



Approved as amended by City Council on October 2, 2017

## **City Council Meeting September 5, 2017**

### **Call to Order**

Interim Mayor/Councilor Clarenbach called the meeting to order in the Council Chambers, Franklin City Hall at 6:06 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 City Manager Dragon.

Councilor Desrochers asked for a moment of silence to honor Franklin veteran John Pelletier who served in Korea and Vietnam, 1967-1969, and suffered from Agent Orange and passed away on August 22.

### **Public Hearings**

**October Ballot Question** – Leigh Webb asked if this was just to get input from the public or to have this on the ballot and Interim Mayor/Councilor Clarenbach stated no it is for any question about the subject. Leigh Webb stated that the legislature has put the city in a spot as he feels kindergarten should be funded but not sure this is the way to do it as with Franklin's demographics this just gives people another outlet to spend money they don't have. He stated he finds it difficult to fund Keno through this way.

State Rep. Horn stated he would have not chosen Keno to fund kindergarten but the legislature put them together to pass both items. He stated this is an enabling vote and doesn't require the city to open keno parlors but allow approved businesses and organizations to offer keno if they so choose. He will entrust that the approved businesses and organizations will be the appropriate stewards in viewing whether or not keno would be a problem for the community. He stated Franklin already has all day kindergarten that is paid for by the money from the state so it is viewed as more money coming for the school district.

Interim Mayor/Councilor Clarenbach explained to the public in the audience what the kindergarten/keno bill entails and that even with a no vote from the voters, Franklin will still get funding from the state.

**Ordinance #05-18** – Leigh Webb asked about the restricted parking behind this building and there was no mention of the opera house so if they could amend that so the opera house can be included on the signs. Interim Mayor/Councilor Clarenbach stated that they discussed this and they will include that.

**Ordinance #06-18** – Leigh Webb stated he is in favor of this ordinance and it should be passed.

**Ordinance #07-18** –Mark Lorenz spoke about why we have to amuse ourselves by setting off explosives without care of its effect like hurting the environment, littering, scaring wildlife and domestic animals. Anything that can be done to lessen the chemicals and the non-biodegradable litter and noise that comes from fireworks. Studies have shown that loons and eagles, both present on Webster Lake, tend to abandon their nests after repeated fireworks displays. People used to shoot the fireworks into the lake and now shoot them off the top of the hill and this year they raked up 11 commercial type trash bags of litter and they were putting that litter into the lake for many years previous to this year. He asked the councilors to roll back the time to 9:30 pm.

James Carlton stated that he gets up early for work and in his area, Elkins St., it is not about the colors it is about who can be the loudest. Last year he saw a gentlemen drop a tennis ball filled with something had a wick dropped in the sewer and the vibration and noise was tremendous. People are lighting off fireworks at midnight or 1:00 am. The police state they can't do anything and we have to contact the city. He feels that the privilege has been abused and needs to be brought back to 9:30 pm.

Ted Starkweather from Ward 1 stated he is in favor of this being enacted and doesn't mind people being patriotic but the 4<sup>th</sup> of July is one day not 365. He feels this is a good approach in trying to rein some people in.

Danny Corning read her post from Franklin's talking. Her dogs are terrified with the noise night after night and one of them has even injured itself trying to get out of its cage as it was so scared. She is not sure turning back the time is the solution as in her area there are so many houses close together that it poses a fire danger.

Edward Prive stated that when the fireworks went off at the back side of Terrace Rd last week he felt like he was at war. The police are strapped but this needs to stop.

Marty Russo asked if the council is only proposing a time change. City Manager Dragon stated yes Sunday-Thursday until 9:30 pm and Friday and Saturday until 10:00 pm. He stated loud explosives are illegal. He is ok with the change as regulations need to be enforced. He did caution regulating it to death but also stated that the litter aspect of this also needs to be addressed.

Jeff Savary read a passage that a pastor had written. He told a story of a friend who has a child who suffers from seizures and the noise from the fireworks sets off the seizures. He asked that the city address this as it does really affect people's lives.

Tracy Goldwaite stated that there was a display at midnight last week and she has to get up at 4:00 am to go to work. In previous years on the 4<sup>th</sup> of July she has left the city but this year was unable to and it was miserable and something has to be done. She constantly has litter in her yard that she has to continuously pick up and there needs to be change.

Leigh Webb stated if this is passed it is an improvement but understands this is not the end of the discussion. Responsible citizens are always self-governing and the irresponsible can't get caught without this.

Chief LaChapelle stated that he has sat in on two (2) testimonials at the State House about fireworks. Franklin is not alone in this issue as this is a statewide issue and the Fire Chiefs Association is working on it and lobbying with the fireworks industry to make sure everyone is as safe as possible.

**Ordinance #08-18 – 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.**

Leigh Webb spoke about item #9 about discussing the windows that are in storage in this building. They are in storage because if the city ever wants to go for federal funds to work or restore the city hall building the guidelines state that any changes are reversible and you need the original items to do that. He offered to store the windows in the basement of the historical society. On item #14 and #15 when discussing leases to look at all possible consequences as not all business stay the same and if any of those cease to exist the city is indemnified and the walkway is an additional element for the city and an additional liability. He also mentioned that the curtain on the stage is new and treated for anti-fire.

State Rep. Horn expressed his admiration for the Franklin Fire Dept. as he was part of the launching of a program whose funds will bring to Franklin fire and carbon monoxide detectors to homes of 55+ and with children five (5) and under. He feels Franklin Fire Dept is the best in the state.

Annette Andreozzi states she is in favor of public private partnerships that are a benefit to the public as well as the private and fair to all. She stated that the council giving a portion of Marceau Park for the benefit of a one (1) private entity have they given enough thought to the consideration of fairness to other businesses, property owners, taxpayers and the future of Franklin. This council has not reviewed the downtown plans that were done in the past nor have they made a plan for the future of the entire downtown. She hasn't been able to find the assessor's estimate of the property value or a cost proposal by someone who installs walkways. There has been no stated determination of what is beneficial to the broader revitalization of the downtown, no public input asked for by the council and no consideration of the additional cost to the city of the perpetual easement that will benefit one property holder. Under RSA 79E the owner would not be taxed on any property value of improvements for as long as the council decides and as an easement there will be no property taxes for consideration ever. The downtown is a TIFF district and funds from increased property values go into the TIFF for improvements in the district like the walkway in Marceau Park. When the project on the mill is complete all of that additional money will go into the TIFF and that should be used on the walkway freeing up money in the city budget to go towards the school or other areas of the city.

Marceau Park should become the city's square but the whole park and surrounding area needs a plan.

**Choose Franklin** – Steve Foley spoke and stated he is the chair and Charlene Fortin is the Co-Chair of Choose Franklin. They have monthly meetings on the 1<sup>st</sup> Thursday at 8:00 am. This Thursday at 8:00 am they are planning a civil program on elder care. They are holding a candidates forum on September 25 at 6:00 pm. They have a new venture which is fundraising with the rotary club by selling Christmas Trees. Their vision is to partner with non-profits each year after this year. They will still have the Franklin's First day with the kayakers.

**Legislative Comments** – State Rep. Horn stated the big bill writing begins tomorrow and goes for ten (10) business days. He will try to put forth a few bills and is looking to put information forward on the following: motorcycle inspection bill, mental health beds bill, multimedia legislation, stabilization freeze bill (that will have a heavier lift with unanticipated revenue) and lack of uniformity for car seats. He is on a few subcommittees and is working on legislative fixes with felonies first. Councilor Dzujna stated he was glad he is looking at stabilization and will let everyone know when the meetings are. State Rep. Horn stated anyone who is going to sign on for any of these bills as a sponsor or cosponsor will be asked to testify.

### **City Council Acknowledgements**

Councilor Dzujna recognized Ashley Shortt for setting up National Night Out for the 1<sup>st</sup> time with Police Chief Goldstein. He also read an post from Bonnie Mongeau that was on Franklin's Talking about Fire Chief LaChapelle taking time out to throw a football with her son who was alone outside waiting for friends to come home.

Councilor Moquin recognized Sarah Stanley and Franklin Savings Bank for their \$400 donation to the resident council at Mountain Ridge.

**Mayor's Update** – None.

### **Agenda Item I.**

**City Council to consider the minutes of the July 13, July 24 and August 9, 2017 City Council Workshop Meetings and the August 7, 2017 City Council Meeting.**

***Motion: Councilor Barton moved that the Franklin City Council consider the minutes of the July 13, July 24 and August 9, 2017 City Council Workshop Meetings and the August 7, 2017 City Council Meeting. Motion seconded by Councilor Dzujna.***

Councilor Ribas stated he has about 5 typos that he will email.

***All in favor with those changes; motion passes.***

**Agenda Item II.**

**School Board Report**

Superintendent LeGallo thanked Councilor Dzujna for attending the welcome back meeting. He recognized Councilor Zink who is hosting a foreign exchange student who is attending Franklin High School for the year. He wished City Manager Dragon well and will miss her collaboration. He handed out the energy audit summary and will come back to talk about the plan the school board decides on. Kindergarten added a 4<sup>th</sup> room as they had a mad rush two (2) days before school started. Preschool has been moved into the elementary school. In collaboration with Finance Director Milner they will put out an RFP for the audit in the spring. On Sept 18 at 5:00 pm the Mayor's Drug Task Force will be holding an event at the high school about the dangers of marijuana use.

Councilor Desrochers asked about the middle school roof. Superintendent LeGallo stated they are still working on the RFP as contractors were busy this fall so they are looking to have it done in the spring.

Councilor Dzujna asked if they have done any more about bringing back Commissioner Edelblut. When he was here he made a comment about bringing back people with expertise. Superintendent LeGallo stated he will reach out but hadn't at this time.

**Agenda Item III.**

**NH AARP State Director to speak with the council on age friendly communities.**

Todd Fahey stated that there are 233K members in NH. He did attend The Franklin for a Lifetime program a year ago but didn't speak. He stated Franklin made their national publication on what communities have done. He congratulated Franklin on making the publication and gave each councilor the publication.

**Agenda Item IV.**

**City Council to consider adopting Ordinance #05-18, an ordinance proposing a change to 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.**

***Motion: Councilor Giunta moved that the Franklin City Council adopt Ordinance #05-18.  
Motion seconded by Councilor Desrochers.***

**Roll Call:**

**Councilor Barton      yes      Councilor Dzujna      yes      Councilor Ribas      yes**

|                      |            |                  |            |                 |            |
|----------------------|------------|------------------|------------|-----------------|------------|
| 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 V.**

City Council to consider adopting Ordinance #06-18, proposing a change to the Franklin Municipal Code, Chapter 232 "Property, City-Owned", adding Section 232-5 baiting of wildlife on city property.

**Motion:** *Councilor Dzunja moved that the Franklin City Council approve Ordinance #06-18.  
Motion seconded by Councilor Ribas.*

Councilor Desrochers stated he doesn't have a problem with the baiting issue but he feels this will open the door for banning hunting on city property later on and he is not in favor.

Councilor Dzunja asked if it is mandatory to bait to hunt. Councilor Desrochers said no you just need landowner's permission.

**Roll Call:**

|                      |            |                  |            |                 |            |
|----------------------|------------|------------------|------------|-----------------|------------|
| Councilor Barton     | <u>yes</u> | Councilor Dzunja | <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> |

*Eight (8) in favor and one (1) opposed; motion passes.*

**Agenda Item VI.**

City Council to consider adopting Ordinance #07-18 proposing a change to the Franklin Municipal Cod, Chapter 215 "Noise", Section 215-4.1 Fireworks.

**Motion:** *Councilor Zink moved that the Franklin City Council approve Ordinance #07-18.  
Motion seconded by Councilor Dzunja.*

Councilor Desrochers moved to amend this to 10:00 pm 365 days a year so there is no confusion and make it easier to enforce.

**Amendment: Councilor Desrochers moved that the Franklin City Council amend Ordinance #07-18 to 10:00 pm all year. Motion seconded by Councilor Moquin.**

Councilor Giunta explained that at the legislative committee meeting the time was discussed in great length and they compromised on the time in the ordinance and yes it was confusing.

Councilor Dzujna was also at the legislative meeting and he is in favor of 9:30 pm.

***Two (2) in favor and seven (7) opposed; amendment fails.***

**Amendment: Councilor Giunta moved that the Franklin City Council amend Ordinance #07-18 to say to ignite fireworks past the hour of 9:30 pm until noon the following day. Motion seconded by Councilor Dzujna.**

Councilor Barton asked if it was 9:30 pm every day and Interim Mayor/Councilor Clarenbach stated yes.

Councilor Ribas stated he feels the public sentiment today speaks to this amendment understanding that this will be shorter in the summer but it is a reasonable comprise.

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

Interim Mayor/Councilor Clarenbach asked if there was any discussion on the original motion as amended. Councilor Wells asked the police department representative if this was going to be enforceable and Lt. Clough answered yes.

**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> |

***Eight (8) in favor and one (1) opposed; motion passes.***

**Agenda Item VII.**

**City Council to consider adopting Ordinance #08-18, regarding a change to Municipal Code, Chapter 284 Vehicles and Traffic, Section 284-24 Limited Parking; no parking areas, Subsection C – no parking.**

***Motion: Councilor Ribas moved that the Franklin City Council adopt Ordinance #08-18. Motion seconded by Councilor Giunta.***

**Roll Call:**

|                             |                   |                         |                   |                        |                   |
|-----------------------------|-------------------|-------------------------|-------------------|------------------------|-------------------|
| <b>Councilor Barton</b>     | <u><b>yes</b></u> | <b>Councilor Dzujna</b> | <u><b>yes</b></u> | <b>Councilor Ribas</b> | <u><b>yes</b></u> |
| <b>Councilor Clarenbach</b> | <u><b>yes</b></u> | <b>Councilor Giunta</b> | <u><b>yes</b></u> | <b>Councilor Wells</b> | <u><b>yes</b></u> |
| <b>Councilor Desrochers</b> | <u><b>yes</b></u> | <b>Councilor Moquin</b> | <u><b>yes</b></u> | <b>Councilor Zink</b>  | <u><b>yes</b></u> |

*All in favor; motion passes.*

**Agenda Item VIII.**

**City Council to hear from the Municipal Services Director on the fall residential leaf pickup and alternative essential services.**

MSD Director Sullivan stated at the May budget meeting there was discussion of essential services and leaf pickup. The leaf pick up takes about eight (8) weeks to finish at a critical time of year and we very seldom finish the pickup due to snow. At this time he recommends the discontinuation of this service as they have other priorities like repairing the roads and getting ready for winter as it has pushed back other projects by five (5) years and they just can no longer provide this service. He stated he will be putting this in the newsletter, website and the electronic signs. Interim Mayor/Councilor Clarenbach asked him to just get the word out and contact the UNH Coop if they have a brochure on how to compost in their own yard. Councilor Desrochers stated you might be able to put this out in the water bills. Councilor Ribas asked about the impact on culverts. MSD Director Sullivan stated they will continue the maintenance on the culverts and it will be a challenge.

**Agenda Item IX.**

**City Council to consider granting the Municipal Services Director authorization to remove the windows that are stored in the City Hall Attic and sell them for the best possible price.**

***Motion: Councilor Dzujna moved that the Franklin City Council authorize Municipal Services Director to remove the windows stored in the attic of the Franklin City Hall and sell them for the best possible price. Motion seconded by Councilor Desrochers.***

MSD Director Sullivan stated he was approached by Leigh Webb to store the windows in the basement of the Historical Society and he is in favor of that as an alternative if the council approves. Councilor Barton asked if they save the windows what does that do for the city. MSD Director Sullivan stated that they will store them with an option to sell later. Councilor Barton asked why we would store them. MSD Director Sullivan stated if they decide to do a renovation they need the original items or proof of the items as they are in a historic district. There was no real market for these windows nine (9) years ago and that is why they were stored. Leigh Webb stated this does not sacrifice ownership of the windows it is just storing them somewhere else.



***Amendment: Councilor Ribas moved that the Franklin City Council strike everything after city hall and replace with store them at the Franklin Historical Society in the original motion. Motion seconded by Councilor Giunta.***

Councilor Wells asked if we can sell them for anything. MSD Director Sullivan stated they have no real value and will not bring in much money. Councilor Giunta asked Chief LaChapelle if there is a fire load here will it create a situation of a fire load at the historical society. Chief LaChapelle stated the city doesn't own that building and it is not a concern to the city. There has been a lot of time and energy spent fixing up city hall and removing the fire load from city hall would be a good thing. If the owner of that building chooses to have that fire load in their building that is up to them. Councilor Dzujna asked if there is no issue storing them but if the opportunity comes up we should give MSD Director the authority to sell them. MSD Director Sullivan stated he would come back with a proposal if they get an offer.

***All in favor; amendment passes.***

***All in favor; original amended motion passes.***

#### **Agenda Item X.**

**City Council to consider a formal request from Tyler Matzke to construct a home on a Class 6 Road (Kelly Road off Prospect Street).**

***Motion: Councilor Barton moved that the Franklin City Council approve the issuance of a building permit for Tyler Matzke for parcel 138-403-00, located on Kelly Road, and authorize the City Manager to execute the Agreement and Notice of Release from Municipal Responsibility and Liability between the City of Franklin and Mr. Matzke. Motion seconded by Councilor Dzujna.***

Councilor Desrochers asked how does Planning and Zoning feel on this. P&Z Director Lewis stated that this didn't go to the planning and zoning but they have previously issued approvals and acknowledgments for other houses on this road and preexisting homes on Kelly Road. Councilor Ribas asked if there is a sense of urgency to get it done this month. P&Z Director Lewis stated given the parameters of the situation he is extremely confident that the planning board would approve this and Mr. Matzke would like to get other permits. MSD Director Sullivan stated he has been to the site for the driveway permit. Interim Mayor/Councilor Clarenbach stated he has an issue as there is a recommendation coming from the planning board and feels it is a mistake to approve this before it comes from the planning board. Councilor Giunta asked if it will statutorily be a problem if the council approves this. P&Z Director Lewis stated yes someone could challenge this but based on the historical items of this road the board has approved he would follow up. Councilor Giunta stated that he wants the property owner to understand there is still a risk for this to be challenged. Councilor Desrochers asked if they can do site prep work prior to planning board approval. P&Z Director Lewis

stated he can do this at his own risk. MSD Director Sullivan stated he has issued a driveway permit as the site was adequate and is of best use.

***All in favor; motion passes.***

Mr. Matzke thanked the council and stated that working with MSD Director Sullivan and P&Z Director Lewis has been a pleasure.

**Agenda Item XI.**

**City Council to consider approval of transfer resolution related to Metrocast sale to Atlantic Broadband.**

***Motion: Councilor Ribas moved that the Franklin City Council approve the resolution which approves the transfer of the cable television franchise granted by the City of Franklin. Motion seconded by Councilor Dzujna.***

Councilor Dzujna stated this will go into effect regardless and will they honor all duties to citizens. City Manager Dragon stated they will and maybe more.

***All in favor; motion passes.***

**Agenda Item XII.**

**City Council to consider sale of tax deeded property, 12 Morrill Court, through sealed bid.**

***Motion: Councilor Barton to authorize City Manager/Interim City Manager to dispose of 12 Morrill Court through a bid process with a minimum bid amount of \$10,000 and to further execute all closing documents required for the conclusion of the referenced sale. Motion seconded by Councilor Giunta.***

Councilor Ribas asked how they are at \$10K if it went out at \$20K twice and this city is already into it for \$12,740. City Manager Dragon stated she hopes if they start at \$10K they would get multiple offers to bring the price up. Councilor Ribas asked to fix one word on the second line of the letter.

***All in favor; motion passes.***

**Agenda Item XIII.**

**City Council to consider sale of tax deeded property, 186 Summit Street, through sealed bid.**

**Motion:** *Councilor Dzujna to authorize City Manager/Interim City Manager to dispose of 186 Summit Street through a bid process with a minimum bid amount of \$10,000 and to further execute all closing documents required for the conclusion of the referenced sale. Motion seconded by Councilor Desrochers.*

*All in favor; motion passes.*

**Agenda Item XIV.**

**City Council to consider proposed agreement between the City and Mill City Park to continue collaborative efforts to build a white water park.**

**Motion:** *Councilor Giunta moved that the Franklin City Council approve the proposed agreement between the City and Mill City Park to continue collaborative efforts to build a white water park over the next five years. Motion seconded by Councilor Dzujna.*

City Manager Dragon stated she would have liked an MOU but couldn't get the City Attorney to read and review in time for this meeting so she did it in a form of an agreement. She would like to set the stage for the next city manager to feel comfortable. They are waiting for the engineering grant for the engineering funds. It is very important that this work continue as the momentum is ramping up. Prior to this meeting she met with the Town of Northfield as in future phases they would like them to be informed of the project. It is a compelling case to bring tourism into the downtown. In 2015 there was an economic impact study by DRED and it stated this would bring \$6.83 million in new visitor dollars when all phases are built. As you get to phases 2 & 3 decisions will have to be made as this will impact city property. She has suggested that PermaCityLife and Mill City Park be separated as the work with both is important but it gets cloudy. This project in her opinion is the most crucial project for the city and is a lot of work. This agreement is a commitment for collaboration and is a good start and not legally binding. When the federal government releases the funds that will bring this project through the permitting part.

Councilor Wells feels this is premature to commit the city or anyone to anything and would like to see drawings. City Manager Dragon stated that the drawings will come from the funds for permitting. The city land is not involved in the 1st phase. The Greviors are on the board and they donated the property to the city.

Councilor Barton asked if PermaCityLife and Mill City Park are not separate yet but are the same. City Manager Dragon stated they are separate organizations but the funding combines them. In 2018 they will be separate with funding. Councilor Barton asked will the funding continue to work that way. City Manager Dragon stated that she has confidence in Jim Aberg of FBIDC that this will change as the money comes through FBIDC.

Councilor Wells asked if there are any covenants on the take out property. City Manager Dragon stated she hasn't found any. Marty Parichand, Mill City Park, stated that there were conservation

funds to make the park accessible but the only restriction was it had to be used publicly and this meets that criteria.

Councilor Ribas asked about the documents being out of order. City Manager Dragon stated the formatting was difficult and Councilor Ribas was given a good copy to review. Councilor Zink asked about Title I3C and their team should make and not the city. City Manager Dragon stated she does feel they can dictate that to them if we spend time working with them. Marty Parichand stated they are a state nonprofit and have a board. The EDA grant they wrote with the Niel Cannon and the downtown team and that needs to continue to progress and collaboration to continue and sit on their board meetings and believes in the plan and idea which is why there are two seats on the board for FBIDC Executive Director and Franklin City Manager. Councilor Ribas stated he looked over the plan and is comfortable with it. He asked why number 9 has a 20 year lease is included. City Manager Dragon stated that will be important as it is part of the larger project so it is not a surprise later and this is not a legal obligation. Councilor Giunta stated that City Manager Dragon created this as a road map and that momentum isn't lost when she leaves. He is comfortable with everything that is in it.

Interim Mayor/Councilor Clarenbach stated that having a signed document that guides you to have an understanding is important but he doesn't understand the purpose of this not legally binding document. He does also felt number 9 leasing of the land is leaving it wide open.

Councilor Dzujna stated this is a concept of what Mill City Park wants to happen and it is getting people in the city excited of the concept and sees a great need for this.

Councilor Zink asked if the preferred method moving forward is an MOU and they should work on that. Interim Mayor/Councilor Clarenbach stated that they were not trying to put extra work on the interim city manager.

Councilor Desrochers stated this is just an agreement to say the city council is behind this project and they need to keep this rolling for the momentum and that doesn't stop.

Interim Mayor/Councilor Clarenbach stated he doesn't see how the momentum fails with the council not agreeing with an agreement that is non-binding. City Manager Dragon stated a no vote could send a very strong message and she did try to get a MOU to the council as they agreed not to give the interim city manager any new projects. She understands they want an MOU but she couldn't get that to them in time so this is the next best thing to ensure Mill City Park, FBIDC, PermaCityLife and the funders see we are all committed to this. It sends a strong message of support for the concept and a no vote can send a very strong message in her opinion.

Councilor Zink asked what bullet 12 says and City Manager Dragon stated is says "MCP will manage, maintain & promote Mill City Park & all outdoor and whitewater activities on the Winnepesaukee River."

Councilor Wells asked if this is intentionally taking the New Year's group out and City Manager Dragon stated no. Marty Parichand stated they will promote any activity and support the use of the river. They are trying to illustrate cross activity and not trying to step on any toes as they are trying to be inclusive. They can make a note for the MOU and a no vote hurts and sends the wrong message and this is a declaration of support of a feel good story. He stated when they go to meetings for a grant one question always asked is the city behind you.

Councilor Ribas asked if they need a signed document or a modifying motion. Councilor Desrochers stated it is non-binding, non-committal and states the city is in support of this. Interim Mayor/Councilor Clarenbach stated he has an issue with the 12 items. Councilor Giunta asked Marty Parichand if not signing this will hurt him. Marty stated this shows the next mayor and city manager these are the 12 steps they have to do. This will be outdated by an MOU forthcoming and carries weight for the next people.

***Amendment: Councilor Ribas moved that the Franklin City Council amend to remove the proposed agreement and the City Council and Mill City Park to continue collaborative efforts to work together to build a whitewater park. Motion seconded by Interim Mayor/Councilor Clarenbach.***

Councilor Dzujna stated he is against an amendment. Councilor Moquin agree with Councilor Dzujna and they need to move forward.

***Three (3) in favor, five (5) opposed, one (1) didn't vote; amendment fails.***

Interim Mayor/Councilor Clarenbach asked for any further discussion on the original motion.

***Seven (7) in favor, one (1) opposed, one (1) didn't vote; motion passes.***

#### **Agenda Item XV.**

**City Council to hear an update on the proposed lease with PermaCityLife for space in Marceau park.**

City Manager Dragon wanted to bring the council up to speed on the agreement. The side entrance will be maintained by the owner and the walkway is maintained by the city. The lease is with the city attorney and Todd Workman is fine with the lease.

Councilor Ribas stated there are two (2) walkways and a sidewalk along the road and could we remove the sidewalk to gain space in the park. City Manager Dragon stated the sidewalk is across the street and not next to the park. The quotes are over \$19K the lease value is \$1K a year and it is taxable if used for profit. All PermaCityLife buildings pay taxes. Councilor Barton asked about the liability. City Manager Dragon stated the lease has an indemnification clause. Councilor Wells asked if the new sidewalk is approved by MSD. City Manager Dragon stated her comments on the lease are in red. Councilor Zink asked about one comment on page 8 and City Manager Dragon stated that she is asking the city attorney about that. Councilor Ribas stated we are not selling but could we consider

that at any time and would the city attorney need to examine it. City Manager Dragon stated they could but that will require a lot more work. Interim Mayor/Councilor Clarenbach gave some history that the park was owned by FBIDC at one time and they gave it to the city.

**Agenda Item XVI.**

**City Council to consider setting a public hearing for \$3,500 Payment in Lieu of Taxes agreement (PILOT) Industrial Park Drive Solar Project.**

City Manager Dragon stated she is pulling this at this time as the previous PILOT agreement expired and she has asked for some documents in writing from the new owners and the previous owner and hasn't gotten them at this time.

**Agenda Item XVII.**

**Other Business**

1. **Committee Reports** – City Manager Dragon stated there is a need for another legislative meeting to finish up the items from the police department.
2. **City Council Resignation/Appointments**

**Supervisor of the Checklist – Ward 3**

***Motion: Councilor Zink moved that the Franklin City Council accept Emilie Miller's resignation from the Supervisor of the Checklist – Ward 3 (Seat SCW32), Term of Service to October 31, 2020. Motion seconded by Councilor Dzujna***

***All in favor; motion passes with regret.***

***Motion: Councilor Zink moved that the Franklin City Council accept Sandra Flanagan's resignation from the Supervisor of the Checklist – Ward 3 (Seat SCW33), Term of Service to October 31, 2018. Motion seconded by Councilor Barton.***

***All in favor; motion passes with regret.***

**Library Board of Trustees**

***Motion: Councilor Giunta moved that the Franklin City Council appoint Marsha Palazzolo to the Franklin Public Library Board of Trustees (Seat LT3). Motion seconded by Councilor Ribas.***

***All in favor; motion passes.***

### 3. City Manager's Update

City Manager Dragon stated there are no new funds in the contingent grant line for this month.

There is a competitive electricity group being formed by Lakes Region Planning Commission and they are doing an RFP for aggregate electricity pricing and Franklin is included but there is no obligation to be part of the bid. The vendor proposals are due September 29 and if the bids are favorable to the City of Franklin the Council will be asked to approve a contract in October. The council will have to deal with the other purchase power agreement before they can do this.

The final assessing conversion will be done prior to the October 1 MS-1 deadline and the MS-1 will come from the Avitar system. Once the MS-1 is done she feels there will be additional revenue coming from the additional value of the utilities.

Solar exemptions for residents are expiring and if the council wants to continue the exemption there is a process under RSA 72:61 & 72:62. The average solar panel assessed value is between \$600-\$700 each and a typical single family home will have 20-24 panels.

The city's pole license agreements need to be updated with the utility companies so that the city can properly appraise the use of the City's Right of Way.

The Opera House lease agreement is going to expire as we are in a one year automatic extension. This can be reviewed and updating next April/May with the new city manager and then brought back to the council.

She stated she put the city manager recruitment process for the public to see what the process has been.

On August 7, 2017 the city council approved Resolution #05-18 with a voice vote rather than a roll call vote so can the council confirm the resolution with a roll call vote.

***Motion: Councilor Giunta moved that the Franklin City Council adopt Resolution #05-18 authorizing the withdrawal of an amount not to exceed \$12,000 from the Raymond and Betty Turcotte Memorial Rescue Squad Trust fund for the tuition in support of sending Firefighter/AEMT Zachary Burke to nationally Registered Paramedic School. Motion seconded by Councilor Dzujna.***

**Roll Call:**

|                             |                   |                         |                   |                        |                   |
|-----------------------------|-------------------|-------------------------|-------------------|------------------------|-------------------|
| <b>Councilor Barton</b>     | <b><u>yes</u></b> | <b>Councilor Dzujna</b> | <b><u>yes</u></b> | <b>Councilor Ribas</b> | <b><u>yes</u></b> |
| <b>Councilor Clarenbach</b> | <b><u>yes</u></b> | <b>Councilor Giunta</b> | <b><u>yes</u></b> | <b>Councilor Wells</b> | <b><u>yes</u></b> |

Councilor Desrochers    yes            Councilor Moquin    yes            Councilor Zink            yes

***All in favor; motion passes.***

City Manager Dragon stated that Assistant Secretary of USDA Ann Hazlett came to the City of Franklin on September 1 to review the work that the city has done with the grant. City Manager Dragon stated she was so impressed that they want other communities to copy what Franklin is doing. City Manager Dragon stated she did mention the white water park and what they are doing and the group was were very excited about the project.

***Motion to adjourn made by Councilor Zink and seconded by Councilor Ribas. All in favor; meeting adjourned at 9:02 p.m.***

Respectfully Submitted,

Lauraine G. Paquin