

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
September 2, 2020**

A meeting of the Town Council was held on Wednesday, September 2, 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, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegrini. Councilors absent: Eamon McCarthy Earls. 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 Town Clerk Teresa Burr informed him that there were early voting ballots that were inadvertently not counted last evening. The town clerk is working with the attorney general and secretary of state to rectify the situation along with similar situations in the City of Newton, Town of Wellesley, and Town of Milford; we expect the situation to be resolved swiftly and will post the election results when authorized by the secretary of state.

CITIZEN COMMENTS: ► Mr. Dale Kurtz reminded everyone that bricks are for sale for the Veterans’ Memorial Walkway; sales must be in by September 14, 2020, for those bricks to be laid by Veterans’ Day. ► Ms. Laura Stevens, owner/operator of the Moonlight Chef LLC, stated that she is a private chef and caterer and has been in business in Franklin for six years. She expressed concern for caterers and bakers who do not have commercial grade kitchens which are deemed allowable by the Town Council and Board of Health. She explained a temporary kitchen situation that she would like to use for food preparation. She requested the Town Council consider this and help her with the regulations regarding her business.

APPROVAL OF MINUTES: July 29, 2020. ► **MOTION to Approve the July 29, 2020 meeting minutes by Dellorco. SECOND by Kelly. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: 7:10 PM - Lot Line #4: Zoning Map Changes on or Near Beaver and Oak Streets.

► Chair Mercer opened the public hearing. ► Mr. Hellen stated this is for lot line project #4 for this legislative session; this is part of a multi-year clean up of lot lines. It was unanimously voted favorably at the Economic Development Subcommittee and at a public hearing by the Planning Board. ► Mr. Bryan

Taberner, Director Planning and Community Development, reviewed that this multi-year project is to better define the Town's zoning districts by following parcel lines. Where parcels are within two or more zoning districts, the zoning district line is moved so each parcel is only in one zoning district, in most cases based on the current land use. A substantial amount of the property in this proposed zoning map change is owned by the Town. He noted that letters to property owners and abutter notifications were sent. ► Ms. Hamblen, Chair EDC, stated this was before the EDC; it is very straightforward. ► Mr. Bissanti noted concern about losing Residential IV parcels. ► Mr. Taberner, in response to questions, explained that the 35 acres owned by the Town were in a few zones; they would like to rezone it all to Residential II. He noted the zoning districts do not really apply to the Town at all; this rezoning does not change usage or value to the Town in any way. ► **MOTION to Close the public hearing by Dellorco. SECOND by Kelly. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► Building, Inspections, ZBA: Gus Brown, Building Commissioner & Zoning Enforcement Officer. ► Mr. Gus Brown, Building Commissioner, addressed the Town Council. He noted he has been the building commissioner and zoning enforcement officer for eight years; he has been with the Town for 22 years. He provided a slideshow presentation regarding what the Building Department does on a daily basis for the Town of Franklin. He reviewed the Building Department staff and discussed the department's daily operations including review and process residential and commercial permit applications; protect the health and welfare of occupants through periodic inspections of multi-families, restaurants, schools, and public and private buildings; and interpret and enforce zoning. He noted the five members of the Zoning Board of Appeals. ► Mr. Bruce Hunchard, Chair ZBA, stated he has been on the ZBA for 27 years. He stated the ZBA grants relief from the zoning bylaws. As well, they handle variances, special permits and comprehensive permits for 40Bs. ► Mr. Bissanti stated the ZBA is a good asset for the Town, and he thanked Mr. Hunchard for his years of service. ► Mr. Brown reviewed the new residential and commercial buildings in 2020. He stated the department issued 1,323 building permits, 1,199 electrical permits, and 1,514 plumbing and gas permits in 2020. He reviewed the Viewpoint Online Permitting system which they began using in July 2019; it was an instant success. He reviewed other responsibilities including fire response, pools without permits, obstruction of view on corner lots, unregistered vehicles, vacant properties, field inspections, ground-mounted solar farms, remodeling, large developments such as Dean Avenue residential, condominiums, home occupations, warehouses, schools, plazas, tri-county student projects, mixed-use projects, hotels, and restaurants. ► Mr. Hellen noted this is just a little of what the Building Department does and the types of projects they deal with; the Building Department staff are looking out for public safety. He praised Mr. Brown for his hard work and fairness. He noted this is the first in a series of presentations for the Town Council this fall. ► Town Council members asked questions and thanked Mr. Brown and his staff for the great job they do. ► Mr. Hellen reviewed the solar farm, road paving, infrastructure improvements, and parking lot to be done on Spring Street.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► Mr. Kelly stated there will be a meeting on September 16, 2020, at 5:45 PM.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated they met and discussed micro-enterprise grant opportunities for small businesses that might need help and discussed upcoming listening sessions for businesses; this information is available on the Town's website. She stated Mr. Chandler has taken over Mr. Earls' position on the EDC.

LEGISLATION FOR ACTION:

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

► Mr. Cerel pointed out that as all Town Council members are present, with the exception of Mr. Earls who is absent, roll call votes do not have to be taken.

- a. **Resolution 20-51: Gift Acceptance - Veterans Department, \$15,423.66 (Motion to Approve Resolution 20-51 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-51: Gift Acceptance - Veterans Department, \$15,423.66 by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen stated that this is basically closing out the Veterans' Memorial Walkway project. ► Mr. Dale Kurtz, Veterans' Officer, thanked Mr. Larry Bederian, campaign chairman, and Mr. Ernest Carruthers who managed the funds for this incredible project. This action will close the account and move the funds to the Town. This allows for money to be set aside to add additional plaques and maintain the walkway. He thanked those involved for their support on this project. He stated they will continue to sell bricks until they are all in. ► Mr. Bissanti asked if there would be a legend identifying names included in the walkway. ► Mr. Kurtz stated there will be a ledger on the Town website which will list the veteran's name and identify the location of the installed brick. ► **VOTE: Yes-8, No-0, Absent-1.**
- b. **Resolution 20-52: Revision of 2020 Town Council Meeting Schedule (Motion to Approve Resolution 20-52 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-52: Revision of 2020 Town Council Meeting Schedule by Dellorco. SECOND by Kelly. Discussion:** Mr. Hellen stated the November 11, 2020, meeting date was changed to November 4, 2020, as November 11th is Veterans' Day. ► **VOTE: Yes-8, No-0, Absent-1.**
- c. **Resolution 20-53: Appropriation of Cable Funds in Support of PEG Service and Programming per M.G.L Ch.44, §53F3/4 (Motion to Approve Resolution 20-53 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-53: Appropriation of Cable Funds in Support of PEG Service and Programming per M.G.L Ch.44, §53F3/4 by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen stated this is the quarterly distribution that must be voted on. ► **VOTE: Yes-8, No-0, Absent-1.**
- d. **Resolution 20-54: Gift Acceptance - Senior Center, \$396.30 (Motion to Approve Resolution 20-54 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-54: Gift Acceptance - Senior Center, \$396.30 by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen thanked the Central Massachusetts Agency on Aging for their generous donation. ► **VOTE: Yes-8, No-0, Absent-1.**
- e. **Resolution 20-55: Acceptance of Grant of Roadway Easement - S.C. Rossi Automotives Services, Inc. (Motion to Approve Resolution 20-55 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-55: Acceptance of Grant of Roadway Easement - S.C. Rossi Automotives Services, Inc. by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen stated that in 2000, the Town received easements for the Town's Union Street reconstruction project. For some reason the easement at the corner of Union and Cottage Street on property owned by S. C. Rossi Automotives was referenced but never shown on a plan. This recently came up because the owner is looking to do something with that lot, and the plan needs to be formally corrected. This vote is for a clarification and housekeeping item to assist the business owner to move forward with their plans. ► Mr. Maglio stated he has worked with the property owner who is granting this easement to the Town. ► Mr. Cerel stated compensation was paid 20 years ago for this to be granted; however, it was not granted. Therefore, there is no compensation at this time. ► **VOTE: Yes-8, No-0, Absent-1.**
- f. **Zoning Bylaw Amendment 20-858: Zoning Map Changes on or Near Beaver and Oak Streets - First Reading (Motion to Move Zoning Bylaw Amendment 20-858 to a Second Reading - Majority Vote).** ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 20-858: Zoning Map Changes on or Near Beaver and Oak Streets to a Second Reading by Dellorco.**

SECOND by **Kelly**. **Discussion:** ► Mr. Hellen stated this vote is to move this zoning bylaw amendment to a second reading. This is based on the public hearing presented earlier during this meeting. ► **VOTE: Yes-8, No-0, Absent-1.**

- g. **Bylaw Amendment 20-859: Sewer System Extension - 100 Daniels Street – First Reading (Motion to Move Bylaw Amendment 20-859 to a Second Reading - Majority Vote).** ► Mr. Jones read the bylaw amendment. ► **MOTION to Move Bylaw Amendment 20-859: Sewer System Extension - 100 Daniels Street to a Second Reading by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen stated this is for a sewer map amendment to extend the sewer for one single-family home requested by the property owner. This comes at the recommendation of the DPW and Town Engineer. ► Town Council members asked questions. ► Mr. Maglio stated that no one else would be able to tie into this extension. The homeowner would own this line and will pay for the work to do this. ► **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: None.

FUTURE AGENDA ITEMS: ► Mr. Bissanti noted that the COVID dilemma has been difficult on businesses; he would like to see more compassion in all Town departments to help businesses go forward. He stated that he thinks some of the bylaws that the Town has are draconian at certain levels. There are small businesses that could use help and that would require some thinking outside of the box. For instance, some businesses could use help with beer and wine licenses. He asked why the Town cannot try to help people with a better way to think outside the box. Maybe when the COVID nightmare is over, things can be revisited to put everything back in line. He would like to explore a liquor license or beer and wine bylaw.

COUNCIL COMMENTS: ► Mr. Chandler thanked the EDC members for allowing him to be on the committee. He asked about the Davis Thayer study. ► Mr. Hellen stated he would send a link to the Facilities Use Analysis; they are still working on a revision. ► Mr. Chandler stated that he was censored on Facebook this week; it is not a good feeling regarding his First Amendment Rights. ► Ms. Hamblen reminded people about the micro-enterprise grant opportunities and the upcoming business listening sessions. She thanked the volunteers who worked at the election polls yesterday. ► Ms. Pellegri requested the report on the Old Museum. ► Mr. Hellen stated this was probably lost track of. The report is probably done; he will follow up on this. ► Ms. Pellegri stated there will be a Zoom informational meeting on the CPA on September 7, 2020. She wished everyone a safe holiday weekend. ► Mr. Bissanti noted Mr. Earls' departure and welcomed Mr. Chandler to the EDC. ► Mr. Jones welcomed Mr. Chandler to the EDC. He thanked all the election workers. He asked about the amount for unfunded mandates for the schools. ► Mr. Hellen stated there should be a deeper discussion on this. ► Mr. Dellorco thanked all the poll workers and those who helped during the election. ► Chair Mercer asked about a light that is on in the Old Museum. ► Mr. Hellen stated he would follow up. ► Mr. Brown recognized the patience of the contractors and residents during COVID; he appreciates how phenomenal they have been through this. ► Chair Mercer thanked all the poll workers.

EXECUTIVE SESSION: None.

ADJOURN: ► **MOTION to Adjourn by Dellorco. SECOND by Kelly. No Discussion.** ► **VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 8:38 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary