

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
February 2, 2022**

A meeting of the Town Council was held on Wednesday, February 2, 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 Pellegrini, 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. Additionally, in an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. The meetings 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. James C. Johnston, Jr., 789 West Central Street, donator of numerous items to the Franklin Historic Museum, reviewed the two rooms he gave to the Town: The Clara J. Foss Johnston Memorial Federal Parlor at the Oliver Pond House which he donated in 2020 in honor of his mother Clara F. Johnston and is decorated in the Federal period from late 1700s early 1800s, and The James C. Johnston, Sr. Keeping Room with authentic furnishings from the period of 1690 to 1825. He stated that the Town accepted these gifts in 2021. He reviewed an email he received on January 22, 2022, from Chair of the Franklin Historical Commission Mary Olsson which stated that based on the small size of the museum, the Commission did not feel it would be right to give up another room for the James C. Johnston, Sr. Keeping Room. Mr. Johnston stated that the donated exhibits to the Franklin Historical Museum were to the 35,200 citizens of this community in perpetuity as a permanent exhibit which was to be an educational tool as well. The gift is an opportunity to view, educate, and appreciate. He stated that he would appreciate the Town Council taking the matter of the Keeping Room under advisement and inform him as to what will be done with his gift of the Keeping Room which he has given to the Town. He expressed hope that the Keeping Room and all its furnishings will be displayed in the space that has already been paid for and made ready; the room is approximately 85 sq. ft. to 90 sq. ft. ► Ms. Pamela Young, 59 West Street, asked the Town Council members if they would like to smell marijuana in their homes on a daily basis, have to park their vehicles away from their homes, be woken up by loud music nightly, and walk out their front door and find people sleeping in their cars. She stated if not, they can sympathize with the residents who live on East Street, West Street, Nason Street, Church Street, and Walnut Avenue. She stated that these residents live with such situations on a daily basis with Dean students parking in front of their homes. Their neighborhood is located next to Dean College; however, this problem never occurred until 2015. She stated that she was before the Town Council in 2017 regarding the vehicles. The Town Administrator added parking signage with allowed parking times to the parking spaces; however, that has not worked. Ms. Young stated that in 2021 she wrote to Senator Karen Spilka and someone from her office responded. That person told her that since Dean is a private college, Senator Spilka could not help in the matter. However, Ms. Young stated that she was told that the Town Council could work together with Dean to solve the issue. She explained that Framingham University had a similar problem which was solved with signs indicating no student parking and continuous monitoring of the situation. Ms. Young asked if this could be done in Franklin. She stated that the neighbors are desperately asking for help with this matter. She asked the Town Council to review the petition provided

by the residents living on the indicated streets. She stated that Dean College students should be parking in the Dean College parking lots. ► Ms. Nancy Danello, Town Clerk, reminded residents that it is renewal time for the annual dog licenses. She stated that the dog registration form will also be included with the Town census. She explained that the Town Census is late this year because of the addition of the ninth precinct; it is hoped the census will be available in late February. ► Ms. Jane Callaway-Tripp, 607 Maple Street, discussed the matter of Dean students parking on the neighborhood streets. She stated that Dean College has multiple parking lots in which Town residents cannot park; a resident's vehicle would be towed if it were parked in a Dean lot. She stated that the street parking is for residents, not for Dean students. She stated that Dean students parking overnight, parking for more than two hours, and leaving a car in a space for days is unacceptable. There is a simple solution; it would require the Town Council, police and Dean to work together. She stated that it is known which vehicles are owned by Dean students. Those vehicles could be ticketed and towed and on the third offense Dean could revoke the student's privilege to have a car at the school. The rule for students should be that they park in the Dean College parking lots. Residents should not have to deal with students sitting in cars smoking pot, listening to loud music, and blocking trash bin pickups. She stated that the residents of the Town should matter more than the Dean students as the residents pay all the salaries for police, elect the Town Council members, and fund the entire Town. ► Mr. James McLaughlin, 27 Church Avenue, stated that most of the time he cannot get to his house easily, have guests park close by, or have easy access to his front door. He asked what happened to the Dean College police force. He stated that now the Franklin Police Department has to take over for the policing of the area at the taxpayers' expense. He stated that he seldom sees a ticket or towing of the Dean students' vehicles. He stated that students think it is okay to park on the streets and smoke, drink, and throw trash on the streets. He stated that it was not like this before, and it should not be like this now; enough is enough. He explained that a tenant moved out due to the problem of students parking and throwing trash and bottles on the street, and he has difficulty getting deliveries and services due to the students' vehicles. He stated that the parking situation is a big problem.

**APPROVAL OF MINUTES:** ► *January 19, 2022.* ► **MOTION** to **Approve** the January 19, 2022 meeting minutes by **Dellorco**. **SECOND** by **Hamblen**. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

**PROCLAMATIONS/RECOGNITIONS:** ► ***Proclamation: Priscilla Cornetta, Friends of Franklin.*** ► Chair Mercer read aloud a proclamation recognizing and honoring Ms. Priscilla Cornetta, who started the Friends of Franklin over 42 years ago, for her legacy of philanthropic achievement. He reviewed Ms. Cornetta's passion for volunteering, giving, and service to others. He thanked Ms. Cornetta for her service to the Town of Franklin. ► Representative Jeff Roy read aloud a resolution from the House of Representatives honoring Ms. Cornetta on her charitable contributions to the Town of Franklin.

► ***Recognition/Promotion: Police Department - Sergeant Michael Colecchi.*** ► Police Chief Thomas Lynch recognized Sergeant Michael Colecchi for his promotion to sergeant. He reviewed Sgt. Colecchi's education, background, and career. ► Sgt. Colecchi's wife and family pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

► ***Recognition/Promotion: Police Department - Lieutenant Eric Zimmerman.*** ► Police Chief Thomas Lynch recognized Lieutenant Eric Zimmerman for his promotion from sergeant to lieutenant. He reviewed Lt. Zimmerman's education, background, and career. ► Lt. Zimmerman's wife and family pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

► ***Recognition/Promotion: Police Department - Deputy Chief James West.*** ► Police Chief Thomas Lynch recognized Deputy Chief James West for his promotion to deputy chief. He reviewed Deputy Chief West's education, background, and career. ► Deputy Chief West's family pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

*Chair Mercer declared a two-minute recess.*

**APPOINTMENTS:** ► *Michael R. Rein - Conservation Commission.* ► Councilor Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Michael Rein to serve as a Member of the Conservation Commission, with a term to expire on June 30, 2022, by **Jones. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that this term finishes a current term; reappointment would follow the normal process in June. ► **VOTE: Yes-9, No-0, Absent-0.**

**HEARINGS: None.**

**LICENSE TRANSACTIONS:** ► *License Modification - Change of Manager: Let's Eat Franklin, LLC d/b/a 3 Restaurant, Located at 461 West Central Street, Franklin, MA 02038.* ► Councilor Jones read the license transaction. ► **MOTION** to **Approve** the request by Let's Eat Franklin, LLC d/b/a 3 Restaurant, for a Change of Manager to Corey J. Hickox, by **Jones. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that this is a simple change of manager. ► Mr. Chandler thanked Mr. Hickox for the resume information provided in the Town Council members' meeting packet. ► **VOTE: Yes-9, No-0, Absent-0.**

► *License Modification - Change of Officers/Directors: Rare Hospitality International, Inc. d/b/a Longhorn Steakhouse; Located at 250 Franklin Village Drive, Franklin, MA 02038.* ► Councilor Jones read the license transaction. ► **MOTION** to **Approve** the request by Rare Hospitality International, Inc., d/b/a Longhorn Steakhouse, for a Change of Officers/Directors as described, by **Jones. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that the Town is acting as a pass-through for the State. These are corporate changes for the entire chain. All departments have signed off. ► **VOTE: Yes-9, No-0, Absent-0.**

**PRESENTATIONS/DISCUSSIONS:** ► *Old South Church - Mike D'Angelo, Director of Public Facilities.* ► Mr. Hellen stated that one of the approved goals at the last meeting was a discussion of the Old South Church on Washington Street. He stated that there is no formal presentation tonight. He reviewed that in 2020, LLB Architects conducted an Existing Conditions Assessment and Peer Review of the property. The study was developed to inform interested parties of the viability of using this building. The report provided information to support the findings and recommendations. He summarized that the Town is looking at about \$1.5 million or more of renovation costs to rehabilitate the building. ► Director of Public Facilities Michael D'Angelo and Building Commissioner Gus Brown provided an overview of the property. Mr. D'Angelo stated that the church used to be the museum prior to the museum being in its current location. The building was given to the Town by the church in the early 1970s; the building is in very tough condition. It was built in 1856. It is about 1,850 sq. ft. He explained the structure and foundation of the building. He stated that the Town really does not have a use for the building. ► Mr. Brown stated that when walking into the building, one cannot be sure if the floor is going to let go because of the beetle damage. He stated that he is not sure of the structural soundness of the building. He questioned what the proposed use of the building is. He stated that they are looking to the Town Council for direction. ► Chair Mercer stated that the issues are both dollars and cents as well as what is the best use for the building. He noted that there is a water pump station easement in the back. He suggested it would cost possibly \$2.5 million to get it structurally sound and ADA compliant. ► Mr. Brown stated that possibly they could explore working with the Tri-County school regarding construction. However, before fixing it up, a use would have to be determined. ► Councilor Pellegri discussed someone purchasing the house for a home and leaving the outside as it is. She suggested advertising it for sale. She stated that she wants something done with the building. She stated that the beetle situation would have to be checked. ► Mr. Cerel stated that there is a preservation restriction that can be put on the exterior of the building. However, he explained reasons that it would be challenging. ► Mr. Hellen stated that the person buying it

would have to invest millions into the home; an RFP could be done. ► Councilor Frongillo stated that a use would have to be found. He stated that the big restriction is that there is no parking. He asked how difficult it would be to move the house. ► Mr. Hellen discussed that there is no parking. The Town would have to work out a parking deal. ► Mr. Brown reviewed getting a house or building moved. ► Mr. D'Angelo stated that for the building to be used by the public, ADA compliance is required; for the building to be used as a house, fewer conditions are required. ► Councilor Jones stated that in light of all the other investments needed by the Town, he does not see putting any funds into this building. There are so many other things in the community that taxpayers' money could be better spent on. ► Councilor Hamblen asked if there was any interest from the CPC for this for house. ► Mr. Hellen stated that this property will be referenced in the CPC plan; however, it would take the town 10 to 15 years to raise the money required to rehab the building. ► Councilor Dellorco stated agreement with Councilor Jones that there are many other items that need money from the Town. ► Councilor Cormier-Leger asked if there were any restrictions on this property. ► Chair Mercer stated no. ► Councilor Chandler asked if the outside could be fixed up, but no one would be allowed to go inside. ► Mr. Brown stated that is a viable option; however, if anyone ever went in the building, the floor could give way. He recommended selling the building. ► Mr. Hellen stated that it could be sold with a preservation restriction. If an RFP were done, restrictions could be included. ► Mr. Cerel explained an Invitation to Bid and RFP. ► Councilor Pelleri encouraged that they get the paperwork going to do this. ► Chair Mercer opined that they should try the RFP process first. ► Mr. Cerel explained that the driver is getting a successful responder that has the experience and ability to do this.

#### **SUBCOMMITTEE REPORTS:**

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Councilor Hamblen stated that the EDC met and discussed the Franklin for All project. She noted that the public forum will be held on March 7, 2022, at 7 PM at the high school and via Zoom. She encouraged the public to join the meeting.

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

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

- a. ***Resolution 22-07: Creation of the Joint Budget Subcommittee (Motion to Approve Resolution 22-07 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-07: Creation of the Joint Budget Subcommittee by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that this is another goal of the Town Council. He reviewed that The Town Finance Committee recently gave support to developing a committee charge for the Joint Budget Subcommittee. He stated that in talking with the School Budget Subcommittee, they agree. ► Councilor Frongillo stated that this is an opportunity for the residents to have a say in the process and for the Town Council to look into the school budget further. ► Chair Mercer stated that they have had this committee for years; they are trying to formalize it to a greater extent. ► **VOTE: Yes-9, No-0, Absent-0.**
- b. ***Resolution 22-08: Adoption of Revisions to the Procedures Manual of the Franklin Town Council (Motion to Approve Resolution 22-08 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-08: Adoption of Revisions to the Procedures Manual of the Franklin Town Council by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen reviewed that the Town Council Rules of Procedure Review Committee met twice this year to review and update the Procedures Manual of the Franklin Town Council which was last revised on May 9, 2018. He noted that the draft track-changes version of the document is included in the Town Council members' meeting packet. ► Chair Mercer read aloud and reviewed the changes that were made to

the manual. ► Town Council members asked questions and made comments. ► Councilor Hamblen, Councilor Frongillo, and Councilor Chandler noted their appreciation for the addition of item #4. ► Mr. Cerel discussed the meaning of sound discretion with regard to item #12. ► Councilor Jones reviewed item #31. ► Councilor Cormier-Leger requested that the words his or her be used consistently throughout the document. ► Mr. Hellen stated that would be done when the document is finalized. ► Ms. Jane Callaway-Tripp, 607 Maple Street, questioned that if the Town is trying to encourage townspeople to get involved, why is the Town Council chair allowed to not let people speak about specific agenda items. If townspeople are not allowed to be heard, they are being ignored or silenced. She stated that if it is an open meeting, residents should have an opportunity to voice their opinions on agenda items. Secondly, regarding citizens' comments, the citizens should continue to receive five minutes to make their comments as it is their only chance to explain their problem, concern, or congratulatory remarks. She stated that citizens' comments should not be reduced to three minutes. ► **VOTE: Yes-9, No-0, Absent-0.**

- c. ***Resolution 22-09: Gift Acceptance: Senior Center (\$1,000.00) (Motion to Approve Resolution 22-09 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-09: Gift Acceptance: Senior Center (\$1,000.00) by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked the donators for their donation. ► **VOTE: Yes-9, No-0, Absent-0.**
- d. ***Resolution 22-10: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 22-10 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-10: 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.**
- e. ***Resolution 22-11: Acceptance of Private Road Covenant with Owner-Developer of Smits Estates, a Two-Lot Subdivision (Motion to Approve Resolution 22-11 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 22-11: Acceptance of Private Road Covenant with Owner-Developer of Smits Estates, a Two-Lot Subdivision by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Cerel referenced his memo to the Town Council dated January 28, 2022, which was provided in the Town Council members' meeting packet. He noted that this is a fairly common practice. As stated in his memo, he reviewed that from time to time, the Planning Board receives an application for a small subdivision (two or three lots) with a request from the applicant for waivers on construction of the access road and related infrastructure. In such a case, the Planning Board, as a condition of its approval, typically requires that the access roadway be and remain a private road with abutters responsible for maintenance and repair and no Town responsibility. To make this legally-binding on subsequent property owners, the Planning Board requires that the owner-developer execute the Town's form "private road covenant," which is the case with Smits Estates; Town Council acceptance of the executed covenant is required so that it can be recorded at Norfolk County Registry of Deeds. ► **VOTE: Yes-9, No-0, Absent-0.**
- f. ***Resolution 22-12: Order of Layout, Acceptance and Taking of Brandywine Road and a Portion of Charles Drive and Drainage and Utility Easements: Referral to the Planning Board (Motion to Refer Resolution 22-12 to the Planning Board - Majority Vote).*** ► **MOTION to Waive the reading by Hamblen. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Refer Resolution 22-12: Order of Layout, Acceptance and Taking of Brandywine Road and a Portion of Charles Drive and Drainage and Utility Easements to the Planning Board by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated that this will begin a series of street acceptances which is one of the Town Council's goals for this year. He stated that this is a unique situation that this road will be referred to the Planning Board for acceptance. ► Mr. Cerel referenced his memo to the Town Council dated January 28, 2022, which was provided in the Town

Council members' meeting packet. As stated in his memo, he reviewed that when a developer constructs a roadway to provide access to a residential development, that road is private unless and until the Town accepts it as a public way. The Town is prohibited by statute from performing significant maintenance and repair work on a private road, but most residential property owners expect that the Town will perform this work. As a result, the Town has been committed to an aggressive public way acceptance program. This involves compliance with a statutory process, the first step of which is: referral of the proposed public way acceptance to the Planning Board to review and make a recommendation. (Although the Town was successful in obtaining legislative authorization to employ a simplified acceptance process which is applicable to roadways in Planning Board-approved subdivisions, the Planning Board previously declined to make the positive recommendation required by that legislation because Brandywine Village was developed pursuant to G.L. Chapter 40B, the affordable housing statute, without Planning Board approval.) The currently-proposed Planning Board referral is pursuant to the original statutory process applicable to laying-out and acceptance of all public ways, not just those located in Planning Board-approved subdivisions.

► Town Council members asked questions. ► Mr. Cerel confirmed this item is being referred to the Planning Board. He stated that all developer roads start off as private roads. He explained that when someone buys a home, the information is available at the Registry of Deeds. Therefore, the buyer would know if it is a private or public road. ► **VOTE: Yes-9, No-0, Absent-0.**

#### **TOWN ADMINISTRATOR'S REPORT: None.**

**FUTURE AGENDA ITEMS:** ► Councilor Sheridan requested to address the Dean College parking issue that was brought up during citizens' comments. ► Mr. Hellen stated that the Chief of Police would be at the next Town Council meeting. ► Councilor Hamblen stated her agreement with Councilor Sheridan. ► Councilor Cormier-Leger stated that he wanted to hear more about the parking situation. He noted that he had previously requested a future agenda item regarding the issues at the high school and having a discussion with the School Committee to see what resources they need to address the ongoing issues. ► Mr. Hellen stated that they would be at the next meeting. ► Councilor Jones asked if a representative from Dean College could be invited to the next meeting regarding the parking issue. ► Chair Mercer asked Mr. Hellen to let Dean know and put the offer out for them to attend. ► Councilor Dellorco agreed with Councilor Jones.

**COUNCIL COMMENTS:** ► Councilor Cormier Leger wished everyone a great Black History month. ► Councilor Chandler stated that as the Police Department is at full staff, why can't someone monitor the parking situation. He suggested that maybe the parking control officer can be brought back. He noted that Dean College had a police department and it was taken away. He reminded everyone to not forget their annual dog license renewal. ► Councilor Pellegri noted Ms. Priscilla Cornetta's contribution to the Town. She stated that she had thought the parking situation regarding Dean was already taken care of. She encouraged people to come forward and let the Town Council know of their concerns. ► Councilor Sheridan stated that he wished happy new year to Asian residents. ► Councilor Frongillo noted the DECA program at the high school. He stated that this year 119 students are being sent to state. He noted that high school students are fundraising for this. He stated that Panther TV has been putting out some great stories about students. He stated that there is a new bookstore coming to Franklin. ► Councilor Hamblen gave a shout-out to the DPW for the great work done during the blizzard. She reminded everyone about the Franklin for All public forum on March 7, 2022. ► Councilor Jones thanked the DPW for their hard work during the blizzard. He thanked the teachers who have made it through the past month regarding the Omicron surge. He stated that the numbers are going down. ► Councilor Dellorco thanked the DPW. He noted that the Franklin High School cheerleading squad is going to nationals; he wished them good luck. ► Chair Mercer stated the DPW did a fantastic job on the storm.

*Chair Mercer recused himself from the Executive Session; he stated that Vice Chair Dellorco will conduct the rest of the meeting.*

**EXECUTIVE SESSION:** ► *a. Considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Board - Schmidt's Farm, Prospect Street.* ► Vice Chair Dellorco stated that the Town Council needs to meet in executive session for the purpose of considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Board - Schmidt's Farm, Prospect Street.

► **MOTION** to **Enter** executive session for the purpose of considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Board - Schmidt's Farm, Prospect Street, as the chair has so declared, and the open meeting will not reconvene at the conclusion of the executive session by **Jones. SECOND** by **Hamblen. No Discussion.** ► **ROLL CALL VOTE:** Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Pellegrini-YES; Sheridan-YES. ► **VOTE:** Yes-8, No-0, Absent-0.

*Open Session ended at 9:55 PM.*

Respectfully submitted,

---

Judith Lizardi  
Recording Secretary