



City Council Meeting Minutes
Thursday, September 5, 2019, 6:00 p.m.
Council Chambers – City Hall

In attendance:

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

Others in attendance:

City Manager Milner

Absent:

Councilor Scott Clarenbach, Councilor Paul Trudel.

The meeting was called to order at 6:05 P.M. in Council Chambers.

Mayor Giunta welcomed all and jokingly asked where the summer went.

Salute to the flag was led by Councilor Rago.

Mayor Giunta stated that tonight's pre-meeting was a great opening to the City Council Meeting. He was very happy to hear all the great news from many different people. He further stated that we don't celebrate the enough. He was very honored to present two proclamations to Ricky Mazur and Elizabeth Guillotte for their accomplishments of going above and beyond to give back to the Franklin community and fellow High school students of Franklin. They revamped the High School's Karma Korner, which provides clothing, personal hygiene products, food, washer and dryer free of charge to their classmates in need. Their accomplishments were read into the Congressional Record by our US Senator Maggie Hassan. Ricky Mazur proudly held up the plaque given to them. Mayor Giunta proclaimed, Thursday, September 5th, 2019 as Richard Mazur and Elizabeth Guillotte Day. Applause was given to Ricky and Elizabeth.

Mayor Giunta expressed his appreciation to Superintendent Dan LeGallo and School Board Chair Tim Dow for making it possible for the students to bring these ideas forward. Applause was given to LeGallo and Dow.

Councilor Desrochers requested a moment of silence for veteran Everett Dowers who served in the U.S. Marine Corp and Vietnam; for Mr. George Doucette who served in the U.S. Navy and Korean War; for Mr. Andrew Nadeau our City's retired Deputy Fire Chief who also served in the U.S. Navy during the Korean War; for Mr. Wayne Cilley who served in the U.S. Army; and for Mr. Davide Hurst who served in the U.S. Navy. A moment of silence was recognized. Mayor Giunta thanked Councilor Desrochers.

At this time, Mayor Giunta invited our guest from the NH Lottery Commission, Director Charlie McIntyre to come up to the podium to review the October Ballot Question. Mayor Giunta explained that the election will occur in Franklin in approximately three weeks and will have the following question on the ballot: "Shall we allow the operation of sports book retail locations within the City of Franklin."

NH Lottery Director Charlie McIntyre explained what this means to the City Council and the public in attendance this evening. Legislation passed and the Governor signed into law allowing sports betting in NH. Many other states have been passing laws to allow this over the past year or so. Director McIntyre stated that the state is out to bid for operators and wanted to let the City know that if this is something the City would be interested in; the opportunity is there. This will be different than Keno and will be regulated more where only a certain number of operators will be allowed in the entire state. This doesn't mean that an operator would be interested in Franklin, it just means that the option could be available to the City so therefore the upcoming election would be the time to vote on it.

Mayor Giunta asked Director McIntyre to remain at the podium to answer questions that the City Council or public may have.

Councilor Dzujna asked Director McIntyre what the criteria would be for the operator, City, or town. Director McIntyre replied that there are a number of factors. Economic impact is one factor making sure it's in a profitable location, it must be a first-class operation, and must meet the standards for business licensing within Franklin's guidelines as well. All profits are going toward education in NH.

Councilor Starkweather asked what percentage would come back to the City and how is the revenue divided up. Director McIntyre replied that all real estate taxes would go back to the City and a formula is used for how the revenue is distributed at the state level, which McIntyre is not involved in. McIntyre further explained that this past year, \$106M in profit went to the state for education. The state uses the adequacy formula and divides out the money. The operating expenses for the Lottery for this operation would be under three cents per dollar.

Councilor Dzujna asked Director McIntyre what types of sports will be allowed for betting. McIntyre responded that most sports will be allowed except for NH based college teams or

youth teams. Football will make up the largest percentage then college basketball and college football.

Mayor Giunta asked the public if anyone had questions to please come up.

Leigh Webb ward 3 resident asked how many locations will be permitted in the state. Director McIntyre replied that per RSA, it will be limited to 10 locations permitted across the state.

Werner Horn asked what the penalties will be for not following the rules or conducting illegal business. Director McIntyre replied that this is contract based so parameters must be met. If an operator is doing something wrong then they are in violation of the contract. The Lottery is currently in the RFP process and because sports betting is in 12 states now, there is a strong framework already in place and can be utilized in NH as well since it's working elsewhere.

There were no further questions or comments for Director McIntyre. Mayor Giunta thanked him for coming to Franklin and speaking to the Council and public.

Public Hearings

Opened at 6:26 p.m.

Resolution #04-20 – a resolution appropriating \$500,000 of Community Development Finance Authority Tax Credit Program Funds.

Mayor Giunta asked if anyone had questions. There were none. The public hearing on Resolution #04-20 closed at 6:26 p.m.

Ordinance #04-20 – an amendment to the Franklin Municipal Code Chapter 233-1 and 233-2 to the 2018 International Property Maintenance Code.

Mayor Giunta asked if anyone had questions. There were none. The public hearing on Ordinance #04-20 closed at 6:27 p.m.

Ordinance #06-20 – an ordinance to increase the purchase age to 21 to use, purchase, possess or sell Juuls, e-cigarettes, cigarettes, tobacco and related paraphernalia.

Werner Horn W2 resident stated that he has grave concerns over this ordinance at this current point in time. Someone who is fit to join the military and vote but would be violating our Ordinance if purchased elsewhere and brought into Franklin. Franklin's police force is operating with decreased manpower and is concerned that it is not worth the trouble. Horn agreed that using vape products between the ages of 18-21 drastically affects the brain and he is introducing legislation to address this. However, Horn does not support this ordinance.

Mayor Giunta invited Police Chief David Goldstein up to address some of the issues and reasons why this ordinance has been brought forward. Chief Goldstein stated that he appreciated Mr. Horn's comments especially with reference to those at 18 going into the Military. Chief Goldstein stated that even in the Military, a 20-year-old cannot purchase a handgun or drink alcohol legally. The reason for this ordinance is mainly due to the health concerns of our youth. From 18-25, the brain is still developing. He further added that smoking is hazardous to people who are around the person smoking. Chief Goldstein explained that his friend is terminally ill with stage 4 lung cancer but he never smoked however he worked in an industry where many smoked around him. Sadly, his friend will die as a result from secondhand smoke.

April Bunker W3 resident asked if a cost assessment for law enforcement had been done. She shares the same concerns as Chief Goldstein and asked what the cost might be. Chief Goldstein responded stating that a cost analysis hasn't been done but he has looked at other communities that have done this and the impact on law enforcement has been minimal to none.

Scott Burns W2 resident thanked the Council for bringing this forward as it will be the first in the state and proud that we can set a precedent with the state. He further stated that policies around vaping at the school are being formed. Burns shared that he heard an 18-year-old was selling the products to the younger students and hopeful that this ordinance will help to prevent this from happening.

Kandyce Tucker from the Mayor's Drug Task Force provided some statistics. She began with tobacco which kills half a million people every year, 485 cities and countries worldwide plus 29 U.S. counties have adopted Tobacco 21 already. The surrounding states of Maine, Vermont, Massachusetts, Rhode Island, and New York have adopted a state-wide policy. We are the only state in our region that does not have a Tobacco 21 state policy. She further added that the Governor has vetoed it a couple of times but the more cities support this, the better chance it has to become law at the state level.

Councilor Testerman stated that since we are in the Live Free or Die state we would be stepping on toes and taking away the freedom of choice. She further stated that the City's expenditure of energy and resources could be better spent on educating and informing the public that they have a personal responsibility. Testerman asked how enforceable it is.

Mayor Giunta stated that sometimes as he is driving down the road, he sees a gigantic plume of smoke come from a car window and it looks like a car is on fire but it's an exhale of someone while vaping. This is whole new world of technology and we are trying to address it.

Councilor Desrochers stated that several deaths in the country occurred already from vaping. This is getting into the hands of middle school kids. This is the age when they start using pot and cigarettes so we have to do something to try to prevent this. This may not stop it all but it may stop some of it and prevent kids getting hooked on it. If the school doesn't have any solid rules or laws to fall back on, then it makes it harder for them to enforce it. Some of this stuff tastes like candy and it's just another pull from the tobacco companies to get kids hooked on something other than tobacco. We have to do something to try to stop it.

Leigh Webb W3 resident stated that he is all for Live Free or Die but not Live Free and Die. This is a health issue not just for the individual but those surrounding the individual as well. He also added that these kinds of health issues ultimately will impact the taxpayer.

April Bunker W3 resident stated that she has spoken to her children about vaping and couldn't agree with Councilor Desrochers more. She added that it is in all of the schools. Her eleven-year-old was offered to vape in the bathroom. Teachers are not well equipped to catch this happening. Bunker asked if there will be an education piece to this issue and ordinance.

Mayor Giunta stated that Kandyce Tucker has already started the education piece in the schools. Kandyce shared that a vape packet with the schools, teachers, and one will be going home to parents.

Mayor Giunta asked if there were any further questions or comments. There were none. The Public Hearing on Ordinance #06-20 closed at 6:43 p.m.

Ordinance #07-20 – an amendment to the Franklin Municipal Code Chapter 222-7 to include, "The use of tobacco products and anything that simulates smoking is prohibited in City recreation areas or facilities as more fully described below". Mill City Park is also being added to the list of City Owned Property.

Scott Burns W2 resident stated that he had the pleasure of attending an event this past weekend and appreciated that it was a healthy environment for everyone with no smoking. He thanked the Council and Mayor for including this park on the list of areas where no smoking is allowed.

Mayor Giunta asked if there were any further comments. There were none. The Public Hearing on Ordinance #07-20 closed at 6:44 p.m.

Ordinance #08-20 – an amendment to the Franklin Municipal Code Chapter 101-1(B) to include the Fire Chief on the committee to approve alcohol consumption on City Property.

Mayor Giunta asked if anyone had any comments or questions. There were none. The Public Hearing on Ordinance #08-20 closed at 6:45 p.m.

Comments from the Public

Leigh Webb W3 resident elaborated on Councilor Desrochers honoring of soldiers earlier in this meeting tonight. We are all thankful for their service to this country. Mr. Webb stated that David Hurst and Andy Nadeau also made tremendous contributions to this community. Mr. Hurst and his wife gave back to Franklin for many many years. As well as Mr. Nadeau who was not only a member of the Historical Society but an author, a historian, and a personal friend. Mr. Webb thanked them for all they have done for Franklin.

Christine Dzujna W1 resident informed the Council and public that she is here on behalf of the Franklin Animal Shelter and announced their new fundraiser called Plunge for Paws happening on November 2nd from 11-3 at Griffin Beach on Webster Lake. She is looking for people to plunge for a cause. Dogs are allowed to participate. There will be music, vendors, family friendly activities, and a bonfire.

Gary Brassard W1 resident stated that this is the third time he has come before City Council seeking an answer to the legality of the Trump sign at the corner of Sanborn St. and Central St. Mr. Brassard asked if there was an answer tonight on the legality of the sign.

City Manager Milner responded to Mr. Brassard stating that she did have the City Attorney's opinion on the matter however it is attorney client privilege but shared that there are several adjustments to the City Code that are needed and will be worked through Planning and Zoning. Milner stated that Planning and Zoning Director Dick Lewis will be sending him a letter on this.

Mr. Brassard asked what the current legality of the sign that is displayed is. Milner asked Director Lewis to further explain. Director Lewis stated that there is a combination of complex issues that will be outlined in the letter he sends Mr. Brassard. The letter will also serve as a starting point for the updating the sign ordinance.

Mr. Brassard stated that the signs he had up a few years back had to be taken down per the previous City Manager and feels he was targeted for selective enforcement. He stated that this was in violation of free speech. On behalf of others at that time and himself, he asked for an apology from the City.

Councilor Desrochers stated that aside from that Trump Sign, there is a truck parked there and being used as a billboard advertising which is not allowed in the City. Also, since there is not asbestos removal being done in that building, it should not be allowed and should be addressed by the City.

Janet Desrochers W2 resident addressed the Council stating that she usually doesn't voice her opinion at the Council meetings however, in the July LEAN meeting minutes, it was noted that City Manager Milner is pushing for proper code enforcements along with Councilor Testerman who stated that the Fire Department is enforcing codes to push property owners to follow property maintenance codes. Mrs. Desrochers further stated that for over 30 years she has been complaining about the same residents on Franklin Street. She avoided contacting the Code Enforcers because of a previous bad experience.

Mrs. Desrochers stated that it appears that the City is only enforcing codes that are on Central Street or for wherever the City has an agenda for. The other parts of the City are not a priority and the City forgets about those other areas that need to be addressed. She stated there have been other complaints for maintenance in certain areas that aren't being done especially on City owned property. If the City is going to take ownership of it, then they need to maintain it as well. She referred to other buildings and properties throughout the City that don't appear to be getting the attention they should be. There are overgrown areas on Franklin Street and Kendall Street. The area where the old CAP office is located used to be a beautiful area and the City doesn't care about it anymore. She asked the Councilors if they drive around their own wards and see the things that need to be addressed. She concluded by stating that the Councilors are here to represent the people of their wards.

Mayor Giunta invited City Manager Milner and Police Chief Goldstein to respond to Mrs. Desrochers comments.

City Manager Milner responded stating she understands her frustration and that she is also frustrated. She reminded everyone that there has been a real problem with this over the years and it has accumulated. The City hired a second full time Code Enforcement Officer to get a hold on this however, everything can't be done at the same time. Milner confirmed that the service requests are reviewed as soon as they come in and are addressed. Sometimes, for privacy the City can't always discuss the steps being taken or the details around it especially if it has moved into the court system, which can bottleneck somewhat through that step. There are things being addressed and handled a chunk at a time. The City is also addressing requests for building permits so it may appear that the focus is the downtown area however, there is a lot of requests also coming in for the downtown area as well. Some of the code enforcement is happening in venues where there will be more than 100 people so for safety reasons, those are priority and need to be up to code. Milner concluded that there will be great results from having our two code enforcers.

Councilor Dzujna stated that he has been working on the Kendall Street issue with the Police Chief and Code Enforcement Officer and it is more complicated than can be imagined. Dzujna stated that Councilor Desrochers attended a meeting with them on this as well but due to privacy issues, he can't elaborate on this at the present time.

Leigh Webb W3 resident asked Mayor Giunta if he would be willing to commit this evening that the winner of the Mayoral Race must become a plunger for the Animal Shelter fundraiser event. Mayor Giunta accepted Webb's suggestion and laughingly shouted to vote WEBB for Mayor. Laughter was heard from everyone.

Webb informed the Council that the Asbestos Billboard sign on the truck at the corner of Central and Sanborn actually belongs to the homeowner. Webb concluded stating that he has a conflict this evening with a Historical Society Meeting and will be leaving tonight's City Council Meeting early.

Police Chief David Goldstein shared that often times when a police officer accomplishes something, it goes unnoticed because people think that it's part of their job to do it anyway. However, sometimes that job is worth calling out and taking notice. He referenced an incident that happened in the City last night which involved a female juvenile who tried to commit suicide. Her parents got her into the emergency room where at some point, Officer Tracy and our Comfort Dog Miller were asked to go and see the juvenile. Miller approached the parents but then went into the room where the juvenile was. The juvenile had met Miller the day before so she recognized him, began to cry, and then began to open up and speak about what was happening inside her mind. This was a life saving moment that the PD is very proud of and couldn't be happier to share something positive with the Council and public this evening. Applause was given by all.

The coordinator for the Mayor's Drug and Alcohol Task Force, Kandyce Tucker addressed the Council and agreed that the Mayor and City Council should lead the way for the plunging event. She stated that she would plunge as long as the Council plunges with her.

Kandyce continued to share that WMUR called her last Friday late in the day. She was at the gym when they called saying that they needed to interview her right away. She called City Manager Judie Milner in a panic. Milner was on her way to a friend's house in Somersworth but turned the car around to be at the interview with her. Kandyce publicly thanked Milner for being there and being an awesome boss. Applause was given to City Manager Milner. Milner replied that Kelly Gaspa also came to the interview and although all three of them were interviewed by WMUR, Kandyce was the shining light in the broadcast. Milner finished by thanking Kandyce for doing such a great job.

Kandyce continued to share with the Council and public that we are now officially the first City in New Hampshire to ban Kratom. More information can be found on the Mayor's Drug Task Force Facebook page and WMUR's Facebook page. She also informed everyone of the front-page article in the Concord Monitor today featuring our Mayor Giunta and Police Chief David Goldstein about the potential Tobacco 21 Ordinance.

In partnership with the school, the Mayor's Drug Task Force is hoping to host a parent informational vaping night on October 2nd with guest speaker Laurie Warnock from Northern New England Poison Center. Once confirmed, Kandyce will send out an email to everyone.

National Drug Take Back Day will be held on October 26th from 10-12 at CVS. This will also include a "Lock it Up" campaign where she is hoping lockboxes will be given away so people can safely lock up their prescription drugs and keep them away from children.

Also on October 26th will be a Soup-fest Event at Marceau Park. This is a fundraising event for the Mayor's Drug Task Force. She is looking for Soup makers to submit to the fundraising event.

In conclusion, Kandyce stated that the School Board adopted new vaping policies at the schools and there is a sample packet of the policy and information within the packet. Each teacher received this packet along with posters for the classrooms and bathrooms.

Councilor Testerman asked Kandyce a question but it was inaudible.

Kandyce replied that the SAU should have the vaping policy on their website as well as it being placed on the Mayor's Drug and Alcohol City Website page.

Mayor Giunta stated that although some issues are difficult to discuss in public, he is grateful that they are brought forward and discussed no matter how uncomfortable it is. He thanked everyone who came forward and asked that it continue.

Scott Burns W2 resident stated that he is all for Mill City Park and has many questions still but also wanted to mention there is a ton of planning for this and the many other things going on in the City. The City Manager's job isn't just focused on Mill City Park. There's much more to develop in our downtown to make it a place people visit, shop, eat, stay overnight, and come back again each year.

The Public Comment session ended at 7:09 p.m.

City Council Acknowledgement

Councilor Starkweather acknowledged that he went to the Commissioner's Office of the NH Department of Safety for the Swearing in Ceremony for Kevin LaChapelle. LaChapelle was sworn in as the new Deputy Director of Emergency Management Homeland Security for the State of New Hampshire. Applause was provided by all for LaChapelle.

Councilor Dzujna wanted to inform everyone that the Candidates Forum will be held on September 23rd at the Opera House. Meet and greet from 6:30-7:00 p.m. and the forum will start at 7:00 p.m. There are folks running for City Council, the School Board and Mayor. The write-ins won't be on stage however will offer that they attend the event in the audience so people can ask them questions if they choose.

There were no further acknowledgments from the Council.

Mayor's Update

Mayor Giunta gave a big Thank You to Superintendent LeGallo for the invitation to First Day Back for the teachers. Awards were given out and one was an impressive 50 years of dedication to the City.

Agenda Item I.

Council to consider the minutes of the July 29th Special City Council Meeting and the minutes of the August 5th City Council Meeting.

Motion – Councilor Dzujna moved that the Franklin City Council approve the minutes of the July 29th, 2019 Special City Council Meeting and the minutes of the August 5th, 2019 City Council Meeting.

Seconded by Councilor Desrochers.

Mayor Giunta asked if there was any discussion.

Councilor Rago requested a review of the minutes from the July 29th LEAN Workshop meeting minutes, page 4. She requested a review of the audio that references the third paragraph from the bottom as it seems like something is missing. She thinks this referenced the Project Aware Committee at the High School but not sure. Councilor Dzujna provided input since he sits on the Project Aware Committee.

Councilor Testerman stated that she had a list of changes as well and referred to this same paragraph Councilor Rago referenced. She added that there was also a discussion on what staffing challenges the Police Department faces.

Councilor Ribas also had some edits and highlighted page 31 of the August 5th City Council Minutes referencing a typo in a motion that he made. He requested that the word "Exists" be corrected to "Exits".

Mayor Giunta asked Councilor Testerman and all the Councilors if they want to hear all the edits. The Councilors did not need to hear each of the edits read out loud because the concept was only changing some typographical errors that can be sent to Audrey so she can make the corrections. Mayor Giunta recommended that either the corrections should be read into the record going forward or they should be sent to City Manager Milner so they can be handed out and reviewed by all the Councilors.

Councilor Testerman replied that she mainly is asking for clarification on the intention of the comments and what its reference is. Testerman stated that she had given the possibility of Project Aware but she and Councilor Rago are not sure if that was the intent.

City Manager Milner also replied regarding the intent of the paragraph and added that they were talking about Project Aware Grant which had gone away for the school district. Project Aware was the sister grant of the Mayor's Drug Task Force. Kandyce and Barbara Slatton still work very close together on issues that affect our youth. Milner stated that Kandyce Tucker will continue to invite Barbara Slatton to occasional City Council Meetings so they can elaborate on things they are both doing that interact with each other. Milner concluded stating that she believes this was the discussion that occurred at that point in time.

Councilor Starkweather stated that minutes of the meetings become official documents by the body that created and approved them. They can be used for research purposes a few years down the road. He further added that some may request a typo be fixed or some might say it's a minor but it's still a correction that the Council doesn't see in order to vote on it. Starkweather recommended that as soon as someone sees something that needs correction, they send it to the City Manager.

Mayor Giunta asked if the Council agreed on this new process. All agreed.

All in favor of the motion as amended. Motion PASSED.

Agenda Item II.

Superintendent LeGallo began with a couple of Recognitions. First, he recognized Councilor Dzujna and Councilor Brown for attending the School's Opening Morning Ceremony. He also thanked Mayor Giunta for his attendance as well as speaking to the staff and furthermore attending the Middle School Sign Unveiling.

LeGallo informed the Council that his meeting with Vitex was productive. They discussed next steps of when some of their employees can come into the school to speak to the children about manufacturing jobs. LeGallo and Brown are waiting to meet with WATTS on the same topic and added that there will be a Manufacturing Night coming in October.

LeGallo stated that school has resumed and student enrollment increased by 22 new students. Additional staff is not needed at this point. LeGallo handed the Council a copy of a letter co-written by School Board Chair Tim Dow and himself which was sent to the Legislative Ad Hoc Committee on Finance regarding the urgency to bring back Stabilization Funds to the 2016 level. He thanked Representative Werner Horn for reading the letter in the record at the State House.

School Administrative Unit 18

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Daniel LeGallo, Jr.
Superintendent

Jefferson Braman
Business Administrator

To: State of NH AD Hoc Committee on Finance
From: Tim Dow, Franklin School Board Chair;
Dan LeGallo, Superintendent of Schools SAU 18
Date: August 28, 2019
Subject: Education Funding in the Proposed State Budget

Dear AD Hoc Committee Members:

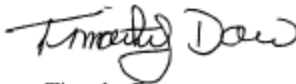
It is with a great sense of urgency that we reach out to you today in regards to the budget situation in Concord. In May of 2019, we needed to lay off 11 teachers and staff members due to our funding crisis here in Franklin. This totals to 37 staff member cuts in the past 4 years. Because of this, some programming has been eliminated or reduced and our class sizes are climbing to unacceptable levels for our remaining teachers. This has a severe impact on our population of students who are in dire need of many services on top of their rightful academic education.

We were very hopeful when the legislature passed a budget that would have brought stabilization funds back to the 2016 level. That, along with the kindergarten funds, would have totaled \$735,621 additional money for our 19-20 budget. This would have allowed us to recover every position that was lost due to the reduction in force.

We also were hopeful for the 20-21 budget as well. Changes to the adequacy formula combined with the return of stabilization funds would have provided Franklin with an additional \$1.8 million dollars. These funds would have allowed us to return all programming that we have lost in the last 4 years due the loss of stabilization funds.

The school year for students starts in one week and we still have no answers/solutions from our lawmakers including Governor Sununu. We encourage you to act and to act quickly so that Franklin's students are not negatively impacted from this situation.

Sincerely,



Timothy Dow
Franklin School Board Chair



Dan LeGallo
Superintendent

Councilor Testerman asked LeGallo how many students are enrolled in the school system. LeGallo replied that there are currently 944 students.

Councilor Dzujna asked LeGallo what the average size of the classrooms are. LeGallo replied that Kindergarten has 15-17 students. They try to keep that number under 20 children per classroom. Second to third grade classes are kept around 20-22 students, the Middle School classrooms are 25-26 students per classroom. State Law allows up to 30 middle school students per classroom but he doesn't recommend that.

Councilor Ribas asked how the Safety Project is going. LeGallo replied that it's going very well. The delay is blamed on waiting for the aluminum which will take 12-16 weeks. The last entrance should be completed by the end of next week. They can be used but won't have the glass or aluminum to complete the work until Christmastime.

Councilor Rago stated that she attended the last school board meeting and there was some discussion on how an individual can look at the school's actual expenses since they are not available on the SAU website currently. A person could make an appointment with Superintendent LeGallo in order to view that information. Rago asked LeGallo if that would be the correct process. LeGallo replied that this could be one way and was ok with that but he also stated that there wouldn't be a problem to publish that information. He further stated that it's public information so anyone can have it. LeGallo also added that he would start working with Business Administrator Jefferson Braman on publishing that report on the SAU website. Rago agreed with LeGallo and stated that transparency is important however it's not available right now. LeGallo replied that it is on his list of items to do.

Councilor Dzujna stated to LeGallo that he should have spoken to Vitex on the aluminum. They may have been able to get it to you faster. Everyone laughed.

LeGallo concluded stating that there was a guest speaker on Opening Morning who spoke to all the teachers on the dangers of vaping. The School Board passed a new policy on vaping which includes discipline and treatment. This epidemic is also at the Middle School and soon will be heard happening at the Elementary School.

Agenda Item III.

Consider to consider approval of Resolution #04-20, a resolution accepting and appropriating \$500,000 of funds awarded through the Community Development Finance Authority Tax Credit Program.

**Motion – Councilor Desrochers moved that the Franklin City Council adopt Resolution #04-20 accepting and appropriating \$500,000 of funds awarded through the Community Development Finance Authority Tax Credit Program.
Seconded by Councilor Dzujna.**

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

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.

Roll Call:

Councilor Brown Yes Councilor Dzujna Yes Councilor Starkweather Yes

Councilor Clarenbach Absent Councilor Lauer-Rago Yes Councilor Testerman Yes

Councilor Desrochers Yes Councilor Ribas Yes Councilor Trudel Absent

All in favor. Motion PASSED.

Agenda Item IV.

Council to consider approval of Ordinance #04-20, an amendment to the Franklin Municipal Code Chapter 233-1 and 233-2 to the 2018 versions of the International Property Maintenance Code Book.

**Motion – Councilor Starkweather moved that the Franklin City Council adopt Ordinance #04-20, which will update the Chapter 233-1 and 233-2 of the International Property Maintenance Code from the 2003 International Code Council Edition to the 2018 International Code Council Edition to include appendices and commentaries to be utilized for clarification and litigation if necessary.
Seconded by Councilor Brown.**

Councilor Ribas stated that there was no exception of the boarding up of windows in a significant weather-related event and if we were to see one, he would expect that it would be allowed. Fire Chief Mike Foss replied that in a significant weather-related event, safety of the residents would be primary and a restriction against boarding up of windows wouldn't be enforced in a situation like that.

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

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]

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.

Roll Call:

Councilor Brown Yes Councilor Dzijna Yes Councilor Starkweather Yes

Councilor Clarenbach Absent Councilor Lauer-Rago Yes Councilor Testerman Yes

Councilor Desrochers Yes Councilor Ribas Yes Councilor Trudel Absent

All in favor. Motion PASSED.

Agenda Item V.

Council to consider approval of Ordinance #06-20 to increase the age to 21 to purchase, use, possess, or sell Juuls, e-Cigarettes, Cigarettes, or Tobacco and related paraphernalia.

**Motion – Councilor Desrochers moved that the Franklin City Council vote to approve Ordinance #06-20 to increase the age to 21 to purchase, use, possess, or sell Juuls, Cigarettes, e-cigs, or tobacco and tobacco related paraphernalia.
Seconded by Councilor Brown.**

Councilor Testerman clarified that she is in agreement with this and aware of the dangers even for the adults.

Councilor Ribas shared Representative Horn's concerns regarding the possession aspect crossing City lines. He stated that he is going to vote in support of this Ordinance however he believes it will be an issue if someone between the ages of 18-21 is traveling from a different community and stopped for a traffic stop while in possession. He also stated that he hopes the police will use the proper judgement not to harass someone in this age range if they are pulled over for a traffic stop. Ribas agrees that this is a significant issue and recommends amending the motion itself under section 254-11 to correct the spelling of e-cigarettes which is spelled differently except in section (C) and more importantly within the RSA 126-K. All references should be spelled the same way.

**Amended Motion – Councilor Ribas moved Amend the original Motion to make corrections to the inconsistent spellings of tobacco products, e-cigarettes and liquid nicotine by uncapitalizing all references, adding a dash in between e and cigarettes, and also under RSA 126-K
Seconded by Councilor Brown.**

Councilor Dzujna agrees that this is a big problem. People don't seem to realize that so many are going to the emergency room with lung infections and those affected ask why. Dzujna is in full support of the ordinance and stated that we have to do this.

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

All in favor. Motion PASSED.

Mayor Giunta asked if there was any discussion to the original motion as amended.

Councilor Desrochers commented with regards to being 18 years old and being allowed to be in the Military. He stated that 18-year-old soldiers are allowed to drink on base but not off base. There can't be a beer can in your vehicle whether empty or full once the 18-year-old drives off base.

Mayor Giunta asked the public and council if anyone read the article in the Concord Monitor today. He stated that he commented to Leah Cunningham, the author of article, that he hoped this would pass simply because by age 21, it's expected that the student would be out of high school by then thus reducing the risk to the younger kids being influenced by the older student, whom they naturally look up to. Mayor Giunta continued that Miss Cunningham included in the article that 95% of smokers started before the age of 18. Mayor Giunta stated that this fact was staggering and hopes that this Ordinance will cause a reduction in this number.

Councilor Ribas stated that his friend in college was offered \$1,000 by his father if he didn't smoke at least until he turned 21. The man got the \$1,000 and never actually smoked or used tobacco. He is not suggesting this method but it is a good point to make.

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

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:

ORDINANCE #06-20

- 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:

Councilor Brown	<u>Yes</u>	Councilor Dzuja	<u>Yes</u>	Councilor Starkweather	<u>Yes</u>
Councilor Clarenbach	<u>Absent</u>	Councilor Lauer-Rago	<u>Yes</u>	Councilor Testerman	<u>Yes</u>
Councilor Desrochers	<u>Yes</u>	Councilor Ribas	<u>Yes</u>	Councilor Trudel	<u>Absent</u>

All in favor. Motion PASSED.

Agenda Item VI.

Council to consider approval of Ordinance #07-20, an amendment to the Franklin Municipal Code Chapter 222-7 to include, "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." Also adding Mill City Park as the 11th City owned property.

Motion – Councilor Brown moved that the Franklin City Council vote to approve 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 recreation areas or facilities as more fully described below.” In addition, adding Mill City Park as the 11th city owned property.

Seconded by Councilor Ribas.

Councilor Dzujna stated that any ordinance is only strong if it can be enforced. He stated that he was informed by Jeff Perkins that he picked up at 250 cigarette butts off the ground at the park. There were more but he stopped counting at 250. Dzujna stated that the City has a challenge with this.

Councilor Testerman stated that she is also concerned and lives across the street from Stone Park and observes people who violate the ordinance and asked Police Chief Goldstein if there is anything that the Council or residents could do to assist with the enforcing of the ordinance. Chief Goldstein stated that educating the public is already happening through Kandyce Tucker and any further opportunities to educate the public will be taken.

Councilor Ribas asked if current signage would be updated. City Manager Milner stated that signage will be updated to reflect the new ordinance.

Mayor Giunta voiced frustration over the difficulties is getting the message to our youth that their health and taking care of themselves is so important.

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:

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

All in favor. Motion PASSED.

Agenda Item VII.

Council to consider approval of Ordinance #08-20, an amendment to the Franklin Municipal Code Chapter 101-1(B) to include the Fire Chief on the committee to approve alcohol consumption on City property.

**Motion – Councilor Ribas moved that the Franklin City Council adopts 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.
Seconded by Councilor Testerman.**

Mayor Giunta asked if there was any discussion.

Councilor Dzujna thanked the Chief for stepping up and doing this. There was no further discussion.

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.

Roll Call:

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

All in favor. Motion PASSED.

Agenda Item VIII.

Council to consider setting a public hearing on Resolution #06-20, increasing Franklin Falls TIF Amendment 1 by \$400,000 and bonding authority to match.

Motion – Councilor Brown moved that the Franklin City Council set a public hearing on Monday October 7, 2019 at 6 PM regarding a change to the Franklin Falls Mixed Use Tax Increment Financing (TIF) District Amendment #1 estimated cost from \$1,000,000 to \$1,400,000 and adding activity “f design and construction of whitewater features within the Winnepesaukee River as well as river access points and a spectator seating area at Trestle View Park” and resolution 06-20 increasing the authority to borrow for TIF amendment #1 from \$1,000,000 to \$1,400,000.”

Seconded by Councilor Desrochers.

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

All in favor. Motion PASSED.

Mayor Giunta read Resolution #06-20 into the record.

RESOLUTION #06-20

A Resolution Relating to an increase in the authorization to borrow for Franklin Falls Mixed Use Tax Increment Financing District Amendment #1.

In the year of our Lord, Two Thousand Nineteen,

WHEREAS, the City Council of the City of Franklin, New Hampshire adopted Amendment #1 to the Franklin Falls Mixed Use Tax Increment Financing District at a scheduled City Council meeting on March 21, 2018, and;

WHEREAS, The City Council of the City of Franklin, New Hampshire adopted changes to the Franklin Falls Mixed Use Tax Increment Financing District at a scheduled City Council meeting on November 4, 2019, and;

WHEREAS, the Franklin City Council wishes to finance the changed amendment with tax increment from the district by increasing the current \$1,000,000 project to an amount not to exceed \$1,400,000 over a 20-year term, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, November 4, 2019 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 06-20 to authorize the issuance of not more than \$1,400,000 (one million four hundred thousand dollars) of bonds via a bond anticipation note in accordance with the provisions of the Municipal Finance Act (RSA 33) to finance approved Franklin Falls Mixed Use Tax Increment Financing District Amendment #1 as changed and to authorize the municipal officials to issue and negotiate such bonds, determine the rate of interest thereon and authorize the Mayor and Treasurer to sign all necessary paperwork thereof.

By a roll call vote.

Agenda Item IX.

Council to consider setting a public hearing on Resolution #07-20, increasing revenue and expenditure accounts based on the awarding of a grant from the New Hampshire Department of Safety, Office of Highway Safety for the Franklin Police Department in the amount of \$5,200.

Motion – Councilor Ribas moved that the Franklin City Council set a public hearing for October 7, 2019 at 6:00 pm, to adopt Resolution #07-20, to accept and appropriate grant funds from the Office of Highway Safety for the Franklin Police Department. To be read in title only.

Seconded by Councilor Brown.

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

All in favor. Motion PASSED.

Mayor Giunta Read Resolution #07-20 in title only.

RESOLUTION # 07-20

A Resolution Granting Authority to Accept and Appropriate Grant Funds from the Office of Highway Safety for the Franklin Police Department

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 understands the Police Department sought and received a federal grant from the Office of Highway Safety for the purpose of participation in National Campaigns for E-Crash Equipment and Traffic Enforcement Projects, and;

WHEREAS, the City Council recognizes the total grant award of \$26,450 to include \$19,160 in federal funds with a required match of \$7,290, and;

WHEREAS, the City Council recognizes that a portion of the grant award, for the E-crash Equipment of \$21,250, includes \$15,000 in federal funds with a required match of \$6,250, has been included in the FY 2020 budget, and;

WHEREAS the City Council recognizes that a portion of the grant award for Traffic Enforcement of \$5,200, includes \$4,160 in federal funds with a match of \$1,040. The federal portion (\$4,160) was not included in the FY 2020 budget, now;

THEREFORE, BE IT RESOLVED, that at a regularly scheduled meeting of the City Council on October 7, 2019, the City Council of Franklin New Hampshire does hereby vote to adopt resolution #07-20 to formally accept grant funds from the Office of Highway Safety for the Franklin Police Department for the purpose of participation in National Campaigns for E-Crash Equipment and Traffic Enforcement Projects.

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 grant and hereby authorizes the following non-lapsing appropriations,

An Increase in Revenues:

Grant Revenue Police Department Acct. No. 01-2-103-33111-000 – Four Thousand One Hundred Sixty Dollars (\$4,160),

An Increase in Expenditures:

Patrol OT Wages Acct. No. 01-2-103-40140-000 – Four Thousand One Hundred Dollars (\$4,100),

Patrol Medicare Acct. No. 01-2-103-40225-000 – Sixty Dollars (\$60),

By a roll call vote.

Agenda Item X.

Other Business

1. Committee Reports

- a. Councilor Brown provided an update on Designing Education for the 21st Century. She stated that she has attended a couple of the most recent school board meetings. One of the topics discussed was about Continuing Education opportunities for the staff. They also discussed how to share the school's actuals with the public and make it easily accessible. Brown stated that she also suggested that we should make it the year that teachers are not let go at all.

Brown also shared some information about the meeting she attended with Superintendent LeGallo, Principal Charette, and Vitex. She thought it was an outstanding meeting. Principal Charette did a great job educating the CEO and Co-owner of Vitex on the type of population and challenges we have here in Franklin. Brown stated that they also discussed this great opportunity that is before them. Principal Charette located two rooms in the high school where these manufacturing shop classes can be held.

Next steps will be Principal Charette taking the teachers on a visit to Vitex to see first-hand what Vitex does and what types of jobs are available. Brown proudly stated that teachers will also learn how quickly, when the students graduate, they can make six figures due to the jump start in High School. The teachers can also help to promote the upcoming Manufacturing Night event on Friday, October 25th. There will be a few other great manufacturing companies attending to discuss their opportunities to the students and their parents.

Brown thanked Mayor Giunta for guiding this group onto this track. Brown also mentioned that she has scheduled a School Liaison Committee Meeting which will focus on making this a great year and focusing on the students and teachers.

Mayor Giunta thanked Councilor Brown for the fantastic update and for all her efforts. He also thanked Superintendent LeGallo and School Board Chair Tim Dow. Mayor Giunta stated that he met with all the CEO's of these manufacturing companies in Franklin and learned that they need good employees. This makes a good partnership that addresses the needs of the companies and the needs of the residents of Franklin.

2. City Manager's Update

- a. City Manager Judie Milner Informed everyone that her update appears shorter than previous updates and that is because she was working on item that are non-public so although it looks as though she wasn't as busy, she was working on the other non-public items as well.
- b. Milner then gave a shout out to Scott Burns for coming forward and showing his excitement and support of the whitewater park. She is glad to hear that the City is doing something right.
- c. Milner also gave a shout out to Kandyce Tucker, the Mayor's Drug Task Force Coordinator for doing such an excellent job talking about Kratom during the WMUR interview. She could have done it all on her own.
- d. She thanked Mayor Giunta and the Police Chief Goldstein for their article in the Concord Monitor. She stated that they hit the nail on the head with Tobacco 21 and got people thinking about it.
- e. Milner also gave a shout out to Audrey Lanzillo for her work on the meeting minutes and reminded the Council that they do not need to be verbatim. She stated that Audrey does an excellent job pulling together 32 pages of minutes for a City Council meeting that she could go back to five years from now and know exactly what the intention of the Council was. She stated that she appreciates it very much and added that she didn't think we had this much detail until now. She thanked Audrey and all applauded.
- f. Contingent Grant Line Activity - \$1,000 was received from Walmart for the Fire Department; \$500 was received from Amerihealth for Basketball Camp; \$100 was received from Michael Heffron, and \$50 was received from Stephen Blanchette for K9 Miller. And \$115 in donations was collected at Franklin Studios for K9 Miller.
- g. Trust fund for school funding is \$69.26
- h. Milner invited the Mayor and City Council to the annual employee BBQ at Odell Park. Our newest department heads will be flipping burgers this year.
- i. Mill City Park update – Milner stated that the permit has been filed. There have already been several meetings with the Department of Environmental Services. A few areas are a concern for them however it isn't impeding any plans at this point. They provided the City with some ideas on how to present certain things to them. The City is in the "comment" stage which allows up to 30 days to comment, the DES has 45 days to decide or reopen the process.

- j. The Small Business Development Corp (SBDC) has hours now at City Hall in Franklin. Their first day was very successful. There were a couple of different people who met with SBDC to discuss business opportunities here in Franklin.
- k. Milner shared that she participated in a taste test at Vulgar Brewery. This wasn't of beer but of the menu. She was delighted to say that the hamburger pizza with mustard was a huge hit. She also stated that Franklin Savings Bank did a walk thru of the new brewery as well.

One a side note, Milner stated that the brewery had their inspection with the State of NH and they will be able to start brewing which takes 2-3 weeks. They are planning to open in late September.

Milner also stated that a group of volunteers completed the brewery patio over the weekend and it looks fantastic.

- l. Milner thanked Kathy Rago for her assistance in completion of a pod cast. Mayor Giunta also did a pod cast and did a great job as well. Stay tuned for the release in a couple of weeks.
 - m. Milner was happy to report that there weren't any social media busters for this month. She was also very happy to report that several residents heard things on the street and stopped in to see her to get the correct info. She wants everyone to know that her door is open. Thank you to those and anyone who want to stop in to get the real story.
 - n. Milner stated that she attended an event at the Belknap Mill. Alan Biel did a presentation on the WOW Trail and its connection to the Winni Trail. There will be a 20-mile bike trail beginning at the Weirs and ending in Downtown Franklin. Milner reminded the Council that they supported a corridor study for the WOW Trail which is in progress and almost complete. As soon as its complete, an information session will be held in Franklin to present the options of the study. The project will be determined by the cost. Next steps would be Franklin looking into a TAP Grant to connect the Winni Trail through Downtown and connect to the Northern Rail Trail. This would make it 87 miles of continuous trail.
- 3. Milner stated that she will require a non-public tonight.
 - 4. Mayor Giunta gave a shout out to Director Lossani. When Lossani went to New Jersey recently, he returned with a gift for the Mayor. It was a grocery bag from Giunta Meat Market with all the different locations listed. Mayor Giunta stated that he pinned it up at his work location and now he receives a whole new level of respect. Laughter was heard in the room. He thanked Director Lossani for his gift.
 - 5. Late Items:
Councilor Desrochers discussed the issues that he brought to Council over the past eight years but nothing is being done. The City wants to improve Franklin's image but the Council won't take the bull by the horns and push other improvements in the City that

are not in the Downtown area. He added that the Sidewalks in the City are atrocious. Desrochers shared specific locations that need attention immediately. Packers Outlet burned several years ago but still sits there boarded up. The Community Action Building needs to be removed. There will most definitely be unwanted guests in there this coming winter creating more problems that the City has to deal with.

The Whitewater park is a great thing and Desrochers supports it but if the City doesn't want to look in other areas outside of the Downtown area and make improvements to our image, the Whitewater park will fail. He is frustrated that he has brought up these issues many times over the years and nothing has been done to address them especially the sidewalks.

City Manager Milner responded and stated that sidewalks will be a priority to discuss with MSD Director Sullivan at the new monthly workshops. These new monthly workshops will feature a department beginning in October. The Police Department will be first then there will be a workshop to discuss trash. MSD will discuss sidewalks and roads after trash. Milner stated that they have to look at funding through the assistance of grants and she agrees with Councilor Desrochers that they need to be addressed. The process is slow and money is thin.

She stated that Packer's Outlet is not a City owned building however the owners of the building have inquired with regards to who the City uses to take down buildings so Milner is hopeful that this means they plan to reach out to them and move to the next step of taking it down.

Community Action lost their grant to move forward with their plans for the CAP building. This was due to a significant increase in the cost of the building materials. In between applying for their grant funding and their bid process, the cost of materials increased by 40%. They were not able to get a bid under their funding threshold. Milner stated that it is ready to be demo'd however since they were not able to move forward with the project, CDFA will pay us for expenses to date which they have done but cannot offer anymore expenses. CAP isn't sure if they will go back out and try for another CDFA Grant with a different design. Director Lewis has been working closely with them on this. Milner stated that she has reached out to them within the last couple of weeks asking where they are in their plans. She stated that she would like to find out what their plans are first because if she can get reimbursement for the tear down, that is what she wants.

Councilor Desrochers stated that in the past, he heard that the sidewalks were going to be turned to grass and he is against that. If that were to happen, he stated that it would be the City's responsibility to cut it but grass isn't cut in other areas so it's unlikely the City would maintain grass cutting sidewalks. He concluded stating that he would be very upset if that were to happen.

Mayor Giunta stated that he knows a lot of this falls under Director Brian Sullivan and asked City Manager Milner how he is doing.

Milner replied that Director Sullivan gave her approval to discuss this and he is doing excellent after his second surgery unrelated to the first illness. He is scheduled to return to work on Monday September 9th.

Milner responded to Desrochers's concern on grass sidewalks and she stated that she never heard that the City would be considering this. She does not nor would not support grass sidewalks at any time. She thanked Councilor Desrochers for bringing this up to the Council.

Councilor Dzujna asked City Manager Milner what date the October workshop for the Police Department would be. Milner replied that she doesn't have a date yet but will send out an email asking for availability over the next few days.

Councilor Testerman gave a shout out to City Manager Milner regarding the complaints on Prospect Street. Testerman stated that Milner took a ride up Prospect Street to see firsthand and has begun addressing the situation.

Testerman gave another shout out to Councilor Kathy Rago for her podcast which Testerman used today to brag about the way the City of Franklin does their taxes and why other communities need to look at what we are doing.

Mayor Giunta thanked Councilor Testerman and stated that the City Manager needs to go into a non-public meeting.

Motion – Councilor Ribas moved that the Council go into a non-public meeting according to RSA 91 – A:3, II (L) Consideration of legal advice provided by legal counsel, either in writing or orally to one or more members of the public body, even where legal counsel is not present.

Seconded by Councilor Desrochers.

Roll call to enter into nonpublic session:

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

All in favor. Motion PASSED.

Nonpublic session began at 8:17 p.m.

Motion made to leave non-public and return to public session made by Councilor Testerman, seconded by Councilor Ribas.

Public Session reconvened at 8:41 p.m.

Motion made by Councilor Brown 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 Ribas.

Roll call to seal the minutes:

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

All in favor. Motion PASSED.

Councilor Desrochers asked City Manager Milner about the status of the Eversource Abatement. Milner responded that they are reviewing what she proposed and they are aware that it needs to come back in front of City Council before it can be accepted.

Motion to adjourn made by Councilor Desrochers. Seconded by Councilor Dzujna.

All in favor. Motion PASSED.

Meeting Adjourned at 8:43 p.m.

Respectfully submitted,

Audrey Lanzillo