

Approved by City Council on December 5, 2016



City Council Meeting November 7, 2016

Call to Order

Mayor Merrifield called the meeting to order in the Council Chambers, Franklin City Hall at 6:01 p.m.

In Attendance

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

Absent

Councilor Boyd.

Salute to the Flag was led by Councilor Clarenbach.

Councilor Desrochers made mention to remember Veteran's Day and tomorrow after voting if you wanted you could go down to the Veteran's Cemetery between 12:30-1:00 pm to help put out flags on graves.

Mayor Merrifield mentioned that the VFW will be having a service at 7:00 pm on Veteran's Day and will march to the garden glen.

Public Hearings

Resolution #04-17 - A Resolution accepting and appropriating the 2017 Law Enforcement Opioid Abuse Reduction Initiative grant of \$28,800, approving the Memorandum of Agreement with Tilton Police Department and appropriating Franklin's portion of the grant in the amount of \$14,400.

Scott Burns spoke about the border communities needing this money and he supports this.

Resolution #05-17 – A Resolution increasing revenue and expenditure accounts based on the awarding of a grant from the New Hampshire Department of Safety, Office of Highway Safety for Franklin Police Department in the amount of \$8,910.

No 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.

MSD Director Sullivan wanted to recognize Jeff Perkins for doing an outstanding job cleaning up the City and has gone above and beyond. He has probably picked up 4500 bags of trash. He stated that Brian Barry was promoted to Deputy Director of MSD. He has been with the building and grounds dept. for 21 years. He is a native of Franklin.

MSD Director Sullivan gave an update that Terrace Rd got behind as they have faced numerous challenges and they are doing it right and not just rushing it. They are looking to finish grading Wednesday and pave it on Thursday depending on the weather. City Manager Dragon asked if this will be the top coat. MSD Director Sullivan stated no this will be the winter binder of 2 ½" like they did on Prospect St. Mayor Merrifield asked that the South Main Street is a 2 year project. MSD Director Sullivan stated Edmunds Construction is close to the job being done with the exception of the riser for fire hydrants. Continental Paving will be putting on a top coat next spring. The total cost for that job minus the water main was \$4,262,000 for less than 1 mile of road.

Legislative Comments – State Rep. Horn spoke that at the County Delegation Meeting they said Felonies First is an initiative being activated in NH and are rolling it out town by town and Franklin's turn will be in January. If you have any questions speak to County Attorney Scott Murray as he has the best information of this program. There will be a tax increase coming from the County to the City of Franklin next year. They are trying to fast track felonies through Superior Court in Concord and no longer prosecute felonies at the District Court level. This means all Superior Court resources will be taxed, sheriff's resources will be taxed transporting people, and attorneys' offices will be taxed prosecuting these cases. They are trying to run the indictments in a 60-120 minute window after lunch. There has been no tax increase from the County in the last two (2) years.

Mayor Merrifield asked State Rep. Horn that this is a cost shift from the State as District Court is a State Court and if County is picking up the costs that is local taxpayers instead of State taxpayers. State Rep. Horn stated he recommends reaching out to County Attorney Scott Murray as he has the best information.

State Rep. Horn mentioned one last thing he urges that whomever you decide to elect that you reach out to them and demand more from them and he hopes he has served everyone well.

City Council Acknowledgements – Councilor Dzujna wanted to recognize Karen Darling who received Franklin Business and Professional Woman of Achievement of the Year. Councilor Dzujna also wanted to recognize Councilor Clarenbach who got the Millham Leadership Award from the Central NH VNA.

Mayor's Update – Mayor Merrifield stated that in passing the City budget they need estimates of pickups. They estimate the value of new construction and under the tax cap are allowed to capture the new funds and place in the City budget. There is no tax increase for existing taxpayers. Since the budget was passed the City has learned there are significant dollars of values and will be able to appropriate those funds. City Manager Dragon stated there is a special hearing Weds. Nov 9. The City was given a number by the assessors. The Webster Station, by Eversource, improvements was

believed to only have a portion of the new value this year and the remainder next year. When the number came in all of the new value was put in for this year and that was a much larger number than the estimate provided by the assessors. It is \$216,311 of new revenue and it is necessary to appropriate these funds. You can just lower the tax rate but then next year you will never capture those funds. All of this will be discussed on Wednesday at the meeting.

Mayor Merrifield mentioned the last time the Council met on school withdrawal the Mayor accepted responsibility for not realizing that the Council needed 60% in order to pass the measure and it failed even with his tie breaking vote. He wanted to publicly state that he like everyone in the room thought majority rules and to publicly state his dismay for not realizing that.

Councilor Giunta spoke that it was a long discussion and thought the Council was worn out on the conversations that were had and everybody had gotten everything they had needed so he called for the question and Councilor Barton had more questions but Councilor Giunta had prematurely said it and it was seconded and then the Council voted. He apologized to Councilor Barton for prematurely closing discussions. Councilor Barton asked if he can ask questions again and reopen it. Mayor Merrifield stated we are in the meeting immediately following the decision and someone who voted on the winning side could make a motion to reconsider then we can reopen the discussion. Councilor Barton stated he would like to ask his questions so he will make a motion.

Motion: Councilor Barton motioned to reconsider. Motion seconded by Councilor Giunta.

Councilor Barton stated has prevote questions that he didn't see in any information he received. Mr. Horn asked if Councilor Barton was in favor or against withdrawal. Mayor Merrifield stated that Councilor Barton was against withdrawal. Mr. Horn stated then he can't make a motion as he wasn't on the winning side. Mayor Merrifield stated he was on the prevailing side as he was on the side that won. Mr. Horn stated that the vote was 5-4. Mayor Merrifield stated the prevailing side means the winning side. Mayor Merrifield pointed out that Mr. Horn is not on the Council and it says in the City Charter that the Mayor shall preside and that is his ruling, the prevailing side is the winning side so Councilor Barton can make a motion to reconsider and seconded by anyone. Mayor Merrifield asked for discussion amongst Councilors about reconsideration.

All in favor of reconsideration - 6; those opposed - 2; motion passes.

Councilor Barton asked if you withdraw or don't withdraw what effect educationally does it have on the students. Mayor Merrifield asked if he wanted to hear from school board members. School Board Member Burns stated that you would lose \$63K which is the portion that Hill pays for the SAU. Susan Hallett-Cook states that you have to have an SAU in the State of New Hampshire. Even though the SAU is in Franklin Hill pays rent to Franklin and pays their portion of the costs for the SAU for Health, Workman's Comp, etc. Councilor Barton asked about the agreement with the Hill and the middle school. School Board Member Hallett-Cook stated she was glad that he brought that up as there has been a recent court decision that if we withdraw Hill does not have to pay us back. Mayor Merrifield interjected to say that cannot be true because an SAU is not an area agreement. The bond

payment is associated with the area agreement. School Board Member Hallett-Cook stated the area agreement changed when they withdrew their kids and they put in that agreement their responsibility to that bond. She then pointed out Dunbarton also had an area agreement and because the withdrawal with the SAU occurred the Supreme Court upheld that Dunbarton would no longer be held liable for that. She stated that is a concern that Hill may not pay on that bond and this is concerning and more research needs to be done. Councilor Barton asked how much and what is left on the bond. School Board Member Hallett-Cook said it is \$30K for another four (4) years. Councilor Barton asked why Hill didn't withdraw. School Board Member Hallett-Cook stated she believes they are happy with the services they receive from the Superintendent and what the SAU is providing to them. She stated they did move their students and have eight (8) years left on their contact with Newfound but she spoke to two (2) of the school board members and yes if they see an improvement in Franklin schools they are not opposed to coming back but there is one member who is opposed. Councilor Barton asked what are the odds of Hill not paying. Mayor Merrifield stated he is unsure of the case. Councilor Barton asked how soon can we get an answer. Mayor Merrifield stated they can address it with the City Attorney Fitzgerald.

Councilor Desrochers asked if the amount Hill pays for the superintendent is based on the amount of students they are sending to Franklin. School Board Member Hallett-Cook stated it is based on a couple of things but it is not based on the students. Hill pays based on a percentage of assessed value and tuition of students that are still going to Franklin. Councilor Desrochers asked what will happen in a few years when there are no more Hill students in Franklin as that \$63K will go down. Mayor Merrifield stated that we are still confusing an area agreement and an SAU. The cost of the SAU is born by the districts that are in it and it is based on assessed value and ADM (average daily membership) in those communities regardless of where they go to school. It is based on the number of pupils that live in Hill and Franklin and there is a formula that calculates that out.

Councilor Barton asked that when the kids are no longer in Franklin schools we won't be seeing that money. School Board Member Hallett-Cook stated that Franklin will no longer be getting tuition but you will still have the formula based on the kids that live in Hill and Franklin and what is paid to the SAU. City Manager Dragon stated that Hill would still have to pay because the Superintendent would still have to go to Newfound and handle any problems that arise there even though they don't go to Franklin they are still part of the calculation. The number we received from Hill has changed and declined over the years partly due to decrease in enrollment and assessed value decline.

Councilor Clarenbach stated this formula is similar to the water cost, less use fixed cost and you have to share it at a higher rate. If Hill leaves Franklin it is going to borne the costs, less the administrative position. As the student population dwindles there is still a shared cost in that number. When you look at the number Franklin is either going to borne the cost themselves. The problem is we have fewer students so all of the costs are going to be greater. He feels they are making a mistake if they ask Hill to leave.

Councilor Starkweather asked how many school board members does Hill have. School Board Member Hallett-Cook stated that Franklin has a school board of 9 and Hill has a school board of 3.

She then explained they also meet as an SAU with the 9 plus the 3. Councilor Starkweather stated that in a few years there are no longer Hill students in Franklin Schools. School Board Member Hallett-Cook stated if we withdraw. If we don't withdraw Hill still has the oversight of the elementary school as the SAU still serves them. Councilor Starkweather asked if Hill will still have members on the board. Mayor Merrifield interjected stating that if the SAU stays intact as it is Hill will have representation on the SAU board even though no students from Hill will be attending Franklin schools. They vote on SAU issues not Franklin issues. Councilor Starkweather asked that Hill Board Members will not have any say on the City of Franklin issues. School Board Member Hallett-Cook stated that they would have input on the curriculum as that needs majority vote but you have to remember Franklin has majority. Councilor Starkweather was still trying to figure out what is the benefit to Hill once their students leave. School Board Member Hallett-Cook stated her personal thought is that they would have to advertise and hire their own superintendent and staff which is going to cost them a lot more upfront then just staying with Franklin. She believes in the long run it was cheaper to stay with Franklin. Councilor Desrochers stated he understands that Hill had already sent out an RFP a while ago. School Board Member Hallett-Cook stated yes they did and Franklin did respond to it.

Councilor Barton asked again that we don't know the answer to the bond question. School Board Member Tim Dow read an excerpt of the May 2015 court decision. He reiterated that since the area agreement is all done Hill could not pay the remaining payments. Mayor Merrifield stated we would be better advised to get an actual decision. Councilor Giunta stated we are trying hard to fund our schools. We are trying to get our own financial house in order and look at every option on the table to return taxpayers money to our students. He stated he doesn't understand the overriding factor to keep Hill in the picture and if it is not for the benefit of Franklin students he is not for it. He asked the Mayor If we could make a call to Attorney Fitzgerald to get an answer or table this until we have an answer. Mayor Merrifield stated to recess and try to reach Attorney Fitzgerald and asked the Councilors if they were in agreement.

Meeting recessed at 6:56 pm

Meeting called to order at 7:11 pm.

Councilor Dzujna asked if there is a time constraint for this vote. City Manager Dragon stated that this is the first meeting after the vote so this is your only option for reconsideration.

Mayor Merrifield stated that at Councilor Clarenbach's suggestion this item will be tabled until City Attorney Fitzgerald calls back.

Motion: Councilor Clarenbach motioned to table reconsideration. Motion seconded by Councilor Starkweather.

All in favor, motion passes.

Agenda Item I.

City Council to consider the minutes of the October 3, 2016 City Council Meeting and October 11, 2016 Canvas of the Vote Council Meeting.

Motion: Councilor Dzujna moved that the Franklin City Council consider the minutes of the October 3, 2016 City Council Meeting and October 11, 2016 Canvas of the Vote Council Meeting. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Agenda Item II.

School Board Report – School Board Member Burns stated the Franklin School Districts audits are all ready and Hill's will be ready soon. The SAU 2013/14 is finished and 2015/16 is ready to be started. The collection actions are for Business Administrator Bergquist to report monthly to the board and audits. There are no fines or penalties. The SAU had their first meeting with budget at .08%. They hired an IT director so there was an increase of \$4K. There was a 2% raise for all administration but that is to be negotiated and that went into non-public so that is all he can say. School Board strategic planning they are still going through Steve Norton and getting bench marks so they can understand where to prioritize. Councilor Dzujna asked about the 2% raise and School Board Member Burns stated that is for SAU only and that is proposed. Councilor Giunta asked about the \$100K they were holding due to a delay in audits, is there any hope that funds can be released for next school year. School Board Member Dow spoke that in order to get everything caught up to date they are going to have to spend the \$100K on the auditors that they kept aside. City Manager Dragon questioned that it is going to cost \$100K in addition to the funds that have been in the budget each year to reconcile the books for the SAU for the last 4-5 years for SAU, Hill and Franklin.

Tabled Item

Mayor Merrifield spoke to Attorney Fitzgerald and he feels that the risk is too high for him to advise the Council on this case this evening. Attorney Fitzgerald stated it is perfectly acceptable for the Council to leave the question on the table until he can read through the entire decision and check against State Statutes. That is his recommendation to leave the item on the table for future discussion until he can better advise the Council if that is acceptable to the Council. Mayor Merrifield asked if there was any objection to that and there was none.

Agenda Item III.

City Council to consider the approval of Resolution #04-17, increasing revenue and expenditure accounts based on the awarding of a grant from the New Hampshire Department of Safety, Office of Highway Safety for the Franklin Police Department in the amount of \$28,800.

Motion: *Councilor Desrochers moved that the Franklin City Council adopt Resolution #04-17 accepting the Law Enforcement Opioid Abuse Reduction Initiative grant in the amount of \$28,800, approving the Memorandum of Agreement with Tilton Police Department and appropriating Franklin’s portion of the grant in the amount of \$14,400. Motion seconded by Councilor Starkweather.*

Roll Call:

Councilor Clarenbach	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Barton	<u>Yes</u>
Councilor Starkweather	<u>Yes</u>	Councilor Wells	<u>Yes</u>	Councilor Boyd	<u>abs</u>
Councilor Desrochers	<u>Yes</u>	Councilor Giunta	<u>Yes</u>	Councilor Zink	<u>Yes</u>

All in favor; motion passes.

School Board Member Dow stated he had just talked with Business Administrator Bergquist and they will need \$75K from the fund balance. City Manager Dragon stated they will need some documentation and clarification.

Agenda Item IV.

City Council to consider the approval of Resolution #05-17, increasing revenue and expenditure accounts based on the awarding of a grant from the New Hampshire Department of Safety, Office of Highway Safety for the Franklin Police Department in the amount of \$8,910.

Motion: *Councilor Clarenbach moved that the Franklin City Council adopt Resolution #05-17 accepting a grant from the New Hampshire Department of Safety, Office of Highway Safety for the Franklin Police Department for \$8,910. Motion seconded by Councilor Dzujna.*

Roll Call:

Councilor Clarenbach	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Barton	<u>Yes</u>
Councilor Starkweather	<u>Yes</u>	Councilor Wells	<u>Yes</u>	Councilor Boyd	<u>abs</u>
Councilor Desrochers	<u>Yes</u>	Councilor Giunta	<u>Yes</u>	Councilor Zink	<u>Yes</u>

All in favor; motion passes.

Agenda Item V.

Dave Liberatore to address the Council regarding Webster Place Cemetery.

Mr. Liberatore is here representing the Webster Place Cemetery which is a private cemetery in the old Sisters of the Holy Cross property in West Franklin. He stated he met with City Manager Dragon about leaf removal as that is there only issue as all the previous options had been taken away from them and Mr. Liberatore is the youngest person at the Cemetery. They do have an investment plan that ensures they can keep the cemetery private. They need help over the next few years until they can get together that plan. He stated that per a letter from Frank Stevens, licensed surveyor, there is a section of River Road that is a public way and there is no indication that the City has ever abandoned that. He realizes the constraints the City has with its budget but just asking for some help for a few years beginning with next year. He did take a tour with Councilor Dzujna, as this is in his ward, to show him what he was talking about.

Councilor Giunta asked Dave to explain his statement about the right to blow the leaves into Fife Farms that was taken away from him. When Dan was trying to get that land he was their best friend. The next year he obtained that land and whatever side the wind was blowing that was the side they blow the leaves on. The year after that they were told they could blow it into the road and he would bale it. The year after that he was told they weren't doing anything with leaves and they would have to do something else with their leaves. The following year they tried burning them and it took 3 days and they had to stay there for 3 whole days. The year after that they tried grinding them up and putting them in the far corner and that loaded up real fast. They have run out of options for the leaves. He understands it is their problem but he was bringing it the Council's attention to see if there was anything they can do. He stated MSD Director Sullivan and City Manager Dragon have been very helpful. He had some questions that the City Attorney was able to answer.

Mayor Merrifield suggested that Mr. Liberatore make a more formal proposal and to make it an agenda item for a formal response. Councilor Giunta stated that people have to remember that is not Dan Fife's land as it was purchased with all LCHIP money. It is conservation land and he has a lease to farm that land and we all subsidize that farming. He puts nutrients into the land with his cows and doesn't understand why he doesn't do that with the leaves.

Councilor Starkweather wanted to remind the Council about Mr. Fife's renewal of his lease on River St. Councilor Dzujna stated Mr. Liberatore did call him and they met and walked and talked the property and spoke about City problems and has called Mr. Fife several times but he has not returned his calls. Councilor Desrochers asked Councilor Dzujna if he talked to Brent Fife, George's son, and if he gets ahold of him Councilor Desrochers will go with him.

Agenda Item VI.

City Council to consider the appointment of Brian Barry to the Lakes Region Planning Commission Transportation Advisory Committee (TAC).

Motion: Councilor Starkweather moved that the Franklin City Council appoint Brian Barry to the Lakes Region Planning Commission Transportation Advisory Committee (TAC). Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Agenda Item VII.

City Council to consider setting a public hearing on the Tax Increment Financing (TIF) Plan.

Motion: Councilor Desrochers moved that the Franklin City Council conduct a public hearing on December 5, 2016 at 6:05 pm on the revised Franklin Falls Mixed Use TIF Plan. Motion seconded by Councilor Giunta.

Councilor Clarenbach stated he had a concern is the need for some type of workshop for the need to understand what is going on especially with the Catch program. City Manager Dragon stated that the Catch project is under a different statute so their taxes are calculated differently. We have such a tight budget process as the Joint Finance Committee knows and we are going to take funds and put them into the downtown section and we are going to do that at the expense of the school and the city as that money won't come into the general fund. Any tax money that is deferred is going to be a concern. City Manager Dragon stated that the TIF already puts that value in the TIF fund. Councilor Clarenbach stated we are in the negative though. City Manager Dragon stated we are amending the TIF plan so we can use it for the purposes intended. Councilor Clarenbach stated if we didn't use the TIF plan that money would still meet the obligation of what has been lost in the general fund. Mayor Merrifield explained that Tax Increment Financing (TIF) takes increases in assessed value and diverts them from the general fund to specified purposes within the Tax Increment Financing District. The plan is to define all of that.

P & Z Director Lewis stated that one distinction between 2008 plan and the 2016 plan is that any future project where money would go would be brought back to the Council as an amendment to this plan whereas in 2008 there was a listing of projects to where money would go. Councilor Clarenbach is not opposed to this it is just timing. Until additional revenue can be secured this can be viewed as lost revenue as once it goes into the TIF it normally can't come out and be put back into the general fund. If projects don't move along as planned can the money be extracted from the TIF and be put back into the general fund due to our budget issues. P & Z Director Lewis stated on page 9 paragraph 3 it can be reevaluated. Councilor Clarenbach stated based on that passage then we could return it to the general fund if a project is not ready. P & Z Director Lewis stated that himself, J. Aberg, City

Manager Dragon, N. Cannon know the downtown area is a fluid process and meet monthly and are reactionary to things that come up.

Councilor Zink asked that if there is business development in the TIF zone, does it take all of the increase or does it take just the city's portion. Mayor Merrifield stated that since this has a paragraph that allows all of the funds to go back to the general fund it is all of the increase. Councilor Zink then stated they would have to then split it the school's share and Mayor Merrifield agreed.

Councilor Desrochers stated he agreed with Councilor Clarenbach and he is very concerned as the school has lost \$115K and will be losing another 4% next year and unsure if this can be done at this time. The State will never let us keep Northern Pass money. Mayor Merrifield interjected to say under current State Law you can't lose funding based on revenues coming in it is based on enrollment. Councilor Zink stated she thinks it might be good to workshop this or send it to the Finance Committee to see what the fiscal impacts of this plan might be. She also mentioned that on page 4 it sites some other documents that would be good to review before the hearing.

Mayor Merrifield stated there have been a few suggestions to workshop this. He asked City Manager Dragon would there be anything impacted if they didn't hold a public hearing on Dec 5. City Manager Dragon stated no but you would have to keep in mind when the Catch Housing project completes and comes online and how would that would impact any changes to the TIF plan. City Manager Dragon stated her preference would be to workshop this with the full City Council and not just the Finance Committee because it is a complex subject.

Councilor Clarenbach asked if Merrimack County won't receive any funds from these funds and that is why they are impacted by this plan. P & Z Director Lewis stated yes. Councilor Giunta stated if they hold a public hearing which normally brings in more questions and then hold the workshop so then all questions can be answered. Mayor Merrifield stated that holding a public hearing doesn't mean you need to adopt. Councilor Clarenbach stated to have the workshop and public hearing on the same night. City Manager Dragon stated that sometimes things come out of the workshop that needs a legal review. P & Z Director Lewis stated that the County Commissioners and the impacted school boards are sent a copy of the TIF documents.

Amendment: Councilor Clarenbach moved to amend the original motion so they can have a workshop and delay the date of December 5. Motion seconded by Councilor Desrochers.

Councilor Wells stated he would like to set a date to the workshop as with the holidays coming and then after that it will run into budget time.

All in favor; motion passes.

Mayor Merrifield stated there are no motions on the floor so does the Council want to take up the date of the workshop. City Manager Dragon stated they could do that on Wednesday. Mayor

Merrifield stated that since the Council is meeting on Wednesday if they could check their calendars and they could set the date on Wednesday.

Agenda Item VIII.

City Council to consider disposal of tax deeded property at 12 Morrill Court.

Motion: Councilor Desrochers moved that the Franklin City Council authorize the City Manager to dispose of 12 Morrill Court through a bid process and to further execute all closing documents required for the conclusion of the referenced sale. Motion seconded by Councilor Starkweather.

All in favor; motion passes.

Agenda Item IX.

City Council to consider disposal of tax deeded property at 12 Vine Street (mobile home on land of another).

Motion: Councilor Desrochers moved that the Franklin City Council authorize the City Manager to dispose of Tax Map 096-412-12, 12 Vine Street (mobile home) only through a negotiated direct sale to Mobile Home Park owner DRM Corporation. Motion seconded by Councilor Dzujna.

Councilor Clarenbach asked if there is any liability to the City to let a property go for less money than its value to a direct owner. He wants to make sure the City isn't held accountable in that 1-3 year period for the difference. City Manager Dragon stated mobile homes are tricky as the City can be paying park rent at \$300 a month and that is why we negotiated with the park owner. Councilor Clarenbach states he understands that he just wants to make sure that the City can't be held liable for a mobile home that is worth \$12K that is sold for only taxes time and time again and the former owner then comes back to the City within the 1-3 period because property is constantly being sold for far less than its value. City Manager Dragon stated that the City follows the RSA for disposable sale and the former owner is notified via the proper methods. City Manager Dragon stated she feels comfortable with this as she has followed the process.

All in favor; motion passes.

Agenda Item X.

Other Business

- 1. Committee Reports** – None

2. **City Manager's Update** – City Manager Dragon advised that the City received the following contingent grant line amount: \$50 for Elks for book club, \$1,000 from Grappone for BRCC playground, \$500 from Thrift Clothes Closet for Book Club, \$500 from Wild NH Lions fundraiser for Max and \$751 from Freudenberg NOK fundraiser for Mayor's Drug Task Force.

City Manager Dragon wanted to congratulate Councilor Clarenbach as he is one of this year's Good Scout Award recipients from the Daniel Webster Council, Boy Scouts of America and will be recognized on November 17 at Steele Hill Resort.

City Manager Dragon mentioned the City has changed ambulance billing providers from Comstar to Enhanced Management services.

City Manager Dragon stated that Code Enforcement has been working to update outdated procedures and guidelines. A copy of updated inspection policies for multifamily residential dwellings was provided.

City Manager Dragon stated she was approached by Healthfirst for letter of support to Rural Development for help for the building they are in they are purchasing with help from a USDA Rural Development Grant and she didn't feel comfortable signing the letter without mentioning it to the Council first. Councilor Wells stated the he believes it is a loan and not a grant as the building belongs to LRGH. Mayor Merrifield stated with no objection from the Council, Councilor Clarenbach abstained.

City Manager Dragon stated there is a governance group that is working with the Winnepesaukee River Basin and they have met a few times to propose legislation to access funds that were raised to look at where WRB should be a utility with a different government structure. They have drafted to Commissioner Burrack (but he is retiring soon) asking for a clarification what is believed to be true that the assets owned by WRBP are owned by the communities that pay the bills and not the State of NH. It is very important to get clarification on that in writing.

All in favor, motion passes.

3. **Late Items** – Mayor Merrifield asked P & Z Director Lewis if there was urgency for the Zoning Board. P & Z Director Lewis stated the Zoning Board is undermanned at the present time and any opportunity to get new membership on the board is greatly appreciated.

Motion: ***Councilor Desrochers moved that the Franklin City Council appoint Glen Feener to the Zoning Board (ZBA3), Term of Service to January 2020. Motion seconded by Councilor Dzujna.***

Councilor Clarenbach opposed, All others in favor, motion passes.

Motion: *Councilor Clarenbach moved that the Franklin City Council enter into a non-public session under RSA 91-A3,II(a) The dismissal, promotion or compensation of any public employee. Motion seconded by Councilor Desrochers.*

Roll Call vote to enter nonpublic session:

Councilor Clarenbach	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Barton	<u>Yes</u>
Councilor Starkweather	<u>Yes</u>	Councilor Wells	<u>Yes</u>	Councilor Boyd	<u>abs</u>
Councilor Desrochers	<u>Yes</u>	Councilor Giunta	<u>Yes</u>	Councilor Zink	<u>Yes</u>

All in favor; motion passes.

Entered nonpublic session at 8:10 p.m.

Public session reconvened at 8:50 p.m.

Motion: *Councilor Clarenbach motioned to increase the City Manager's compensation by 2.5% retroactive to her anniversary date. Motion seconded by Councilor Starkweather.*

All in favor; motion passes.

Councilor Clarenbach asked that since Councilor Boyd has given up his seat does the Council want to appoint the Councilor Elect to the seat early. Mayor Merrifield stated he has not received a resignation from Councilor Boyd. Councilor Clarenbach stated that he has missed more meetings than what is required to remove him. There is a new Councilor that has been elected by the people who can sit for the next two months is that in our best interest.

Councilor Starkweather spoke that at a right to know meeting that any texting done by a Councilor during a meeting that it has to become part of the minutes.

Motion: *Councilor Giunta motioned to seal the minutes indefinitely as it may make the Councilors actions in effectual. Motion seconded by Councilor Desrochers.*

Mayor Merrifield explained you need 2/3 in the affirmative to seal the minutes.

Roll Call vote:

Councilor Clarenbach	<u>Yes</u>	Councilor Dzujna	<u>Yes</u>	Councilor Barton	<u>Yes</u>
Councilor Starkweather	<u>Yes</u>	Councilor Wells	<u>Yes</u>	Councilor Boyd	<u>abs</u>

Councilor Desrochers Yes Councilor Giunta Yes Councilor Zink Yes

All in favor; motion passes.

Motion to adjourn made by Councilor Clarenbach and seconded by Councilor Giunta.

All in favor; meeting adjourned at 8:57 p.m.

Respectfully Submitted,

Lauraine G. Paquin