



Approved as amended by City Council on September 5, 2017

City Council Meeting August 7, 2017

Call to Order

Interim Mayor/Councilor Clarenbach called the meeting to order in the Council Chambers, Franklin City Hall at 6:00 p.m.

In Attendance

Councilor Ribas, Councilor Moquin, Councilor Barton, Councilor Giunta, Councilor Desrochers, Councilor Wells, Councilor Zink, Councilor Dzujna, City Manager Dragon and Interim Mayor/Councilor Clarenbach.

Salute to the Flag was led by Councilor Moquin.

Public Hearings

Resolution #04-18 – Annette Andreozzi clarified that the funds are going to be used to retain the Economic Development Coordinator. Interim Mayor/Councilor Clarenbach stated that is correct but the funds are less so it will be for less hours.

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.

School Board Member Brown thanked City Manager Dragon for her service to the City of Franklin and wished her well. She stated that she will be unable to attend the council special workshop on Aug 9. She gave her thoughts for the next City Manager – someone who has the ability to assess the city's infrastructure, spending habits, trends and revenues to find a way to increase the schools current funding percentage. The revenues need to be reallocated to be a more equitable amount. The school district cannot continue to hold funding, CBAs and increase staff salaries and benefits if they don't have the funds to do so. They will keep losing their experienced staff and that is one thing the Dept. of Education noted. It is great to receive grants from the state or other areas but those grants are drying up and finding those funds are more difficult. Franklin's citizens need to see that education is as important as the fire department, police department, parks and recreation, water department, etc. Each entity is as important as the other except in the allocation of the tax dollars.

Sadie Kaplan, now a junior in college, spoke about the beaches having no AEDs and she passed out information. If someone drowns their heart stops and drowning is the 3rd leading cause of unintentional injury deaths. Statistics show approximately 830 children under the age of fourteen (14) die by drowning each year. Using an AED increases someone's chances by 70% and chances of survival decrease by 7-10% every minute. The cost is \$1200-\$2500 and if the Recreation budget can be increased to buy one each year. It can be mounted outside the shed and once opened if a signal can go to the fire department to show that it is in use. CPR is a life sustaining method but AEDs are a life saving measure.

Sadie Kaplan also mentioned if the beaches could be rototilled once a year as daily herself and another person are weeding the beaches and the weeds return a few weeks later as they are in the dirt underneath. In her handout are some local companies that do that kind of work. This will go a long way to having the beaches be desirable for those who visit them.

Karl Bohl spoke about the fireworks legislation and it including weekend and weekday times. He has a signed petition with about 300 signatures and only 3 of those signatures agree with weekday times.

Chief LaChapelle stated he would like to compliment the working relationship with the Franklin Opera House and Franklin Footlight Theatre and their safety measures. In the past eight (8) months the work they have done is tremendous and they are really good to work with.

Judith Ackerson, on behalf of the Franklin Opera House, thanked Chief LaChapelle and stated to look forward to a new curtain on stage.

Leigh Webb stated he wanted to comment on Agenda Item #VI states renovation but he feels it is demolition. He just went and looked at the cottage and he feels they can rectify the safety issues without demolition as there are a few individuals who are willing to volunteer to do that work. He feels he can get donations of various items and that will make it a restoration rather than a renovation. It is a historic building and no one would want it demolished. He stated on Agenda Item #VIII that he is in favor of the easement at Mojalaki and understands it is expired and maybe this can be worked out.

Annette Andreozzi urged the council to table Agenda Item #VI based on incorrect information that was used for the request. The cottage is not on the National Register but it is in a National Registered Historic District and a City Historic District but there is no national state or local limitations on renovations. Per the State of NH Historic Resources if the porches are removed any chances of getting moose plate or LCHIP grants are almost zero (0). She stated that Peter from DHR offered to visit the site and give ways the porches could be stabilized so it would improve Franklin's chances for the grants.

Legislative Comments – None.

City Council Acknowledgements

Councilor Dzujna wanted to acknowledge Krystal Alpers and the recreation department, Carrie Charrette and the school, a number of the local churches, Debbie and Denise Stedman, Ernie and Linda Smith, Tom Matzke, Pat Sleeper, Emily Burr, Ernie Solis, Pauline Chabet and Gail Morrison for their work in feeding the children of Franklin at lunch time through the lunch program. The lunch program will run through August 25.

Councilor Ribas recognized Jule Finley whose vision has brought community theatre to Franklin for over two (2) decades. The most recent show had over 800 people attend.

Mayor's Update – None.

Agenda Item I.

City Council to consider the minutes of the June 13 and June 20, 2017 City Council Budget Workshop Meetings and the July 3, 2017 City Council Meeting.

Motion: Councilor Dzujna moved that the Franklin City Council to consider the minutes of the June 13 and June 20, 2017 City Council Budget Workshop Meetings and the July 3, 2017 City Council Meeting. Motion seconded by Councilor Zink.

All in favor; motion passes.

Agenda Item II.

School Board Report

Superintendent LeGallo thanked everyone who was involved with the Recycled Percussion event. He can't make the council workshop as the school has a finance committee meeting. All staff is to return on August 25 and begins with breakfast at 7:30 am and is followed by speakers and all councilors are welcome to come.

Councilor Dzujna asked how the energy audit was going. Superintendent LeGallo stated the company will be presenting their report at the August 21 school board meeting.

Agenda Item III.

City Council to hear from NH Lottery Executive Director Charlie McIntyre with regards to Keno.

Kelley Jaye Cleland from the NH Lottery Commission was here to speak to the council and she stated that keno has passed the legislature and the NH Lottery is to roll it out to cities first and the towns in the spring. She passed out a printout and went through it.

The establishments that can offer keno have to be pouring establishments as per RSA's through the liquor commission. Each city has to approve this to go on their ballot and a public hearing has to be held 15-30 days before the election. If it gets passed then the city has the option to have keno in the pouring establishments identified and there are eight (8) establishments in Franklin. Each establishment that is eligible does not have to have it. If a city or town doesn't approve keno that doesn't mean they would not get the funding. After it was passed if an establishment wanted keno they would have to go through the licensing process with NH Lottery with a \$500 annual licensing fee and that fee goes back to the education trust fund. This is a win win for establishments as it has been reported that people spend more money while playing and establishments get bonuses for selling keno. They get 8% commission for selling keno and a 5% commission on every dollar sold for all other

lottery products. Massachusetts is the biggest per capita for keno. There has been \$25M in claims from NH residents for keno so they are looking to bring these funds back to NH. Keno is a monitor game that has drawings seven (7) days a week from 11:00 am to 11:00 pm. You can choose up to twelve (12) numbers for multiple draws and all claims under \$600 you claim at the location you won it at and over \$600 you have to go to NH lottery commission.

Councilor Barton asked what the benefit is it to the city itself. Kelley Jaye Cleland stated it keeps people in the community playing in the community and supporting the local bars and restaurants is greater.

Councilor Dzujna asked if there will only be one (1) monitor screen per establishment. Kelley Jaye Cleland stated the NH Lottery only provides one (1) but if an establishment would like more they can purchase them. Councilor Dzujna asked if an establishment needs more than one (1). Kelley Jaye Cleland stated not necessarily as it depends on the size of the establishment. Councilor Dzujna asked if it is needed to have other people making sure the people have won. Kelley Jaye Cleland stated not necessarily as long as people can see the monitor and if not they can ask their server or bartender to have their ticket checked. Councilor Dzujna asked if keno adds more pressure on the local police department. Kelley Jaye Cleland stated she hasn't heard of any police issues with keno.

Councilor Ribas stated that per the bill only 1% of the proceeds goes to limiting addictive behavior problems and how does that compare to others who have keno or does the NH Lottery feels if that is sufficient to handle the problem. Kelley Jaye Cleland stated she can't comment on how other states compare as some do not tie it to education funding but in NH the only funding for problem source gambling is from NH Lottery as a marketing item at \$25K a year. The NH Lottery feels strongly that if they are contributing then they should offer remedies as well. Councilor Barton asked if an establishment only needs a liquor license and a food license to sell Keno and Kelley Jaye Cleland stated yes as long as it is a pouring establishment meaning they must pour the alcohol not just sell it.

Councilor Dzujna asked Police Chief Goldstein how the Police Chiefs union voted on this in the legislature. Police Chief Goldstein stated they chose to just observe on this.

Councilor Zink asked per RSA the council would have to hold a public hearing to put it on the ballot at the municipal election in 2018 or this year as per charter you need more time to put it on the ballot. Interim Mayor/Councilor Clarenbach stated normally you would need more time if it was an item the council was looking to put on the ballot but since it is the state legislative body they have the power to waive all the approvals needed and if the council approves this tonight it will go on the ballot.

Interim Mayor/Councilor Clarenbach asked how much education is Keno 603 going to do for the public as that will impact the vote. Kelley Jaye Cleland stated that they are sending out mailers to eligible pouring establishments, doing public campaigns (radio, TV) and billboards.

Motion: ***Councilor Giunta moved that the Franklin City Council move this item to the ballot for the 2017 municipal election. Motion seconded by Councilor Desrochers.***

City Manager Dragon suggested an amendment to the motion to include the sentence “Shall we allow the operation of keno games within the town or city”. There was some discussion among the councilors to add City of Franklin rather than town or city.

Councilor Ribas stated he is against this idea as he doesn’t like the funding vehicle for kindergarten through gambling but believes the statute is to provide the opportunity for the citizens of the towns and cities to vote so he will vote for it.

Kelley Jaye Cleland stated that the public hearing notice has to be posted in two (2) places and one can be the city’s website and the NH Lottery pays and posts the other. City Manager Dragon clarified that the public hearing is to educate the voters not a public hearing on whether to put the item on the ballot and Kelley Jaye Cleland stated correct.

Councilor Giunta stated he echos Councilor Ribas’ concerns as he made the motion but doesn’t necessarily agree with the item.

All in favor; motion passes.

Agenda Item IV.

City Council to consider adopting Resolution #04-18, which accepts the grant funds from the USDA Rural Development office, and matching funds from the FBIDC, and approves these new revenues and the expenditures of these funds for downtown economic redevelopment efforts.

Motion: Councilor Desrochers moved that the Franklin City Council vote to approve Resolution #04-18, which accepts the grant funds from the USDA Rural Development office, and matching funds from the FBIDC, and approves these new revenues and the expenditures of these funds for downtown economic redevelopment efforts. I further move that the City Council authorize the City Manager to sign and take action on all relevant documents pertaining to the administration of this grant. Motion seconded by Councilor Barton.

Roll Call:

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>recused</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 with one recused; motion passes.

Agenda Item V.

City Council to consider a request by Charles Valliere to undo a council vote to Restore Involuntarily Merged Lots.

Motion: Councilor Ribas moved that the Franklin City Council vote to void the September 12, 2016 approval by the City Council regarding the restoration of the three involuntarily merged tracts owned by Charles and Diane Valliere. Motion seconded by Councilor Dzujna.

All in favor; motion passes.

Agenda Item VI.

City Council to approve renovations to the Odell Park Cottage front and side porch.

Motion: Councilor Desrochers moved that the Franklin City Council approves removing the front and side porch to the Odell Park Cottage and install a temporary entryway. Motion seconded by Councilor Ribas.

Motion: Councilor Wells moved that the Franklin City Council table this item until more information is brought forward. Motion seconded by Councilor Giunta.

Five (5) in favor, two (2) opposed, one (1) abstained and Interim Mayor/Councilor Clarenbach did not vote; motion passes.

City Manager Dragon stated it would have been nice to hear from Park & Rec. Director Alpers to see what information she had to answer any questions before the tabling. She stated that they can bring this back at another meeting to hear what information there is based on the questions. Interim Mayor/Councilor Clarenbach stated they can hear other items.

Motion: Councilor Desrochers moved that the Franklin City Council by August 22 will get information from the people that want to save the porches and information from the people who want it torn down so the council can make an informed decision. Motion seconded by Councilor Dzujna.

Councilor Giunta stated that Mr. Webb said he can have volunteers come forward then asked City Manager Dragon are there any hazards or problems to protect the city. City Manager Dragon stated there are pros and cons to using volunteers vs. paying a contractor. She stated she needed to talk with Park & Rec. Director Alpers and also with MSD Director Sullivan and P & Z Director Lewis and have a good discussion to bring back recommendations.

Councilor Wells stated he would like to see a plan for direction by August 22.

All in favor; motion passes.

Agenda Item VII.

City Council to consider setting a public hearing for Resolution #05-18, to allow withdrawing funds from the Raymond and Betty Turcotte Memorial Rescue Squad Trust Fund for Paramedic training.

Motion: Councilor Zink moved that the Franklin City Council schedule a public hearing for Tuesday August 22, 2017 at 6:00 pm on Resolution #05-18 to allow withdrawing funds from the Raymond and Betty Turcotte Memorial Rescue Squad Trust Fund for the purpose of Paramedic training. Motion seconded by Councilor Ribas.

Councilor Moquin asked what the agreement is with the employee going forward as she assumes there is a time commitment with the city. Fire Chief LaChapelle stated a contract has been written and waiting on approval from City Attorney Fitzgerald. The basis of the contract is to make sure that employee has an obligation to the city of three (3) years but if he was to leave in year two (2) he would still be obligated to the city for the remaining portion as it is written in increments. Councilor Moquin stated it is nice to know that there is a two (2) or three (3) year commitment. Interim Mayor/Councilor Clarenbach stated this money is coming from a trust fund and he would like any reimbursement returned to the trust fund. Chief LaChapelle stated that is a detail in the contract but it states that it would be deposited back into the account it came from. Interim Mayor/Councilor Clarenbach stated that maybe the council adds that language to the resolution. City Manager Dragon stated they can add language. Fire Chief LaChapelle stated that liquidated damages is the wording throughout the contract. Interim Mayor/Councilor Clarenbach explained the purpose behind the Raymond and Betty Turcotte Trust Fund. Interim Mayor/Councilor Clarenbach stated they will add "And stipulate any liquidating damages for breach of employment contract be returned to the Turcotte Fund."

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the resolution with the added language:

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

In the year of our Lord, Two Thousand Seventeen,

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

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes that, due to changes in personnel, the Fire Department now has just (2) paramedics in employment, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire recognizes the Raymond & Betty Turcotte expendable trust fund was established for and has traditionally supported rescue related purchases for the Fire Department, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the Turcotte trust fund has a current balance of approximately \$82,439, and;

WHEREAS, the City Council of the City of Franklin wishes to appropriate from the Turcotte trust fund an amount not to exceed \$12,000 for the purpose of sending Firefighter/AEMT Zachary Burke to Nationally Registered Paramedic School, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Tuesday, August 22, 2017 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 05-18 allowing the withdrawal of Twelve Thousand Dollars (\$12,000) from the Turcotte trust fund and authorizing an increase in FY18 revenues:

Transfer In – Trust Funds Acct. No. 01-0-000-39160-000 – Twelve Thousand Dollars (\$12,000),

And an increase in expenditure account,

Rescue Staff Development Acct. No. 01-2-207-40291-000 – Twelve Thousand Dollars (\$12,000),

And stipulate any liquidating damages for breach of employment contract be returned to the Turcotte Fund.

By a roll call vote.

Agenda Item VIII.

City Council to consider the granting of a Discretionary Preservation Easement for Mojalaki Golf Course (submitted by One Yellow Rose, Roger Leblanc).

Motion: Councilor Barton moved that the Franklin City Council approve the Discretionary Easement application of Tax Map #119, lot #402-00, 341 Prospect Street establishing an easement value of \$40,166. Motion seconded by Councilor Dzujna.

City Manager Dragon stated that this is a ten (10) year easement that has changed hands a few times and was originally established in the 1980's. The state sets the deadline for the form to be turned in. She explained that Mr. Leblanc came in beyond the deadline, and the easement had expired, to try and reinstate it. After doing research and consulting with City Attorney Fitzgerald, she discovered that nothing can be done to change the value for the 2017 tax year but he can apply for the easement for the 2018 tax year. She explained that if the council approves the easement they have been given a value range from \$191,500 to \$40,166. The low value in the motion was used as that was what was used previously and that value was \$40,171. The easement documents will need to be updated. There is another easement that has 2 ½ holes on it but that is on the Hurst property that is not included in this easement and that is on a different timeline. The Hurst's stated they do not want to sign an easement with the city as they are unhappy with the condition of the property.

If Mr. Leblanc is able to get someone who will be interested in the property this easement would be beneficial to them. The easement document would be updated with the correct dates and using the same description of the metes and bounds and it would go to the city attorney for review.

City Manager Dragon addressed the other question as to why does the State of New Hampshire allow discretionary easements. The city had a few barn easements and a few not approved and when you look at those easements they have a separate statute and a public hearing notice and you have to weigh the benefit of the easement to leaving it on the tax roll, you need to determine if there is enough public benefit to that. Golf courses have their own section and Mr. Leblanc was asked what the public pieces are that the council can consider and those are in the packets. The public piece is small as a golf course is only used in the good weather. She does recommend the approval of the easement and hopes the Hurst's issues can be worked out.

Councilor Ribas asked what is the term of the easement. City Manager Dragon stated it is a ten (10) year easement.

Councilor Zink wanted to clarify the acres of the golf course and the reason for two (2) different assessors. City Manager Dragon stated the PA 36 form that Mr. Leblanc filled out it states it is a 96 acre parcel but he is only requesting an easement for 94.8 acres as there are buildings on other pieces of the property that aren't the golf course. Mr. Leblanc hired an assessor as part of the renewal and the assessor created the range. Interim Mayor/Councilor Clarenbach stated the land has a value of \$40,166 but can abate up to \$191K. Interim Mayor/Councilor Clarenbach asked what does the city assessor state the land is valued at. City Manager Dragon stated the assessor determined the value is \$874,400 for the whole parcel. Councilor Zink stated on page 3 it states a land value of \$133K from his assessor. Are there any studies that show we can go to the middle rather than the low end. City Manager Dragon stated she is not sure of any studies and can only give the council what has been done in the past.

Councilor Desrochers stated that the city assessor recommended a range so why is the number on the low end and not the mean. He also asked what is the amount owed for taxes on the year without the easement. City Manager Dragon stated she gave a number based on the formula that was used in the past to get the value for the property which was the farm value of land in current use (\$425 per acre). There are a lot of taxes owed on the property and the non-easement year has compounded that issue. If the council keeps the easement lower that will allow Mr. Leblanc to attract more buyers for the property. Councilor Desrochers stated Mr. Leblanc refers to a developer and that property can't be developed based on a stipulation in the deed. City Manager Dragon stated that if the easement is in place then no it can't be developed and has to be a golf course. Councilor Wells clarified that the easement stays with the property not the property owner and City Manager Dragon stated yes.

Councilor Zink asked what will happen if more than three (3) years of taxes are owed to the city and it is tax deeded. City Manager Dragon stated there are opportunities before it gets to that situation but if it does go to tax deed then the city has many options as the easement would be with yourself.

Councilor Wells stated if it does get tax deeded does it have to be sold for the tax deed amount or another amount. City Manager Dragon stated that tax deeded properties sold before three (3) years after deeding is sold for what is owed to the city because if it is sold for more than that the excess money goes back to the owner through the courts. After three (3) years city keeps all the funds on the property.

Councilor Zink asked when is the deadline for 2018 so we can get more information. City Manager Dragon stated there is plenty of time, until April 4, but she is not sure how that would impact Mr. Leblanc if you don't approve the easement. Councilor Moquin stated she would like more time for consideration.

Councilor Giunta stated that there is an owner trying to sell the property, the Hurst's who are not happy and won't sign their easement and an owner who may not get a buyer if we wait as the season is almost over. He feels the council needs to give the owner what he needs to move this property because it might come to the city.

City Manager Dragon stated that if you make the value higher than the \$40,166 then more taxes would be due. Councilor Ribas clarified that the \$40,166 is a better easement for the owner rather than the higher value and City Manager Dragon stated correct.

Councilor Barton clarified the motion he made. Interim Mayor/Councilor Clarenbach stated the range of the easement \$191K-\$40,166 from our assessor. Previous councilors have chosen the low end as the high value would be detrimental to the property owner. Councilor Moquin asked if this is all contingent on a buyer otherwise it will sit there and taxes will accrue. Interim Mayor/Councilor Clarenbach stated that if the city takes the property then they can change the easement but it will allow the property owner the best value to find a buyer.

Seven (7) in favor and two (2) opposed; motion passes.

Agenda Item IX.

City Council to consider setting a public hearing for Ordinance #05-18, regarding a change to the Municipal Code , Chapter 284 Vehicles and Traffic, Section 284-24 Limited parking; no parking areas, Subsection B – Fifteen-minute parking and Subsection E – Reserved and limited parking.

Motion: Councilor Zink moved that the Franklin City Council set a public hearing on Ordinance #05-18 at 6:00 pm on Tuesday, September 5, 2017 in the Council Chambers at the Franklin City Hall. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the ordinance:

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 284 Vehicles and Traffic, Section 284-24 Limited parking; no parking areas, Subsection B Fifteen-minute parking and Subsection E Reserved and limited parking be changed as per below:

§284-24 Limited parking; no parking areas.

- B.** Fifteen-minute parking. Fifteen-minute spaces are designated as follows: between the hours of 8:00 a.m. and 6:00 p.m. Mondays through Saturdays, inclusive. [Amended 5-4-2015 by Ord. No. 11-15]

	Street	Section	Side
Remove	Memorial Street [Amended 1-5-2015 by Ord. No. 08-15; 10-5-2015 by Ord. No. 06-16]	336 Central Street north to memorial parking lot entrance (1 space)	Northeast
Add	Memorial Street	336 Central Street north to Municipal Parking lot entrance (3 spaces)	Northeast

- E.** Reserved and limited parking. Reserved and limited parking areas are designated as follows:

	Street	Number of spaces	Purpose
Add	City Hall/Library Parking Lot	Entire Lot	City Hall and Library Parking Only
Remove	Memorial Street north from Central Street to Municipal Parking Lot entrance [Added 1-5-2015 by Ord. No. 08-15; amended 10-5-2015 by Ord. No. 06-16]	2	Bus stop (reserved)

By a roll call vote.

Agenda Item X.

City Council to consider setting a public hearing for Ordinance #06-18, regarding a change to the Municipal Code, Chapter 232 Property City-Owned, Section 232-5 baiting wildlife on city property.

Motion: Councilor Ribas moved that the Franklin City Council set a public hearing on Ordinance #06-18 for September 5, 2017 at 6:00 pm. Motion seconded by Councilor Dzujna.

Amendment: Councilor Desrochers made an addition to the motion to say “city land, public land shall remain open for access to hunting and fishing. Seconded by Councilor Giunta.

City Manager Dragon stated that hunting and fishing is already allowed unless posted so we don't want to be that broad. This ordinance doesn't address hunting or fishing it is only adding in no baiting of wildlife on city property. There was a request to bait bear and deer on city property and there was nothing in the charter to give guidance. This was just to restrict that so we don't have to begin getting into enforcement. She stated she would like to add some language to allow the city to be able to remove nuisance animals so they don't restrict themselves. Councilor Desrochers stated he wanted to add this as if you open the door then it opens the door for other restrictions. Councilor Zink asked if it should be restricted to certain areas that you already hunt and not all city property. Councilor Desrochers stated that you can't hunt in downtown as there are restrictions on that. Interim Mayor/Councilor Clarenbach stated that the city council are the caretakers of city property and people can make a request to landowners to bait on their property but the city can't respond unless there is an ordinance in place. Councilor Ribas stated he feels the language is clear and additional language is not needed. Councilor Dzujna clarified that the city currently has posted areas and Interim Mayor/Councilor Clarenbach stated yes.

One (1) in favor and eight (8) opposed; amendment failed.

Interim Mayor/Councilor Clarenbach stated they will now address the original motion. City Manager Dragon gave language to add “City Administration maintains the right to bait for removal of nuisance animals.”

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the ordinance:

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 232 Property, City-Owned, to add a new section for Baiting of Wildlife on City Property:

Chapter 232 of the Code of the City of Franklin is hereby amended to add a new section following §232-4 to be known as §232-5 as follows:

§232-5 Baiting of Wildlife on City Property

The baiting of wildlife is not permitted on city property. City administration maintains the right to bait for the removal of nuisance animals.

By a roll call vote.

Agenda Item XI.

City Council to consider setting a public hearing for Ordinance #07-18, regarding a change to Municipal Code, Chapter 215 Noises, Section 215-4.1 Fireworks.

Motion: Councilor Zink moved that the Franklin City Council set a public hearing on Ordinance #07-18 for September 5, 2017 at 6:00 pm. Motion seconded by Councilor Ribas.

Councilor Desrochers had polled a few people in his ward and wanted to keep it simple so to keep it at 10:00 pm at all times. Councilor Dzujna stated he feels that is good idea so no one would get confused. Councilor Moquin asked if previously it was unlimited on Independence Day but with new ordinance it was 11 pm. Interim Mayor/Councilor Clarenbach asked to change the wording to say allow not promote and he doesn't like to 10:00 pm seven (7) days a week as there is great use of fireworks currently but is unsure of the right thing but he will not support an ordinance seven (7) days a week for 365 days a year. City Manager Dragon stated the complaints have come from them being used all day every day. There are state statutes that regulate fireworks as well. The compromise was 9:30 pm Sunday-Thursday and 10:00 pm Friday & Saturday. The issue was to look at dialing it back. Councilor Giunta stated he attended the Webster Lake Association and there will be a lot of people attending the meeting with the public hearing. Interim Mayor/Councilor Clarenbach stated that they will make the change from promote to allow.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the ordinance:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin to amend the Franklin Municipal Code, Chapter 215 Noise, Section 215-4.1 Fireworks, is hereby amended to read as follows:

§ 215-4.1 Fireworks.

[Added 9-4-2007 by Ord. No. 05-08]

Statement

It is the intent of the City of Franklin to allow the safe and authorized use of Class B Fireworks and legal Class C "Permissible Fireworks" as described by the New Hampshire State Fire Marshal's Office pursuant to all regulatory guidelines under NH RSA 160- B and NH RSA 160-C. Furthermore it is intended to protect the health and welfare of the citizens of the City of Franklin and preserve the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the legal sale and display of fireworks defined in NH RSA 160-C. The purpose of this ordinance is to establish standards for the control of fireworks in the city and by prohibiting specific activities during designated times.

Without limitation of the prohibition contained in § **215-2**, it shall be unlawful for any person within any residential, commercial, retail or industrial zone of the City to ignite fireworks Sunday through Thursday past the hour of 9:30 p.m. until noon the following day, Friday and Saturday (in addition to all nationally recognized holidays) past the hour of 10:00 p.m. until noon the following day.

It shall be unlawful for any person to violate any of the provisions or regulations as set forth by this ordinance.

By a roll call vote.

Agenda Item XII.

City Council to consider scheduling three consecutive public hearings necessary to apply for up to \$500,000 of CDBG grant funds on behalf of the Community Action Program for demo of existing city building at 82 Elkins Street and construction of a new building in its place.

Motion: Councilor Ribas moved that the Franklin City Council consider scheduling three consecutive public hearings necessary to apply for up to \$500,000 of CDBG Grant funds on behalf of the Community Action Program for demo of existing city building at 82 Elkins Street and construction of a new building in its place. Motion seconded by Councilor Zink.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read the public hearing notice:

CITY OF FRANKLIN
Public Hearings Notice
Community Development Block Grant Project

The Franklin City Council will hold three consecutive Public Hearings on August 22, 2017, 6:00 p.m. at City Hall, 316 Central Street, Franklin, New Hampshire 03235. Community Development Block Grant funds are available to municipalities through the NH Community Development Finance Authority. Up to \$500,000 annually is available for economic development projects, up to \$500,000 for public facility and housing projects, and up to \$350,000 for emergency activities. Up to \$12,000 is available per planning study grant. All projects must directly benefit a majority of low and moderate income persons. The public hearings will hear public comment on the following:

1. A proposed application to the Community Development Finance Authority for up to \$500,000 for the demolition of the City owned, CAP leased, building at 82 Elkins St, Franklin, NH. A 5,000 sf +/- building will be constructed in its place. The facility presently offers, through CAP, emergency food pantry assistance, the NH Fuel Assistance Program, the NH Electric Assistance Program, Weatherization Program, Information and Referral Service, Direct Housing Assistance, Women Infant & Children's Nutrition Services, Neighbor Helping Neighbor

,Commodity Surplus Food Program, Security Deposit Guarantee Program ,Emergency Assistance Program, Emergency Housing Program. At the site. Merrimack County presently provides Juvenile Diversion Services. The majority of persons served at the site are of low and moderate income.

2. the Residential Antidisplacement and Relocation Assistance Plan.
3. Housing Community Development Plan

Provisions for persons with special needs can be made by contacting the City Manager's Office, via telephone or mail, at least five days prior to the public hearing.

City of Franklin
316 Central Street
Franklin, New Hampshire 03235
(603)934-3900

Interim Mayor/Councilor Clarenbach stated that there is a Save the Date for September 18 forum by a national speaker that is presented by the Mayor's Drug Task Force at 5:00 pm for the council at the Franklin High School. On Wednesday the 9th at 6:00 pm there is a meeting for the public to have input in crafting a document for the City Manager's replacement with Primex.

Agenda Item XIII.

Other Business

1. **Committee Reports** – Chief LaChapelle stated he got an email from the Tilton Fire Chief that they would like to formulate a committee to inquire about regionalization or consolidation of fire services with Franklin and Sanbornton. Chief LaChapelle stated that he did mention regionalization about a year ago and did meet with Sanbornton with City Manager Dragon. There is currently a more concerted effort as they are meeting every morning and Tilton/Northfield changed their shifts to match Franklin's shifts. Councilor Zink stated Chief LaChapelle asked her to attend these meetings as part of the committee. She wanted to make sure the council wants to entertain this before she begins to go to these meetings. Interim Mayor/Councilor Clarenbach stated he feels it would be appropriate for the council to appoint her and give her the authority to represent the council.

Motion: Councilor Ribas moved that the Franklin City Council appoint Councilor Zink to represent the council in the tri municipality committee. Motion seconded by Councilor Dzujna.

Councilor Desrochers asked where does the council stand on regionalization because at some point towns and cities will not be able to afford fire equipment. Councilor Dzujna stated that this is important but will be difficult to have happen. City Manager Dragon stated that Chief LaChapelle is way ahead on this subject and has been thinking of doing this for the last several

years. Regionalization can mean many things so it is important to be involved in the conversations. Councilor Guinta stated he agreed as long as we are going down a path to make it more efficient and economical and not a situation that spends more than we are currently spending. Chief LaChapelle stated we were in a situation up until a month ago and we backed out of the situation as we were spending more than we were currently spending. They are looking at the State of Wisconsin and how they did regionalization as it took them twenty (20) years from start to finish and it is successful. Interim Mayor/Councilor Clarenbach stated he believes regionalization is the only way to go. Florida does regionalization by county and that is a great model.

All in favor; motion passes.

2. Mayor Resignation/Appointments

Conservation Commission

Interim Mayor/Councilor Clarenbach acknowledged Donna Liolis' resignation from the Conservation Commission (seat CC2), Term of Service was to September 2017.

Interim Mayor/Councilor Clarenbach reappointed Nita Tomaszewski to the Conservation Commission (Seat CC3), Term of Service to September 2020.

Interim Mayor/Councilor Clarenbach stated that the Conservation Commission has three (3) openings and currently can't have a meeting unless all members can attend so if the council knows of anyone who would like to be on that commission please have them fill out a form.

Trustees of the Trust Fund

Interim Mayor/Councilor Clarenbach reappointed Kathy Zink to the Trustees of the Trust Fund (Seat TT1), Term of Service to September 2020.

3. City Council Resignation/Appointments

Library Board of Trustees

Motion: Councilor Zink moved that the Franklin City Council accept Mike Gula's resignation from the Library Board of Trustees (Seat LT3). Motion seconded by Councilor Dzujna.

All in favor; motion passes with regret.

Lakes Region Planning Commission Transportation Technical Advisory Committee (TAC)

Motion: Councilor Zink moved that the Franklin City Council appoint Brian Sullivan, as an alternate member, to the Lakes Region Planning Commission Transportation Technical Advisory Committee (TAC). Motion seconded by Councilor Desrochers.

All in favor; motion passes.

Winnepesaukee River Basin Program (WRBP) Advisory Board

Motion: Councilor Zink moved that the Franklin City Council appoint Brian Barry, as an alternate member, to the Winnepesaukee River Basin Program (WRBP) Advisory Board. Motion seconded by Councilor Desrochers.

All in favor; motion passes

4. City Manager's Update

City Manager Dragon stated there are no new funds in the contingent grant line for this month. She congratulated Brian Barry and Ken Kreis as they each received their Road Scholar One Certification with the UNH T2 Center Program. City Manager Dragon stated Choose Franklin has requested to hold their candidates forum on Sept 25 which is a reserved council workshop night and there were no objections from the council on that date. The city manager recruitment process was put in the packet for others who wanted to know the timeline.

She stated that 12 Morrill CT has gone out to bid for the 2nd time but once again got no bids at \$20K so she stated she will bring it forward again next month to see if she can lower the price and post it again.

City Manager Dragon stated as a result of last month's meeting about the Odell funds FBIDC who is the fiscal agent voted to have the funds returned and held until the Odell Park committee can have a meeting and vote on what to do with the funds.

She asked if the council would like to vote on approving the public hearing for Keno to be on September 5 City Council meeting. Councilor Zink asked if that is more than 30 days from the election and City Manager Dragon stated it is within the 30 days.

City Manager Dragon gave an update as the Northern Pass project is expected to be transmitting at the end of 2020 rather than the end of 2019.

Motion: Councilor Dzujna moved that the Franklin City Council accept September 5 as the public hearing on keno at 6:00 pm in council chambers. Motion seconded by Councilor Desrochers.

All in favor; motion passes.

City Manager stated she has a list for a legislative committee to meet again. Chief Goldstein has a list of items that need to be cleaned up. Councilor Dzujna asked if the AED should come up under legislative or budget. City Manager Dragon stated that should be a budget recommendation for next year and rototilling of the grass in the sand.

Councilor Desrochers asked if the AEDs have to be certified or qualified. Chief LaChapelle stated she is requesting a public accessing AEDs which does not require that. Councilor Dzujna asked if they have to be kept in certain environment as would the heat bother them. Chief LaChapelle stated the heat is a concern but placement and containment would help that. He also stated the cost is under \$800 for public access ones as it is through a grant from the State of NH.

Motion: Councilor Giunta moved that there is a need for a non-public session per RSA 91-A:3, II (a) The dismissal, promotion, or compensation of any public employee. 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.

Entered nonpublic session at 8:38 p.m.

Motion: Councilor Zink moved that the Franklin City Council leave nonpublic session and return to public session. Motion seconded by Councilor Ribas.

All in favor; motion passes.

Public session reconvened at 9:33 p.m.

Motion: Councilor Zink moved that the Franklin City Council seal the minutes because it is determined that divulgence of this information likely would render a proposed action ineffective. Motion seconded by Councilor Desrochers.

Roll Call:

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
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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.

Motion to adjourn made by Councilor Giunta and seconded by Councilor Moquin. All in favor; meeting adjourned at 9:40 p.m.

Respectfully Submitted,

Lauraine G. Paquin