



City Council Inaugural Meeting January 8, 2018

Call to Order

Interim Mayor/Councilor Clarenbach called the meeting to order in the Council Chambers, Franklin City Hall at 6:01 p.m.

In Attendance

Councilor Ribas, Councilor Moquin, Councilor Giunta, Councilor Desrochers, Councilor Wells, Councilor Zink, Councilor Dzujna, Councilor-elect Trudel, Interim Mayor/Councilor Clarenbach and Acting City Manager/Finance Director Milner.

Absent

Councilor Barton.

The Saint Gabriel Parish Choir/Serendipity Singers sang God Bless America.

Presentation of the Color Guard was done by the Franklin Fire Department.

Salute to the Flag was led by Boys Scout Troop #61.

The National Anthem was presented by Kirk Young.

Citizen of the Year 2017

Interim Mayor/Councilor Clarenbach presented Franklin's Community Volunteers with Citizen of the Year and a copy of the Citizen of the Year speech is attached to these minutes.

2017 City Council Meeting

Public Hearings

Ordinance #10-18 – No Comment

Agenda Item I.

City Council to consider the minutes of the December 4, 2017 City Council Meeting.

Motion: *Councilor Dzujna moved that the Franklin City Council consider the minutes of the December 4, 2017 City Council Meeting. Motion seconded by Councilor Zink.*

All in favor; motion passes.

Agenda Item II.

City Council to consider adopting Ordinance #10-18, revise existing Chapter 284-12 - Parking; prohibited practices, Chapter 284-13 - Parking restrictions, Chapter - 284-16 - Violations and penalties, Chapter 284-18 – Penalty payment procedure and Chapter 284-20 – Fines of the Municipal Code.

Motion: *Councilor Ribas moved that the Franklin City Council adopt Ordinance #10-18 accepting the amendment of the Franklin Municipal Code Chapter 284 “Vehicles and Traffic”. Motion seconded by Councilor Dzujna.*

Councilor Desrochers stated that 284-12 item A is an unenforceable paragraph as they have to park in front of their homes and that removes that. Interim Mayor/Councilor Clarenbach stated this ordinance is not realistic and Franklin is a community that was built for a fair amount of housing that doesn't offer off street parking. This could negatively impact the city. Councilor Desrochers stated it means removing 284-24-A from 284-13 E.

Acting City Manager/Finance Director Milner stated that the only change to 284-12 A is adding night parking as a title and this is the code as it stands now.

Motion: *Councilor Ribas moved that the Franklin City Council table this item. Motion seconded by Councilor Desrochers.*

All in favor; motion passes.

Agenda Item III.

City Council to accept the resignation of Councilor Giunta as Councilor, Ward I.

Motion: *Councilor Desrochers moved that the Franklin City Council accept the resignation of Councilor Giunta, Ward I. Motion seconded by Councilor Dzujna.*

All in favor with one (1) abstained; motion passes.

Interim Mayor/Councilor Clarenbach presented out going Councilor Wells with a plaque for his service.

Adjournment

Motion to adjourn made by Councilor Giunta and seconded by Councilor Ribas. All in favor; meeting adjourned at 6:21 p.m.

2018 INAUGURAL

Invocation was given by Deacon Tom Matzke.

City Attorney Paul Fitzgerald gave the oath of office to Mayor-elect Giunta as well as the following councilors and school board members.

City Council

Term of Office Three Years:	Councilor Dzujna, Ward I
	Councilor Desrochers, Ward II
	Councilor Trudel, Ward III

School Board

Term of Office Three Years:	Jeffrey Savary, Ward I
	Scott Burns, Ward II
	Chris Kneeland, Ward III
Term of Office One Year:	Delaney Carrier, Ward I

Mayor Giunta presented former Mayor Merrifield with a plaque for his service to the City of Franklin.

Inaugural Address

A copy of Mayor Giunta's Inaugural address is attached to these minutes.

The Saint Gabriel Parish Choir/Serendipity Singers sang God Bless America.

Recess was taken for reception and refreshments.

2018 City Council Meeting

In Attendance

Councilor Clarenbach, Councilor Ribas, Councilor Desrochers, Councilor Moquin, Councilor Trudel, Councilor Dzujna, Councilor Zink, and Acting City Manager/Finance Director Milner.

Absent

Councilor Barton.

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.

Resident Werner Horn stated that in December the school board brought a proposal to bundle and save money. The city council has members who have been serving this city for almost a decade and have seen how things are done. There are many school board members who have only served one term and then are out. The chair has been here more than one term and we now have a few school board members who have served for more than one term. He would like to see the knowledge of those who have served for almost a decade share their knowledge with those who are serving their first term. This is the second instance where the council could have looked at what was going on and reached out to the school board and stated that they should be doing it another way. He feels the school board is getting sandbagged because they don't know how to do things. He feels the school and city will not be one unit serving the voters unless due diligence is done.

Kayla Bertolino introduced herself as she is the new Mayor's Drug Task Force Coordinator. She mentioned there is an event coming up for ambassador training on January 30 at 5:00 pm at the Bessie Rowell Community Center for anyone who would like to come.

Bob Lucas stated that Judie Milner has been doing a wonderful job as Acting City Manager and all her other hats. He also stated that she is a valuable asset and he thanked her.

Mayor Giunta stated that he would like to move Agenda Item VI to right after Agenda Item I.

Agenda Item I.

School Board Report

Superintendent LeGallo stated he just found out that Franklin School District will be receiving a \$380K grant for safety upgrades which is part of the \$20M the state made available for school districts. He thanked Amanda Bergquist and Jack & Jule Finley for their work on it.

A Robotics Team has been started and their first meeting was this past Saturday.

The DOE contacted the district and they will be receiving \$1100 per student for kindergarten. He would like to schedule a Joint Finance Committee meeting and will do that with Acting City Manager/Finance Director Milner.

Paul Smith School had a pipe burst causing them to close some bathrooms and it is now fixed and they will be ready to go tomorrow.

Councilor Dzujna asked what that grant covers. Superintendent LeGallo stated one thing they are doing is keying all three (3) buildings as that was a recommendation, film on the windows, etc. Councilor Dzujna asked if the problem at the library could be covered and Superintendent LeGallo he didn't believe so as that was not one of the items they submitted.

Agenda Item VI.

City Council to consider the School CBA for the Support Staff Agreement.

Superintendent LeGallo stated they had good negotiations and have come to a two (2) year agreement. For the 1st year there is a 1.5% raise costing \$24,636.54 and 2nd year there is a 2% raise costing \$32,605.56. The money for the raises will come from the new utility money.

Motion: Councilor Ribas moved that the Franklin City Council approve the agreement between Franklin School Board of Education and AFSCME Council 93/Local 3158 Support Staff Union for a two year contract for 2018-2020. Motion seconded by Councilor Desrochers.

Councilor Dzujna asked if the teacher assistants are part of a grant or the support staff contract. Superintendent LeGallo stated they have teacher assistants that are grant funded and are included in this as well.

All in favor with one (1) abstained; motion passes.

Agenda Item II.

City Council to set a public hearing for Resolution #14-18, Tactical EMS Equipment to be used in active shooter incidents.

Motion: Councilor Desrochers moved that the Franklin City Council schedule a public hearing for Resolution #14-18 on February 5, 2018 at 6:05 pm for the purchase of EMS supplies and equipment that will be used for Active Shooter Incidents. Motion seconded by Councilor Zink.

All in favor; motion passes.

Mayor Giunta read Resolution #14-18:

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2018.

In the year of our Lord, Two Thousand Eighteen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2018 which began July 1, 2017, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes the Fire Department receives donations to the Rescue Squad Memorial Fund to purchase medical and rescue supplies, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes the Fire Department wishes to purchase medical supplies for Active Shooter Incidents, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the Fire Department wishes to fund the purchase with the Rescue Squad Memorial trust fund, current balance of approximately \$7,040 , held with the Trustees of Trust Funds, and;

WHEREAS, the City Council of the City of Franklin wishes to appropriate from the Fire Department Memorial trust fund an amount not to exceed \$2,000 for the purpose of purchasing trauma supplies and equipment, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, February 5, 2018, the City Council of the City of Franklin, New Hampshire does hereby adopt Resolution #14-18 allowing the withdrawal of Two Thousand Dollars (\$2,000) from the Rescue Squad Memorial trust fund and authorizing an increase in FY18 revenues:

Transfer In – Trust Funds Acct. No. 01-0-000-39160-000 – Two Thousand Dollars (\$2,000)

And an increase in expenditure account,

EMS/Rescue Supplies Acct. No. 01-2-207-40612-000 – Two Thousand Dollars (\$2,000),

By a roll call vote.

Agenda Item III.

City Council to set a public hearing for Resolution #15-18, supplemental appropriation for fiscal year 2018 for Franklin School District.

Motion: *Councilor Desrochers moved that the Franklin City Council set a public hearing on February 5, 2018 at 6:07 pm allowing the Franklin School District to use \$64,000 of the unassigned fund balance to support the 17-18 school district budget. \$200,000 has already been assigned to the school district during the budget process. Motion seconded by Councilor Trudel.*

Amendment: *Councilor Clarenbach moved that the Franklin City Council amend the time to be 6:00 pm. Motion seconded by Councilor Ribas.*

Councilor Desrochers is not sure how they make this 6:00 pm when there is already a public hearing at 6:05 pm. Councilor Clarenbach stated that you can't post a time later than when you are going to have the hearing so if the public hearings are always posted for 6:00 we don't run into trouble.

All in favor; amendment passes.

All in favor; motion passes.

Mayor Giunta read Resolution #15-18:

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2018.

In the year of our Lord, Two Thousand Eighteen,

WHEREAS, the City Council of the City of Franklin has adopted a budget for Fiscal Year 2018 which began July 1, 2017, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that the school district estimates approximately \$64,000 in unassigned fund balance at June 30, 2017, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire would like to appropriate \$64,000 of the prior year unassigned fund balance in order to offset an \$84,000 reduction in revenues, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, February 5, 2018, the City Council of the City of Franklin, New Hampshire does hereby adopt Resolution #15-18 and authorize an increase in revenues:

Appropriated Fund Balance – Sixty Four Thousand Dollars (\$64,000)

And an increase in expenditure account,

School District expenditures in the total amount of Sixty Four Thousand Dollars (\$64,000),

By a roll call vote.

Agenda Item IV.

City Council to set a public hearing for Ordinance #11-18, revise chapter 272 Taxation, be amended, pursuant to RSA 72:27-a, to add a new section following article IX Section 272-10 to be known as Article X section 272-11 Renewable Energy Systems Exemptions.

Motion: Councilor Zink moved that the Franklin City Council set a public hearing for February 5, 2018 at 6:00 pm regarding Ordinance #11-18 renewable energy exemption. Motion seconded by Councilor Ribas.

All in favor; motion passes.

Mayor Giunta read Ordinance #11-18:

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Eighteen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 272, Taxation, be amended, pursuant to RSA 72:27-a, to add a new section following article IX Section 272-10 to be known as Article X section 272-11 Renewable Energy Systems Exemptions as follows:

Article X Renewable Energy Exemptions

Section 272-11 Exemption Granted

The City of Franklin does hereby adopt the provisions of RSA 72:62, RSA 72:66 and RSA 72:70 which provide for persons owning real property an optional exemption as provided by RSA 72:33 of 100% of the assessed value of qualifying equipment related to residential solar, wind-powered and wood heating energy systems, as defined by statute, intended for use at the immediate site and for which a building permit has been issued. The exemption is limited to a one time five year exemption.

Effective January 1, 2018.

By a roll call vote.

Agenda Item V.

City Council to set a public hearing for Resolution #16-18, appointing the TIF Advisory Board for downtown.

Motion: Councilor Desrochers moved that the Franklin City Council set a public hearing for February 5, 2018 at 6:00 pm regarding Resolution #16-18 appointing the 7

***member advisory board per section XXI of the development Program and Finance Plan for the Franklin Falls Mixed Use Tax Increment Finance District.
Motion seconded by Councilor Trudel.***

Councilor Clarenbach stated he has no issue setting public hearing but feels this should be opened up to anyone actively interested in participating on this committee by filling out a prospective employee profile form. Mayor Giunta stated he feels this should be discussed as the resolution has names or that can be changed to applicants.

Councilor Zink stated the way it reads is owners or occupiers and many people listed are occupants so the resolution should read correctly. She stated there are a few nonprofit organizations as owners but nonprofits cannot own something so the language should be clarified. FSB is governed by a board so the language should be changed and clarification on the law. Mayor Giunta asked Acting City Manager/Finance Director Milner to weigh in. Acting City Manager/Finance Director Milner stated that PermaCityLife does own property, Catch owns their building, and Davis & Towle she believes owns their building and so doesn't the Grevior's. FSB is a key player and has funded many projects in the downtown. The TIF states that there has to be a majority of owner/occupants of the seven (7) member board as well as four (4) have to be residents. She has spoken to Ron Magoon and he is interested in being on the board as he would represent and occupant and resident. The thought by the group was to look at key players that have increased or potentially have increased the value of the TIF district to date. Acting City Manager/Finance Director Milner stated she has only reached out to Ron Magoon to see if he wanted to be on the board. Mayor Giunta clarified that Acting City Manager Milner feels that the people named here fit the definition of the TIF and she stated yes. Councilor Zink stated that Leo Paquin should be listed as occupant not owner and if a nonprofit is an owner that one director should be listed as occupant but clarification is needed. Acting City Manager/Finance Director Milner stated she will look into it. Mayor Giunta stated if needed City Attorney Fitzgerald will review the language.

Councilor Clarenbach stated it was announced this evening that there is an investor in the mills and the people named are already invested but it is the future larger projects that are coming that maybe those people who would be interested. This group of seven (7) are all that we have and while he doesn't have any issue with anyone listed he doesn't not want to include any other investors who may be interested.

Councilor Giunta stated they can table this or read it without any names listed and have an amendment to change that. Councilor Clarenbach asked if the people of the public have a say at the public hearing and there are no names for the public to ask about then why have a public hearing. Acting City Manager/Finance Director Milner stated that this board is important to the new developer with what we are working on so if we cannot table this and work it out. Councilor Clarenbach stated it can be approved with potential names once they are spoken to. Mayor Giunta stated that there will be no names or organizations named in the resolution.

Councilor Clarenbach stated that administration will verify names and organizations to be listed.

Amendment: Councilor Clarenbach moved that the Franklin City Council remove all the names and organizations from the resolution and administration will verify that these organizations and names are appropriate. Motion seconded by Councilor Desrochers.

Councilor Dzujna stated it is a great idea to open it to more people but these names listed also have to fill out a profile. Mayor Giunta stated that is correct.

Councilor Ribas asked if alternate language to “Therefore be it resolved” sentence to say “can be hereby adopt naming seven (7) individuals to the advisory board of the Franklin Mixed Use Tax District chosen from the applicant profiles”.

Councilor Clarenbach removed his amendment and Councilor Desrochers who was the second removed his second.

Amendment: Councilor Ribas moved that the Franklin City Council change the language of the second sentence of Therefore be it resolved paragraph to state “can be hereby adopt naming seven (7) individuals to the advisory board of the Franklin Mixed Use Tax District chosen from the applicant profiles”. Motion seconded by Councilor Zink.

All in favor; amendment passes.

All in favor; motion passes.

Mayor Giunta read Resolution #16-18:

A Resolution Relating to a Supplemental Appropriation for Fiscal Year 2018.

In the year of our Lord, Two Thousand Eighteen,

WHEREAS, the City Council of the City of Franklin adopted Franklin Falls Mixed Use Tax Increment Financing District (District) under RSA 162-K on January 3, 2017, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire wishes to establish the advisory board for the District according to the provisions of section XXI of the Development Program and Financing Plan for the District, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes the advisory board shall consist of 7 members with a majority of the membership to include owners and

occupants of real property within or adjoining the district and a majority of members must be residents of the City of Franklin, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, February 5, 2018, the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 16-18 naming seven (7) individuals chosen from applicant profiles to the advisory board of the Franklin Mixed Use Tax Increment Financing District:

By a roll call vote.

Councilor Zink asked if we can fix the first sentence to say "A Resolution relating to the appointment of the TIF District Advisory Board". Mayor Giunta asked the council if they were good with the change and they were.

Agenda Item VII.

Other Business

Councilor Desrochers stated that the council, in December, tabled a \$2M loan for the school board until there was a discussion to know where the money was to come from but we need to do something to move this forward as the roof needs to get done. Mayor Giunta stated that Superintendent LeGallo has asked for a joint finance meeting.

Councilor Zink asked if they should wait for the Joint Finance Committee meeting before a public hearing is set. Councilor Dzujna stated that the Joint Finance Committee can discuss and then bring to the council.

Councilor Desrochers stated EEI is ready to come before the council with their proposal. Mayor Giunta asked Acting City Manager/Finance Director Milner for confirmation on some items from their earlier discussion and she stated she will get them.

Mayor's Appointments – Planning Board

Motion: "I reappoint Brian Sullivan, Director of Municipal Services as the Administrative City Official (ex officio), to the Planning Board (Seat PB2), Term of Service to January 2020"

Motion: "I reappoint member Mike Freeman to the Planning Board (Seat PB4), Term of Service to January 2021."

Motion: "I appoint member David Liberatore to the Planning Board (Seat PB6), Term of Service to January 2021."

Motion: "I reappoint member Ted Starkweather to the Planning Board (Seat PB7), Term of Service to January 2021."

Motion: "I reappoint member Dave Testerman, member from the Zoning Board of Adjustment, to the Planning Board (Seat PB9), Term of Service to January 2021."

Mayor Giunta stated this is where it gets complicated as the city council can appoint a councilor to one of the seats but there is a seat vacant on the City Council Ward I seat. Councilor Clarenbach stated he was the alternate council member previous and has no issue being the regular council member on the planning board.

City Council Appointments - Planning Board

Motion: Councilor Zink moved that the Franklin City Council appoint Councilor Clarenbach as Council Representative (ex officio) to the Planning Board (Seat PB3), Term of Service is his Term of Office. Seconded by Councilor Ribas.

All in favor with one (1) abstained; motion passes.

Mayor Giunta stated there is an alternate position and does the council want to hold off until a councilor is appointed. He stated there have been two (2) people who have come forth for the council seat, Ted Starkweather and Jo Brown and both are already members of the planning board. If one of them becomes a council member then they can't be a planning board member but they could become the ex officio member. The council decided to wait until the new councilor is appointed.

Councilor Giunta passed out the Mayor's Drug Task Force Committee and the 2018 council dates.

1. **Acting City Manager's Update** – Acting City Manager/Finance Director Milner advised that the City received the following contingent grant line amount: \$1,000 from Thomas Field, \$600 from Walmart for Fire Department GPS Units and \$5,020 from State of NH for Fire Department Tactical Gear.

On December 22 the City held its holiday party and she thanked Mayor Giunta for attending the party and speaking with the employees.

The Fiber is now strung between the six (6) buildings. P&Z is attached to the new server with MSD and Recreation happening this week. Fire and Police will be on at a later date.

A well-known developer has purchased 20 Canal Street and she wanted to thank Jim Aberg, Executive Director of FBIDC and Niel Cannon, Downtown Coordinator, for all their work securing this deal.

A Joint Finance Committee meeting will be needed as soon as the committees are assigned.

Jim Mercer the recruiter for the City Manager search wasn't ready for tonight so the non-public will be cancelled and we were looking to meet next Tuesday the 16th and have a conference call with him.

Councilor Clarenbach stated he read an article about a new RSA allowing deferment of tax payments for ten (10) years for new developers, which is not in the TIF district. Acting City Manager/Finance Director Milner stated you can allow but you would have to allow it city wide and it is a local option but is not attractive for the City of Franklin.

Mayor Giunta asked councilors to keep Councilor Barton in their prayers.

Fire Chief LaChapelle urged all councilors and others in the room to help with senate bill 55 as it affects Franklin. This bill is for back flow prevention but there was an amendment that was piggybacked on to it and it has nothing to do with backflow prevention. It has to do with the arrest powers and investigation authority of the state fire marshal. Franklin had four (4) arson cases that were successfully prosecuted in the last seven (7) years. The fire marshal has seven (7) investigators who investigate fires for origin and work through the investigative police work. The four (4) cases wouldn't have been successfully prosecuted without the work of the fire marshal's office. This bill was passed by the senate 23-0 last week.

Councilor Dzujna asked if they are trying to take away the fire marshal's power and enforcement. Fire Chief LaChapelle stated that is correct. They are certified police officers and have full arrest powers.

Councilor Desrochers asked if it would help for a letter endorsed by the Franklin City Council. Fire Chief LaChapelle stated yes and he can help with the language if they so desire.

Mayor Giunta stated it is troubling to see 23-0 so what happened. Fire Chief LaChapelle stated it is about broken relationships and misinformation. Mayor Giunta asked what the crossover date. Fire Chief LaChapelle stated he didn't know at this moment but Senator French asked that he produce something in the next two weeks.

Motion: Councilor Desrochers moved that the Mayor and Franklin City Council write a letter to the House of Representatives to kill this bill. Seconded by Councilor Dzujna.

Councilor Zink asked if they are opposed to the public water system or both. Chief LaChapelle stated no it was the amendment that was proposed that has nothing to do with the bill.

Rep. Horn clarified that the senate allowed a non-germane amendment, which has nothing to do with the body of the bill and they suspended the rules and passed it on voice vote and this is done so it will go to the house. This is a last year bill so when the speaker assigns the bill you would send the letter to the chair of the standing committee. Mayor Giunta asked can the house kill the bill or just the amendment. Rep. Horn stated that the amendment will trigger a discussion and if the house and senate don't agree the bill will fail.

Councilor Ribas asked if this can wait and Chief LaChapelle stated it cannot wait. Councilor Ribas suggested some language. Mayor Giunta asked if the motion is good as is and we will work on the language in the letter. Councilor Ribas was fine as he was just helping draft language for letter.

Councilor Trudel asked if other Fire Departments will back this. Chief LaChapelle stated that very few realize this is happening as it was brought in the back door.

All in favor; motion passes.

Mayor Giunta thanked Interim Mayor Clarenbach for all his work these past months.

Adjournment

Motion to adjourn made by Councilor Clarenbach and seconded by Councilor Ribas. All in favor; meeting adjourned at 8:28 p.m.

Respectfully Submitted,

Lauraine G. Paquin