

## **City Council Meeting February 1, 2016**

### **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 Clarenbach, Councilor Boyd, Councilor Starkweather, Councilor Barton, Councilor Giunta, Councilor Desrochers, Councilor Wells, Councilor Zink, Councilor Dzujna, City Manager Dragon and Mayor Merrifield.

Salute to the Flag was led by Councilor Desrochers.

### **Public Hearings**

Council to accept approximately \$9,130 from the Albert Garneau Scholarship Fund for the purpose of placing the expendable scholarship fund with the City's Trustees of Trust Funds.

There was no 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.**

Glen Feener spoke about Agenda Item IV as he speaks in favor of this. "Our City Manager will do a great job representing us at these meetings particularly with the help of the City Solicitor given her direction and I strongly suggest that vote be a 100% in favor this evening and if any councilors vote against this, then I would suggest they tender their resignation because obviously they have some other agenda in mind and they are not for the best interest for the future of Franklin."

Glen Feener then asked what next Tuesday is and if the councilors know what their responsibilities are. He just wanted to make the councilors aware that the Moderator received in the mail from the Attorney General's office, 2016 Polling Place checklist for the Presidential Primary Election. On the front page it is asking how many Selectmen, in Franklin's case City Councilors, are present at the polls? He hopes to see everyone at the polls and would like to hear that everyone showed up and we all get a passing grade on that.

Ms. Cilley wanted to know the status of streets to be resurfaced. She lives on Terrace Rd and it is like a minefield trying to get through there, if we can get this resurfaced. This will be discussed later in the agenda.

### **Choose Franklin**

Councilor Dzujna, who is co-chair of Choose Franklin, will give update so far. Had a terrific First Day, had the most kayaks ever and about 300-400 people. The police did a terrific job at keeping the people from blocking the way. This Thursday we are having the new CEO Seth Warren from the hospital speaking at our meeting, in the Library, speaking about his plans for Lakes Region. In March, we are having Superintendent of Schools taking about his first year on the job. In April, we are having the Mayor's Drug Task Force speaking about the Opioid crisis. Our meetings are at 8:00 am and hope to see everyone there.

### **Legislative Comments** - None

### **City Council Acknowledgements**

Councilor Dzujna wanted to say that Inspire music (Zach DeFoses), which started here on River St., had his first acoustic session last Saturday he and the entertainer (Zach Benton from Keene) donated all the proceeds to the Elkins St. fire victims. Councilor Dzujna wanted to thank them both.

Councilor Desrochers wanted to say he has a couple of comments that he wanted to direct to Director Sullivan about snow pick up on Franklin St and the maintenance of the sidewalks from residents as they were happy to see them doing it again.

### **Mayor's Update**

Mayor Merrifield wanted to mention some discussion about HB626, which is a bill to establish electricity corridors through the State of NH and if mandated by the legislature it would effectively cut Franklin out of the Northern Pass project. This bill was already heard in committee and voted ITL in committee, recommended to be killed by the committee and was resurrected by the floor when it came to a full vote in the house. The hearing is Wednesday at 10:30 am in the LOB Rm 212. Mayor Merrifield and City Manager Dragon will be there and he invites anyone from the Council who can be there and testify and invites anyone from the public who would like to come and fight for their City because this would effectively eliminate the City's chance at \$7.5 million a year in new revenue. Councilor Dzujna asked if this is the bill that would take Northern Pass down 93 that was stopped last year. Mayor Merrifield states the bill is vague but doesn't appear to mandate electricity corridors but they designate specific state highways none of which run through Franklin.

**Agenda Item I.**

**City Council to consider the minutes of the January 4<sup>th</sup>, 2016 City Council and Inaugural Meeting.**

***Motion: Councilor Desrochers moved that the Franklin City Council consider the minutes of the January 4, 2016 City Council Meeting. Motion seconded by Councilor Dzujna.***

***Councilor Barton abstained, All others in favor; motion passes.***

**Agenda Item II.**

**School Board Report**

School Board report given by Debbie Brown. School Board held their first meeting as a new board of 9 and it was the first time in a long time all 9 members were present. The board has worked on a number of things to bring the board into all the subcommittee's and the board will be voting on those choices and Deb was here as a courtesy to update the group. The juniors are currently registering for SATs. Next school board meeting is Feb 15 at 6:00 pm at Bessie Rowell Library at the Middle School.

**Agenda Item III.**

**City Council to consider accepting approximately \$9,130 from the Albert Garneau Scholarship Fund for the purpose of placing the expendable scholarship fund with the City's Trustees of Trust Funds.**

***Motion: Councilor Dzujna moved that the Franklin City Council accept approximately \$9,130 from the Albert Garneau Scholarship Fund for the purpose of placing the expendable scholarship fund with the City's Trustees of Trust Funds. Motion seconded by Councilor Desrochers.***

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

**Agenda Item IV.**

**City Council to consider proposed legal fees above and beyond the monthly retainer for FY16.**

City Manager Dragon gave an explanation of this document to the Council. Mayor Merrifield wanted to add that he did some research, and wanted to give credit to Councilor Zink with questions she asked, and that the City of Berlin has already requested to be identified as an intervener and has retained outside legal counsel. The SEC will attempt to combine interveners

who have like interests so that there won't be a bunch of lawyers asking the same questions. We may be able to combine our efforts with the City of Berlin.

**Motion:** *Councilor Desrochers moved that the Franklin City Council approve additional legal fees through October 2016 estimated to average \$1500-\$2000 a month (not to exceed \$20,000 in total) to participate in the site evaluation process for the Northern Pass project. Motion seconded by Councilor Starkweather.*

Councilor Dzujna states that he feels we have to get involved and intervene. One question is will we still be able to utilize City Manager Dragon if we pool attorneys? City Manager Dragon stated that she feels that they can't tell us where we will get our guidance from, so we will still be using Attorney Fitzgerald, but rather they are looking to combine the arguments of attorneys to save time and not repeating the same information.

Councilor Zink states that when we talk about number 14 in this draft proposal we should add a line that says "We respectfully request that the SEC Grant its permission to intervene and permit the City of Franklin to participate with full standing in all phases of activity of the preceding's". Councilor Zink thinks it would be better to add that as other interveners have that language in their applications. Mayor Merrifield doesn't disagree and it is a good thing to add but he states that the SEC is going to decide our scope of what our intervention is. Mayor Merrifield would like City Manager Dragon to ask Atty Fitzgerald if we should edit the petition as long as there are no objections from Council.

Councilor Clarenbach asked that during the process of intervention that for each decision making process we are recognized where they will be taking all the public comments from the 4 or 5 hearings and put all that into record. Intervenors are going to be there throughout the process and constantly remind them of our concerns. Mayor Merrifield's understanding is it is a higher level of participation than if you were just the public. Councilor Clarenbach wanted to understand the difference between the individual vs an entity, what is the complexity and he didn't understand the difference as the City has the power to give City Manager Dragon but what is the benefit? City Manager Dragon then explained that Atty Fitzgerald felt that if one were to intervene individually that City Manager Dragon would still be able to convey the City's position and interest without necessarily drawing the same attention as the City would filing as an organization or a government entity. They are different parts of discovery and Atty Fitzgerald feels that this would limit us in some respects.

Councilor Boyd states that every member signed something recently and residents weren't aware that the Northern Pass was looking to build in Franklin and bring \$6.5 million in revenue and they are in favor of the Northern Pass because they think it is one of the greatest things the State has ever done. We need to do everything we can to make sure that the 2.1 million that they paid for the 1000 acres is where it should go. Mayor Merrifield agreed.

Councilor Giunta asked City Manager Dragon that she would be designated to go there to save us money rather than have Atty Fitzgerald, as the city representative, to sit there time and time again and City Manager Dragon could gather information and bring it back to Atty Fitzgerald if she needed to involve him so we would not need to pay for Atty Fitzgerald all the time. Councilor Desrochers wanted to make one note that there is a bigger picture that some people of Franklin and the people of the State of New Hampshire are missing out on and that is Public Service is selling their power dams, they have a coal fired plant in Bow that is no longer being serviced, they have an oil fired plant in Portsmouth and I don't know if they are even running anymore, Vermont Yankee is closed, Pilgrim Power Plant in Ma is closed, the Northeast needs energy. If we want industry to come here we have to have a cheaper source of power than what we have. Now you can dislike Northern Pass or like it that fact remains, the Northeast needs an electric source of power or we are not going to have any jobs here. I remember brownouts in NYC due to lack of power and that will happen here in New England if we don't do something. The time has long come to stop saying not in my back yard, if not in your backyard than in whose?

Councilor Zink asked if we needed to add a line to the SEC filing that said "by and through our attorneys and the office of City Manager" as right now it all states City of Franklin. Mayor Merryfield stated we will run that by Atty Fitzgerald.

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

#### **Agenda Item V.**

#### **City Council to discuss Wild and Scenic Application.**

City Manager Dragon gave an explanation of this document to the Council and there is a meeting with Representative Kuster on Feb 16 regarding this. Mayor Merrifield states that Wild and Scenic is an act of Congress that makes this designation and that is why it goes through Representative Kuster's office. City Manager Dragon also states that some questions have come up whether this designation will cause some problems for the Northern Pass Project. Some research has been done but it is not clear cut whether it would impact the Northern Pass Project. It may be a good idea to put a pause on this application and not a bad thing to readdress it for the future rather than create another hurdle for the City and the Northern Pass Project at this time.

Mayor Merrifield states all they have to go on is the last vote from the Council which was all in favor to pursue this designation and no one had any indication that this would stop or hinder Northern Pass at that time.

***Motion: Councilor Desrochers moved that the City of Franklin and City Manager Dragon suspend any further talks on the Wild and Scenic River designation until the Northern Pass dust is settled unless we can get assurances from the Federal***

***Government that this will not affect the Northern Pass in any way shape or form. Motion seconded by Councilor Barton.***

Councilor Dzujna stated it was great that this came up as we do not want to do anything that will hinder what we are trying so hard to accomplish. If he remembers correctly, that a comment was made back then why the Advisory group was waiting so long to put forth an application and no one seemed to know. There really is not a dire need at this time. Mayor Merrifield believes that this application has been since previous City Manager Pitts and that is going back 10-15 years ago. He also stated that neighboring communities who touch the river steadfastly oppose this designation.

Councilor Clarenbach asked that once the federal government starts are they going to continue on without our direction or do we need to remove this completely? City Manager Dragon stated that they need the City's support to move it forward and that is why they need the Mayor and City Manager Dragon at the meeting with Representative Kuster because they need for it to be known that the City is behind this application and not just the Upper Merrimack Local River Advisory Committee. City Manager Dragon will communicate with them that City wants to suspend this until the Northern Pass is complete then they really don't have anything to go forward with at that point. City Manager Dragon would also notify the Upper Merrimack Local River Advisory Committee of this as well.

Councilor Zink wanted to know where the lines cross on the Merrimack. Mayor Merrifield stated it is right at the Boscawen town line where the power lines are currently is where the Northern Pass will pass and that would be south of the DC converter station.

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

Councilor Giunta would like to make another motion as the Wild and Scenic has been around for 15 years so why have towns not jumped on this. This designation could be the end of Northern Pass and why he thinks there is huge push to move this forward by the congressional channels to get this passed.

***Motion: Councilor Giunta would like to direct the City Manager to draft a letter and send it to our Congressional delegation (all of them), our Governor, Speaker of the House, President of the Senate, this covers the State side as well as the Congressional side and that letter is to say the City of Franklin strongly does not support the designation of the Upper Merrimack River Wild and Scenic Designation. Motion seconded by Councilor Desrochers.***

Councilor Barton asked if this would give us any leverage. Councilor Giunta states that this sends a clear message that we know what is going on, we know where this is headed and we are not going to stand for it. Councilor Clarenbach stated the issue here is we are looking for a goal of Northern Pass crossing and once that crossing is made if we are interested in Wild and

Scenic we would have told them all that we are not interested in that. He is not sure in calling them out what the purpose would do? Councilor Zink asked if we could draft the letter and then bring it to the next meeting and read the letter before we vote on the letter. Councilor Giunta is worried that there are forces out there that want to move this very quickly and right now we have an outstanding vote out there that supports Wild and Scenic. He is worried that someone would go to Senator Sheehan or Senator Ayotte and say look Franklin has endorsed this and they move forward with this. He feels a quick letter, and a statement to the media, makes a huge difference and makes a clear difference. Councilor Giunta also makes note to the last highlight in the handout about a bridge that was discussed in this Wild and Scenic that was unable to happen and what about the bridge that we wanted to do.

***Councilor Desrochers removed his second and Councilor Giunta removed his motion.***

During conversation it was agreed maybe the best route would be to rescind the original motion from August instead of suspending.

***Motion Councilor Clarenbach moves that the Franklin City Council rescind its authorization for the Wild and Scenic designation for the Upper Merrimack River from August 3, 2015 and notify Congressional delegation in the State of NH of such. Motion seconded by Councilor Boyd.***

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

#### **Agenda Item VI.**

#### **Other Business**

Councilor Starkweather got some calls and was talking with people about 5 buildings that are burnt out and the one condemned due to sewer issues what is the city going to do about these buildings? Normally the holdup is the insurance company but Councilor Starkweather has information that 2 of these buildings the insurance company has settled and paid the owners. His fear is that the owners are going to pocket the money and the city will end up with these buildings. Per the code, if they are boarded up more than 30 days they need to be painted the same color as house. City Manager Dragon stated that it is an issue that they have seen properties where claims have been paid and then remained boarded up. Unfortunately, the ordinance only states to board up the property so maybe a sit down with Director Lewis, Inspector Bodien, Chief LaChapelle and City Manager Dragon to look at the ordinance again to see if there is anything else that can be done. Mayor Merrifield stated that we have experience here in Franklin where owners have walked away.

Councilor Starkweather next stated that a few months ago the lights at Central St and Franklin St were just flashing yellow and flashing red and traffic moved better than it ever has. This was discussed at the MSD committee to possibly put them in flashing mode from 6:00 pm to 6:00

am. This is something for people to think and take some action rather than just talking about it. Councilor Clarenbach stated that the MSD committee is in support of this. Councilor Desrochers added that the MSD committee also talked about doing this on the Saturdays and Sundays to keep the flow moving. When they were flashing for a few days traffic moved 100% better and definitely something to look at. It was suggested that this topic be sent to Highway Safety Committee for review.

Councilor Starkweather wanted to know about the heating system at City Hall, as a lot of money was spent and wanted to know the status. City Manager Dragon stated that City Hall and Proulx Center have had some issues that is very discouraging. One of the issues is the controls in place as they wanted to put that through our main server and we were not comfortable with them accessing our main server so we had our IT Company put them on a different computer. That computer is now ready so the company can log in remotely to make changes to system as needed. That is problem number 1 that should improve. This is a steam system and we have a meeting with a contractor who is more familiar with a steam system next week. We also held back \$50K from the original installer, and won't receive this money until fixed, so any work occurring isn't costing the city any money and they want to get this resolved just as quickly as we do.

1. **Committee Report** – MSD committee met about the road program. The estimated list is that Prospect St is the worst street. The Committee's recommendation would be to have a workshop and have a discussion with the whole council in reference to what legally would be in the best interest of the city. Bonding has a tight window each year the outcome from the MSD was thinking not to Bond and get a note instead for portions of Prospect St. Would encourage a workshop this month to discuss the MSD committee's thoughts and where we should go. Tuesday, February 16 was selected as the Road Repair Workshop date.

Director Sullivan addressed Terrace Rd and stated Terrace Rd is not on the list as there is not enough money to fund all roads in one year. Terrace Rd also needs new water and sewer main so that means there has to be money from the water and sewer funds to install those mains on that road. We can discuss doing something for Terrace Rd at the workshop as there are sections of Terrace Rd in horrible shape especially the beginning of it. There may be other roads that come up as he just gave a preliminary list.

Councilor Dzujna talked about the Crime Line that he has been attending, as the Chief asked him to attend. This month they will be meeting this month at the Franklin Police Dept. on Feb 24 at 8:30 for anyone who wants to stop by and see what the Crime Line is all about.



## **2. City Manager's Update**

City Manager Dragon advised that the City received the following contingent grant line amount: \$200 from Lions for the Book Club; \$500 from HealthTrust for wellness; \$500 from HealthTrust for Safety Coordinator (Fire).

City Manager Dragon wanted to mention that Fire Departments call statistics and the call volume continuing to rise. Attached is a report of their calls to analyze their trends and it seems to be pretty even across the board. One thing that she did want to mention that there seems to be more fires. The Chief wrote City Manager Dragon today as they responded to 5 multiple alarm fires this past week, 2 in Franklin, 1 in Tilton/Northfield, 1 in Belmont and 1 in Andover with over \$4500 in labor and one small injury. City Manager Dragon just wanted to bring this up as we go into budget season with the activity that goes on in the Fire Department as well as the Police Department. Hopefully Chief LaChapelle and his department have been able to get some sleep over the past few days since we haven't had any fires. They have done a great job responding to all those needs, Great Job!

Haynes Brook Culvert update, down by Hannaford, we are now moving forward. Director Sullivan, Director Lewis, myself met with the engineer and took a look at the project to get the documents ready to go out to bid. We are hoping to get construction underway from July to October 2016. It is a busy intersection so we will be looking at traffic concerns, trying to keep everything on track and keeping one lane open at all times. There is no detour around that area so that is why it is so important to do this project. If there was ever a breach in this area it would be very difficult to access the City. We will keep you posted with updates.

We are representing the City and opposition on HB 626 on Wednesday. We also have two House bills on Wednesday morning regarding the Winnepesaukee River Basin program. City Manager Dragon is just going to go in and sign in support of those two bills and then head over to the Northern Pass session. One bill we requested Senator Hosmer to put forth an LSR on our behalf to look at making sure the advisory committee has written recommendation on capital expenditures something that was in the MOU that we signed with the State back in 2012. The other bill looks at expending funds, if you remember for the last couple of years we were working on a management and operations study for the basin program. We were at that last part (task 2) and we were seeking as an advisory board, additional information to put dollars with options so that governing bodies and select boards could make informed decisions. We were looking at options for the future of governance of the Winnepesaukee River Basin program. We surprisingly found out that this is not an allowed expense. We are going into this hoping to change that language in the Statute.

City Manager Dragon wanted to also remind the council of the withdrawal process that is happening at the school right now. The committee is moving forward with the withdrawal plan and tomorrow at 6:00 pm at the middle school will be another presentation on the financial consolidation. All school board members have been invited to attend but did not know if they are planning on attending or not. City Manager Dragon and Finance Director Milner attend these meetings. There is also a draft of the withdrawal plan that is being reviewed.

There are also several press releases in this packet as well.

**3. City Council Appointments**

***Councilor Desrochers appoints Councilor Giunta as the Finance Committee Member to the SAU Withdrawal Committee. Seconded by Councilor Dzujna.***

***All in favor, motion passes.***

***Councilor Clarenbach appoints Steven Foley to be Moderator, Ward I (Seat M1). Term of Service to October 31, 2016. Seconded by Councilor Desrochers.***

***All in favor, motion passes.***

**Adjournment**

***Motion to adjourn made by Councilor Desrochers and seconded by Councilor Boyd. All in favor; meeting adjourned at 7:16 p.m.***

Respectfully Submitted,

Lauraine G. Paquin