

**City Council Meeting
April 6, 2015**

Call to Order

Mayor Merrifield called the meeting to order at 6:00 p.m. in the Council Chambers, Franklin City Hall.

In Attendance

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

Absent

Councilor Wells, Councilor Desrochers and Councilor Boyd.

Salute to the Flag

Salute to the Flag was led by Councilor Clarenbach.

Visit from Police Officer Rector and K-9 Max

Officer Rector introduced K-9 Max, a black shepherd that turned 3 years old March 28, 2015. He explained that he and Max will always be in training together and that normally a dog like Max can perform his duties up to the age of nine or ten.

Public Hearing

Resolution #04-15 – this resolution represents a supplemental appropriation in the amount of \$35,000 for the funding of a new chair lift for City Hall. Mayor Merrifield commented that the current lift is 23 years old and has presented some problems. Manager Dragon commented that the width and the length of the platform does not meet current ADA standards so some of the larger wheelchairs do not fit on the lift. Also the chain due to age has been stretched which has caused some problems as well as parts for the lift become more difficult to acquire. The new lift will also have controls that are much easier to

operate. The weight capacity of the current lift has presented problems at times because the combination of weight of some of the wheelchairs and the occupant. The City did apply for a grant but the City did not qualify. The funds to pay for the lift would come out of the capital reserve account.

Mayor Merrifield opened the public hearing. Representative Horn inquired as to what the balance would be in the capital reserve account after the lift is paid for. Manager Dragon advised the balance would be \$69,000. Resident Wanda Jackson stated she heard that the City is replacing the lift because of one handicap resident who was not able to vote because of the size and weight of his wheelchair. She asked why didn't that resident get an absentee ballot. She stated the lift has worked for 23 years and the City cannot afford to replace it. Why not move the voting to Bessie Rowell, there would be no problem there for access of the handicap. Manager Dragon responded that there has been more than just one handicap resident that has had a problem with the lift and also the Opera House at their different shows, etc. has also had several problems with the lift. Resident Leigh Webb commented the Opera House has several handicap people that attend the different events and the City needs to be able to accommodate all individuals. He also mentioned that perhaps some of the capital reserve funds could be used to repair the roof of City Hall.

There were not more comments concerning the resolution for the chair lift. Mayor Merrifield closed the public hearing.

Comments from the Public

Ms. Bree Whalon addressed the Mayor and Council concerning volunteers to help with a cleanup effort of Franklin. She also would like to have some adult volunteers to chaperone the kids that are volunteering to help with the cleanup. She distributed flyers concerning this Cleanup Franklin effort.

Resident Tam Feener advised that they just experienced another power outage on Evergreen Avenue.

Resident Doug Dion commented on the poor condition of Terrace and Birch Drive and would like to see more work done on the roads. He also commented about receiving his water bill which was for 4 months instead of the normal 3 months. He stated he understands due to all the snow and frozen pipes and limited personnel they were unable to read the meter on time but also stated he didn't think it was fair to have the same due date/penalties as normal for a 3-month bill.

Representative Horn stated he is considering starting his own business and it has been suggested that the City Council picks and chooses who they want to do business with. Councilor Dzujna stated the City Council welcomes every and all businesses and that when a new business comes to the City he delivers a card welcoming them that is signed by all the Councilors, Mayor, City Manager and Department Heads and also gives the business a plant. No matter what the business is, the codes and regulations are the same for everyone. Councilor Giunta commented that the City does all it can to encourage businesses to come to Franklin.

Resident Olivia Zinc expressed her support for Resolution #10-15 concerning the Initiative in Support of Movement to Amend the U. S. Constitution.

Resident Wanda Jackson commented on the parking on Central Street and that some of the businesses have complained about people parking for a very extended length of time in front of some of the businesses and then the customers have no place to park. She stated that the Police Department should patrol up and down Central as they did before and she would like to see that done again to make sure people are not parking too long in front of businesses.

Franklin business owner Paul Morsette addressed the Mayor and Council expressing his concerns that the City does not support business in Franklin.

Resident Keenan Blum, River Street stated he is looking into starting a business and is considering Franklin but is concerned about some of the things that are said about the City not supporting businesses. Manager Dragon commented that

the City would be happy to assist him in any way possible and she suggested he contact both the City's Planner Dick Lewis and Code Enforcement Officer Chuck Bodien to help him.

Resident Tina Thurber commented that the City must improve the Schools otherwise businesses or people looking to buy homes will not come to Franklin.

There were no further public comments, Mayor Merrifield closed public comment.

Legislative Comments

Representative Horn commented that it appears ultimately the adequacy monies will only be cut 10% so none of the communities will suffer severely. Flood reimbursement money will come later when Massachusetts cuts a check; approximately \$20,000 to \$40,000 is the amount. Mayor Merrifield commented that the \$800,000 in retirement the State has passed down to Franklin has been a serious blow to the City's budget. Comment was made that the State needs to stop passing their agreed upon financial commitments down to the towns and cities. Representative Horn commented he agrees and will do all he can in the future.

City Council Acknowledgement

Councilor Feener thanked Principal Richard Towne on all the time and effort he gave in an effort to keep Hill from leaving the School District. Councilor Dzujna also recognized Principal Towne's efforts.

Mayor's Update

Mayor Merrifield requested a moment of silence in memory of Ms. Jan Smith who was a teacher at the Paul Smith School. The Mayor congratulated Mrs. Melissa Lee on being chosen the Elks Citizen of the Year. He also announced Project

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Aware which is a grant of \$500,000 for 5 years will be in Franklin to offer counselling to adults and students.

Mayor Merrifield called a five-minute recess.

Approval of Minutes

Motion made by Councilor Dzujna that the Franklin City Council approves the minutes of the February 23, 2015 City Council Meeting and the March 2, 2015 City Council Meeting. Motion seconded by Councilor Feener.

Councilor Feener pointed out that on Page 6 of the February 23, 2015 minutes Councilor Dzujna's name was misspelled. No other corrections. All in favor; minutes approved.

Superintendent McKenney Addresses the Mayor and Council

Supt. McKenney stated he knows we all want the same thing, a good education for our students. The two biggest challenges are the budget and Hill leaving the District. He advised there are 32 students from Hill in the High School currently and he has had 5 responses so far that want to continue the rest of their high school in Franklin. If all 32 were to continue, the cost per student is \$14,190 so would be a total of \$354,000, however, it is not known at this time if all 32 students will continue at Franklin but are supposed to be informed by April 15, 2015. Supt. McKenney also stated they don't know at this point what they will get from the State. Supt. McKenney stated during the discussion/negotiations with Hill he tried to be neutral as he is the superintendent for all, not just the Franklin community but also Hill. He further stated the quality of any school is the teachers and he is concerned that teachers might have to be cut and he is deeply hoping that will not be the case.

Councilor Feener stated while working on the Hill situation the consolidation of the School and City Finance Departments were put on the back burner and he asked if the school is ready to get back to bringing forth a consolidation of finances. Supt. McKenney responded that was tabled by the Board until a new superintendent has been hired. Councilor Feener stated the tabling can be reconsidered.

The question was asked if some of the \$500,000 from Project Aware that will be received each year for the next 5 years could be used to help the school's budget. Supt. McKenney stated no that those funds are designated by the grant for family/student counselling and can only be used for that.

Supt. McKenney distributed copies of his comments from Superintendent's Corner in the 3 Rivers News and also a copy of the letter being sent to all the current Hill students in the high school. These are attached to these minutes.

School Board Report and Information on School Board Scholarship

Mr. Bob Lucas, a member of the School Board Scholarship Committee addressed the Mayor and Council advising that they are hoping to raise \$500.00 each year to award to a student who would pursue a degree/career in education. He handed out forms that can be used for donations and expressed his hopes that the Council and others will donate.

School Board Chair Tam Feener gave the School Board Report which is attached to these minutes. She also expressed her disappointment that Hill decided to leave Franklin and agreed that Principal Towne had done everything possible to keep Hill in the District. She commented all we can do is be calm and carry on.

Resolution #04-15 – this resolution concerns a supplemental appropriation in the amount of \$35,000 for the funding of a new chair lift for City Hall.

Motion made by Councilor Feener that the Franklin City Council approves Resolution #04-15, a supplemental appropriation in the amount of \$35,000 by a roll call vote for the purpose of funding a new chair lift at City Hall. Motion seconded by Councilor Dzujna.

Roll Call:

**Councilor Clarenbach – Yes
Councilor Giunta – Yes
Councilor Starkweather – Yes**

**Councilor Dzujna – Yes
Councilor Feener – Yes
Councilor Barton – Yes**

All in favor, Resolution #04-15 passes.

Tax Deed Sale of 17 Colby Avenue

Motion made by Councilor Dzujna that the Franklin City Council authorize the City Manager to dispose of Tax Map #076-073-00, 17 Colby Avenue through a negotiated direct sale to an abutter with the conditions that the property owner do a lot line merger with their existing property and they use this parcel for green space or accessory structures only. Motion seconded by Councilor Feener. All in favor; motion passes.

Acceptance of Updated Tax Maps

Motion made by Councilor Feener that the Franklin City Council accept the updated tax maps, prepared by CAI Technologies and authorize their use for future tax and assessing purposes. Motion seconded by Councilor Starkweather. All in favor; motion passes.

Resolution #09-15 – this resolution concerns a supplemental appropriation for the replacement of flooring at the Bessie Rowell Community Center.

Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Resolution #09-15 at 6:06 p.m. on Monday, May 4, 2015 to appropriate a portion of the Bessie Rowell Community Center capital reserve funds to pay for the flooring replacement in three rooms at the Bessie Rowell Community Center. Motion seconded by Councilor Giunta. All in favor of scheduling a public hearing.

Mayor Merrifield read Resolution #09-15 into the record:

RESOLUTION #09-15

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2015.

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 2015 which began July 1, 2014, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes the need to replace flooring which is lifting in the Bessie Rowell Community Center, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire established a capital reserve fund for the Bessie Rowell Community Center into which each entity occupying the building contributes \$5,000 annually, and;

WHEREAS, the City Council of the City of Franklin wishes to appropriate a portion of the Bessie Rowell Community Center capital reserve fund to pay for the flooring replacement, Now

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, May 4, 2015 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 09-15 authorizing an increase in FY15 revenues:

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Transfer in from capital reserve fund Acct No. 01-0-000-39150-000 – Four Thousand Three Hundred Ninety Seven Dollars (\$4,397),

And an increase in expenditure account,

Building Repairs and Maintenance – BRCC Acct. No. 01-1-944-40430-000 – Four Thousand Three Hundred Ninety Seven Dollars (\$4,397),

By a roll call vote.

Ordinance #10-15 – this ordinance concerns amendments to Chapter 160 Fees, Chapter 245 Sewer and Chapter 289 Water of the Municipal Code.

Motion made by Councilor Dzujna that the Franklin City Council schedules a public hearing on Ordinance #10-15 for Monday, May 4, 2015 at 6:07 p.m. Motion seconded by Councilor Starkweather. All in favor of scheduling the public hearing.

Mayor Merrifield read the ordinance into the record:

ORDINANCE #10-15

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Fifteen.

Be it ordained by the City Council of the City of Franklin that the following change be made:

**Chapter 160 Fees, 160-1 Fees charged for service provided by City of Franklin, ,
Description of Fee.**

~~Water billing rates (availability charge)~~ **Water Billing Rate/Quarterly
Availability Charges**

Chapter 245, Sewers, 245- Definitions and Word Usage:

Add the following:

QUARTERLY BASE RATE – This charge is found on the quarterly sewer bill received by all customers connected to the City Sanitary Sewer System.

SEWER DISPOSAL CHARGE – This is a charge for wastewater based on the amount of water consumed which is read from the City water meter and is measured in cubic feet. The sewer disposal charge, which is identified in City Code Chapter 160-1 Fees, is billed per 100 cubic feet of water consumed. For those sewer customers that do not have City water, two options are used for determining water consumption, one being the “Flat Rate Fee” which is identified in City Code Chapter 160-1, Fees or the property owner can request the City Sewer Department to install a City water meter to measure the well water consumed which would then be the basis for the Sewer Disposal Charge. The City would pay for and install the water meter, if requested.

Chapter 289 – Water, Article III, Rules and Regulations, 289-11 Definitions:

Add the following:

QUARTERLY AVAILABILITY CHARGE – A charge on the quarterly water bill to each water customer having access to City water by means of a service connection typically known as a curb stop or some other form of control valve. The quarterly availability charge is based on the size of the water meter.

CURB STOP – A curb stop is a control valve typically located at the edge of the property which has access at ground level to turn on or shut off water.

WATER COMMODITY CHARGE – This is a charge for water consumption read from the water meter which is measured in cubic feet. The Water Commodity Charge, which is identified in City Code Chapter 160-1 Fees, is billed per 100 feet of water consumed.

Ordinance #11-15 – this ordinance concerns amendments to Chapter 284, Vehicles and Traffic of the Municipal Code.

Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Ordinance #11-15 for Monday, May 4, 2015 at 6:08 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Starkweather. All in favor; scheduling of public hearing passes.

Motion made by Councilor Feener to read Ordinance #11-15 in title only, seconded by Councilor Starkweather. All in favor; motion passes.

Mayor Merrifield read Ordinance #11-15.

Ordinance #12-15 – this ordinance concerns a zoning amendment increasing required side yard setback from zero to fifteen feet in the B-1 District.

Motion made by Councilor Clarenbach that the Franklin City Council adopts Ordinance #12-15 approving the proposed amendment to increase the required yard setback from zero to fifteen (15) feet in the B-1, Low-Density Business and Commercial District. The proposed amendment was the subject of a public hearing conducted by the Franklin Planning Board on March 25, 2015. Motion seconded by Councilor Feener. All in favor, Ordinance #12-15 is adopted.

Ordinance #13-15- this ordinance concerns amendments to Chapter 262, Streets and Sidewalks and Chapter 284, Vehicles and Traffic of the Municipal Code.

Motion made by Councilor Dzujna that the Franklin City Council schedules a public hearing on Ordinance #13-15 for Monday, May 4, 2015 at 6:10 p.m. in the

Council Chambers, Franklin City Hall. Motion seconded by Councilor Feener. All in favor of scheduling the public hearing.

Mayor Merrifield read Ordinance #13-15 into the record:

ORDINANCE #13-15

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Fifteen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, be changed as follows:

Chapter 262, Streets and Sidewalks, Article IV, Snow and Ice

262-19 Prevention of hazardous conditions.

No person shall put or place or cause to be put or placed any snow or ice upon the surface of any sidewalk, street, highway or other public way within the City of Franklin. ~~nor shall any person permit runoff from ice and snow accumulations upon his or her property to drain into any public way in such a fashion as to create a hazardous condition~~

262-20 Violations and Penalties

Any person found guilty of violating this article shall be fined not less than ~~\$50~~ \$100 per violation.

Chapter 284 Vehicles and Traffic, Article I, Traffic Rules and Regulations

284-20 Fines

Offense	Fine	
01 Winter parking restrictions	\$10	\$25
07 Parked on sidewalk	\$15	\$25
09 Parked in front of public or Private driveway	\$10	\$25

Add: After 5 offenses, the automobile is to be towed.

Resolution #10-15 – this resolution concerns the Initiative in Support of Movement to Amend the U. S. Constitution to Establish that Corporations, Unions, PACS and super PACS are not People and Money is not Speech.

Motion made by Councilor Dzujna that the Franklin City Council approves Resolution #10-15 by a roll call vote. Motion seconded by Councilor Feener.

Motion made by Councilor Giunta to table Resolution #10-15; motion seconded by Councilor Barton. Motion to table passes: 4 yes votes, 2 no votes.

Ordinance #15-15 – this ordinance concerns amendments to Chapter 166-8 Code of Appeal.

Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Ordinance #15-15 concerning Chapter 166-8 Code of Appeal for Monday, May 4, 2-015 at 6:10 p.m. in the Council Chambers, Franklin City Hall. Motion seconded by Councilor Giunta. All in favor; motion passes.

Motion made by Councilor Feener to read Ordinance #15-15 in title only, seconded by Councilor Starkweather. All in favor; motion passes.

Mayor Merrifield read Ordinance #15-15 concerning Chapter 166-8 Code of Appeal.

Other Business

Committee Updates – Councilor Feener advised the Legislative Committee held a meeting March 23, 2015 and a Joint Finance Committee meeting will be held once a date is set.

Councilor Dzujna stated the Parks and Recreation Committee also had a meeting on March 23, 2015 and advised that Director Alpers informed the committee that the Before and After School Programs are making money for the City. Councilor Dzujna also advised that Clear Water Kayaks will be teaching classes at the Community Center.

City Manager's Update – Manager Dragon reported for the Contingency Grant Line the City has received \$112.55 from Operation Safe Commute; \$396.41 from UNH Cooking Matter grant; \$20.00 Book Club; and \$254 from the Lion's Club for K9 Officer Max.

Citizen's Institute for Rural Design, project name "Franklin for a Lifetime" which is a project planning for the aging population and ways to have Franklin become their home for their entire

life. The City Council will hold a meeting on May 26, 2015 wherein the results of this project will be presented.

The Mayor's Drug Task Force has submitted another grant for an additional five years of funding. The grant offers \$125,000 per year. Youth Government Week will be May 5 through May 7, 2015.

Memorandum of Understanding between NH Metropolitan Medical Response System and Franklin. Manager Dragon advised she would like to have this agreement renewed for two years instead of one year. The Council was in agreement to renew the MOU for two years.

Manager Dragon announced the Fiscal Year 13 audit if complete and the school will be finished with FY14 shortly.

Late Items

Resolution #11-15 – this resolution concerns the acceptance of Grant Funds and the expenditure of funds for a project to replace the Haynes Brook Culvert.

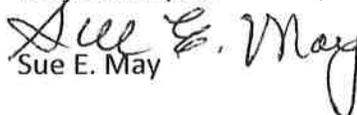
Motion made by Councilor Feener that the Franklin City Council votes to schedule a public hearing for Monday, May 4, 2015 at 6:11 p.m. regarding Resolution #11-15 for the acceptance of new revenues from a Federal Emergency Management Agency grant, and the City's Municipal Transportation Fund, and to expend the new revenues, not to exceed \$383,375.00 for a project to replace the Haynes Brook Culvert on Central Street. Motion seconded by Councilor Dzujna. All in favor; motion to schedule a public hearing passes.

Browns Field Site 599-601 South Main Street

Motion made by Councilor Feener that the Franklin City Council authorizes the City Manager to engage FBIDC to market 599-601 South Main Street with or without the barn depending on re-use at an asking sales price of \$69,000. Motion seconded by Councilor Starkweather. All in favor; motion passes.

Motion made by Councilor Feener and seconded by Councilor Clarenbach to adjourn. All in favor; meeting adjourned at 9:00 p.m.

Respectfully submitted,


Sue E. May