



FRANKLIN TOWN COUNCIL

January 23, 2013

7:00 PM

A. APPROVAL OF MINUTES – *November 7, 2012*

B. ANNOUNCEMENTS – *This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting may be recorded by Franklin Matters.*

C. PROCLAMATIONS/RECOGNITIONS

D. CITIZEN COMMENTS

E. APPOINTMENTS – *Appointment to the Historical Commission*

F. HEARINGS

G. LICENSE TRANSACTIONS

H. PRESENTATIONS/DISCUSSIONS – *Jim Dacey, Treasurer Collector
Brutus Cantoreggi, Director Public Works*

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. *Resolution 13-01: Appropriation – Capital FY 13*
2. *Resolution 13-02: Appropriation – Sewer Enterprise Capital FY 13*
3. *Resolution 13-03: Appropriation – Water Enterprise Capital FY 13*
4. *Resolution 13-04: Appropriation – Water Enterprise Water Lines FY 13*
5. *Bylaw Amendment 13-699: Amendment of Service Fee Rates: Administration- 2nd
Reading*

K. TOWN ADMINISTRATOR'S REPORT

L. OLD BUSINESS

M. NEW BUSINESS

N. COUNCIL COMMENTS

O. EXECUTIVE SESSION – *Negotiations, Litigation, Real Property, as May Be Required*

P. ADJOURN

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
November 7, 2012**

A meeting of the Town Council was held on Wednesday, November 7, 2012 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pfeffer, Tina Powderly, Jeff Roy, Robert Vallee. Administrative personnel in attendance: Jeffrey Nutting; Town Administrator, Mark Cerel; Town Attorney and Maxine Kinhart; Assistant to the Town Administrator. Other officials present: Deborah Pellegrini; Town Clerk, Robert A. Cantoreggi; Department of Public Works Director, Bryan Taberner; Planning Director, Beth Dahlstrom; Town Planner.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and the Pledge of Allegiance.

ORGANIZATION: Nominations – MOTION by Councilor Powderly to nominate Robert Vallee as the Council Chair **SECONDED** by Councilor Dellorco. **VOTE to Approve: Yes-9, No-0.** **MOTION** by Councilor Powderly to close the nominations **SECONDED** by Councilor Dellorco. **VOTE to Approve: Yes-9, No-0.** **MOTION** by Councilor Jones to nominate Tina Powderly as the Council Vice Chair **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Jones to close the nominations **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Kelly to nominate Judith Pfeffer as the Council Clerk **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Kelly to close the nominations **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.**

APPROVAL OF MINUTES: October 3, 2012 Regular Session, October 17, 2012 Executive Session Minutes – MOTION by Councilor Powderly to move approval of all minutes **SECONDED** by Councilor Mercer. **CORRECTIONS:** Councilor Powderly requested the October 17, 2012 Executive Session Minutes be corrected to reflect Councilor Powderly as “present” instead of “absent”. **Vote to Approve as Amended: Yes-9, No-0.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting was recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting was also recorded by Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: ► Deborah Pellegrini; Town Clerk reported to the Council an Election Day summary. Ms. Pellegrini said there was a high voter turnout with no long lines or complaints with the exception of an issue of construction preparation work that was conducted in the High School parking lot during election hours. Ms. Pellegrini thanked the School, Department of Public Works, Police Department, Custodial Staff, the electrician that set up all of the electrical work and the voters. ► Robert A. Cantoreggi; Department of Public Works Director provided feedback on a program the Town participated in whereby three men from Pakistan shadowed Town employees from a variety of departments. Each of the three Pakistani participants addressed the Council and stated how grateful they were for the opportunity to see democracy in practice.

APPOINTMENTS: Ken Norman, Rose Turco, Frank Falvey - Franklin Community Cable

Access Corporation - Councilor Pfeffer read the ballot whereby Ken Norman of 18 Daniels Street, Rose Turco of 18 Winter Street and Frank Falvey of 920 Pond Street had each applied for two Director positions on the Board of Directors for the Franklin Community Cable Access Corporation. **MOTION** by Councilor Jones to nominate Ken Norman, Rose Turco and Frank Falvey to the Franklin Community Cable Access Corporation **SECONDED** by Councilor Kelly. **VOTE to Approve Ken Norman: Yes-8, No-0, Recuse-1. VOTE to Approve Rose Turco: Yes-8, No-0, Recuse-1. Ken Norman and Rose Turco are appointed to the Board.**

Paul Aparo - Finance Committee: **MOTION** by Councilor Pfeffer to ratify the appointment Paul Aparo of 242 Daniels Street to the Finance Committee **SECONDED** by Councilor Powderly. **DISCUSSION:** Councilor Powderly discussed her support for Mr. Aparo. **Vote to Approve: Yes-9, No-0.**

HEARINGS: NONE

SUBCOMMITTEE REPORTS: *Economic Development Sub-Committee* – Councilors Bissanti & Jones said the sub-committee’s focus is to find new revenue sources and attract new businesses to Franklin. Upcoming sub-committee topics will be posted.

LICENSE TRANSACTIONS: NONE.

PRESENTATIONS/DISCUSSIONS: *Senior Center* – Karen Alves; Senior Center Director provided the Council with an update on the Center’s goals and projected growth over the course of the next decade. The elderly population in Franklin is expected to increase by 58% over the next decade, which will cause the Senior Center to become more relevant. Ms. Alves provided statistics on the benefits to seniors who utilize the Senior Center, reviewed the many programs available at the Senior Center and recommended the expansion of the facility and the parking lot. Ms. Alves clarified that anyone age 50 or older may use the Center. ► Councilor Powderly asked about the Center’s budget. Ms. Alves stated the Center operates on approximately \$100,000 per year and relies on many volunteers. Councilor Powderly also inquired as to who the new liaison will be. Mr. Nutting confirmed Maxine KINHART will take over in the liaison role between the Town and the Council on Aging. ► Councilor Pfeffer discussed the role of the Friends of Franklin Elders, which pays for the Center’s cook, entertainment and the Veteran’s Breakfast. Councilor Pfeffer encouraged folks to donate to this 501(c)(3) group. ► Councilor Bissanti reminded everyone of the Veteran’s Breakfast which will be held on Friday November 9th at 9:00AM at the Senior Center. The Councilors thanked Ms. Alves and the rest of the Center staff and Center volunteers.

Franklin TV – Ken Norman; Franklin Community Cable Access Corporation Board Member and Peter Fasciano; Executive Director reviewed the Corporation’s progress. The group was incorporated in November of 2011. Mr. Fasciano was hired on April 30, 2012 and began work rehabbing the cable operation. The Corporation was granted “501(c)(3) Status” by the Internal Revenue Service in September 2012. The Corporation plans to move its studio to 23 Hutchinson Street and will be filing plans with the Town for approval. Mr. Norman said the only outstanding item for the Corporation to complete for the Town is the Corporation’s Audit, which will be conducted at the end of 2012. Mr. Fasciano provided details on his professional career and his qualifications for the Executive Director position at the request of Councilor Jones. ► Councilor Pfeffer inquired about the initial \$400,000 funding. Mr. Nutting confirmed the funds did not come from the Town, but rather from Cable charges. Chairman Vallee thanked Mr. Norman and Mr. Fasciano for the presentation.

LEGISLATION FOR ACTION:

Resolution 12-72: Establishment of an Operating Budget Stabilization Fund: Councilor Pfeffer read the resolution to establish an Operating Budget Stabilization Fund pursuant to the provisions of Chapter 40 Section 5B of the Massachusetts General Laws. **MOTION** by Councilor Powderly to move Resolution 12-72 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting explained there was \$800,000 in excess of capacity of the General Stabilization Fund. The excess occurred when the Town received higher than expected State Aid and there was some new growth from extra local receipts. Mr. Nutting said this new fund would be used to balance the budget when there is shortfall instead of requesting an over-ride. Councilor Powderly spoke in support of this resolution. **Vote to Approve: Yes-9, No-0.**

Resolution 12-73: Operating Budget Stabilization Fund - \$775,000: Councilor Pfeffer read the resolution to raise and appropriate funds to the Operating Budget Stabilization Fund in the amount of \$775,000.00. **MOTION** by Councilor Pfeffer to move Resolution 12-73 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained this resolution is needed to fund Resolution 12-72 Stabilization Fund. **Vote to Approve: Yes-9, No-0.**

Resolution 12-74: Interest – Property Tax - \$38,000: Councilor Pfeffer read the resolution to raise and appropriate funds in the amount of \$38,000 for the purpose of paying interest owed to taxpayer due to a tax abatement granted to Verizon for Poles and Wires over Public Ways for FY 2009. **MOTION** by Councilor Pfeffer to move Resolution 12-74 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the necessity for this resolution dates back to on-going litigation between area towns/cities and Verizon. Cities/towns had initially taxed Verizon Poles which a higher court later reversed. Funds were put aside during the litigation process in the event the ruling was reversed in Verizon’s favor. The \$38,000 is the “interest” from the taxes initially paid by Verizon and is mandated by the higher court ruling. **Vote to Approve: Yes-9, No-0.**

Resolution 12-75: Town of Franklin Net Metering Power Purchase Agreement Authorization – Councilor Pfeffer read the resolution to authorize the Town Administrator to complete negotiations and enter into a Net Metering Power Purchase Agreement and a Payment In Lieu of Taxes Agreement, both for a term not to exceed twenty (20) years, by and between the Town of Franklin and Kearsarge Franklin LLC in relation to a three (3) Mgw ground mounted solar energy system to be located at the property of the Cistercian Nuns of Strict Observance on Upper Union Street, Franklin. **MOTION** by Councilor Jones to move Resolution 12-75 **SECONDED** by Councilor Mercer. **DISCUSSION** The agreement allows the Town to purchase power at a lower rate over the course of the next 20 years and as long as the solar facility exists. Mr. Nutting said this is the first of two phases, the first calling for construction of 12,000 solar panels and the second phase calling for another 12,000 panels. Mr. Nutting said this is a “win” for the Cistercian Nuns and for the Franklin taxpayers. **Vote to Approve: Yes-9, No-0.**

Bylaw Amendment 12-694: Amendment of Service Fees – 2nd Reading: Councilor Pfeffer read the bylaw to amend the “List of Service Fee Rates”. **MOTION** by Councilor Powder to move Bylaw Amendment 12-694 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the bylaw amendment updates the list of fee rates. **Vote to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-695: Site Plan and Design Review: Chapter 185, Section 31 – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **Vote to Approve: Yes-9, No-0.** **DISCUSSION:** Mr. Nutting said this bylaw and the following two bylaws are all connected and suggested the three bylaws be explained at this point.

Bryan Taberner; Planning Director and Beth Dahlstrom; Town Planner provided general information regarding the three bylaw amendments. The Site Plan Bylaw was completely re-written to make it easier for a landowner/developer to understand the Site Plan Review requirements, as well as to streamline the permitting process. ► Councilor Pfeffer confirmed the Design Review Commission had not reviewed the amended bylaws, but the Economic Development Committee had reviewed and was recommending the amended bylaws to the Council. Councilor Pfeffer expressed concern over the cost and process to homeowners and developers when applying for permits. ► Councilor Bissanti discussed “use” and “reuse” issues as pertaining to the amended bylaws. **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 12-695 for referral to the Planning Board **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-696: Signs. Sign Approvals: Chapter 185, Section 20 –2nd Reading: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Powderly. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Powderly to refer Zoning Bylaw Amendment 12-696 to the Planning Board **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **DISCUSSION:** Beth Dahlstrom explained the bylaw amendment moves sign information from Site Plan Review to the Sign Bylaw. Both Mr. Nutting and Mr. Cerel explain the change is not substantive, rather just moves the information to a more logical place. ► Councilor Pfeffer suggested changing all of the forms and duplicates necessary for small businesses to open. **Vote to Approve: Yes-9, No-0.**

Zoning Bylaw Amendment 12-697: Administration & Enforcement. Design Review Commission: Chapter 185, Section 45 – 2nd Reading: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **Vote to Approve: Yes-9, No-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 12-697 to the Planning Board **SECONDED** by Councilor Mercer. **Vote to Approve: Yes-9, No-0.** **DISCUSSION:** Ms. Dahlstrom and Mr. Cerel both state this bylaw moves Design Review related items to one location. **Vote to Approve: Yes-9, No-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting recognized Fire Chief Gary B. McCarraher, Deputy Fire Chief Paul J. Sharpe, the entire Emergency Management Team, Department of Public Works, Police Department and Fire Department for their part in preparing for the recent storm. Mr. Nutting was less enthused by National Grid’s preparedness for the storm. Mr. Nutting said he, Chairman Vallee, and Councilors Roy and Kelly met with a National Grid representative after this last storm to voice concerns over the electric company’s lack of preparation for the impending storm. Mr. Nutting said he will continue to pursue storm response issues with National Grid. ► Mr. Nutting announced a Tax Rate Hearing will take place on November 28th. ► Ms. Dahlstrom and the Hockomock YMCA have created a walking map of Franklin. ► The Town Common tree removal project is completed, which has resulted in a more open and friendly environment. The Town Common is undergoing electrical upgrades and the Common will be decorated for the holidays in a timely fashion. ► Mr. Nutting requested an Executive Session for real property at the conclusion of the Meeting. ► Wished everyone a Happy Thanksgiving.

OLD BUSINESS: ► Councilor Roy said that while power outages do occur especially during storms, the level of communication from National Grid during the last storm was unacceptable. The National Grid liaison stationed in Franklin was unable to obtain updates from the power company. Councilor Roy said he would like National Grid to come back to the Council with an action plan to correct infrastructure issues. ► Councilor Vallee suggested National Grid create a refrigerator magnet with the company’s contact information in case of an emergency. ► Councilor Bissanti

would like to hold National Grid accountable for the poor response to the last storm and infrastructure concerns. ► Mr. Nutting said National Grid had trimmed trees and placed an on-site liaison at the Fire Station. The problem was National Grid was not communicating with its own liaison. Mr. Nutting said the National Grid issues were not specific to Franklin, but occurred in several towns/cities. In addition, there seems to be a problem with the “Union Loop” which powers the 3-4 thousand homes in the downtown area of Franklin. Mr. Nutting said he believed power outages occur in this area more frequently than other areas of Franklin. ► Councilor Jones said he was very disappointed with National Grid and would like to see National Grid come before the Council with a real plan. ► Councilor Pfeffer inquired about the Jefferson School roof. Mr. Nutting said the roof continues to leak and repair work will be included in the Capital Budget. Work however cannot begin until the summer when the building does not have students. ► Councilor Kelly thanked the offices of Senators Spilka and Ross for their help during the storm. Councilor Kelly said he wanted National Grid to get back to the Council with specific information on the “Union Loop”. Councilor Kelly stated he wanted to have service fees for final water readings brought before the Council for discussion. ► Councilor Dellorco said he was told by National Grid pole workers that unless the workers have a work order, the workers are told to “hide”. ► Mr. Nutting said he would write a letter requesting National Grid attend a Council Meeting.

NEW BUSINESS: ► Councilor Dellorco congratulated Jeff Roy on his election victory. ► Councilor Kelly asked if Mr. Nutting would inquire with MBTA about the constant whistle of the 4AM train. Mr. Nutting said there are regulations in place by MBTA as to how many times the train whistle must blow at each road crossing. ► Councilor Pfeffer inquired about the Capital Budget Meeting. Mr. Nutting said he will send out the date of the meeting. ► Councilor Bissanti followed up on the Wachusett property located next to the Fletcher Field parking lot. Councilor Bissanti said the estate must be settled before anything else happens on the property.

COUNCILOR COMMENTS: ► Councilor Roy thanked Franklin for their vote and is looking forward to getting sworn in on January 2, 2013. ► Councilors Bissanti, Roy, Vallee, Powderly, Kelly, Dellorco and Mercer congratulated Councilor Roy. ► Councilor Powderly was happy so many topics were covered at the meeting and asked for an update on the safety concerns of the Parmenter School King Street crosswalk. ► Councilor Mercer reminded everyone of the High School Project public hearing on the various phases of the project. The public hearing will take place on November 14, 2012 at 7PM in the public chambers.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session to discuss real property and declared that an open meeting may have a detrimental effect on the position of the body. Open Session did not reconvene at the conclusion of the Executive Session.

MOTION by Councilor Pfeffer to go into Executive Session to discuss real property and not to resume Open Session **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly- Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 9 – 0 – 0 Unanimous.**

The Regular Session of the meeting ended at 8:48PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary



APPOINTMENT:

Historical Commission

Connie Lawson
46 Prospect Street

The members of the Historical Commission voted to submit Connie Lawson's name to be appointed to serve as a full member. She currently serves as an associate member.

MOTION to ratify the appointment of Connie Lawson by the Town Administrator to serve as a full Member of the Historical Commission.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegrini
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Mailbox _ FPS Information

From: Jeff Nutting
Debbie Pellegri
Wednesday, January 16, 2013 12:17:02 PM
Subject: Fwd: Appointment to Historical Commission
To: Dianne Blanchard

----- Original Message -----

Hi Jeff,

At our meeting last night, we voted to recommend that Connie Lawson, our associate member, be appointed as a full member to fill the vacancy left by Alice Vendetti. Thank you.

Deborah L. Pellegri CMC
Town Clerk/Election Administrator
Office Hours: Monday, Tuesday and Thursday 8:00am to 4:00pm
Wednesday, 8:00am to 6:00pm & Friday 8:00am to 1:00pm
508-520-4900

PRESENTATIONS

AND

DISCUSSIONS

1. JIM DACEY, TREASURER
COLLECTOR
2. BRUTUS CANTOREGGI,
DIRECTOR PUBLIC WORKS

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Town of Methuen (1974) 307 N.E.2d 302, 364 Mass. 578. Municipal Corporations ⇨ 65

Under section of Home Rule Procedures Act permitting final report of charter commission to include such comments as commission deems desirable, commission could properly include expressions of opinion concerning matter of job security for present town officials and employees and period of time which would be required

to amend the charter once adopted. Tiberio v. Town of Methuen (1974) 307 N.E.2d 302, 364 Mass. 578. Municipal Corporations ⇨ 78

Provision, of proposed home rule charter, concerning school committee did not make such major change as had to be indicated in charter commission's final report. Tiberio v. Town of Methuen (1974) 307 N.E.2d 302, 364 Mass. 578. Municipal Corporations ⇨ 65

§ 10. Amendments to charter previously adopted or revised under this chapter; procedure

(a) Amendments to a city or town charter previously adopted or revised under this chapter may be proposed by the city council of a city or the town meeting of a town by a two thirds vote in the manner provided by this section; provided, that amendments of a city charter may be proposed only with the concurrence of the mayor in every city that has a mayor, and that only a charter commission elected under this chapter may propose any change in a charter relating in any way to the composition, mode of election or appointment, or terms of office of the legislative body, the mayor or city manager, or the board of selectmen or town manager. In this section, the word "mayor" shall mean an officer elected by the voters as the chief executive officer of a city or an officer lawfully acting as such, and the term "two thirds vote" shall mean, in cities, a vote, taken by yeas and nays, of two thirds of the members of a city council present and voting thereon, and shall mean, in towns, the vote of two thirds of the voters present and voting at a duly called meeting.

(b) In addition to any amendment proposed by a city council or town meeting under subsection (a) the city council or town meeting shall consider and vote upon any suggested charter amendment which it would have the power to propose under subsection (a), and which is not substantially the same as an amendment already considered and voted upon by it within the last twelve months, and which is suggested to it in a written request signed by the mayor or city manager or any member of the city council in a city or by the town manager or any selectman of a town, or is suggested to it by a petition in substantially the form set forth in section fifteen, signed and completed in accordance with the instructions contained therein by at least ten registered voters in the case of a town and by as many registered voters, in the case of a city, as would be required to nominate a charter commission member in such city under section five, which written request or petition shall be filed with the city or town clerk.

At the earliest convenient time not later than three months after the date any suggested amendment is filed with the city or town clerk, the city council or board of selectmen shall order a public hearing to be held thereon before it or before a committee selected or established by it for the purpose, provided that any number of suggested amendments may be considered at the same hearing. Such a hearing shall be held not later than four months after the filing date of any suggested amendment to be considered, and at least seven days notice of

such public hearing shall be published in a newspaper of general circulation in the city or town. Except where the hearing is held by a city council, the board or committee holding the public hearing shall report its recommendations to the city council or town meeting, as the case may be. Final action on such a suggested amendment shall be taken not later than six months after such filing date in the case of a city and, in the case of a town, not later than the first annual town meeting held at least six months after such filing date, provided that at any time after the public hearing two hundred registered voters of a town or twenty per cent of the total number of registered voters of such town, whichever is less, may in writing request the selectmen to call a special town meeting to consider the suggested amendment, and the selectmen shall thereupon call such meeting which shall be held not more than forty-five days after the receipt of the request.

(c) Whenever an order proposing a charter amendment to the voters is approved by the mayor and city council or town meeting, a copy of the proposed amendment shall be immediately submitted to the attorney general and to the department of housing and community development and such order shall not take effect for four weeks after the date of such submission. Within such four weeks the attorney general shall furnish the city council or board of selectmen with a written opinion setting forth any conflict between the proposed amendment and the constitution and laws of the commonwealth. A copy of the opinion shall at the time be furnished to the department of housing and community development. If the attorney general reports that the proposed amendment conflicts with the constitution or laws of the commonwealth, the order proposing such amendment shall not take effect except as may be specified by further proceedings of the mayor and city council or town meeting under subsection (a). If the attorney general reports no such conflict, such order shall become effective four weeks after its submission to the attorney general.

(d) No order or vote under subsection (a), (b) or (c) shall be subject to referendum or shall, except as provided in subsection (a), require the concurrence of the mayor.

(e) The provisions of subsections (a), (b), (c) and (d) shall apply to amendments of laws having the force of a city or town charter by virtue of section nine of Article LXXXIX of the Amendments to the Constitution as well as to amendments of a charter previously adopted or revised under this chapter. Added by St.1966, Ex.Sess., c. 734, § 1. Amended by St.1970, c. 786, §§ 4, 5; St.1975, c. 163, § 19; St.1998, c. 161, § 284.

Historical and Statutory Notes

St.1970, c. 786, § 4, approved Aug. 26, 1970, in subsec. (c), in the first sentence, inserted "and to the commissioner of community affairs".

Section 5 of St.1970, c. 786, in subsec. (c), added the third sentence.

St.1975, c. 163, § 19, an emergency act, approved April 30, 1975, in subsec. (c), in the first and third sentences, substituted "department of community affairs" for "commissioner of community affairs".

St.1998, c. 161, § 284, approved July 1, 1998.

Municipal Westlaw 1

Treatises and 18 Mass. Charter

In general

1. In gene

Charter a ry provision and provis itself do no ment of ref Const.Amer Amend Art have the p towns by s or approve and indept achieve ch reform of Southbridg App.Ct. 46 Municipal

Town by one who ra would be t other elec office as se missible a 1905, c. 3 of a boar amendmer pliance wi dures Act face did ne

§ 11.

Upon nine, the charter approva meet ng

Franklin Department of Public Works

Winter Road Treatments & Snow Removal Costs

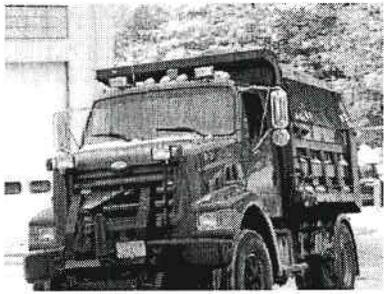
Robert Cantoreggi, Director
Carlos Rebelo, Highway and Grounds Superintendent

FY 2013 Update

- FY 2013 Approved Budget: \$903,500.00
- \$378,500.00 for Salt

- FY 2013 Costs so far (January 18th):
- \$251,139.52 Total
- \$99,754.24 for Salt

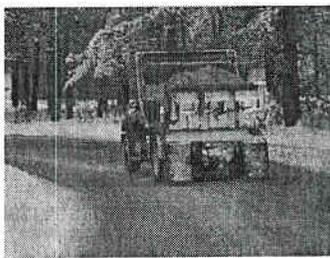
Road Salting



Mixing Rate

- 100% Salt*

- *Special Circumstances



Cost of **Salt** ???

- 2007 = \$54.00 per ton.
- 2008 = \$70.20 per ton.
- 2009 = \$64.00 per ton.
- 2010 = \$47.50 per ton.
- 2011 = \$48.20 per ton.
- 2012 = \$47.20 per ton.

Environmental Concerns:

Rising Salt Levels in Water Supply

Storm Water Run-off to Surface Water

Well #3, Grove Street
D.E.P recommends < 20 ppm



- 2000 17.4 ppm
- 2008 43.8 ppm
- 2012 59.7 ppm

"Five Truck Route" Verses "Treating the Whole Town"

Treating the Whole Town:

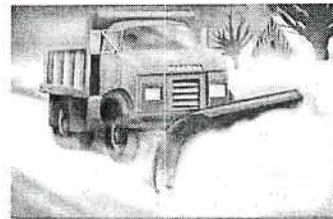
- 16 Sanders
- Twenty-one Employees \$4200.00
- 400 Yards of Salt \$19,200.00
- Total: \$23,400.00**



"Five Truck Route" Treats:

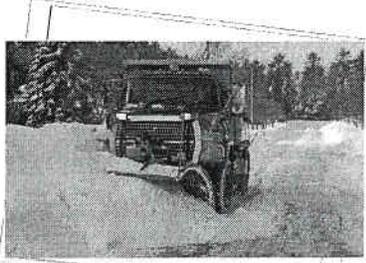
- 6 Sanders
- Seven Employees \$1050.00
- 120 Yards of Salt \$5760.00
- Total: \$ 6,810.00**

Plowing



35 pieces of Equipment "On Road" at one time

D.P.W.
Employees Cost
\$1237.5.00 per hour.



47 pieces of equipment

Contractors Cost
\$7450.00 per hour!



Snow Plowing Priorities

1. All Public Roadways
2. School Facilities and Municipal Buildings
3. Sidewalks that have been ID as "Walking Routes"

*****These priorities were established with cooperation of the School and Police Departments.*

Goals:

- Be Prepared!
- Respond with the appropriate resources in a timely manner.
- Insure that Emergency Vehicles can always respond during Snow / Ice Events.
- Provide safe passage of all vehicles during Snow Fall.
- Have all roadways cleared, i.e. showing some asphalt, less then one inch of snow and ice with in 4 hours after Storm Ends.

Cost Estimate of 6 Inch Storm

	<u>Cost</u>
Pre-Treat Town:	\$24K
Plow for 8 hours:	\$70K
Sand Town After:	\$24K
Total Cost: \$118,000.00	

No Salt Available at D.P.W. Yard

- Safety of Employees and Residents
- D.E.P Regulations
- Liability Issues

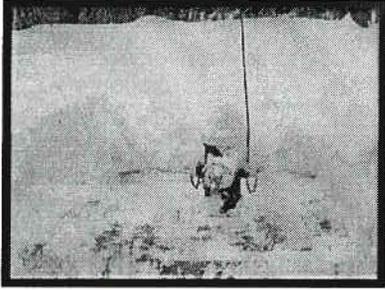


Mailbox Policy

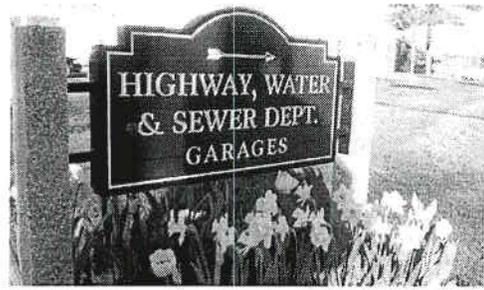


Basketball Hoops

Clear Fire Hydrants



Think Spring!



Closing Thoughts



TOWN OF FRANKLIN

DEPARTMENT OF PUBLIC WORKS

Franklin Municipal Building

257 Fisher Street

Franklin, MA 02038-3026

January 15, 2010

Town of Franklin
Mr. Jeffery Nutting, Town Administrator
355 East Central Street
Franklin, MA 02038

Re: Snow removal costs

Dear Jeff,

At the last Town of Franklin Council meeting, it was noted that the Franklin Department of Public Works does an excellent job clearing and maintaining the roadways during the winter months. It was also noted that our roadways seem to be always in "better condition" than surrounding Towns. But at what cost? It was suggested that maybe the Franklin Department of Public Works was doing "too good-a-job" removing snow and ice from the Town's roadway but was spending an excessive amount of money to get those results compared to other towns.

In order to try and compare snow removal costs, I contacted area public works directors and received information about their total snow cost for FY2009. I thought it best to look at a whole year instead of a "snap shot of one snow event". I selected towns in our immediate geographic area because they would have had the similar winter events. I also selected towns with similar populations and similar social demographic characteristics to try and find comparable expectations.

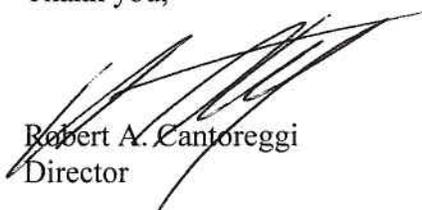
I have attempted to contrast "apples to apples" but not all apples are the same, just like towns. In our area, Franklin has by far the most miles of road to maintain, while Millis has the least, conversely Franklin has the highest total snow removal costs and Millis has the least. (Attachment 1). Beside that comparison, most of the other statistics are all over the board. On total snow costs and salt per mile (attachment 3), Franklin is average per miles of roads maintained. Franklin is well below average for the cost of labor for miles of roads maintained (attachment 2), yet Franklin relies on high proportion of hired contractor to clear the roads (attachment 3).

At this time, I feel the greatest way to save money is a reduction of salt use which we are presently attempting to do. This could be attained by reducing the number of applications overall or reducing the areas of town that are treated. As I presented to the Council in the past, the "five truck route" could be used more often to just treat main

roadways, the downtown and hilly areas instead of treating the whole town with 15 trucks. When the five-truck route is used instead of treating the entire town, \$22,000.00 is saved per application. When prudent, we are presently employing the five-truck route when warranted. But when the whole Town is not treated, the potential for vehicle accidents and personal injury also rises. The other option would be a modification of manpower. Presently Franklin manpower costs, weather overtime or contractor, is much **lower then average** even using a high percentage of outside contractors to maintain our roadways (Attachments 3 and 4). As shown in the past, it is more cost efficient at the time to use "town employees" to plow then contractors so hiring more employees to plow should save money. But the value of any new employees for snow removal operations would have to be calculated at an annual cost, not just for snow events. Additionally, attachment 4 shows that the total cost of "man power" for snow removal events is much less then average compared to all other Towns, which indicates strongly that we are using our man power resources very effectually.

In conclusion, I believe the data shows that the Franklin Department of Public Works is maintaining the roadways in town "better" then other towns with **below average** funding, not excessive funding. If snow removals cost cutting measures were directed, the only way to reduce the cost substantially would be a reduction of the amount of salt used. To be successful with these reductions, standards, expectations and priorities must be altered through a directive from the Council coupled with substantial "public education" to every resident.

Thank you,



Robert A. Cantoreggi
Director

CC: Tony Mucciarone, Director of Operations
Ken Gormley, Highway Superintendent (Snow Boss)
Carlos Rebelo, Park and Ground Superintendent
File

Attachment

Attachment One

FY 2009 Total Snow Costs

Town	Overtime	Contractors	Salt and Sand	Other*	Total	Miles of Road**	Average per Mile
Foxborough	\$ 111,313.00	\$ 214,430.00	\$ 198,922.00	\$ 19,600.00	\$ 544,265.00	98.70	\$ 5,514.34
Bellingham	\$ 101,906.07	\$ 116,755.93	\$ 334,719.61	\$ 24,808.89	\$ 578,190.50	95.02	\$ 6,084.93
Franklin	\$ 154,547.94	\$ 410,083.10	\$ 655,308.00	\$ 32,576.67	\$ 1,252,515.71	170.12	\$ 7,362.54
Millis	\$ 55,004.81	\$ 217,685.94	\$ 113,546.29	<i>not reported</i>	\$ 386,237.04	51.74	\$ 7,464.96
Medway	\$ 77,522.00	\$ 208,886.00	\$ 251,762.00	\$ 24,679.00	\$ 562,849.00	74.05	\$ 7,600.93
Milford	\$ 159,308.91	\$ 280,708.70	\$ 428,325.46	\$ 67,236.41	\$ 935,579.48	122.87	\$ 7,614.38
Norwood	\$ 154,246.00	\$ 358,375.00	\$ 303,000.00	\$ 21,701.00	\$ 837,322.00	109.19	\$ 7,668.49
Danvers	\$ 256,979.00	\$ 351,281.00	\$ 421,022.00	<i>not reported</i>	\$ 1,029,282.00	126.66	\$ 8,126.34
Nedham	\$ 321,000.00	\$ 355,000.00	\$ 420,000.00	\$ 30,000.00	\$ 1,126,000.00	138.14	\$ 8,151.15
Dedham	\$ 201,914.24	\$ 327,685.00	\$ 294,605.49	\$ 123,373.20	\$ 947,577.93	106.44	\$ 8,902.46
Lowell	\$ 464,482.43	\$ 1,138,902.00	\$ 1,080,127.01	\$ 186,645.42	\$ 2,870,156.86	239.92	\$ 11,962.97

Notes
 *Fuel, Food, Parts, Damages, Police
 Average Cost Per Mile: \$ 7,859.41

** Info Mass Municipal Guide. Used as an "equalizer". Does not include un-accepted roads, schools or municipal facilities

Attachment Two
Manpower Costs per Mile

Town	Overtime	Contractors	Total	Miles of Road**	Labor Costs per Mile of Road
Bellingham	\$ 101,906.07	\$ 116,755.93	\$ 218,662.00	95.02	\$ 2,301.22
Milford	\$ 159,308.91	\$ 208,708.70	\$ 368,017.61	122.87	\$ 2,995.18
Foxborough	\$ 111,313.00	\$ 214,430.00	\$ 325,743.00	98.70	\$ 3,300.33
Franklin	\$ 154,547.94	\$ 410,083.10	\$ 564,631.04	170.12	\$ 3,319.02
Medway	\$ 77,522.00	\$ 208,886.00	\$ 286,408.00	74.05	\$ 3,867.77
Norwood	\$ 154,246.00	\$ 358,375.00	\$ 512,621.00	109.19	\$ 4,694.76
Danvers	\$ 256,979.00	\$ 351,281.00	\$ 608,260.00	126.66	\$ 4,802.31
Nedham	\$ 321,000.00	\$ 355,000.00	\$ 676,000.00	138.14	\$ 4,893.59
Dedham	\$ 201,914.24	\$ 327,685.00	\$ 529,599.24	106.44	\$ 4,975.57
Milis	\$ 55,004.81	\$ 217,685.94	\$ 272,690.75	51.74	\$ 5,270.40
Lowell	\$ 464,482.43	\$ 1,138,902.00	\$ 1,603,384.43	239.92	\$ 6,683.00

Average Cost Per Mile: \$ 4,282.10

Notes
 ** Info Mass Municipal Guide.

Attachment Three

Salt Costs per Mile

Town	Tons of Salt*	Miles of Road**	Tons of Salt per Mile of Road
Foxborough (1)	2,652	98.70	27
Millis (1)	1,514	51.74	29
Norwood	4,040	109.19	37
Franklin (3)	7,137	170.12	42
Dedham	4,464	106.44	42
Bellingham	4,132	95.02	43
Nedham	6,176	138.14	45
Medway	3,357	74.05	45
Milford	5,711	122.87	46
Danvers	6,379	126.66	50
Franklin (2)	8,737	170.12	51
Lowell	16,366	239.92	68

Average Ton Per Mile: **44**

Notes

* For ease of comparison as Town pay a different price per ton.

** Info Mass Municipal Guide.

- (1) Ran out of Salt in January, used much higher sand rate
- (2) Salt sheds were empty in Summer, had to fill sheds, 3000 tons.
- (3) With 1600 tons removed for salt was still present at end of year.

Attachment Four

Comparison of Cost of Town Employees to Hired Contractor

Town	Overtime	Contractors	Total Labor	% Town Employees	% Hired Contractors
Millis	\$ 55,004.81	\$ 217,685.94	\$ 272,690.75	20%	80%
Franklin	\$ 154,547.94	\$ 410,083.10	\$ 564,631.04	27%	73%
Medway	\$ 77,522.00	\$ 208,886.00	\$ 286,408.00	27%	73%
Lowell	\$ 464,482.43	\$ 1,138,902.00	\$ 1,603,384.43	29%	71%
Norwood	\$ 154,246.00	\$ 358,375.00	\$ 512,621.00	30%	70%
Foxborough	\$ 111,313.00	\$ 214,430.00	\$ 325,743.00	34%	66%
Milford	\$ 159,308.91	\$ 280,708.70	\$ 440,017.61	36%	64%
Danvers	\$ 256,979.00	\$ 351,281.00	\$ 608,260.00	42%	58%
Dedham	\$ 256,979.00	\$ 351,281.00	\$ 608,260.00	42%	58%
Bellingham	\$ 101,906.07	\$ 116,755.93	\$ 218,662.00	47%	53%
Nedham	\$ 321,000.00	\$ 355,000.00	\$ 676,000.00	47%	53%

LEGISLATION

FOR

ACTION

Summary

Fire Truck Stabilization Account	\$75,000	Hold until Spring
Senior Center Stabilization Account	\$150,000	Hold until Spring
Field Stabilization Account	\$150,000	Hold until Spring
Fire Department	Request \$ 365,000	Recommend - \$215,000, items 1- 6 except reduce Item #2 reduce to \$70,000
Police Department	Request \$ 152,000	Recommend -\$163,000, all items but hold on purchase of one cruiser until Spring, Subcommittee recommends and additional \$49,000 for radios
Town Technology	Request \$ 97,000	Recommend -\$97,000 all items
Library	Request \$ 0	Recommend -\$24,000 all items-Funds to be donated by FLA
Schools	Request \$1,168,600	
Technology	\$ 282,600	Recommend - \$233,000, hold \$50,000 until spring
SPED vans	\$ 63,000	Recommend- \$ 63,000
Facilities	\$ 823,000	Recommend - \$133,000
		Remove portables \$35,000
		Kitchen Equip \$38,000
		Study RJ Roof \$60,000
DPW Roads	Request \$1,000,000	Recommend -\$500,000
DPW Vehicles	Request \$ 400,000	Recommend - \$193,000 Items #2, backhoe 3, repair vehicle 8, staff car and 10, tag along paver
Water	Requests	
	\$ 136,000	Recommend -\$136,000, all items
	\$ 900,000	Recommend -\$900,000 for construction projects
Sewer	Request \$ 263,000	Recommend -\$163,000 all items except #2



TOWN OF FRANKLIN

RESOLUTION NO.: 13-01

APPROPRIATION: Capital FY 13

TOTAL REQUESTED: \$ 1,598,000

PURPOSE: To transfer/appropriate funds for the 2013 Capital Improvement Plan:

Fire	Equipment	\$215,000
Police	Equipment	\$ 92,000
Police	Vehicles	\$ 71,000
Town Technology	Equipment	\$ 97,500
School	Vehicles	\$ 63,000
School	Technology	\$233,000
DPW	Vehicles & Equipment	\$193,500
DPW	Street/Sidewalk/Drainage	\$500,000
Facilities – School	Equipment	\$133,000

FINANCE COMMITTEE ACTION

Meeting Date: 1/8/13 Vote: 9-0

**Recommended Amount: \$ 1,573,000 (\$49,000 was added to Police Equip post meeting)
(\$24,000 was removed from Library post meeting)**

MOTION

Be It Moved and Voted by the Town Council that the sum of One Million Five Hundred and Ninety-eight Thousand, (\$1,598,000) be transferred/appropriated from Free Cash, to be expended at the discretion of the Town Administrator for the FY 2013 Capital Improvement Plan as outlined above.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ NO _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

**Deborah L. Pellegri
Town Clerk**

**Judith Pond Pfeffer, Clerk
Franklin Town Council**



TOWN OF FRANKLIN

RESOLUTION NO.: 13-02

APPROPRIATION: Sewer Enterprise Capital FY 13

TOTAL REQUESTED: \$ 163,000

PURPOSE: To transfer/appropriate funds for the 2013 Sewer Enterprise Capital Improvement Plan:

Equipment	\$ 10,000
Vehicles	\$ 3,000
Infrastructures	\$ 150,000

FINANCE COMMITTEE ACTION

Meeting Date: 1/8/13 **Vote:** 9-0

Recommended Amount: \$ 163,000

MOTION

Be It Moved and Voted by the Town Council that the sum of One Hundred and Sixty-three Thousand Dollars, (\$163,000) be transferred/appropriated from Sewer Retained Earnings, to be expended at the discretion of the Town Administrator for the FY 2013 Sewer Enterprise Capital Improvement Plan as outlined above.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN

RESOLUTION NO.: 13-03

APPROPRIATION: Water Enterprise Capital FY 13

TOTAL REQUESTED: \$ 136,000

PURPOSE: To transfer/appropriate funds for the 2013 Water Enterprise Capital Improvement Plan:

Equipment	\$ 10,000
Vehicles	\$ 6,000
Infrastructures	\$ 120,000

FINANCE COMMITTEE ACTION

Meeting Date: 1/8/13 Vote: 9-0

Recommended Amount: \$ 136,000

MOTION

Be It Moved and Voted by the Town Council that the sum of One Hundred and Thirty-six Thousand Dollars, (\$136,000) be transferred/appropriated from Water Retained Earnings, to be expended at the discretion of the Town Administrator for the FY 2013 Water Enterprise Capital Improvement Plan as outlined above.

DATED: _____, 2013

VOTED:
UNANIMOUS _____

YES _____ NO _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

**Deborah L. Pellegrini
Town Clerk**

**Judith Pond Pfeffer, Clerk
Franklin Town Council**



TOWN OF FRANKLIN

RESOLUTION NO.: 13-04

APPROPRIATION: Water Enterprise Water Lines FY 13

TOTAL REQUESTED: \$ 900,000

PURPOSE: To transfer/appropriate funds for 2013 Water Line Improvements

Water Line Improvements \$ 900,000

FINANCE COMMITTEE ACTION

Meeting Date: 1/8/13 Vote: 9-0

Recommended Amount: \$ 900,000

MOTION

Be It Moved and Voted by the Town Council that the sum of Nine Hundred and Thousand Dollars, (\$900,000) be transferred/appropriated from Water Retained Earnings, to be expended at the discretion of the Town Administrator for the FY 2013 Water Line Capital Improvement as outlined above.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

A True Record Attest:

**Deborah L. Pellegrini
Town Clerk**

**Judith Pond Pfeffer, Clerk
Franklin Town Council**

Water Distribution of Costs

Location		Project	RSR	WLM	Length	Construction Year Costs		Note:
Harborwood Drive	Replace Water Line Road reconstruction	34	AC	1400	\$ 154,000.00	\$	168,000.00	Work contracted out One sidewalk, bituminous concrete
Betten Court	Replace Water Line Road reconstruction	34	AC	1900	\$ 209,000.00	\$	190,000.00	Work contracted out Road width 26", no sidewalks
Corrine Road	Replace Water Line Road reconstruction	45	AC	400	\$ 44,000.00	\$	40,000.00	Work contracted out Road width 26", no sidewalks
Kathleen Drive	Replace Water Line Road reconstruction	15	AC	900	\$ 76,500.00	\$	90,000.00	Work to be done by DPW Personnel Road width 26", no sidewalks
Fannie Way	Replace Water Line Road reconstruction	35	AC	800	\$ 68,000.00	\$	80,000.00	Work to be done by DPW Personnel Road width 26", no sidewalks

Total Water Costs per Construction Year: \$ 551,500.00 \$ 568,000.00

900.000

Total Amount: \$ 1,119,500.00

RSR = Road Surface Rating

WLM = Waterline Material

AC = Asbestos Concrete

Road costs were calculated as follows:

- \$100 per liner foot for reclamation, casting adjustments paving and details. Additional funds added for rain gardens, sidewalks, if warranted.
- \$100 per liner foot for water line installation done by outside contractor
- \$85 per liner foot for waterline installation done by DPW personnel

P4I

Town of Franklin
Finance Committee Agenda
Tuesday January 8, 2013
7:00 PM

Municipal Building Council Chambers
(post agenda to web site) (meetings are recorded)

Balances 10/31/2012

Gen Stab	4,809,571	Senior Ctr Stab	150,579
PW Stab	275,848	Rec Fields Stab	150,579
Traffic Stab	4,566	Fire Truck Stab	75,290
OPEB Stab	170,253		
Budget Stab	775,000	(11/5/12)	
Free Cash	3,426,481	OPEB Obligation: Pay as you go	84,749,415

Call to Order
Citizens Comments
Approval of Minutes

Presentation:

DPW Capital Budget Request

Action Items:

FY 13 Capital Budget

Discussion Items:

FY 2014 Budget General Discussion

Old Business
New Business
Adjournment



TOWN OF FRANKLIN
BYLAW AMENDMENT 13-699
AMENDMENT OF SERVICE FEES:
Administration: Alcoholic Beverages License

A BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN, BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 82 of the Code of the Town of Franklin, Appendix A, "List of Service Fee Rates" is hereby amended as attached (add underlined text, delete struck).

This By-Law amendment shall become effective according to the Town of Franklin Home Rule Charter.

DATED: _____, 2013

A True Record Attest:

**Deborah L. Pellegrini
Town Clerk**

VOTED:
UNANIMOUS _____
YES _____ NO _____
ABSTAIN _____
ABSENT _____

**Judith Pond Pfeffer, Clerk
Franklin Town Council**

APPENDIX A
LIST OF SERVICE FEE RATES

DEPARTMENT	FEE	FY 01 RATE	<u>FY 2013</u>	Service CATEGORY
ADMINISTRATION	CLUB/WINE & MALT	\$ 750.00		MINIMUM
ADMINISTRATION	LIQUEURS & CORDIALS	\$ 900.00		MINIMUM
ADMINISTRATION	PACKAGE - WINE/MALT	\$ 1,500.00		MINIMUM
ADMINISTRATION	COMM VICT - WINE & MALT	\$ 1,500.00		MINIMUM
ADMINISTRATION	CLUB/ALL ALCOHOL	\$ 1,750.00		MINIMUM
ADMINISTRATION	PACKAGE - ALL ALCOHOL	\$ 2,500.00		MINIMUM
ADMINISTRATION	COMM VICT - ALL ALCOHOL	\$ 2,500.00		MINIMUM
<u>ADMINISTRATION</u>	<u>INNOLDERS - ALL ALCOHOLIC BEVERAGES</u>		<u>\$ 3,000.00</u>	<u>MINIMUM</u>
ADMINISTRATION	MINIMUM (ONE DAY ALL ALCOHOL/WINE & MALT)	\$ 75.00		FULL COST
ADMINISTRATION	ALCOHOL INNHOLDER/ROOMS ONLY	\$ 1,300.00		MINIMUM