



CITY COUNCIL MEETING - Minutes
Monday, August 5, 2019
6:00PM – Council Chambers

Call to order

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

City Council in attendance:

Mayor Giunta, Councilor George Dzujna, Councilor Kathy Rago, Councilor Karen Testerman, Councilor Paul Trudel, Councilor Vince Ribas, Councilor Ted Starkweather, Councilor Bob Desrochers, Councilor Jo Brown.

Others in attendance:

City Manager Judie Milner

Salute to the flag was let by Councilor Testerman.

PUBLIC HEARINGS – opened at 6:05 p.m.

Ordinance #05-20 – An amendment to the Franklin Municipal Code, Chapter 254-1 prohibiting any activity with relation to the use of Kratom.

Mayor Giunta asked if anyone would like to provide any comments or has questions. There were none.

The public hearing on Ordinance #05-20 closed at 6:05 p.m.

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.

Annette Andreozzi ward 3 resident stated that she has come before the Council as a member of the Choose Franklin Board to mention that a Candidates Forum is normally held on September 23rd however it appears that is a City Council Special Meeting LEAN Workshop is scheduled as well on that evening. The Candidates Forum has been held on the 4th Monday of September every year and Annette requested that the tradition continue.

Stephen Rayno lifelong Franklin resident stated that trucks are driving fast up route 127 to the top where it's a blind spot and end up in both lanes. He added that they're tearing up the road and they are speeding up and down Cheney Hill. It's getting worse and worse. He would like something done about it and also mentioned how other residents there are very unhappy about it as well. Mr. Rayno also mentioned that he spoke to City Council a couple of years ago regarding a bridge by Riverview drive that was supposed to be built but that was never done. Mr. Rayno further added that his mother used to be City Clerk for Franklin years ago.

Mayor Giunta addressed Mr. Rayno and thanked him for his comments. He also informed Mr. Rayno that the Police Chief is in attendance this evening and heard his concerns.

Gary Brassard resident on Central St. stated that he spoke at the last City Council meeting regarding the Trump sign and asked if there is a legal ruling on this and not an opinion but an RSA. City Manager Milner stated that she will follow up with the City Attorney on this but that he is was on vacation and will be back this week. Director of Planning and Zoning Dick Lewis stated that this touches on some constitutional grounds and recent U.S. Supreme Court rulings on signage. Director Lewis stated that the City Attorney explained to him that some of the RSA wording needs updating in order to be consistent with the Supreme Court rulings. The City will share any information once final direction is received from City Attorney Fitzgerald.

Leigh Webb ward 3 resident was happy to hear of the change of polling location for ward 1 and stated that he read that this isn't incurring any cost to the City and that the Elks has graciously donated the space. There's greater parking and accessibility at this new location.

Mr. Webb also asked what space within City Hall would be occupied by the Small Business Development Center. City Manager responded stating that they will use GAR Hall for a couple of hours each month and can move downstairs if any handicap accessibility is needed. Mr. Webb also asked the Council if the Conservation Commission should also review the MOU for the mountain biking. City Manager Milner stated it went to the conservation commission prior to this evening.

Annette Andreozzi ward 3 resident would like extreme care taken by the Small Business Development Center employee(s). They must be made aware that it's a historic space and need to be fully cognizant of the furniture and items in there so that they can be there for another 100 years. Annette further added that she doesn't want to assume they know but she would like it discussed with them.

Claire Wallace lifetime resident of Franklin who lives at the end of Terrace Road, updated the Council on the letter she sent to City Manager Judie Milner. Mrs. Wallace stated that although there can be some traffic on occasion, she is very happy living on Terrace road. She lived there for 54 years and there really aren't any problems there. She thanked the Council for having looked into the situation.

Mayor Giunta asked if there was anyone else who would like to provide comments during this time. There were no further comments from the public.

Public Comment closed at 6:16 p.m.

CITY COUNCIL ACKNOWLEDGEMENT

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

Councilor Brown thanked Fire Captain Steve Reale due to his assistance under time constraints with work in the Buell Building's Brewery. With short notice, Captain Reale assisted so work could continue there.

Councilor Dzujna recognized Claire Fifield and Phoebe Keck for watering the flowers diligently especially during the heat waves we've been having. They are doing a great job. Thank you, Claire and Phoebe.

Councilor Desrochers requested a moment of silence for the 40 people killed over the weekend. Desrochers requested a moment of silence for all the victims and their families. He included the country as a whole due to all of the violence going on all over the world. He stated that the world is headed in the wrong direction.

There was a moment of silence.

There were no further acknowledgements from the Council.

MAYOR'S UPDATE

Mayor Giunta mailed a Letter addressed to Governor Sununu. The letter was handed out to all of the Councilors and a copy of the letter is shown below. Mayor Giunta stated that he attended a meeting a couple of weeks ago at the State House where Governor Sununu discussed why the budget was vetoed and what the next steps will be. Governor Sununu explained in detail how the House and Senate versions of the budget differed. The Governor then took questions for almost two hours from elected officials. Mayor Giunta held Governor Sununu's budget and bullet points in his hand which had all the items that the Governor wanted to include in the budget. It all boiled down to 5 things that we really need. This resulted in Mayor Giunta writing Governor Sununu a letter to include those 5 things. Mayor Giunta stated that he spoke directly to Governor Sununu and that it was the first time he has ever heard the Governor say that he would put aside all of his own issues and stand for what the municipal leaders in attendance had just said they need the most. Mayor Giunta shared the following 5 things, that he wrote in the letter below, which will impact the taxpayers the most.

The letter sent to Governor Sununu from Mayor Giunta is below and was read into the record.



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

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July 31, 2019

The Honorable Chris Sununu
Office of the Governor
New Hampshire State House
Concord, NH 03301

Dear Governor Sununu,

I would like to thank you for recently meeting with municipal officials from across New Hampshire to provide input on which FY 2020-2021 budget items would most significantly reduce the ever-mounting burdens placed on our local taxpayers.

After nearly two hours of comments, elected officials from many of our cities and towns were in near unanimous agreement that there were a handful of issues that would most positively impact our local budgets and local tax rates. After hearing this input, you graciously vowed to support the budget priorities enumerated by those of us in the room. For that, I am most grateful.

As a reminder of those State budget items that would have the greatest benefit to the citizens of Franklin, they are:

- Adjust Formula to Substantially Increase Education Funding
- Fully Fund Special Education Aid
- Fully Restore Stabilization Aid
- Adjust Rooms and Meals Tax to 60/40 State and Municipal Split
- State Pays 35% of Retirement Premiums for municipal employees

Governor Sununu, funding these five state budget priorities would significantly reduce what has become a crushing tax burden on our local taxpayers. As part of your pledge to us, please share these priorities with House and Senate budget negotiators. Let them know there was near unanimous consensus among municipal leaders that these five items are most important to our communities. I am confident upon review and discussion; both executive and legislative negotiators will approve an adjusted municipally focused FY 2020-2021 budget.

Respectfully submitted,

Tony Giunta, Mayor-City of Franklin

Councilor Ribas thanked Mayor Giunta for all he does for the City and asked him if the final bullet point regarding the state paying 35% of retirement premiums for municipal employees

would also include the school employees. Mayor Giunta replied that yes, it does include the school employees.

Agenda Item I.

Council to consider the minutes of the June 24th, Special City Council Meeting and the minutes of the July 1st City Council Meeting.

Motion – Councilor Desrochers moved that the Franklin City Council approve the minutes of the June 24th, Special City Council Meeting and the minutes of the July 1st City Council Meeting.

Seconded by Councilor Ribas.

Mayor Giunta asked if there was any discussion.

Councilor Ribas asked if there were any objections to the corrections that he sent Audrey Lanzillo. Councilor Trudel referenced page ten of the July 1st City Council Meeting Minutes, Agenda Item II, 2nd paragraph. The last sentence ends open ended and appears that it needs to be completed. Councilor Ribas replied that he also brought this up to Audrey before the meeting and the word “but” at the end of the sentence was inadvertently added and will be stricken from that sentence. The sentence ends after the word “others”.

There were no further corrections.

All in favor. Motion PASSED.

Agenda Item II.

Monthly School Board Update.

Superintendent Dan LeGallo stated that he hoped everyone was having a good summer. He thanked Mayor Giunta for sending that wonderful letter to the Governor. LeGallo continued with some enrollment statistics: Kindergarten has 76 students enrolled and 1st grade has 85 enrolled. A 5th kindergarten teacher will be hired. There will be approximately 21 students in a 1st grade class which is a lot.

The Entryway Safety Project is underway and there may be a work trailer or dumpster in front of the school which is being used for this work. This project is estimated to continue until October which means the start of school may have some alternative entrances.

The July 22nd LEAN meeting with Richard Ellert was held and the skills matrix for administrators was the focus. The meeting went very well.

LeGallo informed the Council that Union Negotiations will start up soon. He invited everyone to Opening Day on Aug 29th at 7:15am breakfast at the high school. The program starts at 8am. LeGallo asked Mayor Giunta if he could attend and read his letter to the Governor. Mayor Giunta replied that he will attend. He concluded stating that the school is ready for the new upcoming season.

Councilor Rago had several comments and questions for Superintendent LeGallo. Rago referred to page 10 of the July 1st City Council Meeting minutes where comments on how many students attend school here but whose parents do not live in Franklin. LeGallo replied that there is actually one family with two children who attend school in Franklin but do not live in Franklin. Rago asked if LeGallo was going to send Mayor Giunta the cost of tuition received for those students who attend school here. LeGallo replied that he will speak to School Administrator Jefferson Braman and provide that number to the Mayor and Council. Rago stated that she has been looking at the financials for several months and sent a spreadsheet to the Council, Superintendent LeGallo, and Chair Dow that shows the school's expenditures through June 30th and compared that to the City Council approved tax cap budget. The city has a lot of info on the website so anyone can go on our website and see how we spend our money. Councilor Rago stated how impressed she was that the information was available on the City Website and that it's transparent. The SAU website unfortunately doesn't have similar information on actuals or details around them. Rago asked LeGallo if the SAU actuals could be made available on the SAU website for the public to view. Rago also mentioned that she is aware that pulling actuals is not easy or possible with the type of financial software that is being used at the SAU but if there is some way to look deeper into this, it would be great. LeGallo replied that he would look into this.

Councilor Dzujna stated that in last month's update from Superintendent LeGallo, it was said that there was a 95% retention rate even though we have lost some teachers. Dzujna asked LeGallo if he could elaborate on that. LeGallo stated that as of this morning, the SAU lost 12 staff members and not all of them are teachers. Two or three of them were classroom teachers. LeGallo hopes to bring back at least one teacher who was laid off to fill the kindergarten teacher opening.

Councilor Ribas had a question on the tuition coming into the system and asked Dan LeGallo how many there are coming into the system who pay tuition. LeGallo replied that there is at least one additional student coming into the system from another public school.

Council Trudel asked Superintendent LeGallo about some comments and questions regarding the April 2019 Joint Finance Committee meeting. Trudel stated that the meeting minutes for the April Joint Finance Committee meeting resulted in 3 pages of meeting minutes but there was no mention of Chair Dow walking out of the meeting. There are other things missing as well and Trudel asked LeGallo why. LeGallo stated that he has not seen the minutes for the April meeting as of yet and if something is missing that should be there, it will be added.

LeGallo stated that the approval process for the Joint Finance Committee Meetings should be presented for review at the next Joint Finance Committee meeting and discussed the same way it is done for a City Council Meeting. Then members can call out what they believe is missing.

Councilor Trudel referred to the minutes of the May 20th School Board meeting where Trudel asked Chair Dow to step down but that is not included and it also states that there is an attachment and that is not included. Trudel expressed frustration on these points and would like to know where he can locate the attachments described in the minutes. Superintendent LeGallo replied that he will speak to his clerk and locate that information. Trudel asked if these minutes were approved by the School Board and LeGallo replied that yes it would have been approved during the June 2019 School Board meeting. Trudel then stated that he did not understand how it wasn't called out by someone on the school board before the minutes were approved mentioning that the attachment was missing. Trudel also recalled that during the April 2019 Joint Finance Committee meeting that School Board Chair Dow had stated the School Board discussed, voted, and rejected the request for a SWOT analysis. Trudel could not locate that information in the minutes and asked LeGallo where he could locate reference to it. LeGallo replied that he could not find information regarding that discussion and did not recall the discussion happening. Trudel insisted that Chair Dow said it occurred, Chris Kneeland supported it, LeGallo nodded in agreement, Deb Brown did not say anything at that time, and neither did the secretary. Trudel asked LeGallo again if the discussion happened. LeGallo replied he did not remember it happening. Trudel was extremely upset at this point because others on the school board had reinforced the discussion happening and Trudel then suggested that LeGallo was incompetent. LeGallo responded believing that the School Board was speaking to the consolidation of the Finance Departments and there must be some confusion on these two topics. Trudel then referenced the third page of the minutes of the April 2019 Joint Finance Committee Meeting, second to last bullet point item stated that a discussion on a SWOT Analysis having been performed. Trudel stated that it was at this point in that Chair Dow stated that it was voted on and rejected by the School Board and then he stood up and left the meeting. Trudel asked LeGallo if that had happened and LeGallo replied that it did. Then Trudel asked again if the School Board actually voted on the SWOT Analysis and LeGallo stated that the vote did not take place.

Councilor Trudel asked Chair Dow if he made those statements regarding the SWOT Analysis being discussed, voted on, and rejected. Chair Dow replied that he did not make those statements. Trudel insisted that he did.

Mayor Giunta interjected and asked if there is a recording of the School Board Meetings but the reply was that there was none taken.

Councilor Trudel stated that there were other Councilors present and members of the public present at that meeting who will support that the comments were made by Chair Dow. Trudel was extremely upset with Chair Dow for denying that he made those comments.

Mayor Giunta requested that Councilor Trudel create a letter with his comments and submit it to him and the Council. Trudel agreed to do so and will also send it to the City Manager, the Superintendent, and the School Board.

Councilor Testerman would like the number of teachers that were let go and what grades they taught. LeGallo stated that he needs to discuss it with the school board first. Testerman continued stating that the Councilors have a fiduciary responsibility to the residents to oversee the budgets from the City side and the School side. She asked that a council member be invited to sit in on all negotiations. LeGallo responded that he will bring her request to the School Board.

Councilor Desrochers stated that the City doesn't have the authority to sit in on the School Board negotiations. He doesn't think the City Councilors should interfere with that process just as the School Board doesn't interfere with the City's negotiation process. He made reference to Governor George Wallace when back in the 1960's he stated that the process should be separate but equal.

Mayor Giunta stated that City Manager Milner will review this with the City Attorney Paul Fitzgerald.

There were no further questions or comments for Superintendent LeGallo.

Agenda Item III.

Council to consider rescheduling the regularly scheduled September 2019 City Council Meeting falling on the Labor Day Holiday.

City Manager Milner stated that Director Sullivan wanted to inform the City Council that the floor in Council Chambers is being redone during the week of September 9th.

Mayor Giunta stated that it would be best to hold the September City Council Meeting, which falls on Labor Day, prior to September 9th due to the floor work and the upcoming activities in the Opera House.

Consensus from the Council is to hold the September City Council meeting on Thursday, September 5th.

**Motion – Councilor Desrochers moved that the Franklin City Council move the Monday, September 2nd, 2019 City Council Meeting which falls on the Labor Day Holiday to Thursday, September 5th, 2019 at 6 p.m.
Seconded by Councilor Dzujna.**

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

All in favor. Motion PASSED.

Agenda Item IV.

Council to consider approval of Ordinance #05-20, an amendment to the Franklin Municipal Code, Chapter 254-1 prohibiting the use of Kratom.

Motion – Councilor Desrochers moved that the Franklin City Council vote to adopt Ordinance #05-20 to amend Chapter 254, Article I Sale and Possession of Illegal Smoking Products to include Kratom making it unlawful for any person to use, possess, purchase, attempt to purchase, sell, offer to sell, give away, deliver or publicly display for sale. Seconded by Councilor Trudel.

Councilor Clarenbach questioned the actual possession of Kratom and if it is legal in other communities in the State of New Hampshire, how will we communicate this to people entering our community if they are entering from a community where they can possess it. Clarenbach gave an example of the signs posted when you cross over into Massachusetts regarding their law on hand guns.

Chief Goldstein stated that it is difficult to let people know but we can do a media blitz and use social media. He stated that the City doesn't have the right to arrest someone if they possess it but a fine can be imposed. Councilor Ribas shared Clarenbach's concern and asked if the cost outweighs the benefit. Ribas asked if we would still meet our goals if we strike the word possess. Chief Goldstein stated that it would be handled just like any other issue that the prosecutor would handle and the possession of it as it is the foundation of the Ordinance and he doesn't see any problems with trying to enforce it.

Chief Goldstein stated that one of the issues though, once finding it, is that it might have to be sent to forensics to be certain of its identity. Councilor Dzujna asked if any of these issues came up when the bath crystals were causing a problem and Chief Goldstein replied there weren't any issues with searching and identifying the bath crystals.

Councilor Desrochers stated that the travelers from Maine and Vermont have to follow similar rules when carrying marijuana. It's up to them to know the laws of that state when traveling to another state.

Mayor Giunta asked if there were any further questions for Chief Goldstein. There were none. Mayor Giunta then asked if there were any questions or comments from the City Councilors with regards to the motion.

There were none.

ORDINANCE #05-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 254 to add the substance Kratom to prohibited activities.

Chapter 254-1 of the Code of the City of Franklin is hereby amended to include the substance Kratom in 254-1 prohibited activities as follows:

254-1 Prohibited Activities:

It shall be unlawful for any person to use, possess, purchase, attempt to purchase, sell, offer to sell, give away, deliver or publicly display for sale any illegal smoking products (which includes but is not limited to the product known as "K2", "spice" or "Kratom") within the City limits of the City of Franklin, New Hampshire

(14)

(α E,2S,3S,12bS)-3-ethyl-1,2,3,4,6,7,12,12b-octahydro-8-methoxy- α -(methoxymethylene)-indolo[2,3-a]quinolizine-2-acetic acid methyl ester (CAS Registry Number: 4098-40-2). Other names: (E)-16,17-didehydro-9,17-dimethoxy-17,18-seco-20 α -yohimban-16-carboxylic acid methyl ester, 9-methoxycorynantheidine, and SK&F 12711 also known as Mitragynine or Kratom (*Mitragyna speciosa*).

By a roll call vote.

Roll Call:

| | | | | | |
|-------------------------------|-------------------|-----------------------------|-------------------|-----------------------------|-------------------|
| Councilor Starkweather | <u>Yes</u> | Councilor Ribas | <u>Yes</u> | Councilor Rago | <u>Yes</u> |
| Councilor Brown | <u>Yes</u> | Councilor Testerman | <u>Yes</u> | Councilor Clarenbach | <u>Yes</u> |
| Councilor Dzujna | <u>Yes</u> | Councilor Desrochers | <u>Yes</u> | Councilor Trudel | <u>Yes</u> |

All in favor. Motion PASSED.

Mayor Giunta stated that he likes the idea of a press release to assist in communicating this new ordinance.

Agenda Item V.

Council to consider setting a public hearing on Resolution #04-20, appropriating CDFA tax credits.

**Mayor Giunta asked if there would be a motion to read all the following Public Hearing Resolutions and Ordinances in title only. So moved by Councilor Ribas.
Seconded by Councilor Brown.**

City Manager Milner stated that all Resolutions must be read completely however the Ordinances can be read in title only and we also have a few of those this evening.

**Motion made by Councilor Ribas to withdraw the previous motion of reading all following Public Hearing Resolutions and Ordinances in title only.
Seconded by Councilor Brown.**

**Motion – Councilor Dzujna moved that the Franklin City Council set a public hearing for September 5, 2019 at 6pm on Resolution #04-20 accepting and appropriating the \$500,000 funds awarded through the Community Development Finance Authority tax credit program.
Seconded by Councilor Trudel.**

All in favor. Motion PASSED.

Mayor Giunta read Resolution #04-20

RESOLUTION # 04-20

A Resolution Granting Authority to Accept and Appropriate \$500,000 in CDFA Tax Credits

In the year of our Lord, Two Thousand Nineteen,

WHEREAS, the City Council of the City of Franklin New Hampshire, adopted a budget for Fiscal Year 2020 Beginning July 1, 2019, **and;**

WHEREAS, the City Council 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 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 Council wishes to utilize the tax credit program administered by the Community Development Finance Authority (CDFA), as another economic tool to fund construction of Mill City Park, **and;**

WHEREAS, the City of Franklin, was recently awarded \$500,000 in tax credits through the Community Development Finance Authority (CDFA) tax credit program for the Mill City Park white water kayak venue, **now;**

THEREFORE, BE IT RESOLVED, *that at a regularly scheduled meeting of the City Council on September 5, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #04-20 to formally accept and appropriate the \$500,000 of funds awarded through the Community Development Finance Authority (CDFA) tax credit program for the Mill City Park white water kayak venue.*

THEREFORE, BE IT FURTHER RESOLVED, *that the City Council does hereby authorize City Manager, Judie Milner, to sign all relevant documents pertaining to the acceptance and administration of this tax credit award from the Community Development Finance Authority tax credit program and hereby authorizes the following non-lapsing appropriations,*

An Increase in Revenues:

Tax Credit Revenue – White Water Park Acct. No. 01-9-014-33590-437 – Five Hundred Thousand Dollars (\$500,000),

An Increase in Expenditures:

Economic Development – White Water Park Acct. No. 01-9-511-40335-437 – Five Hundred Thousand Dollars (\$500,000),

By a roll call vote.

Agenda Item VI.

Council to consider setting a public hearing on Resolution #05-20, the appropriation of unanticipated school funds.

Motion – Councilor Desrochers moved that the Franklin City Council set a public hearing on September 5, 2019 at 6pm regarding Resolution #05-20 allowing the franklin School District to appropriate approximately \$180,000 of the unassigned FY2019 fund balance to support the FY2020 school district budget.

Seconded by Councilor Starkweather.

City Manager Milner stated that Superintendent LeGallo and Business Administrator Braman informed her that they would like to utilize these funds to hire back teachers therefore requested if the public hearing could occur sooner and on the August 27, 2019 City Council

Special Workshop LEAN update meeting. Milner added that the City Council Special Meeting LEAN workshop would normally occur on the 4th Monday of each month but it is held at the same time that the school holds their LEAN workshop and therefore would like to move the City Council Special Meeting to the 4th Tuesday of each month. This means the next City Council Special meeting would occur on Tuesday, August 27th. She asked if the Council approves of moving the workshop. The consensus of the Council was that it was fine to move it to the new time slot and hold the public hearing on this night as well.

**Amended Motion - Councilor Desrochers moved to amend his motion to hold the public hearing on August 27, 2019 at 6pm instead of September 5, 2019.
Seconded by Councilor Rago.**

Rago has questions for Superintendent LeGallo and would like them to be read into the minutes so he can prepare and provide answers for the August 27th public hearing.

Councilor Rago requested the following the information to be provided at the August 27th public hearing:

1. Can the City be provided the enrollment projections?
2. Can the City be provided the information on additional revenue above the budgeted projections relating to Medicaid receipts, tuition revenue from other districts, eRate reimbursements, and energy rebates?
3. Can the City be provided the budget vs anticipated revenue?
4. Can the City be provided information on the Fund Balance carryover of \$800K + and the new \$180k and how is it that money continues to be found after hearing of layoffs?
5. Please explain the layoffs, expenditures vs 1% reductions, and an increase in other staff.

Mayor asked that she put them in an email. Councilor Rago agreed that she will put these questions in an email.

Councilor Desrochers stated that he supports the school receiving this money but asked if it is sustainable for next year.

Mayor Giunta joyfully asked LeGallo to continue finding money.

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

All in favor of the amended motion. Motion PASSED.

Councilor Ribas questioned the wording of “approximately” \$180,000 in the motion and the Resolution.

City Manager Milner recommended removing the word “approximately” in all documents including the vote.

**Motion – Councilor Ribas moved to amend the original motion to strike the word “approximately” in the motion and the Resolution.
Seconded by Councilor Clarenbach.**

Mayor Giunta asked if there was any confusion or concern from Superintendent LeGallo. LeGallo stated that he agrees with removing the word “approximately”.

Mayor Giunta asked if there was any further discussion to the amendment of the motion to remove the word “approximately”. There was none.

All in favor. Motion PASSED.

Mayor Giunta asked if there was any further discussion to the original motion to bring this to public hearing on August 27th. There was none.

All in favor of the original motion. Motion PASSED.

Councilor Clarenbach read Resolution #05-20.

RESOLUTION #05-20

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

In the year of our Lord, Two Thousand Nineteen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2020 which began July 1, 2019, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district estimates ~~approximately~~ \$180,000 in additional unassigned fund balance at June 30, 2019, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire has already appropriated \$851,751 of the prior year fund balance during the FY2020 budget process, and:

WHEREAS, the City Council of the City of Franklin would like to appropriate an additional ~~approximately~~ \$180,000 of the prior year unassigned fund balance in order to hire needed staff due to updated enrollment projections, **Now,**

THEREFORE, BE IT RESOLVED that at the scheduled meeting of the City Council on August 27, 2019, the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 05-20 and authorize an increase in FY2020 revenues:

Appropriated Fund Balance – ~~Approximately~~ One Hundred Eighty Thousand dollars (\$180,000),

School District expenditures in the total amount of approximately One Hundred Eighty Thousand dollars (\$180,000),

By a roll call vote.

Agenda Item VII.

Council to consider setting a public hearing on Ordinance #04-20, an update to the Property Maintenance Code from the 2003 version to the 2018 version.

**Motion – Councilor Trudel moved that the Franklin City Council set a public hearing date for 6pm at the September 5, 2019 meeting of the City Council for Ordinance #04-20. Adoption of Ordinance #04-20 will result in the update to the City Municipal Code Chapter 233-1 and 233-2. To be read in title only.
Seconded by Councilor Brown.**

Councilor Desrochers asked if the information regarding the changes is included in the City Council Packet so a comparison before the voting can be done.

City Manager Milner stated that the referencing of the property maintenance code is to change the reference from the 2003 version which will now state that it references the 2018 version. The Franklin code that is affected is in the packet. Milner added that the State of New Hampshire is doing the same thing and updating the state building codes to 2015 and the state Fire code to 2015 so this is good timing.

Councilor Ribas pointed out that the packet states there are 3 attachments but they are not actually in the packet. City Manager Milner replied that the attachments are referencing Captain Steve Reale's letter to the Chief and everything that is changing is included in the packet.

Councilor Clarenbach recommended that the Public Hearing Notice should state that both versions of the Property Maintenance Code books will be made available to the public to review at City Hall. Milner agreed that this would be a great idea.

Mayor Giunta asked if there were any other comments with regards to the motion. There were none.

All in favor. Motion PASSED.

Mayor Giunta read the title of Ordinance #04-20.

ORDINANCE #04-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to revise existing Chapter 233-1, Adoption of Property Maintenance Code and Chapter 233-2, Additions, Insertions and Changes by removing all language that is struck and adding language that is bold:

§ 233-1 Adoption of Property Maintenance Code.

A certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the International Property Maintenance Code, ~~2003~~ **2018** Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Franklin, in the State of New Hampshire, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such ~~existing~~ **existing** structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Inspector's office are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in [§ 233-2](#) of this chapter.

§ 233-2 Additions, Insertions and Changes

[A.](#) Section 101.1. Insert "City of Franklin."

[B.](#) Section 103.5. Insert "(Reserved)."

[C.](#) Section 304.14. Insert "April 1 to December 1."

[D.](#) Section 602.3. Insert "October 1 to May 15."

[E.](#) Section 602.4. Insert "October 1 to May 15."

[F.](#) Section ~~308.2~~ **302.8** Insert "Exception": On owner-occupied detached single family dwelling properties not more than one currently unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled."

[G.](#) Insert the following:

Consultant: The Board of Appeals may, by majority vote, hire independent consultants to advise the Board with regard to matters in which particular expertise may be required. The cost of any such

consultant shall be borne by the applicant prior to the incurring of any such expense. The refusal of the applicant to accept responsibility for such costs shall be grounds for the dismissal of any application or appeal."^{[1](#)}

[\[1\]](#)

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

[H.](#) Section 202. Insert "Unlicensed - Not currently registered or inspected."

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

[I.](#) Add a new Section 301.3.1 to read:

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

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

1. Following a fire, explosion, automobile-related damage, or other similar casualty, the windows, doors, or portions of the exterior structure may be boarded up in order to secure and stabilize the building. The Code Enforcement Officer (CEO) shall be contacted the next available business day to discuss the stabilization of the building. The initial approval period for such action will be for 45 days from the date of the incident. Following the expiration of this initial time frame any request for a second forty-five-day approval period must demonstrate that there is a viable time line to initiate the work for the restoration of the structure. An approved building permit must be in place for the second approval period to be issued.
2. An extension of the collective ninety-day period allowing portions of a structure to be boarded up shall only be approved if compelling evidence is submitted to the CEO that additional time is necessary to finalize insurance claims or an approval for the restoration work from the person or institution which holds the mortgage on the property. The CEO reserves the right to ask for any and all documentation necessary to substantiate a claim that an extension is necessary. For any extension beyond the ninety-day period outlined in Subsection 1 above, the wood or other material used to board up the building shall be painted to match the color scheme of the existing building.
3. For any structure for which a building permit has been obtained, no portion of the structure shall be boarded up without the approval of the CEO. The request to permit such boarding up shall include a time frame for the completion of the exterior repairs or improvements. The forty-five-day and ninety-day time lines outlined above shall apply.
4. For any vacant structure, the CEO may order or otherwise authorize the boarding up of the structure.

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

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

By a roll call vote.

Agenda Item VIII.

Council to consider setting a public hearing on Ordinance #06-20, Increasing the age to 21 for the of purchase Juuls, Cigarettes, e-cigs, or tobacco and tobacco paraphernalia.

Motion – Councilor Trudel moved that the Franklin City Council set a public hearing for 6pm at the September 5, 2019 meeting of the City Council for Ordinance #06-20 to increase the age to 21 to purchase, use, possess or sell Juuls, cigarettes, e-cigs, or tobacco and tobacco paraphernalia.

Seconded by Councilor Desrochers.

Councilor Testerman asked if the restrictions are consistent with other ordinances in this type of category. City Manager Milner confirmed that she reviewed the other ordinances and the age is consistent.

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

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

Seconded by Councilor Ribas.

Motion – Councilor Testerman moved to amend the amendment to refer to this as an Ordinance and not a Resolution.

Seconded by Councilor Ribas.

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

All in favor of the amended motion. Motion PASSED.

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

All in favor of the amended amendment. Motion PASSED.

Mayor Giunta read Ordinance #06-20 in title only.

ORDINANCE #06-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 254, Smoking Products, to strike Article I section 254-5 and add Article II Sections 254-10, 254-11, 254-12 and 254-13 as follows (strike throughs for deleted language, **bold for added language**):

Chapter 254 Smoking Products

Article I Sale and Possession of Illegal Smoking Substances

☐ ~~§ 254-5 Severability; repealer; when effective.~~

~~**A.**~~

~~If any provision of this article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this article, which shall remain in full force and effect.~~

~~**B.**~~

~~All ordinances, resolutions, orders or parts thereof or in conflict with this article are hereby voided.~~

~~**C.**~~

~~This article shall be in full force and effect immediately upon its passage.~~

Article II Sale and Possession of Smoking Products

254-10 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. E-cigarette means any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed**

with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

- B. Liquid Nicotine means any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.
- C. Tobacco Product means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

254-11 Purchase, Use and Possession of Tobacco, or Anything That Simulates Smoking, Products

- A. No person under the age of 21 shall:

- (1) Purchase a tobacco product, e-cigarettes, or liquid nicotine.
 - (2) Use or possess a tobacco product, e-cigarettes, or liquid nicotine.

- B. No person or business shall:

- (1) Sell or provide a tobacco product, e-cigarettes, or liquid nicotine, to a person under the age of 21.

- C. For the purposes of this ordinance, the terms “Tobacco Product,” “e-cigarette,” and “Liquid Nicotine,” shall include any product or device defined herein, and amended from time to time, and in NH RSA 126K, all other provisions of which statute are incorporated herein.

254-12 Penalties

Any person violating the provisions of this ordinance shall be subject to a fine of up to fifty dollars (\$50.00) for a first offense, and up to one hundred dollars (\$100.00) for a second or subsequent offense.

254-13 Severability; repealer; when effective.

A. If any provision of these articles shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of these articles, which shall remain in full force and effect.

B. All ordinances, resolutions, orders or parts thereof or in conflict with these articles are hereby voided.

C. These articles shall be in full force and effect immediately upon passage.

Roll Call:

Agenda Item IX.

Council to consider setting a public hearing regarding Ordinance #07-20, updating Ch 222-7 to include anything that simulates smoking.

**Motion – Councilor Trudel moved that the Franklin City Council set a public hearing for 6:00pm at the September 5, 2019 meeting of the City Council for Ordinance #07-20 to amend Chapter 222-7 to say “the use of any tobacco products and anything that simulates smoking is prohibited in the following City recreation areas or facilities as more fully described below.” In addition, adding Mill City Park as the 11th City owned property. To be read in title only.
Seconded by Councilor Desrochers.**

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

All in favor. Motion PASSED.

Mayor Giunta read Ordinance #07-20 in title only.

ORDINANCE #07-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 222-7 be changed as follows (**bold additional language**): ☐

§ 222-7 Use of tobacco.

[Added 7-12-2010 by Ord. No. 11-10]

A. Purpose. The purpose of this section is to protect the safety, health and welfare of the general public and to regulate the behavior in and protect the property interests of and the facilities owned and/or operated by the City of Franklin.

B. City recreation areas or facilities. The use of **any** tobacco products **and anything that simulates smoking** is prohibited in the following City recreation areas or facilities as more fully described below:

(1)

Griffin and Legace Beach, including the beach and restrooms.

(2)

Proulx Community Center, including all buildings and entryways.

(3)

Odell Park, including the playground, basketball courts, tennis courts, ball fields, gazebo, walking trail, restrooms, cottage, dugout and concession stands.

(4)

Daniell Park, including all fields, playgrounds, dugout and restrooms.

(5)

Stone Park, including playgrounds and basketball court.

(6)

Forest Hills, including basketball court and tennis court.

(7)

Scott Marceau Park, including information booth.

(8)

Rivers Edge Park, including fenced-in skate area.

(9)

Trestle View Park.

(10)

Bessie Rowell Community Center.

[Added 9-10-2012 by Ord. No. 03-13]

(11)

Mill City Park, including pavilion, pump track, all trails, campground and restrooms.

Change to be effective September 1, 2019.

Roll Call:

Agenda Item X.

Council to consider setting a public hearing regarding Ordinance #08-20, updating the Franklin Municipal Code chapter 101-1B to include the Fire Chief on the committee to approve alcohol consumption on City Property.

**Motion – Councilor Trudel moved that the Franklin City Council set a public hearing for September 5, 2019 at 6pm on Ordinance #08-20 updating the Franklin Municipal Code chapter 101-1B to include the Fire Chief on the committee to approve alcohol consumption on City owned property. To be read in Title only.
Seconded by Councilor Dzujna.**

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

All in favor. Motion PASSED.

Mayor Giunta read Ordinance #08-20 in title only.

ORDINANCE #08-20

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nineteen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 101, Alcoholic Beverages, be changed as follows (**bold additional language**):

§ 101-1 Permit required for consumption on public property.

A.

No person shall drink any intoxicating liquor or beverage, as defined by RSA 175, in or on any public highway or sidewalk in the City of Franklin or in or on any municipal building, park, beach, parking lot, land or other facility of the City of Franklin without first obtaining a written permit as hereinafter provided.

B.

Permits to drink any intoxicating liquor or beverage in or on any municipal facility which is under the management and control of the Board of Education of the City of Franklin must be obtained from said Board. All other permits required by this chapter must be obtained from a committee consisting of the City Manager, Chief of Police, **Fire Chief** and the Director of Recreation.

Change to be effective September 1, 2019 by a roll call vote.

Agenda Item XI.

Council to consider changing the Ward 1 Polling Location.

**Motion – Councilor Brown moved that the Franklin City Council change the Ward 1 Polling location to the Franklin Lodge of the Elks.
Seconded by Councilor Trudel.**

Councilor Desrochers stated that the new polling room has a door that leads to the bar and asked if that door can be locked but still available for fire egress.

City Manager Milner stated that there is a second means of egress besides the door that leads to the bar, which remains locked and only certain Elks members have the combination to that lock. It will remain locked.

Councilor Dzujna stated that he was also concerned about this and already spoke to the Elk's Exalted Ruler who confirmed that the door to the bar will be locked.

Councilor Clarenbach stated that he found it ironic that the City is required to hold a public hearing to add the Fire Chief to a committee on where alcohol will be but we don't have to follow the same steps when changing our polling location.

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

All in favor. Motion PASSED.

Agenda Item XII.

Council to consider the approval of an MOU with the Small Business Development Center (SBDC) to hold monthly office hours in City Hall.

**Motion – Councilor Trudel moved that the Franklin City Council approve the Memorandum of Understanding between the City of Franklin and New Hampshire Small Business Development Center for monthly office hours in City Hall on the 3rd Thursday of the month from 10am-3pm and authorize the City Manager to execute the MOU on the City's behalf.
Seconded by Councilor Desrochers.**

Councilor Dzujna stated that this is exciting to hear and hopes that new businesses will take advantage of this and look at what the SBDC can offer.

Mayor Giunta stated that Councilor Dzujna beat him to the punch and that the state recognizes that things are happening here in Franklin. The beauty of this is that when a small business comes in for advice, they are already here in Franklin so our City could be the place where they want to start their small business. And you never know, the next Google could walk in the door.

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

All in favor. Motion PASSED.

Agenda Item XIII.

Council to consider the approval of the New England Mountain Bike Association MOU.

**Motion – Councilor Desrochers moved that the Franklin City Council approve the Memorandum of Understanding between the City of Franklin, Franklin Outing Club and New England Mountain Bike Association for the construction of recreational trails at the Veran’s Memorial Ski Area.
Seconded by Councilor Trudel.**

Councilor Clarenbach recommends having the forester, who is on retainer for this property, look at the intended cut plans and consider erosion types of potential issues. This should be done before the cutting occurs.

Mayor Giunta thanked Councilor Clarenbach for the recommendations and requested the City Manager to notate this request.

Councilor Dzujna commented that NIMBA worked on a very similar project at the Franklin Falls Dam. City Manager Milner stated that the same group will be working on this project as well.

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

All in favor. Motion PASSED.

Agenda XIV.

Other Business

1. Appointments
 - a. Mayor Giunta appointed Director Rob Sargent as ex-officio to the Planning Board (seat PB2) term of service is the remainder of the current term to January 2020.

2. Committee Reports

- a. Councilor Brown stated that she will provide a monthly update from the Designing Franklin's Education 21st Century Committee and will include the status of the consolidation effort discussions. She stated that it's important to make teachers the focus and not laying them off only to bring them back every year. This Friday there will be a meeting to discuss bringing back Manufacturing class options to the Franklin High School. There will also be meetings on bringing Digital Access to the students. There will be state representation there as well as Superintendent LeGallo and Mr. McLaughlin. On October 25th, the City will hold a Manufacturing evening. A light meal will be offered with a discussion on manufacturing in today's world. Brown is striving to work together with the school board to make this a real viable option. Brown is hoping that room in the school can be found to let Watts, Vitex, other manufacturing organizations, and non-manufacturing organizations such as the VNA to come and train future potential employees. This a very positive move for our City. Mayor Giunta added that October is now Manufacturing Month with the governor delivering a proclamation at a manufacturer in the state. Mayor Giunta asked that this be presented at Vitex this year.
- b. Councilor Trudel provided an update on the Fire committee. On Friday, July 12th the Fire Committee held a meeting to discuss improvements to the property maintenance process, current staff levels with projections, the current state of apparatus with a 5-year plan, the current state of the City's Fire Alarm system, needed upgrades to the Fire Station, and the EMS transport update. When the full report is available, it will be shared with the community.

3. City Manager's Update

- a. Milner informed the Council that the MS232, the tax rate setting report, is ready for signatures this evening.
- b. Contingent Grant Line Activity - \$200 was received from the Lion's Club for K9's, \$500 received from FSB for K9 Miller, \$552.99 in T-shirt sales and miscellaneous donations were made for K9 Miller, \$196.56 from the Hannaford kiosk donation to Mayor's Drug & Alcohol Task Force, and \$1,037 was raised during the 5K fundraiser for the 1st annual Mayor's Drug & Alcohol Task Force. This was held in conjunction with Winni River Days.
- c. The Trust Fund for school funding is \$69.26
- d. Back in February, the City Council approved a resolution to allow City Manager Milner permission to borrow for the purchase an Ambulance. The low quote from FSB was 2.49%. The closing on the loan was last week on \$199,988.94 (total cost \$249,988.94 - \$50,000 USDA Grant) – thank you Mayor Giunta for bringing the USDA Grant to the City.
- e. Milner updated the Council on the City property disposition in exchange for the stormwater drainage improvements at the intersection of Lake & Webster Avenues. That area of land had a lot of storm water drainage issues. The owner of the home on the corner has been approved by DES to do the upgrades to the property and to the drainage system.

- f. Milner also provided the Council with an update of another City property disposition in exchange for stormwater drainage improvement. This one is located at 15 Tannery Street. That work has been completed and the City owned property underneath the power lines is in the process of being transferred.
- g. City Manager Milner informed everyone that the “Jmilner” email address is no longer active. If anyone thinks the City Manager is ignoring an email sent, please check the email address. The correct email address is Citymgr@FranklinNH.org.
- h. On July 17th, City Manager Milner accompanied Mayor Giunta to the Employee Appreciation BBQ at Watts. Milner praised Watts for their operation and what they do for their employees and their community.
- i. On July 22nd, a Mill City Park Forum was held at the Franklin Lodge of Elks – thank you, Jack Benson for pulling that forum together. There were many questions answered and misinformation that was clarified.
- j. City Manager Milner attended the CATCH Housing Board of Directors Dinner on July 23rd. It was great to hear from others who are heavily involved in economic development in other communities.
- k. The LEAN roadmap monthly update meetings are changing starting in August to the 4th Tuesday of every month. This will be a better time for LEAN Expert Richard Ellert to attend. Milner asked the Council if it works for all of them to attend on this new day each month.
- l. Social Media Busters for this past month are regarding the walkway in Marceau Park & Kayak Man. No taxpayer money was used for those projects. Milner thanked sponsors Kirk Weyant, Nick Bickford, Parks and Recreation, FBIDC, two anonymous donors, and the owners of Buell Block. Milner also thanked Rich Morton, Rocky Marsh, Charlie Cote, Dan Bushman, and Matt Parent for their hard work.
- m. Laura Knoy from NHPR will be at the Franklin Studios on August 13th from noon-1:30 holding her program; the Exchange. All are welcome to say hello to Laura.
- n. City Manager Milner will be on vacation during the week of August 12th-16th. Director Lossani will be in charge while she is away.
- o. The Monthly budget status report that the Directors receive from Director Lossani will now be found and accessible on the City website under Finance.
- p. The monthly LEAN City Council workshops will feature a City department starting in October. Public Safety - Police will be up first and Milner will poll the Chief for his availability.

At this time, City Manager Milner stated that there is a late item and after that discussion, she requested two separate non-public sessions.

4. Late Items.

- a. The NH lottery commission has informed the City of sports betting platforms. This is similar to the Keno Bill. The City Council needs to vote on whether or not to add it to the ballot so the voters can vote on it. The City Council can agree to put it on the ballot. If the City Council agree to put it on the ballot, a public hearing

must be held between 15 days and 30 days prior to the vote in October. It will be timely for the September City Council meeting where the public can come forward and discuss the subject prior to the election. Tonight is the only night to decide on moving forward on this as the ballots are in queue for production.

City Manager Milner provided a suggested motion stating that the Franklin City Council would like to put toward the voters, the question on the ballot regarding House Bill 480 regarding Sports Book Operations.

Councilor Desrochers so moved and it was seconded by Councilor Trudel.

Mayor Giunta asked if there was any discussion.

Councilor Dzujna asked if the Lottery will come to Franklin and explain where the money raised will go.

Mayor Giunta apologized for this late item and realizes that this doesn't allow the Council much time to think about it. Franklin's voting takes place on October 1st where other communities have another month to consider what is on their ballots. Milner stated that she will sit in the audience when the Lottery holds their hearing and she will attempt to get them here for the September 5th meeting or schedule a public hearing after that but the very latest date would be Friday the 13th in order to get in before elections.

Councilor Testerman stated that the Council should be advocating for families and their health. This is just opening the door for problems and she will vote no on this.

Councilor Ribas supports Councilor Testerman's concerns but will vote to put it on the ballot. Ribas wanted to be clear so the public understands. This voting of the City Council is to add it to the ballot so the public can vote on it. The Public Hearing is for informational purposes which will help the public decide how they wish to vote on the question on the ballot in the October election.

Councilor Brown asked if there was any information in the letter that the Lottery sent that indicates or hints where the money will go. Milner replied that there isn't any information on that so it is an unknown at this point.

Councilor Clarenbach stated that even though the Council can approve to add it to the ballot, there are many other steps before it is final in allowing this type of business in Franklin.

Mayor Giunta asked if there was any further discussion on this topic. There was none. However, since a few have indicated that they do not support it on the ballot, he asked the

Council to raise their hands in favor of adding this to the ballot. There were eight in favor. One opposed.

Motion PASSED.

Councilor Testerman publicly acknowledged, thanked, and praised Keith Hanson from WNTK for his interviews of Mayor Giunta and his continued public support and positiveness of Franklin. He is doing great work promoting our City on his radio programs.

Mayor Giunta thanked Councilor Testerman for mentioning this and stated that he will call Keith and thank him as well.

Motion – Councilor Desrochers moved to enter into non-public according to RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee of the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has the right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

Seconded by Councilor Trudel.

Roll call vote to enter into non-public:

| | | | | | |
|----------------------|------------|------------------------|------------|---------------------|------------|
| Councilor Brown | <u>Yes</u> | Councilor Dzujna | <u>Yes</u> | Councilor Ribas | <u>Yes</u> |
| Councilor Clarenbach | <u>Yes</u> | Councilor Starkweather | <u>Yes</u> | Councilor Testerman | <u>Yes</u> |
| Councilor Desrochers | <u>Yes</u> | Councilor Rago | <u>Yes</u> | Councilor Trudel | <u>Yes</u> |

All in favor. Motion PASSED.

Entered non-public session at 7:56 p.m.

Motion – Councilor Trudel moved to return to public session. Seconded by Councilor Starkweather.

All in favor. Motion PASSED.

Public Session reconvened at 8:47 p.m.

Motion – Council Dzujna moved to seal the minutes because it is determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board.

Seconded by Councilor Desrochers.

Roll call vote to seal the minutes:

| | | | | | |
|-----------------|------------|------------------|------------|-----------------|------------|
| Councilor Brown | <u>Yes</u> | Councilor Dzujna | <u>Yes</u> | Councilor Ribas | <u>Yes</u> |
|-----------------|------------|------------------|------------|-----------------|------------|

| | | | | | |
|----------------------|------------|------------------------|------------|---------------------|------------|
| Councilor Clarenbach | <u>Yes</u> | Councilor Starkweather | <u>Yes</u> | Councilor Testerman | <u>Yes</u> |
| Councilor Desrochers | <u>Yes</u> | Councilor Rago | <u>Yes</u> | Councilor Trudel | <u>Yes</u> |

All in favor. Motion PASSED.

Motion – Councilor Desrochers moved to enter into non-public according to RSA 91-A:3, II(d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public.

Seconded by Councilor Dzujna.

Roll call vote to enter into non-public:

| | | | | | |
|----------------------|------------|------------------------|------------|---------------------|------------|
| Councilor Brown | <u>Yes</u> | Councilor Dzujna | <u>Yes</u> | Councilor Ribas | <u>Yes</u> |
| Councilor Clarenbach | <u>Yes</u> | Councilor Starkweather | <u>Yes</u> | Councilor Testerman | <u>Yes</u> |
| Councilor Desrochers | <u>Yes</u> | Councilor Rago | <u>Yes</u> | Councilor Trudel | <u>Yes</u> |

All in favor. Motion PASSED.

Entered into non-public session at 8:49 p.m.

Motion – Councilor Desrochers moved to return to public session. Seconded by Councilor Ribas.

All in favor. Motion PASSED.

Public Session reconvened at 9:26 p.m.

Motion – Councilor Trudel moved to seal the minutes because it is determined that divulgence of this information likely would render a proposed action ineffective.

Seconded by Councilor Ribas.

Roll call vote to seal the minutes:

| | | | | | |
|----------------------|------------|------------------------|------------|---------------------|------------|
| Councilor Brown | <u>Yes</u> | Councilor Dzujna | <u>Yes</u> | Councilor Ribas | <u>Yes</u> |
| Councilor Clarenbach | <u>Yes</u> | Councilor Starkweather | <u>Yes</u> | Councilor Testerman | <u>Yes</u> |
| Councilor Desrochers | <u>Yes</u> | Councilor Rago | <u>Yes</u> | Councilor Trudel | <u>Yes</u> |

All in favor. Motion PASSED.

Motion – Councilor Vince Ribas moved that subject to approval by an attorney conversant with Federal Environmental Regulations and Contract Law, that the City of

Franklin give the authority to City Manager Judie Milner to purchase the Birke Property.

Seconded by Councilor Brown.

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

All in favor. Motion PASSED.

Motion – Councilor Clarenbach moved that Franklin City Council authorize the City Manager to enter into a lease agreement for a maximum of twenty- four months for the property located at 599 South Main Street in Franklin to Hybrid Tech with the following conditions: \$100 rent for the first six months, \$500 rent for months seven through twelve, \$750 rent for months thirteen through twenty-four; all Triple net. At the end of the twenty-four-month period, the Lessee can purchase the property for the difference of a total purchase price of \$50K which includes the lease payments made for the twenty-four months. If the Lessee exits the contract prior to the twenty-four months, the property must be left in equal to or better condition. If the owner contemplates lease payments beyond the twenty-four months, renegotiations will take place at that time. The Triple net language means that the Lessee is responsible for real estate taxes, insurance, maintenance, repairs, and utilities.

Seconded by Councilor Trudel.

City Manager Milner asked the Council if they wanted to review the lease agreement with Cumberland Farms prior to moving forward with the agreement. The Council stated that she has permission to move forward as referenced in the earlier motion from Councilor Ribas which was seconded by Councilor Brown.

Councilor Desrochers stated concern over some additional discussion on the Cumberland Farm lease and whether it should be shared publicly or be part of the sealed minutes.

Councilor Clarenbach replied that all official business must be discussed during public forum and the details and conversation will remain within the sealed minutes.

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

All in favor. Motion PASSED.

Motion to adjourn was made by Councilor Brown. Seconded by Councilor Testerman.

All in favor. Motion PASSED.

Meeting adjourned at 9:36 p.m.

Respectfully submitted,

Audrey Lanzillo