



**FRANKLIN TOWN COUNCIL**

**October 1, 2014**

**7:00 PM**

**A. APPROVAL OF MINUTES**

**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** – *Eagle Scout  
The Franklin Garden Club*

**D. CITIZEN COMMENTS**

**E. APPOINTMENTS** - *Franklin Cultural Council*

**F. HEARINGS**

**G. LICENSE TRANSACTIONS**

**H. PRESENTATIONS/DISCUSSIONS** – *Gary McCarraher, Fire Chief*

**I. SUBCOMMITTEE REPORTS**

**J. LEGISLATION FOR ACTION**

1. *Resolution 14-59: Dedication of Town-Owned Land Known as Fletcher Field Located on Peck Street For Use As A Public Playground Or Recreation Centre, As Provided In G.L. Chapter 45, Section 14 and Authorization For Town Administrator to Execute Grant Agreement With Commonwealth Of Massachusetts And To Take Other Action To Enable Town To Construct Playground*
2. *ByLaw Amendment 14-741: Chapter 65, Collection Containers – 2nd Reading*

**K. TOWN ADMINISTRATOR'S REPORT**

**L. OLD BUSINESS**

**M. NEW BUSINESS**

**N. COUNCIL COMMENTS**

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

**P. ADJOURN**

# APPOINTMENTS



**APPOINTMENT:**

**Cultural Council**

The members of the Cultural Council have endorsed the appointment of the following individuals to serve as members.

**Ian C. Kabat**  
**9 Fort Apache Drive**

**Karen Wellerson Juhl**  
**222 Daniels Street**

**MOTION** to ratify the appointment of Ian C. Kabat and Karen Wellerson Juhl by the Town Administrator to serve as a Members of the Cultural Council.

**DATED:** \_\_\_\_\_, 2014

**VOTED:**

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

**A True Record Attest:**

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

**Deborah L. Pellegri**  
**Town Clerk**

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

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

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



**TOWN OF FRANKLIN  
BOARD/COMMITTEE VOLUNTEER FORM**

If you are interested in volunteering by serving on a Town Board/Committee, please complete this form and return it to the Town Administrator's Office located at 355 East Central Street, Franklin MA. For inquiries call 508-520-4949.

**Name: Ian C Kabat**

**Address: 9 Fort Apache Dr.**

**Day Telephone: 508 361 8158**

**Evening Telephone: Same**

**List the Board/Committee (s) you are interested in: Cultural Council**

**Present Business Affiliation and work: EMC Corporation and the Franklin Art Center**

**Government Experience: None**

**Education of Special Training: Master of Fine Arts and Education**

**Positions previously held in town government: None**

**How much time would you be willing to donate: What ever is needed**

**What days of the week and hours would you be available: What ever is needed**

**Comment on why you are interested in serving a particular committee and what you think you could contribute: I have brought the arts community together with my art center and gallery and was a key contributor to getting the new sculpture park off the ground.**

Information received will be available to the Board and Committees that you list. To find out more about a Board/Committee click on link: [Boards & Committees](#)



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**Name:** *KATHEN WELLSERSON JUDGE*

**Address:** *222 Daniels ST*

**Day Telephone:** *508 657 7858* **Evening Telephone:** *508 530 3526*

**List the Board/Committee (s) you are interested in:**

*CULTURAL COUNCIL*

**Present Business Affiliation and work:**

*COUNCIL ON AGING DIRECTOR  
SHERBORN MA*

**Government Experience:**

**Education of Special Training:**

**Positions previously held in town government:**

*VP - FRIENDS OF HOLLISTON LIBRARY*

**How much time would you be willing to donate:**

*2-3 HRS/MONTH*

**What days of the week and hours would you be available:**

*FLEXIBLE*

**Comment on why you are interested in serving a particular committee and what you think you could contribute:**

PRESENTATIONS  
AND  
DISCUSSIONS

- GARY MCCARRAHER - FIRE CHIEF

LEGISLATION

FOR

ACTION



Sponsor: Administration

## TOWN OF FRANKLIN

### RESOLUTION 14-59

#### DEDICATION OF TOWN-OWNED LAND KNOWN AS FLETCHER FIELD LOCATED ON PECK STREET FOR USE AS A PUBLIC PLAYGROUND OR RECREATION CENTRE, AS PROVIDED IN G.L. CHAPTER 45, SECTION 14 AND AUTHORIZATION FOR TOWN ADMINISTRATOR TO EXECUTE GRANT AGREEMENT WITH COMMONWEALTH OF MASSACHUSETTS AND TO TAKE OTHER ACTION TO ENABLE TOWN TO CONSTRUCT PLAYGROUND

**WHEREAS**, the Town of Franklin (hereinafter: "Town") acquired by deed of Jacob F. Geb and Fred R. Chapman dated January 30, 1931 recorded at Norfolk Registry of Deeds in Book 1923 at Page 66 and deed of Gertrude Chapman Clover dated April 4, 1959 recorded at said Registry in Book 8299, Page 275 approximately thirteen acres of land known as Fletcher Field located on Peck Street (hereinafter: "Fletcher Field") for recreational purposes and upon which have been constructed athletic fields and other recreational facilities, and

**WHEREAS**, Town made application to the Commonwealth of Massachusetts (hereinafter: "Commonwealth") for a grant of funds under "Our Common Backyards Grant Program" to be used to construct a playground at Fletcher Field and Commonwealth has awarded a grant to Town, and

**WHEREAS**, the terms of said grant require Town to make a formal dedication of Fletcher Field for use as a playground or recreational centre, as provided in G.L. Chapter 45, Section 14 and to sign an agreement with Commonwealth, and

**WHEREAS**, the Franklin Town Council deems it to be in the public interest that Fletcher Field continue to be used for recreational purposes and it therefore be dedicated for a public playground or recreation centre, as provided in G.L. Chapter 45, Section 14.

#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The parcel of Town-owned land known as Fletcher Field located on Peck Street and containing approximately thirteen acres further described in deed of Jacob F. Geb and Fred R. Chapman dated



January 30, 1931 recorded at Norfolk Registry of Deeds in Book 1923 at Page 66 and deed of Gertrude Chapman Clover dated April 4, 1959 recorded at said Registry in Book 8299, Page 275 and currently used by Town for recreational purposes, including athletic fields and other recreational facilities be dedicated for use as a public playground or recreation centre, as provided in G.L. Chapter 45, Section 14, said use to include continuation of existing athletic fields and other recreation facilities, as well as a to-be-constructed playground.

2. The Town Administrator is hereby authorized to execute "Our Common Backyards Grant Program Project Agreement" with Commonwealth and to execute any other document and to take any and all actions necessary to enable Town to receive grant funding from Commonwealth to enable Town to construct a playground at Fletcher Field.
3. A true copy of this Resolution shall be recorded 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: October \_\_\_\_\_, 2014**

**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**

**TOWN OF FRANKLIN  
BYLAW AMENDMENT 14-741 (REVISED)  
CHAPTER 65, COLLECTION CONTAINERS**

**A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN BY ADDING A NEW CHAPTER.**

**Be it enacted by the Franklin Town Council that** Chapter 65, Collection Containers is added in its entirety as follows to the Code of the Town of Franklin.

**Chapter 65  
Collection Containers**

**65.1 Purpose**

The purpose of this bylaw is to regulate the location, siting, and maintenance of collection containers for used clothing, household goods, books and other items to protect public health and safety, including preventing rodents and vermin and blight.

**65.2 Definitions**

**Collection Containers:** Any bin or other container where a member of the public may donate or otherwise dispose of used clothing, shoes, household goods, books or other items.

**Charitable Organization:** A duly-organized and existing legal entity which has received a formal designation under Section 501C(3) of the United States Internal Revenue Code and maintains an office or facility within the Town.

**House of Worship:** Property containing a building which serves as the principal place of worship for a local congregation of a duly-established and generally recognized religious denomination.

**Dumpster/Dumpster-type:** A container with a hinged lid on top designed to be emptied by mechanically lifting and inverting it.

**Uncollectible Goods or Item:** Any goods or item, the collection of which is not specifically authorized in Section 65.3.

**65.3 Permitted Collection Containers**

Collection containers for used clothing, shoes, household goods, and books, only, are permitted within the Town and only in the locations specified in this bylaw; collection containers for other goods or items and at other locations are prohibited.

A collection container shall be fully enclosed with a pull-down, self-closing door located on the front section. It shall have a footprint of no more than twenty-five (25) square feet and a height of no more than six feet, measured from the bottom edge to the top edge of the front and rear sections. Dumpster-type containers are prohibited, regardless of dimensions.

Any existing collection container for uncollectible goods or items or which does not comply with specifications contained in this section shall be removed within thirty (30) days following the effective date of this bylaw; any existing collection container located in a non-permitted location or improperly sited shall be removed and/or relocated within ninety (90) days following the effective date of this bylaw.

#### 65.4 Exclusions

This bylaw shall not apply to:

- a. Commercial trash dumpsters,
- b. Town of Franklin trash and recycling totes.

#### 65.5 Permitted Locations

Collection containers are permitted in the following locations:

- a. Private property located within the Industrial District, as defined in Chapter 185 of the Franklin Town Code and designated on the Town's official zoning map; a collection container is not permitted on an unimproved or vacant lot and no more than four (4) containers are permitted on an improved lot.
- b. Up to two collection containers may be placed and maintained at a House of Worship for the particular religious denomination's own charitable work.
- c. A charitable organization may place and maintain up to two collection containers on its property for its own charitable work.
- d. The Town Recycling Center, in the discretion of the Director of Public Works.

#### 65.6 Permit Required

Placement of a collection container pursuant to Section 65.5(a) shall require written application to and issuance of a permit from the Town Administrator; all existing collection containers which otherwise comply with this bylaw shall comply with this subsection within thirty (30) days following the effective date of this bylaw.

#### 65.7 Permit Application Contents

The application pursuant to Section 65.6 shall include:

- a. Legal name, principal business address and legal identification of applicant.
- b. Name, address, telephone number and email address for contact person.
- c. Legal address of property where each container is to be located, together with a sketch plan showing compliance with the requirements of Section 65.8.
- d. Written permission from property owner, including information for owner required of applicant in (a) and (b).
- e. Description of collection container.

- f. Listing of collectible items.
- g. Pick-up, inspection, and maintenance schedules.

65.8 Siting

- a. Collection containers shall be sited so as not to obstruct traffic sight lines or distances and not to otherwise impede the flow of traffic or pose a safety hazard to pedestrians.
- b. Collection containers shall not be sited within any setback or buffer required by Chapter 185, Town's Zoning Bylaw.
- c. Collection containers shall be placed upon a concrete pad or asphalt paved surface.
- d. Collection containers shall not utilize or obstruct any parking space required for minimum zoning compliance or any space designated for trash dumpster placement or snow storage on an approved site plan.

65.9 Maintenance

- a. Collection container shall be kept clean and in good repair and its site shall be clean and free of debris at all times. Without limiting this requirement, no container overflow and no disposal of uncollectible goods or items shall be permitted.

65.10 Penalties for Non-Compliance

- a. Placement of collection container for uncollectible goods or items or which does not comply with specifications contained in Section 65.3 or placement of a collection container in a non-permitted location: \$300; each day shall constitute a separate offense.
- b. Failure to obtain a permit for a collection container where one is required: \$100; each day shall constitute a separate offense.
- c. All other violations, including but not limited to non-compliance with requirements of Section 65.8 and 65.9:  
First offense: \$50  
Second offense: \$100  
Third and subsequent offense: \$300  
In the case of continuing violations, each day shall constitute a separate offense.

Property owner and collection container owner shall each be responsible for compliance with this bylaw and shall be liable for any violation.

65.11 Enforcement

In addition to the Franklin Police Department, this bylaw may be enforced by the Franklin Building Commissioner and the Franklin Board of Health Agent.

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

←—————→  
**DATED:** \_\_\_\_\_, 2014

**A True Record Attest:**

**Deborah L. Pellegrini  
Town Clerk**

**VOTED:**

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

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

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

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

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



# Town of Franklin

## Inspection Department

Building Inspection • Division of Wires • Division of Gas  
Division of Plumbing • Sealer of Weights & Measures  
355 East Central Street  
Franklin, MA 02038-1352

Lloyd "Gus" Brown  
Building Commissioner  
Zoning Officer

Office (508) 520-4926  
FAX (508) 520-4906  
[www.Franklin.MA.US](http://www.Franklin.MA.US)

September 24, 2014

Franklin Town Council  
Robert Vallee, Chairman

Re: Collection Containers Proposed By-Law 14-741

Dear Council Members,

Please accept my comments on the above referenced by-law.

My experience with collection containers is that it detracts from neighborhoods because companies are not properly managing these containers. Many times the boxes are filled to capacity and with no room left inside items are then left outside. In addition some of the items left outside have nothing to do with what the container is designated for. Most containers take up parking spaces at commercial sites without prior approval from this department. Many times attempting to contact the owners of the containers is difficult because of no labeling or contact information.

If passed, this by-law allows for enforcement and approved locations as we have none at present time. Houses of worship and charitable organizations may place up to two containers for its own charitable work. It requires a permit, contact information, written permission from the property owner and maintenance which I feel is very important.

Fines can be assessed, but I feel with these regulations approved it gives container companies the opportunity to comply with the proposed regulations.

Lloyd Brown  
Building Commissioner  
Town of Franklin



# Town of Franklin

HEALTH DEPARTMENT

355 East Central Street

Franklin, Massachusetts 02038-1352

September 5, 2014

Franklin Town Council  
Robert Vallee, Chairman

**Re: Collection Container Bylaw 14-741**

Dear Council Members:

The Franklin Health Department and the Board of Health strongly support the proposed Collection Container Bylaw # 14-741 as submitted by the Town Attorney.

Charitable collection containers historically have not been regulated adequately resulting in frequent overflowing of materials and complaints to the Health Department.

It is the opinion of the Franklin Health Department and the Board of Health that the proposed Collection Container Bylaw will address current and potential issues relative to the maintenance and siting of these containers.

Very truly yours,

David E. McKearney, R.S.  
Public Health Director  
Franklin Health Department

DEM/dem



## 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](http://www.franklinpolice.com)

September 08, 2014

To: The Members of the Franklin Town Council  
Fr: Chief Stephan H. Semerjian  
Re: Proposed By-Law Amendment 14-741  
Chapter 65 Collection Containers

Dear Council Members,

Please accept this letter as full support of the adoption of this By-Law Amendment from my office and the Franklin Police Department.

By way of brief background collection containers are dispersed in various locations in and about the Town of Franklin. Though the intent of having these containers in public and obvious locations is well intentioned, these containers quickly become overfilled and the items dropped off are left to collect on the ground outside of the container. This creates an unsightly and unclean appearance as well as a sanitation issue affecting the overall health and appearance of the community. Basically, these locations become a dumping ground for many individuals to get rid of unwanted clothing, toys, household items and trash. The containers are not maintained regularly enough to keep the "trash" from piling up; a sight I am sure all of the Council Members have seen for themselves.

I thank you for your time and consideration of this proposed new By-Law.

Respectfully

Stephan H. Semerjian  
Chief of Police



