

Approved by City Council on January 4, 2016

## **City Council Meeting December 14, 2015**

### **Call to Order**

Mayor Merrifield called the meeting to order in the Council Chambers, Franklin City Hall at 6:00 p.m.

### **In Attendance**

Councilor Dzujna, Councilor Starkweather, Councilor Desrochers, Councilor Feener, Councilor Wells, Councilor Barton, Councilor Giunta, Councilor Boyd, Mayor Merrifield and City Manager Dragon.

### **Absent**

Councilor Clarenbach

Salute to the Flag was led by Councilor Boyd.

### **Public Hearings**

**Resolution #06-16** - appropriating \$11,000 of reserve funds from the Raymond and Betty Turcotte Rescue Squad for the rescue trailer storage barn.

There was no public comment.

**Payment in Lieu of Taxes (PILOT)**: agreements for seven solar projects being developed by NH Solar Garden throughout the city on both private and public property.

Mayor Merrifield informed that these are payments to the city or revenue to the city's general fund in lieu of taxes.

Mr. Therrien asked, what is the advantage of getting the money vs the taxes for the city people? How does it benefit the public? City Manager Dragon stated it benefits the public the same way as a tax payment would it is a payment to the city. These solar projects and other renewable energy projects fall under a different statute. In that statute, it allows for a payment in lieu of taxes instead of a regular tax payment. The discussion was focused on what should the payment be.

Mayor Merrifield added that these structures, the solar arrays, are considered taxable only through this method in New Hampshire. We are in a sense taxing them through a payment in lieu of taxes whether they are on city or private property and this is additional revenue for the city.

There was no further public comment.

### **Comments from the Public**

**Persons wishing to address the Council may speak for a maximum of three minutes. No more than thirty minutes will be devoted to public commentary.**

Mr. Brian Lamond of Prospect St wanted to know when the city is going to do something about Prospect St? He is sick of his cars and truck getting torn apart driving up and down over the ruddy roads. He picked up a tax abatement form and he is going to apply for tax abatement and is also going to recommend to all his neighbors to apply for tax abatement because the road is lowering the value of his property. He is also thinking of suing the city for damages to his vehicles. Nothing has been done to that street for 20 years and all they do is come up and down and throw coal patch down to fill the holes which is washed out the next time it rains. Mr. Lamond has had to call and email Brian Sullivan a number of times as his wife has to drive to Concord daily past Central St. and that is the worst with pot holes. Director Sullivan had told him once that they used 16 tons of coal patch on the road between the town line and Gile road and Mr. Lamond feels that is costing the city money. He hears people say they do not want the road fixed because then people will be going too fast, people fly up and down the road anyway. Mr. Lamond would like to see a police officer sit in his driveway one day and stop a few people and make some money to fix the road.

Municipal Services Director Brian Sullivan stated that Prospect St. has been discussed on numerous occasions and the problems are not limited to just Prospect St. He has a list from the Capital Improvement Plan that identifies over 6 million worth of road work that needs to be done and we are in this position due to lack of revenues. A schedule has been worked up for bonding as it will cost well over 1.2 million to do the entire Prospect St. properly. Prospect St. has been problematic for over 30 years as it does not have much of a sub base as it is believed to have been a cow path previous. MSD committee is talking about bonding and would like anyone from Prospect St. to attend the hearing for this. As costs continue to escalate Director Sullivan feels that bonding would be the one way to accomplish this.

Mayor Merrifield added that 1.2 million is 10% of what we collect in taxes annually and bonding would be probably the only way to do this.

Mr. Rayno stated 40 years ago Franklin was scheduled to have a second bridge come down Rte 11 straight across Rte 127 with a bypass over to I-93 that got phased out but in the process the State took some land from Mr. Eli Sneider on Riverview Dr. Starting at 3:30 am coming from I-93 in Sanbornton, trucks come down Rte 127 to bottom of Hill right on Central St take another right and go about their business. We need another bridge in town. Anyway we can get the ball rolling on getting another bridge in town north of here?

Mayor Merrifield agrees if anything ever happens to the current bridge the city would be cut in half.

Mrs. Dzujna on behalf of Franklin Regional Hospital auxiliary wanted to thank Choose Franklin for including them in the marketing of the most amazing weekend, last weekend. They had their Lights of Memory event and had about 50 people in attendance and that is the most they have had in attendance in the last 10 years.

Director Lewis gave an update on agenda item #IX. The planning board held their public hearing on Dec 9, 2015 and voted 6-0 with a positive recommendation of this change to the Council. Shifting from a SUP to P doesn't mean restaurants won't be established in the downtown without any review or checklist of significant items. The review process would go through a site plan review process such as heating, ventilation, parking, signage and building review process.

Fire Chief LaChapelle stated that on Nov 23 at 9:07 am they were toned out for a 3<sup>rd</sup> call, while already out on a MV entrapment and helicopter landing at hospital, city worker Jeremy Cornell was working at Franklin shopping center discussing leaf pick up when he noticed an elderly gentleman leaning on his car fumbling with his phone. Stopping his conversation he went over to the elderly gentleman and asked if he needed help and he stated yes I can't breathe. Jeremy immediately called 911 and summoned the city's ambulance to that location. We had off duty personnel at the station from the previous two calls. Once the gentleman was loaded into the ambulance he went into sudden cardiac arrest, stopped breathing and had no pulse. With advanced life support care the gentleman is alive and believed to be doing ok. It needs to be recognized that without Jeremy Cornell's efforts as an MSD employee and a responsible city employee, recognizing a citizen's need that gentleman would not be alive today. This particular gentleman is also someone who has endured tragedy in the city and lost his family in a fire in 2008.

Fire Chief LaChapelle also stated that our last ISO rating was done 1995. There is controversy across the country as to whether ISO ratings have value or not. Our long standing ISO ratings have been a 4 in downtown district and 9 in rural setting. After reviewing training files, reviewing the upgrades (14 million in water upgrades) we made an improvement to a 3 in our ISO ratings. This is a huge advantage to the taxpayers that the insurance companies do value.

There were no further public comments, Mayor Merrifield closed public comment.

### **Choose Franklin**

Mrs. Jo Brown, Co-Chair wanted to thank everyone involved in the tree lighting ceremony it was one of their best nights as a business owner. It was nice to see the traffic stopping as a native of Franklin. Our First Day will be on January 1 and we will be having Kayaks coming down, for those who don't know we have a new Kayak and bike business coming to town. Owner Marty will be taking people out into the frigid water for those interested. In February, we will be hosting the new Hospital CEO Seth Warren at 8:00 a.m. at the Library upstairs. In March, our

own Superintendent LeGallo will be talking about what is happening in the schools. In April, the Mayor's Drug Task Force will be hosting Dr. Racicot talking about heroin issues.

**Legislative Comments** - None

**City Council Acknowledgements**

Councilor Dzujna wanted to thank the people who placed the greenery that is put on the poles (Franklin Regional Hospital Auxiliary, Franklin Regional Hospital gift shop, Franklin Rotary Club, Franklin Library Board, Watts Water Technology).

Councilor Dzujna also wanted to recognize the Morrill Family (Tim and Glen) for putting up and decorating the tree in West Franklin along with the wreaths on the wheel. Thanks to Mark Picard and Beck and Bellucci for the putting up the major tree downtown. Also thank you to the Franklin fire department for coordinating the lighting and bringing Santa to downtown. Also thank you to everyone for their participation in career day at the high school, they did a fabulous job. Finally thank you Jeff and Bev Brewer for winning the Hurst award.

Mayor Merrifield stated we should recognize and thank Councilor Dzujna for his efforts for the tree lighting and Santa's workshop coordination.

**Mayor's Update**

Mayor Merrifield stated he received a request from the family of the cold case of the Gloddy murder. Banners are currently on private property. We have recently had these banners on city property and they are requesting if they can do this again, on Ward I bridge and the Police Department. Councilor Dzujna asked if this is something that has to go through planning and zoning and this is not in the ordinance. Mayor Merrifield stated he is leaving it to the Council discretion since this is the first they are hearing of this.

**Agenda Item I.**

**City Council to consider the minutes of the November 2<sup>nd</sup>, 2015 City Council Meeting.**

***Motion: Councilor Dzujna moved that the Franklin City Council consider the minutes of the November 2, 2015 City Council Meeting. Motion seconded by Councilor Feener.***

Councilor Dzujna stated on page 2, second paragraph, 1<sup>st</sup> line, it should be Day not Night.

***All in favor; motion passes as corrected.***

**Agenda Item II.**

**School Board Report**

School Board report given by Chair Tam Feener. Copy is attached.

**Agenda Item III.**

City to consider approval of Resolution #06-16 concerning appropriating \$11,000 of reserve funds from the Raymond and Betty Turcotte Rescue Squad for the rescue trailer storage barn.

***Motion: Councilor Starkweather moved that the Franklin City Council adopt Resolution #06-16 by roll call vote. Motion seconded by Councilor Desrochers.***

***Roll Call:***

<b><i>Councilor Clarenbach</i></b>	<b><i>– Abs</i></b>	<b><i>Councilor Dzujna</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Giunta</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Wells</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Boyd</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Feener</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Desrochers</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Barton</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Starkweather</i></b>	<b><i>– Yes</i></b>		

Fire Chief stated that funds from LRGH healthcare, a grant from 3M and these funds will also be intended to be used as a soft match for emergency management funds to purchase electronic sign board, trailer for 100 cones and barricades that would be used at a time of emergency at no cost to the city.

***All in favor; motion passes.***

**Agenda Item IV.**

City Council to consider Payment in Lieu of Taxes (PILOT) agreements for seven solar projects being developed by NH Solar Garden throughout the City on both private and public property.

***Motion: Councilor Feener moved that the Franklin City Council approve the Payment in Lieu of Taxes (PILOT) agreements for the seven solar projects. Motion seconded by Councilor Desrochers.***

Councilor Giunta recused himself and removed himself from the table.

City Manager Dragon stated that she used the wording town solar as they mistakenly called us town solar in their lease agreement so she used the same language. Per conversation with Atty Fitzgerald, this statute that allows us to use (PILOT) actually talks about this being done every 5 years and there needs to be a reason for it to be a longer term agreement. These agreements are for every 20 years and the reason why is NH Solar Gardens needs to have the PILOT agreements and lease agreements all be the same terms because the funders who are funding the projects want that guarantee that they know what the numbers and expenses are because some of these have lease agreements to the city, some have lease agreements to private property owners, there is one that has a purchase power agreement and then there is the PILOT so they would like all of them for the same amount of time.

***All in favor; motion passes.***

**Agenda Item V.**

**City Council to consider Tim Morrill to come before the council to discuss proposed art streetscape idea.**

Tim presented a projection of his idea to the councilors. Tim wants to get students involved with this project and do designs in four medians around the city. He is to come back to the council with plans, cost, time and design ideas (nothing too bright for distraction) for this project.

**Agenda Item VI.**

**City Council to consider approval of an agricultural lease with Mr. Fife for portions of a city owned parcel not being utilized for a previously approved Solar Project.**

***Motion: Councilor Dzujna moved that the Franklin City Council approve the agricultural lease with Mr. Fife for portions of a city owned parcel not being utilized for a previously approved Solar Project for one year. Motion seconded by Councilor Starkweather.***

City Manager Dragon stated that Mr. Fife called and would like to have this lease for five years not an annual lease.

***Motion: Councilor Desrochers moved that the Franklin City Council approve to amend the agricultural lease with Mr. Fife for portions of a city owned parcel not being utilized for a previously approved Solar Project for five years. Motion seconded by Councilor Starkweather. All in favor of the amendment to the original; motion passes.***

***The Mayor then called the vote on the original motion as amended. All in favor; motion passes.***

**Agenda Item VII.**

**City Council to consider concerns regarding continued voting at the Franklin Middle School for Ward 3.**

Vice Principal Finley, as Emergency Director for the district, voiced concerns about school safety when voting happens during school hours to vote. With people having access to the gym, children playing outside during recess, parking problems, etc. it poses a problem at Franklin Middle School.

Councilor Desrochers asked why the school district couldn't make voting days a teacher workshop day so students would not be in school. Mr. Finley stated that is a good suggestion and he would look into it.

Mayor Merrifield stated the Council would take it under advisement.

City Manager Dragon stated that our Ward maps are a bit unclear online so the city is working to make these clearer as to what areas are in what Wards.

**Agenda Item VIII.**

**City Council to consider adoption of pay and classification Grade 1022 adjustment.**

***Motion: Councilor Desrochers moved that the Franklin City Council adopt the pay and classification Grade 1022 adjustment. Motion seconded by Councilor Dzujna.***

City Manager Dragon states it changes the range and some employees are frozen at the end of the range. This adjustment changes the beginning and the end of the range.

***All in favor; motion passes.***

**Agenda Item IX.**

**City Council to consider Franklin Planning Board's recommendation to approve an amendment to the Zoning Ordinance to allow restaurants in the Downtown Revitalization District as a permitted use.**

***Motion: Councilor Desrochers moved that the Franklin City Council approve an amendment to the Zoning Ordinance to allow restaurants in the Downtown***

***Revitalization District as a permitted use. Motion seconded by Councilor Feener. Roll call vote.***

***Roll Call:***

<b><i>Councilor Clarenbach</i></b>	<b><i>– Abs</i></b>	<b><i>Councilor Dzujna</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Giunta</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Wells</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Boyd</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Feener</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Desrochers</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Barton</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Starkweather</i></b>	<b><i>– Yes</i></b>		

Councilor Feener states that Franklin for Lifetime program set up subcommittees and this came out of the housing infrastructure committee program was focusing on downtown and that this needs to change to allow restaurants to come into downtown.

Councilor Dzujna states that this will help show that we want to get businesses here into the downtown.

***All in favor; motion passes.***

**Agenda Item IX.**

**Other Business**

- 1. Committee Report** – None
- 2. City Manager’s Update**

City Manager Dragon stated there is a 2015 construction summary that is included at the end of this packet and online by the MSD department.

City Manager Dragon advised that the City received the following contingent grant line amount: \$400 VFW & Franklin Lodge for the Book Club; \$253.83 Lights on Nap Sack Grant; \$1,747.00 Comedy Show Proceeds – Drug Task Force; and \$6,864.00 DWI Patrol grant.

We have started an online newsletter thanks to Franklin for Lifetime another subcommittee that has been active in marketing and promoting the community and creating more champions for Franklin. This newsletter is being entirely written by a volunteer. City Manager Dragon just reviews her work and sends her information and the Mayor participates in this as well. So far it has gotten great feedback and has been received well. It has also been added to the website as an online subscription and you can just go on the website and sign up for this where you would sign up for other e-alerts.



The Downtown Coordinator position, the grant that Director Lewis put together through USDA Rural Development, was funded for \$50,000 and we have put out a request for applications. We are in the process of interviewing our top candidate and hopefully working out a scope of duties.

The NHMA conference asked the Drug Task Force back again this year and we coordinated a panel discussion on substance misuse and had great attendance. 49 people attended the session, 6 different panel speakers and many people standing in the back of the room. The room was completely full. We believe we will be invited back again next year.

A legislative update on the curfew ordinance challenge, City Manager Dragon did reach out and everyone was on board in trying to help us. Since the house deadline had passed, Senator Hosmer did work with the attorneys to see if there was some way to purpose a change to the State law that would help us with the ordinance challenge by the ACLU, however in his conversations with the attorneys they were not able to come up with anything that would address the constitutional challenge that the ACLU was bringing forward and so there is no bill currently pending.

Congratulations to Jim Curran who is retiring this week and he will be hard to replace.

### **3. Late Items**

Mayor Merrifield read Resolution #07-16

#### **RESOLUTION #07-16**

**A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2016.**

**In the year of our Lord, Two Thousand Sixteen,**

**WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2016 which began July 1, 2015, and;**

**WHEREAS, the City Council of the City of Franklin, New Hampshire has supported the CATCH Neighborhood Housing project at the Riverbend Mill property located at 100 Memorial Street, and;**

**WHEREAS, the City Council of the City of Franklin acknowledges receipt of a Community Development Block Grant in the amount of \$500,000 from the Community Development Finance Authority for the CATCH Neighborhood Housing project, Now**

**THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, January 4, 2016, the City Council of the City of Franklin, New Hampshire does hereby adopt**

**resolution 07-16 approving the receipt of a community block development grant in the amount of \$500,000 from the Community Development Finance Authority and authorize an increase in revenues:**

**Federal Grants – CDBG CATCH Center Acct No. 14-9-012-33110-433 – Five Hundred Thousand Dollars (\$500,000),**

**And an increase in expenditure account Federal Grant Building – CDBG CATCH Account No. 14-9-012-40720-433 in the amount of Five Hundred Thousand Dollars (\$500,000),**

**By a roll call vote.**

***MOTION: Councilor Feener moved that the Franklin City Council approve to set a public hearing for Monday, January 4, 2016 at 6:07 pm regarding the Resolution #07-16 appropriating of up to \$500,000 of Community Development Block Grant Funding received for the CATCH Neighborhood Housing project. Councilor Desrochers seconded. All in favor; motion passes.***

City Manager received an email from Angela Carey resigning her Ward II school board seat. Per the Council a posting will go on the web to announce this vacancy for the Council to appoint someone for the remainder of her term. Councilor Desrochers would like to have applicant documents prior to the meeting for review.

Councilor Desrochers wanted to say that on behalf of the City Council we wanted to wish the residents of Franklin a very Merry Christmas and Happy New Year and to keep all our service men and women in their thoughts as they give us the right to sit at his table tonight.

***City Council to enter into non-public session under RSA 91-a, II a, the Dismissal, promotion or compensation of any public employee.***

***MOTION: Councilor Feener moved that the Franklin City Council enter into non-public session under RSA 91-A:3, II a, The Dismissal, promotion or compensation of any public employee, by a roll call vote and Councilor Desrochers seconded.***

**Roll Call:**

<b><i>Councilor Clarenbach</i></b>	<b><i>– Abs</i></b>	<b><i>Councilor Dzujna</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Giunta</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Wells</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Boyd</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Feener</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Desrochers</i></b>	<b><i>– Yes</i></b>	<b><i>Councilor Barton</i></b>	<b><i>– Yes</i></b>
<b><i>Councilor Starkweather</i></b>	<b><i>– Yes</i></b>		

*All in favor; motion passes.*

**MOTION:** *Councilor Feener moved to come out of the non-public session and Councilor Desrochers seconded. All in favor; motion passes.*

*Councilor Feener moved that the Franklin City Council approve renewing the employment contract for the Police Chief for another 4 years with a merit increase and Councilor Desrochers seconded. All in favor; the motion passes.*

Councilor Giunta stated that the City Council in Berlin voted to support Northern Pass Project and he hopes to make a motion to have Franklin City Manager send a letter to the Site Evaluation Committee with unanimous support from this committee supporting the Northern Pass project.

**MOTION:** *Councilor Giunta moved that the Franklin City Council unanimously supports the Northern Pass Transmission project and the Council authorizes the City Manager to write a letter of support enumerating the many benefits of the project. The letter is to be sent to the New Hampshire Site Evaluation Committee with specific reference to the Franklin City Council's unanimous support and Councilor Boyd seconded. All in favor; motion passes.*

**Adjournment**

*Motion to adjourn made by Councilor Desrochers and seconded by Councilor Feener. All in favor; meeting adjourned at 8:08 p.m.*

Respectfully Submitted,

Lauraine G. Paquin