



FRANKLIN TOWN COUNCIL

September 11, 2013

7:00 PM

A. APPROVAL OF MINUTES – June 5, 2013, June 19, 2013

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 – Robert R. Dean

D. CITIZEN COMMENTS

E. APPOINTMENTS - • Design Review Commission
 • Conservation Commission

F. HEARINGS:

- Zoning Bylaw Amendment 13-718: Changes to §185-7. Compliance Required
- 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 11, 2013- 7:10 PM
 - Ichigo Ichie
 - Village Mall Liquors

G. LICENSE TRANSACTIONS - Residence Inn by Marriott-Franklin: Change of Manager

H. PRESENTATIONS/DISCUSSIONS

I. SUBCOMMITTEE REPORTS

J. LEGISLATION FOR ACTION

1. Bylaw Amendment 13-719: Changes to Chapter 185. Attachment 9. Schedule of Lot, Area, Frontage, Yard and Height Requirements– *Referral to Planning Board*
2. Bylaw Amendment 13- 720: Changes to Chapter 185-4. Districts Enumerated. – *Referral to Planning Board*
3. Bylaw Amendment 13-721: Changes to Chapter 185-5. Zoning Map.- *Referral to Planning Board*
4. Bylaw Amendment 13-722: Changes to Chapter 185-50. Residential VII Zoning District – *Referral to Planning Board*
5. Bylaw Amendment 13-723: Changes to Chapter 185 Use Regulation Schedule, Parts I through Parts VII.- *Referral to Planning Board*
6. Zoning Bylaw Amendment 13-718: Changes to Chapter 185-7. Compliance Required- *1st Reading*
7. Resolution 13-61: Acceptance of Relocated Water Easement and Release (Abandonment) of Original Water Easement on Property at 34 Longfellow Drive
8. Resolution 13-62: Local Acceptance of G.L. Chapter 60A, Section 1, Paragraph 8
9. Resolution 13-63: Local Acceptance of G.L. Chapter 60A, Section 9
10. Resolution 13-64: Council on Aging – Outreach Coordinator
11. Resolution 13-65: Ratification of Town Administrator's Contract
12. Resolution 13-66: Authorization for Disposition (Sale) of Town-Owned Land (Vacant Parcel Between Old West Central and West Central Streets)
13. Resolution 13-67: Order of Taking – Downtown Roadway Improvements

14. *Resolution 13-68: Citizen Committee*

K. TOWN ADMINISTRATOR'S REPORT

L. OLD BUSINESS

M. NEW BUSINESS

N. COUNCIL COMMENTS

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

P. ADJOURN

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
June 5, 2013**

A meeting of the Town Council was held on Wednesday, June 5, 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: Planning Director Bryan Taberner, Town Planner Beth Dahlstrom.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and the Pledge of Allegiance. Chairman Vallee also announced the recent passing of Ralph Cook Jr., who was a former member of the Finance Committee and active in Town organizations.

APPROVAL OF MINUTES: *April 3, 2013 Regular and Executive Session and April 24, 2013.* **MOTION** by Councilor Jones to approve all minutes **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

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

PROCLAMATIONS/RECOGNITIONS: Chairman Vallee and Councilor Roy presented Brittany MacLeod, a 2009 Franklin High School graduate and 2013 Marist College Graduate with a Proclamation commending and congratulating Ms. MacCleod for her success in competing against 600,000 applicants for Australia's Chief Funster position. Ms. MacCleod will be traveling to Australia as one of three finalists.

CITIZEN COMMENTS: NONE.

APPOINTMENTS: Councilor Jones requested Robert Ficco be appointed during the evening's meeting to the Citizen's Committee so as to allow Mr. Ficco to join the Committee for their June 13th meeting. **MOTION** by Councilor Jones to add Citizen's Committee Appointment to the Agenda **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Kelly to appoint Robert Ficco to the Citizen's Committee **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: *New All Alcoholic Beverages Hotel License – Residence Inn by Marriott – Franklin:* Colwen Management, Inc. Sr. Vice President Terry Bickhardt gave an overview of the corporation's operations in Massachusetts and said servers are all TIPS (Training and Intervention Procedures for Servers of alcohol) trained and receive additional training provided by Colwen Management, Inc. Mr. Bickhardt said the hotel Colwen manages in Foxboro has never been cited for non-compliance and said the bar would be considered "small service" – designed for in-house guests and not promoted to the general public. **MOTION** by Councilor Pfeffer to approve the application by Colwen Management, Inc. dba Residence Inn by Marriott-Franklin for an All Alcoholic Beverages Hotel/Innholders License with the manager to be Norbert Ginter and the license to be held in the Town Administrator's office until all approvals are received. **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

HEARINGS:

7:10PM

Impervious Surfaces:

► ***Zoning Bylaw Amendment 13-702: Changes to Chapter 185, Section 36 – Impervious Surfaces – Continued from May 15th***

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

Continued from May 15th

► **Zoning Bylaw Amendment 13-716: Changes to Chapter 185, Section 3 – Definitions**

► **Zoning Bylaw Amendment 13-717: Amendment to Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements**

MOTION by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Chairman Vallee asked if anyone in the audience had anything they would like to say in regard to the proposed zoning bylaw amendments, and there were none. Beth Dahlstrom; Town Planner presented an overview of the proposed zoning bylaw amendments in which she said the intent is to allow non-residential uses, which are located within water resource districts to render impervious coverage up to 80% of an upland area be allowed to seek site plan approval via the Planning Board, where previously a special permit from the Zoning Board was required. Mr. Nutting added the proposed changes allow the permitting process to be streamlined, as folks will no longer have to go before two separate boards and will require all water of all developments to stay on the site, which will be beneficial to the environment. **MOTION** by Chairman Vallee to close the Hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Pond Street Change of Zoning:

► **Zoning Bylaw Amendment 13-714: Changes to Chapter 185-3 – Definitions**

Councilor Pfeffer read the zoning bylaw amendment to add the definition of an Anaerobic Digester to Chapter 185 of the Code of the Town of Franklin. Mr. Nutting outlined the Request for Proposal (RFP) process and said the Zoning Board had not recommended changing the zoning for the Pond Street property. Mr. Nutting explained an Anaerobic Digester would bring much needed revenue to the Town, and would satisfy the State's mandate by 2014, for towns producing more than one ton a week of food waste to no longer dump the waste in landfills. Mr. Nutting continued with a PowerPoint presentation, which outlined the control mechanisms the Town could utilize for an Anaerobic Digester plant if the land were owned by the Town and leased by an operator. Mr. Nutting's presentation included photographs of an Anaerobic Digester Plant he visited in Midland Michigan and reviewed a timeline of how long the permitting process would take to get a plant constructed in Franklin. Mr. Nutting touched on plant visibility both from Interstate 495 and from Pond Street, as well as noise and odor issues. Several citizens spoke in opposition to the proposed plant citing increased traffic, a dangerous curve the large trucks transporting the food waste would have to travel, proximity to an office building, day care center, residences and a school as well as the unknown dangers of the byproducts of the anaerobic process and the potential for fires/explosions at the site. Economic Development Committee member, Anthony Padula said he voted to bring the project to the Council, but did not recommend the project go forward, saying the increased truck traffic, noise and many of the same concerns voiced earlier by citizens all led him to determine the land could be used for a better purpose. Councilor Jones explained the Economic Development Committee's function is to find places/locations that can help increase revenue for the Town. The Pond Street property had been unused for decades and a plant at this location would gain revenue for the Town and would address the change in how towns dispose of food waste. Councilor Jones said the 'cons' of the project were truck traffic on a bad corner, potential for noxious fumes and the unsightliness of the plant. Councilor Jones said after hearing the concerns of the citizens, he wanted to move the resolution back to the Economic Development Committee for further review. Most of the Councilors spoke in opposition of locating an Anaerobic Digester on the Pond Street property because there were too many unanswered questions. Councilor Roy said he would like to move forward with the RFP Process so that more information could be gathered.

► **Zoning Bylaw Amendment 13-715: Changes to Chapter 185-7 – Compliance Required.** Councilor Pfeffer read the zoning bylaw amendment to add and delete language of the bylaw in order to retain the readability of the document. There were no comments from anyone in the audience or by any of the councilors. **MOTION** by Councilor Powderly to close the Hearing **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0**

PRESENTATIONS/DISCUSSIONS: Form of Non-Binding Ballot Question, re: Adoption of Mayoral Form of Government – Councilor Pfeffer read the wording of two versions of the ballot question. The

Councilors and Mr. Nutting discussed how detailed the ballot question should be in terms of implications of a change in town structure. A consensus was not reached, Mr. Nutting suggested the discussion continue at the next Council Meeting.

SUBCOMMITTEE REPORTS: *Franklin Citizen's Committee* – Councilor Kelly announced a meeting regarding the Cooks Project would be held on Thursday, June 13th at 7:00PM.

State House – Councilor Roy provided an update on Chapter 90 Funding. Councilor Roy said the State House had adopted a bill today providing for immediate issuance of State Bonds to support the three hundred million dollar allocation to Chapter 90 Funds, which represent a 50% increase to communities throughout the Commonwealth. Franklin is expected to receive 1.4 million dollars, about 500 thousand dollars more than last year.

LEGISLATION FOR ACTION:

Resolution 13-38: Acceptance of Grant of Right of Access over Land at 828 West Central Street: Councilor Pfeffer read the resolution to accept the Grant of Right of Access and orders a true copy of the resolution be recorded with the original grant at Norfolk County Registry of Deeds. **MOTION** by Councilor Powderly to move Resolution 13-38 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained Stop & Shop is constructing a gas station on Route 140, which is adjacent to Mine Brook. This resolution allows public access to Mine Brook. **VOTE to Approve: Yes-9, No-0, Absent-0**

Resolution 13-39: Appraiser for Downtown HPP Project and Compensation for Permanent and Temporary Easements - \$75,000: Councilor Pfeffer read the resolution to appropriate funds to retain an appraiser and provide compensation for permanent and temporary easements for the Downtown HPP Project. **MOTION** by Councilor Pfeffer to move Resolution 13-39 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the appropriation is needed to compensate those permanently affected by the change in the downtown traffic flow. Mr. Nutting expects a hand full of the 150 easements will request compensation. **VOTE to Approve: Yes-9, No-0, Absent-0**

Resolution 13-40: 37 Beaver Street - \$150,000: Councilor Pfeffer read the resolution to appropriate funds for the purchase and demolition of 37 Beaver Street to be used as a parking lot for the Senior Center. **MOTION** by Councilor Pfeffer to move Resolution 13-40 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained an opportunity to increase the size of the Senior Center's parking lot occurred when an adjacent property was abandoned by the owners and is in foreclosure. The appropriation request will be used for the purchase and demolition of the house. Mr. Nutting said it makes sense to increase the size of the parking lot as Senior Center programs continue to expand on an annual basis. **VOTE to Approve: Yes-9, No-0, Absent-0**

Resolution 13-41: Fire Department Salaries - \$100,000: Councilor Pfeffer read the resolution to transfer/appropriate funds from the Employee Benefits-Encumbrance Account to fund the Fire Department FY 13 salaries. **MOTION** by Councilor Pfeffer to move Resolution 13-41 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained these funds will be used to pay for over-time expenses for the Fire Department. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-42: Capital FY 2013 - \$162,000: Councilor Pfeffer read the resolution to transfer/appropriate funds for the 2013 Capital Improvement Plan. **MOTION** by Councilor Pfeffer to move Resolution 13-42 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained this is Phase II of the Capital Plan. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-43: Other Post-Employee Benefits Stabilization Fund - \$298,000: Councilor Pfeffer read the resolution to transfer funds from the FY 14 General Fund Appropriation; from the FY 14 Sewer Enterprise Fund; and the FY 14 Water Enterprise Fund to the Other Post-Employee Benefits Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-43 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the transfer of funds to the Stabilization account would allow a greater

return on the funds because the funds will not be used in the immediate future. **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.**

Resolution 13-44: Senior Center Capital Improvement Stabilization Fund - \$200,000: Councilor Pfeffer read the resolution to transfer funds from Free Cash to the Senior Center Capital Improvement Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-44 **SECONDED** by Councilor Mercer.

DISCUSSION: Mr. Nutting explained these funds would be added to the \$150,000 set aside last year for the purpose of finishing the second floor of the Senior Center. The goal is to set aside one million dollars to complete the second floor and increase the size of the parking lot. Councilor Roy spoke in favor of the resolution as the center is crowded, and additional space is needed. **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.**

Resolution 13-45: Fire Truck Stabilization Fund - \$100,000: Councilor Pfeffer read the resolution to transfer funds from Free Cash to the Fire Truck Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-45 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the fire trucks are kept for about 25 years before they are replaced. Mr. Nutting said putting aside funds on an annual basis makes more sense than having to come up with five hundred thousand dollars all at once to replace a fire truck. **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.**

Resolution 13-46: Athletic Fields Capital Improvement Stabilization Fund - \$200,000: Councilor Pfeffer read the resolution to transfer funds from Free Cash to the Athletic Fields Capital Improvement Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-46 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained these funds will be set aside to pay for the cost of replacing the Town's two artificial turf fields, which were installed 10 years ago. The expected life expectancy of the turf fields is 15 years, so Mr. Nutting hopes to be able in the next few years to set aside the million dollars it will cost to replace the fields. **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.**

Resolution 13-47: Operating Budget Stabilization Fund - \$225,000: Councilor Pfeffer read the resolution to transfer funds from Free Cash to the Operating Budget Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-47 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained last year the Council established an Operating Budget Stabilization Fund knowing the Town will face fiscal struggles within the very near future. By putting a little money in reserve, the Town will prolong having to request a tax increase of the taxpayers. **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.**

Resolution 13-48: Other Post Employee Benefits Stabilization Fund - \$150,000: Councilor Pfeffer read the resolution to transfer \$150,000 from Free Cash to the Other Post-Employee Benefits Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-48 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained under GASB (Governmental Accounting Standards Board), every community is supposed to put funds aside for future retirement health benefits. In Franklin's case, the Town is supposed to put aside three million dollars per year. The Town cannot afford that amount, but can put aside another \$150,000 to bring the total amount put aside this year to \$450,000. The Town currently has between a forty-five and eighty-five million dollar unfunded liability. Councilor Kelly clarified that if the State decides to fund OPEB, the Town will be able to utilize the funds in this account anyway it sees fit. **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.**

Resolution 13-49: Other Post-Employment Benefits Stabilization Fund - \$100,000: Councilor Pfeffer read the resolution to transfer funds from the FY 13 General Fund Appropriation to the Other Post-Employee Benefits Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-49 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained this money was already appropriated; this resolution just puts the money in the OPEB account. **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.**

Bylaw Amendment 13-713: Chapter 25, Personnel Regulations, Appendix A – Classification Plan and Appendix B – Pay Schedules – 2nd Reading: **MOTION** by Councilor Pfeffer to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to move Bylaw Amendment 13-713 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said this is just an adjustment to the Town's wage and classification plan that the Town conducts each year. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-702: Chapter 185, Section 36 – Impervious Surfaces – 1st Reading: **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 Zoning Bylaw Amendment 13-702 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-703: Chapter 185, Section 40 – Water Resource District – 1st Reading: **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 Zoning Bylaw Amendment 13-703 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-716: Chapter 185, Section 3 – Definitions – 1st Reading: **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 Zoning Bylaw Amendment 13-716 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-717: Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements – 1st Reading: **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 Zoning Bylaw Amendment 13-717 to a 2nd Reading **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-714: Chapter 185, Section 3 – Definitions – 1st Reading: **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 TABLE Zoning Bylaw Amendment 13-714 until referred back from the Economic Planning Committee **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-715: Chapter 185, Section 7 – Compliance Required – 1st Reading: **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 TABLE Zoning Bylaw Amendment 13-715 until referred back from the Economic Planning Committee **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 13-706: Chapter 185, Section 5 – Zoning Map – 2nd Reading: **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 Zoning Bylaw Amendment 13-706 **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.**

Zoning Bylaw Amendment 13-707: Chapter 185, Section 47 – Adult Entertainment Establishment Districts – 2nd Reading: 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 Zoning Bylaw Amendment 13-707 **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.**

Zoning Bylaw Amendment 13-708: Chapter 185, Section 3 – Definitions – 2nd Reading: 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 Zoning Bylaw Amendment 13-708 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the next five zoning bylaw amendments relate to where in the Town medical marijuana facilities can be located. **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.**

Zoning Bylaw Amendment 13-709: Chapter 185, Section 4 – Districts Enumerated – 2nd Reading: 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 Zoning Bylaw Amendment 13-709 **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.**

Zoning Bylaw Amendment 13-710: Chapter 185, Section 5 – Zoning Map – 2nd Reading: 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 Zoning Bylaw Amendment 13-710 **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.**

Zoning Bylaw Amendment 13-711: Chapter 185, Section 7 – Compliance Required – 2nd Reading: 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 Zoning Bylaw Amendment 13-711 **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.**

Zoning Bylaw Amendment 13-712: Chapter 185, Section 49 – Medical Marijuana Use Overlay District – 2nd Reading: 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 Zoning Bylaw Amendment 13-712 **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.**

TOWN ADMINISTRATOR’S REPORT: ► Mr. Nutting said he had recently received a note of thanks from a resident who was grateful for the help from Officer McGlynn and from several firefighters who assisted the resident during a minor traffic accident. Mr. Nutting said he frequently receives such notes of thanks for the great work the Town’s employees do each day. ► Mr. Nutting wished Finance Committee Chairman Jim Roche well and thanked him for his work on the committee during the last 10+ years. Mr. Nutting said with Mr. Roche stepping down from the Committee, there is a vacancy. If anyone is interested in applying to become a member of the Finance Committee, please submit his or her resume to the Town Administrator’s Office. ► Mr. Nutting reminded everyone the Strawberry Stroll will take place on June 13th at 4:00PM. ► Mr. Nutting spoke about the on-going water line replacement plan and thanked Bob Jarvis, who has since passed away for his support of the project. Water line replacement will begin on Lincoln and Daniels Streets.

OLD BUSINESS: Councilor Pfeffer questioned why the 304-page report from the Facilities Manager only

included “closed” work orders. Mr. Nutting agreed to have a new report generated, which will include all open and closed work orders.

NEW BUSINESS: ► Chairman Vallee asked how the improvements to the Transfer Station were progressing. Mr. Nutting said the walls are built, additional trees will be planted in September and the guardrail still needs to be pulled out and the whole area repaved. Mr. Nutting expects the improvements to be completed during the summer. ► Chairman Vallee inquired about the plot of land located on the corner of Cottage and Union Streets. Mr. Nutting and Councilor Roy said the land is owned by CSX Corporation and they continue to work on having this national corporation spruce up the lot. ► Chairman Vallee inquired about the downtown train station depot. Mr. Nutting said the MBTA were in the process of accepting bids to have the building’s roof replaced. ► Councilor Kelly requested Brutus Cantoreggi, Director of Public Works attend a Council Meeting to present information on options for the Town’s Transfer Station. ► Chairman Vallee inquired about repaving High Street. Mr. Nutting said the street is scheduled to be paved next year as part of the HPP (High Priority Project). ► Chairman Vallee inquired into having additional trees removed from the Town Common. Mr. Nutting suggested having a few Councilors and Mr. Cantoreggi tour the Common and determine what if any trees should be removed. ► Councilor Jones suggested including plans for holiday decorating be included in the Town Common tree evaluation tour.

COUNCILOR COMMENTS: Councilor Roy thanked Chairman Vallee for honoring Brittany MacLeod in her quest to win Australia’s Best Job in The World competition. ► Councilor Jones thanked everyone who attended the recent Planning Board meeting which outlined plans for the Pond Street property. ► Councilor Pfeffer clarified the wooden flagpole located in the Town Common did indeed need repair work to remove rotten wood. Councilor Pfeffer also commented on a statement Mr. Nutting made during the April 24th Council Meeting regarding high school maintenance spending. ► Councilor Powderly thanked all the work of the Planning Board, Economic Development Committee, Mr. Cerel, Mr. Nutting and staff to put together such an extensive Agenda. Councilor Powderly also thanked Mr. Roche for volunteering during some very tough times. ► Councilor Kelly said he was disappointed there weren’t any fireworks at this year’s 4th of July celebration in Town. Councilor Kelly said he supported more Council involvement in finding a suitable location for the Town to hold 4th of July fireworks in future years even though the event is not officially Town sponsored. ► Councilor Mercer reminded the Council a walk through of the New High School will take place on Monday June 10th at 6:00PM. Councilor Mercer also thanked Councilor Roy for rescheduling the State Treasurer visit to Franklin on June 20th.

ADJOURN: MOTION by Councilor Powderly to adjourn **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 9:14PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
June 19, 2013**

A meeting of the Town Council was held on Wednesday, June 19, 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: Bryan Taberner; Planning Director.

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: *May 1, 2013 Regular Session* **MOTION** by Councilor Powderly to approve the May 1, 2013 minutes **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

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.

LICENSE TRANSACTIONS: NONE. **CITIZEN COMMENTS:** NONE.

SUBCOMMITTEE REPORTS: NONE.

APPOINTMENTS: *Annual Committee Reappointments*

Councilor Pfeffer read the annual reappointments to the following boards and commissions: **Board of Registrars** (3 Year Term) – Elynor Crothers of 154 Pleasant Street, Deborah L. Pellegrini of Municipal Building; **Charles River Pollution Control** (3 Year Term) – Alfred H. Wahlers of 810 Lincoln Street; **Citizens Committee** (1 Year Term) – Robert Avakian of 61 Southgate Road, Lawrence Benedetto of 213 Chestnut Street, Paul Cheli of 6 Pearly Lane, Matt Kelly of 75 Crescent Street, *Robert Ficco of 43 Highland Street**; **Community Garden Committee** (1 Year Term) – Amy Acevedo of 64 Maple Street, Chris Clay of 5 Paulene Drive, Kiernan Joliat of 24 MacKintosh Street, Richard Clauser of 64 Bayberry Common; **Conservation Commission** (3 Year Term) – Jeffrey Livingstone of 68 Daniels Street, Regan Ballantyne of 409 Partridge Street; **Council on Aging** (3 Year Term) – Mary Hick of 15 Flynn Road, Ken Norman of 18 Daniels Street, Paul O’Connell of 9 Bridle Path; **Design Review Commission** (3 Year Term) – Nancy Coleman of 54 Quince Landing, Doug Newton – Associate Member 1-Year Term; **Finance Committee** (3 Year Term) – Patricia Goldsmith of 5 Eagle Drive, Tim Smith of 2 Doe Drive; **Franklin Disability Commission** (3 Year Term) – Donald Netto of 7 Grissom Circle, Mary O’Neill of 102 Beaver Street; **Franklin Housing Authority** (5 Year Term) – *Paul Cheli of 6 Pearly Lane**, *Diane Padula-O’Neill of 102 Pine Street**; **Historical Commission** (3 Year Term) – Deborah Pellegrini of 181 Pleasant Street, Robert Percy of 9 Spring Street, *Colette Ferguson of 41 Prospect Street**, Mary O’Neill – Associate Member; **Library Board of Directors** (3 Year Term) – Cynthia Dobrynski of 40 Dover Circle; **Master Plan Committee** (1 Year Term) – Jeff Roy of 6 Lydia Lane, Andy Bissanti of 148 Brook Street, Matt Kelly of 75 Crescent Street, Jeff Livingstone of 68 Daniels Street, Timothy Twardowski of 62 Oxford Drive, Jay Duncan of 215 Dailey Drive, John Carroll of 3 Stratford Lane, David Dobrzynski of 40 Dover Circle, Christine Apicella of 27 Padden Road, Greg Rondeau of 2 Ashley Circle, Nathan Carlucci of 1 Toni Lane, Gene Grella of 36 Red Gate Lane, Chris Vericker of 63 Dean Ave; **Municipal Affordable Housing Trust Fund Committee** (1 Year Term) – Jeffrey Nutting of Municipal Building, Maxine Kinhart of Municipal Building, Judy Pfeffer of 79 Cottage Street, Mary Anne Bertone of 17 Grey Wolf Drive, Christopher Vericker of 63 Dean Avenue, Robert Gagnon of 5 Francesco Avenue; **Norfolk County Advisory Board** (1 Year Term) – Peter Padula of 14 Fort Apache Drive; **Public Land Use Committee** (3 Year Term) –

Roger Denny of 18 Anchorage Road; **Recreation Advisory Board** (3 Year Term) – Larry Pollard of 155 Summer Street, Mark Eccher of 34 Baron Road; **Zoning Board of Appeal** (3 Year Term) – Bruce Hunchard of 496 Summer Street **DISCUSSION:** Councilor Kelly requested Councilor Bissanti be added to the Citizens Committee. **MOTION** by Councilor Kelly to add Andrew Bissanti to the Citizens Committee **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Jones to ratify the reappointments to the boards and commissions **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**New Appointment*

LEGISLATION FOR ACTION:

Resolution 13-51: Declaration of Town-Owned Land (Vacant Parcel between Old West Central and West Central Streets) as Surplus and Available for Disposition: Councilor Pfeffer read the resolution to declare this parcel of Town-owned land to be no longer needed for municipal purposes, and therefore to be surplus and available for sale. **MOTION** by Councilor Powderly to move Resolution 13-51 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the lot was originally part of land used for Interstate 495 and has been owned by the Town for many years. The lot will be listed for \$100,000 and is unbuildable on its own, but could be added to an abutting lot. Councilor Roy clarified the lot is located directly next to the Physical Therapy Building. **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.**

HEARINGS: Hearing to Determine whether it is in the Public Interest to Accept Jade Street, Ruby Way, Garnet Drive and Opal Circle – 7:10PM Two residents of Opal Circle requested clarification on why the Town is only now taking ownership of the roads in this subdivision. Mr. Nutting and Mr. Cerel explained the Town's process for changing roadways from private to public. Mr. Nutting also explained there is a backlog of roadways needing "acceptance", and this resolution is a formality. Another area of concern voiced by the residents of this subdivision is the new Wrentham subdivision that is under construction, whose only access is through the Franklin subdivision. Mr. Nutting and Mr. Cerel said they are aware of the situation and are in contact with the Town of Wrentham. **MOTION** by Councilor Jones to close the Hearing **SECONDED** by Councilor Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LEGISLATION FOR ACTION: (Continued)

Resolution 13-50: Order of Layout, Acceptance, and Taking of Jade Street, Ruby Way, Garnet Drive, and Opal Circle and Related Parcels and Easements: **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 Resolution 13-50 **SECONDED** by Councilor Mercer. **DISCUSSION:** Chairman Vallee clarifies the Town's acceptance of additional streets increases Chapter 90 Funding. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-52: Granting of M.G.L. Chapter 268A, Subsection 20 (a) Exemption: Councilor Pfeffer read the resolution to exempt Mary Beth Byrne from the prohibition of regular municipal employees from taking a second job with the same town. **MOTION** by Councilor Powderly to move Resolution 13-52 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained jobs are first offered to non-Town individuals. If the job cannot be filled, then exemptions to this rule are requested in order to fill the job. **VOTE to Approve: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: Proposed Zoning Change – Councilor Bissanti was recused at his request from the discussion. Attorney Richard Cornetta of the law firm Cornetta, Ficco & Simmler, spoke on behalf of the Cook family regarding a concept plan for a residential village style development located on land owned by the Cook family on Route 140. Mr. Cornetta introduced Ron Roux of Design Build, LLC. Mr. Roux reviewed his qualifications as a developer and presented the Council with a plan to develop seven acres of unused land. The development would be a Traditional Neighborhood Development (TND) and would consist

of 40 single-family detached condominiums geared toward empty nesters. Mr. Rue included several slides of a development located in Medfield to show what the proposed development would look like. The development would include open space and would be privately owned and maintained by a homeowner's association with a provision for passive public access. Mr. Roux highlighted the benefits the development would have on the Town, which included increased revenues to the tax base, existing structures on the property would be demolished, and surrounding property values would increase. Mr. Roux said the roadways would be private so the Town would not be responsible for their maintenance and anticipated very few children would live in the development, so the development would not impact the Town's schools. Mr. Roux reviewed the permitting process necessary for the project. ►Citizens Committee member Larry Benedetto endorsed the project and called on the Council to act on this project. ►Councilor Powderly said while she liked the idea of new revenue, diversity of population and improving empty space, she had real concerns regarding the sustainability of the development. Councilor Powderly questioned how the projected revenue was calculated and stressed the need for the Town to consider potential costs associated with additional residents, particularly students attending the Town's schools. ►Councilor Mercer said the project was wonderful, but required a major piece of re-zoning and cautioned the Town to do research. Councilor Mercer said Mr. Nutting's suggestion to hold a workshop on the proposed project was a good idea in order to understand all of the implications of the project. ►Councilor Pfeffer said the proposed project was a good choice for the site and liked the idea of holding a workshop, but did not want to delay the process. ►Councilor Roy thought the project was tasteful and would be a compliment to the community. ►Mr. Cerel said he was familiar with the Medfield development because he is on the Medfield Town Council and said the development site in Medfield was already zoned for high density – so the process in that Town was easier than it will be in Franklin. ►Councilor Dellorco said the presentation was great, but the zoning issues have to be addressed. ►Councilor Jones said he was familiar with similar projects and was concerned about the financial impact this project could have if even a few additional students lived in the complex. The councilors thanked Mr. Roux.

LEGISLATION FOR ACTION: (Continued)

Resolution 13-53: Purchase of Land at 37 Beaver Street Authorization: Councilor Pfeffer read the resolution for the Town to purchase 37 Beaver Street for the sum of one-hundred, twenty-five thousand dollars for access to and parking for abutting Town-owned land. **MOTION** by Councilor Powderly to move Resolution 13-53 **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.**

Resolution 13-54: Authorization for Non-Binding Local Ballot Question, RE: Adoption of Mayoral Form of Government: Councilor Pfeffer read the resolution to add the non-binding public policy question on the ballot for consideration by voters at the November 5, 2013 election. **MOTION** by Councilor Powderly to move Resolution 13-54 **SECONDED** by Councilor Kelly. **DISCUSSION:** Councilor Powderly said she thought the ballot question wording was too general to gain insight on what the citizens want. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Resolution 13-55: Grant of Utility Easement (Verizon New England, Inc.) 218, 224 Oak Street (New High School): Councilor Pfeffer read the resolution to grant a utility easement to Verizon New England, Inc. for the sole purpose of providing communication service to the New High School. **MOTION** by Councilor Powderly to move Resolution 13-55 **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.**

Zoning Bylaw Amendment 13-718: Chapter 185, Section 7 – Compliance Required: Councilor Pfeffer read the zoning bylaw amendment to add and delete language related to parking structures. **MOTION** by Councilor Powderly to refer Zoning Bylaw Amendment 13-718 to the Planning Board **SECONDED** by Councilor Kelly. **DISCUSSION:** Mr. Nutting said this bylaw amendment would no longer allow parking structures to be erected in residential and industrial areas, but would allow parking structures in the downtown area. Mr. Nutting said

this zoning bylaw amendment would allow much needed parking to be constructed in the downtown area. Mr. Nutting and several Councilors discussed whether the downtown area is in need of additional parking, issues the Post Office has raised regarding their parking lot, why the Town should allow a private individual to construct a parking lot when the Town could do the same and produce revenue, and a missed opportunity for the Town to buy land directly behind the Post Office. **VOTE to Approve: Yes-5, No-4, Absent-0.**

Zoning Bylaw Amendment 13-702: Chapter 185, Section 36 – Impervious Surfaces – 2nd Reading:

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 Zoning Bylaw Amendment 13-702 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting said the next four amendments go together to change the impervious area to increase development and allow the Town to have greater ability to protect the wetlands. **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.**

Zoning Bylaw Amendment 13-703: Chapter 185, Section 40 – Water Resource District – 2nd Reading:

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 Zoning Bylaw Amendment 13-703 **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.**

Zoning Bylaw Amendment 13-716: Chapter 185, Section 3 – Definitions – 2nd Reading: **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 Zoning Bylaw Amendment 13-716 **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.**

Zoning Bylaw Amendment 13-717: Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage, Yard and Height Requirements – 2nd Reading: **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 Zoning Bylaw Amendment 13-717 **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.**

TOWN ADMINISTRATOR’S REPORT: Mr. Nutting provided the following updates: ► Engineers will need to be consulted regarding how to best complete demolition work on the Nu-Style building after the building’s roof collapsed from water weight. Mr. Nutting said he would provide the Council with an update once he received more information. ► The Downtown Partnership did a great job with the Strawberry Stroll. ► Mr. Nutting received a letter from Boston Police Commissioner Ed Davis, which recognized the Franklin Police Department for their efforts during and after the Marathon Bombing. ► Mr. Nutting received a letter from Senior Center Director Karen Alves, which thanked the DPW for the great job they did digging a garden for the Senior Center. ► Mr. Nutting received a letter from Police Officer Brian Johnson which thanked the police, fire and DPW personnel who volunteer their time at a summer camp to help build facilities for kids in need. ► Mr. Nutting reminded everyone the water conservation ban is in effect until after Labor Day. ► Mr. Nutting announced several vacancies on the following boards: Conservation Commission, Disabilities Commission, Finance Committee, Franklin Cultural Council, Library Board, Housing Trust and Public Land Use Trust. If interested in volunteering, please call or email the Administration Office. ► Mr. Nutting notified the Council there was a delay in action in a potential zoning change. Mr. Nutting said he believed the delay was not intentional, and will update the Council when more information became available.

OLD BUSINESS: ► Councilor Pfeffer noted the Facilities Director had not come before the Council as requested regarding the condition of Town owned buildings. Mr. Nutting confirmed the Facilities Director

would attend the July Council Meeting. ► Chairman Vallee requested the DPW Director also attend the July Council Meeting.

NEW BUSINESS: ► Councilor Pfeffer requested the necessity of air-conditioning in Town purchased/owned vehicles be added to a future Agenda. ► Chairman Vallee asked the Council how they wanted to proceed with the Cooks Farm development. **MOTION** by Councilor Roy to proceed with a workshop to take place right after the July Council Meeting with the intent of taking action in August **SECONDED** by Councilor Jones.

DISCUSSION: Councilor Pfeffer and Mr. Nutting discussed the purpose of the workshop. Mr. Taberner stated his opposition to the developer's involvement with zoning bylaw changes, and said he could not commit to a time frame regarding how much time it would take the Planning & Community Development Department to create the necessary zoning bylaw amendments. Mr. Taberner said the proposed development does not meet the criteria of a Traditional Neighborhood Development, as the development does not include any retail or municipal buildings and should be considered a condominium complex. Discussion continued between the Councilors and Mr. Roux about a time frame of when the Town would be able to create new zoning bylaws.

VOTE to Approve: Yes-5, No-4, Absent-0.

COUNCILOR COMMENTS: ► Councilor Mercer announced the State Treasurer would be visiting the New School on June 20th at 5:00PM, and the Councilors are invited to attend the meeting. Also, at the school on June 20th, the Topping Off Ceremony would take place at 10:30AM. ► Councilor Dellorco announced a fundraiser to take place on June 22nd at Gillette Stadium to benefit victims of the Boston Marathon bombing. ► Councilor Jones congratulated the Downtown Partnership for a successful Strawberry Stroll. ► Councilor Roy announced the Master Plan would be ready for the July 17th Council Meeting.

EXECUTIVE SESSION: Chairman Vallee said the Town Council would go into Executive Session to discuss pending litigation and declared that an open meeting may have a detrimental effect on the position of the body. Open Session did not reconvene at the conclusion of the Executive Session. **MOTION** by Councilor Pfeffer to go into Executive Session to discuss pending litigation and not to resume Open Session **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.**

The Regular Session of the meeting ended at 9:02PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary



APPOINTMENT:

Design Review

Claudine Silverman
59 Skyline Drive

Richard J. Tobin Jr.
12 Winter Street

The Design Review Commission members have recommended the appointment of Claudine Silverman to serve as a full member of the Commission and Richard Tobin Jr. to serve as an Associate member.

MOTION to ratify the appointments by the Town Administrator of Claudine Silverman to serve as a full member of the Design Review Commission and for Richard J. Tobin Jr., to serve as an associate member of the Design Review Commission.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegri
Town Clerk

ABSTAIN _____

ABSENT _____

Judy Pfeffer, Clerk
Franklin Town Council

MEMO

To: Jeffrey Nutting
Town Administrator

From: Brenda Hutchinson
Design Review Commission Secretary *BH*

Date: August 15, 2013

Re: **Request for Change in Membership – Design Review Commission**

Due to work commitments, current Full Member, Richard Tobin Jr., has requested that he be changed to an Associate Member of the Commission and one of the current Associate Members, Claudine Silverman, has agreed to move up to a full member.

At its meeting on August 13, 2013, the Commission voted 5 – 0 to recommend Richard Tobin, Jr. be appointment an Associate Member and Claudine Silverman be appointed a Full Member of the Design Review Commission.

Would you please have this placed on the next Town Council agenda for approval. Thank you!

cc/ Maxine Kinhart
Dianne Blanchard

APPOINTMENTS



Conservation Commission

Dayna Gill
27 Winthrop Drive

The Conservation Commission has recommended the appointment of Dayna Gill to serve as a full member of the Conservation Commission.

MOTION to ratify the appointment by the Town Administrator of Dayna Gill 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: Dayna Gill

Address: 27 Winthrop Drive, Franklin, MA

Evening Telephone: 508-958-6701

Day Telephone: 508-958-6701

Amount of Time Available: Interested In Following Town Committees:

10 hours/week

No preference

Present Business Affiliation and Work:

Gill Engineering Associates, Inc. - Structural/Civil Engineers
Office Manager

Government Experience:

None

Education or Special Training:

BS Communications

Positions Previously Held In Town Government (Committee Name and Dates):

None

Remarks

I'm looking to get involved with Town in any capacity. I have over four years of management experience and I work well in groups. I grew up in Franklin and went to college in Boston, and I admire how well the Town of Franklin is run. Also, I read about the non-bidding referendum in November about the mayoral community, so I am interested to see those results.

At my current job, the majority of the work done is for the State of Massachusetts and cities/towns in the Commonwealth, so I have some familiarity with issues and procedures that face municipalities. I'm interested in making a difference in my community, while learning more about municipal governments. Thanks!

APPOINTMENTS



Conservation Commission

Ravi Pendkar
12 Longobardi Drive

The Conservation Commission has recommended the appointment of Ravi Pendkar to serve as a full member of the Conservation Commission.

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

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

Deborah L. Pellegrini
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

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: Ravi Pendkar

Address: 12 Longbarch dr. Franklin, MA 02038

Evening Telephone: 508 - 369 - 6269

Day Telephone:

Amount of Time Available: Interested in Following Town Committees: Conservation Commission;
5 hours / week. Franklin Cultural Council.

Present Business Affiliation and Work: self employed consultant for the past eight years -
Worked at Parametric Technology as principal software engineer prior to current position.

Government Experience: —

Education or Special Training: BS in Engineering and Computer Science.

Positions Previously Held In Town Government (Committee Name and Dates): —

Remarks: I am a resident of Franklin for the past ten years. We have two children aged 9 and 13 who have a wonderful school and access to art education at the FSPA and Encore Academy. We are members of the Mass Audubon and have constantly visited the Stonybrook trail and enjoy nature in our own backyard. I would like to serve the community and help in any way possible.

Hearings

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

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 (**xyz**) 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:

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

HEARING – 7:10 PM

FAILURE TO PASS COMPLIANCE CHECK

1. ICHIGO ICHIE
2. VILLAGE MALL LIQUORS

September 4, 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, September 4 has been postponed to Wednesday September 11, 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
 Attorney John H. Brazilian

September 4, 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, September 4, 2013 has been postponed to Wednesday September 11, 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

Town of Franklin

Town Administrator
Tel: (508) 520-4949

Fax: (508) 520-4903



355 East Central Street
Franklin, Massachusetts 02038-1352

July 25, 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 is scheduled to take place on Wednesday, August 7, 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 Kinhardt
Assistant to the Town Administrator

cc: Stephan Semerjian, Chief of Police



Town of Franklin

Town Administrator
Tel: (508) 520-4949



Fax: (508) 520-4903

355 East Central Street
Franklin, Massachusetts 02038-1352

July 25, 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 is scheduled to take place on Wednesday, August 7, 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, Chief of Police





FRANKLIN POLICE DEPARTMENT

Stephan H. Semerjian, Chief of Police
911 Panther Way, Franklin, MA 02038
Telephone: (508) 528-1212
Fax: (508) 520-7950
www.franklinpolice.com

To: Chief Stephan H. Semerjian
Fr: Lieutenant Thomas J. Lynch
Re: Results of the Minimum Age Purchase Law Compliance Check on 06/28/13
Dt: 07/08/13

As you are well aware, the Franklin Police Department is participating in the 2012 Underage Alcohol Enforcement Grant Program funded by the Executive Office of Public Safety and Security (EOPSS). The department is participating in three of the programs offered through the grant (Party Patrols, Shoulder Tap and Minimum Age Purchase Law Compliance Checks).

On Friday, June 28, 2013 from 8:00 p.m. – 11:00 p.m. four (4) officers and two (2) under 21 buyers conducted a Minimum Age Purchase Law Compliance Check operation of thirty-five (35) licensed establishments in the Town of Franklin. Twenty-eight (27) establishments passed the check and refused to sell or serve alcohol to the under 21 operative. Six (6) establishments were not open for business at the time of the operation (King Street Café, Franklin Wine & Spirits, Franklin Café and Grill, Franklin Liquors, Devita's Market and Sakebom). Two (2) establishments failed the compliance check and served an under 21 operative.

The following failed the compliance check on 06/28/13:

- **Ichigo Ichie Restaurant – 837 West Central St.**
- **Village Mall Liquors – 60 Franklin Village Drive**

The Ichigo Ichie Restaurant has a prior Compliance Check failure on 06/15/12. The Village Mall Liquors has no prior compliance check failures and a check of the Records Management System revealed no other alcohol related incidents.

Attached are the Officers report, Buyer Report, Notice of Violation, Congratulations Letter (sent to those who passed the compliance check) and compliance check spreadsheets.

The notice of violation and a copy of the incident report were hand delivered on 07/08/13 and signed for. They have all been notified they will receive information regarding a future hearing before the alcohol licensing authority (Franklin Town Council).

Franklin Police Department
911 Panther Way
Franklin, MA 02038
508 528 1212
Incident Report



Incident Number: 2013000016505
File No: N/A
Dispatch Incident Number: 2013000016525
Print Date: July 8, 2013
Printed By: It02

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Fri	06/28/2013	9:10:12PM		Fri	06/28/2013	9:10:12PM	→	6/28/2013	9:10:12PM	
Reported As Liquor, Sale To Minor				Incident Type - Primary Liquor, Sale to Minor				Arresting Officer			
Incident Address 837 W CENTRAL, FRANKLIN, MA 02038								Reporting Officer Patrolman Kevin McEniry			
Sector WES		Stat. Area West Statiistical Area		Sub Stat. Area		Census Tract		Landmark			
Business Name ICHIGO ICHIE						Incident Types - Other					

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Kevin McEniry	Reporting Officer	Uniform Patrol Division
Patrolman	Kevin McEniry	Responding Officer	Uniform Patrol Division
Patrolman	Conor P Ashe	Responding Officer	Uniform Patrol Division
No Involved Officers Data Available for Incident #: 2013000016505			

Narratives for Incident Number 2013000016505 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrolman Kevin McEniry Division: Uniform Patrol Division

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/28/2013 22:11	On 06/28/2013 while conducting Alcohol Compliance checks of establishments that serve alcoholic beverages in the town of Franklin, myself and Officer ASHE, along with our under aged decoy, CHARLES MCLAUGHLIN dob 02/06/94 attempted to and were served an alcoholic beverage (Bud Light) at the Ichigo Ichie Restaurant located at 837 West Central St. Franklin, MA.	Patrolman Kevin McEniry	Open		06/28/2013

MCLAUGHLIN, serving as the under aged decoy entered the establishment at 2109 hrs and exited at about 2111 hrs. He stated to me that he ordered a Bud Light Bottle from the bar tender who he described as a white male wearing a black shirt, with a gray tie, and black pants. MCLAUGHLIN stated that he ordered the beer and the bar tender poured it in to a glass for him and then turned away. I asked MCLAUGHLIN if he exchanged any money with the bar tender. He stated no. I asked MCLAUGHLIN if he was asked for an id (no) or if he had enough time to drink the beer after the bar tender turned away (yes).

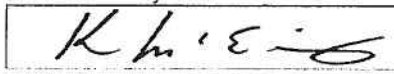
Officer ASHE and I then entered the establishment and identified ourselves and spoke with the manager.

The bar tender was identified as PAUL HASSELL dob 11/12/1977 of 34 Pinewood Ave. Johnston RI. RI DL #3140506.

Paper work completed. See attached.

Respectfully Submitted,

PtIm. Kevin McEniry


 Signature - Reporting Officer

 Signature - Reviewing Officer



FRANKLIN POLICE DEPARTMENT

Stephan H. Semerjian, Chief of Police
911 Panther Way, Franklin, MA 02038
Telephone: (508) 528-1212
Fax: (508) 520-7950
www.franklinpolice.com

NOTICE OF VIOLATION

LICENSEE NAME: Ichigo Ichie

ADDRESS: 837 West Central Street, Franklin, MA 02038

THIS IS TO NOTIFY YOU THAT ON **FRIDAY, JUNE 28, 2013** AT APPROXIMATELY **9:10 P.M.**, YOUR LICENSED ESTABLISHMENT WAS INVESTIGATED BY **OFFICERS** OF THE **FRANKLIN POLICE DEPARTMENT**, DURING WHICH TIME IT IS ALLEGED THAT YOU VIOLATED:

204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138, SECTION 34, SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE.

UNDER MGL, CHAPTER 30A, YOU HAVE THE RIGHT TO A HEARING ON THIS MATTER BEFORE THE LICENSING AUTHORITY REGARDING THIS VIOLATION.

YOU WILL BE NOTIFIED VIA CERTIFIED MAIL TO APPEAR FOR A HEARING BEFORE THE LICENSING AUTHORITY (FRANKLIN TOWN COUNCIL).

SERVICE IN HAND BY:

CHARLES MARTINI
OFFICER

DATE: 7-8-13

RECEIVED BY:

[Signature]
LICENSEE REPRESENTATIVE

DATE: 7/8/13

BUYER REPORT

Franklin Police Department

Date of Attempt: 6/28/13 Time in: 2:09 Time out: 2:11 Case No. 16505

Name of Business Ichigo Ichie

Address 837 West Central St.

My name is Charles McLaughlin

I am 19 years of age. My date of birth is: 2/6/94

I was born in Milford, MA.
(City) (State)

PURCHASE

I purchased, 1 bot Bud Light, an alcoholic beverage and paid \$ no money exchanged to the seller described below.

I was () was not (☒) questioned as to my age.

I was (☒) was not () asked for an ID.

REFUSAL TO SELL

I attempted to purchase _____, an alcoholic beverage, but the seller:

() refused to sell to me.

() asked for an ID and when I gave my excuse for not having an ID refused to sell to me.

() asked my age and when I said my true age refused to sell to me.

SELLER DESCRIPTION

The clerk/cashier/waitperson/bartender is: (Describe)

Male ☒ Female _____ Hair color Bald Shirt/Top color BLK

Trousers/dress/bottom color BLK Height _____ Weight _____ Age _____

Other (ID/name badge, etc.) Grey tie

At the time of the purchase I did not possess nor did I display any form of written identification.

I have read the above statement and all facts are true and correct.

Print Name Charles McLaughlin Signature Charles McLaughlin Date 6/28/13

Witnessing Officer:

Print Name Kevin McEnaney Signature Kevin McEnaney Date 6/28/13

OFFICER REPORT

Franklin Police Department

I, Kevin McEwen, after learning an employee of Chicago Iche completed a purchase of an alcoholic beverage to an under 21 year old operative during a compliance check mobilization, did make contact and interviewed the below named employee who made the sale:

Employee (clerk/cashier/waitperson/bartender) Information

Name Paul Hassell Operator License # RT 3140506

Address 34 Pinewood Ave Johnston RI 02919

Phone Number 5085418882

Date of Birth 11/12/77

Officer:

Signature K McEwen

Date 6/28/13

Franklin Police Department

911 Panther Way
Franklin, MA 02038
508 528 1212

Incident Report

Incident Number: 2013000016500

File No: N/A

Dispatch Incident Number: 2013000016520

Print Date: July 8, 2013

Printed By: lt02

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Fri	06/28/2013	8:40:36PM		Fri	06/28/2013	8:40:36PM	→	6/28/2013	8:40:36PM
Reported As			Incident Type - Primary				Arresting Officer			
Liquor, Sale To Minor			Liquor, Sale to Minor							
Incident Address							Reporting Officer			
1000 FRANKLIN VILLAGE DR, FRANKLIN, MA 02038							Sergeant William Brigham			
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark		
WES		West Statistical Area								
Business Name					Incident Types - Other					
FRANKLIN VILLAGE MALL										

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
Patrolman	Kevin McEniry	Reporting Officer	Uniform Patrol Division
Sergeant	William P Brigham	Reporting Officer	Uniform Patrol Division
Patrolman	Conor P Ashe	Responding Officer	Uniform Patrol Division
No Involved Officers Data Available for Incident #: 2013000016500			

Property										
Property Number		Property Description				Status		Serial Number		Orig. Est. Value
2013000000489		Beer				Open		N/A		\$0.00
Weapon Type		Vehicle Ref.		Drug Type		Container		Loss Desc.		Category Desc.
N/A		N/A		N/A		N/A		N/A		Evidence
Year	Make	Model	Width	Length	Height	Weight	Caliber	Qty	Unit of Measure	Color
N/A	Bud Light	12 oz can	0	0	0	0	0	12.00	N/A	Blue, Light
Owner: N/A										



Incident Report

Narratives for Incident Number 2013000016500 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Sergeant William Brigham Division: Uniform Patrol Division

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/28/2013 22:34		Sergeant William Brigham	Open		06/28/2013

While logging the 12 pack of Bud Light into evidence I attempted to staple closed the box, resulting in the piercing of (2) of the Bud Light cans which emptied their contents. The empty cans were thrown away.

Signature - Reporting Officer

Signature - Reviewing Officer

Narrative by: Patrolman Kevin McEniry Division: Uniform Patrol Division

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/28/2013 22:29	Compliance Check	Patrolman Kevin McEniry	Open		06/28/2013

On 06/28/13 at about 2036 hrs myself and Officer ASHE were conducting Alcohol Compliance checks with liquor retail establishments in the Town of Franklin. With us was our under aged decoy, identified as CHARLES MCLAUGHLIN dob 02/06/1994. MCLAUGHLIN entered the establishment of the Village Mall Liquors located at 60 Village Mall Drive at 2036 hrs and attempted to purchase and was sold a 12 pack of Bud Light 12oz. cans. See attached pictures. After completing the sale, MCLAUGHLIN exited the store (2042 hrs) and returned to the unmarked cruiser that was being used.

MCLAUGHLIN stated to Officer ASHE and myself that he was not asked for identification or was asked about his age. I asked him how much he was charged for the beer. He stated \$13.59. MCLAUGHLIN described the seller as an older white female with curly brown hair wearing a gray top and blue jeans. Officer ASHE and I then exited the cruiser and entered the store. We identified as Police Officer with the Franklin Police Department and spoke with the clerk, identified as ELLEN M FALLON dob 06/15/61 MA DL #S59749453 of 623 Old West Central St Franklin, MA.

FALLON stated to us she did not ask for any id from MCLAUGHLIN but she knew she should have.

Allpaper work complete. See attached.

Respectfully Submitted,

Ptlm. Kevin McEniry

Signature - Reporting Officer

Signature - Reviewing Officer

Narrative by: Patrolman Kevin McEniry Division: Uniform Patrol Division

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/28/2013 22:47		Patrolman Kevin McEniry	Open		06/28/2013

Signature - Reporting Officer

Signature - Reviewing Officer



FRANKLIN POLICE DEPARTMENT

Stephan H. Semerjian, Chief of Police
911 Panther Way, Franklin, MA 02038
Telephone: (508) 528-1212
Fax: (508) 520-7950
www.franklinpolice.com

NOTICE OF VIOLATION

LICENSEE NAME: Village Mall Liquors

ADDRESS: 60 Franklin Village Drive, Franklin, MA 02038

THIS IS TO NOTIFY YOU THAT ON **FRIDAY, JUNE 28, 2013** AT APPROXIMATELY **8:40 P.M.**, YOUR LICENSED ESTABLISHMENT WAS INVESTIGATED BY **OFFICERS OF THE FRANKLIN POLICE DEPARTMENT**, DURING WHICH TIME IT IS ALLEGED THAT YOU VIOLATED:

204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138, SECTION 34, SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE.

UNDER MGL, CHAPTER 30A, YOU HAVE THE RIGHT TO A HEARING ON THIS MATTER BEFORE THE LICENSING AUTHORITY REGARDING THIS VIOLATION.

YOU WILL BE NOTIFIED VIA CERTIFIED MAIL TO APPEAR FOR A HEARING BEFORE THE LICENSING AUTHORITY (FRANKLIN TOWN COUNCIL).

SERVICE IN HAND BY: RICHARD MARGUIN DATE: 7-8-13
OFFICER

RECEIVED BY: Francis L. Fuld DATE: 7/8/13
LICENSEE REPRESENTATIVE

BUYER REPORT

Franklin Police Department

Date of Attempt: 6/28/13 Time in: 2036 Time out: 2042 Case No. 16500

Name of Business Village Mall Liquors

Address 60 Village Mall Dr.

My name is Charles McLaughlin

I am 19 years of age. My date of birth is: 2/6/94

I was born in Malden, MA
(City) (State)

PURCHASE

I purchased, 12pk Bud Light cans an alcoholic beverage and paid \$ 13.59 to the seller described below.

I was () was not (☒) questioned as to my age.

I was () was not (☒) asked for an ID.

REFUSAL TO SELL

I attempted to purchase _____, an alcoholic beverage, but the seller:
() refused to sell to me.
() asked for an ID and when I gave my excuse for not having an ID refused to sell to me.
() asked my age and when I said my true age refused to sell to me.

SELLER DESCRIPTION

The clerk/cashier/waitperson/bartender is: (Describe)

Male _____ Female ☒ Hair color Brown Shirt/Top color Grey

Trousers/dress/bottom color Blue Height 5'6 Weight - Age 49

Other (ID/name badge, etc.) Curly hair

At the time of the purchase I did not possess nor did I display any form of written identification.

I have read the above statement and all facts are true and correct.

Print Name Charles McLaughlin Signature Charles McLaughlin Date 6/28/13

Witnessing Officer:

Print Name Karen McEnery Signature Karen McEnery Date 6/28/13

OFFICER REPORT

Franklin Police Department

I, Kevin McEnany, after learning an employee of Village Mall Liquors completed a purchase of an alcoholic beverage to an under 21 year old operative during a compliance check mobilization, did make contact and interviewed the below named employee who made the sale:

Employee (clerk/cashier/waitperson/bartender) Information

Name Ellen M Fallon Operator License # SS9749453

Address 623 Old West Central St Franklin

Phone Number 508 520 1118 - work

Date of Birth 6/15/61

Officer:

Signature K. McEnany

Date 6/28/13



LICENSE TRANSACTION:

Colwen Management, Inc. dba Residence Inn by Marriott-Franklin is requesting change of manager transaction with the manager to be Susan Perrothers.

All necessary signatures have been received.

MOTION to approve the application by Colwen Management, Inc. dba Residence Inn by Marriott-Franklin for a change of manager transaction with the manager to be Susan Perrothers.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

ABSTAIN _____

Deborah L. Pellegri
Town Clerk

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

☐ For Reconsideration

FORM 43
MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

ABCC License Number

City/Town

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock | <input type="checkbox"/> Change of License Type |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Wine & Malt to All Alcohol | |

Name of Licensee

EIN of Licensee

D/B/A

Manager

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Annual or Seasonal

Category: (All Alcohol- Wine & Malt Wine,
Malt & Cordials)

Type: (Restaurant, Club, Package
Store, General On Premises, Etc.)

Complete Description of Licensed Premises:

Application Filed:

Date & Time

Advertised:

Date & Attach Publication

Abutters Notified: Yes ☐ No ☒

Contact Person for Transaction

Phone:

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Remarks:

The Local Licensing Authorities
By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

ABCC Remarks:



*The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc*

PETITION FOR CHANGE OF LICENSE

0430-00075

ABCC License Number

Franklin

City/Town

The licensee Colwen Management Inc. respectfully petitions the Licensing Authorities to approve the following transactions:

- ☒ Change of Manager
 - ☐ Pledge of License/Stock
 - ☐ Change of Corporate Name/DBA
 - ☐ Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")
 - ☐ Alteration of Premises
 - ☐ Cordial & Liqueurs
 - ☐ Change of Location

- ☒
- Change of Manager

Last-Approved Manager: Norbert Ginter

Requested New Manager: Susan Perrothers

- ☐
- Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

- ☐
- Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

- ☐
- Change of License Type

Last-Approved License Type:

Requested New License Type:

- ☐
- Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

- ☐ Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

Date Signed _____

8/15/2013

(If a Corporation/LLC, by its authorized representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a **Personal Information Form**,
and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee:	Colwen Management Inc.	Business Name (dba):	Residence Inn by Marriott Franklin
Address:	4 Forge Parkway		
City/Town:	Franklin	State:	MA Zip Code: 02038
ABCC License Number: (If existing licensee)	043000075	Phone Number of Premise:	508-514-8188

2. MANAGER INFORMATION:

A. Name:	SUSAN M. PERROTHERS	B. Cell Phone Number:	860-794-6366
C. List the number of hours per week you will spend on the licensed premises:	55-60		

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	B. Date of Naturalization:		C. Court of Naturalization:	
----------------------------	---	----------------------------	--	-----------------------------	--

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe:	
B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe:	
C. Have you ever been the Manager of Record of a license that was issued by this Commission?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, please describe:	
D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):	
Jan 2000- 2005 Embassy Suites Hotel - Atlanta GA/ Feb 2005 -5/2013 Waterford Hotel Group. Waterford CT	

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

Signature

Susan M. Perrothers

Date 08/01/2013



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	Colwen Management Inc.	B. Business Name (dba)	Residence Inn by Marriott Franklin		
C. Address	4 Forge Parkway	D. ABCC License Number (If existing licensee)	0043000075		
E. City/Town	Franklin	State	MA	Zip Code	02038
F. Phone Number of Premise	508-541-8188	G. EIN of License	02-0526858		

2. PERSONAL INFORMATION:

A. Individual Name	Susan Perrothers	B. Home Phone Number	860-794-6366		
C. Address	268 Smith Street				
D. City/Town	North Attleboro	State	MA	Zip Code	02760
E. Social Security Number		F. Date of Birth			
G. Place of Employment	Colwen Management Inc. 230 Commerce Way Suite 200 Portsmouth NH 03801				

3. BACKGROUND INFORMATION:

Have you ever been convicted of a state, federal or military crime?

Yes ☐ No ☒

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

NONE - general manager of the the licensed premises.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

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

Signature		Date	08/01/2013
Title	General Manager	(If Corporation/LLC Representative)	

COLWEN MANAGEMENT, INC.

CONSENT OF DIRECTORS

The undersigned, being all of the Directors of Colwen Management, Inc. a corporation organized and existing under the New Hampshire Business Corporation Act (NH RSA 2983-A) (the 'Corporation'), do hereby consent that the following actions be taken without a meeting pursuant to New Hampshire RSA 293-A: such actions to be effective as of the date hereof:

RESOLVED:

That the Corporation file all necessary applications with the Commonwealth of Massachusetts Alcoholic Beverage Control Commission and the Town of Franklin for the renewal of an Alcoholic Beverage License for Retail sale at the Residence Inn by Marriott, 4 Forge Parkway, Franklin, Massachusetts, and take all other actions, and execute and deliver such documents, affidavits and certificates, as may be necessary or beneficial to obtain such Alcoholic Beverage License for Retail Sale.


RESOLVED

That Susan Perrothers, General Manager of the Residence Inn by Marriott is hereby authorized to serve as Manager of Record of the Hotel and be given complete control of the licensed premises.

RESOLVED

That Terrence Bickhardt, Senior Vice President of Colwen Management Inc. is authorized to take all actions required to apply for and maintain an Alcoholic Beverage License for Retail Sale.


Executed this 31 day of July 2013.



Mark R. Stebbins, Director



Mark C. Schleicher, Director



Leo Xarras, Director

Legislation

For

Action

Sponsor: *Town Council*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-719

**A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
§185, ATTACHMENT 9. SCHEDULE OF LOT, AREA, FRONTAGE YARD
AND HEIGHT REQUIREMENTS**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding Residential VII Zoning District to §185, Attachment 9. Schedule of Lot, Area, Frontage and Height Requirements with dimensional requirements, as noted.

Town of Franklin
Schedule of Lot, Area, Frontage, Yard and Height Requirements

District	Minimum Lot Dimensions				Minimum Yard Dimensions			Maximum Height		Maximum Impervious Coverage of Existing Upland	
								of Building			
	Area	Continuous	Depth (feet)	Lot Width	Front (feet)	Side (feet)	Rear (feet)	Stories	Feet	Structures	Structures
	(square feet)	Frontage (feet)		(minimum circle diameter)							Plus Paving ³
Rural Residential I	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VI	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Residential VII ¹¹	40,000	200	200	180 ⁴	40	40	40	3	35	20	25
Rural Residential II	30,000	150	200	135 ⁴	40	35	35	3	35	20	25
Single Family Residential III	20,000	125	160	112.5	40	25	30	3	35	25	35
Single Family Residential IV	15,000	100	100	90	30	20	20	3	35	30	35
General Residential V	10,000	100	100	90	20	15	20	3	40	30	35
Neighborhood Commercial	18,000	100	100	90	20	30	40	3	35	30	35
Downtown Commercial	5,000	50	50	45	5 ¹⁰	0 ²	15	3 ⁹	40 ⁹	80	90
Commercial I ⁷	5,000	50	50	45	20 ¹	0 ²	15	3 ⁶	40 ⁶	90	100
Commercial II	40,000	175	200	157.5	40	30	30	3	40	70	80
Business	20,000	125	160	112.5	40	20	30	3	40	70	80
Industrial	40,000	175	200	157.5	40	30 ⁵	30 ⁵	3 ⁶	-	70	80
Limited Industrial	40,000	175	200	157.5	40	30 ⁸	30 ⁸	3 ⁶	40 ⁶	70	80
Office	40,000	100	100	90	20	30 ⁵	30 ⁵	3 ⁶	40 ⁶	70	80

Setbacks: No structure or pole carrying overhead wires shall be put up within 60 feet nor shall a billboard be erected within 100 feet of right-of-way which is 75 feet or more.

NOTES:

¹ But no new structure shall be required to provide a deeper yard than that existing on that parcel upon adoption of this amendment.

² Increase to 20 feet when abutting a residential district.

³ See definition of Upland §185-3, §185-36. Impervious Surfaces and §185-40. Water Resource District.

⁴ Within open space developments (see § 185-43), the lot width must be met for individual lots shall be no less than 1/2 those required within the underlying district.

⁵ Increase by the common building height of the structure, when abutting a residential use.

⁶ Up to 5 stories and/or 60 feet, whichever is greater, may be permitted by a special permit from the Planning Board.

⁷ Permitted residential uses must observe requirements of General Residential V District for residential use building only. Mixed use buildings are exempt from this requirement.

⁸ Increase by 1.5 the common building height of a structure, when abutting a residential district or use.

⁹ Up to 4 stories and/or 50 feet, whichever is less, may be permitted by a Special Permit from the Planning Board provided the structure is set back at least 15 feet from frontage.

¹⁰ Minimum 5' setback required on first floor, street level; upper floors can overhang required first floor set back.

¹¹ See §185-50.

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** _____

Deborah L. Pellegrini
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-720**

DISTRICTS ENUMERATED

CHANGES TO §185, SECTION 4, DISTRICTS ENUMERATED

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185, SECTION 4, DISTRICTS ENUMERATED, RE: CREATION
OF RESIDENTIAL VII ZONING DISTRICT**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by ~~deleting~~ and adding the following text at §185-4. Districts Enumerated:

- A. For the purposes of this chapter, the Town of Franklin is hereby divided into the following types of districts:

Rural Residential I (RRI)

Rural Residential II (RRII)

Single-Family Residential III (SFRIII)

Single-Family Residential IV (SFRIV)

General Residential V (GRV)

Residential VI (RVI)

Residential VII (RVII)

Commercial I (CI)

Commercial II (CII)

Business (B)

Industrial (I)

Limited Industrial (LI) [Added 10-2-2002 by Bylaw Amendment 02-507]

Neighborhood Commercial (NC) [Added 6-11-2003 by Bylaw Amendment 03-511]

Office (O) [Added 7-11-2001 by Bylaw Amendment 01-467]

Downtown Commercial (DC) [Added 7-13-2011 by Bylaw Amendment 11-652]

- B. In addition, there are eight overlay districts: the Flood Hazards District as established in §185-24, the Water Resource District as established in §185-40, the Wireless Communications Services District as established in §185-44, the Biotechnology Use Overlay District as established in §185-42, the Adult Use Overlay District as established in §185-47, the Senior Village Overlay District as established in §185-48, the Sign District Map as established in §185-20 and the Medical Marijuana Use Overlay District as established in §185-49.

C. Intent of districts. The intent of the zoning districts is as follows: (Please refer to the Table of Use for specific uses as they relate to each zoning district.) [Added 7-11-2001 by Bylaw Amendment 01-467]

- (1) The Rural Residential Districts (RRI, RRII) are intended primarily for single-family residential uses in a rural and semi-rural environment. Agricultural uses are generally permitted. Generally, commercial and industrial uses are not permitted.
- (2) The Single-Family Residential Districts (SFRIII, SFRIV) are intended primarily for single-family residential uses in a semi-rural and suburban environment. Two-family residential uses may be permitted in some areas. Generally commercial and industrial uses are not permitted; however, limited commercial uses may be permitted in some areas.
- (3) The General Residential V District (GRV) is intended primarily for single-family and two-family residential uses in a suburban downtown environment. Multifamily and apartment uses may also be permitted. In addition, certain commercial uses may be permitted, but most nonresidential uses are not allowed.
- (4) The Residential VI District (RVI) is intended primarily for multifamily and apartment residential uses in a suburban environment. Limited commercial uses may be permitted. See §185-38. Multifamily and flexible development zoning bylaw for further requirements of the Residential VI District.
- (5) The Residential VII District (RVII) is intended primarily for single-family residential uses in a semi-rural environment. Multiple, single-family dwelling units may be permitted. Preservation of open space is encouraged and most nonresidential uses are not allowed. Please see §185-50. Residential VII for further requirements of the RVII District.
- ~~(5)~~ (6) The Commercial I District (CI) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses in a downtown environment. Limited industrial uses may be permitted. Single-family, two-family and multifamily and apartment residential uses may also be allowed.
- ~~(6)~~ (7) The Commercial II District (CII) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses and limited industrial uses in a suburban commercial environment. Single-family and two-family residential uses may also be permitted. [Amended 6-11-2003 by Bylaw Amendment 03-511]
- ~~(7)~~ (8) The Business District (B) is intended primarily for nonresidential uses such as office, retail, service, trade, restaurant, and other commercial uses with some limited industrial uses in a suburban commercial environment.
- ~~(8)~~ (9) The Office District (O) is intended primarily for office parks, business uses, limited commercial and light industrial uses. Industrial uses such as warehouse and manufacturing are not permitted except as an accessory use. Residential uses are not permitted.

- ~~(9)~~ (10) The Industrial District (I) is intended primarily for light and medium industrial uses, warehouse and distribution uses, and business uses. Some commercial uses may be permitted but residential uses are not permitted.
- ~~(40)~~ (11) The Limited Industrial District (LI) is intended primarily for light industrial service, trade and limited business uses. In addition, accessory office and retail uses may be permitted. Residential uses are not allowed. [Added 10-2-2002 by Bylaw Amendment 02-507]
- ~~(44)~~ (12) The Neighborhood Commercial District (NC) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods providing retail and personal services which serve the surrounding neighborhood. Industrial uses are not allowed. The District is further classified by its neighbor- and pedestrian-friendly design concepts including low luminescent lighting fixtures, visibly obscured parking areas, densely planted property borders, nonintrusive architecture and pedestrian scaled signage with external illumination. [Added 6-11-2003 by Bylaw Amendment 03-511]
- ~~(42)~~ (13) The Downtown Commercial District (DC) is intended as a mixed use, transit-oriented commercial district which combines first floor commercial uses with upper floor office or multi-unit residential uses. An emphasis is placed on commercial uses like restaurants and retail that support an economically rich downtown environment. [Amended 7-13-2011 by Bylaw Amendment 11-652]

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

SPONSOR: *Town Council*

**TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-721
RESIDENTIAL VII**

CHANGES TO §185, SECTION 5: ZONING MAP

**A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN
AT CHAPTER 185, SECTION 5, ZONING MAP, RE: ADDITION OF
RESIDENTIAL VII ZONING DISTRICT**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by making the following amendments to §185-5, of the Code of the Town of Franklin, Zoning Map:

That the Zoning Map of the Town of Franklin be amended by adding the Residential VII Zoning District an area containing 21.7 +/- acres, comprising the following parcels of land as shown on the Town of Franklin's Assessor's Maps:

284-028-000	284-026-000	300-002-000 (portion, as
284-027-000	299-001-000	shown on attached map)
284-025-000		300-003-000

The area to be rezoned is shown on the attached zoning map.

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. Pellegrini
Town Clerk

ABSENT _____

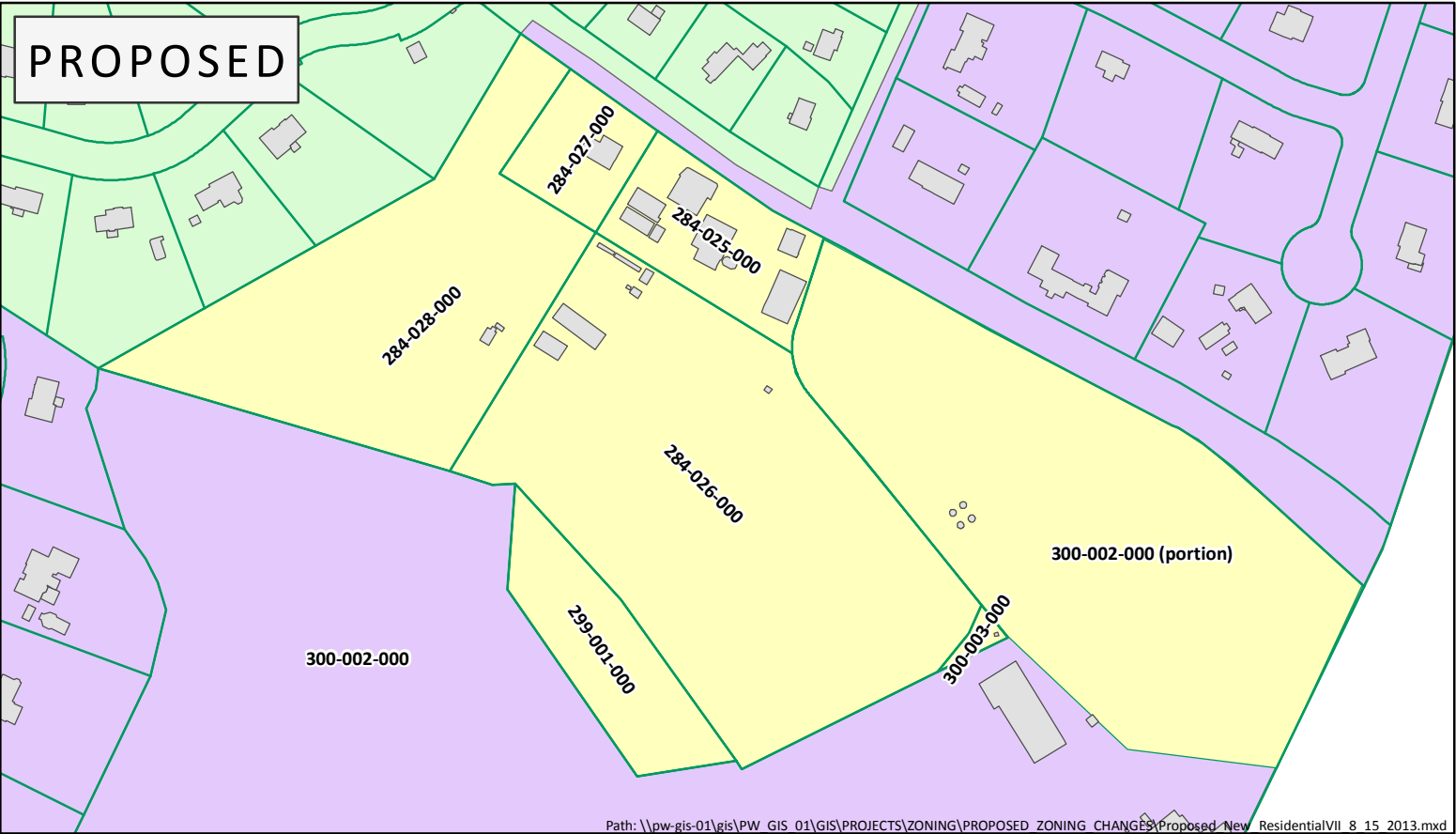
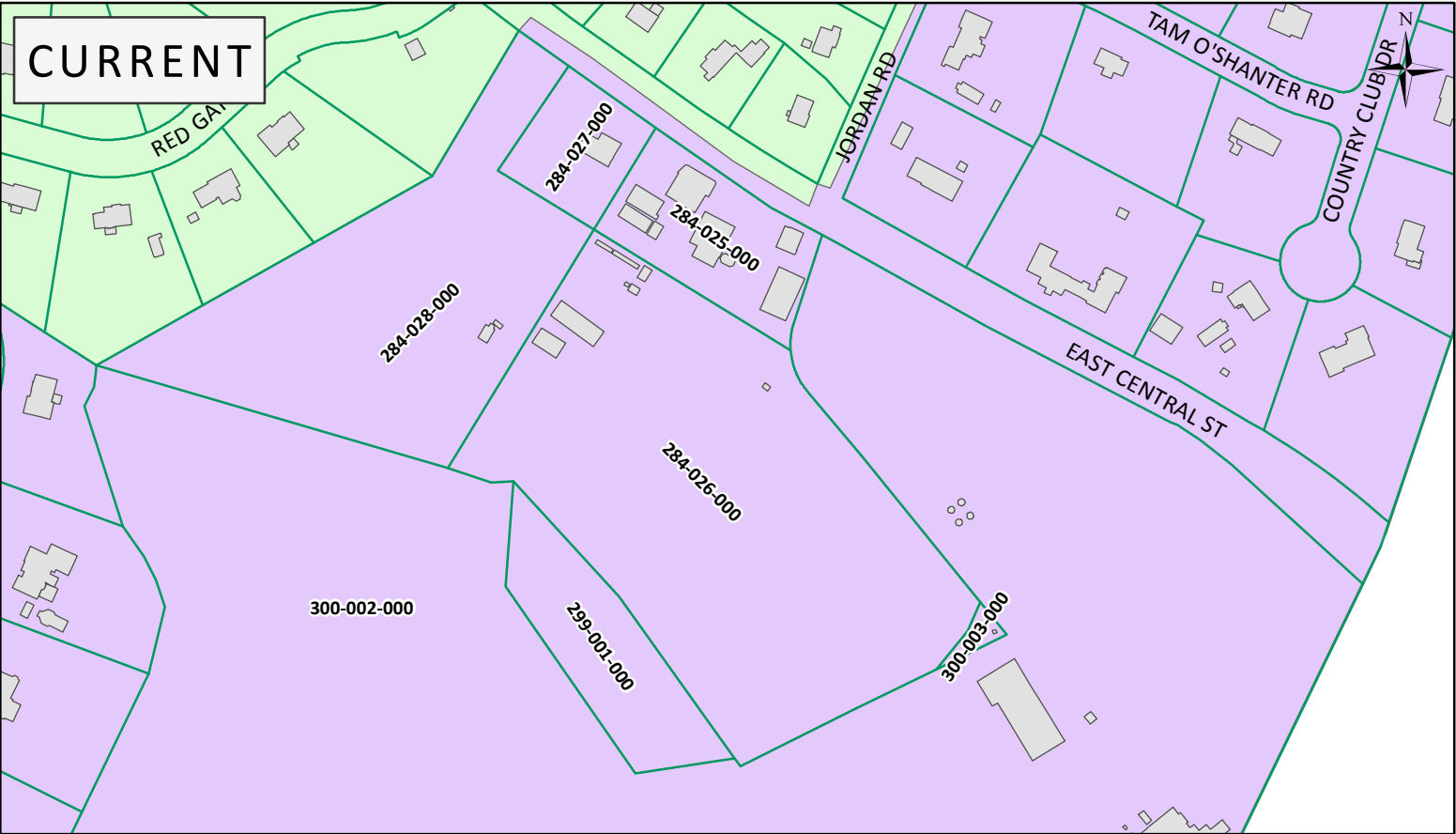
Judith Pond Pfeffer, Clerk
Franklin Town Council

Proposed Zoning Map Change

New District: Residential VII

- Parcel Line
- Single-Family III
- Rural Residential I
- Proposed Residential VII

0 75 150 300 450 600 Feet



SPONSOR: *Town Council*

TOWN OF FRANKLIN
ZONING BY-LAW AMENDMENT 13-722
RESIDENTIAL VII ZONING DISTRICT
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE AT
CHAPTER 185, SECTION 50

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding the following text at §185-50. Residential VII zoning district:

1. Purpose. To allow for planned residential developments.
 - A. Uses allowed:
 - (1) Single-family dwelling units by right;
 - (2) Multiple, single-family dwelling units by special permit from the Planning Board; and
 - (3) All other uses as permitted in Residential VII as shown in Chapter 185, Attachment 2, Town of Franklin Use Regulations Schedule.
 2. Special Permit, for multiple, single-family.
 - A. General requirements.
 - (1) Special Permits. Multiple, single-family dwelling units may be authorized by special permit from the Planning Board in the Residential VII zoning district, but only in accordance with the requirements as set out in Chapter 185-45. Administration and Enforcement, and if in accordance with the following requirements of this section, and as long as all other applicable requirements of Chapter 185 are met.
 - (2) Site plan review. The requirements of § 185-31, Site plan review, shall be complied with at the time of application for a special permit.
 - B. Other Requirements.
 - (1) Mitigation. Design and construction shall reduce, to the extent reasonably possible, the following:
 - (a) The volume of cut and fill.
 - (b) The area over which existing vegetation will be disturbed, especially on land within 200 feet of a wetland, river, pond, or stream, or having a slope of more than 15% or overlying easily eroded soils.
 - (c) The number of trees removed.
 - (d) The extent of waterways altered or relocated.
 - (e) The visual prominence of man-made elements not necessary for safety or orientation.

- (f) The removal of existing stonewalls.
- (g) The visibility of building sites from existing streets.
- (h) The alteration of groundwater or surface water elevations.
- (i) The disturbances of important wildlife habitats, outstanding botanical features and scenic or historic environs.
- (j) The soil loss or instability during and after construction.
- (2) Enhancement. Design and construction shall increase, to the extent reasonably possible, the following:
 - (a) Visual prominence of natural features of the landscape.
 - (b) Legal and physical protection of views from the public ways.
 - (c) Use of curvilinear street patterns.
- C. Building design and placement.
 - (1) Minimum lot size. Multiple, single-family developments shall be constructed on a parcel of land totaling at least five (5)-acres of upland.
 - (2) Density. The maximum number of dwelling units permitted shall not exceed 4-units per acre of upland.
 - (3) There shall be at least 20 feet between buildings or space between buildings may be reduced by 50% if all adjacent buildings are fire sprinkled. In all other respects, the requirements of the Schedule of Lot, Area, Frontage, Yard and Height Requirements must be met.
 - (4) If no public water supply is available, dwelling units must be fire sprinkled.
- D. Roadways.
 - (1) Roadways construction. All the work and the materials used shall conform to the requirements of the MassDOTs "Standard Specifications for Highways and Bridges," including the most recent Supplemental Specifications.
 - (a) All roadways shall be designed so that, in the opinion of the Planning Board, they will provide safe vehicular and pedestrian travel.
 - (b) Width Requirements.
 - i. Roadways and alleys shall be 24 feet width of which a minimum of 20 feet shall be paved; the balance shall consist of a continuous shoulder with no obstructions, constructed in the opinion of the Fire Chief, to be capable of supporting and providing supplemental access for heavy emergency vehicles.
 - ii. Alleys may be reduced to 18 feet in width provided that the following requirements are met:
 - a. There is a primary roadway constructed consistent with the requirements of this section F. Roadways;

- b. The alley is one way; and
- c. There is no parking allowed along the alley.

(2) Dead-end street.

- (a) Dead-end streets shall be no longer than 600 feet measured from the center turnaround to the sideline of the closest, connecting street.
- (b) Dead-end streets shall be provided at the closed end with a turnaround having a right-of-way radius of 60 feet and a pavement radius 45 feet; all pavement will be kept within the right of way.
- (c) Approval. Approval of dead-end streets may be contingent upon provision of easements and necessary facilities to allow continuity of utility and drainage systems. Water mains shall normally be looped.

(3) Other roadway requirements.

- (a) Through streets. Through streets indicated on the plan that are not fully constructed to provide through traffic shall provide for paved temporary turnarounds suitable for snowplowing purposes, to be approved by the Planning Board, before any houses on such streets shall be occupied.

(4) Ownership and maintenance.

- (a) Ownership and maintenance of all roadways and related infrastructure shall remain private.
- (b) A private road covenant to ensure compliance with F.(4)(a) shall be approved by the Town Council prior to endorsement of plans by the Planning Board.

E. Other improvements.

- (1) Sidewalks. Location. Sidewalks are required on one side of the road to adequately service pedestrian traffic.
- (2) Sidewalks shall be at least five feet wide and shall extend to the paved roadway at intersections to provide convenient walk-off crossings. Sidewalks shall be ramped for handicapped to access the gutter with no curb. Handicap ramps shall be shown on the plan and shall be constructed in accordance with the latest Rules and Regulations of the Architectural Access Board.

F. Utilities.

- (1) Wiring. Electrical, telephone and television community cable conduits shall be placed underground. Size and materials of these conduits and lateral spacing between conduits shall meet the requirements of the respective utility company. The utilities shall not be located under either paved areas of roadways or the sidewalks.
 - (a) Ownership and maintenance of utilities shall remain private.
- (2) Water and Sewer. Water and Sewer services shall be constructed in compliance with Department of Public Works Standards.

- (a) Water and sewer system shall remain private; however, DPW personnel shall have access as necessary to maintain the public systems.
- (b) The Town of Franklin, its agents and servants shall have the right but not the obligation at all times to enter an approved development for the purposes of inspecting, maintaining and or making emergency repairs including, but not limited to, private water, private sewer and/or private drainage systems. In such event, the private property owners shall be liable, jointly and severally, for the payment of all expenses incurred by the Town in connection therewith, and unpaid expenses shall constitute a lien on their property.

G. Homeowners' Association.

- (1) A homeowners' association shall be established to provide maintenance of all roadways, related infrastructure and utilities.
- (2) Legal documents creating such homeowners' association shall be submitted to the Town for review and shall be determined to be acceptable prior to plans being endorsed by the Planning Board.

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

SPONSOR: *Town Council*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 13-723

CHANGES TO §185, USE REGULATION SCHEDULE.

**A ZONING BY-LAW TO AMEND CHAPTER 185, USE REGULATION SCHEDULE OF
THE CODE OF THE TOWN OF FRANKLIN**

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by adding RVII to the first column of the Town of Franklin Use Regulation Schedule, Parts I through Parts VII:

	RRI												
	RRII												
	RVI												
Principal Uses	RVII	RVII	SFRIII	SFRIV	GRV	NC	CI	CII	DC	B	I	LI	O

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

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											

PA - A use authorized under special permit from the Board of Appeals

DR – A use authorized under special permit from the Planning Board

D/SP – Permitted as of right. A special permit from the Board of Appeals is required if the proposed project results in an increase in estimated water consumption of more

	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523</
--	---	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-------

[illegible]

1. If any part of a principal use is considered a VSE (see § 102.5, 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.

[illegible]

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

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

Tel: (508) 520-4907



Fax: (508) 520-4906

Planning Board

355 East Central Street
Franklin, Massachusetts 02038-1352

July 30, 2013

Deborah L. Pellegrini, 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

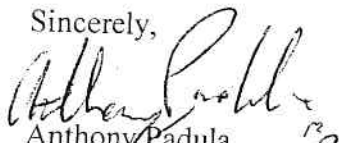
Petitioner: Town of Franklin, Department of Planning and Community Development

Dear Mrs. Pellegrini:

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

2013 JUL 31 AM 9:41
TOWN OF FRANKLIN
TOWN CLERK
RECEIVED



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-61

ACCEPTANCE OF RELOCATED WATER EASEMENT AND RELEASE (ABANDONMENT) OF ORIGINAL WATER EASEMENT ON PROPERTY AT 34 LONGFELLOW DRIVE

WHEREAS, J. C. Builders, Inc. is the owner of a certain parcel of land located at 34 Longfellow Drive in Franklin described in a deed dated May 22, 2013 and recorded at Norfolk County Registry of Deeds in Book 31357, Page 75 ("The Property"), and

WHEREAS, a prior owner of "The Property" granted a water main easement to Town by easement instruments dated January 6, 1989 and June 28, 1990 and recorded at Norfolk County Registry of Deeds in Book 8210 at Page 551 and Book 28780, Page 135, but the water main was constructed outside of said easement, and

WHEREAS, J. C. Builders, Inc. has agreed to grant to the Town of Franklin, for nominal consideration, a water easement on the portion of "The Property" where Town's water main is already located, as shown on a plan of land entitled "34 Longfellow Drive Easement Plan in Franklin, Mass. Scale: 1" = 20' 29 July 2013 Landmark Engineering of New England, Inc. P.O. Box 415 Norfolk, MA 02056" ("The Plan") and has executed a Grant of Easement to Town with a copy of "The Plan" attached, true copies of both being attached hereto as "Exhibit 1" (collectively: "Grant of Easement"),

NOW THEREFORE, BE IT ORDERED that the Town of Franklin acting by and through its Town Council:

1. Accepts "Grant of Easement" a true copy being attached hereto as "Exhibit 1", to provide the Town's existing water main with the benefit of an easement on "The Property".
2. In consideration of J.C. Builders, Inc.'s grant of easement to Town for nominal consideration, authorizes the Town Administrator to execute the Release, a true copy of which is attached hereto as "Exhibit 2", to effect the abandonment of the original location of the water main easement on "The Property".
3. Authorizes the Town Administrator, in consultation with Town Attorney to execute any additional instruments and to take any other action deemed necessary to effect the creation of a relocated water easement and the abandonment of the original water easement on "The Property".

4. Orders that a true copy of this Resolution be recorded with Grant of Easement (Exhibit 1) and the Release (Exhibit 2) at Norfolk County Registry of Deeds.

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

DATED: September _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

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

GRANT OF EASEMENT

J.C. BUILDERS, INC., a Massachusetts Corporation, having its usual place of business at 275 Beaver Street, P.O. Box 454, Franklin, MA 02038, in consideration of \$1.00 paid, does hereby grant to The **TOWN OF FRANKLIN**, a Municipal Corporation in Norfolk County, Massachusetts with its municipal offices having an address of 355 East Central Street, Franklin, Massachusetts 02038, with Quitclaim Covenants, the following described easement:

The right to construct, inspect, repair, remove, replace, operate and forever maintain (1) pipes, conduits and their appurtenances for the conveyance of water; and (2) a covered surface and groundwater drain or drains with manholes, pipes conduits and their appurtenances, and to do all other acts incidental to the foregoing including the right to pass along and over the land and the right to enter on foot and with equipment and vehicles to perform any of said work for aforementioned purpose a 20' wide water easement shown on the attached Easement Plan labeled Exhibit A.

Further, the said Grantor does hereby grant unto the Grantee and its successors and assigns forever, ownership right in all of said drainage basins, drainage pipes, drainage swales, manholes, conduits, fixtures, headwalls and all appurtenances thereto that are now or hereafter may be constructed or installed in, through, or under the above described land.

The Grantor, for himself and his successors in title, covenants that he shall not permit any use within said easement area described herein, which is inconsistent with this Grant of Easement, including, but not limited to the erection of any non-related structures of any kind or the planting of shrubs and/or trees within the easement area or performing any act which will impair the function and purpose of said Grant of Easement.

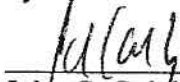
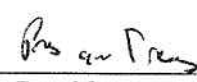
The Grantor shall not relocate said easement without first obtaining Grantee's written consent to said relocation.

For Grantor's title see deed recorded in Norfolk Deeds Book 31357 Page 75.

Executed as a Sealed Instrument this 20th day of August, 2013.

J.C.BUILDERS, INC.

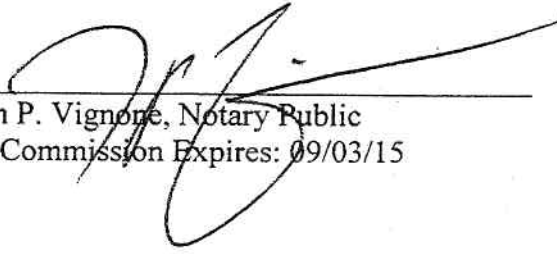
by:

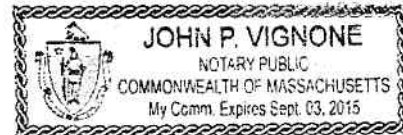
 
John C. Colella, Jr. President
and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

On this 20th day of August, 2013, before me, the undersigned notary public, personally appeared John C. Colella, Jr., President & Treasurer of J.C. Builder's, Inc. proved to me through satisfactory evidence of identification, being (check whichever applies): Driver's License or other state or federal governmental document bearing a photographic image, Oath or Affirmation of a credible witness known to me who knows the above signatory, or My Own personal knowledge of the identity of the signatory, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.


John P. Vignone, Notary Public
My Commission Expires: 09/03/15



MORTGAGEE'S ASSENT

Rockland Trust Company, a duly-organized banking corporation with a principal place of business at 58 Main Street, Franklin, Norfolk County, MA holder of a mortgage from J.C. Builders, Inc., on the property located at 34 Longfellow Drive Franklin, Norfolk County, MA described in the foregoing grant of easement, said mortgage being recorded at Norfolk County Registry of Deeds in Book 31357 at Page 78, hereby assents to and joins in the foregoing Grant of Easement.

In witness whereof, Rockland Trust Company has caused this instrument to be executed on its behalf by its duly-authorized officer this 19th day of August, 2013.

Rockland Trust Company, by:



Name: Rose M. Buckley

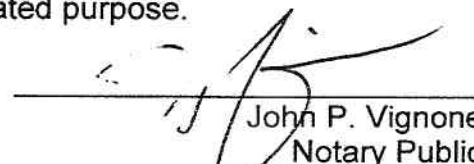
Position: First Vice President

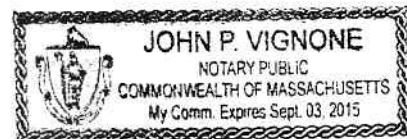
COMMONWEALTH OF MASSACHUSETTS

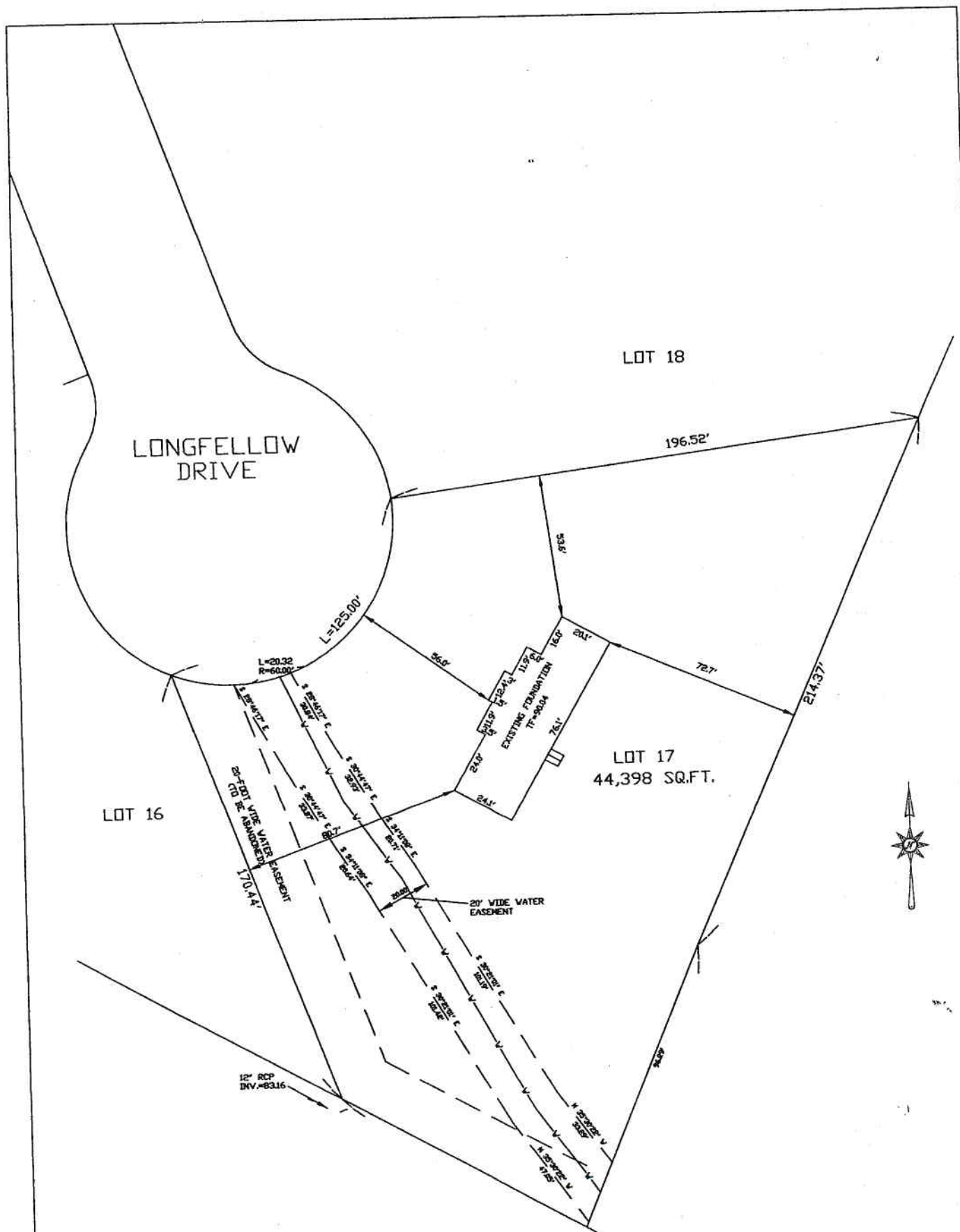
NORFOLK, SS:

August 19, 2013

On this 19th day of August, 2013, before me, the undersigned notary public, personally appeared Rose M. Buckley, as First Vice President of Rockland Trust Company, proved to me through satisfactory evidence of identification, which was Mass Driver's License, to be the person whose name is signed on the preceding document and acknowledged to me that he/she signed it voluntarily on behalf of the corporation for its stated purpose.


John P. Vignone
Notary Public
My commission expires: 09/03/15





34 LONGFELLOW DRIVE

I CERTIFY THAT THE ABOVE STRUCTURE

RELEASE OF EASEMENT

The **TOWN OF FRANKLIN**, a Municipal Corporation in Norfolk County, Massachusetts with its municipal offices having an address of 355 East Central Street, Franklin, Massachusetts 02038, in consideration of \$1.00 paid, does hereby release and terminate all our right, title and interest, to **J.C. BUILDERS, INC.**, a Massachusetts Corporation, having its usual place of business at 275 Beaver Street, P.O. Box 454, Franklin, MA 02038, in the following described easement:

The right to construct, inspect, repair, remove, replace, operate and forever maintain (1) pipes, conduits and their appurtenances for the conveyance of water; and (2) a covered surface and groundwater drain or drains with manholes, pipes conduits and their appurtenances, and to do all other acts incidental to the foregoing including the right to pass along and over the land for aforementioned purpose a 20' wide water easement shown on the attached Easement Plan labeled Exhibit A as Existing 20 Foot Water Wide Easement (To be Abandoned).

For Grantor's title see Grants recorded in Norfolk Deeds Book 8210 Page 551 and Book 28780 Page 135.

Meaning and intending to release, extinguish and abandon their entire interest as dominant estate holder and any interest of any person claiming by and through it, to the above described water easement.

Witness My Hand and Seas this ____ day of _____, 2013

TOWN OF FRANKLIN
by:

Jeffrey D. Nutting
Town Administrator
Duly Authorized

Commonwealth of Massachusetts

Norfolk, County

On this _____ day of _____, before me, the undersigned notary public, personally appeared Jeffrey C. Nutting, Town Administrator for the Town of Franklin (name of document signer), proved to me through satisfactory evidence of identification, being (check whichever applies): _____ ***Driver's License or other state or federal governmental document bearing a photographic image***, _____ ***Oath or Affirmation of a credible witness known to me who knows the above signatory, or*** _____ ***My Own personal knowledge of the identity of the signatory***, to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

Notary Public
My Comm. Exp:



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-62

LOCAL ACCEPTANCE OF G.L. CHAPTER 60A, SECTION 1, PARAGRAPH 8

WHEREAS, G.L. Chapter 60A, Section 1, Paragraph 8 is a local acceptance statute which authorizes a municipality to exempt from excise tax the motor vehicle of a qualifying active and full-time military member.

NOW THEREFORE, BE IT RESOLVED BY the Franklin Town Council acting on behalf of the Town of Franklin that G.L. Chapter 60A, Section 1, Paragraph 8 is hereby accepted.

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

DATED: September _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

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



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-63

LOCAL ACCEPTANCE OF G.L. CHAPTER 60A, SECTION 9

WHEREAS, G.L. Chapter 60A, Section 9 is a local acceptance statute which authorizes a municipality to defer any excise tax due under Chapter 60A by a member of the Massachusetts National Guard or the military reserve or his/her dependent while the military person is on active service outside the Commonwealth and for up to 180 days after completion of that service.

NOW THEREFORE, BE IT RESOLVED BY the Franklin Town Council acting on behalf of the Town of Franklin that G.L. Chapter 60A, Section 9 is hereby accepted.

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

DATED: September _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Deborah L. Pellegrini
Town Clerk**

ABSENT _____

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

TOWN OF FRANKLIN

RESOLUTION NO.: 13-64

APPROPRIATION: Council on Aging – Outreach Coordinator

AMOUNT REQUESTED: \$ 4,000

PURPOSE: To increase hours of an Outreach Coordinator from 14 to 19

FINANCE COMMITTEE ACTION

Meeting Date: 9/3/2013

Vote: 5-0

Recommended Amount: \$4,000

Source of Funding: Wage Settlement

Comment:

MOTION

Be It Moved and Voted by the Town Council that the sum of Four thousand dollars (\$4,000.00) be transferred from the Wage Settlement Account to the Council on Aging – Personal Services Account to help pay the salary of an Outreach Coordinator.

DATED: _____, 2013

VOTED:

UNANIMOUS _____

YES _____ NO _____

A True Record Attest:

ABSTAIN _____

ABSENT _____

**Deborah L. Pellegrini
Town Clerk**

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

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: August 13, 2013
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Request of \$4,000 to Fund a Part-Time Outreach Coordinator

In discussions with Karen Alves, she indicated that she has sufficient funds in a grant to hire a 14-hour per week senior social outreach worker. This would relieve the Veterans Agent from those responsibilities and allow a greater emphasis for both the Veterans Agent and Outreach Coordinator who face a growing demand for services

After discussing the matter with Karen and meeting with the Senior Subcommittee, I am requesting the Council fund \$4000 to increase the hours from 14 to 19-hours per week to allow the position to respond to non-senior citizens. This would be a non-benefitted position that would fill a gap that currently exists in Franklin for individuals and families in need of information.

As you are well aware, the Senior Center budget provides a huge bang for the buck and this would be another example of spending very little money for a big return on the quality of life for our residents. The Senior Committee recommends the approval of this request.



FRANKLIN COUNCIL ON AGING

10 Daniel McCahill Street
Franklin, Massachusetts 02038-1878

RECEIVED

JUL 25 2013

TOWN ADMINISTRATOR
TOWN OF FRANKLIN

MEMO

TO: Jeff Nutting
FROM: Karen Alves *KA*
DATE: July 23, 2013
RE: Formula Grant Budget

As you know the Bob Fahey our Veterans Service officers (VSO) and outreach worker was hired in 2001 prior to America's ongoing conflict in the Middle East. His workload on behalf of Veterans has increased about four fold during his tenure. Due to this increase, I would suggest that Bob be allowed to dedicate his time to veteran's services. I would then plan to hire a part-time outreach worker to assume the social service coordination. Due to an increase in the amount of the grant we receive from the state, I have sufficient funds to hire a 14 hour per week position at no cost to the Town.

I would like to recommend that the town consider increasing the position an additional 5 hours per week to 19 hours. The additional hours would be used to serve the non-elderly population of Franklin as there is currently no centralized agency or program that offers this type of assistance. The cost to the town for the remainder of the fiscal year would be approximately \$4,000.

There is definitely a need for these services for non-seniors and by adding the extra hours for a very modest cost we can better serve all citizens.

Thanks for your consideration of the matter.





TOWN OF FRANKLIN

RESOLUTION 13-65

Ratification of Town Administrator's Contract

BE IT RESOLVED THAT THE TOWN OF FRANKLIN acting by and through the Town Council:

Hereby ratifies the provisions of the Employment Agreement between the Town of Franklin and Jeffrey D. Nutting dated February 16, 2011 and effective for the period July 1, 2013 through June 30, 2018, a copy of which is attached to this resolution.

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



DATED:_____, 2013

VOTED:

UNANIMOUSLY:_____

YES:_____ **NO:**_____

A True Record Attest:

ABSTAIN:_____ **ABSENT:**_____

Deborah L. Pellegrini
Town Clerk

Judith Pond Pfeffer, Clerk
Franklin Town Council

PERFORMANCE REVIEW
JEFFREY D. NUTTING
JULY 2013

The Budget Subcommittee met to consider a new contract for Jeff as the most recent contract expired June 30, 2013. The Subcommittee agreed that Jeff performs his duties as Town Administrator with the utmost professionalism and has accomplished a host of critically important objectives in his recent tenure.

Jeff consistently exhibits outstanding and unparalleled dedication to his job, and is available at virtually any time of the day to address issues that may arise. He participates in the vast majority of Subcommittee meetings of the Town Council, attends many community functions and has an open door policy for the public. He is quick to respond to citizen comments, usually via email, with factual explanations and action steps when appropriate. Jeff has an exceptional work ethic and an exemplary commitment to the town of Franklin and its residents.

Jeff's institutional knowledge is invaluable and he is well-prepared at meetings and discussions. In the event that there is follow-up or additional information needed, Jeff produces timely and complete responses.

Jeff has achieved a number of goals that were enumerated in his last review dated 2009. Specifically, he has examined possible avenues to increase communication with the town, including instituting The Express Line newsletter (which has since been terminated due to lack of followers). Jeff also has scheduled periodic presentations by department heads that are designed to update the Town Council and the residents on the day-to-day responsibilities and projects pursued by various town departments.

Additionally, Jeff has achieved a number of accomplishments that have great importance to the long-term sustainability and development of Franklin. For example, he successfully negotiated two-tier collective bargaining agreements which is ground-breaking in Massachusetts and showcases his political acumen, leadership and forward-thinking managerial skills. Jeff also was a key player in the new Franklin High School that is largely funded by the state, scheduled to open in 2014, as well as in the Downtown Revitalization Streetscape project. Jeff and his staff have spent considerable time focusing on the necessary work of updating Franklin by-laws and have pursued a variety of avenues to attract and retain commercial and industrial businesses.

The Subcommittee encourages Jeff to continue focusing on the professional development of the town's administrative staff and department heads, as outlined in his 2009 review. The Subcommittee would also like Jeff to begin considering documenting processes, including the budget process, such that there is a multi-year history for the next Town Administrator to consult going forward.

EMPLOYMENT AGREEMENT

Between

TOWN OF FRANKLIN

And

JEFFREY D. NUTTING

This agreement is made and entered into this 4th day of September 2013 by and between the Town of Franklin, a Massachusetts municipal corporation, having an address of 355 East Central Street, Franklin, Massachusetts 02038 acting by and through its Town Council and hereinafter called "Franklin", as a party of the first part, and Jeffrey D. Nutting of 2 Magnolia Drive, Franklin, MA hereinafter called "Nutting", as party of the second part, both of which understand as follows:

WHEREAS, Franklin and Nutting entered into an Employment Agreement dated February 7, 2001 pursuant to which Franklin employed the services of Nutting as its Town Administrator for an initial term and continuing:

WHEREAS, Franklin desires to continue to employ the services of Nutting as Town Administrator of the Town of Franklin, pursuant to Article Four, Section 4-1-1 of the Franklin Home Rule Charter ("the Charter") and Massachusetts General Laws Chapter 41, sec. 108N; and

WHEREAS, it is the desire of the Franklin Town Council, hereinafter called "the Council", to provide certain benefits, establish certain conditions of employment and to set working conditions of Nutting; and

WHEREAS, it is the desire of the Council to (1) secure and retain the services of Nutting and to provide inducement for him to remain in such employment, (2) to make possible full work productivity by assuring Nutting's morale and peace of mind with respect to future security, (3) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of Nutting, and (4) to provide a just means for terminating Nutting's services at such time as he may be unable fully to discharge his duties due to age or disability or when the Council may otherwise desire to terminate his employ; and

WHEREAS, Nutting desires to continue employment as Town Administrator of Franklin; NOW THEREFORE, in consideration of the mutual covenants contained herein, Franklin and Nutting agree as follows:

SECTION 1 – DUTIES

Franklin hereby agrees to employ Nutting as Town Administrator of Franklin to perform the functions and duties and exercise the powers specified in Article Four, Section 2 of the Charter and in the Code of the Town of Franklin and to perform other legally permissible and proper duties and functions as the Council shall from time to time assign.

SECTION 2 – TERM

- A. The term of this agreement is July 1, 2013 through June 30, 2018.
- B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Council to terminate the services of Nutting at any time subject only to the provisions set forth in Section 3, Paragraph A of this agreement.
- C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of Nutting to resign at any time from his position with Franklin, provided that he gives Franklin thirty (30) days written notice prior to the effective date of his resignation.
- D. Nutting agrees to remain in the exclusive employ of Franklin for the term of this agreement and neither to accept other employment nor to become employed by any other employer until said termination date, unless said termination date is affected as hereinafter provided.
 - 1. The term “employed” shall not be construed to include occasional services (teaching, writing, or consulting) performed on Nutting’s time off, the same to be such as not to interfere with or conflict in any way with Nutting’s general duties to Franklin and are conducted in accordance with the provisions of Article Four, Section 2 of the Charter, and do not constitute a conflict of interest or the unreasonable appearance of a conflict of interest under the terms of Massachusetts General Laws, Chapter 268A (the “Conflict of Interest

Law"). By the Council's execution of this agreement, the performance of said services is hereby approved by the Council, subject to said limitations.

2. During the period of his employment, Nutting will faithfully perform his duties to the best of his ability; and in accordance with the directions of the Council, Nutting will not become associated with, or engaged in, or render services to any other entity during the term of his employment, except as provided above.

E. This agreement shall be extended on the same terms and conditions as herein provided, for an additional period of one year, in the event written notice is not given by one party to the other two hundred and seventy (270) days prior to the termination date. Said agreement shall continue thereafter for one year periods unless either party gives two hundred and seventy (270) days prior written notice to the other party that the party does not wish to extend this agreement for an additional one year term.

SECTION 3 – SUSPENSION AND REMOVAL

- A. Council may suspend Nutting with or without full pay and benefits or remove Nutting for good cause at any time during the term of this agreement. Suspension or Removal; proceedings shall be as follows: (a) a written notice of intent to suspend or remove, together with a statement of the cause or causes therefor, shall be delivered by register mail to Nutting; (b) within 10 days following receipt of said written notice, Nutting shall have the right to request a public hearing before the Town Council which shall be held within (14) days after such request is made; (C) at any such hearing, Nutting shall have the right to be represented by counsel, present evidence, call witness, and question any witness; and (d) final action shall be taken by the Town Council within (7) days following the date of such public hearing or, if no hearing is requested, within seven (7) days after delivery of the notice to remove.
- B. Nutting shall have the right to require that any suspension or removal hearing be held in executive session.

- C. Final removal of Nutting shall only be effected by a majority vote of the full Council at an open Council Meeting in accordance with Article Four, Section 4-3-1 of the Charter.

SECTION 4 – TERMINATION AND SEVERANCE

- A. In the event Nutting is terminated by the Council before expiration of the aforesaid term of employment and during such time that Nutting is willing and able to perform his duties under this agreement, then, in that event, Franklin agrees to pay Nutting a lump sum cash payment equal to six (6) months' aggregate compensation and his group medical insurance costs for a period of six (6) months after the effective date of such termination; provided, however, that in the event Nutting is terminated because of his conviction of any illegal act involving personal gain to him or with good cause for proven acts of embezzlement or fraud against Franklin, then, in that event, Franklin shall have no obligation to pay the aggregate severance compensation or medical insurance costs set forth in this paragraph.
1. If this agreement is not renewed or Nutting is terminated, he shall be entitled to compensation for 100% of all earned leave allowance accumulated and not taken.

SECTION 5 – COMPENSATION

- A. Franklin agrees to compensate Nutting for his services rendered pursuant hereto, Effective July 1, 2013 a salary of \$165,000 payable in bi-weekly installments. Effective July 1, 2014 the salary shall be increased by 2.5%, future increases to be determined by the Town Council.
- B. Franklin will pay on Nutting's behalf in addition to Nutting's base salary, ten percent (10%) of Nutting's compensation to the International City Management Association-Retirement Corporation retirement plan on Nutting's behalf for each year that this agreement is in effect and during any extensions thereof, and to transfer ownership to succeeding employers upon Nutting's resignation or discharge

- C. In addition, the Council agrees to increase said base salary or benefits of Nutting in such amounts and to such extent as the Council may determine that it is desirable to do so on the basis of annual performance evaluations of Nutting.
- D. Nutting's compensation and benefits shall not be reduced unless there is a general reduction in salary among municipal employees.

SECTION 6 – PERFORMANCE EVALUATION

- A. The Council and Nutting shall annually establish mutually agreed upon goals. The Council shall review Nutting's progress toward meeting such goals on a semi-annual basis. The Council shall comprehensively review and evaluate the performance of Nutting at least once annually in advance of the adoption of the annual operating budget. Said annual review and evaluation shall be in accordance with specific criteria developed jointly by the Council and Nutting. Said criteria may be added to or deleted from as the Council and Nutting may from time to time determine. Further, the Council shall provide Nutting with a summary written statement of the findings of the Council and provide adequate opportunity for Nutting to discuss his evaluation with the Council.
- B. Annually, the Council and Nutting shall define such goals and performance objectives which they determine necessary for the proper operation of Franklin and in the attainment of the Council's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.
- C. In effecting the provisions of this Section, the Council and Nutting mutually agree to abide by the provisions of applicable law.

SECTION 7 – HOURS OF WORK

- A. Nutting's workweek shall ordinarily consist of a five (5) day week, Monday through Friday, plus whatever evening and/or weekend hours may be necessary from time to time in order to properly respond to the demands of the position. It is understood that Nutting shall also attend and participate in all Council meetings

and other meetings at which his attendance is necessary for the orderly conduct of Franklin's business and operations.

- B. It is recognized that Nutting must devote a great deal of time outside the normal office hours to business of Franklin, and to that end, Nutting will be allowed to take time off as he shall deem appropriate during said normal office hours provided that the business of Franklin is not adversely affected by the taking of said time off.

SECTION 8 – OUTSIDE ACTIVITIES

- A. Except for the performance of occasional, part-time consulting, writing and teaching works as set forth in Section 2, Par. D. 1. above, Nutting shall accept no outside employment without the prior approval of the Council. He shall not engage in any business activity within Franklin unless he shall notify the Council in advance; the Town Attorney shall find there is no legal conflict of interest; and the Council shall find there is no infringement on his ability to perform his duties as Town Administrator.

SECTION 9 – PLACE OF RESIDENCE

- A. Notwithstanding anything in Article Four, Section 4-1-2 of the Charter to the contrary, Nutting may reside outside of Franklin. By executing this agreement, the Council hereby waives the residency requirement set forth in Article Four, Section 4-1-2 of the Charter.

SECTION 10 – VACATION, SICK LEAVE, PERSONAL LEAVE, AND HOLIDAYS

- A. Nutting shall be credited annually on March 1 with forty-seven (47) days of earned leave for vacation, sick leave, personal leave, and holiday purposes (hereinafter collectively ("earned leave")). Nutting shall annually have the option to be paid for up to ten (10) days annual earned leave days. Effective July 1, 2013 Nutting has sixty (60) days of accumulate vacation leave. He shall annually have the option be paid for up to fifteen (15) days of the balance of the accumulated vacation leave. As the accumulated vacation balance is reduced Nutting shall not be able to add any additional days to his vacation accumulation.

- B. 100% of all earned leave days unused at the termination of this agreement shall be paid to Nutting upon non-renewal of the contract, termination, resignation or retirement.
1. In the case of Nutting's death during the term of this agreement, payment shall be made to the estate of Nutting in an amount equal to 100% of all earned leave days allowance accumulated and not taken.
 2. If services are terminated by dismissal through no fault or delinquency of Nutting or by resignation or retirement, payment shall be made in an amount equal to 100% of all earned leave days allowance accumulated and not taken.
- C. Unused annual leave days to be used for sick leave purposes may be carried over from one year to another, with an overall limit on accumulation of sixty (60) days. No sick leave accumulation will be paid to Nutting upon non-renewal of the contract, termination, resignation or retirement
- D. Any unused vacation or sick leave remaining at the expiration of this agreement shall carry over and be credited to Nutting if this agreement is extended.
- E. Nutting shall ordinarily not be required to work on the following recognized holidays on the dates proclaimed by the Governor or the General Court of the Commonwealth:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving Day
Independence Day	Christmas Day

Leave for such recognized holidays shall be included in Nutting's annual leave.

SECTION 11 – BEREAVEMENT LEAVE

- A. In the event of the death of a member of Nutting's immediate family or a member of his household or a relative, Nutting may take bereavement leave with pay in accordance with the Human Resources Regulations. Any such leave taken shall be in addition to his aforesaid annual leave.

SECTION 12 – HEALTH AND LIFE INSURANCE; DISABILITY INSURANCE ALLOWANCE

- A. Franklin agrees to put into force and to make required premium payments for Nutting's insurance policies for life, accident, sickness, major medical and dependent's coverage group insurance covering Nutting and his dependents. The levels and types of such coverages and Franklin's contribution to the cost of such coverages shall be the same as other managerial employees of Franklin.

SECTION 13 – RETIREMENT

- A. Franklin and Nutting acknowledge and understand that membership in the Massachusetts Contributory Retirement System is mandatory for all permanent, full-time employees. The retirement deduction required by law to be made for each pay period is eight percent (8%) of the gross pay up to \$30,000.00 per annum and an additional two percent (2%) or ten percent (10%) of the gross pay for the portion of the gross pay which exceeds \$30,000 per annum.
- B. Nutting may avail himself of the right to elect under any provision of Chapter 44, Section 67 of the Massachusetts General Laws, including directing the Town Treasurer to defer a portion of his employee income and also to purchase additional life insurance.
- C. Nutting may chose to convert any or all of his deferred compensation payment to salary on an annual basis commencing on July 1, 2010. He must inform the Chair of Council in writing, at least two months prior to the commencement of any fiscal year if he desires to convert a portion of his deferred compensation to salary.

SECTION 14 – DUES AND SUBSCRIPTIONS AND PROFESSIONAL DEVELOPMENT

- A. Franklin agrees to pay for reasonable professional dues and subscriptions of Nutting necessary for his continuation and full participation in the professional municipal management organizations necessary and desirable for his continued professional participation, growth and advancement, subject to appropriation in the annual budget process.

- B. Franklin also agrees to pay for reasonable travel and subsistence expenses of Nutting for professional and official travel, meetings and occasions adequate to continue the professional development of Nutting and to adequately pursue necessary official and other functions for Franklin, subject to appropriation in the annual budget process.

SECTION 15 – INDEMNIFICATION

- A. Franklin shall defend, save harmless and indemnify Nutting against any claim, demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of his employment and to the extent permitted by Massachusetts General Laws Chapter 258. Franklin shall have the right to defend compromise or settle any such claim or suit, as it deems appropriate after consulting with Nutting. Nutting agrees to promptly notify the Council and to cooperate fully with legal counsel designated by the Council to handle such claim. However nothing herein shall prohibit or restrict Nutting from seeking, and the Town or its insurer appointing, legal counsel separate from legal counsel appointed for another municipal official or employee with respect to a particular matter, in the event that such representation is warranted by the facts and circumstances or applicable case law. Franklin may obtain such insurance to cover obligations hereunder as it deems appropriate, however neither said insurance, nor the payment of any insurance proceeds from said policy shall limit or be construed to limit this indemnification or the scope thereof. The provision of this indemnification shall not limit the insurance coverage or any payment pursuant thereto. Willful torts, to the extent required by said Chapter 258, and criminal acts are excepted here from. This section shall survive the expiration or termination of this Agreement.

SECTION 16 – OTHER TERMS AND CONDITIONS OF EMPLOYMENT

- A. The Council, in agreement with Nutting shall fix such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Nutting, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Charter or any other law.

- B. Should Nutting be called for jury duty and have to be absent from regular duty, he may, upon application, be paid the difference between the compensation received from jury duty and his regular compensation, upon presentation of an affidavit of jury pay granted.
- C. For purposes of the Federal Fair Labor Standards Act of 1938, as amended, the position of Town Administrator shall be deemed to be an "exempt" employee.

SECTION 17 – NOTICES

- A. Notices pursuant to this agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:
 - (1) Franklin: Town Council, Franklin Municipal Building, 355 East Central Street, Franklin, MA 02038
 - (2) Nutting: Jeffrey D. Nutting, 2 Magnolia Drive Franklin, Massachusetts 02053Alternatively, notices required pursuant to this agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION 18 – GENERAL PROVISIONS

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors and administrators of Nutting.
- C. This agreement shall become effective commencing on July 1, 2013.
- D. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.
- E. Should any portions of this agreement be in conflict with any provision or provisions of the Charter or state laws, the requirements of the Charter or state laws shall govern. Neither party shall be deemed to have reduced or waived any

of their rights, duties or obligations as provided for by virtue of having entered into this agreement.

- F. This agreement may be amended at any time by mutual written consent of the parties, except as otherwise provided for herein.
- G. The Council shall appropriate the necessary funding for this agreement.
- H. This agreement is a Massachusetts contract and shall be governed and construed in accordance with the provisions of the laws of the Commonwealth of Massachusetts.
- I. By executing this agreement, Nutting certifies pursuant to Massachusetts General Laws Chapter 62C, Section 9A under the penalties of perjury that he has complied with all tax laws of the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the Town of Franklin has caused this agreement to be signed and executed in its behalf by its Council and duly attested by its Town Clerk, and Nutting has signed and executed this agreement, both in duplicate, the day and year first above written.

FRANKLIN, by:

Jeffrey D. Nutting

Robert Vallee, Chairman

Tina Powderly, Vice Chairman

Judith Pond Pfeffer, Clerk

Andrew Bissanti

Robert Dellorco

Glen Jones

Matthew Kelley

Thomas Mercer

Jeffrey Roy

It's Town Council



Sponsor: Administration

TOWN OF FRANKLIN

RESOLUTION 13-66

AUTHORIZATION FOR DISPOSITION (SALE) OF TOWN-OWNED LAND (VACANT PARCEL BETWEEN OLD WEST CENTRAL AND WEST CENTRAL STREETS)

WHEREAS, Town owns a parcel of land totaling 15,895 square feet located between Old West Central Street and West Central Street, shown on Franklin Assessors Map 271 as Parcel 30 (Title ref: Commonwealth of Massachusetts Department of Public Works, Layout No. 5511 and Order of Taking recorded at Norfolk Registry of Deeds in Book 4295, Pages 251, et seq.) being unimproved, as shown on "Exhibit A" attached hereto, and

WHEREAS, Town Council, by Resolution 13-51, has declared said parcel to be surplus and available for disposition, and

WHEREAS, pursuant to G.L. Chapter 30B, Section 16, Town obtained an appraisal and subsequently issued a Request for Proposal (RFP), on or about July 12, 2013, which proposal contained a minimum bid price of one hundred thousand dollars, and

WHEREAS, one prospective purchaser submitted a responsive proposal to the RFP and Town Council has evaluated said proposal,

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF FRANKLIN
ACTING BY AND THROUGH ITS TOWN COUNCIL:**

1. Determines that the proposal of Lisciotti Development Corp. to pay the Town of Franklin the sum of One Hundred, One Thousand, Five Hundred Dollars (\$101,500.00) for the subject property is advantageous to the Town and accepts same, subject to the provisions of the following paragraphs.
2. Votes to dispose of the subject property by selling it to Lisciotti Development Corp. for the sum of One Hundred, One Thousand, Five Hundred Dollars (\$101,500.00) conditioned upon Lisciotti Development Corp.'s execution, within thirty (30) days, of a purchase and sales agreement containing terms and language consistent with Town's RFP and otherwise satisfactory to Town.
3. Authorizes and directs the Town Administrator, with the assistance of the Town Attorney, to prepare and execute a purchase and sales agreement, deed and any other related documents, and to take any and all action necessary to effectuate

the sale of the subject property by Town to Lisciotti Development Corp. and to take any other action which the Town Administrator deems to be in Town's best interest or otherwise necessary in connection with said transaction.

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

DATED: September _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

**Deborah L. Pellegri
Town Clerk**

ABSENT _____


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

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: August 30, 2013
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Sale of Town Land on Old West Central Street



The Town received one bid for the 15,000 +/- square feet for a lot of land the Town Council previously authorized to sell. The minimum bid was \$100,000 and the one bid received was for \$101,500. Accordingly, I recommend the sale of the property to the bidder.

You may recall the lot is not a buildable lot as it stands. I believe the bidder is trying or has secured abutting property in order to propose a future development.

Please note that these funds can only be used for a capital item that is bondable for 20 years.

Tabulation of Bids

[illegible]

Theresa E. Collins

James P. T. Waters 8-27-13



83 Orchard Hill Park Drive
Leominster, MA 01453

Tel: 978.466.6661
Fax: 978.466.9080
www.lisciotti.com

August 26, 2013

Ms. Norma Collins
Chief Procurement Officer
Town of Franklin
Municipal Building
355 East Central Street
Franklin, MA 02038

Re: Town Owned Land Between Old West Central Street and West Central Street

Dear Ms. Collins,

Lisciotti Development Corp. is pleased to respond to the Request For Proposal for the town owned land totaling 15,895 square feet between Old West Central Street and West Central Street in Franklin, MA. The terms and conditions that **Lisciotti Development Corp.** proposes are as follows:

I. PARTIES TO THE AGREEMENT:

- (A) **BUYER:** Lisciotti Development Corp.
- (B) **SELLER:** Town of Franklin

II. TERMS:

- (1) **Price Offered:** \$101,500. This offer is effective initially for a minimum of forty-five (45) calendar days from the submission of this proposal, or until it is formally withdrawn, or a purchase and sales agreement is executed, or this RFP is cancelled, whichever occurs first.

III. PROPOSED INTENT:

Our intent is to combine this parcel with the adjacent property that we currently have under agreement. The property is planned to be redeveloped for use as a drive-thru café and other retail uses.

Should you have any additional questions or need any further information please contact me at the address above or at g@lisciotti.com.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'G. Lisciotti', with a stylized, looping flourish at the end.

Gregg Lisciotti
President

EXHIBIT A

CERTIFICATE OF NON-COLLUSION (per M.G.L. Chapter 43, section 27)

A Signed Certificate of Non-Collusion: The undersigned certifies under penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this paragraph the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

By: 

Gregg P. Lisciotti, President
Lisciotti Development Corp.

Gregg P. Lisciotti

Name of Person Signing Bid or Proposal

Lisciotti Development Corp.

Name of Business

EXHIBIT B

CERTIFICATE OF COMPLIANCE WITH STATE TAX LAWS

Pursuant to M.G.L. Chapter 62C, Sec. 49A, and M.G.L. Ch. 151A, Section 19A, I certify under the penalty of perjury that Lisciotti Development Corp. has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Lisciotti Development Corp.


By: _____

Gregg P. Lisciotti, President

56-2344737

Federal Identification Number

EXHIBIT C

CERTIFICATE OF VOTE

The town requires Firms to complete the following and attach to any future contracts. If a corporation, complete the below or attach to each signed copy of a contract a notarized copy of vote of corporation authorizing the signatory to sign this contract. If attesting clerk is same as individual executing contract, have signature notarized below.

At a duly authorized meeting of the Board of Directors of Lisciotti Development Corp. held on August 26, 2013

At which all the Directors were present or waived notice, it was VOTED That, Gregg P. Lisciotti, President

Of this company be and hereby is authorized to execute contracts and bonds in the name and behalf of said company, and affix it's corporate seal thereto, and such execution of any contract or obligation in this company's name on its behalf by such Gregg P. Lisciotti, President of the company, shall be valid and binding upon this company.

I hereby certify that I am the Clerk of Lisciotti Development Corp., that Gregg P. Lisciotti is the duly elected President of said company, and that the above vote has not been amended or rescinded in full force and effect as of the date of this contract.

A true copy,

ATTEST

Gregg P. Lisciotti, Clerk

Place of Business: Lisciotti Development Corp.

Corporate Seal

SWORN TO AND SUBSCRIBED BEFORE ME THIS

26th

DAY OF August, 2013

Barbara A Connally
NOTARY PUBLIC



EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH STATE TAX LAWS IN PROCUREMENT OF SUPPLIES, SERVICES OR CONSTRUCTION

Pursuant to M.G.L. Chapter 266, Sec. 67A, the undersigned acting on behalf of the Contractor, certifies under the penalty of perjury that, to the best of the undersigned's knowledge and belief, the Contractor is in compliance with all laws of the Commonwealth of Massachusetts relative to making a material statement that is false; omits or conceals a material fact in a written statement; submits or invites reliance on a material writing or recording that is false, forged, altered, or otherwise lacking in authenticity; submits or invites reliance on a sample, specimen, map, photograph, boundary-mark, or other object that is misleading in a material respect; or uses any trick, scheme, or device that is misleading in a material respect.

Lisciotti Development Corp.

By: 

Gregg P. Lisciotti, President

56-2344737

Federal Identification Number
Lisciotti Development Corp.

Date: August 26, 2013

EXHIBIT F

HOLD HARMLESS AGREEMENT

Lisciotti Development Corp. (hereinafter "the Company") shall indemnify and hold harmless the Town of Franklin, and its officers, employees, agents, and servants, from and against any and all claims, suits, actions, legal or administrative proceedings, damages, liabilities and reasonable attorney fees, costs and expenses arising from the act(s) or omissions(s) of the Company, or anyone acting under its direction, control or on its behalf in connection with the site visit and inspection being performed at Old West Central Street and West Central Street, shown on Franklin Map 271 as Parcel 30 (one of the town owned parcels on 8/26/13 from 2:00 PM to 4:00 PM (hours of site view)). The foregoing indemnity and hold harmless agreement shall not apply to any liability caused by the acts, omissions, fault or negligence of the Town of Franklin or anyone acting under its direction, control or its behalf.

Lisciotti Development Corp.

By: _____

Gregg P. Lisciotti, President

EXHIBIT G

REFERENCE FORM

Bidder: Lisciotti Development Corp.

1. Mr. Peter Staiti
Vice President Commercial Banking
TD Bank, N.A.
370 Main Street
Worcester, MA 01608
Telephone: 508.368.6552
2. Mr. Nabil Farooq
Senior Vice President
Rollstone Bank & Trust
721 Central Street
Leominster, MA 01453
Telephone: 978.343.2216
3. Mr. Michael P. Crowley
M.P. Crowley Company, Inc.
720 Joslin Street
Leominster, MA 01453
Telephone: 978.375.3399

EXHIBIT H

SURPLUS PARCEL SALE – PROPOSAL FORM WEST CENTRAL STREET MAP 271 PARCEL 30

Hereinafter called the "Bidder" organized and existing under the laws of the State of Massachusetts, doing business as a Corporation.

NAME: Lisciotti Development Corp.

ADDRESS: 83 Orchard Hill Park Drive, Leominster, MA 01453

TELEPHONE: 978.466.6661


PURCHASE PRICE: \$101,500.00

Price in Words: One Hundred One Thousand Five Hundred Dollars and No Cents

PROPOSED PLAN FOR THE PARCEL IF SELECTED AS THE SUCCESSFUL BIDDER:

Our intent is to combine this parcel with the adjacent property that is currently under agreement. The property is planned to be redeveloped for use as a drive-thru café and other retail uses.

Lisciotti Development Corp.

By: 
Gregg P. Lisciotti, President
83 Orchard Hill Park Drive
Leominster, MA 01453
Telephone: 978.466.6661
Email: g@lisciotti.com

August 26, 2013
Date

Acknowledge receipt of any Addenda(s): _____

SUBMITTAL CHECKLIST:

Cover Letter	Yes <u>x</u>	No _____
Bid Bond/check	Yes <u>x</u>	No _____
Required Signed Forms	Yes <u>x</u>	No _____
Minimum Bid	Yes <u>x</u>	No _____
Reference List	Yes <u>x</u>	No _____
Agree to hold price 45 calendar days	Yes <u>x</u>	No _____
Completed Proposal Form	Yes <u>x</u>	No _____
Audited Financials (if applicable)	Yes _____	No <u>x</u>

CERTIFICATE OF AUTHORITY - CORPORATE

1. I hereby certify that I am the Clerk/Secretary of Lisciotti Development Corp.
(insert full name of Corporation)
2. and that Gregg P. Lisciotti
(insert the name of officer who signed the **contract and bonds.**)
3. is the duly elected Clerk
(insert the title of the officer in line 2)
4. of said Corporation, and that on August 25, 2013
(insert a date that is **ON OR BEFORE** the date the officer signed the **contract and bonds.**)
at a duly authorized meeting of the Board of Directors of said corporation, at which all the directors were present or waived notice, it was voted that
5. Gregg P. Lisciotti, the Clerk
(insert **name** from line 2) (insert **title** from line 3)

of this Corporation be and hereby is authorized to execute contracts, Amendments, Change Orders and bonds in the name and on behalf of said corporation, and affix its Corporate Seal thereto, and such execution of any contract of obligation in this corporation's name and on its behalf, with or without the Corporate Seal, shall be valid and binding upon this corporation; and that the above vote has not been amended or rescinded and remains in full force and effect as of the date set forth below.

6. ATTEST: _____
(Signature of **Clerk or Secretary**)*

AFFIX CORPORATE SEAL HERE

7. Name: Gregg P. Lisciotti
(Please print or type name in line 6)*

8. Date: August 27, 2013
(insert a date that is **ON OR AFTER** the date the officer signed the **contract and bonds.**)

* The name and signature inserted in lines 6 & 7 **must** be that of the **Clerk or Secretary** of the corporation.



Sponsor: Administration

TOWN OF FRANKLIN RESOLUTION 13-67

ORDER OF TAKING – DOWNTOWN ROADWAY IMPROVEMENTS

WHEREAS, by virtue of Massachusetts General Laws Chapter 40, Section 14, the Town of Franklin, acting by and through its Town Council, is authorized to take by eminent domain under Massachusetts General Laws Chapter 79, lands and buildings for municipal purposes, including but not limited to public safety and convenience; and

WHEREAS, in the opinion of the Town Council of the Town of Franklin, the public convenience and necessity of the Inhabitants of the Town require that the following described Temporary Easements, Permanent Easements, Permanent Utilities Easements, and Parcels of Land be taken for Highway purposes from certain owners of record of land abutting Main Street, Emmons Street, West Central Street, East Central Street, West Street, East Street, Summer Street, Church Square, and Pleasant Street, in said Town of Franklin, Massachusetts, as the same are more particularly described hereinafter, and

WHEREAS, said taking by eminent domain of Temporary Easements, Permanent Easements, Permanent Utilities Easements, and Parcels of Land, as shown in Exhibit A, is recommended by the Town Administrator for said purpose; and

WHEREAS, land damages are anticipated in the amount as shown on Exhibit B, and an appropriation has been made from available funds for said purpose; and

WHEREAS, the taking by eminent domain of land and interest in land as shown in Exhibit A for municipal purposes, including but not limited to public safety and convenience, is in the best interests of the Town of Franklin.

NOW, THEREFORE, BE IT ORDERED THAT:

1. The Town Council of the Town of Franklin, by virtue of and in exercise of the power and authority conferred by said statutes, hereby adjudges that public safety, necessity and convenience require the taking by eminent domain of land and interests in land as shown in "Exhibit A" attached hereto, and as shown on a plan entitled "Final Right of Way Downtown Improvement Project in the Town of Franklin, Norfolk County, September 2013", drawn by Weston and Sampson, Inc., 100 Foxborough Boulevard, Suite 250, Foxborough, Massachusetts 02035, to be recorded herewith and made a part of this taking, and a copy to be filed in the office of the Department of Public Works, Franklin, Massachusetts.

2. The Town of Franklin, acting by and through the Town Council by virtue of and in the exercise of the power and authority conferred by said statutes and in accordance with the provisions of Massachusetts General Laws Chapter 40, Section 14 and Chapter 79, and all and every other power and authority it does possess, DOES HEREBY TAKE BY EMINENT DOMAIN the land and interest in land as shown in "Exhibit A" attached hereto.
3. The Town Council has considered and estimated the damages sustained by persons and their property by reason of said taking and hereby determines and awards damages, to be paid to all persons who have not waived same in the amounts shown in "Exhibit B" attached hereto.
4. The Town Treasurer and Town Comptroller are directed and the Town Administrator is directed and authorized to do all things and to execute all documents necessary for the prompt payment of the amount of damages awarded in this Order of Taking, so that the same shall be payable within sixty (60) days after the right to damages becomes vested in the person from whom the property was taken. The Town Administrator is further directed to direct the Town Attorney for and on behalf of the Town Council to give notice of this taking and pertinent information to every person entitled thereto in accordance with the provisions of Massachusetts General Laws Chapter 79, Sections 7B, 7C, 7F, 7G, 8A and 8B.
5. It is further directed that a true copy of this Order of Taking be recorded at Norfolk County Registry of Deeds within thirty (30) days, as required by statute.

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

DATED: September _____, 2013

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

Deborah L. Pellegrini
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: September 6, 2013
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Downtown Easements

Under the provisions of the Downtown Street Project, the Town is required to get all the temporary and permanent easements and takings. We have been working over the last few months to reach out to homeowners and businesses affected by the project.

There are over 90 easements required, and we have been able to get all but a small handful of owners to “donate” both temporary (three years) and permanent easements to the Town for the project. I want to thank them all for their cooperation in helping the Town with this important project.

At present, there are still a few owners that we have never been able to contact despite several attempts, and five or six that wish to be compensated for the takings. We are still reaching out to owners so we will provide the final list on Wednesday.

The owners that have temporary easements will be compensated at \$1 per square foot and the permanent ones will be compensated at \$3.12 per square foot (currently the total is less than 3,000 square feet). We are still waiting on a few more land owners.

I am happy to answer and questions you may have.



TOWN OF FRANKLIN

RESOLUTION 13-68

CITIZEN COMMITTEE

WHEREAS, the Citizen Committee was created by the Town Council to allow for participation by the citizens to provide valuable input in critical areas; and

WHEREAS, the Citizen Committee has expressed concern with the current condition of the Downtown train station where the train station is a gateway to our community.

NOW THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Franklin requests the Citizen Committee and Town Administrator investigate what steps are needed to ensure that the station and the surrounding parking lot are kept in good repair.

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

DATED: , 2013

VOTED: _____

A TRUE RECORD ATTEST:

Deborah L. Pellegri
Town Clerk

UNANIMOUSLY: _____

YES: ____ **NO:** ____

ABSTAIN: ____ **ABSENT:** ____

Judith Pond Pfeffer, Clerk
Franklin Town Council