

FRANKLIN TOWN COUNCIL

Agenda & Meeting Packet

February 28, 2024

Meeting will be held at the **Municipal Building**

2nd floor, Council Chambers

355 East Central Street

7:00 PM

A NOTE TO RESIDENTS: All citizens are welcome to attend public board and committee meetings in person. Meetings are also live-streamed (and archived) by Franklin TV on the [Franklin Town Hall TV YouTube channel](#). Meetings are also shown live and on repeat on Comcast Channel 9 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens can participate remotely via phone OR Zoom.

Link to access meeting via Zoom for the February 28, 2024 Town Council meeting:

- Zoom Link [HERE](#) -- Then click "Open Zoom".
- Or copy and paste this URL into your browser: <https://us02web.zoom.us/j/89123839497>
- Call-In Phone Number: Call 1-929-205-6099 and enter **Meeting ID # 891 2383 9497** --Then press #
- **REQUIRED: Your full name and address must be included in your Zoom Identification in order to be let into the meeting.**
- You will automatically be muted upon "entering" the meeting. In order to speak, you will need to "raise your hand" on the Zoom platform and request to be unmuted.

1. ANNOUNCEMENTS FROM THE CHAIR

- This meeting is being recorded by Franklin TV and shown on Comcast channel 9 and Verizon Channel 29. This meeting may be recorded by others.*
- Chair to identify members participating remotely.*
- Upcoming Town Sponsored Community Events*

2. CITIZEN COMMENTS

- Citizens are welcome to express their views for up to three minutes on a matter that is not on the agenda. The Council will not engage in a dialogue or comment on a matter raised during Citizen Comments. The Town Council will give remarks appropriate consideration and may ask the Town Administrator to review the matter.*

3. APPROVAL OF MINUTES

- [January 31, 2024](#)

4. PROCLAMATIONS / RECOGNITIONS - None Scheduled

5. APPOINTMENTS - None Scheduled

6. PUBLIC HEARINGS - 7:00 PM

- [Zoning Bylaw Amendment 24-901 \(formerly 23-901\): Zoning Map Changes from Single Family Residential III to Business an Area On or Near King Street, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map](#)
 - Legislation for Action #9a.

7. LICENSE TRANSACTIONS

- a. [License Modification - Change of Manager of a Section 15 Retail Package Store License: Shaw's Supermarkets, Inc. d/b/a Shaw's; Located at 255 East Central St., Franklin, MA 02038](#)

8. PRESENTATIONS / DISCUSSION

- a. [Discussion: OPEB Actuarial Report - Dan Sherman, Sherman Actuarial Services](#)

9. LEGISLATION FOR ACTION

- a. [Bylaw Amendment 24-901 \(formerly 23-901\): Zoning Map Changes from Single Family Residential III to Business an Area On or Near King Street, A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map - First Reading](#)
(Motion to Move Bylaw Amendment 24-901 to a Second Reading - Majority Vote)
- b. [Resolution 24-03: FY24 Capital Improvement Plan](#)
(Motion to Approve Resolution 24-03 - Majority Vote)
- c. [Resolution 24-04: Free Cash to Stabilization Accounts Transfers](#)
(Motion to Approve Resolution 24-04 - Majority Vote)
- d. [Resolution 24-08: Town Council's Support of Pending State Legislation Entitled "The Municipal Empowerment Act"](#) **(Motion to Approve Resolution 24-08 - Majority Vote)**
- e. [Resolution 24-09: Revised 2024 Town Council Meeting Schedule](#)
(Motion to approve Resolution 24-09 - Majority Vote)
- f. [Resolution 24-10: Gift Acceptance - Veterans' Services Dept. \(\\$2,900\), Senior Center \(\\$200\), Police Dept. \(\\$50\)](#) **(Motion to Approve Resolution 24-10 - Majority Vote)**
- g. [Resolution 24-11: Designation of "Special Municipal Employee" Under State Ethics Law](#)
(Motion to Approve Resolution 24-11 - Majority Vote)
- h. [Resolution 24-12: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4](#) **(Motion to Approve Resolution 24-12 - Majority Vote)**
- i. [Resolution 24-13: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4](#) **(Motion to Approve Resolution 24-13 - Majority Vote)**

10. TOWN ADMINISTRATOR'S REPORT

11. SUBCOMMITTEE & AD HOC COMMITTEE REPORTS

- a. [Town Administrator Evaluation Ad Hoc Subcommittee Report](#)
- b. Capital Budget Subcommittee
- c. Economic Development Subcommittee
- d. Budget Subcommittee
- e. Master Plan Committee
- f. Davis-Thayer Reuse Advisory Committee
- g. Police Station Building Committee
- h. GATRA Advisory Board

12. FUTURE AGENDA ITEMS

13. COUNCIL COMMENTS

14. EXECUTIVE SESSION

- a. *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 Public Body.*

15. ADJOURN

Note: Two-Thirds Vote: requires 6 votes

Majority Vote: requires majority of members present and voting

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 31, 2024**

A meeting of the Town Council was held on Tuesday, January 31, 2024, 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 (via Zoom), Glenn Jones, Thomas Mercer, Deborah Pellegrini, Patrick Sheridan. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator (via Zoom); Amy Frigulietti, Deputy Town Administrator; Mark Cerel, Town Attorney.

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 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. Meetings are live-streamed by Franklin TV and shown on Comcast Channel 11 and Verizon Channel 29. In an effort to maximize citizen engagement opportunities, citizens will be able to continue to participate remotely via phone or Zoom. He announced that this meeting is being recorded by Franklin TV; this meeting may be recorded by others. ► He announced upcoming Town-sponsored and community events. Town Council office hours are on February 15 from 8:30 AM to 9:30 AM at the Senior Center.

CITIZEN COMMENTS: ► Town Clerk Nancy Danello said the ballots are in for the March 5 election. She said they sent out all vote-by-mail requests that they have received. She said there were 3,200 vote-by-mail ballots and 120 absentee ballots mailed. She said in-person early voting starts February 24, 2024, at Franklin High School. She reviewed additional dates and times for early voting. She said early voting will also be available at the Town Clerk's office starting this coming Monday; she reviewed the hours. ► Mr. Joe Formosa and Ms. Pam Formosa said they represent the Santa Foundation at 1 Joy Street. He said they are new directors of the board at the Santa Foundation which has been in Franklin for the past 38 years and is supporting people who have needs at Christmas time largely through gifts. He explained they are starting the drive to move toward a bigger future for the Foundation. He said they are looking for ongoing support from the community and a new location. He said that if anyone wants to support this, that would be great, and if anyone needs support from them, reach out to them. He said they can be reached at info.santafoundation@gmail.com. ► Ms. Amber Wilson, 903 Lincoln Street, stated that people are unable to join unless they have a Zoom account. She said she was on hold on the phone because she has not been added, and other people are texting her that they cannot join from home. She explained how a person has to install/launch Zoom and the difficulties in adding an address to the Zoom app. ► Chair Mercer confirmed with Ms. Frigulietti that it was part of the additional check that they have put in place because of what has happened a couple of times. He said we asked people to put in their address in order to be allowed into the Town Council meeting. Ms. Frigulietti said she was going to check on this.

APPROVAL OF MINUTES: ► *January 17, 2024.* ► **MOTION to Approve** the January 17, 2024 meeting minutes by Dellorco. **SECOND** by Jones. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**

PROCLAMATIONS/RECOGNITIONS: ► ***Police Department – Introduction: Mental Health Clinician Sonja Wagner.*** ► Chief of Police Thomas Lynch said they had a new police officer and a new mental health clinician. He reviewed the Co-Response Program at the Police Department. He noted it used to be called the Jail Diversion Program. He discussed that they have hired their second co-response clinician, Sonja Wagner. He reviewed Ms. Wagner's education, background, and career. He said that he welcomed Ms. Wagner to the team.

► **Police Department - Swearing In of New Patrol Officer: Patrol Officer Jonathan Butler.** ► Chief of Police Thomas Lynch reviewed Officer Butler's education, background, and career. ► Town Clerk Nancy Danello performed the swearing in. ► Officer Butler's mother pinned the badge.

APPOINTMENTS: ► **Joint Town Council and Planning Board Vote to Fill Associate Planning Board Vacancy.** ► Chair Mercer asked Planning Board Chair Greg Rondeau to open the Planning Board's meeting. ► Chair Rondeau stated that he opened the Planning Board meeting for the appointment of an associate member for the current open position. ► Mr. Hellen reviewed his memo to the Town Council dated January 26, 2024. He said before the Town Council is the joint appointment of the associate Planning Board member. He said there is a vacancy because the former associate member, Jay Mello, was elected as a full member. He said this appointment is for the remaining two years of the four-year term. He explained the process and said that any member can nominate anyone to fill this seat. He said they are recommending the appointment of Mark Mucciarone as an associate member of the Planning Board with a term to expire on November 4, 2025. Mr. Mucciarone's volunteer form is included in the meeting packet. He reviewed that Mr. Mucciarone was the first individual who applied and showed interest, as far back as last September. He noted that a handful of others applied. He reviewed that upon interviewing each person, each applicant withdrew when they were educated on what the Planning Board does and the time commitment among many other reasons. He said that since Chair Rondeau opened the Planning Board meeting, the Town Council and Planning Board can move forward with the deliberation on appointing the Planning Board associate member for the remaining two years of the term. ► Chair Mercer said that he will open nominations. He said that because anybody can nominate anybody, the resolution was put in place without a name. He said the combination of the Town Council and the Planning Board need to put a name in those spots. He said that he opens up nominations for the associate member Planning Board vacancy. ► **MOTION** to nominate Mark Mucciarone for the Planning Board associate member position by **Planning Board Chair Rondeau.** ► **SECOND** by **Councilor Dellorco. No vote taken.** ► Chair Mercer asked if there were any other nominations; there were none. ► Chair Mercer declared the nominations closed. ► Councilor Jones confirmed the spelling of Mr. Mucciarone's name and read the appointment. ► **MOTION** that the Franklin Town Council and Planning Board hereby vote to appoint Mark Mucciarone to fill the Associate Planning Board vacancy with a term to expire November 4, 2025, by **Jones. SECOND** by **Dellorco. Discussion:** ► Planning Board member Beth Wierling said being a member of any board can be rewarding and challenging. She said that on the Planning Board, you have to be neutral and cannot really put your own emotion and opinions into whether something should or should not be allowed. She asked Mr. Mucciarone if he felt comfortable being on a board where we need to be neutral. ► Mr. Mucciarone said he understands that he needs to keep the personal part out of it. He explained that from his past experience, he can make those difficult decisions and be impartial. ► Councilor Frongillo thanked Mr. Mucciarone for stepping up. He asked him what he sees the role of the Planning Board. ► Mr. Mucciarone said the Planning Board is governed by the bylaws and the laws of the state, and they would have to be applied to make the decisions on the projects or issues at hand. He said he would like to be a part of what Franklin is going to be like in the future. ► Councilor Frongillo reviewed how the Planning Board is defined online. He said he thinks that you see in all communities as the Planning Board seeing themselves as the line of defense against possible change and impacts to current residents and he thinks when we talk about welfare and the interests of the community that involves our ability to continue to afford to pay the services that we all enjoy and keep the budget balanced. He asked Mr. Mucciarone weigh in the balance our ability and need to grow with our ability and need to be fair to the current residents. ► Councilor Dellorco said there will be no problem with Mr. Mucciarone doing his homework and standing up to anybody. ► Councilor Jones said he has no doubt Mr. Mucciarone will do a good job and thanked him for stepping up. ► **ROLL CALL VOTE: Town Council Members: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Hamblen-YES; Jones-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES. Planning Board Members: Beth Wierling-YES; Jennifer Williams-YES; Jay Mello-YES; Chris Stickney-YES; Greg Rondeau-YES.** ► **TOTAL VOTE: Unanimous.** ► Motion to close the Planning Board public hearing for the nomination of the associate Planning Board member and Adjourn the Planning

Board Meeting. Rondeau. Second: Wierling. Vote: 5-0 (5-Yes; 0-No). Planning Board Meeting adjourned at 7:32 PM. ► Town Clerk Nancy Danello performed the swearing in of Mark Mucciarone.

► **2024 Election Workers: See Exhibit 1 of Appointment Transaction in agenda packet for list of names.**
 ► Councilor Jones read the appointment and list of names. ► **MOTION** to appoint the persons whose names appear in “Exhibit 1” as Election Workers as requested by the Town Clerk for the upcoming 2024 elections, by Jones. **SECOND** by Dellorco. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Jones-YES; Hamblen-YES; Mercer-ABSTAIN; Pellegrri-YES; Sheridan-YES.** ► **VOTE: Yes-8, No-0, Absent-0, Abstain-1.** ► Chair Mercer thanked all election workers for stepping forward and giving their time.

PUBLIC HEARINGS - 7:00 PM: ► **Street Acceptance: Portion of Farrington Street (Legislation for Action Item 9a).** ► **Chair Mercer declared the public hearing open.** ► Mr. Cerel explained the first part of the street is a public way; the next portion is not a public way and was never accepted by the Town. He said that working with the town engineer, we have obtained requests from the abutters that the street be accepted; it is in need of maintenance. He said this is a friendly taking. ► Councilor Frongillo said that when we accept these roads, it is a good opportunity for us to see why we struggle to maintain our roads because we can easily do the calculations that this road only serves those nine properties, and we know that annually, based on the percent that we put toward our roads and our budget, that annually they contribute \$460 to our road maintenance. In order to pay for the length of road at the end of 30 years which is about as long as a road lasts, you would need to be contributing \$3,700 every year. That means that after one 30-year life span of the road, we as a Town, have lost \$100,000 on just this .09 piece of road. When you multiply this across the town, that is why it is so difficult for us to continue to afford things. He said we do this because there is an expectation from the residents there that they did not know that they were on a private road, and we need to service them with our ambulances and firefighters and make sure that road stays safe. But, this is a good opportunity to review as we evolve as a town, so we can afford the infrastructure. ► Councilor Chandler asked how much work is needed on this road. ► Mr. Cerel said he has a memo from the town engineer that indicates there is an area of the road that is subject to flooding and will have to be remediated. ► **Chair Mercer declared the public hearing closed.**

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: None.

LEGISLATION FOR ACTION:

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

- a. **Resolution 24-06: Order of Layout, Acceptance and Taking of a Portion of Farrington St, Currently a Private Way (Motion to Approve Resolution 24-06 - 2/3 Majority Vote).** ► Councilor Jones read the resolution. ► **MOTION** to Waive the reading by Dellorco. **SECOND** by Cormier-Leger. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Jones-YES; Hamblen-YES; Mercer-YES; Pellegrri-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.** ► **MOTION** to Approve Resolution 24-06: Order of Layout, Acceptance and Taking of a Portion of Farrington St, Currently a Private Way by Dellorco. **SECOND** by Cormier-Leger. **No discussion.** ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Jones-YES; Hamblen-YES; Mercer-YES; Pellegrri-YES; Sheridan-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- b. **Bylaw Amendment 24-904: A Bylaw to Amend the Code of the Town of Franklin at Chapter 82, Fees, Municipal Service - Second Reading (Motion to Approve Bylaw Amendment 24-904 - Majority Roll Call Vote).** ► Councilor Jones read the bylaw amendment. ► **MOTION** to Approve Bylaw Amendment 24-904: A Bylaw to Amend the Code of the Town of Franklin at Chapter 82, Fees, Municipal Service by

Dellorco. SECOND by Cormier-Leger. Discussion: ► Mr. Hellen explained that this bylaw amendment will revise the fee schedule for ambulance fees by increasing the BLS & ALS1 emergency base rates and the mileage rates in the Town's fees bylaw. ► **ROLL CALL VOTE: Chandler-YES; Cormier-Leger-YES; Dellorco-YES; Frongillo-YES; Jones-YES; Hamblen-YES; Mercer-YES; Pellegrini-YES; Sheridan-YES. ► VOTE: Yes-9, No-0, Absent-0.**

- c. ***Resolution 24-07: Town of Franklin Flag Policy for Display of Flags at Franklin Municipal Building (Motion to Approve Resolution 24-07 - Majority Vote).*** ► Councilor Jones read the resolution. ► **MOTION to Approve** Resolution 24-07: Town of Franklin Flag Policy for Display of Flags at Franklin Municipal Building by **Dellorco. SECOND by Cormier-Leger. Discussion:** ► Councilor Frongillo said he thanked the administration for pulling this together. He said this is a group of the community that has not always felt welcome in Franklin and how important it is to use the tools available including the flag to indicate this is a welcoming space. ► Councilor Sheridan asked why only one flag was added and why not just make a general policy for the future. ► Mr. Hellen said he thinks going any further beyond this, and the Town Council goals for this year, the group wanted to evaluate and discuss the flag policy. He said the memo kind of goes into some of the legal discussions that the municipal community and the municipal lawyers have had over the last year in trying to figure out how to deal with all of this. He said this is the one entity that has come forward and brought this forward to the community, and he thinks that anything further than this, as we have taken this from the neighboring community of Medway, if somewhere down the line the Town Council wanted to engage in a further debate on this, we really need to have a much broader discussion about infrastructure and how we are going to handle that. He said this is a very complicated, time consuming, and potentially expensive endeavor. He said this is a very easy thing; this is this one request that we have received. He said that as his memo states, a flag policy in a community is now going to be viewed as government speech. He explained that he thinks right now this is in the best interest of the community to not go down a wide rabbit hole. He noted that there are 36 flag poles in town, but the request has really been for the Pride flag on the Town Administration pole for that one month. He said the recommendation right now is to approve this policy and then begin to focus on other goals for the town. ► Councilor Hamblen thanked those who worked on this. ► Councilor Dellorco said that he will not support this tonight. He said he feels those flagpoles are the taxpayers, so if you are going to do one, you have to do it all, you have to do everyone's. He said he flies a Pride flag at his house; he said it should be on private property. He said if you do it for one, you have to do it for all. ► Councilor Pellegrini said that she agrees with Councilor Dellorco. She said one after another is going to want to put up their flags. She said this flag policy is premature. She said we need a general policy as to flags being flown. She said she does not think we should single out a group. She said it should not be on the municipal building. She asked the other Town Councilor members to think about this. ► Councilor Chandler said we support all of the Franklin community to be who they are 100 percent. He said after listening, we need a criteria. He said are people going to get upset when another flag flies; I think they are. He said his criteria is just the American flag. ► Councilor Cormier-Leger said that he thinks the closest comparisons he could draw is if you go anywhere in the world and there is war and the Americans are fighting that war and we are victorious and we take over an area, we fly the American flag proudly and it tells people the area is now safe and under American protection. He explained American flags flying at embassies. He said flags are very powerful symbols. He said so, a Pride flag to a person of the LGBTQ community says to them what I just said the American flag says to many of us. It says it is a place of acceptance and safety. He said it is more than just the Boy Scouts and the Girl Scouts or the Italians or the Armenians. He said this flag has grown over the years to represent safety, inclusion, acceptance, and it is a symbol to people that if it is flown proudly at the municipal building in Franklin, that tells me that Franklin is a place that me and my family are going to be okay. He said it is only in the month of June. He said he supports this policy. He said he does not think it will open up a can of worms. He said we may get other requests. He said we have a lot of work to do as a town; we are not perfect. He said we have hatred running amuck. He said we have children threatened at our high school all of the time for sexual orientation related issues. He said this is a start. ► Mark Minnichelli, 31 Longfellow Drive, said I strongly support this policy. Franklin is making

the right decision for Franklin with this policy. It is the prerogative of the duly elected officials to make decisions on behalf of the community and urged all the Town Council members to support the proposal. ► Jennifer Rossing, 136 Summer Street, said I support the flag policy that allows Franklin to show its support for the LGBTQ citizens of Franklin by choosing to fly a Pride flag. It is a statement that the LGBTQ people will receive the same treatment that every other citizen of Franklin receives. I am a supporter of equal rights, and it is critical as a resident to know that the Town is committed to my wife's safety and rights as much as any other citizen of this town. Doing the right thing is sometimes hard and may cause problems, but it does not excuse us from doing the right thing. ► Max Morrongiello, 127 Central Park Terrace, said I rise before you today as my community is under threat. As an openly gay member of the LGBTQ community, I have felt safe in Franklin; unfortunately, that is beginning to change. The 2016 Pulse Nightclub in Orlando and other violence toward members of the LGBTQ community was noted. A situation in Franklin where a display was vandalized was reviewed. The message is clear; we are not safe here. The symbol of the Pride flag was discussed. The Town Council members were urged to take a stand and show us that as members of the community, violence is not acceptable and that we matter. ► Ruthann O'Sullivan, 175 Oak Street, said I am here as a parent and a member of the School Committee and voicing from a perspective of those in touch with these kids every day. What her generation and older do not realize is that what has been going on with this unregulated social media, it was all over the Senate hearings today, is that there is targeting misinformation and bigotry infiltrating these kids. Parents and the schools are not monitoring these cell phones, and we have gone backwards. These kids are being spoon-fed targeting information that is skewing their perspective on inclusion and diversity and it is creating these microaggressions daily. There is non-stop bullying. I cannot believe the vote is this close. We have to stand up for these kids. ► Patricia Torizzo, 16 Vine Street, said it resonated as to what was just heard in terms of children in the schools. I have been here for 28 years and watched the community grow. We are tripping over ourselves. We are so worried about opening a can of worms and what that means. What it is like in the high school was discussed. If we can take ourselves out of the comfort of our loafers and safety shoes and understand what it is like to be a young person here in Franklin and the pressure there. The world has changed and we need to take that into account. ► Dylan of 2 Independence Way said I am a student at Franklin High School and feel there is a lack of representation of LGBTQ media. Raising a Pride flag outside the building would really give awareness to the situation so it is not negatively looked at. This is only one month of the year. ► Amber Wilson, 903 Lincoln Street, said we have been talking about this since March 15, 2023. I am fighting back tears as that is how important it is to me. I have been harassed in town, and it is important to recognize that yes all of the flags are so important, but this is also important. I know people who have moved to Franklin because they have seen the Peace flags and Progress flags and Pride flags. They are asking the Town to show that they overall support this. I understand the concerns with the policy. This is the first step that does not require an additional planning committee or make the lists of which flags. I have been attending Town Council meetings since March 2023 asking about this. Anyone that is complaining, I have noticed has done so with camera off and refused to provide their address. I am very passionate about this. It was discussed that on June 1 they held their flagging on the Town Common which a permit was pulled for and it was approved. Someone vandalized that. As of right now, this is what can be done to show support for this community that needs support. ► Evelyn Rossing, 136 Summer Street, said that today, it is illegal in some places in this country for me to get the necessary medical care for my physical and mental health. I love the American flag and am proud to be American, but the country as a whole does not welcome. If Franklin wants to set itself apart from that, flying the Pride flag is how you can show support. Flying the flag shows everyone that the Town does support the LGBTQ community, that we are welcome here. ► Kyle Thompson, 8 Mercer Lane (via Zoom), asked if the American flag is just a flag. We need some people in the community from this perspective to stand up. They are out there in the community. I do not support the initiative to fly the Pride flag. In the ocean of diversity, equity, and inclusion, lives a never-ending hierarchy of oppressed groups based on race, sexuality, gender identity, and intersections of those categories, and within it is the LGBTQ community. This community is trying to push the Town to fly Pride flags and display banners on municipal property. It is not the job of someone else to affirm someone's identity. The American flag represents every

American citizen in town. ► Rachel Plukas, 37 Anchorage Road (via Zoom), said Franklin is my home. This is emotional. I am confused about the statement, we are professionally disappointed by this trend, which was about the Supreme Court and how things are moving with this. I am confused about the argument about if we fly a Pride flag can't we say that anyone gets to fly a flag is not at all what is presented to the Town Council right now. This is about the federally recognized one month for the Pride flag. This is not opening Pandora's box. Franklin needs to do better and needs to let people know they are safe. ► Sharon Bogere, 50 Shady Lane (via Zoom), said Franklin has more than 31,000 residents and they all have differences, values, opinions, religions, races, and more. As homeowners, we pay taxes and are not interested in the Town making political decisions and representations on behalf of the whole community simply because of what might be popular or being advocated for by people that have loud voices. All the residents have the right to fly whatever flag they want on their own property, and that is the way it should remain. It is not the Town's place to take political stance on issues such as flying the Pride flag, supporting abortion, or any other values that vary person to person. We need to stay focused on the Town figuring out how they are going to close the fiscal gap. The real issues affecting the masses need to remain the focus. I am asking the Town to stay neutral on individual values and issues and stay focused on issues that relate to town matters. ► Patrick Gallagher, 2 Cohasset Way (via Zoom), supports the measure before the Town Council. This is an important issue. It is important that what is before the Town Council is specific to the Pride flag because this is an issue that deserves our specific attention. ► Meaghan Benson, 90 Winthrop Drive (via Zoom), said this is opening Pandora's box and a can of worms. People can then petition to fly any flag. The Town Council members who did voice concern and looked at the ethical and logistical issues of this matter were thanked. Those members should stand strong and hopefully anyone who ends up bullying you will realize that is the exact thing that they are trying to fight against. ► Councilor Pellegri explained what she meant by opening a can of worms. ► Councilor Cormier-Leger asked Mr. Cerel if Medway has received legal challenges to their policy. ► Mr. Cerel said that as far as he knows, there has not been anything. He explained that any policy is subject to change in the future. He said if you are going to allow one, it has to be pursuant to a conscious determination of the basis for doing it which is what has been discussed here tonight. ► Councilor Cormier-Leger said after hearing some comments tonight, he hopes people would understand exactly what the LGBTQ community is up against and how powerful flying this flag could be. ► Chair Mercer said the subject has been before us for a long time. He said he virtually attended an MMA webinar held on this subject basically pushing it back to the municipality. He expressed that regardless of how the vote goes tonight, it will not be the end of the bylaw; they will have to relook at it. ► **ROLL CALL VOTE: Chandler-NO; Cormier-Leger-YES; Dellorco-NO; Frongillo-YES; Jones-YES; Hamblen-YES; Mercer-YES; Pellegri-NO; Sheridan-YES. ► VOTE: Yes-6, No-3, Absent-0.**

Councilor Hamblen left the meeting.

TOWN ADMINISTRATOR'S REPORT: None.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** None.
- b. **Economic Development Subcommittee.** ► Councilor Frongillo said it was a great first meeting. He said they prioritized goals. He noted on the top of the list was how we meet the MBTA Communities Law.
- c. **Budget Subcommittee.** None.
- d. **Master Plan Update Committee.** ► Councilor Jones said they met last Wednesday and they set some schedule dates. He said the next meeting is on February 7. He said February 14 will be an overall open hearing meeting for the public, kind of a public outreach event to introduce the committee, objectives, goals, and schedule. He reviewed how this information would be provided to the public.
- e. **Davis-Thayer Building Reuse Advisory Committee.** ► Councilor Pellegri confirmed the letter of interest is going out.
- f. **Police Station Building Committee.** ► Chair Mercer said they met and reviewed the Request for Information (RFI) which is going out this week.

- g. **GATRA Advisory Board.** ► Councilor Frongillo said they hosted a public hearing in Franklin last Thursday; residents attended and shared experiences and difficulties. He said if anyone has thoughts on GATRA let him know.

FUTURE AGENDA ITEMS: ► Councilor Cormier-Leger asked to have the Planning Board and Zoning Board of Appeals give a combined presentation for the public on housing in town. ► Councilor Chandler requested the fire chief come in to explain mutual aid and the priorities and legalities regarding the ambulances. ► Mr. Hellen said they are going to hear about this issue during the entire budget season. He said he has already spoken with the fire chief on this issue. He noted that there will be a presentation on Franklin Ridge later this summer and the Planning Board and ZBA will be invited in at that time. ► Councilor Jones asked for an update from the facilities director. ► Chair Mercer said every department will be coming in during the budget.

COUNCIL COMMENTS: ► Councilor Cormier-Leger thanked all those who voted in favor of the flag policy and those who voiced their opinions against. He said he would never bully any of them to change their opinion. He thanked those in the community who voiced their support or concerns. ► Councilor Chandler said he thanked all those who spoke for and against; it is a passionate issue. He said there is a lot of hate and we all have a lot of work to do. ► Councilor Pellegrini said she thanked the DPW for all they do. ► Councilor Frongillo said he was proud to be a community that is loud about supporting its LGBTQ neighbors. ► Councilor Jones thanked the chief of police for introducing the new officer and clinician. He welcomed Mr. Mucciarone to the Planning Board. ► Councilor Dellorco reviewed the situation in Winthrop. He said he voted against it because of the way he felt and nothing against anybody. ► Chair Mercer thanked the chief of police and staff and said he thanked the fire chief as well when they bring in the new staff. He acknowledged that there were people here tonight who lived on the private way that was voted in, and he thanked them for being at the meeting. He said it was a lengthy but good discussion on the flag. He said he understands both pieces of it. He said he is sure that is not the end of the flag policy. He said as they approach the budget season, based on some of the preliminary information he is getting, they have a lot of work to do. He asked the community to get involved and come to the meetings.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Dellorco. SECOND by Jones. No discussion. ► VOTE: Yes-8, No-0, Absent-1. (Councilor Hamblen had left the meeting.)

Meeting adjourned at 9:05 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 23, 2024

To: Town Council

From: Jamie Hellen, Town Administrator

Amy Frigulietti, Deputy Town Administrator

Re: Zoning Bylaw Amendment 24-901 (formerly 23-901): A Zoning Bylaw Amendment to the Code of the Town of Franklin at Chapter 185, Section 5, Zoning Map

At the February 28th Town Council meeting there will be a public hearing and first reading of Bylaw Amendment 24-901 (formerly 23-901), which if approved will change two parcels of land from the Single Family Residential III zoning district to the Business zoning district, which will allow development for a variety of commercial uses.

On August 23, 2023 the EDC voted unanimously to move the bylaw to the Town Council.

On September 6, 2023, the Town Council voted unanimously to refer the bylaw amendment to the Planning Board.

And finally on November 20, 2023, the Planning Board voted (1-2) *not* to recommend the bylaw amendment for approval by the Town Council.

Included in the packet is the proposed bylaw amendment along with a memo from Bryan Taberner with more detailed information, including potential commercial uses both by right and by special permit. The Planning Board's decision letter and the legal ad for the February 28th public hearing are also included.

Please let us know if you have any questions.

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

355 EAST CENTRAL STREET, ROOM 120
FRANKLIN, MA 02038-1352
TELEPHONE: 508-520-4907
FAX: 508-520-4906

MEMORANDUM

TO: JAMIE HELLEN, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: PROPOSED ZONING MAP AMENDMENT 24-901 (FORMERLY 23-901), FROM SINGLE FAMILY RESIDENTIAL III TO BUSINESS, AN AREA ON AND NEAR KING STREET
CC: AMY Frigulietti, DEPUTY TOWN ADMINISTRATOR; MARK CEREL, TOWN ATTORNEY; AMY LOVE, TOWN PLANNER
DATE: FEBRUARY 12, 2024

As you know the Town has been asked to consider rezoning to Business two residentially zoned parcels of land adjacent to the Fire Station on King Street. In response the Department of Planning & Community Development developed Zoning Map Amendment 24-901 (Formerly 23-901) for the Town's consideration. If approved by Town Council, Zoning Map Amendment 24-901 would amend the Town's existing Zoning Map (Chapter 185, Section 5, of Franklin Town Code) by changing the following parcels from the Single Family Residential III zoning district to the Business zoning district.

Parcel	Location	Size (acres)	Owner
313-061-000	634 King Street	0.9798	American East Coast 1 LLC
313-062-000	648 King Street	<u>0.3401</u>	Thomas P. Nasuti
	Total Area	1.3198	

This small zoning map change would allow development of the two parcels for a variety of commercial uses. Uses allowed by right include: nursery, greenhouse or garden center; restaurant; other retail sales and services; office uses including banks/credit unions, medical/dental, and other professional or administrative uses; business incubator or co-working space; artisanal and craft maker space; art gallery.

Uses that may be allowed by Planning Board special permit include: motor vehicle, boat, farm implement sales (without repair service); filling or service station; vehicular service establishment; function hall or catering; hotel or motel; brewery, distillery, or winery production with tasting room.

Uses that may be allowed by Zoning Board of Appeals special permit include: animal hospital, kennel, day care, training, or grooming.

Attachments 2 through 8 (Use Regulations Schedules Parts I through 7) of the Town's Zoning Bylaw (Chapter 185 of Franklin Town Code) contain a complete list of uses that are allowed by right or may be allowed by Zoning Board of Appeals or Planning Board special permit in the Business Zoning District.

After holding a Public Hearing to discuss and consider the proposed Zoning Map amendment on November 20, 2023, a Franklin Planning Board vote to recommend approval of Zoning Map Amendment 24-901 failed to gain majority support.

Attached are the following:

- Bylaw Zoning Amendment 24-901 (Formerly 23-901); and
- A diagram with two maps: one showing the current zoning in the area, and one showing proposed Zoning Map changes.

Please let me know if you have questions or require additional information.



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 24-901 (Formerly 23-901)**

**ZONING MAP CHANGES FROM SINGLE FAMILY RESIDENTIAL III
TO BUSINESS AN AREA ON OR NEAR KING STREET**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential III to Business an area containing **1.32± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers **313-061-000** and **313-062-000**.

The area to be rezoned is shown on the attached map (“Proposed Zoning Map Changes, An Area On Or Near King Street”).

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2024

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

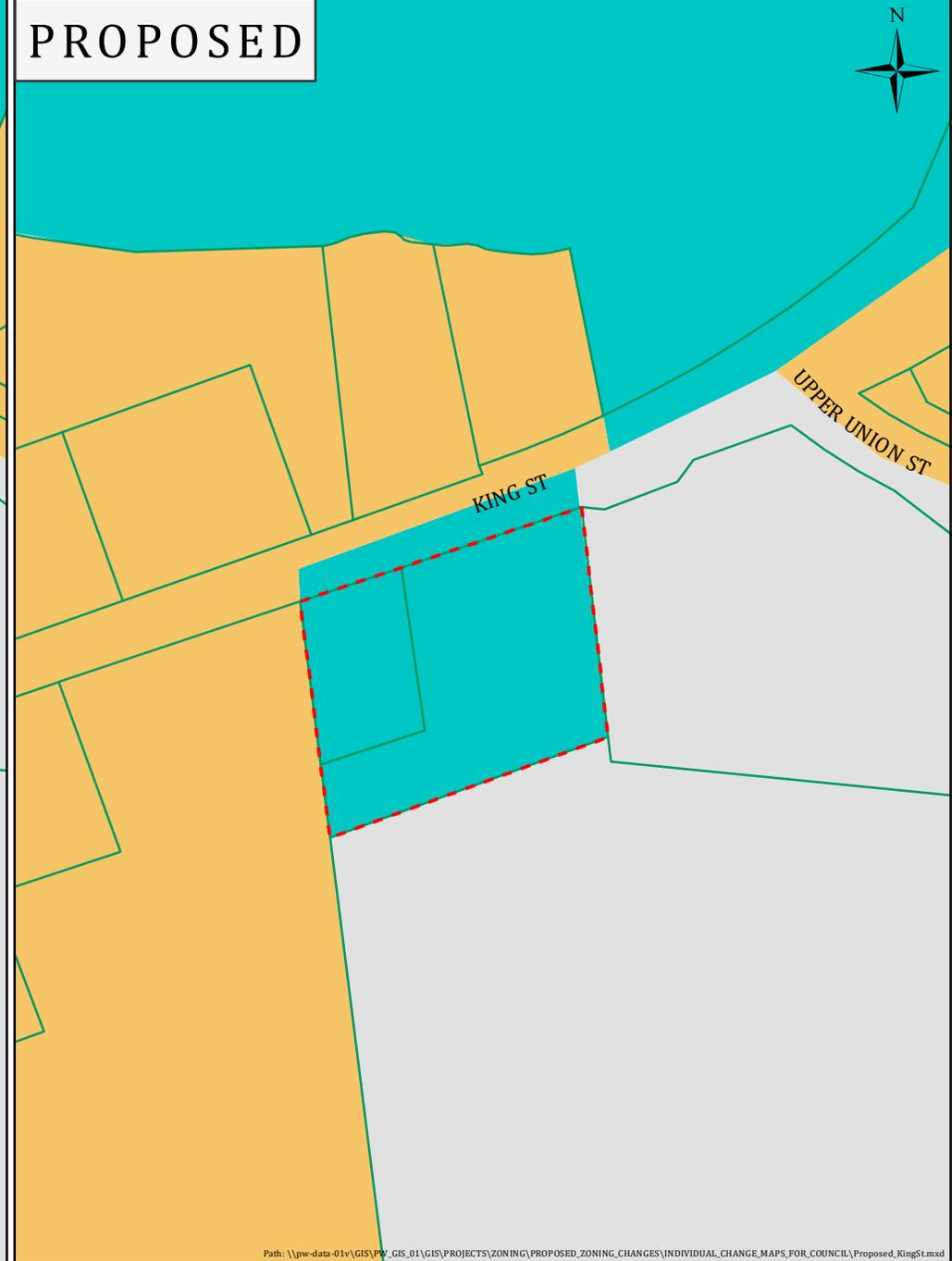
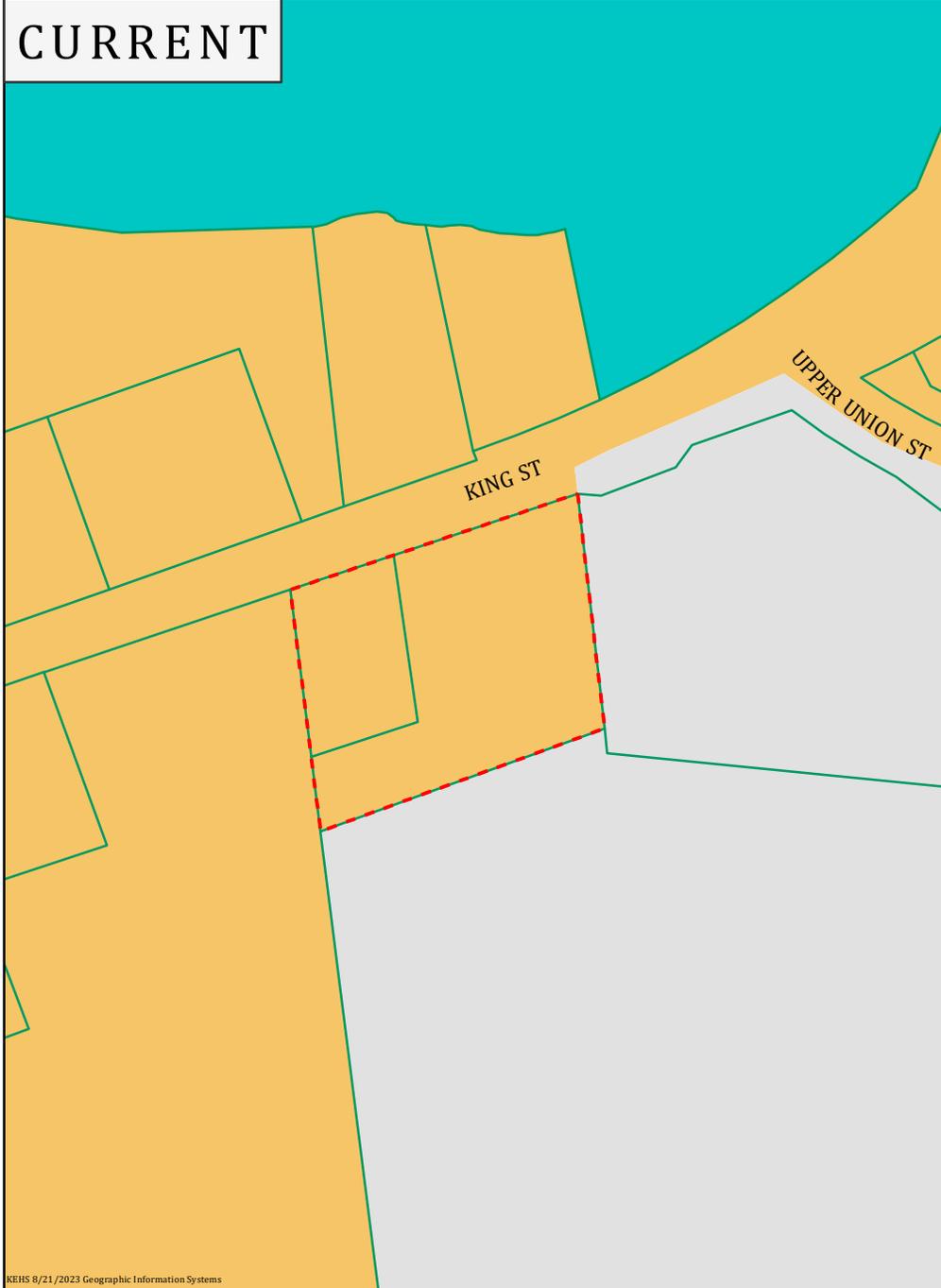
Proposed Zoning Map Changes

An Area On Or Near King Street
From Single Family Residential III to Business

24-901 (Formerly 23-901)

- Business
- Industrial
- Single-Family III
- Area of Proposed Change
- Parcel Line

0 125 250 500 Feet



McDERMOTT, QUILTY,
MILLER & HANLEY LLP

28 STATE STREET, SUITE 802
BOSTON, MA 02109

WWW.MQMLLP.COM

February 6, 2024

Via Online Licensing Portal

Attn: Mr. Jamie Hellen, Town Administrator
355 East Central Street, Franklin, MA 02038

**Re: Application for Change of Manager to a §15 Retail Package Store License
 Shaw's Supermarkets, Inc. d/b/a Shaw's
 255 East Central Street, Franklin, MA 02038**

Dear Sir/Madam:

This office Represents Shaw's Supermarkets, Inc. in its application for Change of Manager to its §15 Retail Package Store License exercised at its long-existing grocery store located at the above-referenced address. Enclosed please find the required application materials and copies of the required supplemental documents regarding the above-referenced matter:

1. Monetary Transmittal Form with ABCC Payment Receipt;
2. \$500 Dollar Payment to Be Made on Viewpoint Portal;
3. ABCC Manager Application;
4. Applicant's Statement;
5. Corporate Vote;
6. ABCC CORI Request Form; and
7. Proof Of Citizenship.

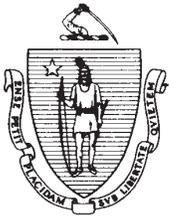
Please kindly assign this matter for hearing at the next available hearing date (virtual or otherwise). Thank you for your attention to and courtesy in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Nicholas J. Zozula, Esq.

NJZ/kjb
Enclosures



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

**Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358**



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

AMENDMENT-Change of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Shaw's Supermarkets, Inc.	Franklin	00033-PK-0430

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Nicholas Zozula	Attorney	[REDACTED]	[REDACTED]

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	James Michael Burns	Date of Birth	[REDACTED]	SSN	[REDACTED]
Residential Address	[REDACTED]				
Email	[REDACTED]	Phone	[REDACTED]		
Please indicate how many hours per week you intend to be on the licensed premises	40+	Last-Approved License Manager	Carl Verderber		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be U.S. citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

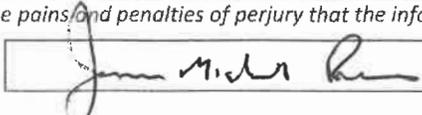
Start Date	End Date	Position	Employer	Supervisor Name
2014	Present	Store Director	Shaw's Supermarkets, Inc.	Robert Backus

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date **1/29/2024**

APPLICANT'S STATEMENT

I, the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Date:

Title:

ENTITY VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

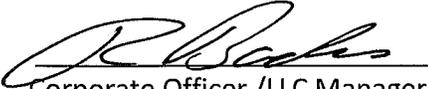
"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

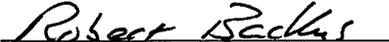
A true copy attest,

For Corporations ONLY

A true copy attest,


Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature


(Print Name)

(Print Name)



Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street, First Floor
 Boston, MA 02114

DEBORAH B. GOLDBERG
 TREASURER AND RECEIVER GENERAL

CORI REQUEST FORM

JEAN M. LORIZIO, ESQ.
 CHAIRMAN

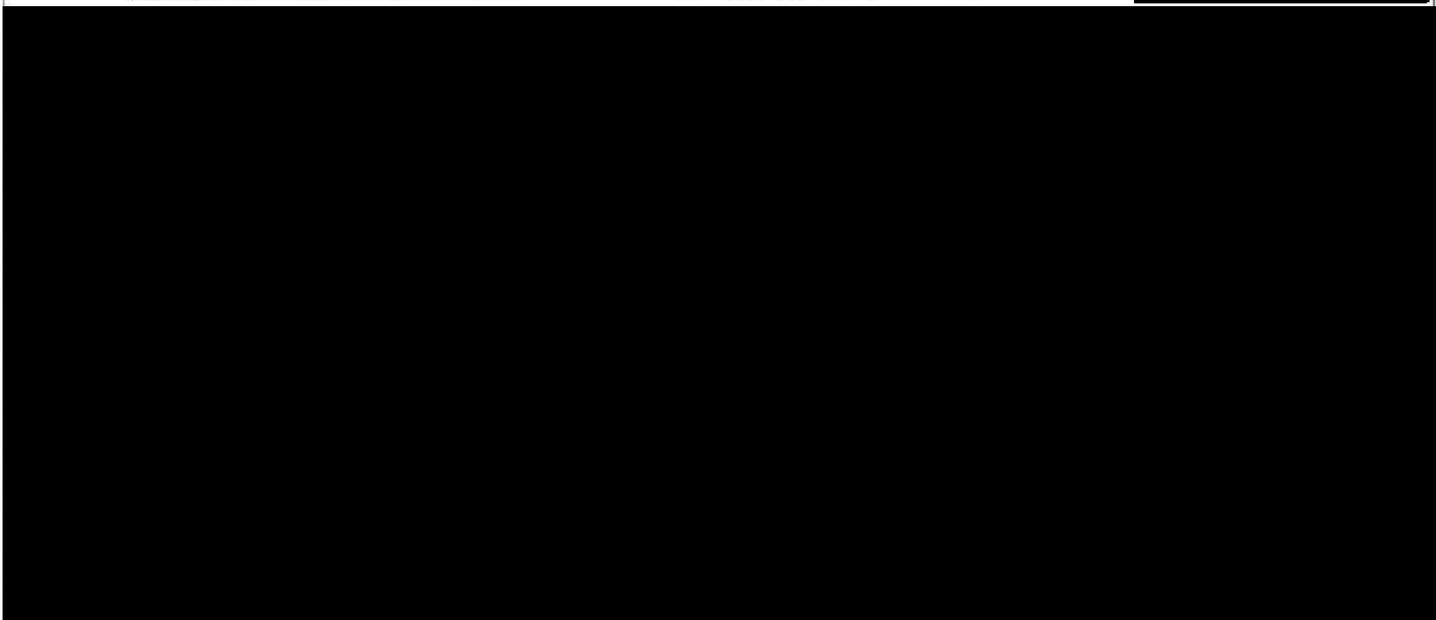
The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>	00033-PK-0430	LICENSEE NAME:	Shaw's Supermarkets, Inc.	CITY/TOWN:	Franklin
---	---------------	----------------	---------------------------	------------	----------

APPLICANT INFORMATION

LAST NAME:	Burns	FIRST NAME:	James	MIDDLE NAME:	[REDACTED]
------------	-------	-------------	-------	--------------	------------



PRINT AND SIGN

PRINTED NAME:	James Michael Burns	APPLICANT/EMPLOYEE SIGNATURE:	<i>James Michael Burns</i>
---------------	---------------------	-------------------------------	----------------------------

NOTARY INFORMATION

On this 29th Jan 2024 before me, the undersigned notary public, personally appeared James Burns
 (name of document signer), proved to me through satisfactory evidence of identification, which were M.A.I.D.
 to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Leah Sue Gordon
 NOTARY

DIVISION USE ONLY

REQUESTED BY:	[REDACTED]
---------------	------------

SIGNATURE OF CORI-AUTHORIZED EMPLOYEE

The DCI Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identify Theft PIN Number by the DCI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCI via mail or by fax to (617) 650-4614.



LEAH SUE GORDON
 Notary Public
 Commonwealth of Massachusetts
 My Commission Expires November 20, 2026

James Burns

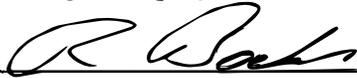
I have been with Shaw's since 1990. Positions include **Store Director** at seven different locations in MA and RI, **District Manager** in four different districts in MA, RI and CT, **Regional Operations Manager, Director, Special Projects** which included the acquisition of Star Market, **Corporate Manager of Labor and Retail Finance**.

I have been TIPS trained in the past.



CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the undersigned acting on behalf on the License Holder, certifies under the penalty of perjury that, to the best of the undersign's knowledge and belief, the License Holder is in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support*.



** Signature of Individual or Corporate License Holder (Mandatory)

FIN: 

*** License Holder's Social Security Number/or Federal Identification Number

By: Robert Backus, President, Shaw's Supermarkets, Inc. Date: 2/6/2024
Corporate Officer
(Mandatory, if applicable)

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.

LICENSE TRANSACTION



Change of Manager

Shaw's Supermarkets, Inc.

d/b/a Shaw's
255 East Central Street
Franklin, MA 02038

Shaw's Supermarkets, Inc. d/b/a Shaw's; Located at 255 East Central Street, Franklin, MA 02038, is seeking approval for a Change of Manager on their §15 Wine and Malt Retail Package Store License. The new manager will be James Burns.

All Departments have signed off on this application.

MOTION to approve the request by Shaw's Supermarkets, Inc. d/b/a Shaw's; Located at 255 East Central Street, Franklin, MA 02038, for a Change of Manager to James Burns.

DATED: _____, 2024

VOTED:

UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

**POST RETIREMENT BENEFITS ACTUARIAL VALUATION
OF
THE TOWN OF FRANKLIN**

June 30, 2023 Actuarial Valuation Report

GASB 74 & 75

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Introduction

This report presents the Governmental Accounting Standards Statements 74 & 75 based on the findings of an actuarial valuation as of July 1, 2023, of the Franklin OPEB Plan.

The actuarial valuation is based on:

- Plan Provisions as of July 1, 2023.
- Employee data provided by the Town as of July 1, 2023
- Asset provided by the Town as of June 30, 2023
- Actuarial assumptions approved by the Sherman Actuarial Services and the Town

The valuation and forecast do not account for any subsequent changes in the plan.

GASB Statements No. 74 and No. 75

Effective for periods beginning after June 15, 2015, the Governmental Accounting Standards Board (GASB) requires the disclosure of Other Post Employment Benefits (OPEB) related liabilities for public employer financial statements in accordance with Statements 74 and 75. These statements, which amend GASB Statements No. 43 and No. 45, must be adhered to by any public employee retirement system that follows Generally Accepted Accounting Principles (GAAP).

These disclosures are intended to establish a reporting framework that distinguishes between:

- current financial information about plan assets and financial activities,
- actuarially determined information from a long-term perspective,
- the funded status of the plan, and
- progress being made in accumulating sufficient assets to pay benefits when due.

The statement requires the system to present two financial statements – a statement of fiduciary net position and a statement of changes in fiduciary net position. The statement of fiduciary net position presents the following items as of the end of the plan’s reporting period, as applicable:

- Assets
- Deferred outflows of resources (consumption of net assets by the employers that is applicable to a future reporting period)
- Liabilities
- Deferred inflows of resources (acquisition of net assets by the employers that is applicable to a future reporting period)
- Fiduciary net position (Assets + Deferred outflows – Liabilities – Deferred inflows)

The system is considered a single employer OPEB plan since obligations exist for employees of one employer and plan assets can be used to pay the benefits of the employees of the employer.

This report does not include all items required under GASB Statements No. 74 and No. 75. Rather, it provides all items required that are not readily available from other sources and investment reports prepared by the plan’s investment consultant.

Discount Rate

The discount rate, and all other actuarial assumptions, are those as those described in Exhibit 4. The discount rate was selected based on a projection of employer and employee contributions, benefit payments, expenses and the long term expected rate of return on trust assets.

Based on these laws and assumptions, the OPEBs plan's Fiduciary Net Position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on OPEB plan investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

The Town selected 7.5% as the long term expectation of investment returns.

Net Position Restricted for OPEB

The Net Position Restricted for OPEB Plan Benefits as of June 30, 2023 is \$12,349,002. The 2023 Annual Statement of the Financial Condition contains the values for previous years and the changes in Net Position Restricted for OPEB Plan Benefits. Investments are reported at fair value.

June 30, 2022 Net Position	10,505,734
Employer Contributions	3,888,754
Employee Contributions	0
Other Payments	0
Benefit Payments	(2,684,754)
Expenses	(55,063)
Investment Income	<u>694,331</u>
June 30, 2023 Net Position	12,349,002

OPEB Liability as of June 30, 2023

The following presents the changes in the OPEB liability during FYE 2023.

June 30, 2022 Liability	85,452,216
Service Cost	2,962,384
Interest on Liability and Service Cost	6,523,786
Change in Plan Provisions	0
Experience (Gain) and Loss	(18,507,183)
Change in Assumptions	0
Benefit Payments	(2,914,271)
Other	<u>0</u>
June 30, 2023 Liability	73,516,932

Net OPEB Liability as of June 30, 2023

The following presents the net OPEB liability of the system calculated using the discount rate of 7.5%, as well as what the system's net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.5%) or 1-percentage-point higher (8.5%) than the current rate. The Plan Fiduciary Net Position as a percentage of the Total OPEB Liability is 16.8%.

	1% Decrease (6.5%)	Current Discount Rate (7.5%)	1% Increase (8.5%)
Total OPEB Liability	83,758,122	73,516,932	69,939,326
Plan Fiduciary Net Position	<u>12,349,002</u>	<u>12,349,002</u>	<u>12,349,002</u>
Net OPEB Liability	71,409,120	61,167,930	57,590,324
Water			
OPEB Liability	715,455	759,900	887,129
Plan Fiduciary Net Position	<u>320,365</u>	<u>320,365</u>	<u>320,365</u>
Net OPEB Liability	395,090	439,535	566,764
Sewer			
OPEB Liability	394,794	419,319	489,525
Plan Fiduciary Net Position	<u>133,177</u>	<u>133,177</u>	<u>133,177</u>
Net OPEB Liability	261,617	286,142	356,348

Stormwater

OPEB Liability	141,091	149,856	174,946
Plan Fiduciary Net Position	<u>24,643</u>	<u>24,643</u>	<u>24,643</u>
Net OPEB Liability	116,448	125,213	150,303

Solid Waste

OPEB Liability	55,871	59,342	69,277
Plan Fiduciary Net Position	<u>9,758</u>	<u>9,758</u>	<u>9,758</u>
Net OPEB Liability	46,113	49,584	59,519

The following presents the net OPEB liability of the system calculated using the current trend rates, as well as what the system's net OPEB liability would be if it were calculated using trend rates 1-percentage-point lower for all years or 1-percentage-point higher than the current rates.

	1% Decrease	Current Trend	1% Increase
Total OPEB Liability	67,153,382	73,516,932	93,555,758
Plan Fiduciary Net Position	<u>12,349,002</u>	<u>12,349,002</u>	<u>12,349,002</u>
Net OPEB Liability	54,804,380	61,167,930	81,206,756

Water

OPEB Liability	1,008,846	759,900	680,845
Plan Fiduciary Net Position	<u>320,365</u>	<u>320,365</u>	<u>320,365</u>
Net OPEB Liability	688,481	439,535	360,480

Sewer

OPEB Liability	556,690	419,319	375,696
Plan Fiduciary Net Position	<u>133,177</u>	<u>133,177</u>	<u>133,177</u>
Net OPEB Liability	423,513	286,142	242,519

Stormwater

OPEB Liability	198,949	149,856	134,266
Plan Fiduciary Net Position	<u>24,643</u>	<u>24,643</u>	<u>24,643</u>
Net OPEB Liability	174,306	125,213	109,623

Solid Waste

OPEB Liability	78,783	59,342	53,168
Plan Fiduciary Net Position	<u>9,758</u>	<u>9,758</u>	<u>9,758</u>
Net OPEB Liability	69,024	49,584	43,410

OPEB Expense for FYE 2023

Service Cost	2,962,384
Interest	6,523,786
Difference in Experience - Amortization	(5,081,932)
Change in Assumptions - Amortization	(329,940)
Changes in Plan Provisions	0
Employee Contributions	0
Projected Earnings	(830,236)
Administration Expense	55,063
Other Changes in Fiduciary Net Position	0
Asset (Gain) / Loss Amortization	<u>35,360</u>
Total Expense	3,334,485

Schedules of Required Supplementary Information

	<u>2023</u>
Total OPEB Liability – Beginning	85,452,216
Total OPEB Liability – Ending (a)	73,516,932
Plan Fiduciary Net Position – Beginning	10,505,734
Plan Fiduciary Net Position – Ending (b)	12,349,002
Net OPEB Liability – Ending (a) – (b)	61,167,930
Plan Fiduciary Net Positions as a percentage of the Total OPEB Liability	16.8%
Covered-employee payroll	76,893,288
Net OPEB Liability as a percentage of Covered-employee Payroll	79.5%

Schedule of Net Position Restricted for OPEB Plan Benefits Amortization Recognition

Below is the schedule of amortization adjustments to the OPEB Expense for the coming years. A positive number indicates that the actual return was less than the expected return and will be added to the OPEB Expense.

Investment Return

<u>FYE</u>	<u>(Gain) / Loss</u>	<u>Period</u>	<u>Increase (Decrease) arising from (Gains) or Losses</u>				
			<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2026</u>
2023	135,905	5	27,181	27,181	27,181	27,181	27,181
2022	1,203,871	5	240,774	240,774	240,774	240,775	
2021	(1,572,987)	5	(314,597)	(314,597)	(314,599)		
2020	319,132	5	63,826	63,828			
2019	90,880	5	18,176				

Experience

<u>FYE</u>	<u>(Gain) / Loss</u>	<u>Period</u>	<u>Increase (Decrease) arising from (Gains) or Losses</u>						
			<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
2023	(18,507,183)	6.19	(2,989,852)	(2,989,852)	(2,989,852)	(2,989,852)	(2,989,852)	(2,989,852)	(568,071)
2021	(6,170,129)	6.68	(923,672)	(923,672)	(923,672)	(923,672)	(628,097)		
2019	(7,641,391)	6.54	(1,168,408)	(1,168,408)	(630,943)				

Assumptions

<u>FYE</u>	<u>(Gain) / Loss</u>	<u>Period</u>	<u>Increase (Decrease) arising from (Gains) or Losses</u>			
			<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2025</u>
2019	(2,157,806)	6.54	(329,940)	(329,940)	(178,166)	

Reconciliation of Net OPEB Liability for 2023

NOL Beginning of Year	74,946,482
OPEB Expense	3,334,485
Employer Contributions	(4,118,271)
Deferred Outflow Changes	(214,052)
Deferred Inflow Changes	(12,780,714)
Revenue	<u>0</u>
NOL End of Year	61,167,930

EXHIBITS

EXHIBIT 1 – MEDICAL PREMIUM

Monthly Premiums effective July 1, 2023

Health benefits are available to employees and retirees through a number of plans. The following are gross monthly rates per subscriber for plans in which current Town employees and/or retirees are enrolled:

Harvard Pilgrim HMO (individual)	\$1,067.78
Harvard Pilgrim HMO (family)	\$2,728.76
Harvard Pilgrim High Deductible (individual)	\$ 859.30
Harvard Pilgrim High Deductible (family)	\$2,196.04
Harvard Pilgrim PPO (individual)	\$1,319.68
Harvard Pilgrim PPO (family)	\$3,675.36
Harvard Pilgrim Medicare (individual)	\$290.00

Post 1990 retirees contribute towards their coverage in the amount of 32% of stated premiums, with the PPO plan and surviving spouses, which is paid at 50% by the Town. Pre-1990 retirees contribute 15% and 32%.

EXHIBIT 2 – MEMBERSHIP DATA

As of July 1, 2023

Number of Participants included in valuation

	School	Town	DPW	Total
Actives	778	225	54	1,057
Retired & Spouses	323	370	21	714
Total	1,101	595	75	1,771

EXHIBIT 3 – SUMMARY OF PLAN PROVISIONS:

Retirement Medical Insurance: All retirees not in the Blue Care Elect PPO plan pay a 32% share of their post-retirement medical costs. Retirees in the Medex plan pay 32% and surviving spouses pay a 50% cost share.

Life Insurance: The Town of Franklin contributes \$2.15 per month for each retiree receiving \$5,000 basic life insurance. Retirees that opt for life insurance pay \$2.15 per month for coverage.

Spousal Coverage: Current and future retirees may elect to include their spouses as part of their post-retirement benefits. There is lifetime spousal coverage for medical insurance.

Administrative Costs: The Town pays administrative costs for each member of the plan as part of the monthly premium.

Section 18 Coverage: The Town has elected to adopt Section 18 under Chapter 32B of the General Laws of Massachusetts, which requires that an employee or retiree must participate in the Medicare program as the primary payer once one reaches age 65 and is Medicare eligible.

Retirement Eligibility: Age 55 with 10 years of service, or 20 years of service. For a Group 1 employee hired on or after April 2, 2012, attainment of age 60 and completion of ten years of service

Ordinary Disability Eligibility: 10 years of service and under age 55.

Termination Eligibility: 10 years of service.

EXHIBIT 4 – ACTUARIAL METHODS AND ASSUMPTIONS:

All Groups

TOWN OF FRANKLIN, ALL GROUPS

<i>Interest:</i>	Full Prefunding: 7.50% per year, net of investment expenses				
<i>Actuarial Cost Method:</i>	Entry Age Normal. Benefits are attributed ratably to service from date of hire until full eligibility date. Full eligibility date is assumed to be first eligibility for retiree medical benefits.				
<i>Healthcare Cost Trend Rate:</i>	<table> <thead> <tr> <th><u>Year</u></th> <th><u>Inflation Rate</u></th> </tr> </thead> <tbody> <tr> <td>2023 & after</td> <td>4.5%</td> </tr> </tbody> </table>	<u>Year</u>	<u>Inflation Rate</u>	2023 & after	4.5%
<u>Year</u>	<u>Inflation Rate</u>				
2023 & after	4.5%				
<i>Participation:</i>	95% of future retiree teachers and are assumed to participate in the retiree medical plan, 70% of future non-teacher retirees are expected to participate in the retiree medical plan and 75% of future retirees are expected to elect life insurance.				
<i>Marital Status:</i>	80% of male employees and 60% of female employees are assumed to have a covered spouse at retirement. Wives are assumed to be three years younger than their husbands.				
<i>Pre-Age 65 Retirees:</i>	<p>Current retirees who are under age 65 are assumed to remain in their current medical plan until age 65.</p> <p>Current active employees who are assumed to retire prior to age 65 are valued with a weighted-average premium. This weighted-average premium is based on the medical plan coverage of current retirees under age 65.</p>				
<i>Post-Age 65 Retirees:</i>	Current retirees over age 65 remain in their current medical plan until death for purposes of measuring their contributions. It is assumed that future retirees are Medicare eligible. It is furthermore assumed that all current retirees under 65 will participate in the Medex plan in the same proportion as current retirees over 65. Per capita costs were developed from the Town				

developed monthly costs. Amounts to be received in the future for the Medicare Part D Retiree Drug Subsidy are not reflected in the valuation.

Termination Benefit:

95% of current active teachers and 70% of current active non-teachers over age 50 with at least 10 years of service are expected to elect medical coverage starting at age 65.

Medical Plan Costs:

The estimated gross per capita incurred claim costs for all non-Teacher retirees and beneficiaries for 2023-24 at age 64 and 65 are \$20,205 and \$2,892, respectively. The estimated gross per capita incurred claim costs for all Teacher retirees and beneficiaries for 2023-24 at age 64 and 65 are \$18,172 and \$2,841, respectively. Medicare eligible retirees' per capita claims costs at age 65 is \$2,730. It is assumed that future retirees participate in the same manner as current retirees. Employee cost sharing is based on current rates. Future cost sharing is based on the weighted average of the current cost sharing of retirees and beneficiaries.

TOWN OF FRANKLIN, NON-TEACHERS

SEPARATIONS FROM ACTIVE SERVICE: The below tables represent values of the assumed annual rates of withdrawal, disability, death and service retirement:

Group 1 and 2

Age	Disability	Service Retirement				Years of Service	Rates of Withdrawal
		Male	Female	Male Post 2012 Hire	Female Post 2012 Hire		
25	0.0001					0	0.2800
30	0.0002					5	0.1020
35	0.0003					10	0.0650
40	0.0007					15	0.0417
45	0.0010					20	0.0400
50	0.0013	0.0360	0.1019			25	0.0400
55	0.0016	0.0477	0.0469			30+	0.0000
60	0.0018	0.1057	0.0774	0.0477	0.0469		
62	0.0019	0.1473	0.1168	0.0632	0.0509		
65	0.0016	0.2615	0.1939	0.1057	0.0774		
69	0.0014	0.2500	0.2000	0.2136	0.1708		

Group 4

Age	Disability	Service Retirements		Years of Service	Rates of Withdrawal
		Pre 2012	Post 2012		
25	0.0005			0 - 1	0.150
30	0.0010			2 - 3	0.125
35	0.0020			4 - 5	0.100
40	0.0025			6 - 7	0.075
45	0.0040		.0443	8 - 9	0.050
50	0.0076		.0382	10 - 19	0.060
55	0.0076		.1110	20+	0.000
60	0.0065		.1871		
62	0.0065		.2176		
65	0.0000		1.0000		

Mortality: It is assumed that mortality for is represented by the various SOA Pub-2010 Public Retirement Plans Mortality Tables specific to the Group, Pre-retirement versus Post, Disabled and Beneficiaries, with Scale MP-2019 improvements until 2025.

SCHEDULE A - ACTUARIAL ASSUMPTIONS AND METHODS

TOWN OF FRANKLIN, TEACHERS

SEPARATIONS FROM ACTIVE SERVICE: Representative values of the assumed annual rates of withdrawal and vesting, disability, death and service retirement are as follows:

Age	Disability	Years of Service	Rates of Withdrawal
25	0.0002	0	0.150
30	0.0003	1	0.120
35	0.0006	2	0.100
40	0.0010	3	0.090
45	0.0015	4	0.080
50	0.0019	5	0.076
55	0.0024	10	0.054
60	0.0028	15	0.033
62	0.0030	20	0.020
65	0.0030	25	0.010
69		30+	0.000

Age	Male Service Retirement		Female Service Retirement	
	<20	20+	<20	20+
50	0.00	0.01	0.00	0.01
55	0.02	0.03	0.02	0.04
60	0.12	0.20	0.12	0.16
61	0.15	0.30	0.15	0.20
62	0.18	0.35	0.18	0.25
63	0.15	0.35	0.15	0.25
64	0.25	0.30	0.25	0.30
65	0.40	0.50	0.40	0.40
66	0.40	0.30	0.40	0.30
67	0.40	0.30	0.40	0.25
68	0.40	0.30	0.40	0.35
69	0.40	0.40	0.40	0.35
70	1.00	1.00	1.00	1.00

Teachers electing the increased benefit under Chapter 114 of the Acts of 2000 were assumed to have higher rates of retirement from ages 54 to 62 if their service was greater than 30 years. These rates are the same for males and females. The rate at age 54 is 0.035. The rate increases to 0.06 at age 55, 0.18 at age 56 and 0.30 at age 57. The rate for ages 58, 59 and 62 is 0.40. The rate for ages 60 and 61 is 0.35.

Mortality: It is assumed that both pre-retirement mortality and beneficiary mortality is represented by the RP-2014 White Collar Mortality with Scale MP-2016, fully generational.

CERTIFICATION:

This report fairly represents the actuarial position of the Franklin OPEB Plan as of June 30, 2023, in accordance with generally accepted actuarial principles applied consistently with the preceding valuation. In our opinion, the actuarial assumptions used to compute actuarial accrued liability and normal cost are reasonably related to plan experience and to reasonable expectations, and represents our best estimate of anticipated plan experience.

The funded status measure is appropriate for assessing the sufficiency of plan assets to cover the estimated cost of settling the plan's benefit obligations. The funded status measure is appropriate for assessing the need for or the amount of future contributions.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. Due to the limited scope of our assignment, we did not perform an analysis of the potential range of such future measurements.

The report was prepared under the supervision of Daniel Sherman, an Associate of the Society of Actuaries and a Member of the American Academy of Actuaries, who takes responsibility for the overall appropriateness of the analysis, assumptions and results. Daniel Sherman is deemed to meet the General Qualification Standard and the basic education and experience requirement in the OPEB area. Based on over thirty years of performing valuations of similar complexity, Mr. Sherman is qualified by experience. Daniel Sherman has met the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

Sherman Actuarial Services, LLC



Daniel W. Sherman, ASA, MAAA

December, 2024



SPONSOR: *Town Administration*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 24-901 (Formerly 23-901)**

**ZONING MAP CHANGES FROM SINGLE FAMILY RESIDENTIAL III
TO BUSINESS AN AREA ON OR NEAR KING STREET**

**A ZONING BY-LAW AMENDMENT TO THE CODE OF THE TOWN OF
FRANKLIN AT CHAPTER 185 SECTION 5, ZONING MAP**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT: The Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by changing from Single Family Residential III to Business an area containing **1.32± acres**, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

Parcel Numbers **313-061-000** and **313-062-000**.

The area to be rezoned is shown on the attached map (“Proposed Zoning Map Changes, An Area On Or Near King Street”).

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2024

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

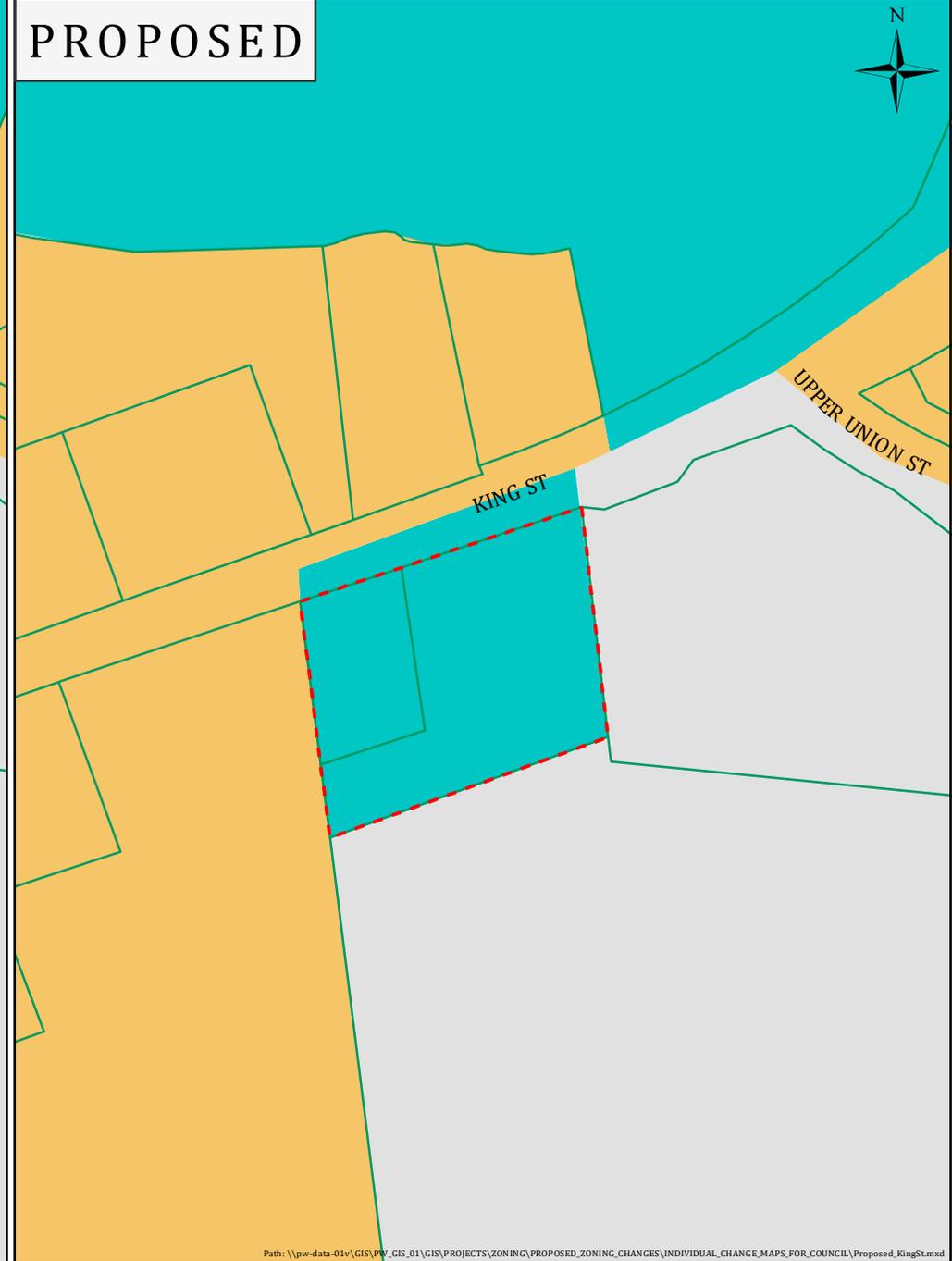
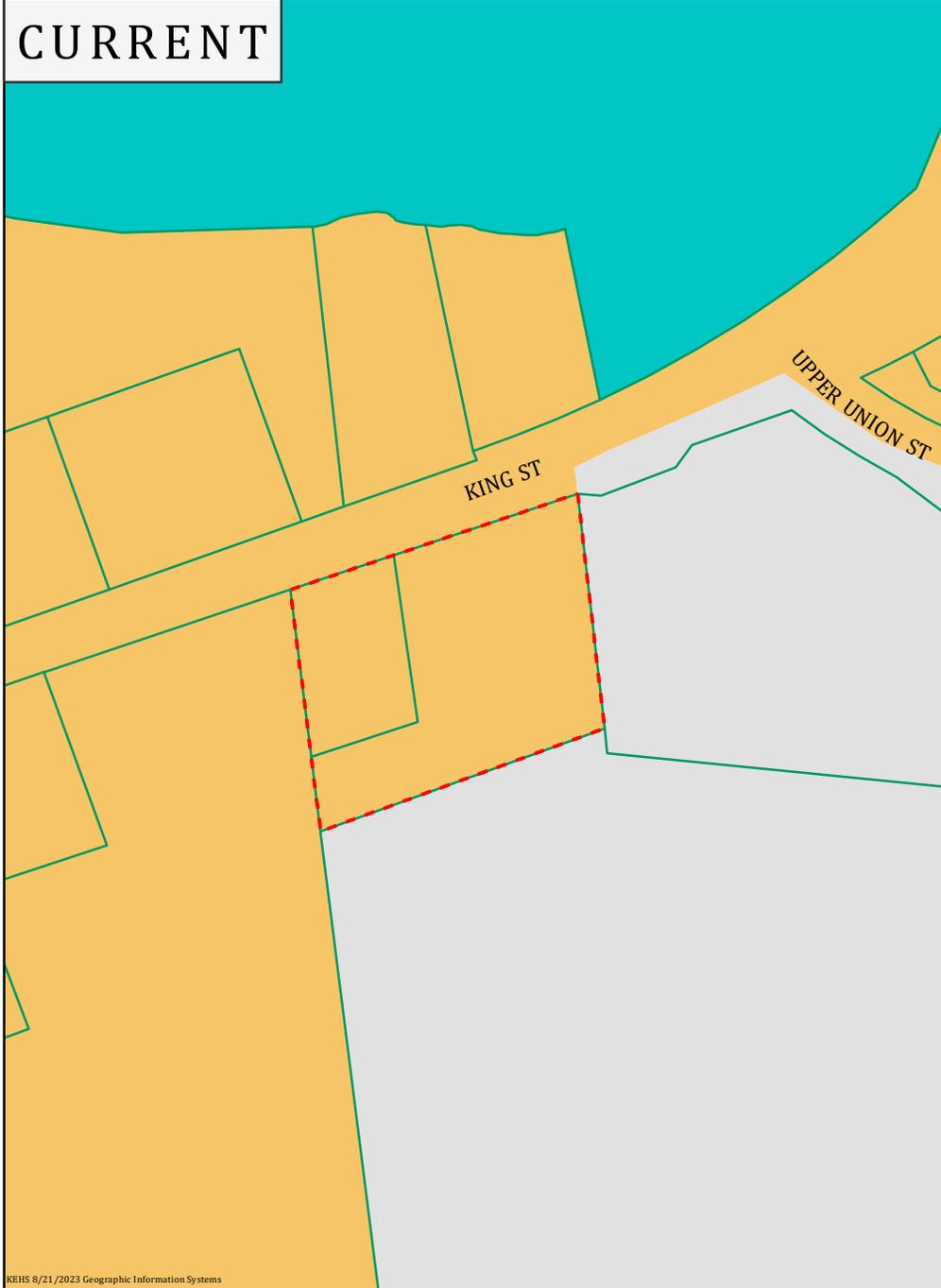
Proposed Zoning Map Changes

An Area On Or Near King Street
From Single Family Residential III to Business

24-901 (Formerly 23-901)

- Business
- Industrial
- Single-Family III
- Area of Proposed Change
- Parcel Line

0 125 250 500 Feet



Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 23, 2024

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: Resolution 24-03: FY24 Capital Improvement Plan
Resolution 24-04: Free Cash to Stabilization Accounts Transfers

Before the Council on February 28th are two resolutions relating to the FY24 Capital Plan Round 1:

- Resolution 24-03: FY24 Capital Improvement Plan - to approve the appropriation of funds for the FY24 Capital Improvement Plan
- Resolution 24-04: Free Cash to Stabilization Accounts Transfers - to approve continued funding of the Stabilization Funds per Town Policy

These resolutions are for final approval of Round 1. A second round of capital will come back before the Subcommittee this Spring for recommended appropriation of excess snow and ice money.

For a detailed summary of the capital plan, please see the memo "FY24 Capital Plan Proposal, Round 1" which is included in the agenda packet for the February 28th Town Council meeting.

If you have any questions, please let us know.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 23, 2024

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: **FY24 Capital Plan Proposal, Round 1**

Please find the attached Capital Plan Round 1, version 3 for Fiscal Year 2024 (FY24).

From the certified free cash total, there are several policy commitments that cut into the total right off the bat, most notably contributions to stabilization accounts (per Town Council policy).

The Finance Committee unanimously recommended the Round 1, v. 1 Capital Plan. However, this was prior to seeing the preliminary School Department budget models for Fiscal Year 2025 (FY25). The updated goal is to save additional free cash to plug some of the budget deficits for the School Department in FY25.

Below please find proposed revised requests amended and approved by the Capital Budget Subcommittee. All were approved unanimously with the exception of the School & Town Website Upgrade, which was approved 3-1.

The following is an overview of certified free cash status for FY24:

<u>Town Policies</u>	<u>Amounts</u>
CERTIFIED FREE CASH TOTAL	\$4,524,625
Fire Truck Stabilization; per Council policy (7-year plan)	-\$100,000
Fields Stabilization; per Council policy (Replace in 2027-ish)	-\$150,000
Remaining Free Cash for Capital Requests	\$4,274,625

School Department requests, if approved	\$950,387
Other Department requests, if approved	\$1,617,229
Remaining Free Cash, Round 2	\$1,707,009

Town Policy Requests

1. **Fire Truck Stabilization Contribution - \$100,000**
 - a. Continuing town policy of \$100,000 from free cash to the fire truck stabilization account.
 - b. The stabilization account currently has \$120,659.

2. **Recreation Fields Stabilization Contribution - \$150,000**
 - a. This amount will continue to be set aside in the stabilization account in order to be prepared for the full cost of implementing new fields at the High School/Track and Beaver Street in approximately 2027. Estimated costs will be around \$2 million.
 - b. The stabilization account currently has \$967,687.

Department Requests

3. **School Department, School Facilities, School Technology - \$950,387**
 - a. SPED Van - \$75,000
For a regular replacement of a 13-year old SPED van.

 - b. Math Curriculum - \$95,587
Replacement materials for Middle School curriculum licenses, subscriptions, textbooks and a three (3) year license.

 - c. 400 Student Chromebooks - \$100,000
Replacement Devices for 1:1 Chromebooks (\$250 per unit) for students.

 - d. K-8 Administration Laptop Warranty Extension - \$55,000
The Schools are requesting funds for a warranty extension for staff laptops for an additional year. A request will be coming forward in the future for 300 new laptop replacements at \$1,250 a piece.

 - e. Interactive TouchView displays at FHS - \$224,800
75-inch Touch Views to replace projectors and whiteboard combinations in 116 rooms that were installed in 2014. Estimated price \$2,800 per unit.

 - f. LARGE format (85") Interactive TouchView displays - \$10,000
To replace two (2) touchview displays at \$5,000/display.

 - g. Crestron A/V system Update - \$100,000
Continuation of maintenance started in 2021.

- h. Replace seven (7) video servers at the High School - \$120,000
Includes Hardware and software licenses.
- i. Removal of Kennedy Modulars - \$50,000
To fund removal of the last modular classrooms within the district at Kennedy. The modular is leaking and falling apart. The Town and Principal have wanted to remove the modular for a couple of years and it cannot be avoided any longer.
- j. 2 Large Projectors at FHS - \$120,000
To replace two of the four large Projectors located in the following 4 large space areas: Gym, Auditorium, cafeteria, lecture hall were \$60,000 a piece when purchased with the new school in 2014. They will be 10 years old and coming to the end of their useful lifespan.

4. Facilities Department (Town Projects) - \$300,000

- a. 911 upgrade phone systems - \$300,000
The state is requiring an upgrade to emergency phone systems.

5. Technology Department (Town Projects) - \$36,000

- a. Fire Department Laptops - \$36,000
Replace six (6) "ruggedized" laptops (= expensive) that ride in the ambulances at roughly \$6,000 each. These are specialized computers in the ambulances. They are on a replacement schedule.

6. Town Administrator - \$100,000

- a. Community Crisis Intervention Team (CCIT) - \$25,000
To provide ancillary financial assistance to residents facing crises due to homelessness or other extreme cases. The CCIT has been established by town staff/departments who work on a case-by-case basis with individuals and families facing extraordinary circumstances. Two recent cases have raised awareness of a "doughnut hole" in assisting people who are homeless, while obtaining transitional assistance. This funding will allow us to fund temporary assistance for someone, while the professional staff works to coordinate more permanent solutions. These funds will only be used in extreme circumstances and will not be readily available.

This capital account will be overseen by the Deputy Town Administrator, Amy Frigulietti, as she works to bring greater coordination of social services in town. I am pleased to report one recent case where the team has made huge strides to solve a homeless case in town.

The Franklin Community Crisis Intervention Team stands as an internal municipal collaborative, united in its dedication to fostering the overall wellbeing of Franklin residents spanning all age groups. This initiative emerged with the goal of enhancing coordination across various departments to efficiently triage critical cases within the Town. By doing so, they aim to guide residents through accessing resources, social support, and case management services often unknown to them, all while prioritizing public safety. The team comprises compassionate, professional, and seasoned Town of Franklin staff from Administration, Police, Senior Center, Board of Health and Fire Department all committed to making a positive impact. These agencies encompass staff who are licensed and/or have

extensive experience in the social service arena, as well as the legal authority over matters on public safety. This group is NOT a triage center for day to day issues. A website and resource guide is planned for later this year.

b. School & Town Website Upgrade - \$75,000

To upgrade the town website for both town and schools. Staff have recently completed demo's with several companies and will be selecting a vendor at the beginning of the new year. These costs will go to pay for the migration of sites, upgrading, licensing, and likely photography and other incidentals. This project will take upwards of a full year to upgrade websites.

7. Fire Department - \$337,854

a. Structural Firefighter Clothing- \$82,000

These funds are being requested to replace the protective clothing that firefighters wear to protect themselves during structural firefighting operations. This continual replacement process is necessary as the outside (shell) material, while resistant to heat, degrades over time due to heat exposure as well as to ultraviolet rays of the sun. This degradation, combined with normal wear and tear of the garments, weakens the fabric's ability to provide reliable protection for firefighters. While these garments are anticipated to last about ten years, it is necessary for firefighters to have two complete sets, so that one set can be taken out of service and thoroughly cleaned, while keeping that firefighter in service. The requested funds will allow the department to purchase the full protective ensemble for ten (10) firefighters.

b. Portable Mobile Radios - \$34,607

Last year, through the use of capital funds and federal grant monies, the department was able to replace all of the portable radios within the department. This year's request is to provide the funding necessary to purchase four (4) mobile radios, which would be used in apparatus that are currently on order or as a replacement for current equipment.

c. Battalion Chief/Command Vehicle- \$86,949

This year we are requesting funds to replace the on-duty marked Battalion Fire Chief's vehicle with a 4-door, 4-wheel drive pick-up truck with utility cap. The current vehicle is a 2015 model year Ford Police Interceptor (Explorer) with 68,687 miles on the odometer and 6760 engine hours, of which 3942 are engine idle hours. Using a conservative 40 mph equivalent, these hours equate to 270,400 engine miles. Due to the changing role of the Battalion Chief within the department, this new style of vehicle will increase productivity and help provide a greater range of services to the community.

d. Durable Medical Equipment - \$101,631

These funds are being requested to replace two (2) of the three (3) automated external chest compression devices in use on the department's ambulances. Purchased in 2013, they are considered end-of-life (EOL) by the manufacturer and no longer able to be repaired. These devices replace the need for manual CPR by the department's paramedics by providing automated manual external chest compressions, freeing up valuable on-scene personnel for other life-saving tasks. More importantly, automated CPR devices have been shown to provide better quality, more consistent external chest compressions than manual CPR. In addition, these funds would be used to replace one (1) aging cardiac monitor /

defibrillator that is approaching its end-of-life (EOL), due to increased maintenance requirements on this particular unit. In a cardiac emergency, these units provide the following six primary functions: cardiac defibrillation, non-invasive pacing, patient ECG information capture and printing, patient signal monitoring, 12-lead ECG capture and analysis, and pt monitoring alarms and warning management. In addition, in some instances, this unit will transmit the 12-lead ECG directly to the emergency department. Lastly, this project would fund the purchase of a new ambulance stretcher and stair chair for the ambulance which is scheduled to be delivered in the summer of 2024.

e. Hose, Nozzle and Associated Equipment - \$32,667

These funds are being requested to replace structural fire hose, nozzles, and equipment that are beyond their expected service life and in need of replacement. Some of the current nozzles have been discontinued and service parts are no longer available. These funds will also allow for the outfitting of the new tower truck, which is expected to be delivered in early 2025.

8. **Police Department** - \$373,375

a. Police Vehicles Replacement - \$333,595

The department is requesting funds to replace four (4) police vehicles and one (1) motorcycle consistent with our vehicle replacement policy. The selected vehicles are scheduled to be rotated out of service by recommendation of DPW mechanics and fleet managers based on age, mileage and projected future maintenance costs.

b. Electronic Control Weapons (Tasers) - \$14,603

The Department is in year five (5) of the Axon Enterprise Taser 60 - 5 year purchase plan. This plan allowed the purchase of 46 units simultaneously while spreading the cost of replacements over a five year period.

c. Protective Body Armor - \$15,651

To replace thirteen (13) concealable soft body armor vests worn by officers that have met or exceeded the five year operational cycle and warranty status.

d. Technology Investments - \$9,526

The department needs to replace technology and office related equipment. Four(4) desktop computers that were originally purchased in 2015 are in need of replacement. Software license renewals are needed. The desktops and software we will purchase meet the Information Technology Departments' replacement guidelines and the IT Department was consulted prior to this request.

9. **Public Works** - \$470,000

a. Vehicles & Equipment - \$470,000

This request is to purchase the following vehicles (in order of priority to the DPW):

- 6 Wheel Hook Truck with Sander/Liquid Tank/Flat Bed & Plow - \$280,000

H-7 2000 Sterling flat bed sander is now 24 years old and the dump body has been removed due to rot. The sander is permanently mounted on the flat bed which makes this truck a very limited year round vehicle. We would like to replace this truck with a 6 Wheel Hook Truck with a liquid tank, sander and flat bed.

- 1-Dump Truck with Plow - \$105,000
The 2005 T-16 F550 1-Ton is now 18 years old, is well past its life expectancy, and has severe rot to the frame. This truck will not end up passing the next state inspection. We would like to replace this dump truck with a 1-Ton dump truck with a 9' plow. This truck is assigned a plow route and we need this truck as part of our snow operations and daily tasks.
- Wide Area Mower - \$85,000
The 2012 Toro 4100 D Wide Area Mower is now 12 years old and is a big part of keeping the athletic fields and schools mowed weekly . We would like to replace this mower with a new Wide Area Mower.

10. Water Enterprise Funds - \$1,942,450

The following recommendations comply with the Town's policy to maintain at least \$1 million in retained earnings for emergency purposes. The recommendations are as follows:

- Fisher Street Water Treatment Plant Design Phase 2 - \$663,450
To replace the existing Fisher Street WTP membrane cartridge system before the estimated end of cartridge life (2024) which could lead to WTP failure/loss of services. To improve the system reliability and WTP safety of operations. Demolition of the existing membrane system, WTP building modifications and installation of a new pressurized media filtration system for iron and manganese removal, similar to the system in the Grove Street Water Treatment Plant. The project also includes building a PFAS treatment addition to the existing WTP to house GAC vessels. Consistent and reliable treatment to reduce iron and manganese for Well Nos. 1, 2, 2a, and 2b as well as to provide for safer operating conditions and wide availability of spare parts. Consistency between the existing Grove Street WTP and the improved Fisher Street WTP will also provide operational familiarity and opportunities for optimized equipment maintenance.

Phase 1 Pilot & 30% Design completed under FY23 Capital Request (\$467,250). The estimated Construction Cost is \$25,696,000.00. An SRF PEF was submitted for state loan assistance, similar to the Beaver Street Interceptor and PFAS.
- Fales Street Water Main Replacement - \$250,000
Fales Street water main is a Cast Iron (CI) main installed in the 1920's. The water main is extremely tuberculated and undersized which is causing dirty water on a daily basis for the residents in and around Fales Street. This street along with Park and a small section of Hillside are on our next 5 year water main replacement plan that has not yet been approved due to funding. Therefore we are proposing to complete the replacement of this water main.
- Meter Replacements - \$50,000
The Franklin Water System includes over 10,000 water meters, all of which act as cash registers for the water and sewer department. AWWA recommends that water meters be replaced every 10-15 years. As meters age, their accuracy decreases, generally in favor of

the customer. Therefore, we would like to continue our 20 year meter replacement program.

d. Water Main Projects - \$879,000

The fund the annual water main replacements with cash reserves to avoid having to borrow funds and pay interest. The Town is now back on schedule.

e. General Infrastructure Improvements - \$100,000

Replacement of water main sections prone to leaks. Also, includes funding to start a Valve Exercising and Replacement Program throughout Town.

11. Sewer Enterprise Funds \$350,000

The following recommendations comply with the Town's policy to maintain at least \$1 million in retained earnings for emergency purposes. The Town staff recommend maintaining a \$1.5 million in retained earnings in the stabilization utility due to major projects in town. Note, \$500,000 in federal ARPA funds were recently appropriated to alleviate local rate-payers paying for those projects. While \$1 million is town policy, we think it's wise to save a little extra in the event of an emergency.

Under this guidance, the Town will invest \$350,000 in capital projects this year. The recommendations are as follows:

a. Replace Control Systems at 7 Lift Stations - Part 1 - \$250,000

The Town is currently in the process of replacing old control systems at each pump station. The following pump stations still require replacements: Public Works Sewer Lift Station, Jackson Sewer Lift Station, Kenwood Sewer Lift Station, Longhill Sewer Lift Station, Oxford Sewer Lift Station, Palomino Sewer Lift Station, and Red Gate Sewer Lift Station.

b. Phase 1 SCADA Upgrades - \$100,000

Upgrade radio and PLC equipment at each sewer pump station to current technology.

Glossary

What is Free Cash?

Free Cash (Also Budgetary Fund Balance) is defined as “remaining, unrestricted funds from operations of the previous fiscal year including unexpended free cash from the previous year, actual receipts in excess of revenue estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based on the balance sheet as of June 30, which is submitted by the community's auditor, accountant, or comptroller. Important: free cash is not available for appropriation until certified by the Director of Accounts. (See Available Funds)”

The average free cash balance is \$3.52 million over the past ten years and \$2.89 million over the past 20 years.

The state Department of Local Services has a [glossary on municipal finance terms](#).

You may also visit the [Town of Franklin's Budget website](#) for more.

TOWN OF FRANKLIN					
20 YEAR FREE CASH / RETAINED EARNINGS HISTORY					
Certified	General Fund	Water Enterprise	Sewer Enterprise	Solid Waste Enterprise	Total
7/1/2004	2,707,379				2,707,379
7/1/2005	2,104,083				2,104,083
7/1/2006	656,535	2,176,995	2,864,197	183,451	5,881,178
7/1/2007	1,858,230	1,647,411	2,561,047	61,500	6,128,188
7/1/2008	2,328,614	2,460,244	3,345,138	122,289	8,256,285
7/1/2009	2,385,242	1,554,884	1,343,434	351,058	5,634,618
7/1/2010	2,133,006	2,384,106	1,282,996	382,606	6,182,714
7/1/2011	2,935,840	2,030,319	1,386,149	624,111	6,976,419
7/1/2012	3,580,481	3,045,246	862,396	331,426	7,819,549
7/1/2013	2,001,830	4,275,163	1,359,927	383,173	8,020,093
7/1/2014	3,073,946	2,693,223	1,500,456	432,094	7,699,719
7/1/2015	2,359,365	2,348,202	2,673,720	396,933	7,778,220
7/1/2016	3,643,541	2,391,123	1,560,327	379,567	7,974,558
7/1/2017	2,821,988	2,481,336	904,612	380,888	6,588,824
7/1/2018	3,726,972	2,809,777	1,470,260	319,625	8,326,634
7/1/2019	3,482,875	2,754,056	1,404,544	285,807	7,927,282
7/1/2020	2,730,757	3,429,103	1,491,152	298,505	7,949,517
7/1/2021	4,470,514	3,622,117	2,168,606	548,721	10,809,958
7/1/2022	4,322,269	2,730,677	2,172,601	980,427	10,205,974
7/1/2023	4,524,625	2,942,072	2,000,660	792,976	10,260,333



TOWN OF FRANKLIN

RESOLUTION NO.: 24-03

APPROPRIATION: Capital FY24

TOTAL REQUESTED: **Free Cash** **\$2,567,616**
 Water Retained Earnings **\$1,942,450**
 Sewer Retained Earnings **\$ 350,000**

PURPOSE: To appropriate funds for the 2024 Capital Improvement Plan:

Department	Description	Category	Amount	Total
School	SPED Van	Vehicles	75,000	
	Math Curriculum	Curriculum	95,587	
	400 Student Chromebooks	Technology	100,000	
	K-8 Administration Laptop Warranty Extension	Technology	55,000	
	Interactive TouchView displays at FHS	Technology	224,800	
	Large format (85") Interactive TouchView displays	Technology	10,000	
	Crestron A/V system Update	Equipment	100,000	
	Replace 7 video servers at the High School	Equipment	120,000	
	Removal of Kennedy Modulars	Buildings	50,000	
	4 Large Projectors at FH	Equipment	120,000	950,387
Facilities	911 upgrade phone systems	Equipment	300,000	300,000
Technology	Fire Department Laptops	Technology	36,000	36,000
Town Admin	School & Town Website Upgrade	Technology	75,000	
	Crisis Intervention Team (CIT)	Human Svcs	25,000	100,000
Fire	Structural Firefighter Clothing	Equipment	82,000	
	Portable Radios	Equipment	34,607	
	Battalion Chief/Command Vehicle	Vehicles	86,949	
	Durable Medical Equipment	Equipment	101,631	
	Hose, Nozzle and Associated Equipment	Equipment	32,667	337,854
Police	Police Vehicles Replacement	Vehicles	333,595	
	Electronic Control Weapons (Tasers)	Equipment	14,603	
	Protective Body Armor	Equipment	15,651	
	Technology Investments	Technology	9,526	373,375
Public Works	Vehicles & Equipment	Equipment	470,000	470,000
	TOTAL FREE CASH APPROPRIATION			2,567,616

Water Enterprise	Fisher Street Water Treatment Plant Design Phase 2	Infrastructure	663,450	
	Meter Replacements	Equipment	50,000	
	Fales Street Water Main Replacement	Infrastructure	250,000	
	Water Main Projects	Infrastructure	879,000	
	General Infrastructure Improvements	Infrastructure	100,000	
TOTAL WATER RETAINED EARNINGS APPROPRIATION				1,942,450
Sewer Enterprise	Replace Control Systems at 7 Lift Station -Part 1	Equipment	250,000	
	Phase 1 SCADA Upgrades	Equipment	100,000	350,000
TOTAL SEWER RETAINED EARNINGS APPROPRIATION				350,000

MOTION

Be It Moved and Voted by the Town Council that the sums of Two Million five Hundred Sixty Seven Thousand Six Hundred and Sixteen Dollars (\$2,567,616) be appropriated from Free Cash, One Million Nine Hundred Forty Two Thousand Four Hundred and Fifty Dollars (\$1,942,450) be appropriated from Water Retained Earnings and Three Hundred Fifty Thousand Dollars (\$350,000) be appropriated from Sewer Retained Earnings to be expended at the discretion of the Town Administrator for the FY 2024 Capital Improvement Plan as outlined above including any residual funds remaining in these line items.

This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2024

VOTED:
UNANIMOUS _____

YES _____ **NO** _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Chair
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 24-04

APPROPRIATION: FREE CASH TO STABILIZATION ACCOUNTS TRANSFERS

TOTAL REQUESTED: \$250,000

PURPOSE: Continued Funding of the Stabilization Funds per Town Policy

TRANSFER TO	PURPOSE	SOURCE	AMOUNT
Fire Truck Stabilization	7 Year Plan	Free Cash	100,000
Fields Stabilization	Replace Around 2027	Free Cash	150,000
TOTAL FREE CASH APPROPRIATION			250,000

MOTION

Be It Moved and Voted by the Town Council that the sum of Two Hundred Fifty Thousand Dollars (\$250,000) be transferred from Free Cash to the Fire Truck and Fields Stabilization accounts and for purposes stated as outlined above.

This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2024

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

A True Record Attest:

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 23, 2024

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: **Resolution 24-08: Town Council's Support of Pending State Legislation Entitled "THE MUNICIPAL EMPOWERMENT ACT"**

We are asking the Town Council to approve Resolution 24-08 which, if approved, will authorize the Town Administrator and the Town Council to send a letter to the legislature and Governor Healey in support of the pending Municipal Empowerment Act.

On January 22, 2024 Governor Healey filed a bill entitled [The Municipal Empowerment Act](#), intended to assist municipalities with some of the challenges they face relative to municipal finance and operations, including changes to procurement reform, local options to further increase meals and lodging taxes, and the creation of a new motor vehicle excise surcharge, a local option for senior citizen tax relief, a requirement for utility companies to eliminate double poles, would permanently allow hybrid meetings; and, perhaps, most notably, eliminates the requirement to vote on PEG funding every time we get a payment! That is correct, the bill would eliminate the requirement to vote on PEG funding every single time and would allow those funds to go directly to Franklin TV! The bill has many, many provisions that would benefit Franklin!

This legislation was filed as a direct result from input of local municipal leaders and will significantly help the Town of Franklin in our ability to operate more efficiently and effectively.

For additional information, we have included a January 22, 2024 dated letter from Governor Healey in the packet, which includes the proposed legislation, as well as a separate document which provides a section by section summary of the Act.

If you have any questions, please let us know.

Rec'd Jan. 22, 2024
3:49 pm



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

January 22, 2024

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled *An Act empowering municipalities and local governments* (“*The Municipal Empowerment Act*”) – legislation designed to arm local governments with greater tools and supports to generate resources for vital local services and access the products and workers they need to best serve Massachusetts residents.

Our administration appreciates that the health of the Commonwealth’s 351 cities and towns underpins the overall success of Massachusetts and its people. That is why this administration is committed to ensuring that every municipality, from Provincetown to Pittsfield, has the resources it needs to succeed.

Since taking office, our administration has been focused on ensuring our municipal partners have the support they need from the state. Our Fiscal Year 2025 budget proposal, which will be filed in the coming days, will once again recommend historic investments in municipal partnerships. From fully funding the Student Opportunity Act to boosting resources for unrestricted general government aid (UGGA), our Fiscal Year 2025 budget proposal will provide nearly \$8.7 billion for local aid, a \$269.4 million (or 3 percent) increase over the Fiscal Year 2024 General Appropriations Act.

But the administration also recognizes that boosting funding alone is not enough. Cities and towns across the Commonwealth can benefit from changes to state programs and rules that make it easier for the state and municipalities, together, to best serve our constituents. The administration, therefore, engaged in an extensive listening tour with municipal leaders this Fall to explore ideas on how the Commonwealth can best partner with our cities and towns. Over several months, the administration held seven regional listening sessions that engaged over 130 municipal managers and administrators from 112 different municipalities and solicited input from professional associations representing local leaders and employees – the *Municipal Empowerment Act* is a direct outgrowth of what we heard.

Based on feedback from the dedicated individuals who serve our communities every day, the *Municipal Empowerment Act* provides relief from numerous administrative burdens, including reforms to procurement rules that raise thresholds for competitive bids; contains local option

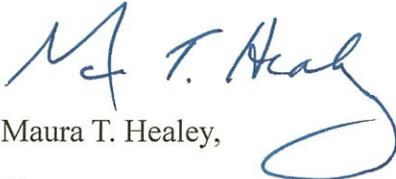
revenue raisers, including a new Motor Vehicle Excise surcharge local option that can benefit every city and town in the Commonwealth; improves the efficiency of local operations by, for example, updating borrowing rules for school projects and establishing enforcement mechanisms for double pole prohibitions; and provides new tools for addressing critical local workforce challenges, such as allowing for the creation of regional boards of assessors, centralizing valuation of telecom and utility property at the state level and creating additional flexibilities in post-retirement employment exemptions.

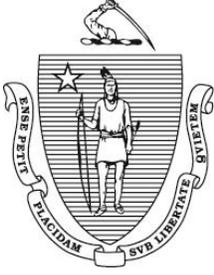
Additionally, this bill proposes to make permanent some of the COVID-19 era policies that have become popular and valuable additions to the fabric of civic and social lives in communities around the state, including hybrid public meetings and outdoor dining.

Outside of this legislation, the administration is also supporting critical work being pursued through other bodies to improve local staffing and finances, including endorsing policies recently approved by the *Special Legislative Commission to Study and Examine the Civil Service Law* that will support alternative paths for civil service police and fire departments to recruit personnel while benefitting the system. These reforms would allow up to 50 percent of officers to be hired outside of the traditional civil service process and enable communities to create public safety cadet programs without requiring their own special acts. Enactment of these reforms this year will help cities and towns recruit a more diverse cadre as the next generation of public safety officials.

City and town officials understand what programs and policies can meet the needs of the residents they serve, and the *Municipal Empowerment Act* reflects those unique local perspectives. The bill positions the state as a better partner to our cities and towns in building communities in which people want to live, work, visit, go to school, raise a family, start a business and age in place. I appreciate the Legislature's attention to enact this piece of legislation.

Respectfully submitted,


Maura T. Healey,
Governor



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND TWENTY FOUR

AN ACT EMPOWERING MUNICIPALITIES AND LOCAL GOVERNMENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 3 of chapter 17 of the General Laws, as appearing in 2022 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) Seven of the appointed members shall be non-providers: 1 of whom shall be appointed by the secretary of elder affairs; 1 of whom shall be appointed by the secretary of veterans' services; 1 of whom shall be appointed by the governor from a list of 3 nominated by Health Care For All, Inc.; 1 of whom shall be appointed by the governor from a list of 3 nominated by the Coalition for the Prevention of Medical Errors, Inc.; 1 of whom shall be appointed by the governor from a list of 3 nominated by the Massachusetts Public Health Association; and 1 of whom shall be appointed by the governor from a list of 3 nominated by the Massachusetts Community Health Worker Network; and 1 of whom shall be appointed by the governor from a list of 3 nominated by the Coalition for Local Public Health. Whenever an organization nominates a list of candidates for appointment by the governor under this subsection, the organization may nominate additional candidates if the governor declines to appoint any of those originally nominated.

SECTION 2. Section 18 of chapter 30A of the General Laws, as so appearing, is hereby amended by inserting the following definition:-

“Adequate, alternative means of public access”, measures that provide transparency and permit timely and effective public access to the deliberations of a public body, including, but not limited to, providing public access through telephone, internet, satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring.

SECTION 3. Said section 18 of said chapter 30A, as so appearing, is hereby further amended by striking out the definition of “Deliberation” and inserting in place thereof the following definition:-
“Deliberation”, an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that “deliberation” shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting information or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

SECTION 4. Section 20 of said chapter 30A, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Except as provided in section 21, all meetings of a public body shall be physically accessible to the public; provided, that if a public body does not conduct the meeting in a public place that is physically accessible to the public, the public body shall ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means of public access. Where active, real-time participation by members of the public is a specific requirement of a general or special law, regulation or a local ordinance or by-law, pursuant to which the proceeding is conducted, any adequate, alternative means of public access shall provide for such participation and shall be sufficient to meet such participation requirement. A public body shall offer its selected adequate, alternative means of public access to its proceedings without subscription, toll or similar charge to the public.

SECTION 5. Said section 20 of said chapter 30A, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) A public body may allow remote participation by any or all members in any meeting of the public body. A quorum of the body and the chair shall not be required to be physically present at a specified meeting location; provided, however, that any members participating remotely and all persons present at the meeting location are clearly audible to each other. A public body that elects to conduct its proceedings under this subsection shall ensure that any party entitled or required to appear before it shall be able to appear through remote means or, if the meeting is conducted in a location that is physically accessible to the public, in person, at the person's choosing.

SECTION 6. Section 22 of said chapter 30A, as so appearing, is hereby amended by striking out the first sentence of subsection (c) and inserting in place thereof the following sentence:- Minutes of all open and executive sessions shall be created and approved in a timely manner.

SECTION 7. Section 4 of chapter 30B of the General Laws, as so appearing, is amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) Except as permitted pursuant to this section and section 7, for the procurement of a supply or service for a governmental body in the amount of \$10,000 or greater, but not to exceed \$100,000, a procurement officer shall seek written quotations from not fewer than 3 persons customarily providing the supply or service. The procurement officer shall record the: (i) names and addresses of all persons from whom quotations were sought; (ii) purchase description used for the procurement; (iii) names of the persons submitting quotations; and (iv) date and amount of each quotation. Such information shall be retained in the file required pursuant to section 3. A governmental body may require that any procurement for the governmental body in an amount of not more than \$100,000 shall be subject to section 5 or section 6.

SECTION 8. Section 5 of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 2 to 4, the words "\$50,000 or, in the case of a municipal or regional school district, award of procurement contracts in the amount of more than \$100,000," and inserting in place thereof the following figure:- \$100,000.

SECTION 9. Said section 5 of said chapter 30B, as so appearing, is hereby further amended by striking out, in lines 37 to 39, the words "on the COMMBUYS system administered by the operational

services division” and inserting in place thereof the following words:- through additional means reasonably calculated to notify the public of the opportunity.

SECTION 10. Said section 5 of said chapter 30B, as so appearing, is hereby further amended by striking out, in lines 40 and 41, the words “\$50,000, or, for a municipal or regional school district, more than”.

SECTION 11. Section 6 of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “\$50,000, or, a municipal or regional school district, more than \$100,000” and inserting in place thereof the following figure:- \$100,000.

SECTION 12. Section 6A of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “\$50,000, or, a municipal or regional school district, more than \$100,000,” and inserting in place thereof the following figure:- \$100,000.

SECTION 13. Section 7 of said chapter 30B, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “\$50,000, or, a municipal or regional school district, more than \$100,000,” and inserting in place thereof the following figure:- \$100,000.

SECTION 14. Said chapter 30B, as so appearing, is hereby further amended by striking out section 22 and inserting in place thereof the following section:-

Section 22. A public procurement unit may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of supplies or services with public procurement units or external procurement activities in accordance with an agreement entered into between the participants.

The public procurement unit conducting the procurement of supplies or services shall do so in a manner that constitutes a full and open competition.

Notwithstanding the provisions of any special or general law to the contrary, a public procurement unit that conducts a cooperative purchasing agreement pursuant to this section in a manner that constitutes full and open competition may award contracts to multiple offerors through a single request for proposals if the chief procurement officer for the awarding public unit determines that doing so is in the best interests of the parties to the cooperative purchasing agreement.

SECTION 15. Chapter 30B of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 23 and inserting in place thereof the following section:-

Section 23. Notwithstanding section 39M of chapter 30, or any general or special law to the contrary, a governmental body may procure electric school buses and the installation of charging stations for said electric school buses, under this chapter. Said electric school buses and the installation of related charging stations may be procured separately or in one procurement. For the purposes of this section, if electric school buses and charging stations and their installation are procured in a single procurement, both shall be considered supplies; otherwise, electric school buses shall be considered supplies and charging stations and their installation shall be considered services.

A contract under this section shall only be awarded to a bidder: (i) possessing the skill, ability and integrity necessary for the faithful performance of the work; (ii) who shall certify, that it is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work; (iii) who shall certify that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and (iv) who obtains within 10 days of the notification of contract award the security by bond required under section 29 of chapter 149; provided, that for the purposes of this section, the term “security by bond” shall mean the bond of a surety company qualified to do business under the laws of the commonwealth and satisfactory to the awarding authority; provided further, that if there is more than 1 surety company, the surety companies shall be jointly and severally liable.

SECTION 16. Section 91 of chapter 32 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following subsection:

(f) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, in any period during which there is a critical shortage of qualified applicants for a specific job title or class of job titles, an executive agency, department, county, city, town, district or authority may, upon approval from the secretary of

administration and finance, or the secretary's designee, create one or more critical shortage positions in the job title or class of job titles. The agency, department, county, city, town, district or authority shall submit to the secretary or their designee any documentation that the secretary or their designee shall require to determine the existence of a critical shortage of qualified applicants for a job title or class of job titles. The secretary or the secretary's designee shall set the maximum number of critical shortage positions that may be created by the requesting entity in the job title or class of job titles.

A critical shortage position authorized under this subsection shall exist and be active for a period not to exceed 24 months; provided, however, that the position may be extended with the approval of the secretary, or the secretary's designee if, at the end of the 24 month period, a critical shortage still exists for the job title or class of job titles. In addition to and notwithstanding subsections (a) to (d), inclusive, or similar provision of any special law, and notwithstanding section 181 of chapter 25 of the acts of 2009, as amended by section 11 of chapter 42 of the acts of 2022, any person who has been retired and who is receiving a pension or retirement allowance under the provisions of this chapter or any other general or special law from the commonwealth, county, city, town, district or authority may, subject to all laws, rules, and regulations governing the employment of persons in the commonwealth, county, city, town, district or authority, be employed in a critical shortage position. Provided, however, that any such retired person in a critical shortage position under this subsection shall not be deemed to have resumed active membership in any relevant retirement system and said service shall not be counted as creditable service toward retirement and provided, further, that in the first 6 months immediately following the effective date of retirement, the earnings received by such retired person when added to any pension or retirement allowance they are receiving shall not exceed the salary that is being paid for the position from which they retired or in which their employment was terminated.

SECTION 17. Subsection (k) of section 20 of chapter 32B of the General Laws, as so appearing, is hereby amended by striking out, in line 158, the words "governing boards" and inserting in place thereof the followings words:- governing body.

SECTION 18. Section 42A of chapter 40 of the General Laws, as so appearing, is hereby amended by inserting after the word “deeds”, in line 5, the following words:- , and files a copy of said certificate with the collector of taxes of the city or town in which the lien hereinafter mentioned is to take effect.

SECTION 19. Section 49 of said chapter 40, as so appearing, is hereby amended by adding the following sentence:- Nothing in this section shall preclude a town from providing any of the reports or information pursuant to this section in an electronic format.

SECTION 20. Said chapter 40, as so appearing, is hereby amended by adding the following section:-

Section 70. Cities, towns and districts shall report a known cybersecurity incident, as defined through regulation by the secretary of technology services and security, to the commonwealth security operations center, in a manner prescribed by the executive office of technology services and security. Reporting shall take place as soon as practicable, but no later than at the conclusion of the risk assessment process. Reports shall not include any information that would jeopardize attorney-client privilege nor any information that would have a demonstrated impact on the defense and management of any liability claims, including litigation or demand for damages. Nothing in this section shall satisfy a city, town or district’s reporting requirements under chapter 93H. The executive office of technology services and security shall promulgate regulations to implement this section.

SECTION 21. Chapter 40A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after section 3A following section:-

Section 3B. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Commission”, the alcoholic beverages control commission, established by section 70 of chapter 10.

“Outdoor table service”, restaurant service that includes food prepared on-site and under a food establishment permit issued by a municipal authority pursuant to 105 CMR 590.00 that is served to seated

diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area or other outdoor space.

(b) Notwithstanding the provisions of this chapter, any special permit, variance or other approval issued thereunder or any general or special law to the contrary, a city or town may approve a request for expansion of outdoor table service, including in the description of licensed premises as described in subsection (c), or an extension of an earlier granted approval. Before such approval, the mayor, select board or other chief executive officer, as established by charter or special act, shall establish the process for approving such requests. Such process shall not be required to comply with the notice and publication provisions of section 11 of this chapter. An approval under this section may be exercised immediately upon filing of notice thereof with the city or town clerk, without complying with any otherwise applicable recording or certification requirements.

(c) Pursuant to subsection (b), a local licensing authority may grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service as the local licensing authority deems reasonable and proper, and issue an amended license to existing license holders, without further review or approval from the commission prior to issuance. Upon approval of an amended license, the local licensing authority shall provide notice of the amended license to the commission. Nothing in this section shall prevent the commission from exercising the commission's enforcement authority over an amended license.

(d) Before approving any request to extend an earlier granted approval, a city, town or local licensing authority may modify the scope of the approval as the city, town or local licensing authority deems proper and appropriate including, but not limited to, modifying the terms of an earlier granted approval to address potential issues with snow removal, pedestrian traffic or similar concerns.

SECTION 22. Chapter 40Q of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 3 and inserting in place thereof the following section:-

Section 3. (a) The city or town may retain all or part of the tax increment of an invested revenue district for the purpose of financing the development program. When a development program for an invested

revenue district is adopted, the city or town shall adopt a statement of the percentage of tax increment to be retained in accordance with the development program. The statement of percentage may establish a specific percentage or percentages or may describe a method or formula for determination of the percentage. The assessor shall certify the amount of the tax increment to the city or town each year.

(b) On or after the formation of an invested revenue district, the assessor of the city or town in which it is located shall, on request of the city or town, certify the original assessed value of the taxable property within the boundaries of the invested revenue district on the base date. Each year, after the formation of an invested revenue district, the assessor of the city or town shall certify the amount of the new growth adjustment to the levy limit of the city or town, as certified by the commissioner of revenue, that is attributable to parcels within the district.

(c) If a city or town has elected to retain all or a percentage of the retained tax increment pursuant to subsection (a), the city or town shall: (i) establish a development program fund that consists of: (A) a development debt service fund account that is pledged to and charged, without further appropriation, with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the costs of the development program fund; and (B) a project cost account that is pledged to and charged, without further appropriation, with the payment of project costs as outlined in the financial plan and paid in a manner other than as described in subclause (A);

(ii) set aside annually all tax increment revenues and deposit all such revenues in the appropriate development program fund account in the following priority: (A) to the development debt service fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued pursuant to section 4 and the financial plan; and (B) to the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account; (iii) make any transfers between development program fund accounts as required; provided, however, that the transfers shall not result in a balance in the development debt

service fund account that is insufficient to cover the annual obligations of that account; and (iv) annually return to the general fund of the city or town any tax increment revenue in excess of those estimated to be required to satisfy the obligations of the development debt service fund account.

(d) Notwithstanding any provision in this chapter to the contrary, the requirement to reserve funds pursuant to subsection (c) shall terminate when sufficient monies have been set aside to cover the full, anticipated liabilities of the development debt service fund account and the project cost account.

SECTION 23. Section 12 of chapter 40U of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the fifth through tenth sentences, inclusive, and inserting in place thereof the following 3 sentences:- Thereafter, any fine and additional penalties and interest that may be attached and which remain unpaid shall, to the extent provided by the procedures adopted under section 3, become a lien on the property to which the violation relates and be collected in the manner provided by section 58 of chapter 40. A municipality's determination of whether to place a lien on the property may involve the number of and the dollar amount of the violations on the property. After the lien takes effect, the property owner of record shall be notified by certified mail of the lien on the property.

SECTION 24. Section 1B of chapter 41 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

In any town that accepts this paragraph, the positions of appointed town treasurer and appointed collector of taxes shall be combined into 1 position and become an appointed position in the manner provided in this section. Any incumbent of such office serving at the time of acceptance shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was appointed or until said individual otherwise vacates such office.

SECTION 25. Section 23A of said chapter 41, as so appearing, is hereby amended by striking out, in line 3, the words "one or three" and inserting in place thereof the following words:- not less than 1 year but not more than 5.

SECTION 26. Section 30B of said chapter 41, as so appearing, is hereby amended by adding the following subsection:-

(e) The provisions of this section may be used by a city or town for any joint or cooperative services incumbent upon any local officer contained within section 1 of chapter 41, excepting selectmen, school committee and assessors.

SECTION 27. Said chapter 41, as so appearing, is hereby further amended by inserting after section 30B the following section:-

Section 30B1/2. Notwithstanding any general or special law, charter provision or local bylaw, ordinance or vote to the contrary, in any city or town that accepts this section, the chief executive officer of the city or town, may, on behalf of the city or town, enter into an agreement with 1 or more cities or towns to form a regional board of assessors. The regional board of assessors shall have all the powers and responsibilities outlined in general law for local boards of assessors and will assume all the activities and undertakings of the local board of assessors for each member city and town.

The agreement shall provide for:

- (i) the division, merger or consolidation of administrative functions between or among the parties;
- (ii) the financing of the joint undertaking;
- (iii) the rights and responsibilities of the parties with respect to the direction and supervision of the work to be performed and with respect to the administration of the regional board of assessors office, including the receipt and disbursement of funds, the maintenance of accounts and records and the auditing of accounts;
- (iv) annual reports of the regional board of assessors to the constituent parties;
- (v) the duration of the agreement and procedures for amendment, withdrawal or termination thereof; and
- (vi) any other necessary or appropriate matter as agreed to by the chief executive officers of the city or town.

With the approval of the member cities and towns, the regional board of assessors may appoint assistant assessors pursuant to section 25A of chapter 41. Member cities and towns may, in their individual capacity, employ a local assessor and support staff who shall be responsible for estimating the value of the real and personal estate for such city or town and who shall report to the regional board of assessors.

Otherwise, member cities and towns may permit the regional board of assessors to hire a regional assessor or assessors and support staff who shall be responsible for estimating the value of the real and personal estate in each such city or town and who shall report to the regional board of assessors. A city or town may become a party to an existing agreement with the approval of a majority of the other members.

An agreement under this section may also provide for the employment of necessary staff to perform administrative functions. Any joint costs associated with the regional board of assessors shall be identified in the agreement and subject to appropriation by each member city or town and accounted for in accordance with the procedures identified in section 4A of chapter 40. Subject to the rules and regulations established by the commissioner of revenue pursuant to section 1 of chapter 58, the agreement shall provide for qualifications, terms and conditions of employment for the members of the regional board of assessors and employees of the office. The agreement may provide for inclusion of the regional board of assessor employees in insurance, retirement programs and other benefit programs of one of the member parties, but all parties to the agreement shall pay a proportionate share of the current and future costs of benefits associated with the appointment or employment of all persons performing services for them during the duration of the agreement. A city or town who is a party to such an agreement shall include employees under the agreement in such programs in accordance with the terms of the agreement.

Unless otherwise agreed to by all member municipalities, the number of persons on the regional board of assessors shall be at least equal to the number of member cities and towns. Unless otherwise agreed to by all member municipalities, each city or town shall have at least 1 person appointed by the chief executive officer of that city or town to the regional board of assessors. The number of assessors on the regional board may exceed the number of member municipalities if so agreed and such an agreement shall provide for the appointment of such additional board members. Any vacancies shall be filled by the applicable member municipality forthwith, who may also appoint a temporary board member until such time that a permanent replacement is appointed unless a different process is agreed to by all member municipalities.

Unless otherwise designated in the agreement, an agreement made pursuant to this section shall go into effect on the first day of the fiscal year after this section has been accepted and the agreement has been

finalized by all member municipalities; provided, however, no agreement or amendment to an agreement made pursuant to this section shall take effect until it has been approved in writing by the commissioner of revenue.

Notwithstanding any general or special law, charter provision or local bylaw or ordinance to the contrary, once in effect, the local board of assessors of the member municipalities, whether elected or appointed, shall be considered abolished. Any incumbent of the local board of assessors serving at the time of acceptance shall continue to hold said office and to perform the duties thereof until the effective date as described in the preceding paragraph.

SECTION 28. Section 7 of chapter 44 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the word “land”, in line 21, the following words:- , improvement to real estate or waterways.

SECTION 29. Said section 7 of said chapter 44, as so appearing, is hereby further amended by inserting after the word “years”, in line 22, the following words:- and be owned or leased by the city or town or on property owned or leased by the city or town.

SECTION 30. Said section 7 of said chapter 44, as so appearing, is hereby further amended by inserting after the word “land”, in line 23, the following words:- , improvement to real estate or waterways.

SECTION 31. Said section 7 of said chapter 44, as so appearing, is hereby further amended by adding the following paragraph:-

Notwithstanding the foregoing provisions of this section and section 16 of chapter 71, indebtedness for constructing and reconstructing a school facility for the education of school children shall be payable not to exceed 40 years.

SECTION 32. Section 21A of said chapter 44, as so appearing, is hereby amended by inserting after the word “town”, in line 2, the following words:- , the school committee of a regional school district.

SECTION 33. Said section 21A of said chapter 44, as so appearing, is hereby further amended by inserting after the word “town”, in line 4, the following words:- , regional school district.

SECTION 34. Said section 21A of said chapter 44, as so appearing, is hereby further amended by inserting after the word “town”, in line 69, the following words:- , the school committee of a regional school district.

SECTION 35. Section 31 of said chapter 44, as so appearing, is hereby amended by inserting the following paragraph:-

Notwithstanding the foregoing provisions of this section, section 23 of chapter 59, or any other general or special law to the contrary, a city or town may amortize over the subsequent three fiscal years, in equal installments or more rapidly, the amount of its current fiscal year major disaster related deficit. The local appropriating authority as defined in section 21C of said chapter 59 shall adopt a deficit amortization schedule in accordance with the preceding sentence before setting the municipality’s next fiscal year tax rate. The commissioner of revenue may issue guidelines or instructions for reporting the amortization of deficits authorized by this paragraph.

SECTION 36. The seventh paragraph of section 32 of said chapter 44, as so appearing, is hereby amended by adding the following sentence:- The amounts in the continuing appropriation budget shall, without further action by the council, become an appropriation and be available for the purposes specified; provided that the purposes contained therein shall not include any item or undertaking not considered in the prior fiscal year.

SECTION 37. Said chapter 44, as so appearing, is hereby amended by inserting after section 32 the following section:-

Section 32A. The annual budget of a town shall be classified and designated so as to show separately with respect to each officer, department or undertaking for which an appropriation is recommended:—

(i) Ordinary maintenance, which shall also include debt and interest charges matured and maturing during the next fiscal year, and shall be subdivided as follows:—

(A) Salaries and wages of officers, officials and employees other than laborers or persons performing the duties of laborers; and

(B) Ordinary maintenance not included under (a); and

(ii) Proposed expenditures for other than ordinary maintenance, including additional equipment the estimated cost of which exceeds one thousand dollars.

The foregoing shall not prevent any town, upon recommendation of the chief executive officer and with the approval of the finance committee, from adopting additional classifications and designations.

Except as otherwise permitted by law, all amounts appropriated by town meeting, as provided in this section, shall be for the purposes specified. In setting up an appropriation order or orders based on the annual budget, town meeting shall use, so far as possible, the same classifications required for the annual budget.

SECTION 38. Chapter 44 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out section 53A and inserting in place thereof the following section:-

Section 53A. A city council, with the mayor's approval if a charter so provides, or a select board, or prudential committee or town council may, in its sole discretion and authority, accept grants or gifts of funds on behalf of the city, town or district from the federal government, a charitable foundation, private corporation, individual or from the commonwealth or any political subdivision thereof, and may, in its sole discretion and authority, expend said grants or gifts of fund, without specific appropriation thereof, for the purpose of such grant or gift or, if no restrictions are attached thereto, for such other purposes as it deems advisable. In the case of any grant or gift given for educational purposes, the school committee may accept grants or gifts of funds and expend said gifts or grants of funds, without specific appropriation thereof, for the purpose of such grant or gift or, if no restrictions are attached thereto, for such other purposes as it deems advisable. Expenditure of grants or gifts of funds may be made by an appropriate officer or department, without specific appropriation thereof, as authorized by the acceptor of the grant or gift. In the case of grants from the federal government or from the commonwealth, a county or municipality or agency or instrumentality thereof, upon receipt of an agreement from the grantor to provide advance payment or reimbursement to the city, town or district, the officer or department may spend the amount of the advance payment, or the amount to be reimbursed, for the purposes of the grant, subject to the approvals required pursuant to this section. Any advance payment or reimbursement shall

be applied to finance the grant expenditures; provided, however, that any expenditures outstanding at the close of the fiscal year after the fiscal year in which the grantor approved the agreement shall be reported by the auditor or accountant of the city, town or district, or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor. Notwithstanding the provisions of section 53, any amounts so received shall be deposited with the treasurer of such city, town or district and held as a separate account and may be expended as aforesaid further appropriation. If the express written terms or conditions of the grant agreement so stipulate, interest on the grant funds may remain with and become a part of the grant account and may be expended as part of the grant without further appropriation. Any grant, subvention or subsidy for educational purposes received by a city, town or school district from the federal government may be expended by the school committee of such city, town or district without including the purpose of such expenditure in, or applying such amount to, the annual or any supplemental budget or appropriation request of such committee; provided, however, that this sentence shall not apply to amounts so received to which section 26C of chapter 71, chapter 621 of the acts of 1953, as amended, and chapter 664 of the acts of 1958, as amended, apply; and, provided further, that notwithstanding the foregoing provision, this sentence shall apply to amounts so received as grants under the Elementary and Secondary Education Act of 1965, (Public Law 89–10). After receipt of a written commitment from the federal government approving a grant for educational purposes and in anticipation of receipt of such funds from the federal government, the treasurer, upon the request of the school committee, shall pay from the general fund of such municipality compensation for services rendered and goods supplied to such federal grant programs, such payments to be made no later than 10 days after the rendition of such services or the supplying of such goods; provided, however, that the provisions of such federal grant would allow the treasurer to reimburse the general fund for the amounts so advanced.

SECTION 39. Section 53E½ of chapter 44 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established under this section for receipts of a municipal water or sewer department, municipal hospital, cable television access service or facility or for receipts reserved by law or as authorized by law for expenditure for a particular purpose.

SECTION 40. The fourth paragraph of said section 53E½ of said chapter 44, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The city or town shall, on or before July 1 of the fiscal year to which it shall first apply, vote on the total amount that may be expended from each revolving fund established under this section during any fiscal year.

SECTION 41. Section 53F1/2 of said chapter 44, as so appearing, is hereby amended by inserting after the words “health care”, in line 5, the following words:- , landfill, broadband-only municipal light plant.

SECTION 42. Section 53 F3/4 of said chapter 44, as so appearing, is hereby amended by striking out, in lines 2 and 3, the word “section” and inserting in place thereof the following word:- paragraph.

SECTION 43. Said section 53 F3/4 of said chapter 44, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

Notwithstanding section 53 or any other general or special law to the contrary, a municipality that accepts this paragraph may establish in the treasury a separate revenue account to be known as the PEG Access and Cable Related Fund, into which may be deposited funds received in connection with a franchise agreement between a cable operator and the municipality. Monies in the fund shall only be expended by the board, commission, committee, department or officer designated by the issuing authority as defined in section 1 of chapter 166A, without further appropriation, for cable-related purposes consistent with the franchise agreement, including, but not limited to: (i) support of public, educational or governmental

access cable television services; (ii) monitor compliance of the cable operator with the franchise agreement; or (iii) prepare for renewal of the franchise license.

Notwithstanding section 4B of chapter 4, section 53F1/2 of chapter 44 or any other general or special law to the contrary, any municipality that has accepted section 53F1/2 of chapter 44 and established an enterprise fund for PEG Access and Cable related receipts, and subsequently accepts the prior paragraph, may vote to revoke its acceptance of section 53F1/2 of chapter 44 at any time.

SECTION 44. Said chapter 44, as so appearing, is hereby further amended by inserting after section 73 the following section:-

Section 74. Notwithstanding any general or special law to the contrary, any funds received by a city or town from the commonwealth for the construction and reconstruction of municipal ways, as described in clause (b) of the second paragraph of section 4 of chapter 6C, shall be spent without further appropriation for said purposes. With the approval of the chief executive officer, and not in excess of the amount contained within a preliminary notice provided to the city or town from the commonwealth concerning such funds, such amounts may be spent in anticipation of receiving such funds and spent only for qualifying purposes. Any such expenditures not reimbursed and outstanding at the close of the fiscal year in which expenditure was made shall be reported by the auditor or accountant of the city, town or district, or other officer having similar duties, or by the treasurer if there be no such officer, to the assessors, who shall include the amount so reported in the determination of the next annual tax rate, unless the city, town or district has otherwise made provision therefor.

SECTION 45. Subsection (f) of section 5 of chapter 44B of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the words “any city or town”, in lines 108 and 109, the following words:- without a two-thirds vote of the legislative body or.

SECTION 46. Section 2 of chapter 58 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

In the event of a final decision on a classification made by or action taken by the commissioner, or appeal to the appellate tax board on a classification under this section, that is different than the classification used

by a board of assessors to assess a tax to the corporation for any year to which the decision is applicable, the assessors shall, upon written notice of such final decision, grant an abatement, or assess and, if applicable, commit to the collector with their warrant for collection an additional tax under the procedures provided for the assessment and taxation of omitted property under section 75 of chapter 59 to conform to the determination so established by the decision. Such procedures shall apply to each tax year for which an additional tax shall be assessed notwithstanding the limitation set forth in said chapter 59 with respect to the periods for which omitted property assessments may be made. Whenever an additional tax is to be assessed for a year under such final decision, a board of assessors may require the corporation to furnish within 30 days the list of personal estate required by section 29 of chapter 59 for each year.

SECTION 47. Section 8 of said chapter 58, as so appearing, is hereby amended by striking out the words “obvious clerical” in lines 11 and 12.

SECTION 48. Subsection (b) of section 18C of said chapter 58, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The state treasurer and the commissioner of revenue shall, subject to appropriation, distribute budgeted aid to cities and towns.

SECTION 49. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting, after the words “Twenty-second G”, in line 9, the following words:- , Twenty-second H.

SECTION 50. Clause Forty-first C of said section 5 of said chapter 59, as so appearing, is hereby amended by striking out, in line 1371, the words “by not more than 100 per cent” and inserting in place thereof the following words:- an amount to be determined locally.

SECTION 51. Said section 5 of said chapter 59, as so appearing, is hereby further amended by striking out clause Forty-third and inserting in place thereof the following clause:-
Forty-third, Real estate of the surviving minor children, including adopted children, of a police officer or firefighter killed in the line of duty as such police officer or firefighter; provided that such real estate is owned, including real estate that is owned by a trustee, conservator or other fiduciary for the benefit of the surviving minor children, and occupied by such children as their domicile, and provided, further, that no

real estate shall be so exempt which the assessors shall adjudge has been conveyed to such children to evade taxation.

SECTION 52. The second paragraph of clause Forty-fifth of said section 5 of said chapter 59, as so appearing, is hereby amended by adding the following 2 sentences:- Any such negotiated amount shall be included in the tax base for purposes of determining the levy ceiling and levy limit under section 21C and in determining minimum residential factor and classification of property under section 1A of chapter 58 and section 56 of chapter 40. The department of revenue may issue guidelines for implementing the provisions of this subsection consistent with preserving the negotiated payment amount in the local tax base for such purpose.

SECTION 53. Said section 5 of said chapter 59, as so appearing, is hereby further amended by adding the following 2 clauses:-

Fifty-ninth. In any city or town that accepts this clause, a person whose domicile is owned by a trustee, conservator or other fiduciary for the person's benefit shall be deemed the owner of the domicile for purposes of an exemption under any clause listed in the third paragraph of section 59 or a deferral under clause Eighteenth A or Forty-first A of this section and shall be granted the exemption provided the person is otherwise eligible under such clause.

Sixtieth. In a city or town that accepts this section and is certified by the commissioner to be assessing all property at full and fair cash valuation, an abatement granted pursuant to any clause specifically listed in the first paragraph of section 5 shall be increased annually by an amount not to exceed the increase in the cost of living as determined by the Consumer Price Index for such year. The department of revenue shall annually inform each city or town that accepts this clause of the amount of this increase.

SECTION 54. Said chapter 59, as so appearing, is hereby further amended by inserting after section 5O the following section:-

Section 5P. (a) In a city or town that accepts this section, there shall be an exemption for income and age qualified domiciliary homeowners as provided herein. For the purposes of this section, "parcel" shall mean a unit of real property as defined by the board of assessors under the deed for the property and shall

include condominium units. The exemption provided for herein shall be in addition to any other exemptions allowed by the General Laws.

(b) With respect to each qualifying parcel of real property classified as class one, residential in the municipality, there shall be an exemption from the property tax in an amount to be set annually by the chief executive officer as provided in paragraph (d). The exemption shall be applied to the domicile of the taxpayer.

(c) A parcel of real property shall qualify for the exemption under this section if each of the following criteria is met:

(i) The qualifying real property is owned and occupied by a person whose income from the prior year would make the person eligible for the income tax credit allowed under subsection (k) of section 6 of chapter 62;

(ii) The qualifying real property is owned by a single applicant age 65 or older as of July 1 of the applicable fiscal year or jointly by persons either of whom is age 65 or above as of July 1 of the applicable fiscal year and the joint applicant is 60 years of age or older;

(iii) The qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(iv) The applicant or at least 1 of the joint applicants has been domiciled and owned a home in the municipality for at least 10 consecutive years before filing an application for the exemption;

(v) The assessed value of the domicile is not greater than the prior year's maximum assessed value for qualification for the income tax credit allowed under subsection (k) of section 6 of chapter 62, as adjusted annually by the commissioner of revenue;

(vi) The total assets of the applicant do not exceed any asset limitations established by the chief executive officer under paragraph (e) to determine eligibility for this exemption; and

(vi) The board of assessors has approved the application.

(d) The chief executive officer shall annually determine the exemption amount, which shall not be more than two hundred per cent of the maximum amount of the income tax credit allowed under subsection (k) of section 6 of chapter 62 for which the applicant qualified in the previous year.

(e) The chief executive officer may establish limits on the total assets that may be owned by an applicant for purposes of eligibility.

(f) A person who seeks to qualify for the exemption shall, on or before April 1 of the applicable tax year, or within 3 months after the bill or notice of assessment was sent, whichever is later, file an application, on a form to be adopted by the board of assessors, containing supporting documentation to demonstrate the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

(g) The total amount exempted by this section shall be allocated proportionally within the residential tax levy. No exemption shall be granted under this section until the commissioner of revenue certifies a residential tax rate for the applicable tax year.

SECTION 55. Section 21C of chapter 59, as appearing in the 2022 Official Edition, is hereby amended by inserting after subsection (i1/2) the following subsection:-

(i3/4) The local appropriating authority of any city or town may, by a two-thirds vote, seek voter approval to assess taxes in excess of the levy limitation for one-time, nonrecurring operational expenditures to be assessed for only 1 fiscal year. Amounts for such one-time, nonrecurring operational expenditures or for the city's or town's apportioned share for one-time, nonrecurring operational expenditures by a regional governmental unit shall be assessed only after approval by a separate vote of the people taken at a regular or special election held before the setting of the annual tax rate; provided, however, that the question submitted shall be worded as follows: "Shall the (city/town) of ___ be allowed to assess an additional \$___ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for only the fiscal year beginning July first, two thousand and ___?"

Yes <\ul> No <\ul>";

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote “yes”.

SECTION 56. Said chapter 59, as so appearing, is hereby further amended by striking out section 39 and inserting in place thereof the following section:-

Section 39. The valuation at which the machinery, poles, wires and underground conduits, wires and pipes of all telephone companies and personal property of utility companies, as defined herein, and personal property of telecommunication companies, including wireless telecommunication and cable companies, shall be assessed by the assessors of the respective cities and towns where such property is subject to taxation shall be determined annually by the commissioner of revenue, subject to appeal to the appellate tax board, as hereinafter provided.

On or before June 15 in each year, the commissioner of revenue shall determine and certify to the owner of such machinery, poles, wires and underground conduits, wires, and pipes and personal property and to the board of assessors of every city and town where such machinery, poles, wires and underground conduits, wires, and pipes and personal property are subject to taxation, the valuation as of January 1 in such year of such machinery, poles, wires and underground conduits, wires, and pipes and personal property in said city or town. Every owner and board of assessors to whom any such valuation shall have been so certified may, on or before the fifteenth day of July then next ensuing, appeal to the appellate tax board from such valuation. Every such appeal shall relate to the valuation of the machinery, poles, wires and underground conduits, wires, and pipes and personal property of only one owner in one city or town, and shall name as appellees the commissioner of revenue and all persons, other than the appellant, to whom such valuation was required to be certified. Any appellee company or board of assessors that has not filed its own appeal by July 15 may file an appeal by July 30 or 15 days after it receives notice of the original appeal against that appellee, whichever is later. In every such appeal, the appellant shall have the burden of proving that the value of the machinery, poles, wires and underground conduits, wires, and pipes and personal property is substantially higher or substantially lower, as the case may be, than the valuation certified by the commissioner of revenue. The appellate tax board shall hear and decide the

subject matter of each such appeal without priority over other appeals pending before it and give notice of its decision to the commissioner of revenue, the owner and the board of assessors; and except as provided in section 13 of chapter 58A, such decision shall be final and conclusive. The appellate tax board shall consolidate for the purpose of the hearing and decision aforesaid all appeals relating to the valuation of the machinery, poles, wires and underground conduits, wires, and pipes and personal property of the same owner in the same city or town, and in its discretion may so consolidate any or all appeals relating to the valuation of the machinery, poles, wires and underground conduits, wires, and pipes and personal property of the same owner, although such appeals relate to more than 1 city or town. All appeals taken under this section by the same owner at the same time shall be deemed to constitute 1 appeal for the purpose of determining the entry fee payable therefore under section 7 of chapter 58A.

The board of assessors shall assess the machinery, poles, wires and underground conduits, wires and pipes and personal property of all telephone and telegraph companies as certified and at the value determined by the commissioner of revenue under this section; provided, however, that in the event of a final decision by the appellate tax board or of the supreme judicial court under the preceding paragraph establishing a different valuation, the assessors shall grant an abatement, or assess and commit to the collector with their warrant for collection an additional tax, as the case may be, to conform with the valuation so established by such final decision. Assessment pursuant to this paragraph shall be deemed to be a full compliance with the oath of office of each assessor and a full performance of their official duty with relation to the assessment of such property, except as provided in the following section.

Personal property of utility companies shall mean any underground conduits, poles, wires and pipes whether on public or private property; and machinery used in the conduct of business, except stock in trade or machinery directly used in connection with dry cleaning or laundering processes, refrigeration of goods, air conditioning of premises or in any purchasing, selling, accounting or administrative function.

SECTION 57. Section 41 of chapter 59 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the word “telephone” in line 1.

SECTION 58. Section 42A of said chapter 59, as so appearing, is hereby amended by striking out the words “telephone or telegraph” each time they appear.

SECTION 59. Said chapter 59, as so appearing, is hereby further amended by inserting after section 42A the following section:-

Section 42B. Returns filed under section 38A or section 41, and books, papers, records and other data obtained under section 42A, shall, except in proceedings before the appellate tax board or a court of the commonwealth, be open only to the inspection of the commissioner, the assessors or the deputies, clerks and assistants of either the commissioner or assessors, and any designated private auditors of the commissioner or the assessors as may have occasion to inspect the returns, books, papers, records and other data in the performance of their official, contractual or designated duties. For the purposes of this section, a “designated private auditor” shall mean an individual, corporation or other legal entity selected by the commissioner to value property or exam records under section 42A, or by the assessors to examine the returns, books, papers, records and other data for purposes of determining whether to appeal the valuations certified by the commissioner under sections 38A, 39 or 42A. Nothing in this section shall prevent a company that submitted the information, or its designated representative, from inspecting or being provided a copy of the submission upon request.

SECTION 60. Section 57 of chapter 59 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out the third paragraph.

SECTION 61. The twelfth paragraph of section 57C of said chapter 59, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- For purposes of this section, amounts not timely received shall be deemed unpaid.

SECTION 62. Said section 57C of said chapter 59, as so appearing, is hereby further amended by striking out the fourteenth paragraph.

SECTION 63. Section 59 of said chapter 59, as so appearing, is hereby amended by inserting after the words “Twenty-second F”, in line 45, the following words:- , Twenty-second H.

SECTION 64. Section 64 of said chapter 59, as so appearing, is hereby amended by striking out, in line 2, the words “at least one half of”.

SECTION 65. Said section 64 of said chapter 59, as so appearing, is hereby further amended by adding the following paragraph:-

For the purposes of determining jurisdictional interest requirements on appeals under this section, if a payment for taxes on personal property or a parcel of real estate is, after the date prescribed by sections 23D, 57 or 57C, delivered to the collector by United States mail or by an alternative private delivery service as the collector may permit, the payment date shall be deemed to be the date of the United States postmark, the date of the certification of mailing stamped and postmarked by the United States postal service, the date of a certified mail receipt provided by the United States postal service or other substantiating date mark permitted by the Rules of Practice and Procedure of the Appellate Tax Board that is affixed on the envelope or other appropriate wrapper in which the payment is mailed or delivered if the payment was mailed in the United States in an envelope or such appropriate wrapper, first class postage prepaid, or delivered to an alternative private delivery service, properly addressed to the collector; provided, however, that a taxpayer shall have the burden of proving the timely mailing of any payment of taxes to said collector under this section and the collector shall have no obligation to maintain any record relative to the date of mailing of the tax; and provided further, that nothing in this section shall be construed to place the burden of proving any untimely mailing on the collector. As used in this section, “United States postmark” shall mean only a postmark made by the United States post office. This paragraph shall not apply to the calculation of interest on taxes due under sections 23D, 57 or 57C.

SECTION 66. Section 2A of chapter 60A of the General Laws, as so appearing, is hereby amended by striking out, in line 18, the words “and by the joint committee on taxation”.

SECTION 67. Said section 2A of said chapter 60A, as so appearing, is hereby further amended by inserting at the end of the first paragraph the following sentence:- In the alternative, if an excise remains unpaid for 14 days after a demand, the deputy collector or the local tax collector or commissioner of revenue, as the case may be, may send the delinquent taxpayer a notice of intent to transmit to the

registrar of motor vehicles a notice of nonpayment as provided in this section, and if the taxpayer does not pay the excise within 30 days of such notice, then the deputy collector or the local tax collector or commissioner of revenue, as the case may be, shall so notify the registrar.

SECTION 68. Said chapter 60A, as so appearing, is hereby amended by adding the following section:-

Section 10. (a) A city or town which accepts this section in the manner provided in section 4 of chapter 4 may increase the assessed amount of the excise tax assessed pursuant to section 1 of this chapter by a rate of 5 per cent.

(b) If accepted prior to October 1, this section shall take effect in a municipality on assessments in the next calendar year or a later calendar year that the municipality may designate.

SECTION 69. Section 8 of chapter 61 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following paragraph:-

The treasurer of the city, town or regional school district, with the approval of the city council and city manager, if any, or otherwise the mayor in a city, or the selectboard in a town, as the case may be, may finance debt incurred to exercise its option to purchase the land as follows. The treasurer of the city or town may certify to the state treasurer the maturity schedule, interest rate and dates of payment of debt service within 10 days after the date of issuance of the bonds. The state treasurer or the approved paying agents shall become the paying agents for the principal and interest on such bonds. The state treasurer shall pay such debt service and after payment shall withhold from the distributable aid payable to the city or town an amount which will be sufficient to pay the debt service on the bonds or, if the amount of such distributable aid in any year is insufficient for this purpose, from any other amounts payable by the commonwealth to such city or town under any provision of law. From the time withheld by the state treasurer, all such distributable aid or other amounts so withheld and paid shall be exempt from being levied upon, taken, sequestered or applied toward paying the debts of the city or town other than for payment of debt service on such bonds.

SECTION 70. Section 14 of chapter 61A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The treasurer of the city, town or regional school district, with the approval of the city council and city manager, if any, or otherwise the mayor in a city, or the selectboard in a town, as the case may be, may finance debt incurred to exercise its option to purchase the land as follows. The treasurer of the city or town may certify to the state treasurer the maturity schedule, interest rate and dates of payment of debt service within ten days after the date of issuance of the bonds. The state treasurer or the approved paying agents shall become the paying agents for the principal and interest on such bonds. The state treasurer shall pay such debt service and after payment shall withhold from the distributable aid payable to the city or town an amount which will be sufficient to pay the debt service on the bonds or, if the amount of such distributable aid in any year is insufficient for this purpose, from any other amounts payable by the commonwealth to such city or town under any provision of law. From the time withheld by the state treasurer, all such distributable aid or other amounts so withheld and paid shall be exempt from being levied upon, taken, sequestered or applied toward paying the debts of the city or town other than for payment of debt service on such bonds.

SECTION 71. Section 9 of chapter 61B of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The treasurer of the city, town or regional school district, with the approval of the city council and city manager, if any, or otherwise the mayor in a city, or the selectboard in a town, as the case may be, may finance debt incurred to exercise its option to purchase the land as follows. The treasurer of the city or town may certify to the state treasurer the maturity schedule, interest rate and dates of payment of debt service within ten days after the date of issuance of the bonds. The state treasurer or the approved paying agents shall become the paying agents for the principal and interest on such bonds. The state treasurer shall pay such debt service and after payment shall withhold from the distributable aid payable to the city or town an amount which will be sufficient to pay the debt service on the bonds or, if the amount of such distributable aid in any year is insufficient for this purpose, from any other amounts payable by the

commonwealth to such city or town under any provision of law. From the time withheld by the state treasurer, all such distributable aid or other amounts so withheld and paid shall be exempt from being levied upon, taken, sequestered or applied toward paying the debts of the city or town other than for payment of debt service on such bonds.

SECTION 72. Section 3A of chapter 64G of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the figure “6” and inserting in place thereof the following figure:- 7.

SECTION 73. Said section 3A of said chapter 64G, as so appearing, is hereby further amended by striking out, in line 10, the figure “6.5” and inserting in place thereof the following figure:- 7.5.

SECTION 74. Subsection (a) of section 2 of chapter 64L of the General Laws, as so appearing, is hereby amended by striking out, in line 4, the figure “.75” and inserting in place thereof the following figure:- 1.

SECTION 75. Section 16B1/2 of chapter 71 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-
If the unencumbered amount in the excess and deficiency fund, so called, of a regional school district at the end of a fiscal year exceeds 5 per cent of its operating budget and its budgeted capital costs for the succeeding fiscal year, the amount in excess of the said 5 per cent shall be applied by the regional school district committee to reduce the amount to be raised by assessment on the member cities and towns in accordance with the terms of the agreement for apportionment of costs. The commissioner of revenue shall certify the unencumbered amount in the excess and deficiency fund, so called, of a regional school district, and the amount, if any, by which it exceeds 5 per cent of the district’s operating budget and its budgeted capital costs for the succeeding fiscal year, at the end of each fiscal year and shall report such amount to the regional district school committee, the board of selectmen in each member town and the city council in each member city by December 1 of each year. The regional district school committee shall submit all information necessary to perform said certification to the commissioner of revenue at the close of each fiscal year but no later than October 31. The regional school district treasurer shall recertify the amounts reapportioned in the current fiscal year to the treasurers of the several towns within thirty

days from the date on which the regional district school committee votes to reduce the amounts to be raised by assessment. If the recertification is made after the annual town meeting referred to in the first paragraph of section 16B, the amount recertified shall be considered an amendment to the amount required to have been appropriated at that meeting without the necessity for further action by the member city or town, and, if the annual assessment of taxes has not been made, the town assessors shall include only the amount so recertified in making the annual assessment of taxes under the provisions of section 23 of chapter 59. Otherwise, the regional district school committee shall include the amount in excess of the said 5 per cent as a revenue source for the subsequent fiscal year and the amount shall be credited and apportioned to each member municipality in accordance with the terms of the agreement for apportionment of costs.

SECTION 76. Chapter 138 of the General Laws, as so appearing, is hereby amended by adding the following section:-

Section 12 1/2. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Mixed drink”, distilled spirits, cordials or liqueurs, with or without mixers, that are combined on a licensed premises and sold in a sealed or original container that is unopened; provided, that a mixed drink may contain wines and malt beverages in addition to distilled spirits, cordials or liqueurs contained in the alcoholic beverage; provided, however, that the volume of distilled spirits, cordials, liqueurs, wines, malt beverages and mixers contained in said mixed drinks shall be of the same proportion and same price as if served for on-premises consumption.

“Sealed container”, a packaged container with a secure lid or cap designed to prevent consumption without removal of the lid or cap; provided, however, if the packaged container has a lid with sipping holes or an opening for straws said container shall be covered or affixed with an additional seal; provided, further, that said lid, cap or seal are affixed in such a way to prevent reopening without it being obvious that said lid, cap or seal was removed or broken, which may include tape or a sticking adhesive, before sale.

(b) Notwithstanding any general or special law to the contrary, an establishment licensed to sell all alcoholic beverages, distilled spirits, cordials or liqueurs for on-premises consumption may sell mixed drinks for off-premises consumption subject to the following conditions: (i) the mixed drink shall not be sold to a person under 21 years of age; provided, that any delivery of mixed drinks for off-premises consumption shall not be made without verification that the person receiving the order has attained 21 years of age; (ii) the mixed drink shall be sold in a sealed container or an original unopened container; (iii) the mixed drink shall be sold as part of the same transaction as the purchase of food; provided, however, that any order that includes mixed drinks shall be placed not later than the hour of which the establishment is licensed to sell alcohol or 12:00A.M., whichever time is earlier; (iv) a customer is limited to 64 fluid ounces of mixed drinks per meal; provided, that a meal must include at least one item of food prepared on-site sufficient to serve one individual; and (v) if the mixed drink in a sealed container or an original unopened container is to be transported by a motor vehicle, either by delivery or pick-up, the driver of a motor vehicle shall transport the mixed drink in the trunk of the motor vehicle or some other area that is not considered the passenger area, as defined by section 24I of chapter 90.

(c) Notwithstanding any general or special law to the contrary, an establishment licensed to sell all alcoholic beverages, wines or malt beverages for on-premises consumption may sell wine or malt beverages for off-premises consumption subject to the following conditions: (i) the wine or malt beverage shall not be sold to a person under 21 years of age; provided, however, that any delivery of wine or malt beverages for off-premises consumption shall not be made without verification that the person receiving the order has attained 21 years of age; (ii) the wine or malt beverage shall be sold in a sealed container or an original unopened container; (iii) the wine or malt beverage shall be sold as part of the same transaction as the purchase of food; provided, however, that any order that includes wine or malt beverages shall be placed not later than the hour of which the establishment is licensed to sell alcohol or 12:00 midnight, whichever time is earlier; (iv) a customer shall be limited to 192 ounces of malt beverage and 1.5 liters of wine per meal; provided, that a meal must include at least 1 item of food prepared on-site sufficient to serve 1 individual; and (v) if the wine or malt beverage in a sealed container or an original

unopened container is to be transported by a motor vehicle, either by delivery or pick-up, the driver of a motor vehicle shall transport the wines or malt beverages in the trunk of the motor vehicle or some other area that is not considered the passenger area, as defined by section 24I of chapter 90.

(d) Establishments licensed to sell alcoholic beverages for on-premises consumption shall include establishments licensed pursuant to section 12, subsection (b) of section 19, subsection (n) of section 19B, subsection (n) of section 19C, section 19D, subsection (o) of section 19E and section 19H of chapter 138; provided, that an establishment licensed pursuant to said section 19D also holds a license pursuant to said section 12. Establishments selling alcoholic beverages for off premises consumption may only sell alcoholic beverages permitted pursuant to their type and category of license.

(e) Establishments licensed to sell alcoholic beverages for on-premises consumption that deliver any alcoholic beverages for off-premises consumption in vehicles owned or leased by the establishment or their employees must obtain transportation permits pursuant to section 22 of chapter 138 for each vehicle used for deliveries of alcoholic beverages. Establishments licensed to sell alcoholic beverages for on-premises consumption that deliver any alcoholic beverages for off-premises consumption may also use third parties licensed for express transportation pursuant to section 22 of chapter 138 for deliveries of alcoholic beverages.

SECTION 77. Section 28A of chapter 151A of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after subsection (d) the following subsection:-

(e) with respect to services described in subsections (a) and (b) that are provided to or on behalf of an educational institution, benefits shall not be paid to any individual under the same circumstances as described in subsections (a) through (c), inclusive.

SECTION 78. Subsection (d) of section 29 of said chapter 151A, as so appearing, is hereby amended by adding the following paragraph:-

(7) Notwithstanding any of the foregoing provisions of this subsection, the amount of benefits otherwise payable to an individual for any week that begins in a period with respect to which such individual is receiving governmental or other pension, retirement or retired pay, annuity, or any other similar periodic

payment from a defined benefit plan that is based on the previous work of such individual for the separating employer or for a base period employer shall be reduced by an amount equal to 65 per cent of the amount of such payment that is reasonably attributable to such week; provided, however, that such reduction shall apply only when such separating or base period employer employed the individual for at least 75 per cent of the individual's total length of service on which the defined benefit plan is based; and, provided further, that such reduction shall apply only if, and to the extent, the reduction is then consistent with section 3304(a)(15) of the Internal Revenue Code of 1954. Payments received under the Social Security Act shall not be subject to this paragraph.

SECTION 79. Section 34B of chapter 164 of the General Laws, as so appearing, is hereby amended by adding the following sentence:- A city or town may enforce this section by the enactment of a local ordinance or bylaw prohibiting double poles beyond the 90 days or 6 months, as the case may be, authorized by this section, violation of which may be punishable by a fine to be imposed on the owner of such double poles not to exceed a maximum of \$1,000 per occurrence.

SECTION 80. Section 17 of chapter 268A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-
This section shall not prevent a municipal employee from receiving or requesting compensation from, or acting as an agent or attorney for, the employee's municipality and one or more other governmental units, as defined by section 4A of chapter 40, in connection with an intermunicipal agreement under said section 4A of said chapter 40; provided that the employee is acting within the scope of the employee's duties under the intermunicipal agreement.

SECTION 81. Notwithstanding section 20 of chapter 44 of the General Laws, or any other general or special law to the contrary, a community who reserved or used a debt excluded premium for capital shall account for said premium on the debt excluded borrowing without adjustment to the debt exclusion.

SECTION 82. Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, any city or town may, upon the approval of the chief executive officer,

establish in the treasury a separate revenue account into which shall be deposited the monies received pursuant to section 25B of chapter 54 of the General Laws and chapter 111 of the acts of 2014. Said special account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. Monies in any special account shall be expended at the direction of the chief executive officer without further appropriation only for the purposes for which the monies were received.

SECTION 83. Notwithstanding any general or special law to the contrary, there shall be a special commission to investigate and study retiree healthcare and other non-pension benefits. The commission shall consider the range of benefits that are or should be provided as well as the current and anticipated future cost of providing them. The commission shall consider and may make recommendations on how best to divide the costs between the commonwealth and its employees and between the commonwealth's municipalities and their employees. Upon appropriation of sufficient funds, the commission shall engage professional advisors as needed to accomplish its purposes.

The commission shall consist of 12 members: 1 of whom shall be the secretary of administration and finance, or the secretary's designee; 1 of whom shall be the treasurer, or the treasurer's designee; 1 of whom shall be the executive director of the group insurance commission, or the director's designee; 1 of whom shall be a private citizen, appointed by the governor, who shall serve as chair of the commission and shall not be a member of any of the 105 contributory retirement systems; 2 of whom shall be members of the house of representatives, 1 of whom shall be appointed by the minority leader; 2 of whom shall be members of the senate, 1 of whom shall be appointed by the minority leader; 1 of whom shall be selected by the governor from a list of 3 candidates submitted by the president of the Massachusetts AFL-CIO; 2 of whom shall be members of the Massachusetts Municipal Association, 1 of whom shall represent a rural community; and 1 of whom shall be a member of the Retired State, County and Municipal Employees Association of Massachusetts.

The commission shall file a report of its recommendations and proposed legislation, if any, with the clerks of the house and senate, the chairs of the house and senate committee on ways and means and the chairs of the joint committee on public service not later than June 30, 2025.

SECTION 84. Section 23 of chapter 30B of the General Laws, as inserted by section 15 of this act, is hereby repealed.

SECTION 85. Section 54 shall apply to tax years beginning on or after January 1, 2027.

SECTION 86. Sections 56 through 59, inclusive, shall take effect on July 1, 2025.

SECTION 87. Section 84 shall take effect on June 30, 2029.

Municipal Empowerment Act

Section by Section Summary

Public Health Council Membership (1) – This section adds a member to the Public Health Council, to be appointed by the Governor from a list of 3 nominated by the Coalition for Local Public Health.

Make Permanent COVID-era Flexibilities 1: Public Meeting (2-6) – These sections make permanent COVID-era flexibilities related to hybrid public meetings. They permit public bodies to hold meetings in a remote or hybrid format and make technical corrections to open meeting requirements.

Municipal Procurement (7-15, 84, 87) – These sections amend Ch. 30B in the following ways: (1) equalize Ch. 30B thresholds for advertised procurements to \$100K for all municipal purchasing, not just schools; (2) enable groups of cities and towns to award multiple contracts through the RFP process and purchase both supplies and services from collectively bid contracts; (3) eliminate the requirement to publish notice of invitations for competitive bids on COMMBUYS; and (4) streamline procurement for electric school buses and charging infrastructure by allowing single procurements for both under Ch. 30B.

Flexibilities in Post-Retirement Employment (16) – This section establishes a process by which municipalities and executive departments may apply to the Executive Office for Administration and Finance for a "critical shortage" exemption from certain post-retirement limitations on employment for specific job titles or classes, a direct response to concerns raised by municipal leaders during the Administration's listening sessions about critical local staffing shortages.

OPEB Liability Trust Fund Technical Correction (17) – This technical change related to the OPEB Liability Trust Fund statute (G.L. c. 32B, § 20) replaces the term "governing boards" with "governing body," allowing the local legislative body to give said authorization for participation.

Collection of Water Charges on Non-Resident Customers (18) – There is a common statutory scheme that lets municipalities and districts, by local option, establish liens when customers of municipal utility services - gas, electricity, steam, water and sewer - do not pay user charges when due. Lighting plants, water departments and sewer departments often provide utility services to ratepayers living in neighboring communities. While lighting plants and sewer departments may impose liens for customers located in those municipalities, water departments cannot. This section extends that option to municipalities and districts that provide water services to customers outside their borders.

Eliminate Requirement to Print Annual Town Report (19) – This section eliminates the requirement that a town print and maintain physical copies of their annual town report. Said copies will only be required to be maintained in electronic format.

Cybersecurity Incident Reporting (20) – This section directs municipalities to report cybersecurity incidents to the Executive Office of Technology Services and Security.

Make Permanent COVID-era Flexibilities 2: Outdoor Dining (21) – This section makes permanent COVID-era flexibilities related to outdoor dining. It makes local control over outdoor dining and alcohol service permanent.

Allow DIF Expenditure Efficiency (22) – This section allows the “sinking fund” and “project cost” receipts, which are already being reserved, to be spent without appropriation. It would also change the name of the “sinking fund” to “debt service fund.”

Collection of Housing, Sanitary and Snow and Ice Fine Collection (23) – This section revises municipal enforcement authority over violations of municipal housing, sanitary and ice removal requirements by allowing the municipality to impose a lien on the related property, using the same procedures used for liens on real property for any unpaid local charge or fee.

Appointed and Combined Treasurer-Collector (24) – This section enables cities and towns to combine the appointed positions of collector of taxes and treasurer to a single appointed treasurer-collector position.

Town Administrator Contracts (25) – This section increases the allowable term for an executive secretary or town administrator to serve, up to five years, resolving a discrepancy in current law.

Increase Intermunicipal Agreements for Local Finance Officials or Service (26) – This section allows communities to enter into an intermunicipal agreement for the sharing of any municipal finance official or service, including accountants, auditors, treasurers, collectors, finance directors, or their equivalent, and relevant support staff.

Regional Board of Assessors (27) – This section allows multiple communities to implement a Regional Board of Assessors. This eliminates the necessity of each town having a local board and aims to streamline the duties imposed upon such officials while reducing challenges communities have in filling vacancies.

Borrowing for Acquisition of Interest in Land (28-30) – These sections clarify municipal borrowing authority for acquisition of interests in land, construction or renovation of improvements to real estate, and improvements to waterways by requiring that the

property interest, waterways, improvements to real estate, or projects for renovation or construction for which borrowing is undertaken under authority of § 7(1) be municipally owned or leased.

Borrowing for School Projects (31) – This section increases from 30 years to 40 the maximum bond term for school projects so that the costs are realized in a manner that more closely reflects the life expectancy of the project.

RSD Refunding Bonds Technical Correction (32-34) – This technical change adds regional school districts to governmental entities authorized to issue refunding bonds.

Amortization of Emergency Spending Deficit (35) – This section gives municipalities the ability to amortize emergency related deficit spending over the subsequent 3 fiscal years, rather than having to fund them in one fiscal year.

Clarify City Budget Process (36) – This section clarifies that should there be a continuing budget, said budget shall be implemented without further approvals by the legislative body (including no ability to reduce or reject) and that the continuing budget cannot implement any new initiatives.

Town Budget Process (37) – This section requires towns to delineate appropriations in a minimal manner as required of cities per the opening paragraphs of G.L. c. 44, § 32.

Clarify Local Acceptance and Expenditure of Gifts and Grants (38) – This section clarifies G.L. c. 44, § 53A to allow the Selectboard in a town, City Council in a city, or school committee for school-related gifts or grants to be the default acceptor of any gifts or grants made to the community, even if the gift is made to a specific department or person.

Departmental Revolving Payment of Employees (39) – This section amends the revolving fund statute to eliminate the requirement that payment from a revolving fund for wages or salaries for full-time employees may only be made if the revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid.

Departmental Revolving Fund Spending Cap (40) – This section allows municipalities to maintain a previously approved spending cap for each departmental revolving fund until another vote, as opposed to the current inefficient system that requires a new vote each year even if the cap has not changed.

Enterprise Fund Accounting (41) – This section allows a community to utilize enterprise fund accounting for Broadband-only MLPs and landfill purposes.

PEG Access Funds (42-43) – These sections allow municipalities who have accepted G.L. c. 44, § 53F 3/4 (PEG Access and Cable Related Fund) to spend the receipts credited to the fund without appropriation.

Ch. 90 Expenditures (44) – This section codifies that Ch. 90 apportionments approved by MassDOT are spent without appropriation. The community would also be permitted to spend in anticipation of funds in a manner similar to anticipated grants pursuant to G.L. c. 44, § 53A. While language allowing the expenditure to be spent without appropriation is traditionally included in each bond bill, this change would streamline that process.

CPA Land Purchase (45) – This section clarifies the voting threshold for land purchase using CPA proceeds as being a 2/3's vote.

Manufacturing/Research & Development Decisions (46) – This section allows assessors to abate personal property taxes, or assess additional taxes, to put into effect a final decision about the classification of a corporation as a manufacturing (M) or research and development (R&D) corporation.

8 of 58 Paid Tax Bills (47) – This section eliminates the requirement that a paid tax be the result of an obvious clerical error (would still be limited to the last 3 fiscal years). This limitation currently prevents DLS from authorizing abatements in scenarios where a taxpayer would otherwise qualify.

Technical Corrections to Distribution of Budgeted Aid (48) – This section makes technical edits to statute concerning distribution of budgeted aid to cities and towns to conform to current practice.

Personal Exemptions/Trusts (49,63) – These sections extend the local option cities and towns have to let veterans whose domicile is held in trust, conservatorship or other fiduciary arrangement qualify as the owner for exemption purposes to seniors, blind persons and other individuals eligible for personal exemptions.

Elderly Exemptions (50) – This section allows municipalities to increase existing senior property tax exemptions (“clause exemptions”) by any amount above the current amount of \$500.

Personal Exemptions/Trusts (51) – This section allows ownership criteria to be satisfied when a surviving minor is the only beneficiary.

Reporting and Tax Treatment of Solar PILOTS (52) – This section inserts language found in G.L. c. 59, § 39H(b) to G.L. c. 59, § 5 Clause 45 so that any receipts derived from solar or

wind PILOTs are considered part of the tax levy and constitute new growth within the community.

COLA for Property Tax Exemptions (53) – This local option statute allows municipalities to increase property tax “clause exemptions” by an amount equal to the cost of living.

Senior Means Tested Exemption (54,85) – This local option allows cities and towns to grant an additional property tax exemption to qualifying seniors. Criteria for exemption includes owning and living in the subject home, having durational residency, and qualifying based on certain other income and asset levels. The amount of the exemption is determined locally and provided for within the residential class, similar to the residential exemption.

One Time Override for Non-Capital Expenses (55) – This section allows municipalities to adopt a one-year override for non-capital expenditures. Similar to a capital outlay exclusion, which is a one-year only increase in the amount to be raised by taxation to pay for a capital item for which a municipality could borrow, this would be for operating expenses.

Central Valuation of Telecommunication and Utility Personal Property (56-59,86) – These sections centralize the valuation of telecommunication company personal property and utility company personal property in the Department of Revenue’s Division of Local Services (DLS) to promote consistency in assessing and utility reporting throughout the Commonwealth. Extending central valuation to all telecom companies and to utility companies would result in a more efficient and cost-effective process for both municipalities and industry.

Payment Date for ATB Jurisdiction (60-62,65) – These technical changes relocate the “postmark” rule to determine when interest is incurred on property tax payments received by local tax collectors after their due date for purposes of appealing a local assessors’ denial of an abatement application to the ATB appeal provision, rather than billing system statute.

Equalizing Property Tax Appeals (64) – This section requires all property taxpayers to pay in full to appeal. Currently, personal property taxpayers, such as utilities, need only pay half of the tax bill to preserve their right to appeal while residents and commercial taxpayers are required to pay in full.

Collection of Motor Vehicle Excise (66-67) – These sections allow a tax collector notify the Registry of Motor Vehicles of non-payment of the motor vehicle excise directly, after

notifying the delinquent taxpayer of the intent to “mark” their license or registration for non-payment.

Local Option Taxes 1 (68) – This section establishes a new local option Motor Vehicle Excise (MVE) surcharge of 5%.

Allow Financing of Right of First Refusal Option (69-71) – These sections allow cities and towns, when exercising their right of first refusal under G.L. c. 61, 61A or 61B, to pay for the cost of the relevant chapterland purchase by utilizing the financing mechanism described in the Qualified Bond Act, G.L. c. 44A.

Local Option Taxes 2 (72-73) – These sections increase the local option lodging tax on hotel, motel, and other rentals from a maximum of 6% to 7% (6.5 percent to 7.5 percent for Boston).

Local Option Taxes 3 (74) – This section increases the local option meals tax from 0.75% to 1% of the sales price of a meal at a restaurant or local store.

Calculation of RSD Excess and Deficiency (E&D) (75) – This section modifies G.L. c. 71, § 16B 1/2 to conform to joint guidance promulgated by DLS and DESE concerning DLS’ calculation of E&D.

Make Permanent COVID-era Flexibilities 3: Alcoholic Beverages To-Go (76) – This section makes permanent COVID-era flexibilities related to Alcoholic Beverages To-Go. It permits takeaway liquor sales from restaurants on a permanent basis.

Unemployment Insurance (77-78) – These sections extend existing exemptions from unemployment insurance benefits – which are applicable to school employees absent during sabbaticals and school vacations with a “reasonable assurance” of returning to work – to employees who provide services to or on behalf of schools, but are paid by municipalities. These sections also reduce the amount of unemployment insurance benefits to 65% for employees receiving government pensions.

Double Pole Enforcement (79) – This section allows cities and towns to enforce the statutory prohibition on keeping double poles up after ninety days, after passing a local ordinance authorizing them to do so. Penalties authorized to be imposed are limited to up to \$1,000 per occurrence.

Shared Employees (80) – This section creates a limited exception to the conflict of interest law in order to address potential violations of the law that arise when cities and towns share employees under inter-municipal agreements (IMA’s) or other regional

arrangements. It allows an employee of one city or town to take actions consistent with the shared goals of the agreement.

Bond and Note Premiums (81) – A recent amendment to G.L. c. 44, § 20 required premiums received on a borrowing for which a Proposition 2½ debt exclusion had been approved at the time of sale to be used for project costs and reduce the borrowing. This eliminated the need for the community to adjust the debt exclusion to reflect the true interest costs of the borrowing, which is still required by G.L. c. 44, § 20. However, this accounting and budgeting issue persists for communities who used a Proposition 2½ debt excluded premium on capital prior to the amendment. The proposal requires communities to report the premium without adjusting the debt exclusion.

Election Cost Reimbursement (82) – This section allows state reimbursements for Early Voting and Extended Polling Hours to both be accounted for in a special revenue fund, simplifying the budgeting process for elections. Currently, the former is treated as General Fund revenue and the latter is accounted for in a special revenue fund.

Other Post Employee Benefit (OPEB) Commission (83) – This section establishes an OPEB Commission to take a fresh look at opportunities to address unfunded liabilities from non-pension employee benefits.

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 23, 2024

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: Resolution 24-09: 2024 Schedule of Town Council Meetings

We are asking the Town Council to approve Resolution 24-09, which revises the 2024 Town Council meeting schedule by removing April 3rd and adding April 10th in its place.

The proposed updated schedule is included in the packet and will be posted on the website once approved.

Please let us know if you have any questions.



**TOWN OF FRANKLIN
RESOLUTION 24-09
2024 REVISED SCHEDULE OF TOWN COUNCIL MEETINGS**

2024 DATES

January	3	
January	17	
January	31	(FYI: School Vacation February 19-23)
February	28	(FYI: Joint Budget Subcommittee Meeting March 6)
March	13	(FYI: School Vacation April 15-19)
April	10	(Replaces April 3rd)
April	24	
May	1	(Fin Com Budget Hearings dates are May 6, 8 and 15th)
May	22	(FY25 Operating Budget Hearing 1)
May	23	(FY25 Operating Budget Hearing 2)
June	5	
June	26	
July	17	
August	14	
September	4	
September	18	
October	9	
October	16	
November	6	(FYI: Election Day November 5)
November	13	
December	4	(FY25 Tax Rate Hearing)
December	18	

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2024

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

A True Record Attest:

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 23, 2024

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: **Resolution 24-10: Gift Acceptance - Veterans, Services Dept., Senior Center & Police Dept.**

The Veterans' Services Department, Senior Center and Police Department have received generous donations in the total amount of \$3,150.

The many donations to the Veterans' Services Department totaling \$1,900 will be applied at the discretion of the Department towards the Veterans' Monument Restoration Fund and the Veterans' Municipal Assistance Fund in support of local veterans and their families.

The donation in the amount of \$200 to the Senior Center was made in memory of Clare Flynn and will be used at the discretion of the Senior Center to provide services and programs to senior citizens in the Franklin community.

The donation to the Police Department in the amount of \$50 will be applied at the Department's discretion toward the purchase of safety equipment and other unmet needs for the officers.

We extend our sincere appreciation to all who donated. Thank you for your continued and generous support.

Donation Summary:

- **Veterans' Services Department - \$2,900**
 - **Franklin Municipal Veterans Assistance Fund - \$1,900**
 - i. James Connor \$100
 - ii. Lawrence & Janet Bederian \$100
 - iii. Brian & Kathy Durand \$100
 - iv. Michael & Merri Luzzo \$100
 - v. Milford DAV \$1,500
 - \$1,900
 - **Veterans Monument Restoration Fund - \$1,000**
 - i. Edward L. Grant American Legion Post
- **Senior Center - \$200**
 - Sharon Mullane & Bryan Jaeger
- **Police Department - Police Gift Account - \$50**
 - Guerriere & Halnon Inc.

DONATION TOTAL: \$3,150



**TOWN OF FRANKLIN
RESOLUTION 24-10**

**Acceptance of Gifts – Veterans’ Services Department,
Senior Center & Police Department**

WHEREAS, The Veterans’ Services Department, Senior Center and Police Department have received generous donations in the total amount of \$3,150 to be used at the discretion of each Department as follows:

Donation Summary:

VETERANS’ SERVICES DEPARTMENT - \$2,900

- 1. Municipal Veterans’ Assistance Fund - \$1,900**
- 2. Monument Restoration Fund - \$1,000**
 - Donations to be applied at the discretion of the Veterans’ Services Department, through the Veterans’ Monument Restoration Fund and the Municipal Veterans’ Assistance Fund, in support of local veterans and their families.

SENIOR CENTER - \$200

- Donations to be applied at the discretion of the Senior Center to provide services and programs to senior citizens in the Franklin community.

POLICE DEPARTMENT - \$50

- 1. Police Gift Account**
 - Donation to be applied at the discretion of the Department, through the Police Gift Account, toward the purchase of safety equipment and other unmet needs for the officers of the Franklin Police Department.

The list of all donors is included in the 02/28/2024 Town Council meeting agenda packet.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin on behalf of the Veterans’ Services Department, Senior Center and Police Department gratefully accepts these generous donations to be used at the discretion of each Department for the purposes noted above.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2024

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

**Nancy Danello, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

Town of Franklin

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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 23, 2024

To: Town Council
From: Mark Cerel, Town Attorney

Re: Resolution 24-11: Designation of "Special Municipal Employee" Under State Ethics Law

I have previously recommended that the Town Council designate members of all eligible Town boards, commissions and committees as "special municipal employees" under G.L. Chapter 268A, the state ethics law. The basis of my recommendation was the fact that uncompensated volunteer members of Town boards, commissions and committees would otherwise be subject to all the prohibitions and restraints which the statute imposes on municipal employees. Specifically, the statute contains a prohibition on having any financial interest adverse to the Town; this effectively prohibits a professional such as an attorney, engineer or architect from representing a private client on any project or matter which involves local municipal approval. That professional is therefore placed in a position in which he or she must choose between uncompensated public service and making a living. In recognition of this, the Legislature provided that a municipality may designate members of eligible boards, commissions and committees as "special municipal employees", which as to those designees, limits the application of the statute to more obvious conflicts, such as self-dealing.

In response to my recommendation, the Town Council initially passed Resolution 03-02 on January 8, 2003 designating members of all eligible (uncompensated volunteer) Town boards, commissions and committees as "special municipal employees". This designation was only effective as to the enumerated, then-existing, boards, commissions and committees; as new ones are created, a new designation is required. Accordingly, the Town Council has periodically passed resolutions designating newly-created committee positions as "special municipal employees". There have been several committees which the Council has created since the last time it passed a resolution designating "special municipal employees". The members of these committees, including but not limited to professional people, need the same protection afforded to other uncompensated volunteers by the Town Council's prior resolutions. As noted above, this designation will not exempt the members from the statutory prohibition against self-dealing; a member of a subject committee still could not participate in awarding a contract to himself/herself or an immediate family member nor could that person or an immediate family member be awarded such a contract.

If any Council member has any questions relating to the proposed resolution or the contents of this memorandum, please feel free to contact me.

MGC:ce

Cc: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator



**TOWN OF FRANKLIN
RESOLUTION 24-11**

**DESIGNATION OF "SPECIAL MUNICIPAL EMPLOYEE"
UNDER STATE ETHICS LAW**

WHEREAS, G.L. Chapter 268A, the state ethics law, applies to all municipal employees, both elected and appointed, and regardless of whether they are compensated or uncompensated; and

WHEREAS, The statutory scheme imposes stringent prohibitions on conflicts of interest, both actual and perceived, which make it difficult to recruit locally employed professionals and other qualified persons to serve in town government; and

WHEREAS, In recognition of this, the statute provides that the governing body may make an express classification of uncompensated volunteers serving on town boards, commissions and committees as "special municipal employees", with the exception of the governing body itself; and

WHEREAS, By Resolution 03-02, dated January 8, 2003, the Franklin Town Council made said classification for all eligible Town boards, commissions and committees then-existing, and by Resolution 11-13, dated May 4, 2011, Resolution 12-15, dated March 7, 2012, Resolution 14-49, dated July 30, 2014, and Resolution 18-30, dated June 20, 2018 it made said designation for eligible Town boards, commissions and committees subsequently created, but there are now additional subsequently created bodies which qualify;

NOW, THEREFORE, BE IT RESOLVED THAT the Franklin Town Council, acting on behalf of the Town of Franklin, hereby makes an express classification of the members of the following additional town boards, commissions and committees as "special town employees" under the terms and provisions of G.L. Chapter 268A as provided in Section 1, Paragraph (n) of said statute:

- Police Station Building Committee
- Master Plan Update Committee
- Davis-Thayer Building Reuse Advisory Committee

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2024

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

Town of Franklin

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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

February 23, 2024

To: Town Council
From: Jamie Hellen, Town Administrator
Amy Frigulietti, Deputy Town Administrator

Re: Resolutions 24-12 & 24-13: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4

There are two resolutions for PEG appropriation at the February 28th Town Council meeting agenda.

The Massachusetts Department of Revenue requires the Town Council to vote to appropriate PEG funds received from Comcast and Verizon to an established revolving account.

- Resolution 24-12: The \$36,000 is the amount agreed to be paid annually in the Comcast Agreement for capital improvements in the first five years of the contract.
- Resolution 24-13: To appropriate PEG funds received for the fourth quarter of 2023 from Comcast and Verizon to Franklin Community Cable Access, Inc. as follows:
 - Comcast: \$ 86,200.29
 - Verizon: \$ 80,863.10
 - Total: \$167,063.39**

If you have any questions, please feel free to let us know.



TOWN OF FRANKLIN

RESOLUTION 24-12

APPROPRIATION: Cable Funds in Support of PEG Service and Programming per MGL Ch. 44, §53F3/4

TOTAL REQUESTED: \$ 36,000.00

PURPOSE: To appropriate \$36,000.00 from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, representing the amount received from Comcast Cable, to be paid to Franklin Cable Access Corp. to support capital equipment expenditures.

MOTION: Be it Moved and Voted by the Town Council that the sum of \$36,000.00 be appropriated from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, to be paid to Franklin Cable Access Corp. to support capital equipment expenditures.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2024

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council



TOWN OF FRANKLIN RESOLUTION 24-13

APPROPRIATION: Cable Funds in Support of PEG Service and Programming per
MGL Ch. 44, §53F3/4

TOTAL REQUESTED: \$167,063.39

PURPOSE: To appropriate \$167,063.39 from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, representing the amount received in the previous quarter from Comcast and Verizon, to be paid to Franklin Community Cable Access, Inc. to operate the cable access studio and otherwise fund its operations.

MOTION: Be it Moved and Voted by the Town Council that the sum of \$167,063.39 be appropriated from the PEG Access and Cable Related Fund created under MGL Ch. 44, §53F3/4, to be paid to Franklin Community Cable Access, Inc. to operate the cable access studio and otherwise fund its operations.

This resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____, 2024

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

Nancy Danello, CMC
Town Clerk

Glenn Jones, Clerk
Franklin Town Council

February 14, 2024

To: Town Council TA Evaluation Subcommittee
Cc: Jamie Hellen, Town Administrator
From: Brian Chandler, Chair, TA Evaluation Subcommittee

Re: 2024 Administrator Annual Review

As part of the contract the Council signed with the Administrator, we are required to do an annual review and provide a written summary statement of that review. Our contract with Jamie states:

“SECTION 6 - PERFORMANCE EVALUATION

1. The Council shall establish mutually agreed upon goals for the Town Council and Hellen to achieve during any two year legislative session. Said goals may be added to or deleted from as the Council and Hellen determine from time to time.
2. The Council shall review and evaluate Hellen’s progress toward meeting the Council’s goals on an annual basis. Said annual review and evaluation shall be in accordance with the goals developed jointly between the Council and Hellen. The Council shall establish an Ad Hoc Subcommittee of Town Council membership to perform said annual review and evaluation. The Ad Hoc Subcommittee shall report said annual review and evaluation to the full Council. The Council shall review and provide Hellen with a written summary statement of the findings. The Council shall provide adequate opportunity for Hellen to discuss his evaluation with the Council.
3. Goals shall generally be attainable within the time limitations as specified in Section 7, within the annual operating budget and capital budgets and appropriations provided by the Council.
4. In effecting the provisions of this Section, the Council and Hellen mutually agree to abide by the provisions of applicable law.”

To fulfill our obligation of the contract, I am submitting to you a draft written summary statement that meets these criteria to be discussed this evening. I have also included the list of Town Council Goals accomplishments from our two-year session update that was distributed at the January 4th, 2023 Council meeting as a reference guide to the progress Jamie has made on our mutually agreed upon goals.

Written Summary Statement

Town Council & Town Administrator Goals

The attached goals update indicates that Jamie has done an exemplary job in achieving the goals the Town Council set out in 2022-2023. Every item has received its due attention, and where applicable and with proper funding, the job has gotten done. Given the resources and tools at his disposal, he has shown the ability to be an effective project leader, a successful departmental manager and steward for the community. Much of this has been due to Jamie's commitment to excellence, responsiveness, creativity and passion. His positive attitude, spirit and work ethic have allowed us all to accomplish a great amount of work together in town.

Entering his ninth year with Franklin and fifth year as Town Administrator, we have complete confidence in Jamie's ability as Town Administrator.

Additional Points

Additionally, we want to also highlight some other aspects of his job performance not on our list of goals that should be noted because they depict his effectiveness and success:

1. Jamie continues to provide exemplary customer service and effective responsiveness to the Town Council, town stakeholders, businesses and residents;
2. Jamie has conducted a recruitment and retention model for staff that has resulted in an excellent staff morale and culture within all levels of staffing across all departments. A key staff hires in the last year have been Deputy Town Administrator, Amy Friguietti, following after the temporary hire of Special Assistant to the Town Administrator, Julie Jacobson;
3. Jamie continues to provide creative solutions to unique problems, including incredibly challenging financial decisions to be made with the Franklin Public School District;
4. His wealth of knowledge on all-things local government never ceases to amaze us at how he knows about all aspects of local government. He has no speciality and this is a key factor to his success;
5. His consistent and effective collaboration with the state and federal legislative delegation. In 2024, Jamie was nominated and appointed to the Vice-President of the Massachusetts Municipal Association and assumed President in 2025, which reflects on his performance and status of Franklin being highly well respected as a voice in statewide policy.

2022-2023 Town Council and Town Administration Goals

Last updated: September 13, 2023

The following are a list of goals approved by the Town Council for the 2022-2023 session.

Fiscal

- Approve annual operating budget for FY23 and FY24.
 - Status: Complete.
- Approve annual capital budget for FY22 and FY23.
 - Status: Complete.
- Review annual financial audit and OPEB actuarial.
 - Status: Complete.
- Manage federal stimulus revenues and expenditures through December 31, 2024.
 - Status: Executing the strategic plan. Awarded more than \$6.5 million toward roads, water main and stormwater infrastructure improvements, employee compensation, and hired a second mental health clinician for the Police Department.
 - Federal government extended usage of funds to December 31, 2026.
- Review & approve biennial Town Finance Policies.
 - Status: Complete.
- EPA Stormwater program implementation.
 - Status: Complete.
- Support the Community Preservation Master Plan development.
 - Status: Complete. 200 acres of open space, Red Brick Schoolhouse exterior renovation, preservation of Town Clerk records, supplemental funding for Franklin Ridge housing investments and much more.
- Support collective bargaining 2022-2025.
 - Status: Complete.
- Implement recommendations in the Compensation and Classification study of nonunion employees.
 - Status: Complete. Finance Committee “Deep Dive” on January 11, 2023 and have implemented the plan.
- Discuss the role and committee charge of the Joint Budget Subcommittee with the Finance Committee and School Committee.
 - Status: Complete.

Economic & Community Development (To the EDC)

- Facilitate the “Franklin For All” Downtown Franklin and Franklin Crossing zoning diagnostics study and implement the studies’ recommendations.
 - The EDC will serve as members of the The “EDC+ Steering Committee” with two members of the Planning Board and one member of the ZBA.
 - Status: Completed study and process August 2022. Enacted a handful of recommendations from the plan, including inclusionary zoning, ADU’s, GRV reform and more.
- Revise the public downtown parking lots bylaw.

- Status: Complete.
- Review sidewalk snow removal bylaw.
 - Status: Bylaw and Map approved at the September 6, 2023 EDC meeting. Town Council discussion at the October 11th meeting.
- Implement housing production plan recommendations.
 - Status: Several zoning accomplishments have been completed this session, including inclusionary zoning, accessory dwelling units, enhancements to GRV and have researched and are preparing additional zoning changes.
- Consider policy development on the redevelopment of North Grove Economic Development Area (aka Nu style).
 - Status: Complete. Urban Land Institute conducted a complete study of the potential of the parcels and presented them to EDC. \$100,000 in Town ARPA funds have been dedicated to this project. Mr. Taberner also was awarded a \$500,000 grant from the EPA. \$600,000 has been awarded to the remediation of the site which will take several years.
- Facilitate a branding & marketing analysis.
 - Status: Complete. A four year process has been outlined and \$100,000 in state and local funds have been awarded to help complete Phase 1 of the process.
- Support the process toward a new town Master Plan beginning in 2023.
 - Status: Complete.
- Research changes to the home occupation business bylaw.
 - Status: Staff have contracted with a consultant to draft a model home occupation bylaw.
- Review the marijuana overlay district.
 - Status: Complete.
- Support a process to update the Open Space Plan, which expires in 2023.
 - Status: Town Council vote on September 20, 2023.
- Review the cell phone tower overlay district and consider a 5G local permitting bylaw.
 - Status: Town Attorney has provided guidance that will be discussed at an October EDC meeting.
- Further “lot line cleanups” project.
 - Status: All multi-parcel lot line cleanups are complete.

DPW

- Design beaver street interceptor & file SRF application for the project.
 - Status: Complete.
- Manage federal ARPA funds.
 - Status: See Finance Goals above.
- Support the Grove Street construction and MassWorks grant implementation.
 - Status: Complete.
- Implement MS4 permit stormwater program implementation.
 - Status: Complete.
- Continue Implementing the 5-year Water Main plan.
 - Status: Complete.
- Complete Streets grant implementation and otherwise expand walking and biking trails.
 - Status: Franklin received its first grant of \$89,700 this past summer. Project is being completed Fall 2023-Spring 2024 with the Grove Street project.

- Develop a maintenance plan for town trails.
 - **Status: Complete.** Establishing a plan for civic involvement through the Open Space and Recreation Plan. The OSRP will also look at the development of “Friends” grassroots groups in neighborhoods as stewards of the many town open spaces. The DPW cannot do it all without additional staff. “Friends” groups are a model used by the State Park system.
- Complete trail work on the SNETT relative to the finalizing the land swap with the state DCR.
 - **Status: Complete.**
- Begin the process to develop a solid waste master plan in 2023.
 - **Status: In progress.** Awaiting land transfer to begin the solid waste master plan.
- Develop Water Tank Analysis Master Plan.
 - **Status: Complete.**
- Discuss a Sidewalk Master Plan.
 - Consider exercising borrowing authority to construct sidewalks on Washington Street and Beaver Street.
 - **Status: The 5-year Pavement Management Plan is complete. The Sidewalk plan has been included in the assessment and will be available Fall/Winter 2023.**
- Discuss finance for current infrastructure assets: roads, parking lots, sidewalks maintenance.
 - **Status: Complete.**
- Study the potential for a Quiet Zone on the Franklin commuter rail line.
 - **Status: In progress.** Through a grant from Representative Roy, the Town has finally found a consultant available to do the Quiet Zone study. We expect completion by the end of 2023.

Facilities

- Restore the cupola in the Franklin Historic Museum.
 - **Status: CPA funds awarded for \$75,000 to restore. Project in 2024.**
- Rehabilitate the Red Brick Schoolhouse.
 - **Status: Complete.**
- Establish a working group committee for a new Police Station.
 - **Status: Complete.**
- Consider a committee for the reuse of the Davis-Thayer School.
 - **Status: Complete.**

General Government

- Continue to manage the COVID-19 pandemic.
 - **Status: Complete.**
- Continue to accept public ways.
 - **Status: In progress.** Accepted Joseph Circle, Susan’s Way & Lawrence Drive. Farrington Street and Red Gate Lane will be next Fall/Winter 2023.
- Continue to implement “Green Community” goals through the state approved Energy Reduction Plan. As part of the Green Community goals in 2022-2023, the Town will work with the state to investigate how a Net Zero emissions plan could be incorporated.
 - **Status: In progress.** Green Communities presentation given August 2022. Green Communities grants totaling \$180,902.

- Begin Decommission process on Spring Street as part of Franklin State Forest and SNETT improvements 2023.
 - Status: Research report completed by Julie Jacobson. Town Administration to work with the state DCR on concepts and viability. September 20th Town Council update.
- Review a revision to the demolition delay bylaw.
 - Status: Research report completed by Julie Jacobson. The Historical Commission has discussed this at their meetings and are expected to issue a recommendation back to the Town Administration at their convenience.
- ICMA citizen satisfaction survey (pending Town Administrator membership to ICMA). 2023-2024.
 - Status: The Town Administrator *finally* became an ICMA member after four years of the pandemic! The TA will research costs to conduct a scientific citizens satisfaction survey generated by the National Research Council (NRC) through the ICMA that would help chart town policy and investments for the future.

Presentations/Discussions

- Human Resources department and town benefits presentation.
 - Status: Complete.
- Department of Public Works budget presentation.
 - Status: Complete.
- Town Charter review presentation by Town Administrator and Town Attorney.
 - Status: Tentatively scheduled for October 18th Town Council meeting.
- Franklin Historic District presentation.
 - Status: Complete.
- Charles River Pollution Control District presentation.
 - Status: Complete.
- Metacomet Public Health Alliance presentation.
 - Status: Complete.
- Discussion on the future of the Old South Church on Washington Street.
 - Status: Complete. Habitat for Humanity will purchase the building to rehabilitate into a single family home for a family of four. They have five years to complete the project.
- Discussion on uses at the Maple Hill property.
 - Status: Complete.
- Recreation Department presentation.
 - Status: Complete.

SECTION 6 - PERFORMANCE EVALUATION

1. The Council shall establish mutually agreed upon goals for the Town Council and Hellen to achieve during any two year legislative session. Said goals may be added to or deleted from as the Council and Hellen determine from time to time.
2. The Council shall review and evaluate Hellen's progress toward meeting the Council's goals on an annual basis. Said annual review and evaluation shall be in accordance with the goals developed jointly between the Council and Hellen. The Council shall establish an Ad Hoc Subcommittee of Town Council membership to perform said annual review and evaluation. The Ad Hoc Subcommittee shall report said annual review and evaluation to the full Council. The Council shall review and provide Hellen with a written summary statement of the findings. The Council shall provide adequate opportunity for Hellen to discuss his evaluation with the Council.
3. Goals shall generally be attainable within the time limitations as specified in Section 7, within the annual operating budget and capital budgets and appropriations provided by the Council.
4. In effecting the provisions of this Section, the Council and Hellen mutually agree to abide by the provisions of applicable law.