

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
May 6, 2020**

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

A meeting of the Town Council was held on Wednesday, May 6, 2020 as a **Remote Access Virtual Zoom Meeting**. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer. Councilors absent: Deborah Pellegri. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

CALL TO ORDER: ►Chair Mercer called the **Remote Access Virtual Zoom Meeting** to order at 7:00 PM. He confirmed via roll call Town Council members and Administrative personnel who were present and that they could hear the Chair.

ANNOUNCEMENTS: ►Chair Mercer stated this meeting is being conducted remotely consistent with Governor Baker's executive order of March 12, 2020, regarding the current state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus. In order to mitigate the transmission of the COVID-19 virus, we have been advised and directed by the Commonwealth to suspend public gatherings and as such the governor's order suspends the requirements of the open meeting law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. He stated that this meeting will feature public comment. He noted the availability of the posted call-in number and Zoom meeting link provided on the agenda for the public to join and participate in the meeting. He reviewed that all supporting meeting materials that have been provided to the Town Council are available on the Town's website unless otherwise noted. He reviewed the remote meeting ground rules. He announced this **Remote Access Virtual Zoom Meeting** is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29; this meeting may also be recorded by others. ►Chair Mercer called for a moment of silence.

CITIZEN COMMENTS: ►Ms. Jacqueline Maciel, 95 Elm Street, stated she has sent Town Council members emails regarding COVID-19 data; she would like to educate the citizens regarding the published number of cases. She stated that almost 71 percent of towns and cities in the Commonwealth have not seen an increase in the number of COVID-19 cases since April 15, 2020. She asked why towns are being held hostage to the cities. She stated concern that the governor was going to extend the restrictions to June 1, 2020. She stated that Attorney General Bill Barr addressed that citizens have rights during this crisis.

APPROVAL OF MINUTES: ►*March 25, 2020.* ►**MOTION to Approve the March 25, 2020 meeting minutes by Kelly. SECOND by Dellorco. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ►**VOTE: Yes-8, No-0, Absent-1.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: 7:10pm. ► Zoning Bylaw Amendment 20-854: Changes to §185-40. Water Resource District.

Chair Mercer declared the public hearing open. ► Mr. Hellen stated that updating the water district map is required by DEP; these boundaries are defined by the Commonwealth. He reviewed the changes being updated for the first time in 12 years. He noted a map was included in the Town Council's packet showing the changes. This is a housekeeping item to update the bylaws. ► Mr. Brutus Cantoreggi, DPW Director, confirmed this is a requirement. He stated this map outlines where the water goes in terms of the well heads. It is a planning tool when developments are done. ► Mr. Cerel stated this is a zoning issue; these are areas protected with additional requirements in the zoning bylaws. Therefore, the map needs to be periodically updated. ► **MOTION to Close the public hearing by Kelly. SECOND by Dellorco. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: ► Dean College: New Section 12 All Alcoholic Beverages License, Located at 135 Emmons Street, Franklin, MA. ► Mr. Hellen stated this is a continuation from the last Town Council meeting at which there were some concerns brought forth by Town Council members regarding the liquor license. Dean College addressed the concerns and provided a letter to the Town Council dated April 29, 2020 proposing three conditions on the liquor license for the Campus Center. He read the letter aloud. ► Mr. Cerel stated these conditions were proposed to address the concerns raised by the Town Council on this license. He stated that the prior Town Administrator had asked Mr. Cerel to work with Dean College as the college was coming in for numerous one-day alcohol licenses and they were looking for a more workable solution. ► Mr. Jones read the license transaction. ► **MOTION to Approve the request by Dean College to approve the New Section 12 All Alcoholic Beverages License, located at 135 Emmons Street, Franklin, MA, and to approve the manager, Kenneth Corkran by Jones. SECOND by Dellorco. Discussion:** ► Mr. Cerel suggested a Town Council member add an amendment to the motion to add the three proposed conditions agreed to by Dean College to the liquor license. ► Mr. Kelly asked questions regarding the memo from Dean College. He expressed concern about the possibility of having three events at the same time and how that would be managed. ► Mr. Dave Drucker, Dean of Students at Dean College, stated all locations mentioned are part of the Campus Center. He asked if the Campanella Board Room which is also in the Campus Center could be added to the list of locations. ► Mr. Kenneth Corkran, the proposed manager and Director of Law Enforcement Services and Risk Management at Dean College stated there may be an alumni event at the same time as a student event. An officer would be scheduled at each event. Typically, this does not happen often. ► Mr. Bissanti stated he has mixed feelings as this is going to be a bar, and it is going to go up against another bar in the downtown area. He stated Dean College already enjoys the privileges of bars and restaurants in the downtown area, so they do not really have the need. ► Mr. Cerel stated that the applicant could take the position that they be opened to the general public, but they have agreed otherwise. While the licensing authority has discretion to approve or deny an application for a license, increased economic competition is not a valid consideration. ► Mr. Bissanti stated his point is that on a campus where there is only 25 percent of the students of drinking age, and they are surrounded by other bars and businesses, this is not needed. As well, this location is also surrounded by residential, and the residents should be considered. ► Mr. Chandler stated concern about the safety of the students. ► Mr. Dellorco confirmed that there would be law enforcement officials on premises who could make arrests, but they would not be Town of Franklin police officers. ► Mr. Corkran stated these events have been going on for four years with no issues. ► Mr. Drucker stated he oversees the events and no underage drinking occurs. ► Ms. Hamblen stated she thought this item was about Dean College not having to come into the Town to get numerous one-day licenses. She did not think this was about having a pub on campus. She requested clarification. She asked if wine tasting classes would be allowed in the Campus Center. ► Mr. Cerel stated that was his understanding. ► Ms. Trish Farnsworth, Attorney representing the applicant, Dean College, stated there is a misunderstanding. Dean

College has been obtaining for many years one-day licenses. They are here now requesting to have more than the 30 allowed one-day licenses per year. It is not going to be a bar or restaurant competing with those in downtown. This is not going to impact the neighbors. She reiterated this will all be in one building. She stated that wine tasting would be allowed under the law with this license. ► Mr. Jones asked if Town of Franklin police could perform a license check on this entity. ► Mr. Cerel stated yes. ► Mr. Kelly asked if the alcoholic beverages would be taxed as they are in a restaurant. ► Mr. Hellen stated he is not sure if meals tax comes in from Dean College. ► Mr. Cerel stated he thinks a person would be subject to meals tax and liquor tax. ► Mr. Kelly asked it be confirmed that Dean College would pay tax on all alcoholic beverages that are sold at an event. ► Mr. Cerel stated if it is a retail sale of alcohol, it is taxed unless it is an exempt population. ► Mr. Kelly asked if the Town of Franklin has been collecting taxes on the alcoholic beverages that have been sold at Dean College for the past years. ► Mr. Cerel stated he does not know. ► Mr. Hellen stated he would have to ask the Treasurer Collector. He does not believe that many of the one-day liquor licenses in the past have involved liquor sales. ► Mr. Kelly stated he is concerned that if the Town Council provides this license, what will happen in the future. He asked if they could have wine and beer tasting. He is concerned with safety of the students. He does not know if the restaurant license is the way to go; maybe a club license would have been better. ► Ms. Farnsworth stated this license is only for the Campus Center. Outdoor alcohol would be under a one-day license. ► Mr. Dellorco noted that at the Rod & Gun Club the meals tax is paid to the State when they have a one-day licenses. ► Mr. Cerel noted records have to be kept on premises for TIPS certification. ► Mr. Bissanti stated he is very concerned about enforcement. He questioned why Dean College needs this permanent license; the one-day licenses may work better from a safety standpoint. ► Ms. Hamblen stated she was under the impression that this license would put Dean College under stricter guidelines than with the one-day licenses. ► Mr. Cerel stated that was correct. ► Ms. Farnsworth stated that many campuses have these licenses. She noted that only 30 one-day licenses are allowed in one year. She stated there is great oversight on this license. ► Mr. Hellen stated there is more oversight and accountability with this type of license than with the one-day licenses. The Section 12 License is held by most college communities throughout the Commonwealth. ► Mr. Jones asked if Dean College has policies that address situations of underaged students having alcohol. ► Mr. Drucker stated they have a student code of conduct; there are varying sanctions. ► Mr. Jones stated his only stipulation is that on top of Dean's current policy that these policies be reiterated to the students. ► **MOTION** to Amend the Motion on the floor to include the agreed upon document that Attorney Cerel and Attorney Farnsworth agreed to by **Dellorco. SECOND by Hamblen. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1. ROLL CALL VOTE** (to Approve the request by Dean College to approve the New Section 12 All Alcoholic Beverages License, As Amended, located at 135 Emmons Street, Franklin, MA, and to approve the manager, Kenneth Corkran): **Bissanti-NO; Chandler-NO; Dellorco-NO; Earls-YES; Hamblen-YES; Jones-YES; Kelly-NO; Mercer-YES. ► VOTE: Yes-4, No-4, Absent-1. Motion does not carry.**

PRESENTATIONS/DISCUSSIONS: ► *Coronavirus Updates.* ► Mr. Hellen reviewed the case numbers from the State. As of today, there are 98 confirmed cases in Franklin; about half of those have recovered. The trend is not going in the right direction, but it is mostly due to the increase in testing. He requested the State of Massachusetts release the number of recovered cases. He discussed the Town departments reentry plans. He stated that next week they will begin a library book take-out service. The Youth Services Department will continue to work remotely. Regular recycling hours and services will begin to return to normal and phased in during the next week to 10 days. They are opening the drive-thru window at the municipal building. The Town Clerk's office will begin working from the building with full staff on Monday. He stated he will be sending a memo to the staff regarding requirements for admission to the buildings including face masks, social distancing, proper hygiene, and disinfecting spaces. He stated they will make sure the employees will be held to a high standard with the guidelines and being conscientious to the other staff and their family.

► Chair Mercer reviewed that the governor mandated everyone wear a face mask while in public, effective today. ► Town Council members asked about the preparations and alterations needed in all Town buildings. ► Mr. Hellen stated they have been working with all departments on a schedule so people will not all be coming in at the same time to reduce the interaction. Mandatory temperature readings and self-questionnaires to make sure sick people will not be coming into the buildings to prevent transmission will be conducted. ► Mr. Jones expressed concern about interactions with the public when things start to open. How are they going to set up barriers to prevent close face-to-face interactions to keep the employees and public safe; can they be put in place now? ► Mr. Hellen stated plexiglass and other precautions will be put in place; he is prioritizing what is needed to be done currently in this phase. This is a positive step to get employees back into the building. He stated there is very little substitute for personal responsibility to help reduce the transmission of COVID-19. ► Mr. Dellorco asked if employees will be tested prior to returning to work. ► Mr. Hellen stated it could be two or three more weeks before testing could be done. Temperature guns have been purchased. It will be required for employees to have a temperature reading and complete questionnaires when returning to work. Police and Fire Departments have been doing this for a few weeks.

► **Community Preservation Act (CPA).** ► Mr. Hellen stated this item was discussed in February with a general consensus of Town Council members to move forward with it. Town Attorney Cerel drafted a ballot question. On April 15th Town Council members further discussed this item and asked it to be put on tonight's agenda for Discussion and Legislation for Action. The ballot question includes a three percent surcharge and two exemptions. Given this is a presidential election year, the decision must be made by Town Council by August if this item is going to be put on the November ballot. ► Mr. Kelly stated concern about the three percent surcharge given today's economy; he would like to get this passed. ► Chair Mercer stated he thought that regardless of what percent was decided upon now, it can be adjusted any time prior to going to press for the ballot. ► Mr. Cerel stated that is not correct. It is actually a two-step approval process. This is the first step to approve it; then ratify it. The surcharge amount has to be consistent all the way through. The voters will vote on exactly what the Town Council approves. ► Mr. Bissanti concurred with Mr. Kelly. He requested to hold off on this discussion until Ms. Pellegri is present. He would like to get this on the November ballot. ► Chair Mercer concurred that Ms. Pellegri should be present to discuss this item. ► Mr. Chandler stated he supported putting this on the ballot. He leans toward two to three percent. ► Mr. Jones stated he supports this item; however, the people must make the final decision. He thinks this is a great way to get additional funds into the Town. He encouraged that three percent surcharge should be approved as it would bring in the most money for the Town, and there are State matching funds. ► Ms. Hamblen stated this is a great program. She expressed concern about approving it at three percent and not having it pass by the public. ► Mr. Dellorco stated concern that November is a big election ballot and people may overlook this question. He supports this effort, but maybe this should be put off for a bit. ► Chair Mercer suggested pushing this to the first meeting in June for another discussion when Ms. Pellegri is present with the hope of deciding upon the percentage.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► Mr. Kelly said they met briefly last Monday; another meeting is scheduled for Monday May, 11, 2020 at 5:30 PM so those from the Schools can attend.
- c. **Economic Development Subcommittee.** ► A meeting was held last Monday night, and they discussed inclusionary zoning. Another meeting is scheduled.

LEGISLATION FOR ACTION:

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

- a. ***Resolution 20-20: Community Preservation Act, G.L. Chapter 44B, Sections 3-7 Authorization for Ballot Question (Motion to Approve Resolution 20-20, CPA Ballot Initiative - Majority Vote).*** ► This item was not taken.
- b. ***Resolution 20-21: Gift Acceptance - Recreation Department - \$75,000 from the Boston Bruins Foundation (Motion to Approve Resolution 20-21 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-21: Gift Acceptance - Recreation Department - \$75,000 from the Boston Bruins Foundation by **Dellorco**. **SECOND** by **Kelly**. **Discussion:** Mr. Ryan Jette, Recreation Director, stated the donation will be used for the construction of the basketball/street hockey court at Fletcher Field. Construction began on April 15, 2020 on the 120 ft. x 90 ft. combination hockey rink and basketball court. He reviewed the project. ► Chair Mercer thanked Mr. Jette for the effort put forth to obtain the donation. ► Town Council members and Mr. Hellen thanked Mr. Jette and others who worked on this effort. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- c. ***Bylaw Amendment 20-857: Chapter 82, Trash and Recycling Fee Increase - Second Reading (Motion to Adopt Bylaw Amendment 20-857 - Majority Roll Call Vote).*** ► Mr. Jones read the bylaw amendment. ► **MOTION to Adopt** Bylaw Amendment 20-857: Chapter 82, Trash and Recycling Fee Increase by **Dellorco**. **SECOND** by **Kelly**. **Discussion:** Mr. Hellen stated this is the second and final vote for the trash and recycling fee increase. Due to the prevailing wage increase and new policies implemented by China, there has been a cost increase; this is a market-based fee. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- d. ***Resolution 20-22: Ratification of the Memorandum of Agreement Between Department of Public Works, AFSCME Council 93, Local 1298 Employees and the Town of Franklin (Motion to Approve Resolution 20-22 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-22: Ratification of the Memorandum of Agreement Between Department of Public Works, AFSCME Council 93, Local 1298 Employees and the Town of Franklin by **Dellorco**. **SECOND** by **Kelly**. **Discussion:** Mr. Hellen stated the next five resolutions are the final five required votes to execute the respective collective bargaining agreements. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- e. ***Resolution 20-23: Amendment - Library Union Contract (Motion to Approve Resolution 20-23 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-23: Amendment - Library Union Contract 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.** ► **VOTE: Yes-8, No-0, Absent-1.**
- f. ***Resolution 20-24: Amendment - Facilities/Trades Union Contract (Motion to Approve Resolution 20-24 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-24: Amendment - Facilities/Trades Union Contract 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.** ► **VOTE: Yes-8, No-0, Absent-1.**
- g. ***Resolution 20-25: Amendment - Custodians Union Contract (Motion to Approve Resolution 20-25 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-25: Amendment - Custodians Union Contract 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. ► VOTE: Yes-8, No-0, Absent-1.

- h. Resolution 20-26: Amendment - Firefighters Union Contract (Motion to Approve Resolution 20-26 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-26: Amendment - Firefighters Union Contract 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. ► VOTE: Yes-8, No-0, Absent-1.**
- i. Zoning Bylaw Amendment 20-854: Changes to §185-40. Water Resource District – 1st reading (Motion to Move Zoning Bylaw Amendment 20-854 to a 2nd Reading - Majority Vote).** ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 20-854 to a 2nd Reading 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. ► VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR’S REPORT: None.

FUTURE AGENDA ITEMS: ► Ms. Hamblen stated she has been contacted by many people about citizens not being able to email elected town officials especially the Board of Health. Should all elected officials have a town email? ► Mr. Hellen stated as part of the Google transition, they strategically started with email addressed for Town Council and School Committee with other email accounts for elected officials to be phased in over time. He will talk to Tim Rapoza, Director of Technology Services. He stated that only five Planning Board, three Board of Health, and three Board of Assessors members do not have Town emails; so, this should not be too expensive. ► Mr. Kelly requested the meals tax and alcohol sales tax paid by the local college be addressed at a future meeting by the Town Administrator. He would like a memo from the Treasurer/Collector’s office indicating if revenue from that source is coming back to the Town as it should.

COUNCIL COMMENTS: ► Ms. Hamblen thanked Franklin TV for their work to provide remote meetings. ► Mr. Chandler stated the budget subcommittee did a great job in setting the tone during their meeting. ► Mr. Bissanti stated he was proud of the people of Franklin regarding how they are handling this crisis situation. ► Mr. Jones hoped everyone continues to stay safe during these times. He thanked the Town Administrator’s staff for their hard work. ► Mr. Dellorco gave a shout out to first responders. ► Chair Mercer thanked the first responders for their hard work. He thanked the Board of Health for their work during this crisis.

EXECUTIVE SESSION: None.

ADJOURN: ► **MOTION to Adjourn by Kelly. SECOND by Dellorco. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 9:31 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary