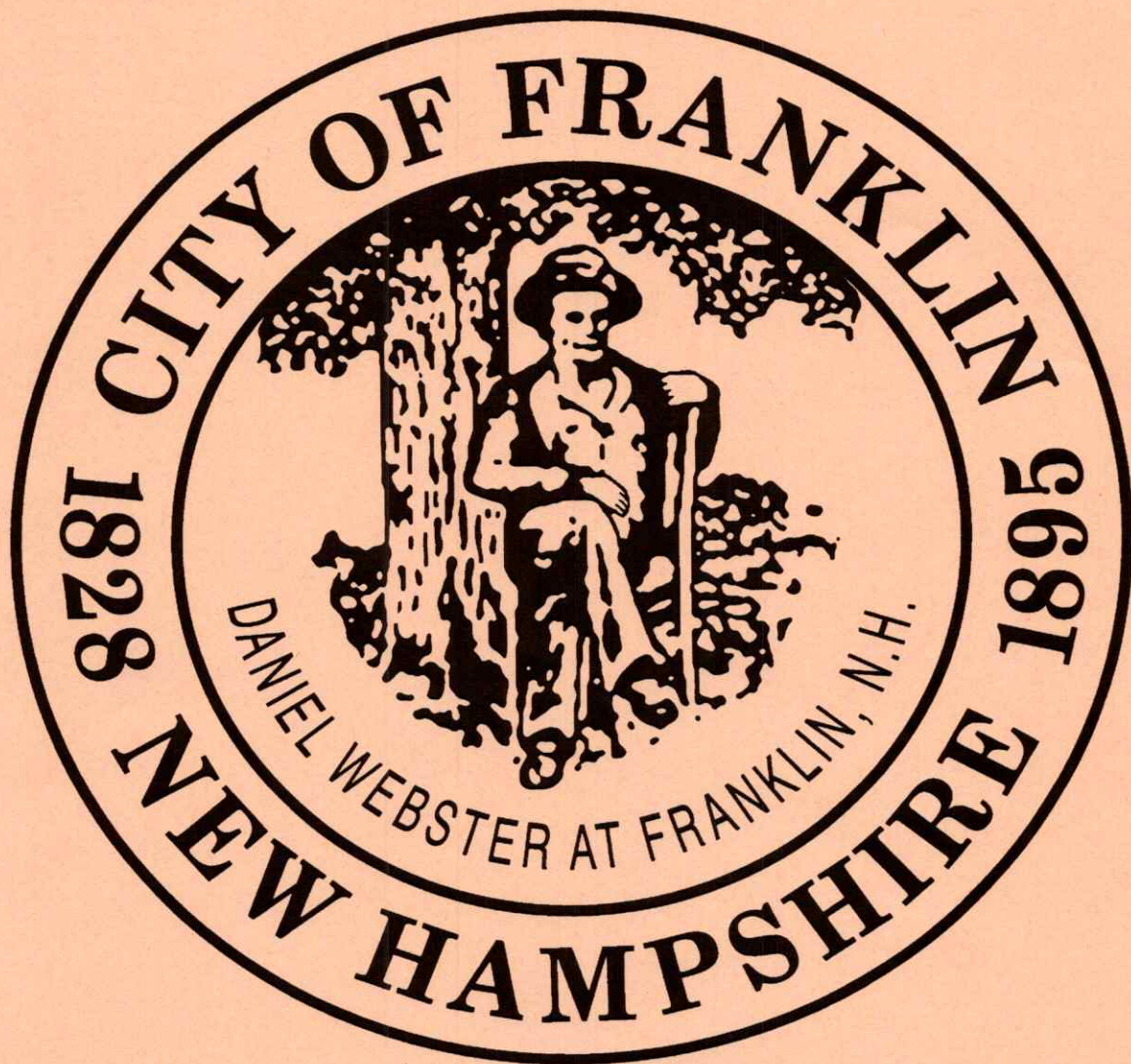


CITY OF FRANKLIN  
CITY COUNCIL MEETING  
November 14, 2022  
6:00 P.M.





## **CITY COUNCIL MEETING**

**Monday, November 14, 2022 - 6:00 p.m.**

**Council Chambers, Franklin City Hall**

or view only via Zoom: <https://us02web.zoom.us/j/82613958295>

or by phone: 1-312-626-6799, Meeting ID# 826 1395 8295

\*\*\*\*\*

### **SALUTE TO THE FLAG**

\*\*\*\*\*

### **MOMENT OF SILENCE FOR OUR VETERANS**

### **PUBLIC HEARINGS**

**Presentation on the application to the US EPA for grant funds to clean-up the Brownfields contamination at the Ferrari Mill Site at 93-119 Memorial Street.**

**Resolution #05-23 appropriating \$998,339 to the Franklin School District fiscal year 2023 budget and appropriating \$165,000 to the Franklin School District for the Portrait of a Graduate grant from the Barr Foundation.**

### **LEGISLATIVE UPDATE**

### **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. Reminder that public comment is welcome and will be taken under advisement by the Manager & Council. Ongoing requests for status should be addressed to the city manager or her designee during regular business hours. The council is a public body required to conduct the business before it on the agenda that has been vetted through the City's professional staff.*

### **CITY COUNCIL ACKNOWLEDGEMENT**

### **MAYOR'S UPDATE**

**Agenda Item I. (pg. 1)**

Council to consider the minutes of the October 11, 2022 City Council meeting

**Agenda Item II. (pg. 35)**

Council to hear from residents on speeding issues on Pleasant Street

**Agenda Item III. (pg. 42)**

Council to consider giving permission to the Lakes Region Snowmobile Club for the use of the side of Lake Avenue and Lark Street.

**Agenda Item IV. (pg. 52)**

School Board Update

**Agenda Item V. (pg. 54)**

Council to consider Resolution #05-23 appropriating \$998,339 to the Franklin School District fiscal year 2023 budget and appropriating \$165,000 to the Franklin School District for the Portrait of a Graduate grant from the Barr Foundation

**Agenda Item VI. (pg. 60)**

Council to consider the 2024-2025 AFSCME AFL-CIO Franklin Custodial Agreement

**Agenda Item VII. (pg. 65)**

Council to consider the 2024-2025 AFSCME Council 93/Local 3158 Franklin Support Staff Agreement

**Agenda Item VIII. (pg. 68)**

Council to consider setting a public hearing for Ordinance 03-23 repealing and replacing current Chapter 257 "Solid Waste" of the Municipal Code

**Agenda Item IX. (pg. 93)**

Council to consider setting a public hearing for ordinance 04-23 to revise existing Chapter 233 Adoption of the Property Maintenance Code, and Chapter 233-2 Additions, Insertions and Changes.

**Agenda Item X. (pg. 97)**

Council to consider setting a public hearing for resolution 06-23 accepting and appropriating funds from the Federal (CCASP) Child Care Achieving Stabilization Program for the Before and After School Program

**Agenda Item XI. (pg. 101)**

Council to consider change in approved positions in Municipal Services Building & Grounds division.

**Agenda Item XII. (pg. 104)**

Council to consider changing January 2023 City Council Meeting falling on the New Year's Day Holiday.

**Agenda Item XIII. (pg. 106)**

**Other Business**

1. Mayor & Council 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. Those wishing to attend who are hearing or vision impaired may make their needs known by calling 934-3900 (voice), or through "Relay New Hampshire" 1-800-735-2964 (T.D./TRY)*

**CITY COUNCIL MEETING**  
**AGENDA ITEM I**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of November 14<sup>th</sup>, 2022*

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**Subject: Approval of Minutes**

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**Motion:** "I move that the Franklin City Council approve the minutes of the October 11, 2022 City Council Meeting."

Mayor calls for a second, discussion and the vote.



**City Council Meeting Minutes  
Tuesday, October 11, 2022 - 6:00 p.m.  
Council Chambers, City Hall**

**Council in attendance:** Mayor Jo Brown, Councilor Jay Chandler, Councilor Bob Desrochers, Councilor George Dzujna, Councilor Vincent Ribas, Councilor Valerie Blake, Councilor Paul Trudel, Councilor Ted Starkweather and Councilor Olivia Zink

**Absent:** Councilor April Bunker

**Others in attendance:** City Manager Judie Milner, Mill City Park President Marty Parichand, School Business Administrator Jefferson Braman, City Department Heads, and members of the public.

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

Salute to the Flag was led by Councilor Dzujna. A moment of silence for the passing of Councilor Zink's father, Staff Sergeant John Zink, US Airforce, along with Major James Fitz, who was the City Manager of Franklin from 1993 - 1999 was led by Councilor Desrochers.

Mayor Brown pointed out the displayed Purple Heart Community sign, which is one of five that Councilor Desrochers purchased for Franklin. These will be installed by the Municipal Services department. She thanked Councilor Desrochers for donating the signage.

**Agenda Item I.**

Public information presentation to discuss existing conditions, findings and possible reuse options for Trestle Bridge:

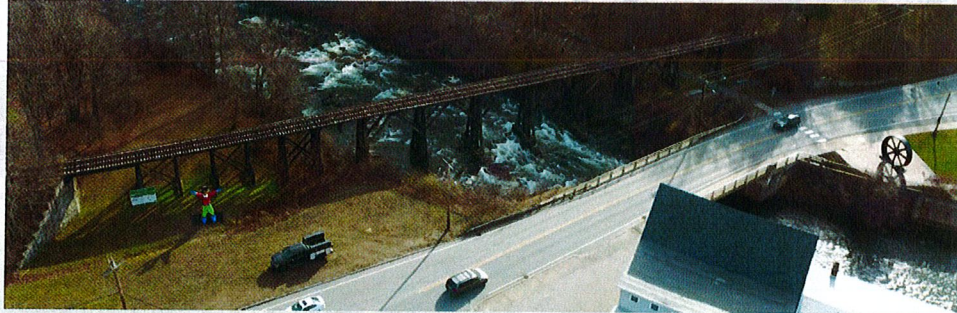
Mayor Brown turned this presentation over to Mill City Park President Parichand.

Parichand confirmed that no one is wanting to tear Trestle Bridge down, however, it is falling down and it needs to be addressed. Even if the city does very little, this would still be in the millions of dollars to fix.

He introduced Project Manager Brian Colburn, from McFarland Johnson, to give a presentation on the options for Trestle Bridge based on their inspection in 2019.

Below is the PowerPoint presentation that Colburn gave:

## *Trestle Bridge Presentation – October 11, 2022*



### *Introduction*

- Seth Creighton, AICP – Planning & Zoning Director  
City Project Manager
- Brian Colburn, PE – MJ Project Manager
- Ron Joy, PE – MJ Structural Engineer
- Chris Gagne – MJ Structural Engineer



### *Agenda*

- Project Description
- Summary of Inspection Findings
- Review of Conceptual Alternatives
- Cost Estimates
- Public Feedback / Questions
- Discussion on Next Steps



## Project Description

- Construct a Pedestrian Connection Between Winnepesaukee River Trail and Mill City Park
- Awarded a Grant from NHDOT in 2019
  - NHDOT Funding \$512,000
  - City Funding \$128,000
  - Total Funding \$640,000
  - (Assumed Replacing Railroad Ties with Solid Timber Deck)
  - Project Must Follow Prescribed Design Process



## Design Process

- Engineering Study
  - Bridge Inspection
  - Develop Alternatives
  - Public Input
  - Select Locally Preferred Alternative
- Preliminary Design
- Final Design
- Construction

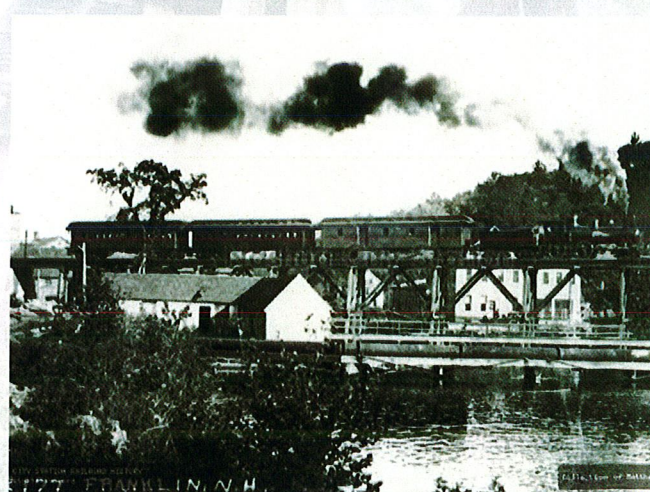


September 1967



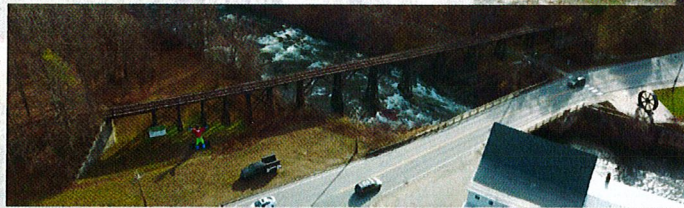
## History of Franklin Tilton Railroad

- 5-mile Franklin-Tilton RR Spur Between Winnepesaukee Rail Division and B&M Northern Line
- 1889 Franklin-Tilton RR Charter
- 1891 First Sulphite RR Bridge
- 1895 B&M RR Leases Railroad Line
- 1896 Present Sulphite RR Bridge
- Trestle Bridge Built
- 1890s International Paper Buys Mill
- 1920s Paper Mill Closes
- 1936 Rail Service Stopped
- 1940 Request to ICC to Abandon
- 1973 Line Decommissioned



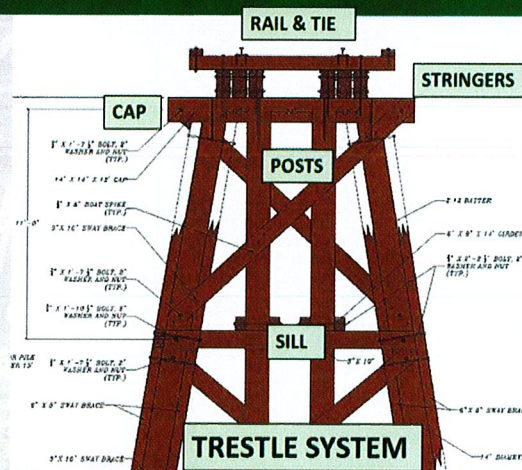
## Description of Bridge

- 15-Spans, 356' long, 12' wide, 20' above ground
- 3 types of trestle spans
  1. Standard (Spans 1-6 & 15)
  2. A-Frame (Spans 8-13)
  3. Inverted King Post (Spans 7 & 14)



## 1. Standard Span

- Standard for Branch Lines
  - Height under 12 feet
  - Height between 12-19 feet
  - Height over 19 feet
- Maximum 14 foot span
- Consists of series of nearly identical vertical supports holding up a succession of short spans.
- Direct load path from top of rail to foundation



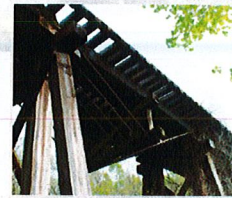
## 2. A-Frame Span

- For span lengths greater than standard trestle span, A-frames effectively provide additional stringer support.
- Additional longitudinal bracing of adjacent spans are required to aid the bridge in resisting horizontal forces acting through the frame members.



### 3. Inverted King Post Span

- Inverted King Post provides additional stringer support.
- Incorporate a short section of a standard timber bent (with a cap and sill).
- Stringers function as truss members with combined axial compression (truss action) and flexural (floor system bending) stresses.
- Most distinguishable element on the bridge.

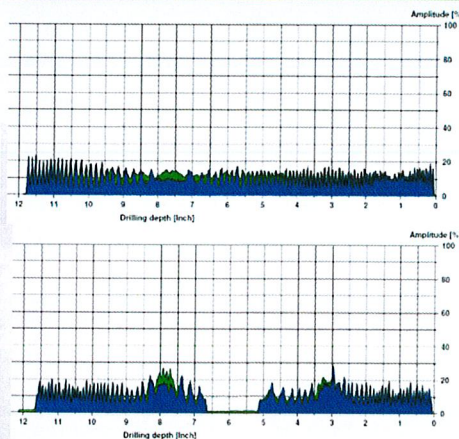


### Resistance Microdrilling for Timber Inspection

- Highly calibrated drill used to identify timber condition
- Measures forward pressure and torsional resistance needed to advance a 1/16" diameter drill bit into material
- Plots Resistances vs. Depth in real time on built in display
- DOES NOT measure strength of wood – only verifies condition relative to resistances throughout cross-section

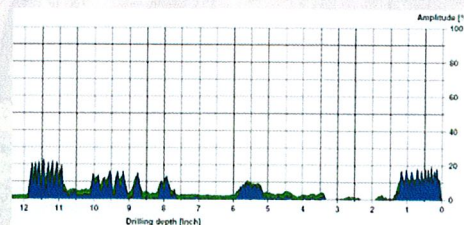


### Resistance Microdrilling for Timber Inspection

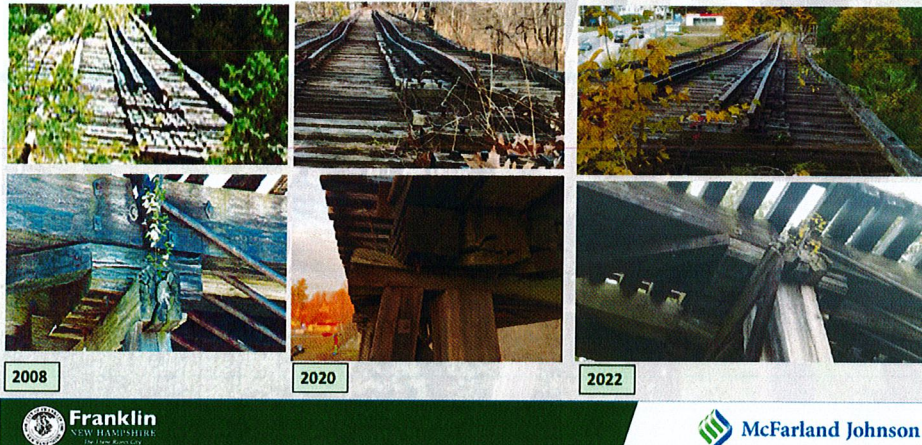


#### SAMPLE DRILL RESULTS

- Note the drilled dimension is 11.75" in all members
- Top Left – Quality wood, no obvious signs of defects
- Bottom Left – Majority is OK, but middle 1.5" is rotted
- Bottom Right – The exterior 1" on each side is ok, but rest of section is deteriorated



## Track View



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The Green Mountain State

**McFarland Johnson**

## Condition Summary Table - Bents

	Cap	Post 1	Post 2	Post 3	Post 4	Comments
Bent 1		DB, SD	DB, DM	DM	RE, SD, DB (S)	
Bent 2	RE	RE, DB	RE, DM	DM	RE, DB	All columns have discrete rot, but generally okay.
Bent 3	RE, HO	RE, DM, HO	RE, DT, HO	RE, DT, HO	RE, DB	Top half of C4 may be able to be salvaged.
Bent 4	CR	RE		RE, DB	RE, DB	
Bent 5	RE, ST	DB	RE, DT	DB	RE, ST	
Bent 6		RE	RE, DB, DT			
Bent 7	R	RE, DT, DB	RE, DT, SD	RE, DB, DM	ST, SD, DB, DT	Pipe rolled onto bearing on C4.
River Bent 8	R, CR	RE, DB (S)	RE, N, SD	DB	RE, DB (S)	
River Bent 9	CR	DT, DM	R, SD	RE, SD	DB, SD	Could not access bottom. Visual rot at base of all 4 columns - severity unknown.
River Bent 10	ST	DM, HO	DB	RE, DM	DM, SD	Could not access bottom. Cap showing signs of shear distress.
River Bent 11	ST, SD	RE, ST	DB (3), DT	RE, DB, HO, SD	RE	Cap rotting at ends, solid under bearing area.
River Bent 12	RE	RE, ST, DB (3)	RE, DB, DM, HO, SD	RE, DM, SD	RE, SD	Visual inspection only at bent cap tops.
Bent 13	CR	RE, HO, DT (S)	RE, HO, DT (R)	RE, HO, DT (S)	RE, HO, DT (3)	Bridlers are crushed.
Bent 14	CR	RE, DB	RE, DB	RE, DB, SD	RE, DB	Bridlers are crushed. C2 and C3 are double-bent columns (each).

Timber Defects	
CR	Crushed
ST	Split
DB (feet)	Deteriorated Bottom (feet)
DM (feet)	Deteriorated Mid-Height (feet)
DT (feet)	Deteriorated Top (feet)
HO	Hollow
R	Rot
RE	Repaired (Previously)
SD	Surface Deterioration
	Retain Member
	Replace Member
	Repair Member Option

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## Condition Summary Table - Stringers

	Stringer 1	Stringer 2	Stringer 3	Stringer 4	Stringer 5	Stringer 6
Span 1	DT					HO
Span 2	HO	HO, R		ST		
Span 3	DT, ST			DT, R		
Span 4	HO, R	R		DT		DT
Span 5		DT	DT	DT	DT	DT
Span 6	R	DT, R	DT, R	DT, R	DT, R	DT, R
Span 7	R @ B7		R @ B7			
Span 8	R @ B7	R @ B7	R @ B7	R @ B7	R @ B7	R @ B7
Span 9		R			DT, HO, R	DT, HO, R
Span 10					R	
Span 11					R	
Span 12		R			DT, R	R
Span 13			R	R	R	
Span 14		R			R	
Span 15						

Timber Defects	
CR	Crushed
ST	Split
DB (feet)	Deteriorated Bottom (feet)
DT (feet)	Deteriorated Top (feet)
R	Rot
HO	Hollow
RE	Repaired (Previously)
SD	Surface Deterioration
FL	Full Length
	Retain Member
	Replace Member
	Repair Member

\*Note that surface deterioration is typical for tops of all stringers in all spans

\*\*Note that this table is based on hands on inspection from under the structure. Top side inspection was partially visual due to restricted access.

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## Condition Summary Table – A-Frames & Truss

	A-Frame Cap	A-Frame Diagonals				King Post
		U. Stream, B. Bent	D. Stream, B. Bent	U. Stream, F. Bent	D. Stream, F. Bent	
Span 1	N/A	N/A	N/A	N/A	N/A	N/A
Span 2	N/A	N/A	N/A	N/A	N/A	N/A
Span 3	N/A	N/A	N/A	N/A	N/A	N/A
Span 4	N/A	N/A	N/A	N/A	N/A	N/A
Span 5	N/A	N/A	N/A	N/A	N/A	N/A
Span 6	N/A	N/A	N/A	N/A	N/A	N/A
Span 7	N/A	N/A	N/A	N/A	N/A	N/A
Span 8	R		R	ST	R	N/A
Span 9						N/A
Span 10						N/A
Span 11			R			N/A
Span 12	R	R	R			N/A
Span 13	ST	R		HO, ST		N/A
Span 14	N/A	N/A	N/A	N/A	N/A	CR
Span 15	N/A	N/A	N/A	N/A	N/A	N/A

Timber Defects	
CR	Crushed
ST	Split
DB(feet)	Deteriorated Bottom (feet)
DT(feet)	Deteriorated Top (feet)
R	Rot
HO	Hollow
RE	Repaired (Previously)
SD	Surface Deterioration
FL	Full Length
	Retain Member
	Replace Member
	Repair Member



## Condition Summary Table

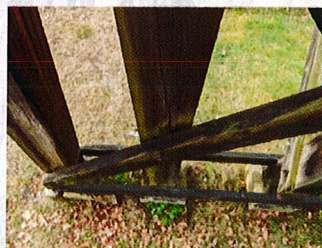
Element	Total	Green (Retain)	%	Red (Replace)	%	Yellow (Repair)	%
Bents	70	27	39%	20	29%	23	33%
Stringers	90	10	11%	38	42%	42	47%
A-Frames	30	12	40%	8	27%	10	33%
	190	49	26%	66	35%	75	39%



## Bent Condition



BENT 1



BENT 1



BENT 3

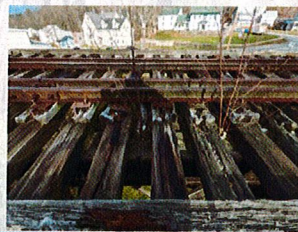


## Bent Condition



BENT 3

BENT 3



BENT 4

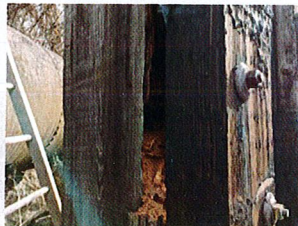


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## Bent Condition



BENT 7

BENT 7



BENT 7

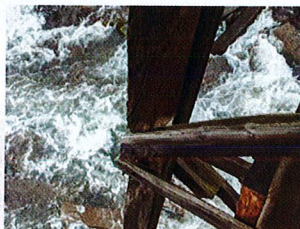


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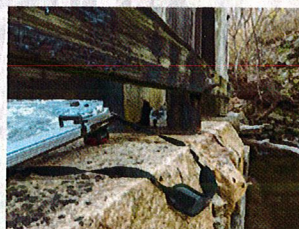
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## Bent Condition



BENT 10

BENT 11



BENT 13



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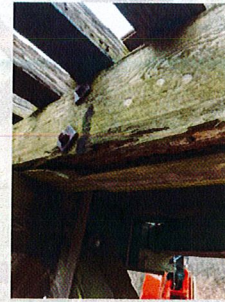
## Bent Condition



BENT 13



BENT 13



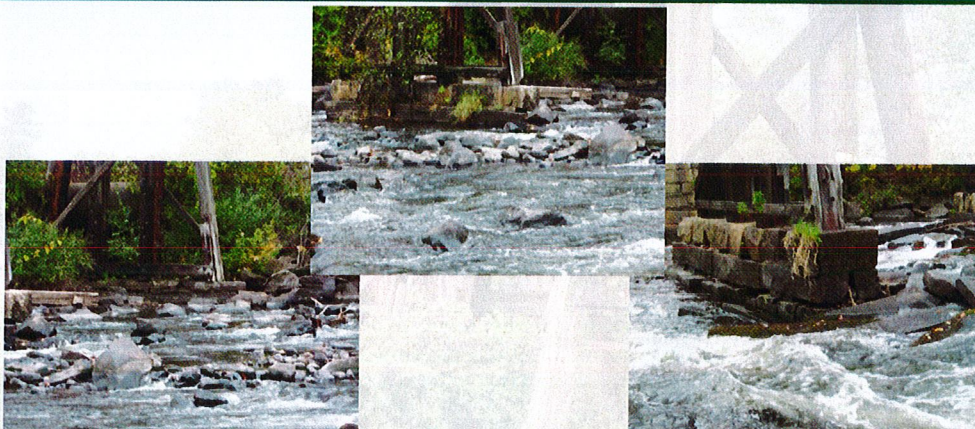
SPAN 13



## River Piers Condition



## River Piers Condition



### *River Piers Condition*

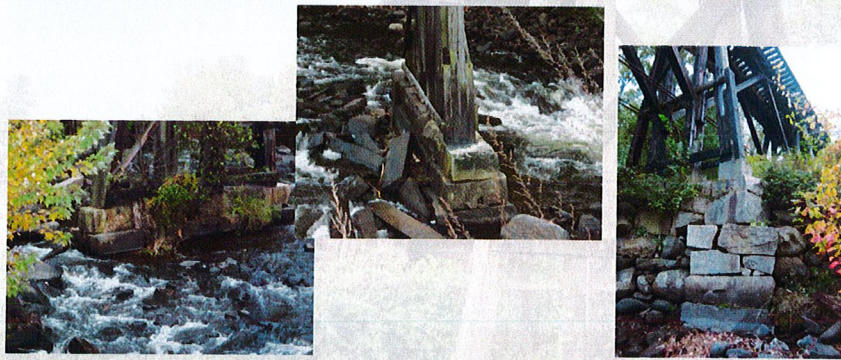


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### *River Piers Condition*



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## *Structural Inspection Findings*

- Portions of the Truss are in Poor Condition
- Truss is Continuing to Deteriorate
- 2019 Inspection Led to Path Relocation



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## Current Alternatives

- Rehabilitate Existing Railroad Trestle
  - Remove Rail, Ties, & Stringer and Put on New Deck & Historic Style Railing
  - Rehabilitate and Replace Trestle Members
- New Railroad Trestle
  - Replicate Existing Design
  - All New Timber Members
- New Pedestrian Bridge Upstream



ing Trestle  
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## Alternative Cost Estimates

	ALTERNATIVE COST ESTIMATES			
	FULL HISTORIC RESTORATION ALTERNATIVES FOR PEDESTRIAN LOADING		NEW PEDESTRIAN BRIDGE & STABILIZE TRESTLE	NO-BUILD & STABILIZE TRESTLE
	REHABILITATE TRESTLE	REPLACE TRESTLE IN- KIND		
TIMBER TRESTLE WORK	\$ 2,200,000	\$ 1,925,000	\$ 1,000,000	\$ 1,000,000
NEW CONCRETE RIVER PIERS (TBD)	\$ 550,000	\$ 550,000	\$ -	\$ -
PEDESTRIAN DECK & WROUGHT IRON HISTORIC STYLE RAILING	\$ 625,000	\$ 625,000	\$ -	\$ -
CONTINGENCY	\$ 350,000	\$ 300,000	\$ 225,000	\$ 225,000
MOBILIZATION	\$ 350,000	\$ 300,000	\$ 225,000	\$ 225,000
NEW PEDESTRIAN BRIDGE & FOUNDATIONS	\$ -	\$ -	\$ 1,495,000	\$ -
APPROACH WORK	\$ 75,000	\$ 75,000	\$ 60,000	\$ -
<b>TOTAL CONSTRUCTION ESTIMATE</b>	<b>\$ 4,150,000</b>	<b>\$ 3,775,000</b>	<b>\$ 3,005,000</b>	<b>\$ 1,450,000</b>
DESIGN ENGINEERING, GEOTECHNICAL, & PERMITTING	\$ 375,000	\$ 350,000	\$ 240,000	\$ 150,000
CONSTRUCTION ENGINEERING (7% CONSTRUCTION)	\$ 290,000	\$ 260,000	\$ 210,000	\$ 100,000
<b>TOTAL PROJECT ESTIMATE</b>	<b>\$ 4,815,000</b>	<b>\$ 4,385,000</b>	<b>\$ 3,455,000</b>	<b>\$ 1,700,000</b>
CITY SHARE	20%	20%	20%	100%
<b>CITY COST</b>	<b>\$ 963,000</b>	<b>\$ 877,000</b>	<b>\$ 691,000</b>	<b>\$ 1,700,000</b>

\$550,000 Already Funded (\$440,000 DOT - \$110,000 City)



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## *New Railroad Trestle Alternatives*

- Modern Materials Could Be Used to Build a More Efficient Trestle
  - Fewer Bents
  - Longer Spans
  - Would Change the Look of the Trestle
  - Would Lower Construction Costs
  - Require Additional Coordination with Resource Agencies
  - Wide Range of Options



### *Questions*



### *Next Steps*

- Select Locally Preferred Alternative
- Review with NHDOT
- Identify Additional Funding Sources
- Continue with Design Development



## Contact Information

Seth Creighton, AICP

City Planning & Zoning Director

[screighton@franklinnh.org](mailto:screighton@franklinnh.org)

603-934-2341

Brian Colburn, PE

McFarland Johnson Project Manager

[bcolburn@mjinc.com](mailto:bcolburn@mjinc.com)

603-225-2978



In conclusion, Colburn explained that the current alternatives are as follows:

- A total rehabilitation. This would be very labor intensive and cost around \$2.2M.
- A new railroad trestle bridge, taking the original one down. This would cost about \$1.9M.
- Build a new pedestrian bridge instead.

Public comment opened at 7:09 p.m.

Members of the public spoke about their thoughts on the bridge repairs needed. The majority of citizens agreed that the bridge should not be torn down, as it is a huge part of Franklin.

Public comment was closed at 7:39 p.m.

The next steps are as follows:

- The council will need to direct the team on any alternatives.
- Review with NHDOT.
- Identify additional funding sources.
- Continue with design development.

Mayor Brown let the public know that there will be more public hearings on this subject, most likely in December, and the council needs to hear from more citizens about the preferred options. She thanked everyone for attending and speaking at this meeting.

A five-minute break was called at 7:44 p.m.

The meeting reconvened at 7:50 p.m.

### Public Hearing:

**Resolution #03-23**, appropriating \$600,986 in one time highway block funding for roads and

bridges.

The public hearing opened at 7:52 p.m.

No discussion ensued.

The public hearing on Resolution #03-23 closed at 7:53 p.m.

**Resolution #04-23**, to accept approximately \$12,646.07 from Franklin Women's Club for the purpose of setting up an expendable scholarship fund with the City's Trustees of Trust Funds called "Franklin Women's Club Scholarship".

The public hearing opened at 7:54 p.m.

No discussion ensued.

The public hearing on Resolution #04-23 closed at 7:55 p.m.

#### **Legislative Update:**

Mayor Brown stated that there were no legislative updates.

#### **Comments from the Public:**

Mayor Brown opened the floor for public comment at 7:51 p.m.

Resident Leigh Webb, Ward III, mentioned that he had a few comments.

He first asked for an explanation on the CPIU tax increase of 7% and how the state payment will offset some of that. Milner let Webb know that the state paid each community a one-time payment with Franklin receiving \$338,000, which made the actual increase for taxpayers drop to 4.9% instead of the 7%. She also mentioned that there was going to be a podcast coming out soon on why and how that will work. A link to that podcast will be posted in the News & Announcements on the website once available.

Webb also clarified that in the July 25, 2022 meeting minutes on the building workshop, he would never say that the windows in the City Hall attic would be ok to toss. He had basically given up on trying to save them, but would never use the word 'toss'.

On October 22<sup>nd</sup> during Franklin's fall fest there will also be Oktoberfest going on at the Veterans Memorial Recreation area from 3pm – 10pm, which Webb stated he is committed to. Hopefully, that will not interfere too much and everyone will be able to enjoy everything on that day.

Lastly, Webb mentioned that he knows that the Solid Waste ordinance will be discussed at this meeting, but had a question on the second paragraph of Chapter 257.44 on whether he was interpreting it correctly. Milner clarified his question.

Police Chief Goldstein thanked Councilor Desrochers for the recognition of lost veterans at every meeting. He also wanted to recognize Derry Police Chief Edward B. Garone, who passed away on this morning of October 11, 2022. He holds a special place in his heart, as Chief Garone was the one that took a chance and hired him back in 1979. He was an employee of Chief Garone and eventually became his colleague. During the time that he celebrated his 50<sup>th</sup> anniversary as Chief on June 1, 2022, he was the longest serving police chief in the United

States of America. Chief Goldstein asked that everyone keep his family, friends and colleagues in their thoughts.

Resident Janet Desrochers, Ward II, stated that she didn't see anything on the agenda stating a discussion about the trash ordinance. Milner pointed out that it was on the agenda as Item IX. Mrs. Desrochers asked for more of an explanation in the emails and on the agendas about the meeting subjects going forward.

Resident Leanne Fifield suggested that the council think about moving the October city election voting and combining it with the federal voting in the future. It would take a day away from volunteer time, save some extra money, and would prevent having kids out of school for a day.

Parks & Recreation Director Alpers went over the Fall Fest that is on October 22<sup>nd</sup>. The Soup fest is from 2pm – 5pm in Marceau Park. She is still looking for more folks to enter, as she only has 6 soups so far and would like to have about 10. There will also be the Halloween Extravaganza at the Bessie Rowell Community Center and the kids can go to the Trunk or Treat that will be in front of Marceau Park, along with stopping at local businesses that will be handing out candy. The Lakes Region Witches are also going to be making an appearance. Any participation would be appreciated.

Public comment closed at 8:03 p.m.

**City Council Acknowledgement:**

Mayor Brown asked if there were any City Council acknowledgements.

Councilor Trudel wanted to thank the participants at the fire station and mentioned that Fire Chief Foss did a remarkable job at the Remembering the Fallen of the City of Franklin event that happened this past Sunday.

**Mayor's Update:**

Mayor Brown stated that she had a few updates:

- Franklin's comfort dog, Miller, was on WMUR with Officer Tracy. It was great recognition for our police department.
- September was busy, with a fundraiser for the Opera House, which went very well.
- Brown thanked City Manager Milner and MSD Director Hanscom for hosting the public forum at the Elks Lodge and she hopes that there will be more of those moving forward.
- Tonight, the council will be voting to set a public hearing on the solid waste ordinance. It is important to hear from the citizens on their thoughts about all of the changes.
- Brown mentioned that the public will be hearing from some of the councilors on committee updates for this month. The CIP Committee meeting, in particular, had a lot of progress with moving projects off of the list that have been completed.
- Last Sunday she attended the Fallen Angels event that Councilor Trudel mentioned and it was very well done.

- MSD Director Hanscom and Brown met with the Honor Society President, Lilly Johnson, to discuss more recycling ideas. They would like to get cardboard running by the end of the year, if possible. They are looking for a place and cost of moving the cardboard to a facility that will recycle it. This will be a work in progress and they will meet with her again next month.
- Brown attended a Franklin Savings Bank Community Awards Night. They have donated thousands this year alone to worthy causes throughout the state.
- She attended NH Listens via Zoom, which is a monthly online educational series offering training and resources for facilitation and community engagement.
- Brown addressed the local hate attacks in Franklin. This started with letters sent to her stating that she had failed as a mayor by not standing up to white supremacy and hateful attacks in Franklin. She had forwarded this to the council and let them know that she was unaware of any attacks on local businesses, however, she did know about some postings on social media, which may have caused some reactions from other groups. She then called the owner of Broken Spoon, Ms. Kovacs, since she was the source of the social media postings. Ms. Kovacs was made aware of the special city council meeting that was set for August 8<sup>th</sup>, where it was decided that the council would come up with a resolution condemning intolerance and hate. The resolution was approved at the September council meeting. She stated that she also handed out documents from the Attorney General's office on the definition of a hate crime, which involves an actual crime. This also included instructions on how to handle such hate crimes.
- On November 2<sup>nd</sup> the city will be hosting the President of UNH, James Dean, as he kickstarted the Franklin for a Lifetime event in 2016.

#### **Agenda Item II.**

Approval of Minutes:

Council to consider the minutes the July 25, 2022 City Council Special Meeting, the August 8, 2022 City Council Special Meeting, and the September 6, 2022 City Council Meeting.

**Motion - Councilor Ribas moved that the Franklin City Council approve the minutes of the July 25, 2022 City Council Special Meeting, the August 8, 2022 City Council Special Meeting, and the September 6, 2022 City Council Meeting. Seconded by Councilor Dzujna.**

Councilor Ribas stated that he sent a few corrections to Executive Secretary Jones for revisions.

***July 25, 2022 - 7 in favor; 1 abstained; motion passes.***

***August 8, 2022 - 7 in favor; 1 abstained; motion passes.***

***September 6, 2022 - All in favor; motion passes.***

#### **Agenda Item VIII.**

Council discussion on Engineering Study for City Hall.

Mayor Brown moved this agenda item up and let City Manager Milner give an update on this study.

Milner gave some background on the City Hall Committee and stated that they have an

aggressive timeline of January 25, 2023 to present a plan for obtaining an occupancy and assembly permit and a more aggressive timeline of July 25, 2023 to have the actual permit for the work that needs to be done to be able to continue to work inside City Hall. She gave a shoutout to Gene Blake and Niel Cannon for getting an architect from Warren Street Architects to take a look at the building pro bono. He agreed that it needs to be done properly and all at the same time. In order to move forward with this project and keep within the timeline, funding is needed to do a feasibility study to determine the actual costs to complete all of the tasks. It will give an idea of the total amount to complete the project. The city can apply for grants, but the approval process will go past the deadline for obtaining the permit. Milner invited Niel Cannon to go over a solution worth taking a look at now.

Niel Cannon let the council know that there is no band aide, the work needs to be done right and that they need to retain the historic nature of the building and its role as a community center. The architect that came in is very good at what he does. He is proposing that in order to get things done, it is going to cost some money now. To be able to do a feasibility study by January it would cost \$52,000. CDFA can offer a predevelopment loan that the city pays back either under the NH Invest program or with ARPA funds. The interest rate would be between 0% - 2%. This study will give an idea on costs from all trades to complete the work on the building.

Milner stated that she is looking for an ok to get the numbers together based on the information that Mr. Cannon's presented. She asked the council about moving forward with a CDFA loan for \$52,000 for a feasibility study for the City Hall. She did explain that they are already looking at grants they can apply for to pay the loan back.

A discussion ensued and the majority of the council agreed that they should support this loan. They discussed having more info before a meeting on something of this nature.

**Motion – Councilor Blake moved that the Franklin City Council supports spending \$52,000 for a feasibility study of City Hall that will come from a CDFA predevelopment loan. Seconded by Councilor Dzujna.**

**Roll Call Vote:**

Councilor Starkweather	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
Councilor Blake	<u>yes</u>	Councilor Bunker	<u>absent</u>	Councilor Trudel	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Chandler	<u>yes</u>	Councilor Zink	<u>no</u>

***7 in favor; 1 opposed; motion passes.***

**Agenda Item III.**

Canvas of the vote.

**Motion – Councilor Desrochers moved that the Franklin City Council accept the return of votes and declared the following elected:**

# CITY OF FRANKLIN – WARD I

## CITY ELECTION RESULTS

OCTOBER 4, 2022

Total Voters on the Checklist- 1593

Ballots Cast- 231

Voter Turnout- 15%

---

**Council- Three Years**

Cecile M. Cormier	90
Ted Starkweather	130
Over Votes	0
Under Votes	10
Write-In's	1

---

**School Board-Three Years**

Marie Danforth	80
Jack Finley	142
Over Votes	1
Under Votes	7
Write-In's	1

---

**Election Moderator- Two Years**

Debra Dear	199
Over Votes	0
Under Votes	28
Write-In's	4

---

**Ward Clerk-Two Years**

Marty Russo	206
Over Vote	0
Under Votes	25
Write-In's	0

---

**QUESTION:**

Change to the Franklin City Charter in regards to ward lines

Yes	163
No	34
Under Votes	34
Over Votes	0

A TRUE COPY ATTEST:

  
Signature of City Clerk

# CITY OF FRANKLIN – WARD II

## CITY ELECTION RESULTS

OCTOBER 4, 2022

Total Voters on the Checklist- 1188

Ballots Cast- 186

Voter Turnout- 16%

---

**City Councilor-Three Years**

C. Olivia Zink	145
Over Votes	0
Under Votes	32
Write-In's-Scattered	9

---

**School Board-One Year**

Liz Cote	96
Peter McLaughlin	84
Over Votes	1
Under Votes	5
Write-In's	0

---

**School Board- Two Years**

Laurie Cass	105
Dave Testerman	77
Over Votes	0
Under Votes	4
Write In's	0

---

**School Board-Three Years**

Desiree McLaughlin	150
Over Votes	0
Under Votes	28
Write In's-Scattered	8

---

**Election Moderator-Two Years**

Tamara J. Feener	152
Over Votes	0
Under Votes	30
Write In's	1

---

**Ward Clerk-Two Years**

Janet Desrochers	158
Over Votes	0
Under Votes	25
Write In's	3

---

**Supervisor of Checklist-Two Years**

Write In's-Laurie Cass	12
Write In's-Scattered	10
Over Votes	0
Under Votes	161

**Supervisor of Checklist-Four Year**

Write In's-Tina Nelson	11
Write In's-Scattered	5
Over Votes	0
Under Votes	167

---

**QUESTION:**

Change to the Franklin City Charter in regards to ward lines

Yes	104
No	32
Over Votes	0
Under Votes	45

**A TRUE COPY ATTEST:**

  
Signature of City Clerk

# CITY OF FRANKLIN – WARD III

## CITY ELECTION RESULTS

OCTOBER 4, 2022

Total Voters on the Checklist- 1745

Ballots Cast- 272

Voter Turnout- 16%

---

**Councilor-Three Years**

Leigh Webb	235
Over Votes	0
Under Votes	33
Write In's	4

---

**School Board-Three Years**

Timothy Dow	167
Robert "Roy" Hubble	93
Over Votes	0
Under Votes	5
Write In's	7

---

**Election Moderator-Two Years**

Cameron M. Temple	234
Over Votes	0
Under Votes	37
Write In's	1

---

**Ward Clerk-Two Years**

Meri-lynn Banton	237
Over Votes	0
Under Votes	34
Write In's	1

---

**QUESTION:**

Change to the Franklin City Charter in regards to ward lines

Yes	169
No	76
Over Votes	0
Under Votes	27

A TRUE COPY ATTEST:

  
Signature of City Clerk

**Seconded by Councilor Dzujna.**

***All in favor; motion passes.***

**Agenda Item IV.**

School Board Update:

Business Administrator Braman gave the school board update in absence of Superintendent Dan LeGallo:

- Braman started by presenting the councilors with a handout on the Franklin School District revenue projection for FY22/23, which is included at the end of these minutes.
- He went over what is in resolution 05-23 that they are voting to set a public hearing on at this meeting to give everyone an idea of where the numbers are coming from. He was able to recognize an additional fund balance of \$431,869 and change, which was based on accumulated revenues that they had at the end of the year.
- Another piece of legislation that passed is bill SB 420, which is called the Establishing an Extraordinary Need grant for schools. Franklin falls under the category for this grant and he won't know the exact amount until October 1<sup>st</sup> of next year since they need some pending final numbers to calculate everything.
- Braman stated that they received \$165,000 towards the Portrait of a Graduate program.

**Agenda Item V.**

Council to consider Resolution #03-23 appropriating \$600,986 in one time highway block funding for roads and bridges:

**Motion – Councilor Dzujna moved that the Franklin City Council adopt Resolution #03-23 to accept and appropriate \$600,986 in one-time additional Highway Block funds from the State of New Hampshire for roads and bridges. Seconded by Councilor Ribas.**

Mayor Brown asked if there was any discussion on this motion.

There was a discussion about what the funds were being used for. Milner explained that some of the funds can be used for current roads, \$175,541, which will extend the roads line that has been talked about several times. The \$425,445 would go to the Capital Reserve Fund for bridges at a later date.

There was a question about whether the funds can be kept in Capital Reserves for a few years and Milner confirmed that they can be.

No other discussion ensued.

**RESOLUTION #03-23**

**A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2023.**

**In the year of our Lord, Two Thousand Twenty-Two,**

**WHEREAS**, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2023 which began July 1, 2022, and;

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes the State appropriated one-time payments to municipalities for roads and bridges in FY2023, and;

**WHEREAS**, the City Council of the City of Franklin wishes to appropriate those one-time payments,  
**Now**

**THEREFORE, BE IT RESOLVED**, that at the scheduled meeting of the City Council on Tuesday, October 11, 2022, the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 03-23 appropriating one-time state funding for roads and bridges and authorize the following non lapsing appropriation:

**An increase in revenue:**

Highway Block Grant Revenue Acct. No. 01-3-122-33530-000 – Six Hundred Thousand Nine Hundred Eighty-Six Dollars (\$600,986),

**And an increase in expenditures:**

Road Maintenance Other Property Service Acct. No. 01-3-122-40490-000-One Hundred Seventy-Five Thousand, Five Hundred Forty-One Dollars (\$175,541),

Transfer to Capital Reserve Fund Acct. No. 01-0-000-40970-000 – Four Hundred Twenty-Five Thousand Four Hundred Forty-Five Dollars (\$425,445)

**by a roll call vote.**

**Roll Call:**

Councilor Dzujna	<u>yes</u>	Councilor Chandler	<u>yes</u>	Councilor Zink	<u>yes</u>
Councilor Ribas	<u>yes</u>	Councilor Bunker	<u>absent</u>	Councilor Blake	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Starkweather	<u>yes</u>	Councilor Trudel	<u>yes</u>

***All in favor; motion passes.***

**Agenda Item VI.**

Council to consider Resolution #04-23, to accept approximately \$12,646.07 from Franklin Women's Club for the purpose of setting up an expendable scholarship fund with the City's Trustees of Trust Funds called "Franklin Women's Club Scholarship:

**Motion – Councilor Blake moved that the Franklin City Council adopt resolution #04-23 accepting approximately \$12,646.07 from Franklin Women's Club for the purpose of setting up an expendable scholarship fund with the City's Trustees of Trust Funds called "Franklin Women's Club Scholarship". Seconded by Councilor Desrochers.**

Mayor Brown asked if there was any discussion on this motion.

There was a question about why the Trustees take on these kinds of scholarships. Milner explained that by RSA the city can't hold trust funds and they have to sit with the Trustees of the Trust funds. They hold many scholarships and in this particular case the last surviving member of this Franklin Women's Club is getting up there in age and wanted to turn this over to the Trustees so that they could manage it and continue to offer this scholarship to more students.

No other discussion ensued.

**RESOLUTION #04-23**

**A Resolution Relating to the Acceptance of Trust Fund Money.**

**In the year of our Lord, Two Thousand Twenty-Two,**

**WHEREAS**, the City Council of the City of Franklin recognizes the Franklin Women's Club wishes to offer an annual scholarship to Franklin High School students, **and;**

**WHEREAS**, the Franklin Women's Club would like to relinquish their administrative responsibility of the expendable scholarship fund totaling approximately \$12,646.07 to the Franklin Trustees of Trust Funds, **and;**

**WHEREAS**, one annual scholarship of up to \$500 will be awarded to female high school senior attending college in the fall using the award criteria that Franklin High School deems appropriate, **and;**

**WHEREAS**, the scholarship will be released after the successful completion of first semester in college and with proof of continued enrollment for second semester, **now;**

**THEREFORE, BE IT RESOLVED**, *that at their regularly scheduled meeting of the City Council on Tuesday, October 11, 2020, the City Council of Franklin, New Hampshire does hereby vote to accept \$12,646.07 from the Franklin Women's Club for the purpose of starting a Franklin High School Scholarship Fund called "Franklin Women's Club Scholarship Fund" placing the monies in an expendable scholarship fund with the City's Trustees of Trust Funds". Female scholarship recipients*

*will be limited to one \$500 scholarship, to be made prior to the start of the second semester with proof of successful completion of first semester and continued enrollment in second semester, using the award criteria that Franklin High School deems appropriate.*

**By a roll call vote.**

**Roll Call:**

Councilor Dzujna	<u>yes</u>	Councilor Chandler	<u>yes</u>	Councilor Zink	<u>yes</u>
Councilor Ribas	<u>no</u>	Councilor Bunker	<u>absent</u>	Councilor Blake	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Starkweather	<u>yes</u>	Councilor Trudel	<u>yes</u>

***7 in favor; 1 opposed; motion passes.***

**Agenda Item VII.**

Council to consider setting a public hearing for Resolution 05-23 appropriating additional revenue from state adequate education grant, portrait of a graduate grant, extraordinary need grant and prior year fund balance:

**Motion – Councilor Dzujna moved that the Franklin City Council set a public hearing on November 14<sup>th</sup>, 2022 at 6:00 p.m. in the City Hall Council Chambers for Resolution #05-23 appropriating \$988,399 to the Franklin School District fiscal year 2023 budget and appropriating \$165,000 to the Franklin School District for the Portrait of a Graduate grant from the Barr Foundation. Seconded by Councilor Blake.**

Mayor Brown asked if there was any discussion on this motion.  
No discussion ensued.

**Roll Call:**

Councilor Dzujna	<u>yes</u>	Councilor Chandler	<u>yes</u>	Councilor Zink	<u>yes</u>
Councilor Ribas	<u>yes</u>	Councilor Bunker	<u>absent</u>	Councilor Blake	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Starkweather	<u>yes</u>	Councilor Trudel	<u>yes</u>

***All in favor; motion passes.***

**Agenda Item IX.**

Council to consider setting a public hearing for Ordinance #03-23:

Mayor Brown asked Milner to explain this ordinance in more detail.

Milner stated that this is a rewrite of the ordinance, cleaning up some of the language of the last ordinance along with some changes to it. The reason for the solid waste discussion is to try and curb costs that are coming down the road to the city and the state. New England is quickly running out of space for trash disposal. This is increasing the cost of disposal.

This ordinance does not get rid of curbside pickup. It does, however, change the base level service for residential pickup for residential homes that are 3 family units or over to become commercial. Commercial would no longer be picked up, as well as downtown businesses.

Mayor Brown asked if there was a motion.

**Motion - Councilor Dzujna moved that the Franklin City Council set a public hearing on Ordinance #03-23 repealing and replacing current Chapter 257 "Solid Waste" of the City of Franklin, New Hampshire, Municipal Code for Monday, November 14<sup>th</sup>, 2022 at 6:00 p.m. in the City Hall Council Chambers. Seconded by Councilor Blake.**

There was a lot of discussion on this ordinance. There were still concerns about the language of the most recent revision and some councilors stated that they should go through the whole document for any errors or inconsistencies. There were also concerns about needing more info from the public.

It was decided that another workshop meeting on solid waste should be scheduled before voting on setting the public hearing. The council scheduled the City Council Workshop meeting for October 24, 2022 at 6 p.m. The council agreed that they would all go through the ordinance word for word at this meeting and discuss any other discrepancies with it.

Councilor Dzujna withdrew his motion.

No other discussion ensued.

### **Agenda Item X.**

#### **Other Business:**

##### **1. Mayor & Council Appointments**

Mayor Brown re-nominated Wayne St. Ives for the Upper Merrimack River Local Advisory Committee, seat MR3, term of service to October 2028.

**Motion – Councilor Ribas moved that the Franklin City Council accept the resignation of Angela Swett from the Library Board of Trustees, effective immediately. Seconded by Councilor Zink.**

*All in favor; motion passes.*

## **2. Committee Reports**

Councilor Desrochers stated that at the last CIP Committee meeting they did a lot of housekeeping. Many items listed were taken off, as the projects have been completed. The next meeting will be scheduled for some time after November 10<sup>th</sup>. Milner added that there was a little over \$3.5M taken off of the CIP plan at the last meeting.

Councilor Ribas went over some highlights from the last Finance Committee meeting on October 3<sup>rd</sup>. They went over the pay & class study and the final report on that should be due any day now. Also, the city is moving towards compliance with the audit that was set back due to Covid. He provided an outline of that meeting and that is attached to the end of these minutes. He also stated that the Joint Finance Committee meeting has been pushed back and they are waiting for confirmation on the rescheduling of that.

Councilor Ribas went on to discuss the Citizen's Task Force. The last meeting was well attended, as there was about a dozen people there. The meeting went great and the next meeting is scheduled for October 19<sup>th</sup>. It was decided that the next meeting dates will be added to the community calendar instead of the city calendar.

Councilor Blake had an outline from the Parks & Recreation Committee meeting from September 16<sup>th</sup> and is included at the end of these minutes. She stated that there are 141 kids enrolled in before and after school program and Director Alpers and the rest of the staff are doing an amazing job.

## **3. City Manager's Update:**

- a. Fallen Franklin Firefighters – Milner recognized Deputy Chief Robert Cunningham, FF Peter Savoy, FF Charles Dodge, and FF Marie St. Jacques.
- b. National 1<sup>st</sup> Responder's Day is October 28<sup>th</sup>. Please take the opportunity to say thank you to the 1<sup>st</sup> responders of the city of Franklin (Fire, Police, and MSD).
- c. Contingent Grant Line Activity – Received \$1,656.12 for the Sex Offenders Compliance grant and \$1,000 grant from the Children's Literacy Foundation, which is a joint alliance between the library and the Paul Smith School.
- d. Trust fund for school funding – \$265.61
- e. Congratulations – To K-9 Miller and sidekick, Officer Tracy, for being on channel 4 news on National Mental Health Day. This segment will also be posted on the website with a link. Milner also gave a shoutout to the City of Franklin for being the winner at the Mason's Chili-fest contest.
- f. Reminder – City Council Meeting Date for November will be Monday, November 14<sup>th</sup>.

- g. Committee meetings – October:
  - i. Fire – Monday, October 17<sup>th</sup> at 5:30 p.m. at the Fire Station
  - ii. Joint Finance – TBD – This date is being finalized after a cancellation.
- h. Welcome – FF EMT Bryant Carbone, FF Paramedic Nick Santy, FF EMT Mike Provencher, and FF AEMT Jason Miles. Also, Stephanie Wolff with the Franklin Partner's in Prevention, formerly the Mayor's Drug Task Force.
- i. Closures – City Clerk's Office will be closed on November 8<sup>th</sup> for election day. City Hall will be closed on November 11<sup>th</sup> in observance of Veteran's Day.
- j. Media contacts – Spark Magazine by UNH, where we were featured in an article, WMUR and Concord Monitor.
- k. Shout Outs – Colby Morrill on behalf of the firefighters for putting the fire helmet on the Franklin kayak man and Steve Nelson who painted Odell Cottage to cover some graffiti.
- l. Public Forum – Per the decision tonight there will be a workshop meeting to talk about trash on October 24<sup>th</sup> at 6 p.m. in Council Chambers.
- m. Soup Fest/Get Out & Play Day – October 22<sup>nd</sup>
- n. Drug Take Back Day – October 29<sup>th</sup> from 10am – 2pm at CVS.
- o. Podcast about CPIU and the taxes for this year will work will be posted on the city website once available.
- p. Milner also wanted to let the council know that they are in the process of applying for an Environmental Protection Agency grant for the Stanley Mill. That grant requires a public comment hearing, which needs to be set for November 1<sup>st</sup> – November 16<sup>th</sup>. This will also be on the face of the city website with the application for people to comment on. There public comment hearing will be scheduled for the city council meeting on November 14<sup>th</sup> and the application is due by November 22<sup>nd</sup>.

**4. Late Items:**

No late items.

Councilor Desrochers quickly added that he will drop off the rest of the Purple Heart Community signs so that Justin can get them put up, hopefully before Veteran's Day.

**Motion to adjourn was made by Councilor Ribas and seconded by Councilor Blake.**

*All in favor; motion passes.*

The meeting adjourned at 10:18 p.m.

Respectfully submitted,

Lisa Jones  
Executive Secretary

Franklin School District  
Revenue Projection  
Fiscal Year 2022/2023

Source	20-21 Actuals	21 22 Budgeted	22-23 Estimates	Difference
<b>General Fund:</b>				
Revenue from State Sources				
Special Education Aid	152,885	122,295	145,000	c 22,705
Charter School Aid	39,604	30,000	45,000	15,000
Vocational Transportation Aid	5,122	5,000	5,000	0
Adequate Education Grant	8,701,824	8,268,687	8,630,294	361,607
Extraordinary Grant	0	0	360,165	360,165
Building Aid	181,944	81,944	81,944	0
Indirect Costs	55,850	69,000	69,000	0
Revenue from Federal Sources				
Medicaid Reimbursement	162,932	175,000	160,000	(15,000)
E-Rate Funding	54,062	47,173	47,173	0
Local Revenue Other than Taxes				
Tuition	18,293	18,000	0	(18,000)
Earnings on Investments	2,084	2,500	2,500	0
Other Local Revenue	2,553	2,000	2,000	0
Insurance Premium Holidays	148,272	98,586	105,685	7,099
Athletic Receipts	0	3,500	3,500	0
NH Charitable Foundation (Aware)	75,000	0	0	0
Unreserved Fund Balance	402,418	1,211,997	1,281,870	69,873
<i>Total Revenues and Credits</i>	10,002,844	10,135,682	10,939,131	803,449
District Appropriation	4,467,354	4,595,004	4,943,755	348,751
Education Tax	1,201,740	1,190,971	886,084	(304,887)
Additional Voted By City Council	0	0	0	0
<i>Total General Fund</i>	15,671,938	15,921,657	16,768,970	847,313
Food Service Transfer	715,157	535,718	600,000	64,282
<i>Total General Fund and Food Service Revenues</i>	16,387,095	16,457,375	17,368,970	911,595
Grant Funds	1,997,972	1,729,650	1,565,000	(164,650)
ESSER/GOFERR Funding	225,895	1,278,897	1,300,000	21,103
<i>Grand Total Revenues</i>	18,610,962	19,465,922	20,233,970	768,048
		Appropriations	19,080,631	

## FINANCE COMMITTEE MEETING 2022-10-03

Pay and Class Study-Final report due soon

- Brief highlights

- rates range from ~\$1 to~\$10/hour below comparables

- considering health insurance changes as part of implementation

- cost to fully implement probably over \$2 million

Audits- set back by ransomware, Covid, moving toward compliance

Joint Finance- discussed preparing for this week's Joint Finance meeting

B&G Grounds Position- Consolidate 2 P/T Custodian into 1 FT \$10 K savings

Other-

- City Hall discussion moving forward

- Grant Traffic study

- ARPA Body Cams, Stanley Mill

10/12 Joint

11/19 Finance

**City of Franklin**  
**Parks & Recreation Committee**  
**September 16<sup>th</sup>, 2022 Meeting Minutes**

**Present:** Chairwoman Valerie Blake, Councilor George Dzijuna and Parks and Recreation Director Krystal Alpers

The meeting was called to order at 10:05am.

Councilor Dzijuna made a motion to accept the June 23<sup>rd</sup>, 2022 minutes, seconded by Councilor Blake. Motion passed.

Director Alpers provided the committee with an update on this year's summer program. All in all it went well. This was the first summer that field trips and beach days did not have to get canceled due to rain. It was nice to have a summer unfold as planned! Director Alpers explained the behaviors of the children continually get worse every year. It is hard to tell why the behaviors in the children are increasing overtime but it is believed that screen time is a key component. Sadly, it is not just children's behaviors that we are dealing with. We seem to be having a hard time with how parents are also treating staff. There is very little respect. While we understand parents are under a lot of stress, it seems as though they are taking it out on the office staff. We are often yelled at and sworn at while communicating with them. We would hate to have to remove a child from our program due to the parent's behavior but I am going to lose staff for the way they are being treated by parents. Director Alpers is going to look into how other departments handle parent's "behavior".

Director Alpers stated the After-School program is up and running. We are a bit short staffed. We could use 3-4 more staff plus a couple "on call" for call outs. We currently have 141 enrolled and 16 on the wait list. Additional staff would also allow us to open up more spots from the wait list. Councilor Blake asked what the hours for the Summer and Before and After School program. Director Alpers explained the summer program is 6:30am-6pm and before and after school is 6:30am-8:15am and 2:00pm-6:00pm.

Director Alpers announced Chloe Sottak as the new Supervisor. Melissa Cogan resigned in June and Chloe was a Counselor this summer who will easily shift into the Supervisors position.

Councilor Dzijuna made a motion to adjourn seconded by Councilor Blake.

Meeting Dates:  
December 22<sup>nd</sup>, 2022 at 10am  
March 23<sup>rd</sup>, 2022 at 10am

Respectfully Submitted,

Krystal Alpers  
Parks and Recreation Director

**CITY COUNCIL MEETING**  
**AGENDA ITEM II**



**Subject: Council to hear from residents on speeding issues on Pleasant Street.**

---

**Attachments/Exhibits:**

1. Letter from resident, Cheryl Fisher
2. Pleasant Street Homeowner's Petition to the City of Franklin

September 30, 2022

We, the homeowners on Pleasant Street, request that a discussion of vehicular speeding along the street be added to the October 11, 2022 City Council Meeting Agenda.

Enclosed is a copy of the petition signed by these homeowners/residents.

*Cheryl Fisher*  
603-520-2029

RECEIVED  
9/30/22

- This will go on  
November 14, 2022  
Agenda.

# Vehicular Speeding on Pleasant Street

Date: Aug. 6, 2022

We, the undersigned, are deeply concerned by the excessive, unchecked speeding up and down Pleasant Street. There are increasing numbers of vehicles traveling well above the posted 30 miles-per-hour. This excessive speed is an ever-present danger to homeowners trying to back out of their driveways or collect their mail, children waiting for the school bus, bicyclists, people and pets out for a walk, and the large populations of deer, turkeys and other wildlife.

In addition, Pleasant Street is in urgent need of repair. The current state of the pavement greatly adds to the danger posed by excessive speed.

We strongly urge the city to take action on this dangerous situation.

ADDRESS	PRINTED NAME	SIGNATURE
205 Pleasant St.	DOUG & TERRY KEYSEY	Douglas Keysey
208 Pleasant St.	MATT + CONNIE STOCKBRID	Mat Stockbr
201 Pleasant St.	Walter + Darnelle Borck	Darnelle Borck
188 Pleasant St.	Jayne + Jim Andrich	Jayne Andrich
161 Pleasant St.	Anthony Tremblay	
161 Pleasant St.	Dianna Tremblay	Dianna Tremblay
154 Pleasant St.	Denise Richard	Denise Richard
210 Pleasant St.	Anne Pastuszak	Anne Pastuszak
2 Pleasant St.	Earl Franson	Earl Franson
2 Wilderness Dr.	Kim Robinson	Kim Robinson
176 Pleasant St.	BANGANA DESKI	BANGANA DESKI
108 Pleasant St.	Vicki Pollett	Vicki Pollett

Pleasant Street Homeowner's Petition to the City of Franklin

# Vehicular Speeding on Pleasant Street

Date: 09/26/2022

We, the undersigned, are deeply concerned by the excessive, unchecked speeding up and down Pleasant Street. There are increasing numbers of vehicles traveling well above the posted 30 miles-per-hour. This excessive speed is an ever-present danger to homeowners trying to back out of their driveways or collect their mail, children waiting for the school bus, bicyclists, people and pets out for a walk, and the large populations of deer, turkeys and other wildlife.

In addition, Pleasant Street is in urgent need of repair. The current state of the pavement greatly adds to the danger posed by excessive speed.

We strongly urge the city to take action on this dangerous situation.

ADDRESS	PRINTED NAME	SIGNATURE
213 Pleasant St.	Cheryl Fisher	Cheryl Fisher 003-520-2029
232 Pleasant St	Albert Dickinson	Albert Dickinson
225 Pleasant St	Kimber Collins	Kimber Collins
213 Pleasant St	Timothy Fisher	Timothy Fisher
7 KING ST.	LOE SEARS	LOE SEARS
239 Pleasant St	Scott Ciaravach	Scott Ciaravach
229 Pleasant St.	Cindy Clarenbach	Cindy Clarenbach
243 Pleasant Street	KATRICIA ROBLET AUD	231 PLEASANT ST.
252 Pleasant St	Chris Kneeland	Chris Kneeland
252 Pleasant St	Shirley Kneeland	Shirley Kneeland
243 Pleasant St	Rachel Ewers	Rachel Ewers
254 Pleasant St.	JEANINE LARSON	JEANINE LARSON

Pleasant Street Homeowner's Petition to the City of Franklin

# Vehicular Speeding on Pleasant Street

Date:

ADDRESS	PRINTED NAME	SIGNATURE
257 Pleasant St	BARBARA Moulton	Barbara Moulton
260 Pleasant St	KATHERINE B Zink	Katherine B. Zink
273 Pleasant St	Melissa Wadda	Melissa Wadda
273 Pleasant St	Chris Doherty	Chris Doherty
268 Pleasant St	Aaron Boyd	Aaron Boyd
290 Pleasant	Joshua Conchillo	Joshua Conchillo
290 Pleasant St	Brian Foulds	Brian Foulds
290 Pleasant St	Spirit Seeger	Spirit Seeger
300 Pleasant St	Barbara Emery	Barbara Emery
300 Pleasant St	Stephen Keech	Stephen Keech
297 Pleasant St.	Kathy Moore	Kathleen E. Moore
258 Pleasant St	Caleb Hutchins	Caleb Hutchins
219 Pleasant St	Joe Miville	Joseph R Miville
232 Pleasant St.	Pat Dickenson	Pat Dickenson
214 Pleasant St	BELINDA LUMSDEN	Belinda Lumsden
214 Pleasant St	Matthew C Lumsden	Matthew C Lumsden
238 Pleasant St	Kate Anderson	Kate Anderson
277 Pleasant St	Lance Demers	Lance Demers
308 Pleasant St	Cynthia LAUGHY	Cynthia Laughy
301 Pleasant	Robert Abbott	Robert Abbott
339	Wilbur F Roberge	Wilbur F Roberge

Pleasant Street Homeowner's Petition to the City of Franklin

## Vehicular Speeding on Pleasant Street

Date:

[illegible]

# Pleasant Street Homeowner's Petition to the City of Franklin

**CITY COUNCIL MEETING**  
**AGENDA ITEM III**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

November 14, 2022

**From:** Judie Milner, City Manager  
**Subject:** Snowmobile Club Trail Permission

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**Suggested Motion:**

Councilor moves, "I move that the Franklin City Council approve the Snowmobile Trail Permission form for Lakes Region Snowmobile Club's trail access to City property along the side of Lake Avenue and Lark Street for a term to coincide with the approved City street crossing authorization through January 2024 and authorize the City Manager to sign the permission document on behalf of the City."

Mayor calls for a second, discussion and vote.

**Discussion:**

Lakes Region Snowmobile Club (LRSC) has been in existence since the 1960's and, as far back as I can find, has always received permission to access the City's property and road crossings. I am unaware of any issues arising from this relationship. The City is not liable for users of the trail and is not responsible for signage or maintenance of the trails.

The city entered into a 5-year agreement with the club that ends in January 2024 for street crossing of which Lake Ave and Lark Street are part of. This new agreement will allow for travel down the road to pick up the trail on Lark Street. The city has previously allowed this travel down the road in this area before because of landowner/access issues.

**Attachments/Exhibits:**

Letter from LRSC Snowmobile Trail Administrator requesting this action  
Map depicting roadway access requested  
Current Trail Permission Form & Council Approval (excerpt 1/7/19 City Council Minutes)

10/28/22

Dear Council & City Manager—

We are writing to you to ask permission to use the side of Lake Ave., and the side of Lark St. for the snowmobile club trail to connect route 3a back to route 11 or it can be referred to as connecting the Franklin Falls Dam to the west side of town it is an established trail. We would come to Lake Ave on this trail and turn left to go up to Lark St., then rejoin the trail the cuts across the "bird streets" to get to the rail trail the home owners have not signed a wavier this year and do not want snowmobiles on there land due to damage that was done a couple years ago I have talked the owner of 75 Lark St. in length which is where the trail went originally I have offered snow fence with stakes and they still have said no.

Again I know this has been done in the past and I have the old permission from the city we would just like a new one and to possibly sign a 5 yr permission with the club and we will continue to look for solutions to this problem thank you.

Kenneth Kreis Jr.

Trail Administrator

Lakes Region Snowmobile Club



November 7, 2022

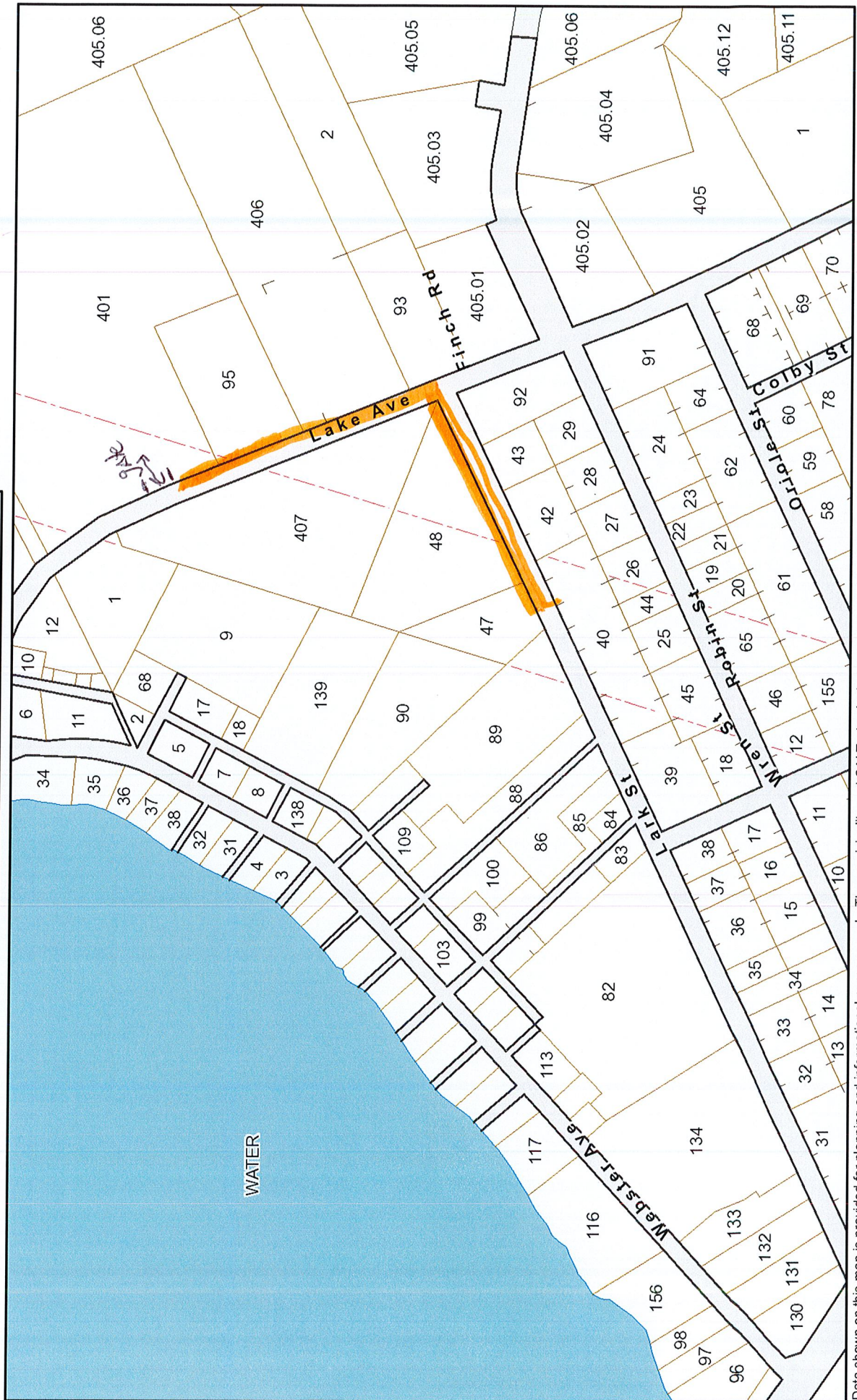
Franklin, NH

1 inch = 273 Feet



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Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

## SNOWMOBILE TRAIL PERMISSION

Permission is hereby granted to Lakes Region Snowmobile Club  
(Name of club or organization)

to provide public **Snowmobile** access on my property. It is understood that use of my property, for said purpose, in no way holds me liable or responsible for accidents which may occur as a result of others using my property as provided for in Chapter 212, Section 34, Laws of the State of New Hampshire (RSA 212:34 Duty of Care).

There shall be no fee for the use of this property. The above named organization agrees to mark, sign, and maintain the property in a proper and safe manner.

The State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation, Bureau of Trails shall also provide a landowner liability insurance policy with coverage of \$2,000,000.00 for trails within the Grant-In-Aid Program.

This agreement shall have a term of:

- ☐ 1. Indefinite
- ☐ 2. 1 year upon approval
- ☒ 3. 5 years upon approval

\*THIS AGREEMENT MAY BE TERMINATED FOR ANY CAUSE, BY EITHER PARTY,  
UPON THIRTY (30) DAYS WRITTEN NOTIFICATION.

Dated this 8th day of JANUARY 2009  
Year

### Signature Section

JUDIE MILNER  
Landowner (Print name)

[Signature]  
Landowner Signature  
Franklin, NH  
Town/City

316 CENTRAL STREET  
Address

03235 603 934 3900  
Zip Code Telephone

Lakes Region Snowmobile Club  
Organization or Club Name

Maxwell Duncanson  
Organization Officer (Print name)

PO Box 480  
Club Address

03235  
Zip Code

Trail Administrator  
Title (President, Trail Administrator, etc.)  
[Signature]  
Organization Officer's Signature  
Franklin  
Town/City

LANDOWNER PERMISSION - City Of Franklin, NH

Location	Land Owner	Responsible Person	Form Required	Date Permission Obtained	Permission Duration	Permission Expiration
Conservation Land Off Route 127	City of Franklin		Landowner Permission			
Daniel Park	City of Franklin		Landowner Permission			
Great Gains Memorial Forest	City of Franklin		Landowner Permission			
Griffith Beach	City of Franklin		Landowner Permission			
Lagace Beach	City of Franklin		Landowner Permission			
Old Water Works Property	City of Franklin		Landowner Permission			
Veteran's Memorial Recreation Area	City of Franklin		Landowner Permission			

LANDOWNER PERMISSION - City Of Franklin, NH

Location	Land Owner	Responsible Person	Form Required	Date Permission Obtained	Permission Duration	Permission Expiration
Babbitt Road	City of Franklin		City Street/Road Crossing			
Carr Street	City of Franklin		City Street/Road Crossing			
Center Road	City of Franklin		City Street/Road Crossing			
Central Street	City of Franklin		City Street/Road Crossing			
Chance Pond Road	City of Franklin		City Street/Road Crossing			
Cross Mill Road	City of Franklin		City Street/Road Crossing			
Doucette Drive	City of Franklin		City Street/Road Crossing			
Flaghole Road	City of Franklin		City Street/Road Crossing			
Freedom Drive	City of Franklin		City Street/Road Crossing			
Glory Avenue	City of Franklin		City Street/Road Crossing			
Holy Cross Road	City of Franklin		City Street/Road Crossing			
Lake Avenue	City of Franklin		City Street/Road Crossing			
Lake Shore Drive	City of Franklin		City Street/Road Crossing			
Lark Street	City of Franklin		City Street/Road Crossing			
Liberty Avenue	City of Franklin		City Street/Road Crossing			
Lincoln Street	City of Franklin		City Street/Road Crossing			
Montgomery Road	City of Franklin		City Street/Road Crossing			
New Hampton Road	City of Franklin		City Street/Road Crossing			
Oriole Street	City of Franklin		City Street/Road Crossing			
Philbrick Road	City of Franklin		City Street/Road Crossing			
River View Drive	City of Franklin		City Street/Road Crossing			
Robin Street	City of Franklin		City Street/Road Crossing			
Sanborn Street	City of Franklin		City Street/Road Crossing			
Searles Hill Road	City of Franklin		City Street/Road Crossing			
Smith Hill Road	City of Franklin		City Street/Road Crossing			
Smith Hill Road	City of Franklin		City Street/Road Crossing			
Timberland Drive	City of Franklin		City Street/Road Crossing			
Victory Drive	City of Franklin		City Street/Road Crossing			
Ward Hill Road	City of Franklin		City Street/Road Crossing			



**A Resolution Granting Authority to file a Loan/Grant Application with USDA Rural Development, for Water Main Improvement Projects, and to Grant Authority to accept the Loan/Grant.**

**In the year of our Lord, Two Thousand Nineteen,**

**WHEREAS**, the City Council of 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 further improvements to the water distribution system, it is necessary and in the public interest, to apply to USDA Rural Development for a loan/grant application for \$4,655,095 to continue improvements on New Hampton Road, West Bow Street and East Bow Street, **And;**

**WHEREAS**, the City Council of the City of Franklin, authorizes the acceptance of the grant/loan with USDA, not to exceed \$4,655,095 and that any grant funds award for this project will decrease the amount to be borrowed, **Now;**

**THEREFORE, BE IT RESOLVED**, that at their regularly scheduled meeting of the City Council on Monday, February 4, 2019, the City Council of Franklin, New Hampshire does hereby authorize Judie Milner, City Manager, to file a loan/grant application with USDA Rural Development for \$4,655,095, to continue water improvement projects on New Hampton Road, West Bow Street and East Bow Street, and;

**THEREFORE, BE IT FURTHER RESOLVED**, that Judie Milner, City Manager is hereby authorized to enter into a loan agreement with USDA, for an amount not to exceed \$4,655,095 and term not to exceed 20 years, and that any grant funds awarded for this project will decrease the amount to be borrowed and to sign all the necessary paperwork thereof.

**By a roll call vote.**

**Roll Call:**

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

**Agenda Item IV.**

Council to consider approval of a 5-year permission term for the Lakes Region Snowmobile Club to obtain access to the City's property and road crossings and authorize the City Manager to sign the permission form of behalf of the City of Franklin.

**Motion – Councilor Desrochers moved that the Franklin City Council approve a 5-year term Snowmobile Trail Permission for the Lakes Region Snowmobile Club's trail access to the City property and road crossings and authorize the City Manager to sign the permission document on behalf of the City.**  
**Seconded by Councilor Clarenbach.**

Mayor Giunta asked if there was any discussion.

Councilor Ribas stated that there are more than 30 road crossings and we're not requiring any fee. He expressed concern regarding wear on our roads since we already have trouble maintaining them. We should think about imposing a fee.

There was no further discussion.

**All in Favor. Motion PASSED.**

### SNOWMOBILE TRAIL PERMISSION

Permission is hereby granted to Lakes Region Snowmobile Club  
(Name of club or organization)

to provide public **snowmobile** access on my property. It is understood that use of my property, for said purpose, in no way holds me liable or responsible for accidents which may occur as a result of others using my property as provided for in Chapter 212, Section 34, Laws of the State of New Hampshire (RSA 212:34 Duty of Care).

There shall be no fee for the use of this property. The above named organization agrees to mark, sign, and maintain the property in a proper and safe manner.

The State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation, Bureau of Trails shall also provide a landowner liability insurance policy with coverage of \$2,000,000.00 for trails within the Grant-In-Aid Program.

This agreement shall have a term of:

- ☐ 1. Indefinite  
☐ 2. 1 year upon approval  
☐ 3. 5 years upon approval

\*THIS AGREEMENT MAY BE TERMINATED FOR ANY CAUSE, BY EITHER PARTY,  
UPON THIRTY (30) DAYS WRITTEN NOTIFICATION.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ Year \_\_\_\_\_

#### Signature Section

\_\_\_\_\_  
Landowner (Print name)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Zip Code

Lakes Region Snowmobile Club  
Organization or Club Name

\_\_\_\_\_  
Organization Officer (Print name)

Maxwell Dancanson  
Organization Officer (Print name)

PO Box 480  
Club Address

03235  
Zip Code

\_\_\_\_\_  
Landowner Signature

Franklin  
Town/City

\_\_\_\_\_  
Town/City

\_\_\_\_\_  
Telephone

Trail Administrator  
Title (President, Trail Administrator, etc.)

\_\_\_\_\_  
Title (President, Trail Administrator, etc.)

Maxwell Dancanson  
Organization Officer's Signature

Franklin  
Town/City

**CITY COUNCIL MEETING**  
**AGENDA ITEM IV**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of November 14<sup>th</sup>, 2022*

**Subject: Monthly School Board Update**

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

**CITY COUNCIL MEETING**  
**AGENDA ITEM V**



**From:** Dan LeGallo, Superintendent

**Subject:** 2022-2023 Appropriations Fund Balance and New Revenue and  
Portrait of a Graduate Grant Funding

**Recommendation:**

To allow the Franklin School District to appropriate additional funding from increased adequacy aid, SB420 Extraordinary Need Grant and additional fund balance. The total amount of additional funding is \$988,339. **Also,**

To allow the Franklin School District to appropriate a Portrait of a Graduate grant funding from the Barr Foundation. The total amount of grant funding is \$165,000.

**Suggested Motions:**

**October 11, 2022**

Councilor moves, "I move that the Franklin City Council set a public hearing on November 14<sup>th</sup>, 2022 for Resolution 05-23 appropriating \$988,399 to the Franklin School District fiscal year 2023 budget and appropriating \$165,000 to the Franklin School District for the Portrait of a Graduate grant from the Barr Foundation.

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

**November 14, 2022**

Councilor moves, "I move that the Franklin City Council adopts Resolution 05-23 appropriating \$988,339 to the Franklin School District fiscal year 2023 budget and appropriating \$165,000 to the Franklin School District for the Portrait of a Graduate grant from the Barr Foundation."

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

**Discussion:**

Due to the final calculation of the adequacy aid formula based on final end of year ADM (Average Daily Membership) the amount increased to \$8,630,294.42 This caused a net increase of \$196,304.82 from original budget projection. The legislature also passed SB420 – Extraordinary Need Grant which provides to the Franklin School District an additional \$360,164.58. Also, due to final year end calculations there was an additional \$431,869.58 of

FY2022 fund balance. The total amount of additional funding for the school district is \$933,339. The intent of this additional funding would be to appropriate \$234,000 towards to replacement and upgrade of the camera and door access control systems in the district. Also we would like to allocate \$105,244 for the creation of a technology coordinator. The Extraordinary Need Grant is part of the adequacy aid formula and has a specific purpose to the school district which requires an accountability plan due January 9, 2023. The balance of \$288,960.42 we would like to carry it over to support the FY24 budget development.

Franklin School District also was awarded a grant from the Barr Foundation to continue the work of the Portrait of a Graduate program started in FY21. Total new grant funding is \$165,000. This funding will continue the program involving teachers, students, parents and community members to work collaboratively to re-imagine the learning experience in Franklin.

**Fiscal Impact:**

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

**Alternatives:**

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

**Attachments/Exhibits:**

Resolution 05-23



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

---

316 Central Street  
Franklin, NH 03235

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

**RESOLUTION # 05-23**

**A Resolution Granting Authority to Accept and Appropriate \$988,339 of Additional Adequacy Aid, SB420 Extraordinary Need Grant and Fund Balance Funding and \$165,000 in Grant Funding for the Franklin School District for Fiscal Year 2023.**

**In the year of our Lord, Two Thousand Twenty-Two,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive additional adequacy aid of \$196,304.82 from the final updated calculation of ADM; and,

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive from SB420 Extraordinary Need Grant of \$360,164.58; and,

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes that the school district has identified additional year end fund balance of \$431,869.58; and,

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive a grant award of \$165,000 entitled Portrait of a Graduate from the Barr Foundation; and,

**WHEREAS**, the City Council of the City of Franklin would like to appropriate an additional \$988,339 to fund the replacement and upgrade of cameras and door access controls, create a technology coordinator position and to preserve potential fund balance from the 2023 year to be carried over to the 2024 fiscal year. Due to the challenges and uncertainties regarding the adequacy funding formula these funds could help support the next budget cycle. And City Council of the City of Franklin would like to appropriate \$165,000 of the Portrait of a Graduate grant funding from the Barr Foundation; **Now,**

**THEREFORE, BE IT RESOLVED**, *that at a regularly scheduled meeting of the City Council on November 7, 2022, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #05-23 to formally accept and appropriate \$1,153,339 of additional revenues for the Franklin School District as follows:*

**An Increase in Revenues:**

Adequacy Education Aid – One Hundred Ninety-Six, Three Hundred Four Dollars and Eighty-Two Cents (\$196,304.82)

SB420 Extraordinary Need Grant – Three Hundred Sixty, One Hundred Sixty-Four Dollars and Fifty-Eight Cents (\$360,164.58)

Use of Fund Balance – Four Hundred Thirty-One, Eight Hundred Sixty-Nine Dollars and Fifty-Eight Cents (\$431,869.58)

Grant Revenue – Portrait of a Graduate – One Hundred Sixty-Five Thousand Dollars (\$165,000),

**An Increase in Expenditures:**

School District Expenditures – Nine Hundred Eighty-Eight, Three Hundred Thirty-Nine (\$988,339)

Grant Expenditure – Portrait of a Graduate - Two Hundred Fifty Thousand Dollars (\$165,000)

**By a roll call vote.**

**Roll Call:**

Councilor Blake \_\_\_\_\_ Councilor Desrochers \_\_\_\_\_ Councilor Starkweather \_\_\_\_\_

Councilor Bunker \_\_\_\_\_ Councilor Dzujna \_\_\_\_\_ Councilor Trudel \_\_\_\_\_

Councilor Chandler \_\_\_\_\_ Councilor Ribas \_\_\_\_\_ Councilor Zink \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor

Passed: \_\_\_\_\_

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

A true copy, attested: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

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

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, November 14, 2022 at 6:00 p.m. in Council Chambers at Franklin City Hall regarding Resolution #05-23, appropriating \$998,339 to the Franklin School District fiscal year 2023 budget and appropriating \$165,000 to the Franklin School District for the Portrait of a Graduate grant from the Barr Foundation.**

**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**  
November 14, 2022

**From:** Dan LeGallo, Superintendent

**Subject:** 2024-2025 AFSCME AFL-CIO Franklin Custodial Agreement

---

**Recommendation:**

To ask the Franklin City Council to approve the 2024 to 2025 AFSCME AFL-CIO Franklin Custodial Collective Bargaining Agreement as approved by the Franklin School Board and AFSCME AFL-CIO Franklin Custodians.

**Suggested Motions:**

**November 14, 2022**

Councilor moves, "I move that the Franklin City Council approve the 2024 to 2025 AFSCME AFL-CIO Franklin Custodial Collective Bargaining Agreement as approved by the Franklin School Board and AFSCME AFL-CIO Franklin Custodians with an anticipated cost of \$26,786 in 2023-2024; an anticipated cost of \$17,863 in 2024-2025 to the general fund."

Mayor calls for a second, discussion and vote.

**Discussion:**

The Franklin School Board and the AFSCME AFL-CIO Franklin Custodians collectively bargained in good faith a new custodial agreement for the 2024-2025 fiscal years. The new agreement will hopefully help to retain and hire qualified personnel in maintaining and improving the conditions of the school facilities.

**Fiscal Impact:**

The district anticipates costs from the agreement in the 2023-2024 year of \$26,786 and a cost of \$17,863 in 2024-2025.

**Alternatives:**

Do not approve the agreement as written and require new negotiations to proceed.

**Attachments/Exhibits:**

Summary Costs of new collective bargaining agreement.

*Franklin - The Three Rivers City*

Franklin School District Custodial Agreement Proposal  
4% for all plus \$0.50 to those less than max first year  
2.5% for all plus \$0.50 to those less than max second year

	FY24	FY25
Total Cost	26,786	17,863
Total Two Year Cost		44,648

Franklin School Board

And

AFSCME Local 3158, Franklin Custodians

School Board Language Proposals

August 3, 2022

9.12 When a **Federal** Holiday falls on a pay day **when banks are closed**, pay checks shall be made out, dated for and distributed the day before the Holiday. It is understood by the Franklin Custodians' Union provided that the "SAU office staff" has the time and their workload will permit this to occur and that it is not illegal nor against fiscal accounting rules and regulations of the New Hampshire Division of Revenue Administration (DRA).

13.2 The District is under no obligation to provide work for employees entitled to no vacation. ~~Senior employees shall have the preference in selecting the time they wish to take their vacation upon approval by Supervisor.~~ - *Held to Current Contract language. (PJO) DBrown 8/3/22*

APPENDIX B

WAGE CLASIFICATION PLAN

1. Newly hired employees may be hired below the minimum range set forth above, but must move to the then current minimum by the end of their probationary period.
2. All employees covered by the Agreement shall receive wage increases during its term as follows:

**Effective July 1, 2023 Employees at the maximum rate will receive a 4% increase. Employees below the maximum will receive a 4% increase and an additional \$.50 per hour until the maximum rate is reached.**

**Effective July 1, 2024 Employees at the maximum rate will receive a 2.5% increase. Employees below the maximum will receive a 2.5% increase and an additional \$.50 per hour until the maximum rate is reached.**

3. ~~Employees who are employed as a Maintenance person shall, in addition to their regular wage rate, receive an additional dollar twenty (\$1.20) per hour over the base rate.~~

**A Custodian/Groundskeeper who are covering for a maintenance person shall receive an additional \$1.20 per hour.**

8. Employees assigned by the ~~School Board~~ **Superintendent** to cover the Building and Grounds Supervisor in the absence of such supervisor shall be paid ~~at a daily rate as delineated on 0 step of the Administrative Agreement.~~ **a \$1.00 per hour premium.**

*Deborah Brown  
8/3/22*

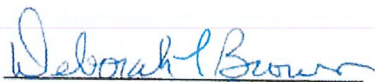
*QJH  
8/3/22*

Franklin School District  
And  
Franklin Custodians, AFSCME Local 3158

Tentative Agreement List  
July 13, 2022

9.11 When a second shift employee works the day shift, he/she shall receive his/her usual premium rate. ~~This provision shall not apply to the summer recess.~~ When there is a need for employees to work second shift, in the summer, said employees will be paid the shift differential. The determination to work second shift during the summer will be at the discretion of the Facilities Director/and or designee. Unless the employees are required to respond to an emergency, the second shift employees shall be allowed a minimum of ten hours off before reporting to work on the day shift. It is understood and agreed that the day of Franklin High School's graduation will be the day outside of the ten hour restriction because all custodial staff are needed to set up for graduation.

22.1 This Agreement shall continue in full force and effect until twelve (12) o'clock midnight June 30, 20~~25~~ <sup>23</sup>, and from year to year thereafter unless written notice of desire to modify this Agreement is given by either party to the other by registered or certified mail, at least one hundred twenty (120) days prior to the expiration date of this Agreement. In the event a notice is sent by either party to the other then the terms and condition of this agreement shall continue to apply until the modified agreement is executed



For the School Board



Date



For the Union



Date

**CITY COUNCIL MEETING**  
**AGENDA ITEM VII**



**From:** Dan LeGallo, Superintendent

**Subject:** 2024-2025 AFSCME Council 93/Local 3158 Franklin Support Staff Agreement

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**Recommendation:**

To ask the Franklin City Council to approve the 2024 to 2025 AFSCME Council 93/Local 3158 Franklin Support Staff Bargaining Agreement as approved by the Franklin School Board and AFSCME Council 93/Local 3158 Franklin Support Staff.

**Suggested Motions:**

**November 14, 2022**

Councilor moves, "I move that the Franklin City Council approve the 2024 to 2025 AFSCME Council 93/Local 3158 Franklin Support Staff Bargaining Agreement as approved by the Franklin School Board and AFSCME Council 93/Local 3158 Franklin Support Staff with an anticipated cost of \$69,408.89 in 2023-2024; an anticipated cost of \$44,244.08 in 2024-2025 to the general fund."

Mayor calls for a second, discussion and vote.

**Discussion:**

The Franklin School Board and the AFSCME Council 93/Local 3158 Franklin Support Staff collectively bargained in good faith a new support staff agreement for the 2024 to 2025 fiscal years. This agreement will hopefully help to retain and hire qualified personnel which has been a very challenging concern in the district.

**Fiscal Impact:**

The district anticipates costs from the agreement in the 2023-2024 year of \$69,408.89 and a cost of \$44,244.08 in 2024-2025.

**Alternatives:**

Do not approve the agreement as written and require new negotiations to proceed.

**Attachments/Exhibits:**

Summary Costs of new collective bargaining agreement.

*Franklin - The Three Rivers City*

**Franklin School District**  
**Support Staff Proposal Costs**  
**2.5% 1st Year, Step and 2.5% 2nd Year**

Fiscal Year	2023-2024	2024-2025	
Salary			
Total Salary/Assoc.			
Cost Increase	69,408.89	44,244.08	
Total Cost Increase	69,408.89	44,244.08	
		2 Year Total	113,652.97
		W/ FY23 Changes	\$177,670.58

**CITY COUNCIL MEETING**  
**AGENDA ITEM VIII**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*November 14, 2022*

**From:** *Justin Hanscom, Municipal Services Director*

**Subject:** City Council to consider repealing the current Solid Waste Ordinance of the Franklin Municipal Code Chapter 257, entitled, "Solid Waste" and replacing with ordinance #03-23 entitled Solid Waste Chapter 257

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**Recommended Motion:**

*"I move that the Franklin City Council set a public hearing on Ordinance 03-23 repealing and replacing current Chapter 257 "Solid Waste" of the City of Franklin, New Hampshire, Municipal Code for Monday, December 5<sup>th</sup>, 2022 at 6:00 p.m. in the City Hall Council Chambers.*

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

**Discussion:**

The City of Franklin along with numerous other municipalities throughout the State of New Hampshire are being faced with the challenges of locating various State of New Hampshire D.E.S permitted facilities to accept a wide variety of Municipal Solid Waste (MSW) and Recyclables. As predicted, we are now entering into a phase of a volatile and unpredictable market, which may become critical, due to a shortage of facilities which accept and process Franklin's MSW and Recyclables. As a result, City Staff along with assistance from our Municipal Services Committee and the City Council have worked on an affordable and acceptable "Transition Plan". This plan began with the outsourcing of curbside trash pickup in Fiscal Year 2020 with an affordable five -year contract.

It is difficult to project our future needs and balance costs thus, we continue to monitor and attempt to project where this current situation is headed over the next several years. The greatest problem is the "capacity" of our various disposal options and how the private sector resolves this issue along with associated costs. Currently, options within the recycling market continue to be limited, expensive to transport and to obtain reliable contracts for handling.

**Concurrences:** Over the past year the Municipal Services Committee has met on five occasions coupled with a special meeting of the entire City Council, providing input to City Staff towards the development of this new ordinance. The creation of this latest ordinance incorporates recommended changes as a result of these public meetings.

**Fiscal Impact:** The primary purpose to repeal and replace our current Solid Waste Ordinance is to reduce and stabilize costs associated with the collection and disposal of our Municipal Solid Waste and Recyclables.

**Alternatives:** Taking no action will result in a negative impact on future City Solid Waste Budgets. This proposed ordinance change will better position the City for future budgets while providing Staff with the guidance we need to meet our goals and establish an ongoing strategic plan.

**Attachments/Exhibits:**

Ordinance 03-23

## **SOLID WASTE ORDINANCE 03-23 - Chapter 257**

### **AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:**

**In the Year of our Lord, Two Thousand Twenty-Two**

**Be it ordained by the City Council of the City of Franklin that the existing Chapter 257, Solid Waste, of Franklin Municipal Code, be repealed in its entirety and replaced with the following:**

#### **Chapter 257 Solid Waste Article I**

##### **General Provisions**

**257-01 Purpose:**

The purpose of this Chapter is to describe the procedures and requirements for the management, handling, and disposal of solid waste generated within the City of Franklin, New Hampshire. These provisions shall apply but not be limited to all activities at the Franklin Transfer Station; Commercial Collection and Storage; Recycling; the city provided Automated Curbside Collection System means of specialized containerized service using mechanized equipment; and all phases of solid waste enforcement. The proper management of solid waste is necessary to protect the health, safety and welfare of the citizens, property owners, and visitors to the City of Franklin.

**257-02 Definitions:**

The following words and abbreviations used in this Ordinance shall mean and be defined as outlined below. Any other words not outlined below and used in this Ordinance shall have its commonly used and understood definition.

- a. Accepted Public Way: A street or road that has been formally accepted and approved by the City Council for public use and maintained by the city, as well as any New Hampshire Department of Transportation State Highway within city limits.
- b. Automated Curbside Collection System: The curbside solid waste collection system used by the City of Franklin by means of automated collection trucks and specialized containers lifted into trucks by mechanical arms. There are two terms used in this document, "Automated Residential Curbside Collection System," specifically addressing residential

pickup, and “Automated Commercial Curbside Collection System,” specifically addressing commercial pickup, both of which are discussed later in this document.

- c. Base level Service: The automated curbside collection system level being provided to eligible properties as defined in this Ordinance for curbside collection, and the disposal of municipal solid waste at the Transfer Station in compliance with “Transfer Station Guidelines” which will be updated with the City Council approval of a new Solid Waste Ordinance.
- d. Bypass Waste: Waste that is diverted to the end source without passing through the transfer station.
- e. City: The City of Franklin, NH, including city staff or subcontractors.
- f. City Council: The legislative body of the city as defined in the Franklin, NH City Charter.
- g. Commercial Hauler: A private, licensed company, corporation, or individual that operates within the city for the collection and disposal of solid waste hired either by the city or by the residential or commercial property owner.
- h. Commercial Unit/Use: A Commercial property containing a business entity or similar use, or a residential multifamily housing dwellings of three or more units or any combination thereof to include condominiums. The unit(s) may be an individual and/or stand-alone use, or it may be of mixed use with multiple business activities or commercial dwelling units.
- i. Concord Regional Solid Waste & Resource Recovery Cooperative (CRSWRRC): The Cooperative of which the city is a participating member where certain types of solid waste are disposed of for incineration; referred to as CRSWRRC in this Ordinance.
- j. Courtesy Notice: A notice, issued by the Director of Municipal Services or designee(s), under the enforcement provision outlined below, to inform a resident or property owners that they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first step in the overall enforcement process and is intended to be an educational and informational reminder for the proper preparation, handling, and management of municipal solid waste by the property owner.
- k. Construction & Demolition (C&D): All building and construction material not fit for processing at the incinerator or alternate facilities as specified in their regulations for delivery of materials.

- l. Contractor: A private, licensed company, corporation, or individual that operates within the city to manage and provide municipal solid waste curbside collection services. Also, a contractor licensed to provide various types of solid waste collection services within city limits.
- m. Curbside Trash Receptacle: Trash containers listed under Base Level Service that meet the specifications identified and suitable to be used by the city or their contractor to qualify for pickup by automated collection. These containers are specified by minimum and maximum size, lid color, manufacturer and other means.
- n. Customer: The individual property owner, tenant, lessee, or other party receiving the base level collection service provided by the city, or who uses the Transfer Station.
- o. Director: The Director of the Municipal Services Department or a designee(s) to act on the city's behalf to manage its Municipal Solid Waste Curbside Collection Program.
- p. Formal Notice of Noncompliance: A notice, issued by the Director of Municipal Services or designee(s) under the enforcement provision outlined below, to inform a resident(s) or property owner(s) they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first or second step in the overall enforcement process. The issuance of multiple formal notices can result in loss of service, penalties, or enforcement actions as outlined in this Ordinance.
- q. Gross Annual Tonnage: The amount of municipal solid waste that the city delivers to the CRSWRRRC and other permitted solid waste disposal facilities on an annual basis. This amount is annually calculated by the city and may change as the generation rates of municipal solid waste increase or decrease due to the various factors including: population growth, increases in the amount of solid waste generated, or general economic and market conditions.
- r. Hazardous Waste: All waste identified by the New Hampshire Department of Environmental Services and the NHDES Solid Waste Management Bureau requiring special handling, transport, and disposal.
- s. Incinerator: The facility being used by the city for the disposal and processing of solid waste.

- t. Municipal Services Committee: The committee established by the City Council to advise the Department on operational and budgetary issues and referenced in this Ordinance.
- u. Municipal Services Department: The department of the city that is responsible for the collection, handling and transport of all solid waste and trash and recyclable materials and referenced in this Ordinance as the MSD.
- v. Neglect: The misuse of a city-issued container that results in breakage or other damage of the container so it cannot be properly used to hold the materials. These conditions include: the lid of the container is removed or the lid or body of the container is significantly cracked so rain can enter; the wheels do not function; it cannot be picked up by the automated trucks; or is otherwise rendered inoperable. Any repairs to the city-owned containers will be performed by city staff. The property owner/customer shall contact the MSD office to report damage and request a repair. Containers damaged beyond repair by damage caused by city vehicles, must be replaced by the city. The city reserves the right to charge for container replacement, due to homeowner neglect, at a cost consistent with Chapter 160 "Fees" of the Franklin City Code. If containers are subject to neglect or other damage by the property owner as determined by the Director, the Director may issue a Notice of Noncompliance letter to the owner and/or customer indicating that the next repair necessary due to neglect or abuse will result in a charge for the repair or replacement of the container at a cost to the property owner or tenant. Similarly, if the containers are improperly removed from the property, the owner may be charged for the next replacement container. Property owners are ultimately responsible for all property owner damages or missing containers, and the owner shall work to educate the household members and/or tenants on the proper use, placement and maintenance of the containers.
- w. Policies: This includes procedures and guidelines prepared by the Director of Municipal Services and city staff for the proper implementation and operation of the provisions of this Ordinance.
- x. Recyclable Materials: For the purposes of this Ordinance this includes all the materials accepted by the City for recycling which will be transported to firms contracted by the city for recycling services. These materials are generated by residential units and commercial properties for disposal at the Transfer Station or a satellite collection center. The Director will issue a list of acceptable items, which may change due to market, regulatory and economic conditions. There are a variety of recyclable materials that include: glass bottles, tires, metals, clothing, batteries, household appliances, waste oil, mercury-containing devices, non-burnable wood-waste and construction materials,

leaves and yard waste, and other items included by the Director on the allowed-items list, which can be found in the written "Transfer Station Guidelines."

- y. Residential Unit: An individual residential dwelling used for habitation. A single-family home is one unit, a two-family structure is a two-unit building, and a multi-unit building or complex is designated by the number of individual units such as apartments, condominium complexes, mobile/manufactured home parks, or a mixed-use or cluster type of building development categorized as commercial use.
- z. Scavenging: The removal of, or the rummaging through, any form of solid waste (any recyclable or nonrecyclable material) from any container that has been placed at the curbside for collection by the city or for disposal at the Transfer Station. All solid waste and recyclable materials placed on the curbside for collection, or brought to the Transfer Station, are considered the property of the City of Franklin, and no scavenging of the materials is permitted. This section notwithstanding, the proper management of the materials placed curbside for collection is the responsibility of the property owner, directly or through any tenant or lessee, as outlined in Section 257-07.
- aa. Separation of Solid Waste: Items exempt from, or not accepted, for regular curbside municipal solid waste collection, which is acceptable at the Transfer Station in accordance with the State of N.H. issued permit to operate. Separated materials must be placed in the appropriate and approved containers for disposal at the Transfer Station.
- bb. Single Stream Recycling: A type of recycling program that allows for the mixing of all types of recyclable materials. The mixing is done by the homeowner or another resident, a business, or a property owner.
- cc. Solid Waste: This is the entire waste stream which includes both recyclable and nonrecyclable materials; also, sometimes referred to as the solid waste stream.
- dd. Special Waste: Types of wastes that are liquid, solid, gaseous or vapor in nature not considered hazardous requiring special handling. This waste is not permitted to be disposed of through Curbside Collection. It may be taken and separated at the Transfer Station for appropriate disposal.
- ee. State or Federal Statute: Any State or Federal statute, law, regulation or policy intended to address any issue related to the collection, storage or disposal of any solid waste material or any unacceptable or prohibited material.

- ff. Transfer Station: The facility operated by the city, located on Punch Brook Road, where eligible residents, businesses, contractors and persons may deposit trash, recyclables, and various yard and construction waste materials. Please refer to Article III of the Ordinance and the "Transfer Station Guideline" for additional information.
- gg. Transfer Station Guidelines: A written information packet summarizing operational guidelines, facility rules and other pertinent information for the Public who use the facility. These guidelines are updated as needed by the Municipal Services Director for public distribution.
- hh. Trash: Typical Municipal Solid Waste (MSW), i.e., trash and garbage that is generated by a residential dwelling unit or a commercial property, not requiring special handling.
- ii. Unacceptable and Unapproved Waste: Waste not designated in the city's permit or not permitted in the solid waste stream by an applicable city Ordinance, State or Federal Statute or Law, or by firms contracted with the city to handle and dispose of the waste.

257-03    **Administration of Chapter:**

The Director of the Municipal Services Department or designee(s) (hereinafter the "Director" and the "Department" respectively) shall have responsibility for the administration of this Chapter subject to the direction and control of the City Manager and the City Council. As deemed appropriate by the Director, certain responsibilities may be delegated to the Deputy Director or other appropriate city staff. As outlined below in Section 257-10, the Director shall have the full authority to make and enforce certain policies and procedures to carry out the purpose of this Chapter.

257-04    **Mandatory Separation of material at Transfer Station:**

By and through this Ordinance, it is a requirement in the City of Franklin that all waste delivered to the Municipal Transfer Station be separated by type and disposed of in a designated appropriate container(s). The mixing of special waste with trash is a violation of this Chapter and subject to the appropriate enforcement procedures as outlined in Section 257-11. The reason for mandatory separation at the Transfer Station is to help manage, contain and control the costs associated with the disposal and management of solid waste by diverting as many recyclables and specialized types of solid waste from the stream as possible and in accordance with waste bans required by the State of New Hampshire. The listing of designated recyclable materials shall be prepared by the Director and included in the "Transfer Station Guidelines," which can be found on the city website under Transfer Station, and at the

Municipal Services Department office. The list will also be available to civic and business organizations for use in their events and programs.

257-05 **Education:**

The City Council and the City Administration recognize that the most efficient, cost-effective way to handle/dispose of solid waste is to design and implement a solid waste program. Secondly, residents should be educated on ways to separate, reduce, reuse, and recycle as much solid waste as possible. The strong potential exists that costs associated with the disposal of trash will continue to increase and one method of reducing the overall costs to the city is to recycle and separate as many materials as possible. While the markets for recyclables are always fluctuating, the costs of disposing of solid waste are generally lower than the costs of disposing of nonrecyclables, if separated. Thus, the city along with interested individuals, schools, and civic organizations, will educate, inform, and encourage residents and business owners regarding city solid waste collection and disposal methods. Educational outreach programs and information will be made available on the City website, through the schools, at community events, cooperative efforts with local businesses and in the local media. The City Council welcomes the cooperation and assistance of all residents in making Franklin a leader in programs that reduce, reuse and re-purpose all types of municipal solid waste.

257-06 **Unlawful Disposal; Out of City Refuse; Unacceptable and Prohibited Materials:**

It shall be a violation of this Chapter for any individual, business, property owner, or other person or entity to unlawfully dispose of any solid waste, hazardous waste or special waste in a manner not in accordance with the provisions of this Chapter or contrary to any policy, regulation or guidelines established hereunder, or any applicable state statute or regulation. The dumping or disposal of any type of waste generated from any location outside of the boundaries of the city shall also be considered a violation. The previous sentence notwithstanding, the burial/disposal of ash on the CRSWRRRC property, or any future disposal agreement with the CRSWRRRC to use their land within the city, and approved by the City Council, shall be exempt from the restrictions of this Section. The penalties for any violation of this chapter will be as outlined in Section 257-11 below. Certain materials are not accepted and prohibited through the City Curbside Collection Program and at the Transfer Station. These materials may be banned through State or Federal Statutes or regulations, by the owner/operator of the incinerator where city trash is burned, any future final disposal location, or by City Ordinance per regulation. No individual shall dispose of or accumulate any unacceptable materials, as

defined in 257-02, ii Unacceptable and Unapproved Waste, within the City on public or private property. The Department office can be contacted for a listing of such materials or will direct the party to an online list outlining such materials. Violations may be reported to the City of Franklin, Municipal Services Department at 43 West Bow Street or by calling 603-934-4103.

257-07 **Obligation of Parties:**

The City assumes no obligation under this Chapter to remove trash, recyclables, garbage, rubbish, or other solid waste that is not properly managed and containerized by the property owner in conformance with this Chapter. It shall be the duty of any person owning, or having under his or her control, any property in the City to keep the same free from paper, rubbish, garbage and any other types of accumulated waste that may be a fire hazard, or obnoxious or dangerous to the general health, safety or welfare of the public and surrounding properties. If the City's Property Maintenance code (chapter 233), the Fire Chief, the Health Officer, the Code Enforcement Officers, Municipal Services Director, or the City Manager makes a determination that said material constitutes such a hazard or danger, then the owner or the responsible party shall remove said materials if ordered to do so by the appropriate city official.

257-8 **Use of Containers by others:**

The use of containers intended for the management of solid waste, whether for residential, commercial or industrial purposes, and in place on the subject property, is limited to the property owner, tenants, or lessees. No unauthorized person shall place or dispose of any solid waste in said containers, and any such placement or disposal shall be considered a violation of this Chapter and subject to the enforcement provisions of Section 257-11. The containers issued by the city for the automated curbside collection program shall not be used by any individual for any other purpose other than the collection of curbside waste generated from within the city.

257-9 **[Reserved]:**

257-10 **Policies and Procedures:**

The Director shall have the authority to create, and modify as needed, policies and procedures necessary and appropriate for the effective implementation of the provisions of this Chapter. These policies/ procedures are intended to address specific sections of this Chapter outlined below, or the general management and disposal of the overall solid waste stream, and shall apply to the automated curbside collection system, the operation of the Transfer

Station, and any private commercial collection services. This authority is deemed necessary by the City Council due to the variety of factors including, but not limited to: economic conditions, any changes to applicable State or Federal law or regulation that affects the disposal of solid waste and recyclables, or the availability of markets and/or disposal sites for either solid waste or recyclable materials. The Director is authorized to implement emergency fees after consulting with the City Manager when deemed necessary by changes in state or federal waste disposal statutes or laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the City Council at their next available meeting for review and approval or modification as deemed appropriate by the Council.

**257-11 Enforcement:**

The MSD Director and other city staff identified in this Ordinance are authorized to issue Notices of Noncompliance when it is determined that a property is in violation of the provisions of this Ordinance. The violation of any provision of this Chapter shall be considered a violation of the Codes of the City of Franklin and may result in the issues of notices, fines, penalties, or prosecution through the appropriate court of jurisdiction. Each violation shall be considered a separate offense and each day a violation exists shall be a separate violation. The city shall seek compensation from the violator for the costs of any prosecution associated with the enforcement of this Chapter. Per Section 1-16, General Penalties of the City Code, the fines shall not exceed \$1,000 per violation. The Director reserves the right to issue Courtesy Notices intended to inform the property owner that certain materials are not authorized for pick-up or disposal. If two (2) Courtesy Notices are issued to an individual property within the previous three (3) months, then the next violation shall result in the issuance of a Formal Notice of Noncompliance. The forgoing sentence notwithstanding, the Director is authorized to issue formal notices at any point in time if deemed as an appropriate enforcement action. The Courtesy Notices or the Formal Notices of Noncompliance may be issued by the Director, the MSD's solid waste staff, or the City's Code Enforcement Division. The issuance of two (2) Notices of Noncompliance may result in the loss of service for curbside pickup, and/or prohibit the offending individual from using the Transfer Station, until and unless the property owner/customer meets with the Director or designee(s) to discuss the violations and establish a mechanism to bring the property into compliance. The city reserves the right to conduct Trash Audits for the purpose of reviewing compliance with the provisions of this Ordinance. Initial trash audits will be used to determine if courtesy notices need to be issued. If a property is regularly and continually in noncompliance then the information gathered through the trash

audit may be used to issue penalties or an order to stop curbside pickup per § 257-33.

**257-12 Complaints:**

All complaints brought by a property owner, tenant, lessee, or other affected party shall be made in writing, through the submission of a service request, to the MSD Director. These forms are available at City Hall and on the city website. Complaints regarding missed pick up of trash shall be addressed by calling the company contracted by the city for the purpose of residential curbside collection.

**257-13 to 19 [Reserved]**

Article II Automated Containerized “Residential Curbside Collection System”

**257-20 Purpose:**

The purpose of the residential curbside collection program is to provide an efficient, reliable and effective means of solid waste collection for city residential/noncommercial properties as specified per this Ordinance. Per the adoption of this Ordinance, the Franklin City Council is continuing with its current residential automated curbside collection program with the noted changes, which now differentiates between residential and commercial curbside collections. This will include the collection of residential household municipal solid waste, as well as commercial containerized commercial collection by means of an outside contractor(s) approved by the city to operate within city limits and to use CRSWRRRC Facilities for disposal by means of registering annually on July 1 with the City Municipal Services Department. The sections below will address the automated collection service authorized and approved by the City Council and to be implemented by city staff per this Ordinance and the applicable policies, guidelines and regulations issued by the Director.

**257-21 Transition from the City’s current Automated Curbside Collection System / “Base Level Service,” to an Automated “Residential” Curbside Collection System / “Base Level Service.”**

Until such time as the new automated residential curbside collection system is fully implemented, the current curbside collection practices and procedures will remain in effect. The city owns all containers used for automated pickup of residential curbside trash collection. These containers will be removed from all commercial properties when city services to commercial properties are phased out. During this

transition period the property owner(s) will be duly notified of the options and services available. The city reserves the right to phase in the implementation of revised residential automated curbside collection program in order to more efficiently deal with and address any operational issues and resulting changes. During this transition period, light commercial and multi-family dwellings three and over currently being serviced will be phased out consistent with this Ordinance. Those affected property owners will be notified in advance of changes to their service and provided options consistent with section 257-22 below. Once the transition occurs, this paragraph is null and void.

**257-22 Base Level Service:**

The implementation of the automated residential curbside collection program is carried out through the creation of a Base Level of Service that is available to properties identified below. Properties not covered under the Base Level of Service will rely on individually contracted commercial services (see Article IV below). This residential Base Level Service will be carried out using the same city owned containers. See Section 257-23 for a description of the types and sizing of the containers to be used.

- a. Single and two-family residences. All such residences must be on accepted, maintained public ways. Accessible private ways, as outlined in para d. below, will continue to be eligible for the base level automated residential curbside collection system services provided by the city.
- b.
  - i. Multifamily residential buildings with three units or greater. These units are considered commercial entities under provisions of this Ordinance, and will not be serviced by the city automated residential curbside collection system.
  - ii. Commercial properties. These properties, not be serviced by the city's automated residential curbside collection system in conformance with the provisions of Sections 252-23 through Section 252-35.
- c. Municipal Buildings, Public Schools (under the fiscal control of the Franklin School District), Charter Schools and Churches. These facilities will be serviced by the city's automated curbside collection system.
- d. Properties on private roadways or unaccepted subdivisions/roadways. These properties are potentially eligible for automated residential curbside collection service provided that the owner(s) or appropriate responsible parties provide the city with a Release of Liability, in a format acceptable to the City Attorney, and the subject property is fully accessible, as determined by the Director, to the city's collection vehicles in all seasons. All requests to provide residential base level service to these properties must be made in writing, and a site visit by the Director shall be conducted on a periodic basis to determine the adequacy of the access

and the ability to properly situate containers for the automated pick-up. The base level curbside collection service for these properties may be discontinued by the city at any time if the owner, developer, or the appropriate responsible party fails to maintain the road or access way so that the city's collection vehicles cannot properly, safely, and adequately access the subject properties for the automated collection. The Director may issue warning letters to these properties, but service may also be immediately discontinued or stopped without notice if adequate access is not provided as determined by the Director.

- e. The following properties are not eligible for Automated Residential Curbside Collection System provided by the city:
  - i. Condominium/apartment buildings or complexes, or multifamily buildings, with three or more individual residential dwellings.
  - ii. Mobile/ manufactured home parks, campgrounds, vacant lots and homes under an enforcement order for a Solid Waste Ordinance violation.
  - iii. Any property listed in Section "d" that does not provide the Release of Liability, and/or the access way is not reasonably accessible, as determined by the Director, to the collection vehicles.

**257-23 Automated Residential Curbside Collection Containers for City and established "Base Level Service:" Sizing, Weight, Maximum Weekly Pick-up, Container Maintenance:**

- a. The "Base Level Service" for the Automated Residential Curbside Collection will be accomplished using specialized containers designed for automated pickup by the city's contracted service. Generally speaking, the containers supplied by the city will continue to be 48, 64, or 96 gallons in size.
- b. Only approved containers, as obtained through the city, shall be used by the eligible properties for curbside pickup. No non-automated configured containers or stand-alone bags shall be used by the customer for the purpose of curbside pickup. All municipal solid waste must be bagged and placed in the designated container with the lid closed. Over-packed containers should be avoided, as trash will not dump from the container if stuffed.
- c. For residential properties, two units and under, the maximum weekly amount of trash that will be picked at the curb by the city will not exceed 192 gallons per housing unit, regardless of the number of containers. The total weight of trash placed in a container will not exceed 200 pounds. All containers of waste that exceed the "Base Level Service" amount must be disposed of at the Transfer Station or through the use of a residential, property owner purchase of a specified container from the city. Containers that become damaged or unsuitable for continued use will be required to be replaced through the city at the property owner's expense as outlined in para 257-02 v, above "Neglect."

- d. Appropriately sized city specified containers, or containers approved by the Director or designee(s), shall be provided by the city to each property owner eligible for curbside pickup at no charge up to the 192-gallon capacity. The Director or designee(s) will work with the solid waste staff to determine the sized containers for individual properties based on the amount of trash a property generates. Historic solid waste generation rates and/or trash audits may be conducted to determine the properly sized containers to be provided to each eligible residential property. Upon implementation of this ordinance, all excess containers (over base level service) will be removed from the property by the MSD Department.
- e. If a property owner/customer finds that the size of the container is not adequate then the MSD office should be contacted to discuss an exchange and upgrade of the container unit. A "trash audit" discussed in Section 257-35 below, might be used to determine the need for an increase in the size of the container and/or number of containers.
- f. For single-family and two-family units, the Director shall determine how many containers will be provided. More than one unit might be required to share trash containers based on site specific conditions and circumstances.
- g. The containers are the property of the City of Franklin and are not to be removed from the property even in the event of a change in ownership or resident status. All automated containers shall be assigned to a street address.
- h. If a container is stolen from a specific property, then the owner or resident shall contact the MSD office to report the theft.

**257-24 Automated Residential Curbside Collection Schedule and Holiday Schedules:**

The collection schedule for pickup shall be prepared by the Director or designee(s). The schedule, to include holiday collection, will be available at City Hall, the Transfer Station, the MSD Office, on the city website in the "Transfer Station Guidelines," and in educational materials distributed through the schools and civic organizations. The Holiday Collection Schedule will be posted in January of each year. Delays due to unforeseen circumstance, such as snow storms or mechanical issues, will be posted on the home page of the city's website.

**257-25 Preparation of Materials for Residential and Commercial Automated Curbside Collection:**

- a. For the automated curbside collection system, both commercial and residential, all trash shall be placed into the appropriate containers so that the lid can be securely shut. No solid waste placed on the ground or on top of a container or in any unapproved containers will be picked up by the city or its contractor. The containers shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times to prevent water from filling the container or to provide access to animals. If containers are improperly placed, overfilled or

contain unacceptable items, the city or contractor reserves the right to refuse container pickup.

- b. Any spillage from any containers placed for curbside pickup such as that resulting from animals, wind-blown litter and other weather conditions etc., shall be the responsibility of the owner/customer to clean up. City staff or contractor will not pick up or clean up such spillage. The city strongly recommends that all residents take care to protect the containers against spillage, wind-blown litter, vandalism and intrusion by animals.
- c. All trash must be bagged before placing it into the trash container.
- d. In the event of inclement weather or mechanical breakdowns resulting in a disruption to the pickup schedule, the container should be left out for pick up the following day and placed in a manner as not to interfere with snow removal operations.

**257-26 Placement of Containers:**

- a. For the automated residential and commercial curbside containerized collection program, the containers shall be placed at the curb-line and outside of the travel way and off the edge of the paved roadway at the end of the driveway apron, or at another appropriate location so that it is accessible for automated truck pickup. It is essential that containers be placed three feet apart and four feet away from any type of fixed object including but not limited to parked vehicles, mail boxes, trees, utility poles, overhead wires, etc. In selected cases, the Director or designee(s) may designate a specific location for the placement of containers.
- b. The containers shall be in place ready for collection by 6:45 AM on the designated collection day. The containers shall not be placed out for collection before 5 PM on the previous day.
- c. City staff or contractor will not cross over private property to pick up solid waste materials.
- d. The container handle must be facing inward toward the residence to allow for the automated truck to properly pickup and dump the container.

**257-27 Removal of Empty Containers:**

Empty containers shall be removed from the collection point by the end of the collection day and properly stored on the owners' property. Containers that are not removed from the point of collection within 24 hours after being emptied may be removed by the city or contractor for noncompliance.

**257-28 Approved Materials for Curbside Collection:**

Waste can be placed in both green and gray lid containers. Recyclable materials shall be mixed in with regular household trash. Recycling of certain household items may be dropped off at the Transfer Station in accordance with the "Transfer Station Guide-

lines.” See section 257-29 below for prohibited / acceptable and unacceptable items.

**257-29 Prohibited and Unacceptable Materials and/or Hazardous Waste:**

Certain materials will not be collected by the city or the contractor at the curbside. These items include but are not limited to: sand, stone, or brick products, construction or demolition/building materials, electronics of any type, household appliances, auto parts, waste oil, paint, furniture, oils of any type, yard waste or tree limbs/roots, hot ashes, asbestos, propane tanks, pressurized containers, mercury containing devices, and scrap metal. If any resident has a question on whether or not an item is accepted or prohibited, they can contact the MSD office for more information. The Director is authorized to make a final determination as to what constitutes prohibited and unacceptable materials. Many of the items listed above are accepted at the Transfer Station for recycling or general disposal, some of which require a fee. (See Article III for more information on the Transfer Station). No hazardous materials or waste are permitted to be placed out for curbside pickup. All hazardous materials shall be disposed of at a city sponsored or sanctioned hazardous waste collection day, or at a regional collection facility authorized to accept hazardous materials.

**257-30 City’s Right to Refuse Pickup:**

For the automated collection program in general, if the Director or designee(s) determine that materials being placed out for curbside pickup are unacceptable, or if the materials are not properly containerized or managed per the provisions of this Ordinance, then the city reserves the right to not pickup said materials. The property owner or resident will then be responsible for removing the materials from the curb or other location and properly disposing of the materials at the Transfer Station or other appropriate disposal facility.

257-31 [Reserved]

257-32 [Reserved]

257-33 [Reserved]

257-34 [Reserved]

257-35 [Reserved]

Article III Transfer Station

**257-41 Purpose:**

The Franklin Transfer Station provides an alternative method to city residents and commercial customers for the disposal of solid waste, recyclable and nonrecyclable materials that are generated within the boundaries of the City of Franklin. The disposal of certain waste products (for example, appliances, tires, electronics, construction and demolition debris, glass, yard waste, waste oil, mercury containing devices; batteries, propane tanks, certain light bulbs etc.,) may require a handling fee due to the disposal

charges paid for by the city for these items to redirect them to various markets. Each July the Director of Municipal Services makes available the "Transfer Station Guidelines." The purpose of this document is to update customers on fees, operational changes and any other factual information necessary to keep residents and commercial customers informed. These guidelines are available on the city website, at the Transfer Station and the Municipal Services Department office.

**257-42 Days and Hours of Operation:**

The Director shall establish days and hours of operation for the Transfer Station. These will be posted at the Transfer Station, on the city's website, at City Hall and the Municipal Services Department office, and outlined in the educational and information packages for solid waste management prepared by the city. Any change to the hours will be posted on the city website and will be listed in the "Transfer Station Guidelines."

**257-43 Authority of Staff:**

The staff of the Transfer Station reserve the right to not accept any solid waste materials that fails to conform to the policies and disposal procedures as established through this Ordinance or by the "Transfer Station Guidelines." The enforcement provisions of Section 257-11 shall apply.

**257-44 Transfer Station, Establishment of a "Base Level Service", Decals and Bags:**

**Decals.** All vehicles and commercial haulers received at the Transfer Station shall have a decal permanently attached to the passenger side of the vehicle. Decals are available at the Transfer Station or the MSD office. Decals are reserved for citizens and property owners of Franklin to deposit trash, special waste, and recyclables on an unlimited basis.

**City of Franklin Trash Bags.** All residential trash disposed of at the Transfer Station must be placed in a City of Franklin trash bag available for purchase at participating retailers (see the City Website for details). For property owners with Base Level Service that exceeds the maximum weekly amount of 192 gallons of residential trash, as described in Article II, paragraph 257-23, City of Franklin trash bags must be used and taken to the Transfer Station for disposal.

**Non bagged trash.** Any trash not bagged in City designated bags will be disposed of by scale weight; see Chapter 160, Fees, of the Franklin City Code. All other commercial haulers, packers and roll off containers, etc., are prohibited from using the Transfer Station – their material must be taken directly to a licensed facility. See Article V for further discussions on commercial collection services. The City reserves the right to refuse disposal if alternative means of disposal makes more sense. Diverting solid waste will result in bypassing the Transfer Station thus reducing the amount of handling and truck cost.

- 257-45     **Use of Transfer Station by Nonresidents and Contractors, Permits:**  
Nonresidents and contractors needing to dispose of solid waste and/or recyclables generated within the boundaries of the City of Franklin must obtain an authorization permit from the MSD office. Proper documentation of the source (tax bill, letter of authorization, contract between property owner and contractor), type and amount of materials, must be provided when requesting a permit. All applicable disposal policies, regulations and fees will be in effect for the issuance of the permit.
- 257-46 [Reserved]
- 257-47 [Reserved]
- 257-48     **Disposal of recyclables and other materials at the Transfer Station:**  
As addressed in 247-41, the Transfer Station provides for the disposal of certain other items that are outside of the normal waste stream and are not eligible to be picked up by the automated curbside collection program(s). Some of these materials may ultimately be recyclable or reusable. A complete list of all accepted materials will be issued and updated in the "Transfer Station Guidelines." A disposal fee is required for certain items as authorized by the Franklin City Council. Chapter 160, Fees, of the City Code contains the approved fees, but the Director is authorized to implement emergency fees after consulting with the City Manager when deemed necessary by changes in State or Federal waste disposal statutes or laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the City Council at its next available meeting for review and approval or modification as deemed appropriate by the Council.
- 257-49     **Handling and Management of Materials at, and on route to, the Transfer Station:**  
All vehicles, including cars, trucks, trailers and commercial haulers, etc., shall properly cover and contain any and all materials being transported to the Transfer Station so as to prevent the spillage of litter and blowing of materials onto the public roadway. Failure to provide such covering, resulting in the spillage and blowing of any materials onto the roadway, shall be considered a violation of this Chapter and the violator may be subject to the enforcement provisions of Section 257-11. The provisions of State RSA 266:72, which contains similar provisions and state requirements for the proper transport and handling of all materials, shall also apply.
- 257-50- 54 [Reserved]

Article IV Automated Curbside Commercial Collection System for Commercial Containers and Dumpsters

**257-55 Purpose:**

The City Council, as part of the overall establishment of this Ordinance, has made the determination that all commercial properties as identified in 257-02, will be responsible for the regular collection and disposal of all waste generated from commercial properties. This includes but is not limited to violations of the city's "Property Maintenance Code." Items disposed of at the Transfer Station must conform to the facility operations and the "Transfer Station Guidelines." Under this scenario, properties classified as "commercial" by the City Zoning Ordinance, are required to contract with a licensed and reputable solid waste hauler for the regular collection and disposal of all types of solid waste generated inside or outside of a property. All storage of commercial solid waste will be containerized in either dumpsters or roll out carts/containers. Storage, collection, and disposal will follow the same protocol identified, as applicable, throughout this Solid Waste Ordinance. Frequency of pickup and the number and size of containers must be coordinated between the property owner and trash collection company to ensure containers are not overfilled and the frequency of pickup is regularly scheduled based on a property's weekly or biweekly trash generation rate.

**257-56 Duties of the Property Owners; Landlords and Tenants:**

It shall be the responsibility of the property owner(s) of record to ensure that adequate storage capacity and trash disposal services are available for its tenants. The city requires pickup of all types of solid waste generated from a commercial property for numerous public health reasons. In order to guarantee compliance, the property owner(s) must provide a sufficient number of containers to meet the amount of trash generated by its tenants on a weekly or biweekly basis. Containers can either be a dumpster that is properly sized to meet the tenants needs, or a rollout curbside collection containers properly sized to meet the needs of each individual living unit. Property owner(s) that opt to use the city contractor for "commercial containerized curbside collection" pickup may contact the Municipal Services Department to obtain the contact information necessary to assist with obtaining commercial service that meets the requirements specified in this Ordinance. Property owners are responsible to pay all fees associated with trash collection. This ensures that regular service goes uninterrupted, and keeps a property in full compliance. Failure of the property owner(s) of record to comply with the provisions of this Ordinance may result in enforcement action by the city.

**257-57 Duties of Tenants:**

It is the duty and obligation of all Tenants occupying commercial property to maintain the area where trash containers are stored. Containers must be stored on private property, have lids closed at all times, and are not to be filled over capacity. The tenant(s) and property owner(s) are responsible for following established city rules for commercial trash collection services.

257-58 to 64 **[Reserved]**

Article V Commercial Collection and Container Storage

**257-65 Purpose:**

The purpose of this article is to outline the required operational and handling procedures for the collection and disposal of solid waste by private contractors within the city limits. These requirements are necessary in order to protect the health, safety, and welfare of the general public, as well as residents, businesses, and tenants using the properties served by private disposal firms.

**257-66 Registration Requirements:**

All Commercial Haulers, shall register with the Municipal Services Department on a form approved by the Director or designee(s). At the time of registration, the firm or individual shall demonstrate that they have the necessary permits and approvals required by state and local agencies to operate a legitimate disposal service. Registration period is normally the first three weeks of June or as needed throughout the period of July 1 through June 30<sup>th</sup> annually.

**257-67 Disposal of Waste under City's Annual Tonnage Agreement with disposal facility:**

The commercial haulers that pick up municipal solid waste in the City of Franklin are eligible to dispose of these materials at the disposal facility under the city's Gross Annual Tonnage allotment established annually. This financial benefit may be subject to changes based on the contract and any modifications to said contract, between the city and the firm or agency, for the final disposal of certain components of the solid waste stream. Commercial haulers are billed by the city for the tonnage disposed at the facility. An administrative handling fee is also charged to the hauler per Chapter 160, Fees, of the City Code. All commercial haulers/packers shall be registered with the appropriate firm, agency, or final disposal facility and vehicles shall meet the criteria that permits disposal. The purpose of bypassing the City Transfer Station and hauling directly to an outside facility is to avoid the reprocessing of municipal solid waste.

**257-68 Out of Town Refuse:**

Only trash and solid waste materials generated within the boundaries of the City of Franklin may be disposed of at the disposal facility. There will be no load mixing of solid waste from any sources, customers or municipalities, from outside the city. The city may request a list of customers for verification that they are complying with this requirement.

**257-69 Prohibited Wastes:**

Any firm that the city, or the appropriate regional agency, has a contract with to dispose of solid waste is authorized to prohibit or ban certain materials from disposal. No prohibited materials are to be placed or disposed of in any can, dumpster, or other receptacle. It is the obligation of all commercial haulers to provide their customers with a list of such prohibited items.

**257-70 Permitted Hours for Waste Collection and Transport:**

All commercial haulers/packers shall operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No collections are to be made outside of these hours except when unusual circumstances may arise. The Director of Municipal Services or designee(s) shall be notified and seek approval if such conditions warrant.

**257-71 Termination of Registration; Appeal Process and Reapplication:**

The Director reserves the right to terminate the registration of a firm or individual determined to be in noncompliance of this Ordinance. A letter of warning may be issued, but is not required, before any termination and upon the receipt of such a notification letter. If a violation is issued, the firm or individual is encouraged to meet with the Director to review noncompliance issues and create a process and mechanism to resolve the violations. If the Director determines that the proper corrective actions are not being taken or additional violations occur then the registration may be terminated. If a registration is terminated, the property owner and the collection firm shall be required to meet with the Director or designee(s) to review violations and to implement the necessary corrective actions before reinstatement of the registration. All other provisions of Section 257-11, Enforcement shall apply.

**257-72 Solid Waste Containers and Site Maintenance:**

For the purposes of protecting the health, safety, and welfare of the general public and specifically the residents and businesses of properties using private collection services, all containers and solid waste disposal areas used for private collection shall be operated and maintained in conformance to the following standards:

- a. The solid waste disposal areas shall be kept clean and free of trash, debris, windblown litter, furniture, and any other solid waste. All materials shall be placed within the appropriate containers and shall not be placed on the ground adjacent

to the containers. For items like furniture, mattresses, or other large items that cannot be placed in the containers or dumpster, the property owner or other responsible party is obligated to make arrangements with their collection firm to collect these items or to use the Franklin Transfer Station, and will be subject to appropriate fees. These types of items shall not be left in the open air for longer than 48 hours before a collection is made.

- b. All containers shall have a lid or other protective cover that shall be closed at all times, except when materials are being deposited in and/or removed from said containers. The containers shall not be overfilled so that the lid or cover is not closed or closable, or otherwise not effective in preventing spillage, blowing, or other dispersal of the waste materials.
- c. All containers shall be solid in design, such as metal or heavy plastic cans or the standard dumpster. This provision notwithstanding, if the Director or the Code Enforcement Division of the city determines that bags of waste inside the container are being repeatedly subject to ripping and damage from animals or the waste materials become a health hazard, then the city reserves the right to order that a more proper and appropriate container be used. Service and size of the container should be consistent with the amount of waste generated from a property over no more than a one-to-two-week period. Dumpsters should be equipped with a locking device in order to prevent unauthorized use.

**257-73 Service Frequency:**

All containers shall be regularly emptied so that the lids or covers for the containers can be closed so containers do not overflow. If inspections by the Director or other city staff result in a determination that the frequency of the collection service is not sufficient for the amount of waste generated from the property with all of these requirements, then the city reserves the right to terminate the registration per Section 257-71.

**257-74 Enforcement; Violations and Penalties:**

Failure to conform to any such provision of this Article will be a violation of this Ordinance and the enforcement and penalty provisions of Section 257-11 shall apply.

To be effective July 1, 2023, by roll call vote.

By a roll call vote.

Roll Call:

Councilor Blake	___	Councilor Dzujna	___	Councilor Zink	___
Councilor Ribas	___	Councilor Bunker	___	Councilor Chandler	___
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 Michelle Stanyan is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A true copy, attested: \_\_\_\_\_  
 City Clerk

Date: \_\_\_\_\_

**CITY COUNCIL MEETING**  
**AGENDA ITEM IX**



## CITY OF FRANKLIN COUNCIL AGENDA REPORT

*City Council Meetings of November 14<sup>th</sup>, 2022 and December 5<sup>th</sup>, 2022*

**From:** Michael Foss, Fire Chief/EMD

**Subject:** City Council to consider the approval of **Ordinance #04-23**, to revise existing Chapter 233-1 Adoption of the Property Maintenance Code, and Chapter 233-2 Additions, Insertions and Changes.

---

**Recommended Motion for the November 14<sup>th</sup>, 2022 Meeting of the City Council:**

*"I move that the Franklin City Council set a public hearing date for 6:00 pm, at the December 5<sup>th</sup>, 2022 meeting of the City Council, for Ordinance #04-23. Adoption of Ordinance #04-23 will result in the update to the City Municipal Code Chapter 233-1 and 233-2."*

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

**Recommended Motion for the December 5<sup>th</sup>, 2022 Meeting of the City Council:**

*"I move that the Franklin City Council adopt Ordinance #04-23, which will update Chapter 233-1, and 233-2 of the International Property Maintenance Code from the 2018 International Code Council Edition, to the 2021 International Code Council Edition to include appendices and commentaries to be utilized for clarification and litigation if necessary."*

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

---

**Background:**

On August 2, 2004, the City of Franklin adopted the 2003 International Property Maintenance Code as a standard to assist the Code Enforcement Division with potential safety, health, and aesthetic concerns within the community. The adoption of the International Property Maintenance Code can be found in City Municipal Code § 233-1. At the time of the adoption, several additions, insertions, and changes were documented in Chapter 233-2. These alterations provided clarification, and a tailoring of the adopted code sections to the City of Franklin.

The City of Franklin currently enforces and utilizes the 2018 Property Maintenance Code, however the 2021 International Property Maintenance Code is the current edition published by the International Code Council. The only change from the 2018 to the 2021 edition is that the most recent addition adds language in Section 602.2 regarding Residential Occupancies needing the ability to achieve a room temperature of 68 degrees. The 2021 code adds that *"The installation of one or more portable space heaters shall not be used to achieve compliance with this section."*

**Fiscal Impact:** No foreseen fiscal impact will result by revising the code as all fees remain current.

**Alternatives:** The alternative is to forego the update of the Property Maintenance Code, and work from the 2018 standard currently adopted.

**Attachments:**

*Proposed Ordinance #04-23*

§ 233-1

Adoption of Property Maintenance Code.

A certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the International Property Maintenance Code, **2018 2021** Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Franklin, in the State of New Hampshire, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Inspector's office are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 233-2 of this chapter.

§ 233-2

Additions, insertions and changes.

A.

Section 101.1. Insert "City of Franklin."

B.

~~Section 103.5. Insert "(Reserved)."~~

C.

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

D.

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

E.

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

F.

Section 302.8 Insert "Exception": On owner-occupied detached single family dwelling properties not more than one currently unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

[Amended 9-5-2019 by Ord. No. 04-20]

G.

Insert the following:

"Consultant: The Board of Appeals may, by majority vote, hire independent consultants to advise the Board with regard to matters in which particular expertise may be required. The cost of any such consultant shall be borne by the applicant prior to the incurring of any such expense. The refusal of the applicant to accept responsibility for such costs shall be grounds for the dismissal of any application or appeal." [1]

[1]

Editor's Note: For appeals procedures, see Section 111, Means of Appeal, in the International Property Maintenance Code.

H.

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

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

I.

Add a new Section 301.3.1 to read:

[Added 4-4-2011 by Ord. No. 05-11]

In order to prevent blight, to protect the integrity of the applicable business or residential zone, and to protect the health, safety, and welfare of the surrounding area, no structure or any part thereof shall be boarded up in any fashion except under the following circumstances:

In order to prevent blight, to protect the integrity of the applicable business or residential zone, and to protect the health, safety, and welfare of the surrounding area, no structure or any part thereof shall be boarded up in any fashion except under the following circumstances:

1.

Following a fire, explosion, automobile-related damage, or other similar casualty, the windows, doors, or portions of the exterior structure may be boarded up in order to secure and stabilize the building. The Code Enforcement Officer (CEO) shall be contacted the next available business day to discuss the stabilization of the building. The initial approval period for such action will be for 45 days from the date of the incident. Following the expiration of this initial time frame any request for a second forty-five-day approval period must demonstrate that there is a viable time line to initiate the work for the restoration of the structure. An approved building permit must be in place for the second approval period to be issued.

2.

An extension of the collective ninety-day period allowing portions of a structure to be boarded up shall only be approved if compelling evidence is submitted to the CEO that additional time is necessary to finalize insurance claims or an approval for the restoration work from the person or institution which holds the mortgage on the property. The CEO reserves the right to ask for any and all documentation necessary to substantiate a claim that an extension is necessary. For any extension beyond the ninety-day period outlined in Subsection 1 above, the wood or other material used to board up the building shall be painted to match the color scheme of the existing building.

3.

For any structure for which a building permit has been obtained, no portion of the structure shall be boarded up without the approval of the CEO. The request to permit such boarding up shall include a time frame for the completion of the exterior repairs or improvements. The forty-five-day and ninety-day time lines outlined above shall apply.

4.

For any vacant structure, the CEO may order or otherwise authorize the boarding up of the structure.

5.

All work and stabilization work approved under these provisions shall be completed in a professional and workmanlike manner as determined by the CEO, who reserves the right to order corrective work to insure the protection of the public's health, safety, and welfare and the integrity of the surrounding area. No materials used to board up or stabilize a structure shall be placed on City land (sidewalk, right-of-way, etc.) without the permission of the Municipal Services Director and the City Manager. Additionally, the CEO may require that the plywood or other material is painted to match the existing color scheme of the building.

The enforcement provisions of this code shall apply to all activities and work pursuant to this section.

**CITY COUNCIL MEETING**  
**AGENDA ITEM X**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*November 14<sup>th</sup>, 2022 City Council Meeting*

**From:** Krystal Alpers, Parks and Recreation Director

**Subject:** City Council to consider accepting and appropriating funds from the Federal (CCASP) Child Care Achieving Stabilization Program for the Before and After School Program.

**Recommended Motions:**

**November 14<sup>th</sup>, 2022**

**Council moves: “I move the Franklin City Council schedule a public hearing on Resolution #06-23 at 6:00pm on November 14<sup>th</sup>, 2022 to accept and appropriate \$24,420 from the Federal CCASP (Child Care Achieving Stabilization Program) for the purpose of stabilizing child care and \$25,680 from CCDF (Child Care and Development Fund) Discretionary Funds quality grant for the Parks and Recreation Before and After School and Summer Program.”**

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

**December 5<sup>th</sup>, 2022**

**Council moves: “I move the Franklin City Council vote to adopt Resolution #06-23 to accept and appropriate \$24,420 from the Federal CCASP (Child Care Achieving Stabilization Program) for the purpose of stabilizing child care and \$25,680 from CCDF (Child Care and Development Fund) Discretionary Funds quality grant for the Parks and Recreation Before and After School and Summer Program.”**

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

**Discussion:**

Due to the passing of the Federal CCASP (Child Care Achieving Stabilization Program) the Parks and Recreation Department through the American Rescue Plan Act (ARPA) was awarded a second round of funding in the amount of \$24,420. This funding is intended to support the child care sector and the families they serve. This support is part of a multi-faceted plan to stabilize child care in New Hampshire. Funding will be used to support the Before and After School and Summer Program.

Additionally, the Department of Health and Human Services is awarding Licensed Child Care Centers a one-time CCDF (Child Care and Development Fund) Discretionary Funds quality grant. Funds will be used to support program quality expenses for the Before and After School and Summer Program.

**Fiscal Impact:** This will have no effect on the taxes raised by the City of Franklin as this is a federal grant distributed through the Child Care Achieving Stabilization Program and the Child Care and Development Fund.

Attachments/Exhibits:

1. Resolution #06-23

*Franklin - The Three Rivers City*



## CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

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

### **RESOLUTION #06-23**

**A Resolution Relating to a supplemental appropriation for Fiscal Year 2023.**

**In the year of our Lord, Two Thousand Twenty-Two,**

**WHEREAS**, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2023 beginning July 1, 2022, **and;**

**WHEREAS**, the City Council realizes the child care workforce crisis and the need for stabilization and,

**WHEREAS**, the City of Franklin Recreation department has been awarded at total of \$50,100 due to the passing of the Federal CCASP (Child Care Achieving Stabilization Program) and CCDF (Child Care and Development Fund) Discretionary Funds and,

**WHEREAS**, the City Council appreciates and acknowledges the Recreation workers' continuing efforts to provide an essential service to the working parents of this community now,

**THEREFORE, BE IT RESOLVED**, *that at their regularly scheduled meeting of the City Council on Monday, December 5<sup>th</sup>, 2022, the City Council of Franklin, New Hampshire does hereby vote to adopt resolution #06-23 to authorize the City Manager to accept and appropriate the funds of \$50,100 (fifty thousand one hundred dollars)*

#### **An Increase in Revenue:**

Federal Grants Operating- CCASP Acct. No. 01-5-211-33111-129

#### **An Increase in Expenditures:**

Recreation Admin Summer Rec – Childcare Stabilization - Acct. No. 01-5-211-40121-129 – fifty thousand one hundred dollars (\$50,100)

By a roll call vote.

Roll Call:

Councilor Blake	_____	Councilor Dzujna	_____	Councilor Zink	_____
Councilor Ribas	_____	Councilor Bunker	_____	Councilor Chandler	_____
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 XI**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

November 14, 2022

**From:** Justin Hanscom, Municipal Services Director & Judie Milner, City Manager

**Subject:** Council to consider Position Listing Change in Municipal Services

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**Suggested Motion:**

Councilor moves, "I move that the Franklin City Council approves the position listing change in municipal services by eliminating two (2) part time buildings and grounds custodians and adding one (1) full time buildings & grounds custodian."

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

**Discussion:**

The municipal services department has been having trouble filling the part time positions as people are looking for fulltime benefits and flexible work schedules. Director Hanscom and Deputy Director Marsh along with Foreman Kelly re-evaluated the processes of the buildings and grounds department and have determined that a few changes in the way they approach the cleaning of the buildings will afford them the opportunity to eliminate the 2 difficult to fill part time positions and create one full time position while providing the services needed.

This changed was discussed at the 10/3/22 Municipal Finance Committee. The committee recommended bringing the change forward to the full council.

**Fiscal Impact:**

The minimum amount of *savings* from this change is \$10,438 based on the FY2023 payroll projections.

**Alternatives:**

Do not approve change. Continue to operate shorthanded increasing overtime, creating morale issues and potential burn out of employees in the department.

**Attachments/Exhibits:**

FY2023 Approved Position Listing with this change depicted

<b>City of Franklin, New Hampshire</b>					
<b>Position Listing</b>					
<b>FY2023</b>					
				<b>POSITION</b>	
<b>DEPARTMENT</b>				<b>FULL TIME</b>	<b>PART TIME</b>
<b>MUNICIPAL SERVICES</b>				DIRECTOR	<b>TOTAL</b>
				DEPUTY DIRECTOR	1
				ADMINISTRATIVE SECRETARY	1
				WATER/SEWER WORKING FOREMAN	1
				WATER TREATMENT WORKING FOREMAN	1
				WORKING FOREMAN	4
				LIGHT EQUIPMENT OPERATOR	4
				REFUSE PACKER OPERATOR	2
				MECHANIC	1
				HEAVY EQUIPMENT OPERATOR I	3
				HEAVY EQUIPMENT OPERATOR II	3
				BUILDINGS & GROUNDS CUSTODIAN	2
				BUILDINGS & GROUNDS CUSTODIAN	0
				<b>TOTAL MUNICIPAL SERVICES</b>	<b>26</b>
					<b>25</b>

*Reclass from Account Clerk to Adm Secretary*

*(1) Unfunded position*

*Reclass 1 B&G Custodian to Heavy Equipment Operator 1 done in FY22*

*Reclass 1 B&G Custodian to Heavy Equipment Operator 1 done in FY22*

**CITY COUNCIL MEETING**  
**AGENDA ITEM XII**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

November 14, 2022

**Subject: Council to Consider Rescheduling January 2023 City Council Meeting Falling on the  
New Year's Day Holiday (1/2/23)**

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**Suggested Motion:**

Councilor moves, "I move the Franklin City Council move the January 2, 2023 City Council meeting to \_\_\_\_\_."

Mayor calls for a second, discussion and vote.

**Helpful Dates:**

Tuesday following the holiday – January 3, 2023

Monday following the holiday – January 9, 2023

**CITY COUNCIL MEETING**  
**AGENDA ITEM XIII**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*City Council Meeting of November 14<sup>th</sup>, 2022*

**Subject: Other Business**

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- 1. Mayor & Council Appointments - NONE**
- 2. Committee Reports**
- 3. City Manager's Update**
- 4. Late Items**

**Adjournment**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

City Council Meeting November 14, 2022

**Date:** November 9, 2022  
**From:** Judie Milner, City Manager  
**Subject:** City Manager's Update

- Contingent Grant Line Activity – \$75 rec scholarship (Councilor Chandler); \$2,987 Franklin Partners in Prevention Soup Fest Fundraiser; \$612.78 Sex Offender Compliance Grant
- Trust fund for school funding – \$271.21
- Congratulations: Firefighter Paramedic Tony Roberts promoted to Captain Paramedic; Firefighter AEMT Danforth promoted to Captain; Matt Mercier from MSD earned his CDL-A license; Chief Goldstein who is the speaker at commencement ceremony for new correctional officers at the NH Dept of Corrections
- Committee meetings – November:
  - Municipal Services – Wednesday, 11/23, 10am, water treatment facility
  - Finance – Monday, Nov 21, 5:30 City Hall “Blue Room”
  - CIP – Thurs, Dec 1, 5:30 City Hall “Blue Room”
- Welcome: Andrew Perkins (Fire), David Sabo (Fire)
- Tax Bills
- Shout out – Kathy Rago podcast explaining tax bill
- Random Acts of Community – Willow Hill
- Media contacts –

- Public Forum – 11/28 Trestle Bridge Discussion lead by the Economic Development Task Force
- Fall Fest/Soup Fest/Get Out & Play Day
- Drug Take Back Day
- UNH President Visit
- Senators Shaheen & Hassan visit
- Bishop Curry visit
- Holiday Stroll
- Kick off meeting with DRA for revaluation
- 599 South Main St – sold!
- Stanley Mill update
- Solar lease litigation update