

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
October 11, 2023**

A meeting of the Town Council was held on Wednesday, October 11, 2023, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Robert Dellorco (via Zoom), Cobi Frongillo (via Zoom), Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Amy Frigulietti, Deputy 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. ► Chair Mercer stated that Councilor Dellorco and Councilor Frongillo will be attending the meeting via Zoom.

CITIZEN COMMENTS: ► Mr. Max Morrongiello, 127 Central Park Terrace, stated that education is critical, and they want students to succeed. He said that students who are economically disadvantaged have lower test scores. He said that to bring test scores up, you may want to help them economically. He said that if you increase the income they have, you might alleviate crime and crime rates decrease. He said that coming up there is a tax rate hearing. He said if you want to give a tax cut to people who are lower income, then we have the opportunity to. He said he brought this up two years ago. He said he urged the Town Council to work with the Board of Assessors to see if they can come up with some different options instead of having a single vote on a single option where we are not cutting people's taxes. He said he thinks they should put forward an option where people who are low income have an option to get a tax cut through a residential property tax exemption. He urged the Town Council to have a debate and discussion. He said if we want better educational outcomes and want better public safety outcomes, and better quality of life outcomes, I think we need to look at helping people who need it and having a more equitable tax system. ► Town Clerk Nancy Danello provided an update on the two upcoming elections. She said there is a Tri-County election on October 24 from 12 PM to 8 PM at the Franklin High School. She said ballots have been mailed out to those who have requested them. She said this coming Saturday, October 14 from 9 AM to 5 PM, is the last day to register to vote for this election. She reviewed absentee ballot requests. She said absentee ballots must be brought to the Town Clerk's office for processing. She said this is not a precinct specific election. She explained that there are two elections. She reviewed that the Tri-County mail-in ballot envelope is stamped in green; the General Election ballot envelope is stamped in red. She reviewed specifics for the Town Election; she said this election will be held November 7 from 6 AM to 8 PM at the Franklin High School. She said the tabulators will be tested on October 18 at 10 AM in the Town Council Chambers; the public is welcome to attend. She reviewed the hours of in-person voting/early voting. She requested candidates wanting to campaign at the elections adhere to the 150 ft. rule. She said she will be reaching out for more election workers in addition to what she has; please reach out to her if interested. ► DPW Director Brutus Cantoreggi reminded everyone about the Public Works open house on Saturday from 10 AM to 2 PM. He said it was very successful last year. He said the food trucks are awesome. He said there will be activities for all age groups. He said they will announce the winners of the hydrant painting contest. ► Mr. Steve Sherlock, 10 Lawrence Drive, Franklin Matters, reminded all that Franklin studios has been working on information for the candidates for the November 7 election and the Tri-County election on October 24. He said there was an information night at the Library and the video is available. He said they have already

posted five of the nine candidate interviews. He said [Franklin.news](#) will be providing audio, video, and transcription formats of the 30-minute interviews. He said there will be no candidate forum this time.

APPROVAL OF MINUTES: ► *September 6, 2023.* ► **MOTION** to Approve the September 6, 2023 meeting minutes by Hamblen. **SECOND** by Jones. **No discussion.** ► **ROLL CALL VOTE:** Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegri-YES; Sheridan-YES. ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS – 7:00 PM: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Discussion: A Bylaw to Amend the Code of the Town of Franklin by Inserting Chapter 147, Snow and Ice, Removal Of (Legislation for Action Item #9a).* ► Mr. Hellen stated that this was a Town Council goal for this session. The EDC has met and discussed this twice and it has been discussed during past years as well. He said this is about us hearing from the community about snow removal especially around the downtown area and the walkability of the area after a big snowstorm. He said that tonight there is legislation because the staff have been working on an appropriate bylaw given the current state of state law and also develop a map that has been talked about. He said there are passionate views over this for or against it. He said this item can be moved on by the Town Council if they choose. ► DPW Director Brutus Cantoreggi stated that we have been looking at this for over one decade regarding sidewalks to clear. He introduced Carlos Rebelo, Highway & Grounds Superintendent, and Tony Brunetta, Assistant Highway & Grounds Superintendent. Mr. Cantoreggi said sidewalks are the third priority in town. He said this is about how we can get the job done faster and quicker. He talked about the sidewalk snow removal machines. He said they have two work forces that come in who do the streets, the schools, the municipal buildings, and then the sidewalks. He said that depending on the storm, this takes time. He discussed that they had come up with a plan with the schools for extra buses for students to get picked up. He said this is a free service, and it has really helped. He said sidewalks have become more popular; they want to get them done, and they do not want to slow down the businesses. He said they came up with different plans. He reviewed the current plan that the burden of the snow removal would be on the businesses/private property owners regarding Rt. 140 and the downtown area. He said this bylaw used to be on the books but was not really enforced and was taken off in 2017. He said this is not a DPW thing, it came from a lot of different people in town. ► Councilor Hamblen of the EDC said that this bylaw was removed in 2017. She said it has been brought up many times in the past few years. ► Mr. Cantoreggi confirmed they plow at three or more inches of snow. ► Councilor Hamblen said she heard from people who were trying to get through sidewalks with less than three inches of snow. She said there may be people who cannot get to the train station with any snow at all on the sidewalk. She said it is important to think about the walkability of our community. She said this shows we have started to take this seriously. She said we want people to be able to walk to the train. She said we looked at the map and thought why do we not expand the areas of the sidewalks. She said we have two train stations. She explained the map shown on the screen. She said that she heard that people cannot afford physically or monetarily to clean the sidewalks themselves. She said that as Mr. Cantoreggi said to be creative, we can think about a neighborhood brigade that Steve Sherlock mentioned to us last meeting that we could find out who needs help if we use this. She said it is really important to reevaluate the DPW's priority list as we have extra sidewalks that have been added to the town since the priority map was made. ► Mr. Cantoreggi said that since he has been here, there have been no sidewalks added to the sidewalk priority list. He said the Town Council has been very good about adding sidewalks to the town, and the next one we want to do is Washington Street. He said the Planning Board is great about it too. ► Councilor Hamblen said that is where we came from, and we heard from people, and we

have some creative ideas how to help people with the sidewalks. She said she knows if they do not do anything, it is going to stay the same. She said that the bylaw says that we have to maintain the safety of the sidewalks and awnings and signs. She thanked all for their work on this. ► Councilor Jones said that this was removed from the books in 2017. He said it has been under review several times and with various public input. He said he was not in favor of 147-1 which was the time limit for removal on sidewalks and footways. He said the issue is that the map encompasses a significant area and private property owners will be responsible for clearing public ways at their own expense or own harm. He said that is a significant burden to put on our taxpayers and on people who may not physically or monetarily be able to do so. He said it stated in the bylaw to remove and so treat which will put on taxpayers more of a burden financially to maintain that de-iced conditioned. He said this is a slippery slope to ask those who do not have the means to do so and could be fined for not meeting the requirements of this. He said regarding 147-2, he is behind requirements for property owners who have roofs and signs and also could add any means for which they add water and runoff from the buildings for getting on the sidewalks. He said he thinks the rest of the bylaw reads well. He is very concerned about asking private property owners to clean snow and ice from public ways. ► Chair Mercer said Councilor Frongillo told him he was all set for the moment. ► Councilor Chandler said Davis Thayer is closed so there are fewer walkers. He said there are fewer people going to the train station now after Covid. He said if he owned a business, he would clean out of necessity to make money. He asked Town Attorney Mark Cerel if a bylaw is put in and someone does not do it, could the town be sued. ► Mr. Cerel said it is not automatic. He explained the current standard for snow and ice is reasonable care in terms of the condition of your property. He said there had been no obligation to do anything with a natural accumulation, but the current law is one of reasonable care. He said there is a cap of \$5,000 no matter how serious the injury might be. ► Councilor Chandler said it is not broken, so why do we bring it back. He said eventually that \$180,000 piece of machinery will go down those sidewalks; so, sometimes we have to wait. He said he is having an issue pushing this on people. He said he would like to continue to look at this. ► Councilor Pellegrini discussed the bylaw in 2017. She said she thinks that it is time now that we need to help each other out. She said that she was thinking that as far as getting people to do shoveling, have people put their names into the Downtown Partnership. She said to have some names in there that we have that would be able to help some of the businesses or even some of the businesses now to begin to think of someone that might be able to help them if they are not able to do it. She said but stop and think that it is only a small amount of shoveling there and you are going to be coming by to do the plowing as soon as your other priorities, one and two, are completed, then you are able to go through the main street. She said she thinks this bylaw is good and it is time that people step up and help out the town. She said they do not want to see taxes going up, and us getting new equipment, and this and that, just to take care of a particular thing. She said let us work together, and keep it down, and go back to it, and she bets it will work just as it did before. ► Councilor Cormier-Leger said he found himself torn between comments. He said he thinks businesses have at least an appeared responsibility; it is the residents he is having a hard time with as it is basically penalizing homeowners depending on where they live in town as this bylaw is not in effect in other areas of town. He said he thinks there are efforts the Town could make to assist whether it is barrels full of sand to sprinkle in front of their business. He said he is stuck where some residents would get fined and others would get a pass. ► Councilor Frongillo said he echoed Councilor Pellegrini's comments. He said he thinks we had a system that invited people to clear the sidewalks and walk downtown. He said it is broke, that is why we are here and this was brought forward. He said particularly the lowest income residents are struggling to get to the transit and get to the basic needs that they have, so we are seeing more and more people walk on the street. ► Mr. Cantoreggi said he kind of anticipated the commercial versus private property owners. He reviewed his map as shown on the screen. He said almost 80 percent of it is commercial. He said that up until 2017, he never gave a fine. He discussed that this whole process is more about public education. He said if you go out and talk to them, they take care of it. He discussed that he really does not want to give out tickets. He discussed downtown over the hill to King Street. He said he sees people walking in that section and they have not gotten there yet because it is not really on the school priority list, and he feels bad as it is dangerous. He said those businesses could tell their landscaper who already took care of their parking lot to take care of the sidewalk too, and it is no big deal for them as it is just part of their process. ► Councilor Dellorco said he agrees with Councilor Chandler, Councilor Jones, and Councilor Cormier-Leger that he really does not want

to put the burden on the residents. He said snow is different and a six-to-twelve-inch storm is difficult and troublesome. He said you have to get the streets done because you have to keep up with it. He noted that if there are 100 volunteers, you will probably get 10 to show up. He said no one wants to volunteer anymore because everyone is so busy. Regarding the bylaw, with the residents, he does not like how it is. ► Chair Mercer said he has a couple of issues including putting a burden on a small percentage of residents. He said he likes the commercial piece and that to him makes sense. He said regarding 147-2, he is aware of a couple of buildings downtown. He discussed that there is no way those people are getting up on the roof of three stories regarding the snow that comes onto the sidewalk. He said those buildings have always been a problem and he gets that, but to put it in a resolution that requires them to get up on the roof and clear the snow off the roof of a three story building, he has a little issue with it. He said that is one of the pieces along with the resident piece that he is having trouble with. He said he likes the commercial piece. ► Councilor Jones explained that he clears his sidewalk area, but it is not that big. He noted other residents who have larger sidewalk areas. He said he would not expect other neighbors with larger areas that may not be physically able to clear the snow and or who do not have the means to hire someone to clear snow as it is not fair. He discussed that it is not an equitable way to do things depending on where you live. He stated that he agreed with the commercial businesses. He asked some of the commercial businesses such as Dean if they could extend the courtesy even a little further down the street. ► Mr. Cantoreggi said Dean does a good job with their sidewalks. He said just the commercial would be a big help. ► Councilor Pellegrini said that for 147-2, she does not think it is necessary and maybe they could take that out and it would be less of a problem for other councilors. She said the rest of it is fine for her. ► Mr. Max Morrongiello, 128 Central Park Terrace, asked if we by right had a property tax credit for people who shovel their snow, would it affect the tax levy. ► Mr. Hellen said they cannot do that; it would be impossible to enforce or referee. ► Mr. Mark Minnichelli, 31 Longfellow Drive, said he has an opinion about the need to clear the sidewalks that many people rely on at a day-to-day basis. He applauded the Town Council for the new sidewalks installed. He said he feels like we take away those sidewalks for those people. He discussed people trying to walk on the streets in the winter when the sidewalks are not good. He said he does not know if it should be done publicly or privately. He requested Chestnut Street be added to the map. He said there are a lot of people in town who need a nice clean and clear sidewalk in order to navigate in the wintertime. He said he strongly supports the idea of clearing sidewalks especially in the downtown area. ► Councilor Frongillo said the big picture here is the equity issue at hand that are we ensuring the safe and accessible mobility of all road users and that includes those who are looking to get to basic needs without a car. He said we cannot lose sight of that priority. ► Mr. Hellen said it is a great map that Mr. Cantoreggi did. He explained how the map was done. He explained that they are trying to help people, but not put a burden on people also. He said they struggled with determining the area on the map. He said the Town Council has a lot of ability to navigate the map on what is equitable and fair. He said he thinks Union Street is a pretty widely used street and during a snowstorm people would want to get up and down that street. He said that we really need a change in culture of just saying how come we are not helping each other out more. He said helping out neighbors used to be common. He said there was logic in making the map for areas that people need to walk and get around. ► Chair Mercer said they could take the commercial and add to it in future years, or they could take the existing and take away from it in future years. ► Councilor Cormier-Leger noted independent contractors and that he understands there is a shortage. He asked if it would be possible to take a section of that money to see if some private company would take on the downtown area sidewalks. He said this would help the residential concerns in the area. ► Chair Mercer said it takes special equipment to do the sidewalks and the contractors' blades would be too wide. ► Mr. Cantoreggi said they tried that in the past; they do not have the specialized sidewalk equipment, and they do hire shovelers. He said it is hard to get people. ► Councilor Jones asked about putting in sand barrels. ► Mr. Cantoreggi said they try to get away from sand, but they could do that. He said it would be tough because it is narrow, but they could put some at the corners.

LEGISLATION FOR ACTION:

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

- a. ***Amendment 23-902: A Bylaw to Amend the Code of the Town of Franklin by Inserting Chapter 147, Snow and Ice, Removal Of - First Reading (Motion to Move Bylaw Amendment 23-902 to a Second Reading - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Move Amendment 23-902: A Bylaw to Amend the Code of the Town of Franklin by Inserting Chapter 147, Snow and Ice, Removal Of, to a Second Reading by Hamblen. SECOND by Pellegri. Discussion:** ► Councilor Cormier-Leger said that as written, he cannot support this, but that does not mean he is not in favor of further looking at this problem and coming back with different language. ► Councilor Jones said he agrees with Councilor Cormier-Leger. He said if the motion were to be rescinded, he would put a motion in to table it. ► Councilor Pellegri said that if they wanted to take it off the floor, they could all just vote no on it, and then a new one would come forward. ► Mr. Hellen asked if section 147-2 was the section or is it the whole thing. ► Chair Mercer said he did not like 147-2 and that is a part of it. ► Councilor Frongillo said they talked through different ideas at the EDC regarding policy and implementation and how key that is going to be. He said in front of us is the opportunity to change the culture and we welcome people to walk to their basic needs and transit and not add to our traffic. He said he looks forward to the vote. ► Chair Mercer said that he does not want to throw all this work away, and they are very close to something he feels he can support. He said he has a problem with 147-2 and he would like to see if there is a way to work with that a little. ► Councilor Pellegri said maybe they need to make an amendment to delete section 147-2 and that would maybe make the rest of the councilors feel comfortable. ► **MOTION to Make an Amendment to Section 147-2 and renumber the remaining sections accordingly for Amendment 23-902: A Bylaw to Amend the Code of the Town of Franklin by Inserting Chapter 147, Snow and Ice, Removal Of, by Pellegri. NO SECOND.** ► Chair Mercer called for a vote on the original motion. ► **ROLL CALL VOTE (on the original motion): Chandler-NO; Cormier-Leger-NO; Dellorco-NO; Frongillo-YES; Hamblen-YES; Jones-NO; Mercer-NO; Pellegri-YES; Sheridan-YES.** ► **VOTE: Yes-4, No-5, Absent-0.**

► Mr. Hellen said that he and Town Planner Amy Love will work with each person to try to decide what tweaks are necessary. He said he likes the word encourage as it sends a different message.

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen provided a migrant housing update. He said that about 80 percent of the rooms are now full; there are around 250 individuals there. He said that by the end of the month they expect it will be a full hotel. He said there is really no other announcements or updates. He said that relative to the definition of the hotel issue that the state has revised their guidance on the hotel. He read aloud that the state is paying all local occupancy taxes for room rentals less than 90 days, the room tax is either paid directly by the state or it is factored into the contract the state has with the service providers who then pay the hotels. He said that does not help us at all. He said it does not tell us anything about where the money is being flowed. He said normally, the state collects the revenue and gives it back to us on a quarterly basis. He said the state says they are looking at options to reimburse communities. He noted some new information on the Board of Health website. He said everything has been going, relatively speaking, pretty good. He said they were given a number of 40 school-age children by Superintendent Lucas Giguere; however, he does not know if that is still the number. ► Councilor Pellegri stated they were not able to get working permits as she knows of a restaurant that two people had come in and they wanted to work and they were not able to as they did not have working papers. ► Mr. Hellen said he was at the El Paso border and that they cannot work. He said the reality is that the federal government has completely failed the country on this entire issue for 35 years. He said all 50 states are dealing with this. He said this is not new to people in Texas. He said the work visa system is so back up. He said full background checks are done on people coming into the country. He said these processes take months and years per person and per family. He said Congress can say what they want, but at the end of the day, they are choosing proactively to do nothing as opposed to something; they could fix this. He said the governor has said she is waiting for the federal government to fix this. ► Councilor Cormier-Leger discussed that the school superintendent said that the people should be called migrants not immigrants. He asked for a breakdown of the numbers of where people are coming from so people would better understand the issue. ► Mr. Hellen said he does not have the exact breakdown. He said about 50 percent are of Haitian descent and 50 percent are a mix of individuals from different walks of

life around the country or from other countries, maybe homeless. He said that is why the word migrant is used.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee. None.**
- b. **Economic Development Subcommittee.** ► Councilor Hamblen said she thinks they will meet next week.
- c. **Budget Subcommittee.** ► Chair Mercer stated they had a Joint Budget Subcommittee meeting prior to tonight's Town Council meeting. He said Mr. Hellen provided an update of revenue numbers, and Superintendent Lucas Giguere was able to give an update of where they were standing and looking forward on the five-year plan. He said there were people on Zoom and in person at the meeting. He said they are planning to get together again in January. He said they talked about meeting at the end of winter/beginning of spring with the complete five-year plan.
- d. **Master Plan Update Committee.** ► Councilor Jones said they had a booth at the Harvest Festival. He said it was an excellent event and well attended. He said their next meeting is October 25.
- e. **Davis-Thayer Building Reuse Advisory Committee.** ► Councilor Pellegrini stated they did not have a meeting. She said there is an open house for Davis Thayer on October 20 from 2 PM to 5 PM and on October 21 from 10 AM to 2 PM. She said she invited anyone who would like to see the school. She said she apologized to people who she told could pick up desks. She said it was all taken care of now and picked up by a company.
- f. **Police Station Building Committee. None.**
- g. **GATRA Advisory Board.** ► Councilor Frongillo said they did not meet in October. He said they will be providing updates, and he will give those to the Town Council when he gets them.

FUTURE AGENDA ITEMS: ► Councilor Cormier Leger said previously he had asked about safety lights behind the high school fields. ► Chair Mercer said the lights were there the next day. ► Councilor Chandler asked for more hand sanitizer. ► Councilor Sheridan asked about the flag item. ► Chair Mercer said that is on a future agenda.

COUNCIL COMMENTS: ► Councilor Sheridan thanked the organizers of the Harvest Festival. ► Councilor Hamblen noted the Red Brick Schoolhouse ribbon cutting on Friday from 10 AM to 12 PM. She said she is excited they got the renovation done with CPA money. She said the last three Farmers Markets are coming up. She noted the Touch a Truck event. ► Councilor Cormier-Leger said thank you for the lights. He said parents need to monitor their kids as there is inappropriate activity going on under the bleachers and in the back field area during games. He said there were three police incidents in the last games. He said the safety concerns going on are on his mind. He said his thoughts are with everyone going through the crisis in Israel. He shared that the Franklin Police Department put out a missing persons alert for Jazlyn Rodrigues which he read aloud. ► Councilor Chandler said he was thankful they lived in Franklin; he noted that Canton stopped their citizens comments. He said he feels angry and sad about the Israelis who were slaughtered by terrorists. He discussed the benefits of the Iron Dome and said there were four members of Congress who voted against the Iron Dome and one of them is from the Massachusetts delegation. He said he hopes things work out over there. ► Councilor Pellegrini said ditto to both councilors and what they said. She said the police will be having their Halloween party on October 28 from 2 PM to 6 PM. She noted the DPW event from 10 AM to 2 PM on October 14. She said she hopes these events will keep kids from going door to door. ► Councilor Jones said that they are taking Neiman Marcus at the mall and changing it into a pickleball facility with bars and everything else; he thought of Davis Thayer. He said everything has been said about Israel and he feels for everyone. He said he looks forward to the Halloween event and to taking his kids around the neighborhood. ► Councilor Dellorco noted Israel and the Rodrigues family. ► Chair Mercer said he echoed his fellow council members comments regarding Israel. He thanked the Downtown Partnership on the great Harvest Festival. He said it was a great turnout. He said he would like to see the snow and ice thing come back very soon. He said he is hoping the missing person comes home. He thanked the entire community for their efforts with the migrant situation. He said we have a great town and great community

and many organizations have come forward with help. He thanked the Board of Health for their work. He said the Franklin Rod & Gun Club has a breakfast on Sunday morning from 7 AM to 11 AM.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Hamblen. SECOND by Chandler. No discussion. ► ROLL CALL VOTE: Chandler- YES; Cormier-Leger- YES; Dellorco- YES; Frongillo-YES; Hamblen-YES; Jones- YES; Mercer- YES; Pellegrini-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.

Meeting adjourned at 8:46 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary