



## **FRANKLIN TOWN COUNCIL**

**December 4, 2013**

**7:00 PM**

**A. APPROVAL OF MINUTES** – *October 16, 2013*

**B. ANNOUNCEMENTS**

**C. PROCLAMATIONS/RECOGNITIONS**

**D. CITIZEN COMMENTS**

**E. APPOINTMENTS**

**F. HEARINGS**

**G. LICENSE TRANSACTIONS**

**H. PRESENTATIONS/DISCUSSIONS** – *Town Council Schedule*

**I. SUBCOMMITTEE REPORTS**

**J. LEGISLATION FOR ACTION**

1. *Resolution 13-82 : Adoption of Town Council Procedures Manual*
2. *Resolution 13-83: 505 West Central Street – A Private Way Acceptance of Covenant with Owner*
3. *Resolution 13-84: Confirmatory Order of Taking – Land at 37 Beaver Street*
4. *Bylaw Amendment 13-725: Amendment to Chapter 170, Vehicles and Traffic – 1st Reading*
5. *Bylaw Amendment 13-724: Amendment to Chapter 82, Appendix A, List of Service Fee Rates- 2nd Reading*

**K. TOWN ADMINISTRATOR'S REPORT**

**L. OLD BUSINESS**

**M. NEW BUSINESS**

**N. COUNCIL COMMENTS**

**O. EXECUTIVE SESSION** – *Real Property, Fire Negotiations*

**P. ADJOURN**

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

A meeting of the Town Council was held on Wednesday, October 16, 2013 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present; Andrew Bissanti, Robert Dellorco, Glenn Jones, Matt Kelly, Thomas Mercer, Judith Pfeffer, Tina Powderly, Jeff Roy, 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: Gary McCarraher; Fire Chief, Mike Maglio; Town Engineer.

**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:** *August 7, 2013 Regular Session* **MOTION** by Councilor Powderly to move approval of 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:** NONE.

**CITIZEN COMMENTS:** Newly elected Chairwoman of the Finance Committee, Susan Dewsnap introduced herself to the Council. Ms. Dewsnap thanked the outgoing Committee Chairman Jim Roche and said she looked forward to a very active committee. With respect to the upcoming ballot question regarding whether the Town's Treasurer/Collector should be changed from an elected position to an appointed position, Ms. Dewsnap said the Committee supports the appointment of the Town's Treasurer/Collector as the position requires specific qualifications and certifications.

**APPOINTMENTS:** NONE.

**HEARINGS:** *Ichigo Ichie – Reconsideration of Violation of M.G.L. Chapter 138, Section 34: Sale, Delivery or Furnishing of an alcoholic beverage to a person under the age of 21* – Town Attorney Mark Cerel provided background on Town protocol for alcohol violations. Mr. Cerel said there was a miscommunication between the Town, John Brazilian; attorney representing Ichigo Ichie and the restaurant's owner regarding the actual days the Alcoholic Beverage License suspension would take place. The restaurant owner initially rejected the suspension recommendation and appealed to the Alcoholic Beverages Control Commission (ABCC). Mr. Cerel said the restaurant owner and the Town have since reached an agreement whereby Ichigo Ichie will accept the initial recommendation plus one additional day held in abeyance. The agreement includes a four-day license suspension to be served, and another four days held in abeyance for two years. Mr. Brazilian urged the Council to adopt the recommendation and said the appeal with ABCC will be withdrawn and the restaurant has taken steps to make sure there are no additional violations. **MOTION** by Councilor Powderly to close the Hearing **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to accept the recommendation of four days served, four days held in abeyance for two years with the first day of the sentence beginning on October 18<sup>th</sup>, which amends the original decision **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**LICENSE TRANSACTIONS:** *Extraordinary Foods, Inc. d/b/a Tastebuds Fresh Marketplace – New Wine & Malt Package Store License:* **MOTION** by Councilor Pfeffer to approve the request for a new Wine and Malt beverages license for Tastebuds Fresh Marketplace located at 470A King Street and approve the Manager, David J. Lanni Jr. **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting said all paperwork was

in order and reminded the store manager of the Town's alcohol compliance checks. The store manager, David Lanni said TIPs (Training and Intervention Procedures for Servers of alcohol) certification is scheduled to take place in mid-November. The store will be a butcher shop & deli offering prepared foods, artisan cheeses, craft beers and upscale wines. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**SUBCOMMITTEE REPORTS: *Economic Development Sub-Committee*** – Councilor Jones announced on-going conversations regarding the future use for the Old Town Hall and has invited the Downtown Partnership, Dean College and any developers to offer ideas of what would be a good fit for the property.

#### **LEGISLATION FOR ACTION:**

***Resolution 13-70: Acceptance of Easement for Sidewalk on Property at 411 West Central Street:*** Councilor Pfeffer read the resolution to accept the Grant of Easement and for such easement to be recorded at Norfolk County Registry of Deeds. **MOTION** by Councilor Powderly to move Resolution 13-70 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained a small easement was needed from Mr. Vendetti in order to complete the already appropriated project to install a sidewalk on Panther Way from Route 140 to the High School. **VOTE to Approve: Yes-9, No-0, Absent-0.**

***Resolution 13-71: Adoption of FY 2014 Budget – Amended:*** Councilor Pfeffer read the resolution to adopt the General Fund Budget, Water Enterprise Fund Budget, Sewer Enterprise Fund Budget and Solid Waste Enterprise Fund Budget as voted on May 16, 2013 with a Total Appropriation of \$105,801,336 of which \$94,668,483 is to be raised and appropriated and the balance transferred from available funds and Enterprise fund revenues. **MOTION** by Councilor Powderly to move Resolution 13-71 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the necessity to adjust the budget as the actual numbers are now available from the sale of bonds (\$45,000,000) for the New High School. Mr. Nutting said this is a booking keeping issue and the debt increase was less than anticipated. The debt budget will need to be increased by \$240,974 – however this is 'debt excluded' so it will not have an effect on the General Fund. Mr. Nutting said the plan was to use the proceeds from the bond premium of \$1,010,000 to reduce the \$45,000,000 bond to a \$43,990,000 bond. In addition, Mr. Nutting said the Town will have a \$442,935 premium that he suggested be used to reduce the debt exclusion in the first year of the New High School. Under this plan, Mr. Nutting said the average taxpayer would see an increase of \$38 instead of the \$88 previously budgeted. Mr. Nutting said as a result of the sale of bonds for the water mains, the water debt would need to increase by \$50. **VOTE to Approve: Yes-9, No-0, Absent-0.**

***Resolution 13-72: Authorization to Appropriate Premium:*** Councilor Pfeffer read the resolution to appropriate \$1,010,000 from the premium paid to the Town upon the sale of the Bonds, a portion of which was issued for school construction purposes and are subject of a Proposition 2 ½ debt exclusion, to pay costs of the school construction project being financed by a portion of the bonds and to reduce the amount authorized to be borrowed for such project under Resolution 12-05 of the Town Council passed February 1, 2012, but not yet issued by the town, by the same amount. **MOTION** by Councilor Powderly to move Resolution 13-72 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the resolution reduces the bond premium. **VOTE to Approve: Yes-9, No-0, Absent-0.**

***Resolution 13-73: Transfer from Water Enterprise and Rescind Borrowing Authority (Resolution No. 10-66 Appropriation Funding Sources):*** **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Jones. **VOTE to Approve: Yes-9, No-0, Absent-0.** **MOTION** by Councilor Powderly to move Resolution 13-73 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained the Town has the money to repay the five million borrowed, and will borrow another 7 ½ million in the Spring to keep the water main program going. **VOTE to Approve: Yes-9, No-0, Absent-0.**

***Resolution 13-74: Appropriation: Chapter 90 Fund – \$6,000:*** Councilor Pfeffer read the resolution to transfer \$6,000.00 from Free Cash to fund the Chapter 90 Fund deficit. **MOTION** by Councilor Pfeffer to

move Resolution 13-74 **SECONDED** by Councilor Powderly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**Resolution 13-75: Appropriation: Administration: GASB 45 Actuary Study –\$9,000:** Councilor Pfeffer read the resolution to transfer \$9,000.00 from Free Cash to cover the costs to conduct an Actuary Study to determine the Towns' liability as it relates to the unfunded retiree health insurance obligation, as required by GASB 45.

**MOTION** by Councilor Pfeffer to move Resolution 13-75 **SECONDED** by Councilor Powderly.

**DISCUSSION:** Mr. Nutting explained the Town is required to conduct an Actuary Study every two years in order to determine the amount of the unfunded obligation for retiree health insurance. The last study showed the Town owed Eight-five million dollars. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**Resolution 13-76: Appropriation: FY 2014 School Department Budget –\$30,000:** Councilor Pfeffer read the resolution to raise and appropriate \$30,000.00 to be added to the FY 2014 School Department Budget.

**MOTION** by Councilor Jones to move Resolution 13-76 **SECONDED** by Councilor Mercer. **DISCUSSION:** Mr. Nutting explained the necessity to allow the School Committee to hire a technology employee half way through the current school year. The new employee would learn the current systems in place in the existing High School and prepare both students and staff with the transition to the new technology of the New High School. The position would be included in the School Budget going forward. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**Resolution 13-77: Appropriation: FY 2014 Fire Department Expenses – \$28,000:** Councilor Pfeffer read the resolution to raise and appropriate \$28,000.00 for FY 2014 Fire Department Expense Budget to cover the cost of ambulance billing. **MOTION** by Councilor Pfeffer to move Resolution 13-77 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the change from a Town employee responsible for maintaining the ambulance receipts to an outside agency, the cost of which is \$28,000.00. Fire Chief Gary McCarraher clarified Councilor Kelly's question regarding why the fee was not initially budgeted. Chief McCarraher said the fee was not budgeted because there was a misunderstanding about how the agency would be paid. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**Resolution 13-78: Appropriation: Ambulance Purchase FY 2014 - \$245,000:** Councilor Pfeffer read the resolution to transfer \$245,000.00 from Ambulance Receipts Reserved for Appropriation to purchase a new ambulance. **MOTION** by Councilor Pfeffer to move Resolution 13-78 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the necessity to have funds appropriated now instead of in January. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**Resolution 13-79: Appropriation: Roads/Sidewalks/Drainage/Stormwater/Infrastructure - \$500,000:** Councilor Pfeffer read the resolution to raise and appropriate \$500,000.00 for roads/sidewalks/stormwater and infrastructure. **MOTION** by Councilor Pfeffer to move Resolution 13-79 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained the resolution should reflect \$500,000 as endorsed by the Finance Committee and Capital Committee. Mr. Nutting said now that the amount of Town funding has been determined, the next step is the DPW Director will devise a street maintenance plan and present the plan to the Council in the spring. Councilor Jones inquired about funding for highway projects from the State. Councilor Roy (also a State Representative) stated the funding was appropriated by the Legislature but the Governor has not released the funds. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**Resolution 13-80: Appropriation: Senior Center Stabilization Fund - \$125,000:** Councilor Pfeffer read the resolution to raise and appropriate \$125,000.00 to be transferred to the Senior Center Stabilization Fund.

**MOTION** by Councilor Pfeffer to move Resolution 13-80 **SECONDED** by Councilor Mercer.

**DISCUSSION:** Mr. Nutting said as the Councilors are aware, the Town created a Stabilization Account to make upgrades to the Senior Center. The plan is to demolish the recently purchased house and construct additional parking spaces on the plot of land, and in 2016 finish off the 2<sup>nd</sup> floor of the Center. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**Resolution 13-81: Appropriation: Operating Budget Stabilization Fund - \$300,000:** Councilor Pfeffer read the resolution to raise and appropriate \$300,000.00 to be transferred to the Operating Budget Stabilization Fund. **MOTION** by Councilor Pfeffer to move Resolution 13-81 **SECONDED** by Councilor Powderly. **DISCUSSION:** Mr. Nutting explained funds were added to the Senior Center Stabilization Fund, leaving the Operating Budget Stabilization Fund with \$1,000,000. Mr. Nutting recommended adding another \$300,000 citing expected increases in pensions and healthcare premiums over the next five years. **VOTE to Approve: Yes-9, No-0, Absent-0.**

**NOTE:** *Councilors Bissanti and Mercer recused themselves from voting on Zoning Bylaw Amendments: 13-719, 13-720, 13-721, 13-722 and 13-723 due to a conflict of interest.*

**Zoning Bylaw Amendment 13-719: Chapter 185, Attachment 9 – Schedule of Lot, Area, Frontage Yard and Height Requirements – 2<sup>nd</sup> Reading:** **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-719 **SECONDED** by Councilor Jones. **DISCUSSION:** Mr. Nutting explained this amendment and the next four amendments relate to the rezoning of East Central Street. Councilor Roy spoke in support for the zoning change and for the proposed development as meeting the goals of the Master Plan. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

**Zoning Bylaw Amendment 13-720: Chapter 185, Section 4 – Districts Enumerated – 2<sup>nd</sup> Reading:** **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-720 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

**Zoning Bylaw Amendment 13-721: Chapter 185, Section 5 – Zoning Map – 2<sup>nd</sup> Reading:** **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-721 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

**Zoning Bylaw Amendment 13-722: Chapter 185, Section 50 – Residential VII Zoning District – 2<sup>nd</sup> Reading:** **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-722 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

**Zoning Bylaw Amendment 13-723: Chapter 185 – Use Regulation Schedule – 2<sup>nd</sup> Reading:** **MOTION** by Councilor Powderly to waive the reading **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-7, No-0, Recused-2, Absent-0.** **MOTION** by Councilor Powderly to move Zoning Bylaw Amendment 13-723 **SECONDED** by Councilor Kelly. **ROLL CALL: Bissanti-Recused, Dellorco-Yes, Jones-Yes, Kelly-Yes, Mercer-Recused, Pfeffer-Yes, Powderly-No, Roy-Yes, Vallee-Yes.** **VOTE to Approve: Yes-6, No-1, Recused-2, Absent-0.**

**PROCLAMATIONS/RECOGNITIONS:** Councilor Roy acting as State Representative Roy, read the House of Representatives Resolution offering sincerest congratulations to Councilors Dellorco and Powderly in recognition of their years of dedicated public service to the Town of Franklin. Councilors Dellorco, Powderly and Roy will not be seeking re-election to the Town Council.

**TOWN ADMINISTRATOR'S REPORT:** ► Mr. Nutting thanked the firefighters for their work and said many residents attended the recent Firehouse Open House. ► Mr. Nutting announced the local paper had included the Treasurer/Collector ballot question in the paper. ► Mr. Nutting announced the DPW has the Town's first Mobile Application allowing folks to report broken streetlights, traffic lights and potholes. Additional Mobile Apps will become available after the Town gains experience with the DPW App. Mr. Nutting thanked Water and Sewer Superintendent Laurie Ruzsala and Tim Rapoza for their work on the Mobile App. ► Mr. Nutting thanked the Council for the last couple of years and wished the three out-going Councilors luck in the future. Mr. Nutting said this Council did a fantastic job and has the legacy of the New High School, the DelCorte Conservation Area, as well as helping the Seniors and the Veterans.

**OLD BUSINESS:** ► Chairman Vallee inquired about property owned by CSX Corporation located on the corner of Cottage and Union Streets. Mr. Nutting responded by saying he emailed CSX about 10 days earlier and had not received a response to date. The Town is attempting to have CSX Corporation beautify the land, which is considered an eyesore in its present condition. ► Chairman Vallee inquired about having the Recycling Center Fee reduced from an annual fee to a fee broken down to three times a year. Mr. Nutting said the Recycling Center Fee will be added to a future Agenda, but Mr. Nutting is considering offering a "one-day" fee where if you only wanted to use the Center once, you would pay the fee for that day.

**NEW BUSINESS:** ► Councilor Pfeffer inquired about having Liquor License violations recorded by the Town. Mr. Nutting said his office would provide the written guidelines for penalties. ► Councilor Bissanti requested Mr. Nutting determine if there is anything the Town can do about the 5-6 homes in Franklin which appear to have been abandoned. Mr. Nutting said he would make a list of the abandoned homes. ► Chairman Vallee inquired about the downtown construction scheduled to take place this spring and said he would like the construction to take place at night so as to not interrupt business in the downtown area. Mr. Nutting said the Town will not have any control over when construction occurs as the project is funded entirely by the Federal and State governments. Mr. Nutting agreed to have the contractor awarded the project to come before Council in an effort to understand the timeline of the project. ► Councilor Mercer inquired about the changes to the Downtown traffic flow and Mr. Nutting agreed to add basic information regarding the new traffic flow to the Town's website. Mr. Nutting said the information would be presented at the first Council Meeting in November. Mike Maglio; Town Engineer said changes were still being made to the construction plans and that a copy of the plans are available in the DPW Office and a diagram of the construction plans could be added to the Town's website.

**COUNCILOR COMMENTS:** ► Councilor Roy thanked everyone for allowing him the opportunity to serve in local government for the past 15 years. Councilor Roy said it was a great honor to work with his fellow Councilors to make Franklin a great place to live, work and raise a family and while his role in local government had ended, he hoped to be around for a long period of time serving folks in State Government. ► Councilor Bissanti bid a fond farewell to the three Council members not seeking reelection and said he enjoyed the dynamics of the current Council and looked forward to a great new Council. ► Councilor Jones gave his sincere thanks to Jeff Roy, Tina Powderly & Bob Dellorco who will no longer serve on the Council. Councilor Jones said the three Councilors were wonderful people and the past two years went by very quickly, but as a Council they accomplished a great deal together. ► Councilor Pfeffer thanked Councilors Dellorco, Powderly & Roy for serving on the Council and wished them luck in the future. ► Chairman Vallee thanked Councilors Dellorco, Powderly and Roy for the good work they did while serving on the Council. Chairman Vallee said he felt there would be a void on the Council as each of the three Councilors leaving were knowledgeable and the Council would be losing one of its two female Councilors. ► Councilor Powderly thanked everyone for all of the kind words. Councilor Powderly said it was an honor and pleasure to have worked with so many great people from all the committees, department heads, Jeff Nutting and all the hard working staff. Councilor Powderly added there are a lot of challenges ahead, including schools that desperately need more teachers and departments that are definitely in need of additional staff. Councilor Powderly said she was proud for any part she played in the Councils big and small accomplishments. ► Councilor Kelly said the

new DPW App is fantastic. Councilor Kelly said he will miss the three outgoing Councilors and said they are great citizens of Franklin. ► Councilor Dellorco said it was an honor to serve on the Council and thanked the community for giving him the opportunity to serve. Councilor Dellorco said the Council was great, but even though they did not always agree, they accomplished a lot. Councilor Dellorco said it was great working with Jeff Nutting and thought the Fire Department, Police Department and the DPW do great work. ► Councilor Mercer said he echoed his fellow Councilor's comments. Councilor Mercer thanked Councilors Dellorco, Powderly and Roy for their years of service to the Town. Their service was very much appreciated and they will each be missed.

**ADJOURN: MOTION** by Councilor Jones to adjourn **SECONDED** by Councilor Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 8:15PM.

Respectfully Submitted,

Jan Brecht, Recording Secretary

# PRESENTATIONS AND DISCUSSIONS

## 1. TOWN COUNCIL SCHEDULE





Sponsor: Administration

## **TOWN OF FRANKLIN**

### **RESOLUTION 13-85**

#### **2014 SCHEDULE OF TOWN COUNCIL MEETINGS**

January 15  
January 21 - 150 Emmons Street Workshop  
January 22  
January 29 – Planning Workshop  
February 5  
February 12  
March 5  
March 19  
April 2  
April 16  
May 7  
May 14  
June 4  
June 18  
July 9  
August 6  
September 3  
September 17  
October 1  
October 15  
November 5  
November 19  
December 3  
December 17

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**DATED:**\_\_\_\_\_, 2012

**VOTED:**

**UNANIMOUSLY:**

**YES:**\_\_\_\_ **NO:**\_\_\_\_

**ABSTAIN:**\_\_\_\_ **ABSENT:**\_\_\_\_

**A True Record Attest:**

**Deborah L. Pellegrini**  
**Town Clerk**

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

LEGISLATION

FOR

ACTION



**TOWN OF FRANKLIN**

**RESOLUTION 13-82**

**Adoption of Town Council Procedures Manual**

**WHEREAS,** The newly elected Town Council of the Town of Franklin, recognizing the importance of conducting business in an orderly and efficient manner, wishes to formally adopt the Procedures Manual of the Franklin Town Council, dated March 7, 2012; and

**WHEREAS,** The Procedures Manual of the Town Council will consist of three documents: the Introduction, The Role of the Town Council, and The Council Procedures.

**NOW THEREFORE, BE IT RESOLVED THAT** the Procedures Manual of the Town of Franklin is duly adopted and effective until revised or revoked by resolution of the Town Council of the Town of Franklin.

**DATED:** \_\_\_\_\_, 2013

**VOTED:**  
**UNANIMOUS** \_\_\_\_\_

**A True Record Attest:**

**YES** \_\_\_\_\_ **NO** \_\_\_\_\_

**ABSTAIN** \_\_\_\_\_

**Deborah L. Pellegrini**  
**Town Clerk**

**ABSENT** \_\_\_\_\_

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



# **PROCEDURES MANUAL OF THE FRANKLIN TOWN COUNCIL**

**Revised: March 7, 2012**

## INTRODUCTION

Where there is no law, but every man does what is right  
in his own eyes, there is the least of liberty.  
---General Henry M. Robert

In order for the Franklin Town Council to function in an orderly fashion, it must be able to meet, discuss, deliberate, debate and vote on the issues that are brought before it. These group discussions and group actions, like group games, require rules, guidelines and procedures to allow for the free and orderly flow of discussion and deliberation. *The Procedures Manual of the Franklin Town Council* was developed to provide such direction to the Council in its deliberations.

*The Procedures Manual of the Franklin Town Council* has important bearing on the rights, duties, and obligations of the members of the Town Council, as well as on the degree to which the Council membership is to maintain control of the business of the Council. The members of the Council, attending one of its regular or properly called meetings, have full and full and sole power to act for the entire Council, and do so by majority vote, unless dictated otherwise by *Massachusetts General Law*, *The Franklin Town Charter*, or *The Procedures Manual of the Franklin Town Council*.

By the adoption of *The Procedures Manual of the Franklin Town Council* by the Franklin Town Council, the rules within it, together with *Massachusetts General Law* and *The Franklin Town Charter*, are binding upon the Council and constitute the Franklin Town Council's rules of order.

Because no deliberative assembly should attempt to transact business without having adopted some standard manual on the subject of its authority in all cases not covered by its own special rules, The Franklin Town Council adopts *Robert's Rules of Order, Revised* as its standard manual of parliamentary procedure.

## **ROLE OF THE TOWN COUNCIL**

### **1. A member of the Council, in relation to his/her community should:**

- A. Realize that his/her basic function is to make policy, with administration delegated to the Administrator.
- B. Realize that he/she is one of a team and should abide by, and carry out, all Council decisions once they are made.
- C. Be well-informed concerning the duties of a Council member on both local and state levels.
- D. Remember that he/she represents the entire community at all times.
- E. Accept the office as a means of unselfish service, not benefit personally or politically from his/her Council activities.
- F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
- G. Abide by the ethics established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

### **2. A member of the Council, in his/her relations with administrative officers of the Town, should:**

- A. Endeavor to establish sound, clearly defined policies that will direct and support the administration for the benefit of the people of the community.
- B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- C. Give the Administrator full responsibility for discharging the duties of his/her office.

### **3. A member of the Council, in his/her relations with fellow Council members, should:**

- A. Recognize that action at official legal meetings is binding and that he/she alone cannot bind the Council outside of such meetings.
- B. Not make statements or promises of how he/she will vote on matters that will come before the Council until he/she has had an opportunity to hear the pros and cons of the issue during a Council meeting.
- C. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- D. Make decisions only after all facts on a question have been presented and discussed.
- E. Treat with respect the rights of all members of the Council despite differences of opinion.

# **PROCEDURES MANUAL OF THE FRANKLIN TOWN COUNCIL**

## **I. PARLIAMENTARY PROCEDURE**

The Council shall be governed by Robert's Rules of Order Revised in all questions of parliamentary practice not provided for by special rules or orders.

## **II. COUNCIL MEETINGS**

Regular meetings of the Council shall be held in the Council Chamber (Municipal Building) on the first and third Wednesday of each month, or as otherwise voted by the Council, commencing at 7:00 PM. [See also Charter: 2-5-1].

## **III. QUORUM**

A quorum of the Town Council shall consist of a majority of its members [Charter: 2-5-2]. If at any time a meeting is called to order, or, if during a meeting a roll call shows less than a quorum present, the Chairman shall declare a recess of not more than ten minutes, after which time, if a quorum is not present, the meeting shall be adjourned. Any member may call for a roll call on the question of the presence of a quorum.

## **IV. PUBLIC POSTINGS**

By law, public notices of all Council meetings, except in emergencies, must be posted with the Town Clerk a minimum of 48 hours before any meeting. The Town Clerk will insure that the notice is posted on the Town Hall bulletin board. Meeting notice forms emanate from the Town Clerk's office and will include the name of the committee and the date, time, and place of the meeting.

## **V. MINUTES**

A written record of each council meeting is required by law and becomes part of the public record. Minutes must contain the date, time and place of the meeting, members present or absent, the names of the makers and seconds of all motions, all formal votes of the Council, and a reasonable summary of discussion. Minutes must be formally accepted by the Council. Minutes of all Council meetings must be placed on file in the office of the Town Clerk where they will be available for public inspection upon request. Video recordings of council meetings will be kept on file at the Franklin Public Library and will be considered part of the official minutes of any meeting of the Council. Video recordings shall be kept for the shelf life of the media, and best available technology shall be pursued to preserve them indefinitely.

## **VI. THE CHAIRMAN -- POWERS AND DUTIES**

The Chairman, or Vice Chairman in the absence of the Chairman, shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order. In the absence of the Chairman, the Vice Chairman shall assume the role of Chairman pro tem. The Clerk will designate a presiding Chair by seniority in the event both the Chairman and Vice Chairman are absent.

## **VII. PRESERVATION OF DECORUM AND ORDER AND APPEALS FROM DECISION OF THE CHAIR.**

The Chairman shall preserve decorum and order, may speak to points of order in preference to other members, shall decide all questions of order, subject to an appeal to the Council, regularly seconded, and no other business shall be in order until the question on the appeal shall have been decided. The question shall

be put as follows: "Shall the decision of the Chair stand as the judgment of the Council?" The vote shall be by roll call, and it shall be decided in the affirmative unless a majority of the Councilors present and voting vote to the contrary.

### **VIII. VIVA VOCE AND RAISED HANDS**

All questions shall be stated and put by the Chairman. In case of a roll call vote, the Chairman shall declare the result, after the Clerk has announced the number voting on each side. The results of viva voce votes shall be declared by the Chairman without reference to the Clerk. Where a raised hand vote is taken, the Chairman shall count and announce the result. Where the result of a viva voce vote is in doubt, the Chairman may, and on demand of any member, shall call for a division of the Council, which shall be taken by a show of hands, or by a roll call if requested by any Councilor. It shall not be in order for members to explain their votes during the call of the roll.

### **IX. THROUGH CHAIR**

All remarks and questions shall be addressed to the Council as a whole through the Chair and not to any member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the Chairman.

### **X. RECESS**

The Chairman may at any time, during debate or otherwise, declare a recess for not more than ten minutes, and such action shall not be subject to appeal, nor shall any motions apply thereto.

### **XI. ADDRESSING THE CHAIR**

Every member speaking to a question or making a motion shall address the Chair as "Mr./Madame Chairman," who shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Council shall confine themselves to the question under debate and avoid personalities; nor shall there be any conversation among the members while a question is being stated, while a member is speaking, or a paper is being read. If a member is speaking or otherwise transgresses the rules of the Council, any other member may call the offending member to order by addressing the Chair.

### **XII. CHAIR MAY SPEAK**

The Chairman may speak in favor of, or in opposition to, any motion and will be bound by the same rules as those which are applied to other speakers; i.e., speaking once for no more than three minutes, and not to speak again until all others who wish to speak have spoken once.

### **XIII. CITIZENS COMMENTS**

The Franklin Town Council encourages citizens to attend its meetings and welcomes their views on pertinent subjects. Anyone may comment at this time for up to five minutes. The Council will not engage in dialogue with the audience. However, the Council will give your remarks appropriate consideration.

Citizens present who wish to speak on an agenda item may do so after all Councilors who wish to speak on the item have spoken. Those citizens who wish to speak shall be limited to one three-minute response. [SEE ALSO CHARTER: 2-5-3].

### **XIV. POINT OF ORDER**

Any Councilor on being called to a point of order shall cease debate until the point of order is decided, unless allowed by the Chairman to explain.



## **XV. ELECTION OF OFFICERS**

A majority of all members elected to the Council (5) shall be required to elect a Chairman, Vice Chairman, and Clerk.

## **XVI. VOTE REQUIREMENTS**

All votes on by-laws shall be by roll call [Charter: 2-6-5].

For other actions requiring a by-law [see Charter: 2-7-1].

All action taken by the Town Council requiring a vote will be by a simple majority (majority of Councilors present and voting) unless otherwise provided for in the Massachusetts General Laws, Home Rule Charter, By-laws, or by Rules set forth in the Procedures Manual of the Franklin Town Council.

Resolutions require a simple majority.

In case of a tie in votes on any proposal, the proposal shall be considered lost.

A Town By-law requires a majority vote of the full Council (5). Vote is by roll call [Charter: 2-6-4 and 2-6-5].

A Zoning By-law requires two-thirds vote of the full Council (6). Vote is by roll call [MGL Ch. 40A, Sec.5].

A properly protested\* Zoning By-law requires a three-quarters vote (7) of the full Council. Vote is by roll call. [\*Properly protested = written protest filed by owners of at least 20% of affected land area; or, of adjacent land 300 feet therefrom: [MGL Ch. 40A, Sec. 5].

An Emergency By-law requires a two-thirds vote of the full Council (6). Vote is by roll call [Charter: 2-6-3]. Two votes are needed: One on the emergency [2/3 vote of the full Council (6)], and one on the By-law [2/3 vote of the full Council (6)].

To take money from the Stabilization Fund for any municipal expenditure requires a two-thirds vote of the Council membership (6) [MGL Ch. 40, Sec. 5b].

Unpaid bills require 2/3 vote (Councilors present and voting) [MGL Ch. 44, Sec. 64].

Other business may be conducted if the Council has a quorum, and may be passed by a majority of the quorum [Charter: 2-5-2].

Any Rule, Regulation, or other local legislation which provides for the imposition of any fine or penalty shall be provided for by the adoption of a By-law.

In order to expedite the Council's deliberations when considering lengthy proposed By-laws, when the reading of said proposed By-laws has been waived, and yet not to deprive the public of the nub of the matter at hand, a brief summary of the substance of the proposed By-law will be attached to it for reading by the Clerk of the Council.

The Chair may require that a vote be taken on any item before the Council if failure to do so would make the item illegal to adopt because of the expiration of a federal or state mandated time limit or similar circumstance.

## **XVII. READINGS**

Every By-law, unless rejected, shall have two separate readings and shall be voted only after two separate readings; the second of said readings and votes will not be less than fourteen days after the first, except in cases in which a shorter period is authorized by law. Any order rescinding or amending a By-law shall require the same number of readings and of votes as was required for the passage of the original By-law.

## **XVIII. RESUBMISSION**

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for resubmission, unless resubmission is approved by a majority of the Council present, or as otherwise provided by the Charter or Massachusetts General Law.

A zoning by-law which is voted down may not be reconsidered within two years unless the Planning Board makes a recommendation to do so, [MGL Ch. 40A, Sec. 5].

## **XIX. SPONSOR ABSENCE**

In the event that the sponsoring member of any order, resolution, or other matter is not present when the Clerk reads said matter, the Chairman shall instruct the Clerk to withdraw said matter from consideration at that meeting.

## **XX. MOTIONS**

The order of precedence of motions shall be as follows:

1. Motion to recess
2. Raise a question of privilege
3. Lay on the table
4. Suspend the rules (two-thirds vote)
5. Previous question (two-thirds vote)
6. Limit or extend limits of debate (two-thirds vote)
7. Postpone to a certain time
8. Commit or refer
9. Amend
10. Postpone indefinitely
11. Main Motion

The highest in rank being at the head of the list and the lowest in rank at the last of the list. When any one of them is immediately pending, the motions before it on the said list are in order and shall be acted upon first, and those below are out of order.

The following motions shall be non-debatable:

1. To adjourn
2. To recess (when privileged)
3. To raise a question of privilege
4. To lay on the table
5. To suspend the rules
6. Previous question (two-thirds vote)
7. To limit or to extend limits of debate (two-thirds vote)

The following motions only can be amended:

1. To recess
2. To postpone to a certain time
3. To commit or refer
4. To amend
5. Main motion

A motion to adjourn shall be in order at any time except upon immediate repetition.

## **XXI. WRITTEN PROPOSALS**

All proposed By-laws, Orders, and Resolutions shall be in writing and shall bear the name of the sponsor.  
[Adopted 9-2-98]

## **XXII. PERSONAL PRIVILEGE**

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

## **XXIII. ORDER OF BUSINESS AND AGENDA**

At every meeting of the Council the standard order of business shall be as follows:

- A. Approval of Minutes
- B. Announcements from the Chair
- C. Proclamations
- D. Citizen Comments
- E. Appointments
- F. Hearings
- G. License Transactions
- H. Presentations/Discussions
- I. Subcommittee Reports
- J. Legislation for Action
- K. Town Administrator's Report
- L. Old Business
- M. New Business
- N. Council Comments
- O. Executive Session
- P. Adjourn

Only privileged motions (to adjourn; to recess; personal privilege; or orders of the day) shall be made during "Council Comments".

During "New Business," the Council shall consider only those matters that relate to or concern potential legislation. If a "simple majority as required by charter" of the Councilors present during "New Business" so determine, such matters will be included on a future agenda for consideration by the Council. Debate during "New Business" shall be limited to whether the matter raised shall be included on an agenda in the future and each Councilor shall be limited to three minutes.

The above order shall not be changed except by a vote of a majority of all the members of the Council; and upon the motion to change the order, no debate shall be allowed. Additions to this order may be made by the Chairman and/or Town Administrator when setting the agenda (Example: Committee Reports).

All items for the agenda, including any relevant communications and reports from the Town Administrator, other town officers and town boards, shall be submitted to the Town Administrator's office no later than 10:00 AM on Thursday preceding the regular Council meeting.

Copies of said reports and agenda shall be delivered to the Town Council members no later than Friday preceding the regular Council meeting. Late items require a two-thirds vote of the members of the Council to be allowed at the Council meeting.

The agenda will be prepared by the Town Administrator with input from and approval by the Council Chairman, or, in his absence, the Vice Chairman of the Council, and then prepared for presentation by the Town Administrator's office staff.

#### **XXIV. HEARINGS**

The time devoted to public hearings at any meeting of the Town Council shall not be more than three (3) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting. Hearings which are authorized by the order of the Council shall have precedence and shall be followed by public presentations. In all hearings before the Council, the case of the petitioner shall be first submitted, except where the Chairman of the Council rules otherwise.

Public hearing format (after petitioner's presentation):

1. General questions from public
2. Public speaking in favor
3. Public speaking in opposition
4. Questions from Town Councilors

Debates on the merits of the petition shall be reserved until and if there is a motion duly made and seconded at the appropriate time and date following the hearing.

This format shall not apply during public hearings to consider the annual budget, when normal Council budget format is followed.

#### **XXV. COMMITTEES**

Committees shall be authorized by majority vote of the Council. Appointments to committees of the Council are made by the Chairman in concert with Town Administrator. Appointed individuals shall receive notification of their appointment from the Chairman prior to the public announcement of the makeup of the committee. Notice of all committee meetings must adhere to MGL C 39 § 23 A & B (Open Meeting Law)

#### **XXVI. COMMITTEE MEETINGS**

A committee shall meet on the call of the Committee Chairman, or a majority of its members.

#### **XXVII. COMMITTEE QUORUM**

A majority of the members of a committee shall constitute a quorum.

#### **XXVIII. COMMITTEE REPORTS**

The Chairman of the Council, upon receipt of the Committee Report, shall call for the vote on the motion, petition, or order as introduced by the Committee, so that the vote would be on that motion, petition, or order, and not on the Committee Report itself.

When debate centers around committee reports, committee members may be recognized beyond the time limit to answer questions.

Documents referred to in committee shall be returned with the report.

Nothing in this rule shall be construed to prohibit the introduction of minority reports.

#### **XXIX. RELIEVING FROM FURTHER CONSIDERATION**

Upon motion, the Council may, by a majority vote of all members of the Council, relieve a committee of further consideration of a matter referred to it and order the same placed on the agenda.

#### **XXX. MOTIONS FOR RECONSIDERATION**

After a motion has been passed or defeated, any member voting with the prevailing side may move for reconsideration, which shall be open to debate. A motion to reconsider a vote shall be in order at the same or the regular meeting next succeeding that at which the vote was passed, provided a motion “to reconsider and enter into the minutes” is made at the meeting at which the vote was taken. No more than one motion for reconsideration of any vote shall be entertained. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one in whose favor the question was decided.

#### **XXXI. DEBATE DECORUM**

Every member when about to speak shall address the Chair and wait until recognized by the Chairman. No member shall be recognized if not seated. In speaking, the member shall be confined to the question, shall not use unbecoming, abusive, or unparliamentary language, and shall avoid personalities. Any member who, in debate, Council related correspondence or otherwise, indulges in personalities or makes charges reflecting upon the character of another member, or of citizens, shall make an apology in open session at the meeting at which the offense is committed or at the next succeeding regular meeting and, failing to do so, shall be named by the Chair or held in contempt and suspended from further participation in debate until said apology is made.

#### **XXXII. DEBATE LIMITATION**

No member shall speak more than once on a question when another member who has not spoken claims the floor, and no member speaking shall, without his consent, be interrupted by another, except on a point of order. A member may speak upon a matter for no more than three (3) minutes at a time. A councilor may yield all or part of his or her time to another councilor. A member who has not spoken on a matter shall have priority and recognition by the Chair.

The Clerk of the Council shall inform the Chairman whenever a member has spoken longer than three minutes.

#### **XXXIII. CONFLICTS OF INTEREST**

No member shall vote on any matters, or serve on any committee, where the member’s private or family interest will conflict with the public’s interest in a way that is violative of the Conflict of Interest Law, MGL. Ch. 268A.

#### **XXXIV. OPEN MEETING LAW**

The Open Meeting Law gives the public and the press a legal right to attend all meetings of regional and municipal boards and committees, except when the board or committee votes to go into Executive Session.

Before the Executive Session can be called, the following procedure must be followed:

1. An open session, for which notice has been posted, must first convene.
2. The Chairman must cite the purpose for the Executive Session, give an estimate of the length of the Executive Session, and state whether or not the Council will reconvene thereafter in open session.
3. A majority of Council members must vote, by roll call, to go into Executive Session, and the vote must be recorded in the Council minutes.

Executive Sessions can be held only when the following matters are discussed or considered:

1. The reputation and character, physical condition or mental health, rather than the professional competence of an individual; individuals involved must receive written notice, forty-eight (48) hours in advance of a proposed Executive Session, unless such notice is waived;
2. Discipline or dismissal or the hearing of complaints or charges against an individual; individuals involved must receive written notice forty-eight (48) hours in advance of a proposed Executive Session, unless such notice is waived;
3. Strategy for collective bargaining, contract negotiations with non-union personnel, or litigation, where open discussion of the same may have a detrimental effect;
4. Collective Bargaining and contract negotiations with non-union personnel may be conducted in Executive Session;
5. Deployment of security personnel or devices;
6. Allegations of criminal misconduct;
7. Transactions in real property, where open discussion may have a detrimental effect on such transactions;
8. Matters required by statute or other law to be kept private;
9. Interviews by preliminary screening committees with applicants for employment if public interviews will have detrimental effect on obtaining qualified applicants.
10. Mediation concerning litigation or public business decisions provided that (a) the decision to do so is made publicly, and (b) decisions on mediation issues are made publicly.

Votes and proceedings in Executive Session may be kept private, as long as privacy will serve the purpose for which the Executive Session was called.

All votes taken in Executive Session must be by roll call [MGL. Ch. 39, Sec. 23B].

#### **XXXV. SPECTATOR DECORUM**

Guests will be allowed in the gallery of the Council chamber when the Council is in session. No demonstrations of approval or disapproval from guests shall be permitted, and if such demonstrations are made, the gallery may be cleared by the Chairman.

#### **XXXVI. REMOTE PARTICIPATION POLICY**

Remote Participation Shall:

1. Be limited to one member per meeting, on a first come first serve basis;
2. Require a four hour notice be given to the Chair and Town Administrator's Office;
3. Be limited to use in the Council Chambers;

4. Shall not be allowed by subcommittees;
5. Shall not be allowed during executive sessions.

If technical problems interrupt the call, the chair will wait up to three minutes to allow for the reconnection prior to resuming the meeting. If the member is disconnected, the fact and time shall be noted in the minutes. If the party reconnects, the fact and time shall be noted in the minutes.

#### **XXXVII. AMENDMENT AND REPEAL**

None of the foregoing rules and orders shall be amended or repealed at any meeting unless a simple majority of those members present and voting consent thereto and a motion for that purpose shall not be made and acted upon at the same meeting.



Sponsor: Administration

**TOWN OF FRANKLIN**

**RESOLUTION 13-83  
505 WEST CENTRAL STREET: A PRIVATE WAY  
ACCEPTANCE OF COVENANT WITH OWNER**

**WHEREAS**, the Franklin Planning Board on September 23, 2013 voted to approve with conditions a definitive plan for a three-lot commercial subdivision known as 505 West Central Street, which vote was filed with the Town Clerk on September 25, 2013; and

**WHEREAS**, said vote included conditions that the roadway and related drainage, as well as water and sewer services, be and remain private and that the private property owner(s) have the exclusive obligation to maintain and repair the same, as well as to remove snow from the roadway; and

**WHEREAS**, J & J West Central Realty LLC with a usual place of business at 46 Marvin Avenue in Franklin, MA is the owner of the subject property and has executed a covenant, incorporating the foregoing conditions, a true copy being attached hereto as Exhibit 1;

**NOW, THEREFORE, BE IT ORDERED** that the Town of Franklin, acting by and through its Town Council, hereby authorizes the Town Administrator to execute the covenant, a copy of which is attached hereto as Exhibit 1, on behalf of the Town of Franklin.

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

**DATED: November \_\_\_\_\_, 2013**

**VOTED:**

**UNANIMOUS \_\_\_\_\_**

**A True Record Attest:**

**YES \_\_\_\_\_ NO \_\_\_\_\_**

**ABSTAIN \_\_\_\_\_**

**Deborah L. Pellegrini  
Town Clerk**

**ABSENT \_\_\_\_\_**

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



COVENANT WITH THE TOWN OF FRANKLIN

J & J West Central Realty LLC, a Massachusetts limited liability company having its usual place of business at 46 Marvin Avenue, Franklin, Norfolk County, Massachusetts, 02038, is the owner of the land shown as Lots 1, 2 and 3 and Parcel A situated on the northerly side of West Central Street in said Franklin, County and Commonwealth, shown on a plan entitled, "Private Definitive Subdivision 505 West Central Street, Franklin, Massachusetts" hereinafter the "Plan," dated August 7, 2013, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, Massachusetts 02038.

Parcel A is shown on said plan as a private way, containing 16,552 square feet, and is the site of a private way. The Plan was approved with conditions by the Planning Board of the Town of Franklin by Certificate of Vote dated September 25, 2013, filed with the Town Clerk of the Town of Franklin on September 25, 2013, a certified copy of which is recorded herewith.

In accordance with said Plan and said Certificate of Vote the undersigned, for valuable consideration paid, the receipt of which is hereby acknowledged, does for itself and its successors, transferees and assigns, covenant and agree with the Town of Franklin, by and through its Town Administrator, whose signature is affixed hereto, together with a Resolution of the Town Council of said Town of Franklin, as follows:

1. Parcel A shall be constructed as a private road in accordance with the above-described Plan and any and all waivers granted by the Franklin Planning Board;
2. The property owners served by said Parcel A shall have the exclusive and continuing obligation for maintenance, repair and snow removal of said way;
3. Parcel A shall remain a private road and is not intended to be now, or at any time in the future, a public way;
4. No petition shall ever be made to the Town of Franklin seeking to change the status of Parcel A from that of a private way or to transfer the obligation for maintenance, repair and/or snow removal from the private property owners to the Town of Franklin;
5. Parcel A shall be constructed in accordance with the standards set forth in Section 300, Subdivision of Land Rules and Regulations of the Town of Franklin, except those waived by the Planning Board. Maintenance and repair of the access drive, any parking area, water supply system, sewer pipes, electric distribution system and storm water drainage system shall be the responsibility of the owners and shall never be the responsibility of the Town, and the Town shall never be required to perform any service, repair or maintenance with respect to said ways, areas, or any of the aforementioned systems within the subject property. The Town will never be required to provide snow plowing with respect to the subject property; and
6. The Town of Franklin, its agents and servants, shall have the right but not the obligation at all times to enter Parcel A for the purposes of inspecting, maintaining, and/or making emergency repairs including, but not limited to, maintenance or repairs of the water supply system, sewer pipes and storm water drainage system. 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.



Sponsor: Administration

**TOWN OF FRANKLIN  
RESOLUTION 13-84  
CONFIRMATORY ORDER OF TAKING –  
LAND AT 37 BEAVER STREET**

**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, easements and other interests in land for municipal purposes; and

**WHEREAS**, the acquisition of an improved parcel of land at 37 Beaver Street, Franklin, Massachusetts containing approximately 15,000 square feet, described more fully below, is recommended by the Town Administrator; and

**WHEREAS**, the owners of said parcel of land, Brian Pidgeon and Rosemary Pidgeon, conveyed said parcel of land to the Town of Franklin by Deed dated September 30, 2013 and recorded the same date at Norfolk Registry of Deeds in Book 31789, Pg. 121, and

**WHEREAS**, the taking by eminent domain of said parcel of land at 37 Beaver Street, Franklin, Massachusetts, described below, will vest in the Town of Franklin clear title to said land; and

**WHEREAS**, no land damages are anticipated; and

**WHEREAS**, the taking by eminent domain of said parcel at 37 Beaver Street, Franklin, Massachusetts, described below, for municipal purposes 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 and in part the execution of the power and authority conferred by said statutes, hereby adjudges that public necessity and convenience require the taking by eminent domain of the parcel of land at 37 Beaver Street, Franklin, Massachusetts, described below, for municipal purposes, including but not limited to providing access to and parking for abutting Town-owned land.
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 79, and all and every other power and authority it does possess, DOES HEREBY TAKE BY EMINENT DOMAIN the fee in the following described parcel of land for municipal

purposes, including but not limited to access to and parking for abutting Town-owned land:

Description of Property

A certain parcel of improved land situated at 37 Beaver Street described in a deed of Edwin W. Pidgeon dated August 24, 1990 and recorded at Norfolk County Registry of Deeds in Book 8725 at Page 155, containing 15,000 square feet, according to said deed.

3. 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 persons from whom the above described land 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.
4. This Order of Taking confirms and makes clear the Town of Franklin's title to the above-described parcel of land which was conveyed to the Town of Franklin by Deed of Brian Pidgeon (also identified therein as Bruce Pidgeon) and Rosemary Pidgeon dated September 30, 2013 and recorded with said Registry of Deeds in Book 31789 at Page 121.

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

**DATED: December \_\_\_\_\_, 2013**

**VOTED:**

**UNANIMOUS \_\_\_\_\_**

**A True Record Attest:**

**YES \_\_\_\_\_ NO \_\_\_\_\_**

**ABSTAIN \_\_\_\_\_**

**Deborah L. Pellegrini  
Town Clerk**

**ABSENT \_\_\_\_\_**

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

# Memorandum

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**To:** Town Council

**CC:** Jeff Nutting

**From:** Maxine Kinhart

**Date:** 11/27/2013

**Re:** Bylaw Amendment 13-725: Amendment to Chapter 170, Vehicles & Traffic

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Mass Highway requires that we add to our Vehicles and Traffic Section of our Town Code the regulations listed in Bylaw 13-725. The traffic regulations are required as a result of the Downtown Reconstruction and Roadway project.



Sponsor: Administration

**TOWN OF FRANKLIN  
BYLAW AMENDMENT 13-725  
CHAPTER 170, VEHICLES AND TRAFFIC**

**A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 170, VEHICLES AND TRAFFIC, ARTICLE VI, TRAFFIC REGULATIONS TO REFLECT CHANGES TO TRAFFIC DIRECTIONS CREATED BY DOWNTOWN ROADWAY REDESIGN AND RECONSTRUCTION PROJECT. (FEDERAL AID PROJECT NO. HP/STP-002S(589) AND MASSACHUSETTS DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 79936.)**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 170 of the Code of the Town of Franklin Vehicles and Traffic, Article VI, Traffic Regulations is hereby amended as follows:

Section 170-22 Stop intersections; turns.

A. The erection and maintenance of official stop signs are authorized by the Town Administrator and Department of Public Works as follows:

<u><b>Stop Sign On</b></u>	<u><b>Direction of Travel</b></u>	<u><b>At Intersection Of</b></u>
----------------------------	-----------------------------------	----------------------------------

ADD (Insert in existing list in alphabetical order):

<u>Crescent Street</u>	<u>Westbound</u>	<u>Main Street</u>
<u>Emmons Street</u>	<u>Eastbound</u>	<u>Main Street</u>
<u>High Street</u>	<u>Eastbound</u>	<u>Main Street</u>
<u>Highland Street</u>	<u>Eastbound</u>	<u>Main Street</u>
<u>School Street</u>	<u>Westbound</u>	<u>Main Street</u>
<u>Squire Street</u>	<u>Westbound</u>	<u>Lincoln Street</u>

REMOVE:

<del>Cottage Street</del>	<del>Northbound</del>	<del>East Central Street</del>
<del>East Street</del>	<del>Westbound</del>	<del>West Central Street</del>
<del>Emmons Street</del>	<del>Westbound</del>	<del>Main Street</del>
<del>Main Street</del>	<del>Southbound</del>	<del>Emmons Street</del>
<del>West Street</del>	<del>Northbound</del>	<del>West Central Street</del>

CHANGE:

Alpine Place	from <del>Eastbound</del> to <u>Southbound</u>	East Central Street
Alpine ROW	from <del>Westbound</del> to <u>Southbound</u>	East Central Street
Ruggles Street	from <del>Westbound</del> to <u>Southbound</u>	East Central Street
Summer Street	from <del>Eastbound</del> to <u>Northbound</u>	East Central Street

Section 170-22.1 Required Turns.

- A. Right lane must turn right. The following streets have right lane must-turn-right intersections:

<u>Location</u>	<u>Direction</u>	<u>Movement</u>
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ADD (Insert in existing list in alphabetical order):

<u>West Street</u>	<u>Northbound to West Central St. Eastbound</u>	<u>Right turn is a mandatory movement</u>
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- B. Left lane must turn left. The following streets have left lane must-turn-left intersections.

<u>Location</u>	<u>Direction</u>	<u>Movement</u>
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ADD (Insert existing list in alphabetical order):

<u>Main Street</u>	<u>Northbound to Beaver St. Westbound</u>	<u>Left turn is a mandatory movement</u>
<u>West Central Street</u>	<u>Eastbound to Emmons St. Northbound</u>	<u>Left turn is a mandatory movement</u>
<u>West Central Street</u>	<u>Westbound to West St. Southbound</u>	<u>Left turn is a mandatory movement</u>

CHANGE:

East Central Street	from <del>Northbound</del> to <u>Westbound</u> to Cottage Street
East Central Street	from <del>Northbound</del> to <u>Westbound</u> to Summer Street

Section 170-22.2 Prohibited Turns.

- A. No left turn. The following streets have prohibited left turns:

<u>Name of Street</u>	<u>Direction</u>	<u>At Intersection Of</u>
-----------------------	------------------	---------------------------

ADD (Insert in existing list in alphabetical order):

<u>Main Street</u>	<u>Southbound</u>	<u>West Central Street</u>
<u>West Central Street</u>	<u>Eastbound</u>	<u>Main Street</u>

REMOVE:

<del>Dean Avenue</del>	<del>Northbound</del>	<del>Main Street</del>
------------------------	-----------------------	------------------------

<del>Depot Street</del>	<del>Northbound</del>	<del>Main Street</del>
<del>East Street</del>	<del>Eastbound</del>	<del>West Central Street</del>
<del>West Central Street</del>	<del>Southbound</del>	<del>Emmons Street</del>

B. No Turns. The following streets prohibit turns:

<u>Name of Street</u>	<u>Direction</u>	<u>At Intersection Of</u>
-----------------------	------------------	---------------------------

REMOVE:

<del>East Central Street</del>	<del>Northbound</del>	<del>Main Street</del>
--------------------------------	-----------------------	------------------------

C. No right turn on red. Vehicles are prohibited from turning right on a red light on the following streets:

<u>Name of Street</u>	<u>Direction</u>	<u>At Intersection Of</u>
-----------------------	------------------	---------------------------

ADD (Insert in existing list in alphabetical order):

<u>Main Street</u>	<u>Southbound</u>	<u>Beaver Street/Church Square</u>
<u>Pleasant Street</u>	<u>Westbound</u>	<u>Main Street</u>

ADD:

D. No right turn. The following streets have prohibited right turns.

<u>Name of Street</u>	<u>Direction</u>	<u>At Intersection Of</u>
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<u>Main Street</u>	<u>Southbound</u>	<u>Church Street</u>
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Section 170-31 Yield intersections.

<u>Yield Sign On</u>	<u>Direction of Travel</u>	<u>At Intersection of</u>
----------------------	----------------------------	---------------------------

ADD (insert in existing list in alphabetical order):

<u>Beaver Street</u>	<u>Eastbound</u>	<u>Main Street</u>
<u>Main Street</u>	<u>Southbound</u>	<u>West Central Street</u>

REMOVE:

<del>Emmons Street</del>	<del>Southbound</del>	<del>West Central Street</del>
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Section 170-32 One-way streets.

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Limits</u>
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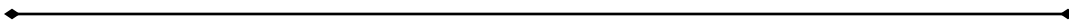
| ADD (insert in existing list in alphabetical order):

| Church Street                      Easterly                      From Concord St. to Main St.

REMOVE:

| ~~Emmons Street~~                      ~~Westerly~~                      ~~From Main St. to W. Central St.~~  
| ~~Main Street~~                      ~~Northerly~~                      ~~From E. Central St. to Emmons St.~~  
| ~~West Central Street~~                      ~~Easterly~~                      ~~From Emmons St. to Main St.~~

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.



DATED: November \_\_\_\_, 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  
BYLAW AMENDMENT 13-724**

**AMENDMENT OF SERVICE FEES:  
Solid Waste and Recycling**

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

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

**APPENDIX A  
LIST OF SERVICE FEE RATES**

<b>DEPARTMENT</b>	<b>FEE</b>	<b>FY14 RATE</b>	<b>SERVICE CATEGORY</b>
<b>PUBLIC WORKS</b>	<b>BEAVER STREET RECYCLING CENTER (Sticker Fee) <u>Annual</u></b>	\$25.00	MINIMUM
	<b><u>BEAVER STREET RECYCLING CENTER (Sticker Fee) 10 Days from the Time of Purchase</u></b>	<u>\$10.00</u>	<u>MINIMUM</u>

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**DATED:** \_\_\_\_\_, 2013

**A True Record Attest:**

**Deborah L. Pellegri  
Town Clerk**

**VOTED:**

**UNANIMOUS** \_\_\_\_\_  
**YES** \_\_\_\_\_ **NO** \_\_\_\_\_  
**ABSTAIN** \_\_\_\_\_  
**ABSENT** \_\_\_\_\_

---

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