

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
November 1, 2023**

A meeting of the Town Council was held on Wednesday, November 1, 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 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.

CITIZEN COMMENTS: ► Town Clerk Nancy Danello reviewed election information. She said the Tri-County election was successful in Franklin. She said six percent of total voters in Franklin voted. She said today was the last day to request a vote-by-mail ballot for the Town Election. She said you can still vote in person at the Town Clerk's office until noon on November 6. She requested all candidates adhere to the 150 ft. rule. ► Ms. Maureen Sullivan, 871 King Street and owner of 553 Washington Street, said it is a terrible corner. She said 100-200 Financial Park has a plan in place and it is an absolute no. She said they are rushing things because everyone is saying get together before next Monday because of the elections on Tuesday because only four can vote after Tuesday. She said it is a nightmare. She said they are not going to take down Digital and put in two more trucking companies that are going to house 381 trucks per day.

APPROVAL OF MINUTES: ► *September 20, 2023 and October 11, 2023.* ► **MOTION to Approve** the September 20, 2023 meeting minutes by **Dellorco. SECOND** by **Jones. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION to Approve** the October 11, 2023 meeting minutes by **Dellorco. SECOND** by **Jones. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: **None.**

APPOINTMENTS: ► *2023 Election Workers.* ► Councilor Jones read the appointment. ► **MOTION to Appoint** the persons whose names appear in "Exhibit 1" (provided in the meeting packet) as Election Workers as requested by the Town Clerk by **Jones. SECOND** by **Dellorco. No discussion.** ► **VOTE: Yes-9, No-0, Absent-0.**

► *Conservation Commission: Roger Trahan.* ► Councilor Jones read the appointment. ► **MOTION to Ratify** the appointment by the Town Administrator of Roger Trahan to serve as a member of the Conservation Commission with term expiration June 30, 2026, by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen congratulated Mr. Trahan. He said about one-half dozen folks had applied for the position, and he asked the Conservation Commission for help and advice. He said they held meetings and recommended Mr. Trahan. ► Councilor Hamblen thanked Mr. Trahan for the years he spent on the

Agricultural Commission. ► Chair Mercer thanked Mr. Trahan and the election workers for stepping up and volunteering. ► **VOTE: Yes-9, No-0, Absent-0.**

► **Fire Department - Swearing In of New Firefighters/Paramedics: Kenneth Cotnoir, Douglas Jasper, Christopher Rose, Ovidiu Ticlea.** ► Deputy Fire Chief James Klich addressed the Town Council and thanked all involved in the hiring process to allow them to fill some open spots. ► Deputy Fire Chief Joseph Barbieri reviewed the education, backgrounds, and careers of Kenneth Cotnoir, Ovidiu Ticlea, Christopher Rose, and Douglas Jasper, and he reviewed the names of family members present and who would be pinning the badge of each firefighter. ► Town Clerk Nancy Danello performed the swearing in for each firefighter.

Chair Mercer called a two-minute recess.

HEARINGS – 7:00 PM: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► Town Charter Presentation - Jamie Hellen, Town Administrator & Mark Cerel, Town Attorney. ► Mr. Hellen narrated a slideshow presentation and provided an overview of the Town Charter. He noted Michael Ward, Director of the University of Massachusetts Boston Collins Center, will attend the meeting via Zoom and answer state-wide questions regarding the Town Charter. He stated that all of Massachusetts is envious of the Town of Franklin's Town Charter for its checks and balances, brevity, and efficiency. He stated that Massachusetts is a home-rule state. The Town Charter is really like the constitution. He reviewed the Town Charter major milestone moments: 1978-Franklin created the Council-Administrator form of government; 1984-Charter Commission five-year review of growing pains; 1995-Charter Commission review. He noted that the Town's Charter Commission reports from 1984 and 1995, which extensively reviewed the town charter twice after the 1978 charter reform, are included in the meeting packet. He reviewed that the Town Council grew to almost 19 members when the town was growing in the 1980s and 1990s. He reiterated that Franklin's charter is probably one of the most famous in Massachusetts. He stated that Franklin really does lead in a lot of areas. He explained that 1995 is when Franklin really changed the way we work and collaborate today. He noted a series of technical clarifications from the mid-2000s to 2014. He said that the last time the Town Charter was changed was in 2013 to request an appointed Treasurer-Collector rather than an elected Treasurer-Collector. He discussed the two procedures to alter the Town Charter, and he explained the steps of each. He discussed the Elected Charter Commission which is a formal procedure and a ballot question; the process requires hired facilitation and an appropriate budget. He said this is a long, multi-year process. He said this is usually a choice used for comprehensive, structural changes to the entire organization; a final recommendation is up or down ballot vote, no amendments. The second procedure to alter the Town Charter is an Ad Hoc Subcommittee which is an informal process, and he explained the steps. He said this process cannot include substantive changes to the form of government. He said this process has been used by Franklin for the past 30 years. He discussed the two procedures and gave examples of how the processes have been used in the past. ► Mr. Cerel clarified that you cannot go with a structural ballot question on your own without going through the statutory Charter Commission process. Going through the legislature, they will essentially give conditional approval; they will approve it and authorize the ballot question. ► Town Council members asked questions and made comments. ► In response, Mr. Cerel said any change to Town Council in terms of their term, their authority, or the Town Administrator and his term or authority, that is a change in the statute. ► Mr. Hellen clarified that these are statutory. He stated that by statute, this is the City known as the Town of Franklin. He explained that Franklin has the most hybrid form of government in Massachusetts. ► Mr. Cerel stated that there is case law that distinguishes a city from a town and it is defined in terms of the legislative body. He said a town does not have a sitting legislative body, they have to be called for special purposes, the annual or special

Town Meeting, whereas anything else is considered a city, and if it were not for statute representative Town Meetings are defined, they would technically and legally be considered a city form of government because that is also a city legislative body and a representative Town Meeting. ► Mr. Hellen stated that about 16,000 population is the threshold. ► Mr. Michael Ward, Director of the University of Massachusetts Boston Collins Center, stated that Mr. Anthony Wilson was also attending the meeting via Zoom. He discussed the threshold for which a town cannot take a city form of government is 12,000, and it is spelled out in the home rule amendment to the Constitution. ► Councilor Chandler read aloud from the charter; he said the voter is the most important person and we should all remember that. He asked about running for office and working for the Town. ► Mr. Cerel said you can run for office if you already have a town position, you just cannot accept additional compensation; you have to choose which compensation, no two salaries. He noted that budgeting is a problematic situation when you work for the town and hold office because you may have to stay away from the item. ► Councilor Jones asked if the Town Council could put together a discussion to talk about the things they would be interested in potentially having a Commission or a ballot question address prior to establishing a Commission or ballot question. ► Chair Mercer said we can always have a discussion. ► Mr. Hellen said for the record he wanted to read aloud the Eligibility Section 222 regarding employment of Town Council members regarding what Mr. Cerel was stating. ► Mr. Ward stated that he was not sure this was a reference to state law, but it does look pretty typical for language. ► Councilor Pellegri reviewed that she was and still would be in favor of staggered terms for the Town Council and for the School Committee. ► Mr. Max Morrongiello, 127 Central Park Terrace, stated that he was curious about Lowell about representation in their at-large system and if it would have an impact on Franklin's system. ► Mr. Ward said he was a little bit familiar with it, but he did not know if he could comment on whether it would impact Franklin without knowing more about Franklin's demographics. He discussed the situation in Lowell regarding its all at-large council and that there were concerns that minority representation was not sufficient. So, the city changed about three or four years ago to add district councilors. He said there are many other cities like Franklin that are all at-large. ► Mr. Morrongiello said there was a large Indian population in town and he is worried about their ability to get represented on the council and whether having an at-large system might prevent someone being able to get a seat. ► Chair Mercer said that he would like to put this on a discussion item during building of goals in January. ► Mr. Cerel stated that in regard to a citizen speaker's comment, it is not an issue as to the percentage of your population of a particular ethnicity or minority, it is how they are dispersed in the community. ► Chair Mercer said that he thinks he is seeing consensus from the Town Council to put this in with the goals when they build their goals in January. He thanked Mr. Ward for answering some questions.

LEGISLATION FOR ACTION: None.

TOWN ADMINISTRATOR'S REPORT: ► *Migrant Housing Update.* ► Mr. Hellen thanked all Town departments and staff over the month of October for the events they have put on. He thanked all who came to the Red Brick Schoolhouse and the Schmidt's Farm ribbon cuttings, and the Committee Preservation Committee, and Dean College for the unbelievable show they put on last week. He said that on November 8, the Finance Committee is holding their meeting which is where the FY24 budget amendment will be presented; the packet is available this Friday. He said they still will be seeing a downgrade in revenues in excess of \$300,000 and there will be no negative impact to the school district funding as they have found some other areas that they can trim the budget. He said the Town Council will be considering the FY24 budget amendment on November 15, prior to the tax rate hearing on November 21. Regarding the migrant housing update, he said almost all the hotel rooms are full. He said there are about 300 individuals with 54 to 56 children enrolled in the school district. He said they got some information from the state this week. He said things at the hotel are doing pretty well. He said he is thankful to all for their efforts to address the needs. He said there is information on the Board of Health webpage regarding where and how to make donations. ► Chair Mercer said he thought he read that Governor Healy is working with the federal government legislators to help find work for the migrants

who are looking to find work. ► Mr. Hellen said that on November 13, there is a work clinic proposed by the Department of Homeland Security to deal with this issue, but details are scant. He said that Ms. Cathy Liberty got a \$10,000 grant from a non-profit in Milford and has linked up with a transportation provider to do non-emergency medical transportation for the folks at the shelter. He thanked Ms. Liberty for all she does. He said he does not know how it is going to work. He said that regarding the right to shelter law, the judge ruled today that the governor does have the ability to set a cap on the right to shelter law. He said they do not have information from the governor on how a wait list will work.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee. None.**
- b. **Economic Development Subcommittee.** ► Councilor Hamblen said the subcommittee met before tonight's Town Council meeting. She said they are talking about 40R and creating a new bylaw in overlay districts. She said it will take time to get it together. She said it is a recommendation from the Franklin for All project.
- c. **Budget Subcommittee. None.**
- d. **Master Plan Update Committee.** ► Councilor Jones said they will be meeting again on November 8 at 6:30 PM. He said there is a lot on the agenda which he reviewed.
- e. **Davis-Thayer Building Reuse Advisory Committee. None.**
- f. **Police Station Building Committee. None.**
- g. **GATRA Advisory Board.** ► Councilor Frongillo said GATRA has not met, but they did get confirmation of a budget piece which was approved and implemented and we are free to advertise free rides to and from the Franklin Senior Center to Franklin residents, a dollar off all rides for Franklin residents, and free rides to and from the Franklin Food Pantry.

FUTURE AGENDA ITEMS: None.

COUNCIL COMMENTS: ► Councilor Cormier-Leger said it was an honor serving on this panel. He noted the election is next Tuesday. He said he is proud of everything they accomplished in the last two years. ► Councilor Chandler said he hopes everyone comes out and votes. He noted how nice the flowers at Dean College look. ► Councilor Pellegri said kudos to the Senior Center for their new furniture due to the water damage. She said it is so important to get out and vote. She said she thinks this Town Council has done a wonderful job and accomplished a lot. ► Councilor Frongillo noted a few upcoming events: tour of key Franklin facilities on bikes on November 5 at 9 AM; vote next week; Fall Health Fair on November 8 from 3 PM to 6 PM; two Conservation Commission events on November 9 and November 12. ► Councilor Hamblen gave condolences to Councilor Sheridan and his family for their loss. She thanked everyone who was at the Schmidt's Farm ribbon cutting. She noted other recent events in Town that were amazing. She thanked everyone allowing her to serve Franklin, and she encouraged everyone to vote. ► Councilor Jones said in the future he would hope the Town Council would schedule events and activities such as the ribbon cuttings on days that all Town Council members can attend as he has to work. He congratulated the Tri-County School for the affirmative vote to build the new school. He noted the incredible Dean College play. ► Councilor Dellorco agreed with Councilor Jones that the Town Council members who work cannot make the ribbon cuttings and events held during work hours. He gave condolences to Councilor Sheridan and his family. He said it has been a great Town Council. He stated that Mr. Bobby Catalano turned 101 yesterday, and he wished him Happy Birthday. ► Chair Mercer gave condolences to Councilor Sheridan and his family for their recent loss. He congratulated Tri-County for the successful vote. He spoke about the ribbon cutting at Schmidt's Farm and the celebration of this sitting Town Council for purchasing over 200 acres of open space land; he said it was a tremendous day. He said in the future, they will look to make such events at times when everyone can attend. He discussed that he went to the Fire Department open house; he reviewed some of the activities at the event. He noted the Trunk or Treat event at the library and that Dean College had a decorated van and was handing out candy. He noted the event at the Police Station and the great costumes. He noted the weather was great for

all three events. He thanked all the people who put on the events. He said this is the most important election for people in the community as the people they are electing are actually spending your tax dollars. He said to please come out and vote. He thanked all the Town Council members for the work done over the past two years. ► Councilor Cormier-Leger thanked the Lions Club for hosting their amazing decorating contest throughout town.

EXECUTIVE SESSION: None.

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

Meeting adjourned at 8:31 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary