

**CITY COUNCIL MEETING  
APRIL 7, 2014**

**Call to Order**

Mayor Merrifield called the meeting to order at 6:00 p.m. Salute to the Flag was said.

**In Attendance**

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

**Absent**

Councilor Desrochers

**Public Hearing**

**Resolution #09-14** – This resolution appropriates an amount from the Turcotte Trust Fund not to exceed \$17,700 for the purpose of purchasing technical rescue equipment for the Fire Department.

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

**Comments from the Public**

Mrs. Christine Dzujna representing the Franklin Animal Shelter advised that their next event is going to be a 5K Run and Walk on May 25<sup>th</sup> and starts at Paul Smith School and she handed out flyers about the event. Mrs. Dzujna also commented on behalf of Mrs. Weaver and herself she thanked all those who have been participating in the many programs that have taken place with the second grade class at Paul Smith. She thanked the Mayor for participating in the Olympics and reading, as well as Councilor Dzujna and Chief of Police Goldstein. She stated today they read a book about a king and how you celebrate a king and we had explained that we don't have a king here in the United States but we have a President and all the students then responded that we have a Mayor and Sheriff.

Mr. Todd Workman addressed the Mayor and Council concerning the former Antique Market which he has acquired and has been meeting with different people in the community to figure out the best way to redeploy the building in a manner that will help jump start and put the downtown back where it needs to be. Through discussions it has come to the conclusion that we need a mixed use occupation that brings us people during all times of the day and the evening. He stated they would like to put a restaurant on the first floor of the antique market, but it would be a dual purpose restaurant; the middle floor would be a co-working center for people that have outgrown their home office and the third floor would be an upscale housing arrangement which would be two bedroom apartments. He stated he would like to suggest to the City Council and anyone else at large that they work with us to be able to offer the incentive to bring this project forth. They would like to exercise RSA -79e for a maximum of 5 years and would like to discuss with the City an alternative arrangement concerning the parking lot behind the building and he advised as time goes by he will be working with Choose Franklin and Director of Planning Dick Lewis on other measures.

Resident Jen Gaudette expressed her concerns about the raising of her taxes and the lack of funds the School District has to work with. She stated the schools in Franklin are below standard and she stated she doesn't understand why the City had to purchase a new police car that had only 120,000 miles on it when they can last beyond 300,000 if proper maintenance is done.

### **Legislative Comments**

Representative Webb commented on Bill SB-363 which will be in front of his committee tomorrow which is a Senator Hosmer bill that concerns insurance for Wastewater Treatment for catastrophic events, and vandalism fire. Councilor Cournoyer requested that Representative Webb offer some information to the public concerning cuts that the State has done that makes it necessary for the City to cut in their budget. Representative Webb commented that for a number of years the State have cut revenue sharing, it went from 35% down to nothing for the

pension plan. Mayor Merrifield commented that last year the key was the loss of the Adequacy Aid and the enrollment dropped in the schools and the district lost approximately \$362,000 in State funding for education, and therefore, the City increased the amount they budgeted for the schools. If the Adequacy Aid had not been changed in 2011 ultimately Franklin would have received close to two million dollars more in funding. Representative Webb stated he has always felt that education should be No. 1.

### **City Council Acknowledgement**

Councilor Cournoyer recognized the two fallen firefighters in Boston and the 4 victims at Ford Hood for the second time.

### **Mayor's Update**

Mayor Merrifield announced that Christine Dzujna received the Sally Proctor Award from LRGHealthcare and we congratulate Christine on being the volunteer of the year. Mayor Merrifield stated he was asked to choose a Citizen of the Year for the Franklin Lodge of Elks and he advised he selected Kathy Fuller. Mayor Merrifield read a proclamation proclaiming the month of April, 2014 as Child Abuse Prevention Month.

### **Approval of Minutes**

***Motion made by Councilor Dzujna that the Franklin City Council approves the minutes of the March 3, 2014 City Council Meeting; motion seconded by Councilor Clarenbach.***

Councilor Feener pointed out that on Page 2 of the minutes under public comment it should read Paul Smith School and not Middle School.

***Minutes approved as corrected.***

**Ordinance #05-14** – this ordinance amends Chapter 61, Article I (Removal of Municipal Officials) and Article II (Defense and Indemnification)

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing for Monday, May 5, 2014 at 6:06 p.m. to consider adoption of Ordinance #05-14, a proposed Amendment to Chapter 61, Article I (Removal of Municipal Officials) and Article II (Defense and Indemnification) of the Franklin City Code. Motion seconded by Councilor Dzujna. All in favor of scheduling the public hearing.***

***Motion made by Councilor Feener and seconded by Councilor Clarenbach that Ordinance #05-14 be read in title only.***

Mayor Merrifield read into the record: ***Ordinance #05-14 an amendment to Chapter 61, Article I and Article II of the City Code.***

**Ordinance #06-14** – this ordinance deletes from Chapter 309-6 Smoking in designed areas of the City Code.

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Ordinance #06-14 for Monday, May 5, 2014 at 6:07 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Dzujna. Motion passes to schedule the public hearing, there was 1 no vote.***

Mayor Merrifield read Ordinance #06-14 into the record:

### **Ordinance 06-14**

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

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

**Be it ordained by the City Council of the City of Franklin that the following changes shall be initiated to Chapter 309, Community Center of the City Code:**

**~~309-6 Smoking in Designed Areas~~**

**~~Smoking in the Community Center is allowed in the designated areas only unless otherwise approved by the Franklin Fire Department, and, where allowed, suitable ashtrays or receptacles must be provided by the user.~~**

**Regulation 01-2014, Business Licenses**

***Motion made by Councilor Feener that the Franklin City Council adopts Regulation 01-2014 regarding the voluntary application for, and licensing of, new businesses in the City of Franklin. The City Council finds that this licensing process will provide important support for the local business community; motion seconded by Councilor Cournoyer.***

Councilor Barton asked if there is no fine, how is this enforced? Manager Dragon responded that was talked about in the Committee but this was not meant for enforcement purposes but a way to connect the dots between businesses that are coming to Franklin so we know that they are there. It is also to their advantage as their business will then be listed on the City's website as a new business in Franklin. Councilor Clarenbach commented he has a concern with the word License.

***Amendment to the motion made by Councilor Feener that the word License be struck and replaced with the word Registration, motion seconded by Councilor Boyd. All in favor, amendment passes.***

***Motion passes by a unanimous vote as amended.***

### **MetroCast Franchise Renewal Agreement**

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Monday, May 5, 2014 at 6:08 p.m. to consider the proposed Metrocast Franchise Renewal Agreement between the City of Franklin and Metrocast. Motion seconded by Councilor Dzujna.***

Manager Dragon inquired if the Council would like to have the Cable Attorney present for that public hearing. The Council indicated that would be good to have the Attorney at the hearing. Councilor Clarenbach clarified that Ms. Campbell stated there is 83 miles of cable serving 4,500 homes in Franklin and she further stated there are 2,600 to 2,7000 customers. Councilor Clarenbach commented does not believe Franklin has 4,500 homes and he does not understand how we could be servicing 4,500 homes and have only have 2,600 or 2,700 customers so there is some confusion in the numbers.

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

### **City's Emergency Operations Plan**

***Motion made by Councilor Dzujna that the Franklin City Council accept the 2014 Emergency Operations Plan as written; motion seconded by Councilor Starkweather. Motion carries by a unanimous vote.***

**Resolution #10-14** – this resolution concerns the acceptance and appropriation of a \$7,000 Working Dog Foundation Grant for the Franklin Police Department.

***Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Resolution #10-14 for Monday, May 5, 2014 at 6:08 p.m. in the Council Chambers, Franklin City Hall***

***2014 at 6:08 p.m. in the Council Chambers, Franklin City Hall City regarding a supplemental appropriation in the amount of \$7,000. Motion seconded by Councilor Cournoyer.***

Mayor Merrifield read Resolution #10-14 into the record:

**RESOLUTION #10-14**

**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 Police Department has been awarded a 10% matching grant in the amount of \$7,000 through the Working Dog Foundation for the purchase of a K9 officer, and;**

**WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that matching funds have already been raised through efforts of the Mayor's Drug Task Force and others and recorded through the appropriated contingent grant line, and;**

**WHEREAS, the City Council of the City of Franklin wishes to accept and appropriate the aforementioned Working Dog Foundation grant,  
Now**

**THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, May 5, 2014 the City Council of the City of Franklin, New Hampshire does hereby accept the Working Dog Foundation grant through the New Hampshire Police K9 Academy,**

**authorizes the City Manager to execute all grant documents and adopt resolution 10-14 authorizing an increase in FY14 revenues:**

**Police Grants Acct No. 01-2-103-33111-000 – Seven Thousand Dollars (\$7,000),**

**And an increase in expenditure account,**

**Police Other Services Acct. No. 01-2-103-40439-000 – Seven Thousand Dollars (\$7,000),**

**By a roll call vote.**

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

### **Other Business**

### **Committee Reports**

Councilor Dzujna advised that two weeks ago a Liaison Committee took place and there was discussion on the Vocational Program and Junior Achievement. At the meeting a date of June 24<sup>th</sup>, at 6:00 p.m. in the Council Chambers was set for the Joint Meeting of the School Board and the City Council.

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

City Manager Dragon advised in the Contingency Grant Line the City received \$15,000 for the Bessie Rowell Community Center Playground from Children's Auction; \$200 for the Book Club from the Historical Society, \$50 for Basketball Grant from the Hersom Family and \$198.38 from Operation Safe Commute Grant.

The Bow Wow Ball is scheduled for May 17<sup>th</sup>, 5 pm at the Mojalaki Gold Course and tickets will be available at the Police Department, City Hall as



well as several leadership members. This will be an annual event to sustain the K-9 program at the Police Department.

Manager Dragon advised that quite a bit of work has been done here at City Hall. When Planning/Zoning and Assessing moved to the Proulx Center and that vacant area was cleaned up. That area was cleaned up

and there were a number of file cabinets in the GAR Hall and that was cleaned up. City Manager Dragon stated that Brian Barry and his crew have been doing a fabulous job on all the work in City Hall and saving the City a ton of money. The Mayor has a desk now in the GAR Hall and is able to meet with the public and not be interrupted. The area where Planning/Zoning and Assessing were located is now an area City staff can sit down and eat lunch as well as a table where department head meetings can be held. The lower level of City Hall has been cleaned up, barrels of clutter have been removed and the meeting space has been opened up. The other side of the lower level has been opened up and is being prepared for Finance.

City Manager Dragon proposed April 21<sup>st</sup> as a no numbers budget meeting and April 28<sup>th</sup> to submit the Manager's budget to the City Council. This year there will be no sub-committee meetings but will begin right off with meetings with the City Council.

Manager Dragon advised she has requested Parks/Rec Director to put some figures together for the 2015 budget concerning expanding use of the Proulx Center gym during the months it is not used for basketball as requests have been received to use the gym beyond the time that the City Council approved.

### **Zoning Board Appointment**

***Motion made by Councilor Dzujna that the Franklin City Council nominates Michael Joseph Weatherbee as an Alternate on the Zoning Board, Term of Service to January, 2016. Vote: 5 yes 2 no  
Nomination passes.***

**Late Item**

**Time Change in City Clerk/Tax Collector Office**

***Motion made by Councilor Feener that the Franklin City Council approves a change in the time that the City Clerk/Tax Collector Office***

***is open to the public from 8:15 a.m. – 5:00 p.m. Monday – Friday. Motion seconded by Councilor Starkweather. All in favor, new hours are approved.***

**Non-Public**

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

***Roll Call:***

***Councilor Cournoyer – Yes  
Councilor Barton – Yes  
Councilor Feener – Yes  
Councilor Starkweather – Yes***

***Councilor Dzujna – Yes  
Councilor Clarenbach – Yes  
Councilor Boyd – Yes  
Councilor Giunta – Yes***

***All in favor, a 5-minute break was taken and the Council entered into non-public at 8:25 p.m. Council came out of non-public at 8:45 p.m. and the following motion was made:***

***Motion made by Councilor Feener that the Franklin City Council seal the minutes of the non-public session because releasing them would make the action taken ineffectual, motion seconded by Councilor Starkweather.***

**Roll Call:**

**Councilor Cournoyer – Yes  
Councilor Barton – Yes  
Councilor Feener – Yes  
Councilor Starkweather – Yes**

**Councilor Dzujna – Yes  
Councilor Clarenbach – Yes  
Councilor Boyd – Yes  
Councilor Giunta – Yes**

**All in favor, minutes will be sealed.**

**Motion made by Councilor Feener that the Franklin City Council enters into non-public session under RSA 91-A:3 II c, Matters which would affect someone's reputation if made public by a roll call vote. Motion seconded by Councilor Dzujna.**

**Roll Call:**

**Councilor Cournoyer – Yes  
Councilor Barton – Yes  
Councilor Feener – Yes  
Councilor Starkweather – Yes**

**Councilor Dzujna – Yes  
Councilor Clarenbach – Yes  
Councilor Boyd – Yes  
Councilor Giunta – Yes**

**All in favor, the Council entered into non-public at 8:50 p.m. Council came out of non-public at 9:00 p.m. and the following motion was made:**

**Motion made by Councilor Feener that the Franklin City Council seal the minutes of the non-public session by a roll call vote because releasing them would make the action taken ineffectual, motion seconded by Councilor Giunta.**

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***Roll Call:***

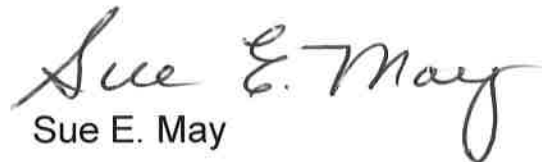
***Councilor Cournoyer – Yes  
Councilor Barton – Yes  
Councilor Feener – Yes  
Councilor Starkweather – Yes***

***Councilor Dzujna – Yes  
Councilor Clarenbach – Yes  
Councilor Boyd – Yes  
Councilor Giunta – Yes***

***All in favor, minutes will be sealed.***

***Motion made by Councilor Clarenbach and seconded by Councilor Boyd to adjourn. All in favor, meeting adjourned at 9:05 p.m.***

Respectfully submitted,

  
Sue E. May