

**City Council Meeting  
August 4, 2014**

**Call to Order**

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

**In Attendance**

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

**Absent**

Councilor Clarenbach

**Comments from the Public**

Mrs. Tam Feener, Moderator, Ward II advised that those involved with the elections will be going to Plymouth for election training. Mrs. Feener advised they have this training at different locations throughout the State and she would like to have this election training here in Franklin and she asked how we could make that happen. Mayor Merrifield stated he would be glad to support this and without objection from the Council the City will pursue it. The Council had no objection.

Ms. Angela Lynch introduced herself as the new Mayor's Drug Task Coordinator and she invited everyone to an upcoming Coalition Meeting Thursday, August 14<sup>th</sup> at the Bessie Rowell Community Center from 5:00 p.m. to 7:00 p.m. in the conference room. They will be having a speaker who will talk about the life of an athlete that is hoped can be implemented into the high school.

**City Council Acknowledgement**

None

### **Mayor's Update**

Mayor Merrifield advised that along with Councilor Starkweather he attended the Webster Lake Association Annual Meeting and the President of the Association Mark Lorentz had a lot of great things to say about both elected and appointed officials. The Mayor advised he also attended the first edition of the Franklin Area Children's theatre which was performed in the Opera House and he thanked people from the Mayor's Drug Task Force who were a sponsor of the event namely Angela Lynch, George and Christine Dzujna, and Bob Lucas.

### **Franklin Animal Shelter**

Mr. Ron Magoon, President of the Animal Shelter addressed the Mayor and Council and expressed his thanks for allowing the shelter to have some time on the agenda. He advised there are 7 of the 9 Board members in attendance, Jo Brown, Christine Dzujna, Donna Cohen, Beth Brewer, Chuck North and Jeff Brewer. He stated they really appreciate the support of the City and are so glad to have the 10-year lease with the City. Mr. Magoon advised that they are embarking on a sizable capital campaign, a building renovation as well as a small edition to the existing building. This will be accomplished in two different phases, the first phase is \$21,000 which would take the existing space and doing renovation to it and the second phase is a more extensive phase where an edition would be added to the facility. He further advised that the 9 Board members as part of the capital campaign all the board members were asked to consider making a donation to this project that would be used as a matching grant for dollars that are received. He stated he is proud to stand here and say that amongst the 9 board members \$10,000 has been raised just from the Board as a matching fund. He stated he hopes the City can support/help this project with either in-kind services or financially and he hopes members of the community will step up and support the shelter also.

Mr. Jeff Brewer referred to the brochure that had been distributed to the City Manager, Mayor and Council which showed their plans for both Phase I and Phase II. Currently the outdoor runs for the dogs run horizontally to the shelter and there is no way of getting dogs to them without physically walking them out into the kennels and sometimes that presents a risk to the employees as not every dog that comes to the shelter is a friendly dog. In Phase I they will take the existing building and knocking down all the existing kennel spaces on the inside and put in some purpose built kennels which will gain some space. Guillotine doors will be installed which will enable the dogs to go inside and outside as the kennels will run perpendicular to the shelter and connected to the inside kennels. With these changes they will also have space for 12 cats whereas currently they have room for 9 cats. In Phase II an addition to the current shelter will be done and once that is completely the cats will be moved to their own space in the new addition and at that time they will also be able to add a couple more kennels for the dogs.

Manager Dragon inquired if the Planning and Zoning Office has seen plans for these improvements and addition. Mr. Brewer stated he ran by some plans with Dick Lewis and all is preliminary but it has not gone through any specific steps yet. Manager Dragon stated be sure to contact not only Dick Lewis but Brian Sullivan as well concerning layout design and get the necessary permits.

### **Approval of Minutes**

***Motion made by Councilor Desrochers that the Franklin City Council approves the minutes of the July 7, 2014 City Council Meeting and the June 23, 2014 Budget Workshop Meeting and the June 24, 2014 City Council/School Board Joint Workshop Meeting. Motion seconded by Councilor Feener.***

Mayor Merrifield advised the spelling of Mr. Therrien on Page 1 should be en and not an.

***Minutes approved as corrected.***

### **School Board Report**

School Board Chair Tam Feener advised school starts August 26<sup>th</sup> for Grades 1 – 12 and kindergarten starts August 28<sup>th</sup>. The speaker at the School Board on August 18<sup>th</sup> will be Thomas Raffio, Chairman of the NH State Board of Education; School Board will meet at the Middle School Library at 6:30 p.m. August 20<sup>th</sup> at 4:30 p.m. at the Paul Smith School which is Pizza Night sponsored by the PTO. Mrs. Feener advised the transition with Supt. McKenney has gone very well and the new Vice Principal at the School is Michael Zmuda who was the Athletic Director so that position is now open.

Councilor Cournoyer commented that the turn around with the School Board has been very impressive to him and he greatly appreciates the cooperation that is now evident from the school.

### **Date Change for September, 2014 City Council Meeting**

***Motion made by Councilor Feener that the Franklin City Council schedules their September meeting for Tuesday, September 2, 2014 at 6:00 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Desrochers. All in favor; motion passes.***

**Ordinance #06-15** – this ordinance concerns a language change for Chapter 245-15J of the Municipal Code.

***Motion made by Councilor Desrochers that the Franklin City Council set a public hearing for Tuesday, September 2, 2014 at 6:05 p.m. regarding the adoption of Ordinance #06-15 a change to the Franklin Municipal Code, Chapter 289-21E eliminating the language “at the discretion of the tax collector.” Motion seconded by Councilor Feener.***

Mayor Merrifield read into the record: In Ordinance #06-15 the City is proposing to strike the language in Chapter 289-21E that states “upon the discretion of the tax collector.”

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

**Ordinance #07-15** – this ordinance concerns a language change for Chapter 245-16J of the Municipal Code.

***Motion made by Councilor Dzujna that the City of Franklin set a public hearing for Tuesday, September 2, 2014 at 6:06 p.m. regarding the adoption of Ordinance #07-15 a change to the Franklin Municipal Code, Chapter 245-16J changing the late payment fee from \$5.00 to \$10.00 and eliminating the language “at the discretion of the tax collector.” Motion seconded by Councilor Starkweather.***

Mayor Merrifield read into the record: In Ordinance #07-15 the City is proposing changing the late payment fee from \$5.00 to \$10.00 and eliminating the language “at the discretion of the tax collector.”

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

**Sale of Tax Deeded Property located at 30 South Sulloway Street**

***Motion made by Councilor Feener that the Franklin City Council sell 30 South Sulloway Street, Tax Map 116, Lot 148-00 to James Xarras, the current mortgage holder for back taxes, interest and fees due in the total amount of \$15,560.32. Motion seconded by Councilor Dzujna. All in favor; motion passes.***

**“Grit Disposal Agreement” Continuing Service Agreement, Amendment #2, State of New Hampshire Contract 101243**

***Motion made by Councilor Desrochers that the Franklin City Council authorize the City Manager to enter into Amendment #2, State of New Hampshire Contract CE101243, for the period of July 1, 2014 to June 30, 2018. Motion seconded by Councilor Feener. All in favor, motion passes.***

**Tax Acquired Property 6 Vine Street, Map #096, Lot #412-06 (Mobile Home)**

***Motion made by Councilor Feener that the Franklin City Council authorize the City Manager to dispose of Tax Map #096, Lot #412-06 (Mobile Home) only through a negotiated direct sale to mobile home park owner DRM Corporation. Motion seconded by Councilor Starkweather. All in favor; motion passes.***

**Disposition of Tax Acquired Property 41 Summit Street, Tax Map #098, Lot #047-090**

***Motion made by Councilor Desrochers that the Franklin City Council authorizes the City Manager to enter into a purchase and sales agreement with David and Nancy Waldo regarding 41 Summit Street, Franklin, New Hampshire as reviewed by the City Council this date and to further execute all closing documents required for the conclusion of the referenced sale. Motion seconded by Councilor Feener.***

Manager Dragon advised this property was originally marked for demolition as recommended by Code Enforcement. Demolition of the 3 buildings on the property was estimated to cost \$10,000; instead the demolition is being done in the agreement with the Waldos for the \$10,000. The only part that the City will pay for is the asbestos removal which is just over \$2,000. This property abuts the Waldo's property and as part of the purchase and sales agreement they are required to merge this property with their property.

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

**Purchase and Sales Option for 81 Memorial Street (R & D Paving Property) to Franklin Business and Industrial Development Corporation (FBIDC)**

Councilor Dzujna recused himself as he is a member of the Board for FBIDC.

***Motion made by Councilor Feener that the Franklin City Council authorize the assignment of a certain Option Agreement dated January 6, 2014 by and between R & D Paving, Inc. of 765 Central Street, Franklin, New Hampshire and the City of Franklin as follows:***

- 1. Said assignment shall be for property located at 81 Memorial Street in the City of Franklin, New Hampshire (Merrimack County Registry of Deeds, Book 2608, Page 1344) and further described as Tax Map Parcel #117-261-00.***
- 2. This assignment shall be upon the same terms and conditions as contained in the original option and is made in accordance with Section 7 ("Assignment") of said document.***
- 3. The assignment shall be to Franklin Business and Industrial Development Corporation, PO Box 114, Franklin Proulx Center, Franklin, New Hampshire.***

***Motion seconded by Councilor Cournoyer.***

Councilor Desrochers commented it is his understanding that the City is putting in \$3,000 to help secure the grant for this property. Manager Dragon stated to secure the funds for the property. He also asked if there are any plans as to how FBIDC is going to return the \$3,000 to the City when the property is sold. City Manager Dragon advised that when the property is sold the City has the ability to recoup the funds but it does depend upon what the ultimate use of the property is. Councilor Desrochers stated he is not against this project, however; he stated he feels we could be opening a door wherein if someone else did not have enough funds for the grant and would come to the City and the City helped FBIDC out, why not someone else. He further stated we definitely need to have a way to

recoup the \$3,000 which is taxpayers monies and we just raised the water/sewer rates last month so it would not be fair to the taxpayers not to recoup at some point the \$3,000.

Manager Dragon summarized this purchase agreement was approved by the City Council back in December, 2013 and tonight she stated she us only asking for the assignment of that purchase agreement to go to FBIDC because according to the purchase agreement the City Council was holding that piece of property as a first option to purchase but instead of the City coming up with the funds to purchase it which has been identified as a key piece of property for future development of the Mill District in that area; the City was able to work with the FBIDC Board and they were able to get a loan from Franklin Savings Bank for over half the funds and take the rest from their capital funds so they are actually spending \$80,000 and the City is spending \$3,000. This is not a grant and it is requested that instead of the City purchasing it, allow the assignment of the agreement to go forward to FBIDC.

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

### **Other Business**

### **Committee Reports**

Councilor Dzujna advised he talked with Supt. McKenney today and he invited him to come to the next Liaison Committee Meeting which is scheduled for Tuesday, August 19<sup>th</sup> at 5:30 p.m. in the meeting room on the lower level of City Hall. One thing they want to do at this meeting is set the agenda for the next Joint City Meeting that will take place in November and also talk about some of the items that are coming up like the ROTC that they hoped to get into the school and the vocational program. The invitation is extended to the City Councilors, the Mayor and City Manager to attend the August 19<sup>th</sup> Liaison Committee Meeting.

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

Manager Dragon advised the City has received in the contingent grant line \$356 from Rotary for the Book Club; \$750 Youth Tennis Grant; \$194.62 Operation Safe Commute Grant and \$268.36 DWI/DUI. Manager Dragon advised Grzelak is the City's current Auditor and has been as well as the Auditor for the School and Finance Director Milner is planning on extending this relationship with Grzelak for an additional 4 more years if there is no objection from the Council. The reason for the additional 4 years is the amount of time it has taken to get everything reconciled and Grzelak has investing a lot of time and it is hoped that the next 4 years will go much smoother. There was no objection from the City Council.

In a report for Fire Chief LaChapelle January to June, 2014 266 Inspections have been conducted, 245 of them by Captain Bodien, 47 by Inspector Curran and 41 Welfare Inspections of which 8 of the 28 (29%) required re-inspection. Software is being looked at to help with tracking and communication between departments.

Councilor Cournoyer commented on how impressed he was concerning the high rating the Assessing Department received from the Department of Revenue. Manager Dragon stated every five years we go through a certification process with the State of New Hampshire, Department of Revenue in terms of the City's assessments and we recently went through an update to bring our values up to 100% of market value and that needed to be done before the DRA came in to do their review of the process. The letter that was received stated the City passed all of the pieces of the recertification process and scored very high. Mayor Merrifield quoted from the letter: "You stand out as an excellent example for other communities to follow."

***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 Desrochers.***

**Roll Call:**

**Councilor Cournoyer – Yes**

**Councilor Barton - Yes**

**Councilor Feener – Yes**

**Councilor Starkweather – Yes**

**Councilor Desrochers – Yes**

**Councilor Dzujna – Yes**

**Councilor Boyd – Yes**

**Councilor Giunta – Yes**

**All in Favor, motion passes to go into non-public.**

Prior to going into non-public Mr. Steve Rayno requested to speak and the Mayor acknowledged his request. Mr. Rayno addressed the Mayor and Council concerning the Rail Trail and stated out of 60 miles of trail, one mile of trail has become a troublesome area and this is the part of the trail from Webster Valve to Webster Lake. He stated he is hoping that the City would step up and do a little more in the care of the trail in West Franklin. Mr. Rayno stated he cleans up parts of the trail all the time but he would like to see the City care for the Trail from Webster Valve to Webster Lake. He stated that lots of folks that are near the trail will not go out on the trail because of the garbage and riffraff people that are constantly out on the trail, they don't have bicycles; they just hang out on the trail.

The City Council then took a 5 minute break and then entered into non-public at 7:00 p.m.

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

**Councilor Cournoyer – Yes**

**Councilor Barton - Yes**

**Councilor Feener – Yes**

**Councilor Starkweather – Yes**

**Councilor Desrochers – Yes**

**Councilor Dzujna – Yes**

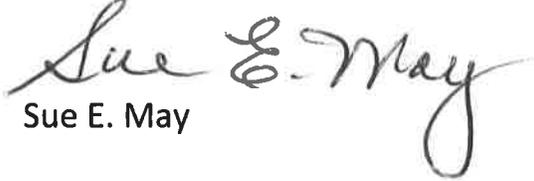
**Councilor Boyd – Yes**

**Councilor Giunta – Yes**

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***Motion to adjourn made by Councilor Feener; seconded by Councilor Desrochers.  
All in favor, meeting adjourned at 7:30 p.m.***

Respectfully submitted,

A handwritten signature in cursive script that reads "Sue E. May". The signature is written in black ink and is positioned above the printed name.

Sue E. May