

CITY COUNCIL MEETING

AGENDA ITEM I



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of September 8, 2015

Subject: Approval of Minutes

Motion: "I move that the Franklin City Council approves the minutes of the August 3rd, 2015 City Council Meeting."

Mayor calls for a second, discussion and the vote

Motion: "I move that the Franklin City Council approves the minutes of the August 24th, 2015 City Council Special Meeting."

Mayor calls for a second, discussion and the vote

City Council Meeting Minutes
August 3rd, 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 Desrochers.

In Attendance

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

Public Hearings

Relative to the establishment of the Franklin School District Withdrawal Planning Committee to study the feasibility and advisability of the Franklin School District's withdrawal from School Administrative District #18.

Mayor Merrifield asked a member of the school to explain what the public is being asked to comment on. School Board Chair Tamara Feener and new Superintendent Daniel Gallo were present. Superintendent Gallo stated they are asking to form a committee and for the council to approve the formation of the committee to see if Franklin wants to withdraw from the SAU 18 with Hill and form its own SAU. The Mayor indicated the council is not being asked to act on this tonight and are just being asked to get feedback from the public. Superintendent Gallo stated that was correct and at the next meeting or a special meeting the Council would vote to approve or not approve the withdrawal.

Leigh Webb had some questions, which consisted of:

1. If withdrawing from SAU18 and Hill is withdrawing as well, then does the SAU18 cease to exist?
2. What would happen to the Franklin District if we are a district by ourselves?
3. How would this committee be comprised? Who chooses the committee members and what are the guidelines for choosing?

Mayor Merrifield stated most of the answers to these questions are explained in RSA 194-c. Mr. Webb was wondering if the Mayor or someone could explain as the public is here, and if the Council could highlight the answers so the public doesn't have to look up the RSA.

Mayor Merrifield stated the school board makes two appointments and the Governing body selects either 4 or 5, depending on whether it is a town or city. Tam Feener stated the Council

chooses five. Mr. Webb asked if there was a total of seven on the committee and Mrs. Feener stated that was correct. Mr. Webb asked what the criteria for qualifications were to be appointed to the committee and Mrs. Feener stated that they would be Franklin resident's appointed by the Council. Mrs. Feener stated Franklin would still be SAU18. Mr. Webb stated he would be happy to oblige if they are looking for members.

Representative Werner Horn heard about the decision to withdraw from the SAU. He stated he believes the timing on this may be because of bruised egos rather than the desire to be more cost effective. No one knows how cost efficient this process will be until the committee looks into it. He stated his concern is that Hill and Franklin has always had a deep tie to each other and Hill is engaged in a big experiment. Their experiment is seeing whether or not they will be satisfied moving their students to a new district. Franklin's response has been admirable to set up open enrollment that hopefully will allow Hill residents to choose Franklin for their children if they need to. If the Newfound experiment fails and they should be able to tell this in five years then if Franklin has dissolved the SAU, removing the ties to the community, it will make it harder to re-establish those ties. He stated that for this reason he is not in agreement and hopes the City Council understands the importance of keeping close ties with Hill and doesn't allow this.

Annette Andreozzi stated that she works a different municipality that has many problems in their school system area because they have their high school in a different municipality. She stated small communities have less money and thus less options. She stated she believes schooling children close to home is important, but understands that with larger schools there is more money and thus more technology which generates more opportunities. She is not sure if it turns out better students; but there are more choices when there is more money. She stated monetarily you cannot have a class for just 6 students and the smaller the SAU the smaller the opportunities and the council should think about that before a lot of effort is spent to make the SAU smaller.

There was no further public comment on this item.

Ordinance #03-16 – This ordinance concerns Chapter 284, Vehicles and Traffic, concerning overnight parking spaces for 321 & 325 Central Street.

Mayor Merrifield stated that this is designating fourteen (14) spaces for these two addresses.

There was no public comment.

Comments from the Public

Mayor Merrifield indicated that persons wishing to address the Council may speak for a maximum of three minutes. No more than thirty minutes will be devoted to public commentary.

Representative Horn indicated that he would like to express concerns about the traffic flow heading east on Central Street, in the area of Cumberland Farms. He stated that there is currently a passing lane at this location, and if a large vehicle is turning it is hard for persons existing Cumberland Farms and River Street to see a vehicle passing it in the passing lane or the person passing the vehicle to see vehicles exiting these locations or persons crossing in the crosswalks. He stated that he has witnessed two collisions in this area. He requested that the City Council look at changing how the street functions and removing the turning lane to make the intersection safer.

Judy Tilton stated that she represents the Compass Classical Academy, which is a charter school that will be guests in Franklin, at the former St. Mary's school. She stated they will open in September that it is the 24th Charter School in the state and Franklin had the first some years ago. She stated their curriculum is based upon classical education. She then handed out paperwork to the Council and stated they wanted to introduce themselves and let the city know they will be here for a while.

Annette Andreozzi stated that many months ago the City Council voted to enforce the property code in downtown, to help with buildings that not only looked poorly but were also causing a safety concern. As she recalled, the Council stated it was inexpedient and economically not possible to attack all fronts at once, so they were going to approach the most obvious building which she believes to be the Buell Block. She stated that she has not heard if this has moved on and stated that the Syndicate Block is the one that is right next to City Hall. There have been many health issues due to leaks that originated on the upper levels and have leaked to the lower levels, draining into the walls and filled up the basement with water. The water, the air and the mold are very problematic, and the landlords have not been cooperative in taking care of this. The building also is not attractive from the street front. But the health concerns should be dealt with and she wanted to know what the city is going to do and what the plan is for moving on and taking care of these other buildings and doing what is necessary, even if it means going to court. Manager Dragon stated that she cannot give a specific answer to that, but Code Enforcement has worked out an agreement with the property owner of the Buell Building, and this is a success story for the city and the owner. Since this time, they have looked at instituting a new code enforcement tool, as far as making the process easier as far as garbage and debris that can be quickly addressed. Tomorrow there is a meeting with Judge Gordon, the Fire Department and Code Enforcement on bringing that process into reality. She stated they wouldn't have been able to do this if the law hadn't recently changed. It is basically creating a ticket or a summons, so they are looking at that, how it exists, and how to incorporate that and what the Judge would think about that. Code Enforcement is ongoing throughout the city and priorities tend to shift, but that is where the City is at currently.

A gentleman was present that was concerned about the safety of those walking on the sidewalks with bicycles, skateboards and roller skates on the sidewalks. He stated more signage is needed to let people know this isn't allowed. Currently there are signs only at each end of downtown. He stated he has been hit a few times by bicycles.

Tamara Feener was wondering if anything has been heard back on the letter that was sent to the Public Utilities Commission. City Manager Dragon stated that the only response back was a letter indicating it was received and they would get back to us with a response, but nothing further has been received. She asked if a second letter would be sent as a follow-up and the City Manager indicated that she does; however, she feels that we will be hearing from them soon.

No further public comment.

City Council Acknowledgement

No comments from the Councilors at this time.

Mayor's Update

Mayor Merrifield stated he wanted to make two points this evening. He stated he has been approached again, on a number of occasions, from the folks from the Veteran's of Foreign Wars, expressing their concerns of the roadway conditions on Peabody Place. He stated he understands there are numerous roadways in Franklin that need attention. This one is such that when a parade leaves the VFW, there is grave concern for safety, as people are actually walking down Peabody Place and it is a short stretch of road that is of concern. He stated he wanted to bring this to the Council's attention as he promised to do, recognizing that the City has a lot of priorities.

Secondly, he has, since the last council meeting, been approached by a number of resident's about their concerns of City Councilors. He stated he thought this would give him the occasion to talk about our adopted Code of Ethics and Ethical Conduct of City Councilors. This document was supposed to be reviewed every three years, but it hasn't been done in a number of years. He stated he wanted to redistribute this, and asked that Councilor Feener, as the Chair of the Legislative Committee, if a markup could be done and a review of the document. He stated, as an observation, the Councilors are no better than anyone in the audience or anyone in the City, and we are temporary office holders. He added that the behavior of the Councilors reflects on the City as a whole much more than an ordinary citizens, thus he feels that it is proper for the Council to hold themselves to a higher standard. He stated it is worthy of the Council's reconsideration. We are selected by the people to reflect the City and need to be held to a higher standard. Councilor Feener stated that he will request that it be placed within an ordinance so that new councilors get a copy and the Mayor stated it should be reviewed by the council yearly.

Agenda Item I.

City Council to consider the minutes of the July 6, 2015 City Council Meeting.

Motion made by Councilor Desrochers that the Franklin City Council approves the minutes of the July 6th, 2015 City Council meeting. Motion seconded by Councilor Feener. All in favor; minutes approved.

Agenda Item II.

School Board Report

Chair of the School Board, Tamara Feener, stated that she gave the Council her packet, but stated that she wanted to yield her time to Laurence Gartel, who is a famous artist. He is going to be producing, and we have commissioned him to do, a NH Art Car and work with our students.

Laurence Gartel spoke about his long and successful career. He is considered the father of digital art for 40 years. Prior to the personal computer, he used analogue systems to create art. He indicated in 1985 he taught Andy Warhol to create art with the computer, to create the album cover for Debbie Harry. In 1989, his art replaced the Van Gogh Iris', after it sold for \$53 million dollars, at the Joan Whitney Payson Museum. He stated he uses impressionism with electronic art. He stated he was also on the cover of the Forbes magazine. In 1991 he created the art for the Absolute Vodka campaign. In 1992, he went around the world with the first digital camera and photographed the Masters golf tournament.

He stated he is here as he met Marcia McAffrey, the education arts person for NH, and was at the National Core Curriculum arts, and he had been asked to implement digital art into the school system Nationally. He was the feature of the New York Auto Show, with a larger pavilion than General Motors, in 2013, with arts cars. Tesla asked him to produce the first art car, which is where you take imagery, put it on vinyl and adhere it to a car. These could be fine art, an advertisement or anything you wanted it to be. He stated he has done 39 cars in the last five years. He stated he was contacted by Mrs. Feener, to do the first community art car in the United States. He stated they will work with students and the public, for submission of imagery that is near and dear to their heart.

He just left the Newport Jazz festival. Overtime the Jazz festival has encouraged economic development and put the spot light on Newport.

Will foster knowledge in the students of Franklin, and allow them to take technological thinking and put it into the car. He stated that this project can put Franklin on the map a little bit more. If you can harvest growth in this area it is a good thing for everyone and the car can do that. The car is funded by sponsorship by companies and individuals. This could be an ongoing thing

every year, for this car or other cars, and it gets the community involved, where everyone can gather and be a part of it. It can be used at sporting events, proms, parades, and other school events or community events.

A location has donated the car, the week of the 8th would be the ribbon cutting, with an inaugural ride. Would offer sponsorships for those who want a ride. This would show the area is open minded and technology based.

School Board Chair Tam Feener asked if the council would be willing to take a five minute break to go out and view an example car which is out front.

Agenda Item III.

City Council to consider approval of Ordinance #03-16 Chapter 284, Vehicles and Traffic, concerning overnight parking spaces for 321 & 325 Central Street.

Motion made by Councilor Feener that the Franklin City Council adopt Ordinance #03-16 concerning changes to Chapter 284 Vehicles and Traffic of the Franklin City Code by a roll call vote. The motion was seconded by Councilor Dzujna.

Councilor Clarenbach stated that the wording in the background regarding the hours being from 5:00 p.m. to 8:00 a.m. and unlimited use of the designated spaces on the weekends and holidays. He indicated that if there is a church function, this lot will be posted by permit parking only. During the daytime of 8:00-5:00 Monday through Friday would be the only time you could park there without a permit? Manager Dragon stated that was correct.

Councilor Wells asked about a resident not having to work between the hours of 8:00 and 5:00 p.m. Monday through Friday and keeping their vehicle parked in space. Mayor Merrifield stated that during this time frame it is open parking, and they could continue to park there. It is permit parking only weekends, holidays and between 5:00 p.m. and 8:00 a.m. and anyone (including the tenant with the parking permit or the business owner with the permit) could park there between these hours.

Councilor Clarenbach asked if this ordinance would be revisited in the three years. Manager Dragon stated that was correct. She indicated an ordinance change and fee would be incurred at that time.

Roll Call Vote:

**Councilor Clarenbach - Yes
Councilor Desrochers - Yes
Councilor Feener - Yes
Councilor Starkweather - Yes**

**Councilor Wells - No
Councilor Dzujna - Yes
Councilor Giunta - Yes
Councilor Barton - Yes**

Motion passes, Ordinance #03-16 approved by an 7-1 vote.

Agenda Item IV.

City Council to consider support for Wild and Scenic River Designation.

The council has adopted this in the past, and there were a few presenters present.

Michelle Tremblay, Chair of the Upper Merrimack River Local Advisory Committee for the last 25 years, and one of Franklin's representatives, Nita Tomaszewski, were present to speak. She stated they were here this evening to thank the Council on their past support, they had a letter from the City from December 26, 2014. It is time for Franklin to go forward with this, it presents a significant economic benefit to the city as those communities who have adopted Wild and Scenic through an act of congress have received millions of dollars in funding for recreation, land conservation, development and other projects. The meeting packet is very thorough, except for the study that was done back when the committee was first formed including this portion of the Merrimack River, which is eligible. This is the three river city. The Pemigewasset was also studied concurrently, and the portion of the river in the Franklin boundaries was determined not eligible due to the high amount of hydro activity. The Winnepesaukee was not studied as a part of this. When they spoke with the national park representatives, they were told if the city wanted to go forward with a designation that included all three of the rivers within the city boundaries of Franklin that this would be considered and they would meet with the congressional delegation to speak with them about this desire. So there are multiple options moving forward on that. Your City Manager has provided you with a very informative briefing document. She stated if the council had any questions, they would answer them.

Mayor Merrifield stated there was quite a bit of information in the packet. He then asked if there were any questions from the Council or if the Council was willing to make a motion at this time.

Councilor Desrochers stated that this is under the guys at the Federal Government, National Park Service. We have another area, the flood control area that is under the Federal Government, and you can't get into there but 3 months a year. On one side there is no access at all. He asked what would prevent the federal government from saying you can't hunt, fish or do whatever on the river. Ms. Tremblay stated that if she thought this was going to happen then she wouldn't be standing before them this evening. She stated the primary difference is the flood control area did include structural changes to the River, so she can't speak for the Army Corp of Engineers, but it probably was due to safety concerns. She stated this designation does not include any structural changes, or any ownership, it concerns in-stream flow of the river and community support. Since last she was before the council, there are numerous other rivers in surrounding states that have been designated. She stated there was no taking of land or barring of access to the river.

Councilor Desrochers stated he is not against making the river Wild and Scenic. He stated as a sportsman he just doesn't want to see the access of the river taken away for hunting and fishing. This won't convert the land ownership to federal government and will remain in its current ownership.

Councilor Giunta asked about the Waste Water Treatment Plant and asked if there would be impact on the treatment plant as far as extra testing or restrictions. The Upper Merrimack River Local Advisory Committee (UMRLAC) comes to the council each year regarding the water quality testing program, Upper Merrimack Monitoring Program, and they work very closely with the Waste Water Treatment Plant. So when this first came to us, that was one of the first things we looked at as the Waste Water Treatment Plant is a valuable resource and cutting edge treatment facility, and there will be no additional testing or restrictions upon them, as it monitors flow and not water quality or land acquisition.

Councilor Giunta stated the letter goes back to 2010, and asked what the hold-up was. Ms. Tremblay stated they had hoped that upper Merrimack communities would want to come together for designation. It brings some communities together and sometimes it is only one community. At that time, in 2010, Northfield was interested and Canterbury, so that broke up the flow from Franklin to Bow, or southern edge of Concord, which is the other end of the study. So they were trying to get everyone together but Boscowen was the holdout, so they went back and asked everyone and finally in 2014 we decided to move forward on our own, rather than wait for a community downstream who doesn't want to move forward.

Councilor Giunta asked what Boscowen's hesitation was. Ms. Tremblay stated that they did not take the time to research this and they had set up landowners and others in the Lamprey Designation, but they refused to listen to this. So they lost the opportunity by not taking the time to investigate it.

Councilor Dzujna stated that she mentioned about the monetary benefit of grants and other options, but asked if the grants would be the UMRLAC or if the City would have to look for the grants. She stated the UMRLAC would be actually receiving money to manage, for land Conservation and recreation, and then there would also be non-monetary programs, like the Rails and Conservation Technical Assistance program, for instance if you wanted to develop a boat ramp or a riverside recreation like parks or trails, that would bring in funding for that and also technical support.

Motion made by Councilor Desrochers that the Franklin City Council sends their support for the Wild and Scenic River Designation. The motion was seconded by Councilor Starkweather. All in favor; motion passes.

Agenda Item V.

City Council to hear presentation from Franklin Youth Initiative advisor (FYI) regarding environmental scans conducted in the community.

City Manager Dragon stated that during the break she was looking for the environmental scans. She stated that apparently there was no confirmation of someone to attend on the behalf of the FYI group tonight. Though one of the advisors is present this evening, she does not have the scans to present. They can talk about the process used by the students to conduct the Environmental Scans.

City Manager Dragon reiterated that she was not suppose to be the one to speak this evening and we don't have the environmental scans, but that she was willing to pinch hit as one of the advisors and talk about the process that was used and how the students came up with the results of the environmental scans.

Ms. Lauren Pearsall indicated that they met with Katie Shay and she shared the idea of the Environmental Scan with us. The kids decided that they would focus on the positives and negatives of alcohol and tobacco in the community. They went around the Central Street area and photographed things at different locations that they saw to be positives and negatives. As far as the positives, one example was a sign at a business that stated "WE ID" and negatives were cigarette butts on the ground by the school. They put together a poster with the best photos and we have been sharing it throughout the community. It was taken to the school board and the coalition meeting, and because of that Mr. Feener went to the Shop Express, who had advertisements on a fence that was not theirs and asked them and they were kind enough to take them down as this was a negative. It was a great way to see that the kids were taking initiative to make positive change in the community.

It was at the Fact production, the Farmer's Market, the Bessie Rowell community center. Was at the Drug Task Force annual celebration and the students were there. It has been a great collaboration between the school, Drug Task Force, community, Councilor Feener as a member of both the council and the Drug Task Force. She stated together we were able to make a change.

Councilor Giunta stated that her presentation this evening was great and that if she wasn't the person chosen to speak, she should be at the next presentation.

Agenda Item VI.

City Council to consider approval of lease and power purchase agreements with NH Solar for city owned property on River Street.

Mayor Merrifield stated that no action would be taken on this item this evening, but that the Manager would be giving the council and update. City Manager Dragon stated this last piece of the solar project is a lot of work getting the technical pieces together. The contracts have been reviewed by the City Attorney and as of this afternoon, she believes they have agreed upon language. Tomorrow she is meeting with NH Solar Gardens to finalize numbers of the Power of Purchase agreement, being the last piece, so while not ready this evening, you do have a little bit of it and hopefully if the Council schedules the special meeting on the 24th, that they will be able to take it up at that meeting.

Agenda Item VII.

City Council to consider authorization of City Manager to award a contract to Provan and Lorber for the remaining work associated with the replacement of Haynes Brook Culvert on Central Street.

Motion made by Councilor Desrochers that the Franklin City Council, pursuant to Article III, Sections 4-15 B(3) and E(1) of the City Code and based on the findings below, authorize the City Manager to award a contract to Provan and Lorber for all of the remaining work associated with the replacement of the Haynes Brook culvert on Central Street. The motion was seconded by Councilor Starkweather.

Councilor Starkweather stated that since these engineers were the ones that did the preliminary engineering, 8-10 years ago, I think it is good to schedule them and get the process moving along. If it was important 10 years ago, and there have been no updates, then it is important now.

All in favor; motion passes.

Agenda Item VIII.

City Council to re-schedule meeting date for September's Council meeting to accommodate the Labor Day holiday which falls on Sept 7th.

Motion made by Councilor Desrochers that the Franklin City Council re-schedule the September Council Meeting date from Monday, September 7th, 2015 to Tuesday, September 8th, 2015. The motion was seconded by Councilor Feener. All in favor; motion passes.

Agenda Item IX.

City Council to consider setting a public hearing on Ordinance #04-16 relative to a proposed amendment to Chapter 284 "Vehicles and Traffic" regarding codification of signage and roadway changes at the Franklin High School.

Motion made by Councilor Feener that the Franklin City Council schedule a public hearing on Ordinance #04-16 for Tuesday, September 8th, 2015, at 6:05 p.m. in the Council Chambers, Franklin City Hall. The motion was seconded by Councilor Desrochers.

Mayor Merrifield stated for the benefit of the public that these are ordinance changes related to traffic at a school property as a lot of these have not been included in the code, but should be in the code. Mayor Merrifield asked Brian Sullivan if there were any large changes that the public should know about. Director Sullivan stated he met with the Superintendent McKenney and several staff members. The areas of concern included:

1. The one way entrance at the high school. The handicap bus doors are on the right of the bus, so handicap students are being let off the buses into the traffic lane and so there is a proposed change that the current exit be the one way entrance so that the bus door is letting students out at the sidewalk. The biggest concern is the width of Central Street, so we would need to post the hours of drop off.
2. Adding stop signs.
3. Designating the handicap parking zones that already exist and the designated parking for Staff and SAU that already exists.
4. Parking prohibited areas, that basically already exist.

The biggest concern is the handicap drop off area in front of the high school, from 6:30-7:30 and 2:00-3:00. This is a parent drop off area too. Due to the narrowing of Central Street, this could cause problems with backup on Central. There is no room for a left turn lane if the entrance and exit are reversed. If there wasn't a left turn lane, traffic backup could be down past the two sets of lights in each direction. Director Sullivan met with the SRO Chris Hart and the Assistant Principal agreed that the signage would be the best solution, limiting who could come into the area during the two periods of time. And also the traffic flow will be better defined. A whole section addition of Property under School District should be added to the code book.

All in favor; motion passes.

Motion made by Councilor Feener to that Ordinance #04-16 be read in title only. Motion seconded by Councilor Starkweather. All in favor; motion passes.

Agenda Item X.

Other Business

Councilor Clarenbach stated that he has received a complaint about parking and traffic. He stated the concern is on Spring Street about parking. Municipal Services have put up new signs, not allowing parking on either side of the road. The Ordinance states no parking on the east

side from the Hydrant to School Street and it also reads both sides of the street from Prospect Street to School Street. This needs to be reviewed and sent to the Public Safety Committee for their review.

1. Committee Reports

George Dzujna stated that the School Board and Council Liason Committee met on July 21st. The new Superintendent was present and a good discussion was held. After this discussion they brought the open enrollment to the City Council for the setting of the committee. They also spoke about Laurence Gartel and the art car. They spoke about ROTC for the high school, and Federal funding may be available. The grant is due by April of 2016, so the school is working on applying for this. The school received the USDA, Career Technical Education (CTE), grant for vocation program at the high school. They have set an agenda for a meeting in January to speak about consolidation.

There were no further committee reports.

2. City Manager's Update

USDA Rural Development grant for Downtown Coordinator-

City Manager Dragon stated that Richard Lewis has submitted the USDA Rural Development grant application for the Downtown Coordinator. A response was received regarding that we could have a higher priority status if we completed some additional follow-up documents, and the response to this has been prepared and submitted. She hopes they will look favorably on this.

Curfew and Sounding the Horn at 9:00 p.m.-

City Manager Dragon indicated that in 2012 Chief Goldstein brought to the attention of the Legislative Committee and the City Council that changes in the CHINS created an issue regarding enforcement of the city's curfew ordinance. At a subsequent council meeting it was decided that if the curfew was not going to be enforced then they would no longer sound the horn at 9:00 p.m. At this time, the ordinance was discussed and left in the code and they indicated that necessary adjustments could be made in the future. The Police Department and the Chief had been contacted about resuming the horn and enforcing the curfew, as there has been a rise in the amount of youth are on the streets late at night and early in the morning. Chief Goldstein has recommended that the horn be resumed. It was indicated that the first time the youth would receive a warning, and the second time the parents would be brought to court. She stated that she asks for the support of the council in bringing this back to the Legislative Committee to work on the code, fines and court hearings.

City Manager Dragon stated that Chief Goldstein is following up on information received from the Drug Task Force and is looking into truancy, and having the police department get involved earlier. There has been discussion with Judge Gordon and he is interested and starting back up the truancy court. This would allow for intervention in the lives of the youth.

City Manager Dragon stated that the School has requested that the council hold a special meeting on August to vote on the creation of the Franklin SAU withdrawal Planning Committee. The Mayor stated he will call a meeting on this.

City Manager Dragon stated that she can't discuss employees in Public. She did however indicate that she has been in contact with Sue and she is doing good. She misses work dearly and will be back soon.

3. Late Items

Setting a Public Hearing for Resolution # 02-16

Motion made by Councilor Desrochers to schedule a public hearing on September 8th, 2015, at 6:00 p.m. in Council Chambers to discuss the acceptance of the FEMA AFG funds in the amount of \$129,524. Motion seconded by Councilor Dzujna.

Mayor Merrifield stated that he was alerted to the fact that some of the language in the resolution may not be on target. Chief Lachapelle stated that Councilor Starkweather brought to his attention prior to the meeting that some of the language in the resolution. He stated that he consulted with Director Milner in reference to the total estimated cost for the SCBA replacement under the fiscal impact. It is listed at \$192,000. He stated this is the number from Director Milner, right off the press, and this is the estimated cost of the entire project which is the Fiscal Impact for the entire project. He stated the cities portion is \$6,476 as far as the grant is concerned. The other eight air packs were approved in the FY16 operating budget.

Councilor Clarenbach asked if the eight air packs and the \$6,476 is what is in the operating budget now with the Bond payment or will there be a shortfall. Chief Lachapelle stated there will not be a shortfall. He stated they have estimated the amount, to cover everything. They are working with the vendor to ensure the 28 SCBA's will be purchased.

Councilor Clarenbach asked if the match of 5% is the \$6,476 and the remaining air packs will be purchased out of the operating budget and Chief Lachapelle stated that was correct, that this is a complex purchase based on the way the grant was written and added that it will all work out in the cities favor.

Mayor Merrifield asked what number, if any, is changing. Chief Lachapelle stated that no numbers are changing, the resolution is correct based on the information received from FEMA and Director Milner.

The Mayor then read Resolution 02-16:

There was no further discussion on setting the public hearing. All were in favor; motion passes.

Chief Lachapelle stated that there will be a congressional delegation as some point here in the City. He stated the amazing support of Senator Shaheen's office and Senator Ayotte's Office really helped make this possible. He stated there will be presentation of the check to the City in the near future.

Adjournment

Motion to adjourn made by Councilor Desrochers and seconded by Councilor Dzujna. All in favor; meeting adjourned at 7:35 p.m.

Respectfully Submitted,

Angela M. Carey

City Council Meeting Minutes
August 24th, 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 Starkweather.

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.

Agenda Item I.

City Council to consider establishing a Franklin SAU withdrawal Planning Committee (FWPC)

Mayor Merrifield asked for an update from the City Manager. City Manager Dragon stated she has spoken with the City Attorney regarding the withdrawal and the City's role and the relationship to the school. Attorney Fitzgerald has stated the City Council is the legislative body and this is the correct forum. A copy of the time line has been distributed from the school. The first step was for the council to hold the public hearing, which was done on August 3rd. A message was sent by means of the website looking for interested parties to be on the committee, as was directed by the Legislative Committee. Four Prospective Appointee Profiles were received.

The Legislative Committee met and discussed the committee. Their recommendation was to have two of the five members of the public be members of the city council and their recommendation was Councilor Feener and Councilor Dzujna. The school has come up with their members, being Tamara Feener and Scott Burns. The first order of business is to create the committee and determine the members.

Mayor Merrifield stated the first order of business by the council is to make a motion to create the committee.

Motion: Councilor Feener moved and Councilor Desrochers seconded that the Franklin City Council establish the SAU18 Withdrawal Committee.

Councilor Feener indicated that it is worth looking into the Franklin School's withdrawing from SAU18, due to the events that took place since March when Hill voted to withdraw from the area agreement with Franklin. Since that time, some Hill parents have asked to be able to send their children to Franklin under the open enrollment and were denied. So if Hill is looking to have no association with Franklin, then the SAU should be dissolved.

Mayor Merrifield stated that the motion is not to approve the withdrawal, but to create the committee to determine the feasibility. He added that the council does not have to appoint the

members tonight and that could be done at the next meeting of the Council. He indicated those that turned in Prospective Appointee Profiles were: Leigh Webb, Karen Testerman, Janet Desrochers and David Testerman.

Councilor Feener stated that if the council approves the setting up of the committee and does the appointments this evening, then the time it will take to look at the feasibility of withdrawing is around a 6 week process; however, if they wait then the process has added two weeks. Councilor Dzujna agreed and stated that due to the time table the council was given it should be done this evening. He then asked if the meetings are public or non-public and it was indicated they would be public.

Councilor Clarenbach asked if they set the committee tonight, then another hearing would be set for December to make the decision to withdraw and Mayor Merrifield stated he believes this meeting would be held in October. He stated the hearing is identified for October 26th, then it is sent to the Department of Education and then back to board, for the reason that he believes is to make any warranted changes. It was reiterated that tonight the Council is only voting to set up the committee and not voting to approve the withdrawal.

Councilor Clarenbach was opposed, all others in favor; motion passes.

The Mayor stated as far as appointing people to the board, the statute indicates the committee shall be comprised of two (2) school board members, one (1) member of the finance committee of the City Council and four (4) members of the community.

Councilor Desrochers asked for the qualifications of each person that has turned in a Prospective Appointee Profile.

Councilor Giunta asked who assigns the members and what they make up of the committee is. Mayor Merrifield indicated that there are two school board members, the school board appoints them and they appointed Tam Feener and Scott Burns. There is the one member of the City Council Finance Committee, four (4) members of the public and the superintendent is a non-voting member. Councilor Giunta then asked if there were four (4) applicants.

At this time City Manager Dragon stated that at the Legislative Committee there was a motion for two of the members to be council, in the four member slots, and that the Committee supported those members of the Council to be Councilor Feener and Councilor Dzujna, leaving two more members of the general public.

Councilor Giunta then asked who the members of the Finance Committee were and Mayor Merrifield stated it was Councilor Feener, Councilor Desrochers, and Councilor Giunta.

Mayor Merrifield stated that as these are just nominations a motion and a second are not necessary.

Councilor Feener nominated David Testerman and all were in favor of him serving on the committee.

Councilor Dzujna then nominated Leigh Webb and all were in favor of him serving on the committee.

Councilor Barton asked if any parents of students were interested in being on the committee and Mayor Merrifield stated that no applications were submitted by them.

Councilor Feener nominated Janet Desrochers, Councilor Desrochers abstained, and all others were in favor of her serving on the committee.

Councilor Giunta nominated Councilor Dzujna as a member of the public, Councilor Clarenbach was opposed, and all others were in favor of him serving on the committee.

Councilor Desrochers nominated Councilor Feener as a member of Finance Committee to be seated on the committee, Councilor Clarenbach was opposed, all others were in favor of him serving on the committee.

City Manager Dragon stated the Legislative Committee has asked that Director Milner and the City Manager participate in the process. The City Manager recommended that the Superintendent bring the Business Administrator for the school due to questions the committee will have regarding finances. The school should have a member of their staff on hand. Tamara Feener asked who would be taking the minutes and the City Manager stated the member of the staff that the school has at the meetings.

Councilor Feener asked City Manager Dragon to notify all members of the committee and stated that Councilor Desrochers can let Janet know. Elizabeth indicated the superintendent will set the first meeting date, and Superintendent Dan LeGallo stated he would.

Councilor Starkweather asked if a member of the Hill School Board would be on the committee and Mrs. Feener stated they would not be. Superintendent LeGallo stated they do not have any involvement; however, the meetings need to be posted in Hill. Mayor Merrifield stated they will have a chance to respond at the public sessions or at the Department of Education hearings. Councilor Giunta asked if the Chair would be voted on by the committee at the first meeting. City Manager Dragon indicated the chair would be voted on at the first meeting, the superintendent and she would confer to set the time and date of the first meeting, the meetings will be posted and the locations will flip flop between the school and the city.

Agenda Item II.

Lease and purchase power agreements with NH Solar Garden for city owned property on River Street.

Councilor Giunta recused himself.

City Manager Dragon stated that they have been working on the solar project and are asking for approval for just two of the projects, on city owned property on River Street. She stated there has

been a significant amount of effort put forward on this project, with the Planning Board procedure, the Site Plan process, and aggressive negotiations. Tonight the Council has the Lease and Purchase Power Agreements for the solar used by the City. The agreements are good for 20 years with two five year renewal possibilities. One of the properties will have a \$17,000 lease and the other will be \$13,000, with payment in lieu of taxes on top of that for \$3,500 each. The rate the city currently receives was looked at, and how far out they would guarantee the rates based on the market for 10 years.

Manager Dragon stated that in the packets was the chart for all seven properties; however, this evening the council is only approving lots 1 and 2, and the draft lease bond language was in the packet. A longer spreadsheet was distributed from Director Milner regarding the escalation of rates at 5.5%. She stated they know the numbers for years 0-2 and year 3 they know what it should be. The deal makes economic sense as far as where we should be at each year. The savings start at 40,000-70,000 and then escalate to over a million, including the lease revenue and pilot. The total savings/revenue over the years is \$2,177,258.35. The future electrical rates took the most time to negotiate.

The ash fill needs change over in ownership to the City before the Council can approve this. The other properties will be brought before the council in the near future.

MOTION: *Councilor Boyd moved and Council Feener seconded that the Franklin City Council approve the proposed lease for two River Street properties identified by Tax Map/Lot # 123-403-00 and to approve the proposed purchase power agreement related to this project.*

Councilor Clarenbach stated that he has no problem with the lease payments, but has a problem with fixing the electrical rates over 20 years. Director Milner stated that currently the rate is 7.93, but the renewal is for 8.45. She stated that after three years it will be at 9.45 and then it escalates annually 5% thereafter. Councilor Clarenbach asked how they came to the 5%. He was concerned the City could receive a reduced rate when Northern Pass comes. He asked how the city is assured the rate will be 20.63 in year 2019. Director Milner stated this is an average of the last 10-15 years, and then they halved the number to be safe, which is 5.5%. She stated they used a 3% increase for the energy contract which was very conservative.

Councilor Boyd stated this is a great thing.

Councilor Desrochers asked if the land would be brought back to the original state at the end of the life expectancy of the gardens and City Manager Dragon stated they would be. She stated that if something were to happen, there will be a bond to protect the City.

Councilor Starkweather indicated that at the Planning Board level they asked about the decommissioning and that was left up to the council to decide. At the end of the contract, or in the case of a default, the Planning Board wanted to make sure that the city wasn't left with a mess to clean up. Also, it needs to be addressed that Mr. Fife has a lease for at least the remainder of this

year and needs to have access to the property if he chooses to lease part of the parcel not used for the solar project in the future.

AMMENDMENT TO MOTION: *Councilor Starkweather moved and Councilor Desrochers seconded to amend the motion to include conditions that: in the case of default or at the end of the contract, that the land will be returned to its natural state and that no portion of this decommissioning will be left to the City to take care of; and, that Fife will be allowed access to the property should he wish to lease portions not used by the solar project for the farming of the land.*

All were in favor of the amendment to the motion.

Councilor Clarenbach stated he is still having a hard time in reference to the purchase of the electricity and stated that the city could lose money. City Manager Dragon stated that this was a concern of hers as well. They have been working with Eversource to make everything work. There is an option to residents to receive a discount and get a rebate twice a year. This portion of the agreement took the longest to work out and decreasing escalator to 5% was determined to be a more conservative approach.

Councilor Clarenbach stated the agreement doesn't include the purchase of power or negotiating with others. Technology could change and the city could be using less and less power or receive a better rate.

Andrew Keller, from NH Solar, was present. He stated Councilor Clarenbach's concern is justified. This is the biggest concern with most communities and Franklin is not the first community to be going through these agreements, there is Antrim, Hillsborough and Milton. The long term savings are evaluated, but if the percentage goes up there will be a net benefit to the city. They don't know what the savings could be when Northern Pass comes in and the total savings to the city over the time of the lease is over 2 million dollars. He stated there is a built in hedge to electrical rates with reserve from leases and pilot payments.

Councilor Clarenbach stated that he agrees with the numbers for the first five years, but after five years these numbers could change. Mr. Keller stated the costs and hurdles have been discussed with the underwriters, and it is a shared risk. The cost of energy is a reoccurring cost and based on what has been paid the numbers have been determined for the cost of energy. At the end of the day, the effective rate is below what the city is paying currently. He stated that there are five other sites as well, with other pilots and lease payments.

Councilor Clarenbach was opposed. Councilor Desrochers abstained. Councilor Giunta had recused himself. All others were in favor of the motion as amended; motion passes.

Agenda Item III.

Repurchase of tax deeded property 196 Central Street and request to waive assessment penalty.

City Manager Dragon stated there is no need for the council to address this item this evening, as there has been no follow-up from the owner. Councilor Clarenbach asked when the city should and when they should not approve a request to waive assessment penalties. City Manager Dragon stated that usually the city does not, unless the owner is coming in with the money owed in hand. Once the City takes a property, they have a good amount of money invested, including legal expenses, insurance for the property and upkeep. When this gets dragged out further, then the council doesn't typically approve the waiver request. The owner would need to come in with a pretty solid business plan in order for the council to approve this. She stated she put this on the agenda just in case, but hasn't heard back from the owner, so no further discussion is needed by the council.

Agenda Item IV.

Other Business

Resolution 03-16

Mayor Merrifield stated that there was a late item turned in for the setting of a public hearing for Resolution # 03-16, for the acceptance, the appropriation, and the expenditures of grant funds from the USDA Rural Development Office.

MOTION: Councilor Desrochers moved and Councilor Feener seconded that the Franklin City Council set a public hearing to be held on Tuesday, September 8, 2015, at 6:06 p.m. for Resolution 03-16, for the acceptance of Rural Development grant funds and the appropriation and expenditures of these funds starting in Fiscal Year 2016. The funds are for the hiring of a Downtown Business Coordinator to assist in the redevelopment and revitalization efforts in the downtown business district.

Mayor Merrifield then read the resolution:

RESOLUTION # 03-16

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2016.

In the year of our Lord, Two Thousand Fifteen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2016 which began July 1, 2015; and

WHEREAS, the City has been awarded a grant from the Rural Development Office of the US Department of Agriculture in the amount of \$50,000, with the funds to be used for the hiring of a Downtown Business Coordinator to assist the redevelopment and revitalization of the downtown area; and,

WHEREAS, the City Council recognizes the recent efforts to improve the economic and residential viability of the downtown and the need to continue with additional progress; and,

WHEREAS, the City Council recognizes that these grant funds will provide the City a unique opportunity to assist in the redevelopment efforts which will benefit all downtown property owners and business owners;

Now, THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Tuesday, September 8, 2015, the City Council of the City of Franklin, New Hampshire does hereby vote to accept the grant funds from the USDA, Rural Development office, does hereby authorize the City Manager to execute all grant documents and does hereby authorize the following non lapsing appropriations,

An increase in revenues:

Acct# 01-1-000-33111-435 Federal Grant – USDA Rural Technical Assistance – Fifty Thousand Dollars (\$50,000.00),

And an increase in expenditures for the following accounts:

01-1-302-40110-435 Wages – USDA Rural Technical Assistance \$48,000

01-1-991-40299-435 Travel - USDA Rural Technical Assistance \$200

01-1-991-40610-435 Supplies - USDA Rural Technical Assistance \$1,500

01-1-302-40290-435 Professional Development - USDA Rural Technical Assistance \$300

By a roll call vote.

All were in favor; motion passes.

Street Lights

City Manager Dragon indicated she handed out a map of the street lights this evening to the Council. The street lights are to be converted to LED lights. They are making sure there are no privately owned street lights; but, there are also some street lights that are outliers. Street lights should be in areas that are dangerous to navigate and on school walking routes; however, there are some street lights in areas that could be removed and should be discussed prior to replacing the lights with LED lights. She mentioned some lights on Smith Hill Road and Ward Hill Road.

Councilor Clarenbach stated that MSD is the one who determines where the lights should be located. In the past, they had a certain number of lights and if people called and wanted a light, they would move one light from one location and move it to another. These people were normally either influential people or families with children. The lights should be in the downtown and on school walking routes. They could probably cut the number of lights in half and save money on the city electricity bill. He added technology has changed and now the car vehicle lights are better.

Councilor Starkweather stated that it is true that technology has changed and not all these lights are as necessary as they may have been. The new lights will produce more light and so you may not need lights so close together. He stated that up by the lake, the homeowners are not there in the winter and so not as many lights should be necessary in this area.

Councilor Clarenbach stated that he would like to refer this to the Municipal Services Committee, rather than putting this on the City Manager's shoulders to make the decision. He stated that they should not be located at houses, and more at intersections, school walking routes and downtown.

MOTION: Councilor Dzujna moved and Councilor Boyd seconded that the Franklin City Council send the locations of the street lights to the Municipal Services Committee to determine where the lights should be located and where the lights should be removed and that the Municipal Services committee should then made a recommendation back to the council after their review.

City Manager Dragon stated this needs to be closed out by October 1st and the lights need to be ordered. She would like to see the Municipal Service Committee's determination by the September 8th Council meeting.

Councilor Feener asked if they would be wiping out a ton of lights as before and Councilor Clarenbach stated he is not aware that they will be.

All were in favor; motion passes.

Adjournment

Motion to adjourn made by Councilor Feener and seconded by Councilor Dzujna. All in favor; meeting adjourned at 7:05 p.m.

Respectfully Submitted,

Angela M. Carey