CITY COUNCIL MEETING JULY 8, 2013

Call to Order

Mayor Merrifield called the meeting to order at 6:05 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said led by Councilor Dzujna.

In Attendance

Councilor Dzujna, Councilor Cournoyer, Councilor Desrochers, Councilor Feener, Councilor Trudel, Councilor Starkweather, Councilor Boyd, Councilor Clarenbach, Mayor Merrifield and City Manager Dragon.

Public Hearings

<u>Resolution #01-14</u> – this resolution concerns the Appropriations and Estimated Revenues for Fiscal Year 2014 (City Budget). Mayor Merrifield opened the public hearing, no one came forth to speak; the public hearing was closed.

Ordinance #01-14 — this ordinance concerns changes to Chapter 160 of the Municipal Code, Fees. Manager Dragon advised there are very few proposed changes in fees. It is proposed to increase the returned check fee from \$25.00 to \$35.00 plus the cost of a certified letter. One of the more complicated changes relates to the ambulance. In the current ordinance there is a line item charge for different services on the ambulance and the way the City's billing agency is now going is a bundle billing and therefore the ordinance has been changed to reflect the bundle billing. The summer playground program which is currently an 8 week program will be cut to 7 weeks next summer and the resident fee would change from \$325 with trips included to \$350 plus the costs of trips and the fee for the non-resident for the summer program is currently \$770 and will change to \$530 plus the costs of trips. This is the first of many proposed changes to come is the City currently subsidizes the program significantly and just reducing it from 8 weeks to 7 weeks is a savings of \$3,800.

Mayor Merrifield opened the public hearing. Resident Andreozzi commented she has not read the details of the change in the Recreation fee but she stated when

she was on the City Council the one thing that was discussed is that the fee the City charges attempts to recuperate the direct cost of the recreation program but it doesn't recuperate staff time i.e. doing reservations, answering the phone, dealing with an emergency, etc. As far as residents are concerned she stated she is not that concerned about that but to reduce non-residents and have the Franklin tax payer subsidize them because of the staff time that isn't directly put in there is not right.

No one else came forth to speak, the public hearing was closed.

<u>Ordinance 02-14</u> – this ordinance increases the sewer rates per 100 cubic feet from \$5.84 to \$6.13.

Director Sullivan advised the Sewer Department is an enterprise fund; in the sewer budget is a portion of the budget which is 65% of that budget is given to the State of New Hampshire for operating the Winnipesaukee River Basin Wastewater Treatment Plant and the collection system. The City's side is 35%, the State's share went up 7% mainly due to debt service for the UV Disinfection System that has been put in at the Treatment Plant and there are other projects that are underway, sledge de-watering and the flow-metering project which will further impact the rates. There was not a rate increase this fiscal year. The 4.98% increase; the State's share went up 7%, it had been discussed to pass that all off but instead of doing a 7% increase the City absorbed through its side of the budget 3% so it brought the percentage down to 4.98%.

Mayor Merrifield opened the public hearing. Resident Tim Flaherty stated if he understands it correctly there are 10 towns involved in the original project and it appears that Franklin is paying a significant percentage versus the other towns and he asked who determines that and does Franklin have a way to change that percentage allocation. Director Sullivan stated he is the Chairman of the Winnipesaukee River Basin Program for 10 communities and he invited Mr. Flaherty to attend a meeting with him and Director Sullivan stated we need people to be involved with the program. Back at the inception of the program in

the late 70's there was a formula that was derived and at that time Franklin had a lot more industry, Franklin owns 22% of the capital cost, there is 15,000 connection to the system and Franklin's connections amount of 1,832, however; the City percentage of capital is 22%. The City's percentage of O&M (Operation and Maintenance) is 16%. When you look at the total budget of O&M and the total budget for capital Franklin is paying a healthy share. The Board has been very active performing flow metering and we want to go to a new formula which basically equates to flow so the communities would be charged for the amount of flow or wastewater that is put into the system. The concern is inflow and infiltration non-wastewater that is also getting into the system.

Representative and Resident Leigh Webb asked if the flow metering open ended or close ended survey time and based on the results of the I&I Study for flow metering how will that affect the rates in the future. Director Sullivan responded stating what they have done is lay out a program and it has been put out to bid once and the bids came in at 1.5 million dollars to install flow meters. It consists of 15 flow meters located along the interceptor that comes down from Winnipesaukee, 15 points has one at the Tilton line, one below pump station on River Street and will monitor flow data via radio communication. Director Sullivan stated it is important to eliminate the I&I is if we go to flow metering our percentage could go from 22% to 35%.

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

Comments from the Public

Resident Lucas stated he wanted to let everyone know about a newspaper article he read about Chief Goldstein and his participation with a group in Nashua to develop their local policies concerning spice, K-2 and those kinds of drugs. Once again Franklin is out front doing positive things.

Resident/School Board member Tam Feener inquired as to what is going on at the bottom of Prospect. Director Sullivan responded it is a problem with stormwater.

The river is so high right now; the outlet that runs through from Prospect Street down to Central Street and out beyond Grevior Furniture, the invert of that pipe is below the water level so it is holding back the water.

Resident Andreozzi stated she has heard that the Council may consider filling Councilor Bob Sharon's seat on the Council tonight and she stated she has not seen anywhere asking people if they are interested in the council seat to please fill out an appointment profile. She stated she realizes the Council does not have to do that but in the fairness of open government that is very important and the opening should be put different places, particularly on the website. Mayor Merrifield advised that the vacancy has been on the website for a week.

Legislative Comments

Representative Webb advised the month of July is the month off for the Legislature and the budget has been passed.

City Council Acknowledgement

Councilor Dzujna thanked Representative Leigh Webb for keeping him well informed on his updates.

Mayor's Update

Mayor Merrifield stated he has been trying to see if the Council Chambers would be available for the joint meeting between the school and the council in the expectation there could be a large group of people wanting to attend. As it turns out Planning & Zoning Director Lewis already has the chamber scheduled for a Public Hearing. Mr. Jutton who will be facilitating the meeting had secured the meeting room at Franklin Savings Bank but the concern was it might be too small. School Board Chair Yonaitis suggested the Library room at the Middle School. Councilor Dzujna asked if there would be microphones at the Library so people can hear everyone. Councilor Feener suggested an effort be made to wrap up the joint meeting by 6:15 p.m. and then the Public Hearing could be held at 6:30 p.m. as advertised. Further discussion will be held on a meeting site.

Mayor Merrifield stated a local radio personality has suggested to him that he is aware that certain low frequency FM bans are going to be available for license this fall. They will be made available to non-profits or municipalities and he wondered if the City of Franklin might be interested in operating a radio frequency. He thinks he would be able to obtain a fair amount of equipment relatively cheap or donated and thinks the City might be able to get into this business for under \$10,000. He stated he doesn't know if the Council would be interested and realizes there has been interest in broadcasting our meetings on television. May radio is another option. He advised that Manager Dragon has some concerns with this option and is working with Metrocast on new contract and there are some opportunities for the City there. Manager Dragon stated she has no experience running a radio station, however, she stated she does have some experience running a public access channel through cable. She stated that she knows with the cable channel there is an opportunity for educational with the school, government with the City and then a public access piece. The public access piece is the type that is most concerning to her because you are allowing individuals to submit programming and in this case to the cable channel and they have certain rights under free speech so sometimes you can end up with things on the channel that is sponsored by the City that people may feel is not appropriate and there could be some concerns related to liability. Mayor Merrifield advised that if the Council would be interested in the radio piece, the man he talked to offered to come in and speak to the Council and give more detail. Councilor Feener stated he would be willing to listen and the more you learn about it, the better judgment the Council will have.

Motion made by Councilor Feener that the Franklin City Council consider taking a couple of items that coincide out of order and move to the front of the agenda, the resignation of Councilor Sharon and the nomination to fill his position. Motion seconded by Councilor Boyd. All in favor.

Motion made by Councilor Feener that the Franklin City Council acknowledges the resignation of Robert Sharon from the City Council, effective June 28, 2013 when he moved out of the City. Councilor Feener commented that Councilor

Sharon has been a dedicated councilor for years, he has always given his heart and soul to the City and he will be well missed. Motion seconded by Councilor Dzujna.

Mayor Merrifield commented that Bob Sharon is a former Citizen of the Year, been a councilor for many, many years and Mayor Merrifield stated he is the first person he met when he moved to Franklin. Mayor Merrifield stated Bob use to have an auto repair business in Franklin and Bob came out to his house early in the morning, repaired his car, he wasn't even late for work and Bob did not charge him. Councilor Dzujna stated he is going to miss him and his expertise.

All in favor of acknowledging Councilor Sharon's resignation.

Motion made by Councilor Feener to open nominations to appoint to the vacancy in Ward I City Council seat with term of service to be January, 2014. Motion seconded by Councilor Boyd. All in favor, motion passes.

Councilor Feener nominated former Mayor Tony Giunta to fill the vacancy, seconded by Councilor Boyd.

Councilor Dzujna nominated Timothy P. Flaherty to fill the vacancy. Councilor Dzujna also stated another nomination is Marty Russo.

Councilor Feener made a motion to close nominations, seconded by Councilor Desrochers. All in favor.

Mayor Merrifield requested the voting be done by a show of hands.

Results of the vote: Giunta – 6 votes

Flaherty – 1 vote

Russo - 0

Councilor Feener requested that Mr. Giunta be sworn in.

City Clerk Holly Burbank gave the oath of office to Mr. Giunta.

Councilor Giunta thanked everyone and stated it is big shoes to fill with former Councilor Bob Sharon and thanked everyone that voted for him for putting their trust in him and for those that did not vote for him he stated he hopes he will earn their trust.

Approval of Minutes

Motion made by Councilor Feener that the Franklin City Council approves the minutes of the May 14 and May 21, 2013 City Council Budget Workshops and the June 3, 2013 City Council Meeting; motion seconded by Councilor Desrochers. All in favor; minutes approved.

School Board Report

School Board Chair Yonaitis advised summer school opened today. There are only a few staff positions left to fill and he stated they are pleased to have a teachers' contract and hope the Council will approve that tonight. The Franklin Middle School Teachers Michelle Davis and Bernice Dunlop will be attending summer institutes that are specific to their teaching fields. There will be two workshops, each being a week long and over 30 teachers have enrolled for the workshops. The workshops are for reading and science.

Approval of School District's Teacher Contract for One Year

Motion made by Councilor Desrochers that the Franklin City Council approves a one-year Teacher Contract at a school budget increase of \$161,294.20; motion seconded by Councilor Trudel.

Copies of the Tentative Agreements concerning the contract were made and distributed to the Council, Mayor and City Manager.

Mayor Merrifield asked Chair Yonaitis if there are any comments he would like to make and Chair Yonaitis stated the State has withdrawn from the No Child Left Behind. A key thing is teacher evaluations and student growth. In New Hampshire it is all under the CBA and each SAU has to decide which way to go. The teachers have accepted the growth of the student to be put into their evaluation which allows Franklin to be exempt from No Child Left Behind. Any other district that has it in their contract can't be exempt. This contract provides a step plus 1% and those at the top of their steps and have no place to go they will receive \$1,000.

Councilor Desrochers commented he spent a few years in the local school and the No Child Left Behind the majority of the teachers found themselves teaching to a test and weren't really teaching the kids, just getting them ready to pass a test for government funding. Franklin doesn't have that system anymore and you will find kids moving ahead.

Councilor Feener asked if the \$161,294.20 just the increase in salaries or does it include benefits. Chair Yonaitis responded that includes the savings from benefits because the additional cost was \$197,592.20 but the teachers accepted to go with a \$20 office co-pay which saved \$36,000. Councilor Feener stated so the net is the \$161,294.20. Councilor Feener asked how this is being funded in the budget. Chair Yonaitis responded this year it will be coming from the Insurance Holiday refund. Councilor Feener stated his concern with the funding is it is going to be funded from a revenue source that won't be there next year. So next year the school will be behind the eight ball in the amount of \$161,294.20 because the funds will not be coming in next year. Councilor Feener asked if they are aware of that and Chair Yonaitis responded they are well aware that we will have to find ways to find more funding. Chair Yonaitis also advised that the Board is recommending this contract and the vote was unanimous. Councilor Desrochers commented pay is only part of the issue, what is being done about teachers being afraid to speak out or talk to anyone because they fear they would lose their job. That issue also needs to be addressed. Chair Yonaitis stated you do hear that

from some teachers and then you hear from other teachers saying they are not working in fear. A few months back there was an article in the paper concerning four of our teachers and three of those teachers were very much against to changes that went into place at the beginning of last year (not the year just ended but the year before). Those three teachers are now the school's biggest cheerleaders on the changes now that they have become more comfortable with them. They have seen how the students are responding and increasing their knowledge and no longer sitting at the bottom of the State.

All in favor, teacher contract is approved.

Resolution #02-14

Motion made by Councilor Feener that the Franklin City Council approves the scheduling of a public hearing for Monday, August 5, 2013 at 6:05 p.m. in the Council Chambers, Franklin City Hall concerning Resolution #02-14, a supplemental appropriation in the amount of \$208,934.00 for the Franklin School District. Motion seconded by Councilor Desrochers.

Mayor Merrifield read the resolution into the record:

RESOLUTION #02-14

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2014.

In the year of our Lord, Two Thousand Thirteen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2014 which began July 1, 2013, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district will receive additional revenues as a result of the 2010 return of surplus from the Local Government Center, and;

WHEREAS, the City Council of the City of Franklin would like to appropriate that additional revenue for the school district, Now

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, August 5, 2013, the City Council of the City of Franklin, New Hampshire does hereby adopt Resolution 02-14 and authorize an increase in revenues:

School District Revenues - Two Hundred Eight Thousand Nine Hundred Thirty Four Dollars (\$208,934),

And an increase in expenditure account School District expenditures in the total amount of Two Hundred Eight Thousand Nine Hundred Thirty Four Dollars (\$208,934),

By a roll call vote.

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

Resolution #01-14 - FY 14 Budget

Motion made by Councilor Desrochers that the Franklin City Council approves Resolution #01-14 by a roll call vote. Motion seconded by Councilor Feener.

Councilor Clarenbach offered an amendment to the motion to remove \$100,000 from the Manager's Contingency Fund and place in Capital Reserve Municipal Buildings and Grounds. Motion seconded by Councilor Feener.

Councilor Feener asked if this is the money received from the Premium Holiday and was informed it is. Councilor Feener stated he would be in favor of doing that. Councilor Starkweather commented nothing has been put in Capital Reserve for a very long time and it is long overdue. Councilor Desrochers thanked

Councilor Clarenbach for remembering to put funds in the Capital Reserve as he had completely forgot.

All in favor; the amendment passes.

Roll Call:

Councilor Boyd – Yes Councilor Clarenbach – Yes Councilor Cournoyer – Yes Councilor Desrochers – Yes Councilor Dzujna – Yes Councilor Feener – Yes Councilor Giunta – Yes Councilor Starkweather – Yes Councilor Trudel – Yes

Resolution #01-14 (FY14 Budget) passes by a unanimous vote.

Ordinance #01-14 — Chapter 160 Fees

Motion made by Councilor Feener that the Franklin City Council approves Ordinance #01-14 by a roll call vote. Motion seconded by Councilor Desrochers.

Councilor Feener stated he noticed under the non-resident fee for the Summer Program it use to be 8 weeks at \$770 and then it was dropped down to \$530 for 7 weeks. He stated there is a significantly weekly drop in that cost. Manager Dragon stated the \$770 included the trips and what is being done is the trips are being taken out and there is an additional charge for the trips. She stated it has been looked into the cost of running the program, including staff time and these are the numbers we are working towards as gradual increases. Councilor Desrochers commented residents were paying \$325 for 8 weeks with the cost of the trips included, now it goes to \$350 plus the costs of trips. The residents have to pay a \$25.00 increase and non-residents get a \$240 decrease. Manager Dragon stated they are paying \$25.00 more plus the cost of trips. Right now the way the City has been billing all of the trips were included so they paid one fee, the resident paid \$325 and the non-resident paid \$770. We are now moving

towards billing the \$350 for residents plus the cost of the trips and the \$530 plus the costs of trips for the non-residents so we are breaking out those trip costs separately. Before the residents had it all inclusive for \$325 and now it will be \$350 plus cost of trips. Councilor Feener commented we have been needing to raise the resident rate for a number of years to get it closer to actual cost.

Councilor Clarenbach stated with reference to advance life support ambulance billing, advance life support 2 which is now a bundled cost is \$1,700.26 and he asked if we have an idea of what the average ALS2 cost is right now with the individual add-ons. The base rate currently is \$755 and he asked is it a couple hundred dollars more, the fee is going up 25% as it is 25% above Medicare right now and it is going to 50% and we are getting rid of the add-ons and going to a single bundle charge. He further stated \$1,700 seems rather pricey for a ride in the ambulance. Manager Dragon responded that ComStar the City's billing agent is the one that gave us the bundle cost and there are two things happening we are going to bundle costs for services and we are increasing by 25%.

Chief LaChapelle stated over the last six to eight months he has done a great deal of research with ComStar as to where the City of Franklin stands on billing. At the current 25% the City is on the very low side of billing. In New England it ranges all the way from 500% above Medicare and in New Hampshire the average is 50% to 70%. So we are actually only increasing to the 50% and are still on the low side.

Roll Call:

Councilor Boyd – Yes Councilor Clarenbach – Yes Councilor Cournoyer – Yes Councilor Desrochers – Yes Councilor Dzujna – Yes Councilor Feener – Yes Councilor Giunta – Yes Councilor Starkweather – Yes Councilor Trudel – Yes

Ordinance #01-14 passes by a unanimous vote.

Ordinance #02-14 - Increasing the sewer rate per 100 cubic feet

Motion made by Councilor Clarenbach that the Franklin City Council approves Ordinance #02-14 increasing the Sewer Disposal Charger per 100 cubic feet from \$5.84 to \$6.13 by a roll call vote. Motion seconded Councilor Boyd.

Roll Call:

Councilor Boyd — Yes

Councilor Clarenbach — Yes

Councilor Cournoyer — Yes

Councilor Cournoyer — Yes

Councilor Desrochers — Yes

Councilor Dzujna — Yes

Ordinance #02-13 passes unanimously.

Purchase of Water Meters

Motion made by Councilor Clarenbach that the Franklin City Council, pursuant to Franklin City Code Article III, Section 4-15, B(3), grant pre-award authorization to the Municipal Services Director for the purchase of water meters and related equipment for Fiscal Year 2014 from E. J. Prescott Company. Motion seconded by Councilor Starkweather. All in favor, motion passes unanimously.

Sanbornton Well Field, Annual Well Development and Replacement Project for Fiscal Year 2014

Motion made by Councilor Feener that the Franklin City Council, in accordance with the Franklin City Code Article III Section 4-15, B(3) grant pre-award authorization to the Municipal Services Director for the use of Barrie Miller's Well and Pump Service for the "Sanbornton Well Field Annual Well Development and Replacement Project" and for "Water Department Emergency Pump Repair and Well Repairs/Rehabilitation." Motion seconded by Councilor Desrochers. All in favor, motion passes unanimously.

Petitions to Remove Two Members of the School Board

Councilor Desrochers inquired if a motion to accept the petitions is needed. Mayor Merrifield stated that has already been done and they have been verified by the City Clerk and have a sufficient number of signatures under the ordinance to be considered; however, subsequent action in accordance with the ordinance maybe in order.

Motion made by Councilor Desrochers that the Franklin City Council schedules a public hearing concerning these petitions on Monday, July 29, 2013 at 7:30 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Feener.

Mayor Merrifield stated before calling for a second, that that Manager Dragon has some other items for the agenda on July 29, 2013. Manager Dragon stated one of the prime reasons for a meeting on July 29th is a request from Senator Hosmer to meet with the Council concerning legislative issues and requested 30 minutes. She stated there would be some other things she would like to accomplish that evening as well. Councilor Dzujna commented his concern will people have enough time to talk. Councilor Desrochers stated 2½ hours should be more than enough time to hear public comment, a lot we have already heard and will hear again but even if it went 3 hours at would be to 10:30 p.m. or he stated public comment could be limited to 2½ hours. Mayor Merrifield stated he would schedule the public hearing earlier than 7:30 p.m. because if we hold the public hearing after the time of the public notice then we are meeting a legal requirement even if we start it late.

Motion to amend made by Councilor Feener that the time for the public hearing begin at 7:00 p.m. on July 29, 2013, motion seconded by Councilor Desrochers.

All in favor, amendment passes.

Councilor Feener commented he feels it is important to hear from these people as they have put a lot of time and effort into these petitions and the public has a right to have a public hearing.

All in favor, public hearing to be scheduled for Monday, July 29, 2013 at 7:00 p.m.

Other Business

Committee Reports – None

City Manager's Update — Manager Dragon advised under the Contingency Grant Line the City has received \$6,093.36 from the State for fire training; \$500 for a soccer sponsorship from Benson Auto; \$70 from the State for reprogrammable radios; \$1,000 from MetroCast for the summer concert series; \$624 for the State of New Hampshire Police Fish & Game Grant; \$2,008.52 for the State's Police Enforcement Grant; \$1,385.88 for the State's Join the NH Clique Grant; \$103.02 for the NH Operation Safe Commute Grant and \$20,958 for the NH Odell Park Centennial Committee Fishing Pier Grant.

Manager Dragon advised that the Mayor's Drug Task Force was highlighted by the New Hampshire Charitable Foundation in their 2012 annual report for the work the Drug Task Force is doing. She also advised a letter was received from the Chief Medical Examiner expressing their thanks for the assistance provided by the Franklin Fire Department and the level of professionalism and dignity that the members of the Department provided.

Manager Dragon advised she would like to schedule a work session for the last Monday of the month (July 29) starting at 6:00 pm and one of the items on the agenda is Senator Hosmer and if there is no objection we will go forth with that. The Fire Department Honor Guard is to carry the colors at this weekend's NASCAR race at Loudon.

Councilor Feener commented that concerning the contingency line there were several grants and scholarships and he expressed thanks to those people who are applying for these grants and thanks to the people that are giving us the grants.

Late Item

8 Rose Lane

Manager Dragon stated the Council had tabled a motion to accept 8 Rose Lane at the June 2013 Council Meeting because it was a mobile home that came up for tax deeding but it is located in a park so on someone's land. She advised she received a phone call from the mobile park owner and he is willing to purchase the mobile home from the City if the City does take it for tax deed.

Motion made by Councilor Feener that the Franklin City Council take from the table the motion to accept the tax deed on 8 Rose Lane, Map 096 Lot 061-52 (Mobile Home). Motion seconded by Councilor Dzujna. All in favor, motion passes.

Original Motion: Franklin City Council to accept the tax deed on 8 Rose Lane, Map 096 Lot 061-52 (Mobile Home).

Councilor Desrochers asked if the City has anything in writing from the park owner that states he will purchase this mobile home. Manager Dragon we don't have anything in writing but the taxes due on this property is around \$2,000 so it is a good deal for them. The mobile home has already been vacated and they have a stake in this because they are due park rent so it is to their benefit to sell it.

All in favor, motion passes unanimously.

Non-Public Session

Motion made by Councilor Feener that the Franklin City Council enters into non-public session under RSA 91-A:3, II A the dismissal, promotion or compensation of any public employee. Motion seconded by Councilor Desrochers.

Roll Call:

Councilor Boyd - Yes Councilor Feener - Yes
Councilor Clarenbach - Yes Councilor Giunta - Yes

Councilor Cournoyer – Yes Councilor Starkweather – Yes

Councilor Desrochers – Yes Councilor Trudel – Yes

Councilor Dzujna - Yes

All in favor, City Council entered into non-public session at 7:45 p.m.

Motion made by Councilor Feener and seconded by Councilor Desrochers to seal the minutes of the non-public session because releasing them would make the action taken ineffectual.

Roll Call:

Councilor Boyd – Yes Councilor Feener – Yes Councilor Clarenbach – Yes Councilor Giunta – Yes

Councilor Cournoyer – Yes Councilor Starkweather – Yes

Councilor Desrochers – Yes Councilor Trudel – Yes

Councilor Dzujna – Yes

All in favor; minutes will be sealed.

Motion to adjourn made by Councilor Clarenbach; seconded by Council Dzujna. All in favor; meeting adjourned at 7:55 p.m.

Respectfully submitted.

Sue E. May