

CITY OF FRANKLIN
CITY COUNCIL MEETING
April 3, 2017
6:00 P.M.





**FRANKLIN CITY COUNCIL
AGENDA**

Council Chambers

Monday, April 3, 2017

6:00 P.M.

SALUTE TO THE FLAG

PUBLIC HEARINGS

Resolution #10-17: A Resolution regarding appropriation of DES grant funds in the amount of \$59,000 for the cleanup of the remaining contamination on the former Macosko Foundry on Chance Pond Road to the nuisance abatement line.

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.

LEGISLATIVE COMMENTS

CITY COUNCIL ACKNOWLEDGEMENT

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

MAYOR'S UPDATE

Agenda Item I.

City Council to consider the minutes of February 27, 2017 City Council Workshop Meeting and March 6, 2017 City Council Meeting.

Agenda Item II.

Monthly School Board Report.

Agenda Item III.

City Council to consider adopting Resolution #10-17, appropriation of DES grant funds in the amount of \$59,000 for the cleanup of the remaining contamination on the former Macosko Foundry on Chance Pond Road to the nuisance abatement line.

Agenda Item IV.

City Council to consider “un-merger” of some previously merged lots on Oriole St.

Agenda Item V.

City Council to consider Franklin Cultural Alliance “PULL UP A CHAIR & SIT A SPELL” project.

Agenda Item VI.

City Council to consider zoning amendment on Accessory Dwelling Units.

Agenda Item VII.

Other Business

- 1. Committee Reports**
- 2. City Manager’s Update**
- 3. Late Items**

Adjournment

The City Council of the City of Franklin reserves the right to enter into non-public session when necessary according to the provisions of RSA 91-A.

This location is accessible to the disabled by stairwell elevator. Those wishing to attend who are hearing or vision impaired may make their needs known by calling 934-3900 (voice), or through "Relay New Hampshire" 1-800-735-2964 (T.D./TRY)

CITY COUNCIL MEETING
AGENDA ITEM I



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of April, 2017

Subject: Approval of Minutes

Motion: "I move that the Franklin City Council approve the minutes of the February 27, 2017 City Council Workshop Meeting and March 6, 2017 City Council Meeting."

Mayor calls for a second, discussion and the vote.



PENDING COUNCIL APPROVAL
City Council Special Workshop Meeting
February 27, 2017

Call to Order

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

In Attendance

Councilor Clarenbach, Councilor Ribas, Councilor Moquin, Councilor Barton, Councilor Desrochers, Councilor Wells, Councilor Zink, Councilor Dzujna, City Manager Dragon and Mayor Merrifield.

Absent

Councilor Desrochers, Councilor Giunta, Councilor Wells.

Salute to the Flag was led by Councilor Ribas.

City Manager Dragon stated that this is the 2nd workshop as the 1st workshop was on economic development. Tonight's workshop will be about police and fire and she is looking to hold another one next month on the water and sewer departments. Tonight is to focus on police and fire and their challenges with labor, OT, etc. City Manager Dragon is trying to give the council as much information as possible prior to the budget process. She stated we always say yes we can do "that", when asked, but tonight you will see how that has really impacted the departments and personnel as the calls have increased.

Police Department Presentation

Chief Goldstein stated that throughout his years as police chief this is the first time he has addressed this governing body in this regard. He has been dealing with these issues for about forty (40) years and that his pedigree and resume, with his degrees and clinical experience, make him an expert in this field.

Chief Goldstein showed a PowerPoint presentation – he began slide 1 with a quote from Winston Churchill, slide 2 was about common perception of a police officer, slide 3 stated "We have met the enemy and he is us", slide 4 stated "Never let them see you bleed". He shared a video about domestic violence that was strong and an actual event that happened.

He stated that this type of event happens twice a day in Franklin. Last year there were about 100 domestic violence arrests and that doesn't include the felony domestic violence arrests as those go straight to Superior Court and are not counted.

He showed an organizational chart of the police department. When he removed everyone but the patrol officers Franklin has only 15 officers to patrol the streets 24/7. The community has a misconception of how many officers are patrolling the streets.

The next few slides he spoke about were physiological side. Slide 5 was about stress and the phase I – alarm reaction, phase II – resistance and phase III – exhaustion. Chief Goldstein explained how officers go through these phases in their work. Slide 6 was about cortisol which creates sugar but also suppresses the immune system and slide 7 was about the gas response and this occurs for anyone under stress and strain. Slide 8 was about fatigue and how the cycle goes from disrupted sleep to fatigue to inability to cope with stressors and fatigue that can result in mishaps. Slide 9 showed bullet points of what the indicating factors of fatigue might include: broken equipment, excessive O.T., frequent rotating shifts and regular changes in police work. Officers respond to all calls no matter how they are feeling or what is going on in their life. Not sleeping for 17hrs impairs a person's motor skills and is equal to .05 of a person drinking. Not sleeping for 24hrs is equal to .10 of a person drinking which is over the legal limit. Research shows that people who drive a car under the influence drive better than people who are fatigued. 50% of people are involved in work place accidents due to fatigue. Fatigue will also cause more motor vehicle accidents and difficulty dealing with the public.

Slide 10 showed a Franklin lemonade stand with officers buying lemonade and that is one of the good things that happen from the public. Slide 11 was about rules and showed a Facebook photo of a local father and daughter making an obscene gesture and that was to signify that people don't like being told what to do and these are things the officers deal with. A photo of the rear window of a Franklin police car shot out as this is also another element of what the police officers deal with. Slide 12 had a statement "shoot the Franklin cops". Slide 13 stated the money, drugs. Slide 14 was about domestic violence and had a picture of a kitchen with items strewn all over. Mayor Merrifield asked Chief Goldstein that he has stated in the past that Franklin is the domestic violence capital of the state and asked if there was statistical data on that. Chief Goldstein stated that Franklin is busier than Manchester PD in some areas. When Chief Goldstein was hired the manager stated that Franklin is a city and you are a city chief. Mayor Merrifield stated that he feels that some community members don't understand the customer base the police serve. Chief Goldstein stated that male domestic violence victims are 24% and nationally it is 10% as males are less willing to come in and report the violence but on the other hand women have stated they are tired of the violence and are now fighting back. Most DV victims in NH are women and there are no real crisis centers for men to go who are victims of DV.

Slide 15 was about PTSD and Chief Goldstein stated Franklin deals with this on a daily basis. There are 17K police officers in NH and there are 800K police officers in the US and 120K of them have PTSD. There are 50K assaults annually and a police officer dies every 53 hours. Slide 16 was a Thomas Carlyle quote. Slide 17 stated that in 2005 the call volume for the Franklin police department was 14K and today it is 50K. In 1994 they had 17 FT and 4 PT police officers and today they have 19 FT and 2 PT and you can see the staff has not increased in 24 years. Chief Goldstein went on to say that he has some of the best officers anywhere and no one can touch what they handle on a daily

basis. Mayor Merrifield asked of that call volume how much is due to the drug epidemic and Chief Goldstein stated quite a bit. He stated the State Police lab won't take small drugs due to the back log. A good drug investigation takes three (3) months for one (1) case. Councilor Barton asked from 2005 to now what is the highest volume of calls. Chief Goldstein stated domestic violence but that doesn't diminish other types of calls. City Manager Dragon stated that the budget packets do have a breakdown of statistics. Councilor Dzujna thanked the chief for doing this and wished more people came out to hear it. He then asked does the fatigue factor have an impact on calls. Chief Goldstein stated yes but the officers push through it and an example of that is we present good solid cases in court.

Councilor Barton asked what is Manchester's per capita vs. Franklin or officers per person. Chief Goldstein stated Manchester has 210 officers and many individualized units that are not factored into the officer's number. State Police have spent over \$100K to help Franklin with a recent call.

Councilor Zink asked about the two drastic jumps on the number of calls. Chief Goldstein believes it was the change to the new computer system and if everyone remembers in 2009/2010 when the recession occurred and we got a new president, Franklin was considered a training town meaning officers would come here to learn and then leave. Franklin has gotten to the point where that is no longer the case and officers stay. Mayor Merrifield commented that the jump in calls can also have to do with when the drug crisis really took off. City Manager Dragon stated you will also see this in fire. Councilor Zink asked if that was also around the time when section 8 vouchers were more affordable. Chief Goldstein and Mayor Merrifield were unsure.

Councilor Dzujna asked what could fix this. Chief Goldstein stated a number of things as another factor would be education of how we are training and teaching our children.

Councilor Dzujna asked that with all the PTSDs are municipalities opening themselves to lawsuits. Chief Goldstein stated you have to change the here and now and change socioeconomics, housing and education. City Manager Dragon stated that yes Franklin's poverty level is 24% where the state is 6% so that trickles through all departments. Economic Development and the Mayor's Drug Task Force are making changes for the future and we need to continue on. One issue is public perception that money can just go from the city to the school but that will create more problems. Chief Goldstein stated they have ongoing programs to address the issues like PTSD.

Councilor Zink stated that the top number on the chart is 48,757 which is 133 calls a day. City Manager Dragon stated that you can see how many calls each employee is handling and that weighs on a person day after day. Chief Goldstein stated statically when a police officer lives 8-10 years after retirement. Councilor Dzujna stated that some small communities have done away with police departments, like Salisbury, and rely on the State Police. Do we get called to towns like that? Chief Goldstein stated not as much as you would think as those residents have learned to live without. State Police is down 30-40 troopers so if you call them they aren't coming.

Councilor Moquin asked if there is overlap between police and fire and there would be a duplication on the graphs. Chief Goldstein stated yes but you have to keep in mind if the police are called they respond it is counted but fire calls are not included in the police graph.

Mayor Merrifield asked if the chief would recommend the council to do a ride along. Chief Goldstein stated yes but it has to be a few days as not all days are equal as some days there is a low call volume. Mayor Merrifield stated that nothing can compare to living it.

Fire Department Presentation

Chief LaChapelle stated he has been chief for five (5) years and the chief's meet weekly and text, call, email, etc. all the time about things that are going on in the city.

Chief LaChapelle passed out a memo from Concord Hospital about how they saved a life, as within 68 minutes a person went from the incident to the cath lab at Concord Hospital and their life was saved. Years ago EMS always did just general care and today it is just more complex and the equipment is very expensive.

Chief LaChapelle stated that a fire chief that hired him once stated that it is not just about the numbers. He had to take that and really think about how to collect the data. Last year he attended a conference in Virginia and they talked about data and how data lets you learn what your community is about. He stated he does work on the Governors Committee on opioid abuse and the first two meetings were about data and looking at the numbers holistically and the silos of data that is collected and what it means.

Chief LaChapelle talked about the organizational chart for the department, which was page one (1) of the packet. The next page was about tracking emergency incidents for 2016 followed by a chart of calls over the years. He did admit that the way the numbers are collected have changed over the years. Last year they responded to 1,982 calls and those are calls that are toned out and that doesn't include changing light bulbs, banging ice off roofs, etc. He pointed out the time of day statistics and that is for everyday with the busiest from 12:01 pm to 18:00 pm and the day statistics show that Wednesdays and Fridays are the busiest. Ward 3 is the busiest ward, but it also has two (2) nursing homes.

Page 4 of the packet is about the labor workforce and shifts. Chief LaChapelle explained who is in the building Monday-Friday during office hours and the remaining personnel work based on shifts of an average of 42 hours a week. The Deputy Chief will also come back in for all call backs to help out even if he is not on shift. The Chief and Deputy Chief have an agreement and have split up the coverage to help and the Chief covers mutual aid for the east side of the city and the Deputy Chief covers the west side of the city. All shifts are 24/7/365 and have to be covered which requires OT if someone is out for illness or vacation. Shifts worked are a 24 hr shift then two (2) days off and then come back in and work 24 hr shift and then are off for four (4) days. Since Chief LaChapelle has been in Franklin he has seen personnel at least twice on their off cycle doing call backs or doing maintenance on trucks. Prior to six (6) years ago if someone was out that position was left open.

Chief or Deputy Chief would cover one (1) or two (2) hour vacancies, now when someone is out it is not covered with Administrators.

Page 5 of the packet shows there are 14 call staff and 5 of them are also EMS and 1 of them is support only. The highest responder went to 51 significant incidents and 98% of the calls are handled by the full time staff. Back in 2005 there was a discussion about staffing for the future and how the call staff will erode, where in the 80's you had to wait to get on a department but today you have to hire 10 people to get 1. Back in the 80's you got written up for not attending trainings but today you are lucky to get 1 person to attend. The dynamics have changed so much as family comes first not the fire department at one point there were 44 call staff but today it is 14.

Since 1987 the fire department call volume has increased 117% and in 2002 they went to three (3) per shift and the call volume went up 54%. In 2016 the call volume went up 12% from 2015 and 11% of the calls are concurrent. In 2015 they used 100+mg of Narcan and in 2016 they used 40+mg. Full-time staff are not allowed to work more than 37 hours straight and 50% of the staff nap in a chair and don't use the beds due to the call volume. Due to the types of calls the paramedics are dealing with and the areas they go too, they have become numb to what is going on.

Chief LaChapelle stated that Franklin is in the top 3 for NH Communities at risk. The good news is that we can get risk reductions for multifamily. Chief LaChapelle stated it is based on demographics, poverty levels, and schools as 68% of the children of Franklin get free or reduced lunches.

The ambulance went on 50 transports out of town last year so that leaves minimal staff on for up to three (3) hours. Councilor Dzujna asked do hospitals require that. Chief LaChapelle stated yes and State of NH EMS protocols dictate that. The other big issue is the services at Franklin Hospital have changed and they no longer take obstetrics, trauma, stroke, cardiac or emergency transfers. Those patients have to be transported somewhere else like Concord, Laconia, Dartmouth or Manchester.

Chief LaChapelle stated that normally it is cheaper to pay OT than hire another fulltime person. This is no longer the case. There was one fire fighter that worked 937 hours of OT last year and another worked 830 OT and they could care less if they work anymore OT. The fatigue factor is an overabundance due to OT and call backs. Traditionally the fire service doesn't complain but personnel are starting to speak up. In August they had 208 calls when the normal is 130, so it was discussed as to when they call for mutual aid. Franklin has begun to rely on their mutual aid neighbors a lot.

Chief LaChapelle stated that regionalization is where we are at and you can expect to hear more about that in the future.

Chief LaChapelle spoke about areas of strength and our fire department is at the highest level available where we are piloting programs like surgical airways and sedating with meds we carry.

Chief LaChapelle spoke about areas of vulnerability and they are staff retention, paramedic level pay, community demographics, workload with no relief in sight and Franklin Hospital level changes. Councilor Moquin asked to hear more about communities using private EMS. Chief LaChapelle stated that Berlin and Claremont are doing this. Councilor Moquin asked how are they sustaining this as the costs have to be huge given the high cost of equipment, training, etc. Chief LaChapelle is not really sure.

Chief LaChapelle spoke about the OT sheet and it shows how much has been paid out based on the calls. There were also a lot of sick & injured employees and several had the flu and one was out for five (5) months after sustaining an injury in the fire house. When people are out others have to cover their shifts. The maintenance OT is what holds the equipment together as the budget for that is \$15K and other towns spend \$80K+ driving far away just to get items fixed. It is worth paying the guys OT rather than bringing it to a company to repair small items for big costs.

Next sheet in the packet is up staffing and Chief LaChapelle stated anyone who has ancillary duties needs to sign up for up staffing. The next sheet was about call hours and the calls are almost the same as training. The average age of personnel is 44 yrs old so when the call staff age out it will be a different story.

Chief LaChapelle stated that in the past five (5) years he has brought in \$400K in grant money. You have to be creative and a magician to make things work.

City Manager Dragon stated that this was meant to be informative and not discouraging. She wanted the council to get a feeling of what is happening with EMS right now and where police and fire are at as we move forward with the budget process. Councilor Dzujna stated that we want to get the word out to the public for them to understand what is going on with police and fire. City Manager Dragon stated that we can do a press release and get the public to come if we are taking something away and she has sent the notices to the Concord Monitor that these meetings were happening.

City Manager Dragon stated she feels that at the municipal services level anytime faced with challenges they come up with solutions and it makes her nervous with the unknown of the school. She can bring the city budget in under the tax cap, come up with solutions and phase things in overtime but she doesn't have influence over the school to engage in ideas. Councilor Clarenbach stated he feels the challenge is the community has been allowed to erode to real challenging levels and will require short term and long term goals. We have a housing issue not just with lack of housing but the affordability of section 8, and other issues beyond our control so how do we pull this together and figure out how to make improvements. Several of the same residents require high demands on multiple departments time after time. The community also has such high demands for service that under the tax cap we can't afford to pay for paramedics anymore.

Councilor Moquin asked how Franklin Hospital is a critical care access hospital if they don't accept all the services anymore and people are being transported away. Councilor Clarenbach stated that critical care access hospital is a federal designation and requires only an emergency room and the

level of patients that are brought in. Councilor Clarenbach stated that Franklin Hospital doesn't have a surgeon on staff. Chief LaChapelle stated that will become a problem as the regulations state the patient is to be brought to the closest appropriate facility. Anyone with a broken bone will have to go to Laconia or Concord. Councilor Clarenbach stated that Franklin critical access hospital designation is on the thinnest of ice and if that designation leaves he sees the hospital closing. At that point you are going to be looking at doing more like 1500 calls to Concord or Laconia and that would require a lot more full time staff as they will be out of the station all the time. Councilor Moquin stated that would require more OT.

Chief LaChapelle stated that the fire chiefs have been talking about regionalization since the Belmont/Laconia fire chief merger. What it will look like unsure but they are looking at what is the best for all communities. He has spoken with Tilton/Northfield and Franklin Hospital about sharing a paramedic as Franklin will be at 50% paramedic coverage on shift as of March 10.

Councilor Clarenbach stated regionalization will only work if it is at the county level due to the expectation of residents of different towns. Chief LaChapelle stated they have talked about a small scale regionalization with Franklin, Tilton/Northfield and Sanbornton. Councilor Dzujna asked if there has been a county wide conversation about this. Chief LaChapelle stated there has been plenty of conversation but that is where it stops. Councilor Clarenbach stated it will be a monumental lift to get all towns in a county to agree and is a huge undertaking.

Councilor Moquin asked what is the energy around consolidation, as at the last meeting she felt it was open with the Superintendent. City Manager Dragon stated that she believes the Superintendent is open but when the school board changed the momentum was lost. At the next Joint Finance Meeting there will be an updated presentation about consolidation.

Councilor Clarenbach stated that on the Northern Pass letter the last paragraph was interesting. City Manager Dragon stated that it is interesting that the letter came out after she was called to testify at the SEC. She stated they must be responding to the line of questioning that was asked at the hearing. SEC asked her if she is using the DRA numbers and she stated no Franklin will use their own assessor or contract a utilities assessor to get those numbers as the DRA numbers are always so low.

Motion to adjourn made by Councilor Clarenbach and seconded by Councilor Barton. All in favor; meeting adjourned at 8:38 p.m.

Respectfully Submitted,

Lauraine G. Paquin



PENDING COUNCIL APPROVAL

City Council Meeting March 6, 2017

Call to Order

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

In Attendance

Councilor Clarenbach, Councilor Ribas, Councilor Moquin, Councilor Barton, Councilor Giunta, Councilor Wells, Councilor Zink, Councilor Dzujna, City Manager Dragon and Mayor Merrifield.

Absent

Councilor Desrochers.

Salute to the Flag was led by Councilor Wells.

Mayor Merrifield asked for a moment of silence to remember Chuck Farmer.

Public Hearings

Resolution #08-17 – No public comment.

Resolution #09-17 – No public comment.

Mountain Ridge Center Resident Council Scholarship – State Rep. Horn asked what the parameters are for the scholarship. City Manager Dragon stated they are for a graduating Franklin High School senior who is enrolled in nursing, physical therapy, occupational therapy, speech therapy or other medical profession post-secondary education.

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.

Betty Powell thanked the Mayor and City Council for all the improvements in Franklin and is excited to see future plans of downtown and Mill Park. She requested for the City to look into purchasing a covered bridge sign. She has traveled and photographed 53 bridges in NH and Franklin has a treasure with the Sulphite Bridge and the only railroad truss bridge left in the world. Franklin is the only town that does not have a covered bridge sign and by having a sign would help bring in bridge tourism. Franklin's covered bridge number is 62. Franklin would need to contact Alan Burgess at the State Prison as they make the signs. It is \$113.34 for two signs and then \$24 for the post. Mayor Merrifield stated that City Manager Dragon will look into this.

Jo Brown gave an update on Choose Franklin. Dan Darling gave a wonderful presentation last month for the Arts Alliance and the programs they are looking to do this spring and summer. Last week they had a meeting with SCORE and what they can do to help small business like the Franklin Studio. Next month the meeting will be about Veterans. Jo Brown is working with Leo to talk about what opportunities are available for services in regard to health, housing or assistance.

Jo Brown recognized Marty Parichand of Outdoor New England for the boat bash snow crash event held at the ski area this past weekend. He worked with Tim Morrill who facilitated, managed and organized every part of the event. She thanked the following, on behalf of Marty Parichand, SKR Site Work for bringing a bulldozer and excavator and donated time to move the snow around, Beck & Bellucci donated compressors, generators lights and helped construct the equipment to help with snow making, Stanley Electric made sure the lights worked and did site work for snow making, Rowell services donated the outhouses, NE Progreen and Turf donated prizes, Jay Garneau & Co. donated their sign and prize money, Franklin Studio and Grevior Furniture donated all meals for the workers and volunteers, Black Flag Canoe for the donation of prizes and the use of the boats by participants. All New England states were represented at this event with upwards of 100 people at some points. It was a fantastic event for the City of Franklin. This was also the first and only one of its kind event east of Colorado ever.

Leigh Webb stated that the Historical Society will pay for the covered bridge sign and will talk to Municipal Services Department for where it will go and it will be at no cost to the city.

A women got up and spoke about how frustrated she is that \$1.5M will be cut from the school's budget this year. We are a good city but are having people move out because the schools are awful and we are continuously losing money and can't support the kids. She knows of three (3) families that have moved out this past year due to the schools. She stated she is frustrated that money is spent on prettying up the city and investors will come in when the schools are good and when people can move into the city. All these events that are taking place are nice but they don't help in taking care of the schools or Franklin's future generation. What is being done is not fair to the children or school board and maybe Franklin High School should be shut down and the kids taken elsewhere. She stated she pays her taxes faithfully and wanted to know why her kids don't matter. She stated her name is Jen Goulet.

Rep. Horn stated he graduated from Franklin High School in 1994 and preserving the high school is important. There are a few months left before the budgets. He strongly urges the City Council to bring in additional revenue. In the past the city council has been fortunate in making cuts at the school level for the community didn't notice. The situation the city is in is to attract any business it can and it doesn't have the luxury to pick and choose which businesses come in as it is a way to increase revenue. He stated he shudders to think what Franklin would look like sending their kids to Winnisquam because the leaders didn't do what they were supposed to do to preserve the high school.

Jeffrey Savary stated that HB525 results had a forum and had great ideas. One of the suggestions was to avoid litigation and propose legislation so that would avoid a fight with the State. It was one

of the modest pieces of legislation proposed but since the State rejected this modest proposal we need to litigate and see if the State is providing adequate education funding. We have tremendous teachers and administration and we have been running into funding issues for several years.

Leigh Webb spoke that when he was at the state house adequate education had turned into a definition of baseline which is the lowest possible standard for education. He would love to see a superior education as the goal rather than the lowest education. There has to be political will to put education first amongst all of our elected officials and that is not the case. There seems to be more of a political will to reduce expenses and revenues which results in providing only a base education for the children of New Hampshire and it is not an acceptable level.

Choose Franklin – see Jo Brown’s comments under public comment.

Legislative Comments

Rep. Horn stated that there are long days ahead as there are 300 bills to work through and the state house is distracted. He stated that he echo’s Leigh Webb’s comments on education. He has run into people who are more worried about being reelected than anything else. He fears that they will continue to fund UNH and not secondary education. He has stated previously that if the state can’t fund secondary education for its students what is the point of having a great university to educate other states students. UNH’s buildings have granite inlay and their campus is immaculate and you won’t hear politicians recognizing this. He stated that education needs to be NHs first priority and Governor Sununu’s budget doesn’t go far enough.

Councilor Dzujna asked what can be done to make that political will happen. Rep. Horn stated that he is only in charge of his own political will. Councilor Dzujna asked if politicians talk about education amongst themselves. Rep. Horn stated no the majority of conversation is around healthcare programs like mental health and Medicare expansion.

City Council Acknowledgements

Councilor Dzujna stated he wanted to elaborate on what Jo Brown said earlier that the boat bash was a huge accomplishment for Mill City and the Franklin Outing Club and the tremendous work they put in for the event as cars came from all over. If this is any indication as to what can happen for a waterpark it will be great.

Mayor’s Update – No update.

Agenda Item I.

City Council to consider the minutes of the January 23, 2017 City Council Special Workshop Meeting and the February 6, 2017 City Council Meeting.

Motion: *Councilor Dzujna moved that the Franklin City Council consider the minutes of the January 23, 2017 City Council Workshop Meeting and February 6, 2017 City Council Meeting. Motion seconded by Councilor Clarenbach.*

All in favor as corrected; motion passes.

Agenda Item II.

School Board Report – Superintendent LeGallo passed out a handout. At the end of October, the DOE sent a team to Paul Smith School to do an onsite evaluation that is required every ten (10) years. This is for them to see if an adequate education is being served. The day consisted of the two (2) DOE representatives meeting with parents, staff and school board members. He received a letter from the commissioner and it was great to see they passed. NEASC came and met with the school district and the good news is they are still accredited. They will be keeping an eye on Franklin to see how the budget goes this year and they will be doing a site visit at the high school next year. He stated that he has received the official withdrawal letter from the DOE to a single SAU as of July 1, 2017.

Superintendent LeGallo gave an update as the budget proposed to him was \$16.2M which is 4.5% more than last year's budget. He has cut 2.5% off that number and they are 1.7% away from a flat line budget which is the school boards goal. They will be holding two (2) budget workshop sessions on March 7 at 6 pm and on March 14 at 6:30 pm at the middle school. The hope is the budget will be approved by the board on March 20 and then Superintendent LeGallo will be coming to the April City Council Meeting to state where they stand.

He wanted to thank Councilor Giunta for arranging the DOE Commissioner to come to the district for most of the day. They will do a tour, discuss the budgeting issues and grant flexibility. Mayor Merrifield stated that he has spoken to the Commissioner about the issues so he is very aware. Mayor Merrifield stated he has spoken with Rep. Annie Kuster's office about grant flexibility.

Superintendent LeGallo wanted to address the rumor of administrator's salaries. In August a 1.5% raise which equaled about \$5,900 went to four (4) administrators. In October it was looked at giving them another 1.5% but it was voted not to do that. Superintendent LeGallo and Business Administrator Bergquist have agreed to no raises for this coming year.

Superintendent LeGallo stated that they have received the quote from Melanson for the middle school roof and it is just under \$500K and he believes there is \$216K put aside for this. One of the hopes is there is a fund balance to do the whole job at once.

The 21st century after school grant will be submitted within the next week or so and it is a five (5) year grant to help with after school programming so we will keep our hopes up.

He wanted the council to know that the school board will be hosting a public forum sometime in April or beginning of May for the public on the budget process and how they get their numbers and the process for funds that are released.

City Manager Dragon asked Superintendent LeGallo to clarify on the roof what they were thinking for funding. Superintendent LeGallo stated they were thinking the balance can come from the school district fund balance. City Manager Dragon asked if they were thinking of the funds left over at the end of the fiscal year and Superintendent LeGallo stated yes. City Manager Dragon clarified that at the end of the year any money left over goes into the city's fund balance and then the council authorizes any expenditure after that.

Councilor Dzujna stated that the DOE letter is great and asked if that will help with NEASC. Superintendent LeGallo stated NEASC only looks at the high school not the elementary or middle school. Councilor Dzujna asked if there is any information or update on the custodial/staff contracts. Superintendent LeGallo stated they have been asking them to go back to the table to get that done but they have had a change in representation. They did review RSA 273 A:3 to see what they can do as it seems mistakes were made on both sides.

Agenda Item VI.

School CBA for Teacher contracts

Superintendent LeGallo stated it was a difficult negotiating year with the teachers and it was great that they could get a one year agreement with no steps or raises for the teachers as that was their concession. There was a change in insurance with a savings of \$89,612.21 and they increased the health insurance buyout from \$2,000 to \$3,000 which is an expense of \$24,000 for a total savings of \$65,612.21. Mayor Merrifield asked if the savings is against what would have been paid absent the contract and it will be more money than last year and Superintendent stated yes.

Motion: ***Councilor Clarenbach moved that the Franklin City Council approve the agreement between Franklin Board of Education and Franklin Education Association of a one year contract for 2017-2018. Motion seconded by Councilor Dzujna.***

Mayor Merrifield thanked them for doing a wonderful job and the teacher's sacrifices during these difficult financial times.

All in favor; motion passes.

Councilor Giunta remarked that we are going into budget season and emotions will run high and there will be several residents speaking to the council during public comment. Tonight a comment was made that the school system is terrible and the schools are awful. He stated he disagrees with that comment as Franklin has a great school system and great teachers who do a great job. Franklin does better with less than any other community in the State of NH. The school and council have been meeting monthly together since August and we have been working hard to work together ever since. He is not going to sit by when terrible comments like that are made about the school system and they all should be commended. Superintendent LeGallo mentioned he appreciated the statement.

School Board Chair Dow thanked the council for approving the teachers' contract. He did some research on teachers and their dedication for the school district and its students. Negotiations will begin in September for another teacher contract and salaries will need to be upped. The teachers have only taken a 1% pay raise for the last two (2) years. The average state teacher salary is \$56,616 per the DOE website and in Franklin it is \$43,614. He looked at Gilford, Hampton, Hooksett, Hollis/Brookline, Interlakes and Winnisquam as they have the same teacher ratio. Winnisquam is at \$48,167, Interlakes is at \$69,918, Hollis/Brookline is at \$58,134, Hooksett is at \$53,163, Hampton is at \$65,414 and Gilford is at \$61,424. Franklin's teachers are drastically underpaid based on state average. The minimum starting salary for Bachelor's Degree is \$36,149 and in Franklin it is \$32,457 and Franklin is ranked 133rd out of 159 schools in the state. He wanted the council to know this as when they go back to the negotiating table he will need to bring them where they should be at and what they deserve knowing where the budget constraints are. School Board Chair Dow stated he doesn't want to lose the quality of teachers they have.

Agenda Item III.

City Council to consider adopting Resolution #08-17, appropriation of funds from the sale of items from Macosko Foundry on Chance Pond Road.

Motion: Councilor Barton moved that the Franklin City Council adopt Resolution #08-17 for the appropriation of \$2,600 to the Nuisance Abatement Account, said funds originating from the sale of the tools and equipment from the Macosko Foundry. Motion seconded by Councilor Giunta.

Roll Call:

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
Councilor Clarenbach	<u>yes</u>	Councilor Giunta	<u>yes</u>	Councilor Wells	<u>yes</u>
Councilor Desrochers	<u>absent</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

All in favor; motion passes.

Agenda Item IV.

City Council to consider adopting Resolution #09-17, transferring revenue amount of \$5,600 to the Vehicle Maintenance Account (general fund) from the Police Outside Detail Fund for the replacement of the engine in the dedicated K9 cruiser.

Motion: Councilor Zink moved that the Franklin City Council adopt Resolution #09-17, appropriating the transfer of \$5,600 from the Police Outside Detail Fund to the Vehicle Maintenance Account (general fund). Motion seconded by Councilor Giunta.

Councilor Barton asked if there was another regular vehicle that could be converted to a K9 vehicle as we could save money. Police Chief Goldstein stated that to convert a car to a K9 car costs thousands of dollars as the equipment is specialized for the dog. Councilor Barton asked could we do that or are we low on cars. Police Chief Goldstein stated that they do not have any extra vehicles as they are normally used when other vehicles are down for maintenance as these vehicles are used 24/7 and rotated to avoid any issues with being down a vehicle. Mayor Merrifield stated that you would lose a vehicle and save some money but then be down a vehicle.

Roll Call:

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
Councilor Clarenbach	<u>yes</u>	Councilor Giunta	<u>yes</u>	Councilor Wells	<u>yes</u>
Councilor Desrochers	<u>absent</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

All in favor; motion passes.

Agenda Item V.

City Council to accept approximately \$250 in donations for the purpose of starting a scholarship called "Mountain Ridge Center Resident Council" placing the monies in an expendable scholarship fund with the City's Trustees of Trust Funds.

Motion: Councilor Dzujna moved that the Franklin City Council accept approximately \$250 in donations for the purpose of starting a scholarship called "Mountain Ridge Center Resident Council" placing monies in an expendable scholarship fund with the City's Trustees of Trust Funds. Motion seconded by Councilor Clarenbach.

Councilor Barton asked why this wouldn't be accepted by Mountain Ridge Center rather than by the city instead. City Manager Dragon explained that the scholarship account is for organizations donated money that goes to the city and those funds are turned over to the trustees and held with them. The school then has a process to award those funds.

All in favor; motion passes.

Agenda Item VII.

City Council to consider a 3 yr assessing contract with Avitar Associates (which includes update to create "values anew", data conversion and software support for Avitar software).

Motion: Councilor Ribas moved that the Franklin City Council authorize City Manager to execute the three year assessing services agreement between the City of Franklin

and Avitar Associates of N.E. Inc. not to exceed the \$85,686 per year. Motion seconded by Councilor Dzujna.

Councilor Clarenbach stated that on page 2 of 9 the 3rd line he figures is just boiler plate language but it should state that it goes to the City Manager. City Manager Dragon stated it is boiler plate language but will have them change that.

Councilor Ribas asked about the \$3K for bonding as the language goes back and forth and he is curious what that is. City Manager Dragon stated that bonding is for the reval portion of work they do not do bonding for is the assessing portion and it is not something they have required in the past for revaluation work. Councilor Ribas stated that there is also a lot of talk about utilities and there is a section that talks about that and does this include the Northern Pass property. City Manager Dragon stated that yes it includes utilities and they will provide a number but it would be worth our while to have a discussion with other utility assessors and determine if it is cost effective to do another study. Councilor Ribas stated there seems to be a number for some properties with utilities and for properties without utilities, does this take into account of the Northern Pass property and was included in that number for utilities. City Manager Dragon stated she doesn't believe they added it as that is the city's current number. Councilor Ribas stated that they charge more money for those properties so it would be \$2-3K more as it is not included in the contract. City Manager Dragon stated she believes it would be an expenditure the city will have and Mayor Merrifield agreed.

Councilor Zink stated that page 34 of the city's budget states there is \$80K for other professional services and this is in excess of what was budgeted for. On page 9 of the assessing contract it has a different number and she didn't know exactly what is what. City Manager Dragon stated that the \$80K line for general assessing duties and doesn't include any reval work or software costs. The software line is in a different line and in the council action report on the 2nd page 4th paragraph it refers to that. Councilor Zink asked if that is a savings of \$822. City Manager Dragon stated yes and values anew would have costed a whole year's budget where it is included in the Avitar contract and that would be about \$28K less. Councilor Zink stated on page 8 there are two (2) different numbers for the yearly cost. City Manager Dragon stated that if you look down the page it has the total number divided by three (3) years and the \$85,686 is the annual cost for each year for the total conversion which funds the software, the new update and the new values for the cost of what we have now for just general assessing duties.

All in favor; motion passes.

Agenda Item VIII.

City Council to consider approval of Northern Pass construction agreement.

City Manager Dragon stated that in the CAR there are a few minor recommendations from Dept. Heads and those revisions have been incorporated. P & Z Director Lewis recommended a change to section 2.9 as it talks about an idling time from 5:30-7:30 am and that is a long time very early in the morning so she is looking for a revision to that. Another change she has asked for is in larger projects

is a preconstruction meeting and periodical construction meetings where issues are worked out and the document doesn't state for those so she has asked for that to be put in. City Manager Dragon also asked if every community along the route was getting this contract and they stated yes.

Councilor Zink stated she feels this is for the planning and zoning board and she was unsure if the council would entertain a joint meeting with them to discuss all the items in here and what is different or the same as city code. City Manager Dragon stated that P & Z Director Lewis has made a few minor revisions but these types of contracts are done normally at MSD and staff level not at planning board level as they are operational agreements. You wouldn't normally see this type of agreement at the council level but they are asking for the governing body approval. Councilor Zink stated it is talking about a bunch of different plans and permits. City Manager Dragon stated that both chiefs have already met with them and MSD Director Sullivan reviews driveway permits. P & Z Director Lewis stated NH DOT would do the driveway permit as it is a state road. Councilor Zink stated there is no site plan or assessing fee. City Manager Dragon stated this is for the actual construction and later there will be permits from the city.

Chief LaChapelle stated they have been meeting with Northern Pass people for the past eight (8) months and have approved preliminary driveway designs for emergency vehicle purposes not from the state roadway. There are separate meetings that are being done and piggy back onto this contract as it is a performance based design. They are working in conjunction with the State Fire Marshal's office and are meeting once a month until the project is complete. Due to it being a performance based design everyone has to agree to the design of the building. A building application for a permit will be done once the performance based design criteria is outlined. P & Z Director Lewis stated that they will be coming to the city for the building permit. The site evaluation is being done by the SEC.

Councilor Clarenbach stated he agrees with Councilor Zink and if this is asking the governing body to do what is normally done by the planning board and his concern is that this is the only opportunity and is concerned by what section 7.1 states in the last sentence. Mayor Merrifield stated it is a state law to do those things. You are not losing or gaining anything by signing this. Councilor Clarenbach stated that they are looking for this document to be signed but this document stated that the planning board is never going to see this. City Manager Dragon stated she has asked Attorney Fitzgerald and he stated it doesn't take anything away or give us anything in particular. He stated that there isn't anything in there that takes away control or gives any control from what we currently have. Councilor Clarenbach stated that 7.1 states there is no building permit or occupancy permit other than what the SEC allows. Mayor Merrifield stated that the SEC gives regulations to us. Mayor Merrifield stated that the last sentence is stating a legal fact. Councilor Giunta stated they are not exempting themselves as they are already certified by SEC as being exempted from. This is like a statewide planning board and they are already certified by the SEC and anything they are not certified for will need to go through the local. City Manager Dragon stated we can ask what will be approved by the SEC. Councilor Clarenbach stated he doesn't know the SEC regulations but they are already providing regulation at the fire level. City Manager Dragon stated we can ask but they don't have to agree with us as they will deal with the state.

Councilor Zink asked if there is a timeframe they are looking this back from us. She would like the planning and zoning board to look at this or meet with us to talk about it. City Manager Dragon stated that Northern Pass is anxious about getting this back as they are in the SEC process. She feels that Franklin will set the stage for other communities. P & Z Director Lewis stated that this would be planning board not zoning. Normally projects of this size would have a plan, layout, design and the relationship to the abutters etc before it goes to the planning board for approval but without a plan there is nothing to go with.

Councilor Giunta stated there should have been a motion made prior to discussion.

Motion: *Councilor Giunta moved that the Franklin City Council authorizes the City Manager to execute the construction agreement with Northern Pass Transmission LLC once some minor changes have been made to the document as recommended by staff. Motion seconded by Councilor Dzujna.*

Councilor Giunta stated that the council doesn't understand the SEC authority nor does anyone on the planning board. This authorizes City Manager Dragon to work with P & Z Director Lewis and if anything is in question then it comes back to the council but if you both are in agreement then the city manager can authorize it.

Councilor Wells asked if the police have discussed the roads or detours associated with this. Police Chief Goldstein stated not as of yet. Councilor Wells asked if we have the personnel to handle this. Mayor Merrifield stated that Northern Pass has flaggers that will be at their expense. City Manager Dragon stated that in section 2.3 that was something they had agreed too.

Councilor Clarenbach agrees with Councilor Giunta but we need to better understand the SEC regulations based on section 4.1. P & Z Director Lewis stated when they get the plans for pollution control they are normally in line with EPA and consistent with federal and state permits. Terrain permits are DES level permits.

Councilor Ribas stated he is concerned with the last sentence of section 9.2 and if that language could be strengthened.

All in favor; motion passes.

Agenda Item IX.

City Council to consider repurchase of Tax Deeded property.

Motion: *Councilor Ribas moved that the Franklin City Council deed back 32 Central Street upon receipt of all back taxes, water bills, and interest and penalties (minus the 15% of assessed value penalty) with the following conditions:*

1. *Adams and City shall walk the property, prior to the deeding of the parcel, to acknowledge the property corners and lines. Any lot corner without a formal "pin" or bound shall be clearly identified with appropriate pavement marking paint.*
2. *All parking to the rear of the building shall be set back from the top of the slope towards the abutting river shoreline.*
3. *The driveway along the side of the building shall be kept open at all times for access to the City land behind the building.*
4. *All parking at the front of the building shall be on the parcel re-purchased by Adams.*
5. *No parking on any City property shall be permitted.*
6. *Adams shall present to the City and the Planning Department a site plan showing all of the on-site parking to be established in compliance with above conditions. Once this plan is approved, then Adams shall have the spaces permanently striped, marked or otherwise identified.*

Motion seconded by Councilor Dzujna.

Councilor Clarenbach stated that since we have had the check since August there is an issue with the wording back taxes as we can't call it back taxes since we own the property. City Manager Dragon stated we tweaked the language in the motion. Councilor Clarenbach stated that we own the property so he can't owe back taxes so we would need to reword the language to taxes accrued during this transition time.

Mayor Merrifield asked Councilor Ribas if he was ok to that change in the motion. Councilor Ribas stated he was ok with that amendment. Councilor Dzujna seconded.

Councilor Dzujna asked that when a deed goes back doesn't that automatically trigger back taxes. City Manager Dragon stated that once the city took the property the bills came in the city's name and they were forwarded to him. She stated this is a good change to avoid any technicalities.

All in favor; motion passes.

Agenda Item X.

Other Business

1. **Committee Reports** – Councilor Dzujna stated there were a couple of committee meetings. There was a Parks & Rec Committee meeting as there are new councilors on this committee. They had good discussion and it brought everyone up to date on what their mission is, there staff, what there program plans are for the year, reviewed their goals, budget update and Krystal brought them up to speed on the teen center as that is not part of Parks & Rec.

Councilor Dzujna stated the Liaison Committee met on February 16 and it was good to hear that everyone is willing to work together and be congenial with one another. They have

stated the audits will be up to date. Consolidation was brought up and some like to call it collaboration and we really need to work together.

2. **City Manager's Update** – City Manager Dragon advised that the city received the following contingent grant line amount: \$1,500 from Elk's Club for AED's in the ladder truck and fire staff car.

City Manager Dragon gave a legislative update that HB145 was voted Inexpedient to Legislate (ITL). HB525 was retained in committee but she is hoping the senator can bring it up. HB413 has passed the house. HB597 was voted ITL (killed in the house).

City Manager Dragon stated that she has a budget schedule attached and has added a presentation from the Capital Committee (CIP) and the date is scheduled for April 24 but waiting on confirmation from chair. There has been no formal update to the plan for a few years so this would be a good time to review. The committee will also present to the council on May 22.

For the consolidation/collaboration discussion Finance Director Milner and City Manager Dragon will be updating the PowerPoint presentation so it will be different and then presented at the next Joint Finance Meeting.

City Manager Dragon is asking for a work session for March 27 at 6:00 pm for MSD Director Sullivan to talk about water and sewer. Mayor Merrifield asked if there were any objections and none were heard.

City Manager Dragon stated that since the CIP Committee hasn't met in a while, we have two (2) vacant positions for residents and their terms expire, one is until Oct 2017 and Oct 2018 and then would be renewed for five (5) years. Mayor Merrifield asked about who actually appoints them and City Manager Dragon stated the CIP Chair makes recommendations to the council to appoint. Councilor Dzujna asked if there was anyone from the public who is here tonight who would like to be on this committee.

3. **Late Items** –

A. **Acceptance of DES Cleanup Grant for the former Macosko Foundry on Chance Pond Road authorization to endorse grant documents**

Motion: Councilor Clarenbach authorize the acceptance of the DES grant in the amount of \$59,000 for the cleanup of the remaining contamination on the former Macosko Foundry on Chance Pond Road, and authorize the City Manager to endorse all required documents. Motion seconded by Councilor Ribas.

All in favor; motion passes.

B. Library Board of Trustees:

Motion: Councilor Clarenbach moved that the Franklin City Council appoint Sandra Burney to the Franklin Public Library Board of Trustees (Seat LT1), Term of Service to January 2018. Motion seconded by Councilor Ribas.

All in favor; motion passes.

Councilor Dzujna asked if there is a police meeting tomorrow. City Manager Dragon stated yes tomorrow at 5:30 pm downstairs.

Councilor Zink asked if there was a budget schedule for meetings for the councilors. City Manager Dragon stated that as we get closer dates will be picked and meetings will happen once or twice a week for a few months. City Manager Dragon stated she will have some dates for consideration at the next meeting.

Motion to adjourn made by Councilor Clarenbach and seconded by Councilor Ribas. All in favor; meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Lauraine G. Paquin

CITY COUNCIL MEETING
AGENDA ITEM II



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of April, 2017

Subject: School Board Report

The Superintendent will provide a monthly report to the Mayor and City Council.

CITY COUNCIL MEETING
AGENDA ITEM III



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting of April 3, 2107

From: Richard Lewis, Planning and Zoning Director

Subject: Adoption of Resolution #10-17 for DES Brownfield Cleanup Grant for the Macosko Foundry

Recommended Motion:

"I move that the Franklin City Council adopt Resolution # 10-17 for the appropriation of DES grant funds in the amount of \$59,000 for the cleanup of the remaining contamination on the former Macosko Foundry on Chance Pond Road.

Discussion:

As you will remember, at the March City Council meeting the Council voted to accept the DES grant for the remaining brownfields cleanup work at the former Macosko foundry property on Chance Pond Road. The City Manager will, per your 3/6/17 approval, execute all of the grant documents. As noted in the March CAR on this matter, the grant funds do need approval by the Governor and Council.

Adoption of this Resolution will complete all of the administrative work, and permit the City to expend these funds for this cleanup work.

Alternatives:

If the City Council did not approve the Resolution, then the City would need to appropriate the funds to perform the cleanup work, or search out other funding sources; I do not believe that other sources would be available from DES or EPA if this Resolution was not adopted to expend these grant funds.



CITY OF FRANKLIN, NEW HAMPSHIRE
"The Three Rivers City"

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax: (603) 934-7413
cityhall@franklinnh.org

RESOLUTION #10-17

A Resolution Relating to a supplemental appropriation for Fiscal Year 2017.

In the year of our Lord, Two Thousand Seventeen,

WHEREAS, the City Council of the City of Franklin, New Hampshire at the March 6, 2017 City Council meeting accepted a grant from the State of New Hampshire Department of Environmental Service in the amount of \$59,000 for the cleanup of the remaining contamination on the former Macosko Foundry on Chance Pond Road, and:

WHEREAS, the Franklin City Council wishes to appropriate the 59,000 to the nuisance abatement account in the fiscal year 2017 budget, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, April 3, 2017 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 10-17 authorizing an increase in fiscal year 2017 revenues:

Federal Grant Acct. No. 01-9-014-33110-000, Fifty Nine Thousand Dollars (\$59,000), and

An increase in fiscal year 2017 expenditure account:

Nuisance Abatement Acct. No. 01-1-302-40491-000, Fifty Nine Thousand Dollars (\$59,000),

By a roll call vote.

Roll Call:

Councilor Barton	_____	Councilor Dzujna	_____	Councilor Ribas	_____
Councilor Clarenbach	_____	Councilor Giunta	_____	Councilor Wells	_____
Councilor Desrochers	_____	Councilor Moquin	_____	Councilor Zink	_____

Approved: _____
Mayor

Passed: _____

I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Katie A. Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A true copy, attested: _____
City Clerk

Date: _____

**CITY OF FRANKLIN
NOTICE OF PUBLIC HEARING & MEETING**

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, April 3, 2017 at 6:05 p.m. in the Council Chambers, Franklin City Hall regarding Resolution #10-17, appropriation of DES grant funds in the amount of \$59,000 for the cleanup of the remaining contamination on the former Macosko Foundry on Chance Pond Road to the nuisance abatement line.

Provisions for persons with special needs can be made by contacting the City Manager's office, via telephone or mail at least five days prior to the public hearing.

**City of Franklin
316 Central Street
Franklin, NH 03235
(603) 934-3900**

CITY COUNCIL MEETING
AGENDA ITEM IV



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
April 3, 2017 City Council Meeting

From: Richard Lewis, Director of Planning and Zoning

Subject: Request by Andrew Tomaszewski for the Restoration of Involuntarily Merged Lots

Potential Motions:

I move that the Franklin City Council approve the restoration, per RSA 674:39-aa.II, of the two involuntarily merged tracts owned by Andrew Tomaszewski.

Discussion:

In January of 2013, the City Council adopted a policy regarding requests to restore any involuntarily merged lots. This policy was a follow-up to a change in State Statutes intended to address the restoration of lots merged by a municipality for *“zoning, assessing, or taxation purposes without the consent of the owner”*.

For several months I have been communicating with Mr. Tomaszewski on the issues for the un-merger process. Attached is a package of information from his attorney which discusses in a comprehensive fashion the historic deeds and ownership record for the parcel in question [tax map/lot 076-064].

I have reviewed the information provided for this request. In my professional opinion, this request to un-merge these tracts into separate parcels should be approved.

As noted in Attorney Sessler’s letter, Mr. Tomaszewski plans on merging Tract II with his abutting parcel [076-062] where his house is situated. So at the end of the process, we will be left with one house sitting on a 0.505 acre parcel and one house sitting on a 0.253 parcel, which is exactly where things started before any un-merging.

Alternatives:

If the City Council determined that additional information was required, or that additional time was needed to come to a decision, this matter could be continued to the next City Council meeting.



Sessler

Law Office PLLC

March 9, 2017

City of Franklin
316 Central Street
Franklin, NH 03235

Re: Andrew Tomaszewski request under RSA 674:39-aa for restoration of involuntarily merged lots.

To the Honorable Mayor and Members of City Council:

Pursuant to the advice provided to my client by your City Planner, Richard Lewis and pursuant to your policy adopted on January 7, 2013 concerning request for restoration of involuntarily merged lots, my client, Andrew Tomaszewski, as the Trustee of the Tomaszewski Trust, is making a request to restore land he now owns which was previously involuntarily merged into one lot.

The land in question is shown on the Franklin Tax Maps as Map 76-64 and contains approximately 0.505 acres. The property is located on Oriole Street and is adjacent to other property owned by the Tomaszewski Trust at 59 Oriole Street. Two Copies of your tax map are attached.

Mr. and Mrs. Tomaszewski purchased the property in their Trust on November 29, 2016. They purchased the property from Harold and Sandra Keyes. The deed from Keyes to Tomaszewski Trust is attached as Exhibit A. The property prior to the deed to the Tomaszewski Trust had been conveyed, as early as 1931, as two separate tracts of land. The Two separate tracts of land are referred to as Tract I and Tract II in the Tomaszewski deed.

Tract I included Lots 97 and 98 as shown on a Plan of Lots known as Webster Lake Terrace, which Plan is recorded in the Merrimack County Registry of Deeds in 1931 as Plan #613. A copy of the Plan is attached as Exhibit B.

Tract II included Lots 99 and 100 as shown on the same plan.

The history of Tract I is as follows: Tract I was conveyed to Harold and Sandra Keyes by Regina Keyes on June 1994 and the deed was recorded in the Merrimack County Registry of Deeds at Book 1960, Page 1655. Exhibit C. Regina Keyes was conveyed the property by deed of Herbert L. Powell dated July 1941 and the deed was recorded in the Merrimack County Registry of Deeds at Book 588, Page 123. Exhibit D.

The history of Tract II is as follows: Tract II was conveyed to Harold and Sandra Keyes by deed of Russell Keyes on August 1994 and the deed was recorded in the Merrimack County Registry of Deeds at Book 1976, Page 636. Exhibit E. Russell Keyes claimed ownership through the estate of his father Gerald Keyes. Tract II was conveyed to Gerald Keyes by deed of Herbert L. Powell on April 1942 and the deed was recorded in the Merrimack County Registry of Deeds at Book 592, Page 17. Exhibit F.

As stated above, both Tracts I and II are shown as Lot 64 and Tax Map 76. Tract I contained separate lots being Lots 97 and 98. Tract II contained separate lots, being Lots 99 and 100. Lots 97, 98, 99 and 100 were originally laid on the subdivision plan and they were to be fifty (50) feet in width. The original lot lines can still be seen on the tax map as dash lines.

Only lot 97 of Tract I, been improved. On that lot there is a small seasonal cottage. Lots 97 and 98 of Tract II are unimproved land and have not been developed. See Photographs Exhibits G.H. and I.

There is no evidence that Tract I, Lots 97-98 and Tract II, Lots 99-100 were ever intended to be merged by any of the prior owners. The first time that they had ever been described in the same deed was in the November 29, 2016 deed from Harold and Sandra Keyes to the Tomaszewski Trust. The owners since 1931 have never done anything voluntarily to merge the lots into one. In fact, the only improvement that has been made on either lot is the cottage which is located entirely on Tract I, Lot 97.

My Clients are asking to have Tract I and Tract II treated as two separate lots and not merged. It's the Tomaszewski's wish to allow Tract II to be merged with their existing house lot and a separate application for merger will be included if this letter is granted.

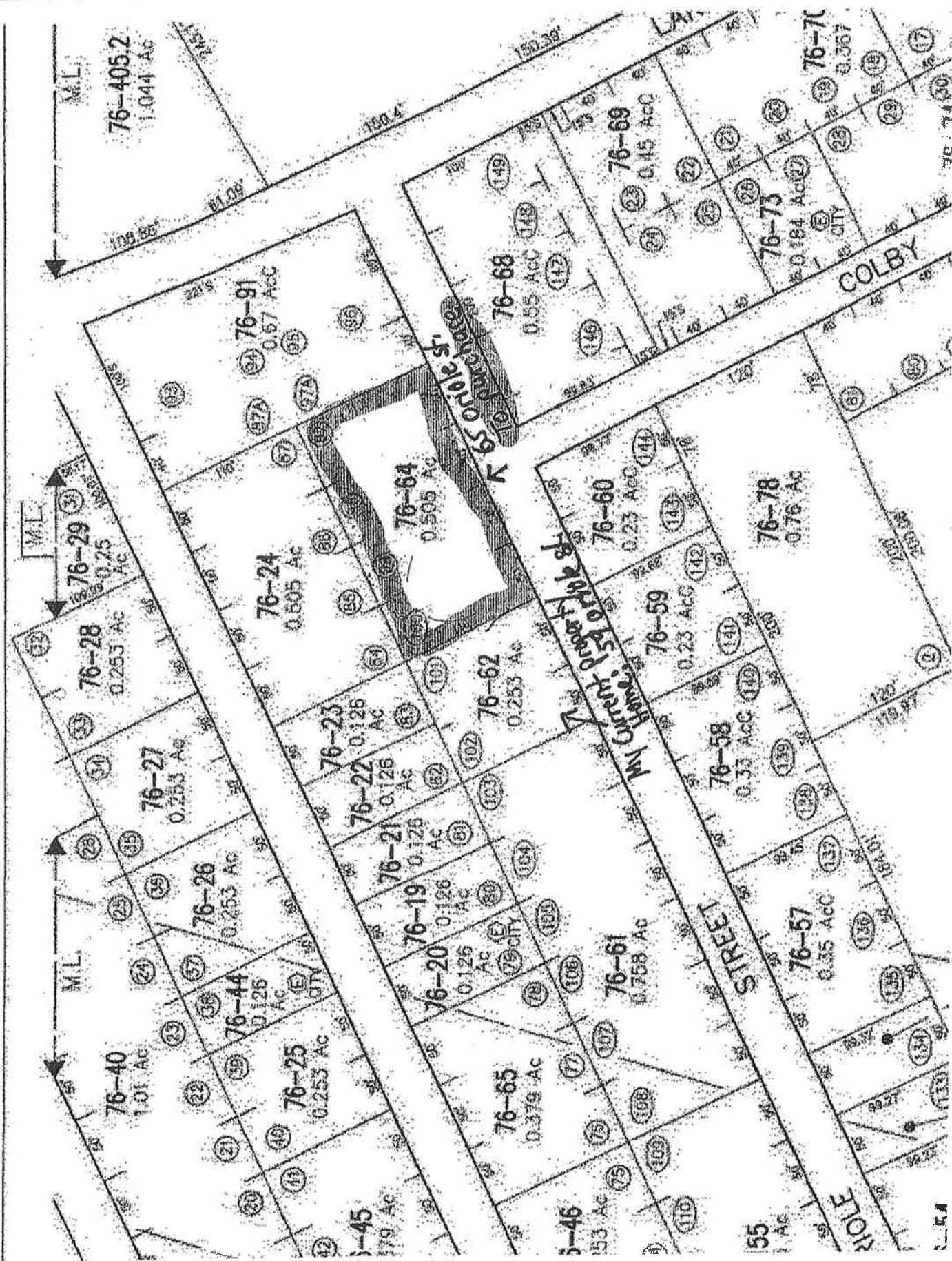
Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Sessler', with a long, sweeping horizontal stroke extending to the right.

James Sessler

Enclosures





When recorded please return to:
Sessler Law Office, PLLC
396 Central Street
Franklin, NH 03235

MERRIMACK COUNTY RECORDS *Harold E. Keyes* CPO, Registrar

1425.00

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **Harold E. Keyes and Sandra L. Keyes**, Husband and Wife, of 8872 Cascades Isle Blvd, Estero, FL 33928, for consideration paid grant to **Andrew Tomaszewski, Trustee of the Tomaszewski Family Trust and Donna Tomaszewski, Trustee of the Tomaszewski Family Trust** of 59 Oriole Street, Franklin, NH 03235, Husband and Wife, with WARRANTY COVENANTS:

Two certain tracts or parcels of land, together with the buildings and improvements thereon, if any, situated in the City of Franklin, County of Merrimack and State of New Hampshire, bounded and described as follows:

TRACT I

Being Lots number ninety-seven (97) and ninety-eight (98) as shown on a certain plan of lots of Webster Lake Terrace, prepared by Gay & Dowst, C.E., dated May 1931, the said plan being recorded on May 13, 1931 at the Merrimack County Registry of Deeds as Plan No. 613.

MEANING AND INTENDING to describe and convey the same premises conveyed to Harold E. Keyes and Sandra L. Keyes by deed of Regina M. Keyes dated June 22, 1994 and recorded at the Merrimack County Registry of Deeds, Book 1960, Page 1655.

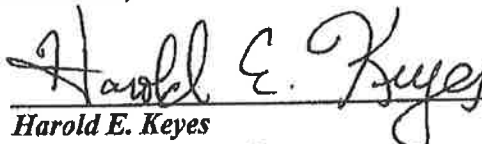

TRACT II

Being lots number ninety-nine (99) and one hundred (100), as shown on a certain plan of lots of Webster Lake Terrace, made by Gay & Dowst, C. E., May 1931 said plan being on record at the Registry of Deeds of said County of Merrimack.

MEANING AND INTENDING to describe and convey the same premises conveyed to Harold E. Keyes and Sandra L. Keyes by deed of E. Russell Keyes dated August 3, 1994 and recorded at the Merrimack County Registry of Deeds, Book 1976, Page 636.

I/We, the grantor(s) hereby release all rights of homestead in the above described premises.

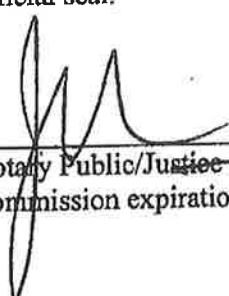
Executed this 29th day of November, 2016.


Harold E. Keyes

Sandra L. Keyes

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK SS:

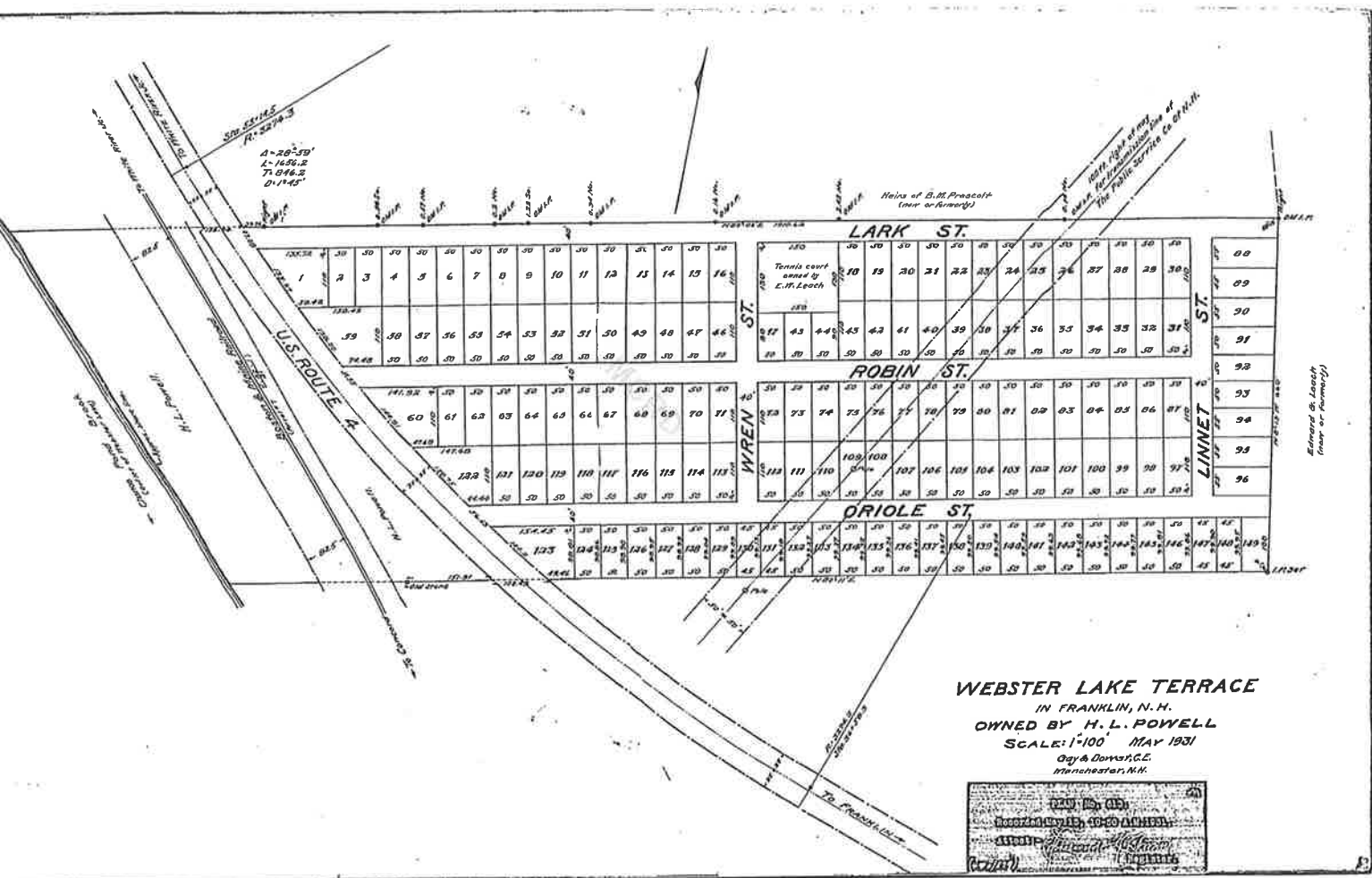
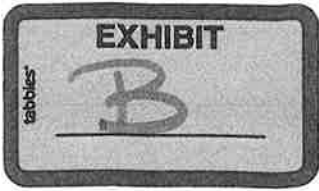
On this the 29th day of November, 2016, personally appeared the above named *Harold E. Keyes and Sandra L. Keyes*, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they have executed the same for the purposes therein contained.

IN WITNESS Whereof, I hereunto set my hand and official seal.


Notary Public/Justice of the Peace of the State of
Commission expiration



ATTORNEY James N. Sessler
396 Central Street, Franklin NH 03235



EXHIBIT

tabbies

225922

94 JUN 23 PM 3:17

BK 980 PG 655

T-1400

WARRANTY DEED

REGINA M. KEYES, a widow, of Easton Lincoln Nursing and Rehabilitation Center, 184 Lincoln Street, Town of North Easton, County of Bristol, Commonwealth of Massachusetts 02356, for consideration paid, grants to HAROLD E. KEYES AND SANDRA L. KEYES, husband and wife, of 70 White Rock Hill Road, Town of Bow, County of Merrimack, State of New Hampshire 03304, as joint tenants with rights of survivorship, with Warranty Covenants, the following premises:

A certain tract of land with the buildings thereon, situated in the Town of Franklin, County of Merrimack, State of New Hampshire, bounded and described as follows:

Being lots number ninety-seven (97) and ninety-eight (98) as shown on a certain plan of lots of Webster Lake Terrace, prepared by Gay & Dowst, C.E., dated May 1931, the said plan being recorded on May 13, 1931 at the Merrimack County Registry of Deeds as Plan No. 613.

Meaning and intending to describe and convey the same premises conveyed to Harold E. Keyes and Regina M. Keyes by deed of Herbert L. Powell dated July 5, 1941, and recorded at the Merrimack County Registry of Deeds, Book 588, Page 123. Regina M. Keyes is the surviving joint tenant of Harold E. Keyes who died on September 28, 1959.

THIS IS NOT HOMESTEAD PROPERTY.

EXECUTED this 22nd day of June, 1994.

STATE OF NEW HAMPSHIRE	
DEPARTMENT OF REVENUE ADMINISTRATION	REAL ESTATE TRANSFER TAX
THOUSAND	HUNDRED AND
141558	\$
VOID IF ALTERED	

Harold E. Keyes
Regina M. Keyes, by her Attorney
in Fact, Harold E. Keyes

Know all Men by these Presents:

That I, Herbert L. Powell of Franklin, County of Merrimack and State of New Hampshire

for and in consideration of the sum of One dollar and other valuable considerations not exceeding one hundred dollars to me in hand, before the delivery hereof, well and truly paid by

Harold E. Keyes and Regina M. Keyes of Easton in the county of Bristol and State of Massachusetts

the receipt whereof is ~~do~~ hereby acknowledged, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Harold E. Keyes and Regina M. Keyes

and their heirs and assigns forever,

a certain tract of land, with the buildings thereon, situated in said

Franklin, bounded and described as follows, to wit:

Being lots number ninety-seven (97) and ninety-eight (98) as shown on a certain plan of lots of Webster Lake Terrace, made by Gay & Dowst, C. E., May 1931, said plan being on record at the Registry of Deeds of said County of Merrimack.

The above described premises and appurtenances are hereby conveyed to and taken by the Grantees herein as husband and wife under an estate by the entirety, the title to all the same to pass upon death of one to the survivor.

TO HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances to the same belonging, to -- the said grantees and their heirs and assigns, to them and their only proper use and benefit forever. And I the said grantor and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said grantees and their heirs and assigns, that until the delivery hereof, I am the lawful owner of the said premises and am seized and possessed thereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every encumbrance whatsoever; and that I and my heirs, executors and administrators shall and will warrant and defend the same to the said grantee and their heirs and assigns against the lawful claims and demands of any person or persons whomsoever.

And I, Clara Powell wife ~~husband~~ of the said Herbert L. Powell in consideration hereof, do hereby relinquish my right of dower ~~courtesy~~ in the before mentioned premises.

And we, and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution and such other rights whatsoever in said premises, and in each and every part thereof, as our family homestead, as are reserved or secured to us or either of us, by the General laws of the State of New Hampshire, or any act in amendment thereof, or any other Statute of said State.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 5th day of July in the year of our Lord 1941.
Signed, sealed and delivered in presence of us,

Velma Smith

Herbert L. Powell (L. S.)

Clara Powell (L. S.)

STATE OF NEW HAMPSHIRE Merrimack ss July 5, A. D. 1941
Personally appeared the above named Herbert L. Powell and Clara Powell

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Velma Smith Notary Public (L. S.)
My Commission Expires Aug. 11-1944 Justice of the Peace

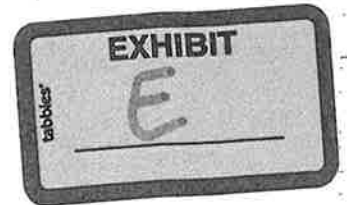
Received July 6, 1941, 9 H. 00 M. A. M.

Recorded and examined. Attest.

Katherine A. Crowley Regist

EXHIBIT

D



QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that I, E. RUSSELL KEYES, unmarried, of 215 Mamasasco Road, Ridgefield, Connecticut 06877, for consideration paid, grant to HAROLD E. KEYES and SANDRA L. KEYES, husband and wife, of 70 White Rock Hill Road, Bow, New Hampshire 03304, as joint tenants with rights of survivorship, with QUITCLAIM COVENANTS, the following:

A certain tract or parcel of land, together with the buildings and improvements thereon, if any, situated in the City of Franklin, County of Merrimack and State of New Hampshire, bounded and described as follows:

Being lots number ninety-nine (99) and one hundred (100), as shown on a certain plan of lots of Webster Lake Terrace, made by Gay & Dowest, C. E., May 1931, said plan being on record at the Registry of Deeds of said County of Merrimack.

MEANING AND INTENDING to describe and convey hereby all and the same premises conveyed by Herbert L. Powell to Gerald W. Keyes by Warranty Deed dated April 16, 1942 and recorded with the Merrimack County Registry of Deeds on April 16, 1942 at Book 0592, Page 0017.

I, E. RUSSELL KEYES, derive my title to these premises as the sole legatee under the will of Gerald W. Keyes. Effie L. Wilkins predeceased Gerald W. Keyes on February 8, 1974, see the probate records of Bergen County, New Jersey (Probate File #18902). See also Merrimack County, New Hampshire Probate File #1994-669.

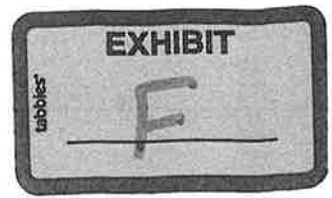
This is a noncontractual transfer of property with no consideration being paid to the Grantor, and is, therefore, exempt from the payment of state transfer fees pursuant to RSA 78-B:2, IX.

I, E. RUSSELL KEYES, release all rights of homestead and other interests that I have in these premises.

Executed this 3^{3rd} day of AUGUST, 1994.

E. Russell Keyes
E. RUSSELL KEYES
E. Russell Keyes
[EXECUTE IN BLACK INK ONLY]

Know all Men by these Presents:



That I, Herbert L. Powell, of Franklin, County of Merrimack, State of New Hampshire

for and in consideration of the sum of one dollar and other valuable considerations not exceeding one hundred dollars to me in hand, before the delivery hereof, well and truly paid by Gerald W. Keyes of New York in the county of New York and State of New York

the receipt whereof is ~~do~~ hereby acknowledged have given granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Gerald W. Keyes and his

heirs and assigns forever,
a certain tract of land, ~~with-the-buildings-thereon~~, situated in said Franklin
bounded and described as follows, to wit:

Being lots number ninety-nine (99) and one hundred (100), as shown on a
certain plan of lots of Webster Lake Terrace, made by Gay & Dowst, C. E., May
1931, said plan being on record at the Registry of Deeds of said County of
Merrimack.

TO HAVE AND TO HOLD the said granted premises, with all the privileges and appurtenances to the same belonging, to the said grantee and his heirs and assigns, to him and their only proper use and benefit forever. And I, the said grantor and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said grantee and his heirs and assigns, that until the delivery hereof, I am the lawful owner of the said premises and am seized and possessed thereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every encumbrance whatsoever; and that I and my heirs, executors and administrators shall and will warrant and defend the same to the said grantee and his heirs and assigns against the lawful claims and demands of any person or persons whomsoever.

And I, Clara Powell wife-husband of the said Herbert L. Powell in consideration hereof, do hereby relinquish my right of dower ~~convey~~ in the before mentioned premises.

And we, and each of us do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution and such other rights whatsoever in said premises, and in each and every part thereof, as our family homestead, as are reserved or secured to us or either of us, by the General laws of the State of New Hampshire, or any act in amendment thereof, or any other Statute of said State.

IN WITNESS WHEREOF, --- have hereunto set our hands and seals this 16th day of April in the year of our Lord 1942.
Signed, sealed and delivered in presence of us,

Velma Smith

Herbert L. Powell (L. S.)

Clara Powell (L. S.)

STATE OF NEW HAMPSHIRE Merrimack ss April 16, A. D. 1942
Personally appeared the above named Herbert L. Powell and Clara Powell

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Velma Smith Notary Public (L. S.)

Received Apr. 18, 1942, 9 H. QM. A.M. My Commission Expires Aug. 11, 1944 Justice of the Peace

Recorded and examined. Attest. Katherine A. Crowley Register.



EXHIBIT
G
tabbles



EXHIBIT

H

tabbles



CITY COUNCIL MEETING
AGENDA ITEM V



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

City Council Meeting of April, 2017

**Subject: Franklin Cultural Alliance “PULL UP A CHAIR & SIT A SPELL”
Community Art Project**

The committee is looking for permission to place them on city property.

Franklin Cultural Alliance

[HOME](#)[EVENT CALENDAR](#)[MEMBER NEWS](#)[COMMUNITY ART PROJECT 2017](#)

The arts are the best insurance policy a city can take on itself."

—Woody Dumas, former Mayor of Baton Rouge

The Franklin Cultural Alliance is an outgrowth of Franklin for a Lifetime. Its mission is to identify, invite, and align any and all organizations, groups, and businesses in the Franklin area who enrich our community culture through visual arts, performing arts, and humanities.

Our goal is to provide a communication hub for member organizations that will assist us in planning and scheduling events, and supporting one another in those activities.

***Click for
information about
our community arts
project:
"Grab a Chair and
Sit a Spell."***



Franklin Cultural Alliance

[HOME](#)

[EVENT CALENDAR](#)

[MEMBER NEWS](#)

[COMMUNITY ART PROJECT 2017](#)

Community Art Project 2017

“Pull Up a Chair and Sit a Spell”

A FUN Community Art Challenge

The Idea

Decorate any style or size of chair, or make one (sturdy enough to accommodate an adult) anyway you want. Can't be bigger than 4' x 4' to fit on city sidewalk

Who can enter

Any Franklin resident/family or business or organization or group

Characteristics on which chairs will be judged

- Comfortable space for a sitter/ safe/waterproof/sturdy
- Artistic
- Colorful
- Fun/whimsical/playful
- Most original

To participate

Fill out application available at Franklin Clothing Company, Open Tue-Fri 10AM-5PM, Sat & Sun 9AM-5PM, or use the **online application**.

Return application by deadline, April 28, 5PM.

If you need FCA to assist you in finding a display location, deadline is April 21.

Place chair in Franklin Falls Historic District (with permission of property owner) on May 6, 2017. If you wish to be on a public sidewalk-get permission of the business owner if there is one- we will check if the city gives permission.

Organizations that have a Community Day booth can display their chair at their booth, then move them to another designated site if they wish to be on the map & visible for the summer.

Owners of chairs and/or business sponsors that are put on the map need to agree that chairs will be out and/or visible during the day all summer.

To be judged

Chair must be in place by May 6, 2017, 10AM, the Saturday before Community Day, and be visible until Sunday, 4PM May 7, 2017.

Non-profit Organizations that do not have another designated site other than Odell Park on Community Day can have their chairs judged by delivering chair to Franklin Opera House on Saturday, May 6, before Community Day, between 10

AM and 11AM. Chair must be picked up between 4PM and 5PM Sunday May 7, or when City Hall is open. After 5PM Sunday the chair is totally your responsibility.

Judging Process

- 3 independent judges will grade characteristics of each chair on a scale of 0 to 5 (5 being best)
- Chair with highest total points wins
- In case of a tie, winner will be chosen at random
- Winner announced Community Day parade.
- Prize is 2 tickets to the Rock Island Blues Revue show at Franklin Opera House on June 10

Tourist Map / Scavenger Hunt

A Map will be printed showing locations of all displayed chairs. A corresponding Scavenger Hunt will bring people to your location on Community Day.

QUESTIONS?

[Contact Us](#)

Comments

You do not have permission to add comments.

"PULL UP A CHAIR & SIT A SPELL"

is the 2017 Community Art Project
sponsored by Franklin Cultural Alliance (FCA)

Participants will display their chairs from May 6, 2017 through September 3, 2017, in the Franklin Falls Historic District, and be responsible for them. A map will be made and distributed showing chair locations, to encourage visitors to Franklin. Nonprofit organizations may choose to show their chair in their booth during Community Day, May 13, 2017, then move to display location.

Who can enter ?

-Any Franklin resident/family, or business, or organization, or group.

Rules

1. Decorate a chair anyway you want, any style of chair, or make one.
2. Must be sturdy enough to accommodate an adult, but no larger than 4' x 4' x 6' tall.
3. Fill out this application.
4. Return to Franklin Clothing Company by April 28 5PM deadline –April 21 if we need to find you a viewing spot.
5. Place chairs in designated locations and care for them.

Chairs will be judged on the following traits:

Originality, Comfortable/safe/weatherproof/sturdy, Artistic, Colorful, Fun/whimsical/playful

FOR MORE INFORMATION GO TO:

<https://sites.google.com/a/franklinoperahouse.org/franklin-cultural-alliance/>

APPLICATION

* Required

Email address *

Your email



Name or Organization *

Your answer

Sponsoring Business for chair location

Your answer

Chair Display Address and Place Description

Your answer

Contact Person (who will be responsible for chair) *

Your answer

Phone Number *

Your answer

Title of Artwork (if any)

Your answer

Are you a nonprofit organization that will display your chair in a booth at Odell Park on Community Day? *

☐ Yes

☐ No



If YES, will you need FCA assistance to find a display spot for the chair to be included on the visitors map throughout the summer?

☐ Yes

☐ No

PROPERTY OWNER AGREEMENT-- by checking the box below you affirm that the property or business owner listed above has agreed to allow you to display your project chair in or in front of their business from May 6, 2017 to September 3 2017. *

☐ YES

RESPONSIBLE PARTY AGREEMENT -- by checking the box below you agree to hold harmless FCA, City of Franklin, Choose Franklin for loss or damage to your chair while on display, and to make sure chair is in display spot from May 6, 2017 to September 3 2017. *

☐ YES

A copy of your responses will be emailed to the address you provided.

SUBMIT

Never submit passwords through Google Forms.

This form was created inside of Franklin Opera House. Report Abuse - Terms of Service - Additional Terms



Google Forms

CITY COUNCIL MEETING
AGENDA ITEM VI



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting of April 3, 2017

From: Richard Lewis, Planning and Zoning Director

Subject: Consideration of Ordinance # 03-17 amending the Zoning Ordinance to accommodate Accessory Dwelling Units, and to clean up certain definitions and parking language.

Recommended Motion:

For April 3, 2017: "I move that the Franklin City Council approve Ordinance # 03-17, for amendments to Chapter 305, Zoning to comply with RSA approved Accessory Dwelling Units and to revise Section 305-3, Definitions, and Section 305-19, Off Street Parking, by a roll call vote".

Discussion:

In 2016, the New Hampshire Legislature passed, and the Governor signed, a new law requiring all NH communities to allow the creation of Accessory Dwelling Units [ADU] in zoning districts that allow single-family dwellings [SFD]. An ADU is basically an apartment that would be located within an existing SFD. The proposed language calls for the owner of the SFD to live in either the main portion of the SFD or within the ADU. There is a size limit for the ADU of 750 Sq. Ft, and a limit of 2 bedrooms.

The ADU is permitted through an application process, with approval by the Planning Director as long as certain criteria are satisfied. Other relevant fire and life safety codes will also need to be complied with. If the Director denies the application, then an appeal can be filed with the Planning Board.

The ADU language will replace the existing language for Family Apartments, which required that the family apartment be occupied by a family member [this type of provision was common throughout the State]. The new ADU law prohibits any local requirement for a familial relationship for the resident of the ADU.

The preparation of this ADU amendment also triggered the need to review two other sections, Parking and Definitions, of the Zoning Ordinance to insure that all of the language accommodated and addressed the new ADU section.

The Planning Board workshopped these zoning amendments in February, and a formal and fully noticed Public Hearing was conducted on March 22, 2017. At the hearing, the Board discussed several items, and public comment was also received. At the close of the hearing, the Board voted unanimously (7-0-0) to send a positive recommendation for adoption by the City Council.

Fiscal Impact:

There are no fiscal impacts.

Attachments: Ordinance # 03-17 for Amendments to Chapter 305, Zoning, of the Franklin City Code.



CITY OF FRANKLIN, NEW HAMPSHIRE
"The Three Rivers City"

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax: (603) 934-7413
cityhall@franklinnh.org

ORDINANCE #03-17

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen

Be it ordained by the City Council of the City of Franklin that the following amendments to the Franklin Zoning Ordinance be approved as outlined below:

1. **Delete Existing language at 305-29.8, Family Apartments, and replace with:**

305-29.8 Accessory Dwelling Units:

Purpose: this zoning provision is intended to:

- a. Increase the supply of affordable housing units without the need for more infrastructure or further land development;*
- b. Provide flexible housing options for residents and their families;*
- c. Integrate affordable housing into the community with minimal negative impact; and,*
- d. Provide elderly citizens with the opportunity to retain their homes and age in place.*

Permitting: The creation of an Accessory Dwelling Unit [ADU] requires the submission of an Accessory Dwelling Unit Application form. If all of the conditions and criteria are satisfied, then the Planning and Zoning Director can issue a Letter of Authorization. If the Director determines that the conditions and criteria are not being satisfied, then a Letter of Denial will be issued, and the owner can, if so desired, file for a Conditional Use Permit from the Planning Board. If a building permit is required, then the Occupancy / Use Permit shall be issued at the same time of the issuance of the Letter of Authorization. If no building permit is required, then the owner shall schedule, and pay the fee for, an inspection by the Building Inspector to determine if the living space meets all applicable fire and life safety codes. Any code deficiencies must and shall be corrected prior to the issuance of a Letter of Authorization.

Criteria for Approval:

1. Only one (1) Accessory Dwelling Unit [ADU] shall be permitted on a parcel that contains a single-family dwelling.
2. The owner(s) of the property shall reside in either the principal unit or the ADU. At the time when a building permit or application is filed for the creation of the ADU, the owner must submit a notarized statement which documents that he/she will reside in one of the units
3. The ADU must have either:
 - a) a common wall with the principal dwelling, with an interior door between the units; or,
 - b) be connected to the principal dwelling via breezeway / mudroom, that contains doors to both units

In either case, the ADU shall be designed and built so that the appearance of the building remains that of a single-family house. Any new entrance that may be required shall be located on the side or in the rear of the building. For any exterior modifications to create the ADU, the owner shall submit appropriate plans / drawings to demonstrate that the changes to the building comply with the appearance requirements.

4. Any proposed addition to the structure necessary to create the ADU shall conform to the setback requirements of section 305.14, [or any setbacks required by the Planning Board as part of a separate permit process], be approved through the provisions of Section 305:18, or receive a variance.
 5. No ADU shall be established in a condominium, or converted to condominium ownership.
 6. No detached ADU's are allowed.
 7. The ADU:
 - a. Shall not exceed 750 sq. ft.
 - b. Shall not contain more than 2 bedrooms.
 8. Parking for the combination single family dwelling & ADU shall comply with the parking requirements at section 305-19 of the Zoning ordinance. No new curb-cuts for a separate driveway are permitted.
 9. Prior to the issuance of a Building Permit for the creation of the ADU, the owner/applicant shall provide evidence to demonstrate adequate provisions for water and sewage disposal for the principal dwelling unit and the ADU in compliance RSA 485-A:38 [or its successor statute or regulation].
 10. All City Ordinances and regulations applicable to single-family dwellings shall also apply to the combined principal unit and the ADU.
2. **Section 305-3 Definitions: Amend as follows:** [new language for any definition is shown in **bold underlined**; deleted language shown with strike-out lines]

DWELLING UNIT existing

A single unit, used for human habitation, providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and having no enclosed space (other than vestibules, entrances, hallways or porches) in common with any other dwelling unit. **The structure that contains one or more dwelling units shall be attached to a permanent foundation, shall have an approved sewer connection or on-site sanitary sewer system, and shall have a permanent connection to a public or private drinking water supply.** A boardinghouse, dormitory, motel, inn, nursing home, fraternity, sorority or other similar building shall not be deemed to constitute a "dwelling unit." (See also dwelling references under Accessory, single-family, Multi-unit, and Two-family).

FAMILY APARTMENT Delete existing definition

Add the following new definition:

Accessory Dwelling Unit: a residential living unit that is within, or attached to, a single-family dwelling [SFD], no larger than two-bedrooms, and that provides independent living facilities for one or more persons, and includes provisions for sleeping, eating, cooking and sanitation. The ADU shall only be located on the parcel of land that contains one (1) SFD. No more that one ADU is permitted on any parcel containing a SFD.

SINGLE-FAMILY DWELLING [with added reference to SFH]

A structure consisting of one living unit, used exclusively for human habitation. (See reference to Dwelling Unit."; **also known as a single family home**)

THREE-FAMILY DWELLING UNIT **Delete;** [this is replaced with Multi-Family language]

TWO-FAMILY DWELLING

A **single** structure consisting of two separate dwelling units, used exclusively for human habitation. (See "dwelling unit" and ~~"single family dwelling."~~)

3. Amend Section 305-19. Off-street parking.

Modify the existing chart as follows:

Use	Required Number of Spaces
Residential (one-, two- and three- multi-family, and ADU dwelling)	2 per dwelling unit (parking spaces in a driveway may be within front, side or rear yard setback areas) Parking spaces in an established driveway may be within front, side or rear yard setback areas. The stacking of vehicles for an individual unit is permitted, but for residential structures with more than one unit, the vehicular parking for any one unit shall not block the ingress or egress of any vehicles of another unit.
Multifamily residential	2 per dwelling unit

The Effective Date for these Amendments shall be June 1, 2017.

By a roll call vote.

Roll Call:

Councilor Barton	_____	Councilor Dzujna	_____	Councilor Ribas	_____
Councilor Clarenbach	_____	Councilor Giunta	_____	Councilor Wells	_____
Councilor Desrochers	_____	Councilor Moquin	_____	Councilor Zink	_____

Approved: _____
Mayor

Passed: _____

I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Katie A. Gargano is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A true copy, attested: _____
City Clerk

Date: _____

CITY COUNCIL MEETING
AGENDA ITEM VII



CITY OF FRANKLIN
COUNCIL AGENDA REPORT
City Council Meeting April 2017

Date: March 27, 2017
From: Elizabeth Dragon, City Manager
Subject: Manager's Update

Contingency Grant Line Activity: The City received the following in the contingent grant line this month:

\$250 Pond & Peak Reading Council for book club
\$2,000 Lassie League & Franklin Lodge for field renovation

Budget Schedule:

Currently scheduled:

April 24th at 6pm -Presentation to the Capital Improvements Committee (CIP).
May 1st- Manager's budget to be submitted to the City Council
May 22nd at 6pm -City Council to discuss the capital plan

- The council typically picks 5-6 work sessions and schedules one public hearing.

Available dates for the council chambers.

Monday May 8th, Tues May 9th.

Council Chambers not available the week of the 15th.

May 22nd is already scheduled as Council CIP workshop

Tuesday May 23rd

Monday May 29th, Tues 30th, Wed 31st available.

Tuesday June 6th,

Monday June 12th, Tuesday 13th

Monday June 19th, Tuesday 20th, Wednesday 21st, Thursday 22nd

Need time to post for July 3rd public hearing

*As I have done every year- I will offer the school first pick of dates selected by the Council to present their budget.

Back up dates if the budget isn't ready:

Monday June 26th and Tuesday 27th (would need later budget hearing in July)

Monday July 3rd is the City Council meeting at which the budget hearing is typically held.

LRGHealthcare Payment in Lieu of Taxes (PILOT) agreement- The current PILOT agreement expires November 2017. I have attached a copy of the current agreement. It will be important to start conversations with the hospital 3-4months before this agreement expires. Please let me know if the Council has any comments/concerns/suggestions.

Safe Routes to Parks Award: We have been selected!!!

The National Recreation and Parks Association (NRPA) requested interested communities submit an application to become a pilot site to implement Safe Routes to Parks Action Framework. The National Recreation and Park Association, along with the Safe Routes to School National Partnership, recently released its Safe Routes to Parks Action Framework — a how-to document to create safer access to local parks. NRPA accepted applications for pilot sites to implement the framework and receive **free technical assistance**.

Research has found that individuals living within a 10-minute walk to a park have lower rates of obesity and higher rates of physical activity, decreasing the risk of chronic disease and increasing mental health and general well-being. Yet communities most at need with the highest levels of health disparities have the least safe access to local public parks. That's why NRPA created a campaign around Safe Routes to Parks to implement environmental and policy strategies that create safe and equitable access to parks for all people.

As part of our ongoing economic development group that meets every other week-Director Lewis submitted an application in partnership with "Mill City Park's" Marty Parichand, with input from Director Alpers, Jim Aberg and Niel Cannon. It's our hope that we will be able to use this process to assist us with creating a framework to engage leaders and community members in the overall Mill City Park concept. Our work will be used as a model for others. This is a technical assistance grant which only requires staff time (no matching funds). Big Thanks to Director Alpers for alerting us to this opportunity.

**CITY OF FRANKLIN
And
LRGHEALTHCARE**

AGREEMENT PURSUANT TO RSA 72:23-N

AGREEMENT made on the date last below indicated by and between the City of Franklin, a New Hampshire Municipal corporation located in the County of Merrimack and with a business address of 316 Central Street, Franklin, New Hampshire 03235, hereinafter referred to as "Franklin" and LRGHealthcare, a New Hampshire non-profit corporation with a place of business at 80 Highland Street, Laconia, New Hampshire 03246, hereinafter referred to as "Franklin Regional Hospital."

- 1. PURPOSE:** The parties enter into this Agreement to establish a voluntary cooperative relationship and arrangement between themselves as to the status of certain real estate located within the City of Franklin for purposes of real estate taxation. *This agreement is entered into without prejudice to any position either party may take with regard to the taxation or exemption from taxation of the subject premises at any future date.*
- 2. PROPERTIES COVERED BY THIS AGREEMENT:** The following parcels of real estate are those subject to this Agreement:
 - a. 15 Aiken Avenue, Franklin, New Hampshire, Franklin Regional Hospital main campus (inclusive of leased office space), (Tax Map No. 116-020-00);**
 - b. 841 Central Street, Franklin, New Hampshire , property leased to Health First Family Care Center, (Tax Map No. 148-042-00);**
 - c. 125 South Main Street, Franklin, New Hampshire, property leased by Franklin Regional Hospital for operation of West Side Health Care, (Tax Map No. 098-051-01);**
- 3. LEGAL AUTHORITY:** This Agreement is entered into pursuant to RSA 72:23-N;

4. **FRANKLIN REGIONAL HOSPITAL'S COMMITMENT TO OPERATE FOR EXEMPT CHARITABLE PURPOSES:** Franklin and Franklin Regional Hospital recognize that the properties listed above are currently used for charitable purposes within the meaning of RSA 72:23-1. Franklin Regional Hospital shall continue to conduct its operation and will use the facilities listed above (except as specifically stated) in accordance with its charitable mission and shall own, use or occupy each such property for such purposes. Changes in the listed properties, either in use or configuration will be cause to have this Agreement reviewed and revised between the parties so that it remains in keeping with the spirit and intent of this Agreement. Upon the failure of efforts to revise the Agreement direct through direct negotiations, either party may pursue any other legal options available to it regarding a determination of the tax exempt status of the properties and any related tax assessments;
5. **APPLICATION FOR EXEMPTION:** The Hospital shall comply in all respects with the annual filing requirements contained in RSA 72:23-C. The City's agreement to consider the above properties tax exempt for purposes of this Agreement will be without prejudice for purposes of any other future property right acquisitions by Franklin Regional Hospital.

Franklin Regional Hospital will continue making \$17,755.56 annual payments to Franklin. This payment representing an intention on the part of Franklin Regional Hospital to defray a portion of the cost of ambulance service to the City as furnished through the Franklin Fire Department. However, the City shall be under no obligation to create a specific fund, budget line item or otherwise provide any form of accounting demonstrating a specific application of the payment. This payment shall be made annually on or before November 30th.

The above payment shall be increased annually by a percentage increase equal to the percentage increase of the combined municipal and county portion of the municipal budget but excluding the school portion of said budget. Franklin shall, annually, at least 15 days before payment is due provide Franklin Regional Hospital with a statement of the increase as well

as a statement of the methodology used to calculate the increase. In the event of a combined municipal/county total decrease, Franklin Regional Hospital shall pay Franklin the same amount paid in the prior year;

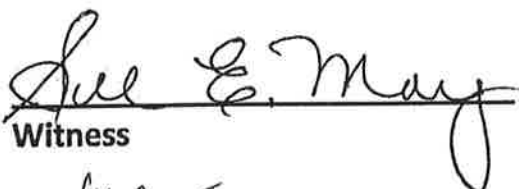
6. **INFORMATION TO BE SUPPLIED BY FRANKLIN REGIONAL HOSPITAL:** Franklin Regional Hospital will report on the charitable services that it provides within the City of Franklin and its status as a charitable non-profit organization at reasonable intervals upon the request of Franklin. This information shall be in addition to that required by compliance with RSA 72:23-C as stated in Section 6, above.
7. **TERMS and TERMINATION:** This Agreement shall have an initial term of five (5) years and shall not be automatically self-renewing. Any extension of this Agreement shall be by a further writing agreed to and appropriately executed by the parties. This Agreement may be terminated by any of the following events:
 - Mutual agreement of the parties;
 - Failure of Franklin Regional Hospital to make the annual payments as stated above. In the alternative, Franklin may seek legal redress to compel payment in a court of competent jurisdiction;
 - Failure on the part of Franklin Regional Hospital to utilize the properties for purposes consistent with its current non-profit, charitable status.
 - A material change of statutory or case law as to the subject matter of this Agreement.
8. **NOTICE:** Any notice required to be given to Franklin pursuant to this Agreement shall be hand delivered or delivered by U.S. Mail to: Office of the City Manager, 316 Central Street, Franklin, New Hampshire 03235. Any notice to be provided to Franklin Regional Hospital pursuant to this Agreement shall be hand delivered or delivered by U.S. Mail to: Office of the President, 80 Highland Street, Laconia, New Hampshire 03246.
9. **ENTIRE AGREEMENT:** The parties agree that this document contains the entire agreement understanding between themselves and supersedes any

prior understandings, agreements, or representations by or between the parties, written or oral, which may have related to the subject matter of this Agreement in any way.

10. **GOVERNMENT LAW**: This Agreement and any disputes arising from same shall be governed by the laws of the State of New Hampshire.

11. **COUNTERPARTS**: This Agreement may be executed in one or more counterparts, any one of which, being fully signed, shall constitute one and the same agreement. A facsimile or similar reproduction of this Agreement, with signatures affixed, shall be considered to have the same validity as an original document.


This Agreement is entered into pursuant to authorization and granting by the Franklin City Council on November 5, 2012.



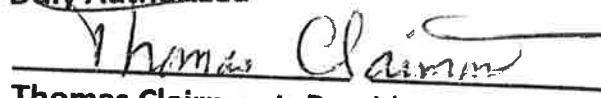
Witness



Witness



Elizabeth A. Dragon, City Manager
Duly Authorized



Thomas Clairmont, President
Duly Authorized

**CITY OF FRANKLIN
NOTICE OF PUBLIC HEARING & MEETING**

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearing on Monday, April 3, 2017 at 6:05 p.m. in the Council Chambers, Franklin City Hall regarding Resolution #10-17, appropriation of DES grant funds in the amount of \$59,000 for the cleanup of the remaining contamination on the former Macosko Foundry on Chance Pond Road to the nuisance abatement line.

Provisions for persons with special needs can be made by contacting the City Manager's office, via telephone or mail at least five days prior to the public hearing.

**City of Franklin
316 Central Street
Franklin, NH 03235
(603) 934-3900**