

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 26, 2023**

A meeting of the Town Council was held on Wednesday, April 26, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegri, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney.

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 welcome to attend public board and committee meetings in person. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others.

CITIZEN COMMENTS: ► Ms. Maureen Sullivan, stated that she owned three properties in Franklin in the King Street and Washington Street areas. She stated that she was told by neighbors that there is a Mrs. Bennett bylaw, but she does not know what it is. She stated that there should be no trucking traffic coming from Grove Street toward Washington Street heading to Rt. 495. She asked if anyone was aware of that bylaw. She stated that there is UPS now, and there is already a situation with the trucking company on Washington Street. She stated that intersection is ridiculous, and there is another intersection down on Washington Street off where the high-tension line is. She stated that they have been taking in gravel and sand and there are 18-wheeler trucks that cannot make it around the corner. She discussed two companies that use those streets and that is not how it was set up. She stated that it is an absolute mess there. She noted that there is a Charter School there as well. She stated that when the businesses are okayed by the Planning Board, they need to follow through with it. ► Mr. Kenneth Elmore, President Dean College, 29 School Street, stated that he wanted to inform friends and neighbors that all would see a big exodus from campus and from Franklin this weekend and next weekend. He stated that next weekend there will be a number of visitors in town for Dean College's 157th graduation. He discussed the speakers for the event and invited the public to join. He stated that he looks forward to more conversations with the Town and Dean College. ► Ms. Mary O'Neill, Chair of Commission on Persons with Disabilities, 102 Beaver Street, stated that the Commission is having a Disability Expo at the Franklin Senior Center on May 20, 2023, from 11 AM to 2 PM, with many vendors sharing a variety of resources regarding disability services. She stated that many people do not realize this Commission is in town. She stated that when the Commission receives a call, they follow up every time. She noted autism awareness and showed and explained a seatbelt covering. She showed a flyer for the Disability Expo event. She stated that the Town Council is appreciated. ► DPW Director Brutus Cantoreggi and Highway and Grounds Superintendent Carlos Rebelo announced recognition as Tree City USA. Mr. Cantoreggi explained that it is a DPW award, and less than seven percent of Massachusetts towns/cities are designated as Tree City USA. He stated that the DPW gives away tree seedlings along with Recreation. He stated that he brought some extra tulip tree seedlings for anyone in the audience who may want one. He stated that there will be signs around town indicating Tree City USA. ► Mr. Stephen Sherlock, 10 Lawrence Drive, reminded everyone of the Read Your Favorite Poem at the Franklin Library on Saturday, April 29, 2023, from 12 PM to 3 PM. He explained that you can read a favorite published poem, and there will be discussion. ► Ms. Megan McCarthy, 148 Dean Avenue, stated that she is a member of 350 Mass Greater Franklin Node. She stated that she wanted to ask the Town Council and Police Station Building Committee to prioritize the most energy efficient approach as they begin to renovate or replace the current Police Station. She discussed net zero building. She noted that Franklin is a Green Community and has adopted the stretch

code. She discussed cost benefits of a net zero project/building including federal incentives. She stated that she appreciates the Town Council for all they do to prioritize sustainability in their decision-making.

APPROVAL OF MINUTES: ► *March 15, 2023.* ► **MOTION** to **Approve** the March 15, 2023 meeting minutes by **Dellorco**. **SECOND** by **Jones**. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: ► None.

APPOINTMENTS: ► None.

HEARINGS: 7:00 PM. ► *Transfer of Section 15 Wine and Malt Beverages Package Store License and Approval of Parth Patel as the Manager - Marlboro Food, Inc. d/b/a 7-Eleven 37380B, Located at 664 Union Street.* ► Councilor Jones read the license transaction. ► Chair Mercer declared the public hearing open. ► Mr. Hellen stated that the legislation for action is following this; all departments have signed off on this application. ► Chair Mercer declared the public hearing closed.

LICENSE TRANSACTIONS: ► *Transfer of Section 15 Wine and Malt Beverages Package Store License and Approval of Parth Patel as the Manager - Marlboro Food, Inc. d/b/a 7-Eleven, Located at 664 Union Street.* ► **MOTION** to **Approve** the request by Marlboro Food, Inc. d/b/a 7-Eleven 37380B for a transfer to it of an existing §15 Wine and Malt Beverages Package Store License, presently held by TM1 Solutions, Inc. d/b/a 7-Eleven Store #37380A, to be exercised at the same location, and to approve the manager, Parth Patel, by **Jones**. **SECOND** by **Dellorco**. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

► *Robert Vozzella / La Cantina Winery - Farmer-Winery, Farmer's Market License.* ► **MOTION** to **Approve** the issuance of a Farmer Winery, Farmer's Market License to Robert Vozzella, La Cantina Winery Company by **Jones**. **SECOND** by **Dellorco**. **No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Discussion: Open Space & Recreation Plan Update - Breeka Li Goodlander, Conservation Agent and Natural Resources Manager.* ► Mr. Hellen stated that Conservation Agent and Natural Resources Manager Breek Li Goodlander will give a brief update on the Open Space & Recreation Plan. He noted that he expects a complete draft plan before the Town Council later this fall which is a goal for the session. He explained that two additional Town Council goals for the session are to discuss potential opportunities on long-term trail maintenance and the master plan of the Maple Hill purchase. He discussed that he anticipates in 2024 adding more specific goals from the Open Space & Recreation Plan to the agenda on how to implement goals from the plan, including Maple Hill and Schmidt Farm, and to establish "Friends" groups of the various town parks and assets to help create a stewardship system of our town's open spaces and parks. He thanked Ms. Goodlander for her work. ► Ms. Goodlander narrated a slideshow presentation which is available on the Town's website. She discussed what is an Open Space and Recreation Plan (OSRP) and provided an overview and benefits of the OSRP. She reviewed the 11 components required by the state for the OSRP. She noted accomplishments since the 2016 OSRP including the CPA and SNETT. She provided an update of the process which includes bi-monthly focus group meetings, monthly staff meetings, digital citizen survey, three public hearings, and comment period. She noted that there have been 564 respondents as of today and reviewed some of the comments. She explained ways to get involved and encouraged people to attend the focus group meetings. ► Town Council members asked questions, made comments, and thanked Ms. Goodlander and resident volunteers. ► Ms. Goodlander provided a response to a request for the latest plans for Schmidt Farm. She stated that was more for the Master Plan process. She listed a few highlighted goals from resident feedback including to rehab/keep the barn, keep it in an agricultural setting, and the barn to be a meeting room. She stated that Michael Downey of DCR has been quite involved in the OSRP. ► Councilor Hamblen stated that the feedback from the community has been fun to listen to. She stated that having Ms. Goodlander as a full-time employee is making a difference. ► Mr. Hellen responded to a question about the parking at both Schmidt Farm and Maple Hill parcels. He stated that it will be the DPW in some way. He stated that there are a lot of

connectivity options. ► Chair Mercer stated that we continue to move forward with the 200 acres of open space that we now own, but it will take time.

► **Discussion: Display of Flags on Town Flagpoles or Property.** ► Mr. Hellen referenced his memo to the Town Council dated April 21, 2023, which is included in the meeting packet available on the Town's website. He reviewed that as indicated in the memo, his recommendation, along with the Town Attorney and DPW Director, is to not allow the town flagpoles to be used for such purposes. He noted that if the Town Council chooses to move forward, we will all fully respect that decision. He explained that there is no legislation for action regarding this item tonight; this item is on the agenda for discussion. ► Town Council members asked questions and made comments. ► Councilor Cormier-Leger stated that he wanted to frame his comments around the Pride Flag. He discussed the need to know how we want to market ourselves as a Town and stated that this is a part of this. He stated that the Pride Flag is a symbol to an awful lot of people that the Town is a safe, welcoming, and affirming place for them to come, live, raise a family, and do business. He stated that this is bigger than Franklin and the State of Massachusetts. He discussed that flying the Pride Flag for the month of June is a symbol. ► Councilor Frongillo stated that was wonderfully said. He noted the importance of the flag and of symbols. He discussed that historically this has been a group that has been targeted and silenced and a Pride Flag gives an opportunity. He discussed when he graduated from high school how many people came out after graduation. He explained that so many people did not feel comfortable fully expressing themselves in Franklin. He stated that he gets the approach of the Town, and he respects all the comments on both sides. He stated that it is easy to scare ourselves that it is something that we are reinventing. He stated that he looked up that 48 communities in Massachusetts have been already flying the Pride Flag in June. ► Councilor Chandler discussed that no one wants to see anyone in fear; this is a no place for hate Town. He stated that he does not want to okay this and then see what other flags people want to fly; he is trying to look at the big picture of the other flags that will come. ► Councilor Hamblen stated that this is not easy to put into words how we feel. She stated that she wanted to read a few things that she had written. She stated that it is important to have these discussions to listen and learn and to have unity. She stated that she flies a rainbow peace flag at her house, and she explained what it means to her. She stated that she believes that the government must be neutral and it is not. She stated that she is of the mind that if we allow one, we allow everything. For instance, if we celebrate a religious holiday, we celebrate all or none, and as a government that is what we do. She stated that if we decide to do something, we need to take time and make sure the policy works for everyone. ► Councilor Dellorco stated that he agreed with everyone. He stated that he is afraid of what else may fly there. He stated that it has to be worked on. He stated that this is a no place for hate. He stated that his children who were in the same grade as Councilor Frongillo did not see the same thing that Councilor Frongillo discussed earlier; he stated that he is not contradicting Councilor Frongillo who may have seen it in a different way. ► Councilor Sheridan asked the town attorney about the flags currently being flown and if we add another flag. ► Mr. Cerel stated that the approach other communities including Boston are taking is to rely on a document on government speech which is a relatively recent development which he explained. He stated that it is evolving, and he suspects there will be another round of legalities with municipalities that have adopted this approach and either government speech will be upheld or it will not be. He discussed how government speech is defined. He stated that it is a case of unintended consequences. ► Councilor Jones stated that ultimately what this comes down to is as a government we need to keep neutrality with the flags that we have up. He stated that we should not be in the position as a government to make the decision and should keep neutrality. ► Kathleen Trefethen, 3 Rizoli Circle, stated that she wanted the Pride Flag displayed in her town. She stated that she thinks the concern about the doors it could open are very valid. She stated that she thought about how that concern could be addressed. She stated that there is a list of monthly observances that were determined by presidential proclamations and Pride month is one of them. She stated that this would be one way to think about it. She discussed her thoughts on the criteria for flags to be flown. ► Mark Minnichelli, 31 Longfellow Drive, stated that he strongly supported the display of the Pride Flag at Franklin municipal buildings in the month of June. He stated that he has read court case decisions and explained the decisions. He stated that he proposed the Town Council develop or refine a clear policy which states that the Town flag poles and displays are for the Town to communicate governmental messages. He asked them to vote to display the Pride Flag as a

governmental message. ► Amber Wilson, 903 Lincoln Street, stated that as the person who initially requested this, she appreciates the attention it has been given. She stated that there has been much discussion put into this. She stated that she feels it is important to say that she is a member of the LGBTQ community and president of the LGBTQ Alliance which is hosting the Celebrate with Pride event in June for the second time. She stated that beyond that, she is a resident who has experienced issues in Franklin because of her sexuality. She stated that she is a combat veteran who is disabled, and she is a veteran who is asking for this. She stated that she understands that this is a potentially divisive conversation, but she has to live this divisiveness every day. She stated that she wants to feel like part of the community. She stated that other towns are doing this, and it is not impossible. She stated that she is going to collect little flags, put in for a permit, and put them on the Common. ► Rachel Plukas, 37 Anchorage Road, stated that she is here as an individual to add support to the Town Council to make it a goal for not just with the Pride Flag but for all the State Department heritage months which there are 10 that she listed that should have a space. She stated that there are 67 supporters who have signed a document that she will provide to the Town Council who support this. She explained a way in which the Town can make this happen. She stated that the Town Council needs to continue this conversation. ► Evelyn Rossling, 136 Summer Street, stated support for the Pride Flag. She stated that she wanted to comment on Councilor Hamblen's remark that government should be neutral. She said that is incompatible with calling Franklin no place for hate. She stated that as we have seen in the news across the country, there are a great many governments that are fully supporting a place for hate. If you are going to say Franklin is no place for hate, that is not a neutral position. She stated that she thinks it is important to demonstrate values of acceptance in the community which includes flying the Pride Flag and flags for other heritage months. ► Mary O'Neill, 102 Beaver Street, stated that if we are a town with no place for hate, she agrees we have to fly the flag. She stated that we are all unique, and we need to treat everyone with dignity and respect. She stated that the flag flying in Franklin would put a positive spin on no place for hate. ► Chair Mercer thanked the councilors for their comments. He stated that this is a divisive discussion. He stated that he believes it deserves more discussion. He stated that he thinks what would be a good thing to do would be to put together an ad hoc committee to look at this issue made up of Town Council members and the community; the committee would come back to the Town Council with some thoughts. He stated they should also get some more legal advice on the parameters of what they can and cannot do. ► Mr. Hellen stated that there is a space that the town has used for many years for situations like this and that is on the Town Common. He stated that he understands the goal is for municipal flagpoles. He stated that we are not fearful, but we want to be smart. He reviewed an example of a confederate flag being flown at someone's home and how many people were upset. He stated that in the past, the DPW and Town Administration have dealt with people asking for flags to be raised. He stated that engaging the community deeper is important. He noted the School Committee's policy of no symbols, flags, or banners located in school buildings or on school property. He stated that they have to engage the School Committee on this as well. He discussed the policy for flags and banners on Town Common/gazebo when a group rents out the space for free. He stated that they have had this tradition on the Town Common; while people have different views on that, that step is available for anyone right now. He stated that regarding the discussion, there will be a competitive nature for this flag flying; there are a lot of additional questions on this, and this is a thorny legal issue. ► Kyle Thompson, 8 Mercer Lane, stated that the Town Council is too nice. The first amendment provides protection for all views. He stated that the LGBTQ message is not a governmental message. Celebrating and raising a flag in Franklin in regard to someone's sexuality or gender identity is ridiculous. We are all members of the Franklin community and we are all Americans. He stated that he believes that the flags flown today represent us all. He stated that they should live in harmony and work together to build a strong community. A flag celebrating a person's sexually or gender identity will continue to divide this community. He asked about other flags that the Town Council would have to fly as well. He stated that the only flag that represents us all is the American, state, and town flags as well as some of the armed forces flags flown in town. He stated that there are people in town who do not support flying the LGBTQ flag. ► Chair Mercer stated that he thinks we have a consensus and we will put together an ad hoc committee to look at this further. ► Councilor Frongillo stated that this is a small piece to support the community; most of the work is done everyday by treating neighbors fair and with support and love.

LEGISLATION FOR ACTION:

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

- a. **Resolution 23-28: Town Council Approval of County ARPA Funds (Motion to Approve Resolution 23-28 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 23-28: Town Council Approval of County ARPA Funds by Dellorco. SECOND by Hamblen.**
Discussion: ► Mr. Hellen stated that this is the last installment; this closes out the water main projects that we have until the county releases the last 20 percent. He referenced his memo to the Town Council dated April 21, 2023, which is in the meeting packet. He noted that they were able to purchase two electric vehicles to replace two gas vehicles for the fleet. He noted \$100,000 toward environmental assessment and preliminary remediation work on the Nu-Style property and \$1,000,000 in new road construction to replace the lost hotel revenue from the two pandemic years of 2020 and 2021. ► Town Council members asked questions and made comments. ► DPW Director Brutus Cantoreggi explained the use of the funds; he noted that the old pipe was about 70 years old. He stated that the two electric cars were delivered. ► Mr. Hellen discussed the purchase of the electric vehicles. ► Councilor Dellorco noted that the electric vehicle batteries are changed in five years at a cost of \$10,000. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen thanked all the Earth Day volunteers. He stated that the Town Administrator's FY24 budget proposal is out and available on the Town's website; it is long. He reviewed that May 8, 2023, is the Finance Committee hearing for general government, May 10, 2023, is the Finance Committee hearing for School Department, and the final Finance Committee meeting is May 11, 2023.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► Councilor Pellegrini stated they met this evening on four items which she reviewed. ► Chair Mercer stated those items would be on the next Town Council agenda for a vote.
 b. **Economic Development Subcommittee.** None.
 c. **Budget Subcommittee.** None.
 d. **GATRA Advisory Board.** ► Councilor Frongillo stated that they met on the 19th and mostly again they are cleaning up financials. He stated that if anyone has questions, please reach out to him.

FUTURE AGENDA ITEMS: ► Councilor Sheridan asked to look into the Washington Street issue. ► Councilor Frongillo stated that he wanted to look into the trucking issue. ► Councilor Cormier-Leger stated that he wanted to add his support to look into the road issue. ► Councilor Dellorco stated that he wanted to look into the road issue.

COUNCIL COMMENTS: ► Councilor Pellegrini offered condolences to retired firefighter Stephen Geer whose father Louis "Buddy" Geer passed away. She noted her granddaughter's college graduation. ► Councilor Hamblen stated thanks to Kathy, Rachel, and Mark for coming up with solutions that we have not thought of yet. She thanked everyone for their comments. She congratulated KP Sompally for receiving an outstanding volunteer award from the Boston Cares group. She stated that the Arts & Culture listening tour is starting up again on April 28, from 9 AM to 11 AM, at the library. She thanked Ms. Goodlander and the Conservation Commission members in attendance at tonight's meeting. ► Councilor Cormier-Leger thanked everyone for their comments tonight. He discussed that there is clearly work to be done. He stated that he is available to talk to people on the issue. He stated that he is looking forward to Friday to resume talks on Arts & Culture. ► Councilor Sheridan thanked Ms. Goodlander for her presentation, people who made positive comments, and the Recreation Department for the Earth Day event. ► Councilor Chandler stated that he received a lot of emails. He gave a shout-out to Councilor Dellorco for stealing the best Ford mechanic to come to the DPW. He gave a shout-out to Mr. Hellen for the van in the capital budget. He stated that Dean College was getting a real police department again and he did not know if they were running around carrying guns now and how big it was going to be. He stated that we all know how quick any incident

can escalate. ► Chair Mercer stated that Dean College President Kenneth Elmore will be coming back to one of the next meetings and we can ask those questions. ► Councilor Frongillo said there are two surveys: Open Space and Recreation, and Arts & Culture. He noted the Arts & Culture meeting at the library. He noted share your favorite poem at the library. He stated that he has two personal projects that he has been working on. He discussed movie nights which The Black Box helped him put together to be held the last Tuesday of every month. He discussed Jane Jacobs, social activist pushing people to observe their community by foot or biking. He stated that around her birthday every year they do a Jane's Walk which is a national event, so he is holding one this year with Franklin Matters, and it will be next Saturday, meeting at the Town Common at 10:30 AM, to do a few miles walk around town. ► Councilor Dellorco thanked everyone for tonight; we made progress. He stated thanks to Amber for her military service. He gave condolences to the family of Louis "Buddy" Geer. ► Councilor Jones stated tonight's meeting was very constructive. He stated that through teamwork you can fight through difficult battles. He thanked all veterans for their service. ► Chair Mercer gave condolences to the family of Louis "Buddy" Geer. He thanked everyone for coming to tonight's meeting in person or via Zoom. He thanked Ms. Goodlander for all the information she provided. He stated that regarding the flag discussion, he thanked everyone and thought it was a great discussion. He stated that putting together the ad hoc committee is the right thing to do.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Jones. No Discussion. ► VOTE: Yes-9, No-0, Absent-0.

Meeting adjourned at 9:16 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary