FRANKLIN TOWN COUNCIL MINUTES OF MEETING June 23, 2021

A meeting of the Town Council was held on Wednesday, June 23, 2021, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Andrew Bissanti, Brian Chandler, Cobi Frongillo (via Zoom), Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegri. Councilors absent: Robert Dellorco, Matthew Kelly. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator; Alecia Alleyne, Executive Assistant.

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 now welcome to attend public board and committee meetings in person. Additionally, in an effort to maximize citizen engagement opportunities and comply with open meeting law regulations, citizens will be able to continue to dial into the meeting using the provided phone number (cell phone or landline required), or citizens can participate via Zoom by clicking on the attached link (phone, computer, or tablet required). The meetings will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. He stated that this meeting is being recorded by Franklin TV and may also be recorded by others. He noted that Councilor Frongillo is attending the meeting via Zoom.

CITIZEN COMMENTS: ▶ Mr. Steven Gilmore, resident and owner of ServiceMaster by Gilmore, partnering with Be The Match organization, reviewed a drive-through event to be held on Saturday June 21, 2021, from 9 AM to 1 PM, at the Horace Mann School to find a match for a two-year old girl suffering from a rare autoimmune disorder. Participants can be from ages 18 to 44 and in good health. The process to register is easy and everything can be done from a person's vehicle. As well, interested participants can sign up and receive a swab kit mailed directly to their residence. He explained the process for a person who is a match. He noted a raffle drawing on September 8, 2021, for Patriots tickets for all those who participate.
Mr. Warren Revell, 9 Lincoln Street, stated that the Red Brick School is in deplorable shape: shrubs were removed three years ago and not replaced, the chimney is ready to fall down, and the building needs to be painted. He requested the building be helped. ▶ Ms. Kerri Bertone, Treasurer/Collector, announced some changes to the Treasure/Collector's Office beginning in July. The fee will be waived for all ACH transactions paid through the Town's receiving agent, UniPay. She reviewed a paperless billing option and stated that information is available on the Town's website regarding payment processes.

APPROVAL OF MINUTES: None.

PROCLAMATIONS/RECOGNITIONS: ► Police Department Recognition: Patrol Officer David Mellor.
 ► Police Chief Thomas Lynch read aloud a proclamation to Patrol Officer David Mellor who is leaving the Franklin Police Department after seven years of dedicated service to the Town to attend law school. Chief Lynch reviewed Officer Mellor's background, education, and career history. He wished Officer Mellor all the best in his future endeavors. ► Officer Mellor thanked Chief Lynch and the community for the wonderful opportunity to serve Franklin. He noted that Franklin was rated second in the Safest Cities in America rankings.

► *Fire & Police Department Recognition: Winter Street Incident.* ► Chair Mercer listed all the people involved in this incident. ► Battalion Chief Charles Allen reviewed the June 10, 2021, fire incident at 45 Winter Street. He explained that a resident was trapped in the building; Fire Department personnel were able to evacuate all the residents of the building. He recognized Police and Fire Department officers for a job well done.

APPOINTMENTS: ► Annual Reappointments. ► Councilor Jones read the Appointed Committee Members June 2021 document. ► MOTION to Ratify the Annual appointments to the following boards and commissions (as listed on the Appointed Committee Members June 2021 document) by Jones. SECOND by Hamblen. Discussion: ► Mr. Hellen stated that Chris Baryluk of 25 Winterberry Drive for Design Review for term ending June 30, 2024, was missed. ► ROLL CALL VOTE (for Motion as amended to add Chris Baryluk): Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

HEARINGS: None.

LICENSE TRANSACTIONS: ► S&J Restaurant, LLC d/b/a Sierra's Brick Oven Pizza & Pub, New Common Victualer All Alcohol License and Approval of Manager, located at 648 Old West Central Street, Franklin, MA 02038. ► Councilor Jones read the license transaction. ► MOTION to Approve the request by S&J Restaurant, LLC d/b/a Sierra's Brick Oven Pizza & Pub for a New Section 12 Restaurant All Alcoholic Beverages License and to approve Mabel Stefanidis as the manager by Jones. SECOND by Hamblen. Discussion: ► Attorney Michael Doherty, on behalf of the applicant, stated that Ms. Stefanidis is attending the meeting via Zoom. He noted that the restaurant has new menus; it is a family-owned business. He reviewed the restaurant career history of Ms. Stefanidis. He stated that this alcohol license will help this restaurant and be consistent with other restaurants serving alcohol in Town. ► Councilor Jones wished the restaurant best of luck after the pandemic. ► Mr. Hellen, in response to Town Council members' questions, noted that all the application forms and requested information are State forms. He stated that the Town has a quota and limit on package store licenses; however, Franklin has an unlimited number of restaurant licenses. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

 ▶ Proof Restaurant, LLC d/b/a Proof, New Common Victualer All Alcohol License and Approval of Manager, located at 862 West Central Street, 2nd Floor, Franklin, MA 02038. ▶ Councilor Jones read the license transaction. ▶ MOTION to Approve the request by Proof Restaurant, LLC d/b/a Proof for a New Section 12 Restaurant All Alcoholic Beverages License and to approve Beth Downing as the manager.by Jones. SECOND by Hamblen. Discussion: ▶ Attorney Jon Aieta, on behalf of the applicant, and Ms. Downing addressed the Town Council. Mr. Aieta reviewed Ms. Downing's experience and the request for an All Alcoholic Beverages License. ▶ Mr. Hellen stated that this is another great economic development story for Franklin. The applicant has worked hard with all departments; all departments have signed off. ▶ Ms. Hamblen confirmed that there will be a restaurant downstairs and a new restaurant upstairs at this location.
 ▶ Ms. Downing reviewed that with this license, beer and wine will be able to be sold on the second floor.
 ▶ Town Council members agreed that it is great to have businesses grow in Franklin. ▶ ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ▶ VOTE: Yes-7, No-0, Absent-2.

PRESENTATIONS/DISCUSSIONS: \triangleright *Open Meeting Law (OML) Complaint from Patrick Higgins: Failure to approve Town Council meeting minutes in a timely manner.* \triangleright Mr. Hellen reviewed his letter to the Town Council dated June 18, 2021, in which he wrote: On Tuesday June 8, 2021, the Town received a formal Open Meeting Law Complaint from Patrick Higgins from the Town of Swansea. The complaint was regarding the June 9, 2021, Town Council meeting where there were minutes up for approval from the April 7th, April 14th, May 5th, and May 19th, 2021 meetings. The complaint was brought about because the minutes were not accepted within three meetings or 30 days of the meeting date (whichever is later) as required by state regulation 940 CMR 29.11. I have attached the Town's formal response to Mr. Higgins and have copied the Division of Open Government within the Attorney General's office. It has been a common practice for the Town to forgo minutes approvals and other nonbudget related agenda items during the budget hearings. As all of you know, the Town approves minutes swiftly, usually at the following meeting, posts them online and produces some of the most thorough minutes of any public body due to the incredible work of Judith Lizardi. Videos also exist of all of our meetings for archival live streams. Our standard practices are very strong and transparent. We will revise this practice to include the approval of minutes on the budget hearing agendas in upcoming years. Furthermore, with the assistance of the Town Clerk's Office, the staff will send a memo to all town boards and committees reminding them of this important state regulation. ► Town Council members asked questions. ► Mr. Chandler thanked Mr. Hellen for the detailed response letter that he sent to Mr. Higgins. ► Mr. Cerel reviewed the State guidelines for the posting of meeting minutes within three meetings or 30 days of the meeting date, whichever is later. ► Councilor Jones stated that this was a petty complaint. ► Councilor Bissanti thanked Mr. Hellen for handling this complaint well. Chair Mercer stated that the staff does a fantastic job. He stated that the necessary steps would be taken so this does not happen again. ► Mr. Cerel recommended the Town Council make an authorizing vote to confirm the response is from the Town Council, not from the Town Administrator. ► MOTION to Authorize a letter in response to an official complaint in regard to the Town Council's minutes be done to meet open meeting law as described in the letter from the Town Administrator to the Town Council by Jones. SECOND by Hamblen. ▶ ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

SUBCOMMITTEE REPORTS:

- a. Capital Budget Subcommittee. ► None.
- b. **Budget Subcommittee.** ► None.
- c. Economic Development Subcommittee. ► Ms. Hamblen stated that the EDC met last Wednesday and discussed the Housing Production Plan and home occupied business zoning. She stated that they discussed infrastructure funding for the second building at Eaton Place. She suggested the Town Council prepare a letter to support the Town Administrator on this. ► Mr. Hellen stated that Representative Jake Auchincloss reached out to town managers in his district regarding local priorities. Mr. Hellen stated that Franklin has a shovel-ready project for 60 senior housing units; the only thing blocking it from being built is money. It is a \$25 million to \$30 million building. He put in a request to Representative Auchincloss for this project; this is a big need for Franklin. Mr. Hellen stated that he appreciates the EDC's support for the proposal. He stated that a letter from the full Town Council to be on the record would be a great policy decision.

LEGISLATION FOR ACTION:

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

a. Resolution 21-33: Expenditure - Recreation Department Expenses, Fletcher Fund (Motion to Approve *Resolution 21-33 - Majority Vote*). Councilor Jones read the resolution. MOTION to Approve Resolution 21-33: Expenditure - Recreation Department Expenses, Fletcher Fund by Hamblen. SECOND by Bissanti. Discussion: ► Mr. Hellen stated that the Recreation Advisory Committee and the Finance Committee both unanimously approved the request for \$93,677 to be taken out of the A.B. Fletcher Trust Fund for improvements to the recreation fields. Town Council appropriation approval is required even though the Fletcher Trust is under the care of the Recreation Advisory Committee. ▶ Recreation Department Director Rvan Jette gave an overview of the Fletcher Fund. He noted that there is a need to improve some of the fields, and he supports this. He reviewed some of the field improvements and the benefits it would provide to all the youth sports. In response to questions by Town Council members, Mr. Jette stated that he does not see that this fund will be used every year. He noted that there were requests that were not funded. ►Mr. Hellen reiterated that the fund has only been tapped into twice in more than 20 years. ► Chair Mercer asked about the \$55,000 for the press box at Beaver Street. ►Mr. Jette explained it is like a storage container retrofitted into a press box. ►Mr. Hellen reviewed the history of the Fund and stated that it is pretty clear that the Fund is to be used for these purposes. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

- b. Resolution 21-34: Appropriation Franklin Downtown Zoning and Marketing Capital Account (Motion to Approve Resolution 21-34 - Majority Vote). ► Councilor Jones read the resolution. ► MOTION to Approve Resolution 21-34: Appropriation - Franklin Downtown Zoning and Marketing Capital Account by **Hamblen. SECOND** by **Chandler. Discussion**: ► Mr. Hellen stated that the next two votes are to close out the accounts on the fiscal year. He reviewed that this resolution will approve the transfer of excess FY21 appropriations to a Franklin Downtown Zoning and Marketing Capital account. The capital account will be under the care of the Town Administrator and Community Planning Director. He reviewed the uses for the funds. He noted that the downtown triangle area has not been looked at comprehensively regarding zoning since 2003. This project will be for a complete zoning diagnostic and will include a lengthy public engagement process. He discussed the final use of funds; the Town is hoping to work with a major television and film production company to visit Franklin and produce elite, high quality broadcasting footage of the quality of life in Franklin. ► Councilor Bissanti noted his support for looking at the downtown zoning. He stated that the Town Council cannot ignore the Planning Board regarding zoning decision making. ► Councilor Hamblen stated that the EDC wanted to look at the downtown; she thinks this is great. ► Councilor Frongillo asked why \$100,000 is available from Library Salaries. Mr. Hellen noted that one year ago the library was not open; he explained the library had lower expenses, lower staff, and lower salaries. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.
- c. Resolution 21-35: FY21 Appropriation Transfers (Motion to Approve Resolution 21-35 Majority Vote). ► Councilor Jones read the resolution. ► MOTION to Approve Resolution 21-35: FY21 Appropriation Transfers by Hamblen. SECOND by Chandler. Discussion: ► Mr. Hellen reviewed that this resolution will approve FY21 Appropriation Transfers to cover unanticipated budgetary shortfalls. A total of \$71,000 will be transferred from the Library Salary line item (\$10K), Town Clerk Salary line item (\$14K), and the Benefits Expenses line item (\$47K). He noted that these appropriation transfers will address shortfalls in Election Expenses, ZBA Expenses, Central Services, and Fire Salaries budget line items. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.
- *d.* Resolution 21-36: Gift Acceptance Police, \$100 (Motion to Approve Resolution 21-36 Majority Vote). ► Councilor Jones read the resolution. ► MOTION to Approve Resolution 21-36: Gift Acceptance Police, \$100 by Hamblen. SECOND by Chandler. Discussion: ► Mr. Hellen thanked Ms. Joan Spiegel for the generous donation. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.
- e. Resolution 21-37: Termination of the Veteran's Services Agreement (Motion to Approve Resolution 21-37 Majority Vote). ► Councilor Jones read the resolution. ► MOTION to Approve Resolution 21-37: Termination of the Veteran's Services Agreement by Hamblen. SECOND by Chandler. Discussion: ► Mr. Hellen reviewed that the Town's longtime Veterans' Services Officer, Dale Kurtz, has officially given a retirement date of August 27, 2021. As a result of Mr. Kurtz's retirement, the Town is requesting severance in the agreement with the County of Norfolk for veterans' services. The Town will no longer have shared veterans' services and instead will hire a full-time veterans' services officer. The position will be posted next week. ► Town Council members gave their thanks and appreciation for all the work Mr. Kurtz has done over the years. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.
- *f. Resolution 21-26: Gift Acceptance Historical Museum, \$100 (Motion to Approve Resolution 21-26 Majority Vote).* ► Councilor Jones read the resolution. ► MOTION to Approve Resolution 21-26: Gift

Acceptance - Historical Museum, \$100 by Hamblen. SECOND by Chandler. Discussion: ► Mr. Hellen thanked the Franklin Mill Store, Mayflower Textiles, for their generous donation. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

g. Zoning Bylaw Amendment 21-874: Amendment to CH. 185 Section 21 Parking, Loading, and Driveway Requirements - Referral to the Planning Board (Motion to Refer Bylaw Amendment 21-874 to the Planning Board - Majority Vote). Councilor Jones read the zoning bylaw amendment. ▶ MOTION to Refer Zoning Bylaw Amendment 21-874: Amendment to CH. 185 Section 21 Parking, Loading, and Driveway Requirements to the Planning Board by Hamblen. SECOND by Chandler. **Discussion**: ► Mr. Hellen explained that the proposal before the Town Council has a simple change to require .5 parking spaces per unit from 1.5 parking spaces per unit in two zoning districts: the Downtown/Commercial Zoning District and the Commercial Zoning District 1. This is a referral to the Planning Board for them to conduct a public hearing. ► Councilor Hamblen stated that this was discussed by the EDC; she thinks it is ready to go to the Planning Board. ► Councilor Bissanti stated that he would have preferred zero spaces, but he sees this as a good thing. ► Councilor Chandler asked if this changes any of the handicapped parking. ► Mr. Hellen explained that there is a ratio for handicapped spaces by statute. ► Councilor Pellegri asked where would the other cars park. ► Mr. Hellen stated that there would need to be some ancillary place to park cars. He stated that part of the argument is that in the downtown there is supposed to be a transit-oriented world where there are no cars. The residents would be commuters and would be taking public transportation; as such, most of those units would not have a car or parking space. ► Councilor Jones reviewed that this is a minimum requirement. ► Director of Planning and Community Development Bryan Taberner explained that .5 spaces would be a minimum requirement; however, the Planning Board could waive it down to zero. ► Councilor Bissanti stated that this was a tool to give developers the freedoms that will work; keeping it at .5 parking spaces kept the Planning Board involved. He stated that the downtown did not die due to lack of parking. This proposal was meant to promote development in the downtown. He stated there is free parking around the center of Town. He stated that he hopes the zoning study will prove it. He stated that the Town Council should try this and if it does not work, it can be changed back. ► Councilor Chandler confirmed that the EDC wants this plan. ► Councilor Hamblen stated that the EDC believes this is an economic development tool to help people come in with different visions. This gives them some looseness and help to redevelop the downtown. ► Chair Mercer reiterated that this is a referral back to the Planning Board; the Planning Board will come back to the Town Council with a recommendation. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen stated that in regard to Mr. Warren Revell's comments, he will talk to Director of Public Facilities Michael D'Angelo tomorrow to take a look at the Red Brick School. He stated that he has no doubt that there will be a request in the first round of CPC for funds to spruce up the schoolhouse. He stated that relative to the Davis Thayer School, during the summer they will be moving out the furniture. He stated that the School Committee will come to a Town Council meeting in September to walk through the next steps for the Davis Thayer School. He stated that the public will be allowed in the building most likely in September. He discussed changes in his office staff. He stated that the job was posted today to replace Anne Marie Tracey. They expect to do interviews with the School Department in July, and they would like the person on staff before the start of school. He stated that Chrissy Whelton has given her notice; her last day will be at the end of July. He stated that Alecia Alleyne will be formally promoted to Assistant to the Town Administrator position this week. He stated that the posting has been done, and they will start interviews to fill the Executive Assistant position.

FUTURE AGENDA ITEMS: None.

COUNCIL COMMENTS: Councilor Frongillo gave a shout-out to people doing hard work to bring light back to Franklin such as the ArtWALK and Farmers' Market. He stated that the first pop-up shop is opening; it is a great opportunity for the Town. ► Councilor Pellegri confirmed that the public wants to be allowed to visit the Davis Thayer School. ► Councilor Bissanti noted the passing of Mr. William Bertoni; he will be missed. He stated that at the School Committee meeting last night he asked for an explanation of the swastikas at the school. He stated that he received a letter from Franklin High School. He does not want any bullying or anti-Semitism in Franklin. He has a no-tolerance policy. ► Councilor Chandler congratulated Ms. Alleyne. He gave condolences to the Bertoni family. He asked if the student who did the swastika incident was found. He noted that there are many cameras in the school. He stated that he takes this very seriously. Chair Mercer stated that regarding the swastika incident, it is an ongoing process. He asked Mr. Hellen to forward the letter Councilor Bissanti received from Franklin High School to the entire Town Council. Councilor Chandler mentioned the Supreme Court ruling that schools cannot enforce what students do outside of school unless it is threats or bullying. ► Councilor Hamblen congratulated Ms. Alleyne. She hopes people realizes how important it is to not allow people to bully and stand up to it. She wished everyone an enjoyable Fourth of July. ► Councilor Jones discussed a dirt biker who was missing on the trails; he was pleased with the response of the Police and Fire Departments. He noted a power outage on Father's Day due to a squirrel. He stated that he was proud of the Franklin High School Theater Company; it serves the community well. ► Chair Mercer gave condolences to the Bertoni family. He said how pleased he is that when there is a recognition of a member of the Police or Fire Departments, many members of the departments attend to show their support for those being recognized.

EXECUTIVE SESSION:

Exception #2: Contract negotiations with non-union personnel, namely: Town Administrator.

Exception #3: Strategy with respect to collective bargaining: all eight Town unions.

► Chair Mercer stated that the Town Council needs to meet in executive session for the purpose to discuss strategies with respect to collective bargaining agreements and with respect to contract negotiations with non-union personnel, namely, the Town Administrator. He stated that the Town Council will be returning to open session following the executive session.

► MOTION to Enter executive session for the purpose to discuss strategies with respect to collective bargaining of which will include contract negotiations with non-union personnel and the strategy with respect to collective bargaining for all eight Town unions as an open meeting would have a detrimental effect on the bargaining position of the public body and the Chair so declares that the open session does reconvene at the conclusion of the executive session by Jones. No SECOND made. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

Open Session ended at 9:41 PM.

Open Session reconvened at 10:14 PM.

RETURN TO OPEN SESSION

► Ratify collective bargaining agreements relative to Juneteenth holiday, subject to Executive Session outcome.

LEGISLATION FOR ACTION:

▶ Resolution 21-38: Ratify collective bargaining agreements relative to Juneteenth holiday (Motion to Approve Resolution 21-38 - Majority Vote). ▶ Mr. Jones read the resolution. ▶ MOTION to Approve collective bargaining agreements relative to Juneteenth holiday by Hamblen. SECOND by Chandler.
 Discussion: ▶ Mr. Hellen stated that he thanked all the bargaining units and employees for working with us.

► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

► Vote on approving Administrator contract, subject to Executive Session outcome.

LEGISLATION FOR ACTION:

► Resolution 21-39: Approval of Town Administrator's Contract (Motion to Approve Resolution 21-39 - Majority Vote). ► Chair Mercer stated that this item has been continued to executive session in the next Town Council meeting on July 21, 2021.

ADJOURN: ► MOTION to Adjourn by Hamblen. SECOND by Chandler. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-7, No-0, Absent-2.

Meeting adjourned at 10:23 PM.

Respectfully submitted,

Judith Lizardi Recording Secretary