



City Council Meeting Minutes Monday, May 3, 2021 - 6:00 p.m. Council Chambers, City Hall

Council in attendance: Interim Mayor Olivia Zink, Councilor Jo Brown, Councilor Scott Clarenbach, Councilor Bob Desrochers, Councilor Jay Chandler, Councilor April Bunker, Councilor Ted Starkweather, Councilor Karen Testerman, Councilor. Absent: Councilor Paul Trudel.

Others in attendance: City Manager Judie Milner, School Superintendent Dan LeGallo, School Board Chair Tim Dow, Senator Harold French, House Representatives: Dave Testerman, Howard Pearl, Greg Hill, and Kenna Cross, City Department Heads, and members of the public.

Mayor Zink called the meeting to order in Council Chambers at 6:01 p.m.

Salute to the Flag was led by Councilor Starkweather.

Councilor Desrochers requested a moment of silence to honor Veteran Edward Kurowski, who graduated from Franklin High School in the mid-1950s and served with the U.S. Navy as a Radar Operator and for Robert Wallace who also graduated from Franklin High School a few years later and served for the U.S. Army Reserves for eight years.

A moment of silence commenced in their honor.

PUBLIC HEARINGS

Resolution #17-21, a resolution to authorize the City Manager to expend remaining funds from the State of New Hampshire Drinking Water State Revolving Fund (DWSRF) for a water main replacement project.

The public hearing opened at 6:03 p.m.

Interim Mayor Zink asked if there were any comments or questions from the public. There were none.

The public hearing on Resolution #17-21 closed at 6:04 p.m.

LEGISLATIVE UPDATE

Senator Harold French began his update stating that the State of New Hampshire is doing well. The Senate has heard over 400 Bills and approximately 50 of them are currently under close review. He stated that Federal funds are becoming available soon and can be used for Infrastructure projects. Representative Greg Hill stated the meetings are still being conducted in a hybrid format. Those attending in person have not had any COVID transmission issues so all is going well. Hill continued with mention of the unexpected passing away of New Hampshire's House Speaker Dick Hinch on December 9th and noted that a couple weeks following this were a bit rocky however, the senate worked through some challenges and remarkably managed to keep moving forward as much as possible.

Hill stated that Franklin is well represented here tonight by legislators in attendance. As the House version of the budget comes together, there are a few items in it that will affect Franklin. Hill explained the various committees he and the other representatives are serving on.

Representative Dave Testerman explained the status of HB111 and the school funding is adequate at this time.

Representative Howard Pearl stated that there is a statewide property tax cut that will help Franklin so homeowners and landowners won't have to pay more taxes on their property. Pearl also stated that there will be increases to the Rainy Day Fund from the unanticipated extra money that the state received this past year.

Pearl also provided information on the Bill that addresses the landfill issues New Hampshire is facing.

Representative Kenna Cross introduced herself to the Council and stated that she is a new State Representative and sits on the Children and Family Wellness Committee.

COMMENTS FROM THE PUBLIC

Ward 3 resident Leigh Webb asked for information on the renaming of the City to Franklin Falls. City Manager Milner stated that it is coming from the Downtown Group of Businesses who are thinking it would be a great marketing technique to brand the downtown area and call it Franklin Falls as it actually was once before. This would be like the Weirs as an attraction destination but it is also part of Laconia. Webb stated this concern because changing the entire City's name to Franklin Falls would be costly for the City.

Webb also inquired on certain activities that will be available at Mill City Park such as the rock climbing wall and who will oversee the park. Milner replied that Mill City Park will be in charge of the maintenance and sustainability of the park. There is a plan in place on MillCityPark.com which explains the plan on sustaining the cost to maintain and insure the park.

Webb also commented on the language changes to the Charter that are being suggested tonight and Milner clarified that the Interim Mayor cannot cast an additional vote after she voted as a Councilor even if that vote had created a tie. The Interim Mayor only votes once as a Councilor. Webb asked that the new language reflect this and be clear.

Webb stated that he heard Director Brian Sullivan and Director Dick Lewis would be retiring. Milner confirmed that Director Lewis is retiring on June 30th of this year and Director Sullivan will be retiring on August 31st of this year. Webb thanked both Brian and Dick for their enormous service to this City. It will be incredibly difficult to find replacements for them both. Webb expressed his gratitude for them both and acknowledged the great loss for the City.

Ward 3 Resident Gary Brassard asked the City Council why the Billboard on Wheels at the corner of Sanborn Street and Central Street was allowed to return as it is going against the City ordinance. Milner replied that there is something happening behind the scenes and that although it isn't moving as fast as

people would like it to, there are things happening. There are also other more critical issues going on in the City and work must be prioritized.

Councilor Testerman added that some issues take longer to find conclusion and unfortunately its not an easy process. Notifications are required and the court process normally causes it to take even longer.

Ward 3 James Rago addressed the Council with regards to the City stopping the curb side recycling pick up. He asked why there wasn't consideration of scaling it back or collecting one type of material to eliminate the need to sort. He suggested the City think about picking up metal and asked if that would be worth doing since it could help with the landfill issues and bring in an income.

Mr. Rago also stated that he is concerned about the school's accounting. He worked on government accounting for contractors and is inquiring on the types of accounts that the school uses that don't pay teacher's salaries directly. Fringe or overhead types of accounts that don't directly pay for a teacher's salary can be confusing. With the dwindling student population, combining resources to reduce administration costs would make more sense. He would like to understand the reason why there is more administration which does not benefit the student.

Councilor Clarenbach stated that the City Council does not have any the authority to force the school to combine SAUs because it is designed where the School Board members are elected by the people, just as the City Council is which means the School Board has the control to administer their funds the best way they believe will benefit the students. The Council only has the ability to release and or reduce their funding but that won't dictate what choices they would make with reduced funding.

He added that the first priority of the School Board is self-preservation then the students and then the teachers. The students should be the priority and then having enough money to have the right teachers. As it is now, there is so much paper and administration cost and not enough money going to educating the students.

He concluded with reference to the Critical Race Theory and referenced a quote by Martin Luther King.

Ward 3 resident Kathy Rago asked the Council where the \$2.6M, that the Council is voting on tonight, is coming from, who is using it, and what it is for.

City Manager Milner responded that the Council is voting to set the Public Hearing for June 7, 2021 on the \$2.6M which is for the School District as part of the COVID ESSER Grant that came down from the Federal Government.

Interim Mayor Zink added that it states in Resolution #18-21, it will used for Chromebooks, Computers, Software, Compensatory Special Education Services, Personal Protection Equipment, Food Service Distribution Costs, Sanitizing Equipment, Continued Contract Costs, Personnel Costs, Other Instructional Tools, HVAC Repairs/Renovations etc.

Mrs. Rago stated that she understood that it would be used to hire nine teachers and asked if that was correct.

Superintendent Dan LeGallo replied that the School Budget will be presented to the Council on May 5th, 2021 and it will be explained what the money will be used for. LeGallo stated that they will be introducing eleven positions and not all of these new positions will be paid for from these funds but will come from their own school district funds. LeGallo continued to explain that this COVID money is for learning loss and can be available to the school over the next three years. This is the second round of money that came to the school district and another round is coming to Franklin that will be approximately \$6M which totals almost \$9M for the school to spend over the next three years. This money can be used for technology, more instructors, tutoring, transportation, and continued food service throughout the summer. LeGallo stated that final decisions have not been made and why there will be a public hearing on this to gather the public's input.

Mrs. Rago continued to state that the \$2.6M is one-time money and when it all gone, what will happen. The Council is responsible to look at the renewal of the teacher contract each year. She requested that the Council look closely at that so when the contract renewal comes up, it doesn't fall on the taxpayers.

Mrs. Rago also stated that the City is getting \$860K in COVID funds and combined, the City is getting a \$10M windfall overall. She asked that the Council consider giving the taxpayers a break by way of tax break or possibly a refund or use some of it for the Fire Department or the Police Department.

There were no further comments from the public.

CITY COUNCIL ACKNOWLEDGEMENT

Councilor Brown stated that she worked closely with Superintendent LeGallo to make some positive changes in the school district. The return of the Manufacturing Program is going very well with several students already ahead of many of their peers. Brown commended LeGallo and the School Board for getting these programs up and running. She also gave a shout out to the principals for adjusting their programs which are making a difference. Funding will always be a challenge however she is very happy to see good things happening in our schools.

MAYOR'S UPDATE

Interim Mayor Zink thanked everyone involved in organizing and attending the Mayor's Drug Task Force Drug Take Back Day Event.

AGENDA ITEM I

Council to consider Public Meeting Rules.

Motion – Councilor Desrochers moved that due to public health considerations related to the COVID 19 pandemic that facemasks be required of all participants and attendees at public meetings in the Franklin City Council Chambers. Any person who chooses to attend without such a mask shall stay no less than 6 feet of social distance between themselves and all other persons present. Seconded by Councilor Starkweather.

Councilor Chandler stated that the Governor has removed the mask mandate and the motion is not in line with the Governor's statement. He further questioned what the purpose is of getting vaccinated if you still have to wear a mask.

Desrochers responded stating that the vaccine is not 100% effective for everyone and mentioned that the CDC still recommends that people who were vaccinated still wear masks and believes the Governor lessened the precaution too soon.

Councilor Testerman expressed her thoughts on wearing surgical masks which she stated are created for doctors and the public should not be practicing to be doctors nor ask people to impersonate doctors just as we wouldn't allow them to impersonate a police officer. She continued to express health concerns for people wearing masks.

Three opposed and five supported the motion. Motion PASSED.

Councilor Desrochers asked that this motion be posted on the doors of Council Chambers.

AGENDA ITEM II.

City Council to consider the minutes of the April 5, 2021 City Council Meeting, the minutes of the April 5, 2021 Nonpublic City Council Meeting, and the minutes of the April 12, 2021 City Council Special Meeting.

Motion – Councilor Bunker moved that the Franklin City Council accept the minutes of the April 5, 2021 City Council Meeting, the minutes of the April 5, 2021 Nonpublic City Council Meeting, and the minutes of the April 12, 2021 City Council Special Meeting. Seconded by Councilor Brown.

All in favor. Motion PASSED.

AGENDA ITEM III.

Councilor to consider approval of Resolution #17-21, resolution authorizing the City Manager to expend remaining funds from the State of New Hampshire Drinking Water State Revolving Fund (DWSRF) for a water main replacement project.

Motion – Councilor Brown moved that the Franklin City Council approve Resolution #17-21 by a roll call vote. Seconded by Councilor Clarenbach.

There was no discussion.

Insert Resolution #17-21 with roll call. All in favor. Motion PASSED.

Agenda Item IV.

Superintendent LeGallo stated it was nice to see everyone in person after 18 months. LeGallo recognized Councilor Chandler and Councilor Brown for taking time to visit the schools last month. He also thanked Chandler for his feedback on the School's Annual SAU Report Card.

LeGallo clarified that the Federal funding coming to the Schools is to be used over the next three years and not meant to be spent all in one year. He further explained that with the new staff that are expected to be hired, it is hopeful they will be kept onboard after the grant money runs out. This will be reviewed every year during budget season as it always has been. LeGallo also stated that these funds do not impact the taxpayers and will be spent judiciously. The SAU will look at other areas where these grant funds can be utilized. LeGallo stated that there is an important clause in receiving these funds which states there must be maintenance of effort where there should not be any shifting of costs after the funding ends. Calculations must be shown to prove this "maintenance" clause can be met. If it cannot be shown in the calculations, loss of grant funds could happen.

LeGallo recognized three middle school students: Zoe Nagle, Savana Howard, Aubrey Boisvert. Each of them won first place for New Hampshire in the National History Day Contest. LeGallo explained the topic that each of them wrote about. There was applause for the students.

LeGallo further informed the Council that Food Service Director Brenda Petelle was nationally recognized by the USDA for the running of her model food program during COVID. Congratulations to Brenda and her team. The Council gave applause to Brenda and her staff.

LeGallo reviewed the results from the schools opening back up again and provided the breakdown of how many students still attend remotely.

LeGallo informed the Council that high school graduation is set for June 18th @ 6PM and expect it to be organized the way it used to be before the pandemic.

Brown asked if the school is planning a vaccine type event for the students. LeGallo replied that the Franklin Hospital has been running their vaccine program and it's been very successful but he will reach out to them to discuss what might be planned for students 16 years of age and under.

Testerman asked if vaccinations are mandatory and if Critical Race Theory is part of the curriculum. LeGallo replied no to both questions. She also inquired into the number of classroom teachers and other types of teachers. LeGallo replied that there are approximately 64 classroom teachers and the other 20 or so are special education and arts. The average classroom size runs from 5-24 depending on the type of class. Middle School classroom size runs from 17-30 students per room. Elementary runs from 12-23 students per classroom. He also added that The Teacher's contracts are written for one year only.

Starkweather asked LeGallo if he had plans to contact the News Press about the school's accomplishments. LeGallo replied that it was a great idea and it would be great for the students and their families.

LeGallo and Desrochers discussed the reasoning to having students do internships at WATTS rather than have the environment built up at the high school. It makes more sense to have the facilities that need to recruit new employees to create that environment through internship programs at their facility

instead of at the school. He further added that the school will provide the education piece of it by offering manufacturing classes to support these types of jobs.

Brown further explained that before COVID hit, a Manufacturing Event was held for the students, parents, and 5 major local manufacturers. It was a great event but then COVID happened pausing the scheduled student/teacher site visits. Brown also explained how the school is working in collaboration with the German American Chamber of Commerce Manufacturing program.

Agenda Item V.

Interim Mayor Olivia Zink opened the Cable Franchise Ascertainment Period for Atlantic Broadband. She read the following:

Franklin Residents:

The City of Franklin has received official notice from Atlantic Broadband Company of its intent to renew their cable television franchise. The current franchise agreement expires on December 31, 2023.

As part of the renewal process, the City of Franklin is soliciting public input to ascertain the cable-related needs and interests of Franklin residents in addition to requesting feedback on the performance of Atlantic Broadband under the existing Franchise Agreement.

Unfortunately, federal law does not allow a community to review or regulate the following subject matters when considering the renewal of a cable television franchise agreement: broadcast and channel programming, fees charged for services, internet services or telephone services. The focus of this renewal process will be on video programming quality, reliability, availability, customer service and local access channels.

Anyone interested may respond in writing to citymgr@franklinnh.org or you can mail a response to the Franklin City Manager, 316 Central Street, Franklin, NH 03235. The deadline to reply is August 4, 2021.

Councilor Desrochers stated that he has received complaints and has the same complaint that Atlantic Broadband's customer service is nonexistent. A customer service rep cannot be reached and utilizing their call back option doesn't work, no-one calls back. If this agreement is renewed, this problem must be addressed.

There was no further discussion.

Agenda Item VI.

Council to approve the Amateur Radio Club Lease.

Motion – Councilor Brown moved that the Franklin City Council approves the Non-Exclusive Radio Repeater Site Lease for a one-year period beginning July 1, 2021 and ending June 30, 2026 with Central New Hampshire Amateur Radio Club and authorize the City Manager to execute said lease. Seconded by Councilor Bunker.

There was no discussion.

All in favor. Motion PASSED.

Agenda Item VII.

City Council to set a public hearing on Resolution #18-21, a Resolution to accept and appropriate \$2,662,250 in Federal CRRSA Act funding titled ESSER II Grant funds.

Motion – Councilor Bunker moved that the Franklin City Council set a public hearing for June 7th, 2021 at 6 p.m. regarding Resolution #18-21, to accept and appropriate \$2,662,250 in federal CRRSA Act funding titled ESSER II (Elementary and Secondary School Emergency Relief) grant, for the purpose of funding costs associated with COVID 19 pandemic for the Franklin School District. Seconded by Councilor Clarenbach.

Zink asked if there was any discussion. There was none.

All in favor. Motion PASSED.

Councilor Clarenbach read Resolution #18-21.

Agenda Item VIII.

City Council to set a public hearing on Resolution #19-21 to appropriate FY21 unanticipated Revenues.

Motion – Councilor Brown moved that the Franklin City Council set a public hearing on Monday, June 7, 2021 at 6 p.m. regarding resolution 19-21 appropriating \$224,410 unanticipated FY2021 revenue for capital items needed. To be read in title only. Seconded by Councilor Bunker.

Councilor Desrochers stated that he reviewed the suggested list of items and doesn't agree that this money should be spent on the items on this list. He stated that although there are roads and sidewalks that need repair over the items on this list. This money should be put toward the \$1M cost of the Police Department Radio Communications Center. The City can't depend on getting the Transportation Grant to fix the roads either. If it happens, great. Another \$2-3M is needed to repair the Central St. Bridge. Desrochers continued to state that if the City had the extra money for these things on this list then that would be fine but right now the City does not. He stated that he is not in support of a public hearing until the Council reviews the list and pulls out what is really necessary.

City Manager Milner explained how difficult it is to fund Capital Improvements on the regular budget for the City. When there is unanticipated revenue, the City tries to address items on the Capital Improvement list. She further explained the importance of items on this list. The current fire prevention vehicle is rusting away and will not pass inspection this year and the Fire Prevention team cannot share the same vehicle as they both need to be in different locations at the same time. Milner also informed the Council that it is costing the City approximately \$3,000 per year in employee reimbursements when they use their own vehicle.

Milner stated that road work is in the FY22 budget under encumbrances. The plan is to pave New Hampton Road then possibly certain areas on Central Street. The City has long term debt coming to

expire as well which in combination with the unanticipated revenues, can address some these improvements which provide the City some savings as well.

Councilor Testerman called the question. **All in favor. Motion PASSED.**

Vote to schedule a public hearing on Resolution #19-21. 6 in favor, 2 opposed. Motion PASSED.

Agenda Item IX.

Council to review the Charter Change language from Attorney Fitzgerald.

The Council was not in support of the language that City Attorney Fitzgerald provided and had further discussion which resulted in the following language.

The Interim Mayor shall retain their vote as Councilor and shall exercise all general duties as Mayor but shall not have the ability to cast an additional deciding vote in the event of an equal division of the Council nor shall they have the authority to veto any action of the Council. The Interim Mayor shall so serve until the next scheduled City election at which time a Mayor shall be elected for a two year term and inaugurated as soon as practical.

The City Manager stated that she will send this updated language back to Attorney Fitzgerald for review.

Councilor Desrochers stated that he made a motion on December 7th to ask the City Council to have the City Manager Milner investigate and terminate the Solar I and Solar II Lease. He stated that all nine Councilors voted to seek termination of the Lease and it has been 5 months since that vote was taken.

City Manager Miler responded stating that it was on the list of items for Attorney Fitzgerald and that this information had been communicated to Desrochers that there were a few other more urgent issues to take care of first which should be wrapping up this week and then the Solar Lease would be next for Attorney Fitzgerald to review.

Agenda Item X.

1. Resignations:

- a. **Motion – Councilor Clarenbach moved to accept the resignation of Larry Hennessy, Supervisor of the Checklist for Ward I, effective date of April 12, 2021 and also moved to accept the resignation of Nita Tomaszewski, Supervisor of the Checklist for Ward I, effective date April 13, 2021. Seconded by Councilor Chandler. All in favor. Motion PASSED.**

2. Committee Reports: There were none.

3. City Manager's Update:

Milner stated that the Pledge of Allegiance never sounded to good live as it did tonight. She was very happy to see everyone tonight.

- a. Milner began her update with a shout out to her secretary Audrey Lanzillo for this past year organizing the Council meetings via Zoom and getting set up for tonight's Council meeting. We are back to being in person and the meeting is viewable live as well.

- b. Milner provided the Council with a memo from Planning and Zoning Director Dick Lewis that included suggested language to the Solar Ordinance.
4. Contingent Grant Line Activity – The City received \$2,265 donations for the Kayak Flower Beautification Project. She thanked all the business who donated to the project. The City also received \$2,775 in donations for summer scholarships for recreation programs.
5. Trust fund for school funding – \$146.04
6. Drug Take Back Day was held on Saturday, April 24th, raised \$444, and collected 5 boxes of unused medications. The NH drug take back totals were 13,188 lbs. of medications. Milner thanked CVS for hosting the event for the City. Milner gave a shout out to the students who did an anti-vaping campaign which will play on Radio Station 94.1. She played the clip on her computer. The Annual Mayor's Drug Task Force 5k will be held on June 19th.
7. Milner reviewed the upcoming dates for the Budget Review Meetings.
8. Upcoming Retirements – Best Wishes Brian Sullivan 8/31/21 & Marie Morang 5/14/21
9. Welcome aboard Judy Bibbins, Planning & Zoning's new secretary; and Welcome back Katie Gargano. Thank you Lauraine Paquin for assisting the City Clerk's Office.
10. Governor Sununu declared by Proclamation that this week is officially designated as City Clerk's Week.
11. Youth Government Week begins this week which means students will be attending the next few City Council Meetings and will be learning about what the Council does. The event will conclude at the Elks where the students will take part in a mock City Council Meeting and enjoy a dinner afterward with their parents, teachers, and Council members.
12. Milner stated that she interviewed with many media connections this month: Boston Globe, Boston.com, NH Magazine, and In Depth NH. Commissioner Caswell provided the City with National media coverage through state's marketing group for Travel & Tourism with NH Business & Economic Development. Thank you, Commissioner Caswell.
13. Governor Sununu Kicked off the NH summer tourism season in Franklin at Mill City Park on May 7th at 11 a.m.
14. Metrocast Franchise Agreement Renewal Consortium Update: Milner stated that she has heard the same types of complaints that Desrochers was speaking about earlier and has them in writing. She further added that there are currently 10 other town who are part of the Consortium.
15. Lakes Region Conservation Trust Easement has closed and was recorded at the Merrimack Registry of Deeds. Milner described the location of the area in Conservation.
16. Eversource will be starting to replace poles along the A111 line in 2021/2022.
17. Congratulations Officer Tracy & K9 Miller & Sgt Guerriero & K9 Falco – Franklin Lodge of Elks Citizens of the Year for 2021.
18. Mill City Park Update – The land construction is underway, water construction is scheduled for July 12th due to the low water expected during that time, and the Annual meeting occurred via zoom on April 19th and can be viewed on MillCityPark.com.
19. Stevens Mill Update – 79E covenant, Developers Agreement, and purchase and sales are expected to the City Manager this week and is scheduled to go before the Heritage Commission this month.
20. Cumberland Farms Update – Due diligence is occurring prior to closing.
21. Legislative Update – crossover has occurred. Milner thanked the Legislators for their support against HB 111 and the Non Disparity Bill. HB 98 could move the State Primary Election to the 4th Tuesday in June. Since the City would not receive the census data until October and this data is needed to determine if our Ward lines need to be moved, the City may need to hold a special

election. Milner stated that this is an unknown and currently not in the budget. There also may be changes to the state share of the NH Retirement for Police, Fire, and Teachers. Miler reviewed other state revenue possibilities.

Testerman asked if the Radio clip that the students did for the Mayor's Drug Task Force could be sent to other radio stations and played there as well. Milner replied that it could and thanked Testerman for suggesting it.

Motion – Councilor Clarenbach moved that the Franklin City Council enter in to a nonpublic session according to RSA 91-A:3, II(a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) request that the meeting be open, in which case the request shall be granted.

Seconded by Councilor Bunker.

There was no discussion

All in favor. Motion PASSED.

Entered into nonpublic session at 8:22 p.m.

Motion to leave nonpublic and return to public session made by Councilor Brown. Seconded by Councilor Bunker.

There was no discussion. **All in favor. Motion PASSED.**

Public session reconvened at 9:42 p.m.

Motion to seal the minutes was made by Councilor Bunker, because it is determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board. Seconded by Councilor Desrochers.

There was no discussion.

Roll call to seal the minutes. All in favor. 1 absent (Trudel). Motion PASSED.

Motion to adjourn was made by Councilor Brown and seconded by Councilor Bunker.

All in favor. Motion PASSED. The meeting adjourned at 9:47 p.m.

Respectfully submitted,

Audrey Lanzillo