

CITY OF FRANKLIN
CITY COUNCIL MEETING
November 2, 2020
6:00 P.M.





CITY COUNCIL MEETING

Monday November 2, 2020 - 6:00 p.m.

Webmeeting by computer: <https://us02web.zoom.us/j/89477497808>

or by phone: 1-312-626-6799, Meeting ID# 894 7749 7808

Compliant Statement

The Right-to-Know Law During the State of Emergency

As Mayor of the **City of Franklin**, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing **Zoom Webmeeting via the Internet** for this electronic meeting.¹ All members of the **Franklin City Council** have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # **1-312-626-6799, Meeting ID # 894 7749 7808, or by clicking on the following website address:**

<https://us02web.zoom.us/j/89477497808>, Meeting ID # 894 7749 7808

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the **City of Franklin** at: **www.FranklinNH.Org**.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call **603-934-3900 ext. 10** or email at:
CityMgr@FranklinNH.Org.

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

SALUTE TO THE FLAG



PUBLIC HEARINGS

Resolution #07-21, a resolution to accept and appropriate \$45,000 of New Hampshire Land and Water Conservation Funds for Daniell Park Improvements.

Resolution #08-21, a resolution to accept and appropriate Governor's Office for Emergency Relief and Recovery (GOFERR) monies for COVID-19 Expenses.

COMMENTS FROM THE PUBLIC

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

CITY COUNCIL ACKNOWLEDGEMENT

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

MAYOR'S UPDATE

Agenda Item I.

City Council to consider the minutes of the October 5th, 2020 City Council Meeting and the minutes of the October 13th, 2020 City Council Special Meeting

Agenda Item II.

School Board update

Agenda Item III.

Council to consider approval of Resolution #07-21, a resolution to accept and appropriate \$45,000 of New Hampshire Land and Water Conservation Funds for Daniell Park Improvements.

Agenda Item IV.

Council to consider approval of Resolution #08-21, a resolution to accept and appropriate Governor's Office for Emergency Relief and Recovery monies through the CARES Act of COVID-19 expenses.

Agenda Item V.

Council to consider the authorization of the Fire Department to sell their gas kitchen range and use the proceeds to purchase a new kitchen range.

Agenda Item VI.

Council to consider setting a public hearing on Resolution #09-21, a resolution to accept and appropriate 720,613 of additional adequacy revenue, grant revenue, and prior year fund balance to the Franklin School District FY21 budget.

Agenda Item VII.

Council to consider setting a public hearing on Resolution #10-21, approving the expenditure of \$10,132 from the Raymond and Betty Turcotte Expendable Trust Fund for the purchase of a new Pentheon Combination Extrication Tool.

Agenda Item VIII.

Council to consider setting a public hearing on Ordinance #04-21, an update to the Franklin Municipal Code Chapter 21, Article I “Fire Hydrants”, sections 21-1 and 21-2.

Agenda Item IX.

Council to consider approval of an order pursuant to RSA 155B for 90 Pleasant Street.

Agenda Item X.

Council to consider the City Manager to apply for a Land and Water \$400K Grant for Mill City Park.

Agenda Item XI.

Other Business

1. Mayoral Committee Appointments
2. Committee Reports
3. City Manager’s Update
4. Late Items.

Adjournment

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

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

CITY COUNCIL MEETING

AGENDA ITEM I



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of November 2, 2020

Subject: Approval of Minutes

Motion: “I move that the Franklin City Council City Council approve the minutes of the October 5th, 2020 City Council Meeting and the minutes of the October 13th, 2020 City Council Special Meeting.”

Mayor calls for a second, discussion and the vote.



City Council Meeting Minutes
Monday, October 5, 2020 – 6:00 p.m.
Webmeeting via Zoom

City Council attendance:

	Location/others present
Mayor Giunta	Home/ no others present
Councilor Jo Brown	Home/no others present in the room
Councilor Scott Clarenbach	Home/no others present in the room
Councilor Bob Desrochers	Home/no others present in the room
Councilors George Dzujna	Home/wife Christine is present
Councilor April Bunker	Home/no others present in the room
Councilor Ted Starkweather	Home/no others present in the room
Councilor Olivia Zink	Home/no others present in the room
Councilor Paul Trudel	Absent
Councilor Karen Testerman	Home/no others present in the room

Others attending remotely: City Manager Judie Milner, City Department Heads, and members of the public.

Mayor Giunta called the meeting to order at 6:06 p.m. via Zoom. He then read the Compliant Right to Know Statement.

Salute to the Flag was led by Councilor Desrochers.

Councilor Desrochers gave recognition to the recent passing of veteran Robert Hinds, who was a lifetime resident and High School Graduate of Franklin. Hinds served in the U.S. Army during the Korean War. Hinds also serviced the City of Franklin as a previous City Councilman and School Board member and served on many other boards and associations in Franklin. A moment of silence was provided to honor Mr. Hinds.

PUBLIC HEARINGS

Stevens Mill 79-E Tax Relief Application, a resolution to approve tax relief for Stevens Mill LLC in support of Franklin's Downtown Development and Economic Growth.

The public hearing opened at 6:12 p.m.

Mayor Giunta asked if there was any comments or questions from the public. There was none.

The public hearing closed at 6:13 p.m.

COMMENTS FROM THE PUBLIC

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

Mayor's Drug Task Force Coordinator updated the Council on the upcoming 5K fundraiser, the new grant is in effect as of October 1st, Drug Take back day will be held on October 24th from 10 a.m. to 2 p.m.

Councilor Desrochers received a letter from a constituent regarding concern over the old Community Action building and that they heard that the old building was supposed to have already been torn down.

City Manager Milner replied that it was supposed to be down already as it was next on the list for the wrecking company. She will follow up with the company and let the Council know the status.

Christine Dzujna, Ward 1 resident, stated on behalf of the Franklin Regional Hospital Auxiliary that the Life with Memory service at the hospital has been cancelled for this year and expects it to resume the tradition next year. Dzujna extended the hearts of the Auxiliary to everyone who has gone and is going through difficulties during this time.

CITY COUNCIL ACKNOWLEDGEMENT

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

Councilor Testerman acknowledged Councilor Jo Brown and Officer Tracy for their fundraising efforts for the City's Comfort Dog Miller.

Testerman also commented on the Candidates Forum this past Friday night and wondered why there wasn't any notice on the Community Calendar or information sent out so more people could attend.

Mayor Giunta asked City Manager Milner how the communication on this could be improved. Milner replied that she just learned of this as well and an organizer of the event normally reaches out to the City so we are aware. There is a Community Calendar that groups have access to in order to send the information directly to the City Calendar as well. She was surprised that the information was not out there.

Councilor Brown thanked Councilor Testerman for her acknowledgement and further mentioned that she had little to do with the Comfort Dog fundraiser. Brown stated that several members of the Police Department helped pull the event together. The event was held at the Elks and social distancing was done so those attending could enjoy the event in a safe way.

Brown also stated that the Candidates Forum was advertised through the Democratic Forum and can be viewed on YouTube.

Councilor Bunker acknowledged the Schools, the School Board, and the Superintendent's Office for the wonderful job they all did opening the schools. It has been a month and things are going well. The safety measures are in place for in person learning with options for remote learning. Both options are working out very well.

Councilor Dzujna stated that Mike Mullavey received an award from the Lakes Region Chamber for the work he has done with many of our local boards and committees. Dzujna stated that he was very appreciative of the award. Mr. Mullavey's family is very proud of him; he is a great example to follow. Dzujna thanked him for all he has done and continues to do.

Mayor's Update

Mayor Giunta was very proud to mention Mrs. Christine Dzujna who received the Elk of the Year award. She has done above and beyond for the community of Franklin and the Elksdom. He congratulated Mrs. Dzujna and everyone gave her a virtual applause.

Agenda Item I.

Council to consider the minutes of the September 14, 2020 City Council Meeting.

**Motion – Councilor Dzujna moved that the Franklin City Council approve the minutes of the September 14, 2020 City Council Meeting.
Seconded by Councilor Desrochers.**

Councilor Starkweather requested several corrections as follows:

Page 1: Councilor Desrochers honored a Franklin High School Graduate of 1963. Starkweather requested that a name be included there. Desrochers replied to add Kenneth Bonenfant.

Page 3: Councilor Desrochers stated a quick solution for the speeding on Stove Ave. This should reference Stone Ave not Stove.

Page 3: Either "end" of the road should be added.

Page 4: The next to last paragraph states the City will maintenance and should say the City should maintain the road.

Page 6: In the paragraph where it states that Brown recognized Karen Darling's Youth Group should just state that the graffiti was painted over instead of repaired.

Page 21: Councilor Clarenbach in refence to properties were approved to sell last year and it should say the beginning of this year not begging.

Councilor Clarenbach asked if 22 pages of minutes is prudent or of great value. Mayor Giunta agreed as did Councilor Starkweather who also warned to avoid minutes that are too vague.

Mayor Giunta asked if it would be easier to summarize or if that would be more time consuming.

City Manager replied that she requested this type of more detailed minutes due to a situation that had happened when the chance to have a revolving fund of \$100K for businesses in the City was lost due to critical information missing from the minutes that a previous secretary created.

Milner and her secretary have discussed creating summarized minutes but not quite as informal or vague. It needs to have the right amount of detail. After written minutes are created, the audio is deleted as allowed by RSA 91-A so it would be good to have some level of detail in the minutes.

There were no further edits requested to the September 14th meeting minutes.

Roll call to approve the minutes:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Zink	Yes
Councilor Clarenbach	Yes	Councilor Bunker	Yes	Councilor Testerman	Yes
Councilor Desrochers	Yes	Councilor Starkweather	Yes	Councilor Trudel	Absent

All in favor. Motion PASSED.

Agenda Item II.

Superintendent Dan LeGallo provided an update to the City Council.

LeGallo stated that the schools were doing well going into the second month of being open with no current COVID cases.

The schools will be receiving an additional \$261K in adequacy aid and an additional \$116K in

Fund Balance dollars. The school system also received a \$35K Grant from the New Hampshire Charitable Foundation which will fund a social worker.

LeGallo will speak with the School Board over the next couple of weeks and discuss keeping these funds in reserve due to all the unknowns that will come for next year.

LeGallo updated the Council on how the Manufacturing Program plans are going. The High School and Middle school students can meet virtually with the manufactures throughout the month of October, which is manufacturing month. A manufacturing math class will be offered during the winter, a blueprint class offered in the fall of 2021, and Solidworks; an engineering aided design course will be offered in the winter of 2022. LRCC and the High School will teach the classes jointly at the beginning then the High School will take over. Both College and High School credits will be earned.

October's enrollment is lower than expected at 922 students due COVID and most of the parents of the home-schooled students have chosen not to participate in any classes, sports, or extracurricular activities but can if they want to.

Councilor Desrochers congratulated the school system for finally rolling out the Industrial Arts program.

Mayor Giunta spoke about a commercial he heard today where the owner of a small business asked people to come to work for him in the advertisement. The National unemployment rate during the height of COVID was 15-17% and is 7.6% right now. This is encouraging especially during the kick-off of the manufacturing program. Manufacturing companies are hiring even through this pandemic.

Agenda Item III.

Council to consider approval of the Stevens Mill 79-E Application.

Motion – Councilor Bunker moved that the Franklin City Council approves the Stevens Mill LLC's application of tax relief under the provisions of RSA 79-E which were adopted by the City Council on February 4, 2013 based on the following criteria of public benefit:

- 1. Enhance the economic vitality of the downtown by creation new and improved residential and commercial space within an old mill that has been underutilized for many years.**
- 2. Renovate and improve a centrally located structure that is culturally and historically important.**
- 3. The project will substantially increase the availability, and the quality, of the residential capacity of the core historic downtown area.**
- 4. Satisfy the Smart Growth goals of RSA 9-B through: positive efforts to preserve the historic center, and contributing to, and facilitating, the development of a vibrant municipal center.**

And with the following conditions:

- 1. No later than 90 days after the issuance of the Building Permit, the applicant shall present to the City Manager and the Planning Director, a draft Covenant, prepared in conformance with the provisions of Section 79-E:8. This Covenant shall be coextensive with the tax relief period of Seven years.**
- 2. The City will have this Covenant reviewed by the City Attorney. Any costs incurred by the City in the preparation or review of the draft Covenant shall be borne by the applicant. Once the Covenant is approved by the City Attorney, the applicant shall record the document with the Merrimack County Registry of Deeds.**
- 3. Prior to recording the covenant with the Merrimack County Registry of Deeds, a developer's agreement guaranteeing the debt service payment on the approved \$1.4m bond relating to Amendment 1 of the Franklin Falls Mixed Used Tax Increment Financing (TIF) District over the life of the bond (20 years) must be executed by both the City & Stevens Mill LLC.**
- 4. All of the applicable provisions of RSA 79-E shall apply to this approval. Said provisions include, but are not limited to: the extent of the tax relief; termination of the Covenant; reduction of tax relief; and, any penalties.**

Seconded by Councilor Desrochers.

Mayor Giunta asked if there was any discussion.

Councilor Zink asked for clarification on provision #3. Milner replied that a developer's agreement makes up for the difference in increment in the TIF District. There are other projects occurring in the TIF District that provide increment as well. The developer's agreement is a guarantee the difference between the City's bond payment with the increment is coming in. At the end of seven years, the developer's increment will more than cover the bond payment. The life of the bond is twenty years.

Councilor Clarenbach is concerned that future Councils could divert money away from the TIF potentially leaving a gap to make up the difference to make the bond payment. He suggested adding language to protect Stevens Mill LLC from having to make up that difference by themselves if that were to happen. Milner replied that the language is in the covenant to protect both sides on this. If there is increment, it must be used to pay the bond.

There were no further questions or comments.

Roll call to approve the Stevens Mill 79-E application:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Testerman	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes	Councilor Bunker	Yes
Councilor Desrochers	Yes	Councilor Zink	Yes	Councilor Trudel	Absent

All in favor. Motion PASSED.

Mayor Giunta recognized Eric Chinberg who sincerely thanked the Council for helping to move this extraordinary project forward. This was a key component to make this all come together.

Agenda Item IV.

Council is to consider the adoption of the 2020 Continuity of Operations Plan (COOP).

**Motion-Councilor Desrochers moved that the Franklin City Council formally adopt the proposed Continuity of Operations Plan as prepared by Hubbard Consulting LLC.”
Seconded by Councilor Brown.**

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

Roll call vote:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Testerman	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes	Councilor Bunker	Yes
Councilor Desrochers	Yes	Councilor Zink	Yes	Councilor Trudel	Absent

All in favor. Motion PASSED.

Agenda Item V.

Council is to consider approval of the Cross Street Water Tank Cell Tower Lease Amendment #3.

Motion - Councilor Brown moved that the Franklin City Council authorize the City Manager to enter into amendment three to the original lease agreement between the City of Franklin, New Hampshire and U.S. Cellular for equipment modernization to the Cross Street Water Tank.

Seconded by Councilor Starkweather.

Mayor Giunta asked if there was any discussion.

Councilor Zink asked when the last increase was. City Manager Milner explained that this lease has a 2% yearly escalation and since this agreement is expiring in January, the City will be working on a new rate.

There was no further discussion.

Roll call vote:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Testerman	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes	Councilor Bunker	Yes
Councilor Desrochers	Yes	Councilor Zink	Yes	Councilor Trudel	Absent

All in favor. Motion PASSED.

Agenda Item VI.

Council to consider setting a public hearing regarding Resolution #07-21 to accept and appropriate \$45,000 from the State of New Hampshire Land and Water Conservation Fund for Daniell Park Improvements.

**Motion – Councilor Testerman moved that the Franklin City Council schedule a public hearing on Resolution 07-21 at 6:00 pm on November 2, 2020 to accept and appropriate \$45K from the State of New Hampshire Land and Water Conservation Fund for the renovation of the Daniell Park Bath House. To be read in title only.
Seconded by Councilor Desrochers.**

Mayor Giunta asked if there was any further discussion.

Councilor Zink inquired on the design and if it would have security measures in place to address the vandalism that occurs there.

Director of Parks and Recreation Krystal Alpers replied that there will be cameras and the cost is already included in the grant from NH Land and Water.

There was no further discussion.

Roll call vote:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Testerman	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes	Councilor Bunker	Yes
Councilor Desrochers	Yes	Councilor Zink	Yes	Councilor Trudel	Absent

All in favor. Motion PASSED.

Mayor Giunta read Resolution 07-21 in title only:

RESOLUTION #07-21

A Resolution Relating to a supplemental appropriation for Fiscal Year 2021.

Agenda Item VII.

Council to consider setting a public hearing regarding Resolution #08-21 to accept and appropriate Governor's Office for Emergency Relief and Recovery (GOFERR) monies thought the CARES Act for COVID-19 expenses.

Motion – Councilor Testerman moved that the Franklin City Council set a public hearing on Monday, November 2, 2020 at 6:00 p.m. regarding Resolution 08-21, appropriating up to the amount received of Federal Grant money under the CARES Act allocated to Franklin through the Governor’s Office of Emergency Relief and Recovery. To be read in title only.
Seconded by Desrochers.

Mayor Giunta asked if there was any discussion.

Councilor Zink referenced the Whereas clause that states \$206,402 was received and wondered if this was received.

Milner replied that she based the wording from a similar previous resolution for election money. The allotment for the City is up to \$206,402 and Milner stated that she is confident that the City will expend up to the allotted amount on PPE and other City related expenses that were not covered under last month’s resolution for election expenses.

There was no further discussion.

Roll call:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Testerman	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes	Councilor Bunker	Yes
Councilor Desrochers	Yes	Councilor Zink	Yes	Councilor Trudel	Absent

Mayor Giunta read Resolution 08-21 in title only:

RESOLUTION #08-21

A Resolution Relating to a supplemental appropriation for Fiscal Year 2021.

Councilor Desrochers requested a discussion on a non-agenda item regarding last month’s topic on spending \$250K on paving two parking lots. He does not support spending this amount of money on two parking lots at the present time and requested to allocate some money on street and sidewalk repairs. The Church Street lot can wait. He requested at least half be moved over to the MSD Department so they know they have it.

Motion – Councilor Desrochers moved that the Franklin City Council direct the City Manager to move \$125K from the Keegan and Church Street parking lot account to the Municipal Services Department for the purpose of repairing street and sidewalk paving, none of which to be done in the downtown area but in the outlining district.
Seconded by Councilor Testerman.

Councilor Brown reminded the Council that the Keegan parking lot was to be completed for the higher end apartments and suggested this be a discussion for the upcoming MSD Committee meeting. Franklin Savings Bank went out on a limb to help secure those buildings and the City agreed to help them with parking. Brown is not in support of this motion.

Milner agreed that this was previously discussed in a non-public meeting to support the IFA Project which has high end apartments. They need 18 spaces.

Councilor Clarenbach agreed with Desrochers and the Council should reevaluate how to fund roads and sidewalk repairs. The Council agreed to the Keegan parking lot so we are obligated to do it but not sure about the necessity of the Church Street parking lot. As chair of the MSD Committee, he will make this a topic at the November 4th meeting. Clarenbach stated that he is in support of this motion.

Councilor Dzujna is not in support of this motion at this current time and would like it to be discussed at the upcoming November 4th meeting as well.

Councilor Bunker asked what the affect would be if part of the \$250K wasn't used on the other repairs intended. Milner replied that the estimates for the parking lots came in under the allocated amount and therefore the savings would normally be used in other areas where money is needed. Bunker agreed with Desrochers that money should be moved to address the roads.

Councilor Testerman asked about the timing and asked when the high-end apartments would be completed. She is in support of waiting until the MSD Committee meets but then make a decision right away so the Citizens know things will be fixed.

Milner replied that the construction is behind schedule and bids are still coming in for paving. Paving on roads or parking lots likely wouldn't happen until the spring.

There was no further discussion.

Roll call:

Councilor Brown	No	Councilor Dzujna	No	Councilor Testerman	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes	Councilor Bunker	Yes
Councilor Desrochers	Yes	Councilor Zink	Yes	Councilor Trudel	Absent

6 in favor. Motion PASSED.

Agenda Item VIII.

Other Business

1. Mayoral Appointment

- a) Mayor Giunta re-appointed Kathy Zink (Seat TT1) to the Trustees of the Trust Funds, term of service is 3-years to September 2023.

2. City Council Appointment

- a) **Motion – Councilor Dzujna moved that the Franklin City Council appoint Ernest Fredette (Alternate Member seat #CEAB6) to the Code Enforcement Appeals Board, term of service is 3-years to September 1, 2023.**

Seconded by Councilor Clarenbach.

**Mayor Giunta asked if there was any discussion. There was none.
roll call:**

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Testerman	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes	Councilor Bunker	Yes
Councilor Desrochers	Yes	Councilor Zink	Yes	Councilor Trudel	Absent

All in favor. Motion PASSED.

3. Committee Reports

- a) Councilor Testerman provided an update on the Police Committee meeting regarding the Homeless problem. She stated that the Chief is addressing this and will report back to the Council.
- b) Bunker asked for an update on the issue on Stone Ave. Milner replied that she spoke with the Chief and agreed that it is a good agenda for the next Highway Safety Committee.

4. City Manager's Update

- a) Halloween will be held on October 31st from 4-8 p.m. Residents should take precautions and be respectful to those who do not want to participate.
- b) Milner acknowledged Councilor Bunker for reading the motion on the 79-E tonight.
- c) Contingent Grant Line Activity is zero for the month however Tractor Supply is donating two bags of dog food (approx. \$140 per month) for Comfort Dog Miller and additional items K9 Falco may need. A big thank you to the store manager, Ann O'Donnell.
- d) The Trust Fund for school funding is \$138.52
- e) The City Clerk's Office will be closed on October 6th and November 3rd for Elections.
- f) Milner requested the Council meet to Canvass the Votes on October 13th. The Council was in support of this date.
- g) Milner gave a big shout out to Director Alpers and Election Moderator Tam Feener for providing a solution for Head Start at Bessie Rowell during the Elections.
- h) The Peabody Home received approval from the USDA Development Committee which will allow the Peabody to move forward with their \$25M expansion project. Congratulations to the Peabody Home.

Mayor Giunta gave a shout out to Anthony Linardos and Eric Law for advocating this project at the Executive Senior level.

- i) Milner thanked the Police Department for their support in addressing the concerns that were brought forward during last month's City Council meeting with regards to the nefarious activity happening in the downtown area. Rotational patrolling of the downtown will occur which should make an impact.
- j) Milner congratulated Detective Poirier. Due to her role in the Franklin PD, she has been invited to be a Special U.S. Marshall which allows her to work at

the Federal Level in Domestic Violence. This will allow her more authority to address and move issues more efficiently.

- k) Trash Update – The MSD Committee will meet on November 4th to review the Trash Ordinance.
- l) Milner spoke on the Homeless problem. There is another group looking at this other than the Police Committee called the Wrap Around Group, who only address homeless school aged children. They are currently being replaced by another group but still to address homeless school aged children.

Laconia Police Officer Eric Adams contacted other surrounding community groups who experience the same homelessness issues. Adams is helping to create a new group who will look at solutions for addressing homelessness in all other age groups other than school aged children. Two Franklin employees and two Franklin business owners have stepped up to be involved in this new group. An update will be provided to the Council soon.

- m) The City will move forward under RSA 155-B to lien 90 Pleasant Street and take down the property since it has been abandoned by the owner after it burned many months ago.
- n) Milner gave a big thank you to Finance Director Pessy Gaudette and Business Administrator Jefferson Braman for aligning the City to set the tax rate on time this year.
- o) Milner attended the K9 Dinner/Fundraiser on Friday night at the Elks. They raised just under \$4K for K9s Falco and Miller. Kudos to those who organized that event.
- p) Congratulations to Christine Dzujna for receiving the Elk of the Year Award and thank you for all the work you do for the City.
- q) Under the Winni River Basin Program, an advisory board which included 10 communities have been looking at rising water/sewer costs. The City provided some funding for a study to be completed and whether a Utility Authority would be prudent in this situation. The result of the study was that a Utility Authority will be needed which means a transfer of some assets would be required. This could increase the City's ratepayers. Since this is not a good option, the City is looking at creating a commission similar to how the liquor commission operates. Some of the 10 communities that make up the Winni River Basin Program support some of these ideas and some do not so discussions continue on finding better solutions for Franklin's ratepayers. The Council and public may read some things in the paper. Please contact the City Manager if anyone has questions and needs clarification about what they may hear or read.

Mayor Giunta thanked the City Manager and Director Sullivan for staying on top of this multi-faceted issue.

Mayor Giunta thanked Tractor Supply for their continued donations and

asked Chief Goldstein to jointly draft and sign an appreciation letter for them.

- r) Councilor Testerman gave a shout out to Charlie Cody for the outstanding work he does for the City. He does outstanding work reconstructing the sewer drains.

Testerman highlighted the three buildings which are all on Pleasant Street that have burned and asked to look into a possible connection.

- s) Milner replied that the Broken Spoon may have had some funding issues and does not know why there's a delay in opening. Milner will follow-up on this and let the Council know what the cause might be.

Starkweather asked for a New Hampton Road update. Milner replied that the project is wrapping up around the end of October. The paving will be done over the areas that were disturbed and that is planned for the spring.

5. Late Items – there were none.

Motion to adjourn was made by Councilor Clarenbach and seconded by Councilor Brown.

Roll call:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Testerman	Yes
Councilor Clarenbach	Yes	Councilor Starkweather	Yes	Councilor Bunker	Yes
Councilor Desrochers	Yes	Councilor Zink	Yes	Councilor Trudel	Absent

All in favor. Motion PASSED.

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Audrey Lanzillo



City Council Special Meeting Minutes
Monday, October 13, 2020 – 6:00 p.m.
Webmeeting via Zoom

City Council attendance:

	Location/others present
Mayor Giunta	Home/ no others present
Councilor Jo Brown	Home/no others present in the room
Councilor Scott Clarenbach	Absent
Councilor Bob Desrochers	Home/no others present in the room
Councilors George Dzujna	Home/no others present in the room
Councilor April Bunker	Absent at roll call
Councilor Ted Starkweather	Home/no others present in the room
Councilor Olivia Zink	Home/no others present
Councilor Paul Trudel	Home/no others present in the room
Councilor Karen Testerman	Home/no others present

Others attending remotely: City Manager Judie Milner and members of the public.

Mayor Giunta called the meeting to order at 6:04 p.m. via Zoom. He then read the Compliant Right to Know Statement.

Salute to the Flag was led by Councilor Trudel.

Agenda Item I.

Canvass of the Vote

Mayor Giunta thanked City Clerk Gargano for providing the information and motion.

Motion – Councilor Dzujna moved that the Franklin City Council accept the return of votes and declare the following elected.

Seconded by Councilor Desrochers.

Councilor Dzujna read the following:

Names highlighted in yellow are those who confirmed their interest in the position.

Councilor Bunker joined at 6:08 p.m.

CITY OF FRANKLIN – WARD I
CITY ELECTION RESULTS
OCTOBER 6, 2020

Total Voters on the Checklist- 1982
Ballots Cast- 193
Voter Turnout- 10%

City Council- Three Years

James Chandler	<u>173</u>
Write-In's	
Scatter	<u>3</u>

School Board- Three Years

Write-In's	
Andrew Tomaszewski (W1)	<u>2</u>
Christie Martin (W1)	<u>2</u>
Paul Doucette (W2)	<u>2</u>
Glen Morrill (W1)	<u>2</u>
Scott Burns (W2)	<u>2</u>
Thomas Charboneau (W3)	<u>2</u>
Emily Gasper (W3)	<u>2</u>
Scatter	<u>27</u>

Moderator- Two Years

Debra Messer	<u>181</u>
Write-In's	

Ward Clerk- Two Years

Marty Russo	<u>178</u>
Write-In's	

Supervisor of the Checklist- Six Years

Lawrence K. Hennessy	<u>185</u>
Write-In's	

CITY OF FRANKLIN – WARD II
CITY ELECTION RESULTS
OCTOBER 6, 2020

Total Voters on the Checklist- 1541
Ballots Cast- 134
Voter Turnout- 9%

City Council- Three Years

Robert Desrochers, SR	<u>121</u>
Write-In's	
Scatter	<u>3</u>

School Board- Three Years

Write-In's	
Glen Feener	<u>3</u>
Glen Carter	<u>3</u>
Werner Horn	<u>3</u>
Scatter	<u>19</u>

Moderator- Two Years

Tamara J. Feener	<u>115</u>
Write-In's	<u>1</u>

Ward Clerk- Two Years

Janet Desrochers	<u>123</u>
Write-In's	

Supervisor of the Checklist- Six Years

Write-In's	
Glen Carter	<u>15</u>
Scatter	<u>14</u>

CITY OF FRANKLIN – WARD III
CITY ELECTION RESULTS
OCTOBER 6, 2020

Total Voters on the Checklist- 2108
Ballots Cast- 167
Voter Turnout- 8%

City Council-Three Years	
Paul C Trudel	<u>138</u>
<i>Write-In's</i>	
<i>Scatter</i>	<u>12</u>
School Board- Three Years	
Maureen Aube	<u>157</u>
<i>Write-In's</i>	
<i>Scatter</i>	<u>5</u>
Moderator- Two Years	
Cameron Temple	<u>155</u>
<i>Write-In's</i>	<u>1</u>
Ward Clerk- Two Years	
Mari-lyn Banton	<u>160</u>
<i>Write-In's</i>	<u>1</u>

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

Mayor Giunta explained the City Charter Chapter C that explains the rules of a tie in an elected position where the Council ultimately decides how that will be done.

Councilor Bunker added that the definition of “by Lot” means “by equal chance” therefore by means of some sort of a drawing of paper or flip of a coin.

There was Council discussion on how to determine the winner of the tie votes.

Councilor Desrochers clarified that the Council can determine how that is done but ultimately, the City Clerk is the person who will carry out the function. The Council cannot take a vote on who the winner will be.

City Manager Milner stated that in the past when this occurred, the City Clerk pulled straws. She also replied that Werner Horn is not on the substitute teacher list.

Mayor Giunta asked the Council of writing the names on paper and pulling them out of a hat would suffice. The Council agreed with this process. He also directed City Clerk Gargano to confirm this process with City Attorney Fitzgerald and also ask how the names of those who tied but do not wish to take the position are handled.

Councilor Desrochers stated that those who tied and who do not wish to accept the position, should submit their wishes stating so in writing to the City Clerk's Office. The Mayor and members of the Council were in support of this.

Councilor Starkweather stated some concern over a person who is under consideration in a tie situation and has a family member working for the school and asked if this could be viewed as a conflict of interest.

Mayor Giunta and members of the Council gave examples that suggested if someone from our community were elected and able to serve but possibly in this situation, they would or should know when to recuse themselves from a vote or discussion that might present itself in this way just as the Council recuses themselves when there is a topic discussed that is a conflict of interest.

Councilor Testerman also mentioned that another vote will need to be taken this evening on how City Clerk Gargano will draw the winning tie votes. Mayor Giunta and the Council agreed.

Councilor Zink requested that there be a way for the public to attend the drawing of the tie votes. Councilor Desrochers replied that by law, it must be done publicly.

Roll call to accept the Canvass of the votes:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Zink	Yes
Councilor Clarenbach	Absent	Councilor Starkweather	Yes	Councilor Testerman	Yes
Councilor Desrochers	Yes	Councilor Bunker	Yes	Councilor Trudel	Yes

All in favor. Motion PASSED.

Motion – Councilor Testerman requested that the Franklin City Council approve City Clerk Katie Gargano to cast the lot according to RSA by pulling names in a hat after Gargano confirms by email or in writing by each of the tie votes who wish to remove their names from consideration. The drawing to be held at a public time that is announced.

Seconded by Councilor Desrochers.

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

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Zink	Yes
Councilor Clarenbach	Absent	Councilor Starkweather	Yes	Councilor Testerman	Yes
Councilor Desrochers	Yes	Councilor Bunker	Yes	Councilor Trudel	Yes

All in favor. Motion PASSED.

There was no further discussion.

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

Roll call to adjourn:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Zink	Yes
Councilor Clarenbach	Absent	Councilor Starkweather	Yes	Councilor Testerman	Yes
Councilor Desrochers	Yes	Councilor Bunker	Yes	Councilor Trudel	Yes

The meeting adjourned at 6:43 p.m.

Respectfully submitted,

Audrey Lanzillo

CITY COUNCIL MEETING

AGENDA ITEM II



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of November 2, 2020

Subject: School Board Update

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

CITY COUNCIL MEETING
AGENDA ITEM III



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
October 5th, 2020 City Council Meeting

From: Krystal Alpers, Parks and Recreation Director

Subject: Daniell Park Bath House

Recommended Motion:

October 5th, 2020

Council moves: **"I move the Franklin City Council schedule a public hearing on Resolution #07-21 at 6:00pm on November 2nd, 2020 to accept and appropriate \$45,000 from the State of New Hampshire Land and Water Conservation Fund for the renovation of the Daniell Park Bath House."**

November 2nd, 2020

Councilor moves: **"I move the Franklin City Council accepts \$45,000 from the State of New Hampshire Land and Water Conservation Fund for the renovation of the Daniell Park Bath House and adopt Resolution #07-21 by a roll call vote."**

Discussion:

The Parks and Recreation Department seeks to pursue a complete replacement of the existing bath house and storage area at Daniell Park. With successful funding, a new bath house, storage area and concession stand will be built. The existing building would be removed and the new building would be built in its place. The new building will have two ADA bathrooms, storage area and a concession area.

Additionally, an ADA accessible path will be installed to connect the parking area and concession stand to the field. An asphalt surface will be installed for the path with a continuous handrail. A redi-block retaining wall will be incorporated and a new stairway will be installed.

The existing bath house and stairway to the field is old, dilapidated and not ADA accessible. This building replacement has been on the Capital Improvements Plan for many years and is in desperate need of replacement.

The Parks and Recreation Director worked with the Building and Grounds Forman to create the plan of improvements, budget and the in-kind portion of the match.

Fiscal Impact:

Funding from LWCF does require a 50/50 match. The City's match will all be in-kind. The Municipal Service Department will remove the existing building and prepare the site. A contractor will be hired to install the building and the Building and Grounds Department will finish the interior of the building. Municipal Services will also prepare and install the walkway. If the match can not be fully met by in-kind services, funding that is encumbered or funding from the Parks and Recreation Revolving Fund will be used.

Alternatives:

If City Council does not accept the funds, the dilapidated building will remain and accessibility to the bathrooms and the field will be limited.

Attachments/Exhibits:

1. Resolution #07-21
2. LWCF Notice
3. LWCF Agreement



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION #07-21

A Resolution Relating to a supplemental appropriation for Fiscal Year 2021.

In the year of our Lord, Two Thousand Twenty,

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2021 beginning July 1, 2020, **and;**

WHEREAS, the City Council recognizes the repairs and improvements needed to the Daniell Park Bath House, **and;**

WHEREAS, the city has been awarded a federal grant from the New Hampshire Land and Water Conservation Fund in the amount of \$45,000 for the Daniell Park Bath House which must be matched in full by the City, **and;**

WHEREAS, the City Parks and Recreation Department has raised the match funding through other smaller nonfederal grants, fundraising, donations, in-kind services and through the Parks and Recreation Revolving Fund, **and;**

WHEREAS, the City Council wishes to accept and appropriate the federal grant, **now,**

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, November 2nd, 2020, the City Council of Franklin, New Hampshire does hereby adopt resolution #07-21 to authorize the City Manager to accept and appropriate the grant funds of \$45,000 (Forty-Five Thousand Dollars), execute all grant documents and hereby authorizes the following non-lapsing appropriations,*

An Increase in Revenue:

Acct# 01-5-000-33110-451 Federal Capital Grant – Land & Water Conservation Fund (Daniell Park Bath House) – Forty-Five Thousand Dollars (\$45,000)

Acct# 01-5-000-35085-451 Donations-Daniell Park Bath House- Forty-Five Thousand Dollars (\$45,000)

An Increase in Expenditures:

Acct# 01-9-012-40720-451 Buildings CO- Daniell Park Bath House – Ninety Thousand dollars (\$90,000)

By a roll call vote.

Roll Call:

Councilor Brown	___	Councilor Desrochers	___	Councilor Testerman	___
Councilor Bunker	___	Councilor Dzujna	___	Councilor Trudel	___
Councilor Clarenbach	___	Councilor Starkweather	___	Councilor Zink	___

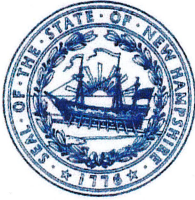
Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of PARKS and RECREATION
172 Pembroke Road Concord, New Hampshire 03301
Phone: (603) 271-3556 Fax: (603) 271-3553
Web: www.nhstateparks.org

September 15, 2020

Krystal Alpers, Parks and Recreation Director
City of Franklin
12 Rowell Drive
Franklin, NH 03235

RE: Land and Water Conservation Fund (LWCF) Project #33-00733

Dear Ms. Alpers:

We are pleased to inform you that the following outdoor public recreational project has been approved by the National Park Service for LWCF assistance. You are receiving this letter and attachments electronically in lieu of paper copies.

Number:	33-00733
Sponsor:	City of Franklin
Title:	Daniell Park Improvements
Award:	\$45,000.00
Period:	September 1, 2020 - August 23, 2023

Attached you will find a copy of the grant agreement between the City of Franklin (CITY) and the State of New Hampshire-Department of Natural and Cultural Resources (DNCR). Please have City Manager, Judie Milner, electronically sign the agreement. Keep a fully executed complete copy for your permanent records, and return an electronic copy to this office at lwcf@dn-cr.nh.gov.

As noted on page-7, the following documents are incorporated into the agreement. Electronic copies will be forwarded to you in lieu of printed copies. Please keep a permanent file of all the above mentioned documents and any future relevant documents and correspondences.

- LWCF Federal Financial Assistance Manual, Volume 69
- LWCF Federal/State Grant Agreement
- Federal Project Application and Attachments

Electronic copies of the expense and match record forms will also be forwarded to you.

Development or combination projects shall not commence until any necessary environmental permitting is completed; and any necessary resolutions with the State Historical Preservation Office, NH Fish and Game Department, and/or Natural Heritage Bureau regarding potential resource impacts are completed. Likewise, for acquisition or combination projects, land acquisitions shall not be closed until the required appraisals, review appraisals, and/or waiver valuations have been completed. Copies of the

aforementioned shall be provided to this office upon completion for review and acceptance, otherwise some or all project expenses may not be reimbursable.

The DNCR may conduct on-site project progress inspections at any time throughout the open project period. A project inspection will be required for all partial, and final, reimbursement requests, and state's drawdown from the NPS grant account(s). The final reimbursement request is required within 30 days after the date of project completion or expiration, whichever comes first.

To avoid potential issues of non-compliance please maintain an open dialogue with this office regarding the progress of the project. Any project amendments including, but not limited to, significant changes in the scope or budget must be reviewed and approved by this office, and potentially by NPS, prior to implementation.

The DNCR's LWCF program managers and primary points of contact are Bill Gegas, LWCF Program Specialist, and me. Both Bill and I can be reached at (603) 271-3556 or lwcf@dncr.nh.gov, within the DNCR, Division of Parks and Recreation, Office of Community Recreation.

We would like to thank the Town for its investment and commitment to New Hampshire's legacy of public outdoor recreation, and look forward towards the completion of this project.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Eric Feldbaum', with a stylized, cursive script.

Eric Feldbaum

Community Recreation Specialist, and LWCF Alternate State Liaison Officer

EF/bg

Enclosures

STATE of NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of PARKS and RECREATION
LAND and WATER CONSERVATION FUND
GRANT AGREEMENT

Project Sponsor: City of Franklin	Project Number: 33-00733
Project Title: Daniell Park Improvements	
Project Period: September 1, 2020 – August 23, 2023	
Total Project Cost: \$ 90,000.00	
LWCF Award (not to exceed 50% of total project cost): \$ 45,000.00	

The State of New Hampshire, represented by the Commissioner, Department of Natural and Cultural Resources as State Liaison Officer, and the project Sponsor named above (hereinafter referred to as the Sponsor), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat 897 (1964), as amended, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances hereto and hereby made a part hereof.

The State of New Hampshire hereby promises, in consideration of the promises made by the Sponsor herein, to obligate to the Sponsor the amount of money which is required to pay the State of New Hampshire's share of the costs of the above project stage, based upon the above percentage of assistance. The Sponsor hereby promises, in consideration of the promises made by the State of New Hampshire herein, to execute the project or project stage described above in accordance with the terms of this agreement.

This grant is subject to the following terms and conditions:

I. Background and Objectives

LWCF financial assistance is provided to support projects that will acquire land and water and to develop basic outdoor recreation facilities to serve the present and future outdoor recreation demands and needs of the general public. Through this grant project, the State of New Hampshire DNCR via the City of Franklin will perform a bathhouse renovation along with adding a multi-use support and picnic facility including electrical, a ramp/pathway, a stairwell at Daniell Park. The existing building will be removed, and the new building would be built in the same location. The new building will have two ADA bathrooms, storage area and a concession area. Water and sewer exist and will be hooked up to the new facility. This park received two LWCF grants in the past and will further the partnership to improve the aging facilities. The recipient, New Hampshire Department of Natural and Cultural Resources, maintains a positive record of administering LWCF grants and consistently accomplishes its goal of maintaining excellent park amenities.

II. Statement of Work

With assistance from this grant, the City will perform the following activities:

- 1) Demolish existing obsolete restroom facility;
- 2) Remove existing obsolete timber stairway;
- 3) Construct a multi-use support and picnic facility: Restrooms, Concessions, Storage/Maintenance, and Group/Picnic Shelter;
- 4) Install underground electrical utility line; and
- 5) Construct an accessible (ADA/ABA) ramp/pathway, with side stairwell.

The Sponsor shall adhere to the approved statement of work as set forth here and as further detailed in Attachment F of Federal/State grant agreement.

III. Term of Agreement

The Agreement will become effective upon 09/01/2020 (Effective Date) through 08/23/2023 (Expiration Date). The period from the Effective Date to the Expiration Date is the period of performance for the Agreement (Agreement Term).

IV. Payment

The State agrees to reimburse the Sponsor in accordance with 2 CFR 200, the LWCF State Assistance Program Manual Vol 69, and the federal project Grant Agreement. The following terms and conditions also apply;

- A. This agreement may be modified, waived, or discharged only by an instrument signed by the parties hereto.

- B. It is understood and agreed by the parties hereto, that in the performance of this grant and the services hereunder, the Sponsor and its servants and employees are in all respects independent contractors and shall neither be determined to be employed, nor agents of the State, nor be entitled to any benefits, worker's compensation, or emoluments provided by the State to its employees.
- C. The Sponsor must pay 100 percent of the cost of an item before submitting a request for reimbursement of eligible costs. The Sponsor shall submit invoices for actual costs incurred. Reimbursement from the State will take approximately 60 days.
 - 1. The Sponsor shall arrange for the State to conduct a project inspection prior to submitting a partial and/or final reimbursement request.
 - 2. All billings must be accompanied by proof of payment such as receipts, cancelled checks (front & back), and/or electronic record of payment.
 - 3. All billing must be accompanied by a program expense record form and any requested supporting documentation.
- D. A request for partial reimbursement may not be submitted to the State for less than 25 percent of the total grant amount. Up to the final 25 percent of the total grant amount may be withheld until the project is verified complete by the state, the federal grantor agency, or their representatives, and receipt of a final approved and signed 6(f) map. Standard reimbursement forms will be provided by the State. All match shall be accounted for before final payment.
- E. Reimbursements will be made only for items that were listed on the Project Application and/or subsequent approved amendments.
- F. The Sponsor is encouraged to regularly submit partial reimbursement requests throughout the project.
- G. The final reimbursement request shall be submitted within 30 days after project completion.

V. Cost Sharing Requirement

At least 50% non-Federal cost-share is required for costs incurred under this Agreement.

VI. Project Proposal and Attachments

Sponsor agrees that the Project Proposal submitted by Sponsor to obtain the funding set forth in this Agreement is hereby incorporated by reference into this Agreement, however, to the extent any language in this Agreement or the other documents incorporated thereto are in conflict with the Project Proposal, the language in the Agreement and other incorporated documents will take precedent over the Project Proposal.

VII. Special Terms and Conditions

The following special terms and conditions were added to this agreement before it was signed by the parties hereto:

- A. Prior to the completion of this project the State and the Sponsor, with concurrence from the National Park Service, may mutually alter the area described and shown in the 6(f) boundary map incorporated as part of this agreement. The final map shall be signed and dated by the State and Sponsor, representing the most satisfactory outdoor recreational unit, except that acquired parcels are afforded LWCF protection as Fund reimbursement is provided. The final map shall also depict any and all facilities present and developed therein.
- B. The Sponsor agrees that the property described in the project agreement and the signed and dated project boundary map made part of that agreement is being acquired or developed with Land and Water Conservation Fund assistance, or is integral to such acquisition or development, and that, without the review and concurrence by the state and the approval of the Secretary of the US Department of the Interior, it shall not be converted to other than public outdoor recreation use pursuant to Title 36 Part 59.3 of the *Code of Federal Regulations*.
- C. The Sponsor shall record a Notice of Grant Requirements (NOGR) with the registry of deeds in the county where the property is located. Prior to the recording, the State shall provide the Sponsor with the draft/unexecuted NOGR document.
- D. The method of valuation and charges for volunteer services, material, and equipment must be documented and approved by the State prior to the donations being applied to reimbursement requests in order for such contributions to be considered as part of the sponsor's matching share; in accordance with the LWCF Manual (2008) Chapter 5.B and OMB Circular A-102, 3 CFR 12.

VIII. State of Assurances

The Sponsor, as a political subdivision of the State of New Hampshire qualified to participate in the federal LAND AND WATER CONSERVATION FUND program (16 USC 4601), does hereby assure that:

- A. No financial assistance has been given or promised to the Sponsor under any other federal program with regard to this project unless specifically identified in the project proposal.
- B. The Sponsor has the legal authority to apply for, accept, and expend the federal funds involved for the purposes intended and to accomplish the objective of the program as described in the Project Agreement.
- C. For development and combination projects the Sponsor will provide site plans, engineering and construction plans, and development specifications before actual work is started on a project, as requested, to the New Hampshire State Liaison Officer and/or the National Park Service.
- D. The sponsor shall follow its own current applicable procurement procedures, approved by the sponsor's governing body, for project related purchases and contracts. If the sponsor does not have procurement procedures, it shall follow the state's general procurement procedures.
- E. The Sponsor is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded, from procurement (purchasing) for this project, per Executive Order 12549, 43 CFR 12.
- F. For acquisition or combination projects title to the land area when acquired as part of the project, is owned or legally controlled by the project Sponsor and is clear of any known lien, deed restriction or condition, easement, reversionary or other right or interest which, if exercised, could adversely affect the recreational use of the area by the general public.
- G. For development projects title to the land area affected by the project is owned or legally controlled by the project Sponsor and is clear of any known lien, deed restriction or condition, easement, reversionary or other right or interest which, if exercised, could adversely affect the recreational use of the area by the general public, unless reasonable exclusions are agreed to between the State and the Sponsor.
- H. No federal appropriated funds have been or will be used for lobbying activities in connection with this grant.

- I. That no person shall be excluded from participation in, denied the benefits, or otherwise subjected to discrimination on the basis of:

1. Race, color or national origin (Title VI, Civil Rights Act of 1964, 43 CFR 17).
2. Disability (Architectural Barriers Act of 1968, the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990).
3. Age (Age Discrimination Act of 1975).

Any person who believes that he or she has been discriminated against should contact:

Office of the Commissioner
New Hampshire Department Natural and Cultural Resources
172 Pembroke Road
Concord, N.H. 03301-5767

Director, Equal Opportunity Program
U.S. Department of the Interior
National Park Service
PO Box 37127
Washington, D.C. 20013-7127

- J. The Sponsor shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence as set forth in the manual.
- K. Property acquired or developed under this project will be retained and used for public outdoor recreation purposes. No conversions to uses other than outdoor recreation, or disposal of any part of the property in the future will be permitted without adequate substitution and replacement approved by the New Hampshire State Liaison Officer and the National Park Service.
- L. The Sponsor has the intent and the ability to finance the operation and maintenance of the area or facility being acquired or developed, according to standards acceptable to the New Hampshire State Liaison Officer and the National Park Service, for the life of the project or so long as required.
- M. The Sponsor accepts the obligation to comply with applicable laws, rules, regulations, terms and conditions of the New Hampshire State Liaison Officer and the National Park Service in effect at the time of the approval of the Project Agreement.

N. The Sponsor will maintain one central file for the purpose of federal audit and programmatic review, including all financial records, correspondence, and other documentation for a period of three years following the receipt of final project reimbursement. A permanent file should be established for future information purposes.

X. Attachments Incorporated by Reference

The Following completed documents are attached to and made a part of this Agreement

- LWCF Federal Financial Assistance Manual, Volume 69
- LWCF Federal/State Grant Agreement
- Federal Project Application and Attachments

In witness whereof, the parties hereto have executed this agreement as of the date entered below:

STATE OF NEW HAMPSHIRE

PROJECT SPONSOR

Eric Feldbaum Digitally signed by Eric Feldbaum
Date: 2020.09.16 07:59:19 -04'00'

Signature

City of Franklin

Political Subdivision

Eric Feldbaum

Name

Signature

NH Department of Natural and Cultural
Resources, Alternate State Liaison Officer
to the National Park Service

Judie Milner

Name

09/16/2020

Date

City Manager

Title

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, November 2, 2020 at 6:00 p.m. regarding Resolution #07-21, a Resolution to Accept and Appropriate \$45,000 of State of New Hampshire Land and Water Conservation Funds for Daniell Park Improvements, by remote Webmeeting at <https://us02web.zoom.us/j/89477497808> or by calling 1-312-626-6799, meeting ID # 894 7749 7808.

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

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

CITY COUNCIL MEETING

AGENDA ITEM IV



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

September 29, 2020

From: Judie Milner, City Manager

Subject: Council to Consider Resolution 08-21 Appropriating Franklin's portion of federal CARES act funding through the Governor's Office of Emergency Relief & Recovery (GOFERR)

Suggested Motions:

October 5, 2020

Councilor moves, "I move that the Franklin City Council set a public hearing on Monday November 2, 2020 at 6pm regarding resolution 08-21 appropriating up to amount received of federal grant money under the CARES act allocated to Franklin through the Governor's Office of Emergency Relief & Recovery."

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

November 2, 2020

Councilor moves, "I move that the Franklin City Council adopts resolution 08-21 appropriating up to amount received of federal grant money under the CARES act allocated to Franklin through the Governor's Office of Emergency Relief & Recovery."

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

Discussion:

The Governor's Office of Emergency Relief & Recovery (GOFERR) has allocated federal CARES Act grant funding to each community for the following COVID related expenditures:

- Increased welfare costs for food, shelter, and utilities;
- Interest on Tax Anticipation Notes (TANs) or other short-term borrowing due to higher than usual property tax delinquencies;
- New telework costs for remote municipal operations such as computers, software, and networking costs;
- Increased election costs (if not covered by other federal funding);
- Wages and benefits required by the Families First Coronavirus Response Act for non-First Responders;

- Childcare costs for First Responders and essential employees due to school closures;
- Increased unemployment costs for municipalities that self-fund and are not otherwise covered;
- Legal fees associated with new federal requirements and State of Emergency orders;
- Municipal building modifications including more frequent cleaning/disinfecting and installations necessary for social distancing and public safety;
- Facility signage such as park/beach closures;
- Credit card fees where the municipality waives the fees paid by cardholders since “in-person” payments are not an option.
- 25% match on FEMA eligible costs.
- Administrative leave costs to a greater extent than was expected allocated to an employee who could not telework, due to closure or COVID-19 in the workplace.
- “As a matter of administrative convenience,” the entire payroll costs of certain employees (public safety, public health, health care, and human services) whose time is substantially dedicated to mitigating or responding to the COVID-19 health emergency is eligible, provided costs are incurred for purposes of this grant by October 15, 2020.
- All eligible expenses must be related to COVID-19

Concurrences:

The Council may recall resolution 19-20 which appropriated \$200,000 of CARES act and/or FEMA reimbursement at the end of FY20. Expenditures reimbursed under resolution 19-20 included the stipends for first responders, Families First FMLA expenditures, portions of EMD salary and equipment. This resolution has been fully expended and received. In addition, resolutions 05-21 & 06-21 appropriated federal grant moneys for recreation/day care workers and election related expenditures due to COVID. Expenditures under the current resolution (08-21) are different expenditures incurred in FY21.

Fiscal Impact:

The COVID related expenditures are reimbursed by federal CARES act. No impact to the City taxpayer for these COVID related expenditures; however, if not appropriated, the City will not be able to purchase items or complete projects as appropriated and supported by tax revenues in the original budget.

Alternatives:

Do not appropriate.

Attachments/Exhibits:

Resolution 08-21



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin, NH 03235

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

RESOLUTION #08-21

A Resolution Relating to a supplemental appropriation for Fiscal Year 2021.

In the year of our Lord, Two Thousand Twenty,

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2021 beginning July 1, 2020, and;

WHEREAS, the City Council recognizes the State of Emergency due to Covid-19 pandemic, and;

WHEREAS, the City of Franklin will be awarded \$206,402 in federal CARES Act grant monies through the State of NH through the Governor's Office for Emergency Relief and Recovery (GOFERR) to offset expenses incurred due to the Covid 19 pandemic, and;

WHEREAS, the City Council wishes to appropriate the GOFERR funds, now,

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, November 2, 2020, the City Council of Franklin, New Hampshire does hereby adopt resolution #08-21 to authorize the City Manager to accept and appropriate the grant funds*

An Increase in Revenue:

Federal Grants Operating- Covid 19 Acct. No. 01-0-000-33111-123, *amount received from the GOFERR fund.*

An Increase in Expenditure:

Federal Government Operating Supplies- Covid 19 Expense Acct. No 01-1-991-40610-123, *amount received from the GOFERR fund.*

By a roll call vote.

Roll Call:

Councilor Brown	___	Councilor Desrochers	___	Councilor Testerman	___
Councilor Bunker	___	Councilor Dzujna	___	Councilor Trudel	___
Councilor Clarenbach	___	Councilor Starkweather	___	Councilor Zink	___

Approved: _____
Mayor

Passed: _____

I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that 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, November 2, 2020 at 6:00 p.m. regarding Resolution #08-21, a Resolution to Accept and Appropriate Governor's Office for Emergency Relief and Recovery (GOFERR) monies through the CARES Act for COVID-19 expenses, by remote Webmeeting at <https://us02web.zoom.us/j/89477497808> or by calling 1-312-626-6799, meeting ID # 894 7749 7808.

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

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

CITY COUNCIL MEETING

AGENDA ITEM V



CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meeting of November 2nd, 2020

From: Michael Foss, Fire Chief/EMD

Subject: For the Franklin City Council to consider allowing the Fire Department Administration to sell the fire station's old natural gas kitchen range.

Recommended Motion for the November 2nd, 2020 Meeting of the City Council:

"I move that the Franklin City Council authorize the Fire Department Administration to sell the fire station's natural gas kitchen range. It is the goal that the proceeds from this sale will be used to offset the cost of the new fire station kitchen range."

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

Background:

Beginning in August of 2020, the Franklin Fire Department has worked to update the kitchen at the fire station. As a result of limited space within the kitchen, a new range was purchased at a discounted rate in conjunction with a donation from Lowes Home Improvement. The old kitchen range limited the access to cabinets and countertops as it was designed for a commercial kitchen space. A new range was needed so that all cabinets could be accessed, and countertop usage would not be hindered. It is estimated that \$500 may be obtained through the sale of the old range. The old range was purchased in June of 2010, and it cost the City of Franklin \$1,644.

Alternatives:

The alternative is to forego the sale of the old range, and instead store it for the time being.



CITY COUNCIL MEETING

AGENDA ITEM VI



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

October 7, 2020

From: Dan LeGallo, Superintendent

**Subject: 2020-2021 Appropriations Fund Balance and New Revenue and DOJ
STOP School Violence Federal Award**

Recommendation:

To allow the Franklin School District to appropriate additional funding from increased adequacy aid, NH Charitable Foundation support of Project Aware program and additional fund balance. The total amount of additional funding is \$453,018. **Also,**

To allow the Franklin School District to appropriate a Department of Justice Office of Justice Programs federal award entitled STOP School Violence: Threat Assessment/Intervention Teams. The total amount of federal funding is \$267,595(to be spent between Oct 1, 2020-Sept 30, 2023).

Suggested Motions:

November 2, 2020

Councilor moves, "I move that the Franklin City Council sets a public hearing for 6pm on December 7, 2020 regarding Resolution 09-21 appropriating \$453,018 to the Franklin School District fiscal year 2021 budget and appropriating \$267,595 to the Franklin School District for the DOJ Office of Justice Programs – STOP School Violence federal grant award."

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

December 7, 2020

Councilor moves, "I move that the Franklin City Council adopts Resolution 09-21 appropriating \$453,018 to the Franklin School District fiscal year 2021 budget and appropriating \$267,595 to the Franklin School District for the DOJ Office of Justice Programs – STOP School Violence federal grant award."

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

Discussion:

Due to the final estimate of the adequacy aid formula based on final ADM numbers the amount increased to 8,700,712. This caused a net increase of \$261,600 from original budget projection. Also the district received \$75,000 from the NH Charitable Foundation for

Franklin - The Three Rivers City

continued support of the Project Aware program. Finally, due to final year end calculations there was an additional \$116,418 of FY2020 fund balance. The total amount of additional funding for the school district is \$453,018.

Franklin School District also was awarded a STOP School Violence federal grant in collaboration with the Franklin Police Department. Funds will be used to establish, train, and support a team of school and community partners to prevent and respond to behavioral risks that impact the school. The Behavioral Threat Assessment Team (BTAT) will use a structured decision making process (NaBita) that aligns with the NH Department of Education model, in order to leverage state resources and supports beyond the period of the grant. Total new grant funding is \$267,595.

Fiscal Impact:

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

Alternatives:

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

Attachments/Exhibits:

Resolution 09-21
Franklin School District Revenue Estimate Updated FY21



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION # 09-21

A Resolution Granting Authority to Accept and Appropriate \$720,613 of Additional Funding for the Franklin School District for Fiscal Year 2021.

In the year of our Lord, Two Thousand Twenty,

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive additional adequacy aid of \$261,600 from the final updated calculation of ADM; and,

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive additional \$75,000 from the NH Charitable Foundation to support the Project Aware program; and,

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district has identified additional year end fund balance of \$116,418; and,

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive a federal grant award of \$267,595 entitled STOP School Violence: Threat Assessment/Intervention Teams from the DOJ Office of Justice Programs; and,

WHEREAS, the City Council of the City of Franklin would like to appropriate an additional \$453,018 in order to cover the unanticipated costs related to the ongoing pandemic crisis and preserve potential fund balance from the 2021 year to be carried over to the 2022 fiscal year. The current adequacy aid formula has \$896,847 based on current year numbers that will expire unless renewed in the next state biennium budget. These funds could help offset that loss for the next budget cycle. And City Council of the City of Franklin would like to appropriate \$267,595 of the DOJ Office of Justice Programs – STOP School Violence: Threat Assessment/Intervention Teams; **Now,**

THEREFORE, BE IT RESOLVED, *that at a regularly scheduled meeting of the City Council on December 7, 2020, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #09-21 to formally accept and appropriate \$720,613 of additional revenues for the Franklin School District as follows:*

An Increase in Revenues:

Adequacy Education Aid – Two Hundred Sixty-One Thousand Six Hundred Dollars (\$261,600),

NH Charitable Foundation – Seventy Five Thousand Dollars (\$75,000),

Use of Fund Balance – One Hundred Sixteen Thousand, Four Hundred Eighteen Dollars (\$116,418),

Federal Grant Revenue - STOP School Violence – Two Hundred Sixty-Seven Thousand Five Hundred Ninety-Five Dollars (\$267,595),

An Increase in Expenditures:

School District Expenditures – Four Hundred Fifty Three Thousand Eighteen Dollars (\$453,018)

Federal Grant Expenditure – STOP School Violence - Two Hundred Sixty-Seven Thousand Five Hundred Ninety-Five Dollars (\$267,595)

By a roll call vote.

Roll Call:

Councilor Brown _____ **Councilor Desrochers** _____ **Councilor Testerman** _____

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

Councilor Clarenbach _____ **Councilor Starkweather** _____ **Councilor Zink** _____

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

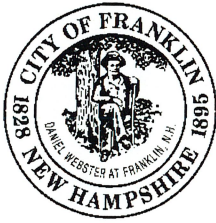
Date: _____

Franklin School District
Revenue Projection
Fiscal Year 2020/2021

Source	18-19 Actuals	19-20 MS-24 Revised	20-21 Estimates	Difference
General Fund:				
Revenue from State Sources				
Special Education Aid	52,652	126,937	100,000	c (26,937)
Kindergarten Aid	66,448	0	0	0
Charter School Aid	25,804	25,000	30,000	5,000
Vocational Transportation Aid	8,914	7,000	7,000	0
Adequate Education Grant	7,080,826	7,687,744	8,700,712	1,012,968
Building Aid	181,944	181,944	81,944	(100,000)
Indirect Costs	68,399	69,000	69,000	0
Revenue from Federal Sources				
Medicaid Reimbursement	301,681	175,000	175,000	0
E-Rate Funding	83,800	47,173	47,173	0
Local Revenue Other than Taxes				
Tuition	33,831	11,000	16,000	5,000
Earnings on Investments	20,266	2,000	7,000	5,000
Other Local Revenue	3,087	2,000	2,000	0
Insurance Premium Holidays	0	0	97,560	97,560
Athletic Receipts	3,839	7,500	3,500	(4,000)
Energy Rebates	195,292	0	0	0
NH Charitable Foundation (Aware)	0	75,000	75,000	0
Technology Trust	43,000	0	0	0
Fund Balance Reserve	100,000	0	0	0
Unreserved Fund Balance	619,085	1,066,031	402,418	(663,613)
Total Revenues and Credits	8,888,868	9,483,329	9,814,306	330,977
District Appropriation	4,257,639	4,359,548	4,467,354	107,806
Education Tax	1,178,555	1,158,237	1,201,740	43,503
Additional Voted By City Council	313,301	0	0	0
Total General Fund	14,638,363	15,001,114	15,483,400	482,286
Food Service Transfer	545,800	535,718	535,718	0
Total General Fund and Food Service Revenues	15,184,163	15,536,832	16,019,118	482,286
Grant Funds	2,559,262	1,247,000	1,806,095	559,095
Grand Total Revenues	17,743,425	16,783,832	17,825,213	1,041,381

CITY COUNCIL MEETING

AGENDA ITEM VII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of November 2nd, 2020

From: Michael Foss, Fire Chief/EMD

Subject: For the Franklin City Council to consider allowing the purchase of a Pentheon Combination Extrication Tool for use during Fire Department rescue incidents. Funds will be expended from the Raymond and Betty Turcotte Expendable Trust Fund.

Recommended Motions:

November 2nd, 2020

"I move that the Franklin City Council set a public hearing date for 6:00 p.m. on December 7th, 2020, for Resolution #10-21, approving an expenditure of \$10,132 from the Raymond and Betty Turcotte Expendable Trust Fund. This expenditure will be utilized for the purchase of a new Pentheon Combination Extrication Tool."

Mayor calls for a second, discussion and vote.

December 7th, 2020

"I move that the Franklin City Council adopt Resolution #10-21, approving an expenditure of \$10,132 from the Raymond and Betty Turcotte Expendable Trust Fund, for the purchase of a new Pentheon Combination Extrication Tool."

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

Background:

As a result of a changing response model over the past few years, the Franklin Fire Department has adapted to the way in which we provide extrication services during motor vehicle collisions (MVC's). In the past, when a MVC occurred, the Franklin Fire Department would respond with two pieces of apparatus. This response included an ambulance and the rescue truck. Over the past year, approximately 24% of all incidents overlap or occur while crews are already operating at another emergency incident. As a result of this finding, it has become clear that the fire department's rescue truck may not respond to help provide extrication services within an optimum time frame. Since extrication services are often needed during MVA's, and because an ambulance is most consistently available to respond to these incidents, the Franklin Fire Department is looking to purchase a PCT50 Pentheon Combination Extrication Tool to place on our ambulance.

Currently the Franklin Fire Department does have a PCT50 Pentheon Combination Extrication Tool on one ambulance. The goal in obtaining a second tool, is to have both ambulances mirror each other. Often times when extrication of a patient is required, multiple extrication tools are

utilized simultaneously as removing the individual(s) quickly can be the difference between life and death. Having an additional tool would contribute to successful patient outcomes and reducing the risk of delayed tool use. The Raymond and Betty Turcotte Expendable Trust Fund was established to help fund and meet these challenges.

Alternatives:

The alternative is to not approve Resolution #10-21, and thus sometimes wait for extrication equipment to respond with the help of off duty personnel, or with the assistance of mutual aid fire departments.

Attachments and Exhibits:

Resolution #10-21

Photo of PCT50 Pentheon Combination Extrication Tool:





CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin, NH 03235

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

RESOLUTION #10-21

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2021.

In the year of our Lord, Two Thousand Twenty,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2021 which began July 1, 2020, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes the Fire Department has had to change the way in which it responds to Motor Vehicle accidents due to overlapping incidents, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes the Raymond & Betty Turcotte expendable trust fund was established for and has traditionally supported these kinds of equipment purchases for the Fire Department, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the Turcotte trust fund has a current balance of approximately \$93,795.89, and;

WHEREAS, the City Council of the City of Franklin wishes to appropriate from the Turcotte trust fund an amount of \$10,132 for the purpose of purchasing a Pentheon Combination Extrication Tool for the use during Fire Department rescue incident,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, December 7, 2020 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution #10-21 allowing the withdrawal of Ten Thousand One Hundred Thirty-Two Dollars (\$10,132) and authorizing an increase in FY21 revenues:

Transfer In – Trust Funds Acct No. 01-0-000-39160-000 – Ten Thousand One Hundred Thirty-Two Dollars (\$10,132),

And an increase in expenditure account,

EMS/Rescue CO - Mach & Equip Acct No. 01-2-207-40740-000 – Ten Thousand One Hundred Thirty-Two Dollars (\$10,132),

By a roll call vote.

Resolution #10-21

Page 2 of 2

Roll Call:

Councilor Brown _____ **Councilor Dzujna** _____ **Councilor Zink** _____

Councilor Clarenbach _____ **Councilor Bunker** _____ **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 COUNCIL MEETING

AGENDA ITEM VIII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meetings of November 2nd, 2020 and December 7th, 2020

From: Michael Foss, Fire Chief/EMD

Subject: City Council to consider the approval of Ordinance #04-21, to revise existing Chapter 21, Article I Fire Hydrants, Sections 21-1 and 21-2.

Recommended Motion for the November 2nd, 2020 Meeting of the City Council:

"I move that the Franklin City Council set a public hearing date for 6:00 pm, at the December 7th, 2020 meeting of the City Council, for Ordinance #04-21. Adoption of Ordinance #04-21 will result in the update to the City Municipal Code Chapter 21, Article I 'Fire Hydrants', Sections 21-1 and 21-2."

Mayor calls for a second, discussion and vote.

Recommended Motion for the December 7th, 2020 Meeting of the City Council:

"I move that the Franklin City Council adopt Ordinance #04-21, which will update the City Municipal Chapter 21, Article I 'Fire Hydrants', Sections 21-1 and 21-2."

Mayor calls for a second, discussion and vote.

Background: The City of Franklin currently has a Fire Hydrant Fee used to offset the costs associated with the testing of Private Hydrants in the city. Currently, there are 30 Private Hydrants within the city. As a result of not having a testing and planning program in place, the current status of these Private Hydrants is unknown.

The Municipal Services Department currently conducts annual testing of all Public Fire Hydrants in the City of Franklin. Since a program already exists for Public Hydrant testing, and as a result of recognizing the need for the testing of Private Hydrants, an update to the current ordinance is being proposed to ensure the proper working condition of all hydrants that may need to be utilized in the event of an emergency. The update to the current hydrant ordinance will allow for the Municipal Services Department to ensure that all hydrants, public or private, are in proper working order.

Fiscal Impact: No fiscal impact is anticipated since the Franklin City Council had previously adopted a Private Hydrant fee in FY18.

Alternatives: The alternative is to forego the update of Chapter 21 of the City of Franklin General Legislation, and instead have uncertainty as to the reliability of Private Hydrants within the city.

Attachments:

*Proposed Ordinance #04-21
Private Hydrant Compliance Confirmation Form*

Fire Hydrants

[Adopted 5-5-1986 as Title Four, Ch. VII of the 1986 Code]

§ 21-1

Testing and flushing. [1]

A.

It shall be the duty of the ~~Fire Department~~ **Municipal Services Department**, in cooperation with the ~~Municipal Services Fire Department~~, to test all **Public** fire hydrants. **The City shall ensure that all Private hydrants are maintained in accordance with this ordinance.** The City shall ensure that all hydrants are in proper working condition at least once annually. Fire hydrants will also be flushed at least once annually during this time.

B.

Such tests shall be ~~made~~ completed by an employee of the ~~Fire Department and the Director of the Municipal Services Department.~~ ~~or his or her designee.~~

[1]

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Public Hydrants are hydrants that are adjacent to a public way, Planning Board approved subdivisions and the City's public hydrant inventory list. Public hydrants may be located on a City right of way or easement.

Private Hydrants are hydrants that are located on private property, and intended for fire protection for the property and buildings.

The testing, maintenance and repair of public hydrants will be the responsibility of the Municipal Services Department.

It will be the responsibility of the **property** owner of the private hydrants to test, maintain and repair if necessary. This will be in accordance with NFPA 25 *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*. Testing is to be completed in conjunction with the *Hydrant Compliance Confirmation* form, provided by the Municipal Services Department.

§ 21-2

Improperly operating hydrants.

All **privately owned hydrants** found to be operating improperly shall be repaired and placed in proper working condition as soon as possible. Public hydrant repairs will be the responsibility of the City of Franklin. Private hydrant repairs will be the responsibility of the property owners.

Record Keeping and Reporting

21-3

1. The private hydrant owner will provide the **annual** records of testing, maintenance and repair (if needed) to the Municipal Services Director. Testing, maintenance and repair must be conducted by a qualified professional.

or

2. The private hydrant owner will pay the associated fee found in Chapter 160 of the General Legislation labeled under "Fire Hydrant" to the City of Franklin. This fee will ensure the required testing is conducted annually in conjunction with public hydrants as performed by the Municipal Services Department. It will be the responsibility of the private hydrant owner to repair any worn or broken components of the hydrant. Fees will be assessed for each hydrant located on a property.



CITY OF FRANKLIN, NEW HAMPSHIRE

316 Central Street
Franklin, NH 03235

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

Private Hydrant Compliance Confirmation Form

- **Option 1:** I will provide a copy of the records pertaining to testing, maintenance and repair (if needed) to the Municipal Services Department by February 1st, 2021. **Records shall be mailed to the Municipal Services Department, Attn: Director, 43 West Bow Street, Franklin, NH 03235.** I understand that testing, maintenance and repair must be conducted by a qualified professional. Please note that the Franklin Municipal Services Department (603-934-4103) must be notified and present when this work is started. I further understand that I will be responsible to provide these records for this service each year, until a written request to change my option is provided to the Municipal Services Department.

or

- **Option 2:** I will pay the associated annual fee of \$250 per hydrant found in Chapter 160 of the General Legislation labeled under "Fire Hydrant" to the City of Franklin. This fee will ensure the required testing is conducted in conjunction with public hydrants as performed by the Franklin Municipal Services Department. I further understand that it will be my responsibility to repair any worn or broken components of the hydrant as identified by the Municipal Services designee. Under this option, the owner of record is responsible to complete all associated paperwork supplied by the Franklin Water Department, annually, by March 15th. This will ensure the water department has placed the private hydrant(s) on their "annual flushing and inspection program", in conjunction with the City's schedule. I further understand that I will be billed for this service each year, until a written request to change my option is provided to the Municipal Services Department.

Private Hydrant Location:

Signature _____ (Private Hydrant Owner) Date _____

Printed Name _____

CITY COUNCIL MEETING
AGENDA ITEM IX



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

November 2, 2020

From: Judie Milner, City Manager

Subject: Council to consider approval of an order pursuant to RSA 155B for 90 Pleasant Street

Suggested Motion:

Councilor moves, "I move the Franklin City Council move forward with an order pursuant to RSA 155B for 90 Pleasant Street in the interest of public safety and health and authorize the Mayor to execute the order on behalf of the City."

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

Discussion:

State statute 155B allows for municipalities to take action, by court order, on behalf of the property owner for dilapidated properties that pose a public safety and health threat in which the property owner is not responding and/or complying with orders from the municipality. The municipality may then recover the costs by placing a lien on the property. In recent history, the city has been granted by the district court (3) orders pursuant to RSA155B: 74-76 River St., 16 Spring St., and 26 Pleasant St. The demolition is complete and the City has recouped its costs on 74-76 River St. Demolition is complete and a lien is placed on the property at 16 Spring St. Demolition is scheduled for 26 Pleasant.

On November 4, 2018, there was a fire at 90 Pleasant Street. Since then, Captain Reale has been working with or attempting to work with the property owner, Ethan Clapp. At first, Mr. Clapp was cooperative and responsive and some progress was being made as to a plan for restoration of the property. Over the last several months, Mr. Clapp has not responded to any requests by the code enforcement department. The building has fallen into disrepair, has been the location of suspected nefarious activity and is deemed a hazard to the public.

It is the recommendation of Captain Reale, Chief Foss and Manager Milner that the City council move forward with this order.

Fiscal Impact:

If the order is granted by the court, the City would be responsible for the cost of the demolition (unknown at this time, the court will allow the City's contractor to enter the property to determine cost through the process) and in turn will lien the property for all costs associated with obtaining this order.

Alternatives:

Do not act.

Attachments/Exhibits:

Order
RSA155B

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 155-B

HAZARDOUS AND DILAPIDATED BUILDINGS

Section 155-B:1

155-B:1 Definitions. –

For the purposes of this chapter, the following terms have the following meanings:

- I. "Building" includes any structure or part of a structure.
- II. "Hazardous building" means any building which, because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.
- III. "Governing body" means the city council or the selectmen of a town.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:2

155-B:2 Repair or Removal of Hazardous Building. – The governing body of any city or town may order the owner of any hazardous building within the municipality to correct the hazardous condition of such building or to raze or remove the same.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:3

155-B:3 Order; Contents. – The order shall state, in writing, the grounds therefor, specifying the necessary repairs, if any, and providing a reasonable time for compliance. It shall also state that a motion for summary enforcement of the order will be made to the court of the district or municipality in which the hazardous building is situated unless corrective action is taken, or unless an answer is filed within the time specified in RSA 155-B:6 and that any costs, attorney's fees, and expenses incurred by the municipality in bringing the property into compliance may be enforced as a lien against the subject property and any other property owned by the same owner in the state pursuant to RSA 155-B:9, II.

Source. 1967, 334:1. 2008, 293:1, eff. June 27, 2008.

Section 155-B:4

155-B:4 Order; Service. – The order shall be served upon the owner of record, or his agent if an agent is in charge of the building, and upon the occupying tenant, if there is one, and upon all lien holders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon him by posting it at the main entrance to the building and by 4 weeks' publication in a published newspaper of the municipality if there is one, otherwise in a newspaper of general circulation in the state.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:5

155-B:5 Order; Filing. – A copy of the order with proof of service shall be filed with the clerk of the court of the district or municipality in which the hazardous building is located not less than 5 days prior to the filing of a motion pursuant to RSA 155-B:7 to enforce the order. The appropriate district or municipal court shall have jurisdiction under this chapter notwithstanding any contrary provisions in RSA 502-A:14 or in any other section of RSA. At the time of filing such order the governing body shall file for record with the register of deeds a notice of the pendency of the proceeding, describing with the reasonable certainty the lands affected and the nature of the order. If the proceeding be abandoned the governing body shall within 10 days thereafter file with the register of deeds a notice to that effect.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:6

155-B:6 Answer. – Within 20 days from the date of service, any person upon whom the order is served may serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the order as are in dispute.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:7

155-B:7 Default Cases. – If no answer is served, the governing body may move the court for the enforcement of the order. If such a motion is made the court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the governing body may proceed with the enforcement of the order. The clerk of the court shall cause a copy of the judgment to be mailed forthwith to persons upon whom the original order was served.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:8

155-B:8 Contested Cases. – If an answer is filed and served as provided in RSA 155-B:6, further proceedings in the action shall be governed by the rules of civil procedure for the district or municipal courts, except that the action has priority over all pending civil actions and shall be tried forthwith. If the order is sustained following the trial, the court shall enter judgment and shall fix a time after which the building shall be destroyed or repaired, as the case may be, in compliance with the order as originally filed or modified by the court. If the order is not sustained, it shall be annulled and set aside. The clerk of the court shall cause a copy of the judgment to be mailed forthwith to the persons upon whom the original order was served.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:9

155-B:9 Enforcement of Judgment. –

I. If a judgment is not complied with in the time prescribed, the governing body may cause the building to be repaired, razed, or removed as set forth in the judgment. The cost of such repairs, razing, or removal shall be a lien against the real estate on which the building is located and may be levied and collected in the same manner as provided in RSA 80 for tax liens. When the building is razed or removed by the municipality, the governing body may sell the salvage and valuable materials at public auction upon 3 days' posted notice.

II. If the value of the subject real estate is deemed by the municipality to have insufficient value, based on the current tax assessment, to cover the cost of repairs, razing, or removal, the governing body may place a lien for the balance of the cost on any other real property in the state that is owned by the same owner, which additional lien may be levied and collected in the same manner as provided in RSA 80 for tax liens; provided that RSA

80:59 giving such liens priority over all other liens shall not apply. The municipal lien shall be subordinate to any lien of record on such real property.

Source. 1967, 334:1. 2008, 293:2, eff. June 27, 2008.

Section 155-B:9-a

155-B:9-a Municipal Lien on Owner's Interest in Property Insurance Proceeds. – If the value of the subject real estate is deemed by the municipality to have insufficient value, based on the current tax assessment, to cover the cost of repairs, razing, or removal, and the owner has no other real property within the state, a municipality may assert a lien on the owner's interest in any real property insurance proceeds that are payable as a result of the damage or destruction of that property owner's real property located in the municipality. The lien shall be for the estimated cost to repair, raze, or remove the damaged structure, whichever of those options is the least expensive, minus the value in the remaining real property based on the current tax assessments. The municipal lien shall be subordinate to any lien holder of record, and to any rights, title, or interest in such real property insurance proceeds in favor of any lender holding a mortgage on such real property and who was named as an additional insured or loss payee, by means of loss payable endorsement or otherwise, on any policy of insurance insuring such real property. The insurer's obligations under this section shall commence upon its receipt of a copy of the order under RSA 155-B:4, and a statement of the estimated lien amount allowed under this section, and shall apply only to insurance proceeds held by the insurer as of that date and due to be paid to the owner. The lien, the estimated cost of which shall be approved by the court, shall be for the purpose of reimbursing the municipality for all costs permitted to be recovered by it under RSA 155-B if the municipality elects to demolish the property. Any unexpended funds from the lien shall be returned to the property owner. The property owner shall, within 72 hours of the receipt of a written request by the municipality, provide the municipality with the names, addresses, agents, and policy numbers of all insurance companies which have provided the property owner with insurance on the property. The lien shall automatically expire if the owner rebuilds or demolishes the real property in the manner required by this chapter and the municipality shall provide a written release of the lien to the insurer and the property owner. The insurer shall distribute all proceeds due to the property owner that exceed the lien amount allowed under this section. The municipality shall release the lien in order to permit payment for repairs, razing, or removal of the building.

Source. 2008, 293:3, eff. June 27, 2008.

Section 155-B:10

155-B:10 Statement of Monies Received. – The municipality shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the municipality from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, and shall report its action under the order, with a statement of monies received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account, and, if the amount received from the sale of the salvage, or of the building or structure, does not equal or exceed the amount of expenses as allowed, the court shall by its judgment certify the deficiency in the amount so allowed to the municipal clerk for collection. The owner or other party in interest shall pay the same, without penalty added thereon, and in default of payment by December 1, the clerk shall certify the amount of the expense to the collector for entry on the tax lists as a charge against the real estate on which the building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected shall be paid into the municipal treasury. If the amount received for the sale of the salvage or of the building or structure exceeds the expense incurred by the municipality as allowed by the court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into court, as provided in this chapter. If there are delinquent taxes against the property, the court shall direct the payment of the surplus to the municipal treasurer to be applied to such taxes.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:11

155-B:11 Payment, Tender, Deposit in Court. – The net proceeds of a sale under RSA 155-B:9 or 12 shall be paid to persons designated in the judgment in the proportions as their interests shall appear therein. Acceptance of such payment shall be taken as a waiver of all objections to the payment and to the proceedings leading thereto on the part of the payee and of all persons for whom he is lawfully empowered to act. In case any party to whom a payment of damages is made be not a resident of the state, or his place of residence be unknown, or he be an infant or other person under legal disability, or, being legally capable, refuses to accept payment, or if for any reason it be doubtful to whom any payment should be paid, the municipality may pay the same to the clerk of court to be paid out under the direction of the court; and, unless an appeal be taken such deposit with the clerk shall be deemed a payment of the award.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:12

155-B:12 Personal Property of Fixtures. – If any building ordered razed, removed, or made safe and sanitary by repairs contains personal property or fixtures which will unreasonably interfere with the razing, removal, or repair of such building, or if the razing or removal of the building makes necessary the removal of such personal property or fixtures, the original order of the governing body may direct the removal of such personal property or fixtures within a reasonable time. If the property or fixtures are not removed by the time specified, and the governing body subsequently desires to enforce a judgment under the provisions of this chapter, it may sell the same at public auction as provided in RSA 155-B:9 or if without appreciable value, the governing body may destroy the same.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:13

155-B:13 Hazardous Excavations. – If in any city or town, an excavation for building purposes is left open for more than 6 months without proceeding with the erection of a building thereon, whether or not completed, or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, demolished or removed, the governing body may order such excavation to be filled or protected or in the alternative that erection of a building begin forthwith if the excavation is for building purposes. The order shall be served upon the owner or his agent in the manner provided by RSA 155-B:4. If the owner of the land fails to comply with the order within 15 days after the order is served upon him, the governing body shall cause the excavation to be filled to grade or protected and the cost shall be charged against the real estate as provided in RSA 155-B:9.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:14

155-B:14 Local Acts and Charter Provisions. – The provisions of this chapter are supplementary to other statutory and charter provisions and do not limit the authority of any city or town to enact and enforce ordinances on the same subject.

Source. 1967, 334:1, eff. Sept. 1, 1967.

Section 155-B:15

155-B:15 Appeal. – A party aggrieved by the judgment of a municipal or district court upon issue joined in such case may, within 15 days after the rendition of the judgment, appeal to the superior court therefrom and the superior court shall hear said appeal forthwith.

Source. 1967, 334:1, eff. Sept. 1, 1967.

CITY OF FRANKLIN, NEW HAMPSHIRE

VS.

ETHAN CLAPP

ORDER PURSUANT TO RSA 155-B

NOW COMES the City of Franklin, a New Hampshire municipal corporation with an address of 316 Central Street, Franklin, New Hampshire, 03235, and directs Ethan Clapp, an individual with a mailing address of 139 North State Street, Unit #4, Concord, New Hampshire, 03301, and owner of record of 90 Pleasant Street, Franklin, New Hampshire 03235, as follows:

1. The Franklin City Council hereby finds the structure owned by Ethan Clapp at 90 Pleasant Street in said City of Franklin to be a hazardous building because of inadequate maintenance, dilapidation, physical damage and abandonment and that it further constitutes a fire hazard and a hazard to the public safety or health in that the building is:
 - A. Abandoned;
 - B. Inadequately maintained;
 - B. Physically damaged; and
 - C. Dilapidated and unsafe.

(See attached Notice of Violations dated September 10, 2019 and Inspection Reports dated July 19, 2019, July 6, 2020, July 28, 2020, and September 17, 2020.)

2. The Franklin City Council finds that it is imperative that the building be destroyed and that all debris created by the destruction or otherwise located on the property be removed in the interest of public safety and health.

NOW, WHEREFORE, the City of Franklin City Council hereby orders that:

- A. The building located at 90 Pleasant Street in said City of Franklin be completely razed, demolished, destroyed and that all debris be removed on or before thirty (30) days from the date of this Order as dated on Page 2.
- B. A Motion for Summary Enforcement for this Order will be made to the Franklin District Court unless corrective actions are taken or unless an answer is filed within the time allowed in RSA 155-B, 6.

- C. Any costs, attorney's fees and expenses incurred by the municipality in bringing the property into compliance may be enforced as a lien against the subject property and any other property owned by the same owner in the state pursuant to RSA 155-B: 9, II.

So ordered.

Dated: _____

Anthony Giunta, Mayor
City of Franklin
Duly Authorized

CITY COUNCIL MEETING

AGENDA ITEM X



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

October 27, 2020

From: Judie Milner, City Manager

Subject: Council to Consider Authorizing the City Manager to Apply for a Land & Water Conservation Fund Grant for the construction of Mill City Park

Suggested Motion:

Councilor moves, "I move that the Franklin City Council authorize the City Manager to apply for a \$400,000 grant through Land & Water Conservation Fund for the construction of water features in the river at Mill City Park."

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

Discussion:

The non-profit, Mill City Park, and the City formed a public private partnership memorialized with a memorandum of agreement in September 2017 for the creation of a white-water kayak venue, the first of its kind in New England, in the Winnepesaukee River at an adjoining land based recreational park at the base of the City's downtown district. Since then the City and Mill City Park Board have worked together with the downtown economic development group to bring the many facets of this project to fruition. This park will bring a new outdoor recreation venue to New England thus bringing new enthusiasts and spectators spending new money in Franklin and the surrounding region. This concept, which will provide enough water flow in the Winnepesaukee to allow for kayaking, surfing, etc. 365 days per year, is an evidenced based economic development tool from over 300 other venues throughout North America. The project is funded through donations and grants and has received over \$2m in funding to date. This grant application will assist in the construction of one of the three proposed in-river water features of the park.

Fiscal Impact:

The project will consist of 3 water features in the river. Through other funding sources, the City and Mill City Park (MCP) are able to construct one of the features at this time. This grant will allow for the construction of an additional water feature. The City/MCP will be able to construct both features at the same time thus saving in mobilization costs.

If awarded, the grant will need to be accepted and appropriated through a City resolution.

Alternatives:

Do not apply for the grant.

CITY COUNCIL MEETING

AGENDA ITEM XI



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of November 2, 2020

Subject: Other Business

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

MAYOR APPOINTMENTS

Mayor's Drug and Alcohol Task Force

Appointments:

"I appoint Eric Lessard to the Mayor's Drug and Alcohol Task Force. Term of service is two years to January 2022."

"I appoint John Neff to the Mayor's Drug and Alcohol Task Force. Term of service is two years to January 2022."



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

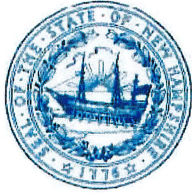
City Council Meeting November 2, 2020

Date: **October 26, 2020**

From: **Judie Milner, City Manager**

Subject: **City Manager's Update**

- 1) Contingent Grant Line Activity –
- 2) Trust fund for school funding –
- 3) Follow up from last month – 10/13 email
- 4) City Clerk's Office Closed – 11/3
- 5) Mike Mullavey - 2020 Community Hero Award – Lakes Region Chamber of Commerce
- 6) Drug Take Back Day
- 7) Chief Goldstein award presentation
- 8) LEACT recommendations – Governor's Executive Order 2020-19
- 9) Trash program update
- 10) Flood Control Area - Red Pine Removal
- 11) Downtown Business Group Meeting



CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Executive Order 2020-19

**An order regarding implementation of recommendations of the New Hampshire
Commission on Law Enforcement Accountability, Community, and Transparency**

WHEREAS, in the wake of the tragic murder of George Floyd in Minneapolis, Minnesota, our country continues to engage in a nationwide conversation regarding law enforcement, social justice, and the need for reforms that enhance transparency, accountability, and community relations in law enforcement; and

WHEREAS, law enforcement in New Hampshire make daily sacrifices, serve our State admirably, and are a necessary and pivotal part of our communities; and

WHEREAS, the State of New Hampshire has an obligation to participate in the national conversation and engage in self-examination to identify opportunities to improve the state of our law enforcement and the relationship between law enforcement and the communities they serve; and

WHEREAS, New Hampshire finds itself in a pivotal moment that demands prompt action to initiate important conversations and develop recommendations for reform; and

WHEREAS, on June 16, 2020, the Governor issued Executive Order 2020-11, which established the New Hampshire Commission on Law Enforcement Accountability, Community and Transparency (the "LEACT Commission"); and

WHEREAS, on August 31, 2020, the LEACT Commission issued its final report, which included 48 recommendations for reforms that the Commission deemed necessary to enhance transparency, accountability and community relations in law enforcement; and

WHEREAS, on September 17, 2020, the Governor issued a statement endorsing all of the recommendations of the LEACT Commission and put forward a road map for implementation of each of the recommendations; and

WHEREAS, many of the recommendations of the LEACT Commission can be implemented in whole or in part by Executive Order and rulemaking.

NOW, THEREFORE, I, CHRISTOPHER T. SUNUNU, GOVERNOR of the State of New Hampshire, by the authority vested in me pursuant to part II, article 41 of the New Hampshire Constitution, do hereby order, effective immediately, that:

Certification - Training Requirements

1. The Director of the Police Standards and Training Council (PSTC) shall take all necessary steps, including initiating appropriate rulemaking, to:
 - (a) Increase the mandatory number of required hours of annual in-service training on an incremental basis over the next three years to ensure that, by January 1, 2024, the total mandatory number of hours of annual in-service training is no less than twenty-four hours.
 - (b) Mandate that annual in-service training as approved by PSTC include, at a minimum, two hours on each of the following topics:
 - i. Implicit bias and cultural responsiveness
 - ii. Ethics
 - iii. Deescalation
 - (c) Incentivize and encourage all law enforcement agencies to require their officers to receive at least two hours of training annually in the following areas:
 - i. Implicit bias and cultural responsiveness
 - ii. Ethics
 - iii. Deescalation

Certification and Ongoing Training Curriculum

2. The Director of PSTC shall conduct a review of academy and in-service training curriculum and take all necessary steps, including initiating appropriate rulemaking, to:
 - (a) increase the number of hours or scenario based training in both academy and in-service settings by an amount which PSTC deems necessary after consultation with the Department of Justice, Department of Safety, local law enforcement agencies, and community partners;
 - (b) in consultation with one or more community partners, amend the current lesson plan on cultural dynamics as necessary to ensure that the topic is properly addressed;
 - (c) improve and augment police academy and in-service training on implicit bias and procedural justice by adopting the International Association of Chiefs of Police (IACP) recognized Fair and Impartial Policing training or similar type training;

- (d) improve and augment police academy and in-serving training on de-escalation techniques by adopting the Police Executive Research Forum's (PERF) Integrated Communication and Tactics training (ICAT) or similar training;
 - (e) improve and augment police academy training on police ethics by re-instituting the ethics block of construction in police academy training;
 - (f) improve and augment police academy and in-service training on the duty to intervene by adopting Georgetown University's Active Bystandership Law Enforcement (ABLE) training or similar training; and
 - (g) utilize an attorney from the Attorney General's Office to provide, during training on applicable topics, instruction on *State of New Hampshire v. Jones* (January 10, 2020) and any other State court decisions where race or protected class was a matter the court considered when reaching its decision.
3. In addition to the specific steps outlined in Section 2 of this Order, the Director of PSTC shall take all necessary steps to initiate a Job Task Analysis for entry-level law enforcement officers and entry-level corrections officers and, based upon those findings, conduct an overall review of the present academy curriculums. Based upon this review, the Director shall, within 120 days from the date of this Order, submit a recommendation to PSTC and the Governor as to whether the current length of the police academy should be expanded beyond 16 weeks.
 4. Upon completion of the Job Task Analysis conducted pursuant to Section 3 of this Order, the Director of PSTC shall conduct a review of the Part-Time Police Officer certification process. Based upon this review, the Director shall, within 120 days from the date of this Order, submit a recommendation to PSTC and the Governor as to whether changes should be made to (i) the length of the training period for part time officers and (ii) the scope of law enforcement functions that part-time officers are allowed to perform.
 5. The Director of PSTC shall take all necessary steps, including but not limited to providing recommendations to the Governor on necessary funding in the next biennial budget, to develop and deploy a robust database management system and on-line learning platform for the twofold purpose of: 1) maintaining a full record over the course of an officer's career of his or her training completion, any incidents of sustained misconduct, movement from agency to another, and decertification, and (2) developing and delivering standardized on-line training to all law enforcement officers in an efficient and economical way.

Reporting and Investigation of Misconduct

6. The Director of PSTC, in collaboration with other law enforcement agencies and using nationally vetted best practices as set forth by the IACP, PERF, Commission on Accreditation for Law Enforcement Agencies (CALEA), and National Organization of Black Law Enforcement Executives (NOBLE), shall create policy guidelines on the following topics:

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TDD Access: Relay NH 1-800-735-2964

- a) Use of Force
 - b) Duty to Intervene
 - c) Code of Conduct
 - d) Duty to Report Misconduct
 - e) Prohibition of Chokeholds
 - f) Procedures to Guard Against Positional Asphyxia
7. The Director of PSTC shall initiate rulemaking to amend administrative rule POL 301.05 to mandate that background investigations for police recruit candidates specifically vet such candidates for demonstrations of outward bias toward a protected group by way of past history, behavior, affiliation with a subversive group, social media posts and other objective sources, and that these findings be considered in the overall decision to hire such candidates.
8. Within 30 days of the date of this Order, the Attorney General shall take the following actions:
- a) Establish a Public Integrity Unit within the Department of Justice using existing resources within the Department. The purpose of the Public Integrity Unit shall be to promote a uniform approach to the investigation and prosecution of alleged criminal conduct by government officials, including law enforcement officials. Within 60 days of the date of this Order, the Attorney General shall submit recommendations to the Governor for additional necessary resources for the completion of the build out of the Unit, including estimated funding needs for inclusion in the next biennial budget.
 - b) Establish a community outreach position within the Department of Justice to facilitate communication between all state, county, and local prosecution offices and New Hampshire's diverse communities.
 - c) Take all necessary action to require or provide implicit bias and racial profiling training for all New Hampshire prosecutors, including city prosecutors and police prosecutors.
 - d) Take all necessary actions to require or provide implicit bias and racial profiling training for all attorneys, investigators, legal staff, and victim/witness advocates in the Attorney General's Office and County Attorney Offices, and for all State agency attorneys.
9. The Executive Director of the Judicial Council shall take all necessary steps, including initiating rulemaking or seeking contract amendments, to require implicit bias and racial profiling training for all New Hampshire public defenders.
10. The Commissioner of the Department of Safety and the Colonel of the State Police shall take all necessary steps to equip State Police with body worn cameras, including but not limited to either (i) identifying available funding in the Department of Safety's existing budget and seeking necessary approvals to utilize such funding for the purpose of equipping State Police with body worn cameras or (ii) providing recommendations to the Governor on necessary funding to be included in the next biennial budget. Once funding has been identified and

approved and the necessary equipment is obtained and ready for use, the use of body worn cameras shall be required for State Police in any circumstance where State Police interact with members of the public and use of body worn cameras is permitted by existing State or Federal law. Within 60 days of the date of this Order, the Commissioner of the Department of Safety shall submit a plan for implementation of this directive to the Governor. This plan shall include, at a minimum, identification of the necessary funding and a timeline for final implementation.

Law Enforcement and Community Relations

11. All State law enforcement agencies shall:

- a) Take all necessary steps, including initiating rulemaking, to adopt the following definition of “community policing” as set forth by IACP:

“Community policing is a comprehensive philosophy that guides policy and strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, and improved police services and police legitimacy through a proactive reliance on community resources that seeks to change crime causing conditions. This assumes a need for greater accountability of police, elected community leaders, and the community in general, along with greater public share in decision-making through the identification of service needs and priorities and a greater concern for civil rights and liberties.”

- b) Establish and dedicate a team to focus on community policing and engagement. This team shall, among other things, (i) engage in community relationship building by working collaboratively with community liaisons, public agencies, non-profits, community stakeholders and existing community-based programs and (ii) identify opportunities to promote community events and use social media and Public Service Announcement (PSA) campaigns to educate the public about law enforcement officers and their work.
- c) Take all necessary steps, including initiating rulemaking, to require ongoing training for law enforcement officers that empowers and enables individual officers to engage in community policing and relationship building efforts.

12. The Director of PSTC shall ensure that PSTC maintains and publishes a list of all currently CALEA accredited law enforcement agencies within New Hampshire.

School Resource Officers

13. The Director of PSTC shall:

- a) Take all necessary steps, including initiating rulemaking, to mandate certification for school resource officers (SROs) that requires each SRO to complete, prior to assignment, both (i) National Association of School Resource Officers (NASRO) training and (ii)

Mirror Project Train-the-Trainer and Effective Police Contact with Youth training. If the Director determines that legislation is necessary to enable rulemaking on this topic, the Director shall submit recommended legislative language to the Governor within 30 days of this Order.

- b) Take all necessary steps, including initiating rulemaking, to develop and implement mandatory annual in-service training requirements for SROs to maintain their certifications. If the Director determines that legislation is necessary to enable rulemaking on this topic, the Director shall submit recommended legislative language to the Governor within 30 days of this Order.
- c) Work with stakeholders and the State Board of Education and oversee the development of a model SRO Memorandum of Understanding (MOU) to be used by police departments and School Administrative Units (SAUs) that clearly defines the roles, expectations and prohibitions of the SRO's role in the school setting and specifically with regard to the SROs's role in student discipline for non-criminal matters.

Recruitment for State Law Enforcement Agencies

- 14. All State law enforcement agencies shall establish a team to continue and enhance the each agency's efforts to recruit officers from minority communities. This shall include the development of a new comprehensive plan and strategy to actively attract, recruit, and retain diverse law enforcement candidates, including candidates from outside New Hampshire. Each State law enforcement agency shall submit this plan and strategy to the Governor within 60 days of the date of this Order, and upon submittal this plan and strategy shall be published on each agency's website and Governor's Office website.

Gender Non-Conforming Community

- 15. All State law enforcement agencies shall take all necessary steps, including initiating rulemaking, to require ongoing training for law enforcement officers that advances the relationship between officers and the gender non-conforming population including, but not limited to, training on pronoun inclusion.

Deaf and Hard of Hearing Community

- 16. Each law enforcement agency shall develop a plan to advance relationships with the deaf and hard of hearing community. The plan for the Division of State Police shall address, among other things, the potential for greater use and dissemination of driver visor cards by State Police.

Mental Well-Being of Officers

- 17. All State law enforcement agencies shall take all necessary steps, including initiating rulemaking, to require ongoing training regarding the mental well-being of officers. Such

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training shall include information regarding the high rates of post-traumatic distress, depression and suicide among law enforcement officers and available resources for seeking help.

18. The Director of PSTC shall form a team to review whether to require mandatory periodic psychological screenings of law enforcement officers, similar to what is currently required for physical fitness under Pol 404.07, to determine ongoing fitness for duty and assist with referring officers for mental health treatment and support.

Implementation of the Directives in this Order

19. Within 60 days of the date of this Order, the Director of the PSTC, the Attorney General, the Executive Director of the Judicial Council, the Commissioner of the Department of Safety, and the head of each State law enforcement agency shall, as applicable, submit to the Governor an estimated timeline for implementation of the Directives contained in this Order.
20. On or before November 1, 2020, and the first day of every month thereafter until implementation of all directives in this Order is complete, the Director of the PSTC, the Attorney General, the Executive Director of the Judicial Council, the Commissioner of the Department of Safety, and the head of each State law enforcement agency shall, as applicable, submit monthly reports to the Governor summarizing the progress made on implementation of each of the directives in this Order. These reports shall be posted on the Governor's Office website on the LEACT Commission page.
21. All directives contained within this Order shall be fully implemented by July 1, 2021, unless otherwise provided in this Order. The Governor may approve extensions to this deadline on a case by case basis.

Given under my hand and seal at the Executive
Chambers in Concord, this 7th day of October, in
the year of Our Lord, two thousand and twenty, and
the independence of the United States of America,
two hundred and forty-four.



GOVERNOR OF NEW HAMPSHIRE