

**CITY COUNCIL MEETING
SEPTEMBER 10, 2012**

Call to Order

Mayor Merrifield called the meeting to order at 6:00 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said led by Councilor Trudel.

Public Hearings

Resolution #02-13 – This resolution would establish a Capital Reserve Account for the Bessie Rowell Community Center. Mayor Merrifield opened the public hearing; no one came forth to speak. The Mayor closed the public hearing.

Ordinance #03-13 – this ordinance would add the Bessie Rowell Community Center to Chapter 222.7 of the Municipal Code concerning Tobacco Use. Mayor Merrifield opened the public hearing; no one came forth to speak. The Mayor closed the public hearing.

Resolution #04-13 – this resolution is a supplemental appropriation in the amount of \$64,019 to establish an Afterschool Program in the Parks and Recreation Department. Mayor Merrifield opened the public hearing.

Mrs. Annette Andreozzi, resident Ward III asked if it could be explained to the public where the \$64,000 is coming from, how it will be used and how that relates if the \$25/weekly charge for the program is approved.

Director Alpers advised the money would be coming from the users fees, the \$25.00 per week would offset the \$64,000 based on accepting 60 students at \$25.00 per student, per week. The Afterschool program would be for the students when they get out of school until 6:00 p.m. The program will have physical activity time, homework time, a snack, recess when they first arrive and other activities such as arts and crafts, etc.

Mr. John Toli stated he is speaking as a parent and he stated for the last three years they have used the Casey Family Program, stating they are a professional family and that he travels a great deal and his wife works in Merrimack. He stated

unless they give up a career there was no way he or his wife could be home at 3:00 pm when the bus drops off his daughter. He stated he supports the program proposed by Director Alpers and stated having an hour for homework time is excellent and he stated the social aspect is huge. He stated he could afford to pay someone to be there to meet his daughter at the bus and babysit until he or his wife get home but there is no social aspect doing that. He also stated they had their daughter in a private school for first grade but the best years for their daughter has been the last 3 years in the Franklin school at Bessie Rowell and the Middle School.

Mr. Bob Lucas, resident Ward I spoke in support of the Afterschool Program. He stated structure for the kids after school is very important. Mrs. Christine Dzujna, resident and who has worked in the school system spoke in favor of the Afterschool Program. She also stated for the past 4 years she has been having a Book Club that meets once a month outside of school and the children really enjoy that and they get to meet other adults in the community and everyone has a lot of fun. Mr. Leigh Webb, resident Ward III spoke in favor of the Afterschool Program. He stated once a week with Casey Family Services he would go over and read to the kids and observe all the good things about the program. He also stated the parents were all very appreciative of the program.

Ordinance #04-13 – this ordinance would establish a fee of \$25.00 per week for the Afterschool Program. Mayor Merrifield opened the public hearing. Mrs. Candi Dennison spoke in favor of the program and the fee and stated she hopes the program is approved. No one else came forth to speak; the Mayor closed the public hearing.

Comments from the Public

Mr. Leigh Webb, resident Ward III gave an update concerning repairs to the Odell Cottage. He advised along with Director Sullivan and Councilor Desrochers a walk though the building was done and also Mr. George LaBonte looked at the Cottage from a contractor's point of view and has submitted a report with labor and

material costs and copies will be provided to the Mayor and Council. Mr. Webb stated that he is hopeful that the labor costs would all be volunteer labor with some knowledgeable oversight. Mr. Webb stated in prior budgets there has been approximately \$2,900/\$3,000 that has been generated in order to deal with issues and most of that going to fuel oil and electricity costs but there was always \$500 that was donated to maintenance and he inquired what that figure is for the coming year. He stated he has looked at materials at Lowes and with \$500 a lot of amazing things could be done especially on the porches. He stated there might be a possibility that some of the materials might be donated. Councilor Dzujna asked since the Cottage is in an historic district, this would not be temporary work but would be permanent but does it have to be done as an historic area. Mr. Webb commented we have in some respects got up in an historic district, it is a functional building and can be maintained as a functional building and the repairs would be permanent. He further stated the most noticeable problems are out in front on the porch.

Ms. Holly Burbank, City Clerk commented that tomorrow is the primary but her office is already looking ahead to the City Election which is two weeks after the primary and a date needs to be set to Canvas the Votes and October 9th would be the last date it could be done. The Council agreed on Friday, October 5, 2012 at 5:30 p.m. as the date to Canvas the Votes.

Choose Franklin

Mrs. Annette Andreozzi, Co-Chair of Choose Franklin stated at their last meeting the City Manager and most of the Department Heads were in attendance to do the walk downtown and visited 17 different businesses. The goal was since the businesses cannot leave their place of business when Choose Franklin meets at 8:00 a.m. we would all visit them. She also advised that Candidates Night will be held in the Council Chambers on Monday, September 24, 2012, door opens at 6:30 p.m. and the program will begin at 7:00 p.m.

Legislative Comments – None

City Council Acknowledgement

Councilor Sharon advised that last Saturday a gospel music festival at Odell Park and he thanked Director Alpers for allowing them to have the festival in the Park and her staff was around on that day making sure they had what they needed and as busy as they were with the kids and the games they still took time to check and see if the group with the festival needed anything.

Councilor Dzujna advised they held a barbeque in the Park on August 10th and the Staff at the Rec Department along with Director Alpers worked all day with the kids in such adverse conditions with all the rain and they did a great job helping everyone clean up.

Mayor's Update

Mayor Merrifield read a letter from the Chair of the Public Works Memorial Committee concerning a request for names of public workers who have died in the service of their town, city or county. A place has been selected for the memorial and they are now gathering names to be placed on the memorial. Mayor Merrifield also advised that the Franklin Opera House on September 22, 2012 will hold the Celebrity Waiter Dinner which is the largest fund raiser for the Opera House. They are filling tables rapidly but they need waiters so anyone that would like to volunteer please do so.

Approval of Minutes

Motion made by Councilor Dzujna that the Franklin City Council approves the minutes of the June 25, 2012 City Council Budget Workshop Meeting and the August 6, 2012 City Council Meeting. Motion seconded by Councilor Desrochers.

Councilor Starkweather called attention to the August 6, 2012 minutes; Page 2 wherein it states an open house is planned but gives no information as to when. On Page 4 Councilor Starkweather noted that the name of the chair of the

Historical Society should be listed, on Page 8 the second paragraph it does not identify who is speaking.

All in favor; minutes approved as corrected.

School Board Report

School Board Member Keith Lohmann commented the new school year has begun and two professional developmental seminars held over the summer, each four days in length, Science and Math was the first session and English and Social Studies in the second session. Mr. Lohmann advised that SIG funding will be available for the high school and middle school for the upcoming year but the amount have not been confirmed. The school district is in support of the Afterschool Program and will be helping to have buses available to take the kids to the Recreation Center. Councilor Clarenbach inquired as to what the enrollment numbers is for the District. Mr. Lohmann stated he does not have those numbers and Mayor Merrifield requested that they be given those numbers.

Resolution #02-13 – this resolution would establish a capital reserve fund for the Bessie Rowell Community Center.

Motion made by Councilor Feener that the Franklin City Council approves Resolution #02-13 establishing a capital reserve fund for the Bessie Rowell Community Center. Motion seconded by Councilor Sharon.

Councilor Starkweather inquired if the \$5,000 was in the budget that was approved in July. City Manager Dragon responded that is correct. Councilor Starkweather further inquired if this is in the signed contracts and Manager Dragon advised the Head Start contract is on the agenda tonight and Tiny Twisters has signed and the TRIP Center will be coming in next.

Roll Call Vote On Resolution #02-13

Councilor Clarenbach – Yes

Councilor Cournoyer – Yes

Councilor Starkweather – Yes

Councilor Dzujna – Yes

Councilor Feener – Yes

Councilor Sharon – Yes

Councilor Desrochers – Yes

Councilor Trudel – Yes

All in favor, Resolution #03-13 passes.

Ordinance #03-13 – this ordinance concerns Chapter 222.7 of the Municipal Code, Tobacco Use and would add the Bessie Rowell Community Center under Item B whereby tobacco use is prohibited.

Motion made by Councilor Feener that the Franklin City Council adopts Ordinance #03-13 to add the Bessie Rowell Community Center to Chapter 222.7 of the Municipal Code, Parks and Beaches, Use of Tobacco Ordinance by a roll call vote, motion seconded by Councilor Trudel.

Councilor Desrochers inquired as to how the ordinance would be enforced. He further commented he has been to the public beaches where there is suppose to be no smoking but the staff at the beach walks right by people that are smoking. He stated if you don't enforce the ordinances it is just feel good legislation. Manager Dragon commented we should be enforcing it; the staff should not be walking by if they see that occurring but if they are that needs to be addressed separately. She further stated the ordinance is to deter smoking from occurring but we cannot catch everyone but the staff should be aware of the rules and regulations and enforcing them. Councilor Cournoyer suggested having designated areas for smoking.

Roll Call Vote On Ordinance #03-13

Councilor Clarenbach – Yes

Councilor Cournoyer – No

Councilor Feener – Yes

Councilor Sharon – Yes

Councilor Starkweather – Yes
Councilor Dzujna – Yes

Councilor Desrochers – Yes
Councilor Trudel – Yes

Ordinance #03-13 passes by a vote of 7 yes and 1 no.

Resolution #04-13 – this resolution concerns the implementation of an Afterschool Program offered by the Park and Recreation Department.

Motion made by Councilor Desrochers that the Franklin City Council adopts Resolution #04-13, a supplemental appropriation in the amount of \$64,019 to run an Afterschool Program for students' ages 5-13 years old by a roll call vote. Motion seconded by Councilor Feener.

Councilor Cournoyer inquired what happens if people get delinquent since this is a pay as you go plan and if they get two weeks behind should they still be allowed to be in the program since the program is going to be self-funded. Director Alpers stated she does plan to put that into the policy and she advised she had stated three weeks but could make it two weeks and they would not be able to come to the program the following week. Councilor Feener suggested a policy paying up front would be good. Director Alpers stated that could be done. Councilor Feener commented that \$25.00 per week is cheap and there shouldn't be any reason why you couldn't collect one month at a time paid up front. Manager Dragon stated maybe a week but a month, it may be cheap for some but for a lot of people that are living week to week it is not cheap. Director Alpers commented she feels she would have better luck collecting monies on Fridays versus Mondays. Councilor Feener commented it should be up front that there is no need for us to be chasing them for their payment. Councilor Dzujna commented that was going to be his suggestion week to week and get the monies beforehand. Councilor Sharon asked in the case of some family that is in real need and doesn't have the money to pay, is there anything built into the program whereby they can get help. Director Alpers stated she will be able to bill the State of New Hampshire in those cases for childcare as she does with the summer program and that help is based on the family's income. The Booster Club also

does fund raising for scholarships and that could be done on a very limited basis. Councilor Trudel stated he fully supports the program, however, he stated what he does not want to see happen what is a matter of private responsibility becomes a matter of public obligation. As long as this program is self-sustaining he stated he will support it. Councilor Desrochers stated he agrees with Councilor Trudel that this program must be completely self-funded and he also stated he was glad to hear as part of the program is one hour of homework time. Councilor Desrochers stated he would like to have a report including the finances given to the Council in about four months as to how the program is doing and it must be self-funding. City Manager Dragon commented to keep in mind that Director Alpers has the ability to adjust her staff as the numbers change so she is able to adjust her staff to balance the revenues. Manager Dragon stated paying week by week is fine but she would not recommend doing more than that as it would be difficult for some families. Councilor Clarenbach commented that a few months ago at the budget workshops it was said that the City could not handle any more responsibilities. He stated he does understand this program is fully funded and no taxpayer monies are involved but he is somewhat concerned as to what it is we are going to become as a community. Councilor Desrochers inquired if this program would charge if the child does not show up. Director Alpers stated that if they pay for a week and don't show up for part of that week they still pay for the week.

Roll Call Vote On Resolution #04-13

Councilor Clarenbach – Yes

Councilor Cournoyer – Yes

Councilor Starkweather – Yes

Councilor Dzujna – Yes

Councilor Feener – Yes

Councilor Sharon – Yes

Councilor Desrochers – Yes

Councilor Trudel – Yes

All in favor, Resolution #04-13 passes.

Ordinance #04-13 – this ordinance would establish a weekly fee of \$25.00 for the Afterschool Program

Motion made by Councilor Dzujna that the Franklin City Council adopts Ordinance #04-13 concerning the establishment of a \$25.00 per week fee for the Afterschool Program at the Parks and Recreation Department by a roll call vote. Motion seconded by Councilor Desrochers.

Roll Call Vote On Ordinance #04-13

Councilor Clarenbach – Yes

Councilor Cournoyer – Yes

Councilor Starkweather – Yes

Councilor Dzujna – Yes

Councilor Feener – Yes

Councilor Sharon – Yes

Councilor Desrochers – Yes

Councilor Trudel – Yes

All in favor, Ordinance #04-13 passes.

**Legislative Policy Proposals recommended by the NH Municipal Association-
Municipal Administration and Finance Management Committee**

Motion made by Councilor Feener that the Franklin City Council authorizes the City Manager to represent the City Council's recommendations of the three policy committees of the Committee on Government affairs in regards to Action positions, Policy positions, and Standing Policy positions. Motion seconded by Councilor Trudel. All in favor, motion passes.

Councilor Clarenbach commented the only concern he had was the taxing of the emergency generators and they should be tax exempt if they are only for emergency services. Councilor Desrochers agreed there should not be a tax on emergency generators. Councilor Cournoyer also agreed they should not be taxed. Councilor Feener stated if the generator is a secondary, emergency source it should not be taxed. Councilor Starkweather stated he agrees that standby generators such as those for nursing homes are very important.

Councilor Cournoyer commented that concerning the Claremont issue that Manager Dragon will keep Franklin with that issue until they finally resolve what an equal education is.

Mayor Merrifield stated Item 30 (Page 8) State Budget Tax Cap and asked if the Council will oppose a State Tax Cap. As it stands now the NHMA would oppose the adoption of any variation of a State Budget Cap. Councilor Clarenbach commented his concern would be if they cap their budget, how much they will push down stream to the towns and cities. Councilor Dzujna commented that it is his concern too as to what would be pushed down to the towns and cities.

Ordinance #05-13 – this ordinance concerns the placement of a Stop Sign at the intersection of Liberty Avenue and Freedom Drive which would make the intersection a 4-way stop.

Motion made by Councilor Trudel that the Franklin City Council schedules a public hearing on Ordinance #05-13 for Monday, October 1, 2012 at 6:05 p.m. in the Council Chambers, Franklin City Hall concerning the installation of a Stop Sign on Liberty Avenue at the intersection of Freedom Drive and Liberty Avenue, making that intersection a 4-way stop. Motion seconded by Councilor Feener.

Councilor Desrochers commented there are already two stop signs there at Freedom Drive going North and South, if people aren't stopping now, why do you want two more? If they aren't stopping at two why would four make a difference. In the wintertime, if you are not going 30 miles per hour coming up Liberty Avenue by the time you hit Freedom Drive and would have to stop you will not make any further up Liberty and stated he has lived in that area for 50 years. He stated let's not get like Washington, if two laws don't work, pass another one. He recommended putting a bright yellow strip on the poles of the two stop signs that are there to bring more attention to them. He also recommended having a police cruiser at that location at different times or running radar. He stated his feeling is even having a public hearing on this ordinance is a waste of the Council's time.

Mayor Merrifield advised that this issue came before the Highway Safety Committee because of residents concerns about speeding through the intersection and they were looking for a solution to the problem. Mayor Merrifield stated this may not be the solution that the Council supports so if the Council were to decide they would like to pursue other solutions rather than this ordinance, then the motion to schedule a public hearing should be defeated and pursue other solutions. Councilor Cournoyer advised he drive by the location this evening and if this becomes a 4-way stop he stated he cannot see anyone making up the hill in the winter or perhaps a compromise would be to only have it be a 3-way stop and only have the stop coming down the hill. Councilor Feener stated he does not see this as a feasible solution, that people would not make it coming up the hill. Councilor Dzujna stated he is for holding a public hearing; that the Highway Safety Committee put some thought into this and a public hearing would give residents an opportunity to express their opinion. Councilor Sharon requested Chief Goldstein speak on the issue. Chief Goldstein stated he needs to reiterate the fact that this was not a Police Department decision; this was in response to people in the neighborhood that had concerns. The Highway Safety Committee met and he stated he is only one voting member of the Committee and this was the result of that Committee meeting. He did state the Police Department has not experienced a lot of accidents in that area, we do know that people are running the stop signs. He further stated he has lived in New England for many years and when it snows if he is going up a hill and there is a stop sign he must be prepared to stop. If it is an issue to trying to keep traffic moving safely so be it, there is research out that states 4-way stops create playgrounds for children which has to be taken into consideration, especially in an areas as is being looked at with this ordinance. He stated his professional input would be it would really up to the neighborhood to tell us what they want. He also advised that location is part of their directive patrol and they try to be out there as often as they can.

Mayor Merrifield commented the reason he suggested that the motion be defeated is because even the prime proponent of doing something does not like this solution. So perhaps this needs to go back to Highway Safety where a

workable solution could be hammered out before it goes to public hearing. Councilor Clarenbach inquired if this is brought forward as a 4-way stop to hear public hearing and then make change such as a 3-way stop, would another public hearing be required. Mayor Merrifield responded that would require another public hearing. Councilor Clarenbach stated he does not feel the 4-way stop is the solution to this issue.

Vote of scheduling a public hearing: 6 no votes and 2 yes votes. Motion fails to pass.

Motion made by Councilor Clarenbach to send this traffic issue back to the Highway Safety Committee, seconded by Councilor Feener. All in favor, motion passes.

Acceptance of Finch Drive

Motion made by Councilor Feener that the Franklin City Council vote to accept the completed section of Finch Drive, from the intersection of Finch Drive and Lake Avenue to the dead-end that currently exists adjacent to 25 Finch Drive, and to accept the roadway with the conditions recommended by the Planning Board at their meeting of August 22, 2012. Motion seconded by Councilor Desrochers.

Councilor Clarenbach inquired on the bond posted, is it adequate to cover the finishing of what is left to be done. Director Sullivan advised the only thing that is not finished is the as-built plan and Edmunds has had the approved 26 acre subdivision extended so what will happen is when they actually go into construction, they will post a new bond for the roadway as well as complete the entire as-built when the subdivision is done. Councilor Clarenbach stated so currently the City holds no bond, and Director Sullivan advised the bond expired in 2005. Councilor Clarenbach commented we have an outstanding issue from a developer who we are not holding anything for things outstanding. Director Sullivan advised the subdivision regulations were redone in 2006 and this was

previous to that and at that time bonds were not required. Director Sullivan it was built according to plan and he stated he is comfortable with it the way it is and stated his recommendation is to accept it based on what the Planning Board has recommended.

Councilor Starkweather asked Director Sullivan is he has been out and inspected the drainage and the road that has been built. Director Sullivan stated it is in good shape, the pavement held up well, the retention basins take a lot of water and there is ledge at the end which will be an issue.

All in favor, motion passes.

Bessie Rowell Community Center/Head Start Lease

Motion made by Councilor Desrochers that the Franklin City Council authorizes the City Manager to execute the proposed lease with Head Start at the Bessie Rowell Community Center. Motion seconded by Councilor Feener. All in favor, motion passes.

Rowell Access Road

Mayor Merrifield stated this is an item he added to the Agenda and would like for Manager Dragon to give the Council some background information for the reasons behind the closing of the road. Manager Dragon stated the gate was installed for safety reasons. Many people were under the assumption that was a road through there but it is not. When the property was owned by the school, both properties were joined together and it became a cut through, many people were cutting through from the Middle School to the Bessie Rowell School and some cutting through to pick up their kids and buses were also cutting through there. It was observed very quickly standing outside the Bessie Rowell Community Center at construction meetings that people were cutting through very quickly, very fast. The Bessie Rowell Road that comes right up to the Community Center passes right in front of the front door of the building. Certain

times of the day when the Middle School is letting out there would be numerous cars going through there. Once the Community Center is full and people are coming to pick their kids up from Head Start, the Rec Center and the Middle School as well as buses waiting for the kids it was anticipated there would be issues. Director Sullivan checked to see if that was actually a roadway and it was determined that it was not a roadway. Then a meeting was held with the Superintendent and her staff to discuss whether that needed to be an opening to those two properties and she agreed that it did not and she stated she had hoped to close that off when she had arrived as she was concerned about safety for the students at the Bessie Rowell School because of the speed of the cars passing by. She stated that the service requests she has been receiving have not been about the gate but wanting to make Bessie Rowell Road a two-way road again and she stated once the Community Center is operating at capacity, they would like to come to the Council to make a traffic change to have Bessie Rowell Road a two-way road. Councilor Starkweather commented that connection between the two schools was put in to assist the City in plowing snow when the City was doing the plowing for the schools. It has now turned into a speedway and now there will be several programs in the building with small kids, the gate is great to provide for safety purposes. Councilor Feener stated the gate was a great idea as it is not a thoroughfare for normal traffic. Now with the Community Center and having young children in the building as well as the elderly, cars do not need to be able to travel that way. He further stated that road was never made to be a thoroughfare.

Other Business

Committee Reports

Councilor Dzujna stated a Parks and Recreation Committee Meeting was held September 7 and the Afterschool Program was discussed.

Councilor Desrochers advised that about three weeks ago at the Superintendent's request, he met with Superintendent Ward and they had some productive

conversation and hopefully it will help improve relations between the School Board and the City Council. One item that was discussed was that the school as well as other departments should be able to carry over funds for the following year. Superintendent Ward inquired how that is done and Councilor Desrochers stated he did research and told the Superintendent that they would come before the City Council and make the request.

Councilor Feener stated there is a need to hold a Joint Finance Committee Meeting and Councilor Feener stated it will probably take place during the first or second week of October. Councilor Feener also commented that the Gilford School District returned one million dollars to the taxpayers.

Councilor Starkweather requested an update from the Fire Chief on the Fire Station roof. Chief LaChapelle stated the roof is complete and is a huge relief to the entire department. He also commented he must give credit to Director Sullivan on the project, as one day during a discussion Director Sullivan made a phone call to some favors that were owed and contact was made with a private consultant in Maine, independent roof contracting services in Freeport, Maine and many discussions were held with this consultant, myself and Brian Barry on what the Station should have for a roof. The consultant pointed five additional items that were needed for the roof and in the end the contractor that did the roof was able to incorporate all five suggestions that the consultant had recommended and came in under the anticipated cost. There is a 20 year warranty on the roof.

Manager's Update

Manager Dragon advised the Contingency Grant Line received a \$300 book club donation from the Franklin Rotary. In the Police Department Detective/Sgt. Hale has become a member of the New England Clandestine Laboratory Enforcement Team. He completed 40+ hours of training in Quantico, VA and is a member of a response team that responded to calls concerning illegal drugs and their production. This special team is comprised of local, state and federal officers as

well as forensic laboratory personnel from the State Police. She invited the Mayor and Council to come to the Employee BBQ this Wednesday, September 12, 2012 from 11:30 a.m. to 1:00 p.m. at Odell Park.

“Crack Down on Code Compliance” Manager Dragon stated on August 16th several of the department heads met with the Mayor to discuss a resident complaint which led to a discussion about residential codes in general, use of service requests and how to improve compliance. More staff meetings will be held on Code Compliance and meetings with the Mayor. One issue that is being looked at closely is stricter enforcement efforts concerning the solid waste codes as they relate to multi-family units as they are some of the main violators of the solid waste codes.

The Water Treatment Plant is getting ready to have their Grand Opening and the date of October 13th from 9:00 a.m. to noon and it is hoped the Mayor will be the MC.

Manager Dragon reported that Chief LaChapelle has been taken great advantage of the New Hampshire Fire Academy Training Grant and the Fire Department as of today used over 1,300+ hours in training funds which equates to \$39,378 in labor paid by the grant.

Mayor Merrifield requested that the Manager’s evaluations be returned to him so that they can be reviewed at the October 1st City Council Meeting. The Mayor also commented that the Councilors have received another profile for the school board vacancy in Ward I but it is his understanding that the Council wishes to wait until after the election to take any action on an appointment and the Council agreed that is correct.

Motion to adjourn made by Councilor Feener and seconded by Councilor Clarenbach. All in favor; meeting adjourned at 8:00 p.m.

Respectfully submitted, Sue E. May