

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
June 9, 2021**

A meeting of the Town Council was held on Wednesday, June 9, 2021, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. The public was permitted to enter the building to participate in person. Residents were encouraged to attend and participate via the Zoom Platform.

Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Cobi Frongillo, 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; Alecia Alleyne, Executive Assistant.

**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 read aloud the following as posted on the agenda. A Note to Residents: We encourage residents to participate via the Zoom platform. Residents will be permitted to enter the building to watch meetings live and in person beginning June 15, 2021. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to continue to dial into the meeting using the provided phone number (cell phone or landline required), or citizens can participate by clicking on the attached link (phone, computer, or tablet required). The attached 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. He stated that this meeting is being recorded by Franklin TV and may also be recorded by others.

**CITIZEN COMMENTS:** ► Mr. Justin Bates, 8 Longfellow Drive, commented on the latest drinking water report, specifically, the PFAS chemical group. He defined PFAS and their links to health problems. He stated that the EPA allows a maximum of 70 parts per trillion. Massachusetts lowered the maximum to 20 parts per trillion. He stated that the Town of Franklin's Well 7 indicates 14 parts per trillion which is below the limit. However, he has concerns. He stated that Franklin's wells were only tested once in 2020 for PFAS. Research shows that levels rise in the fall season and are lowest in the winter when the reading of 14 parts per trillion was determined. He is concerned there is not an accurate picture of the PFAS. He stated that quarterly testing is now required. He discussed that recent studies indicate that any concentration of PFAS over 0.3 parts per trillion is dangerous and everything should be done to limit exposure. He stated that it will be a challenge to get numbers to the 0.3 limit. He suggested the Town should invest more in the water treatment process. He advocated for greater urgency in addressing this problem. He thanked Water and Sewer Superintendent Doug Martin for his information. ► Ms. Raye Lynn Mercer, Founder and Director of the Franklin School for the Performing Arts, stated that Electric Youth and the Boston Show Band are getting ready to leave for a three and one-half weeks concert tour in Europe; they will perform 14 concerts. She stated that prior to leaving on tour, the group will perform two shows at the tent at The Black Box on June 18<sup>th</sup> and June 19<sup>th</sup> at 7:30 PM. Electric Youth performed for the Town Council members.

**APPROVAL OF MINUTES:** *April 7, 2021; April 14, 2021; May 5, 2021; May 19, 2021.* ► **MOTION to Approve** the April 7, 2021 meeting minutes by **Dellorco. SECOND** by **Kelly. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the April 14, 2021 meeting minutes by **Dellorco. SECOND** by **Kelly. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the May 5, 2021 meeting minutes by **Dellorco. SECOND** by **Kelly. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the May 19, 2021 meeting minutes by **Dellorco. SECOND** by **Kelly. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

**PROCLAMATIONS/RECOGNITIONS:** ► ***Proclamation: Franklin High School BALTS.*** ► Councilor Jones read aloud the proclamation for the Franklin High School BALTS for their generous donation to the Franklin Veterans' Services Department. ► Mr. Dale Kurtz, Veterans Services Officer, accepted the proclamation on behalf of the students.

► ***Proclamation: Fire Department, Michael Wright.*** ► Chair Mercer read aloud the proclamation to Mr. Michael Wright, retired firefighter and resident at Franklin Crossing, for his heroic efforts at the fire on May 24, 2021, at the Franklin Crossing Condominiums. ► A Franklin Fire Department representative thanked Mr. Wright for his actions. ► Mr. Wright stated the Town has a great fire department.

**APPOINTMENTS: None.**

**LICENSE TRANSACTIONS:** ► ***La Cantina Winery, New Section 19C Farmer Brewery License & License Modification to Combine existing 19B and New 19C license to create a 19H Farmer Winery/Brewery License, 355 & 357 Union Street, Franklin, MA 02038.*** ► Councilor Jones read the license transaction. ► **MOTION to Approve** the request by La Cantina Winery/La Cantina Brewery, for a 19C Farmer Brewery License by **Jones. SECOND by Dellorco. Discussion:** ► Mr. Hellen stated that this is just a paperwork issue. He explained that staff contacted the ABCC Executive Director to confirm this paperwork issue had to be heard again, and they confirmed it does. The state is requiring this as a formality. He recommended approval. ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the request by La Cantina Winery/La Cantina Brewery, for a license modification to create a New 19H Farmer Winery/Brewery by **Jones. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

► ***Table and Vine, License Modification - Change of Manager and Stock Transfer, 348 East Central Street.*** ► Councilor Jones read the license transaction. ► **MOTION to Approve** the request by Table and Vine, Inc., for above-noted amendments to their Section 15 Retail Package Store License - Change of Manager (Store Director) and Change of Indirect Beneficial Interest of the License (Stock Transfer Transaction) by **Jones. SECOND by Dellorco. Discussion:** ► Mr. Hellen stated the license has been approved by all departments. ► Mr. Michael Gold, legal affairs for Big Y and Table and Vine, noted his and Store Director Jonathan Burnham's attendance via Zoom at the Town Council meeting. ► **VOTE: Yes-9, No-0, Absent-0.**

**HEARINGS: 7:10pm.** ► ***Chapter 61A, Town's Right of First Refusal to Purchase Approx. 70 Acres of Land off Maple Street approved as "Maple Hill" Definitive Residential Subdivision i. Cover Memo and Purchase & Sale Agreement: Notice of intent to sell land for residential use off Maple Street.*** ► ***Chair Mercer declared the public hearing open.*** ► Mr. Hellen stated that tonight is a legally mandated public hearing. There will be no vote tonight on any matter. On June 16<sup>th</sup> at 6 PM this matter will be before the Finance Committee. On June 17<sup>th</sup> at 5 PM the CPC will consider the same item. He narrated a PowerPoint presentation to provide a historical perspective and indicate what is before the Town. He stated that the Planning Board approved the Maple Hill Subdivision on December 7, 2020. The Notice of Intent and P&S arrived on May 5, 2021. The Town has the Right of First Refusal on two parcels off of Maple Street. The Town has 120 days to exercise its right of first refusal which is September 2, 2021. The parcels are currently under Chapter 61A. The cost of the parcels is \$4,590,000. The two parcels being considered for purchase are 69.6 acres. He reviewed and described the properties as shown on reference maps. He reviewed a map showing Town open space and the Metacomet Land Trust open space. He stated that there is a tremendous opportunity for development of trails and recreation for this area. He reviewed maps showing access points for the land. He stated that the purchase price does not include any long-term maintenance costs. He noted that this represents one of the last largest pieces of land in Franklin remaining for open space and preservation. He explained that the 2013 Master Plan prioritizes open space. He reviewed that the Town has three options: 1. exercise the Right of First Refusal, 2. debt exclusion ballot referendum, and 3. do not exercise the Right of First Refusal. He stated that for Option 1 the Town would borrow two-thirds of the parcel price on the Town's General Fund, and the Town would use \$1,559,858 million in cash from the Pond

Street sewer beds sale in 2017. He reviewed the borrowing cycle and options and the total principal and interest. He provided the full debt service schedule. He reviewed the debt exclusion for Option 2. He explained that a debt exclusion is not an override. He reviewed that if the Town declines the Right of First Refusal, the approved subdivision can move forward with construction. The construction is set at three phases estimated to take 8 to 10 years for a total of 58 homes. He summarized that the formal recommendation from the staff and Town Administrator is Option 1 to use approximately \$1.559 million from the sale of the Pond Street sewer beds and remaining \$3.03 million to purchase the property.

► Councilor Frongillo questioned borrowing two-thirds of the price. ► Mr. Hellen noted the low interest rates at this time. He said borrow while you can while the Town has an excellent bond rating; take advantage of the low interest rate. ► Councilor Bissanti confirmed that the Town Council cannot override the CPC's decision; they would have to recommend it. He reviewed the possible financing. ► Mr. Christopher Sandini, Finance Director, explained the bond holding process and possible refinancing in the future. ► Councilor Kelly stated that this is the time to spend the money from the sewer beds sale. He stated that he is 100 percent ready to vote yes to take this parcel. ► Councilor Jones stated that the purchase of this property is in the best interest of the community as a whole; he supports this. ► Councilor Dellorco stated that he is in favor of this purchase. ► Councilor Pellegrini stated that she agreed with the purchase. ► Councilor Hamblen stated that Option 1 is fantastic; she stated that she is 100 percent behind it. ► Councilor Chandler thanked the residents who sent passionate emails regarding this parcel. He stated that he is in favor of this. ► Chair Mercer stated that this is something that was on their radar for a very long time. This piece of property was identified many years ago and was thought to be the right piece for the Town to purchase. He stated this is the right parcel and the right time to purchase. He is 100 percent for this. **Citizen Comments:** ► Attorney Michael Doherty, 50 Bridle Path, stated that this is a gorgeous piece of land. For conservation, the Town should buy it; it is a bargain with the interest rates. It should be open space and not 58 homes. He stated that he fully supports Option 1. ► Mr. Kevin Sullivan, 35 Newell Drive, thanked the Town Council and Mr. Hellen for the presentation and consideration of this open space. ► Mr. John Cetrano, 64 Bridle Path, a trustee for Franklin Woods Homeowners Association, stated that he is encouraged by what he has heard tonight; he spoke about the benefits of the Town owning this land. He stated that the developer and engineer are not local. He urged the Town Council to complete the process with a yes vote. ► Mr. Peter Lyons, 8 Kimberlee Avenue, thanked the Town Council for their efforts and for listening to the constituents in Franklin. ► Mr. Robert Amrich, 17 Bridle Path, read a statement from the 2013 Master Plan stating that open space is an important aspect of the community's appeal. ► Ms. Laura Dombroski, 20 Kimberlee Avenue, thanked the Town Council for their unanimous support for buying the open space. She noted that there is a vernal pool adjacent to the parcel and reviewed the species in the vernal pool. She stated that they are in the process of certifying the vernal pool with the state. ► Mr. David Snyder, 1 Phaeton Lane, thanked the Town Council. He stated that the purchase of this land aligns well with the Town's open space plan. He urged the CPC to support this purchase. ► *Chair Mercer declared the public hearing closed.*

**PRESENTATIONS/DISCUSSIONS: None.**

**SUBCOMMITTEE REPORTS:**

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Councilor Hamblen stated that the subcommittee will meet next week.

**LEGISLATION FOR ACTION:**

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

- a. **Resolution 21-23: FY21 Capital Plan Round 2 (Motion to Approve Resolution 21-23 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 21-23: FY21 Capital Plan Round 2 by **Dellorco. SECOND** by **Kelly. Discussion:** ► Mr. Hellen reviewed that if approved, the Budget Stabilization Fund will have \$1 million which is an excellent goal. This also includes \$150,000

for the Police Station study. He stated that these items have received unanimous support from the Finance Committee and the Town Council Capital Budget subcommittee. ► Councilor Frongillo asked what happens if all the funds are not used. ► Mr. Hellen stated that most of the prices are exact; therefore, there will most likely be no dollars left over. He noted that the Police Station study includes site analysis. ► Chair Mercer stated that site analysis must be done. ► Mr. Hellen stated that this is a solid quote; his fear is that given the economy, the cost of everything is going through the roof. ► Councilor Bissanti asked if there were properties identified. ► Mr. Hellen stated that they have been looking at sites in Town; there are not many sites available. For public safety buildings, the consultant does an analysis on response times. This will be a multi-year process. ► Councilor Jones confirmed a site analysis would be included. ► Mr. Hellen stated that in all likelihood there will be a few options in terms of location. They will also be looking at purchase price. In response to questions, he discussed the current station location and surplus uses. ► Councilor Frongillo asked if there has been a public conversation about why a new station is needed. ► Mr. Hellen stated that there is no doubt that something needs to happen to the current station. Typically, as part of the process, some open houses could be done. He stated that he could have the Chief put together something. ► Chair Mercer stated that the information would get out to the public during the process. ► **VOTE: Yes-9, No-0, Absent-0.**

- b. Resolution 21-30: Authorization for Intermunicipal Agreement with the Town of Bellingham to Supply Water to Private Franklin Residential Property Located at 425 Prospect Street (Motion to Approve Resolution 21-30 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 21-30: Authorization for Intermunicipal Agreement with the Town of Bellingham to Supply Water to Private Franklin Residential Property Located at 425 Prospect Street by **Dellorco. SECOND** by **Kelly. Discussion:** ► Town Engineer Michael Maglio explained that he has been working with the homeowners of 425 Prospect Street who have been experiencing significant water quality issues with their existing private well. Laboratory test results indicated that the well water exceeded EPA allowable limits for coliform, iron, manganese, pH level, total dissolved minerals, chloride, as well as hardness. As the closest Town of Franklin water main is located almost a mile away, he reached out to the Town of Bellingham on the homeowners' behalf to explore the possibility of allowing a connection to the Bellingham water system which is located at the rear of their property. After meeting with Bellingham officials and discussing the issues, an Inter-Municipal Agreement was drafted with the assistance of the Town Attorney that was satisfactory to both towns. This agreement is similar to, but in reverse of, those we have with the Town of Norfolk. In those cases, there are homes in Norfolk connected to the Town of Franklin water system. To date, the property owners and the Town of Bellingham have both signed the agreement. If the Town Council votes to approve the agreement, the property will be allowed to connect to the Bellingham water system. ► **VOTE: Yes-9, No-0, Absent-0.**
- c. Resolution 21-31: Gift Acceptance - Veterans' Services, \$985 (Motion to Approve Resolution 21-31 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 21-31: Gift Acceptance - Veterans' Services, \$985 by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Veterans' Services Officer Dale Kurtz thanked the four high school students who raised the money; this donation will be allocated to the cost of installing bricks in the Veterans' Walkway to ensure that all 45 of our fallen heroes have bricks as well as plaques. ► **VOTE: Yes-9, No-0, Absent-0.**
- d. Resolution 21-32: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 21-32 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 21-32: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by **Dellorco. SECOND** by **Kelly. Discussion:** ► Mr. Hellen stated that this must be done every quarter. ► Councilor Pellegri stated that she wished some of these funds could be used for the people of Franklin; cable prices keep going up. The cable companies should come down on their rates. She suggested this be an agenda item. ► Mr. Hellen stated that there are a couple of options. If the Town Council wants to reduce the price of cable services, the cable companies would have to be negotiated with to not have a public access station. If five percent is going to Franklin TV, the Town

could ask for three percent or two percent to go which would reduce the bills. It is all regulated by the FCC. However, the cable companies are not required to pass any savings to the citizens. ► Councilor Jones noted that all the fees get passed to the customers. ► Councilor Bissanti concurred with Councilor Pellegrini; he stated that eventually people will start live streaming for a fraction of the price. ► Councilor Dellorco agreed with Councilor Bissanti. ► **VOTE: Yes-9, No-0, Absent-0.**

*e. Bylaw Amendment 21-873: Chapter 139, Sewer Use Regulation Update - Second Reading (Motion to Adopt Bylaw Amendment 21-873 - Majority Roll Call Vote).* ► Councilor Jones read the bylaw amendment. ► **MOTION to Adopt** Bylaw Amendment 21-873: Chapter 139, Sewer Use Regulation Update by **Dellorco**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Hellen stated that this is required by the Charles River Pollution Control District as a direct result of the Garelick Farms milk spill. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

*f. Zoning Bylaw Amendment 21-872: To Amend The Franklin Town Code At Chapter 185, Section 3, Definitions, Tasting Room - First Reading (Motion to Move Zoning Bylaw Amendment 21-872 to a second reading - Majority Vote).* ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Move** Zoning Bylaw Amendment 21-872: To Amend The Franklin Town Code At Chapter 185, Section 3, Definitions, Tasting Room to a second reading by **Dellorco**. **SECOND** by **Kelly**. **Discussion:** ► Mr. Hellen reviewed that the former bylaw stated that a tasting room may not be greater than 25 percent of the main building's gross square footage. This bylaw will strike that former language and redefine a tasting room as an accessory use to the primary brewery, distillery, or winery use. He noted that the Planning Board's recommendation was a 4-1-0 vote on May 10, 2021. ► Ms. Hamblen stated that this is an economic development success story; she stated that as is, it reduces the economic development capability. This should help more development in the community. ► Mr. Cerel stated that a roll call vote is not needed at this vote; it is needed at the second reading vote. ► **VOTE: Yes-9, No-0, Absent-0.**

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Hellen stated that on June 12<sup>th</sup> from 9 AM to 12 PM there will be an open house at the new Water Treatment Plant on Grove Street. DPW Director Brutus Cantoreggi will have a smaller version of touch the trucks for the children, as well. ► He stated that regarding PFOS, the Town is well lower than the mandated amounts. He pointed out that as part of the water treatment plant process, the Town was required by DEP to do extensive water testing. All of the tests proved to be well under the required amounts. The State passed a law last year mandating PFOS testing in every community. He assured people that the Town does do the required testing for PFOS. The Town has never found a situation that PFOS levels have exceeded the mandates. He noted that PFOS is not just something in water; it is also in home products. He stated that the Town of Franklin is well within the limits.

**FUTURE AGENDA ITEMS:** ► Councilor Pellegrini requested closing of the Davis Thayer School on a future agenda. ► Chair Mercer stated that is really a School Committee decision, but he can have them come to a meeting. ► Councilor Frongillo requested parking requirements and the housing production plan on a future agenda. ► Councilor Bissanti stated that he attended a Zoom seminar on homelessness regarding what municipalities can do and what can be done with some of the COVID monies. He would like the opportunity to discuss this at a future meeting. ► Councilor Kelly requested outdoor dining for restaurants and small businesses on a future agenda.

**COUNCIL COMMENTS:** ► Councilor Frongillo stated that he attended the high school graduation; he congratulated the graduates. He noted that he attended the Farmers' Market; there was a great diversity of vendors. He recommended the Farmers' Market on Fridays from 2 PM to 6 PM. He thanked Councilor Hamblen for the business listening sessions and following up with the issues. ► Councilor Bissanti stated that he heard great things about the Farmers' Market. He thanked Fire Chief James McLaughlin and Battalion Chief Thomas Carlucci for attending the question and answer session sponsored by the Elks and the Lions and for offering comfort, answering questions, and providing information as to when the people can

get back to into their properties and get their belongings back. He noted the clothing drive and gift card drop off for the victims of the fire. ► Councilor Kelly thanked the FSPA for providing tonight's performance for the Town Council. He gave thoughts and prayers to the family of Mr. Robert Dean; he will be missed. ► Councilor Chandler thanked Veterans' Services Officer Dale Kurtz for the great Memorial Day program. He noted that the fence behind Liquor World has been down for a long time. He stated that the residents have worked with Building Commissioner Gus Brown to get it restore; however, Mr. Brown has not had much response from the management company. Councilor Chandler asked Mr. Hellen for his help on behalf of the residents. ► Councilor Hamblen thanked Mr. Kurtz for the Memorial Day event. She stated that the EDC meeting will be held on June 16<sup>th</sup> at 7 PM to discuss the Housing Production Plan. She noted that the Franklin ArtWALK Celebration event will be held on Friday, Saturday, and Sunday. ► Councilor Pellegri discussed the Historical Museum events scheduled for this weekend. She stated that graduation was wonderful; she gave congratulations to all the graduates. She stated that the taste of the water in Franklin is different and suggested Mr. Cantoreggi be asked about it. She asked about the water conservation/ban and if it could be done on odd/even days. ► Councilor Jones thanked Ms. Raye Lynn Mercer and Electric Youth for coming in and giving a great performance. He noted that Ms. Anne Marie Tracey, Marketing and Communication Specialist, will be leaving her job. He thanked all the Town Councilors for supporting the Maple Hill purchase. ► Councilor Dellorco stated that the Maple Hill purchase is a great thing to do. He stated that next year the street has to be blocked off for the Memorial Day event. ► Chair Mercer congratulated the class of 2021. He thanked everyone who attended tonight's meeting. He stated that he hoped they would be able to keep the Zoom platform for meetings going forward. He thanked Electric Youth for their performance.

**EXECUTIVE SESSION: None.**

**ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Kelly. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 9:30 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary