

CITY OF FRANKLIN
CITY COUNCIL MEETING
October 7, 2019
6:00 P.M.





CITY COUNCIL MEETING
Monday, October 7, 2019
6:00PM – Council Chambers

SALUTE TO THE FLAG

PUBLIC HEARINGS

Resolution #06-20 – a resolution to change 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.

Resolution #07-20 – a resolution accepting and appropriating \$4,160 in grant funds for the Office of Highway Safety for e-Crash equipment and other traffic enforcement projects.

Resolution #08-20 – a resolution accepting \$16,871.50 in grant funds from the NH Department of Safety, Division of Homeland Security and Emergency Management for the purchase of a replacement generator at the Franklin Fire Station.

Resolution #09-20 – a resolution accepting and appropriating a \$30,000 USDA Rural Development Grant to support the Opportunity Zone Program.

COMMENTS FROM THE PUBLIC

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

LEGISLATIVE COMMENTS

CITY COUNCIL ACKNOWLEDGEMENT

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

MAYOR'S UPDATE

Agenda Item I.

Council to consider the minutes of the August 27th Special City Council Meeting and the minutes of the September 5th City Council Meeting.

Agenda Item II.

Canvass of the Votes.

Agenda Item III.

Monthly School Board Update.

Agenda Item IV.

Lakes Region CERT Team Informational Update by John Beland

Agenda Item V.

Council to consider approval of Resolution #07-20, accepting and appropriating \$4,160 in grant funds for the Office of Highway Safety for e-Crash equipment and other traffic enforcement projects.

Agenda Item VI.

Council to consider approval of Resolution #08-20, accepting \$16,871.50 in grant funds from the NH Department of Safety, Division of Homeland Security and Emergency Management for the purchase of a replacement generator at the Franklin Fire Station.

Agenda Item VII.

Council to approval of Resolution #09-20, accepting and appropriating a \$30,000 USDA Rural Development Grant to support the Opportunity Zone Program.

Agenda Item VIII.

Council to consider approval of the disposition of Ambulance no. 2.

Agenda Item IX.

Council to consider setting a public hearing on Ordinance #09-20, a change to the Franklin Municipal Code Part I: Administrative Legislation, adding Chapter 18, Elections; Section 1: Contested Races, Tie Votes, and Recount Process.

Agenda Item X.

Other Business

1. Mayoral Appointments/Re-appointments
2. Committee Reports
3. City Manager's Update
4. Late Items.

Adjournment

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

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

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, October 7th, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Resolution #06-20, 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.

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 October 7, 2019

Subject: Approval of Minutes

Motion: "I move that the Franklin City Council approve the minutes of the August 27th, 2019 Special City Council Workshop and the minutes of the September 5th, 2019 City Council Meeting".

Mayor calls for a second, discussion and the vote.



Pending City Council Approval

Special City Council Workshop Meeting Minutes

Tuesday, August 27, 2019, 6:00 p.m.

Council Chambers – City Hall

Call to order

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

City Council in attendance:

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

Others in attendance:

City Manager Judie Milner

Salute to the Flag was led by Councilor Ribas.

Councilor Desrochers stated that the Flags were on the wrong side. Audrey Lanzillo and Councilor Dzujna returned the Flags to the correct locations.

Public Hearing

Opened at 6:05 p.m.

Resolution #05-20, appropriating \$180,000 of unassigned FY2019 fund balance to support the FY2020 Franklin High School District Budget.

Mayor Giunta asked if there was anyone who had questions or comments. There were none.

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

Agenda Item I.

Council to consider approval of Resolution #05-20, appropriating \$180,000 of unassigned FY2020.

Motion – Councilor Trudel moved that the Franklin City Council adopts Resolution #05-20 appropriating \$180,000 of FY2019 unassigned fund balance to the Franklin School District fiscal year 2020 budget.

Seconded by Councilor Starkweather.

Councilor Rago stated that she is in support of this resolution however had a few questions. She sent a spreadsheet that she created to Superintendent LeGallo and the Council to reference as

she asked her questions. She has a concern with last year's budget compared to the final revenues. Rago stated that she appreciated his responses to her questions (the questions from Councilor Rago and responses from Superintendent LeGallo are shown below):

August 7, 2019

Questions for August 27th public hearing to discuss \$180,000 in School District Fund Balance *Superintendent Dan LeGallo's responses are in red

COUNCIL AGENDA REPORT

"to hire back personnel needed based on the latest enrollment projections"

Questions: 1) What was the total enrollment at the FYE 06/30/19? **931 Students**

2) What is the projected enrollment used in the FY2020 budget? **926 Students in the budget presentation.**

3) Are FY2020 enrollment budget numbers still relevant with current information? **Latest enrollment numbers are 957**

- If there is a known variance, please explain. **We have had increased enrollment in grades 1 and 2 primarily.**

2. "The school district recognized additional revenue above the budgeted projections related to:

The additional revenue was above FY19 budgeted amounts

a) Medicaid receipts: **FY19 budgeted at \$201,374 (originally \$170,000)**

b) Tuition revenue from other districts: **FY19 budgeted at \$11,000**

c) E-rate reimbursements: **FY19 budgeted at \$47,173**

d) Energy rebates: **FY19 budgeted at \$167,085**

Please see attached Revenue sheet for Budget to Actuals for FY19 for variances

For each item, what is the new projected number and what is the cause of the difference? **Currently we don't have confirmed new projected numbers for revenues for FY20 other than the request to use additional fund balance recognized in FY19.**

On a side bar to this — at this time, do you know of any FY20 budgeted revenue or expense items that might be over/under budget that might be troublesome? **The enrollment increases at the elementary school are the challenges we are looking to alleviate with the additional fund balance request to fund additional teachers and staff. Special Education is always potentially troublesome. Also some technology costs are a concern based on enhancements needed to improve our data security as directed by 1-1B 1612 (which amended RSA 189:66 Data Inventory and Policies Publication) and recognized by a technology security assessment the district has undertaken.**

OTHER BUDGET QUESTIONS

1. Did the district receive the NH Charitable Foundation \$75,000 grant? If not yet heard _when do you expect to hear? **Yes we are approved for the grant**

2. When will the district receive the additional sped money approximately \$69,000? Has this been budgeted for in FY20? If not — what is the spending plan? **We have received the funding. It was added to the 2018-19 IDEA/Preschool Grant that ends September 30, 2020. We are currently reviewing budgeting options primarily to employ an additional special education case manager for the middle school due to an increase in the special education needs at that school**

3. Revenue Projection report (as shown on the SAU website) does not reflect ACTUALs from 2018-19. What are those numbers? **Please see attached revenue sheet**

4. Comparing ACTUAL expenditures from end-of-year of \$15,906,660 compared to tax cap approved budget of \$15,757,340 reflects a reduction in budget of less than 1% or \$149,320. Budgeted revenues for Adequacy Aid — the Council has not received the ACTUAL amounts for 2018-19. **The actual amounts for adequacy aid for FY19 were presented during budget presentations for FY20. It is also reflected on the attached revenue sheet for the general fund. When can we get those numbers? In reference to adequacy aid numbers for FY20 we typically receive that final number from the state at the end of September during tax rate setting.**

5. Kindergarten Keno Grants — what is the expected amount of Keno grant funds and are they included in the FY20 budget? **The amount budgeted for FY20 is \$82,500 under Kindergarten Aid in the revenue breakdown. The final amount will not be known until the same time as adequacy aid.**

ACTUAL EXPENDITURES VS BUDGET

1. Account # 2113 — why did social services budget increase over actual by \$147,487? And keep four social workers whose federal funding had expired? One position was budgeted in FY20 in regular education (1100) for the middle school. The rest were budgeted in the 2113 account, but one position was eliminated at the elementary school that was already funded by the district general fund. The increased cost in the 2113 account is also being partially offset by the \$75,000 in revenue being received from the NH Charitable Foundation.
2. Account #2152 — why did speech pathology budget increase over actual by \$115,737? Based on recent final numbers the increase from FY19 actuals to FY20 budget is \$53,911. The primary increase is related to rate increased and student needs for professional service by outside providers. The rest is related to contractual staff increases. What is the budget vs. actual in sped students for FY19 & sped students budgeted for FY20? The budgeted number of SPED students for FY19 was 227. The actuals at October 2018 (When numbers are required to be reported to the NH DOE) was 239. The number budgeted for FY20 is 254 students although special education costs are not a direct correlation to number of students.
3. Account #2222 — why did School Library budget increase over actual by \$26,083? This is primarily due to the FY20 budgeting for a staff member that was on leave for the FY19 year and expected to return. The FY19 temporary staff member's cost was less for the FY19 year.
4. Account #'s 2321, 2410, 2490, 2510 — why did Office Admin in the combined accounts increase by \$153,908? Final Budget Vs. Actual is \$145,797. A support staff position was moved from guidance (counseling- 2122) to 2410 due to the job responsibilities of the position (\$51,898). One of the new administrators was not hired until later in the FY19 year so his costs were prorated for the balance of the year, but was budgeted for the full year in FY20 (\$14,519); Graduation costs (\$2,086); Loss of a middle school support staff position not filled right away (\$6,930); Salary increases (\$18,226); Business office support staff position budgeted, but not filled until later in the year (\$10,147); Health and Dental premium increases (22,315); FICA/Medicare increases (\$3,212); Retirement Cost Increases (14,679); Balance of increase related to Worker's Comp Insurance and Unemployment Insurance.
5. While in the district managerial purview, why did the superintendent and school board decide to increase spending in these accounts while laying off nine teachers? Please see above breakdown of costs.

FUND BALANCE

Over the last two years the Council has given the district over \$786,000 in order for the district to balance their budget as requested by the District. In February 2019 the District came forward with a new teacher's contract requesting an increase in salaries of approx. \$225,000. When asked how district will pay for it the Council was told that it would come out of the estimated \$650,000 fund balance. (Per City Council minutes dated 04/01/19: "the estimated \$650,000 is part of the recognized savings of the current teacher's staff. There is approximately \$478,000 of budget savings with the current staff and health insurance costs showed a savings of \$245,000 for the year, which is approximately \$723,000 of expected savings".)

The FY19 District budget is now reporting a \$851,000 fund balance and you have newly 'found' additional fund balance of \$180,000 to "Hire back the rest of the teachers".

How is the district going to pay for hiring "the rest of the teachers" without having to come back to the Council in April asking for another replenishment? The funds have already been budgeted for the current fiscal year FY20. We are only requesting the use of additional fund balance recognized in the FY19 fiscal year above what was budgeted for the FY20 fiscal year. We would not come to the city council in April to ask for additional funds for the current fiscal year. We are not aware of this ever happening in the past. We are not looking to hire back all the staff that was originally reduced during the budget process; only those that we would need based on the latest enrollment numbers.

Is the hiring of new teachers sustainable in FY21 & beyond? Decisions are made every year individually based on enrollment numbers and available funds. There are so many different variables that can affect the budget needs and available from year to year.

Councilor Rago reviewed the Franklin School District's General Fund Revenue Fiscal Year 2018/2019 as of August 16, 2019 Spreadsheet. See below.

Franklin School District						
General Fund Revenue						
Fiscal Year 2018/2019	1	2	3	4	5	6
As of August 16, 2019	A	B	C		D	D-C
	2017/18	2018/19	2018/19	C - B	2019/20	Act 18.19 vs
SOURCE	Actuals	Budget	Actuals	Variance	Budget	Budg 19.20 Var
General Fund:						
Revenue from State Sources						
Special Education Aid	72,577	54,547	52,652	(1,895)	100,000	47,348
Kindergarten Aid	-	66,452	66,448	(4)	82,500	16,052
Charter School Aid	29,638	25,000	25,804	804	25,000	(804)
Vocational Transport Aid	8,900	7,000	8,914	1,914	7,000	(1,914)
Adequate Educ Grant	7,670,311	7,080,457	7,080,826	369	6,764,968	(315,858)
Other State Aid (Adeq Addtl)	6,271	-	-	-	-	-
Building Aid	181,944	181,944	181,944	-	181,944	-
Indirect Costs	74,369	69,000	68,393	(607)	69,000	607
						-
Revenue from Federal Sources						
Medicaid Reimbursement	264,261	201,374	301,681	100,307	230,000	(71,681)
E-Rate Funding	104,679	47,173	83,800	36,627	47,173	(36,627)
						-
Local Revenue Other Than Taxes						
Tuition	143,456	11,000	33,831	22,831	11,000	(22,831)
Earnings on Investments	4,289	500	20,266	19,766	2,000	(18,266)
Other Local Revenue	16,277	2,000	3,087	1,087	2,000	(1,087)
Svcs Provided other LEAs	-	15,000	-	(15,000)	-	-
Athletic Receipts	8,217	7,500	3,839	(3,661)	7,500	3,661
Energy Rebates	-	167,085	195,292	28,207	-	(195,292)
NH Charitable Found(Project Aware)	-	-	-	-	75,000	75,000
Technology Trust	-	43,000	43,000	-	-	(43,000)
1 Fund Balance Reserve	100,000	100,000	100,000	-	-	(100,000)
2 Unreserved Fund Balance	273,446	619,085	619,085	-	851,751	232,666
						-
TOTAL REVENUES AND CREDITS	8,958,635	8,698,117	8,888,862	190,745	8,456,836	(432,026)
						-
District Appropriation	3,862,005	4,257,639	4,257,639	-	4,359,548	101,909
Education Tax	1,160,674	1,178,555	1,178,555	-	1,158,237	(20,318)
Addtl Voted by City Council	473,000	313,301	313,301	-	-	(313,301)
						-
TOTAL GENERAL FUND	14,454,314	14,447,612	14,638,357	190,745	13,974,621	(663,736)
Less Fund Balance (18.2)	14,080,868	13,728,527	13,919,272	190,745	13,122,870	(796,402)
						-
Food Service Transfers	573,723	535,718	535,718	762,399	535,718	-
						-
Federal Funds	-	1,697,000	1,697,000	1,424,491	1,247,000	(450,000)

School Business Administrator Jefferson Braman responded to Rago's questions. Regarding Medicaid Reimbursements Actuals vs. Budget, Braman stated that it isn't something they can predict as it changes based on the needs and services provided. It can go up and down year over year and eligibility laws changed this year.

Rago stated that the school is budgeting \$400K less than what was received in Actuals. The \$180K is one-time money and she is concerned that the school will come back and ask for more money.

Braman responded stating that the only time it would happen is if something catastrophic happens such as six of seven out of district kids come into our schools costing \$100K per student.

Councilor Brown stated that she spoke to many times about the public asking to look at consolidating the City and the School's budgets. Brown asked that if they could try to work together on one budget to report out and if so, would forecasting be better. If better forecasting could have happened, might the teachers have been saved. She also made reference to the manufacturing opportunities that she is working with LeGallo to get off the ground but that those manufacturing companies will want to know the numbers. The goal through the LEAN Process is look at both the City and School's needs as a whole going forward. Brown also stated that she wants to strive for this year being the year that teachers are not released. The teachers should feel secure and that they have a future here.

Councilor Trudel asked Superintendent LeGallo how many jobs will be saved with the \$180K they are asking to appropriate tonight. LeGallo responded stating that 2 maybe 3 will be saved. Trudel then asked LeGallo that when the Project Aware grant money ran out, how many employees were added to his staff. LeGallo responded that 3 employees were added to his staff because these councilors were necessary at the schools. He also added that the City has been able to find the schools a little bit of money every year.

Councilor Desrochers applauded the School Board and Superintendent with being frugal throughout the year and having this money left over. He is in support of allowing them to have the \$180K back. He was disheartened though due to Webster Valve sitting on the side lines for the past few years waiting for a program to get started at the High School. Desrochers asked LeGallo why it has taken so long to get this going.

LeGallo responded stating that the first step was to get the Extended Learning Opportunity program (ELO) off the ground and the High School is in a good place now with the bank and one of the state equity coordinators Bob McLaughlin to help get this off the ground.

Councilor Brown spoke about the manufacturing companies getting on board with this in Franklin including a Digital Equity company who is partnering with the bank for a first in the nation opportunity program of providing low cost Digital Access to certain students who meet certain financial criteria. She stated that the Superintendent has been very busy this summer. Things are moving in the right direction. She stated that the Manufacturing night will be held on October 25th is going to be a great event for the students. Brown thanked Mayor Giunta for being instrumental in this process.

LeGallo stated that he expects the manufacturing program(s) will be up and running at the High School this year.

Mayor Giunta stated that the manufacturing companies are running 8-12 weeks behind on their orders. There's not enough workers to complete the work. This is critical for them to fill their staff and critical for the Schools to teach their students so the moon couldn't have aligned at a better time.

Councilor Brown asked LeGallo what new positions he is planning to hire with the \$180K. LeGallo responded that they will be a kindergarten and first/second combined grade teacher for sure. If a third position can be hired, they will do that. LeGallo informed the Council that they were just hit with a court placement for a special education issue today at a cost of \$125K. The school never knows when it will get hit with things like this.

Councilor Testerman congratulated LeGallo on this new partnership with WATTS and asked what the class sizes will be now by having this money. LeGallo replied that they will be 20 or less. Without this money, the class would be 23-25 which is on the high end for the lower grade levels and not a preferable size for the lower grades. Testerman disagrees due to her experience as a schoolteacher because she had a classroom size of 30 students. She feels it's all about good discipline.

Testerman stated that she is also concerned over the understaffed Police Department. Even though our officers outperform their counterparts in larger cities, overtime and fatigue is the result. With this \$180K, the City could help relieve the Police Department. She stated that the Police Department is responsible for the entire City not just 11% of it. She further added that she is in favor of education because she is an educator and it is important but we have a bigger problem in this City. She concluded stating that our students are not coming out of school literate and unfortunately this may lead to a student not getting employed or turning to things they shouldn't such as drugs. She concluded stating that she will not vote in favor of this resolution.

Mayor Giunta stated that he predicts that this is going to be a good year finance wise and he has a commitment from the Governor with regards to the letter the Mayor wrote and sent to him. He stated that there should be no reason that the legislators do not support the Governor who is pushing for more money for stabilization, adequacy aid, and special education. Mayor Giunta stated that he is doing a press conference on Monday morning with regards to these things. Mayor Giunta concluded stating that the Governor is also pushing for more money for kindergarten aid as well.

Mayor Giunta asked if there were any further questions or comments. There were none.

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 \$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 \$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 – One Hundred Eighty Thousand dollars (\$180,000),

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

By a roll call vote.

Roll Call:

Councilor Brown Yes Councilor Dzujna Yes Councilor Starkweather Yes

Councilor Clarenbach Absent Councilor Rago Yes Councilor Testerman No

Councilor Desrochers Yes Councilor Ribas Yes Councilor Trudel Yes

7 in favor. 1 opposed. Motion PASSED.

Late Item

Council to consider waiving the vendor fees for the Renaissance Faire.

Motion – Councilor Desrochers moved that the Franklin City Council waive the vendor fees for the Renaissance Faire.

Seconded by Councilor Ribas.

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

All in favor. Motion PASSED.

LEAN Roadmap update

Councilor Trudel stated that he is unfortunately double booked and unable to stay for the LEAN update. He asked that the Council please excuse him and exited the meeting at 6:27 p.m.

City Manager Milner stated that she printed out the Roadmap for everyone and will not be using the projector this evening.

Collaboration with Schools – Council Champion Jo Brown

Milner stated that education was already discussed quite a bit tonight and one of the tasks for the month of August was for her to initiate a meeting with Jefferson Braman, Frank Lossani, and herself and unfortunately will need to push this to the month of September after school begins. Milner stated that the tasks for both August and September will be combined in order to remain on schedule.

Councilor Dzujna asked City Manager Milner what her thoughts were on the meeting with the Finance departments from both areas. Milner replied that if the Finance Director and Business Administrator were allowed to move forward without interruption, this would be completed already. She admitted that she and LeGallo could be a cog in the wheel every once in a while, but even more of a cog is the school board not being on the same page with this plan.

Councilor Brown gave an update on the new partnerships with manufacturing. The Digital Equity is a fantastic partnership with the bank. Through his dedicated work with the bank, Bob McLoughlin is helping to create this program where low-income students will have access to the internet at their home in order to access different training programs designed to bring them up to speed academically.

There was a meeting schedule for tomorrow evening with Vitex however the president would like to get involved so it will move to next week.

NH Manufacturing Extension Corporation President Zenagui Brahim is helping to organize the Manufacturing Night Event on October 25th at the Elks. Instead of having a keynote speaking, Brahim is bringing in several manufacturers. Val Zanchuck, who was a key player in the manufacturing startup of ConVal is also attending. Brown stated that because we are doing this with the manufacturing companies and will be asking them to give some money to the program, the City will have to present some finances that make sense. She also added that the financials for the school should be transparent and more easily reported out and transparent for the public. Because their system is antiquated, too much time is spent on report creation and sharing it. Brown informed the school board last week that the City is not looking to move

people or consolidate office locations rather trying to get the finances on the same sheet of paper. She continued stating that Superintendent LeGallo has been very engaged with this.

Brown concluded stating that the Ward 1 representative for the school board did not register to run again. She believes there is another school rep in another ward as well who did not register to run again.

Councilor Dzujna asked Councilor Brown if there will be a limit to the digital information that the students can access and how will it be monitored. Brown replied stating that she believes that it is tied to a specific educational location since the bank is paying for specific access to certain data. She does not believe it is access to the world wide web. Dzujna asked Brown if she could find out for sure.

City Manager Milner reviewed the tasks for September, October, and asked what should be added for November. Brown stated that adding a milestone to move toward a single budget and financial report should be added.

Councilor Rago asked to add a task that the SAU upload their actual information on their website.

Councilor Testerman is in support of this. She also stated that the state has their financials published so taxpayers can just view the info on-line. Brown stated the importance of avoiding telling the school how to do their budget. The City just wants to see what the schools are doing while looking for opportunities for both the City and the schools. The City needs to be very sensitive of that. Testerman concluded stating that once they calculate their bottom line, they adjust where they need to in order to stay to that bottom line.

Mayor Giunta stated that with all this great work going on with manufacturing, a task for November should be added. Brown agreed and stated that an update on how the manufacturing program is progressing would be a good task to add.

Recreation – Council Champion George Dzujna

City Manager Milner stated that the Calendar of Events is moving along smoothly. It is easy to use and not a hinderance to Audrey or Krystal. Milner confirmed that it is being used quite a bit by several organizations. The School's calendar is on a different platform and not tied into the City Calendar. There is a link on the City's calendar to the school's calendar. In order for a school event to appear on the City Calendar, someone would have to follow the steps to put it on there.

Milner added the task of Dzujna following up with the school on trying to figure out the best way to add the school's events on the City Calendar.

Brown mentioned that there have been discussions on merging IT departments. Milner stated that this is under December's tasks and not showing on tonight's spreadsheet.

The Recreation Venues task was discussed next and Milner stated that it is just a matter of asking the venues how their attendance has been as a result of utilizing the City calendar.

Brown stated that Unchartered Tutoring did a presentation in November last year and will be adding an adult component.

City Manager Milner stated that the Mayor's Drug Task Force has been partnering with the school district in the grant that the school lost this year but retained the councilors. The City will be hearing more from this group as they will be collaborating more with Kandyce. Kandyce has already spoken to the school board regarding the school's new vaping policy. Kandyce along with the school's counterpart will be doing a presentation together and working with the SALT athletics team at the High School and the FYI Team at the Middle School to become mentors for staying away from drugs.

Councilor Dzujna stated that the schools and Kandyce are looking forward to the smoking ban in City recreational areas. City Manager Milner added that the ban is on the agenda for the September 5th meeting.

City Manager Milner stated that selling the tax credits is important. She explained what this means for a business and boiled it down to a business paying eleven cents on the dollar toward a project in Franklin.

Milner further added that the first feature of the whitewater park is the main focus. She then reviewed the tasks for August and September.

Mayor Giunta stated that he has contacted the biggest utility in NH regarding the tax credit offer and may possibly be able to sell the whole thing all at once. City Manager Milner thanked Mayor Giunta.

Business – Council Champion George Dzujna

Milner reviewed task B1 and acknowledged Councilor Brown and Director Lewis for creating the new "Starting a Business in Franklin" Document.

The Downtown Economic Group is leading a couple of other efforts:

1. Promoting Small Business Development Corp (SBDC) who have only 4 locations in the state and this is based the criteria of choosing a location that has the most downtown development happening. Milner explained the assistance that SBDC provides to someone who wants to start a business.
2. Looking at Franklin as having a Chamber of Commerce again and working with Choose Franklin as a group who could easily transition into the Chamber. Milner stated that she has been working with Tilton and Northfield on this hoping to call it the Greater Franklin Area Chamber of Commerce. Milner stated that she would like to add this to the roadmap.

3. Milner discussed the possibility of a new group made up of business owners that would focus on signage. Signage being unique not cookie cutter but have certain characteristics so it looks cohesive and similar to what you would see in Boston.

Councilor Dzuljuna asked if Choose Franklin was on board with transitioning to a Chamber of Commerce. Milner responded stating that Kaitlyn Nash could bring this to the Choose Franklin Board. There expects to be a few people who are not in favor of this because it changes their mission. Milner stated that she didn't realize that their mission wasn't for business in Franklin. She will reach out to Kaitlyn and follow up on what the board is thinking.

If Choose Franklin does not want to do this, Milner stated that she has another idea that involves City employees that belong to other Chambers of Commerce in other cities.

Councilor Testerman asked City Manager Milner if there is something that the Councilors could do to help. Milner replied that she will be following up with Kaitlyn then will circle back to the Councilors and let them know what, if anything, is needed from them.

Councilor Dzuljuna asked what the ordinance says regarding signs left from a business who has closed. Milner replied that she was advised by the Downtown Business Group to let them self-police and not make the City the bad guys.

Councilor Starkweather asked what happens if the business has been gone for six months. Milner replied that maybe Choose Franklin, if transitioned to the Chamber of Commerce, could assist here.

Councilor Ribas offered that a new metric could be added, "Initiatives by Partner Organizations" which would look at creating nighttime shopping and signage. She added Neil Cannon as the sponsor to this metric.

Milner provided some details on the Business Fair explaining that it is not people looking for work but people who are building a business and may need help with planning or things along those lines.

Milner updated tasks for September and October.

Safety – Council Champion Karen Testerman

Milner updated the Council on the status of the Police Department applicants. There are currently four good applicants and two may need to go to the academy.

Councilor Testerman asked about the possibility of a backfill type of position. Milner replied that she is thinking of all of that, yes. The COPS Grant is available again. Milner explained that it fully funds a police officer for three years then the municipality must pick up the funding for years four and five then decide if they would be retained or let go. Milner stated that the City

hired under the COPS Grant back in 2009 and that officer is still working for Franklin. She asked the Chief to apply for two officers and will then decide if we want to accept. This would be worked out in the FY2021 budget.

Councilor Starkweather asked City Manager Milner how long it takes to finish the academy. Milner stated that it takes 16 weeks which is after the 1st of the new year. Then they need to be field trained for an additional 3 months before they can go out on their own. Milner stated that there is a light at the end of the tunnel but the tunnel is long.

City Manager Milner provided an update on Code Enforcement stating that the new prosecutor Margot Newman is doing a fantastic job moving things along and not letting them sit. Metrics will be provided to the City Manager and shared with the Council.

Councilor Testerman stated that a Police Committee Meeting will be held to discuss how Franklin citizens can support our Police Department, reinforce respect for our law enforcement and Fire Department.

Milner stated that this falls under Value on the road map. Police will be the first group to present their strengths, weaknesses, and opportunities at the workshop that will be scheduled.

Milner updated tasks for September and October.

Resources

Milner stated that the City is working on monthly press releases for Franklin for a Lifetime which will start in September.

Marketing will be handled by a group outside the City. Their budget comes from several places and they are working on the City as a whole and rebranding downtown. She will get back to the Council on when their ideas will be presented. This may possibly occur in the November time frame. Milner stated that the City is pausing on a few other marketing type projects due to this overall rebranding effort to be sure everything is cohesive.

Milner will be reaching out to Richard Ellert asking for direction on who will be managing this aspect or even if it belongs on this roadmap.

Economic Growth

Milner stated that she mentioned last month that the City did not get the grant for Technical Assistance for the Opportunity Zones. The reason was because of limited funds and there were other Cities who applied that never had applied before so those cities were awarded their share first. However, a couple of them have dropped out which made us third in line so we were awarded most if not all of the grant. Milner expects this to go through in September.

Milner stated that Neil Cannon is considered the #1 Opportunity Zone professional in all of New Hampshire and is being recruited by the Department of Economic and Business Affairs to become the Opportunity Zone Leader for NH. This is not a conflict of interest.

Councilor Testerman asked Milner if there is a matching part that the City must come up with. Milner responded stating that Neil Cannon being in the budget represents the match.

Arts is another area that the City would like to develop. A focus group is being created to include City Manager Milner as part of the group. Other members are joining by invitation only. The first focus group meeting will be held on September 10th at 9:00 a.m.

Milner stated that the last item under Economic Growth deals with a funding strategy being discussed to deal with the Stanley Mill.

Tasks in this area are fluid and may need to adjust based on what opportunities present themselves over time.

Milner stated that she would like to add tasks under Franklin's Pride. She recommended more tweeting and more news and announcements from the City's website.

Councilor Brown recommended having a City representative who can respond in a brief direct way to postings on Social Media.

Councilor Dzujna shared that although Councilors don't really promote businesses, he was happy to say that Asian Delight was recognized as third best restaurant in all of New Hampshire. The restaurant was packed the other night. This kind of news should be sent out somehow as well. Milner also thought it would be good for Audrey to remind her to upload or tweet some of the good things happening.

Training for City Employees

The Skill Matrix is being developed separately by each department. Based on this, she estimates that a training schedule should be developed sometime in October and possibly implemented by November or December. During the Council workshop held on the third Tuesday of every month, each department will come to meet with the Council individually and discuss the matrix, training programs and also look at policies that have not been looked closely at in many years.

Councilor Dzujna stated that the new matrix will be very helpful with evaluations. Milner agrees and hopes it will replace the cookie cutter evaluation that is used now that doesn't fit every type of employee. Milner added that evaluations should be specific to a certain skill set based on the job.

Dzujna asked Milner if the department heads like the LEAN process and she replied that they do. The audits have taken place and the City Manager's office received a three which is in the

middle leaving plenty of room for improvements. The police department is making some changes as they can. Director Lossani was trained to do the audits and Sherry Ryea will be trained to do them as well.

Milner stated that the Council would like to hear about the benefits of 5s directly from each of the departments during on the LEAN Workshops. This is currently planned for November.

The monthly department presentations will include budget reductions. The first step will be roadmap and scorecard training and creation. Tracking will begin which will highlight the problem areas and elimination of waste will take place.

Milner asked for the Council for their support in allowing each of the departments time with the Council to explain the details of their budgets and explain what their challenges are. The Police Department would like to be the first department to present. She doesn't want them to present in a cookie cutter format but she asked them to cover their Strengths, Weaknesses, Opportunities, and Threats (SWOT). Milner also wants them to share the things they are proud of, their achievements, and what kinds of support they would like from the Council and public. After the Police Department, next up will be trash talking of the MSD kind!

Milner stated that the reasoning for doing this with each of the departments is so when budget season presentation takes place like she did this past year and when she presented at the 30,000-level view, the Council already knows and understands the details within. She added that this will also give the public an opportunity to listen and learn more in depth information about a department they are interested in.

Councilor Brown asked if the City could include the school as well even if we just invite them. Councilor Dzujna agreed and added that sometimes the schools don't feel like they are a department of the City but they are.

Milner focused next on the livestreaming tasks. One quote for \$30,000 was received but the City cannot spend that. A cheaper way to accomplish this would be going back to wired microphones at a cost of approximately \$7,200. Director Lossani and Rocky Marsh are looking at options. She asked if the Council would consider having the audio posted to the website.

Councilor Rago shared that she attended the last School Board meeting and they were trying to livestream with just an iPad and no microphones. Rago suggested to them to collaborate with Director Lossani and try to work together and share equipment thus saving money and reducing waste.

Rago also stated that during the School Board meeting, she asked if she could schedule a Joint Finance Committee Meeting in October but received some gentle push back. She would like to see the Joint Finance Committee viewed as a department where they can go in front of the Council and review their strengths, weakness and state what they want or need. Rago suggested the Joint Finance Committee present to the Council in a similar fashion but was told

to wait until the School has their School Finance Meeting first then they will let her know when another Joint Finance Committee Meeting should be held.

City Manager suggested a Doodle Poll be sent to ask them for their availability.

Councilor Starkweather asked if there is a schedule of the LEAN Meetings yet. Milner replied that they used to be the 4th Monday of every month but will be moving to the 4 Tuesday of every month instead. This will allow more participants from the public including Richard Ellert plus the School District has their LEAN meetings on the 4th Monday of each month so instead of having them on the same night, more participants can attend the School's and the City's. Milner asked if the Council was agreeable to moving the LEAN Workshops to the 4th Tuesday of each month instead. All agreed it would be ok to move it.

Mayor Giunta shifted back to the Livestreaming topic and asked if there was a dollar figure that the Council was comfortable with so Milner could move forward. The Council agreed that \$10,000 was a comfortable amount.

Councilor Desrochers asked if it would be worth the effort to livestream. Councilor Testerman added that many people in other communities do watch a livestream of Council Meetings. Councilor Dzujna asked if a survey could be added into our next publication of the Franklin Newsletter. Milner replied that we can.

Councilor Starkweather stated that if livestreaming would cut down some of the social media news and false facts; it would be useful.

Councilor Rago added that it would be crucial for transparency sake to livestream due to our older population and winter weather. She agreed with Starkweather's point of a Council Meeting livestream setting straight a social media frenzy of misinformation.

Mayor Giunta asked if Milner could reach out to Atlantic Broadband with regards to a grant. Milner replied that the City had a previous grant with Atlantic Broadband and she could reach out to them again and discuss the current needs.

Councilor Ribas asked if the livestreaming would be archived and retrievable. Milner replied that they would be. He added that he used to watch them when he couldn't sleep at 2 a.m. and that is was valuable to him.

Mayor Giunta asked if there was any further business to discuss. There was none.

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

All in favor. Motion PASSED.

The meeting adjourned at 7:49 p.m.

Respectfully Submitted,

Audrey Lanzillo



City Council Meeting Minutes
Thursday, September 5, 2019, 6:00 p.m.
Council Chambers – City Hall

In attendance:

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

Others in attendance:

City Manager Milner

Absent:

Councilor Scott Clarenbach, Councilor Paul Trudel.

The meeting was called to order at 6:05 P.M. in Council Chambers.

Mayor Giunta welcomed all and jokingly asked where the summer went.

Salute to the flag was led by Councilor Rago.

Mayor Giunta stated that tonight's pre-meeting was a great opening to the City Council Meeting. He was very happy to hear all the great news from many different people. He further stated that we don't celebrate the enough. He was very honored to present two proclamations to Ricky Mazur and Elizabeth Guillotte for their accomplishments of going above and beyond to give back to the Franklin community and fellow High school students of Franklin. They revamped the High School's Karma Korner, which provides clothing, personal hygiene products, food, washer and dryer free of charge to their classmates in need. Their accomplishments were read into the Congressional Record by our US Senator Maggie Hassan. Ricky Mazur proudly held up the plaque given to them. Mayor Giunta proclaimed, Thursday, September 5th, 2019 as Richard Mazur and Elizabeth Guillotte. Applause was given to Ricky and Elizabeth.

Mayor Giunta expressed his appreciation to Superintendent Dan LeGallo and School Board Chair Tim Dow for making it possible for the students to bring these ideas forward. Applause was given to LeGallo and Dow.

Councilor Desrochers requested a moment of silence for veteran Everett Dowers who served in the U.S. Marine Corp and Vietnam; for Mr. George Doucette who served in the U.S. Navy and Korean War; for Mr. Andrew Nadeau our City's retired Deputy Fire Chief who also served in the U.S. Navy during the Korean War; for Mr. Wayne Cilley who served in the U.S. Army; and for Mr. Davide Hurst who served in the U.S Navy. A moment of silence was recognized. Mayor Giunta thanked Councilor Desrochers.

At this time, Mayor Giunta invited our guest from the NH Lottery Commission, Director Charlie McIntyre to come up to the podium to review the October Ballot Question. Mayor Giunta explained that the election will occur in Franklin in approximately three weeks and will have the following question on the ballot: "Shall we allow the operation of sports book retail locations within the City of Franklin."

NH Lottery Director Charlie McIntyre explained what this means to the City Council and the public in attendance this evening. Legislation passed and the Governor signed into law allowing sports betting in NH. Many other states have been passing laws to allow this over the past year or so. Director McIntyre stated that the state is out to bid for operators and wanted to let the City know that if this is something the City would be interested in; the opportunity is there. This will be different than Keno and will be regulated more where only a certain number of operators will be allowed in the entire state. This doesn't mean that an operator would be interested in Franklin, it just means that the option could be available to the City so therefore the upcoming election would be the time to vote on it.

Mayor Giunta asked Director McIntyre to remain at the podium to answer questions that the City Council or public may have.

Councilor Dzujna asked Director McIntyre what the criteria would be for the operator, City, or town. Director McIntyre replied that there are a number of factors. Economic impact is one factor making sure it's in a profitable location, it must be a first-class operation, and must meet the standards for business licensing within Franklin's guidelines as well. All profits are going toward education in NH.

Councilor Starkweather asked what percentage would come back to the City and how is the revenue divided up. Director McIntyre replied that all real estate taxes would go back to the City and a formula is used for how the revenue is distributed at the state level, which McIntyre is not involved in. McIntyre further explained that this past year, \$106M in profit went to the state for education. The state uses the adequacy formula and divides out the money. The operating expenses for the Lottery for this operation would be under three cents per dollar.

Councilor Dzujna asked Director McIntyre what types of sports will be allowed for betting. McIntyre responded that most sports will be allowed except for NH based college teams or

youth teams. Football will make up the largest percentage then college basketball and college football.

Mayor Giunta asked the public if anyone had questions to please come up.

Leigh Webb ward 3 resident asked how many locations will be permitted in the state. Director McIntyre replied that per RSA, it will be limited to 10 locations permitted across the state.

Werner Horn asked what the penalties will be for not following the rules or conducting illegal business. Director McIntyre replied that this is contract based so parameters must be met. If an operator is doing something wrong then they are in violation of the contract. The Lottery is currently in the RFP process and because sports betting is in 12 states now, there is a strong framework already in place and can be utilized in NH as well since it's working elsewhere.

There were no further questions or comments for Director McIntyre. Mayor Giunta thanked him for coming to Franklin and speaking to the Council and public.

Public Hearings

Opened at 6:26 p.m.

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

Mayor Giunta asked if anyone had questions. There were none. The public hearing on Resolution #04-20 closed at 6:26 p.m.

Ordinance #04-20 – an amendment to the Franklin Municipal Code Chapter 233-1 and 233-2 to the 2018 International Property Maintenance Code.

Mayor Giunta asked if anyone had questions. There were none. The public hearing on Ordinance #04-20 closed at 6:27 p.m.

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.

Werner Horn W2 resident stated that he has grave concerns over this ordinance at this current point in time. Someone who is fit to join the military and vote but would be violating our Ordinance if purchased elsewhere and brought into Franklin. Franklin's police force is operating with decreased manpower and is concerned that it is not worth the trouble. Horn agreed that using vape products between the ages of 18-21 drastically affects the brain and he is introducing legislation to address this. However, Horn does not support this ordinance.

Mayor Giunta invited Police Chief David Goldstein up to address some of the issues and reasons why this ordinance has been brought forward. Chief Goldstein stated that he appreciated Mr. Horn's comments especially with reference to those at 18 going into the Military. Chief Goldstein stated that even in the Military, a 20-year-old cannot purchase a handgun or drink alcohol legally. The reason for this ordinance is mainly due to the health concerns of our youth. From 18-25, the brain is still developing. He further added that smoking is hazardous to people who are around the person smoking. Chief Goldstein explained that his friend is terminally ill with stage 4 lung cancer but he never smoked however he worked in an industry where many smoked around him. Sadly, his friend will die as a result from secondhand smoke.

April Bunker W3 resident asked if a cost assessment for law enforcement had been done. She shares the same concerns as Chief Goldstein and asked what the cost might be. Chief Goldstein responded stating that a cost analysis hasn't been done but he has looked at other communities that have done this and the impact on law enforcement has been minimal to none.

Scott Burns W2 resident thanked the Council for bringing this forward as it will be the first in the state and proud that we can set a precedence with the state. He further stated that policies around vaping at the school are being formed. Burns shared that he heard an 18-year-old was selling the products to the younger students and hopeful that this ordinance will help to prevent this from happening.

Kandyce Tucker from the Mayor's Drug Task Force provided some statistics. She began with tobacco which kills half a million people every year, 485 cities and countries worldwide plus 29 U.S. counties have adopted Tobacco 21 already. The surrounding states of Maine, Vermont, Massachusetts, Rhode Island, and New York have adopted a state-wide policy. We are the only state in our region that does not have a Tobacco 21 state policy. She further added that the Governor has vetoed it a couple of times but the more cities support this, the better chance it has to becoming law at the state level.

Councilor Testerman stated that since we are in the Live Free or Die state we would be stepping on toes and taking away the freedom of choice. She further stated that the City's expenditure of energy and resources could be better spent on educating and informing the public that they have a personal responsibility. Testerman asked how enforceable it is.

Mayor Giunta stated that sometimes as he is driving down the road, he sees a gigantic plume of smoke come from a car window and it looks like a car is on fire but it's an exhale of someone while vaping. This is whole new world of technology and we are trying to address it.

Councilor Desrochers stated that several deaths in the country occurred already from vaping. This is getting into the hands of middle school kids. This is the age when they start using pot and cigarettes so we have to do something to try to prevent this. This may not stop it all but it may stop some of it and prevent kids getting hooked on it. If the school doesn't have any solid rules or laws to fall back on, then it makes it harder for them to enforce it. Some of this stuff tastes like candy and it's just another pull from the tobacco companies to get kids hooked on something other than tobacco. We have to do something to try to stop it.

Leigh Webb W3 resident stated that he is all for Live Free or Die but not Live Free and Die. This is a health issue not just for the individual but those surrounding the individual as well. He also added that these kinds of health issues ultimately will impact the taxpayer.

April Bunker W3 resident stated that she has spoken to her children about vaping and couldn't agree with Councilor Desrochers more. She added that it is in all of the schools. Her eleven-year-old was offered to vape in the bathroom. Teachers are not well equipped to catch this happening. Bunker asked if there will be an education piece to this issue and ordinance.

Mayor Giunta stated that Kandyce Tucker has already started the education piece in the schools. Kandyce shared that a vape packet with the schools, teachers, and one will be going home to parents.

Mayor Giunta asked if there were any further questions or comments. There were none. The Public Hearing on Ordinance #06-20 closed at 6:43 p.m.

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.

Scott Burns W2 resident stated that he had the pleasure of attending an event this past weekend and appreciated that it was a healthy environment for everyone with no smoking. He thanked the Council and Mayor for including this park on the list of areas where no smoking is allowed.

Mayor Giunta asked if there were any further comments. There were none. The Public Hearing on Ordinance #07-20 closed at 6:44 p.m.

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.

Mayor Giunta asked if anyone had any comments or questions. There were none. The Public Hearing on Ordinance #08-20 closed at 6:45 p.m.

Comments from the Public

Leigh Webb W3 resident elaborated on Councilor Desrochers honoring of soldiers earlier in this meeting tonight. We are all thankful for their service to this country. Mr. Webb stated that David Hurst and Andy Nadeau also made tremendous contributions to this community. Mr. Hurst and his wife gave back to Franklin for many many years. As well as Mr. Nadeau who was not only a member of the Historical Society but an author, a historian, and a personal friend. Mr. Webb thanked them for all they have done for Franklin.

Christine Dzujna W1 resident informed the Council and public that she is here on behalf of the Franklin Animal Shelter and announced their new fundraiser called Plunge for Paws happening on November 2nd from 11-3 at Griffin Beach on Webster Lake. She is looking for people to plunge for a cause. Dogs are allowed to participate. There will be music, vendors, family friendly activities, and a bonfire.

Gary Brassard W1 resident stated that this is the third time he has come before City Council seeking an answer to the legality of the Trump sign at the corner of Sanborn St. and Central St. Mr. Brassard asked if there was an answer tonight on the legality of the sign.

City Manager Milner responded to Mr. Brassard stating that she did have the City Attorney's opinion on the matter however it is attorney client privilege but shared that there are several adjustments to the City Code that are needed and will be worked through Planning and Zoning. Milner stated that Planning and Zoning Director Dick Lewis will be sending him a letter on this.

Mr. Brassard asked what the current legality of the sign that is displayed is. Milner asked Director Lewis to further explain. Director Lewis stated that there is a combination of complex issues that will be outlined in the letter he sends Mr. Brassard. The letter will also serve as a starting point for the updating the sign ordinance.

Mr. Brassard stated that the signs he had up a few years back had to be taken down per the previous City Manager and feels he was targeted for selective enforcement. He stated that this was in violation of free speech. On behalf of others at that time and himself, he asked for an apology from the City.

Councilor Desrochers stated that aside from that Trump Sign, there is a truck parked there and being used as a billboard advertising which is not allowed in the City. Also, since there is not asbestos removal being done in that building, it should not be allowed and should be addressed by the City.

Janet Desrochers W2 resident addressed the Council stating that she usually doesn't voice her opinion at the Council meetings however, in the July LEAN meeting minutes, it was noted that City Manager Milner is pushing for proper code enforcements along with Councilor Testerman who stated that the Fire Department is enforcing codes to push property owners to follow property maintenance codes. Mrs. Desrochers further stated that for over 30 years she has been complaining about the same residents on Franklin Street. She avoided contacting the Code Enforcers because of a previous bad experience.

Mrs. Desrochers stated that it appears that the City is only enforcing codes that are on Central Street or for wherever the City has an agenda for. The other parts of the City are not a priority and the City forgets about those other areas that need to be addressed. She stated there have been other complaints for maintenance in certain areas that aren't being done especially on City owned property. If the City is going to take ownership of it, then they need to maintain it as well. She referred to other buildings and properties throughout the City that don't appear to be getting the attention they should be. There are overgrown areas on Franklin Street and Kendall Street. The area where the old CAP office is located used to be a beautiful area and the City doesn't care about it anymore. She asked the Councilors if they drive around their own wards and see the things that need to be addressed. She concluded by stating that the Councilors are here to represent the people of their wards.

Mayor Giunta invited City Manager Milner and Police Chief Goldstein to respond to Mrs. Desrochers comments.

City Manager Milner responded stating she understands her frustration and that she is also frustrated. She reminded everyone that there has been a real problem with this over the years and it has accumulated. The City hired a second full time Code Enforcement Officer to get a hold on this however, everything can't be done at the same time. Milner confirmed that the service requests are reviewed as soon as they come in and are addressed. Sometimes, for privacy the City can't always discuss the steps being taken or the details around it especially if it has moved into the court system, which can bottleneck somewhat through that step. There are things being addressed and handled a chunk at a time. The City is also addressing requests for building permits so it may appear that the focus is the downtown area however, there is a lot of requests also coming in for the downtown area as well. Some of the code enforcement is happening in venues where there will be more than 100 people so for safety reasons, those are priority and need to be up to code. Milner concluded that there will be great results from having our two code enforcers.

Councilor Dzujna stated that he has been working on the Kendall Street issue with the Police Chief and Code Enforcement Officer and it is more complicated than can be imagined. Dzujna stated that Councilor Desrochers attended a meeting with them on this as well but due to privacy issues, he can't elaborate on this at the present time.

Leigh Webb W3 resident asked Mayor Giunta if he would be willing to commit this evening that the winner of the Mayoral Race must become a plunger for the Animal Shelter fundraiser event. Mayor Giunta accepted Webb's suggestion and laughingly shouted to vote WEBB for Mayor. Laughter was heard from everyone.

Webb informed the Council that the Asbestos Billboard sign on the truck at the corner of Central and Sanborn actually belongs to the homeowner. Webb concluded stating that he has a conflict this evening with a Historical Society Meeting and will be leaving tonight's City Council Meeting early.

Police Chief David Goldstein shared that often times when a police officer accomplishes something, it goes unnoticed because people think that it's part of their job to do it anyway. However, sometimes that job is worth calling out and taking notice. He referenced an incident that happened in the City last night which involved a female juvenile who tried to commit suicide. Her parents got her into the emergency room where at some point, Officer Tracy and our Comfort Dog Miller were asked to go and see the juvenile. Miller approached the parents but then went into the room where the juvenile was. The juvenile had met Miller the day before so she recognized him, began to cry, and then began to open up and speak about what was happening inside her mind. This was a life saving moment that the PD is very proud of and couldn't be happier to share something positive with the Council and public this evening. Applause was given by all.

The coordinator for the Mayor's Drug and Alcohol Task Force, Kandyce Tucker addressed the Council and agreed that the Mayor and City Council should lead the way for the plunging event. She stated that she would plunge as long as the Council plunges with her.

Kandyce continued to share that WMUR called her last Friday late in the day. She was at the gym when they called saying that they needed to interview her right away. She called City Manager Judie Milner in a panic. Milner was on her way to a friend's house in Somersworth but turned the car around to be at the interview with her. Kandyce publicly thanked Milner for being there and being an awesome boss. Applause was given to City Manager Milner. Milner replied that Kelly Gaspa also came to the interview and although all three of them were interviewed by WMUR, Kandyce was the shining light in the broadcast. Milner finished by thanking Kandyce for doing such a great job.

Kandyce continued to share with the Council and public that we are now officially the first City in New Hampshire to ban Kratom. More information can be found on the Mayor's Drug Task Force Facebook page and WMUR's Facebook page. She also informed everyone of the front-page article in the Concord Monitor today featuring our Mayor Giunta and Police Chief David Goldstein about the potential Tobacco 21 Ordinance.

In partnership with the school, the Mayor's Drug Task Force is hoping to host a parent informational vaping night on October 2nd with guest speaker Laurie Warnock from Northern New England Poison Center. Once confirmed, Kandyce will send out an email to everyone.

National Drug Take Back Day will be held on October 26th from 10-12 at CVS. This will also include a "Lock it Up" campaign where she is hoping lockboxes will be given away so people can safely lock up their prescription drugs and keep them away from children.

Also on October 26th will be a Soup-fest Event at Marceau Park. This is a fundraising event for the Mayor's Drug Task Force. She is looking for Soup makers to submit to the fundraising event.

In conclusion, Kandyce stated that the School Board adopted new vaping policies at the schools and there is a sample packet of the policy and information within the packet. Each teacher received this packet along with posters for the classrooms and bathrooms.

Councilor Testerman asked Kandyce a question but it was inaudible.

Kandyce replied that the SAU should have the vaping policy on their website as well as it being placed on the Mayor's Drug and Alcohol City Website page.

Mayor Giunta stated that although some issues are difficult to discuss in public, he is grateful that they are brought forward and discussed no matter how uncomfortable it is. He thanked everyone who came forward and asked that it continue.

Scott Burns W2 resident stated that he is all for Mill City Park and has many questions still but also wanted to mention there is a ton of planning for this and the many other things going on in the City. The City Manager's job isn't just focused on Mill City Park. There's much more to develop in our downtown to make it a place people visit, shop, eat, stay overnight, and come back again each year.

The Public Comment session ended at 7:09 p.m.

City Council Acknowledgement

Councilor Starkweather acknowledged that he went to the Commissioner's Office of the NH Department of Safety for the Swearing in Ceremony for Kevin LaChapelle. LaChapelle was sworn in as the new Deputy Director of Emergency Management Homeland Security for the State of New Hampshire. Applause was provided by all for LaChapelle.

Councilor Dzujna wanted to inform everyone that the Candidates Forum will be held on September 23rd at the Opera House. Meet and greet from 6:30-7:00 p.m. and the forum will start at 7:00 p.m. There are folks running for City Council, the School Board and Mayor. The write-ins won't be on stage however will offer that they attend the event in the audience so people can ask them questions if they choose.

There were no further acknowledgments from the Council.

Mayor's Update

Mayor Giunta gave a big Thank You to Superintendent LeGallo for the invitation to First Day Back for the teachers. Awards were given out and one was an impressive 50 years of dedication to the City.

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.

Motion – Councilor Dzujna moved that the Franklin City Council approve the minutes of the July 29th, 2019 Special City Council Meeting and the minutes of the August 5th, 2019 City Council Meeting.

Seconded by Councilor Desrochers.

Mayor Giunta asked if there was any discussion.

Councilor Rago requested a review of the minutes from the July 29th LEAN Workshop meeting minutes, page 4. She requested a review of the audio that references the third paragraph from the bottom as it seems like something is missing. She thinks this referenced the Project Aware Committee at the High School but not sure. Councilor Dzujna provided input since he sits on the Project Aware Committee.

Councilor Testerman stated that she had a list of changes as well and referred to this same paragraph Councilor Rago referenced. She added that there was also a discussion on what staffing challenges the Police Department faces.

Councilor Ribas also had some edits and highlighted page 31 of the August 5th City Council Minutes referencing a typo in a motion that he made. He requested that the word "Exists" be corrected to "Exits".

Mayor Giunta asked Councilor Testerman and all the Councilors if they want to hear all the edits. The Councilors did not need to hear each of the edits read out loud because the concept was only changing some typographical errors that can be sent to Audrey so she can make the corrections. Mayor Giunta recommended that either the corrections should be read into the record going forward or they should be sent to City Manager Milner so they can be handed out and reviewed by all the Councilors.

Councilor Testerman replied that she mainly is asking for clarification on the intention of the comments and what its reference is. Testerman stated that she had given the possibility of Project Aware but she and Councilor Rago are not sure if that was the intent.

City Manager Milner also replied regarding the intent of the paragraph and added that they were talking about Project Aware Grant which had gone away for the school district. Project Aware was the sister grant of the Mayor's Drug Task Force. Kandyce and Barbara Slatton still work very close together on issues that affect our youth. Milner stated that Kandyce Tucker will continue to invite Barbara Slatton to occasional City Council Meetings so they can elaborate on things they are both doing that interact with each other. Milner concluded stating that she believes this was the discussion that occurred at that point in time.

Councilor Starkweather stated that minutes of the meetings become official documents by the body that created and approved them. They can be used for research purposes a few years down the road. He further added that some may request a typo be fixed or some might say it's a minor but it's still a correction that the Council doesn't see in order to vote on it. Starkweather recommended that as soon as someone sees something that needs correction, they send it to the City Manager.

Mayor Giunta asked if the Council agreed on this new process. All agreed.

All in favor of the motion as amended. Motion PASSED.

Agenda Item II.

Superintendent LeGallo began with a couple of Recognitions. First, he recognized Councilor Dzujna and Councilor Brown for attending the School's Opening Morning Ceremony. He also thanked Mayor Giunta for his attendance as well as speaking to the staff and furthermore attending the Middle School Sign Unveiling.

LeGallo informed the Council that his meeting with Vitex was productive. They discussed next steps of when some of their employees can come into the school to speak to the children about manufacturing jobs. LeGallo and Brown are waiting to meet with WATTS on the same topic and added that there will be a Manufacturing Night coming in October.

LeGallo stated that school has resumed and student enrollment increased by 22 new students. Additional staff is not needed at this point. LeGallo handed the Council a copy of a letter co-written by School Board Chair Tim Dow and himself which was sent to the Legislative Ad Hoc Committee on Finance regarding the urgency to bring back Stabilization Funds to the 2016 level. He thanked Representative Werner Horn for reading the letter in the record at the State House.

School Administrative Unit 18

119 Central Street
Franklin, New Hampshire 03235
(603) 934-3108 - FAX (603) 934-3462
www.sau18.org

Daniel LeGallo, Jr.
Superintendent

Jefferson Brame
Business Administrator

To: State of NH AD Hoc Committee on Finance
From: Tim Dow, Franklin School Board Chair;
Dan LeGallo, Superintendent of Schools SAU 18
Date: August 28, 2019
Subject: Education Funding in the Proposed State Budget

Dear AD Hoc Committee Members:

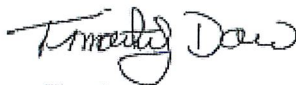
It is with a great sense of urgency that we reach out to you today in regards to the budget situation in Concord. In May of 2019, we needed to lay off 11 teachers and staff members due to our funding crisis here in Franklin. This totals to 37 staff member cuts in the past 4 years. Because of this, some programming has been eliminated or reduced and our class sizes are climbing to unacceptable levels for our remaining teachers. This has a severe impact on our population of students who are in dire need of many services on top of their rightful academic education.

We were very hopeful when the legislature passed a budget that would have brought stabilization funds back to the 2016 level. That, along with the kindergarten funds, would have totaled \$735,621 additional money for our 19-20 budget. This would have allowed us to recover every position that was lost due to the reduction in force.

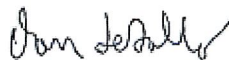
We also were hopeful for the 20-21 budget as well. Changes to the adequacy formula combined with the return of stabilization funds would have provided Franklin with an additional \$1.8 million dollars. These funds would have allowed us to return all programming that we have lost in the last 4 years due the loss of stabilization funds.

The school year for students starts in one week and we still have no answers/solutions from our lawmakers including Governor Sununu. We encourage you to act and to act quickly so that Franklin's students are not negatively impacted from this situation.

Sincerely,



Timothy Dow
Franklin School Board Chair



Dan LeGallo
Superintendent

Councilor Testerman asked LeGallo how many students are enrolled in the school system. LeGallo replied that there are currently 944 students.

Councilor Dzujna asked LeGallo what the average size of the classrooms are. LeGallo replied that Kindergarten has 15-17 students. They try to keep that number under 20 children per classroom. Second to third grade classes are kept around 20-22 students, the Middle School classrooms are 25-26 students per classroom. State Law allows up to 30 middle school students per classroom but he doesn't recommend that.

Councilor Ribas asked how the Safety Project is going. LeGallo replied that it's going very well. The delay is blamed on waiting for the aluminum which will take 12-16 weeks. The last entrance should be completed by the end of next week. They can be used but won't have the glass or aluminum to complete the work until Christmastime.

Councilor Rago stated that she attended the last school board meeting and there was some discussion on how an individual can look at the school's actual expenses since they are not available on the SAU website currently. A person could make an appointment with Superintendent LeGallo in order to view that information. Rago asked LeGallo if that would be the correct process. LeGallo replied that this could be one way and was ok with that but he also stated that there wouldn't be a problem to publish that information. He further stated that it's public information so anyone can have it. LeGallo also added that he would start working with Business Administrator Jefferson Braman on publishing that report on the SAU website. Rago agreed with LeGallo and stated that transparency is important however it's not available right now. LeGallo replied that it is on his list of items to do.

Councilor Dzujna stated to LeGallo that he should have spoken to Vitex on the aluminum. They may have been able to get it to you faster. Everyone laughed.

LeGallo concluded stating that there was a guest speaker on Opening Morning who spoke to all the teachers on the dangers of vaping. The School Board passed a new policy on vaping which includes discipline and treatment. This epidemic is also at the Middle School and soon will be heard happening at the Elementary School.

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.

**Motion – Councilor Desrochers moved that the Franklin City Council adopt Resolution #04-20 accepting and appropriating \$500,000 of funds awarded through the Community Development Finance Authority Tax Credit Program.
Seconded by Councilor Dzujna.**

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

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

All in favor. Motion PASSED.

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.

**Motion – Councilor Starkweather moved that the Franklin City Council adopt Ordinance #04-20, which will update the 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.
Seconded by Councilor Brown.**

Councilor Ribas stated that there was no exception of the boarding up of windows in a significant weather-related event and if we were to see one, he would expect that it would be allowed. Fire Chief Mike Foss replied that in a significant weather-related event, safety of the residents would be primary and a restriction against boarding up of windows wouldn't be enforced in a situation like that.

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

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)"

E.

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

F.

Section ~~302.2~~–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."U

[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 Yes Councilor Dzujna Yes Councilor Starkweather Yes

All in favor. Motion PASSED.

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.

Motion – Councilor Desrochers moved 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 related paraphernalia.

Seconded by Councilor Brown.

Councilor Testerman clarified that she is in agreement with this and aware of the dangers even for the adults.

Councilor Ribas shared Representative Horn's concerns regarding the possession aspect crossing City lines. He stated that he is going to vote in support of this Ordinance however he believes it will be an issue if someone between the ages of 18-21 is traveling from a different community and stopped for a traffic stop while in possession. He also stated that he hopes the police will use the proper judgement not to harass someone in this age range if they are pulled over for a traffic stop. Ribas agrees that this is a significant issue and recommends amending the motion itself under section 254-11 to correct the spelling of e-cigarettes which is spelled differently except in section (C) and more importantly within the RSA 126-K. All references should be spelled the same way.

Amended Motion – Councilor Ribas moved Amend the original Motion to make corrections to the inconsistent spellings of tobacco products, e-cigarettes and liquid nicotine by uncapitalizing all references, adding a dash in between e and cigarettes, and also under RSA 126-K

Seconded by Councilor Brown.

Councilor Dzujna agrees that this is a big problem. People don't seem to realize that so many are going to the emergency room with lung infections and those affected ask why. Dzujna is in full support of the ordinance and stated that we have to do this.

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

All in favor. Motion PASSED.

Mayor Giunta asked if there was any discussion to the original motion as amended.

Councilor Desrochers commented with regards to being 18 years old and being allowed to be in the Military. He stated that 18-year-old soldiers are allowed to drink on base but not off base. There can't be a beer can in your vehicle whether empty or full once the 18-year-old drives off base.

Mayor Giunta asked the public and council if anyone read the article in the Concord Monitor today. He stated that he commented to Leah Cunningham, the author of article, that he hoped this would pass simply because by age 21, it's expected that the student would be out of high school by then thus reducing the risk to the younger kids being influenced by the older student, whom they naturally look up to. Mayor Giunta continued that Miss Cunningham included in the article that 95% of smokers started before the age of 18. Mayor Giunta stated that this fact was staggering and hopes that this Ordinance will cause a reduction in this number.

Councilor Ribas stated that his friend in college was offered \$1,000 by his father if he didn't smoke at least until he turned 21. The man got the \$1,000 and never actually smoked or used tobacco. He is not suggesting this method but it is a good point to make.

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

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:

ORDINANCE #06-20

- 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," ~~"E-cigarette,"~~ 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:

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

All in favor. Motion PASSED.

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.

Motion – Councilor Brown moved 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 recreation areas or facilities as more fully described below.” In addition, adding Mill City Park as the 11th city owned property.

Seconded by Councilor Ribas.

Councilor Dzujna stated that any ordinance is only strong if it can be enforced. He stated that he was informed by Jeff Perkins that he picked up at 250 cigarette butts off the ground at the park. There were more but he stopped counting at 250. Dzujna stated that the City has a challenge with this.

Councilor Testerman stated that she is also concerned and lives across the street from Stone Park and observes people who violate the ordinance and asked Police Chief Goldstein if there is anything that the Council or residents could do to assist with the enforcing of the ordinance. Chief Goldstein stated that educating the public is already happening through Kandyce Tucker and any further opportunities to educate the public will be taken.

Councilor Ribas asked if current signage would be updated. City Manager Milner stated that signage will be updated to reflect the new ordinance.

Mayor Giunta voiced frustration over the difficulties is getting the message to our youth that their health and taking care of themselves is so important.

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)

~~Odell~~ Daniel 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.

1101

{11}

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

Change to be effective September 1, 2019.

Roll Call:

Councilor Brown Yes Councilor Dzujna Yes Councilor Starkweather Yes

Councilor Clarenbach Absent Councilor Lauer-Rago Yes Councilor Testerman Yes

Councilor Desrochers Yes Councilor Ribas Yes Councilor Trudel Absent

All in favor. Motion PASSED.

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.

**Motion – Councilor Ribas moved 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.
Seconded by Councilor Testerman.**

Mayor Giunta asked if there was any discussion.

Councilor Dzujna thanked the Chief for stepping up and doing this. There was no further discussion.

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 Yes Councilor Dzujna Yes Councilor Starkweather Yes

Councilor Clarenbach Absent Councilor Lauer-Rago Yes Councilor Testerman Yes

All in favor. Motion PASSED.

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.

Motion – Councilor Brown moved that the Franklin City Council set a public hearing on Monday October 7, 2019 at 6 PM 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.”

Seconded by Councilor Desrochers.

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

All in favor. Motion PASSED.

Mayor Giunta read Resolution #06-20 into the record.

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.

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.

Motion – Councilor Ribas moved 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. To be read in title only.

Seconded by Councilor Brown.

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

All in favor. Motion PASSED.

Mayor Giunta Read Resolution #07-20 in title only.

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.

Agenda Item X.

Other Business

1. Committee Reports

- a. Councilor Brown provided an update on Designing Education for the 21st Century. She stated that she has attended a couple of the most recent school board meetings. One of the topics discussed was about Continuing Education opportunities for the staff. They also discussed how to share the school's actuals with the public and make it easily accessible. Brown stated that she also suggested that we should make it the year that teachers are not let go at all.

Brown also shared some information about the meeting she attended with Superintendent LeGallo, Principal Charette, and Vitex. She thought it was an outstanding meeting. Principal Charette did a great job educating the CEO and Co-owner of Vitex on the type of population and challenges we have here in Franklin. Brown stated that they also discussed this great opportunity that is before them. Principal Charette located two rooms in the high school where these manufacturing shop classes can be held.

Next steps will be Principal Charette taking the teachers on a visit to Vitex to see first-hand what Vitex does and what types of jobs are available. Brown proudly stated that teachers will also learn how quickly, when the students graduate, they can make six figures due to the jump start in High School. The teachers can also help to promote the upcoming Manufacturing Night event on Friday, October 25th. There will be a few other great manufacturing companies attending to discuss their opportunities to the students and their parents.

Brown thanked Mayor Giunta for guiding this group onto this track. Brown also mentioned that she has scheduled a School Liaison Committee Meeting which will focus on making this a great year and focusing on the students and teachers.

Mayor Giunta thanked Councilor Brown for the fantastic update and for all her efforts. He also thanked Superintendent LeGallo and School Board Chair Tim Dow. Mayor Giunta stated that he met with all the CEO's of these manufacturing companies in Franklin and learned that they need good employees. This makes a good partnership that addresses the needs of the companies and the needs of the residents of Franklin.

2. City Manager's Update

- a. City Manager Judie Milner Informed everyone that her update appears shorter than previous updates and that is because she was working on item that are non-public so although it looks as though she wasn't as busy, she was working on the other non-public items as well.
- b. Milner then gave a shout out to Scott Burns for coming forward and showing his excitement and support of the whitewater park. She is glad to hear that the City is doing something right.
- c. Milner also gave a shout out to Kandyce Tucker, the Mayor's Drug Task Force Coordinator for doing such an excellent job talking about Kratom during the WMUR interview. She could have done it all on her own.
- d. She thanked Mayor Giunta and the Police Chief Goldstein for their article in the Concord Monitor. She stated that they hit the nail on the head with Tobacco 21 and got people thinking about it.
- e. Milner also gave a shout out to Audrey Lanzillo for her work on the meeting minutes and reminded the Council that they do not need to be verbatim. She stated that Audrey does an excellent job pulling together 32 pages of minutes for a City Council meeting that she could go back to five years from now and know exactly what the intention of the Council was. She stated that she appreciates it very much and added that she didn't think we had this much detail until now. She thanked Audrey and all applauded.
- f. Contingent Grant Line Activity - \$1,000 was received from Walmart for the Fire Department; \$500 was received from Amerihealth for Basketball Camp; \$100 was received from Michael Heffron, and \$50 was received from Stephen Blanchette for K9 Miller. And \$115 in donations was collected at Franklin Studios for K9 Miller.
- g. Trust fund for school funding is \$69.26
- h. Milner invited the Mayor and City Council to the annual employee BBQ at Odell Park. Our newest department heads will be flipping burgers this year.
- i. Mill City Park update – Milner stated that the permit has been filed. There have already been several meetings with the Department of Environmental Services. A few areas are a concern for them however it isn't impeding any plans at this point. They provided the City with some ideas on how to present certain things to them. The City is in the "comment" stage which allows up to 30 days to comment, the DES has 45 days to decide or reopen the process.

- j. The Small Business Development Corp (SBDC) has hours now at City Hall in Franklin. Their first day was very successful. There were a couple of different people who met with SBDC to discuss business opportunities here in Franklin.
- k. Milner shared that she participated in a taste test at Vulgar Brewery. This wasn't of beer but of the menu. She was delighted to say that the hamburger pizza with mustard was a huge hit. She also stated that Franklin Savings Bank did a walk thru of the new brewery as well.

One a side note, Milner stated that the brewery had their inspection with the State of NH and they will be able to start brewing which takes 2-3 weeks. They are planning to open in late September.

Milner also stated that a group of volunteers completed the brewery patio over the weekend and it looks fantastic.

- l. Milner thanked Kathy Rago for her assistance in completion of a pod cast. Mayor Giunta also did a pod cast and did a great job as well. Stay tuned for the release in a couple of weeks.
 - m. Milner was happy to report that there weren't any social media busters for this month. She was also very happy to report that several residents heard things on the street and stopped in to see her to get the correct info. She wants everyone to know that her door is open. Thank you to those and anyone who want to stop in to get the real story.
 - n. Milner stated that she attended an event at the Belknap Mill. Alan Biel did a presentation on the WOW Trail and its connection to the Winni Trail. There will be a 20-mile bike trail beginning at the Weirs and ending in Downtown Franklin. Milner reminded the Council that they supported a corridor study for the WOW Trail which is in progress and almost complete. As soon as its complete, an information session will be held in Franklin to present the options of the study. The project will be determined by the cost. Next steps would be Franklin looking into a TAP Grant to connect the Winni Trail through Downtown and connect to the Northern Rail Trail. This would make it 87 miles of continuous trail.
3. Milner stated that she will require a non-public tonight.
4. Mayor Giunta gave a shout out to Director Lossani. When Lossani went to New Jersey recently, he returned with a gift for the Mayor. It was a grocery bag from Giunta Meat Market with all the different locations listed. Mayor Giunta stated that he pinned it up at his work location and now he receives a whole new level of respect. Laughter was heard in the room. He thanked Director Lossani for his gift.
5. Late Items:
- Councilor Desrochers discussed the issues that he brought to Council over the past eight years but nothing is being done. The City wants to improve Franklin's image but the Council won't take the bull by the horns and push other improvements in the City that

are not in the Downtown area. He added that the Sidewalks in the City are atrocious. Desrochers shared specific locations that need attention immediately. Packers Outlet burned several years ago but still sits there boarded up. The Community Action Building needs to be removed. There will most definitely be unwanted guests in there this coming winter creating more problems that the City has to deal with.

The Whitewater park is a great thing and Desrochers supports it but if the City doesn't want to look in other areas outside of the Downtown area and make improvements to our image, the Whitewater park will fail. He is frustrated that he has brought up these issues many times over the years and nothing has been done to address them especially the sidewalks.

City Manager Milner responded and stated that sidewalks will be a priority to discuss with MSD Director Sullivan at the new monthly workshops. These new monthly workshops will feature a department beginning in October. The Police Department will be first then there will be a workshop to discuss trash. MSD will discuss sidewalks and roads after trash. Milner stated that they have to look at funding through the assistance of grants and she agrees with Councilor Desrochers that they need to be addressed. The process is slow and money is thin.

She stated that Packer's Outlet is not a City owned building however the owners of the building have inquired with regards to who the City uses to take down buildings so Milner is hopeful that this means they plan to reach out to them and move to the next step of taking it down.

Community Action lost their grant to move forward with their plans for the CAP building. This was due to a significant increase in the cost of the building materials. In between applying for their grant funding and their bid process, the cost of materials increased by 40%. They were not able to get a bid under their funding threshold. Milner stated that it is ready to be demo'd however since they were not able to move forward with the project, CDFA will pay us for expenses to date which they have done but cannot offer anymore expenses. CAP isn't sure if they will go back out and try for another CDFA Grant with a different design. Director Lewis has been working closely with them on this. Milner stated that she has reached out to them within the last couple of weeks asking where they are in their plans. She stated that she would like to find out what their plans are first because if she can get reimbursement for the tear down, that is what she wants.

Councilor Desrochers stated that in the past, he heard that the sidewalks were going to be turned to grass and he is against that. If that were to happen, he stated that it would be the City's responsibility to cut it but grass isn't cut in other area so it's unlikely the City would maintain grass cutting sidewalks. He concluded stating that he would be very upset if that were to happen.

Mayor Giunta stated that he knows a lot of this falls under Director Brian Sullivan and asked City Manager Milner how he is doing.

Milner replied that Director Sullivan gave her approval to discuss this and he is doing excellent after his second surgery unrelated to the first illness. He is scheduled to return to work on Monday September 9th.

Milner responded to Desrocher's concern on grass sidewalks and she stated that she never heard that the City would be considering this. She does not nor would not support grass sidewalks at any time. She thanked Councilor Desrochers for bringing this up to Council.

Councilor Dzujna asked City Manager Milner what date the October workshop for the Police Department would be. Milner replied that she doesn't have a date yet but will send out an email asking for availability over the next few days.

Councilor Testerman gave a shout out to City Manager Milner regarding the complaints on Prospect Street. Testerman stated that Milner took a ride up Prospect Street to see firsthand and has begun addressing the situation.

Testerman gave another shout out to Councilor Kathy Rago for her podcast which Testerman used today to brag about the way the City of Franklin does their taxes and why other communities need to look at what we are doing.

Mayor Giunta thanked Councilor Testerman and stated that the City Manager needs to go into a non-public meeting.

Motion – Councilor Ribas moved that the Council go into a non-public meeting 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 where legal counsel is not present.

Seconded by Councilor Desrochers.

Roll call to enter into nonpublic session:

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

All in favor. Motion PASSED.

Nonpublic session began at 8:17 p.m.

Motion made to leave non-public and return to public session made by Councilor Testerman, seconded by Councilor Ribas.

Public Session reconvened at 8:41 p.m.

Motion made by Councilor Brown 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 Ribas.

Roll call to seal the minutes:

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

All in favor. Motion PASSED.

Councilor Desrochers asked City Manager Milner about the status of the Eversource Abatement. Milner responded that they are reviewing what she proposed and they are aware that it needs to come back in front of City Council before it can be accepted.

Motion to adjourn made by Councilor Desrochers. Seconded by Councilor Dzujna.

All in favor. Motion PASSED.

Meeting Adjourned at 8:43 p.m.

Respectfully submitted,

Audrey Lanzillo

CITY COUNCIL MEETING
AGENDA ITEM II



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meetings of October 7, 2019

From: Katie Gargano, City Clerk

Subject: Council to Canvass the Votes from the October 1, 2019 City Election

Recommended Motion:

1. *Councilor moves:*

"I move that the Franklin City Council accept the return of votes and declare the following elected."

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

Attachments/Exhibits:

1. Wards 1, 2, & 3 Election Results

CITY COUNCIL MEETING
AGENDA ITEM III



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of October 7, 2018

Subject: School Board Update

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

CITY COUNCIL MEETING
AGENDA ITEM IV



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of October 7, 2019

Subject: Community Emergency Response Team

John Beland will present information to the Mayor and Council on the Lakes Region CERT Team.

CITY COUNCIL MEETING
AGENDA ITEM V



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: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, October 7th, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Resolution #07-20, accepting and appropriating \$4,160 in Grant Funds from the Office of Highway Safety for E-Crash Equipment and other Traffic Enforcement Projects.

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

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

CITY COUNCIL MEETING
AGENDA ITEM VI



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting October 7, 2019

From: Michael Foss, Fire Chief/EMD

Subject: Approval of Resolution #08-20 to accept grant funds from the NH Department of Safety, Division of Homeland Security and Emergency Management.

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

"I move that the Franklin City Council adopt Resolution #08-20, to accept grant funds, in the amount of \$16,871.50, from the NH Department of Safety, Division of Homeland Security and Emergency Management to be used towards the purchase of a replacement generator for the Franklin Fire Station."

Mayor calls for a second, discussion and vote.

Background: It has been identified that the fire station's current generator is inadequate to keep up with the department's needs. During a December 2017 service to the current generator, significant damage was done to the station's boiler as a result of conducting a "load" test. If the fire department wants to sustain full operations during a "power out" event, then a sufficiently sized generator needs to be installed. After identifying the needed generator, quotes were obtained and a grant was applied for pay for half the cost of construction. On September 4th, 2019 the Fire Department was notified of the grant award to meet half of the construction cost.

Fiscal Impact: New fiscal impact will be minimal as the total project cost is estimated to cost \$33,743. Of this estimated cost, \$15,965 has already been appropriated by the City Council towards the purchase of the new generator. The \$15,965 came from the sale of Engine 3 and surplus equipment. Further, the remaining funds needed of \$906.50, will come directly out of the FY20 fire department operating budget.

Alternatives: The alternative is to forego the acceptance of the grant funding. If the City of Franklin chooses not to accept grant funding in the amount of \$16,871.50 two scenarios may occur:

1. The City of Franklin continues to pay increased maintenance cost to maintain the current generator.
2. The Franklin Fire Station/Local Emergency Operations Center, will be unable to operate at full capacity in the event of power failures.

Attachment: Copy of Resolution #08-20



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION #08-20

A Resolution Granting Authority to Accept and Appropriate a NH Department of Safety, Division of Homeland Security and Emergency Management Grant, to be used towards the purchase of a new generator at the Franklin Fire Station.

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, at the October 1, 2018 City Council Meeting, authorized the Fire Chief and Finance Director to sell Fire Engine 3 and authorized the proceeds from the sale be used towards the replacement of the Fire Station generator, **and**;

WHEREAS, the City Council, at the December 3, 2018 City Council Meeting, authorized the Fire Chief and Finance Director to sell accumulated surplus fire equipment and authorized the proceeds from the sale be used towards the replacement of the Fire Station generator, **and**;

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

WHEREAS, the City Council recognizes that additional funding will be necessary for the purchase of the Fire Station generator, **now**;

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, October 7, 2019, the City Council of Franklin, New Hampshire does hereby adopt resolution #08-20 to accept and appropriate grant funds, in the amount of \$16,871.50, from the NH Department of Safety, Division of Homeland Security to be used towards the purchase of a replacement generator for the Franklin Fire Station.*

THEREFORE, BE IT FURTHER RESOLVED, *that the City Council authorize the City Manager to execute all documents associated with the grant, and hereby authorizes the following non-lapsing appropriations:*

An Increase in Revenue:

State Grant Revenue Acct. No. 01-0-000-33591-000, Sixteen Thousand Eight Hundred Seventy-One Dollars and Fifty Cents (\$16,871.50)

An Increase in Expenditures:

Fire Station Other Contracted Services Acct. No. 01-2-209-40439-000, Sixteen Thousand Eight Hundred Seventy-One Dollars and Fifty Cents (\$16,871.50)

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: _____



New Hampshire Department of Safety
Division of Homeland Security and Emergency Management
Grant Agreement Checklist

Emergency Management Performance Grant (EMPG)

Applicant: City of Franklin Grant Amount: \$16,871.50
Project: EOC Generator Project

All steps below are required to be completed in their entirety.

If any items are not completed properly, the Grant Agreement will not be processed.

**Complete and return this checklist and all Grant Agreement documents by October 4, 2019 to:
NH DOS/HSEM Attn: EMPG Program Coordinator, 33 Hazen Drive, Concord NH, 03305**

Grant Agreement

Grantee signors complete the following:

- ☐ Block 1.11 – Subrecipient Signatures
Have a **majority** of the **Select Board or City Council** sign in blocks 1.11
- ☐ Block 1.12 – Name & Title of Subrecipient Signor
Print names and titles of the signors
- ☐ Initial and date **each page of the Grant Agreement**
- ☐ Initial and date **Exhibit A, B and C.**

Notary Public or Justice of the Peace complete the following:

- ☐ Block 1.13 – Fill in County and Date
- ☐ Block 1.13.1 – Signature of Notary Public or Justice of the Peace, with seal.
- ☐ Block 1.13.2 – Name and Title of Notary Public or Justice of the Peace, with expiration date

Additional Required Documents

- ☐ Meeting Minutes- ****See SAMPLE MEETING MINUTES****
Minutes of the meeting documenting that the **community/agency's** GOVERNING AUTHORITY accepted/approved the EMPG grant agreement. Ensure the minutes state **the community/agency is accepting the grant agreement terms as presented.** Ensure you have complied with any public meeting requirement for acceptance of this grant including, if applicable, RSA 31:95-b.

The minutes should also include:

- ☐ What the grant is for
- ☐ Total project cost
- ☐ Amount of local match (50%)



State of New Hampshire Department of Safety

Robert L. Quinn, Commissioner
Richard C. Bailey, Jr., Assistant Commissioner
Perry E. Plummer, Assistant Commissioner

Homeland Security and Emergency Management

Jennifer L. Harper, Director
Kevin P. LaChapelle, Assistant Director



September 4, 2019

Michael Foss, Fire Chief
Franklin Emergency Management
59 West Bow Street
Franklin NH 03235

Dear Chief Foss:

Thank you for submitting an Emergency Management Performance Grant (EMPG) application on August 23, 2019 for the EOC Generator Project.

- We have finished the review and found the project falls within the guidelines of the current EMPG Program.
- The next step in the review process is to execute the attached grant agreement.

THIS DOES NOT MEAN YOUR GRANT HAS BEEN AWARDED.
DO NOT PURCHASE OR INSTALL ANYTHING
OR YOUR PROJECT WILL BE INELIGIBLE AND WILL NOT BE FUNDED!

- Once we receive back an appropriately executed grant agreement from you, we will move it forward to the Department of Safety's Business Office to continue the review process.
- After the review is complete, we will notify you of our final decision.

Along with your returned grant agreement, we will need *meeting minutes showing that your governing body have accepted the terms of the grant*. Sample meeting minutes and instructions on how to properly execute the grant agreement are also enclosed.

Again, this letter does **NOT** constitute approval. *Please keep this for your records.*

If you have any questions or need assistance with this process, please contact me or your assigned HSEM Senior Field Representative, Julia Chase.

Thank you for your interest in the EMPG Program!

Sincerely,

Olivia Bourque
EMPG Program Coordinator

Enclosures

cc: (w/o enclosures), Julia Chase, Senior Field Representative

Office: 110 Smokey Bear Boulevard, Concord, N.H.
Mailing Address: 33 Hazen Drive, Concord, N.H. 03305
603-271-2231, 1-800-852-3792, Fax 603-223-3609
State of New Hampshire TDD Access: Relay 1-800-735-2964

GRANT AGREEMENT

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

1. Identification and Definitions.

1.1. State Agency Name NH Department of Safety, Homeland Security and Emergency Management		1.2. State Agency Address 33 Hazen Drive Concord, NH 03305	
1.3. Subrecipient Name City of Franklin (VC#177390-B002)		1.4. Subrecipient Tel. #/Address 603-934-3900 316 Central Street, Franklin, NH 03235	
1.5 Effective Date G&C Approval	1.6. Account Number AU #80920000	1.7. Completion Date September 30, 2020	1.8. Grant Limitation \$16,871.50
1.9. Grant Officer for State Agency Olivia Bourque, EMPG Program Coordinator		1.10. State Agency Telephone Number (603) 223-3639	
"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 identified in block 1.12., known to me (or satisfactorily proven) to be the person 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 _____ (Commission Expiration) _____			
1.14. State Agency Signature(s) By: _____ On: _____ / _____ / _____		1.15. Name & Title of State Agency Signor(s) Steven R. Lavoie, Director of Administration	
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:36, 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 A (the scope of work being hereinafter referred to as "the Project").

Subrecipient Initials: 1.) _____ 2.) _____ 3.) _____ Date: _____

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 1.14 ("the effective date").
- 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 B, attached hereto.
- 5.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT B.
- 5.3. In accordance with the provisions set forth in EXHIBIT B, 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. 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.
- 5.4. 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, subgrantee, 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, computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.
- 9.2. Between the Effective Date and the Completion Date the Subrecipient shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.
- 9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State.
- 9.4. On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.
- 9.5. The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.
10. CONDITIONAL NATURE OR AGREEMENT. Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Subrecipient notice of such termination.
11. EVENT OF DEFAULT: REMEDIES.
- 11.1. Any one or more of the following acts or omissions of the Subrecipient shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):
- 11.1.1 Failure to perform the Project satisfactorily or on schedule; or
- 11.1.2 Failure to submit any report required hereunder; or
- 11.1.3 Failure to maintain, or permit access to, the records required hereunder; or
- 11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.
- 11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:
- 11.2.1 Give the Subrecipient a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Subrecipient notice of termination; and
- 11.2.2 Give the Subrecipient a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and
- 11.2.3 Set off against any other obligation the State may owe to the Subrecipient any damages the State suffers by reason of any Event of Default; and
- 11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.
12. TERMINATION.
- 12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Subrecipient shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.
- 12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Subrecipient to receive that portion of the Grant amount earned to and including the date of termination.
- 12.3. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient's breach of its obligations hereunder.
- 12.4. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.
13. CONFLICT OF INTEREST. No officer, member or employee of the Subrecipient, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or

Subrecipient Initials: 1.)

2.)

3.)

Date:

- 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 A 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.
24. SPECIAL PROVISIONS. The additional provisions set forth in Exhibit C hereto are incorporated as part of this agreement.

Subrecipient Initials: 1.) 2.) 3.) Date:

EXHIBIT A

Scope of Services

1. The Department of Safety, Division of Homeland Security and Emergency Management (hereinafter referred to as "the State") is awarding the City of Franklin (hereinafter referred to as "the Subrecipient") \$16,871.50 to purchase and install a new generator at the City's Emergency Operations Center (EOC).
2. "The Subrecipient" agrees that the project grant period ends September 30, 2020 and that a final performance and expenditure report will be sent to "the State" by October 31, 2020.
3. "The Subrecipient" agrees to comply with all applicable federal and state laws, rules, regulations, and requirements.
4. "The Subrecipient" shall maintain financial records, supporting documents, and all other pertinent records for a period of three (3) years from the grant period end date. In these records, "the Grantee" shall maintain documentation of the 50% cost share required by this grant.

Subrecipient Initials: 1.)

2.)

3.)

Date:

EXHIBIT B

Grant Amount and Payment Schedule

1. GRANT AMOUNT

	Applicant	Grant	
	Share	(Federal Funds)	Cost Totals
Project Cost	\$16,871.50	\$16,871.50	\$33,743.00
Project Cost is 50% Federal Funds, 50% Applicant Share			
Awarding Agency: Federal Emergency Management Agency (FEMA)			
Award Title & #: Emergency Management Performance Grant (EMPG) EMB-2018-00007-A03			
Catalog of Federal Domestic Assistance (CFDA) Number: 97.042 (EMPG)			
Applicant's Data Universal Numbering System (DUNS): 005598313			

2. PAYMENT SCHEDULE

- a. "The Subrecipient" agrees the total payment by "the State" under this grant agreement shall be up to \$16,871.50.
- b. "The State" shall reimburse up to \$16,871.50 to "the Subrecipient" upon "the State" receiving a reimbursement request with match documentation and appropriate backup documentation (i.e., copies of invoices, copies of canceled checks, and/or copies of accounting statements).
- c. Upon Governor and Executive Council Approval, allowable match may be incurred for this project from the start of the federal period of performance of this grant, October 1, 2017, to the identified completion date (block 1.7).

Subrecipient Initials: 1.)

2.)

3.)

Date:

EXHIBIT C

Special Provisions

1. This grant agreement may be terminated upon thirty (30) days written notice by either party.
2. Any funds advanced to “the Subrecipient” must be returned to “the State” if the grant agreement is terminated for any reason other than completion of the project.
3. Any funds advanced to “the Subrecipient” must be expended within thirty (30) days of receiving the advanced funds.
4. “The Subrecipient” agrees to have an audit conducted in compliance with OMB Circular 2 CFR 200, if applicable. If a compliance audit is not required, at the end of each audit period “the Subrecipient” will certify in writing that they have not expended the amount of federal funds that would require a compliance audit (\$750,000). If required, they will forward for review and clearance a copy of the completed audit(s) to “the State”.

Additionally, “the Subrecipient” has or will notify their auditor of the above requirements prior to performance of the audit. “The Subrecipient” will also ensure that, if required, the entire grant period will be covered by a compliance audit, which in some cases will mean more than one audit must be submitted. “The Subrecipient” will advise the auditor to cite specifically that the audit was done in accordance with OMB Circular 2 CFR 200. “The Subrecipient” will also ensure that all records concerning this grant will be kept on file for a minimum of three (3) years from the end of this audit period.

Subrecipient Initials: 1.) 2.) 3.) Date:

Guidance for Meeting Minutes

Please use language similar to this when documenting meeting minutes accepting the grant

"City Council, in a majority vote, accepted the terms of the Emergency Management Performance Grant as presented in the amount of \$16,871.50 to purchase and install a generator at the City's Emergency Operations Center (EOC). Furthermore, the Council acknowledges that the total cost of this project will be \$ 33,743.00, in which the city will be responsible for a 50% match (\$16,871.50)."

PLEASE NOTE- If one individual signs the grant agreement, please include this statement in the meeting minutes: "*(name and/or title/position) is authorized to sign all documents related to the grant*". Refer to the Certificate of Authority for additional guidance.

As a reminder, please have the signor(s) and notary/justice of the peace sign and date the Grant Agreement the same date.



HOMELAND SECURITY EMERGENCY MANAGEMENT

ENSURING SAFETY. PROTECTING COMMUNITIES.

EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)

CFDA #97.042

Preface

This guide serves as a reference for New Hampshire Homeland Security and Emergency Management Emergency Management Performance Grant Program applicants. In addition to providing a program overview and informing new and current EMPG participants about the application process, this guide outlines specific compliance and task requirements for successful program participation. This document also contains the State's priorities in funding under this program.

HSEM is pleased to respond to any questions not covered by this guide and welcome suggestions to improve the utility and content of the guide. Please contact the EMPG Coordinator at 603-271-2231 with any questions or suggested revisions. In addition, comments can be directed to HSEM via email at nhempgprogram@dos.nh.gov.

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Overview

The Emergency Management Performance Grant (EMPG) Program supports building and maintaining a comprehensive, all-hazards emergency preparedness system. This includes assisting State and local governments and other eligible agencies to build and sustain the core capabilities outlined in the National Preparedness Goal (NPG). New Hampshire's EMPG Program focuses on Planning, Organization/Administrative (project-driven), Equipment, and Maintenance/Sustainment.

The Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) has identified an overarching **priority** for the EMPG Program: *Supporting the implementation of the National Preparedness System*.

The National Preparedness System (NPS) is the instrument the Nation employs to build, sustain, and implement core capabilities to achieve the goal of a secure and resilient nation. Complex and far-reaching threats and hazards require a collaborative and whole community approach to national preparedness that engages individuals, families, communities, private and nonprofit sectors, faith-based organizations, and all levels of government. The guidance, programs, processes, and systems that support each component of the NPS allow for the integration of preparedness efforts that build, sustain, and deliver core capabilities and achieve the desired outcomes identified in the Goal.

Definitions

Applicant - An eligible non-Federal entity that applies for funding under the EMPG Program. The entity is referred to as an *Applicant* during the pre-award phase only and includes state and local governments, educational facilities, and critical non-profit agencies.

Subrecipient - A non-Federal entity that is awarded an EMPG grant from HSEM, the pass-through entity, for their use in carrying out agreed-upon, eligible activities.

EMPG Application

Applicants are required to submit their project application(s) via HSEM's online Resource Center. The application(s) submitted will identify all projects in detail. Refer to the current **EMPG Quick Reference Guide** for a checklist of information required at time of application: https://apps.nh.gov/blogs/hsem/?page_id=671. The online **EMPG Application** is located at https://apps.nh.gov/blogs/hsem/?page_id=225 and is available year round. Should you not have the ability to apply online, an HSEM Field Representative is available to assist you.

Application Review

Completed applications are initially assessed by HSEM Field Representatives and then by the EMPG Coordinator. Some applications may require an additional review by committee, according to guidelines established in this document. This review takes place monthly, or as needed. The EMPG Review Committee consists of representatives from HSEM as well as external subject matter experts, as applicable to the type of submitted projects. The merits of the application will include, but not necessarily limited to:

- The project supports and aligns with the National Preparedness Goal (NPG);
- The project enhances the Subrecipient's emergency management capabilities based on the threats and hazards that are most relevant now and in the future to their community/agency;
- The project is not for everyday use and is primarily for enhancing emergency management capabilities;
- The project is technically feasible;
- The match identified in the application relates to the project and is verifiable, reasonable, allowable, and necessary;
- The application demonstrates clearly defined and well-planned milestones which show the project can be completed within the performance period for the grant;
- The cost of this project is reasonable for the project type;
- The project is a high priority/immediate need for the Subrecipient;
- The useful life (longevity) of the project is identified and sustainable;
- The project fits within NH's identified priorities.

Letter of Intent

The purpose of this form is to establish your community/organization's interest in the EMPG Program. **This form should be submitted prior to application submission if the proposed project falls into one of these categories: (1) cost estimates exceed \$50,000.00, (2) project requires an Environmental and Historic Preservation (EHP) compliance review, or (3) project is identified as medium or low priority according to EMPG guidance.** The online **Letter of Intent** is located at https://prd.blogs.nh.gov/dos/hsem/?page_id=4563 and is available year round. Should you not have the ability to submit this form online, an HSEM Field Representative is available to assist you.

Grant Agreement

A grant agreement is required to be executed for each grant award. This is a legally binding agreement between the Subrecipient and the State of New Hampshire. The agreement contains general terms and conditions, scope of services, grant expiration date, reporting requirements, grant amount and payment method, as well as any special provisions. Any changes in the original scope of work **must** have prior approval of the EMPG Coordinator. Once the executed grant agreement is returned to HSEM, it may take another 1-2 months for review and final decision/approval to be made. Refer to *Scope of Work Changes*, under the Grant Compliance Requirements section for additional instructions.

Period of Performance

The period of performance for EMPG awards ends **September 30** of each year. Beginning dates for an award is dependent upon when each individual grant agreement is approved. Once a grant agreement is approved, Subrecipients are notified via email of the effective date.

EMPG Award	Period of Performance
Federal Fiscal Year 17 (FFY17)	October 1, 2016 - September 30, 2019
Federal Fiscal Year 18 (FFY18)	October 1, 2017 - September 30, 2020

Monitoring

HSEM is responsible for monitoring Subrecipient activities. The purpose of grant monitoring is to ensure the program is being administered properly and records are being maintained in accordance with applicable regulations. It is also used to render technical assistance, as necessary. The level of monitoring for a Subrecipient is determined by the result of a risk-based assessment (*refer to Risk Assessments (Pre-Award) under the Grant Compliance Requirements section of this document*). The monitoring levels consist of programmatic reviews, desk audits and on-site program/compliance reviews. Contacts with Subrecipients are documented and filed.

Contact Information

For questions or assistance with the EMPG Program, contact your assigned HSEM Field Representative at nhfs@dos.nh.gov, 603-223-3663 or contact the EMPG Coordinator at nhempgprogram@dos.nh.gov or 603-271-2231.

NH Division of Homeland Security and Emergency Management	(603) 271-2231	nheoc@dos.nh.gov
Jennifer Harper, HSEM Director	(603) 223-3615	jennifer.harper@dos.nh.gov
VACANT, Assistant Director		
Fallon Reed, Chief of Planning	(603) 223-3628	fallon.reed@dos.nh.gov
Whitney Welch, Assistant Chief of Planning	(603) 223-3667	whitney.welch@dos.nh.gov
Olivia Bourque, EMPG Program Coordinator	(603) 223-3639	Olivia.bourque@dos.nh.gov
David Vaillancourt, Chief of Field Services	(603) 223-3630	dave.vaillancourt@dos.nh.gov
VACANT, Assistant Chief of Field Services		
Julia Chase, Senior Field Representative	(603) 223-3612	julia.chase@dos.nh.gov
Heather Dunkerley, Special Facilities Field Representative	(603) 223-3614	heather.dunkerley@dos.nh.gov
Elizabeth Gilboy, Field Representative	(603) 223-3668	elizabeth.gilboy@dos.nh.gov
Paul Hatch, Field Representative	(603) 223-3635	paul.hatch@dos.nh.gov
Heidi Lawton, Senior Field Representative	(603) 223-3631	heidi.lawton@dos.nh.gov
Alex Marinaccio, Senior Field Representative	(603) 223-3657	alexander.marinaccio@dos.nh.gov

Grant Compliance & Certification Requirements

You must fully review and understand the following compliance requirements as you will be asked to certify this in your application.

2 C.F.R. Part 200 (the “Super Circular”)

In December 2014, FEMA implemented Title 2, Part 200 of the Code of Federal Regulations (C.F.R.), the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Super Circular”). 2 C.F.R. Part 200 provides guidance on the administrative aspects of federal grants (e.g. how grants are awarded, managed, audited, and closed out). The following list identifies some of the areas where substantive changes were made, effective December 2014, in 2 C.F.R. Part 200 and impacts EMPG Subrecipient. **EMPG Subrecipients are encouraged to become familiar with the requirements of each section:**

- [§200.112 Conflict of Interest](#)
- [§200.204 Federal Awarding Agency Review of Merit Proposals](#)
- [§200.307 Program Income](#)
- [§200.308 Revision of Budget and Program Plans](#)
- [§200.309 Period of Performance](#)
- [§200.313 Equipment](#)

Current EMPG Subrecipients ***must*** continue to follow the terms and conditions of their individual awards. FEMA’s 2014 Information Bulletin (IB) #400 provides guidance and information regarding the “Super Circular” and is available here:

https://www.fema.gov/media-library-data/1419366341862-296dd0cc30bbf64a6b45581afe9d8b17/InformationBulletin400_2C.F.R.Part200_FINAL.pdf

Audit Submittals

All applicants are required to upload and submit a copy of their most recent audit documentation at the time of application. Submittal of additional audits may be requested if the grant award extends between multiple fiscal years or due to the determination of the risk assessment.

Authorized Equipment List

The Authorized Equipment List (AEL) is a list of approved equipment types allowed under FEMA’s preparedness grant programs. The intended audience of this tool is emergency managers, first responders, and other homeland security professionals. The list consists of 21 equipment categories divided into categories, sub-categories and then individual equipment items. NH’s program allows for equipment that falls under nine (9) of the AEL categories (*refer to Allowable Costs, Section C, Equipment of this document*).

www.fema.gov/authorized-equipment-list

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Applicants will be required to review and provide acceptance of the *Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements Form* at the time of application. Acceptance of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 C.F.R. Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

Commingling

Commingling is the mixing or blending of funds so that expenditures cannot be identified to a particular grant, project, or indirect activity. FEMA requires that recipients of Federal grant funds utilize financial systems that provide for effective control over and accountability for all funds, with separate accounts established for each project. The accounting systems of all Subrecipients ***must*** ensure that agency funds are not commingled with funds from other Federal agencies. Each award ***must*** be accounted for separately. Subrecipients are prohibited from commingling funds on either a program-by-program or project-by-project basis. Funds specifically budgeted and/or received for one project may not be used to support another. Where a Subrecipient's accounting system cannot comply with this requirement, the Subrecipient shall establish a system to provide adequate fund accountability for each project it has been awarded.

Davis-Bacon Act Compliance

EMPG Subrecipients using funds for construction projects ***must*** comply with the *Davis-Bacon Act* (40 U.S.C. §§ 3141 *et seq.*). Grant recipients ***must*** ensure that their contractors or subcontractors for construction projects pay workers employed directly at the worksite no less than the prevailing wages and fringe benefits paid on projects of a similar character. Additional information, including Department of Labor (DOL) wage determinations, is available from the following website: <http://www.dol.gov/whd/govcontracts/dbra.htm>.

Data Universal Numbering System (DUNS)

A Data Universal Numbering System (DUNS) number is a unique, non-indicative 9-digit identifier issued and maintained by Dun & Bradstreet (D&B) that verifies the existence of a business entity globally. D&B assigns DUNS numbers for each physical location of a business. The Subrecipient's active DUNS number ***must*** be provided on the EMPG application and will be verified by the EMPG Coordinator through www.sam.gov. Subrecipients should confirm they have a DUNS number or take the steps necessary to obtain one, as soon as possible. Subrecipients can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at (866) 705-5711 or by visiting the [Dun & Bradstreet website](http://www.dunbradstreet.com).

Environmental Planning and Historic Preservation (EHP) Compliance

FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and projects funded by this grant program comply with Federal Environmental Planning and Historic Preservation (EHP) regulations, laws and Executive Orders, as applicable.

Applicants proposing projects that have the potential to impact the environment, must participate in the FEMA EHP review process. These projects would include, but not limited to:

- generator installations,
- construction of communication towers,
- modification of existing buildings,
- structures and facilities (i.e., installing security cameras or overhead projectors)

The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, FEMA also is required to consult with other regulatory agencies and the public in order to complete the review process.

The EHP review process must be completed and approved before funds are released to carry out the proposed project. FEMA will not fund projects that are initiated without the required EHP review. If the project is started prior to EHP approval, the project will be considered non-compliant and receipt of FEMA grant funds will be jeopardized.

Additionally, all Subrecipients are required to comply with FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in [FP 108-023-1, Environmental Planning and Historic Preservation Policy Guidance](#), and [FP 108.24.4, Environmental Planning and Historical Preservation Policy](#). Other supporting documentation, including the EHP Screening Form, is provided in HSEM's Resource Center at: https://apps.nh.gov/blogs/hsem/?page_id=419

When applying for funds to construct **communication towers**, applicants must submit evidence that the Federal Communications Commission's (FCC) Section 106 review process has been completed and upload all documentation resulting from that review into their online EMPG application. Applicants are also encouraged to coordinate with the State Historic Preservation Office (SHPO) to identify potential historic preservation issues. All required EHP review documentation is to be submitted at time of application. Contact your HSEM Field Representative for assistance, if needed.

Excluded Parties List System

Applicants are required to confirm and certify that any and all vendors, contractors, or sub-contractors being used for the proposed project(s) are not listed on the Excluded Parties List System (EPLS) located on www.sam.gov. For further information on the EPLS, refer to the following fact sheet: [https://www.sam.gov/sam/transcript/Public - Identifying Excluded Entities.pdf](https://www.sam.gov/sam/transcript/Public_-_Identifying_Excluded_Entities.pdf)

Extension Requests

Applicants should **only** propose projects that will be completed within the performance period. Extensions to the period of performance may be considered by HSEM when (due to circumstances beyond the control of the Subrecipient) activities associated with the award cannot be completed within the stated performance period. The Subrecipient should request an extension in writing at least 3 months prior to the grant's expiration date explaining why the project could not be completed within the established deadline. Extensions are granted on a case-by-case basis by the EMPG Coordinator and/or the HSEM Director.

Matching Funds

The EMPG Program has a **50% Federal** and **50% Local** match (cash or in-kind) requirement. Unless otherwise authorized by law, Federal funds cannot be matched with other Federal funds. To meet matching requirements, the Subrecipient contributions **must** be *reasonable, allowable, allocable, and necessary* under the grant program and **must** comply with all Federal requirements and regulations. At the time of application, proof of match is required if the applicant plans to use previously accrued soft/in-kind match (prior to grant application, but within the grant's period of performance). Otherwise, when seeking reimbursement, proof of match equal to the amount being requested **must** be provided at the time of request. Any questions on allowable local match should be directed to your assigned HSEM Field Representative or the EMPG Coordinator.

National Incident Management System (NIMS) Compliance

In accordance with HSPD-5, *Management of Domestic Incidents*, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal preparedness assistance through grants, contracts, and other activities. NIMS provides a common approach to state and national response that enables responders at all levels to work together more effectively to manage domestic incidents. It includes a core set of guidelines, standards, and protocols for command and management, preparedness, and communications in emergency situations. Applicants **must** certify that they are NIMS compliant or working towards compliance and will furnish documentation upon request. Applicants are **required** to complete and submit the online NIMS Compliance Survey annually, located on the HSEM Resource Center at: https://apps.nh.gov/blogs/hsem/?page_id=638

Non-Compliance

Per 2 C.F.R. §200.338/Remedies for Noncompliance, if a Subrecipient fails to comply with Federal statutes, regulations or the terms and conditions of the executed grant agreement (award), the State may impose additional conditions on the award (refer to 2 C.F.R. §200.207). If those additional conditions do not remedy the non-compliance, additional remedies are available, including temporarily withholding cash payments, disallowing costs, wholly or partially suspending or terminating the award, suspension or debarment proceedings, withholding further Federal awards for the project, and any other remedies legally available. Also, be sure that projects are **NOT** started and/or purchases are **NOT** made against the Federal award share prior to receiving notification of your grant award – you will **NOT** receive reimbursement and will risk ability to receive future grant funds.

Procurement by Non-Federal Entities

Procurement is the process of acquiring (buying, purchasing, renting/leasing or otherwise obtaining) goods and services. This process **must** be competitive and well-documented. All Subrecipients of Federal awards will also follow 2 C.F.R §§200.318-200.326 along with applicable local and State policies when procuring property and services. As covered under these regulations, Subrecipients **must** maintain and use documented procurement procedures and standards of conduct, have written procedures for procurement transactions and follow methods of procurement according to the size of the purchase. In combination with the previously mentioned procurements requirements, Subrecipients **must** perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (currently set at \$150,000) including contract modifications and provide HSEM with procurement documents upon request. Be sure to review the regulations in their entirety by following the links associated with each of the regulations listed below:

- [§ 200.318 General procurement standards](#)
- [§ 200.319 Competition](#)
- [§ 200.320 Methods of procurement to be followed](#)
- [§ 200.321 Contracting with small and minority business, women's business enterprises, and labor surplus area firms](#)
- [§ 200.322 Procurement of recovered materials](#)
- [§ 200.323 Contract cost and price](#)
- [§ 200.324 Federal awarding agency or pass-through entity review](#)
- [§ 200.325 Bonding requirements](#)
- [§ 200.326 Contract provisions \(must contain applicable provisions described in *Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards*\)](#)

Note: Federal requirements are in addition to local and state requirements.

Records Retention

With the acceptance of EMPG funds, Subrecipients are **required** to retain grant records and documentation for a period of three (3) years from the State's submission of the final expenditure report to FEMA. This date will be provided on the Subrecipient's close out letter. Grant documentation includes, but is not limited to:

- grant applications,
- copies of financial reports,
- progress reports,
- expenditure reports,
- invoices,
- contracts,

- related correspondence and memoranda (which may include emails).

Subrecipients shall also maintain detailed documentation of the 50% cost share (match) required by this grant.

Risk Assessments (Pre-Award)

In accordance with Federal Regulations, a risk assessment is conducted to determine the type and level of monitoring that is required for each Subrecipient and is completed at the time of application. The assessment helps to identify risks to achieving grant objectives, analyzes those risks, and decides how to respond to those risks. The risk assessment contains a number of scoring criteria such as the size and complexity of the grant, past audit findings, experience and past performance of the applicant. The level of risk (low, moderate, high) helps determine the level of Subrecipient monitoring or other response by HSEM. Monitoring procedures range from programmatic reviews to extensive site visit reviews. A separate risk assessment is performed for each grant program the Department of Safety (DOS) manages.

SAFECOM Guidance

Subrecipients who receive awards under the EMPG that wholly or partially provide funding for emergency communication projects and related activities **must** comply with the most recent version of the *SAFECOM Guidance on Emergency Communications Grants* <http://www.safecomprogram.gov/grant/Default.aspx>. The SAFECOM Guidance is updated annually to provide current information on emergency communications policies, eligible costs, best practices, and information on technical standards that ensure greater interoperability for State, local, tribal, and territorial Subrecipients investing Federal funds in emergency communications projects. The Guidance is intended to ensure that Federally-funded investments are compatible, interoperable, and support the national goals and objectives for improving emergency communications nationwide. Subrecipients investing in broadband-related investments should review [*IB 386: Clarification on Use of DHS/FEMA Public Safety Grant Funds for Broadband-Related Expenditures and Investments*](#), and ensure projects support the Statewide Communication Interoperability Plan (SCIP). Contact the **Statewide Interoperability Coordinator** at 603-223-8003 with any questions.

Scope of Work Changes

Subrecipients may request a modification to their grant agreement for minor changes in the Scope of Work. **Any changes in the original Scope of Work must have prior approval by the EMPG Coordinator.** Requests for Scope of Work changes **must** be submitted well in advance of the grant's expiration date to allow for adequate review and approval, if allowable. Subrecipients should submit a ***Grant Change Request Form*** which includes a written justification for any changes being proposed. This form can be found on HSEM's Resource Center located here: https://apps.nh.gov/blogs/hsem/?page_id=419

Special Conditions

Subrecipients shall be aware of and adhere to all special conditions and assurances that are included with the Subrecipient grant award package. This also includes any standard and special conditions outlined in the EHP Review's Clearance Memo, if applicable.

Supplanting

FEMA's non-supplanting requirement states that grant funds ***must*** never replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Grant funds should increase the overall amount of resources available, and Subrecipients ***must*** ensure that the current overall level of funding to support objectives (absent exigent circumstances) is not reduced because of Federal funds. *Note: Budgeting for matching funds is not considered supplanting and is allowable under the EMPG Program as long as it is clearly identified as such.*

System for Award Management (SAM)

Subrecipients ***must*** maintain an updated and current SAM registration at www.sam.gov. The EMPG Coordinator will verify that each applicant's organization's name, address, DUNS number and Employer Identification Number (EIN) are up-to-date in SAM and that the DUNS number used in SAM is the same one used to apply for all FEMA awards. Future payments will be contingent on the information provided in SAM; therefore, it is imperative that the information is correct.

Use and Disposition of Equipment

Subrecipients ***must*** use, manage, and dispose of equipment acquired under this Federal award in accordance with [2 C.F.R. § 200.313\(c\) through \(e\)](#) and must also comply with State equipment policies. Subrecipients ***must*** assure an effective system for property management exists; this assurance is certified in their EMPG grant application and a description of their property management system is required to be provided at the same time.

Disposition – For items of equipment with a current per unit fair market value greater than \$250.00, refer to [2 C.F.R. § 200.313, Subsection \(e\)](#) that covers retention, selling, and transferring title. Subrecipients should notify the EMPG Coordinator of the need for disposition and include the following information:

- Description of the property,
- Serial number or other identification number,
- Grant under which equipment was purchased (EMPG),
- Current per-unit fair market value,
- Proposed method of disposition.

The EMPG Coordinator will provide appropriate disposition steps.

Allowable Costs

The following list of possible projects and activities is meant to guide the applicant in selecting projects for an EMPG grant submission. This list of suggested projects is not intended to be all-inclusive. Local communities or agencies may have other specific projects and activities that reflect specific local needs.

A. Planning

EMPG Program funds may be used for a range of emergency management planning activities. Planning provides a methodical way to engage the whole community in thinking through the life cycle of potential crises, determining required capabilities, and establishing a framework for roles and responsibilities. Planning **must** include participation from all stakeholders in the community who are able to contribute critical perspectives and may have a role in executing the plan. Planning should be all-hazards focused based upon the most probable threats and hazards identified within the State Hazard Mitigation Plan, State Threat and Hazard Identification and Risk Assessment (THIRA), and the local jurisdiction's Multi-Hazard Mitigation Plan (as appropriate).

The following two (2) plans are considered **HIGH PRIORITY** planning projects:

1. Local Emergency Operations Plan (LEOP)

The EMPG Program will fund the development/update of a community's LEOP using the current template, which can be found at https://apps.nh.gov/blogs/hsem/?page_id=1116. The LEOP **must** be consistent with the Comprehensive Preparedness Guide (CPG) 101 v.2, November 2010. This serves as the foundation for State and local emergency planning. CPG 101 can be found at http://www.fema.gov/pdf/about/divisions/npd/CPG_101_V2.pdf

A copy of the completed plan **must** be submitted electronically to HSEM in order to receive reimbursement.

Funding for an LEOP is based on population (2010 census) as outlined below:

LEOP Funding Scale	
Population Range	Total Funding Not to Exceed
1-1,000	\$3,500.00
1,001-5,000	\$4,000.00
5,001-10,000	\$4,500.00
10,001-20,000	\$5,000.00
20,001-30,000	\$5,500.00
30,001 & up	\$6,000.00

2. Continuity of Operations Plan (COOP)

The EMPG Program will fund the development/enhancement of a community COOP Plan using the COOP template and HSEM crosswalk, ensuring all of the essential elements are included in the plan. The template and crosswalk can be found at:

https://apps.nh.gov/blogs/hsem/?page_id=2783.

The community COOP plan **must** be consistent with the Continuity Guidance Circular 1 and 2 (CGC 1 and 2), dated 2013. This provides planning guidance and methodology to assist non-Federal government organizations in identifying and ensuring continued performance of their mission essential functions and can be found at:

[Continuity Guidance Circular 1](#)

[Continuity Guidance Circular 2](#)

A copy of the completed plan **must** be submitted electronically to HSEM in order to receive reimbursement.

Funding for COOP plan development is based on population (2010 Census) as outlined below:

COOP Funding Scale	
Population Ranges	Total Funding Not to Exceed
1-1,000	\$4,000.00
1,001-5,000	\$4,500.00
5,001-10,000	\$5,000.00
10,001-20,000	\$5,500.00
20,001-30,000	\$6,000.00
30,001-50,000	\$6,500.00
50,001 & up	\$8,000.00

Other *Planning Activities* may include, but are not limited to, the following:

- Development of Support Annexes to the LEOP:
 - a. Warning
 - b. Population Protection
 - c. Financial Management
 - d. Mutual Aid/Multi-Jurisdiction Coordination
 - e. Private Sector Coordination
 - f. Prevention and Protection
 - g. Recovery
 - h. Commodities
 - i. Sheltering
 - j. Dam Emergency Action Plan
 - k. Debris Management
- Hazard, Threat, or Incident Specific Annexes to the LEOP
 - a. Natural Hazards Based
 - b. Technological Hazards Based
 - c. Human-Caused/Terrorism Based
- Other planning-related activities will be considered for eligibility if they fit into homeland security or emergency management focused whole-community all-hazard planning.
- Develop or update a FEMA approved Multi-Hazard Mitigation plan – only if unable to obtain funding through Hazard Mitigation Assistance (HMA) Grants.

COMMUNITIES must have the following two (2) plans in place before HSEM will consider funding other projects. Applicants may apply for funding for these plans in conjunction with other projects.

1. Updated LEOP (revised less than 5 years ago)
2. FEMA approved Local Hazard Mitigation Plan

SCHOOLS must have a site specific emergency response plan (compliant with RSA 189:64) that supports implementation of NIMS if receiving funds from this grant program.

For communities within the Seabrook Station Nuclear Power Plant Emergency Planning Zone (EPZ), the HSEM Planning Section will provide assistance in developing the *Community Emergency Response for Nuclear Facilities Plan* and the *Radiological Emergency Response for Nuclear Facilities Host Plan*.

B. Organization/Administrative

Per the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, (42 U.S.C. §§ 5121-5207), EMPG Program funds may be used for all-hazards emergency management operations, staffing, and other activities in support of emergency management, if project driven. Proposed staffing activities should be linked to accomplishing emergency management-related projects and activities.

Organization/Administrative projects and activities may include, but are not limited to, the following:

- Maintain/upgrade an EOC capable of accommodating staff to respond to local emergencies.
- Establish and maintain a call-down list for EOC staff.
- Establish and maintain emergency response/recovery resource lists.
- Logistics and Resource Management, following the FEMA program guidance.
- Develop and maintain written duties and responsibilities for EOC staff positions and agency representatives (Checklist/Job Action Sheets).
- Develop and maintain public-private sector partnerships.
- Conduct a hazard analysis and risk assessment.
- Develop public education and awareness information (i.e., brochures and pamphlets).
- Develop and maintain a list of private non-profit organizations within your local jurisdiction to ensure that these organizations are included in requests for public assistance funds.
- Develop/enhance financial and administrative procedures for use before, during, and after disaster events in support of a comprehensive emergency management program.
- Develop or update procedures for tracking disaster-related expenses by local agencies.
- Program evaluations.
- Develop/enhance systems to monitor training programs.



C. Equipment

Allowable equipment categories for the EMPG Program are listed on the web-based version of the Federal Authorized Equipment List (AEL) and is available at:

<https://www.fema.gov/authorized-equipment-list>.

Unless otherwise stated, equipment ***must*** meet all mandatory regulatory and/or FEMA-adopted standards to be eligible for purchase using these funds. In addition, agencies will be responsible for obtaining and maintaining all necessary certifications and licenses for the requested equipment.

Allowable equipment, under NH's EMPG Program, includes equipment from the following AEL Categories:

- [04] Information Technology
- [05] Cyber Security Enhancement Equipment
- [06] Interoperable Communications Equipment (*refer to SAFECOM Guidance info on Page 11*)¹, (**Maximum Award: \$5,000.00**)
- [07] Detection Equipment
- [10] Power Equipment i.e., generators², (**Maximum Award: \$75,000.00**)
- [11] CBRNE Reference Materials
- [14] Physical Security Enhancement Equipment
- [19] CBRNE Logistical Support Equipment
- [21] Other Authorized Equipment (i.e., equipment to support an EOC)³ (**Maximum Award: \$40,000.00**)

If you have questions concerning the eligibility of equipment not specifically addressed in the AEL, contact your HSEM Field Representative for clarification.

¹ **Radios for Schools** - Grant awards for the purchase of radios at schools are **allowable** under the current EMPG program. The intent is to enhance communication between school officials and first responders. **Maximum award:** \$5,000.00

² **Generators - PRIORITY** will be given for projects that provide emergency power to primary shelters and primary EOCs that are outlined in the community's approved LEOP. Generators are also considered a **PRIORITY** for drinking/waste water facilities, critical communication structures (i.e., towers with communication equipment), if communication is used for all-hazards emergency management. **Maximum award:** \$75,000.00

³ **EOC Equipment - PRIORITY** will be given for projects that provide equipment to enhance/support the capabilities of PRIMARY Emergency Operations Centers (EOCs) that are outlined in community's up-to-date LEOP: **Maximum award:** \$40,000

D. Maintenance and Sustainment

The use of EMPG Program funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active and future grant awards.

Maintenance contracts and warranties, repair and replacement costs, upgrades, and/or user fees for equipment that were not originally purchased with EMPG Program funding may not be subsequently paid for with EMPG Program funding. Maintenance and Sustainment may include:

Maintenance Agreements, Service Contracts and Extended Warranties - To increase the useful life of the equipment, maintenance agreements, service contracts and extended warranties may be purchased using grant funding from one fiscal year to cover equipment purchased with funding from a different fiscal year. The use of EMPG funding for the purchase of maintenance contracts and warranties must meet the following conditions:

- Maintenance contracts and warranties may only be purchased for equipment that has been purchased using FEMA preparedness grant funding.
- Maintenance contracts and warranties must be purchased using funds from the same grant program used to purchase the original equipment.
- The term of the Maintenance Contract shall NOT exceed the period of performance of the grant to which the maintenance contract is being charged.
- Warranties are allowed to be purchased up front and can exceed the grant's period of performance.

Repair and Replacement Costs - The cost of repair and replacement parts for equipment purchased using EMPG funding is an allowable expense.

- Repair and replacement parts may only be purchased for equipment that has been purchased using FEMA preparedness grant funding.
- To avoid supplementing Congressional appropriations for specific programs, repair and replacement parts must be purchased using the same grant program used to purchase the original equipment.

Upgrades - EMPG funding may be used to upgrade previously purchased allowable equipment. For example, if the Subrecipient purchased risk management software with EMPG Program funds in 2013 and would like to use 2016 grant funding to upgrade the software, this is allowable.

- Upgrades may only be purchased for equipment that has been purchased using FEMA preparedness grant funding.
- To avoid supplementing Congressional appropriations for specific programs, upgrades must be purchased using the same grant program used to purchase the original equipment.

User fees - User fees are viewed as costs for specific services required to maintain and provide continued operation of equipment or systems. An example would be the recurring service fees associated with handheld radios.

- User fees may only be paid for equipment that has been purchased using FEMA preparedness grant funding.
- To avoid supplementing Congressional appropriations for specific programs, user fees **must** be paid for using the same grant program used to purchase the original equipment.
- The service time purchased shall **not** exceed the period of performance of the grant to which the user fee is being charged.

E. School Emergency Notification Software

HSEM prioritized a designated amount of funding from the EMPG Program for three (3) years (7/1/14 to 6/30/17) to assist with ***enhancing school security***. The purpose of this specific program is to assist public schools and local law enforcement agencies with funding for the purchase and installation of **emergency notification software** that will improve and enhance school security. *Even though set aside funding for this type of software will not be in place after 6/30/17, HSEM will continue to consider applications for school emergency notification systems and make awards on condition that funds are available in the EMPG Program.*

Funds will be reimbursed upon completion of the project and submittal of proper documentation to include the local match. The grant will pay for the initial annual subscription fee only. **After the first year, Subrecipients are responsible for the subsequent annual subscription fee and any other associated costs/fees that may incur.**

Both the community's school(s) and the local police department are encouraged to participate; however, a school district can independently apply if their local community does not have a police department and a police department can apply if their local community does not have a school. If a community has both a school and police department, and only the police department wishes to participate, they **must** provide proof of any law enforcement mutual aid agreements to neighboring jurisdictions where schools have the emergency notification software installed. If mutual aid agreements are informal, you will need to submit a letter with your grant application outlining the agreement. If a formal agreement exists, you may submit a copy of any signed mutual aid agreements with your grant application.

The special **School Emergency Notification Software EMPG Application** can be accessed at the following link: https://apps.nh.gov/blogs/hsem/?page_id=347.

Refer to the current **EMPG Quick Reference Guide** for the **School Emergency Notification Software** checklist of information required for application: <https://apps.nh.gov/blogs/hsem/wp-content/uploads/2015/10/COPSYNC-Application-QuickReference-Guide-Rev-092715.pdf>

High Priority Projects

The following list outlines some of the projects that are considered high priority items in NH's EMPG Program. Priorities *may change at any given time* depending on a number of conditions (i.e., revisions to the State's Homeland Security Strategy, gaps identified in NH's annual THIRA/SPR and other types of assessments, weather and/or other events that have affected or have the potential to affect the State, results of after-action reports, etc.). Applications for these items will be reviewed and considered before other projects:

- Development or update of LEOPs.
- Development or update of COOP Plans.
- Equipment to support/enhance the capabilities of **PRIMARY** EOCs (**Maximum Award: \$40,000.00**).¹
- Backup power for **PRIMARY** EOCs (**Maximum Award: \$75,000.00**).
- Backup power for **PRIMARY** shelters (**Maximum Award: \$75,000.00**).
- Backup power for water and sewer treatment facilities (**Maximum Award: \$75,000.00**).
- Backup power for critical communication structures - i.e., towers with communications equipment (**Maximum Award: \$25,000.00**).
- School emergency notification systems for public schools and law enforcement agencies (**the grant award shall not exceed \$1,800.00 per school building and \$120.00 per police device/terminal**).

Medium Priority Projects/Allowable Costs

Due to the limited amount of funding and a high volume of quality projects, it is necessary to set funding priorities based on the State Homeland Security Strategy, THIRA and SPR, as well as other State and Federal guidelines.

The following items are considered medium priority under NH's EMPG Program. Applications for these items will be reviewed by the EMPG Review Committee and consideration will be made on a **case-by-case basis**:

- Communication equipment for Emergency Management use and located in a **PRIMARY** EOC (**maximum award: \$10,000.00**) (i.e., EOC base station radios, repeater systems).
- Portable electronic sign boards (**maximum award: \$15,000.00**).
- Emergency Management equipment trailers (**maximum award: \$10,000.00**).

¹ For Primary EOCs undergoing new facility construction (i.e. the community is constructing a new EOC and/or implementing significant extensions to existing structures resulting in new blueprints), the maximum awards of EOC Equipment, communication equipment, and backup power may be bundled not to exceed a total maximum award of \$125,000.00. Projects will be reviewed on a case-by-case basis.

- Tablets for use in emergency vehicles (**maximum award:** 25% of total cost of hard cash, maximum of 3 per community and **must** be used for emergency management purposes only).

Low Priority Projects/Allowable Costs

As previously mentioned, due to limited amount of funding and high volume of quality projects, it is necessary to set funding priorities based on the State's assessments and reports. Applications for projects that do not fit within the Medium and High Priority Projects may be considered to be a Low Priority Project and will be placed on hold and reviewed at end of the grant funding cycle after Medium and High Priority Projects have been processed.

The following items are considered low priority under NH's EMPG Program:

- Equipment for secondary/backup EOCs.
- Generators for secondary/backup EOCs.
- Generators for secondary/backup shelters.
- Generators for public works facilities.

Unallowable Costs/Items Not Funded

Grant funds may **NOT** be used for the following costs/items:

- Costs incurred/purchases made against the Federal share **PRIOR** to notification of the grant award.
- General administrative projects not directly connected to a specific Emergency Management-related project.
- Fixed/stationary emergency electronic sign boards.
- Mobile Data Terminals (MDTs) for **everyday** use.
- The same/similar project will **not** be funded year after year.
- Radios/pagers for everyday/service use.
- Projects exceeding **\$100,000.00** (refer to waiver process notice below).
- Expenditures for weapons systems and ammunition.
- Costs to support the hiring of sworn public safety officers for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities.
- Activities and projects unrelated to the completion and implementation of the EMPG Program.
- Emergency response vehicles (i.e., command vehicles, mobile EOCs).
- Building construction projects (i.e., the physical construction of a new EOC).

- Incident Response Vehicles – the Department of Safety has a policy in place **NOT** to fund incident response vehicles.
- ATVs and accessories
- Other items not in accordance with the portions of the Authorized Equipment List (AEL) and allowable costs listed above.

Waiver and Appeal Process

Waivers – Waivers may be considered on a case-by-case basis and will be brought to the NH Department of Safety’s Commissioner by HSEM leadership (i.e., projects over \$100,000). All ineligible applications may request a waiver from the Commissioner of Safety if there is overwhelming information that the project meets the overall mission of the EMPG Program.

Appeals – This process is designed to allow for appeals to be submitted in cases where there is overwhelming information that the project meets the overall mission of the EMPG Program. Appeals will be brought to the NH Department of Safety’s Commissioner by HSEM leadership. An application/project that is denied can request appeal. This is **NOT** a routine appeal but an exception that can be exercised in very unusual cases.

Reporting Requirements

You must fully understand the following reporting requirements as you will be asked to certify this in your application.

Federal Funding Accountability and Transparency Act (FFATA) Reporting Mandate

By law, all Subrecipients receiving Federal awards totaling \$25,000.00 or more are subject to the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements. These Subrecipients ***must*** complete and return a FFATA Subrecipient Information Reporting Form along with their executed grant agreement in order to continue the approval process. This form can be found on HSEM's Resource Center at: https://apps.nh.gov/blogs/hsem/?page_id=419

Quarterly Progress Reporting

Subrecipients are ***required*** to submit Quarterly Progress Reports (QPRs) that provide sufficient detail to measure progress of the funded project(s). Reimbursements will NOT be made if a Subrecipient is delinquent with their QPRs. The EMPG QPR form is available on the HSEM Resource Center at: https://apps.nh.gov/blogs/hsem/?page_id=2666.

The following reporting periods and due dates apply:

<u>Reporting Period</u>	<u>Report Due Date</u>
January 1 to March 31	April 15
April 1 to June 30	July 15
July 1 to September 30	October 15
October 1 to December 31	January 15

Compliance of Audit Requirements

All non-Federal entities that expend \$750,000 or more in federal awards during a Subrecipient's fiscal year are required to obtain a single audit in accordance with the Single Audit Act Amendments of 1996, Office of Management and Budget (OMB) Circular A-133 – Audits of State, Local Governments and Non-Profit Organizations, the OMB Circular A-133 Compliance Supplement and Government Auditing Standards. All Subrecipients are required to certify and return the *Audit Certification Form* no later than sixty (60) days from the Subrecipient's fiscal year end date in which reimbursement is received. If applicable, Subrecipients ***must*** submit a copy of their A-133 Audit Report within nine (9) months of their fiscal year end*. The *Audit Certification Form* can be found on HSEM's Resource Center located here: https://apps.nh.gov/blogs/hsem/?page_id=419 and ***must*** be completed by the Chief Financial Officer, Business Manager, Treasurer or other person responsible for the financial records of the organization.

*Examples

<u>Fiscal Year Reimbursement Received</u>	<u>A-133 Audit Return By Date</u>
January 1, 2017 – Dec. 31, 2017	September 30, 2018
July 1, 2017 – June 30, 2018	March 31, 2019

Close Out Process

Within 30 days after the grant's expiration date, the Subrecipient ***must*** submit all financial, performance, and other reports required as a condition of the grant to include the following:

- Final request for reimbursement,
- Final Quarterly Progress Reports,
- Final Performance and Expenditure Report,
- Equipment Inventory Forms with accompanying photos,
- Copy of any plans developed with grant funding,

Once the grant file is reviewed for completeness and accuracy and final payment has been paid to the Subrecipient, an official closeout letter will be forwarded to the Subrecipient by the EMPG Coordinator.

Final Performance and Expenditure Report

When the project is complete and all expenses in connection with the project are captured, Subrecipients ***must*** complete and submit a *Final Performance and Expenditure Report* to receive reimbursement. This form summarizes activities associated with the completed project, documents any issues affecting completion or outcome, and outlines all expenditures to include both the Federal and local match amounts. This form can be found on HSEM's Resource Center at: https://prd.blogs.nh.gov/dos/hsem/?page_id=4644.

Requests for Reimbursement

All projects are ***required*** to be completed and invoices need to be dated on or before the grant agreement's expiration date. Because HSEM has to close out its financial accounts and report its expenses to FEMA in a timely manner, all requests for reimbursement ***must*** be made no later than 30 days after the expiration of the grant agreement. Otherwise, reimbursement may not be paid. Requests for reimbursement ***must*** be submitted on community/agency letterhead that matches the address shown in Section 1.4 of the executed grant agreement. A template for the request for reimbursement letter is available on HSEM's Resource Center located at: https://apps.nh.gov/blogs/hsem/?page_id=419

Reimbursement requests ***must*** include any outstanding reports (QPR, Final Performance and Expenditure Report, and the Equipment Inventory Form accompanied by photos, if required), proof of costs (copies of invoices/bills, payroll documentation, sign in sheets, agendas, etc.), proof of payment (cancelled checks, copies of accounting ledgers and/or statements documenting payment) and proof of match equal to or greater than the reimbursement request. HSEM has no obligation and makes no commitment to reimburse for Subrecipient costs incurred prior to or after the effective dates of the grant agreement; therefore, any purchases made ***PRIOR*** to and ***AFTER*** the grant award will be ***disallowed*** – unless utilizing these purchases as match and must be identified as such in your application. If your project includes development of a plan, you must include an electronic copy prior to reimbursement. Reimbursement can be requested through the Resource Center: https://prd.blogs.nh.gov/dos/hsem/?page_id=4648.

Equipment Inventory

An Equipment Inventory Form will need to be completed and returned, along with photographs of any equipment purchased with grant funds, upon requests for reimbursement.

Note: Only equipment with a value of \$250.00 or greater needs to be documented. The Equipment Inventory Form is available at: https://apps.nh.gov/blogs/hsem/?page_id=419

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, October 7th, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Resolution #08-20, accepting \$16,871.50 in Grant Funds from the NH Department of Safety, Division of Homeland Security and Emergency Management for the purchase of a replacement generator at the Franklin Fire Station.

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

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

CITY COUNCIL MEETING
AGENDA ITEM VII



CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meeting of October 7, 2019

From: Richard Lewis, Director of Planning and Zoning

Subject: Public hearing for, and approval of, Resolution #09-20 related to the acceptance of economic development assistance grant funds, and the appropriation and expenditure of these funds, awarded by the USDA's Rural Development office.

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

"I move that the Franklin City Council vote to approve resolution #09-20 which accepts grant funds from the USDA Rural Development office, and approves the expenditure of these new revenues for an Opportunity Zone based marketing and investment program for properties in the downtown business district. I further move that the City Council authorize the City Manager to sign all documents and take all relevant actions pertaining to the administration of this grant."

Mayor calls for a second, discussion and vote.

Discussion: As the City Council is aware, the City has received grants from the USDA Rural Development office in 2015, 2017, and 2018. All of the grant funds focused on general economic and downtown redevelopment projects. For the first two years, the grants supported the work of Niel Cannon, our Downtown Business Coordinator; in 2018, the funds supported the white-water park and Mill City Park. The 2018 funds ran out in June of this year.

Per the March 4th vote by the City Council, the City submitted a grant application which focused on the utilization of the Opportunity Zone Program. The Council might recall that Governor Sununu announced, in Franklin, in May of 2018 the designation of the New Hampshire Opportunity Zone Communities; Franklin is one of 27 selected communities. The City was informed on 9/6/19 that the City's application was selected by the national USDA office for funding.

As a refresher, the Opportunity Zone Program focuses on private investments in economically distressed areas, and the goal is to spur economic development and job creation. The proposed program for Franklin is to develop a comprehensive approach toward redevelopment in the downtown area, with about 10 properties being the priority. A team of professional consultants [financial and real estate marketing specialists, and an attorney] will be hired to prepare marketing and development plans for the individual parcels. This will result in a well-coordinated development plan that will take advantage of the efforts to date, including the development of the white-water park and the land-based Mill City Park.

Concurrences and Fiscal Impact: The City Council supported the submission of the 2019 grant application. The required matching funds have already been appropriated through the FY2020 City Council Adopted budget.

Attachment: Copy of Resolution #09-20



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION #09-20

A Resolution Granting Authority to Accept and Appropriate a USDA Rural Development Grant for Economic Development Assistance.

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 the recent efforts to improve economic and residential viability of downtown Franklin and the need to continue with additional progress, **and**;

WHEREAS, the City Council, at the March 4, 2019 City Council Meeting, authorized the City Manager to submit a grant application to USDA Rural Development which focused on the utilization of the Opportunity Zone Program, **and**;

WHEREAS, the City has been awarded a grant of \$30,000 from USDA Rural Development for an Opportunity Zone based marketing and investment program for properties in the downtown business district, **and**;

WHEREAS, the required matching funds have already been appropriated through the FY2020 City Council Adopted budget, **now**;

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, October 7, 2019, the City Council of Franklin, New Hampshire does hereby adopt resolution #09-20 which accepts grant funds from the USDA Rural Development office, and approves the expenditure of these new revenues for an Opportunity Zone based marketing and investment program for properties in the downtown business district.*

THEREFORE, BE IT FURTHER RESOLVED, *that the City Council authorize the City Manager to execute all documents associated with the grant, and hereby authorizes the following non-lapsing appropriations:*

An Increase in Revenue:

USDA Tech Assistance Grant Revenue Acct. No. 01-0-000-33111-435, Thirty Thousand Dollars (\$30,000)

An Increase in Expenditures:

Economic Development Other Professional Services Acct. No. 01-6-511-40390-000, Thirty Thousand Dollars (\$30,000)

By a roll call vote.

Roll Call:

Councilor Brown _____ Councilor Dzujna _____ Councilor Ribas _____

Councilor Clarenbach _____ Councilor Lauer-Rago _____ Councilor Testerman _____

Councilor Desrochers _____ Councilor Starkweather _____ Councilor Trudel _____

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

City of Franklin's Proposed Scope of Work

This project involves the utilization of the relatively new Opportunity Zone Program. Simply put, this program provides federal tax incentives in the form of reduced tax rates on capital gains that are invested in OZ properties. Further, the investment in any qualified property must include not only the purchase of the property but investment in property improvements as well. The IRS estimates that over \$6 trillion in unrealized gains sit on the books of US taxpayers. Hence, incentivizing investors to realize these gains and receive reductions on their tax liability by re-investing in properties and businesses located in OZ communities can become a powerful economic development tool. However, many practitioners urge caution. If local leadership is not involved, a downside of the program could be an exacerbation of existing problems, including a high degree of out-of-area ownership that puts profit over community-with no interest in achieving a higher and better use for the property.

Franklin needs to take control of the situation if the OZ investments are to be socially responsible and contribute to continued revitalization of the downtown. Fortunately, we have several downtown property owners that own 10 strategically located properties that are on the market. These properties, which are currently owned by the non-profit PermaCitylife [PCL; 6 parcels]; Independence Financial Advisors [IFA], which is the investment management arm of Franklin Savings Bank [2 properties parcels]; and, two private entities, will serve as the focal point for the project.

The goals of the City and the current owners of these parcels are to: promote, to the best degree possible, a variety of end-users for these properties that will mix well with the establishment of the whitewater park and the outdoor/natural resource amenities that are available in the City and the immediate region; create new job opportunities; stimulate tax base expansion; and, complement other revitalization efforts. The end product of this effort will be a Development Agreement by and between the City and the current building owner. This agreement, as well as any use restrictions contained therein, will run with the deed and become a critical element of the OZ transaction.

The driving force for this project will come through the establishment of a professional consulting team to provide the required technical support (financial, legal, architectural) for the creation of the individual promotional / investment packages. The City's Economic Development Consultant has already initiated discussions with financial, tax, and legal experts who have expressed strong interest in working with the City on this important project. Some have even expressed a potential willingness to donate some time for this work.

Given some of the fluidity of the regulations of the OZ Program, the specific tasks to be completed for this important project may evolve over the period of the RBDG grant. In general, the key tasks will include:

1. Assemble a project team of professionals that includes:
 - a. A tax/financial specialist for structuring OZ Funds and advising in issues such as the Return on Investment calculations.

- b. An attorney to review critical OZ Documents and assure compliance with relevant state and federal (SEC) regulations.
- c. An architect to assist in determining potential improvement costs for each property.

This project team [hereinafter the "OZP Team") will work together with the City's economic team to provide accurate and reliable guidance regarding the necessary steps to correctly utilize the OZ Program.

- 2. The OZP Team will develop a set of procedures and protocols for the creation of the marketing package for the properties.
- 3. The OZP Team will then put together a generalized marketing plan aimed at interested investors for whom the benefits of the OZ Program are well suited. The generalized plan can function as the foundation for the preparation of the more detailed and individualized building-specific proposals.
- 4. The OZP Team will prepare a template for the establishment of the "Franklin OZ Fund" as well as individual property OZ Funds [which are the legal vehicle to channel new investments). Legal counsel will assure compliance with IRS regulations. In order to attract investor attention, each property will be evaluated for a variety of factors including, but not limited to: acquisition costs; improvement costs revenue streams; and likely investment returns. In addition, each property will be evaluated by the City's Economic Development Committee to determine the best and most appropriate end-use(s).
- 5. The OZP Team will prepare detailed outreach packages to be distributed to potential investors who have been identified through investigation work carried out by the members of the team as well as the City's Economic Development Committee.
- 6. Meetings and site visits will be set up with potential investors. The individual characteristics of a specific property will be discussed. The financial and legal issues associated the utilization of the OZ Program will be thoroughly explored. The OZP Team will assist in the preparation of any development agreements that will protect the interests of the City and the property owners relative to the provisions of the OZ Program.

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, October 7th, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Resolution #09-20, accepting and appropriating a \$30,000 USDA Rural Development Grant to support the Opportunity Zone Program.

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

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

CITY COUNCIL MEETING
AGENDA ITEM VIII



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting October 7, 2019

From: Michael Foss, Fire Chief/EMD

Subject: For the Franklin City Council to consider the sale of the Franklin Fire Department 2007 Horton Ambulance, also known as "Old Ambulance Two."

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

"I move that the Franklin City Council authorize the Fire Chief and Finance Director to sell old Ambulance Two, while seeking the highest sale value possible. The proceeds from this sale will be used toward the replacement of a power cot for the new Ambulance Two."

Mayor calls for a second, discussion and vote.

Background: This past August, the Franklin Fire Department took delivery of our new Ambulance Two which was placed into service in September. Since the fire department no longer intends to use the old Ambulance Two, it is our recommendation that the City of Franklin sells it for the highest possible value through a bid process.

It will be the goal of the fire department administration to use funds received from the sale of the ambulance, towards the purchase of a new Stryker Power PRO XT Cot. This cot will cost approximately \$23,535.

Alternatives: The alternative is to not sell the old Ambulance 2. As a result, the City of Franklin will store the old Ambulance Two, and potentially see the current value decline as a result of depreciation.

Attachments:



CITY COUNCIL MEETING
AGENDA ITEM IX



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**
City Council Meeting October 7, 2019

From: Katie Gargano, City Clerk

Subject: Ordinance 09-20, Add Chapter 18, Elections; Section I: Contested Races, tie votes and recount process to the Franklin Municipal Code Part I: Administrative Legislation

Suggested Motions:

October 7, 2019

Councilor moves, "I move that the Franklin City Council set a public hearing for October 7, 2019 at 6pm on Ordinance 09-20 to add Chapter 18, Elections; Section 1: Contested Races, tie votes and recount process to the Franklin Municipal Code Part I: Administrative Legislation."

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

November 4, 2019

Councilor moves, "I move that the Franklin City Council adopts Ordinance 09-20 to add Chapter 18, Elections; Section 1: Contested Races, tie votes and recount process to the Franklin Municipal Code Part I: Administrative Legislation."

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

Discussion:

After reviewing the City Charter last year in preparation for a recount from the 2018 City Election; the City Charter didn't give specific instructions. This spring the Legislative Committee met and asked for an ordinance outlining the process to be created.

Attachments/Exhibits:

Ordinance 09-20



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

316 Central Street
Franklin, NH 03235

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

ORDINANCE #09-20

AN ADDITION 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 Part I: Administrative Legislation, Add Chapter 18, Elections; Section I: Contested Races, tie votes and recount process, be added as follows:

Chapter 18 Elections

Section I Contested Races, tie votes and recount process

Recount Procedure- Any candidate whose name appeared on a municipal election ballot may file a request for recount in writing with the Franklin City Clerk no later than 5:00 p.m. on the Friday following the municipal election. The applicant shall pay a fee to the Franklin City Clerk, for the use of the City in the same manner as prescribed by RSA 669:31, II.

The following rules and procedures shall be observed during the course of a municipal election recount:

1. The City Clerk shall serve notice of the recount on all candidates for the office in question.
2. The recount team will be comprised of the City Clerk, Moderator, Ward Clerk, and 2 City Councilors/Selectmen of the ward being recounted. Anyone on the recount team shall be disqualified from participating if their seat is the subject of the recount. The City Council shall appoint someone in their place.
3. No cell phones may be used in the recount room.
4. All members of the public shall be seated in a designated area that will allow for visual and audible observation of the recount. No person shall be seated closer than six feet from the recount team unless they are the candidate and/or their representative.
5. The Moderator shall preside over the recount.
6. If there is a question as to whether a ballot is valid, the Moderator shall determine its validity.
7. A candidate and/or his/her representative may be present at the recount to inspect the ballots as they are being counted. Each candidate shall be limited to one representative.
8. The recount method may be the sort/stack method or the tally method, but no other.

ORDINANCE #09-20

Page 2 of 2

9. The City Clerk will unseal the container holding the ballots cast by voters on the date cast, announcing such publicly.
10. Candidates and/or their representatives are prohibited from touching the ballots and from marking a ballot in any manner during the recount.
11. The recounting officials shall not let the ballots out of their control at any time, and no person other than the recounting officials may touch the ballot while it is being inspected or at any other time.
12. Each ballot will be read declaring the legal vote apparent from the voter's marks, the ballots will then be stacked accordingly to how the ballot was cast.
13. If there is a ballot that is protested by a candidate or his/her representative, the Moderator shall rule on its validity and shall attach a note to the ballot stating the name of the candidate making the protest and setting further the ruling made upon the validity of the ballot.
14. The ballots shall be recounted one time only and all protests must be made at the time the ballots are recounted. The candidate or his/her representative has the right to inspect each ballot as it is recounted, and any protest relating to the ballot being counted must be made at that time and no other time.
15. The candidate who requested the recount may cancel the recount at any time during the procedure, at which the City Clerk will publicly announce the candidate's request to cancel the recount, and the recount will cease at once.
16. Tie votes shall be resolved by lot. The City Clerk shall prepare a set of slips of paper of equal size, each numbered 1 to 10. Each shall be folded and placed in a container. The candidates shall then draw a slip from the container. The candidate drawing the highest number will be declared the winner.
17. After the ballots are recounted, the City Clerk shall announce the results of the recount to the City Council. The Mayor shall then confirm the results and declare the person with the highest number of votes as the winner of the seat in question.
18. After the results have been announced, the ballots shall immediately be turned over to the City Clerk who shall immediately place the ballots in the container. The City Clerk shall seal the box with tape and mark the box, signed by the recount officials, in the same manner as required by RSA 659:95 and shall note the date and the reason why the original container was opened. The City Clerk shall then take custody of the ballots.
19. The City Clerk shall then place the sealed ballots in a secure location where the ballots will be kept for 60 days.

Effective November 4, 2019

By a roll call vote.

ORDINANCE #09-20

Page 2 of 2

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 X



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of October 7, 2019

Subject: Other Business

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

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

MAYOR APPOINTMENTS

Highway Safety Commission:

Appointments:

Motion: "I appoint _____ (resident of the education field) to the Highway Safety Commission (seat HS4), term of service is 3 years to September 2020."

Motion: "I appoint _____ to the Highway Safety Commission (seat HS6), term of service is 3 years September 2020."

Upper Merrimack River Local Advisory Committee:

Nominations:

Motion: "I nominate Wayne Ives to the Upper Merrimack River Local Advisory Committee (seat MR3), term of service is 3 years to September 2022."

Motion: "I nominate _____ to the Upper Merrimack River Local Advisory Committee (seat MR4), term of service is 3 years to October 2022."

Trustees of the Trust Funds:

Appointments:

Motion: "I re-appoint Kenneth Duguay to the Trustees of the Trust Funds Committee (seat TT2), term of service is 3 years to September 2022."

Conservation Commission:

Appointments:

Motion: "I re-appoint Glenn Morrill to the Conservation Commission (seat CC4), term of service is 3 years to September 2022."

Motion: "I re-appoint Bob Morin to the Conservation Commission (seat CC5), term of service is 3 years to September 2022."

Motion: "I appoint _____ to the Conservation Commission (seat CC2), term of service is to September 2021 to fill an unexpected vacancy."

Motion: "I appoint _____ to the Conservation Commission (seat CC7), term of service is 3 years to September 2022."



LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE NOMINEE FORM



New Hampshire Rivers Management and Protection Program

RSA 483:8-a

Please complete both sides of this form and email to riversprogram@des.nh.gov. Please type "NOMINEE FORM" and nominee's name in the subject line. Forms can also be sent by mail to: Rivers Coordinator, NHDES, 29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095. For questions, please contact the Rivers Coordinator at 271-2959.

Nominee Information

Nominee Name: Wayne Ives		Date: Sept 12, 2019
Street Address: 78 CLARK ST		
Town: FRANKLIN		ZIP Code: 03235
Phone (home):	Phone (cell): 603-455-5090	Phone (work): 271-3548
Email: WAYNE.IVES@des.nh.gov		

Nomination Information

Type of Appointment -	<input type="checkbox"/> New Appointment	<input checked="" type="checkbox"/> Reappointment
River Name: Upper Merrimack		
Type of Representation -	Municipality: FRANKLIN	Other:
Please state your interest(s) in serving on the Local River Management Advisory Committee:		
<input type="checkbox"/> Local Government	<input checked="" type="checkbox"/> Conservation	<input type="checkbox"/> Agriculture
<input type="checkbox"/> Business	<input checked="" type="checkbox"/> Recreation	<input type="checkbox"/> Riparian Landowners
<input type="checkbox"/> Other, please specify:		

Board of Selectmen or Authorized Signature(s) – REQUIRED (e-signature acceptable)

Name:	Title:
Name:	Title:
Name:	Title:
<p>Note: By statute, the New Hampshire Rivers Management Advisory Committee appoints the Local River Management Advisory Committee (LAC) members for each Designated River from nominees submitted by the local governing bodies through which the Designated River flows (RSA 483:8-a).</p>	

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

Additional Information

Please include a short description of your relevant background knowledge of local river-related issues or general river management and protection:

I am a hydrogeologist with a number of years experience in Streamflow protection. Have in the past deployed and retrieved macroinvertebrates for family-level identification at a number of Upper Merrimack River station. Have fished and canoed in the upper Merrimack. Live in Franklin and support the businesses and farmer's market there

Most Local Advisory Committees engage in a variety of activities. Reviewing those activities listed below, please check those that are of most interest to you:

- | | | |
|---|---|---|
| <input type="checkbox"/> Grant Writing | <input type="checkbox"/> Public Education | <input type="checkbox"/> Committee Administration |
| <input type="checkbox"/> Event Organization | <input type="checkbox"/> Public Relations | <input type="checkbox"/> Management Plan Preparation/Implementation |

☒ Other, please specify:

Permit reviews

Most Local Advisory Committees meet monthly. In some cases, they may meet more frequently to complete specific tasks, while in other cases your attendance may not be required at all meetings. Please check one of the boxes below to indicate your availability to attend regularly scheduled meetings:

- ☒ I can attend monthly meetings on most weeknights.
- ☐ I can attend monthly meetings only if scheduled on a specific weeknight.
- ☐ I can only attend a limited number of monthly meetings.
- ☐ I cannot attend monthly meetings, but am willing to complete tasks on behalf of the Committee.

For NHDES Office Use Only

LAC Member List and Contacts Database updated (date):

LAC Chair and Nominee have been contacted regarding nomination on (date):

RMPP Staff recommends appointment to the Rivers Management Advisory Committee -

☒ Approve

RMPP staff:

Date:

Appointment confirmation sent to municipality and LAC Chair on (date):

Appointment letter and information packet sent on (date):

(603) 271-2959 riversprogram@des.nh.gov

PO Box 95, Concord, NH 03302-0095

www.des.nh.gov



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting October 7, 2019

Date: September 24, 2019

From: Judie Milner, City Manager

Subject: City Manager's Update

- 1) Contingent Grant Line Activity –
- 2) Trust fund for school funding -
- 3) End of Summer EE BBQ – Thank you Mayor Giunta
- 4) NH Chronicle – local celebrity Chief Goldstein
- 5) Colby Sawyer College presentation
- 6) Upcoming Committee meetings
- 7) SWOT workshop - Police
- 8) Mayor/Manager Roundtable Discussion – thank you Mayor Donchess
- 9) Vaping Info Night
- 10) Update on City owned properties project
- 11) Social media buster –

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