



City Council Meeting Minutes
May 4, 2020
Webmeeting via zoom

Council In attendance remotely:

	Location/others in attendance
Mayor Tony Giunta	Dialing in from home/no others present
Councilor Jo Brown	Dialing in from home/no others present
Councilor Scott Clarenbach	Dialing in from home/no others present
Councilor Bob Desrochers	Dialing in from home/ wife Janet is present
Councilor George Dzujna	Dialing in from home/ wife Christine is present
Councilor April Bunker	Absent
Councilor Ted Starkweather	Dialing in from home/no others present
Councilor Olivia Zink	Dialing in from home/no others present
Councilor Karen Testerman	Dialing in from home/husband Dave is present
Councilor Paul Trudel	Dialing in from home/no others present

Others attending remotely: City Manager Judie Milner, Police Chief David Goldstein, Fire Chief Mike Foss, Parks and Rec Director Krystal Alpers, MSD Director Brian Sullivan, MSD Deputy Director Justin Hanscom, Drug Task Force Coordinator Kandyce Tucker, and members of the public.

Absent: Councilor April Bunker

Mayor Giunta opened the meeting at 6:05 p.m. using remote meeting software through Zoom. He stated that conducting meetings in a remote setting will continue per the Governor's Executive Order and State of Emergency order for an undetermined amount of time.

Salute to the Flag was led by City Manager Judie Milner.

Mayor Giunta read aloud the Compliant Statement Right to Know Law During the State of Emergency.

Public Hearing

opened at 6:15 p.m.

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

There were no comments or questions from the public.

The public hearing on Resolution #16-20 closed at 6:16 p.m.

Public Comment

Christine Dzujna ward 1 resident provided an update from the Animal Shelter Board. The Annual Dinner

Dance has been cancelled this year due to our current health crisis. They have received many items in hopes to auction them off in an on-line auction type of setting. Details have not been finalized.

The Annual 5K fundraiser will be a virtual type of race rather than in person. Monetary donations have been received regardless. There will be a meeting this week to figure out a way to organize a virtual silent auction for the Animal Shelter. Mrs. Dzujna thanked them all for their support of the Animal Shelter.

Mrs. Dzujna stated that the Golf Tournament has been cancelled, the Funspot Fundraiser has been rescheduled to September, and Franklin Regional Hospital Auxiliary Board cancelled their fundraiser as well. She is hopeful that these fundraisers can occur next spring.

She thanked all of the Franklin Regional Hospital workers for their dedication and hard work.

The Library Board approved funding to repair the Library roof and work has begun as it is a good time to do the work with the Library currently closed. The Scholarship recipient has been chosen and will be communicated very shortly. Virtual story time and an electronic library have been available on-line. Mrs. Dzujna thanked Rob Sargent and his staff for all of their hard work.

Mrs. Dzujna also thanked Superintendent Dan LeGallo for keeping communication open and ongoing. She also thanked the entire City Council, Mayor, and City Council for doing a great job as she knows this hasn't been easy for everyone.

Mayor Giunta thanked Mrs. Dzujna for all her comments this evening. He was very appreciative of her providing acknowledgement and praise to the people and organizations who are working very hard during this epidemic.

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

City Council Acknowledgements

Councilor Dzujna thanked all the workers at the Transfer Station for all their hard work. He stated that many people are home cleaning their property and all the extra items creating a surge in tonnage going to the Transfer Station.

Mayor Giunta echoed Dzujna's comments and added that he was there on Saturday and the Transfer Station was spotless and the crew was well organized keeping the line of cars going at a good manageable pace while keeping the drivers calm and well informed. Mayor Giunta thanked Director Sullivan and asked that he pass on the great feedback to his crew.

Councilor Trudel has received feedback from his neighbors and others in his ward that the City has been working hard and continued seamlessly during this crisis. There hasn't been a reduction in services which is testament to how dedicated Franklin employees are. He stated from the Schools to the Municipal departments, everyone is working hard to keep services going. While many others were

safely inside their homes, the City and Front-line workers are still out there doing everything they can to keep the City running. Trudell couldn't thank everyone enough.

Mayor's Update

Mayor Giunta stated that Governor Sununu has been consistent over the past few weeks during his virtual meetings with all the Mayors throughout the entire state. During these briefings, the Governor is providing updates at the state level, answering concerns, and is making sure everything is being done to ensure COVID reimbursements are being processed quickly and easily.

Giunta added that the Governor is following closely what is happening in Massachusetts and surrounding states to ensure NH won't be flooded with residents from other states which could cause the spread of this virus here in NH.

Mayor Giunta asked the Council if he could answer any questions that they have regarding the situation we are in due to COVID or anything that is on their minds.

Councilor Brown stated that she was having trouble getting information on the status of the SBA loans she had applied for. She isn't the type of business that has a lot of employees or is making a certain financial threshold. She asked Mayor Giunta how the really small business owners are being handled.

Mayor Giunta replied stating that the other small business owners he spoke to had applied through the local bank rather than through the Small Business Association but he urged Councilor Brown to be persistent with the contact she made when she applied and stick with pursuing them for an answer. He also suggested that if Brown isn't getting anywhere to go to the State's website for guidance or get in touch with Taylor Caswell.

Councilor Dzujna commented that he heard that rooms and meals taxes would be depleted this year and the highway block grants that we receive from the gas tax may be a problem as well. Mayor Giunta replied that the latest CARES Package would not be used to bail out bad financial spending situations but should only be used toward reimbursement for COVID related expenses.

New Hampshire received \$1.2B to cover these expenses but when Governor Sununu asked for the definition of how that money could be spent, the U.S. Treasury gave a very narrow explanation. After more discussions on loosening up this definition, the hope is that the \$1.2B would cover the needed money to fill the gaps created. If not, another CARES Package would be considered.

Councilor Desrochers addressed Councilor Brown and stated that self employed businesses can apply for unemployment benefits. Brown replied that she understood that the self employed business owner would have had to be paying themselves and she was not paying herself.

Councilor Zink stated that she is deeply concerned about election times and people shouldn't have to choose between their health and voting. The state has offered some guidance on absentee voting. Zink further stated that she would like to see information and instructions on the City Website with regards to our City's voting arrangements; how to register etc. She would also like the City to poll for election workers to ensure there will be adequate election workers since due to this situation, the current

workers may not want to come out and work the upcoming elections. Zink also stated that she was on a phone call meeting with the States COVID Emergency Commission and Bud Finch stated that there is additional federal money to assist with elections during this health crisis but a 20% match may need to be made by the municipalities. Zink would like the City to reach out to this commission and let them know that this 20% should not be downshifted to municipalities but paid for by the state.

Mayor Giunta agreed with Councilor Zink and stated that time is going to go by very quickly so it would be a good idea to ask people now if they are willing to help work the polling locations during election times. He asked City Clerk Katie Gargano and City Manager Judie Milner to work on posting a message on the City Website asking people to step forward if they are willing to help and also communicate information on how people can register to vote. Zink stated that the deadline to change party affiliation for the September election is June 2nd.

Milner stated that the City Clerks Office is already working on these communications and she also added that it is always difficult to recruit poll workers so any help spreading the word would be most appreciated.

Mayor Giunta added that Governor Sununu had mentioned that Bow recently held a special election and had excellent results with drive thru voting. It was so successful that he is considering it for the upcoming election in the fall.

Councilor Trudel agreed that he heard it worked out very well. There could be an improvement or two but overall, it worked out great. He stated that he hopes Franklin won't have to vote in this manner but if this crisis is still an issue come election time, he would support voting this way.

Councilor Dzujna asked City Manager Milner how people would be trained if they are recruited to work the polls. Milner replied that NHMA offers free on-line training for this so we can conveniently use this option to train people.

Agenda Item I.

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

Councilor Trudel commented that the April 6th City Council Meeting is stated as a Special City Council meeting in the Council Packets. He asked that it be corrected and stated as a regular City Council Meeting. There were also some missing pages to the April 6th meeting minutes when they were originally distributed therefore he wanted to make sure the Council received all of the pages of the minutes so they could review them prior to this vote to accept them.

Mayor Giunta asked if there was any member of the Council who did not receive the full version of the minutes to raise their hand. There were no hands raised.

Motion – Councilor Trudel moved that the Franklin City Council approve the minutes of the March 24th, 2020 City Council Special Meeting and the minutes of the April 6th, 2020 City Council Virtual Meeting.

Seconded by Councilor Dzujna.

Mayor Giunta asked the Council if there were any corrections needed to the minutes. There were none.

Roll call to approve the minutes:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Zink	Yes
Councilor Clarenbach	Yes	Councilor Bunker	Absent	Councilor Testerman	Yes
Councilor Desrochers	Abstain March 24 th Yes April 6th	Councilor Starkweather	Yes	Councilor Trudel	Yes

Motion PASSED.

Agenda Item II.

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

Motion – Councilor Dzujna moved that the Franklin City Council adopt Resolution #16-20 which appropriates \$10,588 from the Bessie Rowell Community Center Capital Reserve Fund to replace flooring in 4 classrooms at the Bessie Rowell Community Center. By a roll call vote.

Seconded by Councilor Desrochers.

Councilor Clarenbach stated that it appears this money will be spent on a tenant space and not a common space and asked if that was the original intent of the fund. Clarenbach added that tenants were to pay \$5000 per year that would go toward to roof, common areas, and the gym. It appears the flooring is in the tenant space.

The Parks and Recreation Director stated that this money is for 4 common area recreation rooms. She further explained that the majority use of these rooms is by the Parks and Rec Department. The fitness room is used by all organizations within the building and the activity (arts and crafts) room is used by the outside public as well as the Parks and Rec department.

Clarenbach wanted to make sure this wasn't setting a precedence for the other tenants thinking this fund could be used for repairs in tenants' spaces.

City Manager stated that the fund was set up to manage the building. All agencies in the building pay \$5k a year which goes into the Bessie Rowel Community Center Capital Reserve Fund. The fund can be used to repair anything in the building regardless of where. She agreed to be cognizant of keeping things even among the tenants.

Mayor Giunta asked if there were any other questions regarding Resolution #16-20. There were none.

RESOLUTION #16 - 20

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

In the year of Our Lord, Two Thousand Twenty,

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

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

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

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

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

An increase in revenue account,

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

And an increase in expenditure account,

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

By a roll call vote.

Roll Call:

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

Agenda Item III

Council to consider setting a public hearing on Resolution #17-20, authorizing the City Manager to file two separate grants totaling \$105K from the State of New Hampshire Clean Water State Revolving fund (CWSRF) to be used towards the City's Water and Sewer Infrastructure Improvement Project and designating Judie Milner, City Manager as the City's authorized representative.

Motion – Councilor Trudel moved that the Franklin City Council schedule a public hearing at 6:00 p.m. on Monday, June 1, 2020 in City Council Chambers (tentative) to consider two 100% reimbursable loans totaling \$105K from the State of New Hampshire Clean Water State Revolving Fund (CWSRF) Program.

Seconded by Councilor Desrochers.

Mayor Giunta asked the Council if there was any discussion moving Resolution #17-20 to a public hearing. There was none.

Roll Call:

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

Agenda Item IV.

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

City Manager Milner provided background information stating that the previous Solar Power Agreements expired on 12/31/2019 and added a guarantee that the City would receive money from this agreement.

There are two new people managing three of these projects and agreement on this PILOT is contingent upon them receiving the funding to move forward with summer construction. Milner requested that the Council consider setting a public hearing for May 18th to approve the PILOT Agreements. Under these new agreements, they would be required to begin making payments to the City regardless of it being completely built.

Councilor April Bunker joined the meeting at 7:00 p.m. She stated that this was due to having internet issues.

Councilor Desrochers stated that he is greatly concerned with this project and does not approve of it or of having a public hearing until the public can obtain enough information to understand what this means and they can come in person to speak to it at a public hearing. Using the waterfront location, which is approximately 40 acres of prime farming land, has been there for generations, and is not the appropriate location for something like this. Desrochers asked the Council to go to the location down by the Water Treatment Plant and view it for themselves to understand why he has expressed his disapproval of it.

Mayor Giunta requested that City Manager Milner provide further information on these agreements such as the income it would provide to the City. Milner reminded the Council that three of these projects were already approved by the Council five years ago and had issues with Net Metering piece not getting the State's approval. New England Solar would be three of the new projects in this current agreement. She continued to add that per RSA, if a PILOT is provided to one of the projects, then a PILOT must be provided to all of the projects. This is the reason for the renegotiation as the other three expired on 12/31/2019. Two of the projects, that would be located by the Water Treatment Plant, would bring \$34K a year in rent to the City. Currently, the farm lease in that same area is bringing in \$500 a year. These are the only two that are on City Property. The other four projects are located on private property.

The four private PILOTS would provide the City with an annual rebate which can be between \$9K-\$15K per year paid directly to the City.

Councilor Starkweather stated that there are location sites in this agreement that the Council is being asked to approve to set before the public in a hearing but they have not been heard or approved before the Planning Board. Milner agreed that the Mojalaki site has not been before the Planning Board but had an email approval that the Council can move in any way they feel comfortable on the Mojalaki site. It can be removed from this agreement at this point if the Council is more comfortable. The Commerce Way site is on private property and has been approved by the Planning Board. This is different than the other site that is owned by people located out of the country.

Starkweather also asked what is meant by the Commercial Operations Standard of maximum capacity of each site and how will that affect full payments to the City. Milner replied that the agreement is not based on what they are producing. Starkweather stated that he is hesitant to agree to the PILOTS at this point due to their history with Franklin and not following through with their previous agreement. He would like to see this agreement be more comprehensive this time around.

Milner stated that the City Attorney had reviewed the previous agreement and waiting to hear back on this current one with the addendum. This agreement changes the payment terms to the City regardless of being fully or partially operational. Payments would occur immediately regardless of either.

Mayor Giunta added that Solar Power 1 LLC and Solar Power 2 LLC have an access agreement with the

Winnepesauke River Basin to go across the river for construction and are still viewing the possibility of using Manual Road for exporting the power.

Miler stated that the projects at Mark Rd and Duffy St. have been approved through the planning Board.

Councilor Bunker asked if there was any idea when we will go back to face to face meeting so we can have a public meeting in Council Chambers. Mayor Giunta replied that he does not know at this time however he is basing next steps for Franklin on what Governor Sununu supports and large gatherings for meetings is not recommended.

Councilor Testerman asked who would be responsible for deconstruction and clean-up when the solar agreements have expired. Milner replied that there are two parts to the agreement, one is the PILOT which is payment in lieu of taxes and the secondary agreement is a lease agreement with the land owners (two on City sites and the other four on private sites). Milner stated that it is written in the lease agreement that the sites must be decommissioned and cleaned up by the solar owners when the agreement expires.

Testerman agrees with Desrochers that the City needs public input and people are hesitant to attend these meetings remotely.

Councilor Trudel also agrees with Testerman and Desrochers. He added that Franklin is branded as a recreational City and stated that it would be best to table this until a face to face meeting can occur. He stated that without receiving the face to face input from the residents would be an injustice to everyone.

Mayor Giunta stated that these projects evaporate quickly if approval is not received. Milner added that these projects would generate just under \$5K but would create \$67K in revenue for the City and if they were fully taxed, they would not be built.

Councilor Brown asked Councilor Desrochers how much of the acreage is currently farmed by Mr. Fife. Desrochers did not know the exact number and replied that this feels like a rushed decision for something of this magnitude. Desrochers added that in comparison to the City's \$23M budget, the amount of revenue that could be generated from this agreement just isn't worth it giving away farm and recreation land. Brown then replied that she understood Desrochers concerns however she is curious to know how much of farming land are we actually looking at for these solar projects. She added that this has been discussed with the Planning many times so it does not seem like a rush decision to hold a public hearing. She also stated that she doesn't know if people are recreating behind the Waste Water plant. In our current and future world, we will likely have to deal with viruses so revenue to the City is going to be very challenging. All the pros and cons need to be looked. Brown respectfully disagreed with Councilor Desrochers.

Councilor Clarenbach stated that he has a few concerns. One is agreeing to a \$4K per megawatt per year agreement stating that it is less than what he pays in taxes on his own home. In the last five years, the dealings with Franklin Tower Solar 1 and 2 haven't been positive and he isn't interested in dealing

with them again and doesn't want to lump the same feelings with the other solar companies who are separate. Clarenbach believes that the City is giving these companies a very large discount on the property and asked why the City is considering doing that.

City Manager Milner addressed Clarenbach's concerns and stated that the City is trying to follow the mantra of Franklin Goes Green and these types of solar projects do that. Milner added that the agreements have been worked on since January so there was a lot of thought in creating them. She also pointed out that per RSA, solar projects can't be negotiated individually. Milner then replied that the City would be repurposing 26 acres for the Solar Projects.

Councilor Zink stated that there is no liability in the agreements on City property and asked if the City should require it from them. The lease stated that it is 20 years in one area and then 21 years on another area. She stated that 20 years is a long time to compromise property tax for a \$4K a year lease. She would prefer a shorter lease period and then reevaluate since the City won't know what that land is worth in the future.

Zink researched the ownership of these companies. Franklin Solar 1 and Franklin Solar 2 have different holding companies. She would like to know who all these different entities are as it appears that some of them have the same owners but others it is difficult to find out. She requested information on the tax liability.

Net metering proposals that are held by the state are believed to have been vetoed and Zink stated that is what held up the process the last time due to a change in the state law.

Lastly, Zink asked what benefit the public would get from this. She wonders if they are going to sell back any power to the City and if so, what would the rate be. She referred to the agreement and what appeared to be some sort of purchasing agreement for the City.

City Manager Milner replied that back on the original project agreement, the City was required to purchase power from the system. With the new renegotiation, the City is no longer required to purchase power from them but could if it were decided upon.

Milner stated that their proof of liability insurance is required and part of the lease agreement not the PILOT agreement. There is also an Out Clause built into the agreement where if in 3 years, the PILOTS are not built and even if we are still receiving lease payments.

Mayor Giunta addressed the question regarding Net Metering and just as he was responding to it, he lost his internet connection therefore Councilor Zink asked if a motion was made tonight to Table the request for a public hearing on the Solar Agreements

Councilor Trudel stated that there are too many balls in the air to have the hearing face to face. The Planning Board hasn't approved part of the project and more information is needed to make a sound decision. The current version of the agreement needs some updates.

Councilor Clarenbach called a point of order and asked if there was a motion made to table the request

for a public hearing. Audrey Lanzillo was taking the minutes and replied that a motion was not made only a statement made by Councilor Trudel that he would like this tabled. There were no further comments from the other Councilors at this moment.

City Manager Milner stated that Franklin Town Solar 1, Franklin Town Solar 2, and Commerce Way went to a public hearing and received approval on their PILOT agreements. The New England Solar Garden PILOT would be new requests for public hearing.

Councilor Desrochers stated that Franklin Town Solar 1, Solar 2, and Commerce Way had agreements that expired on 12/31/2019 and void at this point. Miler agreed and stated that she just wanted to inform the Council that they had gone through the public hearing and public comment process.

Councilor Starkweather referenced the amendment within the agreement and asked if the PILOT Payment to the City from Franklin Town Solar is \$4K per megawatt annually for the duration of the agreement. Milner replied that it is \$4K annually per megawatt and the language in the agreement will be adjusted to reflect that. Starkweather also requested a performance bond so when the PILOTs decommission their facilities, we are guaranteed they clean up their sites. Milner replied that she believed the Planning Board was requesting that and she will follow-up on it.

Councilor Dzujna asked City Manager Milner if Mr. Fife would still be allowed to farm some of the land that he is currently using for farming. Milner replied that Mr. Fife is farming approximately acres of City Owned property and will still be allowed to do so. Dzujna stated that he believed the performance bond was part of the previous agreement and Milner agreed that she believed that to be true and will check to be sure.

Starkweather also stated that in the previous agreement, there was discussion on making sure Mr. Fife had an access road or means to operate his equipment in the area of the solar arrays and Milner agreed and added that once the arrays were up, Mr. Fife may also be able to farm additional land but they won't know until the arrays are up.

Councilor Testerman asked Milner if the PILOTS that are owned by foreign entities were actually owned by people outside of the United States. Milner replied that is correct. Testerman then stated that she has a problem with that because China already owns too much of what should be owned by the United States. Testerman also stated that some of the most valuable property that has been diminished in the state is farming land. Farming land is fertile land and historic. It should not be turned over to other entities for financial reasons. Testerman stated that she was also concerned that these solar arrays are secured against all hazards.

Milner replied to Testerman's concerns regarding the foreign owner and stated that they own the Solar arrays that are already up and working. They do not own any of the solar array PILOTS that are being discussed with the Council tonight. Milner added that these six solar companies are owned by people in the United States. Milner added that fencing is required around all of the solar arrays. Testerman stated that fencing only is not sufficient and that other things can go wrong so there needs to be more insurance and security built into the agreement protecting the City.

Councilor Brown asked how many acres the solar arrays will be next to the farmland. Milner replied that they would use 11 acres of the 20 that the City owns. Fife leases 9 acres of that and the other 11 would be considered for the solar arrays.

Councilor Bunker stated that the discussions tonight seem more as if they are voting on this tonight but this is only to set a public hearing. She supports the public's input and will do her best to inform the residents of ward 3. She does not think this should wait until September.

Mayor Giunta was able to join back into the meeting. He got disconnected due to his internet provider. He wanted to go back and respond to the point Councilor Zink mentioned regarding net metering. He explained the per kilowatt rate and how it's being used to secure the net metering rate. One megawatt projects can be built. He continued to explain that 4-5 years ago, they were allowed to subdivide properties so a five-megawatt project could be divided; so a megawatt project could be built next to another megawatt project and so on. The Public Service Commission ruled that this would not be allowed anymore. This is why Franklin Town Solar 1 and Franklin Town Solar 2 would be next to each other behind the wastewater treatment plant.

The current bill in the state house will allow up to a five megawatt project. It was passed by the House and Senate, vetoed by the Governor, went back to the Senate but has not gone back to the House yet. If the House overrides the Governor then it will pass to allow for a five megawatt net metered project.

Councilor Brown agreed with Councilor Bunker's comments in support of a public hearing and not wait until September. Brown asked City Manager Milner if this issue could be heavily publicized with mention to email or call your City Council for details on this topic and whether or not they are in support of it. She asked if Milner could put together a synopsis of all of the points and email as many residents as possible encouraging them to come to a meeting or mail in their opinions on this. Brown stated that there are other ways to get the public's feedback if a face to face meeting isn't possible.

Councilor Desrochers stated that these solar companies had the approval and opportunity to come and do this twice before. They let their opportunity go and now it's time for the City to move on to other business that the City needs to take care of.

Mayor Giunta review the numbers so the Council had all the information on the possible income for the City. Franklin Town Solar 1 and 2 would be bringing in \$4K per megawatt on a parcel that we currently receive \$500 per year. Mr. Fife discussed compensation of his leased property for \$75K from Franklin Town Solar for the cost of grain that he would have received. None of the \$75K is coming back to the City. This would turn \$500 a year to receiving \$42K a year for 25-30 years and bond for over \$100K+. Mayor Giunta stated that this would generate more income for the City. Desrochers is not in support of leasing the farmland away.

Councilor Starkweather asked the funding is contingent on all six of these solar projects receiving approval of the agreement. Milner replied that it is. Mayor Giunta added that this may seem like a push to get this in quickly and part of that is due to the yearly tax credits that open up only once a year. The solar projects could get a 30% tax credit the first year and then phases out over 3 years.

Councilor Trudel is also not in support of this project and agrees with both Councilor Zink and Councilor Desrochers. The land was deemed agricultural and belongs to the City. There isn't adequate time to look at all the facts before making a decision like this. He stated that there was plenty of time leading up to this to get all the facts instead of rushing to schedule a public hearing and approve this project.

City Manager Milner noticed that there is some confusion and explained that the lease agreement for Franklin Town Solar 1 and 2 is already in place and has not expired. There is already a 20 year lease agreement in affect for the property behind the Water Treatment Plant. The current discussions are in regard to the PILOT Agreement that goes along with the lease already in place.

Milner continued to explain that there are two entities: one for the City Owned Property and the other one for the privately owned property. Blue Planet is in charge of Franklin Town Solar 1, Franklin Town Solar 2, and the Commerce Way projects. The second entity is New England Solar Garden, who is in charge of the Mark/Duffy Road project and the Mojalaki project. The private property projects are brand new and already have lease agreements with the property owners. Trudel stated concerns with this because if all the abutters to the private properties were duly notified, that is fine. However, the Mojalaki project hasn't been approved by the Planning Board and asked if the abutters have been notified. He added that the last time discussions on solar arrays in the Mojalaki area occurred; he was inundated with phone calls from residents asking for information on what was going on. Those that live in eye shot or abut the Mojalaki property, do not want to see solar panels. They would be happier with a housing project or a rehab of the golf course. Trudel stated that he is not in favor of this project.

Milner replied that she could remove the Mojalaki project from the equation tonight and stated that there have been public discussions on this subject during Planning Board meetings.

Councilor Brown stated that there was a lot of public commentary at 2-3 Planning Board Meeting last fall and confirmed that this is not new news. The public came to the meetings and the board was able to resolve their concerns. She agreed that the Mojalaki project has not been to the Planning Board yet.

Brown then asked Milner if Mr. Fife had already been aware of the solar project lease agreement and Milner replied that he is aware and has not farmed the 11 acres in question for the last five years.

Councilor Dzujna stated that he also attended the Planning Board meetings and also heard the public ask questions, discuss concerns, and ultimately were in support of the previous solar project agreements. Mr. Fife has been farming his portion of the City's land.

Councilor Clarenbach asked Milner to clarify the 20 year lease agreements on Franklin Town Solar 1 and Franklin Town Solar 2 which have been in affect for the past five years already but the City hasn't received any income. With this new PILOT agreement, the City will receive \$4K a year regardless if it gets built. Milner replied that is correct. If nothing is built by 2021, the City can get out of the PILOT agreement even if we were getting paid the \$4K per year. Clarenbach then stated that the original lease agreement was poorly written and asked Miler if the City can get out of it. She replied that she thinks there is a way. Clarenbach stated that was not in favor of the PILOT Agreements but would

consider voting to move it to public hearing if the agreements were separated. He also added that in essence the Council is being asked to be the tax setters for these PILOTS

Mayor Giunta reminded the Council that tonight's request is to set the public hearing and have received a lot of background on the subject matter.

Councilor Trudel stated that he is concerned that the public doesn't have enough information at this point in time to move this quickly to public hearing. He stated that they should be separated since one is on City owned property and the other is on private property. Trudel also stated that there isn't enough information to vote on moving this to a public hearing and will not be in support of it if a motion is made.

Mayor Giunta stated that all of the agreements had gone through the Planning Board except the Mojalaki project. It was originally presented at a 10 megawatt project and reduced to the 1 megawatt as allowed. PILOT agreements are already in place for Commerce Way and Mark/Duffy Street projects. Mayor Giunta continued that these PILOT agreements were established prior to Councilor Trudel joining the City Council Board and they are coming back to be renewed since they've expired.

Mayor Giunta also stated that it is a property owners right to do these type of projects on their property. Solar projects are accepted all through the City by the Planning Board and a PILOT agreement or a public hearing on the matter shouldn't be stopped. He further stated that this, in part is against a person's civil rights.

Councilor Clarenbach stated that the Council is being asked to allow an entity to receive a tax abatement by discounting the property and once it is provided for one, others will expect to be given the same. This would set a precedence of how solar array properties would be taxed. He agrees that people have the right to do this on their own personal property and the City should have the right to tax appropriately.

Councilor Bunker asked if the Mojalaki project was on the Planning Board agenda for this month. Mayor Giunta replied that it is not.

Councilor Desrochers stated that he wasn't in favor of this when it was first presented five years ago and the City has not received a dime in lease payments. Desrochers further added that tonight's request to set a public hearing is more than just that. If it is scheduled to occur on May 18th, there will be a request to vote on it after the public hearing on the same night. He stated that the Council is not ready to vote on this and two weeks from now wouldn't be enough time either. Desrochers does not like the way a decision needs to be made so quickly or they lose their funding. This agreement is only 1% of the City's total budget and not worth just rushing through without looking at all the information first. He would consider it if Franklin Town Solar 1 and Franklin Town Solar 2 were removed from the equation

Councilor Brown stated that she thinks the Mojalaki piece should be removed from the agreement because it has not gone before the Planning Board.

Motion – Councilor Brown moved that the Franklin City Council consider setting a public hearing for the adoption of the commercial solar power PILOT Agreements with Franklin Town Solar 1 LLC, Franklin Town Solar 2 LLC, Commercial Way Solar LLC, and the Mark and Duffy Street Solar Gardens. Seconded by Councilor Dzujna.

Councilor Clarenbach called a point of order stating that the motion needs to include a date and time. Councilor Brown amended the motion to include the date of the public hearing being Monday, May 18th at 6 p.m. in City Council Chambers. Seconded by Councilor Dzujna.

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

Motion FAILED.

Agenda Item V.

Other Business

1. Committee Reports – Councilor Clarenbach stated that a virtual MSD Committee meeting was scheduled but cancelled due to member(s) being out sick. He stated that it is important to reschedule and hold this meeting to review the bidding on the curbside collecting need and discuss other options on the table. Mayor Giunta asked the City Manager’s secretary Audrey Lanzillo to send out a Doodle poll to find a good time for all to attend.
2. City Manager’s Update:
 - a. City Manager Milner thanked everyone for their well wishes while she was recovering from COVID-19. She is currently in quarantine and expects to be back in the office on May 13th.
 - b. The contingent grant line is \$1K from Walmart for Motor Vehicle Extrication Training.
 - c. \$4,500 was received from the State of New Hampshire for Active Shooter PPE for our first responders.
 - d. The School Trust Fund contains \$69.26
 - e. The EOC Team is still partially activated and a team is meeting to discuss when and how to open back up when the time comes. Milner thanked Chief Goldstein and Chief Foss for stepping in while the Finance Director Pessy Gaudette and City Manager Milner were out due to COVID. She stated that they did an excellent job taking care of the City.
 - f. Governor Sununu recommended that the FY21 Budget wait as long as possible until they finalize the state numbers that will then affect our budget. As Councilor Dzujna mentioned earlier there’s a need to fill gaps in the gas tax and rooms and meals tax. Milner stated that she is hoping to have a budget out in June. The school district budget hearing and the municipal budget hearing meetings, both scheduled for this week and next, will both be rescheduled for June.
 - g. Milner stated that regardless of her being out sick, the Downtown Economic Committee is in full swing. A few things have slowed down due to our current health situation. Obtaining the tax credits has been delayed as the donors are unsure of what is happening with their businesses. CDFA has been working with the City on allowing an extension for selling the tax credit this year to next year.
 - h. The Big news is that DES approved the permit for Mill City Park. Some kind of big event will be planned to celebrate.

Councilor Trudel stated that he is receiving mixed information with regards to the School Finance Committee approving their budget prior to receiving the State's final budget numbers. Trudel asked for clarification on this and also asked if a Joint Finance Committee meeting should be scheduled. Milner replied that she believed the School passed their budget in March. Milner continued to explain that they passed a tax cap budget based on their own tax cap calculations so it may be slightly off but shouldn't be off by much. Milner and Finance Director Gaudette will sync up the number with them as soon as they are both back in the office.

Councilor Dzujna was happy to hear that the tax credits have been extended. He asked if the credits that were sold already will hold. Milner replied that they will hold and are still committed. There were a couple of big players that were coming in but they are holding off for the time being and will reconsider for next year. Milner stated that CDFA is on board with the City's strategy.

Councilor Clarenbach asked if the City has the authority to do a continuation of the current budget into July or August if we need to. Milner replied that the City can do a continuing Resolution and will follow the Charter. Clarenbach stated that in previous continued resolutions, that was only until the City Manager's budget would take effect. In this case, if it were to go beyond the 3rd week in July without the City Manager's budget automatically taking affect, could we continue the resolution until such time when we could complete the budget. Milner replied that we can do a continuing resolution through July just to cover us and will reach out to the City Attorney Paul Fitzgerald to confirm.

Mayor Giunta stated he didn't think it would push out that far maybe a month. Mayor Giunta can provide definite answers soon. Giunta added that he spoke to Mayor Bouley from Concord and Bouley mentioned that that bill their real estate taxes quarterly so the last payments received were April's. Bouley proactively reached out to some of his largest property tax payers and asked if they anticipated paying their July taxes on time and if so, how much. Each one that he spoke to said they did not plan to pay their July property taxes.

Mayor Giunta asked City Manager Milner when Franklin's property taxes are due and if she had any indication on what would be received. Milner replied that the next due date for property taxes would be July 1st. Milner added that she believes Franklin's situation is different than Concord where they rely more on business and commercial property taxes that are closed so they would be hit harder. Franklin's corporations are still up and running.

Milner added that what was collected in property taxes last July and December support the current budget. Because we operate on a fiscal year, we do not have to do a tax anticipation note. Collection for this coming July would support FY21 and Milner is more concerned with the coming budget. The City may need to borrow in anticipation of taxes. Milner and Pessy will be taking a very close look at all of those numbers and will be very conservative for FY21.

Councilor Starkweather asked Milner what the latest on Cumberland Farms is. Milner replied that they are moving forward with the agreements. There was some delay due to COVID but it is moving forward again so a lease agreement will be coming before the Council very soon.

Starkweather also commented that he saw the former Elk's property for sale on Zillo.com. Milner stated that she spoke with their attorney and Cumberland is going in there.

Councilor Dzujna asked if Cumberland will settle with the Elk's. Milner replied yes and they need to complete the lease agreement with the City first for the other two pieces. After that has been signed off, then they will close with the Elk's property.

Councilor Testerman stated that she understands that the stabilization money is going directly to the schools and is not unanticipated funds however, she heard there will be additional state funds going to the schools. She asked if these second round of funds would be considered unanticipated funds. Milner replied that unanticipated funds work differently between a city and a town. If that is happening, the City can appropriate the funds. Milner will follow-up with Superintendent LeGallo. Testerman's concerns are if that money is coming in, it should be decided by City Council on where it should go. Police and Fire deserved to receive some of that funding should it be coming. Milner replied that if the state designates if for the schools, she doesn't believe that the Council can make changes to where it goes. Milner stated that she will find out more and follow-up with Testerman.

Mayor Giunta added that there is \$30M of state funds allocated for schools but there hasn't been further information however it will likely follow the stabilization formula. Giunta further suspects that it will be dedicated to the schools. He will start asking more at future meetings with the Governor. Testerman replied that she would like to see the school repay some of the money that has been given to them over the past several years. She continued to state that the City is pinching pennies and have had to let certain repairs wait due to lack of funds. Our roads are in need of desperate repair, our police, and fire need more funding as well.

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

Roll call to adjourn:

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

All in favor. Motion PASSED.

Meeting adjourned at 9:04

Respectfully submitted,

Audrey Lanzillo