

**CITY COUNCIL MEETING  
AUGUST 1, 2011**

**Call to Order**

Mayor Merrifield called the meeting to order at 7:00 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said led by Councilor Boyd.

**Public Hearings**

**Discretionary Preservation Easement, 296 Webster Lake Road**

Mayor Merrifield opened the public hearing, no one came forth to speak; the public hearing was closed.

**Ordinance #04-12 – this ordinance concerns revisions to the Personnel Polices, Internet and Email usage.**

Mayor Merrifield opened the public hearing, no one came forth to speak; the public hearing was closed.

**Ordinance #05-12 – this ordinance relates to revisions of the Disorderly Residence Ordinance.**

Mayor Merrifield opened the public hearing. Resident George Dzujna expressed his support for the ordinance and thanked everyone that worked on the revisions. Mr. Anthony Hodgton, landlord spoke in favor of the ordinance stating he feels landlords have a responsibility for the people they have in their buildings as well as the neighbors. Resident Leigh Webb offered his support for the ordinance, thanking the City Manager and City Council stating this is an example of listening to residents and taking the appropriate action.

**Comments from the Public**

Mr. George Dzujna stated he was watching the City's maintenance crew the last couple of months and stated it is amazing all that they do and he stated he gives a lot of credit to Brian Barry and his crew.

City Council Meeting  
August 1, 2011  
Page 2

Mrs. Asplund-Walsh addressed her request for a discretionary preservation easement for the barn located on her property at 296 Webster Lake Road. The barn was built by Jonas Aiken and goes back to the middle 1850s. All the windows are original except for one that has been replaced, a door has been replaced and it has been painted; the roof was replaced prior to Mrs. Walsh's ownership of the property.

### **Legislative Comments**

None

### **City Council Acknowledgement**

None

### **Mayor's Update**

Mayor Merrifield advised he attended the ceremony for the opening of the last section of the Northern Rail Trail in Danbury and the City was presented an award thanking the City of Franklin for its efforts on behalf of the Northern Rail Trail.

### **Approval of Minutes**

***Motion made by Councilor Feener that the Franklin City Council approves the minutes of the June 14, 2011 Budget Workshop Meeting and the July 11, 2011 City Council Meeting. Motion seconded by Councilor Bowers.***

Councilor Andreozzi commented that on Page 8 of the June 14, 2011 minutes, third paragraph, that her statement concerning it took months for some people to know their pickup day for recycling/trash pickup that it should be added that she stated that she had suggested that all residents should be noticed about the changes in the days open for the Transfer Station.

***All in favor; minutes approved as corrected.***

**Franklin School Board Report**

Mr. Al Warner, Ward III and School Board member and he expressed the school's excitement about the School Improvement Grant which is two million dollar grant over three years for school improvements from the Federal Government and there is no match required. A monthly report on progress will be required and this grant specifically addresses developing and increasing teacher and school leaders' effectiveness, comprehensive and instructive reform strategies, ways to increase learning time and create community oriented schools and provide operational flexibility and sustained report.

Councilor Clarenbach asked if there would be consultants and Mr. Warner advised there would as well as teacher coaches and mentors.

**Discretionary Preservation Easement for 256 Webster Lake Road**

***Motion made by Councilor Starkweather that the Franklin City Council approve the application for Tax Map 035, lot 402-00, 296 Webster Lake Road for a Discretionary Preservation Easement, motion seconded by Councilor Boyd.***

Councilor Bowers inquired the property is a barn and the intention is to keep it as a barn and Mrs. Asplund-Walsh responded that is correct. Councilor Bowers commented in Mrs. Walsh's letter it is stated the property is eligible for listing on the state register for historic places and Mrs. Walsh advised that is in process. Councilor Bowers commented that the last two applications the Historical Society offered their comments and in this application there appears to be no documentation from the Historical Society. Mr. Leigh Webb commented that he was not aware of this application as he would have been glad to research it.

City Council Meeting

August 1, 2011

Page 4

Councilor Feener inquired if anything is being done to promote the barn. Mrs. Walsh stated once the application with the State is approved there will be a marker put out that people can see and know it is the home of Jonas Aiken and built by him and that the barn is a big part of it. Councilor Feener inquired as to the condition of the barn and Mrs. Walsh stated it is very sound but the roof needs to be replaced.

Councilor Andreozzi commented she is very much in support of preserving historic structures. She stated she is concerned about this request because she stated she has not seen any kind of statement from any kind of recognizable authority about the historic nature of the barn. She stated she would be concerned if this Council accepts this, that then a precedent would be set for anyone to come in and say my site is historic and request an easement.

Mr. Leigh Webb, Curator of the Historical Society stated he would be happy to help Mrs. Walsh secure any documentation that is available or authoritative help to secure whatever information the Council would need.

Manager Dragon brought attention to the PA36 Form which is the instructions on the application form and it states that when these applications are being reviewed scenic enjoyment of the structure by the public from a public way or public waters should be looked at as well as is it historically important on local, regional, state or national level or is the structure's physical or aesthetic features contribute to the historic or cultural integrity of the property listed on or determined to be eligible for a listing on the national register of historic places. Mayor Merrifield clarified that it could be any of those criteria does not have to be all of them.

Councilor Boyd commented that a representative of the Historical Society has just stated that it might be in the best interest to continue consideration on this application to the meeting in September so he can do the work to make sure it meets all criteria. Councilor Feener commented that the application has already met some of the qualification.

Manager Dragon advised that finally in making the decision the Council will consider whether or not these historical pieces outweigh the waving of the taxes and there is a range from 25% to 75%. It is not a done deal just because they meet the requirements.

Mayor Merrifield commented that on the application under approval/denial it states the governing body shall have no more than 60 days to act upon the application and he asked when does the 60 days begin. The Assessing Office states June 11, 2011. Councilor Starkweather stated that the 60 day requirement does not say to approve or disapprove so tabling it is action taken.

***Motion made by Councilor Boyd to postpone consideration of the application until the September City Council Meeting, motion seconded by Councilor Bowers. 7 Yes Votes; 2 No Votes. Motion to postpone passes.***

Councilor Clarenbach requested that the Assessor give them a report as to what condition the building is actually in.

**Ordinance #04-12 – revisions to the Personnel Policies and Internet/Email Usage.**

***Motion made by Councilor Feener that the Franklin City Council adopt Ordinance #04-12 revising Chapter 347 of the City Code, Personnel Policies and Chapter 327, Internet and Email Usage by a roll call vote. Motion seconded by Councilor Sharon.***

Manager Dragon advised there is a recommended change this evening. Once the policies were out comments were received by some of the employees who had not reviewed them during the process. One revision she stated she agrees with and one she does not agree with. Manager Dragon recommended is an adjustment to the Fire Department in terms of number of sick time hours. They work a 42 hour week and right now we have them calculated like a 40 hour week so a small adjustment is needed for that. The other change had to do with

calculating overtime based on hours worked and the personnel policy is being changed to state that sick time is no longer counted as hours worked. She stated they are also looking at a slight adjustment for the definition of retirement contributions because the law just recently changed, so Director Milner has made a slight wording change for that. These are all amendments.

***Amendment made by Councilor Feener per the recommendation of the City Manager that the Franklin City Council revise Personnel Policy 347-31 to include an annual sick accrual for the Fire Department (42 hour average workweek rotating shift personnel) of 101 hours per year with a maximum accrual of 505 hours and personnel policy 347-52 retirement program for retirees returning to the work place. Amendment seconded by Councilor Boyd.***

Councilor Clarenbach commented there is no labor input, it appears to be all department head and above input. Manager Dragon responded that is true, however, there are not really changes in terms of benefits, the sick time and calculating of overtime are the major pieces.

Councilor Andreozzi advised that she is going to vote no on the amendment simply because she just received it tonight.

***Amendment passes, 8 yes votes and 1 no vote.***

Councilor Clarenbach stated on Page 13, probationary period, a max of one year, the employees except for fire and police have a 6-month probationary period and a possible 6-month extension, however, police and fire are usually a one year probation and that would not allow for a 6-month extension for them. He recommended that it be a 6-month extension beyond the normal. He also commented on physical examinations, it states they shall be for all employees and he wondered if that is the current policy including office personnel. Manager Dragon stated that is currently what the City is supposed to be implementing across the board. Page 15, he commented on vacations currently the way it has been struck out, there is no vacation being accrued in the first year because of the

City Council Meeting

August 1, 2011

Page 7

way the wording was struck. He stated he thinks there is no way in the current policy that you would accumulate vacation for your first year. The way that could be fixed is having the table read 0-4 years as you do accrue vacation time your first year. Under Fire Department shift needs to be changed to hours. Page 16 under F. it reads vacations that land on holidays, the vacation day will not be charged, both police and fire receive compensation for that. Page 21, Councilor Clarenbach commented where it states immediate family definition has included not only siblings but siblings' children.

Councilor Sharon commented his only question and concern is the sick time. It seems that if we have a firefighter that is called out on an emergency and it is their day off and later in the week they become ill, they would lose that overtime because of having a sick day. He stated some employees in that situation would probably therefore come in sick and give it to their fellow employees because they would not want to lose their overtime. He suggested that needs to be look at again. Councilor Boyd commented the Police Department has that in their contract so wouldn't it be fair for the Fire Department to have that also.

Councilor Andreozzi commented on Page 14 d, the policy statement for the City concerning unions and stated she does not feel it is appropriate and would be a separate issue because that is stating a policy for the City. The policy states: "The City believes that unionization provides a barrier to providing quality services." Manager Dragon commented that she does believe that unionization does provide a barrier from a management prospective and the reason is because she stated she has greater flexibility with the Fire Department, if the Fire Department comes in and says this is what we think should be the interpretation of the policy, it can be discussed and resolved. The Police Department comes in and states that; we look at the union contract and they don't get it unless it is in the contract. Director Milner advised while going through the process and meeting monthly, she and another employee took a class titled "Employee Handbook Mistakes that You Can't Afford to Make, Top 10" and one of them is not having a statement on unionization and stating how you feel and it should be in the handbook and should be clear what management's view should be expressed.

Councilor Bowers stated he could not disagree more.

***Motion made by Councilor Bowers that Page 14 D, statement of unionization be struck, motion seconded by Councilor Andreozzi.***

Councilor Bowers commented he is not against a statement on unionization but it should be stated in not such an offensive way.

***Motion passes: 7 yes votes; 2 no votes.***

***Councilor Andreozzi made a motion to table the vote on the Updated Personnel Polices to the next Council meeting since several changes have been suggested. Motion seconded by Councilor Boyd. Motion passes: vote 8 yes; 1 no vote.***

**Ordinance #05-12 – revisions to the Disorderly Residence Ordinance**

***Motion made by Councilor Feener that the Franklin City Council approves Ordinance #05-12 by a roll call vote. Motion seconded by Councilor Bowers.***

Councilor Andreozzi asked why when it is the 4<sup>th</sup> offense we would allow the fine to be waived. Manager Dragon commented that there are some properties that have multiple units and there was concern there could be issues with this ordinance and prior to there could have been multiple occurrences. Mayor Merrifield commented the prior language required the issuing of the fine, where now if in the Manager's judgment the landlord is working with the City and trying to rectify the problem, there is the opportunity offered not to impose a fine. Councilor Feener commented the basic changes were to give the City Manager and the ordinance some flexibility so if the landlord is working with the City they can work within the realm of the ordinance and not be so hard core. Councilor Andreozzi commented that in No. 3 above that flexibility if offered to the Manager and Police Chief. She stated if it is one tenant and one landlord in the building and it is now their 4<sup>th</sup> time, they should be waived. Manager Dragon stated she would agree with that except what if the landlord is trying to rectify

the situation or evict the tenant, what if they have gone to court. Manager Dragon advised she has talked to landlords who aren't able to evict them quickly. Manager Dragon further commented that the fines are more so used for those that are not cooperating. Councilor Starkweather commented that it states the fine may be waived doesn't mean that it will. He further commented that we should work with the landlords that are attempting to do the right thing. Councilor Boyd spoke in support stating this enables the City to work with those landlords that are trying to do the right thing and it also enable the City to do something about those landlords that are not cooperating.

Councilor Sharon thanked the Legislative Committee and the City Manager for their hard work on these revisions to the ordinance and suggested that discussion end on the subject and move forward.

***Roll Call Vote:***

***Councilor Clarenbach – Yes***

***Councilor Sharon – Yes***

***Councilor Boyd – Yes***

***Councilor Bowers – Yes***

***Councilor Starkweather – Yes***

***Councilor Audet – Yes***

***Councilor Andreozzi – Yes***

***Councilor Feener – Yes***

***Councilor Trudel – Yes***

***Ordinance #05-12 passes by a unanimous vote.***

**Inter-Municipal Agreement and Special Counsel representation for the Cable Consortium**

***Motion made by Councilor Bowers that the Franklin City Council approve the Inter-Municipal Agreement and Special Counsel Representation Agreement for the Cable Franchise Consortium and authorize the Franklin City Manager to execute these agreements. Motion seconded by Councilor Feener. All in favor, motion passes***

***Motion made by Councilor Bowers that the Franklin City Council appoints the City Manager as the official representative for the City of Franklin to the joint Board of Director of the Lakes Region Cable Consortium. Motion seconded by Councilor Feener. All in favor, motion passes.***

**Resolution #02-12 – Application for the NH Drinking Water State Revolving Fund Program and designating the City Manager as the City’s representative.**

***Motion made by Councilor Bowers that the Franklin City Council adopts Resolution #02-12, motion seconded by Councilor Starkweather.***

Director Sullivan advised that right now they are in the process of doing a cost benefit analysis on four locations for the tank replacement. Once the analysis is complete they will go back to the Municipal Services Committee and look at the best location and the most cost effective for the water customer. Based on that the loan agreement and the terms of the debt services schedule will be finalized and then come back to the City Council with a recommendation.

***Roll Call Vote:***

***Councilor Clarenbach – Yes***

***Councilor Sharon – Yes***

***Councilor Boyd – Yes***

***Councilor Bowers – Yes***

***Councilor Starkweather – Yes***

***Councilor Audet – Yes***

***Councilor Andreozi – Yes***

***Councilor Feener – Yes***

***Councilor Trudel – Yes***

***Resolution #02-12 passes by a unanimous vote.***

***Motion made by Councilor Feener that Resolution #02-12 is read in title only. Motion seconded by Councilor Bowers. All in favor.***

Mayor Merrifield read into the record: “Resolution #02-12.

**Pre-Award Authorization/Barrie Miller's Well and Pump Service**

***Motion made by Councilor Bowers that the Franklin City Council, in accordance with the Franklin City Code, Article III, Section 4-15, B(3), grant pre-award authorization to the Municipal Services Director for the use of Barrie Miller's Well and Pump Service for the "Sanbornton Well Field, Annual Well Development and Replacement Project" and for "Water Department Emergency Pump Repair and Well Repairs/Rehabilitation". Motion seconded by Councilor Starkweather.***

Director Sullivan advised that the Council does this every year. In 2003 the direction for the meter replacement program and E.J. Prescott is a single source for the type of meter the City is using. In the case of Barrie Miller, he has worked for the City for over 20 years and is familiar with all the pump stations and wells.

***All in favor, motion passes.***

**Purchase of Water Meters for Fiscal Year 2012**

***Motion made by Councilor Bowers that the Franklin City Council, pursuant to Franklin City Code Article III, Section 4-15, B(3), grant pre-award authorization to the Municipal Services Director for the purchase of water meters and related equipment, for Fiscal Year 2012 from E. J. Prescott. Motion seconded by Councilor Starkweather. All in favor, motion passes.***

**Other Business**

**Committee Reports** – None

**City Manager's Update**

Manager Dragon advised there is no additional grant activity to report. She reminded everyone of the City Council Work Session on Bessie Rowell School scheduled for Tuesday, August 23<sup>rd</sup> at 6:00 pm.

Manager Dragon stated during the budget process and the night of the budget hearing there was a discussion concerning FBIDC and during the work session a motion was made and passed that funds would not be released to FBIDC until the City Council approved the Memorandum of Understanding and she inquired if the Council is ready to move forward with the MOU. She stated she attended FBIDC's Board of Directors meeting and they are looking to deliver some of the items listed in the MOU. Councilor Audet stated he would prefer to extend making a decision on the MOU. Councilor Clarenbach questioned how FBIDC would be graded next time, would it be if they have completed 50% of items listed in the MOU?

***Motion made by Councilor Bowers that the Franklin City Council accepts the Memorandum of Understanding for FBIDC and the City. Motion seconded by Councilor Sharon.***

Councilor Andreozzi commented that the MOU needs more work so she will be voting no. She also commented she does not see an end date on the MOU. Manager Dragon stated it is just for this year. Next year what we could be looking for in the way of deliverables could be very different.

***Motion to approve the MOU passes: 8 in favor, 1 no vote.***

Manager Dragon advised that a meeting was scheduled in Meredith on the Basin Program; it was a rate study meeting. These measuring devices that will measure the flow are very important to the City so a lot of time is being invested in the study and the placement of the measuring devices.

City Council Meeting  
August 1, 2011  
Page 13

Manager Dragon advised that everyone should have received an invitation to the grand opening at 109 Industrial Park Drive for Perk@Work/Big Kat Coffee for Friday, August 12, 2011, 11 am to 2 pm.

Councilor Sharon brought to everyone's attention that the Council Meeting in September falls on Monday, Labor Day and requested a new date be set for the meeting.

***Councilor Sharon made a motion that the September City Council Meeting be scheduled for the following Monday after Labor Day (September 12<sup>th</sup>). Motion seconded by Councilor Andreozzi. All in favor, motion passes.***

Councilor Andreozzi commented that she understands that DOT has released funds to start construction and if that is true, what is the date construction will begin. Manager Dragon advised that the bid has been awarded to Lyman Construction; a pre-construction meeting is scheduled for August 2, 2011 and will be working on a time line for the actual construction.

Manager Dragon advised the Mayor and Council that Ernest Thompson who films On Golden Pond has an interest in doing some filming in City Hall, they want to film in the GAR Hall, Council Chambers and downstairs. She stated the problem with all of this is she heard about it through the grapevine. Councilor Boyd commented that it certainly isn't in their best interest to have not contacted the City Manager, Mayor or Councilors concerning their project. He stated he certainly wouldn't support anything unless the City Manager has been contacted and has details as to what they are filming, when, how, etc. Councilor Sharon commented the summer Theatre Program is taking place and he would not want to see the kids interrupted as they are all working very hard.

***Motion made by Councilor Feener that the Franklin City Council goes into non-public session under RSA 91:A:3 II A, the dismissal, promotion or compensation of any public employee. Motion seconded by Councilor Bowers.***

City Council Meeting  
August 1, 2011  
Page 14

**Roll Call:**

**Councilor Clarenbach – Yes**

**Councilor Starkweather – Yes**

**Councilor Trudel – Yes**

**Councilor Sharon – Yes**

**Councilor Andreozzi – Yes**

**Councilor Boyd – Yes**

**Councilor Feener – Yes**

**Councilor Audet – Yes**

**Councilor Bowers – Yes**

City Council entered into non-public session at 9:05 p.m. Council came out of non-public session at 10:05 p.m.

**Motion made by Councilor Feener that the minutes of the non-public session be sealed by a roll call vote because of somebody's reputation. Motion seconded by Councilor Bowers.**

**Roll Call:**

**Councilor Clarenbach – Yes**

**Councilor Starkweather – Yes**

**Councilor Trudel – Yes**

**Councilor Sharon – Yes**

**Councilor Andreozzi – Yes**

**Councilor Boyd – Yes**

**Councilor Feener – Yes**

**Councilor Audet – Yes**

**Councilor Bowers – Yes**

**Motion made by Councilor Feener that the Franklin City Council approves a 3% increase in salary for the City Manager, effective June 23, 2011. Motion seconded by Councilor Bowers. Motion passes: 7 Yes, 1 No and 1 Abstention.**

**Motion made by Councilor Feener to adjourn; seconded by Councilor Bowers. All in favor. Meeting adjourned at 10:10 p.m.**

Respectfully submitted,

Sue E. May

