

CITY OF FRANKLIN
CITY COUNCIL MEETING
September 5, 2017
6:00 P.M.





FRANKLIN CITY COUNCIL AGENDA

Council Chambers

Tuesday, September 5, 2017

6:00 P.M.

SALUTE TO THE FLAG

PUBLIC HEARINGS

October Ballot Question: Shall we allow the operation of Keno games within the City of Franklin?

Ordinance #05-18: An Ordinance proposing a change to the Franklin Municipal Code, Chapter 284 "Vehicles and Traffic", Section 284-24 Limited Parking; no parking areas; Subsection B – Fifteen minute parking and Subsection E – Reserved and limited parking.

Ordinance #06-18: An Ordinance proposing a change to the Franklin Municipal Code, Chapter 232 "Property, City-Owned", adding Section 232-5 baiting of wildlife on city property.

Ordinance #07-18: An Ordinance proposing a change to the Franklin Municipal Code, Chapter 215 "Noise", Section 215-4.1 Fireworks.

Ordinance #08-18: An Ordinance proposing a change to the Franklin Municipal Code, Chapter 284 "Vehicles and Traffic", Section 284-24 Limited Parking; no parking areas; Subsection C – no parking.

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.

CHOOSE FRANKLIN

LEGISLATIVE COMMENTS

CITY COUNCIL ACKNOWLEDGEMENT

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

MAYOR'S UPDATE

Agenda Item I.

City Council to consider the minutes of the July 13, July 24 and August 9, 2017 City Council Special Workshop Meetings and the August 7, 2017 City Council Meeting.

Agenda Item II.

Monthly School Board Report.

Agenda Item III.

NH AARP State Director to speak with the council on age friendly communities.

Agenda Item IV.

City Council to consider adopting Ordinance #05-18, proposing a change to the Franklin Municipal Code, Chapter 284 "Vehicles and Traffic", Section 284-24 Limited Parking; no parking areas; Subsection B – Fifteen minute parking and Subsection E – Reserved and limited parking.

Agenda Item V.

City Council to consider adopting Ordinance #06-18, proposing a change to the Franklin Municipal Code, Chapter 232 "Property, City-Owned", adding Section 232-5 baiting of wildlife on city property.

Agenda Item VI.

City Council to consider adopting Ordinance #07-18 proposing a change to the Franklin Municipal Code, Chapter 215 "Noise", Section 215-4.1 Fireworks.

Agenda Item VII.

City Council to consider adopting Ordinance #08-18, regarding a change to Municipal Code, Chapter 284 Vehicles and Traffic, Section 284-24 Limited parking; no parking areas, Subsection C – no parking.

Agenda Item VIII.

City Council to hear from the Municipal Services Director on the fall residential leaf pickup and alternative essential services.

Agenda Item IX.

City Council to consider granting the Municipal Services Director authorization to remove windows that are stored in the City Hall Attic and sell them for the best possible price.

Agenda Item X.

City Council to consider a formal request from Tyler Matzke to construct a home on a Class 6 Road (Kelly Road off Prospect Street).

Agenda Item XI.

City Council to consider approval of transfer resolution related to Metrocast sale to Atlantic Broadband.

Agenda Item XII.

City Council to consider sale of tax deeded property, 12 Morrill Court, through sealed bid.

Agenda Item XIII.

City Council to consider sale of tax deeded property, 186 Summit Street, through sealed bid.

Agenda Item XIV.

City Council to consider proposed agreement between the City and Mill City Park to continue collaborative efforts to build a white water park.

Agenda Item XV.

City Council to hear an update on the proposed lease with PermaCityLife for space in Marceau Park.

Agenda Item XVI.

City Council to consider setting a public hearing for \$3,500 Payment in Lieu of Taxes agreement (PILOT) Industrial Park Drive Solar Project.

Agenda Item XVII.**Other Business**

- 1. Committee Reports**
- 2. City Council Resignations/Appointments**
 - Supervisor of the Checklist – Ward 3
 - Library Board of Trustees
- 3. City Manager's Update**
- 4. Late Items**

Adjournment

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

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

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Tuesday, September 5, 2017 at 6:00 p.m. in the Council Chambers, Franklin City Hall regarding October Ballot Question – “Shall we allow the operation of keno games within the City of Franklin?”.

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

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

CITY COUNCIL MEETING
AGENDA ITEM I



PENDING COUNCIL APPROVAL

City Council Special Workshop Meeting July 13, 2017

Call to Order

Interim Mayor/Councilor Clarenbach called the meeting to order in the Franklin Public Library, 2nd floor at 6:33 p.m.

In Attendance

Councilor Ribas, Councilor Moquin (arrived at 6:48 pm), Councilor Barton, Councilor Giunta (arrived at 6:42 pm), Councilor Desrochers, Councilor Wells, Councilor Zink (via telephone), Councilor Dzujna, City Manager Dragon and Interim Mayor/Councilor Clarenbach.

Salute to the Flag was led by Councilor Ribas.

Interim Mayor/Councilor Clarenbach stated tonight's meeting is how to move forward before City Manager Dragon's departure. The council needs to be in sync for finding a qualified candidate. Prior to this meeting he met with City Manager Dragon about options like what free services are available and other contractible options for a fee.

City Manager Dragon passed out some documents. The first document is the administrative code as there is no job description and the job duties and description comes from the code. One thing she mentioned is that development and redevelopment by the city which was not something being done when she was hired. Today that is a big part of her job so when hiring the next city manager they need to think about that person having some redevelopment experience. She also mentioned that since Franklin is the smallest city in NH the NH candidates that apply will most likely come from other towns and not a lot of candidates coming from other cities, as larger cities pay more. She mentioned that they would likely need to look for someone with strengths in the following areas:

- economic development experience
- drug task force as this is tied to the city and no other task force in NH is tied to a municipality
- someone with a good grasp on finances to understand and be creative and also understand grants
- ability to work with a variety of people, personalities, organizations and communities
- has to be very hands on as there is no one else to do it. The department heads are very capable but there are so many strange things that occur that the City Manager has to deal with so that also requires problem solving and conflict resolution.

City Manager Dragon stated she has looked at what other cities have done. Primex is an organization that the city belongs too and they will help get the city organized. They don't do the recruiting. This is a free service. She passed out a document that Primex prepared about what they offer. She has

tentatively scheduled them to come on July 24 to talk to the council. She passed out Keene's RFP that they used to find a recruiting firm, if the council wants to go that route.

City Manager Dragon passed out a listing of recruiting firms that included their pricing and there are only two (2) in NH which are MRI and Brenner (not sure Brenner is still in business). Keene used Novak. The process that Keene went through with Novak was they spent time with the recruiter coming up with the advertisement (writing job description, priorities and profile to use). The recruiter advertised it in multiple places and went through all the resume submissions to narrow it down. Keene had asked for a writing sample and the recruiter did that as well. The final candidates will come in how the council prefers. Keene had one day of five (5) candidates and then the next day it was the final two (2) candidates. The recruiter will do the background check, reference check, criminal check, education check and the final negotiations with the candidate. In the end the council will vote and ratify the contract. Once the job is posted it will be for thirty (30) days and the beginning to end of this process can be up to six (6) months.

City Manager Dragon asked tonight for the council to give direction as what they want her to work on, how soon they will begin the process and what they are thinking for Interim City Manager. She looked back at what was done in the past per request from Interim Mayor/Councilor Clarenbach. The last interim was a contract for a period of time and they were paid for that as they were not doing both jobs at once. She ran a comparison and there are four (4) months that the city will not paying so a stipend could be paid to the interim. City Manager Dragon is recommending \$500 a week and then the amount for the recruiters, in the end there is still a savings.

Councilor Desrochers stated that he doesn't mind Finance Director Milner filling in and the council would be crazy not to hire a recruiter. Councilor Dzujna asked when the recruiter goes out will they look at assistant managers not just the city manager. City Manager Dragon stated that anyone can apply and the recruiter will look based on the qualifications that the council decides.

Councilor Barton asked if the recruiter will meet with the council first and City Manager Dragon stated yes.

Interim Mayor/Councilor Clarenbach stated the recruiter will be looking for the best candidates. It makes sense to go with a recruiter. Primex is interesting to use and collaborate with as they will offer the first steps. He didn't feel that having Primex come in is energy wasted.

Councilor Giunta stated that he has to ask if Finance Director Milner will consider the position but not to give an answer today. He stated the council won't be able to hire someone who cares and knows the community like she does, so he asked her to think about it and let them know by the next meeting. Finance Director Milner stated she loves filling in but she is also too happy to see the city manager when she returns and doesn't feel she would do the right job for Franklin if she wasn't happy.

Councilor Wells asked if the council needs to look at hiring a person for six (6) months for administration. City Manager Dragon and Finance Director Milner stated that is hard to say. Councilor Wells asked if Finance Director Milner gets overwhelmed she will come to the council to address that. City Manager Dragon stated that Finance Director Milner is not taking on new items or additional tasks but just to maintain what is already happening.

Councilor Desrochers stated that the school superintendent makes a lot more than the city manager would we have to increase that. Interim Mayor/Councilor Clarenbach stated the recruiter will let them know what the range should be. Councilor Desrochers stated that the council needs to be prepared for that and find the money. Interim Mayor/Councilor Clarenbach stated he doesn't feel that the pay will automatically increase and the council needs to do everything necessary to find the best candidate. Leadership is a very important asset to the community and if there is lack of leadership because of the council, being the governing body, then that is a huge detriment to the city.

Councilor Dzujna thanked Finance Director Milner for being honest about her position and he feels that the department heads and the council will have to step up and do more.

Councilor Giunta asked City Manager Dragon when the Interim City Manager would begin those duties. City Manager Dragon stated that it would be September 18. She wanted to readdress the salary as all salaries are on NHMA and you can compare them. When she began nine (9) years ago she was at \$80K and now she is at \$97K which she feels is a fair salary for the size of the community. She feels that if the salary goes over \$100K it is not something the community can afford with such a high poverty rate. Laconia is around \$120K but they are about twice the size of Franklin but feels the starting pay should be raised.

Councilor Moquin asked if the council can come up with next steps or a consensus tonight about a recruiter. City Manager Dragon stated for tonight she would like for the council to decide on an interim city manager. She stated she scheduled Primex to come in for the next workshop meeting on the 24th to discuss the job description and the process. She would like the council to look at Keene's RFP and to make a decision on the 24th.

Councilor Barton clarified that Primex is free and that they will get the council started. He asked if they can give recommendations as to which recruiter to use and City Manager Dragon said no. City Manager Dragon stated Primex is here to help with questions and they will make no decisions.

Councilor Wells clarified that the administrative code is her job description. City Manager Dragon stated that is the closest thing they have as well as her contract. Primex will help make a position description.

Councilor Ribas asked if NHMA can help with anything. City Manager Dragon stated that NHMA used to be LGC but that is no longer and NHMA mainly does just training and municipal advocacy. Councilor Ribas asked if the prices on the recruiter sheet are a flat fee or based on the size of the city. City Manager Dragon replied by saying that is based on Keene so she would think it would be lower.

Interim Mayor/Councilor Clarenbach interjected stating that this would be Franklin's upper end as when LRGHealthcare did a search it was based on 25% of the salary of the position that is going to be listed.

Motion: Councilor Ribas moved that the Franklin City Council nominate Judie Milner as the Interim City Manager effective September 18, 2017 with a stipend of \$500 a week. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Councilor Giunta mentioned that as a follow up to Primex that the council should solicit candidates and get a list together of people and then go to the recruiter as an alternative. Interim Mayor/Councilor Clarenbach feels that the council should use Primex to begin then use a recruiter as they can be impartial to any name that comes forward. The council would have to be committed and would have to sift through all the candidates and be impartial even though it would be nice for a local or in house candidate to get the job.

City Manager Dragon stated that when this hit the news normally someone interested would contact her for information. She doesn't know of many candidates as this time who will apply. Councilor Dzujna stated that the job description is important as is the criteria because when City Manager Dragon began revitalization wasn't part of the job and now it is a big piece of the job. Councilor Barton clarified that when Primex comes they will guide the council and clean up the job description. City Manager Dragon stated that they will do both and it should be done at the same time. Interim Mayor/Councilor Clarenbach stated that they can also help negotiate the items.

Councilor Wells asked if there will be a selection committee. Interim Mayor/Councilor Clarenbach stated that he feels that since the council makes the final decision a subcommittee is not needed as it becomes too complicated and he suggests the full council as they all have an equal vote. He also stated that there is also a confidentiality piece with the candidates and if the council shares information with the wrong people the council can be held liable. Councilor Dzujna stated that when the school did their superintendent search they had some problems with information getting out. Councilor Dzujna asked if the public will have a say as he has heard people asking. Interim Mayor/Councilor Clarenbach stated that these are public meetings and if people wanted to have input they would have to come to the public meetings.

Councilor Desrochers stated he feels the same and all nine (9) members of the council should be the group and not a select group.

Councilor Zink asked if there is a city manager contingency in the budget that can help towards this expense and with the elections in October will the new Mayor be added to the process? Interim Mayor/Councilor Clarenbach stated that there is a manager's contingency of \$20K and this is the beginning of the FY18 budget and there will be 4 months of the salary that will help offset. With regards to the new Mayor he hopes to have a city manager hired before 2017 is over. Councilor Zink

asked if the newly elected members will be brought up to speed about the process and the current members no longer be in the process. Interim Mayor/Councilor Clarenbach stated that he will do his best to make sure a city manager is hired before the end of 2017. Councilor Zink asked if the newly elected members be included in the process after the October elections. Interim Mayor/Councilor Clarenbach stated that would not be prudent and Councilor Desrochers stated they can't as they won't be sworn in.

Interim Mayor/Councilor Clarenbach stated that some of this the council has control over and some the process has control over. He suggested the council take home the RFP for a recruiter and look at it so on the 24th they can discuss the council's thoughts and changes so an RFP can be sent out.

Councilor Giunta again asked Finance Director Milner to sleep on the decision.

Motion to adjourn made by Councilor Giunta and seconded by Councilor Dzujna. All in favor; meeting adjourned at 7:38 p.m.

Respectfully Submitted,

Lauraine G. Paquin



PENDING COUNCIL APPROVAL

City Council Workshop Meeting July 24, 2017

Call to Order

Interim Mayor/Councilor Clarenbach called the meeting to order in the Franklin Public Library, 2nd floor at 6:00 p.m.

In Attendance

Councilor Ribas, Councilor Moquin, Councilor Barton, Councilor Giunta, Councilor Desrochers, Councilor Wells, Councilor Zink, Councilor Dzujna, City Manager Dragon and Interim Mayor/Councilor Clarenbach.

Salute to the Flag was led by Councilor Ribas.

Agenda Item I.

City Council to consider proposed Façade Improvements on Buell Block building facing Marceau Park.

City Manager Dragon spoke about a Council Action Report for the Buell Block Conceptual design incorporating a section of Marceau Park. She spoke about working with PermaCityLife and the redoing of some of the mill buildings owned by PermaCityLife. She referenced the Buell Block conceptual proposal by PermaCityLife and how they met last week about the multiple proposals they were looking at. The first option was to do a lot line adjustment and deeding a piece of Marceau Park to PermaCityLife and then having a shared piece for the city, public and the operator of the space. Since there is no operator for the space at this time so the lot line adjustment and the shared piece is just not feasible right now. Creating outdoor seating for the Buell Block is important as that is something people are looking for today and access to the building from the park is also important as that is the only handicap accessible access at this time. This is an example of a private and public relationship which is a benefit for both parties.

City Manager Dragon stated that currently there is no walkway through the park to connect Central Street and the back parking lot. If PermaCityLife builds a walkway to the city standards PermaCityLife would get use of the space. She directed everyone to a map that was in the council packet, which showed the shared space (they would revisit later when there is an operator of the space) and the patio outdoor space which is in the motion this evening. There was a question as to whether some of the façade funds could be used for the patio and it was determined that it could not so it will remain a grass space for the seating at this time. If the walkway is built by PermaCityLife then it would become the city's walkway and maintained by the city. The entrance to the Buell Block building is the storefront handicap entrance and that would have to be maintained by the building owner.

City Manager Dragon stated she has given information about the design, which is very creative as it incorporates the history with a modern approach and is very eye catching. If the council supports the plan that is proposed the next step for PermaCityLife is to go in front of the Heritage Commission and if approved the façade project will move forward. The current proposal is a 20 year lease agreement with a 5 year renewal clause for private use of 1,408 sq ft and a store front into Marceau Park in return for approximately \$20K of improvements to build a city owned and maintained walkway through the Park which meets specifications provided by MSD Director Sullivan and P&Z Director Lewis. In addition, any plans for a walkway to a new storefront accessed from the park would be the responsibility of the building owner and would not be considered a publicly owned and maintained walkway. The vision is not complete as there is no operator for the building at this time. Once an operator is place they could come back to the council for an amendment to fit what the operator is looking to do. City Manager Dragon stated that Jim Aberg from FBIDC, Todd Workman from PermaCityLife and Mike Mullavey from the PermaCityLife Board are here to answer questions.

Councilor Giunta asked to elaborate on the lease vs the sale of the property. City Manager Dragon stated that you can compare this to other places that have eateries outside with the tables and chairs that are only out in good weather and not all year long. This is for the use of the space with a 20 year lease with a 5 year renewal. PermaCityLife and the owner of the building would like a long term lease and she gave it a value for the improvements for the walkway which is about \$1K a year which is a return for the public, beneficial to the owner of the space and keeps the city involved. The entrance would have to be an easement over city land. City Manager Dragon felt this was the most acceptable plan to those who make donations and use the space.

Councilor Giunta asked Todd Workman of PermaCityLife if the lease acceptable or to have the land deeded, what makes this work. Todd Workman stated that there are lots of ways this can be done. The long term is to break this down into a smaller section but deeding of the space is preferred. There has always been a need for a walkway into the park and would allow for two (2) storefronts and a lot line deed adjustment is really what they want.

Councilor Barton clarified that we don't know who the operators will be and then asked if there are operators they won't allow. Todd Workman stated that is premature to answer but they would like a restaurant.

Councilor Dzujna asked that since this is a park and leasing of the space would the city run into trouble with people consuming alcohol or smoking. City Manager Dragon replied that there would be an indemnification clause in the lease and then the operator would have to follow state regulations if they serve alcohol so she doesn't feel it would be an issue.

Todd Workman stated he wants to get the pulse of the council as construction should begin in September and the design depends on what happens with this. City Manager Dragon stated that there is a vote in the package to direct the city manager to work out the lease details with the city attorney and PermaCityLife. Councilor Giunta stated that he doesn't want to make this complex but when he was mayor Marceau Park was created as the council wanted to put green space and change

the perception but not keep property off the tax rolls. He suggested they sell it for \$1 to get it back on the tax rolls. City Manager Dragon asked if he was talking about all of Marceau Park or the lease space and Councilor Giunta stated just the lease space. She stated that it would take additional steps like a survey and other required expenses to go that route and the lease was simpler and she felt a more palatable route for the council and the public. Todd Workman stated they could do a lease now and then come back later to revisit. City Manager Dragon replied that was what she was also thinking as the community would want to see operators in the building and see them being successful and then other pieces could be done in phases.

Councilor Desrochers stated that if this takes off and if anything happens to improve the downtown then the city should be behind it.

Councilor Wells clarified that they are talking about PermaCityLife would build a walkway in Marceau Park in exchange for use of the walkway. City Manager Dragon replied no it is building the walkway and to use the section in the brown area of the map. Councilor Wells clarified again that they are building the sidewalk for the brown space and possibly some other space. City Manager Dragon responded that the walkway is in exchange for the leased space and the easement for the store front. The sidewalk is for the public's use and will be a benefit for them and also beneficial to the operator of the space as it will connect Central St to the municipal lot behind Marceau Park.

Councilor Dzujna stated that the lease is fine and then we can always come back and look at it.

Councilor Zink asked if the motion is to give City Manager Dragon leeway to work on the lease and then come back to the council for the approval and City Manager Dragon stated yes. Councilor Zink asked if a public hearing will be needed so the public would have input on the project. City Manager Dragon stated that a public hearing would not be required for a lease. There could be public comment at the council meeting for the final approval. This motion directs her to work with the city attorney to draft the lease and the easement documents.

Councilor Giunta clarified that if the council approves this motion tonight then PermaCityLife can go to the Heritage Commission and City Manager Dragon stated yes.

Councilor Ribas stated he is concerned by how much of the public use is going to be restrained on this space. City Manager Dragon stated that the park is used for the Christmas Tree Lighting and Santa, the karate center uses it, the charter school uses it and occasionally people use it for birthday parties. She feels the walkway will help if they do art in the park again. The building that is in the park houses the electrical and junction boxes and in the future it could be a great spot for a kiosk and the way she has it written it would not impact that. Todd Workman stated that they have been very careful of the design and their key element is to over time connect Central Street to Odell Park. That park is a gem that one is not naturally drawn too.

Motion: *Councilor Giunta moved that the Franklin City Council direct the City Manager to work with PermaCityLife on a 20 year lease agreement with a 5 year renewal clause*

for private use of approximately 1,408 sq feet and a storefront entrance walkway in Marceau Park in return for approximately \$20,000 of improvements to build a city owned and maintained walkway through the park which meets specifications provided by Director Sullivan and Director Lewis. In addition, any plans for a walkway to a new storefront accessed from the park would be the responsibility of the building owner and would not be considered a publicly owned and maintained walkway. Motion seconded by Councilor Dzujna.

All in favor; motion passes.

Agenda Item II.

City Council to consider proposed support of CDBG funds for Community Action Program (CAP) building to be built on city property (82 Elkins St).

City Manager Dragon spoke about how the city has been able to access CDBG funds over the years on various projects (ex. renovated the Bessie Rowell Community Center and the housing project behind city hall). The city owns property at 82 Elkins Street which currently houses the CAP program, who has a long term lease with the city, and Merrimack County Diversion Program. The conditions of that building have been less than desirable for a long time. The county has been working with Ralph Littlefield, Executive Director of CAP, on the proposal of a new building using CDBG grants. City Manager Dragon stated she asked for something in the agreement that acknowledges the contribution from the City of Franklin participating in this project and that the value of the land would be the match and help with the scoring. The contribution from the city should be taken into consideration when they come to the city and ask for funding for the operations of the CAP program as she feels it would be a win/win for both. CDBG funds were delayed based on the President's budget and there is some funding available and the deadline is the end of August.

Ralph Littlefield stated that he has been with CAP since 1982. The building is a multi-purpose center and has been rehabbed two (2) times previously. His recommendation to the council is to remove the building and replace it. They will be applying for \$500K through CDBG but also applying for USDA loans, looking for energy saving grants for heating and more advanced systems. It will cost between \$600-\$800K for the building to be built and a paved parking lot (currently they do not have a paved parking lot). A survey was done and it was found that the setbacks are through the middle of the building, as the building has been there a long time. They are looking to build a 5000 sq ft building and will move it on the site so it meets the setbacks. If the council agrees to this then they will talk with the Historic Commission, if needed, and the county to find other resources.

Councilor Desrochers asked how the setbacks are going to affect the abutters. Ralph Littlefield showed the council the survey drawings with the existing building and setbacks and the new building with setbacks as it would not affect the abutters.

Councilor Dzujna stated that the current building is 6700 sq ft and you are going to build a 5000 sq ft building is that going to be enough space. Ralph Littlefield stated yes for the existing people in the building. Councilor Dzujna asked if it would be possible to put solar on the building. Ralph Littlefield stated it is their hope to do that and heat pumps. The plan is to take the building down quickly and the put the slab in. They are looking to possibly panelize the project and have it finished in three (3) months. Councilor Dzujna mentioned that the city has been lucky with the grants and would be glad to see this happen.

Councilor Ribas clarified that their time frame is three (3) months. Ralph Littlefield stated yes and CAP will be looking to move their staff to city/town halls in the area and using the county building. WIC is talking with area hospitals to set up for the construction time period. We are trying to be back on the site as soon as possible. Councilor Ribas asked if they are looking to do this next spring and Ralph Littlefield stated they are trying to do it sooner.

Councilor Zink asked if they are hiring someone to write the grant. City Manager Dragon stated that Donna Lane doesn't charge to write the grant she only gets paid if the city was awarded the grant and then she would administer the grant.

City Manager Dragon is not sure if the city or the county was going to do this. There is no motion tonight just a sense to move forward. Councilor Dzujna stated he is in agreement for this. Interim Mayor/Councilor Clarenbach asked if anyone has and concerns and there were none so they can move forward.

Agenda Item III.

City Council to consider setting a Public Hearing for Resolution #04-18, for the acceptance, the appropriation, and the expenditure of grant funds from the USDA's Rural Development office and matching funds from Franklin Business and Industrial Development Corporation.

City Manager Dragon stated there is a motion to accept the funds from the Rural Development Office of the US Dept. of Agriculture. They applied last year and received funds that they used to hire Niel Cannon as the Downtown Business Coordinator. This time they were awarded a smaller grant which they need to accept the funds.

Motion: Councilor Desrochers moved that the Franklin City Council set a public hearing to be held on Monday, August 7, 2017 at 6:05 pm for Resolution #04-18 for the acceptance of Rural Development grant funds and matching funds from the FBIDC, and the appropriation and expenditures of these funds starting in Fiscal Year 2018. Motion seconded by Councilor Zink.

Councilor Clarenbach read Resolution #04-18:

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2018.

In the year of our Lord, Two Thousand Seventeen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2018 which began July 1, 2017, and;

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

WHEREAS, the City has been awarded another grant from the Rural Development Office of the US Department of Agriculture in the amount of \$9,410, with the funds to be used for the Downtown Business Coordinator to assist the redevelopment and revitalization of the downtown area, and;

WHEREAS, the Franklin Business & Industrial Development Corporation (FBIDC) board has voted on June 28, 2017 to provide matching funds for the grant in the amount of \$5,590 making grant & match total funding of \$15,000, and;

WHEREAS, the City Council recognizes that these grant funds will provide the City a unique opportunity to assist in the redevelopment efforts which will benefit all downtown property owners and business owners, Now,

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, August 7, 2017, the City Council of the City of Franklin, New Hampshire does hereby vote to adopt resolution 04-18, accepting the grant funds from the USDA, Rural Development office, accept matching funds from FBIDC, hereby authorizes the City Manager to execute all grant documents and hereby authorizes the following non lapsing appropriations,

An increase in revenues:

Acct# 01-1-000-33111-435 Federal Grant – USDA Rural Technical Assistance – Nine Thousand Four Hundred Ten Dollars (\$9,410),

Acct#01-0-000-35085-000 Donations – Five Thousand Five Hundred Ninety Dollars (\$5,590.00),

And an increase in expenditures:

Acct# 01-1-302-40110-435 Wages – USDA Rural Technical Assistance Fifteen Thousand Dollars (\$15,000.00)

By a roll call vote.

All in favor; motion passes.

Other Business

City Manager Dragon stated the Carl Weber from Primex is here to help the council with the city manager selection process. Primex assists in the process but they do not do the recruitment. Tonight Carl will talk about how Primex will help the council in the process starting with the job description.

Carl Weber from Primex stated they are a nonprofit and since the city is a member they can get these services. This service will be comprised of three focal points – preparation, selection and transition. During preparation there will be an introductory meeting to review the process and the council's roles. Primex can assist along the way and can help the council stay on task and don't drift. There will be an identification meeting that helps the council with critical issues, road blocks and creating ideal candidate profile. Primex can work on behaviors and motivators and the drivers with in that, they can facilitate goal settings for 6 & 12 mo. and what can be done to lead to successful managers.

Interim Mayor/Councilor Clarenbach stated that he feels this is a great service Primex offers, as well as free, but it can align and prepare the council. All this work will help the recruiter finalize what Primex has been preparing for what they want in a candidate as there is no real job description. The big question is what will be the ideal pool of candidates who are going to apply as there is a big difference in responsibilities between Town Administrator and Town Manager. Carl Weber stated that Primex is going to help with the big picture and the recruiter will be doing the nuts and bolts. The behavioral discussion will try to pick through what type of person they want to hire.

Councilor Dzujna stated that what he has seen is the job has changed dramatically over the years since they hired City Manager Dragon. City Manager Dragon stated economic development wasn't even on the radar for the city manager. The industrial park was the only real economic development at the time and that was through FBIDC.

City Manager Dragon stated several years after she was hired they refocused to the downtown and went for redevelopment and not economic development. They also looked at doing something with the river as a way to help bring in income and wealth that the city currently doesn't have. The new city manager will need to keep these projects going and bring to completion as operators won't come into the spaces without the economic development, tourism or the white water park. They also need to have an understanding and strength in finances as there is a lot of work to make the bottom line work with the tax cap and with 24% of the taxpayers living at or below poverty which means being creative, like with the public/private partnership, and not going back to the taxpayer.

City Manager Dragon stated that Carl Weber mentioned the preparation meeting which is also important so the public can bring a voice into the overall candidate profile. You will not find someone who will fit all the items so then prioritization of the items will need to happen. Franklin has a good reputation with longevity in the city manager position and the others managers in the area like coming here. She stated they will probably attract people who are on the same path that she is on as she was a Town Administrator, Town Manager then City Manager. You have to look at the job description as to what the responsibilities are and possibly be able to recruit someone from out of

state. Unfortunately based on the town manager group there are a lot of people getting ready to retire so that will impact the candidate base.

City Manager Dragon stated that she and Finance Director Milner have done an RFP, looking for a recruiter, and a timeline for the council to view. If the RFP is approved then in 2-3 weeks they can work with Carl Weber on the profile. Interim Mayor/Councilor Clarenbach stated that the timeframe is slow to start but will then pick up.

Councilor Giunta asked City Manager Dragon to write a job description for the council, can she do that? City Manager Dragon stated she would be happy to do that and public/community buy in is a big piece. Councilor Dzujna asked if nine (9) years ago would the job description have scared her off. City Manager Dragon stated no but would have been hesitant about the economic development but she also would have looked at that as an opportunity to learn. Once the projects we are currently working on are complete, the new manager will have those types of projects on their resume which can be attractive.

Carl Weber stated that they can execute really well in front of people but there are not a lot of people out there in the job market. The job description should be brief as you need to sell the position to the candidates.

City Manager Dragon talked about the RFP and it is very paired down and also an a la carte type section. If the council approves the RFP this evening then the timeline can stay as is and a decision to hire should be made in December based on this schedule - August to review recruiter proposals, September meet with the recruiter, October the recruiter does their part, November interviews can be held and a decision made in December.

Interim Mayor/Councilor Clarenbach asked if the council was ok with the RFP and the date the RFP is due which is August 18. He suggested a meeting before the 18th to meet with Carl Weber followed by a meeting to award the RFP and then a follow up meeting with Primex. The following meeting dates were decided upon – August 9 initial meeting, August 22 – RFP awarded and August 29 Primex follow up.

Interim Mayor/Councilor Clarenbach stated if City Manager Dragon can put her job to paper so the council will have some backbone when they have public opinion.

Carl Weber stated for the August 9 meeting the logistics are council input first and then the public input and it is usually 2-3 hours.

Motion to adjourn made by Councilor Dzujna and seconded by Councilor Giunta. All in favor; meeting adjourned at 7:36 p.m.

Respectfully Submitted,

Lauraine G. Paquin



**City Council Meeting
August 7, 2017**

Call to Order

Interim Mayor/Councilor Clarenbach called the meeting to order in the Council Chambers, Franklin City Hall at 6:00 p.m.

In Attendance

Councilor Ribas, Councilor Moquin, Councilor Barton, Councilor Giunta, Councilor Desrochers, Councilor Wells, Councilor Zink, Councilor Dzujna, City Manager Dragon and Interim Mayor/Councilor Clarenbach.

Salute to the Flag was led by Councilor Moquin.

Public Hearings

Resolution #04-18 – Annette Andreozzi clarified that the funds are going to be used to retain the Economic Development Coordinator. Interim Mayor/Councilor Clarenbach stated that is correct but the funds are less so it will be for less hours.

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.

School Board Member Brown thanked City Manager Dragon for her service to the City of Franklin and wished her well. She stated that she will be unable to attend the council special workshop on Aug 9. She gave her thoughts for the next City Manager – someone who has the ability to assess the city's infrastructure, spending habits, trends and revenues to find a way to increase the schools current funding percentage. The revenues need to be reallocated to be a more equitable amount. The school district cannot continue to hold funding, CBAs and increase staff salaries and benefits if they don't have the funds to do so. They will keep losing their experienced staff and that is one thing the Dept. of Education noted. It is great to receive grants from the state or other areas but those grants are drying up and finding those funds are more difficult. Franklin's citizens need to see that education is as important as the fire department, police department, parks and recreation, water department, etc. Each entity is as important as the other except in the allocation of the tax dollars.

Sadie Kaplan, now a junior in college, spoke about the beaches having no AEDs and she passed out information. If someone drowns their heart stops and drowning is the 3rd leading cause of unintentional injury deaths. Statistics show approximately 830 children under the age of fourteen (14) die by drowning each year. Using an AED increases someone's chances by 70% and chances of survival decrease by 7-10% every minute. The cost is \$1200-\$2500 and if the Recreation budget can be increased to buy one each year. It can be mounted outside the shed and once opened if a signal

can go to the fire department to show that it is in use. CPR is a life sustaining method but AEDs are a life saving measure.

Sadie Kaplan also mentioned if the beaches could be rototilled once a year as daily herself and another person are weeding the beaches and the weeds return a few weeks later as they are in the dirt underneath. In her handout are some local companies that do that kind of work. This will go a long way to having the beaches be desirable for those who visit them.

Karl Bohl spoke about the fireworks legislation and it including weekend and weekday times. He has a signed petition with about 300 signatures and only 3 of those signatures agree with weekday times.

Chief LaChapelle stated he would like to compliment the working relationship with the Franklin Opera House and Franklin Footlight Theatre and their safety measures. In the past eight (8) months the work they have done is tremendous and they are really good to work with.

Judith Ackerson, on behalf of the Franklin Opera House, thanked Chief LaChapelle and stated to look forward to a new curtain on stage.

Leigh Webb stated he wanted to comment on Agenda Item #VI states renovation but he feels it is demolition. He just went and looked at the cottage and he feels they can rectify the safety issues without demolition as there are a few individuals who are willing to volunteer to do that work. He feels he can get donations of various items and that will make it a restoration rather than a renovation. It is a historic building and no one would want it demolished. He stated on Agenda Item #VIII that he is in favor of the easement at Mojalaki and understands it is expired and maybe this can be worked out.

Annette Andreozzi urged the council to table Agenda Item #VI based on incorrect information that was used for the request. The cottage is not on the National Register but it is in a National Registered Historic District and a City Historic District but there is no national state or local limitations on renovations. Per the State of NH Historic Resources if the porches are removed any chances of getting moose plate or LCHIP grants are almost zero (0). She stated that Peter from DHR offered to visit the site and give ways the porches could be stabilized so it would improve Franklin's chances for the grants.

Legislative Comments – None.

City Council Acknowledgements

Councilor Dzujna wanted to acknowledge Krystal Alpers and the recreation department, Carrie Charrette and the school, a number of the local churches, Debbie and Denise Stedman, Ernie and Linda Smith, Tom Matzke, Pat Sleeper, Emily Burr, Ernie Solis, Pauline Chabet and Gail Morrison for their work in feeding the children of Franklin at lunch time through the lunch program. The lunch program will run through August 25.

Councilor Ribas recognized Jule Finley whose vision has brought community theatre to Franklin for over two (2) decades. The most recent show had over 800 people attend.

Mayor's Update – None.

Agenda Item I.

City Council to consider the minutes of the June 13 and June 20, 2017 City Council Budget Workshop Meetings and the July 3, 2017 City Council Meeting.

Motion: Councilor Dzujna moved that the Franklin City Council to consider the minutes of the June 13 and June 20, 2017 City Council Budget Workshop Meetings and the July 3, 2017 City Council Meeting. Motion seconded by Councilor Zink.

All in favor; motion passes.

Agenda Item II.

School Board Report

Superintendent LeGallo thanked everyone who was involved with the Recycled Percussion event. He can't make the council workshop as the school has a finance committee meeting. All staff is to return on August 25 and begins with breakfast at 7:30 am and is followed by speakers and all councilors are welcome to come.

Councilor Dzujna asked how the energy audit was going. Superintendent LeGallo stated the company will be presenting their report at the August 21 school board meeting.

Agenda Item III.

City Council to hear from NH Lottery Executive Director Charlie McIntyre with regards to Keno.

Kelley Jaye Cleland from the NH Lottery Commission was here to speak to the council and she stated that keno has passed the legislature and the NH Lottery is to roll it out to cities first and the towns in the spring. She passed out a printout and went through it.

The establishments that can offer keno have to be pouring establishments as per RSA's through the liquor commission. Each city has to approve this to go on their ballot and a public hearing has to be held 15-30 days before the election. If it gets passed then the city has the option to have keno in the pouring establishments identified and there are eight (8) establishments in Franklin. Each establishment that is eligible does not have to have it. If a city or town doesn't approve keno that doesn't mean they would not get the funding. After it was passed if an establishment wanted keno they would have to go through the licensing process with NH Lottery with a \$500 annual licensing fee and that fee goes back to the education trust fund. This is a win win for establishments as it has been

reported that people spend more money while playing and establishments get bonuses for selling keno. They get 8% commission for selling keno and a 5% commission on every dollar sold for all other lottery products. Massachusetts is the biggest per capita for keno. There has been \$25M in claims from NH residents for keno so they are looking to bring these funds back to NH. Keno is a monitor game that has drawings seven (7) days a week from 11:00 am to 11:00 pm. You can choose up to twelve (12) numbers for multiple draws and all claims under \$600 you claim at the location you won it at and over \$600 you have to go to NH lottery commission.

Councilor Barton asked what the benefit is it to the city itself. Kelley Jaye Cleland stated it keeps people in the community playing in the community and supporting the local bars and restaurants is greater.

Councilor Dzujna asked if there will only be one (1) monitor screen per establishment. Kelley Jaye Cleland stated the NH Lottery only provides one (1) but if an establishment would like more they can purchase them. Councilor Dzujna asked if an establishment needs more than one (1). Kelley Jaye Cleland stated not necessarily as it depends on the size of the establishment. Councilor Dzujna asked if it is needed to have other people making sure the people have won. Kelley Jaye Cleland stated not necessarily as long as people can see the monitor and if not they can ask their server or bartender to have their ticket checked. Councilor Dzujna asked if keno adds more pressure on the local police department. Kelley Jaye Cleland stated she hasn't heard of any police issues with keno.

Councilor Ribas stated that per the bill only 1% of the proceeds goes to limiting addictive behavior problems and how does that compare to others who have keno or does the NH Lottery feels if that is sufficient to handle the problem. Kelley Jaye Cleland stated she can't comment on how other states compare as some do not tie it to education funding but in NH the only funding for problem source gambling is from NH Lottery as a marketing item at \$25K a year. The NH Lottery feels strongly that if they are contributing then they should offer remedies as well. Councilor Barton asked if an establishment only needs a liquor license and a food license to sell Keno and Kelley Jaye Cleland stated yes as long as it is a pouring establishment meaning they must pour the alcohol not just sell it.

Councilor Dzujna asked Police Chief Goldstein how the Police Chiefs union voted on this in the legislature. Police Chief Goldstein stated they chose to just observe on this.

Councilor Zink asked per RSA the council would have to hold a public hearing to put it on the ballot at the municipal election in 2018 or this year as per charter you need more time to put it on the ballot. Interim Mayor/Councilor Clarenbach stated normally you would need more time if it was an item the council was looking to put on the ballot but since it is the state legislative body they have the power to waive all the approvals needed and if the council approves this tonight it will go on the ballot.

Interim Mayor/Councilor Clarenbach asked how much education is Keno 603 going to do for the public as that will impact the vote. Kelley Jaye Cleland stated that they are sending out mailers to eligible pouring establishments, doing public campaigns (radio, TV) and billboards.

Motion: *Councilor Giunta moved that the Franklin City Council move this item to the ballot for the 2017 municipal election. Motion seconded by Councilor Desrochers.*

City Manager Dragon suggested an amendment to the motion to include the sentence "Shall we allow the operation of keno games within the town or city". There was some discussion among the councilors to add City of Franklin rather than town or city.

Councilor Ribas stated he is against this idea as he doesn't like the funding vehicle for kindergarten through gambling but believes the statute is to provide the opportunity for the citizens of the towns and cities to vote so he will vote for it.

Kelley Jaye Cleland stated that the public hearing notice has to be posted in two (2) places and one can be the city's website and the NH Lottery pays and posts the other. City Manager Dragon clarified that the public hearing is to educate the voters not a public hearing on whether to put the item on the ballot and Kelley Jaye Cleland stated correct.

Councilor Giunta stated he echoes Councilor Ribas' concerns as he made the motion but doesn't necessarily agree with the item.

All in favor; motion passes.

Agenda Item IV.

City Council to consider adopting Resolution #04-18, which accepts the grant funds from the USDA Rural Development office, and matching funds from the FBIDC, and approves these new revenues and the expenditures of these funds for downtown economic redevelopment efforts.

Motion: *Councilor Desrochers moved that the Franklin City Council vote to approve Resolution #04-18, which accepts the grant funds from the USDA Rural Development office, and matching funds from the FBIDC, and approves these new revenues and the expenditures of these funds for downtown economic redevelopment efforts. I further move that the City Council authorize the City Manager to sign and take action on all relevant documents pertaining to the administration of this grant. Motion seconded by Councilor Barton.*

Roll Call:

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>recused</u>	Councilor Ribas	<u>yes</u>
Councilor Clarenbach	<u>yes</u>	Councilor Giunta	<u>yes</u>	Councilor Wells	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

All in favor with one recused; motion passes.

Agenda Item V.

City Council to consider a request by Charles Valliere to undo a council vote to Restore Involuntarily Merged Lots.

Motion: Councilor Ribas moved that the Franklin City Council vote to void the September 12, 2016 approval by the City Council regarding the restoration of the three involuntarily merged tracts owned by Charles and Diane Valliere. Motion seconded by Councilor Dzujna.

All in favor; motion passes.

Agenda Item VI.

City Council to approve renovations to the Odell Park Cottage front and side porch.

Motion: Councilor Desrochers moved that the Franklin City Council approves removing the front and side porch to the Odell Park Cottage and install a temporary entryway. Motion seconded by Councilor Ribas.

Motion: Councilor Wells moved that the Franklin City Council table this item until more information is brought forward. Motion seconded by Councilor Giunta.

Five (5) in favor, two (2) opposed, one (1) abstained and Interim Mayor/Councilor Clarenbach did not vote; motion passes.

City Manager Dragon stated it would have been nice to hear from Park & Rec. Director Alpers to see what information she had to answer any questions before the tabling. She stated that they can bring this back at another meeting to hear what information there is based on the questions. Interim Mayor/Councilor Clarenbach stated they can hear other items.

Motion: Councilor Desrochers moved that the Franklin City Council by August 22 will get information from the people that want to save the porches and information from the people who want it torn down so the council can make an informed decision. Motion seconded by Councilor Dzujna.

Councilor Giunta stated that Mr. Webb said he can have volunteers come forward then asked City Manager Dragon are there any hazards or problems to protect the city. City Manager Dragon stated there are pros and cons to using volunteers vs. paying a contractor. She stated she needed to talk with Park & Rec. Director Alpers and also with MSD Director Sullivan and P & Z Director Lewis and have a good discussion to bring back recommendations.

Councilor Wells stated he would like to see a plan for direction by August 22.

All in favor; motion passes.

Agenda Item VII.

City Council to consider setting a public hearing for Resolution #05-18, to allow withdrawing funds from the Raymond and Betty Turcotte Memorial Rescue Squad Trust Fund for Paramedic training.

Motion: Councilor Zink moved that the Franklin City Council schedule a public hearing for Tuesday August 22, 2017 at 6:00 pm on Resolution #05-18 to allow withdrawing funds from the Raymond and Betty Turcotte Memorial Rescue Squad Trust Fund for the purpose of Paramedic training. Motion seconded by Councilor Ribas.

Councilor Moquin asked what the agreement is with the employee going forward as she assumes there is a time commitment with the city. Fire Chief LaChapelle stated a contract has been written and waiting on approval from City Attorney Fitzgerald. The basis of the contract is to make sure that employee has an obligation to the city of three (3) years but if he was to leave in year two (2) he would still be obligated to the city for the remaining portion as it is written in increments. Councilor Moquin stated it is nice to know that there is a two (2) or three (3) year commitment. Interim Mayor/Councilor Clarenbach stated this money is coming from a trust fund and he would like any reimbursement returned to the trust fund. Chief LaChapelle stated that is a detail in the contract but it states that it would be deposited back into the account it came from. Interim Mayor/Councilor Clarenbach stated that maybe the council adds that language to the resolution. City Manager Dragon stated they can add language. Fire Chief LaChapelle stated that liquidated damages is the wording throughout the contract. Interim Mayor/Councilor Clarenbach explained the purpose behind the Raymond and Betty Turcotte Trust Fund. Interim Mayor/Councilor Clarenbach stated they will add "And stipulate any liquidating damages for breach of employment contract be returned to the Turcotte Fund."

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the resolution with the added language:

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2018.

In the year of our Lord, Two Thousand Seventeen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2018 which began July 1, 2017, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that, due to changes in personnel, the Fire Department now has just (2) paramedics in employment, and;

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

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the Turcotte trust fund has a current balance of approximately \$82,439, and;

WHEREAS, the City Council of the City of Franklin wishes to appropriate from the Turcotte trust fund an amount not to exceed \$12,000 for the purpose of sending Firefighter/AEMT Zachary Burke to Nationally Registered Paramedic School, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Tuesday, August 22, 2017 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 05-18 allowing the withdrawal of Twelve Thousand Dollars (\$12,000) from the Turcotte trust fund and authorizing an increase in FY18 revenues:

Transfer In – Trust Funds Acct. No. 01-0-000-39160-000 – Twelve Thousand Dollars (\$12,000),

And an increase in expenditure account,

Rescue Staff Development Acct. No. 01-2-207-40291-000 – Twelve Thousand Dollars (\$12,000),

And stipulate any liquidating damages for breach of employment contract be returned to the Turcotte Fund.

By a roll call vote.

Agenda Item VIII.

City Council to consider the granting of a Discretionary Preservation Easement for Mojalaki Golf Course (submitted by One Yellow Rose, Roger Leblanc).

Motion: Councilor Barton moved that the Franklin City Council approve the Discretionary Easement application of Tax Map #119, lot #402-00, 341 Prospect Street establishing an easement value of \$40,166. Motion seconded by Councilor Dzujna.

City Manager Dragon stated that this is a ten (10) year easement that has changed hands a few times and was originally established in the 1980's. The state sets the deadline for the form to be turned in. She explained that Mr. Leblanc came in beyond the deadline, and the easement had expired, to try and reinstate it. After doing research and consulting with City Attorney Fitzgerald, she discovered that nothing can be done to change the value for the 2017 tax year but he can apply for the easement for the 2018 tax year. She explained that if the council approves the easement they have been given a value range from \$191,500 to \$40,166. The low value in the motion was used as that was what was used previously and that value was \$40,171. The easement documents will need to be updated. There is another easement that has 2 ½ holes on it but that is on the Hurst property that is not included in this easement and that is on a different timeline. The Hurst's stated they do not want to sign an easement with the city as they are unhappy with the condition of the property.

If Mr. Leblanc is able to get someone who will be interested in the property this easement would be beneficial to them. The easement document would be updated with the correct dates and using the same description of the metes and bounds and it would go to the city attorney for review.

City Manager Dragon addressed the other question as to why does the State of New Hampshire allow discretionary easements. The city had a few barn easements and a few not approved and when you look at those easements they have a separate statute and a public hearing notice and you have to weigh the benefit of the easement to leaving it on the tax roll, you need to determine if there is enough public benefit to that. Golf courses have their own section and Mr. Leblanc was asked what the public pieces are that the council can consider and those are in the packets. The public piece is small as a golf course is only used in the good weather. She does recommend the approval of the easement and hopes the Hurst's issues can be worked out.

Councilor Ribas asked what is the term of the easement. City Manager Dragon stated it is a ten (10) year easement.

Councilor Zink wanted to clarify the acres of the golf course and the reason for two (2) different assessors. City Manager Dragon stated the PA 36 form that Mr. Leblanc filled out it states it is a 96 acre parcel but he is only requesting an easement for 94.8 acres as there are buildings on other pieces of the property that aren't the golf course. Mr. Leblanc hired an assessor as part of the renewal and the assessor created the range. Interim Mayor/Councilor Clarenbach stated the land has a value of \$40,166 but can abate up to \$191K. Interim Mayor/Councilor Clarenbach asked what does the city assessor state the land is valued at. City Manager Dragon stated the assessor determined the value is \$874,400 for the whole parcel. Councilor Zink stated on page 3 it states a land value of \$133K from his assessor. Are there any studies that show we can go to the middle rather than the low end. City Manager Dragon stated she is not sure of any studies and can only give the council what has been done in the past.

Councilor Desrochers stated that the city assessor recommended a range so why is the number on the low end and not the mean. He also asked what is the amount owed for taxes on the year without the easement. City Manager Dragon stated she gave a number based on the formula that was used in the past to get the value for the property which was the farm value of land in current use (\$425 per acre). There are a lot of taxes owed on the property and the non-easement year has compounded that issue. If the council keeps the easement lower that will allow Mr. Leblanc to attract more buyers for the property. Councilor Desrochers stated Mr. Leblanc refers to a developer and that property can't be developed based on a stipulation in the deed. City Manager Dragon stated that if the easement is in place then no it can't be developed and has to be a golf course. Councilor Wells clarified that the easement stays with the property not the property owner and City Manager Dragon stated yes.

Councilor Zink asked what will happen if more than three (3) years of taxes are owed to the city and it is tax deeded. City Manager Dragon stated there are opportunities before it gets to that situation but if it does go to tax deed then the city has many options as the easement would be with yourself.

Councilor Wells stated if it does get tax deeded does it have to be sold for the tax deed amount or another amount. City Manager Dragon stated that tax deeded properties sold before three (3) years after deeding is sold for what is owed to the city because if it is sold for more than that the excess money goes back to the owner through the courts. After three (3) years city keeps all the funds on the property.

Councilor Zink asked when is the deadline for 2018 so we can get more information. City Manager Dragon stated there is plenty of time, until April 4, but she is not sure how that would impact Mr. Leblanc if you don't approve the easement. Councilor Moquin stated she would like more time for consideration.

Councilor Giunta stated that there is an owner trying to sell the property, the Hurst's who are not happy and won't sign their easement and an owner who may not get a buyer if we wait as the season is almost over. He feels the council needs to give the owner what he needs to move this property because it might come to the city.

City Manager Dragon stated that if you make the value higher than the \$40,166 then more taxes would be due. Councilor Ribas clarified that the \$40,166 is a better easement for the owner rather than the higher value and City Manager Dragon stated correct.

Councilor Barton clarified the motion he made. Interim Mayor/Councilor Clarenbach stated the range of the easement \$191K-\$40,166 from our assessor. Previous councilors have chosen the low end as the high value would be detrimental to the property owner. Councilor Moquin asked if this is all contingent on a buyer otherwise it will sit there and taxes will accrue. Interim Mayor/Councilor Clarenbach stated that if the city takes the property then they can change the easement but it will allow the property owner the best value to find a buyer.

Seven (7) in favor and two (2) opposed; motion passes.

Agenda Item IX.

City Council to consider setting a public hearing for Ordinance #05-18, regarding a change to the Municipal Code , Chapter 284 Vehicles and Traffic, Section 284-24 Limited parking; no parking areas, Subsection B – Fifteen-minute parking and Subsection E – Reserved and limited parking.

Motion: Councilor Zink moved that the Franklin City Council set a public hearing on Ordinance #05-18 at 6:00 pm on Tuesday, September 5, 2017 in the Council Chambers at the Franklin City Hall. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the ordinance:

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 284 Vehicles and Traffic, Section 284-24 Limited parking; no parking areas, Subsection B Fifteen-minute parking and Subsection E Reserved and limited parking be changed as per below:

§284-24 Limited parking; no parking areas.

- B.** Fifteen-minute parking. Fifteen-minute spaces are designated as follows: between the hours of 8:00 a.m. and 6:00 p.m. Mondays through Saturdays, inclusive. [Amended 5-4-2015 by Ord. No. 11-15]

	Street	Section	Side
Remove	Memorial Street [Amended 1-5-2015 by Ord. No. 08-15; 10-5-2015 by Ord. No. 06-16]	336 Central Street north to memorial parking lot entrance (1 space)	Northeast
Add	Memorial Street	336 Central Street north to Municipal Parking lot entrance (3 spaces)	Northeast

- E.** Reserved and limited parking. Reserved and limited parking areas are designated as follows:

	Street	Number of spaces	Purpose
Add	City Hall/Library Parking Lot	Entire Lot	City Hall and Library Parking Only
Remove	Memorial Street north from Central Street to Municipal Parking Lot entrance [Added 1-5-2015 by Ord. No. 08-15; amended 10-5-2015 by Ord. No. 06-16]	2	Bus stop (reserved)

By a roll call vote.

Agenda Item X.

City Council to consider setting a public hearing for Ordinance #06-18, regarding a change to the Municipal Code, Chapter 232 Property City-Owned, Section 232-5 baiting wildlife on city property.

Motion: *Councilor Ribas moved that the Franklin City Council set a public hearing on Ordinance #06-18 for September 5, 2017 at 6:00 pm. Motion seconded by Councilor Dzujna.*

Amendment: Councilor Desrochers made an addition to the motion to say “city land, public land shall remain open for access to hunting and fishing. Seconded by Councilor Giunta.

City Manager Dragon stated that hunting and fishing is already allowed unless posted so we don't want to be that broad. This ordinance doesn't address hunting or fishing it is only adding in no baiting of wildlife on city property. There was a request to bait bear and deer on city property and there was nothing in the charter to give guidance. This was just to restrict that so we don't have to begin getting into enforcement. She stated she would like to add some language to allow the city to be able to remove nuisance animals so they don't restrict themselves. Councilor Desrochers stated he wanted to add this as if you open the door then it opens the door for other restrictions. Councilor Zink asked if it should be restricted to certain areas that you already hunt and not all city property. Councilor Desrochers stated that you can't hunt in downtown as there are restrictions on that. Interim Mayor/Councilor Clarenbach stated that the city council are the caretakers of city property and people can make a request to landowners to bait on their property but the city can't respond unless there is an ordinance in place. Councilor Ribas stated he feels the language is clear and additional language is not needed. Councilor Dzujna clarified that the city currently has posted areas and Interim Mayor/Councilor Clarenbach stated yes.

One (1) in favor and eight (8) opposed; amendment failed.

Interim Mayor/Councilor Clarenbach stated they will now address the original motion. City Manager Dragon gave language to add “City Administration maintains the right to bait for removal of nuisance animals.”

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the ordinance:

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 232 Property, City-Owned, to add a new section for Baiting of Wildlife on City Property:

Chapter 232 of the Code of the City of Franklin is hereby amended to add a new section following §232-4 to be known as §232-5 as follows:

§232-5 Baiting of Wildlife on City Property

The baiting of wildlife is not permitted on city property. City administration maintains the right to bait for the removal of nuisance animals.

By a roll call vote.

Agenda Item XI.

City Council to consider setting a public hearing for Ordinance #07-18, regarding a change to Municipal Code, Chapter 215 Noises, Section 215-4.1 Fireworks.

Motion: Councilor Zink moved that the Franklin City Council set a public hearing on Ordinance #07-18 for September 5, 2017 at 6:00 pm. Motion seconded by Councilor Ribas.

Councilor Desrochers had polled a few people in his ward and wanted to keep it simple so to keep it at 10:00 pm at all times. Councilor Dzujna stated he feels that is good idea so no one would get confused. Councilor Moquin asked if previously it was unlimited on Independence Day but with new ordinance it was 11 pm. Interim Mayor/Councilor Clarenbach asked to change the wording to say allow not promote and he doesn't like to 10:00 pm seven (7) days a week as there is great use of fireworks currently but is unsure of the right thing but he will not support an ordinance seven (7) days a week for 365 days a year. City Manager Dragon stated the complaints have come from them being used all day every day. There are state statutes that regulate fireworks as well. The compromise was 9:30 pm Sunday-Thursday and 10:00 pm Friday & Saturday. The issue was to look at dialing it back. Councilor Giunta stated he attended the Webster Lake Association and there will be a lot of people attending the meeting with the public hearing. Interim Mayor/Councilor Clarenbach stated that they will make the change from promote to allow.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the ordinance:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 215 Noise, Section 215-4.1 Fireworks, is hereby amended to read as follows:

§ 215-4.1 Fireworks.

[Added 9-4-2007 by Ord. No. 05-08]

Statement

It is the intent of the City of Franklin to allow the safe and authorized use of Class B Fireworks and legal Class C "Permissible Fireworks" as described by the New Hampshire State Fire Marshal's Office pursuant to all regulatory guidelines under NH RSA 160- B and NH RSA 160-C. Furthermore it is intended to protect the health and welfare of the citizens of the City of Franklin and preserve the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the legal sale and display of fireworks defined in NH RSA 160-C. The purpose of this ordinance is to establish standards for the control of fireworks in the city and by prohibiting specific activities during designated times.

Without limitation of the prohibition contained in § 215-2, it shall be unlawful for any person within any residential, commercial, retail or industrial zone of the City to ignite fireworks Sunday through Thursday past the hour of 9:30 p.m. until noon the following day, Friday and Saturday (in addition to all nationally recognized holidays) past the hour of 10:00 p.m. until noon the following day.

It shall be unlawful for any person to violate any of the provisions or regulations as set forth by this ordinance.

By a roll call vote.

Agenda Item XII.

City Council to consider scheduling three consecutive public hearings necessary to apply for up to \$500,000 of CDBG grant funds on behalf of the Community Action Program for demo of existing city building at 82 Elkins Street and construction of a new building in its place.

Motion: Councilor Ribas moved that the Franklin City Council consider scheduling three consecutive public hearings necessary to apply for up to \$500,000 of CDBG Grant funds on behalf of the Community Action Program for demo of existing city building at 82 Elkins Street and construction of a new building in its place. Motion seconded by Councilor Zink.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the public hearing notice:

CITY OF FRANKLIN
Public Hearings Notice
Community Development Block Grant Project

The Franklin City Council will hold three consecutive Public Hearings on August 22, 2017, 6:00 p.m. at City Hall, 316 Central Street, Franklin, New Hampshire 03235. Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development projects, up to \$500,000 for public facility and housing projects, and up to \$350,000 for emergency activities. Up to \$12,000 is available per planning study grant. All projects must directly benefit a majority of low and moderate income persons. The public hearings will hear public comment on the following:

1. A proposed application to the Community Development Finance Authority for up \$500,000 for the demolition of the City owned, CAP leased, building at 82 Elkins St, Franklin, NH. A 5,000 sf +/- building will be constructed in its place. The facility presently offers, through CAP ,emergency food pantry assistance, the NH Fuel Assistance Program, the NH Electric Assistance Program, Weatherization Program, Information and Referral Service, Direct Housing Assistance, Women Infant &Children's Nutrition Services, Neighbor Helping Neighbor

,Commodity Surplus Food Program, Security Deposit Guarantee Program ,Emergency Assistance Program, Emergency Housing Program. At the site. Merrimack County presently provides Juvenile Diversion Services. The majority of persons served at the site are of low and moderate income.

2. the Residential Antidisplacement and Relocation Assistance Plan.
3. Housing Community Development Plan

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, New Hampshire 03235
(603)934-3900

Interim Mayor/Councilor Clarenbach stated that there is a Save the Date for September 18 forum by a national speaker that is presented by the Mayor's Drug Task Force at 5:00 pm for the council at the Franklin High School. On Wednesday the 9th at 6:00 pm there is a meeting for the public to have input in crafting a document for the City Manager's replacement with Primex.

Agenda Item XIII.

Other Business

1. **Committee Reports** – Chief LaChapelle stated he got an email from the Tilton Fire Chief that they would like to formulate a committee to inquire about regionalization or consolidation of fire services with Franklin and Sanbornton. Chief LaChapelle stated that he did mention regionalization about a year ago and did meet with Sanbornton with City Manager Dragon. There is currently a more concerted effort as they are meeting every morning and Tilton/Northfield changed their shifts to match Franklin's shifts. Councilor Zink stated Chief LaChapelle asked her to attend these meetings as part of the committee. She wanted to make sure the council wants to entertain this before she begins to go to these meetings. Interim Mayor/Councilor Clarenbach stated he feels it would be appropriate for the council to appoint her and give her the authority to represent the council.

Motion: Councilor Ribas moved that the Franklin City Council appoint Councilor Zink to represent the council in the tri municipality committee. Motion seconded by Councilor Dzujna.

Councilor Desrochers asked where does the council stand on regionalization because at some point towns and cities will not be able to afford fire equipment. Councilor Dzujna stated that this is important but will be difficult to have happen. City Manager Dragon stated that Chief LaChapelle is way ahead on this subject and has been thinking of doing this for the last several

years. Regionalization can mean many things so it is important to be involved in the conversations. Councilor Guinta stated he agreed as long as we are going down a path to make it more efficient and economical and not a situation that spends more than we are currently spending. Chief LaChapelle stated we were in a situation up until a month ago and we backed out of the situation as we were spending more than we were currently spending. They are looking at the State of Wisconsin and how they did regionalization as it took them twenty (20) years from start to finish and it is successful. Interim Mayor/Councilor Clarenbach stated he believes regionalization is the only way to go. Florida does regionalization by county and that is a great model.

All in favor; motion passes.

2. Mayor Resignation/Appointments

Conservation Commission

Interim Mayor/Councilor Clarenbach acknowledged Donna Liolis' resignation from the Conservation Commission (seat CC2), Term of Service was to September 2017.

Interim Mayor/Councilor Clarenbach reappointed Nita Tomaszewski to the Conservation Commission (Seat CC3), Term of Service to September 2020.

Interim Mayor/Councilor Clarenbach stated that the Conservation Commission has three (3) openings and currently can't have a meeting unless all members can attend so if the council knows of anyone who would like to be on that commission please have them fill out a form.

Trustees of the Trust Fund

Interim Mayor/Councilor Clarenbach reappointed Kathy Zink to the Trustees of the Trust Fund (Seat TT1), Term of Service to September 2020.

3. City Council Resignation/Appointments

Library Board of Trustees

Motion: Councilor Zink moved that the Franklin City Council accept Mike Gula's resignation from the Library Board of Trustees (Seat LT3). Motion seconded by Councilor Dzujna.

All in favor; motion passes with regret.

Lakes Region Planning Commission Transportation Technical Advisory Committee (TAC)

Motion: Councilor Zink moved that the Franklin City Council appoint Brian Sullivan, as an alternate member, to the Lakes Region Planning Commission Transportation Technical Advisory Committee (TAC). Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Winnepesaukee River Basin Program (WRBP) Advisory Board

Motion: Councilor Zink moved that the Franklin City Council appoint Brian Barry, as an alternate member, to the Winnepesaukee River Basin Program (WRBP) Advisory Board. Motion seconded by Councilor Desrochers.

All in favor; motion passes

4. City Manager's Update

City Manager Dragon stated there are no new funds in the contingent grant line for this month. She congratulated Brian Barry and Ken Kreis as they each received their Road Scholar One Certification with the UNH T2 Center Program. City Manager Dragon stated Choose Franklin has requested to hold their candidates forum on Sept 25 which is a reserved council workshop night and there were no objections from the council on that date. The city manager recruitment process was put in the packet for others who wanted to know the timeline.

She stated that 12 Morrill CT has gone out to bid for the 2nd time but once again got no bids at \$20K so she stated she will bring it forward again next month to see if she can lower the price and post it again.

City Manager Dragon stated as a result of last month's meeting about the Odell funds FBIDC who is the fiscal agent voted to have the funds returned and held until the Odell Park committee can have a meeting and vote on what to do with the funds.

She asked if the council would like to vote on approving the public hearing for Keno to be on September 5 City Council meeting. Councilor Zink asked if that is more than 30 days from the election and City Manager Dragon stated it is within the 30 days.

City Manager Dragon gave an update as the Northern Pass project is expected to be transmitting at the end of 2020 rather than the end of 2019.

Motion: Councilor Dzujna moved that the Franklin City Council accept September 5 as the public hearing on keno at 6:00 pm in council chambers. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

City Manager stated she has a list for a legislative committee to meet again. Chief Goldstein has a list of items that need to be cleaned up. Councilor Dzujna asked if the AED should come up under legislative or budget. City Manager Dragon stated that should be a budget recommendation for next year and rototilling of the grass in the sand.

Councilor Desrochers asked if the AEDs have to be certified or qualified. Chief LaChapelle stated she is requesting a public accessing AEDs which does not require that. Councilor Dzujna asked if they have to be kept in certain environment as would the heat bother them. Chief LaChapelle stated the heat is a concern but placement and containment would help that. He also stated the cost is under \$800 for public access ones as it is through a grant from the State of NH.

Motion: Councilor Giunta moved that there is a need for a non-public session per RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee. Motion seconded by Councilor Ribas.

Roll Call:

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
Councilor Clarenbach	<u>yes</u>	Councilor Giunta	<u>yes</u>	Councilor Wells	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

All in favor; motion passes.

Entered nonpublic session at 8:38 p.m.

Motion: Councilor Zink moved that the Franklin City Council leave nonpublic session and return to public session. Motion seconded by Councilor Ribas.

All in favor; motion passes.

Public session reconvened at 9:33 p.m.

Motion: Councilor Zink moved that the Franklin City Council seal the minutes because it is determined that divulgence of this information likely would render a proposed action ineffective. Motion seconded by Councilor Desrochers.

Roll Call:

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
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Councilor Clarenbach	<u>yes</u>	Councilor Giunta	<u>yes</u>	Councilor Wells	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

All in favor; motion passes.

Motion to adjourn made by Councilor Giunta and seconded by Councilor Moquin. All in favor; meeting adjourned at 9:40 p.m.

Respectfully Submitted,

Lauraine G. Paquin



PENDING COUNCIL APPROVAL

City Council Special Workshop Meeting August 9, 2017

Call to Order

Interim Mayor/Councilor Clarenbach called the meeting to order in the Council Chambers, Franklin City Hall at 6:05 p.m.

In Attendance

Councilor Ribas, Councilor Moquin, Councilor Barton, Councilor Giunta, Councilor Desrochers, Councilor Wells, Councilor Zink, Councilor Dzujna, City Manager Dragon and Interim Mayor/Councilor Clarenbach. Special guest Carl Weber and Jen Brennan from Primex.

Salute to the Flag was led by Councilor Dzujna.

Interim Mayor/Councilor Clarenbach stated that they will allow for public input after each section instead of public comment section. He stated the council pre-answered questions so the public will hear those answers.

Agenda Item I.

Facilitated council workshop with public input to create an ideal candidate profile for the next city manager.

Carl Weber passed out sticky pads for the council and city manager to write on. They will begin with the hard questions and then get to the easy questions. These answers will help when marketing the position.

Question #1 – Identify any critical issues the City of Franklin and the new City Manager might encounter.

Jen Brennan stated the council and city manager should have already written answers to these questions. From those answers the council and city manager needed to pick their top 3 critical issues and put each one on a sticky note. Jen Brennan stated the councilors and city manager will choose which easel they want to put their sticky note on and then decide if the issue is the same as or related to the other issues on the board.

First pick:

Interim Mayor/Councilor Clarenbach – many active economic development projects

Councilor Desrochers – education funding with dependent school district, grants etc.

Councilor Barton – thoughts regarding school system, peoples concept of the school system

Councilor Dzujna – revitalization

Councilor Wells – councilors informed of all happenings

Councilor Ribas – aging infrastructure – roads, water, sewer, other

Councilor Zink – moral of city/school and managing the team

Councilor Moquin – school funding crisis

City Manager Dragon – regionalization/consolidation of services

Second pick:

Interim Mayor/Councilor Clarenbach – tightening budgets for the next few years

Councilor Barton – not a rich city

Councilor Desrochers – work under a tax cap

Councilor Dzujna – working within the tax cap

Councilor Zink – economic development and redevelopment for growth

Councilor Wells – at first ask when in doubt

Councilor Moquin – water, sewer & road infrastructure failing

City Manager Dragon – completion of unique economic development projects

Councilor Ribas – negative perception of the city

Third pick:

Interim Mayor/Councilor Clarenbach – potential dept. head and asst. dept head turnover

Councilor Dzujna – school budget funding

Councilor Barton – tax base

Councilor Ribas – inadequate tax base

Councilor Zink – relationship with the school, our educational outcome for our children, tax cap formula with % of local tax, cuts to educational funding from state

City Manager Dragon – funding of school and city services

Councilor Moquin – economic revitalization

Councilor Desrochers – revitalization projects

Councilor Wells – under paid employees

Carl Weber stated they have created themes on the boards which are infrastructure issues, morale/turnover/pay, regionalization/schools, economic development/revitalization, funding/budgets, actions. Normally you see 5-7 so the group is within that. At this time each person can change one (1) issue to another board of a different theme if needed.

City Manager Dragon asked to move regionalization/consolidation of services to go under funding.

Councilor Moquin asked to move infrastructure to funding.

Carl Weber asked if there are any other big significant issues that aren't captured and none were raised.

Public input

Annette Andreozzi asked if they can repeat what the original direction was. Interim Mayor/Councilor Clarenbach stated the original direction was to provide what you think the critical issues are for the City of Franklin and what the City Manager may encounter and he reread the themes.

Annette Andreozzi stated that a critical issue is support of Northern Pass and knowledge thereof. Most agree it is a benefit to Franklin and we would not want someone who doesn't think it will be. Interim Mayor/Councilor Clarenbach is hopeful that Northern Pass will be decided upon by the time a new city manager is in place. City Manager Dragon stated she spoke to Northern Pass today as the hearings were pushed out to the end of September and she has volunteered to come back to testify. They are checking with their lawyers and if not she will memorialize everything in writing.

Carl Weber asked where would that go on the boards and Interim Mayor/Councilor Clarenbach stated it goes under funding.

Scott Burns stated to make sure that the major projects are kept on the CIP and the CIP is kept going.

Tim Moquin stated another issue is clear and concise communication with the public. Interim Mayor/Councilor Clarenbach stated this may go to one of the other questions and Carl Weber agreed.

Councilor Moquin stated the challenge with police and fire with the drug epidemic. Carl Weber stated they start broad and then move to narrow so where would she like that to go. Councilor Moquin stated morale.

Carl Weber stated they will go to the next question, some potential roadblocks that may hinder a smooth transition. Once again the councilors and city manager need to state their top three (3) but there will only be one (1) board this time.

First pick:

Interim Mayor/Councilor Clarenbach – new mayor/new city manager
Councilor Dzujna – negative perception of the city
Councilor Zink –department head working relationship/trust/shoestrings/webafixes/magic tricks
Councilor Wells – new mayor and possibly three new councilors
Councilor Barton – old thoughts/new ideas
Councilor Desrochers – unable to shift gears quickly to adapt
Councilor Moquin – competing interests among dept heads
City Manager Dragon –new council and new mayor
Councilor Ribas – employee burnout leading to potential turnover

Second pick:

Interim Mayor/Councilor Clarenbach – limited financial resources
Councilor Barton – community input not enough
Councilor Desrochers – ability to unite the staff
Councilor Dzujna – burnout of city employees
Councilor Zink – relationship with the school district
Councilor Wells – starting to put together the budget from get go
City Manager Dragon – demands for municipal services out pacing the budget

Councilor Moquin – multiple complex projects & funding sources
Councilor Ribas – history of friction with school board and city council

Third pick:

Interim Mayor/Councilor Clarenbach – so many needs with few resources
Councilor Desrochers – learning curve
City Manager Dragon – groups & efforts to keep on track
Councilor Zink – new mayor/new city council elections
Councilor Dzujna – personalities on Franklin Talking
Councilor Wells – learning personalities of all dept heads, school, councilors
Councilor Moquin – establish leadership following strong city manager
Councilor Barton – none
Councilor Ribas – none

Carl Weber asked if there are any roadblocks that weren't captured. City Manager Dragon stated that the city manager is the project coordinator for the Franklin Mayor's Drug Task Force so learning prevention and strategic prevention framework and defining his/her role moving forward.

Public Input

Annette Andreozzi stated she had two (2) items the first is accepting there are people employed here that they have to work with and subdue their personality for the betterment of the city. Second (2) is knowledge in these specific areas – knowledge of how a city works especially this city, knowledge of what Franklin is and legal workings of this city. City Manager Dragon stated to add how a dependent school district works.

A short break was taken.

Carl Weber stated they will combine the next 3 questions, essential skills needed in the new city manager, behaviors the city council would like to see in the new city manager and attributes of the ideal candidate. Once again the councilors and city manager need to state their top three (3) but there will be predefined areas this time of education/expertise, technical skills, style/personality/behavior and other to place their picks.

First pick:

Councilor Barton – creative budget development (tech skills)
Councilor Zink – demonstrative municipal management, finance, labor, HR, policy mgt, etc. (ed/exp)
Councilor Dzujna – detail orientated (style/pers/beh)
Councilor Wells – whole understanding of budget process (tech skill)
Councilor Desrochers – education 5 yr min exp especially in finance (ed/exp)
Interim Mayor/Councilor Clarenbach – seasoned hire of mid-level mgr of 5 yrs and above (ed/exp)
City Manager Dragon – municipal experience of 5-10 yrs including finance & econ dev (ed/exp)

Councilor Ribas – mgnt skills – innovate, lead, manage, speak in public and write effectively (tech skills)

Councilor Moquin – writing grant applications and manager grants (tech skills)

Second pick:

Councilor Dzujna – financial and municipal background (ed/exp)

Councilor Zink – team player & unify a team with the highest integrity, style & personality (style)

Councilor Wells – ability to manage department heads (tech skills)

Councilor Desrochers – friendly personable demeanor (style)

Interim Mayor/Councilor Clarenbach – good listener, communicator of the why and what (style)

City Manager Dragon – strong leader with strong track record of empowering dept heads and others (style)

Councilor Barton – commitment to Franklin (other)

Councilor Moquin – creative, savvy, confident with budget development (style)

Councilor Ribas – people skills, interact positively with people persuade, explain, negotiate (tech skills)

Carl Weber and Jen Brennan went over what has been placed on the boards.

Third pick:

Councilor Ribas – financial literacy – read, understand, and prepare financial documents (tech skills)

Councilor Moquin – team builder inclusive of the SAU (style)

Councilor Barton – keep employees working together (style)

City Manager Dragon – can do optimistic attitude that deals with challenges creatively (style)

Interim Mayor/Councilor Clarenbach – experienced type budget manager (ed/exp)

Councilor Desrochers – professional actions and speech (tech skills)

Councilor Wells – understanding the city comes 1st (tech skills)

Councilor Zink – excellent written and oral communication, visionary, attention to detail, lead to inspire and empower staff, leader in public, represents the city in leader capacity (tech skills)

Councilor Dzujna – good listener (style)

Carl Weber went through the items on the board and he asked if there are any skills not mentioned.

Councilor Zink – flexible, nimble, caring, compassionate (style)

Councilor Dzujna – thinks outside the box (other)

Councilor Barton – has worked with a variety of leaders (style)

City Manager Dragon – takes initiative, self-driven (style)

Councilor Wells – must be able to delegate (style)

City Manager Dragon – collaborator – works with organizations (tech skill)

Councilor Dzujna – able to builds relationships (style)

Carl Weber talked about cautioning communities about being so specific as then they limit the pool way down as to who can qualify. He stated that he didn't feel this has been done here.

Councilor Zink – knowledge of Franklin and willingness to move here (other)

Carl Weber stated this will help define pieces of the job description and what requirements the recruiter will be looking for.

City Manager Dragon – positive communications with the public (style)

Public Input

Scott Burns stated he would like to see someone with an MBA and 5 yrs experience plus knowledge of project management experience (ed/exp).

Leigh Webb stated they should have patience and a sense of humor (style).

Annette Andreozzi stated they should have a desire and the ability to learn new things and ways (style).

Carl Weber talked about hiring and the focus is primarily on technical skills and education. Successful people in their jobs technical skills and education are 7% of their job and 93% of their job tends to be the right style for the job. Councilor Dzujna stated that since we have more in style we are thinking correctly.

Councilor Ribas stated there is a member of the public who couldn't be here tonight so he gave Carl Weber the list as some items weren't mentioned.

Councilor Moquin stated she got a call from a member of the public to say someone who will move to Franklin to be invested in the community personally.

Councilor Ribas stated someone who has crisis management skills.

Carl Weber stated that they got through all the issues and will deliver back a summation for the council to give the recruiter to take and use.

Councilor Dzujna mentioned that on the 21st City Manager Dragon and Finance Director Milner will present consolidation at the school board meeting.

Motion to adjourn made by Councilor Dzujna and seconded by Councilor Desrochers. All in favor; meeting adjourned at 7:36 p.m.

Respectfully Submitted,

Lauraine G. Paquin

CITY COUNCIL MEETING
AGENDA ITEM II



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of September, 2017

Subject: School Board Report

The Superintendent will provide a monthly report to the Mayor and City Council.

CITY COUNCIL MEETING
AGENDA ITEM III



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of September, 2017

Subject: NH AARP State Director to speak with the council on age friendly communities.



601 E Street, NW | Washington, DC 20049
202-434-2277 | 1-888-OUR-AARP | 1-888-687-2277 | TTY 1-877-434-7598
www.aarp.org | twitter: @aarp | facebook.com/aarp | youtube.com/aarp

August 5, 2017

The Honorable Scott Clarenbach
Interim Mayor
City of Franklin
316 Central Street
Franklin, NH 03235

Dear Interim Mayor Clarenbach:

The second edition of *Where We Live: Communities for All Ages* is a new book published by AARP that celebrates more than 100 inspiring ideas from America's community leaders.

I wanted to let you know that your project is featured in the book on pages 100-101. This includes your work on the Franklin for a Lifetime workshop in the chapter about Community Engagement. Thank you for your leadership.

Please find five copies of the book enclosed. If you would like additional copies, let us know by sending an email to livable@aarp.org.

AARP hopes that shining a light on these initiatives -- including yours -- will generate more ideas and inspire other community leaders to make our nation's cities and towns better places to live for people of all ages.

We are committed to supporting local communities and those leading the way for change. We understand that people need practical tools and resources to get ideas moving and make them real. To help communities build momentum, we offer several resources:

- This year we launched a grant program -- the *AARP Community Challenge* (AARP.org/CommunityChallenge). Our first grantees will be announced on our website on August 24th.
- Our new *Roadmap to Livability* series (AARP.org/LivableRoadmap) will be available this fall and guides communities through developing and implementing a livability action plan. It also includes companion resources on specific issues such as housing, transportation, health services and community supports, and economic development.
- To keep up-to-date on our latest resources and continue to learn from communities across the nation, visit our website (AARP.org/livable) and subscribe to our free *e-newsletter* (AARP.org/livable-subscribe).

I hope you'll find inspiration and information that you can use -- and I hope that you will share our resources with your neighbors, friends, and colleagues. Together, we can make communities vibrant and sustainable places for people of all ages.

Sincerely,

Nancy LeaMond
Chief Advocacy & Engagement Officer
AARP

CITY COUNCIL MEETING
AGENDA ITEM IV



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

September 5, 2017

From: Brian J. Sullivan, Municipal Services Director

Subject: City Council to consider adopting Ordinance # 05-18, an ordinance proposing a change to the Franklin Municipal Code, Chapter 284 "Vehicles and Traffic", Section 284-24 Limited Parking; no parking areas; Subsection B - Fifteen minute parking and Subsection E - Reserved and limited Parking.

Recommended Motion(s):

Councilor Moves: "I move that the Franklin City Council adopt Ordinance # 05-18 by roll call vote."

Mayor calls for a second and calls for the roll call vote.

Discussion:

On Thursday July 27, 2017 the Legislative Committee met to review proposed ordinance changes to the Franklin City Code. Proposed Ordinance #05-18 relates to changes to Chapter 284 "Vehicles and Traffic". The ordinance proposes establishing limited parking for the City Hall and Library parking lot and re-establishes fifteen minute parking on Memorial Street in place of the current two spaces being used as a former bus stop.

Concurrences:

The three member Legislative Committee unanimously voted to direct the City Manager to draft a proposed ordinance relating to the above.

Alternatives:

Maintain the existing Traffic Code relating to the proposed changes. This would not make the best use of City Hall and Memorial Street parking.

Attachments / Exhibits:

Ordinance # 05-18



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

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax: (603) 934-7413
cityhall@franklinnh.org

ORDINANCE #05-18

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 284 Vehicles and Traffic, Section 284-24 Limited parking; no parking areas, Subsection B Fifteen-minute parking and Subsection E Reserved and limited parking be changed as per below:

§284-24 Limited parking; no parking areas.

- B. Fifteen-minute parking.** Fifteen-minute spaces are designated as follows: between the hours of 8:00 a.m. and 6:00 p.m. Mondays through Saturdays, inclusive. [Amended 5-4-2015 by Ord. No. 11-15]

	Street	Section	Side
Remove	Memorial Street [Amended 1-5-2015 by Ord. No. 08-15; 10-5-2015 by Ord. No. 06-16]	336 Central Street north to memorial parking lot entrance (1 space)	Northeast
Add	Memorial Street	336 Central Street north to Municipal Parking lot entrance (3 spaces)	Northeast

- E. Reserved and limited parking.** Reserved and limited parking areas are designated as follows:

	Street	Number of spaces	Purpose
Add	City Hall/Library Parking Lot	Entire Lot	City Hall and Library Parking Only
Remove	Memorial Street north from Central Street to Municipal Parking Lot entrance [Added 1-5-2015 by Ord. No. 08-15; amended 10-5- 2015 by Ord. No. 06-16]	2	Bus stop (reserved)

By a roll call vote.

Roll Call:

Councilor Barton	_____	Councilor Dzujna	_____	Councilor Ribas	_____
Councilor Clarenbach	_____	Councilor Giunta	_____	Councilor Wells	_____
Councilor Desrochers	_____	Councilor Moquin	_____	Councilor Zink	_____

Approved: _____
Interim Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Tuesday, September 5, 2017 at 6:00 p.m. in the Council Chambers, Franklin City Hall regarding Ordinance #05-18, proposing a change to the Franklin Municipal Code, Chapter 284 “Vehicles and Traffic”, Section 284-24 Limited Parking; no parking areas; Subsection B – Fifteen minute parking and Subsection E – Reserved and limited parking.

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

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

CITY COUNCIL MEETING
AGENDA ITEM V



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council September 2017

From: Elizabeth Dragon – City Manager
Subject: **Baiting wildlife on City Owned land**
Chapter 232 City Owned property

Recommended Motion: “I move that the Franklin City Council approves Ordinance #06-18 by a roll call vote”

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

Background:

Chapter 232 of the city code discusses City Owned property.

Currently there is no guidance in the code regarding baiting of animals on city land.

In New Hampshire, Fish & Game has a permit to bait wildlife during certain times of the year.

Baiting is the act of placing meat, carrion, honey or any other food or ingestible substance capable of luring or attracting coyote, fur-bearing animals, or game animals with the exception of the gray squirrel.

If baiting on town or city owned land-the municipality must sign off on an application to Fish & Game as the landowner (copy attached). I recently had a hunter come in and ask me to sign such a permit. I searched our code and could find no guidance on the subject. So I then asked the city attorney.

In essence-the code has no specific grant or authority for the city manager to sign a permit and there is no history of council passing on the matter to the manager. Therefore, it is a council decision. He suggests either the council adopt a city wide policy or grant authority to the city manager to deal with the requests on a case by case basis.

The Legislative Committee met on July 27, 2017 and voted to add:

Chapter 232-5 Baiting of Wildlife on City Property
The baiting of wildlife is not permitted on city property.

- As an alternative: you could add a section to allow exceptions.

However, I personally don't feel the city manager should be reviewing areas of the city for potential baiting and making case by case decisions. Most communities in NH simply

Franklin - The Three Rivers City

prohibit baiting due to liability concerns, health concerns (with the potential use of rotting meat etc), issues with attracting a variety of wildlife to a certain section of city land etc.



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ORDINANCE #06-18

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 232 Property, City-Owned, to add a new section for Baiting of Wildlife on City Property:

Chapter 232 of the Code of the City of Franklin is hereby amended to add a new section following §232-4 to be known as §232-5 as follows:

§232-5 Baiting of Wildlife on City Property

The baiting of wildlife is not permitted on city property. City administration maintains the right to bait for the removal of nuisance animals.

By a roll call vote.

Roll Call:

Councilor Barton	_____	Councilor Dzujna	_____	Councilor Ribas	_____
Councilor Clarenbach	_____	Councilor Giunta	_____	Councilor Wells	_____
Councilor Desrochers	_____	Councilor Moquin	_____	Councilor Zink	_____

Approved: _____
Interim Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Tuesday, September 5, 2017 at 6:00 p.m. in the Council Chambers, Franklin City Hall regarding Ordinance #06-18, proposing a change to the Franklin Municipal Code, Chapter 232 “Property, City-Owned”, adding Section 232-5 baiting of wildlife on city property.

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
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CITY COUNCIL MEETING
AGENDA ITEM VI



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council September 2017

From: Elizabeth Dragon – City Manager

Subject: City Council to consider amending Chapter 215-4.1 Fireworks

Recommended Motion: “I move that the Franklin City Council approves Ordinance #07-18 by a roll call vote”

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

Background:

Chapter 215-4.1 Fireworks was added in 2007 and amended in 2008.

It allows fireworks to be ignited until 11pm every day except on Fourth of July which has no time restriction.

§ 215-4.1 Fireworks.

[Added 9-4-2007 by Ord. No. 05-08]

Without limitation of the prohibition contained in § 215-2, it shall be unlawful for any person within any residential, commercial, retail or industrial zone of the City to ignite fireworks past the hour of 11:00 p.m. until noon the following day except on the Fourth of July holiday.

215-2 Prohibited conduct.

It shall be unlawful for any person, firm or corporation to make, continue or cause to be made or continued or to allow to be continued any loud, unnecessary, unreasonable or unusual noises or any noise which either annoys, disturbs or endangers the comfort, repose, health, peace, safety, convenience, welfare and prosperity of others within the limits of the City of Franklin.

The Fire department, Police department, and City hall have received several complaints in regards to fireworks being shot off at late hours all days of the week. The loud noise is startling residents, disturbing sleep, and frightening pets. A resident in one neighborhood has been working on a petition (currently with over 200 signatures) to request a reduction to the time frame fireworks are allowed to be ignited.

The legislative committee agreed the time limits should be adjusted. The committee agreed on a compromise that states during the work week (Sunday through Thursday) fireworks should not be allowed past 9:30pm. On the weekend days Friday & Saturday (as well as holidays) the time would be extended to 10:00pm.



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ORDINANCE #07-18

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 215 Noise, Section 215-4.1 Fireworks, is hereby amended to read as follows:

§ 215-4.1 Fireworks.

[Added 9-4-2007 by Ord. No. 05-08]

Statement

It is the intent of the City of Franklin to allow the safe and authorized use of Class B Fireworks and legal Class C "Permissible Fireworks" as described by the New Hampshire State Fire Marshal's Office pursuant to all regulatory guidelines under NH RSA 160- B and NH RSA 160-C. Furthermore it is intended to protect the health and welfare of the citizens of the City of Franklin and preserve the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the legal sale and display of fireworks defined in NH RSA 160-C. The purpose of this ordinance is to establish standards for the control of fireworks in the city and by prohibiting specific activities during designated times.

Without limitation of the prohibition contained in § **215-2**, it shall be unlawful for any person within any residential, commercial, retail or industrial zone of the City to ignite fireworks Sunday through Thursday past the hour of 9:30 p.m. until noon the following day, Friday and Saturday (in addition to all nationally recognized holidays) past the hour of 10:00 p.m. until noon the following day.

It shall be unlawful for any person to violate any of the provisions or regulations as set forth by this ordinance.

By a roll call vote.

Roll Call:

Councilor Barton	_____	Councilor Dzujna	_____	Councilor Ribas	_____
Councilor Clarenbach	_____	Councilor Giunta	_____	Councilor Wells	_____
Councilor Desrochers	_____	Councilor Moquin	_____	Councilor Zink	_____

Approved: _____
Interim Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Tuesday, September 5, 2017 at 6:00 p.m. in the Council Chambers, Franklin City Hall regarding Ordinance #07-18, proposing a change to the Franklin Municipal Code, Chapter 215 "Noise", Section 215-4.1 Fireworks.

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

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

CITY COUNCIL MEETING
AGENDA ITEM VII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

August 22, 2017

From: Brian J. Sullivan, Municipal Services Director

Subject: City Council to adopt Ordinance # 08-18, an Ordinance proposing a change to the Franklin Municipal Code, Chapter 284 "Vehicles and Traffic", Section 284-24 Limited Parking; no parking areas; Subsection C- No Parking.

Recommended Motion(s):

Councilor Moves:

"I move that the Franklin City Council adopt Ordinance #08-18 by roll call vote"

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

Discussion:

On Thursday July 27, 2017 the Legislative Committee met to review proposed ordinance changes to the Franklin City Code. Proposed Ordinance #08-18 relates to changes to Chapter 284 "Vehicles and Traffic". The ordinance proposes establishing "No Parking" within both turnarounds at the Dead End of Upland Drive.

Concurrences:

The three member Legislative Committee unanimously voted to direct the City Manager to draft a proposed ordinance relating to the above.

Alternatives:

Maintain the existing Traffic Code.

The reason for this No Parking request is to eliminate parking within the turnaround at the dead end of Upland Drive. If this is not approved, parking will still take place and block the turn around making it impossible for large vehicles to turn around.

Attachments / Exhibits:

Ordinance # 08-18



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ORDINANCE #08-18

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 284 Vehicles and Traffic, Section 284-24 Limited parking; no parking areas, Subsection C – No parking be changed as per below:

§284-24 Limited parking; no parking areas.

C. No parking. No-parking areas are designated as follows:

	Street	Section	Side
Add	Upland Drive	Within both turn arounds at the Dead End (vicinity of #14 Upland Dr.)	Both

By a roll call vote.

Roll Call:

Councilor Barton	_____	Councilor Dzujna	_____	Councilor Ribas	_____
Councilor Clarenbach	_____	Councilor Giunta	_____	Councilor Wells	_____
Councilor Desrochers	_____	Councilor Moquin	_____	Councilor Zink	_____

Approved: _____
Interim Mayor

Passed: _____

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

A true copy, attested: _____
City Clerk

Date: _____

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

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Tuesday, September 5, 2017 at 6:00 p.m. in the Council Chambers, Franklin City Hall regarding Ordinance #08-18, proposing a change to the Franklin Municipal Code, Chapter 284 "Vehicles and Traffic", Section 284-24 Limited Parking; no parking areas; Subsection C – No parking.

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
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CITY COUNCIL MEETING
AGENDA ITEM VIII



CITY OF FRANKLIN COUNCIL AGENDA REPORT

Tuesday September 5, 2017

From: Brian Sullivan, Municipal Services Director

Subject: Franklin Municipal Services Director to brief the Mayor and City Council on the subject of fall residential leaf pickup and alternative essential services.

Discussion:

During my fiscal year 2018 budget presentation, there was discussion with the Mayor, City Council and Staff, relative to essential and non-essential services provided by the various divisions of the Municipal Services Department. One topic that deserved further evaluation was the discontinuance, by the Municipal Services Department, of picking up **residential leaves**. Since then, I have analyzed other job functions performed by the five-person Highway Division. I have come to the realization that based on our ever increasing workload; this practice needs to be terminated this fall. This agenda report provides the justification to do so.

This type of review, with respect to the essential services we provide, was performed when we went from a five-day operation of the Transfer Station and Curbside Collection of Solid Waste, to three days per week for each. The end result was no extra burden to our residents and businesses, a significant cost savings to the City and it provided the opportunity to add recycling to our curbside collection program.

Of all the essential job duties I have listed below, leaf pickup falls at the bottom of the list, given the fact that our Public Ways and aging infrastructure are a top priority. A study was conducted for the City in the year 2000 by the University of New Hampshire, which identified, at the time, 40% of the City's roads and accompanying infrastructure were classified to be in failure mode. We must be more realistic when evaluating what the most essential services are for this department to focus on.

Our latest budget has again prompted me to re-evaluate a subject that continues to be brought up at almost every budget presentation. Why do we continue to provide leaf pickup when there are so many other priorities that need to be attended to?

Below, listed by category, are many essential job functions that are far more important than residential leaf pickup.

- ❖ Grading over 14 lane miles of gravel road at least 4 times a year.
- ❖ The ongoing task of filling potholes and performing roadway maintenance. As roads continue to deteriorate, there are more potholes and the need to stay ahead of this is a priority.
- ❖ Drainage repair and maintenance. It takes 12 weeks annually to clean and inspect the City's drainage system. Given the age and condition of drainage system pipelines, catch basins and manholes, all are in constant need of repair, maintenance and replacement. We have a six-year backlog of this type of work to complete.

- ❖ Sidewalk maintenance, removal and repair as needed. We are so far behind on this we need to focus on playing catchup!
- ❖ Tree removal, brush cutting and roadside mowing. These are ongoing priorities and during the fall is one of the best times of the year to perform this work.
- ❖ Sign replacement and repair, fence and guardrail replacement and repair.
- ❖ Pavement markings. Stop bars; parking slots; centerlines; edge lines; etc.
- ❖ Snow and Ice control – Delivery, mixing and preparation of winter sand and salt along with plow route inspection for hazards and getting equipment ready!
- ❖ Street sweeping.
- ❖ Maintenance and upkeep of road shoulders, drainage swales and driveway culverts.
- ❖ Residential Leaf Pickup – Lowest priority given the above more essential tasks.

Now for many of the reasons why I feel we must be honest and realistic if we are ever going to eliminate this backlog of work referred to above.

- ❖ Limited size of the Highway Crew to deal with ongoing projects.
- ❖ Leaf pickup is very hard on a four-person crew day in and day out.
- ❖ Fuel, overtime and regular worktime are all costing the City money when performing leaf pickup.
- ❖ Given the ever increasing workload, it is hard to justify that leaf pickup is money well spent. This is especially true when we have other critical infrastructure needs to address.
- ❖ We experience a six-year backlog on many projects as noted above.
- ❖ Many residents do not use this leaf pickup service. Some opt to compost or deliver their leaves to the Transfer Station.
- ❖ Leaf pickup comes at the same time we are preparing for winter operations.
- ❖ We are limited to a six-month construction season to perform the most essential tasks.
- ❖ Leaf pickup cuts into the busiest time of the year for us - taking 32 workdays. If there is a late leaf drop, early snowfall, a rain filled month of November or a hard freeze; this impacts our ability to complete pickup in a timely manner, resulting in having to finish up in the spring. This further sets us behind!
- ❖ Age and condition on the leaf sucker. Twenty years old and, like most pieces of equipment, it always breaks down when it is needed the most.

Concurrences:

The topic of eliminating residential leaf pickup was discussed as recently as this past spring when I presented my budget. After discussion, there was consensus that we should seriously consider this topic when we move into the summer months and prior to this fall.

Fiscal Impact:

The above information should provide justification that if I do not begin to prioritize the City's infrastructure needs ahead of other less important projects; we will continue to fall further behind.

Alternatives:

As an alternative to leaf pickup, the City has a drop off area at the Transfer Station. Many property owners have plenty of woodland and open space to begin composting leaves.

CITY COUNCIL MEETING
AGENDA ITEM IX



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**
September 5, 2017

From: Brian J. Sullivan, Municipal Services Director

Subject: City Council to consider granting the Municipal Services Director authorization to remove windows that are stored in the City Hall Attic and sell them to them for the best possible price.

Recommended Motion:

"I move that the Franklin City Council authorize the Municipal Services Director to remove the windows stored in the attic of the Franklin City Hall and sell them for the best possible price."

Discussion:

In June of 2007, the "Phase 1 City Hall Window Replacement Project" was undertaken and completed. As a part of the project, the City Council directed me to store 44 of the old / original windows in the City Hall attic space rather than sell them. Since then the windows remain in the attic. In an effort to reduce the fire load within City Hall, significant progress has been made towards reducing stored items. City Staff wishes to continue this effort by focusing on the attic space.

Concurrences:

Fire Chief LaChapelle is in favor of reducing the fire load within all of City Hall. In an effort to achieve this goal we wish to focus on the attic space. Much of the rest of City Hall, this effort has been addressed.

Fiscal Impact:

Profit from any sale will be deposited into the "City Building" Capital Outlay Fund.

Alternatives:

As an alternative to selling the windows they could be donated to someone or some organization for re-use. The City has no alternative area to continue to store these windows.

CITY COUNCIL MEETING
AGENDA ITEM X



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

September 5, 2017 City Council Meeting

From: Richard Lewis, Planning & Zoning Director

Subject: Tyler Matzke, Building Permit Application for Property on a Class 6 Road [Kelly Road]

Recommended Motion:

"I move that the Franklin City Council approve the issuance of a Building Permit for Tyler Matzke for parcel 138-403-00, located on Kelly Road, and authorize the City Manager to execute the Agreement and Notice of Release from Municipal Responsibility and Liability between the City of Franklin and Mr. Matzke.

Overview: When an individual wishes to build a structure on a Class 6 roadway in Franklin, the provisions of State RSA 674:41 apply. The issuance of the permit must be approved by the governing body. This statute also references a recommendation coming from the Planning Board to the City Council on this request for a building permit.

Tyler Matzke has requested that a building permit for this parcel be authorized by the Council. The parcel [see attached map] is located on Kelly Road, which is a Class 6 road. Through an oversight, this request was not on the Planning Board agenda of the 8/23/17. I can report though that the Planning Board has already issued a positive recommendation [in May of 2002] for the issuance of a building permit for parcel 138-403-01, which is located above [easterly of] the Matzke parcel. There are other year-round residential structures on Kelly Road.

Part of the approval process for this proposed structure is the need to endorse and record the Release of Municipal Responsibility. A model release, approved by the City Attorney, has been used by the City for several other properties and my office will work with Mr. Matzke on the preparation of the document for endorsement and recording.

Director Sullivan has visited the site with Mr. Matzke and it is my understanding that he saw no problems with the issuance of a driveway permit for this parcel.

It is my professional opinion that there are no credible reasons to deny this building permit application, and I recommend that it be approved by the City Council.

Fiscal Impact: There are no anticipated costs to the City related to this request.

Alternatives: The City Council can either approve or deny the issuance of the Building Permit.

Attachments/Exhibits: Section of the Tax Map showing the subject property and general area of Kelly Road.

APPLICATION FOR BUILDING PERMIT

Permit No. (issued by the P/Z Office) B

City of Franklin, New Hampshire

Please print legibly and with pen

Street Address for Proposed Project:

Franklin, New Hampshire

Map/Lot # (Parcel ID):

New Map #:

Zone:

Owners Name:	Tyler Matzke				
Address (where owner resides):	33 Kelly Rd				
Telephone (Contact info):	934-6680	(Home Phone)	(Work Phone)	(Cell Phone)	(email)
				902-687-8992	Tyler@hiddencollective.com

Person completing application:

Person to contact to pick up approved permit:

Phone:

IF YOU ARE NOT THE OWNER, A LETTER OF AUTHORIZATION MUST BE SUBMITTED WITH THIS APPLICATION.

Type of Property:	<input type="checkbox"/> Single Family	<input type="checkbox"/> Two-Family	<input type="checkbox"/> Multi-Family
(as it exists prior to proposal)	<input type="checkbox"/> Business/Commercial/Industrial	<input type="checkbox"/> Vacant Land	

The following must be filled out for the entire proposal.

Type of Improvement	Sq. Footage	Cost of Work	Initial filing fee, for Residential \$50.00; and, Initial filing fee for Multi-family/Commercial \$150.00.
<input type="checkbox"/> Addition	Sq. Footage	\$	The cost of work must include labor and materials even if free. Estimate cost to the nearest dollar.
<input type="checkbox"/> New Home	Sq. Footage	\$	
<input type="checkbox"/> Accessory Structure/Garage	Sq. Footage	\$	
<input type="checkbox"/> Deck/Porches	Sq. Footage	\$	
<input type="checkbox"/> Shed (>150 sq.ft.)	Sq. Footage	\$	
<input type="checkbox"/> Seasonal Conversion	Sq. Footage	\$	
<input type="checkbox"/> Other addition to property	Sq. Footage	\$	
<input type="checkbox"/> Alterations/Repairs	Sq. Footage	\$	Inspections are ordered for each project. Inspection fees are \$40.00 per inspection. Inspections can be ordered to include, but not limited to, rough, insulation and final inspections. If you fail an inspection, a re-inspection fee will be ordered at \$50.00. If you are issued a temporary Certificate of Occupancy, you will be ordered to pay \$40.00 for the inspection for the Final Certificate of Occupancy. Ex: For a single-family home inspections could entail 3 inspections at \$40.00 per inspections, for a total of \$120.00

To determine the cost of construction/value for garage's and accessory structures, when a signed proposal is not available or the work is being completed by the homeowner, the office may use the most recent Permit Fee Multiplier as set in the ICC IBC and updated frequently. The column to use for the determination will be column 1A (under Utility, miscellaneous).

For the above improvements, a plot plan of the property, showing distances to each property line, MUST be included with the building permit, as well as a floor plan. For new additions, new homes or changes to non-living space to living space a copy of the approved Energy Code Compliance form must be submitted with this application.

Check all that apply

Fill out all that apply

If you cannot determine for sure which item to check off, please check off the item that most resembles your project or contact the office.

Facilities are available on site: ☐ City Water ☐ Well ☐ City Sewer ☐ Septic

Describe the proposed project (be specific and print please):

Two bay garage with living space above. Future 3 bed room home would be attached by breezeway.

Please list the NAME and STATE CERTIFIED LICENSE NUMBER (when applicable) PLEASE PRINT

Contractor's Name:		Telephone #
Electrician's Name:		License #
Plumber's Name:		License #

I certify that the above information is accurate. I understand that any misstatement on this application may be grounds for the revocation of any permit issued.

Signature of Person completing application

Printed Name of person completing application

Date

8/18/17

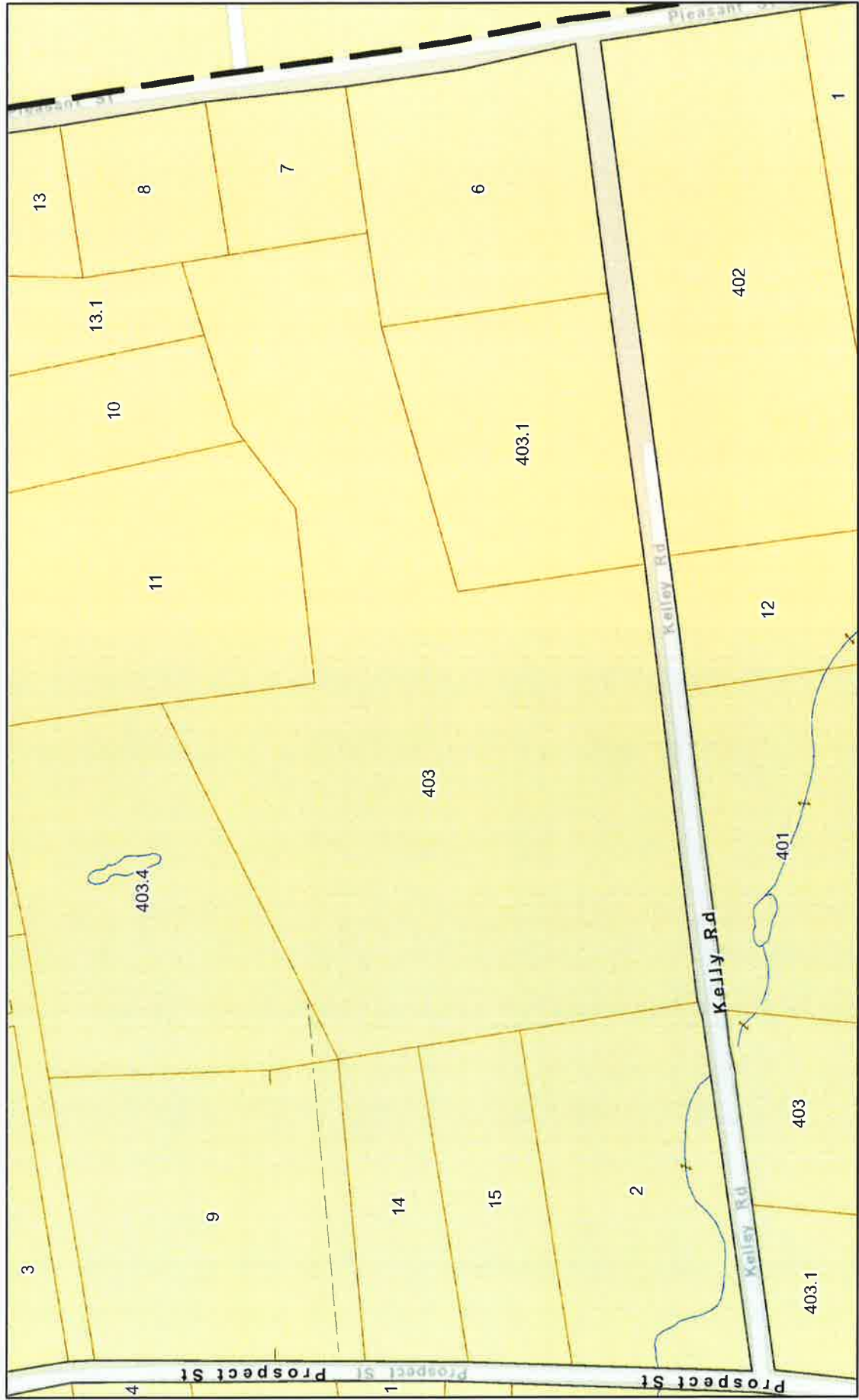


Franklin, NH



1 inch = 268 Feet

Age Group	Number of People
0-14	268
15-24	537
25-34	806
35-44	806
45-54	806
55-64	806
65-74	806
75-84	806
85+	806



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.

CITY COUNCIL MEETING
AGENDA ITEM XI



CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meeting September 2017

From: Elizabeth Dragon – City Manager

Subject: City Council to consider transfer of Cable Franchise Agreement from Metrocast to Atlantic Broadband as part of their sale.

Suggested Motions:

1. Councilor moves:

“I move that the Franklin City Council approve the resolution which approves the transfer of the cable television franchise granted by the City of Franklin.”

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

Discussion:

The City of Franklin approved a ten year franchise agreement with Metrocast back in April of 2014.

The process to negotiate a Metrocast Franchise renewal began on **August 1, 2011**- when the City Council approved an inter-municipal agreement as part the creation of the Lakes Region Cable Consortium (consisting of 12 communities including Franklin). In addition, special legal representation for the consortium was approved. The Council then scheduled an ascertainment hearing on **June 21, 2011** and invited the public to comment on future cable related needs and interests of the community. It was clarified at this hearing, that the Metrocast agreement is non-exclusive; however, another company would have to build their own lines if they wanted to compete for the existing customer bases. It was also clarified that Metrocast cable rates are not part of the franchise negotiations. Next the City Council held a public hearing on **December 5, 2011**, to officially begin the process for the renewal proceedings.

-The Metrocast agreement was approved at the April 2014 council meeting.

The attached Resolution approves the Transfer of this agreement from Metrocast to Atlantic Cable as part of their sale. When considering there are really only a couple things the city can and should be considering- Does the new entity have the financial capacity to fulfill the provisions of the franchise agreement? Does the new entity have the technical and legal ability to fulfill the agreement?

Atlantic Broadband provided binders of information illustrating their ability in all of the above areas. A great deal of financial information was provided- too much to copy for the packet, However I do have a binder if anyone is interested in reviewing. I did include, in your packets,

the technical qualifications of the organization and their plans for the future which include faster internet speeds and business services.

Atlantic Broad, as part of the 9th largest cable operator in the United States, has a proven track record of successfully acquiring Metrocast assets in Connecticut starting in 2015.

According to the FCC's rules-if the council takes no action within 120 days from the date we received the application (August 4, 2017) the application approval will be deemed granted.



August 4, 2017

Elizabeth A. Dragon
City Manager
City of Franklin
316 Central Street
Franklin, NH 03235

**Re: MetroCast Cablevision of New Hampshire, LLC, d/b/a MetroCast Communications ("MetroCast") and Atlantic Broadband (NH-ME), LLC ("Atlantic Broadband")
Request for Transfer of Cable Franchise**

Dear Ms. Dragon:

This letter provides notice of the pending sale by MetroCast to Atlantic Broadband of the cable system serving your community. The transaction will include the transfer of MetroCast's cable franchises to Atlantic Broadband, including the cable franchise granted by the City of Franklin ("Franchising Authority"). With this letter and the attached materials, MetroCast and Atlantic Broadband respectfully request the Franchising Authority's consent to transfer the franchise.

About Atlantic Broadband. Atlantic Broadband and its regional operating affiliates, all wholly-owned, indirect subsidiaries of Cogeco Communications, Inc., form the 9th largest cable operator in the United States, based on the number of television customers served. Atlantic Broadband's affiliates commenced operations in 2004 and continue to provide video, Internet and telephony services to approximately 239,000 television service customers located in five operating regions: Western Pennsylvania, South Florida, Maryland/Delaware, Aiken, South Carolina and Eastern Connecticut. Atlantic Broadband is headquartered in Quincy, Massachusetts. Atlantic Broadband has a best-in-class management team committed to providing high quality service to its communities and customers, and it has an exemplary performance record.

Enclosures. To formally request consent to transfer the franchise, and to assist with the approval process, we attach:

- FCC Form 394: Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise (original and 2 copies), including ownership and contact information, a copy of the purchase agreement (with confidential information redacted) and a copy of Cogeco Communications, Inc.'s 2016 Annual Report.
- A proposed Resolution approving the transfer.

Request for Consent to Transfer Franchise. We respectfully request the Franchising Authority place the Resolution on the agenda for approval at the next available public meeting. If you would inform us when you intend to consider this request, it would be most appreciated. Please note that you are not required to take action on the application. According to the FCC's rules, if you do not take action within 120 days from the date you receive the application, approval is deemed granted.

Please direct any questions you have about the Form 394 to the Atlantic Broadband contact listed below.

Atlantic Broadband

Fran Bradley
Government and Franchising Affairs Manager
4121 Orchard Street
South Park, PA 15129
412-780-6546
fbradley@atlanticbb.com

Thank you for your consideration. We greatly appreciate your assistance, and we look forward to working with you.

Sincerely,

MetroCast

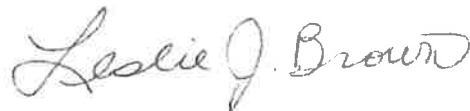
By:



Name: Ryan F. Pearson
Title: EVP and General Counsel

Atlantic Broadband

By:



Name: Leslie J. Brown
Title: SVP and General Counsel

Enclosure

RESOLUTION

A RESOLUTION APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE GRANTED BY THE CITY OF FRANKLIN

FINDINGS

- A. The City of Franklin ("Franchising Authority") has received a request from MetroCast Cablevision of New Hampshire, LLC ("MetroCast") to assign to Atlantic Broadband (NH-ME), LLC, a wholly-owned, indirect subsidiary of Cogeco Communications, Inc., ("Atlantic Broadband") the cable television franchise held by MetroCast ("Franchise").
- B. The Franchise requires that MetroCast obtain the Franchising Authority's prior consent for the assignment of the Franchise by MetroCast to Atlantic Broadband.
- C. MetroCast and Atlantic Broadband have properly requested the Franchising Authority's consent to the assignment and transfer of the Franchise and related assets to Atlantic Broadband.
- D. Atlantic Broadband has the financial, technical, and legal ability to fulfill the obligations of the Franchise, and the assignment of the Franchise to Atlantic Broadband will serve the public interest.

ORDINANCE

Based on the above findings, the City of Franklin resolves as follows:

- 1. The Franchising Authority consents to the transfer to Atlantic Broadband of the Franchise and all of MetroCast's rights in and under the Franchise.
- 2. Upon the closing of the sale of MetroCast's cable system to Atlantic Broadband ("Closing"), Atlantic Broadband shall become bound by the Franchise and shall perform and discharge all obligations and duties under the Franchise that arise on and after the Closing.
- 3. Upon Closing, the Franchising Authority releases MetroCast from all obligations and liabilities under the Franchise that relate to periods from and after the Closing.
- 4. Upon Closing, Caisse de dépôt et placement du Québec ("CDPQ") will have an indirect equity interest in Atlantic Broadband.

5. Atlantic Broadband may: (a) assign or transfer its assets to an entity directly or indirectly controlling, controlled by, or under common control with Atlantic Broadband; (b) restructure debt or change the ownership interests among its existing equity holders and/or CDPQ; (c) pledge or grant to any lender a security interest in Atlantic Broadband's assets to secure indebtedness; and (d) sell equity interests in Atlantic Broadband or any of Atlantic Broadband's affiliates.
6. All Franchising Authority action necessary to approve this Resolution and the Franchise transfer has been duly and validly taken.
7. This Resolution is effective upon adoption.

Passed and adopted the _____ day of _____, 2017

Name:
Title:

ATTEST:

Name:
Title:

FCC 394

APPLICATION FOR FRANCHISE AUTHORITY
CONSENT TO ASSIGNMENT OR TRANSFER OF CONTROL
OF CABLE TELEVISION FRANCHISE

FOR FRANCHISE AUTHORITY USE ONLY

SECTION I. GENERAL INFORMATION

DATE	8/4/2017	1. Community Unit Identification Number:	NH0008
------	----------	--	--------

2. Application for: ☒ Assignment of Franchise ☐ Transfer of Control

3. Franchising Authority:		City of Franklin, NH
4. Identify community where the system/franchise that is the subject of the assignment or transfer of control is located:		
Franklin, NH		
5. Date system was acquired or (for system's constructed by the transferor/assignor) the date on which service was provided to the first subscriber in the franchise area:	Oct. 1998	
6. Proposed effective date of closing of the transaction assigning or transferring ownership of the system to transferee/assignee:	1/4/2018	

7. Attach as an Exhibit a schedule of any and all additional information or material filed with this application that is identified in the franchise as required to be provided to the franchising authority when requesting its approval of the type of transaction that is the subject of this application.

Exhibit No.
N/A

PART I - TRANSFEROR/ASSIGNOR

1. Indicate the name, mailing address, and telephone number of the transferor/assignor.

Legal name of Transferor/Assignor (if individual, list last name first)			
MetroCast Cablevision of New Hampshire, LLC			
Assumed name used for doing business (if any)			
Mailing street address or P.O. Box			
9 Apple Road			
City	State	ZIP Code	Telephone No. (include area code)
Belmont	NH	03220	603-524-3767

2.(a) Attach as an Exhibit a copy of the contract or agreement that provides for the assignment or transfer of control (including any exhibits or schedules thereto necessary in order to understand the terms thereof). If there is only an oral agreement, reduce the terms to writing and attach. (Confidential trade, business, pricing or marketing information, or other information not otherwise publicly available, may be redacted).

Exhibit No.
1

(b) Does the contract submitted in response to (a) above embody the full and complete agreement between the transferor/assignor and the transferee/assignee?

☒ Yes ☐ No

If No, explain in an Exhibit.

Exhibit No.
N/A

PART II - TRANSFEREE/ASSIGNEE

1.(a) Indicate the name, mailing address, and telephone number of the transferee/assignee.

Legal name of Transferee/Assignee (if individual, list last name first)			
Atlantic Broadband (NH-ME), LLC			
Assumed name used for doing business (if any)			
Mailing street address or P.O. Box			
2 Batterymarch Park, Suite 205			
City	State	ZIP Code	Telephone No. (include area code)
Quincy	MA	02169	617-786-8800, ext. 127

(b) Indicate the name, mailing address, and telephone number of person to contact, if other than transferee/assignee.

Name of contact person (list last name first)			
Bradley, Fran; Government and Franchising Affairs Manager			
Firm or company name (if any)			
Atlantic Broadband (NH-ME), LLC			
Mailing street address or P.O. Box			
4121 Orchard Street			
City	State	ZIP Code	Telephone No. (include area code)
South Park	PA	15129	412-780-6546

(c) Attach as an Exhibit the name, mailing address, and telephone number of each additional person who should be contacted, if any.

Exhibit No. N/A

(d) Indicate the address where the system's records will be maintained.

Street address		
9 Apple Road		
City	State	ZIP Code
Belmont	NH	03220

2. Indicate on an attached exhibit any plans to change the current terms and conditions of service and operations of the system as a consequence of the transaction for which approval is sought.

Exhibit No. 2

SECTION II. TRANSFEREE'S/ASSIGNEE'S LEGAL QUALIFICATIONS

1. Transferee/Assignee is:

<input checked="" type="checkbox"/> Limited Liability Company	a. Jurisdiction of incorporation: Delaware	d. Name and address of registered agent in jurisdiction: Corporation Service Company dba Lawyers Incorporating Service 10 Ferry Street, Suite 313 Concord, NH 03301
	b. Date of incorporation: 7/26/2017	
	c. For profit or not-for-profit: For profit	
<input type="checkbox"/> Limited Partnership	a. Jurisdiction in which formed:	c. Name and address of registered agent in jurisdiction:
	b. Date of formation:	
<input type="checkbox"/> General Partnership	a. Jurisdiction whose laws govern formation:	b. Date of formation:
<input type="checkbox"/> Individual		
<input type="checkbox"/> Other. Describe in an Exhibit.		

Exhibit No. N/A

2. List the transferee/assignee, and, if the transferee/assignee is not a natural person, each of its officers, directors, stockholders beneficially holding more than 5% of the outstanding voting shares, general partners, and limited partners holding an equity interest of more than 5%. Use only one column for each individual or entity. Attach additional pages if necessary. (Read carefully - the lettered items below refer to corresponding lines in the following table.)

- (a) Name, residence, occupation or principal business, and principal place of business. (If other than an individual, also show name, address and citizenship of natural person authorized to vote the voting securities of the applicant that it holds.) List the applicant first, officers, next, then directors and, thereafter, remaining stockholders and/or partners.
- (b) Citizenship.
- (c) Relationship to the transferee/assignee (e.g., officer, director, etc.).
- (d) Number of shares or nature of partnership interest.
- (e) Number of votes.
- (f) Percentage of votes.

(a)	Atlantic Broadband (NH-ME), LLC; 2 Batterymarch Park, Suite 205, Quincy, MA 02169	Richard Shea, President and CEO; 2 Batterymarch Park, Suite 205, Quincy, MA 02169	David Isenberg, President and Chief Revenue Officer; 2 Batterymarch Park, Suite 205, Quincy, MA 02169
(b)	Delaware Limited Liability Company	Citizenship: United States	Citizenship: United States
(c)	Transferee/assignee	Officer	Officer
(d)	N/A	N/A	N/A
(e)	N/A	N/A	N/A
(f)	N/A	N/A	N/A

3. If the applicant is a corporation or a limited partnership, is the transferee/assignee formed under the laws of, or duly qualified to transact business in, the State or other jurisdiction in which the system operates?

☒ Yes ☐ No

If the answer is No, explain in an Exhibit.

Exhibit No.
N/A

4. Has the transferee/assignee had any interest in or in connection with an applicant which has been dismissed or denied by any franchise authority?

☐ Yes ☒ No

If the answer is Yes, describe circumstances in an Exhibit.

Exhibit No.
N/A

5. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the transferee/assignee in a civil, criminal or administrative proceeding, brought under the provisions of any law or regulation related to the following: any felony; revocation, suspension or involuntary transfer of any authorization (including cable franchises) to provide video programming services; mass media related antitrust or unfair competition; fraudulent statements to another government unit; or employment discrimination?

☐ Yes ☒ No

If the answer is Yes, attach as an Exhibit a full description of the persons and matter(s) involved, including an identification of any court or administrative body and any proceeding (by dates and file numbers, if applicable), and the disposition of such proceeding.

Exhibit No.
N/A

6. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights with respect to any attributable interest as described in Question 2 (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?

☐ Yes ☒ No

If Yes, provide particulars in an Exhibit.

Do documents, instruments, agreements or understandings for the pledge of stock of the transferee/assignee, as security for loans or contractual performance, provide that: (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of any ownership rights by a purchaser at a sale described in (b), any prior consent of the FCC and/or of the franchising authority, if required pursuant to federal, state or local law or pursuant to the terms of the franchise agreement will be obtained?

☒ Yes ☐ No

If No, attach as an Exhibit a full explanation.

Exhibit No.
N/A

SECTION III. TRANSFEREE'S/ASSIGNEE'S FINANCIAL QUALIFICATIONS

1. The transferee/assignee certifies that it has sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months.
2. Attach as an Exhibit the most recent financial statements, prepared in accordance with generally accepted accounting principals, including a balance sheet and income statement for at least one full year, for the transferee/assignee or parent entity that has been prepared in the ordinary course of business, if any such financial statements are routinely prepared. Such statements, if not otherwise publicly available, may be marked CONFIDENTIAL and will be maintained as confidential by the franchise authority and its agents to the extent permissible under local law.

☒ Yes ☐ No

Exhibit No.
3

SECTION IV. TRANSFEREE'S/ASSIGNEE'S TECHNICAL QUALIFICATIONS


Set forth in an Exhibit a narrative account of the transferee's/assignee's technical qualifications, experience and expertise regarding cable television systems, including, but not limited to, summary information about appropriate management personnel that will be involved in the system's management and operations. The transferee/assignee may, but need not, list a representative sample of cable systems currently or formerly owned or operated.

Exhibit No.
4

SECTION V - CERTIFICATIONS

Part I - Transferor/Assignor

All the statements made in the application and attached exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature 
	Date 8/4/2017
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Print full name Ryan F. Pearson, EVP and General Counsel
	Check appropriate classification: <input type="checkbox"/> Individual <input type="checkbox"/> General Partner <input checked="" type="checkbox"/> Corporate Officer (Indicate Title) <input type="checkbox"/> Other. Explain:

Part II - Transferee/Assignee

All the statements made in the application and attached Exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The transferee/assignee certifies that he/she:

- (a) Has a current copy of the FCC's Rules governing cable television systems.
- (b) Has a current copy of the franchise that is the subject of this application, and of any applicable state laws or local ordinances and related regulations.
- (c) Will use its best efforts to comply with the terms of the franchise and applicable state laws or local ordinances and related regulations, and to effect changes, as promptly as practicable, in the operation system, if any changes are necessary to cure any violations thereof or defaults thereunder presently in effect or ongoing.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature 
	Date 8/4/2017
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Print full name Leslie J. Brown, SVP and General Counsel
	Check appropriate classification: <input type="checkbox"/> Individual <input type="checkbox"/> General Partner <input checked="" type="checkbox"/> Corporate Officer (Indicate Title) <input type="checkbox"/> Other. Explain:

EXHIBIT 2
ATLANTIC BROADBAND PLANS
Section I, Part II, Question 2 of Form 394

Atlantic Broadband plans to continue MetroCast's successes and supplement this success with many of the positive attributes of Atlantic Broadband's services, examples of which are set forth below.

Atlantic Broadband will continue to operate pursuant to the terms of the governing franchise and applicable law after consummation of the proposed transaction. Additionally, Atlantic Broadband will take steps to ensure a smooth transition for employees, franchising authorities and customers. For example, upon closing, Atlantic Broadband plans to hire all employees currently employed by MetroCast at each system. Further, Atlantic Broadband will assume MetroCast's franchise agreements, customer agreements and other agreements necessary to run the business. Atlantic Broadband and MetroCast utilize the same vendors for certain back office functions, such as billing, call center overflow, video customer authentication for programming access, as well as VoIP service and certain customer premises equipment, which will also help to make the transition seamless to customers.

Atlantic Broadband has a proven track record of successfully integrating MetroCast assets, as Atlantic Broadband acquired MetroCast's assets in Connecticut in 2015. While Atlantic Broadband will evaluate each system's needs and customer demands in each market to determine what changes are appropriate, below are some of the positive changes made by Atlantic Broadband in Connecticut that were very well received by employees, regulators and customers alike:

- Rolled out TiVo's award-winning service, which provides an enhanced, user-friendly customer interface with integrated apps, so that customers can access Atlantic Broadband's programming, as well as third-party content, such as Netflix, YouTube and HBO Go, with one click of their remotes; TiVo also enables customers to access programming on mobile devices, such as tablets and phones
- Doubled Internet speeds, and launched Gigabit Internet service
- Offered Atlantic Broadband's suite of services, which provide customers more choice
- Launched enhanced business services, such as Metro Ethernet, hosted voice and business Wi-Fi services
- Introduced two-hour service call appointment windows

Atlantic Broadband also shares MetroCast's commitment to local community support. Atlantic Broadband is excited for this opportunity and is looking forward to meeting with you and answering any questions you may have.

EXHIBIT 4
TECHNICAL QUALIFICATIONS
Section IV of Form 394

Atlantic Broadband Finance, LLC, through several operating subsidiaries, including Atlantic Broadband (NH-ME), LLC (collectively, "Atlantic Broadband") is the 9th largest cable operator in the United States, based on the number of television customers served. Atlantic Broadband commenced operations in 2004 and continues to provide video, Internet and telephony services to approximately 239,000 television service customers located in five operating regions: western Pennsylvania, Miami Beach, Maryland/Delaware, Aiken, SC and eastern Connecticut. Atlantic Broadband is headquartered in Quincy, Massachusetts.

Atlantic Broadband's parent company, Cogeco Communications Inc., ("Cogeco") is the 8th largest cable operator in North America. Cogeco provides its residential and business customers with video, Internet and telephony services through its two-way broadband fiber networks. Through its subsidiary, Cogeco Peer 1, Cogeco provides its business customers with a suite of information technology services (colocation, network connectivity, hosting, cloud and managed services), through its 16 data centers, extensive FastFiber Network® and more than 50 points of presence in North America and Europe.

Caisse de dépôt et placement du Québec ("CDPQ") is a long-term institutional investor that manages funds primarily for public and parapublic pension and insurance plans. As of December 31, 2016, it held \$270.7 billion in net assets. As one of Canada's leading institutional fund managers, CDPQ invests globally in major financial markets, private equity, infrastructure, real estate and private debt. CDPQ will have an indirect equity investment in Atlantic Broadband following the closing.

Atlantic Broadband, backed by Cogeco and CDPQ, has the financial wherewithal not only to acquire MetroCast, but also to undertake improvements as necessary to offer customers new products and services. For instance, Atlantic Broadband's video offering includes TiVo service and many bundled options to provide customers more choice. Atlantic Broadband has launched Gigabit Internet speeds in several markets and plans to launch in more markets over the next year. Additionally, Atlantic Broadband offers business customers enhanced services, such as Metro Ethernet, hosted voice and Wi-Fi services.

Atlantic Broadband will assume the obligations of MetroCast under the franchise. Further, Atlantic Broadband plans to use existing MetroCast employees upon close, thereby minimizing the effect of the transaction on customers.

Atlantic Broadband has substantial management depth, bringing a leadership team comprised of individuals with many years of experience in the cable and communications industries. Below are bios of the senior management team:

Rich Shea, President and Chief Executive Officer

Rich has administered, designed and implemented high level information and technology systems to support cable, broadband and telecommunications companies for over 20 years.

Prior to Atlantic Broadband, Rich served as CTO for AltComm and previously was the founder and President of Broadband Applications Management, a company focused on designing and implementing OSS and BACC systems. Rich also served in VP and senior positions at Carolina Broadband, MediaOne, Arrowsmith Technologies and General Electric.

Rich is a graduate of the US Military Academy at West Point with a BS in Engineering. He served as an officer in the army overseas and in the US before achieving the rank of Captain and leaving for private industry. He also holds an MBA from Boston University.

Dave Isenberg, President and Chief Revenue Officer

Dave has over 20 years' experience designing and executing growth strategies in the broadband communications industry.

In his current role, Dave's responsibilities span marketing & sales, product management, content acquisition as well as business strategy and planning. A member of the founding team for Atlantic Broadband in 2003, his efforts have led to numerous successful product launches such as residential and commercial telephony, Gigabit Internet and advanced business services offerings; groundbreaking partnerships with TiVo and Netflix; and innovative bundling strategies that have led to superior customer results.

Prior to Atlantic Broadband, Dave held business development and product marketing roles in startups that had innovative technologies in the media and broadband infrastructure segments. Dave started his career in cable at Continental Cablevision where he was part of the team that launched one of the industry's first Broadband Internet services.

Dave has a BA in History from Yale University as well as an MBA from Harvard University.

Patrick Bratton, Senior Vice President and Chief Financial Officer

Pat is a seasoned executive with experience providing financial management for telecommunication, energy conservation and accounting services companies for nearly 20 years.

Prior to Atlantic Broadband, Pat was the CFO at Quorum Broadcast Holdings, where he managed the financial operations of 13 locations and the benefits program for over 600 employees. He was also CFO for Sullivan Broadcast Holdings, where he assisted in the \$1 billion sale of the station group, providing investors with a compounded return in excess of 50 percent. Pat began his career as an audit manager for Price Waterhouse and as Corporate Controller for DMC Services.

Pat is a magna cum laude graduate of Northeastern University, with a degree in Accounting and Management.

Leslie Brown, Senior Vice President and General Counsel

Leslie has over 20 years' of experience advising clients on legal and regulatory matters in the cable and telecommunications industry.

Prior to Atlantic Broadband, Leslie served as Vice President and Deputy General Counsel for Lightower Fiber Networks, a premier provider of high-capacity fiber optic network services in the Northeast, where she was responsible for all legal affairs of the company, including regulatory compliance, commercial contracts and managing the legal department through multiple corporate acquisitions. Prior to Lightower, Leslie served as Vice President of Law and Public Policy for Adelphia Cable's Northeast Region. In this capacity, she led a team of legal and government affairs professionals responsible for all legal, regulatory and public policy matters.

Leslie is a graduate of the State University of New York – Fredonia and the University of Pittsburgh School of Law.

Kristell Janusz, Vice President of Engineering

Kristell is a seasoned industry professional with over 20 years of experience in engineering of telephone and cable television infrastructures.

Prior to Atlantic Broadband, Kristell served as Vice President of Engineering at RCN Telecom Services where her responsibilities included oversight of telephony engineering and operations, transport engineering, CMTS engineering and deployment, hub CATV design as circuit and equipment database.

Kristell is a graduate of Misericordia University with a BS in Psychology and also holds Associates Degrees in Electrical and Telecommunications Engineering Technology from Penn State. She is an active member of SCTE, the premier membership organization for technical cable telecommunications professionals as well as a member of WICT.

Curt Kosko, Senior Vice President and General Manager

Curt is a seasoned industry veteran with nearly thirty years of technical operations and engineering support in the cable industry.

Curt is responsible for managing eight Atlantic Broadband systems serving customers in areas of Northern Pennsylvania and New York state. Curt also manages Atlantic Broadband's technical operations team as well as Contact Center operations.

He began his career with TCI and went on to work for both Time Warner Cable and Charter Communications in Pennsylvania. In 2003, Curt served a year in Operation Iraqi Freedom as a Warrant Officer in a Combat Engineer Battalion, US Army Reserves.

Curt is currently serving as Secretary on the Pennsylvania-Ohio SCTE Board and graduated from Penn State University with an AA in Electrical Engineering and BA in Labor Relations.

Courtney Long, Vice President of Customer Care

Courtney has been an integral member of the Atlantic Broadband Customer care organization for the past 12 years.

In her role, Courtney and her team work to ensure the company is delivering an outstanding customer care experience. She oversees residential and business call center operations including phone, chat and dispatch across all four operating regions.

Courtney holds a BA from the University of Pittsburgh and is currently pursuing an MBA from St. Francis University. She is also a member of the Young Professionals of the Alleghenies.

CITY COUNCIL MEETING
AGENDA ITEM XII



CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meeting September 2017

From: Elizabeth A. Dragon – City Manager

Subject: City Council to consider disposition of Tax Acquired Property 097-094-00
12 Morrill court with a minimum bid amount of \$10,000

Suggested Motion:

1. Pursuant to RSA 47:5, the City can dispose of property at any time.
I suggest that the City Council authorize the City Manager to dispose of the land at 12 Morrill Court through a bid process.

- a. Councilor moves:

“I move to authorize the City manager/Interim City Manager to dispose of 12 Morrill Court through a bid process with a minimum bid amount of \$10,000 and to further execute all closing documents required for the conclusion of the referenced sale”

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

2. The options available to the Council include:

- Auction
- Bid Process
- Direct Sale

Discussion:

This property was taken for back taxes back in 2012. The inspection report created by code enforcement at the time of tax deeding recommended demolition. In addition to a neglected home there was also a detached garage in collapsed condition, rubbish, furniture, and abandoned vehicles on the property.

The Council has previously authorized the City manager to sell through sealed bid with a minimum bid amount of \$20,000. As a result, I put this property out to bid twice, notified abutters each time, and posted in the Concord Monitor. However, I received no bids.

I am requesting to **lower the minimum bid to \$10,000.**

The city has expended \$12,740 in preparing the site. We often do not recoup all of our expenses but in this case because the lot is buildable we should be able to recoup most. The land is currently assessed at \$39,100.

All bids to be submitted to city hall and to remain sealed until the public opening date. All abutters to be notified via mail. The bid will be open to the public. The bid process to be published in the newspaper and all normal city posting locations (including the website).

The goal is to get the property back on the tax rolls, recoup some of our expenses, and begin collecting taxes on the property once again.

Fiscal Impact: Selling the property will place it back on the tax rolls

Attachments/Exhibits: Letter that went to abutters
Tax card



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax (603) 934-7413
cityhall@franklinnh.org

July 12, 2017

Dear Property Owner,

The City of Franklin is selling a piece of tax deeded property in your area and as a courtesy we are notifying you and your neighbors directly.

The property was taken for back taxes back in 2012. At that time it housed various structures. The city has been able to demolish all of the structures. The foundation remains on site and has been filled in.

The minimum bid for the property has been set by the city council at \$20,000. The following advertisement will be used to market the property:

Tax deeded property for sale

The City of Franklin is selling .56 buildable acres located at 12 Morrill Court (map/lot #097-094-00). This land without buildings is currently assed at \$30,800 the **minimum bid is set at \$20,000**. The property is being sold through a quitclaim deed with no title warranties. The foundation from the prior home remains on site and has been filled in. The Lot is serviced by City Water. The City will accept sealed bids sent to City Hall, Office of the City Manager marked "Sealed bid", 316 Central Street, Franklin, NH. Make sure to include your name/address/phone number and any other contact information as well as your bid amount in both numbers and words. All bids must be received by the City Manager's office no later than August 4th at 4pm. For more information call city hall 934-3900.

Should you have an interest in bidding on this property and have further questions please contact me at 934-3900 or citymgr@franklinnh.org

Sincerely,

Elizabeth A. Dragon
City Manager

12 MORRILL COURT	MAP/LOT: 097-094-00	77	ZONING: R2	LIVING UNITS: 1	CLASS: E - 903	CARD # 1 OF 1	NBHD ID: 110.00
CURRENT OWNER/ADDRESS	LAND DATA:	TYPE	SIZE	INFLUENCE FACTORS	%	LAND VALUE	ASSESSMENT INFORMATION -
FRANKLIN, CITY OF		LINEAR W.F.					PRIOR CURRENT
316 CENTRAL STREET	NH 03235	PRIMARY	0.560	TOPOGRAPHY	-5	30,760	LAND BUILDING TOTAL
DEED BOOK: 3313							30,800
DEED PAGE: 1985							34,100
DEED DATE: 20120510							64,900
		TOT. ACRE	0.560			TOTAL LAND VALUE:	PROPERTY VISIT HISTORY
						30,800	20140626 CB UNOCCUPIED
							20081009 RB OCC.NOT HOME
							20001204 BX UNOCCUPIED
							UPDATE

Sale info not verified by assessor's office

SALES DATA:

PERMIT DATA:

Date	Type	Price	Valid	Date	#	Amount	Purpose
------	------	-------	-------	------	---	--------	---------

20120510 LAND + BLDG
20090707 LAND + BLDG

DWELLING DATA:

Style: OLD STYLE
Story Ht. 1.50
Attic: NONE
Walls: FRAME
Bedrooms: 3
Total Rooms: 7
Full Baths: 1
Half Baths: 1
Add'l Fixtures: 7
Total Fixtures: 7
Basement: FULL
Fin Bsmt. Living Area: 0
Basement Rec Room Area: 0
Heating System: OIL
Heating Type: BASIC
FIREPLACE WB: /
Basement Garage (# cars) /
Ground Fir Area: 528
Total Living Area: 1656
Quality Grade: C
Condition: VERY POOR
Marketability: VP
Year Built: 1900
Eff. Year Built:
Unfinished Area:
Unheated Area:

COST APPROACH COMPUTATIONS
Base Price 79,850
Plumbing 2280
Additions 44,100
Unfin. Area
Basement
Attic
Heat/AC Adj.
FBLA
Rec Rm
Fireplace
Bsmt. Gar.
SUBTOTAL 126,230
Grade Factor 1.00
C & D Factor
TOTAL RCN 126,230
% Good 0.30
Market Adj.
Econ Obslcn
Functn Obslcn
Nbhd/Style Adj.
Under Constn %
TOTAL RCNLD 34,100

OUTBUILDING DATA

Type	Qty	Yr	Size1	Size2	Grd	Cond	Ma	Value
------	-----	----	-------	-------	-----	------	----	-------

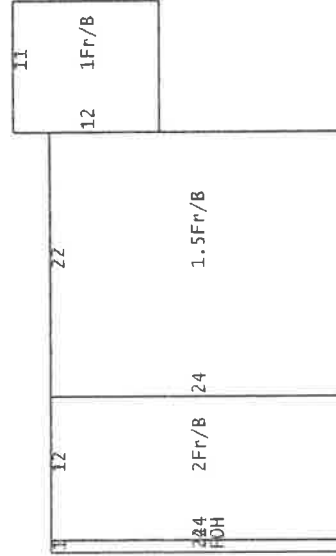
VALUE FLAG:5

NOTES:
5/12 - TAKEN BY TAX COLL DEED
UNOCC

MAP SHEET # N6
OUTBUILDING TOTAL:
House Color: 1 WHITE

ADDITION DATA:

Lower Level	First Floor	Second Floor	Third Floor	Area	Value
A Bsmt Unfsh	1s Frame	1s Frame		288	33600
B Bsmt Unfsh	1s Frame			132	9100
C D	Frm Overhang			24	1400
D E					00
E F					00
F G					00
G H					00



CITY COUNCIL MEETING
AGENDA ITEM XIII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting September 2017

From: Elizabeth A. Dragon – City Manager

Subject: City Council to consider disposition of Tax Acquired Property 098-022-00
186 Summit Street with a minimum bid amount of \$10,000

Suggested Motion:

1. Pursuant to RSA 47:5, the City can dispose of property at any time.
I suggest that the City Council authorize the City Manager to dispose of the land at 186 Summit Street through a bid process.
 - a. Councilor moves:
“I move to authorize the City manager/Interim City Manager to dispose of 186 Summit Street through a bid process with a minimum bid amount of \$10,000 and to further execute all closing documents required for the conclusion of the referenced sale”
 - b. Mayor calls for a second, discussion, and the roll call vote.
2. The options available to the Council include:
 - Auction
 - Bid Process
 - Direct Sale

Discussion:

This property was taken for back taxes back in 2009. The inspection report created by code enforcement at the time of tax deeding recommended demolition. The building was demolished and lot cleaned late last year (2016). The property was overgrown; building in poor shape, and rubbish (along with tires & sofas) had accumulated. The property is now clear.

The City was owed \$9,427.96 taxes/interest at the time of taking. I am requesting to put this property out to bid as a buildable lot with a minimum bid to \$10,000.

All bids to be submitted to city hall and to remain sealed until the public opening date. All abutters to be notified via mail. The bid will be open to the public. The bid process to be published in the newspaper and all normal city posting locations (including the website).

The goal is to get the property back on the tax rolls, recoup some of our expenses, and begin collecting taxes on the property once again.

Fiscal Impact: Selling the property will place it back on the tax rolls

Attachments/Exhibits:

- Tax Deed
- Tax card
- Code enforcement report from 2009
- Account summary from 2009

Franklin Fire Department Code Enforcement Division

Request for Inspection:

Date: 6/9/09

Name: Danforth / Helen

Telephone #:

Location: 186 Summit St.

Map: 098

Lot: 022-00

Type of Inspection	Failed Date	Approved Date
Footing		
Rough		
Insulation		
Fire Protection System		
Final for CO	6/10/09	
Other: <u>Back tax insp.</u>		

Date Needed:

Comments:

House appears to be vacant/secured. Property is overgrown with some accumulation of rubbish including old sofas + tires.

Copy to:

Cindy Torsey / City Clerk

[Signature]

Inspector

Property Location:
185 Summit Street

Residential Property Record Card - Franklin, New Hampshire

Parcel #: 098-022-00

Sheet #: 07

Class: E

State Class: 903 **Card 1 of 1**

Current Owner		Previous Owner History					Miscellaneous		Assessment Information	
Franklin, City Of 316 Central Street Franklin Nh 03235		Name		Deed		Date	Deed Info: 3142/1169 07/10/2009	Zoning: R1	Appraised Value: *	
		Danforth Estate, Helen		/					Land: 35,400	
							Neighborhood: 107		Building: 41,900	
							Living Units: 1		Total: 77,300	
							Cycle Area: 55		Assessed Information:	
							District: 0		Value: 77,300	
Notes		Entrance Information								
7/10/09 - Tax Collectors Deed Single Family Home		Date	Time	ID	Actv Entrance Code	Source				
		08/28/2013	MEAS	JS	Unoccupied					
		06/11/2008	MEAS	SH	Unoccupied					
		05/11/2001	INT	BX	Ent. Gained	Owner				
									Effective DOV: 4/1/2016	
									Value Flag: COST	
									Manual Override Reason:	
									NO OVERRIDE	

Property Location:
186 Summit Street

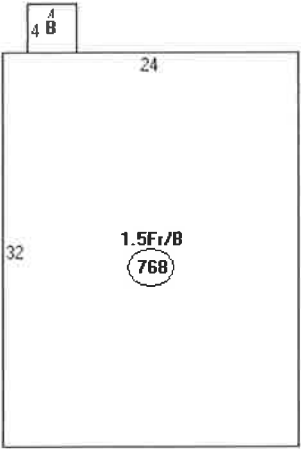
Residential Property Record Card - Franklin, New Hampshire

Parcel #: 098-022-00

Sheet #: 07

Class: E State Class: 903 Card 1 of 1

Dwelling Information		Replacement Costs	
Style:	Old Style	Base Price:	109,190
Condo Style:		Additions:	900
Exterior Walls:	Frame	Unfinished Area:	0
Story Height:	1.5	Basement:	-5,690
Attic:	None	Attic:	0
Interior/Exterior:	Same	Plumbing:	0
Basement:	Part	Heating A/C Adj.:	0
Bsmt Garage:	0	FBLA:	0
Rec Room size:	0 0	Rec Room:	0
FBLA size:	0 0	Fire Place:	0
Unfinished Area:	0	Basement Garage:	0
Inlaw Apts:	0	Exterior Trim:	0
WB Fireplace:	Stacks 0 Openings 0	Subtotal:	104,400
MTL Fireplace:	Stacks 0 Openings 0	Grade Factor:	1.00
Heating Type:	Basic	C & D Factor:	0.00
Fuel:	Oil	Total RCN:	104,400
Heating System:	Hot Air	Percent Good:	0.40
Year Built:	1900	Market Adj.:	0.00
Eff. Yr Built:	0	Total RCNLD:	41,800
GFA/True GFA:	768 768		
TLA/True TLA:	1344 1344		
Basement Area:	0		
Grade:	C		
Condition:	Poor		
CDU:	PR		
Building Notes:			
Appointment Letter 4-25-01			
Tot			
Rooms:	7		
Bedrooms:	4		
Full Baths:	1		
Half Baths:	0		
Add'l Fixtures:	0		



Descriptor/Area

A: 1.5Fr/B
768 sqft
B: EFP
16 sqft

Know all Men by these Presence

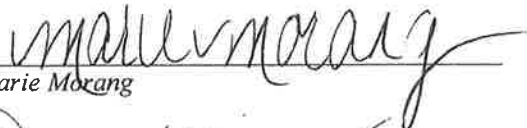
That I, Cynthia M. Torsey Tax Collector for the City of Franklin, in the County of Merrimack and State of New Hampshire, for the year **2006** by the authority in me vested by the laws of the State of New Hampshire, and in consideration of **Two Thousand Fifty Two Dollars and Forty Cents (\$2,052.40)** to me paid by the City of Franklin successors/heirs and assigns, a certain tract of parcel of land situated in the City of Franklin, NH aforesaid. Taxed by the Assessors in **2006** to **Helen Danforth Estate** and described in the Invoice Books as:

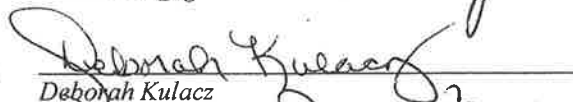
Land & Building, 186 Summit Street
Acreage: 0.628
Map 098 Lot 022-00

This deed is the result of the tax lien execution held at City Hall in the City of Franklin, New Hampshire, on the **Seventh day of April 2007**. To have and to hold the said Premises, with the appurtenances, to the said City of Franklin successors/heirs and assigns forever. And I hereby covenant with the said City of Franklin that in making this conveyance I have in all things complied with the law, and that I have good right, so far as that right may depend upon the regularity of my own proceedings, to sell and convey the same in the manner aforesaid:

In Witness Whereof, I have hereunto set my hand and seal, the **Twenty-ninth day of June**, in the year of our Lord **Two Thousand and Nine**.

Signed, Sealed, and Delivered in the presence of:


Marie Morang


Deborah Kulacz


Wanda Redfield


Cynthia M. Torsey, Tax Collector

State of New Hampshire

Merrimack

ss. June 29, 2009

Personally appearing

Cynthia M. Torsey

aboved named,

And acknowledge the foregoing instrument to be her voluntary act and deed. Before me,


Justice of the Peace/Notary Public

CITY OF FRANKLIN, NH
316 CENTRAL ST
FRANKLIN NH 03235
603-934-3900

Date: 06/27/09

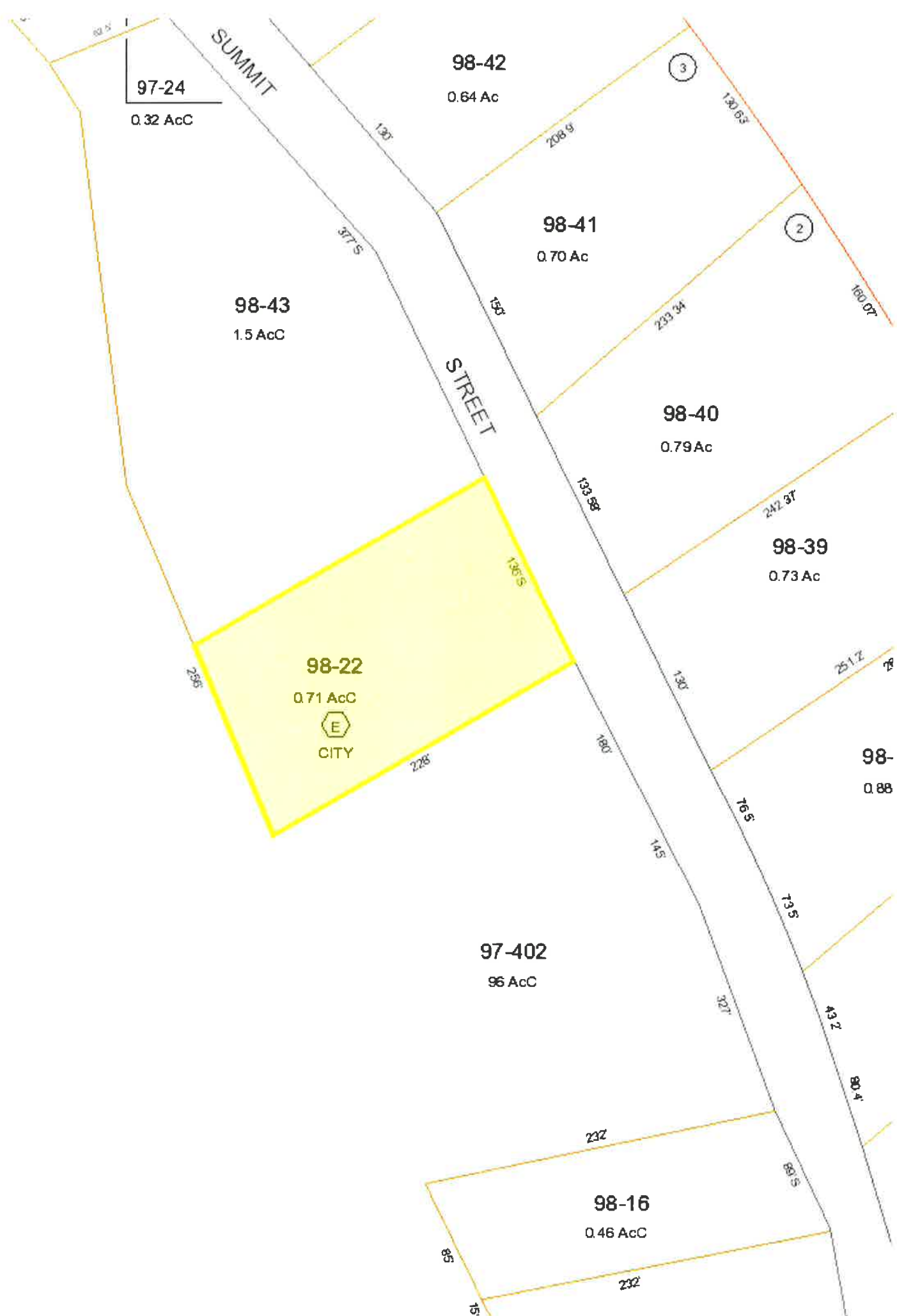
DANFORTH ESTATE, HELEN
276 NORTH MAIN STREET
FRANKLIN, NH 03235

Acct# 003087

STATEMENT OF ACCOUNT

INTEREST AND/OR PENALTIES THROUGH 06/27/09

DESCRIPTION AND YEAR	INV#	DATE	AMOUNT	BALANCE
2007 Tax Lien Procedure	317852	04/09/07	2,052.40	
Other Chg-MTGN		05/02/07	13.00	
Other Chg-DEED		04/03/09	18.00	
Other Chg-MTGN		04/03/09	16.00	
Other Chg-INSP		06/27/09	10.00	
Other Chg-TXDD		06/27/09	75.00	
INTEREST DUE 810 DAYS(1.012)			819.84	3,004.24
2007 WATER/SEWER TAX LIEN	318124	04/09/07	131.47	
Other Chg-UTLC		05/08/07	13.00	
Other Chg-DEED		04/03/09	18.00	
Other Chg-MTGN		04/03/09	16.00	
INTEREST DUE 810 DAYS(0.065)			52.52	230.99
2008 Tax Lien Procedure	342638	04/17/08	2,140.47	
Other Chg-MTGN		05/08/08	29.00	
INTEREST DUE 436 DAYS(1.056)			460.23	2,629.70
2008 WATER/SEWER TAX LIEN	343012	04/17/08	252.66	
Other Chg-MTGN		05/09/08	29.00	
INTEREST DUE 436 DAYS(0.125)			54.33	335.99
2009 Tax Lien Procedure	366904	04/14/09	2,136.56	
Other Chg-MTGN		05/06/09	29.00	
INTEREST DUE 74 DAYS(1.054)			77.97	2,243.53
2009 Property Tax - 1st Issue	369434	05/18/09	983.51	983.51
SUBTOTAL REAL PROPER# 003087 186 SUMMIT STREET				9,427.96
Map/Lot : 098-022-00				
TOTAL ACCOUNT# 003087 DANFORTH ESTATE, HELEN				9,427.96



CITY COUNCIL MEETING
AGENDA ITEM XIV



CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meeting September 2017

From: Elizabeth Dragon – City Manager

Subject: City Council to consider supporting a formal agreement to continue working together with Mill City Park & FBIDC for the next five years to develop of a whitewater park in Franklin

Suggested Motions:

“I move that the Franklin City Council approve the proposed agreement between the City and Mill City Park to continue collaborative efforts to build a white water park over the next five years”

Discussion:

Attached is a draft agreement between the City, Mill City Park, and FBIDC to continue collaborative efforts over the next five years to build, in downtown Franklin, the first white water park in New England. My preference would have been for an even more formal commitment through the use of a MOU. However, time is running short before my departure from the city and I felt it was important to, at a minimum, put on paper our efforts, our intentions and our goals regarding this project.

This project will evolve over the next few years and there will be many more details for the council to consider and approve. At present we have an EDA grant submitted for the engineering of the first phase of the project. If we are awarded these funds the council will be asked to consider a public hearing to accept and appropriate the funds. All matching funds for the grant have been identified without the use of city funds. This will be a big step forward. Once we have engineering and bid documents we can pursue construction funding. This first phase involves the most visible downtown section of the river and the kayak take out location at Trestle View Park. (Copy of the EDA application provided this evening)

Some history:

In May of 2015, the State department of DRED (Carmen Lorentz) brought Marty Parichand to the City of Franklin to discuss the concept of a white water park. Marty, later in September, presented a compelling report that detailed the economic benefits to the city and the region from this type of project. I (and many others) became convinced this was our way forward. Periodically I have given updates to the council about this concept and this past year we gave an overall economic development strategy update to the council at a work session (Nov 2016 with downtown TIF plan discussion).

Over Franklin's history, the City has taken advantage of the Winnepesaukee River, which runs through the heart of the downtown. The river powered many industrial mills and supported a significant number of jobs which helped create a vibrant business district. Over time the mills

closed and the vibrancy turned to vacant shops and fewer and fewer jobs. The City became economically distressed.

The proposed Water Park and Play project represents a unique opportunity to create again a vibrant downtown and to utilize the river in such a way as to encourage recreational activities and promote healthy public enjoyment of this important natural asset.

Outdoor recreation is the third largest market in the United States with annual spending of \$646 billion in 2012. According to an analysis prepared by Outdoor New England with the assistance of New Hampshire Department of Resources and Economic Development (DRED), the City of Franklin has the opportunity to see over \$6.83 million in new visitor spending associated with indirect & induced spending of \$4.68 million. This spending is spread over an estimated 184,654 annual visitors partaking in outdoor activities such as whitewater rafting, kayaking, biking and special events. It is clear that attracting “net new dollars” into the community is vital to the success of supporting existing businesses in the City and attracting new businesses to open within the city limits.

I created a steering committee shortly after we were awarded Rural Development funds to hire Niel Cannon as our downtown coordinator. This working group is made up of myself, Director Lewis, Jim Aberg & Niel Cannon. We have been meeting biweekly for almost two years. We meet with representatives from PermaCityLife and Mill City Park to coordinate our efforts and leverage our resources. We coordinate grant funding, we strategize next steps, and we build on each other’s strengths. This approach has been extremely successful- we have gotten additional funds to continue with Niel Cannon, we updated the downtown TIF plan to leverage the CATCH housing project, we have been awarded CDFA tax credits for the Façade improvements in downtown, we have gotten Business Finance Authority funding to continue operations of both non-profits, we have continued brownsfield projects in key locations, we have the interest of a potential developer for Stevens mill, we have leveraged the Franklin for a lifetime event, we have lined ourselves up for potential new market tax credits, we have pursued EDA funding for the white water park and recently we have began marketing the city with Central Street Media (Chris Kontoes). These are things we could not have done alone- working together has brought us much further than ever before and the momentum continues to build.

Mill City Park has been paired up with PermaCityLife but it is our plan to more clearly separate the two organizations in 2018. There are many reasons why it is important to separate the two organizations; one practical reason will become time demands. If we are awarded the EDA funds for engineering of the first phase of this project the work load for Mill City Park will become much greater. The other reason is to “un-complicate” things as much as possible for the public, potential donors, funders and the council. In my opinion, this will be important for continued public support.

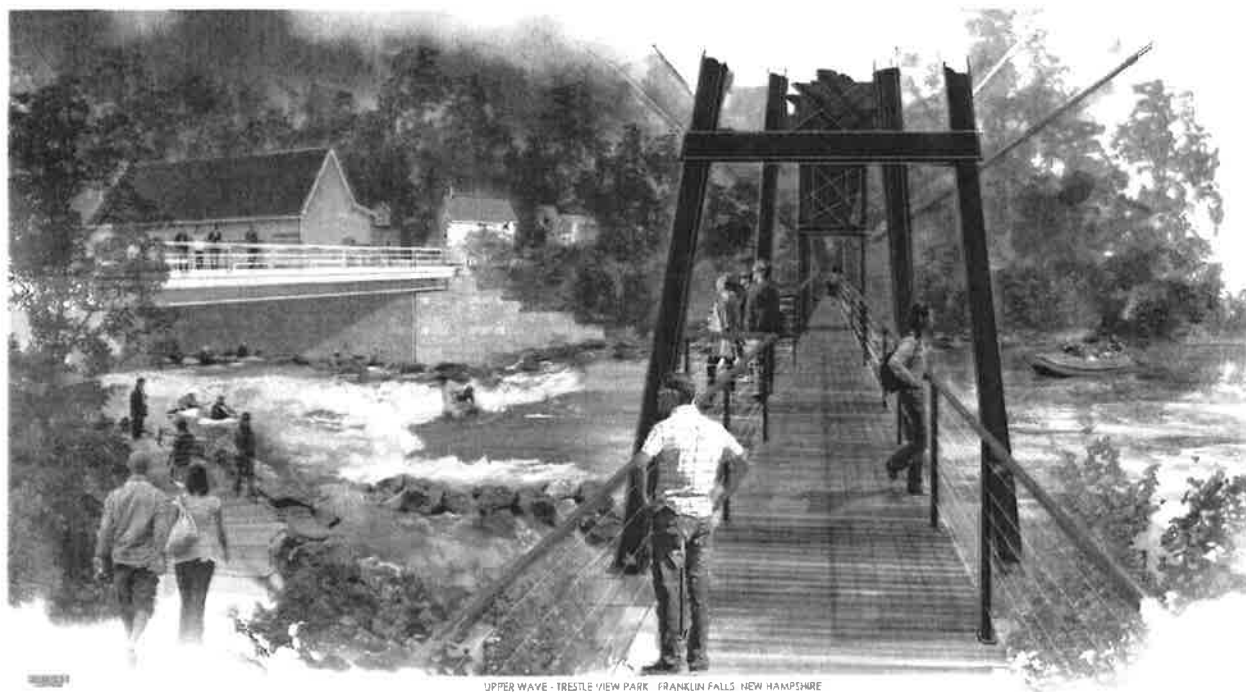
The proposed agreement helps to ensure that the collaborative efforts related to the white water park continue. If we are successful at building this project- we not only clean up and restore the river, create a public recreational resource, and create an economic driver using tourism but we also reduce the need for the city to be so active in coordinating/assisting the efforts of organizations like PermaCityLife. The market will begin to take over. The City will always have a lead role to play in economic development, but if we become a tourist destination the dollars will follow and as those “net new dollars” will drive the market.



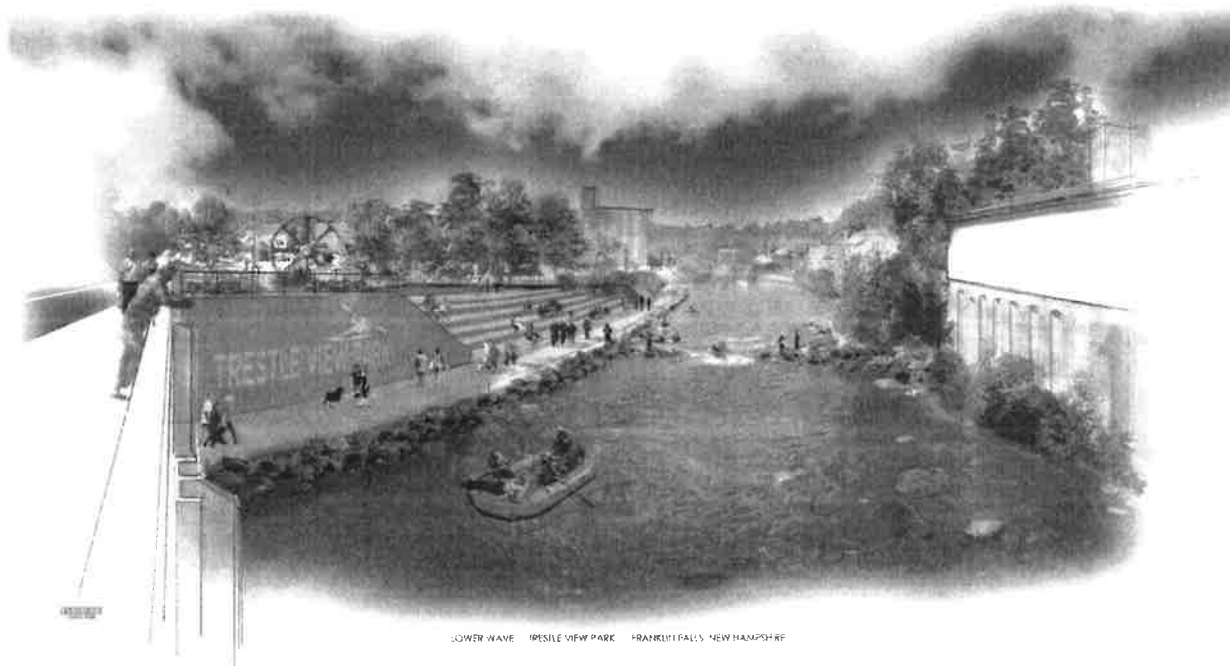
Commitment for continued collaboration

This agreement sets the terms & understanding between the City of Franklin, New Hampshire, FBIDC, and the Non-Profit Mill City Park at Franklin Falls.

Background In September of 2015, Marty Parichand presented and provided a report to the Franklin City Manager, Elizabeth Dragon, the Director of Planning & Zoning, Richard Lewis, and the Executive Director of the 501c(3) non-profit, Franklin Business & Industrial Corporation (FBIDC). The report estimated the local economic impacts possible with the development of a



free community whitewater park and associated amenities. This study, which was generated with input from the New Hampshire (NH) Department of Resources and Economic Development (DRED) estimated a possible \$6.8 million increase in annual direct spending and \$4.6 million increase in annual indirect and induced spending as a result of the facility. For a detailed



Purpose

This agreement is to serve as the foundation that outlines the understanding between the City of Franklin and MCP.

A collaborative and extensive project of this nature can only be accomplished through the work of multiple organizations, hereafter, the “team” will represent MCP, the City Manager of Franklin, the City Council of Franklin, and FBIDC.

The goal of this partnership is to fund, build and sustain New England’s first whitewater park, so that, the City of Franklin can build a new identity centered around an iconic outdoor destination.

The above goals will be accomplished through the following activities:

1. MCP must maintain proper NH state nonprofit status
2. MCP must obtain 501(c)3 nonprofit standing & status
3. MCP will assign a board member at large position to the Executive Director of FBIDC
4. MCP will assign a board member at large position to the City Manager
5. The team will work together to procure funding, engineer, design & build New England’s first whitewater park
6. The team will work together to procure funding, engineer, design & build adjacent outdoor community park facility
7. The team will work together to procure funding, engineer, design & build accommodations similar to a campground, hostel or eco-village to provide a revenue stream
8. The team will work together to find funding, & secure access or ownership to privately owned parcels adjacent to the city owned land
9. The City of Franklin will implement a 20 year (with 20yr renewal clause) conditional lease of the city owned land to MCP for use & maintenance
10. The team will work together to procure funding, restore & repurpose the downtown Trestle Bridge & the Sulphite Bridge (also known as the Upside Down Covered Bridge)
11. MCP will act as the point of contact and/or project/program manager of all engineering programs, construction projects, capital campaigns, community outreach events, etc.
12. MCP will manage, maintain, & promote Mill City Park & all whitewater activities on the Winnepesaukee River, whether they are recreational or

Funding

This document is not a commitment of funds, but rather a commitment to implement a long term lease in the future of the city owned property needed for this project and to ensure a commitment to continued collaboration for at least the next five years.

progression of this project please see Appendix 1 - Traction.

Mill City Park (MCP) became a NH state registered non-profit in 2017 with the mission of increasing the quality of life in Franklin and the surrounding communities by:

- Promoting healthy, active, & outdoor lifestyles
- Development of an iconic outdoor community park
- Encourage outdoor recreation opportunities
- Balancing preservation of the land's history, & environmental restoration of the land & water to a natural state

This whitewater park has the potential to reimagine and revitalize Franklin. It will promote development and redevelop, attract existing businesses, enable entrepreneurs to start businesses, increase the attractiveness to prospective residents all of which support the City.

Duration

This agreement is at-will and may be modified by mutual consent of authorized officials from City of Franklin, Executive Director of FBIDC and Executive Director of MCP.

The commitment between the organizations will become formalized upon signature by the authorized officials and will remain in effect until modified or terminated by any one of the partners by mutual consent. The City may, upon a finding that the interests of the City are no longer provided, protected, or otherwise insured, terminate the lease". In the absence of mutual agreement by the authorized officials this agreement shall end on 5 years from the date of the last signature.

Authorized Officials & Partners

Elizabeth Dragon
Manager, City of Franklin

date

Scott Clarenbach
Interim Mayor, City of Franklin

date

Jim Aberg
Executive Director, FBIDC

date

Marty Parichand
Executive Director, MCP

date

Appendix 1 TRACTION

In September of 2015, Marty Parichand presented and provided a report to the Franklin City Manager, Elizabeth Dragon, the Director of Planning & Zoning, Richard Lewis, and the Executive Director of the 501c(3) non-profit, FBIDC. The report estimated the local economic impacts possible with the development of a free community whitewater park and associated amenities. This study, which was generated with input from the NH DRED, estimated a possible \$6.8 million increase in annual direct spending and \$4.6 million increase in annual indirect and induced spending as a result of the facility.

Since fall of 2015, a significant amount has been accomplished. In the summer of 2016, a grass root movement led by Jenisha Shrestha of PCL and Parichand raised over \$35,000 to hire McLaughlin Whitewater Design Group, a whitewater engineering firm which specializes in this industry. McLaughlin produced multiple work products after visiting Franklin, all of which would confirm the findings documented in Parichand's study. Additionally, the above conceptual renderings were produced.

Shortly thereafter, the Franklin City Manager produced a study entitled "Review of Economic Development Impact Proposed "Mill City Park" and associated recreation activities." This document's development coincided with Shrestha and Parichand working with over 180 Colby Sawyer College (CSC) students on the whitewater park and related deliverables. The following departments had coursework centered on the park; Graphic Design, Sports Marketing, Sustainable Food Systems, Environmental Science. This trend continued during the 2016 school year with the Tilton School, Proctor Academy and St. Anselm College.

Momentum continued further after the City of Franklin, PCL and MCP began meeting every 2 weeks for downtown coordination meetings. With the increase of communication, work products, solutions and accomplishments could be expedited. During the summer of 2017, the National Recreation and Park Association selected the project for its Safe Routes to Parks program. In July, a verbal commitment from Franklin Savings Bank was received for a \$25,000 donation with plans to commit as much as \$250,000 over a 2 year period. In August, the project was awarded an Economic Development Association (EDA) Technical Assistance grant of \$180,000 to perform all engineering associated with the first phase of the project.

CITY COUNCIL MEETING

AGENDA ITEM XV



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting September 2017

From: Elizabeth Dragon – City Manager

Subject: City Council to consider to hear an update in regards to the PermaCityLife easement in Marceau park

Suggested Motions:

None

Discussion:

Attached is a draft easement agreement for the benefit of PermaCityLife in Marceau Park considered and supported by the City Council at your worksession on July 24th, 2017.

The Buell Block Conceptual design incorporates a section of Marceau Park. We have been working with PermaCityLife regarding options for the Buell Block space and how to tie it into the façade project. Creating outdoor seating for the Buell Block is an important feature for potential operators and access to the building from the park is required for handicap accessibility. This arrangement is an example of a private/non-profit and public relationship which is mutually beneficial.

There currently is no walkway through the park to connect Central Street and the municipal parking lot. In return for building a walkway to meet city standards PermaCityLife is granted use of some of the park space. The façade funds cannot be used to build the patio/deck and so right now it is planned as grass space for outdoor seating. If the walkway is built by PermaCityLife then it would become the city's walkway and maintained by the city. The entrance to the Buell Block building is the storefront handicap entrance and that would be maintained by the building owner.

After receiving support from the council in July, PermaCityLife presented the plan to the Heritage Commission. The proposal/concept presented to the council discussed a 20 year lease agreement with a 5 year renewal clause for private use of 1,408 sq ft (as patio area) and a storefront walkway/storefront in Marceau Park. The draft document we are working to finalize for your consideration is a perpetual easement and right away for the entrance to the building and a limited easement of 20yrs for the patio/deck area.

The motion on July 24th directed the city manager to work with PermaCityLife and the city attorney to draft the lease and the easement documents.

Attached is a draft prepared by PermaCityLife, reviewed by myself and Director Lewis (with our comments in red). This document has been sent to the City Attorney and to our liability

insurance provider for review and comments. I am not sure I will have comments back in time for the September Council meeting (certainly not in time for the council packets). However, I felt it was important to at least include this update.

EASEMENT AGREEMENT & MEMORANDUM OF UNDERSTANDING

(Draft)

THIS AGREEMENT made and entered into this _____ day of September, 2017, by and between the CITY OF FRANKLIN, a municipal corporation of 316 Central Street, Franklin NH, (hereinafter referred to as "Grantor"), and PERMACITYLIFE, a New Hampshire nonprofit corporation of 361 Central Street, Franklin, NH (hereinafter referred to as "Grantee").

RECITALS

WHEREAS, Grantor owns certain real property, commonly referred to as "Marceau Park" identified as being Tax Map 117, Lot 152 and Grantee owns abutting property referred to as "Buell's Block" identified as being Tax Map 117, Lot 151.

WHEREAS, Grantee seeks a permanent easement and right-of-way through and within portions of Marceau Park for the purpose of constructing, maintaining, repairing, and utilizing a storefront entrance, walkway, and patio/deck area along with the right of ingress and egress in, from and to said easement, for the purpose of general access, constructing, maintaining, and repairing such improvements as described on Exhibit A attached hereto and incorporated herein by reference.

In consideration of the mutual promises and obligations contained herein, the Grantor and Grantee hereby covenant and agree as follows:

1. Grant of Easement.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants unto Grantee its successors and assigns, a permanent easement and right-of-way through and within Grantor property, and as depicted on Exhibit A, for the purpose of constructing, maintaining, repairing, and utilizing a storefront entrance, walkway, and patio/deck (22' x 64') along with the right of ingress and egress in, from and to said easement, for the purpose of general access, constructing, maintaining, and repairing such improvements.

Valuable consideration is defined as being the implementation of the facade improvements as approved by the Heritage Commission in June and August, 2017 together with the construction of the walkway in accordance with the specifications to be established by the Director of Municipal Services. The Director of Municipal Services will determine and/or approve the design, the materials, and the complete construction specifications of the walkway. It is estimated that the value of the completed walkway is twenty thousand dollars (\$20,000.00).

A) PERPETUAL EASEMENT

The perpetual easement and right-of-way is hereby given and granted for the sole purpose of accessing, constructing, utilizing, maintaining, repairing and operating said "Walkway" improvements.

B) LIMITED DURATION EASEMENT

The easement right to construct, maintain, repair, and utilize the patio/deck area (22' x 64') shall be initially limited to twenty (20) years.

C) MEMORANDUM OF UNDERSTANDING

It is further agreed that the limited duration easement shall be converted to a "Perpetual Easement" or "Lot Line Adjustment" (at the discretion of the Grantor) subject to the following terms and conditions:

- ☐ Grantee performs its obligation to construct a walkway through Marceau Park which meets the City of Franklin standards as per the determination of the Director of Municipal Services.
- ☐ Grantee establishes the "end-use" application of the patio/deck area in a manner which is beneficial to the broader revitalization of the downtown (Example: Outside eating area for a restaurant).
- ☐ Grantee submits a design plan for the patio/deck area which obtains approval from the Heritage Commission.
- ☐ Grantee, at its sole expense, prepares a survey and metes and bounds legal description (suitable for recording at the Registry of Deeds) which accurately defines and locates the patio/deck area.

D) MAINTENANCE AGREEMENT

Grantee shall be fully responsible for all maintenance and repairs of the patio/deck area and the portion of the walkway dedicated for the sole benefit of the storefront entrance. Grantor shall be fully responsible for all maintenance and repairs of the walkway through Marceau Park with the exception of the portion dedicated for the sole benefit of the storefront entrance.

E) TEMPORARY EASEMENT FOR CONSTRUCTION OF IMPROVEMENTS

GRANTOR(S) further give(s), grant(s) and convey(s) a temporary easement through Marceau Park for the purposes of construction and installing said improvements along with the restoration of the facade of Buell's Block for a duration of twelve (12) months. period of time approved by the Municipal Services Director as part of an overall work schedule/timeline/milestone document. If milestones are not met by the grantee the grantor will consider an extension of up to 60 days after which the agreement becomes null and void. (something like this give a timeframe to end if it doesn't happen as we expect it to)

2. Grant Reservation.

Grantor hereby expressly reserves and shall have the right to use and enjoy the property for itself, its successors, assigns, and permittees; the right at all times and for any purpose to go upon, across and recross and to use the said easement premises in a manner consistent with the existing nature of the property with the exception of the patio/deck area and walkway section which shall be **exclusively** reserved for the Grantee. **The Grantee agrees to allow Grantor use of the patio/deck area for special events including the annual tree lighting ceremony and at least four other events per year (dates to be mutually agreed upon).**

3. Restoration.

Upon completion of any repair or maintenance work contemplated hereunder, Grantee agrees to promptly restore the above-described property owned by Grantor to a condition equal or superior to that existing prior to exercising its rights under this easement. If and when Grantee makes any future improvements or repairs on the above described property, Grantee shall expediently replace and restore any affected portion of the property to a condition equal or superior to that existing prior to the undertaking of such repairs and maintenance.

4. Indemnity.

Grantee hereby agrees to indemnify, defend, save and hold harmless the Grantor from any and all liability, loss or damage, Grantor may suffer as a result of any and all actions, claims, damages, costs and expenses on account of, or in any way arising out of or from this Agreement, including but not limited to indemnify and save and hold harmless Grantor from any and all losses, claims, actions or judgments for damages or injuries to persons or property arising out of or from, or caused by, the construction, operation, maintenance and use of the aforesaid easements and rights-of-way by Grantee or its agents. This indemnity shall continue so long as this Easement Agreement **and perpetual easement** is in effect.

5. Recitals.

The recitals set forth above are hereby incorporated by this reference.

6. Binding Effect.

The rights and responsibilities set forth in this Agreement shall inure to and bind the parties hereto, their heirs, representatives, successors, and assigns and also constitute covenants running with the land.

7. Attorney Fees.

In the event of any action between the Grantor or Grantee for a breach of or to enforce any provision or right hereunder, the non-prevailing party in such action shall pay to the prevailing party all costs and expenses, expressly including, but not limited to, reasonable attorney fees **(need Pauls review)** and costs incurred by the successful party in connection with such action,

including without limitation all fees and costs incurred on any appeal from such action or proceeding.

8. Headings. (? Ask Paul)

The headings in this Agreement are intended for convenience only and shall not be used to vary or interpret the intent of the text.

9. Recording.

Grantee shall, at its expense, record this Easement Agreement at the Merrimack County Registry of Deeds and shall provide Grantor with conformed copies of the recorded instruments, as well as executed originals of all documents. Such recording shall take place within five (5) business days of the execution of this Agreement.

September, 2017.

GRANTOR:

CITY OF FRANKLIN, NEW HAMPSHIRE

By: _____
Duly authorized

GRANTEE:

PERMACITYLIFE

By: _____
Duly authorized

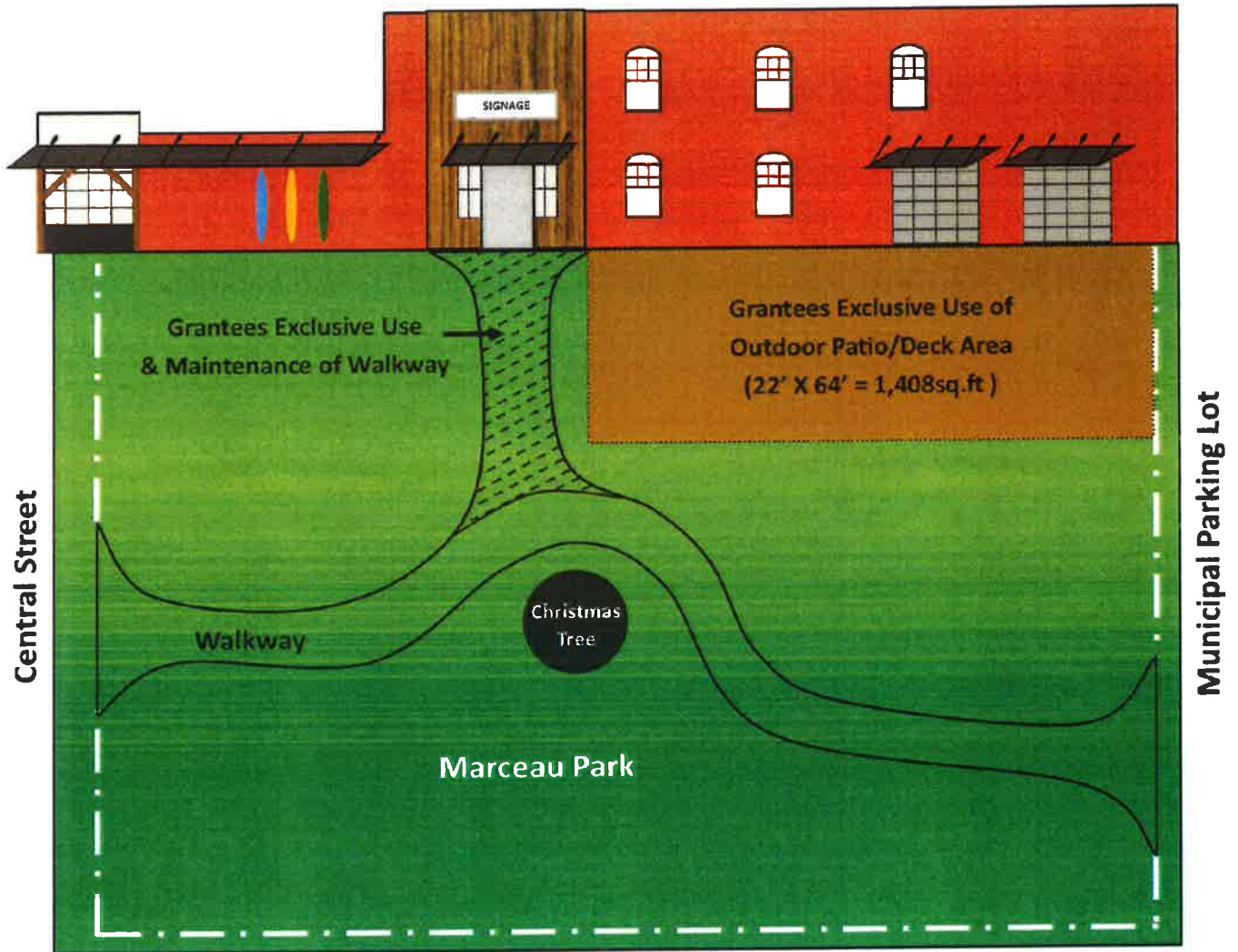
STATE OF NEW HAMPSHIRE)
)
COUNTY OF MERRIMACK)

ON THIS _____ day of _____, in the year of 2017, before me,
_____, a notary public in and for said state, personally
appeared _____, known or identified to me to be the
_____ of the City of Franklin, New Hampshire, the municipal
corporation that executed the within instrument on behalf of said municipal corporation, and
acknowledged to that she executed the same.

IN WITNESS WHEREOF, I have set my hand affixed my official seal the day and year in this certificate first above written.

Notary Public
Commission Expires: _____

Buell's Block Parkside Renovation Plan



CITY COUNCIL MEETING
AGENDA ITEM XVI



CITY OF FRANKLIN COUNCIL AGENDA REPORT

City Council Meeting August 29, 2017

From: Elizabeth Dragon – City Manager

Subject: City Council to consider setting a public hearing for \$3,500 Payment in Lieu of Taxes agreement (PILOT) Industrial Park Drive Solar project

Councilor moves:

I move the Franklin City Council set a public hearing for September_____, 2017 at 6pm to consider a PILOT agreement for Industrial Park Drive Solar”

Mayor calls for a second, discussion, and vote.

Discussion:

Background:

In 2015, the City Council approved a PILOT for \$3,500 as one of the five solar projects contemplated at that time. However, the PILOT expired at the end of one year. A new PILOT was contemplated in 2016 but did not move forward because the projects were stalled. The developers continued to reference issues with net metering caps at the state level.

The solar projects proposed on city land and negotiated as one package with a power purchase agreement did not move forward. Therefore, the city has received no lease revenue. I have been speaking with the city attorney to make sure we do whatever is necessary to legally document it has been two years and the terms of these lease agreements were never acted upon.

Neo Solar Power (NSP) purchased the solar project on Industrial Park Drive to be built on private property owned by Stan Weglarz. They also assumed the city power purchase agreement. However, the city power purchase agreement was negotiated as a whole with the other solar projects on city leased land. The negotiations and final agreement- used the lease revenue and pilot revenue to offset any potential cost differential in electricity rates over the 20yr agreement. Since the other projects have not moved forward it did not make financial sense for the city to purchase power from this one private project on Industrial park drive.

Neo Solar Power was unaware that the power purchase agreement was negotiated as one piece of a whole package. At our second meeting, they agreed to look for other off

Franklin - The Three Rivers City

takers (purchasers) of the power instead of pursuing the city power purchase agreement. They are only requesting the agreed upon \$3,500 PILOT agreement. Since they assumed the city PPA, I have asked that they provide something in writing documenting our verbal agreement that they would seek other off takers for the power and not pursue the city PPA.

RSA 72:74 Payment in Lieu of Taxes. Requires the governing body of the municipality to hold a public hearing before entering into a voluntary agreement. Since the original approval tied all the projects together, it is necessary to hold another public hearing for this one project.

I recommend the council schedule the public hearing and approve the proposed PILOT agreement as long as we are provided documentation confirming they are not pursuing the city PPA issue with the city.

Attached: The approved PILOT agreement from 2015

RSA 72:74

I. The owner of a renewable generation facility and the governing body of the municipality in which the facility is located may, after a duly noticed public hearing, enter into a voluntary agreement to make a payment in lieu of taxes. A lessee of a renewable generation facility which is responsible for the payment of taxes on the facility may also enter into a voluntary agreement with the municipality in which the facility is located to make a payment in lieu of taxes, provided the lessee shall send by certified mail to the lessor written notice which shall state that the property of the lessor may be subject to RSA 80 should the lessee fail to make the payments required by the agreement. A copy of such notice shall be provided to the municipality in which the facility is located.

II. A renewable generation facility subject to a voluntary agreement to make a payment in lieu of taxes under this section shall be subject to the laws governing the utility property tax under RSA 83-F. Payments made pursuant to such agreement shall satisfy any tax liability relative to the renewable generation facility that otherwise exists under RSA 72. The payment in lieu of taxes shall be equalized under RSA 21-J:3, XIII in the same manner as other payments in lieu of taxes. In the absence of a payment in lieu of taxes agreement, the renewable generation facility shall be subject to taxation under RSA 72.

III. If a municipality that contains more than one school district receives a payment in lieu of taxes under this section, the proceeds shall be prorated to the districts in the same manner as local taxes are prorated to the districts, or in the case of a cooperative school district between the city or town and pre-existing school district.

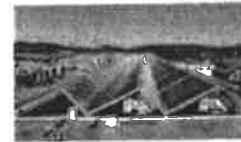
IV. The collection procedures in RSA 80 shall be used to enforce a voluntary agreement to make a payment in lieu of taxes authorized by this section.

V. If a municipality enters into a voluntary payment in lieu of taxes agreement with an owner, or a lessee responsible for payment of taxes, of a renewable generation facility, the municipality, upon the request of the owner, or a lessee responsible for payment of taxes, of any other renewable generation facility located within the municipality, shall offer a comparable agreement to the owner or lessee of such facility.

VI. Except as provided in paragraph VII, no voluntary agreement entered into under this section shall be valid for more than 5 years; however, any such agreement may be renewed or amended and restated for any number of consecutive periods of 5 years or less.

VII. The owner of a renewable generation facility and the governing body of the municipality in which the facility is located may agree to a term exceeding 5 years if such term is necessary for the financing of the project or is otherwise advantageous to both parties and both parties agree to such term.

Alternatives: Do not approve the Pilot agreement and tax the project at full value



sales on a commercial basis shall be deemed the "Commercial Operation Date." IPDS shall give the Town written notice of said Commercial Operation Date within seven (7) days after it occurs, together with a proposed letter amendment confirming the Facility's actual Nameplate Capacity.

3. Transition Tax Year Payment. The tax year in which the Facility achieves commercial operation, the Transition Tax Year, shall be the first tax year covered by this Agreement. Recognizing that construction of the Facility may not have commenced (or that if construction has commenced that the Facility is likely to be only partially constructed) as of April 1 of said Transition Tax Year, and that IPDS's revenues for said tax year may be non-existent or minimal, the PILOT payment for said Transition Tax Year will be based on the following formula, calculated as of the Commercial Operation Date:

$$(\text{Nameplate Capacity}) \times (\text{days left in Transition Tax Year}/365) \times (\text{first year PILOT rate}) \times 0.5$$

For example, if Nameplate Capacity is 1.2 MW and commercial operation is reached on September 1, the Transition Tax Year payment would be calculated as:

$$(1.2 \times (211/365) \times \$3,500) \times .5 = \$1,213.87$$

The Transition Tax Year Payment will be made within ninety (90) days of the Commercial Operation Date.

4. PILOT Payments for 20-Year Operating Term. Subject to possible adjustments up or down under Section 5 below, annual PILOT payments to the Town for the 20-year Operating Term shall begin at the rate of \$3,500 per megawatt of Nameplate Capacity, in the tax year that begins on April 1 following the commercial operation date.

If the Facility's actual Commercial Operation Date occurs after March 31, 2016, then the schedule of annual PILOT payments during the Operating Term covered by this Section 4 will be amended to reflect that the first year of the Operating Term will be the tax year following the tax year in which commercial operation begins.

5. Potential Adjustment of PILOT Payments.

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

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

6. Payment of Amounts Due. Other than the Construction Period payments and the Transition Tax Year Payment, which shall be made as set forth in Section 3 above, IPDS shall make the PILOT payments due hereunder for any given tax year in the Operating Term to the Town in two equal installments, at the Town Tax Collector's office, on July 1st and December 1st.



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

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

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

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

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

For Industrial Park Drive Solar, LLC, 23 Rosemary Lane, Durham, NH 03824

For Industrial Park Drive Solar's Lender: (to be provided by IPDS)

with a copy to: Orr and Reno, P.A. One Eagle Square Concord, NH 03302

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

12. Miscellaneous.

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

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



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

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

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

City of Franklin, NH

By: Elizabeth Dragon
Name: Elizabeth Dragon
Title: City Manager

NhSolarGarden.com, LLC

By: Andrew Kellar
Andrew Kellar
Manager

CITY COUNCIL MEETING
AGENDA ITEM XVII



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of September, 2017

Subject: Other Business

1. Committee Reports

2. City Council Resignation/Appointments

Supervisor of the Checklist – Ward 3

Library Board of Trustees

3. City Manager's Update

4. Late Items

CITY COUNCIL RESIGNATIONS/APPOINTMENTS

Supervisor of the Checklist – Ward 3:

Resignation

Motion: “I move that the Franklin City Council accept Emilie Miller’s resignation from the Supervisor of the Checklist – Ward 3 (Seat SCW32), Term of Service to October 31, 2020.”

Motion: “I move that the Franklin City Council accept Sandra Flanagan’s resignation from the Supervisor of the Checklist – Ward 3 (Seat SCW33), Term of Service to October 31, 2018.”

Library Board of Trustees:

Appointment

Motion: “I move that the Franklin City Council appoint Marsha Palazzolo to the Franklin Public Library Board of Trustees (Seat LT3), Term of Service to January 2019.”

Katie Gargano

From: vtsdmailer@vt-s.net on behalf of Contact form at Franklin NH [vtsdmailer@vt-s.net]
Sent: Tuesday, August 15, 2017 2:32 PM
To: kgargano@franklinnh.org
Subject: [Franklin NH] Resigning as Supervisor (Sent by Emilie Miller, emiesemporium@gmail.com)

Hello kgargano,

Emilie Miller (emiesemporium@gmail.com) has sent you a message via your contact form (<https://www.franklinnh.org/user/43/contact>) at Franklin NH.

If you don't want to receive such e-mails, you can change your settings at <https://www.franklinnh.org/user/43/edit>.

Message:

Hi Katie, I am sorry it has taken me so long to do this.

I am resigning my position as Supervisor of the Checklist for Ward 3, because I no longer live in Ward 3.

Thank you,

Emilie Miller

Sandra Flanagan
129 N. Glenwood Avenue
Avon Park, Florida
(603) 630-4264

August 15,2017

Katie Gargano
Franklin City Clerk
Central Street
Franklin, NH 03235

Dear Katie,

I will be resigning from my position as Supervisor of the Checklist effective immediately. I enjoyed the work immensely.

The reason for my leaving is that I moved to Florida. I have medical problems to deal with and the warmer weather will help so I am putting my health first.

I apologize for this resignation being so late. With the move and my health, it slipped my mind.

Sincerely,

Sandra Flanagan



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin New Hampshire 03235

Tel: (603) 934-2341
Fax: (603) 934-7413

PROSPECTIVE APPOINTEE PROFILE

Name: MARSHA L. PALAZZOLO
Address: 17 EAGLE NEST DR, Franklin, NH 03235
Phone: 603-671-7225 HOME 603-828-1659 CELLULAR
WORK

Email: PALJOEY @ METROCAST.NET

Are you a Franklin Resident? ☒ Yes ☐ No How Long? 1 1/2 YRS

Employed By: RETIRED

Address: _____

Interested in appointment to: LIBRARY TRUSTEE

Please list below any specific skills, knowledge or experience you believe to be relevant:

I WAS PRESIDENT OF THE
FRIENDS OF THE BETHLEHEM PUBLIC
LIBRARY FOR FOUR YEARS DURING

CONSTRUCTION OF A NEW LIBRARY AS WELL AS A BOARD MEMBER
Please state briefly why you are interested in this Board/Committee:

I HAVE ALWAYS ENJOYED
READING AND LOOKING TO
HELP THE LIBRARY IN ANY WAY I CAN

Thank you for your willingness to provide us with this information!



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting September 2017

Date: August 28, 2017
From: Elizabeth Dragon, City Manager
Subject: Manager's Update

Contingency Grant Line Activity: The City received the following in the contingent grant line this month:

None to report this month

Competitive electricity supply aggregation: The City's electrical usage is being included as part of the Lakes Region Planning Commissions (LRPC) RFP for aggregate electricity pricing. Vendor proposals will be due to LRPC September 29th and a summary of the bids will be provided to all participating schools & municipalities by October 3rd. If the successful bid is favorable to the City of Franklin the Council will be asked to approve a contract in October. Contracts are expected to be executed by Oct 25th. Since October 3rd is past your regular meeting there may be need for a second meeting of the City Council mid October.

Assessing: I met with our assessors on August 16th. The final conversion from our CLT assessing software to the Avitar software will be done prior to our October 1st MS-1 deadline. The MS-1 used for tax rate setting will be printed from the Avitar system. This conversion project has been a big undertaking and I am happy to report it is near the finish line. The new assessors have also done a great deal of work cleaning up different areas (like Current Use values and Utility values). Last year the council held a supplemental public hearing to pick up additional value from Utilities. I expect this to be the case again this year. Once the MS-1 is done we will know exactly how much more revenue is available. The assessor estimated a total change in value of \$20million dollars (this doesn't include all the work in progress at the Webster substation which will be added to next year's values). The majority of new value this year was a change by the assessors after reviewing all the forms submitted annually by the utility companies. In April of this year's budget process we estimated just over \$14million in value which was used as part of the budget process. If these numbers hold true it will be a \$6million difference. However, we won't know the exact number until the assessors are done with the MS-1 forms. Expect an update from Director Milner at your October regular council meeting.

Solar exemptions expiring next year-Residents with solar panels on their homes have enjoyed a tax exemption which is expiring. If the council is interested in continuing the exemption there is a process outline under RSA 72:61 & 72:62. If you do decide to continue that exemption the assessor recommended using language that talks about "added value from the panels" to make sure additional property value isn't included. An average solar panel is assessed at somewhere between \$600-700 each and a typical single family home would have 20-24 panels.

Lastly, there is a process required to update our pole license agreements with utility companies so that we can properly appraise the use of the City's Right of Way. The assessors will get us information needed for this update.

Opera House lease agreement- In 2012, we went through an extensive review and update to the Opera House lease agreement at city hall. As you heard recently from Chief LaChapelle our partnership with the opera house has been much improved the last few years. There currently are no pressing issues that need to be addressed in a new agreement. We are currently on a one year automatic extension. Reviewing and updating the lease should be a project for the new city manager next April/May to bring back to council.

City manager recruitment process:

City Council voted to work with a professional recruiter to hire the next city manager.

- Request for Proposals (RFPs) for a recruiter went out July 25th and were received August 18th.
- The Council met with Primex July 24th. They will assist with the creation of a candidate's profile. Primex facilitated a public meeting on August 9th and took council & public input.
- The Council selected a recruiter at their meeting August 22nd (Mercer Group)
- The Recruiter will be meeting with the council September 6th and department heads September 7th. The hiring process will be non-public.

Confirmation of vote: On August 7, 2017 the City Council approved the resolution #05-18 with a voice vote instead of a roll call vote. Would the council confirm the vote with a roll call vote this evening? "I move that The Franklin City Council adopts resolution 05-18 authorizing the withdrawal of an amount not to exceed \$12,000 from the Raymond & Betty Turcotte Memorial Rescue Squad Trust fund for the tuition in support of sending Fire fighter/AEMT Zachary Burke to nationally Registered Paramedic School by a roll call vote...

Resolution #05-18 attached.



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

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax: (603) 934-7413
cityhall@franklinnh.org

RESOLUTION #05-18

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2018.

In the year of our Lord, Two Thousand Seventeen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2018 which began July 1, 2017, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that, due to changes in personnel, the Fire Department now has just (2) paramedics in employment, and;

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

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the Turcotte trust fund has a current balance of approximately \$82,439, and;

WHEREAS, the City Council of the City of Franklin wishes to appropriate from the Turcotte trust fund an amount not to exceed \$12,000 for the purpose of sending Firefighter/AEMT Zachary Burke to Nationally Registered Paramedic School, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Tuesday, August 22, 2017 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 05-18 allowing the withdrawal of Twelve Thousand Dollars (\$12,000) from the Turcotte trust fund and authorizing an increase in FY18 revenues:

Transfer In – Trust Funds Acct. No. 01-0-000-39160-000 – Twelve Thousand Dollars (\$12,000),

And an increase in expenditure account,

Rescue Staff Development Acct. No. 01-2-207-40291-000 – Twelve Thousand Dollars (\$12,000),

And stipulate any liquidating damages for breach of employment contract be returned to the Turcotte Fund.

By a roll call vote.

Roll Call:

Councilor Barton	_____	Councilor Dzujna	_____	Councilor Ribas	_____
Councilor Clarenbach	_____	Councilor Giunta	_____	Councilor Wells	_____
Councilor Desrochers	_____	Councilor Moquin	_____	Councilor Zink	_____

Approved: _____
Interim 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: _____