

CITY COUNCIL MEETING

AGENDA ITEM I



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*May 7, 2012 City Council Meeting*

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**Subject:** Approval of Minutes

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**Motion:** "I move that the Franklin City Council approves the minutes of the March 26, 2012 City Council Budget Workshop Meeting and the April 2, 2012 City Council Meeting."

Mayor calls for a second, discussion and the vote.

City Council  
Budget Workshop Minutes  
March 26, 2012

Elizabeth Dragon spoke with the council about the ambulance, she stated it didn't make sense to pay \$12,000 for work to be done on an ambulance that was way past its life and it is time to replace the ambulance. Judy has been working on the leasing details with Republic First and they are asking the council to approve up to \$230,000.00 (the paperwork says \$240,000, but it will actually be \$230,000). The first payment is ten percent down, which is \$23,000; the interest is 4.19 percent over 7 years and the first payment would be out of the current operating budget. The first payment and every year after is the \$34,033.00 a year, after the trade in value.

Councilor Boyd asked about the warranty. Acting Chief Lachapelle indicated he has been working on this. He stated the warranty varies and he has been working on this all week. He stated that the warranty with the company they have spoken with extensively is a lifetime warranty on the box it's, structural integrity of the box. The warranty varies on the companies from anywhere from 3 years, to 7 years. Councilor Boyd asked if it was like a power train warranty that covers the engine, transmission, drive-train and Acting Chief Lachapelle stated that was correct and that this was all covered. This is why we choose to buy international trucks and Allyson Transmissions for the warranty and durability. Councilor Boyd stated he would hate to see the City buy a new vehicle and then have to put money into a blown engine in a year or so. Chief Lachapelle this is why they go through the extensive research that they do; he stated the diesel with the new technology the longevity of it seemed to be a no brainer to them.

Councilor Trudell asked what the age of the ambulance that is left and Acting Chief Lachapelle indicated it is approximately three years old, put it into service in 2009, it is in good condition, there have been minimal problems with wiring, multiplexing, and then normal wear and tear and that's it.

Mayor Merrifield asked about having a motion on the floor to discuss. Councilor Trudell (??) indicated that he has a question first. He stated that should the council decide to have a motion to repair the existing ambulance, how many more years will the ambulance get if they put the \$12,000 into fixing it now. Acting Chief Lachapelle stated that is unknown, but due to the age, there are other components that could go. The ambulance has been towed 3 times this year. There is only a one year warranty on the fix. Councilor Trudell indicated that would it benefit them to do the engine and the transmission now so that the running gear is in A-1 Condition, so we don't have to worry about a failure in 6-7 months. Acting Chief Lachapelle stated that there are a lot more components than just the running gear.

**MOTION: Councilor Boyd moved and was seconded that the Franklin City Council approve the purchase of a new ambulance to replace ambulance one for a lease purchase agreement with an unappropriation clause not to exceed \$230,000.00.**

Councilor Sharon asked how many running hours were on the engine and Acting Chief Lachapelle stated there are just over 10,000 running hours on that ambulance.

Councilor Feener indicated from the report that there are some structural problems with the body. Acting Chief Lachapelle stated that there are. He stated they have been using a lot of TLC and keeping an eye on the cracks. There were some structural issues with this ambulance on the floor assembly soon after it was purchased and they have been monitoring it. There has been some buckling and where the welds have come together on the body themselves there are some visible cracks and some other body problems.

Councilor Feener stated there appears to be a lot more issues than just the engine at this point and a lot of unknowns. Acting Chief Lachapelle stated that is true and the unknowns are the biggest concerns and then the visible concerns.

Councilor Dzujna indicated that Councilor Feener asked the question for me, about the structure of the vehicle, so the question has been answered.

Councilor Clarenbach indicated he has no problem with replacing the ambulance and just wants to know where the funding is going to come from. He stated we are obviously entering into a 7 year lease, there will be 23,000 out of this year's budget, entering into a 7 year lease going forward, and will equipment be cut from the Fire budget, what is going to take the place of the \$34,000 lease going forward. Tonight we are going to discuss cutting, and wants to know what will be removed in place of this in the budget.

Elizabeth Dragon indicated that this is how things have to be dealt with in Franklin, as we don't have a capital reserve accounts we can pull this money from. So when things like this happen, we deal with them as a group. The Department Head team came together, said this is a priority and has come up with a plan. We prioritize by the year, and will be doing so until we have the money we can put into the capital reserve account.

Councilor Clarenbach stated he is not concerned about this year and next, as they have been accounted for, but what about the 5 consecutive years. A top priority for the next five years will make the payment on this ambulance. Manager Dragon stated that the city receives approximately \$70,000 in revenue from the second ambulance a year. So this is an investment with a return. Councilor Clarenbach stated he is aware of how the budget works; however, he added that the \$70,000 revenue is already spent elsewhere in the budget, and this is the problem. Manager Dragon stated that if the ambulance was not replaced then the city would lose this additional \$70,000 in revenue; so the revenue is being maintained. Councilor Clarenbach stated that he understands this, but that something is going to be lost in the budget going forward, after year two, in the amount of \$34,000; he stated is this another library worker lost, another day the transfer station gets closed, ammunition at the police department, and he understands that the council does not know this right now. Once the council commits tonight, they commit for 7 years, so they don't lose money.

Councilor Trudell stated with the current ambulance being 2 years old that the city can expect another 7 years out of this ambulance reasonably speaking. Acting Chief Lachapelle stated that this is reasonable; however, if it continues to work on its own, it won't last as long. He stated there is no question as to the need of a second ambulance. With the second ambulance it gives some relief, unless something catastrophic happens that we can't see right now. Councilor Trudell asked if the City is purchasing another ambulance as the backup and Acting Chief Lachapelle stated that it is a second ambulance, not working as a back-up but working along with the first ambulance. The second ambulance was needed on 83 calls in 2010 and 87 in 2011; and the Mayor indicated that these calls bring in an estimate of approximately \$70,000. Councilor Trudell asked if the Fire Department is staffed to run these two ambulances at the same time and Acting Chief Lachapelle stated that they are, with the residency requirement and the dedication of the staff. He stated that they haven't had to have another community answer a second ambulance call since they received the second ambulance. Councilor Trudell asked for a ballpark number on how many calls, where the ambulances have had to respond simultaneously to either the same or simultaneous calls and Acting Chief Lachapelle stated that is where the 83 and 87 numbers came from, where one was out and the second was needed for either the same incident or a subsequent other call. Councilor Trudell asked what would happen if there wasn't a second ambulance and asked if Franklin Hospital would be called, and Acting Chief Lachapelle stated that the Hospital's do not operate an ambulance and in the past Tilton Fire EMS or Andover would be called. In 2011, they only came to the community twice and only because we needed more than 2 ambulances. Mayor Merrifield stated the revenue follows the other carrier.

Councilor Trudell asked how severely would be the community is impacted if the City didn't get another ambulance or refurbished the existing ambulance. Acting Chief Lachapelle stated that last week ambulance two

had an electrical problem and when they arrived at the scene they were locked in the ambulance and had to troubleshoot it and the ace mechanic was in the ambulance and the cardiac call had to be handled by Tilton. He stated that when the vehicle is in for maintenance that another community would have to be called for service. He stated this past fall someone stole the ambulance while they were on a fairly severe medical call. They went out to grab some gear and there was someone from the neighborhood in the driver's seat who was going to drive off in the ambulance.

Councilor Boyd indicated that everything in the budget is frugal and will remain frugal. The fire department is very important, but also there are the veteran's in our community and we are trying to increase their benefits, but we may have to put this off until the northern pass. Every department needs to be frugal, but this is a priority.

Councilor Desrochers stated he has a big concern regarding the roof of the fire station needing to be repaired, a not just patched, but the whole roof needs to be completely redone. This is going to cost between 57,000-61,000 dollars and he wanted to know if the city is going to have the money to repair the roof and get the ambulance. He stated the roof can't be put off any longer, and if the roof collapses there is other equipment (including a million dollar ladder truck) that could be damaged as a result of this. He stated he spoke with the chief and retired fire fighters and the general consensus is there is a need for a second ambulance. He stated the roof has been put off for 3 years and can't be put off any longer.

Manager Dragon stated that the roof is a priority. She stated that she cannot assure Councilor Desrochers that it will be done, in all good conscious. She stated Judie Milner and herself and the rest of the department heads are doing the best that they can, but there are unforeseen circumstances that take place. The group does work well together.

Councilor Dzujna stated he understands there are a lot of problems that need to be faced but that he is with Councilor Boyd and stated that part of Government is keeping the people of the city safe, and the second ambulance will keep the people safer.

Councilor Clarenbach stated the roof is a priority, he stated Highway dump trucks and one tons need replacing and sidewalk plows and the ambulance is amongst the mix and as there are limited resources the council needs to prioritize. The council needs to come up with a list of things that need replacing, and this is going to commit us to \$34,000 for seven years and the city only has two years of the money. So down the road the concern is that we can't replace a highway truck needed or a one ton because we have this \$34,000 payment.

Mayor Merrifield stated that \$11,000 times the current tax rate is over \$200,000, likely in new tax revenue by next year for Webster Valve. Councilor Clarenbach stated that the difference in taxes for Webster Valve should go into capital reserve for vehicles. Mayor Merrifield stated that additional tax revenue for the City will be received by Webster Valve.

Councilor Sharon said the issue for him is less about money and more about safety. He stated the priority is the ambulance for safety of residences. He asked if the council was willing to sacrifice the safety of the residences for the \$34,000 a year.

Councilor Trudell stated he doesn't believe it's a matter of public safety. He stated he thinks it's a matter of how much money we want to spend to bring this to a successful conclusion. If the need is there genuinely for a second ambulance then fine, but the money needs to come from somewhere and it appears we continue to spend money before we have it in our pocket. A lot of talk has been on northern pass; we are looking to the future but we can't spend money before we have it. He indicated he would rather pay the \$12,000 and fix the existing ambulance, then spend \$230,000. Acting Chief Lachapelle stated the big picture at the fire station and with the city is, that the ambulance gets repaired, both will be aged and the maintenance budget needs to go up. When crutch all the purchases in, his feeling is the city will be in worst shape. Councilor Trudell stated it makes sense, he asked if the

city has looked into a refurbished ambulance. Acting Chief Lachapelle indicated that the City could refurbish their own, but there aren't one's out there that are refurbished. He stated he did look at demo units. Ambulances are on different duty cycles, and when people trade in ambulances in they are run to their absolute end.

Council Clarenbach stated that in 2015 the Airpacks need to be replaced and this will be a \$250,000 expenditure. Without having a plan, there could be a problem. Need to look at the whole picture and not just each piece on their own.

Manager Dragon stated she understands about the future expenditures, if the Council decided they wanted to do the repair only, there are concerns about moving forward. The ambulance has been towed 3 times. It is a problem when you are transporting a patient and need to have the ambulance towed from the scene. The ambulance is bringing in the revenue too. If you remove the expense of the ambulance, then also remove the revenue that the ambulance brings in.

**Five were in favor of replacing the ambulance and 2 were opposed.**

Manager Dragon indicated that she had sent an email out to see what everyone wanted to work on tonight. She stated this is a No Numbers Budget Workshop, when you want to talk about the numbers and the service because that is what the budget is about. She stated a department head meeting was held and as there are new councilors some feedback was asked for from the councilors and didn't get a lot of feedback, so we went with each department doing a short presentation of the services their department provides and a summary and then trying to have a conversation with the council for the following: 1) to back up the budget process by a month so that it could possible get approved earlier or at least have time for more budget work sessions before we need to approve it in July; and, 2) by having this work session tonight, can get more feedback from the council, and more input before the actual budget is submitted.

There are also subcommittees with the different departments and the councilors to go over the various aspects of the budget.

Tonight I will talk about an overview and the departments will give an overview and then we will be looking for feedback. She stated last year was one of the most challenging years as far as the budget and some hard decisions had to be made by the departments and the council which impacted employees and services. This year budgets have been received, and even though the budgets aren't as scary as they were last year, Manager Dragon stated that she had to cut half a million dollars from the budget last year to keep under the tax cap, this year have to cut approximately \$230,000 to bring it under the tax cap, without capital (only one capital item and that is the fire departments roof). She stated she was trying to get it done sooner, but it's been a rough year for the City even with the good winter. The revenue's have not been coming in as hoped. It was indicated that we are down \$80,000 short just in motor vehicle fees alone in the current budget. As roll numbers forward, there is less revenue to work with.

City Manager Dragon indicated she would like to schedule a meeting with the assessors in April for the budget work session for the last Monday of the month at 6:00 p.m. She stated Assessing should talk to the Council about assessed values, as they are looking at doing an update in values and if they do an update in values that is going to impact the tax rate and will change the multifamily units. She stated there are cases before the BTLA that could significantly affect the taxes.

On the positive size, City Manager Dragon stated that for many years she has been fighting the pole tax exemption, and final it has gone away. She stated it is not a lot of money for the City, and it's about 28,000 of value added to the cities assessment. Also, the Mayor has mentioned the project at Webster Valve that is moving forward very quickly. Mayor Merrifield indicated they expect to be done by the first of 2013. Councilor

Boyd asked if Edmunds plant was starting this year. City Manager Dragon stated that this is moving forward this year.

The city is watching the retirement system. If the retirement system becomes a problem again, it may be a midyear change. Money has been lost in the block grant and in the flood insurance; however, the City is jumping on board and demanding payment for this. There has been a higher demand for rent payment in the welfare office. The City has looked at the Veteran's credit and will look at this through the budget session.

The CIP plan is being updated and the policies, and summary sheets.

The City can get itself in trouble because they have a hard time saying no. The City can't do everything and changes need to be made.

### Municipal Services Department

Director Sullivan indicated they have challenges. Have tried to point out the essential services for the next ten years, and are keys for economic growth.

The department is in transition. The biggest concern is attrition, as 2/3 of the department will be retired within a 10-15 year period. Challenges are in waste water and water. Transitioning with a work force that's aging and replacement of equipment is a struggle. Other concerns are the roads and the infrastructure underneath the roads. Try and do the best we can with what we have and try to plan. The key is planning for the next 10 years. The roads and the infrastructure need to be done together. With the capital efficiency plan is making sure that the infrastructure is being replaced not because the road is being repaved but because it needs to be replaced. Over the next 3 years, biggest issues are capital efficiency, making sure the infrastructure is set for a road program and identifying and continuing what has been done over his time here with making improvements, applying for grants, and work within the city's means.

Director Sullivan stated that at the Department Level, during the Municipal Services Committee meetings they can go over what has been outlined.

Councilor Boyd stated it was good that Director Sullivan did the overview of each division within the Municipal Services Department that they can review.

### Fire Department

Chief Lachapelle stated that he didn't go to the extent of Director Sullivan and type anything out. In the last 16 years, he has gone through the ranks and been mentored by everyone before him. He stated that when looking at the numbers, with the most important thing being the preservation of the people. He stated that with manager Doyon they looked at attrition as Brian Sullivan mentioned. He stated that the fire department has recently gone through attrition where several full time staff retired and he stated that they are not rebuilding, they are reloading. He stated the concern with the Call Staff is they have people with 40 years of service, and now there are 7 new call fire fighters. They have been able to obtain the goal of bringing new persons in. He stated that four of the five captains will be eligible to retire within 5 years, so they need to continue to build on the leadership.

A main concern of the budget is training and making sure that the proper training is available. Last year alone, the members collectively participated in 5,652 hours of training. A lot of their own time was used for the training.

Chief Lachapelle stated another thing with personnel is that drill attendance was a concern as new members came on it was hard to engrain in them that their participation to calls and training is very important. The call

participation for drills are up to 90% now, we were at the 60-70%. He stated his biggest concern and goal is maintaining the people.

Regarding the equipment, it has been talked about quite a bit earlier. He stated they are in good condition right now, but that they have an aging fleet. There is a 1988 Mac Fire Engine (Engine 1)- 24 years of good solid service and it's tired, it was refurbished once in 1997, and is in need of repair; 1985 Mac (Engine 3), in house mechanic was doing some repairs and called for parts and the guy on the other end laughed at him and said there is no way that truck is still in service and they don't have the part, pump is marginal and needs work this year; 2010 American LaFrance (Engine 4) is in excellent condition and has some excellent innovative technology that has brought the City into this era of firefighting; the ladder is in very good condition and is the best example of buying good equipment, as the City of Franklin has always taken pride in buying good equipment that's going to last and the intent was to have a 30 year truck and this truck is half way through its life and amazingly is in really good equipment. As far as the rescue equipment, the rescue and the boats are all in decent shape, their usage is not as high as the engines and the ladder. Our staff vehicles are in excellent condition.

The building: the roof is the main concern on the building. In 1952 they started to look at a new fire station and in 1970 is when they moved into the West Bow Street fire station, so it takes time. The roof is main concern and other issues of major concern are: Station Security including panic alarms and replacement of doors that are very old.

Chief Lachapelle stated that they are trying to help with savings and have put in a new boiler in the fire station which has cut their fuel usage and costs just about in half. Employees have gone to the extent of ensuring that the thermostats are kept down, including light usage being down. Chief stated that the Franklin Fire Department has an amazing outlook on pride and ownership, which is what keeps their employees at the Franklin Fire Department and the reason why our vehicles are still in service are due to the pride in ownership of the employees at the Department. The pride in ownership will stay at a high level.

Goals: The immediate goals are to continue to build our solid leadership to make sure that we are reloading and not rebuilding. In enhancing EMS training, we've thrust into the future here with our EMS care. Ems is moving faster than they can keep up with and that is why the ambulance is \$230,000. When you talk about purchasing a DFib, which is life saving equipment, this alone is \$35,000. This equipment is saving more lives and is costly!

He stated the mission statement, which the employees are very serious about is: "To Preserve Life and Property while ensuring our members safety and providing the highest level of service to our customers."

He stated that regarding cutting services, he thought about this for a few days and there are a lot of things that the fire department does. He stated that last year they went to 1,582 emergency calls; however, throughout the rest of the day there are many other things that happen, whether changing a light bulb at the Rec. Center with the ladder or helping the High School Physics class with a project with the ladder; however, we always maintain operational readiness. He stated that there has also been a rash of cats in trees.

### Planning and Zoning

Richard Lewis stated that the common goal between his department and the two departments that have already spoken are the planning for the future and looking at the long term interests of the City of Franklin. He stated that in Zoning a lot of the issues are neighbor to neighbor issues; however, the duties of the Zoning Department are enforcing the Zoning Ordinance for the City and protect the interests of the neighbor, make sure that there not conflicts between property owners, someone with a business in the neighborhood and other similar circumstances.



Mr. Lewis stated that the Planning Board also is looking towards the future, working with applicants and staff members to make sure all the necessary steps are taking through the site plan process. Another small site plan we had recently was a small manufacturing company that is currently located at 20 Canal Street, Long Range LLC, which specializes in remote control devices for shooting and other activities, have purchased the former Polyclad parking lot on Tannery Street and have received Site Plan approval to build their business on this lot. Positive for the City and for the applicant and the property will be put back on the tax records. They have submitted their building permit application currently.

He stated another aspect of Planning is the Master Plan process, and it was brought up at the Planning Board meeting a few months ago the fact that the last master plan was in 2005 and needs to be reviewed. In the next year Mr. Lewis will be looking at the status of the Master Plan for updates and other ordinances, such as sections of the Zoning and other ordinances or code issues for planning for the future.

There is a lot of cross over between our office and Code Enforcement, so the two offices work closely together and do inspections together regarding building, code issues or violations. We work with the resident's to try and resolve any violations as quickly and easily as possible. Enforcement and compliance are the goal for both offices.

There have been some property violations that could not be resolved quickly and Paul Fitzgerald has been called to step in. If we do end up going to court, keeping in mind the budget of the City of Franklin, we always seek for reimbursement of legal fees.

For special projects, such as the downtown project, we work with other state and private offices, such as DOT and other State Departments. He stated that he has been working currently with DOT and McFarland Johnson to get the downtown work completed this spring.

Some of the issues we find ourselves in is Brownfield work, such as the property on South Main Street. Hopefully we will be hearing from EPA on the status of our \$200,000 clean up. Between the efforts of the City of Franklin and the Lakes Region Planning Commission and EPA and DES, these applications are submitted so that the property can get cleaned up and put back on the tax roll.

Some grants have been applied for and received for water quality improvements of Webster Lake, in the area of a privately owned property on Lake Shore Drive. I try and make sure if there are departments that need assistance that we work with them. My assistant, Angie Carey, has done a lot of work with Brian Sullivan and MSD on trash issues and water and sewer and so we try and be as helpful as we can.

### Police Department

The following is a copy and paste of the write up from Chief Goldstein:

Chief Goldstein stated that this evening we have been asked to discuss the states of our various departments. Of course, I am always delighted to chat about our police department. I would like to take just a few moments to offer an overview of contemporary police work. One would have to be unobservant not to realize that it is open season on police officers throughout the nation. In fact, a police officer is killed in the line of duty every 2 days somewhere in the United States. If the trends continue as expected, the number of police officers killed will exceed last year's numbers (166). In addition, more than 50,000 police officers will be assaulted this year and of those, at least 10% will suffer serious injury. Of course, these numbers do not include officers who are damaged or die from illness, suicide, or the like. As for police budgets, well...I do not have to explain that to this body.

At the same time, here in New Hampshire, there is an all-out assault against law enforcement and the laws by which we live. This is occurring in the halls, committee meeting rooms, and chambers of our legislature. Seasoned legislators and legislature-watchers have stated that the actions of many of our elected officials at the state level

are unprecedented in a negative sense. This became even more noteworthy when an email from one legislator to another raised the issue of shooting a NH police officer because the original legislator felt his tactical skills were better than the police. By the way, the inquiring legislator recently dropped one of the two .45 pistols he carries daily on the floor in the LOB.

Because tonight is a scheduled "no numbers" budget meeting, I will defer the presentation of specific departmental figures until a more appropriate time. However, there are legitimate issues to discuss this evening. The members of our police department continue to carry out their mission 24/7/365. Our roles have expanded to accommodate the increasing needs of the city. It is here that my concerns may be found. In a very general sense, a great deal of our crime is personal in nature as opposed to property crime. A week does not go by that we do not receive numerous complaints of illegal drug activities, domestic violence, sexual assaults, and more. A review of our police department may be divided into specific categories.

The physical plant continues to suffer HVAC issues. Kudos to MSD for keeping on top of this issue and responding at a moment's notice to address our problems. There are additional areas that should be addressed as well such as building security issues, a leaky sprinkler pipe and well-worn flooring. One visit to the station reveals that we are fast running out of storage space. File folders are piling up and we are in the process of trying to find a viable alternative. Unfortunately, due to the sensitive nature of our files, a secure location is required.

Our personnel roster is still short of our authorized strength. It would appear that we are having difficulties in hiring dispatchers. Due to the sensitive nature of their position within the department, these individuals have to be vetted to a degree close to that of a police officer. The training period for a new dispatcher is 12 weeks minimum...no easy task. As a result, I have had to assign a certified police officer to dispatch because he is also certified as a Communications Specialist. The problem here is obvious; an experienced police officer is not able to function in the role for which he was hired. An informal survey of similar dispatch centers has revealed that other departments are having comparable difficulties. Those that are not are paying their dispatchers much more than we can afford and during peak hours are able to schedule more than one dispatcher.

Please remember that we not only dispatch for our own department, but for Bristol, Andover, Danbury, Hill, and Alexandria as well. While such an arrangement helps defray dispatch costs, the tens of thousands of calls each year speak to the work load.

Our patrol force continues with the mission of the Department, but at a reduced number of officers. However, I am happy to report that we are close to hiring a new patrol officer and once we hire a new dispatcher I can release my dispatching officer from his communications duties and put him back on the street and we will be much closer to authorized strength. Unfortunately, this will take time.

The men and women who comprise our patrol ranks are some of the most professional and experienced police officers in the state. We now enjoy a reputation among our peers in which the Franklin Police Department is viewed as an organization at the top of its game. Our officers handle any type of call that comes our way—from a simple VIN verification to complex felonies. The most important thing to remember here is that when a citizen calls, we respond—without exception. It is also important to note that without the necessary manpower, equipment, and funding, response times are increased. I fear the day when some calls may go unanswered, but this will not happen on my watch. Concerning the latter, we are also pursuing the possibility of handling routine matters via the internet.

Our Detective Division also continues with its mission to investigate more involved and complicated crimes. In an effort to assist with this, our Detective Sergeant has been sworn in as a Special Merrimack County Deputy Sheriff. With this, he has state-wide police powers that aid him with drug investigations and the like. The Detective Division was also instrumental in assisting the NY State Police with a homicide investigation that involved Franklin residents.

Our Domestic Violence Liaison Officer works out of the Detective Division. As a result of these efforts, we are reaching more victims, educating more members of the community, working with established Crisis Centers and garnering praise for our efforts. In fact, the City of Concord is developing a program using us as somewhat of a template.

The Franklin Police Legal Unit is perhaps, pound for pound, the busiest division of the department. It falls to our prosecutor to coordinate Circuit Court, Grand Jury, and Superior Court cases. Given the elevated levels of activity from all our sworn members, this a daunting task at best.

About three months ago we reduced the paid legal interns from two to one. In May, our present intern will graduate and a new intern will take his place. At \$3.00 per hour we have a great bargain.

No organization can function without its support personnel. In this regard, the Franklin Police Department has hit a home run. We are fortunate to have two full time and one part time administrative assistants who enjoy their work and who are a very good fit for the department. They are bright, knowledgeable, and committed women who are capable of handling any matter they encounter. I sincerely hope that the private sector never learns about these folks...I could not compete with the offers that might come their way.

Finally, our equipment should be mentioned. Overall, the state of our equipment is good, but this is due to the diligence of the supervisory staff and the membership's desire to have functioning apparatus. However, it is very important to note that, by design, much of our equipment has or is approaching "end of life status". Included here for example is our fleet. While we have two new vehicles coming on line, one by design because it was funded by our last budget and one by happenstance that is, due to a serious accident, the fleet as a whole is aged and constantly breaking down. Other items including some of our Tasers and portable radios have reached their respective endpoints. Each is expensive to replace. In addition, the mandated switch to Narrow Band Radio will occur very soon and this has a price tag as well.

While much of the foregoing paints a negative picture, it is most important to remember that all the members of the Franklin Police Department are committed professionals and enjoy their respective positions within the Department. We will continue to respond to anyone in need and offer the finest in law enforcement service. We recognize fully that our primary responsibility is the safety of those who live in and those who visit the City of Franklin.

The early 20<sup>th</sup> century author, George Orwell, perhaps best known for his seminal work "1984" that warned us of restrictive and frightening government, put law enforcement's role into tight perspective. He wrote, **"We sleep safe in our beds because rough men stand ready in the night to visit violence on those who would do us harm."**

### Finance

Director Judie Milner indicated that her office is run by herself and two full time finance assistants. She stated that their duties include, but are not limited to: Payroll processing with federal and state recording as well, accounts payable which include federal recordings, cash, budget preparation and monitoring, fund balance estimation and monitoring, financial preparation, trust fund monitoring, recording, audit coordination, cash flow management, grant recording and monitoring, department of revenue, administration recording, and financial policies and procedures. In addition finance does a lot of analysis and cost scenarios for various department heads and the City Manager.

Notary revenue, audit revenue. 89% of the budget is payroll and benefits and 11% is operating. Out of the 11% the auditing makes up about 72% of the 11% and only a small portion of the auditing is paid for by grants. Out of the remaining budget is postage for checks sent out weekly and publications, memberships and training to stay current on new rules and regulations on payroll and recording and other items.

Audit costs are down \$30,000 since Director Milner has been on board, with reducing financial statement preparation.

Small savings are: Office has renegotiated the electricity contract, natural gas contract, printer maintenance contract and toner at a lower price.

Goals are: trying to get department heads on board to our accounting network, so that Department heads can help themselves to the data that they need when they need it. Some other goals are financial information being available city wide and the goal she would really like to obtain is doing a comprehensive annual financial report.

### Parks and Recreation Department

Notes below provided by Krystal Alpers:

***Our mission*** is to make a positive difference in the lives of citizens of all ages through professionally managed recreation programs and activities, tournaments, and special events that foster economic impact, promote healthy lifestyles, social interaction, and civic pride among participants.

The City of Franklin Parks and Recreation Department offers a variety of adult and youth programs and activities. The adult programs and activities are aimed at increasing physical fitness and promoting social interaction between participants. The purpose of our youth programs and activities is to provide an enjoyable experience for each youth participant, while developing character, skills, sportsmanship and promoting good will among all teams and individuals. Although sports are competitive by nature, the City of Franklin Parks and Recreation Department's intentions are to place less emphasis on winning, while promoting the building of lifetime physical activity and health for each participant.

The Parks and Recreation Department is open to the public 7 days a week with the exception of the 8 week summer program and there are no weekend open gym hours in May.

1. Personnel
  - a. 1 Full Time Director
  - b. 3 Part time (20 hours per week) Event Supervisors
  - c. Summer Staff (9 weeks)
    - i. 10 full time counselors
    - ii. 3 part time counselors
    - iii. 3 full time event supervisors – same as year round personnel
    - iv. 2 part time beach attendants
2. We offer Multi-age programs to community members including:
  - a. Toddler Programs
    - i. Iddy Bidy Ballet, Tumbling Tykes, Toddler Time, Pre K Soccer and Basketball
  - b. Youth Programs
    - i. Kindergarten – High School Basketball, Soccer, Archery, Tennis, Floor Hockey, Cheerleading
  - c. Adult Programs
    - i. Pick Up Basketball, Floor Hockey, Tennis, Archery
3. We offer an 8 week Summer Program which includes:
  - a. Summer Activities for children
  - b. Bike Rodeo w/ Franklin Police Department

- c. Fire Safety Day w/ Fire Department
  - d. Special Events sponsored by the Library
  - e. Leadership opportunities for teens
  - f. Employment opportunities for teens & college students
4. With the exception of the 8 week summer program we offer Open Gym & Game Room
    - a. Open during the day for
      - i. Adults with special needs
      - ii. Toddlers
      - iii. Community members
    - b. Open after school for school-aged children
  5. We plan and run Special Events or are involved in the planning and running of various special events such as:
    - a. Community Day
    - b. Winter Carnival
    - c. Easter Egg Hunt & Field Games
    - d. Middle School Dances
    - e. Annual Odell Park BBQ
    - f. Halloween Celebration
    - g. Christmas Celebration
  6. Oversee and manage Parks and Beaches
    - a. Work in conjunction with Municipal Services Building and Grounds in the cleaning and maintaining of the parks and beaches and the equipment
    - b. Ensure park users are aware of city policies for park use
    - c. Oversees the City's Beaches
    - d. Oversees the maintenance and preparation of the city ball fields in conjunction with City and School Building and Grounds Departments
  7. Committee Involvement
    - a. Community Day
    - b. Odell Park Centennial Project
    - c. TRIP Center Advisory Board
    - d. HEAL Committee
    - e. New Hampshire Parks and Recreation Association
    - f. Booster Club
    - g. Joint Loss Management Committee
      - i. City of Franklin Wellness Committee
  8. Community Service Opportunities through Volunteering
    - a. Middle School & High School Students
    - b. Community members

### Library

Rob Sargent indicated that he is only seeking level funding to maintain our current situation. He stated that last year they lost one employee, so they currently have three employees for a fairly good size building with two

public service doors. He stated that they can get through a normal day with three employees; however, if someone is seeking a vacation or is sick then only one person would be working during the lunch hour. He stated that they also reduced their hours from 64 down to 45 and cut out three nights a week.

With the hours declined, the usage is already up 10% for 2012 and with the limited employees it appears they are working double time.

#### City Clerk

Holly Burbank indicated that she has four full time employees in her department; being herself, the Tax Collector, the Deputy Tax Collector and two town clerks. She stated that they try and give the best customer service that they can as the services that they offer typical result in money being taken. She stated they understand the frustrations of the residents.

The biggest service that is provided is Motor Vehicle registrations, including City and State fees, processing registrations and renewals. She stated that the State is looking at over the next few years pushing everything down to the Town and City levels. She stated their internet connection is to the State Programs and they connect there and work from those files.

She stated that moving forward they will need to purchase printers and software for the new system. She stated this is the biggest thing in their department.

She stated the other big thing is the records and that they receive numerous requests for vital records which include: Marriage Licenses, birth certificates, death records, and to perform Justice of the Peace Services as needed.

Holly Burbank stated that elections are a huge part of their operations. She stated this year there will be four total elections. She stated that she has a great team and that Deb Kulacz has been the drive behind the elections and Holly indicated that she is thankful for her.

She stated that they do the Hunting, Fishing and OHRV licenses and these have to be reported monthly to the state.

She stated they do dog licensing which is their biggest pain in the neck and it involves the police department. She stated they manage over 1,500 registered dogs within the city alone, we have to send out notices and civil forfeitures, and people do get crazy when it comes to their dogs.

City Clerk's Office takes care of the coke machine in the lobby. The office does bring in a little bit of revenue from the machine.

Record retention is a big part of the clerk's office, with maintaining vital records as well as Council meeting minutes.

There are many miscellaneous items that the clerk's office takes care of, including:

1. Pole licenses
2. Amusement licenses
3. Department of Environmental services permit applications
4. Beach permits- as well as Krystal
5. Non-Sufficient Fund Returns
6. Ordering of Office Supplies

She stated that they take care of property taxes, sending out of the bills bi-annually, daily entry and acceptance of payments, answering phone calls relating to taxes due. She stated they have to reconcile with the Finance office monthly, which takes a good chunk of one full day.

She stated they send out water and sewer bills monthly (with 800 per month going out), daily entry of payments, answer phones relating to questions on water and sewer bills and set up payment arrangements. She indicated they also schedule shut off and sending out of the notices for shut offs and a lot of people will call during this time frame to set up payment arrangements.

She stated daily they take care of cash drawer reconciliation.

She stated her goals are customer service relations while working under the state law, increase on line registration- including on line dog registration, would really like to get credit card payments going and to update the tax software, as the current is very antiquated.

Councilor Dzujna indicated that whatever they are doing to make people happy when taking their money is working, because people have told him that they don't mind coming in and having the clerk's office take their money.

### Welfare

Sara Tracy thanked the council for the opportunity. She stated that she has tried to not call the people that come to welfare clients, as she looks at this as a bad label. She stated she puts a lot of weight on getting people to help themselves. She stated that she has put emphasis on helping people get their GED, as this helps them to get a better job and if they apply for a job without a diploma they are just wandering around.

She stated there have been huge overages this year in fuel assistances. She stated she had 2,200 people present themselves as homeless, either in losing their house to foreclosure or being evicted from an apartment. She stated that a lot of people need assistance in organizing their lives, making phone calls and making appointments.

She stated that she has been looking at reimbursement for past assistance or current assistance, whether through working or through assets.

Sara Tracy stated that her job is anonymous, however, she does receive a lot of help from other departments and that this is really a team effort. She stated that she is hoping to recuperate some of the funds that are provided.

City Manager Dragon indicated that the Council has heard a brief summary from her and a summary from the department heads. She stated she has informed them of where they are in the budget process and informed the council of things that are currently going on in the budget and what the city has looking forward to the FY13 budget. She stated that she looking for any comments from the Council, as she knows they are thinking about the budget, and thinking about what might be your priorities or concerns, and asked them if they have anything to share or ask or weigh in on now or asked them if they want to do that at the individual committee meetings or budget meetings. She asked if there was any council or guidance.

Councilor Dzujna stated that he knows that the City has big challenges ahead of them and that it was just voted on for a new fire engine, but he agrees that they need to try and get money in the Capital Reserve. He stated it will be difficult and he doesn't know how to solve the challenge.

Councilor Clarenbach stated that at the school liaison committee meeting downstairs last week, he stated he discussed what the city is required to do by law. He stated there is a lot on the wants list, such as new tax collection software and items the Police Department needs, and wanted to know what they are required to do as a committee by law, either federal law, state law, ordinance or whatever it happens to be and then work their way to the other items. He stated they should first take care of the things that they have to do, then the things that will raise efficiency of the city and then the other items will need to be removed, which could include the \$8,000 for the Ski Area for the liability insurance.

City Manager Dragon stated that as she has looked at the budget, she can comment that the council is not going to put money in the capital, to a significant amount, unless a service is cut. New software is not a requirement, however, collecting of taxes is a requirement, so the City can keep the software that they have even though the new software may make the process more efficient. She stated it needs to be weighed out as to whether the spending of money to make something more efficient will save the city money in the long run. She stated you can cut here and there, but it wouldn't be enough to fund the capital improvement plan. She stated currently you need to cut \$230,000 to stay within the tax cap, but then you would have to make more cuts to be able to put money into the capital, so you would now be talking about cutting a service or a person.

She stated that she will identify where the cuts are to bring the budget under the tax cap and beyond that, it's can we cut a little here and a little there. She stated it takes a long time and a lot of meetings to get where the budget needs to be, until the revenue picture changes. She stated the revenue is changing, just slowly. She stated if there is a service the Council wants to cut, to let her know now so that can be looked at.

The animal shelter has indicated that if they don't receive \$30,000 that they will be shutting their doors. They received \$20,000 from the City last year, as well as a lot of free service from Finance office and plus free electricity and other items. She stated that what she is going to recommend will be below this amount and probably won't make people happy. She stated this is the reality of the situation.

The Mayor asked if there was any more feedback from the council.

**MOTION: Councilor Feener move and Councilor Boyd seconded to adjourn the No Numbers Budget Meeting of the Franklin City Council from March 26, 2012. All were in favor and the motion passed. Meeting adjourned.**



**CITY COUNCIL MEETING  
APRIL 2, 2012**

**Presentation of the Colors**

Firefighters with the Franklin Fire Department presented the colors and Pledge Allegiance to The Flag was said by all.

**Swearing In of the Fire Chief**

Manager Dragon gave the following comments concerning the promotion of Kevin LaChapelle to Fire Chief.

Manager Dragon requested Chief LaChapelle come forward and she stated it is her pleasure to hold an official swearing in ceremony for the City's new Fire Chief, Kevin LaChapelle. She commented as with many in the Fire Service, the career runs in Kevin's family. His Father and Grandfather were both in the Fire Service and has had a tremendous influence on Kevin growing up. Both are here with Kevin this evening and she asked that they stand for a moment and be recognized and thank them for sending Kevin down this career path. Manager Dragon stated Kevin started as an Explorer with the Franklin Fire Department at the age of 14, he later joined the U.S. Coastguard but returned and joined the Franklin Fire Department full-time in 1996. He was promoted to Captain in 2002 and to Deputy Chief a little over 2 years ago. His involvement and love for the Department began 23 years ago and remains strong today. He has worked diligently to reach the position of chief and she stated she had no hesitation in promoting Kevin. He is a nationally registered EMTI and is currently enrolled in the certified manager's program with the State of New Hampshire. Chief LaChapelle has an Associate's Degree in Applied Fire Science. Kevin is well liked and is respected by his fellow employees and the community. Over the past month Manager Dragon stated she has received numerous letters of recommendation as well as a general out-pouring from the community of support for Kevin. In the end, Kevin earned this promotion through years of hard work and dedication to the Franklin Fire Department and the community. He is bright, always professional and he is forward thinking while still honoring the rich history of the department. He is very prepared to lead the department into the

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future. She stated we are very fortunate that Kevin's love for Franklin and the Fire Service and the community has kept him here in Franklin all these years.

City Clerk Holly Burbank gave Chief LaChapelle the oath of office and Mrs. LaChapelle and Kevin's Grandfather assisted in placing the badge on Chief LaChapelle.

Chief LaChapelle stated he is very flattered by the amount of support he has received through this process and through the last 16 years as a full-time fire fighter. Chief LaChapelle thanked his family; he thanked the people in Franklin, the tax payers and citizens, Chief Clarenbach for believing in him and hiring him as a firefighter and promoting me to Captain, Chief Smith for believing in me and promoting him to Deputy Fire Chief and to Manager Dragon and the City for promoting me to Fire Chief. He stated it has always been his dream to be the Coach of a championship team and the team he works with is what motivates him to do the job. He also stated the support his wife Tara, and his two sons give him and how they have always supported him 100%. Chief LaChapelle stated he looks forward to leading this championship team because they are the best.

Mayor Merrifield honored the following students:

Franklin High School student, Mike McClain was honored with a Proclamation proclaiming April 2, 2012 as Mike McCain Day to honor his accomplishment of the NHIAA Division 3 State Wrestling Champ.

Ms. Lacy Boudreau was recognized with a Certificate of Recognition whereas she moved from the lowest chair in reading to the highest chair and improved by one whole grade level in half a year as a leader in the classroom and has advanced a full level on the NECAP testing.

Mr. Jamie Torest, a sixth grader at the Franklin Middle School and has been a student in the District since kindergarten and has been very active in sports and is one of 66 students that has been recognized for demonstrating improvement on

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the Common Assessment Testing Program and increased his reading score by 31 points in a single year showing the largest improvement at the Middle School in reading. Jamie was presented the Mayor's Certificate of Recognition.

Ms. Anna Sylvester, 7<sup>th</sup> grader at the Middle School, a student since kindergarten, active in sports, was presented the Certificate of Recognition wherein she has increased her score in mathematics by 28 points in a single year showing the largest in improvement in match at the Middle School.

Mr. Ray Ward, 11<sup>th</sup> grader at Franklin High School was awarded the Mayor's Certificate of Appreciation. Ray has improved his academic performance through diligent effort and hard work in the face of very unique challenges and has been enrolled in the workforce investment act program since the 9<sup>th</sup> grade and seeks a successful career in industry and has increased his overall score by 25 points since taking the NECAP test in the 8<sup>th</sup> grade showing the largest improvement in the high school.

Mayor Merrifield thanked Superintendent Ward for pointing out the achievements of these students. A recess was called by the Mayor and the regular Council Meeting began at 7:00 p.m.

### **Public Hearing**

**Resolution #14-12** – this resolution concerns the transfer of funds from the School District to the City for purposes related to the Bessie Rowell School.

Mayor Merrifield Opened the public hearing. Mr. Keith Lohmann, School Board Member advised the Mayor and Council stating he is here to offer an apology. At the last School Board meeting they did pass another motion authorizing the transfer of the funds upon being presented with an invoice. He stated he was suppose to let Councilor Trudel know of this motion and he stated he failed to advise Councilor Trudel so Manager Dragon did not know there was to be an invoice and he offered his apology.

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Coach/Resident Greg Husband asked if the City agenda is posted on the website and he stated he is late because it was not on the website and he did not know the meeting started at 6:30 p.m. He asked if Bessie Rowell was heated all winter and Manger Dragon advised yes the building was heated on low heat all winter. Mr. Husband asked how much did that cost the City as we are talking about \$6,500 and the Mayor commented there are other related expenses. Mr. Husband commented the questions about the chairs, the chairs are owned by the citizens of Franklin. Mayor Merrifield commented there is no dispute on this with the Council about that fact. Mr. Husband stated he hoped this would be done in a more peaceful manner and stay out of the press. He also requested that in the future agendas be posted on the website.

Resident Leigh Webb stated he has been watching this \$6,500 saga unfold over the last few months and he stated he hopes tonight brings an end to that saga and the beginning of a new one that would be more positive and productive. Mr. Webb stated it was his understanding that a resolution and public hearing would give the school a mechanism by which this money could be transferred to the City but some did not look at it this way so it is hoped in the future for the sake of the citizens of Franklin that the School Board and Council will work well together.

No one else came forth to speak; the Mayor closed the public hearing.

**Comments from the Public** – None

**Legislative Comments** – None

**City Council Acknowledgement**

Councilor Dzujna recognized Rob Sargent and his crew at the Library commenting that the Library took a sizable cut in their budget last year and they all had to change their lifestyles somewhat to work on Saturdays and to make up for the loss of one position, all in order to accommodate the public. He stated they have

done a great job without any complaints; they just picked up and did what they had to do.

Councilor Dzujna advised that Community Day is May 12<sup>th</sup> and he invited all the Councilors to participate in the parade on May 12 as well as any Department Heads that will like to join in. If you can't march, cars will be available. The parade begins at 10 am.

### **Mayor's Update**

Mayor Merrifield announced a new intern in the Office of Mayor Candice Tucker who is a Franklin High School student taking of the duties of Director of Special Events in the Office of the Mayor and is currently planning a roast of the Mayor, \$40 per person, at the Franklin Elks Lodge on April 27 at 6:00 p.m. All proceeds go to a worthy high school senior headed for college.

### **Approval of Minutes**

***Motion made by Councilor Feener to approve the minutes of the March 5, 2012 City Council Meeting. Motion seconded by Councilor Sharon.***

Councilor Trudel advised that on Page 7 third sentence from the top the word use should be used and on the same page second paragraph, second sentence the word has should be as.

***Minutes approved as corrected.***

### **School Board Report**

Mr. Keith Lohmann advised that the NECAP score reports from the three schools held many bright spots there is still a lot of work to be done especially in math and especially at the high school level. The Musical Festival was held March 9 at the Middle School with students throughout the Lakes Region participating and

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students from the Middle School also assisted and it was a great success. The District is redoubling its efforts to minimize incidents of school bullying. Incidents seem to be on the decline after several incidents early on. The school is in the process of applying for a grant that would replace the services provided KC Family Services called 21<sup>st</sup> Century Community Learning Centers which would include school services, homework assistance, etc. Mr. Lohmann thanked all the members of the Joint Liaison Committee for sense of cooperation and he hopes it is the beginning of a new era.

### **School Support Staff Contract Proposal**

Chair of the School Board Ray Yonaitis advised in the packet is a cost breakdown of what it will cost the District to go forward accepting the contract. He stated he is excited about this contract because the key thing in the contract is that we have paid 100% of their medical insurance and this year they will pay 2 ½% and the following year another 2 ½% for 5%. The deductible amounts has been changed and the prescription amounts and in doing so even with the 2% increase, if it wasn't done the amount would have been \$391,540 to the District for insurance, with this negotiated contract the first year the cost will be \$347,157 and the second year \$338,478. He stated this is huge and he stated the pay scale for the support staff is one of the lowest. By doing those concessions, the District is able to give the support staff a small increase in pay so they would have more in their pocket and saving the District. The first year it will cost the District \$13,155 or .75% of operating budget for the support staff, the second year the increase costs will be \$7,811 which is only an increase of 0.44%.

Councilor Desrochers asked what the average pay is for support staff per hour. Chair Yonaitis responded it depends on experience and what their responsibilities are in the classroom as this one carries a lot of special ed. He did state it is about \$12.00/hour across the board. Councilor Dzujna commented he approves the idea of paying part of the insurance and you state it puts more into their pocket but technically more is coming out of their paycheck to pay for the insurance. Chair Yonaitis agreed but stated it does work in their favor.

***Motion made by Councilor Boyd to approve the cost of the Support Staff Contract, motion seconded by Councilor Starkweather. All in favor, motion passes.***

**Renewal of Lease Agreement between the City and the Franklin Targeteers**

***Motion made by Councilor Trudel that the Franklin city Council approves the renewal of the Lease Agreement between the Franklin Targeteers and the City of Franklin for one year beginning January 1, 2012 and ending January 1, 2013 and authorize the City Manager to sign said agreement on behalf of the City. Motion seconded by Councilor Starkweather.***

Councilor Clarenbach suggested extending the contract date to March or April, 2013. Mayor Merrifield wondered if the contract needs to be annual, perhaps a 5-year agreement could be considered. Manager Dragon commented she does not really have a preference but at some point it probably should be looked at again by the City Attorney and the Local Government Center to determine if there is any language that should be changed or if insurance should be changed as it has not been reviewed since 2008. She suggested that next year it be reviewed prior to coming up for renewal.

Councilor Desrochers advised the address should be changed to P. O. Box 352, Franklin, NH 03235. He also commented on all the work the Targeteers do at the range, he questioned if the Police Department maintains it anymore. He also suggested a 5-year lease. Councilor Boyd commented in the beginning that range was nothing but a field; the Police Department and help from the Prison assisted in the building of the range and the range belongs to the City. It was built for one purpose for the Police Department to be able to go to the range and have firearms training and to accommodate other police departments that wished to do the same. Targeteers is another great group that uses the range and they have certainly helped out in the caring of the range. Councilor Boyd also commented that if the agreement is to be extended long term that in the agreement it should

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be made clear that the City of Franklin has the option to void the agreement at anytime.

***Amendment made by Councilor Sharon that the current contract be extended to a 16 month agreement to April, 2013. Motion seconded by Councilor Clarenbach. All in favor.***

Councilor Feener commented he has no problem with a 5-year agreement, however, this was discussed a few years ago and at that time it was recommended keeping it on an annual basis. If we have Attorney Fitzgerald look at this between now and next April and if he approves the City extending the agreement to 5 years that could be considered. Mayor Merrifield commented he offered 5 years as a suggestion but it could be, two, etc.

***All in favor of the motion as amended.***

**Ordinance #10-12 – this ordinance offers under a special use permit the ability to have a bed and breakfast in the Lake Protection Zone.**

***Motion made by Councilor Boyd that the Franklin City Council adopts Ordinance #10-12 approving the proposed amendment to allow Bed and Breakfasts in the Lake Protection District through a Special Use Permit. The proposed amendment was the subject of a public hearing conducted by the Franklin Planning Board on March 14, 2012. Motion seconded by Councilor Starkweather.***

Councilor Boyd commented that the Planning Board did a very good job going over the specific details and he stated he is in favor of the ordinance. Councilor Starkweather commented he agrees with Councilor Boyd and that there is a long list of conditions on this. Councilor Desrochers commented that he does not feel it should be the Council's position to second guess the Planning and they have done a thorough investigation into the matter and have approved it.



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***Roll Call:***

***Councilor Clarenbach – Yes***

***Councilor Sharon – Yes***

***Councilor Boyd – Yes***

***Councilor Desrochers – Yes***

***Councilor Starkweather – Yes***

***Councilor Dzujna – Yes***

***Councilor Cournoyer – Yes***

***Councilor Feener – Yes***

***Councilor Trudel – Yes***

***All in favor, Ordinance #10-12 is approved***

**Resolution #14-12 – this resolution authorizes the transfer of funds from the School District to the City for purposes related to the Bessie Rowell School.**

***Motion made by Councilor Feener that the Franklin City adopts***

***Resolution #14-12 by a roll call vote, motion seconded by Councilor Dzujna.***

Councilor Feener stated he gathers that the City never received a check and Manager Dragon responded that is correct. Councilor Feener commented it should just be ended tonight with a positive vote.

Councilor Desrochers commented it is way past time, this issue should be put to bed, it should end now.

Councilor Clarenbach commented obviously this has gone on way too long, the problem he stated for him is the City Council to actually take the money from the school. Mr. Lohmann came forth and stated he failed to contact Councilor Trudel so it appears there was a breakdown in communications and he stated he is not sure this action is the right answer for that breakdown.

***Councilor Feener called the question, seconded by Councilor Desrochers. All in favor, the question is called.***

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**Roll Call:**

**Councilor Boyd – Yes**  
**Councilor Clarenbach – No**  
**Councilor Cournoyer – Yes**  
**Councilor Desrochers – Yes**  
**Councilor Dzujna – Yes**

**Councilor Feener – Yes**  
**Councilor Sharon – Yes**  
**Councilor Starkweather – Yes**  
**Councilor Trudel – No**

**7 Yes Votes and 2 No Votes Resolution #14-12 passes.**

**Ordinance #09-12 – this ordinance concerns amendments to Chapter 284, Vehicle and Traffic of the Franklin City Code.**

***Motion made by Councilor Feener set a public hearing on Ordinance #09-12 concerning changes to the Traffic Codes for Monday, May 7, 2012 at 7:06 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Trudel.***

Councilor Trudel inquired who he should address questions to concerning changes to the ordinance and was informed he should contact Director Sullivan. Councilor Dzujna commented that a couple people have approached him about signage at their street that looked like the sign was on their driveway.

***All in favor of scheduling the public hearing.***

***Motion made by Councilor Feener that the Ordinance #09-12 be read in title only, motion seconded by Councilor Boyd. All in favor, motion passes.***

Mayor Merrifield read into the record: Ordinance #09-12

**Acceptance of Scholarship Funds - \$1,000 has been donated and is to be awarded to a female high school senior who has participated in 1 varsity sport and has a GPA of 3.0 or higher.**

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***Motion made by Councilor Dzujna that the Franklin City Council accepts \$1,000 annual "We Made It, You Can Too" scholarship money from Pamela Carter Kelly and Kristen Carter Drozdowski to be awarded to a high school female senior who has participated in at least 1 varsity sport and has a GPA of 3.0 or higher beginning in May 2012. Motion seconded by Councilor Cournoyer. All in favor, motion passes.***

**City Council to consider a Change in Start Time for Council Meetings (Section 50-2 of the City Code**

Councilor Cournoyer and Councilor Boyd both commented they prefer 6:00 p.m., however, Councilor Boyd commented for some the time might be better at 6:30 p.m. Councilor Feener stated he would support 6:00 p.m. as long as special meetings don't start taking place at 5:30 p.m. Councilor Desrochers recommended that if the time is changed to 6:00 p.m. that the change not take place for a couple of months so the public can make the change as they are so used to coming to the meetings at 7:00 p.m. Councilor Starkweather commented it would be good to put the new time on the City Website. Manager Dragon advised it is almost time for the new website to go live. It will happen in April and it is hoped the date will be April 10<sup>th</sup>. Council packets will be on the website and with the exception of the Mayor and Council there will be no more copying of packets; if someone wants a copy of the packet they can copy it from the website.

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing concerning Section 50-2 of the City Code changing the City Council Meeting time from 7:00 p.m. to 6:00 p.m. for Monday May 7, 2012 at 7:07 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Boyd. All in favor, motion passes to schedule the public hearing.***

**Resolution #15-12** – a resolution concerning the appropriation and expenditures of Municipal Transportation Funds.

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***Motion made by Councilor Trudel that the Franklin City Council set a public hearing to be held on Monday, May 7, 2012 at 7:05 p.m. on Resolution #15-12 which outlines the proposed appropriations and expenditures of Municipal Transportation Improvement Funds to be associated with ongoing transportation improvement project in the downtown area. Motion seconded by Councilor Cournoyer.***

Councilor Dzujna questioned what is the fund balance left from the grant and Councilor Cournoyer commented it should be \$101,000. Mayor Merrifield commented this resolution addresses the additional \$5,000 that would be taken from the Transportation Fund. Planner Dick Lewis advised the amount of money left over from the federal funds is in the range of \$70,000 to \$80,000.

Mayor Merrifield read Resolution #15-12 into the record:

#### **RESOLUTION #15-12**

**A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2012.**

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

**WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2012 which began July 1, 2011, and;**

**WHEREAS, the City of Franklin was awarded \$784,000 in federal funds for the construction of transportation improvements in the downtown area, and;**

**WHEREAS, the construction work on these improvements began in the summer of 2011 and work will continue into 2012, and;**

**WHEREAS, the City has been advised by the consulting engineer for the project that the best way to ensure that all, or as much as possible, of the federal funds are expended is to slightly go over budget for the project, and;**

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**WHEREAS, the City Council wishes to ensure that that the City gets the best value out of the federal funds, and;**

**WHEREAS, the City of Franklin has approximately \$106,570 in the Municipal Transportation Funds account authorized, in accordance with RSA 261:153, by the City Council on July 6, 2009 and the funds in this account can be used for the construction of transportation improvements consistent with the work being carried out under the federal funding, Now**

**THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, May 7, 2012, the City Council of the City of Franklin, New Hampshire does hereby authorize the following appropriations,**

**An increase in revenues:**

**Transfer from Capital Reserve Fund -Municipal Transportation Improvement, Acct# 04-0-000-39150-401 – an amount not to exceed Five Thousand Dollars (\$5,000.00),**

**And an increase in expenditures:**

**Downtown Transportation Project, Account # 04-0-000-40719-401, an amount not to exceed Five Thousand (\$5,000.00),**

**By a roll call vote.**

***All in favor, motion passes to schedule a public hearing.***

**Other Business**

**Committee Reports**

City Council Meeting

April 2, 2012

Page 14

Councilor Trudel announced that the School Liaison Committee held their first meeting on March 15, 2012, all members were in attendance. Some of the topics discussed was the current relationship between the School Board and the City Council; whether there was a need for Supt. Ward to attend the City Council meetings; potential challenges for both the School Board and the City Council whether it be funding (Bessie Rowell School, chairs, etc.); additional questions and answers during the monthly School Board presentations and one of the things discussed was perhaps it would be more efficient and be able to communicate better and get more concise information back to the Council if we not address questions at the end of the monthly School Board presentation but this has not been resolved. There was a discussion on a fixed schedule for the School Liaison Committee and it was proposed that be held between the City Council and the School Board meetings. Lastly, Councilor Trudel stated they talked about being able to assist the Joint Finance Committee with any problems that might arise. The next scheduled meeting will be on Thursday, April 12<sup>th</sup>.

Councilor Dzujna announced the next Parks and Rec Committee Meeting will be Wednesday, April 11, 2012 at the Rec Center, 4:30 p.m.

### **City Manager's Update**

Manager Dragon advised the City received for the contingency grant line \$200 from Hexa Interactive for the summer concert series. The Elks will be holding a soapbox derby race on June 23, 2012 beginning at 9:00 a.m., location Sky Meadow Lane. Youth Government is planned for May 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup>. Manager Dragon provided the schedule of events. A mock City Council will be held on the final day at the Elks and a banquet and award will be presented. All Councilors and the Mayor are invited to attend. Webster Valve/Watts Water Technologies held a ground breaking ceremony on March 26<sup>th</sup> as they are building a new foundry. They are building a 30,000 square foot expansion and they are saying they will not only preserve 100 jobs but will also bring in some new jobs.

Therefore, the date was changed to Wednesday, May 2, 2012 at 6:00 pm and all councilors felt they could make that date. Manager Dragon advised that there will be someone from Congressman Bass's office at City Hall on April 24<sup>th</sup> between noon and 1 pm.

Manager Dragon advised that the rest of the Manager's Update is in your packet and she stated she is not going to go over that as the Council and Mayor have had an opportunity to read it and it will go along with the minutes for the record.

#### Late Item

#### Bessie Rowell Community Center – Head Start CDBG Grant Application

***Motion made by Councilor Feener that the Franklin City Council authorize the Mayor to sign a letter addressed to CDFA agreeing that the City will move forward with a lease for \$1 per year rent for 20 years with Head Start if awarded CDBG funds to make the necessary renovations to the Bessie Rowell School to accommodate Head Start. Head Start will be responsible for utilities and other shared operating expenses as agreed. Motion seconded by Councilor Desrochers.***

Manager Dagon stated basically this is what we have been talking about all along, this does not approve the lease language but it is the language Attorney Fitzgerald had drafted back in December, 2011. Now that Head Start is moving through the CDBG process, they are asking for a letter to come from the Mayor, authorized by the City Council, before the scoring is done.

Councilor Clarenbach stated he voted no for this previously as far as the building is concerned. He stated really what is being done here is the City is agreeing to be a landlord for 20 years. He stated you have to keep the occupancy up in order to share the bills and be able to afford the building. In a period of 20 years if any of the tenants would no longer exist the City would be picking up the remainder portions of the operation. He stated he does not see where there is a lot of plus

for the City in this position. And, what happens if the federal funds dry up. Councilor Desrochers asked if there could be a clause in the lease that it could be renegotiated should circumstances change.

Manager Dragon commented if you recall when these grants were done, they required a 20 year commitment to the building. The lease even though it says \$1, they are not paying \$1 to be in the building, they would be paying a prorated share of the expenses, the \$1 rent is just the \$1 rent, they are paying a prorated share of the expenses of the building. They are paying the same amount that was calculated back in December, 2011 and they are paying by square footage their share of operating and utility expenses, it is not any different than what was discussed before. This simply states that we will move forward as we have already agreed to do. Councilor Clarenbach commented the problem is as long as all parties are there, then there is the right amount of money, it would be when there are vacancies, then you would have to change the amount that everyone pays and if they are fixed into their costs the City would have to pick up the remainder. Councilor Clarenbach asked if there would be only two tenants would the cost be split between them, Manager Dragon responded it would be prorated by square foot. He asked if someone vacates, who picks up that square footage cost. Manager Dragon responded this agreement is not saying how much the City is charging, those are not decisions that are being made today by making this motion. How the formula is designed is up to the City Council. If we are awarded the CDBG grant the funds will be used to do the building and commit to a 20 year agreement to do that.

Mr. Russo came forth stating he had a question and Mayor Merrifield informed him that he is not allowed to speak at this time and informed him that this is not a time in the meeting when he would be allowed to speak.

Mayor Merrifield commented that it seems that there is concern about losing tenants in the future and the solution to that would be to deny having a tenant now. Councilor Feener commented he would hope if it came to light that a



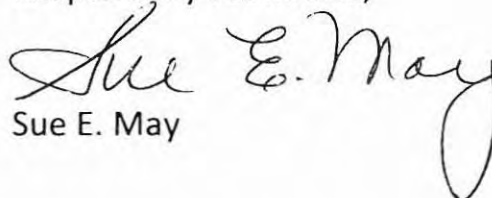
tenant was leaving that we would have enough ambition to find a tenant to replace the one leaving and are we losing if these are the people that leave when you have \$350,000 in improvements to the building. Manager Dragon commented that she realizes Councilor Clarenbach did not vote for this project initially and his comment when he did not vote for it was not because of these agreements but because the Rec Center was part of it. Manager Dragon stated this is a little different government project, however, it is a very good project and two of the tenants are 20 year agreements and the third one is the City of Franklin so three out of four are long term and the fourth tenant is the TRIP Center, which is a long term tenant. So it is not like the tenants are some unknown Joe Blow that would be here today and go tomorrow, these are long term commitments. Councilor Sharon expressed his support for the project.

Councilor Sharon invited everyone to a fund raising dinner at the TRIP Center, May 12<sup>th</sup> from 4 pm to 6 pm. You can donate any amount for a spaghetti dinner.

***Vote on the motion for Mayor Merrifield to sign a letter to CDBG. 8 Yes votes; 1 no. Motion passes.***

***Motion to adjourn made by Councilor Feener, seconded by Councilor Starkweather. All in favor, meeting adjourned at 8:30 p.m.***

Respectfully submitted,

  
Sue E. May

**Marty Russo's claims of fraud at the March council meeting:** In the past, when my report is lengthy I have asked Sue to attach the manager's report to the official minutes instead of retyping a summary and this time I ask the council that this section along with my attachments regarding this matter also be included with the meeting minutes for future reference.

Mr. Russo's speech that he made in public session at the March council meeting and a letter written by the church that he references (as a member of the church finance committee) has been included with the March council meeting minutes per his request. I ask that you take the time to review this information and the information I am including.

The majority of Mr. Russo's speech accuses me and others of misrepresenting the current situation with Head Start to be an "emergency" so that the CDBG application submitted by the city on behalf of Head Start could qualify as an "emergency grant". That is in fact false! The Head Start CDBG grant application was not an application for emergency funding it was an application for funding under the category of Housing and Public Facilities-an entirely different category of funding. Mr. Russo went so far as to go on record in public to say that the grant writer- Donna Lane, Julie Sackett (CAP Head Start), and I failed in our "**personal**" and "professional" responsibilities through lack of due diligence and **deliberate** misrepresentation of the circumstances surrounding the Franklin Head Start program. Further, he stated that we collaborated to "portray an emergency relocation situation where none exists". Those are very strong accusations that were based on misinformation. It is unfortunate because those types of public accusations cannot be undone. Obviously, as organizations and as individuals, people have a right to be concerned about their reputation when public comments and unfounded allegations such as these are being made. They also have a right to protect their reputation however they see fit.

Next, I have already addressed Mr. Russo's comments in regards to the amendment to the community development plan goals. When a community is seeking CDBG funds they amend their goals to make sure it is in line with the grant application process. It is not unique to Franklin or even this grant. The minutes are submitted to CDBG, they know that every community does this as part of the application process. It is part of their checklist. There is no mystery involved.

The debate between the St Paul's church and what Head Start wrote in the narrative that was ultimately included in the CDBG grant created some hard feelings. Mr. Russo talks about this on the second page of his speech. To be clear, the narrative in question was in fact written by Head Start not the city. It was given to the grant writer to be included in the grant. Head Start can not apply for CDBG funds alone. The City must apply for the funds on their behalf which is why the city held the public hearing and approved the application. Second, after the grant had been submitted CDBG representatives did tour the current head start facilities at the church (viewed the playground, the kitchen, and ADA issues within the building) and they toured the Bessie Rowell building. Lastly, because I do not want there to be hard feelings between the St Paul's parish and the City-after the last council meeting I reached out to Father Gagnon and offered to go on record with the grant writer to address anything that was written in the grant application that gave the impression that the church is a bad landlord or that head start couldn't likely renew their lease this summer. Head Start's lease with the church is something clearly beyond our control. The church is an organization that has worked hard to be a good host to the Head Start organization for many years. (Attached is the letter I submitted to Donna Lane/ Grant writer-you should also know this letter was reviewed & approved by Father Raymond Gagnon for accuracy before it was submitted)

I understand that Head Start has since met with the church and made it clear that even if they are not funded this time around they will continue to seek funding because it is their desire to relocate to a permanent home. I realize losing \$45,000 a year in revenue is a hardship for the



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March 16, 2012

Donna Lane

CDBG Grant writer

Dear Donna,

Since submitting the CDBG-Housing & Public facilities grant on behalf of Head Start for the Bessie Rowell community center project there has been some concerns expressed by members of the St Paul's parish. Therefore, I would like to take a few minutes to go on record to clarify a few things.

First, the City considers St. Paul's Parish to be a community partner and does not want anything in the application to give the impression that the city believes the church is a bad landlord or that Head Start couldn't likely renew their lease this summer. Head Start's lease is something clearly beyond our control.

I don't believe that the narrative (written by Head Start) in their CDBG grant application, was meant to create any hard feelings. I do, however, want to go on record to make sure that the church feels that it is being treated fairly in this process. I, myself, at times have heard rumors of church consolidation and I have seen some of the consolidation between Franklin and Tilton's church over the last couple years. Last week, I spoke with Father Raymond Gagnon and any sale of church property would need to go through the diocese in Manchester and would likely take a year or two to complete. Therefore, it is likely not a quick process. Father Gagnon also indicated to me last week that is not something they are currently considering. The narrative written by Head Start in the grant application does not say the building is for sale- it talks about the church consolidation and "rumors" of sale. While the church building is currently not for sale, you can see why the Bessie Rowell space and a lease for 20years would be an attractive arrangement for Head Start because it provides for a more permanent space for the program.

As you know, the Head Start program has been looking for a new home for many years and so on occasion they have spoken to representatives at CDBG over the years. There are ADA issues within the building- the bathrooms are not handicap accessible within Head Start and you must use steps to navigate once inside the building to get to the various classrooms. I spoke with Father Ray Gagnon last week briefly about these items- to address these issues would require a lift or elevator and renovation to a bathroom to meet ADA regulations. In fairness to the church, he indicated to me these

church but the City is not the enemy. Head Start is on a year to year lease and they have a right to apply for these funds, they have a right to move if it make sense for them to do so. Head Start has been looking for a new home for several years and this collaboration between organizations at the new Bessie Rowell Community Center makes a great deal of sense! It will create a one stop center for parents dropping off at Tiny Twisters, Head Start or at the Franklin Recreation programs. There will be collaboration between food service programs, activities, use of meetings space and volunteers from the very young to the very young at heart... This is a good project, a good re-use of a building that would have otherwise sat vacant, a building that had already begun to be vandalized and would have simply continued to deteriorate. This is a good project for the kids of the Franklin community and for the seniors. This is something we can get excited about and be proud of.

improvements were not requested by Head Start and so he had not been aware this was an issue or concern to Head Start until recently.

Lastly, I want to briefly to talk about the boiler. Head Start mentions in their grant narrative that the boiler is very old and that there have been instances in the last two years when it has broken down. In speaking with Father Raymond Gagnon, the boiler was replaced in 2004. I do know from speaking to other parishioners, the boiler has had issues on occasion but then again that would be the case no matter the age the boiler. My boiler at home was purchased in 2006 and we had the repair man visit us twice this year ourselves-it happens! I also know it's not uncommon for a church to rely on volunteers; in fact, a strong church has a very active group of volunteers. This should be seen as a positive thing. Franklin is a community rich with volunteerism.

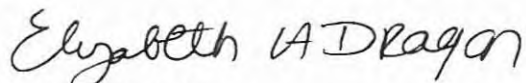
The St. Paul's church is an organization that has worked hard to be a good host to the Head Start organization for many years. It is my desire that people will thank the church for all of the years of support of the program.

Head Start has made it clear that they desire to relocate to the Bessie Rowell building and it makes a great deal of sense! It's a very a long term commitment that brings stability, a cost savings in tough economic times and maybe even more important there is a great deal of collaboration between programs-a one stop shop for parents dropping off at Tiny Twisters, Head start or at a Franklin Recreation program. Collaboration between food service programs, activities, use of meeting space, volunteers from the TRIP center. Picnic areas, a fenced playground area accessed from inside the building and shared with Tiny Twisters... a stage for performances for the children.. the possibilities of partnerships are endless! There are so many positives to the project it's important that everyone feel that they are treated fairly- because here in Franklin its takes the entire community to make projects like this become a reality!

I hope I helped clarify some things.

If you have any questions please feel to contact me.

Sincerely,



Elizabeth A. Dragon  
City Manager  
City of Franklin

CITY COUNCIL MEETING

AGENDA ITEM II



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*May 7, 2012 City Council Meeting*

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**Subject: A representative from Senator Shaheen's Office will address  
the Mayor and Council**

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CITY COUNCIL MEETING

AGENDA ITEM III





**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*May 7, 2012 City Council Meeting*

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**Subject: Students from the Middle School will give a Presentation on Bullying.**

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CITY COUNCIL MEETING

AGENDA ITEM IV



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**  
*May 7, 2012 City Council Meeting*

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**Subject: School Board Report**

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**A member of the School Board will provide a monthly report to the Mayor and City Council.**

CITY COUNCIL MEETING

AGENDA ITEM V



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT

May 7, 2012 City Council Meeting

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**Subject:** Approval of Annual Agricultural Real Estate Lease,  
Tax Map 123, Lot 403, with Mr. Daniel L. Fife

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**Motion:** *"I move that the Franklin City Council approves Agricultural Real Estate Lease with Mr. Daniel L. Fife for the 34 acres City owned property located off River Street, identified as Tax Map 123, Lot 403, and authorize City Manager Dragon to duly execute the lease on behalf of the City."*

Attachment: Lease Agreement

## AGRICULTURAL REAL ESTATE LEASE

City of Franklin  
And  
Daniel L. Fife

**LEASE AGREEMENT** made this the \_\_\_\_ day of May, 2012, by and between the City of Franklin, New Hampshire, a municipal corporation located in the County of Merrimack, hereinafter referred to as the Lessor, and Daniel L. Fife of 925 South Main Street, Franklin, County of Merrimack and State of New Hampshire, hereinafter referred to as the Lessee.

**PREMISES:** The parties agree that the Lessor shall lease to the Lessee a certain parcel of land located within the City of Franklin, and owned by the Lessor, containing approximately 34 acres and located off River Street. Said parcel is more specifically identified on the Franklin Tax Map as Parcel #123-403-00.

**CONSIDERATION:** Consideration for this rental shall be in conformance with RSA 72:23 and any amendments thereto. Annual payments shall be equivalent to \$25.00 per acre.

**LEASE TERM:** This lease shall be for a period of one year subject to cancellation as described herein. However, it is hereby understood and agreed by the parties that the Lessee shall have the use and enjoyment of the premises only from the period of May 1 through November 1 in any year of the lease. For the remaining six months of any year, the property shall be subject to the use and occupancy of the Lessor.

**PURPOSES:** It is understood and agreed that the leased premises are to be used solely for agricultural purposes. Any other use of the premises shall be approved by the Lessor prior to such a use being established by the Lessee. The Lessee may not sublet any portion of the premises or assign his responsibilities or rights under this lease agreement to any other party without the written consent of the Lessor.

**CANCELLATION:** Either party may cancel this agreement upon 60 days notice to the other. However, in the event that the Lessor exercises its option to cancel this agreement during the months of May, June, July, August, September or October of any year, then the Lessor shall allow the Lessee the right to enter upon the leased premises, care for and harvest any crops which have been planted prior to receipt of notice of cancellation. Cancellation notice by any party shall be in writing, certified mail with return receipt requested.

**LIABILITY:** The Lessee agrees to hold the Lessor harmless for any injury, loss or occurrence to any party that arises or is in any way connected with the Lessee's use of the premises. Lessee shall, upon request of the City Manager, provide the City with proof of insurance in an adequate amount to protect the City's interest in this

**LIABILITY continued:** regard. Lessee shall not be required to have insurance coverage of higher face amounts than that carried by Lessor. However, in the event of claims which exceed Lessee's coverage, any overage payment shall be borne by the Lessee.

**MERGER:** All agreements and representations made by the parties are contained herein and, unless specifically enumerated in this document shall not form a part of this agreement.

**AMENDMENT:** Any amendment to this agreement shall be in writing executed by the parties.

**SEVERABILITY:** Should any clause, sentence or paragraph of this document be found void, illegal or of no effect, the remainder of the document shall not be affected by such a finding and shall remain in full force and effect.

**APPLICABLE LAW:** The parties agree that this contract shall be construed under the laws of the State of New Hampshire. Should any future statutory amendments or court decisions revise the applicable law with regard to the lease of municipal property, such provisions shall be incorporated into this agreement to the highest degree possible.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Elizabeth Dragon, City Manager  
City of Franklin, Duly Authorized

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Daniel L. Fife

CITY COUNCIL MEETING

AGENDA ITEM VI





CITY OF FRANKLIN  
COUNCIL AGENDA REPORT  
*City Council Meeting of May 7, 2012*

**From:** Richard Lewis, Planning and Zoning Administrator

**Subject:** City Council to consider the passing of Resolution 15-12 for the appropriation and expenditures of Municipal Transportation Funds

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**Recommended Motion:**

***"I move that the Franklin City Council approves Resolution 15-12 which outlines the proposed appropriations and expenditures of Municipal Transportation Improvement Funds to be associated with ongoing transportation improvement project in the downtown area by a roll call vote."***

*Mayor calls for a second, discussion and the vote.*

**Discussion:**

As you are aware, the City was awarded federal funds several years ago for the design and construction of transportation improvements in the downtown area. The engineering and design work was completed approximately a year ago and the project went out to bid in late May of 2011. The construction firm John H. Lyman and Sons was awarded the contract and work began in late summer. A substantial amount of the work was completed last year but some remaining work will be completed this spring and early summer.

Due to a combination of a positive bidding climate, savings from some anticipated work items not being required, and some general savings in the quantities of the construction materials we have some excess funds. These funds can be used to complete some additional improvements that were part of the overall planning and permitting procedures but could not be included in the bid plans due to anticipated project costs.

My office has been working with the engineers, McFarland Johnson, and the project manager from NH DOT to address all of the steps needed to utilize these excess funds. After multiple communications and a meeting at DOT on 3/22/12, the issues have been resolved and an approval will soon be issued to the engineers to allow them to proceed with the necessary change orders.

After consulting with the project engineers and taking input from the public safety officials, we conclude that the following tasks should be completed with these excess funds:

- ✓ Install a new traffic signal control loop on Central Street;
- ✓ Modify the Timing and Phasing of the traffic signals, taking into account the improvements from the two tasks above;
- ✓ Install a new Fire Pre-emption receiver and signal device on Central; and,
- ✓ Replace the older and deteriorated sidewalks on the north side of Central Street between Memorial Street and Smith Street.

The first three items listed will help ensure that the Fire Department can move safely through the intersections along Central Street, and to help ensure that the traffic signals work as effectively as possible to best manage and control traffic flows through these same intersections.

On multiple occasions, the engineers from McFarland Johnson have indicated that the best way to make sure the City gets it full value of the federal funds is to go slightly over the federal earmark budget. Otherwise we may find ourselves with some level of funds [for example \$1000 or \$2000] left on the table and unavailable because there is not enough left over to accomplish a certain task. The proposal being put before the Council is to give ourselves the appropriate flexibility by utilizing the Municipal Transportation Fund, which was established by the City Council in 2009. Per RSA 261:153, these funds can be used for transportation improvement projects such as the one now funded solely by the federal dollars.

The attached resolution, subject to a public hearing proposed for the May meeting, would allow the City to spend up to Five Thousand dollars [\$5,000.00] from the Municipal Transportation Fund, which currently has a balance of \$106,570.00. Depending on how the construction work goes this spring and summer we may not need to spend any of these Fund dollars, but having the flexibility to spend up to the proposed \$5,000 limit may result in the best utilization of the federal funds.

**Fiscal Impact:**

The only fiscal impact to the City is the possible expenditure of funds that are already restricted for the use of transportation improvement projects. No general fund money will be expended.

**Alternatives:**

The Council can either set the public hearing and approve the appropriations and the expenditures, or in the alternative vote to not hold the hearing and thereby the possibility is that some of the federal earmarks may be left unexpended.

Attachment: **Copy of Resolution #15-12**  
**Public Hearing Notice**



# CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

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## CITY OF FRANKLIN NOTICE OF PUBLIC HEARING & MEETING

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, May 7, 2012 at 7:05 p.m. in the Council Chambers, Franklin City Hall concerning Resolution #15-12 concerning appropriation and expenditures of the Municipal Transportation Funds.**



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## RESOLUTION #15-12

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2012.

In the year of our Lord, Two Thousand Twelve,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2012 which began July 1, 2011, and;

WHEREAS, the City of Franklin was awarded \$784,000 in federal funds for the construction of transportation improvements in the downtown area, and;

WHEREAS, the construction work on these improvements began in the summer of 2011 and work will continue into 2012, and;

WHEREAS, the City has been advised by the consulting engineer for the project that the best way to ensure that all, or as much as possible, of the federal funds are expended is to slightly go over budget for the project, and;

WHEREAS, the City Council wishes to ensure that that the City gets the best value out of the federal funds, and;

WHEREAS, the City of Franklin has approximately \$106,570 in the Municipal Transportation Funds account authorized, in accordance with RSA 261:153, by the City Council on July 6, 2009 and the funds in this account can be used for the construction of transportation improvements consistent with the work being carried out under the federal funding, Now

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, May 7, 2012, the City Council of the City of Franklin, New Hampshire does hereby authorize the following appropriations,

An increase in revenues:

Transfer from Capital Reserve Fund -Municipal Transportation Improvement , Acct# 04-0-000-39150-401 – an amount not to exceed Five Thousand Dollars (\$5,000.00),

And an increase in expenditures:

Downtown Transportation Project, Account # 04-0-000-40719-401, an amount not to exceed Five Thousand (\$5,000.00),

By a roll call vote.

Resolution #15-12  
Page 2

Roll Call:

Councilor Clarenbach	_____	Councilor Dzujna	_____
Councilor Sharon	_____	Councilor Cournoyer	_____
Councilor Boyd	_____	Councilor Feener	_____
Councilor Desrochers	_____	Councilor Trudel	_____
Councilor Starkweather	_____		

A True Copy Attested: \_\_\_\_\_  
City Clerk

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor

CITY COUNCIL MEETING

AGENDA ITEM VII



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT  
*City Council Meeting April 2, 2012*

**From:** Elizabeth Dragon – City Manager

**Subject:** City Council to consider the adoption of Ordinance #09-12 Amendment to Chapter 284, Vehicle and Traffic, of the Franklin City Code.

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**Suggested Motions:**

*“I move that the Franklin City Council adopts Ordinance #09-12 by a roll call vote.”*

Mayor asks for a second, discussion, and calls the vote.

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**Discussion:** The Highway safety commission has met on various occasions over the past year to consider several changes to the city’s traffic code. The proposed changes are a result of the recommendations of the commission as well as the need to codify several temporary traffic orders issued by Police Chief.

**Note:** With reference to 284-25 Item C. No Through Traffic/Road Closed (Except as deemed necessary by the Chief of Police by means of a “Temporary Traffic Order.” If Victory Drive were to be removed from Item C., the following amendment would be required:

*Amendment: “I move that the Franklin City Council removes 284-25 Item C No Through Traffic/Road Closed Victory Drive and leave Victory Drive listed under A. Location of One-Way Street Signs and B. Location of Streets designated “No Thru-Trucking”.*

**Citizen Participation:** The opportunity for public input will take place at the public hearing on May 7<sup>th</sup>. In addition, public input was taken at commission meetings.

**Alternatives:** The alternatives are- to not approve this amendment, to approve only portions of the amendment, or turn over the amendment to the council’s legislative committee for further review and comment.

**Attachments/exhibits:**

Copy of the proposed Ordinance #09-12 with applicable section of Code.  
Public Hearing Notice



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## ORDINANCE #09-12

### AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Twelve;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 284, Vehicles and Traffic, Article II, Traffic Signs and Controls, 284-22 Stop Signs, 284-23 Yield Signs, 284-25 One-way Streets and No thru-trucking; Article III Electronic Traffic Signals, 284-29 Electronic traffic signal locations as follows:

#### Article II

284-22 Stop Signs – Add the following:

<u>Name of Street</u>	<u>At Intersection of</u>
Sky Meadows Drive	Prospect Street
Fairway Drive	Prospect Street
Glenn Fall Road	Salisbury Road
Sterling Drive	Salisbury Road
Finch Drive	Lake Avenue
Prospect Street	Central Street

284-23 Yield Signs – Delete the following:

<u>Name of Street</u>	<u>At Intersection of</u>
Prospect	At Central Street

284-24 Limited Parking; No Parking Areas

B. Fifteen-minute parking. Fifteen-minute parking areas are designated add the following:

<u>Street</u>	<u>Section</u>	<u>Side</u>
Central Street	One Space	City Hall

C. No Parking – add the following:

<u>Street</u>	<u>Section</u>	<u>Side</u>
Glory Avenue	At Daniel Park	North
Griffin Road	Webster Avenue to Pine Colony Road	North
Pine Colony Road	Griffin Road to 250 Feet (north easterly direction)	North/East



Ordinance #09-12  
Page 2

D. No Overnight Parking.

<u>Street</u>	<u>Section</u>	<u>Side</u>
Smith and Canal Street directly behind <del>Kenrick Park</del> Marceau Park inclusive of entire municipal lot to Memorial Street (except as noted in 284-24 E.	Municipal Parking Lot	Entire

E. Reserved and Limited Parking

<u>Street</u>	<u>Number of Spaces</u>	<u>Purpose</u>
Municipal Parking Lot Smith and Canal Street Behind Marceau Park	13	Overnight Parking 5 PM to 8 AM
Municipal Parking Lot Smith and Canal Street Behind Marceau Park	2	Handicapped Overnight Parking 5 PM to 8 AM
Griffin Beach Parking Lot	1	Handicapped
Trestleview Park Parking Lot	1	Handicapped

Eliminate G.

~~G. The two parking spaces located on the north side of Central Street immediately preceding Memorial Street shall prohibit the parking of SUVs, vans, trucks and trailers.~~

284-25 One-way Streets and No thru-trucking.

A. Location of one-way street signs.

<u>Street</u>	<u>Section</u>	<u>Direction</u>
<del>Canal Street</del>	<del>Smith Street to Memorial Street</del>	<del>Westerly toward Memorial St.</del>
Add: Memorial Street	Central Street to Canal Street	North/West

A. Location of one-way street signs.

<u>Street</u>	<u>Section</u>	<u>Direction</u>
<del>Victory Drive</del>	<del>Central Street to the entrance of the the cemetery</del>	<del>Northerly toward Central St.</del>

B. Location of Streets designated "No Thru-Trucking".

<u>Street</u>	<u>Section</u>
<del>Victory Drive</del>	<del>Central Street to Thompson Street</del>
Add:	
Smith Hill Road	Route NH 127 (Salisbury Road) to NH Route 3 (South Main St.)

C. No Through Traffic/Road Closed (Except as deemed necessary by the Chief of Police by means of a "Temporary Traffic Order.")

<u>Street</u>	<u>Section</u>
Victory Drive	Central Street to entrance to cemetery on Victory Drive

Article III  
Electronic Traffic Signals

284-29 Electronic Traffic Signal Locations

<u>Name of Street</u>	<u>At Intersection of</u>
Add:	
Central Street	Smith Street

Roll Call Vote:

Councilor Clarenbach	_____	Councilor Boyd	_____
Councilor Starkweather	_____	Councilor Feener	_____
Councilor Sharon	_____	Councilor Trudel	_____
Councilor Desrochers	_____	Councilor Cournoyer	_____
Councilor Dzujna	_____		

**Ordinance #09-12**  
**Page 4**

**A True Copy Attested** \_\_\_\_\_  
**City Clerk**

**Passed:** \_\_\_\_\_  
**Date**

**Approved:** \_\_\_\_\_



# CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

(603) 934-3900  
fax (603) 934-7413  
cityhall@franklinnh.org

## CITY OF FRANKLIN NOTICE OF PUBLIC HEARING & MEETING

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, May 7, 2012 at 7:06 p.m. in the Council Chambers, Franklin City Hall concerning Ordinance #09-12 concerning amendments to chapter 284, Vehicle and Traffic of the Franklin City Code.**

CITY COUNCIL MEETING

AGENDA ITEM VIII



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*May 7, 2012 City Council Meeting*

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**Subject: Ordinance #11-12**

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This ordinance concerns Section 50-2 of the City Code pertaining to the time for City Council meetings. If this ordinance is approved the time for the regular City Council meeting each month would change from 7:00 p.m. to 6:00 p.m.

Motion: *"I move that the Franklin City Council approves Ordinance #11-12 by a roll call vote.*

The Mayor calls for a second, discussion and the vote.

Note: This ordinance was not read into the record at the April 2<sup>nd</sup> meeting so the Mayor should read the ordinance into the record.



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## CITY OF FRANKLIN NOTICE OF PUBLIC HEARING & MEETING

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, May 7, 2012 at 7:07 p.m. in the Council Chambers, Franklin City Hall concerning Ordinance #11-12, Section 50-2 of the City Code concerning the changing of the Council Meeting time from 7:00 p.m. to 6:00 p.m.**



**CITY OF FRANKLIN, NEW HAMPSHIRE**

*"The Three Rivers City"*

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Franklin, NH 03235

(603) 934-3900  
fax (603) 934-7413  
cityhall@franklinnh.org

**ORDINANCE #11-12**

**AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:**

**In the Year of our Lord, Two Thousand Twelve;**

**Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 50, Meetings, Chapter 50-2 Regular Council Meetings be changed as follows:**

**The regular meetings of the City Council shall be held the first Monday of each in City Hall at ~~7:00 p.m.~~ 6:00 p.m. in the evening.**

**Roll Call Vote:**

<b>Councilor Clarenbach</b>	_____	<b>Councilor Boyd</b>	_____
<b>Councilor Starkweather</b>	_____	<b>Councilor Feener</b>	_____
<b>Councilor Sharon</b>	_____	<b>Councilor Trudel</b>	_____
<b>Councilor Desrochers</b>	_____	<b>Councilor Cournoyer</b>	_____
<b>Councilor Dzujna</b>	_____		

A True Copy Attested \_\_\_\_\_  
City Clerk

Passed: \_\_\_\_\_  
Date

Approved: \_\_\_\_\_



CITY COUNCIL MEETING

AGENDA ITEM IX



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*May 7, 2012 City Council Meeting*

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**Subject:** Approval of Non-Exclusive Lease with Central New Hampshire  
Amateur Radio Club

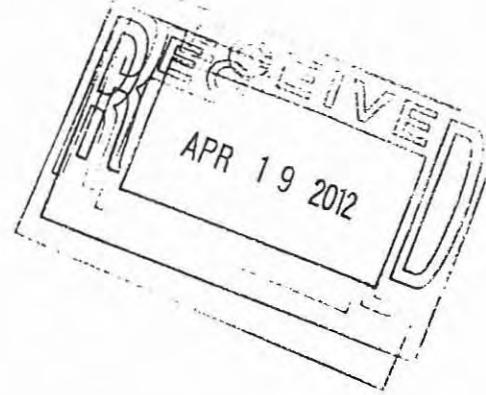
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**Motion:** *"I move that the Franklin City Council approve the Non-Exclusive Lease for a one-year period beginning July 1, 2012 and ending June 30, 2013 with Central New Hampshire Amateur Radio Club and authorize the City Manager to executive said lease."*

April 16, 2012

Central NH Amateur Radio Club  
PO Box 1112  
Laconia, NH 03247

City of Franklin, NH  
Attn: Elizabeth Dragon, City Manager  
316 Central St.  
Franklin, NH 03235



RE: CNHARC Amateur Radio Repeater Site Lease


Dear Ms. Dragon;

We would like to exercise our option to renew our lease for one year commencing July 1, 2012 – June 31, 2013 as provided in paragraph 4 of our current lease.

Enclosed you will find a copy of the current Certificate of Liability, copies of the lease for renewal and a check for \$1.00 being the current annual lease consideration.

Thank you for your support and assistance.


Sincerely,

  
Thomas Persson  
Treasurer

**CENTRAL NH AMATEUR RADIO CLUB, INC.**  
PO BOX 1112  
LACONIA, NH 03247-1112

Pay to the Order of City of Franklin NH Date 4/16/12 1309  
ONE no \$ 1.00  
Dollars

**CITIZENS BANK**  
New Hampshire

For lease renewal 

⑆011401533⑆ 3300056626⑈ 1309

**CITY OF FRANKLIN, NEW HAMPSHIRE  
AND  
CENTRAL NEW HAMPSHIRE AMATEUR RADIO CLUB**

**NON-EXCLUSIVE LEASE**

**AGREEMENT made the \_\_\_\_ day of \_\_\_\_\_, 2012, by and between the CITY OF FRANKLIN, a New Hampshire municipal corporation located in the Merrimack County (hereinafter called the Lessor), and CENTRAL NEW HAMPSHIRE AMATEUR RADIO CLUB, c/o Clifford Dickinson, President, P.O. Box 1112, Laconia, New Hampshire, 03247 (hereinafter called the Lessee).**

**WITNESSETH:**

- 1. The Lessor does hereby let unto the Lessee the right to erect and/or maintain at the Lessee's sole expense, in accordance with the Lessor's specifications, a support structure for a radio repeater antennae, to be located and erected on the Lessor's property at Flag Hole Road in New Hampshire, together with the right of access to, use and possession of equipment building adjacent to the site for the purpose of storing transmitter and other associated transmission equipment, to have and to hold the demised premises for the term of one (1) year, commencing July 1, 2012 through June 30, 2013.**
- 2. The consideration for this lease shall be the payment by the Lessee to the Lessor of the sum of one (\$1.00) per year and other valuable consideration as recited herein. As further consideration for this Lease, Lessee shall maintain the site. Such maintenance shall include routine cutting of grass and brush and building maintenance to the satisfaction of the Lessor, who shall be reasonable in maintenance requests and requirements.**
- 3. The Lessee shall have the option to extend the term of the Lease annually after consideration and possible renegotiation of rent and Non-Exclusive Lease terms.**
- 4. It is understood and agreed the leased premises are to used by the Lessee solely for furnishing electronic communication services. No other uses shall be permitted without approval by the Lessor. All such uses shall be in conformance with the city, state, and federal laws and regulations.**
- 5. The Lessee agrees to indemnify and defend the Lessor against, and to save it harmless from, any and all claims of whatever nature, for injury or damage to persons or property in or about the leased premises, and from and against all costs, counsel fees, expenses and liabilities in or about and such claim or action brought thereon; and in case any action or proceeding be brought against the Lessor by reason of any such claim, the Lessee, upon notice from the Lessor, covenants to resist and defend, at Lessee's expense, such action or proceeding.**

- 6. The Lessee shall have the right to assign the benefits and burdens of the Lease.**
- 7. The Lessee agrees to procure and maintain public insurance for the benefit of the Lessor against any claims for personal injury or property damage, resulting from or pertaining to or in any way connected with its use of the leased premises during said term with limits of at least equivalent to one hundred thousand dollars (\$100,000.00) per individual and three hundred thousand (\$300,00.00) per accident for personal injuries, and one hundred thousand (\$1,00,00.00) per property damage. Within thirty (30) days after the date hereof, the Lessee shall deliver to the Lessor certificates of insurance, certifying that such insurance is in full force and effect, and containing a ten (10) day notice of termination of insurance clause.**
- 8. At the expiration of this Lease, or any extension thereof, the Lessee shall surrender the leased property and return it to its original condition or as close to the original condition as practical. The Lessee shall, at the termination of this Lease or any extension thereof, remove all fixtures and equipment installed in it.**
- 9. The Lessor may give the Lessee thirty (30) days notice of its intention to terminate the Lease in any of the following circumstances:**
  - A. If the Lessee shall default of the performance of any covenant of this Lease (other than covenant for the payment of basic rent) and if such default is not cured within thirty (30) days after written notice thereof given by the Lessor; or, if such default shall be of such nature that it cannot be cured completely within such thirty (30) day period; if the Lessee shall not have promptly commenced within such thirty (30) day period or shall not thereafter proceed with reasonable diligence and in good faith to remedy such default.**
  - B. If Lessee shall be in default with respect to its maintenance and service obligations, and such default is not cured within thirty (30) business days after the mailing of written notice thereof by the Lessor.**
  - C. If Lessor shall give the notice of termination provided above, then at the expiration of such period, this Lease shall terminate as completely as if that were the date herein definitely fixed for the expiration of the term of the Lease, and the Lessee shall surrender the leased property to the Lessor.**
- 10. The Lessee, during the course of the performance of all of the terms of the lease, shall, at all times during the lease term and during the extension or renewal term, peaceable and quietly enjoy the leased premises without any disturbance from the Lessor or from and other person claiming through the Lessor.**
- 11. All welding, construction or similar activity shall be provided by Franklin Municipal Services Director prior to commencement.**

12. The Lessee shall be responsible for the interference with any radio or television signals, or any other communication signals, this equipment or operation of such equipment may cause. The Lessee agrees to indemnify the Lessor from any claim, action or suit, which may be brought against the Lessor as a result of such interference. Further, Lessee agrees to immediately terminate the use of the location of any such interfering equipment upon request of the Lessor and further agrees to halt all activities at the request of the Lessor in the event that the Lessor has reasonable cause to believe that such interference is occurring as a result of the Lessee's operation.

13. The parties shall execute a Notice of Lease in compliance with RSA 477:7-a

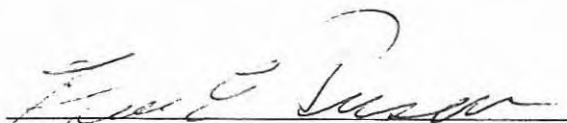
14. The Lessee shall be responsible for the payment of all utilities required to operate the antennae

15. The Lease is entered into in conformance with Franklin City Council dates December 7, 1987

16. The Lessee shall be responsible for repairing any damage resulting from its access to the radio tower and support structure. For the period of December 1 through May 1, the radio tower and support structure shall not be accessed with motor vehicles without permission of the Municipal Services Director.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and date first above written.


\_\_\_\_\_  
Witness



\_\_\_\_\_  
Witness

BY: \_\_\_\_\_

Elizabeth Dragon  
City Manager  
Duly Authorized



\_\_\_\_\_  
Central New Hampshire Radio Club  
Clifford Dickinson  
President

# ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)  
08/09/2011

<b>PRODUCER</b>  Hays Affinity Group 1400 Renaissance Drive, Suite 300 Park Ridge, IL 60068		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
PHONE NO. 847-939-8300		<b>INSURERS AFFORDING COVERAGE</b>	<b>NAIC #</b>
<b>INSURED</b> Central New Hampshire Amateur Radio Club P.O. Box 1112 Laconia, NH 03247  Attn: Tom Persson Customer ID #: 200139		INSURER A: The Hanover Insurance Group	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	

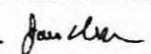
## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADDL INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	RHC-9167806-00	08/01/11	08/01/12	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS-COMP/OP AGG \$1,000,000
		<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea Accident) BODILY INJURY (Per Person) BODILY INJURY (Per Accident) PROPERTY DAMAGE (Per Accident)
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN EA ACC AUTO ONLY AGG
		<b>EXCESS/UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION				EACH OCCURRENCE AGGREGATE
		<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>  ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISION BELOW				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
		<b>EXCESS/UMBRELLA LIABILITY</b>				EACH OCCURRENCE AGGREGATE

### DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Certificate Holder is listed below only with respects to the named Insured's actions and / or negligence with regards to the repeater site located at VMA Ski Area on Flag Hole Road.

<b>CERTIFICATE HOLDER</b>  City of Franklin 316 Central Street Franklin, NH 03235	<b>ADDITIONAL INSURED; INSURER LETTER:</b>	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.  AUTHORIZED SIGNATURE 
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CITY COUNCIL MEETING

AGENDA ITEM X





**CITY OF FRANKLIN**  
**COUNCIL AGENDA REPORT**  
*City Council Meeting May 2012*

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**From:** Elizabeth Dragon – City Manager

**Subject:** City Council to consider approval of Opera house lease May 2012 through May 2017 (5 year term)

---

**Recommended motion:**

1. Councilor moves:

“I move that the Franklin City Council approve the Opera House lease entitled “Management Agreement between City of Franklin and Franklin Opera House May 2012 through May 2017”

2. Mayor asks a second, discussion, and calls the vote.

---

**Discussion:** The most recent agreement with the opera house expired on May 3<sup>rd</sup> 2011 (that agreement was a three year agreement) There have been many changes with the Opera house which became The Middle and then changed back to the Opera House. Over the last couple years we had been working on a lease agreement but the process stalled when the organization requested a 30yr lease to meet grant/loan program requirements for a sprinkler project. Once the sprinkler project fell apart the lease language was changed back to a five year lease. It appeared we had agreement on the terms and language in the lease at that time. However, changes in leadership at the opera house once again put the lease on the back burner for us both. Now that the Opera house has reorganized and shifted focus, I am ready to bring the lease back for consideration.

I originally had proposed a three year lease (same term as the one that expired last year)- however I am not opposed to a five year term under the terms of this agreement.

I have better defined the areas used by the city and areas used by the opera house by adding a few sentences in the appendix. The city has been actively using office space on the lower level of city hall and actively using the meeting space as well.

The city attorney was involved in drafting language changes last year when the process stalled. This year when we brought the agreement back for consideration to the opera house we made only minor additional language changes to address ensuring restricted access to the building for safety reasons and including language that storage areas are subject to periodic inspections by the fire department.

## **Management Agreement**

### **Between**

#### **City of Franklin and Franklin Opera House, Inc.**

NOW COMES the City of Franklin, a municipal corporation organized and existing under the laws of the State of New Hampshire, having a mailing address of 316 Central Street, Franklin, New Hampshire 03235 (hereinafter "City") and the Franklin Opera House, Inc. a 501(c)(3) voluntary corporation organized and existing under the laws of the State of New Hampshire, having a mailing address of: P O. Box 172, Franklin, New Hampshire 03235 (hereinafter "FOH").

WHEREAS, the City is the owner of real estate now known as the Franklin City Hall & Opera House, located at 316 Central Street, Franklin, New Hampshire, and more specifically designated on Franklin Tax Map 117, Lot 145 (hereinafter "Premises"); and

WHEREAS, the Franklin Opera House, Inc., as the caretakers, protectors and presenters of performances at the Franklin Opera House, strives to provide a wide variety of artistic cultural events to the community and provide a performance venue for school and community events, and

WHEREAS, the Franklin City Hall complex is located on the National Register of Historic Places and the Franklin Opera House, Inc. strives to pursue the restoration of the Opera House; and

WHEREAS, the Franklin Opera House is able and willing to assume day-to-day management, control access to the building, and certain responsibilities to operate the Opera House, subject to oversight and authority of the City.

THEREFORE, based upon mutual consideration as contained in this Agreement, the parties acknowledge and agree to the following:

#### **1. Overview**

It is the intent of the City of Franklin to authorize the Franklin Opera House, Inc. exclusive authority to manage the Opera House space for the community, such authority to include the auditorium (theater), and space on the lower level of the building to be used for Franklin Opera House administrative offices, dressing rooms, storage and equipment rooms for all events that are not directly related to City government or City business (such space is further defined by the attached addendum). In consideration of management responsibilities and desire to benefit the City by operating the Opera House as an arts, culture, and entertainment venue for the community and region, and making

improvements to the Opera House building and thus, the City Hall, Franklin Opera House, Inc. may charge users for events. Proceeds received for said management services are to be utilized for the Opera House to pay for administrative costs, cultural events, improvements, and repairs.

The Opera House may seat patrons in the theatre to a capacity determined by the city's code enforcement officer.

## **2. Term**

The term of this management agreement shall be term shall be Five years; I commence on May 2012 and end on May 2017 and shall extend automatically for one year each year on May 30, unless, written notice is given to the other party of the intent to terminate the Agreement.

## **3. Liaison**

The Franklin Opera House shall designate its Executive Director or the President of its Board of Directors as liaison to the City Manager. The purpose of the liaison is to maintain ongoing communications between the City and , and to help ensure satisfaction of the responsibilities of each party to this agreement.

## **4. Scheduling**

The City of Franklin and the Franklin Opera House, Inc. shall continue to coordinate schedules and to maintain adequate communication to ensure no conflicts between City business and Opera House events. The Franklin Opera House shall strive to minimize any negative impact on government operations. The Opera House shall maintain a schedule relating to the use of the Opera House (auditorium) space, preserving designated times for use by the City to include regularly scheduled meetings of the Planning and Zoning Board and City Council as well as all City Elections.. Additional uses by the City such as ceremonies, and other meetings shall be included as needed for any unscheduled/available dates and times. The City shall reserve space by contacting The Opera House Executive Director or his designee, such confirmation of reserved space being provided by The Opera House in written communication (typically via email).

The Opera House shall limit scheduling events during City Business hours. Any event scheduled to occur during business hours (either in part or in whole) will need the prior approval of the City Manager.

## **5. Insurance**

The Franklin Opera House, Inc. shall be solely responsible for providing adequate liability insurance for all events and performances held under its control. Liability insurance coverage shall be a minimum of \$1 million per incident. The FOH shall be responsible for insuring its own property kept in the

Franklin City Hall complex. The City Hall complex shall be covered by the City's insurance carrier upon the same terms and conditions as other City-owned buildings. The Franklin Opera House will be responsible for ensuring that scheduled acts, events, and activities in the Opera House possess the necessary liability insurance coverage. Proof of insurance with the City of Franklin listed as an insured party will be supplied to the City annually on policy renewal.

## **6. Facility Maintenance and Improvement Plan**

The Franklin Opera House Annually, by April 15 each year, and the City shall jointly prepare/update an Opera House Facility Improvement Plan detailing, at a minimum, anticipated capital repairs, maintenance, and improvements scheduled for the upcoming fiscal year period (July 1 to June 30). The Franklin Opera House and Municipal Services Director will review and accept the plan and approve the schedule.

The accepted Facility Improvement Plan gives the Franklin Opera House authority to undertake those repairs, improvements, and restorations to fulfill its mission and to make the facilities habitable for the purposes herein described. The Facility Improvement Plan will also strive to detail those capital projects that are the responsibility of the City or the primary responsibility of the Franklin Opera House in order to fulfill its mission. The City will endeavor to place funds into its capital improvement plan to address needed capital improvements not within the responsibility of the Franklin Opera House. Under no circumstances shall the Franklin Opera House perform work that is the responsibility of the City or any other work to the building without prior approval by the City Manager.

As required, the Executive Director or President of Franklin Opera House, Inc. will review all new projects not detailed on the Facility Improvement Plan with the City Manager and Municipal Services Department Director before project commencement.

All work performed by the Franklin Opera House or its subcontractors will be completed to meet all applicable State and City ordinances and codes. All work undertaken by the Franklin Opera House shall be completed in a manner to not disturb the normal daily routines and functions of the City of Franklin business offices.

In emergencies, where immediate repair is necessary in order to avoid further damage to the premises, the Franklin Opera House shall use diligent attempts to notify the City of the necessity to undertake such emergency repairs, the reasons therefore. As soon as practical, the Franklin Opera House shall meet with the City Manager to obtain the City's after-the-fact approval for the repairs.

The Franklin Opera House will be responsible for insuring its own property kept on the premises. All permanent improvements shall become the property of the City of Franklin.

## **7. Utilities**

The City of Franklin, as owner of the building, will continue to provide heat, utilities, and general maintenance services, with the exception of the separate electrical meter installed in the name of the Franklin Opera House, Inc. for stage lighting. At the conclusion of an event, the FOH will clean those areas it utilizes for rehearsals and performances or other Opera House events. After each non-city event, it will be the responsibility of the Opera House to ensure that the building is returned to the same condition it was in at the beginning of each event. This includes ensuring the space is cleaned, the floors are periodically dry mopped, the curtains are re-opened and the bathroom areas are restocked. The Opera house may be required to contract with the city's cleaning service for additional cleanings after large events as determined by the city manager.

The City will clean the City hall building as set forth in its annual Custodial Service Bid (which does not currently include any regular cleaning of the auditorium area). The Opera house is responsible for cleaning the spaces used by their organization in the lower portion of the building as well as the auditorium space. In addition, The Opera House may be required to contract with the city's cleaning service to clean all areas of the building being used for events as determined by the city manager. In addition, The Opera House is responsible for any maintenance of space use on days city hall is closed (including but not limited to addressing any snow or ice hazard).

The Utilities section of this agreement may be reviewed no more frequently than annual by the city. At the city's option, after reasonable notice the Opera house may become responsible for utilities utilized by the Opera house including heat, electricity, general maintenance and janitorial services.

## **8. Termination**

Subject to the Remedies section that follows, this Agreement may be terminated for cause by either party if the other party is found to be violating any material terms of this Agreement. Either party may request modifications to this Management Agreement in writing to the other party at anytime.

In addition to cause, this agreement may be amended or terminated if it is determined by the Franklin City Council that termination or an amendment is required for an orderly expansion of municipal use within the building and is in the best interest of the City of Franklin.

## **9. Remedies**

Either party may notify the other party of its failure to meet responsibilities under this Agreement and require remedy of the same, which if not reasonably achieved or a remedy plan agreed to by both parties within 60 days time shall subject this Agreement to possible termination as described in the preceding section.

## **10. Offices and Storage Space**

The Franklin Opera House shall occupy a portion of the City Hall complex to use for office space for conducting its affairs as set forth herein. The specific area in the premises for such shall be coordinated with the City Manager. Unused items by the Franklin Opera House shall not be stored in the Opera House but in storage areas approved by the City Manager. (Subject to periodic inspections by the fire department for compliance).

## **12. Security**

Franklin Opera House shall attempt to notify the City and Police Department of any special event that is expected to occur during odd hours (after midnight). Franklin Opera House is responsible to ensure the premises are secure after any event. Franklin Opera House shall coordinate with facility users to establish and implement guidelines for securing the Premises at the conclusion of an event. Exterior doors must remain closed (shall not be left propped open) to ensure restricted access to the building for safety purposes and fire safety reasons.

## **13. Additional Provisions**

1. Overnight use of the Premises is by approval of the City Manager.
2. The Agreement is not assignable absent written approval of both parties.
3. In the event Franklin Opera House receives notice of any actual or potential revocation of its Articles of Agreement or its 501(c)(3) status, it shall immediately notify the City and provide the City with a copy of all such notices.
4. The City reserves the right, with no liability, to close the facility without notice when it serves the public interest and safety.
5. Use of City Hall equipment (including sound system) shall be coordinated with City Manager's Office.

## **14. Amendment**

This agreement may be amended by mutual consent of the parties hereto. No amendment will be effective until it is reduced to writing and signed by both

parties. All such amendments shall be executed in duplicate and attached as addenda in consecutive chronological order to the original documents.

**15. Approvals**

Executed this \_\_ day of \_\_\_\_\_, 2012

By,  
City of Franklin

---

Elizabeth Dragon  
City Manager  
Duly Authorized by the Franklin City  
Council

Executed this \_ day of \_\_\_\_\_, 2012  
Franklin Opera House, Inc.

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Executive Director  
Duly Authorized by the Franklin Opera  
House, Inc. Board of Directors

## APPENDIX A

### **Lower level**

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#### Opera house space:

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Opera house offices & dressing rooms in the lower level of city hall from the parking lot entrance (to where the hallway begins to city offices) In addition, the opera house uses the small storage closet just past the beginning of the hallway.

The opera house also uses the box office on the main floor of city hall.

#### City hall occupied space on lower level:

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City offices (2) currently only one is being occupied by the city but there are plans to occupy the second office in the near future.

Storage room with files in it (which may be converted to a third office as the three rooms abut one another in the same hallway), the boiler room, computer room, the large meeting room, and kitchenette area.



CITY COUNCIL MEETING

AGENDA ITEM XI



**CITY OF FRANKLIN**  
**COUNCIL AGENDA REPORT**  
*City Council Meeting May 2012*

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**From:** Elizabeth Dragon – City Manager

**Subject:** City Council to consider donating old money, and checks, of little monetary value but of great historical value to the Franklin historical society for display

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**Recommended motion:**

1. Councilor moves:

“I move that the Franklin City Council approve donation of four two dollar bills and one dollar bill=\$9.00 from the 1880s to the Franklin Historical Society and three checks written to the Town of Franklin in the 1800’s”

2. Mayor asks a second, discussion, and calls the vote.

---

**Discussion:** The bills were in an envelope which reads.... “Tender \$9.00 for Taxes on CH Wiggin place. Recd from Edwin Judkins Sep. 30 1880. PC Hancock Town Clerk. This money was found at city hall several years ago. Leigh Webb from the Historical Society has inquired about the status of the money and whether the city would be willing to donate the money to the historical society for preservation and display into the future. The money is currently kept in the safe at city hall which is hot and over time is deteriorating the condition of the bills.

The money was found by a resident, Mr. Gile, who was looking through some old files in the GAR hall. Scott Clarenbach was filling in as City Manager at the time while the City manager was on vacation. It is my understanding that several years ago an “unofficial” appraisal of the bills was done by Littleton Coin back when Manager Doyon was here and it was felt the value together was about \$50 dollars.

In addition, we have also located three checks in the clerk’s office written in the same time frame that may be of interest to the historical society (copy attached).

**Attachments/Exhibits:** photocopy of the bills & checks attached

Sender: J. C. Biggs  
groceries Co. State  
M. H. Biggs State  
Care of Mrs. Edw. J. Biggs  
Kings St. No. 1510  
St. Albans, Vt.  
WALTER BISHOP  
FRANKLIN FALLS, N. H.



NEW HAMPSHIRE  
TOWN OF FRANKLIN

Franklin, N.H. February 4 1895 No 1

To the (Treasurer of the <sup>City</sup> of Franklin)

Pay to Shepard Bros. <sup>the sum of \$5.00</sup>  
Five Dollars

due for use of letters March 13/94

Account:  
Outstanding

J. N. Roberts Mayor  
Spring W. Goss City Clerk

Subscribed  
of  
Franklin

Dennison & Brown, Lith., 2 Liberty St., N.Y.

RECEIVED  
FEB 12 1895  
FRANKLIN FALLS, N.H.

NEW HAMPSHIRE

\$500.

Franklin, N.H. Mar. 2 1883

Franklin National Bank

Pay to the order of John J. Milton  
Five hundred Dollars

No. Isaac I. Blodgett, Town Treas.

Dennison & Brown 59 Maiden Lane, N.Y.



\$33.37

Franklin Falls N.H. March 1<sup>st</sup> 1880

For value received I promise to pay to  
The Town of Franklin or order

Thirty Three 37 Dollars

on Demand with Interest

No.

Due

C. P. Bacheleter

Wm Ford B...

92 No 3

~~92 No 2~~

9670

J. Y. Wilson

J. J. Harris

2

FOR DEPOSIT  
IN THE  
TREASURY

\$ 200

Nov 1 - 1880

Received on the nth  
part Two Dollars

James H. Davis

Secretary

May 27. '81

Rec'd Twelve dollars

# 12.

Oct 1. 1881

Rec'd Ten dollars # 10.

CITY COUNCIL MEETING

AGENDA ITEM XII



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT  
May 7, 2012 City Council Meeting

**From:** Judie Milner, Finance Director  
**Subject:** Funding Alternative for Ambulance

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**Recommendation:**

I recommend the Council considers an alternative option for funding the ambulance purchase approved by the Council on March 26, 2012.

**Possible Motions:**

**May 7, 2012**

*Motion 1:*

***Councilor moves, "I move that the Franklin City Council considers an alternative option for funding the ambulance purchase."***

Discussion. Mayor calls for vote.

*Motion 2 (only if affirmative vote in Motion 1, otherwise no further action needed):*

***Councilor moves, "I move the City of Franklin City Council set a public hearing for Monday, June 4, 2012, at 7:05pm regarding the approval of Resolution 16-12 regarding \$230,000 ambulance funding through Northway Bank for a term of 7 years at 1.83% interest."***

**June 4, 2012**

***Councilor moves, "I move the City of Franklin City Council approve Resolution 16-12 \$230,000 ambulance funding through Northway Bank for a term of 7 years at 1.83% interest."***

**Discussion:**

On March 26, 2012, the Council approved the purchase of a replacement ambulance for ambulance 1, the City's 11 year old ambulance whose engine failed, through a lease purchase agreement with a 4.16% interest rate and municipal non appropriation clause. Since that vote, the City Manager was approached about the possibility that bank note

financing would save the City money in interest charges. At the Manager's request, I solicited three banks in the City, Franklin Savings, Citizen's and Northway, for quotes. Franklin Savings quoted 3.15 % for a 7 year term. Citizen's quoted 3.25% but was not able to provide a term over 5 years. Northway quoted **1.83%** for a 7 year term.

The note program quoted by Northway will save the City \$15,446 in interest over the life of the note as compared to the lease purchase program through Republic First National as originally approved by the Council. Because of this significant savings, I am bringing this option forward to the Council.

The ambulance committee has solicited quotes, evaluated, and recommended the company and the purchase contract has been completed with Sugarloaf Ambulance Rescue Vehicles. The original leasing is ready and will be used upon delivery of the ambulance unless the Council approves another funding source.

It is important to point out that notes do not have a municipal non appropriation clause like leases. However, the selected ambulance vendor has offered in writing to purchase the ambulance for the amount of the remaining note balance should the City find itself in the unlikely position of not being able to appropriate payment for the ambulance. This may alleviate some concerns about any possibility that the City may not appropriate future payments. We can get this language approved by Paul Fitzgerald in May should the Council choose to entertain this alternative funding. It will be a separate document from the note.

**Concurrences:**

The Council approved the purchase of the ambulance through a lease purchase agreement on March 26, 1012. The lease purchase financing is ready to go as soon as the ambulance is completed and the City takes delivery (estimated 4-6 months). The ambulance purchase is under contract with Sugarloaf Ambulance Rescue Vehicles at this time.

**Fiscal Impact:**

Note funding through Northway Bank will save \$15,446 in interest costs over the lease purchase financing through Republic First National.

**Alternatives:**

City Council could remain with the approved lease purchase funding through Republic First National.

**Attachments/Exhibits:**

Quote Comparison  
Resolution 16-12  
Public Hearing Notice



*Franklin - The Three Rivers City*



# CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

(603) 934-3900  
fax (603) 934-7413  
cityhall@franklinnh.org

## RESOLUTION #16-12

**A Resolution Relating to the authorization for the City of Franklin to issue a note through Northway Bank for the purchase of the replacement ambulance for ambulance 1.**

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

**WHEREAS, the City Council of the City of Franklin has approved, on March 26, 2012, the purchase of an ambulance to replace 11 year old ambulance 1 which recently suffered catastrophic engine failure through a 7 year term lease purchase program, and;**

**WHEREAS, the total cost of the replacement ambulance is not to exceed \$230,000, and;**

**WHEREAS, the City Council wishes to save the City over \$15,000 in interest costs by changing the funding mechanism from the previously approved lease purchase agreement to a 7 year term, 1.83% rate note issued by Northway Bank, and;**

**WHEREAS, the City Council understands that the note will contain no fees or prepayment penalties, and;**

**WHEREAS, the City Council recognizes that the selected ambulance vendor has offered in writing to purchase back the ambulance for the balance of the note should the City not appropriate the note payment at any time during the duration of the note, Now**

**THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, June 4, 2012, the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 15-12 authorizing the City of Franklin to issue a note through Northway Bank not to exceed \$230,000 at a rate of 1.83% for a period of seven (7) years for the funding of the replacement of ambulance one (1) and authorizing the Mayor to sign all necessary documentation of same**

Resolution 16-12  
Page 2 of 2

By a roll call vote.

Roll Call:

Councilor Boyd	_____	Councilor Feener	_____
Councilor Clarenbach	_____	Councilor Sharon	_____
Councilor Cournoyer	_____	Councilor Starkweather	_____
Councilor Desrochers	_____	Councilor Trudel	_____
Councilor Dzujna	_____		

A True Copy Attested: \_\_\_\_\_  
City Clerk

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor



# CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

(603) 934-3900  
fax (603) 934-7413  
cityhall@franklinnh.org

## CITY OF FRANKLIN NOTICE OF PUBLIC HEARING & MEETING

**In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, June 4, 2012 at 7:05 p.m. in the Council Chambers, Franklin City Hall concerning Resolution #16-12 concerning alternative option for funding the ambulance purchase.**

**City of Franklin, New Hampshire  
Ambulance Replacement Funding Quote Comparison  
2012**

**Cost of Ambulance: \$230,000**

<b>Entity</b>	<b>Type of Funding</b>	<b>Term</b>	<b>Rate</b>
Northway Bank	Note	7	1.83
Franklin Savings Bank	Note	7	3.15
Citizens Bank	Lease Purchase	5	3.25
Republic First National	Lease Purchase	7	4.16

CITY COUNCIL MEETING

AGENDA ITEM XIII



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT  
City Council Meeting May 07, 2012

**From:** Holly Burbank, Tax Collector *Holly*

**Subject:** Council to consider adoption of the following tax deeds:

Map 078, Lot 006-07 (Mobile Home in Park)	Map 099, Lot 033-00 (Land & Building)
Map 099, Lot 018-00 (Land & Building)	Map 117, Lot 270-00 (Commercial L&B)
<del>Map 118, Lot 010-00 (Land &amp; Building)</del>	Map 099, Lot 052-00 (Land & Building)
Map 118, Lot 003-00 (Land & Building)	Map 149, Lot 071-00 (Land & Building)
Map 099, Lot 055-00 (Commercial L & B)	Map 096, Lot 103-00 (Land & Building)
Map 078, Lot 006-02 (Mobile Home in Park)	Map 097, Lot 094-00 (Land & Building)
Map 045, Lot 005-00 (Land & Building)	Map 148, Lot 005-00 (Land Only)

**Recommended motions:**

1. Councilor moves:

“I move that the Franklin City Council accept the tax deeds on the following parcels:”

Map 078, Lot 006-07	Map 117, Lot 270-00
<del>Map 118, Lot 010-00</del>	Map 099, Lot 052-00
Map 118, Lot 003-00	Map 149, Lot 071-00
Map 099, Lot 055-00	Map 078, Lot 006-02
Map 097, Lot 094-00	Map 045, Lot 005-00
Map 148, Lot 005-00	Map 099, Lot 018-00
Map 099, Lot 033-00	Map 096, Lot 103-00

2. Mayor asks a second, discussion, and calls the vote.

**Discussion:**

Tax Map 078, Lot 006-07 and Tax Map 078, Lot 006-02 are Manufactured Homes in a Park. Because these documents had to be to Sue May a week prior to the May 7 Council Meeting, I expect that several of these property owners will be in to pay their taxes.

**Concurrences:**

This process is consistent with the State of New Hampshire Statutes with respect to deeding properties. If the Council decides against accepting this deed, the tax lien shall remain in effect indefinitely, retaining its priority over other liens. The taxpayer's right of redemption as provided by RSA 80:69 shall likewise be extended indefinitely, with interest continuing to accrue as provided in that section.

If at any time, in the judgment of the municipal governing body, the reasons for refusing the tax deed no longer apply, and the tax lien has not been satisfied, the governing body may instruct the collector to issue the tax deed, and the collector shall do so after giving the notices required by RSA 80:38a and 80:38-b.

80:39 II-a: ..... the governing body of the municipality may refuse to accept a tax deed on behalf of the municipality, and shall so notify the collector, whenever in its judgment acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, including obligations under real estate covenants or obligations to tenants, or for any other reason would be contrary to the public interest. Such a decision shall not be made solely for the private benefit of a taxpayer.

**Fiscal Impact:**

Lost Revenue to the City.

**Alternative:**

Referring to RSA 80:76 it states that the municipality may refuse to accept a tax deed on behalf of the municipality, and may so notify the collector, whenever in its judgment acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, including obligations under real estate covenants or obligations to tenants, or for any other reason would be contrary to the public interest. The tax lien may be enforced by the municipality by suit as provided under RSA 80:50, and through any remedy provided by law for the enforcement of other types of liens and attachments.

**Attachments/Exhibits:**

1. Code Enforcement Division Reports
2. Statement of Accounts
3. Property Tax Cards & Maps
4. Copy of Tax Deeds to be Executed



CITY COUNCIL MEETING

AGENDA ITEM XIV



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT  
*City Council Meeting May 2012*

**Date:** April 30, 2012  
**From:** Elizabeth Dragon, City Manager  
**Subject:** **Manager's Update**

**Contingency Grant Line Activity:** The City received the following in the contingent grant line this month: \$3,150 for the Join the NH Clique Seat Belt grant and \$4,620 for the Franklin DWI/DUI Patrols grant

**Website-** If you haven't had a chance, please take a look at the City's new website at the same location [www.franklinnh.org](http://www.franklinnh.org) departments are still adding content but the site went live a couple weeks ago and we are getting great feedback. The City partnered with the Franklin Mayor's Drug Task Force & Franklin Business & Industrial Corp (FBIDC) to build a new website. Twin Designs contributed wonderful professional photos of Franklin to highlight the beauty of the community. We are very excited about all that the new website has to offer. A couple new powerful tools include the ability to subscribe to news and alerts with a click of a button (check out "subscribe to e-alerts") and the City's ability to add an emergency banner across the front page of the website for breaking news such as road closure or any type of emergency notice.

**Vitex Tour:** On Monday April 23<sup>rd</sup> I accompanied the Mayor, Jim Aberg (FBIDC), Governor Lynch, several PSNH representatives as well as others on a tour of Vitex Extrusions new production line here in Franklin. Last fall, partly funded through rebates from Public service of NH, the firm installed a new pumping system that enabled it to double its capacity from 18 million to 30 million pounds of "lineal extrusions" per year. Vitex is looking to add 100 employees to their company in the near future. Vitex discussed the challenges of finding the right kind of employees for the future. This news and the recent growth at Webster Valve are signs of economic growth right here in Franklin!

**Youth Government:** is currently scheduled for May 29<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> this year. Tuesday kick off at city hall (Mayor & any city councilors & local legislators are invited to speak) 12:15-2:30 alongside dept heads as we give an overview of city government Wed 12:15-2:30 students report to respective departments Thursday students work with their department heads all day (8am-2:30) and at 6:30pm the Elks host a banquet, present awards, and the students hold a mock city council meeting.

**Loyalty Day:** On Sunday April 29<sup>th</sup> at 2pm I attended along with the Mayor and several City Councilors a ceremony at Franklin VFW honoring LT Stephanie Clough, Retired Chief Brad Smith, and High School Teacher Kerry Cook. Congratulations to all three honorees!

**Headstart Grant & Bessie Rowell Community Center Project update:** Great news! The City of Franklin was awarded the Head Start grant for \$350,000. This grant will relocate the Head

Start program to the Bessie Rowell building which is in the process of becoming the ***Bessie Rowell Community Center***. Head Start receiving this grant was key to making this project viable. Currently Tiny Twisters is in the process of preparing to move using a CDBG grant recently awarded in the amount of \$238,957. The Tiny Twister's project just recently went out to bid and was awarded. Security Cameras are being installed at entrances of the building through some matching funds that Tiny Twisters had available for equipment purchases. Mango Security has already begun work on this piece of the project. There are so many exciting things about a project like this-the ability to share space, the re-use of a building that otherwise sat vacant in a residential neighborhood and was beginning to be vandalized, co-locating services that support one another, the many uses of a brand new commercial kitchen, the many uses of a multipurpose room including a stage and another meeting space in the community...all these things are now becoming a reality in the ***Bessie Rowell Community Center***.

City preparations are also in the works-The Recreation department will begin their move after the summer program however preparations at the Bessie Rowell building have already begun for the recreation department. Phone and computer networking for the city should be complete before the end of June. Misc aesthetic improvements such as cleaning, painting, organizing and general preparation of space are also beginning as well.

This project is an excellent example of a variety of organizations (city & nonprofits) coming together to make a project work for the betterment of the children and the seniors of the community. It is thanks to the vision of the City Council & Mayor through some challenging moments that this project is possible.

**Recreation Department update:** The funding and all state approvals for the fishing pier project at Odell Park are in place and the project is ready to move forward. (as of March 26, 2012). Next, coordination between contractors and city services will begin. The city will dig the trench area where the concrete will be poured (by Beck & Bellucci). We have not finalized anything with Beck & Bellucci yet due to scheduling constraints. The recreation department is working with them as well as other companies that may be able to fit us in sooner. Brian Barry - Municipal services department will construct the decking. The funding for this project was raised through the Odell park committee and the city is contributing labor (digging the trench and building the deck). This project, like the many other recently completed projects at Odell Park, will be completed through the combination of fundraising and grant funding obtained by the Recreation Director and volunteers, as well as volunteer & city labor. The asset will then become the property of the city. This is last project on the list at the Odell Park for the committee.

Work at Daniell Park is currently underway. Funding is in place for the basketball court. However, the focus is the picnic area and parking area improvements which is expected to begin this month. The work on the basketball area is planned for the summer/fall time.

Stone Park is in serious disrepair and staff has recently removed the slide and bouncy toys due to the unsafe condition and recommendation by the Local Government Center in their recent inspection of all city playgrounds. The Recreation Director has recently received \$15,000 from KaBoom which is only half of the funding needed for replacement. Replacement of this park equipment is hopeful for the Fall/Spring depending on successful fundraising efforts.

There has been a conversation with all department heads working with committees that the city is currently at our capacity (as discussed with the council during our no numbers workshop) regarding projects and staffing. Therefore, we are attempting to focus our efforts with committees and volunteers on improving assets that are currently in existence instead of adding assets that require future maintenance etc. We are also attempting to finish existing projects and improve communications with volunteers to ensure that everyone is working on the same page.



**Subject: Other Business**

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**A. Committee Reports**

**B. City Manager's Update**

**C. Mayor Appointments to Franklin Library Board of Trustees:**

***Mayor: "I reappoint Judith A. Ackerson to the Library Board of Trustees, Term of office to January, 2014.***

***Mayor: "I reappoint Stephanie Bendixsen to the Library Board of Trustees, Term of service to January, 2014.***

***Mayor: "I appoint Judith O. Merriam to the Library Board of Trustees, Term of Service to January, 2014."***

**CITY COUNCIL MEETING**

**AGENDA ITEM XV**

**LATE ITEMS**

CITY COUNCIL MEETING

AGENDA ITEM XVI



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT  
MAY 7, 2012 CITY COUNCIL MEETING

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**Subject: Non-Public Session**

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**Suggested Motion:** *“I move that the Franklin City Council enter into non-public session under RSA 91-A:3, II A the dismissal, promotion, or compensation of any public employee.”*

Mayor calls for a second, discussion and roll call.

**Roll Call:**

Councilor Cournoyer	_____	Councilor Desrochers	_____
Councilor Trudel	_____	Councilor Dzujna	_____
Councilor Sharon	_____	Councilor Feener	_____
Councilor Starkweather	_____	Councilor Boyd	_____
Councilor Clarenbach	_____		

After session is done, motion is made to come out of non-public.

Motion is then made to seal the minutes.

**Suggested Motion:** *“I move that the Franklin City Council seal the minutes of the non-public session because releasing them would make the action taken ineffectual.”*

**Roll Call:**

Councilor Cournoyer	_____	Councilor Desrochers	_____
Councilor Trudel	_____	Councilor Dzujna	_____
Councilor Sharon	_____	Councilor Feener	_____
Councilor Starkweather	_____	Councilor Boyd	_____
Councilor Clarenbach	_____		