

Approved by City Council on March 6, 2017



## **City Council Meeting February 6, 2017**

### **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 Ribas, Councilor Moquin, Councilor Barton, Councilor Desrochers, Councilor Wells, Councilor Zink, Councilor Dzujna, City Manager Dragon and Mayor Merrifield.

### **Absent**

Councilor Giunta.

Salute to the Flag was led by Councilor Moquin.

### **Ceremonial Recognition**

Chief LaChapelle stated that Sam Davis has been with the fire department since Jan 11, 1967 as a sub and back then he was put on a waiting list to join the fire department. Sam has said many times how things have changed over the last fifty years. He has made many sacrifices over the years missing little league games or school events as back then the fire department came first not family. Sam has also worked with six (6) different fire chiefs. Chief LaChapelle thanked Sam for his dedication and presented Sam and his wife with a certificate for his fifty (50) years of service. Sam's father, brother Allen, brother Richard Davis Sr., son Steven and nephew Richard Jr. have all served or are serving with the Franklin Fire Department. In total the Davis family has given 185 years of service to the Franklin Fire Department.

Mayor Merrifield thanked Sam Davis and his family for their many years of sacrifice and service to the City of Franklin.

### **Public Hearings**

**Resolution #07-17** – 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.**

Rep. Paul Henley wanted to make sure we were aware of bill HB415 tax reform bill. It provides \$500 billion in business and \$500 billion in property tax relief. It replaces that money with a 3.95%

personal income tax. It repeals the state property tax and replaces the 35% of retirement. It would replace generally \$3.35 per \$1000 to the Franklin taxpayers.

Mayor Merrifield asked City Manager Dragon if she was tracking this bill. City Manager Dragon stated she is following the bill but it is not one of the ones they are looking at with the coordinated effort on stabilization.

Councilor Desrochers asked why the State Legislature always talks about an income tax and not a sales tax. People come to New Hampshire from all over and don't pay a penny in taxes and get a free ride. Rep. Henley stated he chose an income tax as it is a lot easier. A sales tax is complicated to move through as you need to know what people want. Councilor Desrochers stated it is not easier for the taxpayers. Rep. Henley stated a sales tax is harder to put through as you have to decide what you are going to tax and it wasn't something he could do at this time. He stated that this kind of change has to come from the taxpayers, other cities/towns council/selectmen and not the legislature. He stated that the public needs to let the legislature know they want a change.

Councilor Wells stated that an income tax would not affect people on a fixed income that much. The problem is the burden is on the backs of the property owners and people on a fixed income it hurts them. People on a fixed income wouldn't benefit by a sales tax either as they still have to buy things. Rep. Henley thanked everyone for their input.

Mayor Merrifield stated that they will take Agenda Item IX now so people from the public can address this while they are still present.

Chief LaChapelle made one more comment about the Davis family as they have given a donation to the fire department for an AED and that was matched by the Elks for two (2) total. This will give them an AED in every truck. He wanted to thank them for this donation of the AED that will be placed on Ladder one in memory of their father.

#### **Agenda Item IX.**

#### **Chief LaChapelle to present the newest version of the NH 911 maps.**

Chief LaChapelle stated that over the last couple of years concerns have come up with regards to address additions, deletions and changes. The 911 program began in 1995 and there were a lot of address changes. In the last five (5) years 360 address discrepancies in Franklin have been cleaned up. All members have access to the 911 maps on their cellular devices and that was made available through a drop box program. The NH 911 software has changed dramatically while enhancing their abilities in the field. Franklin has a new map that has GIS overlay that is currently used with all other functions that are used within the City. The fire hydrant locations are also included in the overlay. When you call NH 911 it rings in either Concord or Laconia. 73% of calls to NH 911 are by cellular device and with new FCC regulations all calls have to be triangulated within 100 feet.

Chief LaChapelle stated that creating a new map came about due to a road name change and there was a group who had concerns but once it was explained they understood that it is about life safety. The dispatch center in Laconia has all of the same information and they can now give hydrant locations and where buildings are located. There are iPad's in both ambulances and fire trucks to enhance the response.

### **Legislative Comments**

Rep. Horn recapped legislation he introduced this year on HB351 – Capital Crimes, HB378 – Clarifies a member of the public at large, HB379 – Legislation to candidate signage (was defeated), HB414 – Limits parental liability under chin services (the committee used this bill for something larger), HB525 – messed up when the bill was written as the summary was correct and an amendment was written, HB583 – asks DOE to calculate census once a year rather than three times a year and HB398 – commission to research professional media to NH.

Mayor Merrifield thanked Rep. Horn for addressing the concerns on education.

City Manager Dragon asked Rep. Horn what his thoughts are on bill HB413 – reinstatement of 15% retirement contributions by the State to towns and schools. Rep. Horn stated on paper he is all in favor of it. The reality of the situation is that there is only a finite amount of money to go around. The legislature should honor something that they said they would in the beginning and not change it later for whatever reason. City Manager Dragon stated that she hopes when the bill reaches him he will support. Mayor Merrifield asked how much it would be to the City and school. City Manager Dragon stated it would be \$106K for the city and \$139K for the school. Mayor Merrifield stated it would certainly be a piece of the solution. Rep. Horn asked if they suspect it will pass both houses. City Manager Dragon stated there is a lot of support behind the bill and the push will be wide spread. Rep. Horn stated that spending is the problem behind HB2 and asked if City Manager Dragon sees this happening outside of HB2. City Manager Dragon stated she is not sure but just hopes he will support it when it reaches him.

Rep. Horn also stated that he was on the subcommittee for the County and Corrections and their budget is going up .77%. Once the Edna McKenna Center is open then it can accept federal prisoners awaiting trial and the county will be paid around \$183 a day for those prisoners and that is money the county didn't consider.

**City Council Acknowledgements** – no comment.

**Mayor's Update** – Mayor Merrifield stated that he wanted to express thanks to school members and councilors who went to Concord to testify on HB525. He felt the state as a whole was well represented.

**Agenda Item I.**

**City Council to consider the minutes of the January 3, 2017 City Council Inaugural Meeting.**

***Motion: Councilor Dzujna moved that the Franklin City Council consider the minutes of the January 3, 2017 City Council Inaugural Meeting. Motion seconded by Councilor Desrochers.***

Councilor Moquin stated there was a correction that needed to be done to her daughter's name as it is Sydney not Cindy.

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

**Agenda Item II.**

**School Board Report** – Superintendent LeGallo recognized Councilor Wells, Councilor Moquin and Councilor Ribas for viewing the schools with him. He passed out the committee assignments and information on all school board members. He stated the withdrawal is officially complete as of today and a new SAU # was assigned to Hill and Franklin retained their SAU #18. Superintendent LeGallo gave a budget update that the projected revenue for this year is about \$14M and the budgets that the principals brought forward totals \$16.1M. He stated he cut about \$400K out of that to bring it to \$15.7M and it has gone to the finance committee. The school board will hear the budget at their meeting on February 20. He stated he asked the athletic director to research pay for play sports as that is a possibly of something that may have to be done. The Strategic Plan is still being worked on and created two (2) surveys that will go out to citizens and alumni electronically soon. The strategic plan is trying to be written for the next five (5) years. The mid-year assessments testing for elementary & middle school are done and will be presented to the school board on February 20.

Councilor Desrochers asked where the \$400K in cuts came from. Superintendent LeGallo stated they mostly came from supplies and ½ the computers. Special Education is really exorbitant and that is where a lot of the increase is coming from. He did state one teacher was also cut due to enrollment.

Mayor Merrifield stated that the City was approached by a couple of individuals that wanted to donate to the City. City Manager Dragon recommended the money go to the school. The Mayor stated he has a check to give them.

Superintendent LeGallo stated that he will now be coming every month to give the report.

**Agenda Item III.**

**City Council to consider adopting Resolution #07-17, trade-in of a Rubber Tire Excavator, pay off of its current lease and enter into a new lease schedule for the purchase of a smaller Track Propelled Excavator with financing derived from the existing sewer fund.**

**Motion:** *Councilor Clarenbach moved that the Franklin City Council adopt Resolution #07-17 by roll call vote. Motion seconded by Councilor Dzujna.*

Councilor Clarenbach asked if the estimate of \$160K is a firm number for the trade-in and is that what they are willing to pay. MSD Director Sullivan stated yes. Councilor Desrochers asked if we have the equipment to haul it around. MSD Director Sullivan stated they have a 20 ton trailer and plenty of people with CDL-A licenses.

**Roll Call:**

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
Councilor Clarenbach	<u>yes</u>	Councilor Giunta	<u>absent</u>	Councilor Wells	<u>yes</u>
Councilor Desrochers	<u>yes</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

*All in favor; motion passes.*

**Agenda Item IV.**

**City Council to consider Community Day vendor permits.**

**Motion:** *Councilor Clarenbach moved that the Franklin City Council waive all necessary permit fees for Community Day 2017. Motion seconded by Councilor Desrochers.*

Councilor Zink stated it states that parks & rec, police, fire, library and MSD are partnered for this event are overtime wages paid for or is it done during normal time. City Manager Dragon stated in the past the administrative fees are waived and the Community Day Committee has paid police for their time. This is to waive the vendor permit fees from the City and their vendors and they instead pay the Community Day organizers and they collect the revenue. The police waive the administration fee. Councilor Dzujna stated that being on the committee they have always paid the police department themselves.

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

**Agenda Item V.**

**City Council to consider the acceptance of tax deed property.**

**Motion:** *Councilor Desrochers moved that the Franklin City Council take from the table to accept the tax deed of the following parcel Map/Lot: 097/046/000. Motion seconded by Councilor Dzujna.*

*All in favor; motion passes.*

Mayor Merrifield explained that they have the original motion before them. City Manager Dragon recommended that the Council vote against the tax deed as was discussed in January meeting. If you want to retain the \$2K+ then you have to reject the tax deed and then it will be brought before the Council again at a later time. Mayor Merrifield stated that City Manager Dragon is recommending that they reject the tax deed that they just took off the table.

***Councilor Desrochers moved that the Franklin City Council accept the tax deeds on the following parcel Map/Lot: 097/046/000. Motion seconded by Councilor Dzujna.***

***All opposed; motion fails.***

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

**City Council to consider setting a public hearing for Resolution #08-17, appropriating funds of \$2,600 from the sale of the Mascoko Foundry items to the nuisance abatement line.**

***Motion: Councilor Desrochers moved that the Franklin City Council set a public hearing for Monday, March 6, 2017 at 6:05 pm on Resolution #08-17 for the appropriation of \$2,600 to the Nuisance Abatement Account, said funds originating from the sale of the tools and equipment from the Macosko Foundry. Motion seconded by Councilor Barton.***

Mayor Merrifield read the resolution:

#### **RESOLUTION #08-17**

**A Resolution Relating to a supplemental appropriation for Fiscal Year 2017.**

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

**WHEREAS**, the City Council of the City of Franklin, New Hampshire authorized the disposal of all tools, machinery, and related items which were city property as a result of the tax deeding of the Macosko Foundry parcels on Chance Pond Road, and;

**WHEREAS**, the City sold the majority of the items for \$2,600, and;

**WHEREAS**, the City Council of the City of Franklin, New Hampshire recognizes the need to continue the work of cleaning up properties around the City in order to sell them to private individuals so the property value is back onto the property tax roll, and;

**WHEREAS**, the Franklin City Council wishes to appropriate the \$2,600 to the nuisance abatement account in the fiscal year 2017 budget, Now,

**THEREFORE BE IT RESOLVED** that at the scheduled meeting of the City Council on Monday, March 6, 2017 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 08-17 authorizing an increase in fiscal year 2017 revenues:

Miscellaneous Revenue Acct. No. 01-0-000-35090-000, Two Thousand Six Hundred Dollars (\$2,600),  
and  
An increase in fiscal year 2017 expenditure account:

Nuisance Abatement Acct. No. 01-1-302-40491-000, Two Thousand Six Hundred Dollars (\$2,600),

**By a roll call vote.**

*All in favor; motion passes.*

**Agenda Item VII.**

**City Council to authorize City Manager to file and sign all documents necessary for the Rural Government Grant for Downtown Business Coordinator.**

***Motion: Councilor Zink moved that the Franklin City Council vote to authorize the City Manager and City Staff to submit a Rural Business Development Grant to the USDA Rural Development Office for funds to support overall downtown and mill district revitalization programs. Motion seconded by Councilor Clarenbach.***

*All in favor; motion passes.*

**Agenda Item VIII.**

**City Council consider setting a public hearing for Resolution #09-17, consider the appropriation of \$5,600 from the outside police detail fund balance for the replacement of the engine and related parts in the K-9 cruiser.**

***Motion: Councilor Desrochers moved that the Franklin City Council set a public hearing for Monday, March 6, 2017 at 6:07 pm regarding Resolution #09-17 appropriating the transfer of \$5,600 from the Police Outside Detail Account to the General Fund Vehicle Maintenance Account. Motion seconded by Councilor Barton.***

Mayor Merrifield read Resolution #09-17:

**RESOLUTION #09-17**

**A Resolution Relating to a supplemental appropriation for Fiscal Year 2017.**

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

**WHEREAS**, the City Council of the City of Franklin, New Hampshire acknowledges the engine in the dedicated K9 cruiser is in need of replacement and this replacement was unexpected, and;

**WHEREAS**, the cruiser is specially equipped and dedicated to the K9 officer and canine, and;

**WHEREAS**, the outside police detail fund has approximately \$39,000 in fund balance, and;

**WHEREAS**, the Franklin City Council wishes to appropriate \$5,600 from the outside police detail fund to replace the engine and related parts of the K-9 cruiser in the fiscal year 2017 budget, Now,

**THEREFORE BE IT RESOLVED** that at the scheduled meeting of the City Council on Monday, March 6, 2017 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 09-17 authorizing an increase in fiscal year 2017 general fund revenues:

Transfer In – Police Detail Acct. No. 01-0-000-39145-000, Five Thousand Six Hundred Dollars (\$5,600), and

An increase in fiscal year 2017 general fund expenditure account:

Vehicle Maintenance Acct. No. 01-2-103-40660-000, Five Thousand Six Hundred Dollars (\$5,600), and

An increase in fiscal year 2017 outside police detail revenues:

Use of Fund Balance Acct. No. 25-0-000-39399-000, Five Thousand Six Hundred Dollars (\$5,600), and

An increase in fiscal year 2017 outside police detail expenditures:

Transfer Out – General Fund Acct. No. 25-0-000-40901-000, Five Thousand Six Hundred Dollars (\$5,600),

**By a roll call vote.**

Councilor Clarenbach asked how Max is getting around. Police Chief Goldstein stated he is in a Detective's car that they have put a crate in. Councilor Clarenbach stated to remove the month's delay he suggested to expend the money from the mechanic's fund and then put it back in so Max doesn't have to be in the detective's car for another month. He feels it is an expenditure that needs to happen now and can be replenished it next month.

Mayor Merrifield asked if Councilor Clarenbach wanted to make that official and he stated yes. Mayor Merrifield stated without objection from the Council so ordered.



Councilor Zink noticed that some repairs are being done by MSD and this is a repair that is being done by someone else. She wanted to know if this is something MSD can do. Police Chief Goldstein stated that this is being done under warranty as it needs a new fuel injector and several pistons are gone. Grappone was the lowest bid they could find and this is outside MSD's realm.

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

### **Agenda Item X.**

#### **Other Business**

1. **Committee Reports** – Councilor Clarenbach stated he has a request for an MSD meeting and was looking to set a date and time. MSD Director Sullivan stated he is open to any date and time. Councilor Clarenbach asked Councilor Moquin and Councilor Desrochers if they had any thoughts and Councilor Desrochers stated to pick a day. Councilor Clarenbach choose February 16 at 9:00 am.

Councilor Dzujna stated on Feb 8 is the Rec. Dept. Committee and the City/School Liaison Committee is also meeting on Feb 16 at 6:00 pm. Councilor Zink stated the Fire Committee will be meeting on Feb 21 at 5:00 pm. Councilor Barton stated the Joint Finance Committee meeting will be meeting on Feb 21 at 6:00pm. The Legislative Committee is meeting on Feb 23 at 6:00pm.

2. **City Council Appointments/Resignation**

#### **Library Board of Trustees**

***Motion: Councilor Zink moved that the Franklin City Council accept Stephanie Bendixsen's resignation from the Library Board of Trustees. Motion seconded by Councilor Clarenbach.***

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

3. **City Manager's Update** – City Manager Dragon advised that the City received the following contingent grant line amount: \$15,000 from NH Charitable Foundation for BRCC playground, \$6,313 from State of NH for Industrial Park Signage and \$343.90 for the STEP Grant.

City Manager Dragon stated in the Council packet and online MSD Director Sullivan provided a detailed summary on snow and ice activity through January 25. City Manager Dragon stated that the important thing to note is that we have already gone out double the number of times than last year. We have budgeted for another six (6) average storms until we go over budget.

City Manager Dragon stated that there was great attendance on HB525 and she is hoping for a two (2) year freeze. HB597 is more complicated and amends the formula for adequate education as well. She asked Superintendent LeGallo if he could plug in the numbers and it is about \$600K more in revenue so it is favorable to Franklin. She stated the issue comes with winners and losers so you won't have as many communities advocating for it. Leigh Webb, from the public, stated as a point of reference that the last time the adequacy formula was changed radically it had a 3 year collar imposed to give municipalities time to make adjustments and that gave the legislature time to repeal it and change it radically. Mayor Merrifield stated at that time before the repeal Franklin was to get \$2M.

City Manager Dragon stated that it's great to work with the school and they are actively engaging other schools and municipalities to help fight this battle with the legislature. She stated that Rep. Horn talked about HB583 that was to change the calculation from three (3) times a year to once a year. Mayor Merrifield stated that also drives the State Dept. crazy as well as they have such a narrow window to do the calculations. City Manager Dragon stated Rep. Greg Hill has a constitutional amendment to give the general court authority to define standards of accountability, mitigate local disparities in educational opportunity and fiscal capacity. It was concerning as she can't determine what it will do to Franklin. Mayor Merrifield stated this is a constitutional amendment will require 60% from both houses and a vote from the people. There is a reason why there has never been a constitutional amendment. Leigh Webb asked if this was CACR7 and she stated yes and HB174. City Manager Dragon stated another bill to keep watch on is HB413.

City Manager Dragon is requesting a workshop this month and most likely one every month. The focus of this workshop is for police and fire and some of the challenges the City is facing in those two (2) departments. This is something that is impacting the budget but also impacting the City right now in a variety different ways like overtime, morale, difficulty getting people back in for shifts. The Council chose February 27 at 6:00 pm.

#### 4. Late Items –

##### 1. Repurchase of Tax Deeded Properties by previous owner

***Motion: Councilor Clarenbach moved that the Franklin City Council deed 25 Webster Lake Road Map #096 Lot#407 to Lisa M. Drew upon receipt of all back taxes and interest, penalties, and fees (minus the 15% of assessed value penalty). Motion seconded by Councilor Dzujna.***

Councilor Clarenbach stated that the City owns this and is deeding it over to the wife who isn't listed as an owner so does this set a precedent of a legal issue because the owner has the right to buy the property back and this is not the owner. City Manager Dragon stated that she doesn't think this sets a precedent as each case is handled separately. Brian Ward tried several times on his own but he couldn't get funding but in his wife's name alone they are

able to get funding. Brian and his wife do live together at the residence. Councilor Clarenbach stated there is no legal obligation to do this. Councilor Dzujna asked if the name on the deed will need to be changed to her and City Manager Dragon stated yes. Councilor Desrochers asked why they are not paying the 15% penalty. City Manager Dragon stated this past year the law changed and the single family homeowners would be exempted from having to pay the assessed penalty. She stated that she didn't recommend charging the penalty as it is really going back to Mr. Ward as it is only a technicality of the name. Councilor Zink stated she sees that there is water & sewer bill and \$664 fee are those added in and City Manager Dragon stated yes.

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

**2. Acceptance of Trust Fund Money**

City Manager Dragon stated that creating this scholarship does require setting a public hearing so the motion tonight is to set the public hearing.

Chrissy Avila from Mountain Ridge Center stated that they are looking to have the Treasurer manage the money that they have raised for the scholarship.

***Motion: Councilor Clarenbach moved that the Franklin City Council set a public hearing for Monday, March 6, 2017 at 6:08 pm to accept approximately \$250 in donations for the purpose of starting a scholarship called "Mountain Ridge Center Resident Council" placing the monies in an expendable scholarship fund with the City's Trustees of Trust fund. Motion seconded by Councilor Desrochers.***

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

***Motion: Councilor Desrochers moved that the Franklin City Council enter into a non-public session under RSA 91-A3,II(d) The consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Motion seconded by Councilor Clarenbach.***

***Councilor Dzujna and Mayor Merrifield removed themselves from the nonpublic due to an affiliation.***

**Roll Call vote to enter nonpublic session:**

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
Councilor Clarenbach	<u>yes</u>	Councilor Giunta	<u>absent</u>	Councilor Wells	<u>yes</u>

Councilor Desrochers    yes            Councilor Moquin    yes            Councilor Zink            yes

*Entered nonpublic session at 7:20 p.m.*

*Public session reconvened at 8:06 p.m.*

***Motion:            Councilor Zink motioned to seal the minutes. Motion seconded by Councilor Ribas.***

Councilor Barton            yes            Councilor Dzujna            abstained            Councilor Ribas            yes

Councilor Clarenbach       yes            Councilor Giunta            absent            Councilor Wells            yes

Councilor Desrochers       yes            Councilor Moquin            yes            Councilor Zink            yes

***Councilor Dzujna abstained, All in favor; motion passes.***

***Motion to adjourn made by Councilor Desrochers and seconded by Councilor Clarenbach.  
All in favor; meeting adjourned at 8:09 p.m.***

Respectfully Submitted,

Lauraine G. Paquin