



Approved by City Council on December 4, 2017

City Council Meeting November 6, 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 Wells, Councilor Zink, Councilor Dzujna, Acting City Manager/Finance Director Milner and Interim Mayor/Councilor Clarenbach.

Absent

Councilor Desrochers.

Salute to the Flag was led by Councilor Giunta.

Interim Mayor/Councilor Clarenbach asked for a moment of silence to honor those 26 people who lost their lives and the 20 that were wounded in the Texas shooting.

Interim Mayor/Councilor Clarenbach mentioned that Robert Goodearl II is retiring after working for the Franklin Fire Department for 31 ½ years.

Public Hearings

Resolution # 06-18 – no comments.

Resolution # 07-18 – Marty Parichand stated the EDA grant is broken out into two (2) fiscal years. The EDA department is one of the departments on Trumps plan to cut so next year's funding is unknown. The EDA grant was to do the last 1200 feet of the river and was for preliminary engineering, permitting and final engineering. The money they have will go towards preliminary engineering and permitting. To start they will only need 60% of an engineering solution.

Sarah Stanley stated that she can't think of a better thing to invest funds in. Franklin Savings Bank is a huge contributor to this effort and has announced they are contributing \$250K to this effort.

Resolution # 08-18 – Fire Chief LaChapelle spoke on behalf of this resolution as it includes raises for the firefighters. This is the first time in his five (5) years that he has come in to speak about wages and benefits and it has taken weeks to sift through the information to speak on tonight. Thornton and Associates did a pay study in 2013 and it showed the City of Franklin was below fair market value. He understands this is complex and very challenging but the complexity of job has changed dramatically. He feels that taking care of his firefighters is the number one priority. The face of the street is changing daily and their exposure to hazardous conditions (bed bugs, head lice, feces, etc)

daily invades their personal space and the equipment and clothing have to be decontaminated and they have to shower daily. This year they have administered 142mg of narcan to 41 patients and if the patients didn't receive narcan their situation would be grave. He constantly thinks about how to protect his firefighters minds from what they see daily. The fire service used to have trainings about fires and reading smoke but today it is about cancer and the mental anguish first responders go through. The members of the Franklin Fire Department with their training, experience, skilled judgement and precise decision making they bring to the job daily like Olympic athletes. He stated he has looked at the fair market value and compared Franklin to other communities. Franklin is at 2008 pay rates and it will take \$6 more an hour to bring the firefighters up to fair market value.

Leigh Webb stated he is a strong advocate for first responders and anything the city can do to benefit them and protect them, as they protect us, needs to be done even with the limit financial resources the city has.

Resolution # 09-18 – no comments.

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.

Wayne Ives stated there are safety issues with large dead trees a block from his house that are back off the road and Eversource can't do anything about it and MSD can't do anything either. Is there a way to develop a nuisance ordinance for those landowners who don't do anything? He also stated that it would behoove the city to speak earlier than later with state agencies on the white water park as they have a lot of interest in pre-permitting plans to help with what is and isn't allowed.

Mary, a Franklin resident, stated they just put their house on the market and she wanted to thank everyone and appreciated their support as their kids have graduated school here and are doing well. When they had a house fire the fire department put it out quickly and saved their cat, so thank you.

Legislative Comments – State Rep. Horn stated that on October 30th he attended the subcommittee on adequate education and that the information wasn't the normal kicking the can down the road but an honest and earnest way to a different approach to funding education. The subcommittee agreed it is a significant issue and not one that they should avoid dealing with. He won't be able to attend the next meeting. All the house bills have been filed and the senate still has some time left for bill writing. The veto session was last week and will have another session at the end of November.

Councilor Dzujna thanked State Rep. Horn for keeping on top of the school funding.

City Council Acknowledgements – Councilor Dzujna wanted to recognize the Franklin Business and Professional Women as they did a program on October 21 about building powerful women. It was a fantastic program. He wanted to recognize the FBW group as a whole.

Mayor's Update – None.

Agenda Item I.

City Council to consider the minutes of the October 6, 2017 City Council Canvass of the Vote Meeting and the October 2, 2017 City Council Meeting.

Motion: Councilor Dzujna moved that the Franklin City Council accept the minutes of the October 6, 2017 City Council Canvass of the Vote Meeting and the October 2, 2017 City Council Meeting. Motion seconded by Councilor Zink.

All in favor, Councilor Barton abstained; motion passes.

Agenda Item II.

School Board Report

Superintendent LeGallo stated the high school accreditation process had positive comments and he will have a report in the next few weeks. The high school is no longer considered a focus priority school in need of improvement since the scores had improved. The high school has been on that list since 2007. The middle school just had their mid-year testing. The high school received a \$13K robotics grant for the next two (2) years. The middle school is able to use money from the 21st Century grant to fund a robotics team as well. An RFQ has gone out for the energy audit with a return date of November 17. There were five (5) companies who expressed interest. There is a possibility of looking to get a \$2M loan from FSB so stay tuned. The fund balance from 2017 will have a final number soon as the auditors come back tomorrow and \$200K of it has already been designated to this year's operating budget. If there is any interest Business Administrator Bergquist and himself were looking to sit with the council to look at their budget line by line and ask any questions before the new budget. Superintendent LeGallo and School Board Chairman Dow are planning on going to the the subcommittee meeting that State Rep. Horn stated he couldn't be at.

Agenda Item III.

City Council to consider passing Resolution #06-18, authorizing the City Finance Director to complete and sign the State of NH Drinking Water State Revolving Fund final application.

Motion: Councilor Ribas moved that the Franklin City Council approve Resolution #06-18 by roll call vote. Motion seconded by Councilor Barton.

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 abs Councilor Moquin yes Councilor Zink yes

All in favor; motion passes.

Agenda Item IV.

City Council to consider adopting Resolution #07-18, appropriating \$129,870 in the federal FY2017 grant and matching revenues for the engineering, permitting and survey work associated with the proposed white water park.

Motion: *Councilor Ribas moved that the Franklin City Council adopt Resolution #07-18 appropriating \$129,870 in federal FY2017 grant and matching revenues for the engineering, permitting and survey work associated with the proposed white water park. Motion seconded by Councilor Dzujna.*

Councilor Zink asked what the connection to the Economic Development Director of the Chamber of Commerce is. Marty Parichand stated that he is the Northeast Region EDA representative and he brought their application and spoke on their behalf in Pennsylvania. The EDA is a subset of the census bureau.

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

All in favor; motion passes.

Agenda Item V.

City Council to consider adopting Resolution #08-18, appropriating \$182,774 in new revenue associated with \$7,244,310 new assessed value resulting from pickups from utilities.

Motion: *Councilor Dzujna moved that the Franklin City adopt Resolution #08-18 appropriating \$182,774 in new revenue associated with \$7,244,310 new assessed value resulting from pickups from utilities. Motion seconded by Councilor Ribas.*

Councilor Barton asked if this was money that was going to come year after year and Interim Mayor/Councilor Clarenbach stated yes.

Councilor Giunta asked Acting City Manager/Finance Director Milner to go through how this is written and explain the different accounts and how they would support the fire department. Acting City Manager/Finance Milner explained the background on how the city is getting this new revenue.

Based on the new revenue of \$182,774, the county increase of \$25,557 needs to be paid first. There are two (2) sets of wage increases in this proposal. The first set is the firefighters and captains and that proposal is half way between the 2013 wage study to where we are now. That amount is split up between the wage and payroll lines and the total increase is \$36,324. The second set is for the police sergeants who were also grossly underpaid at that time and this will bring them half way between the 2013 wage study to where we are now. That amount is split up between the wage and payroll lines for a total increase of \$18,669. Acting City Manager/Finance Director Milner stated there should have been a third piece included and hopes the council will entertain the parks and recreation director and that total is \$8,813 which leaves a balance going to the school building account of \$93,411 rather than the \$102,224 in the original resolution. One note about the park and recreation director is that person has brought the program from 79% taxpayer funded to 40% taxpayer funded through bringing in grants and she has been working outside the pay study as stated. This will also bring this position half way.

Councilor Giunta asked if they amend the numbers it won't balance out so where does the \$8,813 go with all these other accounts. Acting City Manager/Finance Director Milner stated it is broken out as \$7,153 goes to wages, \$443 goes to social security, \$104 to Medicare, \$814 to retirement, \$244 to worker's compensation and \$55 to disability which totals \$8,813.

Amended Motion: Councilor Giunta motioned to include the figures Acting City Manager/Finance Director Milner just mentioned and \$93,411 to the school building account. Motion seconded by Councilor Moquin.

Interim Mayor/Councilor Clarenbach stated this resolution is not what he had hoped and he felt the wages should have been put into a single account until the council could have a discussion. To reduce the amount going to the school is difficult to understand knowing their hardships as well. He is not in favor of the amendment.

Leigh Webb stated a point of order since the money was not in the original motion is it not subject to a public hearing. Interim Mayor/Councilor Clarenbach stated that as long as the total dollars didn't change and stays the same it isn't subject to a new public hearing.

Acting City Manager/Finance Director Milner stated that the \$102K or \$93K recommending to the school budget for next year's budget. This revenue is coming in after the tax cap calculation and the split between the school and city. Her recommendation to the new city manager will be to bring that through to the new calculation when the budget process begins next year.

Councilor Giunta stated that when this was first discussed it was all combined and there wasn't recurring money for that. With this change of sustainable funds and now is the opportunity to satisfy everyone tonight.

Councilor Dzujna stated he feels the same in trying to satisfy everyone. He sees what the recreation department offers to everyone daily.

Four (4) in favor and Four (4) against; amendment motion fails.

Councilor Clarenbach stated to put the funds into one fund and reread the wage study and how to best accommodate all employees as he doesn't like this format.

Councilor Giunta stated if we pass this all the additional money is gone. Acting City Manager/Finance Director Milner stated that would tie up the money this year but not next year.

Amended Motion: Councilor Zink motioned to keep the county tax of \$25,557, put \$63,806 in the city managers contingent line as a placeholder until a meeting to be held before the end of this 2017 calendar year and put the \$93,411 to the school building account. Motion seconded by Councilor Ribas.

Councilor Barton questioned the money and asked if the wage study goes through tonight and Interim/Councilor Clarenbach stated no and explained. He asked what the time frame to hear this again is. Interim/Councilor Clarenbach stated there is no time frame. Councilor Zink stated she is looking for a comprehensive plan to look at all the employees.

Councilor Moquin asked Acting City Manager/Finance Director Milner to walk her through the approach to get where we are now. Acting City Manager/Finance Director Milner stated the wage study was done by an independent company in 2013 and at that time it would have cost \$1.2M to bring all employees up to fair market value. The positions have been being addressed as they come forward and these are all non-union positions and if there is sustainable funding they will get addressed. The firefighter, firefighter captains and police sergeants have to be addressed.

Six (6) in favor and Two (2) against; amendment motion passes.

Interim Mayor/Councilor Clarenbach stated they are back at the original motion as amended.

Roll Call:

Councilor Barton	<u>yes</u>	Councilor Dzujna	<u>yes</u>	Councilor Ribas	<u>yes</u>
Councilor Clarenbach	<u>no</u>	Councilor Giunta	<u>yes</u>	Councilor Wells	<u>yes</u>
Councilor Desrochers	<u>abs</u>	Councilor Moquin	<u>yes</u>	Councilor Zink	<u>yes</u>

Seven (7) in favor and One (1) against; original motion as amended passes.

Agenda Item VI.

City Council to consider adopting Resolution #09-18, accepting the Law Enforcement Opioid Abuse Reduction initiative grant in the amount of \$12,674.00, approving the Memorandum of Agreement with delineated agencies and appropriating Franklin's portion of the grant in the amount of \$1,584.25.

Motion: *Councilor Ribas moved that the Franklin City adopt Resolution #09-18 accepting the Law Enforcement Opioid Abuse Reduction Initiative grant in the amount of Twelve Thousand Six Hundred and Seventy-Four Dollars (\$12,674.00), approving the Memorandum of Agreement with Andover, Hill, Tilton, Alexandria, Danbury, Northfield, Bristol Police Departments ad appropriating Franklin's portion of the grant in the amount of One Thousand Five Hundred Eighty-Four Dollars and Twenty-five Cents (\$1,584.25). Motion seconded by Councilor Giunta.*

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

All in favor; motion passes.

Agenda Item VII.

City Council to consider allowing the Acting City Manager to sign all documents associated with processing and receiving NH Homeland Security and Emergency Management Performance Grants that funds the review of the City's Hazard Mitigation Plan.

Motion: *Councilor Giunta moved that the Franklin City Council authorize the Acting City Manager to sign all documents needed to process the Hazard Mitigation Plan review. Motion seconded by Councilor Zink.*

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

All in favor; motion passes.

Agenda Item VIII.

City Council to consider setting a public hearing on Resolution #10-18 , a resolution that increases revenue and expenditure accounts based on the awarding of a grant from New Hampshire Department of Safety, Office of Highway Safety in the amount of \$8,296.00.

Motion: *Councilor Zink moved that the Franklin City Council schedule a public hearing on Resolution #10-18 at 6:00 pm on December 4, 2017 to accept a grant from New Hampshire Department of Safety, Office of Highway Safety for Ten Thousand Three Hundred and Seventy (\$10,370.00) and appropriate federal portion \$8,296.00. Motion seconded by Councilor Ribas.*

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read Resolution #10-18:

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 understands the Police Department sought and received a 80% federal 20% in kind matching grant from the Office of Highway Safety called Franklin STEP Grant totaling \$10,370.00 for the purpose of specific directed patrols including seat belt and driving under the influence, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire understands that the 20% grant match is in kind and will be fulfilled through the current adopted budget, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire wishes to appropriate the federal portion of this grant totaling \$8,296, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, December 4, 2017 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 10-18 accepting the Franklin STEP grant from the Office of Highway Safety federal funding in the amount of \$8,296 and **authorizing an increase in FY2018 revenues:**

Grant Revenue - Police Acct. No. 01-2-103-33111-000 – Eight Thousand Two Hundred Ninety Six Dollars (\$8,296),

And an increase in FY2017 expenditure accounts,

Overtime Wages – Patrol Acct. No. 01-2-103-40140-000 – Six Thousand Three Hundred Thirty Nine Dollars (\$6,339),

Medicare – Patrol Acct No. 01-2-103-40225-000 – Ninety Two Dollars (\$92),

New Hampshire Retirement – Patrol Acct No. 01-2-103-40230-000 – One Thousand Eight Hundred Sixty Five Dollars (\$1,865),

By a roll call vote.

Agenda Item IX.

City Council to consider setting a public hearing on Resolution #11-18, a resolution to accept and appropriate \$45,000 from the State of NH Land and water Conservation Fund for the renovation of Bessie Rowell Community Center Playground.

Motion: Councilor Ribas moved that the Franklin City Council schedule a public hearing on Resolution #11-18 at 6:00 pm on December 4, 2017 to accept and appropriate \$45,000 from the State of New Hampshire Land and Water Conservation Fund for the renovation of the Bessie Rowell Community Center Playground. Motion seconded by Councilor Giunta.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read Resolution #11-18:

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 recognizes the repairs and improvements needed to the playground area at Bessie Rowell Community Center, and;

WHEREAS, the City has been awarded a federal grant from the New Hampshire Land & Water conservation fund in the amount of \$45,000 for the Bessie Rowell Community Center playground which must be matched in full by the City, and;

WHEREAS, the City Parks & Recreation department has raised the match funding through other smaller nonfederal grants, fundraising, in kind services and through the parks & recreation revolving fund, and;

WHEREAS, the City Council wishes to accept and appropriate the federal grant, Now,

THEREFORE BE IT RESOLVED, that at the scheduled meeting of the City Council on Monday, December 4, 2017, the City Council of the City of Franklin, New Hampshire does hereby vote to adopt Resolution #11-18, accepting the grant funds from the State of New Hampshire Land & Water

Conservation Fund, authorizing the Acting City Manager to execute all grant documents and hereby authorizes the following non lapsing appropriations,

An increase in revenues:

Acct# 01-5-000-33110-440 Federal Capital Grant – Land & Water Conservation Fund – Forty Five Thousand Dollars (\$45,000),

And an increase in expenditures:

Acct# 01-5-211-40439-440 Parks & Recreation Other Contracted Services Wages – Land & Water Conservation Fund – Forty Five Thousand Dollars (\$45,000)

By a roll call vote.

Agenda Item X.

City Council to consider setting a public hearing on Resolution #12-18, a resolution to re-allocate \$4,700 in FY2018 capital appropriation and appropriate an additional \$7,717 from the Bessie Rowell Community Center Capital Reserve Fund to replace the blinds at the Bessie Rowell Community Center.

Motion: Councilor Ribas moved that the Franklin City Council schedule a public hearing on Resolution #12-18 at 6:00 pm on December 4, 2017 to re-allocate \$4,700 in FY2018 capital appropriation and appropriate an additional \$7,717 from the Bessie Rowell Community Center Capital Reserve to replace the blinds at the Bessie Rowell Community Center. Motion seconded by Councilor Giunta.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read Resolution #12-18:

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 wishes to replace all blinds at the Bessie Rowell Community Center, and;

WHEREAS, the City Council of the City of Franklin, New Hampshire established a capital reserve fund for the Bessie Rowell Community Center into which each entity occupying the building contributes \$5,000 annually (totaling \$20,000 in annual contributions), and;

WHEREAS, The City Council of the City of Franklin, New Hampshire recognizes that the brick repointing work budgeted in the FY2018 City budget was completed leaving a balance of \$4,700, and;

WHEREAS, the City Council of the City of Franklin wishes to utilize the remaining capital reserve appropriation from the FY2018 budget and appropriate an additional amount of the Bessie Rowell Community Center capital reserve fund (\$61,852.05 balance as of 8/31/17) to pay the remaining balance of replacing the blinds, Now,

THEREFORE BE IT RESOLVED that at the scheduled meeting of the City Council on Monday, December 4, 2017 the City Council of the City of Franklin, New Hampshire does hereby adopt resolution 12-18, allowing the use of the remaining Bessie Rowell Community Center capital reserve appropriation for brick repointing (\$4,700) and authorizing an increase in FY18 revenue:

Transfer in from capital reserve fund Acct No. 01-0-000-39150-000 – Seven Thousand Seven Hundred Seventeen Dollars (\$7,717),

And an increase in expenditure account,

Buildings – Bessie Rowell Community Center Acct. No. 01-9-012-40720-000 – Seven Thousand Seven Hundred Seventeen Dollars (\$7,717),

By a roll call vote.

Agenda Item XI.

Other Business

1. **Committee Reports** – Councilor Zink stated the regional committee with Sanbornton and Tilton/Northfield met and discussed the next steps to create an MOU. The next meeting will be on November 20 at 4:30 pm at the Tilton Town Hall downstairs.

Councilor Wells stated he is resigning from the Winnepesaukee Public Health as the representative from the City of Franklin at the end of the year and the council should look at replacing him on the board.

2. **Acting City Manager's Update**

Acting City Manager/Finance Director Milner stated that there is no Contingent Grant activity this month.

There will be the Catch Housing project ribbon cutting on Friday, November 17 at 11am. If any councilor is interested in attending please let myself or Lauraine know and we can register you. Councilor Zink stated she emailed them to register. Councilor Dzujna stated he registered already.

NHMA will hold its annual conference on November 15 & 16 at the Radisson in Manchester and there is a session on Sharing Services between the Town and the School as the Town and School District of Newmarket are undertaking a one town philosophy. If anyone from the school board or superintendent is interested in attending they should be able to get in under the city. Councilor Zink asked if it could be filmed and Acting City Manager/Finance Director Milner stated she would check on that.

The fiber project to connect City Hall, MSD, PD, Fire, Planning & Zoning and Bessie Rowell Community Center was awarded to White Mountain Cable and should be completed by the end of November.

Kayla Bertolino is the new Mayor's Drug Task Force Coordinator and she began on October 30. She comes to the city from LRGH where she worked in the ER. She has an active church youth group (45 kids) in Pittsfield, NH and many of those children's parents do not attend the church.

The Northern Pass SEC committee didn't have any additional questions regarding former City Manager Dragon's testimony. The Keene Mayor has allowed former City Manager Dragon to flex her time in Keene to make herself available for the hearings for the City of Franklin. There is some information going around so to be clear former City Manager Dragon agreed to finish out the Northern Pass project before she left and she is not being paid by the City of Franklin or the City of Keene for her testimony.

The City of Franklin has approximately 28 properties with solar panels. Each property has about 24 panels per property with an assessed value of \$600 for a total of \$14,400 per assessed value which equates to an additional \$363 per year in taxes with the current tax rate for the solar panels for each property. Councilor Dzujna stated that many solar panels have a twenty year life cycle so are they going to be prorated. Acting City Manager/Finance Director Milner stated it would be about every five (5) years they would be depreciated. If the council wants to do this they would have to hold a public hearing. The homeowner has a one (1) time exemption to request the exemption. Councilor Dzujna asked if a property is sold does the new homeowner have to file for the exemption and Acting City Manager/Finance Director Milner stated yes. Councilor Zink asked what the time frame on this is. Acting City Manager/Finance Director Milner stated something would have to be decided prior to April 1.

The City Manager recruitment is going well but the recruiter would like to have the entire six (6) weeks so that would put the closing date as of November 24 meaning the recruiter would come with the 12-15 names by mid-December and have the final interviews in January.

There are some big projects coming to the City of Franklin soon and there is a need to have a nonpublic meeting on this and was looking to the week of the 13th and Tuesday, November 14 at 6:00 pm was selected.

With the CAP building been torn down they will need a temporary location to operate out of. The old finance office was suggested for several reasons. If there is no objection from the council, Attorney Fitzgerald will begin on an agreement that will contain some ground rules and protect the city.

Leaf Drop off has added an evening on Tuesdays until 7:00 pm with the other times being Wednesday-Saturday from 7:30 am to 3:00 pm.

3. Late Item

Motion: Councilor Zink moved that the Franklin City Council schedule a public hearing on Ordinance #09-18 at 6:00 pm on December 4, 2017 establishing guidelines for the use of police officers and/or non-police traffic control personnel (i.e. "flaggers") within the city limits of the City of Franklin. Motion seconded by Councilor Dzujna.

All in favor; motion passes.

Interim Mayor/Councilor Clarenbach read Ordinance #09-18:

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, be amended to add a new section following § Article VII Section 284-38 to be known as § Article VIII section 284-39 as follows:

Article VIII Uniformed Police Required

§ Section 284-39 Flaggers

Prior to the commencement of any activity such as, but not limited to the laying or installation of sewer, electrical, telephone, gas or water lines or any type of telecommunications equipment, cable, TV or any other type of underground utility or the installation of above ground utilities, or tree work which would interfere with the normal and regular flow of traffic within the City of Franklin, the primary contractor responsible for the conduct of the work performed upon the site, may be required to employ uniformed police officer(s) to control traffic, provided any of the following conditions exist:

- a. Construction, reconstruction, excavation, paving or any other type of work on or upon a way in the City of Franklin, or construction of new streets.
- b. Construction which will significantly affect the flow of traffic; or

- c. When the street is primarily controlled by a traffic light or signal, which will become ineffective in the proper control of traffic due to the existence of construction activity.

In addition to the conditions enumerated above, the Director of Municipal Services Department and/or Chief of Police, in their discretion may require the primary contractor to employ uniformed police officer(s) when the normal and ordinary flow of traffic or presents conditions which adversely affects public safety and convenience.

The Chief of Police or his/her designee may, upon examination of the work site, waive the requirement to employ uniformed police officer(s) if in his/her opinion it is not necessary for the public safety and convenience.

This ordinance shall not apply to work that is being done by the City of Franklin Municipal Services Department or the State of New Hampshire if empowered by statute.

In the event that any provision of this section is violated, the Director of Municipal Services Department or the Chief of Police is empowered to issue a work stoppage order against the contractor or his/her employees; such work stoppage shall remain in effect until there is strict compliance of the ordinance. In addition the fine amount shall not exceed \$250.00 per day and shall be assessed each day the violation continues.

By a roll call vote.

Motion to adjourn made by Councilor Giunta and seconded by Councilor Barton. All in favor; meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Lauraine G. Paquin