

FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
September 1, 2021

A meeting of the Town Council was held on Wednesday, September 1, 2021, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Alecia Alleyne, Assistant to the Town Administrator.

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 explained that there was a power outage near the Franklin TV station. The Zoom platform is working. Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are now welcome to attend public board and committee meetings in person. Additionally, in an effort to maximize citizen engagement opportunities and comply with open meeting law regulations, citizens will be able to continue to participate remotely via phone or Zoom. The meetings will also be live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. He stated that this meeting is being recorded by Franklin TV and may also be recorded by others.

CITIZEN COMMENTS: ► Ms. Nancy Danello, Acting Town Clerk, discussed the upcoming November 2nd election to be held from 6 AM to 8 PM. She stated that nomination papers will be accepted through September 10th, papers are due to her office for certification by September 14th, the last day to withdraw nomination papers is September 30th, and ballots will be ordered on October 1st. She explained the vote by mail procedure, the last day to register to vote, and early voting times. ► Ms. Jane Callaway-Tripp, 607 Maple Street, discussed the recent trash fee increase. She stated that at the last Town Council meeting this item was on the agenda, but the item was never allowed to be open for the public to discuss. She stated that although \$8 is not a large increase, in the last year the Town Council has raised property taxes, water, sewer, CPA taxes, and trash fees, and she noted stormwater fees that the Town Council wants to put in effect. She stated that the taxpayers are also making up money that was not recuperated from the \$.5 million that was lost through a scam. She noted how people on fixed incomes and families with only one income are struggling and not everyone can afford these increases. She stated that although the Town Council members say they understand and hear the public, they keep voting for the increases. She stated that the townspeople vote the Town Council members to represent the citizens; however, not everyone is being represented. Some citizens have been forgotten. ► Ms. Jacqueline Maciel, 95 Elm Street, thanked the Town Council for posting the meeting minutes. She stated that she contacted two members of the Town Council about this issue. She discussed omissions from the meeting minutes regarding numbers she cited regarding the liquor license for Dean during comments she made at previous Town Council meetings. She said that she knows when they have court reporters, they have to accurately transcribe things; she thought that is what went on when they did minutes of the Town Council meetings.

APPROVAL OF MINUTES: ► *July 21, 2021.* ► **MOTION to Approve** the July 21, 2021 meeting minutes by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Councilor Chandler stated that he thought the meeting minutes of the Dean College discussion were perfect. He noted it was a long discussion and a very good job was done. ► Mr. Hellen stated that the recording secretary does an amazing job for this

board as well as for other boards and committees. He reminded the public that there is an archive of live-streamed videos of the meetings; as well, Franklin TV replays all the videos. All meeting minutes are located in the Town Clerk's office. He explained that if the public is looking for something like a recorded court situation, the Town is not required by statute to do a stenographer's job. ► Councilor Bissanti noted that he spoke to Ms. Maciel and explained that she should not expect the meeting minutes to be verbatim. ► Town Attorney Mark Cerel stated that the meeting minutes provided are at a much greater level of detail than required by statute. They are supposed to be a notation of who is present, motions, votes, and a fair summary of discussion that would allow someone who was not present to understand what went on; however, it is not supposed to be a verbatim transcript. ► **VOTE: Yes-8, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: Police Department. ► **Nick Palmieri, Promotion to Sergeant.** ► Police Chief Thomas Lynch stated that tonight they will be recognizing some promotions and new hires. He introduced Nick Palmieri and reviewed his background and education. ► Sergeant Palmieri's family was present and performed the pinning. ► Acting Town Clerk Nancy Danello performed the swearing in. ► **Jack Flynn, Promotion to Detective.** ► Chief Lynch introduced Jack Flynn and reviewed his background and education. ► Detective Flynn's wife was present and performed the pinning. ► Acting Town Clerk Nancy Danello performed the swearing in. ► **Patrick MacDonald, New Hire Introduction & Ceremonial Swearing in.** ► Chief Lynch introduced Patrick MacDonald and reviewed his background and education. ► Mr. MacDonald's wife was present and performed the pinning. ► Acting Town Clerk Nancy Danello performed the swearing in. ► **Victoria McVicar, New Hire Introduction & Ceremonial Swearing in.** ► Chief Lynch introduced Victoria McVicar and reviewed her background and education. ► Ms. McVicar's mother was present and performed the pinning. ► Acting Town Clerk Nancy Danello performed the swearing in.

Chair Mercer called a two-minute recess.

APPOINTMENTS: ► **Richard C. Johnson, Conservation Commission.** ► Mr. Jones read the appointment. ► **MOTION to Ratify** the appointment by the Town Administrator of Richard Johnson to serve as a member of the Franklin Conservation Commission with a term to expire on June 30, 2024, by **Jones. SECOND by Hamblen. Discussion:** ► Ms. Hamblen noted that Mr. Johnson's middle initial is *W* not *C*. ► Ms. Pellegri asked for Mr. Johnson's background and experience. ► Mr. Hellen reviewed Mr. Johnson's information. ► **VOTE: Yes-8, No-0, Absent-0.**

HEARINGS: 7:10 PM. ► **Zoning Bylaw Amendment 21-874: Amendment to Ch.185 Section 21 Parking, Loading, and Driveway Requirements proposed change to minimum parking requirements in Downtown Commercial and Commercial I zoning districts.** ► Chair Mercer stated that this is a continued hearing from the last Town Council meeting. **He declared the public hearing open.** He stated that he would go to the public first for questions and comments. ► Ms. Jane Callaway-Tripp, 607 Maple Street, stated that Town Council members should not be smirking when citizens are speaking during Citizens Comments. She discussed the reason that was given to reduce the parking from 1.5 spaces to .5 spaces was to revitalize the Town to bring more foot traffic and people to the shops downtown. She understands the concept, but where are they? She stated that the Town has been doing this for 20 years. She reviewed previous Town revitalization efforts such as when the theater was taken down and replaced with a building and when the traffic was rerouted. She stated that revitalize does not mean to take apart and rebuild which is what we keep doing, and it is costing taxpayers millions of dollars. She stated they should get something in the downtown that people want to see or shop at. She stated that the Town should stop saying that we need .5 car spaces to revitalize; what we need is shops to shop at. She stated that she has done her research. In town's where they have lowered parking, they have fleets of taxis, parking lots,

and parking garages, all of which Franklin does not have. She discussed how the historic district abuts this downtown district. She asked who came up with this idea for Franklin's center. She stated the residents are tired of spending money. She asked who will be responsible for the next mess that the .5 car spaces will not fix. This will be the ending of Franklin as we know it. She stated that items like this require public participation. She asked when those meetings and discussions were made public for people to attend. She reviewed parking requirements in surrounding towns: Wrentham-2 spaces per unit; Medway-1.5 spaces per unit; Bellingham-2 spaces per unit; Walpole-2 spaces per unit plus one space per every 4 units for guest parking. She reviewed a 2010 MBTA study. She noted a 22-page report outlining recommendations to increase the downtown parking long-term. She reviewed the millions of dollars Franklin has spent on roadway and streetscape improvements which has not improved the downtown and made it flourish. She discussed the original parking requirement of 2 parking spaces per unit; then it was voted to reduce it to .5 for residential and 1 per 500 sq. ft. space in commercial. Now three years later, the Town Council is looking to reduce the parking requirements further to .5 spaces. She stated that reducing the parking before did not solve the issues or revitalize the downtown area. She noted that she pointed out at the Planning Board meeting that the Planning Board can always use Special Permits to reduce the required parking on an individual basis for a particular development. However, once the spacing is reduced overall, it cannot go back. She stated that she is asking the Town Council to vote no of the .5 spaces just as she asked the Planning Board. She stated let's focus on bringing 30,000 plus residents to the downtown area and that will require parking. Let's stop spending the taxpayers' dollars. ► Councilor Bissanti stated shame on the Town Council for ever losing their grip of the C1 zoning that they had in downtown which was zero parking. He asked where was the Downtown Partnership, where were the merchants, to discuss this. He is not sure that EDC should be discussing zoning issues. He thinks they need an inclusionary panel, with residents also, to discuss this. He stated that Ms. Callaway-Tripp made some excellent points, and she swayed the whole Planning Board. He stated shame on the Town Council, EDC, and the Downtown Partnership; they should have stepped up if they really wanted this. ► Councilor Hamblen stated that they did speak about this at EDC meetings; it was talked about a lot. She stated that it came out of some of our business listening sessions, that were open to the public, that people thought it would be better to have less parking as it would give the developers more freedom to do things. She stated that how to make more affordable housing was talked about and that is done by making it less expensive for developers to develop. She stated that the MAPC is going to do a zoning study and will suggest how and if the zoning should be changed. She stated that it would be important as a Council and a Town to listen to what these recommendations are. She recommended that the Town Council wait for the zoning study. ► Chair Mercer stated that the Town Council authorized in June to go out to get a comprehensive zoning diagnostic analysis of downtown zoning and C1. He stated that he thinks it would be remiss of the Town Council, since the last analysis was done in 2003, to vote on this until the Town Council sees the results of the analysis that MAPC has been hired to do. He stated that because of that he removed the Legislation for Action item from the agenda. He stated that a good analysis will be obtained and then they will be able to make an informed decision on how to move forward. ► Councilor Bissanti stated that in defense of the EDC, they spoke about this parking a lot, and he feels a little jilted because they worked so hard on this. He stated that they got torpedoed because the public does not understand the complexities of zoning; they need to include the public more in decision making when it comes to zoning. He discussed how they obtained the parking ratio at .5; it was a formula for developers. He stated that banks will not finance a development without parking. He stated that the public needs to be included in discussions, and the public needs to be educated on zoning as it is very complex. ► Councilor Frongillo stated that he thinks it is wise to wait for the zoning study. Regarding the idea of being torpedoed by the Planning Board, he stated that the Town Council should keep in mind that they do not require the Planning Board's consent for passing this. He stated that unfortunately the Planning Board has shown at a few points that they are perhaps behind the times where downtown revitalization is going. He stated that this is perhaps

another example of that. He stated that he feels confident that MAPC will point us in the right direction. ► Councilor Jones clarified that previous Town revitalization projects were both federally and state funded; they were not Town funded projects. He noted that changing the route from one-way to two-way to improve traffic flow was also done to improve the fire department's 90-second response to get to other sections of Town. He discussed that Covid has had a large impact on businesses. He discussed that one of the biggest things that have held us down in fixing up the downtown has been our property owners. The Town Council has zero control over what the property owners in downtown do; our responsibilities stop at the sidewalk. He hopes the property owners will come to some realization and work with the Town to come up with a viable plan to make the improvements that we as a community feel will revitalize the downtown. ► **MOTION to Close the public hearing by Jones. SECOND by Dellorco. No discussion. VOTE: Yes-8, No-0, Absent-0.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Karen Maguire - Superintendent of Schools, Tri-County Regional Vocational Technical School.* ► Mr. Hellen stated that the previous superintendent retired. He invited the new superintendent to the Town Council meeting for an introduction. He is very excited to work with Superintendent Maguire and her team. ► Superintendent Maguire thanked Mr. Peter Wiernicki for accompanying her to this meeting. She thanked Mr. Hellen for the opportunity to speak tonight. She stated that she began in July. She extended her commitment to work with the Town. She reviewed the educational programming at the school. She stated that she will dedicate her time to collect and synthesize information from stakeholders in the community. She will focus on identifying the strengths of the district, systems, and traditions that are in place, as well as the challenges. She noted the challenges of the past year. She stated that she would like to address long and short-term impacts of Covid on the students. She stated that she looks forward to developing the partnership with Tri-County and Franklin over the years to come. ► Town Council members asked questions. ► Councilor Chandler noted that Tri-County School helps the Town pay for .5 police officer; that is good teamwork. He noted that Tri-County locks their gates at 5 PM and on weekends, and residents cannot use the track area. ► Superintendent Maguire stated that the track is not usable at this time; it is cracked. As they move forward with improvements, she feels that Tri-County needs to be the center of this area. ► Councilor Hamblen asked about the programs, and if Superintendent Maguire is thinking about adding programs or making changes. ► Superintendent Maguire said that she is looking at that currently to see what areas need to be focused on for students and adult education. ► Councilor Jones summarized that Tri-County is an excellent vocational school. ► Superintendent Maguire stated that they are moving forward with a feasibility study on the building to see what the need is. ► Councilor Dellorco stated that unions are looking for workers. Does she have contact with the unions to help the students get jobs? ► Superintendent Maguire reviewed her past experience and stated that she has connections with several boards/unions. ► Councilor Pellegrini wished her the best of luck. She noted that many students at the vocational school do go on to college. ► Chair Mercer thanked Superintendent Maguire for attending tonight's meeting.

Chair Mercer noted that the call-in telephone number has been restored to the screen.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► Ms. Hamblen stated that they will meet before the next Town Council meeting. On the agenda is to discuss the way-finding signs.

LEGISLATION FOR ACTION:

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

- a. Resolution 21-50: Gift Acceptance - Veterans' Services, \$400 (Motion to Approve Resolution 21-50 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 21-50: Gift Acceptance - Veterans' Services, \$400 by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen thanked the four donators for their generous contributions. ► Councilor Jones thanked the donators for supporting the veterans. ► **VOTE: Yes-8, No-0, Absent-0.**
- b. Resolution 21-51: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 (Motion to Approve Resolution 21-51 – Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 21-51: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that this is the required quarterly vote; it is a State statutory requirement. ► Councilor Pellegrri asked if there is anything that can be done to get money back to the residents. ► Mr. Hellen stated that the only mechanism is to negotiate during the license process to reduce the fee that goes to Franklin TV; however, all that would be doing is reducing the amount of money Franklin TV has to do their work. There is no legal ability for the Town to divert any of these funds back to residents. ► Councilor Bissanti asked if the Town Council can talk to Verizon. ► Mr. Hellen stated that it is a consumer's decision whether they want to spend money on cable or not. He noted that Franklin has contracts with both Comcast and Verizon; therefore, consumers have a choice. ► Discussion commenced on cable bill prices, which cable company offers better prices, and the importance of the PEG funding/money going to support the Town's communication network. ► **VOTE: Yes-8, No-0, Absent-0.**
- c. Resolution 21-52: Budget Stabilization Policy (Motion to Approve Resolution 21-52 – Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 21-52: Budget Stabilization Policy by **Dellorco. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen reviewed that this policy originated by the Town's Finance Committee earlier this spring, and they unanimously approved a policy on June 16, 2021. He noted that the Town Council appropriated \$850,000 to this fund a few years ago. He stated that this is a policy regarding how to use the money and how much money should be in the fund. He stated that this is fiscal policy #19 which is the Budget Stabilization Policy. He reviewed the proposed Budget Stabilization Policy: to set a target fund balance equal to 2 percent of prior fiscal year general fund operating revenue (which equates to \$2.0 to \$2.5 million and would change every year), the stabilization fund is a one-time revenue source for general fund operating budget shortfalls, and no more than 50 percent of the fund balance can be spent in any fiscal year to balance the operating budget. He noted that the financial policies in totality were last reviewed in 2019; he expects a review of all financial policies will be one of the goals of the incoming Town Council. ► Town Council members asked questions and gave comments. ► Councilor Hamblen asked how money is put into the fund and if there is a minimum amount of free cash that must be put in. ► Mr. Hellen discussed how OPEB funding operates. He discussed the ups and downs of free cash. He stated that the idea of putting in a percentage was resisted as there are already other accounts with such requirements. He noted that free cash may not need to be used for some items because of the federal stimulus money. ► Councilor Chandler asked about money to pay for snow and ice expenses. ► Mr. Hellen stated that Budget Stabilization Fund money could be used for snow and ice as it is considered public emergency. ► **VOTE: Yes-8, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► *2020-2021 Town Council Goals Update.* ► Mr. Hellen reviewed the Town Council Meeting 2020 and 2021 Goals, Town Council Workshop, January 8, 2020, document which was updated on August 25, 2021, and provided in the Town Council meeting packet. As stated on the document, the black text refers to the approved goals for the two-year session; the red reflects the update. He explained that everything on the list was accomplished. He reviewed some of the zoning items that had garnered much discussion. ► Mr. Hellen stated that as of August 26, 2021, there were 23 confirmed cases of Covid in Franklin; the Town had 31 Covid cases the prior week. The Town had its 49th passing of a resident due to Covid. ► Councilor Frongillo stated that they should not equate a single year of equal budget with long-term fiscal solvency. He stated that they are still behind on their road maintenance and stormwater, and there are some longer-term funds that are going to be needed to bring in more revenue. He stated that the single best way for the Town to bring in more revenue is to change land uses to make them more productive places for the Town. He stated that he is excited to move forward on the housing production plan.

FUTURE AGENDA ITEMS: ► Councilor Hamblen stated that the Agricultural Commission had a booth at the Farmers' Market and some suggestions were put in their suggestion box. One suggestion requested a presentation on a plan for Maple Hill to answer questions such as will there be bikes paths and places to park. She suggested an open hearing on this item. ► Councilor Jones requested the local tax exemption for veterans be put on a future agenda; he explained the allowable exemption. He also requested to revisit the policy on lowering flags to half-mast for certain holidays, occasions, and events. ► Councilor Dellorco agreed with Councilor Jones regarding the veterans' exemption.

COUNCIL COMMENTS: ► Councilor Chandler noted that Lincoln Street is done. He discussed that last year many were involved in putting together a policy for the flags on September 11th. ► Mr. Hellen stated that he has noted this to the DPW Director. ► Councilor Hamblen stated that on September 10th at the Farmers' Market zucchini races will be held. She noted that the Agricultural Commission is looking for volunteers for this. She stated the September 11th ceremony is at the fire department headquarters at 10 AM on September 11th. ► Councilor Pellegri thanked Representative Jeff Roy for coming out and having Senator Warren here for two visits. She stated that she was very embarrassed that people came forward and acted as they did on this day. She stated that the protestors who showed up on the Town Common were loud, ignorant, and very, very rude. She stated that these people do not like Senator Warren and that is fine; they have the right to feel that way. However, she stated that you do not have to come to ruin an event for all of us who wanted to be there. She stated that group should have stayed home. Instead, this group, including candidates for Town Council and those for reelection stood with them. She stated that she found this terrible. She stated that she thought the protest was a hateful, hateful protest. She stated that she is speaking for herself and not for everyone on the Town Council. She said that if she had her way, they would have been escorted out by the police. She stated that this handful of protestors are on Facebook and criticizing the Town constantly. She stated she thinks that is a terrible thing to do. She stated that we need people who are caring, honest, and not full of hate to serve our residents of Franklin. ► Councilor Frongillo stated that the Planning Board moved forward on the Housing Production Plan. He stated that this document allows Town Council to move forward. He noted the Cultural Festival on September 14th. He stated that he looks forward to moving forward on complete streets. ► Councilor Bissanti stated that he is all for housing and wants to see affordable housing. He stated that believe it or not, there are people who speak against it; he will push for it. He gave condolences to the Travis family for the loss of their daughter. ► Councilor Jones thanked everyone who attended the swearing in ceremonies for the police officers. He noted the SAFE Coalition's event last night; he stated that there were 2,104 people who lost their lives to overdoses in Massachusetts in 2020. He stated that everybody has the right to their opinion; he loves the First Amendment. He stated that the Town Council's decisions

are for the betterment of the Franklin community as a whole. ► Councilor Dellorco gave his condolences to the Constantino family for the passing of David Constantino. He thanked Town Council members for attending the SAFE Coalition event. He stated that he thinks there may be even more deaths from overdoses in 2021. He asked people to reach out as there are a lot of resources available. ► Chair Mercer gave his condolences to the Travis and Constantino families for their losses. He thanked those who attended the SAFE Coalition event and those who are on the SAFE Coalition for all they do.

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 Board.*

► Chair Mercer so declared that the Town Council needs to meet in executive session for the purpose of 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 Board.

► **MOTION to Enter** executive session for the purpose of 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 Board and the open meeting will reconvene at the conclusion of the executive session by **Jones. SECOND by Hamblen. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-8, No-0, Absent-0.**

Open Session ended at 9:15 PM.

Open Session reconvened 10:11 PM.

RECONVENE IN OPEN SESSION ► *Discussion of possible land acquisition depending on the outcome of the Executive Session.* ► Chair Mercer stated that from executive session, the Town is in receipt of a statement of intent to convert pursuant to Mass General Laws, Ch. 61A, property at 215 Prospect Street, Franklin, MA. He stated that by the Town being in receipt of this letter, a very long process starts. He stated that the first stage of that process is for the Town to contract with a licensed real estate appraiser to get an appraisal of the property. He stated that is all the information the Town Council has. He stated that the Town Council will continue to update the public as the process proceeds.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Jones. No Discussion. ► VOTE: Yes-8, No-0, Absent-0.

Meeting adjourned at 10:14 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary