

CITY COUNCIL MEETING

AGENDA ITEM I



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**

*September 9, 2013 City Council Meeting*

**Subject: Approval of Minutes**

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**Motion: *"I move that the Franklin City Council approves the minutes of the June 24, 2013 City Council Budget Workshop Meeting, the July 17, 2013 City Council/School Board Joint Meeting, the July 29, and August 5, 2013 City Council Meetings."***

Mayor calls for a second, discussion and the vote.

**CITY COUNCIL BUDGET WORKSHOP MEETING  
JUNE 24, 2013**

**Call to Order**

Mayor Merrifield called the meeting to order at 6:00 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said.

**In Attendance**

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

**Absent**

Councilor Sharon

**City Council to consider remaining as a member of the Concord Regional Solid Waste/Resource Recovery Cooperative for the period 2014-2022.**

Director Sullivan advised that he, Manager Dragon and Mr. Turcotte attended a meeting with the Concord Regional Solid Waste/Resource Recovery Cooperative which the City has been a member of since 1982. They are working off an interim contract now with Wheelabrator which expires in 2015. The question is does the City of Franklin as many of the other 28 members of the co-op want to enter into a new agreement which would extend from 2015 to 2022 and the City is good under the current agreement through 2014. Director Sullivan stated it is in the City's best interest to stay with the co-op which is explained in Director Sullivan's Council Agenda Report. Several other communities have already signed on and he stated there is a feeling it is in Franklin's best interest to stay with the co-op. Options are limited, the City would have to haul trash with the City's equipment and the closest landfill would be in Bethlehem. Director Sullivan stated he feels the City should stay with the co-op as when you look at the cost, the availability, and the fact that the City can run the rear loader down there with 10 or 12 tons on, it makes it very convenient. There would be options if the co-op or Wheelabrator were to be shut down. Manager Dragon advised this was reviewed by the

Municipal Services Committee and it was their recommendation that the City stays with the co-op. Mayor Merrifield asked if it is known what direction Concord is going to go. Director Sullivan stated Concord is taking a vote tonight and it is felt that they probably will not remain a member. He stated that does not have a bearing on Franklin.

***Motion made by Councilor Feener that the Franklin City Council continues as a member community in the Concord Regional Solid Waste/Resource Recovery Cooperative (CRSW/RRC) for the period of 2014-2022. Motion seconded by Councilor Desrochers. All in favor, motion passes unanimously.***

**Outside Agencies/Section 5/Page 33 of 44**

**Community Action Program/Belknap-Merrimack Counties, Inc.**

Ms. Judy Scothorne, Community Services Director and she stated one of her jobs is to supervise the outreach offices, and the area centers. Ms. Gayle Lyman the Director of the Franklin Office could not be here tonight. She advised we did supply the Council with our request and in the request there is a summary of services that is provided to Franklin residents through the agency. The budget that is contained in the packet shows rent, utilities, and building maintenance which is a projection on the premise we would be moving the office so the budget was built with speculations on moving and that move has not happened yet so they are still located at 82 Elkins Street. She stated she does have a budget that shows the actual expenses of that area center which is a little bit different and she distributed that to the Mayor and Council. Ms. Scothorne stated the City of Franklin does own the building on Elkins where they are located and CAP rents the building from the City for \$1.00 and CAP pays the expenses and that is reflected on the budget just distributed which is based on actual expenses. The other surrounds communities that CAP serves also contribute to the support of the area center. The funding that is received from the communities they serve is for the operations of the area center. One of the biggest programs CAP provides for the citizens of Franklin is fuel assistance, last year 500 households with

\$389,000+ of fuel; electric assistance is a discount on a customer's electric bill that is an ongoing discount; another service is the Outreach for the Meals on Wheels Program to those that are home bound. Councilor Desrochers asked how well are the people researched that come in for help with electric bills, etc. He stated the reason he is asking is he knows of an individual, between him and his significant other, they made over \$70,000 and they applied for electrical assistance and they were going to get it until someone told CAP they were moving out of Franklin. Ms. Scothorne responded that CAP does require proof of income among other things to be eligible for the program. Councilor Desrochers stated he just wondered how much is researched. She also stated if these people had a combined income of \$70,000 they did not qualify for the program, they may have said they did but they didn't. Manager Dragon commented that over the past year the relationship between the local area center and the Welfare Office has greatly improved; the communication has improved and the City appreciates that.

#### **Franklin Visiting Nurse Association and Hospice**

Ms. Jane White, Executive Director stated their request is the same as it has been for the past several years. She advised that this year they did not receive a grant from United Way; VNA had requested \$10,000 for their homemaking program but did not receive it this year. Concerning Medicare reimbursements this year it is a 2% reduction in all Medicare revenue and it is estimated that will be another \$3,000 per month loss compared to what was received in the past. She further advised that many of the insurance companies are requiring a co-pay and what is happening people are not use to a co-pay and they have been reluctant to come up with their portion of the co-pay.

#### **Caring Community Network of the Twin Rivers/TRIP Center**

Director Pam Jolivette of Elder Services for the CAP Agency for Belknap/Merrimack County advised they oversee the 10 Senior Centers in the two

county region and she advised she is speaking on behalf of CCNTR as no representative could be here this evening.

She thanked the City of Franklin for their support of the TRIP Center. She stated they have a transportation program, the bus that picks people up at their home and takes them wherever they might need to go. They have Meals on Wheels program that bring food to the home 5 days a week. There is community dining at the Center and they also have a Senior Companion program where seniors will visit frail seniors in their home. She advised the United Way did not fund Senior Centers this year. Councilor Feener inquired if Franklin is the only community that contributes to the Center. She advised no, what they do is they have 10 centers, there is a center in Tilton and she advised they pay for the manager and they absorb the cost of the facility. In Laconia they contribute to their center. Councilor Feener stated in looking over the information provided it is not all Franklin residents that are benefiting from the TRIP Center; there are other community residents that are coming to the TRIP Center. Councilor Feener inquired if they have ever looked into approaching like Sanbornton, Hill or whatever else the residents are coming from to contribute to the Center. She advised that since the Center is located in Franklin they have worked with the City of Franklin on the operational costs here in the City. Manager Dragon commented if you look at the Community Action Program under their request they were justifying it really by some of these programs that are at the TRIP Center that are already being supported by Franklin residents through a separate appropriation. And, then when you look at the total services of the TRIP Center, it is really about half of the people are from Franklin and the others are from Andover, Danbury, Hill, Northfield, Salisbury, Sanbornton and Tilton and she commented that was her question too about going to some of the other communities for funds. The response was because of the way we have approached Franklin historically around the Senior Center facility versus going to all 38 towns we serve in addition to the area center going out and asking each one to support a senior center versus the programs. She stated there is a difference between the programs and the center; operating out of the center are multiple programs; but Franklin helps make possible the center itself. Councilor Feener

stated it would seem that funds should be sought from these other communities that use the TRIP Center and not just Franklin alone. Manager Dragon commented the TRIP Center serves 8 of the communities and Manager Dragon stated she noticed that in the CAP request that it was counted in there and then counted separately in the TRIP. What the suggestion is the 8 communities that get services from the TRIP Center would it possible to ask them to donate to the TRIP Center operations. The response was she would have to review that but it probably would be extremely difficult to do that. In addition, some of the communities that do support the Senior Center, the seniors go from one to another so to prorate precisely every town, every resident, every program would be difficult but she stated she will look into it.

#### **American Red Cross**

Ms. Walton, Regional Development Coordinator stated this is the one of first times they have come before Franklin. Red Cross provides disaster relief services to communities throughout the State. In Franklin she advised they have been very active this past year with a multi-fire disaster and also two home fires and have trained over 30 L&A students at the Peabody Nursing Home. She stated they are known for blood services. To receive help there is no income requirement for assistance; it is whether or not a disaster happens and if they are needed. She stated they provide financial assistance for the first 24 hours after a fire as well as lodging and clothing and they will link up with other services in the city or town. Their request for the City of Franklin is \$4,000 based on population (.45 per person x population of 8,000).

#### **Franklin Cemetery Association**

Mr. Mike Mullavey, Clerk of the Cemetery Association and he commented it hurts to be here today and this is the first time the Association has ever asked for help. He advised the Association has taken a tremendous hit since 2006 and 2007. The economy is not good and some of the people that were getting buried in the Franklin Cemetery are now being buried in Boscawen. These income hits have

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taken them from \$75,000 per year income based on investments and the sale of lots down to \$45,000. The Board has taken drastic steps in the last few years to eliminate a lot of expenses and set priorities on what is needed to be done. The loss of income from people being buried in Boscawen is about \$12,000 each year and the Association has lost about \$18,000 a year on investment income. They have cuts expenses to a minimum. The Association is in charge of 7 cemeteries in Franklin, the main one is the one that gets most of the attention which is the City cemetery upon Thompson Park which is 37 acres, 7,000 tombstones. The cemeteries are now being maintained with two part-time people who are paid very low wages. They have two mowers and one other they call a tractor that are 1995 vintage, repair costs have gone up 30%-40% and has gone from oil changes, belts and that type of thing to replacing a steering mechanism, weld a frame in two places, weld a piece of metal onto the mower deck to keep the thing from falling off. The equipment is getting old which is a main concern. The \$5,000 that is being requested will primarily be used for equipment. Councilor Feener asked who are the Cemetery Trustees. Mr. Mullavey advised Glenn Morrill is the President, Mr. Mullavey is a trustee, and he stated he can provide a list. Manager Dragon commented one of the things the Council was asking which cemeteries are owned by the City and which ones are not. She advised she had Deb Ryba in Assessing recently do some research and she gave the Council the location of the 4 cemeteries owned by the City and the ones that are not, the Holy Cross Cemetery is owned by the Roman Catholic Bishop, Morrison Cemetery is owned by the Franklin Cemetery Association, Franklin Cemetery is owned by the Franklin Cemetery Association and there are others but this is to clarify which cemeteries are owned by the City and which are not. She also stated Mr. Mullavey brought her some documents about the cemetery association bylaws and how they were created to maintain these cemeteries. The City Attorney is doing some additional research as Manager Dragon is trying to put together how that all works in relation to the City Charter. It appears as if this association was created for these specific cemeteries and then there were some that remained with the City. Manager Dragon commented regardless Mr. Mullavey request is a valid one.



**Granite State Animal Shelter**

Mr. Ron Magoon stated he is the new President of the Franklin Animal Shelter; Mr. Jeff Brewer is the Treasurer and has been very involved in the organization this past year. He introduced other Board members in attendance: Lori Magoon, Tom Seymour, and Mr. Chuck Norris. He stated Fiscal Year 2012 was a year of tremendous change at the shelter. Talking with others he has learned that there were a number of years that were very difficult for the shelter, and he had understood in 2012 there was some question as to whether the City was going to fund the operations of the shelter. He stated there has been tremendous progress in turning the operations of the shelter around and to building an organization that is fulfilling the mission for which it was created. This past year they did increase the shelter's staff from 2 to 3 part time employees. We they been trying to be good stewards of the building that the City provides, they have done some enhancements to the outdoor lighting around the kennel and recently painted the exterior of the shelter. They hope to replace some of the windows to more energy efficient models and also in the future they hope to upgrade the propane heater and some vinyl siding on the building and make some improvements to the kennel gates. They are also looking for funding to have a shed built by the Architecture Club of the New Hampshire Technical Institute. He stated thanks to a fund raiser that happened last weekend they now have the funding that they need and will be able to have that shed built. They have improved the record keeping capabilities because they purchases a Shelter Management Software last year which has been most helpful and they are running the newest version of Quick Books and also they have been successful in implementing a on-line donator management system so that they are able to improve their fund raising and event management and they have also been doing more with the their website to raise funds. They have been working with a couple of dog trainers concerning dog obedience and they are using shelter dogs as their training subjects. He stated with the support of the City and the community they are getting back on track. He advised at the end of the year they had a small margin of \$3,000. The first 5 months of this year it look like they will be able to maintain their profitability but it is not without a constant effort on

behalf of the Board and the volunteers to fund raise. They are requesting the same amount as in prior years of \$20,000.

Mr. Jeff Brewer, Treasure stated that last year there was a discussion about the veterinary costs and how we could try to contain those numbers as they were spending at least \$1,000/month and it was their second largest expense. At that time they were spending on average \$140 per animal and late in 2012 they began giving some of their own shots and improving the internal operations so they could mitigate the veterinary costs. Last year their cost was \$140 and for the past 11 months they have brought that number down to \$110 per animal. He stated they are working on signage to make themselves more visible. A sign has been put on the shelter, and the sign at the driveway has been replaced and they plan to place a sign down on Route 11. He advised the average stay for animals that were not returned to owners is generally 44 days, those that get returned to owners are there for 2 12 days. It costs the shelter for the last 11 months \$480 per animal which is an all in number to keep the shelter open and insurance. The veterinary costs per animal is \$110, the operations per day is \$150. The daily contributions to the operations from the City and what they generate in revenue internally in terms of kenneling fees, surrender fees, adoption fees, contributes \$85.00 for that daily number and the rest of it (\$65) we have to raise through private funding.

Councilor Feener commented that this was a very surprising and rewarding turnaround and he complimented everyone stating they have done a great job. Mayor Merrifield commented they exceeded his expectations. Councilor Desrochers also complimented the Animal Shelter on their accomplishments. He also inquired about the three dogs that had to be put down, and he asked were they sick? Mr. Brewer stated because they are a City Pound they are obligated to take everything that the City brings to them in the form of dogs and cats. Some of them are not in good health and are beyond their reach in terms of financial capacity to rehabilitate. In one instance they had a bite case that came in and ultimately the dog was put down, not because the dog had rabies but the owner was not going to take the dog back and a bite case is very difficult to find a home

for, and the shelter cannot save them all. Mr. Brewer stated their main mission is to try and save the dog or cat and find them a home but there are times when that is not possible due to health problems, etc. Councilor Dzujna complimented the group on making a complete turnaround.

### **Section 5, Page 38**

#### **Franklin Outing Club**

Mrs. Kathy Fuller, Treasurer of the Outing Club and on behalf of the Franklin Outing Club to say thank you to the Mayor and Council for including us in last year's budget allowing to fund the amount needed for our insurances, liability and Workers Comp which comes to approximately \$9,000 and we are here before you to ask for the same amount for the insurance coverage. The Franklin Outing Club continues to operate the Veterans Memorial Recreation area; this season was good, and good to offer low cost affordable skiing for all. She stated obviously at the recreation area we need to do more than just ski, we have collaborated with the Franklin Parks and Recreation Department but it is a distance away. Within the last 12 months we next 50 years committee was formed and she brought a poster laying out the next 50 years but they don't expect it to take 50 years.

Mayor Merrifield called a 5 minutes recess.

#### **Career Fire Fighters Association**

No one in attendance.

#### **Franklin Historical Society**

Mr. Leigh Webb, President stated they are asking for the same amount that they have requested for a very long time (\$250). The funds will be applied to the signs they are creating for the Northern Rail Trail.

**Upper Merrimack River Local Advisory Committee**

Ms. Michele Tremblay from Boscawen stated she is here with the Franklin Representative Donna Liolis, Nita Tomaszewski, Tucker Noack and Councilor Bob Sharon. She stated they are asking for \$250 which is level funded for over 15 years. She stated they really appreciate the support.

**Franklin Business & Industrial Development Corporation (FBIDC)**

Mr. Jim Aberg, Director stated last year at this time we were gathering together the community survey and had 126 respondents and the comments made and the data that was learned would have been pretty much the same if they had had 1,000 respondents. They got a real good snapshot of what the community was saying and a lot of it had to do with Code Enforcement. He stated Manager Dragon got her team together and they are addressing things like window dressings downtown, etc. Mr. Aberg stated a great deal of his time was taken up with the Isola Building in the Industrial Park. He spent 6 months with a packaging company out of Hooksett and the challenge there was to get financing for them and ultimately were not able to put a financial package together. In the meantime a company he had worked with back in 2005, Performance Chemicals inquired about the Isola Building and subsequently Mr. Aberg put them in touch with the brokers and that too had some problems but they closed on the building last month and will be moving to Franklin and expanding the business. They currently employ about 25 people and will be growing from that. He stated their budget has been the same for past several years, \$45,000. They have now moved from the Business Center down to the Proulx Center and of their budget they are returning \$6,000 to the City in the form of rent payments. This past year they also contributed \$2,500 to the City's website development and on an ongoing basis they will be contributing \$1,500 per year to the maintenance contract. The flowers on Central Street are paid by FBIDC, and raise an additional \$3,000 to help with the watering, etc. Councilor Boyd commented that FBIDC is a real asset to the City of Franklin. Councilor Desrochers commented that something needs to be done in the high school to train the kids on machines, as there are jobs out

there, good paying jobs but kids have no exposure to learn machinist skills. Webster Value has stated they have job openings but no one is qualified. Mr. Aberg stated one of the things we can do locally is raise the awareness and it is correct that we need more individuals who can use tools, run machines, etc. Mr. Aberg thanked the City for their continued support and also thanks to Manager Dragon for sitting in on their meetings.

### **Conservation Commission**

Mr. Roy Gilbreth, Chair of the Commission advised they are trying to promote the use of Franklin's lands held in trust. There are four properties and you heard from Mrs. Fuller some of the things that are going on at the properties and the Commission is involved in reviewing anything from DES. They are also involved with the Planning and Zoning Boards when necessary. Their only request is for money to continue to be involved with the New Hampshire Association of Conservation Commissions and send one or two people each year to their annual meeting. Their request is \$400 and has been the same for the past 8 – 10 years. Councilor Starkweather commented what a great job was done with the Great Gains Forest Timber Harvesting and he asked if there are any plans to do the same with any of the other forest lands. According to the Forester nothing is going to happen in Great Gains for another 20 years, the other properties are either too hard to access to cut like up on Griffin Road and Billy Moe Brook that was pretty much cut by the previous owner.

### **Re-Grade of Assessing Tech Position**

Manager Dragon explained that the City has lost a long-term Assessing employee, Janice Caruth, who worked for Corcoran and when that happened there was concern about how we would move forward with the assessing contract and Manager Dragon commented how would she know what happening in Assessing. Manager Dragon stated Deb Ryba who is the Assessing Tech has been advising Manager Dragon of all activities. She began approving on the Assessing invoices to let Manager Dragon if they actually worked that day and how many hours. She

also began asking Mrs. Ryba for input in the meetings with the Department of Revenue as we were trying to work out the update and she was a tremendous help during this process. Manager Dragon stated she noticed on her job description none of that was really a part of her responsibilities; her job description had no supervision. Manager Dragon stated that was surprising to her because Deb is the person that is overseeing what is happening with the assessing contract which is a very important document. As part of this re-grade; Manager Dragon stated she would like to change her job description to have oversight of the assessing contract. The other thing is with the move to the Proulx Center it will be the Assessing Office and Planning and Zoning and when the Director of Planning and Zoning is not there, she would like to leave the Assessing Tech which is Deb Ryba in charge so there is someone down there in the building that is in charge. Manager Dragon stated she is asking to add supervision of the part time Planning Office position as well. That will clear up any issues we may have or may not have as to who is in charge when the Director is not there. There is also going to be a switch in software to Avatar and Deb will be very crucial in this software conversion. Manager Dragon advised that Deb has been at the top of her range for a number of years so has not received any increases for a few years except for when the City gave a COLA. Manager Dragon stated she has changed her job description adding more responsibility and help the Manager to do her job better. The fiscal impact for the entire year is \$1,541.

***Motion made by Councilor Feener that the Franklin City Council approve the City Manager's request to change the pay grade of the Assessing Tech position from Grade 1006 to Grade 1008 and revise the job description to include oversight of the assessing contract services and part time position in the Planning office.***

***Motion seconded by Councilor Cournoyer. All in favor; motion passes.***

**Repurchase of Tax Deeded Property/526 Salisbury Road/Map 044 Lot 002-00  
Land and Mobile Home**

Manager Dragon advised the owner of 526 Salisbury Road came in and was ready to pay cash to buy his property back but there was a concern in the file for this

property about some sheds that were located and if there is an issue with the property we can address it in a condition of the resale so she had Code Enforcement and Director Lewis go out to the property, speak to the owner, talk to the property abutter who had the original concern with the sheds and then draft up some conditions for the resale. The owner is very anxious to get this done and deeded back.

***Motion made by Councilor Boyd that the Franklin City Council deed back 526 Salisbury Road, Map 044, Lot 002-00 upon receipt of all back taxes and interest (without 15% penalty) with the following conditions as listed in the City Manager's Memo. Motion seconded by Councilor Feener. All in favor, motion passes.***

**Repurchase of Tax Deeded Property/705 South Main Street/Map 102 Lot 006-00 (Building and Land)**

Manager Dragon commented at the last workshop the Council did vote to go ahead and see this property back to the owner. The issue is they owe over \$12,000 in back taxes and interest and they went to Franklin Savings Bank to get a loan to be able to pay that amount in order to buy the property back. Their home has no mortgage on it, is in good shape and it is assessed somewhere around \$200,000 and they have been in their home for 30 years. Franklin Savings Bank is willing to loan them the money but the deed has to be in their name because they are using the property as equity for the loan. We tried to strike a compromise where Franklin Savings Bank is willing to loan them \$4,200 up front on a personal loan with the condition that we keep a lien on the property for the rest but we go ahead and deed it back so that they can then loan them to remaining balance and that is to be paid within 90 days.

***Motion made by Councilor Feener that the Franklin City Council change the conditions of repurchase for 705 South Main Street, Map 102 Lot 006-00 to allow transfer of the deed upon receipt of \$4,200 towards back taxes and interest with the condition that the remaining balance owned be subject to a***

***lien until paid. Furthermore, the remaining balance will be paid within ninety days of today (June 24, 2013). Motion seconded by Councilor Desrochers. All in favor; motion passes.***

Councilor Clarenbach rescued himself from voting as he is on the Board of Trustees for the Franklin Savings Bank.

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

### **Budget Discussion**

Manager Dragon commented there a few things this evening, the continuing resolution that is normally done this time of year, and the overall budget. Tonight was listed as a time to make any budget changes and Manager Dragon advised they have been tracking the necessary changes to the Manager's proposed budget as things have occurred. The Manager presented the Mayor and Council with a spreadsheet showing changes/adjustments to her proposed budget. This spreadsheet is attached to these minutes. After discussion it was decided to put the \$1,750 back in the budget for paramedic intercept revenue.

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Resolution #01-14 for Monday, July 8, 2013 at 6:05 p.m. in the Council Chambers, Franklin City Hall relating to appropriating the FY14 Budget. Motion seconded by Councilor Desrochers. 7 yes votes, 1 no vote. Motion passes.***

***Motion made by Councilor Feener that Resolution #01-14 be read in title only, seconded by Councilor Boyd. All in favor; motion passes.***

Mayor Merrifield read: Resolution #01-14, a resolution relating to appropriations and estimated revenues for Fiscal Year 2014.



***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Ordinance #01-14 for Monday, July 8, 2013 at 6:06 p.m. in the Council Chambers, Franklin City Hall concerning Chapter 160 fee changes. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

***Motion made by Councilor Feener that Ordinance #01-14 be read in title only. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

Mayor Merrifield read: Ordinance #01-14 an amendment to the Franklin Municipal Code.

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Ordinance #02-14 for Monday, July 8, 2013 at 6:07 p.m. in the Council Chambers, Franklin City Hall relating to a change in the municipal sewer rate. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

***Motion made by Councilor Feener that Ordinance #02-14 be read in title only. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

Mayor Merrifield read: Ordinance #02-14 an amendment to the Franklin Municipal Code.

***Motion made by Councilor Feener that the Franklin City Council approves Resolution #11-13 to allow the City to expend like appropriations until the FY14 Budget is adopted. Motion seconded by Councilor Cournoyer.***

***Roll Call:***

***Councilor Boyd – Yes  
Councilor Clarenbach – Yes  
Councilor Desrochers – Yes  
Councilor Dzujna – Yes***

***Councilor Feener – Yes  
Councilor Starkweather – Yes  
Councilor Trudel – Yes  
Councilor Cournoyer - Yes***

***All in favor, Resolution #11-13 passes.***

Mayor Merrifield read:

**RESOLUTION #11-13**

**A Resolution relating to payment of necessary accounts payable and payroll in fiscal year 2014.**

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

**WHEREAS, The City Council of the City of Franklin has not adopted a Budget for Fiscal Year 2014, which will begin July 1, 2013, and**

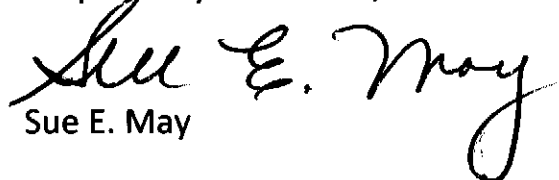
**WHEREAS, The City Council of the City of Franklin wishes that all necessary accounts payable and payrolls be paid during the month of July 2013, now**

**THEREFORE, BE IT RESOLVED THAT, The City Council of the City of Franklin does hereby authorize payment of like FY13 expenditures for both accounts payable and payrolls and the City Treasurer is hereby authorized to draw necessary drafts as approved by the City Manager/Superintendent up to the time that the 2014 Fiscal Year Budget is adopted by a roll call vote.**

Mayor Merrifield advised that Northern Pass will be announcing a new route to Canada, the last 40 miles. This announcement will happen June 27<sup>th</sup> at 11:00 a.m. at the PSNH Facility in Hooksett

***Motion to adjourn made by Councilor Boyd, seconded by Councilor Desrochers.  
Meeting adjourned at 9:15 p.m.***

Respectfully submitted,

  
Sue E. May

City of Franklin, New Hampshire  
 Changes to City Manager Budget as Presented  
 6/24/13 City Council Budget Workshop

Items that Affect Taxes:	Description	Account	Section/Page	Inc (Dec)
	Flood Control Revenues	01-0-000-33570-000	Section 4 Page 3	25,019
	CRSW return of premiums (due to property tax settlement with Concord)	01-3-121-34049-000	Section 4 Page 3	22,000
	FY2009 COPS grant extension to expend remaining grant	01-2-103-33111-400	Section 4 Page 3	12,500
	Block Grant Revenues	01-3-122-33530-000	Section 4 Page 3	(18,202)
	Cell Tower Lease	01-1-000-35032-000	Section 4 Page 5	16,560
		01-1-941-40439-000;		
	Cleaning Contract Bid (City Hall, Parks&Beaches, Police)	01-1-942-40439-000;	Section 5 Page 9;	
		01-2-109-40439-000	Section 5 Page 13	(6,840)
		01-1-944-35040-000;		
	Head Start taking over their own cleaning	01-3-128-40140-000 & benefits	Section 4 Page 5;	
			Section 5 Page 29	(1)
	Change in Vet Exemptions to actual	01-0-000-31102-000	Section 5 Page 44	(500)
	Police Union Contract changes	wage & benefits	Section 5 Page 15	3,293
	Eliminate paramedic intercept revenue	01-2-000-35096-000	Section 4 Page 5	(1,750)
	LGC - Bureau of Securities Regulation (BSR) ordered return of 2010 surplus	01-0-000-35090-000	Section 4 Page 5	101,533
	regrade Light Equipment Operator in roads to Heavy Equipment Operator	01-3-122-40110-000 & benefits	Section 5 Page 26	(15,979)
	regrade Assessing Tech from Grade 6 to Grade 8	01-1-503-40110-000 & benefits	Section 5 Page 6	(1,541)
	Increase Manager's contingency line	01-1-302-40898-000	Section 5 Page 2	(136,092)
	<b>Under (Over) tax cap prior to 6/24/13 Council Budget Workshop</b>			<b>0</b>

Items that Do Not Affect Taxes:	Description	Account	Section/Page	Inc (Dec)
	Adjust Water Tank Project Appropriations & Revenue to Actual Remaining Project	several	Section 12 Page 1	0
	Adjust Water Treatment Facility Project Appropriations & Revenue to Actual Remaining Project	several	Section 12 Page 1	0
	Adjust Brownsfield Grant Appropriations & Revenue to Actual Remaining Project	01-1-302-40491-000;	Section 5 Page 2;	0
	<b>Affect on Taxes</b>	01-9-014-33110-413	Section 4 Page 3	<b>0</b>

**CITY COUNCIL MEETING  
JULY 29, 2013**

**Call to Order**

Mayor Merrifield called the meeting to order at 6:00 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said led by Councilor Boyd.

**In Attendance**

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

**Senator Hosmer to address Mayor and Council**

Senator Hosmer advised the first session ended at the end of June in Concord and he commented they do have a balanced budget mandated by the constitution, he stated this is a little different budget and the State was able to take some of the proceeds primarily not only from an economy that is strengthening very slowly so have to bump up in some revenues across the board, tax revenues and some revenues associated with lottery sales and liquor sales but he stated they have also had some one time monies coming in from law suits with regard to tobacco settlement as well as NBTE settlements that came into the General Fund and allowed them to offset if nothing else inflation. He stated that is good for this budget, however, this money will not be there next time around so that is something they will need to keep an eye on when it comes to spending and projected revenues. As of right now, Senator Hosmer stated the budget hardly perfect is a comprised piece of legislation and he stated as of couple weeks ago they were the only divided legislature in the United States to pass a budget with a democratic house and republican senate and the budget passed in the senate 24-0. He advised one thing that came out of this last session there is an increase in the meals and rooms distribution by a total of about five million dollars starting fiscal year 2015 which means for Franklin the best we can determine currently approximately an increase of \$32,000. The delayed and deferred State Aid grant applications have finally been funded which brings approximately 2.7 million dollars to the Winnepesaukee River Basin. City Franklin's first check should be

about \$170,000 and should happen within the next 90 days. HB581 which is relative to collecting funds for mitigation of flooding and Massachusetts had stop paying the money they owed to the State of New Hampshire. Senator Hosmer advised he will continue to support the Northern Pass Project.

### **Thornton & Associates Presentation on Pay and Classification Study**

Mr. Gary Thornton addressed the Mayor and Council stating by in large the study entailed what he called total rewards that went beyond base pay as a study should. On balance the employee benefits offered by the City to staff is par or on par with the communities that were bench marked against. The contribution for the medical insurance plan percentage wise leads what the other communities are doing. The study did not entail benefit design (co-insurance, co-pays) and many of the communities offered more than one plan, one medical choice. For Franklin the benefits have been reduced to keep it affordable and the City contributes 100% for the cost of the medical insurance for the employees. He stated with respect to pay the area that caused the greatest concern was in the area of public safety both police personnel and fire department personnel with respect to base pay lags the market and went he says the market it is the peer community and that is included in the summary report the actual pay grades reported by those communities and we are working towards how to implement this study going forward recognizing full well this Council unlike any other he presents before he suspects has competing budget priorities. Recommendations will be made to the Council in the months to come by staff. Manager Dragon commented she hoped the Councilors and Mayor have had a chance to look at the report. The report compared or benched marked the City of Franklin positions with several other communities and for the most part there were not a lot of surprise. We know that we have more than a fair benefit package and instead of instituting a co-pay with the health insurance in terms of employees paying a percentage out of their paycheck every week towards the health plan what the City has historically done is reduce the plan so increase deductible, increase co-pay to the doctor or look at other options to reduce the overall cost. The employees have been in favor of this approach. In terms of pay Manager

Dragon stated they knew going into the study that there was some issues with compression. If you look at the proposed wage plan you will note there are many more grades because part of the issue we have with the current pay system is that there are fewer grades, therefore when a patrol officer versus a sergeant, the difference in pay between those grades usually aren't enough to offset and we end of with some compression between those two positions. We have tried to come up with a plan that would address these compression issues. The new plan that is being proposed would have more grades. We also knew from the market that we have some positions that were probably under-valued and that came out in the study. Manager Dragon and Finance Director Milner looked over the recommendations from the study and we know to implement a pay study like this would be very expensive and was not included in this budget round. What we intend to do now is take the work that has been done and look at possible ways whether it is recommending we adjust certain categories, whether there are ways to make adjustments certain positions or something that is multi-step recommendation over a number of years. Councilor Dzujna commented it looks like Franklin is in the middle. Mr. Thornton responded that is a fair statement with some qualifications depending upon the position. There were two elements of developing the proposed pay grade structure, one being the external market which is the peer communities that were bench marked against, and then balanced internal equity as well. Mr. Thornton stated the methodology can best be described as when he first met with the Manager and Finance Director it was to get a better understanding of the job, the art of bench marking is not by title but by duties so they presented detailed job descriptions for all positions and he proposed a draft list of peer communities to keep the study unbiased and free of outside influences. Challenges were made to his list of communities and some were deleted and others added and then the list was presented to the Council before the study began. The study solicited information on total rewards, employee benefits, medical and dental benefits, paid time off, as well as base pay. From that we derived a proposed structure. Steps/grades were spread some to deal with the compression issue, compression being new employees coming in and receiving pay in close proximity to those that have length of service with the City. Mayor Merrifield commented he is looking at paid average rate and he

ask was there any kind of study done for median rates for the selected communities compared to Franklin. Mr. Thornton responded yes that was done and the pay grade structure that is proposed is based on the median or the 50% of all the data points represented by the different communities.

### **Planning Board Appointment**

Mayor Merrifield stated as everyone is aware Councilor Bob Sharon has resigned from the Council and former Mayor Giunta has been appointed in his place. This created an additional vacancy on the Franklin Planning Board because Councilor Sharon was the Council's Alternate representative and Councilor Starkweather being your primary representative to the Planning Board. Councilor Giunta is currently serving on the Planning Board as an appointee. Mayor Merrifield stated he cannot continue in that position but would be willing to serve as the Council's Alternate representative.

***Motion made by Councilor Feener to nominate Councilor Giunta as the Council Alternate Representative to the Planning Board, motion seconded by Councilor Clarenbach.***

Councilor Clarenbach commented there will be a vacancy for a full voting member on the Planning Board now. Mayor Merrifield commented that is correct and the vacancy was created when Councilor Giunta was appointed to the Council.

***All in favor, Councilor Giunta is appointed as the Council Alternate Representative to the Planning Board.***

Mayor Merrifield announced that he has been asked to host a budget round table discussion with some of Senator Hosmer colleagues (members of both the House and the Senate). This round table will be held at 8:30 a.m. on Thursday, August 1<sup>st</sup> upstairs in the Franklin Library.

Mayor Merrifield called a recess until 7:00 p.m. for the public hearing

**Public Hearing concerning Petitions regarding to Removal of Two School Board Member**

Mayor Merrifield opened the public hearing under Section 61-4 of the Franklin City Code at 7:00 p.m. in the Council Chambers, Franklin City Hall.

Mrs. Elizabeth Tobey, 913 South Main Street, Franklin, New Hampshire was first to speak. Mrs. Tobey has provided a copy of her statement which is attached to these minutes.

Mr. Greg Husband, 21 Ridge Farm Road, Franklin, New Hampshire stated he wants to inform the City Council of an action he took this morning and he stated he wants the citizens of Franklin to understand truth about what has been happening. In May Mr. Husband stated he did not speak. There was a public school board meeting and he did not speak. Tonight he stated he will speak, he will speak before the citizens of Franklin, the Mayor and City Councilors and he thanked the Council for the God given right to have his first amendment which he stated has not been given to him by the Franklin School District and the School Board. First of all as citizens of Franklin everyone here should be upset that an injunction was filed to keep the people from gathering in the public and giving public feedback about what is going on. He stated here is his Whistle Blower Complaint filed with the Department of Labor. On August 27, 2012 he stated he filed a harassment complaint against the Superintendent of Schools and against the Principal of the High School. There was no meeting by the SAU Board and there are no minutes by the SAU Board from the June meeting until the October 4<sup>th</sup> meeting, not any minutes, not any meetings, nothing. How did they take action, the complaint is on the Superintendent of Schools, the only administrator that is given the right to speak with attorneys is the Superintendent of Schools outside the School Board. They can only do it when they are in session so how did this go forward. The complaint is about her so it is a conflict of interest for her to be involved. It would be a conflict of interest for her to delegate that to any member of her staff. By this going forward it is a violation of school policy and it is a violation of State law. The chair person of the SAU is the



individual that the complaint was given to and that is SAU Chair Russo. The Board does not have the authority to act on its own, this is under Policy, Section B, called BBAA, Board Member Authority; they do not have that authority. Somehow this was acted upon without any authority whatsoever. Kathy Russo does not have the authority to act as an administrator. Following a meeting he stated he approached Mrs. Russo and ask her a question, her ask her how she acted on her own and why it was not brought to the SAU Board. She informed Mr. Husband that it is Board policy to forward such complaints immediately to the attorney. Mr. Husband stated after hearing this he forwarded that entire question to the Franklin School Board, not one person answered him. And then Mr. Husband stated the reason no one answered him as because no such policy exists. On July 26, 2013 Kathy Russo was seen in a meeting with Karen Grzelak, the Superintendent of Schools and the School's attorneys prior to the conjunction hearing with the Supreme Court. Again, Mrs. Russo is not an administrator, how did this happen. Were all the School Board members granted that same opportunity? Many are here so you can ask them if they were granted that same opportunity and he stated he does not believe they were. Three Board members remained in the hallway and were never asked to go in. They did not realize a meeting was going on with the school's attorneys. You have to wonder how that happened. During the injunction hearing Mrs. Russo also sat with the School's attorneys and gave advice to the attorney during the injunction hearing in Superior Court. Now, according to School Policy somebody has to be appointed to do that. He stated he did not see anything in the minutes from the last meeting appointing Mrs. Russo the authority to sit with the School's Attorney during the injunction hearing. There is also a Board Policy on Board staff communications and he stated this is a policy of much contention within the District. He commented everyone that has attended summer meetings is aware of this. This policy is basically stated as Section B, Code BHC Board Staff Communications. In this policy there is a punitive section of this policy that makes it unethical for staff to speak. We live in a small community, we all see each other on the street, we all hear the kids, we all talk to them, and we all know what is going on within our District. We are small town America. These staff members and other people are members of our community and many always

have been. Now they are told they must go through the Superintendent of Schools and they will say there is no other recourse but there is recourse because at the bottom of that there is a penalty saying something is unethical. He stated his harassment complaint demonstrates the problem with this policy. The School Board mandates that all communication must come through the Superintendent; the staff has no recourse if a problem exists. In essence Mr. Husband stated he filed a harassment complaint against the Superintendent of Schools and the Superintendent should not have been involved in the process at all, neither should any of her designates because they report to her. What really happened here and what he states he does not understand is how this whole process went through. How did this go through the SAU Board, how did this get past the Franklin School Board, what is going on. Employee rights and responsibilities, this is another policy within the Franklin School District. The first sentence reads "All employees, members have a responsibility to and shall make themselves familiar with and abide by the laws of the State as they affect their work, the policies of the Board and the regulations designed to implement them." Given the previous cited abuses they have not complied with this and the Board is expected to comply with all policies, all State and Federal laws. The next sentence goes on to read "The Board reaffirms one of the oldest beliefs in education; one of the best methods of instruction is that of setting a good example." Mr. Husband stated let's talk about the example that has been set here, let's take a close look at it. We had a public hearing some people were denied the right to speak, others were cut off. He stated he has requested to meet with the Board and have been denied. He stated he believes based on their actions they have also violated this segment of the policy. He advised he filed his harassment complaint on August 27, 2012, and his x-wife's attorney had it in her hands and told the court on September 5, 2012 at his temporary hearing about the complaint and stated she had seen this complaint and this is a personal, confidential complaint that the Board had never seen, had not taken action, how did this get in the hands of someone else? How did this happen, they won't respond. On October 5, 2012 he received a letter from Mrs. Russo and in that letter it stated that he had received an independent investigation, not one witness that he had provided was interviewed, not one. How is that an

independent investigation? The SAU Board held a non-public hearing to discuss his complaint, and he never knew it took place and he asked aren't I suppose to be informed of this? In the letter he was never informed of his rights as an employee, he was just told the matter is dismissed, he was never told of his right that he could go to Civic Rights or other places with his complaint. He was never given an opportunity to address the Board. Staff protection, this part of the policy that needs to be discussed as he understands it two Board members have now been granted up to \$25,000 each in protection for the fees of attorneys. As an employee of the District why he was not afforded the same. Why are they afforded something that employees of the District are not afforded, this is a form of discrimination. When you talk about staff protection, when the complaint from the NHIAA back in from the State Championship Game, Mr. Husband stated he should have been afforded the opportunity to review that complaint. Mr. Husband stated he ask to see the complaint, he asked the Principal of the High School for it and he was denied that right. Instead it was brought right to the Superintendent who sat on it and brought it to the Board in a non-public meeting. Why did this happen, why would the Principal of the High School and the Athletic Director when they met with Mr. Husband look at him and say repeatedly we are only the messengers? Why would they make that comment, you know why because they were at the game and they were at the meeting, they saw both and they knew I had video evidence that spoke about the truth. School Board member ethics and Mr. Husband stated he contends that school board members have violated ethics. No. 2 Make decisions only after full discussion at public board meetings, render all decisions based on the available facts and independent judgment and refuse to surrender the judgment to individuals or special interests groups. Mr. Husband stated he will contend and would defend this that in this case the Superintendent is an individual with her own private agenda. He stated he filed a harassment complaint, which should be clear enough. He stated he was not given an independent investigation; should be very clear. He stated he was never listened to, the video was never looked at, and the facts were never entered. Seek systematic communications with students, staff and members of the community through regular board meetings. He stated this is in conflict with having a punitive statement associated with staff and board communications.

This isn't giving open communications. Respect the confidentiality of information that is privileged and under the law, was received in confidence or executive session. His personnel complaint should have been kept in confidence and should not have been shared with an attorney, especially before the entire board knew of the complaint. Recognize that no board member, no individual member has the authority to speak or act on the entire board except as specially designated to do by board action. They did not have the authority by board action according to the minutes to represent the district at the hearing. Employee conflict of interest. At a recent meeting Mrs. Russo voted on a vote for an injunction against the City of Franklin and she also voted on a motion that personally benefited her. She is now awarded a \$25,000 attorney fee of City taxpayer money. That is a clear conflict of interest to vote on that.

Ray Yonaitis concerning Board Member Authority violated the school policy on different occasions. He violated the policy when he forced Mr. Husband to meet with him regarding the board's vote not to renew his contract. He acted in an administrative role when he demanded that I meet with him and it was Mr. Husband's only method of receiving information. If he did not meet with Mr. Yonaitis there was no other way for him to receive information. Mr. Yonaitis is not an administrator, he acted on his own and misled the public when he informed a member of the public that video evidence would not be permitted in this case and he had no right to deny video evidence, the Board does not have a policy that restricts video evidence, in fact the School District utilizes video on its buses and inside and outside school buildings. It is discriminatory in nature not to permit this video in this case while the district utilizes video on a daily basis. Going back through School Board Member Ethics, Mr. Yonaitis violated the ethics by violating No. 1 above, he did this by holding email meetings; this seems to be now a new accepted way of meeting by the school board. In addition to holding email meetings, he also informed the Board to respond to him and only to him with his responses, not to carbon copy any other Board members with their response, thereby controlling the information and not letting anyone know the true nature of the vote. Is this ethical; is this within the codes of conduct? Mr. Yonaitis and the Board also violated No. 6 there is no systematic process for

student and staff communication with the Board. In fact student, staff and faculty communication have been suppressed by the Board to a policy that states all communication must go through the Superintendent. Mr. Yonaitis has violated No. 8 as he has provided Mr. Husband with paperwork that was distributed in non-public and provided Mr. Husband with a verbal summary of the information discussed in non-public in front of a witness. Mr. Yonaitis has violated No. 9 above as he consumed control over the Board and answers for the Board; denying the public the right to speak is one example, another example is when Mr. Yonaitis met with Mr. Husband to provide him a copy of the letter the Board received in non-public, he represented the Board in that meeting and told Mr. Husband that the Board had made its decision on the letter. This is a violation of 91-A. School Board meetings Mr. Yonaitis has violated the meetings policy, he has conducted email meetings (more than one). One of the email meetings was to discuss whether they would grant Mr. Husband an appeal or not wherein they did a secret ballot that no one knows. Another email meeting was for softball funding/softball fund raisers. No minutes exist from these email meetings, why? Minutes are suppose to exist from every single meeting, be it special, be it non-public or be it public; no minutes exist from these meetings. Non-discrimination, Mr. Yonaitis is aware of the violations of the above the policy by the Superintendent of Schools. Mr. Husband stated when he first left the Superintendent met with him and told him they are not running a dating service. He stated he spoke with a school board member and the school board member told me that the Superintendent explained that it was made in reference to the students. Mr. Husband stated it is not in reference to the students and he has emails that will prove that. Following up he stated he also complained to the Superintendent about her behavior in that meeting and told her he did not think that was professional conduct. Mr. Yonaitis sat in on that meeting and heard the comments. He saw the email exchange as he was copied on the emails. The Superintendent of School followed up with a second email making disparaging remarks about his marital status. If you look at the Civil Rights Code for the School District you cannot make comments and discriminate against somebody based on their marital status, it is a violation of civil rights. The Administrator that is listed as responsible for this is the Superintendent of Schools. Mr. Husband

stated he wants to reiterate by denying the video evidence he discriminated against him and he discriminated against the kids and he did nothing to protect us, the kids, the school district or the image of Franklin when we were served false allegations from the NHIAA. Conflict of Interest, Mr. Yonaitis is in violation of this policy as he voted on \$25,000 for himself for his own defense. Given the School District voted in favor he is requesting that the School District also authorize \$25,000 for his attorney fees. What about all the other people that have been dismissed over the last couple of years. Employee Rights and Responsibilities, the same things were violated. Staff Protection, Mr. Yonaitis denied Mr. Husband staff protection when the NHIAA documented false allegations and forwarded them to the High School. The Board knows Mr. Husband was denied the right to review the false claims. The Superintendent took the letter to the Board in non-public; deny me any form of protection. This is the same Superintendent that he filed a harassment complaint about, video evidence exists, and member of the public offered to present it to the Board and Mr. Yonaitis refused it. In 2010 the NHIAA made accusations about Mr. Husband and the Franklin Football Team and in 2010 every team that Franklin faced, the coaches that we played stated nothing was done wrong. The Administrators from those schools stated nothing was done wrong. The officials that officiated the games, the lead official poled them all, he stood up in the NHIAA meeting and informed everyone that Franklin and Coach Husband have done nothing wrong in the eyes of the officials. Why was this presented in a different way in the injunction? He stated he is afforded staff protection, the truth and the facts should come out. Why did the School District present this way in a different way in an injunction to the Superior Court. One could say that they really slanted this in a negative light. Again who are they discriminating against, he stated himself. Mr. Husband stated in closing that he has given the Whistle Blowers Act of Protection to the entire Board. Unlike what has happened to him, he even provided the Board with all the violations that he felt they have committed being upfront and honest with the Board. That has never happened the other way around. People have said this about the firing of a football coach, it is not. It is about the process that they utilized, it is about not presenting facts, it is about abusing authority, it is about abusing control and it is about violating policy. Mr.

Husband stated he could walk away and ignore the whole thing, he stated his Mother called him crying asking him to walk away and he told his Mother that God picked him for a reason and that he is strong enough to make it through. He stated he taught his teams to play with pride and respect, to play for four quarters and never give up. He stated he does not intend to give up. Right now he stated he is the target, who will be the next target. He stated if he walks away and allows this to happen who will it happen to next. How far will the control and abuse go, it is already documented and well known that one School Board member was cautioned during a school board meeting to watch how they answered a question by the Superintendent. The same Superintendent alleged that Mr. Husband was possibly a criminal and tax fraudulent in an email to the Mayor and she also made these allegations about other people. Mr. Husband stated this is not about him; it is about power and abuse of power and abuse of control, which is what it is really about. He stated he hoped the City Council will find in the City's best interest and in the best interest of the community as a whole to address this because it isn't going to stop, it hasn't stopped. Who will be the next target, the Principal of the High School, the Athletic Director, and another faculty member, who is going to be next? Mr. Husband thanked everyone for their time and for allowing him to have his first amendment rights.

Mr. Marty Russo, 280 Webster Lake, Ward I and he advised he is also the husband of Kathleen Russo whose name you heard several times in the last few minutes. He stated he comes here at this moment with a letter from a couple who could not be here tonight and they have asked that it be read. Mr. Russo read the letter from David and Carolyn Hurst, 425 Prospect Street, Franklin, NH. Their letter which was read by Mr. Russo is attached to these minutes. Mr. Russo then stated words have specific meanings; we are a nation as stated before those that are elected, you are the arbors and the decision makers based on the definitions of these words, based on the definition of whether someone is an employee or volunteer with a stipend. There is a very big difference. There is a big difference between the authority granted to the City Council as the supreme legislative authority in Franklin and the authority designated to the School Board of Franklin and the School Board of the SAU which also involves our neighbors in Hill. Those

authorities and those directions they are given are specifically separated except for specifics regarding finances and overall personnel policies in terms of elections held to elect members to the various boards, commissions and council. They need to understand that these words have meanings that will come back to haunt us all, not just in the form of an injunction but in the form of other procedures and decisions that will be reversed and will be turned around to our detriment because you have to do it again. Well, do it right the first time, pay attention to the meanings of the words, pay attention to the law. It is very simple, you just have to read but you do have to apply it and you have to apply it fairly and you have to apply it without regard to family, friends or what your heart tells you; you have to apply the law. There have been a lot of things thrown out and there will still be things thrown out about violations of policies and procedures and everything else. You will have to wade through a lot of this and he stated he doesn't envy the issue but you are charged with it and all of you accepted your jobs on the City Council to do what is right and do it by the law and he stated he would ask that the Council pay attention to that as I know the School Board members that I have been in contact with for the most part have. They are diligent, dedicated people that have worked very, very hard to improve a lot of the Franklin School system inasmuch as they are able to with the funds they are given and the people they have at hand to help them do it. To ignore all the progress that has been made in the last 3 to 4 years with not only the Board members but the staff, the teachers and the administrators and all the Franklin Schools will come at a very high price if we choose to throw all that away because of an emotion charged issue that basically has already been decided and will not be overturned. He stated he would ask that the Council consider it carefully and calmly and with reason and use everything you have in your talents to come to a reasonable decision and then to explain it properly to the citizens of Franklin so they understand what happened, why it happened and where we are going from here.

Ms. Karen Hildreth, 41 Ferren Street, Hill, NH stated her son is a student in the Franklin School system by virtue of the fact as Mr. Russo pointed out we live in Hill and we don't have alternatives as far as public school once our children are



past 6<sup>th</sup> grade. At the School Board meeting back in March she stated she addressed everyone and said you need to pay close attention to what is going on here. This is not just about a coach, this is about processes that have happened as one of the people who was there at the championship game, and she stated she knows what was alleged is untrue. This is also about what goes on with the school. We won a case against the school district because our son's IEP continually since he has been in Franklin since 7<sup>th</sup> grade does not get followed. We are still going for what happened this year as the lesson is not learned from year to year. So this is not just about the Coach but she stated let's talk about the Coach a little bit. My son as she stated she has explained before is artistic. Through the Franklin school system through 4<sup>th</sup> grade he was non-verbal. She stated they were constantly told by teachers how he spent his day under the table, walking and not doing work and yet he was graduated every year. We ask for testing because when he was in pre-school they thought that he had that kind of a problem but they were not sure because he was not able to tell them things. She advised they were denied testing by the school district through 4<sup>th</sup> grade, and she stated they did not know how to fight it at that time. Going to Hill they learned that they can fight it and unfortunately she stated they fight it every year. She gave the example that her son over the summer should have academics because he loses what he learned during the year without academic assistance. She stated they were told by the special education staff, we don't do that for kids like him. That is a problem but she stated her son is now an artistic high functioning student. They were able to determine his IQ and he has an IQ of 159 but that was only because the school district in Hill threw so many services at him and when he came to Franklin for 7<sup>th</sup> and 8<sup>th</sup> grade Hill's services and the people that were doing them came with him. But once they hit 9<sup>th</sup> grade they were not afforded in that same manner. The summer before 9<sup>th</sup> grade Coach Husband saw her son at the Franklin Celebrates Program and this program had a woman who had a masters with a concentration in artistic and she had predicted from 4<sup>th</sup> grade that her son was artistic so when the finding came she was not surprised. Coach Husband saw my son playing football with one person just throwing the ball around and he went up to her son and he said "I want you to come to the high school at 5pm today." Her son told her that he needs to go to the high

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school and they ask why and her son told her this man ask me to come so they went and when they got there they were doing conditioning and Coach Husband explained to them that this was a football team and he wanted our son to play and we signed the papers. She stated her son was not aware that that was signing a commitment, that took a lot of explanation with him but that was signing a commitment. His commitment stayed with Coach Husband and we explained to Coach Husband how it is very easy and it has been shown in studies that some children that are high functioning can revert to non-verbal. Coach Husband worked with all the kids the way he worked with her son. There were after school classes to make sure homework was done, to provide assistance for homework and there was a lot of socialization that he helped her son with. Therein for 9<sup>th</sup> and 10<sup>th</sup> grade her son had that extra help with football. Football conditioning started a month ago, there are at most 6 children showing up for football conditioning. Sunday night pads and equipment were given out, 6 students showed up for football Sunday night. What has happened here between the school board and the citizens is very detrimental to our children.

Resident Mr. Davis asked relative to the petition that was presented to the City Council and validated, what is written in the City Charter. Is there any information that can be given to the public relative to the City Attorney's legal opinion on this matter with what is written in the City Charter? Mayor Merrifield responded the City Attorney has been advising the Council throughout this process. The steps that have been taken so far have been in accordance with the Ordinance, it is actually not a section of the City Charter that is being discussed, and it is an Ordinance that was adopted by the City Council in 1986. We are attempting in so far as our legal advice allows to live up to the spirit of that and that is why the Council is here tonight. The Council's Ordinance propagates it to hear the grievances of the people when a petition such as this is presented.

Mr. Leigh Webb, 10 Orchard Street stated as a resident of Franklin he is very hurt by what is happening. Friction, animosity, strong personalities digging in their heels instead of dealing with whatever issues arise with compassion, understanding and fairness appears to be the way we deal with issues in Franklin.

That means knowing and abiding by the law not only of the State of New Hampshire but the law of common sense and decency. We should never have reached this point and he stated he hopes it is not too late to realize that mistakes have been made and take the proper remedial action. He stated he proud to be from Franklin, he stated he lives in Franklin by choice, please do not take that pride from me but reinforce it instead by doing what is needed to be done to move forward and to continue to move forward.

Mr. Jason Grevior, 15 Liberty Avenue stated the last time he spoke in public was at the last school board meeting, at that meeting he asked School Board Member Cogan if I could call him out because they had had a conversation that Mr. Grevior stated should be very interesting to everybody. One thing that the School Board does not know, not only was Mr. Grevior's letter to Ray Yonaitis given to the School Board but was also given to each and every one of you. He stated he did that for a reason so that everyone knew exactly where he was coming from. He stated his family has been in this town for a very long time, his wife and kids are in the City, everything he has is in this City. When I asked Ed Cogan at the last school board meeting and the Mayor did him a nice favor and sat with him in a meeting where supposedly a conversation didn't arise with the new football coach, and the athletic director which I thank him for because it killed an afternoon. Going back to Ed Cogan, looking at Ed he said where did these email come from that supposedly this conversation didn't happen meaning the conversation between Coach Kaplan and himself and Mr. Grevior's younger son Ryan and he proceeded to look on his computer during the meeting and he could not find it. Later on he provided Mr. Grevior with this chain of emails which everyone has showing for one sequential communication amongst the school board, for two that he is a liar and a slander. Most of the school board members are here, he stated he has not slandered anybody, he stated he doesn't want to slander anybody. If he has something to say, he says it. The other thing was being called tax fraudulent which was mentioned earlier. He stated with his whole life in this City, what his folks have given to this City, Trestle View Park was given by his parents, the land. He stated he would never do anything to jeopardize this City. This City is his life; he wears his colors proudly all the time.

Some people say they don't recognize him with all blue and gold on, he stated he loves his City but to have what is going on in that school is crazy. His middle son Nathan who is here tonight was harassed by a teacher. He went into the school several times and this is repetitive as it was in his letter, it all started because the school failed to get his 504 about his hearing impairment in place. His fellow students had to go to the Spanish teacher to explain that his son is hearing impaired. You want to talk about the most embarrassing moment in life for his son, how embarrassing is that? It is hard enough to be main-streamed with a hearing impairment, never mind that a teacher doesn't know. And, if she did not know that means his auditory trainer which fits directly to his hearing aids was not being utilized which is clearly a violation of State Law. The other thing is with Nathan there was a 504 meeting that was held which she was not there for and Mr. Grevior stated he heard (hearsay) that the argument was that she did not know about it. He stated he does not believe that. Going in to see Mr. Towne numerous amount of time (3 or 4 times) to the point that his son gets embarrassed every time he goes into the school. And his son would say "Don't worry about it Dad, I can handle it." You should not have to handle school, school should be fun, it should not be embarrassing, especially kids with handicaps. He stated his son was asked a few times to be a peer councilor up at Dartmouth because of how much he has achieved, was that ever recognized by this school. Did anyone ever hear he was playing at the C.H.A.D. Classic before the game other than from him on face book, no body announced it because they are too busy covering up everything. Here we have some of the best advertisement for this City that we could possibly have; how eloquently he spoke on channel 9 at the C.H.A.D. Home Town Hero because he is a C.H.A.D. kid. He has been going up to Dartmouth forever; they were so proud to have him, why wasn't the school as proud? He stated he does not know but it bothers him a lot. He commented that it is very hard for him to get up here and speak; he stated his business is here in the City and that he has customers everywhere. The only reason he chose to do this is for one reason, not for my middle son but for my youngest son Ryan. He stated he had dreams of coaching three more years and that is why he left New York City and come home to be a Father, to be involved with his kid's lives all the way through and up until this point it has been wonderful. To not coach this year

is going to be devastating. Ryan was sitting beside him when a Coach urged me not to talk or I would not coach. So, Ryan looks at me and says "Dad that's not right." And, Mr. Grevior was thinking to himself there goes him not hearing it. He stated he drove off like nothing had happened and some of his friends knew he stewed on it for about a week, didn't say anything and it began to eat up in and out. By the time he started communicating about this because what it boiled down to is a dream or what is correct in life, morals, ethics, and transparencies which we stopped about talking about at a school board meeting. His dream was to coach, what is morally and ethically right is when your kid hears something and he knows it is not right, you have to stand up, you have no choice but to stand up and do what is right even if by giving up a dream which he did. So then Mr. Grevior stated he and Ryan start communicating about this and he asked him would you go with and his response was absolutely Dad, I know what I heard. You Mr. Mayor saw him and he was very nervous, scared as he was in there with the Mayor, the Superintendent, his new Football Coach, Athletic Director and Mr. Grevior commented he was very proud of his son as I always am with my boys; but he did not communicate very well as he was nervous but I do not fault him for that. But what he overheard made Mr. Grevior do what he did because he stated he has a conscious and by the way it was already told to Coach Husband before he even made the choice if he was going to talk because he knows how close his son is to Coach Husband. One of his dreams was to play for Coach Husband and that is no longer a reality. So he stated before he opened his guts the Coach already knew so if he did not step forward to communicate my situation it would have come back to stab him in the back anyways and that is why he is here this evening. If we hold our kids at such a high level at that school, why aren't the administrators held at that same level? Being called a liar, a slander and being called tax fraudulent he still can't stomach that. Never mind watching this lady (Superintendent) bullying people around. He stated when he was asking him to dig for his email the Superintendent said to him point blank "be very careful how you answer that Mr. Cogan." He thanked Mr. Cogan for sharing that with him as he didn't have to do that. Mr. Grevior continued that he does not know how this got this carried away and he stated he has tried to do the right steps. They say there is a series of steps, and he stated he has tired many times to do these steps.

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Somebody in this City has got to be able to fix this problem. When you have people that won't buy a house in this City because of the School System, there is a serious problem. When you have businesses that won't move to this City because of the School System there is a problem. He stated his kids personally have been harassed under this School System. How about the kids that don't have parents, how do they make it, they don't; a lot of them don't. You know who some of the parents are the football coaches, the baseball coaches, the track coaches, the basketball coaches. When you assume that role as a coach it is no different than being a Dad and you can definitely be a Father without being a Dad, you earn that title, the same is about a coach. He stated he still gets called coach and he feels it and loves it. You are just like a Dad, sometimes you are a bank, you feed them, you clothe them, and you bring them home if you know where their house is, could be one of four places for some of them. It's sad but it's true, a lot of them move from point to point but the love and respect they give you is worth a million and he stated he would not change it for anything. Some of his brightest moments were last year watching my son Nathan who came out of nowhere to win a State Championship. All State, C.H.A.D. Classic, amazing. The emotion he felt and pride was immense. He stated he use to be SAU's biggest fan, he became their biggest critic when they failed to put that 504 in place, to him that was devastating and unacceptable. You are pulling funds away these children and they need every dime they can to try and make it out of here. He stated he was lucky, he had the privilege to go to college, not everybody in life has that privilege but everybody deserves a chance at it and the first chance you get is to do well in that high school. If that high school cannot have morals, ethics and transparency this is going to be ghost town. He stated his Father looked at him before he opened his mouth and said to me you have no choice and his comment back to his Father was if I don't say anything this place will become a ghost town. You have families moving out of here by droves because of our school system and he stated right away he can think of 10-15 families. These families are the minority because they don't get free or assisted lunches so what will that do to our numbers, it will devastate them. He stated he is asking the City Council and the School Board to pay attention, he stated his whole life is invested in this City and

he stated he loves this City, he stated he does not want to move out of here. He stated if he has to move to educate his last child, he will move. He stated he and his wife have talked about it, we have looked at Bow. He stated he does not want to go, to him that would be the salt in the wound. Everybody knows, everybody asks, he again stated I do not want to go. He urged that somebody somewhere to do something as this has to stop and in his letter he called it a massacre. How can we have administrators not abide by their own rules of the students in our school system by bullying? He stated the Superintendent went as far as bullying our Principal Richard Towne who is really not a bad guy but when you have a dictator above you, you have to conform. At the last meeting and Coach Husband asked Principal Towne a question and he did not want to answer, the Superintendent looked at him and said yes you will and not only that she nods her head when someone can answer and when they can't. What kind of Board is this, the tail is wagging the tail and the dog should be wagging the tail. My issues are totally different than Coach Husband, he was harassed, and I was slandered and lied to, you heard it in a meeting. When is this going to stop, we need it to stop. We need people to stop moving out of town and instead moving into town.

Ms. Kristi Sottie, 60 Independence stated her son goes to Franklin and she stated she understands this first started out as a football issue but for her it is about the schools, about her son. She stated her son is 15 and her son wanted her to speak; her son has borderline autism and did not speak until he was in first grade when a teacher took interest. He has been bullied up until 2 years ago through the school, non- stop bullying and nobody helped. She stated she was a young Mother and didn't know who to go to, who would help her. He had an IEP, didn't really understand what that was, nobody helped her. Once he became smart enough the bullying continued, got worse, he never had a friend, hit middle school it became horrible for him. He thought the only way out was to commit suicide. A child in the school helped her and told me that he was going to commit suicide. We found him almost dead, he wanted to die; nobody would come to their aid. They went everywhere possible, since high school it got a little bit better. In the middle school we were told to take him out of school, there was nothing they

could do and suggested home schooling or send him to a boarding school in Pennsylvania and the school would pay for it. They did not know what to do with him or with us. Come high school, it got a little better. We went from an IEP to a 504, they said he was too smart and they didn't have enough money to provide the services for him. 9<sup>th</sup> grade he became involved in football, met the coach, people cared for him, he made friends, he is actually all honors on the honor roll, and he does an amazing job. This year they did not get a 504, nobody contacted them, nobody let her know. She stated she called, she texted, two week after the last meeting that was for the School Board, she receives a call from the school saying they are so sorry that they forgot and wanted to know if we still wanted to go through with the 504. Does he still need one, he is extremely smart, he doesn't need one. She responded of course we want the 504 and they ask can we do it over the phone, we'll do it over the phone right now, we'll send you a copy. She stated she has not received a copy of it, has not heard back from them, nothing. She stated her issue is they don't know the students; they don't care about the students. 504 is very important to these children, they don't know how to speak up. A lot of us are younger parents; we don't know what this is, have never been through this. She commented shame on her for not knowing either but shame on the school for not helping her, not helping her son, not helping other families that don't have parents that care, that have nowhere to go. Right now the football team is what her son had and he looked forward to, the football team keeps a lot of these kids' grades up. She stated she can tell us there are a bunch of kids that will not be playing football this year because they don't care, they didn't pass their grades, they are not doing the summer school; they don't care. This is the only family a lot of these kids have in this community and like she said, it is not just a football issue. She stated for her it goes above and beyond like Mr. Grevior stated. She stated she owns a home here in Franklin and she has thought about selling but she can't or she would. She stated there are a lot of people like her and when we moved here she loved the community, she stated she works here and knows a lot of people here and her son does not want to leave here but if we need to go we will until something gets done.



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Mr. Alan David, 20 Freedom Drive advised he is a former 6 year member of the school board and former employee of the School District. He stated at the last Council meeting that this goes far beyond the dismissal of a football coach and he still honestly believes that. However, right now some of the accusations that he has heard and he does not know if they are true or not. But some of the accusations he has heard tonight concerning Federal Law, violations of IAP, 504 accommodation plans and that sort of thing. This School District and this City are at serious legal risks and this is something that needs to be looked into. He stated he does not know the truth of it all but those accusations that are being made are very, very serious and that is something this City needs to truly take a hold of and look into right now.

Mr. Greg Husband spoke again stating he is the legal guardian of a child who has a 504 and his teachers were not informed of this 504. One teacher this fall utilized things in this 504 as a punishment. He was punished for something that is allowed to him in his 504. Late in the year, his son had struggled with everything throughout the year. Late in the year he was doing fairly well for him with Bs and Cs. With about two weeks left in the school year he was failing almost every subject. He advised he held meetings, he asked for advice. He worked diligently with my son and he tracked everything on line and he found out on line that different teachers utilize the system in different ways. He was given accommodations to hand in homework late, one teacher gave him zeros. He had no idea things were missing by looking in the system. The faculty isn't even trained to use the system the same way. They give you a tool and this is what he also told the administration that it is basically garbage in and garbage out, because if the data is not consistent and people don't use it in the same way, how are parents going to know what is actually happening with their child's education? He stated it took a considerable amount of time and effort and he tracked him every single day and he ended up with two A's, a B and two C's. This was a kid that was failing three out of four subjects with two weeks left. 504's are a serious issue and should be complied with, faculty should be aware of them and they should be communicated and they are not in this school district.

Mrs. Katherine B. Miller, Attorney at Law, Donahue, Tucker & Clandella, PLLC addressed the Mayor and Council stating she is here tonight representing the two members of the school board who are the subject of the petition. Winston Churchill has said that democracy is the worst form of Government except for all the other forms that have been tried from time to time. And she stated she is happy to say that democracy is alive and well in the City of Franklin. It is good to see so many people caring so strongly about their local government. New Hampshire is blessed to have lots of volunteers, the School Board, the City Council who assist in running our government. As you know from early testimony, the Franklin School District sought a preliminary injunction to prevent this removal hearing from proceeding. It was identified as a hearing to remove the school board members. Because it was called a removal hearing, the District was concerned on several grounds that the petition for removal and the City Code provisions for the removal did not comply with State Law and the State and Federal Constitutions. The Judge issued an order today that declined to prevent this hearing from going forward upon the representation of the City's Attorney, Mr. Fitzgerald that the purpose of this hearing is to air the grievances of citizens against their elected officials. The judge correctly declined to interfere with the political process. Nevertheless, he noted that State Law does not authorize the removal process that is found in the City Code for the City of Franklin. He noted that there is a likely hood for the School District to prevail on the merits that the only method for properly removing elected officials is through RSA 42-1A and RSA 32-12 and this would apply not just to the Board members but also to the City Council members. She advised she has copies of the decision by the Judge if anyone is interested in looking at them. As long as this hearing is for the purposes of citizens airing their grievances there is no legal issue. Should the Council proceed to vote to continue the removal process based on the Franklin City Code on behalf of Mrs. Russo and Mr. Yonaitis, she would object. In addition to questions about the legality of the City Code removal process for elected officials either the School Board or the City Council; they have not up until this evening had notice of the grounds on which their removal is sought by the 200+ people who signed the petitions. The petitions did not specify the grounds for removal. There is no way to know from the presentation this evening whether the people

that signed the petitions agree with the presentations that have been made this evening. She asked everyone involved to step back and consider the Laws and the Constitution of New Hampshire. We are privileged to have so many great local officials who volunteer thousands of their hours and time to their local government. Our Constitution requires that they be accountable to people at all times that elected them. They are also entitled to due process of the law before they are deprived of their duly elected positions. Much has been said about grounds for removal tonight but since the process may not be authorized by law, there cannot be grounds for removal in either of the petitions if the process is not legal. She thanked everyone for letting her speak. She then responded to comments made by Mr. Husband stating the petitions do not specify the grounds for removal and Mr. Husband commented they have been notified including they were again notified this weekend. The Mayor commented he did not want this to get to a shouting across the room. Attorney Miller requested that she be allowed to clarify and then stated the grounds for the petition are not stated in the petitions, the 200+ people that signed them may have 200 different reasons, we don't know why all those people petitioned to remove those school board members. Mr. Husband stated just cause and Attorney Miller commented usually it specifies, due process of the State Constitution requires notice.

Mayor Merrifield commented he would like to clarify one other thing that the ordinance that is under consideration here does not require petitioners to identify reasons at that stage of the process. Attorney Miller commented that is correct but the Constitution does.

Mrs. Tamara Feener, 70 Evergreen Avenue stated she does not like speaking in public but there has been a lot that has been discussed tonight. First of all she stated she wants to tell you who I am and she stated she does believe this is not just about Coach Husband, it goes deeper than that. She stated she is a former resident of Tilton, NH, her Father was born in Tilton; her Mother was born in Franklin and grew up in Franklin. She stated she was born in Franklin but raised in Tilton. Franklin has always been either her home or her second home. Her family came here from Greece and started businesses in this community and started the

Greek Orthodox Church in Franklin which she worshiped in growing up and still do. She stated she has been a former school board member; she served with Mr. Giunta and Mayor Merrifield. She stated the last time she was on the School Board we moved mountains; we worked together and were successful. This present school board is extremely dysfunctional to the tenth degree. She has had AG complaints willed against her, one was that she should not be a Moderator and on the School Board at the same time. That was found to be untrue; she can sit on the school board and also be a Moderator. She has been the Moderator for Ward II for 20 years. She was a Ward Clerk for one year and when in Tilton she helped with the town elections counting ballots. She stated she guesses she has two or three other complaints against her at the AG Office and they have not made a determination on those complaints. She stated they recently emailed Mr. Yonaitis that 5 school board members wanted to set up a special meeting, he requested to know what would be on the agenda. Mrs. Feener stated she then emailed him and stumbling blocks have been put in the way and today is July 29<sup>th</sup> and the board members had requested a July 30<sup>th</sup> meeting and nothing has been posted so no meeting and the majority wanted the meeting. They were denied the right to meet to debate issues that have come before them, 504's, Spanish, etc. She stated the agenda carried lots of good things to discuss. She stated she was told oh no, these are SAU matters. She responded to Mr. Yonaitis that no, we can have this meeting and then make a decision if they are SAU related or not and once again they were denied the right to meet and discuss. She advised when she first got on the Board she suggested Blue River as part of help for a funding source that has yet to be decided on to be reviewed. She stated she keeps getting pushed back. She stated it takes an act of God to put something on the agenda as a school board member and it is in the policy that the school board members are able to do that. Recently she stated Mr. Yonaitis has accepted two of her items that she would liked discussed August 19<sup>th</sup>, however, she stated she felt they needed a meeting way before August which has not happened. Circumventing RSA 91-A she said to Mr. Yonaitis in an email that he was circumventing 91-A by doing these emails of vote because they cannot debate, we don't know what anybody else has said until we get together and debate it and say what is on their minds. So that is another problem. She stated she has

heard there is a lot bullying, she advised when she was on the school board previously we had citizens for discipline in schools, it took two years to develop a discipline policy, zero tolerance was this policy. Where is this policy? She stated she would like to know as they worked really hard as a full citizen a joint effort. Former Chief Boyd was a speaker at one of their meetings. They had many, many speakers and many meetings, the discipline policy was excellent and she does not know where it is but is going to look into it. She stated she was taught there is right and wrong and was taught to speak on both, that is how her parents taught her; you speak up so she is speaking up. There are problems and it is not just about the Coach. We are a fabulous community, we are full of volunteers, she commented that at the joint meeting that was held with the Council and the School Board members, it was disappointing that it ended up the way it did; that we ended up in Court for this. She stated personally she feels these two school board members should step down as chairs; they should look deep within themselves and let others run our meetings and go by the policies that are before us. There are policies and the 5 members of this school board wanted a meeting and we were denied as these were SAU matters, and they are not. She stated she would like to know that during the Court session she took some time off from work to attend, she stated she was in the foyer and the City had a conference room and the School Board had a conference room and she stated she is wondering to this moment in time why the other school board members that attended weren't invited in to this conference room before and after the Court hearing. She asked can anyone tell me the reason why they were not invited in? She stated we are school board members; we should have been invited in. She stated she is very disappointed that Kathleen Russo was at the front table where their other attorney should have been. She also asked why was Superintendent Ward there; this has nothing to do with her. Mrs. Feener stated she would very much appreciate answers to her questions and again we had tried to get a meeting with these agenda items to ask these questions. We had decided that each board member would give school board presentations to the Council, and she stated she needed information so she ask the Superintendent could you please give me this information so she could give a presentation, denied. Mr. Yonaitis had to assist her in this. She commented if you recall, she gave sizable

packets out to the Mayor and Councilors and it was stamped on every single piece of paper confidential, nothing in the packet distributed was confidential. Even a blank piece of paper was stamped confidential. Mrs. Russo with the AG first complaint, Mrs. Feener stated she believes she did this on her own under her chairmanship. The Board never gave her permission to go and file a complaint with the AG Office against Mrs. Feener. She stated she was also at a SAU meeting and had just come from work and began to put her items down and Mrs. Russo comes up to her and says she would like to speak to you. Mrs. Feener asked about what and Mrs. Russo responded I would just like you to step outside in the hallway. Mrs. Feener goes out into the hallway waiting for Mrs. Russo to tell her what is on her mind and in comes Mr. Yonaitis also, so it is two against one and proceeds to tell her she cannot sit on the board as a School District Moderator so they informed her she must make a choice. Mrs. Feener advised she is not a District Moderator, she does not run school district meetings that is totally a town item and she tried to explain this to them and they would not hear her voice so she said conversation over and she went back into the meeting room. She then proceeded to tell Mr. Yonaitis and he stated no you need to pick one or the other. She stated this took place right before a large presidential election. There would have been all kinds of problems if she had had to step down as Moderator because she was told at an SAU meeting that she could not sit on both, that she had to make a choice. That is a big problem because no one in Ward II knows how to be a Moderator nor do they want to be one because she has asked and also it is difficult to find people to help you at elections. She stated all they are doing is pushing people away from helping at elections because of all the actuations and pulling you into the complaints. She told Mr. Yonaitis no that she has a letter stating she can sit on both and she showed him letter. He then proceeded to say we have to work together and she commented that is a strange way of working together. She stated she feels bad, she thinks the board can make great strides. She also stated the Superintendent has been looking for a job elsewhere; it has been in all the papers so she is not telling fibs out of school. That's a problem; she stated we need to get our ducks in a row and start talking about succession and how we are going to move ahead when the Superintendent has a new job.

Mrs. Jen Weaver, 226 Sanborn Street, stated she was born and raised in New York in a town just like Franklin and they moved here 12 years ago as it was a nice place to be. She stated she works here and loves the school and she felt her kids would do very well here K-4<sup>th</sup> grade and she now has to middle schoolers and they are still doing very well. Her son and daughter love school. She stated this is the most dysfunctional board that she has ever come across and she stated she is embarrassed to say she lives in Franklin right now. As a teacher of her second graders; she would never allow this in her classroom so she does not understand why this is allowed on a school board. She stated if she doesn't allow this type of thing in her second grade class, it certainly should not be allowed by adults

Mr. Robert Lucas, 170 Sterling Drive commented that both sides need to come together put all difference aside and work together for the sake of the children. He stated he served on the School Board at one time and found it to be difficult and it seemed to be us and them instead of we.

Ms. Donna Magoon, a teacher with the Franklin School District who recently resigned advised that she would contribute \$500 to \$700 of her own funds each year to her students for classroom supplies because there was not enough money in the budget and it is shameful to think that the students could lose out on as much as \$50,000 that might be paid in legal fees to attorneys for the two school board members.

Mr. Wayne Ives, 78 Clark Street stated he has lived in Franklin all his life and graduated from Franklin High School. He stated both he and his wife work full time and barely make ends meet. However, he advised that they spend \$10,000 each year to keep their daughter in a private school as they do not want her attending the Franklin schools.

***Motion made by Councilor Desrochers that the Franklin City Council determine that it is not in the best interest of the City of Franklin for there to be further local proceedings in connection with the two pending School Board removal petitions. In order to conclude the current divisive confrontation between the***

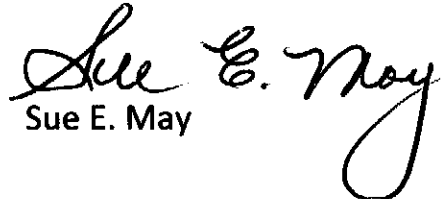
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***School Board and City Council, along with the associated expense, in connection with this matter, I further move that the complete record of the public proceedings of July 29, 2013, along with a synopsis of those proceedings, be forwarded to the New Hampshire Department of Justice (Office of the Attorney General) for independent and impartial review and such further action, if any, as may be deemed appropriate by that office. Motion seconded by Councilor Feener.***

***Councilor Feener made an amendment to the motion that the submission to the Attorney General's Office not be done immediately but in 10 days, giving others the opportunity to add their submission. Amendment seconded by Councilor Boyd. All in favor of the amendment giving an additional 10 days for submissions from others.***

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

Respectfully submitted,

  
Sue E. May



David & Carolyn Hurst  
425 Prospect St  
Franklin, NH 03235

*Attn: Sue May  
Please include  
in the minutes.  
M. K. K.*

July 28, 2013

Dear Mayor and City Council Members:

We have hesitated to become involved in the current matter regarding petitions before the City Council. It has always been our feeling that we elect our City officials and they have the best access to information available that will enable them to make the right decision in matters before their boards.

Therefore, we will not be gathering to speak in City Hall on Monday evening as is being promoted by those involved with these petitions. Never the less we will be counting on our elected officials to take the correct course of action for our city.

We would consider it incorrect for the City council to remove two members of the School Board voted in by voters in their respective Wards just because a petition without cause for removal was circulated by parties with a particular agenda. Also, although signatures were validated, has it been reviewed to see if those signing the above petitions are all voters in this city or simply residents which would be a different matter?

Should the Council take action proposed by the petitions will it be their intention to appoint two new members under the same criteria used to fill the last School Board vacancy appointment. There was limited public notice to the community of this opening other than a few days notice on the City website.

In addition, the Council made a decision to appoint an individual that appears to have a particular agenda rather than look for an individual that was concerned about our entire school system. The agenda was stated by this individual on a Facebook page that many of the students in our school system frequent called

"Friends of Franklin Football". The language used in those comments is or should be in conflict with school policies. This lack of effort to find interested candidates and to then appoint this new board member removes our confidence in Council decisions.

It is time we get the City of Franklin business off Facebook and off the front page of the newspapers and back into the City offices where we can have qualified leaders make decisions that would make a difference in our community's future. There are serious concerns facing our city, not only in the school, but in other areas of the city that are of real importance and they need to be addressed in a manner other than this approach.

We feel it is necessary for us to speak out especially as we are aware that many people in the city agree with us on this matter but have hesitated to speak out because of the strong efforts by individuals with their own agenda.

Sincerely;

David and Carolyn Hurst

Cc: Franklin School Board Chairman

**Good evening, City Council Members and Franklin residents.** My name is Elizabeth Tobey, former Naval Intelligence Officer, credentialed teacher, clinical professional Social Worker, and in the recent past, appointed by the City Council to assume an unfilled Sch. Board vacancy and elected for the remaining one year term. Previous lengthy experience on a local and regional School Board.

**Saturday's Concord Monitor headlines abt the schools "fighting" the City in court was an "eye opener" for me to offer some thoughts that might propel more positive thinking to the 2 recent citizen petitions of "unhappiness" over the firing of Football Coach, Greg Husband. Never easy for an employee to be "dismissed/fired". Likewise, not easy on the employer – SAU 18. Some alleged serious events of RETRIBUTION incl. tire slashings and broken windows have occurred due to this "unhappiness". This kind of behavior is not only illegal, but an illogical DESTRUCTIVE RETRIBUTION and is extremely DANGEROUS... and sends a powerful NEGATIVE message to any child who has witnessed such behaviors. Legal standards were undoubtedly carefully adhered to in the aforementioned "firing". Always helpful to ask the ? "Whose problem is it, anyway?" Proceeding from that premise obviously produced the "firing".**

**A short hx: Fkln. is one of 7 NH communities on an "intertwined" Municipal Government/ School Supervisory Administrative Union basis. The long-ago original intent was to enhance harmony, and peaceful, positive resolutions to problem solve – esp. where disagreements reside. There is EVERY reason for the City Council and the SAU 18 to CONTINUE to acknowledge the other entity's respective "administrative boundaries".**

**PARENTS, CARETAKERS, and the FRANKLIN Community: Continue to help your children learn love, compassion, and tolerance to resolve differences by use of CONSTRUCTIVE VERSUS DESTRUCTIVE behaviors.**

**Franklin's schools have made important educational progress over the past few years. The School Improvement Grant, of which I was a community participant, who related the visible and invisible gains to the State Ed. Dept., is an enormous "feather in Franklin's cap". It would not have been this POSITIVE result without the able and dedicated SAU Admin. and its capable teaching and related staff.**

**ENOUGH is ENOUGH! Do not UN-DO Franklin schools' fwd. progress by trying to remove 2 of Franklin's most forward-thinking, talented School Board Members!**

**FRANKLIN COMMUNITY: Please communicate your POSITIVE concerns ASAP to the City Council, to allow the SAU to concentrate on the educational tasks at hand, incl. required Personnel interactions as needed, to allow our City's children to enjoy the best educational opportunities, uncomplicated by the supposed kind of "over-sight/interference" in SAU Personnel matters. In short, "power/control" should appropriately remain with the SAU.**

**cc: City Manager, Elizabeth Dragon; Mayor Ken Merrifield; City Councilors;  
Dr. Maureen Ward, Superintendent, SAU 18  
s/ July 29/2013 Elizabeth Tobey, ACSW (Academy of Certified Social Workers); BCD (Board Certified Diplomate)**

**CITY COUNCIL MEETING  
AUGUST 5, 2013**

**Call to Order**

Mayor Merrifield called the meeting to order at 6:00 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said.

**In Attendance**

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

**Absent**

Councilor Boyd

**Public Hearing**

**Resolution #02-14** – this resolution concerns a supplemental appropriation in the amount of \$208,934.00 for the Franklin School District. Mayor Merrifield opened the public hearing. Mr. Mike O’Neill, Finance Director for the School District inquired if there were any questions concerning the supplemental appropriation and there were no questions. The public hearing was closed.

**Comments from the Public**

None

**Legislative Comments**

Representative Webb advised that beginning of the second week in September (September 9<sup>th</sup>) new legislation can be submitted. He encouraged anyone with questions or suggestion not to hesitate to contact him.

City Council Meeting

August 5, 2013

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### **City Council Acknowledgement**

None

### **Mayor's Update**

Mayor Merrifield read part of an article concerning the City of Franklin that was printed in the National League of Cities. "The New Hampshire Afterschool Network has been selected by the National League of Cities as one of five networks nationwide to host a statewide Mayoral Summit on Afterschool and Expanding Learning in 2014. Franklin Mayor Merrifield will host the summit that aims to bring together City leaders, State agency officials and School and Community partners to focus on expanding afterschool opportunities for children and youth in the State."

### **Minutes**

***Motion made by Councilor Feener that the Franklin City Council approves the minutes of the June 10 and June 18, 2013 City Council Budget Workshop Meetings and the July 8, 2013 City Council Meeting. Motion seconded by Councilor Desrochers. All in favor; minutes approved.***

### **School Board Report**

None

### **Resolution #02-14**

***Motion made by Councilor Feener that the Franklin City Council approves Resolution #02-14 by a roll call vote. Motion seconded by Councilor Starkweather.***

City Council Meeting

August 5, 2013

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**Roll Call:**

**Councilor Clarenbach – Yes**

**Councilor Giunta – Yes**

**Councilor Feener – Yes**

**Councilor Trudel – Yes**

**Councilor Dzujna – Yes**

**Councilor Cournoyer – Yes**

**Councilor Desrochers – Yes**

**Councilor Starkweather – Yes**

**Resolution #02-14 passes.**

**Disposition of Tax Acquired Property, 8 Rose Lane**

***Motion made by Councilor Desrochers that the Franklin City Council authorize the City Manager to dispose of Tax Map 096 Lot 062-52, 8 Rose Lane (mobile home) only through a negotiated direct sale to the Labranche Mobile Home Park owner. Motion seconded by Councilor Starkweather. All in favor, motion passes.***

**Comprehensive Audit Agreement to perform Energy Audit Services**

Mr. Michael Davey with ENE Energy Advisor & EEI Services presented the Mayor and Council their findings and recommendations. They made site visits to City Hall, the Proulx Center, the Bessie Rowell Center, the Police and Fire Stations, Municipal Services and the Garage.

***Motion made by Councilor Clarenbach that the Franklin City Council approve the proposed Audit Agreement between the City of Franklin and Energy Efficient Investment, Inc. Motion seconded by Councilor Trudel. All in favor, motion passes.***

**Request from John and City Krauz for the Restoration of Involuntarily Merged Lots**

***Motion made by Councilor Clarenbach that the Franklin City Council deny the request by John and Cindy Kraus to restore their property identified as Tax Map***

**114, Lot 014-00 to three separate lots. This denial is based on the fact that Mr. Krauz used this one lot as the basis for obtaining a Special Exception from the Zoning Board of Adjustment on November 2, 1988. To restore the property to three separate lots now would undermine the integrity of the approved Special Exception. Motion seconded by Councilor Trudel.**

The question was raised as to whether Mr. and Mrs. Kraus had been notified that their request would be on the August 5<sup>th</sup> agenda. Manager Dragon commented that Mr. Kraus had brought the request in and had requested it be placed on the agenda. Director Lewis commented that his office did not notify Mr. Kraus.

**Motion was made by Councilor Feener to postpone consideration of the request until the next Council meeting so that Mr. and Mrs. Kraus can be notified of their request being on the agenda. Motion seconded by Councilor Desrochers. All in favor, motion to postpone passes.**

**City Council to consider the purchase of a used 2009 International 7500 Dump Truck**

**Motion made by Councilor Desrochers that the Franklin City Council authorize the purchase of one used 2008 International Model 7500 Dump Truck and Plow(s) from McDevitt Trucks, Inc. of Manchester, NH for the amount of \$63,000 (including trade) with funds to be derived from the following line items:**

**\$14,000 from Line Item 01-3-127-40664**

**\$49,000 from Line Item 01-1-302-40898**

**of the fiscal year 2013/2014 budget. Motion seconded by Councilor Starkweather. All in favor, motion passes.**

**Other Business**

**Committee Reports** – Councilor Clarenbach advised a MSD Committee meeting was held last week and they were supportive of the purchase of the Dump Truck.

City Council Meeting  
August 5, 2013  
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**City Manager's Update**

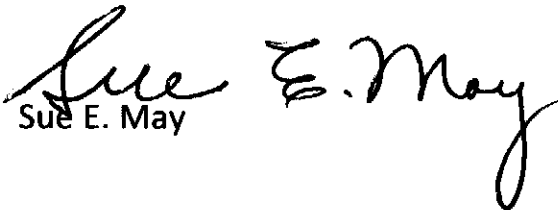
Manager Dragon updated the contingency grant line. \$2,500 received from Homeland Security for the Local Emergency Operations Plan update. \$153.47 received from the State of New Hampshire for Operation Safe Commute. \$791.71 received from the State of New Hampshire for Fire Training. \$141.83 received from the State of New Hampshire for DUI Checkpoint.

She advised that Hope Community Chapel will hold an appreciation breakfast for employees on Sunday, August 25<sup>th</sup> at 8:00 a.m. at the Chapel.

She also advised that on July 22, 2012 the Mayor, the Fire and Police Chiefs, Welfare Director and herself attended a meeting at the Franklin Regional Hospital. At that meeting they learned about a new psychiatric unit that is scheduled to open at the Franklin Hospital.

***Motion to adjourn made by Councilor Desrochers, seconded by Councilor Feener.  
All in favor, meeting adjourned at 7:50 p.m.***

Respectfully submitted,

  
Sue E. May