

City Council Meeting Minutes
October 5, 2015

Call to Order

Mayor Merrifield called the meeting to order at 6:02 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was led by Councilor Giunta.

In Attendance

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

Public Hearings

Ordinance #05-16 – Proposed amendments to Chapter 284-24(C.) and (E.), “Vehicles and Traffic”, and Chapter 284-37, “Speed Limits Designated”, of the Franklin City Code.

Mayor Merrifield informed the Council that this hearing is in regards to Agenda Item III. He indicated this clarifies Article II 284-24(c) “Limited Parking/No Parking” relative to parking and no parking areas designated on Spring Street; Adds additional Handicap Parking Spots identified in Article II 284-24(E) “Reserved and Limited Parking”; and, Changes Article VI 284-37 “Speed Limits”. Currently the downtown speed limit is posted at 20 MPH and the proposal is to increase it to 25 MPH which is consistent with the State RSA.

There was no public comment.

Resolution 04-16 – Appropriating \$12,000 of capital reserve money for the Bessie Rowell Community Center.

Mayor Merrifield informed the Council that this hearing is in regards to Agenda Item IV. Mayor Merrifield stated this is appropriating money from the Capital Reserve Money for Bessie Rowell School, in the amount of \$12,000, for the installing of gutters, security cameras, gym fans and gym doors. The Capital Reserve Money comes from the funds charged to the tenants of the building.

Mr. Leigh Webb asked about the reserve fund money and wanted to make sure there was enough in the reserve in case the boiler, roof or any other larger item. It was indicated the larger items would come out of the City Capital Reserve Fund, and that the reserve fund for Rowell is different than that.

Mrs. Tamara Feener, Ward II, asked how much was in the Capital Reserve Fund for Rowell School. City Manager Dragon stated there is \$40,524.59 now, and this would be increased this year by \$20,000 for a total of \$60,524.59.

Mr. Leigh Webb stated he has spoken with a tenant of Rowell Community Center and was informed that the tenants do not really have a say in how this money is spent. City Manager Dragon stated that Krystal meets quarterly with the tenants and they discuss these issues and the needs for the building.

There was no further public comment.

Marjorie Cooper Scholarship – Acceptance of funds for the “Marjorie Cooper Scholarship” in the amount of \$250,000 for the purposes of setting up a scholarship fund.

Mayor Merrifield informed the Council that this hearing is in regards to Agenda Item V. Mayor Merrifield stated that this money would be under the control of the Trustees of the Trust fund.

There was no public comment.

Ordinance #06-16 – Proposed amendments to Chapter 284-20, “Fines”, and Chapter 284-24, “Limited Parking; no-parking areas”, of the Franklin City Code.

Mayor Merrifield informed the Council that this hearing is in regards to Agenda Item VI. Mayor Merrifield stated that this is a change in fines on dead end streets to \$50. It also classifies Parking from 336 Central Street north to the Memorial Street parking lot entrance with one new 15 minute parking space, and adds 2 spaces in the same area to “reserved for Bus Stop parking”.

There was no public comment.

Resolution # 05-16 – Acceptance of Drug Free Communities Grant funds on behalf of the Mayor’s Drug Task Force, in the amount of \$93,750.

Mayor Merrifield informed the Council that this hearing is in regards to Agenda Item VII. Mayor Merrifield stated that this Resolution is in regards to the acceptance of the Drug Free Communities grant. The amount for this fiscal year is \$93,750.

There was no public comment.

COMMENTS FROM THE PUBLIC

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.

Nita Tomaszewski, of Ward I, stated the Edmunds Plant has opened and is doing business. In March of 2011, the Planning Board issued conditional approval for the plant, and not all of those conditions have been met. She stated she is happy to see that they finally paved the road last week, but stated the city needs to monitor them to make sure that all conditions are met. She has a lot of respect for the work that they have done; but stated she would like the conditions taken care of.

Wayne Farmer, Ward II, indicated that he resides on Evergreen Avenue and tonight the Council is going to hear a request to eliminate some lights in his neighborhood. If the City is trying to save money, why specifically are they removing lights in this neighborhood? This is a residential neighborhood where people walk their dogs, there are children here and there is a residential apartment complex in the area. City Manager Dragon stated it is not specifically in this neighborhood and the MSD Committee has put forward a policy for the Council to adopt, which would remove 68 lights throughout the city.

Mr. Farmer added this is a safety aspect. There are four corners within Evergreen Avenue, people speed through the neighborhood; there are two daycares, two bus stops and a park. The Golf course is next door and the river is below this neighborhood. Without these lights the neighborhood would be very dark. They have had break-ins in the past and he stated he leaves an outside light on all night at his house.

Ruth Bowley, of Evergreen Avenue, stated that she agrees with Mr. Farmer. She has had a lot of issues due to her neighbor. The Police Department has indicated they cannot keep up with the rise in crime and drugs in the City. She asked why it would behoove the Council to take away the simplest of security, being the lighting. You cannot have a neighborhood watch in the dark. The apartment complex has disabled persons and children and sometimes some of the problems associated with the neighborhood are due to their tenant’s bad behavior. She stated there must be other ways the city can reduce the electricity, using solar or other options.

City Manager Dragon stated the City Council has approved an LED Conversion for the lights. The conversion will save the city ½ of what they pay on electricity for the lights over time, but not in the first 6 years. Before

they order the LED lights they wanted to take a look at all lights and see if any could be removed as the city will not save money until the LED lights are paid off. If less lights are ordered, due to the one's being removed, then that is less the city will have to repay for the LED replacement.

Councilor Boyd stated that when you have this many residents come to the City Council to voice their concerns about the removal of lights the council needs to listen.

Mr. David Testerman, Ward II, stated he was happy to hear the curfew horn, but it appears it is no longer being activated. He stated he is aware the "I don't have a clue group" are against it, but this should not stop the city. There is a park across the street from his house and kids are there late at night, as a lot of parents are not being parents. The City is not infringing on people's rights by making young children be home by 9:00 on a school night and 11:00 on a weekend night. The park closes at dark and they are still going there. He urged the Council to get the horn going again. Councilor Boyd stated that Mr. Testerman makes a great point. He was there when the horn was first instituted. Eleven and twelve year olds should not be out at 1 a.m. and later into the morning hours. It would be good to be able to handle this professionally. He stated when he was at the police department and juveniles would be returned parents either didn't know their kids were gone, parents were not home or parents were drunk. He stated young children being out that late at night are only out to cause problems.

Matt Dupuis and Gary Lytle were present from the National Guard to speak. Mr. Dupuis stated they are looking at connecting to the radio tower on Pleasant Street. He stated this would improve their Wi-Fi and would allow soldiers to connect to different facilities across the state. He stated the routers would provide a redundant link for communication equipment. All installers are certified. Mr. Lytle stated they are proposing two 4' antennas on the Pleasant Street tower, with one router sending the signal to Kearsarge and one to the Armory for Hi Speed Internet. He then gave the city a booklet outlining all the information on the routers. They have one on the police tower in Nashua, which is in the 4.5 gigahertz range. This will not have any effect on any other tower frequency. Councilor Starkweather stated that he heard this is also another source of communication in a natural disaster. Mr. Lytle indicated it could be, that he is not sure how it would work with other organizations, but in an emergency everyone always pulls together. Councilor Clarenbach asked if the big concerns would be generator load capacity and wind shear on the tower and Mr. Lytle stated that was correct. There are two different types of routers. They have installed these on State Police towers and there are four dishes on Mt. Kearsarge and in other locations across the state. City Manager Dragon stated the National Guard recently met with the Police Chief and a draft MLU needs to be reviewed by the City Attorney, and wasn't going to be done by tonight. Mr. Lytle stated they have others they are looking at putting up and it may be a few weeks before they would be able to place the antennas on the tower, depending on weather and other events. City Manager Dragon stated that she will work with Department Heads and the City Attorney; however, the issue is that the Council does not meet for another month. Mayor Merrifield stated the council will do everything possible to move this forward.

Martin Petzold, of 41 Evergreen Avenue, was present to speak. He stated that first of all he is all for the curfew horn, as lots of kids are out at all hours of the night. He added that it is not a good idea to remove lights on Evergreen Avenue. There are dark spots already and by taking out lights it will be black. He works all hours of the early morning, with plowing and he leaves early regularly for work. His wife is disabled and home alone and when she hears a noise, it is comforting to be able to look outside and see if anything is out there, but if the lights were gone she would only see darkness. He asked which lights are being converted to LED's because those lights are brighter and cleaner. City Manager Dragon stated that all lights are being converted and tonight the council will decide if some lights will be removed before the lights are replaced. He stated people have been behind his house shooting rifles, and things like this could get worse.

Doug Rogers stated he was present to speak for his daughter Karen and his wife Elaine. He indicated his daughter owns a two family home on Proctor Street. She rents out the basement and as the unit has a walk out it is considered an in-law basement apartment. There is a bedroom, kitchen, bathroom and walk out. The unit has been rented for 11 years. A cease and desist was issued by Director Lewis last month. He stated his position is

that the apartment is grandfathered. Director Lewis issued the Cease and Desist without going into the apartment and only after speaking with disgruntled tenants. He stated the apartment is an existing, legal apartment where the only work that was done was they allowed the tenant to change out a single sink to a double sink. He stated he spoke with Director Lewis who indicated he would need to speak with the City Attorney and he spoke with Chuck Bodien, who indicated he cannot discuss this with him until he gets the status from the City Attorney. The tenant is now suing them for rent and they are also losing \$30 a day in income from the apartment.

Mr. Rogers stated his second issue is the vacant lot on Chance Pond Road. The city has taxed this property for years as being .38 acres when it is only .28 acres. He has paid the taxes on the .28 acres, but not the .38. The city has taken the property for lack of paying the taxes. He indicated he is now being informed that the city is auctioning off the property unless he pays the \$3,000 in back taxes. He stated it is premature for the City to auction the property as he is challenging the city in court. The city has taken other properties that are useless to anyone. People dump stuff on the property on Chance Pond Road all the time and no one would pay the assessed value for the property of \$6,500. He stated taking these properties is like stealing. He hoped the City Council would get involved and he stated this is his last attempt to resolve these issues out of court.

Councilor Boyd stated he has met with Mr. Rogers twice and told him he should come to the Council. City Manager Dragon stated the council was provided with all backup information prior to voting to take the property by tax deed. Code Enforcement has reviewed the property and correspondence was sent to the City Attorney on his daughter's issue, which is a zoning issue. The second unit is not grandfathered and legal; this is not a two unit. Mr. Rogers has appealed to the BTLA and it was heard and he lost. Just because Mr. Rogers does not agree with the City, he can't just decide to pay what he thinks he owes without judgement being made. All information has been reviewed by the City Attorney and everything the city has done is correct.

Mr. Rogers stated that the city told the BTLA that the lot was larger than the .28 acres that it is.

Betty Pauwels, of 49 Evergreen Avenue, was present to speak. She does not agree with removing lights in Evergreen Avenue. They put in a security system 3-4 month ago due to a neighbor being burglarized and they were burglarized a few years back. The lights help with security and removing them is a big mistake. Removing security to save money is not a good idea. She is also concerned about the children in the neighborhood, people coming and going from work in the dark, and indicated having the lights allows them to see what is going on outside when they hear a noise. She stated the lights should not be removed and the LED lights should just replace the existing lights which will save the city money in the long run. She asked when the Council would make a decision and if it would be done in private. Mayor Merrifield stated the decision would be made this evening and is open to the public.

Tamara Feener indicated all 68 lights should be maintained. Originally only 11 lights were being removed; now 68 and the savings would only be 5-6 thousand dollars. She stated the issues exceed the money saved.

Brian Sullivan stated that he went to the Mount Washington Hotel two weeks ago for the New England Water Works Association meeting. This is a New England based organization and is the oldest association in America, being 134 years old. There are over 5,000 water works facilities in New England and 800+ in New Hampshire. Two awards were given, one for Utility of the Year for a community under 10,000 and one for utility of the year for a community over 50,000. Franklin received the award for the community under 10,000. Norwich CT received the award for a community over 50,000. The award reads: "Utility of the Year, Presented to Franklin New Hampshire Water Department, for making significant improvement to water system infrastructure, customer service, staff training, and operations. Presented by New England Water Works Association, September 22, 2015."

Director Sullivan stated this is a big deal and is about doing things right for the system and the rate payer. The upgrades and the new facility increase the water quality. He stated he wanted to thank the rate payers because the only way to get these things done is by increases in fees and their support. He stated the people instrumental

in the city receiving this award are: The Rate Payers, 2,300 customers; The City Council for their support; The City Manager and Finance Director; The City Engineers; and the water and sewer department staff for their hard work and many, many overtime hours. Twelve miles of new pipe was laid, which eliminated the iron and manganese problem. He stated he would like to have the award put somewhere. Mr. Leigh Webb stated none of this was possible without Brian Sullivan. It was indicated the award should be put in the new Water Facility.

Tamara Feener indicated she was asked by the City numerous years ago to put together a Neighborhood Watch. The City asked the residents to fund the signage for the neighborhood watch and the slow children sign, which they did, but they were put up by the City. She wanted to thank Brian Sullivan for the new speed limit signs and the new neighborhood watch signs.

Angela Lynch, the Drug Task Force Coordinator, wanted to thank everyone for their involvement in the Rx Take Back Day. They received seven boxes of medications. She thanked the volunteers: Councilor Feener, Councilor Dzujna, the High School, Tam Feener, Assistant Principal of the High School Mike Zmuda, the two high school students from Franklin Youth Initiative (FYI) and the Police Department Volunteers. Glen Feener stated Andrea McFall was present as well.

Ms. Lynch stated there is a fundraiser on October 23rd, at 6:30 p.m. here at the Opera House. Tickets can be purchased at City Hall or from her. The proceeds are going to help compensate the grant writer who helped out with the writing of the grant that the task force just received. Fundraising pays for items the grant cannot be used to pay for, including the grant writer.

Krystal Alpers stated that the 21st is the Lights on After School Harvest Celebration at Rowell School from 4:30-6:30. This event is free and includes: Dinner, Open House, Fun Games, face painting, a presentation regarding "Pick a Better Snack" and Fire Prevention Activities.

Director Alpers stated on Saturday the 24th is the Franklin Halloween Extravaganza. The activities include: 10:00, at the Franklin Studio, Ghost Stories; 2:00-3:00 Trip Center Family Halloween Party at the Proulx Center; 3:30-5:30 Odell After Dark "not so spooky" Haunted Walk around Odell Park with games, contests and concessions for the younger kids; and, concludes with, 6:30-8:00 the Odell Park After Dark "Spooky" Haunted Walk (with concessions being sold) for the older kids and adults.

Wayne Farmer wanted to add that he is 47 years old, and except for the four years he was in the air force, he has always resided in Franklin. He stated you use to never have to lock your doors and keeping the lights is worth the money spent for safety.

MAYOR'S UPDATE

Mayor Merrifield stated that he has been informed of the passing of a former Mayor, Brenda Elias, and asked for a moment of silence.

Mayor Merrifield then read a proclamation for the Fire Department:

City of Franklin, New Hampshire Mayor's Proclamation National Fire Prevention Week

WHEREAS, the City of Franklin, New Hampshire is committed to ensuring the safety and security of all those living in and visiting Franklin; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed 2,755 people in the United States in 2013, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 369,500 home fires; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, in one-fifth of all homes with smoke alarms, none were working; and

WHEREAS, when smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and

WHEREAS, half of home fire deaths result from fires reported at night between 11 p.m. and 7 a.m. when most people are asleep; and

WHEREAS, Franklin residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Franklin residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and

WHEREAS, Franklin residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Franklin emergency responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Franklin residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2015 Fire Prevention Week theme, "Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely.

THEREFORE, I Kenneth Merrifield, Mayor of this great city do hereby proclaim October 4-10, 2015, as Fire Prevention Week throughout this city, and I urge all the people of Franklin to install smoke alarms in every bedroom, outside each sleeping area, and on every level of the home, including the basement and to support the many public safety activities and efforts of Franklin's fire and emergency services during Fire Prevention Week 2015.

Mayor Merrifield indicated he has received less than ½ of the Evaluations for the City Manager, so he will push this off to next month. If anyone needs a new Evaluation form please let him know and he will make sure they get one.

Mayor Merrifield stated that the County Officials would like a meeting with the Council and he opted for this to be a special meeting of the Council. He stated there will probably be other business as was previously discussed and suggested having the meeting on the 26th, at 6:00 p.m. Councilor Feener stated the Franklin for a Lifetime meeting is at 6:00 and should last about an hour. It was indicated the meeting would be held at 7:00 p.m.

Agenda Item I.

City Council to consider the minutes of the September 8th, 2015 City Council Meeting.

MOTION: Councilor Feener moved and Councilor Dzujna seconded that the City Council approve the minutes of the September 8th, 2015 City Council. All were in favor of approving the minutes as submitted; motion passes.

It was indicated the City Council Acknowledgements were overlooked and should be done.

CITY COUNCIL ACKNOWLEDGEMENT

The Mayor will recognize any Councilor who wishes to express their appreciation on behalf of the City.

Councilor Boyd stated that he would like to recognize the Municipal Services Director. He went out to the new water facility in West Franklin and the building is gorgeous. The water tank that has been redone is also great and looks wonderful and will last for 30-40 years. He is a great leader and the fact that he can bring these things forward is very important in a good leader. If the council has never been to the Water Facility they should go, he is very impressed with what Director Sullivan has done and stated the plaque should be hung at the water facility.

Councilor Desrochers indicated he would also like to acknowledge Director Sullivan publicly for the removal of stumps on Franklin Street.

Agenda Item II.

School Board Report

Chair Tamara Feener indicated that the Art Car was unveiled on September 14th at the NH State House. She stated it was also unveiled on September 15th at the Franklin High School. Jack Finley will be reporting on the new website for the school each month and she will provide information to the council. New Hampshire School Board Association has tabled their Resolutions until next month and she stated a copy of their letter is attached. She indicated she will be trying to get open enrollment on their agenda for the next meeting.

She indicated at the last meeting she had received Mr. Burns information from Councilor Starkweather regarding a machine he was looking at donating to the high school. The machine has been donated and was picked up on October 3rd. Mr. Burns is willing to donate time as he has 40 years of machine shop knowledge he can pass on and will donate his expertise.

She went on to read her school board report, which is attached to these minutes.

Agenda Item III.

City Council to consider approval of Ordinance #05-16 relative to a proposed amendment to Chapter 284-20 "Fines" and Chapter 284-24 "Limited parking; no-parking areas".

MOTION: Councilor Clarenbach moved and Councilor Feener seconded to adopt Ordinance #05-16 by roll call vote. There was no further discussion.

Roll Call:

<i>Councilor Feener</i>	<i>– Yes</i>	<i>Councilor Barton</i>	<i>– Yes</i>
<i>Councilor Clarenbach</i>	<i>– Yes</i>	<i>Councilor Dzujna</i>	<i>– Yes</i>
<i>Councilor Starkweather</i>	<i>– Yes</i>	<i>Councilor Desrochers</i>	<i>– Yes</i>
<i>Councilor Boyd</i>	<i>– Yes</i>	<i>Councilor Wells</i>	<i>– Yes</i>
<i>Councilor Giunta</i>	<i>– Yes</i>		

All were in favor; motion passed.

Agenda Item IV.

City Council to consider approval of Resolution #04-16, appropriating Bessie Rowell Community Center Capital Reserve funding.

MOTION: *Councilor Feener moved and Councilor Desrochers seconded that the Franklin City Council adopt resolution 04-16 appropriating \$12,000 of capital reserve funding for the Bessie Rowell Community Center for the purpose of installing gutters, security cameras, gym fans and gym doors by roll call vote. There was no further discussion.*

Roll Call:

<i>Councilor Starkweather</i>	<i>– Yes</i>	<i>Councilor Clarenbach</i>	<i>– Yes</i>
<i>Councilor Giunta</i>	<i>– Yes</i>	<i>Councilor Barton</i>	<i>– Yes</i>
<i>Councilor Dzujna</i>	<i>– Yes</i>	<i>Councilor Feener</i>	<i>– Yes</i>
<i>Councilor Wells</i>	<i>– Yes</i>	<i>Councilor Boyd</i>	<i>– Yes</i>
<i>Councilor Desrochers</i>	<i>– Yes</i>		

All were in favor; motion passed.

Agenda Item V.

City Council to consider approval of funds for the “Marjorie Cooper Scholarship” in the amount of \$250,000 for the purposes of setting up a scholarship fund.

MOTION: *Councilor Dzujna moved and Councilor Giunta that the Franklin City Council accepts approximately \$250,000 from the estate of Marjorie Cooper for the purpose of setting up a perpetual scholarship fund with the City’s Trustees of the Trust Funds called “Marjorie Cooper Scholarship” in accordance with the last will and testament of Marjorie Cooper dated July 2, 2013. There was no further discussion. All were in favor; motion passed.*

Agenda Item VI.

City Council to consider approval of Ordinance #06-16, relative to a proposed amendment to Chapter 284 “Vehicles and Traffic”, regarding Section 284-20 “Fines” and Section 284-24 “Limited parking; no-parking areas”.

MOTION: *Councilor Desrochers moved and Councilor Dzujna seconded that the Franklin City Council adopt Ordinance #06-16 by roll call vote. There was no further discussion.*

Roll Call:

<i>Councilor Barton</i>	<i>– Yes</i>	<i>Councilor Feener</i>	<i>– Yes</i>
<i>Councilor Boyd</i>	<i>– Yes</i>	<i>Councilor Giunta</i>	<i>– Yes</i>
<i>Councilor Clarenbach</i>	<i>– Yes</i>	<i>Councilor Starkweather</i>	<i>– Yes</i>
<i>Councilor Desrochers</i>	<i>– Yes</i>	<i>Councilor Wells</i>	<i>– Yes</i>
<i>Councilor Dzujna</i>	<i>– Yes</i>		

All were in favor; motion passed.

Agenda Item VII.

City Council to consider approval of Resolution #05-16, relative to the acceptance of the Drug Free Communities Grant funds on behalf of the Mayor's Drug Task Force, in the amount of \$93,750.

MOTION: *Councilor Feener moved and Councilor Desrochers seconded that the Franklin City Council adopt resolution #05-16, appropriating \$93,750 from the Drug Free Communities grant funds on behalf of the Mayor's Drug Task Force by roll call vote and continue to perform as fiscal agent for this grant. There was no further discussion.*

Roll Call:

<i>Councilor Giunta</i>	<i>– Yes</i>	<i>Councilor Desrochers</i>	<i>– Yes</i>
<i>Councilor Barton</i>	<i>– Yes</i>	<i>Councilor Boyd</i>	<i>– Yes</i>
<i>Councilor Dzujna</i>	<i>– Yes</i>	<i>Councilor Starkweather</i>	<i>– Yes</i>
<i>Councilor Wells</i>	<i>– Yes</i>	<i>Councilor Clarenbach</i>	<i>– Yes</i>
<i>Councilor Feener</i>	<i>– Yes</i>		

All were in favor; motion passed.

Agenda Item VIII.

A Proclamation relating to Arbor Day in Franklin, New Hampshire and in our City's continuing efforts to recognize its importance, proclaiming the 14th day of October in the year Two Thousand Fifteen, as Arbor Day for Franklin, New Hampshire.

Mayor Merrifield read the proclamation for Arbor Day:

PROCLAMATION

In the Year of our Lord, Two Thousand Fifteen,

A Proclamation relating to Arbor Day in Franklin, New Hampshire, in keeping with our City's continuing efforts towards recognizing the importance of trees; their upkeep; maintenance, replacement and their surrounding habitat.

WHEREAS, The month of October brings with it, our "New Hampshire Fall Foliage Season" and all of the vibrant color and beauty that comes during this time of the year, and

WHEREAS, The Granite State has eighty six native (86) species of trees ranging from the "Coniferous and Deciduous Categories" to "Fruit Bearing Types", and

WHEREAS, Within the wide variety of the species of the "Coniferous Classification" of trees are Pines; Spruces; Douglas-Firs; True Firs; Hemlocks; Cedars; Junipers; Yews; Tamaracks; Larch, and

WHEREAS, Within the wide variety of the species of the "Deciduous Classification" of trees are Willows; Poplars; Alder; Birches; Ironwoods; Beech; Oaks; Hazelnuts; Cherry; Ash, Mountain Ash; Elms; Rosewood, Raspberries; Black Raspberries; Sumac; Holly; Maples; Basswood; Lindens; Laurels; Blueberry; Dogwoods; Viburnums; Elderberries; Apples; Peach and Pear, and

WHEREAS, The importance of the "Environmental and Economic Benefits" that these trees provide to the State of New Hampshire's "Tourism and Economic Industry" is significant year round, especially during the Fall Foliage Season.

NOW THEREFORE BE IT RESOLVED, I Kenneth Merrifield, Mayor of the City of Franklin, proclaim the day of Wednesday October 14th, 2015 as:

ARBOR DAY IN OCTOBER

And, the City of Franklin will host an educational workshop at the Bessie Rowell Community Center on October 14, 2015 at two o'clock in the afternoon and all are invited and encouraged to attend and further urge all citizens to support efforts to care for trees and woodlands and to support our City's Community Forestry Programs throughout each and every year.

Agenda Item IX.

City Council to consider scheduling the December 2015 City Council Meeting on the second Monday of the month, December 14th, instead of December 7th.

Mayor Merrifield indicated as City Staff will be going to Washington DC the first week of December for the mandatory Drug Free Communities Grant meeting, they are requesting to move the meeting back to the second Monday of December, being December 15th.

MOTION: Councilor Feener moved and Councilor Barton seconded that the Franklin City Council schedule the December 2015 City Council meeting for the second Monday in December, being December 14th, 2015, instead of the first Monday of the month, being December 7th, 2015, so that the City Staff can attend the mandatory Drug Free Communities Grant meeting. All in favor; motion passes.

Agenda Item X.

Adoption of a Street light policy resulting in the reduction of city owned street lights.

MOTION: Councilor Clarenbach moved and Councilor Dzijna seconded that the Franklin City Council adopt the proposed street light placement policy which will result in the reduction in the number of city owned street lights by 68.

Councilor Boyd asked if the reduction of 68 includes the lights on Evergreen Avenue that people have commented on this evening. Councilor Clarenbach stated that it does. In Evergreen Avenue there are three lights proposed to be removed, two on the golf course side and one at the bottom of the loop. The recommendation in the policy is that outside of the school walking zone, where students are required to walk to one of the three schools (high school, middle school or Paul Smith), any areas outside of that the only ones that

would remain would be at intersections. Three of the lights on Evergreen would stay, being: the one at Prospect and Evergreen; the one at Cedar and Evergreen; and, the one where Evergreen re-meets Evergreen.

Councilor Feener had a presentation. At the beginning of the presentation he had the lights turned off and indicated to the public, "Imagine that you are in a neighborhood that had lights and now you've lost them, how does that make you feel?" The lights were then turned back on.

Councilor Barton stated that as he had stated last month, he really thinks the existing lights should remain and the policy should be put into effect for all future lights, thus making the existing lights grandfathered.

MOTION: Councilor Barton moved and Councilor Feener seconded to amend the current motion that any current lights would be grandfathered and that the adoption of the policy on lights would be for any proposed lighting in the future, with no lights to be removed.

Councilor Boyd indicated that he would not be in favor of all the lights staying. There were a lot of citizens of Evergreen Avenue here this evening, so those lights should stay, as they are tax payers and we should honor their requests.

Councilor Feener indicated the City Council approved the LED lighting throughout the city, with all of the lights being replaced and a savings would be seen by the city down the road and at that time, the Council was informed that 11 lights would be removed. In September, they were informed the number of lights would be 80-100 and now they are saying 68 lights. The cost savings for the removal of the lights is incidental and is less than \$7,000. In 2008 the same proposal was before the Council and the savings then was going to be \$23,000 and that was not approved. The city is not poor or impoverish. Removing lights affects public safety for residents and the lights give them a feeling of being safe. What message is the Council sending the Franklin for a Lifetime? People in the city walk their dogs at night. He added that if they cut the lights, what will be the next thing cut, leaf pick-up, the ski area or curb side rubbish pick up?

Councilor Feener then read RSA 189-6, which states: "**189:6 Transportation of Pupils.** – The local school district shall furnish transportation to all pupils in grade 1 through grade 8 who live more than 2 miles from the school to which they are assigned. The local school board may furnish transportation to kindergarten pupils, pupils in grades above the eighth or to any pupils residing less than 2 miles from the school to which they are assigned, when it finds that this is appropriate, and shall furnish it when so directed by the commissioner of education." He stated on the map he demonstrates the 2 mile walking zone from the High School in red, from Paul Smith School in black and then the other area is the walking zone for the Middle School. The walk zone in the city use to be 1.5 miles.

He added that normally they receive the policies in ordinance form and they have not received this one set up in that fashion. Evergreen Avenue has had accidents in one of the areas where a light is proposed to be removed, as people speed through the neighborhood; the lake has had break-ins lately and removal of lights is a welcome sign for more. Councilor Feener stated that he is in favor of the amendment, but he would like to see the wording come back in ordinance form for the code book.

Councilor Starkweather stated there are fourteen lights on private property and asked if the city was paying for the replacement of these lights. Councilor Clarenbach stated the city is not. The vendor identified these lights, but they are privately owned and not part of the 68 being removed or the LED Project.

Councilor Clarenbach stated he would like to see the policy approved or disapproved in its current form without any amendments.

Councilor Barton indicated the amendment would affect future lights, when Franklin grows.

Councilor Giunta indicated they started down the road looking at lights. If you assume the policy is in place, 68 lights will be removed and fourteen privately owned lights will not be replaced with LED. He stated he would like to see the Council take out the human factor, but that is not possible, as this would affect too many people. He stated that in the area of the lake people drive at high speeds and there have been burglaries, and people walk their dogs. He stated he is not in favor of the amendment and believes the removal of a few lights should be put in the hands of the Municipal Services Director, with whom he has complete faith. He stated he also does not agree with the motion.

Councilor Desrochers stated the lights should deter crime; however, they do only to a certain degree. He stated that people are no longer afraid to get caught for crimes, as they do not have to take responsibility for their own actions and it is always someone else's fault.

Mayor Merrifield asked for clarification of the figures. Councilor Clarenbach stated \$9,300 will be saved for the 68 lights, but not during the first year, and this savings is \$136 per light. Director Judie Milner indicated that prior to the LED replacement the lights are \$136.00 a piece, and afterwards the savings is \$65.00 per light. The company that is replacing the lights has offered to take out any lights that would be removed, prior to replacing them. The rebate will be lost if the city does not act. Mayor Merrifield asked for the net savings and Director Milner stated it is \$4200 a year.

Councilor Dzujna indicated he is not in favor of the amendment. He indicated he agrees with Councilor Giunta that the lights that need to be removed be left in the hands of the Municipal Services Director.

Councilor Feener stated the MSD Committee just took the old proposed policy from 2008 and brought it forward to 2015. Councilor Clarenbach stated the committee came up with a number of lights to be reduced that would be appropriate. Removing 11 street lights is arbitrary. He asked how they would justify an arbitrary reduction without having a policy in place. He stated it is not appropriate to put this pressure of the Municipal Services Director. The policy should not be changed and only affects what happens outside of the walking zone. He stated if the council does not agree with the policy that is fine.

Councilor Barton asked if they could bring this back to the council with which lights are actually being removed, rather than saying 3 lights on Evergreen Avenue. Mayor Merrifield stated the decision needs to be made this evening. Councilor Boyd stated there are people present who disagree and have asked the Council to leave the lights. He added that he doesn't believe there are enough lights on Victory Drive currently and this is within the school walking zone.

Councilor Starkweather indicated another MSD Committee meeting should be held to give Director Sullivan some guidance. He stated there are some roads that have 3 lights in a 150' area and some that have lights directly across from each other, some of these should be removed. Councilor Feener stated that Director Sullivan has not needed any direction for the last 12-13 years, as no new lights have been put in.

Councilor's Boyd, Starkweather, Barton, Feener and Desrochers were in favor of the amendment to the motion. The amendment to the motion passed by a vote of 5-4.

Discussion then continued on the main motion. Councilor Giunta stated if the board does not approve the motion, then all lights will remain on without a policy. Councilor Barton asked if this meant that there would be no policy and Mayor Merrifield stated that was correct. Councilor Boyd stated he would like to be able to allow the Director to remove a few of the lights. Mayor Merrifield stated that as it is now, without a policy, the removal of lights would fall under the burden of the City Staff. Councilor Boyd stated that he would like the Director of MSD to take a look at the lights and remove a limited amount of them.

Councilor Barton was in favor of the original motion as amended, all others were against the motion. Motion fails by a vote of 1-8.

Councilor Boyd stated he would like Director Sullivan to have the opportunity to look at the lights throughout the community and allow him to remove lights that are absolutely necessary. Mayor Merrifield stated he received a request last night to add a light. Councilor Wells indicated the two lights at the old Thousand Acres are a waste of time and money and should be removed.

MOTION: Councilor Feener moved and Councilor Boyd seconded that the City Council authorizes the Municipal Services Director to remove and approves the removal of street lights that have absolutely no bearing on public safety and lights that are essentially lighting areas with no residences visibly in sight.

Councilor Clarenbach stated that this is a task that is unfair to place on the shoulders on the Municipal Services Director.

Councilor Clarenbach was opposed. All others were in favor; motion passes by a vote of 8-1.

Tamara Feener thanked Councilor Feener.

Agenda Item XI.

Other Business

- 1. Committee Reports:** None.
- 2. City Manager's Update**

City Manager Dragon indicated that the City has received the following in the contingent grant line this month: \$447.76 Fire Training Grant.

City Manager Dragon indicated the Council had asked her to speak with the City Attorney regarding allowing the school personnel permission to suspend temporarily the traffic orders at the schools. The City Attorney has responded and indicated that he does not recommend this due to the liability issues that would go along with this. The Police Department has specialized training with regard to traffic control measures that the School does not.

- 3. Late Items:** None.

Adjournment

Motion to adjourn made by Councilor Clarenbach and seconded by Councilor Desrochers. All in favor; meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Angela M. Carey