

**FRANKLIN TOWN COUNCIL**  
**MINUTES OF MEETING**  
**February 5, 2020**

A meeting of the Town Council was held on Wednesday, February 5, 2020 at the Franklin Municipal Building, Council Chambers, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Brian Chandler, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegrini. Councilors absent: Robert Dellorco. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

**CALL TO ORDER:** ► Chairman Mercer called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

**ANNOUNCEMENTS:** ► Chairman 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. Trevor O'Neill, 560 Coronation Drive, Senior at Franklin High School, stated that as part of a project for an AP Government course, he will be observing the Town Council. He stated he would like to discuss how to reduce Franklin's carbon footprint. He stated that he has some simple suggestions that could significantly reduce the amount of carbon Franklin puts in the atmosphere and actually help the environment. He suggested community gardens and noted he is aware of one at King Street. He stated that if there were more community gardens at parks and schools, it would encourage planting which would produce oxygen for the atmosphere and also make people more self-sufficient by having them grow their own food. He stated he is confused as to why there are no solar panels on the high school roof as its design is specifically meant to be environmentally friendly and to have solar panels. He stated that he talked to the principal about this and he said it is not in the budget range. Mr. O'Neill stated that he thinks the environment is the most important thing to everyone in the high school because that is where we are going to be living for the rest of our lives. He stated he thinks Franklin could spare the money to put solar panels on the high school roof to significantly reduce the amount of gasoline and oil used to power the high school. He stated that his last point is self-transportation. He stated the streets need to be made more walkable and better sidewalks are needed. He stated that there are many streets without sidewalks. He stated that we need to encourage people to walk places because if you can walk five minutes to your friend's house instead of spending the gasoline to go 2.5 miles, to get there in 30 seconds, it is better for your health and it reduces all the fossil fuel that was going to be needed. He stated that the streets are now made for cars to get around; the streets should be made for people to get around so they can bike and skateboard. ► Ms. Teresa Burr, Town Clerk, reminded everyone that they should have received the Town census. She requested that everyone fill it out, make changes as necessary, sign it, date it, and return it to the Town Clerk's office. She encouraged residents to contact the Town Clerk's office if a census was not received; the census is also available on the Town's website. She noted that January 1-April 1 is the dog registration period. After that, a late fee will be charged. She stated the Top Dog drawing will be held again this year; there will be three prizes. She encouraged everyone to send in pictures of their dog. She stated that the presidential primary will be held on March 3, 2020 at the high school from 6:00 AM to 8:00 PM. Absentee ballots are available at the Town Clerk's office. Early voting will be held on February 24-February 28 during regular office hours at the Town Clerk's office. February 12<sup>th</sup> is the last day to register to vote or change party affiliation. The Town Clerk's office will be opened until 8:00 PM that evening. There is additional information on the website. Please call the Town Clerk's office with any questions. ► Chair Mercer explained that a group of high school students is present at tonight's meeting. They are part of an AP Government course and attending the meeting to watch

how the Town works. He stated Mr. Hellen will be in touch with the student who spoke during Citizen Comments to address his issues.

**APPROVAL OF MINUTES:** ► *January 22, 2020.* ► **MOTION** to **Approve** the January 22, 2020 meeting minutes by **Kelly**. **SECOND** by **Jones**. **No Discussion**. ► **VOTE: Yes-8, No-0, Absent-1.**

**PROCLAMATIONS/RECOGNITIONS: None.**

**APPOINTMENTS: *Historical Commission – Randy La Rosa.*** ► Mr. Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Randy La Rosa to serve as a member of the Franklin Historical Commission with a term expiring on June 30, 2022, by **Jones**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated Mr. La Rosa was present at tonight’s meeting. ► **VOTE: Yes-8, No-0, Absent-1.**

**HEARINGS: None.**

**LICENSE TRANSACTIONS: *Maks Roast Beef and Breakfast, Inc., New Wine and Malt License, Located at 451 West Central Street, Franklin, MA 02038.*** ► Mr. Jones read the license transaction. ► **MOTION** to **Approve** the request by Maks Roast Beef and Breakfast, Inc. for a new wine and malt beverages restaurant license and to approve the manager, Maksim Xhengo, by **Jones**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Richard Cornetta, Attorney for the applicant, introduced Mr. and Mrs. Xhengo. He stated they have been members of the community since 2014. They opened Maks Roast Beef and Breakfast, Inc. and have an ownership interest in the property. He explained the business operations and hours. He stated many of their patrons have indicated that a glass of wine or beer would be nice to go along with their meal. The applicant does not have a bar; it is a sit-down restaurant. He stated the requested license would complement and assist the business. He noted the applicant has owned restaurants for 15 years in other towns. ► **VOTE: Yes-8, No-0, Absent-1.**

**PRESENTATIONS/DISCUSSIONS:** ► *Norfolk County Sheriff Office and House of Corrections Update with Sheriff McDermott.* ► Sheriff McDermott addressed the Town Council and stated he was appointed by Governor Baker in December 2018. He stated that when he began, he noticed the female inmates were not being treated equitably. So, they have taken the female inmates out of MCI Framingham. Through a partnership with Suffolk county, all female offenders have been moved to Suffolk county while the building is retrofitted. He encouraged the Town Council, high school, and middle schools to take a tour of the facility and/or have a sit-down question and answer period with the inmates. He discussed some of the programs his office has been working on. He discussed the Leadership Academy based in Braintree which is a team-building program that helps with students’ self-esteem and has an anti-bullying curriculum. Currently, they are in talks with Dean College in replicating something like this. He is hoping that by this summer there will be a Leadership Academy in this geographic area. They have also launched a task force on juvenile mental health and substance abuse. He thanked Mr. Kelly who is a representative from Franklin on the task force. He hopes to have a report in the next six months for best practices across all schools in Norfolk county. He pointed out the community service and inmate work crews which Franklin has participated in. These crews go out to towns as well as to non-profits and help out by doing painting, landscaping, and other tasks which save the municipality and non-profits money. He discussed the inmate population and noted there is an uptick of drug activity in Massachusetts. He stated that it is important to have conversations with the young people about the challenges and dangers that are out there. ► Town Council members asked questions and thanked Sherriff McDermott for his work. ► Sherriff McDermott reviewed information on the Distracted Driving Program. He stated they go to high schools and demonstrate what distracted driving is like behind the wheel of a vehicle. He discussed how they are helping the female inmates get equitable treatment. He

explained programs with the New England Wildlife Center in Weymouth as well as equine therapy and canine therapy programs.

► ***Community Preservation Act Discussion: Town Administrator Memo & Backup Material.*** ► Mr. Hellen read from meeting minutes of 2001 regarding a discussion by the Franklin Town Council on the Community Preservation Act when Mr. Hellen was working for the Executive Office of Environmental Affairs. He stated tonight's slideshow presentation is from the Community Preservation Coalition. He explained that the CPA enables communities to establish a local restricted fund for historic preservation, open space and recreation, and community housing. About 176 cities and towns in Massachusetts have adopted CPA; the majority of the communities around Franklin have adopted CPA. CPA revenue sources include a local surcharge of up to three percent on local property tax bills and state contribution of annual distribution from statewide CPA Trust Fund. The community decides the surcharge level and which exemptions to adopt. He reviewed the available CPA exemptions. CPA can be adopted by putting the CPA question on the ballot by the legislative body vote or collecting signatures of five percent of registered voters. He explained how the CPA works by passing a Community Preservation Committee bylaw/ordinance; there is required representation from five commissions/boards, plus up to four additional members. The role of the Community Preservation Committee is to assess community's CPA needs, accept/review project proposals, get input from the public and boards/committees, and recommend CPA projects to Town Meeting/City Council. He noted that there is legislative body approval required for all CPA projects. He reviewed examples of what the CPA money can be spent on. He discussed the Town of Franklin CPA Estimated Calculations FY20 Data spreadsheet provided in the Town Council members' packets. He reviewed the three percent, two percent, and one percent surcharge total annual revenue estimates as well as what it would mean for residents. He noted there is a 24 percent State match. He explained that a community cannot apply more than a three percent surcharge. He stated that at a two percent surcharge, the total annual revenue is estimated at \$1.56 million. It is important to note that every year 10 percent of the monies brought in must be set aside for open space, 10 percent set aside for historical preservation, and 10 percent set aside for affordable housing. The remaining 70 percent is discretionary on those items. Based on his calculations, for the average Franklin family, a three percent surcharge would be approximately \$157 per year, a two percent surcharge approximately \$105 per year, and a one percent surcharge approximately \$52 per year. He noted the Town of Franklin voted on this once in 2007, and it failed; he noted the Town of Franklin's demographics have changed greatly in the past 13 years. ► Town Council members asked questions. ► Ms. Pellegrini stated the surcharge is not a lot of money taken out of residents' taxes. She discussed how much money has gone to other communities as Franklin did not pass the CPA. She is in favor of this. She stated the committees involved have to explain this to people so they understand. It is so little to give back out of their taxes, but they are going to get so much back for the community. ► Ms. Hamblen asked about the State's matching which is now at approximately 24 percent. ► Mr. Hellen discussed that the State's matching does ebb and flow. ► Mr. Cerel reviewed that the State match has gone down from the dollar for dollar match of years ago. He discussed where the matching rate is now. He stated that if the Town does buy in at three percent surcharge, the statute provides initially for a 100 percent match; if the State cannot do that match, then they go through rounds for the distribution. If the Town is at three percent, the Town is eligible for two or three additional distribution rounds which significantly increases the amount the Town can get. He discussed that the Town can also borrow against the CPA. As well, the Town can save the money and build it up in the accounts for a future project. He reviewed the criteria for the discretionary 70 percent funds. ► Town Council members asked questions about the program. ► Mr. Hellen stated this is a community decision. The money from the CPA can address many of the concerns in the community. He reviewed the map of communities that have adopted CPA. ► Mr. Cerel explained that the Community Preservation Committee is the operative body. They determine the need and make a recommendation to the legislative body to approve or deny what is being recommended by the CPC. ► Mr. Kelly stated it may be worth putting this back on the ballot as there may be a good chance it would pass this time. He stated he was glad there was a senior's exemption. He would like to lobby for a veteran's

exemption. ► Mr. Jones stated he supports this and confirmed information about the program. He stated he supports putting more than the required 10 percent into the three funds for open space, historical preservation, and affordable housing in order to have less than 70 percent discretionary funds. ► Mr. Christopher Sandini, Finance Director, pointed out that a minimum of 10 percent is required in the three funds; the Town Council as the legislative body will take a vote each year to place the amount that goes into those funds, and it can be over the minimum 10 percent. ► Ms. Lisa Audette, Executive Director of the Franklin Housing Authority, stated the Housing Authority recently received a Notice of Funding Available (NOFA) from the State indicating they would be able to get additional funding through the State if they could leverage funding through another resource outside of the Housing Authority. The NOFA came to them 1.5 years ago and they were able to leverage funds through another resource. Thankfully, the Affordable Housing Trust in Franklin was able to help. She discussed that with the money, they are renovating 40 units of senior disabled public housing for \$2.5 million. When she sees the \$126,000 the Town of Franklin did not get because they were not part of CPA, it is upsetting. The Housing Authority could have done a bigger project with that money. ► Mr. James Schultz, 21 Mackintosh Street, asked what the criteria for buildings to be eligible to participate is. He asked if a building has been identified, are there restrictions on the use for that building once the project is completed. ► Mr. Cerel stated there is great flexibility on the eligibility. He stated there are no restrictions on use, but there may be regulations on how the building is renovated. He reviewed examples of historic building renovations from other towns. ► Mr. Edward Szymanski, 529 Pleasant Street, asked about the process to get this on the ballot. ► Chair Mercer stated the Town Council would have to vote to put this on the ballot. ► Mr. Szymanski stated he thinks there is a lot of interest in the Town; if this came up for a vote, it would have a good chance of passing. He encouraged the Town Council to put it on the ballot. ► Ms. Roberta Trahan, 1 Green Street, expressed concern that the Town has lost so much money in the past from not adopting CPA. She is in favor of this. She stated like with any other vote, the public needs to be educated on this. She encouraged the Town Council to vote to put it on the ballot for the next election. ► Ms. Susan Speers, 171 Lincoln Street, stated she moved to Franklin 32 years ago for the schools and the library which are great assets. It is a great community. She stated she is active with an environmental group. She can see the benefits of adopting the CPA from what other nearby towns have done with their funding. She stated they need to get the word out about this so the community can get behind it. ► Ms. Mary Olsson, 149 West Central Street, stated she is a representative from the Historical Commission; they are very excited this is coming before the Town Council. She gave examples of how other towns have used their CPA funding. She discussed the importance of educating the townspeople and working together on this. ► Chair Mercer stated this seems to be something that the Town Council wants to move forward. He asked the Town Administrator to begin the process to get this before the Town Council and on the ballot. He agreed that education about this item is the biggest piece. He urged people to help the Town Council to spread the word to the public and educate the Town of Franklin as to why this is the right thing to do and vote yes on this ballot question. ► Ms. Pellegri requested the Chair set up an ad hoc committee for this.

#### **SUBCOMMITTEE REPORTS:**

- a. **Capital Budget Subcommittee.** ► Nothing to report.
- b. **Budget Subcommittee.** ► Nothing to report.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated the subcommittee met tonight. They developed their list of priorities. They will be sending more lot line clean up items to the Town Council. Their next meeting will be held on March 4, 2020.

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

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

- a. **Resolution 20-03: Capital FY20 (Motion to approve Resolution 20-03 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-03: Capital FY20 by Kelly. SECOND** by

**Hamblen. Discussion:** ► Mr. Hellen stated the next three votes reflect the FY20 Capital Plan. He pointed out the Finance Committee voted unanimously on this. The majority of the departments affected by the Capital Plan are present to answer any questions. He noted Ms. Pellegrini is Chair of the Capital Improvement Committee. The Committee had a meeting and went through the items meticulously and voted unanimously. He stated the next two resolutions are stabilization fund deposits and they legally have to be separate votes. ► Ms. Pellegrini noted the Committee discussed every line item and voted unanimously; they are fine with it all being in one resolution. ► Town Council members asked questions. ► Mr. Chandler asked why the police bicycles are being purchased from a Milford business and not from a Franklin business. ► Police Chief Lynch stated Sergeant Reilly did all the work on it. He is not sure of the reason they decided to go with a vendor out of town. ► Mr. Earls asked for an explanation of the Stormwater Finance Implementation for \$25,000 listed under Technology. ► Mr. Hellen stated this is for the stormwater utility creation for the Finance Department to purchase a new module to go on the MUNIS software system. It will take six to ten months to create and build the utility. In the quote, it was a little over \$15,000; but there is always a little extra contingency needed. ► **VOTE: Yes-8, No-0, Absent-1.**

**b. Resolution 20-04: OPEB Trust Funds Transfer (Motion to approve Resolution 20-04 - Majority Vote).**

► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-04: OPEB Trust Funds Transfer by **Kelly. SECOND** by **Hamblen. No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

**c. Resolution 20-05: Free Cash to Stabilization Accounts Transfers (Motion to approve Resolution 20-05 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-05: Free Cash to Stabilization Accounts Transfers by **Kelly. SECOND** by **Hamblen. No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

**d. Resolution 20-09: Gift Acceptance - Veterans Services, \$350 (Motion to approve Resolution 20-09 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-09: Gift Acceptance - Veterans Services, \$350 by **Kelly. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen thanked the people who have generously donated. ► **VOTE: Yes-8, No-0, Absent-1.**

**e. Resolution 20-10: Gift Acceptance - Senior Center, \$1,000 (Motion to approve Resolution 20-10 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-10: Gift Acceptance - Senior Center, \$1,000 by **Kelly. SECOND** by **Hamblen. Discussion:** ► Chair Mercer thanked the Busy Bee Club for their generous donation. ► **VOTE: Yes-8, No-0, Absent-1.**

**f. Resolution 20-11: Gift Acceptance - Police Department, \$300 (Motion to approve Resolution 20-11 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-11: Gift Acceptance - Police Department, \$300 by **Kelly. SECOND** by **Hamblen. Discussion:** ► Chair Mercer stated thank you for the generous donation. ► **VOTE: Yes-8, No-0, Absent-1.**

Chair Mercer recognized the high school students from an AP Government course who have attended the last few Town Council meetings. He requested the eight high school students attending the meeting introduce themselves. He thanked the students for attending the meeting.

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Hellen recognized the high school students in the audience and stated they attended a very relevant meeting. He discussed ways the students can get involved. He noted the Town's Green Communities designation. He discussed the solar farm that provides 90 percent of the electricity for the Town's buildings, schools, and streetlights and noted the solar farm is performing at over 11 megawatts. He discussed the plastic bag ban and stated that hopefully it will be passed at the

February 12, 2020 Town Council meeting. He said that hopefully tonight, with the Community Preservation Act discussion, the students will see more discussion about these issues. He confirmed the high school was built with the idea of having solar panels on the roof and suggested that maybe some of the students' advocacy for that will help spur the conversation. He said that if the students ever have questions, please ask. He thanked them for attending the meetings. ► He said there will be a flyer coming out indicating that on March 6, 11, & 21, 2020, the Stormwater Ad Hoc Committee will hold informational forums on the stormwater issue and the financials. ► He stated that a budget update will be given at the March 4, 2020 Town Council meeting, and he will put out a preliminary fiscal forecast. They will begin the budget conversation a little earlier this year. ► Chair Mercer added that the high school is a green high school. Because of that, the Town was able to get an additional \$2 million dollars. At the time, they were not giving away the solar panels, the panels had to be paid for. Therefore, the decision was made not to go forward with the solar panels but to make sure the building was capable of having solar panels in the future.

**FUTURE AGENDA ITEMS:** ► Ms. Pellegrini stated to consider CPA. ► Mr. Earls asked about equipment surplus as a topic of discussion. ► Chair Mercer stated he heard some concerns from Town Council members about personnel issues in certain Town departments. He discussed those concerns with Mr. Hellen. He asked Mr. Hellen to work on a resolution that would come before the Town Council on a very near future agenda. He asked Town Council members to refrain from any comments on Town personnel as it is not really within the Town Council's legal parameters to discuss in public, and it may expose them as councilors to legal liability; that concerns him. He stated that he also encouraged each councilor to follow the standard chain of command. He stated that when issues are brought to us, we should be listening and direct the person to bring those concerns forward through the proper chain of command through Mr. Hellen. At some point, if the concerns are not getting addressed, then it is up to the Town Council to get them addressed. But it is important to make sure that all Town Council members use good judgment and understand what the parameters are as councilors.

**COUNCIL COMMENTS:** ► Mr. Bissanti stated that at a previous meeting he wanted to discuss a situation about stray and lost dogs. He said there is some confusion on social media about what happens when a dog continually gets loose. He said the animal control officer gave him information. He stated there is a \$300 fine after a certain number of times. As long as the owner of the dog pays the \$300 fine every time the dog is returned, the dog gets to come home. He requested animal control department speak to the Town Council in a public forum. He stated the animal control officer asked that residents not just put a picture of the missing dog on social media as that does her no good. Please call animal control. ► Mr. Kelly, Mr. Chandler, Ms. Hamblen, Mr. Jones, and Chair Mercer gave condolences to Ms. Pellegrini for the passing of her brother-in-law Robert Simmler. ► Ms. Hamblen thanked all those who attended tonight's meeting. ► Ms. Pellegrini reviewed the background of Mr. Robert Simmler and noted he had been on many Town committees. She stated Ms. Anna Ruo of Oak Street was the oldest resident at 103 years old. Before Ms. Ruo passed, Ms. Pellegrini presented Ms. Ruo with the Boston Post Cane. Her family was very appreciative of the recognition for Ms. Ruo and for giving her a place in Town history. ► Mr. Jones thanked those who attended tonight's meeting. ► Chair Mercer thanked the high school students for attending tonight's meeting.

**EXECUTIVE SESSION: None.**

**ADJOURN: ► MOTION to Adjourn by Kelly. SECOND by Jones. No Discussion. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 9:19 PM.**

Respectfully submitted,

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Judith Lizardi  
Recording Secretary