

**CITY COUNCIL MEETING
FEBRUARY 7, 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 Clarenbach.

In Attendance

Councilor Andreozzi, Councilor Sharon, Councilor Bowers, Councilor Audet, Councilor Feener, Councilor Trudel, Councilor Starkweather, Councilor Clarenbach, City Manager Dragon and Mayor Merrifield.

Absent

Councilor Boyd

Comments from the Public

None

Legislative Comments

Representative Rago addressed the Mayor and Council stating her goal as a representative is to come to the Council meeting every month and offer a printout of the bills being considered. She advised that she is on the Education Committee and advised Bill HB34 which concerns the Collar for education funding. The Education Committee this session will be strictly a policy committee whereas before it did policy and education finance. This bill has been retained in committee because the committee for education funding has a similar bill so they will review this in detail. She also discussed Bill HB318 which would reduce the school district's liability for special ed. This is more of a policy bill and it would change the cost from 3 ½% to 2% which means the State would pick up the costs sooner. Currently when a special education student's cost get to \$42,000,

(average is \$12,000) then the state pays 80% of that cost. This bill would have the State pick up the cost sooner or at \$25,000. Right now it is a policy decision and would have to go through the education funding committee. She stated she is the co-sponsor of a Right-To-Work Bill that was heard this past week. She advised that in Room 304 at 1:30 p.m. Tuesday, February 8th there is a public briefing on the Northern Pass Power Project. She advised that the Franklin Representatives are looking at dates to hold a town hall meeting in Franklin and hopefully that will happen in March or April. Councilor Feener inquired about HB 67 and Representative Russo advised this bill would move the cooperative school districts (like Hill and Franklin), single and multiple SAUs all under the same roof and she cited as an example if Hill wanted to get out of Franklin's SAU they would have to go to a different committee so this bill moves everyone under one umbrella.

City Council Acknowledgement

Councilor Andreozzi acknowledged the Franklin High School Players and the suburb job they did in the presentation of Annie. Councilor Bowers recognized Municipal Services Director Brian Sullivan and his entire crew of workers on the great job they have done with the several snowstorms in keeping the streets and sidewalks passable. Councilor Feener also thanked the Municipal Services Department for a job well done with the snow removal. Councilor Feener also commented that the Fire Department has done a good job keeping the fire hydrants clear. Councilor Sharon recognized Mr. Delaney Carrier for all the work he did on First Day.

Mayor's Update

Mayor Merrifield wished Councilor Bowers a Happy 50th Birthday. Mayor Merrifield introduced Mrs. Traci Fowler, the new Mayor's Drug Task Coordinator. The Mayor advised that a third round of advertising and interviewing for the position was just completed and Mrs. Fowler was unanimously selected as the new Coordinator. Mrs. Fowler stated she is really looking forward to getting started and commented it appears several people have already done a great job.

Mayor Merrifield encouraged anyone that could attend the informational meeting tomorrow on the Northern Pass Project to please do so as it means great things for Franklin. Manager Dragon offered rides to anyone that might need them. Mayor Merrifield stated he was stopped by Mrs. Jenifer Weaver, an educator from Paul Smith School whose husband is serving our Country in the Middle East and he was invited to a special breakfast with a 4-Star General in the Middle East and was given an Excellence Medallion.

Approval of Minutes

***Motion made by Councilor Feener that the Franklin City Council approves the minutes of the January 3, 2011 City Council Meeting and 2011 Inaugural.
Motion seconded by Councilor Bowers.***

Councilor Feener pointed out that on Page 5 at the top of the page the comparison date should read 2007, not 1997.

All in favor minutes approved as corrected.

School Board Report

Mr. Keith Lohmann, School Board member and liaison addressed the Mayor and Council and stated he appreciates the opportunity to speak to you. Mr. Lohmann advised that he and Mr. Al Warner are new members of the school board and have been tasked to be the liaisons between the school board and the City Council. He stated it is their intention to be at the City Council meetings and open lines of communication between the board and the council and one thing we all have in common is to operate in what is the best interest of the citizens of the City of Franklin. Mr. Lohmann requested that if there are substantive questions to ask of the school board that they be asked ahead of time so that the board as a whole can provide an answer. He also invited all to attend school board meetings if they wished to do so. He advised the single most important area they will address is fiscal responsibilities. Two ways they will carry out that responsibility is

last week a fiscal committee meeting was held, the Mayor was in attendance, and the current fiscal condition was discussed. The budget for this current year was developed by the prior administration and it has been concluded that the revenue estimates that were used in the development of that budget were significantly overstated. The current estimate of the overstated revenues is \$638,000. A number of expenditure cuts have been made that will bring them close to the target by the end of the year so they will balance by year's end. The cuts include using the \$84,000 in ARRA Funds from last year to meet the budget goal. He stated they realize that the ultimate disposition of the ARRA Funds is still in disagreement. He stated the funds are needed to close the gap in the situation they are in. In preparing for next year's budget, they will be holding public meetings where the staff will present their proposed budget to the board on two different nights, February 8 and February 10 from 6:00 pm to 10 pm at Paul Smith School and the review will be line by line concerning costs and needs. All are invited to these meetings. Four dates have been set aside for a Joint Finance Meeting and February 15 at 7 pm at City Hall was agreed upon.

Mr. Lohmann announced Winter Carnival begins the week of February 14 through February 19, 2011. Mr. Lohmann stated he echoes the comments made earlier about the good job with the snow removal and also advised that the SAU Office had received a couple of calls concerning the sidewalks and that they had not been plowed for students walking to school.

Councilor Feener requested that for the Joint Finance Committee meeting February 15th that a detailed review of the shortfalls and where funds will come from be done and a quick preliminary on the 2012 budget.

Councilor Bowers requested that at the Joint Meeting he would like to know if the standing motion that was approved to expend funds in the amount of \$200,000 has been rescinded.

Councilor Andreozi stated she would like to know how and why Three Rivers was closed and why it was done without the approval of the School Board.

Tiny Twisters Program Update

Ms. Stacey Richardson, Executive Director of Tiny Twisters Child Care currently located in the Franklin High School. Tiny Twisters serves over 30 families, 62% of those families are from Franklin and of the other 38%, most of those families work in Franklin and is the only licensed child care center in Franklin. In 2005 a grant was applied for with the Department of Education in the amount of \$52,000. The vacant space in the high school was approved to use as the center and Tiny Twisters was given a 4-year lease and an agreement to rehabilitate the space. Tiny Twisters secured a loan through New Hampshire Community Loan Fund and were used to rehabilitate the space. The cost to bring the space up to code was \$118,000. Since beginning they have become a Granite United Way partner and have received over \$50,000 in grant funds to address the early education needs in the community. They have also received in excess of \$20,000 in grant fund for different aspects of the program. Some of the funds have been two grants from Franklin Savings Bank and have been used for scholarships for high school students who have become young parents for their childcare costs while they return to school. Tiny Twisters does not receive any funds from the City of Franklin or from taxpayer monies. Since the changing of school administration, Tiny Twisters find themselves in a predicament with the lease with the School District. The lease was originally to expire in August of 2011. Because of the community loan fund/reconstruction of the space if Tiny Twisters leaves in June of 2012, the balance on the loan would be just over \$53,000. The School Board has agreed to extend their lease agreements 10 months with a new ending lease date of June 30, 2013. The loan at that time will be over \$23,000. They have requested the school board extend their lease to the end of their loan which would be January, 2014.

Ms. Richardson stated in the future they may ask for the support of the Council in applying for community development block grant money to assist in creating a new location for Tiny Twisters. Manager Dragon advised that she has been in discussion with Tiny Twisters and stated they are looking at different options when they are required to move from the high school. One of their options would

be to apply for a community development block grant but only towns and cities can apply for the grant. So the City itself would have to apply for the community block grant but the application would be prepared by Tiny Twisters with the assistance of an engineer, and a public hearing would be required. Mayor Merrifield commented that the Council in the past acted in a similar fashion with Webster Place. Councilor Bowers stated he would support this, he further stated he does not feel Tiny Twisters should be in the high school.

Resolution #03-11, - a supplemental appropriation in the amount of \$152,000 to be transferred from the Water Department, Capital Reserve for a Water Main Replacement on Memorial Street.

Motion made by Councilor Bowers that the Franklin City Council schedules a public hearing on Resolution #03-11 for Monday, March 7, 2011 at 7:05 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Feener.

Mayor Merrifield read the resolution into the records:

RESOLUTION #03-11

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2011.

In the year of our Lord, Two Thousand Eleven,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2011 which began July 1, 2010, and;

WHEREAS, the City Council recognizes the aging water main on Memorial Street, and;

WHEREAS, the City Council wishes to address this issue simultaneously with the federal funded downtown transportation reconstruction project, and;

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WHEREAS, the City Council wishes to use capital reserve monies set aside for the water fund, Now

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, March 7, 2011 the City Council of the City of Franklin, New Hampshire does hereby approve the Water Main Replacement Project on Memorial Street and authorizes the following non lapsing appropriations:

An increase in revenues, Transfer In – Capital Reserves Acct# 21-0-000-39150-000 – One Hundred Fifty Two Thousand Dollars (\$152,000),

And an increase in expenditures, Capital Outlay Acct #21-0-332-40798-000 - One Hundred Fifty Two Thousand Dollars (\$152,000) by a roll call vote.

All in favor, motion to set public hearing passes.

State of New Hampshire, Temporary Use Agreement with regard to Property Owned by the Department of Transportation at the Webster Lake Boat Ramp Parking Area

Manager Dragon advised the Webster Lake Ramp has been actively under discussion for over a year to draft up an agreement. During discussions it was determined that while widening the roadway in this area by DOT that an agreement should have been executed for the continued City use of the portion of right-of-way for the parking area. The agreement has been reviewed by the City Attorney.

Motion made by Councilor Feener that the Franklin City Council authorizes the City Manager to execute a State of New Hampshire Temporary Use Agreement for continued land use by the City of Franklin for the parking area at the Webster Lake Boat Ramp. Motion seconded by Councilor Bowers.

Councilor Andreozzi asked if the liabilities that would be covered by the City are they already included in the City's current insurance and Manager Dragon stated that is correct.

All in favor, motion passes.

Other Business

Committee Reports

Councilor Feener advised that the Joint Finance Committee Meeting will be held Tuesday, February 15th at 7:00 p.m. and a City Finance Committee Meeting will be held at 6:30 p.m.

City Manager's Update

Manager Dragon advised there no additional funds this month to be added to the grant line. Northern Pass has issued a check to the City in the amount of \$2,000 for accessing various City-owned properties and right-of-ways. She provided a spreadsheet showing the breakdown of estimated tax revenues per town/city and also per county and per the State Education funding formula for the Northern Pass Project. Many people are focused on the tax revenue for Franklin and have not realized what some of the other benefits to other communities and Merrimack County which may receive 1.2 million dollars. Some of the other counties will also receive a jump in revenue.

Concerning the Webster Lake Boat Ramp Director Sullivan and Manager Dragon met with fish and Game concerning the building of a new boat ramp at the Lake. Also attending that meeting were representatives from the Department of Transportation and the Attorney General's Office. In addition to the Encroachment Agreement discussed earlier it was determined that the length of lease agreement which is normally 30 years could be reduced to 20 years which is being drafted.

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here was concern expressed that why if DOT decided to expand Route 11 even more in the next 20 to 30 years which is beyond the City's control and was a reason we want a lease for only 20 years. Some had the understanding that after this ramp is built large boats would be able to brought down to the ramp and that is not the case, the new ramp will be very similar to the other ramp, the angle will change but that is it. Construction of the boat ramp may begin this spring.

Manager Dragon stated they have been reviewing the Disorderly Residence code and the Property Maintenance code in order to be more effective. Planner Lewis has taken a look at some other communities and their codes and found the ordinances in Durham offered some helpful ideas. A Legislative Committee Meeting was set for February 15th at 5:30 p.m. to review both the Disorderly Residence ordinance and the Property Maintenance Code.

The cleanup at 601 South Main is in Phase I of the Brownfield grant. EPA has tested the barrels located on the property and has removed them. After approval from the court, a crew from the county jail was on site to remove trash and clean up the building.

Manager Dragon advised that several managers have received the Metrocast letter concerning agreement renewal and she advised the managers will get together as a group to discuss the agreements and see if there are some things they can look at together as a group.

On January 26, 2011 Manager Dragon and Director Sullivan attended a meeting of the Winnepesaukee River Basin Program and at that meeting the DES Commissioner agreed to draft some guidelines for making decisions during the transition period. The concern is with the current project which has been brought to 90% plus design and has gone out to bid. The Advisory Board has voted to allow the project to go out for bid as there is a concern that outside funds that could be lost. There will be discussions as to what would happen if the communities don't support the project which is already partly in the works.

Resignation

Motion made by Councilor Bowers that the Franklin City Council accepts the resignation of Mrs. Carol A. Edmunds, Supervisor of the Checklist. Motion seconded by Councilor Sharon. All in favor, motion passes.

Nomination made by Councilor Audet that the Franklin City Council appoints Mr. Robert Lucas to the School Board, Ward I. Motion seconded by Councilor Sharon. All in favor, motion passes.

Motion made by Councilor Feener that the Franklin City Council enter into non-public session under RSA 91-A:3, II d the buying, selling, or leasing of property, where public discussion would give someone in the community an unfair advantage adverse to the general public. Motion seconded by Councilor Bowers.

Roll Call:

***Councilor Andreozzi – Yes
Councilor Trudel – Yes
Councilor Sharon – Yes
Councilor Starkweather – Yes***

***Councilor Bowers – Yes
Councilor Audet – Yes
Councilor Feener – Yes
Councilor Clarenbach – Yes***

All in favor, motion passes

A 5-minute recess was called by Mayor Merrifield. The Council entered into non-public session at 8:10 p.m. The Council came out of non-public session at 8:55 p.m.

Motion made by Councilor Feener and seconded by Councilor Bowers that the Franklin City Council seal the minutes of the non-public session as releasing them would make the action taken ineffectual.

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Roll Call:

Councilor Andreozzi – Yes

Councilor Trudel – Yes

Councilor Sharon – Yes

Councilor Starkweather – Yes

Councilor Bowers – Yes

Councilor Audet – Yes

Councilor Feener – Yes

Councilor Clarenbach – Yes

All in favor, motion passes

***Motion made by Councilor Feener and seconded by Councilor Bowers to adjourn.
Motion passes. Meeting adjourned at 9:00 p.m.***

Respectfully submitted,

Sue E. May

DRAFT