

**CITY COUNCIL MEETING
DECEMBER 2, 2013**

Mayor Merrifield called the meeting to order at 5:30 p.m. to accommodate a requested non-public hearing be held prior to the scheduled 6:00 p.m. regular City Council Meeting.

Motion made by Councilor Boyd that the Franklin City Council enter into non-public session under RSA 91-A:3, II j consideration of confidential, commercial, or financial information that is exempt from public disclosure under RSA 91-A:5 IV in an adjudicative proceeding pursuant to RSA 541 or RSA 41-A. Motion seconded by Councilor Trudel.

Roll Call

Councilor Trudel – Yes

Councilor Starkweather – Yes

Councilor Giunta – Yes

Councilor Boyd – Yes

Councilor Desrochers – Yes

Councilor Dzujna – Yes

Councilor Clarenbach – Yes

All in favor, Council entered into non-public session at 5:35 p.m.

Motion made by Councilor Boyd 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 Feener.

Roll Call

Councilor Trudel – Yes

Councilor Starkweather – Yes

Councilor Giunta – Yes

Councilor Boyd – Yes

Councilor Desrochers – Yes

Councilor Dzujna – Yes

Councilor Clarenbach – Yes

Call to Order

Mayor Merrifield called the public meeting back to order at 6:10 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said led by Councilor Clarenbach.

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In Attendance

Councilor Clarenbach, Councilor Boyd, Councilor Starkweather, Councilor Trudel, Councilor Feener, Councilor Desrochers, Councilor Giunta, Councilor Dzujna, Mayor Merrifield and City Manager Dragon.

Absent

Councilor Cournoyer

Public Hearings

Ordinance #03-14 – this ordinance addresses motor vehicle and pedestrian safety issues. Specifically the passing of objects between pedestrians and operators of motor vehicles. Mayor Merrifield opened the public hearing to the public. Representative Webb commented he is speaking as a citizen of Franklin, Ward III and suggested that the scope of the ordinance be broadened to make sure all issues regarding this safety hazard are covered. No one else came forth to speak; the public hearing was closed.

Ordinance #04-14 – this ordinance concerns the use of City owned property such as camping on City property. Mayor Merrifield opened the public hearing, no one came forth to speak; the public hearing was closed.

Ordinance #05-14 – this ordinance authorizes additional revenues and expenditures related to the preparation of engineering studies and plans for improvements to Industrial Park Drive. Mayor Merrifield opened the public hearing, no one from the public came forth to speak; the public hearing was closed.

Special Presentation to the Winner of the Lion's Club Peace Poster

The winner of the Lion's Club Peace Poster was 10 year old Teagen Doscher. His poster was displayed for all to see. Teagen stated his idea of what peace means is that everyone would help everyone else and every day would be like Thanksgiving.

Comments from the Public

Mr. Mike Mullavey, resident expressed his concerns about the continued juvenile delinquency that continues to happen in Franklin. Vandals did a great deal of damage to the Ski Lodge, and O'Dell Park and he stated the perception in the City right now is that nothing is being done about it. He advised they have the money to fix/replace the porch at the cottage and the money has been sitting in an account for a year.

Resident Ms. Daigle, Sanborn Street commented she read that taxes in Franklin went up 11% and she stated it is quite upsetting that last year we dropped the school's budget by a 1 ½ million dollars because Franklin has a tax cap that was only suppose to last 2 or 3 years. The school got rid of language teachers because technically it is not required for college but we still should have the language teachers in place. She stated why do we need to buy a new police car. She stated she has to send her kid out of district to get the education he needs. Mayor Merrifield responded that the increasing of the tax rate by 11% does not mean that taxes are going up 11%, property values dropped 11% overall, we are not raising taxes 11%.

Resident and School Board Member Ed Cogan inquired as to why City vehicles have to stay idling when no one is in the vehicle and ask if there is an anti-idling policy for city vehicles. He stated he goes to work real early in the morning and was wondering if there would be a way to have the lights downtown flashing as when he comes through downtown there are almost no vehicles and he has to sit through several lights before his light changes from red to green. He stated the State flag on the pole at the Police Department is very tattered and worn. Mr.

Cogan also stated there is a business here in downtown Franklin that has women's intimate clothing hanging in the window and he stated he does not feel that represents Franklin in a positive way. Mayor Merrifield responded there have been other comments about this situation and the City is currently trying to use gentle persuasion concerning this issue and it has been discussed in committee but at this point in time we do not have any legal enforcement tool. Councilor Dzujna advised that Choose Franklin has a letter that they are going to be sending to this business concerning this issue.

Choose Franklin

Mrs. Annette Andreozzi advised that the next Choose Franklin meeting will be this Thursday, December 5, 2013 here at City Hall beginning at 8:00 a.m. The subject matter will be Common Core State Standards and FHS Principal Towne and Assistant Principal Blackstone will speak on what are Common Core Standards, as well as on Education Plans and 505 plans. Choose Franklin will not meet in January but will host First Day Franklin January 1, 2014. Mr. Dan Darling advised he is helping to organize First Day Franklin and he has been delighted to see how supportive the businesses are of this First Day activity as well as all the support from the Franklin Fire and Police Department. First Day Franklin, January 1, 2014 11:00 a.m. to 2:00 p.m.

Legislative Comments

Representative Burns and Representative Webb were both in attendance. Representative Webb advised there will be a public hearing December 11th at 9 am on the proposed County Budget. The projected increase in County taxes will be at 5.53% whereas for the last three years it has been kept under 1% or close to 1%. He stated this is the first step of the budget process. The actual budget will be voted on in March, 2014. He advised he is on the Corrections Committee; Representative Burns is on the Nursing Home Committee. There will be a

Northern Pass Workshop December 10th which will be held at the high school in Plymouth and you may need to register in advance to speak.

City Council Acknowledgement

Councilor Trudel advised that he received a telephone call from a Mr. Richard Tuck who lives up in the Calef Hill area and expressed his gratitude about the repairs that have recently been made on the roads in the area. Councilor Desrochers recognized Councilor Trudel and thanked him for his 3 years of service on the City Council.

Mayor's Update

Mayor Merrifield commented that Manager Dragon has provided information on the December 10th meeting concerning Northern Pass and expressed his hopes to see many of the Councilors and anyone from the public that might be interested.

Approval of Minutes

Motion made by Councilor Desrochers that the Franklin City Council approves the minutes of the November 4, 2013 City Council Meeting. Motion seconded by Councilor Feener. All in favor; minutes approved.

School Board Report

School Board Member Mrs. Russo announced celebrating Leadership in New Hampshire by the New Hampshire Department of Education will be honoring Franklin's own Carrie Charet who was a finalist as the 2013 New Hampshire Teacher of the Year. Mrs. Russo introduced the new Interim Superintendent, Dr. William Compton. Dr. Compton stated he is a retired Superintendent but assists with communities that are in need of an interim while looking for a new

Superintendent. Dr. Compton stated he has 43 years experience in education; 31 years as a School Superintendent.

Request for Letter of Approval from the City as an abutter to file for a Seasonal Boatlift on Webster Lake

Mr. Mathew McCaffrey stated he is representing his parents Tim and Jane McCaffrey who are the property owners for 118 and 112 Webster Avenue. He stated after owning 112 Webster Avenue for 17 years they have decided they would like to put in a boat lift and they went to file a permit for a seasonal boat lift to put next to their dock and the rules are you are to contact the abutting properties and see if they have any objections, one side they are the abutter, the other side no one owns the land, no one has ever paid taxes on it so there is no owner. Mrs. Ryba in the Franklin Assessing Department sent a letter to the Department of Environmental Services Wetland Bureau advising there is no owner and DES inquired if the City objects to the boat lift. Mr. McCaffrey stated so there are asking if there are any objections to the boat lift and if no objection, they requested a notarized letter from the City stating there is no objection.

Motion made by Councilor Clarenbach that the Franklin City Council approves the request from the property owners of 112 Webster Avenue to install a seasonal boatlift with 20 feet of the City right-of-way. Motion seconded by Councilor Starkweather. All in favor; motion passes.

Ordinance #03-14 – This ordinance concerns traffic and pedestrian safety in the City of Franklin.

Motion made by Councilor Feener that the Franklin City Council adopts Ordinance #03-14 and strike the sunset provision clause, and add it to the Franklin City Code. This ordinance will enhance public safety by better regulating the passing and exchanging of items between pedestrians and the occupants of a motor vehicle. Motion seconded by Councilor Dzujna.

Councilor Giunta inquired as to why the sunset provision was put into this in the beginning. Director Lewis commented that some of the language, not all of the language, in this ordinance came from another community and they had the sunset provision. Director Lewis stated that in his discussions with the City Attorney it was appointed out that during his many years as the City Attorney he does not ever recall any similar sunset provision being incorporated into an ordinance that is being considered by the City Council. Councilor Dzujna suggested that it be discussed as to why the City is doing this ordinance. Manager Dragon stated is you have been following newspaper articles Concord has had quite an ongoing issue with panhandling and to address the issue they adopted a similar ordinance. We are bringing this forward to be proactive regarding panhandling in Franklin. Councilor Desrochers commented he is not for or against the ordinance but he does question the ability to enforce it as the City has other ordinances that we are not always able to enforce.

Roll Call Vote:

***Councilor Clarenbach – Yes
Councilor Giunta – Yes
Councilor Desrochers – Yes
Councilor Starkweather – Yes***

***Councilor Dzujna – Yes
Councilor Feener – Yes
Councilor Trudel – Yes***

Ordinance #03-14 passes.

Ordinance #04-14 – This ordinance will better manage and regulate the use of City property and add it to the Franklin City Code.

Motion made by Councilor Trudel that the Franklin City Council adopts Ordinance #04-14 to better manage and regulate the use of City property and add to the Franklin City Code. Motion seconded by Councilor Desrochers.

Councilor Desrochers stated he wished to amend the motion to make the Boy

Scouts of American exempt from having to acquire a permit or seek approval as it is part of the Boy Scouts Code to leave an area in better shape after they have used it. Amendment seconded by Councilor Giunta for discussion.

Manager Dragon stated that this ordinance was actually written so that organizations like the Boy Scouts would still have the ability to seek approval for the use of the property and regardless of the organization; it needs to be known who is there, how long they will be there, etc. and she stated she believes the Boy Scouts will be fine with the way the language is written.

Amendment fails.

Roll Call Vote:

***Councilor Clarenbach – Yes
Councilor Giunta – Yes
Councilor Desrochers – Yes
Councilor Starkweather – Yes***

***Councilor Dzujna – Yes
Councilor Feener – Yes
Councilor Trudel – Yes***

Ordinance #04-14 passes.

Resolution #05-14 – This resolution authorizes additional revenues and expenditures related to the preparation of engineering studies and plans for certain improvements to Industrial Park Drive.

Motion made by Councilor Trudel that the Franklin City Council adopts Resolution #05-14 to authorize additional revenues and expenditures related to the preparation of engineering studies and plans for certain improvements to Industrial Park Drive. Motion seconded by Councilor Feener.

Councilor Desrochers stated he acknowledges that the upper part of Industrial Park Drive is certainly in need of repairs. He also stated he took a drive on Chance Pond Road, Prospect Street and Prospect in the area of Winnepesaukee Street and

those roads are in dire straits compared to Industrial Park Drive and if something isn't done the City is going to lose the edge of Prospect Street in the area of Winnepesaukee Street. He stated he does have a problem spending these funds on Industrial Park Drive at this time as there are so many other streets in the City that need to be addressed and the City would be short-changing the citizens of Franklin.

Councilor Clarenbach commented he does not disagree with Councilor Desrochers, however, the attempt with this resolution was to find the funds to find out what it actually would cost to replace that worst section of Industrial Park Drive with proper engineering drawings. Councilor Clarenbach further stated once we know exactly what the cost would be then we can determine if we can do the project in phases.

Roll Call Vote:

***Councilor Clarenbach – Yes
Councilor Giunta – Yes
Councilor Desrochers – Yes
Councilor Starkweather – Yes***

***Councilor Dzujna – Yes
Councilor Feener – Yes
Councilor Trudel – Yes***

Resolution #05-14 passes.

Arbor Day Proclamation

Motion made by Councilor Dzujna that the Franklin City Council proclaims December 10, 2013 as Arbor Day in December. Motion seconded by Councilor Giunta. All in favor; motion passes.

Mayor Merrifield read the Arbor Day Proclamation into the record:

PROCLAMATION

In the Year of our Lord, Two Thousand Thirteen.

A Proclamation relating to ARBOR DAY in Franklin, New Hampshire and in celebration of our City's continuing efforts to recognize its importance.

WHEREAS, Trees can reduce and control erosion of topsoil by wind, sun and water, cut heating and cooling

costs, moderate air temperature, provide shade, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, Trees are a renewable resource giving us paper, firewood, furniture, landscape materials, and countless other wood based products; and

WHEREAS, Trees in Franklin help to increase property values, beautify our community and enhance the economic vitality of business areas; and

WHEREAS, Trees are a source of joy during the December Holiday Season and in observance of Arbor Day the City has planted a cluster of four rain gardens at the City's Water Treatment Plant, and

NOW, THEREFORE, BE IT RESOLVED, I Kenneth Merrifield, Mayor of the City of Franklin, New Hampshire, do hereby proclaim December 10, 2013 as:

ARBOR DAY IN DECEMBER

And urge all citizens to support its efforts to care for trees and woodlands and to support our City's Community Forestry Programs throughout each and every year.

73 Elkins Street, Tax Map 117, Lot 118-00

Motion made by Councilor Trudel that the Franklin City Council authorizes the City Manager to dispose of Tax Map 117, Lot 118-00, 73 Elkins Street through a negotiated direct sale to the abutter. Motion seconded by Councilor Starkweather. All in favor; motion passes.

Update on APTD (adults permanently and totally disabled) Guidelines

Motion made by Councilor Feener that Section VII Determination of Eligibility and Amount (Page 15) C. Non-Financial Eligibility Factors Section 5. Eligibility for

Other Categorical Assistance be amended as presented in the enclosed documents. Motion seconded by Councilor Desrochers. All in favor; motion passes.

Acceptance of Hazard Mitigation Plan

Motion made by Councilor Starkweather that the Franklin City Council approves the resolution for the adoption of the Hazard Mitigation Plan Update, 2013; motion seconded by Councilor Trudel. All in favor; motion passes.

Other Business

Councilor Starkweather requested that Fire Chief LaChapelle give a report on the grant application filed by the Fire Department. Chief LaChapelle advised that he and Councilor Starkweather have had discussions in the last few weeks about the pressing AFG Grants (Assistance to Fire Firefighters) that are available and the actual grant process closes this Friday, December 6th. The Fire Department is applying for an AFG grant that will encompass the 26 breathing apparatus at the Fire Station. Chief advised they are creeping up on their maturity date and if the City receives the grant it would save the City approximately \$225,000. He stated the grant has been out there since 2005 and it is a very competitive process.

Councilor Feener advised the Heritage Commission did hold a formation meeting on November 18th and he thanked Mr. Lucas, Mr. Mullavey, Mr. Whitney and Ms. Boswell for attending the meeting. There was a quorum and Councilor Feener was elected the Chair and Mr. Mullavey was elected the Vice-Chair and Mr. Lucas will be the secretary.

City Manager's Update

Manager Dragon reported the City has received \$8,000 from the Webster Lake Association for the completion of the storm water improvement work on Lake Shore Drive and the work has been completed. Manager Dragon announced the hiring of a new Drug Task Coordinator, Brandy Underwood who owns a local business in downtown Franklin. The Drug Task Force Coordinator Office will be located at the Bessie Rowell Community Center. Manager Dragon also advised the Drug Task Force is in the early stages of a planning a Bow-Wow Ball as the next fund raiser for the Police K-9 Program.

The results are in from the NHDOT Speed Study for Old South Main (NH Route 3) and it was determined that the existing 50 mph posted speed limit is appropriate for this highway segment. Manager Dragon further advised that the Planning/Zoning and Assessing Offices will close at Noon on Monday, December 16th to begin their move to the Proulx Center and will reopen for business Friday, December 20th. Christmas Tree Lighting will take place December 6th at 6:00 p.m. Manager Dragon stated they hope to complete the Brownsfield Project this week at 599-601 South Main Street.

Manager Dragon advised that New Year's Eve here at City Hall is a very slow time and for the most part no one comes in so we are planning to close at 3:00 p.m. and those that wish to leave can take two hours comp or vacation time or they can stay and work.

Councilor Starkweather requested that Director Sullivan give an update on the City's water projects. Director Sullivan stated he has a meeting in the morning with the Assistant Commissioner of DES along with Harry Stewart of DES on the condition of the Winnepesaukee River Basin Program and the management study that has been done. Director Sullivan stated the City has completed all its water projects, both tanks are on line, close to 3 ½ miles of pipe has been installed, which includes the river crossing and Chance Pond Road, Kimball Street and Chance Pond Brook has been done. The Water Treatment Plant is up and running and Director Sullivan commented that he has not received one call concerning brown water in over a year. The funding (over ten million dollars) for the Treatment Plant was 49% from USDA and 40% from DES.

Motion made by Councilor Feener that the Franklin City Council enter into non-public session under RSA 91-A:3, II d buying, selling, or leasing of property where public discussion would give someone in the community an unfair advantage adverse to the general public. Motion seconded by Councilor Desrochers.

Roll Call Vote:

Councilor Clarenbach – Yes

Councilor Giunta – Yes

Councilor Desrochers – Yes

Councilor Starkweather – Yes

Councilor Dzujna – Yes

Councilor Feener – Yes

Councilor Trudel – Yes

After a short break City Council entered into non-public session at 8:05 p.m. City Council came out of non-public session at 8:35 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 Desrochers.

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Roll Call Vote:

Councilor Clarenbach – Yes
Councilor Giunta – Yes
Councilor Desrochers – Yes
Councilor Starkweather – Yes

Councilor Dzujna – Yes
Councilor Feener – Yes
Councilor Trudel – Yes

Motion to seal minutes passes.

Motion made by Councilor Feener to adjourn, seconded by Councilor Desrochers.
All in favor, meeting adjourned at 8:40 p.m.

Respectfully submitted,


Sue E. May