

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
November 18, 2020**

A meeting of the Town Council was held on Wednesday, November 18, 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: 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. ► **Nancy Danello, Temporary Town Clerk.** ► Ms. Danello provided an update on the upcoming Special Election to fill a vacant Town Council seat to be held at the Franklin High School on Saturday, December 5, 2020, from 7 AM to 8 PM. She discussed a small error made by the printing company on the mail-in ballots; the error has been corrected and new ballots will be mailed out next week. She stated that every ballot will be counted regardless of which ballot version is returned. She stated that mail-in ballots can be requested by emailing the Town Clerk's office. A candidate's night will be held on Monday, November 23, 2020, from 7 PM to 8 PM, and broadcast by Franklin TV on Verizon Channel 29 and Comcast Channel 11.

CITIZEN COMMENTS: ► Ms. Jane Callaway-Tripp, 607 Maple Street, requested to discuss the frequent power outages occurring in the Maple Street/Partridge Street/Pond Street/Lincoln Street area of Franklin. ► Chair Mercer stated this issue is an agenda item for tonight's meeting; as such, Ms. Callaway-Tripp must wait to speak about this concern until the agenda item is taken. ► Mr. Rick Ciccone, 185 Chestnut Street, expressed concern regarding the availability of the call-in phone number for Zoom meetings. He suggested the call-in number be posted for the duration meeting. ► Chair Mercer stated that he will speak with Franklin TV about having the call-in number available on the screen during meetings.

APPROVAL OF MINUTES: *October 7, 2020, October 21, 2020, and November 4, 2020.* ► **MOTION to Approve the October 7, 2020, meeting minutes by Dellorco. SECOND by Kelly. No Discussion. ► VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Approve the October 21, 2020, meeting minutes by Dellorco. SECOND by Kelly. No Discussion. ► VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Approve the November 4, 2020, meeting minutes by Dellorco. SECOND by Kelly. No Discussion. ► VOTE: Yes-8, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: ► *Council on Aging - Janet Jewett.* ► Mr. Jones read the appointment. ► **MOTION to Ratify the appointment by the Town Administrator of Janet Jewett to serve as a member of the Council on**

Aging with a term to expire on June 30, 2023, by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen thanked Ms. Jewett for volunteering. ► **VOTE: Yes-8, No-0, Absent-0.**

HEARINGS: 7:10 PM

► ***Shaw's Supermarkets, Inc. d/b/a Shaw's, Amendments to a \$15 Retail Package Store License, 255 East Central Street, Franklin, MA.*** ► Chair Mercer declared the hearing open for Shaw's Supermarkets, Inc. d/b/a Shaw's, Amendments to a \$15 Retail Package Store License, 255 East Central Street, Franklin, MA. ► Mr. Nick Zozula of McDermott Quilty & Miller LLP, representing Shaw's Supermarkets, Inc., stated this hearing is for administrative housekeeping items. They are requesting a change in officers and directors and applying for a change in ownership interest as Albertsons Companies has gone public. He stated that there are no managerial or operational changes. ► Town Council members asked questions. ► Mr. Cerel stated these structural corporate changes do not require the local manager to be present at the Town Council meeting. ► **MOTION to Close** the public hearing for Shaw's Supermarkets, Inc. d/b/a Shaw's, Amendments to a \$15 Retail Package Store License, 255 East Central Street, Franklin, MA, by **Kelly. SECOND** by **Dellorco. No discussion.** ► **VOTE: Yes-8, No-0, Absent-0.**

LICENSE TRANSACTIONS: ► ***Shaw's Supermarkets, Inc. d/b/a Shaw's: Application for multiple amendments to a \$15 Retail Package Store License - Change of Officers/Directors and Change of Ownership Interest, for their location at 255 East Central Street, Franklin, MA.*** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the request by Shaw's Supermarkets, Inc. d/b/a Shaw's for a Change of Officers/Directors and Change of Ownership Interest by **Jones. SECOND** by **Dellorco. No discussion.** ► **VOTE: Yes-8, No-0, Absent-0.**

► ***La Cantina Winery Company, Farmer Winery, Farmers Market.*** ► Mr. Jones read the license transaction. ► **MOTION to Approve** the issuance of a Farmer Winery, Farmer's Market License to Robert Vozzella, La Cantina Winery Company, by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen stated this request is to allow samples and sale of wine at Franklin's Winter Farmers Market. ► Mr. Robert Vozzella stated this is for purchasing only; there will be no sampling due to COVID. ► **VOTE: Yes-8, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► ***National Grid – Ann Malley*** ► Ms. Ann Malley, Program Manager for National Grid, stated Franklin has three substations. The Beaver Street substation has six feeders, the Peck Street substation has two feeders, and the Union Street substation has three feeders. The feeder that they have received calls on and the one that seems to be posing the most questions is from the Beaver Pond substation. It has approximately 2,900 customers. It goes up to Pond Street, Daniels, and Lincoln Streets. All the feeders are like circuits in a home. She explained that various conditions can cause fuses to blow. She said that branches cause most power outages during storms. She noted that squirrels and other animals can also cause havoc in the equipment. She said that National Grid is trying to maintain better reliability. Tree trimming is done on a five-year cycle; each circuit is trimmed every five years. All tree trimming was just recently completed for the Beaver Street circuit. She explained that tree trimming does not involve removing or cutting trees, just trimming. Based on maintenance specifications, a 6 ft. clearance is maintained to the side of the lines, and a 10 ft. clearance is maintained above and below the lines. As trimming is completed, trees and limbs that must be removed are noted. Then they meet with the Town to review trees and limbs that need to be cut and with property owners if the trees are on private property. She explained that they are looking to replace open wire with tree wire or spacer cable; they are going to try to do some quick fixes. Longer projects will take longer to get on their schedule. She reviewed that when a tree contacts a wire it can cause flickering of the lights. After the third touch, the power will most likely go out. A truck patrols to find the tree branches, and then they are removed. She explained their grid modernization project and stated that it will reduce the number of homes that lose power due to trees touching wires; the project starts in April 2021 and should be done by the end of the year. ► Town Council members asked questions and thanked the linesmen who work to restore power. ► Ms. Malley reviewed that they have the ability to switch feeds at times during storms. She stated that National Grid is not responsible or negligent when a tree comes down. She explained that if the wind is over 45 mph, the workers cannot go up in the bucket trucks. She reviewed numerous scenarios of causes of power outages and the process to restore power. She reviewed the protocol for tree trimming and the five-year cycle. She stated that the

Town and customers can call if there are trees of concern and they will come out and look. She explained the process for poor performing feeders to be fixed. She noted that the Beaver Street feeder is not the worst feeder for National Grid regarding power outages. ► Mr. Hellen stated that residents often say they do not want a tree on their property trimmed or cut down. He stated that DPW Director Brutus Cantoreggi sends out numerous letters to homeowners who have trees that pose a danger to the wires. ► Ms. Malley stated that during a storm, residents should call National Grid's customer service line to report a power outage. She reviewed a new way to stay informed during a power outage through text. ► Ms. Pellegrini suggested this information be provided in the next Town newsletter. ► Ms. Jane Callaway-Tripp, 607 Maple Street, stated she has lived in the same house for almost 50 years. She understands power outages occur during major storms. However, she lost power recently when the wind was not even 30 mph, and there was no storm. She expressed concern that the administrators told her that as she lives in a highly wooded area, she should expect power outages; she stated that is unacceptable. There were more trees in the area years ago before all the subdivisions were installed. She thinks all the equipment should be updated. She stated that as National Grid's new project is set to start in April, what happens during this winter's power outages as people will not have heat, will lose food, will get frozen pipes, and will not have access to necessary home medical equipment. It seems like there are many excuses being made. Something needs to be done; the problem needs to be rectified. She asked when the last time system equipment upgrades were made, and she asked for a list of the equipment that has been replaced in the past 10 years. ► Chair Mercer stated that all Town Council members have received emails with concerns similar to Ms. Callaway-Tripp's regarding power outages. He stated that Ms. Malley will return to National Grid with the Town's message. He stated they are taking some steps; they have finished the tree trimming and will be doing more. ► Ms. Malley reiterated that they are going to replace some of the wires in the short-term to do some quick fixes. She reviewed National Grid's process for replacing failed or end-of-life equipment. ► Mr. Ira Yellin, 5 Cooper Drive, stated he agreed with all Ms. Callaway-Tripp's comments and concerns. He stated if National Grid now knows this is an issue, and they are not taking action within a reasonable amount of time, maybe that is negligence by National Grid. ► Ms. Amali De Zoysa, 1 Janie Avenue, expressed concern that the work by National Grid is not going to start until April. She is concerned with having to go through another winter with the possibility of power outages and not getting power back for a few days which has been the case in the past. She asked if National Grid can fix this problem sooner and make this area a priority. ► Ms. Malley stated quick fixes such as trimming and replacing some of the wires will be started immediately. The modernization project will start in April. ► Chair Mercer asked how the public finds out that improvements have been made. ► Ms. Malley said that she will update the Fire Chief and the Town Administrator when updates are done. ► Ms. Jacqueline Maciel, 95 Elm Street, stated that when she loses power, she has no heat, no water, and no way to access data for her smartphone. She recommended another substation be installed for this end of Town. ► Ms. Kristie Goulet, 205 Bent Street, said she lost power seven times this year; she supports anything they can do to expedite this. ► Ms. Jyoti Sachdeva, 234 Daniels Street, stated that she cannot use her stove when she loses power, and this is difficult for her family. ► Chair Mercer thanked Ms. Malley for her presentation.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► Mr. Kelly stated the subcommittee met tonight to discuss upcoming legislation for action agenda items.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated their last listening session was postponed; it will be combined with the next listening session scheduled for December 9, 2020, at 6:30 PM.

LEGISLATION FOR ACTION:

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

- a. **Resolution 20-65: Request for FY21 Supplemental Appropriations (Motion to Approve Resolution 20-65 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-65: Request for FY21 Supplemental Appropriations by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Kelly stated that this resolution and Resolution 20-66 were both discussed during the Budget Subcommittee meeting. He thanked all those who worked on the FY21 budget update. He discussed local revenues and unfunded mandates by the State. This supplemental appropriation of approximately \$150,000 is for the Recreation

Department and Town Clerk's office. He reviewed the budget stabilization transfer of approximately \$853,000. He stated that these actions have saved the Town an override. ► Mr. Hellen agreed with Mr. Kelly's summation. He stated the Town Clerk's budget needed to deal with the multiple elections; the Recreation Department anticipated in June that there would be far fewer programs than actually occurred. He noted the Finance Committee voted unanimously for this. ► Town Council members asked questions. ► Mr. Hellen stated that none of the personnel costs associated with the election qualified under the CARES Act. ► **VOTE: Yes-8, No-0, Absent-0.**

- b. Resolution 20-66: FY21 Budget Stabilization Transfer (Motion to Approve Resolution 20-66 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-66: FY21 Budget Stabilization Transfer by Dellorco. SECOND by Kelly. Discussion:** ► Mr. Hellen stated this vote is to appropriate \$853,842 into the Budget Stabilization Fund which is a government term for a rainy-day fund. Currently, there is nothing in this account. He thanked the Town Council and the Finance Committee for their support. He stated the amount includes \$285,558 received this year for the hotel/motel tax; he noted this is a fraction of what is normally received due to COVID. ► **VOTE: Yes-8, No-0, Absent-0.**
- c. Resolution 20-67: Gift Acceptance - Fire Department, \$5,000 (Motion to Approve Resolution 20-67 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-67: Gift Acceptance - Fire Department, \$5,000 by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked the DCU Federal Credit Union. ► **VOTE: Yes-8, No-0, Absent-0.**
- d. Zoning Bylaw Amendment 20-861: Zoning Map Changes on or near Oak Street - First Reading (Motion to Move Zoning Bylaw Amendment 20-861 to a Second Reading - Majority Vote).** ► **MOTION to Waive the reading by Dellorco. SECOND by Hamblen. No discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 20-861: Zoning Map Changes on or near Oak Street to a Second Reading by Dellorco. SECOND by Kelly. Discussion:** ► Director of Planning and Community Development Bryan Taberner stated that this zoning bylaw amendment and Zoning Bylaw Amendment 20-862 were both recommended for approval by the Planning Board at their last meeting. ► Ms. Hamblen stated this is one of the items worked on by the EDC to clean up lot lines. ► **VOTE: Yes-8, No-0, Absent-0.**
- e. Zoning Bylaw Amendment 20-862: Zoning Map Changes on or near Longhill Road and Pleasant Street - First Reading (Motion to Move Zoning Bylaw Amendment 20-862 to a Second Reading - Majority Vote).** ► **MOTION to Waive the reading by Dellorco. SECOND by Kelly. No discussion.** ► **VOTE: Yes-8, No-0, Absent-0.** ► **MOTION to Move Zoning Bylaw Amendment 20-862: Zoning Map Changes on or near Longhill Road and Pleasant Street to a Second Reading by Dellorco. SECOND by Kelly. Discussion:** ► Chair Mercer stated this continues the clean-up of lot lines. ► **VOTE: Yes-8, No-0, Absent-0.**
- f. Bylaw Amendment 20-864: To Amend The Code of the Town of Franklin to Add A New Chapter 16 Community Preservation Committee (CPC) - First Reading (Motion to Move Bylaw Amendment 20-864 to a Second Reading - Majority Vote).** ► Mr. Jones read the bylaw amendment. ► **MOTION to Move Bylaw Amendment 20-864: To Amend The Code of the Town of Franklin to Add A New Chapter 16 Community Preservation Committee (CPC) to a Second Reading by Dellorco. SECOND by Kelly. Discussion:** Mr. Hellen stated this will be a great tool for the community. A bylaw has to be created which sets the terms of the CPC. He noted 188 communities in Massachusetts have a CPC so there is much information available. After the bylaw is passed, committee members will be appointed. He noted tax collection for this will not start until FY22. The stated provides the matching funds after the local tax is collected. ► Town Council members asked questions. ► Mr. Bissanti expressed concern that the bylaw amendment flies in the face of the ballot question. ► Mr. Hellen explained that what was voted on at the polls was not a bylaw; it was a ballot question to ask the community if they wanted to raise the surcharge two percent under those conditions to pay for CPA. He explained this is a simple requirement that every community has to do to form a committee. He noted the vote on the ballot question was about 60 percent in favor; this is the next phase after the ballot question was approved. ► Mr. Cerel explained that a bylaw to

form a committee is mandatory. ► Mr. Hellen reviewed the process for a resident to be considered for appointment to the CPC. He said there are boards that are required to be on the committee. For the at-large vacancies, postings will be put out to find interested volunteers. He stated that he will have a fully transparent and open process. This is just like any other committee appointment in Town. ► Ms. Pellegri expressed concern about the number of board and at-large members and discussed concerns about the acceptance of the Community Preservation Act. ► Mr. Cerel explained the Community Preservation Act was accepted by the Town Council when the question was put on the ballot and the voters passed the question. ► Mr. Bissanti agreed that there was redundancy in having both Conservation Commission and Agricultural Commission members. ► Mr. Hellen reminded the Town Council that they appropriate the money and have final say; the CPC makes recommendations. ► Mr. Cerel stated there may be no more than nine members on the CPC. ► Chair Mercer agreed it makes sense to remove the Agricultural Commission member and have four at-large members. ► Mr. Hellen noted that in many Towns there is a member from an Open Space Committee. ► Ms. Jane Callaway-Tripp, 607 Maple Street, stated that residents voted on the CPA question the way it was written on the ballot which did not include the Agricultural Commission but did allow four at-large members. ► Chair Mercer stated the residents voted to approve the CPA. The Town Council is now forming the CPC. He reviewed that the law mandates that five members be from boards; the Town Council would like four at-large members. ► Ms. Theresa Shea stated agreement with Ms. Pellegri's comments. She disagreed that the Agricultural Commission is in charge of open space. She stated that Franklin used to have an Open Space Committee; it was disbanded because Conservation Commission felt that what needed to be done would be done through Conservation and other Town departments. ► Chair Mercer stated that there is a consensus of the Town Council that the Agricultural Commission member will be eliminated, and there will be four at-large members. As well, there will be changes in the terms as discussed. These items will be changed at the second reading. ► Mr. Alan Earls, 23 Marvin Avenue, agreed that four at-large members of the community would be good. ► **MOTION to Add the Amendments as stated, by Jones. SECOND by Dellorco. No discussion. ► VOTE (to add the amendments): Yes-8, No-0, Absent-0. ► VOTE (to move the bylaw): Yes-8, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen stated there are 104 COVID-19 cases. They are aware of some clusters in the community. This is commensurate with the trend in other communities. He stated that beginning November 1, 2020, there will be a lower rate on the electric bill. He stated that only 5.6 percent of the Town opted out of the program. He stated the Fire Department has a Grants Committee; they have received approximately \$250,000 in grants in the 15 months that Chief McLaughlin has been here.

FUTURE AGENDA ITEMS: ► Mr. Bissanti stated he would like to explore the possibility of a Citizens' Committee. ► Mr. Kelly stated Representative Jeff Roy works hard for Franklin.

COUNCIL COMMENTS: ► Mr. Chandler stated he continues to receive questions regarding the phishing scam. He wants the public to know their questions will get answered. ► Ms. Hamblen noted there will be a Winter Farmers' Market. She stated they are looking for volunteers to participate in the Town's beautification day on November 21st. ► Ms. Pellegri stated that residents are still asking questions about the missing \$525,000. She stated that at the last Town Council meeting she asked for this to be an agenda item; however, it turned into an executive session. This is not giving the people any answers. Hopefully, after the executive session, we will be able to talk about it. She stated that she is unhappy about how this was handled. ► Mr. Dellorco agreed with Ms. Pellegri. He stated he received phone calls regarding a former councilor picking up three plows and getting harassed from a bill of sale. ► Mr. Hellen stated he is not aware of this and requested additional information. ► Chair Mercer stated there would be a public response to the item brought up by Mr. Chandler and Ms. Pellegri at the next Town Council meeting. He gave a shout-out to the High School Field Hockey Team. He wished everyone a Happy Thanksgiving.

EXECUTIVE SESSION:

Purpose: *a. To investigate charges of criminal misconduct or to consider the filing of criminal complaints.
b. Discussing Strategy with respect to litigation, because an open meeting may have a detrimental effect on the litigation position of the Board.*

► Chair Mercer stated the Town Council needs to meet in an Executive closed session for the following purposes: a. To investigate charges of criminal misconduct or to consider the filing of criminal complaints, and b. Discussing Strategy with respect to litigation, because an open meeting may have a detrimental effect on the litigation position of the Board. He declared that an open meeting may have a detrimental effect on the litigation position of the public body. The open session will not reconvene at the conclusion of the Executive session.

► **MOTION to Move** that the Franklin Town Council go into Executive Session by **Jones. 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-0.**

► **The open session of the Town Council Meeting adjourned at 9:48 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary