

Approved by City Council on May 1, 2017



City Council Meeting April 3, 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.

Salute to the Flag was led by Councilor Wells.

Mayor Merrifield stated there was a special person D'Alecandria Johnson attending 3rd grade at Compass Classical Academy in Franklin. The New Hampshire State Fire Marshal's office had a Fire and Life Safety calendar contest for students statewide on important home safety topics. Among the 700 entries D'Alecandria Johnson's drawing on kitchen fire safety was selected to be included in the 2018 calendar for the month of March. Mayor Merrifield proclaimed today April 3, 2017 as D'Alecandria Johnson day.

Mayor Merrifield read the following Proclamation:

In the Year of our Lord, Two Thousand Seventeen:

A Proclamation relating to Arbor Day in Franklin, New Hampshire, in keeping with our City's continuing efforts towards recognizing the elegance of trees; their beauty; required maintenance and the need to keep them safe and healthy.

WHEREAS, The City of Franklin, New Hampshire continues to be a participating member of "Tree City U.S.A." since April 9, 2001 and recognized as such by the National Arbor Day Foundation, and

WHEREAS, Arbor Day which is Latin for "Tree Day" is an Environmental Holiday where Citizens and Groups are encouraged to conduct ceremonies; plant trees and care for existing trees, and

WHEREAS, While many countries and Municipalities celebrate Arbor Day on various dates throughout the year, Arbor Day is officially celebrated in the United States on the last Friday in the month of April, and

WHEREAS, The Municipal Services Director has gone against the grain and promoted past Arbor Days to be held in late fall or early winter, but wishes to turn over a new leaf and request that the City of Franklin, New Hampshire celebrate Arbor Day on its official date this year of Friday April 28, 2017, and

WHEREAS, Trees should be planted in their appropriate natural environment at the right time of the year when there is no frost in the ground and no snow and ice above ground, and

WHEREAS, the Municipal Services Director is hereby officially declaring an end to the winter weather season in hopes that April 28th, 2017 will be clear of all chances for snow and ice and Arbor Day will be a beautiful warm, bright and sunny spring day.

NOW THEREFORD BE IT RESOLVED, I Kenneth Merrifield, Mayor of the City of Franklin, New Hampshire, a City which recognizes all species of trees, do hereby proclaim Friday, April 28th, 2017 as:

"ARBOR DAY in FRANKLIN, NEW HAMPSHIRE"

and invite all Citizens to participate in the preparation and the planting of two trees within the grounds of the Franklin Public Library, beginning at 11 A.M.

Public Hearings

Resolution #10-17 – No public comment.

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.

Amy Slattery, from Congresswoman Ann Kuster's office, introduced herself and if anyone wishes to speak with her Mayor Merrifield has her contact information.

Scott Burns spoke about being at the hearings in Concord and that a letter was written about Franklin's school issues here. He received a response from a Representative from Conway. The response was really just kicking the can down the road and no one understands why they need to fund education. Mayor Merrifield stated that stabilization may not have been intended to be permanent but what it replaced was intended to be permanent. Fiscal capacity disparity aid helped communities like Franklin equalize with other communities that have an advantage in property value per pupil. If you look at Department of Education the costs are charted out. When the legislature changed the fiscal capacity disparity aid to stabilization aid, they are making that go away altogether leaving no support for communities with poor property values.

A women got up and spoke and asked if the crosswalks can be painted asap as some are non-existent or put out cones. MSD Director Sullivan stated that as soon as we can get to it as it is weather permitting. He also stated that they will put out signs when the weather permits as well.

Legislative Comments

Rep. Horn spoke about the county budget and the budget is an additional \$1.6M in additional taxes from communities in Merrimack County. It is an increase of 1.7% as benefits have increased in NH 16% and they rolled back \$250K. The house budget HB1 & HB2 will be voted on Wednesday and Thursday, if needed. He stated he was disappointed that they didn't acknowledge all the communities that came out for adequacy aid and continue to level fund UNH at \$81M but when it came to make sure there was adequate money for NH's students they kicked the can down the road.

Rep. Horn stated his next task is to talk to senators as to UNH using granite as decorate pieces in their new buildings but other communities like Franklin and Berlin are cutting positions in the secondary education as they take the burden. They can't continue to let UNH prosper while communities are struggling. The senators will have control over the budget so please contact them. The flood control money will be challenged again as they don't understand how it works, Massachusetts pays New Hampshire and the state pays the municipalities. Councilor Wells stated that he has heard that the residents are now paying more than non-residents at UNH. Rep. Horn stated he has not heard that but maybe what has happened is that they have increased the percentage residents pay more than what non-residents pay.

City Council Acknowledgements

Councilor Zink wanted to recognize Ruth Niven who is celebrating thirty (30) years working at the library. Councilor Desrochers wanted to recognize MSD Director Sullivan for doing a great job at sweeping the streets last week.

Mayor's Update – No update as he had done two (2) items at the beginning of the meeting.

Agenda Item I.

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

Motion: Councilor Zink moved that the Franklin City Council consider the minutes of the February 27, 2017 City Council Workshop Meeting and March 6, 2017 City Council Meeting. Motion seconded by Councilor Dzujna.

Councilor Desrochers abstained, all others in favor; motion passes.

Agenda Item II.

School Board Report – Superintendent LeGallo recognized Councilor Desrochers for meeting with him and touring the schools. He recognized Councilor Giunta for setting up the meeting with Education Commissioner to come to Franklin. He also recognized Councilor Moquin who has agreed to be on the principal search committee.

Superintendent LeGallo stated that Commissioner Edelblut will be visiting on Monday, April 10. The schedule will begin with a 9:00 am tour of all the facilities, break for lunch at 12:00pm, 1:00pm discussion with school board and city councilors are invited, and 2:00 pm discussion with the joint finance committee. Superintendent LeGallo stated he is not sure what help he can provide but it is worth the discussion for ideas.

Superintendent LeGallo stated that on April 18 the school board will be hosting a budget process and strategic planning forum at 6:30pm in the Franklin High School Cafeteria and all councilors are invited.

He stated they are back in negotiations with the support staff and custodians but due to schedule conflicts they won't be meeting again until the first week in May.

SB193 is being heard for testimony tomorrow and School Board Member Dow and Superintendent LeGallo will be going down to listen to the discussions.

The budget is currently being worked on to come under the tax cap even though they recognize that they are \$1.2M under in revenues. He mentioned that he is not sitting on his hands just waiting for the budget to pass as is and is working on that in case it becomes a reality.

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.

Motion: Councilor Desrochers moved 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. Motion seconded by Councilor Clarenbach.

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>yes</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

All in favor; motion passes.

Agenda Item IV.

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

Motion: Councilor Desrochers moved that the Franklin City Council approve restoration, per RSA 674:39-aa.II, of the two involuntary merged tracts owned by Andrew Tomaszewski. Motion seconded by Councilor Clarenbach.

Councilor Clarenbach stated that the motion should contain the parcel #s in the motion to make it cleaner. Mayor Merrifield clarified the motion with Councilor Desrochers to add to the motion with materials as presented this evening and re-verified the second with Councilor Clarenbach.

All in favor; motion passes.

Agenda Item V.

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

Annette Andreozzi stated she is representing the Franklin Cultural Alliance which came from the Franklin for a Lifetime project. They are encouraging any resident, business or organization to take a chair of any kind and decorate it and turn it into an art project. The Alliance would like to set the chairs out mainly on Central St. on the city sidewalk but they can be in a business window. They are looking for the council’s approval. Ms. Andreozzi stated she has had discussions with MSD Director Sullivan and they will have places that are acceptable for placement. She stated they would like to encourage all councilors to talk with people to get them to participate. The deadline is April 28 and the chairs will be out and judged on May 6 and the chairs would be out until Labor Day.

Councilor Barton asked where the chairs would go at nighttime in the summer. Ms. Andreozzi mentioned that some will be in store windows, some businesses will put them out and take them in and we are hoping that some will be left outside. Ms. Andreozzi stated that they have a donor Leo Paquin from Tolle Agency who will print 100 brochures trifold which will include a map.

Councilor Zink stated on the application there is a check box that states “I will hold the City of Franklin harmless...” can someone explain the liability on this. City Manager Dragon stated she will have Atty. Fitzgerald look at it to see if there is anything else that needs to be signed or any revisions that need to be done. City Manager Dragon stated she is concerned about chairs in the evening but this will be a good test.

Councilor Dzujna asked if the chairs are going to be donated by the people that make them. Ms. Andreozzi stated the chairs are the property of those who make them but they can donate them to somebody else. Councilor Dzujna asked if size of the chair matters. Ms. Andreozzi stated that they have made a chair maximum of 4x4x6 ft tall. City Manager Dragon thanked Annette for taking this on as they were trying to get a group going with the Alliance. She stated if a motion is made she recommends this language be added - ***location of all chairs will be approved by MSD Director Sullivan and the indemnification language be reviewed and approved or if necessary amended by Atty. Fitzgerald.***

Motion: Councilor Giunta so moved motion to approve with those conditions. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Agenda Item VI.

City Council to consider zoning amendment on Accessory Dwelling Units.

Motion: Councilor Desrochers moved 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. Motion seconded by Councilor Clarenbach.

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>no</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

Mayor Merrifield thanked P & Z Director Lewis and the planning board for all their time on this.

Councilor Desrochers asked for an explanation for the Off Street Parking section 305-19 and how will it affect Franklin. P & Z Director Lewis stated there is the use category and the deletion of some words. Any structure that has three (3) or less units is considered residential and three (3) or more is a multi-family so they are cleaning that up as well. In the required number of spaces they are not changing that and they have tried to clarify where parking is appropriate. One issue that has come up is the older smaller homes in the tree streets with limited parking and the cars get stacked up so they are trying to eliminate that problem. When people start adding units to single family homes the parking won't become a problem. One of the things about the ADU statute and this ordinance change is it replaces what the city has now for zoning under family parking. The ADU doesn't require you to have a family relationship in creating two (2) units.

Councilor Desrochers stated the city has issues now all around the city with people parking where ever they want and nothing is done about it. Who is going to enforce the parking and make sure there is actual parking where a vehicle is located? P & Z Director Lewis stated that was an issue that was raised during the workshop meetings and that would be enforcement and he will be working with the code enforcement officer. To get an ADU there is an application and permitting process and there will be visits to those applications and parking will be looked at. If the application or permit is denied because of parking the property owner can make an appeal to the planning board. These ADUs are not being done by the City of Franklin they are being forced upon every town and city in New Hampshire due to a legislation change. What wasn't taken into account was that not all communities are the same and in Franklin our housing structure is much different than many other communities. Councilor Desrochers stated that there are no additional driveway cuts allowed but in the past there have been driveway cuts put in and allowed to stand and who is going to enforce that. P & Z Director Lewis stated he wanted to go over that with MSD Director Sullivan.

Councilor Ribas stated 305-19 is not just for ADU's so how does that apply to existing facilities that have stacked parking are they grandfathered or subject to ordinance. P & Z Director Lewis stated that anytime you have a zoning change properties are grandfathered somewhat and with parking that it gets tricky and will approach on a case by case basis.

Councilor Dzujna asked if a small house with a septic system would two other units being put on there, would it affect the septic system. He spoke with P & Z Director Lewis and there is currently a bill in legislature now and that bill is basically stating that it can happen no matter what. Franklin has an ordinance of certain size of septic systems. P & Z Director Lewis stated that those septic systems will fail earlier and more quickly.

Yes votes 8, No votes 1; motion passes.

Agenda Item VII.

Other Business

1. **Committee Reports** –no reports
2. **City Manager's Update** – City Manager Dragon advised that the city received the following contingent grant line amount: \$250 from Pond & Peak Reading Council for the book club, \$2,000 from Lassie League & Franklin Lodge for field renovations.

City Manager Dragon stated it is time to schedule budget meetings and the following dates were chosen - May 8, May 9, May 30, June 12, June 13, June 20, June 21 with June 26 & June 27 as back up dates.

City Manager Dragon stated the school can have the first pick so for them to check and get back to her. If the meetings need to go later than the 21st then the public hearing would have to be later in July.

City Manager Dragon stated that the current PILOT with LRGHealthcare expires November 2017. We need to start conversations with the hospital 3-4 months before it expires. If the council has any changes/concerns/suggestions please let her know.

City Manager Dragon stated that Franklin has been selected for Safe Routes to Parks Award for technical assistance. P & Z Director Lewis submitted the application in partnership with Mill City Park's Marty Parichand. He also received help from Parks & Rec Director Alpers, Jim Aberg and Niel Cannon. City Manager Dragon stated they are hoping to use this to assist in creating a framework to engage the community in the overall Mill City Park concept.

City Manager Dragon stated the Youth Government schedule is May 23, 24, 25. It follows the same schedule where the 23rd all departments and students are here and the council, mayor and Elks are invited to come and speak to the students. On the 24th the students go to the

departments they have chosen and the 25th the students prepare for the mock city council meeting that evening. Please RSVP with City Manager Dragon if you are attending the evening mock council meeting.

Mayor Merrifield stated that Councilor Zink mentioned last week about meeting before the school's requirement to teachers of notice on May 12. Mayor Merrifield stated that they could discuss on May 8. Councilor Zink was unsure if that was enough time before the May 12 deadline. Mayor Merrifield stated there was a workshop at the end of April so they could discuss it there as well.

Councilor Wells stated that the agreement with LRGHealthcare that Westside on South Main St no longer exists and the Delphi building on Central St. they have been leasing will be owned within the next thirty (30) days.

3. Late Items –

A. Public Hearing for, and consideration of the adoption of amendments to the Franklin City Code, Chapter 166, Fire Prevention.

Motion: Councilor Zink move that the Franklin City Council set a public hearing for Monday, May 1, 2017 at 6:12 pm to consider the approval of Ordinance #04-17, amendment to Chapter 166, Fire Prevention, of the Municipal Code. Motion seconded by Councilor Desrochers.

Councilor Clarenbach stated that it should be 6:00 pm as we don't have any others scheduled. Mayor Merrifield stated that they can all be scheduled at 6:00 pm as we can be later but not earlier. Councilor Zink and Councilor Desrochers understand that it will be at 6:00 pm. Mayor Merrifield asked if he could motion to read this ordinance in title only and Councilor Desrochers so moved and seconded by Councilor Giunta.

All in favor of reading in title only; motion passes.

Mayor Merrifield read it was an amendment to the Franklin Municipal Code ordinance #04-17.

Councilor Zink asked if the meeting dates could be emailed and City Manager Dragon stated she would.

Leigh Webb, from the public, asked if they could get a status update on the CIP Committee. Councilor Giunta stated there is one other person who wanted to talk with him about CIP so he is holding off until he speaks to that person.

Jen Goulet stated she went to one (1) of the (2) school budget meetings and spoke about those items.

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Motion to adjourn made by Councilor Giunta and seconded by Councilor Zink. All in favor; meeting adjourned at 7:13 p.m.

Respectfully Submitted,

Lauraine G. Paquin