

**CITY COUNCIL MEETING**  
**AGENDA ITEM I**



CITY OF FRANKLIN  
COUNCIL AGENDA REPORT

*August 3, 2015 City Council Meeting*

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**Subject: Approval of Minutes**

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**Motion: "I move that the Franklin City Council approves the minutes of the July 6<sup>th</sup>, 2015 City Council Meeting."**

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

**CITY COUNCIL MEETING  
JULY 6, 2015**

**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 led by Councilor Wells.

**In Attendance**

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

**Public Hearings**

**Community Development Block Grant Project – Three consecutive hearings:**

**Note: Informational Packets were available prior to hearings.**

**Proposed Riverbend Mill into Affordable Housing**

Mayor Merrifield read the following: Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development projects, up to \$500,000 for public facility and housing projects, and up to \$350,000 for emergency activities. Up to \$12,000 is available per planning study grant. All projects must directly benefit a majority of low and moderate income persons.

This is a proposed application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds. The City will retain up to \$25,000 for administrative costs. The remaining funds, up to \$475,000 will be sub-granted to CATCH Neighborhood Housing, or other entity to be named, for acquisition of and/or renovations to, the Riverbend Mill property, 100 Memorial Street in Franklin. CATCH proposes converting the vacant building into approximately 45 units of affordable housing.

This project conforms to Franklin's Housing and Community Development Plan's goal of addressing issues of affordable housing, encouraging safe, decent, attractive, and affordable housing for all segments of the population, with focus on the

increasing elderly population; and protecting historically significant buildings as well as promoting rehabilitation and preservation of historically significant buildings.

The funding request is for up to \$500,000.

Mayor Merrifield opened the public hearing. Resident Annette Andreozzi, stated since this project has not gone through the Heritage Commission or Planning Board what happens if CATCH would decide not to do the project for some reason and how does that affect the City with the grant. Ms. Donna Lane, CDBG Consultant responded that the grant will be based on receiving all proper approvals. Resident Clayton Gassett commented it was his understanding that Franklin had more than enough low and moderate income rentals and he stated he does not think this will rejuvenate the downtown.

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

### **Housing and Community Development Plan**

Mayor Merrifield advised that this project conforms to Franklin's Housing and Community Development Plan's goal of addressing issues of affordable housing and to protect historically significant buildings (long and short term goals)

Mayor Merrifield opened the public hearing. Ms. Donna Lane advised that the plan has not changed since the City adopted it. No one else came forth to speak; the public hearing was closed.

### **Residential Anti-Displacement and Relocation Assistance Plan**

If the City undertakes a CDBG project which involves displacement or relocation, they would follow this plan as required by the Uniform Relocation Act. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

Mayor Merrifield opened the public hearing. Ms. Donna Lane explained that this is a plan that has to be adopted each time to apply for CDBG grants and if there is a circumstance we would deal with it with Community Development Finance Authority to determine who is considered a tenant and who is considered more ownership. Resident Mr. Therrien asked can you come in and take property from

anyone in the City. Mayor Merrifield responded no, that is not the case. No one else came forth to speak; the public hearing was closed.

**Resolution #01-16** – this resolution relates to the approval of the FY16 Budget for the City of Franklin

Resident Gassett inquired if there is any money in the budget for road construction, not patch and repair but major work. Manager Dragon stated there is some money in the budget for roads, not full depth construction but construction in different areas as well as some money in the current budget and the Municipal Services Committee held a meeting wherein it was discussed to put together a packet to do some additional road work and are considering bonding or taking funds out of capital reserve. Councilor Desrochers commented that at the last MSD meeting there was a discussion on Chance Pond Road to Carr Street and Webster Lake Avenue and taking them back to dirt.

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

**Ordinance #01-16** – this ordinance concerns Chapter 160 Fees of the Municipal Code with reference to Ambulance Fees and Water/Sewer Late Fees. Mayor Merrifield opened the public hearing.

Resident Therrien spoke against the water/sewer late fees stating the residents are already paying 18% if they are late and stated this is just another tax.

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

**Ordinance #02-16** – this ordinance increases the water commodity charge for \$4.76 per 100 cubic feet to \$5.81 per 100 cubic feet. Mayor Merrifield opened the public hearing.

Resident Mr. Therrien stated he is totally against the rate increase. Resident Ms. Jackson spoke against the rate increase and stated she spoke a couple months ago and spoke against the \$10 quarterly availability charge and now another 22% increase hike is being proposed. She asked what the money is going for this time. Director of Municipal Services Sullivan responded last year the Council deferred and went to retained earnings to avoid a rate increase. Director Sullivan stated the City has a very large system that is aging, covers a very large area and has a limited

customer base. Costs have escalated with reference to energy, regulatory requirements, personnel related and the running of a water treatment facility which was 50% funded through a Federal Grant. He stated the Water Treatment Plant was a necessity otherwise the City would have lost the entire water distribution system within 50 years due to iron/manganese. 181 samples of the water are done each year which requires people and money. There were 7 water breaks and 58 freeze ups at the curb stops this year, some of the stops were on the City side and some on the resident's side. Director Sullivan also advised that there are recurring failures to the wells. The Acme II Well has been rehab 4 times and the last time it was worked on was three years ago and it had gone down to 250 gallons per minute and last summer it required work again. This well needs to be relocated. Acme I Well is pretty much the same story and the screen was decaying. Franklin Falls well is pulling up rocks, which is a major well for the City. Sanbornton Well field also needs points replaced. There are still about 400 water meters to be replaced in the City. The City has 5 water tanks, 4 well fields, 4 pressure zones and 52 miles of pipe line with only 2,300 customers supporting that amount of infrastructure. Pump replacements is an ongoing issue as they don't last forever. Director Sullivan advised that he has prepared a document on the Water System and it is now on the City's website and he encouraged everyone to read it. This system was built in 1892 and has since been added on to. Director Sullivan pointed out that when he came to work for the City in 2003, the City had not done a rate increase in 14 years. In 2004, 2005 and for the Treatment Plant in 2007 rate increases were done and then one last year. If this proposed rate increases is approved, it would be the 5<sup>th</sup> rate increase in 27 years. Director Sullivan stated he just received a report from DES which has not been published yet concerning rates and out of about 50 communities, Franklin is a little above average in terms of rates. He stated if the City invests in the system we lessen the chances of problems. He also reminded everyone that the water system provides fire protection and without adequate water pressure the 360 hydrants in the City would be ineffective.

Resident Leigh Webb commented that he knows that if Director Sullivan states the City needs to increase the water rate, then the rate increase is definitely needed if not overdue. People who are not on the water system and have fire hydrants are getting a real benefit and also when a house is purchased the insurance company will always ask where the closest hydrant is and this can have a bearing on the insurance rate.

Councilor Boyd commented that we have a huge water tank that needs to be repaired and if the City does not repair it what would be the cost to repair it. Director Sullivan responded about 1.2 to 1.8 million dollars to replace a tank.

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

### **Comments from the Public**

Resident Leigh Webb inquired if the Open Enrollment for the Franklin School District that was approved could be re-evaluated. He stated his concern is preventing students from the Franklin district not being allowed to leave and go to another district. He would like to see that part revisited. Mayor Merrifield responded that would be something that would need to be answered by legal counsel but the action the Council took was at the direction of the school department and their legal counsel.

Mr. Therrien inquired why didn't the City try to cancel the project over in West Franklin where the City has to dig up a 12 inch water main just because the State wants it relocated and use that money for some projects in the City. City Manager Dragon responded those are federally earmarked dollars the City would not have the ability to redirect that with the State and would have to go through a Federal process. That money has actually been earmarked for approximately 10 years and is not State or local monies but Federal funds.

Mrs. Annette Andreozzi commented about the proposed trail lease for the vacant land on Central Street stating she thinks it is a good idea and that it is a good idea to have a trail use but everyone should be careful about collecting the correct information so an intelligent decision can be made and she understands this has not gone through the Planning Board. She further stated her other concern is for abutters and whether they would be affected.

Mrs. Janet Desrochers expressed her concern that smoking continues to take place on Griffin Beach and she also requested an update on the signs for Liberty/Freedom as well as an update on the parking lot issue. Director Sullivan stated at the MSD Committee meeting it was agreed that stop signs should not be put on Liberty Avenue because of the grade going up and down the hill. Stop Ahead signs will be placed on Freedom drive shortly. City Manager Dragon advised that tomorrow night (July 7<sup>th</sup>) the City Council will meet to discuss a proposal for the downtown which

will involve a change in parking up at the Courthouse and overnight parking near the Courthouse has been discussed in the past and there are 16 spaces involved and is part of a potential renovation of the two buildings located on the corner of the street. A larger possible project for other building renovation in the downtown area will also be discussed but the main conversation will be concerning the parking and scheduling a public hearing which would be held at the August Council Meeting.

Councilor Feener expressed thoughts as to what it might cost to put a camera up at the intersection of Liberty and Freedom and if someone runs the stop sign then they would receive a ticket. Councilor Feener also asked concerning the Smoking Ordinance, do we allow smoking in the parks and was informed no.

Mrs. Tam Feener commented that they are still having power outages on Evergreen Avenue. Mrs. Feener wanted to make it very clear it is not just Evergreen Avenue it is the entire area up that way. Manager Dragon advised that a letter be written to Eversource concerning these outages and that she will copy Mrs. Feener on the letter. Councilor Boyd stated the letter should be from the entire Council.

### **Choose Franklin**

Councilor Dzujna stated in May they had voting for new Co-Chairs and those elected were Jo Brown and George Dzujna and also added Karen Darling and are looking for a secretary. Community Day was terrific, there were 90 vendors and approximately 850 people attended. He thanked LRGH and Franklin Savings Bank for being sponsors. Their meeting in August they will have the new Superintendent attend to introduce him to everyone. Councilor Dzujna stated they have approximately 15 young people that have approached him wanting to do projects in Franklin and Director Sullivan offered a list of things that could be done. There is a project that will be underway of placing 5 benches downtown and those benches will be donated and will be monitored. Mayor Merrifield inquired about Odell After Dark and was informed a date has not yet been set for that.

### **City Council Acknowledgements**

Councilor Feener recognized Ralph and Joe's for handing out ices and water during the Class Day Parade. Councilor Dzujna expressed his appreciation to the outgoing superintendent Bob McKenney and it was a pleasure to observe all that he did and how he just pulled the School together. Councilor Boyd commented we have a great



Municipal Services Director in Brian Sullivan, a great City Manager in Elizabeth Dragon and all the great things the Fire and Police Department do. He stated the Municipal Services Department is very complex and our Director Sullivan keeps up with everything and is extremely knowledgeable and he care about it.

### **Mayor's Update**

Mayor Merrifield shared the following correspondence date June 8<sup>th</sup>. "Dear Mayor and City Council and City Manager Dragon, On behalf of CATCH Neighborhood Housing please accept our sincere thanks for the wonderful reception that Katie Foley and I received at your June 1<sup>st</sup> meeting. We view the redevelopment of the Riverbend Mill not only as a redevelopment project but more importantly as you so eloquently put it Mr. Mayor as the rebirth of Franklin. Rest assured we will do everything within our power to insure that the City of Franklin becomes a shining example of community revitalization. Thank you again for your support; we look forward to working with you on what we know will be a successful development. Sincerely, Rosemary and Katie

### **Approval of Minutes**

***Motion made by Councilor Feener that the Franklin City Council approves the minutes of the May 21, June 4, June 9, 2015 Budget Workshop Meetings and the June 1, 2015 City Council Meeting. Motion seconded by Councilor Desrochers. All in favor; minutes approved.***

### **School Board Report**

School Board Chair Tam Feener advised the graduation ceremonies for the High School, Middle School and Adult Education all went very well. Because of the weather the graduation ceremony for the High School was moved to the Middle School Gym and she expressed thanks to the City employees who helped direct traffic and reduced much confusion. Scholarship awards totaled \$68,000. The 91<sup>st</sup> Class Day Parade was a huge success. The Liaison Committee will meet July 21<sup>st</sup> at 6:00 pm in City Hall.

Mr. Bob Lucas reported that the School Board Scholarship goal was to raise \$500 to be able to award one scholarship and that was accomplished.

**Proposed Project for the Riverbend Mill; Community Development Block Grant Funds through the New Hampshire Community Development Finance Authority**

Councilor Giunta advised that he works for Novis Engineering and we are proud to have CATCH as one of their client so Councilor Giunta recused himself from voting on this project.

***Motion made by Councilor Feener that the Franklin City Council adopts the Housing and Community Development Plan, motion seconded by Councilor Dzujna.***

Councilor Desrochers inquired as to what percent of this project will be low income and what percent will be moderate income. Katie Foley with CATCH advised that 20% of the building will be for people making 50% or less of the medium income and the remaining 80% will be geared towards making 60% or less of the medium income. Councilor Dzujna asked what the 20% low income in numbers would be and the medium income number. He was advised the low would be approximately \$28,500/yr. and the medium would be \$35,000/yr. He also asked if the rates would be above Section 8 Housing. Ms. Foley stated they do not go by Section 8. Councilor Dzujna asked if they have a Section 8 Voucher, would they be eligible and Ms. Foley stated yes most likely. Councilor Boyd commented he thinks this is a great project. Councilor Feener stated he talked with people in Plymouth who stated have this project near the park is great.

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

***Motion made by Councilor Feener that the Franklin City Council adopts the Anti-Displacement and Relocation Assistance Plan. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

***Motion made by Councilor Feener that the Franklin City Council approves the submittal of the application and votes to authorize the City Manager to sign and submit the application, and upon approval of the CDBG application the City Manager to execute any documents which may be necessary to effectuate the CDBG contract. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

**Resolution #01-16 – Appropriations and Estimated Revenues for FY2016**

***Motion made by Councilor Dzujna that the Franklin City Council adopts Resolution #01-16 by a roll call vote. Motion seconded by Councilor Feener.***

Councilor Clarenbach stated he has no amendment but the Municipal Services Committee is concerned about the \$60,000 in this budget for capital and that at some point this year should be dedicated to road improvements. Councilor Feener offered kudos to the City Manager and the School for working together and bring this budget together.

***Roll Call Vote:***

***Councilor Barton – Yes***

***Councilor Boyd – Yes***

***Councilor Clarenbach – Yes***

***Councilor Desrochers – Yes***

***Councilor Dzujna – Yes***

***Councilor Feener – Yes***

***Councilor Giunta – Yes***

***Councilor Starkweather – Yes***

***Councilor Wells – Yes***

***All in favor; Resolution #01-16 is approved.***

**Ordinance #01-16 – ordinance relating to Ambulance Fees and Water/Sewer Late Fee**

***Motion made by Councilor Desrochers that the Franklin City Council adopts Ordinance #01-16 by a roll call vote. Motion seconded by Councilor Feener.***

***Roll Call Vote:***

***Councilor Barton – Yes***

***Councilor Boyd – Yes***

***Councilor Clarenbach – Yes***

***Councilor Desrochers – Yes***

***Councilor Dzujna – Yes***

***Councilor Feener – Yes***

***Councilor Giunta – Yes***

***Councilor Starkweather – Yes***

***Councilor Wells – Yes***

***All in favor; Ordinance #01-16 is approved***

**Ordinance #02-16- this ordinance concerns a water commodity charge per 100 cubic feet from \$4.76 to \$5.81**

***Motion made by Councilor Dzujna that the Franklin City Council adopts Ordinance #02-16 by a roll call vote. Motion seconded by Councilor Clarenbach.***

Councilor Desrochers stated in the last 8 months there have been 4 increases and we are not getting anymore. The increases for a family of 4 represents approximately an increase of \$180.00. Councilor Desrochers proposed that the \$47,600 in cell tower funds be transferred to the Water Department where it belongs as the tower is a water tower. He also suggested that there be a 1% or 2% water rate increase per year beginning with the FY17 budget.

***Motion made by Councilor Desrochers that the consideration of Ordinance #01-16 be tabled until a way to bring about the 1% to 2% water increase and transferring the \$47,600 to the Water Department. There was no second to the motion.***

Councilor Clarenbach stated no one likes the idea of the water increase, no one enjoys doing this; however, the challenge is the City is experiencing reduced usage and when you have fixed costs and less usage that is what you charge off of so you don't have any economy of scale. Councilor Starkweather asked what the ramifications would be if the Council did not pass this rate increase. Manager Dragon stated she had a conversation with Director Milner and the concern is the funds have been raided from the water retained earnings fund in the past and it is now at a uncomfortable level and if things happen and we don't build the retained earnings back up we could go into a deficit.

***Roll Call Vote:***

***Councilor Barton – Yes***

***Councilor Boyd – Yes***

***Councilor Clarenbach – Yes***

***Councilor Desrochers – No***

***Councilor Dzujna – Yes***

***Councilor Feener – Yes***

***Councilor Giunta – Yes***

***Councilor Starkweather – Yes***

***Councilor Wells – Yes***

***Ordinance #02-16 is approved.***

**Temporary Trail Lease Agreement for 425 Central Street (Vacant Lot)**

Manager Dragon advised that she has placed before the Council a revised draft of the Agreement which has been reviewed by City Attorney Fitzgerald. In summary the vacant lot near Shop Express on Central Street has been looked at by her and Brian Baxter as a space to sell ice cream and she thought it might bring more people to the downtown area. The agreement being considered is a trial lease. The truck is run by its own electricity and is self-sufficient. Two changes that are not on the revised copy is under No. 2 Nature of Relationship – Manager Dragon recommended that the language be changed to read “and or suspended until corrected for any violations of the contract.” The other issue is if someone is standing in line and the clock turns 9:00 pm sorry you can’t be serviced. On

Page 2 of the agreement where it states serving until 9:00 PM the following would be added: or last person served which addresses that last person in line. Summer employment may tie in with this project and can possibly some Franklin young people, through the FYI, could be hired. Councilor Wells questioned about fresh water and gray water. Mr. Baxter stated the truck is self-contained with hand wash and rinse and sanitizing. The water is potable on the truck and is also contained on the truck as well. So it will be disposed of off-site.

We would like to see how he does and strengthen the language in the future.

***Motion made by Councilor Feener that the Franklin City Council approves the proposed license with BB’s Scoops Ice Cream to utilize the City property at 425 Central Street, agreement to include the changes/additions discussed. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

**Granting the Municipal Services Director Pre-Award Authorization for Proprietary Services**

***Motion made by Councilor Clarenbach that the Franklin City Council, pursuant to Article III, Section 4-15, B(3) and Article III, Section 4-15, E(1) of the Franklin City Code, grant pre-award authorization to the Municipal Services Director to contract, for two-year terms, with the following service providers:***

***E.J. Prescott Company, Concord, NH  
Barrie Miller Well and Pump Company, Antrim, NH  
Electrical Installations, Inc., Moultonborough, NH  
Robert Filters, Inc., Media, PA  
Cintas Corporations, Bow, NH***

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

**Committee Reports** – Councilor Clarenbach advised the MSD Committee met last week and are trying to find some way to fund a repair program for the roads. There is some money in the budget for patch and fix, but they are looking for something more substantive. Councilor Dzujna advised the Liaison Committee will meet July 21<sup>st</sup> at 6:00 pm. Councilor Dzujna stated the new Superintendent will be present.

**City Manager's Update** –

Manager Dragon advised \$95.38 was received in the contingency grant line from Operation Safe Commute; \$650.40 from Join the NH Clique and \$356.00 donations for K9 Officer Max.

Manager Dragon advised the Lake Shore Drive Reconstruction has been rescheduled by the State and will be advertised in February, 2016 from September 29, 2015. The moving of the date was due to uncertainty in funding. Project would start on Route 3a and continue westerly 1 mile to Rock Farm Road. The project is 8" of crushed stone over the existing pavement, with a one foot box cut under the existing pavement with 4" of top coat. So this is a substantial rebuild of that section of roadway. Some efforts by Senator Hosmer to try to get the project back to this year.

Manager Dragon advised the Planning Board has approved the site plan for the 7 solar projects throughout Franklin, which would make Franklin the largest Solar generator in NH. We have been working on this for months. On June 24<sup>th</sup> not only did the Planning Board approve the project but they also wanted to send a positive recommendation to the Council for these solar projects. Some projects will be on city land that will bring in substantial revenue to the City. She stated she had hoped to have the lease agreements ready this evening; however, they have not been finalized with the City Attorney and the Solar Project Attorney to come up with the agreeable language. We have purchased power agreements and are negotiating the best deal for the City and what that would look like for a 20-30 year lease. Solar projects are under a deadline for rebates and programs, and they are anxious to get the lease and power purchase agreements approved. Asked the Mayor to consider another special meeting in July for this topic once the issue are resolved.

**Reappointments to the Library Board of Trustees**

***Motion made by Councilor Feener that the Franklin City Council reappoints Christine Dzujna to the Library Board of Trustees. Term of Service to January, 2018. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

***Motion made by Councilor Feener that the City Council reappoints Stephanie Bendixsen to the Library Board of Trustees. Term of Service to January 2018. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

**Late Items**

***Motion made by Councilor Clarenbach that the Franklin City Council deed back 23 Thunder Road, Map/Lot 099-33-00 upon receipt of all back taxes, interest and penalties. Motion seconded by Councilor Starkweather. All in favor; motion passes.***

***Motion to adjourn made by Councilor Starkweather, seconded by Councilor Giunta. All in favor; meeting adjourned at 8:00 p.m.***

Respectfully submitted,

Sue E. May