

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

February 3, 2021

Meeting will be held at the **Municipal Building**
2nd floor, Council Chambers
355 East Central Street
7:00 PM

The public will **NOT** be permitted to enter the building or participate in person. Only pre-approved participants on the meeting agenda will be allowed to enter the Building and participate in person. **Residents can attend and participate via the “ZOOM” Platform.**

A NOTE TO RESIDENTS: *Due to the continued concerns regarding the COVID-19 virus and Governor Baker’s declared State of Emergency, we will be conducting a remote/virtual Town Council Meeting for all public access and participation. 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. If residents are just interested in watching the meeting it will also be [live-streamed by Franklin TV](#) and shown on Comcast Channel 11 and Verizon Channel 29.*

- **Link to access meeting:** February 3, 2021 Town Council Meeting Link [HERE](#) -- Then click “Open Zoom”
 - Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/88209293492>
 - **Call-In Phone Number:** Call **1-929-205-6099** and enter Meeting ID # **882 0929 3492** --Then press #

1. ANNOUNCEMENTS FROM THE CHAIR

- 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

- a. December 16, 2020
- b. January 6, 2020

4. PROCLAMATIONS/RECOGNITIONS

- a. Bill Murphy

5. APPOINTMENTS - None Scheduled

6. HEARINGS - 7:10pm - None Scheduled

7. **LICENSE TRANSACTIONS** - *None Scheduled*
8. **PRESENTATIONS/DISCUSSIONS**
 - a. Finance Department: Borrowing & Debt Update
 - b. Department of Public Works: Stormwater
9. **SUBCOMMITTEE REPORTS**
 - a. Capital Budget Subcommittee
 - b. Budget Subcommittee
 - c. Economic Development Subcommittee
 - d. Town Administrator Evaluation Ad Hoc Subcommittee Report
10. **LEGISLATION FOR ACTION**
 - a. Bylaw Amendment 21-869: Chapter 82, Municipal Service Fees Section 82-6 Schedule of Service Fees, Subsection F. Fire - First Reading (**Motion to Move Bylaw Amendment 21-869 to a second reading - Majority Roll Call Vote**)
11. **TOWN ADMINISTRATOR'S REPORT**
 - a. COVID-19 Updates
 - b. FY22 Budget Calendar
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
December 16, 2020**

A meeting of the Town Council was held on Wednesday, December 16, 2020, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA; residents could attend and participate via the Zoom platform. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco (via Zoom), Cobi Frongillo, 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 (via Zoom); Chrissy Whelton, Assistant to the Town Administrator.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. He called for a moment of silence and all recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer stated, as posted on the agenda, the public will not be permitted to enter the building or participate in person. Only pre-approved participants on the meeting agenda will be allowed to enter the building and participate in person. Residents can attend and participate via the Zoom platform. Due to the continued concerns regarding the COVID-19 virus and Governor Baker's declared State of Emergency, we will be conducting a remote/virtual Town Council meeting for all public access and participation. 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 clicking on the link provided on the agenda. The provided link and phone number will be active for the duration of the meeting for citizens to ask questions/voice concerns. If residents are just interested in watching the meeting, it will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. This meeting is being recorded by Franklin TV and may also be recorded by others. He welcomed Cobi Frongillo to the Town Council.

CITIZEN COMMENTS: ► Mr. Brutus Cantoreggi, Director of Public Works, stated that there is a snowstorm forecast for tonight; therefore, the parking ban will be in effect from 12 midnight to 12 PM tomorrow. In addition, trash and recycling will be delayed one day. ► Ms. Jacqueline Maciel, 95 Elm Street, addressed the lack of integrity in Franklin. She stated that her first issue is with Temporary Town Clerk Nancy Danello. Like She stated that like Mr. Alan Earls, she was also confronted by Ms. Danello at the November 3, 2020 election. She stated that Ms. Danello marched all the way out to the road coming into the high school parking lot with a police officer at her side to tell me someone complained about being harassed by me, or was it because I was waving my Trump 2020 flag. Ms. Maciel told Ms. Danello that the person was lying to her. Ms. Maciel stated that she also believes this person complained about Mr. Earls and Mr. Andrew Bissanti. They were within legal limits of the parking lot. It was probably because they had Rs next to their names. She stated that when Ms. Danello arrived, she handed Ms. Maciel a printout containing the 150 ft. rule. Ms. Maciel stated that in the weeks after the November 3, 2020 election, she read the finer details of the law and also spoke with the Massachusetts Election Division as there was still another election upcoming in town. Ms. Maciel stated that at the December 5, 2020 election she wanted to show support for the President and wore Trump supporting accessories. She stood outside the high school, but again, Ms. Danello with a police officer at her side confronted Ms. Maciel and told her she had to move due to the 150 ft. rule. Ms. Maciel stated that she told Ms. Danello that she was wrong; as President Trump was not on the ballot, the 150 ft. rule did not apply, and it was her First Amendment right to stand there. She also told Ms. Danello that she spoke with the Elections Division and she had the right to stand there. Later, a police officer came back and told Ms. Maciel that she was correct and had a right to stand there. Ms. Maciel stated that Ms. Danello should have also apologized to her. Ms. Maciel stated that as she is the Temporary Town Clerk, Ms. Danello should know the rules and not be intimidating citizens. She stated that Ms. Danello should explain the rules to the person who is complaining. Secondly, with regard to the integrity of the Town elections, everyone who voted on December 5th saw the Dominion voting machines. The Town of Franklin purchased those machines from LHS Software in Salem, NH. She spoke to the company and found out that the software

on those machines is Dominion software. She stated that 250 of the 350 communities in MA are using Dominion machines. She asked if the tabulations done by the machines on November 3rd were corrupted. She asked if the machines were tested for accuracy before the election, and if so, by whom and when. ► Chair Mercer told Ms. Maciel that her five minutes to speak was up.

APPROVAL OF MINUTES: November 18, 2020. ► **MOTION to Approve the November 18, 2020 meeting minutes by Kelly. SECOND by Jones. Discussion:** Mr. Bissanti stated Ms. Jacqueline Maciel, 95 Elm Street, was incorrectly identified in the minutes as Mr. and with the incorrect pronoun he. ► **VOTE (as amended): Yes-8, No-0, Absent-1.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: 7:10 PM

- a. **Zoning Bylaw Amendment 20-861: Zoning Map Changes on or near Oak Street** - Legislation for Action Item: 10a.
- b. **Zoning Bylaw Amendment 20-862: Zoning Map Changes on or near Longhill Rd. & Pleasant St.** - Legislation for Action Item: 10b.

► Chair Mercer declared both hearings open. ► Mr. Hellen stated this is part of the continued lot line clean-up effort. ► Director of Planning and Community Development Bryan Taberner explained that Zoning Bylaw Amendment 20-861 entails Zoning Map changes from Rural Residential II and Single Family Residential III, to Rural Residential II or Single Family Residential III in an area on or near Oak Street, and Zoning Bylaw Amendment 20-862 entails Zoning Map changes from Single Family Residential III and Single Family Residential IV, to Single Family Residential III or Single Family Residential IV in an area on or near Longhill Road and Pleasant Street. Documentation provided in the Town Council’s meeting packet for the two Zoning Map Amendments include 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. ► Mr. Hellen noted that both amendments were unanimously approved by the Economic Development Subcommittee, and the Planning Board unanimously voted in favor of these zoning bylaw amendments at their November 16th meeting. ► Town Council members asked questions. ► **MOTION to Close the public hearings by Kelly. SECOND by Hamblen. No discussion. ► VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: ► 2021 Annual Alcoholic Beverages License Renewals. ► Mr. Jones read the license renewal motion and the 2021 Town of Franklin Alcohol Licenses Renewals list. ► **MOTION to Approve the renewal of alcoholic beverages licenses listed on the attached Renewal List for the year 2021 with the issuance of licenses that have inspections, fees or taxes outstanding to be withheld (physically held in the Town Administrator’s Office) until all items are resolved by Jones. SECOND by Kelly. Discussion:** ► Mr. Hellen noted a few outstanding inspections and license fees as indicated on the Renewals List. He stated there are three restaurants that are not renewing their alcohol licenses. ► Town Council members asked questions. ► Chair Mercer stated that although the address for MapleGate Country Club is in Bellingham, the actual building where alcohol is served is in Franklin. ► **VOTE: Yes-8, No-0, Absent-1.**

PRESENTATIONS/DISCUSSIONS: None.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated they met last Wednesday with a combined listening session. The next listening session is January 13th for real estate, construction, and

housing. After that, they hope to have time to discuss affordable housing. She stated the EDC went over their goals for next year. She stated that Franklin hosts two manufacturing award winners: Contollo and Cold Chain Technologies.

LEGISLATION FOR ACTION:

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

- a. ***Zoning Bylaw Amendment 20-861: Zoning Map Changes on or near Oak Street - Second Reading (Motion to Adopt Zoning Bylaw Amendment 20-861 - Two Thirds Majority Roll Call Vote).*** ► Mr. Jones began to read the zoning bylaw amendment. ► **MOTION to Waive the reading by Kelly. SECOND by Hamblen. No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Adopt Zoning Bylaw Amendment 20-861: Zoning Map Changes on or near Oak Street by Kelly. SECOND by Jones. No discussion.** ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**

- b. ***Zoning Bylaw Amendment 20-862: Zoning Map Changes on or near Longhill Road and Pleasant Street - Second Reading (Motion to Adopt Zoning Bylaw Amendment 20-862 - Two Thirds Majority Roll Call Vote).*** ► Mr. Jones began to read the zoning bylaw amendment. ► **MOTION to Waive the reading by Kelly. SECOND by Hamblen. No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION to Adopt Zoning Bylaw Amendment 20-862: Zoning Map Changes on or near Longhill Road and Pleasant Street by Kelly. SECOND by Hamblen. No discussion.** ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**

- c. ***Bylaw Amendment 20-864 As Amended: To Amend The Code of the Town of Franklin to Add A New Chapter 16 Community Preservation Committee (CPC) - Second Reading (Motion to Adopt Bylaw Amendment 20-864 - Majority Roll Call Vote).*** ► Mr. Jones read the bylaw amendment. ► **MOTION to Adopt Bylaw Amendment 20-864 As Amended: To Amend The Code of the Town of Franklin to Add A New Chapter 16 Community Preservation Committee (CPC) by Kelly. SECOND by Hamblen.** **Discussion:** ► Mr. Hellen stated this is the second and final reading of the bylaw. The Town is now required to form a new chapter in the Town Code. This does reflect the amendments put forth by the Town Council at their last meeting. He stated that he will do a public posting to the community for the at-large seats. He does not have an exact timeline; he will probably start the process in January. He noted that each Town board involved will get back to him with their selection. ► Ms. Pellegri stated that she thought that last week they made a change that the Town Council was going to do the appointing and ratification; it was not going to go through the Town Administrator and then just be ratified by the Town Council. ► Chair Mercer stated there were discussion with Attorney Cerel and Mr. Hellen about this. He said that at the last Town Council meeting they did not vote to put that change in; it was discussed and they were going to look into it. They have looked into it. He stated that he does not see why the Town Council would do anything different than they do with every other committee and every other appointment in the Town. He reviewed the process. ► Ms. Pellegri stated that she does not agree with what he said totally. ► Mr. Hellen discussed the process for applicants and appointments for a committee. He stated that for people interested in CPA, being a member is an important role, but like any committee, a person who is not on the committee can still attend the meetings and have an active role. He thinks the process works well. ► Ms. Pellegri stated that she disagreed again. With regard to CPC law through the State, it says it is the legislative body, and the Town Council is the legislative body. She understands for the other committees involved that they will submit a name, and she has no problem with that. What she does have a problem with is the other four seats for citizens. She provided the example that if 20 people were to apply, the Town Administrator would get to select one person for each seat, and four people would come before the Town Council. She does not think that is right. She stated that as the legislative body, the Town Council gets to choose from the number of applicants the ones that they

would like. ► Mr. Cerel stated that what Ms. Pellegrini is proposing would violate the spirit if not the letter of the statute. He explained the process that ensures checks and balances and the appointment of at-large members. ► Ms. Pellegrini stated that the CPC is not under the Town Charter. She said she thinks it is up to the Town Council to make the decisions on the citizens at large. She would not like Mr. Hellen to make those decisions of the four people. ► Chair Mercer stated that the Town Council has the right to say no to the four people Mr. Hellen brings to the Town Council. He stated the Town Council still has the final say of who those four people are because the Town Council has to ratify the appointments. ► Mr. Bissanti stated he concurred with Ms. Pellegrini. He does not understand why there has to be a middle man. Why don't we just cut to the chase and have them come directly to us? He said he thinks that is our role as a legislative body. He would like to see a more direct route for appointments on this committee. ► Mr. Chandler asked what Mr. Hellen would be doing to vet these people before they come to the Town Council. Is it resumes and interviews? Is there a background check? ► Mr. Hellen stated this is a unique scenario. He reviewed the normal way committee members are selected. He stated that normally they require a resume. If someone does not have one, we don't make them. He would probably put out a posting for three or four weeks. He would give everyone a fair opportunity to come in and share their vision of what they see CPA as and the role in the community. He discussed types of people that he would be interested in as they try to get the best group possible. He stated that like he does with every appointment, he wants them to be successful. He stated they are looking for passion, people who are team players and have open minds. ► Mr. Kelly said he thinks the Town Council members need to have a set of guts on us and if we don't like them, send them back. He said that we put Mr. Hellen in charge to figure out who the best cream of the crop is. He stated a Town Council member could write a recommendation letter for someone who they would want. He recommended Ms. Pellegrini reach out to the attorney general's office if she thinks it is not the correct rule and get the ruling; right now, the town attorney is saying this is the ruling. ► Mr. Jones discussed perception and protocol. They have been doing it this way, and it is the standard; also, he does not want to put forth an improper perception. ► Ms. Hamblen stated that she believes the administrative team will come forth with the best people; she has the utmost trust in Mr. Hellen to bring forth the most qualified people.

Mr. Dellorco joined the meeting via Zoom.

► Mr. Dellorco stated that if we do not like who it is, we just say no. He does not think the Town Council should be in the business of picking anybody. He agrees with Mr. Kelly, Mr. Jones, and Ms. Hamblen. ► Ms. Roberta Trahan, 1 Green Street, stated that she went back and listened to the last Town Council meeting. She stated that going forward you need to have the protocol to know the Town Administrator will bring forth the most qualified candidates. If a person is brought forward that the Town Council does not feel is a good fit, that person can be rejected. In addition, she stated concern that some of the statements made at the last Town Council meeting may have been hurtful to some people on committees who have worked hard for this CPA. When the uninformed make comments in a general meeting that the public is hearing and being part of, she thinks it is somewhat disrespectful and a little concerning. ► Ms. Susan Speers, 171 Lincoln Street, stated that she was on the CPA organizing team and noted that many of the people on the committee will not be available or have the time to serve on the CPA. She stated agreement with Mr. Kelly and others as it is about procedure and protocol which brings in a feeling of trustworthiness. She stated that she thinks this is a great opportunity for the Town and stated that the public voted 60 percent for this increase in property taxes. The CPC should follow the same process for appointments that they handle for all other Town groups. ► Mr. Michael Doherty, 50 Bridle Path, stated he has enormous confidence in the Town government, and the Town Council will make the right decision as to how to move forward. He requested they vote tonight and move this forward. Regarding civility, he stated there is no reason for personal attacks on a Town Councilor or someone who works for the Town. He thinks it is harmful to the Town and to the country when there are misinformed attacks made on our institutions. ► Ms. Monique Doyle, 3 Greensfield Road, thanked those she worked with on the CPA Committee to get the CPA passed, and she thanked the Town Council for their support and having a committee formed and moving ahead. ► Mr. Bissanti stated he has been an

advocate for the CPA. He asked Mr. Hellen what the vetting process would look like if the Town Council did it rather than Mr. Hellen. ► Mr. Hellen stated it would be the Town Council's decision. ► Ms. Pellegrini stated this is such an important thing. She is glad the people she works with all feel comfortable with the Town Administrator making the recommendations and the Town Council just doing the ratification. She thinks it is very important that she follow along with the rest of her councilors and make this a unanimous decision. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

- d. Resolution 20-75: Authorization for Town Administrator to Enter into Lease Purchase Financing Agreement to Fund Upgrade of DPW G.P.S. System Devices (Motion to Approve Resolution 20-75 - Two Thirds Majority Vote).* ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-75: Authorization for Town Administrator to Enter into Lease Purchase Financing Agreement to Fund Upgrade of DPW G.P.S. System Devices by Kelly. SECOND by Hamblen. Discussion:** ► Mr. Hellen explained that the DPW is in need of an upgrade to the G.P.S. system it employs to track its vehicles in the form of new 4G devices. The Town intends to acquire and install new 4G devices and recommends the equipment acquisition be funded through a lease purchase financing agreement. Leasing equipment such as this (and our Town phones for example) has become financially advantageous for the Town. ► Ms. Hamblen asked how many vehicles have the devices now. ► Mr. Cantoreggi stated it is on about 60 vehicles; they are on all vehicles that have a registration. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- e. Resolution 20-76: Appropriation Transfer to Water Treatment Plant Fund Authorized under Resolution 19-27 (Motion to Approve Resolution 20-76 - Majority Vote).* Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-76: Appropriation Transfer to Water Treatment Plant Fund Authorized under Resolution 19-27 by Hamblen. SECOND by Kelly. Discussion:** ► Mr. Hellen explained that he is asking the Town Council to consider an appropriation transfer to the Water Treatment Plant Fund for the purposes of paying the installment on the water treatment plant project that was lost due to the cyber fraud. If approved, a total of \$322,696.65 will be transferred to this fund. \$300,000 will be transferred from the Water Retained Earnings (emergency fund) and the remaining \$22,696.65 will be transferred from the Treasurer's salary line item. He reviewed that as outlined in his presentation to the Town Council, he wanted to note that the Finance Committee and Town Council unanimously approved updated financial policies in 2019. One of those policies is to have an emergency fund of \$1 million in each of the water and sewer accounts, respectively for emergencies. He stated that while this may not have been the anticipated emergency, the definition of an emergency is "a serious, unexpected, and often dangerous situation requiring immediate action." The bottom line is the payment for the water treatment plant is required and he is working to get this resolved so the project can stay on target to open in April 2021. The Town does not want to incur any additional financial risk or liability. He stated that as outlined last week in his presentation, we cannot forget the project. Any future financial recovery from this attack will automatically be deposited back into the emergency fund for the water enterprise account. As noted at that presentation, it is likely the treatment plant will be completed well before the police investigation is completed. ► Ms. Heather Sansoucy, 3 Downingwood Drive, asked if there was currently \$1 million in the Town's emergency fund and if there is a possibility of restitution to pay back the emergency fund. ► Chair Mercer said the answer to both questions is yes. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- f. Resolution 20-77: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 20-77 - Majority Vote).* ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-77: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by Kelly. SECOND by Hamblen. Discussion:** ► Mr. Hellen reviewed that

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. The resolution is to appropriate \$82,101.95 in PEG funds received from the third quarter of 2020 from Comcast to the Cable Access Corporation. ► Mr. Bissanti asked what is the remedy if we are not happy with it. ► Mr. Hellen stated work with the Cable Access Board to change the way they do business or don't have cable. ► Mr. Bissanti discussed if a cable company were to have a monopoly in Franklin. ► Mr. Hellen reviewed that there are choices. ► Mr. Kelly stated that most children care if the internet is working, not watching TV. ► **ROLL CALL VOTE: Bissanti-NO; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-8, No-1, Absent-0.**

- g. Resolution 20-78: Town Council 2021 Meeting Calendar (Motion to Approve Resolution 20-78 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-78: Town Council 2021 Meeting Calendar by Hamblen. SECOND by Kelly. Discussion:** ► Mr. Hellen noted the Town Council office hours are also provided in the Town Council's meeting packet. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- h. Resolution 20-79: Gift Acceptance - Police Department, \$100 (Motion to Approve Resolution 20-79 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-79: Gift Acceptance - Police Department, \$100 by Kelly. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked Ms. Spiegel for her donation. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- i. Resolution 20-80: Gift Acceptance - Franklin Library, \$51,624 (Motion to Approve Resolution 20-80 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-80: Gift Acceptance - Franklin Library, \$51,624 by Kelly. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked the Digital Federal Credit Union (DCU) for their generous donation of \$5,000. He thanked the Franklin Library Association (FLA) for their exceptionally generous donation of \$46,624 to digitize the "Town of Franklin, Lists of Residents" dating back to 1884. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► **COVID-19 Update.** ► Mr. Hellen stated there are 95 active COVID-19 cases; this is down 40 cases from last week. The Town buildings will be closed tomorrow from at least 8 AM to 12 PM due to the snowstorm. Staff will continue to work from home. The water ban has been taken back. He wished everyone happy holidays. He thanked everyone for getting through 2020.

FUTURE AGENDA ITEMS: ► Mr. Bissanti stated he would like to talk about a citizens' or advisory committee. ► Chair Mercer stated that he would poll the rest of the Town Council and if there is feeling that they would want to move forward with it, he will put it on as an agenda item.

COUNCIL COMMENTS: ► Mr. Frongillo thanked everyone who voted in the election. He is excited to get to work and learn more. ► Mr. Bissanti thanked the other three candidates who ran for Town Council on December 5th: Alan Earls, KP Sompalli, and Gregory Chiklis. He hopes they run again. ► Mr. Kelly welcomed Mr. Frongillo. He wished everyone a Merry Christmas and Happy New Year. ► Mr. Chandler wished everyone a happy healthy New Year. ► Ms. Hamblen welcomed Mr. Frongillo. She stated the next EDC listening session is on January 13th at 6:30 PM. She gave condolences to the family of Mr. Scott Watkins; he will be greatly missed. Happy holidays to everyone. ► Ms. Pellegrini invited everyone to the Museum on Sunday from 1-4 PM; please stop in and do shopping with us. She thanked all Town employees during this tough time. She welcomed Mr. Frongillo and wished everyone a happy holiday season. ► Mr.

Hellen clarified the State is in Phase 3, step 1. ► Mr. Jones welcomed Mr. Frongillo. He thanked the other candidates for running. He wished everyone Merry Christmas. ► Mr. Dellorco welcomed Mr. Frongillo. He thanked the Town employees for their work during this difficult year. He wished everyone a happy New Year and to stay safe. ► Chair Mercer stated he received an inquiry into what happened to the old generator at the old high school that was removed. When the old high school was torn down, this generator was not big enough to handle the new high school. However, it was only four or five years old. So, that generator was moved to the DPW to be relocated someplace else. The plan is to put it at the Parmenter School. It is too big for the Town Hall. Within the next year it will be moved and put online. He asked Mr. Hellen to provide at the next meeting when the debt exclusions run out. He stated the pandemic has been the defining feature of 2020. He wished everyone a happy holiday season.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Hamblen. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:54 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 6, 2021**

A meeting of the Town Council was held on Wednesday, January 6, 2021, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA; residents could attend and participate via the Zoom platform. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Cobi Frongillo, Melanie Hamblen (via Zoom), Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney (via Zoom); Chrissy Whelton, Assistant to the Town Administrator.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. He called for a moment of silence and all recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer reviewed that due to the continued concerns regarding the COVID-19 virus and Governor Baker's declared State of Emergency, we will be conducting a remote/virtual Town Council meeting for all public access and participation. The public will not be permitted to enter the building or participate in person. Only pre-approved participants on the meeting agenda will be allowed to enter the building and participate in person. 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 clicking on the link provided on the agenda. The provided link and phone number will be active for the duration of the meeting for citizens to ask questions/voice concerns. If residents are just interested in watching the meeting, it will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. This meeting is being recorded by Franklin TV and may also be recorded by others.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: None.

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Hazard Mitigation Plan: Bryan Taberner, Director of Planning and Community Development.* ► Mr. Hellen reviewed his request that the Town Council adopt the 2020 update to the Town of Franklin Hazard Mitigation Plan. The Town is required to update this plan every five years with approval from the local legislative body and the federal government. He stated that one of the big issues in Franklin is flood zones. FEMA has reviewed and conditionally approved the Town's updated Hazard Mitigation Plan. Once adopted, Town staff and MAPC will coordinate with FEMA and MEMA, and FEMA will send a formal approval letter. ► Mr. Taberner reviewed that in the spring of 2019 the towns of Franklin and Bellingham executed a grant contract with Massachusetts Executive Office of Energy & Environmental Affairs for hazard mitigation and climate change vulnerability planning. The \$48,000 Municipal Vulnerability Preparedness grant made it possible to hire the Metropolitan Area Planning Council for a two-phased natural hazards planning project: Municipal Vulnerability Preparedness (MVP) Workshop, held with representatives from each community, to assess the municipalities' vulnerability from climate change, and Hazard Mitigation Plan (HMP) 2020 Updates for each town. The Federal Disaster Mitigation Act of 2000 requires communities to develop, adopt, and regularly update a Hazard Mitigation Plan to be

eligible for FEMA hazard mitigation grants. Franklin's first HMP was prepared in 2010; an update was needed. Mr. Taberner narrated the provided slideshow presentation. He stated that the Municipal Vulnerability Preparedness MVP Workshop with Bellingham was held on November 20, 2019, and attended by over 40 people. Discussion included future climate change projections which focused on identifying risks from climate change and resilience strategies. Franklin has been designated by the state as an MVP Community which makes the Town eligible for MVP Action grants to implement priority actions that are identified by the workshop. The Hazard Mitigation Plan is a plan for mitigating natural hazards including flooding, high winds, hurricanes, tornadoes, winter storms, snow and ice, brush fires, earthquakes, landslides, extreme temperatures, and drought. He noted that a mitigation plan is not an emergency response plan. He reviewed the steps of how the plan was developed. He discussed the 2020 Hazard Mitigation Plan goals: 1. Prevent and reduce the loss of life, injury, public health impacts, and property damages resulting from all major natural hazards. 2. Identify and seek funding for measures to mitigate or eliminate each known significant flood hazard area. 3. Integrate hazard mitigation planning as an integral factor in all relevant municipal departments, committees, and boards. 4. Prevent and reduce the damage to public infrastructure resulting from all hazards. 5. Encourage the business community, major institutions, and non-profits to work with the Town to develop, review, and implement the hazard mitigation plan. 6. Work with surrounding communities, state, regional, and federal agencies to ensure regional cooperation and solutions for hazards affecting multiple communities. 7. Ensure that future development meets federal, state, and local standards for preventing and reducing the impacts of natural hazards. 8. Take maximum advantage of resources from FEMA and MEMA to educate Town staff and the public about hazard mitigation. 9. Consider the impacts of climate change and incorporate climate mitigation and resilience in all planning efforts. 10. Protect the Town's critical water resources and water supply interconnections with the towns of Bellingham and Wrentham. He reviewed the tools and techniques for hazard mitigation which include: public education, prevention, property protection, natural resources protection, emergency services protection, and structural projects. He stated that DPCD is requesting the Town Council vote to adopt the updated HMP by approving Resolution 21-01. After receiving a formal adoption letter from FEMA, the Town will be able to apply for FEMA hazard mitigation grants for five years. ► Town Council members asked questions to which Mr. Taberner and Mr. Hellen responded. ► Mr. Taberner stated the intent is that generators back up major Town buildings. ► Mr. Hellen stated the Town's shelter is the high school gym. ► Chair Mercer stated that the generator taken from the old high school is now at the DPW; the plan is that it will be installed at the Parmenter School within the next six months. ► Mr. Hellen stated the Town Council appropriated money for a generator for the Town Hall building; it will be going out to bid. ► Mr. Taberner stated that the proposed climate change impacts show rising waters; FEMA has a software program to help project future climate impacts. He explained that evacuation routes would be covered under a hazard response plan. The Emergency Management Committee deals with those issues. ► Mr. Hellen stated that the fire chief is the emergency management director. He noted that a lot of the emergency messaging is done by cell phones. ► Chair Mercer thanked Mr. Taberner for his presentation.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated that the EDC will hold its next listening session on housing and construction next Wednesday at 6:30 PM.

LEGISLATION FOR ACTION:

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

- a. **Resolution 21-01: To Adopt the Town of Franklin Hazard Mitigation Plan 2020 Update (Motion to Approve Resolution 21-01 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 21-01: To Adopt the Town of Franklin Hazard Mitigation Plan 2020 Update by Dellorco. SECOND by Kelly. No discussion.** ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES;**

Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-9, No-0, Absent-0.

- b. Resolution 21-02: Authorizing the Borrowing of Money to Pay Costs of the Beaver Street Interceptor Replacement Project (Motion to Approve Resolution 21-02 - Two Thirds Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 21-02: Authorizing the Borrowing of Money to Pay Costs of the Beaver Street Interceptor Replacement Project by **Dellorco. SECOND** by **Kelly.**
- Discussion:** ► Mr. Hellen stated that he is requesting the Town Council to authorize the borrowing of \$25 million to cover the costs of the Beaver Street Interceptor Replacement Project. This vote will begin an estimated five-year process to construct a replacement for the 109-year-old Beaver Street Interceptor. He noted that included in the Town Council’s meeting packet is a series of project timelines and financial models outlining the project. The packet includes: an overview of costs associated with the project, project schedule (including state SRF application), estimated monthly drawdown over the life of the borrowing based on current assumptions, and October 21, 2020 Town Council project overview. The project timeline is as follows: 2021-2022 - Begin formal design and apply for State Revolving Fund (SRF) loan; Second half of 2022 - Public bids due and contract negotiations with hopeful ability to get a shovel in the ground; 2022-2025 - Construction; 2025 - Post Construction closeout. He noted that sewer rate increases will need to be increased beginning in 2023. He stated that this is an estimate based on current conditions and assumptions based in the model, such as interest rates and markets at that time. The staff will do all they can to mitigate increase to rates to pay for the project. He stated that the potential cost of inaction on moving forward would far outweigh the cost of action on this critical public infrastructure project. ► Town Council members asked questions and made comments. ► Mr. Kelly referenced the Plymouth, MA, sewer line disaster in 2016 and explained that this resolution is a good plan for Franklin. ► Mr. Bissanti stated that we are currently in a pandemic situation and difficult times; he wants to know where the money is going to come from to do this. The construction in and around the Town will be very intrusive to residents and businesses already suffering from the pandemic. He remembers two other less expensive options were provided. He is a no on the \$25 million; we can do this cheaper. Now is not the time for this type of project with the Town already suffering through the pandemic. ► Mr. Jones indicated agreement with Mr. Kelly. He confirmed that this may be one of the best times to borrow money. He stated it is an investment into the community for jobs for local labor. ► Mr. Hellen reviewed that the next 18 months is about the design; waiting could be devastating to the Town. ► DPW Director Brutus Cantoreggi stated that the sewer system helps the businesses; if the sewer fails, it is a disservice to the businesses. It is an important project. ► Mr. Dellorco stated agreement with Mr. Kelly and Mr. Jones. He said that we need to do this to secure the people of Franklin. ► Ms. Pellegrini asked what kind of money is going to be added to the tax bills to borrow \$25 million. ► Mr. Hellen said we do not need to raise any rates at this time. Rates will not have to be raised until construction starts in 1 ½ years. It is premature to say what the increase would be. He acknowledged that sewer rates will have to go up in 2023. The property tax rate will not go up because of this project as it is all embedded in the sewer enterprise fund. ► Mr. Chandler stated concern that there is no number of how much the rate would go up. He said it seems like we are the spend council; \$25 million is a big number. He asked about relining the pipes. ► Mr. Dellorco stated this reduces the pipe and the flow rate. ► Mr. Cantoreggi stated that the current sewer pipe is already at capacity; this project will increase the capacity. He explained that the current location is an awful place to have the sewer. To line the pipe, it would still be in the same location. Looking to the future, putting in a bigger pipe will increase the capacity. ► Mr. Frongillo indicated concern of ripping up the street and traffic. ► Mr. Cantoreggi explained the process during construction and that they will try to reduce disruption. ► Ms. Hamblen stated agreement with Mr. Kelly; we have to make the right decision for the future of Franklin. She asked about the draw down schedule and how it will be paid. ► Mr. Hellen explained the borrowing authorization process. ► Mr. Kelly discussed the timing of the construction portion. He suggested it could be done on one side of the road for traffic flow, or it could be done at night; it could potentially be done without a problem. He discussed if this is put off for a few years and the interest rates increase. He reviewed the problem for businesses in Franklin if the current sewer system were to fail. He stated the Town Council’s job is to protect the

citizens of Franklin. ► Mr. Jones stated that this is an investment into the future of the community. ► Mr. Bissanti stated it sounds like they would be signing an open-ended contract and that there is a possibility of a bill greater than \$25 million. He would feel more comfortable about the project knowing that the COVID pandemic is on the decline. He knows the pipe needs to be fixed, but why not wait a little longer to get a better handle on what is going on with the country and this state. He noted that the pipe is not even leaking at this time and asked why don't we explore the options of lining the pipe. He noted that the line could actually be breached during construction; he suggested that it should be lined. ► Mr. Frongillo asked if after the design phase could the Town then decide not to do it. ► Mr. Hellen explained the process. ► Chair Mercer stated he disagreed with Mr. Bissanti. He thinks the time is now to do this. It is a ticking time bomb; Plymouth says it all. He asked what the cost of inaction is. The bottom line is if something does happen, the Town's cost doubles or triples. He stated that we would not be doing our jobs if we did not move forward with this project now. He supports this project. ► **ROLL CALL VOTE: Bissanti-NO; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-8, No-1, Absent-0.**

- c. Resolution 21-03: Gift acceptance - Fire Department, \$85 (Motion to Approve Resolution 21-03 - Majority Vote).* ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 21-03: Gift acceptance - Fire Department, \$85 by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen thanked the donators for their generous donations. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- d. Resolution 21-04: Gift acceptance - Police Department, \$5025 (Motion to Approve Resolution 21-04 - Majority Vote).* ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 21-04: Gift acceptance - Police Department, \$5025 by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen thanked the donators for their generous donations. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- e. Resolution 21-05: Gift Acceptance - Recreation Department, \$49,806.69 (Motion to Approve Resolution 21-05 - Majority Vote).* ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 21-05: Gift Acceptance - Recreation Department, \$49,806.69 by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen thanked Mr. Joseph Vendetti for this donation to be allocated towards the purchase and installation of a new playground at the Beaver Pond Recreation Area in the memory of Joseph and Mary Vendetti. ► Town Council members expressed thanks to Mr. Vendetti for the generous donation. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► *COVID-19 Update.* ► Mr. Hellen stated the application for the Community Preservation Committee at-large seats is available online. He is about to get the signatures back from the State Commissioner on the Capital and Asset Management and the State Division of Conservation and Recreation; the land swap for the Town is not 100 percent final, but the deal is in place. He stated that it is a complicated scenario, but the good news is the path is in front of us. He explained that Franklin's DPW will be doing work on the SNETT trail this year. He stated there are 91 active COVID-19 cases in Franklin; this is down from the pre-holidays. Hopefully, the Town will be coming out of the red. He discussed that he has been working on the vaccination clinic for first responders that will be opening next Wednesday. The vaccine is getting distributed; it is a phased in plan. He explained that as mandated by the State, they are working with other towns. The five towns include: Bellingham, Milford, Millis, Medway, and Franklin. The vaccine clinics will be held at the high school. He explained that Phase I is currently going on. They believe they will be able to get all first responders from the five towns vaccinated in one day. He reviewed the phased plan and those listed in each phase. He stated he understands concerns from the public.

He explained that during February through April they will be doing social media outreach regarding the vaccine. He stated that during the next six months they need as many people as possible to get the vaccine. It will be a bumpy road, but hopefully, there is light at the end of the tunnel. ► Chair Mercer stated that he speaks with Mr. Hellen numerous times a day about this. He noted that the rules and regulations change daily. He thanked the administrative staff, first responders, and Board of Health for their hard work. ► Ms. Pellegrini asked how they are doing with volunteers. ► Mr. Hellen stated they have a tremendous number of licensed volunteers at this time; we think we have enough nurses throughout the five towns for the first responders' vaccine phase. ► Mr. Jones gave his support to this effort. ► Mr. Dellorco offered his support to this effort. ► Mr. Bissanti confirmed that no one will be mandated or forced to get the vaccine. ► Town Council members discussed possible mandates in the country in the future that may require vaccines for travel or other activities; however, nothing is known at this time.

FUTURE AGENDA ITEMS: ► Mr. Bissanti stated he is receiving many inquiries regarding the MapleGate land, and he asked for elaboration. He stated the Definitive Plan was approved two meeting ago by the Planning Board. ► Mr. Hellen stated the permit was filed on December 11, 2020 by the Planning Department with the Town Clerk. There is a 20-day appeal period which was December 31, 2020. He does not believe there has been an appeal. After that, the Town would be presented with a purchase and sale agreement from the permitted entity. When that is delivered, the 120-day right of first refusal takes place. Unfortunately, there is nothing that can be done or told until the purchase and sale comes to the Town Council or the Town Administrator for review.

COUNCIL COMMENTS: ► Mr. Chandler noted that people are saving money on their electric bills. ► Ms. Pellegrini noted the passing of Ms. Ruth Anderson and Ms. Barbara Campisano Pinkham. ► Mr. Frongillo gave shout outs to those who put together the hazard mitigation plan, to those who worked on Franklin First cards to support small businesses in Franklin, and to the start of the winter sports season at Franklin High School. ► Mr. Bissanti gave condolences to the family of Ruth Anderson. He noted Comcast just raised their rates. ► Mr. Kelly stated he was glad for the vote to keep Franklin in smooth operation for the community. ► Mr. Jones thanked Dean Bank for helping him during the past week when he experienced a case of fraud. He reviewed that both Dean Bank and the Police Department conducted an investigation. ► Mr. Dellorco asked if the people who worked on Lincoln Street were going to come back and fix the road. He gave condolences to the family of Mr. Donald Buchanio. ► Mr. Hellen stated the first coat on Lincoln Street needed to settle before they could put on the second coat. ► Chair Mercer stated the Town Council took a large step forward for the future of Franklin with the Beaver Street Interceptor. He gave his condolences to the Buchanio, Anderson, and Campisano Pinkham families. ► Ms. Hamblen said happy New Year. ► Ms. Pellegrini asked Mr. Hellen to get white line striping on Dean Avenue because of the curve.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 9:30 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary



TOWN OF FRANKLIN

DEPARTMENT OF PUBLIC WORKS

257 Fisher Street

Franklin, MA 02038

January 13, 2021

Mr. Jamie Hellen, Town Administrator
Town of Franklin
355 East Central Street
Franklin, MA 02038

Re: Stormwater Utility Recommendations

Dear Jamie,

Based on discussions, thoughts, and conversations of data presented over three meetings to the Town Council Stormwater Ad-hoc Committee a vote was taken on September 9th, 2020, of said committee, to present to the full Franklin Town Council the following findings and recommendations. These findings and recommendations are needed to implement a stormwater fee and program as previously established in the Town Charter and as required by federal law under the MS4 Permit.

Set the stormwater user fee at \$18.66 per billing unit, per year: This would mean the fee for an “average single family household” (with 3 billing units) would be \$56.00 per year, and billed at \$14.00 per quarter. The fee would begin on January 1st, 2022. The public may go to this website and review their personal property, how many billing units for their land and estimate the fee impact. [Stormwater & Impervious Area Map](#).

Billing Units: The available billing units were updated and recalculated using natural rounding (after the first 1000 square feet (SF)). Some additional points:

- Properties with less than 200 SF are considered undeveloped and will not be billed a fee (as defined in the Stormwater Utility By-law, Section 153-21).
- For properties with impervious area of 200 SF to 1,499 SF, they will be assigned one billing unit.
- Since the Stormwater Utility By-law defines an individual billing unit equal to one thousand (1,000) square feet of impervious surface, each increase of 1,000 SF will increase the number of billing units by 1.

Here is an example table showing the rate structure and how billing units will be assigned:



Amount of Impervious Area (IA) on a Billable Parcel	Number of Billing Units
200 SF to 1,499 SF	1
1,500 SF to 2,499 SF	2
2,500 SF to 3,499 SF	3
3,500 SF to 4,499 SF Each additional 1000 SF range will be rounded as above.	4 - Adding one billing unit for each additional 1000 SF range.

Based on this approach, the number of available stormwater billable units would be approximately **75,000** in the entire Town.

Projected Stormwater Utility Revenue: With the billing of approximately 75,000 billing units (household, commercial and industrial), this stormwater utility fee will generate about \$1,344,497.00 annually. The cost of operating the utility includes billing, impacts of delinquencies, and a credit program, and is estimated at \$140,000 a year. Including funding of an emergency reserve of \$100,000 per year.

What this means: Not all of the Town's existing stormwater costs could be transferred from the existing Public Works operating budget (general fund) to the Stormwater Utility. But the critical expenses and expenditures would be in FY22 (attached sample budget). I feel the following services are critical to maintaining the current level of service and meeting the existing MS4 federally-mandated regulatory requirements. These expenses are recommended to be paid annually from the stormwater utility revenues (like water, sewer and trash).

Please note, if this program begins in FY22, establishing a stormwater utility will also free up operating budget capacity in FY22 and FY23 and beyond as the program transitions from the operating budget to the utility. A sample budget summary:

1. **Operations and Maintenance: \$432,000**
 1. Catch Basin Cleaning
 2. Street Sweeping
 3. Storm Sewer and Culvert Maintenance & Repairs
 4. BMP Maintenance
 5. General Stormwater Service Expenses (gas, uniforms, safety equipment)
 6. Training

2. **MS4 and Other Regulatory Compliance and Enforcement: \$170,000**
 1. MS4 Compliance (IDDE Program, Outfall Inspections, SW Pollution Control Plans, Tracking
 2. Annual Stormwater Management Plan and Updated Permit Filings
 3. Development Oversight: Stormwater Plans

4. Engineering and Planning
3. **Capital Improvements and Equipment: \$294,000**
 1. BMP Retrofits/Capital Construction
 2. Capitalized Stormwater Equipment
4. **Salaries: \$348,497**
5. **Establishment of Reserve Fund: \$100,000.** All enterprise funds have a reserve emergency fund.

Total Program Expenses to be funded from Utility Fee: \$ 1,344,497 Please see Attachment for a more comprehensive breakdown of salaries and expenses.

Credits: Establish a credit program that all property owners can apply for to reduce their utility fee up to 50%. Credits would be given to properties that have already installed recharge systems and for future projects that are installed to reduce run off and improve recharge. Rain barrels would have a simple reduction of ½ billing unit for each rain barrel with a limit of four rain barrels per property or no more than a 2 billing unit credit.

Community Assistance Program (CAP): The stormwater utility fees will be waived in full for anyone who qualifies for the CAP. In [Chapter 82 of the Town Code](#), residents would be eligible based on income levels and other governmental assistance. The eligibility will be consistent with other DPW fees, Fire Department and Recreation Department.

Program Implementation: Start the collection of funds for the stormwater utility on January 1st, 2022. This would allow funds to be available for work Fiscal Year 2023.

Public Education and Outreach: The Stormwater Division website (linked below) has been updated and maintained and will continue to be a source of educational resources. The website includes links to informational flyers, brochures, past presentations, quick facts on our MS4, a rain garden tour brochure, the Franklin Rain Barrel Program, all Franklin's stormwater management documents and a link to the Stormwater and Impervious Area story map (linked below).

This story map includes a section "My Property" in which residents can look up their individual property to assess their impervious area and will be updated frequently to ensure accuracy.

<https://storymaps.arcgis.com/stories/e45452a3047e4c83b27170a8f4f79aa5>

<https://www.franklinma.gov/stormwater-division>

Thank you,

Robert Cantoreggi
Director of Public Works

Franklin Stormwater Division Utility Discussion

Robert "Brutus" Cantoreggi
Director of Public Works

Kate Sjoberg
GIS Analyst, Public Works

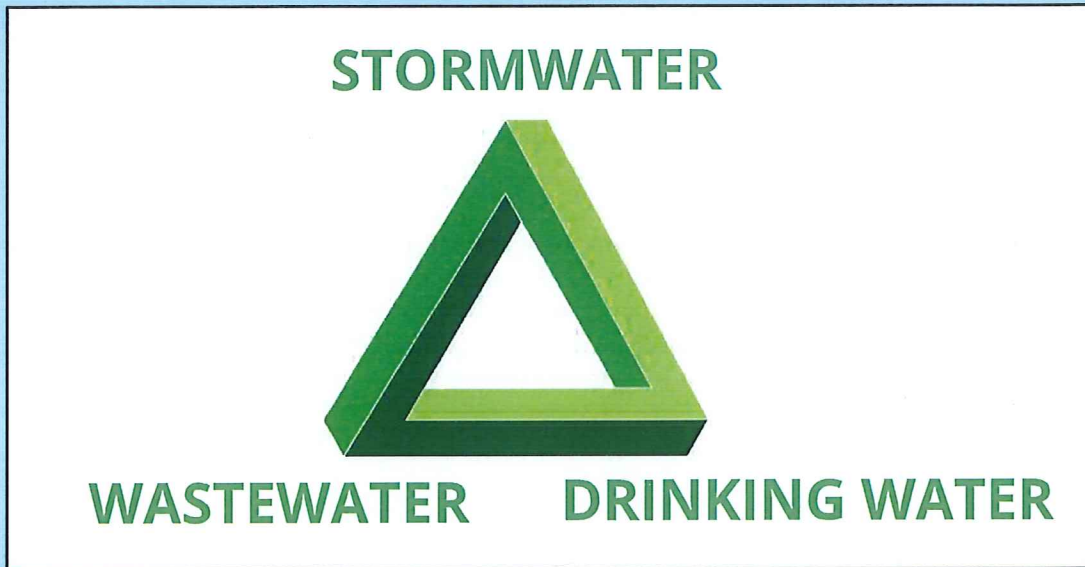
Jean Haggerty

<https://www.franklinma.gov/stormwater-division>

Discussion History

- Continue to educate the residents about stormwater, what it is, and the importance of what we are doing. Discuss Franklin's storm water work to date. ***Unfunded federal mandate.***
- Stormwater Website One-Stop Shop here:
 - <https://www.franklinma.gov/stormwater-division>
- Discuss a proposed framework for the creation of an enterprise fund utility. Town Council established a utility in January 2020.
- Ad Hoc committee of the Town Council to evaluate the financial structure and assist in educating the public on storm water.
 - Councilor Hamblen, Chair; Councilor Earls, Councilor Dellorco and Councilor Jones.

TRIADIC APPROACH



STORMWATER...



...is water originating from precipitation events rain, snow, and ice melt



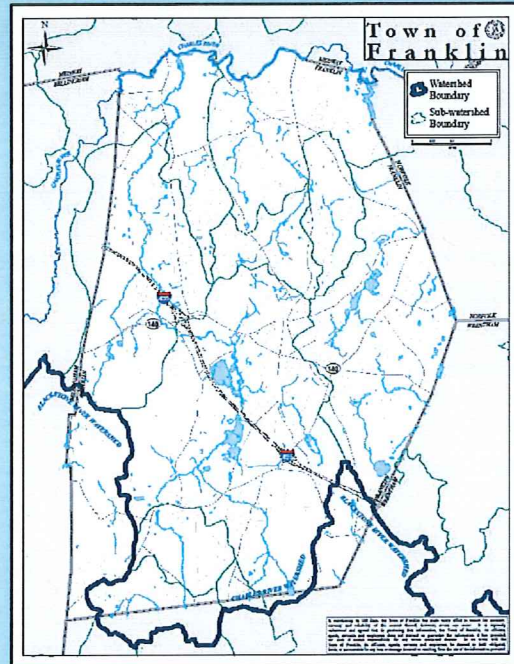
STORMWATER IN FRANKLIN

Groundwater Recharge

- Critical point to remember
- Franklin gets all of its drinking water from groundwater.

Protection of Charles River Basin

- Phosphorus Loading
- Bacteria control
- Total suspended solids "TSS" run-off



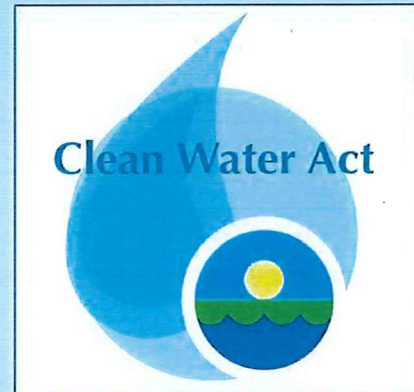
Municipal Separate Storm Sewer System "MS4"



Municipal Separate Storm Sewer System “MS4”

The MS4 Permit from the EPA is the next step in large scale systematic environmental cleanup --

- 1973 Clean Water Act
- Title V
- 1990 - Phase I MS4s - medium and large cities and counties have to comply with permit
- 1999 - Phase II MS4s - small MS4 communities have to comply with permit
- Boston Harbor Cleanup & Deer Island
- Charles River Cleanup from pollutants.

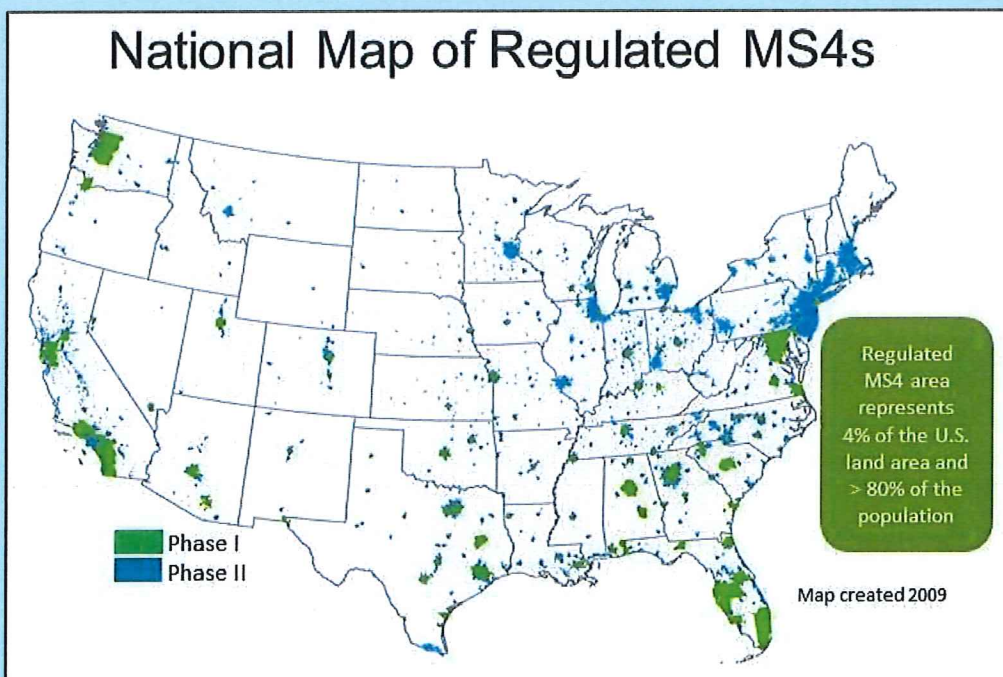


Franklin is considered a “small” MS4 community. There are 6,695 small MS4 communities across the US (over 200 in Massachusetts). The Criteria:

- have a separate storm sewer system
- population of less than 100,000
- located within a Census Bureau designated urbanized area

Municipal Separate Storm Sewer System “MS4”

National Map of Regulated MS4s

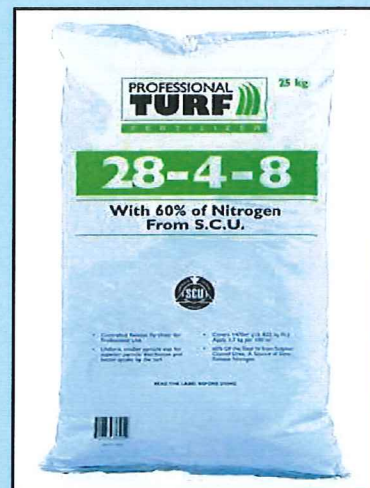


What have we already done about MS4 and stormwater in Franklin?

What have we already done about MS4?

Offered Solutions, Invested locally and Pushed back! Went After “Low Hanging Fruit”

- Phosphorus Fertilizer Ban - “Brutus’ Bill”.
- Grants and Matching Funds **\$1,206,650!**
- Passed strong Local By-laws in 2008.
- Road Narrowing / Sidewalk Removal Program.
- Invested in award winning programs (Rain gardens).
- Public Education & Outreach.
- Working With Other Towns - Regionalization.
- Working With Environmental Groups.
- Testified in Public Events, Appealed and Sued the Federal Government.




CHARLES RIVER
WATERSHED
ASSOCIATION

What have we already done about MS4?

- **The Town of Franklin sued the EPA!**
- The Town of Franklin was the lead Plaintiff with the City of Lowell, Conservation Law Foundation, Charles River Watershed Association and Homebuilders of Massachusetts Association.
- Franklin was chosen to be the lead Plaintiff because we are *THE* leader on stormwater.
- The Town was in federal court against the EPA and mediation for several years.
- Very little cost to the Town -- \$10,000 taxpayer expense
- Outcomes? We were successful in achieving:
 - A delay in the start of the permit
 - The ability to renegotiate the timeline of phosphorus reduction
 - Credit for work completed under the extended permit
 - All of these outcomes saved taxpayers additional money over the life of the permit.

What Are The Problems?

- Aging stormwater infrastructure
- System maintenance needs
- Water quality impacts
- Increase in Best Management Practices (BMPs)
- Flooding and drainage system capacity
- MS4 permit/regulatory requirements
 - Charles River Phosphorus Control Plan
- Mapping and condition assessment of the storm drain assets
- Increasing costs (staff and equipment)
- Backlog of capital improvements

Franklin	
Town area (sq. miles)	27.03
Miles of stormwater pipe	137
Number of catch basins	5,835
Number of outfalls	626
Estimated replacement value of existing infrastructure	~ \$175M



Implementation

Every Project = Stormwater Element

Roadway Reconstruction

- Sidewalk Removal / Narrow Roadway
- BMPs
- Rain Gardens
- Tree Wells
- Bioretention Areas
- Residential Rain Garden Program



Existing Major Expenditures

Franklin:

- Storm sewer and culvert maintenance - \$88,000
- Catch basin and inlet cleaning – \$110,000 (~1800 CBs per year)
- Street sweeping - \$109,000 (all streets once/year; downtown area twice/year)
- System Inspections - \$55,000 (infrastructure, post-construction BMPs, E&S controls)
- Stormwater design and development permitting assistance - \$73,500 (~ 5 projects per year)
- MS4 Permit compliance requirements
\$100,000 (SWMP and IDDE plans, public education and outreach, mapping and outfall data updates)
- Capital Improvement projects - **\$267,000** (varies annually)
- Major Equipment



Current Annual Program Expenditures

Estimated FY2019 Stormwater Cost of Services		
Functional Area	Description of Services	Franklin
Program Administration	Budget, staff, grant management, MS4 NOI and SWMP preparation, Public Ed/Outreach, training, interagency coordination	\$135,330
Regulatory Compliance/ Enforcement	MS4 compliance and reporting, BMP and infrastructure inspections, IDDE program development, GIS and outfall ranking, E&S oversight	\$119,370
Drainage Engineering & Stormwater Planning	Master plans, stormwater design and permitting, data management/GIS, field engineering support, Hazard Mitigation/FEMA updates, contract oversight	\$100,570
Operations and Maintenance	Infrastructure O&M, catch basin and inlet cleaning/repairs, street, parking lots, and sidewalk sweeping, leaf pick-up, BMP facility maintenance, IDDE tracking/removal, infrastructure repairs, emergency response	\$469,700
Capital Improvements & Equipment	New and expanded stormwater infrastructure, new capitalized equipment	\$324,700
Estimated FY 2019 Annual Costs		\$1,149,670

Current Stormwater Funding Sources

- Stormwater services currently funded by General Fund under DPW and other programs
- Residential Properties account for ~80% of tax base for general fund revenue
- But residential properties have less burden on the stormwater system based on impervious area
 - Residential properties ~ 45% of Franklin's impervious area (non-road)
 - Commercial/Industrial properties, such as retail, businesses, and colleges ~55% (non-road)



Projected Future Stormwater Costs

Average over the next 5 years

Stormwater Utility Division Proposed Program

Functional Category	5 year average (FY20-FY24)
Program Administration	\$160,200
Regulatory Compliance/ Enforcement	\$146,490
Engineering and Master Planning	\$315,030
Operations and Implementation	\$998,100
Capital Projects and Equipment	\$374,700
Total	\$1,994,520

What does this buy?

- Fund Roads Program annually, operating budget
- Drainage improvements
- Drinking water protection
- Street Sweeping
- Curbside Leaf Collection

Funding Options: Taxes vs Utility Fee

- **Property taxes** – based on assessed value of the property; Tax-exempt properties do not pay property tax; no relationship to the impact of the property to the amount of stormwater generated by development on the site; no opportunity to provide credits for on-site stormwater management; revenue can support any town need.
- **Stormwater utility fees** – fee is proportional to the estimated stormwater generated from the property, as measured by impervious area; all properties, including tax-exempt pay their share of the fee; allows for credits to be granted for on-site controls; operates as an Enterprise Fund and revenue is dedicated to stormwater management only.



Taxes vs Utility Fee: Pros & Cons

Property Taxes

→ Cons

- ◆ Not every property pays, many are tax-exempt
 - State and Federal buildings
 - Religious institutions
 - Colleges
- ◆ Based on assessed value of property, not amount of impervious area
- ◆ No opportunity for credits
- ◆ Tax funding would compete with other town needs
 - Schools, Library, Police, Fire, DPW, Recreation, etc

→ Pros

- ◆ ???

Utility Fee

→ Pros

- ◆ All properties pay the fee, including tax-exempt institutions
- ◆ Fee is based on the amount of impervious surface on your property
 - roof, driveway, patio, etc
- ◆ Opportunity for credits
- ◆ Revenue generated goes into an Enterprise Fund which can only be used for stormwater management

VS

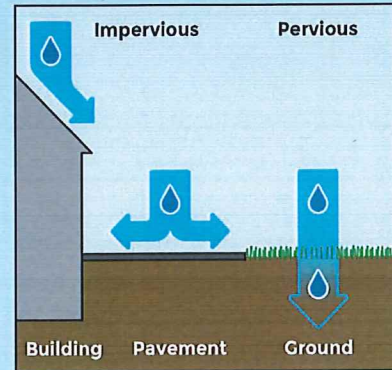
→ Cons

- ◆ Still a cost to property owners
- ◆ More???

Stormwater Utility Fee Option

Rate Structure = Metric used to distribute costs among users. It determines who pays and how much each property will pay.

- Recommended Structure: Flat Billing Rate of 1,000 SF
- All property types in town pay based on the square footage of impervious area on their parcel divided by 1,000 SF. Fairly distributes the cost of managing the public stormwater based on a property's share of total impervious area town-wide. For an average home in Franklin, there is ~3,000 SF of impervious area (IA) or 3 billing units.
- Based on analysis of GIS and aerial photography, the IA for all parcels in town was calculated. The analysis resulted in an estimate of 82,000 billing units.



Stormwater Utility Fee Option Preliminary Rate for Franklin

Annual Revenue Needs/Billing Units = Annual Rate per Year

Stormwater Program Costs	\$1,968,190
Allowances for Credits, Billing, and Delinquencies	\$140,000
Operating/emergency reserves	\$200,000
Total Revenue	\$2,308,190
Available Billing Units	82,000
Preliminary Rate per Billing Unit	\$28.15

Examples of Franklin Properties

Dean College: 802 BUs

Municipal Properties: 3,595 BUs

Single Family



4 billing units x \$28.15
\$122.60/year

Single Family



2 billing units x \$28.15
\$56.30/year

Commercial Property



550 billing units x \$28.15
\$15,482.50/year

Credit Policy

- Similar to abatements in water and sewer enterprise funds
- Could apply to any residential or commercial properties
- Credit will assist those businesses who have already complied with the Town's stormwater bylaw over the past ten years
- Example: Big Y story



Phosphorus

- Major source of phosphorus pollution = leaves
- Implement a curbside leaf pick-up program
- Provides a service to our customers, while preventing pollution



What if we do not do this?

- Make no Mistake, this is an unfunded federal mandate
- Franklin has two choices:
 - Begin to implement slowly over time (treat this like OPEB); or
 - Do nothing. Result will be fines ranging from **\$2,500 - \$37,500 PER DAY**. Criminal penalties can be imposed if non-compliance is found to be purposeful
- Swampscott, MA - was fined **\$65,000** in 2015 for not identifying and eliminating illicit discharges
- Boston Water and Sewer - paid a civil of penalty of **\$235,000** for failing to separate their stormwater system as scheduled
- Rhode Island DOT - paid a civil penalty of **\$315,000** for not implementing their SWMP and are now subject to a court-ordered consent decree to fast-track compliance at a cost of **\$200M**

- Franklin has already led and fought the fight. There is no more fight.
- The Cost of Inaction is greater than the cost of action
- To date, 14 communities in MA have already established a utility. Nearby examples are Millis, Bellingham, Milton, Shrewsbury, Westford

Municipality	Year Adopted	Typical Rate/Year (2019)
Northampton	2014	\$95
Millis	2018	\$66
Shrewsbury	2019	\$90
Chelmsford	2018	\$40
Milton	2016	\$44
Westfield	2018	\$30
Westford	2019	\$75
Newton	2012	\$100
Bellingham	2019	\$60
Franklin		\$84

Discussion

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

January 29, 2020

To: Town Council
From: Jamie Hellen, Town Administrator

Re: **Bylaw 21-869 ALS/BLS & Mileage Rate Changes**

I am asking the Council to consider the passage of a revised fee schedule for ALS/BLS & Mileage rates in the Town's fees bylaw. I have included two activity reports from the Fire Department in the packet, the first report is from 4/1/2019 - 12/31/19 and the second report is from 4/1/20 - 12/31/20. In reviewing the reports you can see that the total charges in 2019 were \$2,598,377.90 from 1,582 billable transports and in 2020 the charges were \$3,294,250.47 from 1,409 transports. In summary, the Fire department charged \$695,872.57 more with 173 less billable transports in the 2020 year as compared to 2019. These fee changes have proven very successful for the Fire Departments revenue, and we look to continue with annual updates to this fee bylaw.

The new proposed rates are as follows:

Ambulance Fees:		
ALS Base Rate 1	\$2,329.00	<u>\$2,420.00</u>
ALS Base Rate 2	\$3,420.00	<u>\$3,571.00</u>
BLS Rate	\$1,477.00	<u>\$1,553.00</u>
Mileage	\$36.12	<u>\$37.31</u>

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

ACTIVITY TRACKING REPORT
BY PAYOR GROUPS

Company IS FRANKLIN MA FIRE DEPARTMENT; AND Trip Date IS BETWEEN 04/01/2019 AND 12/31/2019; AND Show All

1/27/2021

1

FRANKLIN MA FIRE DEPARTMENT

	Total Transports	Total Charges	Total Allowable	Total Collected	Percent Collected
Blue Cross	149	\$246,667.55	\$237,662.55	\$220,074.53	92.60%
Medicaid	261	\$421,323.68	\$77,816.64	\$77,082.63	99.06%
Medicare	777	\$1,278,090.42	\$403,602.71	\$400,121.00	99.14%
Other Insurance	280	\$463,238.96	\$421,156.90	\$390,099.02	92.63%
Totals >	1,467	\$2,409,320.61	\$1,140,238.80	\$1,087,377.18	95.36%

	Total Transports	Total Charges	Total Allowable	Total Collected	Percent Collected
Veterans Administration	6	\$9,920.58	\$6,531.92	\$4,882.83	74.75%
100% Self Pay - Insured	66	\$109,998.17	\$83,579.49	\$29,805.62	35.66%
100% Self Pay - Uninsured	43	\$69,138.54	\$67,930.93	\$7,538.39	11.10%
Totals >	115	\$189,057.29	\$158,042.34	\$42,226.84	26.72%

Grand Totals >	1,582	\$2,598,377.90	\$1,298,281.14	\$1,129,604.02	87.01%
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ACTIVITY TRACKING REPORT
BY PAYOR GROUPS

Company IS FRANKLIN MA FIRE DEPARTMENT; AND Trip Date IS BETWEEN 04/01/2020 AND 12/31/2020; AND Show All

1/27/2021

1

FRANKLIN MA FIRE DEPARTMENT

	Total Transports	Total Charges	Total Allowable	Total Collected	Percent Collected
Blue Cross	141	\$346,046.52	\$332,702.34	\$260,700.25	78.36%
Medicaid	222	\$507,535.92	\$86,250.61	\$79,858.55	92.59%
Medicare	776	\$1,800,673.45	\$437,266.17	\$378,584.86	86.58%
Other Insurance	176	\$417,936.46	\$390,624.97	\$288,028.55	73.74%

Totals >	1,315	\$3,072,192.35	\$1,246,844.09	\$1,007,172.21	80.78%
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	Total Transports	Total Charges	Total Allowable	Total Collected	Percent Collected
Veterans Administration	1	\$2,545.72	\$2,545.72	\$2,545.72	100.00%
100% Self Pay - Insured	42	\$97,401.72	\$88,452.88	\$15,665.30	17.71%
100% Self Pay - Uninsured	51	\$122,110.68	\$122,110.68	\$2,509.60	2.06%

Totals >	94	\$222,058.12	\$213,109.28	\$20,720.62	9.72%
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Grand Totals >	1,409	\$3,294,250.47	\$1,459,953.37	\$1,027,892.83	70.41%
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Sponsor: Administration

TOWN OF FRANKLIN

BYLAW AMENDMENT 21-869

CHAPTER 82, MUNICIPAL SERVICE FEES

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 82

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that Chapter 82 of the Code of the Town of Franklin is amended at Section 82-6 Schedule of Service Fees, Subsection F. Fire, by striking existing language and replacing as, set out below:

§ 82-6. **Schedule of service fees.**

F. Fire

Service Fee	Rate
Ambulance Fees:	
ALS Base Rate 1	\$2,329.00 <u>\$2,420.00</u>
ALS Base Rate 2	\$3,420.00 <u>\$3,571.00</u>
BLS Rate	\$1,477.00 <u>\$1,553.00</u>
(Commercial Care Facility Without Transport)	\$935.00
Mileage	\$36.12 <u>\$37.31</u>

This bylaw amendment shall become effective on and after April 1, 2021.

DATED: _____, 2021

VOTED:

UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

**Nancy Danello
Temporary Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**