



CITY COUNCIL SPECIAL MEETING
Monday, August 23, 2021 - 6:00 p.m.
Council Chambers, Franklin City Hall

or view only via Zoom: <https://us02web.zoom.us/j/82748507124>

or by phone: 1-312-626-6799, Meeting ID# 827 4850 7124

SALUTE TO THE FLAG

Agenda Item I.

City Council to consider setting a public hearing on Resolution #03-22, to accept and appropriate \$62,500 from the National Recreation and Park Association (NRPA) for youth mentoring services.

Agenda Item II.

City Council to discuss American Rescue Plan Act funding for projects.

Agenda Item III.

City Council to consider Accepting Settlement Agreement with Mallinckrodt under the Opioid Lawsuit

Agenda Item IV.

City Council and Manager to Discuss Goals for Upcoming Year

Agenda Item V.

Other

Nonpublic Session needed:

-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.

The City Council of the City of Franklin reserves the right to enter into non-public session when necessary according to the provisions of RSA 91-A.

This location is accessible to the disabled. Those wishing to attend who are hearing or vision impaired may make their needs known by calling 934-3900 (voice), or through "Relay New Hampshire" 1-800-735-2964 (T.D./TRY)



CITY OF FRANKLIN
COUNCIL AGENDA REPORT

September 13th, 2021 City Council Meeting

From: Krystal Alpers, Parks and Recreation Director

Subject: 2020 Park and Recreation Mentorship for Rural Youth Impacted by Opioids

Recommended Motion:

August 23rd, 2021

Council moves: **“I move the Franklin City Council schedule a public hearing on Resolution #03-22 at 6:00pm on September 13th, 2021 to accept and appropriate \$62,500 from the National Recreation and Park Association to implement a program to provide mentoring services for youth in rural New England impacted by the opioid crisis..”**

September 13th, 2021

Councilor moves: **“I move the Franklin City Council accepts \$62,500 from the National Recreation and Park Association to implement a program to provide mentoring services for youth in rural New England impacted by the opioid crisis, authorize the City Manager to sign the Memorandum of Understanding, and adopt Resolution #03-22 by a roll call vote.”**

Discussion:

The Parks and Recreation Department and the Franklin Mayor’s Drug Task Force has been granted \$62,500 to implement a youth mentoring program in our Community.

The Franklin Mayor's Drug Task Force (FMDTF) will be the project lead in partnership with Franklin Parks and Recreation Department (FPRD). The FMDTF will advertise, recruit, screen, and train all mentors. In addition to the mentoring responsibilities, they will design and implement programming as well as cultivate new and existing partnerships. The Parks and Recreation Department will manage the budget and assist in recruitment with partners, participants, and mentors.

We will partner with organizations such as the Franklin School District, Office of School Wellness, Outdoor New England, City of Franklin, and the Pemi Youth Center of Franklin. The City will be the fiscal agent and supervisory support for the lead agencies. The Franklin School District and the Pemi Youth Center of Franklin will assist in the recruitment of participants and mentors. The Office of School Wellness will ensure that best practices and evidence-based programming are adhered to. The Student Assistant Program Coordinator (SAPC) through the Office of School Wellness will assist the FMDTF with the facilitation of the program. In addition to substance misuse prevention programming and messaging, our secondary focus will be getting our youth and mentors into participating in outdoor activities together. We will utilize Outdoor New England to safely provide recreational opportunities. Supplemental support will be provided by our community partners throughout the entirety of the grant cycle.

Fiscal Impact:

There is no fiscal impact to the City. This grant does not require any matching funds.

Alternatives:

If City Council does not accept the funds, the youth mentoring program will not be implemented.

Attachments/Exhibits:

1. Resolution #03-22
2. MOU



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

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RESOLUTION #03-22

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

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

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

WHEREAS, the City of Franklin Recreation Department and the Franklin Mayor's Drug Task Force seeks to engage our youth in meaningful programming, **and**;

WHEREAS, the city has been awarded a federal grant from the National Recreation and Park Association in the amount of \$62,500 for the implementation of a youth mentoring program, **and**;

THEREFORE, BE IT RESOLVED, that at their regularly scheduled meeting of the City Council on Monday, September 13th, 2021, the City Council of Franklin, New Hampshire does hereby vote to adopt resolution #03-22 to authorize the City Manager to accept and appropriate the funds of \$62,500.00 (sixty-two thousand, five hundred dollars) and sign and execute the Memorandum of Understanding.

An Increase in Revenue:

Federal Grants Operating- Acct. No. 01-5-211-33111-456 – *sixty-two thousand, five hundred dollars* (\$62,500)

An Increase in Expenditures:

Recreation Admin Supplies - NRPA - Acct. No. 01-5-211-40685-456 – *sixty-two thousand, five hundred dollars* (\$62,500)

By a roll call vote.

Roll Call:

Councilor Brown _____ Councilor Chandler _____ Councilor Zink _____

Councilor Clarenbach _____ Councilor Bunker _____ Councilor Testerman _____

Councilor Desrochers _____ Councilor Starkweather _____ Councilor Trudel _____

Approved: _____
Mayor

Passed: _____

I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Katie A. Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A true copy, attested: _____
City Clerk

Date: _____



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**
August 23, 2021

Subject: Council to consider projects for American Rescue Plan Act (ARPA) funding

Attachments/Exhibits:

ARPA At a Glance
Fact Sheet Describing Eligible Categories



ARPA At-A-Glance

July 20, 2021

Glossary of Terms

- Types of local government under the Act:
 - Metros: Metropolitan communities (i.e., entitlement cities under CDBG): Manchester, Nashua, Portsmouth, Rochester & Dover
 - NEUs—Non-entitlement units of local government: All other cities and towns in NH
 - ARPA: The American Rescue Plan Act
 - CSLFRF: Coronavirus State and Local Fiscal Recovery Funds (created by ARPA)
 - LFRRF: Local Fiscal Recovery Funds (just the money going to local government from the CSLFRF, sometimes even abbreviated as FRF)
 - IFR: Interim Final Rule: US Treasury's rule on eligible uses of the CSLFRF (must read for all local governments)
 - GOFERR: The Governor's Office for Emergency Relief and Recovery, responsible for administering the money to NEUs (created by Governor Sununu in 2020)
 - Guidehouse: The entity contracted by GOFERR to provide resources and support to NEUs.

What Information is Needed to Apply?

- DUN's number
- Municipality's payment information
 - Entity Identification Number (EIN), name, and contact information
 - Name and title of an authorized representative of the entity
 - Financial institution information (e.g., routing and account number, financial institution name and contact information)
- SAM.gov registration (For NEUs, not required prior to application; must obtain as soon as possible after receipt of funds.)

NEUs APPLY HERE!

Eligible Uses

- Public Health
- Negative Economic Impacts
- Services to Disproportionally Impacted Communities
- Premium Pay
- Infrastructure (Water, Sewer, Broadband)
- Revenue replacement*
- Administrative expenses

How Do We Get Our Municipality's Funds?

- Metros: Directly from US Treasury
- NEUs: By applying through GOFERR's online [portal here](#).
- DEADLINE TO APPLY IS AUGUST 18**
 - LFRRF allocations for both metros and NEUs are received in two installments: The first in 2021 and the second in 2022.

* The IFR allows cities and towns to use LFRRF to pay for the general "provision of government services," but only to the extent of revenue loss. How to calculate revenue loss is explained in the IFR, but here is an example. We highly recommend using GFOA's revenue loss calculator to determine lost revenue.

For more instructions, go to NHMA's ARPA page.

Example – Town with December FYE:

- Revenue Growth Rate: Pre-pandemic revenue growth rate was calculated to be 2.1 percent; Town opts to use the Treasury's greater growth rate amount of 4.1 percent.
- Base year - fiscal year ending prior to pandemic: December 31, 2019
- Base year annual revenue: **\$500,000**
- First Reporting Period: December 31, 2020
- Projected revenue for the first reporting period using 4.1 percent growth rate: $\$500,000 * 1.041 = \underline{\$520,500}$
- Actual revenue for the first reporting period: **\$505,000**
- Extent of lost revenue for first reporting period: $\$520,500 - \$505,000 = \underline{\$15,500}$

If you're a member of NHMA and you have a question about ARPA, please email: governmentaffairs@nhmunicipal.org.



ARPA At-A-Glance

July 20, 2021

Compliance & Reporting

Reporting requirements depend on the size/funding your community is receiving.
[US Treasury Website on Compliance & Reporting](#)

[US Treasury Compliance and Reporting Guide](#)

Table 2: Reporting requirements by recipient type

Recipient	Interim Report	Project and Expenditure Report	Recovery Plan Performance Report
States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents	By August 31, 2021, with expenditures by category	By October 31, 2021, and then 30 days after the end of each quarter thereafter ⁹	By August 31, 2021, and annually thereafter by July 31 ¹⁰
Metropolitan cities and counties with a population below 250,000 residents which received more than \$5 million in SLFRF funding			Not required
Tribal Governments			
Metropolitan cities and counties with a population below 250,000 residents which received less than \$5 million in SLFRF funding		By October 31, 2021, and then annually thereafter ¹¹	
NEUs	Not required		

IMPORTANT INFORMATION

The Office of Management and Budget's (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") apply to the LFRF. These include, but are not limited to:

- Contracts must follow federal procurement rules and cost principles.
- Cities/towns may enter into Grant Agreements with subrecipients (such as to broadband suppliers, water departments, or school districts that serve multiple NEUs). Cities/towns are responsible for monitoring and reporting on subrecipient use of LFRF funds.
- Single Audit requirements apply to subrecipients who receive in the aggregate more than \$750,000 in federal funds for the year.

For more information:

- For a summary of LFRF-applicable requirements, see the [SAM.gov site specific to Coronavirus State and Local Fiscal Recovery Funds here](#) (see "Compliance Requirements" section).
- For the full text of applicable requirements, see [Title 2, Part 200](#) of the Code of Federal Regulations.

Key Documents (all municipalities must read!)

- [Interim Final Rule](#)
- [US Treasury FAQ](#)
- [US Treasury FAQ for NEUs](#)
- [US Treasury Compliance and Reporting Guide](#)
- GFOA Revenue Calculator (download for NHMA's [ARPA Page](#))

Key Resources

- [US Treasury](#)
- [GOFERR's LFRF website](#) (for NEUs)
- [NHMA's ARPA website](#)
- [National League of Cities website](#)
- [GFOA's CSLFRF Guidance FAQ](#)

If you're a member of NHMA and you have a question about ARPA, please email: governmentaffairs@nhmunicipal.org.

FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs

May 10, 2021

Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

FUNDING AMOUNTS

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

Type	Amount (\$ billions)
States & District of Columbia	\$195.3
Counties	\$65.1
Metropolitan Cites	\$45.6
Tribal Governments	\$20.0
Territories	\$4.5
Non-Entitlement Units of Local Government	\$19.5

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

USES OF FUNDING

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

1. Supporting the public health response

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
 - ✓ Vaccination programs
 - ✓ Medical expenses
 - ✓ Testing
 - ✓ Contact tracing
 - ✓ Isolation or quarantine
 - ✓ PPE purchases
 - ✓ Support for vulnerable populations to access medical or public health services
 - ✓ Public health surveillance (e.g., monitoring for variants)
 - ✓ Enforcement of public health orders
 - ✓ Public communication efforts
 - ✓ Enhancement of healthcare capacity, including alternative care facilities
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
 - ✓ Enhancement of public health data systems
 - ✓ Capital investments in public facilities to meet pandemic operational needs
 - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
 - ✓ Mental health treatment
 - ✓ Substance misuse treatment
 - ✓ Other behavioral health services
 - ✓ Hotlines or warmlines
 - ✓ Crisis intervention
 - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

2. Addressing the negative economic impacts caused by the public health emergency

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.

3. **Serving the hardest-hit communities and families**

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

4. **Replacing lost public sector revenue**

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.

Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

5. Providing premium pay for essential workers

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- ✓ Staff at nursing homes, hospitals, and home-care settings
- ✓ Workers at farms, food production facilities, grocery stores, and restaurants
- ✓ Janitors and sanitation workers
- ✓ Public health and safety staff
- ✓ Truck drivers, transit staff, and warehouse workers
- ✓ Childcare workers, educators, and school staff
- ✓ Social service and human services staff

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

6. Investing in water and sewer infrastructure

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

7. Investing in broadband infrastructure

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

8. Ineligible Uses

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury’s Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury’s Interim Final Rule defines a “deposit” as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury’s Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.



August 23, 2021

Subject: Consider Mallinckrodt's Settlement Offer Under Opioid Lawsuit

Suggested Motion(s)

In Public Vote:

Councilor moves, "I move that the Franklin City Council accept the Mallinckrodt Bankruptcy Settlement Offer as recommended by the City's attorney, Thomas Colantuono, as part of the National Prescription Opioids Litigation Consortium."

Mayor calls for a second, discussion and vote.

Non-Public Vote, if needed, should the council wish to discuss the lawsuit or settlement:

Motion to go into non-public 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.

Mayor calls for a second, Roll Call Vote



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
August 23, 2021

Subject: Council and Manager to discuss goals for the next year
