



City Council Special Meeting Minutes
Monday, December 9, 2019, 6:00 p.m.
Bessie Rowell Community Center

In attendance:

Mayor Tony Giunta, Councilor Jo Brown, Councilor Kathy Rago (arrived at 6:47 p.m.), Councilor Karen Testerman (arrived at 6:47 p.m.), Councilor George Dzujna, Councilor Ted Starkweather, Councilor Paul Trudel

Others in attendance:

City Manager Milner, Planning and Zoning Director Richard Lewis, Police Chief David Goldstein, members of the public

Absent:

Councilor Ribas, Councilor Bob Desrochers, Councilor Scott Clarenbach

The meeting was called to order at 6:05 P.M. at the Bessie Rowell Community Center.

Salute to the flag was led by Councilor Brown

Mayor Giunta stated that we will start with Agenda item IV. LEAN Update.

Agenda Item IV.

City Manager Milner stated that the department heads and Richard Ellert had the opportunity to meet last Thursday. They discussed goals for 2020 and identified the need for an additional roadmap. This is needed to tie into the higher level one that the Council has already established. This additional roadmap will include the details of how to accomplish the tasks needed to reach the goals set by the Council. For now, a few steps need to be on the back burner and an additional roadmap needs to be created by the City Manager. Milner stated that Richard Ellert will be able to meet with the department heads in January and then again with the Council on next steps and a reboot in February or March. The January LEAN workshop will be cancelled so the rest of the group can catch up. In the meantime, the Skills Matrix design has been agreed upon so the department heads can begin moving forward in this area.

Mayor Giunta invited Chief Goldstein to share an example of how LEAN was implemented at his level. Chief Goldstein stated that he is a member of the NH Association of Chiefs of Police and

is chair on two other committees: The Legislative Committee and the Wellness Committee. Chief Goldstein was able to share what he learned through our City's LEAN efforts and sat with the Chiefs of Police Legislative Committee reviewing money savings opportunities.

Mayor Giunta asked members of the public if they had any questions for the City Council.

A Franklin resident stated that she enjoyed all the activity downtown this past Friday night. The Opera House doing the Festival of Trees, the Christmas Tree Lighting, and the businesses downtown were open for the patrons attending these activities. There was a great vibe here.

Resident Leigh Webb stated that the Festival of Trees had a great turnout. He thanked everyone who donated their time and any gifts toward the Festival of Trees event.

Resident Bill Yacopucci asked what time the Christmas tree lights turn on. Councilor Dzujna replied that the tree lights are on the same timer as the streetlights.

Councilor Brown asked when the lights on the wheel will be turned on. Councilor Dzujna replied that there was an issue with the ground wire so those lights are not on just yet but will be on the same timer as the streetlights when it does get fixed.

Resident Leigh Webb asked the Mayor if he could discuss the Mitigation on the White-Water Park and what the City's role in that is. The Mayor provided initial information on a meeting that will take place tomorrow which will walk through what will be considered Mitigation in the riverbed. The City will be restoring and mitigating certain areas of the river as part of the project.

Resident Leigh Webb stated that the river had different purposes and uses throughout history here. It's primary use now will be focused on recreational use. He added that the rebar that is in the river is now a safety hazard and needs to be removed.

Councilor Trudel mentioned that all the microorganisms that have become part of the eco system have attached themselves to the rebar which may create an issue if removed.

Mayor Giunta stated that this is a NH DES discussion and the focus at their meeting with them tomorrow and the next day will be on the positive impact of cleaning up the river. City Manager Milner added that the passage for fish will be part of the plan and built into future plans so the wildlife will not be hindered in any way.

Councilor Dzujna asked what happens if we don't have the 10 to 1 ratio. City Manager Milner replied that we are working on the cleanup of the in-channel area of the river and a few other ideas are floating around. DES would like the City to acquire another parcel of property and put

it into a Conservation Trust. The City is focusing on the parcel that was given to us by Eversource. It is 19 acres along the river. This would cover the remaining amount of the mitigation agreement. The one snag is that DES won't consider Franklin's Conservation Committee "third-party" enough. The recommendation is with the Lakes Region Conservation Fund. They have already been contacted and are very interested in our project. Milner asked the Council if they would consider this and if they would be ok with this disposition of property to the Lakes Region. Milner continued to explain that this would be a conservation easement and there would be annual monitoring costs associated with this arrangement. The costs would be rolled into the fundraising efforts for Mill City Park. This will not be an additional cost to the City's taxpayers.

Milner proceeded to explain that tomorrow's meeting with NHDES will have all the key people sitting at the table trying to poke as many holes as they can in this new plan. This will be the last opportunity for the City to provide all the comments regarding this phase before 12/31/19. Once the City provides comments, DES has 30 days to either provide the permit or request to start the project all over again. Tomorrow's message will be that this is a community project, a nonprofit project, and free to the public. The City hopes this can be used for mitigation.

Brown asked when the City will see some construction. Milner replied that it is planned to start in the spring.

Resident Leigh Webb asked for information on the easement and what it includes or does not include. Milner replied that there will be no building on the property, trails should be allowed, and care will be taken for many types of invasive tree species.

Milner handed out a map of the land around the river and explained where the proposed conservation land would be.

Resident Annette Andreozzi asked City Manager Milner if DES or the Conservation can dictate what can or can't be done on the property. Milner replied that either could. Andreozzi stated that she monitored an agreement of a larger conservation trust company out of Concord called Five Rivers and they were very flexible with the creation of the agreement. Gilmanton had five very large parcels of land where easements, an interpretation center, historic barns and museums were all ok based on the interpretation of the agreement.

Brown asked Milner for an update on the Opportunity Zones. Milner replied that the City received a \$30K USDA Grant that will be used for technical assistance which includes the marketing piece. The goal is to entice a socially responsible investor who has patient capital. The City would set up the zone after the City has enticed the investor so it fits exactly what the investor is planning to do. The City will offer the investor assistance from attorneys and legal so they can help the investor get where they want to be.

Milner stated that she would email the Council a link to Nashua's Opportunity Zone website so they can see how nice it looks and when Franklin's website is up and running, Milner will forward a link to that as well. The first big step is the marketing piece.

Mayor Giunta updated Councilor Brown on his strategy with regards to the Wetlands Permit. His Inauguration Speech is on January 6th and if they are able to process the permit, he will make a very big deal out of it.

Starkweather asked if there was a response from other Councilors because the group is waiting to move forward with tonight's meeting. Mayor Giunta replied that he received responses that Councilor Rago and Councilor Testerman would be joining tonight's meeting in approximately 10 minutes.

Brown added that both Rago and Testerman were attending the School Board meeting tonight to address the transgender policy.

Director Lewis stated that he has a request to appoint a couple of temporary Planning Board members. There is a lack of voting capacity on December 18th. He stated that other than the Council members appointing members to the Planning Board, the Mayor appoints the other members and there are currently open seats. The Council can vote tonight on having Councilor Ted Starkweather appointed to replace Councilor Brown or Councilor Rago for that December 18th Planning Board Meeting. Director Lewis also stated that Mayor Giunta could also appoint Brian Barry and Mike Freeman to the Planning Board.

Resident Annette Andreozzi stated that she doesn't feel it is appropriate to use the word "Temporary" Appointments because it sounds as though the Mayor is "stuffing" the Planning Board. She added that there are alternate seats that are open but Mayor Giunta replied that he didn't think there were any alternate seats open until January. Director Lewis stated that Mike Freeman resigned early in the year and another seat opened up when Councilor Ted Starkweather was elected on to the City Council. Andreozzi also stated that 5 alternates can be appointed per RSA. Director Lewis added that the City code stated that there are only 3 three alternate seats. Lewis also stated that there are two open regular seats that are still available due to the resignations mentioned earlier and if he so wishes, Lewis would support the Mayor reappointing Brian Barry and Mike Freeman just for the one meeting and then the Council can appoint Councilor Starkweather in an alternate seat.

Councilor Brown asked Chief Goldstein if our Comfort Dog Miller was training in Florida and Goldstein replied that he is and that he also got to ride in the cockpit of the airplane.

Councilor Rago and Councilor Testerman arrived at 6:47 p.m. There is now a quorum to vote on a couple of topics.

Agenda Item I.

Planning Board Temporary Appointments.

Mayor Giunta stated that since Councilor Rago is unable to attend the Planning Board meeting on December 18th and a couple other members will also be absent, a full quorum will not be present to discuss and vote on a couple of things.

Resident Annette Andreozzi shared with the Council that up to 5 alternate seats can be filled if needed.

Mayor Giunta temporarily appointed Mike Freeman and Brian Barry to fill two alternate seats that are currently open.

**Motion – Councilor Rago moved that the Franklin City Council appoint Councilor Ted Starkweather as an alternate member of the Planning Board.
Seconded by Councilor Dzujna.**

Mayor Giunta asked if there was any discussion. There was none.

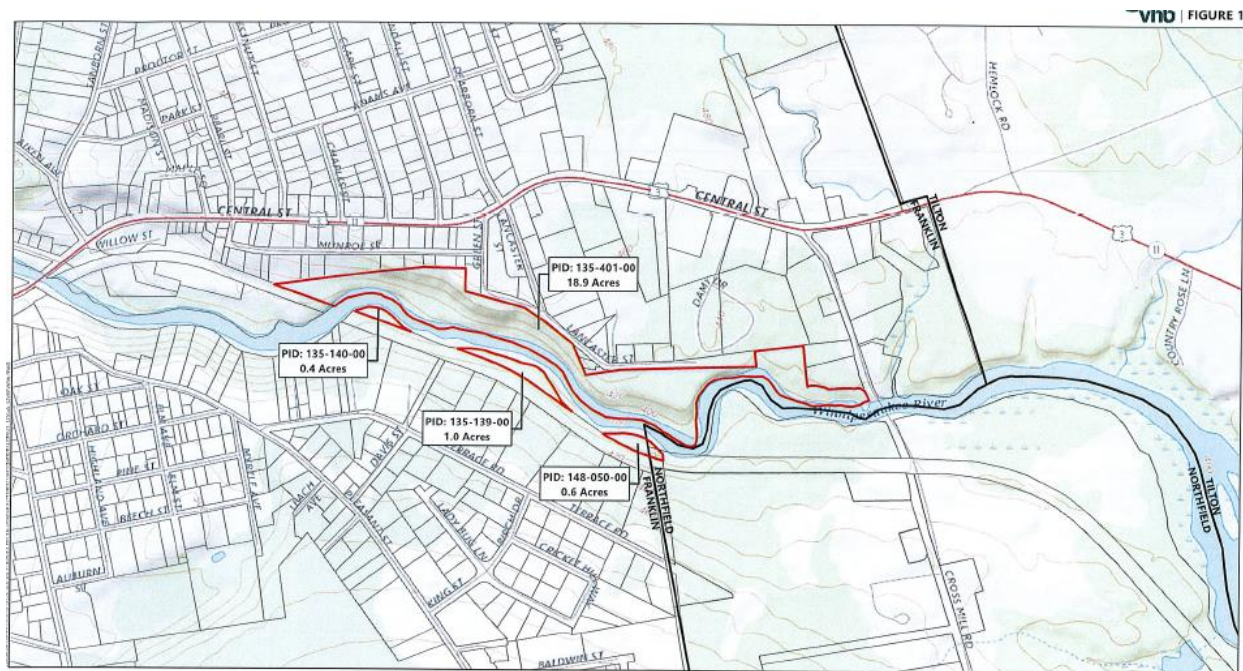
All in favor. Motion PASSED.

Agenda Item III.

Mill City Park Mitigation Discussion

City Manager stated that we are in the permitting stage for Mill City Park and DES asked the City to provide comments on questions they have. The Mitigation is one area where comments are required. Because this is a Private/Public partnership and will be a free park to the community, the City has asked DES other ways to allow us to Mitigate. This can be done by cleaning up the river, managing 27 invasive plant species, and placing a piece of property into a conservation easement. Milner informed the Council that the City is not able to utilize our own Conservation Commission because it's not third party enough. The suggestion is to put it into a conservation easement with the Lakes Region Conservation Fund. Milner has already reached out to them to see if they would be interested and they are.

Milner shared a map (see below) showing the parcels of property that would fall under this. Eversource had given this property to the City quite some time ago. This property goes next to the river all the way up to the Northfield line. The annual monitoring fee would be an hourly rate and shouldn't be anything astronomical.



Testerman expressed concern that the conservation could decide to do something to the property other than what the City is planning and asked if the City is able to dually make decisions. Milner responded stating that it is conservation land and will only be utilized as such and the City will have a say.

Mayor Giunta also added that DES can request that Franklin do all of this in order to continue to make this work and move forward however the Mayor does see possible value in a section on the map and pointed this out to the Council. Giunta continued to state that if there is ever a possibility for the City to obtain income from this, he could push back. He asked the Council if they thought it was worth him doing that.

The Council and resident Leigh Webb further discussed the overgrown road that runs through there and what could happen if certain rules were not followed. City Manager Milner assured the Council that the area will be policed and the easement will be drawn up to cover all concerns. To cover the \$500K for mitigation, Milner stated that these 19 acres fits in well with the request from DES. It may be a good idea to ask DES if Franklin's Conservation Commission could oversee the property. Director Lewis provided feedback on this and is in support of Lakes

Region Conservation being the “overseers” of the property and providing Franklin the easements needed.

Milner stated that Pete Walker has been the contact with DES and the Lakes Region Conservation group. Mayor Giunta will reach out to him and all of the key contacts including the engineering group to review the pros and cons of this arrangement.

**Motion – Councilor Brown moved that the Franklin City Council authorize City Manager Milner to dispose of the following parcels by placing them under a conservation easement with the Lakes Region Conservation Trust. Lot 135-401-00/Green St., Lot 135-140-00 off Terrace Road, Lot 135-139-00 off Terrace Road, Lot 148-050-00 off Terrace Road.
Seconded by Councilor Trudel.**

Resident Leigh Webb questioned the wording “dispose” of these properties. City Manager requested taking out the wording “to dispose of the following parcels by placing them under” and replace that with “grant”.

**Motion – Councilor Brown moved to withdraw her motion.
Seconded by Councilor Trudel.**

**Motion – Councilor Brown moved that the Franklin City Council authorize City Manager Milner to grant the following properties under a conservation easement with the Lakes Region Conservation Trust. Lot 135-401-00/Green St., Lot 135-140-00 off Terrace Road, Lot 135-139-00 off Terrace Road, Lot 148-050-00 off Terrace Road.
Seconded by Councilor Trudel.**

Mayor Giunta thanked resident Leigh Webb for catching that. Councilor Testerman asked if this motion is contingent on the Mayor’s discussion with DES tomorrow. Mayor Giunta responded that this motion allows the City Manager to move forward and if something doesn’t turn out well from tomorrow’s meeting with DES, then this can come back to City Council and a new motion can be made.

Mayor Giunta asked if there was any further discussion.

Resident Bill Yacopucci asked about the Green street property where the City normally dumps snow and where the snow would go now. City Manager Milner replied that the City has other properties where snow can be dumped.

There was no further discussion.

All in favor of the motion. None opposed. Motion PASSED.

City Manager Milner asked the Council if there were any questions to the list of properties to be disposed of that she handed out at last week's City Council meeting. She did receive a few questions via email but wanted to open this up tonight and address in public in case there were any further questions.

There were no questions from the Council.

Director Lewis left the meeting at 7:10 p.m.

Agenda Item II.

Police Department Restructure

City Manager Milner provided some background reminding the Council that during the very first SWOT Presentation, Police Chief Goldstein expressed the need to restructure the department because it no longer works well as it is currently top light. Milner invited Chief Goldstein to further expand on this topic. Milner handed out the Police Department Position Listing as of FY2020. The proposition is to regrade a patrol officer to a lieutenant. This means that a sergeant would be moving up to the lieutenant slot and a patrol officer would move into a sergeant position. This is not an actual new opening rather an internal movement of staff within the FY2020 budget.

Milner reminded the Council that the City is applying for another COPS Grant for the FY2021 budget. We will be asking for at least one but possibly two patrol officers.

Brown asked for an explanation on moving a sergeant to a lieutenant because from a Military perspective, that is a very large jump that requires a few years of education. Brown asked Chief Goldstein if he already has someone who is qualified to move into this position. Goldstein responded that he does however this will involve a competitive process.

Chief David Goldstein explained that it would be someone in house. Councilor Brown asked what is making him top light. Goldstein reviewed some history of the structure when he first joined the Franklin Police Force. He stated that since we operate as a City no matter how small, there were two lieutenants with split duties. One of those lieutenants was also operating as a Detective Sergeant and handling much more than they should have. So back at that time, one of the lieutenant positions was officially changed to a Detective Sergeant so that department could have the appropriate leadership. This left Franklin with only one lieutenant to handle the ever changing and more complex digital operations in their area. Goldstein further explained

the need to start doing e-filing and utilizing the on-line systems that the State Police are asking of us. Franklin PD needs to start doing these things which is adding a greater burden to our only one lieutenant.

Chief Goldstein reviewed his responsibilities as Chief of Police and how in some smaller towns, the Chief can also be a patrol officer but here in Franklin, that is not the case due to other higher-level functional responsibilities that he must ensure occur here. Before he came to Franklin, there was so much negativity about many aspects of the City and how the City departments operate. His very first goal was to change that stigma by spending time in Concord speaking to Legislators and addressing issues that need attention and solutions. Goldstein stated that his main priority is to make sure the City's Police Department is running properly by having the right people in the right positions.

Motion – Councilor Starkweather moved that a regrade of a patrol officer be made to a lieutenant.

Seconded by Councilor Brown

Mayor Giunta asked if there was any further discussion. There was none.

All in favor. Motion PASSED.

Testerman asked City Manager to provide a status on the LEAN Roadmap and how it's progressing. She was not in attendance earlier when Milner reviewed this so there was another review of the same information provided earlier in this meeting.

Dzujna asked if the school was still on board with the LEAN process. City Manager Milner replied that she did not know. He also asked if the City was planning to increase the police force this year and Milner replied that there wasn't for this year due to budget constraints.

Rago asked Milner if there were any discussions around the school returning some money to the City once they receive the \$846K. Milner responded that there haven't been any further discussions on this and she wouldn't count on that happening. Milner stated that she hopes that they at least put some money in their Capital Reserves so it can be drawn on when tough financial issues occur.

Testerman stated that she voiced her position at the school board meeting tonight that the City must see improvements in the academics.

Starkweather attended a meeting recently where realtors were also present and heard them say that section 8 residents don't want to send their kids to Franklin schools. City Manager

Milner replied that our data doesn't support those comments. She stated that houses are selling in an average of 8 days.

Testerman added that there is house near her that had been empty since she moved to Franklin that she is happy to see work being done there. She also stated that there is also a second one across the street that was already renovated.

Dzujna stated that Marty Parichand did a presentation at the school Library to 6-8th graders on the White Water Park. It was recorded and placed on YouTube if anyone is interested in watching it. He believes a lot of the negativity is coming from student's uniformed parents which is unfortunate.

Starkweather stated that parents need to get off their phones and computers and be parents.

Brown shared that this will be the first week that manufacturing will be at the High School. Watts comes in on Thursday to begin discussions on restructuring the classes. Brown will have an update at the January meeting. She also suggested making the school a Charter School. Brown also stated that the school shouldn't need to ask for any money over the next years.

Testerman expressed concern over the teacher's contracts by pointing out that it is written in the contract that if the Union wants to use our facility, they can have access to it. Also, if their representative wants to go to a convention and a substitute is needed, the City has to pay for that. She added that there are things in the contract that the City is being forced to do. Some of these activities falls under lobbying and it is unlawful according to our state law.

Testerman further stated that the way to address these things is to deny approval of funds when they ask for it.

Mayor Giunta stated that we are all very concerned for the future of Franklin's youth and the current school system is unsustainable. Test scores are plummeting, enrollment is going down, and costs are going in the opposite direction. Mayor Giunta stated this was why he put Councilor Brown in charge of the committee and thinking far outside the box is what we need to do. If we don't, we are doomed.

Brown stated that the system will just cave in on itself. Testerman added that the disservice to these children could domino into addiction and other problems that continue to over burden the City's funds.

Rago shared her story of how she has a special needs child and chose to place her child in another school because she felt it was the best decision for her. However, every year that goes by that we don't fix the schools, we educationally lose children that may not make it back to

where they need to be so the parents maybe home school or chose a private school if they can. The children can't wait for the grown-ups to fix the schools.

City Manager Milner also had to use Khan Academy to help her learn how to do math the new way so she could help her son with his math homework.

Brown stated that Khan Academy is willing to work with Franklin Schools to see if they can help. She doesn't believe there is a cost to the parents for this.

Testerman added that these options help the middle school and high school but there is a problem with the younger children who are learning how to read.

Dzujna also added that there are many roadblocks to addressing these issues and even though the City is a fiduciarily responsible, between the school board and uninvolved parents, it is extremely difficult to make these changes without everyone on board. The power falls under the school board per the Charter.

Resident Bill Yacopucci suggested getting signatures to change the Charter or RSA. Dzujna stated 100 signatures are needed and then it needs to get on the ballot. Maybe make the school board more of an advisory board.

Starkweather commented on the school stating that every student will have a Chromebook by the end of the year. Brown stated that they already have them. Starkweather questioned why then is there a line item in the budget for books if they hardly use them anymore. Brown responded stating that all the students in all grades have them but they are currently not allowed to take them home so this could be why books are still needed. However, Starkweather stated that a teacher said to him that they did not want anyone to say that the school is not using books anymore because that money is still needed.

Brown stated that books are needed in the early stages of learning.

Milner stated that her son hasn't needed to bring home a book since he received his Chromebook.

Motion to adjourn was made by Councilor Trudel. Seconded by Councilor Brown.

All in favor. Motion PASSED.

Meeting adjourned at 7:52 p.m.

Respectfully submitted,

Audrey Lanzillo