

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
November 10, 2021**

A meeting of the Town Council was held on Wednesday, November 10, 2021, 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; 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.

SWEARING IN OF TOWN CLERK AND TOWN COUNCIL: ► Ms. Sandy Golebiewski, Human Resources Administrator, conducted the swearing in of Ms. Nancy Danello, Town Clerk. ► Ms. Nancy Danello, Town Clerk, conducted the swearing in of all Town Council members.

ELECTION OF OFFICERS FOR TOWN COUNCIL CHAIR, VICE CHAIR, CLERK:

► Nominations were accepted for Town Council Chair. **Nomination of Mercer by Jones. SECOND by Dellorco. No Discussion. Motion to Close nominations for Chair by Jones. No SECOND. No Discussion. VOTE (to close nominations): Yes-9, No-0, Absent-0. VOTE (for Chair): Yes-9, No-0, Absent-0.**

► Nominations were accepted for Town Council Vice Chair. **Nomination of Dellorco by Chandler. SECOND by Jones. No Discussion. Motion to Close nominations for Vice Chair by Jones. SECOND by Hamblen. No Discussion. VOTE (to close nominations): Yes-9, No-0, Absent-0. VOTE (for Vice Chair): Yes-9, No-0, Absent-0.**

► Nominations were accepted for Town Council Clerk. **Nomination of Jones by Hamblen. SECOND by Pellegrini. Motion to Close nominations for Clerk by Jones. SECOND by Hamblen. No Discussion. VOTE (to close nominations): Yes-9, No-0, Absent-0. VOTE (for Clerk): Yes-9, No-0, Absent-0.**

ADOPTION OF TOWN COUNCIL PROCEDURE MANUAL - Resolution 21-67. ► Resolution 21-67: Adoption of Town Council Procedure Manual (Motion to Approve Resolution 21-67 - Majority Vote).

► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 21-67: Adoption of Town Council Procedure Manual by Dellorco. SECOND by Hamblen. Discussion:** ► Chair Mercer stated that this resolution must be voted annually. He noted the manual was last reviewed in 2018. He stated that he will be putting together a subcommittee to review the manual to determine if any adjustments need to be made.

► Councilor Chandler stated that section 35 regarding spectator decorum should be reviewed. ► Mr. Hellen noted that he is in the process of getting signs made for the Council Chambers regarding spectator decorum for the audience to read. ► **VOTE: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: ► 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, 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: ► Mr. Thomas Alpert, 38 Jefferson Road, rabbi Temple Etz Chaim and member of Franklin Interfaith Council, and Dr. Jacob Juncker, 40 Marvin Avenue, pastor Franklin United Methodist Church and member of Franklin Interfaith Council, addressed the Town Council. Dr. Juncker reviewed that on October 28th the Franklin Interfaith Council issued a call to the community which he read aloud. He noted the recent lack of respect and civility toward Mackenzie Atwood, senior at Franklin High School, who spoke at the October 26th School Committee meeting about the discrimination she and her friends experience on a regular basis. She was interrupted and attempted to be silenced. He stated that we cannot allow ourselves to become numb to hate-filled language and actions. He asked that the community commit themselves to Love Franklin. He stated that the Franklin Interfaith Council is ready to help build a more inclusive community. ► Ms. Jane Callaway-Tripp, 607 Maple Street, congratulated the Town Council members on their election.

APPROVAL OF MINUTES: ► *October 6, 2021.* ► **MOTION** to **Approve** the October 6, 2021 meeting minutes by **Dellorco**. **SECOND** by **Jones**. **No discussion**. ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: **None.**

APPOINTMENTS: ► ***Franklin Cultural Council: Venus Senjam.*** ► Councilor Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Venus Senjam to serve as a member of the Cultural Council, with a term to expire on June 30, 2024, by **Jones**. **SECOND** by **Dellorco**. **Discussion:** ► Mr. Hellen stated that tonight's candidates for appointment are present in person or via Zoom. ► Councilor Cormier-Leger stated that he endorsed all four candidates for appointment. ► Councilor Frongillo stated agreement. ► Councilor Jones thanked the volunteers. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***Franklin Cultural Council: Patrick Kinner.*** ► Councilor Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Patrick Kinner to serve as a member of the Cultural Council, with a term to expire on June 30, 2024, by **Jones**. **SECOND** by **Dellorco**. **No discussion**. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***Franklin Cultural Council: Shelley Green.*** ► Councilor Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Shelley Green to serve as a member of the Cultural Council, with a term to expire on June 30, 2024, by **Jones**. **SECOND** by **Dellorco**. **No discussion**. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***Franklin Cultural Council: Jacob Juncker.*** ► Councilor Jones read the appointment. ► **MOTION** to **Ratify** the appointment by the Town Administrator of Jacob Juncker to serve as a member of the Cultural Council, with a term to expire on June 30, 2024, by **Jones**. **SECOND** by **Dellorco**. **No discussion**. ► **VOTE: Yes-9, No-0, Absent-0.**

HEARINGS: **None.**

LICENSE TRANSACTIONS: ► ***Residence Inn Boston Franklin, License Modification, Change of Manager, Officers/Directors/ LLC Managers & Change of ownership Interest, 4 Forge Parkway, Franklin, MA 02038.*** ► Councilor Jones read the license transaction. ► **MOTION** to **Approve** the request by NEP OPS-T, LLC d/b/a Residence Inn Boston Franklin, for a Change of Officers/Directors/ LLC Managers and Change of ownership Interest, and also a Change of Manager to Mohamed Hashesh as described, by **Jones**. **SECOND** by **Hamblen**. **Discussion:** ► Mr. Hellen stated that items such as this one come forward frequently. The Town is a pass through for the ABCC for a lot of these in terms of change of managers, ownership, stockholders, etc. They all have to come through the Local Licensing Authority

(LLA). He stated that the representatives for this item are on Zoom. He noted that all departments have signed off on the application. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***Shaw's Supermarkets, Inc. d/b/a Shaw's, License Modification, Change of Officers/Directors/LLC Managers, 255 East Central Street, Franklin, MA 02038.*** ► Councilor Jones read the license transaction. ► **MOTION to Approve** the request by Shaw's Supermarkets, Inc. d/b/a Shaw's for a License Modification, Change of Officers/Directors/LLC Managers as described, by **Jones. SECOND** by **Dellorco. Discussion:** ► Mr. Hellen stated that all departments have signed off on the application. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***99 Restaurants of Boston, LLC d/b/a The Ninety-Nine, License Modification, Change of Officers/Directors/LLC Managers, 847 West Central Street, Franklin, MA 02038.*** ► Councilor Jones read the license transaction. ► **MOTION to Approve** the request by 99 Restaurants of Boston, LLC d/b/a The Ninety-Nine for a License Modification, Change of Officers/Directors/LLC Managers as described, by **Jones. SECOND** by **Hamblen. Discussion:** ► Mr. Hellen stated that all departments have signed off on the application. ► **VOTE: Yes-9, No-0, Absent-0.**

► ***La Cantina Winery Company, Farmer-Winery, Farmer's Market License, 355 Union Street, Franklin, MA 02038.*** ► Councilor 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 **Hamblen. Discussion:** ► Mr. Hellen stated that this item is done every year. State law requires sampling and sales of local wineries and breweries to go through the LLA so that the applicant can participate in the winter farmers' market. ► Councilor Hamblen provided information about the winter farmers' market. ► **VOTE: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► ***Presentation: Open Meeting Law, Public Records, Ethics and Conducting a Public Meeting - Mark Cerel, Town Attorney.*** ► Mr. Hellen stated that after each Town election, the Town Attorney gives an overview of State Laws; Town Council members have been provided with copies of these documents which were also provided in the Town Council's meeting packet. ► Mr. Cerel narrated a slideshow presentation. He reviewed Open Meeting Law (OML). He discussed that Town Council members cannot use either serial communications or subcommittees to avoid compliance. The A.G.'s Office (Division of Open Government) is charged with enforcement of OML compliance. The consequence of a public body's non-compliance includes nullification of its action and/or a civil fine. He stated that under OML the public has a right to be present and listen whether in person or via Zoom; however, they do not have a right to participate. That is subject to the control of the Chair. He stated that there is no blanket immunity for anyone's speech; there is potential liability for anything that is defamatory, derogatory, threatening, etc. In response to a Town Council member's question, he reviewed that if a person is disorderly at a meeting, they can be removed by a police officer. Mr. Cerel reviewed public records law. He discussed that the definition includes all documents, regardless of form, made or received by public officials for public purpose, unless within one or another specific statutory exemption, G.L. Ch. 4, Section 7, Par. 26. The document itself determines whether it is a public record, not the equipment by which it was generated, such as a personal electronic device. ► Mr. Hellen reminded everyone that they have invested in public accounts for Town Council and School Committee for many years. The intention is to separate personal from public responsibilities. He stated that there is case law where public business was being conducted both on private and public email; those personal emails are then public. There are designated public records officers for the Town. He stated that 99.8 percent of all public records requests that come into the Town are from out of town business interests looking for information to possibly sell. He stated that the Town probably has so few public records requests from citizens as so much information is put into the meeting packets and available online. ► Mr. Cerel stated that there is a storage obligation that goes along with information, often seven

years. He stated that what is not a public record because it cannot be captured is a telephone conversation. ► Town Council members asked questions and made comments. ► Mr. Cerel confirmed that handwritten notes are public information. He stated that all forms of social media are subject to OML and public records. He noted that if a Town Council member is talking Town business on personal social media, it is fair game for a public records request; it is considered deliberation. He told Town Council members that they have to be careful. Mr. Cerel reviewed Ethics Law. He stated that Town Council members are deemed to be municipal employees, as opposed to special municipal employees, and are therefore subject to all statutory prohibitions and restrictions. Statutory prohibitions and restrictions apply not only to individual Town Council members, but also to their immediate family members. He stated that prohibitions apply not only to final decisions, i.e., individual Councilor's votes, but also to his/her participation, i.e., deliberative process. He reviewed the process of recusal from an item. He reviewed that the penalty for violation includes imprisonment and/or fine. Specific statutory prohibitions include self-dealing, interest in contract, solicitation/receipt, appearance of conflict. He reviewed that the Ethics Commission is available for guidance, in advance. ► Councilor Dellorco stated that if you are in the State pension, you cannot have a fundraiser for any politician. ► Mr. Cerel reviewed the regulations regarding this guidance. He noted that the Ethics Commission website has helpful information. He reviewed conducting public hearings. He stated that adjudicatory hearings are deemed to be an administrative function, as opposed to a legislative function. This increases legal exposure to the municipality, government body, and individual members as a result. He reviewed that it is important to be an impartial fact finder as opposed to an advocate, that public officials need to be familiar with appropriate legal standard/criteria and quantum of proof, and that public officials shall refrain from irrelevant or inappropriate comments.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► None.

LEGISLATION FOR ACTION:

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

- a. ***Resolution 21-65: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 - \$18,500.22 (Motion to Approve Resolution 21-65 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 21-65: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4 - \$18,500.22 by Dellorco. SECOND by Hamblen. Discussion:** Mr. Hellen stated that the Town Council is required to vote to appropriate the funds received from Comcast to go to cable TV. ► **VOTE: Yes-9, No-0, Absent-0.**
- b. ***Resolution 21-66: Gift Acceptance: Veterans Service Department (\$2,295.00) and Fire Department (\$965.00) (Motion to Approve Resolution 21-66 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve Resolution 21-66: Gift Acceptance: Veterans Service Department (\$2,295.00) and Fire Department (\$965.00) by Dellorco. SECOND by Hamblen. Discussion:** ► Mr. Hellen thanked the donors for their generous donations. He confirmed that this money goes into a separate account and not directly into the department's budget. ► **VOTE: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Hellen congratulated everyone on the election. He announced that the Senior Center café will be closed the week of Thanksgiving. They are doing a deep clean of the facility. They are also opening volunteer opportunities at the café which will be eligible for the Senior Work Off Program. An announcement from the Senior Center will be forthcoming; please contact them if interested in this opportunity. He noted drug and mental health issues are prevalent during this pandemic. He

noted a community meeting with a series of great speakers on November 18, 2021, from 6 PM to 8 PM at Franklin High School auditorium for a Critical Conversation sponsored by the Substance Abuse Task Force. He noted the lack of available mental health counselors.

FUTURE AGENDA ITEMS: ► Councilor Frongillo said that he was excited about downtown zoning and accessory dwelling units; he would like to see the EDC take up accessory dwelling units. ► Councilor Hamblen said she would like to have the Town Council take the Civil Discourse Pledge that was voted in. ► Councilor Pellegri stated that she had asked to have the Housing Authority come before the Town Council. ► Mr. Hellen stated that is on the November 17th agenda.

COUNCIL COMMENTS: ► Councilor Cormier-Leger stated that he was happy to be here. He congratulated the grade 6 youth football team and wished them a tremendous upcoming game. ► Councilor Chandler stated that he received some emails this week. He noted someone was not happy about the leaves. He stated the Transfer Station is free. He noted that if someone is burning leaves, please call the fire department. He stated that there has been vandalism at the high school. He would like some information about the vandalism and how it can be stopped. ► Mr. Hellen stated that these are heartbreaking incidents. He stated that his office works with the Superintendent and their staff on this. He stated that the school department, school administration, School Committee, staff, etc., take all these incidents seriously. He noted that it is a challenging world. Everyone is working very hard on these incidents. ► Councilor Pellegri stated that she has received many calls on this, five or more calls. She stated that she has spoken to some custodians in the school and they say it is out of control what is happening. She said that they do not have enough coverage in the cafeteria. She suggested having a monitor in the cafeteria. She said that when pizza is served it is being thrown around. She stated that there are cameras up there and they should use them to see who is causing all of this. She stated that she has been told that there are so many tables up there that are the trouble makers. She said, you know what, let's get it on film and have the parents look at the film. The parents are the ones that are going to have to talk to them. She said we have got to stop this. We have to be able to utilize the cameras. She said it means having to ask for volunteers to go up there from 11 AM to 1 PM when they are in there. She said that we have to corral these people that are creating the problem. She said that she is willing to go up there to be a monitor. She said that some of the people that called her would be willing to be a monitor. She said that it is just awful the things that are going on up there. She thanked the voters for a great turnout and she thinks they made the right decisions. ► Councilor Sheridan thanked the voters and thanked the Town Councilors for the warm welcome. ► Councilor Frongillo stated that Franklin has won the Dalton Award in Division 1 athletic programs for five of the last 10 years. He gave a shout-out to all the sports teams. He stated that next Monday at 9:30 AM he will be hosting alongside State Representative Jeff Roy and U.S. Representative Jake Auchincloss a talk on strong towns. ► Councilor Hamblen thanked all the Franklin voters for their support. She stated that on November 20th from 9 AM to 11 AM volunteers can meet downtown to help decorate/green up Franklin. She noted the first winter farmers' market at Fairmount Fruit Farm. She noted Veterans' Day is tomorrow. ► Councilor Jones noted the high voter turnout. He stated it is an honor to be here working with everyone. He stated that Franklin has a wonderful athletic department in the schools and with the Recreation Department. He noted the wonderful theater group that Franklin High School has. He noted their upcoming performance of Mamma Mia this Friday at 7 PM and Saturday at 2 PM and 7 PM. ► Councilor Dellorco thanked the voters. He wished the veterans the best. He noted that last night he got a text from a resident whose son has mental illness and could not find help anywhere. The Safe Coalition was on it and this morning they had a plan in place. Councilor Dellorco said that there is no one who can help these kids, and there are not enough people working in this field. ► Chair Mercer congratulated all the newly elected official to all the Town boards. He thanked all the people who ran for a position; he noted that there are committee opportunities for those who may not have won. He asked them to stay involved and keep the passion for the Franklin community alive. He thanked the Town Council members for

allowing him to be Chair again. He offered condolences to his mother and the Jordan family on the loss of his uncle, Roger Jordan, a long time Franklin community member.

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: Schmidt's Farm, Prospect Street.* ► Chair Mercer stated that there is a need for an executive session. He stated that Town Council needs to meet in executive session for the following purpose: to consider the purchase, exchange, lease or value of real property. He declared that an open meeting may have a detrimental effect on the negotiating position of the public body. He stated that this is in regard to Schmidt's Farm on Prospect Street. He stated that the open session will not reconvene at the conclusion of the executive session.

► **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 in relation to Schmidt's Farm, Prospect Street by **Jones. SECOND by Hamblen. No Discussion.** ► **ROLL CALL VOTE: Cormier-Leger-YES; Chandler-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.**

Open Session ended at 8:50 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary