

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

October 11, 2023

Meeting will be held at the **Municipal Building**

2nd floor, Council Chambers

355 East Central Street

7:00 PM

A NOTE TO RESIDENTS: All citizens are welcome to attend public board and committee meetings in person. Meetings are also live-streamed (and archived) by Franklin TV on the [Franklin Town Hall TV YouTube channel](#). Meetings are also shown live and on repeat on Comcast Channel 9 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens can participate remotely via phone OR Zoom.

Link to access meeting via Zoom for the October 11, 2023 Town Council meeting:

- Zoom Link [HERE](#) -- Then click "Open Zoom".
- Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/82913598701>
- Call-In Phone Number: Call 1-929-205-6099 and enter **Meeting ID # 829 1359 8701** --Then press #
- Please be sure to include your name in order to be identified and let into the meeting.
- You will automatically be muted upon "entering" the meeting. In order to speak, you will need to "raise your hand" on the Zoom platform and request to be unmuted.

1. ANNOUNCEMENTS FROM THE CHAIR

- 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.*
- Chair to identify members participating remotely.*

2. CITIZEN COMMENTS

- Citizens are welcome to express their views for up to three 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

- [September 6, 2023](#)

4. PROCLAMATIONS / RECOGNITIONS - None Scheduled.

5. APPOINTMENTS - None Scheduled.

6. PUBLIC HEARINGS - 7:00 PM - None Scheduled.

7. LICENSE TRANSACTIONS - None Scheduled.

8. PRESENTATIONS / DISCUSSION

- [Discussion: A Bylaw to Amend the Code of the Town of Franklin by Inserting Chapter 147, Snow and Ice, Removal Of](#)
 - Legislation for Action Item #9a.

9. LEGISLATION FOR ACTION

- a. [Bylaw Amendment 23-902: A Bylaw to Amend the Code of the Town of Franklin by Inserting Chapter 147. Snow and Ice. Removal Of - First Reading](#)

(Motion to Move Bylaw Amendment 23-902 to a Second Reading - Majority Vote)

10. TOWN ADMINISTRATOR'S REPORT

11. SUBCOMMITTEE & AD HOC COMMITTEE REPORTS

- a. Capital Budget Subcommittee
- b. Economic Development Subcommittee
- c. Budget Subcommittee
- d. Master Plan Committee
- e. Davis-Thayer Reuse Advisory Committee
- f. Police Station Building Committee
- g. GATRA Advisory Board

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
September 6, 2023**

A meeting of the Town Council was held on Wednesday, September 6, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo (via Zoom), Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Amy Frigulietti, Deputy Town Administrator; Mark Cerel, Town Attorney.

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

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are welcome to attend public board and committee meetings in person. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others. He announced that Councilor Frongillo will be participating remotely this evening.

CITIZEN COMMENTS: ► Town Clerk Nancy Danello stated that today was the last day to return nominations papers, and she now has the official list of candidates for the November 7, 2023, Town election; she read aloud the names to be on the ballot. She stated that the longest living resident of Franklin, Ms. Lorraine Spencer, passed away on August 24, 2023, at the age of 102 years; she expressed her condolences to the family. ► Ms. Sharon Bogere, 50 Shady Lane, read aloud a statement. She stated that she is not sure what outcome she wants, but she wanted to express her opinion and concern. She said that in July she moved into a new home; she previously lived in Medway. She stated that she was excited to live in Franklin. She said she has multiple school-aged children; she was disappointed when she brought her middle-school child to the school tour at Annie Sullivan. She said she learned that the enrichment programs at the schools were cancelled and would be replaced with programming through life-long learning. She stated that she was surprised that the enrollment at the school was at a 30 percent decrease. She asked why there was a decrease such as this. She stated that she looked at the life-long learning programs for sixth graders. She reviewed the three programs that were offered and the cost. She said that she was surprised and disappointed about what was being offered and the status of the schools. She stated that she was eager to learn more to determine what is going on and how she can get involved and make improvements. ► Ms. Avneesh Singh, 205 Partridge Street, said she was a resident for 15 to 16 years. She stated that she has seen the services are going down and the expenses are going up such as taxes and additional fees, yard waste pickup, and stormwater. She said she is concerned about the yard waste pickup as originally it was every weekend in the spring, and now it is once a year; last year they did not come, and she was told she had to take all her yard waste bags to the Beaver Street center. She said these things are disheartening. She said that she understands inflation, but if you are cutting services, there should not be an increase in the price. She said if you are keeping the services, then an increase in price would be understandable. She asked that the yard waste pickup be brought back. She discussed the stormwater fee and said that she does not understand it.

APPROVAL OF MINUTES: ► *July 19, 2023.* ► **MOTION to Approve** the July 19, 2023 meeting minutes by Dellorco. **SECOND** by Jones. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: ► *Design Review Commission, Andrew Pratt.* ► **MOTION to Ratify** the appointment by the Town Administrator of Andrew Pratt to serve as a member of the Design Review Commission with term expiration June 30, 2026 by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen stated that Mr. Pratt is looking to get involved in the town and he chose the Design Review Commission because he was interested in looking at signs. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

► *Municipal Affordable Housing Trust, Jayaprabha Vijayaraghavan.* ► **MOTION to Ratify** the appointment by the Town Administrator of Jaya Vijayaraghavan to serve as a member of the Municipal Affordable Housing Trust with term expiration June 30, 2024 by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen stated that Ms. Vijayaraghavan has attended meetings and is interested in getting to know the full slate of housing issues in town. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

► *Fire Department - New Employee, Jack Lennon: Firefighter/Paramedic.* ► *Fire Department – Promotions - Thomas Konieczny: Battalion Chief; Paul Molla: Captain; Laurie Kaye: EMS Captain; Matthew Kelly: Lieutenant; Michael Berthiaume: Lieutenant; Jonathan Chalk: Lieutenant.* ► Fire Chief James McLaughlin addressed the Town Council. He reviewed the promotional process and noted staff members being promoted and the new hire. He congratulated the families and friends of the fire service members. He recognized retired Battalion Chief Steve Sims, a 35-year veteran, who was in attendance at the meeting. ► Deputy Fire Chief Joseph Barbieri reviewed the education, background, career, and names of family members present and pinning the badge of each staff member being promoted. ► Town Clerk Nancy Danello performed the swearing in for each promoted staff member. ► Deputy Fire Chief Barbieri reviewed the education, background, career, and name of family member pinning the badge of the department's new hire. ► Town Clerk Nancy Danello performed the swearing in for the new staff member.

Chair Mercer called a five-minute recess.

HEARINGS – 7:00 PM: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Discussion: Dean College Update - Ken Elmore, President of Dean College.* ► Dean College President Ken Elmore addressed the Town Council to provide an update of the past year. He noted the people that Dean College brings to Franklin. He discussed that Dean College is a community partner of Franklin. He said his goal is to inspire and create a high-value proactive learning environment that students desire and deserve. He stated that Dean College has 379 employees of whom 78 live in Franklin. He stated that the college pays taxes and in the last five years they paid over \$400,000 in real estate taxes. He discussed the number of scholarships, the spending in Franklin, and the number of people who come to Franklin. He stated that based on a study, Dean College's economic impact is roughly \$1.60 million in the state. He reviewed Dean College's values and said they are about collaboration and innovation and growth in number of students and the different ways in which we connect with each other. He stated they are about removing barriers and fences which is an important value. He discussed what it means to be a college town. He discussed how goals can be met. He stated that they have to amplify their diversity and global footprint. He reviewed the programs they would like to have to be able to do this. He stated that they embrace relationships at Dean College. He noted that they will be reviewing their Dean neighborhood alliance. He stated that he would like to make sure that it is not just an opening for concerns, but he wants to talk about the expectations people have for Dean and the ways Dean can work together with those expectations. He stated that they have relocated their School of Business to 137 School Street. He stated that

he has talked with businesses and organizations in Franklin for potential jobs and internships. He noted that there are Dean students at Franklin TV. He mentioned that they will be working with the Franklin Public Library. He said they removed some fences, literally, around the library. He stated that they will be having a number of programs with the Franklin Public Library open and free to the public. He explained that he hopes the Dean College community and the Franklin community can move together greeting the future together with hope. ► Town Council members asked questions, made comments, and thanked Mr. Elmore for the presentation. ► In response to comments, Mr. Elmore said he hopes the energy really goes toward the vision he has been talking about, and they can grow it together. ► Chair Mercer stated that he echoed everything the other Town Council members have said. He said he notices a complete difference. He said that in the past there was like a moat around Dean and what Mr. Elmore has done feels like a welcoming to the community. He noted that the different collaborations Mr. Elmore has started with the businesses in the community and the municipality are welcomed. He stated that he looks forward to bigger and better things.

► **Discussion: Tri-County Regional Vocational School Financing.** ► Mr. Hellen discussed his memo to the Town Council dated September 1, 2023, which was provided in the meeting packet. He reviewed that the Massachusetts School Building Authority (MSBA) gave final approval of the Tri-County School project this past week. Given the limited time frame, the Town Council will have an initial discussion on how and when to address the financing of the project. Mr. Hellen noted that the school is very old and falling apart. He reviewed that the project was approved at \$286 million; \$90 million is paid for by the state. He reviewed that as outlined at the August 2, 2023, Joint Budget subcommittee, if a debt exclusion, or other financing options are not addressed, the Town will be required to pay its portion of the project out of the Town operating budget. He said we anticipate an October 24, 2023, district-wide authorization vote for only the project, not the financing. Each community is responsible for their own financing. He noted that a minimum of 35 days is required to place a ballot question on the ballot at a local election. The Town Council could add this to the November 7, 2023, local ballot; the deadline would be October 4, 2023. The Town Council has a meeting on September 20, 2023, which should be the deadline for any decision to ensure the Town Clerk has enough time to secure and order the ballots. He stated that the real truth is that there is no money in Franklin to pay for this; there is no stabilization account for this. He stated that the ballot question is not a huge effort. He discussed that if the Town does not do some sort of raising revenue in some fashion, in 2027, you will see the entire amount of tax levy will go toward this project systematically over 30 years, or you will end up making cuts to the Franklin Public School district as well as the Town of Franklin, so services would have to be reduced by \$2 million. He stated that this is a school building; this is a 30-year commitment. He stated that there has to be a strategy. He reviewed that it is estimated the household cost is \$144 per household per year for 30 years on a house valued at \$500,000; it assumes a 4.25 percent interest rate over 30 years. He noted that traditionally the Town of Franklin does a 20-year borrowing. ► Chair Mercer clarified that the October 24, 2023, vote is to approve the building of the school, not to approve the financing; the financing is a separate piece. He questioned that if the debt exclusion question is on the November 7, 2023, ballot, and the October vote does not pass, what happens to the question already on the ballot. ► Mr. Cerel said that there is no particular order for Proposition 2 ½ votes; so, you could put it in place. ► Mr. Hellen said we will either watch the school crumble or the school will pass. He said he thinks it will pass in October, but even if they bring it back in the spring or winter, we are already prepared. ► Chair Mercer stated that you can vote a debt exclusion and then it just sits out there. ► Town Council members asked questions and made comments. ► In response, Mr. Hellen discussed how the cost is divided up. He reviewed that for the contributing communities, the number of students that go there has not really changed over the past 20 years. He reviewed that there is no big shift coming in the foreseeable future for a different number of students for the towns. He stated that the assessments each year move with the project to accommodate any school population differences that may happen. He said for taxpayers to understand this, it is important to use the current realistic numbers provided. He stated that there is no cap for the number of students for Franklin, and right now the school does not have a waiting list. He said the MSBA project was approved for the capacity of 1,000 students. He noted that as they have not borrowed the money yet, the interest rate could be higher or lower at the time. ► Town Clerk Nancy Danello reviewed that the 11 district town clerks all met, and the time and date was decided for the election which is October 24, 2023, from 12 PM to 8 PM. She said there is

vote by mail and in person and it will be held at the high school. ► In response to comments and questions, Mr. Hellen clarified that the Town will do general outreach about the election, but Tri-County has to pay. He explained that if the town votes down the debt exclusion, but the school is a go, the Town Council will need to re-strategize on how the town will pay for it. He said that another debt exclusion vote could be put on a local ballot again. He said that he thinks most of the communities are supportive of this. ► Mr. Cerel said that once the project passes, all the communities are assessed; each town has a choice of how they will pay. ► Chair Mercer said he thinks there should be a consensus and a resolution should be written up for the Town Council's second meeting in September so that we vote it through. He asked each Town Council member for their consensus; all Town Council members said yes.

LEGISLATION FOR ACTION:

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

- a. ***Zoning Bylaw Amendment 23-898: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements - Second Reading (Motion to Approve Zoning Bylaw Amendment 23-898 - 2/3 Majority Roll Call Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Approve** Zoning Bylaw Amendment 23-898: A Zoning Bylaw to Amend the Franklin Town Code at Chapter 185, Attachment 9, Schedule of Lot, Area, Frontage, Yard and Height Requirements by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen reviewed that this is a second reading and final vote of Zoning Bylaw Amendment 23-898. He reviewed that at their July 24 meeting, the Planning Board voted unanimously to recommend adoption of this bylaw amendment, with changes, to the Town Council. They voted to change the percentage of maximum impervious coverage allowed in the GRV zoning district back to the recommendation of the Department of Planning and Community Development: 35 percent (structures) and 45 percent (structures plus paving). In other words, the Planning Board recommended to reject the EDC amended version of Zoning Bylaw Amendment 23-898. At their August 16 meeting, the Town Council voted to uphold the recommendation of the EDC and move Zoning Bylaw Amendment 23-898, as presented, to a second reading. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

- b. ***Zoning Bylaw Amendment 23-899: Marijuana Use Overlay District, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map – Second Reading (Motion to Approve Zoning Bylaw Amendment 23-899 - 2/3 Majority Roll Call Vote).*** ► **MOTION to Waive** the reading by **Cormier-Leger**. **SECOND** by **Dellorco**. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** Zoning Bylaw Amendment 23-899: Marijuana Use Overlay District, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen reviewed that this is a second reading and final vote of Zoning Bylaw Amendment 23-899. He reviewed that Zoning Bylaw Amendment 23-899 is a housecleaning item/tweaks of the marijuana overlay district. ► Councilor Hamblen thanked Director of Planning and Community Development Bryan Taberner and the Planning Department for the work they did on this. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

- c. ***Zoning Bylaw Amendment 23-901: A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map (Motion to Refer Zoning Bylaw Amendment 23-901 to the Planning Board - Majority Vote).*** ► Councilor Jones read the zoning bylaw amendment. ► **MOTION to Refer** Zoning Bylaw Amendment 23-901: A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map to the Planning Board by **Dellorco**. **SECOND** by

Hamblen. Discussion: ► Mr. Hellen reviewed that this is a referral to the Planning Board. The zoning change takes place on King Street next to the Fire Station. He reviewed the current and proposed zoning map as provided in the meeting packet. He reviewed that if approved, this amendment to the zoning map will change two parcels of land from the Single Family Residential II zoning district to the Business zoning district which will allow development for a variety of business commercial uses. He reviewed his memo to the Town Council dated September 1, 2023, which outlined that included in the meeting packet is the proposed bylaw amendment as well as a memo from Bryan Taberner with more detailed information, including potential commercial uses both by right and by special permit. The Economic Development subcommittee (EDC) held a meeting two weeks ago and unanimously approved the bylaw to move to the Town Council. The proposal seeks to maximize the value of the property, recognizing that the one undeveloped parcel is located next to a Fire Station, EMC/Dell, and an assisted living complex (Atria). The property will have more value, hence enhancing new growth and tax value to the town, by having this as a Business Zone (which is also located across the street) and is consistent with zoning in that area next to I-495. He reviewed that the staff requested the Town Council send this to the Planning Board to host a public hearing to get public feedback. ► Town Council members asked questions and made comments. ► Councilor Hamblen thanked Mr. Taberner and staff for bringing this forward as it will help with new growth. ► Councilor Jones stated this was done years ago near Stop & Shop. ► Councilor Dellorco stated that he thinks this is spot zoning and may cause trouble; however, he does think it is a good move. ► Mr. Cerel discussed the term spot zoning and said the court has determined in very few cases a spot zone because the standard is very high. ► Councilor Hamblen said this will go to the Planning Board, they will have a public hearing, and the public will be able to provide input. ► Councilor Cormier-Leger asked if there was an environmental impact. ► Mr. Hellen said they do not know as they are only altering the zoning. He said that any owners of the parcel will still have to go through a full Planning Board review for any project they want which may require an environmental assessment. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.**

- d. ***Resolution 23-49: Authorization for Intermunicipal Agreement with County of Plymouth for County of Plymouth to Provide Parking Ticket Computerization and Processing Services to Franklin (Motion to Approve Resolution 23-49 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 23-49: Authorization for Intermunicipal Agreement with County of Plymouth for County of Plymouth to Provide Parking Ticket Computerization and Processing Services to Franklin by **Dellorco. SECOND by Hamblen. Discussion:** ► Franklin Chief of Police Thomas Lynch and Lt. Jason Reilly addressed the Town Council. Lt. Reilly explained that this program will allow the staff to write tickets a little easier using the equipment they already have in the cruisers; this would be a logical step in the right direction. ► Town Council members asked questions and made comments. ► In response, Lt. Reilly stated that this is not a service Norfolk County offers. He stated that payments can be taken at the Franklin Town Hall. He stated that he is not sure what the credit card fee is. ► Mr. Hellen discussed that if someone wants to fight a ticket, they would see Treasure/Collector Kerri Bertone in the Town Hall and the backup would be the Assistant Treasurer/Collector. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.**
- e. ***Resolution 23-50: Acceptance of Private Road Covenant with Owner-Developer of Prospect Hills Estates with Access Road Off Prospect Street (Motion to Approve Resolution 23-50 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 23-50: Acceptance of Private Road Covenant with Owner-Developer of Prospect Hills Estates with Access Road Off Prospect Street by **Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Cerel reviewed that there are commonly these private road covenants. He said this is a little twist; it is a large subdivision located in Bellingham. He reviewed that the Planning Board originally denied it; however, the developer appealed to the Land Court. He said that while the case is pending, we worked out an agreement to address the Planning

Board's concerns and basically allows the access road to be built with the oversight of the Town Engineer, and going forward, this ensures that the Town would not be responsible for the road. ► Town Council members asked questions and made comments. ► In response, Mr. Cerel stated that the complaint was filed in Land Court and during the case management conference, we had worked out the framework for the resolution which the judge agreed to. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

- f. ***Resolution 23-51: Gift Acceptance - Veterans' Services Dept. (\$1,525) (Motion to Approve Resolution 23-51 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-51: Gift Acceptance - Veterans' Services Dept. (\$1,525) by Dellorco. SECOND by Hamblen.** **Discussion:** ► Mr. Hellen thanked all for their generous donations. The donations were made in the memory of Roger Rondeau; the list of donors is provided in the meeting packet. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- g. ***Resolution 23-52: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 23-52 - Majority Vote).*** ► **MOTION to Waive the reading by Cormier-Leger. SECOND by Dellorco. No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve Resolution 23-52: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by Dellorco. SECOND by Hamblen. No Discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► *Migrant Housing Update.* ► Mr. Hellen stated that he was called by the governor's office about two weeks ago that the Commonwealth of Massachusetts had leased the Best Western hotel in Franklin through June 30, 2024; they leased 100 rooms which is the entire hotel. He said that they have seen a trend of hotels being occupied; there was no word or heads up on this. He said the most common comment and misinformation that he hears from people is that the Town made this decision. He said all of the decisions being made on this entire issue that you see in the news, 100 percent of the decisions, are made by the Commonwealth of Massachusetts. He said there was no local vote, no ballot initiative, and no board has had any role in this. He said Governor Healy is the one making the decisions on this. He said the Town to this point has not expended any local funds on this issue; all of the money going toward this issue is being paid for by the Commonwealth of Massachusetts. He stated that Governor Healy declared a state of emergency on August 8, 2023, in order to get federal money. He stated that on August 24, 2023, Governor Healy announced 250 National Guard members would be deployed to hotel sites where there was not already a point of contact on site. He said the governor's office said Franklin should see National Guard individual(s). He said that to date, as of this afternoon, the National Guard has not been on site. He said the hotel manager said the rapid response team has been on site once in two weeks. He said that clearly there is a need for state assistance at the hotel at some point. He said that as of today, the hotel has approximately 110 individuals with an average of about 80 adults and 40 children, and it changes by a few people every day. He stated that the hotel manager, not the state, has said that right now there is about 35 rooms being used and that will be up to 50 rooms in the next few weeks, and then on October 1, 2023, all 100 rooms will be occupied by migrant facilities, which based on current numbers will be about 300 to 400 people at the hotel of about 150 children, and we do not know if they will be school-aged children. He stated the School Superintendent went to the hotel to start enrolling school-aged children. He stated that they will continue to work on this week by week, but we do not know what else is coming. He gave a shout-out to the hotel manager Vicky; he said she is running this 100 percent by herself. He stated that hotel staff are cooking the meals, and they are being delivered directly to the rooms. He said Franklin's public health nurse has been there every day. He said Town staff are collaborating very well on this; we have not named the group as we

are just doing what we do. He reviewed all the staff, groups, and organizations that are collaborating on this. He said he has designated Health Director Cathy Liberty to be the point of contact on this. He said he gets the question about hotel tax. He said he has been informally assured that the hotel tax will apply to the room occupancies, but we do not have that in writing. He said he sent a list of questions to Franklin's state representative. He explained that these hotel rooms were 100 percent booked for events in the area such as for Gillette stadium events, Dean College events, and more. He said those folks who had those reservations had to find other accommodations. He stated that he is aware the community, Town Council, and staff have questions, but we do not know the answers at this time. He stated that more information will be coming. He urged everyone to have patience and understanding that this is a state of emergency and the governor has admitted it is an unsustainable situation. He stated that the more they hear, they will transmit it to the public. ► Chair Mercer stated this item was put under Town Administrator's Report as there are no answers at this time to have a discussion on it. He said it is not a town decision; it is all coming from the governor's office. He said that information will be passed along to the community when we get it. ► Mr. Lucas Giguere, Superintendent of Schools, thanked Mr. Hellen for setting the context and for the press release. He said he appreciates the teamwork. He stated that as a public school, they are responsible to provide education for students regardless of their backgrounds or circumstances. He said students or children who are residing in Franklin have a right and we have an obligation to educate children and that is what we do as a public school. He said we are preparing; we do not have a lot of detailed information at this time. He stated that he has been in contact with the Department of Education (DESE) and discussing funding for students; he stated that he has not seen any funding, but he will continue to pursue that. He stated that he is in communication with other communities in similar situations to see what is working. He stated they are focusing on the number of school-aged children at the hotel and identify the grades, profiles, languages, and learning needs; no decisions have been made on that. He stated that he Googled the word migrant because he hears the words immigrant and migrant used synonymously. He said he thinks it is an honest error for some folks and words matter. He said that migrant is a person who moves from one place to another especially in order to find work and better living conditions. He said he wanted to emphasize what he does know and what he has seen is there are a variety of people in the hotel, some are from within Franklin and homeless or looking for stable housing, people outside of Franklin but within Massachusetts, some out of the state, some from out of the country, but he thinks it is a broader definition; migrant encompasses a lot of different people that are within our community that would qualify for that and that are placed in the Best Western. He said he is happy to answer any questions. ► Chair Mercer stated that information would be passed to the community as we get it.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee. None.**
- b. **Economic Development Subcommittee.** ► Councilor Hamblen said the EDC met two weeks ago and that is when you got the zoning update that we talked about changing to the business zone. She said they met tonight about another Town Council goal which was about the snow removal bylaw. She stated they have asked for more information and to have a bigger discussion about it and it will come to the full Town Council. She thanked Ms. Amy Love and Mr. Brutus Cantoreggi for their work on it.
- c. **Budget Subcommittee. None.**
- d. **Master Plan Update Committee.** ► Councilor Jones said the Committee met on August 21, 2023, and they went over scheduling and making plans to attend the Harvest Festival where they will have their own booth. He said the next meeting is next Wednesday, September 13, 2023, and they will talk about tag lines and have reports on the subcommittees and from the consultant.
- e. **Davis-Thayer Building Reuse Advisory Committee.** ► Councilor Pellegrini stated they have not met since the last time.
- f. **Police Station Building Committee.** ► Chair Mercer stated they had their first meeting, and it was basically an introductory meeting, and they talked about getting an owner's project manager (OPM) onboard and getting an RFP for that.
- g. **GATRA Advisory Board.** ► Councilor Frongillo stated that they have not met.

FUTURE AGENDA ITEMS: ► Councilor Cormier-Leger asked for an update on larger capital projects that have been suspended for a while, in particular the two at the high school: spectator bleachers project and lighting project behind the home bleachers to provide more security. ► Councilor Pellegrini asked about the cupola at the museum and how it stands with being completed, an update on the Habitat for Humanity for the old museum, and an update for the brick school.

COUNCIL COMMENTS: ► Councilor Frongillo said he is in St. Louis for a conference with other local officials around the country and will report back things he learns. ► Councilor Sheridan said he was thankful for the Dean College update and congratulated those earning the promotions at tonight's meeting.

► Councilor Hamblen thanked Mr. Elmore for his update, and she thanked Mr. Hellen for the migrant update and the team for all they do. She said the Farmers Market is Friday from 2 PM to 6 PM. ► Councilor Cormier-Leger thanked all who made presentations tonight, and he thanked all for how they are handling the situation at the hotel as it must be very stressful. He stated that on Wednesday, September 13, 2023, there is a volunteer fair at The Black Box; the public can learn how they can get involved and about what the theater does. He thanked the Franklin football team, noted their opening game, and said the boys have worked hard. ► Councilor Chandler stated that he got an email regarding a sign near the Fire Station that says stop at light, but it does not say to not block the driveway of the Fire Station. He asked that they please look into a better sign. He stated that Mr. Edward Augustus is now the Housing Secretary for the Executive Office of Housing and Livable Communities and maybe he could provide some insight into the current situation. ► Chair Mercer stated that he had a conversation with the fire chief about eight months ago. He stated that he agrees that the sign just says stop. ► Mr. Hellen reviewed the new Executive Office of Housing and Livable Communities. ► Councilor Pellegrini gave her condolences to the Sims family for the passing of Ms. Joanne Sims, a former employee in the Finance Department. ► Councilor Jones said ditto to everything already said. He stated remembrance to the late Jimmy Buffet who passed away this week. ► Councilor Dellorco agreed with Councilor Chandler regarding the Fire Station sign as he drives on King Street every day. He gave condolences to the family of Ms. Gloria Rollinson who worked in the Franklin schools. ► Chair Mercer thanked President Elmore for providing the update on Dean College. He stated that he thinks the local businesses are doing their part to welcome the students. He congratulated the new hire and promotions in the Fire Department. He thanked all for their work on the migrant situation.

EXECUTIVE SESSION: ► *Considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Public Body.* ► Chair Mercer stated there is a need for an executive session for considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Public Body, and he so declares. ► **MOTION to Enter** executive session for considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Public Body, and shall not resume into open session, by **Jones. SECOND** by **Dellorco. No Discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

Open Session ended at 9:41 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

October 6, 2023

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: Bylaw Amendment 23-902: A Bylaw to Amend the Code of the Town of Franklin by Inserting Chapter 147, Snow and Ice, Removal Of

This is a first reading of Bylaw Amendment 23-902, which if approved, will insert Chapter 147 "Snow and Ice, Removal Of", into Town Code.

Town Code has not included a snow removal bylaw since a previous iteration of one was repealed in 2017, and we are now working on a new version to address some snow related challenges that we face. In short, the DPW does not have enough staff to clear and make safe every sidewalk in Franklin within the current budget structure. The EDC has discussed this issue for several years and recently decided the current draft should be discussed and debated by the entire Town Council.

We recognize that insufficiently cleared sidewalks present a safety hazard to residents of and visitors to Franklin, notably in Downtown Franklin; especially the elderly and differently abled populations, and children. Therefore, we are proposing bylaw 23-902 which aims to engage sidewalk-bordering property owners in select parts of town in the effort to keep our sidewalks clear. The impacted properties and roads are largely concentrated in the center of town and along 140, and are indicated in the proposed map titled "Sidewalk Snow Removal Required By Property Owner". The proposed bylaw includes a time limit and specifications for snow and ice removal from sidewalks and footways as well as from roofs, awnings and signs which slope toward the sidewalk. There is also a proposed fine of \$50 per offense for noncompliance. It is worth noting the Town has not issued a citation for lack of snow removal in the last two decades. The Town is not looking to penalize citizens, but enforcement.

In the absence of adequate staffing or funding for the Town to do this alone, the purpose of this bylaw is to encourage a community effort approach to keeping our sidewalks safe and clear for everyone.

For more information please see the proposed bylaw and map included in the packet.

Please let us know if you have any questions.



**TOWN OF FRANKLIN
BYLAW AMENDMENT 23-902
CHAPTER 147, SNOW AND ICE, REMOVAL OF**

**A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
BY INSERTING CHAPTER 147, SNOW AND ICE, REMOVAL OF**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that the Code of the Town of Franklin is amended by the insertion of a new Chapter 147, Snow and Ice, Removal of, as follows:

Chapter 147: Snow and Ice, Removal of

§147-1 Time limit for removal from sidewalks and footways. The owner, agent, or occupant of private property bordering a street in the town where there is a sidewalk or footway duly established and defined and delineated on attached map "Sidewalk Snow Removal Required By Property Owner" shall cause all snow and ice to be removed within twelve (12) hours after snow ceases to fall and shall maintain said sidewalk in a non-slippery condition suitable for pedestrian travel at least thirty-six (36) inches in width along the length of said sidewalk. Whenever any sidewalk or footway shall be encumbered with ice, the owner or occupant of such private property shall remove the ice therefrom, or so treat it that it shall be safe and convenient for travel in a non-slippery condition. In the event of an unusually heavy snowfall, the time limit shall be extended at the discretion of the Town Administrator. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

§147-2. Roofs, awnings and signs. The owner, agent, or occupant of private property bordering a street in the town where there is a sidewalk or footway duly established and defined and delineated on map "Sidewalk Snow Removal Required By Property Owner" where the roof, awning, or signage of such building slopes towards such street so as to form snow and/or ice on the sidewalk or footway, shall cause all snow and ice to be removed from such roof, awning, and sign within twelve (12) hours after the same has fallen or formed.

§147-3 Placement. The prohibition contained in Chapter 155 Section 21 that no person(s) shall place, or cause to be placed, ice or snow upon any public street of the Town applies to this Chapter, unless exempted by the Director of Public Works.

§147-4 Penalties. If any person(s) subject to the provisions of this ordinance neglects or fails to comply with the provisions of sections 147.1, 147.2, or 147.3 then the Franklin Police, the DPW Director or their designee, and/or the Building Commissioner or their designee shall make reasonable attempts to notify such person/s of their neglect or failure, and, if the person(s) does/do not comply forthwith, the person(s) shall be fined \$50.00 for each offense, by any of the Town officials designated herein to enforce this bylaw.

This By-Law amendment shall become effective according to the provisions of the Franklin Home Rule Charter.

DATED: _____, 2023

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

A True Record Attest:

Nancy Danello, CMC
Town Clerk

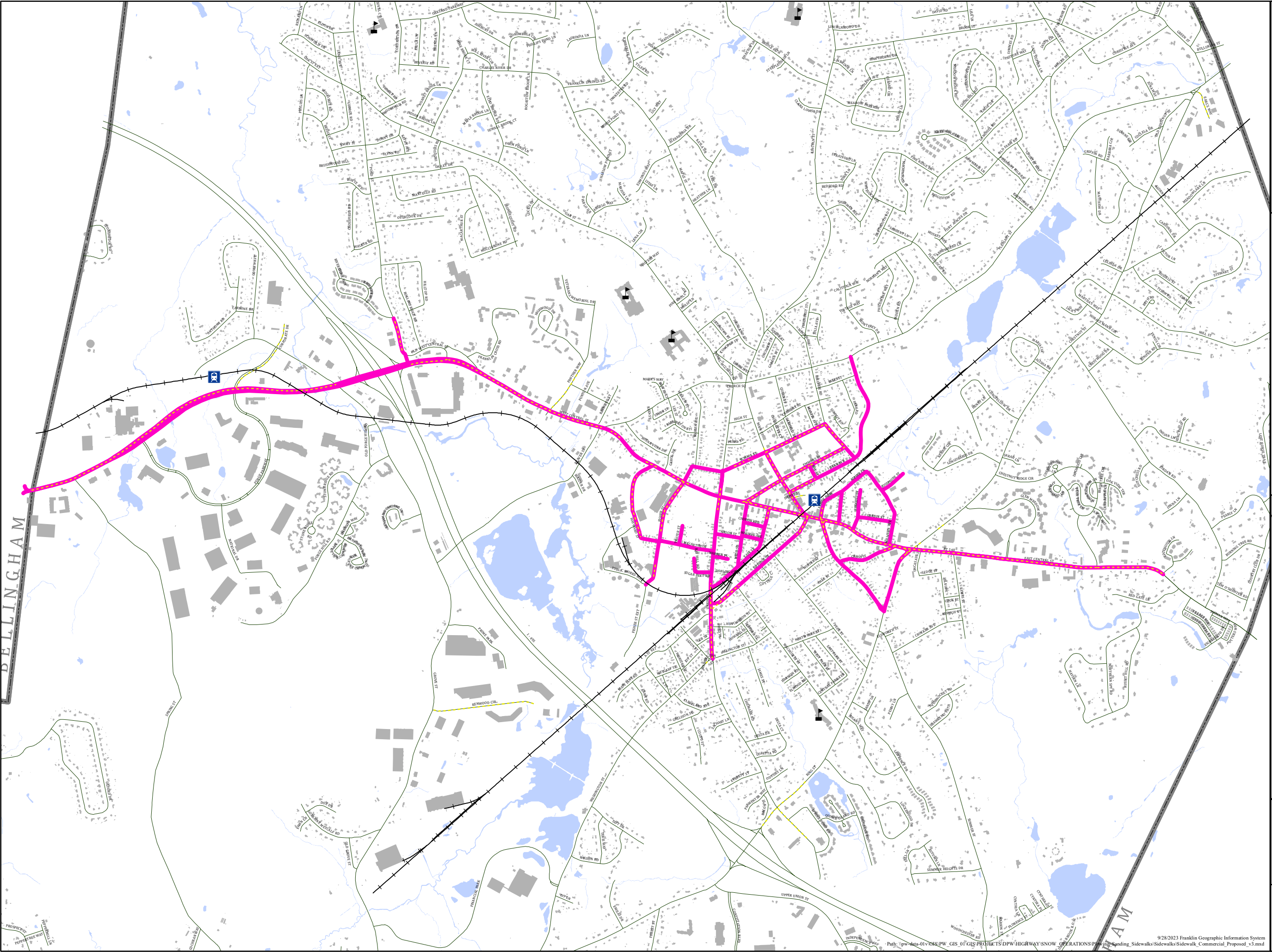
Glenn Jones, Clerk
Franklin Town Council

SIDEWALK SNOW REMOVAL BY PROPERTY OWNER

-  Train Station
-  School
-  Commercial Sidewalks
-  Proposed Sidewalk
-  Snow Removal by Property Owner
-  Railroad
-  Street
-  Structure
-  Municipal Boundary



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



DELLINGHAM

FRANKLIN