



**Legislative Meeting Minutes
October 11, 2023 – 4:00 p.m.
Franklin Public Library, Upstairs**

Attendees: Councilor Leigh Webb (Chair), Councilor Bob Desrochers and Councilor Trudel

Others in Attendance: Mayor Brown, Councilor George Dzujna, Councilor Valerie Blake, City Manager Judie Milner, Fire Chief Michael Foss, Code Enforcement Officer Austin Wakefield, P&Z Director Seth Creighton, Welfare Administrator Sherry Ryea, and members of the public.

Chair, Councilor Webb, called the meeting to order at 4:00 p.m. and led the Salute to the Flag.

Agenda:

I. Approve Previous Meeting Minutes

Motion – Councilor Desrochers moved to approve the minutes of the May 16, 2023 Legislative Committee Meeting. Councilor Trudel seconded.

All in favor. Motion PASSED.

II. Welfare Guidelines

Milner referred to the packet that the members received, which can be found at the end of the minutes. The rental rate is located at the top of the packet with utilities and amendments. In 2023 legal aid started to take a look at all common guidelines as a project. It was recommended that Franklin remove the cap from the welfare guidelines, which is currently $\frac{1}{2}$ of the amount of rent up to \$500.

Welfare Administrator Ryea made recommendations to the guidelines and can be seen in the packet.

Milner stated that she needs this committee to approve these recommendations be brought before the council to adopt the new guidelines per the new amendments.

Motion – Councilor Desrochers moved to recommend the amended welfare guidelines to the council for adoption after it is reviewed by City Attorney Fitzgerald. Seconded by Councilor Trudel.

All in favor. Motion PASSED.

III. Short Term Rentals

Creighton stated that 30 out of 40 communities have regulated Airbnb's. There have been rules that have been adopted, yet they are not easy to enforce. Gilford, Wolfeboro, and Meredith have looked at adopting rules for short-term rentals. Wolfeboro was voted down at town meeting so it wasn't adopted and Gilford adopted a rule on how many times a property can be rented in a year. He questioned how that would be enforceable.

Chief Foss added that Franklin isn't able to enforce their current ordinances due to not having enough staff.

Creighton stated that there are around 30 short-term rentals in Franklin, that he could find online. Over the last two years, they have only heard complaints on 2 properties. One property was having weddings and didn't realize they couldn't be used as a venue. Other complaints of noise, trespassing, traffic breaking laws, and fires without permits are all ordinances already on the books and are already enforceable.

Creighton added that communities are waiting for the state to step in, yet they are throwing their hands up on short-term rentals.

The public would like to see regulations for owners like fines, etc.

Chief Foss stated that ordinances need to be enforced by the city better, however, the courts are failing the city once brought to them. Pressure needs to be made on the state for regulations.

Milner stated that the police department recently put together a property complaint log, which will better help record multiple occurrences at a specific residence. They cannot enforce past occurrences, but will be able to track this better going forward.

The committee agreed that the best course of action for now is to continue letting the PD track the complaints per residence so they can get a better feel for how many short-term rentals are a cause of concern.

IV. Solar Exemptions

Milner stated that at a council meeting a while back they had a visit from a commercial owner of a property that wanted the solar exemption that is in place for residential properties and excluded for commercial to be revisited.

Currently, residential properties are able to take a solar exemption from taxes for the first 5 years after installing. If selling to others, it is not exemptible.

Grevior Furniture asked about getting an exemption for putting up solar to run their own business/unit. Milner asked the committee what their thoughts were on this.

The committee discussed the idea of making the solar exemption available to commercial, owner-occupied properties. This would be for the first 5 years as well. They also discussed whether they should prorate this for businesses that already have solar installed and are within the 5 years still.

Milner stated that the city would need something in place, with a vote from the council, by April 1, 2024 to be able to be applied to the 2024 tax year.

The committee decided that they would make a decision at their next meeting after being able to review figures on lost revenue and some extra info that will be provided by Milner.

V. Follow-up on Charter Review

Milner stated that the committee wanted her to look into whether they needed to set up a charter commission to make changes. She did find out that a charter commission is only needed when changing the form of government. Otherwise, it is a charter amendment that can be approved by the city council.

Her question for the committee now was whether they wanted to take on the changes to present to the council or to give it to the council to go over in a workshop meeting.

Chair, Councilor Webb, stated that he thinks this would be best if kept with the legislative committee first to go over, however, he would like to wait and bring this back up at the next committee meeting that is after January when the new committee members are seated.

VI. Follow-up on 91A Change

Milner stated that there was a change to the opening of nonpublic meeting minutes this year in House Bill 321. A couple of years ago they had to start keeping a list of nonpublic meetings and the reason they were nonpublic online. These are to be reviewed every year to decide on unsealing them.

This new bill addressed not having to go back to the very beginning and states that 30-60 days from passage, any sealed minutes that are 10 years or older are to be automatically opened. This happened on October 3, 2023, so all nonpublic minutes 10 years back and further from this date have been unsealed.

Going forward, Milner recommended that there should be a discussion on creating a new policy either at the legislative committee level or at the city council. A policy could keep certain nonpublic minutes exempt from the 10 years. As an example, if the city were in a

lawsuit that lasted more than 10 years, the nonpublic minutes on that lawsuit would be exempt from being opened.

Milner would prefer that this policy is done as an ordinance. The committee asked her to come up with recommendations to bring back to the legislative committee at their next meeting.

VII. Other Business

There was no other business to be discussed.

Motion to adjourn was made by Councilor Webb. Seconded by Councilor Trudel.

All in favor. Motion passes.

Meeting adjourned at 5:28 p.m.

Respectfully submitted,

Lisa Jones

Executive Secretary

- b. **Rental Rates:** Depending on family and unit size, shall be paid at the rate of ½ of the rent up to a cap of \$500.00 maximum per month. The tenant will participate in their housing expenses along with the city. Consideration will be given to fair market rental rates when it is necessary to maintain housing and no other less expensive alternatives are available, in accordance with RSA 165.1.
 - i. Assistance with rent will not be paid on housing that does not meet the criteria set forth by the Code Enforcement Office and the Fire Department. Assistance with rent will only be paid on housing that has passed an inspection by the Franklin Code Enforcement Officer within the past 12 months and has no outstanding complaints with the Code Enforcement Office.
 - ii. When a family/person is receiving rent subsidy through a program regulated by the Department of HUD, the city will enforce the responsibility of the \$25.00 deduction being made by HUD as a responsibility of the recipient and his/her family.
- c. **Arrearages:** Will not be paid except in an emergency situation where negotiations fail and eviction or repossession is imminent and no other affordable housing or shelter vacancy exists. Emergency means a situation not arising from any action or lack of action by the client. The City of Franklin assumes no deposits. It is not the responsibility of the Welfare Department to locate housing for applicants.
- d. **Relative Landlords:** Whenever a relative of an applicant is also the landlord for the applicant, the landlord will be presumed able to assist his/her relative pursuant to RSA 165:19, and must prove an inability to assist before any aid payments for shelter are made. Rent will not be paid to non-landlords such as friends and relatives.

- e. Client's name must be on the lease in order for rental assistance to be rendered.
- f. If eligible, the City of Franklin will pay condominium fees to prevent evictions.

2. Utilities

When utility costs are not included in the shelter expense, the most recent outstanding monthly utility bill will be included as part of "need" by the Welfare Director.

Arrearages will not normally be included in "need" except as set forth below: utilities must be in the client's name in order to render assistance.

- a. **Arrearages:** Arrearages will not be included except when necessary to ensure the health and safety of the applicant household or to prevent termination of utility service.
- b. *Electric Arrearages: Arrearages for electric service need not be paid if the Welfare Director notifies the electric company that the municipality guarantees payment of current and future electric bill as long as the recipient remain eligible for general assistance, in accordance with the rules of the New Hampshire Public Utilities Commission relating to electric utilities.*
- c. **Restoration of Service:** When utility service has been terminated and the Welfare Director has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Director may negotiate with the utility for payment of less than the full amount of the arrears and/or may attempt to arrange a repayment plan to obtain restoration of service.

3. Food

AMENDMENT TO 2012 WELFARE GUIDELINES

Page 22:

1. Housing

- b. **Rental Rates:** Rental rates and assistance will be determined following current median gross rent for the Franklin area as well as an individual(s) ability to sustain current living situation. Tenant(s) will also participate in their housing expenses.

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2. Utilities

- c. **Restoration of Service:** When utility service has been terminated and the Welfare Director has determined that alternative utility service is not available and alternative shelter is not feasible, arrearages will be included in "need" when restoration of service is necessary to ensure the health and safety of the applicant household. The Welfare Director will assist with one month's average utility charges. The utility company may ask assisted individual to agree to a monthly payment plan arrangement for the remainder of utility bill

*City of Franklin, NH
Tuesday, October 10, 2023*

Chapter 272. Taxation

Article X. Renewable Energy Exemptions

[Adopted 2-5-2018 by Ord. No. 11-18^[1]]

[1] *Editor's Note: This ordinance provided an effective date of 1-1-2018.*

§ 272-11. Exemption granted.

The City of Franklin does hereby adopt the provisions of RSA 72:62, RSA 72:66 and RSA 72:70, which provide for persons owning real property an optional exemption as provided by RSA 72:33 of 100% of the assessed value of qualifying equipment related to residential solar, wind-powered and wood heating energy systems, as defined by statute, intended for use at the immediate site and for which a building permit has been issued. The exemption is limited to a five-year exemption.

TITLE V TAXATION

CHAPTER 72 PERSONS AND PROPERTY LIABLE TO TAXATION

Solar Energy Systems Exemption

Section 72:62

72:62 Exemption for Solar Energy Systems. – Each city and town may adopt under RSA 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61.

Source. 1975, 391:1. 1991, 70:26. 1993, 93:2. 2003, 299:17, eff. April 1, 2003.

CHAPTER 189
HB 321-FN-LOCAL - FINAL VERSION

05/18/2023 1729s

2023 SESSION

23-0423
05/04

HOUSE BILL

321-FN-LOCAL

AN ACT relative to minutes from nonpublic sessions under the right to know law.

SPONSORS: Rep. Yokela, Rock. 32; Rep. Ammon, Hills. 42; Rep. Verville, Rock. 2; Rep. Alexander Jr., Hills. 29; Rep. Ulery, Hills. 13; Rep. McWilliams, Merr. 30; Sen. Gannon, Dist 23

COMMITTEE: Judiciary

ANALYSIS

This bill requires public bodies to review meeting minutes withheld from public disclosure at least every 10 years to determine whether they should continue to be withheld. Minutes not reviewed after 10 years shall be made public.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [in brackets and struckthrough.]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

8/26/1967
Non public sessions came into existence.

CHAPTER 189
HB 321-FN-LOCAL - FINAL VERSION

05/18/2023 1729s

23-0423
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to minutes from nonpublic sessions under the right to know law.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 189:1 New Paragraph; Minutes from Nonpublic Session. Amend RSA 91-A:3 by inserting after
2 paragraph III the following new paragraph:

3 IV.(a) A public body or agency may adopt procedures to review minutes of meetings held in
4 nonpublic session and to determine by majority vote whether the circumstances that justified keeping
5 meeting minutes from the public under RSA 91-A:3, III no longer apply. If the public body determines that
6 those circumstances no longer apply, the minutes shall be available for release to the public pursuant to
7 this chapter.

8 (b) In the absence of an adopted procedure to review and determine whether the
9 circumstances no longer apply for meeting minutes kept from the public, the public body or agency shall
10 review and determine by majority vote whether the circumstances that justified keeping meeting minutes
11 from the public under RSA 91-A:3, III no longer apply. This review shall occur no more than 10 years from
12 the last time the public body voted to prevent the minutes from being subject to public disclosure. Meeting
13 minutes that were kept from the public prior to the effective date of this paragraph that are not reviewed by
14 the public body or agency within 10 years of the effective date of this paragraph shall be subject to public
15 disclosure without further action of the public body.

16 189:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 04, 2023

Effective Date: October 03, 2023

TITLE VI

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A

ACCESS TO GOVERNMENTAL RECORDS AND MEETINGS

Section 91-A:3

91-A:3 Nonpublic Sessions. –

- I. (a) Public bodies shall not meet in nonpublic session, except for one of the purposes set out in paragraph II. No session at which evidence, information, or testimony in any form is received shall be closed to the public, except as provided in paragraph II. No public body may enter nonpublic session, except pursuant to a motion properly made and seconded.
- (b) Any motion to enter nonpublic session shall state on its face the specific exemption under paragraph II which is relied upon as foundation for the nonpublic session. The vote on any such motion shall be by roll call, and shall require the affirmative vote of the majority of members present.
- (c) All discussions held and decisions made during nonpublic session shall be confined to the matters set out in the motion.
- II. Only the following matters shall be considered or acted upon in nonpublic session:
- (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.
- (b) The hiring of any person as a public employee.
- (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.
- (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 community.
- (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.
- (f) [Repealed.]
- (g) Consideration of security-related issues bearing on the immediate safety of security personnel or inmates at the county or state correctional facilities by county correctional superintendents or the commissioner of the department of corrections, or their designees.
- (h) Consideration of applications by the business finance authority under RSA 162-A:7-10 and 162-A:13, where consideration of an application in public session would cause harm to the applicant or would inhibit full discussion of the application.
- (i) Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- (j) Consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A.
- (k) Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between

the school boards, or committees thereof, involved in the negotiations. A contract negotiated by a school board shall be made public prior to its consideration for approval by a school district, together with minutes of all meetings held in nonpublic session, any proposals or records related to the contract, and any proposal or records involving a school district that did not become a party to the contract, shall be made public. Approval of a contract by a school district shall occur only at a meeting open to the public at which, or after which, the public has had an opportunity to participate.

(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.

(m) Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption under paragraph II on its face which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure. Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public as soon as practicable after the transaction has closed or the public body has decided not to proceed with the transaction.

Source. 1967, 251:1. 1969, 482:2. 1971, 327:3. 1977, 540:4. 1983, 184:1. 1986, 83:4. 1991, 217:3. 1992, 34:1, 2. 1993, 46:1; 335:16. 2002, 222:2, 3. 2004, 42:1. 2008, 303:4. 2010, 206:1, eff. June 22, 2010. 2015, 19:1; 49:1; 105:1, eff. Jan. 1, 2016; 270:2, eff. Sept. 1, 2015. 2016, 30:1, eff. Jan. 1, 2017; 280:1, eff. June 21, 2016. 2021, 48:7(I), eff. May 25, 2021; 163:1, eff. Jan. 1, 2022; 172:1, eff. Jan. 1, 2022.