

Approved by City Council on November 2, 2020



**City Council Special Meeting Minutes
Monday, October 13, 2020 – 6:00 p.m.
Webmeeting via Zoom**

City Council attendance:

	Location/others present
Mayor Giunta	Home/ no others present
Councilor Jo Brown	Home/no others present in the room
Councilor Scott Clarenbach	Absent
Councilor Bob Desrochers	Home/no others present in the room
Councilors George Dzujna	Home/no others present in the room
Councilor April Bunker	Absent at roll call
Councilor Ted Starkweather	Home/no others present in the room
Councilor Olivia Zink	Home/no others present
Councilor Paul Trudel	Home/no others present in the room
Councilor Karen Testerman	Home/no others present

Others attending remotely: City Manager Judie Milner and members of the public.

Mayor Giunta called the meeting to order at 6:04 p.m. via Zoom. He then read the Compliant Right to Know Statement.

Salute to the Flag was led by Councilor Trudel.

Agenda Item I.

Canvass of the Vote

Mayor Giunta thanked City Clerk Gargano for providing the information and motion.

Motion – Councilor Dzujna moved that the Franklin City Council accept the return of votes and declare the following elected.

Seconded by Councilor Desrochers.

Councilor Dzujna read the following:

Names highlighted in yellow are those who confirmed their interest in the position.

Councilor Bunker joined at 6:08 p.m.

CITY OF FRANKLIN – WARD I
CITY ELECTION RESULTS
OCTOBER 6, 2020

Total Voters on the Checklist- 1982
Ballots Cast- 193
Voter Turnout- 10%

City Council-Three Years

James Chandler _____ **173** _____
Write-In's
Scatter _____ **3** _____

School Board- Three Years

Write-In's
Andrew Tomaszewski (W1) _____ **2** _____
Christie Martin (W1) _____ **2** _____
Paul Doucette (W2) _____ **2** _____
Glen Morrill (W1) _____ **2** _____
Scott Burns (W2) _____ **2** _____
Thomas Charboneau (W3) _____ **2** _____
Emily Gasper (W3) _____ **2** _____
Scatter _____ **27** _____

Moderator- Two Years

Debra Messer _____ **181** _____
Write-In's

Ward Clerk- Two Years

Marty Russo _____ **178** _____
Write-In's

Supervisor of the Checklist- Six Years

Lawrence K. Hennessy _____ **185** _____
Write-In's

CITY OF FRANKLIN – WARD II
CITY ELECTION RESULTS
OCTOBER 6, 2020

Total Voters on the Checklist- 1541
Ballots Cast- 134
Voter Turnout- 9%

City Council-Three Years

Robert Desrochers, SR _____ **121** _____
Write-In's
Scatter _____ **3** _____

School Board- Three Years

Write-In's
Glen Feener _____ **3** _____
Glen Carter _____ **3** _____
Werner Horn _____ **3** _____
Scatter _____ **19** _____

Moderator- Two Years

Tamara J. Feener _____ **115** _____
Write-In's _____ **1** _____

Ward Clerk- Two Years

Janet Desrochers _____ **123** _____
Write-In's

Supervisor of the Checklist- Six Years

Write-In's
Glen Carter _____ **15** _____
Scatter _____ **14** _____

CITY OF FRANKLIN – WARD III
CITY ELECTION RESULTS
OCTOBER 6, 2020

Total Voters on the Checklist- 2108
Ballots Cast- 167
Voter Turnout- 8%

City Council-Three Years	
Paul C Trudel	138
<i>Write-In's</i>	
Scatter	12
School Board- Three Years	
Maureen Aube	157
<i>Write-In's</i>	
Scatter	5
Moderator- Two Years	
Cameron Temple	155
<i>Write-In's</i>	1
Ward Clerk- Two Years	
Mari-lyn Banton	160
<i>Write-In's</i>	1

Mayor Giunta asked if there was any discussion to canvassing the vote. There was none.

Mayor Giunta explained the City Charter Chapter C that explains the rules of a tie in an elected position where the Council ultimately decides how that will be done.

Councilor Bunker added that the definition of “by Lot” means “by equal chance” therefore by means of some sort of a drawing of paper or flip of a coin.

There was Council discussion on how to determine the winner of the tie votes.

Councilor Desrochers clarified that the Council can determine how that is done but ultimately, the City Clerk is the person who will carry out the function. The Council cannot take a vote on who the winner will be.

City Manager Milner stated that in the past when this occurred, the City Clerk pulled straws. She also replied that Werner Horn is not on the substitute teacher list.

Mayor Giunta asked the Council of writing the names on paper and pulling them out of a hat would suffice. The Council agreed with this process. He also directed City Clerk Gargano to confirm this process with City Attorney Fitzgerald and also ask how the names of those who tied but do not wish to take the position are handled.

Councilor Desrochers stated that those who tied and who do not wish to accept the position, should submit their wishes stating so in writing to the City Clerk's Office. The Mayor and members of the Council were in support of this.

Councilor Starkweather stated some concern over a person who is under consideration in a tie situation and has a family member working for the school and asked if this could be viewed as a conflict of interest.

Mayor Giunta and members of the Council gave examples that suggested if someone from our community were elected and able to serve but possibly in this situation, they would or should know when to recuse themselves from a vote or discussion that might present itself in this way just as the Council recuses themselves when there is a topic discussed that is a conflict of interest.

Councilor Testerman also mentioned that another vote will need to be taken this evening on how City Clerk Gargano will draw the winning tie votes. Mayor Giunta and the Council agreed.

Councilor Zink requested that there be a way for the public to attend the drawing of the tie votes. Councilor Desrochers replied that by law, it must be done publicly.

Roll call to accept the Canvass of the votes:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Zink	Yes
Councilor Clarenbach	Absent	Councilor Starkweather	Yes	Councilor Testerman	Yes
Councilor Desrochers	Yes	Councilor Bunker	Yes	Councilor Trudel	Yes

All in favor. Motion PASSED.

**Motion – Councilor Testerman requested that the Franklin City Council approve City Clerk Katie Gargano to cast the lot according to RSA by pulling names in a hat after Gargano confirms by email or in writing by each of the tie votes who wish to remove their names from consideration. The drawing to be held at a public time that is announced.
Seconded by Councilor Desrochers.**

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

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Zink	Yes
Councilor Clarenbach	Absent	Councilor Starkweather	Yes	Councilor Testerman	Yes
Councilor Desrochers	Yes	Councilor Bunker	Yes	Councilor Trudel	Yes

All in favor. Motion PASSED.

There was no further discussion.

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

Roll call to adjourn:

Councilor Brown	Yes	Councilor Dzujna	Yes	Councilor Zink	Yes
Councilor Clarenbach	Absent	Councilor Starkweather	Yes	Councilor Testerman	Yes
Councilor Desrochers	Yes	Councilor Bunker	Yes	Councilor Trudel	Yes

The meeting adjourned at 6:43 p.m.

Respectfully submitted,

Audrey Lanzillo