



FRANKLIN TOWN COUNCIL

August 7, 2013

7:00 PM

- A. APPROVAL OF MINUTES** – *May 8, 2013, May 15, 16, 2013 Budget Hearings*
- 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** - *Conservation Commission
Cultural Council
Election Workers*
- F. HEARINGS** - *Violation of M.G.L. 138 §34: Sale, Delivery of Furnishing of an Alcoholic beverage to a person under the age of 21 – Postponed to September 4, 2013- 7:10 PM*
- G. LICENSE TRANSACTIONS**
- H. PRESENTATIONS/DISCUSSIONS** - *Department of Public Works*
- I. SUBCOMMITTEE REPORTS**
- J. LEGISLATION FOR ACTION**
 - 1. *Resolution 13-57: Submittal to Town Clerk of Final Form of Ballot Question, RE: Proposed Charter Amendment Changing Treasurer-Collector From Elected to Appointed Position*
 - 2. *Resolution 13-58: Intermunicipal Agreement For Regional Public Safety Communications and Dispatch Center*
 - 3. *Resolution 13-59: Authorization to Sign Amended Regulatory Agreement*
 - 4. *Resolution 13-60: Acceptance of Gift – Town of Franklin*
 - 5. *Bylaw Amendment 13-718: Amendment to Chapter 185§7- Compliance Required – 2nd Reading*
- K. TOWN ADMINISTRATOR'S REPORT**
- L. OLD BUSINESS**
- M. NEW BUSINESS**
- N. COUNCIL COMMENTS**
- O. EXECUTIVE SESSION** – *Town Administrator's Contract*
- P. ADJOURN**

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
May 8, 2013**

A meeting of the Town Council was held on Wednesday, May 8, 2013 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.

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

APPROVAL OF MINUTES: NONE.

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

PROCLAMATIONS/RECOGNITIONS: NONE.

CITIZEN COMMENTS: NONE.

APPOINTMENTS: NONE.

Note: The Hearing and Resolutions were taken out of order to allow the public Hearing to take place prior to the affected Resolutions.

LEGISLATION FOR ACTION:

Resolution 13-30: Town Council Proposal of Charter Amendment to Voters: Treasurer-Collector to be Changed from Elected to Appointed Position: Councilor Pfeffer read the resolution from the Franklin Town Council which proposes to the voters that the Town of Franklin Home Rule Charter be amended to indicate the Town Administrator may appoint a Treasurer-Collector on the basis of merit and fitness alone subject to a prescribed process.

MOTION by Councilor Jones to move Resolution 13-30 **SECONDED** by Councilor Kelly.

ROLL CALL: Bissanti-Yes, Dellorco-No, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Yes, Vallee-Yes. **VOTE to Approve: 8 – 1 – 0.**

Bylaw Amendment 13-713: Chapter 25, Personnel Regulations, Appendix A – Classification Plan and Appendix B – Pay Schedules – 1st Reading: Councilor Pfeffer read the bylaw to amend Personnel Classification Plan, Compensation Plan Pay Schedules and Nonunion Employees as indicated. **MOTION** by Councilor Jones to move Bylaw Amendment 13-713 to a 2nd Reading **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the bylaw amendment is an annual adjustment of 2% to the wage schedule. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting reminded everyone the Budget Hearing would take place next Wednesday and Thursday. The hearing would consist of a presentation and all department heads would be present. ► Mr. Nutting thanked all those

who helped out on Earth Day and reminded folks of another opportunity to improve Franklin by volunteering to plant flowers on the bridge this Saturday.

OLD BUSINESS: NONE.

NEW BUSINESS: ► **MOTION** by Chairman Vallee to add a non-binding ballot question to the November election asking the voters if Franklin is ready for a mayor **SECONDED** by Councilor Jones. **DISCUSSION:** Councilor Roy said he supported getting the public's feeling on the issue. Councilor Dellorco asked for a time frame if the vote is in support a mayor. Chairman Vallee said the process to change the Town's form of government would be long, 3-5 years. **VOTE to Approve: Yes-9, No-0, Absent-0.** ► Councilor Roy requested the Council add a presentation by the Master Plan Committee to the July 17, 2013 Meeting Agenda. Councilor Roy said the Committee is ready to give a final report. A Public Hearing would be scheduled at a later date with the Master Plan Committee's findings.

COUNCILOR COMMENTS: ► Councilor Pfeffer said she had attended a wine and cheese event at the Town's newest liquor store. The event was sponsored by the Downtown Partnership and said the wine choices were excellent. Councilor Pfeffer also commented the Franklin Cable Commission has improved the tone and music choice on the Verizon show. ► Councilor Jones complimented the DPW on their work improving the appearance of the Transfer Station. ► Councilor Bissanti said he was disappointed DB Mart withdrew its application for a liquor license as he felt the issues raised at the last Council Meeting were Site Plan issues, not Council issues. ► Councilor Roy said he was honored to represent the Council in presenting four Eagle Scouts from Troop 29 recognition of their achievements. The four Eagle Scouts were: Justin Chander, Evan Dean, Patrick McLaughlin and Adam Shanahan.

HEARINGS:

To Determine Whether it is in the Public Interest to Accept Tanglewood Dr., Sierra Dr., Dutchess Rd., Summer Heights Dr., Autumn Ln., Fall Ln., Mary Jane Rd., and Anna Rd. – 7:15PM. **MOTION** by Councilor Jones to open the Hearing **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.** Mr. Nutting answered a woman attending the meeting's question regarding what the Town's intent was with regard to Anna Road being public or private. Mr. Nutting said the above listed roads are currently private and the Town is therefore not responsible for the maintenance and upkeep for the streets. The Town has a backlog of roads that have to be approved, which is why there are several roads listed at one time. If the roads are approved, the roads would then be designated "public" with the Town owning them and the Town would be responsible for all maintenance and repairs to these roads. **MOTION** by Councilor Powderly to close the Hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: NONE.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Resolution 13-25: Order of Acceptance of Tanglewood Drive and Sierra Drive as Public Ways – Postponed from May 1, 2013: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to move Resolution 13-25 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-26: Order of Acceptance of Mary Jane Road and Anna Road as Public Ways – Postponed from May 1, 2013: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to move Resolution 13-26 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-27: Order of Acceptance of Summer Heights Drive, Autumn Lane and Fall Lane as Public Ways – Postponed from May 1, 2013: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to move Resolution 13-27 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-28: Order of Acceptance of Dutchess Road as Public Way – Postponed from May 1, 2013: MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Roy. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Jones to move Resolution 13-28 **SECONDED** Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: MOTION by Councilor Jones to open the Hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** Chairman Vallee read a note from the Council which accepts the letter from the Angela-Hayat Corporation attorneys Finan & Grouke withdrawing the application for a Wine and Malt Package Store License. **MOTION** by Chairman Vallee to accept the application withdrawal **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Jones to close the Hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

ADJOURN: MOTION by Councilor Mercer to adjourn **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 7:18PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
May 15, 2013**

A meeting of the Town Council was held on Wednesday, May 15, 2013 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: Maureen Sabolinski; Superintendent of Schools, Michael D'Angelo; Director of Public Facilities.

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

APPROVAL OF MINUTES: *April 3, 2013 Regular Session.* **MOTION** by Councilor Powderly to move approval of minutes **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

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

PROCLAMATIONS/RECOGNITIONS: NONE. **CITIZEN COMMENTS:** NONE.
APPOINTMENTS: NONE. **PRESENTATIONS/DISCUSSIONS:** NONE.

NOTE: *The Agenda Items were taken out of order to better accommodate the evening's Budget Hearing & Budget related resolutions.*

HEARINGS: *First Public Hearing – FY14 Town of Franklin Budget:* Mr. Nutting thanked Comptroller Susan Gagner, Treasurer/Collector Jim Dacey, Department Heads and School Staff for the months of work to put together the proposed FY14 Budget. Mr. Nutting presented an overview of the balanced budget. Net Revenue increased a little over 2 million dollars (does not include the Debt Exclusion as the final bond figures will not be available until August or September), which is a 2.1% increase. In terms of expenses, work force will not change. The Town does not have an agreement with the Fire Department Union – so potential pay raises are not included in the proposed budget. The Library budget is increased by 6% and the Town will apply for a waiver from the State as the Library Budget falls below the required State funding level. Other Post Employee Benefits (OPEB) will be funded with 200 thousand dollars. Mr. Nutting said the years following FY14 are concerning. Future budgets will be difficult to balance as the Town's roads will continue to deteriorate, OPEB, Storm Water Mandates and Water/Sewer improvements will all require greater funding. Mr. Nutting said the Town's expenses outpace revenue and he does not anticipate big increases in State Aid. The Federal Government continues to cut programs and the Town's population is aging, which puts strains on the community. Mr. Nutting offered some solutions to future budget shortfalls such as: a dedicated override to be used only for road repairs, changing the State Laws so that towns and the State partner on the

OPEB costs, charging a fee for Storm Water and increase the fee for Water/Sewer. School Committee Chair Paula Mullen introduced Superintendent of Schools Maureen Sabolinski and School Business Administrator Miriam Goodman. Ms. Sabolinski and Ms. Goodman presented an overview of the School Department Budget. The School Department is proposing a 54.4 million dollar budget, an increase of \$1,600,000 or 3.04% over FY13. Major budget drivers are Contractual Obligations, Professional Development and Healthcare Costs. Grant awards are expected to be reduced by 5% or about \$69,864. Franklin continues to spend under the State Average per student. **Budget Line Items** were read by Councilor Pfeffer. Councilor Pfeffer requested a hold on Item 161: Town Clerk and Item 192: Public Property & Buildings. Chairman Vallee requested a hold on Item 210: Police and Item 220: Fire. **MOTION** by Councilor Powderly to accept the Total Operating Budget of \$105,559,492 **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

RECESS: Chairman Vallee called a two-minute recess at 7:27PM.

HEARINGS: 7:10PM

MOTION by Councilor Powderly to open the Hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** Chairman Vallee asked if anyone in the audience had any comments pertaining to any of the Hearing Items. There were no comments made. Chairman Vallee said the clerk would read the items.

IMPERVIOUS SURFACES:

Zoning Bylaw Amendment 13-701: Changes to Chapter 185, Section 3 – Definitions.

MOTION by Councilor Jones to close the Hearing **SECONDED** by Councilor Kelly.

VOTE to Approve: Yes-8, No-0, Absent-1.

Zoning Bylaw Amendment 13-702: Changes to Chapter 185, Section 36 – Impervious Surfaces: **MOTION** by Councilor Jones to Continue to June 5, 2013 at 7:10PM

SECONDED by Councilor Mercer. **DISCUSSION:** Councilor Powderly asked why some of the bylaw amendments are moving forward and some are not moving forward. Mr. Nutting said there was a change in the definitions in the initial submission of Zoning Bylaw Amendments 13-702, 13-703 and now both amendments must go back to the Zoning Board. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-703: Changes to Chapter 185, Section 40 – Water:

MOTION by Councilor Jones to Continue to June 5, 2013 at 7:10PM **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-704: Changes to Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements: **MOTION** by Councilor Mercer to close the Hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

ADULT ENTERTAINMENT:

Zoning Bylaw Amendment 13-706: Changes to Chapter 185-5 – Zoning Map, Adult Use Overlay District: **MOTION** by Councilor Mercer to close the Hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-707: Changes to Chapter 185-47 – Adult Entertainment Establishment Districts: **MOTION** by Councilor Mercer to close the Hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

MEDICAL MARIJUANA:

Zoning Bylaw Amendment 13-708: Changes to Chapter 185-3 – Definitions: **MOTION** by Councilor Jones to close the Hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-709: Changes to Chapter 185-4 – Districts Enumerated: **MOTION** by Councilor Jones to close the Hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-710: Changes to Chapter 185-5 – Zoning Map, Medical Marijuana Use Overlay District: **MOTION** by Councilor Mercer to close the Hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-711: Changes to Chapter 185-7 – Compliance Required: **MOTION** by Councilor Jones to close the Hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-712: Changes to Chapter 185-49 – Medical Marijuana Use Overlay District: **MOTION** by Councilor Jones to close the Hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: NONE.

SUBCOMMITTEE REPORTS: NONE.

LEGISLATION FOR ACTION:

Zoning Bylaw Amendment 13-716: Changes to Chapter 185, Section 3 – Definitions: Councilor Pfeffer read the zoning bylaw amendment to add the definitions of Lot Area, Wetland and Upland to the bylaw. **MOTION** by Councilor Jones to refer Zoning Bylaw Amendment 13-716 to the Planning Board **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-717: Changes to Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements: **MOTION** by Councilor Pfeffer to move Bylaw Amendment 13-717 to the Planning Board **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-705: Chapter 185, Section 5 – Single Family III to Business Zoning District - Zoning Map – 2nd Reading: Councilor Pfeffer read the zoning bylaw amendment to change approximately 2.21 acres from Single Family III to Business. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-705 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said the Town is looking to rezone 5 parcels of land between Pond Street and West Central Street to allow for potential business expansion and property abutters support the plan. Councilor Jones said the Economic Development Committee unanimously agreed these parcels should be rezoned and will be added to the business zone already in place on West Central Street. Councilor Powderly asked if the current land owners had contacted the Town. Mr. Nutting said the owners of the

two occupied homes supported the idea, and the vacant lot and the dilapidated house owners had not contacted the Town. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-Yes, Powderly-Yes, Roy-Absent, Vallee-Yes. VOTE to Approve: 8 – 0 – 1 Unanimous.**

Zoning Bylaw Amendment 13-706: Chapter 185-5 - Adult Use Overlay District – Zoning Map – 1st Reading: Councilor Pfeffer read the zoning bylaw amendment to modify the overlay zoning district known as the Adult Use Overlay District. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-706 to a 2nd Reading **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said this is a map correction. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-707: Chapter 185, Section 47 – Adult Entertainment Establishment Districts – 1st Reading: **MOTION** by Councilor Jones to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-707 to a 2nd Reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-708: Changes to Chapter 185, Section 3 – Definitions – 1st Reading: Councilor Pfeffer read the zoning bylaw amendment to add definitions for Medical Marijuana Testing Facility and Medical Marijuana Treatment Center to the Code of the Town of Franklin. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-708 to a 2nd Reading **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said the next few amendments go together to allow for Medical Marijuana Facilities/Centers to be located in the Adult Overlay District. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-709: Chapter 185, Section 4 – Districts Enumerated – Medical Marijuana Use Overlay District – 1st Reading: Councilor Pfeffer read the zoning bylaw amendment to add Medical Marijuana Use Overlay District. **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-709 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-710: Chapter 185, Section 5 – Zoning Map - Medical Marijuana Use Overlay District – 1st Reading: Councilor Pfeffer read the zoning bylaw amendment to create an overlaying zoning district to be known as the Medical Marijuana Use Overlay District. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-710 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-711: Chapter 185, Section 7 – Compliance Required – 1st Reading: **MOTION** by Councilor Kelly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-711 to a 2nd Reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**

Zoning Bylaw Amendment 13-712: Chapter 185, Section 49 – Medical Marijuana Use Overlay District – 1st Reading: **MOTION** by Councilor Powderly to waive the reading

SECONDED by Councilor Jones. **VOTE to Approve: Yes-8, No-0, Absent-1.**
MOTION by Councilor Powderly to move Zoning Bylaw Amendment 13-712 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-8, No-0, Absent-1.**

ARRIVAL: Councilor Roy arrived to the Meeting at 7:54PM.

Zoning Bylaw Amendment 13-714: Chapter 185, Section 3 – Definitions – Referral to Planning Board: Councilor Pfeffer read the zoning bylaw amendment to add the definition for Anaerobic Digester to the Code of the Town of Franklin. **MOTION** by Councilor Jones to move Zoning Bylaw Amendment 13-714 Referral to Planning Board **SECONDED** by Councilor Kelly. **DISCUSSION:** Councilor Jones read a memo from the Department of Planning and Community Development, the Planning Board, the Economic Development Committee and Town Administrator Jeff Nutting, which recommended using Town owned land on Pond Street for an anaerobic digester. Mr. Nutting said an Anaerobic Digester uses a process whereby certain types of food waste are converted into electricity, which is then sold to electric companies. Councilor Powderly voiced concern about the permit process for this particular industry, and why only the Pond Street property is being considered for this industry. Mr. Nutting said the plan is to issue a long-term (30-50 year) lease whereby the Town would receive revenue for the duration of the lease. Councilors Bissanti asked for clarification on the potential revenues for the Town. Mr. Nutting said a Planning Board Public Hearing would take place on June 3rd where more information about neighborhood impact and revenue information would be available. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-715: Chapter 185, Section 7 – Compliance Required – Referral to Planning Board: **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**
MOTION by Councilor Jones to move Zoning Bylaw Amendment 13-715 Referral to Planning Board **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-31: Appropriation – Remington Jefferson School Roof: Councilor Pfeffer read the resolution to fund \$500,000 dollars from Free Cash to be used for repairs to the roof of the Remington Jefferson School. **MOTION** by Councilor Powderly to move Resolution 13-31 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said in response to the on-going roof problems, the engineer hired issued a report indicating needed repairs, the job went out to bid and the Town would like to hire a company to complete the needed repairs during the time between the end of the school year and the next school year. Michael D'Angelo; Director of Public Facilities handed out the roofing plan to each councilor. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-32: Salary Schedule – Full-Time Elected Officials: Councilor Pfeffer read the resolution to set the "Salary Schedule – Full-Time Elected Officials" for FY13. **MOTION** by Councilor Powderly to move Resolution 13-32 **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said the salaries of elected officials are evaluated each year. The Town tries to keep salaries competitive relative to other communities of similar size. Councilor Pfeffer said she would not support this resolution as it is unfair to give the

elected officials pay raises of 4.6% and 5.3% when union employees received 2% raises. Councilor Roy said he would support and urged the other Councilors to support the resolution as the raises are necessary to attract and maintain competent people. **ROLL CALL: Bissanti-Yes, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Yes, Pfeffer-No, Powderly-Yes, Roy-Yes, Vallee-Yes. VOTE to Approve: 8 – 1 – 0 Passed.**

Resolution 13-33: Establishment of a Use of Facilities Account for Fiscal Year 2014:

Councilor Pfeffer read the resolution to establish a Use of Facilities Revolving Account to be used to deposit usage fees generated from the collection of fees for use of town and school buildings to defray costs of utilities and maintenance of said buildings. **MOTION** by Councilor Powderly to move Resolution 13-33 **SECONDED** by Councilor Mercer.

DISCUSSION: Mr. Nutting explained the next four resolutions have to be done each year to establish the revolving accounts. This resolution would allow the Town to use funds to replace school parking lot lights with LED lights, which have a longer life and are more efficient. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-34: Establishment of a Fire Department Fire Rescue Training Revolving Account for Fiscal Year 2014: Councilor Pfeffer read the resolution to establish a Fire Department Fire Rescue Training Revolving Account to be used to collect participation fees generated from marketing of open slots in regular training provided by the department. **MOTION** by Councilor Powderly to move Resolution 13-34 **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-35: Establishment of a Council on Aging Supportive Day Program Revolving Account for Fiscal Year 2014: Councilor Pfeffer read the resolution to establish a Council on Aging Supportive Day Program Revolving Account to be used to collect participation fees generated from the enrollment in the day program provided by the department. **MOTION** by Councilor Powderly to move Resolution 13-35 **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-36: Establishment of a Council on Aging Senior Center Activities Program Revolving Account for Fiscal Year 2014: Councilor Pfeffer read the resolution to establish a Council on Aging Senior Center Activities Program Revolving Account to be used to collect fees generated from the participation in all senior center activities offered, other than the supportive day program. **MOTION** by Councilor Powderly to move Resolution 13-36 **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: NONE.

OLD BUSINESS: Councilor Jones said he was waiting for the Facilities Department Report/Spreadsheet. Councilor Mercer said the report is quite large and said Councilor Pfeffer has the report now.

NEW BUSINESS: ► Chairman Vallee inquired about a debt exclusion for road repairs as the Town's roads continue to deteriorate and there is insufficient funding available. Mr. Nutting discussed the various options available to fund a road repair program and recommended a dedicated override. Councilor Roy said he would like to see a presentation

of the plan and costs associated with the various options. Councilor Pfeffer asked if a Master Plan for Roads could be prepared. Mr. Nutting said an outline could be prepared. Additional discussion centered on how to present the issue to residents. The consensus was there has to be a better system put in place to fund road repairs. ► Chairman Vallee inquired about having a small hospital built in Franklin so that trauma victims could be stabilized until reaching larger hospitals. Mr. Nutting said building a hospital would take a very long time to get through the permit process. Councilor Powderly echoed Mr. Nutting in saying healthcare in Massachusetts is heavily regulated and an urgent care facility would be a private venture and suggested maybe one of the area hospitals would be willing to open a satellite medical center in Town. Councilor Jones suggested having the Fire Chief come in to discuss emergency medical care.

COUNCILOR COMMENTS: NONE.

EXECUTIVE SESSION: NONE.

ADJOURN: MOTION by Councilor Mercer to adjourn **SECONDED** by Councilor Jones.
VOTE to Approve: Yes-9, No-0, Absent-0. Meeting adjourned at 8:42PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
May 16, 2013**

A meeting of the Town Council was held on Wednesday, May 16, 2013 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 (Remote Participation), 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: Jim Dacey; Treasurer/Collector, Susan Gagner; Town Comptroller, Stephan H. Semerjian; Chief of Police, Gary B. McCarraher; Fire Chief.

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

ANNOUNCEMENTS: Chairman Vallee announced the meeting was being recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting may also have been recorded by Franklin Matters. Chairman Vallee also announced Councilor Roy would be attending the evening's meeting via Remote Participation.

HEARINGS: *FY14 Town of Franklin Budget Hearing – 2nd Reading:* **MOTION** by Councilor Powderly to open the Hearing **SECONDED** by Councilor Mercer. **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.** Councilor Pfeffer read each line item of the FY14 Budget. ► Councilor Pfeffer waived her request to put a Hold on Line Item 147; Treasurer-Collector and Line Item 161; Town Clerk. ► Councilor Pfeffer requested a Hold on Line Item 192; Public Property & Buildings. Councilor Pfeffer inquired how long the Facilities Director Assistant position would be funded. ► Chairman Vallee requested a Hold on Line Item 210; Police. Chairman Vallee expressed concern regarding the staffing levels of the department, particularly during the overnight shift and would like to see money from the Stabilization Fund used to finance the hiring of additional police officers. Chief of Police Stephan Semerjian said an additional officer would be added to the force by July, which will bring the number of officers to 44. Mr. Nutting explained the initial cost of a “new hire” is relatively low. But as time goes by, the officer’s vacation and benefit package increases and becomes costly to the Town. Neither Mr. Nutting nor Chief Semerjian said they wanted to hire officers only to lay them off in a few years’ time. Chief Semerjian outlined the department’s back-up plans when additional officers are needed in an emergency. Councilor Powderly disagreed with the assertion the Town has available funds to hire additional police officers and said she appreciated the department’s ability to balance Town needs with what is available. Councilor Dellorco and Chief Semerjian briefly discussed the possibility of creating a Deputy Chief of Police position and how an exam for the position would be administered. Councilor Kelly suggested Chief Semerjian present at a future Council Meeting a comparative between Franklin and other towns of similar size with regard to staffing levels. ► Chairman Vallee requested a Hold on Line Item 220; Fire. Chairman Vallee said he was

concerned two ambulances for a town Franklin's size was insufficient, and was concerned about staffing levels and the use of over-time to supplement vacant positions. Mr. Nutting explained the immediate cost of hiring additional staff is not high; it's the long-term cost of vacation and the benefit packages that cost the Town money it does not have. Mr. Nutting pointed out the Town does not have a collective bargaining agreement with the Fire Department, so the FY14 budget does not take into account any potential pay raises for the department. Chairman Vallee cited Franklin being 20 minutes away from area hospitals as the reason additional ambulances and staff are essential to the care of residents and money from the Stabilization Fund should be used to hire additional staff. Fire Chief Gary B. McCarraher responded the department relies on mutual aid from other towns and innovative thinking such as Regional Dispatch, application for grant money will all save the department money. Councilor Powderly said the Stabilization Fund is important to the overall financial health of the Town. The size of the Stabilization Fund has a huge impact on the rating awarded to the Town by bond rating agencies. Councilor Powderly said the Stabilization Fund should be used for emergencies and cannot be used for long-term needs. ► Councilor Jones requested a Hold on Line Item 395; Norfolk Aggie. Ms. Gagner confirmed this cost appears to be a recurring cost. ► Councilor Roy requested a Hold on Line Item 695; Cultural Council. **MOTION** by Councilor Roy to move \$1,000.00 from surplus monies to the Cultural Council **SECONDED** by Councilor Jones. **DISCUSSION:** Councilor Roy said additional funding for the Cultural Council would support their efforts to produce great programs in Franklin. **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.** ► Total for all budgets was \$95,109,701 and total revenues was \$95,110,755. **MOTION** by Councilor Powderly to close the Hearing **SECONDED** by Councilor Mercer. **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.**

LEGISLATION FOR ACTION:

Resolution 13-37: Adoption of FY 2014 Budget as Amended –Councilor Pfeiffer read the resolution to adopt the General Fund Budget, Water Enterprise Fund Budget, Sewer Enterprise Fund Budget and Solid Waste Enterprise Budget as voted on May 16, 2013 with a Total Appropriation of \$105,560,492 of which \$94,869,624 is to be raised and appropriated and the balance transferred from available funds and Enterprise fund revenues to be appropriated as follows: Reserve for Excluded Debt -\$222,477; Parking Meter Receipts Reserved - \$17,600; **Total Available Funds to be Transferred: \$240,077.** Water Fees (Enterprise Fund) - \$4,854,885; Sewer Fees (Enterprise Fund) - \$3,652,810; Solid Waste Fees (Enterprise Fund) - \$1,942,096; **Total Enterprise Fund: \$10,449,791.** **MOTION** by Councilor Powderly to move Resolution 13-37 **SECONDED** by Councilor Jones. **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.**

COUNCILOR COMMENTS: ► Councilor Jones inquired about posting updated information regarding Recycling Stickers, etc. on the Town's website. ► Councilor Mercer invited his fellow councilors to a walk through of the New Franklin High School on June 10th at 6:00PM.

ADJOURN: MOTION by Councilor Mercer to adjourn **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.
Meeting adjourned at 7:47PM

Respectfully Submitted,

Jan Brecht, Recording Secretary

APPOINTMENTS



Conservation Commission

Paul Harrington
18 Ray Hill

The Conservation Commission has recommended the appointment of Paul Harrington to serve as a full member of the Conservation Commission.

MOTION to ratify the appointment by the Town Administrator of Paul Harrington to serve as a full member of the Conservation Commission.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

Deborah L. Pellegrini
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

Request For Committee Appointment

Citizens Activity Record

If you are interested in serving the Town in any capacity, please fill out this form and submit to the Town Clerk's Office, 355 East Central Street, Franklin, MA 02038.

Information received will be available to all Town boards and officials, although the filling out of this form in no way assures appointment.

Name: Paul Harrington

Address: 18 Ray Hill, Franklin MA, 02038

Evening Telephone: Cell: 617-413-8970 or Home: 508-803-8183

Day Telephone: Cell: 617-413-8970

Amount of Time Available: Varies - 5 to 10 hours per week

Interested In Following Town Committees: Conservation Commission

Present Business Affiliation and Work: Meditech, Senior Supervisor

Government Experience: None

Education or Special Training: Strong interest and background in environmental studies and ecological conservation

Undergraduate Degree

B.A. Liberal Studies: Philosophy with minors in English and psychology from Green Mountain College, Poultney, VT

Graduate Degree

M.Ed Counseling Psychology from Cambridge College, Cambridge, MA

Positions Previously Held In Town Government (Committee Name and Dates): None

Remarks:

i've studied some public policy and can gather research, parse data and communicate clearly. I would like to expand my knowledge of conservation within Franklin and contribute back to the community. I would be grateful for the opportunity to volunteer. Thank you for your consideration



APPOINTMENT:

Cultural Council

The members of the Cultural Council have endorsed the appointment of the following individual to serve as a member.

Rev. Bob Johnne
20 Veterans Memorial Drive #200
Franklin, MA

MOTION to ratify the appointment of Rev. Bob Johnne by the Town Administrator to serve as a Member of the Cultural Council.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegrini
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

From:  Claire Griffin <griffinink@mac.com>
Subject: Recommendation for new Franklin Cultural Council member
To:  **Maxine Kinhart**

Friday, July 12, 2013 6:12:59 PM  

Hello Maxine,

I'm very excited to recommend a new member for the FCC.

Rev. Bob Johnnene, OFD is a Franklin resident who has expressed interest in being a part of our council and share his love of the arts with our community. Rev. Johnnene has served on the Franklin Interfaith Council, affording him the knowledge of how Franklin government works. His experience hosting the Franklin Cable program, "Reflections" will be valuable when representing the council. The abundant enthusiasm Rev. Bob possesses will be a great asset to the Franklin Cultural Council.

Please contact Rev. Johnnene at your convenience to start the process of his appointment to the FCC.

Below is his contact information.

Rev. Bob Johnnene
20 Veterans Memorial Drive #200
Franklin, MA 02038
508-520-0992

Let me know if there is anything else you need from me to assist in getting him on the FCC before September so that he can take part in meetings.

Thank you so much,

Claire Griffin
FCC Chair 2013/2014



APPOINTMENTS:

Election Workers

The Town Clerk has submitted the attached list of names to be appointed as Election Workers for the 2013 -2014 election calendar.

MOTION to ratify the appointment by the Town Administrator of the attached listed Election Workers as requested by the Town Clerk.

DATED: _____, 2013

A True Record Attest:

Deborah L. Pellegri
Town Clerk

VOTED:

UNANIMOUS _____

YES _____ **NO** _____

ABSTAIN _____

ABSENT _____

	NAME	YES/NO	ADDRESS	TEL.#
	Adams, Joyce		110 Dean Avenue	520-3457
	Azarian, Sheila	R	46 Ruggles St.	369-5621
	Bissanti, Anne M.		215 Jordan Rd.	528-4665
	Boyea, Debra	R	2 Harlow Pond Ct.	528-5424
Driver	Bauer, Wolfgang		511 Union Street	528-2118
	Brown, Robert		3 Meadowbrook Rd.	528-3164
Driver	Brunelli, Peter		3 Burning Tree Rd.	528-3087
	Buffone, Yvette	U	148 Dean Ave.	528-3428
	Carrachino, Paul		14 Hayward Street	528-4260
	Carrachino, Valarie	U	14 Hayward St.	528-4260
	Cussen, Joan		26 Ribero Dr.	520-6803
	D'Alessando, Janice	u	670 Pond St.	528-3878
	DeLuca, Peter		15 Spruce Pond Rd.	528-5407
	D'Errico, Mary	U	72 Deer View Way	528-0049
	Doherty, Geneva	D	81 Highbank Rd.	553-9337
	Dorflinger, Christian	R	21 Janie Ave.	528-9405
	Dunne, Pat	U	89 Pine Ridge Dr.	528-9113
	Faenza, Madeline	U	96 Dean Ave.	528-1756
Driver	Ferguson, George		388 Oakland Pkwy	528-7701
	flanders, Susan	U	3 Oak Tree Ter.	528-4926
Driver	Fiorillo, Francis A		60 Southgate Rd	528-7930
	Fregeau, Marlene	U	5 Brookfield Rd.	528-5524
	Gelineau, Gloria	U	201 Crossfield Rd.	528-2479
	Gelineau, Donald		201 Crossfield Rd.	528-2479
	Gentili, Jean	U	200 Daniels St.	528-6040
	Gianotti, Jeanette	R	2 Woodchester Rd.	520-9545
	Halterman, Janet		34 South Street	346-3597
	Hooper, Sheila	D	35 Pheasant Hill Rd	528-5658
	Hutchinson, Joyce	D	59 Central Park Ter.	528-1312
	Ipacs, Carol	R	417 East Central St.	528-1417
registrar	Jewell, Linda	R	11 Dover Cir.	541-6159
	Kelly, Barbara	D	73 Union St.	528-9691
	Kirton, Alfred	D	49 Elm Street	528-1653
	Lacouature, Ruth		103 Populatic Street	
	Malanson, Jayne	U	3 laurel Ct.	528-9903
	McDermott, Lesley	R	38 Central Park Ter.	528-3445
	McDermott, Sandra	D	33 Crescent Street	528-0292
	Messere, Eleanor	D	58 Wachusett st.	528-1014
	Moynihan, Patricia	D	381 Oak St.	520-2031
	Netto, Don/Pat	U	7 Grissom Cir.	528-5610
	Noble, Elizabeth	U	16 Sahlin Cir.	533-6488
	Oliver, Marlene	D	81 Partridge St	520-1427
	Oliver, Robert	D	81 Partridge St.	520-1427
	Pasquantonio, Joanne	D	112 Cottage St.	528-5131
	Picard, Betty	U	126 Central Park Ter.	528-6125
	Pisani, Jeanne		28 Garfield St.	541-1236
	Reynolds, Marie B.	U	52 Anthony Road	520-3818
	Rondeau, Barbara	U	204 Lincoln St.	528-0144
	Santoro, Patricia	U	231 Chestnut St.	528-4818
	Simmler, Marsha	U	280 King Street	528-2727
	Semerjian, Lucy		21 Garfield St.	528-3805
	Smith, Donald M.	U	41 Anchorage Rd	528-2382
	Smith, Joanne	D	44 Shady Ln.	528-6934
	Staniscia, Sheila	D	1085 Upper Union St.	528-6799
	Tolman, Elaine		34 Worsted Street	
	Tomaino, Theresa	U	923 Washington Street	528-8717
	Tomaino, Richard	U	923 Washington Street	528-8717
	Vozzella, Louise	D	90 Miller Street	528-0145
	Witzel, Hazel		131 Highwood Dr.	520-1141
	Yurgenson, Alexandra	D	10 Squibnocket Road	520-3553

The above list of election workers is presented to the Town Administrator to be ratified by the Town Council appointments for the 11/2013-2014 election calendar. (Updated 8/1/13)

Attest: 
Deborah L. Pellegri, CMC
Town Clerk/Election Administrator

Hearings

Violation of M.G.L. 138 §34: Sale, Delivery or Furnishing
of an Alcoholic beverage to a person under the age of 21 –
Postponed to September 4, 2013

memo

Town Administrator

To: Town Council
From: Maxine Kinhart
CC:
Date: 8/2/2013
Re: Liquor License Violations

We received the attached request from Ichigo Ichie's law firm requesting a rescheduling of the hearing on their client's liquor license violation. The request is due to the attorney representing Ihigo Ichie being out of the country.

Chief Semerjian was notified of the requested change and had no specific concerns with the postponement. Chief Semerjian did ask that both violations be heard on the same night.

The liquor license violations for Ichigo Ichie and Village Mall Liquors will be heard on September 4, 2013.

B**B****BUTTERS BRAZILIAN LLP**

JOHN H. BRAZILIAN
THOMAS J. BUTTERS

MATTHEW D. THOMPSON
AIME L. GOLDBERG^W
KATHLEEN M. AVITABILE
ETHAN A. PARK

**Also admitted in New York*

ONE EXETER PLAZA
BOSTON, MASSACHUSETTS 02116
617.367.2600
f 617.367.1363
www.buttersbrazilian.com

LENARD B. ZIDE
OF COUNSEL

August 1, 2013

VIA FACSIMILE & EMAIL

Town of Franklin
Franklin Town Council
Attn: Maxine Kinhart
355 East Central Street
Franklin, MA 02038

Re: Restaurant Ichigo Ichie's Request for Continuance of Town Council Hearing

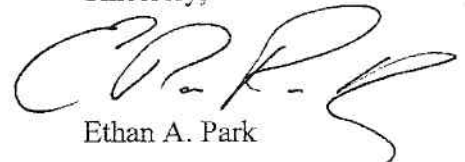
Dear Maxine:

This law firm represents Ichigo Ichie Franklin LLC ("Ichigo Ichie") and Brian K. Cheng, its owner. Ichigo Ichie operates a restaurant in the Town of Franklin, and is currently scheduled to appear at hearing before the Franklin Town Council on August 7, 2013. The hearing relates to certain alleged violations of the Town's on-premises alcohol consumption regulations.

The purpose of this letter is to request a continuance of said hearing. The lawyer from this firm who represents Ichigo Ichie and Mr. Cheng, John H. Brazilian, Esq., is currently out of the country and is not slated to return until August 8, 2013. Accordingly, Ichigo Ichie and Mr. Cheng respectfully request that the Town Council continue said hearing to the next available date following August 8, 2013.

Should you have any questions regarding this request, please feel free to contact me.

Sincerely,



Ethan A. Park

Cc: John H. Brazilian, Esq.
Brian K. Cheng

Town of Franklin

Town Administrator
Tel: (508) 520-4949

Fax: (508) 520-4903



355 East Central Street
Franklin, Massachusetts 02038-1352

August 1, 2013

Mei-Ing Huang
Ichigo Ichie
837 West Central Street
Franklin, MA 02038

Dear Mei-Ing Huang:

This is a notice that the Town Council, as the Local Licensing Authority for the Town of Franklin, will hold a hearing pursuant to provisions of M.G. L. Chapter 138 §64 to determine whether to modify, suspend, or revoke your alcoholic beverages license for violation of Massachusetts General Law, Chapter 138, §34: Sale, Delivery, or furnishing of an alcoholic beverage to a person under the age of twenty-one, based upon an incident which, according to the Franklin Police, occurred on Friday, June 28, 2013 at the Ichigo Ichie Restaurant.

The hearing scheduled to take place on Wednesday, August 7, 2013 has been postponed to Wednesday September 4, 2013 at 7:10 PM in the Council Chambers of the Municipal Building, second floor, 355 East Central Street, Franklin, MA 02038. You are entitled to attend and to present evidence on your behalf.

Please feel free to call me at 508-520-4949 if you have any questions.

Sincerely

Maxine Kinhart
Assistant to the Town Administrator

cc: Stephan Semerjian, Chief of Police



August 1, 2013

Village Mall Liquors
60 Franklin Village Drive
Franklin, MA 02038

Attn: Edward Garrity

Dear Mr. Garrity:

This is a notice that the Town Council, as the Local Licensing Authority for the Town of Franklin, will hold a hearing pursuant to provisions of M.G.L. Chapter 138 §64 to determine whether to modify, suspend or revoke your alcoholic beverages license for violation of Massachusetts General Law, Chapter 138, §34: Sale, Delivery, or furnishing of an alcoholic beverage to a person under the age of twenty-one, based upon an incident which, according to the Franklin Police, occurred on Friday, June 28, 2013 at Village Mall Liquors.

The hearing scheduled to take place on Wednesday, August 7, 2013 has been postponed to Wednesday September 4, 2013 at 7:10 PM in the Council Chambers of the Municipal Building, second floor, 355 East Central Street, Franklin, MA 02038. You are entitled to attend and to present evidence on your behalf.

Please feel free to call me at 508-520-4949 should you have any questions.

Sincerely,

Maxine Kinhart
Assistant to the Town Administrator

cc: Stephan Semerjian

Presentations/ Discussions

- Department of Public Works

Legislation
For
Action



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-57

SUBMITTAL TO TOWN CLERK OF FINAL FORM OF BALLOT QUESTION, RE: PROPOSED CHARTER AMENDMENT CHANGING TREASURER-COLLECTOR FROM ELECTED TO APPOINTED POSITION

WHEREAS, the Town Council on May 1, 2013 approved Resolution 13-30 Town Council Proposal of Charter Amendment to Voters: Treasurer-Collector to be Changed from Elected to Appointed Position, and

WHEREAS, Section 3 of the resolution directs that the proposed charter amendment be included on the ballot for the November 5, 2013 local general election in the form specified in G.L. Chapter 43B, Section 11, and

WHEREAS, G.L. Chapter 43B, Section 11 requires that a copy of the ballot question and summary be filed with the town clerk no later than thirty-five days before the election,

NOW THEREFORE, BE IT RESOLVED THAT THE Franklin Town Council hereby submits to the Town Clerk the proposed charter amendment ballot question and summary in the form specified in G.L. Chapter 43B, Section 11, as follows:

Shall the city known as the Town of Franklin approve the charter amendment proposed by the Franklin Town Council in Resolution 13-30 summarized below?

Yes	_____
No	_____

The proposed amendment eliminates the provision for election of the Town Treasurer-Collector and adds a provision for appointment of the Town Treasurer-Collector by the Town Administrator, with input from a selection committee and ratification by the Town Council; the amendment takes effect if and when approved by the voters, except that the incumbent Treasurer-Collector shall serve the remainder of his current term.

and directs that she include them on the ballot for the November 5, 2013 local general election.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: August _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____


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

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: August 2, 2013
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Intermunicipal Agreement for Regional Dispatch



As you are aware, over a year ago we submitted a home rule petition to form a regional dispatch center. The hard work of Representative Jeff Roy finally made our request become a reality, and the bill became law last month.

The Regional dispatch bill allows the Towns of Franklin, Norfolk, Plainville and Wrentham to form a district to take on the responsibility for regional public safety dispatch. We anticipate the center opening in 18-24 months.

I now ask the Council to approve an intermunicipal agreement with the four towns that outlines the responsibilities of the district and each community. Once this is approved, we will access state funds to build the RECC, including the equipment required to make it a success.

I would be happy to answer any questions.



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-58

INTERMUNICIPAL AGREEMENT FOR REGIONAL PUBLIC SAFETY COMMUNICATIONS AND DISPATCH CENTER

WHEREAS, the Franklin Town Council passed Resolution 12-54 joining the towns of Norfolk, Plainville and Wrentham in requesting the General Court to enact legislation establishing a regional district of the four municipalities to establish and operate a regional public safety communications and dispatch center (hereinafter: "Regional Center"), and

WHEREAS, the General Court enacted said legislation as Chapter 39 of the Legislative Acts of 2013, and

WHEREAS, representatives of the four municipalities have negotiated and drafted an agreement to provide for the governance and operation of the regional center, a true copy of the current draft being attached hereto as "Exhibit 1", and

WHEREAS, said agreement provides for it to be approved by each of the four municipalities.

NOW, THEREFORE, BE IT RESOLVED that the Franklin Town Council, on behalf of the Town of Franklin:

1. Hereby approves the "Agreement by and Among the Towns of Franklin, Norfolk, Plainville, and Wrentham for a Regional Public Safety Communications and Dispatch Center", a true copy of which is attached to this resolution as "Exhibit 1" and authorizes the Town Administrator to execute it.
2. Authorizes the Town Administrator, in consultation with the Town Attorney, to approve and execute any subsequent amended or revised draft of "Exhibit 1", provided that he determines the change(s) to be insubstantial.

This Resolution shall become effective according to the rules and regulations of the Town of Franklin Home Rule Charter.

DATED: August _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

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

**AGREEMENT BY AND AMONG THE TOWNS OF FRANKLIN,
NORFOLK, PLAINVILLE, AND WRENTHAM FOR A
REGIONAL PUBLIC SAFETY COMMUNICATIONS
AND DISPATCH CENTER**

AGREEMENT made this _____ day of _____ 2013 by and among the Towns of Franklin, Norfolk, Plainville, and Wrentham, all of Norfolk County, Massachusetts (hereinafter: "Towns" or "Parties") pursuant to Chapter 39 of the Legislative Acts of 2013 to provide for the operation and maintenance of a regional public safety communications and dispatch center.

WITNESSETH:

WHEREAS, Parties are each empowered by law to staff, maintain and operate a public safety communications/dispatch center, which is a proper governmental function and service; and

WHEREAS, the Parties wish to join together to establish a regional district ("District") made up of their communities and any others who may in the future be admitted to the District to operate and maintain a consolidated District-wide public safety communications/dispatch center to be known as the Metacomet Emergency Communications Center hereinafter referred to as the "MECC" and to provide an orderly method for the accomplishment thereof;

NOW THEREFORE, the Parties, for and in consideration of the foregoing recitals and the mutual benefits, promises and agreements set forth herein, AGREE as follows:

Section 1. Purpose and Description

The purpose of this agreement is to provide for the establishment of a regional district to operate and maintain a consolidated district-wide public safety communications/dispatch center. To carry out this agreement the district will take all necessary actions to construct, equip, staff, maintain and operate a MECC facility or facilities which will provide call receiving and dispatching services to the Parties, by providing computers, radios and other equipment for use in the field and by further providing the use of and resources of the MECC to the Parties.

Section 2. Governance

A. Board of Directors for District

The Parties hereby establish the Board of Directors (the Board) for the effective and orderly operation of the District. The Board of Directors shall serve as the governing and administrative body and shall have overall responsibility for the District.

The District shall be governed by the Board. The Chief Administrative Officer of each town shall be deemed to be the Town Administrator unless expressly provided by bylaw, charter or special. Each Party shall have one seat on the Board. Each Party's seat shall be occupied by the Chief Administrative Officer or his or her alternate, to be called a Director. A Board member shall cease to be a Director if he/she ceases to hold his/her office with the appointing Party or if the appointing Party ceases to be a Party to this agreement. Each Director shall notify the Secretary of the Board of their respective alternates. The Secretary shall notify each Party of the designation of the other Party's representatives and maintain an updated list of all Directors and alternates and the Parties they represent.

An alternate shall have the authority to vote in the name and stead of the person appointing the same. Alternates shall only be appointed in writing and shall only have authority for the particular meetings for which appointment was made. Attendance at a meeting by a Director shall, without the necessity of

further action, revoke the authority given to such Director's alternate with regard to such meeting. The appointing Director shall have the right to change or revoke appointment of his or her designated alternate at any time, and shall give prompt notice of any change or revocation to the Secretary.

The act of at least a majority of the entire Board of the then current Directors (or their alternates) shall be deemed the act of the Board except as provided elsewhere in this agreement. Each Director shall have an equal vote except as otherwise provided elsewhere in this agreement. The Parties intend by this Section to require at least a majority in number of the then current Directors to approve any matter before the Board that relates to the use and operation of the MECC and the services to be provided pursuant to this agreement. Different voting requirements are set out in those specific circumstances where a different quantum of vote is specified.

B. Officers of the Board of Directors

1. Designation of Officers

The officers of the Board shall be the Chair, the Vice Chair, the Treasurer and the Secretary.

2. Duty of Officers

a. Chair and Vice Chair

The Chair shall preside at and conduct all Board meetings. The Chair shall develop the agenda and perform other duties as may be determined by the Board. In the absence or inability of the Chair to act, the Vice-Chair shall act as the Chair.

b. Secretary

The Secretary shall post a notice of each meeting and an agenda for the meeting in the Town Clerk's office of each Party and keep minutes of the meetings of the Board. A copy of the minutes shall be provided to each Board member and the Town Clerk of each Party.

C. The Board shall have the authority and be responsible for:

1. Constructing, leasing, equipping, maintaining and operating the MECC facilities.
2. Adopting an annual operating and capital budget and reviewing expenditures.
3. Developing and approving policies and procedures to ensure the efficient operation of the Board and the MECC.
4. Appointing a MECC Director.
5. Annually retaining an independent auditor to audit the financial records of the MECC and make a report to the Board. Said auditor's report shall be sent to the Town Clerk's office of each Party.
6. Approving the provision of communications and/or dispatch services to any entities not a Party to this agreement.
7. Developing and recommending a formula by which the Parties share the costs for annual operating and capital budgets of the MECC.
8. Performing such other duties and undertakings as may be determined by the Board to be necessary to carry out the efficient and effective operation of the MECC.
9. Appoint a Treasurer who shall keep records for the Board pertaining to the finances of the MECC. The Treasurer shall advise the Board as to the financial affairs of the MECC.

D. Meetings of the Board of Directors

1. Meetings of the Board of Directors

The Board shall conduct regular meetings, which shall include holding at least one meeting each quarter. The first meeting of each fiscal year shall be the annual meeting. The date, place and hour of any regular meeting shall be scheduled by the Board Chair, and notice of the same shall be given to each Party. Written notice of all meetings shall be given in accordance with the MGL 30A, S18-25 (Open Meeting Law). The Board shall provide for such additional meetings as are required or may be needed. The meetings shall be held within the communities that are Parties to this agreement

2. Meeting Rules

The Board shall adopt rules for conducting its meetings and other business as it deems necessary and appropriate.

3. Quorum and Quantum of Vote

A majority of the members of the Board shall constitute a quorum for the transaction of business by the Board. However, the affirmative vote of a majority of the entire Board membership shall be required to pass a motion.

Section 3 Operations

A. MECC Director

The Board shall appoint a MECC Director who shall serve as the Chief Administrative Officer of the MECC. The Director shall be an employee of the MECC and shall serve at the pleasure of the Board. The MECC Director shall:

1. Have overall responsibility for the operation and maintenance of the MECC, subject to the specific authority retained by the Board.
2. Serve as the chief fiscal officer of the MECC and be responsible for implementing the budget under parameters established by the Board.
3. Serve as the personnel administrator for employees of the MECC. This includes, but is not limited to, supervision, direction, performance evaluations, disciplinary actions, and other duties related to the effective and orderly operation of the MECC.
4. Provide for the efficient and effective operation of the MECC.
5. Attend all meetings of the Board unless otherwise excused.
6. Develop and present to the Board annual operating and capital budgets and provide financial information to the Board as it may request.
7. Maintain an inventory of all property of the MECC and serve as custodian of the property.
8. Annually provide a report to the Board outlining the operations of the MECC and making any recommendations for improvements to the MECC's facilities or functions.
9. Perform all other duties as may be included in a job description or policies of the Board.

B. Operations Committee

The Operations Committee shall be comprised of the Chiefs of the Fire Department and Police Department (or their designees) of each member Town.

1. Duties of the Operations Committee

The Operations Committee shall make recommendations to the Board concerning professional standards and procedures and any other operational recommendations it deems to be in the best interest of the MECC, and perform such other duties as may be requested by the Board.

C. Communication Services to Other Agencies

The MECC may provide dispatch or other communication services to other public or private agencies which provide a critical public health or safety service and/or public agencies not a Party to this agreement, but only upon approval and recommendation of and subject to such terms and conditions as the Board of Directors may establish. Authorization of and approval for such services may be evidenced by contract or Inter-Municipal Agreement or other agreement.

Section 4 Finances

Fiscal Year and Annual Budget

A. Fiscal Year

The MECC's fiscal year shall be the twelve month period commencing each July 1 and ending the following June 30. If the effective date of this agreement is other than July 1, the first fiscal year shall be the short year commencing the effective date and ending the following June 30.

B. Annual Budget

1. The Board shall adopt an initial budget proposal which shall be transmitted to the Board of Selectmen or Town Council of each member community no later than January 31 of the preceding fiscal year. The Board shall adopt a final proposed budget by March 15 of the preceding fiscal year. The parties shall pay for the entire costs of operation and maintenance of the MECC, which may include an operation and maintenance budget, capital budget, reserves, debt and interest.

2. Operation and Maintenance Budget

The cost of operating and maintaining the MECC shall include, but is not limited to, wages and benefits, operating expenses, replacement of equipment, auditor, actuarial, or other professional services, outside contractor services and supplies, and cost of services provided to the MECC by any of the Parties.

3. Capital Expenditures

Capital expenditures shall include the costs of purchase of communications and computer equipment, hardware, software and other fixed asset type items typically having a useful life of more than three (3) years, including equipment improvements and additions, as opposed to replacement parts for ordinary maintenance during the useful life of the capital items, and other capital costs determined in accordance with Generally Accepted Accounting Principles

of the Governmental Accounting Standards Board applicable to the MECC.

4. Reserves

The annual operating budget shall include a reasonable reserve contingency. Funds may be expended from this reserve only with the approval of the Board. The unspent portion of the reserve shall be carried forward to the next fiscal year in addition to the reserve contribution for each such fiscal year.

5. Debt and Interest

The MECC may borrow funds from time to time in accordance with the provisions of Chapter 39 of 2013. The board shall not later than fourteen days after authorizing debt give notice to the Board of Selectmen or Town Councils of member towns. Each member Town through its Board of Selectmen or Town Council shall have 30 days to vote to reject the proposed borrowing; If a majority of the member towns vote to disapprove the proposed borrowing then it shall be negated.

C. Assessment

1. Each Party shall be assessed its share of the annual budget. The total budget upon which the assessment is based may be reduced by revenue received from entities not a Party hereto, by unexpected or unencumbered funds available at the end of each fiscal year prior to the year for which the budget is applicable, and by other third-party revenues available to the MECC as of the date such budget is determined.
2. The budget shall be adopted by the MECC for each fiscal year on or before the time needed for each Party to address its assessment in its budget process so that the Parties will have such information for adoption of their annual budget, but no later than March 15th of each year. A copy of the MECC budget and each Town's assessment shall be delivered to each Town within ten calendar days after the MECC budget is adopted.

Subject to a Town's right to withdraw from the District and this agreement, each Town hereby agrees to seek an appropriation necessary to pay its assessment for the annual operating budget approved by the Board.

D. Cost Formula

The following cost formula, until changed by a two thirds vote of the entire Board shall be used to determine the percentage of the total annual assessment apportioned to the Parties.

One half of the total assessment shall be distributed among towns based on the ratio obtained by dividing the total population of a town by the total population of all member towns. Population is defined as the population as determined by the most recent Town census.

One- half the total assessment shall be distributed among towns on the ratio obtained by dividing the total number of 911 calls dispatched to the lands of that town divided by the total number of 911 calls dispatched to all towns. The number of calls shall be defined as the number as shown on the records of the MECC for the calendar year most recently completed.

Provided that for the period prior to adoption the first MECC budget following the completion the MECC the operational assessments for the towns shall be apportioned as follows. Franklin 47%, Norfolk 16%, Plainville 13.5%, Wrentham 23.5%.

E. Payment of Assessments

Upon adoption of the annual operating budget by the Board and the forwarding thereof to the

chief executive officers of the Parties by the Board Secretary the assessments fixed therein shall be automatically due and payable without further notice as follows, unless otherwise specified by the order of the Board:

July 1	25% of total assessment
September 1	25% of total assessment
December 1	25% of total assessment
March 1	25% of total assessment

The quarterly payments shall be payable as assessed, subject to any adjustment as may be determined by the Board.

Upon 30 calendar days advance notice to the Parties the Board may set a different payment schedule to fund MECC costs if sufficient monies would not otherwise be on hand as needed for the MECC.

The Parties intend to pay for actual MECC costs to be incurred (and the reserve contingency). At the end of each fiscal year reconciliation will be made of actual MECC costs and amounts previously paid by each Party and, if made necessary by such reconciliation, the Parties' shares shall be adjusted to reflect actual MECC costs. Such adjustment may be by crediting of one Party's payment to the assessment of another Party or such other method as the Board reasonably determines will fairly provide for the adjustment required.

A five percent (5%) late charge shall be imposed upon assessment payments not received within thirty (30) calendar days following the scheduled dates for payment. An additional five percent (5%) charge shall be imposed if payment is not made within an additional thirty (30) calendar days. If an assessment, including late charges, is not paid in full within seventy five (75) calendar days following any scheduled due date the Party shall be in default and subject to termination of its rights under this agreement upon the vote of a majority of the Directors whose respective Parties are not then subject to termination.

Section 5. Terms and Conditions

Term of Agreement

This agreement is intended as a long term obligation of each of the participating Parties. The term of this agreement ("Initial Term") shall commence on the effective date of this agreement and expire on June 30, 2020. The Parties may extend the term for such additional periods as they deem appropriate.

Each such extension term ("Extension Term") shall be on the same conditions as set forth herein, subject to termination or withdrawal as provided herein.

Termination or Withdrawal

A Party may withdraw from this agreement after the initial term or have its participation terminated, as provided below. Withdrawal or termination of any Party shall not have the effect of terminating this agreement as to the remaining Parties.

A. Termination

Each Party shall possess the rights provided herein and share in the costs of operation and maintenance of the MECC until the end of the term applicable to such Party. If a Party defaults on payment of any assessment or otherwise breaches this agreement, such Party shall be subject to termination as a Party to this agreement upon the vote of a majority of the Directors whose respective Parties are not subject to termination. The breaching Party shall not be entitled to

vote on its own termination or otherwise be counted in determining the vote.

Upon being so terminated, the terminated Party shall be responsible for paying for an actuarial study to be procured by the Board for the purpose of determining any adjustments and payments due from the terminated Party for any sums due for health or other employment benefits, pension costs and any other benefits that may apply. Upon a vote of the Board establishing the payment obligation of the terminated Party, the terminated Party shall be obligated to satisfy such obligation (the "Termination Obligation") in accordance with such vote. The terminated Party shall remain liable for its Termination Obligation until paid in full, unless the Board subsequently votes otherwise

Following termination of a Party, subsequent assessments to the remaining Parties shall be adjusted to reflect the termination, taking into account the amount of the terminated Party's Termination Obligation received and to be received.

B. Withdrawal

A Party may withdraw from this agreement under the following circumstances. At least one year prior to the end of the Initial Term, a Party may give notice of its withdrawal as a Party to this agreement as of the end of the Initial Term, without penalty, said withdrawal to be effective as of the first day after the end of the Initial Term. Such withdrawing Party shall be subject to all obligations of a Party under this agreement until the effective date of withdrawal. During any Extension Term, a Party may give notice of its withdrawal as a Party to this agreement, without penalty, said withdrawal to be effective as of the last day of the fiscal year following the fiscal year in which said notice has been given.

Upon notice of withdrawal, the withdrawing Party shall be responsible for paying for an actuarial study to be procured by the Board for the purpose of determining any adjustments and payments due from the withdrawing Party for any sums due for health or other employment benefits, pension costs and any other benefits that may apply. Upon a vote of the Board establishing the payment obligation of the withdrawing Party, the withdrawing Party shall be obligated to satisfy such obligation (the "Withdrawal Obligation") in accordance with such vote. The withdrawing Party shall remain liable for its Withdrawal Obligation until paid in full, unless the Board subsequently votes otherwise

C. Use of MECC and MECC Assets

Upon termination or withdrawal, any withdrawing or terminated Party shall no longer receive services from the MECC after the effective date of termination or withdrawal. The effective date of withdrawal shall be as specified herein. The effective date of termination shall be the date specified in the termination vote of the Board.

Any capital assets or contributions made to the MECC by a withdrawing or terminating Party prior to withdrawal or termination shall remain the property of the MECC, unless the remaining Parties vote to authorize a return or partial return of the same to such Party.

D. .Dissolution

On or after June 30, 2020, the Parties may agree, subject in all respects to applicable law, that this agreement shall expire and the MECC shall be dissolved. Such dissolution shall only be effective upon the last day of a fiscal year, but shall in no event be effective until the requirements of this section have been met.

1. Disposition of Assets

a. Process of Winding Up

This agreement may not be considered as having expired and no disposition of assets shall be

made to the Parties to the agreement at the time of dissolution of the MECC until the Board reasonably exhausts all means of collecting any monies due the MECC under the terms of this agreement and identifies and satisfies all obligations and liabilities related to the MECC. A final accounting shall be prepared by the MECC Director and shall be submitted to the Parties and the Board and be approved by both a majority of the Parties, by vote of their chief executive officers, and the Board before any final disposition of assets may be made and termination of the agreement consummated.

b. Asset Distribution

Upon expiration, the Parties shall retain title to those capital assets purchased in their individual names and made available for use by the MECC. As to any capital assets purchased as provided in this agreement and as to any monies held in MECC accounts, such capital assets shall be sold and the proceeds, together with such other monies, shall be distributed to the Parties according to the relative percentage of the assessments paid by the Parties during the five years immediately preceding termination.

Section 6. Amendment to Agreement

The agreement may be amended only by a majority vote of the Parties hereto, by their chief executive officer(s), as of the date of the Amendment.

Section 7 Additional Parties to Agreement

The admission of any new Party shall be by vote of at least a majority of the current Parties hereto, by their chief executive officer(s), to this agreement. The amendment authorizing the admission of a new Party shall set forth the capital contributions, obligations, payments and other terms and conditions pertaining to the admission of the new Party. Said amendment shall also specify any changes in quorum or voting requirements associated with the addition of such Party.

Section 8. Rights and Privileges. Maximum Financial Liability

By entering into this agreement, none of the Parties have waived any governmental immunity or limitation of damages which may be extended to them by operation of law. This agreement is by and between the Parties which have executed it and each state that it is intended for their mutual benefit and is not intended to confer any express or implied benefits on any other person or entity. This agreement is not intended to confer third-party beneficiary status on any person or entity.

It is expressly understood that the services to be provided hereunder are deemed for public and governmental purposes and all privileges and immunities from liability enjoyed by municipalities shall extend to the Parties' participation hereunder and to the activities so undertaken to the fullest extent provided by law.

Section 9. Miscellaneous Provisions

A. Severability: Compliance with Applicable Law

Should any part, term, portion or provision of this agreement or the application thereof to any person or circumstances be determined by a court of competent jurisdiction to be in conflict with any local, state or federal law, or otherwise be rendered unenforceable the remaining parts, terms, portions and provisions and the application thereof to other persons or circumstances shall be deemed severable and the validity thereof shall not be affected thereby. The Parties further intend for this Agreement to be modified to comply with any applicable local, state or federal law should it be determined not to be in compliance therewith and to remain binding among them as so modified. In particular, but without limiting the generality of the foregoing, the Parties intend for this Agreement to remain binding against each of them notwithstanding any legal requirement that would alter the term hereof or change the way in which any party is required to pay its share of assessments.

B. Entire Understanding: This agreement represents the entire understanding of the Parties with respect to its subject matter.

C. Governing Law: This Agreement shall be governed by the laws of the Commonwealth of Massachusetts and venue for any action shall be in the Superior Court of Norfolk County.

D. Notice: Notice required hereunder shall be in writing (except where expressly provided for otherwise), shall be effective upon delivery, and shall be sent by any of the following methods: hand delivery; reputable overnight courier; or certified mail, return receipt requested. Notice shall be given to a Party at the address stated on the signature pages hereof, or to such other address as a Party may provide to the other Parties in accordance with the requirements of this paragraph.

E. Legal Redress

The Board, acting on behalf of the Parties, shall have the right to seek legal redress if necessary to obtain payment on amounts due or otherwise to enforce the terms of this agreement. Venue for any litigation under this Agreement shall be Norfolk County.

F. Dispute Resolution: Any disputes arising under this Agreement, except those relating to annual assessments, may first be attempted to be resolved through arbitration, in accordance with the rules and regulations of the American Arbitration Association for commercial disputes, with selection of the arbitrator to be in the following manner: The Board of Directors and the aggrieved Party (s) shall agree on the appointment of an arbitrator. In the absence of an agreement, the arbitrator shall be selected by the American Arbitration Association. Each Party does, however, retain the right to seek a declaratory judgment regarding its rights hereunder or the application of law to a dispute between or among Parties. In addition, the parties may agree to submit a dispute to mediation or another form of alternative dispute resolution.

G. Binding Effect: All of the terms and provisions of this agreement shall be binding on and inure to the benefit of and be enforceable by the respective Parties hereto, their successors and assigns.

H. Headings: The headings used herein are for convenience only and shall not be considered in any interpretation of this agreement.

I. Joint Drafting: Each Party acknowledges that it has participated equally in the drafting of this Agreement and that each has or had consulted with legal counsel of its own choosing in entering into this agreement.

[balance of page intentionally left blank]

IN WITNESS WHEREOF, the Parties hereto have caused this agreement to be executed and attested by their proper officers, hereunto duly authorized, and their official seals to be hereto affixed as of the day and year first above written.

TOWN OF FRANKLIN

By:

Chairman, Town Council

Town Administrator

Date:

Certification of Available Appropriation

Town Comptroller

Approved as to Form Only

Town Attorney

TOWN OF NORFOLK

By:

Chairman, Board of Selectmen

Town Administrator

Date:

Certification of Available Appropriation

Town Accountant

Approved as to Form Only

Town Counsel

TOWN OF PLAINVILLE

By:

Chairman, Board of Selectmen

Town Administrator

Date:

Certification of Available Appropriation

Town Accountant

Approved as to Form Only

Town Counsel

TOWN OF WRENTHAM

By:

Chairman, Board of Selectmen

Town Administrator

Date:

Certification of Available Appropriation

Town Accountant

Approved as to Form Only

Town Counsel

ATTACH CERTIFIED VOTES OF THE BOARD OF SELECTMEN or
TOWN COUNCIL FOR EACH PARTICIPATING GOVERNMENTAL
UNIT

ATTACH EXHIBIT A-DESIGN OF INITIAL MECC



THE 188TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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CHAPTER 39

AN ACT ESTABLISHING A DISTRICT TO OPERATE A REGIONAL PUBLIC SAFETY COMMUNICATIONS AND DISPATCH CENTER FOR THE CITY KNOWN AS THE TOWN OF FRANKLIN AND THE TOWNS OF NORFOLK, PLAINVILLE AND WRENTHAM.

[PREV](#) [NEXT](#)

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. (a) The city known as the town of Franklin and the towns of Norfolk, Plainville and Wrentham may, through their respective town council and boards of selectmen, enter into a written agreement for the purpose of establishing a district to construct, equip, operate and maintain a consolidated regional public safety communications and dispatch center. The written agreement shall provide for the management of the district by a board of directors to be comprised of the chief administrative officer of each member town. The agreement shall set forth the financial terms and conditions of membership of the district and the powers and duties of the board of directors and shall provide for the operation of a regional public safety communications and dispatch center and any other matters not incompatible with law.

(b) The district shall be deemed to be a public entity and shall have the power to sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued.

(c) The district shall be a public employer and may employ personnel to carry out the purposes of the district and may establish the duties, compensation and other terms and conditions of employment of personnel.

(d) The district may borrow money, enter into long-term or short-term loan agreements or mortgages and apply for state, federal or corporate grants or contracts to obtain funds necessary to carry out the purposes of the center.

(e) The district may enter into contracts to provide services to non-member municipalities and private parties.

(f) The board of directors may enter into contracts for the purchase of supplies, materials and services and for the purchase or lease of land, buildings and equipment as deemed necessary.

(g) The board of directors shall adopt an annual operating budget and shall have the authority to assess member municipalities for their share thereof and to employ all available legal remedies and other lawful means to collect said assessments.

(h) The board of directors shall establish and manage a fund to which all monies contributed by the towns, and all grants and gifts from the federal or state government or any other shall be deposited. The board of directors shall appoint a treasurer who may be a treasurer of 1 of

the towns. The treasurer, subject to the direction and approval of the board of directors, may receive, invest and disburse all funds of the district without further appropriation. The treasurer shall give bond for the faithful performance of the treasurer's duties in a form and amount as fixed by the board of directors.

(i) Notwithstanding section 16 of chapter 30B of the General Laws, section 3 of chapter 40 of the General Laws or any other general or special law to the contrary, any member city or town may sell, lease or license to the district any emergency communication center facility or building and any land appurtenant thereto or used in connection therewith or any other land or other property useful for the purposes of the district and any such city or town may authorize such sale, lease or license. In case of a sale, the price and times of payment and the method by which the cities and towns, other than the selling city or town, shall be assessed for such payment shall be set forth in the written agreement establishing the district or an amendment thereto; provided, however, that no payments shall be made which shall extend over a period in excess of 25 years. In the case of a lease or license, the rental or license may be for a term not in excess of 25 years, and may contain provisions for the extension of the lease or license for an additional term or terms not in excess of 25 years, at the option of the board of directors.

(j) The written agreement establishing the district may make provision for the method of termination of the district and may also provide procedures for the addition of new member cities or towns or for the withdrawal of cities or towns.

SECTION 2. This act shall take effect upon its passage.

Approved, July 22, 2013.



TOWN OF FRANKLIN

RESOLUTION 13-59

Authorization to Sign Amended Regulatory Agreement

WHEREAS, The Town Council of the Town of Franklin voted on July 7, 2005 to support the Comprehensive Permit Project located off of Lincoln Street and known as Franklin Heights Estates; and

WHEREAS, The Zoning Board of Appeals voted on December 7, 2005 to grant a Comprehensive Permit to Franklin Heights Corporation for the construction of an affordable housing project consisting of 127 two bedroom home ownership condominium dwelling units with 35% or 45 of the units being designated as affordable in perpetuity; and

WHEREAS, The Project Sponsor now wishes to reduce the number of affordable garden style condominium units from 7 to 4 with the price dropping from \$163,000 to \$149,000. The Project Sponsor believes this to be a Minor Modification; and

WHEREAS, The Project Sponsor requests a minor modification to change the Project Sponsor from Franklin Heights Corporation to Merion Corporation, a corporation duly organized under the laws of the commonwealth of Massachusetts, having an address at 12 Clock Tower Place, Suite 200, Maynard, MA 01754.

NOW THEREFORE BE IT RESOLVED THAT the Town Council does vote to authorize the Town Administrator to sign the Amended Regulatory Agreement on behalf of the Town of Franklin for submission to the Department of Housing and Community Development and further authorizes the Town Administrator or members of his staff as he may designate to take any and all actions related to such agreement.

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

DATED: , 2013

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

**AMENDMENT TO REGULATORY AGREEMENT
AND
DECLARATION OF RESTRICTIVE COVENANTS
FOR
OWNERSHIP PROJECT**

This Amendment to the Regulatory Agreement and Declaration of Restrictive Covenants is made this _____ day of _____, 2013 by and among the Commonwealth of Massachusetts, acting by and through the Department of Housing and Community Development ("DHCD"), pursuant to Chapter 204 of the Acts of 1996, the Town of Franklin ("the Municipality"), and Merion Corporation, a corporation duly organized under the laws of the Commonwealth of Massachusetts, having an address at 12 Clock Tower Place, Suite 200, Maynard, MA 01754, and its successors and assigns ("Project Sponsor").

WITNESSETH:

WHEREAS, pursuant to G.L. c. 40B, §§ 20-23 (the "Act") and the final report of the Special Legislative Commission Relative to Low and Moderate Income Housing Provisions issued in April 1989, regulations have been promulgated at 760 CMR 45.00 (the "Regulations") which establish the Local Initiative Program ("LIP"), a Regulatory Agreement and Declaration of Restrictive Covenants (the "Agreement") was executed between the DHCD, the Municipality and Franklin Heights Corporation, the predecessor in interest to the Project Sponsor named herein, dated January 4, 2007 and the Agreement was recorded with the Norfolk Registry of Deeds at Book 25656, Page 562.

WHEREAS, the Project Sponsor acquired right, title and interest to the eighteen unit condominium building within the Project ("Garden Unit Building") by the Foreclosure Deed of Stoneham Savings Bank dated August 22, 2012 and recorded with the Norfolk County Registry of Deeds at Book 30542, Page 392;

WHEREAS, the Project Sponsor intends to complete the construction of the eighteen Garden Unit Building of the housing development known as Franklin Heights Estates, more particularly described in Exhibit A attached hereto and made a part hereof (the "Project");

WHEREAS, according to the Agreement, such Project is to consist of a total number of 127 two bedroom condominium units and 45 of the such units will be sold at prices specified in the Agreement to persons or households with incomes at or below eighty (80%) percent of the regional median household income (the "Low and Moderate Income Units");

WHEREAS, according to the Agreement, the Garden Unit Building is to consist of a total number of 18 two bedroom condominium units (the "Units") and within the Garden Unit Building, 7 of the Units are to be Low and Moderate Income Units;

WHEREAS, the Chief Elected Official of the Municipality (as that term is defined in the Regulations) and the Project Sponsor have made application to DHCD to certify that the Project is a valid Comprehensive Permit Project (as that term is defined in the Regulations) within the LIP Program and therefore that the Project Sponsor is qualified to apply to the Municipality's Board of Appeals (as that term is defined in the Regulations) for a comprehensive permit pursuant to the Act (the "Comprehensive Permit"), or have made application to DHCD to certify that the units in the Project are Local Initiative Units (as that term is defined in the Regulations) with the LIP Program; and

WHEREAS, in partial consideration of the execution of this Agreement, DHCD has issued or will issue its final approval of the Project within the LIP Program and has given and will give technical and other assistance to the Project;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, DHCD, the Municipality, and the Project Sponsor hereby agree and covenant to amend the Agreement as follows:

1. The total number of Low and Moderate Income Units of the Project shall be reduced from 45 total units (35%) to 42 total units (33%), more particular, the number of Low and Moderate Income Units located within the Garden Unit Building shall be reduced from a total of 7 units to a total of 4 units.
2. The Exhibit B attached to the Agreement shall be deleted in its entirety and replaced with the revised Exhibit B attached hereto.
3. In all other respects said Agreement, the parties hereby agree to ratify and confirm the terms and conditions of the Agreement, and hereby incorporate by reference the terms and conditions, in their entirety, of the Agreement, as if fully set forth herein.
4. Upon execution, the Project Sponsor shall immediately cause this Amendment to the Agreement to be recorded with the Registry of Deeds for the County where the Project is located or, if the Project consists in whole or in part of registered land, file this Agreement and any amendments hereto with the Registry District of the Land Court for the County where the Project is located (collectively hereinafter the "Registry of Deeds"), and the Project Sponsor shall pay all fees and charges incurred in connection therewith. Upon recording or filing, as applicable, the Project Sponsor shall immediately transmit to DHCD and the Municipality evidence of such recording or filing including the date and instrument, book and page or registration number of the Agreement.
5. The Project Sponsor hereby represents, covenants and warrants as follows:
 - (a) The Project Sponsor (i) is a corporation duly organized under the laws of the Commonwealth of Massachusetts, and is qualified to transact business under the laws of this State, (ii) has the power and authority to own its properties and assets and to carry on its business as now being conducted, and (iii) has the full legal right, power and authority to execute and deliver this Agreement.
 - (b) The execution and performance of this Agreement by the Project Sponsor (i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body, and (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Project Sponsor is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.
 - (c) The Project Sponsor will, at the time of execution and delivery of this Agreement, have good and marketable title to the low and moderate income units that may be affected by this Amendment constituting the Project free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Agreement, any loan documents

relating to the Project the terms of which are approved by DHCD, or other permitted encumbrances, including mortgages referred herein, below).

- (d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Project Sponsor, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially or adversely affect its financial condition.

6. The Project Sponsor represents and warrants that it has obtained the consent of all existing mortgagees of the Project to the execution and recording of this Agreement and to the terms and conditions hereof and that all such mortgagees have executed the Consent to the Amendment to the Regulatory Agreement attached hereto and made a part hereof.

Executed as a sealed instrument as of the date first above written.

Project Sponsor: Merion Corporation

By: _____
Marc Fantasia, President

By: _____
Scott Hickey, Treasurer

Department of Housing and
Community Development

By: _____
its Director

Municipality

By: _____
Jeffrey D. Nutting
Town Administrator

Attachments: Exhibit A - Legal Property Description
Exhibit B - Prices & Location of Low & Moderate Income Units

Consent forms signed by any and all mortgagees whose mortgages are recorded prior to this Amendment To Regulatory Agreement must be attached to this Amendment To Regulatory Agreement.

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK, ss. _____, 2013

On this _____ day of _____, 2013, before me, the undersigned notary public, personally appeared Marc Fantasia, President and Scott Hickey, Treasurer of the Merion Corporation, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose.

Notary Public
Print Name:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK, ss. _____, 2013

On this _____ day of _____, 2013, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, as _____ for the Commonwealth of Massachusetts acting by and through the Department of Housing and Community Development, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary public
Print Name:
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK, ss. _____, 2013

On this _____ day of _____, 2013, before me, the undersigned notary public, personally appeared Jeffrey D. Nutting, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, as Town Administrator for the Town of Franklin, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
Print Name:
My Commission Expires:

CONSENT TO AMENDMENT TO REGULATORY AGREEMENT

Re: Franklin Heights Estates
(Project Name)
Franklin, Massachusetts
(City/Town)
Merion Corporation
(Project Sponsor)

The Undersigned being the holder of the following mortgages and encumbrances on the above described Project, hereby consents to the execution and recording of this Agreement and to the terms and conditions hereof, to wit:

Mortgage dated September 13, 2012, recorded with Norfolk County Registry of Deeds at Book 20452, Page 403.

Assignment of Licenses and Permits dated recorded with Norfolk County Registry of Deeds at Book 30452, Page 418

Uniform Commercial Code dated recorded with Massachusetts Secretary of State, Filing Number 201298605100.

Stoneham Savings Bank

By: _____
its _____

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____, ss. _____, 2013

On this _____ day of _____, 2013, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding document, as _____ of _____ Bank, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public
Print Name:
My Commission Exp:

EXHIBIT A

Re: Franklin Heights Estates
(Project Name)
Franklin, Massachusetts
(City/Town)
Merion Corporation
(Project Sponsor)

EXHIBIT B

Re: Franklin Heights Estates
(Project Name)
Franklin, Massachusetts
(City/Town)
Merion Corporation
(Project Sponsor)

Maximum Selling Prices, Initial Condominium Fees, and Percentage Interest Assigned to Low and Moderate Income Units

	Sale Price	Condo Fee	% Interest
One bedroom units	\$ _____	\$ _____	_____
Two bedroom units	\$163,000*	\$ _____ month	_____
*4 Units located in GARDEN UNIT BUILDING shall be sold at a Maximum Selling Price of \$149,000.00			
Three bedroom units	\$ _____	\$ _____	_____
Four bedroom units	\$ _____	\$ _____	_____

Location of Low and Moderate Income Units

The housing units which are Low and Moderate Income Units are those designated as:

GARDEN UNIT BUILDING (18 UNITS): 110, 113, 220, 327
TOWNHOUSE UNIT LOCATIONS: 1, 4, 7, 10, 14, 18, 23, 25, 26, 29, 31, 34, 37, 39, 42,
48, 52, 57, 59, 60, 62, 67, 69, 70, 75, 77, 78, 80, 84, 87, 90, 93, 95, 97, 99, 104, 106 & 108

- ✓ a plan of land entitled _____, filed Norfolk as Plan No. ____ of _____, Plan Book ____
- ✓ floor plans recorded with the Master Deed of the _____ Condominium recorded with the _____ Registry of Deeds in Book _____, Page _____.



TOWN OF FRANKLIN

RESOLUTION 13-60

Acceptance of Gift – Town of Franklin

WHEREAS, Petroleum Engineering, Inc. has generously donated Five Thousand Two Hundred and Fifty dollars to the Town of Franklin to be used for sidewalks at the new Stop & Shop Gas Station.

NOW THEREFORE, BE IT RESOLVED THAT:

The Town Council of the Town of Franklin gratefully accepts this donation from Petroleum Engineering, Inc. and thanks them for their generosity.

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

DATED: , 2013

VOTED: _____

UNANIMOUSLY: _____

A TRUE RECORD ATTEST:

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Deborah L. Pellegri
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

PETROLEUM ENGINEERING INC
12 WILLIAMS WAY
BELLINGHAM, MA 02019

6236
53-7122/2113

Pay to the
Order of

7/14/12

Date

Town of Franklin \$ 5,250.⁰⁰/₁₀₀
five thousand two hundred and 00/100 Dollars



Middlesex
Savings Bank
BELLINGHAM, MA 02019

32102

For

TC / SIOE WKS STS

[Signature]

MP

⑆ 211371227⑆ 163669933⑆ 6236

PA 24123620-4900



TOWN OF FRANKLIN

DEPARTMENT OF PUBLIC WORKS

257 Fisher Street
Franklin, MA 02038

RECEIVED

JUL 11 2013

TOWN ADMINISTRATOR
TOWN OF FRANKLIN

January 15, 2013

Vanasse Hansen Brustlin, Inc.
P. O. Box 9151
101 Walnut Street
Watertown, MA 02472

Attention: Mr. Connor Nagle

Re: 828 West Central Street, Gas Station

Dear Mr. Nagle:

This is to confirm our previous discussions that the value of the sidewalk in front of the subject property is as follows:

Concrete Sidewalk -----	170 SF x \$ 5.00 =	\$ 4,250.00
Detectable Surfaces -----	4 EA x \$ 250 =	\$ 1,000.00
	Total	\$ 5,250.00

As agreed in the Condition of Approval by the Franklin Planning Board, these funds should be provided to the Town of Franklin for use in a sidewalk on West Central Street in lieu of installing the sidewalk in front of the subject property.

If you have any questions, please call this office.

Sincerely,


William J. Yadisernia, P.E.
Town Engineer

WJY/pjj

Cc: Planning Office

Phone: (508) 520-4910 • Fax: (508) 520-4939 • E-mail: DPW@franklin.ma.us
(508) 553-5500 www.franklin.ma.us

Printed on Recycled Paper

Town of Franklin

Tel: (508) 520-4907

Fax: (508) 520-4906



Planning Board
355 East Central Street
Franklin, Massachusetts 02038-1352

2013 JUL 31 AM 9:41
TOWN OF FRANKLIN
PLANNING BOARD
RECEIVED

July 30, 2013

Deborah L. Pellegri, Town Clerk
Town of Franklin
355 East Central Street
Franklin, MA 02038

CERTIFICATE OF VOTE

Bylaw Amendment #13-718:
Changes to §185-7. Compliance Required.

RE: Off-street parking

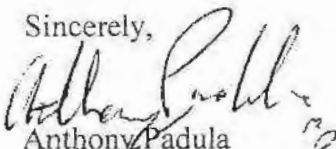
Petitioner: Town of Franklin, Department of Planning and Community Development

Dear Mrs. Pellegri:

Please be advised that at its meeting on Monday, July 30, 2013 the Planning Board, upon motion duly made and seconded, voted (5-0-0) to **RECOMMEND**, *as presented*, to the Town Council the adoption of Zoning By-law Amendments #13-718: Chapter 185 Section 7, Compliance Required (off-street parking).

If you have any questions concerning this decision, please contact the planning staff or me.

Sincerely,


Anthony Padula
Chairman

cc: **Town Council**
Town Administrator

Attch.: Zoning Bylaw #13-718

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: TOWN COUNCIL
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: DOWNTOWN COMMERCIAL OFF-STREET PARKING
CC: JEFF NUTTING, TOWN ADMINISTRATOR, ECONOMIC DEVELOPMENT COMMITTEE,
PLANNING BOARD, DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
DATE: JUNE 12, 2013

Included for review by the Town Council is a Zoning Bylaw Amendment that would allow the use of an off-street parking area by special permit from the Planning Board as a primary use in the Downtown Commercial District; currently, off-street parking is allowed only as an accessory use in the DC Zoning District. The proposed Zoning Bylaw Amendment also presents removal of parking facilities from all zoning districts as a primary use; this use would be allowed only as an accessory use.

The following Zoning Bylaw Amendment is presented to the Town Council for consideration and recommendation to the Planning Board.

- 13-718: 185-7 Compliance required

I will be in attendance at the June 19, 2013 Town Council meeting should you have any questions or require any additional information.

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-718

Changes to §185-7 Compliance required.

**A ZONING BY-LAW TO AMEND CHAPTER 185 SECTION 7 OF THE CODE OF THE
TOWN OF FRANKLIN**

Note: Within this section, changes are shown in **Bold** type and appear as additions (**xvz**) and as deletions (~~xyz~~). This is to retain the readability of the document.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following additions and deletions to §185-7. Compliance required:

TOWN OF FRANKLIN											
USE REGULATIONS SCHEDULE											
PART II											

[illegible][illegible]

1. If any part of a principal use is considered a VSE (see § 185-3, Definitions), the requirements for VSE must be met.

Z. Except as permitted by a special permit within the Adult Use Overlay District as described in § 16.3-47.

3. Except BA if involving live or mechanical entertainment.

4. Only allowed as an accessory use to an otherwise permitted use as detailed in Use Regulations Schedule, Part VII, Accessory Uses.

5. Establishments are limited to a maximum gross building footprint of 2,800 square feet.

6 Not allowed on sidewalk level in multilevel development

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: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegri
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk