

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 22, 2020**

A meeting of the Town Council was held on Wednesday, January 22, 2020 at the Franklin Municipal Building, Council Chambers, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegri. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

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

ANNOUNCEMENTS: ► Chairman Mercer announced the meeting is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29. This meeting may also be recorded by others.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: ► *December 18, 2019 and January 8, 2020.* ► **MOTION to Approve** the December 18, 2019 meeting minutes by **Dellorco. SECOND** by **Jones. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the January 8, 2020 meeting minutes by **Dellorco. SECOND** by **Jones. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: *Franklin Cultural Council: Theodore D. Cormier-Leger.* ► Mr. Jones read the appointment. ► **MOTION to Ratify** the appointment by the Town Administrator of Theodore D. Cormier-Leger to serve as a member of the Franklin Cultural Council with a term expiring on June 30, 2022, by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen thanked Mr. Cormier-Leger for volunteering. ► Mr. Cormier-Leger thanked the Town Council and stated it is an honor to serve as a member of the Cultural Council. ► Ms. Hamblen asked if Mr. Cormier-Leger's paintings would be at the 67 Degrees brewery. ► Mr. Cormier-Leger said yes. ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *OPEB (Other Post-Employment Benefits) Presentation.* ► Mr. Hellen stated that Mr. Daniel Sherman of Sherman Actuarial Services, LLC, will give a short presentation on the actuarial position of the Franklin OPEB Plan as of June 30, 2019; the prepared report was provided in the Town Council members' packets. ► Mr. Sherman stated there are two reports: a 17 to 18-page formal report, and a two-page report. He stated he will begin with the larger report which is an accounting report geared toward the numbers that go into the financial statement, not with the funding of the obligation. He discussed that the Net Position Restricted for OPEB (page 3) shows the OPEB Trust, the money set aside to handle the obligation for post-retirement medical benefits to pay for health and life insurance and in some cases, dental. He stated the June 30, 2018 Net Position was approximately \$4.5 million; the June 30, 2019 Net Position was approximately \$5.7 million. He discussed that the OPEB Liability as of June 30, 2019 (page 4) is approximately \$74.3 million. He reviewed that the OPEB Expenses for FYE 2019 (page 5) are approximately \$6.4 million and noted this is a bookkeeping entry only. He explained the next pages of the report are supplemental information. He reviewed the assumptions (page 13) and stated that most of the assumptions have been the same for the past two evaluations, except the Society for Actuaries has published

new mortality tables which he has adopted. He discussed the two-page document which is set up with a comparison between 2017 and 2019 as those are the dates that full evaluations were done. He noted that 2018 was an interim year and a guesstimate. He stated there is a large increase in assets; liability went up from \$68 million to \$69 million. The unfunded liability went from \$64 million down to \$63 million. The funded ratio went up to 8.2 percent which is high among the Town's peers. He discussed the total required annual contribution is \$5.7 million; this is a little higher than it was two years ago, but lower of an increase than what would have been expected. He stated that the Town pays approximately \$2.6 million as the normal cost; approximately \$3.1 million in new money would be needed to make up the difference. He reviewed strategies for the Town to expand the contributions to hit the target. He explained that when the pension obligation is paid off, the funds can be diverted to fund OPEB. He encouraged the Town to adopt a policy on how they are going to continue funding OPEB. He stated the Town is on the right track and had a good two-year period. ► Town Council members asked questions. ► Mr. Sherman discussed his thoughts on where health care is going in terms of inflation. He reiterated that the Town is ahead of most of its peers and in the top 25-quartile for funding. ► Mr. Hellen stated the Town has a funding policy. There is an appropriation every year in the operating budget and every fiscal year they increase that by \$50,000; 10 percent of Free Cash is also appropriated. The Town generally puts in \$900,000 to \$1.1 million, yearly. He suggested the Town Council may want to review and update the policy. ► Mr. Christopher Sandini, Finance Director, stated it was important to give credit to Mr. Hellen and the Insurance Advisory Committee; the plan design changes have also kept the rate of inflation down. ► Chair Mercer thanked Mr. Sherman for his presentation.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► Ms. Pellegri stated they had a meeting at which all the departments requesting funds attended. The subcommittee was unanimous in all their decisions which will be coming before the full Town Council on February 5, 2020.
- b. **Budget Subcommittee.** ► Nothing to report.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated they met on January 8, 2020. Some of the items they voted unanimously on are scheduled to be presented to the Town Council. The next EDC meeting is scheduled for February 5, 2020 at 5:30 PM.

LEGISLATION FOR ACTION:

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

- a. ***Zoning Bylaw Amendment 20-849: Changes to Ground-Mounted Solar Energy System Use Regulations, and Use Regulations Schedule Updates - Referral to the Planning Board. (Motion to Refer Zoning Bylaw Amendment 20-849 to the Planning Board - Majority Vote).*** ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Refer Zoning Bylaw Amendment 20-849: Changes to Ground-Mounted Solar Energy System Use Regulations, and Use Regulations Schedule Updates, to the Planning Board by Dellorco. SECOND by Hamblen. Discussion:** Mr. Hellen stated the next three pieces of legislation were unanimously approved by the EDC a few weeks ago. These three bylaws begin the zoning bylaw process. The question before the Town Council is whether or not to refer these to the Planning Board. If they are, the Planning Board will hold a public hearing. If approved by the Planning Board, the legislation will return to the Town Council and another public hearing will be held. The biggest piece of the proposal is to remove only large-scale solar farms in excess of one acre from the residential districts, generally on the peripheral of the community. He stated the main reason is that there is a very successful solar farm on Upper Union Street which actually powers about 90 percent of the Town's electricity for the municipal and school operations. Unfortunately, over the last few years, the solar farm market and the revenue that towns receive from that has drastically changed. He explained that the tax agreements between the solar farms and the towns are not as lucrative as they use to be. He stated that he has also received many residential complaints when these projects have been going through the Planning Board and other permitting agencies; the reality is the return on investment for the community is not there. He stated that at the staff level and the EDC, they are recommending referral to the Planning Board to only remove from the zoning bylaws the ability to do large-scale solar farms in those residential districts. He stated that for folks wanting to put in solar panels on their roofs or back

lawns, the zoning code still allows that. ► Ms. Hamblen added that Mr. Bryan Taberner, Planning and Community Development Director, added a 75 ft. buffer between industrial and residential. ► Mr. Taberner explained the proposed buffer. ► **VOTE: Yes-9, No-0, Absent-0.**

- b. Zoning Bylaw Amendment 20-850: Zoning Map Changes on Or Near Highland, Maple and Lincoln Streets - Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 20-850 to the Planning Board - Majority Vote).** ► **MOTION to Waive** the reading by **Earls. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Refer** Zoning Bylaw Amendment 20-850: Zoning Map Changes on Or Near Highland, Maple and Lincoln Streets, to the Planning Board by **Dellorco. SECOND** by **Hamblen. Discussion:** Mr. Hellen stated this continues a multi-year project that the Planning and Community Development Department, Town Council, and Planning Board have been embarking on to clean up lot lines throughout the community. ► Mr. Taberner reviewed the lot line clean-up program. He stated this change is for two or more zoning districts within one parcel in the areas noted. He reviewed the provided map of the current and proposed zoning map changes. He stated that in most cases, the zoning change is based on the actual use of the property or the majority of the site. He stated letters were sent to all parcel owners. When this is referred to the Planning Board, all property owners and abutters will be sent the public hearing notice and allowed an opportunity to comment. ► Town Council members asked questions. ► Chair Mercer stated this has been an ongoing project to clean up zoning and lot lines. ► **VOTE: Yes-9, No-0, Absent-0.**
- c. Zoning Bylaw Amendment 20-851: Zoning Map Changes on Or Near Oak Street and Dailey Drive- Referral to the Planning Board (Motion to Refer Zoning Bylaw Amendment 20-851 to the Planning Board - Majority Vote).** ► **MOTION to Waive** the reading by **Dellorco. SECOND** by **Kelly. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Refer** Zoning Bylaw Amendment 20-851: Zoning Map Changes on Or Near Oak Street and Dailey Drive, to the Planning Board by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Taberner stated this is the same scenario as the previous piece of legislation. They are looking at parcels in more than one zoning district. He reviewed the provided map of the current and proposed zoning map changes. He said he believes there is nothing in this proposed legislation that will affect property values or how a property owner could develop their lot. He stated the difference between the zoning districts regards lot size, frontage, and setbacks. ► Town Council members asked questions about the zoning districts. ► Mr. Taberner reviewed the residential property sizes and permitted uses. ► **VOTE: Yes-9, No-0, Absent-0.**
- d. Resolution 20-08: 2020-2021 Town Council Goals (Motion to approve Resolution 20-08 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-08: 2020-2021 Town Council Goals by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated these are the goals as discussed at the previous meeting. He noted that based on comments, a few additional items were added to the list. ► Chair Mercer requested that the next time something similar to this comes up, a slide be provided so the chart can be shown to the people watching the meeting. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Hellen had no comments.

FUTURE AGENDA ITEMS: ► Mr. Bissanti stated he would like to nominate someone for a proclamation. ► Chair Mercer stated that can be reviewed off-line. ► Mr. Dellorco stated the SAFE Coalition would like to make a presentation to the Town Council.

COUNCIL COMMENTS: ► Ms. Chandler stated he was on the Capital Committee. An issue regarded how to get longevity out of Town vehicles. He stated that he received many questions regarding what people are doing with the vehicles and if they are taking them out of town. ► Mr. Hellen stated there is a policy that no vehicles are taken home. ► Ms. Hamblen stated Fairmount Fruit Farm holds its Farmers’ Market this Saturday. There is a fundraiser for SNETT at Pour Richard’s on Sunday from 1 PM to 4 PM. The DPW is running the rain barrel program. As well, there is a stormwater survey available; if taken, the respondent’s

name is put into a raffle to win a rain barrel. ► Mr. Jones said that Franklin is listed as third in the country as one of the safest places to live. ► Mr. Dellorco stated a new office for the SAFE Coalition was opened at 206 Dedham Street, with offices where they can meet privately with people. The grand opening is February 13, 2020 from 4 PM to 8 PM with light refreshments and speakers; a lot of volunteers worked on this.

EXECUTIVE SESSION: ► *Collective Bargaining.* ► *The Board votes to convene in Executive Session for the purpose of discussing strategy with respect to collective bargaining, because an open meeting may have a detrimental effect on the bargaining position of the public body.* ► Chair Mercer stated there is a need for an executive session for the purpose of discussing strategy with respect to collective bargaining, because an open meeting may have a detrimental effect on the bargaining position of the public body, and the open session will reconvene at the conclusion of the executive session. ► Mr. Jones read the motion to Move that the Franklin Town Council go into executive session for the purpose of discussing strategy with respect to collective bargaining, because an open meeting may have a detrimental effect on the bargaining position of the public body, and the open session will reconvene at the conclusion of the executive session. ► **MOTION to Enter into Executive Session by Dellorco. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-9, No-0, Absent-0.**

The Open Session of the meeting concluded, and the Executive Session of the meeting commenced at 8:04 PM.

The Executive Session of the meeting concluded, and the Open Session of the meeting resumed at 8:36 PM.

LEGISLATION FOR ACTION (*continued*):

- e. Resolution 20-06: Request for Legislation - Exempting all Positions in the Fire Department from Civil Service Laws (Motion to Approve Resolution 20-06 - Majority Vote).* ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-06: Request for Legislation - Exempting all Positions in the Fire Department from Civil Service Laws by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen stated the next three pieces of legislation all relate to the collective bargaining negotiations with the Fire Department. He stated that with the hopeful approval of these pieces of legislation by the Town Council, this will be a historic day for the community, the folks on the staff, the men and women on the Fire Department, and the citizens and businesses of this community that rely on the Fire Department so heavily. The finer details of the collective bargaining agreement will be spoken to later. He stated that as part of the collective bargaining negotiations, the Civil Service Law that has governed the promotions of the firefighters would go as a Home Rule piece of legislation to the House and Senate, and to the Governor for signature. The first vote for the Town Council is to exempt all positions in the Fire Department from the Civil Service Law; the second provision is that any person currently holding a position in the department would be grandfathered within the Civil Service Commission. He recommended approval of this legislation to forward to the elected officials. ► **VOTE: Yes-9, No-0, Absent-0.**
- f. Bylaw Amendment 20-852: Chapter 82 Municipal Service Fees - 1st Reading (Motion to Move Bylaw Amendment 20-852 to a Second Reading - Majority Vote).* ► Mr. Jones read the bylaw amendment. ► **MOTION to Move Bylaw Amendment 20-852: Chapter 82 Municipal Service Fees to a 2nd Reading by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Chandler asked for clarification on the False Alarm Fee of \$300. ► Mr. Cerel stated only the fees indicated are being adjusted. ► Ms. Pellegrini asked for further clarification of the False Alarm Fee. ► Mr. Hellen stated he believed the False Alarm Fee was for extremely egregious behavior where someone was intentionally trying to pull false alarms. ► Chair Mercer stated that going forward, they could amend and clarify the current fee structure, but not in this piece of legislation; he asked Mr. Hellen to put the item on a future agenda. ► **VOTE: Yes-9, No-0, Absent-0.**

- g. Resolution 20-07: Ratification of the Franklin Permanent Firefighter Association Local 2637 Contract (Motion to Approve Resolution 20-07 - Majority Vote).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-07: Ratification of the Franklin Permanent Firefighter Association Local 2637 Contract by **Dellorco. SECOND** by **Kelly. Discussion:** ► Mr. Hellen stated this will be the ratification vote of the Franklin Permanent Firefighter Association Local 2637 Contract to be in effect from July 1, 2019 to June 30, 2021. He stated it has been an honor to work with this group on this contract. He stated that this contract responds to the needs of the community and is a historic day for the Franklin Fire Department. ► Chair Mercer applauded the efforts of the firefighters, the firefighters' union representation, the fire department administration, the Town administration, and the HR Director on a tremendous job in putting together this new contract and reorganization of the department. He thanked everyone for doing a wonderful job. ► **VOTE: Yes-9, No-0, Absent-0.**

ADJOURN: ► MOTION to Adjourn by **Dellorco. SECOND** by **Jones. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:51PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary