

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
August 12, 2020**

A meeting of the Town Council was held on Wednesday, August 12, 2020, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA; residents could attend and participate via the Zoom Platform. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Eamon McCarthy Earls (via Zoom), Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegri. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney (via Zoom); Chrissy Whelton, Assistant to the Town Administrator.

CALL TO ORDER: ► Chair Mercer called the meeting to order at 7:00 PM. He called for a moment of silence and all recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer stated, as posted on the agenda, the public will not be permitted to enter the building or participate in person. Only pre-approved participants on the meeting agenda will be allowed to enter the Building and participate in person. Residents can attend and participate via the “ZOOM” Platform. Due to the continued concerns regarding the COVID-19 virus and Governor Baker’s declared State of Emergency, we will be conducting a remote/virtual Town Council Meeting for all public access and participation. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number or citizens can participate by clicking on the link provided on the agenda. The provided link and phone number will be active for the duration of the meeting for citizens to ask questions/voice concerns. If residents are just interested in watching the meeting it will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. This meeting is being recorded by *Franklin TV* and may also be recorded by others.

► Chair Mercer stated that Mr. Eamon McCarthy Earls is participating remotely via Zoom. ► Mr. Earls thanked the Franklin citizens for allowing him to serve on the Town Council for nearly three years. Effective September 6, 2020, he will resign from the Town Council to begin a new chapter in his professional development as he is embarking on the process to become an attorney and will study law at a university in Virginia. ► Chair Mercer congratulated Mr. Earls for being accepted to law school. ► Town Clerk Teresa Burr announced that Ms. Nancy Danello has a new title of Deputy Clerk. Ms. Burr announced a special Town election to be held on Saturday, December 5, 2020, at the Franklin High School. Monday, September 21, 2020, nomination papers will be available in her office. Wednesday, October 14, 2020, is the last day to obtain nomination papers. Friday, October 16, 2020, is last day to file nomination papers. Wednesday, November 25, 2020, is the last day to register to vote or change party affiliation for the September 1, 2020, primary. Anyone registered to vote prior to July 1, 2020, should have received a register-to-vote card in the mail from the State. This should be filled out if a resident would like to vote from home. She reviewed other voting procedures listed on the Town Clerk’s website page. She stated ballots will be processed as quickly as possible. Please call or email her office with questions. She noted that every precaution will be taken regarding COVID-19 at the polls. ► Ms. Danello reviewed early voting procedures, locations, hours, and dates.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: *June 18, 2020 and June 24, 2020*

► *June 18, 2020.* ► **MOTION** to Approve the **June 18, 2020** meeting minutes by **Dellorco**. **SECOND** by **Kelly**. **No Discussion.** **ROLL CALL VOTE:** **Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES.** ► **VOTE:** **Yes-9, No-0, Absent-0.**

► **June 24, 2020.** ► **MOTION to Approve the June 24, 2020 meeting minutes by Dellorco. SECOND by Kelly. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: ► **Library Board of Directors: Barbara Steele.** ► Mr. Jones read the appointment. ► **MOTION to Ratify the appointment by the Town Administrator of Barbara Steele to serve as a member of the Franklin Library Board of Directors with a term to expire on June 30, 2023, by Jones. SECOND by Kelly. Discussion:** Mr. Hellen stated this appointment is endorsed by the Library, as well. **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

► **Planning Board Associate Appointment: Candidates - Cobi Frongillo, Gregory Giardino, Beth Wierling, Jennifer Williams.** ► Planning Board Chair Anthony Padula opened the August 12, 2020, Planning Board meeting at 7:18 PM. He stated this meeting is for the Planning Board Associate joint appointment. ► Mr. Hellen reviewed his memo of March 13, 2020, provided in the Town Council's meeting packet. He noted the previous Planning Board Associate member was elected as a full Planning Board member at the last November election rendering the associate seat vacant. He reviewed that board vacancies can be filled by the Town Council and Planning Board jointly until the next Town election on November 2, 2021. About 12 candidates were interviewed. The candidates before the Planning Board and Town Council tonight have provided their resumes and completed the Volunteer Form. He noted the Planning Board Associate member is not a full member of the Planning Board but fills in when needed. ► Chair Mercer stated that four candidates were brought forward. Three candidates are present at tonight's meeting as Mr. Giardino was unavailable to attend. He asked each candidate to provide information about themselves. ► Mr. Cobi Frongillo reviewed his background and experience. He stated he is looking for an opportunity to get involved and contribute to the Town. ► Town Council members asked questions which Mr. Frongillo answered. ► Chair Mercer stated that Mr. Giardino is unavailable to attend tonight's meeting. ► Ms. Beth Wierling provided her background and experience. She stated that she is already aware of the process and the people in Franklin and would look forward to begin selected. ► Town Council members asked questions which Ms. Wierling answered. ► Ms. Jennifer Williams provided her background and experience. She stated that she is invested in seeing Franklin evolve. ► Town Council members asked questions which Ms. Williams answered. ► Chair Mercer thanked all the candidates for coming forward. ► Town Council members requested the views of the Planning Board members on the candidates. ► Planning Board Chair Padula stated he believed all the applicants were qualified; it is a personal choice. ► Planning Board Vice Chair Halligan stated all the candidates would be great. ► Mr. Cerel, Town Attorney, asked for a determination of what constitutes the selection of the candidate in regards to the vote. ► Chair Mercer stated a majority of the 14 votes, nine Town Council members and five Planning Board members, would be the determination. ► Town Council members discussed the candidates. ► Mr. Kelly stated that ultimately it is the Planning Board's choice as they have to work with the candidate; however, the Town Charter includes the Town Council as a joint appointment. He stated he is looking at only three candidates as the other candidate did not show up. This is a very difficult decision as there are three excellent candidates. ► Mr. Bissanti thanked all the candidates who applied for this position. ► Mr. Earls stated this is a challenging pick. **ROLL CALL VOTE: Planning Board Members: Rondeau-Williams; Power-Frongillo; David-Williams; Halligan-Frongillo; Padula-Williams. Town Council Members: Bissanti-Frongillo; Chandler-Frongillo; Dellorco-Frongillo; Earls-Frongillo; Hamblen-Wierling; Jones-Williams; Kelly-Williams; Mercer-Williams; Pellegrini-Wierling.** ► **VOTE: Williams-6, Frongillo-6, Wierling-2.** It was agreed that the low vote candidate was eliminated, and the joint committees voted again. **ROLL CALL VOTE: Planning Board Members: Rondeau-Williams; Power-Frongillo; David-Williams;**

Halligan-Frongillo; Padula-Williams. Town Council Members: Bissanti-Frongillo; Chandler-Frongillo; Dellorco-Frongillo; Earls-Frongillo; Hamblen-Frongillo; Jones-Williams; Kelly-Williams; Mercer-Williams; Pellegrini-Williams. ► VOTE: Williams-7, Frongillo-7. ► Mr. Cerel stated the committees may use any mechanism they would like to break the tie. ► Mr. Kelly suggested the Planning Board should make the decision as they have to work with the selected candidate. ► Chair Mercer suggested they vote again. **ROLL CALL VOTE: Planning Board Members: Rondeau-Williams; Power-Frongillo; David-Williams; Halligan-Williams; Padula-Williams. Town Council Members: Bissanti-Frongillo; Chandler-Frongillo; Dellorco-Frongillo; Earls-Frongillo; Hamblen-Frongillo; Jones-Williams; Kelly-Williams; Mercer-Williams; Pellegrini-Williams. ► VOTE: Williams-8, Frongillo-6. ►** Chair Mercer thanked the candidates and welcomed Ms. Williams. He noted that there are many opportunities to volunteer for the Town and there is also an upcoming election for various Town board/committee seats.

Chair Mercer called a three-minute recess.

Chair Mercer stated the Planning Board meeting must be closed.

► **MOTION to Close the August 12, 2020, Planning Board meeting by Padula. SECOND by David. No Discussion: ► Planning Board Members' Vote: Yes-5, No-0, Absent-0. Meeting adjourned at 8:07 PM.**

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Procurement: John Bugbee.* ► Mr. Hellen stated this presentation was a request by Mr. Earls. ► Mr. John Bugbee, Procurement Officer, narrated a slideshow presentation. He stated that procurement is a Town government activity that works behind the scenes. Everything the Town does as it relates to buying and selling equipment and property has to be procured publicly through a number of laws. He reviewed the basics of procurement law. He provided an overview of the most used law, M.G.L. Chapter 30B. He reviewed the under \$10K, \$10K-50K, and over \$50K requirements; the allowable purchasing contracts of collaboration and cooperatives and statewide contracts; the surplus property disposal process governed by Ch. 30B; and improvements in procurement procedures in the office. He discussed emergency procurement, public bidding exemptions, and sole-source procurement/proprietary specifications. ► Mr. Hellen stated that Mr. Bugbee does all the Town's contracts and works together with the Town Attorney. ► Mr. Chris Sandini, Finance Director, added that even though there are 37 exemptions, many of them the Town still procures; he explained the process. ► Mr. Bugbee stated that everything done in his office is done by law. ► Mr. Cerel stated that in all cases a written contract is produced between the Town and the vendor/contractor. ► Mr. Earls thanked Mr. Bugbee for his overview of procurement. He asked about vehicle and equipment purchasing. ► Mr. Bugbee reviewed the purchasing process for vehicles which is done primarily through the State Bid List. The DPW decides when the useful life is done for the vehicle and all pieces of equipment, then he goes through the process of auctioning off the vehicle. ► Town Council members asked questions, provided comments, and thanked Mr. Bugbee for his presentation. ► Mr. Cerel noted that it is the lowest and qualified bid that is selected.

► ***Snow Bylaw: EDC.*** ► Chair Mercer stated a bylaw came before the Town Council in January, and it was given to the EDC for review. ► Mr. Hellen reviewed the map and proposal regarding snow removal in the downtown center core and side streets. He stated an EDC meeting was held and this proposal was discussed with DPW; they now have a first draft of a map. He reviewed the map and discussed the area proposed for required snow removal by property owners. He noted this agenda item at tonight's meeting is for discussion

only; there is no Legislation for Action for this item at tonight's meeting. He noted there was some very good feedback at the EDC meeting. Areas of concern were West Central Street and East Central Street. All the snow from the Town's snow removal from those streets goes on the sidewalks, and it was a difficult expectation for a business owner to remove that snow. ► Ms. Hamblen, EDC Chair, stated there was a lively meeting on this snow removal bylaw and this new map. They discussed how much snow is in that area and how a business owner would clear it off. They discussed that the timing and length of the storm would be factors. She stated that they need to maintain a safe walking place for people, but they have to make sure the businesses can do it. The EDC would like more input. ► Mr. Bissanti, EDC member, concurred with Ms. Hamblen's comments. ► Mr. Jones, EDC member, stated he thinks this is a good start. One of the biggest issues is that as much as something makes sense on paper, it is really a storm-by-storm situation. His major concern is that whoever is tasked with clearing out something that it is done in the safest way possible. ► Mr. Earls, EDC member, agreed it was a case-by-case basis. ► Mr. Kelly stated that as a downtown resident, in his area, the DPW cleans up the sidewalk. His concern is the commuters who live in the neighbor, and it is very icy. There should be some type of maintenance by the resident after the snowplow goes through. Does the DPW send out the plow when it is 2 in., 3 in., or more? He stated there are elderly residents uptown and asked how are they going to do clearing. He is conflicted on this issue. ► Mr. Dellorco suggested this was a good start. He does not want an elderly person going out to clear snow and getting hurt. ► Ms. Pellegrini asked what were some of the suggestions made by businesses that were at the meeting. ► Ms. Hamblen said the Planning Board was there and they thought the DPW should take care of the sidewalks as most of the businesses could not physically move the snow that gets pushed on the sidewalk. ► Mr. Hellen stated this bylaw proposal originated from someone slipping at the Hang Tai restaurant and some commuters slipping in the downtown core. He suggested that in some areas of the downtown it should not be as heavy a lift for business owners to clear the snow. It should be a good faith effort out of the businesses in that area to augment what the DPW already does. He said a lot of the downtown businesses would likely step up to the plate as the foot traffic in downtown increases. ► Mr. Chandler said he was more concerned with the downtown area as that is where the walkers are. He asked DPW when they stopped plowing the downtown area. He stated this proposal is a lot to ask of the businesses. ► Mr. Brutus Cantoreggi, Director of Public Works, said they have never stopped removing snow downtown. This issue was brought up to increase efficiency and the DPW's response. If the business owners cleared their own areas and sidewalks, then the DPW would be 20 percent more efficient. He noted the DPW's snow removal priorities and that sidewalk are last. They will always clear the downtown; they get there when they can. ► Mr. Chandler stated that the priorities of when the downtown area is done should be reviewed. ► Mr. Cantoreggi stated he works with the School Department and Police Department and they have established priorities. ► Mr. Bissanti agreed with Mr. Chandler. The downtown is the first place after a snowstorm where people head such as to the banks and post office; it should have some priority. He stated the Town cannot count on merchants to shovel it and the Town would not want anything to happen to those merchants if they did. ► Mr. Cantoreggi reviewed that the DPW does make sidewalk passes through the downtown during snowstorms. ► Mr. Jones summarized that the Town is asking private property owners to clear a public way at their liability and then fining them if they do not. ► Mr. Hellen stated that having private property owners plowing the sidewalks is not new; it is in most towns. He noted that the streets are always first to get plowed. He stated that sometimes after a big storm it is difficult to get to the sidewalks when the DPW is still working on the streets. ► Mr. Cerel stated the starting point of these types of bylaws was from a simpler time such as when there were no DPW departments and heavy equipment. It is more complicated now. The law has changed with snow liability. It is a gray area. He suggested that most merchants and the Town are carrying insurance for injury claims. ► Mr. Jones stated that he understands the logic and necessity; however, we live in a litigious world. We are putting a potential liability on a private property owner who could hurt themselves and then put a lawsuit on the Town. He would like to table this item. ► Mr. Cerel stated that Mr. Jones has a point. If there is a bylaw in place and a person fails to do what is instructed to do and someone injures themselves, they can use that as failure to comply and negligence. ► Mr. Cantoreggi stated he has 32 plow people. In a town this size, he

should have at least 12 more people. Ideally, he would have 100 contractors; he currently has about 60. They are severely understaffed in plowing. ► Mr. Kelly stated that kids can still go to school on snow days as they can do it remotely; this will alleviate snow clean up at the schools and the focus can be on downtown. Maybe they can have this conversation with the schools and prioritize differently based on new needs. He is concerned about the elderly population and commuters. ► Chair Mercer agreed with Mr. Kelly regarding the schools and remote learning; why should there be snow days anymore? This is a discussion and these are just questions. If the school parking lots can take a step back, the Town's downtown can maybe be taken care of a little faster. These are some discussions to be had. ► Mr. Cantoreggi agreed and stated if they do not have to do the schools due to remote learning, they can move the snow in different locations. ► Ms. Jennifer Williams, 28 Queen Street, stated that while she has lived in Franklin, she has not been able to walk from her house to the commuter rail station without having to walk in the street due to snow. For example, Depot Street is never plowed. There should be some way to get the sidewalks cleared for citizens, commuters, and school children. ► Mr. Hellen stated he would circle back with Mr. Cantoreggi and look at the prioritization list and see if there can be anything done. He will return to the Town Council with updates. ► Mr. Cantoreggi noted that in the Rt. 140 corridor, it should be considered that those are big businesses. The Town pushes snow into their property, but they hire contractors to clear their sidewalks.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated they met and discussed the economic development plan. Ms. Lisa Piana of the Downtown Partnership attended. Ideas on how to encourage people to come to the downtown were reviewed. The subcommittee will meet again on August 20, 2020. It was noted that the Harvest Festival was cancelled.

LEGISLATION FOR ACTION:

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

- a. **Resolution 20-49: Gift Acceptance - Fire Department, \$100 (Motion to Approve Resolution 20-49 – Majority Roll Call Vote)** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-49: Gift Acceptance - Fire Department, \$100 by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen thanked Vikas Shah and Radhika Madana Mohan for their donation. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- b. **Resolution 20-50: Gift Acceptance - Library, \$23,900 (Motion to Approve Resolution 20-49 - Majority Roll Call Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-50: Gift Acceptance - Library, \$23,900 by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen thanked the Franklin Library Association for their generous donation. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen stated there are eight active COVID-19 cases in Franklin; this is the same as seven days ago. He stated Franklin was formally awarded the development grant for the regional dispatch center; the State will pay for this year's MECC assessment. He welcomed Mendon and Millville to the MECC. He congratulated Mr. Earls for his acceptance to law school.

FUTURE AGENDA ITEMS: None.

COUNCIL COMMENTS: ► Town Council members congratulated Ms. Danello on her Deputy Clerk position and Mr. Earls on his acceptance to law school. ► Mr. Chandler stated he understands the difficulty of working parents regarding the discussion at the School Committee last night. ► Ms. Hamblen encouraged the Town citizens to continue to do a good job on COVID-19. ► Ms. Pellegrini noted the museum's gift store was discussed at the Friends of the Historical Museum meeting today. She asked for volunteers to work in the Historical Museum gift store; please contact her if interested. She noted a group would be getting together for the CPA. ► Mr. Bissanti stated he watched the School Committee meeting; he applauded them for dealing with so much adversity at this time. ► Mr. Jones praised the School Committee for the great job they have done with all the challenges they have encountered. ► Mr. Earls thanked everyone for their kind words; he will miss his time on the Town Council. ► Chair Mercer wished Mr. Earls much luck. He echoed the other Town Council members regarding the difficult decisions of the School Committee. He noted the Town Council's role with the School Committee is that they vote the School Committee bottom line budget; otherwise, the School Committee makes all their own decisions. The School Committee's decisions do not fall under the purview of the Town Council. He applauded the School Committee for their hard work.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 9:44 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary