

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
December 18, 2019**

A meeting of the Town Council was held on Wednesday, December 18, 2019, 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 Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

ANNOUNCEMENTS: ► Chair 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: ► *October 2, 2019 and November 13, 2019.* ► **MOTION** to Approve the October 2, 2019 meeting minutes by **Dellorco**. **SECOND** by **Hamblen**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to Approve the November 13, 2019 meeting minutes by **Dellorco**. **SECOND** by **Hamblen**. **No Discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: *Historical Commission, Associate Member: Alan Earls.* ► Mr. Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Alan R. Earls to serve as associate member of the Franklin Historical Commission with a term expiring on June 30, 2022, by **Jones**. **SECOND** by **Kelly**. **Discussion:** ► Ms. Pellegrini stated she would like this to be postponed as the procedure for the appointment was not followed correctly. She stated some of the Historical Commission members did not know this was being done. ► Chair Mercer explained that the appointment procedure was followed correctly based on the Charter. ► Mr. Hellen explained the appointment process. He noted committee recommendations are often requested when there are multiple applicants for a seat. He stated Mr. Earls requested to be an associate member of this committee. Under the code, there can be an unlimited number of associate members. He noted that associate members have no legal vote on the committee. He stated Mr. Earls is very qualified to be an associate member of the Historical Commission. Discussion continued about the procedural process for recommendations for appointments. ► Ms. Pellegrini requested that in the future the same procedure be followed for a regular member or an associate member appointment. ► **VOTE: Yes-8, No-0, Absent-0, Abstain-1.** (Mr. Earls abstained.)

HEARINGS: None.

LICENSE TRANSACTIONS: ► *La Cantina Winery Company, Farmer Winery, Farmer's Market.* ► Mr. Jones read the license transaction. ► **MOTION** to **Approve** the issuance of a Farmer Winery, Farmer's Market License to Robert Vozzella, La Cantina Winery Company, by **Dellorco**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that Mr. Vozzella completed all required paperwork with the State to be part of the winter Farmers' Market. ► Mr. Vozzella stated he was asked by the owners of Fairmount Farms to attend their monthly winter Farmers' Market. He stated that all correct pouring procedures and bylaws will be followed. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***The Chateau Restaurant of Franklin, Change of Hours, 466 King Street.*** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the Change of Hours for The Chateau Restaurant of Franklin, Inc. pursuant to the instructions sent by the ABCC by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated this was a correction of the hours that were to be on the license. There are about twelve other restaurants in Town with the same hours. ► A representative from The Chateau Restaurant stated it was an oversight on the original application regarding the submitted hours. He reviewed the hours for serving alcohol. ► Mr. Kelly confirmed the bar is not staying open later than food service. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***Acapulcos Mexican Restaurant, License Modification, Change of Location, 371 Union Street.*** ► **Mr. Bissanti recused himself.** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the request by Avocado Inc., d/b/a Acapulcos Mexican Restaurant for a change in location from 15 Main Street, Franklin, MA, to 371 Union Street, Franklin, MA, pending successful final inspections from the Board of Health, Fire Department, and Building Commissioner, by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated the owners will be moving their location. As the transition takes place, the owners need signoffs from various departments. He reviewed the procedure for handling a liquor license request when it comes into his office. ► Representatives from the restaurant attended the meeting. ► **VOTE: Yes-8, No-0, Absent-0.**
► **Mr. Bissanti re-entered the meeting.**

► ***GlenPharmer Distillery, LLC, New Farmer Series Pouring Permit for a Farmer-Distillery, 860 West Central Street.*** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the request by GlenPharmer Distillery LLC, d/b/a Glen Pharmer Distillery for a New Farmer Series Pouring Permit for a Farmer-Distillery by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated Mr. Patrick Downing is a local resident who has invested money in the former Incontro building. This will be Franklin's first distillery. ► Mr. Jon Aieta, Attorney, and Mr. Patrick Downing, applicant, provided an overview of GlenPharmer Distillery and the permitting process. Mr. Aieta stated that in order to to serve samples and sell alcohol that they produce and manufacture at this location, a pouring permit is required and requested. He explained there will be seating for 72 people; they would like to serve food as well as alcohol. He reviewed Mr. Downing's background and experience. ► Mr. Downing stated he has looked forward to opening a distillery. He reviewed the process for finishing the construction and obtaining the approvals for an opening at the end of January/beginning of February. ► Mr. Chandler stated it is great that Mr. Downing is a Franklin resident; he hopes it all works out for him. ► Mr. Dellorco stated he is very excited about this; he wished Mr. Downing the best. ► Mr. Jones stated he is looking forward to this; he thanked Mr. Downing for repurposing the building. ► Mr. Bissanti confirmed the property was purchased. He confirmed food would be served on the ground floor. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***2020 Annual Alcoholic Beverages License Renewals.*** ► Mr. Jones read the license renewal motion and the 2020 Town of Franklin Alcohol License Renewals list. ► **MOTION to Approve** the renewal of alcoholic beverages licenses listed on the attached Renewal List for the year 2020 with the issuance of licenses that have inspections, fees or taxes outstanding to be withheld (physically held in the Town Administrator's Office) until all items are resolved by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated liquor licensing in Massachusetts is an annual renewal. He noted that there was a hold on La Cantina Winery; it has since passed inspection. He gave credit to the staff for their hard work on this process. ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► ***Plastic Bag Waste Reduction.*** ► Numerous high school students attended the meeting and gave a plastic bag waste reduction presentation. ► Ethan Salvison, 17 Howard Street, stated that he, many high school students, and many community members, believe that the bylaw mandating the switch from plastic bags to a more renewable option would benefit the Town. He thanked the

Town Council members for their time and consideration. ► William Carrier stated that plastic bags do not biodegrade. ► Hannah Burr, 4 Reagan Avenue, stated plastic bags are not able to be recycled in Franklin and are a common source of litter. ► Lila Delbou, 179 West Central Street, stated the plan includes a year-long transition period that will allow businesses to use their current supply of plastic bags. ► Ms. Singh, 205 Partridge Street, noted that there is a similar plastic bag bill in the State legislature. ► Bridget Flaherty, 34 Concetta Lane, noted the bills are similar; however, the mandatory \$.10 fee for paper bags sold by vendors is not included in the Franklin bill. ► Ms. Alshwabkeh, 21 Berkshire Drive, discussed successful examples of similar bylaws in other towns. ► A student reviewed towns in the process of implementing a similar bylaw. ► Kathryn Garrigan, 564 Chestnut Street, noted that entire states have implemented proposals similar to this. ► A student, 4 Rona Lane, stated the community has given a great deal of support for this as shown by the number of people in attendance at this meeting. She reviewed local businesses that have approved the proposal. ► Nora Kennedy, 356 Union Street, stated Franklin has always been a leader; Franklin should continue to be a leader in this effort. ► Charlotte Healey, 399 Oakland Parkway, discussed that Franklin is a town that cares about the environment; they should continue this trend with this cause. ► Chair Mercer applauded the efforts of the students to get this before the Town Council and get it passed. ► Ms. Hamblen, Chair EDC, stated this group of students has come before the EDC four times. They were asked to get more signatures on the petition and reach out to more businesses. She reviewed the Senate bill which says if the State's legislation is passed, all town bills will be nullified. She asked for consideration of what would happen if this Town bylaw were to pass and then the State passed legislation. ► Ethan Salvison stated he could see that as a concern; however, there is never any assurance that State government will act in any certain way. If the House passes the legislation, he thinks the bill is very similar to that of the proposed Town bylaw. ► Ms. Hamblen suggested the Town of Franklin send the House a request to pass the State legislation and possibly add stricter language. ► Mr. Jones read aloud the draft of the proposed bylaw amendment, New Chapter 130, Plastic Checkout Bag Reduction Bylaw. ► Mr. Hellen pointed out that the proposal Mr. Jones just read aloud was a proposal the Town Council considered some years ago. He noted this draft can be amended, just like any other legislation. ► Mr. Cerel stated the House passed a bill; the Senate then passed a somewhat different bill. The two bills must be reconciled. He understands that at some point, there will be a joint committee to do that. ► Mr. Earls stated he did some additional research into this matter. He read a prepared statement. He stated he has concerns with the proposed plastic bag ban. He discussed other important environmental issues such as recycling, trash, and water quality. The bag ban is a feel-good measure that has garnered much emotional support; however, it may not deliver on what it promises. The reusable bags are heavier and often use more plastic and eventually end up in the trash as well. He noted a study of California's statewide ban which shows there was a 30 percent greater purchase of heavier gauge plastic bags after the ban was implemented. He discussed that much ocean pollution is from developing countries doing garbage dumping into the seas. Money spent to help those countries with proper disposal methods would be more effective than Franklin's plastic bag ban. He stated that we should be looking at better polymer plastic disposal overall such as materials from Amazon deliveries and large single use plastic containers. The bag ban is a form of regressive taxation. Paper bags are renewable, but the pollution associated with paper bag manufacturing is legendary. The State legislation will eventually pass their bill; when it does, it will force those in the community to adjust again. He stated he is as concerned as anyone about waste and pollution. He asked the Town Council members to pass over the current proposed legislation and instead draft and send a letter of support to Beacon Hill urging the State legislature to adopt a standard policy that benefits citizens, businesses, commerce, and the environment. ► Mr. Bissanti thanked Mr. Earls for his statement. He stated his concerns included if it would affect jobs and/or the elderly, and he did not want to get ahead of the curve with the State. He said his concerns have been satisfied. He said the young people have worked hard and have not given up. He wants to see this generation of students get this bylaw through these chambers and get it done in Franklin. He would like to see this pushed forward. ► Mr. Dellorco stated one of his biggest concerns in 2016 was the small businesses. However, the students have answered that concern with the proposal of one year for the businesses to comply. ► Ms. Hamblen stated that

the plastic bag reduction plans are not perfect; we have to try things to make it better. One thing the bans have done is to encourage people to try different materials. It starts people thinking innovatively. ► Mr. Kelly stated he was pleased this was changed from a ban to a reduction. He asked the students, assuming this bylaw passes, what they will be working on next. ► Students discussed some possible causes they may work on. ► Mr. Jones congratulated the students on their efforts and hard work. ► Ms. Christine Manns, 18 Dover Circle, stated she was proud of what these young people have done; she supports this issue. ► Chair Mercer stated he was very proud of the work these students have done. ► Mr. Hellen stated that the Town is in the process of a land swap with the Commonwealth of Massachusetts at the Beaver Street Recycling Center. The State can move slowly. They hope to gain the support of the community with the plans for the parcel after the land swap; some of these students may be involved with that. ► Chair Mercer stated tonight was a presentation of information; there is no formal vote on anything. He stated there were three options: sending a resolution to the State, starting to write a bylaw, or waiting for the State to come through with their legislation. He asked for the Town Council members decisions on the next step: resolution or bylaw. ► **Mr. Bissanti-bylaw; Mr. Earls-resolution; Mr. Kelly-bylaw; Mr. Jones-bylaw; Mr. Chandler-bylaw; Ms. Hamblen-bylaw; Ms. Pellegri-bylaw; Mr. Dellorco-bylaw.** ► Chair Mercer stated there is a clear decision that a bylaw is the direction the Town Council would like to proceed. He asked the Town Administrator to work with the Town Attorney on this bylaw. He explained the process of how a bylaw gets written and brought to Town Council. ► Mr. Cerel reviewed the possible time frame for this bylaw. ► Mr. Hellen said he thinks this could be brought back to the Town Council in January. ► Mr. Earls recommended an additional section be added under definitions for biodegradable bags at checkout. ► Mr. Cerel asked Mr. Earls to provide him with something in writing.

Chair Mercer called a two-minute recess.

► **Town Administrator Annual Evaluation.** ► Chair Mercer stated the Town Administrator Annual Evaluation is part of the contract the Town Administrator signed. The Town Council is required to do an annual evaluation. Part of the evaluation is a written summary that has to be voted on by the Town Council and provided to the Town Administrator. He discussed the mutually agreed upon goals and stated the Town Administrator is evaluated based on the achievement of those goals. He stated he provided the written summary to the Town Council members via email for their review; the document was not provided as part of the Town Council members' meeting packets. He asked the Town Council members if there were any additions, deletions, or changes that they would like to make. He stated that after the document is agreed upon and voted, it will become a public document. ► Mr. Bissanti stated his computer has not been working, and he did not have an opportunity to review the document; Mr. Earls allowed Mr. Bissanti to review the document from his computer. ► Chair Mercer stated Mr. Hellen has been in the position for seven-months; he is very happy with Mr. Hellen's performance. ► Town Council members informally agreed the written statement was good. They agreed that Mr. Hellen has accomplished a very smooth transition and has been doing a great job. Mr. Hellen has been handling the job well and is very accessible and responsive. ► Chair Mercer stated Mr. Hellen shows up at every meeting, every function, and every event. He thanked Mr. Hellen and stated that means a lot to the Town Council and to the townspeople. ► **MOTION to Approve** the written summary statement that was provided to the Town Council members by the Chair by **Dellorco. SECOND by Hamblen. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.**

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► Ms. Pellegri stated a meeting is scheduled for January 15, 2020. She noted she has been attending the Finance Committee meetings.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated a meeting is scheduled for January 8, 2020 at 5:30 PM. Discussion items include lot line clean up and residential solar zoning bylaw.

LEGISLATION FOR ACTION:

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

- a. Resolution 19-89: Gift Acceptance – Franklin Veteran’s Services Department, \$1,480 (Motion to Approve Resolution 19-89 - Majority Vote (5)).* ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 19-89: Gift Acceptance – Franklin Veteran’s Services Department, \$1,480 by **Dellorco. SECOND** by **Hamblen. Discussion:** Mr. Hellen thanked the Police Association for their generous donation. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Hellen stated the curbside recycling Pink Bag Program has collected 24,000 lbs. in two weeks. He thanked Chris White, Environmental Affairs Coordinator, for a great job. He congratulated Ms. Chrissy Whelton and Ms. Alecia Alleyne as graduates of the six-week Municipal Finance Certificate program sponsored by the Mass Municipal Managers Association. He stated that in following up some concerns mentioned at the last Town Council meeting, he spoke with Karen Alves at the Senior Center relative to the transitional assistance/homelessness issues in Town. He stated there is a great partnership between the Senior Center and St. Vincent de Paul; they do one-on-one meetings with people and address many types of social issues. It is a great service. Citizens can contact the Senior Center for additional information or call 508-528-0020. He wished everyone a safe and happy holiday season.

FUTURE AGENDA ITEMS: ► Ms. Pellegrini requested additional discussion on an issue that came up at the Finance Committee meeting regarding the downtown merchants having to clean out the front of their buildings. ► Mr. Bissanti asked for additional discussion on the transitional assistance/homelessness issue in Franklin. ► Mr. Dellorco also requested a discussion on the downtown merchants having to clean out the front of their buildings.

COUNCIL COMMENTS: ► Mr. Earls, Mr. Kelly, Mr. Chandler, Ms. Hamblen, Ms. Pellegrini, Mr. Jones, Mr. Dellorco, and Chair Mercer wished everyone happy holidays. ► Ms. Hamblen reminded everyone that Fairmount Fruit Farm has a Winter Farmers’ Market on December 21st from 10-2 PM. ► Ms. Pellegrini asked for a report about the MBTA meeting with Representative Jeff Roy. She asked if the sidewalks on Beaver Street were going to be a reality. ► Mr. Kelly stated he could provide Ms. Pellegrini with an update on the sidewalks after the meeting. ► Mr. Jones stated he was proud of his son who is going to Petty Officer Leadership training. ► Mr. Dellorco thanked the Middlesex Savings Bank for their large donation to the library.

EXECUTIVE SESSION: Purpose #6: to consider the purchase, exchange, lease or value of real property (majority roll call vote). ► Chair Mercer stated the Town Council needs to meet in an Executive closed session for the following purpose: **to consider the purchase, exchange, lease or value of real property.** He declared that an open meeting may have a detrimental effect on the litigation position of the public body. The open session will not reconvene at the conclusion of the Executive session.

► **MOTION to Move** that the Franklin Town Council go into Executive Session by **Jones. No SECOND** given. **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 Town Council Meeting adjourned at 9:00 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary