

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

May 20, 2020

7:00 PM

Remote Meeting - Held on "ZOOM" Platform for Citizen Participation

7:00 PM

A NOTE TO RESIDENTS: Due to the growing concerns regarding the COVID-19 virus, we will be conducting a remote/virtual Town Council Meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number (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.

- **Link to access meeting:** May 20, 2020 Town Council Meeting Link [HERE](#) -- Then click "Open Zoom"
 - Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/83267080506>
- **Call-In Phone Number:** Call 1-929-205-6099 and enter Meeting ID # **832 6708 0506** --Then press #

1. ANNOUNCEMENTS

- This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon Channel 29. This meeting may be recorded by others.*

2. CITIZEN COMMENTS

- Citizens are welcome to express their views for up to five minutes on a matter that is not on the agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

3. APPROVAL OF MINUTES

- April 15, 2020

4. PROCLAMATIONS/RECOGNITIONS

- Designating the Town of Franklin as a Purple Heart Community
- American Legion
- Larry Bederian

5. APPOINTMENTS - None Scheduled

6. HEARINGS - None Scheduled

7. LICENSE TRANSACTIONS - None Scheduled

8. PRESENTATIONS/DISCUSSIONS

- Animal Control Department
- Franklin Food Pantry

- c. SAFE Coalition
- d. Metacommet Emergency Communication Center (MECC)

9. SUBCOMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Budget Subcommittee
- c. Economic Development Subcommittee

10. LEGISLATION FOR ACTION

- a. Resolution 20-27: Cell Tower Easement (**Motion to Approve Resolution 20-27 - Majority Roll Call Vote**)
- b. Zoning Bylaw Amendment 20-853: Zoning Map Changes on or Near Pleasant, Chestnut, and Brook Streets - Second Reading (**Motion to Adopt Zoning Bylaw Amendment 20-853 - Two Thirds Majority Roll Call Vote**)
- c. Zoning Bylaw Amendment 20-854: Changes to §185-40. Water Resource District - Second reading (**Motion to Adopt Zoning Bylaw Amendment 20-854 - Two Thirds Majority Roll Call Vote**)
- d. Resolution 20-28: Ratification of the Memorandum of Agreement between the Franklin Police Sergeants Union employees and the Town of Franklin (**Motion to approve Resolution 20-28 - Majority Roll Call Vote**)

11. TOWN ADMINISTRATOR'S REPORT

- a. Coronavirus Update
- b. FY21 Budget Update

12. FUTURE AGENDA ITEMS

13. COUNCIL COMMENTS

14. EXECUTIVE SESSION - *None Scheduled*

15. ADJOURN

Note:

Two-Thirds Vote: requires 6 votes

Majority Vote: requires majority of members present and voting

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 15, 2020**

As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, this meeting will be conducted as a Remote/Virtual Town Council meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link provided on the agenda.

A meeting of the Town Council was held on Wednesday, April 15, 2020 as a **Remote Access Virtual Zoom Meeting**. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegri. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

CALL TO ORDER: ► Chair Mercer called the **Remote Access Virtual Zoom Meeting** to order at 7:06 PM. He confirmed via roll call that Town Council members and Administrative personnel were present and could hear the Chair. ► Chair Mercer called for a moment of silence.

ANNOUNCEMENTS: ► Chair Mercer stated this meeting is being conducted remotely consistent with Governor Baker's executive order of March 12, 2020, regarding the current state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus. In order to mitigate the transmission of the COVID-19 virus, we have been advised and directed by the Commonwealth to suspend public gatherings and as such the governor's order suspends the requirements of the open meeting law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. He stated that this meeting will feature public comment. He noted the availability of the posted call-in number and Zoom meeting link provided on the agenda for the public to join and participate in the meeting. He reviewed that all supporting meeting materials that have been provided to the Town Council are available on the Town's website unless otherwise noted. He announced this **Remote Access Virtual Zoom 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: None.

APPROVAL OF MINUTES: ► *February 12, 2020 and March 19, 2020.* ► **MOTION** to Approve the February 12, 2020 meeting minutes by Kelly. **SECOND** by Jones. **No Discussion.** **ROLL CALL VOTE:** Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES. ► **VOTE:** Yes-9, No-0, Absent-0. ► **MOTION** to Approve the March 19, 2020 meeting minutes as amended to indicate that Ms. Pellegri was in attendance by Dellorco. **SECOND** by Kelly. **Discussion:** Ms. Pellegri stated that she was in attendance at the March 19, 2020 Town Council meeting. **ROLL CALL VOTE:** Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES. ► **VOTE:** Yes-9, No-0, Absent-0.

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: 7:10pm. ► *Zoning Map Changes on or Near Pleasant, Chestnut, and Brook Streets.*

Chair Mercer declared the public hearing open.

Mr. Bissanti recused himself.

► Mr. Hellen stated this is the latest in a series of lot line clean ups that are part of the lot line clean-up project for parcels with multiple zoning districts on one parcel. He discussed the provided diagram of both the current zoning map and proposed zoning map changes. He stated that the Economic Development Committee approved these zoning map changes. The zoning bylaw amendment was then referred to the Planning Board which at their April 13, 2020 public hearing voted unanimously for recommendation to the Town Council. This will be the first of two readings for this Legislation for Action item to go forward. ► Mr. Jones confirmed the memorandum from the Planning Board dated April 14, 2020 to recommend this zoning bylaw amendment. ► Ms. Hamblen confirmed these zoning map changes were discussed and voted on unanimously by the EDC. ► **MOTION to Close the public hearing by Dellorco. SECOND by Kelly. No Discussion. ROLL CALL VOTE: Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-8, No-0, Absent-0; Abstain-1.** (Mr. Bissanti was listed as abstained as he had recused himself).

Mr. Bissanti re-entered the meeting.

LICENSE TRANSACTIONS: ► Dean College: New Section 12 All Alcoholic Beverages License, Located at 135 Emmons Street, Franklin, MA. ► Mr. Jones read the license transaction. ► **MOTION to Approve** the request by Dean College to approve the New Section 12 All Alcoholic Beverages License, Located at 135 Emmons Street, Franklin, MA, and to approve the manager, Kenneth Corkran by **Jones. SECOND by Kelly. Discussion:** ► Mr. Hellen confirmed this is a new Section 12 All Alcoholic Beverages License. He stated that recently the Town's bylaw was changed for entities like Dean College to have full liquor licenses. Such entities used to come in on an almost weekly basis to obtain one-day liquor licenses. He stated that the Town worked with the ABCC, and the Town's bylaw was amended so such establishments can have a license for the entire year. ► Ms. Trish Farnsworth, Attorney representing the applicant, Dean College, introduced Mr. Kenneth Corkran, the proposed manager and Director of Law Enforcement Services and Risk Management at Dean College, and Mr. Dave Drucker, Dean of Students at Dean College. Ms. Farnsworth stated the college has been procuring one-day licenses in the past; however, administratively, the one-day licenses are burdensome for both the college and the Town. The proposed New Section 12 All Alcoholic Beverages License would be to license the Campus Center. There would be designated areas and floor plans submitted for various events and uses in the Campus Center. These events/uses are for students only, and not for the general public; however, students can bring guests. It was stated that IDs will be checked. Further, Dean College also wants to use this license for other kinds of events such as brunches and meetings. Everyone will be TIPS trained and all people entering must provide ID. People will not be able to take an alcoholic beverage and walk out of the building. ► Mr. Drucker said this would allow the college to have more flexibility and not worry about hitting a maximum number of one-day licenses; there are a number of events that the college runs throughout the year where they would like to use this license. He stated that Campus Safety and law enforcement are present at every event where alcohol is present, and IDs are checked. The college has been doing one-day license events for four to five years and there has never been an incident. This license would allow the college to host these types of events annually. ► Mr. Corkran confirmed such events have been held for four years; the areas have been cordoned off, and officers are present to make sure alcohol is used in the designated areas. ► Mr. Cerel said he has met with and provided direction to some folks at Dean College; this is a perfectly acceptable way to proceed. ► Mr. Hellen reminded Mr. Corkran and Mr. Drucker that TIPS certification training is required and mandated by the Town. ► Mr. Chandler asked for the percentage of students who are 21 years of age or older, and questioned who the manager of the license would be. ► Mr. Drucker said by spring semester 25 percent of Dean's population is 21 years of age or older. ► Ms. Farnsworth said Sodexo handles food and beverages at the

college; they will manage, store, and buy the alcohol. They have employees who are TIPS trained; however, Mr. Corkran is ultimately responsible as the manager on the license, and he will work with Sodexo. ► Mr. Drucker said Sodexo staff who are involved are TIPS certified; they have a locked facility where the alcohol is stored. ► Mr. Dellorco said he understands the events that are organized to bring people in for fundraisers, but asked why is alcohol needed for events for students. He asked how TIPS training would be handled. ► Mr. Drucker stated that at Boomer's Restaurant and in the Atrium in the Campus Center, the college hosts events for students 21 years of age and older to teach them about socially responsible alcohol use. It is a social gathering which averages about 30 to 35 students. It is part of the educational process. He stated Sodexo will provide a list of staff who are TIPS certified. ► Mr. Kelly asked if Mr. Corkran would be TIPS certified. ► Mr. Drucker said that Sodexo will do a train-the-trainer program for anyone else who wants to be TIPS certified. ► Mr. Kelly said the manager on record has always been TIPS certified; he would not like that precedent to be changed. ► Mr. Drucker said Mr. Corkran can be TIPS certified this summer. ► Mr. Cerel said the Town bylaw requires the manager to take the TIPS training. ► Mr. Bissanti reiterated that the manager must be TIPS certified. He stated that he would like to use scanners for ID confirmation rather than eyeballing the ID at the door. ► Ms. Hamblen asked for clarification on how the one-day licenses were handled regarding the manger on record. ► Mr. Hellen said that for the one-day liquor licenses there is a point of contact and not a manager. He confirmed the Sodexo employees and manger on record must be certified. ► Mr. Jones asked for the size of the Campus Center and if alcohol will be allowed to be served in the entire Campus Center or only in the Boomer's restaurant. ► Chair Mercer said alcohol will be allowed anywhere within the Campus Center building. ► Mr. Drucker stated Boomer's is where the majority of the student events would be held; however, Dean hosts many events throughout the year which take place in many different rooms/areas of the Campus Center. ► Mr. Jones stated that as Dean is going to be able to serve alcohol within the 118,000 sq. ft. Campus Center, the college can potentially serve alcohol throughout the entire building at the same time. He is uncomfortable with not having a manager on record for Sodexo. ► Ms. Farnsworth said they are sure they could provide a point person for Sodexo; however, that person's name would not be on the license. ► Mr. Corkran said that they typically do not have multiple events at the same time. ► Mr. Kelly confirmed that this license is just for special events. He asked if Dean College could actually set up a bar. ► Mr. Cerel said the college is requesting a New Section 12 All Alcoholic Beverages License; there is a great deal of flexibility in this. So, they could have this as a bar. However, the Town Council could limit or condition the license. ► Mr. Kelly said his fear is that this could take money from the community and small business owners. For instance, people may go to the bar at Dean and not go to Teddy Gallagher's in the downtown. ► Mr. Hellen stated that any part of the license could be conditioned. He confirmed that anything on Dean's campus is not opened to the general public; it is limited to Dean students, guests, alumni, or other affiliates of Dean College. This will not be another public bar. ► Mr. Kelly said he would like to condition this license; he would like a Memorandum of Understanding (MOU) prepared between the Town and Dean College. The Town community depends on the Dean Community to use and keep the downtown viable. The Town has been working hard to keep the downtown going and to keep downtown Franklin active and vibrant; the MOU is needed to get everyone on the same page. He is worried about the economic future. ► Ms. Pellegrini agreed with Mr. Kelly and stated that she does not want business to be taken away from the downtown area. ► Mr. Cerel confirmed there is the option to place conditions; he suggested that conditioning would be better than a MOU. ► Mr. Drucker said it is important to recognize there is a dining hall on campus, but the students still spend money at local restaurants; he does not see that changing. He stated that students are interested in supporting the local economy. ► Ms. Janet Bederian, on behalf of family members at 128 & 130 School Street, agreed with Mr. Kelly. She stated that she wants to make sure the alcohol is going to be contained in the building and not be outside like when Dean has its carnival event in the spring. ► Mr. Drucker said the college can still obtain one-day liquor permits for areas other than the Campus Center. ► Mr. Cerel confirmed the college can get a one-day liquor license for another part of the property. ► Ms. Bederian said there are not usually problems with the students except during the beginning and end of the school year. ► Mr. Bissanti agreed with Mr. Kelly. He expressed

concern for the merchants and small businesses in Town. He wants to be assured the bar at Dean will only be open for students. He recommended an agreement be formed so this will not hurt businesses in Town, and he recommended this license transaction be continued. ► Mr. Dellorco agreed with Mr. Kelly. He stated that although Mr. Drucker said the students will continue to use the downtown area, he thinks that when alcohol is thrown in, the students may stay on campus. ► Mr. Kelly stated he would like to make a motion that the license transaction be continued to the May 6, 2020 Town Council meeting so the Town Administrator and Dean College can work out a Memorandum of Understanding or an agreed upon set of conditions for the license. ► **MOTION to Continue the License Transaction to May 6, 2020, by Kelly. SECOND by Dellorco. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-NO; Dellorco-YES; Earls-NO; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-7, No-2, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Coronavirus Updates.* ► Mr. Hellen provided updates related to COVID-19. He said Massachusetts is in the heaviest portion of confirmed virus cases with about 30,000 cases and about 1,000 deaths statewide. They anticipate this trend to continue for the remainder of the month and into early May with about 100 deaths per day expected. He stated that testing is greatly increased with 1,000 tests per day; the testing rate should continue to climb. He stated that as more people are being tested, more cases are confirmed. He stated the governor's stay-at-home advisory is still in effect, and there is now an advisory to wear a face covering when in public. He noted the state has only been in this situation for one month. He stated that he exercised two local options: payment for property tax bills was pushed back to June 1, 2020, and water/sewer/trash and excise tax fees and penalties are waived to June 30, 2020. He noted this is the furthest date that he could extend these options to help the citizens of the Town. He stated that dog licensing is postponed to June 1, 2020. He noted that if anyone has questions, they should call the Treasurer/Collector's office. He provided a public construction projects update. He stated there are weekly department head meetings, and he provided an update of each department. He stated that police and fire have plenty of PPE at the current time; they are doing an amazing job during these times. Facilities has done a great job on instituting a rotating staff schedule, building a disinfection schedule, and disinfecting the vehicle fleet for public safety and DPW. The DPW has a scaled-down crew and is working on an on-call basis to reduce risk to staff; some items can wait another month to be done while some work cannot wait such as repairs on a water break. The Recycling Center will be closed for another few weeks with the hope that it will be open again soon. The DPW administration is working remotely. The Highway/Grounds division is working on as-needed tasks. This is being taken week-by-week to see what the trend is. Employee safety is valued; employees will be working solo or following separation guidelines. He noted the recent storm brought down a lot of trees and much clean-up work was needed. He reviewed the Senior Center's ongoing work and stated that there has been a great level of outreach to seniors. He stated that discussions have been ongoing about a lunch pickup program for seniors; no final decisions have been made. The Public Library staff has been doing great work remotely. Recreation staff are working remotely from home. They will be faced with upcoming decisions regarding youth sports' spring and summer programs. Most communities around Franklin have canceled spring programs. He mentioned that they are going to continue with Earth Day in some fashion as they have the materials and the bags. There should be a self-policing policy of organizing this; he will keep everyone posted. He stated that the Municipal building is closed and everyone has been working remotely. Some staff have been coming in on an as-needed basis. All departments have remote work plans. Assessors have been doing work from home; next week they will be allowed to do inspections from the road. The Treasurer/Collector goes into the building three times per week to process billing and checks coming in. Payroll is being done remotely from home. Everything normally done in the Treasurer's office is continuing. Administrative Assistant Alecia Alleyne has been going in to the building twice per week and has done a great job coordinating all mail pickup for departments. Planning Board, ZBA, and Conservation Commission have been doing remote meetings and taking care of general business. At the recommendation of Town Attorney Mark Cerel, public hearings have been postponed until May. Conservation Agent Jen Delmore is still doing inspections and responding to complaints. Building

inspections are moving forward. He stated the departments should be called for specific information. The Board of Health has been responding to employee and citizen complaints; they are moving forward with their work. The Town Clerk's office staff has been working remotely; the Town Clerk goes into the office as needed and work is proceeding as usual. The Schools developed a remote work plan; he does not know about the date, if any, for schools to reopen; they are awaiting a decision by the governor. He noted that when staff needs access to the building, they must contact Mr. Hellen or the superintendent of schools for approval. He said all staff have been working together and doing a great job to keep services continuing. ►Chair Mercer stated that the recording of tonight's meeting is ongoing; however, Franklin TV's broadcast has been interrupted. ►Town Council members asked questions and agreed that all staff are doing a great job under the circumstances and working very hard. ►Mr. Jones noted that there is a meeting to determine a plan to transition to getting back to normal. He asked that based on available information, when could the employees and the public go back into municipal buildings and back into recreation areas. He stated that a date should be picked to be able to work towards; the date can always be adjusted; a plan must be put together. ►Mr. Hellen said he does not know when the coast will be clear to do this. He thinks there will be a slow incremental return to a new normal. A lot of this will depend on what the governor says. He stated that according to the governor, Massachusetts is just hitting the surge now. Currently, everything is closed until May 4, 2020 per the governor. ►Mr. Kelly expressed concern for the small businesses. If this is lifted on May 4th, he asked what the sanitation plan from the Board of Health is. They should be working right now on getting out simple guidelines for restaurants to reopen; the plan should be prepared now. ►Mr. Hellen said that they have been talking to department heads and Norfolk county managers about what are the incremental steps being taken to get back to normal. He stated the Department of Public Health will mandate the policies to be instituted for restaurants and bars to reopen. ►Mr. Kelly said support must be given to restaurants and small businesses. Those businesses must know what to do. As a community, we need to help them be ready to open on the first day that they are allowed. He wants people to come to Franklin and feel comfortable to shop, to eat, and to work. He stated that Franklin's Board of Health must know some of the things that are going to be needed for getting the small businesses prepared for reopening. Franklin needs to be ready to go. If it requires the Town Council to have a weekly meeting with the Board of Health, then it should be done. ►Mr. Hellen said he will talk to the Board of Health to see if this concern can be addressed at one of their next meeting. He does not think Franklin is behind on this. He thinks they are working on this very well. ►Chair Mercer agreed that Franklin should be the best prepared as possible when they are allowed to reopen. If they can find out what some of the criteria will be for the businesses to reopen, then the businesses can line up the subcontractors and be better prepared. ►Mr. Dellorco stated he agreed with his fellow Town Council members. However, he does not think anything will open up until June based on what he sees in the airport now; he does not want to see a second wave of this virus. He would like the small businesses back to work as soon as possible. ►Mr. Hellen noted that restaurants are open for take-out. Maybe there should be more promotion of this to the public. He noted that no liquor licenses have been returned at the time. ►Mr. Bissanti stated he feels there are many businesses that do not need to be closed right now. Restaurants could probably operate in a limited way with social distancing. He thinks there is arrogance on the governor's part that the governor thinks people can last this long without income. He understands a second wave may be coming. He noted there is some conflicting information and that some CDC information is coming from China; can that information be trusted. He stated he explored with Mr. Hellen what the enforcement is in Franklin; he thinks there is none. He stated that if there is no monetary penalty and there is no clear-cut enforcement, and people are going broke and worried about putting food on the table, what are they supposed to do? ►Mr. Hellen said this is uncharted territory. He said the Department of Public Health works with the governor to determine what businesses are essential and non-essential. There are businesses that could still stay open and do their business on the sidewalk. In terms of enforcement, that comes down to the Board of Health. Most of the time the Board of Health talks to the people if there is a complaint, and they do a public education campaign. There is usually a lot of progress. When doing a compliance check, there is usually a lot of compliance. If that does not work, there is an enforcement mechanism; the COVID-19 Task Force is about

compliance and enforcement. ► Mr. Cerel stated this is not guidelines or suggestions. The governor's order of March 23, 2020, COVID-19 Order #13, has its own enforcement mechanism in it which says the Department of Public Health along with any Board of Health or authorized agent will enforce this order if necessary with state or local police; violation of the terms may result in a criminal penalty, a civil fine, or injunction from district court compelling businesses to remain closed and comply with the order. This is all dependent on if it is an essential business; there are many categories and exceptions. If you fall within a prohibited business, you run the risk of criminal or civil action if you defy that. The governor asserted his authority under the law to do this. The only issue is how actively is this being enforced. ► Discussion commenced about actual enforcement of this order from both state and local levels. ► Mr. Hellen stated that as of now, it seems the Franklin community and businesses have rallied around the governor's orders. ► Chair Mercer stated this was a valuable conversation, and there is much more discussion needed moving forward.

► **Community Preservation Act (CPA).** ► Mr. Hellen stated there was a discussion in February on this topic; it was a positive meeting with a lot of community support. At the end of the meeting, after hearing feedback, the Chair of the CPA asked to put forth a ballot question. At this Town Council meeting, the Town Council will consider a possible ballot question; he would like to have further open dialogue about this ballot initiative. ► Mr. Chandler stated he supports the CPA. He asked that if this goes forward, are there any special costs for this to go on the ballot. ► Mr. Hellen stated additional costs would be required to print out a separate ballot in addition to the presidential ballot. ► Mr. Kelly said he was in favor of it, and it is worth putting on the ballot. He expressed concern about the requested percentage as it affects the tax rate. He said the voters should choose. ► Mr. Dellorco said he supports putting it on the ballot. The public must be given the information they need so when they cast their vote, they know what they are voting for. ► Mr. Hellen said if the Town Council is in agreement, the Town Attorney would draft a ballot question and put it on the May 6, 2020, Town Council agenda. The Town cannot do any type of perceived advocacy for this. Citizens and stake holders in the community are a core group of people who would likely start the third-party group to begin fundraising and send out information and educational materials to the public. These would be the months for the community to rally around the initiative before the November ballot. ► Mr. Cerel confirmed the percentage and exemptions must be designated. He recommended a decision be made quickly to allow enough time to provide the information to the community before the election. ► Mr. Bissanti stated support for this initiative, and said it would be a good thing for the Town. ► Chair Mercer asked if Mr. Cerel could proceed with drawing up the ballot question. He asked if the item could then be put on the next Town Council agenda for discussion and vote. ► Mr. Hellen stated yes. He would designate the three percent surcharge as there are then matching funds from the state. If the Town Council wants the three percent to be amended, that can be done. ► Ms. Pellegrini stated they will have to work very hard to get this passed. It is needed and will help the Town for schools, roads, museum and more. They have to think of a way to get the voters to think this is important. ► Mr. Earls agreed it will be challenging to get this passed due to the current times. He asked if it would be better to wait a little longer to engage the public to support it.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► None.

LEGISLATION FOR ACTION:

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

Mr. Bissanti recused himself.

- a. ***Zoning Bylaw Amendment 20-853: Zoning Map Changes on or Near Pleasant, Chestnut, and Brook Streets - First Reading (Motion to Move Zoning Bylaw Amendment 20-853 to a Second Reading - Majority Vote).*** ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 20-853: Zoning Map Changes on or Near Pleasant, Chestnut, and Brook Streets to a Second Reading by Dellocco. SECOND by Kelly. Discussion:** Mr. Hellen stated Director of Planning and Community Development Bryan Taberner is attending this meeting if anyone has questions. He noted that information on this item was provided during the public hearing earlier in this meeting. ► Ms. Hamblen, EDC Chair, stated the committee voted unanimously. ► **ROLL CALL VOTE: Chandler-YES; Dellocco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-8, No-0, Absent-0.**

Mr. Bissanti re-entered the meeting.

- b. ***Resolution 20-19: Solar Authorization - Maple Street Bellingham (Motion to Approve Resolution 20-19 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-19: Solar Authorization - Maple Street Bellingham by Dellocco. SECOND by Kelly. Discussion:** Mr. Hellen stated Maple Street Solar is continuing to move forward with their project which will provide additional revenue for the community. He noted that the other two solar companies involved in solar projects are also continuing to move forward ► Mr. Kelly pointed out this is Maple Street in Bellingham, not Franklin. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellocco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-9, No-0, Absent-0.**
- c. ***Bylaw Amendment 20-857: Chapter 82, Trash and Recycling Fee Increase - First Reading (Motion to Move Bylaw Amendment 20-857 to a Second Reading - Majority Vote).*** ► Mr. Jones read the bylaw amendment. ► **MOTION to Move Bylaw Amendment 20-857: Chapter 82, Trash and Recycling Fee Increase to a Second Reading by Dellocco. SECOND by Kelly. Discussion:** Mr. Hellen stated DPW Director Brutus Cantoreggi is attending this meeting to answer questions. They are requesting an increase in the curbside trash and recycling fee from \$248 annually to \$278 annually, effective July 1, 2020. This is a \$7.50 increase per quarter. The increase is a direct result of changes to the recycling market in China. He pointed out that this is also a result of the Commonwealth's prevailing wage increase. These are factors which the Town has little or no control. He reviewed the history of this fee and noted it is \$22 lower than it was 15 years ago. The contract in place was agreed upon prior to the COVID-19 crisis. They will continue to work with the contractor to make sure they get the most competitive rates possible. ► Mr. Chandler asked about the 18 percent increase for prevailing wage; he confirmed this means they are getting over \$50 per hour. ► Mr. Cantoreggi stated they were very surprised by the prevailing wage set by the state. ► Mr. Kelly asked if it would be worth bringing the Recycling Committee back to work on this due to the cost of recycling and the direction recycling is going. ► Mr. Cantoreggi said he thinks they do not need to do that at this time. The community is still doing very good with the recycling rate. He noted they are almost paying more for recycling than trash; it would be less expensive to burn the recycling. It is a balancing act right now. ► Mr. Kelly said that is why he is asking if this should be looked into. He does not want to burn the recycling as it would be bad for the environment. Maybe the community would come back and determine it is better for the community to throw away the recycling or just recycle paper. He would like to recycle everything possible; however, the community should make that decision. Maybe the committee should have a few meetings. ► Mr. Hellen said that this may be worthy of a separate discussion in the future. He reviewed the process of the land swap for the Recycling Center facility. Possibly, a recycling center committee could look at what that would look like. Given the financial challenges, this may be a good opportunity to have that kind of committee. He explained that he will be trying to find the money to make the land

swap; they are really close. However, right now, they are looking at getting this fee increase passed for July 1, 2020. ► Ms. Hamblen said it is important for people to remember the fee is less than when they started this program, and smaller barrels are available for a smaller fee. ► Mr. Dellorco said he agrees with Mr. Kelly about getting a committee together. ► Mr. Bissanti said he agreed with all the Town Council members. He did some research on recycled plastics. He noted that China will not take the recycled plastics anymore. He thinks this fee increase is not horrible at this time or a big burden to put on the taxpayers. ► Mr. Jones asked if there is anything that can be done to get the Recycling Center open in light of the recent storm and tree waste. ► Mr. Hellen said they are trying to take it on a week-to-week basis regarding hours of operation at the Recycling Center. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-NO; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-8, No-1, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► None.

FUTURE AGENDA ITEMS: ► Mr. Kelly said he would like to have a conversation with the Board of Health about a pandemic response to be prepared for anything in the future.

COUNCIL COMMENTS: ► Mr. Bissanti reminded the community that because of these times we are now an electronic community not just a physical community. This is breaking new ground, and it will get better. He thanked everyone for their understanding. ► Mr. Chandler said he is glad that the COVID-19 numbers are now getting released. He said that he thinks people are feeling frustrated about being inside and wondering what is going to happen next. ► Mr. Earls said this is a difficult time. He commended everyone for their efforts in social distancing and flattening the curve. ► Ms. Hamblen thanked Mr. Pete Fasciano and Franklin TV for helping the Town Council bring this meeting to the community. She thanked everyone for keeping the Town moving forward remotely and for all their hard work trying to keep everyone safe. She asked everyone to continue to follow CDC guidelines. ► Mr. Kelly thanked Franklin TV for helping to put on this meeting. He emphasized the need for the Recycling Center to be open. He gave condolences for the passing of John "Jack" Dean who was Mr. Kelly's mentor and good friend. Mr. Dean was the face of real estate in Franklin for many years and was a very good person. Mr. Kelly gave thoughts and prayers to Mr. Dean's family; he will be missed. He encouraged everyone to stay safe. ► Ms. Pellegrini thanked Mr. Hellen for keeping everyone up to date with information. She thanked all first responders for their hard work. She thanked her daughter who works at Mass General Hospital and all workers on the front lines who help everyone. ► Mr. Jones gave a shout out to DPW workers and first responders who responded to Monday's storm; they did a tremendous job. He is glad everyone is following to rules to prevent this virus from getting any worse than it is. He thanked everyone who helped put this meeting on tonight. ► Mr. Dellorco thanked the first responders and DPW for their hard work. He thanked the Town Council for all they do for the community. He encouraged everyone to stay safe. ► Chair Mercer thanked the Town Council members for their work with the community. He thanked the Town Administrator and department heads who have stepped up and gone the extra mile under this crisis situation. He stated that hopefully the plateau will be reached soon and then the downturn will occur to allow businesses to start coming back. He discussed the latest information about the Clark Cutler McDermott plant. He received a call about a machine at the factory that could make PPE. He put the person in touch with the new owner, Rick Kaplan. Mr. Kaplan is allowing the use of the facility, and the hope is to produce PPE gowns for first responders and hospitals. There is still a lot to be done to get the process started, but it is all working in the right direction. He has worked with the State legislature regarding the process and manufacturer to make a surgical gown. Once it is up and running, up to 100,000 PPE gowns could be produced per week. These gowns would be made for distribution in the New England area. Some regulatory approvals have already been received. It will be another 10 days to two weeks before any production. He will keep everyone apprised. It is such a good project to be happening in

Franklin's community; this is the Franklin community stepping up to the plate to do something good. He encouraged everyone to stay safe.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Earls. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 10:18 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary



Military Order Of the Purple Heart



TOWN OF FRANKLIN, MASSACHUSETTS PROCLAMATION PURPLE HEART COMMUNITY

WHEREAS, the people of the Town of Franklin, Massachusetts have great admiration and the utmost gratitude for all the citizens of our community who have selflessly served in the Armed Forces that has been vital in maintaining the freedom and the way of life enjoyed by our citizens; and

WHEREAS, citizens of our community have been killed in action while serving in the Armed Forces and have been posthumously awarded the Purple Heart for their ultimate sacrifice; and

WHEREAS, citizens of our community have been awarded the Purple Heart for their bodily sacrifice of being wounded by the hand of the enemy while engaged in combat; and

WHEREAS, the Purple Heart is the oldest American military decoration and was created as The Badge of Military Merit, made of purple cloth in the shape of a heart with the word "Merit" sewn upon it, on August 7, 1782 in Newburgh, New York by General George Washington, then reestablished as the Purple Heart on February 22nd, 1932 by General Douglas MacArthur; and

WHEREAS, the heritage it represents is sacred to those who know the price paid to wear the Purple Heart; and

WHEREAS, August 7th is nationally recognized as Purple Heart Day; and

NOW, THEREFORE BE IT PROCLAIMED, We, the Franklin Town Council, hereby proclaim Franklin, Massachusetts, a Purple Heart Community, honoring the service and sacrifice of those from our community who were awarded the Purple Heart while serving in our Nation's wars; and

ALSO, BE IT PROCLAIMED, That Franklin, Massachusetts will recognize August 7th annually as Purple Heart Day, and urge our citizens and organizations to display the American Flag as well as other public expressions of recognition of our Purple Heart recipients.

Thomas D. Mercer
Chair
Franklin Town Council

Town of Franklin

A PROCLAMATION

Honoring

The Edward L. Grant American Legion Post 75

- WHEREAS,** The American Legion was founded in Paris France on March 15, 1919, by a large number of military men, greatly encouraged by Lt Col. Theodore Roosevelt, son of the 26th President; and
- WHEREAS,** an application for an American Legion Post in Franklin, MA was submitted on June 24, 1919 and approved on October 29, 1920. The first Post Commander was Michael Kearney; and
- WHEREAS,** Edward L. Grant, born in Franklin, MA, was educated at Dean Academy and Harvard University and played professional baseball for the Cincinnati Reds, New York Giants, Philadelphia Phillies, and the Cleveland Naps; and
- WHEREAS,** Grant was one of the first professional baseball players to volunteer for service in World War II. Grant was killed by artillery fire on October 5, 1918 leading troops in trying to rescue the Lost Battalion; and
- WHEREAS,** In honor of his sacrifice to our nation, the American Legion Post in Franklin was named Edward L. Grant American Legion Post 75; and
- WHEREAS,** The post provides many services to the Veteran community, and the Community as a whole by: Providing Color and Honor Guards for Memorial Day Parades in Franklin and Norfolk, providing outreach services for Veterans in the Town's Assisted Living and Extended Care facilities, the VA Hospital in Brockton and the Bourne National Cemetery.

NOW THEREFORE BE IT KNOWN that the Eduard L. Grant American Legion Post 75 is hereby commended and recognized by the Town Council of the Town of Franklin.



May 20, 2020

Thomas D. Mercer
Chairman
Franklin Town Council

Town of Franklin

A PROCLAMATION

Honoring

Lawrence (Larry) Paul Bederian

WHEREAS, Lawrence Paul Bederian was raised in Franklin, Massachusetts and attended Franklin Public Schools; and

WHEREAS, He enlisted in the Marine Corps on July 29th, 1966, achieved the rank of Corporal, and served in the Corps until his honorable separation on July 28th, 1969; and

WHEREAS, He served in Vietnam and was awarded the Purple Heart, Vietnam Service Medal, Vietnam Campaign Medal, Vietnam Cross of Gallantry, Good Conduct Medal and the National Defense Service Medal; and

WHEREAS, He has served as the Commander of the VFW Post 3402 since 2005, as well as serving as Commander in the early 1990s; and

WHEREAS, He has been designated as an All American Post Commander on two occasions by the National VFW Headquarters; and

WHEREAS, He has been designated as an All State Commander by the Massachusetts VFW Headquarters multiple times and continually supports and participates in civic functions and ceremonies recognizing our veterans.

NOW THEREFORE BE IT KNOWN that the Lawrence Paul Bederian is hereby commended and recognized by the Town Council of the Town of Franklin.



Thomas D. Mercer
Chairman
Franklin Town Council

May 20, 2020



- Prior to Covid 19 FFP served Over 1100 people –serving 505 families and 184 Seniors served (up 13%over year prior) Since the outbreak between mid March to the end of April the pantry took 69 families, individuals and seniors.
- Currently FFP is providing food through a drive-thru operation in the black box parking lot on Tuesdays and Fridays beginning at 9:30 and ending at 4 with the assistance of Officer Spillane and Mucciarone. On Wednesdays Officer Spillane also assists us as we deliver to individuals and families who cannot access the food pantry directly. On average we hand out **2500 lbs** of food on Tuesday and Friday which averages anywhere between 65 to 80 clients per day.
- The Pantry is more than just a food Pantry, we help our clients find an array social services and resources they may need to access in improving their circumstances
- With that in mind, we recently purchased a new building to be able to expand our operations. We will be launching a capital campaign later this year, with hopes for completion by the Summer of 2021. We are looking for volunteers to serve on our capital campaign committee
- Virtual Empty Bowls event - online starting June 8 (virtual auction, donation of 20 dollars or above gets a bowl)
- Virtual Party for the Pantry - July 16 (online music, fund drive)
- Launched annual appeal May 15 - all money raised going to operations
- We do not receive any state or town funding – we are reliant completely on private donations and grants

About the Franklin Food Pantry

The Food Pantry's mission is to alleviate food insecurity and compassionately empower our community through resources and collaboration. Our vision is to build a community in which everyone in need has an improved quality of life through nutritious food and supportive resources.

Visit www.franklinfoodpantry.org for more information. Follow us on Facebook at @[FranklinFoodPantry](https://www.facebook.com/FranklinFoodPantry)



FRANKLIN FOOD PANTRY 2019 STATS

505

HOUSEHOLDS ARE
SERVED BY THE PANTRY
highest number in 5 years



184 SENIORS



301 CHILDREN

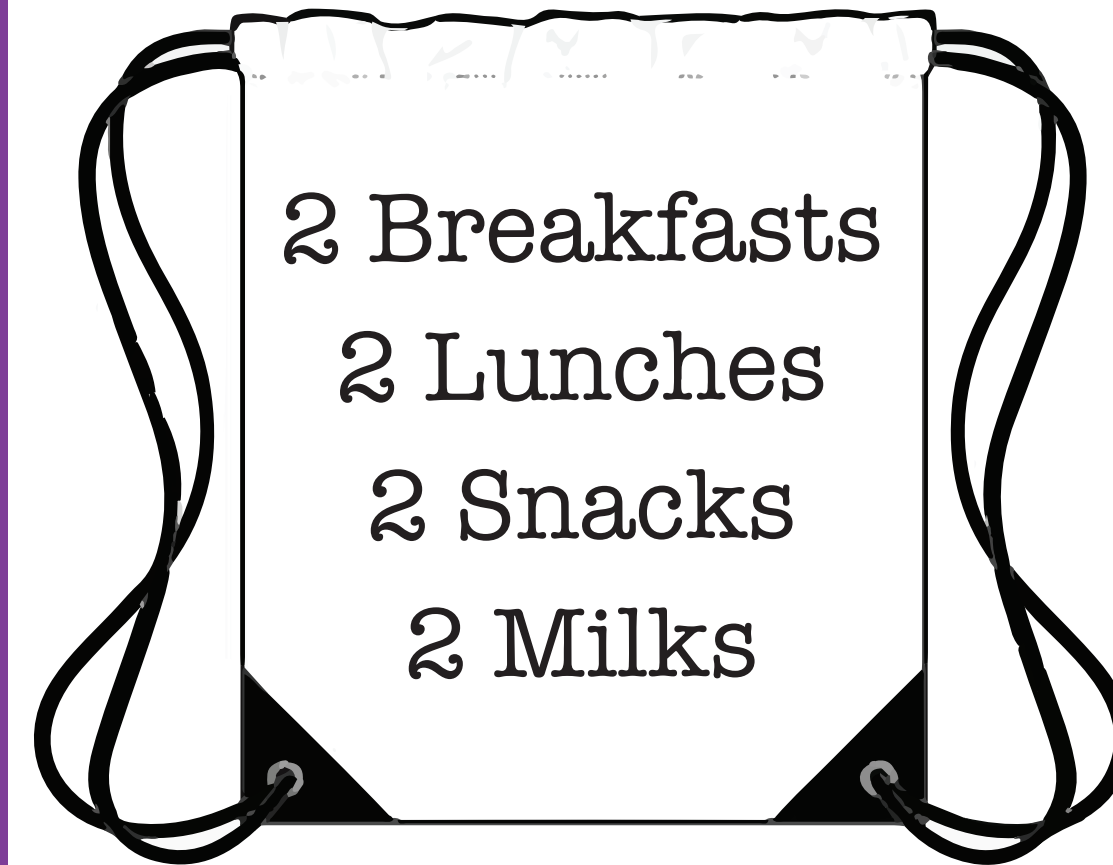


669 ADULTS

COUNT ON THE PANTRY

79

Franklin School
Children



**RELY on
the Weekend
Backpack Program
EVERY WEEK**

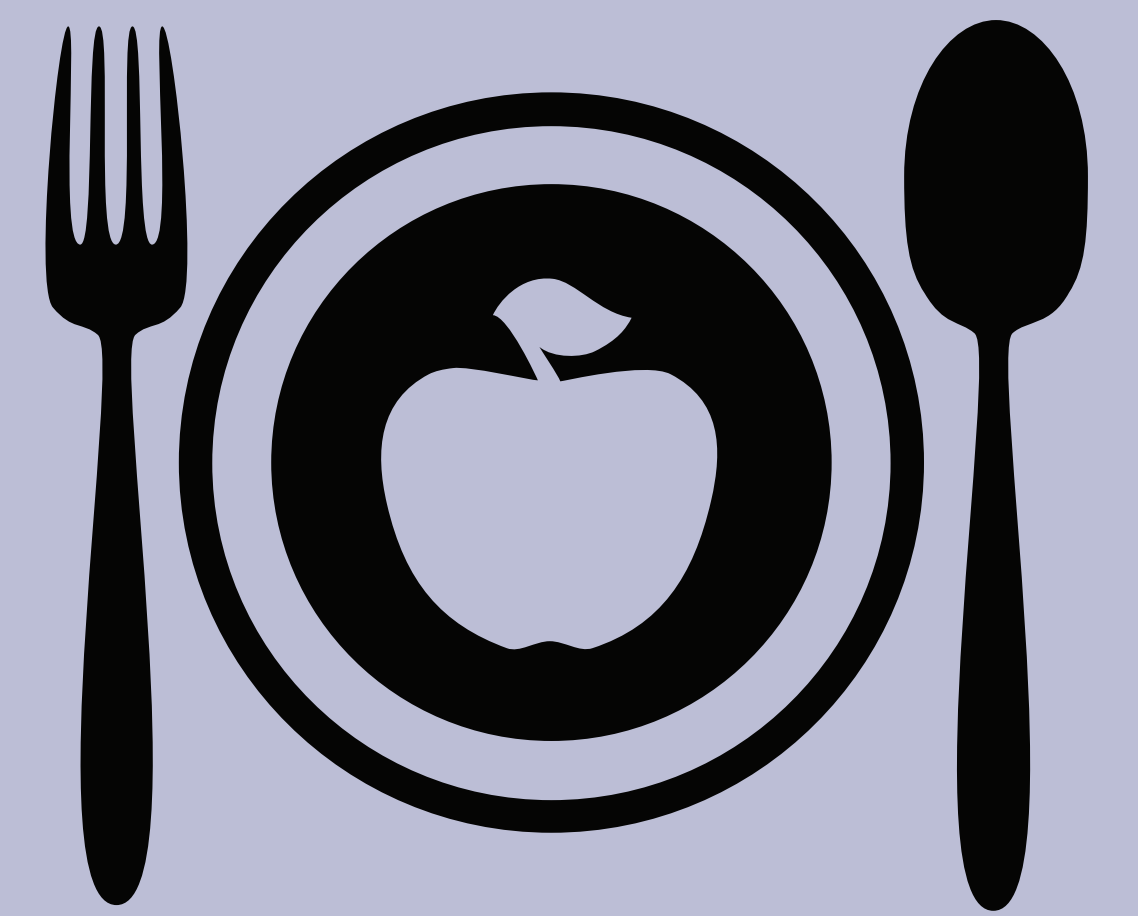
the **#1** top
non-food
item clients
hope we have
is toilet paper



(not covered by
SNAP benefits)

302,336

pounds of food
provided to families
in 2019



184



Seniors served

13% more than in 2018.

A little extra each month for **SENIORS**
struggling to pay for **RENT & MEDICINE**

number of
volunteer hours

5,091



number of
volunteers

139



606

Mobile Pantry
grocery bags delivered



**serving clients who
are disabled or lack
transportation**

442 HOLIDAY meal packages



all the fixings for families to

**ENJOY HOLIDAY
TRADITIONS
AT HOME**

The Pantry counts on private donations. It receives no town or state funding.

Learn more at franklinfoodpantry.org or call 508.528.3115

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

May 15, 2020

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Resolution 20-27: Cell Tower Easement

I am requesting that the Council amend a current easement at 121 Longhill Road grant by executing a subordination of access easement.

As you know the Town of Franklin is in the process of moving all of its public safety communication gear to town public property. Eventually, access to this tower will not be needed. However, the easement continues to allow public access for public safety in perpetuity. The subordination is required in order for the estate of Shirley French to open the tower up for additional commercial use.

If you have any additional questions please feel free to ask.



Resolution 20-27

Authorization to Execute Subordination of Access Easement:

Cell Tower on Land of Shirley A. French, Trustee at 121 Longhill Road

WHEREAS, Shirley A. French, as Trustee of French Family Trust (hereinafter: French, Trustee), is the titleholder of record of land located at 121 Longhill Road, Franklin, and

WHEREAS, French, Trustee, granted an access easement to Town of Franklin to provide Town with access to a cell tower located on said property, together with the right to attach and maintain public safety communications antenna thereon, said easement being dated March 3, 2017 and recorded at Norfolk County Registry of Deeds in Book 34995 at Page 190, and

WHEREAS, French, Trustee has granted or intends to grant an easement to Global Tower Assets III LLC, and its successors and assigns (hereinafter: Global) to access, use, and maintain said cell tower and Global requires Town to subordinate its easement to the easement granted or to be granted to Global by French, Trustee, and

WHEREAS, Town has determined that it may so-subordinate without prejudice to its rights to continue to access and use the cell tower.

NOW THEREFORE BE IT ORDERED by the Franklin Town Council, acting on behalf of the Town of Franklin, that the Franklin Town Administrator is hereby authorized to execute the document captioned "Subordination of Access Easement", a true copy of which is attached hereto as "Exhibit 1"; a true copy of this resolution may be recorded, together with the original executed copy of "Exhibit 1", at Norfolk County Registry of Deeds.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2020

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

A True Record Attest:

Teresa M. Burr, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

SUBORDINATION OF ACCESS EASEMENT

The Town of Franklin (the “Town”), a duly-organized municipal corporation with administrative offices located in the Municipal Building, 355 East Central Street, Franklin, Norfolk County, Massachusetts, holder of a certain easement described in Grant of Access Easement dated March 3, 2017 and recorded at Norfolk Registry of Deeds in Book 34995, Page 190 (the “Access Easement”), and Shirley A. French, Trustee of French Family Trust, u/d/t dated December 30, 1978 (the “Trust”) and recorded at Norfolk Registry of Deeds in Book 5898, Page 76, hereby amend the Access Easement as follows:

1. The Access Easement and the rights thereunder shall be and hereby are subordinate to and junior in right to any easement rights that have been given or will hereafter be given by the Trust to Global Tower Assets III, LLC, and its successors and assigns (the “Easement”), to the same extent as if the Easement had been executed and recorded prior to the execution and recording of the Access Easement.

Nothing herein shall affect the Town’s continued right to access and use the “80 ft. tower” referenced in the Access Easement for the Town’s public safety communications antenna and support equipment.

[Signatures on following pages]

Witness the execution hereof under seal the ____ day of _____, 2020.

Town of Franklin

By: _____

Title: _____

Duly authorized

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification which was [☐] Massachusetts driver's license, or [☐] _____, to be the person whose name is signed on the preceding or attached document and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public

My Commission Expires:

Witness the execution hereof under seal the ____ day of _____, 2020.

French Family Trust

Shirley A. French, Trustee

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared Shirley A. French, Trustee of French Family Trust proved to me through satisfactory evidence of identification which was [☐] Massachusetts driver's license, or [☐] _____, to be the person whose name is signed on the preceding or attached document and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

From: **Kari-Ann Greene**

Date: Mon, May 11, 2020 at 10:34 AM

Subject: Cell Tower - Town Easement

To: [Mark Cerel](#)

Cc: Peter Brown

Attorney Cerel,

Thank you for taking the time to speak with us last week. It was very helpful to gain insight into the Town's concerns.

Thinking back over our conversation, I do not recall if we discussed the exact nature of the cell tower sale. Shirley French is essentially selling an easement to American Tower. She is not selling the property, or a portion of the property, where the cell tower is located because, among other reasons, there is a house located on the property.

After our discussion, we looked over the Town's Access Easement to try to come up with a solution that would address the Town's concerns. After reviewing the language under the Access Easement, we believe that a subordination of the Access Easement is necessary. We have come to this conclusion because language under the Access Easement gives the Town authority over the easement area, including the authority to control the relocation of the easement and prevent the erection of structures and acts within the easement area. American Tower will not proceed with purchasing the easement if the Access Easement is not subordinated to their easement.

We also did a quick title search and realized that the Town's Access Easement is already junior to three other easements on the property, namely: (1) Mass Electric, (2) Verizon, and (3) Comcast.

As touched on in our call, our client is not interested in any way disrupting the Town's current access and use of the cell tower, or in any way terminating the Town's Access Easement. We have drafted the attached subordination with language specifically stating that the Town's continued access and use of the cell tower will not be affected by the subordination to American Tower's easement.

We welcome any input you have and look forward to promptly wrapping up this matter in a way that satisfies the Town's concerns and allows Shirley to proceed with the cell tower sale.

Thank you,

Kari-Ann E. Greene, Esquire
D'Ambrosio Brown LLP
Counselors At Law

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

May 15, 2020

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Zoning Bylaw Amendment 20-853: Zoning Map Changes on or Near Pleasant, Chestnut, & Brook Streets

I am asking the Council to consider approving Zoning Bylaw Amendment 20-853. This resolution went before the Planning Board on April 13th, 2020 for their consideration and was unanimously recommended to the Town Council.

These are a series of "lot line" changes that are a part of our Lot Line Cleanup Program. This Zoning Bylaw Amendment was discussed at the 02-05-2020 EDC meeting and unanimously approved by the EDC to be brought to the Town Council. Please see the attached memo and supporting documents from the Community Planning Director Bryan Taberner.

If you have any additional questions please feel free to ask.

Town of Franklin



Planning Board

April 14, 2020

Teresa M. Burr, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE

Zoning By-law Amendment #20-853

Zoning Map changes On Or Near Pleasant and Chestnut Streets

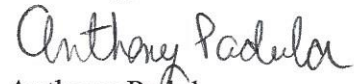
Petitioner: Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, April 13, 2020 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #20-853, Zoning Map changes On Or Near Pleasant and Chestnut Street, as attached.

If you have any questions concerning this decision, please contact the planning staff or me.

Sincerely,


Anthony Padula
Chairman, Planning Board

cc: Town Council
Town Administrator

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL

FROM: BRYAN W. TABERNER, AICP, DIRECTOR

RE: ZONING BYLAW AMENDMENT 20-853, ZONING MAP CHANGES
TO BETTER DEFINE THE TOWN OF FRANKLIN'S ZONING DISTRICTS

CC: JAMIE HELLEN, TOWN ADMINISTRATOR; FRANKLIN PLANNING BOARD;
MARK G. CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER;
CHRISSY WHELTON, ASSISTANT TO THE TOWN ADMINISTRATOR

DATE: FEBRUARY 11, 2020

The Department of Planning and Community Development (DPCD) and other Town staff are undergoing a multi-year project to better define the Town's zoning districts by following parcel lines. Where parcels are within two or more zoning districts, the Zoning District line is moved so each parcel is only in one zoning district, in most cases based on the current land use. Attached is a proposed Zoning Map Amendment that would change the Town's existing Zoning Map (Chapter 185, Section 5, of Franklin Town Code).

Zoning Bylaw Amendment 20-853: Zoning Map Changes from Rural Residential I and Single Family Residential III, Rural Residential II and Single Family Residential III, or Single Family Residential III and Single Family Residential IV, to Rural Residential I, Single Family Residential III, or Single Family Residential IV, an area on or near Pleasant and Chestnut Streets.

The attached Zoning Map Amendment includes the amendment document, a list of parcels proposed for rezoning, and a diagram with two maps: one showing the current zoning, and one showing proposed Zoning Map changes.

At their meeting on February 5, 2020 the Town Council's Economic Development Subcommittee voted to send the proposed Zoning Map Amendment to the full Council for further consideration. If Council members support the proposed zoning map changes, I request the Town Council vote to refer Zoning Bylaw Amendments 20-853 to the Planning Board for a Public Hearing.

Let me know if you have questions or require additional information.



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 20-853**

ZONING MAP CHANGES FROM RURAL RESIDENTIAL I AND SINGLE FAMILY RESIDENTIAL III, RURAL RESIDENTIAL II AND SINGLE FAMILY RESIDENTIAL III, OR SINGLE FAMILY RESIDENTIAL III AND SINGLE FAMILY RESIDENTIAL IV, TO RURAL RESIDENTIAL I, SINGLE FAMILY RESIDENTIAL III, OR SINGLE FAMILY RESIDENTIAL IV, AN AREA ON OR NEAR PLEASANT AND CHESTNUT STREETS

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185 SECTION 5, ZONING MAP**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from Rural Residential I and Single Family Residential III to Single Family Residential III an area containing **109.83± acres** comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

**248-019-000
262-094-000**

**266-043-000
266-100-001**

280-060-000

And the Zoning Map of the Town of Franklin be amended by changing from Rural Residential I and Single Family Residential III to Rural Residential I an area containing **16.570± acres** comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers

**245-056-000
266-042-000**

266-069-000

280-061-000

And the Zoning Map of the Town of Franklin be amended by changing from Rural Residential II and Single Family Residential III to Single Family Residential III **1.67± acres** comprising the following parcel of land as shown on the Town of Franklin's Assessors' Maps:

Parcel Number

244-044-000

And the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential III and Single Family Residential IV to Single Family Residential IV **0.72± acre** comprising the following parcel of land as shown on the Town of Franklin's Assessors' Maps:

Parcel Number

280-005-000

The area to be rezoned is shown on the attached map ("Proposed Zoning Map Changes, An Area On Or Near Pleasant and Chestnut Streets").

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2020

VOTED:

UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

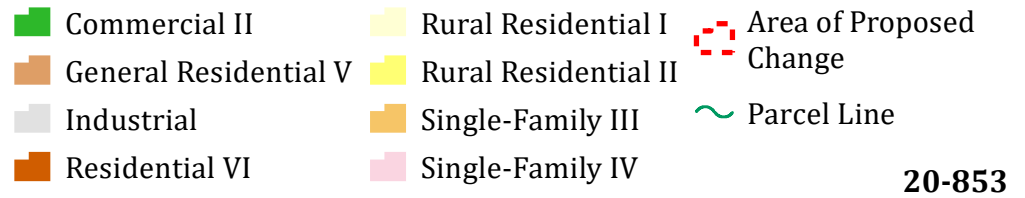
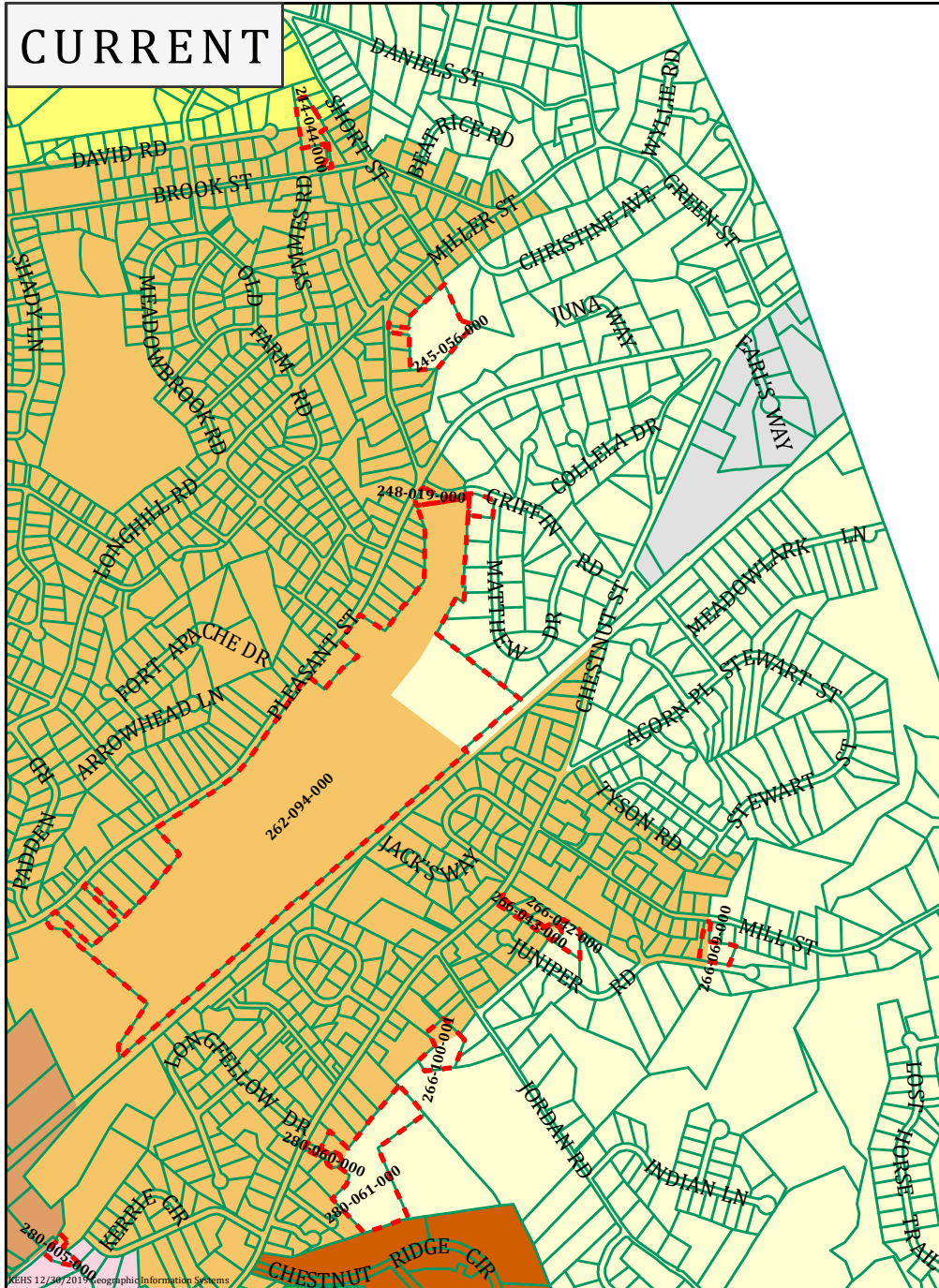
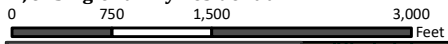
Teresa M. Burr, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

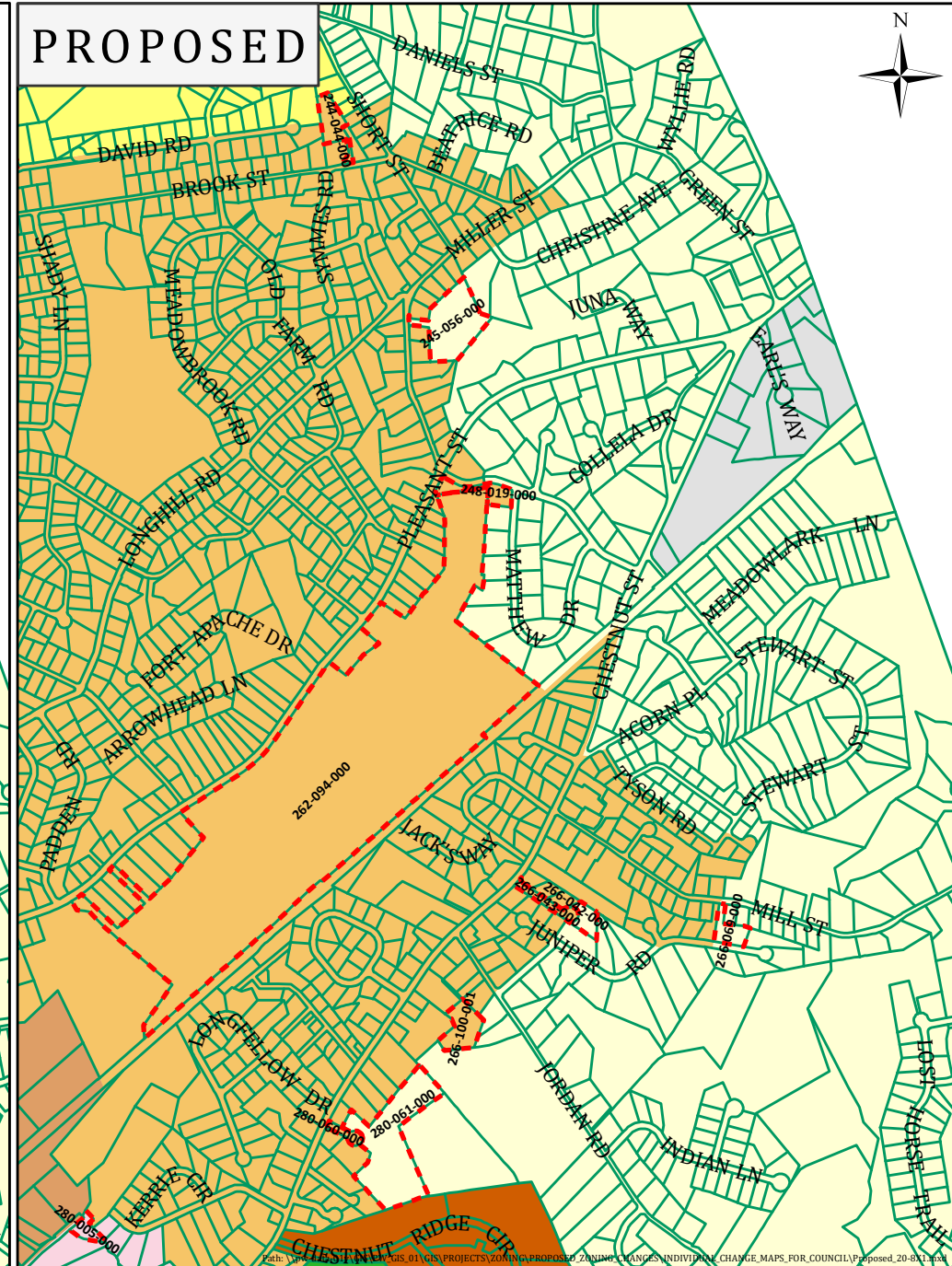
Proposed Zoning Map Changes

An Area On Or Near Pleasant and Chestnut Streets

From Rural Residential I & Single Family Residential III, Rural Residential II & Single Family Residential III, or Single Family Residential III & Single Family Residential IV, To Rural Residential I, Single Family Residential III, or Single Family Residential IV



20-853



Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

March 13, 2020

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Water Resource District

I am requesting that the Town Council amend the Water Resource District Bylaw to reflect the updated overlay district map. Please note that this is a housekeeping action to reflect the new district boundaries as defined by MassDEP, this is not a local policy option.

These are the changes that have occurred on our Water Resource District map:

1. An Interim WellHead Protection Area was added around the Populatic Area.
2. The Interim WellHead Protection Areas around the Camp Haiastan wells were modified.
3. The Interim WellHead Protection Areas around the Upper Union St wells were modified.
4. The boundary around the proposed well in the Washington and South Street area was removed.
5. The underlying town map was updated to provide more detail with parcel lines shown.

If you have any questions please feel free to ask.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

TO: FRANKLIN TOWN COUNCIL

FROM: BRYAN W. TABERNER, AICP, DIRECTOR

RE: PROPOSED ZONING BYLAW AMENDMENT 20-854,
UPDATE TO FRANKLIN'S WATER RESOURCE DISTRICTS MAP

CC: JAMIE HELLEN, TOWN ADMINISTRATOR; FRANKLIN PLANNING BOARD;
MARK G. CEREL; CHRISSY WHELTON; ROBERT CANTOREGGI; MICHAEL
MAGLIO; LAURIE RUSZALA; GUS BROWN; AMY LOVE

DATE: MARCH 4, 2020

The Town of Franklin's Zoning Map includes several Overlay District Maps listed in §185-4B of Franklin Town Code. One of the more important overlay districts, Franklin's Water Resource District, was created to protect the Town's many wells and related aquifers. At this time the Department of Public Works is requesting an update to the Town's Water Resource District map, and an amendment to a related section of the Zoning Bylaw (§185-40).

The reasons for the proposed zoning bylaw amendment are explained in an attached letter from Town Engineer Michael Maglio. Zoning Bylaw Amendment 20-854 is likely the easiest bylaw amendment Town Council will ever need to consider; the proposed amendment makes one simple date change to §185-40B.

If Council members support the proposed Zoning Bylaw Amendment we request Town Council vote to refer Zoning Bylaw Amendments 20-854 to the Planning Board for a Public Hearing. Let me know if you have questions or require additional information.

Attachments:

- A. Letter from Town Engineer Michael Maglio;
- B. Existing Town of Franklin Water Resource Districts Map (2008);
- C. Updated Town of Franklin Water Resource Districts Map (2020); and
- D. Zoning Bylaw Amendment 20-854. Changes to §185-40. Water Resource District.



TOWN OF FRANKLIN

DEPARTMENT OF PUBLIC WORKS

Franklin Municipal Building
257 Fisher Street
Franklin, MA 02038-3026

March 4, 2020

To: Jamie Hellen, Town Administrator

Re: **Water Resource Map Update**

Dear Jamie,

We are requesting that the Town Council amend the Water Resource District Bylaw 185-40 to reflect the updated overlay district map. This is a housekeeping action to reflect the new district boundaries as defined by MassDEP.

Under Bylaw 185-40.B, the Water Resource District is defined as "those areas designated DEP Approved Zone 1; DEP Approved Zone 2; submitted for approval DEP Zone 2; and DEP approved Interim Wellhead Protection Areas." MassDEP defines the limits of the Water Resource District and occasionally updates those limits and releases the data through GIS updates to the Town.

The District boundaries on the current Water Resource District Map were accurate as of March 28, 2008, however MassDEP has issued subsequent revisions since that time and we are requesting that the Council update the bylaw to reflect the most current data as shown on the attached map.

We will monitor new data releases from the State for future changes to the District boundaries and will request future map amendments accordingly.

Sincerely,

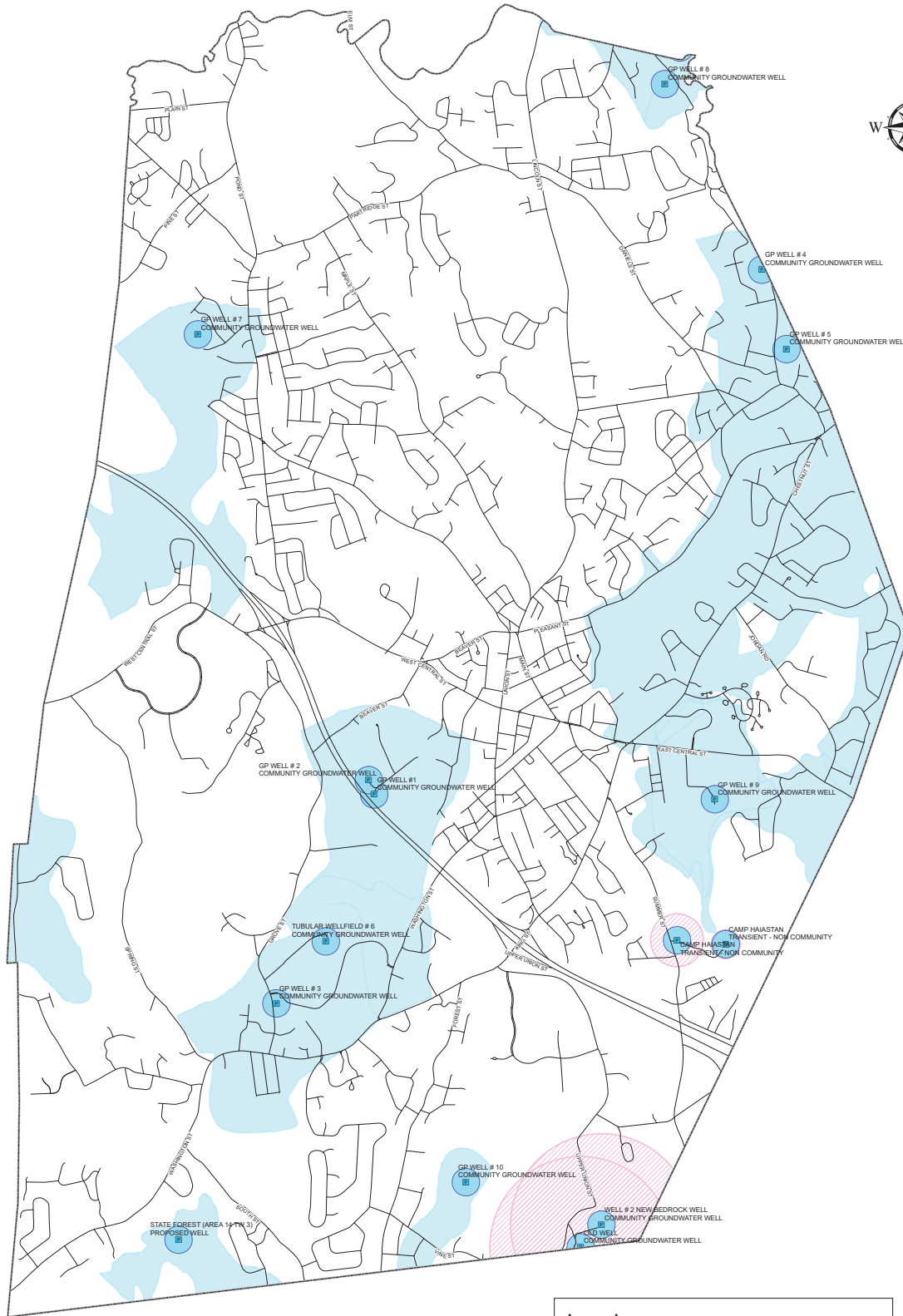
Michael Maglio, PE
Town Engineer

Cc: Robert Cantoreggi, Director of Public Works
Laurie Ruzala, Water & Sewer Superintendent
Bryan Taberner, Director of Planning and Community Development
Mark Cerel, Town Attorney

Town of Franklin Water Resource Districts

Dated: MARCH 28, 2008

Attachment B
Existing Town of Franklin
Water Resource Districts Map



Legend

- Public Water Supply Wellhead Location
- DEP Approved ZONE 1
- DEP Approved ZONE 2 & Submitted for Approval DEP Zone 2
- DEP Approved Interim Wellhead Protection Areas (IWPA)



Produced By:
Town of Franklin GIS

0 2,000 4,000 8,000 12,000 Feet

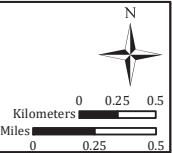
MAP SCALE
1:17,000

Water Resource Districts

- P Public Water Supply
- P DEP Approved Interim
- P Wellhead Protection Areas (IWPA)*
- P DEP Approved Zone I*

- P DEP Approved Zone II*
- P Parcel
- P Municipal Boundary

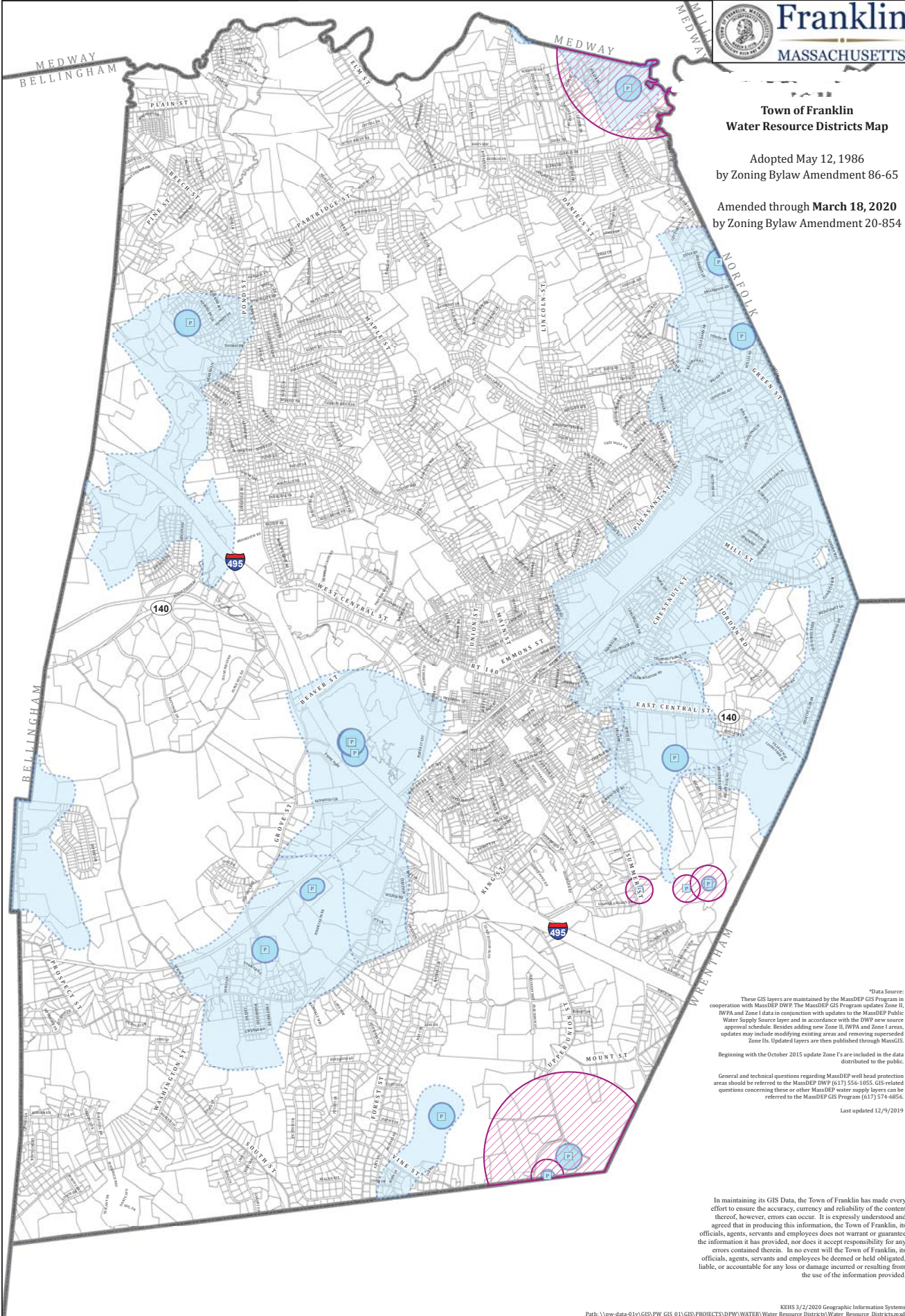
Attachment C



Town of Franklin Water Resource Districts Map

Adopted May 12, 1986
by Zoning Bylaw Amendment 86-65

Amended through **March 18, 2020**
by Zoning Bylaw Amendment 20-854



*Data Source:
These GIS layers are maintained by the MassDEP GIS Program in cooperation with MassDEP DWI. The MassDEP GIS Program updates Zone II, IWPA and Zone I data in conjunction with updates to the MassDEP Public Water Supply Source layer and in accordance with the DWI new source approval schedule. Besides adding new Zone II, IWPA and Zone I areas, updates may include modifying existing areas and removing superseded Zone IIs. Updated layers are then published through MassGIS.

Beginning with the October 2015 update Zone I's are included in the data distributed to the public.

General and technical questions regarding MassDEP well head protection areas should be referred to the MassDEP DWI (617) 556-1055. GIS-related questions concerning these or other MassDEP water supply layers can be referred to the MassDEP GIS Program (617) 574-6856.

Last updated 12/9/2019

In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof; however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

SPONSOR: *Town Administration*



**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 20-854**

CHANGES TO §185-40. WATER RESOURCE DISTRICT

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN
CODE AT CHAPTER 185, SECTION 40.D**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by the following additions and ~~deletions~~ to §185-40. Water Resource District, sub-section B:

Establishment of district. The Water Resource District is hereby established as an overlay district. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. The Water Resource District is defined as those areas designated DEP Approved Zone 1; DEP Approved Zone 2; submitted for approval DEP Zone 2; and DEP approved Interim Wellhead Protection Areas. The Water Resource District is delineated on the map entitled "Town of Franklin Water Resource Districts," dated ~~March 28, 2008~~ March 18, 2020, appended to this Zoning Bylaw and on file with the Town Clerk and Building Inspector.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2020

VOTED:

UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

Teresa M. Burr, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

Town of Franklin



Planning Board

April 28, 2020

Teresa M. Burr, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE

Zoning By-law Amendment #20-854
Zoning Map Amendment Water Resource Districts

Petitioner: Town Administration

Dear Mrs. Burr:

Please be advised that at its meeting on Monday, April 27, 2020 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the amendment of Zoning By-law #20-854, Water Resource District Zoning Map and Section 185-40.D of the Town Code.

If you have any questions concerning this decision, please contact the planning staff or me.

Sincerely,

Anthony Padula
Chairman, Planning Board

cc: Town Council
Town Administrator

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

May 15, 2020

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Resolution 20-28: Ratification of the Franklin Police Sergeants Association Contract

I am asking the Town Council to consider resolution 20-28, which will ratify the provisions of the Franklin Police Sergeants Association Collective Bargaining Agreement as ratified by the Franklin Police Department Sergeants Association Employees. The provisions of the agreements will be in effect from July 1, 2019 to June 30, 2022.

If you have any additional questions please feel free to ask.



TOWN OF FRANKLIN

RESOLUTION 20-28

Ratification of Franklin Police Sergeants Contract

BE IT RESOLVED BY THE TOWN OF FRANKLIN acting by and through the Town Council:

Hereby ratifies the provisions of the attached Franklin Police Sergeants Union Collective Bargaining Agreement which has been ratified by the Franklin Police Sergeants Union. The provisions of the Agreement shall be in effect from July 1, 2019 to June 30, 2022.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: _____, 2020

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

A True Record Attest:

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

Teresa M. Burr, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council