

City Council meeting minutes

Monday, February 3rd, 2020

Council Chambers – City Hall

Nonpublic Session – 5:30 p.m.

Public Session - 6:00 p.m.



In attendance:

Mayor Tony Giunta, Councilor Jo Brown, Councilor Scott Clarenbach, Councilor April Bunker
Councilor George Dzujna, Councilor Ted Starkweather, Councilor Paul Trudel, Councilor Olivia
Zink (arrived at 5:40 p.m.).

Others in attendance:

City Manager Milner, City Attorney Paul Fitzgerald

Absent:

Councilor Testerman, Councilor Desrochers

The meeting was called to order at 5:35 p.m. in Council Chambers

Mayor Giunta welcomed the Council and Attorney Paul Fitzgerald.
There was no one from the public present.

**Motion – Councilor Trudel moved that the Franklin City Council enter into nonpublic
according to RSA 91-A:3, II (I) 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 Dzujna.

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

Roll call to enter into nonpublic:

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

All in favor. Motion PASSED.

Entered into nonpublic at 5:36 p.m.

Motion was made by Councilor Trudel to leave nonpublic session and return to public session. Seconded by Councilor Dzujna.

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

All in favor. Motion PASSED.

City Attorney Paul Fitzgerald left the meeting after the nonpublic session ended.

Public Session reconvened at 6:07 p.m.

**Motion – Councilor Brown moved to seal the minutes.
Seconded by Councilor Starkweather.**

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

Roll call to seal the minutes:

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

All in favor. Motion PASSED.

Mayor Giunta welcomed members of the public.

Councilor Starkweather led the Salute to the Flag,

Mayor Giunta asked for a moment of silence for Clayton Gassett who recently passed away. Clayton was a lifelong Franklin resident and graduate of Franklin High School. He served in the U.S. Airforce, serviced the City as a Councilman then as the Mayor to name just a few of the many things that Clayton dedicated himself to in our community.

Also recently passed, Sam Davis who was also a lifelong resident of Franklin and served Franklin's residents through the Franklin Fire department for 52 years serving his later years as Franklin's Fire Captain until 2019. Sam enjoyed our community and spent much time enjoying the outdoors especially on Newfound Lake.

Both were described as pillars of our society and a moment of silence was observed for Mr. Gassett and Mr. Davis.

Public Hearings

Opened at 6:12 p.m.

Resolution #13-20, a resolution appropriating \$1,885 received from the sale of surplus fire equipment to be used toward the purchase of EMS/Rescue Supplies.

Mayor Giunta asked if there was anyone from the public with comments or questions. There was none.

The public hearing for Resolution #13-20 closed at 6:12 p.m.

Comments from the Public

Christine Dzujna, Ward 1 resident invited everyone to stop in and look at the new Animal Shelter. They finally have their own bathroom attached to the building. She also mentioned that Doctor Taylor is preparing an agreement so he can advise the shelter and also provide evaluations and supplies at cost. This arrangement does not exclude other veterinarians from working with the Animal Shelter.

The Paws Triathlon Fundraiser for the Animal Shelter will be held at Funspot again this year. The event is scheduled for Saturday, March 21st.

Mrs. Dzujna also informed the public that the Animal Shelter is holding a Dinner Dance on April 11th from 5:30-11:00 p.m. at the Franklin Elks Club. Tickets cost \$35 per person. There will be silent auctions and 50/50 raffles.

Marty Parichand, Colby Morrill, Leigh Webb, and George Dzujna spoke to the 5th, 6th, and 7th grade students at the school library on various topics regarding Franklin. Topics included the White Water Park, Kayak Man and how he came to be, how City government works, and details around elections and voting. The students created Newsletters and wrote about what they learned. See below newsletter excerpts from the students:

November 2019

News Today

Kayak Man

Kayak Man is a Franklin, New Hampshire, bigger than life cartoon character. This landmark was created by a Franklin citizen named Colby Morrill. He created multiple different art pieces that are displayed throughout this wonderful city. Another wonderful piece of art that he has created is the sunflower that is in the park in downtown Franklin across from Franklin savings bank. Colby Morrill has great ideas for this town and to make it pop with bright beautiful colors. Colby has wonderful ideas to make Kayak Man a festive work of art by dressing him up for every occasion. This piece of art is a 20 ft. tall masterpiece and made using 11 kayaks. Colby Morrill had this idea for almost a full year before he went through with it. The project took about three months. It took a very long time because he went all over the North East gathering materials for this giant project. He then had to learn how to weld plastic and make this withstand incredible weather conditions. Colby Morrill's work of art has attracted many people. He has many more ideas that might soon come to life.



Written by: Laura Colprit and Kimble Rose

Page 1 December 15, 2019

Winni Prep News

By: Payton Bryson and Zofia Twarog

Mill City Park



- This is a birds eye view of what Mill City Park will look like.

Trestle View Park is a local park in downtown Franklin New Hampshire. A citizen of Franklin, Marty Parichand, has decided to invent Mill City Park in this location. This park will be turned into a water park to brighten up downtown. This isn't the everyday water park that you think of with slides and rides. It will include things such as kayaking, white

Page 2 December 15, 2019

water rafting, paddle boarding, boogie boarding, parkour courses, climbing walls, biking trails, etc.

Marty moved to Franklin in January of 2018. Marty has a big interest in kayaking and water sports. Marty owns a store called, ONE which stands for Outdoor New England. Marty sells kayaks, paddle boards, clothing to wear during these activities, etc. Marty also teaches people how to do these water activities.

He wanted to add something new to downtown. Marty was jealous of other towns with water parks like these, he knew that this was a great idea for Franklin and that downtown was the perfect spot. Marty says, "This park is estimated to attract 160,000 people a year into Franklin." Marty has a great idea and inspiration for downtown Franklin. He says that the entire Mill City Park will be complete in 3-5 years. If there are any questions about Mill City Park you can visit Marty's store located in downtown Franklin.



- This is what Marty hopes Mill City Park will look like.

Page 3 December 15, 2019



• This is the inside of ONE! Outdoor New England

Benefits of Mill City Park

Marty Parichand's Mill City Park isn't only benefiting Franklin, but also surrounding towns and businesses. For every 2 people that are in the water, there are 8 people there to watch. People who are watching will also visit restaurants or stores around the area. This will bring in more business to Mill City Park and surrounding businesses.

The City is excited to see that the children are showing interest and creating Newsletters about what is happening in their community.

Werner Horn, Ward 2 resident asked for an update on the old CAP building on 82 Elkins Street. City Manager Milner replied that due to a budget issue, the project halted however she is working closely with them and their old building should be coming down in the spring.

David Therrien, Ward 2 resident asked the Council how the new excavator was paid for and how the cost is being shared between the departments that are using it. City Manager Milner replied that the excavator is in its third year of a seven-year lease. Milner stated that she will confirm the length of the lease and let him know. Milner explained what the excavator is being used for and based on its usage, it is allocated to other departments and billed back. Therrien asked how will the public know that that is being done. Milner replied that it is shown in the financials and the City is audited every year by an independent auditor.

Therrien asked why a fire engine goes out on every ambulance call and asked why a pick-up truck can't go instead to save on wear and tear of the fire engine. Milner replied that we don't always know what equipment will be needed at every medical call. Fire Chief Mike Foss further explained in more detail the different types of calls and which do require the Fire Engine to roll. On average, two out of five ambulance calls have the fire engine following.

Werner Horn, Ward 2 resident asked about the water tax bill increase in order to pay for the work that is needed to replace old water mains. He asked if information can be provided to the public showing which water mains will be replaced with a timeline of when to expect things to

happen. Milner replied that there are monthly SWOT meetings with each of the departments and it will be ongoing. Water and Sewer will be on the agenda for a March meeting. The public is invited to these meetings. She encouraged everyone to go the City Website and sign up for e-news so for those who sign up, they will receive the meeting notifications linked to the agendas. Horn informed the City that the trash pick-up calendar needs to be updated with current and future pick-up dates.

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

Legislative Comments

Representative Werner Horn, Merrimack County Second District, 1st and 2nd voting wards of Franklin, and the community of Hill. Horn updated the Council on the status of the County budget. He informed everyone that the budget sub-committees will be meeting in February therefore if anyone has questions or concerns, please inform him so it can be addressed early on.

Horn stated that the Governor's State of the State Address and review of 2020 Bills is schedule for Thursday, February 6th. Language to the Bill that addresses allowing dogs on restaurant patios is also under review and a Public Hearing in Concord is scheduled for February 12th. Due to ambiguity in the current language addressing dogs on restaurant patios, the 603 Brewery in Concord was shut down triggering review and changes to this Bill.

Committees will continue to work on Bills in Concord through March 23rd. If anyone has questions or concerns on any of the House Bills, contact Representative Horn and he will provide information when Public Hearings are scheduled on interested topics.

Mayor Giunta asked if the Council had any questions for Representative Horn. City Manager Milner asked which committee the Bill addressing dogs will go in front of. Horn replied that the Bill will go in front of Congress at 1 p.m. in room 302 on February 12th.

There were no further questions for Representative Horn.

City Council Acknowledgements

Councilor Dzujna stated that City Manager Milner has an acknowledgement in her update that will cover what he was going to say.

Mayor's Update

Mayor Giunta was in Florida in January and he was surprised that it was cold there. When it is cold there, the reptiles shut down and just fall out of trees so when anyone walked under a tree, they were looking up to avoid falling reptiles.

Mayor Giunta stated that a late item will be discussed after agenda item V. regarding a lot line adjustment for 361 Central Street.

Agenda Item I.

Council to consider the minutes of the January 6th City Council and 2020 Inaugural Meeting.

Motion – Councilor Dzujna moved that the Franklin City Council approve the minutes of the January 6th City Council and 2020 Inaugural Meeting.

Seconded by Councilor Brown.

Mayor Giunta asked if there were any questions or corrections to the minutes. There were none.

All in favor. Motion PASSED.

Agenda item II.

Council to consider the approval of Resolution #13-20, appropriating \$1885 received from the sale of surplus Fire Equipment to be used toward the purchase of EMS/Rescue Supplies.

Motion – Councilor Bunker moved that the Franklin City Council adopt Resolution #13-20 to appropriate \$1,885 received from the sale of surplus fire and EMS equipment for EMS/Rescue Supplies.

Seconded by Councilor Starkweather.

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

RESOLUTION #13-20

A Resolution Granting Authority to Appropriate \$1,885 received from the sale of surplus Fire and EMS equipment.

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, at their meeting held on July 1, 2019, authorized the Fire Chief to sell the following surplus equipment:

Approximately 15 Master/Street Boxes
1 Stryker EMS Stretcher (Non-Power Cot)
2 Forestry Council Rakes
1 Pike Pole- 6'
2 Backboards

WHEREAS, the accumulated surplus fire equipment sold for \$1,885, **now**;

THEREFORE, BE IT RESOLVED, *that at their regularly scheduled meeting of the City Council on Monday, February 3, 2020, the City Council of Franklin, New Hampshire does hereby vote to adopt resolution #13-20 to appropriate the funds of \$1,885.00 from the sale of the surplus Fire and EMS equipment.*

An Increase in Revenue:

Sale of Municipal Property Revenue Acct. No. 01-0-000-35011, Eighteen Hundred Eighty-Five Dollars (\$1,885)

An Increase in Expenditures:

EMS/Rescue Machinery & Equipment Acct. No. 01-2-207-40740-000, Eighteen Hundred Eighty-Five Dollars (\$1,885)

By a roll call vote.

Roll Call:

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

All in favor. Motion PASSED.

Agenda Item III.

Council to Consider the approval of the Franklin Schools Custodian's Agreement and Support Staff Agreement.

Mayor Giunta stated that Superintendent LeGallo is present this evening and can answer any questions. The agreements were made available for review prior to this evening.

Motion – Councilor Brown moved that the Franklin City Council approve the 2020 to 2023 AFSCME AFL_CIO Franklin Custodial Collective Bargaining Agreement as approved by the Franklin School Board and AFSCME AFLO-CIO Franklin Custodian with an anticipated cost savings of \$3,399 in 2020-2021; an anticipated cost of \$10,789 in 2021-2022 and \$11,005 in 2022-2023 to the general fund.

Seconded by Councilor Clarenbach.

Councilor Brown stated that she read both agreements and the second contract includes pay raises without step increases. She expressed concern on the \$11,005 not being available when the time comes and asked if the contracts would need to be renegotiated. She provided the Council and School Board Members the following attachment at the January 2020 School Board Meeting:

School Board Members. As we move into the new year, I want to give you some questions addressing some of the concerns I have brought up in prior City Council meetings. I have asked before about where in the Strategic Plan I could find specific references on plans to address significant student deficiencies in math and science. As I looked at the SAU strategic plan, I see Goal 2 that strives to "Create an environment where teachers are valued and have access to the tools necessary to create a safe, supportive educational experience".

1. What specifically are the tools and how will they address the fact that only 16% of our 11th grade students are proficient in math and only 22% in science, (based on the NH Assessments results on the DOE website.)?
 - a. Is this a SAU/School Board focus and how will the SAU/School Board establish and drive specific, measurable goals with deadlines to evaluate improvement in these two areas? I could find nothing in this addendum of a measurable goal with proficiency level targets and achievement dates that address these low scores or how to improve them. These scores represent a 20% drop in 11th grade proficiency in Reading, from 56-36 % from SY16/17 to 17/18.
2. Is there any SAU/School Board plan to pursue the retention of trained teachers and staff to provide continuity each year for our students and the school curriculum? We cannot afford to train teachers only to lose them to another school district.

3. The State did step up this year and provide some much-needed funding for our schools. For Franklin this is over \$800K in 2019/20; slightly less in FY2020 and a little over \$900K in 2021. The City Council voted unanimously to give the full amount this year to the school for their disbursement. How is the school planning on using this money?
 - a. Will monies be set aside to cover unanticipated SPED costs?
 - b. Will any of the monies be used to retain teachers?
 - c. Will additional councilors be hired for the early grades to try to catch students early who may fall through the cracks in learning?
 - d. What new courses, if any, will be brought back into the curriculum and if so, what are they and can they be sustained past 3 years?
 - e. Are there other spending priorities?

The timing of the money from the State to the school is fortuitous as the other city departments are now facing the impact of shifting money to the schools over the last three years. In that timeframe over \$1.3 million was voted by the city council to go to the schools. Now other departments are in need of upgrades, salary increases and step promotions, hires and other operational necessities to sustain their missions.

I also recommend that the school budget plan on a tax cap budget from the city for this next fiscal year, just as the other city departments will likely be planning. As the school board has voted, and the City Council has approved to give raises the past several years to teachers, so now the city and council must recognize those same qualities and performance in our city employees and look to compensate them in the same manner. I encourage the school to carefully allocate their funds to sustain their budgets over the next 3 years and beyond as municipal requirements can no longer wait.

School Board Treasurer Deb Brown replied that as soon as the Council approves the contracts, they become part of their official budget and the school would have to fund it in that year.

Councilor Dzujna stated that he was happy to see that some money was saved on insurances. Business Administrator Jefferson Braman explained how the stabilization component is in the budget every year however the adequacy aid formula can only be planned for this biennium.

Mayor Giunta asked if there were any further questions or comments. There were none.

All in favor of the motion. Motion PASSED.

Motion – Councilor Clarenbach moved that the Franklin City Council approve the 2020 to 2023 AFSCME Council 93 Local 3158 Franklin Support Staff Bargaining Agreement as approved by the Franklin School Board and AFSCME Council 93/Local 3158 Franklin Support Staff with an anticipated cost savings of \$10,300 in 2020-2021; an anticipated cost of \$37,997 in 2021-2022 and \$48,213 in 2022-2023 to the general fund.

Seconded by Councilor Starkweather.

Councilor Dzujna recused himself from this vote due to his wife, Mrs. Christine Dzujna, who is on the school support staff.

Mayor Giunta asked if there were any further comments or questions. There were none.

All in favor. Motion PASSED.

School Board Treasurer Deb Brown thanked the City Council for their support in approving the agreements adding that they are both crucial in support the students and maintenance of the buildings. Mayor Giunta thanked the School Board and Administration stating that they did a great job in their renegotiations recognizing that it is not an easy thing to do.

Agenda Item IV.

Superintendent Dan LeGallo provided the monthly School Board Update.

LeGallo also thanked the City Council for approving the agreements stating that it will give them stability for the next few years. He stated that the School Board just ratified an agreement with the teachers. The School Board will review it at their February board meeting and expect to bring it to the City Council in March.

An Assessment Meeting with the School Board is scheduled for February 13th, 6 p.m. at the Middle School.

LeGallo thanked City Manager Milner, Fire Chief Foss, and Police Chief Goldstein for the recent Safety Meeting held last month. He thought it was a very good meeting.

LeGallo also stated that he is working closely with the Police Department and the City on the Department of Justice Grant that is expected to bring \$1.25M to the City and School System. LeGallo thanked Mayor Giunta for responding to his email even while he is away. Mayor Giunta was able to reach one of his engineers who provided help to the Franklin Robotics Team.

LeGallo invited Jule Finley, Carisa Corrow, and Molly Horn up to the podium to discuss the Portrait of a Graduate Grant. Jule has been working in the school system for the past 26 years and also runs our amazing theatre group here in Franklin. Auditions for the springtime district wide musical were recently conducted and 105 kids attended.

Jule Finley stated that she heard of this grant while attending a National Education Association (NEA) Event over a year ago. She introduced Carisa Corrow from the Center for Collaborative

Education and long-term Franklin High School teacher Molly Horn who are all partnering together throughout this process. The goal of the Portrait of a Graduate project is a way to bring together teachers, students, school staff, business partners, and community members for a year-long process resulting in the vision of what a successful student in Franklin should look like.

Finley invited anyone who has questions to email her, Carisa, or Molly. She also handed out pledge cards to the Council and stated that she will be distributing them throughout the community. She also proudly stated that the Franklin School District is currently the only district in NH that the Bar Foundation gave money to in support of this project. Applause was provided by everyone.

Mayor Giunta thanked Jule Finley, Carisa, and Molly. He then asked if anyone had any questions for Superintendent LeGallo. There were none.

Agenda Item V.

Council to consider an easement with PermaCityLife for parking spaces in the Franklin Street Lot.

Motion – Councilor Brown moved that the Franklin City Council adopt the easement with PermaCityLife for 8 parking spaces in the Franklin Street Parking lot (tax map 117-059-00) for the exclusive use of the tenants of 359 and 361 Central Street for 25 years. Seconded by Councilor Dzujna.

City Manager Milner requested that a correction to the address be made in all references including the easement. The address should be 355 and 361 Central Street not 359 and 361.

Motion - Council Brown moved to amend the original motion to read 355 and 361 Central Street. Seconded by Councilor Starkweather.

Mayor Giunta asked if there was any discussion with regards to the amendment to the motion. There was none.

All in favor. Motion PASSED.

President of PermaCityLife Sam Durfee stated that he attended the recent Planning Board meeting regarding the lot line adjustment within the same area. He stated the reason for tonight's request is for the 2nd and 3rd floor residents of the Toad Hall Building. One of which is interested in opening a business in our downtown area.

Councilor Clarenbach stated that the printed document that the Council is looking at this evening shows 9 highlighted spaces but the discussion is speaking to only 8 spaces. Clarenbach stated that he is in support of the boundary line adjustment however he stated concern on the duration of renting the parking spaces out. He is also concerned with the condo association or PermaCityLife (PCL) "holding" spaces if they are not being utilized and he wonders what the overall game is plan is since the remaining parking spaces will be free parking. City Manager Milner pointed out that a few of the spaces can be adjusted and explained which spaces would be used for this easement with PCL. Mr. Durfee also pointed out that that largest space closest

to Franklin Street is an ADA space and PCL does not want to lay any claim to that so it will remain as is strictly for ADA use. Milner stated that the two spaces next to the dumpster in the drawing is not part of this easement with PCL. Durfee stated that in prior discussions, the parking easement was for a 30-year lease and this evening, he is hearing that it's a 25-year lease. Milner responded stating that she wrote a 20-year lease in her meeting notes from past meetings so she split it in the middle to derive at a 25-year lease. Durfee replied that it was fine. He also pointed out that there isn't any reference to a Right of first refusal in the agreement and Milner replied that she didn't see that wording in the draft and thought that was on purpose so is not included in the agreement that is in front of the Council tonight.

Mayor Giunta asked Durfee to provide some details to the Council with regards to the right of first refusal. He explained that when selling the units, the tenants would likely want some level of confidence that their parking spaces will be there in the future should they decide to sell as it could affect the value of their condo or renew at whatever the market value of the parking spaces is at that time. The terms could be renegotiated and still have the right of first refusal instead of the parking spaces being stripped from the condos.

Clarenbach stated that he is concerned that parking spaces will be held and possibly not paid for by the condo association or PCL if they are not being rented out. There is no language in the agreement to address this. There is language for non-payment which stated that the City takes the space(s) back but it is not clearly stated what happens if there is no renter/owner paying for the parking space. He suggested waiting until this language is made clear before voting on this tonight. Durfee responded that there is an urgency to vote on this therefore City Manager Milner took a few minutes to rewrite a new motion to include precise language addressing non-payment and dissolution to address this.

Mayor Giunta called a recess at 7:00 p.m. The meeting reconvened at 7:17 p.m.

City Manager Milner created a new page 1 of the easement agreement for parking spaces with PermaCityLife. Clarifications to the ADA parking space and the other spaces along with language to address the right of first refusal and the event of nonpayment were added. Milner read the new wording of the agreement to the Council: "PermaCityLife, or assigns holds the Rights of First Refusal to renew this parking and dumpster easement at a market rate upon conclusion of the 25-year term. In the event of non-payment, the number of parking spaces unpaid shall revert back to the City and that portion of the easement shall be null and void."

The full draft contract is shown below:

City of Franklin
City Manager
316 Central Street
Franklin, NH 03235

Recording Fee: \$ _____
Transfer Tax/Stamp: \$ _____
LCHIP Surcharge Fee: **\$25.00**

**THE ABOVE SPACE IS FOR THE EXCLUSIVE USE OF THE
MERRIMACK COUNTY REGISTRY OF DEEDS
(FOR PLACEMENT OF TRANSFER TAX STAMPS & RECORDING INFORMATION)**

***Easement Deed
(Parking and Dumpster Area)***

The **City of Franklin**, a municipal corporation with a usual place of business at 316 Central Street, Franklin, Merrimack County, State of New Hampshire 03235 (“Grantor”), grants to **PermaCityLife**, a State of New Hampshire non-profit corporation, having an address of 361 Central Street, Franklin, Merrimack County, State of New Hampshire 03235 (“Grantee”), the exclusive right and easement for 25 years to use 8 parking spaces in the **Franklin Street** Parking Lot, tax map number of N8-117-59, owned by the City of Franklin, for the purposes of parking for tenants of the second floor of 361 Central Street (2 spaces), the third floor of 361 Central Street (2 spaces), 355 Central Street (2 spaces), and 2 spaces, in a location subject to mutual agreement, for a dumpster and associated screening to be used by the restaurant in the first floor of 361 Central Street exclusive of ADA space. The parking spaces shall be the closest spaces to the south side of 361 Central Street. The City reserves the right to assign the designated parking spaces to another City parcel in the event that the City needs to better consolidate one or more leased parking areas into a better layout configuration. The cost of these 8 spaces shall be \$200.00 per year, per space, with the fee waived for the first two years of the twenty-five year term. PermaCityLife, or assigns, holds the rights of first refusal to renew this parking and dumpster easement at market rate upon conclusion of the twenty five year term. In the event of non-payment, the number of parking spaces unpaid shall revert back to the City and that portion of the easement shall be null and void.

The aforementioned parking spaces are shown on a plan titled “Boundary Line Adjustment and Parking Easement Plan between PermaCityLife and City of Franklin”, dated December 16, 2019, prepared by GCE Associates, to be recorded herewith at the Merrimack County Registry of Deeds.

The burden of maintenance of the parking lots will be borne by the City through the regular maintenance of the parking lot. The City, through the Municipal Services Department, reserves the right to winter-time based regulations on when cars need to be removed from, or otherwise consolidated into one area of, the lot for maintenance purposes. The restaurant tenant in the first floor of 361 Central Street will be solely responsible for maintaining the dumpster area in a condition acceptable to the City's Code Department. In the event there is no tenant in the first floor of Toad Hall, PermaCityLife will bear the responsibilities of maintenance of the dumpster area.

The Easement granted herein is conveyed subject to all matters of record, as of the date hereof. The easement granted herein shall run with the land of Grantor. All references to Grantor and Grantee shall also apply to their respective successors and assigns.

EXECUTION

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in triplicate, on this ____ day of _____ 2020.

CITY OF FRANKLIN

Date

By: _____
Judie Milner
City Manager
Duly Authorized

Authority for the City Manager to enter in this Agreement and License was granted by the City Council on _____, 2020, and is hereby incorporated into this Agreement by reference.

PermaCityLife accepts this Easement Deed and the terms contained therein.

PERMACITYLIFE

Date

By: _____
Sam Durfee
President
Duly Authorized

The Council was in support of the changes. Mayor Giunta stated that these changes were covered under the original motion which is referring to the agreement that has just been adjusted. Since the motion had already been amended, the Council can now vote.

The Council was in support of the updated agreement. Mayor Giunta asked if there were any further questions or comments. There was none.

All in favor. Motion PASSED.

Agenda – Late Item.

Lot Line Adjustment for 361 Central Street.

Motion – Councilor Brown moved that the Franklin City Council authorize the Franklin Planning Board to sign the mylars for the approved plan for lot line adjustment at 361 Central Street.

Seconded by Councilor Dzujna.

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

All in favor. Motion PASSED.

Agenda Item VI.

Other Business

- 1. Mayoral Committee Appointments - none**
- 2. Committee Reports – none**
- 3. City Manager's Update**
 - a) Contingent Grant Line Activity was \$20 in t-shirt sales for K9 Miller.
 - b) The Trust fund for school funding remains at \$69.26.
 - c) Mill City Park permitting update: The answers to the 26 questions were submitted to DES on the 26th of January thus starting the 30-day window to receive a permit.
 - d) Property disposition/acquisition update: Last month, the Council approved the disposition/acquisition of certain properties for the City. Daniel's Point is no longer on the table for acquisition. It is currently on the Market to be sold by the owners.
 - e) Next LEAN meeting is scheduled for February 10th . There are many things to review so it should be a productive meeting.
 - f) City Manager Milner stated that she had the pleasure of attending the January 15th Police Award Ceremony. The Opera House was packed with families and friends. Feedback from officers was very positive and appreciative of the recognitions the received from the Chief. Lieutenant Poirier and Sergeant Matthews were sworn into their new roles. City Manager Milner thanked Chief Goldstein for organizing a great ceremony.
 - g) Departmental SWOT presentations: Milner thanked Chief Foss for explaining what the Fire Department needs and what the future holds. There will be a doodle poll for the next presentation in March regarding water/sewer.

- h) Milner stated that she attended the School Board meeting on January 21st and it was a very productive meeting on the topic of Safety. She added that the Superintendent sits on the City's Emergency Management Group and the group just finished updating the Emergency Management Plan to be shared with the Council at the March City Council Meeting.
- i) Milner attended the Lakes Region Chamber of Commerce Annual meeting on January 30th where awards were given to the Buell Block Investors, Vulgar Brewery, and the IFA Buildings (Jim Sessler and IFA). The awards were given to each of them for their Economic Development efforts and refurbishment of their buildings. Franklin received the most awards.
- j) A local level Emergency Preparedness meeting will be held on February 5th at 6 p.m. at the Franklin Lodge of Elks. Fire Chief Foss will be hosting the meeting.
- k) Vulgar Brewery will be hosting the Capital Region Development Corp Board of Directors Meeting on January 23rd. The members of the group said wonderful things about Franklin and they are watching and waiting to see what they can do for us next.
- l) Eversource will be replacing 20 existing wood poles in the area of Flag Hole, Montgomery, Salisbury, and Smith Hill Road. The work is set to begin the week of February 3rd.
- m) The New Hampshire Business Review magazine published the top 200 most influential business leaders and our very own Marty Parichand, owner of Outdoor New England and Executive Director of Mill City Park, was chosen as one of the 200 alongside the likes of Alex Rea and Rusty McLearn. Milner congratulated Parichand on this achievement.
- n) Next Tuesday, February 11th is election day. The NH Constitution stated that the Councilors must attend this election.
- o) Milner gave a big shout out to Kandyce Tucker, the Mayor's drug & alcohol task force coordinator for her collaboration with the school district. She also gave a shout out to Barbara Slayton for her work in this effort as well. Kandyce was instrumental in obtaining a Grant so that this important work can continue. Through collaboration with the School and Barbara Slayton, Kandyce applied for a 5-year \$300K Grant. This Grant brings some structural changes to the Task Force. To put some perspective on this, the current Task Force Grant is \$125K a year for 10 years. It is in its final year. Kandyce also reached out to the NH Charitable Foundation and once they learned of the collaboration, future plans, and need for a Grant writer, they funded the cost for the Professional Grant Writer. Applause for Kandyce Tucker was given by everyone.
- p) HGTV's Hometown Takeover will be redoing some facades in our Downtown and also a few Historical Homes in Franklin. Milner will let the Council know when she learns more and when support letters will be needed.
- q) A tv crew from LA will be coming here this week to work on a documentary about social media and the pressures on children. Their main focus will be in the Town of Belmont but they are also planning to do a few shots here in Franklin. The documentary is scheduled to air in early 2021.
- r) The NH Economic Development Association is hosting full day session here in Franklin for paid members where a panel comprised of Economic Development Committee

members will share information on what we are doing here in Franklin. This will be scheduled on either May 12th or 13th. There will be a walking tour as well and the Council is welcome to join during that portion of the session.

- s) The Elected Officials Handbook is reviewed every year and it's time to renew it again. A request for approval is planned to be included for the March Meeting.

Mayor Giunta stated that there are a couple of appointments this evening.

Katie Gargano has been filling in for the past few years as Supervisor of the Checklist for Ward II because no-one has applied to fill the position.

There was some discussion around who can fill the Supervisor of the Checklist position and how many Councilors must attend the election.

Motion – Councilor Clarenbach moved that the Franklin City Council re-appoint Angela Swett as Chair to the Library Board of Trustees (Seat LT5), term of service is 3 years to January 2023.

Seconded by Councilor Trudel.

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

All in favor. Motion PASSED.

Mayor Giunta stated that he had a conversation with School Board Chair Tim Dow and both agree that it would be a good idea to get the school Board and City Council together to talk, interact, and get things out in the open. He would like to see that continue and asked that a Doodle Poll be sent to all City Council and School Board members.

Councilor Zink stated that it would be a good idea to have this meeting before any potential pink slips go out. Chair Dow added that he would like it scheduled as soon as possible because the City and School will be starting their budgets for the next fiscal year very soon.

Motion – Councilor Zink moved that the Franklin City Council enter into nonpublic 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.

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

Roll call to enter into nonpublic:

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

All in favor. Motion PASSED.

Entered into nonpublic session at 7:42 p.m.

Motion was made by Councilor Bunker to leave nonpublic session and return to public session. Seconded by Councilor Brown.

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

All in favor. Motion PASSED.

Public session reconvened at 7:59 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 Brown.

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

Roll call to seal the minutes:

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

All in favor. Motion PASSED.

Motion to adjourn the City Council meeting was made by Councilor Clarenbach. Seconded by Councilor Brown.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Audrey Lanzillo