



**Legislative Meeting Minutes
February 22, 2022 – 5:30 p.m.
Library – Upstairs Meeting Room**

Attendees: Councilor Olivia Zink (Chair), Councilor Bob Desrochers (by phone) and Councilor Trudel.
Others in Attendance: Mayor Jo Brown, Councilor George Dzujna, and City Manager Judie Milner.

Chair Zink called the meeting to order at 5:30 p.m.

Salute to the Flag was led by Councilor Trudel.

Agenda: (Packet is attached to the bottom of these minutes)

I. Approve Previous Meeting Minutes

Motion – Councilor Trudel moved to approve the minutes of the November 18, 2021 Legislative Committee Meeting pending the approval of the MSD meeting happening tomorrow morning, February 23, 2022. Councilor Desrochers seconded.

Roll Call Vote:

Councilor Zink yes Councilor Trudel yes Councilor Desrochers yes

All in favor; motion passes.

II. Review Ordinances Previously “Laid on the Table” by City Council

Chair Zink turned this over to City Manager Milner to walk through the ordinances that are on the table.

City Manager Milner stated that there are a few ordinances on the table yet a couple of them are a moot point now.

- a. The Tobacco 21 rescinding ordinance; Franklin was one of the first communities to increase the smoking age to 21. Now that the State of NH has adopted Tobacco 21 it is a moot point for us to consider rescinding it because we can't be less stringent than state of New Hampshire. That one is on the table and pretty much dead.
- b. Solar Pilots ordinance; That is sitting on the table and it is very clear that they are paying for the solar projects and taxes. That makes this ordinance dead as well.

- c. A title change for the Welfare Director ordinance; City Manager Milner stated that she has not moved forward with that as of yet. She is changing the job description, but not the title change. She will need to figure that out since Franklin does not technically have a Welfare Director at this moment in time. They have a Welfare Administrator. City Manager Milner is going to be asking City Attorney Fitzgerald whether an actual title of Welfare Director is needed or if only someone performing the duties of a Welfare Director is needed. That ordinance is sitting on the table just waiting for now.
- d. Ordinance 04-21 on fireworks is on the table, but that has been included on today's agenda as a separate item so that will be discussed on agenda number four.
- e. Ordinance 09-20 Election recount process; City Manager Milner stated that on page one and two of the packets that she gave the Committee members, is the original ordinance that came before the council a couple of years ago, right after their first recount that was done. The charter says that a recount shall be done within a certain number of days, but doesn't have the actual process of doing the recount. City Clerk Gargano at the time, suggested this language so that we had a process in place that is followed to make it easier and a little less confusing. It was reviewed by City Attorney Paul Fitzgerald. City Manager Milner did mention that the packet does have City Attorney Fitzgerald's opinion in it so it cannot be shared with the public, which is on page three. At the time, the council wanted this to be sent to the Secretary of State's office but it doesn't look like it ever made it there. If this committee would like to take this off the table at a Council meeting and redirect, City Clerk Stanyan can take another look at it. She already looked at it and has a few different ideas.
The steps on this would be to take another look at it, bring it back to this committee, send it to the Secretary of State's office and get it moving forward again. Otherwise, it just sits on the table.

A discussion about the election recount ensued. It was decided that Ordinance 09-20 would be sent to City Clerk Stanyan and City Attorney Fitzgerald for review and sent to the Secretary of State's office. It will then be put on the next agenda once approved with two suggested motions.

III. Discuss Codification of Elected Official/Board Appointee Code of Conduct Policy

Chair Zink stated the next on the agenda was the Code of Conduct policy.

City Manager Milner went over this, which is on pages four through six of the packets passed out. At a City Council meeting this was moved back to the Legislative Committee to review whether or not they should codify the code of conduct for elected officials and appointed board members. There was some discussion about whether or not somebody should recuse themselves. City Manager Milner spoke with City Attorney Fitzgerald and he said that the policy is in a suggestion the way that it is written now. If we codify the policy, then it's more of a rule that needs to be followed. City Council moved it back to legislative to talk about and make a recommendation.

There was discussion about how this is written and it was decided that since City Manager Milner is putting together a brand-new personnel policy for May that the committee could reconvene on this after that is completed.

Chair Zink stated that she will review and add it to the next Legislative Committee agenda.

IV. Discuss Changes to Fireworks Ordinance

The Legislative Committee discussed the firework Ordinance 03-22.

The changes that were made last summer were to prohibited fireworks Monday through Thursdays, with the exception of Federal Holidays, and change the end date of the time from on Friday, Saturday and Sundays to 10pm and to have a penalty fee after your first offense of \$100, \$500 after the first offense.

The City Council sent the changes back to the Legislative Committee since there were some really good comments from residents at the public hearing in November.

After reading through a lot of the complaints, the committee decided to keep the ordinance changes as is, with the cutoff time of 10pm on Friday – Sunday evenings and the first offense penalty fee at \$100 going to \$500 for any other offenses. They also added that fireworks are not permissible on City property without a permit. The rules would be similar to receiving a permit for alcohol on City property.

This will be added to the City Council April agenda for the Council to consider a public hearing on this in May so that this may be decided on before Memorial Day.

V. 2020 Census/Ward Line Changes Discussion – Possible Charter Change

Chair Zink went into discussing ward line changes and explained that a charter change needs to be done in order to comply with redistricting laws and rules. There are three options that need to be discussed and decided on for Franklin and moving forward.

These are the three options:

Option #1: Keep the lines in the city charter and recommend a charter change to adjust those lines within a 10% variation. This is the status quo and will require a charter change going forward on ward line changes as a result of the Census every 10 years.

Option #2: Recommend a charter change to move the ward lines outside of the charter and into the city code. This will eliminate the need for a charter change for Ward line changes; rather, the city council would adjust ward lines through an ordinance (with a public hearing).

Option #3: Recommend a charter change to eliminate wards and would make all city councilors to be elected at large.

There was a lot of discussion on option preferences and the committee decided to turn this

over to the City Council to discuss and decide on at their next meeting.

VI. **Other Business**

There was no other business to discuss.

Motion to adjourn was made by Councilor Trudel. Seconded by Councilor Desrochers.

Roll Call Vote:

Councilor Zink yes Councilor Trudel yes Councilor Desrochers yes

All in favor; motion passes.

Meeting adjourned at 7:06 p.m.

Respectfully submitted,

Lisa Jones