

**CITY COUNCIL MEETING  
SEPTEMBER 12, 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 Bowers.

**In Attendance**

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

**Absent**

Councilor Boyd

**Special Presentation Police Department**

Chief of Police David Goldstein thanked everyone for the opportunity to present Life Saving Awards to two members of the Franklin Police Department. He also noted that yesterday (September 11, 2011) marked one of the most significant events in the history of our great country. On that horrendous day we all watched as members of public safety and emergency placed their own well being aside and in many, many cases made the ultimate sacrifice without hesitation for their fellow citizens. The beauty of such behavior is that it is seen every day in our military, fire, police and emergency medical services personnel, that is a willingness to place one's self in harm's way. To paraphrase George Orwell, these men and women stand on a watch to protect us while we sleep safely in our beds.

In addition to the awards to be presented this evening, Chief Goldstein announced that upon nomination both Sgt. Carlson and Officer Ball have been selected to receive the New Hampshire Congressional Law Enforcement Award for performance above and beyond the call of duty.

Chief Goldstein presented Sgt. Carlson his Life Saving Award informing that on Saturday, June 4, 2011 at 12:40 a.m. the Franklin Police Department Sgt. Carlson was dispatched to the Trestle View Bridge in Franklin. According to validated

reports Sgt. Carlson encountered a female subject standing on the bridge outside of the protected railing. Sgt. Carlson attempted to communicate with the woman to no avail. As Sgt. Carlson spoke with the obviously distraught woman she moved onto an 8" drain pipe. Due to the potential danger to the woman, Sgt. Carlson decided to act and took physical hold of the woman. As a result, Sgt. Carlson was able to pull the woman from her precarious position back to safety. It was later determined that the woman was overtly suicidal and there is little doubt that Sgt. Carlson's actions prevented the women from suffering severe injury or death. Due to the quick thinking and action by Sgt. Carlson a potentially dangerous situation was averted. For these reasons Sgt. Carlson is awarded the Franklin Police Department Life Saving Award. Chief Goldstein also stated this is Sgt. Carlson second life saving award as a member of the Franklin Police Department.

Chief Goldstein presented Officer Ball with his Life Saving Award stating on Saturday, May 28, 2011 at 1:52 pm Officer Ball was dispatched to a kitchen fire at a residence on Mark Road. According to validated reports upon his arrival at the scene he received information that there was a wheelchair-bound handicapped resident in the building. Without hesitation Officer Ball entered the building and located the handicapped woman. Officer Ball physically carried the woman from the building before the fire could spread further. As a result, Officer Ball was able to carry the woman to safety. Due to the quick thinking and action by Officer Ball a potentially dangerous situation was averted. For these reasons Officer Ball is awarded the Franklin Police Department Life Saving Award.

**Comments from the Public** - None

### **Legislative Comments**

Representative Rago submitted a written report for the Council in her absence.

### **Choose Franklin Update**

Mrs. Sarah Stanley addressed the Mayor and Council advising the Candidate Forum will be held Monday, September 26<sup>th</sup> at 7:00 p.m. in the Council Chambers,

Franklin City Hall. The doors will be open at 6:30 p.m. Mr. Gladstone with Casey Family Services will be the MC for the forum. Mrs. Stanley advised Choose Franklin meets the first Thursday of every month here in the Council Chambers. Mrs. Stanley advised thanks to the efforts of Choose Franklin and FBIDC the flowers have been a beautiful part of the community.

### **City Council Acknowledgement**

Councilor Bowers thanked Chief Goldstein for mentioning the 10-year anniversary of September 11<sup>th</sup>. Councilor Bowers commented that a lot of people died that day and there were a lot of heroes that day. Councilor Bowers requested a moment of silence in remembrance of the heroes and the victims of September 11<sup>th</sup>. A moment of silence was observed.

### **Mayor's Update**

Mayor Merrifield directed everyone's attention to a replica of a bridge which was given to the Mayor by Mr. Massey from North Main Street who constructed it himself. It is a replica of a bridge in Quebec and Mr. Massey built it in honor of what he called "our bridge to the future", the Northern Pass Project. Mayor Merrifield presented it to the City so people can see it and enjoy it.

Mayor Merrifield commented on a very personal note he has become a Grandfather for the first time and his daughter and husband chose the Mayor's Mother's name for his Granddaughter.

### **Approval of Minutes**

***Motion made by Councilor Bowers that the Franklin City Council approves the minutes of the June 21, June 28, 2011 Budget workshop Meetings, the August 1, 2011 City Council Meeting and the August 23, 2011 Workshop Meeting concerning the closing of Bessie Rowell School. Motion seconded by Councilor Sharon.***

Councilor Bowers stated on the Budget Workshop Minutes of June 28, Page 7, the first paragraph, the end of the paragraph concerning efforts the department heads are making to save money. Councilor Bowers stated he had made several positive comments concerning the department heads and their efforts concerning the budget and requested they be included in the minutes.

Councilor Bowers also pointed out that on the last page where it states there was a motion to adjourn it states Councilor Bowers not only made the motion, but seconded it as well. Councilor Bowers stated it was Councilor Feener that made the motion and he seconded it.

Councilor Andreozzi stated concerning the June 21, 2011 Budget Workshop Meeting minutes, Page 5 under Emergency Management, the last sentence refers to a cooling system and should be cooling center. The August 1, 2011 City Council Meeting minutes, Page 8, the sentence should read: they should not be waived referring to a fine and the word not was omitted.

Councilor Starkweather advised the June 28<sup>th</sup> minutes, Page 1, the sentence should read the Council should not tell them how to spend their money.

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

### **School Board Monthly Report**

School Board Member Al Warner provided an update on the activities in the district. September 16<sup>th</sup> will be a Grandparents lunch for the first grade students. September 23<sup>rd</sup> will be the Grandparents lunch for the second grade students. Homecoming Week is September 19<sup>th</sup> through the 24<sup>th</sup>. The parade will be September 23<sup>rd</sup> and September 24<sup>th</sup> will be the dance. The Franklin School Board will be September 19<sup>th</sup> at 7:00 p.m. will be held at the Middle School Library. The high school will hold an open house September 19<sup>th</sup> from 6 pm to 8 pm. September 28<sup>th</sup> is parents' night at the high school and there will be a discussion on the competency report cards which will be a new grading system. The regular grading system will still be used (ABCD) and this will be in addition to the regular grading. The Middle School Bully Prevention Action Committee has been formed. High speed, high capacity wireless has been implemented in the schools. The

enrollment figures for this year total 1,330 students with 454 students at Paul Smith, 392 at the Middle School and 467 at the High School. Mr. Warner stated that is a slight decrease in enrollment.

**City Council to consider Discretionary Preservation Easement for 296 Webster Lake, Map 035, Lot 402-11, Owner Mrs. Asplund-Walsh**

***Motion made by Councilor Feener that the Aspund-Walsh Preservation Easement proposal be removed from the table, seconded by Councilor Bowers. All in favor, motion passes.***

***The motion before the council is to approve the application for Tax Map 035, Lot 401-00, 296 Webster Lake Road for a discretionary Preservation Easement.***

Councilor Bowers commented that he is a little bit confused as he was under the impression that this was just a stable or a barn but there also appears to be an apartment as part of the structure. Mrs. Asplund-Walsh responded that is not correct. She stated the Council wanted more history, more documentation and she stated she has brought the foremost authority on New Hampshire barns Mr. John Porter who has written a book on New Hampshire barns. She stated he wrote a letter concerning her application, that he came out and viewed the barns. She commented she has only made application for what is currently the horse barn at the far end of the property but she stated she will be making another application for the other barn in January as Mr. Porter stated both barns fall into this category.

Councilor Bowers again inquired if there is an apartment as part of the horse barn and Mrs. Asplund-Walsh stated it is not an apartment, and she further stated it is a tac room, a room that she uses when she goes and takes care of the horses; it is a place to get away. She advised the City Assessor did come out and look at the entire property but she did not know how the Assessor classified it but stated it is one room where she commented she uses to clean up and relax, or read. Councilor Bowers asked if she has any intention of renting that out and she responded no. She stated when the barn was built it was used as an ice house and the other barn that has old bowling lanes in it and dog kennel and that was originally the horse barn.

Councilor Feener asked when was the room or living area put in and Mrs. Asplund-Walsh stated that was there when they purchased the property back in the 80's and then they renovated it.

Councilor Andreozzi requested that if Mr. Porter is going to speak that he would identify that he is talking about the same barn as the barn the Council has the pictures of because she stated in the first paragraph of Mr. Porter's letter and he states these two structures so that is confusing and she stated she wants to make sure everyone is talking about the same structure. Mrs. Asplund-Walsh stated he wrote the letter about both structures because in January she advised she will apply for the other barn.

Mr. Porter stated he works for the State of New Hampshire and is on the New Hampshire Barn Committee and he went up and looked at the barn and what Mrs. Asplund-Walsh is applying for is an easement and Mr. Porter commented we can refer to it as the ice house but he stated in his letter he did address the two as he did look at both barns. One has been called the ice house and the second building which he calls an horse barn as that is what it was in the past but currently there is dog kennels and part of an old bowling alley in that structure. Mr. Porter stated the ice house/barn does appear to be over 75 years old; it does appear to have historic value. He stated he was looking at the farmstead as a whole and how it was viewed from the highway and granted the barn is set back a little bit but as far as the whole complex everyone does enjoy it as they go by on the road. It does have these other uses but actually alternate uses are encouraged as long as it does not have a major impact on the exterior and the way it looks from the outside. This barn has been modified some which is typical of a lot of structures in New Hampshire.

Manager Dragon requested Mr. Porter to take a look at a picture showing the inside of the structure that is being discussed tonight. She stated that she had spoke via telephone with him earlier in the day and there had been some confusion. Mr. Porter had advised that he did not go into the part of the structure that had been refurbished. Manager Dragon commented she thought the building permit taken out sometime in 2000 for the bathroom and some paneling was done and a kitchen was put in or upgraded. Mr. Porter stated he

went around the building and went in one side but physically did not walk into the area that Manger Dragon is referring to.

Councilor Andreozzi commented that she then understands that Mr. Porter went into the side she will call the animal side because it appears that is still what it is used for and that going in that area it is much easier to see that at least that section of the building is 75 years old. Mr. Porter responded that there have been additions and so forth to the core building and you can see evidence of this ice house actual area inside, but like all barns it has had some newer lean twos, etc. but the core building is obviously an older building. Councilor Andreozzi asked the other part that is a room, you didn't go in that so were you able to tell from the exterior that at least the exterior materials were older because she stated she was aware from the Assessor's Office that it was vinyl sided. Mr. Porter stated he cannot remember for sure but Mrs. Asplund-Walsh commented that part of it was vinyl sided. Mr. Porter commented that his concern is that it still looks like a barn and is the integrity of a barn and even in the RSA they are not so concerned about the internal activities of the barn as long as it is maintaining its look. A lot of the barns do not have an animal use anymore. Councilor Andreozzi commented she agrees that these types of structures often need alternative uses in order to remain standing; however, she stated her concern is having not seen it herself and from the pictures it does not appear to be as old as the other side but she stated she does not know how old it is. It was obviously added on because there is some of the exterior of the older building showing into the newer building and with vinyl siding it makes it hard to tell. Mr. Porter responded that he was not in the other side but it appears that side and the immediate ice house side is the older parts of the building. He stated he did not go into that part but looking at it exteriorly it appeared that section and the immediate ice house pretty much went together. Most of the newer addition is off from the part being discussed. The real core buildings are the older pieces, part is the finished room and part is a more informal supply and feed, etc.

Mayor Merrifield stated looking back in the minutes to motion to approve was made by Councilor Starkweather and Mayor Merrifield commented he believes a percentage would have to be identified based on condition. Councilor Andreozzi inquired if that could be two separate motions. Mayor Merrifield stated that could be done.

Councilor Andreozzi advised that she has not seen the building but it appears that there is not documentation that indicates that the whole structure is 75 years or more old. She stated the whole structure may be 75 years old but she is concerned that this Council would accept something without some kind of documentation and she stated she is willing to try and figure out some kind of a percentage of this building that should qualify.

Mr. Porter stated for clarification, on the percentage that really is more the percentage that is really more the Council is determining as far as age, historic value, with respect to the RSA more than trying to figure out how much complies. A lot of this building is really old and even if some is in the 30's or 40's you are still getting into bracket, the percentage is what the Council would feel they can give for an easement based on the criteria in the RSA not trying to figure what percent of the barn would qualify. Councilor Andreozzi clarified that she was stating that we can determine that only a portion of the structure qualifies. She stated that she does not feel she has documentation that verifies that the entire building is 75 years old. Secondly concerning public benefits it states it should provide one of the following benefits: there is an enjoyment of the structure by the general public from a public way or from public waters and the Assessor has indicated that you can only see the roof line and provided a picture; it is historically important on a local, regional, state or national level either independently or within an historic district, and there is no documentation to that. The structure's physical or aesthetics features contribute to the historic or structural integrity of a property listed on the register and that is not the case.

***Mayor Merrifield commented we do have a motion on the table to approve the application for a Discretionary Preservation Easement made by Councilor Starkweather. Motion fails, 9 no votes, unanimous.***

**City Council to consider adoption of Tax Deed for 296 New Hampton Road**

***Motion made by Councilor Andreozzi that the Franklin City Council reject the Tax Deed for Map 111, Lot 010-00, seconded by Councilor Feener.***

Councilor Andreozzi commented that her concern is this property is occupied and the City would incur great liability because there are people in the property and if



the City were to try to relocate them, the City would have to pay for that relocation as part of the agreement the City verified on moving people out of places. Manager Dragon stated every time the City takes a property it is a liability but the anti-displacement policy is specific to a project so when the City accepts grant dollars for a project we state that if the City has to move people in the project then the City is responsible for the displacement of the people. Manager Dragon stated she spoke with the City Attorney as the City has gone through the eviction process before, the City is not liable to place the people somewhere but he stated it would take about 60 days for the eviction process from beginning to end. He also stated it is easier to evict a tenant versus eviction of an owner. The person living at this site is a renter. Councilor Bowers asked what the City Manager's recommendation would be. Manager Dragon responded that she recommends the City takes the property. The owner owes the City \$16,000 and when people don't pay their taxes, everyone else has to pay for it. Mayor Merrifield commented there has to be a consequence.

***Councilor Feener withdrew his second to the motion. Motion seconded by Councilor Clarenbach.***

Councilor Andreozzi asked if the City Attorney specifically stated that the displacement agreement does not come into play. Manager Dragon responded he did not, however, that agreement is specific to a project. Councilor Andreozzi stated she would like the wording of the City's to be checked because there is wording in the agreement that bothers her about that and it could pertain to any time someone is displaced by the City.

Councilor Clarenbach inquired if this motion not to take the property fails, the eviction process would begin which takes 60 days and during that time the City would have to keep up with the utilities while the person was in the building. Manager Dragon things like electricity would not be changed over into the City's name, if they don't pay their bill, it is in their name and they are the tenant there until the eviction is completed.

Manager Dragon commented taking a property is never easy, you try making payment arrangements with them and they fail to make the payments, they ignore their agreement and it is not fair to everyone else that is paying taxes. In

this case, this owner has already racked up a bill of over \$16,000. Mayor Merrifield commented what would be the incentive for the rest of the citizens to pay their tax bills if nothing is ever done. Councilor Feener commented there is a tenant in the building and we don't know if he is paying the owner rent or not but the owner is not paying taxes so the City needs to look at taking the property and after the 60-day eviction process, the City could sell the property and get it back on the tax roll. Manager Dragon advised when the property is sold the City could receive the cost/back taxes and an additional 15% of the assessed value is added that the City can also keep. Councilor Andreozzi questioned what line would it come out of if they come into the Welfare Office for assistance because they live in Franklin and now have no place to go. Manager Dragon stated it would come out of the Welfare budget if they came in and applied and were eligible for assistance, however, that could already be the case. Councilor Andreozzi commented what she is asking what is the cost to the City to take over this building, to evict the tenant; what line would it come out of. If the people that live there come in and apply for assistance the City might have to pay for part or all of a security deposit or it could be a shelter placement. There would be legal costs, some from the City Attorney to prepare the court documents for the eviction, minimal costs to serve the papers, possible costs to have MSD go out to the property and secure and check the property once it is taken. Then the City would go forward with selling the property and the owner would have 30 days to repurchase the property. Councilor Andreozzi commented that the other property the City took the \$10,000 in the budget for demolition and then selling of the property has been pinpointed for that project so where would the funds come from for this property? Manager Dragon commented if need be she would over spend the line that contains the \$10,000 and then make it up somewhere else in the budget. Most of the expense will come out of legal.

Councilor Audet asked if the property is in foreclosure and if there is a mortgage on the property. Director Milner advised there is no mortgage on the property. Councilor Bowers commented this is no different than any other property that the City has taken other than someone is living there. He stated there has to be consequences for not paying your taxes, there is no choice.

***Councilor Bowers called the question, seconded by Councilor Feener. 7 Yes, a No vote, the question is called.***

***Motion to reject taking the property fails. 7 against not taking the property and 1 in favor. Motion fails.***

***Motion made by Councilor Feener that the Franklin City Council accepts the Tax Deed for Map 111, Lot 010-00. Motion seconded by Councilor Starkweather.***

Councilor Andreozzi commented this property is different from most properties that the City has taken in the past; some were just land and others that were buildings that did not have tenants. And, she stated those with tenants are where your biggest liability comes from.

***Councilor Feener called the question, seconded by Councilor Bowers. 7 in favor, 1 no. The question is called.***

***Motion is to accept the Tax Deed for Map 111, Lot 010-00. Motion passes. 7 yes; 1 no vote.***

**Ordinance #06-12 and Ordinance #07-12**

***Motion made by Councilor Feener that the Franklin City Council adopts Ordinance #06-12, approving the proposed amendments to the Franklin Zoning Ordinance as outlined in the Ordinance. The proposed amendments were the subject of a public hearing conducted by the Franklin Planning Board on July 27, 2011. Motion seconded by Councilor Bowers.***

Councilor Andreozzi commented this ordinance contains among other things a redefinition of bed/breakfast as it will be used throughout the City of Franklin not just in the lakes region as well as use of the special use permit changing where that would be automatically allowed with the guidance of the Planning Board. Councilor Andreozzi commented that it is her understanding that no one that operates a bed and breakfast had input into this ordinance and she stated she feels the change in the definition makes it more difficult. She also understood that this was designed so one party could operate a bed and breakfast around the lake. She stated she objects zoning being designed for a specific person unrelated to how it would affect the other people in that district as well as Franklin.

Councilor Audet commented that if this were to be approved the properties around a bed and breakfast will lose value. It's too commercial, people who move up and around the lake want to get away from that kind of thing. Councilor Audet further commented that the Lake Protection Zone was set up to keep things like this out of the area.

Mayor Merrifield asked for a point of clarification from Mr. Lewis that this would require a special use permit approved by the Planning Board. Mr. Lewis stated that is correct and on the first page of the ordinance bed and breakfasts are allowed in several zones already with a special use permit, this ordinance would allow it in the B-1 and the Lake Protection LP district through the special permit process with the conditions and criteria spelled out in this ordinance in the SUP section of the Zoning Ordinance.

Councilor Bowers commented that he is concerned about messing with the Lake Protection Zone, as it was set up to protect the lake and keep the population down. He stated he has no problem with the B-1 zone but he stated he will have to vote no as he does not feel the Lake Protection Zone should be included.

***Amendment Motion to Ordinance #06-12 made by Councilor Feener that bed and breakfast be removed as a special use permit from the Lake Protection Zone. Motion seconded by Councilor Bowers. Amendment passes: 7 yes votes; 1 no vote.***

Councilor Andreozzi requested that Planner Lewis verify that a special use permit as it is listed means that if they fit the criteria that are listed they can do that activity under Planning Board guidance. The Planning Board cannot say you meet all the criteria but we still not will allow that use. Planner Lewis responded a special use permit through the Planning Board is a discretionary permit, it is a special exception through the Zoning Board creates defined criteria and if you meet the criteria then there is pretty much an obligation on the part of the Zoning Board to grant that special exception. A special use permit through the Planning Board is more discretionary. Councilor Clarenbach asked if it is correct that A through L in the ordinance must be met in order for the request for the special use permit to go forward. Planner Lewis responded that is correct.

***Motion made by Councilor Feener that the reading of the entire text of the proposed ordinance be waived, seconded by Councilor Bowers. All in favor, motion passes.***

***Roll Call Vote:***

***Councilor Clarenbach – Yes***

***Councilor Audet – Yes***

***Councilor Sharon – Yes***

***Councilor Andreozzi – No***

***Councilor Bowers – Yes***

***Councilor Feener – Yes***

***Councilor Starkweather – Yes***

***Councilor Trudel – Yes***

***Ordinance #06-12 is adopted. Mayor Merrifield read into the record: Ordinance #06-12***

**Ordinance #07-12**

***Motion made by Councilor Feener that the Franklin City Council adopts Ordinance #07-12 approving the proposed amendments to the Franklin Zoning Ordinance as outlined in the Ordinance. The proposed amendments were the subject of a public hearing conducted by the Franklin Planning Board on June 23, 2010. Motion seconded by Councilor Bowers.***

Councilor Bowers commented he has some concerns because of some wording changes were not listed in the packet.

***Motion made by Councilor Bowers to table Ordinance #07-12, seconded by Councilor Andreozzi. All in favor, motion passes to table.***

**Ratification of the MSD Contract**

***Motion made by Councilor Bowers that the Franklin City Council approves a one-year Agreement as presented from July 1, 2011 to June 30, 2012 between the City of Franklin and the SEA of New Hampshire (Municipal Service Department Employees). Motion seconded by Councilor Feener.***

Manager Dragon advised it is a very simple agreement which is in line with what the City is already doing; there is no COLA and no steps for merit. She did want to bring to the attention of the Council something in the agreement which is related to the personnel policies. Personnel policies that are being worked on to amend will be back before the Council at the October 1<sup>st</sup> Council Meeting. One of the topics that had been discussed was sick time and whether or not it should be counted as hours worked when computing overtime. That policy has currently been changed in the personnel policies and has been changed in the police contract so that they are no longer using sick time as hours worked in the computation of overtime. The Personnel Policy has been changed to the same language to make it universal but has not come before the City Council for approval yet. However, in the MSD Contract they are still being paid according to the contract overtime using the sick time calculation. Therefore, tonight if the Council is considering changing the policy, the Council might not want to approve this one-year extension on the MSD contract and the Manager could go back and renegotiate the contract. If the Council is looking to take that change out of the Personnel Policies, then ratification of this contract would be fine.

Councilor Bowers stated it is his intention when the Personnel Policy comes before the Council in October for approval to make a motion to remove the change in the sick leave time. He stated he understands the reason for the change is come people are abusing their sick leave. He stated if you have a problem with someone abusing the sick leave, tighten the policy and take care of the problem with the person abusing the sick leave. He stated when you have employees that work overtime, for example the employee taking the minutes is on 2 hours of overtime and the employee has come in knowing she will make time and half, later on in the week she gets sick and she has to take a day off, she loses the half time but the employee had made the decision to come in and work receiving time and half. Councilor Bowers stated he feels it is unfair and that the employee is being punished for being sick. Another example Councilor Bowers cited was the City has two maintenance employees in the MSD Department, there is not a third one because these two work all the overtime and this keeps the City from paying for a third employee and benefits. These employees could think twice about working overtime if they work overtime thinking they are going to get time and half and they get legitimately sick and have to take sick leave they lose their time and half so they are being punished for being sick. Now again, if they

are abusing their sick leave then should not get paid for it but that is a separate issue. He also commented in the winter time how many times are the employees out plowing the streets, doing almost a 24-hour shift that are getting time and half for the extra time that they work, are they going to be willing to be away from their families or stay up for 24 hours if in fact they do that and then maybe get sick because of it and lose their time and half. He stated for the employees that are following the rules and the employees that expect to be paid time and half, if they get sick, they are being penalized for being sick.

Manager Dragon responded it is not about abuse of sick time, its calculating overtime and overtime is time worked past 40 hours, if you are sick you did not work that time. She stated when she came here she was surprised that sick time was counted as hours worked, it is not hours worked. The employee still gets paid for that time, they are paid for however many hours they are out sick but she stated in her opinion it should not be counted as hours worked in the computation of overtime.

Councilor Feener commented the City is not penalizing an employee when he works a 40 hour week and is out sick; he gets the benefit of being paid for the hours he was out sick. Councilor Bowers commented sick time is an earned benefit.

Councilor Feener commented another concern would be when someone is using a vacation or personal day; they did not work that day and then they come in and get overtime, in the private sector you don't get that. He stated perhaps the City should be run more like private industry.

Councilor Clarenbach stated obviously the issue is trying to make things fair. Unfortunately there are different demands on different classes of employees in the City. There are salaried employees that work as many or as few hours as they want and receive a full week's pay. There are employees who work without replacement, and if they are out, they are out, the position is not filled. Then there is overtime employees who need to cover positions that need overtime coverage and that is mainly the police and fire. He stated the problem he has with this is that you are creating a piece that they are not going to earn overtime on call back, on times for winter plowing, there is no requirement that they come

in and do a winter plow storm if they have had a sick day that week, they can just say no. The environment this would create is counter-productive. If you have problem with someone abusing sick time, deal with it. He further stated someone could be out caring for a sick child and they may not even be sick.

Manager Dragon she wants fairness across the board, so yes everyone would come under this proposed policy or no one would. She stated employees do not have personal time and the vacation time she views differently than sick time. The vacation time is planned time, it is planned in advance, it is earned time that they get when they leave so it is like money in the bank. Sick time is a bank that is

meant to be used only when you are really sick. Some people use it one day here; one day there and other hardly ever use it. It is time that is treated differently than vacation time. Manager Dragon stated she has said all she needs to say on this issue and she is fine with whatever way it goes but she stated to the Council she would like to know which way they want to have this issue handled so it can be implemented fairly across the board.

***Councilor Andreozzi called the question, seconded by Councilor Feener. All in favor, the question is called.***

Manager Dragon advised that if you vote for the motion to ratify the MSD contract for one more year, then the sick time policy should remain as it currently is. If you vote against the motion, you are in favor of changing the current rules concerning sick time.

***MSD Contract is approved for one more year. Vote 7 yes and 1 no.***

**Resolution #03-12 – a resolution concerning the Willow Hill/Cross Street Water Storage Tank Replacement Project.**

***Motion made by Councilor Bowers that the Franklin City Council set a Public Hearing to consider Resolution #03-12 for 7:05 p.m. Monday October 3, 2011 in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Feener. All in favor, motion passes to set public hearing.***



***Motion made by Councilor Feener that Resolution #03-12 be read in title only.  
Motion seconded by Councilor Bowers. All in favor, motion passes.***

Mayor Merrifield read into the records: Resolution #03-12.

### **Timber Harvest/Great Gains Forest**

Mr. Bob Morrin, Chair of the Conservation Commission addressed the Mayor and Council stating the Conservation Commission is requesting permission to proceed with a timber harvest in the Great Gains Forest. Mr. Morin advised that the Great Gains Forest, among others, is under the stewardship of the Conservation Commission. In 2004-2005 a timber forest was conducted in the Great Gains

Forest. That harvest was conducted on the recommendation that was made in the 1985 forest management plan. This harvest netted the city \$77,310.00. Subsequent to that harvest the City had created a Trust Fund for the depositing of those funds. He stated what the Commission is seeking to do is to carry out a recommendation that was made and updated in the 2005 forestry management plan to conduct a timber harvest in the area South of Flaghole Road.

In the 2005 forest management plan a timber cruise was conducted and estimate was made of the quantity and the value of the timber on this area (Plots 6 and 7). Based on 2005 prices it was estimated that the gross amount would be approximately \$113,000 from the sale of that harvest. He stated he is not talking about clear cutting, it would be selective cutting and the actual cutting would be determined by the City Forester working with the Conservation Commission. He advised they would do a walk with the City Forester and identify which trees would be cut and which ones would not be cut. A bidding process would be established by the City Forester and selection would be made based on which would serve the interests best of the City. Councilor Feener recalled the other timber cut that was done and that it was a very successful harvest. He also stated he believes in the Forest Management Plan.

***Motion made by Councilor Feener that the Franklin City Council approves the Conservation Commission's request for a second timber harvest in the Great***

***Gains Forest taking place South of Flaghole Road, Plots 6 and 7 as indicated on the map. Motion seconded by Councilor Bowers. All in favor.***

### **Other Business**

### **Committee Reports**

Councilor Bowers scheduled a MSD Committee Meeting for Wednesday, September 28, 2011 at 9:00 a.m. at the MSD Facility.

### **Appointment CIP Committee**

***Motion made by Councilor Audet that the Franklin City Council appoints Joseph Deegan to the CIP Committee. Term of Service to October, 2012. Motion seconded by Councilor Clarenbach. All in favor, motion passes.***

### **City Manager's Update**

Manager Dragon advised there is no additional grant activity to report. She recognized Holly Burbank, City Clerk and her staff for a week long cleaning area wherein they completely overhauled and organized the vault located on the lower level of City Hall. She also recognized MSD employees Brian Barry, Russ Revard, Allan Eastman and Ralph who helped moved the boxes/files. There will be a GASSET Hearing at City Hall September 15, 2011 at 7:00 p.m. concerning the Ten Year Plan. She also reminded everyone that it is getting close to the time for a bond closing for the rural development project for the water project; probably sometime in mid-October. The City Council will need to meet for that closing.

Manager Dragon stated at a previous meeting there was conversation about the City Clerk tracking down property owners who did not report their information to the City. SB-70 repealed the \$1,000 civil penalty imposed on owners of residential rental properties for failure to file with the city or town clerk the name, address and telephone number of owners of their registered agents. Therefore, it probably doesn't make much sense for the clerk to spend time and energy tracking down these individuals when there is no penalty to file.

Manager Dragon read cards from a couple of residents that were very pleased concerning the way they have been treated each time they had come to City Hall.

Mayor Merrifield advised the Council that Ordinance #04-12 concerning the personnel policies was tabled at the last meeting and he requested that it be taken off the table and then postponed.

***Motion made by Councilor Feener that the Franklin City Council take Ordinance #04-12 off the table, seconded by Council Sharon.***

***Motion made by Councilor Feener that the Franklin City Council postpone Ordinance #04-12 to the October 3, 2011 City Council Meeting. Motion seconded by Councilor Bowers. All in favor.***

Manager Dragon recognized Chief Smith even though Franklin did not suffer some of the flooding during the most recent hurricane there was a lot going on in the background for Chief Smith as well as Chief Goldstein. Chief Smith is the City's

Emergency Management Director had everything under control and all plans in place. Mayor Merrifield added that Chief Smith kept him updated.

***Motion made by Councilor Feener that the Franklin City Council go into non-public session under RSA 91-A II D, buying, selling or leasing of property. Motion seconded by Councilor Bowers.***

***Roll Call:***

***Councilor Clarenbach – Yes  
Councilor Starkweather – Yes  
Councilor Trudel – Yes  
Councilor Sharon – Yes***

***Councilor Feener – Yes  
Councilor Audet – Yes  
Councilor Bowers – Yes  
Councilor Andreozzi – Yes***

***All in favor.***

City Council entered into non-public session at 9:05 p.m. City Council came out of non-public session at 9:25 p.m.

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

***Roll Call:***

***Councilor Clarenbach – Yes***

***Councilor Starkweather – Yes***

***Councilor Trudel – Yes***

***Councilor Sharon – Yes***

***Councilor Feener – Yes***

***Councilor Audet – Yes***

***Councilor Bowers – Yes***

***Councilor Andreozzi – Yes***

***Motion to adjourn made by Councilor Feener, seconded by Councilor Bowers. All in favor, meeting adjourned at 9:30 p.m.***

Respectfully submitted,

Sue E. May