



City Council Meeting Minutes Monday, October 4, 2021 - 6:00 p.m. Council Chambers, City Hall

Council in attendance: Interim Mayor Olivia Zink, Councilor Jo Brown, Councilor Scott Clarenbach, Councilor Bob Desrochers, Councilor Jay Chandler, Councilor Karen Testerman, Councilor Ted Starkweather, Councilor April Bunker.

Absent: Councilor Paul Trudel.

Others in attendance: City Manager Judie Milner, City Department Heads, and members of the public.

Mayor Zink called the meeting to order in Council Chambers at 6:00 p.m.

Salute to the Flag was led by Councilor Chandler.

Councilor Desrochers honored the thousands of Veterans who returned from Iraq and Afghanistan that committed suicide. These soldiers need to be recognized for their sacrifice. When they return home, they are never the same. A moment of silence commenced in their honor.

Public Hearings

Resolution #04-22, to accept and appropriate a \$267,790.81 Firefighters Grant for Firefighter training.

The public hearing opened at 6:03 p.m.

Interim Mayor Zink asked if there was anyone who wished to speak. There was none.

The public hearing on Resolution #04-22 closed at 6:03 p.m.

Resolution #05-22, to accept and appropriate \$800,000 from a Land and Water Conservation Grant for the Whitewater Park.

The public hearing opened at 6:04 p.m.

Ward 3 resident Leigh Webb addressed the Council and asked if this grant will require a match and which City fund will it come from.

City Manager Milner replied that it will require a match which will come from CDFA Tax credits and a TIFF amendment.

Ward 2 resident David Testerman stated that the Council voted previously to return grant money and asked if this would happen again. City Manager Milner replied that she did not believe the City would lose on grant funds going forward.

There were no further comments.

The public hearing on Resolution #05-22 closed at 6:06 p.m.

Welcome Merrimack County Sheriff David Croft

Sheriff David Croft introduced himself and explained the many things that the Sheriff's Department does for twenty-seven communities in Merrimack County. They provide transport services throughout the entire country, serve and carry out warrants, are staffed with a detective unit, and also provide Civil Process services such as court room security and inmate transport.

Sheriff Croft stated that he was Police Chief of Boscawen many years ago and knows the hardships that smaller police departments deal with and he stressed that giving back to the communities is important to him. When Franklin needs assistance from his department, they will be there.

Croft also stated that the Sheriff's department has full state jurisdiction and one of their goals is to obtain a search and rescue K-9. He also stated that the Injury Prevention Advisory Council (IPAC) will go to the schools and provide parents information on how to protect their children from internet crimes against their children.

There was no further discussion or questions for Sheriff Croft.

Legislative Update

Representative Testerman stated that their will be committee meetings to review outstanding bills and the one that he feels affects Franklin the most is regarding the catch and release of those committing crimes. Since bail reform has taken affect over a year ago, many people arrested are being released under personal recognizances. This is a problem and needs to be addressed.

Testerman stated that hearings on bills will be scheduled sometime after the new year and he believes redistricting will also affect Franklin.

There was no further discussion.

Comments from the public

The Mayor's Drug Task Force Coordinator Kandyce Tucker provided an update of the Fall Fest event on October 23rd and informed the Council of the flyers that were distributed to the local businesses. There will be a Soup Fest, a craft fair, a Halloween party at the Trip Center and Tunk or Treat as well as Drug Take back Day all on the same day. There is also an Adopt-a-Child

for Christmas program and a Scarecrow contest.

The Franklin Falls Business Group created flyers which will be updated monthly to include information on local businesses, restaurants, and activities. There are many flyers available located at businesses and at City Hall.

Kandyce also informed the Council that the mentoring program is rolling out and mentors are needed. Please reach out to her for more information or to apply.

Ward 3 resident Dean Laughy asked if the City can obtain a grant to purchase new microphones. He also requested the City formalize the permitting process for utilities to do construction in Franklin. He was not able to find any formal process or documentation to how this is supposed to be done. Laughy volunteered to assist with this process.

There were no further public comments.

City Council Acknowledgements

None.

Mayor's Update

None.

Agenda Item I.

Council to consider the minutes of the August 23, 2021 City Council Special Meeting, the minutes of the August 23, 2021 City Council Special Meeting Nonpublic Sessions (I & II), the minutes of the August 30, 2021 City Council Special Meeting, and the minutes of the September 13, 2021 City Council Meeting.

Motion – Councilor Brown moved that the Franklin City Council approve the minutes of the August 23, 2021 City Council Special Meeting, the minutes of the August 23, 2021 City Council Special Meeting Nonpublic Sessions (I & II), the minutes of the August 30, 2021 City Council Special Meeting, and the minutes of the September 13, 2021 City Council Meeting. Seconded by Councilor Testerman.

Councilor Bunker abstained from the vote for the September 13th, 2021 City Council Meeting.

All others in favor. Motion PASSED.

Agenda Item II.

Council to consider Resolution #04-22, a resolution to accept and appropriate \$267,790.81 from the 2020 Assistance to Firefighters Grant Program to be used for firefighter training.

Motion – Councilor Bunker moved to adopt Resolution #04-22, to accept and appropriate grand funds in the amount of \$267,790.81 from the 2020 Assistance to Firefighters Grants program; and to authorized the City Manager to execute all necessary documents related to the grant program. Seconded by Councilor Brown.

Councilor Starkweather stated that these funds will be used for training firefighters in other surrounding communities as well, it is not just for training Franklin firefighters. Administrative costs for the program are expected to be approximately 3% of the total grant.

Deputy Hall explained how the grant match was obtained.

There was no further discussion.

RESOLUTION #04-22

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2022.

In the year of our Lord, Two Thousand Twenty,

WHEREAS, the City of Franklin has a default budget for Fiscal Year 2022 which began July 1, 2021, **and;**

WHEREAS, the City Council of the City of Franklin, New Hampshire understands the Fire Department in conjunction with Lakes Region Mutual Fire Aid sought and received a federal grant called 2020 Assistance to Firefighters totaling \$267,790.81, \$243,446.19 federal and \$24,344.62 match for the purpose of fire training, **and;**

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the grant requirements will be fulfilled in a joint effort by several of the 37 communities served by the Lakes Region Mutual Fire Aid, **and;**

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the City will serve as fiscal agent for the grant and receive an administration fee from the grant for the service, **and;**

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the required grant match funding of \$24,344.62 will come from Lakes Region Mutual Fire Aid, **and;**

WHEREAS, the City Council of the City of Franklin, New Hampshire wishes to accept and appropriate the grant, **Now,**

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, October 4, 2021 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 04-22 accepting the 2020 Assistance to Firefighters grant in the amount of \$267,790.81, authorizing the City Manager to execute all necessary paperwork and authorizing an increase in FY2022 revenues:

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Grant Revenue – 2020 Assistance to Firefighters Acct. No. 14-4-000-33111-457 – Two Hundred Forty Three Thousand Four Hundred Forty-Six dollars and 19 cents (\$243,446.19),

Donations – 2020 Assistance to Firefighters Acct No. 14-4-000-35085-457 – Twenty Four Thousand Three Hundred Forty-Four dollars and 62 cents (\$24,344.62),

And an increase in FY2022 expenditure accounts,

Professional Development – 2020 Assistance to Firefighters Acct No. 14-4-000-40290-457 Two Hundred Sixty Seven Thousand Seven Hundred Ninety dollars and 81 cents (\$267,790.81)

By a roll call vote.

Roll Call:

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

All in favor. Motion PASSED.

Agenda Item III.

Council to consider Resolution #05-22, a resolution to accept and appropriate a Land and Water Conservation Fund Grant in the amount of \$800,000 for the Whitewater Park.

Motion – Councilor Bunker moved that the Franklin City Council vote to adopt Resolution 05-22, which accepts \$400,000 grant funds from the New Hampshire Department of Natural and Cultural Resources, through the National Park Service, appropriates the grant funds as a non-lapsing appropriation and authorizes the City Manager to sign and take action on all relevant documents pertaining to the administration of this grant. Seconded by Councilor Starkweather.

Councilor Clarenbach asked if the match funds were previously appropriated. City Manager Milner replied that the matching funds were previously approved and appropriated by the Council under separate non-lapsing resolutions of previous years.

RESOLUTION #05-22

A Resolution Relating to a supplemental appropriation for Fiscal Year 2022.

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

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted a budget for Fiscal Year 2022 beginning July 1, 2021, **and**;

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

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

WHEREAS, the City has been awarded a grant of \$400,000 from the New Hampshire Department of Natural and Cultural Resources, through the National Park Service to support the in water construction in the Winnepesaukee River for the white-water park, **and**;

WHEREAS, matching funds in the amount of \$400,000 are coming from the following non-lapsing appropriations: CDFA Tax Credits appropriated under resolution 04-20 & Franklin Falls Mixed Use Tax Increment Financing District Amendment 1 appropriated under resolution 06-20 for a total project funding of \$800,000, **now**;

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, October 4, 2021, the City Council of Franklin New Hampshire does hereby vote to adopt resolution 05-22, accepting grant funds from the New Hampshire Department of Natural and Cultural Resources, through the National Park Service, as a non-lapsing appropriation and authorize the City Manager to sign and take action on all relevant documents pertaining to the administration of this grant.*

An Increase in Revenues:

Federal Grant Revenue – White Water Park Acct. No. 01-9-014-33110-437 – Four Hundred Thousand Dollars (\$400,000),

An Increase in Expenditures:

Economic Development – White Water Park Acct. No. 01-6-511-40335-437 – Four Hundred Thousand Dollars (\$400,000),

By a roll call vote.

Roll Call:

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

All in favor. Motion PASSED.

Agenda Item IV.

Superintendent Dan LeGallo provided an update on the Schools to the Interim Mayor and City Council.

LeGallo stated that the current enrollment is approximately 945 students. A small number of students are likely enrolling at the charter school.

Additional funds are expected which will be used for the Portrait of a Graduate program and also toward the FY2023 Budget. LeGallo explained that the additional funds derived from the state which used 2019-2020 pre-covid enrollment data for the adequacy aid formula as well as additional unused fund balance. Business Administrator Jefferson Braman explained how the unused fund balance was calculated.

LeGallo stated that the School Board has agreed on the new two-year Teacher's Agreement which will come forward for a public hearing request at the November City Council Meeting and hope to be approved at the December City Council Meeting.

LeGallo provided an update on the Manufacturing program stating that the manufacturing company, Freudenberg has joined the program at the High School.

Councilor Brown further explained the details and shared in the excitement of the school and of the Freudenberg company.

LeGallo concluded by informing the Council that the school is open and things are going very well.

Councilor Testerman requested that the School Board consider appropriating some of their new found funds from Fund Balance to the City to address our critical need for the police dispatch center upgrades. LeGallo stated that it would be added to the next agenda for the School Board to discuss.

Agenda Item V.

Council to consider the disposition of surplus equipment.

Motion – Councilor Brown moved that the Franklin City Council authorize the Municipal Services Director to sell, for the best possible price, vehicles and equipment as itemized on the proposed “Fall 2021, Municipal Services Department, Surplus Equipment Disposition List. Seconded by Councilor Testerman.

Councilor Desrochers requested that the Council not move forward with selling the Camaro until the City researches the value of it. He believes the City will not get top dollar for it at by way of the usual auction process. He also suggested that we do not sell the street sweeper until we have another one.

There was further discussion regarding the process of bidding on the Camaro and other items on the list. Director Hanscom stated that he didn't plan to get rid of the sweeper immediately but would when we are ready to do so.

There was no further discussion. **All in favor. Motion PASSED.**

Agenda Item VI.

Council to consider approval of the Developer's Agreement with Chinberg Properties.

Motion – Councilor Brown moved that the Franklin City Council approve the language in the developer's agreement with Chinburg Properties for the Stevens Mill LLC project. Seconded by Councilor Testerman.

Councilor Clarenbach asked if the City should revisit the number of parking spaces that Chinberg will be provided and if there will be a lease agreement. City Manager Milner explained that the City is looking to other areas in the back for additional parking and a lease agreement will be part of the plan.

There was discussion on the TIF Revenue Deficit and City Manager Milner explained how the City would cover the deficit.

There was no further discussion. **All in favor. Motion PASSED.**

Agenda item VII.

Council to consider setting a public hearing on Resolution #06-22, a resolution to accept and appropriate \$906,956 for the Franklin School District.

Motion – Councilor Bunker moved that the Franklin City Council set a public hearing on November 1, 2021 for Resolution 06-22 appropriating \$656,956 to the Franklin School District fiscal year 2022 budget and appropriating \$250,000 to the Franklin School District for the Portrait of a Graduate grant from the Barr Foundation. To be read in title only. Seconded by Councilor Brown.

All in favor. Motion PASSED.

Agenda Item VIII.

Council to consider setting a public hearing on Ordinance #03-22, an ordinance to update the City's current Fireworks Ordinance.

Motion – Councilor Brown moved that the Franklin City Council set a public hearing on Monday, November 1, 2021 at 6pm regarding Ordinance 03-22 changes to the noise ordinance; specifically, the fireworks and violations & penalties sections. Seconded by Councilor Starkweather.

Councilor Clarenbach read aloud Ordinance #03-22.

All in favor. Motion PASSED.

Agenda Item IX.

Other Business

1. Mayor Appointments

- a) Interim Mayor Zink re-appointed Tim Stangroom to the Conservation Commission (seat #CC2), term of service is 3 years to September 2024.
- b) Interim Mayor Zink re-appointed Roy Gilbreth to the Conservation Commission (seat #CC6), term of service is 3 years to September 2024.
- c) Zink also stated there were two open seats on the Conservation Commission and urged the Council to ask people they know to apply.

2. Committee Reports

- a) Councilor Testerman provided an update on the recent Police Committee Meeting where Chief David Goldstein presented a SWAT analysis. They look forward to quarterly committee meetings and stated that the public is always invited to the committee meetings.

Councilor Clarenbach stated that funding for the police dispatch will be a priority.

- b) Councilor Bunker stated that the Legislative Committee meet and the Fireworks Ordinance was discussed with changes brought forward during tonight's Council meeting.
- c) Bunker also stated that she was in support of a School/City Liaison Meeting but did not want to duplicate discussion of the Joint Finance Committee. She agreed to discuss it with School Board Chair Tim Dow and move forward if the teams would like to.

Interim Mayor Zink asked the Council if they would like to pick a date tonight for the Peabody Place tour or if a doodle poll was needed. After a brief discussion the Council's consensus was to do the tour before next Tuesday's City Council Special Meeting to Canvass the Vote.

- d) Councilor Chandler stated that the Parks and Rec Committee met in September. They reviewed the costs and determined that the taxpayers are paying the administrative costs of \$153K per year and the programs themselves are fully funded. Non-residents do pay more for use of the programs.

Chandler also requested that the school consider appropriating funds back to the City so it can be put toward the dispatch center upgrades.

- e) Councilor Desrochers requested an update regarding the approved funding to repair the bathrooms at Daniel Park. To date, no work has been done. City Manager Milner stated that there was a delay due to COVID and with the construction company. She will look into this and get back to the Council.

3. City Manager's Update

- Contingent Grant Line Activity –none
- Trust fund for school funding – \$146.04

- Welcome Michelle Stanyan, City Clerk/Tax Collector.
- Next Workshop Meeting will be on 10/25/21 at 6pm Economic Development.
- City Clerks Office will be closed 10/5 for elections.
- Milner reviewed the voting locations.
- Canvass of the Votes is scheduled on 10/12/21 at 6pm
- Committee meetings in October: Finance Committee 10/19 at 5:30pm & Joint Finance 10/19 at 6pm Downstairs “Blue Room” City Hall and the Fire Committee meeting is scheduled on 10/13 3pm at the Fire Department.
- There were Media Connections with the Concord Monitor and The Legacy.
- Mill City Park Update – the engineer is here this week from Colorado. There were some struggles getting the feature foundation in place however it has started and will continue to pour in the foundation later in the week.
- Milner thanked the neighbors surrounding Trestle View during this time, the pumps have been very loud.
- 10 digit dialing will begin on 10/24
- The Cable consortium will be sending audit questions to the franchisee to be sure they are in compliance with the current agreement.
- The City will send a survey within the next month.
- The NH DOT will hold a GACIT Hearing here in Franklin to discuss their 10-year plan. They will travel to other communities and hold repeat meetings in case folks can’t attend it here on October 18th at 7 p.m.
- Milner provided an update on her Council Request Follow-up log.

4. Late Items.

Repurchase of Tax Deeded Properties by previous owner.

Motion – Councilor Brown moved that the Franklin City Council deed 6 Ivy Lane (Map/Lot 096 061 006) to Priscilla Early upon receipt of all back taxes and interest, penalties, and fees (minus the 15% of assessed value penalty). Seconded by Councilor Testerman.

Councilor Clarenbach questioned the letter stating 15% but the amount of the penalty equals 10%. City Manager Milner stated that he was correct and the letter should state 10% which will be waived since the residence is owner occupied.

Councilor Clarenbach moved to amend the motion to replace 15% to 10% penalty. Seconded by Councilor Bunker.

All in favor of the amendment. Motion PASSED.

All in favor of the amended motion. Motion PASSED.

There was no further discussion.

Motion to adjourn was made by Councilor Clarenbach. Seconded by Councilor Desrochers.

All in favor. Motion PASSED.

Meeting adjourned at 7:39 p.m.

Respectfully submitted,

Audrey Lanzillo