

**Legislative Committee Meeting  
August 18, 2015**

**Call to Order**

Councilor Feener, Chair of the Committee, called the meeting to order at 6:01 p.m. in the meeting room located in the lower level of City Hall.

**Member in Attendance**

Councilor Feener, Chair, and Councilor Giunta.

**Members Absent**

Councilor Boyd.

**Others in Attendance**

Councilor Dzujna, Police Chief Goldstein, City Manager Dragon, and Councilor Desrochers. Christine Dzujna arrived later in the meeting.

**I. Curfew Ordinance: Discuss proposed changes**

Chief Goldstein indicated initially the changes were going to be the addition of fines. The State RSA was approved in 1973 and indicated violations of curfews were a misdemeanor where the parents were held responsible. He added the first offense is a warning, second and subsequent offenses are a class B Misdemeanor and you can be fined up to \$1,200, but there is no jail time.

He stated the city has had problems with the kids out at night and in the early morning since the horn hasn't be utilized. He spoke with the Prosecutor and rather than recommending fines, it was the consensus to leave the fining up to the court to work with the offenders and their parents and recuperate the fines.

Chair Feener stated he thought it was a good idea to not have the fines and let the court decide that way if it is a subsequent offense then the fines can be increased. Councilor Giunta agreed. Councilor Dzujna asked if this would put an additional burden on the City or the PD and Chief Goldstein stated that it would not. It was indicated that by re-sounding the horn, it may deter the youth to be out and about and remind children and adults of the City Ordinance. It was indicated this ordinance is for those 16 years of age and younger.

***Motion: Councilor Giunta moved and Councilor Feener seconded to recommend to the City Council to re-institute the blowing of the horn and the curfew ordinance.***

City Manager Dragon indicated that a public hearing is not necessary as the ordinance was not changed and still currently exists.

**II. Truancy Court-Chief Goldstein to provide update**

Chief Goldstein stated the idea was received from Nashua Judge Thomas Bamberger, as Truancy's use to go through Juvenile Court and he instituted a Truancy Court. He indicated Truancy court was held at the schools in Nashua, at 7:00 a.m., with the School Resource Officer, Prosecutor, Guidance Counselors, Principal, Child and parents. The fine was \$100 a day after a certain number of days. Since he has retired, this is not being utilized anymore.

Prosecutor Chris Ahern and Chief Goldstein will meet with Judge Gordon tomorrow. He has spoken with the new Superintendent and he is on board. It will take time to get this going.

Councilor Feener indicated to speak with the school, as they indicated they are working on a program that they spoke about at the meeting last night regarding skipping classes and truancy. After so many times of being truant, then they would end up in court. Councilor Desrochers stated that this would fit the needs of the school.

Councilor Dzujna indicated that in the past they had a truancy officer or a group of people that would go to the home if the child was truant. Manager Dragon stated the school does currently have a truancy policy that was in the packet this evening. Councilor Feener stated that anything the council can do to help the school is good and the more innovative they get the easier it will be to keep kids in school.

Councilor Feener stated that the parents would end up in court and it will help with the partnership. He stated that after the meeting, if Chief Goldstein could get back to the committee on where this stands, that it would be good to keep this moving forward.

### **III. Code of Conduct for Elected Officials and appointed boards-review and update**

The Code of Conduct was originally developed in 2000, and the purpose was to show how the boards, committees and elected officials should conduct themselves and to explain conflicts of interest. This was to help elected officials from getting themselves into trouble. The pamphlet was given out to new councilors and Angie Carey stated it is also given to new Planning and Zoning Board Members.

Councilor Feener stated an annual review date, yearly per the request of the Mayor, should be added. Councilor Giunta stated the Mayor was hoping to add a paragraph to the preamble regarding the fact that the City Council and Board Members represent the City and they should be treated no better than another citizen, but they should behave themselves better. A first impression is usually the last impression.

***Motion: Councilor Giunta moved and Councilor Feener seconded to add the following paragraph, to be inserted after the first paragraph under the preface:***

***We are always to act professionally, courteously, friendly and in a manner befitting of elected and appointed officials of the City of Franklin.***

***Motion: Councilor Giunta moved and Councilor Feener seconded to forward the Code of Conduct for Elected Officials and appointed boards, with revisions, and with a review date of February 2016 to the City Council.***

### **IV. Discuss proposed withdrawal from SAU and recommendation to the council regarding the possible appointment of withdrawal study committee**

Councilor Feener indicated the school board chose their two members at their meeting last night, being Tamara Feener and Scott Burns. He stated the legislative committee, being the Council, has to choose five members, two of which should be councilors and the others could be councilors or City registered voters. Councilor Feener added that he is interested in being on

the committee. Councilor Giunta asked if this could be put on the City website and Angie Carey stated that she would send out the email blast through the news and announcements and will attach the Prospective Appointee Profile when it is sent. Manager Dragon stated that the announcement should indicate that they need to be turned in by 5:00 p.m. on Monday, August 24<sup>th</sup>, 2015.

Councilor Feener stated that he is hoping that the Withdrawal Document can be approved by the October 5<sup>th</sup> meeting of the Council. He stated since the area agreement with Hill has been removed and Hill has decided to send their kids to Newfound, they want no association with Franklin. They had no interest in allowing open enrollment to Franklin. The committee needs to look at the costs and the consolidation of the finances in going forward.

Councilor Dzujna asked if they need to wait the full year from the time Hill is removed to approve the Withdrawal and Councilor Feener stated as we are a city this can be moved along quicker. He stated he would like to see City Manager Dragon or Finance Director Milner at the next meeting. Councilor Desrochers stated he believes it is in the best interest of Franklin to withdraw. Councilor Feener stated that Hill only pays 7% of the total operating budget for the school and they get the superintendent for 12-15% of the time. It was also indicated that Hill has not completed their paperwork for the Auditors back to 2010 and once the withdrawal goes through the City will not have to worry about this any further.

Councilor Giunta stated he would like to see Councilor Feener and Councilor Dzujna (as he is a member of the liaison committee) as members of the withdrawal committee.

## **V. Other Business**

### **A. City Manager to provide update on process to implement Code Enforcement citations**

City Manager Dragon stated that a meeting was held with Judge Gordon, Chief Lachapelle, Code Enforcement, Planning and Zoning Administrator, Prosecutor, and the Clerk of Courts. This meeting was regarding the allowance of citations for code enforcement violations. They have been working at creating the citations (which were passed around) and a change to the ordinance that can be used as a tool.

There is the ability to give a warning. If a citation is given and you are not going to fight it you can just pay the fine, but if you want to fight it you must go to court.

There were some unanswered questions that need to be answered, such as:

1. How does it work?
2. Are they hand-delivered?
3. What is a violation?
4. How will they be tracked?
5. How do you know who has paid and who has not?
6. What will be the follow-up process to make sure that the property is cleaned up after the violation is given if they pay the fee?

Judge Gordon's recommendation was to contact Somersworth to see how their system works (as it is similar), what works and what does not, what the glitches are, how it can be improved and an outline of their process. She stated they need to try to not overburden the courts.

Currently the city settles offenses on their own or the case is sent to Superior Court so that the City is reimbursed for legal expenses. She stated she would rather not create an influx of paperwork for the court, and hopes that only the non-compliant properties would end up going to the court. This would save time as most people do not want to fight it.

Councilor Desrochers asked that the regulations be reviewed regarding the properties needing to be 2 families or larger, as some single family homes are being rented and the tenants are causing issues. The ordinance should cover all rental properties. It was indicated it would be good if this also included manufactured housing rental properties. It was indicated the citation does include a violation for rubbish.

#### **B. Any other items to come before the committee**

Councilor Dzujna indicated that there was a meeting on the Northern Pass today and they have made an announcement that they are moving forward and there will be 52-60 miles of line that will be buried. He asked about strategic planning for the future use of the money brought in from Northern Pass, whether it is done through Brian Sullivan's ten year plan or through a Plan by Dick Lewis. All information needs to be gotten out to the public. It was indicated that maybe the Strategic Plan can be discussed as part of the Master Plan process that is to pick back up in September. It was indicated they are hoping to have the Northern Pass online by 2019.

#### **Adjournment**

***Motion to adjourn made by Councilor Giunta, seconded by Councilor Feener. All in favor; meeting adjourned at 6:41 p.m.***

Respectfully submitted,

Angela M. Carey