

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
March 16, 2022**

A meeting of the Town Council was held on Wednesday, March 16, 2022, at the Municipal Building, 2nd Floor, Council Chambers, 355 East Central Street, Franklin, MA. Councilors present: Brian Chandler, Theodore Cormier-Leger, Cobi Frongillo, Melanie Hamblen, Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: Robert Dellorco. 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 in honor to remember the 67 Franklin residents who lost their lives due to Covid-19. All recited the Pledge of Allegiance.

ANNOUNCEMENTS: ► Chair Mercer reviewed the following as posted on the agenda. A Note to Residents: All citizens are 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 announced that Councilor Dellorco will not be attending tonight's meeting. This meeting is being recorded by Franklin TV and may also be recorded by others.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: ► *February 2, 2022 and March 2, 2022.* ► **MOTION** to Approve the February 2, 2022 meeting minutes by **Jones**. **SECOND** by **Hamblen**. **No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION** to Approve the March 2, 2022 meeting minutes by **Chandler**. **SECOND** by **Hamblen**. **No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.**

PROCLAMATIONS/RECOGNITIONS: ► ***Recognition/Promotion: Police Department - Sergeant Connor Crosman.*** ► Police Chief Thomas Lynch recognized Sergeant Connor Crosman for his promotion to sergeant. He reviewed Sgt. Crosman's education, background, and career. ► Sgt. Crosman's wife and son pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

► ***Recognition/Promotion: Police Department - Detective Laura Canavan.*** ► Police Chief Thomas Lynch recognized Detective Laura Canavan for her promotion to detective. He reviewed Detective Canavan's education, background, and career. ► Detective Canavan's husband pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

APPOINTMENTS: ► ***New Hire: Police Department - Derek Mackey.*** ► Police Chief Thomas Lynch recognized Officer Derek Mackey as a new hire in the Police Department. He reviewed Officer Mackey's education, background, and career. ► Officer Mackey's fiancée and daughter pinned the badge. ► Town Clerk Nancy Danello performed the swearing in.

Chair Mercer called a three-minute recess.

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: ► *Stormwater Utility - Brutus Cantoreggi, Department of Public Works.*

► Mr. Hellen stated that he recognizes tonight's presentation is short; it provides the critical information resident's need to know. He stated that Town mailers and previous presentations have been done on this topic. He stated that the Town of Franklin sued the EPA over this. ► Mr. Brutus Cantoreggi, DPW Director, Mr. Derek Adams, Stormwater & Environmental Affairs Superintendent, and Ms. Kate Sjoberg, GIS Coordinator, addressed the Town Council. ► Mr. Cantoreggi narrated his slideshow presentation which is provided online. He provided background on stormwater. He reviewed that the Stormwater Division website is the most comprehensive place to find stormwater information. He noted that there have been previous Town Council presentations on stormwater as well as public outreach presentations, utility flyer, impervious area story map, rain barrel program, flyers and brochures, stormwater management plan, and general stormwater information. ► Mr. Adams reviewed the cost of the utility fee which is \$18.66 per billing unit (BU). The current standard for a stormwater utility fee is based on impervious area (IA). A billing unit in Franklin is 1,000 sq. ft. of IA. He reviewed equality; all properties with IA will be part of utility billing. He reviewed equity; those with more IA will incur a higher rate. He reviewed that the average single-family home in Franklin is three (3) BU which equals \$56 per year. ► Mr. Brutus Cantoreggi noted that this is not a tax; it is a fee. Therefore, Dean College will also be required to pay the fee. ► Mr. Adams reviewed the credit and abatement system. Credits will be offered to all property owners for a maximum reduction of 50 percent off their stormwater utility fee. Residential credits include rain barrels, porous pavement/pavers, gravel driveways, rain gardens, dry wells, French drains, and other subsurface recharge systems. Commercial and large residential credits include rain gardens, bioretention area, detention/retention basins, sediment forebays, deep sump or leaching catch basins, tree wells, and subsurface structures. Credits must be reapplied for to maintain a lower stormwater utility fee. Residential credits must be renewed on a yearly basis and commercial and large residential credits every five years. Abatements may be applied for if property owners feel their IA is reported incorrectly. Owners with gravel driveways, pervious, or porous pavers/pavement may apply for an abatement. He reviewed the community assistance program. All stormwater utility fees will be waived for those property owners who qualify for the Community Assistance Program (CAP). Household gross income level must be at or below 200 percent of the Federal Poverty Guidelines. A Community Financial Assistance eligibility application must be completed. All information collected is strictly confidential and will only be used to determine eligibility for the CAP. He reviewed what this money gets the Town which includes enhancement of existing services including catch basin cleaning, street sweeping, pipe inspections and repairs, drainage swale maintenance, etc., identification and elimination of illicit pollution sources, inspection, construction, and maintenance of stormwater treatment structures (BMPs), detention basins, stormceptors, tree wells, rain gardens, etc., leaf litter collection, compliance with the MS4 permit, phosphorus Control Plan (PCP) projects, and increased drinking water protection. He reviewed that ARPA funds will help offset these stormwater/drainage costs for the next several years which will save residents money. He reviewed why this cannot be ignored. He reviewed the Quincy case study. He discussed that in March 2019, the U.S. Attorney's Office filed a civil complaint against the City of Quincy. Sewage was leaking into the storm drain system and polluting Quincy Bay. The city agreed to consent decree with expected cost in excess of \$100 million. There are civil penalties equal to \$115,000. Failing infrastructure must be repaired, and work must be completed by December 2034. He discussed how this fee will improve residential quality of life including yard waste pick-up, drainage improvements, flood mitigation, drinking water protection, asset protection, healthy waterways, roadway safety, and improved infrastructure. ► Town Council members asked questions, made comments, and thanked the presenters for their presentation. ► In response, Mr. Cantoreggi reviewed the abatement process. He stated that residents can call the DPW with questions regarding their IA units. ► Mr. Hellen stated that it will take about 10 to 12 months to put the procedure into place. ► Mr. Cantoreggi stated that they have not published the handbook yet. ► Mr. Hellen explained that if a resident qualifies for home heating assistance, they would qualify for a waiver. He reviewed the community assistance programs. He reviewed the Federal ARPA money applied to stormwater; money will be collected from residents in FY24. ► Councilor Jones stated concern that owners of properties that put no water into the storm system will only get a 50 percent abatement; as such the large corporations will only put the cost of these fees back onto residents/consumers with increased prices. He asked if there is a

way to allow properties to be grandfathered in. ► Mr. Cantoreggi discussed that the stormwater utility is a funding tool used by communities all across the country. It is a way to collect the money for the unfunded mandate. He stated that the Town does not have to do this; the cost can be paid out of the tax base. He reviewed that the abatement is only 50 percent for properties that put no water into the storm system. He stated that the proposed is an equitable way to do this. ► Councilor Jones stated that if this program is implemented, he would like to approach it on an annual basis to review the system to make sure it is being done in an equitable way. He would like to also get residents' input about their thoughts and feedback on the system. He stated that some parts of this could still use some tweaking. He reiterated his concern for the 50 percent only abatement. ► Mr. Cantoreggi responded to questions about non-profits such as religious organizations. He stated that this is a hardship for everyone. He stated that non-profits are subject to the fee. This is considered a utility fee, not a tax. ► Mr. Hellen noted that there would be approximately a 14-month turnaround, approximately FY24 before any fees would be collected. He discussed the credit schedule and the reasoning for the 50 percent; he stated that this is an evolving program. He stated that he has no doubt there will be annual presentations and reviews. ► Mr. Cantoreggi stated that the main focus of this permit is phosphorus loading regarding how much phosphorous ends up in the Charles River. ► Chair Mercer clarified that ARPA money is temporary which is why they are looking at FY24 for the implementation of this fee. One of the items that can be used to apply for a credit is as simple as a rain barrel. These are available through the DPW. ► Ms. Sjoberg reviewed that rain barrel information is available on the website. ► Chair Mercer stated that all Town fees are reviewed on a regular basis. As well, a complete budget process is gone through every year. He stated that no one wants to pay any more fees. Unfortunately, this is an unfunded mandate which must be paid for; the money has to come from somewhere. ► Ms. Sjoberg stated that she did not know who has the most impervious in the Town. ► Mr. Hellen stated that he would not want to speculate on who owns the most impervious in the Town. ► Chair Mercer stated that the question is who pays for the Town's impervious as municipalities are included in the fee structure. ► Mr. Hellen stated that every entity such as schools would build into their budget exactly what the fee would be. This is the same way that Dean College and every homeowner would build it into their budget. ► Mr. Cantoreggi discussed that some communities pay this through their taxes. ► Mr. Steve Sherlock, 10 Lawrence Drive, and Franklin Matters reporter, stated that he was interested in the credit table and would appreciate receiving it. He stated that they have been reporting on this since 2008. He stated that there is already a \$1.1 million deficit for this in the budget today. He stated that this is an equitable fee. He does not want to pay more than he has to; however, he will pay what he needs to. ► Ms. Karen Landers, 117 Union Street, asked what is ARPA. ► Mr. Hellen explained that ARPA is the American Rescue Plan Act. The Town is receiving some federal stimulus money; there are specific requirements regarding how the money can be spent, one of which is on stormwater. ► Ms. Jane Callaway-Tripp, 607 Maple Street, stated that everything to do with stormwater is now paid from taxes, the General Fund. She asked that once the stormwater fee is established, where will the money go that is currently used out of the General Fund. She asked is this going to be a fee that is annually increased, like the water and sewer fees. She understands that some people in the 200 percent poverty level will qualify for abatements, but what about the people who are just over the 200 percent guideline that would not qualify. With gas, food, and other supplies being so high, taxes and fees being raised, and utility bills being increased, this fee will be a burden on the people. She stated that taxpayers will be paying this fee in three different ways: the fee having to be paid for a resident's property, businesses will pass their fees onto the consumers and everything will increase in price, and residents also paying out of their tax dollars for municipal buildings and Town properties. She asked what happens to families in the middle ground who do not qualify for the waiver and are really just getting by right now. ► Mr. Hellen stated that savings out of the General Fund, you can't hold him to this number as he is projecting out two fiscal years, will be approximately \$1 million. He stated that he thinks Ms. Callaway-Tripp gives a great suggestion on priorities that are important to everyone in the Town. He stated that regarding raising the fees, our utility fees have a long history of being what they are to pay for the service. He stated that he has no doubt in 10 years the fee will be higher. ► Mr. Cantoreggi stated that fees usually go up. They will use the most cost-effective way. He stated that this plan will be scrutinized to do the best they can. ► Ms. Christine Anderson, 5 Peters Lane, stated that she knows that this is an unfunded mandate. She stated that she knows the taxpayers are feeling all of these fees. She

stated that here we are assessing a fee to cover the additional cost. For some taxpayers, that will mean some people will not be able to do it. She asked the Town Council to be really mindful of what is being charged to the taxpayers. ► Mr. Cantoreggi responded to the question of how is this being judged, what is the end goal. He stated that there is no end. He explained that the MS4 is a 20-year permit; there is really no end to it. They are supposed to be reducing the phosphorus load in the Charles River and get below the current benchmark.

LEGISLATION FOR ACTION:

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

- a. ***Bylaw Amendment 22-876: Chapter 153 Stormwater Management - Corrective Legislation, First Reading (Motion to Move Bylaw Amendment 22-876 to Second Reading - Majority Vote).*** ► **MOTION** to Waive the reading by **Hamblen**. **SECOND** by **Frongillo**. **No discussion.** ► **VOTE: Yes-8, No-0, Absent-1.** ► **MOTION** to Move Bylaw Amendment 22-876: Chapter 153 Stormwater Management - Corrective Legislation, to a Second Reading by **Hamblen**. **SECOND** by **Frongillo**. **Discussion:** ► Mr. Hellen stated that this is a technical amendment to the current stormwater utility bylaw. The main change is adding in the ability to have an abatement process, credit system, and a waiver of the fee for financial hardship. As a result of some of these changes, the utility bylaw is now renumbered and reorganized. ► Mr. Cerel stated that the fee references back to this bylaw, so it has to be correct. ► **VOTE: Yes-8, No-0, Absent-1.**
- b. ***Bylaw Amendment 22-877: Chapter 82, Municipal Service Fees, Amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration: Stormwater Utility Fee - First Reading (Motion to Move Bylaw Amendment 22-877 to Second Reading - Majority Vote).*** ► Councilor Jones read the bylaw amendment. ► **MOTION** to Move Bylaw Amendment 22-877: Chapter 82, Municipal Service Fees, Amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration: Stormwater Utility Fee to a Second Reading by **Hamblen**. **SECOND** by **Cormier-Leger**. **Discussion:** ► Mr. Hellen stated this is self-explanatory. ► **VOTE: Yes-8, No-0, Absent-1.**
- c. ***Bylaw Amendment 22-878: Chapter 82, Municipal Service Fees, Amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration: Passport Photo Fee - First Reading (Motion to Move Bylaw Amendment 22-878 to Second Reading - Majority Vote).*** ► Councilor Jones read the bylaw amendment. ► **MOTION** to Move Bylaw Amendment 22-878: Chapter 82, Municipal Service Fees, Amended at Section 82-6 Schedule of Service Fees, Subsection A. Administration: Passport Photo Fee to a Second Reading by **Hamblen**. **SECOND** by **Cormier-Leger**. **Discussion:** ► Mr. Hellen stated that this is a good fee; this is a great customer service initiative. The goal of this fee is to provide a more convenient one-stop process for Franklin residents to obtain or renew a passport. He stated that one of the items we see is many families come in to get passports with no photo, and we have to ask them to drive down the street to another shop to get the photo. A camera area has been installed to take pictures in the event folks forget their photo. The purpose of the fee is to generate better customer service and a more comprehensive set of services for the public. He noted that the federal State Department sets the fees for actual passports. However, we need to set the fee for the photo in Town Code. ► Town Council members asked questions and made comments; it was stated that this is a good service to the community. ► **VOTE: Yes-8, No-0, Absent-1.**
- d. ***Resolution 22-19: Gift Acceptance - Fire Department (\$1,050) (Motion to Approve Resolution 22-19 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION** to Approve Resolution 22-19: Gift Acceptance - Fire Department (\$1,050) by **Hamblen**. **SECOND** by **Cormier-Leger**. **Discussion:** ► Mr. Hellen thanked the donors for their generous donations. ► **VOTE: Yes-8, No-0, Absent-1.**

- e. **Resolution 22-20: Gift Acceptance - Veterans' Services Department (\$2,250) (Motion to Approve Resolution 22-20 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-20: Gift Acceptance - Veterans' Services Department (\$2,250) by **Hamblen. SECOND** by **Cormier-Leger.** ► Ms. Shannon Nisbett, Veterans' Services Officer, thanked the Fletcher Hospital Corporation for their generous donation. ► **VOTE: Yes-8, No-0, Absent-1.**
- f. **Resolution 22-21: FY22 Capital Improvement Plan (Motion to Approve Resolution 22-21 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-21: FY22 Capital Improvement Plan by **Hamblen. SECOND** by **Cormier-Leger.** **Discussion:** ► Mr. Hellen stated that the next three resolutions all relate to the Capital Program. These all have gone through the Finance Committee and they voted unanimously on February 9, 2022. Also, the Town Council Capital Subcommittee unanimously endorsed this plan. ► Councilor Pellegri stated that they met on two occasions and the Committee agreed with everything that was asked for. ► Mr. Hellen reviewed the fire truck replacement. He stated that the fire department found two fire trucks in another town that were made and they borrowed for that; it was a financially advantageous situation. Therefore, they took a pause on putting money annually into that stabilization fund because both trucks are in decent shape for a while. ► Town Council members made comments. ► Mr. Cantoreggi responded to the question of why the Town is always purchasing new vehicles for school, fire, and police departments. He stated that a car study was done in the past; it is still expensive for a used car for replacement parts, tires, etc. He stated that we have bought used vehicles in the past; but there are no used vehicles available. He stated that we use state bids and can get them less expensively. ► Mr. Hellen reviewed the process of purchasing the vehicles. ► Councilor Frongillo noted concern that we are no longer contributing to open space and that the Town is \$40 million behind in roads and sidewalks. ► Director of Public Facilities Michael D'Angelo noted that Tri-County has accepted the project to build the shade structure at the Senior Center. ► Ms. Karen Landers, 117 Union Street, confirmed the passport fee was per person. ► **VOTE: Yes-8, No-0, Absent-1.**
- g. **Resolution 22-22: Free Cash to Stabilization Accounts Transfers (Motion to Approve Resolution 22-22 - Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-22: Free Cash to Stabilization Accounts Transfers by **Hamblen. SECOND** by **Cormier-Leger.** **Discussion:** ► Mr. Hellen stated that these are the required resolutions for the three deposits into the three stabilization funds as outlined by Councilor Jones. ► **VOTE: Yes-8, No-0, Absent-1.**
- h. **Resolution 22-23: Authorizing the Borrowing of Money to Pay Costs of Repairs for Horace Mann School (Motion to Approve Resolution 22-23 - Two Thirds Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 22-23: Authorizing the Borrowing of Money to Pay Costs of Repairs for Horace Mann School by **Hamblen. SECOND** by **Cormier-Leger.** **Discussion:** ► Mr. Hellen stated that this will finalize the project and we are proposing a borrowing on this to make sure we free up other Free Cash for other projects. ► Councilor Cormier-Leger noted there is a flooding issue at the Horace Mann School when there is torrential rain. There will be little or no disruption to the school. ► **VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: ► **Preliminary FY23 Budget Model.** ► Mr. Hellen stated that there was a joint budget subcommittee meeting last week. He thought it was very productive. They reviewed the budget cost drivers and revenue assumptions. He stated that it will be a challenging year when working on the operating budget, but every year is challenging. He assured the public there will be a budget that delivers high-quality services to the Town that people have come to expect. He is happy to answer any questions.

FUTURE AGENDA ITEMS: ► Councilor Sheridan stated that he has received complaints about the train making noise, blowing the horn. It might be a safety issue. He asked this to be looked at. ► Chair Mercer

stated that this has been an issue for the last 20 years. ► Mr. Hellen stated that there is a legislative appropriation to get the money from the MBTA to do a quiet zone study. He stated that they have promised three time in four months to provide the money; however, they do not do it. ► Councilor Pellegri stated that the trains may sound louder now because there are no leaves on the trees.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► Councilor Pellegri thanked the councilors for their support in the subcommittee.
- b. **Budget Subcommittee.** ► Chair Mercer stated that they met as a joint budget subcommittee with the School Committee's subcommittee and the Finance Committee's subcommittee. This was a process that was started about 8 or 9 years ago bringing the subcommittees from those three boards together to try to understand where each other is coming from.
- c. **Economic Development Subcommittee.** ► Councilor Hamblen stated that they met last Monday for the Franklin for All project which is about changing some zoning and how we get funding. There was a lot of participation. She stated that we are trying to help people understand what we are trying to do. The next Economic Development Subcommittee meeting will be held before the next Town Council meeting on April 6, 2022.

COUNCIL COMMENTS: ► Councilor Cormier-Leger stated that it was a pleasure to attend the Franklin for All meeting. He gave a shout-out to new businesses that have come to Town. He noted Town Council members will be at the Senior Center for councilor hours tomorrow morning. ► Councilor Chandler gave condolences to the family of Mr. Tony Mucciarone. He noted that on some Zoom board/committee meetings the sound has been an issue. He noted that there is a stormwater hotline. ► Councilor Pellegri noted the passing of Mr. Tony Mucciarone. She gave condolences to the family of Mr. Nello Bassignani. She noted that Dr. Biden attended Mr. Kevin O'Malley's funeral. ► Councilor Sheridan stated Happy St. Patrick's Day. He stated that he is glad they are cleaning up the Charles River. ► Councilor Frongillo noted a social media conversation meeting will be held at the high school on March 26, 2022, at 6 PM. He noted the MetroWest Arts and Culture symposium will be in Franklin on May 14, at the high school. He noted that they are still thinking of people in Ukraine and elsewhere around the world. He reviewed the Shamrock Walk for Refugees at the high school on Saturday. He stated that there are Afghan refugees living in Franklin. He is proud of the community. ► Councilor Hamblen thanked Mr. Hellen and Dr. Ahern for the letter they sent to the state legislature supporting more funding for Chapter 70. She thanked everyone for joining the Franklin for All forum. She requested people fill out the survey. ► Councilor Jones noted that if you join the Franklin Downtown Partnership, you can get a discount from Franklin Ford on vehicles and services. He stated that he would love to have the Davis Thayer School back on the Town Council's purview. He congratulated the Franklin Food Pantry on their new location. ► Chair Mercer gave condolences to the Mucciarone and Bissignani families. He wished everyone Happy St. Patrick's Day.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Hamblen. SECOND by Chandler. No Discussion. ► VOTE: Yes-8, No-0, Absent-1.

Meeting adjourned at 9:31 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary