

**FRANKLIN TOWN COUNCIL  
MINUTES OF MEETING  
December 4, 2019**

A meeting of the Town Council was held on Wednesday, December 4, 2019, at the Franklin Municipal Building, Council Chambers, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini. Councilors absent: Matthew Kelly. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney.

**ANNOUNCEMENTS:** ► Chair Mercer announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others.

**CITIZEN COMMENTS:** ► Mr. Harry Cochran and Ms. Barbara Cochran, 30 Spring Street, addressed the Town Council. Mr. Cochran stated the last 900 ft. of Spring Street is dirt. After 47 years, they are still trying to get pavement on the last quarter mile of the street. Two solar farms comprising 10 acres and 28 acres are being built near his property. The hillside near his property is going to be gravel which will washout after each rain. There are dead trees on Town property and the DPW said they cannot cut them. The trees are bad and someone is going to get hurt. He stated the solar developers are also installing a 16-space parking lot off the portion of Spring Street that is not finished so people can hike the trails in the forest. He asked who is going to police that area. ► Ms. Cochran said she thinks the solar developers should be liable for finishing the street because if there was a house being built there, the developer would be liable to fix the street.

**APPROVAL OF MINUTES: None.**

**PROCLAMATIONS/RECOGNITIONS: None.**

**APPOINTMENTS: None.**

**HEARINGS: *Franklin Tax Classification Hearing.*** ► Chair Mercer declared the Tax Classification Hearing open. ► Mr. Hellen stated this is an annual event. He referenced the Board of Assessors memo to the Town Council. He pointed out that the average single-family assessment value increased by 3.8 percent. As a result, the tax rate is being proposed at \$.15 less than the tax rate of last year. The proposed tax rate for FY20 is \$14.51. ► Mr. Christopher Sandini, Finance Director; Mr. Chris Feeley, Board of Assessors member; and Mr. Kevin Doyle, Director of Assessing, addressed the Town Council. ► Mr. Doyle stated the primary purpose of the hearing is to present data relevant to the Town Council's consideration of having a single tax rate or split tax rate for the current fiscal year. Historically, Franklin has had a single tax rate. He stated that historically, the Town Council has voted a factor of 1, meaning a uniform tax rate for Residential Property as well as Commercial-Industrial-Personal Property. He stated the Board of Assessors has not classified any property under State Land Use Class in the category of open space. He stated the Board of Assessors have not determined qualified property for small commercial exemption. There are only a few of the 351 cities and towns in Massachusetts that have adopted this provision. He noted the residential exemption has only been adopted in a few communities as it is found to be relevant in non-owner-occupied resort or densely populated communities with major rental markets. ► Mr. Sandini clarified that by law, the Town Council must vote on these exemptions. ► Mr. Doyle stated the items he reviewed must be considered when voting on the related resolutions. He provided an overview of the historic average single-family value, tax rate, and annual tax bill, the classification options brief perspective on single versus split tax rate, new growth brief on role and where it is coming from, and levy limit brief component. He narrated a slideshow presentation. He stated the mean

single-family value is \$427,700; the average single-family value is \$460,387. This will increase the average single-family tax bill by \$179 a year. ► Mr. Sandini explained that approximately 80 percent of property tax valuation and thus tax revenue is from residential taxes, and 20 percent is from commercial, industrial, and person property (CIP) taxes. ► Mr. Doyle noted there has been a lot of new growth in condominiums and multi-family property classes, as well as commercial and industrial developments and improvements. He discussed the FY20 Levy Limit is \$77,138,077. He noted with the debt exclusions, the FY20 Maximum Allowable Levy is \$81,040,818. ► Mr. Feeley noted that Mr. Ken Norman is the Board of Assessors Chair. ► Town Council members asked questions. ► Mr. Jones stated that setting the factor at 1 has worked well and is most effective for Franklin; he does not believe in splitting the tax rate. ► Mr. Bissanti stated he agreed with Mr. Jones. ► Ms. Pellegrini asked if all people who could get exemptions are getting them. ► Mr. Doyle reviewed the steps they have taken to identify people over 70 years of age who may be qualified for an exemption. ► Mr. Hellen stated he would make sure Ms. Karen Alves, Senior Center Director, has the application and exemption information; he will also have an email blast on social media sent out to make sure people are aware of the possible exemptions. ► Mr. Dellorco stated he believes in the single-tax rate. He suggested having a workshop at the Senior Center about the possible exemptions and the application process. ► Mr. Feeley noted the exemptions must be re-applied for every year. ► Chair Mercer stated he supports the single tax rate; it is a strength to attract businesses and industry into the Town. ► Chair Mercer declared the Tax Classification Hearing closed.

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

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

- a. ***Resolution 19-80: Tax Classification - Residential Factor (Motion to Approve Resolution 19-80 - Majority Vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** 19-80: Tax Classification - Residential Factor will be set at [1.000000] by **Dellorco. SECOND by Hamblen. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- b. ***Resolution 19-81: Tax Classification - Open Space Exemption (Motion to Approve Resolution 19-81 - Majority Vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-81: Tax Classification - Open Space Exemption, that there not be an exemption for open space, by **Dellorco. SECOND by Hamblen. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- c. ***Resolution 19-82: Tax Classification - Small Business Exemption (Motion to Approve Resolution 19-82 - Majority Vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-82: Tax Classification - Small Business Exemption, that there not be an exemption for small businesses, by **Dellorco. SECOND by Hamblen. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**
- d. ***Resolution 19-83: Tax Classification - Residential Property Exemption (Motion to Approve Resolution 19-83 - Majority Vote (5)).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-83: Tax Classification - Residential Property Exemption, that there not be an exemption for residential property, by **Dellorco. SECOND by Hamblen. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

*Chair Mercer declared a two-minute recess.*

**LICENSE TRANSACTIONS: 99 Restaurants of Boston, Change of Officers/Directors/LLC Managers & Change of Ownership Interest, 847 West Central Street.** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the Change of Officers/Directors/LLC Managers and a Change of Ownership Interest for the 99 Restaurants of Boston LLC pursuant to the instructions sent by the ABCC by **Jones. SECOND by Dellorco. Discussion:** ► Mr. Hellen stated this is a unique situation where the ABCC Executive Director wrote a letter, which was provided in the Town Council members' packets, to create an

efficiency due to the magnitude of the transactions; this is an organization-wide transaction for the 99 Restaurants chain. ► Mr. John Connell, Attorney for the Applicant, reviewed the change of officers, directors, LLC managers, and change of ownership at the corporate level; there will be no change in the operations of the local restaurant. ► **VOTE: Yes-8, No-0, Absent-1.**

**PRESENTATIONS/DISCUSSIONS: None.**

**SUBCOMMITTEE REPORTS:**

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated a meeting was held tonight. There was a discussion with the high school students about their plastic waste reduction plan. It was voted to have the students present to the full Town Council. The next meeting is proposed for January 8, 2020.

**LEGISLATION FOR ACTION (continued):**

- e. **Resolution 19-84: Gift Acceptance - Franklin Public Library, \$10,500 (Motion to Approve Resolution 19-84 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-84: Gift Acceptance - Franklin Public Library, \$10,500 by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked the Friends of the Franklin Library for their dedication in raising money for the Library and for their continued support. ► **VOTE: Yes-8, No-0, Absent-1.**
- f. **Resolution 19-85: Gift Acceptance - Franklin Senior Center, \$250 (Motion to Approve Resolution 19-85 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-85: Gift Acceptance - Franklin Senior Center, \$250 by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked Ames Financial Services for their generous donation. ► **VOTE: Yes-8, No-0, Absent-1.**
- g. **Resolution 19-86: Town Council 2020 Meeting Calendar (Motion to Approve Resolution 19-86 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-86: Town Council 2020 Meeting Calendar by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Earls asked if there was a conflict with November 11<sup>th</sup> as it is Veteran Day. ► Mr. Hellen stated November 11<sup>th</sup> is Veterans Day and it falls on a Wednesday, but it may be observed as a Monday holiday. ► Chair Mercer stated this will be looked into, and the November 11<sup>th</sup> meeting date may be adjusted, if necessary. ► **VOTE: Yes-8, No-0, Absent-1.**
- h. **Resolution 19-87: Appropriation of Cable Funds in Support of PEG Service and Programming per M.G.L. Ch. 44, §53F3/4 (Motion to Approve Resolution 19-87- Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-87: Appropriation of Cable Funds in Support of PEG Service and Programming per M.G.L. Ch. 44, §53F3/4 by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated the Town Council used to vote to appropriate PEG funds once per year, but due to changes with Department of Revenue requirements, the Town Council must vote to appropriate PEG funds received from Comcast and Verizon as the money comes in. ► **VOTE: Yes-8, No-0, Absent-1.**
- i. **Resolution 19-88: Ad Hoc Stormwater Utility Fee Study Committee (Motion to Approve Resolution 19-88 - Majority Vote (5)).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 19-88: Ad Hoc Stormwater Utility Fee Study Committee by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen referenced a previous stormwater presentation by the DPW Director. He noted the next Legislation for Action item will be to establish the enterprise fund. He stated this Ad Hoc committee will

be comprised of three Town Council members to look specifically at the financial modeling as well as the public outreach to help bring this issue to light in the community; this is an important policy decision of this Town Council. He stated that he thinks one way to be very successful with this issue is to add a stormwater box on the billing with a fee of \$0 to begin to alert residents of this issue. ► Mr. Earls stated he supported creating this ad hoc committee to study the issue. He noted there are over 30 communities in the Charles River Watershed. He asked why the other communities, besides Millis, have not moved on this issue. ► Mr. Hellen stated Bellingham has begun the fee process. He stated the Town of Franklin has been a leader on this issue. ► Mr. Brutus Cantoreggi, DPW Director, stated the Town of Newton has had a stormwater fee for the last nine years. It is getting to the point where towns have to get onboard because of the pressure. The Town Council will have to make choices as to how to pay for stormwater, just as they decide how to pay for police, fire, and schools. He stated the fees are coming forward; he has to start putting money into it as this is the third year of the permit. ► Ms. Pellegri asked if Mr. Cantoreggi should be on the ad hoc committee. ► Chair Mercer said there have been some discussions about that with the Town Administrator. However, tonight, they just want to get the committee established. He said this and the next item are to be proactive on this issue. He encouraged his fellow Town Council members to support both this and the next item. ► Mr. Earls stated this is a good way to be proactive. He asked why towns with a larger Charles River impact are not leading this effort. ► Mr. Cantoreggi said this is year two of the permit. He noted that Franklin sued at the federal level because we think this is wrong. We are working through that process. We are taking a proactive approach in thinking about the best way to handle this issue. Every town is going to be forced into doing it. The money is going to be demanded. Currently, the federal government wants the Town of Franklin to spend approximately \$65 million. With the lawsuit, there will still be costs, but they are looking at increasing the time to fix the problem. We are going on year three with the permit; each year there are more costs associated with the permit. ► Town Council members asked questions and provided comments. ► Mr. Cantoreggi stated the goal is to reduce the phosphorus loading in the Charles River. Most of it is caused by leaves. He stated that we want to put our groundwater back into the ground; we are a groundwater community. We really need sewer, stormwater, and drinking water to work together. If Franklin's stormwater is improved, it will help the drinking water and sewer. ► Mr. Jones noted that the percentage of the Charles River that goes through Franklin is minimal and asked what Franklin gets out of this besides helping the communities further upstream. He stated the community needs to be engaged and told about the \$65 million cost so they do not show up at the last minute when the fee is about to be enacted and begin asking questions. ► Chair Mercer stated this is what is trying to be done by establishing this committee. ► Mr. Hellen stated people may think about the stormwater liability in the same way as the OPEB liability. It was difficult at the beginning, but we focused on how to solve the problem and now Franklin is ahead of other communities in the OPEB issue. We are ahead of other communities in this stormwater issue. He noted this is an unfunded mandate, but it is a reality. In addition, this is an investment in the Franklin community and infrastructure. He hopes the ad hoc committee can get people in the community engaged. He noted the ad hoc committee will be looking at when to phase in the fee and what will be the structure it. There are many options which must be analyzed. The exact timeline for implementation is not determined. ► Chair Mercer confirmed there is no fee being established or implemented tonight. He noted that being proactive is one of Franklin's goals. ► **VOTE: Yes-8, No-0, Absent-1.**

- j. ***Bylaw Amendment 19-846: Chapter 153 Stormwater Management – 1<sup>st</sup> Reading (Motion to Move Bylaw Amendment 19-846 to a 2<sup>nd</sup> Reading - Majority Vote (5)).*** ► **MOTION to Waive the Reading by Earls. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Move Bylaw Amendment 19-846: Chapter 153 Stormwater Management to a 2<sup>nd</sup> Reading. Discussion:** ► Mr. Hellen stated this is to establish a stormwater utility structure. By establishing this utility, it shows the federal government the Town's commitment to move toward compliance. He noted this is set up just like

the Town's water, sewer, and trash enterprise funds. The objective is to create the framework to allow our finance staff the ability to work with MUNIS to create the utility in our financial system. He thinks by setting this up, it will give an alert to the community about this policy issue and help with public outreach and engagement. If there was to be a fee implemented, it would be outside of this bylaw; it would be separate. ► Town Council members asked questions and commented on Mr. Hellen's discussion. ► **VOTE: Yes-8, No-0, Absent-1.**

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Hellen welcomed Kathleen Liberty as the new Board of Health Director. He thanked Mr. David McKearney for his 15 years of service as the Board of Health Director; he will be retiring on January 2, 2020. ► He stated Cindy Souza, Animal Control Department, is retiring after 22 years; he thanked Ms. Souza for her hard work over the years and wished her well in her retirement. ► He stated there was an article in a newspaper about turf fields that caused concern. A letter back from DEP was received relative to the complaint. There are no wetlands violations that were found by the DEP. As well, the DEP, in the letter to the individual who made the complaint, stated there was no requirement for the Town of Franklin to continue to do any PFOS monitoring in that area. DEP also provided commentary about the seemingly sensitivity, and they stated no concentrations were found above any quantitation levels and that PFOS is found in many consumer products. He stated, therefore, at this juncture, he considers this issue closed. He thanked the members of the Water Department for their pro-activeness over the past few years. He stated the letter will be put on the website. ► He reminded everyone of a meeting to be held on December 11, 2019 at 6:00 PM in the Council Chambers; the Office of Political Campaign and Finance will be making a presentation on a series of issues. ► He stated the Town Common looked great, and he thanked the DPW. He also thanked the DPW for the great work done during the first snowstorm. ► He addressed Mr. Cochran's issue regarding Spring Street. He pointed out that from the solar agreement, the Special Permit does include paving Spring Street. There is a fair amount of improvements that the developer and National Grid will be doing. A future agenda item regards the municipal lot that is going to be built for 16 vehicles to allow people to hike into the State Forest. Another goal is to consider decommissioning Spring Street through to Rt. 140. He stated he hopes the Cochran's feel their concerns will be addressed through this process. ► Chair Mercer asked that the area be looked at closely to determine where the pavement ends and then the Town Administrator get back to the Cochran's with a definitive answer as to where the asphalt will end.

**FUTURE AGENDA ITEMS:** ► Mr. Bissanti noted there is nothing in place in Franklin for the homeless; this is unfortunate. He has been doing research on the issue; he will report back. He asked if anything ever happen with the Pharma cartels and if the Town pursued that. ► Chair Mercer stated he would have a discussion with Mr. Bissanti, and if warranted, the item will be put on a future agenda. ► Mr. Earls suggested looking at zoning regulations regarding the stormwater fees. ► Mr. Chandler asked for an update on the regional dispatch facility. ► Ms. Hamblen requested to have a discussion on the Community Preservation Act. ► Ms. Pellegrini stated she has also been in touch with people who have been homeless. This should not be happening in Franklin. She questioned if there was land or buildings in Franklin that could be converted into housing and stated this issue needs to be looked into. ► Mr. Dellorco discussed the process of providing housing for the homeless.

**COUNCIL COMMENTS:** ► Mr. Chandler gave condolences to the Christopher Kearney family. He stated Mr. Kearney did a lot of work with people with substance abuse; he will be missed. He stated PEG does a great job. ► Ms. Hamblen thanked everyone who attended the Farmers' Market at Fairmount Fruit Farm last weekend; it was a great event. There will be a Farmers' Market every month. She thanked everyone who has worked to beautify the Town. She thanked everyone who went to the Turkey Trot; \$20,000 was raised for the Food Pantry. It was a wonderful event. ► Ms. Pellegrini stated Mary Saville Bennett, the oldest resident of Franklin at 109 years old, passed away; she was a remarkable woman. She thanked the Carlucci family who

paid for and provided a Thanksgiving meal at the Franklin Rod & Gun Club; about 30 to 35 people attended. ► Mr. Bissanti stated the Franklin Rod & Gun Club is having an All-You-Can-Eat Breakfast this Sunday. He noted there is a great sense of community in Franklin. He hopes the homelessness situation can be addressed as it should not happen. ► Mr. Earls commended the DPW for their great work on the snowstorm. He noted that although the Library was opened, the paths and parking lots were not cleared. He noted that the Library doors at one point were opening before employees arrived. He asked Mr. Michael D'Angelo to look into this. He requested a future agenda item to have a meeting with the Franklin Housing Authority about how things work. He noted the EDC put forth the proposed plastic bag ban to come before the Town Council. He encouraged everyone in the community to read about the issue. ► Mr. Jones thanked the DPW for the hard work done during the snowstorm. He stated it was sad to hear that the eldest resident at 109 years old has passed. He stated the Town Common looks great. ► Mr. Dellorco thanked Mr. Cantoreggi for the great job done during the snowstorm. He said the Town looks great. ► Chair Mercer said the DPW and staff did a great job on the snowstorm and on the decorations in Town.

**EXECUTIVE SESSION: SESSION - Pending Litigation: Southern Foods Group, LLC. et al., debtors (Dean Foods).** ► Chair Mercer stated Town Council needs to meet in an Executive closed session for the following purpose: To discuss strategy with respect to litigation specifically Southern Foods Group, LLC. et al., debtors (Dean Foods). 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**. No **SECOND** given. **No Discussion.** ► **ROLL CALL VOTE:** Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES. ► **VOTE: Yes-8, No-0, Absent-1.**

► **The open session of the Town Council Meeting adjourned at 9:00 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary