

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
October 7, 2020**

A meeting of the Town Council was held on Wednesday, October 7, 2020, at the Municipal Building, 2<sup>nd</sup> Floor, Council Chambers, 355 East Central Street, Franklin, MA; residents could attend and participate via the Zoom Platform. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney (via Zoom); Chrissy Whelton, Assistant to the Town Administrator.

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

**ANNOUNCEMENTS:** ► Chair Mercer stated, as posted on the agenda, the public will not be permitted to enter the building or participate in person. Only pre-approved participants on the meeting agenda will be allowed to enter the Building and participate in person. Residents can attend and participate via the ZOOM Platform. Due to the continued concerns regarding the COVID-19 virus and Governor Baker's declared State of Emergency, we will be conducting a remote/virtual Town Council Meeting for all public access and participation. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number or citizens can participate by clicking on the link provided on the agenda. The provided link and phone number will be active for the duration of the meeting for citizens to ask questions/voice concerns. If residents are just interested in watching the meeting, it will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. This meeting is being recorded by *Franklin TV* and may also be recorded by others.

**CITIZEN COMMENTS:** ► Ms. Susan Speers, 171 Lincoln Street, stated that she was speaking on behalf of citizens calling themselves CPA for Franklin which is a municipal ballot committee formed last month to support Question #3 on the ballot regarding the CPA. They are working to spread the word about the CPA. She discussed the purpose, types of community improvements, and benefits of the CPA. She noted the surcharge would be about \$105 per year for an average home in Franklin. The group has a Facebook page for more information. She provided details on an upcoming webinar on this topic. She noted many other cities and towns in the state have already adopted this act. ► Ms. Monique Doyle, 3 Greensfield Road, stated that she has been working with Ms. Speers and others on the CPA. She discussed the benefits of the CPA including acquisition and development of outdoor facilities, historical preservation, and the development of affordable housing within the community.

► Chair Mercer announced that he gave an incorrect Zoom meeting number during his previous announcement; he provided the correct Zoom meeting number.

**APPROVAL OF MINUTES:** *September 16, 2020.* ► **MOTION to Approve the September 16, 2020, meeting minutes by Dellorco. SECOND by Kelly. No Discussion. ► VOTE: Yes-8, No-0, Absent-0.**

**PROCLAMATIONS/RECOGNITIONS:** None.

**APPOINTMENTS:** None.

**HEARINGS: 7:10 PM**

► *Lot Line #4: Zoning Bylaw Amendment 20-858, Zoning Map Changes on or Near Beaver and Oak Streets*  
► *Bylaw Amendment 20-859, Sewer System Extension at 100 Daniels Street*

► **MOTION to Open** both Lot Line #4: Zoning Bylaw Amendment 20-858, Zoning Map Changes on or Near Beaver and Oak Streets, and Bylaw Amendment 20-859, Sewer System Extension at 100 Daniels Street public

hearings by **Jones. SECOND by Dellorco. No discussion. ► VOTE: Yes-8, No-0, Absent-0.** ► Mr. Taberner, Director of Planning and Community Development, reviewed Zoning Bylaw Amendment 20-858. He stated it is one of many zoning bylaw amendments the Planning Department has put together in the last few years. They are attempting to change the zoning district lines to coincide with parcel lines. This bylaw slightly rezones about 15 parcels on or around Oak Street and Beaver Street. ► Mr. Kelly asked questions about the lot line designations. ► Mr. Taberner stated that they are only changing the zoning to make lots in one zone; they are not changing entire subdivisions. He stated that anything on the north side of Oak Street is not contained in this amendment; that area will be considered separately. ► Ms. Pellegrini asked if the wording of the bylaw meets the requirements of only one topic per bylaw. ► Mr. Cerel stated there have been multiple zoning amendments in the past such as this done for efficiency; his opinion is that it is permissible. ► Mr. Bissanti commended Mr. Taberner for his work on this. ► Mr. Hellen reviewed Bylaw Amendment 20-859, Sewer System Extension at 100 Daniels Street. ► Mr. Michael Maglio, Town Engineer, reviewed the proposed sewer extension. It is a single-family house with a failing septic system; they are looking to connect to the Town's sewer system; however, due to the location, they will need to construct a private force main tied into the Town's sewer system. If approved, he recommended several conditions which he reviewed. ► Mr. Rick Ciccone, resident, stated that he was not given enough time to provide a citizen's comment after Chair Mercer announced the correct call-in number. He stated he had a comment to make on the sewer extension public hearing as well as an additional comment to make after the conclusion of the sewer extension hearing. He stated that he has been a long-time defender of the sewer extension bylaw. He is in favor of tonight's proposed sewer extension. However, he hopes going forward the Town Council will enforce the bylaw. He noted that the bylaw was challenged by Mass. law and the Town prevailed in the lawsuit. He does not want to extend this in the future when citizens should be asked to perc their land, put in an aquifer, etc. ► **MOTION to Close both Lot Line #4: Zoning Bylaw Amendment 20-858, Zoning Map Changes on or Near Beaver and Oak Streets, and Bylaw Amendment 20-859, Sewer System Extension at 100 Daniels Street public hearings by Jones. SECOND by Dellorco. No discussion. ► VOTE: Yes-8, No-0, Absent-0.**

**CITIZEN COMMENTS:** ► Mr. Rick Ciccone, resident, stated that during the last Finance Committee meeting a question was asked about open positions within the Town. He stated that he would like to see veterans and Franklin people get Franklin jobs. At this time, there are five people out of the DPW. He stated that one year ago the Town Council asked for a study to review morale within the DPW. He asked if that study will be coming to light and if morale in the DPW is a deterrent from filling these jobs.

**LICENSE TRANSACTIONS: None.**

**PRESENTATIONS/DISCUSSIONS:** ► *Planning and Community Development Department presentation: Bryan Taberner, Jen Delmore: DPCD Department Presentation and Master Plan Update Materials.* ► Mr. Taberner narrated a PowerPoint presentation and provided an update of the Department of Planning and Community Development. He reviewed the department staff; administrative and technical assistance given to the Planning Board, Conservation Commission, Design Review Commission, Technical Staff Review Committee, Municipal Affordable Housing Trust, Cultural District Committee, and others; Planning Board members and responsibilities including an explanation of 81-P Plans and ANRs; and peer reviewer BETA Group's responsibilities. ► Town Council members asked questions about the peer reviewer, subdivision bonds, and tripartite agreements. ► Mr. Cerel reviewed the subdivision laws as related to bonds and tripartite agreements from the developer and the role of the Planning Board in the agreements. He stated there are still a few old bonds still remaining, but there is not enough money to complete the needed work. ► Ms. Delmore, Conservation Agent, narrated a PowerPoint presentation and reviewed the Conservation Commission members, when a permit from the Conservation Commission is required, the Conservation Commission's authority, what the Conservation Commission enforces, an explanation of the application types such as Notice of Intent, Minor Buffer Zone Activity, Certificate of Compliance, and MBZ Administrative Approvals. ► Mr. Jones noted there is a vacancy on the Conservation Commission since June. ► Mr. Taberner reviewed the department's responsibilities for the Design Review Commission; he discussed the Design Review Commission's staff members, purpose, responsibilities, and authority. ► Mr. Bissanti questioned signage by franchises. ► Mr. Cerel confirmed there are trademarks and designs that franchises may want, but the franchises usually show flexibility

when working within communities. ► Mr. Taberner discussed comprehensive planning and land-use related activities including updating the Town plans and amending and creating zoning bylaws. He noted the 2013 Master Plan and the 2016 Open Space & Recreation Plan. He stated that comprehensive planning includes hazard mitigation and climate change planning. He discussed FY 2020-2021 Zoning Bylaw Amendments and Zoning Map changes. He reviewed the Cultural District Committee members and reviewed the Committee's responsibilities to provide oversight and management of the Franklin Cultural District, assure the Town meets requirements for continued cultural district status, and work to implement the Franklin Cultural District goals and state sponsored Cultural District goals. He discussed the department's involvement in cultural economic development and the current Regional Arts & Culture Indicators Project, business recruitment and retention, and incentives. He reviewed multi-departmental projects such as DelCarte conservation area, plan development and implementation including the Open Space and Recreation Plan, Southern New England Trunkline Trail, Complete Streets project, and 2013 Master Plan. ► Mr. Kelly discussed TIF opportunities to bring in businesses. ► Chair Mercer thanked Mr. Taberner for the presentation. ► Mr. Hellen commented that this concludes the two-month long endeavor to have major departments provide presentations to the Town Council. He noted all tonight's presentation materials are available on the Town's website.

#### **SUBCOMMITTEE REPORTS:**

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated they held two meetings: a listening session with businesses from three areas in Town regarding how the Town can help them, and a meeting regarding more zoning bylaw clean up. She reviewed a Craft Drinks pamphlet. She stated a listening session for restaurants, hotels, hospitality, and tourism is scheduled for October 19, 2020.

#### **LEGISLATION FOR ACTION:**

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

- a. ***Resolution 20-58: Request for special legislation regarding the authority for the Town of Franklin, acting through the Franklin Town Council, to grant a wine and malt beverages not to be drunk on the premises, alcoholic beverages license in excess of the Town's quota to Madd Deli, Inc. D/B/A Dacey's Market (Motion to Approve Resolution 20-58 - Majority Roll Call Vote).*** ► Mr. Bissanti recused himself. ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-58: Request for special legislation regarding the authority for the Town of Franklin, acting through the Franklin Town Council, to grant a wine and malt beverages not to be drunk on the premises, alcoholic beverages license in excess of the Town's quota to Madd Deli, Inc. D/B/A Dacey's Market by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen stated the Town of Franklin had reached its quota for this type of license. This is a petition for the Town Council to approve a Home Rule Amendment to be filed in the State House to allow them to obtain a license. ► Mr. Jones confirmed this would increase the number of current licenses and have no effect on any further licenses based on census numbers. ► Mr. Hellen stated it is unknown how long this process will take. ► **VOTE: Yes-8, No-0, Absent-0.** ► *Mr. Bissanti re-entered the meeting.*
- b. ***Resolution 20-59: Authorizing the Borrowing of Money to Pay Costs of Washington and Grove Streets Intersection Improvements (Motion to Approve Resolution 20-59 – Two-Thirds Majority Roll Call Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-59: Authorizing the Borrowing of Money to Pay Costs of Washington and Grove Streets Intersection Improvements by Dellorco. SECOND by Kelly. Discussion:** ► Chair Mercer called a five-minute recess as due to the power outage residents at home are not able to hear the audio portion of this meeting. ► Mr. Hellen stated this is a borrowing authorization to allow the Town to do an infrastructure improvement including a traffic light at the intersection of Washington Street and Grove Street. He discussed the need for these improvements and the cost. He would like to parallel the work to fix this intersection with the building of the two cannabis facilities on Grove Street. The three percent revenue obtained from the cannabis facilities and the impact fees from these facilities can be used to help pay off this project. He stated that this is the best opportunity to make infrastructure improvements at this intersection. ► Town Council members asked questions and

expressed support for this resolution. ► Mr. Hellen discussed pre- and post-COVID traffic at the intersection, and he pointed out the business growth in the area. He stated that he thinks it will take at least one year for this project. ► Chair Mercer noted the Planning Board should know the commitment is there from the Town Council, but they need the Planning Board's support regarding the permitting of the facilities. ► **VOTE: Yes-8, No-0, Absent-0.**

- c. **Resolution 20-60: Gift Acceptance - Police Department, \$200 (Motion to Approve Resolution 20-60 - Majority Roll Call Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-60: Gift Acceptance - Police Department, \$200 by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked the anonymous donor. ► **VOTE: Yes-8, No-0, Absent-0.**
- d. **Zoning Bylaw Amendment 20-858: Zoning Map Changes on or Near Beaver and Oak Streets - Second Reading (Motion to Adopt Zoning Bylaw Amendment 20-858 - Two Thirds Majority Roll Call Vote).** ► Mr. Jones began reading the zoning bylaw amendment. ► **MOTION to Waive the reading by Hamblen. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Adopt Zoning Bylaw Amendment 20-858: Zoning Map Changes on or Near Beaver and Oak Streets by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen noted discussion of this item at the public hearing earlier in the meeting. **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-8, No-0, Absent-0.**
- e. **Bylaw Amendment 20-859: Sewer System Extension - 100 Daniels Street - Second Reading (Motion to Adopt Bylaw Amendment 20-859 - Majority Roll Call Vote).** ► **MOTION to Waive the reading by Hamblen. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Adopt Bylaw Amendment 20-859: Sewer System Extension - 100 Daniels Street by Dellorco. SECOND by Hamblen. No discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-8, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► **COVID-19 Update.** Mr. Hellen stated there are 14 active COVID-19 cases. He stated this is Phase 3.2; there are a tremendous amount of new regulations from the State. The municipal building will be open to the public beginning November 9, 2020; no appointment will be necessary. He stated staff is working diligently to have other Town buildings open, as well. He stated the report from LLB on the South Meeting House was provided; it is a \$1.1 million renovation project. He noted the Town Council had asked for this study prior to COVID-19. The report will be put on the Town's website. He stated the DPW Director stated we are still in a Level 2 drought. There may be some additional water conservation outreach from the DPW Department. ► Mr. Kelly requested a drought update at each upcoming Town Council meeting. ► Mr. Brutus Cantoreggi, DPW Director, explained that the Level 2 drought designation is what the State has put in place.

**FUTURE AGENDA ITEMS:** ► Mr. Bissanti discussed a prior meeting held with National Grid regarding past power outages, and it seems like the power outages are coming back. He suggested another meeting with National Grid regarding power outages. ► Mr. Hellen stated the liaison is the Fire Chief.

**COUNCIL COMMENTS:** ► Mr. Chandler stated he thinks people are looking forward to the municipal buildings being reopened. He asked about the DPW morale study and asked when information about the study would be provided. ► Mr. Hellen stated there would be an answer shortly. He stated the labor counsel who was hired to do the study has been very busy. ► Mr. Chandler stated he and others met with the DPW Director and Veterans' Agent regarding all flags not being flown at half-staff on 9/11. They determined a policy that hopefully will rectify the situation for next year. ► Ms. Hamblen thanked the Department of Planning and Community Development for their great presentation. She thanked all those who attended the past listening session and hopes others will attend the upcoming listening session. ► Ms. Pellegrini thanked Ms. Speers regarding the CPA explanation. She noted holiday ornaments will be sold at the Museum this coming weekend. ► Mr. Bissanti explained he was in the hospital but now has a clean bill of health. ► Mr. Kelly noted the displaced families due to the fire on Peck Street and Winter Street; he thanked the Franklin Fire Department for

their hard work and recognized the support provided by neighboring fire departments. ► Mr. Jones thanked the Franklin Fire Department for putting out the very difficult fire. He noted the difficulty of many organizations to raise money this year. ► Mr. Dellorco thanked the Fire Department. He noted a GoFundMe page for the families. He stated that there was a recent SAFE Coalition meeting; he noted that with COVID, addiction is going up. He reminded everyone of the available 24-hour hotline.

**EXECUTIVE SESSION:**

**Purpose: To investigate charges of criminal misconduct or to consider the filing of criminal complaints (majority roll call vote).** ► Chair Mercer stated the Town Council needs to meet in an Executive closed session for the following purpose: **To investigate charges of criminal misconduct or to consider the filing of criminal complaints.** He declared that an open meeting may have a detrimental effect on the litigation position of the public body. The open session will not reconvene at the conclusion of the Executive session.

► **MOTION to Move** that the Franklin Town Council go into Executive Session by **Jones. SECOND** by **Dellorco. No discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Chandler-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► **VOTE: Yes-8, No-0, Absent-0.**

► **The open session of the Town Council Meeting adjourned at 9:08 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary