

**CITY COUNCIL MEETING
MARCH 5, 2007**

Call to Order

Mayor Palfrey called the meeting to order at 7:00 p.m. in the Council Chambers, Franklin City Hall. Salute to the Flag was said.

In Attendance

Councilor Rabinowitz, Councilor Boyd, Councilor Starkweather, Councilor Feener, Councilor LaFever, Councilor Merrifield, Councilor Bowers, Councilor Andreozzi, City Attorney Fitzgerald, Mayor Palfrey and City Manager Doyon.

Absent

Councilor Gassett

Public Hearing - Resolution #10-07 – a supplemental appropriation in the amount of \$103,655 to upgrade and expand technology in the Franklin Schools. Mayor Palfrey opened the public hearing, no one came forth to speak, the public hearing was closed.

Resolution #11-07 – At the request of the School District, the public hearing on this resolution was cancelled.

Comments from the Public

The Cool Cities Club from Franklin High School gave a presentation to the Mayor and Council concerning Global Warming and their plans to plant trees in the spring. They requested support and asked that the Mayor sign an agreement of support. ***Motion was made by Councilor Bowers that the Franklin City Council authorize the Mayor to sign the Cool Cities Initiative, motion seconded by Councilor Starkweather.***

Councilor Merrifield stated he would like to see the agreement prior to authorizing the Mayor to sign it. Councilor Boyd agreed that the Council should read it over. Manager Doyon stated he believes it is in resolution format, it's a resolution that cities adopt. Manager Doyon suggested we have them come back at the next meeting.

Councilor Bowers amended his motion to say that the City Council commends the efforts and the hard work that these kids are doing and the City Council will review the resolution when we have it in writing and bring it up at a later date. Motion seconded by Councilor Andreozzi. All in favor, motion passes.

Ms. Sandy Marshall, representing the Greater Franklin Chamber of Commerce stated it is their hope that the City Council will be able to help come to a solution for the issue concerning Mojalaki Country Club. She stated the country club is a vital part of the community and to lose it would be very sad. Steve Bottomley and his partners and staff have committed a great deal of time and money not only to the club but to Franklin. They are always willing to help and be available for any initiative which the City is

working on. They have provided a meeting place which this community needs as well as a golf course which brings players from all over the State. To lose this would be detrimental to Franklin. She asked that this be resolved and keep Mojalaki part of what makes Franklin so good.

Mr. Dave Liberatory, Chairman of FBIDC addressed the Mayor and Council offering support for the Mojalaki Gold Course and Club. He stated the club has been in Franklin for 87 years and is one of the brightest gems of Franklin's many attributes. He stated from his 14 years of experience in the real estate business, the country club is a major draw to the City and in many deals of real estate has been the deciding factor for a family moving here. He advised that Steve Bottomley has become a major contributor to the efforts of Choose Franklin and FBIDC to promote Franklin and move us into the 21st century. The golf course is a very important part of promoting Franklin.

Mr. Steve Foley gave an update on the progress of the Franklin Opera House stating they have had a fairly successful season so far with several good shows. They have also had some school shows which the students have enjoyed and learned from. This weekend the circus will play in the Opera House. Mr. Foley advised the Opera House has assets in excess of \$70,000 but the liquid assets are very small. He stated they have benefited from some retired workers that are carpenters, etc. and they have been donating their time working on different projects that needed attention in the Opera House. He advised they have come up with a solution for the painting of the floor. One of the tech people has said they can use a ¼" masonite and it is taped down and provides a nice smooth surface and no impact on the original floor and can be painted and repainted. He stated there was funds appropriated in the budget to repair the front steps of the Opera House and the Opera House is in the process of writing a grant to finish the restoration of that project and the grant will cover the replacement and restoration of the iron parts that have the little glass lights in them.

Supt. Jo Ellen Divoll addressed the Mayor and Council stating she wanted to thank Brian Sullivan and the Highway Department for helping her make the decision whether the kids should go to school when a snow storm has taken place.

Mrs. Sarah Stanley, Ward III advised she has a letter from Denise Sharlow as she was unable to attend the meeting tonight which expressed her support of the Council finding an equitable solution for Steve Bottomley and the Golf Course regarding their discretionary easements. In her letter she stated it is her understanding that if an agreement can't be reached between the City and the Golf Course that it might be necessary for the golf course to close their doors. She further stated in her letter that the golf club is a terrific asset for Franklin and attracts golfers from all over the lakes region. She also stated Mr. Bottomley who is not a resident in Franklin serves on many of the boards and committees for Franklin.

Mrs. Stanley also stated she personally would like to speak in support of Steve Bottomley stating he is a real advocate for the community and has done a terrific job. She also

stated as a parent with children in the school system she supports the school expanding their technology and is a vital link to teachers and guidance councilors at the high school level.

Mayor Palfrey read a letter from Mr. LeBlanc supporting the presentation given by Mr. Ken Norton with the Friends of the Winnepesaukee River at the February City Council Meeting. Mr. LeBlanc stated he supports the promotion of white water paddling by the scheduling of water releases on the Winnepesaukee River and that it will bring more people to Franklin to visit the shops and restaurants.

City Council Acknowledgement

Councilor Bowers thanked the CIP Committee, Councilor Andreozzi, Councilor Merrifield, Business Administrator for the Schools Donna Clairmont, School Board Chair Kathy Fuller, School Board Members Karen Grzelak and Gerry LeBlanc, Planning Board Member Brian Colburn and Resident Bob Sharon. He also thanked the department heads for their work with the Committee and thanked the City Manager for his assistance. Councilor Bowers also commended Mayor Palfrey for being visible in the community and being accessible to the councilors and residents in the community.

Councilor Merrifield recognized the volunteers from Choose Franklin who represented the City at the Eastern Fishing Exhibition in Massachusetts and will be doing another show on St. Patrick's Day weekend.

Mayor's Update

Mayor Palfrey advised he attended the New Hampshire Mayors Conference in Nashua.

Approval of Minutes

Motion made by Councilor Merrifield that the Franklin City Council approve the minutes of the February 5, 2007 City Council Meeting, motion seconded by Councilor Feener. All in favor, minutes approved.

School Board Report

Vice Chair of the School Board Donna Gilbreth advised that the School Board met on February 19, 2007 and at that time elected the Chair, Kathy Fuller, Vice Chair Donna Gilbreth. She stated the Winter Carnival was a success and thanked members of the staff of the City of Franklin, members of the Outing Club and especially members of the Morrill Family for helping to make snow on one very long evening so that the snow sculptures could happen. She advised several students participated in the Lakes Region Music Festival and two staff members participated in the Penguin Plunge Fund Raisers. There are 10 Franklin High School students who are taking classes through the New Hampshire Community Technical College in Laconia so are gaining some college

experience. She stated the Governor has proposed his budget which would give Franklin approximately 200,000 increase which is less than expected from the last formula but the legislature is nowhere near coming up with a dollar figure so it will be many months before the school knows exactly what they will be getting. The staff has reviewed proposals from several emergency notification services and are pursuing an emergency call only service and would be a charge that would fit within the budget.

Councilor Merrifield inquired about the emergency egress in the new windows project for Bessie Rowell. He stated with the public hearing being cancelled are they going back to the drawing board on this. Business Manager Clairmont stated they will be very aware of the codes and egress.

Resolution #10-07 – a transfer of \$103,655 from School Technology Trust to upgrade and expand technology in the Franklin Schools.

Motion made by Councilor Feener that the Franklin City Council approve Resolution #10-07, a supplemental appropriation in the amount of \$103,655.00 for upgrading and expanding of technology in the Franklin School District by a roll call vote. Motion seconded by Councilor Bowers.

Roll Call:

***Councilor Rabinowitz – Yes
Councilor Merrifield – Yes
Councilor Boyd – Yes
Councilor Bowers – Yes***

***Councilor LaFever – Yes
Councilor Andreozzi – Yes
Councilor Feener – Yes
Councilor Starkweather – Yes***

Resolution #10-07 passes.

Resolution #09-07 – a supplemental appropriation in the amount of \$49,000 from Water Capital Reserve to replace and upgrade water main and appurtenances on Munroe Street.

Mayor Palfrey read Resolution #09-07 in its entirety:

RESOLUTION #09-07

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2007.

In the year of our Lord, Two Thousand Seven.

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2007 which began July 1, 2006, and;

WHEREAS, the Franklin City Council wishes to appropriate funds to replace and upgrade water main and appurtenances for Munroe Street and withdraw Forty-Nine Thousand and

No Cents (\$49,000) from the Water Capital Reserve Account to pay for said improvements and;

WHEREAS, the City Council of the City of Franklin wishes to adjust the following Water Fund Accounts:

- 1. Increase Revenue Account #02-39151-050005 "Transfer In Capital Reserve" by \$49,000.**
- 2. Increase Expenditure Account #02-41995-140740 "Capital Equipment by \$49,000.**

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, April 2, 2007 the Franklin City Council of Franklin, New Hampshire does hereby authorize the withdrawal of Forty-Nine Thousand and No Cents (\$49,000) from the Water Capital Reserve Account and an increase to Revenue Account #02-39151-050005 by Forty-Nine Thousand and No Cents(\$49,000) and increase Expenditure Account #02-41995-140740 by Forty-Nine Thousand and No Cents (\$49,000) by a roll call vote:

Motion made by Councilor Bowers that the Franklin City Council schedule a public hearing on Resolution #09-07 for April 2, 2007 at 7:05 p.m. in the Council Chambers, Franklin City Hall to consider a supplemental appropriation in the amount of \$49,000 from the Water Department Capital Reserve Fund to replace and upgrade water main and appurtenances on Monroe Street. Motion seconded by Councilor Feener. All in favor, motion passes.

Other Business

Committee Reports

Councilor Merrifield announced a change of date for the Finance Committee Meeting. Finance Committee Meeting will be held Monday, March 12, 2007 at 6:00 p.m. Councilor Bowers announced that the CIP Committee will meet Tuesday, March 27, 2007 at 7:00 p.m. in the GAR Hall. Councilor Rabinowitz advised that he and Councilor Andreozzi attended the School Board Meeting last month and he commended the Board on the action they are taking on taking care of the emergency response system.

Mayor Palfrey accepted Richard LaFlamme's resignation from the Planning Board. He advised they will need a member of the Zoning Board to be on the Planning Board.

Manager's Update

Manger Doyon advised that Youth Government Week will be March 26th through March 30, 2007. He advised that a draft agreement is being reviewed by FBIDC and hopefully will be ready to be brought before the Council at the next meeting. Councilor Andreozzi

inquired if Ken Norton had contacted the City Manager and a resolution worked out. Manager Doyon advised that Mr. Norton has not contacted him.

Manager Doyon advised that Councilor Gassett had questioned the fact that if Mojalaki Country Club does not have 18 holes would that affect their discretionary easement status. Manager Doyon advised that was looked into and a letter sent to the Club stating that the easement may not remain in its current form because of the change. The application of the easement is critical and needs to be done in April.

Mr. Steve Bottomley addressed the Mayor and Council outlining the changes that have been done at the Club. He advised that 5 years ago when he and his partner came here they planned to improve the course and the product that came out of the club, improve the service and put the club back on the map and he stated they feel they have done that. Unfortunately despite those efforts in none of the 5 seasons they have had they have not even come close to breaking even. He advised that his partner in order to support his family has had to take a job elsewhere. In attempting to figure out what they were going to do, they came up with three choices: deny the fact that they had never broken even; close the club or attempt to identify the reasons that people were not coming to the club and come up with a business plan to have a shot at being successful. He advised that within 25 miles around Mojalaki there is 18 golf courses, 13 of which are 18 holes, the rest are 9 holes. He stated that the stock market may have done well but for most people they are not making a whole lot more than they were 5 years ago and people do not have the time that they use to have. Since people do not have a lot of time, they want to have some of that time to spend with their families and the club was not very family friendly as a facility.

The changes that were made at Mojalaki were to keep the original 9 holes which were built in 1920; the front 9 which are the new holes, the 9th green converted to a tee and the first and second holes have been made a driving range. They have kept the other holes that are on the club's property. The holes that are on the Hurst's property, they will continue to maintain in the event that business goes crazy and they would once again need to utilize those. Currently their design is to have a 9-hole golf course, a driving range, a practice green and a chipping area and 5 regulation practice holes. He stated the changes make this only one of two like it in New England. This will give people more reasons to come to Mojalaki. Five years ago the club could not have the Rec. Center have its golf program but now the facility can offer that. The Rec. Center will have its program at Mojalaki and grants have been obtained to help the program and a donation of all the clubs has been received. They will also offer clinics for adults. Every change that has been made at the club is still golf related and for the enjoyment of playing the game.

He advised that what he received on February 20, 2007 was a letter from the City Assessor's Office stating that Mojalaki was in violation of the discretionary easements and a penalty would have to be paid which is 20% of the full value of the property as well as if the club wanted to apply for another discretionary easement an appraisal would have to accompany that application. He stated his attorney has responded and they do not

believe they are in violation of the easements. The golf course is still a golf course and used for the playing of the game. He stated one thing this has brought out is the club has two non-concurrent discretionary easements, both with different language in them and he hopes the Council would take the two discretionary easements combine them into one with language that Mojalaki would be run as a golf course whether it be 18 holes, 9 holes or 14 holes for the game of golf and he stated he would turn the clock back to Day 1 to start the ten years. He advised that right now one easement has 3 years left on it and the other one is in its fifth year.

Councilor Feener stated we will try to make this work, and stated he believes that adjustments can be made so the club can stay open. Councilor Feener stated they have given a lot of time, thought and effort to keep Mojalaki a viable golf course. Councilor Feener stated he does not know what the exact languages of the discretionary easements were but the club is still a golf course and the nature of the business has not changed. Councilor Feener stated a lot of people come to the City to play at the golf course.

Mayor Palfrey called a recess at 8:05 p.m. and at 8:10 p.m.the Mayor and Council met with legal counsel, City Attorney Fitzgerald to discuss the discretionary easements for the Mojalaki Golf Course and after legal counsel the Mayor advised Mr. Bottomley, owner of Mojalaki to have his attorney forward the revised easement amendment to the easements to City Attorney Fitzgerald for consideration.

***Motion to adjourn made by Councilor LaFever, seconded by Councilor Bowers.
Meeting adjourned at 8:40 p.m.***

Respectfully submitted,

Sue E. May