

**CITY COUNCIL MEETING
JUNE 1, 2009**

Call to Order

Mayor Merrifield called the meeting to order at 6:30 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said.

In Attendance

Councilor Andreozzi, Councilor Sharon, Councilor Bowers, Councilor Audet, Councilor Feener, Councilor LeBlanc, Councilor Starkweather, Councilor Boyd, Councilor Rabinowitz, Mayor Merrifield and City Manager Corrow.

Franklin High School Cheer Team

The Cheer Team was honored for their second State Championship. Mayor Merrifield read a proclamation proclaiming June 1st as Franklin Winter Spirit – State Championship Day.

Choose Franklin

Mrs. Denise Sharlow advised that the Choose Franklin Collaboration Project was a huge success; there were about 100 people who participated in the project and not all from Franklin. Mrs. Sharlow thanked Councilor Bowers for attending the Collaboration party and his kind and encouraging words in his address to everyone. Mrs. Sharon requested Manager Corrow send a letter of thanks to the New Hampshire Charitable Foundation acknowledging the project and its success.

City Council Acknowledgement

Councilor Bowers commented that he is looking forward to Community Day next year, that this year it was a great turnout and would be impossible to thank everyone who contributed to the success of the day.

Councilor Bowers recognized New England Pro Greens and Turf, Owner Kirk Wyant who has volunteered to take care of Trestle View Park for turf control, fertilizing, weed control and the only thing the City has to do is cut it.

Mayor Merrifield recognized Parks & Rec Director Krystal Alpers. He stated he was approached by several people from the Lassie League and Cal Ripkin League

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regarding the time and efforts that Director Alpers put into scheduling the fields for the season and the organizations really appreciated Director Alpers efforts on their behalf.

Mayor's Update

Mayor Merrifield attended the following functions: Community Day, May 9th including a good soaking in the dunking booth; May 11th Franklin VFW Ladies Auxiliary in packing care packages for New Hampshire Troops overseas; May 13th the Mayor was elected to the Board of Director of the Merrimack County United Way. He advised that on Wednesday, June 3rd from 4 pm to 6 pm at Franklin Savings Bank a forum will be held on health, education and financial stability. May 13th the Mayor joined residents, staff and volunteers at the Peabody Home for a luncheon in honor of National Elders Month; May 15th attended retirement party for long-time Franklin educator Lois Cianci; May 18th and May 20th the Mayor participated in Youth Government Week; May 22nd the City Manager and Mayor met with people with the New Hampshire Employment Security in Concord to discuss the unemployment rate in Franklin which is slightly higher than the State average but recently declined almost a full percentage point. May 25th the Mayor joined VFW/Elks and others in the Memorial Day Parade; May 28th was a meeting with school officials and school bus company to discuss some concerns and also met with Veterans Council and later presented the Mayor's scholarship to Senior Derrick Sylvester at the Franklin High School Senior Banquet. The \$1,000 scholarship was previous funded by former Mayor Tony Giunta. May 30th the Mayor participated in the Opera House Annual Celebrity/Waiter Dinner.

Minutes

Motion made by Councilor Bowers that the Franklin City Council approve the minutes of the May 4, 2009 City Council Meeting and the May 12, 2009 Budget Workshop Meeting, motion seconded by Councilor Feener.

Councilor Andreozzi requested that on Page 7 where she states she is concerned about the Opera House charging the school and the community groups she would like included that she indicated that volunteers could be organized to cover the cost of having people do the tech work. She also stated on Page 10, under donation of parcel, it should read does the City have to pay the State property

transfer tax. In the budget workshop minutes of May 12, 2009 where the discussion concerns a matching grant for the Webster Lake project, she would like included her request to find out if we could receive any part of the funds if we matched that part.

All in favor, minutes approved as corrected.

Northern Rail Trail

Mr. Martin advised that they have received a grant and the Trail will be coming into Franklin to Webster Lake. Currently they have 30 miles of trail to maintain the surface. He advised so far they have resurfaced 8 miles of trail in Andover and it has made a very nice surface and trail. They have a grant to do another 8 miles of resurfacing in Grafton County. He advised there is 14 miles in Franklin and Boscawen that he hopes to see surfaced. He stated that have a major opportunity this year as the DOT are going to entertain proposals this year for transportation enhancement grants. He stated this would be an opportunity to get all the way through Franklin and Boscawen. He advised Mr. Alex Burnhardt has managed the grant for the group in taking the trail North. He stated they have a major request of the City Council and that is Franklin takes on the role of Municipal Manager. He explained primarily that would mean taking care of the paper work, pay the contractors and the City can be reimbursed for the time spent performing these duties.

Mr. Rick Silverberg, Vice Chair of the Winnepesaukee River Trail stated their ultimate goal is to go west and connect up with the Northern Line and then hook up with the Belmont Meredith, and Laconia group. He stated the trails bring tourists to the cities and towns. Mr. Silverberg stated he hopes the City will agree to be the Municipal Manager.

Mr. Martin stated they have had a very close relationship with the Andover Snowmobile Club and discussions with the Lakes Region Snowmobile Club are excited about the possibility to this trail. Mr. Alan Carigan, President of the Lakes Region Snowmobile Club addressed the Mayor and Council in support of the project and offered a letter of support.

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Ms. Melissa Rizzo spoke in favor of the project stating from a health standpoint, the trails offer a place to exercise and enjoy beautiful surroundings. She advised there is a walking guide available for the trail.

Mr. Burnhardt advised that he is the project manager on the 8 miles the club is building now and would be happy to answer any questions you might have concerning this proposed project.

Manager Corrow asked if the trail group has met with the town of Boscawen as the project is to be a joint effort. Mr. Burnhardt advised they have not talked with Boscawen as they were waiting to see what Franklin does. Manager Corrow advised that when she and Director Sullivan met with the Northern Rail Trail group there was discussion of having a joint , inter-municipal agreement between Franklin and Boscawen concerning the trail. Mr. Burnhardt advised that the project manager does agree to maintain the project which is the 4 inches of stone dust and if that washes away, the legal obligation is to maintain it. He advised that the trail in Andover is 4 years old and to-date there has been no needed maintenance. He also stated they would be the backup for maintenance with the City.

Councilor Bowers commented that he would support this project as long as the City Manager's concerns are addressed and the City is protected concerning maintenance. Mayor Merrifield commented that there is no motion in the council packet and Mr. Burdhardt stated the key thing is that the Council vote to authorize the City entered into a Municipal Management Agreement with the Department of Transportation. Manager Corrow advised that it was her understanding that tonight the Trail Group only wanted to see if Franklin supports the project and then would meet with Boscawen and not to approve a municipal agreement. Mr. Burnhardt commented that it not entirely true and apologized for the misunderstanding but they need the commitment as it takes a lot of effort to make the application and if they made the application and Franklin was not in support, their efforts would be wasted. Councilor Feener asked how soon is the agreement needed. Mr. Burnhardt advised when the application is submitted it takes about 8 month until you know if you have been accepted and if approved, then they would come back to the City for the signed agreement. Councilor Feener stated he would need to see an agreement before he could approve an agreement and he would need to know how much time this would take up of the

City's municipal employees. Councilor Feener stated there doesn't seem to be a deadline so he suggested that they meet with the City Manager and work out all these questions and put together an agreement we can agree upon. The length of the agreement was discussed but Mr. Burnhardt could not answer that but stated that a time limit could probably be put on it.

Motion made by Councilor Rabinowitz that the Franklin City Council supports in principle an agreement with regards to Friends of the Northern Rail Trail, Merrimack County concerning maintenance of the trail through Franklin and Boscawen pursuing application for transportation enhancement funding. Motion seconded by Councilor Boyd.

Amendment made by Councilor Boyd that that support be contingent upon a detailed agreement be forthcoming to the Council. Amendment seconded by Councilor Andreozzi. All in favor of the amendment.

All in favor of the main motion as amended.

Public Hearings

Resolution #16-09, Resolution #17-09 and Resolution #18-09 – Resolutions authorizing the Mayor and City Manager to secure interim and permanent financing including bond counsel for the construction of Water Treatment Facilities for the removal of iron and manganese from Franklin's drinking water. The loan for this project will be in the amount of \$3,645,000 and the grant funds will be in the amount of \$3,555,000.

Director Sullivan addressed the Mayor and Council giving some background for the public. The effort began in May, 2007 wherein the City Council directed City staff to look into the feasibility of constructing water treatment facilities to address the permanent solution of taking iron and manganese out of City water. In October, 2007 a water rate increase was requested and approved that would fund a feasibility study and pilot program to look at the water quality to see if the iron and manganese could be removed from the water and to look at the cost to do so. An RFP went out and a firm was hired in April of 2008 and in April and May, 2008, a pilot test was done at Franklin Falls and Acme Well Fields where the

ground water contains the highest amount of iron and manganese. Three types of filtration systems were tested. A feasibility study was done and a preliminary design was done that would enable the City to file for applications for funding under different agencies that the City might get funding from. One was the Community Development Block Grant Program, the State Revolving Fund for Drinking Water, and the USDA Clean Waters. An environmental review was done with DES and acquired a permanent river crossing easement. A 49 ½% matching Federal grant was received from USDA and the balance of the funds would be funded through a 30-year 2 ¼% loan for a payment of \$180,000 per year and Director Sullivan advised the rate increase that has already been done will cover the loan payment and is in capital reserve, money is budgeted in fiscal year 2010 budget for interim financing and the payment will be about \$36,000 for the year and then will roll over into the permanent financing once loan project is completed the City will receive the 3.5 million dollar grant up front to complete the project. Mayor Merrifield asked if the resolution are approved and signed tonight, how soon could construction begin on the treatment facility. Director Sullivan advised the City could begin right away; however, currently the design is only 25% complete so that has to be completed to 75% and that would take most of the summer, by early fall or winter the underwater crossing work could begin, plant construction would be in the spring, 2010. Director Sullivan stated the facility should be up and running in October, 2010. Councilor Boyd stated this project is funded through user fees and Director Sullivan responded that is correct.

Mayor Merrifield opened the public hearing. Mr. George Dzujna asked if the plant would be a new plant in a new area of Franklin. Director Sullivan advised the plant will be constructed at the Acme Well Field site, in the City's well field within Water Department property. Mr. Dzujna also inquired if there would be extra pressures put on pumping in the City and Director Sullivan advised no, the pump rate will stay the same and would help on the minimum pressures and adding a third river crossing will improve flows. Director Sullivan also advised eliminating the iron and manganese will improve on home appliances and better preserve the distribution system and meeting federal mandates on manganese levels .

Councilor LeBlanc asked if every user on the system will benefit from the facility or just those in West Franklin. Director Sullivan advised that all users will benefit.

Resolution #19-09 – a supplemental appropriation in the amount of \$700.00 representing grant funds for reimbursement of tuition fees at the Franklin Fire Department. Mayor Merrifield opened the public hearing, no one came forth to speak, the public hearing was closed.

Comments from the Public

Mr. Dick Chandler, President of the Webster Lake Association inquired about his request to look into fireworks going into Webster Lake and he had been informed that issue went to committee and he asked what the status. Mayor Merrifield advised that the Legislative Committee met and a letter was sent to Webster Lake Association requesting some clarifications from the Association.

Legislative Comments

Representative Webb stated the rates charged for delinquent taxes went through the House and then to the Senate and it has been declared inexpedient to legislative on the Senate side. Mayor Merrifield asked about building aid, catastrophic aid, revenue sharing. Representative Webb advised school building aid the Senate put back in the amount of \$87,000,000, revenue sharing is still out. The Senate did not touch rooms and meals distribution. Video game machines have been added to some of the race tracks. All depends on committee conference. Manager Corrow stated she notice the change in the Senate version she notice the change in the formula for retirement which would be a large impact next year. Councilor Audet asked about the 1 ½% tax on refinancing and Representative Webb stated he does not know where that is going. Mayor Merrifield commented that he had heard that was in the governor's budget.

Health First Family Care Center and Caring Community Network of the Twin Rivers

Mr. Rick Silverberg addressed the Mayor and Council stating Health First has been in operation in Franklin since 1996 and recently received a stimulus grant that will allow the hiring of some additional staff. One third of their clients are uninsured

and those are working hard to pay towards their health care. They are serving over 3,800 clients. They are an employer having a small staff and most of their employees are from Franklin, Tilton or Northfield. He advised they just wrote an economic stimulus grant and are going to be getting \$385,000 that will be used for construction, upgrades, renovations and purchase of improvements to medical equipment and computers. Regarding Caring Community Network, it is a separate 501C3, private, non-profit that does business in the State of New Hampshire. They act as the public health network for the Lakes Region. CCNTR has 6 employees. They work on prevention of illness and also on planning for emergency preparedness. They also are getting involved in quality of water and testing.

School Board Report

Mrs. Kathy Fuller, Chair of the School Board thanked Supt. Divoll and all those that were involved in Community Day for making it a very successful day. Dr. Ellis has been employed as the full-time Business Administrator for SAU 18. The High School Track Team did well. She thanked Council Boyd and others who participated in the job of the week program. Councilor LeBlanc commented on the Drama Field Trip headed up by teacher Mrs. Finley and a letter she wrote, which he read to the Mayor and Council complimenting the student on their excellent behavior on the trip.

Extension of a One-Year Agreement with Teamsters Local 633

Motion made by Councilor Boyd that the Franklin City Council approve a one-year extension to the current Agreement scheduled to end June 30, 2009, between the City of Franklin and the Teamsters Local 633 of New Hampshire (Police Department Employees). Motion seconded by Councilor Starkweather. All in favor, motion passes.

Resolutions #16-09, #17-09 and #18-09/Water Treatment

Motion made by Councilor Feener that the Franklin City Council adopt Resolution #16-09 by a roll call vote, motion seconded by Councilor Bowers.

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Roll Call:

Councilor Rabinowitz – Yes

Councilor Sharon – Yes

Councilor Boyd – Yes

Councilor Bowers – Yes

Councilor Starkweather – Yes

Councilor Audet – Yes

Councilor Andreozzi – Yes

Councilor Feener – Yes

Councilor LeBlanc – Yes

All in favor, Resolution #16-09 is adopted.

Motion made by Councilor Feener that the Franklin City Council adopt Resolution #17-09 by a roll call vote, motion seconded by Councilor Bowers.

Roll Call:

Councilor Rabinowitz – Yes

Councilor Sharon – Yes

Councilor Boyd – Yes

Councilor Bowers – Yes

Councilor Starkweather – Yes

Councilor Audet – Yes

Councilor Andreozzi – Yes

Councilor Feener – Yes

Councilor LeBlanc – Yes

All in favor, Resolution #17-09 is adopted.

Motion made by Councilor Feener that the Franklin City Council adopt Resolution #18-09 by a roll call vote, motion seconded by Councilor Starkweather.

Roll Call:

Councilor Rabinowitz – Yes

Councilor Sharon – Yes

Councilor Boyd – Yes

Councilor Bowers – Yes

Councilor Starkweather – Yes

Councilor Audet – Yes

Councilor Andreozzi – Yes

Councilor Feener – Yes

Councilor LeBlanc – Yes

All in favor, Resolution #18-09 is adopted.

Resolution #19-09/Supplemental Appropriation in the amount of \$700.00

Motion made by Councilor Feener that the Franklin City Council approves Resolution #19-09 by a roll call vote, motion seconded by Councilor Starkweather.

Roll Call:

***Councilor Rabinowitz – Yes
Councilor Sharon – Yes
Councilor Boyd – Yes
Councilor Bowers – Yes
Councilor Starkweather – Yes***

***Councilor Audet – Yes
Councilor Andreozzi – Yes
Councilor Feener – Yes
Councilor LeBlanc – Yes***

All in favor, Resolution #19-09 is adopted.

Resolution #21-09/Supplemental Appropriation in the amount of \$18,285

Motion made by Councilor Bowers that the Franklin City Council schedules a public hearing on Resolution #21-09 for Monday, July 6, 2009 at 7:05 p.m. in the Council Chambers, Franklin City Hall regarding a supplemental appropriation in the amount of \$18,285.00 for the Franklin Fire Department Fiscal Year 2009 budget for a portion of the cost of a retirement payout. Motion seconded by Councilor Feener.

Mayor Merrifield read Resolution #21-09:

RESOLUTION #21-09

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2009,

In the year of our Lord, Two Thousand Nine,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2009 which began July 1, 2008, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire wishes to appropriate funds in the amount of Eighteen Thousand Two Hundred Eighty Five Dollars and No Cents (\$18,285) for the purpose of partially funding a retirement in the fire department and;

WHEREAS, the City Council of the City of Franklin wishes to use remaining reserved fund balance for compensated absences, now

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, July 6, 2009 the City Council of the City of Franklin, New Hampshire does hereby authorize an increase in revenues:

“Use of Fund Balance” account number 01-0-000-39399-000 – Eighteen Thousand Two Hundred Eighty Five Dollars (\$18,285).

And an increase in expenditures:

“Fire Admin FT Wages” account number 01-2-201-40110 in the total amount of Eighteen Thousand Two Hundred Eighty Five Dollars (\$18,285) by a roll call vote.

All in favor, motion passes.

Resolution #20-09/Supplemental Appropriation in the amount of \$1,937.30

Motion made by Councilor Bowers that the Franklin City Council schedules a public hearing on Resolution #20-09 for Monday, July 6, 2009 at 7:10 p.m. in the Council Chambers, Franklin City Hall regarding a supplemental appropriation in the amount of \$1,937.30 for a New Hampshire Highway Safety “Click It or Ticket” Grant. Motion seconded by Councilor Feener.

Mayor Merrifield read Resolution #20-09:

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2009.

In the year of our Lord, Two Thousand Nine.

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2009 which began July 1, 2008, and;

WHEREAS, the City Council of the City of Franklin wishes to appropriate grant funds from the State of New Hampshire Highway Safety Agency, Highway Safety Project Grant, "Click it or Ticket", in the amount of One Thousand Nine Hundred Thirty Seven Dollars and Thirty cents (\$1,937.30) to execute seven (7) seatbelt enforcement patrols in six (6) hour shifts, or two officer 3 hour patrols. The grant funds to be allocated as follows:

- 1. Increase Revenue Account # 01-2-103-33111 Operating Grants by \$1,937.30.**

- 2. Increase Expenditure Account #01-2-103-40140 Police Overtime by \$1,937.30.**

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, July 6, 2009 the City Council of the City of Franklin, New Hampshire does hereby authorize acceptance of the \$1,937.30 grant for the Franklin Police Department Seatbelt Enforcement "Click it or Ticket" patrols by a roll call vote:

All in favor, motion passes.

Resolution #22-09/Supplemental Appropriation in the amount of \$1,660.53

Motion made by Councilor Feener that the Franklin City Council schedules a public hearing on Resolution #22-09 for Monday, July 6, 2009 at 7:12 p.m. in the Council Chambers, Franklin City Hall regarding a supplemental appropriation in the amount of \$1,660.54 for a New Hampshire Highway Safety "Franklin Statewide DWI Hunter Patrols" Grant. Motion seconded by Councilor Bowers.

Mayor Merrifield read Resolution #22-09:

RESOLUTION #22-09

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2009.

In the year of our Lord, Two Thousand Nine.

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2009 which began July 1, 2008, and;

WHEREAS, the City Council of the City of Franklin wishes to appropriate grant funds from the State of New Hampshire Highway Safety Agency, Highway Safety Project Grant, "Franklin Statewide DWI Hunter Patrols", in the amount of One Thousand Six Hundred and Sixty Dollars and Fifty-Four Cents(\$1,660.54) to execute six (6) DWI saturation enforcement patrols in six (6) hour shifts. The grant funds to be allocated as follows:

- 1. Increase Revenue Account # 01-2-103-33111 Operating Grants by \$1,660.54.**
- 2. Increase Expenditure Account #01-2-103-40140 Police Overtime by \$1,660.54.**

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, July 6, 2009 the City Council of the City of Franklin, New Hampshire does hereby authorize acceptance of the \$1,660.54 grant for the "Franklin Statewide DWI Hunter Patrols" by a roll call vote:

All in favor, motion passes.

Other Business

Committee Reports

Councilor Bowers advised that the MSD Committee met last week and that the minutes will be available. He advised that Mr. Carrier is the Chair of the Ad-Hoc Recycling Committee and other members are Craig Shufelt, Piper Printing, Scott Clarenbach, George Dzujna, John Hall, Marie Rabinowitz and their first meeting will be held soon.

Councilor Feener thanked everyone for their attendance at the Joint Finance

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Committee Meeting last week. City Manager Corrow requested that the Joint Finance Committee wait to meet after a meeting has taken place with the Governor concerning stimulus funds and it was agreed to wait to meet after that meeting and the School Board meeting take place.

City Manager 's Update

Manager Corrow advised that the process for hiring a Police Chief has been completed and she provided the Mayor and Council with a memorandum

regarding her choice for the position. She thanked the panel that did the interviews for the Police Chief position which included Councilor Boyd, Director Sullivan, the Police Chief from Lebanon and Plymouth.

The Department of Labor has not provided the City with a written response to their inspection of the City's facilities. The Park and Rec Department will be offering Summer Concerts at Odell Park in July and August. Manager Corrow will be attending the Annual Manager's Conference June 17, 18 and 19.

Councilor Andreozzi advised that this might be the last Council meeting that is taped and aired as the Council has not made a decision but is considering cutting the cost of having the council meetings televised. She encouraged everyone to attend council meetings and she thanked Representative Webb for all his time and effort in taping the council meetings.

Agreement between AFSCME Council 93/Local 3158 Support Staff and the Franklin School Board

For discussion, motion made by Councilor Feener that the Franklin City Council approve the Agreement between AFSCME Council 93/Local 3158 Support Staff and the Franklin School Board, motion seconded by Councilor LeBlanc.

Councilor Feener inquired what the cost of this agreement will be in the upcoming budget. Mrs. Fuller stated that she can assure the Council that the cost is covered in the upcoming budget. Councilor Andreozzi stated her concern is there might have to be cuts and by approving this agreement the school is tied into something that can't be cut because it has been ratified. Mrs. Fuller stated this is a fair

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agreement and it will cost the school \$44,000 the first year, \$69,000 the second year and \$88,000 the third year and covers current existing staff. Councilor Feener commented that the City could be faced with having to cut as many as 18 positions and having the employees take a one week furlough without pay so he does not feel this contract should be ratified until the budget gets settled.

Motion made by Councilor Feener to postpone the motion to ratify the Agreement until such time the Council has a handle on where we are with both the City and School District budgets, motion seconded by Councilor Boyd.

Councilor Audet recused himself from voting and Councilor Andreozzi abstained. Motion passes by a vote of 1 no and 6 in favor.

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

Respectfully submitted,

Sue E. May