



City Council Meeting May 1, 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 Dzujna.

Franklin High School Band School Program gave a rendition of the National Anthem. The last time they gave a rendition in public was for the Governor and Council.

Mayor Merrifield asked to take a moment to reflect on Franklin Citizen Andrea McFall who passed away. She was a great supporter of the city and member of the Mayor's Drug Task Force.

Public Hearings

Ordinance #04-17 – 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.

Chief Goldstein got up to speak stating he has been police chief since 2009 and he doesn't come to speak often. He stated that it is his job to imagine the unintended consequences of legislative decisions among other things. Long ago he came to the reality that he lives in a "what if" world, if we do this what if this, and this is so others don't have to live in that world. He told us a story to direct us where he was going with this. In Franklin we have found a way to help drug overdoses with the City Manager enlisting the help of many organizations, citizens and they received a grant for five (5) years and got an extension for another five (5) years in excess of \$1M dollars and also created the Mayor's Drug Task Force. This is for prevention only and they chose to focus on three (3) areas of abuse: alcohol, prescription drugs and marijuana. It is prevention that will save the next generation.

Chief Goldstein stated that marijuana is a problem in this country regardless of what people have heard. Colorado has seen a 48% rise in fatal accidents due to marijuana because they legalized it. The next step to legalization is decriminalization. Every elected representative to the state legislature, house or senate, has either voted for decriminalization or will vote for decriminalization.

HB640 makes it difficult for police to do their jobs and it would be the first time in the history of the state that law enforcement cannot arrest for the violation. The senate judiciary is expected to pass this bill and Franklin's Senator French is also expected to vote in favor of this bill. He asked the

members of the council and the other representatives to contact Senator French to let him know how they feel about this if you support the initiatives in this city. Is this really a representation of what we want in Concord?

Councilor Dzujna stated he did call Senator French and could not understand why he is voting in favor of this bill. He asked if he said anything to Chief Goldstein as to why he is voting this way. Chief Goldstein stated not really other than some old rhetoric that one heard back in the 60's. Councilor Dzujna asked if he stated anything relative to today or the initiatives we are doing in the City of Franklin. Chief Goldstein stated he did not.

Councilor Giunta stated he had not heard about the 48% increase and asked why that is not reported. Chief Goldstein stated he feels it's because they are very happy with the money. Colorado is making big money but have an incredible increase in crime, fatal accidents, and overdoses due to ingested marijuana as it isn't the same as inhaled so people are eating more of it and having terrible reactions. You hear in Concord lets tax it even though we are a tax free state.

Mayor Merrifield stated he read that much of the money was promised to school districts in Colorado but as a result they haven't seen any of the money.

Councilor Giunta asked where do we stand on this. We can make a motion on this tonight that the council has made a uniform decision to ask Senator French to vote against this.

Motion: Councilor Giunta moved that the Franklin City Council contact Senator French stating that the council would like him to vote against HB640. Motion seconded by Councilor Dzujna.

All in favor; motion passes.

Councilor Dzujna stated that voting for this when it affects teenager's brains for the rest of their lives is a problem. Chief Goldstein stated that there is a Senator on the committee who is a developmental psychologist and a certified clinical psychologist in NH and is voting in favor of this even though neuroscience now shows us that the age of 18 is no longer the number it is the age of 25 when adolescence ends for children's brains.

Councilor Giunta asked Mayor Merrifield if he would make the call to Senator French and let him know what the council voted on tonight and Mayor Merrifield stated he would.

Tina Thurber spoke about the article on downtown project that is fully funded now. She stated that is a great step in the right direction for the city. She wanted to encourage the council on fully funding the schools. She feels if there is a good revitalization of the city and good schools people would be moving into the city and where people would want to live. She stated the school board has done coming up with a fair budget. She would like the council and school board to come together and fully fund the school district. She thanked the council for their service.

Leigh Webb stated that when he was in the legislature he never voted to approve decriminalization. He is not sure how our constituents are making our citizens law breakers when it is still against federal law. He stated Community Day is May 13 and it is our 13th year and he hopes to see all the councilors marching in the parade.

Legislative Comments – No comment.

City Council Acknowledgements

Councilor Dzjuna stated last month Councilor Clarenbach received two (2) awards from the hospital. They are the Rhoda Ladd Award and the Sally Proctor Award. Mayor Merrifield stated that this is the first time in history that the same person won both awards.

Mayor's Update

Mayor Merrifield stated that the Governor nominated him as Commissioner of Labor for the State of NH and the Executive Council approved him. He stated he has no idea when that will happen as the Governor's office hasn't told him when he will be sworn in. He thanked everyone who has contacted him for congratulations and he thanked the people who spoke on his behalf. He stated his time as Mayor has truly been a labor of love.

Agenda Item I.

City Council to consider the minutes of the March 27, 2017 Special Workshop Meeting and the April 3, 2017 City Council Meeting.

Motion: Councilor Dzujna moved that the Franklin City Council consider the minutes of the March 27, 2017 City Council Special Workshop Meeting and April 3, 2017 City Council Meeting. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Agenda Item II.

School Board Report

Superintendent LeGallo handed out a document. He thanked the council for attending the forum and for attending the meeting with Commissioner of Education Edelblut. He stated that their collaboration with Colby Sawyer is going well. Two of their senior students will be coming to Franklin High School in the fall to work with juniors and seniors to do water conservation and a permaculture project out in the front of the school.

Superintendent LeGallo stated that the Franklin School District has become part of a grant opportunity called "Gear Up NH" which stands for Gaining Early Awareness for undergraduate

programs. They will provide opportunities for the 7th grade students; they will follow them for six (6) years, and give them opportunities to get them ready for college. At the end of the six (6) years they will get a scholarship to a NH college. Gear Up NH picked seven (7) communities to work with and Franklin is one of them.

Superintendent LeGallo stated they are continuing negotiations with the custodians and support staff. He stated the preschool will moving out of the middle school and going in the elementary school for next year. They will be interviewing for a new principal at Paul Smith School and have about 11-12 candidates and will interview six (6) of them. The school board is looking to do a note for the roof at the middle school.

City Manager Dragon asked if that number was in their budget numbers yet and Superintendent LeGallo stated not yet as they are in the infancy stages. Councilor Desrochers asked how much were they going to bond and Superintendent LeGallo stated he was not sure yet. He stated they had gotten estimates between \$500K - \$800K. They will put out an RFP and see what they get. Councilor Dzujna asked if they had any idea what is happening on the energy audit. Superintendent LeGallo stated it is continuing as they have done the tours of the facilities. Councilor Dzujna asked if they gave any type of timeline and Superintendent LeGallo stated they did not.

Agenda Item III.

City Council to consider adopting Ordinance #04-17 to amend Chapter 166, Fire Prevention, of the Municipal Code.

Motion: Councilor Desrochers moved that the Franklin City Council adopt Ordinance #04-17, amendment to Chapter 166, Fire Prevention, of the Municipal Code, by a roll call vote. Motion seconded by Councilor Ribas.

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 the disposition of surplus city equipment at the May 20, 2017 State of NH Surplus Property Auction.

Motion: Councilor Desrochers moved that the Franklin City Council authorize the Municipal Services Director to sell, for the best possible price surplus city equipment, referenced

below within this Council Agenda Report, utilizing the State of New Hampshire, Surplus Property Auction to be held on Saturday, May 20, 2017. Motion seconded by Councilor Clarenbach.

Councilor Clarenbach asked on the military surplus, do we have a release from the government. MSD Director Sullivan stated yes. He stated the trailers on the list, the last three (3) items, will be available in the fall and all other items are available now.

All in favor; motion passes.

Councilor Clarenbach interjected and said he just reread the motion and do we want to include those items in the May 20 auction if they are not available until the fall.

Motion: Councilor Clarenbach motioned to reconsider. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Amendment: Councilor Clarenbach moved to amend the motion to not include the last three (3) items, which are the 2009 military trailers, and let the MSD Director place them at auction at time appropriate. Motion seconded by Councilor Giunta.

All in favor of the amendment; motion passes.

All in favor of the amended motion; motion passes.

Agenda Item V.

City Council to hear Brownsfield Project update on 196 Central St.

City Manager Dragon stated that the former Caio Pasta Property was awarded Brownsfield funds for this site. The funds are coming through Lake Region Planning Commission and they are getting ready to start the work. They will assess the building, ground and soil. There will be some demolition of the building and ideally the entire building needs to come down. She stated she will need to come back to the council to appropriate funds to demo the building. Tax deeded property sales do have some funds available to remove buildings. She would like the engineers to move forward as they are here doing three (3) different projects for the city. She asked for a consensus from the council to do this.

Councilor Desrochers asked if a tax deeded property can't be sold for more than the taxes owed us. If we sell it for more than what is owed we can use the excess to pay for the demolition. City Manager Dragon stated that yes they could. She stated that after owning a tax deeded property for three (3) years you can keep the excess than what is owed to the city.

Councilor Desrochers motioned to accept City Manager Dragon's proposal. Seconded by Councilor Dzujna.

Councilor Clarenbach stated he didn't think we were at our third year on this property. City Manager Dragon stated we are getting pretty close if we are not. She believes we have a portion of a year left. Councilor Dzujna asked if any of the work done by the Elks Lodge was that done on Caio Pasta Property. City Manager Dragon stated no.

All in favor; motion passes.

Agenda Item VII.

Other Business

1. **Committee Reports** – no reports
2. **City Council Appointments**

Concord Regional Solid Waste/Resource Recovery Cooperative

Motion: Councilor Clarenbach moved that the Franklin City Council appoint Brian Sullivan to a regular member from an alternative member to the Joint Board of the Concord Regional Solid Waste/Resource Recovery Cooperative, Term of Service to December 2017. Motion seconded by Councilor Ribas.

All in favor; motion passes.

Motion: Councilor Clarenbach moved that the Franklin City Council appoint Brian Barry as an alternate member to the Joint Board of the Concord Regional Solid Waste/Resource Recovery Cooperative, Term of Service December 2017. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

CIP Committee

Mayor Merrifield explained that the Chairman of the CIP Committee makes the recommendations for the council to appoint.

Councilor Giunta explained that there were a number of applications and two (2) came to the top due to their institutional knowledge of the budget. One was Ted Starkweather and Glenn Feener and those are the two (2) that he recommends to the CIP Committee.

Motion: *Councilor Giunta moved that the Franklin City Council appoint Glen Feener to the CIP Committee, Term of Service October 2017. Motion seconded by Councilor Dzujna.*

Councilor Barton asked if they were going to do two (2) motions and one vote. Mayor Merrifield stated they were going to make two (2) motions and two (2) votes. He stated he wanted to appoint someone else. Mayor Merrifield stated then you vote no.

4 voted yes and 5 voted no; motion fails.

Motion: *Councilor Giunta moved that the Franklin City Council appoint Ted Starkweather to the CIP Committee, Term of Service October 2018. Motion seconded by Councilor Desrochers.*

All in favor; motion passes.

Mayor Merrifield asked Councilor Giunta if he wanted to make another recommendation.

Motion: *Councilor Giunta moved that the Franklin City Council appoint Leigh Webb to the CIP Committee, Term of Service October 2017. Motion seconded by Councilor Desrochers.*

All in favor; motion passes.

3. **City Manager's Update** – City Manager Dragon stated that there was nothing to report in the Contingency Grant Line this month.

For the state budget and education funding she recommended contacting their senators to support freezing stabilization funds.

City Manager Dragon wanted to also congratulate Councilor Clarenbach on the two awards that he won.

Franklin Police Department was given an award on April 13, 2017 from the Office of the United States Attorney – Maine. This award was to recognize the department for their thorough investigation in the case of United States vs. Joseph Richards, Crystal Dufault and Neil west for multiple bank robberies.

City Manager Dragon gave property updates on 39 Chance Pond Road, property owner made a payment and is on an aggressive payment schedule. 12 Morrill Court was offered as a sealed bid but no bids were received. She will send it out again for bid.

Youth Government Week is from May 23-25.

Jason Grevior has agreed to join the committee that meets every other week to develop the concept and efforts of Mill City Park.

City Manager Dragon spoke about the FY18 budget. She gave all the councilors and mayor her proposed budget packet. She stated that for the public it will be online tomorrow and it is over 200 pages long. City Manager Dragon stated they have changed the format over the years to make it easier to understand and provide a bunch of different information. This year it is even more in-depth. City Manager went on to explain her memo, at the beginning of the budget, and then each of the items within her memo.

Councilor Desrochers asked if it is his understanding that the city is going to fund the roof for the school. He is asking because the school can't fund a bond and the city is carrying \$1.4M in debt and he is not comfortable in the school borrowing money. City Manager Dragon stated that there are guidelines for borrowing and debt and the city is well below that. Putting the transfer into the capital reserve account brings them to a point they could pay for the roof and gives them \$473K but she doesn't recommend doing that. She stated that doing a note and putting this money in that way their operating budget would be in a much better position.

City Manager Dragon stated that the city is moving forward, although slowly, we are moving forward. The Northern Pass project public hearings will be ending soon and should know more by September. These are just her recommendations to the council.

Councilor Zink asked what is the RSA about school layoffs. Superintendent LeGallo stated there is nothing about layoff. Councilor Clarenbach stated you cannot layoff anyone who has not received a pink slip by May 12. You cannot layoff anyone who didn't get a slip. Mayor Merrifield stated that this is a notice that you might lay them off it is not a layoff.

Councilor Giunta stated that looking at this it is over \$725K going back to the school. He suggested to Superintendent LeGallo that when he comes back next Monday night that he should try to use this to make it work.

Motion to adjourn made by Councilor Zink and seconded by Councilor Desrochers. All in favor; meeting adjourned at 7:36 p.m.

Respectfully Submitted,

Lauraine G. Paquin