

# City Council Meeting Minutes Monday, July 12, 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 Paul Trudel, Councilor Karen Testerman, Councilor April Bunker. **Absent:** Councilor Ted Starkweather

**Others in attendance**: City Manager Judie Milner, School Board Chair Tim Dow, City Department Heads, Representative Dave Testerman, 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 Trudel.

Councilor Desrochers honored our veterans with a moment of silence for veterans Herbert Whiting who served with the New Hampshire National Guard, served as a Corporal in the United States Army, and received a Bronze Star for his service. Also honored was John G. Lavertue who served as a New Hampshire National Guardsman from 1948 and served as Sergeant First Class in the Vietnam War when he was 36 years old.

Councilor Desrochers stated that until recently, National Guardsmen were not considered true military members and could not be buried in a veteran's cemetery. He was very happy to hear it has changed and that they now receive the proper recognition.

## **Public Hearings**

**Ordinance #01-22,** an Amendment to the Franklin Municipal Code, Chapter 160, Fees, 160-1, Fees charged for services by the City of Franklin Water & Sewer Dept.

The public hearing opened at 6:05 p.m.

Ward 3 resident Leigh Webb stated that he is a ratepayer as well as a taxpayer. He further stated that Municipal Services Director Brian Sullivan has dedicated his life to making this City the best it can be. If Brian Sullivan makes a recommendation, we should listen to him. Webb added that the City's water and sewer infrastructure is old and continues to exist on borrowed time. They require constant attention and fixes to keep it functioning. Webb concluded by stating that these funds are needed to continue to receive clean drinking water. We either pay the piper now or pay an unthinkable amount later.

There were no further comments or questions from the public.

The public hearing on Ordinance #01-22 closed at 6:07 p.m.

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**Ordinance #02-22**, an Amendment to the Franklin Municipal Code, Chapter 160, Fees, 160-1, Fees charged for services by the City of Franklin; Transfer Station, Fire Alarm, and Police Detail Fees.

The public hearing opened at 6:07 p.m.

Ward 3 resident Leigh Webb stated that revenues must offset expenses or there will be a deficit. Webb also stated that the Municipal Services Department does and exemplary job in controlling costs, replacing worn equipment while plowing and maintaining our roads during all seasons. Webb requested that the City review the City codes and fines for illegal dumping including the abandonment of trash. Webb also suggested educating residents on the cost effectiveness of doing the right thing is crucial to compliance.

Webb concluded by stating that Director Sullivan has given his heart and soul to this City and his efforts cannot be in vain. Webb implored the Council to support this Ordinance.

Interim Mayor Zink asked the public if there were any further comments. There were none.

The public hearing on Ordinance #02-22 closed on 6:09 p.m.

**Resolution #01-22**, a Resolution to accept and appropriate the Fiscal Year 2022 Proposed City and School District Budget.

The public hearing in Resolution #01-22 opened at 6:09 p.m.

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

The public Hearing on Resolution #01-22 closed at 6:10 p.m.

#### Legislative update

Representative Dave Testerman stated that he is not in support of House Bill 2 (HB2) because although there are some things in it that he is in support of, there are also policy items rolled into it which is not constitutional therefore he did not vote in favor of it. One of the positive things was that there was an increase in Family Medical Leave.

## **Comments from the Public**

Ward 2 resident Steve Rayno provided comments regarding the old rock wall at the bottom of Cheney Hill and the industrial trucks use of newly paved Victory Drive and narrow Cheney Hill. Mr. Rayno stated that he spray painted the rock wall with the words "Unstable Rock Wall" and was given a criminal mischief citation from the City Manager's office. He felt it was misuse of power and wanted to know why other people are not given a citation who write graffiti on the buildings in the downtown area. Rayno further explained the other issues he has with how the City is run.

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Ward 3 resident Leigh Webb stated that the Whitewater Park Groundbreaking Ceremony was great this morning. He thanked Marty Parichand for his undying energy and the Grevior Family for their dedication as well. Webb stated that these are the things that make Franklin great.

Ward 3 Resident Dave Testerman addressed the Council as a resident and veteran. He stated that he is a military veteran and spoke regarding the Veterans Tax Exemptions. He was not in favor of the veterans' tax break which would amount to approximately \$130K which would be better used to help the City right now.

There were no further comments from the public.

## **Council Acknowledgements**

Councilor Desrochers stated that Sean DeMuynck, a Philadelphia Firefighter, who graduated from the Fire Academy with his nephew, died recently and a police officer took his own life the next day. Desrochers wanted the public to know that many people say that people who choose these dangerous fields of work, do so knowing what they sign up for. He also added that they did not sign up to die. They signed up to protect and serve but they do not get enough gratitude for what they do every day. Desrochers was disheartened by those who wrote on the building wall across from Marceau Park to defund the police. If we defund the police, who would come to help when we need them. Desrochers thanked the Police and Fire Departments. They then received a standing ovation.

There were no further Council acknowledgements.

#### Mayor's Update

Interim Mayor Zink wished Councilor April Bunker a happy birthday. Zink also congratulated Mill City Park for a wonderful groundbreaking ceremony.

Without objection, Zink moved Agenda Item V. to item I.

## Agenda Item V.

Council to consider approval of discontinuing a portion of Punch Brook Rd.

Motion – Councilor Brown moved that the Franklin City vote to discontinue a portion of Punch Brook Road, a class 6 highway, from the westerly side of A Street to the western edge of the Emerson parcel 083-401-00. Seconded by Councilor Desrochers.

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

All in favor. Motion PASSED.

## Agenda Item I.

Council to approve Ordinance #01-22, an ordinance to amend the Franklin Municipal Code,

Chapter 160, Fees, 160-1, Water & Sewer Fees.

Motion – Councilor Bunker moved that the Franklin City Council adopts Ordinance #01-22 relating to FY2022 budget water commodity and sewer disposal rates. Seconded by Councilor Trudel.

Councilor Desrochers stated that the Council agreed last year to a yearly increase of 2% and not 3%. He is not in support of this 3% increase.

Councilor Testerman asked Municipal Services Director what areas of the sewer and water will be addressed with this increase. Sullivan explained the Infiltration rate of 65% and has also identified the worst areas that need to be addressed for both water and sewer. This is an ongoing need. Many of our sewer lines are pre 1940-1950. Sullivan further explained that installation of water piping used to cost \$125 per foot (now costs \$350 per foot) and sewer used to cost \$200 per foot. Sullivan stated that the City takes the quality and safety of our water very seriously.

Zink asked Sullivan if these increase amounts would go into a Water and Sewer fund or a Capital Outlay account. Sullivan replied that they would go into a Capital Outlay because there currently isn't a separate fund for water and sewer.

Councilor Bunker asked if the City is going to receive federal funds that may be used for shovel ready water and sewer projects. Director Sullivan and City Manager Milner both replied that these funds can be used for these types of projects. Milner stated that a workshop will be scheduled to review the projects and to agree on the ones that will benefit the City the most. Milner also added that there are additional relief funds that will likely become available to Franklin.

Bunker further stated that although she pays a lot for water now, these suggested increases to address the needs of the water and sewer department are necessary.

Director Sullivan explained that the mechanical components of the system require continued maintenance, which is normal, however most of the City's wastewater systems are at the end of their lifecycles and needs replacement. The cost of water and sewer in Franklin is in the middle of the spectrum compared to other communities. Sullivan stated that due to rising costs of materials, the cost of water will continue to rise. He is extremely concerned about Franklin's infrastructure from roads, sidewalks and everything underneath.

Councilor Chandler stated that the City Council needs to listen to what the Department Heads in the City are saying and if they suggest a rate increase, then that is what we need to do.

#### ORDINANCE #01-22

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand and Twenty One;

Be it ordained by the City Council of the City of Franklin New Hampshire, that the Franklin Municipal Code, Chapter 160, Fees, 160-1, Fees charges for service by the City of Franklin Water/Sewer Departments be changed as follows:

		Current Fee Change 1		New Fee	
Water Commodity Charge Per 10	00 cubic feet	\$ 7.32		\$	7.55
Sewer Disposal Charge Per 100 cubic feet		\$ 7.00		\$	7.03
Fee to be effective July 1, 2021,	by roll call vote.				
Roll Call:					
Councilor Brown	Yes	Councilor Zi	nk		
Councilor Clarenbach	Yes	Councilor St	arkweather		
Councilor Desrochers	Yes	CouncilorTe	esterman		
Councilor Chandler	Yes	Councilor Tr	rudel		
Councilor Bunker	Yes				

All in favor. Motion PASSED.

## Agenda Item II.

Council to approve Ordinance #02-22, an ordinance to amend the Franklin Municipal Code, Chapter 160, Fees, 160-1, Transfer Station, Fire Alarm, and Police Detail Fees.

Motion – Councilor Chandler moved that the Franklin City Council adopt ordinance 02-22 relating to FY2022 budget Chapter 160 fee changes. Seconded by Councilor Testerman.

Councilor Clarenbach did not support adding five per item fees under the Transfer Station. He preferred to have the scale utilized and charged per ton otherwise these items will be left scattered all around the City. Clarenbach further suggested that utilizing the front of the hopper continue to be free for smaller bagged items but larger items will need to go into the back side of the hopper and should be weighed first then charged the per ton demo rate.

Motion – Councilor Clarenbach amended the motion to REMOVE: Add fee per Couch, Add fee for per Sleep Sofa, Add fee for chairs, Add fee for mattress (all sizes), Add fee for box spring (all sizes). Seconded by Councilor Trudel.

Councilor Brown asked Director Sullivan if it makes sense to him to utilize the scale instead of charging per item. Sullivan replied that he is concerned with overuse of the scale. Deputy Director Justin

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Hansom surveyed other surrounding communities and found that many don't even have scales and they charge per item.

There was additional discussion on what can go into the hopper and what cannot. Any furniture with treated wood cannot go into the hopper and should go into the demo bin.

Sullivan continued to explain that landfills throughout New England are filling up and new locations will need to be found. This will cause an increase in the cost to dispose of trash all throughout New England which will cause more illegal dumping. However, people were illegally dumping when there were no fees at all to bring them to the transfer station.

There was no further discussion.

4 in favor of the amendment to the original motion. 4 opposed the amendment.

Motion to amend the motion FAILED.

#### ORDINANCE #02-22

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand and Twenty one;

Be it ordained by the City Council of the City of Franklin New Hampshire, that the Franklin Municipal Code, Chapter 160, Fees, 160-1, Fees charges for service by the City of Franklin be changed as follows (change current fee to new fee, remove deleted language):

			Current Fee	Change To	New Fee
Fees to Change:					
Transfer Station Fee Changes	Increase Solid Waste Admin. Fee		\$20.00		\$25.00
	Transfer Station: Residential and Commercial de shingles, per ton.	emo materials and asphalt	\$135.00		\$150.00
	Remove springed furniture		\$5.00		\$0.00
	Add fee per Couch		\$0.00		\$10.00
	Add fee for per Sleep sofa		\$0.00		\$20.00
	Add fee for chairs		\$0.00		\$5.00
	Add fee for mattress (all sizes)		\$0.00		\$10.00
	Add fee for box spring (all sizes)		\$0.00		\$5.00
	Add fee for Fire extinguishers		\$0.00		\$5.00
	Increase fee for microwaves		\$5.00		\$10.00
	Increase fee for VCR/DVD/CD Players		\$3.00		\$5.00
	Increase Fees for computer monitors/tablets (a	II sizes)	\$0.00		\$15.00
	13 to 15 inches		\$8.00		\$15.00
	16 to 19 inches		\$9.00		\$15.00
	Increase fees for televisions				
	Up to 13 inches		\$8.00		\$10.00
	13 to 55 inches		\$18.00		\$20.00
	large console and big screens		\$38.00		\$45.00
Fire Fees	Increase Fire Alarm Fees		\$250.00		\$275.00
	Increase Ambulance Billing Mileage fee		\$15.00		\$20.00
Police Fees	Increase outside detail rate		\$62.00		\$69.00
Roll Call:					
Councilor Brown		ouncilor Zink	_Yes		
Councilor Clarenbach	<u>No</u> co	ouncilor Starkweather	Absent_		
Councilor Desrochers	<u>No</u> co	ouncilor Testerman	Yes		
Councilor Chandler	Yes co	ouncilor Trudel	_No		
Councilor Bunker	_Yes				

## **Motion PASSED.**

## Agenda Item III.

Council to approve Resolution #01-22, a Resolution to accept and appropriate the FY2022 City and School District Proposed Budget.

Motion – Councilor Trudel moved that the Franklin City Council adopt Resolution #01-22,

## appropriating the City's FY2022 budget which begins on July 1, 2021. Seconded by Councilor Brown.

Councilor Testerman is not in support of this Resolution. She stated her reasons which were due to the overfunding of the schools, a meager 1% cost of living increase to City employees, and overall not an efficient use of tax payer dollars.

Councilor Bunker stated that the schools are now almost fully funded with having the ESSER funds to add back previously removed curriculum which will improve our children's education here. By not approving this budget, it will show insult to the school board, teachers, and superintendent for bringing this budget to the Council that is also under the tax cap.

## Resolution #01-22

#### MUNICIPAL DEPARTMENTS

#### APPROPRIATIONS:

TIONS:	
General Operations (MS-232):	
General Government	\$1,693,464
Public Safety	6,207,663
Highways & Streets	1,503,694
Sanitation	1,099,405
Health	361,379
Welfare	106,402
Culture & Recreation	1,124,479
Conservation & Development	100,000
Debt Service	361,228
Capital Outlay	0
Interfund Operating Transfers Out	300,716
Transfer to School District	0
Total General Operations Appropriations	\$12,858,429
Other Funds:	
Parks & Recreation Appropriations	\$15,500
Outside Police Detail Appropriations	17,250
Water Appropriations	2,212,958
Sewer Appropriations	1,621,409
Capital Projects Appropriations	0
Pass Through Grant Appropriations	20,000
Total Municipal Appropriations	\$16,745,546

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#### ESTIMATED REVENUES:

General Operations (MS-434):

City Revenues General Fund \$4,573,164 Use of Fund Balance \$0 Interfund Operating Transfers In 24,292 **Local Taxation** 8,260,973 \$12,858,429

Total General Operations Estimated Revenues

Other Funds:

Parks & Recreation Estimated Revenues \$15,500 Outside Police Detail Estimated Revenues 17,250 Water Estimated Revenues 2,212,958 Sewer Estimated Revenues 1,621,409 Capital Projects Estimated Revenues CDBG Grant Estimated Revenues 20,000 Total Municipal Estimated Revenues \$16,745,546

#### SCHOOL DEPARTMENT

APPROPRIATIONS:

General Operations \$18,558,965 Food Service Total School Department Appropriation \$18,558,965

ESTIMATED REVENUES:

General Operations \$11,772,990 Transfer From Municipal Use of Fund Balance 1,000,000 Transfer From Capital Reserve Fund Food Service 0 Local & State Taxation 5,785,975 **Total School Estimated Revenues** \$18,558,965

#### MERRIMACK COUNTY

Estimated Tax to be Raised \$1,765,387

INDUSTRIAL PARK TAX INCREMENT FINANCING DISTRICT

Estimated Tax to be Raised \$21,243

FRANKLIN FALLS MIXED USE TAX INCREMENT FINANCING DISTRICT

Estimated Tax to be Raised \$46,260

VETERAN'S CREDITS

Estimated Tax to be Raised \$138,275

OVERLAY

Estimated Tax to be Raised \$31,000

#### Roll call:

Councilor Brown	Yes	Councilor Clarenbach	No	Councilor Desrochers	No
Councilor Chandler	Yes	Councilor Bunker	Yes	Councilor Zink	No
Councilor Starkweather	Absent	Councilor Testerman	No	Councilor Trudel	No

## **Motion FAILED**

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Councilor Trudel explained a few of the reasons he was not in support of this budget. One of them was not wanting to use tax payer dollars to fund areas of the City that should be self-funded. Committee teams should start meeting to address some of these areas so taxpayer dollars are spent most effectively. He further stated that this budget will take affect by default and there isn't much that can be done to change that.

Councilor Brown did not agree with the Councilors who voted no. She stated that the department heads did the very best in a very difficult year. Brown agreed with Councilor Bunker on the school finally getting to a better place financially to provide a better curriculum to the students. She felt that making statements that the City departments are not doing their best and provided a budget with "fluff sends the wrong message to the residents. She further stated that each of the City Councilors belongs to a committee and can hold meetings throughout the year to discuss areas where suggestions for improvements can be made.

Councilor Testerman stated that the City works very hard with what they have. There are some City workers who are going above and beyond to do the work themselves in order to save the City money where other communities would hire an outside professional contractor to do the work. She would hate to see the moral of the City employees plumet because of actions of the City Council. Testerman suggested that committee meetings need to take place to help resolve issues early on.

Testerman also informed the Council that she moved from a community where the taxes have already increased much more than here and she didn't receive the City services that Franklin provides. She commended the City for what they provide.

Councilor Chandler stated that the department heads already rolled up their sleeves and provided the Council with the items they feel are critical and the Council should be sensitive to what they say to each of the City directors. Telling them to go back to adjust their budgets and do their jobs better is not the way to deal with some of these budget issues.

Chandler also stated that he agrees that the school administrative costs are very high but it is good to see that they received the ESSER funding to address the student curriculum. He thanked all the City and School workers for providing a budget under the tax cap but it's unfortunate that the Council tonight didn't approve the budget.

The Council had further discussion on the rising costs of many things and the struggle for the City to continue to provide certain services to the City without increasing taxes. The consensus was the need to continue to discuss this issue of rising costs versus the tax base.

Councilor Clarenbach stated that when a community remains under a tax cap for many years, eventually there will be things that the City can no longer do. The City will need to figure out what they can no longer afford to do if staying under a tax cap is the priority. Clarenbach further stated that the City will need to increase fees or reduce expenditures. Every City department is already pushed to the limit. Clarenbach suggested the Council get together and address these financial deficit issues. He further stated that the last thing the City should do is fund a capital account on the backs of the Police and Fire departments.

Councilor Desrochers stated that a few years ago he supported to put aside money from a bond coming due to be used for a new \$30K scale at the Transfer Station. The Council voted it down at that time. The current cost of a new scale is \$130K. Desrochers asked the Council to make better forward thinking decisions. Desrochers suggested that when the new property re-evals are done, not to adjust the tax rate so it stays under the tax cap but rather leave it where it is so the properties that are increasing in value, pay more in taxes. This City desperately needs some income to fix the roof at City Hall, the roads, water systems, and other urgent needs.

The Council further discussed that there is a critical need to get together and prioritize the needs for the City and focus on what can the City can and cannot afford to do under a tax cap.

There was no further discussion.

## Agenda item IV.

Council to consider the minutes of the June 7, 2021 City Council Meeting and the minutes of the June 7, 2021 City Council Nonpublic Meeting.

Motion- Councilor Desrochers moved that the Franklin City Council approve the minutes of the June 7, 2021 City Council Meeting and the minutes of the June 7, 2021 City Council Nonpublic Meeting. Seconded by Councilor Trudel.

Interim Mayor Zink provided a change on page 4 with replacement of a Ward "?" to Ward 2.

There was no further discussion.

Councilor Bunker Abstained. 7 approved. Motion PASSED.

#### Agenda Item VI.

Council to discuss Veterans credits.

City Manager provided information on the current tax credit which is currently at \$300. She stated that the Council can discuss it further tonight and vote to a public hearing to request the public's input.

Motion – Councilor Desrochers moved that the Franklin City Council schedule a public hearing on August 2, 2021, 6:00 p.m. in Council Chambers to increase the Veterans Tax from \$300 per year to \$400 per year. Seconded by Councilor Bunker.

Councilor Testerman is not in support of increasing the credit due to the City's lack of revenue. This will further strain the City Departments and programs that are already struggling to survive.

Councilor Chandler is a seasoned veteran who has received the City's current tax credits but never really thought about how it affects the City's budget. He stated that he didn't serve his country to receive a

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tax credit. Chandler appreciated the effort to recognize all Veterans but this is one of those tough decisions when looking at a struggling City budget. There are other ways the City can show gratitude like placing more American Flags throughout downtown. Chandler shared a memory of when he was at dinner in his uniform and someone picked up the dinner tab. That made him feel extremely grateful. He is not in support of this tax credit increase. Councilor Brown shared the same sentiments as she is also a Veteran and does not want to place further financial burden on the City.

Councilor Bunker stated that she is not sure how she will vote on the actual increase however she is in favor of a public hearing.

All in favor. Motion PASSED.

## Agenda Item VII.

#### **Other Business**

- 1. Committee Reports none
- 2. City Manager's Update
  - a. Contingent Grant Line Activity- \$166.44 was received from the Hannaford Kiosk for the Fire Department. \$234 was received from the Hannaford Kiosk for the Drug Task Force. The Drug Task Force raised \$949.64 from the 5K fundraiser in conjunction with Winni River Days. \$2,675 was received for Rec Scholarship Fund donations. \$100 was received for the Kayak Beautification project.
  - b. Trust fund for school funding is at \$146.04.
  - c. Welcome Amanda Chance, City Clerk's Office and congratulations Amy Davis on her promotion to Deputy City Clerk Tax Collector.
  - d. Milner gave a shout out to Mojalaki for hosting Dick Lewis' retirement party on June 26<sup>th</sup>. Dick had a great time at his "surprise" party. Milner added that the renovations at Mojalaki are stunning.
  - e. The next City Council Workshop Meeting is scheduled for July 26<sup>th</sup>. A few agenda items are: ARPA, Redistricting, and a couple of non-public meetings will be needed.
  - f. Media Connections for the month were: the press release from Congresswoman Kuster's office in support of funding the Trestle Bridge Refurb Project for \$1.2M (It passed in the House), InDepthNH.org Thomas Caldwell, and the press release for the Mill City Park groundbreaking which had a great turnout.
  - g. Mill City Park Update –Phase one of the land construction is complete and the City will apply for another Land and Water Grant. The water construction will begin this week with AJ Coleman setting up. Winni River Days was a record breaking event in Franklin. It was a hot day but people were out on the river with many spectators watching. Milner gave a shout out to Director Krystal Alpers who worked with the Mill City Park Board to plan out the day.
  - h. Stevens Mill Update The 79E covenant, the Developers Agreement, and the purchase and sales are with the attorneys and currently under review.
  - i. The Cumberland Farms due diligence process is moving along quickly.
  - j. Pinnacle Advisory Group won the bid to do the Hotel Feasibility study which is funded through a CDFA Technical Assistance Grant. When the study is complete in approximately 4-6 weeks, the City will share the report during a public hearing.

- k. Milner gave a shout out to the MSD Department for their work on the side of Daniel Bridge next to the library and for removing all the invasive bushes on the library grounds by the river. It looks stunning.
- I. Milner also gave a shout out to Pastor Kate and the Episcopal Church for starting the community garden. It is located directly in front of Kayak Man and available for anyone to pick and have a snack.
- m. Director Brian Sullivan and Director Dick Lewis researched the trucking concern on Route 127 and the City is unable to post "No Trucking" unless the City portion of the road is updated to Highway Administration Specifications which would be extremely costly. Milner invited the Council to discuss this topic again if they so choose.
- n. Legislative Update The Rooms and Meals Tax is going to increase which means that the City will reduce the loss revenue that is needed from the ARPA Fund. The ceiling is also being reduced to 30%. The City is currently at 20%.
- o. Highway funding is also expected to be received for Franklin as well as other communities. This will further reduce the ARPA funding but will wash in the budget.
- p. The Right to Know request does not pertain to confidential legal counsel information.

The Council had further discussion on a better crosswalk at Trestle View, the continued fireworks till midnight, and suggestion to request another Legislative Committee Meeting to look at the Fireworks Ordinance once again. The number of High School seniors who graduated this year and the drop out rate were asked by Councilor Testerman to School Board Tim Dow. He replied that it would be best to get the full details from Superintendent Dan LeGallo. Dow also stated that there are many children attending the summer school program and it will run through to the end of July. The CDC sent the new guidelines which will require a report to the DOE by mid-August.

3. Late Items-none.

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

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Audrey Lanzillo