

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 28, 2024**

A meeting of the Town Council was held on Wednesday, February 28, 2024, 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 (via Zoom), Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegri, 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. Brownie Troop 64085 led the Pledge of Allegiance.

Chair Mercer called for a one-minute break.

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. ► He announced upcoming Town-sponsored and community events. He said there will be a Veterans' Coffee Hour at the Senior Center on March 6 at 10 AM with a discussion with legislators on the efforts being made to support veterans. He noted that early voting for the Presidential primary starts on February 29 at Franklin High School. He reminded all that the Joint Budget Subcommittee will be meeting next Wednesday in Council Chambers. He announced that Councilor Frongillo was participating remotely.

CITIZEN COMMENTS: ► Town Clerk Nancy Danello said that early voting had already started this past Monday at the high school. She said Friday is the last day for early voting. She said the election is on Tuesday, March 5 at the high school from 6 AM to 8 PM. She said that they have already received 3,000 ballots with about 5,000 mailed out. She said the last day to request a vote-by-mail ballot was yesterday. She said that there is still the availability to vote absentee through Monday at noontime. ► Ms. Jane Callaway-Tripp, 607 Maple Street, said that she wanted to speak about the recent issues with the DPW Director. She said she is voicing her concerns about his possible reinstatement. She said that as a Town, not only elected seats but also paid employees must be held accountable for their actions. She said the DPW Director knew and willingly violated ethics that he had sworn to uphold which makes him untrustworthy in her opinion, and she is not the only one who feels that way. She said it leaves her wondering what other unethical things he may have done. She asked why are Town employees sent to ethics classes every year, then they choose to violate it, are not held accountable, and allowed to keep their jobs. She said it is unfair and a slap in the face to all the Town employees that follow the ethics that they are meant to uphold. She said she feels he should not be reinstated. She said he lost his credibility. She said his salary is over \$165,000 per year and that is 200 percent higher than the average Town employee. She said he clearly could have paid for those trips on his own, but he clearly chose to accept them and violate the ethics knowing his job could be on the line. She said she believes an independent audit should be done at the DPW and everything he was involved in including purchases and inventory. She said as he violated the ethics that were put in place, how do we know there are no other violations that just have not come to light yet. She said he received a \$15,000 fine from the State Ethics Board, but now it is time for the Town to hold him accountable, and a temporary unpaid leave is not being held accountable. She said the Town Administrator is responsible for the Town employees, and the Town Council is responsible for the Town Administrator; if the Town Administrator chooses to bring back the DPW Director, then she asks the Town Council to hold the Town Administrator responsible and take action. She said accountability has disappeared from this Town, and without it, what is the point. If we are not going to be holding people accountable, then spending the taxpayers' money to send

them to ethics classes is a waste of time and money. She said we have allowed Town Council members who have violated rules to which they were sworn to uphold sit in their seats and nothing was ever done. We have Town employees who have made huge mistakes and cost the taxpayers over one-half million dollars and they still have the position they were sitting in. Now, we have this with the DPW Director. She said the people in charge can either say enough and do the right thing and bring back accountability or sweep it under the rug like they have before and forget about the ethics and the right thing. She asked them to send the message that you care about the town and the taxpayers and hold people accountable in upholding the ethics.

APPROVAL OF MINUTES: ► *January 31, 2024.* ► **MOTION to Approve** the January 31, 2024 meeting minutes by Dellorco. **SECOND** by Hamblen. **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.

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

PUBLIC HEARINGS - 7:00 PM: ► *Zoning Bylaw Amendment 24-901 (formerly 23-901): Zoning Map Changes from Single Family Residential III to Business an Area On or Near King Street, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map (Legislation for Action Item 9a).* ► *Chair Mercer declared the public hearing open.* ► Mr. Hellen gave an overview of what led to tonight's public hearing. He showed and explained the location of the two parcels on the map as provided in the meeting packet. He explained that the owners of the parcels approached the Town last summer about a possible rezone. He said the parcels were residentially zoned and surrounded by essentially a fire department, industrial park, and assisted living complex. He discussed that the Planning Board put into place mitigation to fix the intersection where traffic backs up outside the fire department. He said that building has not been built yet, and he does not know if it will be built soon. He said in August of last summer, the owners approached us. He said the staff agreed it was a good idea to not be zoned residential. He said that for several reasons, most notably businesses already there, that they thought the zoning proposal had merit and would take it through the process. He said the EDC voted unanimously on this. He said they thought this was an opportunity for additional tax base. He said they moved it on to the Town Council. He said the zoning bylaw process then goes to the full Town Council and then they referred it to the Planning Board for a hearing. The Planning Board held hearings on this. The Planning Board voted (1-2) not to recommend the bylaw amendment for approval by the Town Council. He said the Planning Board took up the item before the election and two of the Planning Board members did not run for reelection, so by state law, the new members were not allowed to vote on the item. He said the Planning Board sent a letter to Town Council. He pointed out abutter notifications are not required by state law; it is required to do a legal ad in the newspaper. He explained that they publish the legal ads online as well. He said tonight is the first reading of the legislation.

► Director of Planning and Community Development Bryan Taberner explained what the business zone is. He said it is one of the less impactful commercial industrial zones that we have. He said it does not allow a residential use in it. He reviewed the uses allowed by right in the zone. He reviewed what could go in by Planning Board special permit. He said it is a general standard business district and no industrial uses are allowed. He said when the proposal for rezoning came up, if it was not going to be residential, business seemed like the only logical zone.

► Mr. Ricard Cornetta, attorney on behalf of the ownership of the subject parcel, spoke in favor of the zoning proposal. He reviewed that it was several months ago that they sat with Mr. Hellen and his staff to point out what they believe to be an irregular zoning situation. He introduced Mr. Joe Evans, one of the principal owners of American East Coast which has purchased 634 King Street which is one of the properties; the other property is 648 King Street which is a single-family residence. He said that Mr. Evans's property was

formerly owned by Cumberland Farms for at least 25 years, and it sat idle for those years. He said they had gone before the ZBA years ago trying to get some relief, but then walked away from the property. He explained that this property has been sandwiched between commercial uses of the fire house, a senior-living facility, and the Dell property office building. It is in close proximity to the interstate highway. He said there is an interest by the Town to turn the property into a more income producing property. He said they will probably hear a lot of comments about traffic. He explained the sets of lights in the area. He said a commercial use for convenience may serve the community well and alleviate some of the traffic. He said during the process of the Planning Board, they did not participate. He said they felt it was the Town's efforts, and they would let it take its course. He said he watched the Planning Board, and he noted the comments made by some of the neighbors during the meeting. He explained that the neighborhood commercial district was discussed at the meeting. He talked about that created zone. He said the problem with the neighborhood commercial zone, which has never been implemented in town, is that it is very restrictive. He said the impervious limitation is 35 percent; therefore, two-thirds of any site has to remain undeveloped, and from a commercial standpoint, that is very damaging. He said therefore, the neighborhood commercial is not the answer here. He said the business 1 district is the logical choice. He said the property is stuck in a zoning purgatory. He said that zoning provides an opportunity. He said there is no specific proposal for any specific site to be developed here. He said that should they allow this to proceed and approve it, it would allow the owners of the property to come forward with a proposed development that would then go through the normal process for development including the Planning Board for site plan approval and possibly a special permit.

► Ms. Karen Miller, 246 Washington Street, said perception is everything. She said it is good to hear that it would have to go before the Planning Board. She said that in the past she believed in that. She said they look at the map and say it is a lot of industrial there, but there is a lot of gold color there which is residential. She said you wonder where it stops. She said that once it is rezoned, they are entitled to build within the zone; they do not have to go to the Planning Board as they are legally entitled to do things. She said she has heard before there is always another bite of the apple and things you do not want there will not go there, but that is not what happens. She said she asks about the traffic. She said if it was going to be a house, you would know that there would be two or three cars adding to the traffic. But, if they are going to build something else, it will probably be more than two or three cars adding to the traffic. She said she urged the Town Council to think about this and think about the traffic. She said she lives a little over a mile from 495 and it takes more than 20 minutes in traffic. ► Ms. Michaela Duff, 680 King Street, said she has lived there for 10 years. She said she likes raising her family in Franklin. She said it is easy to look at the map and think the area is less residential than it is. She said that just because they are near the highway, that does not mean it is not an otherwise quiet residential neighborhood. She said there are no businesses on their street. The nursing home is not a high traffic business nor is the fire station. She said if rezoned, it will probably be a gas station. She said they walk down the street to get to her daughter's school. She said a gas station would change the feel of the neighborhood at the expense of the homeowners. She asked who would this benefit. ► Mr. Greg Dellorco, 701 King Street, said he has lived there for 73 years. He said he wants to address the residential property. He reviewed the area and said the assisted living facility is in the back. He said there is forest all the way into Wrentham. He said it is all residential in the area, and to say that putting a business in there of any type will alleviate traffic is ludicrous. ► Mr. Ian Duff, 680 King Street, said he has lived there for 10 years. He said development of the empty parcel is a good idea, but this zoning amendment is problematic and he urges the Town Council to vote it down. He said that on the map it looks like a win. He said the petitioner, Mr. Evans, has hidden his intended use for the site. He said Mr. Evans asked for the zoning change to limit the protections for the neighborhood when he moves forward with permitting. He said he spoke at length with Mr. Evans in October, and he would only say the highest and best use. He said that at the Planning Board meeting, Mr. Evans said he did not have any particular plans for the site; however, Mr. Evans had already explained his intentions in the public record when asked by Town staff on June 5 if he had any reply, Mr. Evans said that the Bohler Engineering firm is working on them. Mr. Duff said that on June 12, Mr. Evans wrote that he was looking to put in a gas station with accessory convenience store type retail and car washes as well. He said that as a savvy businessman, Mr. Evans wants to take advantage of the already congested route. He said Mr. Evans knows his goals. He said that at the Planning Board meeting, Mr. Evans

said this is certainly not a residential site. However, that is how it has been zoned for 80 years. Mr. Duff said that Mr. Evans's parcel used to have a house on it years ago, and the site includes a current residential home, which is as residential as it gets. He said the site has three single-family abutters and the assisted living residence. He explained the fire station, Dell, and the senior living facility are all set back. He said the amendment is asking the neighbors to live across from a business instead of a home. He said the amendment goes against 11 goals of the Master Plan of the town. He asked, do people come before the Town Council and complain that they need more gas stations. No. He said the community is concerned about housing. He said tearing down an occupied home does not go with that. He discussed spot zoning and reviewed the reasons why this is a case of spot zoning. He noted that revenue is not a justification in Land Court and that is all we have heard today. He noted that it was not correct that the petitioner did not participate in the Planning Board hearing. He said Mr. Evans spoke at the Planning Board hearing. He said the Planning Board on November 20 voted to not recommend this rezoning due to the residential character of the street, the proximity of single-family homes, and the width of the road. He said he hopes the Town Council will see the value of the Planning Board's vote. He handed out some pictures he provided. ► Ms. Christina P., 637 King Street, provided the Town Council with some handouts. She said her parcel is directly across from the proposed development. She explained when and why she purchased her home. She discussed that the rezoning of said parcel and development of a gas station has disrupted the tranquility of the neighborhood. She said the proposed development is 100 ft. from her property. She discussed in detail the adverse effects of the rezoning on King Street which include traffic, character of the neighborhood, residential properties are directly across the street from this proposed development, spot zoning, tearing down of a current single-family home, noise concerns, light pollution, gas station and crime rates correlation, safety and security of the residential community, a gas station is already about 1.5 miles away, documented property value depreciation near gas stations, literature on health hazards around a gas station and that they should be away from residential areas of at least 500 ft., nearby wetlands of less than 200 ft., and the area's high water table. She concluded with asking the Town Council to consider the broader impact. She said changing the residential zone to a business zone would create long-term detriments to the current residential homes. She asked the Town Council to reject the proposed amendment. ► Ms. Margaret Ranieri, 651 King Street, said she respectfully requests the Town Council to reject the proposed zoning changes for all the many reasons stated by the neighbors. She said the industrial park has a rhythm of weekdays; the zoning change requested would allow businesses seven days a week. ► Mr. Josh Alston, 659 King Street, said that Ms. Sally Grant of 660 King Street asked that her letter be read aloud at tonight's meeting. Mr. Alston read the letter aloud. The letter stated that the proposed parcels are residential. Rezoning those parcels would impact the lives and well being of the local residents. It would dramatically change the character of the area to insert a commercial enterprise. She said the Planning Board voted no. She said at the Planning Board meeting there were mischaracterizations of the neighborhood. She said it was suggested that this proposal is in character of what already exists; it is not. She said the nursing home was characterized as commercial; it is not. She said the industrial park is not on King Street and it is set back. She explained all the residential properties on King Street in the area and the type of neighborhood they have. She reviewed health hazards, fundamental rights on property values, and other detrimental impacts. The letter in summary said that the spot rezoning would have no value added to the residents. ► Mr. Richard Chestercove, 627 King Street, said he has lived there for 45 years. He said they tried to rezone this two times before. He said he is concerned about traffic, rain water runoff into the wetlands, and rezoning of 585 King Street to a warehouse with numerous expected vehicles. He said he hopes the Town Council rejects this. He noted that he sent a letter to the Town Council as well.

► Councilor Hamblen, EDC Chair, thanked all for their emails, phone calls, and speaking with her in person. She said these are not easy decisions. She said they are not here to talk about certain projects. She said one of the Town Council's tasks is to increase revenue. She talked about how they pull the revenue together and figure out how they are going to pay for everything. She said the Town Council's job is to get the most revenue out of every parcel in town so that they can create a more sustainable budget. She said they have saved large tracks of open space, 200 acres, which has limited their potential for new growth in those areas. She discussed that the role of Town Council is to have a balanced budget. She said staff has identified this area as a potential revenue builder. She said the zone itself has issues that prohibit growth. She said if they

change the zone, it will not be as restrictive. She said the Town staff experts picked this zone for the best possible solutions. She reviewed that the filling station would not be by right, it would require a special permit. She said they are not here to talk about a specific project; they are here to change to what is a benefit for all of Franklin. She said the EDC vote unanimously to send this to Town Council. She asked everyone to watch some of the zoning podcast series she and Councilor Frongillo put together as it will help everyone understand this a little better. She told people to watch episode 8 titled New Growth and said it will help everyone understand better. ► Councilor Jones said he needs to bring up some procedural things. He reviewed the process of this item through the various boards. He said the full Planning Board did not have an opportunity to have a fair hearing on this, and he thinks it would be in the Town Council's best interest to refer it back to the full Planning Board to get their opinion on the matter. ► Councilor Sheridan said that the idea was to get comments from the Planning Board and get input from the neighbors. He said the Town Council received letters of support from people of which none lived in Franklin. He said they just heard from the neighbors. He said he would support voting it down or sending it back to the Planning Board.

► Councilor Dellorco said it is all residential, and it is spot zoning. He said the traffic is very bad on King Street already. He said he lives off of Washington Street and does not go down King Street because of the traffic. He said he is totally against this. He said he is here for the people and not just the money. ► Councilor Chandler said thank you to the Franklin residents. He said the elephant in the room is the gas station. He said a business like that needs to get a special permit, and it is not by right. ► Mr. Taberner said that is correct.

► Councilor Chandler said that he has always been solid and that they need new growth and revenue. He said if it is not at a highway exit, where does it go. ► Councilor Cormier-Leger said he appreciates everyone's concerns tonight and for contacting us. He said it is not too often that this panel gets to make these decisions. He said that this is an occasion that they have the power to do something and say to the residents that we are listening to them. He said to change it from residential to business is a lot. He said he is siding with the residents on this one. He said that area is all residential. He said he agrees with all the homework done by the residents. He said he may be in favor of an alternate use down the road; he is not in favor of what is proposed. ► Councilor Jones discussed the past zoning of the area and parcels. He said they are obliged to not do spot zoning, but they can extend existing zones. He asked Mr. Taberner about the thought process for moving the zone across the street for both Stop and Shop and this parcel and extending it across the street.

► Mr. Taberner explained the thought behind this this proposed zone. He said they either leave it alone or go with a business zone. He said it allows for a variety of commercial uses. ► Councilor Frongillo said he thinks this is a well-reasoned public discussion they have had. He said people on both sides have been very thoughtful in making their cases. He said he thinks Councilor Hamblen and Councilor Chandler put it well: one cannot care about the people without caring about the money. It takes money to pay for fire services, police services, schools, roads, and more, so we need to find opportunities for new growth. He said he has not heard a compelling case as to why these parcels should remain residential. He said of course that would be an opportunity to add a corner business that brings in new revenue for the community. He said he hates gas stations as much as the next person. He said this is not a use-case conversation. He said that is something that comes later. He said none of this is fun; every opportunity is going to have impacts. He said he does not feel convinced otherwise. He said it is a slight improvement to the community. ► Councilor Pellegrini said we are all assuming it is going to be a gas station. ► Mr. Cornetta said there has been no specific proposal.

► Councilor Pellegrini said she does not have any pros on this as a gas station, and she does not think there is a need for a gas station. She reviewed the cons for this. She said she agrees with cons of lights, traffic, the character of the neighborhood, and health reasons. She asked why the Planning Board voted no on this.

► Mr. Cornetta said he did not participate in the meeting. He said he did not want to venture a guess; he provided his thoughts on why the Planning Board did this. He reiterated a special permit is needed for a gas station here. ► Councilor Pellegrini said she thinks it is time to listen to the neighbors and residents.

► Mr. Dusty Burke said that he and Mr. Joe Evans own the property. He said this was a lot of good discussion. He said Mr. Evans owns a driving school in town. He said he wanted to clarify that when he and Mr. Evans talked about buying the property, they contemplated potentially relocating the driving school. He said they looked at that possibility. In doing that, they need to develop enough of the property; they need to economically look at a bigger building than just accommodating a driving school. He said so, during that

discussion, they contemplated other uses such as a gas station, convenient store/neighborhood market. He said they are not in any way wedded to that. He said they are going to put in a retail/professional building and will work with the community in accommodating to provide a business and building and commercial process that would provide helpful services to the community and be economically viable. He said they are open to creative discussion and negotiation. ► Councilor Frongillo explained this is not a vote on if this becomes a gas station. ► Chair Mercer said they are not. ► Mr. Cerel explained this is residential and what is before you gives you other choices which do include a gas station by special permit and a variety of other uses as well. ► Councilor Cormier-Leger asked Mr. Evans what they would like to do if it remains a residential parcel. ► Mr. Evans said if it remains residential, it would be challenging to develop into a single-family residence. He asked who wants to live next to the fire station. He said most likely it would go undeveloped. He reviewed his background and that he owns a driving school in Franklin. He said he is looking to do something on the parcel that would benefit the town and all the residents. He said he is here to do the right thing; he lives in town. He said he is familiar with the area and the traffic concerns. He said that because the traffic is so great, it makes it a great commercial site. He said it is not a residential site. He said there was no gas station site plan in front of the Planning Board. He discussed the traffic and traffic lights on King Street. He said they believe this site is a great site for business. He said they do not have a specific use in mind.

► Mr. Greg Dellorco, 701 King Street, discussed the traffic and said that the only people this is going to be convenient for is the people making money. He said that as far of as the Town is concerned, he does not know how much this is going to lower taxes. He said the Town Council should think about the impact on the residents and neighbors. ► Mr. Ian Duff, 680 King Street, discussed that the fire house is a residence for the firefighters as they live there and cook there, the Enclave is a residence as all those folks who live there, there are residences surrounding the area, and on the site, there is a single-family home with four adults residing in it. He said that there is history that this is a neighborhood. He said he has heard arguments about revenue, but has not heard arguments about public welfare. He asked if the best use goes in there, what does it actually make in revenue for the Town in real dollars to support the general argument that the Town needs revenue against the general impact on the people who have resided there for years.

► Chair Mercer said he has lived on that end of town for over 50 years. He said he thinks they deviated from what the question is. He said the question is what is the best zoning for those two parcels: business or residential. He said there is very little land left to build on. He said they have survived on new growth in the past 30 years. He asked everyone sitting here to come or tune in next Wednesday to the Joint Budget Subcommittee regarding the financial situation Franklin is facing. He said we have to look at new revenue. He said where are we going to get the money to provide the level of services 34,000 people count on. He said he understands the concerns of the residents. He said the Town Council is here to look out for the best interest of 34,000 people and sometimes those decisions are really difficult with this being one of them. He said he is disappointed that they do not have a full Planning Board recommendation. He said for him, they can refer it back to the full Planning Board. ► Mr. Cerel said there is no clear answer to that. He said the Planning Board operated with a full quorum. He said there is nothing that provides for a resubmittal and there are time limitations in place. ► Chair Mercer said he would like to know the opinions of a five-member Planning Board. He asked Mr. Cerel how do they do that. ► Mr. Cerel said they would have to take no action on this and refile it and create it as a do over. He said they would have to start anew. ► Mr. Hellen said the Town Council would take no action tonight, and at the March 13 meeting, the Town Council would take another vote to refer this proposal or another proposal to the Planning Board. Then the full Planning Board would have a hearing. ► Mr. Cerel said the Town Council could not take any action on this. He suggested to withdraw without prejudice; he said that tabling it would not solve the problem. ► Chair Mercer asked about taking a vote of no action. ► Councilor Pellegri said to not move the item to a second reading. ► Chair Mercer said that is a negative vote. ► Mr. Cerel reviewed the statute and a negative action. ► ***Chair Mercer declared the public hearing closed.***

LEGISLATION FOR ACTION:

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

- a. **Bylaw Amendment 24-901 (formerly 23-901): Zoning Map Changes from Single Family Residential III to Business an Area On or Near King Street, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map - First Reading (Motion to Move Bylaw Amendment 24-901 to a Second Reading - Majority Vote).** ► **MOTION to TAKE NO ACTION** on Bylaw Amendment 24-901 (formerly 23-901): Zoning Map Changes from Single Family Residential III to Business an Area On or Near King Street, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map by **Jones**. **SECOND** by **Cormier-Leger**. **Discussion:** ► Councilor Sheridan asked how is this motion different from just voting no. ► Chair Mercer explained if you vote no it is dead; this is neutral and allows us to give it back to the full Planning Board. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-NO; Frongillo-YES; Jones-YES; Hamblen-YES; Mercer-YES; Pellegrini-YES; Sheridan-NO.** ► **VOTE: Yes-7, No-2, Absent-0.**

LICENSE TRANSACTIONS: ► **License Modification - Change of Manager of a Section 15 Retail Package Store License: Shaw's Supermarkets, Inc. d/b/a Shaw's; Located at 255 East Central St., Franklin, MA 02038.** ► Councilor Jones read the license transaction. ► **MOTION to Approve** the License Modification - Change of Manager of a Section 15 Retail Package Store License: Shaw's Supermarkets, Inc. d/b/a Shaw's; Located at 255 East Central St., Franklin, MA 02038, by **Jones**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Hellen said this is a change of manger; we do these all the time. All departments have signed off on the applications. He said Attorney Nick Zozula, legal counsel for Shaw's, is present via Zoom. ► Mr. Zozula said Mr. James Burns will be the new store director. ► Councilor Chandler asked for the business type as there was no check mark indicated on page 9. ► Mr. Zozula said the type is retail. ► **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.**

PRESENTATIONS/DISCUSSIONS: ► **Discussion: OPEB Actuarial Report - Dan Sherman, Sherman Actuarial Services.** ► Mr. Dan Sherman (via Zoom) reviewed the OPEB Actuarial Report. He discussed that at the bottom of page 3 lists the assets in the plan. He said there was an increase from 2022, and the June 30, 2023 Net Position is \$12,349,002. He said the investment Income of \$694,331 shows a 9 percent return which is better than the year before which was -13.6 percent. He said if things get really tough, the Town could use some of the \$12 million to cover benefits for the retirees which includes beneficiaries. He discussed the liabilities. He said they do these every other year. He said two years ago the liabilities were about \$79 million. On the off year, they assume all assumptions are the same, which became \$84 million one year ago. But for 2023, they actually measured the liability. There was one item that stood out which was Experience (Gain) and Loss (18,507,183). They had assumed the liability would be going up, but actually it went down to \$73.5 million. So, this is extremely good news for the Town. He said he would explain how they got an \$18 million gain on the OPEB liability. He explained the NET Position. He reviewed that the Plan Fiduciary Net Position as a percentage of the Total OPEB Liability is 16.8 percent. He discussed that the reports give the readers information on what if the inflation is higher or lower than what they are assuming, and the report provides the impact for sewer, water, stormwater, and solid waste. He reviewed that because there was a nice gain, there is a negative number of \$5 million for the Difference in Experience – Amortization over five years. He said this expense is nothing more than paper. If you really wanted to fund the plan, you are looking at an \$8 million total contribution. He said you would have to increase contributions. He said that he is not even going to propose that you do that. He said at the bottom of page 6 shows the funded position of 16.8 percent and the covered payroll of approximately \$76 million. He said if you compare Franklin to other communities and states, the folks that look at your financials will say that you folks are at less than 100 percent of your covered payroll. He said this puts you in a favorable light if you have to go out for bonds or any improvements in your bond rating. He discussed that on page 9 shows the medical premiums which is the key reasons for the \$18 million gain. He discussed the plans and the gains of each. He explained that all the active employees are Medicare eligible which is the main driver of the \$18

million gain. He reviewed on page 10 is Membership which is about the same. He reviewed Assumptions on page 13 for the Medical Plan Costs for non-teachers and teachers based on the increases and reductions. He said whatever they have done for the plan design, it has paid off in \$18 million. ► Chair Mercer said they love it when he brings good news. He thanked Mr. Sherman.

Councilor Frongillo left the meeting.

LEGISLATION FOR ACTION (continued):

- b. Resolution 24-03: FY24 Capital Improvement Plan (Motion to Approve Resolution 24-03 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 24-03: FY24 Capital Improvement Plan by **Dellorco**. **SECOND** by **Hamblen**. **Discussion.** ► Mr. Hellen said it is pretty straight forward. ► Councilor Pellegri said the Capital meeting went very well. She said the vote on each of these was 4-0. She said there was one they had a little concern with; the rest was fine. She thanked the department heads for coming to the meetings. She said we had a good meeting. ► Councilor Dellorco thanked the rest of the committee; it was a hard-fought capital meeting. He thanked the department heads for their cuts. ► Councilor Chandler thanked the School Department and said they took the biggest hit in this one. He said there was a two-hour meeting, and it is on Franklin Matters. He said it was a long meeting but a good meeting and that they got a lot done. ► Councilor Cormier-Leger said it was a good meeting. He said he wanted to comment that perhaps going forward they could look at the title of the improvement plan. He said it really is not a capital improvement plan; they are really just spending free cash on a variety of needs. He said they should think about calling it something different. ► Councilor Jones said this certainly does not meet all the needs and wishes that the departments have. He asked them to continue to bring them forward. ► **VOTE: Yes-8, No-0, Absent-1.**
- c. Resolution 24-04: Free Cash to Stabilization Accounts Transfers (Motion to Approve Resolution 24-04 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 24-04: Free Cash to Stabilization Accounts Transfers by **Dellorco**. **SECOND** by **Hamblen**. **No discussion.** ► **VOTE: Yes-8, No-1, Absent-0.**
- d. Resolution 24-08: Town Council's Support of Pending State Legislation Entitled "The Municipal Empowerment Act" (Motion to Approve Resolution 24-08 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 24-08: Town Council's Support of Pending State Legislation Entitled "The Municipal Empowerment Act" by **Hamblen**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Hellen said Governor Healey filed this bill, and we are hoping it goes through this year. He said not every provision pertains to Franklin. He said that there are about one to two dozen provisions that benefit the Town of Franklin. He said that one is that they will never have to vote for PEG funding again. He explained the timeline of this being passed. He said this is just a basic advocacy letter to encourage Representative Jeff Roy and Senator Becca Rausch to put extra movement on this. ► Councilor Chandler noted the double poles fines. ► Councilor Hamblen thanked Ms. Frigulietti and Mr. Hellen for putting together this letter. She noted every municipality is bothered by the double poles. ► Councilor Jones said he thanked them for putting together the letter. ► **VOTE: Yes-8, No-1, Absent-0.**
- e. Resolution 24-09: Revised 2024 Town Council Meeting Schedule (Motion to approve Resolution 24-09 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 24-09: Revised 2024 Town Council Meeting Schedule by **Dellorco**. **SECOND** by **Hamblen**. **No discussion.** ► **VOTE: Yes-8, No-1, Absent-0.**
- f. Resolution 24-10: Gift Acceptance - Veterans' Services Dept. (\$2,900), Senior Center (\$200), Police Dept. (\$50) (Motion to Approve Resolution 24-10 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 24-10: Gift Acceptance - Veterans' Services Dept.

(\$2,900), Senior Center (\$200), Police Dept. (\$50) by **Dellorco. SECOND by Hamblen. Discussion:**
 ► Chair Mercer thanked all the donors for their generous donations. ► **VOTE: Yes-8, No-1, Absent-0.**

- g. **Resolution 24-11: Designation of “Special Municipal Employee” Under State Ethics Law (Motion to Approve Resolution 24-11 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 24-11: Designation of “Special Municipal Employee” Under State Ethics Law by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen said this is a housecleaning item. He said for future committees that are set up, they will have the special municipal employee language at the time of set up. ► Mr. Cerel emphasized that Town Council members are expressly as a governing body prohibited from being special municipal employees, so this will not give you any added protection. ► **VOTE: Yes-8, No-1, Absent-0.**
- h. **Resolution 24-12: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 24-12 - Majority Vote).** ► **MOTION to Waive the reading by Cormier-Leger. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-8, No-1, Absent-0.**
 ► **MOTION to Approve Resolution 24-12: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by Dellorco. SECOND by Cormier-Leger. No discussion.** ► **VOTE: Yes-8, No-1, Absent-0.**
- i. **Resolution 24-13: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 24-13 - Majority Vote).** ► **MOTION to Waive the reading by Cormier-Leger. SECOND by Dellorco. No discussion.** ► **VOTE: Yes-8, No-1, Absent-0.**
 ► **MOTION to Approve Resolution 24-13: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by Dellorco. SECOND by Hamblen. No discussion.** ► **VOTE: Yes-8, No-1, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Hellen said March 6 will be a huge day for the Town of Franklin. He said we are starting the day with the second visit from the Healey administration. Secretary of Veteran Services Jon Santiago will come out and have coffee with the veterans. He will sit down at every table and talk with veterans and hear their concerns. He said if anyone is a veteran or family member of a veteran, this meeting is for the veterans and their families to talk about their issues. ► He said that the Town is going to publish the preliminary budget model this Friday. He said the Town is looking at about a \$10.1 million budget deficit for FY25. He said the superintendent and him are preparing a presentation about this. He said that the meeting can be watched on TV, YouTube, via Zoom, and in person.

SUBCOMMITTEE REPORTS:

- a. **Town Administrator Evaluation Ad Hoc Subcommittee Report.** ► Councilor Chandler said they had a very productive meeting. He said great questions were asked. He said the bottom line is they were very happy with what Mr. Hellen is doing. He said they are going to move the whole evaluation right to Human Resources. ► Chair Mercer said in the past, the Town Council has taken a vote to put the written summary into Mr. Hellen’s personnel file. ► **MOTION to PUT the written summary into Town Administrator Jamie Hellen’s personnel file by Chandler. SECOND by Hamblen. No discussion.**
 ► **VOTE: Yes-8, No-1, Absent-0.**
- b. **Capital Budget Subcommittee.** ► Councilor Pellegrini said they have already been through it; it was a good meeting.
- c. **Economic Development Subcommittee.** ► Councilor Hamblen said they had a meeting where they started to set their goals for the year and prioritize items; they will probably have another meeting in March.
- d. **Budget Subcommittee.** ► Chair Mercer said they have a big meeting next week.
- e. **Master Plan Update Committee.** ► Councilor Jones said the full Master Plan Committee has a full meeting on March 6. He said they are having a large public event on March 23 from 11 AM to 3 PM at Dean College; more publicity about that will be coming out, and everyone is invited.

- f. **Davis-Thayer Building Reuse Advisory Committee.** None.
- g. **Police Station Building Committee.** None.
- h. **GATRA Advisory Board.** ► Chair Mercer said they were supposed to have met last week, but they did not. He said Councilor Frongillo met with the administration last week to discuss increased services for Franklin. He said that Councilor Frongillo will update the Town Council.

FUTURE AGENDA ITEMS: None.

COUNCIL COMMENTS: ► Councilor Sheridan thanked all the residents for coming to tonight's meeting. ► Councilor Hamblen said that this Saturday at the Library from 9:30 AM to 12 PM, two of the subcommittees of the Master Plan Committee will be there to talk to. ► Councilor Cormier-Leger thanked the DPW staff for responding so quickly to the water main break. He said this Saturday night the SAFE Coalition at their headquarters in Franklin is doing a special event involving musicians and fundraising at 6 PM, and among others, Representative Jeff Roy is performing and also his son is performing in the program. ► Councilor Chandler said March 6 is important. He thanked the residents. ► Councilor Pellegrini gave condolences to the families of Mr. Robert Catalano and Ms. Mona Lynne Ghiringhelli. She mentioned Franklin's birthday is March 2 and is 246 years old. ► Councilor Jones noted the passing of Stacey Wakefield. He thanked all who came to tonight's meeting. ► Chair Mercer thanked all those who attended and participated in tonight's meeting.

EXECUTIVE SESSION: ► *Considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Public Body.* ► Chair Mercer stated there is a need for an executive session for considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Public Body, and he so declares. He said they will not return to open session. ► **MOTION to Enter** executive session for considering the purchase, exchange, lease or value of real property, because an open meeting may have a detrimental effect on the negotiating position of the Public Body, as the chair has so declared, and shall not resume into open session, by **Jones. SECOND by Dellorco. No Discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-1, Absent-0.**

Open Session ended at 9:59 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary