

**CITY COUNCIL MEETING  
NOVEMBER 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 Andreozzi.

**In Attendance**

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

**Public Hearing**

**Resolution #03-12 (continued from the October 3, 2011 City Council Meeting) –**

This resolution authorizes the City Council and the City Manager to borrow funds from the State of New Hampshire Drinking Water State Revolving Loan Fund for the Willow Hill/Cross Street Water Storage Tank Replacement Project.

Mayor Merrifield opened the public hearing. Director Sullivan stated over the past 25 – 30 years the City has had several engineering studies done looking at its distribution system for the water. One of the key components is the Cross Street/Willow Hill tank located on Willow Hill, a 500,000 gallon tank that was installed in 1964. It services a rather small area of approximately 800 to 1,000 customers; it relies on a booster station to get the water to the tank. The tank was set at a lower elevation and although it has not yet been an issue the problem has been the elevation of the tank; the tank has a 140 thousand gallons of usable volume so if the tank falls below 360 thousand gallons, pressures are affected. When it gets down to about 40 feet there is a potential for the area over at Hannaford's of running out of water. Therefore, it depends on the City Water Department being able to pump from the Sanborn well field through a booster station on Babbitt Road up to the tank. Records indicate 140 to 160 thousand gallons daily to keep this tank full. The concern is to look ahead and try to address some of the long standing problems. Another issue is cost as at some

point the interior and exterior will need to be sandblasted; it is a lead painted tank which would require lead abatement which could be \$500,000. A cost benefit analysis was done, three potential tank sites were considered; one being the existing site. Director Sullivan stated the reason this situation is being accelerated is the State of New Hampshire has a State Revolving Drinking Water Fund; there were 14 locations that were chosen around the State to receive monies for year 2010 and what happened a couple of the communities could not come up with the match so the City of Franklin moved up on the list. The City was approached by DES with a potential of receiving up to 40% forgiveness or 40% grant. Director Sullivan stated now the Council will make the decision as to whether we move forward with this project now. He stated it is inevitable at some point that something has to be done with this tank whether it is a repair job at a cost of \$500,000. He stated it is a smaller water system but in terms of storage if the City could double the capacity, if there was ever a problem with the booster station at Babbitt Road or some other failure in the system, there could be potential of having customers without water for days.

No one from the public came forth to speak; Mayor Merrifield closed the public hearing.

### **Comments from the Public**

Mr. Patrick Speikers, 81 Terrace Road addressed the Mayor and Council requesting that the City Council look into the building permit process. He commented that he and his neighbors were failed because they were never notified during a process of building in their neighborhood. He stated a house was therefore built without any of their opinions or concerns. He stated tax maps are not deeds and tax maps was what was referenced on this building permit. He stated if a little more effort had been made up front waiver forms would not be needed. People need to be held accountable and he said they feel there was no accountability. He stated a 1,200 sq ft home was damaged and the resident rebuilt and he went from 1,200 sq ft to 2,500 sq ft and exceeded setbacks on both sides. He encouraged the Council to look into the building permit process.

City Council Meeting  
November 7, 2011  
Page 3

Councilor Bowers asked Mr. Speikers which Board he went to and was told it was the Zoning Board.

### **Legislative Comments**

None

### **City Council Acknowledgement**

Councilor Bowers complemented on the election workers on a great done handling and serving the public on Election Day.

### **Mayor's Update**

Mayor Merrifield commented that he has distributed a resignation letter to the Council from Mr. Brian Boynton who has resigned from the School Board. Mayor Merrifield pointed out that Mr. Ed Cogan won a seat on the School Board from the same Ward in the recent election and with this vacancy if the Council should choose to do so, he could be appointed to fill this vacancy and he could begin serving right away.

***Motion made by Councilor Bowers that Mr. Ed Cogan be appointed to the School Board, Ward II to fill the vacancy because of a resignation. Motion seconded by Councilor Sharon. All in favor, motion passes.***

Mr. Cogan was elected to a three-year term on the school board and he will begin serving that term in January, 2012.

Mayor Merrifield advised that last week he and Planner Dick Lewis attended a public hearing on the Industrial Park Drive project that was held by DOT at the Paul Smith School and in the course of the public hearing the officials from DOT mentioned that there was potential in the project for cost to the City of Franklin which was a surprise, as the impression was this project would not cost the City

anything. They have discovered that there is a water main in the intersection that may have to be moved as a result of the project and the moving of municipal utilities is a City problem. They could not identify the costs, scope or anything, and they had just been made aware of the water main.

### **Approval of Minutes**

***Motion made by Councilor Sharon that the Franklin City Council approves the minutes of the October 3, 2011 City Council meeting, motion seconded by Councilor Bowers.***

Councilor Andreozzi commented she believes Chief Smith was incorrectly stated on Page 5 that it should read some weeks they work 48 hours, not 42. Mayor Merrifield advised on page 3 under school board report, it should read Mr. Keith Lohmann addressed the Mayor and Council and on Page 4 it should read Councilor Bowers recused himself.

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

### **Casey Family Services**

Mr. Cary Gladstone and Mr. Joe McKellar addressed the Mayor and Council with an update of services offered by Casey Family Services. Mr. Gladstone stated Casey Family has been active in Franklin for at least 10 years and are working in the community with their foster care and adoption programs as well as working with at risk families in their homes. Their current grant supports the After School Program at the Middle School and the Before and After School Program at the Paul Smith School which will end at the end of the 2011-2012 school year. A grant will be applied for by the School District and community partners to continue these programs. Mr. Gladstone stated they will continue to offer their Income Tax Assistance Program and stated they are always glad to have volunteers to assist in this program.

Mr. Gladstone requested on behalf of Casey Family Services that the City Council give their support on the application for the 21<sup>st</sup> Century Community Learning Center Grant. Mayor Merrifield inquired if a letter of support for the grant is needed and Mr. Gladstone responded yes. He stated the SAU will be preparing a packet. Mayor Merrifield stated without objection from the Council a letter will be prepared in support of the grant.

### **School Board Monthly Report**

Mr. Keith Lohmann reported that on November 10<sup>th</sup> the Franklin District will have Chief Goldstein as a speaker at their meeting. Also Attorney Upton will present the pros and cons of social networking. He advised they are working with a higher number than usual of court placed education students and there are budgetary implications that accompany the number of students. Mr. Lohmann advised information was dropped off at City Hall today concerning questions that were raised at the Joint Finance Committee Meeting. Manager Dragon inquired if he is referring to an email as she received an email in the afternoon. Manager Dragon advised she did forward the email to the Chair of the Finance Committee and the Finance Director and she stated she will forward it on to all the Councilors.

**Resolution #03-12 – this resolution authorizes the City Council and City Manager to borrow funds from the State of New Hampshire Drinking Water State Revolving Loan Fund for the Willow Hill/Cross Street Water Storage Tank Replacement Project.**

***Motion made by Councilor Bowers that the Franklin City Council adopt Resolution #03-12 by a roll call vote, motion seconded by Councilor Starkweather.***

Councilor Bowers advised the MSD Committee has been discussing this project for several months and what it comes down to is the grant monies are drying up. The City has qualified for 40% forgiveness. Because of the census and other priorities,

If the City were to reapply for the grant; the City would only qualify for 15% forgiveness. Director Sullivan commented that DES is saying it is based on household income and that the income has gone up in Franklin according to the census and affects the forgiveness rate. He further stated maximum is usually 20% and is unheard of to offer 40%.

Councilor Bowers stated the Committee realizes there are two other tanks in the very near future that are going to need to be replaced in West Franklin. There was discussion on taking the grant funds and replacing all three tanks but in order to do that the City would have to reapply and the 40% forgiveness would be lost so that option was taken off the table. Another option that was discussed is the fact that there is approximately \$443,000 in excess working capital in the Water Fund due to the fact that money has been regularly set aside to pay the bond payments and the payments for the water treatment plant have not yet begun. Discussion was to either pay down the bond less with no water rate increase; however, that option does not help with the two tanks in West Franklin that would have to be bonded.

Councilor Bowers stated with interest rates as low as they are now and with a very small water rate increase now, he stated funds can be added to the excess working capital because bond payments won't begin possibly for two years. He stated this way there would be almost enough capital when the project is finished and begin paying the bond to actually pay for both tanks in West Franklin in cash without bonding. The Committee came to the conclusion that this is the best option to pursue. Councilor Bowers stated this project would take care of a 40 year old problem, the City will have an opportunity to gain some water new customers and potentially there could be an opportunity to sell water to Tilton.

Councilor Andreozzi requested that Director Sullivan give some background on the tanks and what makes them obsolete and when would this tank be obsolete. Director Sullivan advised the City has 5 tanks; a million gallon tank in the high pressure zone which was installed as part of the waste water treatment plant; the Cross Street/Willow Hill tank which is the tank being discussed, this tank is fed

## City Council Meeting

November 7, 2011

Page 7

through a booster station and located in its own service area, it services Willow Hill all the way to Hannaford; 2 tanks in West Franklin, both tanks were put in around 1964, they are the original cement gunnite tanks. These two tanks were cleaned and refurbished in 2005 and they will be in need of replacement, they were just inspected and Director Sullivan stated they could probably go another 5 years. The Willow Hill/Cross Street tank and the two tanks in West Franklin were built at the same time. He stated the underground tank on Pleasant Street was built in 1995. All tanks have been cleaned and inspected and the ones that offer the great concern are the two in West Franklin and the Willow Hill tank which is under capacity for that zone. He stated the Willow Hill/Cross Street tank is the problematic tank. The million gallon tank is too much water and if the system was looked at again, it would probably be designed differently. He stated the tanks are in pretty good shape, however, the Willow Hill tank is definitely going to have to be painted and serviced and that is about a \$500,000 item. In order to replace this tank on its existing site, it would require going to a higher elevation to increase the pressures, and there are some concerns about a higher tank in that neighborhood as it would be increased from 90 feet to 120 feet. When you do a cost benefit analysis and look at the present site versus the site that is preferred off of Hampshire Drive, it is not that much more money with a potential of serving more customers in the future and would improve fire service to the Hampshire Drive area and Ward Hill where there is presently no fire protection. Councilor Andreozzi asked how long this tank would last if it is only refurbished. Director Sullivan responded you could probably get another 20 years out of it but the problem is if the City is to spend the \$500,000 to refurbish the tank, Director Sullivan commented his concern is that there is only 140 thousand gallons of the tank is considered usable volume, when it falls below the 140 thousand gallons or gets half full, pressure problems begin to happen throughout the service area. He stated you are suppose to deliver 35 pounds minimum pressure to a house, there are some homes in this service area that have less than the 35 pounds. He stated even a larger issue for him is the fact that a generator was just put in at Sanborn, if the system ever went down, there is not enough water in this tank to provide water to that service area for 3 days and one guideline DES established is there should be a 3 day supply in the tank and there is definitely not a 3 day supply in

this tank. Director Sullivan the grant funds are available but if we go ahead and just refurbish the tank and get 20 more years out of it, we are not addressing the problem of usable volume.

Councilor Clarenbach advised he is on the MSD Committee and voted to forward this to the Council. He stated he does have a concern that the City would be spending 1.8 million dollars and if there is not a component from the Tilton piece which at this time we do not know, it is a big roll of the dice. There is already a million gallon tank at the top of Pleasant Street that the City doesn't even use 100,000 gallons in a day from that tank and now we are considering putting a million gallon tank in the middle of Hampshire Drive with almost a mile and half of pipe to get it there with few customers off of it. He stated if the City can sell water that would help; however, he stated he approached someone from Tilton/Northfield and they are currently meeting to try and get two private entities to pay for a ½ million gallon tank to be installed in Tilton. If they can get the private developers to pay for it, it will be a lot cheaper for them than buy water from Franklin. He stated for him the 1.8 million dollars and the bond for 20 years is a lot of monies to spend to fix a problem that he stated he is not sure is that big of a problem in the current format.

***Roll Call Vote:***

***Councilor Clarenbach – No***

***Councilor Starkweather – Yes***

***Councilor Sharon – Yes***

***Councilor Bowers – Yes***

***Councilor Audet – Yes***

***Councilor Boyd – No***

***Councilor Feener – Yes***

***Councilor Trudel – No***

***Councilor Andreozzi – No***

***Resolution #03-11 passes: 5 Yes votes; 4 No votes.***

**Ordinance #08-12** – this resolution increases the water charge per 100 cubic from \$4.51 to \$4.66.



***Motion made by Councilor Bowers that the Franklin City Council set a public hearing on Ordinance #08-12 for Monday, December 5, 2011 at 7:05 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Feener.***

Mayor Merrifield read Ordinance #08-12 into the record:

**ORDINANCE #08-12**

**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 Water/Sewer Department be changed as follows:**

	<u>Current Fee</u>	<u>Change To</u>
Water Commodity Charge per 100 cubic feet	\$4.51	\$4.66

**Fee to be effective October 1, 2011**

**All in favor, public hearing to be scheduled.**

**MetroCast Cable Franchise**

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing for Monday, December 5, 2011 at 7:06 p.m. in the Council Chambers, Franklin City Hall as part of the cable franchise renewal proceedings between the City of Franklin and MetroCast. Motion seconded by Councilor Bowers. All in favor, motion to set public hearing passes.***

**Brownfields Grant Application and Public Meeting**

***Motion made by Councilor Bowers that the Franklin City Council vote to authorize the City Manager and Staff to prepare and file Brownfields Cleanup Grant application for 601 South Main Street. Motion seconded by Councilor Feener. All in favor, motion passes.***

Councilor Bowers inquired about the setting of the public meeting, if that is a Council meeting. Manager Dragon responded that it is and the reason for the November 21<sup>st</sup> date is because the City is within a time frame that it has to be before November 28<sup>th</sup> as November 28<sup>th</sup> is the deadline for the application and the hearing has to be held ahead of November 28<sup>th</sup>. Councilor Andreozzi inquired as to what the hearing is for, to hear comment on whether people want us to apply for the grant or want the cleanup. Manager Dragon stated most times no one comes to these public hearings but it is a requirement that a hearing must be held with the draft application and take comments.

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing regarding the Brownfields Cleanup Grant Application for Monday, November 21, 2011 at 6:30 p.m. in the Council Chambers, Franklin City Hall to gather information and comments on the grant application. Motion seconded by Councilor Bowers. All in favor, motion to set public hearing passes.***

**Other Business**

**Committee Reports** – None

**City Manager's Update** – Written report attached to these minutes.

In addition City Manager Dragon stated with regard to Bessie Rowell School that she has inquired about the \$15,000 that appeared in the School's budget for the closing of the school to learn if any or all of those funds are available as it would be helpful if some of those funds could be used to maintain the building until the

time it is occupied again. She referenced keeping the heat on at a low temperature as one expense. She stated that at best nothing would be happening with the building until March so there is some time that the building will continue to be in its present state and so she stated she is asking for consideration for those dollars. Business Administrator O'Neill put together a spreadsheet and the remaining balance of the \$15,000 is \$8,076.18.

Manager Dragon advised that the City has received another Domestic Violence Grant, it is not part of the contingency grant line because there is a match for that which is run through the department but was actually budgeted at the time the budget was prepared. It is another \$20,000 Domestic Violence Grant.

Manager Dragon stated the Mayor and Councilors should have received a confidential packet concerning her selection for the Welfare Director. There is no action required by the Council but she stated if the Council wishes to have a discussion concerning this position tonight would be the night.

Councilor Sharon inquired about the Downtown project and that he thought all the sidewalks were to be done in concrete but he noticed that there are two places done in asphalt. Manager Dragon commented the Northway Bank asphalt sidewalk is temporary, the one on Memorial Street will remain that way but the ones on Central Street are temporary. Councilor Andreozzi commented the City should consider using any monies that are left over to redesign the area where the add-on bump has been added to the building still makes people walk under where the ice cycles would be. Manager Dragon commented that she had this discussion at an earlier construction meeting; however, they will not walk underneath anymore because the door will be closed and no longer used. Councilor Starkweather stated Smith Street is now two-way but the City Code says it is one-way and the same with Memorial Street. There is signs part-way down Memorial Street saying it is one-way so it should be update in the codes. Manager Dragon stated a temporary traffic order has been done for those locations so it is recorded in the City Clerk's Office and it was discussed at the Highway Safety Committee Meeting. She stated there are a number of changes

that are going to be made so it is planned to return in the spring to make all changes permanent. Councilor Andreozzi inquired concerning Bessie Rowell School if anyone has considered how much fuel is there, when it may need to be filled to keep the building heated, she asked if that is under control and how much will it cost. She stated usually the school would have pre-bought at a certain rate. She was informed it is natural gas with an oil backup. Manager Dragon responded part of the \$8,000 that she is asking for is to continue for the heating and electrical expenses, transitional expenses. Councilor Andreozzi also inquired if arrangements been made to rake or remove the snow from that roof. Manager Dragon stated Brian Barry is monitoring the building so that would be addressed.

**Repurchase of Tax Deeded Property, 296 New Hampton Road, Map 111, Lot 010**

***Motion made by Councilor Feener that the Franklin City Council deed back 296 New Hampton Road, Tax Map 111, Lot 010-00 to Glen Jordan upon receipt of all back taxes and interest due by November 15, 2011. Motion seconded by Councilor Sharon. All in favor, motion passes.***

***Motion to adjourn made by Councilor Feener, seconded by Councilor Bowers. All in favor, meeting adjourned at 8:20 p.m.***

Respectfully submitted,

Sue E. May

