

**CITY COUNCIL MEETING  
OCTOBER 3, 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 Andreozi, Councilor Sharon, Councilor Bowers, Councilor Audet, Councilor Feener, Councilor Trudel, Councilor Starkweather, Councilor Boyd, Councilor Clarenbach, Mayor Merrifield and City Manager Dragon.

**Public Hearing**

**Resolution #03-12** – 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 Project.

Mayor Merrifield opened the public hearing and stated it is his understanding that this public hearing will be continued to next month. Director Sullivan stated based on the discussion at the Municipal Services Committee meeting; he is meeting with DES Tuesday, October 5, 2011 to look at some options. He stated the City has 3 water tanks that need to be replaced over a 7 year period. Originally the City's project ranked 14<sup>th</sup> on the Drinking Water State Revolving Fund, the City qualified because there were municipalities that could not raise the funds and the City of Franklin was bumped up on the list. The City would get a 40% grant forgiveness if the City decides to go forward with the project; the down side is it would require a rate increase. Based on this information and the discussion the MSD Committee had, it was felt a continuation concerning this project would be best and more information could be acquired for the November Council meeting.

There was no comments from the public; the public hearing to be continued.

City Council Meeting  
October 3, 2011  
Page 2

***Motion made by Councilor Bowers that the public hearing concerning Resolution #03-13 remains open, extended to the next City Council Meeting. Motion seconded by Councilor Sharon. All in favor; the public hearing to be continued.***

**Comments from the Public** – None

**Legislative Comments** - None

### **City Council Acknowledgement**

Councilor Andreozzi expressed her appreciation to Jim Aberg, Director of FBIDC for climbing up on the ladder and placing the announcement concerning the City Election on the Regal Sign.

Councilor Bowers recognized Chief Goldstein, commenting there was a very nice article in the Union Leader on the Franklin Police Department's efforts with domestic violence.

### **Mayor's Update**

Mayor Merrifield announced that Governor Lynch has appointed him to the Work Force Opportunity Council, term to September, 2014.

### **Approval of Minutes**

***Motion made by Councilor Feener that the Franklin City Council approves the minutes of the September 12, 2011 City Council Meeting, motion seconded by Councilor Bowers.***

Councilor Andreozzi advised that on Page 12, 4<sup>th</sup> paragraph sentence should read The Planning Board cannot say you meet all the criteria but still not allow that use, the word not should be added. Page 14, first sentence of the 2nd paragraph

the word attention should be intention. Page 15, 4<sup>th</sup> paragraph the last work of the sentence should read sick, not sic.

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

### **School Board Report**

Mr. Keith Lohmann, School Board Member added the Mayor and Council advising concerning professional development on October 7<sup>th</sup> the teachers will be learning techniques to affectively use formative assessments and also how to collect and organize data in order to give appropriate feedback to students on their progress and use the data collected to impact instructional practices. October 24<sup>th</sup> will be a Study Island demonstration which will be held at the Middle School for parents and October 26<sup>th</sup> at the High School for parents and the community. SAU Board Meeting will be held in Hill October 6<sup>th</sup> and the School Board Meeting will be held October 17<sup>th</sup> at Paul Smith School.

**Resolution #03-12** – a resolution concerning the borrowing of funds from the State of New Hampshire Drinking Water State Revolving Loan Fund for the Willow Hill/Cross Street Water Storage Tank Replacement Project.

Councilor Bowers offered some background stating that at the last MSD Committee Meeting and after talking about that all three water tanks need to be replaced in a very short period of time, we are trying to figure out a way to put all of this into the grant and find some other revenue sources as well. It has come to light that this grant cannot be used for the other two tanks so other revenue options are being explored as it has also been learned that if the City were to reapply for this program the City would probably only receive 25% forgiveness instead of 40% forgiveness. He stated a decision has to be made on this program at the next Council Meeting otherwise the funds will be forfeited.

This resolution will be reviewed and voted upon at the November Council Meeting. Motion was made during the public hearing to that effect.

City Council Meeting  
October 3, 2011  
Page 4

**Ordinance #04-12**- this ordinance replaces Chapter 347 Personnel Policies and Chapter 327 Internet and Email Usage.

Councilor Bowers announced that his wife has been hired in Dispatch by the Franklin Police Department so he rescued himself from discussion/voting on this ordinance.

***Motion made by Councilor Feener that the Franklin City Council removes the motion concerning the adoption of Ordinance #04-12 revising Chapter 347 of the City Code, Personnel Police and Chapter 327 of the City Code, Internet and Email Usage from the table. Motion seconded by Councilor Sharon. All in favor, motion to remove motion from the table passes.***

Councilor Starkweather questioned on Page 15, the bottom chart for the Fire Department whereby they work an average 42 hour work week, the first entry on the chart is 0 to 5 years for the annual vacation time and on Page 16, under Item B. it states an employee should not take vacation leave during his or her 6-month probationary period. He asked how does that affect an employee with one year probation. Manager Dragon suggested it could be changed to simply state probation and not state 6-months or one year.

***Amendment made by Councilor Starkweather to remove the wording 6-months probation and/or one year probation and only use the word probation, amendment seconded by Councilor Boyd. All in favor, amendment passes to use the word probation only.***

Councilor Andreozzi commented in discussions with past and present employees of the Fire Department, since the Fire Department works on a very different basis than most of the employees, they have shift periods and they are different every week and on a 8-week rotating schedule that a lot of the things that are being done in this policy to try to make the Fire Department employees comparable to the regular employees are making the entire policy very confusing. She suggested

taking the Fire Department, set them aside and figure out how they will be treated equitably in their time frame of how they work.

Manager Dragon responded she is confused as to how the Fire Department is not being treated equitably as when any employee takes an hour of vacation regardless of the length of their shift it is an hour of vacation. Councilor Clarenbach stated his concern is the discrepancy regarding the 42 hour issue that on vacation time or accruing it to a maximum annual vacation of 96 hours which is two 48 hour shifts whereas sick time is actually accruing on a 42 hour average for a maximum of 101 hours annually.

Fire Chief Smith stated he believes the way this was looked at was because the Fire Department's shift schedule does rotate, some weeks they work 42 and some weeks they work 36 depending on the break and the pay period. That is calculated over an 8 week time frame to give that 42 hour per week average so that is what their work week is based on. Vacation has always been given as an accrual per year so you work for a year; you get two week's vacation. So that may be where the discrepancy is coming from. The sick time discrepancy, the difference in the sick time was brought up because of the work week and the way it is accrued for sick time is that regular 40-hour per week employees accrue sick time at a certain rate. The Fire Department employees work 42 hours on an average per week. The goal was to make it equitable between the 40 hour work week employee and the 42 hour per week employee that they actually accrued sick time at the same rate. Even though they might work more than 40 hours they accrued the sick time at the same rate.

Councilor Audet inquired if this has ever been a problem. He also commented it seems like everything is solved in the policy because both the Department Head and the City Manager must give approval and no one would know better what the circumstances are and if you are fair there should not be a problem. Chief Smith responded that since he has been with the Fire Department there has never been a problem.

Manager Dragon commented that an adjustment has been made to the way the sick time is calculated from the way it was originally and perhaps it should be reverted back to the way it was.

Councilor Boyd commented it sounds fair and equitable to him for all employees.

Councilor Clarenbach commented on Page 21 C. concerning an employee may be granted time off with pay in case of the death of a relative other than those listed in B. or a close friend the following motion was made:

***Councilor Clarenbach made an amendment to add that the time is taken from sick time.***

He stated the use of bereavement and the definition has already been expanded and if someone has a close friend they want to pay respect to, this current policy states they go at the City's expense but perhaps earned time should be used.

***Amendment was seconded by Councilor Andreozzi. All in favor, amendment passes.***

***Councilor Andreozzi offered an amendment to Section 327-2 F. to eliminate the wording that negatively portrays the City.***

Councilor Andreozzi commented that was reviewed by City Attorney Fitzgerald and he indicated that this could possibly be a breach of civil rights.

***Amendment seconded by Councilor Clarenbach.***

Manager Dragon commented that based on an additional question concerning this matter Attorney Fitzgerald has backed down some on his original opinion and said that negatively portrays the City can be struck and the City's intent will still remain intact so there is no harm in removing those words and may do some good.

***All in favor, amendment passes.***

Councilor Clarenbach stated there are a couple of areas where there are repeat paragraphs in the document. Page 33 of 48 Item B. concerning employees absent is already stated on Page 20 Item F. He commented he does not know if it needs to be in both places. Also on Page 37 Item D. Probationary period. This was already stated on Page 13 under 347-23. Director Milner commented that on Page 20 it is under the sick leave time and on Page 33 it is under Reporting an Absence and she stated if one were to be taken out, she would recommend it be the one of Page 20 because an absence could be for more things than what sick time is being used for. Manager Dragon commented she would like to keep them both in as sometimes people will be looking at a section especially about sick time to make sure they comply, so having that language in assists with needed information. Director Milner commented on the items concerning probationary period and stated that the one on Page 13 is generally a new hire type of probationary period where the one on Page 37 is dealing specifically with a promotion from within so those two things need to be kept separated.

Councilor Andreozzi commented on Page 13 Item 347-24 Physical Examination, the wording there is that the City shall require a physical exam as a condition of employment and she inquired if this is actually required of every single employee and why a physical exam is required of every single employee. Manager Dragon responded that it has been that way for a long time. She stated she does not know what the original thinking was but she stated it is likely having something to do with if an employee had some kind of prior injury you want to have documentation that this did not occur while working for the City. By having a physical exam you get some reassurance about the condition of the employee. There are certain positions within the City that require different levels of physical exams and different levels of background checks. She stated this has been used but not consistently in every department. Councilor Andreozzi commented that she does not know how much some of these physicals would cost but she believes the Police Department was budgeting \$1,000 per exam and she stated she does not recall that funds for physical exams has been budgeted in any other

department. She stated to require a physical without stating what the purpose is or what it is to cover does not help the City as one employee gets one kind of exam and another gets something different. Manager Dragon commented a copy of the job description is provided to a potential employee and that is what the physical revolves around, it is the same thing that is used when an employee goes out and comes back to work after being out a long period of time, they must be able to come back and perform that particular job description. With regard to budgeting for physicals they are budgeted in the Fire, Police and Municipal Services Department, however, they are not typically budgeted for City Hall or the Library because there is never a great deal of turnover. The expense of a physical for someone working in the City Clerk's Office would a lot less expensive than a physical for example at the Police Department.

Councilor Boyd commented that he feels it is well covered. In some departments like the Police Department it is an absolute requirement. Councilor Andreozzi commented that her concern was the word shall.

Councilor Andreozzi requested an explanation on Page 9, the first paragraph the new wording "Employees are prohibited from working off the clock". She commented this says to her that no employee can volunteer his time. Manager Dragon responded that Fair Labor Standards prevents that from happening, it is a Federal Law. If an employee is volunteering in other areas of the City that are not relevant to their job description they can do that.

***Roll Call Vote on Ordinance #04-12***

***Councilor Clarenbach – No***

***Councilor Starkweather – Yes***

***Councilor Sharon – Yes***

***Councilor Bowers – Abstained***

***Councilor Audet – Yes***

***Councilor Boyd – Yes***

***Councilor Feener – Yes***

***Councilor Trudel – Yes***

***Councilor Andreozzi – No***

***Ordinance #04-12 passes 6 Yes Votes, 2 No Votes and 1 Abstained***



City Council Meeting  
October 3, 2011  
Page 9

***Motion made by Councilor Feener that the City Council approve the recommended changes listed on the Council Agenda Report dated September 21, 2011 prepared by Finance Director Milner. Motion seconded by Council Sharon.***

***Roll Call Vote:***

***Councilor Clarenbach – No  
Councilor Starkweather – Yes  
Councilor Sharon – Yes  
Councilor Bowers – Abstained  
Councilor Audet – Yes***

***Councilor Boyd – Yes  
Councilor Feener – Yes  
Councilor Trudel – Yes  
Councilor Andreozzi – Yes***

***Motion passes. 7 Yes votes; 1 No votes and 1 Abstained***

**Other Business**

**Committee Reports**

Councilor Bowers advised that the data collection for the mapping of the water and sewer lines has begun. Water Treatment Plant is on schedule, all the tanks are in, all the lines have been pulled and the roof is going up. All the catch basins in the City have been done; it was noted by the contractor that there is 10 pages of repairs that need to be done to manhole covers. Single Stream Facility has been approved by the entire Co-Op Board; construction will take approximately 18 months. Councilor Bowers advised the City would be receiving \$40.00/ton for recycling if the facility was already built which would equate to approximately \$800/week in revenue.

Councilor Feener announced there will be a Joint Finance Committee meeting Tuesday, October 11, 2011 at 6:00 p.m.

**City Manager's Update**

Manager Dragon advised that periodically she will offer an update on the Mayor's Revenue Commission of which she is a member. The Commission has been meeting to discuss strategies to recommend to the City Council for allocation of the large sum of new revenue the City is expecting. The Commission is attempting to meet the second Tuesday of every month at 6:00 p.m. down stairs in City Hall. The Commission is looking at doing a resident survey to get input and considering the assistance of a consultant and Russ Thibeault has been suggested. The Commission is looking at four categories: education funding, infrastructure funding, tax rate reduction, and municipal/city services and each category would be ranked. The City's fund balance was also mentioned as a priority. Mr. Aberg, Director for FBIDC has requested his Board to consider contributing \$5,000 of the \$15,000 they received as a donation from the NH Business Finance Authority towards his effort. The next meeting of the Commission will be October 11, 2011 at 6:00 p.m.

The Tannery site is being prepared for the assembly of the water building. House Bill 2 and changes in the retirement the City has received a check in the amount of \$8,200 based on the State's calculations.

Manager Dragon announced that Sharon Stephen, the City's Welfare Director for the past 24 years is retiring.

Manager Dragon advised that she has been attending the monthly FBIDC board meetings and she distributed a report of their activities. Manager Dragon advised that the Webster Lake Board Ramp has been approved and construction should begin in October or November.

Manager Dragon advised she has been looking into the possibility of recreating the City's website. It has been approved in Washington that some of the Drug Task Force funds from this year because the coordinator was hired several months into the grant's fiscal year can be used to create a website for the drug

task force in partnership with the other departments in the City. She stated she is hoping the process would begin in a few months.

Manager Dragon advised a date needs to be set for the canvassing of the votes and the date must be within 7 days following the election. Meeting was set for Thursday, October 6, 2011 at 5:00 p.m. in the Council Chambers to canvas the votes.

Manager Dragon commented as stated by Councilor Bowers the Water Treatment Plant is moving along on schedule and the anticipated completion date is June, 2012. Per the contract documents the contract for the treatment plant owes the City a cast aluminum plaque and the sample provided included the City Seal, the Mayor, the City Manager, Director of Municipal Services, Operations, the Engineer, and the Contractor along with a completion date. She inquired about also including the City Council and if the City Council is included which City Council should be included.

***Motion was made by Councilor Bowers that the names of the City Councilors that approved the project be placed on the plaque. Motion seconded by Councilor Feener. All in favor, motion passes.***

Councilor Audet brought attention to the fact that legislation is taking place in Maine concerning the sale of bath salts. Chief Smith commented that the bath salts can be extremely dangerous and has been killing people. Manager Dragon commented as most everyone remembers Franklin was the first to create an ordinance banning the K-2 substance. We fought every hard at the Legislature to get some legislation concerning K-2 so it would be state wide and were unsuccessful. During the process discussion was not only on K-2 but bath salts and they were not supportive in banning these substances. She advised that the City could look at doing a local ordinance banning bath salts like the ordinance that was done for K-2.

Councilor Andreozzi stated she would like to know what substances are in the bath salts. She also stated if it is felt that these things are presently being sold in town, in places where they are not used for their intended use, we have a talk with the owners and they might be willing to remove those substances from their shelf. Councilor Feener commented that having an ordinance like K-2 for bath salts would be a good start and would give the Police Department some leverage.

Councilor Andreozzi requested an update on the Bessie Rowell School. At the last school board meeting they indicated that the school was definitely finished with Bessie Rowell as of the first of October. They were not specific as to whether they were going to keep heating it or not, etc. Manager Dragon advised the City has assumed oversight of the Bessie Rowell School and are continuing to work on the proposed reuse of the building and several meetings on the reuse have been very position. The TRIP Center has sent representatives from their Concord Office to look at the building. An increase Police presence is going to take place at the school because there have been many young people hanging around after hours. Councilor Bowers commented that he understands a lot of items have been taken out of the building including fixtures. Manager Dragon advised that concerning the kitchen equipment originally there were some items that were going to be left and the grant application was based on that information, and the next time we went to the school it was completely stripped other than the dishwasher. At a later date, the ceiling fans were removed from the gymnasium and that is when I requested that the locks be changed.

Councilor Andreozzi asked if it is known where this equipment has gone as it is being said that the equipment was given away or junked. Manager Dragon stated she does not know the answer to that. Councilor Feener commented that at a meeting back in August he had thought it was made clear that Bessie Rowell was a City building and it is too bad the administration at the school made a decision to do what they did.

Councilor Clarenbach commented that the building will need to be heated in possible less than a month and the school had put \$15,000 in their budget for

City Council Meeting  
October 3, 2011  
Page 13

closing of the building which now may not be the best bet and he asked if that is a true statement and she advised that is correct. Concerning the \$15,000 in the school budget, Councilor Bowers suggested that could be brought up under Other Business at the Joint Finance Committee Meeting.

***Motion to adjourn made by Councilor Feener, seconded by Councilor Bowers. All in favor, meeting adjourned at 8:35 p.m.***

Respectfully submitted,

Sue E. May