

**CITY COUNCIL MEETING
JUNE 6, 2011**

Call to Order

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

In Attendance

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

Public Hearings

Ordinance #04-11 – this ordinance concerns changes to the City Fund Balance.

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

Resolution #05-11 – this resolution would increase the contingent grant appropriations from \$20,000 to \$50,000. Mayor Merrifield opened the public hearing; no one came forth to speak, the public hearing was closed.

Resolution #06-11 – this resolution concerns a supplemental appropriation in the amount of \$1,220.00 as matching funds to purchase a Carbon Monoxide Hemoglobin Reader for the Franklin Fire Department. Mayor Merrifield opened the public hearing; no one came forth to speak, the public hearing was closed.

Comments from the Public

Mr. Robert Desrochers, resident Ward II addressed the Mayor and Council stating something needs to be done about Code Enforcement. He suggested more teeth needs to be put into the codes as there are areas all over Franklin that need to be addressed. He commented some placed the grass is a foot tall, homes have shingles falling off, roofs falling in. He further commented specifically on Franklin Street stating all kinds of problems.

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Municipal Services Director Sullivan announced that the City of Franklin has been presented with an award from the NRRRA (Northeast Resource Recovery Association) for the most improved per capita for recycling for the State of New Hampshire. Manager Dragon was presented with the award and Director Sullivan thanked everyone that participated in the educational process and all the citizens that have backed the program. Manager Dragon commented that Franklin began shipping single stream materials through NRRRA in March, 2010. In 2009 Franklin recycled 79 pounds per person and in 2010 Franklin recycled 267 pounds per person. Mayor Merrifield commented that no one deserves more credit for this program than Director Sullivan.

Choose Franklin

Mrs. Sarah Stanley, Co-Chair with Councilor Andreozzi of Choose Franklin stated Choose Franklin is in their 6th year, meeting is held the first Thursday of every month, however, there will be no meeting in July and the next meeting will be at City Hall August 4th. Mrs. Stanley reported that their last meeting was held at Franklin Regional Hospital and to learn of some of the struggles the hospital is going through due to reduced health benefits as currently demonstrated in the State Budget and she commented that it was a bit disheartening as the hospital not only provides healthcare to the community, but is a major employer for the community. She advised they are working with DES to try to have a scheduled water release in the summer months; that may be a possibility for 2012. She advised that are in the process of planning another Candidate's Forum and are looking at September 26th in the Council Chambers. Any feedback concerning the forum is welcome. Mrs. Stanley thanked FBIDC for Mrs. Sharlow's efforts in writing the grant to once again have the flowers downtown and she also thanked Mr. George Dzujna for his efforts with this project.

Mrs. Stanley requested that any Choose Franklin Advisory Board members please come forward to make a special recognition to Chief Goldstein. Mr. Lucas presented a certificate of appreciation on behalf of Choose Franklin to Chief

Goldstein and the Franklin Police Department on behalf of all the work done in investigating drug activity in the City of Franklin.

Legislative Comments

Representative Rago commented on Bill SB2 concerning the tax cap for municipalities which has been passed by both the House and the Senate. SB183 concerning adequate education grants and basically it commits to every district they will be receiving what they received this past year; they will not receive any less in the future and they can receive more. She advised Franklin received 8.5 million.

City Council Acknowledgement

Councilor Andreozzi thanked Ms. Marcia Rollins and her team for all the work on Community Day. She also thanked the City Departments for their part in Community Day. Councilor Trudel expressed his appreciation to members of the Armed Forces that were on the beaches of Normandy this day in 1944 without their sacrifice we may not all be here today. In addition, he thanked all the members of the Choose Franklin committee and the City employees who participated in Community Day.

Mayor's Update

Mayor Merrifield reminded everyone that because of Independence Day, the City Council Meeting has been moved to Monday, July 11, 2011. Mayor Merrifield advised he had sent out an email concerning soliciting councilors to serve on the AD-Hoc Citizens Committee that was mentioned at the Joint Meeting with the School Board and he requested any councilor interested to let him know. Mayor Merrifield advised he would like to move Agenda Item XII. concerning the Webster Lake Boat Ramp to Agenda Item Ia.

Minutes

Motion made by Councilor Bowers that the Franklin City Council approves the minutes of the May 2, 2011 City Council Meeting. Motion seconded by Councilor Feener.

Councilor Andreozzi pointed out that on Page 7 under Comments from the Public where it states Mrs. Sharon advised, it should read Mrs. Sharlow.

All in favor; minutes approved as corrected.

Webster Lake Boat Ramp

Motion made by Councilor Feener that the Franklin City Council authorizes the City Manager to execute a lease agreement with the State of New Hampshire for the Webster Lake Boat access area. Motion seconded by Councilor Boyd.

Councilor Andreozzi questioned the enforcement of the rules and regulations. Police Chief Goldstein advised that the Police Department would be able to patrol and enforce the rules along with Conservation officers.

Councilor Starkweather thanked Representative Reed for all the work he has done on this project. He inquired on Page 5 of the agreement where it states the Boat Access Area shall be subject to 24 hour public use but on the first page of Chapter Fis 1600 it states it shall be open to the public 24 hours a day except that between 10 pm and 5 am. Councilor Starkweather was advised it is still open but only for the intended purposes of fishing, launching and/or retrieving boats during those specifically noted hours. Councilor Starkweather questioned if the bath house would be shut down in the winter as there is no language to state it is closed in the winter. It was agreed the language could be clarified. Councilor Clarenbach commented there is no mention of the water line concerning Item 14. Municipal Leach Field and it should be identified that a water line runs across. Councilor Clarenbach inquired if the beach is one parcel and the parking is the second

parcel. He was informed the parking is a separate tax map from the beach. Councilor Clarenbach commented and the State will do the surveying to identify where the beach and bath house are located and comment was made that the surveying has already been completed.

Mayor Merrifield explained for those attending the Council meeting that this is in order for the City to be able to access State funds to replace the boat ramp at Webster Lake which has been needed for a number of years.

All in favor of the motion authorizing the City Manager to execute a lease agreement with the State of New Hampshire for the Webster Lake boat ramp.

School Board Monthly Status Report

School Board Member Al Warner addressed the Mayor and Council advising that it appears that adequacy funding from the State will be level funded. June 13th is the Class Day Parade; June 17th is Graduation; and School gets out June 22nd. The monthly school board meeting has been moved to June 27th to accommodate the middle school graduation June 20th. \$72,400 in scholarship funds has been awarded to students this year.

Agreement between the Franklin School District and Franklin custodians AFSCME AFL-CIO

Motion made by Councilor Feener that the Franklin City Council reconsiders the Custodial Contract for the School District; motion seconded by Councilor Clarenbach.

The following motion is now before the Council: That the Franklin City Council ratifies the Agreement between the Franklin School District and Franklin Custodians AFSCME AFL-CIO, July 1, 2011 to June 30, 2013.

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Councilor Bowers commented that he thought this agreement provided a 0% increase for the first year and a 1% increase for the second year. He was advised it is 1% for the first and the second year.

Councilor Bowers stated he will vote this down again as the City employees are facing no raises or COLA. Chair Yonaitis advised the increase is 1% per year with parity to any teachers' contract falling into the same time and currently there is no new teachers' contract. He stated turning down the contract will cost the District an additional \$7,748.00 because the custodians were changing the amount that they paid into the insurance. Most of the employees are single and they would go from paying 10% to 15%. The two-person plan was going from 70% to 75% the first year and the family plan from 60% to 70%. In the second year it would stay at 85% for single, and two-person would go from 70% to 80% and the family would go from 70% to 75%. He stated the way it stands right now even with the 1% increase and insurance going up 12% this year, it will cost if the contract is approved \$9,102 to the District while if it is not approved it will cost the District \$16,850. Mayor Merrifield clarified that if the Council fails to ratify the contract it will cost the District an additional \$7,748.

Councilor Andreozi stated she had a question concerning the previous contract and City Manager Dragon commented that she looked at the last two contracts, and both were passed unanimously.

Vote: In favor of ratification – 7: Opposed – 2 Contract is ratified by City Council.

Ordinance #04-11 – this ordinance concerns fund balance

Motion made by Councilor Bowers that the Franklin City Council approves Ordinance #04-11 pertaining to Chapter 27, Article I of the City of Franklin Code, Fund Balance. Motion seconded by Councilor Feener.

Roll Call Vote:

***Councilor Andreozzi – No
Councilor Bowers – Yes
Councilor Trudel – Yes
Councilor Boyd – Yes
Councilor Feener – Yes***

***Councilor Sharon – Yes
Councilor Audet – Yes
Councilor Starkweather – Yes
Councilor Clarenbach – Yes***

Ordinance #04-11 is passed.

Resolution #05-11 – this resolution increases grant appropriations for both expenditures and revenues from \$20,000 to \$50,000.

Motion made by Councilor Bowers that the Franklin City Council adopts Resolution #05-11 by a roll call vote. Motion seconded by Councilor Feener.

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***

Motion #05-11 is adopted by a unanimous vote.

Resolution #06-11 – a supplemental appropriation in the amount of \$1,220 from funds held in Trust to match funds provided by Professional Fire fighters of New Hampshire Grant for the purchase of a RAD 57 Carbon Monoxide Hemoglobin Reader.

Motion made by Councilor Starkweather that the Franklin City Council approves Resolution #06-11 by a roll call vote. Motion seconded by Councilor Feener.

Roll Call Vote:

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***Councilor Trudel – Yes
Councilor Andreozzi – Yes
Councilor Boyd – Yes
Councilor Audet – Yes
Councilor Bowers – Yes***

***Councilor Feener – Yes
Councilor Sharon – Yes
Councilor Starkweather – Yes
Councilor Clarenbach – Yes***

Resolution #06-11 is approved by a unanimous vote.

Ordinance #01-12 – this ordinance concerns the establishment of a fee for landlord filing.

***Motion made by Councilor Bowers that the Franklin City Council sets a public hearing regarding Ordinance #01-12 for Monday, July 11, 2011 at 7:05 p.m.
Motion seconded by Councilor Feener.***

Mayor Merrifield read Ordinance #01-12 into the record:

ORDINANCE #01-12

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Eleven;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 160, Fees, 160-1 Fees charged for service by the City of Franklin be changed as follows:

	<u>Current Fee</u>	<u>Change To</u>
Landlord Filing Fee	\$0/each occurrence	\$15/each occurrence

Fee to be effective July 1, 2011

All in favor, public hearing is scheduled.

Ordinance #02-12 – this ordinance concerns league fees.

Motion made by Councilor Feener that the Franklin City Council sets a public hearing for Monday, July 11, 2011 at 7:06 p.m. on Ordinance #02-12 relating to league use/field fees. Motion seconded by Councilor Bowers.

Mayor Merrifield read Ordinance #02-12 into the record:

ORDINANCE #02-12

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Eleven;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 160, Fees, 160-1 Fees charged for service by the City of Franklin be changed as follows:

	<u>Current Fee</u>	<u>Change To</u>
League use of fields, per season only)	\$300/season (all leagues)	\$300/season (adult leagues only)

Fee to be effective July 1, 2011

All in favor, motion passes to schedule public hearing.

Winnepesaukee River Basin Program (WRBP) and Proposed NHDES UV Disinfection/Plant Water/SCADA Improvement Projects for the River Street Wastewater Treatment Facility

Motion made by Councilor Bowers that the Franklin City Council instruct Brian Sullivan, City of Franklin, Advisory Board Member to the WRBP to vote in favor of moving forward with the proposed NHDES UV Disinfection/Plant Water/SCADA Improvement Projects for the River Street Wastewater Treatment Facility. Motion seconded by Councilor Starkweather.

Director Sullivan advised that he is recommending that the Council vote in favor of these improvement projects and in the end it will be a savings to the rate payer.

All in favor, motion passes.

Deed Waivers

Motion made by Councilor Bowers that the Franklin City Council authorizes the City Manager to sign deed waivers for properties that had been scheduled for tax deeding and have entered into an acceptable payment arrangement.

Motion seconded by Councilor Sharon. Motion passes. 8 Yes votes and one abstention.

Tax Map 117, Lot 118, 73 Elkins Street

Motion made by Councilor Feener that the Franklin City Council accept the tax deed for Map 117, Lot 118-00, seconded by Councilor Audet.

Motion made by Councilor Feener, seconded by Councilor Starkweather to postpone consideration of this tax deed until the Monday, July 11, 2011 City Council Meeting. Motion seconded by Councilor Starkweather. All in favor. This item will be revisited at the July 11 City Council Meeting.

Acceptance of Sky Meadow Lane and Fairway Drive

Motion made by Councilor Bowers that the Franklin City Council authorize the acceptance of the two streets Sky Meadow Lane and Fairway Drive, located in the Sky Meadow subdivision. The City Manager is authorized to take any and all actions necessary and appropriate to complete the transfer of the ownership of the road and the right-of-way to the City of Franklin and to expend any of the available Letter of Credit funds to complete the roadway improvements.

Vote: Motion passes 8 yes, 1 no.

Watershed Assistance Grant/Aquatic Resource Mitigation Funds

Motion made by Councilor Bowers that the Franklin City Council authorize the acceptance of the Aquatic Resource Mitigation funds and the Section 319 Watershed Assistance Grant funds to facilitate watershed protection improvements and efforts to be located on Lake Shore Drive in the general area between Apply Farm Road and North Shore Lane. The City Manager is authorized to sign all appropriate contracts or agreements and take any and all actions necessary to assist in the completion of these two projects, including the expenditure of grant funds or other funds appropriated for these projects. Motion seconded by Councilor Feener. All in favor, motion passes.

Other Business

Committee Reports

Councilor Feener scheduled a Legislative Committee Meeting for Thursday, June 23 at 5:30 p.m. at Franklin City Hall meeting room located on the lower level for review of Ordinance #06-11 concerning Disorderly Residence.

Councilor Bowers requested that the Finance and Legislative Committees look at possibly bringing control of the School District budget back to the City Council. Councilor Feener advised that would be looked into in the future.

City Manger's Update

Contingency Grant Line: The City received \$9,000 from Eva Montembeault to be used for items at the Parks and Rec Department. FBIDC received a grant in the amount of \$5,000 for the City to purchase the utility vehicle being used to water the hanging baskets of flowers.

Northern Pass Project: Manager Dragon advised she attended a hearing on May 19th concerning HB648 (Eminent Domain) and the bill has been re-re-referred.

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Winnepesaukee River Basin Program Agreement: Manager Dragon advised some changes to the agreement have been proposed and have been provided in the Council packet and the Attorney General's office is now reviewing the amendments.

Bessie Rowell School: Manager Dragon commented that with the closing of Bessie Rowell that the possibility of moving the Parks and Recreation Program to this building should be considered.

Manager Dragon advised that in the budget packet there are no agreements from the two Unions. There has not been much communication from the MSD Union and the status for that union is unclear at this time. There have been several meetings with the Teamsters Union for the Police Department and currently there is no agreement.

MetroCast Agreement: Manager Dragon advised a letter was received reminding the City it is time to begin conversations concerning the renewing the franchise agreement. Other communities received the same letter and creating a Cable Consortium was being considered. Manager Dragon discussed with the City Attorney whether it would be beneficial to join the Consortium and Manager Dragon was informed by the City Attorney that it would be beneficial and financially beneficial to join the Consortium. Manager Dragon reported that she has received a letter from their attorney and the letter lists some time lines. In the letter it states in order to protect and preserve the City's options under the formal process for the renewal of a franchise, the City must initiate and ascertain a process to determine the future cable related needs and interest of the Community within 6 months of the date of the letter which means the month of June. Manager Dragon stated the initiation process is fairly simply; we put it in the paper stating we are beginning the initiation process, we open it up at one of our budget meetings and state the City will be holding future meetings in the future but we must schedule this first hearing in June. Manager Dragon requested this be added to the June 21st Budget Workshop Meeting. The Council was in agreement putting this item on the agenda for the June 21st meeting.

Manager Dragon advised she received a request from the Ad Hoc Committee created with the school to further relationships between the school and the City Council and it was a substantial request and terms of information. Manager Dragon advised she spoke with the Chair of the Committee and he was in agreement to treat the request for the information as a right to know law request so all the documents that had been requested were put on the City's website.

Councilor Boyd expressed a concern that he has been asked many times what the majority of the Council feel about the Northern Pass Project and he commented that the City Council has never voted on this project, he stated he has never heard the City Council say they are totally in favor of the Northern Pass Project. Councilor Boyd stated that he feels it is very important for the Community for the people to know that the Councilors that represent them are in favor of this project or you are not. Councilor Trudel stated in view of the meetings that have been held here that it was a clear understanding that it appeared they was support but he did state he cannot speak for anyone else but that he supports it but there are still some things to be resolved by the State. Councilor Boyd stated you can always assume but that he would like to know how the rest of the Council feels about the project that could benefit the entire State and the future of New England. Councilor Bowers commented that he has spoken down in Concord and publicly in support of the project and would be in favor of taking a formal vote for support of the project.

Motion made by Councilor Bowers that the Franklin City Council sends a recommendation of support to the Northern Pass Initiative. Motion seconded by Councilor Boyd. Motion passes by a unanimous vote.

Councilor Andreozi requested information on the Ad-Hoc Committee and stated there was no reference in minutes concerning this committee and she inquired if this is to be an official committee who will they report to and that 91-A is observed. Mayor Merrifield stated his understanding is this group would not be operating under the auspices of the City Council or the School Board, they will be independent. The group that has gathered will be composed of two

representatives from each ward plus an appointee from the City Council by the Mayor and an appointee from the School Board by the School Board Chair. The appointment from the School Board is Ms. Karen Grzelak. Mayor Merrifield stated it has been suggested that they follow 91-A because they are going to be offering advice to elected officials so they plan to post their meetings and keep minutes.

Late Item

Animal Shelter Grant

Motion made by Councilor Bowers that the Franklin City Council approves the City to act as fiscal agent for the Franklin Animal Shelter for the purpose of receiving and expending a \$5,000 grant from the New Hampshire Charitable Foundation to assist in the purchase of Shelter Pro Software and to provide veterinary support. Motion seconded by Councilor Feener. All in favor; motion passes.

Motion to adjourn made by Councilor Starkweather, seconded by Councilor Bowers. All in favor, meeting adjourned at 9:10 p.m.

Respectfully submitted,

Sue E. May