

CITY OF FRANKLIN
CITY COUNCIL MEETING

May 4, 2020

6:00 P.M.





CITY COUNCIL MEETING

Monday, May 4, 2020 – 6:00 p.m.

Remote Webmeeting by computer: <https://zoom.us/j/97405302501>

or by phone: 1-312-626-6799, Meeting ID# 974 0530 2501

Compliant Statement

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

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

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

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

We are utilizing **Zoom Webmeeting via the Internet** for this electronic meeting.¹ All members of the **Franklin City Council** have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # **1-312-626-6799** and password **Meeting ID #97405302501**, or by clicking on the following website address: **<https://zoom.us/j/97405302501>**, **Meeting ID #97405302501**.

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

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

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

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

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

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

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

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

SALUTE TO THE FLAG



PUBLIC HEARINGS

Resolution #16-20 – a resolution appropriating \$10,588 from the Bessie Rowell Community Center Capital Reserve Fund to replace flooring in 4 classrooms.

COMMENTS FROM THE PUBLIC

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

CITY COUNCIL ACKNOWLEDGEMENT

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

MAYOR'S UPDATE

Agenda Item I.

Council to consider the minutes of the March 24th City Council Special Meeting and the minutes of the April 6th City Council Meeting.

Agenda Item II.

Council to consider Resolution #16-20, approval to transfer \$10,588 from the Bessie Rowell Community Center Capital Reserve Fund to replace flooring in 4 classrooms at the Bessie Rowell Community Center.

Agenda Item III.

Council to consider setting a public hearing on Resolution #17-20, authorizing the City Manager to file two separate grants totaling \$105,000 from State of New

Hampshire Clean Water State Revolving Fund (CWSRF) to be used towards the City's Water and Sewer Infrastructure Improvement Project.

Agenda Item IV.

Council to consider setting a public hearing for the adoption of Commercial Solar PILOT Agreements with Franklin Town Solar 1 LLC, Franklin Town Solar 2 LLC, Commerce Way Solar LLC, and New England Solar Garden.

Agenda Item V.

Other Business

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

Adjournment

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

CITY COUNCIL MEETING
AGENDA ITEM I



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of May 4, 2020

Subject: Approval of Minutes

Motion: “I move that the Franklin City Council approve the minutes of the March 24th, 2020 City Council Special Meeting and the minutes of the April 6th, 2020 City Council Special Meeting.”

Mayor calls for a second, discussion and the vote.

Pending City Council Approval



**City Council Special Meeting Minutes
Water & Sewer SWOT Analysis
Tuesday, March 24, 2020, 6:00 p.m.
Webmeeting Via Zoom**

Call to order

The meeting was called to order at 6:15 p.m.

City Council in attendance on-line

Mayor Giunta, Councilor George Dzujna, Councilor Olivia Zink, Councilor Karen Testerman, Councilor Ted Starkweather, Councilor April Bunker, Councilor Scott Clarenbach, Councilor Paul Trudel

Others in attendance on-line:

City Manager Judie Milner, Municipal Services Director Brian Sullivan, Municipal Services Deputy Director Justin Hanscom, Director Dick Lewis

Absent:

Councilor Jo Brown, Councilor Bob Desrochers

Salute to the Flag was led by Director Brian Sullivan.

A review of the Water and Sewer Infrastructure was provided by Director Sullivan.

Sullivan began with an overview of the current Infrastructure and explained as follows:

The current Infrastructure for the Water Department:

There are 52 miles of water distribution pipelines; 2,495 metered customers; three pressure zones; five water tanks; four pumping stations; two booster pumping stations; a water treatment plant; two pressure reducing vaults; 354 hydrants; and an average daily demand of 700,000 gallons per day.

The current Infrastructure for the Sewer Department:

There are 32 miles of collection system pipeline; 1,945 customers; 693 sewer manholes; two booster stations plus a state operated River Street pumping station. The average daily flow is estimated to be between 0.9 and 1.2 million gallons per day. This is less than Franklin 2.59 million gallons per day WRBP Wastewater Treatment Plant capacity allocation.

Sullivan stated that a strategy is needed relative to prioritizing and funding upcoming essential/critical projects for the next several years. We also must begin to talk about the development of a policy to deal with future budgets and setting utility rates for the Franklin Water and Sanitary Sewer Departments. The upkeep and maintenance of both systems becomes more challenging with age and potential growth. Although these are difficult times and I acknowledge some of the information contained in this report is not popular, it is my obligation to keep all stakeholders informed relative to current conditions and future challenges these funds will be dealing with in the years ahead. One thing is certain, without an adequately operated and funded water and wastewater systems, there will be a negative impact on the quality of life for Franklins Residents, Business Owners, Future Industry and overall Public Health.

Much of what will impact the two budgets and customer rates in future Water and Sanitary Sewer Funds will result from the continuing need to undertake critical infrastructure improvements. Additionally, ongoing regulatory requirements in order to comply with the "Safe Drinking Water Act" as directed by the State of New Hampshire, Department of Environmental Services (NHDES) and the United States Environmental Protection Agency (USEPA), will have an effect on both departments. Expect the U.S.E.P.A. changing regulations relative to increased sampling requirements for public water systems and wastewater effluent discharge as well as land application of bio-solids. Grant funding for such projects will almost always require a City match and an "Asset Management Plan."

Each Department operates as City Enterprise Funds relying on water consumption and quarterly availability charges to derive their operating revenue. As a result, both are similar in many ways and share the same short and long-term challenges. The most important factor to consider when evaluating the long-term financial, operational and capital needs of both departments is the small customer base supporting extensive and complex water and wastewater systems and associated infrastructure. Water connections number 2,395 and sewer connections 1,945. This limited customer base, coupled with the age; condition of existing infrastructure and vast amount of above and subsurface assets that the ratepayer must support is highly disproportionate. The customer base and water consumption have also declined since 2003, Critical capital projects continue to be deferred while operating costs continue to increase. We are at a crossroads.

Sullivan divided this discussion into two sections one for each fund (Water and Sewer). He stated that he is available to meet as many times as necessary to provide direction, review various scenarios and answer questions.

The following information was presented to the City Council and members of the public by Director Sullivan.

Overview:

Operation of the Water and Sewer Enterprise Funds are consistent with GASB accounting standards. Each operates under the requirements of U.S.E.P.A. issued Federal Permits as well as, State R.S.A.'s which regulate public water and wastewater systems.

Additionally, the Franklin Sewer Department is one of ten member communities participating in the Winnepesaukee River Basin Program (WRBP), which operates in compliance with its own set of guidelines created by State R.S.A., established through special legislation adopted in the late 1970's. This legislation established the framework which ultimately formed a state operated regional wastewater collection system and wastewater treatment plant serving the Lakes Region. It also identifies how the system should

be structured, managed and proportional shares which each member community must pay into the program, otherwise known as cost allocation. There is a total of approximately 14,500 connections to the systems, 62 miles of collection system pipeline and 14 state owned and operated pumping stations.

The WRBP has its own set of challenges that are currently being addressed both short and long term. I could do a workshop solely on the WRBP as decisions are going to need to be made by each participating community relative to ownership, cost allocation formula, assets and the potential of the member communities operating the WRBP as a public Waste Water Utility Authority thus taking the ownership and operation away from the State of New Hampshire, NHDES. The WRBP Advisory Board is in the process of evaluating a "roadmap" which identifies the necessary steps that need to be undertaken should we decide to expend time and resources on the concept of a municipally operated utility authority.

Based on the complexity and magnitude of the State and Federal regulatory requirements we work under; the City has performed extremely well remaining in compliance and meeting our obligations under our water and wastewater system permit compliance.

Fiscal Impact Sewer Fund:

The Fiscal Impact section of this report is divided into two sections, the first deals with the Sanitary Sewer Fund and the second is specific to the Water Fund.

(1) Sanitary Sewer Fund including Sewer Rates; Challenges; Revenues and Expenditures

Sewer Rates:

- Support Operations, Maintenance and Administrative costs of the City Department.
- Fund the State portion of the City Sewer Budget which in FY 20 is estimated to be 68% of the total.
- Fund Capital Repairs and Debt Service for the City Sewer Collection System.
- Are needed to fund the City's current and future "Inflow & Infiltration (I&I) Reduction Program" which is required under our NPDES permit.
- Have steadily increased, primarily to fund desperately needed WRBP operations, maintenance and capital project at the WRBP Wastewater Treatment Plant (WWTP) located on River Street in Franklin. This will continue as the WWTP, Collection System and Pumping Stations are well over 30 years in age and upgrades are necessary as equipment and subsurface infrastructure are nearing the end to their useful life.
- Unfortunately it is inevitable that sewer rates will continue to escalate as a result of essential capital projects as well as, increasing operation and maintenance costs on both the City and State portions of the Sewer Budget.
- The Phase two "Sanitary Sewer Assessment" report performed by Underwood Engineering is complete and the reports Executive Summary is included in your packet. This recently completed document provides a thorough overview of the current conditions and future recommendations towards making necessary repairs and improvements to the City Sanitary Sewer System with the main focus being to reduce inflow and infiltration thus reducing flow to the River Street Wastewater Treatment Plant.

Challenges:

- Maintaining an antiquated City collection system with a majority of pipe that is

original.

- Extensive aging of both the City and WRBP infrastructure, which is in need of on-going capital investment. Both systems have miles of collection system pipelines spread over a large geographic area, with very limited customer bases.
- Controlling and funding WRBP "Capital Recovery Costs" will be a major challenge. WRBP operates 62 miles of its Sewer Collection System, 14 Pumping Stations and the 11.54 million gallon per day capacity Wastewater Treatment Plant. There are approximately 14,500 connections to the WRBP wastewater interceptors / collection system. The City owns and operates another 32 miles of its own collection system.
- Reducing excessive City wastewater flow due to Inflow and Infiltration is necessary if we are going to stabilize and maintain affordable sewer rates and our cost allocation formula assessed to the City by the WRBP. Up to 70 % of Franklin's wastewater is fresh water entering the system due to Inflow and Infiltration!
- Meeting future regulatory requirements as USEPA changes the City's NPDES permit.

Revenues:

- Metered water consumption is the basis for the sewer "Disposal Charge" and is also the primary source of revenue.
- In 2017 over the past three previous fiscal years, water consumption by Sewer Customers was down therefore billable wastewater disposal charges were down by 723,936 cubic feet. Between fiscal years 17 to 18 the revenue loss decreased 926,604 equating to a \$64,862 revenue loss for the same period.
- The reason is less water consumption is mainly due to the amount of vacant properties, loss of customer base and increased water conservation by the customer.
- The last sewer rate increase was in FY19. The current "Disposal Charge" is \$7.00 per 100 cubic feet, equivalent to 748 gallons. A .09 cent reduction.
- For every 13-cent increase in the "Sewer Disposal Charge", the fund generates an additional \$25,000 in annual revenue.
- The quarterly "Sewer Availability Charge" had remained at \$20 per quarter for 27 years and has now been adjusted to \$30. Increasing the quarterly "Sewer Availability Charge" by \$1.00 will generate an additional \$7,780 in annual revenue.
- For the past eight years, the City has invested about \$458,558 in capital improvements including: system maintenance; mapping; sewer line cleaning and flushing; condition assessment and inspection; smoke testing and implementing components to be utilized for an "Inflow and Infiltration Reduction Program".
- Leachate disposal from the recently capped ash fill owned by the Concord Regional Solid Waste Resource Recovery Cooperative (CRSWRRC) and discharged into the Franklin Sewer Collection system will continue to decrease due to the ash fill closure. This leachate disposed into the City's Sewer Collection System is a significant revenue source. The ash fill closure will equate to an estimated \$38,000 decrease in annual revenue to the Sewer Fund beginning in FY 21.
- Without adequate revenue to fund Inflow and Infiltration (I and I) reduction and other capital projects, City Sanitary Sewer Customers could be adversely affected. WRBP is developing a new assessment formula which will be primarily based on municipal wastewater flow, wastewater strength and capacity. Billing using a flow/strength-based assessment formula means that I and I will be accounted for in the quarterly charges to each community. The new flow-based assessment formula is projected to be in place in 2021 and based on a five-year average flow from member communities.

Expenditures:

- A significant portion of City Sewer Department's Capital Expenditures on the City portion of our budget have been utilized to meet National Pollutant Discharge Elimination System (NPDES) Permit Requirements for the City's Wastewater Collection System which took effect since 2009.
- Operation and Maintenance (O&M) costs continue to increase annually primarily due to costs passed on to the municipalities by WRBP. The City has kept up these increases by the WRBP by increasing the sewer "Disposal Charge" to support the expenditures, equal to the amount that the NHDES assesses the City.
- City collection system improvements have been limited as the available revenue we have to work with after we pay annual WRBP assessments.
- We do continue to perform adequate annual maintenance to keep the City collection system operable and in compliance with our permits.
- Service requests and subsequent repairs due to the age and size of the sewer collection system amounted to 19 in 2019. Most of these are the homeowner's issue due to poor condition of sewer laterals resulting in backups into a building.
- The ten-member WRBP Advisory Board has become very pro-active in reviewing and assisting NHDES Staff on various projects. Many continue to be undertaken simultaneously.
- Flow meters throughout the WRBP sewer interceptor lines are now in place and we are collecting data on municipal flows. Municipal flow is the basis for establishing and resetting the new assessment formula for each WRBP community. This is the incentive to identify and eliminate as much I and I as feasible.
- Customer outreach and education is essential to keep all informed of our progress. This is a requirement of our federal NPDES Permit.

Fiscal Impact Water Fund:

Section 2, Water Fund including Water Rates; Challenges; Revenues and Expenditures:

Water Rates:

- Support Operations, Maintenance and Administrative costs for the Water Department.
- Support critical capital projects.
- Fund Debt Service. Currently four NHDES/DWSRF loans with 25% forgiveness on principal and one USDA loan with 49.5% forgiveness on principal and interest.
- The loans are necessary to keep a public water system reliable, operable and in compliance. All deal with funding identified critical infrastructure projects.
- Since 2003 there have been 11 rate increases totaling \$5.12 bringing the Water Commodity Charge from \$2.27 to the current rate of \$7.32 per 100 cubic feet. This equates to a penny a gallon!!!
- Communities with higher rates tend to be very proactive by investing in necessary Capital Projects.
- In February of 2015 the City increased the quarterly "Availability Charge" from \$20 to \$30 per quarter generating an additional \$92,000 in annual revenue. This increase is being used to pay off 10-year debt service on the Cross Street Water Tank Rehabilitation Project and the Route 3 Water Main Relocation Project.

Challenges:

- The most critical issue facing the department now is the condition of our wells, pumps and motors. Sanbornton Well field needs continuous well point rehabilitation to meet demand and more importantly to add a level of redundancy to the water distribution system. This well operates independently of the Water Treatment Plant. In other words if we have to shut down the plant for maintenance Sanbornton Wells become the City's primary source of water. The upcoming "New Hampton Road, Water Main Replacement Project will ensure that the distribution system from the wells to our water tanks is reliable. The cost to the ratepayer is \$3,087,545 equating to \$297 per linear foot of new water main replacement. Of the total approximately \$617,500 is grant reimbursement.
- Acme #2 well, developed in 1964, is currently in the process of complete replacement. Its production rate dropped from 650 to 150 G.P.M during a three-year period. Well water pumping rates decline with age. Each time we rehabilitate a well the cost is approximately \$45,000 thus well cleaning on a 3 to 5-year rotation is necessary due to high iron and manganese. The total cost of well repair with new well casing, pump, motor and building enclosure for this well will be upwards of \$425,000 and complete by May of this year. Money was not borrowed for this project.
- Extensive aging subsurface infrastructure, in need of on-going capital investment. The City has 52 miles of pipe in the ground. The current cost per foot for replacement is \$297 per linear foot.
- Meeting future regulatory requirements is a new trend. The USEPA will be issuing new drinking water standards for PFOA's, lead, copper and manganese.
- The City's Water Treatment Plant will be in need of approximately \$350,000 worth of upgrades over the next two years. The plant will be in service nine years this July.
- USEPA requires cleaning of water tanks every 5 years. Cost is approximately \$7,500 per tank.
- Well rehabilitation is necessary due to the high iron and manganese levels in our raw well water. High levels of iron and manganese have an adverse impact on pump and well performance as well as, the performance of the Water Treatment Plant. We are on a 5-year rotation for well rehabilitation at a cost of \$45,000 each.
- Other operation and maintenance activities include: software/hardware upgrades to meter equipment, SCADA communications systems, emergency generators, motorized equipment, water sampling and reporting and the replacement of antiquated curb stops and associated service connections to the water main.
- In F.Y. 21 there is the need to replace truck #13 which is the service truck for the Water/ Sewer Departments. The truck is a key piece of equipment and at the end of its useful life.
- There is the need to replace and repair other aging motorized equipment.
- Three additional water main replacement projects include East/West Bow Streets, Gilman Street and Thunder Road.

Revenues:

- Metered water consumption is the primary source of revenue for the department.
- During the three-year period between 2015 through 2017, water consumption was down by about 1,275,000 cubic feet. This equates to about a \$74,077 loss in revenue from water sales over the past three years annually. The issue is we still need to perform the same amount of maintenance to the system. Revenues have now stabilized.

- The reason for less water consumption is primarily due to vacant properties, loss of customer base and water conservation measures by customers. Unfortunately we still must maintain the extensive water system regardless of the number of customers
- The last "Water Commodity Charge" increase was raised in FY20. The current FY "Water Commodity Charge" is \$7.32 per 100 cubic feet which is equivalent to 748 gallons.
- For every 12-cent increase in the "Water Commodity Charge" the fund generates an additional \$25,000 in annual revenue.

Expenditures:

- The overall operation and maintenance cost to pump, treat, meter and deliver water has steadily increased.
- The overall percentage for fuel, oil, vehicle parts, heating fuel, electricity, disinfection chemicals, and personnel related expenses and most other costs directly associated with operation and maintenance of a water system have increased by 24% since 2007.
- Although there have been numerous improvements and the costs for operation and maintenance have risen, in the past we have been able to absorb these costs by supplementing them with a portion of retained earnings rather than propose larger rate increases.
- Unfortunately we are no longer in this position and this trend will continue. Again the increases are basically covering critical infrastructure and maintenance projects to keep our water system operable and in compliance.
- Regulatory requirements relative to operating a public water system have also become complex complicating budget stability.
- Costs associated with specialized contractual services such as engineering; well rehabilitation; meter replacement; reconditioning of pumps and motors; laboratory analysis, scada communications and programming and many other types of maintenance/service contracts are all essential to the operation of the system.
- A significant amount of distribution system maintenance is necessary to keep the system operable. Customer assistance due to the age and size of the system has also increased significantly. This involves considerable staff time.
- On the average we have certified laboratory costs on water sampling for over 1,200 samples annually.
- The Water Department "Capital Efficiency Plan" (CEP) was completed in September 2015. The CEP identifies and prioritizes short- and long-term capital needs. The CEP supports the Asset Management Program that we have been developing.

Alternatives:

Proper operation of both the Water and Sanitary Sewer Enterprise Funds are necessary to support clean potable water; fire protection; and the sanitary sewer collection, disposal and treatment of City wastewater. These are the most basic and primary components of municipal infrastructure. Without reliable facilities and staffing there is the negative effect towards attracting and maintaining residential, commercial and industrial growth. We must also consider the quality of life these two essential services provide to our customers!

Because both funds are State and Federally regulated and involve public health, there is little choice but to operate and maintain each system in the most economical manner, satisfying our permit requirements while always considering the long-term effect on the ratepayer. As you can see from this report, I have continuing concerns with respect to future costs and revenues for both the short and long term. More important, Franklin is not the only municipal water and wastewater systems system facing these many challenges.

Alternatives relative to the long-term operation of the City's Water System are very limited other than to sell off the assets and operate the system by contract operators. Sullivan concluded that this is not a viable alternative because most of our long-term challenges and costs are less related with the operation and maintenance of the system and far more heavily weighted on system wide, future, Capital Infrastructure needs. These needs will be the most significant impact to the Water Fund rate payer.

In closing, the Water Department Staff are the registered owners and operators of the Franklin system thus we have the obligation under our Public Water System Operators License's to protect public health by insuring the delivery of an ongoing, adequate supply of clean, safe, potable drinking water for human consumption and fire protection.

Sullivan stated that it is his responsibility to advocate for the long-term viability of Franklins Water and Wastewater Systems as much as I do for the ratepayer. Should something happen due to our inability to correct an operational problem or deficiency, we could run into significant financial burdens and potential enforcement action coupled with bad publicity. This will far outweigh adjusting rates and allowing us to operate pro-actively. Unfortunately rising consumer costs are the trend in all public utilities and Franklin's two public utilities are no different.

Director Sullivan asked if anyone had questions.

Councilor Dzujna asked Sullivan if the project at the mill area will bring in a great amount of water usage and has it been calculated. Sullivan replied that any more usage would be great, but nothing has been calculated at this time. Dzujna then asked what the new cost will be to the Winni River Basin Program (WRBP). Sullivan replied that it is calculated using a formula based on flow, capacity, and debt service.

Mayor Giunta lost the zoom meeting connection momentarily and dropped off at 7:05 p.m. and was back in the meeting at 7:06 p.m.

Mayor Giunta stated that if a contact for the USDA is needed, to let him know.

Councilor Trudel asked Sullivan to create a priority list of work starting with most critical with the costs associated. Sullivan replied that he would and that most of that information is already in the CIP Plan.

Councilor Testerman left the meeting at 8:03 pm.

Sullivan also informed the Council that hiring and retaining a dependable MSD crew is very difficult.

Sullivan also noted that he does not have the information to share whether there will be another rate increase this year. Mayor Giunta asked where Franklin's rates fall compared to other communities and Sullivan replied that he believes that Franklin is in the middle.

Draft - City Council Special Meeting Minutes – March 24, 2020

Page 9 of 9

There were no further comments or questions.

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

Roll call to adjourn:

Councilor Bunker	<u>Yes</u>	Councilor Brown	<u>Absent</u>	Councilor Trudel	<u>Yes</u>
Councilor Zink	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Starkweather	<u>Yes</u>
Councilor Desrochers	<u>Absent</u>	Councilor Testerman	<u>Absent</u>	Councilor Clarenbach	<u>Yes</u>

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Audrey Lanzillo



City Council Meeting Minutes
Monday, April 6, 2020, 6:00 p.m.
Remote Webmeeting via Zoom

The meeting was called to order at 6:15 p.m. Via Zoom @ <https://zoom.us/j/885064293>. Or by calling 1-312-626-6799.

Mayor Giunta opened the meeting stating that these are historic times and the first time the City has ever had to hold a City Council meeting remotely. He read the State of Emergency Compliant Right to Know Statement below.

Compliant Statement

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

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

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

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

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

Council attendance by roll call below:

- Mayor Tony Giunta, dialing in from home with no-one else present.
- Councilor Bunker, dialing in from home with no-one else present.
- Councilor Brown, dialing in from home with no-one else present.
- Councilor Clarenbach, dialing in from home with no-one else present.
- Councilor Desrochers, dialing in from home with no-one else present.
- Councilor Dzujna, dialing in from home with his Christine present with him.
- Councilor Testerman, dialing in from home with her husband State Representative Dave Testerman present with her.
- Councilor Trudel, dialing in from home with no-one else present.
- Councilor Starkweather, dialing in from home with no-one else present.
- Councilor Zink, dialing in from home and her daughter may enter the room at some point.

Salute to the Flag was led by the entire City Council. Mayor Giunta congratulated everyone for this first City Council pledge ever recited telephonically.

Mayor Giunta thanked Councilors Desrochers and Dzujna for providing the following veterans names to honor this evening.

Mayor Giunta recognized William (Bill) Grimm who served in the US Navy from 1965-1970 and was heavily involved in dedicating his time toward the improvement of education. He founded the Franklin Career Academy, the first charter school in the history of the State of New Hampshire. Mayor Giunta mentioned that he named Bill as Citizen of the Year in 2013.

Also recognized is the loss of retired Brigadier General Carolyn Protzman who had an incredibly distinguished career, including being the first woman as commander of the NH National Guard. She is also the beloved sister of our very own Councilor Jo Brown.

Mayor Giunta gave his condolences to Councilor Brown, her family, and the family of Mr. Bill Grimm.

Public Hearings

Resolution #14-20, accepting \$5,120.32 in funds to start the Robert H. Arteaga Scholarship Trust Fund.

The Public Hearing for Resolution #14-20 opened at 6:17 p.m.

Mayor Giunta asked if there were any questions or comments. There were no live questions on the phone or computer, nor were any submitted in advance.

The public hearing for Resolution #14-20 closed at 6:19 p.m.

Resolution #15-20, a resolution authorizing the City Manager to file an Asset management Grant Agreement to fund the Drinking Water Infrastructure Project.

The public hearing for Resolution #15-20 opened at 6:19 p.m.

Mayor Giunta asked if there were any questions or comments. There were no live questions on the phone or computer, nor were any submitted in advance.

The public hearing for Resolution #15-20 closed at 6:20 p.m.

City Council Acknowledgement

Councilor Dzujna stated that we are in very difficult times and he could not thank enough, all the First Responders, the Fire Department, the Police Department, all the City department heads & staff, and all the healthcare workers. While everyone is home staying safe, they are all out keeping services going and putting themselves at risk.

Mayor Giunta thanked Dzujna and stated that his words were very well said and that he speaks for all of the City Council.

Councilor Brown commended Superintendent LeGallo and the School Board for feeding all the students even though they are not attending classes and handling the challenges of on-line learning for the students. She thanked them for all they are doing for the students.

Councilor Bunker commended the City's Municipal staff and City Manager for not missing a beat going from the server issues and straight into dealing with this pandemic. The schools and the food service workers have been incredible. She stated that she is extremely impressed with our City.

Councilor Testerman commended Mayor Giunta, Police Chief Goldstein, and City Manager Milner for their encouraging messages on the City Website. She stated that it's a wonderful thing to do and needs to be done.

Mayor Giunta thanked Councilor Testerman and added that he will keep sending out messages and information to the residents.

Mayor's Update

Mayor Giunta stated that he could spend the rest of the night sharing updates but wanted to share his recollection of when he was elected back in November 1999 and then taking office in 2000. He referenced the catastrophe of September 11th, 2001 and mentioned the unexplainable parallels of unfortunate events that have occurred since he was re-elected this second time. Mayor Giunta stated

that he is incredibly grateful for every City employee who has remained out there doing their jobs so he can shelter in place.

This past weekend, Mayor Giunta stated that he was outside raking when a small business owner stopped to speak to him. Both standing approximately 20 feet apart from each other, the business owner shared his thoughts of how this has affected his small business. Mayor Giunta informed him of the Government Payroll Protection program and would like others who are listening to please share this information with their small business owner friends. Mayor Giunta assured the business owner, who felt as if this were some type of welfare program and did not want to accept it, that this is not a welfare program and that it's designed to keep the small business's employees on the payroll. Giunta asked everyone to encourage small businesses to apply and alleviate their fear of not being able to keep their employees. Mayor Giunta concluded stating that we are going to get through this just like in past challenging times.

Agenda Item I

Council to consider the minutes of the March 2nd, 2020 City Council Meeting and the minutes of the March 9th, 2020 City Council Special Meeting LEAN Workshop.

Motion – Councilor Bunker moved that the Franklin City Council approve the minutes of the March 2nd, 2020 City Council Meeting and the minutes of the March 9th, 2020 City Council Special Meeting LEAN Workshop.

Seconded by Councilor Dzujna.

Mayor Giunta asked if there was any discussion. Councilor Starkweather stated that he would abstain from the vote since he was not present at the March 9th meeting.

Councilor Zink requested a correction on the March 2nd meeting minutes. Page 2, last paragraph second sentence last word should be "of" instead of "on".

There was no further discussion.

Roll call:

Councilor Brown	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Zink	<u>Yes</u>
Councilor Clarenbach	<u>Yes</u>	Councilor Bunker	<u>Yes</u>	Councilor Testerman	<u>Yes</u>
Councilor Desrochers	<u>Abstain</u>	Councilor Starkweather	<u>Abstain</u>	Councilor Trudel	<u>Yes</u>

7 in favor. 2 abstained. Motion PASSED.

Agenda Item II.

Council to consider approval of Resolution #14-20, a resolution accepting \$5,120.32 of Trust Fund money to start the Robert H. Arteaga Scholarship Trust Fund.

Motion – Councilor Dzujna moved that the Franklin City Council adopt Resolution #14-20 accepting approximately \$5,120.32 from Melonie Bell for the purpose of setting up an expendable scholarship fund with the City's Trustees of the Trust Funds called "Robert H.

Arteaga Scholarship”.

Seconded by Councilor Zink.

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

RESOLUTION #14-20

A Resolution Relating to the Acceptance of Trust Fund Money.

In the year of our Lord, Two Thousand Twenty,

WHEREAS, the City Council of the City of Franklin recognizes the efforts of Melonie Bell to offer an annual scholarship to Franklin High School students, **and;**

WHEREAS, Ms. Bell would like to relinquish her administrative responsibility of the scholarship fund, **and;**

WHEREAS, remaining assets of \$5,120.32 have been allocated to support Franklin High School students, **and;**

WHEREAS, Scholarship recipients will be limited to one \$500 Scholarship per year, to be made prior to the start of the first semester, after proving acceptance to college, **and;**

WHEREAS, acceptance of these funds has no budgetary impact of the Fiscal Year 2020 budget and future budgets, **now;**

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, April 6, 2020, the City Council of Franklin, New Hampshire does hereby vote to accept \$5,120.32, from Ms. Bell, for the purpose of starting a Franklin High School Scholarship Fund called “Robert H. Arteaga Scholarship Trust Fund” placing the monies in an expendable scholarship fund with the City’s Trustees of Trust Funds”. Scholarship recipients will be limited to one \$500 scholarship, to be made prior to the start of the first semester, using the following award criteria: leadership, passion for football, has been on the franklin football team, team player, kindness, caring, student who struggled academically and or personally and persevered to move forward .*

By a roll call vote.

Roll Call:

Councilor Starkweather	<u>Yes</u>	Councilor Desrochers	<u>Yes</u>	Councilor Zink	<u>Yes</u>
Councilor Brown	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Trudel	<u>Yes</u>
Councilor Clarenbach	<u>Yes</u>	Councilor Testerman	<u>Yes</u>	Councilor Bunker	<u>Yes</u>

All in favor. Motion PASSED.

Agenda Item III.

Council to consider Resolution #15-20, a resolution authorizing the City Manager to file an Asset Management Planning Grant Agreement to fund the Drinking Water Infrastructure Project.

Motion – Councilor Zink moved that the Franklin City Council approve Resolution #15-20 by roll call vote.

Seconded by Councilor Starkweather.

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

RESOLUTION #15-20

A Resolution granting the City Manager the authority to file a final application under the State of New Hampshire, 2020 Asset Management Planning Grant Program AM-101" and designating an authorized representative.

WHEREAS, the City of Franklin, New Hampshire after thorough consideration of the nature of its drinking water system needs, hereby determines that in order to continue endeavors towards further improvements to the Franklin Water Department, an "Asset Management Program" is necessary and in the public interest, and to that end apply for grant assistance from the State of New Hampshire, Department of Environmental Services in an amount not to exceed \$20,000 with the City providing a 100% match of \$20,000 .

NOW, THEREFORE, BE IT RESOLVED BY the Franklin City Council, Franklin, New Hampshire, the governing body of said City of Franklin, New Hampshire as follows:

1. City Manager, Judie Milner, is hereby designated as the Authorized Representative of the City of Franklin, NH for the purpose of filing a final grant application, furnishing such information, data and documents pertaining to the applicant for a grant as may be required; and otherwise to act as the Authorized Representative of the applicant in connection with this application and if such a grant can be made, is the designated Authorized Representative of the Applicant responsible for furnishing information, data and documents pertaining to disbursements relating to the grant.
2. That the Franklin, New Hampshire City Council hereby votes to enter into grant agreement #AM-101 with the New Hampshire Department of Environmental Services to fund asset management and financial planning initiatives through this matching grant program authorizing Judie Milner, City Manager to execute any documents which may be necessary to effectuate this grant agreement.
3. That certified copies of this resolution be included as part of the final grant application.
4. That City Manager, Judie Milner is authorized to sign the final grant agreement binding the City of Franklin to the terms and conditions of the grant: Primary signatory being Judie Milner, City Manager.
5. That if such a grant be made, the City of Franklin agrees to make provisions for assuming proper development and further implementation of a Water Department Asset Management Program for its above ground and subsurface drinking water infrastructure.
This Resolution is Non-Lapsing.

By roll call vote:

Councilor Brown	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Zink	<u>Yes</u>
Councilor Clarenbach	<u>Yes</u>	Councilor Bunker	<u>Yes</u>	Councilor Testerman	<u>Yes</u>
Councilor Desrochers	<u>Yes</u>	Councilor Starkweather	<u>Yes</u>	Councilor Trudel	<u>Yes</u>

All in favor. Motion PASSED.

Agenda Item IV.

Monthly School Board Update was provided by Superintendent Dan LeGallo. He began with an acknowledgment to the Fire Chief Mike Foss for activating the City's Emergency Management Plan. The EOC Committee has been meeting weekly for approximately 4 weeks now and the communication has been excellent. LeGallo also thanked Mayor Giunta for writing the article about the teachers. He stated that it was very much appreciated and well received by the school staff.

LeGallo informed the Council that things have been going as well as can be expected. The school is busy providing breakfast and lunch to approximately 500 students 5 days a week. He thanked the school workers and the bus drivers for all their work making sure the children are fed. LeGallo especially thanked the teachers and staff for addressing this situation and making it work in less than 24 hours. They were amazing in working this out.

LeGallo stated that the School Board passed a tax cap budget at the beginning of March and it has been shared with the City Manager.

In closing, LeGallo shared that the School was able to share PPE Equipment and hand sanitizer with the First Responders in Franklin. The facilities manager has been combing through the school searching for supplies that the First Responders can use.

Mayor Giunta asked if anyone had questions for Superintendent LeGallo.

Councilor Bunker commended the school stating that she has many friends with children in other school districts and pointed out that Franklin began remote learning at least a week ahead of the other districts. In one day, the teachers had packets and Chromebooks ready for every student to take home. She stated that she was immensely proud of our schools for acting on this so quickly and seamlessly.

Mayor Giunta added that there have been many conversations about the President Trump halting all incoming flights from China and this action may have saved 1 million people from becoming infected. By Franklin acting so quickly by closing the schools and social distancing, who knows how many have been saved from this virus.

Councilor Dzujna thanked Superintendent LeGallo and asked him if there has been any feedback on the remote learning from the student's parents. LeGallo replied that there are a few challenges with the special needs students and the School Board is meeting tomorrow night to discuss rolling out video conferencing types classrooms and teaching. This will help all students not just special needs.

Councilor Testerman commended Judy Tilton from the Compass Academy for coordinating gift card donations for the students and families in need. Superintendent LeGallo added that the Compass Academy students are also recipients of the school breakfast and lunch delivery program.

Mayor Giunta stated that during these times where students are forced into utilizing the remote learning model, if anyone runs into a student who doesn't have a computer or access to the internet to

let him know so he can help to see that it can be taken care of. There are federal funds coming into the state to address these very needs. This is a top priority for everyone. LeGallo thanked Mayor Giunta.

There were no further comments or questions for Superintendent LeGallo.

Agenda Item V.

Council to consider setting a public hearing on Resolution #16-20, a resolution transferring \$10,588 from the Bessie Rowell Community Center Capital Reserve fund to replace flooring in 4 classrooms at the Bessie Rowell Community Center.

Motion – Councilor Bunker moved that the Franklin City Council schedule a public hearing on Resolution #16-20 at 6:00 p.m. on May 4th, 2020 to transfer \$10,588 from the Bessie Rowell Community Center Capital Reserve Fund to replace flooring in 4 classrooms at the Bessie Rowell Community Center.

Seconded by Councilor Desrochers.

Mayor Giunta asked if there was any discussion with regards to setting the public hearing.

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

Seconded by Councilor Desrochers.

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

Roll call:

Councilor Brown	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Zink	<u>Yes</u>
Councilor Clarenbach	<u>Yes</u>	Councilor Bunker	<u>Yes</u>	Councilor Testerman	<u>Yes</u>
Councilor Desrochers	<u>Yes</u>	Councilor Starkweather	<u>Yes</u>	Councilor Trudel	<u>Yes</u>

All in favor. Motion PASSED.

Mayor Giunta asked if there was any discussion to the original motion with setting the public hearing. There was none.

Roll call:

Councilor Brown	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Zink	<u>Yes</u>
Councilor Clarenbach	<u>Yes</u>	Councilor Bunker	<u>Yes</u>	Councilor Testerman	<u>Yes</u>
Councilor Desrochers	<u>Yes</u>	Councilor Starkweather	<u>Yes</u>	Councilor Trudel	<u>Yes</u>

All in favor. Motion PASSED.

Mayor Giunta read Resolution #16-20 in title only.

RESOLUTION #16 - 20

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

In the year of Our Lord, Two Thousand Twenty,

Whereas, the City Council of the City of Franklin has adopted a budget for fiscal year 2020 which began July 1st 2019, and;

Whereas, the City Council of the City of Franklin, New Hampshire wishes to replace the VCT flooring in four classrooms at the Bessie Rowell Community Center, and;

Whereas, the City Council of the City of Franklin, New Hampshire established a capital reserve fund for the Bessie Rowell Community Center into which each entity occupying the building contributes \$5,000 annually (totaling \$20,000 in annual contributions), and;

Whereas, the City Council of the City of Franklin wishes to expend \$10,588 out of the Bessie Rowell Community Center capital reserve fund to pay for replacement of VCT flooring at the Bessie Rowell Community Center, Now,

Therefore Be It Resolved that the scheduled meeting of the City Council on Monday, May 4th, 2020 the City Council of the City of Franklin, New Hampshire does hereby adopt a resolution #16-20 appropriating \$10,588 out of the Bessie Rowell Community Center capital reserve for the purpose of replacing VCT flooring in (4) classrooms through:

An increase in revenue account,

Transfer in from capital reserve fund account number 01-0-000-39150-000 – Ten Thousand Five Hundred Eighty-Eight Dollars (\$10,588),

And an increase in expenditure account,

Building Repairs and Maintenance – BRCC Acct. No. 01-1-944-40430-000 - Ten Thousand Five Hundred Eighty-Eight Dollars (\$10,588),

By a roll call vote.

Agenda Item VI.

Other Business

1. Mayoral appointments:

- a) Mayor Giunta accepted a resignation from Tim Flaherty on the Planning Board, alternate seat #PB10 and appointed him to a regular seat on the Planning Board, seat #PB7, term of service is to January 2021.

2. Committee Reports - There were no committee report updates.

3. City Manager's Update

- a) City Manager Milner stated that tonight's zoom meeting is going very well and we look like we have been doing this for a long time. She gave a shout out to her secretary Audrey Lanzillo for learning the software, testing with other staff members, and for her help setting up additional zoom meetings over the past week.
- b) The contingent Grant Line activity is \$35 for K-9 Miller.
- c) Trust Fund for school funding is \$69.26
- d) Principal Darsney is showing Audrey how the School Board is Live Streaming their meetings. They met on March 4th and will continue to review logistics and do a test run at a future City Council meeting in a couple of months.
- e) The City's Emergency Operations Center (EOC) Committee, regarding COVID-19, has been partially activated. Weekly meetings are being held to discuss and resolve any issues. Milner gave a shout out to Superintendent Dan LeGallo for bringing in a huge box of hand sanitizer. City Hall is very appreciative because we have been looking for some and couldn't not find any.
- f) Daily Tidbits will be going out to the City Website's under News and Announcements. Chief Goldstein will be authoring some. He is great writer.
- g) Milner gave a huge shout out the City Hall staff for stepping up to the plate. Business is being done in a different way. Staff will be helping each other out and doing different jobs. Milner stated that she is very proud of the team.
- h) Milner gave a shout out to Mayor Giunta for taking many calls from the Governor and getting access to the things that the City needs.
- i) The City submitted the questions for the Mill City park permit on March 27th to the Department of Environmental Services which sets the date for the new permit date to April 27th. Milner stated that the City has confirmation that DES is currently writing the conditions.
- j) The Conservation Parcel, in lieu of the mitigation payment as part of the Mill City Park project, was accepted by the Lakes Region Conservation Trust on March 26th, 2020. City Attorney Paul Fitzgerald is in the process of writing the easement.
- k) Milner asked for the City Council's feedback on holding the next LEAN meeting via Zoom. Mayor Giunta asked the Council to electronically raise their hands to vote on whether the meeting should be held or cancelled. There were seven hands raised therefore consensus to cancel the April LEAN workshop was noted. Milner stated that she would update the roadmap and send it out to the Council.
- l) The NH Municipal Association Board of Directors meeting for March was focused on asking the Governor to do an emergency order for municipalities, which he did so that was the only discussion at the March 20th meeting. The NHMA finance committee meeting is pushed out to April 20th.
- m) Milner stated that the CADCA required training (to apply for the Drug Free Community Grant), will be held in Washington DC. This is the closest location for this training. The April 13-16 training was cancelled and will be live streamed at some point. The June training has been moved to July. There are currently no changes to the September training dates.
- n) FY2021 budget is in process. We were behind due to the server issues but moving forward with most departments having submitted their budgets. The School has passed their budget under the tax cap with no planned layoffs this year. The school would like to present their budget on May 6th and the Municipal Department to present on May 13th. Milner stated that she is not sure if this will happen via zoom at this point.
- o) EPA is granting the City more money to find the last bit of contaminant on the Ciao Pasta property

before the location is developed. This will happen quickly and may need to come before Council for approval at the May 2020 meeting.

Mayor Giunta asked Milner if a meeting may be needed in between now and the May meeting. Milner replied that the Cumberland Farm lease agreement is ready to go and she will send it out to the Council so they can start reviewing. She does not believe another meeting is needed.

There were no late items to discuss or any other business to review.

Mayor Giunta thanked Audrey for pulling the zoom meeting together and for the City Council for using the software, raising electronic hands, and voting. He thanked everyone involved.

Motion – Councilor Desrochers moved to adjourn. Seconded by Councilor Dzujna.

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

Roll call vote to adjourn:

Councilor Brown	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Zink	<u>Yes</u>
Councilor Clarenbach	<u>Yes</u>	Councilor Bunker	<u>Yes</u>	Councilor Testerman	<u>Yes</u>
Councilor Desrochers	<u>Yes</u>	Councilor Starkweather	<u>Yes</u>	Councilor Trudel	<u>Yes</u>

All in favor. Motion PASSED.

The meeting adjourned at 7:03 p.m.

Respectfully Submitted,

Audrey Lanzillo

CITY COUNCIL MEETING
AGENDA ITEM II



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
April 6th, 2020 City Council Meeting

From: Krystal Alpers, Parks and Recreation Director

Subject: City Council to consider transferring funds from the Bessie Rowell Community Center Capital Reserve Fund to replace flooring in 4 classrooms in the Community Center.

Recommended Motions:

April 6th, 2020

Council moves: **"I move the Franklin City Council schedule a public hearing on Resolution #16-20 at 6:00pm on May 4th, 2020 to transfer \$10,588.00 from the Bessie Rowell Community Center Capital Reserve Fund to replace flooring in 4 classrooms at the Bessie Rowell Community Center."**

May 4th, 2020

Councilor moves: **"I move the Franklin City Council adopts Resolution #16-20 which appropriates \$10,588.00 from the Bessie Rowell Community Center Capital Reserve to replace the flooring in 4 classrooms at the Bessie Rowell Community Center and by a roll call vote."**

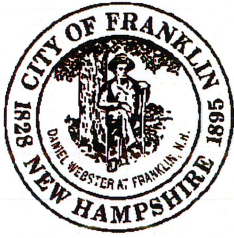
Discussion:

Since the Parks and Recreation Department moved to the Bessie Rowell Community Center, we have been working hard to create and maintain an indoor space that works for all the organizations within the building. We have addressed most of the concerns however, one main item that has not been addressed is replacing the flooring in 4 classrooms. During the initial renovation the rooms that had carpet were removed and new VCT was put down. We had 4 classrooms that had existing VCT that was in poor condition but in an effort to make the construction budget work, we did not replace at that time. Since the initial construction we have replaced small sections in the rooms to make it work. However, now more and more tiles are cracking, chipping, popping up, etc. Therefore, replacing smaller sections is becoming a nuisance and only providing a band aid. At this time, replacement would be the best choice to eliminate needing to continually fix the broken tiles.

Fiscal Impact: The current balance in the capital reserve account as of March 31, 2020 is \$109,179.71 with an additional \$3,749.63 to be deposited in June. Once the floors are done, the capital reserve will have \$102,341.34 remaining as we close out this fiscal year (without any unforeseen expenses).

Attachments/Exhibits:

Resolution #16-20



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION #16 - 20

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

In the year of Our Lord, Two Thousand Twenty,

Whereas, the City Council of the City of Franklin has adopted a budget for fiscal year 2020 which began July 1st 2019, and;

Whereas, the City Council of the City of Franklin, New Hampshire wishes to replace the VCT flooring in four classrooms at the Bessie Rowell Community Center, and;

Whereas, the City Council of the City of Franklin, New Hampshire established a capital reserve fund for the Bessie Rowell Community Center into which each entity occupying the building contributes \$5,000 annually (totaling \$20,000 in annual contributions), and;

Whereas, the City Council of the City of Franklin wishes to expend \$10,588 out of the Bessie Rowell Community Center capital reserve fund to pay for replacement of VCT flooring at the Bessie Rowell Community Center, Now,

Therefore Be It Resolved that the scheduled meeting of the City Council on Monday, May 4th, 2020 the City Council of the City of Franklin, New Hampshire does hereby adopt a resolution #16-20 appropriating \$10,588 out of the Bessie Rowell Community Center capital reserve for the purpose of replacing VCT flooring in (4) classrooms through:

An increase in revenue account,

Transfer in from capital reserve fund account number 01-0-000-39150-000 – Ten Thousand Five Hundred Eighty-Eight Dollars (\$10,588),

And an increase in expenditure account,

Building Repairs and Maintenance – BRCC Acct. No. 01-1-944-40430-000 - Ten Thousand Five Hundred Eighty-Eight Dollars (\$10,588),

By a roll call vote.

Roll Call:

Councilor Brown _____	Councilor Dzujna _____	Councilor Clarenbach _____
Councilor Starkweather _____	Councilor Zink _____	Councilor Testerman _____
Councilor Desrochers _____	Councilor Bunker _____	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 the 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, May 4, 2020 at 6:00 p.m. regarding Resolution #16-20, Appropriating \$10,588 from the Bessie Rowell Community Center Capital Reserve Fund to replace flooring in 4 classrooms, by remote Webmeeting either by calling 1-312-626-6799 or by computer at <https://zoom.us/j/97405302501>, meeting ID #974 0530 2501. Please note, due to our current health concerns, this meeting will be held remotely.

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 III



CITY OF FRANKLIN COUNCIL AGENDA REPORT

May 4, 2020

From: Brian J. Sullivan, Municipal Services Director

Subject: Franklin City Council to consider setting a public hearing on Resolution #17-20. A Resolution authorizing the City Manager to file final applications for two NHDES, Clean Water State Revolving Fund (CWSRF) and designating Judie Milner, City Manager as the City's authorized representative.

Recommended Motion's:

May 4, 2020:

Councilor moves: "I move that the Franklin City Council schedule a public hearing at 6:00 P.M on Monday, June 1, 2020 in the City Council Chambers to consider two ,100% reimbursable loans totaling \$105,000, from the State of New Hampshire Clean Water State Revolving Fund (CWSRF) program.

Discussion:

City Council passage of Resolution and #17-20 is the first step required in order to secure funding and move forward with filing two final grant applications for the Franklin Sewer Department. This, along with the preparation of documents allows the Governor and Council to proceed towards authorization of project funding. These two NHDES, Clean Water State Revolving Fund (CWSRF) grants are in the amount of \$30,000 and the second for \$75,000 with no match required! The Sewer Department will also be expending another \$60,000 towards this project which is already included in the Fiscal Year 2021 budget.

Both grants focus on the further development of an Asset Management Plan and the City's Inflow and Infiltration Reduction Program in the Sewer Department. We will be using Closed Circuit Tele Vision (CCTV) technology. This technology involves televising subsurface sanitary sewer lines and associated infrastructure to fully document existing conditions. It will be the basis for identifying current and future repairs and system reconstruction projects to **problematic** areas within the City's Waste Water Collection System. Findings will be the basis for short and long-term planning and are helpful towards projecting and budgeting essential/critical projects aimed at reducing inflow an infiltration of non-waste water entering into the City sewer system. By identifying critical projects well in advance of failure, it enables us to rotate projects thus, having less of an impact on sewer utility rates. Excessive inflow and infiltration also effects City sewer disposal rates assessed to us by the Winnepesaukee River Basin Program. Spiking of rates occurs when there are numerous infrastructure failures in a short period of time.

Asset Management Plans and I and I Reduction Programs enable the City to secure future funding for necessary construction projects under various Federal and State CWSRF grant and loan programs and to satisfy the City's NPDES Waste Water Permit issued by the USEPA.

This resolution makes the City Manager our "Authorized Representative" enabling her to effectuate the grant application and sign subsequent paperwork to request grant reimbursements and execute grant/loan documents. Unlike the NHDES Drinking Water DWSRF loan/ grants, the City Sewer Fund borrows the money in advance from the CWSRF and then the City Sewer Fund is **reimbursed for the work at 100% completion**. Final grant applications are due by June 15, 2020.

Concurrences:

The State of New Hampshire, NHDES and the United States Department of Agriculture are promoting and will eventually require public utilities to have Asset Management Plans for drinking water, wastewater and stormwater systems. This is their way of guaranteeing that a long-term investment made by a specific utility related project is financially viable. Funding terms are typically dependent on the life cycle of the assets which the grant or loan are supporting. Over the past three years the City Sewer Department has completed an in-depth **Phase 1 and Phase 2 Citywide Sewer Assessment Study** on our entire subsurface waste water infrastructure. The reports have identified significant I and I into our wastewater system of up to 65%. CCTV work will enable us to identify the structural condition of subsurface sewer lines and ultimately take corrective action as necessary.

Fiscal Impact:

As our sewer utility infrastructure ages, there is the need to avoid failure which may impact delivery of critical/essential services. Proper long-term planning using asset management results in a lesser impact on the utility ratepayer and more important provides GIS mapping and documentation of all current subsurface wastewater system assets identifying problematic deficiencies in the subsurface wastewater system.

Alternatives:

Don't be proactive and run assets to failure. This is the wrong approach for any utility to operate under. Not approving Resolutions #17-20 will result in our inability to take advantage of NHDES Asset Management and Planning Grants from CWSRF funding while they are readily available and at no cost to the City. I feel it is important to move now. Current City Staff have the institutional knowledge that should be taken advantage of before it is lost. Passage of this Resolution by the City Council is strongly recommended.

Enclosures:

> Resolution #17-20



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

316 Central Street
Franklin, NH 03235

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

RESOLUTION # 17-20

A Resolution authorizing the City Manager to file two final grant application(s) under the State of New Hampshire Clean Water State Revolving Fund (CWSRF) Program and designating the City Manager as the authorized representative.

WHEREAS, the City of Franklin, New Hampshire after thorough consideration of the nature of its wastewater system needs, hereby determines that the undertaking of certain works, generally described as the Franklin Wastewater System, "Asset Management and Planning Grant(s) Project", is desirable and in the public's interest, and to that end, it is necessary to apply for assistance from the State of New Hampshire Clean Water State Revolving Fund (CWSRF); and

WHEREAS, the City of Franklin, New Hampshire has examined and duly considered the provisions of RSA 486:14 and the New Hampshire Code of Administrative Rules Chapter Env-Wq 500, which relate to loans from the Clean Water State Revolving Fund and deems it to be in the public's interest to file two loan applications and to authorize other actions in connection therewith;

NOW THEREFORE BE IT RESOLVED BY:

THE FRANKLIN CITY COUNCIL, FRANKLIN, NEW HAMPSHIRE, GOVERNING BODY OF SAID CITY AS FOLLOWS:

1. That Judie Milner, City Manager for the City of Franklin, New Hampshire is hereby designated as the Authorized Representative for the purpose of filing final applications for two loan's in accordance with New Hampshire Code of Administration Rules Chapter Env Wq 500, furnishing such information, data and documents pertaining to the applicant for loan's as may be required;
2. That if such loans be made, Judie Milner, Franklin City Manager is the Authorized Representative of the applicant for the purpose of signing any documents pertaining to the disbursement of funds to the loan recipient and granting her the "Authority to Borrow."
3. That if such loans be made the applicant agrees to repay the loans as stipulated in the loan agreements.
4. That a certified of this resolution be included as part of the final application's to be submitted for each loan.
5. That Judie Milner, City Manager, at the time the loan is made, is authorized to sign the loan agreements binding the City to the terms and conditions of each loan.

Resolution #17-20

Page 2

6. That if such loans be made, the City agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction thereof.

Roll Call:

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

Approved: _____

Mayor

Passed: _____

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

A true copy, attested: _____

City Clerk

Date: _____

CITY COUNCIL MEETING
AGENDA ITEM IV



CITY OF FRANKLIN COUNCIL AGENDA REPORT

April 22, 2020

Subject: Adoption of Solar PILOTS

Motion:

May 4, 2020

Councilor moves, "I move that the Franklin City Council set a public hearing on Monday, June, 1st. 2020 at 6:00 p.m. to adopt and authorize the City Manager to execute \$4000 per Megawatt per year PILOT agreements for the following commercial solar arrays: Franklin Town Solar 1 LLC, Franklin Town Solar 2 LLC, Commerce Way Solar LLC, and New England Solar Garden map lot 147-051 (Duffy St Solar), map lot 147-401 (Foundry Solar) and map lot 119-402 (Mojalaki Solar). Solar PILOTS are payable regardless of whether or not the array is built starting in FY2021."

Discussion:

All previous commercial solar PILOT agreements have expired and/or need to be renewed as of 12/31/2019. As council may recall, prior agreements were contingent upon the project being built and operational which did not occur.

3 of these projects are original projects from 2015 and 3 of these projects are new. A sample of the new agreement and a sample of the addendum that will go on the original three is attached. One main difference is that the PILOT agreements have increased to \$4000/year but also it is due and payable starting in year one REGARDLESS of whether or not the project is built.

Even though the pilots will be paid annually, the agreements will still have a deadline for built and in place giving the City and landowner an out should the arrays not be built in a timely fashion.

Current tax revenue on these parcels today is \$4,747. These PILOT agreements total \$24,000 in annual revenue. In addition, the City will be receiving approximately \$9,000 in rebates and \$34,000 in lease revenues for Town Solar 1 and Town Solar 2.

Attached:

Sample addendum (current agreements in place)
Sample agreement (new)



PAYMENT IN LIEU OF TAXES AGREEMENT BETWEEN
THE CITY OF FRANKLIN AND NEW ENGLAND SOLAR GARDEN CORPORATION

This Payment in Lieu of Taxes (PILOT) Agreement (hereafter "Agreement") is made this 4th day of May 2020, under New Hampshire Revised Statutes Annotated (NHRSA) § 72:74, between the City of Franklin, New Hampshire ("Town") and New England Solar Garden, Corp. ("NESG"), a New Hampshire Corporation with a business address at 36 Maplewood Ave, Portsmouth, NH 03801

Background

NESG seeks to develop a renewable solar power electric generating facility (the "Facility") to be located at Map 147, Lot 51 in Franklin NH expects the final installed Nameplate Capacity to be approximately 1 megawatts (MW). For the purposes of this Agreement, the term "Nameplate Capacity" shall mean the sum of all of the nameplate capacities for the total solar inverters installed and operating at the Facility. Once the project has reached commercial operation, defined below, the parties will sign a letter amendment to this Agreement specifying the actual Nameplate Capacity of the Facility (if applicable).

The Facility will be built on land leased by NESG, identified on Town tax maps as tax parcels as defined herein.

Under its lease agreements with landowners, NESG will be responsible for the payment of local ad valorem real estate taxes on Facility structures and other improvements under NHRSA Chapter 72 (but not for taxes on the value of the underlying land around the Facility, which will continue to be the landowners' responsibility).

The Facility will be a "renewable generation facility", as defined in NHRSA §72:73 and NHRSA 374-F:3, V(f)(3). Under NHRSA §72:74, the owner of a renewable generation facility and the governing body of the municipality in which the facility is located may, enter into a voluntary agreement to make payments in lieu of taxes.

NESG and the Town desire to enter into such a PILOT agreement under NHRSA §72:74.

NOW THEREFORE, the parties hereto agree as follows:

Terms and Conditions

1. Payments in Lieu of Taxes. NESG will make payments in lieu of taxes to the Town for each tax year (April 1 to March 31) during the term of this Agreement, in accordance herein. These PILOT payments will be in lieu of any and all ad valorem real estate taxes otherwise payable under NHRSA Chapter 72, including all town, county, and local school district taxes.
2. Term. Mindful of RSA 72:74, VI and VII, the parties have determined that a long-term agreement providing predictability of tax revenues and expenses would be advantageous to both the Town and NESG. Accordingly, the term of this Agreement shall be 21 (twenty-one) years, beginning July 1, 2020 and continuing thereafter for 20 additional years (the "Operating Term") as described in Section 3 below. If the Facility fails to achieve commercial operation by December 31, 2022, this Agreement shall be deemed void and of no effect. For the purposes of this Agreement, the term "commercial operation" shall be deemed to have 3 occurred once (a) the solar power electric generating facility has been commissioned and accepted by NESG in accordance with applicable commissioning and inspection procedures (b) the Facility has been interconnected to the utility electric grid, and (c) NESG has commenced the sale of energy from the Facility on a commercial (rather than test) basis to one or more purchasers. The date on which NESG commences energy sales on a commercial basis shall be deemed the



“Commercial Operation Date.” NESG shall give the Town written notice of said Commercial Operation Date within seven (7) days after it occurs, together with a proposed letter amendment confirming the Facility’s actual Nameplate Capacity.

3. PILOT Payments for 20-Year Operating Term. Subject to possible adjustments up or down under Section 4 below, annual PILOT payments to the Town for the 20-year Operating Term shall begin at the rate of \$4,000 per megawatt of Nameplate Capacity, in the tax year that begins on July 1, 2020.

4. Potential Adjustment of PILOT Payments.

(a) Increase in Capacity. In the event that some or all of the Facility’s increased in the nameplate capacity during the term of the Agreement in such a way as to increase the Facility’s total capacity, then PILOT payments beginning in the next tax year will be adjusted upwards.

(b) Reduction in Capacity: If the Facility’s installed and operating capacity as of April 1 in any tax year is materially reduced (due to causes beyond NESG’s control) from the previous tax year due to: (i) damage caused by natural forces, (ii) operational restrictions caused by a change in law, regulation, ordinance, or industry management standards, (iii) decommissioning and removal of inverters, or (iv) the permanent cessation of the Facility’s operations, then the PILOT payment will be adjusted downward based on the total actual installed and operating Nameplate Capacity after the reduction in capacity, or in the case of clause (iv) above, this Agreement will terminate.

5. Payment of Amounts Due. NESG shall make the PILOT payments due hereunder for any given tax year in the Operating Term to the Town in two equal installments, at the Town Tax Collector’s office, on July 1st and December 1st .

6. Non-Payment. Non-payment of any payment due the Town shall constitute a default. Notice of non-payment or any other default shall be provided to NESG (and to NESG’s Lender, as further specified in Section 8 below), in the manner and at the address provided for Notices in Section 12 of this Agreement. NESG shall have 30 days to cure the default after receiving such notice. In the event the condition causing the default is not cured within 30 days, the Town may commence an action to collect any non-payment under RSA 80:50, seek specific performance of a non-monetary default or proceed against the real estate under RSA 80:58-80. It shall not be a defense to such a proceeding that NESG is obligated under this Agreement to make payments in lieu of taxes rather than taxes.

7. Lender’s Right to Cure. The Town shall send a copy of any notice of default sent to NESG to NESG’s Lender by certified mail at the same time such notice is sent to NESG, and no such notice of default to NESG shall be effective unless and until a copy of such notice has been delivered to NESG’s Lender. NESG’s Lender shall have the same time and rights to cure any default as NESG, and the Town shall accept a cure by NESG’s Lender as if such cure had been made by NESG. NESG shall provide written notice to the Town as to the name and address of NESG’s Lender for such notices to be sent.

8. Other Taxes Not Covered. This Agreement covers only ad valorem real estate taxes payable under NHRSA Chapter 72. It does not include or cover other local, state, or federal taxes which may be payable on account of Facility revenues or activities, including the Land Use Change Tax, Timber Tax, State Utility Property Tax, Business Enterprise Tax, or Federal Income Tax.



9. Notices. Any notice to be provided under this Agreement shall be in writing and shall be deemed to have been given when delivered personally or by certified mail at the following addresses:

For the Town: City of Franklin, 316 Central St, Franklin, NH 03235

For New England Solar Garden Corporation, 36 Maplewood Ave, Portsmouth, NH 03801

For NESG's Lender: (to be provided by NESG)

In the event of a change in the address of any party listed above, the responsible signatory (NESG in the case of itself, its Lender and/or its counsel) shall give the other party prompt written notice of such change of address, which shall be effective upon receipt.

10. Miscellaneous.

(a) This Agreement shall be construed and interpreted in accordance with the laws of the State of New Hampshire. In the event any term of this Agreement or the application of any such term shall be held invalid by any court having jurisdiction, the other terms of this Agreement and their application shall not be affected thereby and shall remain in full force and effect, provided that the remaining terms continue to preserve the essential economic terms of this Agreement.

(b) The terms and provisions contained in this Agreement constitute the final Agreement between the parties with respect to this Agreement and supersede all previous communications, representations or agreements, either verbal or written. No modification or amendment to this Agreement shall be valid unless it is in writing and signed by both parties hereto.

(c) NESG shall have the right, in its sole discretion, to assign this Agreement to any bona fide purchaser, transferee, or assignee, provided that said purchaser, transferee or assignee has the financial, managerial, and technical capacity to construct and operate the Facility as contemplated by the parties hereto. All covenants, agreements, terms and conditions contained in this Agreement shall apply to and be binding upon the parties, their assigns and successors. NESG shall provide written notice to the Town of any sale, transfer, or assignment not less than 30 days prior to such sale, transfer or assignment taking effect.

(d) Section titles or subject headings in this Agreement are provided for the purpose of reference and convenience only and are not intended to affect the meaning of the contents or scope of this Agreement.

(e) This Agreement may be executed in multiple counterparts, each of which shall be deemed an original instrument, but all of such counterparts together will constitute but one Agreement.

City of Franklin, NH

By: _____

Name: Judy Milner

Title: City Manager

NhSolarGarden.com, LLC

By: _____

Andrew Kellar

Manager

**AMENDMENT 1
TO THE PAYMENT IN LIEU OF TAXES AGREEMENT BETWEEN
THE CITY OF FRANKLIN AND FRANKLIN TOWN SOLAR 1, LLC**

THIS AMENDMENT ONE TO THE PAYMENT IN LIEU OF TAXES AGREEMENT ("PILOT") (this "**Amendment One**") is made as of _____, 2020 (the "**Effective Date**"), by and between the City of Franklin ("City"), and Franklin Town Solar 1, LLC, a New Hampshire limited liability company ("Franklin Town Solar").

RECITALS

A. Whereas, City and Franklin Town Solar entered into a PILOT on November 13, 2015 ("the Original Agreement" or "Agreement") as part of the development by Franklin Town Solar of a renewable solar power electric generating facility (the "Facility") under New Hampshire Revised Statutes Annotated (NHRSA) § 72:74;

B. Whereas, on January 29, 2018 BPF Acquisition Series 8 LLC ("Series 8") acquired one hundred percent (100%) of the membership interest in Franklin Town Solar from New England Solar Garden Corporation, an affiliate of New Hampshire Solar Garden and NHSolarGarden, LLC;

C. Whereas, pursuant to Clause 2 ("Term") of PILOT, "[PILOT] shall be deemed void and of no effect" if the Facility fails to achieve commercial operation (the "Commercial Operations Date") by December 31, 2016.

D. Whereas, PILOT is currently void and of no effect;

E. Whereas, City and Franklin Town Solar wish to modify the annual PILOT payment, extend the allowed Commercial Operations Date and modify renewal language in this Amendment One for the mutual benefit of City and Franklin Town Solar;

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

Change in Economic Consideration:

1. Clause 4 of PILOT ("Payments"): The annual PILOT payment will be adjusted to \$4,000 per megawatt of Nameplate Capacity.
2. Furthermore, Franklin Town Solar agrees to make an initial PILOT payment of \$4,000 on or by July 1st, 2020. And thereafter \$4,000 annually for the duration of the Agreement.

Extension of Commercial Operation Date:

1. Clause 2 of PILOT “Term”: The expiration date of the Original Agreement will hereby be extended from December 31, 2016 to December 31, 2021, as follows: “If the Facility fails to achieve commercial operation by December 31, 2021, this Agreement shall be deemed void and of no effect.”

Renewal Term:

1. Clause 2 of PILOT (“Term”): The original term of the Original Agreement will be modified to twenty (20) years following the Commercial Operations Date of the Facility. The renewal term(s) will be modified to allow Commerce Way the option to extend the PILOT in three (3), 5-year increments at Commerce Way’s right. Or if any of the options are not exercised, Commerce Way may either negotiate a new PILOT agreement with the City or pay regular Property Tax rates as applicable at that time.

[Signatures begin on following page]

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment One effective as of the date written above.

City: City of Franklin

By:

Name: _____
Title: _____
Date: _____

Franklin Town Solar: Franklin Town Solar 1, LLC

By:

Name: _____
Title: _____
Date: _____

CITY COUNCIL MEETING
AGENDA ITEM V



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of May 4, 2020

Subject: Other Business

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