

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 15, 2023**

A meeting of the Town Council was held on Wednesday, February 15, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Patrick Sheridan. Councilors absent: Deborah Pellegrini. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. Chair Mercer called for a moment of silence. All recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: ► *February 1, 2023.* ► **MOTION** to **Approve** the February 1, 2023 meeting minutes by **Dellorco**. **SECOND** by **Jones**. **No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: 7:00 PM. ► *Street Acceptances: Maple Tree Lane & Oak Tree Lane (Legislation for Action Item 9a).* ► Chair Mercer declared the public hearing open. ► Mr. Hellen reviewed that these two roads are part of the consistent objective to accept all the private ways in town. He stated that Maple Tree Lane and Oak Tree Lane are small roadways off of Maple Street. He stated that the Planning Board has approved both of these roads for acceptance. He stated that, ultimately, the effect of this is that they become public roads which get added to the Chapter 90 inventory; the Town will be responsible for maintenance and repair work. He stated that this will bring the total to five or six streets accepted this year. ► Town Council members asked questions and made comments. ► Councilor Frongillo asked if we will make the money back needed through the additional Chapter 90 money or through the tax money that we get from them. He stated that I am very confident that the answer is no and that we will never make back the money that it costs us to maintain these roads. He stated that these roads are not used by anyone else; they exist only to serve those few houses, and those homes will never contribute enough in taxes to pay for the maintenance of the very roads that they sit on. He stated that every time we do this, we add hundreds of thousands to our future liabilities for generations to come. He asked why do we keep doing this and when does it stop. ► Mr. Hellen stated that it is unlikely that the amount of Chapter 90 money that we would bring in would pay for the reconstruction of the road, so if you live on that road, legally the Town does not require by law to plow that road, to maintain that road, or provide services to that road. He stated that he thinks that it is difficult in the fact that when most people buy their homes, unless it is explicitly straightforward and unless you really read your deed and understand that you live on a private way, the overall general assumption is that the Town is going to maintain and plow and do what it needs to do on that road. He stated that roadwork and public infrastructure are probably the bread and butter of what we do as an organization and as a government. He stated that if the Town Council wants to prohibit

or cease the Town's effort to do public acceptances, it is within the Town Council's discretion; it has been a traditional practice in the past to chip away at these. He stated that for the citizens on those streets, he cannot recall a time where people came out to oppose public acceptance of a street. ► Councilor Chandler reviewed that when he moved to his street, he assumed the Town would plow and maintain his street. He confirmed the road is 31 years old; therefore, we have gotten a bargain for 31 years. He thinks as townspeople, they expect we will take care of their roads. ► Director of Public Works Brutus Cantoreggi, in response to a question, responded that it goes back to the intent of the road. He discussed that when the developer came in, he went through the Planning Board process that these roads would be accepted as a public right-of-way. Somewhere along the line they were not, and who knows why they were not accepted. He stated that we are not trying to take over private ways; these roads were intended to be public rights-of-way. ► Mr. Cerel added that when the developer comes into the Planning Board, it is contemplated that it will be a public road and is built to certain standards. If it is going to be a private road and everyone knows that upfront, then typically the Planning Board will require the developer to set up a homeowner's association to ensure that the road is properly maintained. ► Councilor Dellorco stated that these residents have been paying taxes for 31 years. He stated that he thinks it is our obligation to make sure their roads are right so the police and fire can get down there. He stated that they deserve it in his eyes. ► Councilor Cormier-Leger asked if we are currently not servicing these roads. ► Mr. Cantoreggi stated that from the Town Council through the years, once there are two properties and the road is complete, we always plow the road because of public safety, and we do fill potholes here and there. He noted that trash and recycling will go down private ways. ► Councilor Cormier-Leger confirmed that there is no difference in the taxes that these people are paying than what other people pay on a publicly accepted road; they have not been getting a break on paying. He stated that it seems like a no-brainer to him. ► Councilor Jones stated agreement with Councilor Cormier-Leger. He stated that citizens on those streets are taxpayers and they deserve the same rights as anyone else in this Town. He stated that he is strongly in support of taking acceptance of the roads. ► Councilor Hamblen stated that it was the intent that the roads would become public, so that means that we do what we said we would do. ► Councilor Frongillo stated that when we say that for all these years we just accepted them, what I hear is for all these years we have chosen to indebt future generations for liabilities that we will never be able to afford and further add to our expense sheets. He reviewed the cost to maintain a road and the annual contributions needed to cover that, and he reviewed that there is a shortfall every year which is on everyone else to pay for that. He stated that he hopes the Town Council reconsiders taking on private roads that we cannot maintain. He stated that we cannot just turn a blind eye to these expenses. ► Chair Mercer stated that he agreed with there is an expectation and requirements are set forth. He discussed that if the Town Council feels that the Town Council needs to change that, we are putting together a Master Plan Committee and changes should be discussed there, but now is not the time to make those adjustments. Today, we need to deal with these particular streets. He discussed that when the Planning Board tells the developer how to build the roads to our specifications, it is our obligation to accept those streets when they are ready. ► Chair Mercer closed the public hearing.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. ***Resolution 23-17: Order of Acceptance of Maple Tree Lane and Oak Tree Lane as Public Ways and Related Utility and Drainage Easements (Motion to Approve Resolution 23-17 - Two-Thirds Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-17: Order of Acceptance of Maple Tree Lane and Oak Tree Lane as Public Ways and Related Utility and Drainage Easements by Dellorco. SECOND by Hamblen. No discussion. ► VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: None.

LEGISLATION FOR ACTION (*continued*):

- b. Resolution 23-18: FY23 Capital Improvement Plan (Motion to Approve Resolution 23-18 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-18: FY23 Capital Improvement Plan by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that Councilor Jones outlined the recommendations during his reading of the resolution. He stated Resolution 23-19 is the appropriations to the stabilization accounts and Resolution 23-20 is money from retained earnings that must be appropriated. He stated that these are three separate resolutions to be approved. ► Councilor Dellorco, Vice Chair of the Capital Budget Subcommittee, read aloud a statement from Councilor Pellegrini, Chair of the subcommittee. Councilor Pellegrini's statement included that the Capital Budget Subcommittee held two meetings of about 1.5 hours each. All departments asking for money attended the meetings. The recommendation is for about \$3.5 million. It was noted that they are not actually spending all of the money. The subcommittee also unanimously endorsed a deposit of \$1 million into the rainy-day fund account. All those on the subcommittee were thanked for their work. ► Town Council members asked questions and made comments. ► Councilor Cormier-Leger reviewed that some of the items are not really capital expenses; they are operational expenses as they are needed for people to do their jobs. He stated that going forward, he would like to take some of these into account for operating expenses. ► Councilor Frongillo noted the \$140 million for infrastructure expenses that we have to pay and said we are continuing to add onto it through items that we just did. He discussed the open space stabilization. He stated that he wants to make sure we are all marking it and reminding ourselves that we are choosing not to put money into the open space stabilization fund, and the reasoning here is that because we have adopted a community preservation and now we have money to do things like that so we do not need to add to our open space. He continued that when the residents of Franklin went out and agreed to contribute more of their money to the community preservation fund, they did so thinking that they wanted to expend even more on open space, conservation, recreation, and historic preservation, not just shift that money elsewhere. He stated that we all agreed that we wanted to spend more for that. ► Chair Mercer reminded everyone that 200 acres of open space were bought in the last year. ► In response to Councilor Cormier-Leger's comments, Mr. Hellen reviewed why it is done this way. He reviewed and explained the tax levy, the demands, the capital plan, and the way that it has generally been done. ► **VOTE: Yes-8, No-0, Absent-1.**
- c. Resolution 23-19: Free Cash to Stabilization Accounts Transfers (Motion to Approve Resolution 23-19 - Majority Vote).** ► **MOTION to Approve Resolution 23-19: Free Cash to Stabilization Accounts Transfers by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that these investments that are made are the very big reason why the Town became a AAA bond rating; saving some money is smart fiscal policy. ► **VOTE: Yes-8, No-0, Absent-1.**
- d. Resolution 23-20: Water Retained Earnings Transfer to Water Main Capital Project R19-05 (Motion to Approve Resolution 23-20 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-20: Water Retained Earnings Transfer to Water Main Capital Project R19-05 by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that what happened is the ARPA rules do not allow for a past bill. Some of the design bills came in for the water mains and the ARPA money approved came in later. He stated that you cannot start accruing the bills until the money gets wired to you/approved by the county. So, the difference of the \$1.74 million is \$44,000 worth of bills that were accrued for the water main project on Country Club before we got the money. He stated that at the end of the day, you have to pay the bill. ► **VOTE: Yes-8, No-0, Absent-1.**

- e. ***Zoning Bylaw Amendment 23-889: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 7., Part VI, Use Regulation Schedule: Residential Uses - Referral to the Planning Board (Motion to Refer Bylaw Amendment 23-889 to the Planning Board - Majority Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Refer Zoning Bylaw Amendment 23-889: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 7., Part VI, Use Regulation Schedule: Residential Uses to the Planning Board by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that the next two resolutions are referrals to the Planning Board. The Planning Board will have public hearings on both the zoning proposals and then the Planning Board will send back a recommendation to the Town Council, which is not binding, but their input is extremely valuable. The Town Council will then have two readings. He commented that he has been here over seven years and he cannot recall a better and more vigorous debate as on these two bylaws. He stated that zoning is probably the most difficult thing they do. He stated that in essence, he hopes the Town Council moves both of these along to the Planning Board. He discussed that if folks watch the meetings, they would see how this process was done. He stated that this is a huge step forward; these two zoning bylaw amendments are intertwined. He explained that for 10 or more units, it allows for a triggering effect for any development in the three zoning districts, allows that one of every 10 units shall be affordable, and makes it that instead of by special permit, builders can build 18 units by right in those three districts. ► Councilor Hamblen reviewed that the zoning bylaw amendments come to the Town Council through a 14-month process for people to get to consensus. We started far apart and came together. She discussed that they used the Franklin for All, Housing Production Plan, and MBTA Community regulations for these changes. She stated that she is glad it is before the Town Council to be referred to the Planning Board. She stated that we should be very proud of what we have done. She hopes everyone agrees to put it before the Planning Board. ► Town Council members asked questions and made comments. ► In response to questions, Director of Planning and Community Development Bryan Taberner stated that anywhere that a family lives in is a housing unit. He discussed that the inclusionary zoning bylaw relates to any multi-family development, new ones coming forward not the older ones, that are of 10 units or more. He reviewed that the other bylaw with the regulations states that multi-family is allowed by right in three specific zoning districts and not allowed in any others. He discussed that if we do not do a by-right zoning, the Town will not be able to apply for certain grants, and we do very well as a rule with the grant programs. He noted that a multi-family development can be a condominium complex where they have townhouses. He stated that there are a lot of different ways to put in a multi-family development. ► Mr. Hellen stated that at 117 Dean, they would have had to have the 10 percent requirement if this zoning bylaw were in place. ► Mr. Brad Steinka, 12 Maple Tree Lane, noted that three-story buildings will bring additional families into the town and that they will not be contributing to the tax base, so if their children go to the school, it is only the owner of the building who will pay taxes. He asked how are we going to accommodate that with the increase in affordable housing coming into the town. ► Councilor Frongillo stated that they do pay to the tax base. He stated that we assess the owner of the property and the owner chooses their rents; they will disburse the costs. ► Mr. Stephen Sherlock, 10 Lawrence Drive, referenced that there are four podcasts that the committee members spent time on which will provide additional information on both sides to understand the work and compromise that was reached. ► Chair Mercer thanked the Town Council members and other board members who served on the EDC. ► **VOTE: Yes-8, No-0, Absent-1.**
- f. ***Zoning Bylaw Amendment 23-890: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Section 51 - Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 23-890 to the Planning Board - Majority Vote).*** ► **MOTION to Waive the reading by Hamblen. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Refer Zoning Bylaw Amendment 23-890: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Section 51 to the Planning Board by Dellorco. SECOND by Hamblen. Discussion:**

► Councilor Hamblen reviewed that this is the inclusionary bylaw that will get added to the Town Code; it is five-pages long. ► Mr. Cerel clarified that this applies only to multi-family housing; it does not apply to single family. ► **VOTE: Yes-8, No-0, Absent-1.**

- g. *Bylaw Amendment 23-893: Amendment to Sewer System Map - First Reading (Motion to Move Bylaw Amendment 23-893 to a Second Reading - Majority Vote).*** ► Councilor Jones read the bylaw amendment. ► **MOTION to Move** Bylaw Amendment 23-893: Amendment to Sewer System Map to a Second Reading by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that for the record he wanted to note that the memo has one incorrect statement which is we just wanted to get this done before they paved the road and there will not be a five-year moratorium. He said that as you know, in other areas in town if you do not hook up to the water lines when doing road work there sometimes is a moratorium, so I put that in the memo but it is incorrect. He stated that we did reach out to all the property owners over the years and the folks at 160 Grove Street have put in the proper applications and paperwork. ► Town Council members asked questions and made comments. ► In response to questions, Town Engineer Michael Maglio stated that the applicant will be paying the total cost to construct the sewer extension. He stated that they are making an additional contribution to the Town for the upgrade to the downstream pump station and another \$10,000 to the water conservation fund. In addition, they will be paying fees to use the sewer like everyone else. He stated that the original site plan had septic on it. He stated the requirement is June 30th. He explained that there is a current project under design to pave Grove Street. He stated that we want to make sure that if it is going to get approved, it is done by that time so it does not affect our project. He explained that the applicant will be constructing the project. In response to the question of why are we so accommodating with this when other people have been turned down, Mr. Maglio stated that it is on a project-by-project case; in this case the logistics of extending the sewer works. ► DPW Director Brutus Cantoreggi discussed economic development. He stated that this is for future use; they are going to go by a few other properties that may want to tie in during the future. So, it is about business development. He stated that the applicant is paying for the whole infrastructure. He stated that this is actually a good one for the Town. ► Mr. Stephen Balcewicz representing Land Planning, Inc. on behalf of the property owner noted that this is also the property that is in the Water Resource Protection Overlay District, so it is better for us to tie into the sewer because of the protections for the overlay. ► **VOTE: Yes-7, No-1, Absent-1.** (Councilor Chandler voted No.)
- h. *Resolution 23-21: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 23-21 - Majority Vote).*** ► **MOTION to Waive** the reading by **Cormier-Leger. SECOND** by **Dellorco. No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
 ► **MOTION to Approve** Resolution 23-21: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, 53F3/4 by **Dellorco. SECOND** by **Hamblen. No discussion.**
 ► ► **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen stated that the Senior Center is still closed; therefore, the office hours will not be held tomorrow. He stated that their focus is to work as fast and as swiftly as possible to reopen the café and the multipurpose room. He reviewed the work done and still needing to be done. He stated that once the café and multipurpose room are reopened, most likely they will be able to serve meals and have some afternoon programs. He thanked the library staff who have taken in some of the programs. He stated that he will provide another announcement at the end of the week. He cautioned that whenever we are able to open, the long-term fix and improvements may take some time. He noted that the insurance will be covering the damages including the furniture. ► Chair Mercer discussed the fix for the soffit areas so this does not happen again; we are hopeful that the insurance company will cover the fix as well.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** None.
- b. **Economic Development Subcommittee.** ► Councilor Hamblen stated that the next meeting is Wednesday, February 22, at 6 PM; it will be a public education forum on Chapter 40B including what is going on in the town and what are the differences between the different 40Bs. On March 1st, accessory dwelling units will be discussed.
- c. **Budget Subcommittee.** None.
- d. **GATRA Advisory Board.** ► Councilor Frongillo stated that they met today, and they revised the bylaws a little. He reviewed that they transitioned to one operator on January 30th. He stated that for the most part, it has been going well.

FUTURE AGENDA ITEMS: ► Councilor Cormier-Leger asked if DPW Director Brutus Cantoreggi will be coming in to discuss the sidewalk master plan. ► Mr. Hellen stated that he is waiting to see when the plan will be in place; it is on the docket.

COUNCIL COMMENTS: ► Councilor Cormier-Leger reminded everyone that on February 16, from 6 PM to 8 PM, Escape into Fiction will be holding the winter gallery for the Franklin Art Association. ► Councilor Chandler noted that the time to go from East Central Street to West Central Street takes longer. He stated that he is glad that Franklin has an elected school board. ► Councilor Sheridan noted the Franklin Food Pantry is having a fundraiser. ► Councilor Frongillo noted Black History Month Bingo on Friday at 67 Degrees at 7 PM. He noted that the Open Space and Recreation Plan is going on which includes a survey with a deadline of April 16th. ► Councilor Hamblen noted that the next Open Space hearing will be about Schmidt's Farm. She thanked the Capital Budget Subcommittee for their hard work. ► Councilor Jones noted that Dean College is having their neighborhood alliance meeting on Tuesday, February 2, at 6 PM, at Dean College. He encouraged everyone to attend. ► Councilor Dellorco stated that the Franklin Rod and Gun Club is having their breakfast this Sunday from 7:30 AM to 11 AM. He stated that there was a good Recreation Committee meeting last Monday with a lot of good things coming down the line. He noted the lights down at King Street are going forward, maybe fall of 2024. ► Chair Mercer noted that there is still time to fill out an application for the different committees including the Master Plan, Davis Thayer, Police Station, and Cultural; those committee forms are due by March 3rd.

EXECUTIVE SESSION: None.

ADJOURN: ► **MOTION** to Adjourn by Dellorco. **SECOND** by Jones. **No Discussion.** ► **VOTE:** **Yes-8, No-0, Absent-1.**

Meeting adjourned at 8:45 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary