

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
November 30, 2022**

A meeting of the Town Council was held on Wednesday, November 30, 2022, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegri (via Zoom), Patrick Sheridan. Councilors absent: Robert Dellorco. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Alecia Alleyne, Assistant to the Town Administrator.

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. ► He stated that Councilor Dellorco will not be in attendance at tonight's meeting. ► He stated that Councilor Pellegri is supposed to be attending tonight's meeting via Zoom; however, she is not in attendance at this time. Ms. Alleyne stated she would notify Chair Mercer if/when Councilor Pellegri calls in.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: None.

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Presentation: Elks Riders Donation to Veterans' Services Department.* ► Mr. Rich Gately, President of Elks Riders; Mr. Matthew Vance, Sergeant at Arms; Mr. James Tripp, member; and Mr. Michael Wainwright, member, addressed the Town Council to provide a donation to the Veterans' Services Department. Mr. Gately stated that the club has tripled in size in three years. He stated that most of their funds come from rides that they do; they also do fundraisers throughout the year. He presented the Town with a check for \$1,000 for the Veterans' Gift Fund; he stated this is their third donation this year. ► Veterans' Services Officer Shannon Nisbett thanked Mr. Gately and the entire Elks Riders organization for their generous donation.

LEGISLATION FOR ACTION:

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

- a. **Resolution 22-76: Gift Acceptance - Elks Riders Donation to Veterans' Services Department (Motion to Approve Resolution 22-76 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-76: Gift Acceptance - Elks Riders Donation to Veterans' Services Department by Jones. SECOND by Hamblen. No discussion. ► VOTE: Yes-7, No-0, Absent-2.**

HEARINGS: ► Franklin Tax Classification Hearing (Legislation for Action Items: 9b, 9c, 9d, 9e, 9f). ► Chair Mercer stated that he declared the public hearing open. ► Mr. Chris Feeley, Chair, Board of Assessors, and Mr. Kevin Doyle, Director of Assessing, addressed the Town Council. Mr. Doyle narrated the FY23 Tax Classification Hearing slideshow presentation which was provided in the meeting packet. He reviewed new growth, levy limit, median (middle) single-family valuation and tax, and classification options on single versus split tax rate. He stated that new growth was very strong in the residential area this year; likewise, it was also a good year for commercial and industrial.

Chair Mercer announced that Councilor Pellegrini has joined the meeting remotely.

Mr. Doyle stated that growth was about \$1.3 million in revenue to be added to the tax levy base. He reviewed the median (middle) valuation for a single-family home is \$563,100. He stated that the single tax rate for this year would be \$12.58 per \$1,000. For the average single-family home, this will be an increase of \$469 from last year. He discussed that it is still pretty close to an 80/20 split with about 81 percent residential and 19 percent commercial/industrial and personal property. He stated that this hearing is being conducted under the provisions of Massachusetts General Law Chapter 40 Section 56; it is an annual hearing. He stated that the Town Council has historically voted for a factor of 1 which is a uniform rate for all classes of property. He stated that there is a classification that has not been used by the Board of Assessors called Open Space, but it should not be confused with provisions that may be made in the planning field. He stated that the assessors have historically not seen data that indicates that a small commercial exemption would be appropriate; there are only about one dozen communities in the state that are doing that now. He stated that the residential exemption is found to be most relevant in communities where there is a large non-owner-occupied population that is the resort homes or densely populated communities and cities where they have large rental markets. ► Town Council members asked questions, made comments, and thanked the presenters. ► In response to questions, Mr. Feeley discussed that the 80/20 split range for the values of the property for residential/commercial-industrial has been very consistent for approximately 20 years, not that it is good or bad. ► Mr. Doyle confirmed that all the new apartments are under residential, not commercial. ► Councilor Chandler discussed that to go to a dual tax rate would put less burden on the taxpayers. He stated that because the Town has been 80/20 for so long, he does not know if anyone would leave Franklin. ► Mr. Feeley stated that his opinion is that when you think of commercial/industrial it is not just large companies like EMC, it is the small businesses on the corner as well. ► Mr. Doyle explained how apartment building owners contribute to taxes. He stated that even though the apartment buildings are classified as residential, they are valued through an income approach to value which is replicating what the investor would be looking at. He explained how the larger complexes are valued. ► Mr. Feeley noted that if there is a significant amount of vacancy for a significant amount of time, that could affect the value of the property. ► Councilor Jones stated that the Town of Franklin is only legally allowed to levy an additional 2.5 percent onto the assessed values of the town due to Proposition 2½. He stated that since we are restricted by law, this is how we establish our budget through the taxes that we collect. He stated that therefore, we are not really able to keep up with inflation and meet the needs of the budget. He stated that these are great numbers, but at the end of the day, we are going to be short. He confirmed that Franklin Village Plaza and Dell are the biggest two tax levy contributors to the tax base. He stated that the businesses in town are the backbone to the tax levy; we do not want to chase them away by supporting a split tax rate. ► Councilor Frongillo reviewed the residential exemption. ► Chair Mercer thanked the presenters for the work they do. ► Ms. Mary Jane Scofield, 90 Pine Ridge Drive, asked for clarification regarding the mentioned that some debt exclusions were being

included in the total amount of the tax levy. She asked how much longer are those on the rolls.

► Treasurer/Collector Kerri Bertone confirmed Horace Mann comes off in 2024 and the Franklin High School is going to be on for a lot longer. ► Chair Mercer declared the public hearing closed.

LEGISLATION FOR ACTION (*continued*):

- b. Resolution 22-77: Tax Classification Residential Factor (Motion to Approve Resolution 22-77 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-77: Tax Classification Residential Factor that the Residential Factor will be set at 1.000000 by **Hamblen. SECOND** by **Cormier-Leger. No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-NO.** ► **VOTE: Yes-7, No-1, Absent-1.**
- c. Resolution 22-78: Tax Classification Open Space Exemption (Motion to Approve Resolution 22-78 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-78: Tax Classification Open Space Exemption that there Not Be an exemption for open space by **Hamblen. SECOND** by **Cormier-Leger. No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- d. Resolution 22-79: Tax Classification Small Business Exemption (Motion to Approve Resolution 22-79 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-79: Tax Classification Small Business Exemption that there Not Be an exemption for small businesses by **Hamblen. SECOND** by **Cormier-Leger. No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- e. Resolution 22-80: Tax Classification Residential Property Exemption (Motion to Approve Resolution 22-80 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-80: Tax Classification Residential Property Exemption that there Not Be an exemption for residential properties by **Hamblen. SECOND** by **Cormier-Leger. No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- f. Resolution 22-81: Tax Classification Senior Means Tested Exemption (Motion to Approve Resolution 22-81 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-81: Tax Classification Senior Means Tested Exemption that there Not Be an exemption for senior means tested by **Hamblen. SECOND** by **Cormier-Leger. No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- g. Resolution 22-82: Declaration of Town-owned Property Containing “South Franklin Congregational Meeting House” Located at 762 Washington Street as Surplus and Authorization for Disposition (Sale) to Old Colony Habitat for Humanity (Motion to Approve Resolution 22-82 - Two-Thirds Majority Vote).** ► **MOTION to Waive** the reading by **Hamblen. SECOND** by **Chandler. No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-NO; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-NO.** ► **VOTE: Yes-6, No-2, Absent-1.** ► **MOTION to Approve** Resolution 22-82: Declaration of Town-owned Property Containing “South Franklin Congregational Meeting House” Located at 762 Washington Street as Surplus and Authorization for Disposition (Sale) to Old Colony Habitat for Humanity by **Hamblen. SECOND** by **Chandler. Discussion:** ► Mr. Hellen thanked Councilor

Pellegrini for her work on this item. He stated that this structure will have historic preservation and will make available a home for a family in need through Old Colony Habitat for Humanity. He discussed the RFP that was put out. He stated that tonight is the final vote required by the Town Council to dispose of the property as surplus for the purposes of Habitat for Humanity taking over the building and converting it into a single-family home. He stated that Habitat for Humanity is attending tonight's meeting. ► Town Council members asked questions, made comments, and thanked Old Colony Habitat for Humanity. ► In response to questions, Mr. Hellen stated that you cannot mandate 100 percent that it will go to a Franklin family, but there is a local preference option and he thinks the folks at Habitat for Humanity are well aware of our preference. He stated that Town Attorney Mark Cerel addressed this at a meeting. ► Ms. Kimberly Thomas of Old Colony Habitat for Humanity discussed the application process and the requirement of the family being part of the build with 250 hours of sweat equity. ► Chair Mercer stated that he is in favor of this. ► Mr. Hellen stated that the Town will get the bell and that they know they have to deal with the pews. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-ABSTAIN. ► VOTE: Yes-7, No-0, Absent-1, Abstain-1.**

- h. **Resolution 22-83: Downtown Parking Lot Kiosks Authorization (Motion to Approve Resolution 22-83 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-83: Downtown Parking Lot Kiosks Authorization by Hamblen. SECOND by Chandler. Discussion:** ► Mr. Hellen noted that this actual authorization is for the money to buy the two kiosks; one kiosk will be installed at the Depot Street Parking Lot (68 Spaces) and one Kiosk will be installed at the Ferrara Parking Lot (21 Spaces). ► Councilor Hamblen stated that this will open the parking to first come, first serve for people to be able to go to the downtown businesses. ► Councilor Chandler asked who would empty the kiosks. ► Mr. Hellen stated that the Treasurer/Collector will collect the coins from the kiosks. He said that the police could do it. ► Chair Mercer asked Mr. Hellen to figure it out and come back to the Town Council to let them know what will be the process. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES. ► VOTE: Yes-8, No-0, Absent-1.**
- i. **Resolution 22-84: 2023 Town Council Meeting Schedule (Motion to Approve Resolution 22-84 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-84: 2023 Town Council Meeting Schedule by Hamblen. SECOND by Chandler. Discussion:** ► Mr. Hellen stated that this schedule took into consideration religious holidays. However, there is one conflict with April 5th as it is Passover; it is something the Town Council will have to decide. ► Chair Mercer told Councilor Cormier-Leger that they can chat off line and adjustments can be made later if needed. ► Councilor Cormier-Leger stated that his opinion is to make the adjustment now before it is published as it would be more considerate. ► Mr. Hellen reviewed the process and difficulty of determining which holidays are or should be considered regarding the Town Council meeting schedule. ► Councilor Cormier-Leger stated that he would be in favor of amending the calendar regarding Passover. ► **MOTION to Amend Resolution 22-84: 2023 Town Council Meeting Schedule to remove April 5th and add April 26th by Cormier-Leger. SECOND by Hamblen. No discussion. ► ROLL CALL VOTE (on the amendment): Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-NO; Pellegrini-YES; Sheridan-YES. ► VOTE: Yes-7, No-1, Absent-1. ► ROLL CALL VOTE (on the Motion as amended): Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES. ► VOTE: Yes-8, No-0, Absent-1.**
- j. **Zoning Bylaw Amendment 22-887: Zoning Map Changes on or Near Lincoln Street and Lincolnwood Drive (Motion to Refer Zoning Bylaw 22-887 to the Planning Board - Majority Vote).** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Refer to the Planning Board Zoning Bylaw Amendment 22-887: Zoning Map Changes on or Near Lincoln Street and**

Lincolnwood Drive by **Hamblen**. **SECOND** by **Cormier-Leger**. **Discussion:** ► Mr. Hellen said this is part of the lot line cleanup series; this is the first one of this year. He stated that the chair of the EDC and the Director of Planning and Community Development Bryan Taberner are here if there are any questions. ► Councilor Hamblen said this went through the EDC. This is to clean up the zoning; it makes all of one parcel one zone. ► Mr. Taberner stated that when we look at which district to put it in, we make sure there is no loss of property value. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**

- k. **Resolution 22-85: Public Property Naming & Memorial Installation Policy (Motion to Approve Resolution 22-85 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-85: Public Property Naming & Memorial Installation Policy by Hamblen. SECOND by Cormier-Leger. Discussion:** ► Mr. Hellen discussed that there was no policy or bylaw on this item that he could find; this is the attempt to put a formal policy to this. ► Chair Mercer stated that what they are trying to do with this is to put the sole authority for naming with the Town Council. ► Mr. Hellen confirmed that this only includes public property; it does not include private property. ► Councilor Jones read the policy aloud. ► Mr. Cerel discussed the policy and stated that it is an incident of the Town Council's legal authority having care, custody, and control of property. ► Mr. Stephen Sherlock, 10 Lawrence Drive, confirmed that this does not affect anything that is already in place; this just confirms the process for anything going forward. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen congratulated Senior Center staff Sue Barbour on a great retirement as well as Maggie Gundersen; he thanked them for their service.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Councilor Hamblen stated that the EDC met prior to this meeting. She stated that they discussed the inclusionary zoning bylaw coming to Franklin. She stated that this is in the Housing Production Plan; it will come to the full Town Council on a future agenda.
- d. **GATRA Advisory Board.** ► None.

FUTURE AGENDA ITEMS: ► Councilor Frongillo stated that they had at one time talked about creating a policy for when a project comes forward to spell out how it is to be proposed and who should review it before it comes for final approval; it would be nice to revisit that. ► Councilor Cormier-Leger stated that he wanted to second Councilor Frongillo's recommendation for a policy.

COUNCIL COMMENTS: ► Councilor Chandler thanked the Elks Riders and stated that we are lucky to have that organization and the Elks in general in Franklin. ► Councilor Cormier-Leger thanked the DPW and volunteers for the beautification around town. He offered his condolences to the family of Isabella Cruz. He offered condolences to the family of Sharon Taylor. ► Councilor Hamblen thanked the Elks Riders. She thanked those who organized and participated in the decorations. She noted the Winter Farmers Market at Fairmount Fruit Farm on Saturday from 10 AM to 2 PM. She expressed that people should be kind to each other. ► Councilor Sheridan thanked the Franklin Fire Department and those who organized the downtown Santa visit. ► Councilor Jones gave condolences to the family of Sharon Taylor. He stated that everyone did a great job with the Town Common decorations. ► Chair Mercer stated that he reiterated all that his fellow Council members said. He thanked the Elks Riders. He stated that the downtown and Town Common look so festive.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Hamblen. SECOND by Chandler. No Discussion. ► ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES. ► VOTE: Yes-8, No-0, Absent-1.

Meeting adjourned at 8:47 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary