



**City Council Special Meeting - Minutes  
March 15, 2019 – 6:00 PM  
Franklin City Hall**

**Call to order**

Mayor Giunta called the meeting to order at 6:00PM in Council Chambers.

**City Council in attendance:**

Mayor Tony Giunta, Councilor Jo Brown, Councilor Scott Clarenbach, Councilor George Dzujna, Councilor Bob Desrochers (by phone), Councilor Kathy Rago, Councilor Vince Ribas, Councilor Karen Testerman, Councilor Paul Trudel.

Salute to the Flag was led by Councilor Rago.

Mayor Giunta announced that Councilor Desrochers is attending this evening's meeting by telephone. He also mentioned that Olivia Zink is here and not feeling well. He hopes we can get through this meeting very quickly.

He stated that the City Manager and Council would be most comfortable making one motion for both the City Council seat and the School Board seat since they are elected seats. Then a separate motion will be made for the appointed Zoning Board seat.

**Motion – Councilor Desrochers moved that the Franklin City Council appoint Oliva Zink to the School Board (seat SBW2-1), term of service is 3 years to December 2022 and also moved that the Franklin City Council appoint Ted Starkweather to the City Council (seat CCW1-1), term of service is to January 2020.  
Seconded by Councilor Testerman.**

Mayor Giunta asked if there was any discussion. There was none. Due to Councilor Desrochers attending over the phone, a roll call is necessary.

**Roll call to appoint the City Council seat and the School Board seat:**

<b>Councilor Brown</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 Rago</b>	<b><u>Yes</u></b>	<b>Councilor Testerman</b>	<b><u>Yes</u></b>
<b>Councilor Desrochers</b>	<b><u>Yes</u></b>	<b>Councilor Trudel</b>	<b><u>Yes</u></b>		

**By unanimous vote, the Motion PASSED.**

**Motion – Councilor Desrochers moved that the Franklin City Council appoint Roy Hubble as an Alternate Member to the Zoning Board of Adjustment (seat ZBA6), term of service is 3 years to January 2022.**

**Seconded by Councilor Ribas.**

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

**Roll call to appoint the Zoning Board seat:**

<b>Councilor Brown</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 Rago</b>	<b><u>Yes</u></b>	<b>Councilor Testerman</b>	<b><u>Yes</u></b>
<b>Councilor Desrochers</b>	<b><u>Yes</u></b>	<b>Councilor Trudel</b>	<b><u>Yes</u></b>		

**By unanimous vote, the Motion PASSED.**

### **Other Business**

City Manager Milner shared information on a Public Hearing needed for April 1<sup>st</sup> regarding the Masonic Lodge Pilot Agreement. They are also applying for an Abatement. The Pilot Agreement expired on March 31<sup>st</sup>, 2018. During this exact time, Deb Ryba was leaving and Loraine was moving over to Assessing and this transaction was missed due to key employees changing hands and leaving.

Milner stated that in speaking with the new Assessors, it is unclear if the Masonic Lodge is even eligible for a payment in lieu of taxes. She stated that the language is very gray in the RSA. There is some case law out there that states that they are not eligible. In the meantime, we charged them a Pilot for the 2019 Budget. The recommendation is to extend the payment in lieu of taxes to March 31<sup>st</sup> of 2020 and review with the City Attorney, Paul Fitzgerald on whether the pilot can be renewed.

**Motion – Councilor Testerman moved that the Franklin City Council set a Public Hearing on Monday April 1, 2019 at 6PM in Council Chambers to extend the Masonic Lodge Payment In lieu of Taxes, agreement through March 31, 2020.  
Seconded by Councilor Trudel.**

Mayor Giunta asked if there was any discussion.

Councilor Scott Clarenbach shared his concern wondering if we have a legal obligation to receive a Pilot if we figure out that we are unable to perform this. If we are not sure and enter in an agreement of taking payments in lieu of taxes, we should seek legal advice. Clarenbach asked if RSA allowed us to do that and if it is legal to offer participation in a Pilot with an entity who is not eligible to be in one. He stated that the City should request legal opinion on this prior to the April 1<sup>st</sup> City Council Meeting.

City Manager Milner replied stating that she read the RSA a number of times and feels comfortable with moving forward with this recommendation. They give charitable contributions like every other Pilot Agreement that we have. The only thing that could cause a question is in the name of the lodge. The Masons do not own the lodge and that could appear to be the problem which can be addressed. Milner continued to explain that they would be paying about \$5k more in taxes without the Pilot Agreement. Milner also added that the City did receive legal opinion originally that we could do a Pilot however this case law has come to light in between so we will seek legal opinion again and before the April 1<sup>st</sup> City Council meeting.

Councilor Ribas asked if the Council voted against the Pilot, would they then be responsible for the taxes. City Manager Milner responded that they would be responsible for the taxes.

Councilor Dzujna asked if they would be subject to the taxes for one year. Milner responded that they would actually be responsible for two years of taxes not just one.

**Roll call to schedule the Public Hearing:**

<b>Councilor Brown</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 Rago</b>	<b><u>Yes</u></b>	<b>Councilor Testerman</b>	<b><u>Yes</u></b>
<b>Councilor Desrochers</b>	<b><u>Yes</u></b>	<b>Councilor Trudel</b>	<b><u>Yes</u></b>		

**By unanimous vote, the Motion PASSED.**

City Manager Milner informed the Council that she received an updated Union Teacher's Contract this afternoon. She also printed the Memorandum of Understanding and the one page that had the language that was removed. She will scan in the entire contract and send it to the Council for review.

Councilor Desrochers expressed his gratitude for Olivia sticking her neck out and jumping back in with the School Board. Mayor Giunta informed him that she left just after the motion for her appointment due to her being under the weather.

Motion to adjourn made by Councilor Clarenbach. Seconded by Councilor Trudel.

**Meeting adjourned at 6:13PM**

Respectfully Submitted,

Audrey Lanzillo