

CITY OF FRANKLIN
CITY COUNCIL MEETING
April 1, 2019
6:00 P.M.





CITY COUNCIL MEETING

Monday, April 1, 2019

5:30pm – Non-Public Session – City Hall

6:00pm – Public Session - Council Chambers – City Hall

SALUTE TO THE FLAG

PUBLIC HEARINGS

Resolution #16-19 – A Resolution regarding the Appropriation and Expenditures of NHDOT TAP Grant Funds for the Construction of a walkway over Trestle Bridge.

Rescission of a Discretionary Easement Granted to One Yellow Rose LLC

Extension of the Masonic Lodge Payment Agreement In lieu of Taxes

COMMENTS FROM THE PUBLIC

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

LEGISLATIVE COMMENTS

CITY COUNCIL ACKNOWLEDGEMENT

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

MAYOR'S UPDATE

Agenda Item I.

Council to consider the minutes of the February 25th Special City Council Meeting, the minutes of the March 4th City Council Meeting, and the minutes of the March 15th Special City Council Meeting.

Agenda Item II.

Monthly School Board Update

Agenda Item III.

High School Robotics Team Presentation

Agenda Item IV.

Council to consider approval of Resolution #16-19, relating to the Appropriation and Expenditures of NHDOT TAP Grant Funds for the construction of a walkway over Trestle Bridge.

Agenda Item V.

Council to consider approval of the Rescission of a Discretionary Easement granted to One Yellow Rose LLC.

Agenda Item VI.

Council to consider approval of an Extension of the Masonic Lodge Payment Agreement in lieu of taxes through March 31, 2020.

Agenda Item VII.

Council to consider waiving the vendor fees for the annual Community Day event on May 11th at Odell Park.

Agenda Item VIII.

Other Business

1. Mayor 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 April 1, 2019

Subject: Approval of Meeting Minutes

Motion: “I move that the Franklin City Council approve the minutes of the February 25th Special City Council Meeting, the minutes of the March 4th City Council Meeting, and minutes of the March 15th Special City Council Meeting.

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



PENDING CITY COUNCIL APPROVAL

**City Council Workshop Meeting Minutes
February 25, 2019 – 6:00 PM
Franklin City Hall**

Call to order

City Manager, Judie Milner called the meeting to order at 6:03PM in Council Chambers.

City Council in attendance:

Councilor Jo Brown, Councilor Scott Clarenbach, Councilor George Dzujna, Councilor Heather Moquin, Councilor Kathy Rago, Councilor Vince Ribas, Councilor Karen Testerman, Councilor Paul Trudel.

Absent:

Councilor Bob Desrochers

Salute to the Flag was led by Councilor Clarenbach.

City Manager Milner began with mention that tonight's workshop will be a review of the LEAN Roadmap. She explained that the Council will meet at the end of each month, review each task for the month, and update the status color as needed (red, green, or yellow). If a task is in a yellow or red status, the Council will discuss why it wasn't done and what is needed to get it back to a green status. During each meeting, a new month of tasks will be added to the chart. The plan is to show three months of tasks planned out in advance.

The Council began to review each of the individual tasks. Milner mentioned that the Council is welcome to go through her when transfer of information needs to happen with the department heads. There was some concern about Council going to department heads directly.

The Council Champion is the person we go to if help is needed on that task. City Manager Milner stated that she changed the title of "Manager/Sponsor" to "Council Champion". The actual work is completed by the City Manager and her staff. The role of the Council is to simply help direct the team in getting the tasks complete.

In the first area of Education, Councilor Scott Clarenbach discussed the challenges of Merging the Operational Services and the Collaboration with the Schools. Councilor Clarenbach met with Councilor Brown, Administrator Jefferson Braman and Superintendent Dan LeGallo. He also mentioned that there are two new School Board Liaisons and didn't know how to pull in the conversation with them and not having to have two separate meetings with two different groups on the same topic. Councilor Brown suggested that Councilor Clarenbach meet with School Board Tim Dow and work this part out so the right people attend the right discussions.

If all are in agreement, the E1 task will move Finance Heads to March, and move February and March tasks to April and May. This is due to getting the right people on board with the right conversations to begin these two tasks in the Education area. All were in agreement with adjusting these tasks. New tasks were added for March. Councilor Clarenbach mentioned that it's difficult to measure collaboration type tasks.

The next area discussed was Recreation. City Manager Milner asked Councilor Dzujna to update the group on what was accomplished and what is outstanding. Dzujna stated that he reached out to the person who coordinates the Calendar of Events for the City of Manchester. Their City calendar and ours are very similar. He noted that there are many events that happen in Franklin throughout the year and he wondered if our website provider, CivicPlus could do something similar. It would be designed in such a way to have a coordinator of an organization submit an event and it would go to Audrey and Krystal first for approval then appear on our calendar. Dzujna stated that his next steps would be to have an informative session with the organization's coordinators to show them how to submit an event.

Dzujna stated that this could get up and running fairly quickly. Councilor Ribas asked if there would be a form that they would submit. Dzujna replied that there would be an electronic form that would pop up directly from our website. Ribas also asked if there could also be a hyperlink on the particular calendar event that would open up to the organization. Dzujna replied that this could be done also.

Councilor Clarenbach asked how the City should handle fees for non-profit organizations vs for profit organizations and that this should be decided on so it's known up front. Dzujna confirmed that testing was done on submissions of the events by an outside user. From the City side, the approval button was pushed and the event appeared on the "test" City calendar. There was also mention of having two separate calendars, one calendar for the Municipal side of meetings/events and another calendar for all other organization events.

City Manager Milner captured tasks for new tasks for April and May. Identifying pilot groups and train organization contacts will be added as upcoming tasks.

City Manager Milner stated that Richard Ellert will be discussing the PODS activity with the Mill City Park Board. We may receive exclusivity if we can act quickly. The next steps would be to develop the strategy if this is able to move forward.

The area of Business was discussed next. Councilor Brown is the Council Champion in this area. She updated the group on her thoughts and shared her approach of first understanding the steps the new business currently takes when registering and reaching out to planning and zoning with questions on what they can and can't do and what role does the heritage commission have, if any, with regards to business front, signage, etc. Councilor Brown would like to dive in deeper and better understand what businesses should be considering when

opening their business. Ultimately, there should be simple process steps for a potential new business that they can read and follow. City Manager and Councilor Brown reviewed the tasks for March and added new tasks for April & May. Understanding the role of the Heritage Commission for signage etc. and will attend a meeting in March around this because there are ideas floating around from the City's point of view. For April, a task will be created for working on the process draft document. A new task to provide a draft version to the Council and appropriate official of the new business process will be planned for May. Update the process on the City Website will be pushed out.

City Manager Milner stated that the Business Fair is currently on hold and asked if Councilor Rago could take that portion over. There was no objection.

Safety was the next area discussed. Councilor Testerman stated that she met with Police Chief Goldstein and completed a ride along with an officer, sat with the dispatcher for a while, and reviewed some data with Chief Goldstein. She stated that the time spent on any situation or issue fluctuates significantly and difficult to generalize. Testerman stated that regardless, she will create a report out on her findings. She shared some of the ideas she had been hearing on public safety. One is to see an officer walking the downtown on foot. Up-to-date equipment was also communicated to her. She will be meeting with Fire Chief Foss to review various Code Violations and then also with Director Lewis to understand the types of Planning & Zoning Code requirements. City Manager Milner stated that a metric should be created for March for the Police Visibility task. For April, identifying visibility tasks were created. None were added for May.

The area of Resources/Franklin for a Lifetime was discussed next. Councilor Moquin provided a hand out on why marketing is important. She did some research and asked everyone to think about it in terms of providing a service from a municipality standpoint; taxpayers being our customers. She stated to think about the communication piece differently than creating our Newsletter but rather share our Vision and Mission. This message as well as updates on current projects needs to get out there so our residents can understand it and we can gain their support.

Moquin provided the following handout.



Promoting Franklin For A Lifetime

FRANKLIN

Photo by Unknown photographer / Public domain

Contents

- Why Market a Municipality?
- January Action Item Review
- February Action Item Review
- What's next for March and beyond?

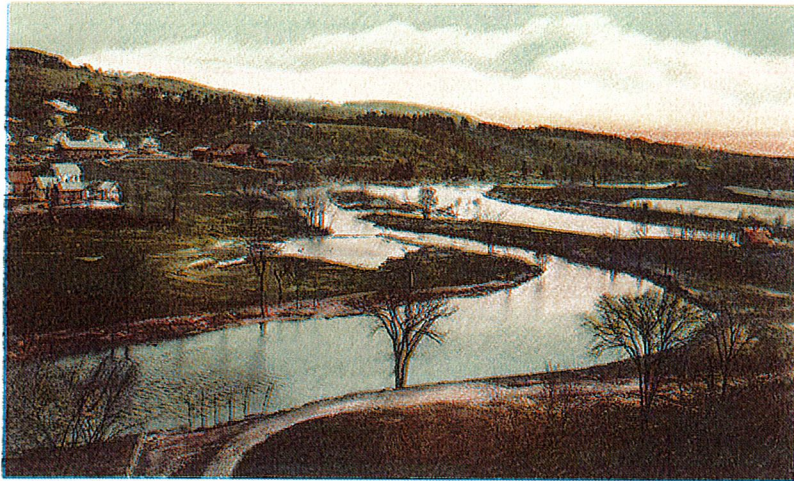


Photo by Unknown photographer / Public domain

Why Marketing?

- Marketing can help Franklin Government to be more responsive and accountable to it's citizens-addressing complaints, correcting mis-perceptions and improving customer service
- Helps communicate our efforts toward efficiency and transparency
- Improves communication of new programs and support/adoption by citizens

Additional Effects

- Draw visitors and tourists-specifically outdoor enthusiasts
- Attract downtown foot traffic/shoppers
- Enhance housing market/bring homebuyers
- Increase commercial real estate development
- Increase census gradually

January Action Items

- Research current funding: Current funding for marketing in Franklin is \$5,000. This has been spent on economic development videos.
- Research best practices in other communities: The best examples that I could find for formal marketing strategies involved large cities which did not translate well for the work that we hope to do. The closest examples that I could find involved chambers of commerce-not municipal offices.
- Research State of NH resources for promotion
 - Department of Business and Economic Affairs
 - www.nheconomy.org
 - www.choosenh.com
 - www.visitnh.gov
 - www.visitnh.gov/film
 - Department of travel ad tourism

Moquin's January task items were updated. She stated that funds for marketing were already spent on the creation of videos. There are many Ideas in the handout she provided that are "free". She found it challenging on "The Research and Best Practices in other communities" task. The big cities have big budgets in this area and have teams dedicated to this. Communities that compared in size to us weren't doing much if anything at all. Moquin sees this as an opportunity for a coordinated marketing effort. She stated that she found State websites with calendars that weren't being updated with events or other information. A future task could be having an IT group do some data mining on how many hits the State of New Hampshire website receives. She mentioned no and low-cost social media options as well. March tasks overlap with some of the calendar updating activities. A Marketing Task force is forming and they will begin looking at this.

February Action Items

- Identify no cost social media options: facebook, Instagram, twitter, snapchat.
- Identify Low cost social media promotional opportunities: sponsor ads on above-minimal cost and could heavily promote to outdoor enthusiasts
- Identify low cost print options for industrial/commercial promotion-this is probably impacted by current contracts-needs additional follow up with city finance office.

March Action Items

- Identify areas for possible collaboration with other strategic projects (George's calendar, Jo's business development project, Vince's Promoting Franklin Pride)
- Work with city liaison (Audrey) to identify a task force to work on a formal marketing plan-promoting recreation and commercial/industrial business.
- Work with Audrey to identify a city employee to manage social media accounts—are there any interns available to do this?

Potential April & May Items

- Identify a liaison from the marketing taskforce to network with leadership from white water park, economic development and Franklin Outing Club
- Taskforce should identify current list of social media accounts that identify as "Franklin". Who is managing them? Is there coordination/approval from the city. (Franklin NH Public Library, Franklin NH Police Dept, Franklin, NH "local business", Franklin NH "city"
- Consider marketing in 2020 budget process.
- Work with State Economic Development office to announce/promote use of surplus funds for white water park.

Moquin stated that hopefully we can consider getting the word out that we are looking for a Marketing major from Colby Sawyer who can be connected to all that is going on in our City and helping promote it on Social Media etc. Moquin also stated that visuals and imagery of our outdoors would be such a great thing and how the City should also identify a liaison that could coordinate information between the Whitewater Park, the Downtown Group, the Franklin Outing Club, and many other organizations. She also noticed many websites that say "Franklin" type of sites but they aren't official by any means. April and May tasks could possibly include adding some budget preparation tasks for FY2020. The measurables might be a little difficult. That could be the number of followers and the number of hits.

Councilor Dzujna mentioned that with all our current rebranding and downtown efforts, this is a great time to begin jumping on this and running with it.

Franklin What's happening on Instagram?

- *#Portsmouthnh=203,000*
- *#Manchesternh=76,700*
- *#Concordnh=51,100*
- *#claremontnh=4205*
- *#Berlinnh=2,252*
- *#newportnh=1896*
- *#Bristolnh=1379*
- *#Tiltonnh=1367*
- *#Belmontnh=1220*
- *#Franklinnh=1,031*
- *Pittsfieldnh=720*
- *#Andovernh=390*
- *#Northfieldnh=315*

Works cited

- *Mitz, J.H. "The Case for Marketing in the Municipal Sector." Marketing in the Public Sector, www.jimmintz.ca/2009/04/30/the-case-for-marketing-in-the-municipal-sector/.*

Councilor Clarenbach stated that the School did not have their LEAN meeting due to Richard having to cancel due to business travel and rescheduled to March 5th.

Economic Growth was reviewed next. City Manager Milner stated that the opportunity zones were identified and the City is going out for a \$125K grant with the New Hampshire Community Loan Fund to hire lawyers and accountants and other things needed to set up the opportunity zones. The City pitched one opportunity zone and it looks like it will go through for three downtown buildings. City Manager Milner continued to share that an Economic Development Meeting will be scheduled for April and May which will consist of pitching to investors. It is better from a tax perspective for investors to invest by the end of 2019. Part of the grant is having PermaCityLife on top of the opportunity zones.

City Manager Milner stated that the UNH Cooperative Extension Group is holding a three-day workshop on May 6-8 and she will be speaking at the May 7th Franklin workshop, highlighting our Economic Development. There will be tours of the downtown as well as Youth Government Kick off week.

In the Talent area of Promote Franklin Pride, Councilor Vince Ribas will champion. Councilor Ribas stated that there was a miscommunication that a meeting would be scheduled with himself, Audrey Lanzillo, George Dzujna, and an IT contact for the City. He asked if he could push January's tasks to March and February to April.

City Manager Milner informed the group that she has 10 submissions in the City Manager's Contest. Two of them stand out the most at this point. Councilor Ribas stated that it would be a good idea to make all of the ideas public to show our Franklin Pride. The May tasks are undetermined at this time.

For tasks relating to the Training for City Employees, City Manager Milner stated that on January 28th, all the department heads met with Richard and reviewed the 5s training. The City Manager's office will pick three Fridays in March and push through the 5s process. The City Clerk's office needs one more day to complete theirs. The Fire Department is finished with their 5s process. The Police Department, the Finance Office, and MSD are gearing up to start their 5s process. Recreation will start in April and the Proulx Center will start in May.

The second part of the training is on Skilled Matrix which will contain 15 skills and 5 of them will be City-wide. In other words, if you are a City Employee, you must have these 5 skills. There will also be 5 department-oriented skills and then 5 more will be job specific. Employees will do a time study by writing down what they do and how long it takes them. Department heads will begin working on this study toward the end of March. Once that is complete, the department heads can create their skills matrixes set. On a scale from 1-5, the department head will determine where the employee falls on the skills matrixes and where they need to be. We are a little behind in the skills matrix area and will need to move February actionable items to March, March to April, and April to May.

Councilor Dzujna asked City Manager how 5s was received with the City employees who started working on them. Milner replied that no one really had the warm and fuzzies about it but once it got moving and they understood why we were doing it, everyone got on board. The new set-up is clear of clutter, clean, and more efficient. She mentioned that she watched the City Clerk operate after this was done and they were like a smooth engine.

Councilor Trudel asked how we should group the remaining areas together so all the departments get through 5s by June. All the department heads will train their trainees and then the trainees will train the others in their departments. Trudel asked that we add the departments and the date(s) that we expect to have each of the departments completed with 5s.

Councilor Clarenbach asked for clarification with regards to the Skills Matrix. Councilor Ribas believed that it means that everyone is at a level 3. City Manager Milner will speak with Mr. Ellert and get clarification on what the measurable is on this one. Councilor Trudel stated that the City employees are approaching the budget season and will start getting very busy. He believes that due to those demands, the City won't see a cost savings for some time. He also asked how the City will identify and account for cost savings when they are realized.

City Manager Milner stated that she took all the "values" on the chart and created her mission statement so if it doesn't align with the mission statement, then it moves down to the bottom. She also wants everyone to start pushing out the Vision and Mission statement for every building and/or business by creating something to hang in every public City building and also start adding both Vision and Mission to all agendas.

City Manager Milner reminded everyone where the matrix will be posted all the time. The next meeting will be held on March 25th @ 6PM in Council Chambers. This meeting will reoccur on the 4th Monday of every month.

Motion to adjourn was made by Scott Clarenbach. Seconded by Councilor Dzujna.

All in favor. Motion PASSED.

Meeting adjourned at 8:08PM

Respectfully Submitted,

Audrey Lanzillo



PENDING CITY COUNCIL APPROVAL

**City Council Workshop Meeting Minutes
March 4, 2019 – 6:00 PM
Franklin City Hall**

Call to order

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

City Council in attendance:

Councilor Jo Brown, Councilor Scott Clarenbach, Councilor George Dzujna, Councilor Heather Moquin, Councilor Kathy Rago, Councilor Vince Ribas, Councilor Karen Testerman, Councilor Paul Trudel.

Absent:

Councilor Bob Desrochers

Salute to the Flag was led by Councilor Brown.

Public Hearing

Public Hearings opened at 6:06PM

Resolution #14-19, a Resolution granting the City Manager the authority to file an application with the Community Development Finance Authority Tax Credit Program to support the development of the Mill City Park Project.

Werner Horn, Ward 2 resident stated that there is an earmark in the current state budget for \$1.5M. He stated that he is in full support of the project and asked the City Council to move it forward as quickly as possible. Time is of the essence and we don't want to get put aside by another City putting in a request that could affect ours.

Mayor Giunta asked if there were any other comments. There were none.

Public Hearing on Resolution #14-19 closed at 6:02PM

Resolution #15-19 – A Resolution relating to the Appropriation and Expenditures of DES Grant Funds for the completion of site Cleanup work at the former Macosko Foundry Site.

Mayor Giunta asked if anyone had comments. There were none.

Public Hearing on Resolution #15-19 closed at 6:03PM

Public Hearings on the Community Development Block Grant Project

1. A proposed application to the Community Development Finance Authority for \$12,000 in Community Development Block Grant Planning Study Funds.
2. The Housing and Community Development Plan,
3. The Residential Antidisplacement and Relocation Assistance Plan.

City Manager Milner provided some background on the Block Grant mentioning that it will seem a bit familiar as it was discussed at a previous City Council Meeting several months back. At that time, the Council approved # 1 and #3 but the Public Hearing portion on #2 was missed so it is being discussed in its entirety tonight. All of which is needed for the application coming through PermaCityLife for a feasibility study of an Art Block in the Franklin Downtown area.

Milner mentioned that there has been a change in staff at CDFA and they want all three items to be made public and reapproved even though #1 and #3 were already approved.

Mayor Giunta read aloud the following information on the CDBG Application the Planning Feasibility Study of the Art Block.

PUBLIC HANDOUT CITY OF FRANKLIN
CDBG Application
Public Hearing
March 4, 2019

Public Hearing on Planning Study for Art Block

Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available on a competitive basis for economic development, up to \$500,000 for public facility and housing projects and up to \$350,000 for emergency activities that directly benefit low and moderate income persons. Up to \$12,000 is available for feasibility study grants.

This is a proposed application to the Community Development Finance Authority for up to \$12,000 in Community Development Block Grant Planning Study funds. The funds will be used to retain a Project Manager to guide the pre-development process and to retain professional consultants to prepare schematic floor plans with square footage, a structural engineering report for a rooftop garden, preliminary architectural renderings and design for construction and fit-out of the Art Block, including cost estimates for the renovation. The majority of persons in Franklin are of low and moderate income.

This project conforms with Franklin's Housing and Community Development Plan's Goal of: Participate in economic development activities.

The Mayor paused and invited anyone to address the council.

Leigh Webb, Ward 3 resident addressed the Council asked for a clear definition of an ART Block. City Manager Milner replied that there have been several ideas which include individual artists having booths that may offer some free classes. Various artists may share a space. These ideas still need to be discussed and worked out. The exact venue and location need to be worked out as well. The old Knights of Columbus building on Church Street is being considered. This building might connect to the white building here on Central Street. Mr. Webb asked if the artists would be living in the building as well but Milner wasn't exactly sure if that would be part of the study.

Mr. Webb asked if this was a mandatory first step to which Milner replied that it is and then he asked what the other next steps would be. Milner responded that the next steps will consist of going to the Community Development Finance Authority (CDFA) to request another different type of Economic Grant that would actually produce the work for the project that aligns with what Mayor Giunta read aloud a few moments ago in the statements above.

As a reminder, Mr. Webb stated that one of the goals within item #2 above was to preserve historical significant buildings which encompasses the entire historical area including the building at the corner of Canal and Memorial and he is hoping that something can be done to repurpose the building as it is just as historical as the Mill buildings that Chinburg has saved. He also mentioned that his wife, Annette Andreozzi shared the history of that building at a previous City Council meeting and that it would be a great story to include about the Downtown area of Franklin.

Annette Andreozzi, Ward 3 resident expressed concern over the goal of this feasibility study. She stated that it is too vague, not defined well and doesn't know why the City should pay for something that the goal isn't defined. She also expressed concern about giving the City Manager approval to accept the grant but wonders if this also means the money could be spent without coming back to City Council.

City Manager responded stating that the goal of all the downtown projects is for Economic Development and attracting more people to come to our City and do things while they are here. The request to provide City Manager Milner authority to accept the grant is just that. If it is awarded, it comes back to City Council for Appropriation.

Mayor Giunta asked if anyone had any further comments. There were none.

Public Hearing for Planning Study for the Art Block closed @ 6:14PM

Public Hearing on Housing and Community Development Plan

This plan outlines housing and community development goals for the Franklin. This is the same plan as last adopted in 2015, no changes have been made to this updated plan.

HOUSING AND COMMUNITY DEVELOPMENT PLAN

V. Introduction

The purpose of the Housing and Community Development Plan for the City of Franklin is to identify the characteristics and general need with regards to housing and community development.

The city of Franklin's housing and community developments primary objectives are consistent with the City of Franklin, Master Plan, Merrimack county Housing and Community Development Plan, State and Federal Objectives.

The plan intent is to promote discussion and stimulate thinking about the future. The plan is further intended to be used by city officials during Community Development Block Grant application process, which provides a direct benefit to low- and moderate-income persons in the City of Franklin.

VI. Goals and Objectives

The City of Franklin's housing and community developments primary goals and objectives are as follows:

Goal: The City of Franklin wishes to remain a balanced community with a high quality of life for all residents. (Long Term & Short-Term Goal).

Goal: Address issues of affordable housing. (Long Term & Short-Term Goal)

Objectives: Encourage safe, decent, attractive, and affordable housing for all segments of the population, with focus on the increasing elderly population.

Support efforts to improve water quality and wastewater treatment in compliance with NH DES regulations.

Goal: To protect historically significant buildings, (Long Term & Short-Term Goal)

Objectives: Promote rehabilitation and preservation of historically significant buildings.

Renovate the historically significant Franklin Opera House to meet handicap accessible regulations.

Goal: Participate in economic development activities. (Long Term & Short-Term Goal)

Objectives: Retain existing manufacturing/industrial jobs, expand job opportunities in all sectors.

Encourage employee readiness through education and training.

Encourage downtown revitalization.

Goal: Address public facility and social service improvement and coordination that will benefit the residents of Franklin. Encourage affordable daycare options for residents. (Long Term & Short-term Goal)

As a matter of policy, the City of Franklin will minimize the involuntary displacement of households from their neighborhoods.

These goals are consistent with Franklin's Master Plan and Ordinances.

Any federal CDBG grant funds awarded to address any of these goals shall be expended consistent with national objectives and shall, at a minimum, provide improved housing in accordance with Section 8 standards, be used to public facility projects, employment opportunities, or feasibility studies. All CDBG funded projects, shall primarily benefit low and moderate income persons or households, and shall not benefit moderate income persons to the exclusion of low-income persons.

Mayor Giunta asked if anyone had any questions. There were none.

The Public Hearing on Housing and Community Development Plan closed at 6:18PM

Public Hearing on Residential Antidisplacement and Relocation Assistance Plan

This plan outlines measures, under the Uniform Relocation Act, required for CDBG projects that involve any displacement or relocation of persons (or businesses), if the City were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

Mayor Giunta added that this project is a study so there is no displacement or relocation.

Mayor Giunta asked if anyone had any questions or comments. There were none.

The Public Hearing on the Residential Antidisplacement and Relocation Assistance Plan closed at 6:19PM

City Manager Milner reminded everyone that all of this information is available in writing on the table in the back of the room. If anyone has questions, please contact the City Manager's Office.

Comments from the Public

Jen Weaver, Ward 2 resident addressed the Council offering to help answer any questions that they may have with regards to the Teachers Union Contract. Mrs. Weaver stated that she was in contact with the Union lawyer and their lawyer, Matt Upton. The 5.5 is in the contract, the fair share, went into effect two contracts ago and was never acted on because of the Janus law. She stated that she knew it was going in to the Supreme Court and she made the decision with her Union Leaders to not act on it last year when they could have. If money had to be returned, she didn't know how that would be accomplished. Mrs. Weaver also stated that the decision not to enforce fair share was made by the entire board. This year, it was null and voided and against the law. Weaver mentioned that several schools and the state still have the language in their contracts. She doesn't understand why the City's lawyer is saying that it should not be approved with that language still in the contract because it can still be found in all of them. If the language is removed it's hard to get it back in. The Supreme Court overturns things constantly. Mrs. Weaver reviewed the RSA 273-A, regarding public law on employee relations, and it states that City Council acting on the contract, can ask the school board to renegotiate for monetary reasons and not on non-monetary issues like this. Mrs. Weaver stressed that by asking the school board to renegotiate based on this language violates RSA 273-A. The School Board's lawyer, Matt Upton, did not suggest a renegotiation. Mrs. Weaver stated that Mr. Upton advised the School Board that if it is going to be that much of a concern that a Memorandum of Understanding could be created that would say the language is unenforceable and not valid but it would be reinstated if the decision of invalidity was reversed. Mrs. Weaver offered to discuss this with the Union and then vote on it. Nashua, Manchester, Exeter, and Plymouth all still have the language in their contract and all renegotiated. They have actually collected on it and we never have. Mrs. Weaver offered to answer any questions the Council has.

Mayor Giunta stated that the City Solicitor has already stated that the language has to be corrected. Mrs. Weaver replied that she is willing to then take this back to the Union and create the Memorandum of Understanding. Mayor Giunta stated that this request would have to be a decision of City Solicitor, Paul Fitzgerald.

Deb Brown, Ward 3 resident asked the Council if Route 127 can be repaired over by the Dam due to the snow melting water damage. Brown also mentioned that the School Board has been short a member for six months and is aware that Olivia Zink has submitted interest to fill this board position. Brown stated that she is in support of Olivia joining the School Board and asked

if the Council would vote on this tonight and appoint Olivia Zink. Mayor Giunta replied that another interested resident in ward 2 may be submitting to this as well. Brown concluded in hopes that the City Council will remove the Teacher's Contract from the table tonight as well and vote to support it.

Christine Dzujna, Ward 1 resident acknowledged the Franklin Animal Shelter Board as they work very hard to keep it thriving. Mrs. Dzujna shared two upcoming events with the Council. March 23rd at 10am, the 15th Annual Saving Animals Indoor Triathlon Fundraiser will be held at Funspot in Laconia. Thank you, Fred Caruso for choosing The Franklin Animal Shelter as one of four recipients of this very popular event. The second event will be a Dinner Dance held on April 13th, 5-11PM at the Elks.

Fire Chief Michael Foss introduced the new Deputy Fire Chief, David Hall to the Council and the public. Dave comes to us from the Tilton/Northfield Fire Department, also worked at the Belmont Fire Department, and served the country in the U.S. Army. He also has some private insurance business experience as well. Dave will be overseeing training and operations for the Franklin Fire Department and fulfill all duties as the Fire Chief in Mike's absence.

Deputy David Hall stated his pleasure to be here this evening and is excited to move his career in an upward trajectory. He lives in Sanbornton, has always considered Franklin a neighbor, and now considers it his community. Applause was provided by all.

Police Chief David Goldstein addressed the Council and public with regards to the hit and run last week in front of City Hall. He stated that the individual is undergoing serious medical treatment. Anyone with information should call the Crimeline at 603-226-3100. A reward up to \$1,000 is being offered for any information leading to an arrest and conviction of the person responsible. There are strong leads coming in that could lead to the perpetrator; the public's help is still needed.

Kandycy Tucker, the Mayor's Drug Task Force Coordinator informed the Council and public that the Drug Task Force is holding their Annual Event this Wednesday, March 6th from 5-7PM here at City Hall. Community Awards will be presented, highlights of what the Task Force has been working on, and plenty of networking is planned.

Mayor Giunta mentioned that there is a person in the audience tonight who will be appointed to the Mayor's Drug Task Force. Task Force Coordinator, Kandycy Tucker introduce the newest member, Mark Latham, who is from Genesis. Mayor Giunta shared a story about when he moved to Franklin back in 1986 from Dedham MA and went to school there with Mark Latham. Mr. Latham ended up moving to the same town as Mayor Giunta but neither knew about it until they happened to stumble upon each other due to a wrong turn when driving one day and saw the Giunta name on a Farm sign. Mayor Giunta is very proud to have Mr. Latham on the Drug Task Force. He will be a great addition to the team and also worthy to mention, a terrific baritone. Welcome and applause for Mr. Latham was provided from all.

Leigh Webb, Ward 3 resident stated that he saw an open position on the CIP Committee in the City Newsletter. Mr. Webb wondered when the CIP Committee meets again since he thought it was once every four years. He filled out an Appointee Profile a while ago and is still interested. Mr. Webb also mentioned that there was a recent statement made that the Trestle is a vital piece of Franklin history. He completely agrees but doesn't want people to lose sight that the Upside-Down Bridge is as well and hopes that any money that is left over from the grant money could be used toward the Upside-Down Bridge. He also noticed that Mill City Park will be a free park and asked if there is a business plan that the public can view.

City Manager responded letting the public know that at the April 22nd City Council LEAN Workshop Meeting, 6PM at City Hall, there will also be an Economic Development update to include the rollout plan on Mill City Park.

Werner Horn, Ward 2 resident reminded the Council that on June 2018 the Public Hearing on the Budget happened so late in the budget season that there wasn't any time to act on anything so the Manager's Budget defaulted. As this budget season begins, Mr. Horn reiterated that there is a Revenue Problem in Franklin. Our Fire Department and Police Department are significantly underpaid. Roads are deteriorating back to dirt instead of getting repaved. Tax revenue is always a sore point. Increases in our City taxes have occurred every year it has just been kept under the tax cap. There are more and more properties being taken for taxes but the tax cap isn't really keeping anyone in their home regardless. It's just a matter of time that it happens like a slow death. Others feel the loss of services. Mr. Horn stated that as long as the taxes were being used appropriately, the citizens don't mind paying them. There is a lot more wear and tear on our ambulances because they have to go to Concord. Preserving the Tax Cap isn't helping and only allowing the slow death of Franklin.

Mayor Giunta asked if there were further comments from the public. There were none.

Public Comment closed at 6:40PM

Legislative Comments

Representative Dave Testerman, Ward 2 stated to the Council that the legislative sessions have been very interesting and there are more to come. Legalizing marijuana bill passed. A bill on the Death Penalty is coming up. A couple of bills regarding school funding have also passed. Representative Testerman stated that Representative Horn could provide more detail on these and caution everyone because these bills haven't been through two thirds of the house yet and should not be considered money in the bank for Cities to plan ahead with yet. Representative Testerman mentioned that there is a School Board Governance Association that can teach School Board members on how the system works and suggest innovative ways on making improvements to the way things are working. There will be one of these teaching sessions on March 23rd to discuss School Board and School Board Funding. This session would be good for

the public not just members of the School Board. Anyone interested may contact Representative Testerman for more details on this session.

Representative Werner Horn, Merrimack County Second District Community of Hill and the 1st and 2nd voting wards of Franklin informed the Council and public that he is on Division 2 of Finance and will be directly responsible for locating funds for Adequacy Reform; Bill 709. This bill contains information on the Stabilization Freeze and Stabilization Return which means Bill 177 will be effectively dead. In the future, you will hear us vote down Bill 177 because the same language is part of Bill 709. Horn stated that there is an upcoming Budget Hearing on March 11th at Lakes Region Community College. If anyone missed the opportunity to speak on Bill 709 or any portion of the budget, please attend the March 11th meeting at LRCC. A second meeting will occur on March 18th in Representative's Hall in Concord. The Laconia meeting will be smaller with less wait time to speak. Horn urged everyone to attend these budget hearings and make your voices heard. In the Bill's current form, \$100M needs to be found to fund Adequacy Reform.

The Nursing Home's budget has been reviewed showing lots of increases around employee compensation. The County's Budget will hold a public hearing soon. The House held a two-day session last week and will be in session again this week. Horn gave mention to the downshifting of costs to the County's Corrections Facilities. One of the bills that passed mandates second opinions for inmates on medical issues provided the inmate can pay for the medical issue second opinion. An issue is that there is no provision for transportation that means our Sheriff's Department will be on the hook for spending money to bring the inmates to their appointments. That is an unfunded mandate and a direct violation of RSA 28: A. Representative Horn stated that he objected it and will continue to do so.

Representative Horn stated that Division 2 Finance meets almost every day until the beginning of April. Please reach out to Horn with questions on budgets for the Department of Safety, Department of Transportation, Department of Education, Fish and Game, Lottery, Police Standards and Training, University Systems of New Hampshire, and the Community College System. He asked if the Council had any questions.

Councilor Brown began her question stating that everyone knows she tabled the Teacher's Contract at the last City Council Meeting asked Representative Horn to respond to a comment that he made on social media stating that Franklin keeps electing councilors that keep repressive policies on education in place. Brown asked Representative Horn what he meant by that statement.

Representative Horn responded by stating that when only 16% of voters come out to elect an official, the bulk of voters clearly are not participating in the electoral process. Those that voted chose councilors that do not support the Franklin School District proven by votes that have been taken. Horn referred to the Custodial budget that got thrown out because it hadn't been validated by the City Council. There were City Council members who knew that it hadn't gone

through the proper channels and didn't say anything so that the school board was left hanging knowing it wouldn't go anywhere. Anything that was a problem in the Teacher's Contract was a known problem before it was presented so it should have never made it to the agenda. Horn believes that this is messing around with people's livelihoods and that he does not appreciate it.

Councilor Brown responded stating that when the Council received the Teacher's Contract for the first time, it was in draft form and distributed in the Council Packet just before the City Council Meeting. Brown also stated that the Council was led to believe that the contract was going to be roughly \$212K but now see that it is \$251K. Some savings was supposed to come from unfilled teachers' positions. The only thing lost was instant gratification because the contract wasn't approved two weeks ago.

Representative Horn stated that when the Council tabled the Teacher's Contract, it disenchantized the people who are represented in the contract. Rather than the public display of tabling, Horn hoped there would have been some coordination prior to the meeting.

Councilor Brown expressed that the City Council has fiduciary responsibility to the residents of Franklin and should be allowed the appropriate time to look at a contract and question it if necessary, prior to voting on it. Representative Horn agreed that appropriate time and questions are expected but if there are questions and concerns, it shouldn't be part of a City Council meeting.

Councilor Ribas interjected and asked Mayor Giunta and Council what relevance this has to the Legislative Comments portion of tonight's meeting. Mayor Giunta stated that he allowed this discussion because the Council gets scourged many times without a chance to rebut on comments made. This accusation affects the reputation of the City. Mayor Giunta also added that comments were made stating that Council members were aware that the Custodial Contract was illegitimate beforehand and those Council members said nothing and should have said something. Mayor Giunta asked the Council directly who knew beforehand. None of the Councilors replied that they knew of any problems in previous contracts and knowingly let it pass regardless. Representative Horn reiterated that all the Councilors and the Mayor know how the process works and what he is saying is not that there is a conspiracy but that the Council and the School Board are lacking in coordination and didn't take time to meet and discuss prior to a City Council meeting.

Mayor Giunta responded that he is completely unaware of anyone on the City Council knowingly allowed the Teacher's Contract to come to City Council, knowing it would not be ratified. Mayor Giunta stated that the City Council has worked very closely since he has been in office and members of the School Board present at the meeting were nodding their head in agreement with the Mayor. He was visibly upset by the remarks that Mr. Horn made and suggested.

Representative Horn stated that he attends almost every single City Council meeting except for one or two on occasion and can address these kinds of concerns during Public Comment time or on the side but this time, as Councilor Ribas mentioned, is for Legislative Comments.

There was disagreement on how this topic came up in the first place and the Mayor proceeded to ask if there were any further comments from the Council for Representative Horn. Councilor Testerman confirmed that the contract was provided in draft form and not ratified immediately so therefore the Council was excoriated on social media and that is not the right way to handle your concerns. Representative Horn replied stating that he can make any comments he wants to on social media and everyone has a right to discuss it with him.

Councilor Trudel asked Representative Horn if he could speak to his constituents in Concord with regard to taxing money that leaves our Country via wire transfers. Since we already have the lottery that is supposed to earmark funds to education, this is a good idea and should be considered for school funding. Representative Horn confirmed that 100% of lottery profits go to the Education Trust Fund. Councilor Trudel clarified that anyone transferring money outside this county via Western Union or any other means of transfer be taxed regardless of who the person is doing the transfer. Trudel stated that other states are doing it and making \$30-\$40M and there is no reason why we shouldn't be doing it as well. Representative Horn thanked Councilor Trudel for bringing this up as it has his attention and stated that he will bring this suggestion back to his counterparts on the Finance Committee and the Ways and Means Committee to discuss.

Mayor Giunta thanked Representative Horn and asked Representative Hill if he had any information to share with the Council. He did not.

Mayor's Update

Mayor Giunta stated that there are two people showing interest for the school board seat and in addition, Councilor Heather Moquin is resigning as a City Council Board Member. Her last day will be March 14th. Mayor Giunta scheduled a review of the Appointee Profiles for the School Board and the City Council seat for next Friday, April 15th @ 6PM in Council Chambers.

Mayor Giunta thanked Councilor Moquin for her service to Franklin and told her that she has been a wonderful Councilor to work with. Applause was provided by all.

Agenda Item I.

Council to consider the minutes of the February 4th City Council Meeting.

Motion – Councilor Ribas moved that the Franklin City Council approve the minutes, with amendments he provided to Audrey, for the February 4th City Council Meeting.

**Seconded by Councilor Trudel.
All in Favor. Motion PASSED.**

Agenda Item II.

Hill Bible Church

Mayor Giunta welcomed Associate Pastor, Andrew Hemingway of the Hill Bible Church which is opening up across the street. Hemingway opened up with a prayer and introduced Senior Pastor of the church, Dan Boyce. Part of the ministry of this church will be providing help and education for the addicted adult. They held meetings at the (now closed) Hope Center and had a good success rate so therefore would like to continue their service. Hemingway realizes the seriousness of a task such as this and is committed to this for the long term.

Councilor Dzujna asked if there will be trained and certified counselors on staff. Hemingway replied that the program will be held every Friday night at 7PM and certain willing members will be paired up to mentor someone who is in need. They mentors are not officially trained in Drug or Alcohol Counseling. The congregation has approximately 120 members.

Councilor Rago asked Hemingway how people can connect with him outside of the meeting or service times. Hemingway shared a contact email address: Hillvillagebible.com or stop by a meeting on Friday night.

Mayor Giunta mentioned that Pastor Andrew Hemingway ran for Governor back in 2014 and welcomed him to our community. Applause was provided by all.

Agenda Item III.

Superintendent Dan LeGallo started with mention of the LEAN process meeting tomorrow night for the School Board and School District Administration. The meeting will start at 6PM in the SAU Office. LeGallo also mentioned that the Elementary School was nominated as a School of Excellence. Councilor Brown, Councilor Dzujna, Councilor Testerman, and Councilor Rago all met with Superintendent LeGallo. They discussed many things; the meeting went well.

LeGallo mentioned that Commissioner Edelblut will be visiting the SAU early morning of March 15th. They will be in meetings from 9-11 however all are welcome to stop by to say hello before 9am.

A couple of months ago, the subject of a Transient or Mobility rate for students was discussed and Mayor Giunta asked Superintendent LeGallo to analyze some of the data he has then come back to City Council and provide some of those numbers to the Council.

Superintendent LeGallo looked at students who were “mobile” from January 2018-January 2019. What he found was that 1 in 7 students or 13% were mobile. This means that during this particular year, 109 students from preschool through twelfth grade enrolled or left the district. LeGallo stated how significant that number is. This has a significant relation to how the students were performing, how the teachers connect to these students, and also with the dropout rate.

Councilor Brown agreed that they had a very good meeting and mentioned that School Board Chair Dow shared some great statistics on reading improvements. Brown acknowledged the Title One Teachers as they worked hard with the children toward those improvements. Brown also asked if a hand-out with these statistics could be made up and shared with the Council for next month.

Councilor Ribas asked Superintendent LeGallo if there were mobility rates to compare against other school systems and a national average possibly. LeGallo replied that those are the next steps.

Councilor Dzujna commented that due to this mobility, Franklin is affected in many negative ways through bad publicity and the adequacy formula. Dzujna asked LeGallo if the Commissioner can be made aware of this. LeGallo agreed and stated that will be discussed with him when he visits on March 15th. LeGallo added that there were a few students on the mobility list that left to be home schooled.

Councilor Testerman thanked Superintendent LeGallo for sharing this information.

Mayor Giunta thanked Superintendent LeGallo as well and asked him to continue with this great work.

Agenda Item IV.

Lead Paint Action Committee

Chris Seufert greeted the Mayor and City Council and stated his tenure practicing law in Franklin for the past 35 years and 25 of those years involved cases of Lead Paint poisoning. This is still a problem. Approximately 18-20 years ago, Franklin had a Lead Paint Action Committee (FLAC). The funding came from CDC, EPA, and HUD. Mr. Seufert stated that in 2010, the EPA declared the war on LEAD Paint was won. The funding dried up but children were still getting poisoned. The Council was very supportive of the Franklin Committee back in the day. The Mayor and City leaders would show up at the meetings. Many people were involved in this back then. There was even a small revolving loan fund for LEAD Paint abatement. There is, once again, some funding to address this. Although not as much as years ago but some is better than none. What is needed from the City is a blessing and three City Officials to be nominated to sit on this committee.

Kristin Cornell from the New Hampshire Legal Assistants organization started a Childhood Lead Poisoning Prevention project and is here tonight to present some information on statistics and what their goals are.

Ms. Cornell began with some statistics mentioning that New Hampshire is one of the highest risk states in terms of childhood lead poisoning mainly due to having a very high percentage of old homes. She stated that 62% of NH homes were built prior to 1978, which is when lead paint was banned from interior use. In Franklin, 50% of homes were built prior to 1978 and likely still contain lead paint. She stated that Lead poisoning causes behavioral, mental, significant learning disability, and irreversible brain damage. Kristin shared that some of the laws were changed to add some protection for children. If a child's blood lead level is a 10 or higher, responsibility is transferred to a property owner. Over the next year or two, that number will be reduced to 5 to be considered having lead poisoning. Between 2010-2015, there were 142 cases of lead poisoning in Franklin. Ms. Cornell continued to state that there is a \$17 return on investment (\$17 for every \$1 invested). Children with lead poisoning often require special education services and higher rates of criminal behavior which increase costs to the Justice System. There's also a correlation to unemployment in those who acquired lead poisoning. NHLA has partnered with the Conservation Law Foundation, NH Listens, as well as NH Housing to try and provide support to groups like the one Franklin had years ago. She is hoping that high risk cities will form a coalition to address this problem at a municipal level. Three to four individuals would be needed. City Council members, someone from the education community, and someone from the health care industry. The NHLA and NH Conservation Foundation will provide technical support and \$1K to assist the cities with coming together. There will be a kick off event on May 2nd to bring the communities together and brainstorm. If anyone would like to assist in this effort, please contact Chris Seufert or Kristin Cornell by the end of this month or early next month.

Council Ribas asked if there is a rank between water issues against lead paint poisoning. Ms. Cornell stated that paint is the big issue right now due to the number of old homes. She shared that part of the law that passed last year was to require all schools and licensed child care facilities to conduct water testing.

Councilor Ribas asked Ms. Cornell that if she thought the reason parents who have an option to opt out of testing, do opt out, would they do that because of a stigma. He also asked what the cost of testing is. Ms. Cornell responded that the reason for the parental opt out was to give them the option due to the actual drawing of the blood. They didn't want to have to force parents to put their child in that situation. Legislation requires that insurance including Medicaid would pay for it.

Councilor Dzujna asked when the best time to test a child would be. Ms. Cornell replied that between ages 1 and 2 because that is the age when they are mobile and putting things in their

mouths. The earlier the better so intervention can begin. Some cities require testing to be done before a child enters kindergarten.

Councilor Rago asked if the affected homes are typically rental homes. Ms. Cornell wasn't sure however through her experience and the data that she has access to shows that these cases happen through low income where there is little to no maintenance done at the home or even do-it-yourself work where the homeowner just doesn't know the risks and precautions that need to be taken. There is also a law that states the responsibility of a homeowner when lead has been discovered at the home. Unfortunately, these laws aren't being followed and this is another area she hopes municipalities can address.

Chris Seufert stated that DHS shows that the affected rental property ratio is 2 to 1.

Councilor Dzujna recommended also to ask for the school nurse to participate in the committee.

Mayor Giunta asked Councilor Paul Trudell to convene a meeting with the Legislative Committee also work with Judie and Kristen Cornell then come back to City Council with recommendations on next steps.

City Council Acknowledgements

Mayor Giunta apologized for missing the Council Acknowledgement time on the agenda.

Councilor Dzujna thanked MSD for all their hard work on the roads. He also mentioned that the Veterans held a meeting last month up in an area where the roads were terrible. Cars were stuck and all over the place trying to get down from the hill. MSD came to the rescue and immediately put sand and salt all over the road. Mayor Giunta stated that it's been a tough year and he thanked Brian Barry as well.

Councilor Trudel addressed City Manager Milner, Mayor Giunta, and City Council asking for everyone to view the handout he provided. The handout was an actual letter that was published in the Laconia Daily Sun dated 2/5/19. The topic of the letter pertained to the Teacher's Contract. Trudel expressed concern trying to understand the reason for the letter being printed. There were Councilors mentioned in the letter however none of them were contacted to discuss the contents validity. The City Manager was not contacted to discuss this letter either. Councilor Trudel wanted to let the author know that the School Board financial books were in disarray. He continued to state that the School Board informed a City Councilor that they wouldn't have a good idea of their Fund Balance until sometime in March. Trudel also informed the author of the letter that the City Council is responsible for all funding for the City including the schools as is noted in the City Charter. Trudel stated that approval of the Teacher's contract, without knowing whether the City can afford it or having the illegal clause not remedied, would be irresponsible to Franklin's citizens and the teachers.

Councilor Trudel would also like the author of the letter to know that in December 2018, the school board requested an additional \$350K of unassigned fund balance to support their 2019 budget which the City Council did actually approve via Resolution #06-19.

In closing, Trudel addressed the author by stating that it is not hurting the City Council as they are doing what they were elected to do; looking out for all of Franklin's citizens. The volunteers are affected by this however because they are also trying to make this City a better place. Some of these volunteers are making substantial financial obligations and letters like this are not helping this community.

Councilor Testerman acknowledged the Franklin Police Department and the Franklin Fire Department for their willingness and readiness to provide any information requested that is part of the LEAN project efforts. Testerman thanked Police Chief Goldstein and Fire Chief Foss.

Mayor Giunta recognized veteran Chet Houlis who was 95 and served for 40 years in the U.S. Navy. The Mayor also recognized Joanne Benner who served in the U.S. Army from 1950-1953, which was the time of the Korean War.

Mayor Giunta asked if there were any further acknowledgements. There were none.

Agenda Item V.

Council to consider approval of Resolution #14-19, relating to an application with the Community Development Finance Authority Tax Credit Program to support the development of the Mill City Park Project.

Motion – Councilor Dzujna moved that the Franklin City Council adopt Resolution #14-19, hereby authorizing Judie Milner, City Manager to file an application not to exceed \$750,000 with Community Development Finance Authority Tax Credit Program and to sign all the necessary paperwork thereof.

Seconded by Councilor Trudel.

Mayor Giunta asked if there was any discussion to the motion on Resolution #14-19. There was none.

RESOLUTION #14-19

A Resolution Relating to an application to Community Development Finance Authority's Tax Credit Program.

In the year of our Lord, Two Thousand Nineteen,

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

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

WHEREAS, the City wishes to utilize the Tax Credit Program administered by the Community Development Finance Authority as another economic tool to fund construction of Mill City Park, **now**;

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, March 4, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution 14-19, authorizing the City Manager to apply for up to \$750,000 in Tax Credits under the Tax Credit Program administered by the Community Development Finance Authority and sign and take action on all relevant documents pertaining to the application for tax credits.*

By a roll call vote.

Roll Call:

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

Councilor Ribas notified the Mayor that Councilor Testerman's vote was not called for the roll call. Mayor Giunta thanked Councilor Ribas for catching that and Councilor Testerman's vote was then captured and included in this roll call vote.

All in Favor. Motion PASSED.

Agenda Item VI.

Council to consider approval of Resolution #15-19, granting authority to accept a NHDES Brownfield Revolving Loan Fund Grant for completion of the site cleanup work at the former Macosko Foundry Site on Chance Pond Road.

Motion – Councilor Ribas moved that the Franklin City Council vote to approve Resolution #15-19, for the acceptance of a NHDES Brownfield Revolving Loan Fund grant, in the amount of \$31,350.00, and approve these new revenues and the expenditures of these funds for completion of the site cleanup work at the former Macosko Foundry site on Chance Pond Road. I further move that the City Council authorize the City Manager to sign and take action on all relevant documents pertaining to the administration of this grant.

Seconded by Councilor Clarenbach.

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

RESOLUTION #15-19

A Resolution Granting Authority to accept a NHDES Brownfield Revolving Loan Fund grant, for completion of the site cleanup work at the former Macosko Foundry site on Chance Pond Road.

In the year of our Lord, Two Thousand Nineteen,

WHEREAS, the City Council of the City of Franklin, New Hampshire, recognizes the City of Franklin took the former Macosko foundry property through the tax deeding process in 2014, **And;**

WHEREAS, the initial cleanup of the property began in 2017 and needs to be completed, **And;**

WHEREAS, the City has been awarded a grant for \$31,350 from NHDS Brownfield Revolving Loan Fund for the final cleanup of the property, **Now;**

THEREFORE, BE IT RESOLVED, that at their regularly scheduled meeting of the City Council on Monday, March 4, 2019, the City Council of Franklin, New Hampshire does hereby authorize the acceptance of \$31,350, in grant funds, from NHDES Brownfield Revolving Loan Fund for the final site cleanup of the former Macosko Foundry site on Chance Pond Road, **and;**

THEREFORE, BE IT FURTHER RESOLVED, that the City Council does hereby adopt resolution 15-19 authorizing City Manager, Judie Milner, to sign all documents for acceptance of this grant award from NHDES and further authorizes an increase in fiscal year 2019 revenues and expenses:

Revenue: Federal Grant Acct. No. 01-9-014-33110-000, Thirty-One Thousand, Three Hundred and Fifty Dollars (\$31,350)

Expenses: Nuisance Abatement Acct. No. 01-1-302-40491-000, Thirty-One Thousand, Three Hundred and Fifty Dollars (\$31,350)

By a roll call vote.

Roll Call:

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

All in Favor. Motion PASSED.

Agenda Item VII.

Council to consider approval of 1) A proposed application to the Community Development Finance Authority for \$12,000 in Community Development Block Grant Planning Study Funds for an Art Block Study 2) the approval of the Housing and Community Development Plan 3) the approval of the Residential Antidisplacement and Relocation Assistance Plan.

Motion – Councilor Trudel moved that the Franklin City Council adopts the Housing and Community Development Plan.

Seconded by Councilor Ribas.

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

All in Favor. Motion PASSED.

Motion – Councilor Ribas moved that the Franklin City Council adopts the residential Antidisplacement and Relocation Assistance Plan.

Seconded by Councilor Dzujna.

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

All in Favor. Motion PASSED.

Motion – Councilor Brown moved that the Franklin City Council authorize the City Manager to sign and submit a Community Development Block Grant (CDBG) Planning Grant up to \$12,000 for predevelopment technical assistance feasibility study of an art block in downtown Franklin and, upon approval of the CDBG application, authorize the City Manager to execute any documents which may be necessary to effectuate the CDBG contract and any amendments thereto.

Seconded by Councilor Trudel.

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

All in Favor. Motion PASSED.

City of Franklin, New Hampshire

HOUSING AND COMMUNITY DEVELOPMENT PLAN

Re-Adopted March 2019

III. Introduction

The purpose of the Housing and Community Development Plan for the City of Franklin is to identify the characteristics and general need with regards to housing and community development.

The city of Franklin's housing and community developments primary objectives are consistent with the City of Franklin, Master Plan, Merrimack county Housing and Community Development Plan, State and Federal Objectives.

The plan intent is to promote discussion and stimulate thinking about the future. The plan is further intended to be used by city officials during Community Development Block Grant application process, which provides a direct benefit to low and moderate income persons in the City of Franklin.

IV. Goals and Objectives

The City of Franklin's housing and community developments primary goals and objectives are as follows:

Goal: The City of Franklin wishes to remain a balanced community with a high quality of life for all residents. (Long Term & Short Term Goal)

Goal: Address issues of affordable housing. (Long Term & Short Term Goal)

Objectives:

Encourage safe, decent, attractive, and affordable housing for all segments of the population, with focus on the increasing elderly population.

Support efforts to improve water quality and wastewater treatment in compliance with NH DES regulations.

Goal: To protect historically significant buildings, (Long Term & Short Term Goal)

Objectives:

Promote rehabilitation and preservation of historically significant buildings.

Renovate the historically significant Franklin Opera House to meet handicap accessible regulations.

Goal: Participate in economic development activities. (Long Term & Short Term Goal)

Objectives:

Retain existing manufacturing/industrial jobs, expand job opportunities in all sectors.

Encourage employee readiness through education and training.

Encourage downtown revitalization.

Goal: Address public facility and social service improvement and coordination that will benefit the residents of Franklin. Encourage affordable daycare options for residents. (Long Term & Short Term Goal)

As a matter of policy, the City of Franklin will minimize the involuntary displacement of households from their neighborhoods.

These goals are consistent with Franklin's Master Plan and Ordinances.

Any federal CDBG grant funds awarded to address any of these goals shall be expended consistent with national objectives and shall, at a minimum, provide improved housing in accordance with Section 8 standards, be used to public facility projects, employment opportunities, or feasibility studies. All CDBG funded projects, shall primarily benefit low and moderate income persons or households, and shall not benefit moderate income persons to the exclusion of low income persons.

Adopted March 2019

DISPLACEMENT AND RELOCATION CERTIFICATION
City of Franklin

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

Every effort will be made to avoid temporary or permanent displacement of an individual due to a CDBG project undertaken by the City of Franklin.

However, if the situation should arise, the City of Franklin will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntarily and permanently displaced.

If the property is acquired, but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion date of the demolition or conversion;
- e. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or:
 2. A lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above or a Section 8 certificate of voucher for rental assistance provided through New Hampshire Housing Finance Authority.
- i. The right to elect, as an alternative to the benefits in subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and
- j. The right of appeal to the director of CDFA where a claim for assistance under subparagraph 2. above, is denied by the grantee. The director's decision shall be final unless a court determines the decision was arbitrary and capricious.
- k. Subparagraph (2) a. through g. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.

CERTIFICATION OF COMPLIANCE

The City of Franklin anticipates no displacement or relocation activities will be necessitated by this project. Should some unforeseen need arise, the City of Franklin certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

MUNICIPAL CERTIFICATION

To the best of my knowledge, the data in this application is true and correct, and this application submittal has been authorized by the CITY OF FRANKLIN, New Hampshire. The CITY OF FRANKLIN will comply with all federal and state laws, rules, regulations and requirements, including those in PART Cdfa 300 - CDBG Administrative Rules.

Furthermore, I certify that:

The municipality affirmatively furthers fair and affordable housing; and
Where applicable, the proposed project is consistent with the municipal master plan, the Housing and Community Development Plan (HCDP), the Residential Antidisplacement & Relocation Assistance (RARA) Plan and that all planning and zoning requirements have been met; and
Where applicable, the municipality shall provide adequate funds to operate and maintain the public facility or improvement after the completion of the project. Not Applicable.

Judie Milner
Name of Designated CEO:

City Manager
Title:

Signature

March 4, 2019
Date

NOTARY SECTION

State of New Hampshire
County of Merrimack

On this 4th day of March, 2019 before me _____, the undersigned officer, personally appeared Judie Milner, who acknowledged him/herself to be the City Manager, and that he/she, as such, being authorized so to do, executed the foregoing certification for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public/Justice of the Peace

Seal My Commission expires:

Agenda Item VIII.

Council to consider setting a public hearing regarding rescission of discretionary easement of One Yellow Rose LLC.

**Motion – Councilor Testerman moved that the Franklin City Council set a public hearing for Monday, April 1, 2019, at 6pm to consider the rescission of the discretionary easement granted to One Yellow Rose LLC.
Seconded by Councilor Ribas.**

Councilor Clarenbach asked City Manager Milner if April 1st is the rescission deadline and if there is a point during that day by close of City Hall business hours that a decision must be

made. Milner replied that as long as the Council votes the evening of April 1st, it will be effective that date.

Mayor Giunta asked if there were any further questions regarding the motion. There were none.

All in Favor. Motion PASSED.

Agenda Item IX.

Council to consider authorizing the City Manager to apply for USDA Rural Development Grant to fund Technical Assistance with Franklin Opportunity Zones.

Motion – Councilor Trudel moved that the Franklin City Council vote to authorize the City Manager, and City Staff to submit a Rural Business Development Grant to the USDA Rural Development Office for funds to support overall downtown and mill district revitalization programs. A letter indicating this authorization and support by the Mayor and Council will be sent with the application.

Seconded by Councilor Dzujna.

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

All in Favor. Motion PASSED.

Agenda Item X.

Council to consider approval of expansion plans of animal shelter at City owned property on 19 Rescue Road following internal review process for improvements to City owned property.

Motion – Councilor Brown moved that the Franklin City Council approve the renovation and expansion of City owned property at 19 Rescue Road occupied by the Franklin Animal Shelter following the internal review process for improvements to City property.

Seconded by Councilor Trudel.

Councilor Dzujna thanked the team at the Animal Shelter for all they do and for their hard work with helping to create these plans. He stated that they look fantastic and it is going to be great for the staff with the new building and changes at the shelter. Mayor Giunta mirrored Councilor Dzujna's sentiments.

Councilor Ribas agrees that it is a great move but was curious if there has been a discussion about sharing the cost of electricity. City Manager Milner responded stating that she hasn't approached the Animal Shelter with this just yet and is hoping to get it into the budget. Milner

also mentioned that with the improvements they are making, there will be some efficiency improvements as well so the addition may not make a difference and will evaluate after the first year.

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

All in Favor. Motion PASSED.

Agenda Item XI.

Councilor Clarenbach recused himself on this topic because he serves as a director of Franklin Savings Bank.

**Motion – Councilor Dzujna moved that Franklin City Council waive all necessary permits fees for Franklin Savings Bank 150-year community event.
Seconded by Councilor Ribas.**

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

7 in Favor. 1 Recusal. Motion PASSED.

Agenda Item XII.

Other Business

1. Mayor Appointments

Mayor's Drug and Alcohol Task Force:

Mark Latham was appointed to the Mayor's Drug Task Force. Term of service is 2 years to January 2021.

Heritage Commission:

Colby Morrill is appointed as an Alternate Member to the Heritage Commission (seat HC7), term of service is 3 years to January 2022.

Mayor Giunta thanked Mark and Colby and all the volunteers for their service to our City.

2. Committee Reports

Councilor Brown stated that she intended to un-table the Teacher's Contract however, because of the Janus paragraph and advice from our legal counsel, it won't be voted on tonight. Brown acknowledged that Business Administrator Jefferson Braman is doing a fantastic job. Councilor Brown also mentioned that she heard a rumor that some of the raise was coming from the teacher's insurance policies and it is not. The raise is coming from the saving realized from hiring less expensive staff. The second rumor is that if the Teacher's contract wasn't voted on tonight that it would have to go to arbitration and that is not true. Arbitration would not be involved.

Mayor Giunta jokingly asked Business Administrator Jefferson Braman if he's ever heard of Baptism by fire. Everyone laughed then Mayor Giunta declared to Braman that he is doing an excellent job and the City is very appreciative of him.

Councilor Clarenbach provided an update on the February 26th Municipal Services Committee Meeting. Councilor Brown and Councilor Dzujna also attended. Some of the items on the agenda were on parking, the fleet for Municipal Services, and the Hometown Banner Program topic, which is something that the committee believes can be done. The poles on South Main Street and possibly North Main Street could be dedicated to the banners. City Manager Milner will seek approval from Eversource. The plan would be for the banners to stay in place for two years and then be replaced so our MSD workers won't need to remove every fall or summer. If no-one from the Council has objection to these future plans, then we will keep moving to the next steps to make this happen.

Mayor Giunta asked if there was any objection to these ideas. There were none. Mayor Giunta then thanked Councilor Clarenbach for tackling this effort.

Councilor Testerman provided an update on the Police Committee Meeting. One main discussion was around the Comfort Dog and that it is really a decision of the Police Department. The City is in support of what they decide to do.

3. City Manager's update

- a. City Manager Milner gave a shout out to Jason Grevior who was very helpful with assisting police with footage from his cameras on two instances. In addition, Mr. Grevior would like to assist the City through a grant and he will raise matching funds for cameras up and down Central Street.
- b. The Franklin, Northfield, Tilton, Sanbornton Emergency Services Coop are working on a Regionalization Effort with the Fire Departments. Councilor Zink was on that Committee and will need to be replaced. Chief Foss will reach out to Councilor Trudel who has agreed without objection from the committee to serve on that committee. Mayor Giunta confirmed with the Council that they were all in agreement. The Council was in agreement.

- c. The Zoning Board Adjustment seat that was filled last month during a long list of filling other Council seats at that time and in error, appointed a Councilor into a resident only seat. Councilor Testerman is off the hook and not appointed to the Zoning board. This leaves an open seat to fill. Appointee Profiles for the Zoning Board can be filled out and left in the City Manager's office.
- d. The Contingent Grant Line activity for the month is \$0.00
- e. The Trust Fund for School Funding has a balance of \$69.26
- f. The Annual Mayor's Drug and Alcohol Task Force event is scheduled for this Wednesday night from 5-7pm. Awards will be given out and Officer Max will say hello.
- g. The City Clerk's Rabies Clinic will be held at the Fire Station on March 30th from 2-4pm. Two for one stop shop where your pet can get a rabies shot and also be registered with the City Clerk.
- h. Social Media Buster-Yes, our Municipal Services Department does plow our roads. The City Manager travel through four different communities and can clearly see the difference in the roads when she hits Franklin. MSD has only 4 road crew men and they have been out over 40 times this season. They are tired. Milner gave a big shout out to the crew and asked everyone to say thank you next time you see them.
- i. The Governor's budget has been announced and there has been a one-time \$1.5M appropriation in his budget for the project with Mill City Park and the City for the Whitewater portion of the park. This appropriation plus the tax credits that the Council has approved should fund the water portion of the project. There's still a lot of work to do but we are all very happy excited. The Governor's budget with the appropriation still has to pass legislature so the City is going to testify and send letters to help move this through. Milner thanked Governor Sununu and Commissioner Caswell for their recognition of this Whitewater Park. It will have a regional positive affect.
- j. Mill City Park Economic update may be planned for the first half of the LEAN update meeting on April 22nd. The roll-out of the master plan will be on the agenda for that meeting. Spread the word to come to this meeting and see what is being planned.
- k. The City Clerk's office is well on its way through the 5s process but need one more day, March 12th, to finish up. The Council is welcome to stop by the City Clerk's office and see what they've done. In addition, they have their Annual Training on April 3rd therefore will be closed all day on the 3rd. They will also be closed on May 8th for their Annual Tax Collection training.
- a. The City Manager's Office will take on the 5s exercise in March. Every Friday dress down day, an area in the Manager's office will be reformed.
- b. The Manager's City Pride Contest currently has about 10 entries and more verbal but those need to be put on the forms to be official entries. We have a very creative community.
- c. The Franklin Savings Bank would like to use our lampposts to hang flags during the month of June for their 150th year anniversary. Milner asked the Council if anyone would object to allowing them to use our Central Street lampposts. After the

anniversary for FSB, the manager asked if the Council would object to recreational flags to be hung on the lampposts. Mayor Giunta asked the City Council if anyone objected. No-one objected.

Councilor Testerman asked City Manager Milner how a performance audit would be done on the City and the school. Milner responded stating that it would need to be discussed during the budget process because it must be appropriated.

- d. The Choose Franklin group is coming to City Hall and will be provided the financial budget 101 course tour.
- e. 2020 Budget for MSD is being discussed. The MSD expenditures line was already over expended. In the FY19 budget an appropriate from an expired bond with a one-time expense so she can use this appropriation for another capital item. She stated that she does plan on getting a rotational schedule. The City Manager stated that we need to replace the vehicles.

4. Late Item

Motion – Councilor Trudel moved that the Franklin City Council set a public hear for 6:00 PM at the April 1st, 2019 meeting of the City Council for Resolution #16-19 related to the appropriation and expenditures of NHDOT TAP Grand funds for the construction of a pedestrian walkaway over the Trestle Bridge to connect the mill City Park and the Winnipisaukee River Trail. Resolution request to be read in title only.
Councilor Ribas seconded.

Mayor Giunta asked if there were any questions. There was none.

All in Favor. Motion PASSED.

RESOLUTION #16-19

A Resolution Granting Authority to accept a NHDOT Transportation Alternatives Program Grant.

In the year of our Lord, Two Thousand Nineteen,

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2019 beginning July 1, 2018, **And**;

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

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

WHEREAS, the City has been awarded a grant of \$512,000 from the State of New Hampshire, Department of Transportation, Transportation Alternatives Program, for engineering and construction work associated with the pedestrian walkway over the Trestle Bridge to connect the Mill City Park and the Winnepesaukee River Trail, together with other pedestrian safety improvements, **and**;

WHEREAS, matching funds, in the form of donated funds and services, in the amount of \$128,000 will be directed towards this project for a total project funding of \$640,000, **now**;

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, April 1, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #16-19, accepting \$512,000 in grant funds from the State of New Hampshire, Department of Transportation, Transportation Alternatives Program, for engineering and construction work associated with the pedestrian walkway over the Trestle Bridge to connect the Mill City Park and the Winnepesaukee River Trail, with required matching funds of \$128,000, and;*

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

An Increase in Revenues:

Federal Grant Revenue – White Water Park Acct. No. 01-9-014-33110-437 – Two Hundred Thousand Dollars (\$512,000),

Donations – White Water Park Acct. No. 01-9-000-35085-437 – Two Hundred Thousand Dollars (\$128,000),

An Increase in Expenditures:

Economic Development – White Water Park Acct. No. 01-9-511-40335-437 – Four Hundred Thousand Dollars (\$640,000),

By a roll call vote.

Roll Call:

Councilor Brown _____ Councilor Dzujna _____ Councilor Ribas _____

Councilor Clarenbach _____ Councilor Lauer-Rago _____ Councilor Testerman _____

Councilor Desrochers _____ Councilor Starkweather _____ Councilor Trudel _____

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

Seconded by Councilor Dzujna.

Roll Call to enter into non-public.

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

All in Favor. Motion PASSED.

Entered into non-public session at 8:36PM

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

Seconded by Councilor Trudel.

All in Favor. Motion PASSED.

Returned to Public Session at 8:50PM

Motion to seal the minutes made by Councilor Dzujna because it is determined that divulgence of this information likely would render a proposed action ineffective.

Seconded by Councilor Ribas.

Roll Call to seal the minutes:

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

All in Favor. Motion PASSED.

Motion – Councilor Clarenbach moved that the Franklin City Council authorizes the City Manager to dispose of City owned property abutting 15 Tannery Street (Map/Lot 097-404-00) through a direct sale to the owner of 15 Tannery Street in return for the cost of the drainage improvements at Tannery Street with the conditions the owner of 15 Tannery Street merge the portion of City with 15 Tannery Street property within 30 days of closing and to further execute all closing documents in reference to the sale including signing off on the Deed.

Seconded by Councilor Ribas.

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

All in Favor. Motion PASSED.

Motion to adjourn made by Councilor Trudel. Seconded by Councilor Ribas.

All in Favor. Motion PASSED.

Meeting adjourned at 8:54PM

Respectfully Submitted,

Audrey Lanzillo



PENDING CITY COUNCIL APPROVAL

**City Council Special Meeting - Minutes
March 15, 2019 – 6:00 PM
Franklin City Hall**

Call to order

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

City Council in attendance:

Mayor Tony Giunta, Councilor Jo Brown, Councilor Scott Clarenbach, Councilor George Dzujna, Councilor Bob Desrochers (by phone), Councilor Kathy Rago, Councilor Vince Ribas, Councilor Karen Testerman, Councilor Paul Trudel.

Salute to the Flag was led by Councilor Rago.

Mayor Giunta announced that Councilor Desrochers is attending this evening's meeting by telephone. He also mentioned that Olivia Zink is here and not feeling well. He hopes we can get through this meeting very quickly.

He stated that the City Manager and Council would be most comfortable making one motion for both the City Council seat and the School Board seat since they are elected seats. Then a separate motion will be made for the appointed Zoning Board seat.

**Motion – Councilor Desrochers moved that the Franklin City Council appoint Oliva Zink to the School Board (seat SBW2-1), term of service is 3 years to December 2022 and also moved that the Franklin City Council appoint Ted Starkweather to the City Council (seat CCW1-1), term of service is to January 2020.
Seconded by Councilor Testerman.**

Mayor Giunta asked if there was any discussion. There was none. Due to Councilor Desrochers attending over the phone, a roll call is necessary.

Roll call to appoint the City Council seat and the School Board seat:

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

By unanimous vote, the Motion PASSED.

Motion – Councilor Desrochers moved that the Franklin City Council appoint Roy Hubble as an Alternate Member to the Zoning Board of Adjustment (seat ZBA6), term of service is 3 years to January 2022.

Seconded by Councilor Ribas.

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

Roll call to appoint the Zoning Board seat:

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

By unanimous vote, the Motion PASSED.

Other Business

City Manager Milner shared information on a Public Hearing needed for April 1st regarding the Masonic Lodge Pilot Agreement. They are also applying for an Abatement. The Pilot Agreement expired on March 31st, 2018. During this exact time, Deb Ryba was leaving and Loraine was moving over to Assessing and this transaction was missed due to key employees changing hands and leaving.

Milner stated that in speaking with the new Assessors, it is unclear if the Masonic Lodge is even eligible for a payment in lieu of taxes. She stated that the language is very gray in the RSA. There is some case law out there that states that they are not eligible. In the meantime, we charged them a Pilot for the 2019 Budget. The recommendation is to extend the payment in lieu of taxes to March 31st of 2020 and review with the City Attorney, Paul Fitzgerald on whether the pilot can be renewed.

Motion – Councilor Testerman moved that the Franklin City Council set a Public Hearing on Monday April 1, 2019 at 6PM in Council Chambers to extend the Masonic Lodge Payment In lieu of Taxes, agreement through March 31, 2020.

Seconded by Councilor Trudel.

Mayor Giunta asked if there was any discussion.

Councilor Scott Clarenbach shared his concern wondering if we have a legal obligation to receive a Pilot if we figure out that we are unable to perform this. If we are not sure and enter in an agreement of taking payments in lieu of taxes, we should seek legal advice. Clarenbach asked if RSA allowed us to do that and if it is legal to offer participation in a Pilot with an entity who is not eligible to be in one. He stated that the City should request legal opinion on this prior to the April 1st City Council Meeting.

March 15, 2019

Page 3 of 3

City Manager Milner replied stating that she read the RSA a number of times and feels comfortable with moving forward with this recommendation. They give charitable contributions like every other Pilot Agreement that we have. The only thing that could cause a question is in the name of the lodge. The Masons do not own the lodge and that could appear to be the problem which can be addressed. Milner continued to explain that they would be paying about \$5k more in taxes without the Pilot Agreement. Milner also added that the City did receive legal opinion originally that we could do a Pilot however this case law has come to light in between so we will seek legal opinion again and before the April 1st City Council meeting.

Councilor Ribas asked if the Council voted against the Pilot, would they then be responsible for the taxes. City Manager Milner responded that they would be responsible for the taxes.

Councilor Dzujna asked if they would be subject to the taxes for one year. Milner responded that they would actually be responsible for two years of taxes not just one.

Roll call to schedule the Public Hearing:

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

By unanimous vote, the Motion PASSED.

City Manager Milner informed the Council that she received an updated Union Teacher's Contract this afternoon. She also printed the Memorandum of Understanding and the one page that had the language that was removed. She will scan in the entire contract and send it to the Council for review.

Councilor Desrochers expressed his gratitude for sticking her neck out and jumping back in with the School Board. Mayor Giunta informed him that she left just after the motion for her appointment due to her being under the weather.

Motion to adjourn made by Councilor Clarenbach. Seconded by Councilor Trudel.

Meeting adjourned at 6:13PM

Respectfully Submitted,

Audrey Lanzillo

CITY COUNCIL MEETING

AGENDA ITEM II



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of April 1, 2019

Subject: School Board Report

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

CITY COUNCIL MEETING

AGENDA ITEM III



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of April 1, 2019

Subject: Robotics Team Presentation

The Franklin High School Robotics team will present their latest creations to the Mayor and City Council.

CITY COUNCIL MEETING
AGENDA ITEM IV



CITY OF FRANKLIN
COUNCIL AGENDA REPORT

City Council Meetings of March 4, 2019 and April 1, 2019

From: Richard Lewis, Director of Planning and Zoning; Special Projects Coordinator

Subject: Setting of Public Hearing to consider Resolution #16-19 for the acceptance, the appropriation, and the expenditure of grant funds from the NHDOT Transportation Alternatives Program

Approval of Resolution #16-19 at the April 1, 2019 Meeting of the City Council

Recommended Motion for the March 4, 2019 meeting of the City Council:

"I move that the Franklin City Council set a public hearing for 6:00 at the April 1, 2019 meeting of the City Council for Resolution #16-19 related to the appropriation and expenditures of NHDOT TAP grant funds for the construction of a pedestrian walkway over the Trestle Bridge to connect the Mill City Park and the Winnepesaukee River Trail.

Recommended Motion for the April 1, 2019 Meeting of the City Council:

"I move that the Franklin City Council vote to approve Resolution #16-19, for the acceptance of a NHDOT Transportation Alternatives Program grant, in the amount of \$512,000.00, and approve these new revenues, along with a required match of \$128,000.00, and the expenditures of these funds for engineering and construction work associated with the pedestrian walkway over the Trestle Bridge to connect the Mill City Park and the Winnepesaukee River Trail, together with other pedestrian safety improvements. I further move that the City Council authorize the City Manager to sign and take action on all relevant documents pertaining to the administration of this grant.

Discussion:

As many of you are aware, the City of Franklin submitted a grant application to the NHDOT for funding through the Transportation Alternatives Program [TAP]. The requested grant funds [\$512,000], together with the required match [\$128,000] would support the construction of a pedestrian walkway over the top of the Trestle Bridge. This walkway would provide enhanced linkages between the existing Winnepesaukee River Trail and the future Mill City Park. The walkway would be an important component of the overall project associated with the creation of the white-water park in the River, as the walkway would also serve as an excellent viewing spot for kayakers in the River.

The application was submitted to NHDOT in early September of 2018. Prior to any review by NHDOT, a presentation was made to the TAP Committee at the Lakes Region Planning Commission. Our application received the highest score from this Committee, and their recommendation to approve was passed onto the NHDOT staff. On January 23rd, the City received an award letter from Tom Jameson, the TAP Program Manager. This is a very important project that will help support the overall economic redevelopment work that is ongoing in the downtown and mill district area.

The TAP funding will be presented to the Governor and Executive Council in mid-April. The approval of this Resolution by the City Council at the April 1, 2019 meeting will allow City staff to keep this project moving forward in a positive direction.

Alternatives:

If the City Council did not approve the Resolution to accept the grant award, the City would lose out on significant funding that is important to the overall mix of economic development projects that are helping to shape the future of the City.



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION #16-19

A Resolution Granting Authority to accept a NHDOT Transportation Alternatives Program Grant.

In the year of our Lord, Two Thousand Nineteen,

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2019 beginning July 1, 2018, **And;**

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

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

WHEREAS, the City has been awarded a grant of \$512,000 from the State of New Hampshire, Department of Transportation, Transportation Alternatives Program, for engineering and construction work associated with the pedestrian walkway over the Trestle Bridge to connect the Mill City Park and the Winnepesaukee River Trail, together with other pedestrian safety improvements, **and;**

WHEREAS, matching funds, in the form of donated funds and services, in the amount of \$128,000 will be directed towards this project for a total project funding of \$640,000, **now;**

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, April 1, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #16-19, accepting \$512,000 in grant funds from the State of New Hampshire, Department of Transportation, Transportation Alternatives Program, for engineering and construction work associated with the pedestrian walkway over the Trestle Bridge to connect the Mill City Park and the Winnepesaukee River Trail, with required matching funds of \$128,000, and;*

THEREFORE, BE IT FURTHER RESOLVED, *that the City Council does hereby authorize City Manager, Judie Milner, to sign all relevant documents pertaining to the acceptance and*

administration of this grant award from NHDOT and hereby authorizes the following non-lapsing appropriations,

An Increase in Revenues:

Federal Grant Revenue – White Water Park Acct. No. 01-9-014-33110-437 – Two Hundred Thousand Dollars (\$512,000),

Donations – White Water Park Acct. No. 01-9-000-35085-437 – Two Hundred Thousand Dollars (\$128,000),

An Increase in Expenditures:

Economic Development – White Water Park Acct. No. 01-9-511-40335-437 – Four Hundred Thousand Dollars (\$640,000),

By a roll call vote.

Roll Call:

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

Approved: _____
Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

**CITY OF FRANKLIN
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, April 1, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding Resolution #16-19, the Appropriation and Expenditures of NHDOT TAP Grant Funds for the Construction of a walkway over Trestle Bridge.

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
March 25, 2019

From: Judie Milner, City Manager

Subject: Consideration of rescission of discretionary easement

Suggested Motion:

Councilor moves, "I move that the Franklin City Council rescind the discretionary easement granted to One Yellow Rose LLC in August of 2017 and recorded January 5, 2018. "

Mayor calls for a second, discussion and vote.

Discussion:

In Aug of 2018 I approached the Council regarding the easement to One Yellow Rose LLC for the property containing the Mojalaki golf course. The easement is allowed due to the preservation of a golf course for public benefit. We have evidence that the public golf course was not maintained for play consistent with the public benefit statement (given by Roger LeBlanc to obtain the easement) during the 2018 season. Council agreed to schedule a public hearing. I had held off on the public hearing because 1) it was too late for the 2018 tax year as the easement would have had to been rescinded effective April 1st and 2) there were a couple of serious buyers of the property which, if sold, would have made the easement a moot point. However, those purchases have fallen through and this is the last opportunity for the Council to rescind the easement for the 2019 tax year.

Fiscal Impact:

The easement provides tax relief of approx. \$34,000 to One Yellow Rose LLC. The residents of Franklin shoulder the approx. \$34,000 in taxes avoided by the discretionary easement with no public benefit.

Attachments/Exhibits:

Letter to One Yellow Rose LLC regarding public hearing
RSA 79C3
Public Benefit Letter
Memo from Director Lewis regarding condition of property
Pictures of property from August 2018



CITY OF FRANKLIN, NEW HAMPSHIRE

"Three River's City"

Office of the City Manager
316 Central Street
Franklin, NH 03235

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

March 5, 2019

Roger LeBlanc
One Yellow Rose, LLC
Mojalaki Country club, LLC
PO Box 313
Franklin, NH 03235

Re: Discretionary Easement

Dear Mr. LeBlanc,

As you are aware, One Yellow Rose, LLC was granted, pursuant to RSA 79-C, a Discretionary Easement for the Mojalaki Golf Course, located at 341 Prospect Street. The Easement was approved by the City Council in August of 2017, and was recorded on 1/5/18.

The materials presented to, and reviewed by, the City Council included an Opinion of Value, dated June 20, 2017, which represented that the property contained an 18-hole golf course. The City Council is concerned that currently the golf course is not being operated as an 18-hole course, and that there is little evidence that it can, or would be, operated as an 18-hole golf course this golfing season. This evidence includes:

1. The course was closed and not operating for many weeks last golfing season. A large number of the days when the course was closed coincided with what would commonly be recognized at the normal opening period for courses in this area.
2. Pictures taken on May 14, 2018 show two greens near the clubhouse that are unplayable.
3. Mojalaki Golf Course operated as an 18-hole course, but approximately two of the holes [14 and 15] are located on the property of others [David and Carolyn Hurst] and these two holes were not part of, or subject to, the August 2017 Discretionary Easement.
4. Signage posted on the club house door on June 20, 2018 stated, "We are open on Back Nine Only, 10-18,.....Holes that don't have flags are under repair....".

It is opinion of the Council that there is evidence to support the position that One Yellow Rose, LLC is not operating the golf course in compliance with the provisions of the Discretionary Easement. Specifically, the provisions and conditions of RSA 79-C are not being satisfied. Attached please find excerpts from RSA 79-C, with specific language from 79-C: 1, 2, and 3 underlined and highlighted. The Council feels that:

- a. You have failed to provide an attractive outdoor environment for recreation by the state's citizens by failing to operate an 18-hole golf course, and by failing to manage and maintain the facility so that it can be used and useful for recreation purposes.

- b. You have failed to manage and maintain the "golf course land" [greens, fairways, tees, traps and rough] to such a degree that no more than ½ of course property can be used for standard and assumed recreational golf activity.
- c. The failure to properly manage and maintain the golf course land in such a manner so that the property which has been granted the Discretionary Easement does not contain recreational values that makes it attractive for public use.

The City Council is of the opinion that the awarding of a Discretionary Easement carries with it certain responsibilities and duties that must be carried out completely and fully. An easement for recreational golfing purposes means that you must operate a golf course that is functional and attractive for public use and enjoyment.

The Franklin City Council has scheduled a formal public hearing on Monday, April 1, 2019 to consider the termination of the Discretionary Easement. You are welcome to attend this meeting and present any evidence that you feel supports the continuation of the Easement.

Please feel free to contact me if you have any questions. If you would like to set-up a meeting to discuss this matter, please contact Audrey Lanzillo in my office.

Sincerely,



Judie Milner
Franklin City Manager

TITLE V TAXATION

CHAPTER 79-C DISCRETIONARY EASEMENTS

Section 79-C:3

79-C:3 Qualifying Land. –

I. Any owner of land which does not meet the criteria for open space land as defined in RSA 79-A but meets the tests of demonstrated public benefit in paragraph II of this section and who wishes to keep the land in a use consistent with the purposes of this chapter may apply to the governing body of the municipality in which the land is located to convey a discretionary easement to the municipality.

II. A discretionary easement on open space land shall be considered to provide a demonstrated public benefit if it provides at least one of the following public benefits:

(a) The preservation of land for outdoor recreation by, or for the education of, the general public where:

(1) The general public has the regular opportunity for access to and use of the land for pedestrian purposes; and

(2) The land has conservation and recreational values which make it attractive for public use.

(b) A relatively natural habitat for fish, wildlife, or plants, or similar ecosystem, where:

(1) The property is in a relatively natural state; and

(2) Rare or endangered or threatened species are present; or the property contributes to the ecological viability of a park or other conservation area; or otherwise represents a high quality native terrestrial or aquatic ecosystem.

(c) The preservation of open space land, where:

(1) There is scenic enjoyment by the general public from a public way or from public waters; or

(2) The open space protection is pursuant to a clearly delineated federal, state, or local conservation policy.

(d) The preservation of an historically important land area, where:

(1) The property is either independently significant due to recorded local, regional, or state history, or is within a historic district; or

(2) The property is immediately adjacent to an historic district; or

(3) The land's physical or environmental features contribute to the historic or cultural integrity of a property listed on the National Register of Historic Places.

(e) The preservation of an airport, as defined in RSA 422, excluding the value of any buildings, runways, or other structures, where:

(1) The airport serves, or contributes to satisfying, the air transportation needs of the municipality or of its region; or

(2) The continuation of the airport serves to preserve natural habitat or open space as set forth in subparagraphs (b) or (c), which might otherwise be potentially affected by development.

(f) The preservation of a golf course which meets any of the above tests of public benefit and is open to the general public.

Source. 1996, 176:1, eff. Aug. 2, 1996.

July 24, 2017

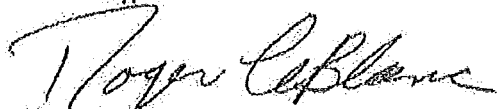
The Following is a List of Reasons Why We Believe the Application for Discretionary Easement should be granted to Mojalaki Country Club, LLC.

Dear Sir:

- We support the Parks and Recreation Department yearly by instructing the children on the proper methods of playing golf, at no cost to the city.
- We allow many people to use our property for leisure walks and strolls with their dog to observe a multitude of different animals and birds that frequent the property.
- We support all non-profit organizations with discounted merchandise and facilities.
- We support the Franklin High School football team with their fund raising efforts by offering a discount for golf.
- We also support the FHS golf team by allowing them to play and practice for free. They have also held their tournaments at the end of the year here.
- Mojalaki has provided golf carts to local organizations when needed for transporting people at school and recreational functions.
- We try to employ local kids as their first job in the workforce.
- We support local businesses by buying local.

Mojalaki is a great place for wild life to be seen and appreciated so close to the city. It is land that would otherwise be grabbed up by developers, putting a greater burden on the school system and municipal services and ultimately on the taxpayer. Preserving that land for recreation has to be both environmentally and economically sound.

Sincerely,



Roger LeBlanc

Mojalaki Country Club, LLC

To: Judie Milner, Franklin City Manager
From: Dick Lewis, Planning Director
Date: August 21, 2018
Re: Mojalaki golf Course; Inspection Notes

As a follow-up to an earlier discussion, I visited Mojalaki Gold Course in the late afternoon of August 20th. I found the course closed, with a note on the door saying that only the back nine holes (10-18) are available for play. As RSA 79-C:3, Qualifying Land, discusses that "the general public has the regular opportunity for access and use of the land for pedestrian purposes", and the fact the owner indicated in his application for City Council approval of a Discretionary Easement that "we allow many people to use their property for leisure walks" I decided to walk the back nine holes. I took pictures and made notes on what I saw. The attached pictures are of various locations along the course. Let me add that I approached this inspection from the perspective of a person who plays golf regularly, and who respects the game and the enjoyment it can bring.

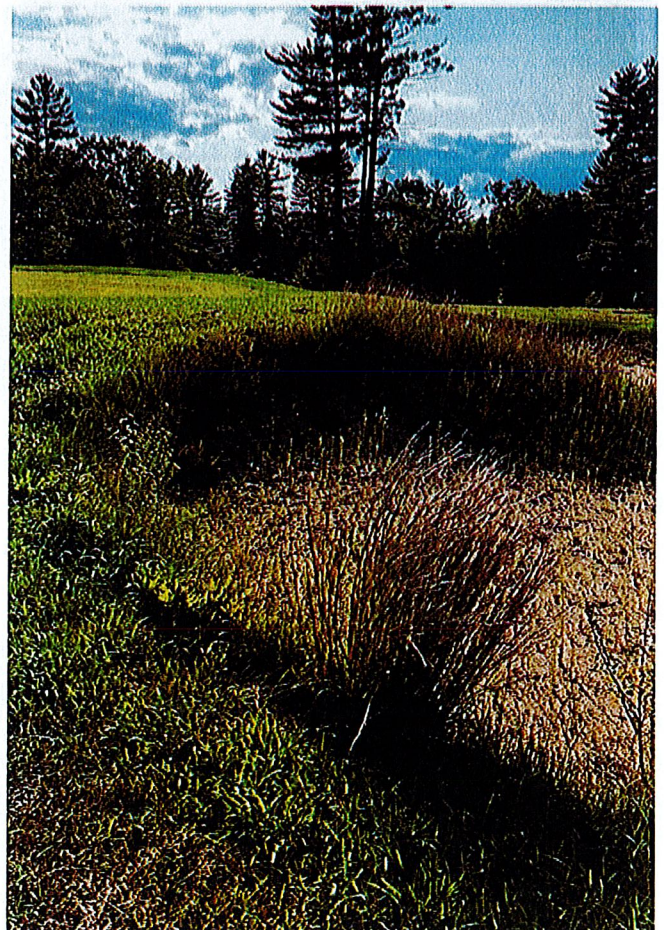
Since I found that many of the existing conditions on the first 2 or 3 holes were consistent throughout the 9 open holes, I think it is easiest to summarize my findings in a general sense, except when conditions of any specific hole warranted special mention.

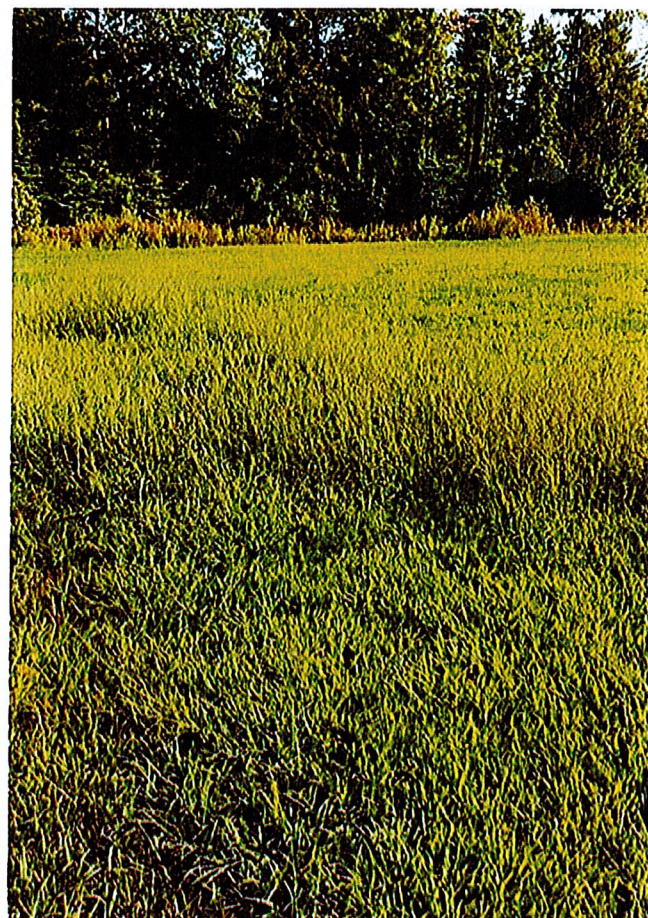
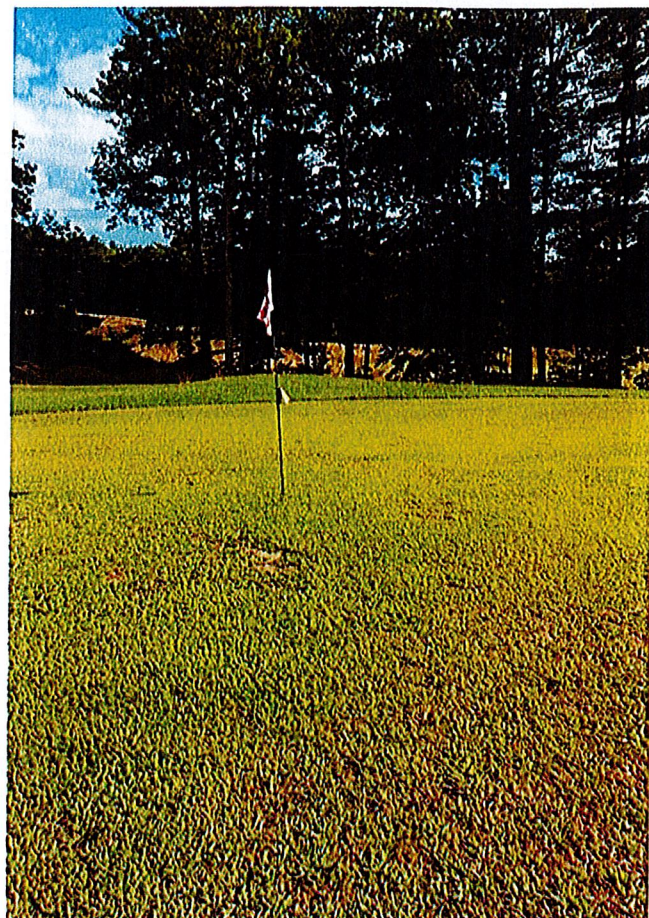
1. Tee Boxes: This is where the player takes the first shot for any given hole. The typical make-up of a tee box is one where there are different markers [black, white, and red] where players of different skill levels would shoot from. There should not be interference from grass impacting the ability to strike the ball when placed on the tee. In general, my inspection revealed that the tee boxes were largely poorly kept, with longer grass and weeds growing in the different tee marker areas. In some tee boxes, a ball placed on a standard tee resulted in longer grass somewhat surrounding the ball, making for a difficult drive of the ball. In some places the tee markers themselves were largely covered up by taller grass so it was hard to even see the tee markers. This is exhibited in the pictures.
2. The fairways: On any standard golf course, the main fairway [where the players want to land the ball] is short grass that allows for a clean hit of the ball on the second or third shots. A typical fairway has "rough" on either side of the shorter fairway grass. In the rough, the grasses are typically a bit longer; some course have a first cut of rough with somewhat longer grass, and a second cut of rough, where the grasses are longer still. On all of the 9 holes I found that the fairways were largely poorly kept. There were some open and bare spots with dirt, and throughout the 9 holes there were many areas with longer grasses scattered throughout the fairways. Specifically on hole # 14, some of the grasses in the fairway were between 3 to 8 inches high. There were many areas in different holes where the "grass" in the fairways contained more weeds than typical fairway grasses that you would see on a typical NH course. The fairways at Mojalaki were basically consistent with the rough [first or second cuts] you would find on a standard course. On my walk, I happened to find two balls in the middle of different fairways. You really do not want to maintain a course so that players cannot find their balls when they land in the middle of a fairway.

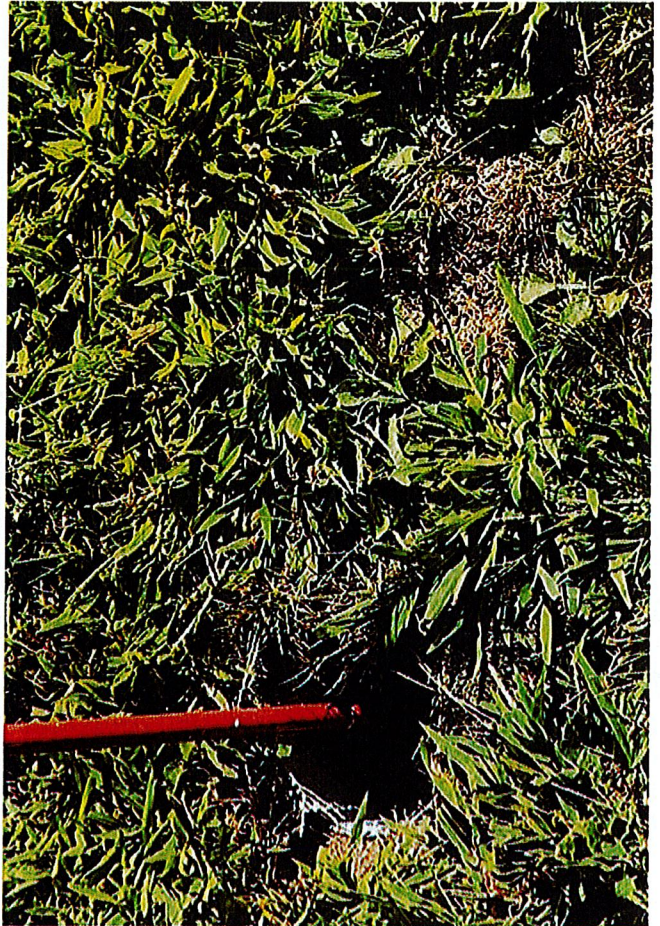
3. The greens: A typical golf course green would consist of a pretty uniform grass that is cut close so that the ball would roll smoothly towards the hole. The greens at Mojalaki were, in my opinion, unplayable. The vegetation on the greens consisted mostly of crab grass with a very uneven surface. The ball did not really roll, but instead bounced around like a Mexican jumping bean. This is not the type of green that any player would want to, or would enjoy, playing on. I will note that one of the holes on the back 9 [# 15] did not even have a pin, so anyone playing that hole was hitting the approach shot to an un-marked green. Many greens had bald spots with no grass or weeds; this meant that, depending where your approach shot to the green landed, you might not have an ability to aim for the hole. If you wanted to putt on this type of surface you would need to move the ball so you could aim at the hole; and as noted above, your putt would still be made on this uneven and bumpy crab-grass surface. As shown on a couple of pictures, the weed growth right around the hole was thick and heavy; it appears that a ball heading for the hole might be pushed off course due to the vegetation.
4. In different locations there are sand traps, either in the fairways or around the greens. The sand traps were not well maintained. The with grasses growing in or round the edges are such that the grasses might well interfere with normal play out of trap.

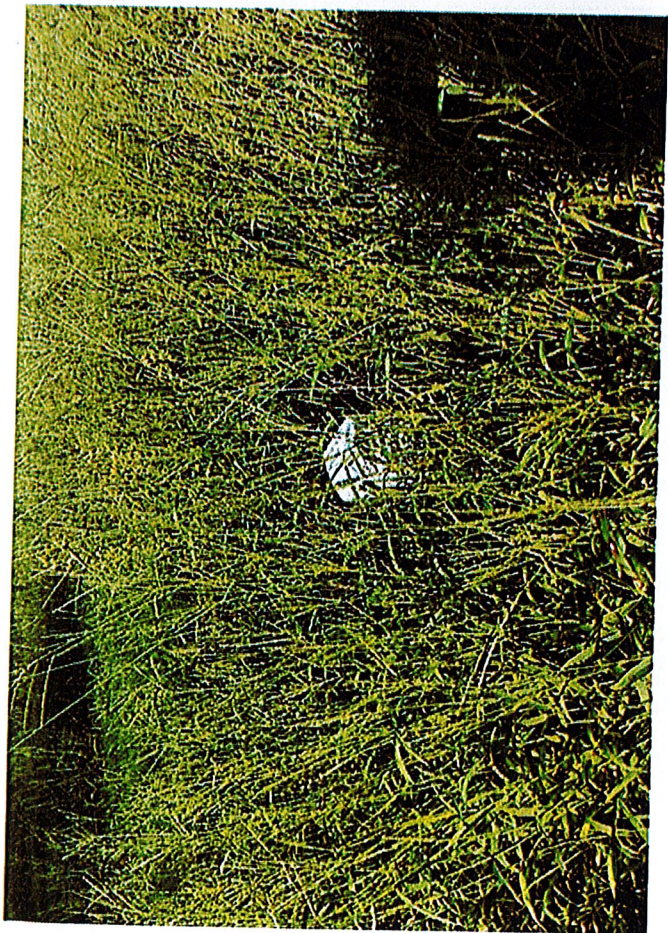
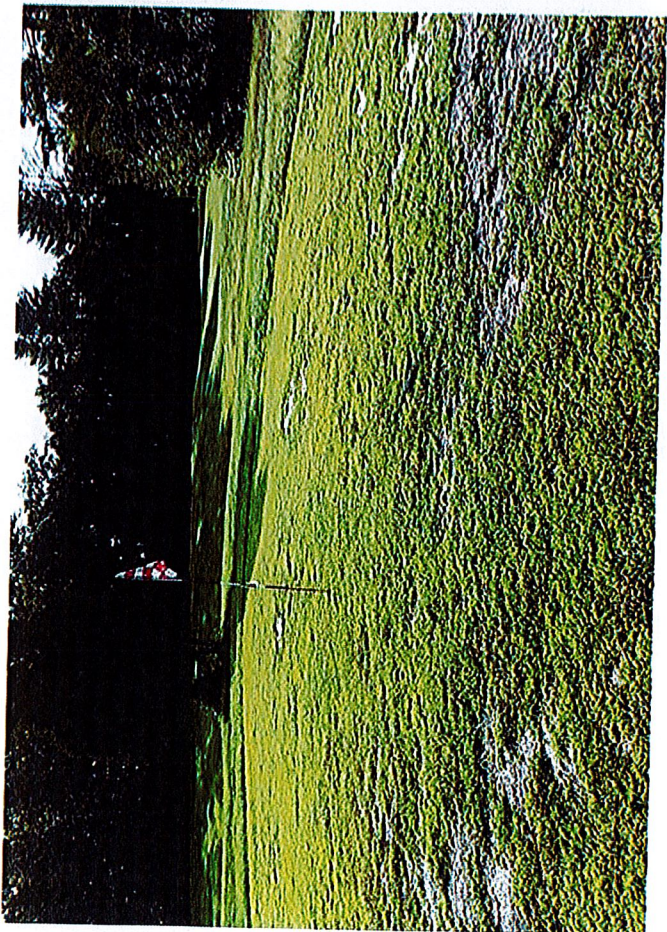
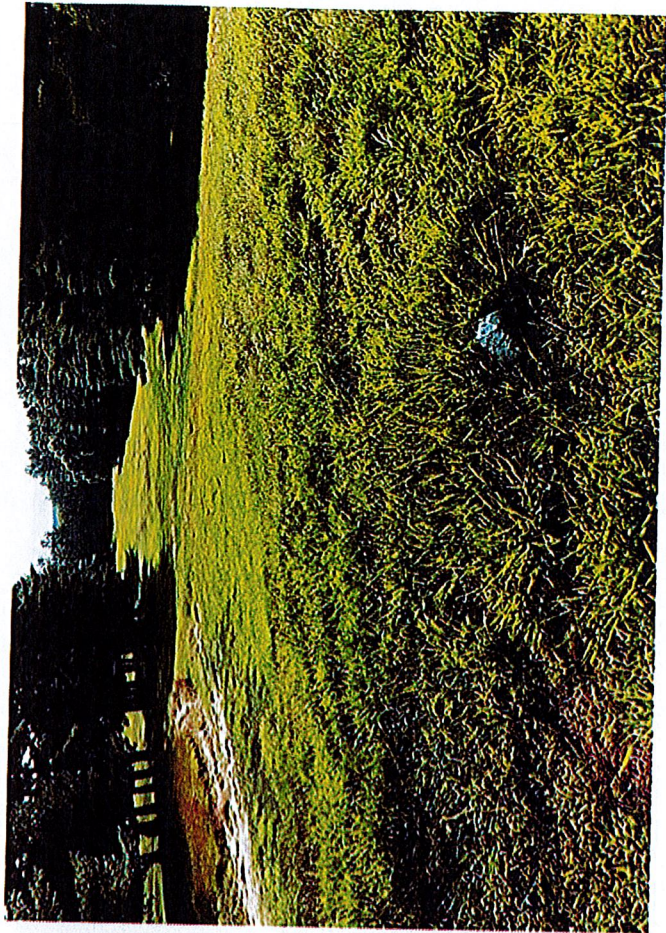
I have played on some courses where the maintenance and care of the course did not suit my tastes. I have never seen a course in worse shape than Mojalaki. If I was an unsuspecting golfer and paid my money for the 9 open holes, I almost certainly would, after 1 or 2 holes, march back to the club house and ask for my money back.

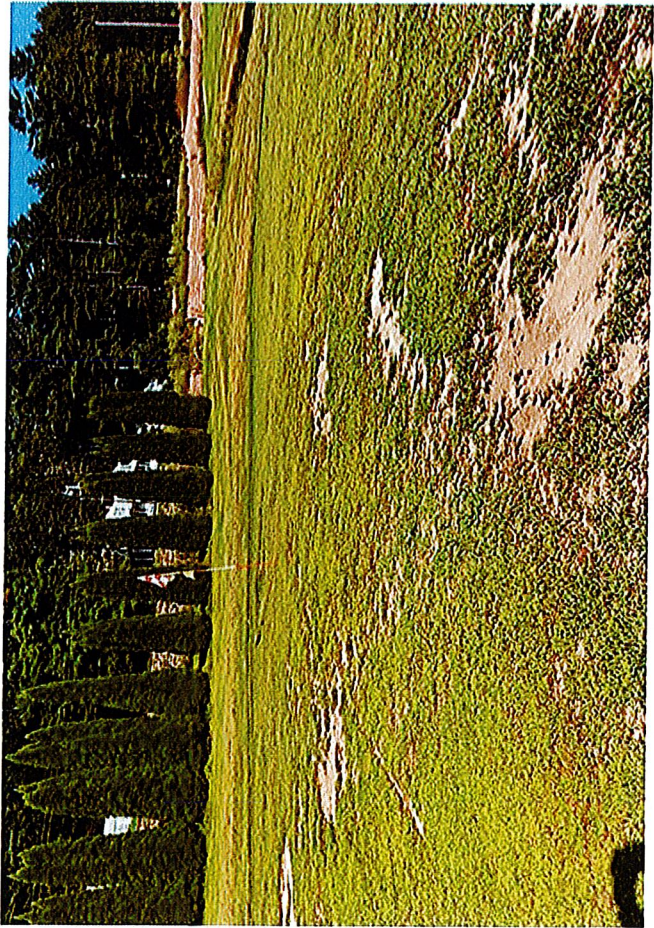
I hope you find this information helpful. Thank you.











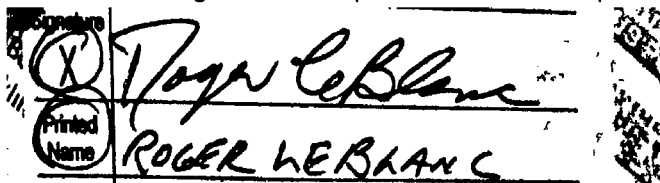


Date Produced: 03/18/2019

CITY OF FRANKLIN:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1012 5490 89. Our records indicate that this item was delivered on 03/16/2019 at 09:52 a.m. in FORT MYERS BEACH, FL 33931. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: Roger LeBlanc One Yellow Rose

**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, April 1, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding the rescission of a discretionary easement granted to One Yellow Rose LLC.

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

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

CITY COUNCIL MEETING
AGENDA ITEM VI



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
March 25, 2019

Franklin Masonic Association extension of Payment in Lieu of Taxes Agreement

Possible Motions:

Councilor moves, "I move the Franklin City Council extend the payment in lieu of taxes agreement with the Franklin Masonic Association to March 31, 2020."

Or

Councilor moves, "I move the Franklin City Council does not extend the payment in lieu of taxes agreement with the Franklin Masonic Association."

Mayor calls for a second, discussion and vote.

City of Franklin, New Hampshire

and

Franklin Masonic Association

Agreement for Payment in Lieu of Taxes

AGREEMENT entered into this 4th day of February, 2013 by and between the City of Franklin, New Hampshire, a municipal corporation located in the County of Merrimack and State of New Hampshire and the Franklin Masonic Association, a New Hampshire Non-Profit Corporation with a principal location of 58 South Main Street in the City of Franklin, County of Merrimack and the State of New Hampshire.

1. **BACKGROUND STATEMENT.** The City and Association have exchanged information and the City has reviewed documentation submitted by the Association in reference to the issue of tax exemption for property owned by the Association within the City of Franklin and have concluded that it is in their respective best interests to settle the issue of exemption upon the terms and conditions stated herein. Those terms include, for the duration of this Agreement, the City's agreement to grant a partial tax exemption to the Association on charitable grounds and the Association's agreement to make substantial voluntary payments to the City of Franklin on an annual basis throughout the term of the Agreement.
2. **TERM OF AGREEMENT.** This Agreement is effective for a period of five (5) tax years commencing April 1, 2013 and terminating, unless otherwise renewed or renegotiated, on March 31, 2018.
3. **PROPERTY SUBJECT TO AGREEMENT.** The properties subject to this Agreement are two (2) in number each having a mailing address of 58 South Main Street in the City of Franklin, New Hampshire, being parcels numbers:

098-074-00

098-078-00

Copies of the party's assessment cards, as currently on file within the records of the City of Franklin, are attached for purposes of further identification. This Agreement shall apply to both land and improvements.

4. **ANNUAL VOLUNTARY PAYMENT BY THE ASSOCIATION.** For every tax year applicable to this Agreement, upon the granting of a charitable property tax exemption by the City of Franklin as described further herein, the Association shall make an annual payment to the City of Franklin of a sum not less than Six Thousand Five Hundred Nine and 51/100 Dollars (\$6,509.51) which shall be the annual base payment below which the annual payment shall not fall. The annual base payment may increase upon the terms set forth further herein. Each party agrees that this annual contribution constitutes an agreement for a voluntary annual payment in lieu of taxes pursuant to RSA 72:23-m and any other applicable legal authority.
5. **PAYMENT DATE.** The annual payment called for herein shall be paid by the Association to the City in two (2) equal payments, one occurring on or before July 15th of each year and the other occurring on or before December 15th of each year.
6. **INTEREST.** In the event that payments are made in accordance with the above schedule, no interest shall be charged. Should payments be made after the stated dates, then those payments shall be subject to all legally allowable interest and penalties allowed for the non-payment of real estate taxes within the State of New Hampshire but based upon the amount owed pursuant to this Agreement and not upon the amount that would be owed if no exemption were granted to the subject premises.
7. **FORMULA FOR ANNUAL PAYMENTS.** In addition to the base amount described previously (\$6,509.51), the Association will pay to the City, commencing with the tax year beginning April 1, 2014, an amount equal to the so-called "City Assessment" and "County Assessment" but not the amount assessed against real estate in the City of Franklin for the support of the Franklin School District. In determining the tentative City and County assessments due pursuant to this formula, the Association's property subject to this Agreement shall, in all ways, be treated in the manner of other similar properties with assessments set proportionately as required by the laws of the State of New Hampshire.
8. **BILLINGS.** The City shall issue semiannual tax billings to the Association at the same time that it issues its general tax billings in reference to other properties within the City of Franklin.
9. **INFORMATION TO BE PROVIDED BY THE ASSOCIATION.** The Association shall annually file with the City all annual exemption forms required by the State of New Hampshire to be filed by organizations claiming to be charitable. The Association shall further file copies of all financial statements of the Association's operations on or before _____ of each year and further agrees to share financial information concerning its operations freely with the City during the term of this Agreement. The City has the right to request

additional information from the Association routinely in order to determine whether it is appropriate to continue with this Agreement.

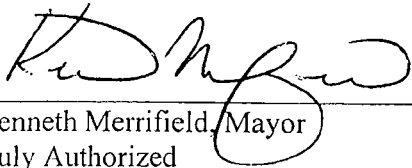
10. **ONGOING COOPERATION OF THE PARTIES.** The parties recognize that the consummation of this Agreement and the transaction contemplated herein will require the ongoing cooperation of both the City and the Association and each of the parties hereby agrees to comply in good faith with the reasonable requests of the other party which may be made from time to time.
11. **TERMINATION.** This Agreement may be terminated by the City at any time should it appear that the Association no longer meets the requirements for tax exemption within the State of New Hampshire in reference to the specific properties made subject to this Agreement. Failing such termination, this Agreement shall terminate automatically on March 31, 2018 unless extended or renewed as stated previously.
12. **MATERIAL BREACH AND OPPORTUNITY TO CURE.** In the event that either party to this Agreement commits a material breach of the Agreement, the non-breaching party shall give written notice of such breach to the breaching party and the breaching party shall have thirty (30) days to cure. If the material breach is not cured, the non-breaching party shall then be entitled to remedies of specific performance or damages as it may elect and, if necessary, subject to the order of any Court or administrative agency of competent jurisdiction.
13. **SPECIFIC PERFORMANCE.** In the event of a breach or threatened breach of the obligations of either party, the parties agree that damages at law may be an inadequate remedy and, accordingly, the obligations of each party to this Agreement shall be enforceable by an order of specific performance or injunction. In such case, the prevailing party shall be entitled to an award of its reasonable attorney's fees and costs.
14. **AMENDMENT.** No term or provision of this Agreement shall be altered, amended or changed in any way except in writing, with such amendment being executed by the parties hereto.
15. **ENTIRE AGREEMENT.** It is agreed that all understandings and representations heretofore between the parties are merged into this Agreement, which alone fully and completely expresses their agreement and that the same is entered into after full investigation, neither party relying upon any statement or representation not embodied in this Agreement.
16. **AGREEMENT BINDING.** This Agreement shall be binding upon and be to the benefit of the heirs, executors, administrators, successors, and assigns of the respective parties.

17. **ASSIGNMENT.** No party shall assign any obligation under this Agreement without the written consent of the other party.
18. **GOVERNING LAW.** This contract shall be governed by, and interpreted in accordance with, the laws of the State of New Hampshire. It is specifically agreed that the courts of the State of New Hampshire shall have jurisdiction over any dispute arising herefrom.
- 19 **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original for all purposes but all of which shall constitute one in the same agreement.

This Agreement was approved by the Franklin City Council on February 4, 2013.

IN WITNESS WHEREOF, we have hereunto set our hands and executed this

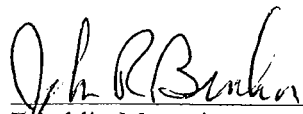
Agreement on the day and year first above written.



Kenneth Merrifield, Mayor
Duly Authorized
City of Franklin

2/4/13

Date



Franklin Masonic Association
Duly Authorized
Trustee

2-4-13

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, April 1, 2019 at 6:00 p.m. in Council Chambers, Franklin City Hall regarding the Extension of the Masonic Lodge Payment Agreement In lieu of Taxes through March 31, 2020.

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

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

CITY COUNCIL MEETING

AGENDA ITEM VII



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
April 1st, 2019 City Council Meeting

From: Krystal Alpers, Parks and Recreation Director

Subject: Vendor Fees

Recommended Motion:

Council moves: **"I move the Franklin City Council waive the vendor fees for the Farmers Market at Marceau Park."**

Council moves: **"I move the Franklin City Council waive the vendor fees for the Winni Rivers Days in Trestle View Park."**

Discussion:

Farmers Market

For the past few years, the Franklin Regional Hospital has hosted the Farmers Market on the front lawn of FRH. Due to staffing changes at FRH, they are not planning to host the Farmer's Market again this year. Therefore, the Parks & Recreation Department in conjunction with the HEAL Coalition would like to see this continue and will be holding it at Marceau Park. When the market was at FRH, vendors were not charged a fee for the space and our coalition would like to continue the market without fees. However, in moving the market to Marceau Park, it will now be hosted on City owned property. The HEAL Coalition is requesting formal permission from the Franklin City Council to waive the necessity of vendor permits for the market.

Winni Rivers Days

Mill City Park plans to host the inaugural Winnepesaukee River Days from June 21-23, 2019 at Trestle View Park in downtown Franklin, NH. This location, at the takeout for a popular class III whitewater section, in the downtown, provides an opportunity unique in New England, to combine a river festival with a celebration of the community around the river. We are planning three days of activities for paddlers and non-paddlers alike: free live music, kayaking competitions, a rubber ducky race, vendor village, silent auction, kids activities, etc. Mill City Park is requesting formal permission from the Franklin City Council to waive the necessity of vendor permits for this year's Winni Rivers Days for the vendor village.

Fiscal Impact:

The City will not receive the vending fees for either event which would be additional revenue brought into the city. We expect it to be very minimal as we plan to have about 5-10 vendors at the Market and 10-20 vendors at the Winni Rivers Days.



2019 Choose Franklin Community Day



March 20, 2019

To: The Honorable Mayor, City Councilors and City Manager

The 15th Annual Community Day 2019 will be held on May 11. This year, the events will be held in Odell Park. The theme is “Everyone is VITAL for Revitalization. The day will be filled with **Fun** events for **Family** and **Friends** of the City of **Franklin**.

As we have in the past, we are requesting formal permission from the Franklin City Council to waive the necessity of vendor permits for this event. The day will include a parade (at 10 AM), children’s activities, food, crafts and various businesses and community service organizations as vendors.

We would like to ask you to walk in the parade along with other elected officials. If you would like to participate, please meet at Franklin High School at 9:30 AM. There will be volunteers available to guide you to your spot in the parade line up.

Please email or call Jan Andrus at jandrus@sau18.org. or 671-1255 Option 1 to let her know if your schedule will allow you to participate in our parade. If you would prefer to ride in one of the vehicles generously donated by Benson Auto, please let us know at the time of sign up.

We wish to thank the departments of the City who have partnered with us for this event, including parks and recreation, police, fire, library, and municipal services. We would also like to encourage those departments to join with us in displaying the many positive initiatives that they bring to our community by offering booth space at no cost to these City departments.

The work of countless community volunteers has made this successful community-wide event possible for the past fourteen years. Thank you, once again, for your support.

Choose Franklin Community Day Committee

CITY COUNCIL MEETING

AGENDA ITEM VIII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of April 1, 2019

Subject: Other Business

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

MAYOR APPOINTMENTS

Planning Board:

“I re-appoint Mr. Tim Flaherty as an Alternate Member to the Planning Board of Adjustment (seat PB10), term of service is 3 years to January 2022.”



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting April 1, 2019

Date: March 26, 2019

From: Judie Milner, City Manager

Subject: City Manager's Update

- 1) Contingent Grant Line Activity
- 2) Trust fund for school funding
- 3) Thank you – Chief Goldstein, Niel Cannon, Dick Lewis
- 4) Testimony – 3/11 Adequate Education Funding HB709 (verbal & written);
3/18 Mill City Park one-time appropriation (written)
- 5) Governors Press Conference – 3/21
- 6) Social Media Buster – No, utilizing one-time revenue/surplus for ongoing expenditures is NOT fiscally responsible
- 7) HB2 editorials needed – one-time appropriation for City/MCP partnership from capital infrastructure revitalization fund in Governor's budget
- 8) Mill City Park Economic Update – 4/22 6pm; Lean roadmap update meeting to follow at 7pm
- 9) City Manager's Office 5S exercise
- 10) 3/7 Choose Franklin Budget 101 Presentation
- 11) 3/13 Mayor's Drug Task Force Community Partner Awards delivered to participating "pizza box sticker shock" locations: Tilton House of Pizza, Al's Pizza, Pizza Chef, JJ's

- 12)** Mill City Park Annual Dinner – 3/16; Krystal Alpers won volunteer of the year
- 13)** 3/21 American Council of Engineering Companies Award – Stanley Mill
- 14)** 3/28, Congresswoman Kuster's office visit
- 15)** Clerks Closed 4/16/19 at noon, April 3rd all day, May 8th all day
- 16)** FY2020 Budget – school district presentation 5/7 (Tuesday)?
- 17)** Manager's Community Pride Contest – And the winner is.....