

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
November 29, 2017**

A meeting of the Town Council was held on Wednesday, November 29, 2017, at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Patrick Casey, Robert Dellorco, Melanie Hamblen, Glenn Jones, Matthew Kelly, Eamon McCarthy Earls, Thomas Mercer, Peter Padula, Deborah Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Jamie Hellen, Deputy Town Administrator; Mark Cerel, Town Attorney.

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

APPROVAL OF MINUTES: *October 11, 2017, October 25, 2017.* ► **MOTION to Approve** the October 11, 2017 meeting minutes by **Mercer. SECOND by Dellorco. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the October 25, 2017 meeting minutes by **Mercer. SECOND by Padula. No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Kelly 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.

PROCLAMATIONS/RECOGNITIONS: *None.*

CITIZEN COMMENTS: *None.*

APPOINTMENTS: ► *Cultural District Committee.* ► Mr. Jones read the appointment. ► **MOTION to Ratify** the appointment by the Town Administrator of the following individuals to serve as members of the Cultural District Committee: Christopher Brady (term to expire on June 30, 2020), Stacey David (term to expire on June 30, 2020), Robert DeRobertis (term to expire on June 30, 2019), John LoPresti (term to expire on June 30, 2019), Philip Regan (term to expire on June 30, 2018), Nancy Schoen (term to expire on June 30, 2018), and Tyler Warren (term to expire on June 30, 2018) by **Jones. SECOND by Mercer. Discussion:** ► Mr. Nutting stated there was a large interest in this committee. It took months to interview everyone. This group will help market the downtown and work to bring more culture and arts to the district. ► **VOTE: Yes-9, No-0, Absent-0.**

Items Taken Out of Order from Agenda.

LICENSE TRANSACTIONS: *None.*

SUBCOMMITTEE REPORTS: *None.*

► Chairman Kelly announced the members of each subcommittee with the first name listed being the chair of the subcommittee.

- Budget Subcommittee: Padula, Mercer, Pellegrini, Kelly
- Economic Development Subcommittee: Mercer, Earls, Jones, Hamblen
- Capital Subcommittee: Dellorco, Casey, Kelly, Pellegrini
- Town Council Procedures Subcommittee: Mercer, Padula, Pellegrini
- Safe Coalition Liaison: Dellorco, Casey
- Agricultural Commission Liaison: Hamblen

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting thanked Concerts on the Common for another great event last Sunday with Santa; it was a big crowd. He thanked the DPW for making it all look fantastic. The trees downtown look very nice. ► The Holiday Stroll downtown is on December 7, 2017, from 4:00-7:00 PM. ► He sent out a draft schedule for the 2018 Town Council meetings; if any Council member has changes, please let him know. ► Mr. Hellen noted recent news stories that show the town's employees are tremendous people. The Fire Department's Lieutenant Keith Darling went to Puerto Rico to share his EMS skills and Deputy Chief of Police James Mills donated his bone marrow. They are great people.

FUTURE AGENDA ITEMS: ► Ms. Hamblen remarked about a Town Council presentation by DPW in February about water. She requested a follow-up presentation on wells and aquifers.

COUNCIL COMMENTS: ► Ms. Pellegri stated that Sunday's event on the Common was wonderful. The Concerts on the Common group requested that Ms. Pellegri ask for additional help; they are in dire need of people to help them. Please call Barbara Rondeau or Anne Covell if you would like to help. The lights uptown and on the Common look beautiful; she thanked the DPW for doing a great job. ► Mr. Jones stated Sunday's event was a lot of fun. He stated there are many committees and organizations in town and volunteers are always needed. ► Ms. Hamblen thanked Eileen Mason and all the downtown partnership who organized volunteers who cleaned up and put in the greens throughout the downtown. ► Mr. Casey thanked Lieutenant Keith Darling for helping in Puerto Rico. ► Mr. Dellorco thanked both Lieutenant Keith Darling and Deputy Chief of Police James Mills for their great acts. He stated the lights in town look great. ► Mr. Mercer stated the lights look great and he thanked the DPW staff.

HEARINGS: ► *Tax Classification Hearing.* ► Chairman Kelly declared the Tax Classification Hearing open. ► **VOTE: Yes-9, No-0, Absent-0.** ► Mr. Nutting thanked the assessing staff and Board of Assessors for their hard work. He stated that this is a public hearing to set this year's tax rate from July 1, 2017, to June 30, 2018. It is a requirement of law that every year the Town Council of Franklin decide if they are going to have a single tax rate or split tax rate. Whether there is a single or dual tax rate, it does not raise any more money. A single rate means all classes of property pay the same rate. A split rate means that the residential rate is lowered, and the commercial/industrial rate is increased. In Franklin, 80 percent of the taxes is paid by residents, 20 percent is paid by the business community. He stated that Franklin has always had a single tax rate, but the Town Council can make its own decision. He noted both pros and cons of the single tax rate. ► Mr. Kevin Doyle, Director of Assessing, and Board Members Mr. Ken Norman, Chairman, and Mr. Christopher Feeley addressed the Town Council. Mr. Doyle stated the single rate would be \$14.65 per \$1,000. He provided a slide presentation and discussed FY 2018 Market Adjustments Summary, the Minimum Residential Factor Computation for FY 2018, and some examples of the tax rate. He stated that last year was a re-valuation year. ► Mr. Nutting stated that all information on the slides had to be approved by the Department of Revenue; they have oversight of all city and town's assessing. He noted that four tax bills are sent out per year; the first two are based on last year's taxes and the last two tax bills are based on the new rate and therefore higher as they must make up for the first two tax bills. If anyone has questions, call the Assessors or go online. ► Council members asked questions about the rates and information on the slides. ► Mr. Norman stated the data was analyzed for the full year of 2016. ► Mr. Doyle stated that FY 17 was the town's re-valuation year; FY 22 will be the next re-valuation. However, they are continuously updating and verifying the data on file and making value adjustments; they do annual updates. ► Mr. Mercer stated he supports the single tax rate as they are trying to attract new businesses in town. ► Mr. Dellorco explained that there is no additional revenue if the town goes to a dual tax rate. ► Mr. Norman noted the senior exemptions and senior work out program as listed in the provided document. ► Mr. Max Morrongiello, 210 Chestnut Street, confirmed that the tax rate would be set tonight. He stated he believes the current tax rate the Town Council is about to set is insufficient for the needs of the town. He stated there needs to be a conversation about what kind of town we want to live in as we have one of the worst funded public school districts in the state. ► Mr.

Christopher Stickney, 18 High Street, asked how much of the 19 percent that commercial makes up is possibly exempt or that the town does not get the full value of the assessment, and how much residential land in town is 61A. He stated funding the schools and education is a priority. ► Mr. Nutting stated that there are only two properties in Franklin that have TIFs. He explained how a TIF works. He noted that the Town Council has no statutory authority to increase the tax rate; the only way to raise more funds is through an override. ► **MOTION to Close the hearing by Mercer. SECOND by Dellorco. No discussion. VOTE: Yes-9, No-0, Absent-0.**

LEGISLATION FOR ACTION:

1. **Resolution 17-70: Classification Tax Allocation – Residential Factor.** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-70: Classification Tax Allocation – Residential Factor, to be set at 1.000000 by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated that would maintain a single tax rate for all classes of property. **VOTE: Yes-9, No-0, Absent-0.**
2. **Resolution 17-71: Classification Tax Allocation – Open Space Exemption.** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-71: Classification Tax Allocation – Open Space Exemption, that there not be an open space exemption by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Doyle stated there were no properties that were in that particular category in terms of tax law. ► Council members asked questions for clarification. **VOTE: Yes-9, No-0, Absent-0.**
3. **Resolution 17-72: Classification Tax Allocation – Small Business Exemption.** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-72: Classification Tax Allocation – Small Business Exemption, that there not be an exemption for small businesses by Mercer. SECOND by Padula. Discussion:** ► Mr. Nutting stated this is explained on page 17 of the document. It is something that has never been done in this town. **VOTE: Yes-9, No-0, Absent-0.**
4. **Resolution 17-73: Classification Tax Allocation – Residential Property Exemption.** ► Mr. Jones read the resolution. ► **MOTION to Move Resolution 17-73: Classification Tax Allocation – Residential Property Exemption, that there not be an exemption for residential property by Mercer. SECOND by Dellorco. Discussion:** ► Mr. Nutting stated this is the same argument as the previous resolution. **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► **Snow & Ice Presentation – Brutus Cantoreggi.** ► Mr. Robert Cantoreggi, Director DPW, and Mr. Carlos Rebelo, Highway and Grounds Superintendent, addressed the Town Council with an overview of the snow and ice removal program that included a slideshow presentation. Mr. Cantoreggi discussed the following: the snow removal priorities, road salting at 100% salt, the five truck route, 35 pieces of DPW equipment on road for plowing, about 80 pieces of hired equipment, contractors cost \$7,500 per hour, the time to clear sidewalks, even with sidewalks plowed some students still walk down the road, the goals of DPW regarding snow removal, items that can effect response, preparing for a storm, bylaw that snow may not be pushed into the roadway, winter storm overnight parking ban, no salt is available at DPW yard for residents, mailbox policy is \$45 if mailbox is knocked over, basketball hoops not allowed in public right-of-way, top 10 complaints, residents job to clear the fire hydrant, and fencing, shrubbery, etc. are not allowed in public right-of-way. ► Council members asked questions and discussed snow and ice removal concerns. ► Mr. Hellen discussed the reverse 911 calls, sign-up procedure, and ability to sign up for email notifications and announcements. ► Mr. Cantoreggi stated it is an industry problem and difficult to get contractors to plow. ► Mr. Nutting stated they have a \$953,000 snow and ice budget. ► Ms. Eleanor Eknaian, 126 Cottage Street, stated that she and her husband received a letter on November 24, 2015 stating that the town was not going to maintain Cottage Court anymore; it would not get plowed or graded. She came to the Town Council on April 24 and spoke about why she thinks the town should still take care of it. They waited for a decision.

They called multiple times for information about the decision. No information was provided for 19 months until a notice was sent to her tenant at 120 Cottage Street. The notice stated that Cottage Court would no longer be plowed. How can she be expected to take of this with such short notice? Fire, police, ambulances, etc., are all part of the services that go to Cottage Court; so, for the safety of the people, Cottage Court should be plowed during a snowstorm. Cottage Court should be grandfathered in. There are 10 tax-paying residents on Cottage Court and they deserve consideration from the Town of Franklin. They are only asking to be snow plowed. ► Mr. Hagop Eknaian, 126 Cottage Street, stated he talked to the Town Administrator today who suggested he hire a contractor with a plow. A contractor cannot plow it; a front-end loader is needed to pick up the snow to remove it. He said that the town plows a private roadway near the Bamboo House and Mr. Nutting could not provide an answer as to why. Mr. Eknaian said he tried to find out information from the Town Clerk and Mr. Cantoreggi, but he was unable to get answers. ► Ms. Margaret Hurd, 8 Cottage Court, stated she has lived there for 40 years. The road has always been taken care of by the town. This is an incredible inconvenience and expense to impose upon them at this late date. They will be deprived of emergency services and mail services. She has to go to work; they are taxpaying citizens. ► Ms. Pellegrini stated she is very concerned about this. They have been taken care of for all these years; Cottage Court is one of the oldest streets in town. What will happen if there is an emergency and the fire truck or police must get down there? Will the town be liable for that? She discussed the 2015 letter. She asked how many private ways are in Franklin. ► Mr. Cantoreggi stated they have found out over the years that DPW has been doing things all along, but that does not mean it is allowed or can continue to be done going forward. We did not just stop doing it; we did title and deed searches and started the process in 2015 with letters. They cannot use public funds on private property. He does not know the names of all private roads. When they have found out about private roads, they have sent letters to others and have stopped taking care of those private ways. He cannot find anything that says that Cottage Court was ever intended to be a public right-of-way. ► Chairman Kelly suggested setting up a neighborhood meeting with residents, Mr. Nutting, Mr. Hellen, and Mr. Cantoreggi because the Town Council's objective is to do what is in the best interest of the citizens. Hopefully, we can figure out a resolution that works for residents and the town. ► Ms. Hurd asked that while the residents are waiting for this meeting, can we be guaranteed that we will be plowed out. ► Chairman Kelly stated that if it does snow between now and the time they come back, the road needs to be taken care of the way it is typically done. ► Mr. Nutting stated they can have a meeting in the next week. ► Chairman Kelly stated a meeting should be set up within the next 10 days and the everyone should try to amend their schedules to attend. ► Mr. Eknaian stated his house was built in 1880. He questioned that after 135 years people are starting to complain. ► Mr. Cantoreggi stated he did not say anyone complained; he said that it was discovered that it was a private way. He must spend his resources as allowed by law. ► Council members informally agreed a meeting should be scheduled in the next 10 days. ► Ms. Pellegrini read aloud and confirmed the street addresses for notices to be sent.

EXECUTIVE SESSION: *None.*

ADJOURN: MOTION to Adjourn by Mercer. SECOND by Dellorco. No Discussion. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 8:38 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary