



TOWN OF FRANKLIN  
TOWN CLERK

2019 DEC -2 A 11: 23

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## FRANKLIN TOWN COUNCIL

### Agenda & Meeting Packet

December 4, 2019

Municipal Building  
Council Chambers  
355 East Central Street  
2nd Floor  
7:00 PM

REVISED

#### 1. ANNOUNCEMENTS

- a. *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

- a. *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 - None

#### 4. PROCLAMATIONS/RECOGNITIONS - None

#### 5. APPOINTMENTS - None

#### 6. HEARINGS

- a. Franklin Tax Classification Hearing

#### 7. LICENSE TRANSACTIONS

- a. 99 Restaurants of Boston, change of Officers/Directors/LLC Managers & Change of Ownership Interest, 847 West Central Street

#### 8. PRESENTATIONS/DISCUSSIONS - None

#### 9. SUBCOMMITTEE REPORTS

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

#### 10. LEGISLATION FOR ACTION

- a. Resolution 19-80: Tax Classification Residential Factor (**Motion to Approve Resolution 19-80 - Majority Vote (5)**)
- b. Resolution 19-81: Tax Classification - Open Space Exemption (**Motion to Approve Resolution 19-81 - Majority Vote (5)**)
- c. Resolution 19-82: Tax Classification Small Business Exemption (**Motion to Approve Resolution 19-82 - Majority Vote (5)**)
- d. Resolution 19-83: Tax Classification Residential Property Exemption (**Motion to Approve Resolution 19-83 - Majority Vote (5)**)

- e. Resolution 19-84: Gift Acceptance - Franklin Public Library, \$10,500 (**Motion to Approve Resolution 19-84 - Majority Vote (5)**)
- f. Resolution 19-85: Gift Acceptance - Franklin Senior Center, \$250 (**Motion to Approve Resolution 19-85 - Majority Vote (5)**)
- g. Resolution 19-86: Town Council 2020 Meeting Calendar (**Motion to Approve Resolution 19-86 - Majority Vote (5)**)
- h. Resolution 19-87: Appropriation of Cable Funds in Support of PEG Service and Programming per M.G.L Ch.44, §53F3/4 (**Motion to Approve Resolution 19-87 - Majority Vote (5)**)
- i. Resolution 19-88: Ad Hoc Stormwater Utility Fee Study Committee (**Motion to Approve Resolution 19-88 - Majority Vote (5)**)
- j. Bylaw Amendment 19-846: Chapter 153 Stormwater Management - 1st Reading (**Motion to Move Bylaw 19-846 to a 2nd Reading - Majority Vote (5)**)

**11. TOWN ADMINISTRATOR'S REPORT**

**12. FUTURE AGENDA ITEMS**

**13. COUNCIL COMMENTS**

**14. EXECUTIVE SESSION - Pending Litigation:** *Southern Foods Group, LLC. et al., debtors (Dean Foods)*

**15. ADJOURN**

*Note:*

*Two-Thirds Vote: requires 6 votes*

*Majority Vote: requires majority of members present and voting*



## License Transactions:

### Change of Officers/Directors/LLC Managers & Change of Ownership Interest

99 Restaurants of Boston LLC  
847 West Central Street  
Franklin, MA

This is a corporate transaction and the request from the Corporation went directly to the Alcoholic Beverages Control Commission because of the number of 99 Restaurants in Massachusetts. The ABCC has given preliminary approval of the transaction and requires only the Local Licensing Authority Review Record be signed and sent to them.

This transaction does not affect the operation of the local license.

**MOTION** to approve the Change of Officers/Directors/LLC Managers and a Change of Ownership Interest for the 99 Restaurants of Boston LLC pursuant to the instructions sent by the ABCC

**DATED:** \_\_\_\_\_, 2019

**VOTED:**

**UNANIMOUS:** \_\_\_\_\_

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**A True Record Attest:**

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**RECUSED:** \_\_\_\_\_

**Teresa M. Burr, CMC**  
**Town Clerk**

\_\_\_\_\_  
**Glenn Jones, Clerk**  
**Franklin Town Council**



*Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone 617-727-3040  
Facsimile: 617-727-1510*

Jean M. Lorizio, Esq.  
Chairman

October 11, 2019

LOCAL BOARDS

Andover; Auburn; Barnstable; Billerica; Boston; Braintree; Bridgewater; Chicopee; Concord; Easton; Fairhaven; Falmouth; Foxboro; Framingham; Franklin; Greenfield; Haverhill; Hingham; Holyoke; Lowell; Lynnfield; Marlborough; North Andover; North Dartmouth; Pembroke; Pittsfield; Plymouth; Quincy; Rockland; Somerville; Springfield; Stoneham; Tewksbury; West Springfield; Westfield; Westford; Wilmington; Woburn; and Worcester.

The Alcoholic Beverages Control Commission ("Commission") has received an application from 99 Restaurant of Boston LLC for a Change of Officers/Directors and Change of Ownership Interest in the above-noted cities and towns. Relative to the Officer Change, Kurt Schnaubelt is being named an LLC manager and the Chief Executive Officer of the Licensed Entities. Brent Brent Bickett, Timothy Janszen and Greg Hayes are being removed as LLC Managers. Relative to the Change in Ownership Interest, there has been a transfer of stock at an upper-tier level that has resulted in a publicly traded company owning 88.5%, and a redistribution of the remaining ownership percentages among the other previously approved ownership entities, as detailed in a structure chart contained in the application.

Due to the magnitude of these transactions, the Commission has received the information and documents provided by the licensee. The review was to determine whether the contemplated transaction is consistent with the provisions of M.G.L. c. 138. Based upon our review, we are satisfied that the transaction is consistent with the purposes of the law and would not result in the individual corporate licenses being deemed to be out of compliance with the applicable statute. Accordingly, this letter sets forth our recommended procedure for the processing of these applications.

Arrangements have been made for the Corporation to pay all of the \$200 application fees directly to the Commission. Therefore, no fee needs to be collected by the Local Board(s).

The Commission has reviewed and accepted copies of the following documents and instruments:

- 1) Change of Officers/Directors and Change of Ownership Interest




- 2) CORI Request Form
- 3) Vote of the Board of Directors
- 4) Certificate of change of the LLC

Where there will be no change of existing managers, the Commission will not require that a Manager Form be completed, nor will the Commission require background information on the managers as such information should already be on file.

The applicant will contact you directly for processing the application. Please forward to the Commission the Local Licensing Authority Record. The Commission will require no other forms, documents or information in connection with these applications.

Should you or your town counsel/city solicitor have any questions or require information or assistance, please contact Investigator Jack Carey at (617) 727-3040, extension 736.

Sincerely,



Ralph Sacramone  
Executive Director

cc: Ted Mahony, Chief Investigator  
Ryan Melville, Licensing Coordinator  
Joseph H. Devlin, Esq.



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*239 Causeway Street Boston, MA 02114*  
*[www.mass.gov/abcc](http://www.mass.gov/abcc)*

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM

**APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL  
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: <https://www.paybill.com/mass/abcc/retail/>  
PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL

EPAY CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

00063-RS-0430

ENTITY/ LICENSEE NAME 99 Restaurants of Boston, LLC

ADDRESS 847 West Central Street

CITY/TOWN Franklin

STATE MA

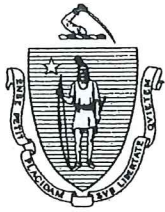
ZIP CODE 02038

For the following transactions (Check all that apply):

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License  | <input type="checkbox"/> Change of Location  | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License                                      | <input type="checkbox"/> Alteration of Licensed Premises   | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Manager  | <input type="checkbox"/> Change Corporate Name   | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement               |
| <input checked="" type="checkbox"/> Change of Officers/<br>Directors/LLC Managers | <input checked="" type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners,<br>Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Change of Hours                              |
|   |  | <input type="checkbox"/> Other  | <input type="checkbox"/> Change of DBA                                |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS  
TRANSMITTAL FORM ALONG WITH  
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION  
239 CAUSEWAY STREET  
BOSTON, MA 02241-3396



*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
*239 Causeway Street, Boston, MA 02114*  
*[www.mass.gov/abcc](http://www.mass.gov/abcc)*

**APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest**

☒ **Change of Officers/ Directors/LLC Managers**    ☐ **Change of Stock Interest**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- CORI Authorization
- Vote of the Entity
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

(e.g. New Stockholders or Transfer or Issuance of Stock)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- CORI Authorization
- Financial Statement
- Vote of the Entity
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement (New Stockholder Only)\*
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☒ **Change of Ownership Interest**

(e.g. LLC Members, LLP Partners, Trustees etc.)

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Stock Application
- CORI Authorization
- Financial Statement
- Vote of the Entity
- Purchase & Sale Agreement
- Supporting Financial Records
- Advertisement (New Stockholder Only)\*
- Business Structure Documents
  - If Sole Proprietor, **Business Certificate**
  - If partnership, **Partnership Agreement**
  - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☐ **Non-Profit Club Change of Officers/ Directors**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Officer/Directors Application
- Vote of the club signed by an approved officer
- Business Structure Documents -**Articles of Organization** from the Secretary of the Commonwealth

☐ **Management Agreement**

- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Management Agreement
- Vote of Entity

*\*If abutter notification and advertisement is required for transaction, please see the local licensing authority.*

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
99 Restaurants of Boston, LLC	Franklin	00063-RS-0430

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

Kurt Schnaubelt is now the CFO and an LLC manager of the licensed entity, and W. Craig Barber is the CEO and an LLC manager, of the licensed entity. Brent Bickett, Timothy Janszen and Greg Hayes have been removed as LLC Managers. There are also changes to the upper-tier ownership structure. See additional page and Exhibit A for further information on the changes.

**APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Joseph H. Devlin	Attorney		



## APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest

### 2. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Charles O. Noyes	61 Crafts Road, Gloucester, MA 01930		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager, President	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Kurt Schnaubelt	1515 Demonbreun St., #1231, Nashville, TN 37203		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager, CFO	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Goodloe M. Partee	4414 Curtiswood Circle, Nashville, TN 37204		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager, General Counsel, Secretary	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
W. Craig Barber	3803 Harding Place, Nashville, TN 37215		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager, CEO	0%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
99 Restaurants of Massachusetts, LLC	3038 Sidco Dr., Nashville, TN 37204		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Member	100%	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? ☒ Yes ☐ No

#### CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

#### MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?  
Please provide a copy of the management agreement.

☐ Yes ☒ No



## **APPLICATION FOR AMENDMENT-Change of Officers, Stock or Ownership Interest**

### **3. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST**

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Timothy T. Janszen	LLC Manager	0%
Name of Principal	Title/Position	Percentage of Ownership
Charles O. Noyes	LLC Manager, President	0%
Name of Principal	Title/Position	Percentage of Ownership
Goodloe M. Partee	General Counsel, Secretary	0%
Name of Principal	Title/Position	Percentage of Ownership
Brent B. Bickett	LLC Manager	0%
Name of Principal	Title/Position	Percentage of Ownership
Gregory Hayes	Treasurer	0%
Name of Principal	Title/Position	Percentage of Ownership
99 Restaurants of Massachusetts, LLC	LLC Member	100%

### **4. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
See Exhibit B			

### **5. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
See Exhibit C			

### **6 DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
	See Exhibit D		

## 7. FINANCIAL DISCLOSURE

Associated Cost(s):

\$100,000,000.00

### SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total:	

### SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

### FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

Cannae paid \$100,000,000.00 for its additional share of the ownership structure by forgiving an equivalent amount of loans made in the course of the company's operations. There was no cash contributed.

## ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

In connection with a restructure of its varied holdings, Fidelity National Financial, Inc. ("Fidelity"), a publicly traded company that owned 55% of the licensed entity, created Cannae Holdings, Inc. ("Cannae"), a publicly traded company, and transferred all of its shares in the ownership structure which owns the licensed entities d/b/a the "99 Restaurant and Pub" to Cannae for nominal consideration. As a result of further restructuring, the ownership of other previously approved owners was changed, as well, resulting in a reduction of their previously approved ownership interest. Newport Global Opportunities Fund LP I-A(AIV) ABRH, LP ("Newport"), which indirectly owned 38.9% of the licensed entities, now has a 9.9% ownership interest, and 8 other individual and entities ("Other Investors") that indirectly owned a cumulative 6.1%, now have a cumulative 1.5% ownership, resulting in Cannae owning 88.5%, Newport 9.9% and the Other Investors 1.5%. Cannae paid \$100,000,000.00 for its additional share of the ownership structure by forgiving an equivalent amount of loans made in the course of the company's operations.



## APPLICANT'S STATEMENT

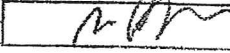
I, Goodloe M. Partee the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager  
Authorized Signatory

of 99 Restaurants of Boston, LLC  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 8/21/2019

Title: Secretary



# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
[www.franklinma.gov](http://www.franklinma.gov)

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

November 27, 2019

To: Town Council

From: Jamie Hellen, Town Administrator

**Re: Resolution 19-80, 19-81, 19-82, 19-83: Tax Rate Hearing**

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The attached information is related to the annual Tax Rate Hearing. The Hearing is required by Massachusetts law for the Town Council to set the FY20 Tax Rate (July 1, 2019 - June 30, 2020).

I have attached a packet of information from the Assessors office on the tax rate hearing. Please note that the average median house value has increased in Town by 3.8% and the proposed tax rate is \$14.51 cents, which is less than last year. We have also provided the materials we are required to file with the state, as well as some historical information.

This memo and packet will serve as the backup for the next four resolutions, all of which need to be voted on annually by state law.

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

The applications can be viewed at the Town Clerks office.

AD# 13845207

MDN 11/5, 11/12/19

**FRANKLIN/TA/TAX LEVY  
LEGAL NOTICE  
FRANKLIN TAX HEARING  
NOTICE OF PUBLIC  
HEARING  
PROPERTY TAX  
CLASSIFICATION**

The Franklin Town Council will hold a Public Hearing in the Council Chambers in the Municipal Office Building, 355 East Central Street, Franklin, MA on Wednesday evening, December 4, 2019 at 7:10 P.M. on the issue of allocating the local property tax levy among the 5 property classes for the Fiscal Year 2020. The hearing will provide an open forum for the discussion of local property tax policy. Interested taxpayers may present oral or written information on their views.

Prior to the setting of the tax rate, the Town Council must adopt a Residential Factor following which the Council selects the percentage of the levy to be borne by Commercial and Industrial and Personal Property.

The hearing location is accessible to persons with physical disabilities. If you have any questions, please call the Town Administrator's Office at (508) 520-4949.

Submitted by,  
Chrissy Whelton

AD#13847293

MDN 11/12/19

**MILFORD/PL/208 MAIN ST.  
LEGAL NOTICE  
MILFORD PLANNING  
BOARD  
NOTICE OF PUBLIC  
HEARING**

# **FY 2020 PROPERTY TAX CLASSIFICATION HEARING**

## **TOWN OF FRANKLIN, MASSACHUSETTS**

### **REVIEW DOCUMENTS INDEX**

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# Town of Franklin

1

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
[www.franklinma.gov](http://www.franklinma.gov)

OFFICE OF THE TOWN ADMINISTRATOR

The following notice will be published in the Milford Daily Newspaper on November 18, 2019.

## **FRANKLIN TAX HEARING NOTICE OF PUBLIC HEARING PROPERTY TAX CLASSIFICATION**

The Franklin Town Council will hold a Public Hearing in the Council Chambers in the Municipal Office Building, 355 East Central Street, Franklin, MA on Wednesday evening, **December 4, 2019 at 7:10 P.M.** on the issue of allocating the local property tax levy among the 5 property classes for the Fiscal Year 2020. The hearing will provide an open forum for the discussion of local property tax policy. Interested taxpayers may present oral or written information on their views.

Prior to the setting of the tax rate, the Town Council must adopt a Residential Factor following which the Council selects the percentage of the levy to be borne by Commercial and Industrial and Personal Property.

The hearing location is accessible to persons with physical disabilities. If you have any questions, please call the Town Administrator's Office at (508) 520-4949.

Submitted by,  
Chrissy Whelton



## OFFICE OF THE BOARD OF ASSESSORS



### MEMORANDUM

**DATE:** December 4, 2019  
**TO:** Town Council  
**FROM:** Board of Assessors  
Kevin W. Doyle, Director of Assessing  
**RE:** FY 20 Tax Rate Hearing

Please find attached our information related to the annual Tax Rate Hearing. The hearing is required by Law and is intended for the Town Council to determine whether the FY 20 Tax Rate (July 1, 2019 - June 30, 2020) will be a single or a dual tax rate.

A single tax rate means that all property classes (residential, commercial, industrial and personal) are taxed at the same tax rate. A dual tax rate means the commercial-industrial-personal tax rate is increased while the residential rate is decreased. In other words the tax burden is shifted towards commercial, industrial and personal properties.

**PLEASE NOTE THAT A DUAL TAX RATE DOES NOT PRODUCE MORE TAX REVENUE IT SIMPLY SHIFTS THE BURDEN.**

Currently the single tax rate for FY 19 is \$14.66 and the proposed tax rate for FY 20 rate is \$14.51. The average single family assessment value increased from \$443,500 to \$460,400 or \$16,900 (3.8%). The average single family tax bill (home is assessed at \$460,400) will increase by \$179 a year. Individual homes may increase or decrease depending on many other factors.

Approximately 80% of property tax valuation and thus tax revenue is from residential taxes and 20% from commercial, industrial and personal property (CIP) taxes. If the council voted for a dual tax rate then then the shift from Residential to CIP would be on a 4 to 1 basis. For example if the Residential tax rate was lowered by \$1 per thousand dollars valuation, the CIP tax rate would need to increase by \$4 to offset the reduction in taxes collected by Residential properties.

Franklin has always had a single rate; we're happy to answer any questions that you may have.

**Special Note:** We send out quarterly tax bills. The first two (July and October) are preliminary largely based on last fiscal year's bills. The final two tax bills in January and April are based on the Actual Tax Rate and Final Assessment of each property. Accordingly the four quarterly bills are usually different. The first two are generally lower while the last two are higher.

Simple Example – Your last year's tax bill was \$6,000 and this year it goes up \$200 for a total of \$6,200. Your first two bills would be \$1,500 each for a total of \$3,000. The last two tax bills are the final actual total less the first two preliminary tax amounts (\$6,200 minus \$3,000 = \$3,200) divided into the two (January and April) final installments (\$1,600 each).

Many folks multiply their third quarterly \$1,600 amount times four and think their new bill is \$6,400 for the year. They need to look at the total annual tax as indicated on the actual 3<sup>rd</sup> Quarter Tax Bill not just at one quarterly bill. Remember that valuations typically change annually in accordance with use of the State required data. The Total Tax Levy typically increases by 2 ½ % (Proposition 2 ½), by New Growth Revenue (improvements and new properties added to the tax base) and adjustments in the Debt Exclusion amount to be raised for payments on long-term capital projects (i.e. schools).



FY 2020 PROPERTY CLASS TOTALS		VALUE PORTION OF TOTAL	PROPERTY TYPE	ACCT/ PARCEL COUNT	CLASS 1 Residential Assessed Value	CLASS 2 Open Space Assessed Value	CLASS 3 Commercial Assessed Value	CLASS 4 Industrial Assessed Value	CLASS 5 Personal Property Assessed Value
	SINGLE FAMILY	0.63860	101	7,743	3,564,773,500				
	RESIDENTIAL CONDO	0.09490	102	1,872	529,724,400				
	2 RES BLDGS / ONE LOT	0.00415	Misc 103,109	45	23,153,000				
	TWO FAMILY	0.01506	104	233	84,071,600				
	THREE FAMILY	0.00488	105	68	27,225,700				
	APARTMENTS	0.03759	111-125	65	209,823,500				
	RESIDENTIAL LAND	0.00601	130-132, 106	422	33,567,100				
	OTHERWISE NOT CLASSIFIED	0.00000	200-231	0		0			
	COMMERCIAL	0.06392	300-393	214			356,824,300		
	INDUSTRIAL	0.09003	400-452	187				502,578,400	
	CLASSIFIED FOREST	0.00000	CH 61 Land	0		0	0		
	CLASSIFIED AGRICULTURAL	0.00002	CH 61A Land	16		0	113,899		
	CLASSIFIED RECREATIONAL	0.00025	CH 61B Land	16		0	1,381,068		
	RES/COM/IND MIXED USE	0.01085	012-043	77	34,523,600	0	26,002,840	54,110	
	PERSONAL PROP - INDIVIDUAL	0.00798	501	267					44,545,060
	PERSONAL PROP - CORPORATION	0.01049	502	416					58,546,670
	PERSONAL PROP - MFG CORP	0.00000	503	0					0
	PERSONAL PROP - TRANSMISSION	0.01076	504,550-552	6					60,073,140
	PERSONAL PROP - TELEPHONE	0.00289	505	5					16,149,900
	PERSONAL PROP - PIPELINES	0.00123	506	1					6,892,000
	PERSONAL PROP - WIRELESS	0.00038	508	4					2,112,750
	TOTALS	1.00000		11,657	4,506,862,400	0	384,322,107	502,632,510	188,319,520
					REAL AND PERSONAL PROPERTY TOTAL VALUE				5,582,136,537
					EXEMPT VALUE				432,464,000

FY20 CLASS	CLASS VALUE	KEY GROUPS	VALUE OF GROUP	GROUP % OF CLASS
COMMERCIAL	384,322,107	MALL & OFFICE BLDG.	60,724,400	15.80%
INDUSTRIAL	502,632,510	CONSTITUTION & FORGE	339,969,600	67.64%
<b>SUB-TOTAL</b>	<b>886,954,617</b>	<b>SUB-TOTAL</b>	<b>400,694,000</b>	<b>45.18%</b>
PERSONAL PROP.	188,319,520	PERSONAL PROP.	188,319,520	100.00%
<b>GRAND TOTAL</b>	<b>1,075,274,137</b>	<b>GRAND TOTAL</b>	<b>589,013,520</b>	<b>54.78%</b>
				of total CIP



**MINIMUM RESIDENTIAL FACTOR COMPUTATION**  
**Fiscal Year 2020**

A Class	B Full and Fair Cash Valuation	C Percentage Share	
1. Residential	4,506,862,400	80.7372%	80.7372%
2. Open Space	0	0.0000%	
3. Commercial	384,322,107	6.8849%	19.2628%
4. Industrial	502,632,510	9.0043%	
5. Personal Property	188,319,520	3.3736%	
<b>TOTALS</b>	<b>5,582,136,537</b>	<b>100.0000%</b>	

Maximum Share of Levy for Classes Three, Four and Personal Property:  $150\% \times 19.2628\%$  (Lines 3C + 4C + 5C) = **28.8942%** (Max % Share)

Minimum Share of Levy for Classes One and Two:  $100\% - 28.8942\%$  (Max % Share) = **71.1058%** (Min % Share)

Minimum Residential Factor (MRF):  $71.1058\%$  (Min % Share) /  $80.7372\%$  (Lines 1C + 2C) = **88.0707%** (Minimum Residential Factor)

MINIMUM RESIDENTIAL FACTOR LA7 (6-96): **88.0707%**

Chapter 58, Section 1A mandates a minimum residential factor of not less than 65 percent.

LA13 Tax Base Levy Growth

Retain documentation for 5 years in case of DOR audit - Fiscal Year 2020

Property Class	(A) All Prior Year Abatement No.	(B) All Prior Year Abatement Values	(C) New Growth Valuation	(D) PY Tax Rate	(E) Tax Levy Growth
RESIDENTIAL					
SINGLE FAMILY (101)	10	136,900	20,324,500		
CONDOMINIUM (102)	3	82,100	27,750,700		
TWO & THREE FAMILY (104 & 105)	0	0	705,800		
MULTI - FAMILY (111-125)	0	0	18,593,400		
VACANT LAND (130-132 & 106)	2	279,900	0		
ALL OTHERS (103, 109, 012-018)	1	24,300	83,500		
TOTAL RESIDENTIAL	16	523,200	67,457,900	14.66	988,933
OPEN SPACE	0	0	0		
OPEN SPACE - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL OPEN SPACE	0	0	0	0.00	0
COMMERCIAL	2	362,500	12,385,800		
COMMERCIAL - CHAPTER 61, 61A, 61B	0	0	0		
TOTAL COMMERCIAL	2	362,500	12,385,800	14.66	181,576
INDUSTRIAL	0	0	14,084,900	14.66	206,485
PERSONAL PROPERTY			33,248,540	14.66	487,424
TOTAL REAL & PERSONAL			127,177,140		1,864,418

Community Comments:

Signatures

Board of Assessors

KEVIN William DOYLE, Dir. of Assessing, Franklin, kdoyle@franklinma.gov 508-520-4920 | 11/19/2019 2:30 PM

Comment: AUTHORIZED TO SIGN FOR THE BOARD OF ASSESSORS

Documents

Documents have been uploaded.

NOTE : The information was Approved on 11/22/2019

**Levy Limit  
Fiscal Year 2020**

FOR BUDGET PLANNING PURPOSES

**I. TO CALCULATE THE FY 2019 LEVY LIMIT**

A. FY 2018 Levy Limit	70,168,037	
A1. ADD Amended FY 2018 Growth	0	
B. ADD (IA + IA1)*2.5%	1,754,201	
C. ADD FY 2019 New Growth	1,515,478	
C1. ADD FY 2019 New Growth Adjustment	0	
D. ADD FY 2019 Override	0	
E. FY 2019 Subtotal	<u>73,437,716</u>	
F. FY 2019 Levy Ceiling	131,844,518	I. <u>73,437,716</u> FY 2019 Levy Limit

**II. TO CALCULATE THE FY 2020 LEVY LIMIT**

A. FY 2019 Levy Limit from I	73,437,716	
A1. Amended FY 2019 Growth	0	
B. ADD (IIA + IIA1)*2.5%	1,835,943	
C. ADD FY 2020 New Growth	1,864,418	
C1. ADD FY 2020 New Growth Adjustment	0	
D. ADD FY 2020 Override	0	
E. ADD FY 2020 Subtotal	<u>77,138,077</u>	
F. FY 2020 Levy Ceiling	139,553,413	II. <u>77,138,077</u> FY 2020 Levy Limit

**III. TO CALCULATE THE FY 2020 MAXIMUM ALLOWABLE LEVY**

A. FY 2020 Levy Limit from II.	77,138,077
B. FY 2020 Debt Exclusion(s)	3,902,741
C. FY 2020 Capital Expenditure Exclusion(s)	0
D. FY 2020 Stabilization Fund Override	0
E. FY 2020 Other Adjustment :	0
F. FY 2020 Water/Sewer	0
G. FY 2020 Maximum Allowable Levy	<u>81,040,818</u>

**Signatures**

No signatures to display.

**Documents**

No documents have been uploaded.

NOTE : The information is preliminary and is subject to change.

CLASSIFICATION TAX ALLOCATION

Fiscal Year 2020

1. The selected Residential Factor is 1.000000

If you desire each class to maintain 100% of its full values tax share, indicate a residential factor of "1" and go to question 3.

2. In computing your residential factor, was a discount granted to Open Space?

Yes ☐ No ☒

If Yes, what is the percentage discount? 0

3. Was a residential exemption adopted?

Yes ☐ No ☒

If Yes, please complete the following:

Class 1 Total Assessed Value	=	4,506,862,400	X	0	=	0
Class 1 Total Parcel Count *		0		Selected Res. Exemption %		Residential Exemption

\* Include all parcels with a Mixed-Use Residential designation

Applicable number of parcels to receive exemption 0

Net value to be exempted 0

4. Was a small commercial exemption adopted?

Yes ☐ No ☒

% Selected 0

If Yes, please complete the following:

No. of parcels eligible	<u>0</u>
Total value of parcels	<u>0</u>
Total value to be exempted	<u>0</u>

5. The following information was derived from the LA-7. Please indicate in column D percentages (accurate to 4 digits to the right of the decimal point) which result from your selected residential factor. (If a residential factor of "1" has been selected, you may leave Column D blank.)

A Class	B Certified Full and Fair Cash Value Assessments	C Percentage Full Value Shares of Total Tax Levy	D New Percentage Shares of Total Tax Levy
Residential	4,506,862,400.00	80.7372%	80.7372%
Open Space	0.00	0.0000%	0.0000%
Commercial	384,322,107.00	6.8849%	6.8849%
Industrial	502,632,510.00	9.0043%	9.0043%
Personal Property	188,319,520.00	3.3736%	3.3736%
TOTALS	5,582,136,537.00	100.0000%	100.0000%

NOTE : The information is preliminary and is subject to change.



**CLASSIFICATION TAX ALLOCATION**  
**Fiscal Year 2020**

6. Notice was given to taxpayers on 12/04/2019 (date), 7:10 PM (time), at Franklin Municipal Building (place), by Legal Notice (describe type of notice) that a public hearing on the issue of adopting the tax levy percentages for fiscal year 2020 would be held on 12/04/2019 (meeting date).

7. We hereby attest that on 12/04/2019 (date), 7:10 PM (time), at Franklin Municipal Building (place) in a public hearing on the issue of adopting the percentages for fiscal year 2020, that the Board of Assessors presented information and data relevant to making such determination and the fiscal effect of the available alternatives, and that the percentages set forth above were duly adopted in public session on 12/04/2019 (date).

8. The LA-5 excess capacity for the current fiscal year is calculated as 44,016.85

The LA-5 excess capacity for the prior fiscal year is calculated as 28,825.44

For cities : City Councilors, Aldermen, Mayor

For towns : Board of Selectmen

For districts : Prudential Committee or Commissioners

**Signatures**

No signatures to display.

**Documents**

No documents have been uploaded.

# CLASSIFICATION OPTIONS

CLASS	VALUE	%
Residential	4,506,862,400	80.7372
Open Space	0	0.0000
Commercial	384,322,107	6.8849
Industrial	502,632,510	9.0043
Personal Property	188,319,520	3.3736
Total	5,582,136,537	100.0000

## ENTER A LEVY

Levy	80,996,801
Single TaxRate	14.51

## ENTER CIP SHIFT RAN

Shift Range	1.00	1.50
Shift Increment %		5.00
Max Shift Allowed		1.50

## Share Percentages

CIP Shift	Res Factor	Res SP	Comm SP	Ind SP	PP SP	Total SP	Res ET	Comm ET	Ind ET	PP ET
1.0000	1.0000	80.7372	6.8849	9.0043	3.3736	100.0000	14.51	14.51	14.51	14.51
1.0500	0.9881	79.7741	7.2291	9.4545	3.5423	100.0000	14.34	15.24	15.24	15.24
1.1000	0.9761	78.8109	7.5734	9.9047	3.7110	100.0000	14.16	15.96	15.96	15.96
1.1500	0.9642	77.8478	7.9176	10.3549	3.8796	100.0000	13.99	16.69	16.69	16.69
1.2000	0.9523	76.8846	8.2619	10.8052	4.0483	100.0000	13.82	17.41	17.41	17.41
1.2500	0.9404	75.9215	8.6061	11.2554	4.2170	100.0000	13.64	18.14	18.14	18.14
1.3000	0.9284	74.9584	8.9504	11.7056	4.3857	100.0000	13.47	18.86	18.86	18.86
1.3500	0.9165	73.9952	9.2946	12.1558	4.5544	100.0000	13.30	19.59	19.59	19.59
1.4000	0.9046	73.0321	9.6389	12.6060	4.7230	100.0000	13.13	20.31	20.31	20.31
1.4500	0.8926	72.0690	9.9831	13.0562	4.8917	100.0000	12.95	21.04	21.04	21.04
1.5000	0.8807	71.1058	10.3274	13.5065	5.0604	100.0000	12.78	21.77	21.76	21.76





FY	MEAN SF VALUE	SINGLE RATE	SINGLE RATE TAX	CHG FR PRIOR YR
2005	383,300	9.17	3,515	n/a
2006	414,800	9.02	3,741	227
2007	437,100	8.86	3,873	131
2008	411,500	10.23	4,210	337
2009	384,800	11.17	4,298	89
2010	368,800	12.03	4,437	138
2011	361,100	12.95	4,676	240
2012	352,700	13.73	4,843	166
2013	348,000	14.34	4,990	148
2014	364,000	14.45	5,260	269
2015	381,200	14.84	5,657	397
2016	398,300	14.50	5,775	118
2017	411,800	14.58	6,004	229
2018	421,800	14.65	6,179	175
2019	443,500	14.66	6,502	322
2020	460,400	14.51	6,680	179
	MEAN = AVERAGE			

FY	MEDIAN SF VALUE	SINGLE RATE	SINGLE TAX	CHG FR PRIOR YR
2005	354,000	9.17	3,246	n/a
2006	385,000	9.02	3,473	227
2007	411,000	8.86	3,641	169
2008	383,000	10.23	3,918	277
2009	354,000	11.17	3,954	36
2010	343,000	12.03	4,126	172
2011	328,500	12.95	4,254	128
2012	321,300	13.73	4,411	157
2013	316,000	14.34	4,531	120
2014	331,700	14.45	4,793	262
2015	353,900	14.84	5,252	459
2016	367,100	14.50	5,323	71
2017	373,800	14.58	5,450	127
2018	389,500	14.65	5,706	256
2019	410,800	14.66	6,022	316
2020	427,700	14.51	6,206	184
	MEDIAN = MIDDLE			

PROPERTY CLASS	FY 19 CLASS LEVY AT 14.66	FY 20 CLASS LEVY AT 14.51	% CHANGE FY 2019 TO FY 2020
RESIDENTIAL	62,627,945.29	65,394,573.42	4.418%
COMMERCIAL	5,275,257.24	5,576,513.77	5.711%
INDUSTRIAL	6,816,148.53	7,293,197.72	6.999%
PERSONAL	2,594,274.50	2,732,516.24	5.329%
GRAND TOTALS	77,313,625.56	80,996,801.15	4.764%



**BOARD OF ASSESSORS - FISCAL YEAR 2019  
TOWN FINANCIAL SUMMARY**

**VALUATION**

Taxable Real Property	5,096,817,944.00
Taxable Personal Property	176,962,790.00

<b>TOTAL TAXABLE PROPERTY VALUATION</b>	<b>5,273,780,734.00</b>
---	-------------------------

**AMOUNTS TO BE RAISED**

Total Real and Personal Property Tax Levy	77,313,625.56
Total Estimated Receipts & Other Revenue Sources	61,295,483.00

<b>TOTAL AMOUNTS TO BE RAISED/RECEIPTS - ALL SOURCES</b>	<b>138,609,108.56</b>
--	-----------------------

**TAX RATE - \$14.66 PER \$1,000 OF TAXABLE VALUATION**

**TAX LEVY**

Real Property Levy	74,719,351.06
Personal Property Levy	2,594,274.50

<b>TOTAL LEVY - ALL TAXABLE CLASSES</b>	<b>77,313,625.56</b>
---	----------------------

REAL PROPERTY EXEMPTIONS	\$ EXEMPTION TOTALS	\$ MA REIMBURSEMENT
Clause 17D Widow ( 48 )	15,408.00	350.00
Clause 18 Hardship ( 1 )	3,845.32	0.00
Clause 22 Veterans ( 115 )	46,000.00	25,875.00
Clause 22F Veterans ( 1 )	6,293.54	6,118.54
Clause 22D Veterans ( 10 )	53,116.12	53,116.12
Clause 22E Veterans ( 34 )	34,000.00	28,050.00
Clause 37A Blind ( 10 )	5,000.00	875.00
Clause 41C Elderly ( 23 )	23,000.00	0.00
Clause 42 Widow (police) ( 1 )	7,995.56	0.00
Exemptions Totals ( 243 )	194,658.54	114,384.66
Senior Work Prog. ( 92 )	79,667.50	0.00



SPONSOR: Administration

## TOWN OF FRANKLIN

### RESOLUTION: 19-80

#### TAX CLASSIFICATION - RESIDENTIAL FACTOR

**WHEREAS,** a public hearing on the Property Tax Classification was held and closed on December 4, 2019.

**NOW THEREFORE** be it resolved that the Residential Factor will be set at [1.000000].

---

**DATED:** \_\_\_\_\_, 2019

**VOTED:**

**UNANIMOUS:** \_\_\_\_\_

**A True Record Attest:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**Teresa M. Burr, CMC**  
**Town Clerk**

---

**Glenn Jones, Clerk**  
**Franklin Town Council**



SPONSOR: Administration

**TOWN OF FRANKLIN  
RESOLUTION: 19-81**

**TAX CLASSIFICATION - OPEN SPACE EXEMPTION**

**WHEREAS,** a public hearing on the Property Tax Classification was held and closed on December 4, 2019.

**NOW THEREFORE** be it resolved that there [ ~~be~~ ] [ not be ] an exemption for open space.

**DATED:** \_\_\_\_\_, 2019

**VOTED:**

**UNANIMOUS:** \_\_\_\_\_

**A True Record Attest:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**Teresa M. Burr, CMC  
Town Clerk**

\_\_\_\_\_  
**Glenn Jones, Clerk  
Franklin Town Council**





## TOWN OF FRANKLIN

### RESOLUTION: 19-82

#### TAX CLASSIFICATION - SMALL BUSINESS EXEMPTION

**WHEREAS,** a public hearing on the Property Tax Classification was held and closed on December 4, 2019.

**NOW THEREFORE** be it resolved that there [ ~~be~~ ] [ not be ] an exemption for small businesses.

---

**DATED:** \_\_\_\_\_, 2019

**VOTED:**

**UNANIMOUS:** \_\_\_\_\_

**A True Record Attest:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**Teresa M. Burr, CMC**  
**Town Clerk**

---

**Glenn Jones, Clerk**  
**Franklin Town Council**



SPONSOR: Administration

## TOWN OF FRANKLIN

### RESOLUTION: 19-83

#### TAX CLASSIFICATION - RESIDENTIAL PROPERTY EXEMPTION

**WHEREAS,** a public hearing on the Property Tax Classification was held and closed on December 4, 2019.

**NOW THEREFORE** be it resolved that there [ ~~be~~ ] [ not be ] an exemption for residential property

---

**DATED:** \_\_\_\_\_, 2019

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

**Teresa M. Burr, CMC**  
**Town Clerk**

---

**Glenn Jones, Clerk**  
**Franklin Town Council**

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
[www.franklinma.gov](http://www.franklinma.gov)

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

November 27, 2019

To: Town Council

From: Jamie Hellen, Town Administrator

**Re: Resolution 19-84: Gift Acceptance - Franklin Public Library**

---

The Franklin Public Library has received a generous donation in the amount of \$10,500 from the Friends of the Franklin Library. This donation will be allocated towards the purchase of technology and other items for the use of library patrons (see attached list).

We would like to thank the Friends of Franklin Library for their continued support and exceptionally generous donation to the Franklin Public Library. The Public Library would simply not be what it is today without their consistently incredible support.

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

The Friends of Franklin Library's board voted Nov. 6, 2019, to provide the library with \$10,500 toward the purchase of technology and other items for the use of library patrons. If agreeable, the library director would have these funds available to her through the designated account used in the past for others expenses covered by The Friends.

Specifically, we ask the funding be applied to these projects:

Chromebooks (up to 25, depending on discounted price available through town IT purchasing dept.)

Media studio items as outlined in October presentation (but not gaming equipment)

→ \$6,000

Library of Things items as outlined in October presentation (FoFL would prefer not to buy costumes; suggested list of items we'd like to see purchased will be provided)

→ \$2,500

Library passes (as needed)

→ \$2,000

**total: \$10,500**





## TOWN OF FRANKLIN

### RESOLUTION 19 - 84

#### Acceptance of Gift – Franklin Public Library

**WHEREAS,**

The Franklin Public Library has received a generous donation in the amount of \$10,500 from the Friends of Franklin Library Board to be used towards the purchase of technology and other items as specified:

1. \$6,000 - Chromebooks (up to 25) and media studio items;
2. \$2,500 - "Library of Things" items;
3. \$2,000 - Library passes (as needed).

**NOW THEREFORE, BE IT RESOLVED THAT:**

The Town Council of the Town of Franklin on behalf of the Franklin Public Library gratefully accepts this generous donation to be used at the discretion of the Franklin Public Library for the purchase of technology and other items as specified to be used by library patrons.

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

---

**DATED:** \_\_\_\_\_, 2019

**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

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
[www.franklinma.gov](http://www.franklinma.gov)

## OFFICE OF THE TOWN ADMINISTRATOR

November 18, 2019

Friends of Franklin Library Board  
P.O. Box 147  
Franklin, MA 02038

Dear Friends of Franklin Library,

On behalf of the Town of Franklin, I would like to thank you for your exceptionally generous donation to the Franklin Library. We are excited to have the ability to invest in much needed technology at the library. We cannot wait to see how your donation helps to progress the learning and overall library experience for the community patrons that love to use our facilities.

We appreciate your generosity and find it gratifying that you have chosen to give back to the community. Please call if I can ever be of assistance.

Warmest Regards,



Jamie Hellen  
Town Administrator

cc: Felicia Oti, Franklin Public Library Director

*Wow!  
Thank you for your generosity!!*

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
[www.franklinma.gov](http://www.franklinma.gov)

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

November 27, 2019

To: Town Council  
From: Jamie Hellen, Town Administrator

**Re: Resolution 19-85: Gift Acceptance - Franklin Senior Center**

---

The Franklin Senior Center has received a generous donation in the amount of \$250 from Ames Financial Services. This donation will be allocated towards the purchase of materials for the Franklin Senior Center Programs. We would like to thank Ames Financial Services for their support and exceptionally generous donation to the Franklin Senior Center.

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



## TOWN OF FRANKLIN

### RESOLUTION 19 - 85

#### Acceptance of Gift – Franklin Senior Center

**WHEREAS,** The Franklin Senior Center has received a generous donation in the amount of \$250 from Ames Financial Services to be used towards the Franklin Senior Center program.

#### **NOW THEREFORE, BE IT RESOLVED THAT:**

The Town Council of the Town of Franklin on behalf of the Franklin Senior Center gratefully accepts this generous donation to be used at the discretion of the Franklin Senior Center for Senior Center Programs.

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

**DATED:** \_\_\_\_\_, 2019

**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

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
[www.franklinma.gov](http://www.franklinma.gov)

OFFICE OF THE TOWN ADMINISTRATOR

November 25, 2019

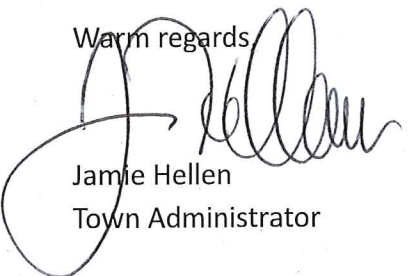
Ames Financial Services  
ATTN: Rich & Rena  
844 Franklin Street, Suite 6  
Wrentham, MA 02093

Dear Ames Financial Services,

On behalf of the Town of Franklin, I would like to thank you for your generous donation to the Franklin Senior Center. I cannot express how crucial your donation will be in providing services to elders throughout the Franklin community.

We cannot thank you enough for your generosity and for choosing to give back to our community. Please do not hesitate to call if I can ever be of assistance.

Warm regards,

  
Jamie Hellen  
Town Administrator

cc: Karen Alves, Director Senior Center

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

November 27, 2019

To: Town Council

From: Jamie Hellen, Town Administrator

**Re: Resolution 19-86: 2020 Schedule of Town Council Meetings**

---

I am asking the Council to approve the 2020 Town Council meeting schedule. This schedule outlines the proposed Town Council meeting dates for the 2020 calendar year. This schedule reflects comments from the Council and other dates, such as religious holidays. Additionally, while very rare, It also does not prohibit the Council from posting additional meetings as necessary within the Open Meeting Law statutory requirements.

I have also included a schedule of monthly office hours at the senior center, which we have held for the past year. The office hours are on the third Thursday of every month.

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



Sponsor: Administration

**TOWN OF FRANKLIN  
RESOLUTION 19-86  
2020 SCHEDULE OF TOWN COUNCIL MEETINGS**

January	8	(Town Council Biannual Goals)
January	22	
February	5	
February	12	(FYI: School Vacation February 14-23)
March	4	
March	18	
April	15	(FYI: School Vacation April 17-26)
May	6	
May	20 + 21	(Operating Budget Hearings)
June	3	
June	17	
July	22	
August	12	
September	2	
September	16	
October	7	
October	21	
November	11	
November	18	
December	2	(Tax Rate Hearing)
December	16	

**DATED:** \_\_\_\_\_, 2019

**VOTED:** \_\_\_\_\_

**UNANIMOUS:** \_\_\_\_\_

**A True Record Attest:**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**Teresa M. Burr, CMC**  
**Town Clerk**

**RECUSED:** \_\_\_\_\_

\_\_\_\_\_  
**Glenn Jones, Clerk**  
**Franklin Town Council**

# Town of Franklin

Town Administrator  
Tel: (508) 520-4949

Fax: (508) 520-4903



355 East Central Street  
Franklin, Massachusetts 02038-1352

## **Town Council Office Hours**

**Franklin Senior Center  
10 Daniel McCahill Road  
Franklin, MA  
Third Thursday/Monthly  
8:30 AM**

The Town Council will be holding monthly office hours at the Franklin Senior Center. One or more Councilors, along with the Town Administration, may be present for this standing time for seniors, their families and residents to ask questions, discuss issues of concern or just enjoy a complimentary cup of coffee!

### 2020 Dates

January 16  
February 20  
March 19  
April 16  
May 21  
June 18  
July 16  
August 20  
September 17  
October 15  
November 19  
December 17

This notice complies with the Massachusetts Open Meeting Law. Attendance by the Council is not required, nor guaranteed, and is outside of the normal approved Town Council regularly scheduled meeting schedule. There will be no discussion of any substantive issue at these meetings and no formal agenda; rather, the Office Hours are an open opportunity for seniors and their families to receive better customer service.



# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
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OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

November 25, 2019

To: Town Council

From: Jamie Hellen, Town Administrator

### **Re: Resolution 19-87: Cable Funds in Support of PEG Service**

---

The Massachusetts Department of Revenue requires the Town Council to vote to appropriate PEG funds received from Comcast and Verizon to an established revolving account.

Please find attached resolution to appropriate \$182,192.88 PEG funds received for the Third Quarter from Comcast and Verizon to the Cable Access Corporation.

Please feel free to call with any questions.

# TOWN OF FRANKLIN

## SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

Turnover Number:

Department:

Date: November 12, 2019

ADMINISTRATION

123

FROM WHOM	DESCRIPTION	CODE	AMOUNT	TOTAL
	One Day Alcoholic Licenses	1AL123		
	One Day Beer/Wine Licenses	1BR123		
	Alcoholic Beverage Licenses	ALC123		
	Amusement Licenses	AMU123		
	Auctioneer Licenses	AUC123		
	Cable TV Franchise Fee	CAB123		
	Class II 2nd Hand Car Licenses	CAR123		
	Cable TV License	CBL123		
	Copy Fee Admin	CPY123		
	Common Victual Licenses	CVC123		
	Departmental Fees	DEP123		
	Permits - Administration	PER123		
	Rentals - Administration	REN123		
	Taxi Cab Licenses Amusement	TXI123		
	Daniels Assoc Populatic St Deposits	DAN123		
	Town Common - Gift	COM123		
	Assistance Account Gift	AST123		
	Cable Gift Revenues	123CBL		
	Recreation Improvements - Gift	REC123		
	Populatic St Improvements - Gift	POP123		
	Insurance Recovery	INS123		
	Transportation - Gift	TRN123		
	Welcome Sign - Gift	WEL123		
	Otherwise Unclassified Revenue - Other	UNC980		
	Downtown Manager - Gift Revenue	DTN177		
Third Quarter fees	Verizon Cable TV	VERCBL		\$ 9,102.13
TOTAL				\$ 9,102.13

To the Town Accountant:

The above is a detailed list of moneys collected by me, amounting in the aggregate to:

*Nine Thousand One Hundred Two Dollars and Thirteen Cents*

for the period ending

November 12, 2019

Town Treasurer, whose receipt I hold therefor.

which I have paid to the

Signature

*Alecia Alleyne*  
Alecia Alleyne, Administrative Assistant

## PEG Grant Report 3rd Quarter 2019

### Town of Franklin

#### Verizon - fBA

#### Massachusetts

PEG Fee Rate: 0.500%

	July	August	September	Quarter Total
Monthly Recurring Cable Service Charges (e.g. Basic, Enhanced Basic, Premium and Equipment Rental)	\$530,584.77	\$540,247.26	\$523,797.61	\$1,594,629.64
Usage Based Charges (e.g. PayPer View, Installation)	\$17,178.42	\$17,254.19	\$19,982.90	\$54,415.51
Advertising	\$23,541.62	\$26,996.93	\$16,427.82	\$66,966.37
Home Shopping	\$978.47	\$1,887.72	\$859.46	\$3,725.65
Late Payment	\$0.00	\$0.00	\$0.00	\$0.00
Other Misc. (Leased Access & Other Misc.)	\$4,205.45	\$4,145.02	\$3,145.09	\$11,495.56
License Fee Billed	\$0.00	\$0.30	\$0.00	\$0.30
PEG Fee Billed	\$31,363.70	\$31,933.15	\$30,894.45	\$94,191.30
Less:				
Bad Debt	(\$1,303.61)	\$463.17	(\$4,157.52)	(\$4,997.96)
Total Receipts Subject to PEG Fee Calculation	\$606,548.83	\$622,927.73	\$590,949.81	\$1,820,426.37
Adjustment	\$0.00	\$0.00	\$0.00	\$0.00
PEG Grant	\$3,032.74	\$3,114.64	\$2,954.75	\$9,102.13

Verizon New England Inc. is hereby requesting that this information be treated as confidential and proprietary business information in accordance with the terms of the Cable Television Final License granted to Verizon New England Inc. This information is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided herein, would cause substantial harm to competitive position of Verizon in the highly competitive video marketplace if disclosed, is intended to be proprietary confidential business information and is treated by Verizon as such.

# TOWN OF FRANKLIN

## SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

Turnover Number:

Department:  
ADMINISTRATION

Date: November 18, 2019

123

FROM WHOM	DESCRIPTION	CODE	AMOUNT	TOTAL
	One Day Alcoholic Licenses	1AL123		
	One Day Beer/Wine Licenses	1BR123		
	Alcoholic Beverage Licenses	ALC123		
	Amusement Licenses	AMU123		
	Auctioneer Licenses	AUC123		
	Cable TV Franchise Fee	CAB123		
	Class II 2nd Hand Car Licenses	CAR123		
	Cable TV License	CBL123		
	Copy Fee Admin	CPY123		
	Common Victual Licenses	CVC123		
	Departmental Fees	DEP123		
	Permits - Administration	PER123		
	Rentals - Administration	REN123		
	Taxi Cab Licenses Amusement	TXI123		
	Daniels Assoc Populatic St Deposits	DAN123		
	Town Common - Gift	COM123		
	Assistance Account Gift	AST123		
	Cable Gift Revenues	123CBL		
	Recreation Improvements - Gift	REC123		
	Populatic St Improvements - Gift	POP123		
	Insurance Recovery	INS123		
	Transportation - Gift	TRN123		
	Welcome Sign - Gift	WEL123		
	Otherwise Unclassified Revenue - Other	UNC980		
	Downtown Manager - Gift Revenue	DTN177		
Third Quarter fees	Verizon Cable TV	VERCBL		\$ 91,021.32
TOTAL				\$ 91,021.32

To the Town Accountant:

The above is a detailed list of moneys collected by me, amounting in the aggregate to:

*Ninety One Thousand Twenty One Dollars and Thirty Two Cents*

for the period ending November 18, 2019  
Town Treasurer, whose receipt I hold therefor.

which I have paid to the

Signature   
Alecia Alleyne, Administrative Assistant



## PEG Grant Report 3rd Quarter 2019

### *Town of Franklin*

#### *Verizon - fBA*

#### *Massachusetts*

#### *PEG Fee Rate:*

5.00%

	July	August	September	Quarter Total
Monthly Recurring Cable Service Charges (e.g. Basic, Enhanced Basic, Premium and Equipment Rental)	\$530,584.77	\$540,247.26	\$523,797.61	\$1,594,629.64
Usage Based Charges (e.g. PayPer View, Installation)	\$17,178.42	\$17,254.19	\$19,982.90	\$54,415.51
Advertising	\$23,541.62	\$26,996.93	\$16,427.82	\$66,966.37
Home Shopping	\$978.47	\$1,887.72	\$859.46	\$3,725.65
Late Payment	\$0.00	\$0.00	\$0.00	\$0.00
Other Misc. (Leased Access & Other Misc.)	\$4,205.45	\$4,145.02	\$3,145.09	\$11,495.56
License Fee Billed	\$0.00	\$0.30	\$0.00	\$0.30
PEG Fee Billed	\$31,363.70	\$31,933.15	\$30,894.45	\$94,191.30
Less:				
Bad Debt	(\$1,303.61)	\$463.17	(\$4,157.52)	(\$4,997.96)
Total Receipts Subject to PEG Fee Calculation	\$606,548.83	\$622,927.73	\$590,949.81	\$1,820,426.37
PEG Grant	\$30,327.44	\$31,146.39	\$29,547.49	\$91,021.32

Verizon New England Inc. is hereby requesting that this information be treated as confidential and proprietary business information in accordance with the terms of the Cable Television Final License granted to Verizon New England Inc. This information is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided herein, would cause substantial harm to competitive position of Verizon in the highly competitive video marketplace if disclosed, is intended to be proprietary confidential business information and is treated by Verizon as such.

# TOWN OF FRANKLIN

Check # 520955326

## SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

Turnover Number:

Department:  
ADMINISTRATION  
123

Date: November 25, 2019

FROM WHOM	DESCRIPTION	CODE	AMOUNT	TOTAL
	One Day Alcoholic Licenses	1AL123		
	One Day Beer/Wine Licenses	1BR123		
	Alcoholic Beverage Licenses	ALC123		
	Amusement Licenses	AMU123		
	Auctioneer Licenses	AUC123		
	Cable TV Franchise Fee	CAB123		
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	Cable TV License	CBL123		
	Copy Fee Admin	CPY123		
	Common Victual Licenses	CVC123		
	Departmental Fees	DEP123		
	Permits - Administration	PER123		
	Rentals - Administration	REN123		
	Taxi Cab Licenses Amusement	TXI123		
	Daniels Assoc Populatic St Deposits	DAN123		
	Town Common - Gift	COM123		
	Assistance Account Gift	AST123		
	Cable Gift Revenues	VERCBL		
	Recreation Improvements - Gift	REC123		
	Populatic St Improvements - Gift	POP123		
	Insurance Recovery	INS123		
	Transportation - Gift	TRN123		
	Welcome Sign - Gift	WEL123		
	Otherwise Unclassified Revenue - Other	UNC980		
	Downtown Manager - Gift Revenue	DTN177		
Third Quarter fees	Comcast Cable TV	VERCBL		\$ 82,069.43
TOTAL				\$ 82,069.43

To the Town Accountant:

The above is a detailed list of moneys collected by me, amounting in the aggregate to:

*Eighty Two Thousand Sixty Nine Dollars and Fourty Three Cents*

for the period ending November 25, 2019  
Town Treasurer, whose receipt I hold therefor.

which I have paid to the

Signature   
Alecia Alleyne, Administrative Assistant



System Name: Comcast of Massachusetts II, Inc.  
Email: Patrick\_Moore@cable.comcast.com  
Phone: 610-665-2575


Vendor ID: 150328  
Contract Name: Franklin MA  
Statement Period: Jul - Sep, 2019  
Payment Amount: \$82,069.43  
Statement Number: 619724  
CUID: MA0152  
System ID: 8773-1000-0160

FRANKLIN TOWN OF MA  
355 EAST CENTRAL STREET  
  
FRANKLIN, MA, 02038

This statement represents your payment for the period listed above.

Revenue Category	Amount
Expanded Basic Video Service	\$470,337.36
Limited Basic Video Service	\$278,687.97
Digital Video Service	\$406,414.65
Pay	\$237,594.96
PPV / VOD	\$46,571.47
Digital Video Equipment	\$75,676.35
Video Installation / Activation	\$4,349.97
Franchise Fees	\$78,621.71
PEG Fees	\$10,125.74
State Assessment	\$2,831.80
Guide	\$100.80
Other	\$6,980.14
Late Fees	\$2,709.45
Write-offs / Recoveries	(\$4,145.09)
Ad Sales	\$85,079.31
Home Shopping Commissions	\$7,842.52
<b>Total</b>	<b>\$1,709,779.11</b>
Franchise Fee %	4.80 %
Franchise Fee	\$82,069.43

To the best of my knowledge and belief, the above is a true and correct statement for the accounting of the gross revenues received by this corporation for the period.

  
\_\_\_\_\_  
Chad Mackey

Sr. Analyst



## TOWN OF FRANKLIN

**RESOLUTION NO.:** 19-87

**APPROPRIATION:** Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4

**TOTAL REQUESTED:** \$182,192.88

**PURPOSE:** To appropriate \$182,192.88 from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, representing the amount received in the previous quarter, to be paid to Franklin Cable Access Corp. to operate the cable access studio and otherwise fund its operations.

### MOTION

Be it Moved and Voted by the Town Council that the sum of \$182,192.88 be appropriated from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, to be paid to Franklin Cable Access Corp. to operate the cable access studio and otherwise fund its operations.

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

**DATED:** \_\_\_\_\_, 2019

**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

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
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OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

November 27, 2019

To: Town Council  
From: Jamie Hellen, Town Administrator

### **Re: Resolution 19-88: Stormwater Ad Hoc Committee**

---

Per Section 26 of the Rules of Procedure Manual, I am asking the Council to establish the following Subcommittee:

1. Stormwater Utility Fee Study Committee

Please note that the Council shall dissolve an ad hoc committee, by majority vote, when the Council determines that its mission or purpose has been completed.

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



## TOWN OF FRANKLIN

### RESOLUTION 19 - 88

#### ESTABLISHMENT BY TOWN COUNCIL OF AD HOC STORMWATER UTILITY FEE STUDY COMMITTEE

Pursuant to Paragraph 26 of the Procedures Manual of the Franklin Town Council, the Town Council hereby establishes the following Ad Hoc Committee, to consist of three (3) Town Council members for the current Council term, or until earlier-dissolved:

1. Stormwater Utility Fee Study Committee

This resolution shall become effective upon passage.

---

**DATED:** \_\_\_\_\_, 2019

**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

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Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

November 27, 2019

To: Town Council  
From: Jamie Hellen, Town Administrator

### **Re: Bylaw 19-846: Stormwater Utility**

---

Based on the presentation and the feedback we've received from the previous meeting, I am asking the Council to consider approval of creating a Stormwater Utility Enterprise fund, similar to the Water, Sewer and Trash enterprise funds the Town has.

As noted previously, the objective here is to create the framework to allow our finance staff the ability to work with MUNIS to create the utility in our financial systems. It will also allow the Council and staff to be able to do additional public outreach and engagement, as well as analyze the options for financing the federal regulations.

The vote before you tonight does not set any fee. The Ad Hoc committee will review the financials and recommend any fee structure to the full Town Council, which will be required to be put into the municipal fees section of the Town Code.

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



**TOWN OF FRANKLIN  
BYLAW AMENDMENT 19-846  
CHAPTER 153 STORMWATER MANAGEMENT**

**A bylaw to amend the Code of the Town of Franklin at Chapter 153 Stormwater Management by adding a new Article IV Stormwater Utility.**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT** Chapter 153 of the Code of the Town of Franklin Stormwater Management is hereby amended by adding a new Article IV Stormwater Utility as Follows:

**ARTICLE IV  
STORMWATER UTILITY**

**§153-19 GENERAL PROVISIONS**

- a. Title  
This bylaw shall be known as the Stormwater Utility By-Law of the Town of Franklin, Massachusetts, hereinafter referred to as the "by-law."
- b. Responsibility for Administration  
The Town Administrator or his/her designee shall administer this by-law; the Town Administrator may delegate any powers granted to or duties imposed upon the Town Administrator to the Director of Public Works.
- c. Purpose  
The stormwater management program of the Town shall be funded by revenue collected through the Stormwater Utility fee and such other revenue as may, from time to time, be appropriated. The stormwater management program is designed to collect and treat stormwater to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, to protect and manage water quality by controlling the level of pollutants in stormwater runoff, and to comply with Federal and state stormwater management mandates and permits.

**§153-20 AUTHORITY**

This by-law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution (the Home Rule Amendment), Section sixteen of Chapter 83 of the General Laws of the Commonwealth of Massachusetts and such other powers as are granted to cities and towns in the said General Laws.

**§153-21 DEFINITIONS**



The following words, terms and phrases, when used in this by-law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Credit* means a reduction in the amount of a Stormwater Utility fee charged to the owner of a property where that property owner owns, maintains and operates on-site or off-site stormwater management systems or facilities, or provides services or activities that reduce or mitigate the Town's cost of providing stormwater management services, in accordance with the Town's approved credit policy.
- (b) *Developable* shall mean a parcel of land, as designated by the Assessor or other local jurisdictional authority, that can be altered from its natural state to include impervious surface area.
- (c) *Developed* means property altered from its natural state by construction or installation of greater than or equal to two hundred (200) square feet of impervious surfaces.
- (d) *Drainage system* shall mean natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.
- (e) *General Laws* means the General Laws of the Commonwealth of Massachusetts.
- (f) *Impervious surface* includes any material or structure on or above the ground that prevents precipitation from effectively infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, paved or gravel parking lots, rooftops, buildings or structures, sidewalks, driveways, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
- (g) *Stormwater* is surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or surface water body. Stormwater includes stormwater runoff, snow melt runoff, and surface water runoff and drainage.
- (h) *Stormwater management services* mean all services provided by the Town which relate to the:
  - (i) Transfer, control, conveyance or movement of stormwater runoff through the Town;
  - (ii) Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;
  - (iii) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
  - (iv) Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities;
  - (v) Compliance with applicable State and Federal stormwater management regulations and permit requirements including, but not limited to, public education

and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

- (i) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm sewers, outfalls and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.
- (j) *Stormwater Utility fee* means the periodic user fee that may be imposed pursuant to this by-law by the Town of Franklin which will be dedicated to the provision of public stormwater management services. The stormwater utility fee billing rate structure shall consist of a uniform flat rate based on the total number of billing units per property, an individual billing unit equalling one thousand (1000) square feet of impervious surface.
- (k) *Undeveloped land* shall mean all land that is not altered from its natural state to an extent that results in greater than two hundred (200) square feet of impervious surface area.

**§153-22 STORMWATER UTILITY FEE AND ENTERPRISE FUND ESTABLISHED; RATES: DEPOSIT TO STORMWATER ENTERPRISE FUND**

- (a) Pursuant to Section 16 of Chapter 83 of the General Laws, the Town may establish a charge for the use of the stormwater management services of the Town to be known as the Stormwater Utility fee. Stormwater charges shall be established such that they will provide sufficient funds, proportionately calculated and assessed, to construct, operate, maintain, and regulate the stormwater management systems and facilities in the Town of Franklin.
- (b) The Franklin Town Council (the Council) shall establish reasonable rates to defray the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a Stormwater Fee Schedule by vote of the Council, to be included by amendment in the Code of the Town of Franklin Chapter 82 Fees, Municipal Service.
- (c) The Council (or their designee) shall establish a dedicated Stormwater Enterprise Fund in the Town budget and an accounting system to manage all funds collected for the purposes and responsibilities of the stormwater program. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Enterprise Fund, which shall be separate from all other funds, and only expenses of the stormwater program shall be paid by the fund as provided in G.L. c.44,s. 53 F1/2.
- (d) Expenditure of funds may consider both stormwater quality and quantity management needs and can be used as described in Section 153-24.
- (e) The Stormwater Utility fee is to be assessed to each developed parcel in Town whether the property is occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.

## **§153-23 SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES**

- (a) The Town owns or otherwise has rights which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:
  - (i) Within public road rights-of-way;
  - (ii) On private property but within easements granted to, and accepted by, the Town of Franklin, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;
  - (iii) On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

## **§153-24 PURPOSES OF THE STORMWATER UTILITY FUND**

Receipts from the Stormwater Utility fee, to the extent consistent with G.L. c. 44, s. 53 F1/2, shall be used for the following purposes:

- (a) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities;
- (b) All costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- (c) Payment on principal and interest on debt obligations;
- (d) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement or existing facilities;
- (e) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- (f) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);

- (g) Illicit discharge detection and elimination;
- (h) Monitoring, surveillance, and inspection of stormwater control devices;
- (i) Water quality monitoring and water quality programs;
- (j) Retrofitting developed areas for pollution control;
- (k) Inspection and enforcement activities;
- (l) Billing and related administrative costs; and
- (m) Other activities which are reasonably necessary, including costs related to regulatory compliance and legal fees.

#### **§153-25 STORMWATER UTILITY FEE EXEMPTIONS**

- (a) The Town of Franklin finds that all developed property in the Town contributes to runoff and the owners thereof either use or benefit from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no developed public or private property located in the Town of Franklin shall be exempt from the Stormwater Utility fee charges. No exception, credit, offset, or other reduction in stormwater utility fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the cost of providing stormwater management services and facilities.
- (b) The Town establishes exemptions to the Stormwater Utility fee as follows:
  - (i) *Undeveloped land.*
  - (ii) *Public streets, highways and rights-of-way. However, maintenance buildings and/or other developed property used for road maintenance purposes shall not be exempt from Stormwater Utility fee charges. All other State, Federal, and County properties shall be subject to the user fee charges on the same basis as private properties.*
  - (iii) *Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility fee charges.*

#### **§153-26 STORMWATER UTILITY FEE CREDITS**

- (a) The Director of Public Works is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) to be developed, maintained and, from time to time, amended by the Department of Public Works (DPW). The Credit Manual shall be implemented during the first year of the Stormwater Utility and shall be available for inspection by the public at the Department of Public Works.

- (b) The percentages for credits shall reflect the extent to which the subject properties reduce the peak rate of runoff from the property, or avoid other costs incurred by the stormwater management program in the delivery of services. The maximum possible credit for properties shall be detailed in the Credit Manual (to be developed by the Department of Public Works).
- (c) Any credit allowed against the Stormwater Utility fee is conditioned on continuing compliance with the Town's design and performance standards as stated in the Credit Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Town may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this by-law.
- (d) In order to obtain a credit, the property owner must make application to the Town on forms provided by the Director of Public Works for such purpose. The forms are to be fully completed in accordance with the procedures outlined in the Credit Manual.
- (e) When an application for a credit is deemed complete by the DPW, the Town shall have adequate time from the date the complete application is accepted to either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all Stormwater Utility fees in accordance with the terms defined in the Credit Manual.

#### **§153-27 STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTIONS AND ABATEMENTS**

- (a) Failure to receive a Stormwater Utility bill will not be justification for non-payment. The property owner, as identified from public land records of the Town of Franklin, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed two years of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.
- (b) Stormwater Utility bills shall be committed to the Treasurer/Collector for collection. In any case of nonpayment of a Stormwater Utility bill for sixty (60) days after the same is due, the Treasurer/Collector shall send a notice to the delinquent and apply appropriate interest and late charges to the fees, as previously approved by the Treasurer.
- (c) In accordance with Sections 16A through 16F of Chapter 83 of the General Laws, charges for the Stormwater Utility fee, together with interest thereon and costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General Laws, and thereafter, unless so dissolved, shall continue as provided in Section 37 of Chapter 60 of the said General Laws.



- (d) In addition to the method of collection specified in Sections 16A through 16F of the General Laws, the overdue charge may be collected through any other lawful means.
- (e) In the event that a property owner believes the Stormwater Utility fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Director of Public Works for an abatement. The application for abatement shall be supported by such information as is necessary for a reasonable person to conclude that it is more likely than not that the billing is in error. DPW shall have sixty (60) days to consider the request for abatement and render a written decision which may deny the abatement, grant the abatement in full or grant the abatement in part.

### **§153-28 APPEALS AND HEARINGS**

- (a) In the event that a property owner is aggrieved by a written decision from the Director of Public Works denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have sixty (60) days from the date of the written decision to seek a review of the decision by the filing of an appeal with the appellate tax board of the Commonwealth of Massachusetts. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal, the DPW shall make available all documents constituting the record upon which the original decision was made.

### **§153-29 SEVERABILITY**

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

**This bylaw shall become effective in accordance with the provisions of the Franklin Home Rule Charter.**

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**DATED:** \_\_\_\_\_, 2019

**VOTED:**

**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**ABSTAIN** \_\_\_\_\_

**ABSENT** \_\_\_\_\_

**Teresa M. Burr, CMC**  
**Town Clerk**

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Glenn Jones, Clerk  
Franklin Town Council