06-20 at the September 5, 2019 Meeting of the City Council

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

"I move that the Franklin City Council set a public hearing for 6:00pm at the September , 2019 meeting of the City Council for Ordinance #06-20 to increase the age to 21 to purchase, use, possess or sell Juuls, Cigarettes, E-cigs, or Tobacco and Tobacco paraphernalia.

Mayor calls for a second, discussion and vote.

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

"I move that the Franklin City Council vote to approve Ordinance #06-20 to increase the age to 21 to purchase, use, possess or sell Juuls, Cigarettes, E-cigs, or Tobacco and Tobacco paraphernalia.

Mayor calls for a second, discussion and vote.

Discussion:

Tobacco 21 has become widely recognized and implemented throughout the world. 25 states have passed legislation putting it into effect as well as over 425 cities and countries. As of March 3rd , NH has 4 cities that have adopted a tobacco 21 related ordinance. Raising the age to 21 for all tobacco products and anything that simulates smoking is a proactive way of protecting public health, in turn helping to eliminate youth access. This will limit the damages, such as addiction, disability, and death. The intent of this ordinance is to eliminate any person to use, possess, purchase, attempt to purchase, sell, offer to sell, give away, deliver or publicly display for sale any tobacco products and anything that simulates smoking to anyone under age 21 within the City limits of the City of Franklin, New Hampshire.



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

316 Central Street
Franklin, NH 03235

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

ORDINANCE #06-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 254, Smoking Products, to strike Article I section 254-5 and add Article II Sections 254-10, 254-11, 254-12 and 254-13 as follows (strike throughs for deleted language, **bold for added language**):

Chapter 254 Smoking Products

Article I Sale and Possession of Illegal Smoking Substances

§ 254-5 Severability; repealer; when effective.

A.

~~If any provision of this article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this article, which shall remain in full force and effect.~~

B.

~~All ordinances, resolutions, orders or parts thereof or in conflict with this article are hereby voided.~~

C.

~~This article shall be in full force and effect immediately upon its passage.~~

Article II Sale and Possession of Smoking Products

254-10 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. E-cigarette means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.
- B. Liquid Nicotine means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.
- C. Tobacco Product means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

254-11 Purchase, Use and Possession of Tobacco, or Anything That Simulates Smoking, Products

- A. No person under the age of 21 shall:
 - (1) Purchase a tobacco product, e-cigarettes, or liquid nicotine.
 - (2) Use or possess a tobacco product, e-cigarettes, or liquid nicotine.
- B. No person or business shall:
 - (1) Sell or provide a tobacco product, e-cigarettes, or liquid nicotine, to a person under the age of 21.
- C. For the purposes of this ordinance, the terms "Tobacco Product," "Ecigarette," and "Liquid Nicotine," shall include any product or device defined herein, and amended from time to time, and in NH RSA 126K, all other provisions of which statute are incorporated herein.

254-12 Penalties

Any person violating the provisions of this ordinance shall be subject to a fine of up to fifty dollars (\$50.00) for a first offense, and up to one hundred dollars (\$100.00) for a second or subsequent offense.

254-13 Severability; repealer; when effective.

- A. If any provision of these articles shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of these articles, which shall remain in full force and effect.
- B. All ordinances, resolutions, orders or parts thereof or in conflict with these articles are hereby voided.
- C. These articles shall be in full force and effect immediately upon passage.

ORDINANCE #06-20

Roll Call:

Councilor Brown _____ Councilor Dzujna _____ Councilor Starkweather _____

Councilor Clarenbach _____ Councilor Lauer-Rago _____ Councilor Testerman _____

Councilor Desrochers _____ Councilor Ribas _____ Councilor Trudel _____

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

What's Trending?

Tobacco 21

Tobacco 21 (T21) is a national campaign aimed at raising the minimum legal age to purchase tobacco and nicotine products in the United States to 21

Projected Benefits¹

223,000 FEWER
PREMATURE
DEATHS¹

50,000 FEWER
LUNG CANCER
DEATHS¹



25% Decline in
smoking initiation
by 15-17 year-olds



10% Overall drop in
smoking prevalence by
2060

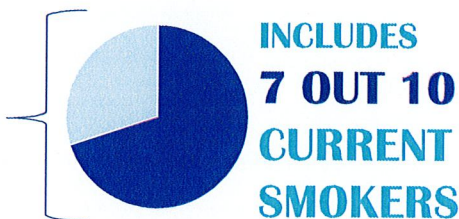


10% Reduction of smoking
related deaths in those
born since 2000

¹Projected yearly estimates if the minimum legal age was raised to 21 nationwide, among people born between 2000 and 2019

Public Support²

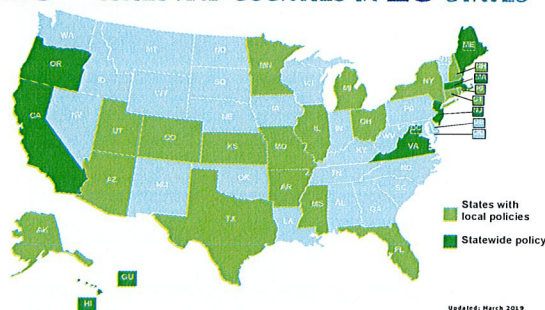

3 OUT OF 4
U.S. ADULTS
FAVOR T21



What Communities Can Do³

ADOPTION OF T21 IS TRENDING NATIONWIDE

425+ CITIES AND COUNTIES IN **25** STATES



Updated: March 2019

For an up-to-date state map of Tobacco 21 adoption, please visit <https://tobacco21.org/>

Sources:

¹Institute of Medicine of the National Academies (2015). *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. Retrieved from http://www.nationalacademies.org/hmd/~/media/Files/Report%20Files/2015/TobaccoMinAge/tobacco_minimum_age_report_brief.pdf
²Centers for Disease Control and Prevention (2015). Three out of 4 American adults favor making 21 the minimum age of sale for tobacco products. Retrieved from <https://www.cdc.gov/media/releases/2015/p0707-tobacco-age.html>
³Preventing Tobacco Addiction Foundation (2019). [Interactive Map]. *State by State*. Retrieved at <https://tobacco21.org/state-by-state/>

Questions? Email: training@cadca.org



facebook.com/CADCA



twitter.com/CADCA



instagram.com/CADCAcoalitions

cadca.org

**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 Thursday, September 5, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Ordinance #06-20, to increase to age 21 to purchase, use, possess or sell Juuls, e-Cigarettes, Cigarettes, or Tobacco and related paraphernalia.

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 Meetings of August 5, 2019 and September 5, 2019

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

Subject: Setting of Public Hearing to consider Ordinance #07-20 to amend Chapter 222-7 to say "the use of any tobacco products and anything that simulates smoking is prohibited in the following City recreation areas or facilities as more fully described below." In addition, adding Mill City Park as the 11th city owned property.

Approval Ordinance #07-20 at the September 5, 2019 Meeting of the City Council

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

"I move that the Franklin City Council set a public hearing for 6:00pm at the September , 2019 meeting of the City Council for Ordinance #07-20 to amend Chapter 222-7 to say "the use of any tobacco products and anything that simulates smoking is prohibited in the following City recreation areas or facilities as more fully described below." In addition adding Mill City Park as the 11th city owned property.

Mayor calls for a second, discussion and vote.

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

"I move that the Franklin City Council vote to approve Ordinance #07-20 to amend Chapter 222-7 to say "the use of any tobacco products and anything that simulates smoking is prohibited in the following City recreation areas or facilities as more fully described below." In addition adding Mill City Park as the 11th city owned property.

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

Discussion:

This ordinance update will now include the use of E-cigarettes, Juuls and any other smoking device use on City owned property. As a community we have seen many community members switch from using traditional cigarettes to vaping and until this ordinance is amended their smoking devices are not included under this ordinance. Adding the Mill City Park to this list will ensure consistency for all city owned property. Mill City Park is going to be a family friendly attraction and allowing people to smoke at the park could cause harmful effects to the Franklin Community.



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin, NH 03235

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

ORDINANCE #07-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 222-7 be changed as follows (**bold additional language**):

§ 222-7 Use of tobacco.

[Added 7-12-2010 by Ord. No. 11-10]

A.

Purpose. The purpose of this section is to protect the safety, health and welfare of the general public and to regulate the behavior in and protect the property interests of and the facilities owned and/or operated by the City of Franklin.

B.

City recreation areas or facilities. The use of **any** tobacco products **and anything that simulates smoking** is prohibited in the following City recreation areas or facilities as more fully described below:

(1)

Griffin and Legace Beach, including the beach and restrooms.

(2)

Proulx Community Center, including all buildings and entryways.

(3)

Odell Park, including the playground, basketball courts, tennis courts, ball fields, gazebo, walking trail, restrooms, cottage, dugout and concession stands.

(4)

Daniell Park, including all fields, playgrounds, dugout and restrooms.

(5)

Stone Park, including playgrounds and basketball court.

(6)

Forest Hills, including basketball court and tennis court.

(7)

Scott Marceau Park, including information booth.

(8)

Rivers Edge Park, including fenced-in skate area.

(9)

Trestle View Park.

(10)

Bessie Rowell Community Center.

[Added 9-10-2012 by Ord. No. 03-13]

(11)

Mill City Park, including pavilion, pump track, all trails, campground and restrooms.

Change to be effective September 1, 2019.

Roll Call:

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

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Thursday, September 5, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Ordinance #07-20, an amendment to the Franklin Municipal Code, Chapter 222-7 to include, "The use of any tobacco products and anything that simulates smoking is prohibited in the following City recreation areas or facilities as more fully described below". Also adding Mill City Park as the 11th City owned property.

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
July 17, 2019

From: Judie Milner, City Manager

Subject: Ordinance 08-20, updating municipal code chapter 101-1B to include Fire Chief

Suggested Motions:

August 5, 2019

Councilor moves, "I move that the Franklin City Council set a public hearing for September 5, 2019 at 6pm on Ordinance 08-20 updating the Franklin Municipal Code chapter 101-1B to include the Fire Chief on the committee to approve alcohol consumption on City Property."

Mayor calls for a second, discussion and vote.

September 5, 2019

Councilor moves, "I move that the Franklin City Council adopts Ordinance 08-20 updating the Franklin Municipal Code chapter 101-1B to include the Fire Chief on the committee to approve alcohol consumption on City Property."

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

Discussion:

As various City partners host more and more community events on City property, the requests to serve alcohol come forward more frequently. Sitting at the table for multiple logistical meetings with event organizers, it became evident that the Fire Chief, who serves as the emergency management director and is responsible for emergency action plans and the assembly permits with the event organizers, should vote as part of the committee who approves alcohol consumption by event.

The legislative committee voted to bring this forward to the Council on May 21, 2019.

Attachments/Exhibits:

Ordinance 08-20



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

316 Central Street
Franklin, NH 03235

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

ORDINANCE #08-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 101, Alcoholic Beverages, be changed as follows (**bold additional language**):

§ 101-1 Permit required for consumption on public property.

A.

No person shall drink any intoxicating liquor or beverage, as defined by RSA 175, in or on any public highway or sidewalk in the City of Franklin or in or on any municipal building, park, beach, parking lot, land or other facility of the City of Franklin without first obtaining a written permit as hereinafter provided.

B.

Permits to drink any intoxicating liquor or beverage in or on any municipal facility which is under the management and control of the Board of Education of the City of Franklin must be obtained from said Board. All other permits required by this chapter must be obtained from a committee consisting of the City Manager, Chief of Police, **Fire Chief** and the Director of Recreation.

Change to be effective September 1, 2019 by a roll call vote.

Roll Call:

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

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Thursday, September 5, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Ordinance #08-20, updating the Franklin Municipal Code Chapter 101-1(B) to include the Fire Chief on the committee to approve alcohol consumption on City property.

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**

August 28, 2019

From: Judie Milner, City Manager

Subject: Revision to Franklin Falls Mixed Use Tax Increment Financing amendment #1 increasing borrowing by \$400,000

Suggested Motions:

September 5, 2019

Councilor moves, "I move that the Franklin City Council set a public hearing on Monday, October 7, 2019, at 6pm regarding a change to the Franklin Falls Mixed Use Tax Increment Financing (TIF) District Amendment #1 estimated cost from \$1,000,000 to \$1,400,000 and adding activity "f. design and construction of whitewater features within the Winnepesaukee River as well as river access points and a spectator seating area at Trestle View Park" and resolution 06-20 increasing the authority to borrow for TIF amendment #1 from \$1,000,000 to \$1,400,000."

Mayor calls for a second, discussion and vote.

November 4, 2019

Councilor moves, "I move that the Franklin City Council approve the change to the Franklin Falls Mixed Use Tax Increment Financing (TIF) District Amendment #1 estimated cost from \$1,000,000 to \$1,400,000 and adding activity "f. design and construction of whitewater features within the Winnepesaukee River as well as river access points and a spectator seating area at Trestle View Park" and adopt resolution 06-20 increasing the authority to borrow for TIF amendment #1 from \$1,000,000 to \$1,400,000 by a roll call vote."

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

Discussion:

As the Council is aware, the state funding for Mill City Park, a new recreation venue for the state of New Hampshire, has been eliminated from the FY20/21 State budget. The downtown economic development team believes it is crucial to continued positive downtown development to begin construction of the white water features as soon as possible. The team recommends construction of feature #3 (from Mill City Park master plan) which is the most visible from Central Street and Trestle View Park, the stadium spectator seating and the pedestrian walkway under Sanborn bridge (total cost approx. \$800,000). The City's recent CDFA tax credit award is expected to provide Mill City Park with \$400,000 leaving a shortage of \$400,000 for this project. The team recommends utilizing the Franklin Falls TIF District to fund the shortfall.

Background:

Franklin Falls Mixed Use TIF timeline is as follow:

1/3/17	Franklin Falls Mixed Use Tax Increment Financing District (TIF) Established
2/5/18	Resolution 16-18 establishing TIF board
2/14/18	TIF advisory board approved amendment #1 as revised
3/5/18	Public Hearing held on TIF amendment #1
3/21/18	City Council Approved TIF amendment #1
4/2/18	Public Hearing held on resolution 21-18 authorization to borrow for TIF amendment #1
5/7/18	Council adopted resolution 21-18
8/20/19	TIF advisory board approved the recommended changes to TIF amendment #1
9/5/19	City Council consider to consider setting public hearing on recommended changes and increase the authority to borrow (resolution 06-20)
10/7/19	Recommended public hearing
11/4/19	City Council to consider approval of TIF amendment #1 changes and adopting resolution 06-20 increasing the authority to borrow for TIF amendment #1

The overall funding for the Mill City Park project [both the land-based and the river-based components] have been supported through many different sources:

EDA federal grant	\$129,670	Design and Permitting
USDA Technical Assistance	\$45,000	Executive Director of Mill City Park
LWCF federal grant	\$400,000	Assorted land features of park
TAP federal grant	\$640,000	Rehabilitate and construct walking path over Trestle bridge connecting Mill City Park to Winni River Trail
CDFA Tax Credits	\$400,000	water features
FSB donation	\$250,000	Provides matches for grants when needed and other expenses as approved by FSB

All of this support is greatly appreciated.

Fiscal Impact:

Current increment (\$1,895,018) covers the debt service associated with \$625,297 of expenditures under TIF amendment #1. Additional increment of \$2,347,805 will be needed to service the full debt service payment. I expect increase in increment for tax year 2019 (FY20 budget) when the MS-1 is complete. Also, the team is in discussion with major developer(s) who have verbally expressed interest in signing a developer's agreement which would provide funding for debt service not covered by increment. Expenses will not occur before increment is available and/or developer's agreement is reached.

Attachments/Exhibits:

TIF Amendment#1 with proposed changes
Resolution 06-20

Proposed changes for Council consideration November 4, 2019:
Additions in **bold**, ~~striketrough~~ for deletions.

TIF Project Amendment # 1
Franklin Fall Mixed Use TIF District
Adopted March 21, 2018

Add a new Section VI.A to the approved TIF Plan to read as follows:

Amendment # 1 satisfies the overall purposes of the TIF Plan in that:

1. It will improve public infrastructure and public amenities that encourage and create opportunities for the expansion of new businesses and commercial redevelopment in the district; and,
2. It will facilitate improvements to the infrastructure so that expanded recreational opportunities [biking, walking and river-use] can be created.

This project is also consistent with the general outline of projects described in Section VI of the approved TIF Plan.

Amendment # 1 involves the following activities to be undertaken in the Mill District:

- a. The acquisition properties and the demolition of any buildings on the acquired properties.
- b. The design and construction of new parking areas and transportation improvements.
- c. Modifications to the existing municipal parking area located between Memorial, Canal, and Smith Streets to create improved parking designs and traffic flow patterns.
- d. Evaluation and design of potential improvements to drainage systems to enhance water quality and improve any discharges to the Winnepesaukee River.
- e. Potential improvements to public spaces which will enhance public safety and help create a more attractive downtown environment.
- f. **Design and construction of whitewater features with the Winnepesaukee River as well as river access points and a spectator seating area at Trestle View Park.**

Amendment # 1 has an estimated cost of ~~\$1,000,000~~ **\$1,400,000**.



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	_____	Councilor Dzujna	_____	Councilor Starkweather	_____
Councilor Clarenbach	_____	Councilor Lauer-Rago	_____	Councilor Testerman	_____
Councilor Desrochers	_____	Councilor Ribas	_____	Councilor Trudel	_____

Approved: _____

Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk Date

CITY COUNCIL MEETING
AGENDA ITEM IX



CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meetings of September 5, 2019 and October 7, 2019

From: Chief David Goldstein, City of Franklin Police Chief

Subject: Setting of a Public Hearing, on October 7, 2019, to consider Resolution #07-20, for the acceptance, appropriation and expenditure of grants funds from the Office of Highway Safety for the Franklin Police Department

Approval of Resolution #07-20 at the October 7, 2019 meeting of the City Council

Recommended Motion for the September 5, 2019 meeting of the City Council:

Councilor moves: *"I move that the Franklin City Council set a public hearing for October 7, 2019 at 6:00 pm, to adopt Resolution #07-20, to accept and appropriate grant funds from the Office of Highway Safety for the Franklin Police Department."*

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

Recommended Motion for the October 7, 2019 meeting of the City Council:

Councilor moves: *"I move that the Franklin City Council vote to adopt Resolution #07-20, to accept and appropriate grant funds from the Office of Highway Safety for the Franklin Police Department for the purpose of participation in National Campaigns for E-Crash Equipment and Traffic Enforcement Projects."*

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

Discussion:

The Franklin Police Department has been awarded a grant from the New Hampshire Department of Safety, Office of Highway Safety for the purpose of participation in National Campaigns for E-Crash Equipment and Traffic Enforcement Projects.

The total grant award is for \$26,450 (\$19,160 in federal funds with a required match of \$7,290) broken down as follows:

- 1) For E-Crash Equipment Project: \$21,0250 (\$15,000 in federal funds with a required match of \$6,250). E-crash/E-ticket was appropriated in the FY 2020 budget in account 01-2-103-40740-000, Patrol Machine and Equipment.
- 2) For Traffic Enforcement Project: \$5,200 (\$4,160 in federal funds with a required match of \$1,040).

The Franklin Police Department receives complaints of speed violators and responds to accidents with serious injuries too often. The grant will enable us to increase patrols and enforcement in the most critical areas and to improve safety on the roadway. E-crash is going to be a mandated form of submitting accidents and traffic tickets for the State of New Hampshire. MDTs are in car computers whereby the Officer in the patrol car and get real time information and complete reports without having to complete them at Headquarters.

Fiscal Impact:

This grant is a 25% matching grant. The total cost of the Traffic Enforcement Project is \$5,200 with \$4,160 coming from federal funds and the City of Franklin would pay for the other portion of the costs of \$1,040.

Alternatives:

The City of Franklin declines to approve the grant from the New Hampshire Department of Safety, Office of Highway Safety.

Attachments:

Resolution# 07-20
Grant Award



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION # 07-20

A Resolution Granting Authority to Accept and Appropriate Grant Funds from the Office of Highway Safety for the Franklin Police Department

In the year of our Lord, Two Thousand Nineteen,

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

WHEREAS, the City Council understands the Police Department sought and received a federal grant from the Office of Highway Safety for the purpose of participation in National Campaigns for E-Crash Equipment and Traffic Enforcement Projects, **and**;

WHEREAS, the City Council recognizes the total grant award of \$26,450 to include \$19,160 in federal funds with a required match of \$7,290, **and**;

WHEREAS, the City Council recognizes that a portion of the grant award, for the E-crash Equipment of \$21,250, includes \$15,000 in federal funds with a required match of \$6,250, has been included in the FY 2020 budget, **and**;

WHEREAS the City Council recognizes that a portion of the grant award for Traffic Enforcement of \$5,200, includes \$4,160 in federal funds with a match of \$1,040. The federal portion (\$4,160) was not included in the FY 2020 budget, **now**;

THEREFORE, BE IT RESOLVED, that at a regularly scheduled meeting of the City Council on October 7, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #07-20 to formally accept grant funds from the Office of Highway Safety for the Franklin Police Department for the purpose of participation in National Campaigns for E-Crash Equipment and Traffic Enforcement Projects.

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

An Increase in Revenues:

Grant Revenue Police Department Acct. No. 01-2-103-33111-000 – Four Thousand One Hundred Sixty Dollars (\$4,160),

An Increase in Expenditures:

Patrol OT Wages Acct. No. 01-2-103-40140-000 – Four Thousand One Hundred Dollars (\$4,100),

Patrol Medicare Acct. No. 01-2-103-40225-000 – Sixty Dollars (\$60),

By a roll call vote.

Roll Call:

Councilor Brown _____ Councilor Dzujna _____ Councilor Starkweather _____

Councilor Clarenbach _____ Councilor Lauer-Rago _____ Councilor Testerman _____

Councilor Desrochers _____ Councilor Ribas _____ Councilor Trudel _____

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

GENERAL PROVISIONS

Grant Agreement #: 20-063

1.1. State Agency Name New Hampshire Department of Safety Office of Highway Safety		1.2. State Agency Address 33 Hazen Drive, 2 nd Floor Concord, NH 03305	
1.3. Subrecipient Name Franklin Police Department		1.4. Subrecipient Legal Address 5 Hancock Terrace Franklin, NH 03235	
Chief of Police Name: David Goldstein		Chief of Police email: dgoldstein@franklinnh.org	
Grant Contact Name: Stephanie Clough		Grant Contact Email: sclough@franklinnh.org	
1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify) Town Government		1.4.2 DUNS 00559813	
1.5. Subrecipient Phone # 603-934-6069	1.6. Grant Period Start Date 10/1/19	1.7. Completion Date 9/30/20	1.8. Grant Limitation \$ 19,160.00
1.9. Grant Officer for State Agency Paul Ruggiero		1.10. State Agency Telephone Number 603-271-2131	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1		1.12. Name & Title of Subrecipient Signor 1	
Subrecipient Signature 2		Name & Title of Subrecipient Signor 2	
Subrecipient Signature 3		Name & Title of Subrecipient Signor 3	
1.13. Acknowledgment: State of New Hampshire, County of _____, on ____ / ____ / ____, before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal)		1.13.2 Name & Title of Notary Public or Justice of the Peace	
1.14. State Agency Signature(s)		1.15. Name & Title of State Agency Signor(s) Robert L. Quinn, Commissioner NH Department of Safety Date: _____	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G&C approval required)			
By: _____ Assistant Attorney General, On: ____ / ____ / ____			
1.17. Approval by Governor and Council (if applicable)			
By: _____ On: ____ / ____ / ____			

2. SCOPE OF WORK In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT B (the scope of work being hereinafter referred to as "the Project").

3. AREA COVERED Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.
4. EFFECTIVE DATE: COMPLETION OF PROJECT
- 4.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.15.
- 4.2. Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.7 (hereinafter referred to as "the Completion Date").
5. GRANT AMOUNT: LIMITATION ON AMOUNT: VOUCHERS: PAYMENT
- 5.1. The Grant Amount is identified and more particularly described in EXHIBIT A, attached hereto.
- 5.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT A.
- 5.3. In accordance with the provisions set forth in EXHIBIT A, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.
- 5.4. The payment by the State of the Grant amount shall be the only, and the complete payment to the Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient other than the Grant Amount.
- 5.5. Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.
6. COMPLIANCE BY SUBRECIPIENT WITH LAWS AND REGULATIONS In connection with the performance of the Project, the Subrecipient shall comply with all statutes, laws regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Subrecipient, including the acquisition of any and all necessary permits.
7. RECORDS and ACCOUNTS
- 7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.
- 7.2. Between the Effective Date and the date three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions.
8. PERSONNEL
- 8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.
- 8.2. The Subrecipient shall not hire, and it shall not permit any subcontractor, sub grantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.
- 8.3. The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.
9. DATA: RETENTION OF DATA: ACCESS
- 9.1. As used in this Agreement, the word "data" shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, performed, who exercises any functions or responsibilities in the review or computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.
- 9.2. Between the Effective Date and the Completion Date the Subrecipient shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.
- 9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State.
- 9.4. On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.
- 9.5. The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.
10. CONDITIONAL NATURE OR AGREEMENT Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Subrecipient notice of such termination.
11. EVENT OF DEFAULT: REMEDIES
- 11.1. Any one or more of the following acts or omissions of the Subrecipient shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):
 - 11.1.1 Failure to perform the Project satisfactorily or on schedule; or
 - 11.1.2 Failure to submit any report required hereunder; or
 - 11.1.3 Failure to maintain, or permit access to, the records required hereunder; or
 - 11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.
- 11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:
 - 11.2.1 Give the Subrecipient a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Subrecipient notice of termination; and
 - 11.2.2 Give the Subrecipient a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and
 - 11.2.3 Set off against any other obligation the State may owe to the Subrecipient any damages the State suffers by reason of any Event of Default; and
 - 11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.
12. TERMINATION
- 12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Subrecipient shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.
- 12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Subrecipient to receive that portion of the Grant amount earned to and including the date of termination.
- 12.3. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient's breach of its obligations hereunder.
- 12.4. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.
13. CONFLICT OF INTEREST No officer, member of employee of the Subrecipient, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be

- approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
14. **SUBRECIPIENT'S RELATION TO THE STATE** In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
 15. **ASSIGNMENT AND SUBCONTRACTS** The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in EXHIBIT B without the prior written consent of the State.
 16. **INDEMNIFICATION** The Subrecipient shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Subrecipient or subcontractor, or subgrantee or other agent of the Subrecipient. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.
 17. **INSURANCE AND BOND**
 - 17.1 The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
 - 17.1.1 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and
 - 17.1.2 Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and
 - 17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.
 18. **WAIVER OF BREACH** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.
 19. **NOTICE** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
 20. **AMENDMENT** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.
 21. **CONSTRUCTION OF AGREEMENT AND TERMS** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.
 22. **THIRD PARTIES** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
 23. **ENTIRE AGREEMENT** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.

SPECIAL PROVISIONS

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

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

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

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

- **Federal Funding Accountability & Transparency Act (FFATA).** *Data Universal Numbering System (DUNS) Numbers Requirement.* As the recipient of federal highway safety funds, the applicant agency must have a DUNS number. This is a unique nine-character number that identifies the applicant agency and is used by the federal government to track how federal funds are distributed. If the applicant agency is authorized to make sub-awards under this contract, it must: 1) notify potential sub-recipients that no entity may receive a sub-award unless that entity has provided the applicant agency with its DUNS number; and 2) the applicant agency may not make a sub-award to an entity unless the entity has provided its DUNS number to the applicant agency. (<https://fedgov.dnb.com/webform>)

- The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, [Qrtt.ps://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf](http://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded;
- Name of the entity receiving the award;
- Amount of award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), Program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) The entity in the preceding fiscal year received –
 - (ii) 80 percent or more of its annual gross revenues in Federal awards;
 - (iii) \$25,000,000 or more in annual gross revenues from federal awards; and
 - (iv) The public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13 (a) or 15 (d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION
(Applies to subrecipients as well as States)

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 *et seq.*), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681–1683 and 1685–1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100–209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131–12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- Executive Order 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087–74100).

POLITICAL ACTIVITY (HATCH ACT)
(Applies to subrecipients as well as States)

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

CERTIFICATION REGARDING FEDERAL LOBBYING
(Applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

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

RESTRICTION ON STATE LOBBYING
(Applies to subrecipients as well as States)

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

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(Applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

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

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS-PRIMARY TIER COVERED TRANSACTIONS

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

Instructions for Lower Tier Certification

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

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

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

BUY AMERICA ACT **(Applies to subrecipients as well as States)**

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

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE **(Applies to subrecipients as well as States)**

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

POLICY ON SEAT BELT USE

In accordance with the Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employees, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

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

CASH MANAGEMENT

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

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

OFFICE OF MANAGEMENT AND BUDGET GRANT CONDITIONS

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

- **Audit Requirement of Federal Funds:** 2 CFR part 200, subpart F (formerly known as OMB Circular A-133) – These requirements apply to each non-profit organization, each institution of higher education, and local governments as a whole when they or one of their departments receives federal funds. Any non-profit organization, institution of higher education, or local government spending more than \$750,000 in federal funds *from all sources* within a 12-month period must have an audit performed on the use of the funds. OGR defines the 12-month period as July 1 to June 30. The following link provides the full text of this basic federal grant requirement: <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>.
- **Cost Principles for Federal Grants to State and Local Governments**
 - 2 CFR 200 subpart E – These requirements apply only to state and local government subrecipients. These regulations list and define general categories of costs that are both allowable and unallowable. Examples include the following:
 - The cost of alcoholic beverages is unallowable.
 - Costs incurred by advisory councils are allowable.
 - Audit costs are allowable.
 - Compensation costs are allowable so long as they are consistent with that paid for similar work in other activities of the local government.
 - Entertainment costs are unallowable.
 - Equipment costs are allowable with the prior approval of the HSO. Equipment having a useful life of more than one year or a current per-unit fair market value of \$5,000 or more must be tracked. When replacing equipment purchased with federal funds, the equipment to be replaced may be used as a trade-in or can be sold with the proceeds used to offset the cost of the replacement equipment. In addition, during the period of the contract with HSO, insurance on the equipment is allowable.
 - Travel costs are allowable if pre-approved by the HSO and so long as they are consistent with those normally allowed in like circumstances for non-federally funded activities.
- **Cost Principles for Federal Grants to Non-Profit Organizations and Institutions of Higher Education** - These requirements apply to only the non-profit and higher education sub recipients. These document list and define general categories of costs that are allowable and unallowable. The links below provide the full text of these two basic federal grant requirements.
 - 2 CFR 200 subpart E

CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

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

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

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

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

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

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

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

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

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

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

(J) See §200.322 Procurement of recovered materials.

SPECIAL PROVISION-NH OFFICE OF HIGHWAY SAFETY

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

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

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

Authorized Contract Signatory: _____ Date: _____

Signors Printed Name: _____ Signors Title: _____

EXHIBIT A

FFY 2020 OHS Grant Award

Project Titles	Federal Budget	Maximum Match Required
STEP PSP & Task 20-02-04 FAST Act 402 FAIN Number (Subaward): 69A37519300004020NH0, 69A37520300004020NH0 CFDA: 20.600	\$ 0.00	\$ 0.00
DUI ENFORCEMENT PSP & Task 20-07-04 FAST Act 402, FAIN Number (Subaward): 69A37519300004020NH0, 69A37520300004020NH0 CFDA: 20.600	\$ 0.00	\$ 0.00
DISTRACTED DRIVING PSP & Task 20-04-04 FAST Act 402 FAIN Number (Subaward): 69A37519300004020NH0, 69A37520300004020NH0 CFDA: 20.600	\$ 0.00	\$ 0.00
PEDESTRIAN BICYCLE PSP & Task 20-06-04 FAST Act 405h FAIN Number (Subaward): 69A3751830000405hNH0 CFDA: 20.616	\$ 0.00	\$ 0.00
OPERATION SAFE COMMUTE PSP & Task 20-02-11 FAST Act 402 FAIN Number (Subaward): 69A37519300004020NH0, 69A37520300004020NH0 CFDA: 20.600	\$ 3,120.00	\$ 780.00
JOIN THE NH CLIQUE PSP & Task 20-01-04 FAST Act 402 FAIN Number (Subaward): 69A37519300004020NH0, 69A37520300004020NH0 CFDA: 20.600	\$ 260.00	\$ 65.00
DRIVE SOBER OR GET PULLED OVER PSP & Task 20-07-11 Fast Act 402 FAIN Number (Subaward): 69A37519300004020NH0, 69A37520300004020NH0 CFDA: 20.600	\$ 520.00	\$ 130.00
U DRIVE, U TEXT, U PAY PSP & Task 20-04-11 Fast Act 402 FAIN Number (Subaward): 69A37519300004020NH0, 69A37520300004020NH0 CFDA: 20.600	\$ 260.00	\$ 65.00
E-CRASH EQUIPMENT (MDT) PSP&Task 20-03-06 FAST Act 405c FAIN Number (Subaward): 18X920405cNH17, 69A3751830000405cNH0, 69A3751930000405cNH1, 69A3752030000405cNH1 CFDA: 20.616	\$ 10,000.00	\$ 5,000.00
E-CRASH EQUIPMENT (Printers/Scanners/Receivers) PSP&Task 20-03-06 FAST Act 405c FAIN Number (Subaward): 18X920405cNH17, 69A3751830000405cNH0, 69A3751930000405cNH1, 69A3752030000405cNH1 CFDA: 20.616	\$ 5,000.00	\$ 1,250.00
Total (Project Cost is 80% Federal Funds, 20% Applicant Share)	\$ 19,160.00	\$ 7,290.00

Awarding Agency: Office of Highway Safety (OHS)

Federal Awarding Agency: National Highway Traffic Safety Administration (NHTSA), US DOT NHTSA Region 1 55 Broadway, RTV-8E Cambridge, MA 02142

Is This a Research and Development Project: YES or NO (circle one)

EXHIBIT B
GRANT REQUIREMENTS AND INFORMATION

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

Reimbursement Schedule and Required Paperwork

- Reimbursements are due no later than 15 days after the close of the quarter. Due dates are as follows:
 1. **January 15th** for October-December (Quarter 1)
 2. **April 15th** for January-March (Quarter 2)
 3. **July 15th** for April-June (Quarter 3)
 4. **October 15th** for July-September (Quarter 4)
- Over-Time enforcement patrol reimbursements shall include the following:
 1. Reimbursement Request Cover Letter (HS-1);
 2. Overtime Payroll Reimbursement Form (HS-20) for each project;
 3. Match Tracking Form (HS-22) for each project;
 4. Quarterly Summary Report (HS-200 QSR) for each project;
 5. Patrol Activity Reports (HS-200) for each project; and
 6. Final Report HS-7b to be submitted with final reimbursement
- Equipment reimbursements shall include the following:
 1. Reimbursement Request Cover Letter (HS-1). Note: if submitting equipment reimbursement along with overtime enforcement patrol reimbursements only one (1) Reimbursement Request Cover Letter (HS-1) shall be submitted.
 2. Copy of the detailed equipment invoice;
 3. Copy of Match Tracking Form (HS-22)
 4. Copy of Cancelled Check
 5. Final Equipment Report (HS-8E)
- If no enforcement patrols took place during the quarter you are required to submit the Reimbursement Cover Letter (HS-1) indicating that you are not seeking reimbursement by placing \$0 in the projects where you were awarded funding.
- Failure to file required reports by the submission due dates can result in grant termination or denial of future grants.
- All publications, public information, or publicity released in conjunction with this project shall state "This project is being supported in part through a grant from the NH Office of Highway Safety, with Federal funds provided by the National Highway Traffic Safety Administration" or related social media tag provided by our office.
- Grant agreements shall terminate in the event funds are exhausted and/or not made available by the federal government for this program. If the grantee makes obligations in anticipation of receiving funds under this grant, the grantee does so at their peril and the State of New Hampshire will be under no obligation to make payments for such performance.

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

Authorized Contract Signatory: _____ Date: _____

Signors Printed Name: _____ Signors Title: _____

Scope of Work

High Visibility Mobilizations

AWARDED MOBILIZATIONS ARE INDICATED BY AN ☒ NEXT TO THE PROJECT

NOTE: Please e-mail your Field Representative, in advance, if a mobilization effort will not be conducted.

☒ **Operation Safe Commute Enforcement:** The high visibility mobilization allows the state an opportunity to provide a coordinated highway safety initiative during specific dates and times throughout the fiscal year. Media events occur around these concentrated efforts to enhance the awareness and importance of safe driving. The following 12 mandatory patrol date and times are as follows:

Mandatory Dates	Time	Mandatory Dates	Time	Mandatory Dates	Time
October 21, 2019	1500-1900	February 15, 2020	0600-1000	June 11, 2020	0600-1000
November 27, 2019	1500-1900	March 16, 2020	0600-1000	July 2, 2020	1500-1900
December 29, 2019	1300-1700	April 14, 2020	0600-1000	August 10, 2020	0600-1000
January 18, 2020	0600-1000	May 22, 2020	1500-1900	Sept. 4, 2020	1500-1900

☒ **Join the NH Clique Enforcement Patrols:** The purpose is to enforce the Child Restraint Law for anyone under 18 years of age as well as to educate unbelted occupants 18 years and older regarding the importance of wearing seatbelts. Patrols must be conducted during daylight hours at locations such as elementary schools, high schools, shopping centers, and/or locations where drivers and passengers up to the age of 18 are known to frequent. Prior to officers conducting "Join the NH Clique Patrols", they will be required to complete an Online training course; "Occupant Protection/Child Passenger", sponsored by Police Standards and Training. A certificate of completion verifying that the officers participating in the patrols shall be submitted with the grant reimbursement request (only one certificate per officer is needed for the duration of the grant). **Note:** Officer's time will not be paid for, if this online training was not completed prior to the patrol.

- This mobilization is required to be conducted during the following time-frame- **Dates to Be Determined**

☒ **Drive Sober or Get Pulled Over:** These two mobilizations will focus on the apprehension of the impaired driver. Locations for patrols should be where the greatest likelihood of finding an impaired driver exists.

At least one 4 hour DUI enforcement effort must be conducted during each campaign-period

- "Drive Sober or Get Pulled Over" - **Friday, December 13, 2019 through Wednesday, January 1, 2020**
- "Drive Sober or Get Pulled Over" - **Friday, August 21, 2020 through Monday, September 7, 2020**

☒ **U Drive, U Text, U Pay:** This grant focuses on stopping drivers who are distracted including New Hampshire's Hands Free Electronic Device Law, as well as other activities that occur behind the wheel that cause the driver to be distracted. ***At least 4 hours of distracted driving enforcement must be conducted during this time-frame.***

- This mobilization is required to be conducted during the following time-frame- **Dates to Be Determined**

Grantee Initials: _____

Date: _____

Grantee Initials: _____

Date: _____

Grantee Initials: _____

Date: _____

Scope of Work

eCrash Equipment

EQUIPMENT AWARDED IS INDICATED BY A "CHECK" NEXT TO THE PROJECT

NOTE: All equipment must meet the "BUY AMERICA" requirement



Printer, Bar Code Scanner, GPS Receiver Equipment

- A reimbursable **unit** includes the following three items:
 1. Compatible Printer w/Mobile Adapter Kit
 2. Compatible Bar Code Scanner
 3. Compatible USB GPS Receiver
- eCrash equipment cannot exceed the amount of \$1,000.00 per **unit** to include shipping.
- Only cruisers that are **primarily (used 50% of the time for enforcement efforts)** used for citation, crash reporting and have connectivity (VPN) to the state system will be considered eligible for this eCrash equipment grant.
- Purchased units must be installed within 90 days of receiving equipment.
- Law Enforcement agencies who are participating in this program are expected to begin submitting electronic crash reports to the Division of Motor Vehicles within 180 days of receiving equipment.

+++++



Mobile Data Terminal Equipment

- A reimbursable **unit** includes the following two items:
 1. Laptop - OHS will reimburse 50% up to \$1,500 for each laptop awarded
 2. Docking Station/Mounting Hardware/Stand - OHS will reimburse 50% up to \$500 for docking station/mounting hardware/stand
- Only cruisers that are **primarily (used 50% of the time for enforcement efforts)** used for citation, crash reporting and have connectivity to the state system will be considered eligible for this E-Crash equipment grant.
- Purchased units must be installed within 90 days of receiving equipment.
- Law Enforcement agencies who are participating in this program are expected to begin submitting electronic crash reports to the Division of Motor Vehicles within 180 days of receiving equipment.

NOTE: Does not include the purchase of equipment outside the scope of the above mentioned equipment.

Grantee Initials: _____

Date: _____

Grantee Initials: _____

Date: _____

Grantee Initials: _____

Date: _____

CITY COUNCIL MEETING
AGENDA ITEM X



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of September 5, 2019

Subject: Other Business

- 1. Committee Reports**
- 2. City Manager's Update**
- 3. Late Items**



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting September 5, 2019

Date: August 29, 2019

From: Judie Milner, City Manager

Subject: City Manager's Update

- 1) Contingent Grant Line Activity - \$1000 Walmart for Fire Dept; \$500 Amerihealth for Basketball Camp; \$100 (Michael Heffron) & \$50 (Stephen Blanchette) for K9 Miller, \$115 in donations collected at Franklin Studios for K9 Miller
- 2) Trust fund for school funding - \$69.26
- 3) End of Summer EE BBQ invitation to Council 9/20 noon in Odell Park
- 4) Mill City Park Update – Permit filed
- 5) SBDC – 1st day in Franklin successful
- 6) Vulgar Brewery Update – thank you Captain Reale
- 7) Podcast with Councilor Rago
- 8) Social media buster – None for the month; visits from several residents to get the correct info – THANK YOU!

1 Nonpublic session needed

Motion to go into non-public according to RSA 91-A:3 II (L) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even when legal counsel is not present.

Roll Call Vote