



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT

*March 3, 2014, City Council Meeting*

**Subject:** Approval of Minutes

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**Motion:** *“I move that the Franklin City Council approves the minutes of the February 3, 2014 City Council Meeting and the February 11, 2014 City Council/School Board Workshop Meeting.”*

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

**CITY COUNCIL MEETING  
FEBRUARY 3, 2014**

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

**Absent**

Councilor Giunta

**Public Hearings**

**Resolution #06-14** – this resolution increases revenues and expenditures for the Franklin Police Department in the amount of \$10,000 based on an award of a Federal Drug Task Force Grant.

Mayor Merrifield opened the public hearing, no one came forth to speak; the public hearing was closed.

**Resolution #07-14** – this resolution concerns an Energy Performance Contract with Energy Efficient Investments, Inc.

Mayor Merrifield opened the public hearing. Leigh Webb, Ward III inquired if air-conditioning is included in this contract. Manager Dragon advised there is no air-conditioning in the proposal. She

stated a very fine balancing act had to be done in terms of how much energy savings we would get each year to offset the cost of the initial investment and air-conditioning is not used enough throughout the year, there would not be enough of a potential savings in any sort of change over in air-conditioning units. Mr. Webb also commented his recollection is the boiler that is in City Hall was replaced not that long ago and he realizes there have been problems with it. Hopefully the new boilers would come with the necessary warranties so we wouldn't have to worry about a breakdown and having to scramble to find funds to do repairs. Manager Dragon advised the boilers do come with a warranty and they have an expected life of 20 years. The boiler located in City Hall is about 15 years old and the one at the Proulx Center is over 30 years old.

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

### **Comments from the Public**

No Comments

### **Legislative Comments**

Representative Webb advised he just attended a very interesting presentation on Restorative Justice. Bill 533 was up for a vote which is an education bill and HB 1383 which he did not know if that would have a direct impact on Franklin. Manager Dragon advised there are some bills she is interested in following: HB1560 and HB1259, which are aimed at NHMA and whether or

not they have the ability to lobby as a group in terms of all the towns collectively getting together and monitoring bills and having a voice at the legislature. Representative Webb asked for some insight as to why NHMA is being targeted. Manager Dragon responded that people do not understand that NHMA is not LGC for one and LGC has been under fire but NHMA is a separate entity and she advised she is a Board Member of NHMA so is very familiar with the organization. There has been a lot of political maneuvering in terms of a person involved with the Fire Association being unhappy with some of the activities of LGC so now there is a real effort to try and distinguish NHMA back to its roots, what it is there for, what it is intended for. She further stated it is entirely separate from the Health Trust, it is entirely separate from PLT, and it has its own Board and is making its own decisions. Manager Dragon stated NHMA give all the communities a collective voice and without NHMA everyone would have to fend for themselves.

Manager Dragon also mentioned HB1266 which allows towns decide whether their Clerk should be appointed or elected and she stated that is not an issue for Franklin as a City form of government, it is an issue in other communities and NHMA has supported for several years to let towns decide themselves, let the voters in the towns make that decision.

Manager Dragon also advised that all the bills that would impact Northern Pass are being followed and she thanked Representative Webb for being very helpful in that regard.

### **City Council Acknowledgement**

Councilor Feener stated that he and Mrs. Feener had a conversation with the couple that had the fire up on Auburn Street a couple weeks ago and they had nothing but positives to say about the Fire and Police Department as to how they handled the fire and how they went out of their way to make sure their personal belongings were safe. Councilor Dzujna stated he was going to make that same comment. Councilor Dzujna commented on the Municipal Service Department and Maintenance Department concerning the amount of heart they have had in dealing with the snow removal and the ice. Mayor Merrifield advised that he attended the Veterans Memorial Recreation area for the pancake breakfast and the Mayor stated he could not believe how smooth the road was and he advised that Kathy Fuller had stated they are getting great cooperation from the City on that road. Councilor Cournoyer stated he did a drive by on Auburn Street and complimented the Police and Fire Department on their quick response.

### **Mayor's Update**

Mayor Merrifield advised the New Hampshire After School Network is sponsoring a Mayoral Summit on after school careers and extended learning opportunities and this is funded by a grant from the National League of Cities. A planning meeting for this event has taken place. The other 12 mayors in the State have been invited and a large number of other municipal officials and business leaders will be invited. The event will be held May 13, 2014 at the Grappone Center in Concord.

### **Approval of Minutes**

***Motion made by Councilor Dzujna that the Franklin City Council approves the minutes of the January 6, 2014 Inaugural and City Council Meeting and the January 15, 2014 Workshop Meeting. Motion seconded by Councilor Desrochers. All in favor, motion passes.***

### **School Board Report**

School Board Member Tim Dow advised that on January 14, 2014 the first school board meeting of the year was held and Tammy Feener was elected as the new Chair for the School Board, and Greg Husband was elected Vice Chair. Mr. Dow passed out lists of all the committees to the Manager, Mayor and Council. He advised four board members will be attending a New Hampshire School Board Association Training Session on April 29<sup>th</sup> for new board members. Those who will attend are Greg Husband, Tim Down, Angie Carey, and Chad Carey. January 15<sup>th</sup> Ms. Michele Munson will be assisting with a search for a new Superintendent and a Search Committee has been formed and is made up of School Board members, City Council members, both Hill and Franklin, also professional people within the community and public people. They were able to sell a used Tuba Instrument that the Music Department no longer needed to Ellis Music Company for \$2,000 and in exchange received three instruments for the Music Department and Band. The school has accepted a \$7,000 grant to start up a new lab at the high school and the grant will be used to buy new computers. A High School Open House will be February 5, 2014 and they will also be sponsoring a spaghetti dinner at that time from 5 pm to 6 pm and the dinner is to benefit

the Senior Class for their Senior Class trip. Mr. Dow thanked everyone that came to the Meet and Greet for the Interim Superintendent. Councilor Desrochers asked why Hill is involved with the search for a new Superintendent since they are leaving the District and Mr. Dow responded because they are still in the District; they are still part of the SAU. Councilor Desrochers commented that if they are going to leave he finds it difficult to understand why they should be on the Search Committee. Mayor Merrifield commented that from what he has read and understands while they would want to withdraw from the area agreement which is the contract that says their students attend here for Middle and High School, they would actually remain in SAU 18 which means they would have the same superintendent. School Board Member Husband stated they would not be part of another SAU but would be able to send students to another school paying tuition. Councilor Cournoyer inquired if the school finances and audit are up-to-date and Councilor Feener advised there will be a Joint Finance Committee Meeting with the School and Council Finance Committee on February 20<sup>th</sup> and all those issues will be discussed and the auditors will be in attendance. Councilor Cournoyer also inquired if the school might consider holding their school board meetings in the City Council Chamber and School Board Chair Feener advised they could place that on an agenda for discussion. Mr. Husband also advised there is a committee that is in charge of developing a survey to get input concerning what should be some of the requirements and wishes in finding/hiring a new Superintendent.

**Resolution #06-14** – this resolution increases revenues and expenditures in the amount of \$10,000 for the Franklin Police Department which represents a Federal Drug Task Force Grant.

***Motion made by Councilor Feener, seconded by Councilor Desrochers that the Franklin City Council approves Resolution #06-14 by a roll call vote.***

<b><i>Councilor Barton – Yes</i></b>	<b><i>Councilor Clarenbach – Yes</i></b>
<b><i>Councilor Boyd – Yes</i></b>	<b><i>Councilor Starkweather – Yes</i></b>
<b><i>Councilor Feener – Yes</i></b>	<b><i>Councilor Desrochers – Yes</i></b>
<b><i>Councilor Cournoyer – Yes</i></b>	<b><i>Councilor Dzujna - Yes</i></b>

***All in favor, motion passes.***

**Resolution #07-14** – this resolution concerns the approval of an Energy Performance Contract with Energy Efficient Investments, Inc.

***Motion made by Councilor Desrochers that the Franklin City Council adopts Resolution #07-14 approving the Energy Performance Contract with Energy Efficient Investments, Inc. and authorizing the City of Franklin to enter into a lease purchase agreement with Municipal Leasing Consultants by a roll call vote. Motion seconded by Councilor Starkweather.***

Councilor Cournoyer commented regarding the replacement of boilers and suggested that a filtration system be placed on the new boilers so that the water coming into the boilers is filtered and it would make them more efficient. Mr. Mike Davey advised that a filtration system is something they can evaluate during the formal design and should not be a big cost to add. Mr. Davey also advised that prior to installation of a new boiler they do a complete drain and flush of the system. Councilor Clarenbach



expressed his concern about the funding of the project and the taking of the \$100,000 from capital reserve that the City just recently was able to put in capital reserve. Councilor Clarenbach stated he is not against the project but that we need to find some way that we don't lose the \$100,000 that was just placed in capital reserve the last budget season.

Manager Dragon stated that she and the finance director did talk about that and there are some funds available in the Bessie Rowell Capital Improvement Fund that could be used so \$20,000 could be taken from that and the rest from the general capital funds. Councilor Clarenbach commented the savings over the 12 years is fine but it is the \$100,000 and if the City can recapture the \$100,000 no matter how long it takes, if it goes back to capital at least we have not lost the capital effort. It is difficult to capture any capital but to see it expended and then go back to the operating side as it would go to reduce the fuel, electric bills, and utility costs.

Manager Dragon responded that Finance Director Milner is willing to do a calculation that annually it can be determined what the difference is in terms of the payment amount and the Council can decide during the budget process what should be done with that.

Councilor Clarenbach commented we just shouldn't lose capital from the capital side and if Rowell has the ability to pay \$20,000 towards the capital that would be good. Mayor Merrifield asked if the Council needs to direct the funding. Manager Dragon commented the only adjustment would be if the Council decides to take \$20,000 from the Bessie Rowell Capital Funds and

\$80,000 from the General Capital Funds which could be done with an amendment. Councilor Desrochers commented the \$17,000 we would be savings each year on this energy project, he would like to see some of that put back into the capital reserve. Councilor Clarenbach commented you have to pay the loan. Councilor Desrochers responded we must find some way to put some monies back into capital reserve so that when the City needs money for something else, there is money there.

Manager Dragon advised that it is estimated that the savings will be more than the amount we are using in the Performance Contract to pay the lease so it is being considered to do an internal calculation where each year we look at how much energy savings we have as a result of this project and anything in excess of that would be discussed during the budget process. Two options might be to pay down the lease faster or putting the money over to a capital reserve account and this could be a Council decision.

***Councilor Clarenbach made an amendment to Resolution #07-14 that the City Council approves an amount not to exceed \$80,000 from the Capital Reserve and \$20,000 from the Bessie Rowell Community Center Capital Reserve Fund. Motion seconded by Councilor Dzujna. All in favor, the amendment passes.***

***Roll Call:***

***Councilor Barton – Yes Councilor Clarenbach – Yes  
Councilor Boyd – Yes Councilor Starkweather – Yes***

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***Councilor Feener – Yes      Councilor Desrochers – Yes  
Councilor Cournoyer – Yes   Councilor Dzujna - Yes***

***All in favor, motion passes as amended.***

**Resolution #08-14** – this resolution increases the Water Department revenues and expenditures in the amount of \$15,000 for a 2014 Asset Management Planning Grant from the State of New Hampshire, Department of Environmental Services.

***Motion made by Councilor Desrochers that the Franklin City Council schedules a public hearing on Resolution #08-14, a supplemental appropriation increasing the Water Department Revenues and Expenditures in the amount of of \$15,000 for a NHDES 2014 Asset Management Planning Grant on Monday, March 3, 2014 at 6:05 p.m.in the Franklin City Council Chambers. Motion seconded by Councilor Feener.***

Mayor Merrifield read the resolution into the record:

### **RESOLUTION #08-14**

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

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

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

**WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes the Municipal Services department has been awarded a 50% matching grant in the amount of \$15,000 through the Department of Environmental Services 2014 Asset Management Planning Grant Program, and;**

**WHEREAS, the City Council of the City of Franklin, New Hampshire has already appropriated in the Fiscal Year 2014 water budget \$50,000 toward the completion of a capital efficiency plan thus satisfying the matching requirement of the grant, and;**

**WHEREAS, the City Council of the City of Franklin wishes to accept and appropriate the aforementioned 2014 Asset Management Planning Grant Program grant, Now**

**THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, March 3, 2014 the City Council of the City of Franklin, New Hampshire does hereby accept the 2014 Asset Management Planning Grant Program grant through the State of New Hampshire Department of Environmental Services, authorizes the City Manager to execute all grant documents and approve Resolution #08-14 authorizing an increase in FY14 revenues:**

**Federal Grants – Water Fund Acct No. 21-0-331-33110-000 – Fifteen Thousand Dollars (\$15,000),**

**And an increase in expenditure account,**

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**Engineering Acct. No. 21-0-331-40335-000 – Fifteen Thousand Dollars (\$15,000),**

**By a roll call vote.**

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

### **Other Business**

#### **Committee Updates**

Councilor Feener announced that on Tuesday, February 18, 2014 at 6:00 p.m. there will be a Legislative Committee Meeting. There will also be a Joint Finance Committee Meeting on Thursday, February 20, 2014 at 6:00 p.m.

Councilor Dzujna advised that last week the Parks and Rec Department met and had a welcome for the new Committee member, Councilor Barton. They learned from Director Alpers that the Soccer Program has increased in popularity and the Before and After School Programs are going very well. Councilor Dzujna also advised that Parks and Recreation will be offering on line the use of credit cards to sign up for different activities/programs. Councilor Dzujna also suggested that when the City Council/School Board holds joint meeting that perhaps the Liaison Committee could assist in the preparation of the agenda for those joint meetings.

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

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Manager Dragon advised this month in the Contingency Grant Line the City received \$100 from Gladys Marshall for Welfare reimbursement and \$500 for Health Trust for a Wellness Grant. She advised for a year negotiations have been going on with Metrocast attempting to reach an agreement. She stated the negotiations have now ended and it is felt that as a group they got as far as they could get. She is now waiting for a final document from Metrocast which when received she will bring forth to the Council for discussion in a non-public session with the Cable Attorney Kate Miller. She reminded everyone that the Mayor's Drug Task Force will hold their annual year in review meeting in the Council Chambers Thursday, February 13<sup>th</sup> from 5 p.m. to 7 p.m. and everyone is invited to attend.

**City Council Appointment – Library Board of Trustees**

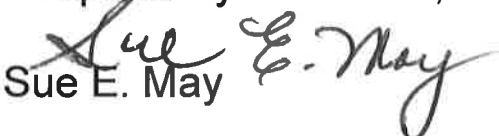
***Motion made by Councilor Clarenbach that the Franklin City Council appoints Christine Dzujna to the Library Board of Trustees, Term of Service to January, 2015. Motion seconded by Councilor Starkweather.***

***Councilor Dzujna recused him from voting.***

***All in favor of the appointment of Mrs. Dzujna.***

***Councilor Feener made a motion to adjourn, seconded by Councilor Desrochers. All in favor; meeting adjourned at 7:10 p.m.***

Respectfully submitted,

  
Sue E. May

**CITY COUNCIL/SCHOOL BOARD JOINT WORKSHOP  
MEETING  
TUESDAY, FEBRUARY 11, 2014**

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

This meeting concerned the Right-To-Know Law as well as related items such as requirements for minutes, ethics, etc.

**In Attendance City Council & Administration**

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

**Absent**

Councilor Cournoyer

**In Attendance School Board & Administration**

Superintendent Dr. Compton, Chair Tamara Feener, Member Ed Cogan, Member Peter Heath, Member Chad Carey, Member Timothy Dow, Member Robert A. Warner, Member Kathleen Russo, and Vice Chair Gregory Husband.

**Absent**

Member Angela Carey

Mayor Merrifield turned the meeting over to Attorney Paul Fitzgerald and Attorney Allison Ambrose. Attorney Fitzgerald

distributed a packet to everyone concerning Right-To-Know Law Materials, Section 1 The Law and Section 2 Attorney General's Memo.

Attorney Fitzgerald thanked everyone for coming and commented that the Right-To-Know Law is constantly changing and the Law applies to almost everything. He discussed what constitutes a quorum which is a simple majority and thus constitutes a meeting whether via email, telephone or in person. The question was asked if you are in a meeting and leave prior to the vote on an item, is it acceptable for that person to call and give his/her vote via telephone. Attorney Fitzgerald responded that would be up to the Mayor or Chair and if deemed as justified reason or need or leaving the meeting, it would be acceptable to allow the vote via telephone. Exceptions that would not be considered meetings would be negotiations with regard to collective bargaining; consulting with legal counsel; and if attending a social function or a chance meeting would not be considered a meeting. Also a non-public does not fall under the right-to-know and legal counsel does not have to be in attendance.

Non-Public Sessions would be to discuss personnel issues, the possible hiring of someone, things if discussed in public might hurt the reputation of someone; the possible sale or purchase of property; claims or litigation. To seal the minutes of a non-public meeting, 2/3 of the council or board must be in agreement to seal them and there is usually a policy that they will be sealed for so many years.

Attorney Ambrose distributed a printout titled New Hampshire's Right to Know Law, Electronic Meeting and Communications.

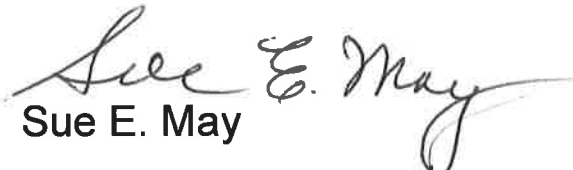


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Both this printout and the 71 page packet distributed by Attorney Fitzgerald will be attached to these minutes once approved by the City Council.

***Motion to adjourn made by School Board Chair Tamara Feener, seconded by Councilor Dzujna. All in favor; meeting adjourned at 7:40 p.m.***

Respectfully submitted,

  
Sue E. May