

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
September 7, 2022**

A meeting of the Town Council was held on Wednesday, September 7, 2022, 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, Deborah Pellegri, Patrick Sheridan. Councilors absent: None. 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.

**CITIZEN COMMENTS:** None.

**APPROVAL OF MINUTES:** ► *July 20, 2022.* ► **MOTION to Approve** the July 20, 2022 meeting minutes by Dellorco. **SECOND** by Jones. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

**PROCLAMATIONS/RECOGNITIONS:** None.

**APPOINTMENTS:** None.

**HEARINGS:** None.

**LICENSE TRANSACTIONS:** None.

**PRESENTATIONS/DISCUSSIONS:** ► *Dean College President Kenneth Elmore J.D. and Chancellor Edward M. Augustus, Jr.* ► Dean College Chancellor Edward M. Augustus, Jr. introduced himself and President Kenneth Elmore J.D. He stated that they have been at Dean College for about two months. He stated that they welcomed their students back, and it was a smooth opening. He reviewed his background. He stated that he appreciates the relationship the college has always had with the town. He stated that they wanted to come to this meeting to pledge to be partners and plan for the future. He stated that they want to develop more opportunities to bring people to the campus and ways to bring students to the community to support local businesses. He stated that he has met with the town administrator and some department heads. He extended an opportunity to all elected officials to come to campus and get to know them. He stated that he looks forward to working with them all. President Elmore reviewed his background. He stated that he is looking forward to being part of the community and engaging the community. ► Town Council members asked questions and made comments. ► In response to questions, President Elmore stated that he has been talking with some residents and business owners and one of the things they mentioned is that they felt that Dean had a moat around it; he stated that they want to do the work to engage Franklin. ► Chancellor Augustus discussed his hope regarding the advantages of bringing the students and visitors to Franklin and finding the charm of Franklin. He stated that they would be attending the upcoming Cultural Festival. He noted that during his meeting with the Town's administration, they talked about ways in which they can work together such as working with the neighbors. He discussed the possibility of neighborhood meetings.

► Councilor Chandler asked the presenters to think about the Payment in Lieu of Taxes (PILOT) program. ► Chair Mercer stated that he believes in the past there has not been a welcoming feeling at the college for the citizens. ► Mr. Hellen stated that they had a meeting with about eight or nine department heads that closely interact with Dean. He stated that during discussions, he never heard the word no from Dean; they are looking forward to a great relationship with Dean College. ► Mr. Frank Falvey, 920 Pond Street, asked about Dean's stormwater fee. ► Mr. Hellen stated that in estimating the fee, it would probably be about \$250,000. ► Chair Mercer thanked the presenters and stated that he looks forward to a great relationship with Dean College.

► **Discussion: Drought Conditions - Brutus Cantoreggi, DPW Director & Doug Martin, Water/Sewer Superintendent.** ► Mr. Cantoreggi noted that in the last two days, the town got almost 4 inches of rain. He stated that they have a permit with the state. He stated that the town is in a drought level 3, which is a critical level. He stated that we are a ground water community, so it takes a while for the rain to percolate into the ground. He stated that they issued about 350 warning notices to residents about the use of water this summer. He stated that they do not fine anyone; they do a lot of education. He stated that they put out a lot of signs and do a lot of outreach on social media. He discussed that brown lawns recover pretty well. He noted the Town's commitment to the Grove Street water plant, and stated that we would have been in really big trouble without that. ► Mr. Martin stated that the reason why we have the conservation plan is that it is part of the permit. ► Mr. Cantoreggi noted that they are doing a big distribution of rain barrels tomorrow. ► Town Council members asked questions and made comments. ► In response to questions, Mr. Cantoreggi reviewed how the Town's water bans affect private well water use. He stated that the state does not regulate the use of private wells. So, even when there is a water ban, it does not affect private wells. However, he noted that we are all in the same aquifer. He reminded people that they must have a sign out if they have a private well. He stated that he has issued fines to residents in the past and has taken people to court, but not this year. He stated that most people say they did not know. He stated that there are some people who do not care and just pay the fines. He reviewed the 20-year permit that the Town has with the state and explained that the Town has watering on a resident's trash day. He reviewed private well use. ► Mr. Martin noted that last July was the wettest July on record; this July was the third driest on record. ► Mr. Cantoreggi reviewed the Town's wells and capacity. ► Mr. Martin reviewed that the Town is able to buy water from neighboring towns in an emergency. ► Mr. Cerel discussed that there is an inherent conflict in the statutes regarding that there is the conservation of water and the state's jurisdiction over that use, and on the other hand there is the encouragement of development of housing and they come head-to-head. So, it is not even a justification to slow housing. ► Mr. Cantoreggi discussed that there was a time that Franklin was the worst example of water conservation due to fast and rapid growth. He reviewed that in 2001 the average use was 3.6 million gallons per day, per capita use was over 70 gallons per capita, and unaccounted for water was 19 percent with the population at about 30,000 people. In the meantime, the state mandate was that you had to be under 65 gallons per capita and under 10 percent unaccounted for water or face fines. He stated that currently, the town's average daily use is 2.5 million gallons per day, 46 gallons per capita, and 6 percent unaccounted for water with population at 34,000 people; very few communities can do that. ► Mr. Hellen stated that he cannot remember ever having state level 4 drought restrictions. ► Mr. Steve Sherlock, Franklin Matters and Franklin Public Radio, stated that the public can listen to 90 minutes of recordings of Mr. Martin and others from the DPW discussing everything from the well to the faucet including testing wells; it is on their website and the links are available. ► Chair Mercer thanked the presenters.

► **Discussion: Massachusetts State Seal & Motto.** ► Mr. Hellen stated that this request was brought forward by citizens and some Town Council members asked for this item to be put on the agenda. He noted the legislative effort to change the state seal at the Commonwealth level. He stated that a year or two ago, the legislature set up a special commission to look at the state seal. Earlier this calendar year, the commission voted to endorse changing the state seal. He stated that he knows that some economic development legislation is pending on Beacon Hill this summer regarding surplus revenue, taxes, and rebates, but in that legislation, there is a lot of other stuff including an appropriation of about \$100,000 to the legislative commission to hire graphic designers to make different renderings to bring back to the commission as to a

new state seal; he stated that legislation is still pending. ► Town Council members asked questions and made comments. ► In response to if there is anything the Town Council can do to help, Mr. Hellen stated that anyone can reach out to Representative Jeff Roy's office or other legislators' offices to advocate for the bill. He noted that there should be some patience for the commission to do its work. ► Chair Mercer confirmed that today's agenda item is just a discussion on the item. ► Ms. Judith Butler, 169 Pine Street, stated that she was a direct descendant of Francis Cook and a lifetime member of the Mayflower Society. She encouraged support for changing the flag. ► Ms. Kathleen Trefethen, 3 Rizoli Circle, stated that she would speak for three minutes and leave the Town Council members with copies of her PowerPoint presentation. She stated that this is a long process; it took 38 years for the bill to pass. She stated that in Massachusetts, it is a seal, not a true flag design. She stated that the commission must create a new flag, seal, and motto; each aspect has its own criteria. She stated that there will be a lot of public input. She stated that she spent her time learning more about the history. She stated that the original values are peace and liberty and they will add to that. ► Mr. Frank Falvey, 920 Pond Street, stated that he thinks that the state flag as it exists now is perfect; it is a simple message. He discussed the current flag design and symbol. He stated that we have a group of people going to design a flag that no one in Massachusetts will ever vote on; only the governor needs to approve it. He stated that there is no way that we should be changing this flag. ► Councilor Pellegrini stated that she has done a lot of reading on the flag. She stated that she agrees with Mr. Falvey; she does not see a reason to change the flag. She stated that it was not done to deter the Indian back then. She stated that each mark that is on the flag has a meaning. She stated that she was opposed to any of the statues being taken down; that was history. She stated that she wants her fellow councilor members to do some reading on this.

#### LEGISLATION FOR ACTION:

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

- a. ***Bylaw Amendment 22-883: Amendment to Water System Map, 2<sup>nd</sup> Reading (Motion to Approve Bylaw Amendment 22-883 - Majority Roll Call Vote).*** ► Councilor Jones read the bylaw amendment. ► **MOTION to Approve** Bylaw Amendment 22-883: Amendment to Water System Map by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that this is the second and final reading to get a water extension for the homeowner and his family. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- b. ***Resolution 22-59: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 22-59 - Majority Vote).*** ► **MOTION to Approve** Resolution 22-59: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by **Dellorco**. **SECOND** by **Hamblen**. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**
- c. ***Resolution 22-60: Gift Acceptance - Veterans' Services Dept. (\$3,289), Senior Center (\$250), Franklin Historical Museum (\$200) (Motion to Approve Resolution 22-60 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-60: Gift Acceptance - Veterans' Services Dept. (\$3,289), Senior Center (\$250), Franklin Historical Museum (\$200) by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen thanked everyone for their donations. ► Ms. Shannon Nizbett, Veterans' Services Officer, thanked the Franklin Elks Club for their generous donation to the monument restoration and for supporting the veterans. ► **VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Hellen, on behalf of the town clerk, stated that on the Town website are the certified results of the election. He stated that she thanked all the voters, and she thanked the election workers for their hard work.

#### SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.

**c. Economic Development Subcommittee. ► None.**

**FUTURE AGENDA ITEMS:** ► Councilor Cormier-Leger asked if the Town Council was going to vote on a resolution at a future meeting on the flag issue. ► Chair Mercer stated that he would have to get a consensus from the Town Council to see if it is something they would like to bring forward. ► Councilor Cormier-Leger stated that he would like to see the Town Council vote on it. ► Councilor Pellegri asked for an update on Habitat for Humanity and the building. She asked for a Brick School update. She stated that she would like a discussion on signs as there are so many signs on the street. She stated that she thinks they have to look at the sign bylaw to see if they can curtail some of them. ► Mr. Hellen stated that it was coming up very soon; they have to work on the RFP for the building. He stated that the Brick School starts September 19<sup>th</sup>. ► Mr. Cerel stated that they are limited as a municipality in regulation of signage generally and political signs in particular. He discussed the ability to regulate commercial signage. He stated that there is a pretty thorough bylaw in place; however, it becomes an enforcement issue. ► Councilor Sheridan stated that he agreed that the Town Council should vote on the resolution since they have come in a few times. ► Councilor Frongillo stated that he would support voting on the resolution. ► Councilor Hamblen stated that she would like to vote on the resolution. ► Councilor Jones stated that he agreed to vote on the resolution.

**COUNCIL COMMENTS:** ► Councilor Sheridan wished good luck to the students going back to school and going to college. ► Councilor Frongillo noted the Cultural Festival on September 10<sup>th</sup>. ► Councilor Hamblen noted that the Farmers' Market is still on Fridays. She noted that the Agricultural Commission is having a meeting on Monday; a forester is speaking on how to take care of wooded area and Chapter 61. She stated that Chapter 61 applications are due by the end of September. She thanked everyone who worked at the polls and everyone who voted on Monday. ► Councilor Pellegri thanked the town clerk and all the election workers. She stated that 21 percent voting is not really a good number; everyone should vote. ► Councilor Chandler thanked the Elks for all the donations they give to the veterans. ► Councilor Cormier-Leger thanked the town clerk, the election workers, and the voters. He noted the Cultural Festival on September 10<sup>th</sup>. He thanked the Town Administrator's office and Cultural District regarding the tour and discussion on how to bring arts to Franklin. ► Councilor Jones thanked all those who showed up to support the voting effort. He thanked all tonight's presenters. ► Councilor Dellorco stated that he got a call yesterday on 8 Charles Drive, 6 Charles Drive, and 4 Charles Drive regarding the new road; they have to go out with squeegees to push the water away from their driveways. ► Mr. Hellen stated that he would ask the town engineer to go out to look at it. ► Councilor Dellorco gave his condolences to the Carlucci family. ► Chair Mercer gave his condolences to the Carlucci family. He noted the Cultural Festival on September 10<sup>th</sup>. He thanked the town clerk and the staff for a great job on the election. He thanked tonight's presenters.

**EXECUTIVE SESSION: None.**

**ADJOURN: ► MOTION to Adjourn by Hamblen. SECOND by Jones. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.**

**Meeting adjourned at 9:01 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary